

SB0060S03 compared with SB0060S01

~~text~~ shows text that was in SB0060S01 but was deleted in SB0060S03.

text shows text that was not in SB0060S01 but was inserted into SB0060S03.

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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

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;

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- ▶ 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

Other Special Clauses:

~~{ None }~~ This bill provides coordination clauses.

Utah Code Sections Affected:

AMENDS:

4-2-104, as renumbered and amended by Laws of Utah 2017, Chapter 345
4-18-104, as last amended by Laws of Utah 2018, Chapter 115
7-1-202, as last amended by Laws of Utah 2002, Chapter 176
7-1-203, as last amended by Laws of Utah 2013, Chapter 73
9-1-201.1, as enacted by Laws of Utah 2012, Chapter 212
9-6-204, as last amended by Laws of Utah 2012, Chapter 212
9-6-803, as enacted by Laws of Utah 2015, Chapter 350
9-8-204, as last amended by Laws of Utah 2019, Chapter 221
9-22-104, as renumbered and amended by Laws of Utah 2019, Chapter 487
11-38-201, as last amended by Laws of Utah 2013, Chapter 310
13-1-3, as last amended by Laws of Utah 2002, Chapter 176
17B-2a-1005, as last amended by Laws of Utah 2014, Chapter 377
19-1-104, as last amended by Laws of Utah 2002, Chapter 176
19-2-103, as last amended by Laws of Utah 2015, Chapter 154
19-4-103, as last amended by Laws of Utah 2012, Chapter 360
19-5-103, as last amended by Laws of Utah 2015, Chapter 234
19-6-103, as last amended by Laws of Utah 2015, Chapter 451
20A-1-504, as last amended by Laws of Utah 2018, Chapter 19
23-14-2, as last amended by Laws of Utah 2011, Chapter 297
26-1-8, as last amended by Laws of Utah 2002, Chapter 176
26-9f-103, as last amended by Laws of Utah 2018, Chapter 125

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26-21-3, as last amended by Laws of Utah 2011, Chapter 366
26-33a-103, as last amended by Laws of Utah 2014, Chapter 118
26-39-200, as last amended by Laws of Utah 2019, Chapter 111
31A-2-102, as last amended by Laws of Utah 2002, Chapter 176
31A-2-403, as last amended by Laws of Utah 2019, Chapter 193
32B-2-201, as last amended by Laws of Utah 2012, Chapter 365
32B-2-205, as last amended by Laws of Utah 2012, Chapter 365
34-20-3, as last amended by Laws of Utah 2016, Chapter 348
34A-1-201, as last amended by Laws of Utah 2011, Chapter 336
34A-1-205, as last amended by Laws of Utah 2013, Chapter 428
35A-1-201, as last amended by Laws of Utah 2018, Chapter 423
35A-8-304, as last amended by Laws of Utah 2019, Chapter 89
35A-8-2103, as renumbered and amended by Laws of Utah 2018, Chapter 182
40-6-4, as last amended by Laws of Utah 2013, Chapter 243
49-11-202, as last amended by Laws of Utah 2019, Chapter 31
51-7-16, as last amended by Laws of Utah 2010, Chapter 286
51-10-206, as last amended by Laws of Utah 2019, Chapter 163
53-1-107, as last amended by Laws of Utah 2002, Chapter 176
53-2a-1103, as last amended by Laws of Utah 2019, Chapter 161
53B-1-104, as last amended by Laws of Utah 2018, Chapter 382
53B-1-105, as last amended by Laws of Utah 2012, Chapter 78
53B-2-104, as last amended by Laws of Utah 2019, Chapter 357
53B-2a-103, as last amended by Laws of Utah 2018, Chapter 382
53B-2a-108, as repealed and reenacted by Laws of Utah 2018, Chapter 382
53C-1-202, as last amended by Laws of Utah 2011, Chapter 247
53E-3-921, as renumbered and amended by Laws of Utah 2018, Chapter 1
53G-5-201, as last amended by Laws of Utah 2019, Chapter 293
54-1-1.5, as last amended by Laws of Utah 2002, Chapter 176
54-10a-201, as renumbered and amended by Laws of Utah 2009, Chapter 237
59-1-201, as last amended by Laws of Utah 2014, Chapter 370
59-1-206, as last amended by Laws of Utah 2003, Chapter 131

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- 61-1-18.5**, as last amended by Laws of Utah 2011, Chapter 319
- 61-2f-103**, as last amended by Laws of Utah 2016, Chapters 25 and 381
- 61-2g-204**, as renumbered and amended by Laws of Utah 2011, Chapter 289
- 62A-1-107**, as last amended by Laws of Utah 2019, Chapter 246
- 62A-1-108**, as last amended by Laws of Utah 2002, Chapter 176
- 62A-7-501**, as last amended by Laws of Utah 2019, Chapter 246
- 63A-1-105**, as last amended by Laws of Utah 2002, Chapter 176
- 63F-1-105**, as enacted by Laws of Utah 2005, Chapter 169
- 63G-2-501**, as last amended by Laws of Utah 2019, Chapter 254
- 63H-4-102**, as last amended by Laws of Utah 2011, Chapter 308 and renumbered and amended by Laws of Utah 2011, Chapter 370
- 63H-6-104**, as last amended by Laws of Utah 2018, Chapter 447
- 63H-8-201**, as renumbered and amended by Laws of Utah 2015, Chapter 226
- 63J-4-602**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63J-4-702**, as last amended by Laws of Utah 2019, Chapter 246
- 63L-9-103**, as renumbered and amended by Laws of Utah 2017, Chapter 451
- 63M-2-301**, as last amended by Laws of Utah 2019, Chapters 246 and 352
- 63M-7-203**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-7-504**, as last amended by Laws of Utah 2011, Chapter 131
- 63N-1-202**, as last amended by Laws of Utah 2015, Chapter 344 and renumbered and amended by Laws of Utah 2015, Chapter 283
- 63N-1-401**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 63N-1-501**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 63N-7-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 64-13-3**, as last amended by Laws of Utah 2002, Chapter 176
- 67-1-1.5**, as last amended by Laws of Utah 2010, Chapter 355
- 67-1-2**, as last amended by Laws of Utah 2008, Chapter 382
- 67-1-2.5**, as last amended by Laws of Utah 2019, Chapter 246
- 67-1-3**, as last amended by Laws of Utah 2002, Chapter 176
- 67-1-5**, Utah Code Annotated 1953
- 67-1a-2**, as last amended by Laws of Utah 2019, Chapter 165

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67-19a-201, as last amended by Laws of Utah 2010, Chapters 249, 286, 324 and last amended by Coordination Clause, Laws of Utah 2010, Chapter 249

68-4-5, as repealed and reenacted by Laws of Utah 2011, Chapter 356

68-4-6, as repealed and reenacted by Laws of Utah 2011, Chapter 356

72-1-202, as last amended by Laws of Utah 2019, Chapters 69 and 479

72-1-301, as last amended by Laws of Utah 2019, Chapter 479

73-2-1, as last amended by Laws of Utah 2017, Chapter 60

73-10-2, as last amended by Laws of Utah 2010, Chapter 286

73-30-201, as last amended by Laws of Utah 2011, Chapter 308

77-5-6, as last amended by Laws of Utah 1986, Chapter 47

77-27-2, as last amended by Laws of Utah 2011, Chapter 366

78A-11-103, as last amended by Laws of Utah 2012, Chapter 133

78B-22-402, as last amended by Laws of Utah 2019, Chapter 435 and renumbered and amended by Laws of Utah 2019, Chapter 326

79-2-202, as last amended by Laws of Utah 2018, Chapter 200

79-3-302, as last amended by Laws of Utah 2010, Chapter 286

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

Utah Code Sections Affected by Coordination Clause:

53B-1-404, Utah Code Annotated 1953

67-1-2, as last amended by Laws of Utah 2008, Chapter 382

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

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

4-2-104. Administration by commissioner.

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

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

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

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

4-18-104. Conservation Commission created -- Composition -- Appointment --

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Terms -- Compensation -- Attorney general to provide legal assistance.

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

(2) The Conservation Commission shall be composed of:

(a) 11 voting members, including:

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

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

(iii) the executive director of the Department of Environmental Quality or the executive director's designee;

(iv) the president of the County Weed Supervisors Association or the president's designee; and

(v) seven district supervisors who provide district representation on the commission on a multicounty basis; and

(b) the commissioner or the commissioner's designee.

(3) If a district supervisor is unable to attend a meeting, the district supervisor may designate an alternate to serve in the place of the district supervisor for that meeting.

(4) None of the members described in Subsection (2)(a)(v) or (3) may serve on an association that represents a conservation district.

(5) (a) The commissioner or the commissioner's designee shall serve as chair of the Conservation Commission.

(b) The commissioner or the commissioner's designee may not vote except in the event of a tie, in which case the commissioner or the commissioner's designee shall cast the deciding vote.

(6) The members of the commission specified in Subsection (2)(a)(v) shall:

(a) be recommended by the commission to the governor; and

(b) be appointed by the governor with the advice and consent of the Senate.

(7) (a) Except as required by Subsection (7)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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(b) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(c) A commission member may not be appointed to more than two consecutive terms.

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

(9) Attendance of six voting members of the commission at a meeting constitutes a quorum.

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

(a) Section 63A-3-106;

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

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

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

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

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

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

Appointment -- Term -- Salary -- Qualifications.

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

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

7-1-203. Board of Financial Institutions.

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

- (a) one representative from the commercial banking business;
- (b) one representative from the consumer lending, money services business, or escrow agency business;
- (c) one representative from the industrial bank business;
- (d) one representative from the credit union business; and
- (e) one representative of the general public who, as a result of education, training, experience, or interest, is well qualified to consider economic and financial issues and data as they may affect the public interest in the soundness of the financial systems of this state.

(2) The commissioner shall act as chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The member shall:

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

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

(1) The department shall be directed, organized, and managed by an executive director

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appointed by the governor with the advice and consent of the Senate.

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

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

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

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

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

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

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

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

(i) visual arts;

(ii) architecture or design;

(iii) literature;

(iv) music;

(v) sculpture;

(vi) folklore or folk arts;

(vii) theatre;

(viii) dance; and

(ix) media arts.

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

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

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

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

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

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

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

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

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

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

- (1) There is created within the division the Arts and Culture Business Alliance.
- (2) (a) The alliance shall consist of seven members.
 - (b) The six members described in Subsections (2)(d) and (e) shall be appointed by the governor to four-year terms of office with the advice and consent of the Senate.
 - (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of the members described in Subsections (2)(d) and (e) are staggered so that approximately half of the members are appointed every two years.
 - (d) Five members shall be citizens with an interest in supporting and advancing the arts and arts development in the state.
 - (e) One member shall have expertise in business or finance.
 - (f) One member is the executive director of the Department of Heritage and Arts, or the executive director's designee.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original member.
- (4) Four members of the board constitute a quorum for the transaction of business.
- (5) The governor shall annually select one of the board members as chair.
- (6) Except for the executive director, a member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

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

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

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

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

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

9-8-204. Board of State History.

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

(2) The board shall consist of 11 members appointed by the governor with the advice and consent of the Senate as follows:

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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- (1) The STEM board shall:
 - (a) establish a STEM Action Center to:
 - (i) coordinate STEM activities in the state among the following stakeholders:
 - (A) the State Board of Education;
 - (B) school districts and charter schools;
 - (C) the State Board of Regents;
 - (D) institutions of higher education;
 - (E) parents of home-schooled students;
 - (F) other state agencies; and
 - (G) business and industry representatives;
 - (ii) align public education STEM activities with higher education STEM activities; and
 - (iii) create and coordinate best practices among public education and higher education;
 - (b) with the advice and consent of the Senate, appoint a director to oversee the administration of the STEM Action Center;
 - (c) select a physical location for the STEM Action Center;
 - (d) strategically engage industry and business entities to cooperate with the STEM board:
 - (i) to support high quality professional development and provide other assistance for educators and students; and
 - (ii) to provide private funding and support for the STEM Action Center;
 - (e) give direction to the STEM Action Center and the providers selected through a request for proposals process pursuant to this part; and
 - (f) work to meet the following expectations:
 - (i) that at least 50 educators are implementing best practice learning tools in classrooms;
 - (ii) performance change in student achievement in each classroom participating in a STEM Action Center project; and
 - (iii) that students from at least 50 schools in the state participate in the STEM competitions, fairs, and camps described in Subsection 9-22-106(2)(d).
- (2) The STEM board may:
 - (a) enter into contracts for the purposes of this part;

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(b) apply for, receive, and disburse funds, contributions, or grants from any source for the purposes set forth in this part;

(c) employ, compensate, and prescribe the duties and powers of individuals necessary to execute the duties and powers of the STEM board;

(d) prescribe the duties and powers of the STEM Action Center providers; and

(e) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer this part.

(3) The STEM board may establish a foundation to assist in:

(a) the development and implementation of the programs authorized under this part to promote STEM education; and

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

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

(a) may solicit and receive contributions from a private organization for STEM education objectives described in this part;

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

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

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

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

(f) may not:

(i) engage in lobbying activities;

(ii) attempt to influence legislation; or

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

(A) a political candidate; or

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

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

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

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

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

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

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

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

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

(A) after May 1, 2005; and

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

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

(8) Staff services to the commission:

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

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

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

13-1-3. Executive director.

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

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

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

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

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

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(a) elected in accordance with:

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

(ii) Section 17B-1-306;

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

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

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

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

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

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

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

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

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

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

(v) For purposes of this Subsection (2)(c), a municipality that is located in more than

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one county shall be considered to be located in only the county in which more of the municipal area is located than in any other county.

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

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

(i) if the upcoming vacancy is in a single county district, at least 90 days before the expiration of the trustee's term; and

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

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

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

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

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

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

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

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

(ii) the legislative body of each municipality or county that appoints a member to the

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board of trustees adopts a resolution approving the change to an elected board.

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

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

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

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

(6) If an elected trustee's office is vacated, the vacated office shall be filled in accordance with Section 17B-1-303.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the executive director; or

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

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

(i) one representative who:

(A) is not connected with industry;

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

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

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

(iii) one representative from the mining industry;

(iv) one representative from the fuels industry;

(v) one representative from the manufacturing industry;

(vi) one representative from the public who represents:

(A) an environmental nongovernmental organization; or

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

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

(2) A member of the board shall:

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

(b) be a resident of Utah;

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

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

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

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

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

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

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

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

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member's term.

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

(i) the executive director; or

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

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

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

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

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

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metropolitan water district;

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

(v) one representative from:

(A) the state water research community; or

(B) an institution of higher education that has comparable expertise in water research

to the state water research community;

(vi) one representative from the public who represents:

(A) an environmental nongovernmental organization; or

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

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

(2) A member of the board shall:

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

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

(c) be a resident of Utah;

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

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

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

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

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

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

(ii) On May 1, 2013, the governor shall appoint or reappoint board members in

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accordance with this section.

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

(i) the executive director; or

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

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

(i) one representative who:

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

(B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist

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with relevant training and experience; and

- (C) represents local and special service districts in the state;
- (ii) two government representatives who do not represent the federal government;
- (iii) one representative from the mineral industry;
- (iv) one representative from the manufacturing industry;
- (v) one representative who represents agricultural and livestock interests;
- (vi) one representative from the public who represents:
 - (A) an environmental nongovernmental organization; or
 - (B) a nongovernmental organization that represents community interests and does not

represent industry interests; and

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

(2) A member of the board shall:

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

(b) be a resident of Utah;

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

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

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

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

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

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

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

(ii) On March 1, 2013, the governor shall appoint or reappoint board members in

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accordance with this section.

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

(7) The board shall:

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

(i) the executive director; or

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

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

(i) one representative who is:

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- (A) not connected with industry; and
 - (B) a Utah-licensed professional engineer;
 - (ii) two government representatives who do not represent the federal government;
 - (iii) one representative from the manufacturing, mining, or fuel industry;
 - (iv) one representative from the private solid or hazardous waste disposal industry;
 - (v) one representative from the private hazardous waste recovery industry;
 - (vi) one representative from the radioactive waste management industry;
 - (vii) one representative from the uranium milling industry;
 - (viii) one representative from the public who represents:
 - (A) an environmental nongovernmental organization; or
 - (B) a nongovernmental organization that represents community interests and does not represent industry interests;
 - (ix) one representative from the public who is trained and experienced in public health and a licensed:
 - (A) medical doctor; or
 - (B) dentist; and
 - (x) one representative who is:
 - (A) a medical physicist or a health physicist; or
 - (B) a professional employed in the field of radiation safety.
- (2) A member of the board shall:
- (a) be knowledgeable about solid and hazardous waste matters and radiation safety and protection as evidenced by a professional degree, a professional accreditation, or documented experience;
 - (b) be a resident of Utah;
 - (c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and
 - (d) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B).
- (3) No more than six of the appointed members may be from the same political party.
- (4) (a) Members shall be appointed for terms of four years each.
- (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the

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

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

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

(5) Each member is eligible for reappointment.

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

(1) (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, state auditor, or State Board of Education member, the vacancy shall be filled for the

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unexpired term at the next regular general election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) (i) If the governor fails to appoint a board member within 60 days after receipt of the initial or additional list, the nominating committee shall make an interim appointment by majority vote.

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

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

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

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

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

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

(b) a representative of a health care system or a licensed health care facility as that term

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is defined in Section 26-21-2;

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

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

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

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

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

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

(iii) nonphysician health care providers involved in digital health service;

(iv) information technology professionals involved in digital health service;

(v) representatives of the health insurance industry;

(vi) telehealth digital health service consumer advocates; and

(vii) individuals who use digital health service in serving mental or behavioral health populations.

(3) (a) The commission shall annually elect a chairperson from its membership. The chairperson shall report to the executive director of the department.

(b) The commission shall hold meetings at least once every three months. Meetings may be held from time to time on the call of the chair or a majority of the board members.

(c) Seven commission members are necessary to constitute a quorum at any meeting and, if a quorum exists, the action of a majority of members present shall be the action of the commission.

(4) (a) Except as provided in Subsection (4)(b), a commission member shall be appointed for a three-year term and eligible for two reappointments.

(b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately 1/3 of the commission is appointed each year.

(c) A commission member shall continue in office until the expiration of the member's term and until a successor is appointed, which may not exceed 90 days after the formal expiration of the term.

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

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

(b) one hospital administrator;

(c) one hospital trustee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (a) One member shall be:

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

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

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

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

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

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

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

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

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

(ii) who actively practice medicine in this state;

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

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

(e) include three persons:

(i) who are:

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

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

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

(f) include three persons representing health insurers:

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

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

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

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care data;

(g) include two consumer representatives:

(i) from organized consumer or employee associations; and

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

(h) include one person:

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

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

and

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

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

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

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

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

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

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

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

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

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may receive per diem and travel expenses in accordance with:

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

63A-3-107.

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

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

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

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

(b) The governor shall appoint three members who:

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

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

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

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

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

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

(D) an architect licensed in the state.

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

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

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

(i) the health care professional is licensed under:

(A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse

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practitioner; or

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

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

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

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

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

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

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

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

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

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

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

(b) The director may call additional meetings:

(i) at the director's discretion;

(ii) upon the request of the chair; or

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

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

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

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

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

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

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

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

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

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

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

(ii) two members shall:

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

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

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

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

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

(b) No more than one commission member may be appointed from a single company

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or an affiliate or subsidiary of the company.

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

- (i) one member who is an employee of a title insurer; and
- (ii) one member who is an employee of a Utah agency title insurance producer.

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

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

- (i) filed by no later than the day on which the person begins that person's appointment; and
- (ii) amended when a significant change occurs in any matter required to be disclosed under this Subsection (2).

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

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

(c) The commissioner may call additional meetings:

(i) at the commissioner's discretion;

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

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

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

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

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(7) The commissioner shall staff the commission.

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

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

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

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

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

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

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

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

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

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

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

(i) the governor; or

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

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

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

(ii) the alleged grounds for the removal.

(c) The commissioner shall have an opportunity to:

(i) attend the hearing;

(ii) present witnesses and other evidence; and

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(iii) confront and cross examine witnesses.

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

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

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

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

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

(g) The governor shall:

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

(ii) serve the final order upon the commissioner.

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

(a) Section 63A-3-106;

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

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

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

(b) The commission shall elect:

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

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

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

(9) (a) Each commissioner has equal voting rights on a commission matter when in

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attendance at a commission meeting.

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

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

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

(i) the commission;

(ii) the chair; or

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

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

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

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

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

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

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

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

(A) appoint the director; or

(B) reject the three nominations.

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

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director.

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

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

Except that if the Senate does not act on the consent to the appointment of the interim director within 60 days of the end of the initial 30-day period, the interim director may continue as the interim director.

(d) The director may be terminated by:

- (i) the commission by a vote of four commissioners; or
- (ii) the governor after consultation with the commission.

(e) The director may not be a commissioner.

(f) The director shall:

- (i) be qualified in administration;
- (ii) be knowledgeable by experience and training in the field of business management;

and

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

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

(3) The director shall:

- (a) carry out the policies of the commission;
- (b) carry out the policies of the department;
- (c) fully inform the commission of the operations and administrative activities of the

department; and

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

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

34-20-3. Labor relations board.

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

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(i) the commissioner of the Labor Commission;

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

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

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

(b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

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

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

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

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

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

(i) Section 63A-3-106;

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

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

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

(a) by the chair; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) If the commissioner holds a position as permitted under Subsection (2)(b)(ii), the

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commissioner may not be paid any additional compensation for holding the position.

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

(4) The commissioner shall:

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

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

(c) approve all applications for federal grants or assistance in support of any commission program; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(2) The executive director shall:

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

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

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

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

(e) approve all applications for federal grants or assistance in support of any department program;

(f) coordinate with the executive directors of the Governor's Office of Economic Development and the Governor's Office of Management and Budget to review data and metrics to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

(g) fulfill such other duties as assigned by the Legislature or as assigned by the governor that are not inconsistent with this title.

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

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

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

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

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

(a) the chair of the Board of Water Resources or the chair's designee;

(b) the chair of the Water Quality Board or the chair's designee;

(c) the director of the department or the director's designee;

(d) the state treasurer;

(e) the chair of the Transportation Commission or the chair's designee;

(f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;

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(g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or Wayne County;

(h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;

(i) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane County; and

(j) a locally elected official from each of the two counties that produced the most mineral lease money during the previous four-year period, prior to the term of appointment, as determined by the department.

(2) (a) The members specified under Subsections (1)(f) through (j) may not reside in the same county and shall be:

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

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

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

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

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

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

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

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

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may receive per diem and travel expenses in accordance with:

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

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

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

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

- (a) (i) the executive director of the department or the executive director's designee;
- (ii) the executive director of the Governor's Office of Economic Development or the executive director's designee;
- (iii) the state treasurer or the state treasurer's designee;
- (iv) the chair of the Board of Regents or the chair's designee; and
- (v) the chair of the Utah Housing Corporation or the chair's designee; and
- (b) six local government members who are:
 - (i) three elected or appointed county officials, nominated by the Utah Association of Counties and appointed by the governor with the advice and consent of the Senate; and
 - (ii) three elected or appointed municipal officials, nominated by the Utah League of Cities and Towns and appointed by the governor with the advice and consent of the Senate.

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

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

(c) Members may be reappointed only once.

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

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

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appointed within 30 days in the manner of the regular appointment for the unexpired term.

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

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

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

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

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

(a) Section 63A-3-106;

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

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

(8) The chair of the board of review serves as the state official designated under state law to make certifications required to be made under Section 146 of the code including the certification required by Section 149(e)(2)(F) of the code.

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

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

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

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

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

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

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

(i) two members who are knowledgeable in mining matters;

(ii) two members who are knowledgeable in oil and gas matters;

(iii) one member who is knowledgeable in ecological and environmental matters;

(iv) one member who:

(A) is a private land owner;

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- (B) owns a mineral or royalty interest; and
- (C) is knowledgeable in mineral or royalty interests; and
- (v) one member who is knowledgeable in geological matters.

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

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

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

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

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

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

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

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

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

63A-3-107.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Section 63A-3-106;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (d) All members shall serve until their successors are appointed and qualified.
- (3) (a) The council members shall elect a chair and vice chair.
- (b) The state treasurer shall serve as executive secretary of the council without vote.
- (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by the council and at other times at the call of the chair, the state treasurer, or any two members of the council.
 - (b) Three members are a quorum for the transaction of business.
 - (c) Actions of the council require a vote of a majority of those present.
 - (d) All meetings of the council and records of its proceedings are open for inspection by the public at the state treasurer's office during regular business hours except for:
 - (i) reports of the commissioner of financial institutions concerning the identity, liquidity, or financial condition of qualified depositories and the amount of public funds each is eligible to hold; and
 - (ii) reports of the director concerning the identity, liquidity, or financial condition of certified dealers.
- (5) (a) Each member of the council shall file a sworn or written statement with the lieutenant governor that discloses any position or employment or ownership interest that ~~he~~ the member has in any financial institution or investment organization.
 - (b) Each member shall file the statement required by this Subsection (5) when ~~he~~ the member becomes a member of the council and when substantial changes in ~~his~~ the member's position, employment, or ownership interests occur.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

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

51-10-206. Diné Advisory Committee.

- (1) There is created the Diné Advisory Committee.
- (2) (a) The governor, with the advice and consent of the Senate, shall appoint nine

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members to the Diné Advisory Committee.

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

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

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

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

(iv) one registered member of the Naatsis'áán Chapter of the Navajo Nation who resides in San Juan County, Utah;

(v) subject to Subsection (4), two members who reside in San Juan County, Utah, one of whom is a registered member of the Oljato Chapter of the Navajo Nation, and one of whom is a registered member of either the Oljato Chapter or the Dennehotso Chapter of the Navajo Nation;

(vi) one registered member of the Red Mesa Chapter of the Navajo Nation who resides in San Juan County, Utah; and

(vii) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who resides in San Juan County, Utah.

(3) (a) (i) Each chapter of the Utah Navajo Chapter, except the Aneth, Oljato, and Dennehotso chapters, shall submit to the governor the names of two nominees to the Diné Advisory Committee chosen by the chapter.

(ii) The governor shall appoint one of the two persons whose names are submitted under Subsection (3)(a)(i) as that chapter's representative on the Diné Advisory Committee.

(b) (i) The Blue Mountain Diné shall submit to the governor the names of two nominees to the Diné Advisory Committee.

(ii) The governor shall appoint one of the two persons whose names are submitted under Subsection (3)(b)(i) as the Blue Mountain Diné representative on the Diné Advisory Committee.

(c) (i) The Aneth Chapter shall submit to the governor the names of two nominees for each of the two positions to the Diné Advisory Committee representing the Aneth chapter.

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(ii) The governor shall appoint two of the persons whose names are submitted under Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné Advisory Committee.

(d) (i) Subject to Subsection (3)(d)(ii), the Oljato Chapter shall submit to the governor the names of two nominees for each of the two positions to the Diné Advisory Committee representing the Oljato Chapter and the Dennehotso Chapter.

(ii) The Dennehotso Chapter may submit one nominee for purposes of the governor appointing a representative of the Oljato Chapter and the Dennehotso Chapter.

(iii) The governor shall appoint two of the persons whose names are submitted under Subsection (3)(d)(i) or (ii) to be the representatives on the Diné Advisory Committee of the Oljato Chapter and the Dennehotso Chapter.

(e) Before submitting a name to the governor, a Utah Navajo Chapter and the Blue Mountain Diné shall ensure that the individual's whose name is submitted:

(i) is an enrolled member of the Navajo Nation;

(ii) resides in San Juan County, Utah;

(iii) is 21 years of age or older;

(iv) is not an officer of the chapter;

(v) has not been convicted of a felony; and

(vi) is not currently, or within the last 12 months has not been, an officer, director, employee, or contractor of a service provider that solicits, accepts, or receives a benefit from an expenditure of:

(A) the Division of Indian Affairs; or

(B) the fund.

(4) If both members appointed under Subsection (2)(b)(v) are registered members of the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.

(5) (a) Except as provided in Subsection (5)(b) and other than the amount authorized by this section for Diné Advisory Committee member expenses, a person appointed to the Diné Advisory Committee may not solicit, accept, or receive any benefit from an expenditure of:

(i) the Division of Indian Affairs;

(ii) the fund; or

(iii) the Division of Indian Affairs or fund as an officer, director, employee, or contractor of a service provider that solicits, accepts, or receives a benefit from the expenditure

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of:

(A) the Division of Indian Affairs; or

(B) the fund.

(b) A member of the Diné Advisory Committee may receive a benefit from an expenditure of the fund if:

(i) when the benefit is discussed by the Diné Advisory Committee:

(A) the member discloses that the member may receive the benefit;

(B) the member physically leaves the room in which the Diné Advisory Committee is discussing the benefit; and

(C) the Diné Advisory Committee approves the member receiving the benefit by a unanimous vote of the members present at the meeting discussing the benefit;

(ii) a Utah Navajo Chapter requests that the benefit be received by the member;

(iii) the member is in compliance with the ethics and conflict of interest policy required under Subsection 51-10-204(2)(c);

(iv) (A) the expenditure from the fund is made in accordance with this chapter; and

(B) the benefit is no greater than the benefit available to members of the Navajo Nation residing in San Juan County, Utah; and

(v) the member is not receiving the benefit as an officer, director, employee, or contractor of a service provider.

(6) (a) (i) Except as required in Subsection (6)(a)(ii), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

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

(iii) The terms of the Aneth Chapter's representatives appointed under Subsection (3)(c)(ii) shall be staggered in accordance with this Subsection (6) so that only one position is appointed by the governor in a year.

(iv) The terms of the Oljato Chapter's and the Dennehotso Chapter's representatives appointed under Subsection (3)(d) shall be staggered in accordance with this Subsection (6) so that only one position is appointed by the governor in a year.

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(b) Except as provided in Subsection (6)(c), a committee member shall serve until the committee member's successor is appointed and qualified.

(c) If a committee member is absent from three consecutive committee meetings, or if the committee member violates the ethical or conflict of interest policies established by statute or the Diné Advisory Committee:

- (i) the committee member's appointment is terminated;
- (ii) the position is vacant; and
- (iii) the governor shall appoint a replacement.

(d) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term according to the procedures of this section.

(e) The governor may appoint an individual to more than one term on the Diné Advisory Committee.

(7) (a) The committee members shall select a chair and vice chair from committee membership each two years subsequent to the appointment of new committee members.

(b) Five members of the Diné Advisory Committee is a quorum for the transaction of business.

(c) The Diné Advisory Committee shall:

- (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;
- (ii) ensure that its meetings are held at or near:

(A) a chapter house or meeting hall of a Utah Navajo Chapter; or

(B) other places in Utah that the Diné Advisory Committee considers practical and appropriate; and

(iii) ensure that its meetings are public hearings at which a resident of San Juan County, Utah, may appear and speak.

(8) A committee member may not receive compensation or benefits for the committee member's service, but may receive per diem and travel expenses in accordance with policy adopted by the board.

(9) The trust administrator shall staff the Diné Advisory Committee.

(10) The Diné Advisory Committee shall advise the trust administrator about the expenditure of fund money.

Section 39. Section **53-1-107** is amended to read:

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53-1-107. Commissioner of public safety -- Appointment -- Qualifications -- Salary.

- (1) The chief executive officer of the department is the commissioner.
- (2) (a) Every fourth year after the year 1989, the governor shall appoint a commissioner with the advice and consent of the Senate.
 - (b) The commissioner shall serve for a period of four years from July 1 of the year of [~~his~~] the commissioner's appointment.
 - (3) The commissioner shall:
 - (a) be an individual of recognized executive and administrative capacity;
 - (b) be selected solely with regard to [~~his~~] the commissioner's qualifications and fitness to discharge the duties of the commissioner's office;
 - (c) be of high moral character;
 - (d) be of good standing in the community in which [~~he~~] the commissioner lives; and
 - (e) have been a resident of this state for a period of at least five years immediately prior to [~~his~~] appointment.
 - (4) The commissioner shall devote full time to the duties of the office.
 - (5) The governor shall establish the commissioner's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 40. Section **53-2a-1103** is amended to read:

53-2a-1103. Search and Rescue Advisory Board -- Members -- Compensation.

- (1) There is created the Search and Rescue Advisory Board consisting of seven members appointed as follows:
 - (a) two representatives designated by the Utah Sheriff's Association, who are members of a voluntary search and rescue unit operating in the state, one of whom is from a county having a population of 75,000 or more; and one from a county having a population of less than 75,000;
 - (b) three sheriffs designated by the Utah Sheriff's Association, at least one of whom shall be from a county having a population of 75,000 or more, and at least one of whom shall be from a county having a population of less than 75,000;
 - (c) one representative of the Division of Emergency Management designated by the director; and

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(d) one private citizen appointed by the governor with the advice and consent of the Senate.

(2) (a) The term of each member of the board is four years.

(b) A member may be reappointed to successive terms.

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

(d) In order to stagger the terms of membership, the members appointed or reappointed to represent the Utah Sheriff's Association on or after May 2, 2005, shall serve a term of two years, and all subsequent terms shall be four years.

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

(a) Section 63A-3-106;

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

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

Section 41. Section **53B-1-104** is amended to read:

53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.

(1) Except as provided in Subsection (2), the board consists of 17 residents of the state appointed by the governor with the advice and consent of the Senate, as follows:

(a) eight at-large members;

(b) eight members, each of whom is:

(i) selected from three nominees presented to the governor by a higher education institution board of trustees; and

(ii) a current or former member of the institution of higher education board of trustees that nominates the member; and

(c) one member, selected from three nominees presented to the governor by the student body presidents of the institutions of higher education, who:

(i) is a fully matriculated student enrolled in an institution of higher education; and

(ii) is not serving as a student body president at the time of the nomination.

(2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on

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the board, even if the individual does not fulfill a requirement for the composition of the board described in Subsection (1).

(ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the member's term expires.

(b) An individual appointed to the board on or before May 8, 2017, who is a current or former member of an institution of higher education board of trustees is the board member for the institution of higher education described in Subsection (1)(b).

(c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the governor shall ensure that newly appointed members move the board toward the composition described in Subsection (1).

(ii) In appointing a new member to the board, the governor shall first appoint a member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.

(3) (a) All appointments to the board shall be made on a nonpartisan basis.

(b) In making appointments to the board, the governor shall consider:

(i) geographic representation of members;

(ii) diversity;

(iii) experience in higher education governance;

(iv) experience in economic development; and

(v) exposure to institutions of higher education.

(c) An individual may not serve simultaneously on the State Board of Regents and an institution of higher education board of trustees.

(4) (a) Except as provided in Subsection (4)(b), members of the board shall be appointed to six-year staggered terms, which begin on July 1 of the year of appointment.

(b) A student member described in Subsection (1)(c) shall be appointed to a one-year term.

(c) (i) The governor may remove a member of the board for cause.

(ii) The governor shall consult with the president of the Senate before removing a member of the board.

(5) (a) A member of the board shall take the official oath of office before entering upon the duties of office.

(b) The oath shall be filed with the Division of Archives and Records Services.

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(6) The board shall elect a chair and vice chair from among the board's members who shall serve terms of two years and until their successors are chosen and qualified.

(7) (a) The board shall appoint a secretary from the staff of the board's chief executive to serve at the board's discretion.

(b) The secretary is a full-time employee who receives a salary set by the board.

(c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.

(8) (a) The board may establish advisory committees.

(b) The powers and authority of the board are nondelegable, except as specifically provided for in this title.

(c) All matters requiring board determination shall be addressed in a properly convened meeting of the board or the board's executive committee.

(9) The board shall enact bylaws for the board's own government not inconsistent with the constitution or the laws of this state.

(10) (a) The board shall meet regularly upon the board's own determination.

(b) The board may also meet, in full or executive session, at the request of the chair, the executive officer, or five members of the board.

(11) A quorum of the voting members of the board is required to conduct the board's business and consists of nine members.

(12) (a) A vacancy in the board occurring before the expiration of a voting member's full term shall be immediately filled by appointment by the governor with the advice and consent of the Senate.

(b) An individual appointed under Subsection (12)(a) serves for the remainder of the unexpired term.

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

(a) Section 63A-3-106;

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

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

Section 42. Section **53B-1-105** is amended to read:

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53B-1-105. Appointment of commissioner of higher education -- Qualifications -- Duties.

(1) (a) The board, upon approval from the governor and with the advice and consent of the Senate for each appointee nominated on or after May 8, 2012, shall appoint a commissioner of higher education to serve at its pleasure as its chief executive officer.

(b) The commissioner may be terminated by:

(i) the board; or

(ii) the governor, after consultation with the board.

(c) The board shall:

(i) set the salary of the commissioner;

(ii) prescribe the duties and functions of the commissioner; and

(iii) select a commissioner on the basis of outstanding professional qualifications.

(2) The commissioner is responsible to the board to:

(a) ensure that the policies and programs of the board are properly executed;

(b) furnish information about the state system of higher education and make recommendations regarding that information to the board;

(c) provide state-level leadership in any activity affecting an institution in the state system of higher education; and

(d) perform other duties assigned by the board in carrying out its duties and responsibilities.

Section 43. Section **53B-2-104** is amended to read:

53B-2-104. Institution of higher education board of trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

(1) (a) Except as provided in Subsection (10), the board of trustees of an institution of higher education consists of the following:

(i) except as provided in Subsection (1)(c), eight individuals appointed by the governor with the advice and consent of the Senate; and

(ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.

(b) The appointed members of the boards of trustees for Utah Valley University and

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Salt Lake Community College shall be representative of the interests of business, industry, and labor.

(c) (i) The board of trustees of Utah State University has nine individuals appointed by the governor with the advice and consent of the Senate.

(ii) One of the nine individuals described in Subsection (1)(c)(i) shall reside in the Utah State University Eastern service region or the Utah State University Blanding service region.

(2) (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

(b) Except as provided in Subsection (2)(d), a member appointed under Subsection (1)(a)(i) or (1)(c)(i) holds office until a successor is appointed and qualified.

(c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.

(d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) or (1)(c)(i) for cause.

(ii) The governor shall consult with the president of the Senate before removing a member appointed under Subsection (1)(a)(i) or (1)(c)(i).

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

(4) (a) Each member of a board of trustees shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(5) A board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(6) (a) A board of trustees may enact bylaws for the board of trustees' own government, including provisions for regular meetings.

(b) (i) A board of trustees may provide for an executive committee in the board of trustees' bylaws.

(ii) If established, an executive committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) An executive committee may act on nonroutine matters only under extraordinary

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and emergency circumstances.

(iv) An executive committee shall report the executive committee's activities to the board of trustees at the board of trustees' next regular meeting following the action.

(c) Copies of a board of trustees' bylaws shall be filed with the board.

(7) A quorum is required to conduct business and consists of six members.

(8) A board of trustees may establish advisory committees.

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

(a) Section 63A-3-106;

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

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

(10) This section does not apply to a technical college board of directors described in Section 53B-2a-108.

Section 44. Section **53B-2a-103** is amended to read:

53B-2a-103. UTech Board of Trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees -- Compensation.

(1) There is created the UTech Board of Trustees.

(2) (a) Beginning on July 1, 2019, the board of trustees is composed of 15 members appointed by the governor with the advice and consent of the Senate, as follows:

(i) one member selected from at least two nominees presented to the governor by the board of directors of each technical college, for a total of eight members; and

(ii) one member who is employed in and represents each of the following sectors:

(A) information technology;

(B) manufacturing;

(C) life sciences;

(D) health care;

(E) transportation;

(F) union craft, trade, or apprenticeship; and

(G) non-union craft, trade, or apprenticeship.

(b) The seven members described in Subsection (2)(a)(ii) shall be selected from the

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state at large, subject to the following conditions:

(i) at least four members shall reside in a geographic area served by a technical college;
and

(ii) no more than two members may reside in a single geographic area served by a technical college.

(c) The governor shall make appointments to the board of trustees on a nonpartisan basis.

(d) An individual may not serve on the board of trustees and a technical college board of directors simultaneously.

(3) (a) (i) Except as provided under Subsection (3)(a)(ii), a member shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.

(ii) The governor shall ensure that member terms are staggered so that approximately one-half of the members' terms expire in any odd-numbered year.

(b) A member may not hold office for more than two consecutive full terms.

(c) (i) The governor may remove a member of the board of trustees for cause.

(ii) The governor shall consult with the president of the Senate before removing a member of the board of trustees.

(4) When a vacancy occurs on the board of trustees for any reason, the governor shall appoint a replacement for the unexpired term.

(5) (a) Each member shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(6) (a) The board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(b) A member may not serve more than two consecutive terms as the chair or vice chair.

(7) (a) The board of trustees shall enact bylaws for the board of trustees' own government, including provisions for regular meetings.

(b) (i) The board of trustees shall provide for an executive committee in the board of trustees' bylaws.

(ii) The executive committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

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(iii) The executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) The executive committee shall report the executive committee's activities to the board of trustees at the board of trustees' next regular meeting following the executive committee's activities.

(8) A quorum shall be required to conduct business which shall consist of a majority of board of trustee members.

(9) The board of trustees may establish advisory committees.

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

(a) Section 63A-3-106;

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

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

Section 45. Section **53B-2a-108** is amended to read:

53B-2a-108. Technical college boards of directors -- Membership --

Appointments.

(1) As used in this section:

(a) "Higher education institution" means the same as that term is defined in Section 53B-2a-112.

(b) "Technical college service area" means the geographic area served by each technical college as described in Section 53B-2a-105.

(2) A technical college board of directors consists of:

(a) one member of the local school board for each school district in the technical college service area, appointed by the local school board to which the member belongs;

(b) except as provided in Subsection (3)(b), one individual who is a member of the higher education institution board of trustees, appointed by the higher education institution board of trustees; and

(c) a number of individuals, appointed by the governor with the advice and consent of the Senate, that is:

(i) seven for:

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- (A) Tooele Technical College;
- (B) Uintah Basin Technical College; and
- (C) Dixie Technical College;

(ii) eight for:

- (A) Bridgerland Technical College;
- (B) Ogden-Weber Technical College;
- (C) Davis Technical College; and
- (D) Southwest Technical College; or

(iii) nine for Mountainland Technical College.

(3) (a) In appointing the members described in Subsection (2)(c), the governor shall appoint individuals who represent the interests of business, industry, or labor in the technical college service area.

(b) If no member of the institution of higher education board of trustees lives within the technical college service area, the institution of higher education board of trustees may nominate an individual to be appointed by the governor with the advice and consent of the Senate instead of appointing a member described in Subsection (2)(b).

(4) (a) The governor may remove a member appointed under Subsection (2)(c) or (3)(b) for cause.

(b) The governor shall consult with the president of the Senate before removing a member appointed under Subsection (2)(c) or (3)(b).

(5) (a) Notwithstanding Subsection (2) or 53B-2a-109(2), an individual appointed to a technical college board of directors on or before May 7, 2018, may continue to serve on the technical college board of directors until the end of the individual's current term, even if the total number of members on the technical college board of directors exceeds the number of members for the technical college board of directors described in Subsection (2).

(b) Notwithstanding Subsection (2), the governor may only make an appointment described in Subsection (2)(c) if the number of members on the technical college board of directors following the appointment will be less than or equal to the number of members for the technical college board of directors described in Subsection (2).

Section 46. Section **53C-1-202** is amended to read:

53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --

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Terms -- Replacement -- Chair -- Quorum.

(1) There is established the School and Institutional Trust Lands Board of Trustees.

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

(3) (a) Except for the appointment made pursuant to Subsection (5), all appointments to the board shall be for a nonconsecutive term of six years, or until a replacement has been appointed and confirmed pursuant to this section.

(b) If a vacancy occurs, the governor shall appoint a replacement, following the procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.

(c) Any member of the board who has served less than six years upon the expiration of that member's term is eligible for a consecutive reappointment.

(4) (a) The governor shall select six of the seven appointees to the board from a nomination list of at least two candidates for each position or vacancy submitted pursuant to Section 53C-1-203.

(b) The governor may request an additional nomination list of at least two candidates from the nominating committee if the initial list of candidates for a given position is unacceptable.

(c) (i) If the governor fails to select an appointee within 60 days after receipt of the initial list or within 60 days after the receipt of an additional list, the nominating committee shall make an interim appointment by majority vote.

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

(5) (a) The governor may appoint one member without requiring a nomination list.

(b) The member appointed under Subsection (5)(a) serves at the pleasure of the governor.

(6) (a) Each board candidate shall possess outstanding professional qualifications pertinent to the purposes and activities of the trust.

(b) The board shall represent the following areas of expertise:

- (i) nonrenewable resource management or development;
- (ii) renewable resource management or development; and
- (iii) real estate.

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(c) Other qualifications which are pertinent for membership to the board are expertise in any of the following areas:

- (i) business;
- (ii) investment banking;
- (iii) finance;
- (iv) trust administration;
- (v) asset management; and
- (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)

through (v).

(7) The board of trustees shall select a chair and vice chair from its membership.

(8) Before assuming a position on the board, each member shall take an oath of office.

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

(10) The governor or five board members may, for cause, remove a member of the board.

Section 47. Section **53E-3-921** is amended to read:

53E-3-921. Appointment of compact commissioner.

The governor, with the advice and consent of the Senate, shall appoint a compact commissioner to carry out the duties described in this part.

Section 48. Section **53G-5-201** is amended to read:

53G-5-201. State Charter School Board created.

(1) As used in this section, "organization that represents Utah's charter schools" means an organization, except a governmental entity, that advocates for charter schools, charter school parents, or charter school students.

(2) (a) The State Charter School Board is created consisting of the following members appointed by the governor with the advice and consent of the Senate:

- (i) one member who has expertise in finance or small business management;
- (ii) three members who:
 - (A) are nominated by an organization that represents Utah's charter schools; and
 - (B) have expertise or experience in developing or administering a charter school;
- (iii) two members who are nominated by the state board; and
- (iv) one member who:

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(A) has expertise in personalized learning, including digital teaching and learning or deliberate practice; and

(B) supports innovation in education.

(b) Each appointee shall have demonstrated dedication to the purposes of charter schools as outlined in Section 53G-5-104.

(c) At least two candidates shall be nominated for each appointment made under Subsection (2)(a)(ii) or (iii).

(d) The governor may seek nominations for a prospective appointment under Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.

(3) (a) State Charter School Board members shall serve four-year terms.

(b) If a vacancy occurs, the governor shall, with the advice and consent of the Senate, appoint a replacement for the unexpired term.

(4) The governor may remove a member at any time for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.

(5) (a) The State Charter School Board shall annually elect a chair from its membership.

(b) Four members of the State Charter School Board shall constitute a quorum.

(c) Meetings may be called by the chair or upon request of three members of the State Charter School Board.

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

(a) Section 63A-3-106;

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

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

Section 49. Section **54-1-1.5** is amended to read:

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

The commission shall be composed of three members appointed by the governor with the advice and consent of the Senate. The terms of the members shall be staggered so that one commissioner is appointed for a term of six years on March 1 of each odd-numbered year. Not

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more than two members of the commission shall belong to the same political party. One member of the commission shall be designated by the governor as chairman of the commission. Any two commissioners constitute a quorum. Any member of the commission may be removed for cause by the governor. Vacancies in the commission shall be filled for unexpired terms by appointment of the governor. Commissioners shall receive compensation as established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and all actual and necessary expenses incurred in attending to official business. Each commissioner at the time of appointment and qualification shall be a resident citizen of the United States and of the state of Utah and shall be not less than 30 years of age. Except as provided by law, no commissioner may hold any other office either under the government of the United States or of this state or of any municipal corporation within this state.

Section 50. Section **54-10a-201** is amended to read:

54-10a-201. Office of Consumer Services -- Director.

(1) There is created within the Department of Commerce the "Office of Consumer Services."

(2) (a) The governor shall appoint, with the concurrence of the Committee of Consumer Services and the advice and consent of the Senate, a qualified person in the field of public utilities to be the director of the office.

(b) The director shall serve for a term of six years.

(c) For purposes of the individual who is the director on May 12, 2009, that individual's six-year term is considered to begin on July 1, 2009.

(d) The governor may remove the director for cause.

(3) In accordance with this chapter, the director shall on behalf of the office:

(a) represent residential consumers and small commercial consumers of an applicable public utility; and

(b) represent the interests of:

(i) residential consumers; and

(ii) small commercial consumers.

Section 51. Section **59-1-201** is amended to read:

59-1-201. Composition of commission -- Terms -- Removal from office --

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Appointment.

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

(2) Subject to Subsection (3), the term of office of each commissioner shall be for four years and expire on June 30 of the year the term ends.

(3) The governor shall stagger a term described in Subsection (2) so that the term of one commissioner expires each year.

(4) A commissioner shall hold office until a successor is appointed and qualified.

(5) (a) The governor may remove a commissioner from office for neglect of duty, inefficiency, or malfeasance, after notice and a hearing.

(b) If the governor removes a commissioner from office and appoints another person to replace the commissioner, the person the governor appoints to replace the commissioner:

(i) shall serve for the remainder of the unexpired term; and

(ii) may be reappointed as the governor determines.

(6) (a) Before appointing a commissioner, the governor shall request a list of names of potential appointees from:

(i) the Utah State Bar;

(ii) one or more organizations that represent certified public accountants who are licensed to practice in the state;

(iii) one or more organizations that represent persons who assess or appraise property in the state; and

(iv) one or more national organizations that:

(A) offer a professional certification in the areas of property tax, sales and use tax, and state income tax;

(B) require experience, education, and testing to obtain the certification; and

(C) require additional education to maintain the certification.

(b) In appointing a commissioner, the governor shall consider:

(i) to the extent names of potential appointees are submitted, the names of potential appointees submitted in accordance with Subsection (6)(a); and

(ii) any other potential appointee of the governor's own choosing.

Section 52. Section **59-1-206** is amended to read:

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59-1-206. Appointment of staff -- Executive director -- Compensation -- Administrative secretary -- Internal audit unit -- Appeals office staff -- Division directors -- Criminal tax investigators.

(1) The commission shall appoint the following persons who are qualified, knowledgeable, and experienced in matters relating to their respective positions, exempt under Title 67, Chapter 19, Utah State Personnel Management Act, to serve at the pleasure of, and who are directly accountable to, the commission:

(a) in consultation with the governor and with the advice and consent of the Senate, an executive director;

(b) an administrative secretary;

(c) an internal audit unit; and

(d) an appeals staff.

(2) The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(3) Division directors shall be appointed by the executive director subject to the approval of the commission. The division directors are exempt employees under Title 67, Chapter 19, Utah State Personnel Management Act.

(4) (a) The executive director may with the approval of the commission employ additional staff necessary to perform the duties and responsibilities of the commission. These employees are subject to Title 67, Chapter 19, Utah State Personnel Management Act.

(b) (i) The executive director may under Subsection (4)(a) employ criminal tax investigators to help the commission carry out its duties and responsibilities regarding criminal provisions of the state tax laws. The executive director may not employ more than eight criminal tax investigators at one time.

(ii) The executive director may designate investigators hired under this Subsection (4)(b) as special function officers, as defined in Section 53-13-105, to enforce the criminal provisions of the state tax laws.

(iii) Notwithstanding Section 49-15-201, any special function officer designated under this Subsection (4)(b) may not become or be designated as a member of the Public Safety Retirement Systems.

(5) The internal audit unit shall provide the following:

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(a) an examination to determine the honesty and integrity of fiscal affairs, the accuracy and reliability of financial statements and reports, and the adequacy and effectiveness of financial controls to properly record and safeguard the acquisition, custody, and use of public funds;

(b) an examination to determine whether commission administrators have faithfully adhered to commission policies and legislative intent;

(c) an examination to determine whether the operations of the divisions and other units of the commission have been conducted in an efficient and effective manner;

(d) an examination to determine whether the programs administered by the divisions and other units of the commission have been effective in accomplishing intended objectives; and

(e) an examination to determine whether management control and information systems are adequate and effective in assuring that commission programs are administered faithfully, efficiently, and effectively.

(6) The appeals office shall receive and hear appeals to the commission and shall conduct the hearings in compliance with formal written rules approved by the commission.

The commission has final review authority over the appeals.

Section 53. Section **61-1-18.5** is amended to read:

61-1-18.5. Securities Commission -- Transition.

(1) (a) There is created a Securities Commission.

(b) The division shall provide staffing to the commission.

(2) (a) The commission shall:

(i) formulate and make recommendations to the director regarding policy and budgetary matters;

(ii) submit recommendations regarding registration requirements;

(iii) formulate and make recommendations to the director regarding the establishment of reasonable fees;

(iv) act in an advisory capacity to the director with respect to the exercise of the director's duties, powers, and responsibilities;

(v) conduct an administrative hearing under this chapter that is not:

(A) delegated by the commission to an administrative law judge or the division relating

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to a violation of this chapter; or

(B) expressly delegated to the division under this chapter;

(vi) except as provided in Subsection (2)(b), and consistent with Section 61-1-20,

impose a sanction as provided in this chapter;

(vii) review rules made by the division for purposes of concurrence in accordance with Section 61-1-24; and

(viii) perform other duties as this chapter provides.

(b) (i) The commission may delegate to the division the authority to impose a sanction under this chapter.

(ii) If under Subsection (2)(b)(i) the commission delegates to the division the authority to impose a sanction, a person who is subject to the sanction may petition the commission for review of the sanction.

(iii) A person who is sanctioned by the division in accordance with this Subsection (2)(b) may seek agency review by the executive director only after the commission reviews the division's action.

(3) (a) The governor shall appoint five members to the commission with the advice and consent of the Senate as follows:

(i) two members from the securities brokerage community:

(A) who are not from the same broker-dealer or affiliate; and

(B) who have at least five years prior experience in securities matters;

(ii) one member from the securities section of the Utah State Bar:

(A) whose practice primarily involves:

(I) corporate securities; or

(II) representation of plaintiffs in securities cases;

(B) who does not routinely represent clients involved in:

(I) civil or administrative litigation with the division; or

(II) criminal cases brought under this chapter; and

(C) who has at least five years prior experience in securities matters;

(iii) one member who is an officer or director of a business entity not subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934; and

(iv) one member from the public at large who has no active participation in the

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securities business.

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

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

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

(c) For purposes of making an appointment to the commission, the governor:

(i) shall as of May 12, 2009:

(A) appoint all five members of the commission; and

(B) stagger the terms of the five members of the commission to comply with Subsection (4)(b); and

(ii) may not consider the commission an extension of the previous Securities Advisory Board.

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

(e) A member shall serve until the member's respective successor is appointed and qualified.

(f) The commission shall annually select one member to serve as chair of the commission.

(5) (a) The commission shall meet:

(i) at least quarterly on a regular date to be fixed by the commission; and

(ii) at such other times at the call of:

(A) the director; or

(B) any two members of the commission.

(b) A majority of the commission shall constitute a quorum for the transaction of business.

(c) An action of the commission requires a vote of a majority of members present.

(6) A member of the commission shall, by sworn and written statement filed with the Department of Commerce and the lieutenant governor, disclose any position of employment or

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ownership interest that the member has with respect to an entity or business subject to the jurisdiction of the division or commission. This statement shall be filed upon appointment and must be appropriately amended whenever significant changes occur in matters covered by the statement.

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

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

(8) (a) A rule or form made by the division under this section that is in effect on May 11, 2009, is considered to have been concurred with by the commission as of May 12, 2009, until the commission acts on the rule or form.

(b) For a civil or administrative action pending under this chapter as of May 12, 2009, brought under the authority of division under this chapter as in effect May 11, 2009, that may be brought only by the commission under this chapter as in effect on May 12, 2009:

- (i) the action shall be considered brought by the commission; and
- (ii) the commission may take any act authorized under this chapter regarding that action.

Section 54. Section **61-2f-103** is amended to read:

61-2f-103. Real Estate Commission.

(1) There is created within the division a Real Estate Commission. The commission shall:

(a) subject to concurrence by the division and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for the administration of this chapter that are not inconsistent with this chapter, including:

- (i) licensing of:
 - (A) a principal broker;
 - (B) an associate broker; and
 - (C) a sales agent;
- (ii) registration of:

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- (A) an entity; and
- (B) a branch office;
- (iii) prelicensing and postlicensing education curricula;
- (iv) examination procedures;
- (v) the certification and conduct of:
 - (A) a real estate school;
 - (B) a course provider; or
 - (C) an instructor;
- (vi) proper handling of money received by a licensee under this chapter;
- (vii) brokerage office procedures and recordkeeping requirements;
- (viii) property management;
- (ix) standards of conduct for a licensee under this chapter; and
- (x) if the commission, with the concurrence of the division, determines necessary, a rule as provided in Subsection 61-2f-306(3) regarding a legal form;
- (b) establish, with the concurrence of the division, a fee provided for in this chapter, except a fee imposed under Part 5, Real Estate Education, Research, and Recovery Fund Act;
- (c) conduct an administrative hearing not delegated by the commission to an administrative law judge or the division relating to the:
 - (i) licensing of an applicant;
 - (ii) conduct of a licensee;
 - (iii) the certification or conduct of a real estate school, course provider, or instructor regulated under this chapter; or
 - (iv) violation of this chapter by any person;
- (d) with the concurrence of the director, impose a sanction as provided in Section 61-2f-404;
- (e) advise the director on the administration and enforcement of a matter affecting the division and the real estate sales and property management industries;
- (f) advise the director on matters affecting the division budget;
- (g) advise and assist the director in conducting real estate seminars; and
- (h) perform other duties as provided by this chapter.
- (2) (a) Except as provided in Subsection (2)(b), a state entity may not, without the

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concurrence of the commission, make a rule that changes the rights, duties, or obligations of buyers, sellers, or persons licensed under this chapter in relation to a real estate transaction between private parties.

(b) Subsection (2)(a) does not apply to a rule made:

(i) under Title 31A, Insurance Code, or Title 7, Financial Institutions Act; or

(ii) by the Department of Commerce or any division or other rulemaking body within the Department of Commerce.

(3) (a) The commission shall be comprised of five members appointed by the governor and approved by the Senate.

(b) Four of the commission members shall:

(i) have at least five years' experience in the real estate business; and

(ii) hold an active principal broker, associate broker, or sales agent license.

(c) One commission member shall be a member of the general public.

(d) The governor may not appoint a commission member described in Subsection (3)(b) who, at the time of appointment, resides in the same county in the state as another commission member.

(e) At least one commission member described in Subsection (3)(b) shall at the time of an appointment reside in a county that is not a county of the first or second class.

(4) (a) Except as required by Subsection (4)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a four-year term ending June 30.

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

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

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

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

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

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

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

(7) (a) The commission shall meet at least monthly.

(b) The director may call additional meetings:

- (i) at the director's discretion;
- (ii) upon the request of the chair; or
- (iii) upon the written request of three or more commission members.

(8) Three members of the commission constitute a quorum for the transaction of business.

Section 55. Section **61-2g-204** is amended to read:

61-2g-204. Real Estate Appraiser Licensing and Certification Board.

(1) (a) There is established a Real Estate Appraiser Licensing and Certification Board that consists of five regular members as follows:

- (i) one state-licensed or state-certified appraiser who may be either a residential or general licensee or certificate holder;
- (ii) one state-certified residential appraiser;
- (iii) one state-certified general appraiser;
- (iv) one member who is certified as either a state-certified residential appraiser or a state-certified general appraiser; and
- (v) one member of the general public.

(b) A state-licensed or state-certified appraiser may be appointed as an alternate member of the board.

(c) The governor shall appoint all members of the board with the advice and consent of the Senate.

(2) (a) Except as required by Subsection (2)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term beginning on July 1.

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

(c) Upon the expiration of a member's term, a member of the board shall continue to hold office until the appointment and qualification of the member's successor.

(d) A person may not serve as a member of the board for more than two consecutive terms.

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

(b) The governor may remove a member for cause.

(4) The public member of the board may not be licensed or certified under this chapter.

(5) The board shall meet at least quarterly to conduct its business. The division shall give public notice of a board meeting.

(6) The members of the board shall elect a chair annually from among the members to preside at board meetings.

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

(a) Section 63A-3-106;

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

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

(8) (a) Three members of the board shall constitute a quorum for the transaction of business.

(b) If a quorum of members is unavailable for any meeting, the alternate member of the board, if any, shall serve as a regular member of the board for that meeting if with the presence of the alternate member a quorum is present at the meeting.

Section 56. Section **62A-1-107** is amended to read:

62A-1-107. Board of Aging and Adult Services -- Members, appointment, terms, vacancies, chairperson, compensation, meetings, quorum.

(1) The Board of Aging and Adult Services described in Subsection 62A-1-105(1)(a)

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shall have seven members who are appointed by the governor with the advice and consent of the Senate.

(2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a term of four years, and is eligible for one reappointment.

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

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

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

(3) No more than four members of the board may be from the same political party. The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen on the basis of their active interest, experience, and demonstrated ability to deal with issues related to the Board of Aging and Adult Services.

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

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

(a) Section 63A-3-106;

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

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

(6) The board shall adopt bylaws governing its activities. Bylaws shall include

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procedures for removal of a board member who is unable or unwilling to fulfill the requirements of the board member's appointment.

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

Section 57. Section **62A-1-108** is amended to read:

62A-1-108. Executive director -- Appointment -- Compensation -- Qualifications -- Responsibilities.

(1) The chief administrative officer of the department is the executive director, who shall be appointed by the governor with the advice and consent of the Senate. The executive director may be removed at the will of the governor. The executive director shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation. The executive director shall be experienced in administration, management, and coordination of complex organizations.

(2) The executive director is responsible for:

(a) administration and supervision of the department;

(b) coordination of policies and program activities conducted through the boards, divisions, and offices of the department;

(c) approval of the proposed budget of each board, division, and office within the department; and

(d) such other duties as the Legislature or governor shall assign to him.

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

Section 58. Section **62A-7-501** is amended to read:

62A-7-501. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.

(1) There is created within the division a Youth Parole Authority.

(2) (a) The authority is composed of 10 part-time members and five pro tempore members who are residents of this state. No more than three pro tempore members may serve on the authority at any one time.

(b) Throughout this section, the term "member" refers to both part-time and pro tempore members of the Youth Parole Authority.

(3) (a) Except as required by Subsection (3)(b), members shall be appointed to

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four-year terms by the governor with the advice and consent of the Senate.

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

(4) Each member shall have training or experience in social work, law, juvenile or criminal justice, or related behavioral sciences.

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

(6) During the tenure of the member's appointment, a member may not:

(a) be an employee of the department, other than in the member's capacity as a member of the authority;

(b) hold any public office;

(c) hold any position in the state's juvenile justice system; or

(d) be an employee, officer, advisor, policy board member, or subcontractor of any juvenile justice agency or its contractor.

(7) In extraordinary circumstances or when a regular member is absent or otherwise unavailable, the chair may assign a pro tempore member to act in the absent member's place.

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

(a) Section 63A-3-106;

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

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

(9) The authority shall determine appropriate parole dates for youth offenders in accordance with Section 62A-7-404.

(10) Youth offenders may be paroled to their own homes, to an independent living program contracted or operated by the division, to an approved independent living setting, or to other appropriate residences of qualifying relatives or guardians, but shall remain on parole until parole is terminated by the authority in accordance with Section 62A-7-404.

(11) The division's case management staff shall implement parole release plans and shall supervise youth offenders while on parole.

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(12) The division shall permit the authority to have reasonable access to youth offenders in secure facilities and shall furnish all pertinent data requested by the authority in matters of parole, revocation, and termination.

Section 59. Section **63A-1-105** is amended to read:

63A-1-105. Appointment of executive director -- Compensation.

(1) The governor shall:

(a) appoint the executive director with the advice and consent of the Senate; and

(b) establish the executive director's salary within the salary range fixed by the

Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The executive director shall serve at the pleasure of the governor.

Section 60. Section **63F-1-105** is amended to read:

63F-1-105. Appointment of executive director -- Compensation -- Authority.

(1) The governor shall:

(a) appoint the executive director with the advice and consent of the Senate; and

(b) establish the executive director's salary within the salary range fixed by the

Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The executive director shall:

(a) serve at the pleasure of the governor; and

(b) exercise all powers given to and perform all duties imposed on the department.

Section 61. Section **63G-2-501** is amended to read:

63G-2-501. State Records Committee created -- Membership -- Terms --

Vacancies -- Expenses.

(1) There is created the State Records Committee within the Department of Administrative Services consisting of the following seven individuals:

(a) an individual in the private sector whose profession requires the individual to create or manage records that, if created by a governmental entity, would be private or controlled;

(b) an individual with experience with electronic records and databases, as recommended by a statewide technology advocacy organization that represents the public, private, and nonprofit sectors;

(c) the director of the Division of Archives and Records Services or the director's designee;

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(d) two citizen members;

(e) one person representing political subdivisions, as recommended by the Utah League of Cities and Towns; and

(f) one individual representing the news media.

(2) The governor shall appoint the members described in Subsections (1)(a), (b), (d), (e), and (f) with the advice and consent of the Senate.

(3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each member to a four-year term.

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

(c) Each appointed member is eligible for reappointment for one additional term.

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

(5) A member of the State Records Committee may not receive compensation or benefits for the member's service on the committee, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

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

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

Section 62. Section **63H-4-102** is amended to read:

63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and expenses.

(1) There is created an independent state agency and a body politic and corporate known as the "Heber Valley Historic Railroad Authority."

(2) The authority is composed of eight members as follows:

(a) one member of the county legislative body of Wasatch County;

(b) the mayor of Heber City;

(c) the mayor of Midway;

(d) the executive director of the Department of Transportation or the executive director's designee;

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(e) the executive director of Parks and Recreation, or the executive director's designee;
and

(f) three public members appointed by the governor with the advice and consent of the Senate, being private citizens of the state, as follows:

(i) two people representing the tourism industry, one each from Wasatch and Utah counties; and

(ii) one person representing the public at large.

(3) All members shall be residents of the state.

(4) (a) Except as required by Subsection (4)(b), the three public members are appointed for four-year terms beginning July 1, 2010.

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

(5) Any of the three public members may be removed from office by the governor or for cause by an affirmative vote of any four members of the authority.

(6) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term by the governor with advice and consent of the Senate for the unexpired term.

(7) Each public member shall hold office for the term of appointment and until a successor has been appointed and qualified.

(8) A public member is eligible for reappointment, but may not serve more than two full consecutive terms.

(9) The governor shall appoint the chair of the authority from among its members.

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

(11) The powers of the authority are vested in its members.

(12) (a) Four members constitute a quorum for transaction of authority business.

(b) An affirmative vote of at least four members is necessary for any action taken by the authority.

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

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may receive per diem and travel expenses in accordance with:

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

63A-3-107.

Section 63. Section **63H-6-104** is amended to read:

63H-6-104. Board of directors -- Membership -- Term -- Quorum -- Vacancies --

Duties.

- (1) The corporation is governed by a board of directors.
- (2) The board is composed of members as follows:
 - (a) the director of the Division of Facilities Construction and Management or the director's designee;
 - (b) the commissioner of agriculture and food or the commissioner's designee;
 - (c) two members, appointed by the president of the Senate:
 - (i) who have business related experience; and
 - (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);
 - (d) two members, appointed by the speaker of the House:
 - (i) who have business related experience; and
 - (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);
 - (e) five members, of whom only one may be a legislator, in accordance with Subsection (3)(e), appointed by the governor with the advice and consent of the Senate as follows:
 - (i) two members who represent agricultural interests;
 - (ii) two members who have business related experience; and
 - (iii) one member who is recommended by the Utah Farm Bureau Federation;
 - (f) one member, appointed by the mayor of Salt Lake City with the advice and consent of the Senate, who is a resident of the neighborhood located adjacent to the state fair park;
 - (g) a representative of Salt Lake County, if Salt Lake County is party to an executed lease agreement with the corporation; and
 - (h) a representative of the Days of '47 Rodeo.
- (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under

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Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years after the year that the board member was appointed.

(ii) In making appointments to the board, the president of the Senate, the speaker of the House, the governor, and the mayor of Salt Lake City shall ensure that the terms of approximately 1/4 of the appointed board members expire each year.

(b) Except as provided in Subsection (3)(c), appointed board members serve until their successors are appointed and qualified.

(c) (i) If an appointed board member is absent from three consecutive board meetings without excuse, that member's appointment is terminated, the position is vacant, and the individual who appointed the board member shall appoint a replacement.

(ii) The president of the Senate, the speaker of the House, the governor, or the mayor of Salt Lake City, as applicable, may remove an appointed member of the board at will.

(d) The president of the Senate, the speaker of the House, the governor, or the mayor of Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by appointing an individual in accordance with the procedures described in this section for the unexpired term of the vacated member.

(e) No more than a combined total of two legislators may be appointed under Subsections (2)(c), (d), and (e).

(4) The governor shall select the board's chair.

(5) A majority of the members of the board is a quorum for the transaction of business.

(6) The board may elect a vice chair and any other board offices.

(7) The board may create one or more subcommittees to advise the board on any issue related to the state fair park.

(8) In carrying out the board's duties under this chapter, the board shall cooperate with and, upon request, appear before the State Fair Park Committee.

(9) No later than November 30 of each year, the board shall provide the following to the State Fair Park Committee:

(a) a report on the general state of the financial and business affairs of the corporation;

(b) a report on that year's annual exhibition described in Subsection 63H-6-103(4)(j), including the exhibition's attendance, operations, and revenue;

(c) any appropriation request that the board plans to submit to the Legislature; and

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(d) any other report that the State Fair Park Committee requests.

Section 64. Section **63H-8-201** is amended to read:

63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --

Quorum -- Per diem and expenses.

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

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

(i) Utah Housing Finance Association; and

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

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

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

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

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

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

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

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

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

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

(3) The governor shall:

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

(b) ensure that:

(i) the six public trustees are from different counties and are residents of the state; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

Section 65. Section **63J-4-602** is amended to read:

**63J-4-602. Public Lands Policy Coordinating Office -- Coordinator --
Appointment -- Qualifications -- Compensation.**

(1) There is created within state government the Public Lands Policy Coordinating Office. The office shall be administered by a public lands policy coordinator.

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

(3) The coordinator shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.

(4) The coordinator and employees of the office shall receive compensation as provided in Title 67, Chapter 19, Utah State Personnel Management Act.

Section 66. Section **63J-4-702** is amended to read:

63J-4-702. Employability to Careers Program Board.

(1) There is created within the office the Employability to Careers Program Board composed of the following members:

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

(b) the executive director of the Department of Human Services or the executive director's designee; and

(c) three members appointed by the governor with the advice and consent of the Senate as follows:

(i) one member from the private or nonprofit sector with expertise in finance;

(ii) one member who is not a legislator from the private or nonprofit sector chosen from among two individuals recommended by the president of the Senate; and

(iii) one member who is not a legislator from the private or nonprofit sector chosen from among two individuals recommended by the speaker of the House of Representatives.

(2) (a) An appointed member of the board shall serve for a term of three years, but may be reappointed for one additional term.

(b) If a vacancy occurs in the board for any reason, the governor with the advice and consent of the Senate shall appoint a replacement to serve the remainder of the board member's term.

(3) The board shall elect a chair from among the board's membership.

(4) The board shall meet at least quarterly upon the call of the chair.

(5) Four members of the board constitute a quorum.

(6) Action by a majority present constitutes the action of the board.

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

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

(8) The office shall provide staff support to the board.

Section 67. Section **63L-9-103** is amended to read:

63L-9-103. Director.

(1) Upon the requirements described in Subsection 63L-9-102(2) being fulfilled, the governor shall, with the advice and consent of the Senate, appoint a director of the Department of Land Management.

- (2) The director shall:
 - (a) be the executive and administrative head of the Department of Land Management;
 - (b) have demonstrated ability and experience in the administration and management of state or federal lands;
 - (c) not hold any other public office or be involved in a political party or organization; and
 - (d) hire personnel to staff the department.

(3) The director shall have:

- (a) executive authority and control of the Department of Land Management; and
- (b) authority over all personnel matters.

Section 68. Section **63M-2-301** is amended to read:

63M-2-301. The Utah Science Technology and Research Initiative -- Governing authority -- Program director.

- (1) There is created the Utah Science Technology and Research Initiative.
- (2) Subject to Subsection (10), to oversee USTAR, there is created the Utah Science Technology and Research Governing Authority consisting of:
 - (a) the state treasurer or the state treasurer's designee;
 - (b) the executive director of the Governor's Office of Economic Development;
 - (c) three members appointed by the governor, with the advice and consent of the

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Senate;

(d) two members who are not legislators appointed by the president of the Senate;

(e) two members who are not legislators appointed by the speaker of the House of

Representatives; and

(f) one member appointed by the commissioner of higher education.

(3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve four-year staggered terms.

(b) An appointed member under Subsection (2)(c), (d), (e), or (f):

(i) may not serve more than two full consecutive terms; and

(ii) may be removed from the governing authority for any reason before the member's term is completed:

(A) at the discretion of the original appointing authority; and

(B) after the original appointing authority consults with the governing authority.

(4) A vacancy on the governing authority in an appointed position under Subsection (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment.

(5) (a) Except as provided in Subsection (5)(b), the governor, with the advice and consent of the Senate, shall select the chair of the governing authority to serve a one-year term.

(b) The governor may extend the term of a sitting chair of the governing authority without the advice and consent of the Senate.

(c) The executive director of the Governor's Office of Economic Development shall serve as the vice chair of the governing authority.

(6) The governing authority shall meet at least six times each year and may meet more frequently at the request of a majority of the members of the governing authority.

(7) Five members of the governing authority are a quorum.

(8) A member of the governing authority may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(a) Section 63A-3-106;

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

(c) rules made by the Division of Finance:

(i) pursuant to Sections 63A-3-106 and 63A-3-107; and

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(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(9) (a) The governor, with the advice and consent of the Senate, may appoint a program director to oversee USTAR.

(b) The program director is an at-will employee who may be terminated with or without cause by the governor or the executive director of the Governor's Office of Economic Development.

(10) On July 1, 2019, the governing authority is dissolved and the program director is under the supervision of the executive director of the Governor's Office of Economic Development.

Section 69. Section **63M-7-203** is amended to read:

63M-7-203. Executive director -- Qualifications -- Compensation -- Appointment -- Functions.

(1) The governor, with the advice and consent of the Senate, shall appoint a person experienced in the field of criminal justice and in administration as the executive director of the Commission on Criminal and Juvenile Justice. The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) (a) The executive director, under the direction of the commission, shall administer the duties of the commission and act as the governor's advisor on national, state, regional, metropolitan, and local government planning as it relates to criminal justice.

(b) This chapter does not derogate the planning authority conferred on state, regional, metropolitan, and local governments by existing law.

Section 70. Section **63M-7-504** is amended to read:

63M-7-504. Crime Victim Reparations and Assistance Board -- Members.

(1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of seven members appointed by the governor with the advice and consent of the Senate.

(b) The membership of the board shall consist of:

- (i) a member of the bar of this state;
- (ii) a victim of criminally injurious conduct;
- (iii) a licensed physician;
- (iv) a representative of law enforcement;

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(v) a mental health care provider;

(vi) a victim advocate; and

(vii) a private citizen.

(c) The governor may appoint a chair of the board who shall serve for a period of time prescribed by the governor, not to exceed the length of the chair's term. The board may elect a vice chair to serve in the absence of the chair.

(d) The board may hear appeals from administrative decisions as provided in rules adopted pursuant to Section 63M-7-515.

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

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

(c) A member may be reappointed to one successive term in addition to a member's initial full-term appointment.

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

(b) A member resigning from the board shall serve until the member's successor is appointed and qualified.

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

(a) Section 63A-3-106;

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

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

(5) The board shall meet at least once quarterly but may meet more frequently as necessary.

Section 71. Section **63N-1-202** is amended to read:

63N-1-202. Executive director of office -- Appointment -- Removal --

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Compensation.

(1) The office shall be administered, organized, and managed by an executive director appointed by the governor, with the advice and consent of the Senate.

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

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

Section 72. Section **63N-1-401** is amended to read:

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

Expenses.

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

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

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

(2) In appointing members of the committee, the governor shall ensure that:

(a) no more than eight members of the board are from one political party; and

(b) members represent a variety of geographic areas and economic interests of the state.

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

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

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

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

(a) Section 63A-3-106;

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

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

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Section 73. Section **63N-1-501** is amended to read:

63N-1-501. Governor's Economic Development Coordinating Council --

Membership -- Expenses.

(1) There is created in the office the Governor's Economic Development Coordinating Council, consisting of the following 11 members:

(a) the executive director, who shall serve as chair of the council;

(b) the chair of the board or the chair's designee;

(c) the chair of the Utah Science Technology and Research Governing Authority created in Section 63M-2-301 or the chair's designee;

(d) the chair of the Governor's Rural Partnership Board created in Section 63C-10-102 or the chair's designee;

(e) the chair of the board of directors of the Utah Capital Investment Corporation created in Section 63N-6-301 or the chair's designee;

(f) the chair of the Economic Development Corporation of Utah or its successor organization or the chair's designee;

(g) the chair of the World Trade Center Utah or its successor organization or the chair's designee; and

(h) four members appointed by the governor, with the advice and consent of the Senate, who have expertise in business, economic development, entrepreneurship, or the raising of venture or seed capital for research and business growth.

(2) (a) The four members appointed by the governor may serve for no more than two consecutive two-year terms.

(b) The governor shall appoint a replacement if a vacancy occurs from the membership appointed under Subsection (1)(h).

(3) Six members of the council constitute a quorum for the purpose of conducting council business and the action of a majority of a quorum constitutes the action of the council.

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

(a) Sections 63A-3-106 and 63A-3-107; and

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

(5) The office shall provide office space and administrative staff support for the

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council.

(6) The council, as a governmental entity, has all the rights, privileges, and immunities of a governmental entity of the state and its meetings are subject to Title 52, Chapter 4, Open and Public Meetings Act.

Section 74. Section **63N-7-102** is amended to read:

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

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

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

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

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

(4) (a) The members shall be representative of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

(11) (a) The board shall determine attendance requirements for maintaining a designated board seat.

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

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

(12) The board's office shall be in Salt Lake City.

Section 75. Section **64-13-3** is amended to read:

64-13-3. Executive director.

(1) The executive director shall be appointed by the governor with the advice and consent of the Senate.

(2) The executive director shall be experienced and knowledgeable in the field of corrections and shall have training in criminology and penology.

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

Section 76. Section **67-1-1.5** is amended to read:

67-1-1.5. Gubernatorial appointment powers.

(1) As used in this section:

(a) "Board member" means each gubernatorial appointee to any state board, committee, commission, council, or authority.

(b) "Executive branch management position" includes department executive directors, division directors, and any other administrative position in state government where the person filling the position:

(i) works full-time performing managerial and administrative functions;

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

(c) (i) "Executive branch policy position" means any person other than a person filling an executive branch management position, who is appointed by the governor with the advice and consent of the Senate.

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(ii) "Executive branch policy position" includes each member of any state board and commission appointed by the governor with the advice and consent of the Senate.

(2) (a) Whenever a vacancy occurs in any executive branch policy position or in any executive branch management position, the governor shall submit the name of a nominee to the Senate for advice and consent no later than three months after the day on which the vacancy occurs.

(b) If the Senate fails to consent to that person within 90 days after the day on which the governor submits the nominee's name to the Senate for consent:

(i) the nomination is considered rejected; and

(ii) the governor shall resubmit the name of the nominee described in Subsection (2)(a) or submit the name of a different nominee to the Senate for consent no later than 60 days after the date on which the nomination was rejected by the Senate.

(3) (a) Whenever a vacancy occurs in any executive branch management position, the governor may either:

(i) appoint an interim manager who meets the qualifications of the vacant position to exercise the powers and duties of the vacant position for three months, pending consent of a person to permanently fill that position by the Senate; or

(ii) appoint an interim manager who does not meet the qualifications of the vacant position and submit that person's name to the Senate for consent as interim manager within one month of the appointment.

(b) If the Senate fails to consent to the interim manager appointed under Subsection (3)(a)(ii) within 30 days after the day on which the governor submits the nominee's name to the Senate for consent:

(i) the nomination is considered rejected; and

(ii) the governor may:

(A) (I) reappoint the interim manager to whom the Senate failed to consent within 30 days; and

(II) resubmit the name of the person described in Subsection (3)(b)(ii)(A)(I) to the Senate for consent as interim manager; or

(B) appoint a different interim manager under Subsection (3)(a).

(c) If, after an interim manager has served three months, no one has been appointed and

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received Senate consent to permanently fill the position, the governor shall:

(i) appoint a new interim manager who meets the qualifications of the vacant position to exercise the powers and duties of the vacant position for three months; or

(ii) submit the name of the first interim manager to the Senate for consent as an interim manager for a three-month term.

(d) If the Senate fails to consent to a nominee whose name is submitted under Subsection (3)(c)(ii) within 30 days after the day on which the governor submits the name to the Senate:

(i) the nomination is considered rejected; and

(ii) the governor shall:

(A) (I) reappoint the person described in Subsection (3)(d); and

(II) resubmit the name of the person described in Subsection (3)(d) to the Senate for consent as interim manager; or

(B) appoint a different interim manager in the manner required by Subsection (3)(a).

(4) The governor may not make a temporary appointment to fill a vacant executive branch policy position.

(5) (a) Before appointing any person to serve as a board member, the governor shall ask the person whether or not the person wishes to receive per diem, expenses, or both for serving as a board member.

(b) If the person declines to receive per diem, expenses, or both, the governor shall notify the agency administering the board, commission, committee, council, or authority and direct the agency to implement the board member's request.

(6) A gubernatorial nomination upon which the Senate has not acted to give consent or refuse to give consent is void when a vacancy in the office of governor occurs.

Section 77. Section **67-1-2** is amended to read:

67-1-2. Senate confirmation of gubernatorial nominees -- Verification of nomination requirements -- Consultation on appointments -- Notification of anticipated vacancies.

~~ff~~(1) ~~[Unless]~~ Until October 1, 2020, unless waived by a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate session to confirm any gubernatorial nominee, except a judicial appointment, ~~ff~~

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~~(1) Except as provided in Subsection (2), at least 30 days before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee,} the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel ~~{ the following information for each nominee}~~:~~

~~{(a) a list of each nominee for an office or position made by the governor in accordance with the Utah Constitution and state law; and {}}~~

~~{(b) any information that may support or provide biographical information about the nominee, including resumes and curriculum vitae. {}}~~

(2) Except as provided in Subsection (3), beginning October 1, 2020, at least 30 days before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel the following information for each nominee:

(a) the nominee's name and biographical information, including a resume and curriculum vitae;

(b) a detailed list, with citations, of the legal requirements for the appointed position;

(c) a detailed list with supporting documents explaining how, and verifying that, the nominee meets each statutory and constitutional requirement for the appointed position; and

(d) a written certification by the governor that the nominee satisfies all requirements for the appointment.

~~{2}3 (a) Subsection ~~{1}2~~ does not apply to a judicial nominee.~~

~~{A}~~Beginning October 1, 2020, a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection ~~{1}2~~ for a gubernatorial nominee other than a nominee for the following:

(i) the executive director of a department;

(ii) the executive director of the Governor's Office of Economic Development;

(iii) the executive director of the Labor Commission;

(iv) a member of the State Tax Commission;

(v) a member of the State Board of Education;

(vi) a member of the State Board of Regents;

(vii) a member of the Utah System of Technical Colleges Board of Trustees; or

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(viii) an individual:

(A) whose appointment requires the advice and consent of the Senate; and

(B) whom the governor designates as a member of the governor's cabinet.

~~(3)4~~ ~~The~~ Beginning October 1, 2020, the Senate shall hold a confirmation hearing for a nominee for an individual described in Subsection ~~(2)3~~(b)(i) through (viii).

~~(4)5~~ ~~The~~ Beginning on October 1, 2020, the governor shall:

(a) if the governor is aware of an upcoming vacancy in a position that requires Senate confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel at least 30 days before the day on which the vacancy occurs; and

(b) establish a process for government entities and other relevant organizations to provide input on gubernatorial appointments.

~~(2)~~ ~~(5)6~~ When the governor makes a judicial appointment, the governor shall immediately provide to the president of the Senate and the Office of Legislative Research and General Counsel:

(a) the name of the judicial appointee; and

(b) the judicial appointee's:

(i) resume;

(ii) complete file of all the application materials the governor received from the Judicial Nominating Commission; and

(iii) any other related documents, including any letters received by the governor about the appointee, unless the letter specifically directs that it may not be shared.

~~(3)~~ ~~(6)7~~ The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel of the number of letters withheld pursuant to Subsection ~~(2)~~ ~~(5)6~~(b)(iii).

~~(4)~~ ~~(7)8~~ (a) Letters of inquiry submitted by any judge at the request of any judicial nominating commission shall be classified as private in accordance with Section 63G-2-302.

(b) All other records received from the governor pursuant to this Subsection ~~(4)~~ ~~(7)8~~ may be classified as private in accordance with Section 63G-2-302.

~~(5)~~ ~~(8)9~~ The Senate shall consent or refuse to give ~~its~~ consent to the nomination or judicial appointment.

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(9)10 A judicial nominating commission shall, at the time the judicial nominating commission certifies a list of the most qualified judicial applicants to the governor under Section 78A-10-104, submit the same list to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel.

Section 78. Section **67-1-2.5** is amended to read:

67-1-2.5. Executive boards -- Database -- Governor's review of new boards.

(1) As used in this section:

(a) "Administrator" means the boards and commissions administrator designated under Subsection (2).

(b) "Executive board" means any executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months by the constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a department, division, or other administrative subunit of the executive branch of state government.

(2) (a) Before September 1 of the calendar year following the year in which the Legislature creates a new executive board, the governor shall:

(i) review the executive board to evaluate:

(A) whether the executive board accomplishes a substantial governmental interest; and

(B) whether it is necessary for the executive board to remain in statute;

(ii) in the governor's review under Subsection (2)(a)(i), consider:

(A) the funding required for the executive board;

(B) the staffing resources required for the executive board;

(C) the time members of the executive board are required to commit to serve on the executive board; and

(D) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction; and

(iii) submit a report to the Government Operations Interim Committee recommending that the Legislature:

(A) repeal the executive board;

(B) add a sunset provision or future repeal date to the executive board;

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(C) make other changes to make the executive board more efficient; or

(D) make no changes to the executive board.

(b) In conducting the evaluation and making the report described in Subsection (2)(a), the governor shall give deference to:

(i) reducing the size of government; and

(ii) making governmental programs more efficient and effective.

(c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the Government Operations Interim Committee shall vote on whether to address the recommendations made by the governor in the report and prepare legislation accordingly.

(3) (a) The governor shall designate a board and commissions administrator from the governor's staff to maintain a computerized database containing information about all executive boards.

(b) The administrator shall ensure that the database contains:

(i) the name of each executive board;

(ii) the statutory or constitutional authority for the creation of the executive board;

(iii) the sunset date on which each executive board's statutory authority expires;

(iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;

(v) the name, address, gender, telephone number, and county of each individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;

(vi) the title of the position held by the person who appointed each member of the executive board;

(vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;

(viii) whether [~~or not~~] members appointed to the executive board require the advice and consent of the Senate;

(ix) the organization, interest group, profession, local government entity, or geographic area that an individual appointed to an executive board represents, if any;

(x) the party affiliation of an individual appointed to an executive board, if the statute or executive order creating the position requires representation from political parties;

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(xi) whether each executive board is a policy board or an advisory board;
(xii) whether the executive board has or exercises rulemaking authority; and
(xiii) any compensation and expense reimbursement that members of the executive board are authorized to receive.

(4) The administrator shall place the following on the governor's website:

- (a) the information contained in the database;
- (b) each report the administrator receives under Subsection (5); and
- (c) the summary report described in Subsection (6).

(5) (a) Before August 1 of each year, each executive board shall prepare and submit to the administrator an annual report that includes:

- (i) the name of the executive board;
- (ii) a description of the executive board's official function and purpose;
- (iii) a description of the actual work performed by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);
- (iv) a description of actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);

(v) recommendations on whether any statutory, rule, or other changes are needed to make the executive board more effective; and

- (vi) an indication of whether the executive board should continue to exist.

(b) The administrator shall compile and post the reports described in Subsection (5)(a) to the governor's website before September 1 of each year.

(c) An executive board is not required to submit a report under this Subsection (5) if the executive board:

- (i) is also a legislative board under Section 36-12-22; and
- (ii) submits a report under Section 36-12-22.

(6) (a) The administrator shall prepare, publish, and distribute an annual report by September 1 of each year that includes:

- (i) as of August 1 of that year:
 - (A) the total number of executive boards;
 - (B) the name of each of those executive boards and the state officer or department and division of state government under whose jurisdiction the executive board operates or with

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which the executive board is affiliated, if any;

(C) for each state officer and each department and division, the total number of executive boards under the jurisdiction of or affiliated with that officer, department, and division;

(D) the total number of members for each of those executive boards;

(E) whether or not some or all of the members of each of those executive boards are approved by the Senate;

(F) whether each board is a policymaking board or an advisory board and the total number of policy boards and the total number of advisory boards; and

(G) the compensation, if any, paid to the members of each of those executive boards; and

(ii) a summary of the reports submitted to the administrator under Subsection (5), including:

(A) a list of each executive board that submitted a report under Subsection (5);

(B) a list of each executive board that did not submit a report under Subsection (5);

(C) an indication of any recommendations made under Subsection (5)(a)(v); and

(D) a list of any executive boards that indicated under Subsection (5)(a)(vi) that the executive board should no longer exist.

(b) The administrator shall distribute copies of the report described in Subsection (6)(a) to:

(i) the governor;

(ii) the president of the Senate;

(iii) the speaker of the House;

(iv) the Office of Legislative Research and General Counsel;

(v) the Government Operations Interim Committee; and

(vi) any other persons who request a copy of the annual report.

(c) Each year, the Government Operations Interim Committee shall prepare legislation making any changes the committee determines are suitable with respect to the report the committee receives under Subsection (6)(b), including:

(i) repealing an executive board that is no longer functional or necessary; and

(ii) making appropriate changes to make an executive board more effective.

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Section 79. Section **67-1-3** is amended to read:

67-1-3. Removal of gubernatorial appointee.

(1) Any time during a recess of the Legislature, the governor may remove any gubernatorial appointee for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.

(2) If the appointment required the advice and consent of the Senate, the governor may fill the vacancy created by the removal by following the procedures and requirements of Section 67-1-1.5.

Section 80. Section **67-1-5** is amended to read:

67-1-5. Commissioning officers.

The governor must commission all officers of the militia, and all officers appointed by the governor or by the governor with the advice and consent of the Senate.

Section 81. Section **67-1a-2** is amended to read:

67-1a-2. Duties enumerated.

(1) The lieutenant governor shall:

(a) perform duties delegated by the governor, including assignments to serve in any of the following capacities:

(i) as the head of any one department, if so qualified, with the advice and consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation;

(ii) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs;

(iii) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests;

(iv) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state;

(v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and

(vi) as chairperson or member of any temporary or permanent boards, councils,

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commissions, committees, task forces, or other group appointed by the governor;

(b) serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;

(c) serve as the chief election officer of the state as required by Subsection (2);

(d) keep custody of the Great Seal of Utah;

(e) keep a register of, and attest, the official acts of the governor;

(f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

(g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.

(2) (a) As the chief election officer, the lieutenant governor shall:

(i) exercise general supervisory authority over all elections;

(ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those races;

(iii) assist county clerks in unifying the election ballot;

(iv) (A) prepare election information for the public as required by statute and as determined appropriate by the lieutenant governor; and

(B) make the information under Subsection (2)(a)(iv)(A) available to the public and to news media on the Internet and in other forms as required by statute or as determined appropriate by the lieutenant governor;

(v) receive and answer election questions and maintain an election file on opinions received from the attorney general;

(vi) maintain a current list of registered political parties as defined in Section 20A-8-101;

(vii) maintain election returns and statistics;

(viii) certify to the governor the names of those persons who have received the highest number of votes for any office;

(ix) ensure that all voting equipment purchased by the state complies with the requirements of Subsection 20A-5-302(2) and Sections 20A-5-802 and 20A-5-803;

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(x) conduct the study described in Section 67-1a-14;

(xi) during a declared emergency, to the extent that the lieutenant governor determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:

(A) voting on election day;

(B) early voting;

(C) the transmittal or voting of an absentee ballot or military-overseas ballot;

(D) the counting of an absentee ballot or military-overseas ballot; or

(E) the canvassing of election returns; and

(xii) perform other election duties as provided in Title 20A, Election Code.

(b) As chief election officer, the lieutenant governor may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.

(3) (a) The lieutenant governor shall:

(i) determine a new municipality's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the municipality's population using the population estimate from the Utah Population Committee; and

(ii) (A) prepare a certificate indicating the class in which the new municipality belongs based on the municipality's population; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the municipality's legislative body.

(b) The lieutenant governor shall:

(i) determine the classification under Section 10-2-301 of a consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,

Consolidation of Municipalities, using population information from:

(A) each official census or census estimate of the United States Bureau of the Census;

or

(B) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census; and

(ii) (A) prepare a certificate indicating the class in which the consolidated municipality

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belongs based on the municipality's population; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the consolidated municipality's legislative body.

(c) The lieutenant governor shall:

(i) determine a new metro township's classification under Section 10-2-301.5 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, based on the metro township's population using the population estimates from the Utah Population Committee; and

(ii) prepare a certificate indicating the class in which the new metro township belongs based on the metro township's population and, within 10 days after preparing the certificate, deliver a copy of the certificate to the metro township's legislative body.

(d) The lieutenant governor shall monitor the population of each municipality using population information from:

(i) each official census or census estimate of the United States Bureau of the Census; or

(ii) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census.

(e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a municipality's population has increased beyond the population for its current class, the lieutenant governor shall:

(i) prepare a certificate indicating the class in which the municipality belongs based on the increased population figure; and

(ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.

(f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a municipality's population has decreased below the population for its current class, the lieutenant governor shall send written notification of that fact to the municipality's legislative body.

(ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose population has decreased below the population for its current class, the lieutenant governor shall:

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(A) prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.

Section 82. Section **67-19a-201** is amended to read:

67-19a-201. Career Service Review Office created -- Appointment of an administrator -- Reporting -- Qualifications.

(1) There is created a Career Service Review Office.

(2) (a) The governor shall appoint, with the advice and consent of the Senate, an administrator of the office.

(b) The administrator shall have demonstrated an ability to administer personnel policies in performing the duties specified in this chapter.

Section 83. Section **68-4-5** is amended to read:

68-4-5. Creation -- Members -- Terms.

(1) There is established the "Utah Commission on Uniform State Laws," which consists of members of the Utah State Bar who are appointed as commissioners to the National Conference of Commissioners on Uniform State Laws as follows:

(a) one commissioner, appointed by the governor with the advice and consent of the Senate, who shall be a member of the Senate at the time of appointment;

(b) one commissioner, appointed by the governor with the advice and consent of the Senate, who shall be a member of the House of Representatives at the time of appointment;

(c) two commissioners, appointed by the governor with the advice and consent of the Senate, who shall be active members of the Utah State Bar;

(d) one commissioner who is the Legislature's general counsel or, alternatively, an attorney from the Office of Legislative Research and General Counsel who is appointed by the general counsel;

(e) any commissioner that has previously served as a member of the commission and has been elected as a life member of the National Conference of Commissioners on Uniform State Laws according to the conference's constitution, bylaws, and rules of procedure; and

(f) up to one associate commissioner, appointed by the Legislature's general counsel, who is an attorney from the Office of Legislative Research and General Counsel.

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(2) Commissioners appointed by the governor shall be appointed for four-year terms commencing on the date of their confirmation by the Senate.

(3) A commissioner continues to serve:

(a) unless the commissioner dies or resigns;

(b) unless the commissioner ceases to be a member of the Utah State Bar in good standing; or

(c) (i) for a commissioner appointed by the governor and notwithstanding expiration of the commissioner's term under Subsection (2), until the governor:

(A) reappoints the commissioner to a new term; or

(B) appoints a successor commissioner;

(ii) for the general counsel, until the general counsel ceases to serve as general counsel or appoints an attorney to serve in the general counsel's place;

(iii) for a commissioner appointed to serve in the place of the general counsel, until the general counsel chooses to serve as a commissioner or appoints a successor commissioner; or

(iv) for an associate commissioner, until the general counsel appoints a successor commissioner or elects not to fill the position of associate commissioner.

Section 84. Section **68-4-6** is amended to read:

68-4-6. Vacancies.

(1) For a commissioner who serves in a governor-appointed position described in Subsection 68-4-5(1)(a), (b), or (c):

(a) the office of a commissioner becomes vacant and the governor, with the advice and consent of the Senate, shall immediately appoint a new commissioner upon the commissioner's:

(i) death;

(ii) resignation; or

(iii) failure to be a member of the Utah State Bar in good standing; and

(b) the governor may, with the advice and consent of the Senate, appoint a new commissioner or, as applicable, reappoint the current commissioner, provided that the current commissioner meets the requirements for appointment, after any of the following events:

(i) the commissioner's failure to actively serve as commissioner;

(ii) the commissioner's refusal to serve as commissioner;

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- (iii) expiration of the commissioner's term;
- (iv) the commissioner's appointment to another position on the commission; or
- (v) the commissioner's election as a life member of the National Conference of

Commissioners on Uniform State Laws.

(2) (a) The commissioner who is the Legislature's general counsel shall serve only while acting as the Legislature's general counsel.

(b) A commissioner who is serving as an appointee of the Legislature's general counsel shall serve at the will of the general counsel.

Section 85. Section **72-1-202** is amended to read:

72-1-202. Executive director of department -- Appointment -- Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.

(1) (a) The governor, with the advice and consent of the Senate, shall appoint an executive director to be the chief executive officer of the department.

(b) The executive director shall be a registered professional engineer and qualified executive with technical and administrative experience and training appropriate for the position.

(c) The executive director shall remain in office until a successor is appointed.

(d) The executive director may be removed by the governor.

(2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed in this chapter, the executive director shall:

(a) have responsibility for the administrative supervision of the state transportation systems and the various operations of the department;

(b) have the responsibility for the implementation of rules, priorities, and policies established by the department and the commission;

(c) have the responsibility for the oversight and supervision of any transportation project for which state funds are expended;

(d) have full power to bring suit in courts of competent jurisdiction in the name of the department as the executive director considers reasonable and necessary for the proper attainment of the goals of this chapter;

(e) receive a salary, to be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual

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traveling expenses while away from the executive director's office on official business;

(f) purchase all equipment, services, and supplies necessary to achieve the department's functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;

(g) have the responsibility to determine whether a purchase from, contribution to, or other participation with a public entity or association of public entities in a pooled fund program to acquire, develop, or share information, data, reports, or other services related to the department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement Code;

(h) have responsibility for administrative supervision of the Comptroller Division, the Internal Audit Division, and the Communications Division; and

(i) appoint assistants, to serve at the discretion of the executive director, to administer the divisions of the department.

(3) The executive director may employ other assistants and advisers as the executive director finds necessary and fix salaries in accordance with the salary standards adopted by the Department of Human Resource Management.

Section 86. Section **72-1-301** is amended to read:

72-1-301. Transportation Commission created -- Members, appointment, terms -- Qualifications -- Pay and expenses -- Chair -- Quorum.

(1) (a) There is created the Transportation Commission which shall consist of seven members.

(b) The members of the commission shall be residents of Utah.

(c) The members of the commission shall be selected on a nonpartisan basis.

(d) (i) The commissioners shall be appointed by the governor, with the advice and consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years, except as provided under Subsection (1)(d)(ii).

(ii) The first two additional commissioners serving on the seven member commission shall be appointed for terms of two years nine months and four years nine months, respectively, initially commencing on July 1, 1996, and subsequently commencing as specified under Subsection (1)(d)(i).

(e) The commissioners serve on a part-time basis.

(f) Each commissioner shall remain in office until a successor is appointed and

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qualified.

(2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners shall be as follows:

- (i) one commissioner from Box Elder, Cache, or Rich county;
- (ii) one commissioner from Salt Lake or Tooele county;
- (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;
- (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete, Sevier, Washington, or Wayne county;
- (v) one commissioner from Weber, Davis, or Morgan county;
- (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or Daggett county; and
- (vii) one commissioner selected from the state at large.

(b) Beginning with the appointment of commissioners on or after July 1, 2009 and subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as follows:

(i) four commissioners with one commissioner selected from each of the four regions established by the department; and

(ii) subject to the restriction in Subsection (2)(c), three commissioners selected from the state at large.

(c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii) shall be selected from a rural county.

(ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third, fourth, fifth, or sixth class.

(d) No more than two commissioners appointed under Subsection (2)(b) may be selected from any one of the four regions established by the department.

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

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

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- (4) (a) One member of the commission shall be designated by the governor as chair.
- (b) The commission shall select one member as vice chair to act in the chair's absence.
- (5) Any four commissioners constitute a quorum.
- (6) Each member of the commission shall qualify by taking the constitutional oath of office.
- (7) For the purposes of Section 63J-1-504, the commission is not considered an agency.

Section 87. Section **73-2-1** is amended to read:

73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.

- (1) There shall be a state engineer.
- (2) The state engineer shall:
 - (a) be appointed by the governor with the advice and consent of the Senate;
 - (b) hold office for the term of four years and until a successor is appointed; and
 - (c) have five years experience as a practical engineer or the theoretical knowledge, practical experience, and skill necessary for the position.
- (3) (a) The state engineer shall be responsible for the general administrative supervision of the waters of the state and the measurement, appropriation, apportionment, and distribution of those waters.
 - (b) The state engineer may secure the equitable apportionment and distribution of the water according to the respective rights of appropriators.
- (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consistent with the purposes and provisions of this title, regarding:
 - (a) reports of water right conveyances;
 - (b) the construction of water wells and the licensing of water well drillers;
 - (c) dam construction and safety;
 - (d) the alteration of natural streams;
 - (e) geothermal resource conservation;
 - (f) enforcement orders and the imposition of fines and penalties; and
 - (g) the duty of water.
- (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah

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Administrative Rulemaking Act, consistent with the purposes and provisions of this title, governing:

- (a) water distribution systems and water commissioners;
 - (b) water measurement and reporting;
 - (c) groundwater recharge and recovery;
 - (d) wastewater reuse;
 - (e) the form, content, and processing procedure for a claim under Section 73-5-13 to surface or underground water that is not represented by a certificate of appropriation;
 - (f) the form and content of a proof submitted to the state engineer under Section 73-3-16;
 - (g) the determination of water rights; or
 - (h) the form and content of applications and related documents, maps, and reports.
- (6) The state engineer may bring suit in courts of competent jurisdiction to:
- (a) enjoin the unlawful appropriation, diversion, and use of surface and underground water without first seeking redress through the administrative process;
 - (b) prevent theft, waste, loss, or pollution of those waters;
 - (c) enable him to carry out the duties of the state engineer's office; and
 - (d) enforce administrative orders and collect fines and penalties.
- (7) The state engineer may:
- (a) upon request from the board of trustees of an irrigation district under Title 17B, Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a water survey to be made of all lands proposed to be annexed to the district in order to determine and allot the maximum amount of water that could be beneficially used on the land, with a separate survey and allotment being made for each 40-acre or smaller tract in separate ownership; and
 - (b) upon completion of the survey and allotment under Subsection (7)(a), file with the district board a return of the survey and report of the allotment.
- (8) (a) The state engineer may establish water distribution systems and define their boundaries.

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(b) The water distribution systems shall be formed in a manner that:

- (i) secures the best protection to the water claimants; and
- (ii) is the most economical for the state to supervise.

Section 88. Section **73-10-2** is amended to read:

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

Vacancies.

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

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

(2) One member of the board shall be appointed from each of the following districts:

- (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;
- (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;
- (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;
- (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;
- (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute, and Wayne;
- (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;
- (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand, and San Juan; and
- (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron, Washington, and Kane.

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

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

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

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

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

Section 89. Section **73-30-201** is amended to read:

73-30-201. Advisory council created -- Staffing -- Per diem and travel expenses.

(1) There is created an advisory council known as the "Great Salt Lake Advisory Council" consisting of 11 members listed in Subsection (2).

(2) (a) The governor shall appoint the following members, with the advice and consent of the Senate:

- (i) one representative of industry representing the extractive industry;
- (ii) one representative of industry representing aquaculture;
- (iii) one representative of conservation interests;
- (iv) one representative of a migratory bird protection area as defined in Section 23-28-102;
- (v) one representative who is an elected official from municipal government, or the elected official's designee;
- (vi) five representatives who are elected officials from county government, or the elected official's designee, one each representing:
 - (A) Box Elder County;
 - (B) Davis County;
 - (C) Salt Lake County;
 - (D) Tooele County; and
 - (E) Weber County; and
- (vii) one representative of a publicly owned treatment works.

(3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year term.

(b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment, the governor shall adjust the length of terms of voting members to ensure that the terms of

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council members are staggered so that approximately half of the council is appointed every two years.

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

(d) A member shall hold office until the member's successor is appointed and qualified.

(4) The council shall determine:

(a) the time and place of meetings; and

(b) any other procedural matter not specified in this chapter.

(5) (a) Attendance of six members at a meeting of the council constitutes a quorum.

(b) A vote of the majority of the members present at a meeting when a quorum is present constitutes an action of the council.

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

(a) Section 63A-3-106;

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

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

(7) The Department of Natural Resources and the Department of Environmental Quality shall coordinate and provide necessary staff assistance to the council.

Section 90. Section **77-5-6** is amended to read:

77-5-6. Suspension on filing articles -- Vacancy, how filled.

When articles of impeachment are presented to the Senate, and the officer has been served with a copy of the articles, [~~he~~] the officer shall be temporarily suspended from [~~his~~] office and may not exercise [~~his~~] the duties of the office until [~~he~~] the officer is acquitted. Upon the suspension of any officer, other than the governor, or a justice or judge of a court of record, [~~his~~] the office shall be temporarily filled by an appointment made by the governor, with the advice and consent of the Senate, until the acquittal of the party impeached, or, in the case of [~~his~~] the officer's removal, until the vacancy is filled at the next election as provided by law.

Section 91. Section **77-27-2** is amended to read:

77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.

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(1) There is created the Board of Pardons and Parole. The board shall consist of five full-time members and not more than five pro tempore members to be appointed by the governor with the advice and consent of the Senate as provided in this section. The members of the board shall be resident citizens of the state. The governor shall establish salaries for the members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) (a) (i) The full-time board members shall serve terms of five years. The terms of the full-time members shall be staggered so one board member is appointed for a term of five years on March 1 of each year.

(ii) The pro tempore members shall serve terms of five years, beginning on March 1 of the year of appointment, with no more than one pro tempore member term beginning or expiring in the same calendar year. If a pro tempore member vacancy occurs, the board may submit the names of not fewer than three or more than five persons to the governor for appointment to fill the vacancy.

(b) All vacancies occurring on the board for any cause shall be filled by the governor with the advice and consent of the Senate pursuant to this section for the unexpired term of the vacating member.

(c) The governor may at any time remove any member of the board for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

(d) A member of the board may not hold any other office in the government of the United States, this state or any other state, or of any county government or municipal corporation within a state. A member may not engage in any occupation or business inconsistent with the member's duties.

(e) A majority of the board constitutes a quorum for the transaction of business, including the holding of hearings at any time or any location within or without the state, or for the purpose of exercising any duty or authority of the board. Action taken by a majority of the board regarding whether parole, pardon, commutation, termination of sentence, or remission of fines or forfeitures may be granted or restitution ordered in individual cases is deemed the action of the board. A majority vote of the five full-time members of the board is required for adoption of rules or policies of general applicability as provided by statute. However, a vacancy on the board does not impair the right of the remaining board members to exercise any

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duty or authority of the board as long as a majority of the board remains.

(f) Any investigation, inquiry, or hearing that the board has authority to undertake or hold may be conducted by any board member or an examiner appointed by the board. When any of these actions are approved and confirmed by the board and filed in its office, they are considered to be the action of the board and have the same effect as if originally made by the board.

(g) When a full-time board member is absent or in other extraordinary circumstances the chair may, as dictated by public interest and efficient administration of the board, assign a pro tempore member to act in the place of a full-time member. Pro tempore members shall receive a per diem rate of compensation as established by the Division of Finance and all actual and necessary expenses incurred in attending to official business.

(h) The chair may request staff and administrative support as necessary from the Department of Corrections.

(3) (a) Except as provided in Subsection (3)(b), the Commission on Criminal and Juvenile Justice shall:

(i) recommend five applicants to the governor for a full-time member appointment to the Board of Pardons and Parole; and

(ii) consider applicants' knowledge of the criminal justice system, state and federal criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

(b) The procedures and requirements of Subsection (3)(a) do not apply if the governor appoints a sitting board member to a new term of office.

(4) (a) The board shall appoint an individual to serve as its mental health adviser and may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77, Chapter 16a, Commitment and Treatment of Persons with a Mental Illness. The adviser shall prepare reports and recommendations to the board on all persons adjudicated as guilty with a mental illness, in accordance with Title 77, Chapter 16a, Commitment and Treatment of Persons with a Mental Illness.

(b) The mental health adviser shall possess the qualifications necessary to carry out the duties imposed by the board and may not be employed by the Department of Corrections or the Utah State Hospital.

(i) The Board of Pardons and Parole may review outside employment by the mental

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health advisor.

(ii) The Board of Pardons and Parole shall develop rules governing employment with entities other than the board by the mental health advisor for the purpose of prohibiting a conflict of interest.

(c) The mental health adviser shall:

(i) act as liaison for the board with the Department of Human Services and local mental health authorities;

(ii) educate the members of the board regarding the needs and special circumstances of persons with a mental illness in the criminal justice system;

(iii) in cooperation with the Department of Corrections, monitor the status of persons in the prison who have been found guilty with a mental illness;

(iv) monitor the progress of other persons under the board's jurisdiction who have a mental illness;

(v) conduct hearings as necessary in the preparation of reports and recommendations;
and

(vi) perform other duties as assigned by the board.

Section 92. Section **78A-11-103** is amended to read:

78A-11-103. Judicial Conduct Commission -- Members -- Terms -- Vacancies --

Voting -- Power of chair.

(1) The membership of the commission consists of the following 11 members:

(a) two members of the House of Representatives to be appointed by the speaker of the House of Representatives for a four-year term, not more than one of whom may be of the same political party as the speaker;

(b) two members of the Senate to be appointed by the president of the Senate for a four-year term, not more than one of whom may be of the same political party as the president;

(c) two members of, and in good standing with, the Utah State Bar, who shall be appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may reside in the same judicial district;

(d) three persons not members of the Utah State Bar, who shall be appointed by the governor, with the advice and consent of the Senate, for four-year terms, not more than two of whom may be of the same political party as the governor; and

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(e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year term, neither of whom may:

- (i) be a member of the Utah Supreme Court;
- (ii) serve on the same level of court as the other; and
- (iii) if trial judges, serve primarily in the same judicial district as the other.

(2) (a) The terms of the members shall be staggered so that approximately half of the commission expires every two years.

(b) Members of the commission may not serve longer than eight years.

(3) The commission shall establish guidelines and procedures for the disqualification of any member from consideration of any matter. A judge who is a member of the commission or the Supreme Court may not participate in any proceedings involving the judge's own removal or retirement.

(4) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the appointing authority for that position for the unexpired term.

(b) If the appointing authority fails to appoint a replacement, the commissioners who have been appointed may act as a commission under all the provisions of this section.

(5) Six members of the commission shall constitute a quorum. Any action of a majority of the quorum constitutes the action of the commission.

(6) (a) At each commission meeting, the chair and executive director shall schedule all complaints to be heard by the commission and present any information from which a reasonable inference can be drawn that a judge has committed misconduct so that the commission may determine by majority vote of a quorum whether the executive director shall draft a written complaint in accordance with Subsection 78A-11-102(2)(b).

(b) The chair and executive director may not act to dismiss any complaint without a majority vote of a quorum of the commission.

(7) It is the responsibility of the chair and the executive director to ensure that the commission complies with the procedures of the commission.

(8) The chair shall be nonvoting except in the case of a tie vote.

(9) The chair shall be allowed the actual expenses of secretarial services, the expenses of services for either a court reporter or a transcriber of electronic tape recordings, and other necessary administrative expenses incurred in the performance of the duties of the commission.

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(10) Upon a majority vote of the quorum, the commission may:

(a) employ an executive director, legal counsel, investigators, and other staff to assist the commission; and

(b) incur other reasonable and necessary expenses within the authorized budget of the commission and consistent with the duties of the commission.

(11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

Section 93. Section **78B-22-402** is amended to read:

78B-22-402. Commission members -- Member qualifications -- Terms -- Vacancy.

(1) The commission is composed of 15 voting members and one ex officio, nonvoting member.

(a) The governor, with the advice and consent of the Senate, shall appoint the following 13 voting members:

(i) two practicing criminal defense attorneys recommended by the Utah Association of Criminal Defense Lawyers;

(ii) one attorney practicing in juvenile delinquency defense recommended by the Utah Association of Criminal Defense Lawyers;

(iii) an attorney representing minority interests recommended by the Utah Minority Bar Association;

(iv) one member recommended by the Utah Association of Counties from a county of the first or second class;

(v) one member recommended by the Utah Association of Counties from a county of the third through sixth class;

(vi) a director of a county public defender organization recommended by the Utah Association of Criminal Defense Lawyers;

(vii) two members recommended by the Utah League of Cities and Towns from its membership;

(viii) a retired judge recommended by the Judicial Council;

(ix) one attorney practicing in the area of parental defense, recommended by an entity funded under the Child Welfare Parental Defense Program created in Section 63M-7-211; and

(x) two members of the Utah Legislature, one from the House of Representatives and

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one from the Senate, selected jointly by the Speaker of the House and President of the Senate.

(b) The Judicial Council shall appoint a voting member from the Administrative Office of the Courts.

(c) The executive director of the State Commission on Criminal and Juvenile Justice or the executive director's designee is a voting member of the commission.

(d) The director of the commission, appointed under Section 78B-22-403, is an ex officio, nonvoting member of the commission.

(2) A member appointed by the governor shall serve a four-year term, except as provided in Subsection (3).

(3) The governor shall stagger the initial terms of appointees so that approximately half of the members appointed by the governor are appointed every two years.

(4) A member appointed to the commission shall have significant experience in indigent criminal defense, parental defense, or juvenile defense in delinquency proceedings or have otherwise demonstrated a strong commitment to providing effective representation in indigent defense services.

(5) A person who is currently employed solely as a criminal prosecuting attorney may not serve as a member of the commission.

(6) A commission member shall hold office until the member's successor is appointed.

(7) The commission may remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

(8) If a vacancy occurs in the membership for any reason, a replacement shall be appointed for the remaining unexpired term in the same manner as the original appointment.

(9) The commission shall annually elect a chair from the commission's membership to serve a one-year term. A commission member may not serve as chair of the commission for more than three consecutive terms.

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

(a) Section 63A-3-106;

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

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

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(11) (a) A majority of the members of the commission constitutes a quorum.

(b) If a quorum is present, the action of a majority of the voting members present constitutes the action of the commission.

Section 94. Section **79-2-202** is amended to read:

79-2-202. Executive director -- Appointment -- Removal -- Compensation -- Responsibilities.

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

(b) The executive director may be removed at the will of the governor.

(c) The executive director shall receive a salary established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) The executive director shall:

(a) administer and supervise the department and provide for coordination and cooperation among the boards, divisions, councils, and committees of the department;

(b) approve the budget of each board and division;

(c) participate in regulatory proceedings as appropriate for the functions and duties of the department;

(d) report at the end of each fiscal year to the governor on department, board, and division activities;

(e) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

(i) under this title;

(ii) by the department; or

(iii) by an agency or division within the department; and

(f) perform other duties as provided by statute.

(3) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the executive director, may accept an executive or legislative provision that is enacted by the federal government, whereby the state may participate in the distribution, disbursement, or administration of a fund or service from the federal government for purposes consistent with the powers and duties of the department.

SB0060S03 compared with SB0060S01

(4) (a) The executive director, in cooperation with the governmental entities having policymaking authority regarding natural resources, may engage in studies and comprehensive planning for the development and conservation of the state's natural resources.

(b) The executive director shall submit any plan to the governor for review and approval.

Section 95. Section **79-3-302** is amended to read:

79-3-302. Members of board -- Qualifications and appointment -- Vacancies -- Organization -- Meetings -- Financial gain prohibited -- Expenses.

(1) The board consists of seven members appointed by the governor, with the advice and consent of the Senate.

(2) In addition to the requirements of Section 79-2-203, the members shall have the following qualifications:

(a) one member knowledgeable in the field of geology as applied to the practice of civil engineering;

(b) four members knowledgeable and representative of various segments of the mineral industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

(c) one member knowledgeable of the economic or scientific interests of the mineral industry in the state; and

(d) one member who is interested in the goals of the survey and from the public at large.

(3) The director of the School and Institutional Trust Lands Administration is an ex officio member of the board but without any voting privileges.

(4) (a) Except as required by Subsection (4)(b), members are appointed for terms of four years.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) No more than four members may be of the same political party.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor with the advice and consent of the Senate.

SB0060S03 compared with SB0060S01

(5) The board shall select from its members a chair and such officers and committees as it considers necessary.

(6) (a) The board shall hold meetings at least quarterly on such dates as may be set by its chair.

(b) Special meetings may be held upon notice of the chair or by a majority of its members.

(c) A majority of the members of the board present at a meeting constitutes a quorum for the transaction of business.

(7) Members of the board may not obtain financial gain by reason of information obtained during the course of their official duties.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 96. Section **79-4-302** is amended to read:

79-4-302. Board appointment and terms of members -- Expenses.

(1) (a) The board is composed of nine members appointed by the governor, with the advice and consent of the Senate, to four-year terms.

(b) In addition to the requirements of Section 79-2-203, the governor shall:

(i) appoint one member from each judicial district and one member from the public at large;

(ii) ensure that not more than five members are from the same political party; and

(iii) appoint persons who have an understanding of and demonstrated interest in parks and recreation.

(c) Notwithstanding the term requirements of Subsection (1)(a), the governor may adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(2) When vacancies occur because of death, resignation, or other cause, the governor, with the advice and consent of the Senate, shall:

SB0060S03 compared with SB0060S01

(a) appoint a person to complete the unexpired term of the person whose office was vacated; and

(b) if the person was appointed from a judicial district, appoint the replacement from the judicial district from which the person whose office has become vacant was appointed.

(3) The board shall appoint its chair from its membership.

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 97. Coordinating S.B. 60 with S.B. 146 -- Superseding and technical amendments.

If this S.B. 60 and S.B. 146, Boards and Commissions Modifications, both pass and become law, and S.B. 111, Higher Education Amendments, does not pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code Database for publication by:

(1) modifying Subsections 67-1-2(1) and (2) to read:

"(1) [Unless] Until October 1, 2020, unless waived by a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate session to confirm any gubernatorial nominee, except a judicial appointment, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel:

(a) a list of each nominee for an office or position made by the governor in accordance with the Utah Constitution and state law; and

(b) any information that may support or provide biographical information about the nominee, including resumes and curriculum vitae.

(2) Except as provided in Subsection (3), beginning October 1, 2020, at least 30 days before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel the following information for each nominee:

SB0060S03 compared with SB0060S01

(a) the nominee's name and biographical information, including a resume and curriculum vitae with personal contact information, including home address, email address, and telephone number, redacted, except that the governor shall send to the Office of Legislative Research and General Counsel the contact information for the nominee;

(b) a detailed list, with citations, of the legal requirements for the appointed position;

(c) a detailed list with supporting documents explaining how, and verifying that, the nominee meets each statutory and constitutional requirement for the appointed position;

(d) a written certification by the governor that the nominee satisfies all requirements for the appointment; and

(e) public comment information collected in accordance with Section 63G-24-204.";
and

(2) renumbering the remaining subsections, and references to those subsections, accordingly.

Section 98. Coordinating S.B. 60 with S.B. 111 -- Superseding technical and substantive amendments.

If this S.B. 60 and S.B. 146, Higher Education Amendments, both pass and become law, and S.B. 146, Boards and Commission Modifications, does not pass, it is the intent of the Legislature that the amendments in this coordination clause supersede the coordination clause in Section 202 in S.B. 111, and that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by modifying Subsections 67-1-2(3)(b) and (4) to read:

"(b) Beginning October 1, 2020, a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection (2) for a gubernatorial nominee other than a nominee for the following:

(i) the executive director of a department;

(ii) the executive director of the Governor's Office of Economic Development;

(iii) the executive director of the Labor Commission;

(iv) a member of the State Tax Commission;

(v) a member of the State Board of Education;

(vi) a member of the Utah Board of Higher Education; or

(vii) an individual;

SB0060S03 compared with SB0060S01

(A) whose appointment requires the advice and consent of the Senate; and

(B) whom the governor designates as a member of the governor's cabinet.

(4) Beginning October 1, 2020, the Senate shall hold a confirmation hearing for a nominee for an individual described in Subsection (3)(b)(i) through (vii)."

Section 99. Coordinating S.B. 60 with S.B. 146 and S.B. 111 -- Superseding technical and substantive amendments.

If this S.B. 60, S.B. 146, Boards and Commission Modifications, and S.B. 111, Higher Education Amendments, all pass and become law, it is the intent of the Legislature that the amendments in this coordination clause supersede the coordination clause in Section 60 in S.B. 146, and that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:

(1) modifying Subsection 53B-1-404(1) as renumbered and amended by S.B. 111 to read:

"(1) [~~Except as provided in Subsection (2), the~~] The board consists of [~~17~~] 18 residents of the state appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

[~~(a) eight at-large members;~~]

[~~(b) eight members, each of whom is:~~]

[~~(i) selected from three nominees presented to the governor by a higher education institution board of trustees; and]~~

[~~(ii) a current or former member of the institution of higher education board of trustees that nominates the member; and]~~

[~~(c) one member, selected from three nominees presented to the governor by the student body presidents of the institutions of higher education, who:]~~

[~~(i) is a fully matriculated student enrolled in an institution of higher education; and]~~

[~~(ii) is not serving as a student body president at the time of the nomination.]~~

[~~(2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on the board, even if the individual does not fulfill a requirement for the composition of the board described in Subsection (1):]~~

[~~(ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the member's term expires.]~~

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~~[(b) An individual appointed to the board on or before May 8, 2017, who is a current or former member of an institution of higher education board of trustees is the board member for the institution of higher education described in Subsection (1)(b).]~~

~~[(c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the governor shall ensure that newly appointed members move the board toward the composition described in Subsection (1).]~~

~~[(ii) In appointing a new member to the board, the governor shall first appoint a member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.]~~

~~(a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among candidates presented to the governor by a nominating committee; and~~

~~(b) two student members appointed as described in Subsection (4).";~~

~~(2) creating a newly enacted Subsection 53B-1-404(4)(c) to read:~~

~~"(c) An appointee described in Subsection (4)(a) is not subject to the public comment process described in Section 63G-24-204.";~~

~~(3) modifying Subsections 63G-24-102(4) and (5)(a) to read:~~

~~"(4) "Nominee" means a person selected by the governor to fill a rulemaking board vacancy subject to the advice and consent of the Senate.~~

~~(5) (a) "Rulemaking board" means a board, committee, commission, or council:~~

~~(i) that has rulemaking authority; and~~

~~(ii) at least part of whose membership is appointed by the governor subject to the advice and consent of the Senate.";~~

~~(4) modifying Subsections 67-1-2(1) through (4) to read:~~

~~"(1) [Unless] Until October 1, 2020, unless waived by a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate session to confirm any gubernatorial nominee, except a judicial appointment, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel:~~

~~(a) a list of each nominee for an office or position made by the governor in accordance with the Utah Constitution and state law; and~~

~~(b) any information that may support or provide biographical information about the~~

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nominee, including resumes and curriculum vitae.

(2) Except as provided in Subsection (3), beginning October 1, 2020, at least 30 days before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel the following information for each nominee:

(a) the nominee's name and biographical information, including a resume and curriculum vitae with personal contact information, including home address, email address, and telephone number, redacted, except that the governor shall send to the Office of Legislative Research and General Counsel the contact information for the nominee;

(b) a detailed list, with citations, of the legal requirements for the appointed position;

(c) a detailed list with supporting documents explaining how, and verifying that, the nominee meets each statutory and constitutional requirement for the appointed position;

(d) a written certification by the governor that the nominee satisfies all requirements for the appointment; and

(e) public comment information collected in accordance with Section 63G-24-204.

(3) (a) Subsection (2) does not apply to a judicial nominee.

(b) Beginning October 1, 2020, a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection (2) for a gubernatorial nominee other than a nominee for the following:

(i) the executive director of a department;

(ii) the executive director of the Governor's Office of Economic Development; (iii) the executive director of the Labor Commission;

(iv) a member of the State Tax Commission;

(v) a member of the State Board of Education;

(vi) a member of the Utah Board of Higher Education; or

(vii) an individual:

(A) whose appointment requires the advice and consent of the Senate; and

(B) whom the governor designates as a member of the governor's cabinet.

(4) Beginning October 1, 2020, the Senate shall hold a confirmation hearing for a nominee for an individual described in Subsection (3)(b)(i) through (vii)."; and

(5) renumbering the remaining subsections, and references to those subsections, of

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Section 67-1-2 accordingly.