

**Senator Karen Mayne** proposes the following substitute bill:

**ADVICE AND CONSENT AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Timothy D. Hawkes

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to the Senate's advice and consent for gubernatorial nominees.

**Highlighted Provisions:**

This bill:

- ▶ modifies deadlines, and the information provided by the governor, with respect to non-judicial gubernatorial nominees;
- ▶ requires a Senate confirmation hearing, and provides an exception to a deadline waiver provision, for certain nominees;
- ▶ requires notice of anticipated vacancies in offices that require Senate consent;
- ▶ provides a process for government entities and other organizations to provide input on gubernatorial appointments;
- ▶ requires a judicial nominating commission to provide the list of nominees to the Senate at the time it provides the list to the governor;
- ▶ amends provisions requiring Senate consent to also require Senate advice; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **4-2-104**, as renumbered and amended by Laws of Utah 2017, Chapter 345

31 **4-18-104**, as last amended by Laws of Utah 2018, Chapter 115

32 **7-1-202**, as last amended by Laws of Utah 2002, Chapter 176

33 **7-1-203**, as last amended by Laws of Utah 2013, Chapter 73

34 **9-1-201.1**, as enacted by Laws of Utah 2012, Chapter 212

35 **9-6-204**, as last amended by Laws of Utah 2012, Chapter 212

36 **9-6-803**, as enacted by Laws of Utah 2015, Chapter 350

37 **9-8-204**, as last amended by Laws of Utah 2019, Chapter 221

38 **9-22-104**, as renumbered and amended by Laws of Utah 2019, Chapter 487

39 **11-38-201**, as last amended by Laws of Utah 2013, Chapter 310

40 **13-1-3**, as last amended by Laws of Utah 2002, Chapter 176

41 **17B-2a-1005**, as last amended by Laws of Utah 2014, Chapter 377

42 **19-1-104**, as last amended by Laws of Utah 2002, Chapter 176

43 **19-2-103**, as last amended by Laws of Utah 2015, Chapter 154

44 **19-4-103**, as last amended by Laws of Utah 2012, Chapter 360

45 **19-5-103**, as last amended by Laws of Utah 2015, Chapter 234

46 **19-6-103**, as last amended by Laws of Utah 2015, Chapter 451

47 **20A-1-504**, as last amended by Laws of Utah 2018, Chapter 19

48 **23-14-2**, as last amended by Laws of Utah 2011, Chapter 297

49 **26-1-8**, as last amended by Laws of Utah 2002, Chapter 176

50 **26-9f-103**, as last amended by Laws of Utah 2018, Chapter 125

51 **26-21-3**, as last amended by Laws of Utah 2011, Chapter 366

52 **26-33a-103**, as last amended by Laws of Utah 2014, Chapter 118

53 **26-39-200**, as last amended by Laws of Utah 2019, Chapter 111

54 **31A-2-102**, as last amended by Laws of Utah 2002, Chapter 176

55 **31A-2-403**, as last amended by Laws of Utah 2019, Chapter 193

56 **32B-2-201**, as last amended by Laws of Utah 2012, Chapter 365

- 57 [32B-2-205](#), as last amended by Laws of Utah 2012, Chapter 365
- 58 [34-20-3](#), as last amended by Laws of Utah 2016, Chapter 348
- 59 [34A-1-201](#), as last amended by Laws of Utah 2011, Chapter 336
- 60 [34A-1-205](#), as last amended by Laws of Utah 2013, Chapter 428
- 61 [35A-1-201](#), as last amended by Laws of Utah 2018, Chapter 423
- 62 [35A-8-304](#), as last amended by Laws of Utah 2019, Chapter 89
- 63 [35A-8-2103](#), as renumbered and amended by Laws of Utah 2018, Chapter 182
- 64 [40-6-4](#), as last amended by Laws of Utah 2013, Chapter 243
- 65 [49-11-202](#), as last amended by Laws of Utah 2019, Chapter 31
- 66 [51-7-16](#), as last amended by Laws of Utah 2010, Chapter 286
- 67 [51-10-206](#), as last amended by Laws of Utah 2019, Chapter 163
- 68 [53-1-107](#), as last amended by Laws of Utah 2002, Chapter 176
- 69 [53-2a-1103](#), as last amended by Laws of Utah 2019, Chapter 161
- 70 [53B-1-104](#), as last amended by Laws of Utah 2018, Chapter 382
- 71 [53B-1-105](#), as last amended by Laws of Utah 2012, Chapter 78
- 72 [53B-2-104](#), as last amended by Laws of Utah 2019, Chapter 357
- 73 [53B-2a-103](#), as last amended by Laws of Utah 2018, Chapter 382
- 74 [53B-2a-108](#), as repealed and reenacted by Laws of Utah 2018, Chapter 382
- 75 [53C-1-202](#), as last amended by Laws of Utah 2011, Chapter 247
- 76 [53E-3-921](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 77 [53G-5-201](#), as last amended by Laws of Utah 2019, Chapter 293
- 78 [54-1-1.5](#), as last amended by Laws of Utah 2002, Chapter 176
- 79 [54-10a-201](#), as renumbered and amended by Laws of Utah 2009, Chapter 237
- 80 [59-1-201](#), as last amended by Laws of Utah 2014, Chapter 370
- 81 [59-1-206](#), as last amended by Laws of Utah 2003, Chapter 131
- 82 [61-1-18.5](#), as last amended by Laws of Utah 2011, Chapter 319
- 83 [61-2f-103](#), as last amended by Laws of Utah 2016, Chapters 25 and 381
- 84 [61-2g-204](#), as renumbered and amended by Laws of Utah 2011, Chapter 289
- 85 [62A-1-107](#), as last amended by Laws of Utah 2019, Chapter 246
- 86 [62A-1-108](#), as last amended by Laws of Utah 2002, Chapter 176
- 87 [62A-7-501](#), as last amended by Laws of Utah 2019, Chapter 246

- 88            **63A-1-105**, as last amended by Laws of Utah 2002, Chapter 176
- 89            **63F-1-105**, as enacted by Laws of Utah 2005, Chapter 169
- 90            **63G-2-501**, as last amended by Laws of Utah 2019, Chapter 254
- 91            **63H-4-102**, as last amended by Laws of Utah 2011, Chapter 308 and renumbered and
- 92 amended by Laws of Utah 2011, Chapter 370
- 93            **63H-6-104**, as last amended by Laws of Utah 2018, Chapter 447
- 94            **63H-8-201**, as renumbered and amended by Laws of Utah 2015, Chapter 226
- 95            **63J-4-602**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 96            **63J-4-702**, as last amended by Laws of Utah 2019, Chapter 246
- 97            **63L-9-103**, as renumbered and amended by Laws of Utah 2017, Chapter 451
- 98            **63M-2-301**, as last amended by Laws of Utah 2019, Chapters 246 and 352
- 99            **63M-7-203**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 100           **63M-7-504**, as last amended by Laws of Utah 2011, Chapter 131
- 101           **63N-1-202**, as last amended by Laws of Utah 2015, Chapter 344 and renumbered and
- 102 amended by Laws of Utah 2015, Chapter 283
- 103           **63N-1-401**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 104           **63N-1-501**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 105           **63N-7-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 106           **64-13-3**, as last amended by Laws of Utah 2002, Chapter 176
- 107           **67-1-1.5**, as last amended by Laws of Utah 2010, Chapter 355
- 108           **67-1-2**, as last amended by Laws of Utah 2008, Chapter 382
- 109           **67-1-2.5**, as last amended by Laws of Utah 2019, Chapter 246
- 110           **67-1-3**, as last amended by Laws of Utah 2002, Chapter 176
- 111           **67-1-5**, Utah Code Annotated 1953
- 112           **67-1a-2**, as last amended by Laws of Utah 2019, Chapter 165
- 113           **67-19a-201**, as last amended by Laws of Utah 2010, Chapters 249, 286, 324 and last
- 114 amended by Coordination Clause, Laws of Utah 2010, Chapter 249
- 115           **68-4-5**, as repealed and reenacted by Laws of Utah 2011, Chapter 356
- 116           **68-4-6**, as repealed and reenacted by Laws of Utah 2011, Chapter 356
- 117           **72-1-202**, as last amended by Laws of Utah 2019, Chapters 69 and 479
- 118           **72-1-301**, as last amended by Laws of Utah 2019, Chapter 479

- 119 **73-2-1**, as last amended by Laws of Utah 2017, Chapter 60
- 120 **73-10-2**, as last amended by Laws of Utah 2010, Chapter 286
- 121 **73-30-201**, as last amended by Laws of Utah 2011, Chapter 308
- 122 **77-5-6**, as last amended by Laws of Utah 1986, Chapter 47
- 123 **77-27-2**, as last amended by Laws of Utah 2011, Chapter 366
- 124 **78A-11-103**, as last amended by Laws of Utah 2012, Chapter 133
- 125 **78B-22-402**, as last amended by Laws of Utah 2019, Chapter 435 and renumbered and
- 126 amended by Laws of Utah 2019, Chapter 326
- 127 **79-2-202**, as last amended by Laws of Utah 2018, Chapter 200
- 128 **79-3-302**, as last amended by Laws of Utah 2010, Chapter 286
- 129 **79-4-302**, as last amended by Laws of Utah 2010, Chapter 286

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

132 Section 1. Section **4-2-104** is amended to read:

133 **4-2-104. Administration by commissioner.**

134 (1) Administration of the department is under the direction, control, and management  
 135 of a commissioner appointed by the governor with the advice and consent of the Senate.

136 (2) The commissioner shall serve at the pleasure of the governor.

137 (3) The governor shall establish the commissioner's compensation within the salary  
 138 range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

139 Section 2. Section **4-18-104** is amended to read:

140 **4-18-104. Conservation Commission created -- Composition -- Appointment --**  
 141 **Terms -- Compensation -- Attorney general to provide legal assistance.**

142 (1) There is created within the department the Conservation Commission to perform  
 143 the functions specified in this chapter.

144 (2) The Conservation Commission shall be composed of:

145 (a) 11 voting members, including:

146 (i) the director of the Extension Service at Utah State University or the director's  
 147 designee;

148 (ii) the executive director of the Department of Natural Resources or the executive  
 149 director's designee;

- 150 (iii) the executive director of the Department of Environmental Quality or the  
151 executive director's designee;
- 152 (iv) the president of the County Weed Supervisors Association or the president's  
153 designee; and
- 154 (v) seven district supervisors who provide district representation on the commission on  
155 a multicounty basis; and
- 156 (b) the commissioner or the commissioner's designee.
- 157 (3) If a district supervisor is unable to attend a meeting, the district supervisor may  
158 designate an alternate to serve in the place of the district supervisor for that meeting.
- 159 (4) None of the members described in Subsection (2)(a)(v) or (3) may serve on an  
160 association that represents a conservation district.
- 161 (5) (a) The commissioner or the commissioner's designee shall serve as chair of the  
162 Conservation Commission.
- 163 (b) The commissioner or the commissioner's designee may not vote except in the event  
164 of a tie, in which case the commissioner or the commissioner's designee shall cast the deciding  
165 vote.
- 166 (6) The members of the commission specified in Subsection (2)(a)(v) shall:
- 167 (a) be recommended by the commission to the governor; and
- 168 (b) be appointed by the governor with the advice and consent of the Senate.
- 169 (7) (a) Except as required by Subsection (7)(b), as terms of current commission  
170 members expire, the governor shall appoint each new member or reappointed member to a  
171 four-year term.
- 172 (b) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the  
173 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
174 commission members are staggered so that approximately half of the commission is appointed  
175 every two years.
- 176 (c) A commission member may not be appointed to more than two consecutive terms.
- 177 (8) When a vacancy occurs in the membership for any reason, the replacement shall be  
178 appointed for the unexpired term.
- 179 (9) Attendance of six voting members of the commission at a meeting constitutes a  
180 quorum.

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

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

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

185 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
186 63A-3-107.

187 (11) The commission shall keep a record of the commission's actions.

188 (12) The attorney general shall provide legal services to the commission upon request.

189 Section 3. Section 7-1-202 is amended to read:

190 **7-1-202. Commissioner of financial institutions as executive officer --**

191 **Appointment -- Term -- Salary -- Qualifications.**

192 The chief executive officer of the Department of Financial Institutions shall be the  
193 commissioner of financial institutions who shall be appointed by the governor with the advice  
194 and consent of the Senate. [~~He~~] The commissioner shall hold office for a term of four years  
195 following [~~his~~] appointment and confirmation and until [~~his~~] a successor is appointed and  
196 qualified, but [~~he~~] shall be subject to removal at the pleasure of the governor. The governor  
197 shall establish the commissioner's salary within the salary range fixed by the Legislature in  
198 Title 67, Chapter 22, State Officer Compensation. The commissioner of financial institutions  
199 shall be a citizen of the United States and shall have sufficient experience with depository  
200 institutions or as an employee of a state or federal agency having supervision over financial  
201 institutions to demonstrate [~~his~~] the commissioner's qualifications and fitness to perform the  
202 duties of [~~his~~] the commissioner's office.

203 Section 4. Section 7-1-203 is amended to read:

204 **7-1-203. Board of Financial Institutions.**

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

209 (a) one representative from the commercial banking business;

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

- 212 (c) one representative from the industrial bank business;
- 213 (d) one representative from the credit union business; and
- 214 (e) one representative of the general public who, as a result of education, training,
- 215 experience, or interest, is well qualified to consider economic and financial issues and data as
- 216 they may affect the public interest in the soundness of the financial systems of this state.
- 217 (2) The commissioner shall act as chair.
- 218 (3) (a) A member of the board shall be a resident of this state.
- 219 (b) No more than three members of the board may be from the same political party.
- 220 (c) No more than two members of the board may be connected with the same financial
- 221 institution or its holding company.
- 222 (d) A member may not participate in any matter involving an institution with which the
- 223 member has a conflict of interest.
- 224 (4) (a) Except as required by Subsection (4)(b), the terms of office shall be four years
- 225 each expiring on July 1.
- 226 (b) The governor shall, at the time of appointment or reappointment, adjust the length
- 227 of terms to ensure that the terms of board members are staggered so that approximately half of
- 228 the board is appointed every two years.
- 229 (c) A member serves until the member's successor is appointed and qualified.
- 230 (d) When a vacancy occurs in the membership for any reason, the governor shall
- 231 appoint a replacement for the unexpired term.
- 232 (5) (a) The board shall meet at least quarterly on a date the board sets.
- 233 (b) The commissioner or any two members of the board may call additional meetings.
- 234 (c) Four members constitute a quorum for the transaction of business.
- 235 (d) Actions of the board require a vote of a majority of those present when a quorum is
- 236 present.
- 237 (e) A meeting of the board and records of the board's proceedings are subject to Title
- 238 52, Chapter 4, Open and Public Meetings Act, except for discussion of confidential
- 239 information pertaining to a particular financial institution.
- 240 (6) (a) A member of the board shall, by sworn or written statement filed with the
- 241 commissioner, disclose any position of employment or ownership interest that the member has
- 242 with respect to any institution subject to the jurisdiction of the department.

243 (b) The member shall:  
 244 (i) file the statement required by this Subsection (6) when first appointed to the board;  
 245 and  
 246 (ii) subsequently file amendments to the statement if there is any material change in the  
 247 matters covered by the statement.

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

- 250 (a) Section 63A-3-106;
- 251 (b) Section 63A-3-107; and
- 252 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 253 63A-3-107.

254 (8) The board shall advise the commissioner with respect to:  
 255 (a) the exercise of the commissioner's duties, powers, and responsibilities under this  
 256 title; and

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

258 (9) The board shall recommend annually to the governor and the Legislature a budget  
 259 for the requirements of the department in carrying out its duties, functions, and responsibilities  
 260 under this title.

261 Section 5. Section 9-1-201.1 is amended to read:

262 **9-1-201.1. Executive director of department -- Appointment -- Removal --**  
 263 **Compensation.**

264 (1) The department shall be directed, organized, and managed by an executive director  
 265 appointed by the governor with the advice and consent of the Senate.

266 (2) The executive director serves at the pleasure of the governor.

267 (3) The salary of the executive director shall be established by the governor within the  
 268 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

269 Section 6. Section 9-6-204 is amended to read:

270 **9-6-204. Utah Arts Council Board of Directors.**

271 (1) There is created within the division the Board of Directors of the Utah Arts  
 272 Council.

273 (2) (a) The board shall consist of 13 members appointed by the governor to four-year

274 terms of office with the advice and consent of the Senate.

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

279 (c) Nine board members shall be working artists in the following areas:

- 280 (i) visual arts;
- 281 (ii) architecture or design;
- 282 (iii) literature;
- 283 (iv) music;
- 284 (v) sculpture;
- 285 (vi) folklore or folk arts;
- 286 (vii) theatre;
- 287 (viii) dance; and
- 288 (ix) media arts.

289 (d) Four board members shall be citizens knowledgeable in the arts.

290 (3) The members shall be appointed from the state at large with due consideration for  
291 geographical representation.

292 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
293 appointed for the unexpired term by the governor within one month from the time of vacancy.

294 (5) Seven members of the board constitute a quorum for the transaction of business.

295 (6) The governor shall annually select one of the board members as chair.

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

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

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

300 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
301 63A-3-107.

302 (8) A member may not receive gifts, prizes, or awards of money from the purchasing  
303 fund of the division during the member's term of office.

304 Section 7. Section 9-6-803 is amended to read:

305 **9-6-803. Arts and Culture Business Alliance -- Creation -- Members -- Vacancies.**

306 (1) There is created within the division the Arts and Culture Business Alliance.

307 (2) (a) The alliance shall consist of seven members.

308 (b) The six members described in Subsections (2)(d) and (e) shall be appointed by the  
309 governor to four-year terms of office with the advice and consent of the Senate.

310 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the  
311 time of appointment or reappointment, adjust the length of terms to ensure that the terms of the  
312 members described in Subsections (2)(d) and (e) are staggered so that approximately half of the  
313 members are appointed every two years.

314 (d) Five members shall be citizens with an interest in supporting and advancing the arts  
315 and arts development in the state.

316 (e) One member shall have expertise in business or finance.

317 (f) One member is the executive director of the Department of Heritage and Arts, or the  
318 executive director's designee.

319 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
320 appointed for the unexpired term in the same manner as the original member.

321 (4) Four members of the board constitute a quorum for the transaction of business.

322 (5) The governor shall annually select one of the board members as chair.

323 (6) Except for the executive director, a member may not receive compensation or  
324 benefits for the member's service, but may receive per diem and travel expenses in accordance  
325 with:

326 (a) Section [63A-3-106](#);

327 (b) Section [63A-3-107](#); and

328 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
329 [63A-3-107](#).

330 (7) A member may not receive a gift, prize, or award of money from the division or the  
331 account.

332 Section 8. Section **9-8-204** is amended to read:

333 **9-8-204. Board of State History.**

334 (1) There is created within the department the Board of State History.

335 (2) The board shall consist of 11 members appointed by the governor with the advice

336 and consent of the Senate as follows:

337 (a) sufficient representatives to satisfy the federal requirements for an adequately  
338 qualified State Historic Preservation Review Board; and

339 (b) other persons with an interest in the subject matter of the division's responsibilities.

340 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for  
341 terms of four years and shall serve until their successors are appointed and qualified.

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

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

348 (5) A simple majority of the board constitutes a quorum for conducting board business.

349 (6) The governor shall select a chair and vice chair from the board members.

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

352 (a) Section [63A-3-106](#);

353 (b) Section [63A-3-107](#); and

354 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
355 [63A-3-107](#).

356 Section 9. Section **9-22-104** is amended to read:

357 **9-22-104. STEM Action Center Board -- Duties.**

358 (1) The STEM board shall:

359 (a) establish a STEM Action Center to:

360 (i) coordinate STEM activities in the state among the following stakeholders:

361 (A) the State Board of Education;

362 (B) school districts and charter schools;

363 (C) the State Board of Regents;

364 (D) institutions of higher education;

365 (E) parents of home-schooled students;

366 (F) other state agencies; and

- 367 (G) business and industry representatives;
- 368 (ii) align public education STEM activities with higher education STEM activities; and
- 369 (iii) create and coordinate best practices among public education and higher education;
- 370 (b) with the advice and consent of the Senate, appoint a director to oversee the
- 371 administration of the STEM Action Center;
- 372 (c) select a physical location for the STEM Action Center;
- 373 (d) strategically engage industry and business entities to cooperate with the STEM
- 374 board:
- 375 (i) to support high quality professional development and provide other assistance for
- 376 educators and students; and
- 377 (ii) to provide private funding and support for the STEM Action Center;
- 378 (e) give direction to the STEM Action Center and the providers selected through a
- 379 request for proposals process pursuant to this part; and
- 380 (f) work to meet the following expectations:
- 381 (i) that at least 50 educators are implementing best practice learning tools in
- 382 classrooms;
- 383 (ii) performance change in student achievement in each classroom participating in a
- 384 STEM Action Center project; and
- 385 (iii) that students from at least 50 schools in the state participate in the STEM
- 386 competitions, fairs, and camps described in Subsection 9-22-106(2)(d).
- 387 (2) The STEM board may:
- 388 (a) enter into contracts for the purposes of this part;
- 389 (b) apply for, receive, and disburse funds, contributions, or grants from any source for
- 390 the purposes set forth in this part;
- 391 (c) employ, compensate, and prescribe the duties and powers of individuals necessary
- 392 to execute the duties and powers of the STEM board;
- 393 (d) prescribe the duties and powers of the STEM Action Center providers; and
- 394 (e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 395 make rules to administer this part.
- 396 (3) The STEM board may establish a foundation to assist in:
- 397 (a) the development and implementation of the programs authorized under this part to

398 promote STEM education; and

399 (b) implementation of other STEM education objectives described in this part.

400 (4) A foundation established by the STEM board under Subsection (3):

401 (a) may solicit and receive contributions from a private organization for STEM

402 education objectives described in this part;

403 (b) shall comply with the requirements described in Section 9-22-105;

404 (c) does not have power or authority to incur contractual obligations or liabilities that  
405 constitute a claim against public funds;

406 (d) may not exercise executive or administrative authority over the programs or other  
407 activities described in this part, except to the extent specifically authorized by the STEM board;

408 (e) shall provide the STEM board with information detailing transactions and balances  
409 associated with the foundation; and

410 (f) may not:

411 (i) engage in lobbying activities;

412 (ii) attempt to influence legislation; or

413 (iii) participate in any campaign activity for or against:

414 (A) a political candidate; or

415 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other  
416 ballot proposition submitted to the voters.

417 Section 10. Section 11-38-201 is amended to read:

418 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**  
419 **Organization -- Expenses -- Staff.**

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

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

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

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

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

429 estate industry, nominated by the Utah Association of Realtors.

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

433 (A) after May 1, 2005; and

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

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

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

442 (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from  
443 a list of names provided by the Utah League of Cities and Towns, and shall select the  
444 remaining three from a list of names provided by the Utah Association of Counties.

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

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

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

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

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

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

459 (a) Section [63A-3-106](#);

460 (b) Section 63A-3-107; and  
461 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
462 63A-3-107.

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

464 (8) Staff services to the commission:

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

466 (b) may be provided by local entities through the Utah Association of Counties and the

467 Utah League of Cities and Towns, with funds approved by the commission from those

468 identified as available to local entities under Subsection 11-38-203(1)(a).

469 Section 11. Section 13-1-3 is amended to read:

470 **13-1-3. Executive director.**

471 (1) The department shall be under the supervision, direction, and control of the  
472 executive director of commerce. The executive director shall be appointed by the governor  
473 with the advice and consent of the Senate. The executive director shall hold office at the  
474 pleasure of the governor. The governor shall establish the executive director's salary within the  
475 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

476 (2) The executive director shall employ personnel necessary to carry out the duties and  
477 responsibilities of the department.

478 Section 12. Section 17B-2a-1005 is amended to read:

479 **17B-2a-1005. Water conservancy district board of trustees -- Selection of**  
480 **members -- Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Authority.**

481 (1) Members of the board of trustees for a water conservancy district shall be:

482 (a) elected in accordance with:

483 (i) the petition or resolution that initiated the process of creating the water conservancy  
484 district; and

485 (ii) Section 17B-1-306;

486 (b) appointed in accordance with Subsection (2); or

487 (c) elected under Subsection (4)(a).

488 (2) (a) If the members of the board of trustees are appointed, within 45 days after the  
489 day on which a water conservancy district is created as provided in Section 17B-1-215, the  
490 board of trustees shall be appointed as provided in this Subsection (2).

491 (b) For a district located entirely within the boundaries of a single county, the county  
492 legislative body of that county shall appoint each trustee.

493 (c) (i) For a district located in more than a single county, the governor, with the advice  
494 and consent of the Senate, shall appoint each trustee from nominees submitted as provided in  
495 this Subsection (2)(c).

496 (ii) (A) Except as provided in Subsection (2)(c)(ii)(B), in a division composed solely of  
497 municipalities, the legislative body of each municipality within the division shall submit two  
498 nominees per trustee.

499 (B) The legislative body of a municipality may submit fewer than two nominees per  
500 trustee if the legislative body certifies in writing to the governor that the legislative body is  
501 unable, after reasonably diligent effort, to identify two nominees who are willing and qualified  
502 to serve as trustee.

503 (iii) (A) Except as provided in Subsection (2)(c)(iii)(B), in all other divisions, the  
504 county legislative body of the county in which the division is located shall submit three  
505 nominees per trustee.

506 (B) The county legislative body may submit fewer than three nominees per trustee if  
507 the county legislative body certifies in writing to the governor that the county legislative body  
508 is unable, after reasonably diligent effort, to identify three nominees who are willing and  
509 qualified to serve as trustee.

510 (iv) If a trustee represents a division located in more than one county, the county  
511 legislative bodies of those counties shall collectively compile the list of three nominees.

512 (v) For purposes of this Subsection (2)(c), a municipality that is located in more than  
513 one county shall be considered to be located in only the county in which more of the municipal  
514 area is located than in any other county.

515 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee  
516 appointed in that district shall be a person who owns irrigation rights and uses those rights as  
517 part of that person's livelihood.

518 (3) (a) The board shall give written notice of the upcoming vacancy in an appointed  
519 trustee's term and the date when the trustee's term expires to the county legislative body in  
520 single county districts and to the nominating entities and the governor in all other districts:

521 (i) if the upcoming vacancy is in a single county district, at least 90 days before the

522 expiration of the trustee's term; and

523 (ii) for all other districts, on or before October 1 before the expiration of the appointed  
524 trustee's term.

525 (b) (i) Upon receipt of the notice of the expiration of an appointed trustee's term or  
526 notice of a vacancy in the office of an appointed trustee, the county or municipal legislative  
527 body, as the case may be, shall nominate candidates to fill the unexpired term of office  
528 pursuant to Subsection (2).

529 (ii) If a trustee is to be appointed by the governor and the entity charged with  
530 nominating candidates has not submitted the list of nominees within 90 days after service of  
531 the notice, the governor shall make the appointment from qualified candidates without  
532 consultation with the county or municipal legislative body.

533 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a  
534 successor is appointed and qualified.

535 (iv) Appointment by the governor vests in the appointee, upon qualification, the  
536 authority to discharge the duties of trustee, subject only to the advice and consent of the Senate.

537 (c) Each trustee shall hold office during the term for which appointed and until a  
538 successor is duly appointed and has qualified.

539 (4) (a) Members of the board of trustees of a water conservancy district shall be  
540 elected, if, subject to Subsection (4)(b):

541 (i) two-thirds of all members of the board of trustees of the water conservancy district  
542 vote in favor of changing to an elected board; and

543 (ii) the legislative body of each municipality or county that appoints a member to the  
544 board of trustees adopts a resolution approving the change to an elected board.

545 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten  
546 the term of any member of the board of trustees serving at the time of the change.

547 (5) The board of trustees of a water conservancy district shall consist of:

548 (a) except as provided in Subsection (5)(b), not more than 11 persons who are residents  
549 of the district; or

550 (b) if the district consists of five or more counties, not more than 21 persons who are  
551 residents of the district.

552 (6) If an elected trustee's office is vacated, the vacated office shall be filled in

553 accordance with Section 17B-1-303.

554 (7) Each trustee shall furnish a corporate surety bond at the expense of the district,  
555 conditioned for the faithful performance of duties as a trustee.

556 (8) (a) The board of trustees of a water conservancy district may:

557 (i) make and enforce all reasonable rules and regulations for the management, control,  
558 delivery, use, and distribution of water;

559 (ii) withhold the delivery of water with respect to which there is a default or  
560 delinquency of payment;

561 (iii) provide for and declare a forfeiture of the right to the use of water upon the default  
562 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of  
563 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has  
564 been declared;

565 (iv) allocate and reallocate the use of water to lands within the district;

566 (v) provide for and grant the right, upon terms, to transfer water from lands to which  
567 water has been allocated to other lands within the district;

568 (vi) create a lien, as provided in this part, upon land to which the use of water is  
569 transferred;

570 (vii) discharge a lien from land to which a lien has attached; and

571 (viii) subject to Subsection (8)(b), enter into a written contract for the sale, lease, or  
572 other disposition of the use of water.

573 (b) (i) A contract under Subsection (8)(a)(viii) may provide for the use of water  
574 perpetually or for a specified term.

575 (ii) (A) If a contract under Subsection (8)(a)(viii) makes water available to the  
576 purchasing party without regard to actual taking or use, the board may require that the  
577 purchasing party give security for the payment to be made under the contract, unless the  
578 contract requires the purchasing party to pay for certain specified annual minimums.

579 (B) The security requirement under Subsection (8)(b)(ii)(A) in a contract with a public  
580 entity may be met by including in the contract a provision for the public entity's levy of a  
581 special assessment to make annual payments to the district.

582 Section 13. Section 19-1-104 is amended to read:

583 **19-1-104. Creation of department -- Appointment of executive director.**

584 (1) There is created within state government the Department of Environmental Quality.  
585 The department shall be administered by an executive director.

586 (2) The executive director shall be appointed by the governor with the advice and  
587 consent of the Senate and shall serve at the pleasure of the governor.

588 (3) The executive director shall have demonstrated the necessary administrative and  
589 professional ability through education and experience to efficiently and effectively manage the  
590 department's affairs.

591 (4) The Legislature shall fix the compensation of the executive director in accordance  
592 with Title 67, Chapter 22, State Officer Compensation.

593 Section 14. Section **19-2-103** is amended to read:

594 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**  
595 **and expenses.**

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

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

599 (i) the executive director; or

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

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

603 (i) one representative who:

604 (A) is not connected with industry;

605 (B) is an expert in air quality matters; and

606 (C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist  
607 with relevant training and experience;

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

609 (iii) one representative from the mining industry;

610 (iv) one representative from the fuels industry;

611 (v) one representative from the manufacturing industry;

612 (vi) one representative from the public who represents:

613 (A) an environmental nongovernmental organization; or

614 (B) a nongovernmental organization that represents community interests and does not

615 represent industry interests; and

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

618 (2) A member of the board shall:

619 (a) be knowledgeable about air pollution matters, as evidenced by a professional  
620 degree, a professional accreditation, or documented experience;

621 (b) be a resident of Utah;

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

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

626 (3) No more than five of the appointed members of the board shall belong to the same  
627 political party.

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

630 (5) (a) Members shall be appointed for a term of four years.

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

634 (6) A member may serve more than one term.

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

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

640 (9) The board shall elect annually a chair and a vice chair from its members.

641 (10) (a) The board shall meet at least quarterly.

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

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

645 (11) Five members constitute a quorum at a meeting, and the action of a majority of

646 members present is the action of the board.

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

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

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

651 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
652 63A-3-107.

653 Section 15. Section 19-4-103 is amended to read:

654 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**  
655 **diem and expenses.**

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

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

659 (i) the executive director; or

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

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

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

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

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

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

670 (v) one representative from:

671 (A) the state water research community; or

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

674 (vi) one representative from the public who represents:

675 (A) an environmental nongovernmental organization; or

676 (B) a nongovernmental organization that represents community interests and does not

677 represent industry interests; and

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

680 (2) A member of the board shall:

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

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

684 (c) be a resident of Utah;

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

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

689 (3) No more than five appointed members of the board shall be from the same political  
690 party.

691 (4) (a) As terms of current board members expire, the governor shall appoint each new  
692 member or reappointed member to a four-year term.

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

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

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

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

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

704 (7) The board shall elect annually a chair and a vice chair from its members.

705 (8) (a) The board shall meet at least quarterly.

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

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

709 (9) Five members constitute a quorum at any meeting and the action of the majority of  
710 the members present is the action of the board.

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

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

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

715 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
716 63A-3-107.

717 Section 16. Section 19-5-103 is amended to read:

718 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**  
719 **Organization -- Meetings -- Per diem and expenses.**

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

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

723 (i) the executive director; or

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

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

727 (i) one representative who:

728 (A) is an expert and has relevant training and experience in water quality matters;

729 (B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist  
730 with relevant training and experience; and

731 (C) represents local and special service districts in the state;

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

733 (iii) one representative from the mineral industry;

734 (iv) one representative from the manufacturing industry;

735 (v) one representative who represents agricultural and livestock interests;

736 (vi) one representative from the public who represents:

737 (A) an environmental nongovernmental organization; or

738 (B) a nongovernmental organization that represents community interests and does not

739 represent industry interests; and

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

742 (2) A member of the board shall:

743 (a) be knowledgeable about water quality matters, as evidenced by a professional  
744 degree, a professional accreditation, or documented experience;

745 (b) be a resident of Utah;

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

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

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

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

753 (5) (a) A member shall be appointed for a term of four years and is eligible for  
754 reappointment.

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

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

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

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

764 (7) The board shall:

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

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

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

769 (8) The chair may call a special meeting upon the request of three or more members of

770 the board.

771 (9) Each member of the board and the director shall be notified of the time and place of  
772 each meeting.

773 (10) Five members of the board constitute a quorum for the transaction of business,  
774 and the action of a majority of members present is the action of the board.

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

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

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

779 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
780 63A-3-107.

781 Section 17. Section 19-6-103 is amended to read:

782 **19-6-103. Waste Management and Radiation Control Board -- Members -- Terms**  
783 **-- Organization -- Meetings -- Per diem and expenses.**

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

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

787 (i) the executive director; or

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

789 (b) the following 11 voting members appointed by the governor with the advice and  
790 consent of the Senate:

791 (i) one representative who is:

792 (A) not connected with industry; and

793 (B) a Utah-licensed professional engineer;

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

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

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

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

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

799 (vii) one representative from the uranium milling industry;

800 (viii) one representative from the public who represents:

- 801 (A) an environmental nongovernmental organization; or  
802 (B) a nongovernmental organization that represents community interests and does not  
803 represent industry interests;
- 804 (ix) one representative from the public who is trained and experienced in public health  
805 and a licensed:
- 806 (A) medical doctor; or  
807 (B) dentist; and  
808 (x) one representative who is:
- 809 (A) a medical physicist or a health physicist; or  
810 (B) a professional employed in the field of radiation safety.
- 811 (2) A member of the board shall:
- 812 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and  
813 protection as evidenced by a professional degree, a professional accreditation, or documented  
814 experience;
- 815 (b) be a resident of Utah;
- 816 (c) attend board meetings in accordance with the attendance rules made by the  
817 department under Subsection 19-1-201(1)(d)(i)(A); and
- 818 (d) comply with all applicable statutes, rules, and policies, including the conflict of  
819 interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B).
- 820 (3) No more than six of the appointed members may be from the same political party.
- 821 (4) (a) Members shall be appointed for terms of four years each.
- 822 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
823 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
824 board members are staggered so that half of the appointed board is appointed every two years.
- 825 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is  
826 appointed before March 1, 2013, shall expire on February 28, 2013.
- 827 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in  
828 accordance with this section.
- 829 (5) Each member is eligible for reappointment.
- 830 (6) Board members shall continue in office until the expiration of their terms and until  
831 their successors are appointed, but not more than 90 days after the expiration of their terms.

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

835 (8) The board shall elect a chair and vice chair on or before April 1 of each year from  
836 its membership.

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

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

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

841 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
842 63A-3-107.

843 (10) (a) The board shall hold a meeting at least once every three months including one  
844 meeting during each annual general session of the Legislature.

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

847 (11) Six members constitute a quorum at any meeting, and the action of the majority of  
848 members present is the action of the board.

849 Section 18. Section 20A-1-504 is amended to read:

850 **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**  
851 **state auditor, State Board of Education member, and lieutenant governor.**

852 (1) (a) When a vacancy occurs for any reason in the office of attorney general, state  
853 treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the  
854 unexpired term at the next regular general election.

855 (b) The governor shall fill the vacancy until the next regular general election by:

856 (i) appointing a person who meets the qualifications for the office from three persons  
857 nominated by the state central committee of the same political party as the prior officeholder;

858 or

859 (ii) for a State Board of Education vacancy, if the individual who is being replaced:

860 (A) was elected at a nonpartisan State Board of Education election, by appointing, with  
861 the advice and consent of the Senate, an individual who meets the qualifications and residency  
862 requirements for filling the vacancy described in Section 20A-14-103;

863 (B) was elected at a partisan State Board of Education election, but is not a member of  
864 a political party, by appointing, with the advice and consent of the Senate, an individual who  
865 meets the qualifications and residency requirements for filling the vacancy described in Section  
866 [20A-14-103](#); or

867 (C) was elected at a partisan State Board of Education election, and is a member of a  
868 political party, by appointing an individual who meets the qualifications for the office from  
869 three persons nominated by the state central committee of the same political party as the prior  
870 officeholder.

871 (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the  
872 advice and consent of the Senate, appoint a person to hold the office until the next regular  
873 general election at which the governor stands for election.

874 Section 19. Section **23-14-2** is amended to read:

875 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum --**  
876 **Meetings -- Per diem and expenses.**

877 (1) There is created a Wildlife Board which shall consist of seven members appointed  
878 by the governor with the advice and consent of the Senate.

879 (2) (a) In addition to the requirements of Section [79-2-203](#), the members of the board  
880 shall have expertise or experience in at least one of the following areas:

- 881 (i) wildlife management or biology;  
882 (ii) habitat management, including range or aquatic;  
883 (iii) business, including knowledge of private land issues; and  
884 (iv) economics, including knowledge of recreational wildlife uses.

885 (b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at  
886 least one member of the Wildlife Board.

887 (3) (a) The governor shall select each board member from a list of nominees submitted  
888 by the nominating committee pursuant to Section [23-14-2.5](#).

889 (b) No more than two members shall be from a single wildlife region described in  
890 Subsection [23-14-2.6\(1\)](#).

891 (c) The governor may request an additional list of at least two nominees from the  
892 nominating committee if the initial list of nominees for a given position is unacceptable.

893 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of

894 the initial or additional list, the nominating committee shall make an interim appointment by  
895 majority vote.

896 (ii) The interim board member shall serve until the matter is resolved by the committee  
897 and the governor or until the board member is replaced pursuant to this chapter.

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

900 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
901 time of appointment or reappointment, adjust the length of terms to ensure that:

902 (i) the terms of board members are staggered so that approximately one-third of the  
903 board is appointed every two years; and

904 (ii) members serving from the same region have staggered terms.

905 (c) If a vacancy occurs, the nominating committee shall submit two names, as provided  
906 in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for  
907 the unexpired term.

908 (d) Board members may serve only one term unless:

909 (i) the member is among the first board members appointed to serve four years or less;

910 or

911 (ii) the member filled a vacancy under Subsection (4)(c) for four years or less.

912 (5) (a) The board shall elect a chair and a vice chair from its membership.

913 (b) Four members of the board shall constitute a quorum.

914 (c) The director of the Division of Wildlife Resources shall act as secretary to the  
915 board but is not a voting member of the board.

916 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year  
917 to expeditiously conduct its business.

918 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in  
919 emergency situations.

920 (c) Meetings may be held at the Salt Lake City office of the Division of Wildlife  
921 Resources or elsewhere as determined by the Wildlife Board.

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

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

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

926 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
927 63A-3-107.

928 (8) (a) The members of the Wildlife Board shall complete an orientation course to  
929 assist them in the performance of the duties of their office.

930 (b) The Department of Natural Resources shall provide the course required under  
931 Subsection (8)(a).

932 Section 20. Section 26-1-8 is amended to read:

933 **26-1-8. Executive director -- Appointment -- Compensation.**

934 The chief administrative officer of the department is the executive director who shall be  
935 appointed by the governor with the advice and consent of the Senate. The executive director  
936 shall serve at the pleasure of the governor. The governor shall establish the executive director's  
937 salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer  
938 Compensation.

939 Section 21. Section 26-9f-103 is amended to read:

940 **26-9f-103. Utah Digital Health Service Commission.**

941 (1) There is created within the department the Utah Digital Health Service  
942 Commission.

943 (2) The governor shall appoint 13 members to the commission with the advice and  
944 consent of the Senate, as follows:

945 (a) a physician who is involved in digital health service;

946 (b) a representative of a health care system or a licensed health care facility as that term  
947 is defined in Section 26-21-2;

948 (c) a representative of rural Utah, which may be a person nominated by an advisory  
949 committee on rural health issues created pursuant to Section 26-1-20;

950 (d) a member of the public who is not involved with digital health service;

951 (e) a nurse who is involved in digital health service; and

952 (f) eight members who fall into one or more of the following categories:

953 (i) individuals who use digital health service in a public or private institution;

954 (ii) individuals who use digital health service in serving medically underserved  
955 populations;

- 956 (iii) nonphysician health care providers involved in digital health service;
- 957 (iv) information technology professionals involved in digital health service;
- 958 (v) representatives of the health insurance industry;
- 959 (vi) telehealth digital health service consumer advocates; and
- 960 (vii) individuals who use digital health service in serving mental or behavioral health
- 961 populations.

962 (3) (a) The commission shall annually elect a chairperson from its membership. The

963 chairperson shall report to the executive director of the department.

964 (b) The commission shall hold meetings at least once every three months. Meetings

965 may be held from time to time on the call of the chair or a majority of the board members.

966 (c) Seven commission members are necessary to constitute a quorum at any meeting

967 and, if a quorum exists, the action of a majority of members present shall be the action of the

968 commission.

969 (4) (a) Except as provided in Subsection (4)(b), a commission member shall be

970 appointed for a three-year term and eligible for two reappointments.

971 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment

972 or reappointment, adjust the length of terms to ensure that the terms of commission members

973 are staggered so that approximately 1/3 of the commission is appointed each year.

974 (c) A commission member shall continue in office until the expiration of the member's

975 term and until a successor is appointed, which may not exceed 90 days after the formal

976 expiration of the term.

977 (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%

978 of the scheduled meetings in a calendar year shall be disqualified from serving.

979 (e) When a vacancy occurs in membership for any reason, the replacement shall be

980 appointed for the unexpired term.

981 (5) A member may not receive compensation or benefits for the member's service, but,

982 at the executive director's discretion, may receive per diem and travel expenses in accordance

983 with:

984 (a) Section [63A-3-106](#);

985 (b) Section [63A-3-107](#); and

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

987 63A-3-107.

988 (6) The department shall provide informatics staff support to the commission.

989 (7) The funding of the commission shall be a separate line item to the department in  
990 the annual appropriations act.

991 Section 22. Section 26-21-3 is amended to read:

992 **26-21-3. Health Facility Committee -- Members -- Terms -- Organization --**  
993 **Meetings.**

994 (1) The Health Facility Committee created by Section 26-1-7 consists of 15 members  
995 appointed by the governor with the advice and consent of the Senate. The appointed members  
996 shall be knowledgeable about health care facilities and issues. The membership of the  
997 committee is:

998 (a) one physician, licensed to practice medicine and surgery under Title 58, Chapter 67,  
999 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act,  
1000 who is a graduate of a regularly chartered medical school;

1001 (b) one hospital administrator;

1002 (c) one hospital trustee;

1003 (d) one representative of a freestanding ambulatory surgical facility;

1004 (e) one representative of an ambulatory surgical facility that is affiliated with a  
1005 hospital;

1006 (f) two representatives of the nursing care facility industry;

1007 (g) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse  
1008 Practice Act;

1009 (h) one professional in the field of intellectual disabilities not affiliated with a nursing  
1010 care facility;

1011 (i) one licensed architect or engineer with expertise in health care facilities;

1012 (j) two representatives of assisted living facilities licensed under this chapter;

1013 (k) two consumers, one of whom has an interest in or expertise in geriatric care; and

1014 (l) one representative from either a home health care provider or a hospice provider.

1015 (2) (a) Except as required by Subsection (2)(b), members shall be appointed for a term  
1016 of four years.

1017 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the

1018 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1019 committee members are staggered so that approximately half of the committee is appointed  
1020 every two years.

1021 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
1022 appointed for the unexpired term by the governor, giving consideration to recommendations  
1023 made by the committee, with the advice and consent of the Senate.

1024 (d) A member may not serve more than two consecutive full terms or 10 consecutive  
1025 years, whichever is less. However, a member may continue to serve as a member until [~~he~~] the  
1026 member is replaced.

1027 (e) The committee shall annually elect from its membership a chair and vice chair.

1028 (f) The committee shall meet at least quarterly, or more frequently as determined by the  
1029 chair or five members of the committee.

1030 (g) Eight members constitute a quorum. A vote of the majority of the members present  
1031 constitutes action of the committee.

1032 Section 23. Section **26-33a-103** is amended to read:

1033 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

1034 (1) The Health Data Committee created by Section **26-1-7** shall be composed of 15  
1035 members.

1036 (2) (a) One member shall be:

1037 (i) the commissioner of the Utah Insurance Department; or

1038 (ii) the commissioner's designee who shall have knowledge regarding the health care  
1039 system and characteristics and use of health data.

1040 (b) Fourteen members shall be appointed by the governor with the advice and consent  
1041 of the Senate in accordance with Subsection (3). No more than seven members of the  
1042 committee appointed by the governor may be members of the same political party.

1043 (3) The members of the committee appointed under Subsection (2)(b) shall:

1044 (a) be knowledgeable regarding the health care system and the characteristics and use  
1045 of health data;

1046 (b) be selected so that the committee at all times includes individuals who provide  
1047 care;

1048 (c) include one person employed by or otherwise associated with a general acute

1049 hospital as defined by Section 26-21-2, who is knowledgeable about the collection, analysis,  
1050 and use of health care data;

1051 (d) include two physicians, as defined in Section 58-67-102:

1052 (i) who are licensed to practice in this state;

1053 (ii) who actively practice medicine in this state;

1054 (iii) who are trained in or have experience with the collection, analysis, and use of  
1055 health care data; and

1056 (iv) one of whom is selected by the Utah Medical Association;

1057 (e) include three persons:

1058 (i) who are:

1059 (A) employed by or otherwise associated with a business that supplies health care  
1060 insurance to its employees; and

1061 (B) knowledgeable about the collection and use of health care data; and

1062 (ii) at least one of whom represents an employer employing 50 or fewer employees;

1063 (f) include three persons representing health insurers:

1064 (i) at least one of whom is employed by or associated with a third-party payor that is  
1065 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited  
1066 Health Plans;

1067 (ii) at least one of whom is employed by or associated with a third party payer that is  
1068 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health  
1069 Plans; and

1070 (iii) who are trained in, or experienced with the collection, analysis, and use of health  
1071 care data;

1072 (g) include two consumer representatives:

1073 (i) from organized consumer or employee associations; and

1074 (ii) knowledgeable about the collection and use of health care data;

1075 (h) include one person:

1076 (i) representative of a neutral, non-biased entity that can demonstrate that it has the  
1077 broad support of health care payers and health care providers; and

1078 (ii) who is knowledgeable about the collection, analysis, and use of health care data;

1079 and

1080 (i) include two persons representing public health who are trained in, or experienced  
1081 with the collection, use, and analysis of health care data.

1082 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members  
1083 expire, the governor shall appoint each new member or reappointed member to a four-year  
1084 term.

1085 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1086 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1087 committee members are staggered so that approximately half of the committee is appointed  
1088 every two years.

1089 (c) Members may serve after their terms expire until replaced.

1090 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
1091 appointed for the unexpired term.

1092 (6) Committee members shall annually elect a chair of the committee from among their  
1093 membership. The chair shall report to the executive director.

1094 (7) The committee shall meet at least once during each calendar quarter. Meeting dates  
1095 shall be set by the chair upon 10 working days notice to the other members, or upon written  
1096 request by at least four committee members with at least 10 working days notice to other  
1097 committee members.

1098 (8) Eight committee members constitute a quorum for the transaction of business.  
1099 Action may not be taken except upon the affirmative vote of a majority of a quorum of the  
1100 committee.

1101 (9) A member may not receive compensation or benefits for the member's service, but  
1102 may receive per diem and travel expenses in accordance with:

1103 (a) Section [63A-3-106](#);

1104 (b) Section [63A-3-107](#); and

1105 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1106 [63A-3-107](#).

1107 (10) All meetings of the committee shall be open to the public, except that the  
1108 committee may hold a closed meeting if the requirements of Sections [52-4-204](#), [52-4-205](#), and  
1109 [52-4-206](#) are met.

1110 Section 24. Section **26-39-200** is amended to read:

1111 **26-39-200. Child Care Center Licensing Committee.**

1112 (1) (a) The Child Care Center Licensing Committee created in Section 26-1-7 shall be  
1113 comprised of seven members appointed by the governor and approved by the Senate in  
1114 accordance with this subsection.

1115 (b) The governor shall appoint three members who:

1116 (i) have at least five years of experience as an owner in or director of a for profit or  
1117 not-for-profit center based child care; and

1118 (ii) hold an active license as a child care center from the department to provide center  
1119 based child care.

1120 (c) (i) The governor shall appoint one member to represent each of the following:

1121 (A) a parent with a child in center based child care;

1122 (B) a child development expert from the state system of higher education;

1123 (C) except as provided in Subsection (1)(e), a pediatrician licensed in the state; and

1124 (D) an architect licensed in the state.

1125 (ii) Except as provided in Subsection (1)(c)(i)(B), a member appointed under  
1126 Subsection (1)(c)(i) may not be an employee of the state or a political subdivision of the state.

1127 (d) At least one member described in Subsection (1)(b) shall at the time of appointment  
1128 reside in a county that is not a county of the first class.

1129 (e) For the appointment described in Subsection (1)(c)(i)(C), the governor may appoint  
1130 a health care professional who specializes in pediatric health if:

1131 (i) the health care professional is licensed under:

1132 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse  
1133 practitioner; or

1134 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and

1135 (ii) before appointing a health care professional under this Subsection (1)(e), the  
1136 governor:

1137 (A) sends a notice to a professional physician organization in the state regarding the  
1138 opening for the appointment described in Subsection (1)(c)(i)(C); and

1139 (B) receives no applications from a pediatrician who is licensed in the state for the  
1140 appointment described in Subsection (1)(c)(i)(C) within 90 days after the day on which the  
1141 governor sends the notice described in Subsection (1)(e)(ii)(A).

1142 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the  
1143 governor shall appoint each new member or reappointed member to a four-year term ending  
1144 June 30.

1145 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1146 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1147 members are staggered so that approximately half of the licensing committee is appointed  
1148 every two years.

1149 (c) Upon the expiration of the term of a member of the licensing committee, the  
1150 member shall continue to hold office until a successor is appointed and qualified.

1151 (d) A member may not serve more than two consecutive terms.

1152 (e) Members of the licensing committee shall annually select one member to serve as  
1153 chair who shall establish the agenda for licensing committee meetings.

1154 (3) When a vacancy occurs in the membership for any reason, the governor, with the  
1155 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

1156 (4) (a) The licensing committee shall meet at least every two months.

1157 (b) The director may call additional meetings:

1158 (i) at the director's discretion;

1159 (ii) upon the request of the chair; or

1160 (iii) upon the written request of three or more members.

1161 (5) Three members of the licensing committee constitute a quorum for the transaction  
1162 of business.

1163 Section 25. Section **31A-2-102** is amended to read:

1164 **31A-2-102. Appointment, general powers, and duties of commissioner -- Vacancy**  
1165 **-- Compensation of commissioner.**

1166 (1) The chief officer of the department is the insurance commissioner, who may  
1167 exercise all powers given to, and shall perform all duties imposed on, the Insurance  
1168 Department. [~~He~~] The commissioner shall be appointed by the governor with the advice and  
1169 consent of the Senate. If the commissioner dies, resigns, or is removed, a successor may be  
1170 appointed as specified in this subsection. If the Legislature is not then in session, the successor  
1171 may serve as acting commissioner without advice and consent of the Senate until the Senate  
1172 has an opportunity to advise and consent to the successor. The commissioner is subject to

1173 removal at the pleasure of the governor.

1174 (2) When the office of the commissioner is vacant, or when the commissioner is unable  
1175 to perform the duties of the office, the governor shall fill the position as provided in Section  
1176 [67-1-1.5](#).

1177 (3) The governor shall establish the commissioner's salary within the salary range  
1178 approved by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1179 Section 26. Section **31A-2-403** is amended to read:

1180 **31A-2-403. Title and Escrow Commission created.**

1181 (1) (a) Subject to Subsection (1)(b), there is created within the department the Title and  
1182 Escrow Commission that is comprised of five members appointed by the governor with the  
1183 advice and consent of the Senate as follows:

1184 (i) except as provided in Subsection (1)(c), two members shall be employees of a title  
1185 insurer;

1186 (ii) two members shall:

1187 (A) be employees of a Utah agency title insurance producer;

1188 (B) be or have been licensed under the title insurance line of authority;

1189 (C) as of the day on which the member is appointed, be or have been licensed with the  
1190 title examination or escrow subline of authority for at least five years; and

1191 (D) as of the day on which the member is appointed, not be from the same county as  
1192 another member appointed under this Subsection (1)(a)(ii); and

1193 (iii) one member shall be a member of the general public from any county in the state.

1194 (b) No more than one commission member may be appointed from a single company  
1195 or an affiliate or subsidiary of the company.

1196 (c) If the governor is unable to identify more than one individual who is an employee  
1197 of a title insurer and willing to serve as a member of the commission, the commission shall  
1198 include the following members in lieu of the members described in Subsection (1)(a)(i):

1199 (i) one member who is an employee of a title insurer; and

1200 (ii) one member who is an employee of a Utah agency title insurance producer.

1201 (2) (a) Subject to Subsection (2)(c), a commission member shall file with the  
1202 commissioner a disclosure of any position of employment or ownership interest that the  
1203 commission member has with respect to a person that is subject to the jurisdiction of the

1204 commissioner.

1205 (b) The disclosure statement required by this Subsection (2) shall be:

1206 (i) filed by no later than the day on which the person begins that person's appointment;

1207 and

1208 (ii) amended when a significant change occurs in any matter required to be disclosed  
1209 under this Subsection (2).

1210 (c) A commission member is not required to disclose an ownership interest that the  
1211 commission member has if the ownership interest is in a publicly traded company or held as  
1212 part of a mutual fund, trust, or similar investment.

1213 (3) (a) Except as required by Subsection (3)(b), as terms of current commission  
1214 members expire, the governor shall appoint each new commission member to a four-year term  
1215 ending on June 30.

1216 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
1217 time of appointment, adjust the length of terms to ensure that the terms of the commission  
1218 members are staggered so that approximately half of the members appointed under Subsection  
1219 (1)(a)(i) and half of the members appointed under Subsection (1)(a)(ii) are appointed every two  
1220 years.

1221 (c) A commission member may not serve more than one consecutive term.

1222 (d) When a vacancy occurs in the membership for any reason, the governor, with the  
1223 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

1224 (e) Notwithstanding the other provisions of this Subsection (3), a commission member  
1225 serves until a successor is appointed by the governor with the advice and consent of the Senate.

1226 (4) A commission member may not receive compensation or benefits for the  
1227 commission member's service, but may receive per diem and travel expenses in accordance  
1228 with:

1229 (a) Section [63A-3-106](#);

1230 (b) Section [63A-3-107](#); and

1231 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1232 [63A-3-107](#).

1233 (5) Members of the commission shall annually select one commission member to serve  
1234 as chair.

1235 (6) (a) (i) Except as provided in Subsection (6)(b), the commission shall meet at least  
1236 monthly.

1237 (ii) (A) The commissioner shall, with the concurrence of the chair of the commission,  
1238 designate at least one monthly meeting per quarter as an in-person meeting.

1239 (B) Notwithstanding Section [52-4-207](#), a commission member shall physically attend a  
1240 meeting designated as an in-person meeting under Subsection (6)(a)(ii)(A) and may not attend  
1241 through electronic means. A commission member may attend any other commission meeting,  
1242 subcommittee meeting, or emergency meeting by electronic means in accordance with Section  
1243 [52-4-207](#).

1244 (b) (i) Except as provided in Subsection (6)(b)(ii), the commissioner may, with the  
1245 concurrence of the chair of the commission, cancel a monthly meeting of the commission if,  
1246 due to the number or nature of pending title insurance matters, the monthly meeting is not  
1247 necessary.

1248 (ii) The commissioner may not cancel a monthly meeting designated as an in-person  
1249 meeting under Subsection (6)(a)(ii)(A).

1250 (c) The commissioner may call additional meetings:

1251 (i) at the commissioner's discretion;

1252 (ii) upon the request of the chair of the commission; or

1253 (iii) upon the written request of three or more commission members.

1254 (d) (i) Three commission members constitute a quorum for the transaction of business.

1255 (ii) The action of a majority of the commission members when a quorum is present is  
1256 the action of the commission.

1257 (7) The commissioner shall staff the commission.

1258 Section 27. Section **32B-2-201** is amended to read:

1259 **32B-2-201. Alcoholic Beverage Control Commission created.**

1260 (1) There is created the "Alcoholic Beverage Control Commission." The commission is  
1261 the governing board over the department.

1262 (2) (a) The commission is composed of seven part-time commissioners appointed by  
1263 the governor with the advice and consent of the Senate.

1264 (b) No more than four commissioners may be of the same political party.

1265 (3) (a) Except as required by Subsection (3)(b), as terms of commissioners expire, the

1266 governor shall appoint each new commissioner or reappointed commissioner to a four-year  
1267 term.

1268 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
1269 time of appointment or reappointment, adjust the length of terms to ensure that the terms of no  
1270 more than three commissioners expire in a fiscal year.

1271 (4) (a) When a vacancy occurs on the commission for any reason, the governor shall  
1272 appoint a replacement for the unexpired term with the advice and consent of the Senate.

1273 (b) Unless removed in accordance with Subsection (6), a commissioner shall remain on  
1274 the commission after the expiration of a term until a successor is appointed by the governor,  
1275 with the advice and consent of the Senate.

1276 (5) A commissioner shall take the oath of office.

1277 (6) (a) The governor may remove a commissioner from the commission for cause,  
1278 neglect of duty, inefficiency, or malfeasance after a public hearing conducted by:

1279 (i) the governor; or

1280 (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.

1281 (b) At least 10 days before the hearing described in Subsection (6)(a), the governor  
1282 shall provide the commissioner notice of:

1283 (i) the date, time, and place of the hearing; and

1284 (ii) the alleged grounds for the removal.

1285 (c) The commissioner shall have an opportunity to:

1286 (i) attend the hearing;

1287 (ii) present witnesses and other evidence; and

1288 (iii) confront and cross examine witnesses.

1289 (d) After a hearing under this Subsection (6):

1290 (i) the person conducting the hearing shall prepare written findings of fact and  
1291 conclusions of law; and

1292 (ii) the governor shall serve a copy of the prepared findings and conclusions upon the  
1293 commissioner.

1294 (e) If a hearing under this Subsection (6) is held before a hearing examiner, the hearing  
1295 examiner shall issue a written recommendation to the governor in addition to complying with  
1296 Subsection (6)(d).

1297 (f) A commissioner has five days from the day on which the commissioner receives the  
1298 findings and conclusions described in Subsection (6)(d) to file written objections to the  
1299 recommendation before the governor issues a final order.

1300 (g) The governor shall:

1301 (i) issue the final order under this Subsection (6) in writing; and

1302 (ii) serve the final order upon the commissioner.

1303 (7) A commissioner may not receive compensation or benefits for the commissioner's  
1304 service, but may receive per diem and travel expenses in accordance with:

1305 (a) Section 63A-3-106;

1306 (b) Section 63A-3-107; and

1307 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1308 63A-3-107.

1309 (8) (a) The governor shall annually appoint the chair of the commission. A  
1310 commissioner serves as chair to the commission at the pleasure of the governor. If removed as  
1311 chair, the commissioner continues to serve as a commissioner unless removed as a  
1312 commissioner under Subsection (6).

1313 (b) The commission shall elect:

1314 (i) another commissioner to serve as vice chair; and

1315 (ii) other commission officers as the commission considers advisable.

1316 (c) A commissioner elected under Subsection (8)(b) shall serve in the office to which  
1317 the commissioner is elected at the pleasure of the commission.

1318 (9) (a) Each commissioner has equal voting rights on a commission matter when in  
1319 attendance at a commission meeting.

1320 (b) Four commissioners is a quorum for conducting commission business.

1321 (c) A majority vote of the quorum present at a meeting is required for the commission  
1322 to act.

1323 (10) (a) The commission shall meet at least monthly, but may hold other meetings at  
1324 times and places as scheduled by:

1325 (i) the commission;

1326 (ii) the chair; or

1327 (iii) three commissioners upon filing a written request for a meeting with the chair.

1328 (b) Notice of the time and place of a commission meeting shall be given to each  
1329 commissioner, and to the public in compliance with Title 52, Chapter 4, Open and Public  
1330 Meetings Act. A commission meeting is open to the public, except for a commission meeting  
1331 or portion of a commission meeting that is closed by the commission as authorized by Sections  
1332 52-4-204 and 52-4-205.

1333 Section 28. Section 32B-2-205 is amended to read:

1334 **32B-2-205. Director of alcoholic beverage control.**

1335 (1) (a) In accordance with Subsection (1)(b), the governor, with the advice and consent  
1336 of the Senate, shall appoint a director of alcoholic beverage control to a four-year term. The  
1337 director may be appointed to more than one four-year term. The director is the administrative  
1338 head of the department.

1339 (b) (i) The governor shall appoint the director from nominations made by the  
1340 commission.

1341 (ii) The commission shall submit the nomination of three individuals to the governor  
1342 for appointment of the director.

1343 (iii) By no later than 30 calendar days from the day on which the governor receives the  
1344 three nominations submitted by the commission, the governor may:

1345 (A) appoint the director; or

1346 (B) reject the three nominations.

1347 (iv) If the governor rejects the nominations or fails to take action within the 30-day  
1348 period, the commission shall nominate three different individuals from which the governor may  
1349 appoint the director or reject the nominations until such time as the governor appoints the  
1350 director.

1351 (v) The governor may reappoint the director without seeking nominations from the  
1352 commission. Reappointment of a director is subject to the advice and consent of the Senate.

1353 (c) If there is a vacancy in the position of director, during the nomination process  
1354 described in Subsection (1)(b), the governor may appoint an interim director for a period of up  
1355 to 30 calendar days. If a director is not appointed within the 30-day period, the interim director  
1356 may continue to serve beyond the 30-day period subject to the advice and consent of the Senate  
1357 at the next scheduled time for the Senate giving consent to appointments of the governor.

1358 Except that if the Senate does not act on the consent to the appointment of the interim director

1359 within 60 days of the end of the initial 30-day period, the interim director may continue as the  
1360 interim director.

1361 (d) The director may be terminated by:

1362 (i) the commission by a vote of four commissioners; or

1363 (ii) the governor after consultation with the commission.

1364 (e) The director may not be a commissioner.

1365 (f) The director shall:

1366 (i) be qualified in administration;

1367 (ii) be knowledgeable by experience and training in the field of business management;

1368 and

1369 (iii) possess any other qualification prescribed by the commission.

1370 (2) The governor shall establish the director's compensation within the salary range

1371 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1372 (3) The director shall:

1373 (a) carry out the policies of the commission;

1374 (b) carry out the policies of the department;

1375 (c) fully inform the commission of the operations and administrative activities of the  
1376 department; and

1377 (d) assist the commission in the proper discharge of the commission's duties.

1378 Section 29. Section **34-20-3** is amended to read:

1379 **34-20-3. Labor relations board.**

1380 (1) (a) There is created the Labor Relations Board consisting of the following:

1381 (i) the commissioner of the Labor Commission;

1382 (ii) two members appointed by the governor with the advice and consent of the Senate  
1383 consisting of:

1384 (A) a representative of employers, in the appointment of whom the governor shall  
1385 consider nominations from employer organizations; and

1386 (B) a representative of employees, in the appointment of whom the governor shall  
1387 consider nominations from employee organizations.

1388 (b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed  
1389 under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed

1390 member to a four-year term.

1391 (ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the  
1392 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1393 members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every  
1394 two years.

1395 (c) The commissioner shall serve as chair of the board.

1396 (d) A vacancy occurring on the board for any cause of the members appointed under  
1397 Subsection (1)(a)(ii) shall be filled by the governor with the advice and consent of the Senate  
1398 pursuant to this section for the unexpired term of the vacating member.

1399 (e) The governor may at any time remove a member appointed under Subsection  
1400 (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for  
1401 cause upon a hearing.

1402 (f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any  
1403 other office in the government of the United States, this state or any other state, or of any  
1404 county government or municipal corporation within a state.

1405 (g) A member appointed under Subsection (1)(a)(ii) may not receive compensation or  
1406 benefits for the member's service, but may receive per diem and travel expenses in accordance  
1407 with:

1408 (i) Section [63A-3-106](#);

1409 (ii) Section [63A-3-107](#); and

1410 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1411 [63A-3-107](#).

1412 (2) A meeting of the board may be called:

1413 (a) by the chair; or

1414 (b) jointly by the members appointed under Subsection (1)(a)(ii).

1415 (3) The chair may provide staff and administrative support as necessary from the Labor  
1416 Commission.

1417 (4) A vacancy in the board does not impair the right of the remaining members to  
1418 exercise all the powers of the board, and two members of the board shall at all times constitute  
1419 a quorum.

1420 (5) The board shall have an official seal which shall be judicially noticed.

1421 Section 30. Section **34A-1-201** is amended to read:

1422 **34A-1-201. Commissioner -- Appointment -- Removal -- Compensation --**  
1423 **Qualifications -- Responsibilities -- Reports.**

1424 (1) (a) The chief administrative officer of the commission is the commissioner, who  
1425 shall be appointed by the governor with the advice and consent of the Senate.

1426 (b) The commissioner shall serve at the pleasure of the governor.

1427 (c) The commissioner shall receive a salary established by the governor within the  
1428 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1429 (d) The commissioner shall be experienced in administration, management, and  
1430 coordination of complex organizations.

1431 (2) (a) The commissioner shall serve full-time.

1432 (b) (i) Except as provided in Subsection (2)(b)(ii), the commissioner may not:

1433 (A) hold any other office of this state, another state, or the federal government except  
1434 in an ex officio capacity; or

1435 (B) serve on any committee of any political party.

1436 (ii) Notwithstanding Subsection (2)(b)(i), the commissioner may:

1437 (A) hold a nominal position or title if it is required by law as a condition for the state  
1438 participating in an appropriation or allotment of any money, property, or service that may be  
1439 made or allotted for the commission; or

1440 (B) serve as the chief administrative officer of any division, office, or bureau that is  
1441 established within the commission.

1442 (iii) If the commissioner holds a position as permitted under Subsection (2)(b)(ii), the  
1443 commissioner may not be paid any additional compensation for holding the position.

1444 (3) Before beginning the duties as a commissioner, an appointed commissioner shall  
1445 take and subscribe the constitutional oath of office and file the oath with the Division of  
1446 Archives.

1447 (4) The commissioner shall:

1448 (a) administer and supervise the commission in compliance with Title 67, Chapter 19,  
1449 Utah State Personnel Management Act;

1450 (b) approve the proposed budget of each division and the Appeals Board;

1451 (c) approve all applications for federal grants or assistance in support of any

1452 commission program; and

1453 (d) fulfill such other duties as assigned by the Legislature or as assigned by the  
1454 governor that are not inconsistent with this title or Title 34, Labor in General.

1455 (5) (a) The commissioner shall report annually to the Legislature and the governor  
1456 concerning the operations of the commission and the programs that the commission  
1457 administers.

1458 (b) If federal law requires that a report to the governor or Legislature be given  
1459 concerning the commission or a program administered by the commission, the commissioner or  
1460 the commissioner's designee shall make that report.

1461 Section 31. Section **34A-1-205** is amended to read:

1462 **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --**  
1463 **Qualifications.**

1464 (1) There is created the Appeals Board within the commission consisting of three  
1465 members. The board may call and preside at adjudicative proceedings to review an order or  
1466 decision that is subject to review by the Appeals Board under this title.

1467 (2) (a) The governor shall appoint the members with the advice and consent of the  
1468 Senate and in accordance with this section.

1469 (b) One member of the board shall be appointed to represent employers, in making this  
1470 appointment, the governor shall consider nominations from employer organizations.

1471 (c) One member of the board shall be appointed to represent employees, in making this  
1472 appointment, the governor shall consider nominations from employee organizations.

1473 (d) No more than two members may belong to the same political party.

1474 (e) The governor shall, at the time of appointment or reappointment, make  
1475 appointments to the board so that at least two of the members of the board are members of the  
1476 Utah State Bar in good standing or resigned from the Utah State Bar in good standing.

1477 (3) (a) The term of a member shall be six years beginning on March 1 of the year the  
1478 member is appointed, except that the governor shall, at the time of appointment or  
1479 reappointment, adjust the length of terms to ensure that the terms of members are staggered so  
1480 that one member is appointed every two years.

1481 (b) The governor may remove a member only for inefficiency, neglect of duty,  
1482 malfeasance or misfeasance in office, or other good and sufficient cause.

1483 (c) A member shall hold office until a successor is appointed and has qualified.

1484 (4) A member shall be part-time and receive compensation as provided by Title 67,  
1485 Chapter 19, Utah State Personnel Management Act.

1486 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive  
1487 and administrative head of the board.

1488 (b) The governor shall appoint and may remove at will the chair from the position of  
1489 chair.

1490 (6) A majority of the board shall constitute a quorum to transact business.

1491 (7) (a) The commission shall provide the Appeals Board necessary staff support,  
1492 except as provided in Subsection (7)(b).

1493 (b) At the request of the Appeals Board, the attorney general shall act as an impartial  
1494 aid to the Appeals Board in outlining the facts and the issues.

1495 Section 32. Section **35A-1-201** is amended to read:

1496 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**  
1497 **Qualifications -- Responsibilities -- Deputy directors.**

1498 (1) (a) The chief administrative officer of the department is the executive director, who  
1499 is appointed by the governor with the advice and consent of the Senate.

1500 (b) The executive director serves at the pleasure of the governor.

1501 (c) The executive director shall receive a salary established by the governor within the  
1502 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1503 (d) The executive director shall be experienced in administration, management, and  
1504 coordination of complex organizations.

1505 (2) The executive director shall:

1506 (a) administer and supervise the department in compliance with Title 67, Chapter 19,  
1507 Utah State Personnel Management Act;

1508 (b) supervise and coordinate between the economic service areas and directors created  
1509 under Chapter 2, Economic Service Areas;

1510 (c) coordinate policies and program activities conducted through the divisions and  
1511 economic service areas of the department;

1512 (d) approve the proposed budget of each division, the Workforce Appeals Board, and  
1513 each economic service area within the department;

- 1514 (e) approve all applications for federal grants or assistance in support of any  
1515 department program;
- 1516 (f) coordinate with the executive directors of the Governor's Office of Economic  
1517 Development and the Governor's Office of Management and Budget to review data and metrics  
1518 to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and
- 1519 (g) fulfill such other duties as assigned by the Legislature or as assigned by the  
1520 governor that are not inconsistent with this title.

1521 (3) The executive director may appoint deputy or assistant directors to assist the  
1522 executive director in carrying out the department's responsibilities.

1523 (4) The executive director shall at least annually provide for the sharing of information  
1524 between the advisory councils established under this title.

1525 Section 33. Section 35A-8-304 is amended to read:

1526 **35A-8-304. Permanent Community Impact Fund Board created -- Members --**  
1527 **Terms -- Chair -- Expenses.**

1528 (1) There is created within the department the Permanent Community Impact Fund  
1529 Board composed of 11 members as follows:

- 1530 (a) the chair of the Board of Water Resources or the chair's designee;
- 1531 (b) the chair of the Water Quality Board or the chair's designee;
- 1532 (c) the director of the department or the director's designee;
- 1533 (d) the state treasurer;
- 1534 (e) the chair of the Transportation Commission or the chair's designee;
- 1535 (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
- 1536 (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or  
1537 Wayne County;
- 1538 (h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;
- 1539 (i) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane  
1540 County; and
- 1541 (j) a locally elected official from each of the two counties that produced the most  
1542 mineral lease money during the previous four-year period, prior to the term of appointment, as  
1543 determined by the department.

1544 (2) (a) The members specified under Subsections (1)(f) through (j) may not reside in

1545 the same county and shall be:

1546 (i) nominated by the Board of Directors of the Southeastern Association of Local  
1547 Governments, the Six County Association of Governments, the Uintah Basin Association of  
1548 Governments, and the Five County Association of Governments, respectively, except that a  
1549 member under Subsection (1)(j) shall be nominated by the Board of Directors of the  
1550 Association of Governments from the region of the state in which the county is located; and

1551 (ii) appointed by the governor with the advice and consent of the Senate.

1552 (b) Except as required by Subsection (2)(c), as terms of current board members expire,  
1553 the governor shall appoint each new member or reappointed member to a four-year term.

1554 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the  
1555 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1556 board members are staggered so that approximately half of the board is appointed every two  
1557 years.

1558 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1559 appointed for the unexpired term.

1560 (3) The terms of office for the members of the impact board specified under  
1561 Subsections (1)(a) through (1)(e) shall run concurrently with the terms of office for the  
1562 councils, boards, committees, commission, departments, or offices from which the members  
1563 come.

1564 (4) The executive director of the department, or the executive director's designee, is the  
1565 chair of the impact board.

1566 (5) A member may not receive compensation or benefits for the member's service, but  
1567 may receive per diem and travel expenses in accordance with:

1568 (a) Section [63A-3-106](#);

1569 (b) Section [63A-3-107](#); and

1570 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1571 [63A-3-107](#).

1572 Section 34. Section **35A-8-2103** is amended to read:

1573 **35A-8-2103. Private Activity Bond Review Board.**

1574 (1) There is created within the department the Private Activity Bond Review Board,  
1575 composed of the following 11 members:

1576 (a) (i) the executive director of the department or the executive director's designee;  
1577 (ii) the executive director of the Governor's Office of Economic Development or the  
1578 executive director's designee;

1579 (iii) the state treasurer or the state treasurer's designee;

1580 (iv) the chair of the Board of Regents or the chair's designee; and

1581 (v) the chair of the Utah Housing Corporation or the chair's designee; and

1582 (b) six local government members who are:

1583 (i) three elected or appointed county officials, nominated by the Utah Association of  
1584 Counties and appointed by the governor with the advice and consent of the Senate; and

1585 (ii) three elected or appointed municipal officials, nominated by the Utah League of  
1586 Cities and Towns and appointed by the governor with the advice and consent of the Senate.

1587 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local  
1588 government members of the board of review shall be four-year terms.

1589 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1590 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1591 board of review members are staggered so that approximately half of the board of review is  
1592 appointed every two years.

1593 (c) Members may be reappointed only once.

1594 (3) (a) If a local government member ceases to be an elected or appointed official of  
1595 the city or county the member is appointed to represent, that membership on the board of  
1596 review terminates immediately and there shall be a vacancy in the membership.

1597 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
1598 appointed within 30 days in the manner of the regular appointment for the unexpired term.

1599 (4) (a) The chair of the board of review is the executive director of the department or  
1600 the executive director's designee.

1601 (b) The chair is nonvoting except in the case of a tie vote.

1602 (5) Six members of the board of review constitute a quorum.

1603 (6) Formal action by the board of review requires a majority vote of a quorum.

1604 (7) A member may not receive compensation or benefits for the member's service, but  
1605 may receive per diem and travel expenses in accordance with:

1606 (a) Section [63A-3-106](#);

1607 (b) Section 63A-3-107; and  
1608 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.  
1609 (8) The chair of the board of review serves as the state official designated under state  
1610 law to make certifications required to be made under Section 146 of the code including the  
1611 certification required by Section 149(e)(2)(F) of the code.

1612 Section 35. Section 40-6-4 is amended to read:

1613 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**  
1614 **members -- Terms -- Chair -- Quorum -- Expenses.**

1615 (1) (a) There is created within the Department of Natural Resources the Board of Oil,  
1616 Gas, and Mining.

1617 (b) The board shall be the policy making body for the Division of Oil, Gas, and  
1618 Mining.

1619 (2) (a) The board shall consist of seven members appointed by the governor with the  
1620 advice and consent of the Senate.

1621 (b) No more than four members shall be from the same political party.

1622 (c) In accordance with the requirements of Section 79-2-203, the members appointed  
1623 under Subsection (2)(a) shall include the following:

- 1624 (i) two members who are knowledgeable in mining matters;
- 1625 (ii) two members who are knowledgeable in oil and gas matters;
- 1626 (iii) one member who is knowledgeable in ecological and environmental matters;

1627 (iv) one member who:

1628 (A) is a private land owner;

1629 (B) owns a mineral or royalty interest; and

1630 (C) is knowledgeable in mineral or royalty interests; and

1631 (v) one member who is knowledgeable in geological matters.

1632 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
1633 expire, the governor shall appoint each new member or reappointed member to a four-year  
1634 term.

1635 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
1636 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1637 board members are staggered so that approximately half of the board is appointed every two

1638 years.

1639 (c) A member shall hold office until the expiration of the member's term and until the  
1640 member's successor is appointed, but not more than 90 days after the expiration of the  
1641 member's term.

1642 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
1643 be appointed for the unexpired term by the governor with the advice and consent of the Senate.

1644 (b) The person appointed shall have the same qualifications as the person's  
1645 predecessor.

1646 (5) (a) The board shall appoint its chair from the membership.

1647 (b) Four members of the board shall constitute a quorum for the transaction of business  
1648 and the holding of hearings.

1649 (6) A member may not receive compensation or benefits for the member's service, but  
1650 may receive per diem and travel expenses in accordance with:

1651 (a) Section 63A-3-106;

1652 (b) Section 63A-3-107; and

1653 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1654 63A-3-107.

1655 Section 36. Section 49-11-202 is amended to read:

1656 **49-11-202. Establishment of Utah State Retirement Board -- Quorum -- Terms --**  
1657 **Officers -- Expenses and per diem.**

1658 (1) There is established the Utah State Retirement Board composed of seven board  
1659 members determined as follows:

1660 (a) Four board members, with experience in investments or banking, shall be appointed  
1661 by the governor from the general public.

1662 (b) One board member shall be a school employee appointed by the governor from at  
1663 least three nominations submitted by the governing board of the school employees' association  
1664 that is representative of a majority of the school employees who are members of a system  
1665 administered by the board.

1666 (c) One board member shall be a public employee appointed by the governor from at  
1667 least three nominations submitted by the governing board of the public employee association  
1668 that is representative of a majority of the public employees who are members of a system

1669 administered by the board.

1670 (d) One board member shall be the state treasurer.

1671 (2) Four board members constitute a quorum for the transaction of business.

1672 (3) (a) All appointments to the board shall be made on a nonpartisan basis, with the  
1673 advice and consent of the Senate.

1674 (b) Board members shall serve until their successors are appointed and take the  
1675 constitutional oath of office.

1676 (c) When a vacancy occurs on the board for any reason, the replacement shall be  
1677 appointed for the unexpired term.

1678 (4) (a) Except as required by Subsection (4)(b), all appointed board members shall  
1679 serve for four-year terms.

1680 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1681 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1682 board members are staggered so that:

1683 (i) approximately half of the board is appointed every two years; and

1684 (ii) no more than two of the board members appointed under Subsection (1)(a) are  
1685 appointed every two years.

1686 (c) A board member who is appointed as a school employee or as a public employee  
1687 who retires or who is no longer employed with a participating employer shall immediately  
1688 resign from the board.

1689 (5) (a) Each year the board shall elect a president and vice president from its  
1690 membership.

1691 (b) A board member may not receive compensation or benefits for the board member's  
1692 service, but may receive per diem and travel expenses in accordance with:

1693 (i) Section [63A-3-106](#);

1694 (ii) Section [63A-3-107](#); and

1695 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1696 [63A-3-107](#).

1697 Section 37. Section **51-7-16** is amended to read:

1698 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**  
1699 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**

1700 **of interests -- Per diem and expenses.**

1701 (1) (a) There is created a State Money Management Council composed of five  
1702 members appointed by the governor after consultation with the state treasurer and with the  
1703 advice and consent of the Senate.

1704 (b) The members of the council shall be qualified by training and experience in the  
1705 field of investment or finance as follows:

1706 (i) at least one member, but not more than two members, shall be experienced in the  
1707 banking business;

1708 (ii) at least one member, but not more than two members, shall be an elected treasurer;

1709 (iii) at least one member, but not more than two members, shall be an appointed public  
1710 treasurer; and

1711 (iv) two members, but not more than two members, shall be experienced in the field of  
1712 investment.

1713 (c) No more than three members of the council may be from the same political party.

1714 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed  
1715 for terms of four years.

1716 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1717 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1718 council members are staggered so that approximately half of the council is appointed every two  
1719 years.

1720 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
1721 appointed for the unexpired term.

1722 (d) All members shall serve until their successors are appointed and qualified.

1723 (3) (a) The council members shall elect a chair and vice chair.

1724 (b) The state treasurer shall serve as executive secretary of the council without vote.

1725 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by  
1726 the council and at other times at the call of the chair, the state treasurer, or any two members of  
1727 the council.

1728 (b) Three members are a quorum for the transaction of business.

1729 (c) Actions of the council require a vote of a majority of those present.

1730 (d) All meetings of the council and records of its proceedings are open for inspection

1731 by the public at the state treasurer's office during regular business hours except for:

1732 (i) reports of the commissioner of financial institutions concerning the identity,  
1733 liquidity, or financial condition of qualified depositories and the amount of public funds each is  
1734 eligible to hold; and

1735 (ii) reports of the director concerning the identity, liquidity, or financial condition of  
1736 certified dealers.

1737 (5) (a) Each member of the council shall file a sworn or written statement with the  
1738 lieutenant governor that discloses any position or employment or ownership interest that [~~he~~  
1739 the member] has in any financial institution or investment organization.

1740 (b) Each member shall file the statement required by this Subsection (5) when [~~he~~] the  
1741 member becomes a member of the council and when substantial changes in [~~his~~] the member's  
1742 position, employment, or ownership interests occur.

1743 (6) A member may not receive compensation or benefits for the member's service, but  
1744 may receive per diem and travel expenses in accordance with:

1745 (a) Section 63A-3-106;

1746 (b) Section 63A-3-107; and

1747 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1748 63A-3-107.

1749 Section 38. Section 51-10-206 is amended to read:

1750 **51-10-206. Diné Advisory Committee.**

1751 (1) There is created the Diné Advisory Committee.

1752 (2) (a) The governor, with the advice and consent of the Senate, shall appoint nine  
1753 members to the Diné Advisory Committee.

1754 (b) In making an appointment under Subsection (2)(a), the governor shall ensure that  
1755 the Diné Advisory Committee includes:

1756 (i) two registered members of the Aneth Chapter of the Navajo Nation who reside in  
1757 San Juan County, Utah;

1758 (ii) one registered member of the Blue Mountain Diné who resides in San Juan County,  
1759 Utah;

1760 (iii) one registered member of the Mexican Water Chapter of the Navajo Nation who  
1761 resides in San Juan County, Utah;

1762 (iv) one registered member of the Naatsis'áán Chapter of the Navajo Nation who  
1763 resides in San Juan County, Utah;

1764 (v) subject to Subsection (4), two members who reside in San Juan County, Utah, one  
1765 of whom is a registered member of the Oljato Chapter of the Navajo Nation, and one of whom  
1766 is a registered member of either the Oljato Chapter or the Dennehotso Chapter of the Navajo  
1767 Nation;

1768 (vi) one registered member of the Red Mesa Chapter of the Navajo Nation who resides  
1769 in San Juan County, Utah; and

1770 (vii) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who  
1771 resides in San Juan County, Utah.

1772 (3) (a) (i) Each chapter of the Utah Navajo Chapter, except the Aneth, Oljato, and  
1773 Dennehotso chapters, shall submit to the governor the names of two nominees to the Diné  
1774 Advisory Committee chosen by the chapter.

1775 (ii) The governor shall appoint one of the two persons whose names are submitted  
1776 under Subsection (3)(a)(i) as that chapter's representative on the Diné Advisory Committee.

1777 (b) (i) The Blue Mountain Diné shall submit to the governor the names of two  
1778 nominees to the Diné Advisory Committee.

1779 (ii) The governor shall appoint one of the two persons whose names are submitted  
1780 under Subsection (3)(b)(i) as the Blue Mountain Diné representative on the Diné Advisory  
1781 Committee.

1782 (c) (i) The Aneth Chapter shall submit to the governor the names of two nominees for  
1783 each of the two positions to the Diné Advisory Committee representing the Aneth chapter.

1784 (ii) The governor shall appoint two of the persons whose names are submitted under  
1785 Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné Advisory Committee.

1786 (d) (i) Subject to Subsection (3)(d)(ii), the Oljato Chapter shall submit to the governor  
1787 the names of two nominees for each of the two positions to the Diné Advisory Committee  
1788 representing the Oljato Chapter and the Dennehotso Chapter.

1789 (ii) The Dennehotso Chapter may submit one nominee for purposes of the governor  
1790 appointing a representative of the Oljato Chapter and the Dennehotso Chapter.

1791 (iii) The governor shall appoint two of the persons whose names are submitted under  
1792 Subsection (3)(d)(i) or (ii) to be the representatives on the Diné Advisory Committee of the

1793 Oljato Chapter and the Dennehotso Chapter.

1794 (e) Before submitting a name to the governor, a Utah Navajo Chapter and the Blue  
1795 Mountain Diné shall ensure that the individual's whose name is submitted:

1796 (i) is an enrolled member of the Navajo Nation;

1797 (ii) resides in San Juan County, Utah;

1798 (iii) is 21 years of age or older;

1799 (iv) is not an officer of the chapter;

1800 (v) has not been convicted of a felony; and

1801 (vi) is not currently, or within the last 12 months has not been, an officer, director,  
1802 employee, or contractor of a service provider that solicits, accepts, or receives a benefit from an  
1803 expenditure of:

1804 (A) the Division of Indian Affairs; or

1805 (B) the fund.

1806 (4) If both members appointed under Subsection (2)(b)(v) are registered members of  
1807 the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.

1808 (5) (a) Except as provided in Subsection (5)(b) and other than the amount authorized  
1809 by this section for Diné Advisory Committee member expenses, a person appointed to the Diné  
1810 Advisory Committee may not solicit, accept, or receive any benefit from an expenditure of:

1811 (i) the Division of Indian Affairs;

1812 (ii) the fund; or

1813 (iii) the Division of Indian Affairs or fund as an officer, director, employee, or  
1814 contractor of a service provider that solicits, accepts, or receives a benefit from the expenditure  
1815 of:

1816 (A) the Division of Indian Affairs; or

1817 (B) the fund.

1818 (b) A member of the Diné Advisory Committee may receive a benefit from an  
1819 expenditure of the fund if:

1820 (i) when the benefit is discussed by the Diné Advisory Committee:

1821 (A) the member discloses that the member may receive the benefit;

1822 (B) the member physically leaves the room in which the Diné Advisory Committee is  
1823 discussing the benefit; and

- 1824 (C) the Diné Advisory Committee approves the member receiving the benefit by a  
1825 unanimous vote of the members present at the meeting discussing the benefit;
- 1826 (ii) a Utah Navajo Chapter requests that the benefit be received by the member;
- 1827 (iii) the member is in compliance with the ethics and conflict of interest policy required  
1828 under Subsection 51-10-204(2)(c);
- 1829 (iv) (A) the expenditure from the fund is made in accordance with this chapter; and  
1830 (B) the benefit is no greater than the benefit available to members of the Navajo Nation  
1831 residing in San Juan County, Utah; and
- 1832 (v) the member is not receiving the benefit as an officer, director, employee, or  
1833 contractor of a service provider.
- 1834 (6) (a) (i) Except as required in Subsection (6)(a)(ii), as terms of current committee  
1835 members expire, the governor shall appoint each new member or reappointed member to a  
1836 four-year term.
- 1837 (ii) The governor shall, at the time of appointment or reappointment, adjust the length  
1838 of terms to ensure that the terms of committee members are staggered so that approximately  
1839 half of the Diné Advisory Committee is appointed every two years.
- 1840 (iii) The terms of the Aneth Chapter's representatives appointed under Subsection  
1841 (3)(c)(ii) shall be staggered in accordance with this Subsection (6) so that only one position is  
1842 appointed by the governor in a year.
- 1843 (iv) The terms of the Oljato Chapter's and the Dennehotso Chapter's representatives  
1844 appointed under Subsection (3)(d) shall be staggered in accordance with this Subsection (6) so  
1845 that only one position is appointed by the governor in a year.
- 1846 (b) Except as provided in Subsection (6)(c), a committee member shall serve until the  
1847 committee member's successor is appointed and qualified.
- 1848 (c) If a committee member is absent from three consecutive committee meetings, or if  
1849 the committee member violates the ethical or conflict of interest policies established by statute  
1850 or the Diné Advisory Committee:
- 1851 (i) the committee member's appointment is terminated;
- 1852 (ii) the position is vacant; and
- 1853 (iii) the governor shall appoint a replacement.
- 1854 (d) When a vacancy occurs in the membership for any reason, the governor shall

1855 appoint a replacement for the unexpired term according to the procedures of this section.

1856 (e) The governor may appoint an individual to more than one term on the Diné  
1857 Advisory Committee.

1858 (7) (a) The committee members shall select a chair and vice chair from committee  
1859 membership each two years subsequent to the appointment of new committee members.

1860 (b) Five members of the Diné Advisory Committee is a quorum for the transaction of  
1861 business.

1862 (c) The Diné Advisory Committee shall:

1863 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;

1864 (ii) ensure that its meetings are held at or near:

1865 (A) a chapter house or meeting hall of a Utah Navajo Chapter; or

1866 (B) other places in Utah that the Diné Advisory Committee considers practical and  
1867 appropriate; and

1868 (iii) ensure that its meetings are public hearings at which a resident of San Juan  
1869 County, Utah, may appear and speak.

1870 (8) A committee member may not receive compensation or benefits for the committee  
1871 member's service, but may receive per diem and travel expenses in accordance with policy  
1872 adopted by the board.

1873 (9) The trust administrator shall staff the Diné Advisory Committee.

1874 (10) The Diné Advisory Committee shall advise the trust administrator about the  
1875 expenditure of fund money.

1876 Section 39. Section **53-1-107** is amended to read:

1877 **53-1-107. Commissioner of public safety -- Appointment -- Qualifications --**  
1878 **Salary.**

1879 (1) The chief executive officer of the department is the commissioner.

1880 (2) (a) Every fourth year after the year 1989, the governor shall appoint a commissioner  
1881 with the advice and consent of the Senate.

1882 (b) The commissioner shall serve for a period of four years from July 1 of the year of  
1883 [his] the commissioner's appointment.

1884 (3) The commissioner shall:

1885 (a) be an individual of recognized executive and administrative capacity;

1886 (b) be selected solely with regard to [~~his~~] the commissioner's qualifications and fitness  
1887 to discharge the duties of the commissioner's office;

1888 (c) be of high moral character;

1889 (d) be of good standing in the community in which [~~he~~] the commissioner lives; and

1890 (e) have been a resident of this state for a period of at least five years immediately prior  
1891 to [~~his~~] appointment.

1892 (4) The commissioner shall devote full time to the duties of the office.

1893 (5) The governor shall establish the commissioner's salary within the salary range fixed  
1894 by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1895 Section 40. Section **53-2a-1103** is amended to read:

1896 **53-2a-1103. Search and Rescue Advisory Board -- Members -- Compensation.**

1897 (1) There is created the Search and Rescue Advisory Board consisting of seven  
1898 members appointed as follows:

1899 (a) two representatives designated by the Utah Sheriff's Association, who are members  
1900 of a voluntary search and rescue unit operating in the state, one of whom is from a county  
1901 having a population of 75,000 or more; and one from a county having a population of less than  
1902 75,000;

1903 (b) three sheriffs designated by the Utah Sheriff's Association, at least one of whom  
1904 shall be from a county having a population of 75,000 or more, and at least one of whom shall  
1905 be from a county having a population of less than 75,000;

1906 (c) one representative of the Division of Emergency Management designated by the  
1907 director; and

1908 (d) one private citizen appointed by the governor with the advice and consent of the  
1909 Senate.

1910 (2) (a) The term of each member of the board is four years.

1911 (b) A member may be reappointed to successive terms.

1912 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
1913 appointed for the unexpired term.

1914 (d) In order to stagger the terms of membership, the members appointed or reappointed  
1915 to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two  
1916 years, and all subsequent terms shall be four years.

1917 (3) A member may not receive compensation or benefits for the member's service, but  
1918 may receive per diem and travel expenses in accordance with:

1919 (a) Section 63A-3-106;

1920 (b) Section 63A-3-107; and

1921 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1922 63A-3-107.

1923 Section 41. Section 53B-1-104 is amended to read:

1924 **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**

1925 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

1926 (1) Except as provided in Subsection (2), the board consists of 17 residents of the state  
1927 appointed by the governor with the advice and consent of the Senate, as follows:

1928 (a) eight at-large members;

1929 (b) eight members, each of whom is:

1930 (i) selected from three nominees presented to the governor by a higher education

1931 institution board of trustees; and

1932 (ii) a current or former member of the institution of higher education board of trustees

1933 that nominates the member; and

1934 (c) one member, selected from three nominees presented to the governor by the student

1935 body presidents of the institutions of higher education, who:

1936 (i) is a fully matriculated student enrolled in an institution of higher education; and

1937 (ii) is not serving as a student body president at the time of the nomination.

1938 (2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on

1939 the board, even if the individual does not fulfill a requirement for the composition of the board

1940 described in Subsection (1).

1941 (ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the

1942 member's term expires.

1943 (b) An individual appointed to the board on or before May 8, 2017, who is a current or

1944 former member of an institution of higher education board of trustees is the board member for

1945 the institution of higher education described in Subsection (1)(b).

1946 (c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the

1947 governor shall ensure that newly appointed members move the board toward the composition

- 1948 described in Subsection (1).
- 1949           (ii) In appointing a new member to the board, the governor shall first appoint a member  
1950 described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.
- 1951           (3) (a) All appointments to the board shall be made on a nonpartisan basis.
- 1952           (b) In making appointments to the board, the governor shall consider:
- 1953           (i) geographic representation of members;
- 1954           (ii) diversity;
- 1955           (iii) experience in higher education governance;
- 1956           (iv) experience in economic development; and
- 1957           (v) exposure to institutions of higher education.
- 1958           (c) An individual may not serve simultaneously on the State Board of Regents and an  
1959 institution of higher education board of trustees.
- 1960           (4) (a) Except as provided in Subsection (4)(b), members of the board shall be  
1961 appointed to six-year staggered terms, which begin on July 1 of the year of appointment.
- 1962           (b) A student member described in Subsection (1)(c) shall be appointed to a one-year  
1963 term.
- 1964           (c) (i) The governor may remove a member of the board for cause.
- 1965           (ii) The governor shall consult with the president of the Senate before removing a  
1966 member of the board.
- 1967           (5) (a) A member of the board shall take the official oath of office before entering upon  
1968 the duties of office.
- 1969           (b) The oath shall be filed with the Division of Archives and Records Services.
- 1970           (6) The board shall elect a chair and vice chair from among the board's members who  
1971 shall serve terms of two years and until their successors are chosen and qualified.
- 1972           (7) (a) The board shall appoint a secretary from the staff of the board's chief executive  
1973 to serve at the board's discretion.
- 1974           (b) The secretary is a full-time employee who receives a salary set by the board.
- 1975           (c) The secretary shall record and maintain a record of all board meetings and perform  
1976 other duties as the board directs.
- 1977           (8) (a) The board may establish advisory committees.
- 1978           (b) The powers and authority of the board are nondelegable, except as specifically

1979 provided for in this title.

1980 (c) All matters requiring board determination shall be addressed in a properly convened  
1981 meeting of the board or the board's executive committee.

1982 (9) The board shall enact bylaws for the board's own government not inconsistent with  
1983 the constitution or the laws of this state.

1984 (10) (a) The board shall meet regularly upon the board's own determination.

1985 (b) The board may also meet, in full or executive session, at the request of the chair,  
1986 the executive officer, or five members of the board.

1987 (11) A quorum of the voting members of the board is required to conduct the board's  
1988 business and consists of nine members.

1989 (12) (a) A vacancy in the board occurring before the expiration of a voting member's  
1990 full term shall be immediately filled by appointment by the governor with the advice and  
1991 consent of the Senate.

1992 (b) An individual appointed under Subsection (12)(a) serves for the remainder of the  
1993 unexpired term.

1994 (13) A board member may not receive compensation or benefits for the member's  
1995 service, but may receive per diem and travel expenses in accordance with:

1996 (a) Section 63A-3-106;

1997 (b) Section 63A-3-107; and

1998 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1999 63A-3-107.

2000 Section 42. Section 53B-1-105 is amended to read:

2001 **53B-1-105. Appointment of commissioner of higher education -- Qualifications --**  
2002 **Duties.**

2003 (1) (a) The board, upon approval from the governor and with the advice and consent of  
2004 the Senate for each appointee nominated on or after May 8, 2012, shall appoint a commissioner  
2005 of higher education to serve at its pleasure as its chief executive officer.

2006 (b) The commissioner may be terminated by:

2007 (i) the board; or

2008 (ii) the governor, after consultation with the board.

2009 (c) The board shall:

- 2010 (i) set the salary of the commissioner;
- 2011 (ii) prescribe the duties and functions of the commissioner; and
- 2012 (iii) select a commissioner on the basis of outstanding professional qualifications.

2013 (2) The commissioner is responsible to the board to:

2014 (a) ensure that the policies and programs of the board are properly executed;

2015 (b) furnish information about the state system of higher education and make  
2016 recommendations regarding that information to the board;

2017 (c) provide state-level leadership in any activity affecting an institution in the state  
2018 system of higher education; and

2019 (d) perform other duties assigned by the board in carrying out its duties and  
2020 responsibilities.

2021 Section 43. Section **53B-2-104** is amended to read:

2022 **53B-2-104. Institution of higher education board of trustees -- Membership --**  
2023 **Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees --**  
2024 **Compensation.**

2025 (1) (a) Except as provided in Subsection (10), the board of trustees of an institution of  
2026 higher education consists of the following:

2027 (i) except as provided in Subsection (1)(c), eight individuals appointed by the governor  
2028 with the advice and consent of the Senate; and

2029 (ii) two ex officio members who are the president of the institution's alumni  
2030 association, and the president of the associated students of the institution.

2031 (b) The appointed members of the boards of trustees for Utah Valley University and  
2032 Salt Lake Community College shall be representative of the interests of business, industry, and  
2033 labor.

2034 (c) (i) The board of trustees of Utah State University has nine individuals appointed by  
2035 the governor with the advice and consent of the Senate.

2036 (ii) One of the nine individuals described in Subsection (1)(c)(i) shall reside in the  
2037 Utah State University Eastern service region or the Utah State University Blanding service  
2038 region.

2039 (2) (a) The governor shall appoint four members of each board of trustees during each  
2040 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

2041 (b) Except as provided in Subsection (2)(d), a member appointed under Subsection  
2042 (1)(a)(i) or (1)(c)(i) holds office until a successor is appointed and qualified.

2043 (c) The ex officio members serve for the same period as they serve as presidents and  
2044 until their successors have qualified.

2045 (d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) or  
2046 (1)(c)(i) for cause.

2047 (ii) The governor shall consult with the president of the Senate before removing a  
2048 member appointed under Subsection (1)(a)(i) or (1)(c)(i).

2049 (3) When a vacancy occurs in the membership of a board of trustees for any reason, the  
2050 replacement shall be appointed for the unexpired term.

2051 (4) (a) Each member of a board of trustees shall take the official oath of office prior to  
2052 assuming the office.

2053 (b) The oath shall be filed with the Division of Archives and Records Services.

2054 (5) A board of trustees shall elect a chair and vice chair, who serve for two years and  
2055 until their successors are elected and qualified.

2056 (6) (a) A board of trustees may enact bylaws for the board of trustees' own government,  
2057 including provisions for regular meetings.

2058 (b) (i) A board of trustees may provide for an executive committee in the board of  
2059 trustees' bylaws.

2060 (ii) If established, an executive committee shall have full authority of the board of  
2061 trustees to act upon routine matters during the interim between board of trustees meetings.

2062 (iii) An executive committee may act on nonroutine matters only under extraordinary  
2063 and emergency circumstances.

2064 (iv) An executive committee shall report the executive committee's activities to the  
2065 board of trustees at the board of trustees' next regular meeting following the action.

2066 (c) Copies of a board of trustees' bylaws shall be filed with the board.

2067 (7) A quorum is required to conduct business and consists of six members.

2068 (8) A board of trustees may establish advisory committees.

2069 (9) A member may not receive compensation or benefits for the member's service, but  
2070 may receive per diem and travel expenses in accordance with:

2071 (a) Section [63A-3-106](#);

2072 (b) Section 63A-3-107; and  
2073 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2074 63A-3-107.

2075 (10) This section does not apply to a technical college board of directors described in  
2076 Section 53B-2a-108.

2077 Section 44. Section 53B-2a-103 is amended to read:

2078 **53B-2a-103. UTech Board of Trustees -- Membership -- Terms -- Vacancies --**  
2079 **Oath -- Officers -- Quorum -- Committees -- Compensation.**

2080 (1) There is created the UTech Board of Trustees.

2081 (2) (a) Beginning on July 1, 2019, the board of trustees is composed of 15 members  
2082 appointed by the governor with the advice and consent of the Senate, as follows:

2083 (i) one member selected from at least two nominees presented to the governor by the  
2084 board of directors of each technical college, for a total of eight members; and

2085 (ii) one member who is employed in and represents each of the following sectors:

2086 (A) information technology;

2087 (B) manufacturing;

2088 (C) life sciences;

2089 (D) health care;

2090 (E) transportation;

2091 (F) union craft, trade, or apprenticeship; and

2092 (G) non-union craft, trade, or apprenticeship.

2093 (b) The seven members described in Subsection (2)(a)(ii) shall be selected from the  
2094 state at large, subject to the following conditions:

2095 (i) at least four members shall reside in a geographic area served by a technical college;

2096 and

2097 (ii) no more than two members may reside in a single geographic area served by a  
2098 technical college.

2099 (c) The governor shall make appointments to the board of trustees on a nonpartisan  
2100 basis.

2101 (d) An individual may not serve on the board of trustees and a technical college board  
2102 of directors simultaneously.

2103 (3) (a) (i) Except as provided under Subsection (3)(a)(ii), a member shall be appointed  
2104 commencing on July 1 of each odd-numbered year to a four-year term.

2105 (ii) The governor shall ensure that member terms are staggered so that approximately  
2106 one-half of the members' terms expire in any odd-numbered year.

2107 (b) A member may not hold office for more than two consecutive full terms.

2108 (c) (i) The governor may remove a member of the board of trustees for cause.

2109 (ii) The governor shall consult with the president of the Senate before removing a  
2110 member of the board of trustees.

2111 (4) When a vacancy occurs on the board of trustees for any reason, the governor shall  
2112 appoint a replacement for the unexpired term.

2113 (5) (a) Each member shall take the official oath of office prior to assuming the office.

2114 (b) The oath shall be filed with the Division of Archives and Records Services.

2115 (6) (a) The board of trustees shall elect a chair and vice chair, who serve for two years  
2116 and until their successors are elected and qualified.

2117 (b) A member may not serve more than two consecutive terms as the chair or vice  
2118 chair.

2119 (7) (a) The board of trustees shall enact bylaws for the board of trustees' own  
2120 government, including provisions for regular meetings.

2121 (b) (i) The board of trustees shall provide for an executive committee in the board of  
2122 trustees' bylaws.

2123 (ii) The executive committee shall have full authority of the board of trustees to act  
2124 upon routine matters during the interim between board of trustees meetings.

2125 (iii) The executive committee may act on nonroutine matters only under extraordinary  
2126 and emergency circumstances.

2127 (iv) The executive committee shall report the executive committee's activities to the  
2128 board of trustees at the board of trustees' next regular meeting following the executive  
2129 committee's activities.

2130 (8) A quorum shall be required to conduct business which shall consist of a majority of  
2131 board of trustee members.

2132 (9) The board of trustees may establish advisory committees.

2133 (10) A member may not receive compensation or benefits for the member's service, but

2134 may receive per diem and travel expenses in accordance with:

2135 (a) Section 63A-3-106;

2136 (b) Section 63A-3-107; and

2137 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2138 63A-3-107.

2139 Section 45. Section 53B-2a-108 is amended to read:

2140 **53B-2a-108. Technical college boards of directors -- Membership --**

2141 **Appointments.**

2142 (1) As used in this section:

2143 (a) "Higher education institution" means the same as that term is defined in Section

2144 53B-2a-112.

2145 (b) "Technical college service area" means the geographic area served by each

2146 technical college as described in Section 53B-2a-105.

2147 (2) A technical college board of directors consists of:

2148 (a) one member of the local school board for each school district in the technical  
2149 college service area, appointed by the local school board to which the member belongs;

2150 (b) except as provided in Subsection (3)(b), one individual who is a member of the  
2151 higher education institution board of trustees, appointed by the higher education institution  
2152 board of trustees; and

2153 (c) a number of individuals, appointed by the governor with the advice and consent of  
2154 the Senate, that is:

2155 (i) seven for:

2156 (A) Tooele Technical College;

2157 (B) Uintah Basin Technical College; and

2158 (C) Dixie Technical College;

2159 (ii) eight for:

2160 (A) Bridgerland Technical College;

2161 (B) Ogden-Weber Technical College;

2162 (C) Davis Technical College; and

2163 (D) Southwest Technical College; or

2164 (iii) nine for Mountainland Technical College.

2165 (3) (a) In appointing the members described in Subsection (2)(c), the governor shall  
2166 appoint individuals who represent the interests of business, industry, or labor in the technical  
2167 college service area.

2168 (b) If no member of the institution of higher education board of trustees lives within  
2169 the technical college service area, the institution of higher education board of trustees may  
2170 nominate an individual to be appointed by the governor with the advice and consent of the  
2171 Senate instead of appointing a member described in Subsection (2)(b).

2172 (4) (a) The governor may remove a member appointed under Subsection (2)(c) or  
2173 (3)(b) for cause.

2174 (b) The governor shall consult with the president of the Senate before removing a  
2175 member appointed under Subsection (2)(c) or (3)(b).

2176 (5) (a) Notwithstanding Subsection (2) or 53B-2a-109(2), an individual appointed to a  
2177 technical college board of directors on or before May 7, 2018, may continue to serve on the  
2178 technical college board of directors until the end of the individual's current term, even if the  
2179 total number of members on the technical college board of directors exceeds the number of  
2180 members for the technical college board of directors described in Subsection (2).

2181 (b) Notwithstanding Subsection (2), the governor may only make an appointment  
2182 described in Subsection (2)(c) if the number of members on the technical college board of  
2183 directors following the appointment will be less than or equal to the number of members for the  
2184 technical college board of directors described in Subsection (2).

2185 Section 46. Section 53C-1-202 is amended to read:

2186 **53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --**  
2187 **Terms -- Replacement -- Chair -- Quorum.**

2188 (1) There is established the School and Institutional Trust Lands Board of Trustees.

2189 (2) The board shall consist of seven members appointed on a nonpartisan basis by the  
2190 governor with the advice and consent of the Senate.

2191 (3) (a) Except for the appointment made pursuant to Subsection (5), all appointments  
2192 to the board shall be for a nonconsecutive term of six years, or until a replacement has been  
2193 appointed and confirmed pursuant to this section.

2194 (b) If a vacancy occurs, the governor shall appoint a replacement, following the  
2195 procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.

2196 (c) Any member of the board who has served less than six years upon the expiration of  
2197 that member's term is eligible for a consecutive reappointment.

2198 (4) (a) The governor shall select six of the seven appointees to the board from a  
2199 nomination list of at least two candidates for each position or vacancy submitted pursuant to  
2200 Section 53C-1-203.

2201 (b) The governor may request an additional nomination list of at least two candidates  
2202 from the nominating committee if the initial list of candidates for a given position is  
2203 unacceptable.

2204 (c) (i) If the governor fails to select an appointee within 60 days after receipt of the  
2205 initial list or within 60 days after the receipt of an additional list, the nominating committee  
2206 shall make an interim appointment by majority vote.

2207 (ii) The interim appointee shall serve until the matter is resolved by the committee and  
2208 the governor or until replaced pursuant to this chapter.

2209 (5) (a) The governor may appoint one member without requiring a nomination list.

2210 (b) The member appointed under Subsection (5)(a) serves at the pleasure of the  
2211 governor.

2212 (6) (a) Each board candidate shall possess outstanding professional qualifications  
2213 pertinent to the purposes and activities of the trust.

2214 (b) The board shall represent the following areas of expertise:

2215 (i) nonrenewable resource management or development;

2216 (ii) renewable resource management or development; and

2217 (iii) real estate.

2218 (c) Other qualifications which are pertinent for membership to the board are expertise  
2219 in any of the following areas:

2220 (i) business;

2221 (ii) investment banking;

2222 (iii) finance;

2223 (iv) trust administration;

2224 (v) asset management; and

2225 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)  
2226 through (v).

- 2227 (7) The board of trustees shall select a chair and vice chair from its membership.
- 2228 (8) Before assuming a position on the board, each member shall take an oath of office.
- 2229 (9) Four members of the board constitute a quorum for the transaction of business.
- 2230 (10) The governor or five board members may, for cause, remove a member of the

2231 board.

2232 Section 47. Section **53E-3-921** is amended to read:

2233 **53E-3-921. Appointment of compact commissioner.**

2234 The governor, with the advice and consent of the Senate, shall appoint a compact  
2235 commissioner to carry out the duties described in this part.

2236 Section 48. Section **53G-5-201** is amended to read:

2237 **53G-5-201. State Charter School Board created.**

2238 (1) As used in this section, "organization that represents Utah's charter schools" means  
2239 an organization, except a governmental entity, that advocates for charter schools, charter school  
2240 parents, or charter school students.

2241 (2) (a) The State Charter School Board is created consisting of the following members  
2242 appointed by the governor with the advice and consent of the Senate:

2243 (i) one member who has expertise in finance or small business management;

2244 (ii) three members who:

2245 (A) are nominated by an organization that represents Utah's charter schools; and

2246 (B) have expertise or experience in developing or administering a charter school;

2247 (iii) two members who are nominated by the state board; and

2248 (iv) one member who:

2249 (A) has expertise in personalized learning, including digital teaching and learning or  
2250 deliberate practice; and

2251 (B) supports innovation in education.

2252 (b) Each appointee shall have demonstrated dedication to the purposes of charter  
2253 schools as outlined in Section [53G-5-104](#).

2254 (c) At least two candidates shall be nominated for each appointment made under  
2255 Subsection (2)(a)(ii) or (iii).

2256 (d) The governor may seek nominations for a prospective appointment under  
2257 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.

2258 (3) (a) State Charter School Board members shall serve four-year terms.  
2259 (b) If a vacancy occurs, the governor shall, with the advice and consent of the Senate,  
2260 appoint a replacement for the unexpired term.

2261 (4) The governor may remove a member at any time for official misconduct, habitual  
2262 or willful neglect of duty, or for other good and sufficient cause.

2263 (5) (a) The State Charter School Board shall annually elect a chair from its  
2264 membership.

2265 (b) Four members of the State Charter School Board shall constitute a quorum.

2266 (c) Meetings may be called by the chair or upon request of three members of the State  
2267 Charter School Board.

2268 (6) A member may not receive compensation or benefits for the member's service, but  
2269 may receive per diem and travel expenses in accordance with:

2270 (a) Section 63A-3-106;

2271 (b) Section 63A-3-107; and

2272 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2273 63A-3-107.

2274 Section 49. Section 54-1-1.5 is amended to read:

2275 **54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman --**  
2276 **Quorum -- Removal -- Vacancies -- Compensation.**

2277 The commission shall be composed of three members appointed by the governor with  
2278 the advice and consent of the Senate. The terms of the members shall be staggered so that one  
2279 commissioner is appointed for a term of six years on March 1 of each odd-numbered year. Not  
2280 more than two members of the commission shall belong to the same political party. One  
2281 member of the commission shall be designated by the governor as chairman of the commission.  
2282 Any two commissioners constitute a quorum. Any member of the commission may be  
2283 removed for cause by the governor. Vacancies in the commission shall be filled for unexpired  
2284 terms by appointment of the governor. Commissioners shall receive compensation as  
2285 established by the governor within the salary range fixed by the Legislature in Title 67, Chapter  
2286 22, State Officer Compensation, and all actual and necessary expenses incurred in attending to  
2287 official business. Each commissioner at the time of appointment and qualification shall be a  
2288 resident citizen of the United States and of the state of Utah and shall be not less than 30 years

2289 of age. Except as provided by law, no commissioner may hold any other office either under the  
2290 government of the United States or of this state or of any municipal corporation within this  
2291 state.

2292 Section 50. Section **54-10a-201** is amended to read:

2293 **54-10a-201. Office of Consumer Services -- Director.**

2294 (1) There is created within the Department of Commerce the "Office of Consumer  
2295 Services."

2296 (2) (a) The governor shall appoint, with the concurrence of the Committee of  
2297 Consumer Services and the advice and consent of the Senate, a qualified person in the field of  
2298 public utilities to be the director of the office.

2299 (b) The director shall serve for a term of six years.

2300 (c) For purposes of the individual who is the director on May 12, 2009, that  
2301 individual's six-year term is considered to begin on July 1, 2009.

2302 (d) The governor may remove the director for cause.

2303 (3) In accordance with this chapter, the director shall on behalf of the office:

2304 (a) represent residential consumers and small commercial consumers of an applicable  
2305 public utility; and

2306 (b) represent the interests of:

2307 (i) residential consumers; and

2308 (ii) small commercial consumers.

2309 Section 51. Section **59-1-201** is amended to read:

2310 **59-1-201. Composition of commission -- Terms -- Removal from office --**  
2311 **Appointment.**

2312 (1) The commission shall be composed of four members appointed by the governor  
2313 with the advice and consent of the Senate.

2314 (2) Subject to Subsection (3), the term of office of each commissioner shall be for four  
2315 years and expire on June 30 of the year the term ends.

2316 (3) The governor shall stagger a term described in Subsection (2) so that the term of  
2317 one commissioner expires each year.

2318 (4) A commissioner shall hold office until a successor is appointed and qualified.

2319 (5) (a) The governor may remove a commissioner from office for neglect of duty,

2320 inefficiency, or malfeasance, after notice and a hearing.

2321 (b) If the governor removes a commissioner from office and appoints another person to  
2322 replace the commissioner, the person the governor appoints to replace the commissioner:

2323 (i) shall serve for the remainder of the unexpired term; and

2324 (ii) may be reappointed as the governor determines.

2325 (6) (a) Before appointing a commissioner, the governor shall request a list of names of  
2326 potential appointees from:

2327 (i) the Utah State Bar;

2328 (ii) one or more organizations that represent certified public accountants who are  
2329 licensed to practice in the state;

2330 (iii) one or more organizations that represent persons who assess or appraise property  
2331 in the state; and

2332 (iv) one or more national organizations that:

2333 (A) offer a professional certification in the areas of property tax, sales and use tax, and  
2334 state income tax;

2335 (B) require experience, education, and testing to obtain the certification; and

2336 (C) require additional education to maintain the certification.

2337 (b) In appointing a commissioner, the governor shall consider:

2338 (i) to the extent names of potential appointees are submitted, the names of potential  
2339 appointees submitted in accordance with Subsection (6)(a); and

2340 (ii) any other potential appointee of the governor's own choosing.

2341 Section 52. Section **59-1-206** is amended to read:

2342 **59-1-206. Appointment of staff -- Executive director -- Compensation --**

2343 **Administrative secretary -- Internal audit unit -- Appeals office staff -- Division directors**

2344 **-- Criminal tax investigators.**

2345 (1) The commission shall appoint the following persons who are qualified,  
2346 knowledgeable, and experienced in matters relating to their respective positions, exempt under  
2347 Title 67, Chapter 19, Utah State Personnel Management Act, to serve at the pleasure of, and  
2348 who are directly accountable to, the commission:

2349 (a) in consultation with the governor and with the advice and consent of the Senate, an  
2350 executive director;

2351 (b) an administrative secretary;

2352 (c) an internal audit unit; and

2353 (d) an appeals staff.

2354 (2) The governor shall establish the executive director's salary within the salary range  
2355 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

2356 (3) Division directors shall be appointed by the executive director subject to the  
2357 approval of the commission. The division directors are exempt employees under Title 67,  
2358 Chapter 19, Utah State Personnel Management Act.

2359 (4) (a) The executive director may with the approval of the commission employ  
2360 additional staff necessary to perform the duties and responsibilities of the commission. These  
2361 employees are subject to Title 67, Chapter 19, Utah State Personnel Management Act.

2362 (b) (i) The executive director may under Subsection (4)(a) employ criminal tax  
2363 investigators to help the commission carry out its duties and responsibilities regarding criminal  
2364 provisions of the state tax laws. The executive director may not employ more than eight  
2365 criminal tax investigators at one time.

2366 (ii) The executive director may designate investigators hired under this Subsection  
2367 (4)(b) as special function officers, as defined in Section [53-13-105](#), to enforce the criminal  
2368 provisions of the state tax laws.

2369 (iii) Notwithstanding Section [49-15-201](#), any special function officer designated under  
2370 this Subsection (4)(b) may not become or be designated as a member of the Public Safety  
2371 Retirement Systems.

2372 (5) The internal audit unit shall provide the following:

2373 (a) an examination to determine the honesty and integrity of fiscal affairs, the accuracy  
2374 and reliability of financial statements and reports, and the adequacy and effectiveness of  
2375 financial controls to properly record and safeguard the acquisition, custody, and use of public  
2376 funds;

2377 (b) an examination to determine whether commission administrators have faithfully  
2378 adhered to commission policies and legislative intent;

2379 (c) an examination to determine whether the operations of the divisions and other units  
2380 of the commission have been conducted in an efficient and effective manner;

2381 (d) an examination to determine whether the programs administered by the divisions

2382 and other units of the commission have been effective in accomplishing intended objectives;  
2383 and

2384 (e) an examination to determine whether management control and information systems  
2385 are adequate and effective in assuring that commission programs are administered faithfully,  
2386 efficiently, and effectively.

2387 (6) The appeals office shall receive and hear appeals to the commission and shall  
2388 conduct the hearings in compliance with formal written rules approved by the commission.  
2389 The commission has final review authority over the appeals.

2390 Section 53. Section **61-1-18.5** is amended to read:

2391 **61-1-18.5. Securities Commission -- Transition.**

2392 (1) (a) There is created a Securities Commission.

2393 (b) The division shall provide staffing to the commission.

2394 (2) (a) The commission shall:

2395 (i) formulate and make recommendations to the director regarding policy and  
2396 budgetary matters;

2397 (ii) submit recommendations regarding registration requirements;

2398 (iii) formulate and make recommendations to the director regarding the establishment  
2399 of reasonable fees;

2400 (iv) act in an advisory capacity to the director with respect to the exercise of the  
2401 director's duties, powers, and responsibilities;

2402 (v) conduct an administrative hearing under this chapter that is not:

2403 (A) delegated by the commission to an administrative law judge or the division relating  
2404 to a violation of this chapter; or

2405 (B) expressly delegated to the division under this chapter;

2406 (vi) except as provided in Subsection (2)(b), and consistent with Section **61-1-20**,  
2407 impose a sanction as provided in this chapter;

2408 (vii) review rules made by the division for purposes of concurrence in accordance with  
2409 Section **61-1-24**; and

2410 (viii) perform other duties as this chapter provides.

2411 (b) (i) The commission may delegate to the division the authority to impose a sanction  
2412 under this chapter.

2413 (ii) If under Subsection (2)(b)(i) the commission delegates to the division the authority  
2414 to impose a sanction, a person who is subject to the sanction may petition the commission for  
2415 review of the sanction.

2416 (iii) A person who is sanctioned by the division in accordance with this Subsection  
2417 (2)(b) may seek agency review by the executive director only after the commission reviews the  
2418 division's action.

2419 (3) (a) The governor shall appoint five members to the commission with the advice and  
2420 consent of the Senate as follows:

2421 (i) two members from the securities brokerage community:

2422 (A) who are not from the same broker-dealer or affiliate; and

2423 (B) who have at least five years prior experience in securities matters;

2424 (ii) one member from the securities section of the Utah State Bar:

2425 (A) whose practice primarily involves:

2426 (I) corporate securities; or

2427 (II) representation of plaintiffs in securities cases;

2428 (B) who does not routinely represent clients involved in:

2429 (I) civil or administrative litigation with the division; or

2430 (II) criminal cases brought under this chapter; and

2431 (C) who has at least five years prior experience in securities matters;

2432 (iii) one member who is an officer or director of a business entity not subject to the  
2433 reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934; and

2434 (iv) one member from the public at large who has no active participation in the  
2435 securities business.

2436 (b) A member may not serve more than two consecutive terms.

2437 (4) (a) Except as required by Subsection (4)(b) and subject to Subsection (4)(c), as  
2438 terms of current members expire, the governor shall appoint a new member or reappointed  
2439 member to a four-year term.

2440 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment  
2441 or reappointment, adjust the length of terms to ensure that the terms of commission members  
2442 are staggered so that approximately half of the commission is appointed every two years.

2443 (c) For purposes of making an appointment to the commission, the governor:

- 2444 (i) shall as of May 12, 2009:
- 2445 (A) appoint all five members of the commission; and
- 2446 (B) stagger the terms of the five members of the commission to comply with
- 2447 Subsection (4)(b); and
- 2448 (ii) may not consider the commission an extension of the previous Securities Advisory
- 2449 Board.
- 2450 (d) When a vacancy occurs in the membership for any reason, the governor shall
- 2451 appoint a replacement member for the unexpired term.
- 2452 (e) A member shall serve until the member's respective successor is appointed and
- 2453 qualified.
- 2454 (f) The commission shall annually select one member to serve as chair of the
- 2455 commission.
- 2456 (5) (a) The commission shall meet:
- 2457 (i) at least quarterly on a regular date to be fixed by the commission; and
- 2458 (ii) at such other times at the call of:
- 2459 (A) the director; or
- 2460 (B) any two members of the commission.
- 2461 (b) A majority of the commission shall constitute a quorum for the transaction of
- 2462 business.
- 2463 (c) An action of the commission requires a vote of a majority of members present.
- 2464 (6) A member of the commission shall, by sworn and written statement filed with the
- 2465 Department of Commerce and the lieutenant governor, disclose any position of employment or
- 2466 ownership interest that the member has with respect to an entity or business subject to the
- 2467 jurisdiction of the division or commission. This statement shall be filed upon appointment and
- 2468 must be appropriately amended whenever significant changes occur in matters covered by the
- 2469 statement.
- 2470 (7) A member may not receive compensation or benefits for the member's service, but
- 2471 may receive per diem and travel expenses in accordance with:
- 2472 (a) Section [63A-3-106](#);
- 2473 (b) Section [63A-3-107](#); and
- 2474 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

2475 63A-3-107.

2476 (8) (a) A rule or form made by the division under this section that is in effect on May  
2477 11, 2009, is considered to have been concurred with by the commission as of May 12, 2009,  
2478 until the commission acts on the rule or form.

2479 (b) For a civil or administrative action pending under this chapter as of May 12, 2009,  
2480 brought under the authority of division under this chapter as in effect May 11, 2009, that may  
2481 be brought only by the commission under this chapter as in effect on May 12, 2009:

2482 (i) the action shall be considered brought by the commission; and

2483 (ii) the commission may take any act authorized under this chapter regarding that  
2484 action.

2485 Section 54. Section **61-2f-103** is amended to read:

2486 **61-2f-103. Real Estate Commission.**

2487 (1) There is created within the division a Real Estate Commission. The commission  
2488 shall:

2489 (a) subject to concurrence by the division and in accordance with Title 63G, Chapter 3,  
2490 Utah Administrative Rulemaking Act, make rules for the administration of this chapter that are  
2491 not inconsistent with this chapter, including:

2492 (i) licensing of:

2493 (A) a principal broker;

2494 (B) an associate broker; and

2495 (C) a sales agent;

2496 (ii) registration of:

2497 (A) an entity; and

2498 (B) a branch office;

2499 (iii) prelicensing and postlicensing education curricula;

2500 (iv) examination procedures;

2501 (v) the certification and conduct of:

2502 (A) a real estate school;

2503 (B) a course provider; or

2504 (C) an instructor;

2505 (vi) proper handling of money received by a licensee under this chapter;

- 2506 (vii) brokerage office procedures and recordkeeping requirements;  
2507 (viii) property management;  
2508 (ix) standards of conduct for a licensee under this chapter; and  
2509 (x) if the commission, with the concurrence of the division, determines necessary, a  
2510 rule as provided in Subsection 61-2f-306(3) regarding a legal form;
- 2511 (b) establish, with the concurrence of the division, a fee provided for in this chapter,  
2512 except a fee imposed under Part 5, Real Estate Education, Research, and Recovery Fund Act;
- 2513 (c) conduct an administrative hearing not delegated by the commission to an  
2514 administrative law judge or the division relating to the:
- 2515 (i) licensing of an applicant;  
2516 (ii) conduct of a licensee;  
2517 (iii) the certification or conduct of a real estate school, course provider, or instructor  
2518 regulated under this chapter; or
- 2519 (iv) violation of this chapter by any person;
- 2520 (d) with the concurrence of the director, impose a sanction as provided in Section  
2521 61-2f-404;
- 2522 (e) advise the director on the administration and enforcement of a matter affecting the  
2523 division and the real estate sales and property management industries;
- 2524 (f) advise the director on matters affecting the division budget;  
2525 (g) advise and assist the director in conducting real estate seminars; and  
2526 (h) perform other duties as provided by this chapter.
- 2527 (2) (a) Except as provided in Subsection (2)(b), a state entity may not, without the  
2528 concurrence of the commission, make a rule that changes the rights, duties, or obligations of  
2529 buyers, sellers, or persons licensed under this chapter in relation to a real estate transaction  
2530 between private parties.
- 2531 (b) Subsection (2)(a) does not apply to a rule made:
- 2532 (i) under Title 31A, Insurance Code, or Title 7, Financial Institutions Act; or  
2533 (ii) by the Department of Commerce or any division or other rulemaking body within  
2534 the Department of Commerce.
- 2535 (3) (a) The commission shall be comprised of five members appointed by the governor  
2536 and approved by the Senate.

- 2537 (b) Four of the commission members shall:
- 2538 (i) have at least five years' experience in the real estate business; and
- 2539 (ii) hold an active principal broker, associate broker, or sales agent license.
- 2540 (c) One commission member shall be a member of the general public.
- 2541 (d) The governor may not appoint a commission member described in Subsection
- 2542 (3)(b) who, at the time of appointment, resides in the same county in the state as another
- 2543 commission member.
- 2544 (e) At least one commission member described in Subsection (3)(b) shall at the time of
- 2545 an appointment reside in a county that is not a county of the first or second class.
- 2546 (4) (a) Except as required by Subsection (4)(b), as terms of current commission
- 2547 members expire, the governor shall appoint each new member or reappointed member to a
- 2548 four-year term ending June 30.
- 2549 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 2550 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 2551 commission members are staggered so that approximately half of the commission is appointed
- 2552 every two years.
- 2553 (c) Upon the expiration of the term of a member of the commission, the member of the
- 2554 commission shall continue to hold office until a successor is appointed and qualified.
- 2555 (d) A commission member may not serve more than two consecutive terms.
- 2556 (e) Members of the commission shall annually select one member to serve as chair.
- 2557 (5) When a vacancy occurs in the membership for any reason, the governor, with the
- 2558 advice and consent of the Senate, shall appoint a replacement for the unexpired term.
- 2559 (6) A member may not receive compensation or benefits for the member's service, but
- 2560 may receive per diem and travel expenses in accordance with:
- 2561 (a) Section [63A-3-106](#);
- 2562 (b) Section [63A-3-107](#); and
- 2563 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 2564 [63A-3-107](#).
- 2565 (7) (a) The commission shall meet at least monthly.
- 2566 (b) The director may call additional meetings:
- 2567 (i) at the director's discretion;

2568 (ii) upon the request of the chair; or  
2569 (iii) upon the written request of three or more commission members.  
2570 (8) Three members of the commission constitute a quorum for the transaction of  
2571 business.

2572 Section 55. Section **61-2g-204** is amended to read:

2573 **61-2g-204. Real Estate Appraiser Licensing and Certification Board.**

2574 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board  
2575 that consists of five regular members as follows:

2576 (i) one state-licensed or state-certified appraiser who may be either a residential or  
2577 general licensee or certificate holder;

2578 (ii) one state-certified residential appraiser;

2579 (iii) one state-certified general appraiser;

2580 (iv) one member who is certified as either a state-certified residential appraiser or a  
2581 state-certified general appraiser; and

2582 (v) one member of the general public.

2583 (b) A state-licensed or state-certified appraiser may be appointed as an alternate  
2584 member of the board.

2585 (c) The governor shall appoint all members of the board with the advice and consent of  
2586 the Senate.

2587 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
2588 expire, the governor shall appoint each new member or reappointed member to a four-year  
2589 term beginning on July 1.

2590 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
2591 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2592 board members are staggered so that approximately half of the board is appointed every two  
2593 years.

2594 (c) Upon the expiration of a member's term, a member of the board shall continue to  
2595 hold office until the appointment and qualification of the member's successor.

2596 (d) A person may not serve as a member of the board for more than two consecutive  
2597 terms.

2598 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall

2599 be appointed for the unexpired term.

2600 (b) The governor may remove a member for cause.

2601 (4) The public member of the board may not be licensed or certified under this chapter.

2602 (5) The board shall meet at least quarterly to conduct its business. The division shall  
2603 give public notice of a board meeting.

2604 (6) The members of the board shall elect a chair annually from among the members to  
2605 preside at board meetings.

2606 (7) A member may not receive compensation or benefits for the member's service, but  
2607 may receive per diem and travel expenses in accordance with:

2608 (a) Section 63A-3-106;

2609 (b) Section 63A-3-107; and

2610 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2611 63A-3-107.

2612 (8) (a) Three members of the board shall constitute a quorum for the transaction of  
2613 business.

2614 (b) If a quorum of members is unavailable for any meeting, the alternate member of the  
2615 board, if any, shall serve as a regular member of the board for that meeting if with the presence  
2616 of the alternate member a quorum is present at the meeting.

2617 Section 56. Section 62A-1-107 is amended to read:

2618 **62A-1-107. Board of Aging and Adult Services -- Members, appointment, terms,**  
2619 **vacancies, chairperson, compensation, meetings, quorum.**

2620 (1) The Board of Aging and Adult Services described in Subsection 62A-1-105(1)(a)  
2621 shall have seven members who are appointed by the governor with the advice and consent of  
2622 the Senate.

2623 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a  
2624 term of four years, and is eligible for one reappointment.

2625 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
2626 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2627 board members are staggered so that approximately half of the board is appointed every two  
2628 years.

2629 (c) Board members shall continue in office until the expiration of their terms and until

2630 their successors are appointed, which may not exceed 90 days after the formal expiration of a  
2631 term.

2632 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
2633 appointed for the unexpired term.

2634 (3) No more than four members of the board may be from the same political party.  
2635 The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen  
2636 on the basis of their active interest, experience, and demonstrated ability to deal with issues  
2637 related to the Board of Aging and Adult Services.

2638 (4) The board shall annually elect a chairperson from the board's membership. The  
2639 board shall hold meetings at least once every three months. Within budgetary constraints,  
2640 meetings may be held from time to time on the call of the chairperson or of the majority of the  
2641 members of the board. Four members of the board are necessary to constitute a quorum at any  
2642 meeting, and, if a quorum exists, the action of the majority of members present shall be the  
2643 action of the board.

2644 (5) A member may not receive compensation or benefits for the member's service, but,  
2645 at the executive director's discretion, may receive per diem and travel expenses in accordance  
2646 with:

2647 (a) Section 63A-3-106;

2648 (b) Section 63A-3-107; and

2649 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2650 63A-3-107.

2651 (6) The board shall adopt bylaws governing its activities. Bylaws shall include  
2652 procedures for removal of a board member who is unable or unwilling to fulfill the  
2653 requirements of the board member's appointment.

2654 (7) The board has program policymaking authority for the division over which the  
2655 board presides.

2656 Section 57. Section 62A-1-108 is amended to read:

2657 **62A-1-108. Executive director -- Appointment -- Compensation -- Qualifications**  
2658 **-- Responsibilities.**

2659 (1) The chief administrative officer of the department is the executive director, who  
2660 shall be appointed by the governor with the advice and consent of the Senate. The executive

2661 director may be removed at the will of the governor. The executive director shall receive a  
2662 salary established by the governor within the salary range fixed by the Legislature in Title 67,  
2663 Chapter 22, State Officer Compensation. The executive director shall be experienced in  
2664 administration, management, and coordination of complex organizations.

2665 (2) The executive director is responsible for:

2666 (a) administration and supervision of the department;

2667 (b) coordination of policies and program activities conducted through the boards,  
2668 divisions, and offices of the department;

2669 (c) approval of the proposed budget of each board, division, and office within the  
2670 department; and

2671 (d) such other duties as the Legislature or governor shall assign to him.

2672 (3) The executive director may appoint deputy or assistant directors to assist him in  
2673 carrying out the department's responsibilities.

2674 Section 58. Section **62A-7-501** is amended to read:

2675 **62A-7-501. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**

2676 (1) There is created within the division a Youth Parole Authority.

2677 (2) (a) The authority is composed of 10 part-time members and five pro tempore  
2678 members who are residents of this state. No more than three pro tempore members may serve  
2679 on the authority at any one time.

2680 (b) Throughout this section, the term "member" refers to both part-time and pro  
2681 tempore members of the Youth Parole Authority.

2682 (3) (a) Except as required by Subsection (3)(b), members shall be appointed to  
2683 four-year terms by the governor with the advice and consent of the Senate.

2684 (b) The governor shall, at the time of appointment or reappointment, adjust the length  
2685 of terms to ensure that the terms of authority members are staggered so that approximately half  
2686 of the authority is appointed every two years.

2687 (4) Each member shall have training or experience in social work, law, juvenile or  
2688 criminal justice, or related behavioral sciences.

2689 (5) When a vacancy occurs in the membership for any reason, the replacement member  
2690 shall be appointed for the unexpired term.

2691 (6) During the tenure of the member's appointment, a member may not:

2692 (a) be an employee of the department, other than in the member's capacity as a member  
2693 of the authority;

2694 (b) hold any public office;

2695 (c) hold any position in the state's juvenile justice system; or

2696 (d) be an employee, officer, advisor, policy board member, or subcontractor of any  
2697 juvenile justice agency or its contractor.

2698 (7) In extraordinary circumstances or when a regular member is absent or otherwise  
2699 unavailable, the chair may assign a pro tempore member to act in the absent member's place.

2700 (8) A member may not receive compensation or benefits for the member's service, but  
2701 may receive per diem and travel expenses in accordance with:

2702 (a) Section 63A-3-106;

2703 (b) Section 63A-3-107; and

2704 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2705 63A-3-107.

2706 (9) The authority shall determine appropriate parole dates for youth offenders in  
2707 accordance with Section 62A-7-404.

2708 (10) Youth offenders may be paroled to their own homes, to an independent living  
2709 program contracted or operated by the division, to an approved independent living setting, or to  
2710 other appropriate residences of qualifying relatives or guardians, but shall remain on parole  
2711 until parole is terminated by the authority in accordance with Section 62A-7-404.

2712 (11) The division's case management staff shall implement parole release plans and  
2713 shall supervise youth offenders while on parole.

2714 (12) The division shall permit the authority to have reasonable access to youth  
2715 offenders in secure facilities and shall furnish all pertinent data requested by the authority in  
2716 matters of parole, revocation, and termination.

2717 Section 59. Section 63A-1-105 is amended to read:

2718 **63A-1-105. Appointment of executive director -- Compensation.**

2719 (1) The governor shall:

2720 (a) appoint the executive director with the advice and consent of the Senate; and

2721 (b) establish the executive director's salary within the salary range fixed by the

2722 Legislature in Title 67, Chapter 22, State Officer Compensation.

2723 (2) The executive director shall serve at the pleasure of the governor.

2724 Section 60. Section **63F-1-105** is amended to read:

2725 **63F-1-105. Appointment of executive director -- Compensation -- Authority.**

2726 (1) The governor shall:

2727 (a) appoint the executive director with the advice and consent of the Senate; and

2728 (b) establish the executive director's salary within the salary range fixed by the

2729 Legislature in Title 67, Chapter 22, State Officer Compensation.

2730 (2) The executive director shall:

2731 (a) serve at the pleasure of the governor; and

2732 (b) exercise all powers given to and perform all duties imposed on the department.

2733 Section 61. Section **63G-2-501** is amended to read:

2734 **63G-2-501. State Records Committee created -- Membership -- Terms --**

2735 **Vacancies -- Expenses.**

2736 (1) There is created the State Records Committee within the Department of

2737 Administrative Services consisting of the following seven individuals:

2738 (a) an individual in the private sector whose profession requires the individual to create  
2739 or manage records that, if created by a governmental entity, would be private or controlled;

2740 (b) an individual with experience with electronic records and databases, as  
2741 recommended by a statewide technology advocacy organization that represents the public,  
2742 private, and nonprofit sectors;

2743 (c) the director of the Division of Archives and Records Services or the director's  
2744 designee;

2745 (d) two citizen members;

2746 (e) one person representing political subdivisions, as recommended by the Utah League  
2747 of Cities and Towns; and

2748 (f) one individual representing the news media.

2749 (2) The governor shall appoint the members described in Subsections (1)(a), (b), (d),  
2750 (e), and (f) with the advice and consent of the Senate.

2751 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each  
2752 member to a four-year term.

2753 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment

2754 or reappointment, adjust the length of terms to ensure that the terms of committee members are  
2755 staggered so that approximately half of the committee is appointed every two years.

2756 (c) Each appointed member is eligible for reappointment for one additional term.

2757 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
2758 appointed for the unexpired term.

2759 (5) A member of the State Records Committee may not receive compensation or  
2760 benefits for the member's service on the committee, but may receive per diem and travel  
2761 expenses in accordance with:

2762 (a) Section 63A-3-106;

2763 (b) Section 63A-3-107; and

2764 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2765 Section 62. Section 63H-4-102 is amended to read:

2766 **63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**  
2767 **expenses.**

2768 (1) There is created an independent state agency and a body politic and corporate  
2769 known as the "Heber Valley Historic Railroad Authority."

2770 (2) The authority is composed of eight members as follows:

2771 (a) one member of the county legislative body of Wasatch County;

2772 (b) the mayor of Heber City;

2773 (c) the mayor of Midway;

2774 (d) the executive director of the Department of Transportation or the executive  
2775 director's designee;

2776 (e) the executive director of Parks and Recreation, or the executive director's designee;  
2777 and

2778 (f) three public members appointed by the governor with the advice and consent of the  
2779 Senate, being private citizens of the state, as follows:

2780 (i) two people representing the tourism industry, one each from Wasatch and Utah  
2781 counties; and

2782 (ii) one person representing the public at large.

2783 (3) All members shall be residents of the state.

2784 (4) (a) Except as required by Subsection (4)(b), the three public members are appointed

2785 for four-year terms beginning July 1, 2010.

2786 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
2787 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2788 authority members are staggered so that approximately half of the authority is appointed every  
2789 two years.

2790 (5) Any of the three public members may be removed from office by the governor or  
2791 for cause by an affirmative vote of any four members of the authority.

2792 (6) When a vacancy occurs in the membership for any reason, the replacement is  
2793 appointed for the unexpired term by the governor with advice and consent of the Senate for the  
2794 unexpired term.

2795 (7) Each public member shall hold office for the term of appointment and until a  
2796 successor has been appointed and qualified.

2797 (8) A public member is eligible for reappointment, but may not serve more than two  
2798 full consecutive terms.

2799 (9) The governor shall appoint the chair of the authority from among its members.

2800 (10) The members shall elect from among their number a vice chair and other officers  
2801 they may determine.

2802 (11) The powers of the authority are vested in its members.

2803 (12) (a) Four members constitute a quorum for transaction of authority business.

2804 (b) An affirmative vote of at least four members is necessary for any action taken by  
2805 the authority.

2806 (13) A member may not receive compensation or benefits for the member's service, but  
2807 may receive per diem and travel expenses in accordance with:

2808 (a) Section [63A-3-106](#);

2809 (b) Section [63A-3-107](#); and

2810 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2811 [63A-3-107](#).

2812 Section 63. Section **63H-6-104** is amended to read:

2813 **63H-6-104. Board of directors -- Membership -- Term -- Quorum -- Vacancies --**  
2814 **Duties.**

2815 (1) The corporation is governed by a board of directors.

- 2816 (2) The board is composed of members as follows:
- 2817 (a) the director of the Division of Facilities Construction and Management or the
- 2818 director's designee;
- 2819 (b) the commissioner of agriculture and food or the commissioner's designee;
- 2820 (c) two members, appointed by the president of the Senate:
- 2821 (i) who have business related experience; and
- 2822 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);
- 2823 (d) two members, appointed by the speaker of the House:
- 2824 (i) who have business related experience; and
- 2825 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);
- 2826 (e) five members, of whom only one may be a legislator, in accordance with
- 2827 Subsection (3)(e), appointed by the governor with the advice and consent of the Senate as
- 2828 follows:
- 2829 (i) two members who represent agricultural interests;
- 2830 (ii) two members who have business related experience; and
- 2831 (iii) one member who is recommended by the Utah Farm Bureau Federation;
- 2832 (f) one member, appointed by the mayor of Salt Lake City with the advice and consent
- 2833 of the Senate, who is a resident of the neighborhood located adjacent to the state fair park;
- 2834 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed
- 2835 lease agreement with the corporation; and
- 2836 (h) a representative of the Days of '47 Rodeo.
- 2837 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under
- 2838 Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years
- 2839 after the year that the board member was appointed.
- 2840 (ii) In making appointments to the board, the president of the Senate, the speaker of the
- 2841 House, the governor, and the mayor of Salt Lake City shall ensure that the terms of
- 2842 approximately 1/4 of the appointed board members expire each year.
- 2843 (b) Except as provided in Subsection (3)(c), appointed board members serve until their
- 2844 successors are appointed and qualified.
- 2845 (c) (i) If an appointed board member is absent from three consecutive board meetings
- 2846 without excuse, that member's appointment is terminated, the position is vacant, and the

2847 individual who appointed the board member shall appoint a replacement.

2848 (ii) The president of the Senate, the speaker of the House, the governor, or the mayor of  
2849 Salt Lake City, as applicable, may remove an appointed member of the board at will.

2850 (d) The president of the Senate, the speaker of the House, the governor, or the mayor of  
2851 Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by  
2852 appointing an individual in accordance with the procedures described in this section for the  
2853 unexpired term of the vacated member.

2854 (e) No more than a combined total of two legislators may be appointed under  
2855 Subsections (2)(c), (d), and (e).

2856 (4) The governor shall select the board's chair.

2857 (5) A majority of the members of the board is a quorum for the transaction of business.

2858 (6) The board may elect a vice chair and any other board offices.

2859 (7) The board may create one or more subcommittees to advise the board on any issue  
2860 related to the state fair park.

2861 (8) In carrying out the board's duties under this chapter, the board shall cooperate with  
2862 and, upon request, appear before the State Fair Park Committee.

2863 (9) No later than November 30 of each year, the board shall provide the following to  
2864 the State Fair Park Committee:

2865 (a) a report on the general state of the financial and business affairs of the corporation;

2866 (b) a report on that year's annual exhibition described in Subsection 63H-6-103(4)(j),  
2867 including the exhibition's attendance, operations, and revenue;

2868 (c) any appropriation request that the board plans to submit to the Legislature; and

2869 (d) any other report that the State Fair Park Committee requests.

2870 Section 64. Section 63H-8-201 is amended to read:

2871 **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**  
2872 **Quorum -- Per diem and expenses.**

2873 (1) (a) There is created an independent body politic and corporate, constituting a public  
2874 corporation, known as the "Utah Housing Corporation."

2875 (b) The corporation may also be known and do business as the:

2876 (i) Utah Housing Finance Association; and

2877 (ii) Utah Housing Finance Agency in connection with a contract entered into when that

2878 was the corporation's legal name.

2879 (c) No other entity may use the names described in Subsections (1)(a) and (b) without  
2880 the express approval of the corporation.

2881 (2) The corporation is governed by a board of trustees composed of the following nine  
2882 trustees:

2883 (a) the executive director of the Department of Workforce Services or the executive  
2884 director's designee;

2885 (b) the commissioner of the Department of Financial Institutions or the commissioner's  
2886 designee;

2887 (c) the state treasurer or the treasurer's designee; and

2888 (d) six public trustees, who are private citizens of the state, as follows:

2889 (i) two people who represent the mortgage lending industry;

2890 (ii) two people who represent the home building and real estate industry; and

2891 (iii) two people who represent the public at large.

2892 (3) The governor shall:

2893 (a) appoint the six public trustees of the corporation with the advice and consent of the  
2894 Senate; and

2895 (b) ensure that:

2896 (i) the six public trustees are from different counties and are residents of the state; and

2897 (ii) not more than three of the public trustees are members of the same political party.

2898 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six  
2899 public trustees to terms of office of four years each.

2900 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
2901 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2902 corporation trustees are staggered so that approximately half of the board is appointed every  
2903 two years.

2904 (5) (a) A public trustee of the corporation may be removed from office for cause either  
2905 by the governor or by an affirmative vote of six trustees of the corporation.

2906 (b) When a vacancy occurs in the board of trustees for any reason, the replacement  
2907 shall be appointed for the unexpired term.

2908 (c) A public trustee shall hold office for the term of appointment and until the trustee's

2909 successor has been appointed and qualified.

2910 (d) A public trustee is eligible for reappointment but may not serve more than two full  
2911 consecutive terms.

2912 (6) (a) The governor shall select the chair of the corporation.

2913 (b) The trustees shall elect from among their number a vice chair and other officers  
2914 they may determine.

2915 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

2916 (b) An affirmative vote of at least five trustees is necessary for any action to be taken  
2917 by the corporation.

2918 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise  
2919 all rights and perform all duties of the corporation.

2920 (8) A trustee may not receive compensation or benefits for the trustee's service, but  
2921 may receive per diem and travel expenses in accordance with:

2922 (a) Section 63A-3-106;

2923 (b) Section 63A-3-107; and

2924 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
2925 63A-3-107.

2926 Section 65. Section 63J-4-602 is amended to read:

2927 **63J-4-602. Public Lands Policy Coordinating Office -- Coordinator --**  
2928 **Appointment -- Qualifications -- Compensation.**

2929 (1) There is created within state government the Public Lands Policy Coordinating  
2930 Office. The office shall be administered by a public lands policy coordinator.

2931 (2) The coordinator shall be appointed by the governor with the advice and consent of  
2932 the Senate and shall serve at the pleasure of the governor.

2933 (3) The coordinator shall have demonstrated the necessary administrative and  
2934 professional ability through education and experience to efficiently and effectively manage the  
2935 office's affairs.

2936 (4) The coordinator and employees of the office shall receive compensation as  
2937 provided in Title 67, Chapter 19, Utah State Personnel Management Act.

2938 Section 66. Section 63J-4-702 is amended to read:

2939 **63J-4-702. Employability to Careers Program Board.**

2940 (1) There is created within the office the Employability to Careers Program Board  
2941 composed of the following members:

2942 (a) the executive director of the Department of Workforce Services or the executive  
2943 director's designee;

2944 (b) the executive director of the Department of Human Services or the executive  
2945 director's designee; and

2946 (c) three members appointed by the governor with the advice and consent of the Senate  
2947 as follows:

2948 (i) one member from the private or nonprofit sector with expertise in finance;

2949 (ii) one member who is not a legislator from the private or nonprofit sector chosen  
2950 from among two individuals recommended by the president of the Senate; and

2951 (iii) one member who is not a legislator from the private or nonprofit sector chosen  
2952 from among two individuals recommended by the speaker of the House of Representatives.

2953 (2) (a) An appointed member of the board shall serve for a term of three years, but may  
2954 be reappointed for one additional term.

2955 (b) If a vacancy occurs in the board for any reason, the governor with the advice and  
2956 consent of the Senate shall appoint a replacement to serve the remainder of the board member's  
2957 term.

2958 (3) The board shall elect a chair from among the board's membership.

2959 (4) The board shall meet at least quarterly upon the call of the chair.

2960 (5) Four members of the board constitute a quorum.

2961 (6) Action by a majority present constitutes the action of the board.

2962 (7) A board member may not receive compensation or benefits for the member's  
2963 service, but a member may receive per diem and travel expenses in accordance with:

2964 (a) Section [63A-3-106](#);

2965 (b) Section [63A-3-107](#); and

2966 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2967 [63A-3-107](#).

2968 (8) The office shall provide staff support to the board.

2969 Section 67. Section **63L-9-103** is amended to read:

2970 **63L-9-103. Director.**

2971 (1) Upon the requirements described in Subsection 63L-9-102(2) being fulfilled, the  
 2972 governor shall, with the advice and consent of the Senate, appoint a director of the Department  
 2973 of Land Management.

2974 (2) The director shall:

2975 (a) be the executive and administrative head of the Department of Land Management;

2976 (b) have demonstrated ability and experience in the administration and management of  
 2977 state or federal lands;

2978 (c) not hold any other public office or be involved in a political party or organization;

2979 and

2980 (d) hire personnel to staff the department.

2981 (3) The director shall have:

2982 (a) executive authority and control of the Department of Land Management; and

2983 (b) authority over all personnel matters.

2984 Section 68. Section 63M-2-301 is amended to read:

2985 **63M-2-301. The Utah Science Technology and Research Initiative -- Governing**  
 2986 **authority -- Program director.**

2987 (1) There is created the Utah Science Technology and Research Initiative.

2988 (2) Subject to Subsection (10), to oversee USTAR, there is created the Utah Science  
 2989 Technology and Research Governing Authority consisting of:

2990 (a) the state treasurer or the state treasurer's designee;

2991 (b) the executive director of the Governor's Office of Economic Development;

2992 (c) three members appointed by the governor, with the advice and consent of the  
 2993 Senate;

2994 (d) two members who are not legislators appointed by the president of the Senate;

2995 (e) two members who are not legislators appointed by the speaker of the House of  
 2996 Representatives; and

2997 (f) one member appointed by the commissioner of higher education.

2998 (3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve  
 2999 four-year staggered terms.

3000 (b) An appointed member under Subsection (2)(c), (d), (e), or (f):

3001 (i) may not serve more than two full consecutive terms; and

3002 (ii) may be removed from the governing authority for any reason before the member's  
3003 term is completed:

3004 (A) at the discretion of the original appointing authority; and

3005 (B) after the original appointing authority consults with the governing authority.

3006 (4) A vacancy on the governing authority in an appointed position under Subsection  
3007 (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the  
3008 same manner as the original appointment.

3009 (5) (a) Except as provided in Subsection (5)(b), the governor, with the advice and  
3010 consent of the Senate, shall select the chair of the governing authority to serve a one-year term.

3011 (b) The governor may extend the term of a sitting chair of the governing authority  
3012 without the advice and consent of the Senate.

3013 (c) The executive director of the Governor's Office of Economic Development shall  
3014 serve as the vice chair of the governing authority.

3015 (6) The governing authority shall meet at least six times each year and may meet more  
3016 frequently at the request of a majority of the members of the governing authority.

3017 (7) Five members of the governing authority are a quorum.

3018 (8) A member of the governing authority may not receive compensation or benefits for  
3019 the member's service, but may receive per diem and travel expenses as allowed in:

3020 (a) Section [63A-3-106](#);

3021 (b) Section [63A-3-107](#); and

3022 (c) rules made by the Division of Finance:

3023 (i) pursuant to Sections [63A-3-106](#) and [63A-3-107](#); and

3024 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3025 (9) (a) The governor, with the advice and consent of the Senate, may appoint a program  
3026 director to oversee USTAR.

3027 (b) The program director is an at-will employee who may be terminated with or  
3028 without cause by the governor or the executive director of the Governor's Office of Economic  
3029 Development.

3030 (10) On July 1, 2019, the governing authority is dissolved and the program director is  
3031 under the supervision of the executive director of the Governor's Office of Economic  
3032 Development.

3033 Section 69. Section **63M-7-203** is amended to read:

3034 **63M-7-203. Executive director -- Qualifications -- Compensation -- Appointment**  
3035 **-- Functions.**

3036 (1) The governor, with the advice and consent of the Senate, shall appoint a person  
3037 experienced in the field of criminal justice and in administration as the executive director of the  
3038 Commission on Criminal and Juvenile Justice. The governor shall establish the executive  
3039 director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State  
3040 Officer Compensation.

3041 (2) (a) The executive director, under the direction of the commission, shall administer  
3042 the duties of the commission and act as the governor's advisor on national, state, regional,  
3043 metropolitan, and local government planning as it relates to criminal justice.

3044 (b) This chapter does not derogate the planning authority conferred on state, regional,  
3045 metropolitan, and local governments by existing law.

3046 Section 70. Section **63M-7-504** is amended to read:

3047 **63M-7-504. Crime Victim Reparations and Assistance Board -- Members.**

3048 (1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of  
3049 seven members appointed by the governor with the advice and consent of the Senate.

3050 (b) The membership of the board shall consist of:

3051 (i) a member of the bar of this state;

3052 (ii) a victim of criminally injurious conduct;

3053 (iii) a licensed physician;

3054 (iv) a representative of law enforcement;

3055 (v) a mental health care provider;

3056 (vi) a victim advocate; and

3057 (vii) a private citizen.

3058 (c) The governor may appoint a chair of the board who shall serve for a period of time  
3059 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a  
3060 vice chair to serve in the absence of the chair.

3061 (d) The board may hear appeals from administrative decisions as provided in rules  
3062 adopted pursuant to Section [63M-7-515](#).

3063 (2) (a) Except as required by Subsection (2)(b), as terms of current board members

3064 expire, the governor shall appoint each new member or reappointed member to a four-year  
3065 term.

3066 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
3067 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3068 board members are staggered so that approximately half of the board is appointed every two  
3069 years.

3070 (c) A member may be reappointed to one successive term in addition to a member's  
3071 initial full-term appointment.

3072 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
3073 be appointed for the unexpired term.

3074 (b) A member resigning from the board shall serve until the member's successor is  
3075 appointed and qualified.

3076 (4) A member may not receive compensation or benefits for the member's service, but  
3077 may receive per diem and travel expenses in accordance with:

3078 (a) Section 63A-3-106;

3079 (b) Section 63A-3-107; and

3080 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3081 63A-3-107.

3082 (5) The board shall meet at least once quarterly but may meet more frequently as  
3083 necessary.

3084 Section 71. Section 63N-1-202 is amended to read:

3085 **63N-1-202. Executive director of office -- Appointment -- Removal --**

3086 **Compensation.**

3087 (1) The office shall be administered, organized, and managed by an executive director  
3088 appointed by the governor, with the advice and consent of the Senate.

3089 (2) The executive director serves at the pleasure of the governor.

3090 (3) The salary of the executive director shall be established by the governor within the  
3091 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3092 Section 72. Section 63N-1-401 is amended to read:

3093 **63N-1-401. Board of Business and Economic Development -- Membership --**

3094 **Expenses.**

3095 (1) (a) There is created within the office the Board of Business and Economic  
3096 Development, consisting of 15 members appointed by the governor to four-year terms of office  
3097 with the advice and consent of the Senate.

3098 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
3099 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3100 board members are staggered so that approximately half of the board is appointed every two  
3101 years.

3102 (c) The members may not serve more than two full consecutive terms except where the  
3103 governor determines that an additional term is in the best interest of the state.

3104 (2) In appointing members of the committee, the governor shall ensure that:

3105 (a) no more than eight members of the board are from one political party; and

3106 (b) members represent a variety of geographic areas and economic interests of the state.

3107 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
3108 appointed for the unexpired term.

3109 (4) Eight members of the board constitute a quorum for conducting board business and  
3110 exercising board power.

3111 (5) The governor shall select one board member as the board's chair.

3112 (6) A member may not receive compensation or benefits for the member's service, but  
3113 may receive per diem and travel expenses in accordance with:

3114 (a) Section [63A-3-106](#);

3115 (b) Section [63A-3-107](#); and

3116 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3117 Section 73. Section **63N-1-501** is amended to read:

3118 **63N-1-501. Governor's Economic Development Coordinating Council --**

3119 **Membership -- Expenses.**

3120 (1) There is created in the office the Governor's Economic Development Coordinating  
3121 Council, consisting of the following 11 members:

3122 (a) the executive director, who shall serve as chair of the council;

3123 (b) the chair of the board or the chair's designee;

3124 (c) the chair of the Utah Science Technology and Research Governing Authority

3125 created in Section [63M-2-301](#) or the chair's designee;

3126 (d) the chair of the Governor's Rural Partnership Board created in Section 63C-10-102  
3127 or the chair's designee;

3128 (e) the chair of the board of directors of the Utah Capital Investment Corporation  
3129 created in Section 63N-6-301 or the chair's designee;

3130 (f) the chair of the Economic Development Corporation of Utah or its successor  
3131 organization or the chair's designee;

3132 (g) the chair of the World Trade Center Utah or its successor organization or the chair's  
3133 designee; and

3134 (h) four members appointed by the governor, with the advice and consent of the  
3135 Senate, who have expertise in business, economic development, entrepreneurship, or the  
3136 raising of venture or seed capital for research and business growth.

3137 (2) (a) The four members appointed by the governor may serve for no more than two  
3138 consecutive two-year terms.

3139 (b) The governor shall appoint a replacement if a vacancy occurs from the membership  
3140 appointed under Subsection (1)(h).

3141 (3) Six members of the council constitute a quorum for the purpose of conducting  
3142 council business and the action of a majority of a quorum constitutes the action of the council.

3143 (4) A member may not receive compensation or benefits for the member's service on  
3144 the council, but may receive per diem and travel expenses in accordance with:

3145 (a) Sections 63A-3-106 and 63A-3-107; and

3146 (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

3147 (5) The office shall provide office space and administrative staff support for the  
3148 council.

3149 (6) The council, as a governmental entity, has all the rights, privileges, and immunities  
3150 of a governmental entity of the state and its meetings are subject to Title 52, Chapter 4, Open  
3151 and Public Meetings Act.

3152 Section 74. Section 63N-7-102 is amended to read:

3153 **63N-7-102. Members -- Meetings -- Expenses.**

3154 (1) (a) The board shall consist of 13 members appointed by the governor to four-year  
3155 terms with the advice and consent of the Senate.

3156 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the

3157 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3158 board members are staggered so that approximately half of the board is appointed every two  
3159 years.

3160 (2) The members may not serve more than two full consecutive terms unless the  
3161 governor determines that an additional term is in the best interest of the state.

3162 (3) Not more than seven members of the board may be of the same political party.

3163 (4) (a) The members shall be representative of:

3164 (i) all areas of the state with six being appointed from separate geographical areas as  
3165 provided in Subsection (4)(b); and

3166 (ii) a diverse mix of business ownership or executive management of tourism related  
3167 industries.

3168 (b) The geographical representatives shall be appointed as follows:

3169 (i) one member from Salt Lake, Tooele, or Morgan County;

3170 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

3171 (iii) one member from Utah, Summit, Juab, or Wasatch County;

3172 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

3173 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

3174 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

3175 (c) The tourism industry representatives of ownership or executive management shall  
3176 be appointed as follows:

3177 (i) one member from ownership or executive management of the lodging industry, as  
3178 recommended by the lodging industry for the governor's consideration;

3179 (ii) one member from ownership or executive management of the restaurant industry,  
3180 as recommended by the restaurant industry for the governor's consideration;

3181 (iii) one member from ownership or executive management of the ski industry, as  
3182 recommended by the ski industry for the governor's consideration; and

3183 (iv) one member from ownership or executive management of the motor vehicle rental  
3184 industry, as recommended by the motor vehicle rental industry for the governor's consideration.

3185 (d) One member shall be appointed at large from ownership or executive management  
3186 of business, finance, economic policy, or the academic media marketing community.

3187 (e) One member shall be appointed from the Utah Tourism Industry Coalition as

3188 recommended by the coalition for the governor's consideration.

3189 (f) One member shall be appointed to represent the state's counties as recommended by  
3190 the Utah Association of Counties for the governor's consideration.

3191 (g) (i) The governor may choose to disregard a recommendation made for a board  
3192 member under Subsections (4)(c), (e), and (f).

3193 (ii) The governor shall request additional recommendations if recommendations are  
3194 disregarded under Subsection (4)(g)(i).

3195 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
3196 appointed for the unexpired term from the same geographic area or industry representation as  
3197 the member whose office was vacated.

3198 (6) Seven members of the board constitute a quorum for conducting board business and  
3199 exercising board powers.

3200 (7) The governor shall select one of the board members as chair and one of the board  
3201 members as vice chair, each for a four-year term as recommended by the board for the  
3202 governor's consideration.

3203 (8) A member may not receive compensation or benefits for the member's service, but  
3204 may receive per diem and travel expenses in accordance with:

3205 (a) Section [63A-3-106](#);

3206 (b) Section [63A-3-107](#); and

3207 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3208 (9) The board shall meet monthly or as often as the board determines to be necessary at  
3209 various locations throughout the state.

3210 (10) Members who may have a potential conflict of interest in consideration of fund  
3211 allocation decisions shall identify the potential conflict prior to voting on the issue.

3212 (11) (a) The board shall determine attendance requirements for maintaining a  
3213 designated board seat.

3214 (b) If a board member fails to attend according to the requirements established  
3215 pursuant to Subsection (11)(a), the board member shall be replaced upon written certification  
3216 from the board chair or vice chair to the governor.

3217 (c) A replacement appointed by the governor under Subsection (11)(b) shall serve for  
3218 the remainder of the board member's unexpired term.

3219 (12) The board's office shall be in Salt Lake City.

3220 Section 75. Section **64-13-3** is amended to read:

3221 **64-13-3. Executive director.**

3222 (1) The executive director shall be appointed by the governor with the advice and  
3223 consent of the Senate.

3224 (2) The executive director shall be experienced and knowledgeable in the field of  
3225 corrections and shall have training in criminology and penology.

3226 (3) The governor shall establish the executive director's salary within the salary range  
3227 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3228 Section 76. Section **67-1-1.5** is amended to read:

3229 **67-1-1.5. Gubernatorial appointment powers.**

3230 (1) As used in this section:

3231 (a) "Board member" means each gubernatorial appointee to any state board, committee,  
3232 commission, council, or authority.

3233 (b) "Executive branch management position" includes department executive directors,  
3234 division directors, and any other administrative position in state government where the person  
3235 filling the position:

3236 (i) works full-time performing managerial and administrative functions;

3237 (ii) is appointed by the governor with the advice and consent of the Senate.

3238 (c) (i) "Executive branch policy position" means any person other than a person filling  
3239 an executive branch management position, who is appointed by the governor with the advice  
3240 and consent of the Senate.

3241 (ii) "Executive branch policy position" includes each member of any state board and  
3242 commission appointed by the governor with the advice and consent of the Senate.

3243 (2) (a) Whenever a vacancy occurs in any executive branch policy position or in any  
3244 executive branch management position, the governor shall submit the name of a nominee to the  
3245 Senate for advice and consent no later than three months after the day on which the vacancy  
3246 occurs.

3247 (b) If the Senate fails to consent to that person within 90 days after the day on which  
3248 the governor submits the nominee's name to the Senate for consent:

3249 (i) the nomination is considered rejected; and

3250 (ii) the governor shall resubmit the name of the nominee described in Subsection (2)(a)  
3251 or submit the name of a different nominee to the Senate for consent no later than 60 days after  
3252 the date on which the nomination was rejected by the Senate.

3253 (3) (a) Whenever a vacancy occurs in any executive branch management position, the  
3254 governor may either:

3255 (i) appoint an interim manager who meets the qualifications of the vacant position to  
3256 exercise the powers and duties of the vacant position for three months, pending consent of a  
3257 person to permanently fill that position by the Senate; or

3258 (ii) appoint an interim manager who does not meet the qualifications of the vacant  
3259 position and submit that person's name to the Senate for consent as interim manager within one  
3260 month of the appointment.

3261 (b) If the Senate fails to consent to the interim manager appointed under Subsection  
3262 (3)(a)(ii) within 30 days after the day on which the governor submits the nominee's name to the  
3263 Senate for consent:

3264 (i) the nomination is considered rejected; and

3265 (ii) the governor may:

3266 (A) (I) reappoint the interim manager to whom the Senate failed to consent within 30  
3267 days; and

3268 (II) resubmit the name of the person described in Subsection (3)(b)(ii)(A)(I) to the  
3269 Senate for consent as interim manager; or

3270 (B) appoint a different interim manager under Subsection (3)(a).

3271 (c) If, after an interim manager has served three months, no one has been appointed and  
3272 received Senate consent to permanently fill the position, the governor shall:

3273 (i) appoint a new interim manager who meets the qualifications of the vacant position  
3274 to exercise the powers and duties of the vacant position for three months; or

3275 (ii) submit the name of the first interim manager to the Senate for consent as an interim  
3276 manager for a three-month term.

3277 (d) If the Senate fails to consent to a nominee whose name is submitted under  
3278 Subsection (3)(c)(ii) within 30 days after the day on which the governor submits the name to  
3279 the Senate:

3280 (i) the nomination is considered rejected; and

3281 (ii) the governor shall:

3282 (A) (I) reappoint the person described in Subsection (3)(d); and

3283 (II) resubmit the name of the person described in Subsection (3)(d) to the Senate for  
3284 consent as interim manager; or

3285 (B) appoint a different interim manager in the manner required by Subsection (3)(a).

3286 (4) The governor may not make a temporary appointment to fill a vacant executive  
3287 branch policy position.

3288 (5) (a) Before appointing any person to serve as a board member, the governor shall  
3289 ask the person whether or not the person wishes to receive per diem, expenses, or both for  
3290 serving as a board member.

3291 (b) If the person declines to receive per diem, expenses, or both, the governor shall  
3292 notify the agency administering the board, commission, committee, council, or authority and  
3293 direct the agency to implement the board member's request.

3294 (6) A gubernatorial nomination upon which the Senate has not acted to give consent or  
3295 refuse to give consent is void when a vacancy in the office of governor occurs.

3296 Section 77. Section **67-1-2** is amended to read:

3297 **67-1-2. Senate confirmation of gubernatorial nominees -- Verification of**  
3298 **nomination requirements -- Consultation on appointments -- Notification of anticipated**  
3299 **vacancies.**

3300 [~~(1) Unless waived by a majority of the president of the Senate, the Senate majority~~  
3301 ~~leader, and the Senate minority leader, 15 days before any Senate session to confirm any~~  
3302 ~~gubernatorial nominee, except a judicial appointment,]~~

3303 (1) Except as provided in Subsection (2), at least 30 days before the day of an  
3304 extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send  
3305 to each member of the Senate and to the Office of Legislative Research and General Counsel  
3306 the following information for each nominee:

3307 [~~(a) a list of each nominee for an office or position made by the governor in accordance~~  
3308 ~~with the Utah Constitution and state law; and]~~

3309 [~~(b) any information that may support or provide biographical information about the~~  
3310 ~~nominee, including resumes and curriculum vitae.]~~

3311 (a) the nominee's name and biographical information, including a resume and

3312 curriculum vitae;

3313 (b) a detailed list, with citations, of the legal requirements for the appointed position;

3314 (c) a detailed list with supporting documents explaining how, and verifying that, the  
3315 nominee meets each statutory and constitutional requirement for the appointed position; and

3316 (d) a written certification by the governor that the nominee satisfies all requirements  
3317 for the appointment.

3318 (2) (a) Subsection (1) does not apply to a judicial nominee.

3319 (b) A majority of the president of the Senate, the Senate majority leader, and the Senate  
3320 minority leader may waive the 30-day requirement described in Subsection (1) for a  
3321 gubernatorial nominee other than a nominee for the following:

3322 (i) the executive director of a department;

3323 (ii) the executive director of the Governor's Office of Economic Development;

3324 (iii) the executive director of the Labor Commission;

3325 (iv) a member of the State Tax Commission;

3326 (v) a member of the State Board of Education;

3327 (vi) a member of the State Board of Regents;

3328 (vii) a member of the Utah System of Technical Colleges Board of Trustees; or

3329 (viii) an individual:

3330 (A) whose appointment requires the advice and consent of the Senate; and

3331 (B) whom the governor designates as a member of the governor's cabinet.

3332 (3) The Senate shall hold a confirmation hearing for a nominee for an individual  
3333 described in Subsection (2)(b)(i) through (viii).

3334 (4) The governor shall:

3335 (a) if the governor is aware of an upcoming vacancy in a position that requires Senate  
3336 confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate  
3337 minority leader, and the Office of Legislative Research and General Counsel at least 30 days  
3338 before the day on which the vacancy occurs; and

3339 (b) establish a process for government entities and other relevant organizations to  
3340 provide input on gubernatorial appointments.

3341 ~~[(2)]~~ (5) When the governor makes a judicial appointment, the governor shall  
3342 immediately provide to the president of the Senate and the Office of Legislative Research and

3343 General Counsel:

3344 (a) the name of the judicial appointee; and

3345 (b) the judicial appointee's:

3346 (i) resume;

3347 (ii) complete file of all the application materials the governor received from the

3348 Judicial Nominating Commission; and

3349 (iii) any other related documents, including any letters received by the governor about  
3350 the appointee, unless the letter specifically directs that it may not be shared.

3351 ~~[(3)]~~ (6) The governor shall inform the president of the Senate and the Office of  
3352 Legislative Research and General Counsel of the number of letters withheld pursuant to  
3353 Subsection ~~[(2)]~~ (5)(b)(iii).

3354 ~~[(4)]~~ (7) (a) Letters of inquiry submitted by any judge at the request of any judicial  
3355 nominating commission shall be classified as private in accordance with Section 63G-2-302.

3356 (b) All other records received from the governor pursuant to this Subsection ~~[(4)]~~ (7)  
3357 may be classified as private in accordance with Section 63G-2-302.

3358 ~~[(5)]~~ (8) The Senate shall consent or refuse to give ~~[its]~~ consent to the nomination or  
3359 judicial appointment.

3360 (9) A judicial nominating commission shall, at the time the judicial nominating  
3361 commission certifies a list of the most qualified judicial applicants to the governor under  
3362 Section 78A-10-104, submit the same list to the president of the Senate, the Senate minority  
3363 leader, and the Office of Legislative Research and General Counsel.

3364 Section 78. Section 67-1-2.5 is amended to read:

3365 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

3366 (1) As used in this section:

3367 (a) "Administrator" means the boards and commissions administrator designated under  
3368 Subsection (2).

3369 (b) "Executive board" means any executive branch board, commission, council,  
3370 committee, working group, task force, study group, advisory group, or other body with a  
3371 defined limited membership that is created to operate for more than six months by the  
3372 constitution, by statute, by executive order, by the governor, lieutenant governor, attorney  
3373 general, state auditor, or state treasurer or by the head of a department, division, or other

3374 administrative subunit of the executive branch of state government.

3375 (2) (a) Before September 1 of the calendar year following the year in which the  
3376 Legislature creates a new executive board, the governor shall:

3377 (i) review the executive board to evaluate:

3378 (A) whether the executive board accomplishes a substantial governmental interest; and

3379 (B) whether it is necessary for the executive board to remain in statute;

3380 (ii) in the governor's review under Subsection (2)(a)(i), consider:

3381 (A) the funding required for the executive board;

3382 (B) the staffing resources required for the executive board;

3383 (C) the time members of the executive board are required to commit to serve on the  
3384 executive board; and

3385 (D) whether the responsibilities of the executive board could reasonably be  
3386 accomplished through an existing entity or without statutory direction; and

3387 (iii) submit a report to the Government Operations Interim Committee recommending  
3388 that the Legislature:

3389 (A) repeal the executive board;

3390 (B) add a sunset provision or future repeal date to the executive board;

3391 (C) make other changes to make the executive board more efficient; or

3392 (D) make no changes to the executive board.

3393 (b) In conducting the evaluation and making the report described in Subsection (2)(a),  
3394 the governor shall give deference to:

3395 (i) reducing the size of government; and

3396 (ii) making governmental programs more efficient and effective.

3397 (c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the  
3398 Government Operations Interim Committee shall vote on whether to address the  
3399 recommendations made by the governor in the report and prepare legislation accordingly.

3400 (3) (a) The governor shall designate a board and commissions administrator from the  
3401 governor's staff to maintain a computerized database containing information about all  
3402 executive boards.

3403 (b) The administrator shall ensure that the database contains:

3404 (i) the name of each executive board;

- 3405 (ii) the statutory or constitutional authority for the creation of the executive board;
- 3406 (iii) the sunset date on which each executive board's statutory authority expires;
- 3407 (iv) the state officer or department and division of state government under whose
- 3408 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 3409 (v) the name, address, gender, telephone number, and county of each individual
- 3410 currently serving on the executive board, along with a notation of all vacant or unfilled
- 3411 positions;
- 3412 (vi) the title of the position held by the person who appointed each member of the
- 3413 executive board;
- 3414 (vii) the length of the term to which each member of the executive board was
- 3415 appointed and the month and year that each executive board member's term expires;
- 3416 (viii) whether [~~or not~~] members appointed to the executive board require the advice
- 3417 and consent of the Senate;
- 3418 (ix) the organization, interest group, profession, local government entity, or geographic
- 3419 area that an individual appointed to an executive board represents, if any;
- 3420 (x) the party affiliation of an individual appointed to an executive board, if the statute
- 3421 or executive order creating the position requires representation from political parties;
- 3422 (xi) whether each executive board is a policy board or an advisory board;
- 3423 (xii) whether the executive board has or exercises rulemaking authority; and
- 3424 (xiii) any compensation and expense reimbursement that members of the executive
- 3425 board are authorized to receive.
- 3426 (4) The administrator shall place the following on the governor's website:
- 3427 (a) the information contained in the database;
- 3428 (b) each report the administrator receives under Subsection (5); and
- 3429 (c) the summary report described in Subsection (6).
- 3430 (5) (a) Before August 1 of each year, each executive board shall prepare and submit to
- 3431 the administrator an annual report that includes:
- 3432 (i) the name of the executive board;
- 3433 (ii) a description of the executive board's official function and purpose;
- 3434 (iii) a description of the actual work performed by the executive board since the last
- 3435 report the executive board submitted to the administrator under this Subsection (5);

3436 (iv) a description of actions taken by the executive board since the last report the  
3437 executive board submitted to the administrator under this Subsection (5);

3438 (v) recommendations on whether any statutory, rule, or other changes are needed to  
3439 make the executive board more effective; and

3440 (vi) an indication of whether the executive board should continue to exist.

3441 (b) The administrator shall compile and post the reports described in Subsection (5)(a)  
3442 to the governor's website before September 1 of each year.

3443 (c) An executive board is not required to submit a report under this Subsection (5) if  
3444 the executive board:

3445 (i) is also a legislative board under Section 36-12-22; and

3446 (ii) submits a report under Section 36-12-22.

3447 (6) (a) The administrator shall prepare, publish, and distribute an annual report by  
3448 September 1 of each year that includes:

3449 (i) as of August 1 of that year:

3450 (A) the total number of executive boards;

3451 (B) the name of each of those executive boards and the state officer or department and  
3452 division of state government under whose jurisdiction the executive board operates or with  
3453 which the executive board is affiliated, if any;

3454 (C) for each state officer and each department and division, the total number of  
3455 executive boards under the jurisdiction of or affiliated with that officer, department, and  
3456 division;

3457 (D) the total number of members for each of those executive boards;

3458 (E) whether or not some or all of the members of each of those executive boards are  
3459 approved by the Senate;

3460 (F) whether each board is a policymaking board or an advisory board and the total  
3461 number of policy boards and the total number of advisory boards; and

3462 (G) the compensation, if any, paid to the members of each of those executive boards;  
3463 and

3464 (ii) a summary of the reports submitted to the administrator under Subsection (5),  
3465 including:

3466 (A) a list of each executive board that submitted a report under Subsection (5);

3467 (B) a list of each executive board that did not submit a report under Subsection (5);  
3468 (C) an indication of any recommendations made under Subsection (5)(a)(v); and  
3469 (D) a list of any executive boards that indicated under Subsection (5)(a)(vi) that the  
3470 executive board should no longer exist.

3471 (b) The administrator shall distribute copies of the report described in Subsection (6)(a)  
3472 to:

- 3473 (i) the governor;
- 3474 (ii) the president of the Senate;
- 3475 (iii) the speaker of the House;
- 3476 (iv) the Office of Legislative Research and General Counsel;
- 3477 (v) the Government Operations Interim Committee; and
- 3478 (vi) any other persons who request a copy of the annual report.

3479 (c) Each year, the Government Operations Interim Committee shall prepare legislation  
3480 making any changes the committee determines are suitable with respect to the report the  
3481 committee receives under Subsection (6)(b), including:

- 3482 (i) repealing an executive board that is no longer functional or necessary; and
- 3483 (ii) making appropriate changes to make an executive board more effective.

3484 Section 79. Section **67-1-3** is amended to read:

3485 **67-1-3. Removal of gubernatorial appointee.**

3486 (1) Any time during a recess of the Legislature, the governor may remove any  
3487 gubernatorial appointee for official misconduct, habitual or willful neglect of duty, or for other  
3488 good and sufficient cause.

3489 (2) If the appointment required the advice and consent of the Senate, the governor may  
3490 fill the vacancy created by the removal by following the procedures and requirements of  
3491 Section [67-1-1.5](#).

3492 Section 80. Section **67-1-5** is amended to read:

3493 **67-1-5. Commissioning officers.**

3494 The governor must commission all officers of the militia, and all officers appointed by  
3495 the governor or by the governor with the advice and consent of the Senate.

3496 Section 81. Section **67-1a-2** is amended to read:

3497 **67-1a-2. Duties enumerated.**

- 3498 (1) The lieutenant governor shall:
- 3499 (a) perform duties delegated by the governor, including assignments to serve in any of
- 3500 the following capacities:
- 3501 (i) as the head of any one department, if so qualified, with the advice and consent of
- 3502 the Senate, and, upon appointment at the pleasure of the governor and without additional
- 3503 compensation;
- 3504 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
- 3505 law for the purpose of advising the governor or coordinating intergovernmental or
- 3506 interdepartmental policies or programs;
- 3507 (iii) as liaison between the governor and the state Legislature to coordinate and
- 3508 facilitate the governor's programs and budget requests;
- 3509 (iv) as liaison between the governor and other officials of local, state, federal, and
- 3510 international governments or any other political entities to coordinate, facilitate, and protect the
- 3511 interests of the state;
- 3512 (v) as personal advisor to the governor, including advice on policies, programs,
- 3513 administrative and personnel matters, and fiscal or budgetary matters; and
- 3514 (vi) as chairperson or member of any temporary or permanent boards, councils,
- 3515 commissions, committees, task forces, or other group appointed by the governor;
- 3516 (b) serve on all boards and commissions in lieu of the governor, whenever so
- 3517 designated by the governor;
- 3518 (c) serve as the chief election officer of the state as required by Subsection (2);
- 3519 (d) keep custody of the Great Seal of Utah;
- 3520 (e) keep a register of, and attest, the official acts of the governor;
- 3521 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
- 3522 which the official signature of the governor is required; and
- 3523 (g) furnish a certified copy of all or any part of any law, record, or other instrument
- 3524 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
- 3525 it and pays the fee.
- 3526 (2) (a) As the chief election officer, the lieutenant governor shall:
- 3527 (i) exercise general supervisory authority over all elections;
- 3528 (ii) exercise direct authority over the conduct of elections for federal, state, and

- 3529 multicounty officers and statewide or multicounty ballot propositions and any recounts  
3530 involving those races;
- 3531 (iii) assist county clerks in unifying the election ballot;
- 3532 (iv) (A) prepare election information for the public as required by statute and as  
3533 determined appropriate by the lieutenant governor; and
- 3534 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to  
3535 news media on the Internet and in other forms as required by statute or as determined  
3536 appropriate by the lieutenant governor;
- 3537 (v) receive and answer election questions and maintain an election file on opinions  
3538 received from the attorney general;
- 3539 (vi) maintain a current list of registered political parties as defined in Section  
3540 [20A-8-101](#);
- 3541 (vii) maintain election returns and statistics;
- 3542 (viii) certify to the governor the names of those persons who have received the highest  
3543 number of votes for any office;
- 3544 (ix) ensure that all voting equipment purchased by the state complies with the  
3545 requirements of Subsection [20A-5-302\(2\)](#) and Sections [20A-5-802](#) and [20A-5-803](#);
- 3546 (x) conduct the study described in Section [67-1a-14](#);
- 3547 (xi) during a declared emergency, to the extent that the lieutenant governor determines  
3548 it warranted, designate, as provided in Section [20A-1-308](#), a different method, time, or location  
3549 relating to:
- 3550 (A) voting on election day;
- 3551 (B) early voting;
- 3552 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
- 3553 (D) the counting of an absentee ballot or military-overseas ballot; or
- 3554 (E) the canvassing of election returns; and
- 3555 (xii) perform other election duties as provided in Title 20A, Election Code.
- 3556 (b) As chief election officer, the lieutenant governor may not assume the  
3557 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election  
3558 officials by Title 20A, Election Code.
- 3559 (3) (a) The lieutenant governor shall:

3560 (i) determine a new municipality's classification under Section 10-2-301 upon the city's  
3561 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the  
3562 municipality's population using the population estimate from the Utah Population Committee;  
3563 and

3564 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs  
3565 based on the municipality's population; and

3566 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
3567 municipality's legislative body.

3568 (b) The lieutenant governor shall:

3569 (i) determine the classification under Section 10-2-301 of a consolidated municipality  
3570 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,  
3571 Consolidation of Municipalities, using population information from:

3572 (A) each official census or census estimate of the United States Bureau of the Census;  
3573 or

3574 (B) the population estimate from the Utah Population Committee, if the population of a  
3575 municipality is not available from the United States Bureau of the Census; and

3576 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality  
3577 belongs based on the municipality's population; and

3578 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
3579 consolidated municipality's legislative body.

3580 (c) The lieutenant governor shall:

3581 (i) determine a new metro township's classification under Section 10-2-301.5 upon the  
3582 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro  
3583 Townships and Unincorporated Islands in a County of the First Class on and after May 12,  
3584 2015, based on the metro township's population using the population estimates from the Utah  
3585 Population Committee; and

3586 (ii) prepare a certificate indicating the class in which the new metro township belongs  
3587 based on the metro township's population and, within 10 days after preparing the certificate,  
3588 deliver a copy of the certificate to the metro township's legislative body.

3589 (d) The lieutenant governor shall monitor the population of each municipality using  
3590 population information from:

3591 (i) each official census or census estimate of the United States Bureau of the Census; or  
3592 (ii) the population estimate from the Utah Population Committee, if the population of a  
3593 municipality is not available from the United States Bureau of the Census.

3594 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a  
3595 municipality's population has increased beyond the population for its current class, the  
3596 lieutenant governor shall:

3597 (i) prepare a certificate indicating the class in which the municipality belongs based on  
3598 the increased population figure; and

3599 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
3600 legislative body of the municipality whose class has changed.

3601 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a  
3602 municipality's population has decreased below the population for its current class, the  
3603 lieutenant governor shall send written notification of that fact to the municipality's legislative  
3604 body.

3605 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
3606 population has decreased below the population for its current class, the lieutenant governor  
3607 shall:

3608 (A) prepare a certificate indicating the class in which the municipality belongs based  
3609 on the decreased population figure; and

3610 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
3611 legislative body of the municipality whose class has changed.

3612 Section 82. Section **67-19a-201** is amended to read:

3613 **67-19a-201. Career Service Review Office created -- Appointment of an**  
3614 **administrator -- Reporting -- Qualifications.**

3615 (1) There is created a Career Service Review Office.

3616 (2) (a) The governor shall appoint, with the advice and consent of the Senate, an  
3617 administrator of the office.

3618 (b) The administrator shall have demonstrated an ability to administer personnel  
3619 policies in performing the duties specified in this chapter.

3620 Section 83. Section **68-4-5** is amended to read:

3621 **68-4-5. Creation -- Members -- Terms.**

3622 (1) There is established the "Utah Commission on Uniform State Laws," which  
3623 consists of members of the Utah State Bar who are appointed as commissioners to the National  
3624 Conference of Commissioners on Uniform State Laws as follows:

3625 (a) one commissioner, appointed by the governor with the advice and consent of the  
3626 Senate, who shall be a member of the Senate at the time of appointment;

3627 (b) one commissioner, appointed by the governor with the advice and consent of the  
3628 Senate, who shall be a member of the House of Representatives at the time of appointment;

3629 (c) two commissioners, appointed by the governor with the advice and consent of the  
3630 Senate, who shall be active members of the Utah State Bar;

3631 (d) one commissioner who is the Legislature's general counsel or, alternatively, an  
3632 attorney from the Office of Legislative Research and General Counsel who is appointed by the  
3633 general counsel;

3634 (e) any commissioner that has previously served as a member of the commission and  
3635 has been elected as a life member of the National Conference of Commissioners on Uniform  
3636 State Laws according to the conference's constitution, bylaws, and rules of procedure; and

3637 (f) up to one associate commissioner, appointed by the Legislature's general counsel,  
3638 who is an attorney from the Office of Legislative Research and General Counsel.

3639 (2) Commissioners appointed by the governor shall be appointed for four-year terms  
3640 commencing on the date of their confirmation by the Senate.

3641 (3) A commissioner continues to serve:

3642 (a) unless the commissioner dies or resigns;

3643 (b) unless the commissioner ceases to be a member of the Utah State Bar in good  
3644 standing; or

3645 (c) (i) for a commissioner appointed by the governor and notwithstanding expiration of  
3646 the commissioner's term under Subsection (2), until the governor:

3647 (A) reappoints the commissioner to a new term; or

3648 (B) appoints a successor commissioner;

3649 (ii) for the general counsel, until the general counsel ceases to serve as general counsel  
3650 or appoints an attorney to serve in the general counsel's place;

3651 (iii) for a commissioner appointed to serve in the place of the general counsel, until the  
3652 general counsel chooses to serve as a commissioner or appoints a successor commissioner; or

3653 (iv) for an associate commissioner, until the general counsel appoints a successor  
3654 commissioner or elects not to fill the position of associate commissioner.

3655 Section 84. Section **68-4-6** is amended to read:

3656 **68-4-6. Vacancies.**

3657 (1) For a commissioner who serves in a governor-appointed position described in  
3658 Subsection **68-4-5**(1)(a), (b), or (c):

3659 (a) the office of a commissioner becomes vacant and the governor, with the advice and  
3660 consent of the Senate, shall immediately appoint a new commissioner upon the  
3661 commissioner's:

3662 (i) death;

3663 (ii) resignation; or

3664 (iii) failure to be a member of the Utah State Bar in good standing; and

3665 (b) the governor may, with the advice and consent of the Senate, appoint a new  
3666 commissioner or, as applicable, reappoint the current commissioner, provided that the current  
3667 commissioner meets the requirements for appointment, after any of the following events:

3668 (i) the commissioner's failure to actively serve as commissioner;

3669 (ii) the commissioner's refusal to serve as commissioner;

3670 (iii) expiration of the commissioner's term;

3671 (iv) the commissioner's appointment to another position on the commission; or

3672 (v) the commissioner's election as a life member of the National Conference of

3673 Commissioners on Uniform State Laws.

3674 (2) (a) The commissioner who is the Legislature's general counsel shall serve only  
3675 while acting as the Legislature's general counsel.

3676 (b) A commissioner who is serving as an appointee of the Legislature's general counsel  
3677 shall serve at the will of the general counsel.

3678 Section 85. Section **72-1-202** is amended to read:

3679 **72-1-202. Executive director of department -- Appointment -- Qualifications --**  
3680 **Term -- Responsibility -- Power to bring suits -- Salary.**

3681 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an  
3682 executive director to be the chief executive officer of the department.

3683 (b) The executive director shall be a registered professional engineer and qualified

3684 executive with technical and administrative experience and training appropriate for the  
3685 position.

3686 (c) The executive director shall remain in office until a successor is appointed.

3687 (d) The executive director may be removed by the governor.

3688 (2) In addition to the other functions, powers, duties, rights, and responsibilities  
3689 prescribed in this chapter, the executive director shall:

3690 (a) have responsibility for the administrative supervision of the state transportation  
3691 systems and the various operations of the department;

3692 (b) have the responsibility for the implementation of rules, priorities, and policies  
3693 established by the department and the commission;

3694 (c) have the responsibility for the oversight and supervision of any transportation  
3695 project for which state funds are expended;

3696 (d) have full power to bring suit in courts of competent jurisdiction in the name of the  
3697 department as the executive director considers reasonable and necessary for the proper  
3698 attainment of the goals of this chapter;

3699 (e) receive a salary, to be established by the governor within the salary range fixed by  
3700 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual  
3701 traveling expenses while away from the executive director's office on official business;

3702 (f) purchase all equipment, services, and supplies necessary to achieve the department's  
3703 functions, powers, duties, rights, and responsibilities delegated under Section [72-1-201](#);

3704 (g) have the responsibility to determine whether a purchase from, contribution to, or  
3705 other participation with a public entity or association of public entities in a pooled fund  
3706 program to acquire, develop, or share information, data, reports, or other services related to the  
3707 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement  
3708 Code;

3709 (h) have responsibility for administrative supervision of the Comptroller Division, the  
3710 Internal Audit Division, and the Communications Division; and

3711 (i) appoint assistants, to serve at the discretion of the executive director, to administer  
3712 the divisions of the department.

3713 (3) The executive director may employ other assistants and advisers as the executive  
3714 director finds necessary and fix salaries in accordance with the salary standards adopted by the

3715 Department of Human Resource Management.

3716 Section 86. Section **72-1-301** is amended to read:

3717 **72-1-301. Transportation Commission created -- Members, appointment, terms --**  
3718 **Qualifications -- Pay and expenses -- Chair -- Quorum.**

3719 (1) (a) There is created the Transportation Commission which shall consist of seven  
3720 members.

3721 (b) The members of the commission shall be residents of Utah.

3722 (c) The members of the commission shall be selected on a nonpartisan basis.

3723 (d) (i) The commissioners shall be appointed by the governor, with the advice and  
3724 consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years,  
3725 except as provided under Subsection (1)(d)(ii).

3726 (ii) The first two additional commissioners serving on the seven member commission  
3727 shall be appointed for terms of two years nine months and four years nine months, respectively,  
3728 initially commencing on July 1, 1996, and subsequently commencing as specified under  
3729 Subsection (1)(d)(i).

3730 (e) The commissioners serve on a part-time basis.

3731 (f) Each commissioner shall remain in office until a successor is appointed and  
3732 qualified.

3733 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners  
3734 shall be as follows:

3735 (i) one commissioner from Box Elder, Cache, or Rich county;

3736 (ii) one commissioner from Salt Lake or Tooele county;

3737 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;

3738 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,  
3739 Sevier, Washington, or Wayne county;

3740 (v) one commissioner from Weber, Davis, or Morgan county;

3741 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or  
3742 Daggett county; and

3743 (vii) one commissioner selected from the state at large.

3744 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and  
3745 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as

3746 follows:

3747 (i) four commissioners with one commissioner selected from each of the four regions  
3748 established by the department; and

3749 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from  
3750 the state at large.

3751 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)  
3752 shall be selected from a rural county.

3753 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third,  
3754 fourth, fifth, or sixth class.

3755 (d) No more than two commissioners appointed under Subsection (2)(b) may be  
3756 selected from any one of the four regions established by the department.

3757 (3) A member may not receive compensation or benefits for the member's service, but  
3758 may receive per diem and travel expenses in accordance with:

3759 (a) Section 63A-3-106;

3760 (b) Section 63A-3-107; and

3761 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3762 63A-3-107.

3763 (4) (a) One member of the commission shall be designated by the governor as chair.

3764 (b) The commission shall select one member as vice chair to act in the chair's absence.

3765 (5) Any four commissioners constitute a quorum.

3766 (6) Each member of the commission shall qualify by taking the constitutional oath of  
3767 office.

3768 (7) For the purposes of Section 63J-1-504, the commission is not considered an  
3769 agency.

3770 Section 87. Section 73-2-1 is amended to read:

3771 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**

3772 (1) There shall be a state engineer.

3773 (2) The state engineer shall:

3774 (a) be appointed by the governor with the advice and consent of the Senate;

3775 (b) hold office for the term of four years and until a successor is appointed; and

3776 (c) have five years experience as a practical engineer or the theoretical knowledge,

3777 practical experience, and skill necessary for the position.

3778 (3) (a) The state engineer shall be responsible for the general administrative  
3779 supervision of the waters of the state and the measurement, appropriation, apportionment, and  
3780 distribution of those waters.

3781 (b) The state engineer may secure the equitable apportionment and distribution of the  
3782 water according to the respective rights of appropriators.

3783 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah  
3784 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
3785 regarding:

3786 (a) reports of water right conveyances;

3787 (b) the construction of water wells and the licensing of water well drillers;

3788 (c) dam construction and safety;

3789 (d) the alteration of natural streams;

3790 (e) geothermal resource conservation;

3791 (f) enforcement orders and the imposition of fines and penalties; and

3792 (g) the duty of water.

3793 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah  
3794 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
3795 governing:

3796 (a) water distribution systems and water commissioners;

3797 (b) water measurement and reporting;

3798 (c) groundwater recharge and recovery;

3799 (d) wastewater reuse;

3800 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to  
3801 surface or underground water that is not represented by a certificate of appropriation;

3802 (f) the form and content of a proof submitted to the state engineer under Section  
3803 73-3-16;

3804 (g) the determination of water rights; or

3805 (h) the form and content of applications and related documents, maps, and reports.

3806 (6) The state engineer may bring suit in courts of competent jurisdiction to:

3807 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground

3808 water without first seeking redress through the administrative process;

3809 (b) prevent theft, waste, loss, or pollution of those waters;

3810 (c) enable him to carry out the duties of the state engineer's office; and

3811 (d) enforce administrative orders and collect fines and penalties.

3812 (7) The state engineer may:

3813 (a) upon request from the board of trustees of an irrigation district under Title 17B,  
3814 Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited  
3815 Purpose Local Government Entities - Local Districts, or a special service district under Title  
3816 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a  
3817 water survey to be made of all lands proposed to be annexed to the district in order to  
3818 determine and allot the maximum amount of water that could be beneficially used on the land,  
3819 with a separate survey and allotment being made for each 40-acre or smaller tract in separate  
3820 ownership; and

3821 (b) upon completion of the survey and allotment under Subsection (7)(a), file with the  
3822 district board a return of the survey and report of the allotment.

3823 (8) (a) The state engineer may establish water distribution systems and define their  
3824 boundaries.

3825 (b) The water distribution systems shall be formed in a manner that:

3826 (i) secures the best protection to the water claimants; and

3827 (ii) is the most economical for the state to supervise.

3828 Section 88. Section **73-10-2** is amended to read:

3829 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**  
3830 **Vacancies.**

3831 (1) (a) The Board of Water Resources shall be comprised of eight members to be  
3832 appointed by the governor with the advice and consent of the Senate.

3833 (b) In addition to the requirements of Section [79-2-203](#), not more than four members  
3834 shall be from the same political party.

3835 (2) One member of the board shall be appointed from each of the following districts:

3836 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

3837 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

3838 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

- 3839 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;
- 3840 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,
- 3841 and Wayne;
- 3842 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;
- 3843 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,
- 3844 and San Juan; and
- 3845 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,
- 3846 Washington, and Kane.

3847 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of  
3848 four years.

3849 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
3850 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3851 board members are staggered so that approximately half of the board is appointed every two  
3852 years.

3853 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
3854 appointed for the unexpired term with the advice and consent of the Senate and shall be from  
3855 the same district as such person.

3856 (4) A member may not receive compensation or benefits for the member's service, but  
3857 may receive per diem and travel expenses in accordance with:

3858 (a) Section 63A-3-106;

3859 (b) Section 63A-3-107; and

3860 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3861 63A-3-107.

3862 Section 89. Section 73-30-201 is amended to read:

3863 **73-30-201. Advisory council created -- Staffing -- Per diem and travel expenses.**

3864 (1) There is created an advisory council known as the "Great Salt Lake Advisory  
3865 Council" consisting of 11 members listed in Subsection (2).

3866 (2) (a) The governor shall appoint the following members, with the advice and consent  
3867 of the Senate:

3868 (i) one representative of industry representing the extractive industry;

3869 (ii) one representative of industry representing aquaculture;

- 3870 (iii) one representative of conservation interests;
- 3871 (iv) one representative of a migratory bird protection area as defined in Section
- 3872 [23-28-102](#);
- 3873 (v) one representative who is an elected official from municipal government, or the
- 3874 elected official's designee;
- 3875 (vi) five representatives who are elected officials from county government, or the
- 3876 elected official's designee, one each representing:
- 3877 (A) Box Elder County;
- 3878 (B) Davis County;
- 3879 (C) Salt Lake County;
- 3880 (D) Tooele County; and
- 3881 (E) Weber County; and
- 3882 (vii) one representative of a publicly owned treatment works.
- 3883 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
- 3884 term.
- 3885 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment,
- 3886 the governor shall adjust the length of terms of voting members to ensure that the terms of
- 3887 council members are staggered so that approximately half of the council is appointed every two
- 3888 years.
- 3889 (c) When a vacancy occurs in the membership for any reason, the governor shall
- 3890 appoint a replacement for the unexpired term with the advice and consent of the Senate.
- 3891 (d) A member shall hold office until the member's successor is appointed and qualified.
- 3892 (4) The council shall determine:
- 3893 (a) the time and place of meetings; and
- 3894 (b) any other procedural matter not specified in this chapter.
- 3895 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.
- 3896 (b) A vote of the majority of the members present at a meeting when a quorum is
- 3897 present constitutes an action of the council.
- 3898 (6) A member may not receive compensation or benefits for the member's service, but
- 3899 may receive per diem and travel expenses in accordance with:
- 3900 (a) Section [63A-3-106](#);

3901 (b) Section 63A-3-107; and

3902 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3903 63A-3-107.

3904 (7) The Department of Natural Resources and the Department of Environmental  
3905 Quality shall coordinate and provide necessary staff assistance to the council.

3906 Section 90. Section 77-5-6 is amended to read:

3907 **77-5-6. Suspension on filing articles -- Vacancy, how filled.**

3908 When articles of impeachment are presented to the Senate, and the officer has been  
3909 served with a copy of the articles, [~~he~~] the officer shall be temporarily suspended from [~~his~~]  
3910 office and may not exercise [~~his~~] the duties of the office until [~~he~~] the officer is acquitted.  
3911 Upon the suspension of any officer, other than the governor, or a justice or judge of a court of  
3912 record, [~~his~~] the office shall be temporarily filled by an appointment made by the governor,  
3913 with the advice and consent of the Senate, until the acquittal of the party impeached, or, in the  
3914 case of [~~his~~] the officer's removal, until the vacancy is filled at the next election as provided by  
3915 law.

3916 Section 91. Section 77-27-2 is amended to read:

3917 **77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.**

3918 (1) There is created the Board of Pardons and Parole. The board shall consist of five  
3919 full-time members and not more than five pro tempore members to be appointed by the  
3920 governor with the advice and consent of the Senate as provided in this section. The members  
3921 of the board shall be resident citizens of the state. The governor shall establish salaries for the  
3922 members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22,  
3923 State Officer Compensation.

3924 (2) (a) (i) The full-time board members shall serve terms of five years. The terms of  
3925 the full-time members shall be staggered so one board member is appointed for a term of five  
3926 years on March 1 of each year.

3927 (ii) The pro tempore members shall serve terms of five years, beginning on March 1 of  
3928 the year of appointment, with no more than one pro tempore member term beginning or  
3929 expiring in the same calendar year. If a pro tempore member vacancy occurs, the board may  
3930 submit the names of not fewer than three or more than five persons to the governor for  
3931 appointment to fill the vacancy.

3932 (b) All vacancies occurring on the board for any cause shall be filled by the governor  
3933 with the advice and consent of the Senate pursuant to this section for the unexpired term of the  
3934 vacating member.

3935 (c) The governor may at any time remove any member of the board for inefficiency,  
3936 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

3937 (d) A member of the board may not hold any other office in the government of the  
3938 United States, this state or any other state, or of any county government or municipal  
3939 corporation within a state. A member may not engage in any occupation or business  
3940 inconsistent with the member's duties.

3941 (e) A majority of the board constitutes a quorum for the transaction of business,  
3942 including the holding of hearings at any time or any location within or without the state, or for  
3943 the purpose of exercising any duty or authority of the board. Action taken by a majority of the  
3944 board regarding whether parole, pardon, commutation, termination of sentence, or remission of  
3945 fines or forfeitures may be granted or restitution ordered in individual cases is deemed the  
3946 action of the board. A majority vote of the five full-time members of the board is required for  
3947 adoption of rules or policies of general applicability as provided by statute. However, a  
3948 vacancy on the board does not impair the right of the remaining board members to exercise any  
3949 duty or authority of the board as long as a majority of the board remains.

3950 (f) Any investigation, inquiry, or hearing that the board has authority to undertake or  
3951 hold may be conducted by any board member or an examiner appointed by the board. When  
3952 any of these actions are approved and confirmed by the board and filed in its office, they are  
3953 considered to be the action of the board and have the same effect as if originally made by the  
3954 board.

3955 (g) When a full-time board member is absent or in other extraordinary circumstances  
3956 the chair may, as dictated by public interest and efficient administration of the board, assign a  
3957 pro tempore member to act in the place of a full-time member. Pro tempore members shall  
3958 receive a per diem rate of compensation as established by the Division of Finance and all actual  
3959 and necessary expenses incurred in attending to official business.

3960 (h) The chair may request staff and administrative support as necessary from the  
3961 Department of Corrections.

3962 (3) (a) Except as provided in Subsection (3)(b), the Commission on Criminal and

3963 Juvenile Justice shall:

3964 (i) recommend five applicants to the governor for a full-time member appointment to  
3965 the Board of Pardons and Parole; and

3966 (ii) consider applicants' knowledge of the criminal justice system, state and federal  
3967 criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

3968 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor  
3969 appoints a sitting board member to a new term of office.

3970 (4) (a) The board shall appoint an individual to serve as its mental health adviser and  
3971 may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77,  
3972 Chapter 16a, Commitment and Treatment of Persons with a Mental Illness. The adviser shall  
3973 prepare reports and recommendations to the board on all persons adjudicated as guilty with a  
3974 mental illness, in accordance with Title 77, Chapter 16a, Commitment and Treatment of  
3975 Persons with a Mental Illness.

3976 (b) The mental health adviser shall possess the qualifications necessary to carry out the  
3977 duties imposed by the board and may not be employed by the Department of Corrections or the  
3978 Utah State Hospital.

3979 (i) The Board of Pardons and Parole may review outside employment by the mental  
3980 health advisor.

3981 (ii) The Board of Pardons and Parole shall develop rules governing employment with  
3982 entities other than the board by the mental health advisor for the purpose of prohibiting a  
3983 conflict of interest.

3984 (c) The mental health adviser shall:

3985 (i) act as liaison for the board with the Department of Human Services and local mental  
3986 health authorities;

3987 (ii) educate the members of the board regarding the needs and special circumstances of  
3988 persons with a mental illness in the criminal justice system;

3989 (iii) in cooperation with the Department of Corrections, monitor the status of persons  
3990 in the prison who have been found guilty with a mental illness;

3991 (iv) monitor the progress of other persons under the board's jurisdiction who have a  
3992 mental illness;

3993 (v) conduct hearings as necessary in the preparation of reports and recommendations;

3994 and

3995 (vi) perform other duties as assigned by the board.

3996 Section 92. Section **78A-11-103** is amended to read:

3997 **78A-11-103. Judicial Conduct Commission -- Members -- Terms -- Vacancies --**

3998 **Voting -- Power of chair.**

3999 (1) The membership of the commission consists of the following 11 members:

4000 (a) two members of the House of Representatives to be appointed by the speaker of the  
4001 House of Representatives for a four-year term, not more than one of whom may be of the same  
4002 political party as the speaker;

4003 (b) two members of the Senate to be appointed by the president of the Senate for a  
4004 four-year term, not more than one of whom may be of the same political party as the president;

4005 (c) two members of, and in good standing with, the Utah State Bar, who shall be  
4006 appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may  
4007 reside in the same judicial district;

4008 (d) three persons not members of the Utah State Bar, who shall be appointed by the  
4009 governor, with the advice and consent of the Senate, for four-year terms, not more than two of  
4010 whom may be of the same political party as the governor; and

4011 (e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year  
4012 term, neither of whom may:

4013 (i) be a member of the Utah Supreme Court;

4014 (ii) serve on the same level of court as the other; and

4015 (iii) if trial judges, serve primarily in the same judicial district as the other.

4016 (2) (a) The terms of the members shall be staggered so that approximately half of the  
4017 commission expires every two years.

4018 (b) Members of the commission may not serve longer than eight years.

4019 (3) The commission shall establish guidelines and procedures for the disqualification  
4020 of any member from consideration of any matter. A judge who is a member of the commission  
4021 or the Supreme Court may not participate in any proceedings involving the judge's own  
4022 removal or retirement.

4023 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
4024 be appointed by the appointing authority for that position for the unexpired term.

4025 (b) If the appointing authority fails to appoint a replacement, the commissioners who  
4026 have been appointed may act as a commission under all the provisions of this section.

4027 (5) Six members of the commission shall constitute a quorum. Any action of a  
4028 majority of the quorum constitutes the action of the commission.

4029 (6) (a) At each commission meeting, the chair and executive director shall schedule all  
4030 complaints to be heard by the commission and present any information from which a  
4031 reasonable inference can be drawn that a judge has committed misconduct so that the  
4032 commission may determine by majority vote of a quorum whether the executive director shall  
4033 draft a written complaint in accordance with Subsection 78A-11-102(2)(b).

4034 (b) The chair and executive director may not act to dismiss any complaint without a  
4035 majority vote of a quorum of the commission.

4036 (7) It is the responsibility of the chair and the executive director to ensure that the  
4037 commission complies with the procedures of the commission.

4038 (8) The chair shall be nonvoting except in the case of a tie vote.

4039 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses  
4040 of services for either a court reporter or a transcriber of electronic tape recordings, and other  
4041 necessary administrative expenses incurred in the performance of the duties of the commission.

4042 (10) Upon a majority vote of the quorum, the commission may:

4043 (a) employ an executive director, legal counsel, investigators, and other staff to assist  
4044 the commission; and

4045 (b) incur other reasonable and necessary expenses within the authorized budget of the  
4046 commission and consistent with the duties of the commission.

4047 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah  
4048 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

4049 Section 93. Section **78B-22-402** is amended to read:

4050 **78B-22-402. Commission members -- Member qualifications -- Terms -- Vacancy.**

4051 (1) The commission is composed of 15 voting members and one ex officio, nonvoting  
4052 member.

4053 (a) The governor, with the advice and consent of the Senate, shall appoint the  
4054 following 13 voting members:

4055 (i) two practicing criminal defense attorneys recommended by the Utah Association of

4056 Criminal Defense Lawyers;

4057 (ii) one attorney practicing in juvenile delinquency defense recommended by the Utah  
4058 Association of Criminal Defense Lawyers;

4059 (iii) an attorney representing minority interests recommended by the Utah Minority Bar  
4060 Association;

4061 (iv) one member recommended by the Utah Association of Counties from a county of  
4062 the first or second class;

4063 (v) one member recommended by the Utah Association of Counties from a county of  
4064 the third through sixth class;

4065 (vi) a director of a county public defender organization recommended by the Utah  
4066 Association of Criminal Defense Lawyers;

4067 (vii) two members recommended by the Utah League of Cities and Towns from its  
4068 membership;

4069 (viii) a retired judge recommended by the Judicial Council;

4070 (ix) one attorney practicing in the area of parental defense, recommended by an entity  
4071 funded under the Child Welfare Parental Defense Program created in Section [63M-7-211](#); and

4072 (x) two members of the Utah Legislature, one from the House of Representatives and  
4073 one from the Senate, selected jointly by the Speaker of the House and President of the Senate.

4074 (b) The Judicial Council shall appoint a voting member from the Administrative Office  
4075 of the Courts.

4076 (c) The executive director of the State Commission on Criminal and Juvenile Justice or  
4077 the executive director's designee is a voting member of the commission.

4078 (d) The director of the commission, appointed under Section [78B-22-403](#), is an ex  
4079 officio, nonvoting member of the commission.

4080 (2) A member appointed by the governor shall serve a four-year term, except as  
4081 provided in Subsection (3).

4082 (3) The governor shall stagger the initial terms of appointees so that approximately half  
4083 of the members appointed by the governor are appointed every two years.

4084 (4) A member appointed to the commission shall have significant experience in  
4085 indigent criminal defense, parental defense, or juvenile defense in delinquency proceedings or  
4086 have otherwise demonstrated a strong commitment to providing effective representation in

4087 indigent defense services.

4088 (5) A person who is currently employed solely as a criminal prosecuting attorney may  
4089 not serve as a member of the commission.

4090 (6) A commission member shall hold office until the member's successor is appointed.

4091 (7) The commission may remove a member for incompetence, dereliction of duty,  
4092 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

4093 (8) If a vacancy occurs in the membership for any reason, a replacement shall be  
4094 appointed for the remaining unexpired term in the same manner as the original appointment.

4095 (9) The commission shall annually elect a chair from the commission's membership to  
4096 serve a one-year term. A commission member may not serve as chair of the commission for  
4097 more than three consecutive terms.

4098 (10) A member may not receive compensation or benefits for the member's service, but  
4099 may receive per diem and travel expenses in accordance with:

4100 (a) Section 63A-3-106;

4101 (b) Section 63A-3-107; and

4102 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4103 63A-3-107.

4104 (11) (a) A majority of the members of the commission constitutes a quorum.

4105 (b) If a quorum is present, the action of a majority of the voting members present  
4106 constitutes the action of the commission.

4107 Section 94. Section 79-2-202 is amended to read:

4108 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**  
4109 **Responsibilities.**

4110 (1) (a) The chief administrative officer of the department is an executive director  
4111 appointed by the governor with the advice and consent of the Senate.

4112 (b) The executive director may be removed at the will of the governor.

4113 (c) The executive director shall receive a salary established by the governor within the  
4114 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

4115 (2) The executive director shall:

4116 (a) administer and supervise the department and provide for coordination and  
4117 cooperation among the boards, divisions, councils, and committees of the department;

- 4118 (b) approve the budget of each board and division;
- 4119 (c) participate in regulatory proceedings as appropriate for the functions and duties of  
4120 the department;
- 4121 (d) report at the end of each fiscal year to the governor on department, board, and  
4122 division activities;
- 4123 (e) ensure that any training or certification required of a public official or public  
4124 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
4125 22, State Training and Certification Requirements, if the training or certification is required:
- 4126 (i) under this title;
- 4127 (ii) by the department; or
- 4128 (iii) by an agency or division within the department; and
- 4129 (f) perform other duties as provided by statute.
- 4130 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal  
4131 Funds Procedures Act, the executive director, may accept an executive or legislative provision  
4132 that is enacted by the federal government, whereby the state may participate in the distribution,  
4133 disbursement, or administration of a fund or service from the federal government for purposes  
4134 consistent with the powers and duties of the department.
- 4135 (4) (a) The executive director, in cooperation with the governmental entities having  
4136 policymaking authority regarding natural resources, may engage in studies and comprehensive  
4137 planning for the development and conservation of the state's natural resources.
- 4138 (b) The executive director shall submit any plan to the governor for review and  
4139 approval.
- 4140 Section 95. Section 79-3-302 is amended to read:
- 4141 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**  
4142 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**
- 4143 (1) The board consists of seven members appointed by the governor, with the advice  
4144 and consent of the Senate.
- 4145 (2) In addition to the requirements of Section 79-2-203, the members shall have the  
4146 following qualifications:
- 4147 (a) one member knowledgeable in the field of geology as applied to the practice of civil  
4148 engineering;

4149 (b) four members knowledgeable and representative of various segments of the mineral  
4150 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

4151 (c) one member knowledgeable of the economic or scientific interests of the mineral  
4152 industry in the state; and

4153 (d) one member who is interested in the goals of the survey and from the public at  
4154 large.

4155 (3) The director of the School and Institutional Trust Lands Administration is an ex  
4156 officio member of the board but without any voting privileges.

4157 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of  
4158 four years.

4159 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
4160 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
4161 board members are staggered so that approximately half of the board is appointed every two  
4162 years.

4163 (c) No more than four members may be of the same political party.

4164 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
4165 appointed for the unexpired term by the governor with the advice and consent of the Senate.

4166 (5) The board shall select from its members a chair and such officers and committees  
4167 as it considers necessary.

4168 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by  
4169 its chair.

4170 (b) Special meetings may be held upon notice of the chair or by a majority of its  
4171 members.

4172 (c) A majority of the members of the board present at a meeting constitutes a quorum  
4173 for the transaction of business.

4174 (7) Members of the board may not obtain financial gain by reason of information  
4175 obtained during the course of their official duties.

4176 (8) A member may not receive compensation or benefits for the member's service, but  
4177 may receive per diem and travel expenses in accordance with:

4178 (a) Section [63A-3-106](#);

4179 (b) Section [63A-3-107](#); and

4180 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4181 63A-3-107.

4182 Section 96. Section 79-4-302 is amended to read:

4183 **79-4-302. Board appointment and terms of members -- Expenses.**

4184 (1) (a) The board is composed of nine members appointed by the governor, with the  
4185 advice and consent of the Senate, to four-year terms.

4186 (b) In addition to the requirements of Section 79-2-203, the governor shall:

4187 (i) appoint one member from each judicial district and one member from the public at  
4188 large;

4189 (ii) ensure that not more than five members are from the same political party; and

4190 (iii) appoint persons who have an understanding of and demonstrated interest in parks  
4191 and recreation.

4192 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may  
4193 adjust the length of terms to ensure that the terms of board members are staggered so that  
4194 approximately half of the board is appointed every two years.

4195 (2) When vacancies occur because of death, resignation, or other cause, the governor,  
4196 with the advice and consent of the Senate, shall:

4197 (a) appoint a person to complete the unexpired term of the person whose office was  
4198 vacated; and

4199 (b) if the person was appointed from a judicial district, appoint the replacement from  
4200 the judicial district from which the person whose office has become vacant was appointed.

4201 (3) The board shall appoint its chair from its membership.

4202 (4) A member may not receive compensation or benefits for the member's service, but  
4203 may receive per diem and travel expenses in accordance with:

4204 (a) Section 63A-3-106;

4205 (b) Section 63A-3-107; and

4206 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
4207 63A-3-107.