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~~{deleted text}~~ shows text that was in HB0011 but was deleted in HB0011S01.

Inserted text shows text that was not in HB0011 but was inserted into HB0011S01.

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Representative Norman K Thurston proposes the following substitute bill:

STATE BOARDS AND COMMISSIONS AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~—The Government Operations Interim Committee recommended this bill.~~

~~{General Description:~~

This bill modifies provisions related to the membership requirements for certain state entities.

Highlighted Provisions:

This bill:

- ▶ removes the political party affiliation requirement for certain boards and commissions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 4-30-2, as last amended by Laws of Utah 2010, Chapter 286
- 7-1-203, as last amended by Laws of Utah 2013, Chapter 73
- ~~9-1-803, as last amended by Laws of Utah 2013, Chapter 38~~
- † 11-38-201, as last amended by Laws of Utah 2013, Chapter 310
- 17-30a-202, as enacted by Laws of Utah 2014, Chapter 366
- 19-2-103, as last amended by Laws of Utah 2015, Chapter 154
- 19-4-103, as last amended by Laws of Utah 2012, Chapter 360
- 19-5-103, as last amended by Laws of Utah 2015, Chapter 234
- 19-6-103, as last amended by Laws of Utah 2015, Chapter 451
- 26-1-7.5, as last amended by Laws of Utah 2011, Chapter 297
- 26-33a-103, as last amended by Laws of Utah 2014, Chapter 118
- 32B-2-201, as last amended by Laws of Utah 2012, Chapter 365
- 34A-1-205, as last amended by Laws of Utah 2013, Chapter 428
- 35A-1-205, as last amended by Laws of Utah 2010, Chapter 286
- 36-12-20, as last amended by Laws of Utah 2014, Chapter 387
- 40-6-4, as last amended by Laws of Utah 2013, Chapter 243
- 51-7-16, as last amended by Laws of Utah 2010, Chapter 286
- 54-1-1.5, as last amended by Laws of Utah 2002, Chapter 176
- 54-10a-202, as last amended by Laws of Utah 2010, Chapter 286
- 62A-1-107, as last amended by Laws of Utah 2016, Chapter 300
- 63H-8-201, as renumbered and amended by Laws of Utah 2015, Chapter 226
- 63N-1-401, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 63N-7-102, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 72-4-302, as last amended by Laws of Utah 2015, Chapter 258
- 72-11-202, as renumbered and amended by Laws of Utah 1999, Chapter 195
- 73-10-2, as last amended by Laws of Utah 2010, Chapter 286
- 79-3-302, as last amended by Laws of Utah 2010, Chapter 286

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79-4-302, as last amended by Laws of Utah 2010, Chapter 286

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 4-30-2 is amended to read:

4-30-2. Livestock Market Committee created -- Composition -- Terms -- Removal -- Compensation -- Duties.

(1) There is created a Livestock Market Committee which consists of the following seven members appointed to a four-year term of office by the commissioner:

- (a) one member recommended by the livestock market operators in the state;
- (b) one member recommended by the Utah Cattlemen's Association;
- (c) one member recommended by the Utah Dairymen's Association;
- (d) one member recommended by the Utah Woolgrowers' Association;
- (e) one member recommended by the horse industry;
- (f) one member recommended by the Utah Farm Bureau Federation; and
- (g) one member recommended by the Utah Farmers Union.

(2) Notwithstanding the requirements of Subsection (1), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

~~[(3) No more than four members shall be members of the same political party.]~~

~~[(4)]~~ (3) (a) The commissioner may remove a member of the committee at the request of the association or group which recommended the member's appointment.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

~~[(5)]~~ (4) The Livestock Market Committee shall elect a chair from its membership, who shall serve for a term of office of two years, but may be reelected for subsequent terms.

~~[(6)]~~ (5) (a) The chair is responsible for the call and conduct of meetings.

(b) Four members constitute a quorum for the transaction of official business.

~~[(7)]~~ (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;

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(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

~~[(8)]~~ (7) The Livestock Market Committee acts as advisor to the department with respect to the administration and enforcement of this chapter and makes recommendations necessary to carry out the intent of this chapter to the commissioner.

Section 2. Section **7-1-203** is amended to read:

7-1-203. Board of Financial Institutions.

(1) There is created a Board of Financial Institutions consisting of the commissioner and the following five members, who shall be qualified by training and experience in their respective fields and shall be appointed by the governor with the consent of the Senate:

(a) one representative from the commercial banking business;

(b) one representative from the consumer lending, money services business, or escrow agency business;

(c) one representative from the industrial bank business;

(d) one representative from the credit union business; and

(e) one representative of the general public who, as a result of education, training, experience, or interest, is well qualified to consider economic and financial issues and data as they may affect the public interest in the soundness of the financial systems of this state.

(2) The commissioner shall act as chair.

(3) (a) A member of the board shall be a resident of this state.

~~[(b) No more than three members of the board may be from the same political party.]~~

~~[(c)]~~ (b) No more than two members of the board may be connected with the same financial institution or its holding company.

~~[(d)]~~ (c) A member may not participate in any matter involving an institution with which the member has a conflict of interest.

(4) (a) Except as required by Subsection (4)(b), the terms of office shall be four years each expiring on July 1.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

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(c) A member serves until the member's successor is appointed and qualified.

(d) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term.

(5) (a) The board shall meet at least quarterly on a date the board sets.

(b) The commissioner or any two members of the board may call additional meetings.

(c) Four members constitute a quorum for the transaction of business.

(d) Actions of the board require a vote of a majority of those present when a quorum is present.

(e) A meeting of the board and records of the board's proceedings are subject to Title 52, Chapter 4, Open and Public Meetings Act, except for discussion of confidential information pertaining to a particular financial institution.

(6) (a) A member of the board shall, by sworn or written statement filed with the commissioner, disclose any position of employment or ownership interest that the member has with respect to any institution subject to the jurisdiction of the department.

(b) The member shall:

(i) file the statement required by this Subsection (6) when first appointed to the board; and

(ii) subsequently file amendments to the statement if there is any material change in the matters covered by the statement.

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(8) The board shall advise the commissioner with respect to:

(a) the exercise of the commissioner's duties, powers, and responsibilities under this title; and

(b) the organization and performance of the department and its employees.

(9) The board shall recommend annually to the governor and the Legislature a budget for the requirements of the department in carrying out its duties, functions, and responsibilities

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under this title.

Section 3. Section ~~{9-1-803}~~11-38-201 is amended to read:

~~{~~ ~~9-1-803. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem and expenses.~~

~~_____ (1) There is created the Utah Commission on Service and Volunteerism consisting of 19 voting members and one nonvoting member.~~

~~_____ (2) The 19 voting members of the commission are:~~

~~_____ (a) the lieutenant governor;~~

~~_____ (b) the commissioner of higher education or the commissioner's designee;~~

~~_____ (c) the state superintendent of public instruction or the superintendent's designee;~~

~~_____ (d) the executive director of the Department of Heritage and Arts or the executive director's designee;~~

~~_____ (e) nine members appointed by the governor as follows:~~

~~_____ (i) an individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;~~

~~_____ (ii) an individual with experience in promoting the involvement of older adults in volunteer service;~~

~~_____ (iii) a representative of a community-based agency or organization within the state;~~

~~_____ (iv) a representative of local government;~~

~~_____ (v) a representative of a local labor organization in the state;~~

~~_____ (vi) a representative of business;~~

~~_____ (vii) an individual between the ages of 16 and 25 who participates in a volunteer or service program;~~

~~_____ (viii) a representative of a national service program; and~~

~~_____ (ix) a representative of the volunteer sector; and~~

~~_____ (f) six members appointed by the governor from among the following groups:~~

~~_____ (i) local educators;~~

~~_____ (ii) experts in the delivery of human, educational, cultural, environmental, or public safety services to communities and individuals;~~

~~_____ (iii) representatives of Native American tribes;~~

~~_____ (iv) representatives of organizations that assist out-of-school youth or other at-risk~~

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~~youth; or~~

~~—— (v) representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4950 et seq.~~

~~—— (3) The nonvoting member of the commission is the state representative of the corporation.~~

~~—— (4) (a) In appointing persons to serve on the commission, the governor shall ensure that: (i) no more than 10 voting members of the commission are members of the same political party; and (ii) no more than five voting members of the commission are state government employees.~~

~~—— (b) In appointing persons to serve on the commission, the governor shall strive for balance on the commission according to race, ethnicity, age, gender, and disability characteristics.~~

~~—— (5) (a) Except as required by Subsection (5)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a three-year term.~~

~~—— (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately one-third of the commission is appointed every year.~~

~~—— (6) When a vacancy occurs in the membership, the replacement shall be appointed for the unexpired term.~~

~~—— (7) A member appointed by the governor may not serve more than two consecutive terms.~~

~~—— (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~—— (a) Section 63A-3-106;~~

~~—— (b) Section 63A-3-107; and~~

~~—— (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

~~—— Section 4. Section 11-38-201 is amended to read:~~

‡ **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**

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Organization -- Expenses -- Staff.

(1) (a) There is created a Quality Growth Commission consisting of:

(i) the director of the Department of Natural Resources;

(ii) the commissioner of the Department of Agriculture and Food;

(iii) six elected officials at the local government level, three of whom may not be residents of a county of the first or second class; and

~~[(iv) five persons from the profit and nonprofit private sector, two of whom may not be residents of a county of the first or second class and no more than three of whom may be from the same political party and one of whom shall be from the residential construction industry, nominated by the Utah Home Builders Association, and one of whom shall be from the real estate industry, nominated by the Utah Association of Realtors.]~~

(iv) five individuals from the profit or nonprofit private sector, including:

(A) two individuals who are residents of a county of the third, fourth, fifth, or sixth class;

(B) one individual from the residential construction industry, nominated by the Utah Home Builders Association; and

(C) one individual from the real estate industry, nominated by the Utah Association of Realtors.

(b) (i) The director of the Department of Natural Resources and the commissioner of the Department of Agriculture and Food may not assume their positions on the commission until:

(A) after May 1, 2005; and

(B) the term of the respective predecessor in office, who is a state government level appointee, expires.

(ii) The term of a commission member serving on May 1, 2005 as one of the six elected local officials or five private sector appointees may not be shortened because of application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees from counties of the first or second class.

(2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be appointed by the governor with the consent of the Senate.

(b) The governor shall select three of the six members under Subsection (1)(a)(iii) from

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a list of names provided by the Utah League of Cities and Towns, and shall select the remaining three from a list of names provided by the Utah Association of Counties.

(c) Two of the persons appointed under Subsection (1) shall be from the agricultural community from a list of names provided by Utah farm organizations.

(3) (a) The term of office of each member is four years, except that the governor shall appoint one of the persons at the state government level, three of the persons at the local government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year term.

(b) No member of the commission may serve more than two consecutive four-year terms.

(4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2).

(5) Commission members shall elect a chair from their number and establish rules for the organization and operation of the commission.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) A member is not required to give bond for the performance of official duties.

(8) Staff services to the commission:

(a) shall be provided by the Governor's Office of Management and Budget; and

(b) may be provided by local entities through the Utah Association of Counties and the Utah League of Cities and Towns, with funds approved by the commission from those identified as available to local entities under Subsection 11-38-203(1)(a).

Section ~~5~~4. Section **17-30a-202** is amended to read:

17-30a-202. Establishment of merit commission -- Appointment, qualifications, and compensation of members.

(1) (a) Except as provided in Subsection (1)(b), a county subject to this chapter shall establish a merit system commission consisting of three appointed members:

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- (i) two members appointed by the legislative body of the county; and
- (ii) one member appointed by the governing body of a police interlocal entity.

(b) If there is no police interlocal entity within the county, the county legislative body shall appoint all three members of a commission described in Subsection (1)(a).

~~[(c) No more than two members of the commission may be affiliated with or members of the same political party.]~~

~~[(d)]~~ (c) (i) Of the original appointees described in Subsection (1)(a) or (b), one member shall be appointed for a term ending February 1 of the first odd-numbered year after the date of appointment, and one each for terms ending two and four years thereafter.

(ii) For a term subsequent to a term described in Subsection (1)~~[(d)]~~(c)(i), a commission member shall hold a term of six years.

~~[(e)]~~ (d) If an appointed position described in Subsection (1)(a) or (b) is vacated for a cause other than expiration of the member's term, the position is filled by appointment for the unexpired portion of the term only.

(2) A member of the commission:

(a) shall be a resident of the state;

(b) for at least five years preceding the date of appointment a resident of:

(i) the county; or

(ii) if applicable, the area served by the police interlocal entity from which appointed;

and

(c) may not hold another office or employment with the county or, if applicable, in a municipality served by the police interlocal entity for which the member is appointed.

(3) The county legislative body or interlocal entity governing body may compensate a member for service on the commission and reimburse the member for necessary expenses incurred in the performance of the member's duties.

Section ~~6~~5. Section **19-2-103** is amended to read:

19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem and expenses.

(1) The board consists of the following nine members:

(a) the following non-voting member, except that the member may vote to break a tie vote between the voting members:

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(i) the executive director; or
(ii) an employee of the department designated by the executive director; and
(b) the following eight voting members, who shall be appointed by the governor with the consent of the Senate:

(i) one representative who:
(A) is not connected with industry;
(B) is an expert in air quality matters; and
(C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist with relevant training and experience;

(ii) two government representatives who do not represent the federal government;
(iii) one representative from the mining industry;
(iv) one representative from the fuels industry;
(v) one representative from the manufacturing industry;
(vi) one representative from the public who represents:
(A) an environmental nongovernmental organization; or
(B) a nongovernmental organization that represents community interests and does not represent industry interests; and
(vii) one representative from the public who is trained and experienced in public health.

(2) A member of the board shall:
(a) be knowledgeable about air pollution matters, as evidenced by a professional degree, a professional accreditation, or documented experience;
(b) be a resident of Utah;
(c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and
(d) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

~~[(3) No more than five of the appointed members of the board shall belong to the same political party.]~~

~~[(4)]~~ (3) A majority of the members of the board may not derive any significant portion of their income from persons subject to permits or orders under this chapter.

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~~[(5)]~~ (4) (a) Members shall be appointed for a term of four years.

(b) Notwithstanding the requirements of Subsection ~~[(5)]~~ (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.

~~[(6)]~~ (5) A member may serve more than one term.

~~[(7)]~~ (6) A member shall hold office until the expiration of the member's term and until the member's successor is appointed, but not more than 90 days after the expiration of the member's term.

~~[(8)]~~ (7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

~~[(9)]~~ (8) The board shall elect annually a chair and a vice chair from its members.

~~[(10)]~~ (9) (a) The board shall meet at least quarterly.

(b) Special meetings may be called by the chair upon the chair's own initiative, upon the request of the director, or upon the request of three members of the board.

(c) Three days' notice shall be given to each member of the board before a meeting.

~~[(11)]~~ (10) Five members constitute a quorum at a meeting, and the action of a majority of members present is the action of the board.

~~[(12)]~~ (11) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~{7}~~6. Section **19-4-103** is amended to read:

19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per diem and expenses.

(1) The board consists of the following nine members:

(a) the following non-voting member, except that the member may vote to break a tie vote between the voting members:

(i) the executive director; or

(ii) an employee of the department designated by the executive director; and

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(b) the following eight voting members, who shall be appointed by the governor with the consent of the Senate:

(i) one representative who is a Utah-licensed professional engineer with expertise in civil or sanitary engineering;

(ii) two representatives who are elected officials from a municipal government that is involved in the management or operation of a public water system;

(iii) one representative from an improvement district, a water conservancy district, or a metropolitan water district;

(iv) one representative from an entity that manages or operates a public water system;

(v) one representative from:

(A) the state water research community; or

(B) an institution of higher education that has comparable expertise in water research to the state water research community;

(vi) one representative from the public who represents:

(A) an environmental nongovernmental organization; or

(B) a nongovernmental organization that represents community interests and does not represent industry interests; and

(vii) one representative from the public who is trained and experienced in public health.

(2) A member of the board shall:

(a) be knowledgeable about drinking water and public water systems, as evidenced by a professional degree, a professional accreditation, or documented experience;

(b) represent different geographical areas within the state insofar as practicable;

(c) be a resident of Utah;

(d) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and

(e) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

~~[(3) No more than five appointed members of the board shall be from the same political party.]~~

~~[(4)]~~ (3) (a) As terms of current board members expire, the governor shall appoint each

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new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection [~~(4)~~] (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.

(c) (i) Notwithstanding Subsection [~~(4)~~] (3)(a), the term of a board member who is appointed before May 1, 2013, shall expire on April 30, 2013.

(ii) On May 1, 2013, the governor shall appoint or reappoint board members in accordance with this section.

~~[(5)]~~ (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

~~[(6)]~~ (5) Each member holds office until the expiration of the member's term, and until a successor is appointed, but not for more than 90 days after the expiration of the term.

~~[(7)]~~ (6) The board shall elect annually a chair and a vice chair from its members.

~~[(8)]~~ (7) (a) The board shall meet at least quarterly.

(b) Special meetings may be called by the chair upon the chair's own initiative, upon the request of the director, or upon the request of three members of the board.

(c) Reasonable notice shall be given to each member of the board before any meeting.

~~[(9)]~~ (8) Five members constitute a quorum at any meeting and the action of the majority of the members present is the action of the board.

~~[(10)]~~ (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~(8)~~7. Section **19-5-103** is amended to read:

19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms -- Organization -- Meetings -- Per diem and expenses.

(1) The board consists of the following nine members:

(a) the following non-voting member, except that the member may vote to break a tie vote between the voting members:

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(i) the executive director; or
(ii) an employee of the department designated by the executive director; and
(b) the following eight voting members, who shall be appointed by the governor with the consent of the Senate:

(i) one representative who:
(A) is an expert and has relevant training and experience in water quality matters;
(B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist with relevant training and experience; and
(C) represents local and special service districts in the state;
(ii) two government representatives who do not represent the federal government;
(iii) one representative from the mineral industry;
(iv) one representative from the manufacturing industry;
(v) one representative who represents agricultural and livestock interests;
(vi) one representative from the public who represents:
(A) an environmental nongovernmental organization; or
(B) a nongovernmental organization that represents community interests and does not represent industry interests; and
(vii) one representative from the public who is trained and experienced in public health.

(2) A member of the board shall:
(a) be knowledgeable about water quality matters, as evidenced by a professional degree, a professional accreditation, or documented experience;
(b) be a resident of Utah;
(c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and
(d) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

~~[(3) No more than five of the appointed members may be from the same political party.]~~

~~[(4)]~~ (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term with the consent of the Senate.

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~~[(5)]~~ (4) (a) A member shall be appointed for a term of four years and is eligible for reappointment.

(b) Notwithstanding the requirements of Subsection ~~[(5)]~~ (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.

(c) (i) Notwithstanding Subsection ~~[(5)]~~ (4)(a), the term of a board member who is appointed before March 1, 2013, shall expire on February 28, 2013.

(ii) On March 1, 2013, the governor shall appoint or reappoint board members in accordance with this section.

~~[(6)]~~ (5) A member shall hold office until the expiration of the member's term and until the member's successor is appointed, not to exceed 90 days after the formal expiration of the term.

~~[(7)]~~ (6) The board shall:

(a) organize and annually select one of its members as chair and one of its members as vice chair;

(b) hold at least four regular meetings each calendar year; and

(c) keep minutes of its proceedings which are open to the public for inspection.

~~[(8)]~~ (7) The chair may call a special meeting upon the request of three or more members of the board.

~~[(9)]~~ (8) Each member of the board and the director shall be notified of the time and place of each meeting.

~~[(10)]~~ (9) Five members of the board constitute a quorum for the transaction of business, and the action of a majority of members present is the action of the board.

~~[(11)]~~ (10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~[(9)]~~ 8. Section **19-6-103** is amended to read:

19-6-103. Waste Management and Radiation Control Board -- Members -- Terms

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-- Organization -- Meetings -- Per diem and expenses.

(1) The board consists of the following 12 members:

(a) the following non-voting member, except that the member may vote to break a tie vote between the voting members:

(i) the executive director; or

(ii) an employee of the department designated by the executive director; and

(b) the following 11 voting members appointed by the governor with the consent of the

Senate:

(i) one representative who is:

(A) not connected with industry; and

(B) a Utah-licensed professional engineer;

(ii) two government representatives who do not represent the federal government;

(iii) one representative from the manufacturing, mining, or fuel industry;

(iv) one representative from the private solid or hazardous waste disposal industry;

(v) one representative from the private hazardous waste recovery industry;

(vi) one representative from the radioactive waste management industry;

(vii) one representative from the uranium milling industry;

(viii) one representative from the public who represents:

(A) an environmental nongovernmental organization; or

(B) a nongovernmental organization that represents community interests and does not represent industry interests;

(ix) one representative from the public who is trained and experienced in public health and a licensed:

(A) medical doctor; or

(B) dentist; and

(x) one representative who is:

(A) a medical physicist or a health physicist; or

(B) a professional employed in the field of radiation safety.

(2) A member of the board shall:

(a) be knowledgeable about solid and hazardous waste matters and radiation safety and protection as evidenced by a professional degree, a professional accreditation, or documented

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experience;

(b) be a resident of Utah;

(c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and

(d) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B).

~~[(3) No more than six of the appointed members may be from the same political party.]~~

~~[(4)]~~ (3) (a) Members shall be appointed for terms of four years each.

(b) Notwithstanding the requirements of Subsection ~~[(4)]~~ (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.

(c) (i) Notwithstanding Subsection ~~[(4)]~~ (3)(a), the term of a board member who is appointed before March 1, 2013, shall expire on February 28, 2013.

(ii) On March 1, 2013, the governor shall appoint or reappoint board members in accordance with this section.

~~[(5)]~~ (4) Each member is eligible for reappointment.

~~[(6)]~~ (5) Board members shall continue in office until the expiration of their terms and until their successors are appointed, but not more than 90 days after the expiration of their terms.

~~[(7)]~~ (6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor, after considering recommendations of the board and with the consent of the Senate.

~~[(8)]~~ (7) The board shall elect a chair and vice chair on or before April 1 of each year from its membership.

~~[(9)]~~ (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

~~[(10)]~~ (9) (a) The board shall hold a meeting at least once every three months including

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one meeting during each annual general session of the Legislature.

(b) Meetings shall be held on the call of the chair, the director, or any three of the members.

~~[(11)]~~ (10) Six members constitute a quorum at any meeting, and the action of the majority of members present is the action of the board.

Section ~~{10}~~9. Section **26-1-7.5** is amended to read:

26-1-7.5. Health advisory council.

(1) (a) There is created the Utah Health Advisory Council, comprised of nine persons appointed by the governor.

(b) The governor shall ensure that:

(i) members of the council:

(A) broadly represent the public interest;

(B) have an interest in or knowledge of public health, environmental health, health planning, health care financing, or health care delivery systems; and

(C) include health professionals;

(ii) the majority of the [~~membership~~] members of the council are nonhealth professionals; and

~~[(iii) no more than five persons are from the same political party; and]~~

~~[(iv)]~~ (iii) geography, sex, and ethnicity balance are considered when selecting the members.

(2) (a) Except as required by Subsection (2)(b), members of the council shall be appointed to four-year terms.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(c) Terms of office for subsequent appointments shall commence on July 1 of the year in which the appointment occurs.

(3) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(b) No person shall be appointed to the council for more than two consecutive terms.

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(c) The chair of the council shall be appointed by the governor from the membership of the council.

(4) The council shall meet at least quarterly or more frequently as determined necessary by the chair. A quorum for conducting business shall consist of four members of the council.

(5) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) The council shall be empowered to advise the department on any subject deemed to be appropriate by the council except that the council may not become involved in administrative matters. The council shall also advise the department as requested by the executive director.

(7) The executive director shall ensure that the council has adequate staff support and shall provide any available information requested by the council necessary for their deliberations. The council shall observe confidential requirements placed on the department in the use of such information.

Section ~~{11}~~10. Section **26-33a-103** is amended to read:

26-33a-103. Committee membership -- Terms -- Chair -- Compensation.

(1) The Health Data Committee created by Section 26-1-7 shall be composed of 15 members.

(2) (a) One member shall be:

(i) the commissioner of the Utah Insurance Department; or

(ii) the commissioner's designee who shall have knowledge regarding the health care system and characteristics and use of health data.

(b) Fourteen members shall be appointed by the governor with the consent of the Senate in accordance with Subsection (3). ~~[No more than seven members of the committee appointed by the governor may be members of the same political party.]~~

(3) The members of the committee appointed under Subsection (2)(b) shall:

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(a) be knowledgeable regarding the health care system and the characteristics and use of health data;

(b) be selected so that the committee at all times includes individuals who provide care;

(c) include one person employed by or otherwise associated with a general acute hospital as defined by Section 26-21-2, who is knowledgeable about the collection, analysis, and use of health care data;

(d) include two physicians, as defined in Section 58-67-102:

(i) who are licensed to practice in this state;

(ii) who actively practice medicine in this state;

(iii) who are trained in or have experience with the collection, analysis, and use of health care data; and

(iv) one of whom is selected by the Utah Medical Association;

(e) include three persons:

(i) who are:

(A) employed by or otherwise associated with a business that supplies health care insurance to its employees; and

(B) knowledgeable about the collection and use of health care data; and

(ii) at least one of whom represents an employer employing 50 or fewer employees;

(f) include three persons representing health insurers:

(i) at least one of whom is employed by or associated with a third-party payor that is not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;

(ii) at least one of whom is employed by or associated with a third party payer that is licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans; and

(iii) who are trained in, or experienced with the collection, analysis, and use of health care data;

(g) include two consumer representatives:

(i) from organized consumer or employee associations; and

(ii) knowledgeable about the collection and use of health care data;

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(h) include one person:

(i) representative of a neutral, non-biased entity that can demonstrate that it has the broad support of health care payers and health care providers; and

(ii) who is knowledgeable about the collection, analysis, and use of health care data; and

(i) include two persons representing public health who are trained in, or experienced with the collection, use, and analysis of health care data.

(4) (a) Except as required by Subsection (4)(b), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) Members may serve after their terms expire until replaced.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(6) Committee members shall annually elect a chair of the committee from among their membership. The chair shall report to the executive director.

(7) The committee shall meet at least once during each calendar quarter. Meeting dates shall be set by the chair upon 10 working days notice to the other members, or upon written request by at least four committee members with at least 10 working days notice to other committee members.

(8) Eight committee members constitute a quorum for the transaction of business. Action may not be taken except upon the affirmative vote of a majority of a quorum of the committee.

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

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63A-3-107.

(10) All meetings of the committee shall be open to the public, except that the committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and 52-4-206 are met.

Section ~~{12}~~11. Section **32B-2-201** is amended to read:

32B-2-201. Alcoholic Beverage Control Commission created.

(1) There is created the "Alcoholic Beverage Control Commission." The commission is the governing board over the department.

(2) ~~[(a)]~~ The commission is composed of seven part-time commissioners appointed by the governor with the consent of the Senate.

~~[(b) No more than four commissioners may be of the same political party.]~~

(3) (a) Except as required by Subsection (3)(b), as terms of commissioners expire, the governor shall appoint each new commissioner or reappointed commissioner to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of no more than three commissioners expire in a fiscal year.

(4) (a) When a vacancy occurs on the commission for any reason, the governor shall appoint a replacement for the unexpired term with the consent of the Senate.

(b) Unless removed in accordance with Subsection (6), a commissioner shall remain on the commission after the expiration of a term until a successor is appointed by the governor, with the consent of the Senate.

(5) A commissioner shall take the oath of office.

(6) (a) The governor may remove a commissioner from the commission for cause, neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:

(i) the governor; or

(ii) an impartial hearing examiner appointed by the governor to conduct the hearing.

(b) At least 10 days before the hearing described in Subsection (6)(a), the governor shall provide the commissioner notice of:

(i) the date, time, and place of the hearing; and

(ii) the alleged grounds for the removal.

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(c) The commissioner shall have an opportunity to:

- (i) attend the hearing;
- (ii) present witnesses and other evidence; and
- (iii) confront and cross examine witnesses.

(d) After a hearing under this Subsection (6):

(i) the person conducting the hearing shall prepare written findings of fact and conclusions of law; and

(ii) the governor shall serve a copy of the prepared findings and conclusions upon the commissioner.

(e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing examiner shall issue a written recommendation to the governor in addition to complying with Subsection (6)(d).

(f) A commissioner has five days from the day on which the commissioner receives the findings and conclusions described in Subsection (6)(d) to file written objections to the recommendation before the governor issues a final order.

(g) The governor shall:

- (i) issue the final order under this Subsection (6) in writing; and
- (ii) serve the final order upon the commissioner.

(7) A commissioner may not receive compensation or benefits for the commissioner's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

63A-3-107.

(8) (a) The governor shall annually appoint the chair of the commission. A commissioner serves as chair to the commission at the pleasure of the governor. If removed as chair, the commissioner continues to serve as a commissioner unless removed as a commissioner under Subsection (6).

(b) The commission shall elect:

- (i) another commissioner to serve as vice chair; and
- (ii) other commission officers as the commission considers advisable.

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(c) A commissioner elected under Subsection (8)(b) shall serve in the office to which the commissioner is elected at the pleasure of the commission.

(9) (a) Each commissioner has equal voting rights on a commission matter when in attendance at a commission meeting.

(b) Four commissioners is a quorum for conducting commission business.

(c) A majority vote of the quorum present at a meeting is required for the commission to act.

(10) (a) The commission shall meet at least monthly, but may hold other meetings at times and places as scheduled by:

(i) the commission;

(ii) the chair; or

(iii) three commissioners upon filing a written request for a meeting with the chair.

(b) Notice of the time and place of a commission meeting shall be given to each commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public Meetings Act. A commission meeting is open to the public, except for a commission meeting or portion of a commission meeting that is closed by the commission as authorized by Sections 52-4-204 and 52-4-205.

Section ~~13~~12. Section **34A-1-205** is amended to read:

34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --

Qualifications.

(1) There is created the Appeals Board within the commission consisting of three members. The board may call and preside at adjudicative proceedings to review an order or decision that is subject to review by the Appeals Board under this title.

(2) (a) The governor shall appoint the members with the consent of the Senate and in accordance with this section.

(b) One member of the board shall be appointed to represent employers, in making this appointment, the governor shall consider nominations from employer organizations.

(c) One member of the board shall be appointed to represent employees, in making this appointment, the governor shall consider nominations from employee organizations.

~~[(d) No more than two members may belong to the same political party.]~~

~~[(e)]~~ (d) The governor shall, at the time of appointment or reappointment, make

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appointments to the board so that at least two of the members of the board are members of the Utah State Bar in good standing or resigned from the Utah State Bar in good standing.

(3) (a) The term of a member shall be six years beginning on March 1 of the year the member is appointed, except that the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that one member is appointed every two years.

(b) The governor may remove a member only for inefficiency, neglect of duty, malfeasance or misfeasance in office, or other good and sufficient cause.

(c) A member shall hold office until a successor is appointed and has qualified.

(4) A member shall be part-time and receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

(5) (a) The chief officer of the board shall be the chair, who shall serve as the executive and administrative head of the board.

(b) The governor shall appoint and may remove at will the chair from the position of chair.

(6) A majority of the board shall constitute a quorum to transact business.

(7) (a) The commission shall provide the Appeals Board necessary staff support, except as provided in Subsection (7)(b).

(b) At the request of the Appeals Board, the attorney general shall act as an impartial aid to the Appeals Board in outlining the facts and the issues.

Section ~~{14}~~13. Section **35A-1-205** is amended to read:

35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation -- Qualifications.

(1) There is created the Workforce Appeals Board within the department consisting of one or more panels to hear and decide appeals from the decision of an administrative law judge.

(2) ~~[(a)]~~ A panel shall consist of three impartial members appointed by the governor as follows:

~~[(i)]~~ (a) the board chair, appointed in accordance with Subsection (5);

~~[(ii)]~~ (b) one member appointed to represent employers; and in making this appointment, the governor shall consider nominations from employer organizations; and

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~~[(iii)]~~ (c) one member appointed to represent employees; and in making this appointment, the governor shall consider nominations from employee organizations.

~~[(b) No more than two members of a panel may belong to the same political party.]~~

(3) (a) (i) The term of a member shall be six years beginning on March 1 of the year the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).

(ii) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately one third of the members are appointed every two years.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(c) The governor may remove a member for inefficiency, neglect of duty, malfeasance or misfeasance in office, or other good and sufficient cause.

(d) A member shall hold office until a successor is appointed and has qualified.

(4) (a) Except as provided in Subsection (4)(b), a member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(b) The member appointed as board chair in accordance with Subsection (5) shall be compensated at an hourly rate determined by the Department of Human Resource Management in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

(5) (a) The chief officer of the board shall be the chair, who shall serve as the executive and administrative head of the board.

(b) The chair shall be appointed by the governor to represent the public and may be removed from that position at the will of the governor.

(c) The chair shall be experienced in administration and possess any additional qualifications determined by the governor.

(6) (a) The chair shall designate an alternate from a panel appointed under this section:

(i) in the absence of a regular member or the chair; or

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(ii) if the regular member or the chair has a conflict of interest.

(b) Each case shall be decided by a full three-member panel.

(7) The department shall provide the Workforce Appeals Board necessary staff support, except, the board may employ, retain, or appoint legal counsel.

Section ~~15~~14. Section **36-12-20** is amended to read:

36-12-20. Development of proposed energy producer states' agreement -- Membership selection -- Agreements -- Goals -- Meetings -- Reports.

(1) The speaker of the House shall appoint two members of the House and the president of the Senate shall appoint two members of the Senate~~[, of which no more than three of the four members shall be from the same political party,]~~ to study and work with legislative members of other energy producing states for the purpose of developing a proposed energy producer states' agreement.

(2) The proposed energy producer states' agreement shall have the following goals:

(a) to encourage domestic development of energy in the United States;

(b) to ensure the continued development of each state's domestic natural resources;

(c) to deliver a unified message to the federal government from energy producing states

by:

(i) participating in the development of proposed federal legislation and regulations; and

(ii) making recommendations regarding existing federal law and regulations including

the following:

(A) the Environmental Protection Act;

(B) the Endangered Species Act; and

(C) federal land access issues that affect the production of energy;

(d) to eliminate or reduce overly broad federal legislation; and

(e) to identify and address consequences of delays and cancellations of economically viable energy projects.

(3) Appointed members shall:

(a) produce a report with recommendations regarding an energy producer states' agreement; and

(b) present the report to the Natural Resources, Agriculture, and Environment Interim Committee on or before November 30 of each year.

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(4) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(5) The Office of Legislative Research and General Counsel shall provide staff assistance as requested.

Section ~~40-6-15~~15. Section **40-6-4** is amended to read:

40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of members -- Terms -- Chair -- Quorum -- Expenses.

(1) (a) There is created within the Department of Natural Resources the Board of Oil, Gas, and Mining.

(b) The board shall be the policy making body for the Division of Oil, Gas, and Mining.

(2) (a) The board shall consist of seven members appointed by the governor with the consent of the Senate.

~~[(b) No more than four members shall be from the same political party.]~~

~~[(c)]~~ (b) In accordance with the requirements of Section 79-2-203, the members appointed under Subsection (2)(a) shall include the following:

- (i) two members who are knowledgeable in mining matters;
- (ii) two members who are knowledgeable in oil and gas matters;
- (iii) one member who is knowledgeable in ecological and environmental matters;
- (iv) one member who:
 - (A) is a private land owner;
 - (B) owns a mineral or royalty interest; and
 - (C) is knowledgeable in mineral or royalty interests; and
- (v) one member who is knowledgeable in geological matters.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

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(c) A member shall hold office until the expiration of the member's term and until the member's successor is appointed, but not more than 90 days after the expiration of the member's term.

(4) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor with the consent of the Senate.

(b) The person appointed shall have the same qualifications as the person's predecessor.

(5) (a) The board shall appoint its chair from the membership.

(b) Four members of the board shall constitute a quorum for the transaction of business and the holding of hearings.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~{17}~~16. Section **51-7-16** is amended to read:

51-7-16. State Money Management Council -- Members -- Terms -- Vacancies -- Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure of interests -- Per diem and expenses.

(1) (a) There is created a State Money Management Council composed of five members appointed by the governor after consultation with the state treasurer and with the consent of the Senate.

(b) The members of the council shall be qualified by training and experience in the field of investment or finance as follows:

(i) at least one member, but not more than two members, shall be experienced in the banking business;

(ii) at least one member, but not more than two members, shall be an elected treasurer;

(iii) at least one member, but not more than two members, shall be an appointed public treasurer; and

(iv) two members, but not more than two members, shall be experienced in the field of

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investment.

~~[(c) No more than three members of the council may be from the same political party.]~~

(2) (a) Except as required by Subsection (2)(b), the council members shall be appointed for terms of four years.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(d) All members shall serve until their successors are appointed and qualified.

(3) (a) The council members shall elect a chair and vice chair.

(b) The state treasurer shall serve as executive secretary of the council without vote.

(4) (a) The council shall meet at least once per quarter at a regular date to be fixed by the council and at other times at the call of the chair, the state treasurer, or any two members of the council.

(b) Three members are a quorum for the transaction of business.

(c) Actions of the council require a vote of a majority of those present.

(d) All meetings of the council and records of its proceedings are open for inspection by the public at the state treasurer's office during regular business hours except for:

(i) reports of the commissioner of financial institutions concerning the identity, liquidity, or financial condition of qualified depositories and the amount of public funds each is eligible to hold; and

(ii) reports of the director concerning the identity, liquidity, or financial condition of certified dealers.

(5) (a) Each member of the council shall file a sworn or written statement with the lieutenant governor that discloses any position or employment or ownership interest that he has in any financial institution or investment organization.

(b) Each member shall file the statement required by this Subsection (5) when he becomes a member of the council and when substantial changes in his position, employment, or ownership interests occur.

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(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~{18}~~17. Section **54-1-1.5** is amended to read:

54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman -- Quorum -- Removal -- Vacancies -- Compensation.

(1) The commission shall be composed of three members appointed by the governor with the consent of the Senate.

(2) The terms of the members shall be staggered so that one commissioner is appointed for a term of six years on March 1 of each odd-numbered year. [~~Not more than two members of the commission shall belong to the same political party. One member of the commission shall be designated by the governor as chairman of the commission. Any two]~~

(3) The governor shall designate one commissioner as the chair of the commission.

(4) Two commissioners constitute a quorum. [~~Any member of the commission may be removed for cause by the governor. Vacancies in the commission shall be filled for unexpired terms by appointment of the governor.~~]

(5) The governor:

(a) may remove a commissioner for cause; and

(b) shall fill any vacancy on the commission by appointing a member for the remainder of the unexpired term.

(6) Commissioners shall receive compensation as established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and all actual and necessary expenses incurred in attending to official business.

(7) Each commissioner at the time of appointment and qualification shall be:

(a) a resident citizen of the United States and of the state of Utah; and [~~shall be]~~

(b) not less than 30 years of age.

(8) Except as provided by law, [~~no~~] a commissioner may not hold any other office either under the government of the United States or of this state or of any municipal

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corporation within this state.

Section ~~{19}~~18. Section **54-10a-202** is amended to read:

54-10a-202. Committee of Consumer Services.

(1) (a) There is created within the office a committee known as the "Committee of Consumer Services."

(b) A member of the committee shall maintain the member's principal residence within Utah.

(2) (a) The governor shall appoint nine members to the committee subject to Subsection (3).

(b) Except as required by Subsection (2)(c), as terms of current committee members expire, the governor shall appoint a new member or reappointed member to a four-year term.

(c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(d) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term.

(3) Members of the committee shall represent the following geographic and consumer interests:

(a) one member shall be from Salt Lake City, Provo, or Ogden;

(b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;

(c) one member shall be from an unincorporated area of the state;

(d) one member shall be a low-income resident;

(e) one member shall be a retired person;

(f) one member shall be a small commercial consumer;

(g) one member shall be a farmer or rancher who uses electric power to pump water in the member's farming or ranching operation;

(h) one member shall be a residential consumer; and

(i) one member shall be appointed to provide geographic diversity on the committee to ensure to the extent possible that all areas of the state are represented.

~~[(4)(a) No more than five members of the committee shall be from the same political~~

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party.]

~~[(b)]~~ (4) Subject to Subsection (3), for a member of the committee appointed on or after May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or experience in:

~~[(i)]~~ (a) public utility matters related to consumers;

~~[(ii)]~~ (b) economics;

~~[(iii)]~~ (c) accounting;

~~[(iv)]~~ (d) financing;

~~[(v)]~~ (e) engineering; or

~~[(vi)]~~ (f) public utilities law.

(5) The governor shall designate one member as chair of the committee.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) (a) The committee may hold monthly meetings.

(b) The committee may hold other meetings, at the times and places the chair and a majority of the committee determine.

(8) (a) Five members of the committee constitute a quorum of the committee.

(b) A majority of members voting when a quorum is present constitutes an action of the committee.

Section ~~{20}~~19. Section **62A-1-107** is amended to read:

62A-1-107. Boards within department -- Members, appointment, terms, vacancies, chairperson, compensation, meetings, quorum.

(1) (a) This section applies only to the Board of Aging and Adult Services and the Board of Juvenile Justice Services described in Subsections 62A-1-105(1)(a) and (b).

(b) Each board shall have seven members who are appointed by the governor with the consent of the Senate.

(2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a

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term of four years, and is eligible for one reappointment.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) Board members shall continue in office until the expiration of their terms and until their successors are appointed, which may not exceed 90 days after the formal expiration of a term.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(3) ~~[No more than four members of any board may be from the same political party.]~~
Each board shall have diversity of gender, ethnicity, and culture; and members shall be chosen on the basis of their active interest, experience, and demonstrated ability to deal with issues related to their specific boards.

(4) Each board shall annually elect a chairperson from its membership. Each board shall hold meetings at least once every three months. Within budgetary constraints, meetings may be held from time to time on the call of the chairperson or of the majority of the members of any board. Four members of a board are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.

(5) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) Each board shall adopt bylaws governing its activities. Bylaws shall include procedures for removal of a board member who is unable or unwilling to fulfill the requirements of his appointment.

(7) The board has program policymaking authority for the division over which it

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presides.

Section ~~{21}~~20. Section **63H-8-201** is amended to read:

**63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --
Quorum -- Per diem and expenses.**

(1) (a) There is created an independent body politic and corporate, constituting a public corporation, known as the "Utah Housing Corporation."

(b) The corporation may also be known and do business as the:

(i) Utah Housing Finance Association; and

(ii) Utah Housing Finance Agency in connection with a contract entered into when that was the corporation's legal name.

(c) No other entity may use the names described in Subsections (1)(a) and (b) without the express approval of the corporation.

(2) The corporation is governed by a board of trustees composed of the following nine trustees:

(a) the executive director of the Department of Workforce Services or the executive director's designee;

(b) the commissioner of the Department of Financial Institutions or the commissioner's designee;

(c) the state treasurer or the treasurer's designee; and

(d) six public trustees, who are private citizens of the state, as follows:

(i) two people who represent the mortgage lending industry;

(ii) two people who represent the home building and real estate industry; and

(iii) two people who represent the public at large.

(3) The governor shall:

(a) appoint the six public trustees of the corporation with the consent of the Senate; and

(b) ensure that~~[(i)]~~ the six public trustees are from different counties and are residents of the state~~[; and]~~.

~~[(ii) not more than three of the public trustees are members of the same political party.]~~

(4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six public trustees to terms of office of four years each.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the

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time of appointment or reappointment, adjust the length of terms to ensure that the terms of corporation trustees are staggered so that approximately half of the board is appointed every two years.

(5) (a) A public trustee of the corporation may be removed from office for cause either by the governor or by an affirmative vote of six trustees of the corporation.

(b) When a vacancy occurs in the board of trustees for any reason, the replacement shall be appointed for the unexpired term.

(c) A public trustee shall hold office for the term of appointment and until the trustee's successor has been appointed and qualified.

(d) A public trustee is eligible for reappointment but may not serve more than two full consecutive terms.

(6) (a) The governor shall select the chair of the corporation.

(b) The trustees shall elect from among their number a vice chair and other officers they may determine.

(7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

(b) An affirmative vote of at least five trustees is necessary for any action to be taken by the corporation.

(c) A vacancy in the board of trustees does not impair the right of a quorum to exercise all rights and perform all duties of the corporation.

(8) A trustee may not receive compensation or benefits for the trustee's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

Section ~~{22}~~21. Section **63N-1-401** is amended to read:

63N-1-401. Board of Business and Economic Development -- Membership -- Expenses.

(1) (a) There is created within the office the Board of Business and Economic Development, consisting of 15 members appointed by the governor to four-year terms of office with the consent of the Senate.

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(b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) The members may not serve more than two full consecutive terms except where the governor determines that an additional term is in the best interest of the state.

(2) In appointing members of the committee, the governor shall ensure that ~~[-(a) no more than eight members of the board are from one political party; and (b)]~~ members represent a variety of geographic areas and economic interests of the state.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(4) Eight members of the board constitute a quorum for conducting board business and exercising board power.

(5) The governor shall select one board member as the board's chair.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Section ~~{23}~~22. Section **63N-7-102** is amended to read:

63N-7-102. Members -- Meetings -- Expenses.

(1) (a) The board shall consist of 13 members appointed by the governor to four-year terms with the consent of the Senate.

(b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(2) The members may not serve more than two full consecutive terms unless the governor determines that an additional term is in the best interest of the state.

~~[(3) Not more than seven members of the board may be of the same political party.]~~

~~[(4)]~~ (3) (a) The members shall be representative of:

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(i) all areas of the state with six being appointed from separate geographical areas as provided in Subsection [~~(4)~~] (3)(b); and

(ii) a diverse mix of business ownership or executive management of tourism related industries.

(b) The geographical representatives shall be appointed as follows:

(i) one member from Salt Lake, Tooele, or Morgan County;

(ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

(iii) one member from Utah, Summit, Juab, or Wasatch County;

(iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

(v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

(vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

(c) The tourism industry representatives of ownership or executive management shall be appointed as follows:

(i) one member from ownership or executive management of the lodging industry, as recommended by the lodging industry for the governor's consideration;

(ii) one member from ownership or executive management of the restaurant industry, as recommended by the restaurant industry for the governor's consideration;

(iii) one member from ownership or executive management of the ski industry, as recommended by the ski industry for the governor's consideration; and

(iv) one member from ownership or executive management of the motor vehicle rental industry, as recommended by the motor vehicle rental industry for the governor's consideration.

(d) One member shall be appointed at large from ownership or executive management of business, finance, economic policy, or the academic media marketing community.

(e) One member shall be appointed from the Utah Tourism Industry Coalition as recommended by the coalition for the governor's consideration.

(f) One member shall be appointed to represent the state's counties as recommended by the Utah Association of Counties for the governor's consideration.

(g) (i) The governor may choose to disregard a recommendation made for a board member under Subsections [~~(4)~~] (3)(c), (e), and (f).

(ii) The governor shall request additional recommendations if recommendations are disregarded under Subsection [~~(4)~~] (3)(g)(i).

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~~[(5)]~~ (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term from the same geographic area or industry representation as the member whose office was vacated.

~~[(6)]~~ (5) Seven members of the board constitute a quorum for conducting board business and exercising board powers.

~~[(7)]~~ (6) The governor shall select one of the board members as chair and one of the board members as vice chair, each for a four-year term as recommended by the board for the governor's consideration.

~~[(8)]~~ (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

~~[(9)]~~ (8) The board shall meet monthly or as often as the board determines to be necessary at various locations throughout the state.

~~[(10)]~~ (9) Members who may have a potential conflict of interest in consideration of fund allocation decisions shall identify the potential conflict prior to voting on the issue.

~~[(11)]~~ (10) (a) The board shall determine attendance requirements for maintaining a designated board seat.

(b) If a board member fails to attend according to the requirements established pursuant to Subsection ~~[(11)]~~ (10)(a), the board member shall be replaced upon written certification from the board chair or vice chair to the governor.

(c) A replacement appointed by the governor under Subsection ~~[(11)]~~ (10)(b) shall serve for the remainder of the board member's unexpired term.

~~[(12)]~~ (11) The board's office shall be in Salt Lake City.

Section ~~{24}~~23. Section **72-4-302** is amended to read:

72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership -- Meetings -- Expenses.

(1) There is created the Utah State Scenic Byway Committee.

(2) (a) The committee shall consist of the following 15 members:

(i) a representative from each of the following entities appointed by the governor:

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- (A) the Governor's Office of Economic Development;
- (B) the Utah Department of Transportation;
- (C) the Department of Heritage and Arts;
- (D) the Division of Parks and Recreation;
- (E) the Federal Highway Administration;
- (F) the National Park Service;
- (G) the National Forest Service; and
- (H) the Bureau of Land Management;
- (ii) one local government tourism representative appointed by the governor;
- (iii) a representative from the private business sector appointed by the governor;
- (iv) three local elected officials from a county, city, or town within the state appointed by the governor;
- (v) a member from the House of Representatives appointed by the speaker of the House of Representatives; and
- (vi) a member from the Senate appointed by the president of the Senate.

(b) Except as provided in Subsection (2)(c), the members appointed in this Subsection (2) shall be appointed for a four-year term of office.

(c) The governor shall, at the time of appointment or reappointment for appointments made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

~~[(d)(i) The appointments made under Subsections (2)(a)(v) and (vi) by the speaker of the House and the president of the Senate may not be from the same political party.]~~

~~[(ii) The speaker of the House and the president of the Senate shall alternate the appointments made under Subsections (2)(a)(v) and (vi) as follows:]~~

~~[(A) if the speaker appoints a member under Subsection (2)(a)(v), the next appointment made by the speaker following the expiration of the existing member's four-year term of office shall be from a different political party; and]~~

~~[(B) if the president appoints a member under Subsection (2)(a)(vi), the next appointment made by the president following the expiration of the existing member's four-year term of office shall be from a different political party.]~~

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(3) (a) The representative from the Governor's Office of Economic Development shall chair the committee.

(b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as nonvoting, ex officio members of the committee.

(4) The Governor's Office of Economic Development and the department shall provide staff support to the committee.

(5) (a) The chair may call a meeting of the committee only with the concurrence of the department.

(b) A majority of the voting members of the committee constitute a quorum.

(c) Action by a majority vote of a quorum of the committee constitutes action by the committee.

(6) (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Section ~~25~~24. Section **72-11-202** is amended to read:

72-11-202. Passenger ropeways -- Creation of Passenger Ropeway Safety

Committee within Department of Transportation -- Members.

(1) There is created within the Department of Transportation a Passenger Ropeway Safety Committee.

(2) The committee is comprised of six appointive members and one ex officio member who shall be appointed by the executive director of the Department of Transportation.

(3) The appointive members shall be appointed by the governor from persons representing the following interests:

(a) two members to represent the industry;

(b) two members to represent the public at large;

(c) one member who is a licensed engineer in Utah; and

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(d) one member to represent the United States Forest Service.

(4) (a) Except as required by Subsection (4)(b), as terms of committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

~~[(c) No more than four members shall be of the same political party.]~~

(5) The governor, in making the appointments, shall request and consider recommendations made to him by:

(a) the membership of the particular interest from which the appointments are to be made; and

(b) the Department of Transportation.

Section ~~26~~25. Section 73-10-2 is amended to read:

73-10-2. Board of Water Resources -- Members -- Appointment -- Terms -- Vacancies.

(1) ~~[(a)]~~ The Board of Water Resources shall be comprised of eight members to be appointed by the governor with the consent of the Senate.

~~[(b) In addition to the requirements of Section 79-2-203, not more than four members shall be from the same political party.]~~

(2) ~~[One]~~ In addition to the requirements described in Section 79-2-203, one member of the board shall be appointed from each of the following districts:

(a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

(b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

(c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

(d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

(e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute, and Wayne;

(f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;

(g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand, and San Juan; and

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(h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron, Washington, and Kane.

(3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of four years.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term with the consent of the Senate and shall be from the same district as such person.

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~27~~26. Section **79-3-302** is amended to read:

79-3-302. Members of board -- Qualifications and appointment -- Vacancies -- Organization -- Meetings -- Financial gain prohibited -- Expenses.

(1) The board consists of seven members appointed by the governor, with the consent of the Senate.

(2) In addition to the requirements of Section 79-2-203, the members shall have the following qualifications:

(a) one member knowledgeable in the field of geology as applied to the practice of civil engineering;

(b) four members knowledgeable and representative of various segments of the mineral industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

(c) one member knowledgeable of the economic or scientific interests of the mineral industry in the state; and

(d) one member who is interested in the goals of the survey and from the public at

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large.

(3) The director of the School and Institutional Trust Lands Administration is an ex officio member of the board but without any voting privileges.

(4) (a) Except as required by Subsection (4)(b), members are appointed for terms of four years.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

~~[(c) No more than four members may be of the same political party.]~~

~~[(d)]~~ (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor with the consent of the Senate.

(5) The board shall select from its members a chair and such officers and committees as it considers necessary.

(6) (a) The board shall hold meetings at least quarterly on such dates as may be set by its chair.

(b) Special meetings may be held upon notice of the chair or by a majority of its members.

(c) A majority of the members of the board present at a meeting constitutes a quorum for the transaction of business.

(7) Members of the board may not obtain financial gain by reason of information obtained during the course of their official duties.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~28~~27. Section **79-4-302** is amended to read:

79-4-302. Board appointment and terms of members -- Expenses.

(1) (a) The board is composed of nine members appointed by the governor, with the

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consent of the Senate, to four-year terms.

(b) In addition to the requirements of Section 79-2-203, the governor shall appoint:

(i) [~~appoint~~] one member from each judicial district [~~and~~];

(ii) one member from the public at large; and

~~[(ii) ensure that not more than five members are from the same political party; and]~~

(iii) [~~appoint~~] persons who have an understanding of and demonstrated interest in parks and recreation.

(c) Notwithstanding the term requirements of Subsection (1)(a), the governor may adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(2) When vacancies occur because of death, resignation, or other cause, the governor, with the consent of the Senate, shall:

(a) appoint a person to complete the unexpired term of the person whose office was vacated; and

(b) if the person was appointed from a judicial district, appoint the replacement from the judicial district from which the person whose office has become vacant was appointed.

(3) The board shall appoint its chair from its membership.

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

†

Legislative Review Note

~~Office of Legislative Research and General Counsel~~