

BOARDS AND COMMISSIONS MODIFICATIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill creates conflicts of interest and vacancy procedures for certain types of boards, commissions, and committees.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ enacts procedures to follow for vacancies on certain types of boards, commissions, and committees;
- ▶ enacts procedures for a member of certain types of boards, commissions, and committees to follow when the member has a conflict of interest;
- ▶ modifies deadlines, and the information provided by the governor, with respect to certain 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 certain offices that require Senate consent; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

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

32 **9-6-204**, as last amended by Laws of Utah 2012, Chapter 212

33 **9-8-204**, as last amended by Laws of Utah 2019, Chapter 221

34 **19-1-106**, as last amended by Laws of Utah 2015, Chapter 451

35 **19-2-103**, as last amended by Laws of Utah 2015, Chapter 154

36 **19-4-103**, as last amended by Laws of Utah 2012, Chapter 360

37 **19-5-103**, as last amended by Laws of Utah 2015, Chapter 234

38 **19-6-103**, as last amended by Laws of Utah 2015, Chapter 451

39 **23-14-2**, as last amended by Laws of Utah 2011, Chapter 297

40 **26-21-3**, as last amended by Laws of Utah 2011, Chapter 366

41 **26-33a-103**, as last amended by Laws of Utah 2014, Chapter 118

42 **31A-2-403**, as last amended by Laws of Utah 2019, Chapter 193

43 **32B-2-201**, as last amended by Laws of Utah 2012, Chapter 365

44 **34-20-3**, as last amended by Laws of Utah 2016, Chapter 348

45 **35A-8-304**, as last amended by Laws of Utah 2019, Chapter 89

46 **35A-8-2103**, as renumbered and amended by Laws of Utah 2018, Chapter 182

47 **40-6-4**, as last amended by Laws of Utah 2013, Chapter 243

48 **49-11-202**, as last amended by Laws of Utah 2019, Chapter 31

49 **51-7-16**, as last amended by Laws of Utah 2010, Chapter 286

50 **53B-2a-108**, as repealed and reenacted by Laws of Utah 2018, Chapter 382

51 **53C-1-202**, as last amended by Laws of Utah 2011, Chapter 247

52 **54-1-1.5**, as last amended by Laws of Utah 2002, Chapter 176

53 **59-1-201**, as last amended by Laws of Utah 2014, Chapter 370

54 **59-1-203**, as last amended by Laws of Utah 1991, Chapter 114

55 **59-13-103**, as last amended by Laws of Utah 2008, Chapter 153

56 **61-2f-103**, as last amended by Laws of Utah 2016, Chapters 25 and 381

57 **61-2g-204**, as renumbered and amended by Laws of Utah 2011, Chapter 289

58 **62A-1-107**, as last amended by Laws of Utah 2019, Chapter 246

- 59 **63G-2-501**, as last amended by Laws of Utah 2019, Chapter 254
- 60 **63H-6-104**, as last amended by Laws of Utah 2018, Chapter 447
- 61 **63H-8-201**, as renumbered and amended by Laws of Utah 2015, Chapter 226
- 62 **63M-2-102**, as last amended by Laws of Utah 2019, Chapter 352
- 63 **63M-2-301**, as last amended by Laws of Utah 2019, Chapters 246 and 352
- 64 **63M-7-504**, as last amended by Laws of Utah 2011, Chapter 131
- 65 **63N-1-401**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 66 **67-1-2**, as last amended by Laws of Utah 2008, Chapter 382
- 67 **72-1-301**, as last amended by Laws of Utah 2019, Chapter 479
- 68 **72-1-302**, as last amended by Laws of Utah 2002, Chapter 10
- 69 **73-10-2**, as last amended by Laws of Utah 2010, Chapter 286
- 70 **77-27-2**, as last amended by Laws of Utah 2011, Chapter 366
- 71 **78A-11-103**, as last amended by Laws of Utah 2012, Chapter 133
- 72 **78B-22-402**, as last amended by Laws of Utah 2019, Chapter 435 and renumbered and
- 73 amended by Laws of Utah 2019, Chapter 326
- 74 **79-3-302**, as last amended by Laws of Utah 2010, Chapter 286
- 75 **79-4-302**, as last amended by Laws of Utah 2010, Chapter 286

76 ENACTS:

- 77 **63G-24-101**, Utah Code Annotated 1953
- 78 **63G-24-102**, Utah Code Annotated 1953
- 79 **63G-24-103**, Utah Code Annotated 1953
- 80 **63G-24-201**, Utah Code Annotated 1953
- 81 **63G-24-202**, Utah Code Annotated 1953
- 82 **63G-24-203**, Utah Code Annotated 1953
- 83 **63G-24-204**, Utah Code Annotated 1953
- 84 **63G-24-301**, Utah Code Annotated 1953
- 85 **63G-24-302**, Utah Code Annotated 1953



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

88 Section 1. Section **4-18-104** is amended to read:

89 **4-18-104. Conservation Commission created -- Composition -- Appointment --**

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

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

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

94 (a) [~~11~~] 12 voting members, including:

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

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

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

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

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

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

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

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

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

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

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

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

117 (b) be appointed by the governor with the consent of the Senate in accordance with
118 Title 63G, Chapter 24, Part 2, Vacancies.

119 (7) (a) Except as required by Subsection (7)(b), as terms of current commission
120 members expire, the governor shall appoint each new member or reappointed member to a

121 four-year term.

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

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

127 (8) When a vacancy occurs in the membership for any reason, the replacement shall be
128 appointed for the unexpired term, and vacancies in members of the commission described in
129 Subsection (2)(a)(v) shall be filled in accordance with Title 63G, Chapter 24, Part 2,
130 Vacancies.

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

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

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

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

137 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
138 63A-3-107.

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

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

141 (13) A member shall comply with the conflict of interest provisions described in Title
142 63G, Chapter 24, Part 3, Conflicts of Interest.

143 Section 2. Section 9-6-204 is amended to read:

144 **9-6-204. Utah Arts Council Board of Directors.**

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

147 (2) (a) The board shall consist of 13 members appointed by the governor to four-year
148 terms of office with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
149 Vacancies.

150 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
151 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

152 board members are staggered so that approximately half of the board is appointed every two
153 years.

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

- 155 (i) visual arts;
- 156 (ii) architecture or design;
- 157 (iii) literature;
- 158 (iv) music;
- 159 (v) sculpture;
- 160 (vi) folklore or folk arts;
- 161 (vii) theatre;
- 162 (viii) dance; and
- 163 (ix) media arts.

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

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

167 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
168 appointed for the unexpired term by the governor [~~within one month from the time of vacancy~~]
169 in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

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

- 174 (a) Section [63A-3-106](#);
- 175 (b) Section [63A-3-107](#); and
- 176 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
177 [63A-3-107](#).

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

180 (9) A member shall comply with the conflict of interest provisions described in Title
181 63G, Chapter 24, Part 3, Conflicts of Interest.

182 Section 3. Section **9-8-204** is amended to read:

183 **9-8-204. Board of State History.**

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

185 (2) The board shall consist of 11 members appointed by the governor with the consent
186 of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

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

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

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

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

196 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
197 appointed for the unexpired term with the consent of the Senate in accordance with Title 63G,
198 Chapter 24, Part 2, Vacancies.

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

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

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

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

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

205 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
206 [63A-3-107](#).

207 (8) A member shall comply with the conflict of interest provisions described in Title
208 63G, Chapter 24, Part 3, Conflicts of Interest.

209 Section 4. Section **19-1-106** is amended to read:

210 **19-1-106. Boards within department.**

211 (1) The following policymaking boards are created within the department:

212 (a) the Air Quality Board, appointed under Section [19-2-103](#);

213 (b) the Drinking Water Board, appointed under Section [19-4-103](#);

- 214 (c) the Water Quality Board, appointed under Section 19-5-103; and
- 215 (d) the Waste Management and Radiation Control Board, appointed under Section
- 216 ~~[19-6-104]~~ 19-6-103.

217 (2) The authority of the boards created in Subsection (1) is limited to the specific
218 authority granted them under this title.

219 (3) A vacancy in a board described in Subsection (1) shall be filled in accordance with
220 Title 63G, Chapter 24, Part 2, Vacancies.

221 Section 5. Section 19-2-103 is amended to read:

222 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**
223 **and expenses.**

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

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

227 (i) the executive director; or

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

229 (b) the following eight voting members, who shall be appointed by the governor with
230 the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

231 (i) one representative who:

232 (A) is not connected with industry;

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

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

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

237 (iii) one representative from the mining industry;

238 (iv) one representative from the fuels industry;

239 (v) one representative from the manufacturing industry;

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

241 (A) an environmental nongovernmental organization; or

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

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

245 health.

246 (2) A member of the board shall:

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

249 (b) be a resident of Utah;

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

252 (d) comply with all applicable statutes, rules, and policies, including the conflict of
253 interest ~~[rules]~~ provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest, and
254 the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

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

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

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

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

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

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

267 (8) When a vacancy occurs in the membership for any reason, the replacement shall be
268 appointed for the unexpired term, and a replacement for a member described in Subsection
269 (1)(b) shall be appointed in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

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

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

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

276 members present is the action of the board.

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

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

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

281 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
282 63A-3-107.

283 Section 6. Section 19-4-103 is amended to read:

284 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**
285 **diem and expenses.**

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

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

289 (i) the executive director; or

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

291 (b) the following eight voting members, who shall be appointed by the governor with
292 the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

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

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

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

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

300 (v) one representative from:

301 (A) the state water research community; or

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

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

305 (A) an environmental nongovernmental organization; or

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

307 represent industry interests; and

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

310 (2) A member of the board shall:

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

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

314 (c) be a resident of Utah;

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

317 (e) comply with all applicable statutes, rules, and policies, including the conflict of
318 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the conflict of
319 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

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

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

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

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

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

331 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
332 appointed for the unexpired term, and a replacement for a member described in Subsection
333 (1)(b) shall be appointed in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

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

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

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

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

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

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

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

347 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
348 63A-3-107.

349 Section 7. Section 19-5-103 is amended to read:

350 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**
351 **Organization -- Meetings -- Per diem and expenses.**

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

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

355 (i) the executive director; or

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

357 (b) the following eight voting members, who shall be appointed by the governor with
358 the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

359 (i) one representative who:

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

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

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

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

365 (iii) one representative from the mineral industry;

366 (iv) one representative from the manufacturing industry;

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

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

- 369 (A) an environmental nongovernmental organization; or
370 (B) a nongovernmental organization that represents community interests and does not
371 represent industry interests; and
372 (vii) one representative from the public who is trained and experienced in public
373 health.
- 374 (2) A member of the board shall:
375 (a) be knowledgeable about water quality matters, as evidenced by a professional
376 degree, a professional accreditation, or documented experience;
377 (b) be a resident of Utah;
378 (c) attend board meetings in accordance with the attendance rules made by the
379 department under Subsection 19-1-201(1)(d)(i)(A); and
380 (d) comply with all applicable statutes, rules, and policies, including the conflict of
381 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the conflict of
382 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 383 (3) No more than five of the appointed members may be from the same political party.
384 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
385 appointed for the unexpired term with the consent of the Senate, and a replacement for a
386 member described in Subsection (1)(b) shall be appointed in accordance with Title 63G,
387 Chapter 24, Part 2, Vacancies.
- 388 (5) (a) A member shall be appointed for a term of four years and is eligible for
389 reappointment.
390 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
391 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
392 board members are staggered so that half of the appointed board is appointed every two years.
393 ~~[(c) (i) Notwithstanding Subsection (5)(a), the term of a board member who is~~
394 ~~appointed before March 1, 2013, shall expire on February 28, 2013.]~~
395 ~~[(ii) On March 1, 2013, the governor shall appoint or reappoint board members in~~
396 ~~accordance with this section.]~~
- 397 (6) A member shall hold office until the expiration of the member's term and until the
398 member's successor is appointed, not to exceed 90 days after the formal expiration of the term.
399 (7) The board shall:

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

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

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

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

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

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

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

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

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

414 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
415 63A-3-107.

416 Section 8. Section 19-6-103 is amended to read:

417 **19-6-103. Waste Management and Radiation Control Board -- Members -- Terms**
418 **-- Organization -- Meetings -- Per diem and expenses.**

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

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

422 (i) the executive director; or

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

424 (b) the following 11 voting members appointed by the governor with the consent of the
425 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

426 (i) one representative who is:

427 (A) not connected with industry; and

428 (B) a Utah-licensed professional engineer;

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

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

- 431 (iv) one representative from the private solid or hazardous waste disposal industry;
- 432 (v) one representative from the private hazardous waste recovery industry;
- 433 (vi) one representative from the radioactive waste management industry;
- 434 (vii) one representative from the uranium milling industry;
- 435 (viii) one representative from the public who represents:
- 436 (A) an environmental nongovernmental organization; or
- 437 (B) a nongovernmental organization that represents community interests and does not
- 438 represent industry interests;
- 439 (ix) one representative from the public who is trained and experienced in public health
- 440 and a licensed:
- 441 (A) medical doctor; or
- 442 (B) dentist; and
- 443 (x) one representative who is:
- 444 (A) a medical physicist or a health physicist; or
- 445 (B) a professional employed in the field of radiation safety.
- 446 (2) A member of the board shall:
- 447 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and
- 448 protection as evidenced by a professional degree, a professional accreditation, or documented
- 449 experience;
- 450 (b) be a resident of Utah;
- 451 (c) attend board meetings in accordance with the attendance rules made by the
- 452 department under Subsection 19-1-201(1)(d)(i)(A); and
- 453 (d) comply with all applicable statutes, rules, and policies, including the conflict of
- 454 interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B) and
- 455 the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
- 456 Interest.
- 457 (3) No more than six of the appointed members may be from the same political party.
- 458 (4) (a) Members shall be appointed for terms of four years each.
- 459 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 460 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 461 board members are staggered so that half of the appointed board is appointed every two years.

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

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

466 (5) Each member is eligible for reappointment.

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

469 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
470 appointed for the unexpired term by the governor, after considering recommendations of the
471 board and with the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2,
472 Vacancies.

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

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

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

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

479 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
480 [63A-3-107](#).

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

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

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

487 Section 9. Section **23-14-2** is amended to read:

488 **23-14-2. Wildlife Board -- Creation -- Membership -- Terms -- Quorum --**
489 **Meetings -- Per diem and expenses.**

490 (1) There is created a Wildlife Board which shall consist of seven members appointed
491 by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part
492 2, Vacancies.

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

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

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

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

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

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

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

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

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

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

- 516 (i) the terms of board members are staggered so that approximately one-third of the
517 board is appointed every two years; and
- 518 (ii) members serving from the same region have staggered terms.

519 (c) If a vacancy occurs, the nominating committee shall submit two names, as provided
520 in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for
521 the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

524 or

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

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

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

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

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

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

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

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

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

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

540 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
541 63A-3-107.

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

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

546 (9) A member shall comply with the conflict of interest provisions described in Title
547 63G, Chapter 24, Part 3, Conflicts of Interest.

548 Section 10. Section 26-21-3 is amended to read:

549 **26-21-3. Health Facility Committee -- Members -- Terms -- Organization --**
550 **Meetings.**

551 (1) The Health Facility Committee created by Section 26-1-7 consists of 15 members
552 appointed by the governor with the consent of the Senate in accordance with Title 63G,
553 Chapter 24, Part 2, Vacancies. The appointed members shall be knowledgeable about health
554 care facilities and issues. The membership of the committee is:

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

558 (b) one hospital administrator;

559 (c) one hospital trustee;

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

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

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

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

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

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

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

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

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

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

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

578 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
579 appointed for the unexpired term by the governor, giving consideration to recommendations
580 made by the committee, with the consent of the Senate and in accordance with Title 63G,
581 Chapter 24, Part 2, Vacancies.

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

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

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

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

590 (h) A member shall comply with the conflict of interest provisions described in Title
591 63G, Chapter 24, Part 3, Conflicts of Interest.

592 Section 11. Section **26-33a-103** is amended to read:

593 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

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

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

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

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

600 (b) Fourteen members shall be appointed by the governor with the consent of the
601 Senate in accordance with Subsection (3) and in accordance with Title 63G, Chapter 24, Part 2,
602 Vacancies. No more than seven members of the committee appointed by the governor may be
603 members of the same political party.

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

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

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

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

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

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

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

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

- 617 (iv) one of whom is selected by the Utah Medical Association;
- 618 (e) include three persons:
- 619 (i) who are:
- 620 (A) employed by or otherwise associated with a business that supplies health care
- 621 insurance to its employees; and
- 622 (B) knowledgeable about the collection and use of health care data; and
- 623 (ii) at least one of whom represents an employer employing 50 or fewer employees;
- 624 (f) include three persons representing health insurers:
- 625 (i) at least one of whom is employed by or associated with a third-party payor that is
- 626 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited
- 627 Health Plans;
- 628 (ii) at least one of whom is employed by or associated with a third party payer that is
- 629 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health
- 630 Plans; and
- 631 (iii) who are trained in, or experienced with the collection, analysis, and use of health
- 632 care data;
- 633 (g) include two consumer representatives:
- 634 (i) from organized consumer or employee associations; and
- 635 (ii) knowledgeable about the collection and use of health care data;
- 636 (h) include one person:
- 637 (i) representative of a neutral, non-biased entity that can demonstrate that it has the
- 638 broad support of health care payers and health care providers; and
- 639 (ii) who is knowledgeable about the collection, analysis, and use of health care data;
- 640 and
- 641 (i) include two persons representing public health who are trained in, or experienced
- 642 with the collection, use, and analysis of health care data.
- 643 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
- 644 expire, the governor shall appoint each new member or reappointed member to a four-year
- 645 term.
- 646 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 647 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

648 committee members are staggered so that approximately half of the committee is appointed
649 every two years.

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

651 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
652 appointed for the unexpired term, and the members described in Subsection (2)(b) shall be
653 appointed in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

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

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

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

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

667 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
668 63A-3-107.

669 (10) All meetings of the committee shall be open to the public, except that the
670 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and
671 52-4-206 are met.

672 (11) A member shall comply with the conflict of interest provisions described in Title
673 63G, Chapter 24, Part 3, Conflicts of Interest.

674 Section 12. Section 31A-2-403 is amended to read:

675 **31A-2-403. Title and Escrow Commission created.**

676 (1) (a) Subject to Subsection (1)(b), there is created within the department the Title and
677 Escrow Commission that is comprised of five members who shall be, in accordance with Title
678 63G, Chapter 24, Part 2, Vacancies, appointed by the governor with the consent of the Senate

679 as follows:

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

682 (ii) two members shall:

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

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

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

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

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

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

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

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

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

697 (2) (a) Subject to Subsection (2)(c), a commission member shall comply with the
698 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest,
699 and file with the commissioner a disclosure of any position of employment or ownership
700 interest that the commission member has with respect to a person that is subject to the
701 jurisdiction of the commissioner.

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

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

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

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

710 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
711 members expire, the governor shall, in accordance with Title 63G, Chapter 24, Part 2,
712 Vacancies, appoint each new commission member to a four-year term ending on June 30.

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

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

719 (d) When a vacancy occurs in the membership for any reason, the governor, with the
720 consent of the Senate, and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, shall
721 appoint a replacement for the unexpired term.

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

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

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

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

729 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
730 [63A-3-107](#).

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

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

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

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

741 52-4-207.

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

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

748 (c) The commissioner may call additional meetings:

749 (i) at the commissioner's discretion;

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

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

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

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

755 (7) The commissioner shall staff the commission.

756 Section 13. Section **32B-2-201** is amended to read:

757 **32B-2-201. Alcoholic Beverage Control Commission created.**

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

760 (2) (a) The commission is composed of seven part-time commissioners appointed by
761 the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
762 Vacancies.

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

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

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

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

772 with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

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

779 (i) the governor; or

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

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

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

784 (ii) the alleged grounds for the removal.

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

786 (i) attend the hearing;

787 (ii) present witnesses and other evidence; and

788 (iii) confront and cross examine witnesses.

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

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

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

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

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

800 (g) The governor shall:

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

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

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

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

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

807 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
808 63A-3-107.

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

813 (b) The commission shall elect:

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

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

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

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

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

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

823 (d) A commissioner shall comply with the conflict of interest provisions described in
824 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

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

827 (i) the commission;

828 (ii) the chair; or

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

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

834 52-4-204 and 52-4-205.

835 Section 14. Section 34-20-3 is amended to read:

836 **34-20-3. Labor relations board.**

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

838 (i) the commissioner of the Labor Commission;

839 (ii) two members who shall be, in accordance with Title 63G, Chapter 24, Part 2,
840 Vacancies, appointed by the governor with the consent of the Senate consisting of:

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

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

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

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

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

853 (d) A vacancy occurring on the board for any cause of the members appointed under
854 Subsection (1)(a)(ii) shall be filled by the governor with the consent of the Senate pursuant to
855 this section and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, for the unexpired
856 term of the vacating member.

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

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

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

865 with:

866 (i) Section 63A-3-106;

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

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

869 63A-3-107.

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

871 (a) by the chair; or

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

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

874 Commission.

875 (4) A vacancy in the board does not impair the right of the remaining members to

876 exercise all the powers of the board, and two members of the board shall at all times constitute

877 a quorum.

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

879 (6) A member shall comply with the conflict of interest provisions described in Title

880 63G, Chapter 24, Part 3, Conflicts of Interest.

881 Section 15. Section 35A-8-304 is amended to read:

882 **35A-8-304. Permanent Community Impact Fund Board created -- Members --**

883 **Terms -- Chair -- Expenses.**

884 (1) There is created within the department the Permanent Community Impact Fund

885 Board composed of 11 members as follows:

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

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

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

889 (d) the state treasurer;

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

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

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

893 Wayne County;

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

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

896 County; and

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

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

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

907 (ii) appointed by the governor with the consent of the Senate in accordance with Title
908 63G, Chapter 24, Part 2, Vacancies.

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

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

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

917 (e) When a vacancy occurs in the membership described in Subsections (1)(f) through
918 (j), the governor shall fill the vacancy in accordance with Title 63G, Chapter 24, Part 2,
919 Vacancies.

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

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

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

927 may receive per diem and travel expenses in accordance with:

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

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

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

931 63A-3-107.

932 (6) A member described in Subsections (1)(f) through (j) shall comply with the conflict
933 of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

934 Section 16. Section 35A-8-2103 is amended to read:

935 **35A-8-2103. Private Activity Bond Review Board.**

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

938 (a) (i) the executive director of the department or the executive director's designee;

939 (ii) the executive director of the Governor's Office of Economic Development or the
940 executive director's designee;

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

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

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

944 (b) six local government members who are:

945 (i) three elected or appointed county officials, nominated by the Utah Association of
946 Counties and appointed by the governor with the consent of the Senate and in accordance with

947 Title 63G, Chapter 24, Part 2, Vacancies; and

948 (ii) three elected or appointed municipal officials, nominated by the Utah League of
949 Cities and Towns and appointed by the governor with the consent of the Senate and in
950 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

957 (c) Members may be reappointed only once.

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

961 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
962 appointed within 30 days in the manner of the regular appointment for the unexpired term,
963 except that a vacancy in a membership position described in Subsection (1)(b), shall be filled in
964 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

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

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

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

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

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

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

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

978 (9) A member appointed to fill a position described in Subsection (1)(b) shall comply
979 with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
980 Interest.

981 Section 17. Section 40-6-4 is amended to read:

982 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**
983 **members -- Terms -- Chair -- Quorum -- Expenses.**

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

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

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

989 consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

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

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

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

996 (iv) one member who:

997 (A) is a private land owner;

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

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

1000 (v) one member who is knowledgeable in geological matters.

1001 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
1002 expire, the governor shall appoint each new member or reappointed member to a four-year
1003 term.

1004 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1005 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1006 board members are staggered so that approximately half of the board is appointed every two
1007 years.

1008 (c) A member shall hold office until the expiration of the member's term and until the
1009 member's successor is appointed, but not more than 90 days after the expiration of the
1010 member's term.

1011 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1012 be appointed for the unexpired term by the governor with the consent of the Senate and in
1013 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1014 (b) The person appointed shall have the same qualifications as the person's
1015 predecessor.

1016 (5) (a) The board shall appoint its chair from the membership.

1017 (b) Four members of the board shall constitute a quorum for the transaction of business
1018 and the holding of hearings.

1019 (6) A member may not receive compensation or benefits for the member's service, but

1020 may receive per diem and travel expenses in accordance with:

1021 (a) Section 63A-3-106;

1022 (b) Section 63A-3-107; and

1023 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

1024 63A-3-107.

1025 (7) A member shall comply with the conflict of interest provisions described in Title

1026 63G, Chapter 24, Part 3, Conflicts of Interest.

1027 Section 18. Section 49-11-202 is amended to read:

1028 **49-11-202. Establishment of Utah State Retirement Board -- Quorum -- Terms --**

1029 **Officers -- Expenses and per diem.**

1030 (1) There is established the Utah State Retirement Board composed of seven board
1031 members determined as follows:

1032 (a) Four board members, with experience in investments or banking, shall be appointed
1033 by the governor from the general public.

1034 (b) One board member shall be a school employee appointed by the governor from at
1035 least three nominations submitted by the governing board of the school employees' association
1036 that is representative of a majority of the school employees who are members of a system
1037 administered by the board.

1038 (c) One board member shall be a public employee appointed by the governor from at
1039 least three nominations submitted by the governing board of the public employee association
1040 that is representative of a majority of the public employees who are members of a system
1041 administered by the board.

1042 (d) One board member shall be the state treasurer.

1043 (2) Four board members constitute a quorum for the transaction of business.

1044 (3) (a) All appointments to the board shall be made on a nonpartisan basis, with the
1045 consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1046 (b) Board members shall serve until their successors are appointed and take the
1047 constitutional oath of office.

1048 (c) When a vacancy occurs on the board for any reason, the replacement shall be
1049 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1050 (4) (a) Except as required by Subsection (4)(b), all appointed board members shall

1051 serve for four-year terms.

1052 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1053 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1054 board members are staggered so that:

1055 (i) approximately half of the board is appointed every two years; and

1056 (ii) no more than two of the board members appointed under Subsection (1)(a) are
1057 appointed every two years.

1058 (c) A board member who is appointed as a school employee or as a public employee
1059 who retires or who is no longer employed with a participating employer shall immediately
1060 resign from the board.

1061 (5) (a) Each year the board shall elect a president and vice president from its
1062 membership.

1063 (b) A board member may not receive compensation or benefits for the board member's
1064 service, but may receive per diem and travel expenses in accordance with:

1065 (i) Section 63A-3-106;

1066 (ii) Section 63A-3-107; and

1067 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1068 63A-3-107.

1069 (c) A board member shall comply with the conflict of interest provisions described in
1070 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1071 Section 19. Section 51-7-16 is amended to read:

1072 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**
1073 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**
1074 **of interests -- Per diem and expenses.**

1075 (1) (a) There is created a State Money Management Council composed of five
1076 members appointed by the governor after consultation with the state treasurer and with the
1077 consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1078 (b) The members of the council shall be qualified by training and experience in the
1079 field of investment or finance as follows:

1080 (i) at least one member, but not more than two members, shall be experienced in the
1081 banking business;

1082 (ii) at least one member, but not more than two members, shall be an elected treasurer;

1083 (iii) at least one member, but not more than two members, shall be an appointed public
1084 treasurer; and

1085 (iv) two members, but not more than two members, shall be experienced in the field of
1086 investment.

1087 (c) No more than three members of the council may be from the same political party.

1088 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed
1089 for terms of four years.

1090 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1091 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1092 council members are staggered so that approximately half of the council is appointed every two
1093 years.

1094 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1095 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1096 (d) All members shall serve until their successors are appointed and qualified.

1097 (3) (a) The council members shall elect a chair and vice chair.

1098 (b) The state treasurer shall serve as executive secretary of the council without vote.

1099 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by
1100 the council and at other times at the call of the chair, the state treasurer, or any two members of
1101 the council.

1102 (b) Three members are a quorum for the transaction of business.

1103 (c) Actions of the council require a vote of a majority of those present.

1104 (d) All meetings of the council and records of its proceedings are open for inspection
1105 by the public at the state treasurer's office during regular business hours except for:

1106 (i) reports of the commissioner of financial institutions concerning the identity,
1107 liquidity, or financial condition of qualified depositories and the amount of public funds each is
1108 eligible to hold; and

1109 (ii) reports of the director concerning the identity, liquidity, or financial condition of
1110 certified dealers.

1111 (5) (a) Each member of the council shall file a sworn or written statement with the
1112 lieutenant governor that discloses any position or employment or ownership interest that he has

1113 in any financial institution or investment organization.

1114 (b) Each member shall file the statement required by this Subsection (5) when he
1115 becomes a member of the council and when substantial changes in his position, employment,
1116 or ownership interests occur.

1117 (c) Each member shall comply with the conflict of interest provisions described in Title
1118 63G, Chapter 24, Part 3, Conflicts of Interest.

1119 (6) A member may not receive compensation or benefits for the member's service, but
1120 may receive per diem and travel expenses in accordance with:

1121 (a) Section 63A-3-106;

1122 (b) Section 63A-3-107; and

1123 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1124 63A-3-107.

1125 Section 20. Section 53B-2a-108 is amended to read:

1126 **53B-2a-108. Technical college boards of directors -- Membership --**

1127 **Appointments.**

1128 (1) As used in this section:

1129 (a) "Higher education institution" means the same as that term is defined in Section
1130 53B-2a-112.

1131 (b) "Technical college service area" means the geographic area served by each
1132 technical college as described in Section 53B-2a-105.

1133 (2) A technical college board of directors consists of:

1134 (a) one member of the local school board for each school district in the technical
1135 college service area, appointed by the local school board to which the member belongs;

1136 (b) except as provided in Subsection (3)(b), one individual who is a member of the
1137 higher education institution board of trustees, appointed by the higher education institution
1138 board of trustees; and

1139 (c) a number of individuals, appointed by the governor with the consent of the Senate
1140 and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, that is:

1141 (i) seven for:

1142 (A) Tooele Technical College;

1143 (B) Uintah Basin Technical College; and

- 1144 (C) Dixie Technical College;
- 1145 (ii) eight for:
- 1146 (A) Bridgerland Technical College;
- 1147 (B) Ogden-Weber Technical College;
- 1148 (C) Davis Technical College; and
- 1149 (D) Southwest Technical College; or
- 1150 (iii) nine for Mountainland Technical College.

1151 (3) (a) In appointing the members described in Subsection (2)(c), the governor shall
1152 appoint individuals who represent the interests of business, industry, or labor in the technical
1153 college service area.

1154 (b) If no member of the institution of higher education board of trustees lives within
1155 the technical college service area, the institution of higher education board of trustees may
1156 nominate an individual to be appointed by the governor with the consent of the Senate instead
1157 of appointing a member described in Subsection (2)(b).

1158 (4) (a) The governor may remove a member appointed under Subsection (2)(c) or
1159 (3)(b) for cause.

1160 (b) The governor shall consult with the president of the Senate before removing a
1161 member appointed under Subsection (2)(c) or (3)(b).

1162 (5) (a) Notwithstanding Subsection (2) or [53B-2a-109\(2\)](#), an individual appointed to a
1163 technical college board of directors on or before May 7, 2018, may continue to serve on the
1164 technical college board of directors until the end of the individual's current term, even if the
1165 total number of members on the technical college board of directors exceeds the number of
1166 members for the technical college board of directors described in Subsection (2).

1167 (b) Notwithstanding Subsection (2), the governor may only make an appointment
1168 described in Subsection (2)(c) if the number of members on the technical college board of
1169 directors following the appointment will be less than or equal to the number of members for the
1170 technical college board of directors described in Subsection (2).

1171 (6) A member described in Subsection (2)(c) shall comply with the conflict of interest
1172 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1173 Section 21. Section **53C-1-202** is amended to read:

1174 **53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --**

1175 **Terms -- Replacement -- Chair -- Quorum.**

1176 (1) There is established the School and Institutional Trust Lands Board of Trustees.

1177 (2) The board shall consist of seven members appointed on a nonpartisan basis by the
1178 governor with the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2,
1179 Vacancies.1180 (3) (a) Except for the appointment made pursuant to Subsection (5), all appointments
1181 to the board shall be for a nonconsecutive term of six years, or until a replacement has been
1182 appointed and confirmed pursuant to this section.1183 (b) If a vacancy occurs, the governor shall appoint a replacement[;] in accordance with
1184 Title 63G, Chapter 24, Part 2, Vacancies, and following the procedures set forth in Subsections
1185 (2), (4), (5), and (6), to fill the unexpired term.1186 (c) Any member of the board who has served less than six years upon the expiration of
1187 that member's term is eligible for a consecutive reappointment.1188 (4) (a) The governor shall select six of the seven appointees to the board from a
1189 nomination list of at least two candidates for each position or vacancy submitted pursuant to
1190 Section [53C-1-203](#).1191 (b) The governor may request an additional nomination list of at least two candidates
1192 from the nominating committee if the initial list of candidates for a given position is
1193 unacceptable.1194 (c) (i) If the governor fails to select an appointee within 60 days after receipt of the
1195 initial list or within 60 days after the receipt of an additional list, the nominating committee
1196 shall make an interim appointment by majority vote.1197 (ii) The interim appointee shall serve until the matter is resolved by the committee and
1198 the governor or until replaced pursuant to this chapter.

1199 (5) (a) The governor may appoint one member without requiring a nomination list.

1200 (b) The member appointed under Subsection (5)(a) serves at the pleasure of the
1201 governor.1202 (6) (a) Each board candidate shall possess outstanding professional qualifications
1203 pertinent to the purposes and activities of the trust.

1204 (b) The board shall represent the following areas of expertise:

1205 (i) nonrenewable resource management or development;

- 1206 (ii) renewable resource management or development; and
- 1207 (iii) real estate.
- 1208 (c) Other qualifications which are pertinent for membership to the board are expertise
- 1209 in any of the following areas:
- 1210 (i) business;
- 1211 (ii) investment banking;
- 1212 (iii) finance;
- 1213 (iv) trust administration;
- 1214 (v) asset management; and
- 1215 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)
- 1216 through (v).
- 1217 (7) The board of trustees shall select a chair and vice chair from its membership.
- 1218 (8) Before assuming a position on the board, each member shall take an oath of office.
- 1219 (9) Four members of the board constitute a quorum for the transaction of business.
- 1220 (10) The governor or five board members may, for cause, remove a member of the
- 1221 board.

1222 (11) A member of the board shall comply with the conflict of interest provisions

1223 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1224 Section 22. Section **54-1-1.5** is amended to read:

1225 **54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman --**

1226 **Quorum -- Removal -- Vacancies -- Compensation.**

1227 The commission shall be composed of three members appointed by the governor with

1228 the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies. The

1229 terms of the members shall be staggered so that one commissioner is appointed for a term of

1230 six years on March 1 of each odd-numbered year. Not more than two members of the

1231 commission shall belong to the same political party. One member of the commission shall be

1232 designated by the governor as chairman of the commission. Any two commissioners constitute

1233 a quorum. Any member of the commission may be removed for cause by the governor.

1234 Vacancies in the commission shall be filled for unexpired terms by appointment of the

1235 governor and in accordance with Title 63G, Chapter 24, Part 2, Vacancies. Commissioners

1236 shall receive compensation as established by the governor within the salary range fixed by the

1237 Legislature in Title 67, Chapter 22, State Officer Compensation, and all actual and necessary
1238 expenses incurred in attending to official business. Each commissioner at the time of
1239 appointment and qualification shall be a resident citizen of the United States and of the state of
1240 Utah and shall be not less than 30 years of age. Except as provided by law, no commissioner
1241 may hold any other office either under the government of the United States or of this state or of
1242 any municipal corporation within this state. A commissioner shall comply with the conflict of
1243 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1244 Section 23. Section **59-1-201** is amended to read:

1245 **59-1-201. Composition of commission -- Terms -- Removal from office --**
1246 **Appointment.**

1247 (1) The commission shall be composed of four members appointed by the governor
1248 with the consent of the Senate, and in accordance with Title 63G, Chapter 24, Part 2,
1249 Vacancies.

1250 (2) Subject to Subsection (3), the term of office of each commissioner shall be for four
1251 years and expire on June 30 of the year the term ends.

1252 (3) The governor shall stagger a term described in Subsection (2) so that the term of
1253 one commissioner expires each year.

1254 (4) A commissioner shall hold office until a successor is appointed and qualified in
1255 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1256 (5) (a) The governor may remove a commissioner from office for neglect of duty,
1257 inefficiency, or malfeasance, after notice and a hearing.

1258 (b) If the governor removes a commissioner from office and appoints another person to
1259 replace the commissioner, the person the governor appoints to replace the commissioner:

1260 (i) shall serve for the remainder of the unexpired term; and

1261 (ii) may be reappointed as the governor determines.

1262 (6) (a) Before appointing a commissioner, the governor shall request a list of names of
1263 potential appointees from:

1264 (i) the Utah State Bar;

1265 (ii) one or more organizations that represent certified public accountants who are
1266 licensed to practice in the state;

1267 (iii) one or more organizations that represent persons who assess or appraise property

1268 in the state; and

1269 (iv) one or more national organizations that:

1270 (A) offer a professional certification in the areas of property tax, sales and use tax, and
1271 state income tax;

1272 (B) require experience, education, and testing to obtain the certification; and

1273 (C) require additional education to maintain the certification.

1274 (b) In appointing a commissioner, the governor shall consider:

1275 (i) to the extent names of potential appointees are submitted, the names of potential
1276 appointees submitted in accordance with Subsection (6)(a); and

1277 (ii) any other potential appointee of the governor's own choosing.

1278 Section 24. Section **59-1-203** is amended to read:

1279 **59-1-203. Conflicts of interest -- Salaries -- Ethics.**

1280 (1) No person appointed as a member of the commission may hold any other office
1281 under the laws of this state, the government of the United States, or any other state. Each
1282 member shall devote full time to the duties of the office and may not hold any other position of
1283 trust or profit under the Constitution nor engage in any other occupation that would create a
1284 direct conflict with the duties of a commissioner.

1285 (2) The salaries of the commissioners shall be established by the governor within the
1286 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
1287 Commissioners shall also be allowed expenses as provided by law.

1288 (3) No commissioner, executive director, or consultant shall engage in political or
1289 charitable fund raising activities. Commissioners and commission employees are governed by
1290 Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

1291 (4) A commissioner shall comply with the conflict of interest provisions described in
1292 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1293 Section 25. Section **59-13-103** is amended to read:

1294 **59-13-103. List of clean fuels provided to tax commission -- Report to the**
1295 **Legislature.**

1296 (1) The Air Quality Board shall annually provide to the tax commission a list of fuels
1297 that are clean fuels under Section **59-13-102**.

1298 (2) The Air Quality Board [~~created~~] appointed under Section **19-2-103** shall in

1299 conjunction with the State Tax Commission prepare and submit to the Legislature before
1300 January 1, 1995, a report evaluating the impacts, benefits, and economic consequences of the
1301 clean fuel provisions of Sections 59-13-201 and 59-13-301.

1302 Section 26. Section **61-2f-103** is amended to read:

1303 **61-2f-103. Real Estate Commission.**

1304 (1) There is created within the division a Real Estate Commission. The commission
1305 shall:

1306 (a) subject to concurrence by the division and in accordance with Title 63G, Chapter 3,
1307 Utah Administrative Rulemaking Act, make rules for the administration of this chapter that are
1308 not inconsistent with this chapter, including:

1309 (i) licensing of:

1310 (A) a principal broker;

1311 (B) an associate broker; and

1312 (C) a sales agent;

1313 (ii) registration of:

1314 (A) an entity; and

1315 (B) a branch office;

1316 (iii) prelicensing and postlicensing education curricula;

1317 (iv) examination procedures;

1318 (v) the certification and conduct of:

1319 (A) a real estate school;

1320 (B) a course provider; or

1321 (C) an instructor;

1322 (vi) proper handling of money received by a licensee under this chapter;

1323 (vii) brokerage office procedures and recordkeeping requirements;

1324 (viii) property management;

1325 (ix) standards of conduct for a licensee under this chapter; and

1326 (x) if the commission, with the concurrence of the division, determines necessary, a
1327 rule as provided in Subsection 61-2f-306(3) regarding a legal form;

1328 (b) establish, with the concurrence of the division, a fee provided for in this chapter,
1329 except a fee imposed under Part 5, Real Estate Education, Research, and Recovery Fund Act;

1330 (c) conduct an administrative hearing not delegated by the commission to an
1331 administrative law judge or the division relating to the:
1332 (i) licensing of an applicant;
1333 (ii) conduct of a licensee;
1334 (iii) the certification or conduct of a real estate school, course provider, or instructor
1335 regulated under this chapter; or
1336 (iv) violation of this chapter by any person;
1337 (d) with the concurrence of the director, impose a sanction as provided in Section
1338 61-2f-404;
1339 (e) advise the director on the administration and enforcement of a matter affecting the
1340 division and the real estate sales and property management industries;
1341 (f) advise the director on matters affecting the division budget;
1342 (g) advise and assist the director in conducting real estate seminars; and
1343 (h) perform other duties as provided by this chapter.
1344 (2) (a) Except as provided in Subsection (2)(b), a state entity may not, without the
1345 concurrence of the commission, make a rule that changes the rights, duties, or obligations of
1346 buyers, sellers, or persons licensed under this chapter in relation to a real estate transaction
1347 between private parties.
1348 (b) Subsection (2)(a) does not apply to a rule made:
1349 (i) under Title 31A, Insurance Code, or Title 7, Financial Institutions Act; or
1350 (ii) by the Department of Commerce or any division or other rulemaking body within
1351 the Department of Commerce.
1352 (3) (a) The commission shall be comprised of five members appointed by the governor
1353 and approved by the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
1354 (b) Four of the commission members shall:
1355 (i) have at least five years' experience in the real estate business; and
1356 (ii) hold an active principal broker, associate broker, or sales agent license.
1357 (c) One commission member shall be a member of the general public.
1358 (d) The governor may not appoint a commission member described in Subsection
1359 (3)(b) who, at the time of appointment, resides in the same county in the state as another
1360 commission member.

1361 (e) At least one commission member described in Subsection (3)(b) shall at the time of
1362 an appointment reside in a county that is not a county of the first or second class.

1363 (4) (a) Except as required by Subsection (4)(b), as terms of current commission
1364 members expire, the governor shall appoint each new member or reappointed member to a
1365 four-year term ending June 30.

1366 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1367 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1368 commission members are staggered so that approximately half of the commission is appointed
1369 every two years.

1370 (c) Upon the expiration of the term of a member of the commission, the member of the
1371 commission shall continue to hold office until a successor is appointed and qualified.

1372 (d) A commission member may not serve more than two consecutive terms.

1373 (e) Members of the commission shall annually select one member to serve as chair.

1374 (5) When a vacancy occurs in the membership for any reason, the governor, with the
1375 consent of the Senate, shall appoint a replacement for the unexpired term in accordance with
1376 Title 63G, Chapter 24, Part 2, Vacancies.

1377 (6) A member may not receive compensation or benefits for the member's service, but
1378 may receive per diem and travel expenses in accordance with:

1379 (a) Section 63A-3-106;

1380 (b) Section 63A-3-107; and

1381 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1382 63A-3-107.

1383 (7) (a) The commission shall meet at least monthly.

1384 (b) The director may call additional meetings:

1385 (i) at the director's discretion;

1386 (ii) upon the request of the chair; or

1387 (iii) upon the written request of three or more commission members.

1388 (8) Three members of the commission constitute a quorum for the transaction of
1389 business.

1390 (9) A member of the commission shall comply with the conflict of interest provisions
1391 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1392 Section 27. Section **61-2g-204** is amended to read:

1393 **61-2g-204. Real Estate Appraiser Licensing and Certification Board.**

1394 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board
1395 that consists of five regular members as follows:

1396 (i) one state-licensed or state-certified appraiser who may be either a residential or
1397 general licensee or certificate holder;

1398 (ii) one state-certified residential appraiser;

1399 (iii) one state-certified general appraiser;

1400 (iv) one member who is certified as either a state-certified residential appraiser or a
1401 state-certified general appraiser; and

1402 (v) one member of the general public.

1403 (b) A state-licensed or state-certified appraiser may be appointed as an alternate
1404 member of the board.

1405 (c) The governor shall appoint all members of the board with the consent of the Senate
1406 in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1407 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
1408 expire, the governor shall appoint each new member or reappointed member to a four-year
1409 term beginning on July 1.

1410 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1411 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1412 board members are staggered so that approximately half of the board is appointed every two
1413 years.

1414 (c) Upon the expiration of a member's term, a member of the board shall continue to
1415 hold office until the appointment and qualification of the member's successor.

1416 (d) A person may not serve as a member of the board for more than two consecutive
1417 terms.

1418 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1419 be appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2,
1420 Vacancies.

1421 (b) The governor may remove a member for cause.

1422 (4) The public member of the board may not be licensed or certified under this chapter.

1423 (5) The board shall meet at least quarterly to conduct its business. The division shall
1424 give public notice of a board meeting.

1425 (6) The members of the board shall elect a chair annually from among the members to
1426 preside at board meetings.

1427 (7) A member may not receive compensation or benefits for the member's service, but
1428 may receive per diem and travel expenses in accordance with:

1429 (a) Section 63A-3-106;

1430 (b) Section 63A-3-107; and

1431 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1432 63A-3-107.

1433 (8) (a) Three members of the board shall constitute a quorum for the transaction of
1434 business.

1435 (b) If a quorum of members is unavailable for any meeting, the alternate member of the
1436 board, if any, shall serve as a regular member of the board for that meeting if with the presence
1437 of the alternate member a quorum is present at the meeting.

1438 (c) A member of the board shall comply with the conflict of interest provisions
1439 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1440 Section 28. Section 62A-1-107 is amended to read:

1441 **62A-1-107. Board of Aging and Adult Services -- Members, appointment, terms,**
1442 **vacancies, chairperson, compensation, meetings, quorum.**

1443 (1) The Board of Aging and Adult Services described in Subsection 62A-1-105(1)(a)
1444 shall have seven members who are appointed by the governor with the consent of the Senate in
1445 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1446 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a
1447 term of four years, and is eligible for one reappointment.

1448 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1449 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1450 board members are staggered so that approximately half of the board is appointed every two
1451 years.

1452 (c) Board members shall continue in office until the expiration of their terms and until
1453 their successors are appointed, which may not exceed 90 days after the formal expiration of a

1454 term.

1455 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
1456 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1457 (3) No more than four members of the board may be from the same political party.
1458 The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen
1459 on the basis of their active interest, experience, and demonstrated ability to deal with issues
1460 related to the Board of Aging and Adult Services.

1461 (4) The board shall annually elect a chairperson from the board's membership. The
1462 board shall hold meetings at least once every three months. Within budgetary constraints,
1463 meetings may be held from time to time on the call of the chairperson or of the majority of the
1464 members of the board. Four members of the board are necessary to constitute a quorum at any
1465 meeting, and, if a quorum exists, the action of the majority of members present shall be the
1466 action of the board.

1467 (5) A member may not receive compensation or benefits for the member's service, but,
1468 at the executive director's discretion, may receive per diem and travel expenses in accordance
1469 with:

1470 (a) Section 63A-3-106;

1471 (b) Section 63A-3-107; and

1472 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1473 63A-3-107.

1474 (6) The board shall adopt bylaws governing its activities. Bylaws shall include
1475 procedures for removal of a board member who is unable or unwilling to fulfill the
1476 requirements of the board member's appointment.

1477 (7) The board has program policymaking authority for the division over which the
1478 board presides.

1479 (8) A member of the board shall comply with the conflict of interest provisions
1480 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1481 Section 29. Section 63G-2-501 is amended to read:

1482 **63G-2-501. State Records Committee created -- Membership -- Terms --**
1483 **Vacancies -- Expenses.**

1484 (1) There is created the State Records Committee within the Department of

1485 Administrative Services consisting of the following seven individuals:

1486 (a) an individual in the private sector whose profession requires the individual to create
1487 or manage records that, if created by a governmental entity, would be private or controlled;

1488 (b) an individual with experience with electronic records and databases, as
1489 recommended by a statewide technology advocacy organization that represents the public,
1490 private, and nonprofit sectors;

1491 (c) the director of the Division of Archives and Records Services or the director's
1492 designee;

1493 (d) two citizen members;

1494 (e) one person representing political subdivisions, as recommended by the Utah League
1495 of Cities and Towns; and

1496 (f) one individual representing the news media.

1497 (2) The governor shall appoint the members described in Subsections (1)(a), (b), (d),
1498 (e), and (f) with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
1499 Vacancies.

1500 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each
1501 member to a four-year term.

1502 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment
1503 or reappointment, adjust the length of terms to ensure that the terms of committee members are
1504 staggered so that approximately half of the committee is appointed every two years.

1505 (c) Each appointed member is eligible for reappointment for one additional term.

1506 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
1507 appointed for the unexpired term and, if the vacancy is in the membership described in
1508 Subsection (1)(a), (b), (d), (e), or (f), the governor shall fill the vacancy in accordance with
1509 Title 63G, Chapter 24, Part 2, Vacancies.

1510 (5) A member of the State Records Committee may not receive compensation or
1511 benefits for the member's service on the committee, but may receive per diem and travel
1512 expenses in accordance with:

1513 (a) Section [63A-3-106](#);

1514 (b) Section [63A-3-107](#); and

1515 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

1516 (6) A member described in Subsection (1)(a), (b), (d), (e), or (f) shall comply with the
1517 conflict of interest provisions described in Chapter 24, Part 3, Conflicts of Interest.

1518 Section 30. Section **63G-24-101** is enacted to read:

1519 **CHAPTER 24. BOARD VACANCIES AND CONFLICTS ACT**

1520 **Part 1. General Provisions**

1521 **63G-24-101. Title.**

1522 This chapter is known as the "Board Vacancies and Conflicts Act."

1523 Section 31. Section **63G-24-102** is enacted to read:

1524 **63G-24-102. Definitions.**

1525 As used in this chapter:

1526 (1) "Affiliation" means association with an entity, including association in the form of
1527 employment, ownership, shareholdership, or financial interest.

1528 (2) "Agency" means the same as that term is defined in Section [63G-4-103](#).

1529 (3) "Appointed board member" means an individual appointed by the governor, with
1530 the consent of the Senate, to serve on a rulemaking board.

1531 (4) "Appointee" means a person selected by the governor to fill a board vacancy
1532 subject to the consent of the Senate.

1533 (5) "Rulemaking board" means a board, committee, commission, or council:

1534 (a) that has rulemaking authority; and

1535 (b) at least part of whose membership is appointed by the governor subject to the
1536 consent of the Senate.

1537 (6) "Substantial interest" means the same as that term is defined in Section [67-16-3](#).

1538 Section 32. Section **63G-24-103** is enacted to read:

1539 **63G-24-103. Requirement to follow this chapter.**

1540 (1) An applicant, a rulemaking board, and the governor's office shall follow the
1541 procedures for vacancies described in this chapter in order to fill a vacancy on a rulemaking
1542 board.

1543 (2) An appointed board member shall follow the procedures for conflicts of interest
1544 described in this chapter.

1545 Section 33. Section **63G-24-201** is enacted to read:

1546 **Part 2. Vacancies**

1547 **63G-24-201. Notice.**

1548 (1) A rulemaking board shall give public notice regarding a vacancy or expiring term
1549 on the rulemaking board on or before:

1550 (a) 180 days before the day on which a departing appointed board member's or a
1551 continuing board member's term expires; or

1552 (b) 10 days after the day on which the rulemaking board chair or vice chair receives
1553 written notice of a current appointed board member's intent to leave the board.

1554 (2) (a) The governor's office shall post the notice described in Subsection (1) on the
1555 governor's website described in Subsection [67-1-2.5\(4\)](#).

1556 (b) A rulemaking board may post the notice described in Subsection (1) on the
1557 rulemaking board's website.

1558 Section 34. Section **63G-24-202** is enacted to read:

1559 **63G-24-202. Application.**

1560 (1) The application period for an appointed board member position shall last no fewer
1561 than 60 days.

1562 (2) An applicant shall use the application feature on the governor's website described in
1563 Subsection [67-1-2.5\(4\)](#) to apply for a vacant appointed board member position.

1564 (3) The application feature described in Subsection (2) shall require the applicant to
1565 provide information including:

1566 (a) the applicant's name;

1567 (b) the applicant's current employment; and

1568 (c) the applicant's affiliation with public and private entities, including employment, in
1569 the five years on or before the day on which the applicant submits the application.

1570 (4) Within seven days after the day on which the governor's office receives an
1571 application, the governor's office shall post the information described in Subsections (3)(a)
1572 through (c) on the governor's website described in Subsection [67-1-2.5\(4\)](#).

1573 (5) A rulemaking board may post the information described in Subsection (3) on the
1574 rulemaking board's website.

1575 (6) The governor's website described in Subsection [67-1-2.5\(4\)](#) shall post information
1576 about how to publicly comment on an application no fewer than seven days before the first day
1577 on which the governor's office will accept applications.

1578 (7) Public comment shall be permitted for no fewer than 30 days after the day on which
1579 the application period ends.

1580 Section 35. Section **63G-24-203** is enacted to read:

1581 **63G-24-203. Governor selection of appointee.**

1582 (1) The governor shall select an appointee based on:

1583 (a) the applicant's fitness for office; and

1584 (b) statutory requirements.

1585 (2) The governor shall follow the process described in Section [67-1-2](#) to notify the

1586 Senate of an appointee for an appointed board member vacancy.

1587 Section 36. Section **63G-24-204** is enacted to read:

1588 **63G-24-204. Senate confirmation of appointee.**

1589 The Senate shall follow the process described in Section [67-1-2](#) to confirm an appointee

1590 to fill an appointed board member vacancy.

1591 Section 37. Section **63G-24-301** is enacted to read:

1592 **Part 3. Conflicts of Interest**

1593 **63G-24-301. Disclosure of conflicts.**

1594 (1) An appointed board member shall disclose the nature of any position or financial

1595 interest the appointed board member holds in any business entity that is subject to the

1596 regulation of the agency, including if the relationship of the appointed board member to the

1597 business entity is that of:

1598 (a) an officer;

1599 (b) a director;

1600 (c) an agent;

1601 (d) an employee; or

1602 (e) an owner of a substantial interest.

1603 (2) Within 10 days after the day on which an appointed board member is appointed to

1604 serve on a rulemaking board, the appointed board member shall make the disclosure described

1605 in Subsection (1) in writing to the rulemaking board.

1606 (3) An appointed board member shall, if there are changes to items the appointed board

1607 member is required to disclose under Subsection (1), update the disclosure before voting on a

1608 measure the rulemaking board takes with respect to a business entity described in Subsection

1609 (1).

1610 Section 38. Section **63G-24-302** is enacted to read:

1611 **63G-24-302. Effect on voting.**

1612 Disclosure under Section [63G-24-201](#) does not require an appointed board member to
 1613 abstain from voting unless the appointed board member holds a substantial interest in a
 1614 business entity that the vote will impact.

1615 Section 39. Section **63H-6-104** is amended to read:

1616 **63H-6-104. Board of directors -- Membership -- Term -- Quorum -- Vacancies --**

1617 **Duties.**

1618 (1) The corporation is governed by a board of directors.

1619 (2) The board is composed of members as follows:

1620 (a) the director of the Division of Facilities Construction and Management or the
 1621 director's designee;

1622 (b) the commissioner of agriculture and food or the commissioner's designee;

1623 (c) two members, appointed by the president of the Senate:

1624 (i) who have business related experience; and

1625 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

1626 (d) two members, appointed by the speaker of the House:

1627 (i) who have business related experience; and

1628 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

1629 (e) five members, of whom only one may be a legislator, in accordance with

1630 Subsection (3)(e), appointed by the governor with the consent of the Senate in accordance with

1631 Title 63G, Chapter 24, Part 2, Vacancies as follows:

1632 (i) two members who represent agricultural interests;

1633 (ii) two members who have business related experience; and

1634 (iii) one member who is recommended by the Utah Farm Bureau Federation;

1635 (f) one member, appointed by the mayor of Salt Lake City with the consent of the
 1636 Senate, who is a resident of the neighborhood located adjacent to the state fair park;

1637 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed
 1638 lease agreement with the corporation; and

1639 (h) a representative of the Days of '47 Rodeo.

1640 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under
1641 Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years
1642 after the year that the board member was appointed.

1643 (ii) In making appointments to the board, the president of the Senate, the speaker of the
1644 House, the governor, and the mayor of Salt Lake City shall ensure that the terms of
1645 approximately 1/4 of the appointed board members expire each year.

1646 (b) Except as provided in Subsection (3)(c), appointed board members serve until their
1647 successors are appointed and qualified.

1648 (c) (i) If an appointed board member is absent from three consecutive board meetings
1649 without excuse, that member's appointment is terminated, the position is vacant, and the
1650 individual who appointed the board member shall appoint a replacement.

1651 (ii) The president of the Senate, the speaker of the House, the governor, or the mayor of
1652 Salt Lake City, as applicable, may remove an appointed member of the board at will.

1653 (d) The president of the Senate, the speaker of the House, the governor, or the mayor of
1654 Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by
1655 appointing an individual in accordance with the procedures described in this section and, for
1656 members described in Subsection (2)(e), in accordance with Title 63G, Chapter 24, Part 2,
1657 Vacancies, for the unexpired term of the vacated member.

1658 (e) No more than a combined total of two legislators may be appointed under
1659 Subsections (2)(c), (d), and (e).

1660 (4) The governor shall select the board's chair.

1661 (5) A majority of the members of the board is a quorum for the transaction of business.

1662 (6) The board may elect a vice chair and any other board offices.

1663 (7) The board may create one or more subcommittees to advise the board on any issue
1664 related to the state fair park.

1665 (8) In carrying out the board's duties under this chapter, the board shall cooperate with
1666 and, upon request, appear before the State Fair Park Committee.

1667 (9) No later than November 30 of each year, the board shall provide the following to
1668 the State Fair Park Committee:

1669 (a) a report on the general state of the financial and business affairs of the corporation;

1670 (b) a report on that year's annual exhibition described in Subsection 63H-6-103(4)(j),

1671 including the exhibition's attendance, operations, and revenue;

1672 (c) any appropriation request that the board plans to submit to the Legislature; and

1673 (d) any other report that the State Fair Park Committee requests.

1674 (10) A member described in Subsection (2)(e) shall comply with the conflict of interest

1675 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1676 Section 40. Section **63H-8-201** is amended to read:

1677 **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**

1678 **Quorum -- Per diem and expenses.**

1679 (1) (a) There is created an independent body politic and corporate, constituting a public
1680 corporation, known as the "Utah Housing Corporation."

1681 (b) The corporation may also be known and do business as the:

1682 (i) Utah Housing Finance Association; and

1683 (ii) Utah Housing Finance Agency in connection with a contract entered into when that
1684 was the corporation's legal name.

1685 (c) No other entity may use the names described in Subsections (1)(a) and (b) without
1686 the express approval of the corporation.

1687 (2) The corporation is governed by a board of trustees composed of the following nine
1688 trustees:

1689 (a) the executive director of the Department of Workforce Services or the executive
1690 director's designee;

1691 (b) the commissioner of the Department of Financial Institutions or the commissioner's
1692 designee;

1693 (c) the state treasurer or the treasurer's designee; and

1694 (d) six public trustees, who are private citizens of the state, as follows:

1695 (i) two people who represent the mortgage lending industry;

1696 (ii) two people who represent the home building and real estate industry; and

1697 (iii) two people who represent the public at large.

1698 (3) The governor shall:

1699 (a) appoint the six public trustees of the corporation with the consent of the Senate in
1700 accordance with Title 63G, Chapter 24, Part 2, Vacancies; and

1701 (b) ensure that:

1702 (i) the six public trustees are from different counties and are residents of the state; and
1703 (ii) not more than three of the public trustees are members of the same political party.

1704 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six
1705 public trustees to terms of office of four years each.

1706 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1707 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1708 corporation trustees are staggered so that approximately half of the board is appointed every
1709 two years.

1710 (5) (a) A public trustee of the corporation may be removed from office for cause either
1711 by the governor or by an affirmative vote of six trustees of the corporation.

1712 (b) When a vacancy occurs in the board of trustees for any reason, the replacement
1713 shall be appointed for the unexpired term, and replacements for the public trustee positions
1714 described in Subsection (2)(d) shall be filled in accordance with Title 63G, Chapter 24, Part 2,
1715 Vacancies.

1716 (c) A public trustee shall hold office for the term of appointment and until the trustee's
1717 successor has been appointed and qualified.

1718 (d) A public trustee is eligible for reappointment but may not serve more than two full
1719 consecutive terms.

1720 (6) (a) The governor shall select the chair of the corporation.

1721 (b) The trustees shall elect from among their number a vice chair and other officers
1722 they may determine.

1723 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

1724 (b) An affirmative vote of at least five trustees is necessary for any action to be taken
1725 by the corporation.

1726 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise
1727 all rights and perform all duties of the corporation.

1728 (8) A trustee may not receive compensation or benefits for the trustee's service, but
1729 may receive per diem and travel expenses in accordance with:

1730 (a) Section [63A-3-106](#);

1731 (b) Section [63A-3-107](#); and

1732 (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and

1733 63A-3-107.

1734 (9) A trustee described in Subsection (2)(d) shall comply with the conflict of interest
 1735 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1736 Section 41. Section **63M-2-102** is amended to read:

1737 **63M-2-102. Definitions.**

1738 As used in this chapter:

1739 (1) "Governing authority" means the Utah Science Technology and Research

1740 Governing Authority created in Section [63M-2-301](#).

1741 (2) "Higher education institution" means an institution listed in Section [53B-2-101](#).

1742 (3) "Principal researcher" means an individual who:

1743 (a) (i) on May 10, 2016, is employed, alone or as part of a research team, by a research
 1744 university;

1745 (ii) before May 10, 2016, received funding from USTAR for some or all of the
 1746 researcher's startup costs or research university salary;

1747 (iii) was recruited by a research university to become a member of a research
 1748 university's faculty; and

1749 (iv) on or after May 10, 2016, continues to receive USTAR support; or

1750 (b) (i) is employed on or after May 10, 2016 as a researcher by a higher education
 1751 institution;

1752 (ii) receives USTAR support; and

1753 (iii) is recruited by the governing authority and the higher education institution to
 1754 become a member of the higher education institution's faculty.

1755 (4) "Private entity":

1756 (a) means a privately owned corporation, limited liability company, partnership, or
 1757 other business entity or association; and

1758 (b) does not include an individual or a sole proprietorship.

1759 (5) "Program director" means the individual appointed under Subsection
 1760 [63M-2-301](#)~~(9)~~[\(10\)](#).

1761 (6) "Research building" means a building:

1762 (a) for which the governing authority holds title; and

1763 (b) that is located on the campus of a research university.

1764 (7) "Research university" means:
 1765 (a) the University of Utah; or
 1766 (b) Utah State University.
 1767 (8) "USTAR" means the Utah Science Technology and Research Initiative created in
 1768 Section 63M-2-301.

1769 (9) "USTAR researcher" means:
 1770 (a) a principal researcher; or
 1771 (b) an individual, other than a principal researcher, who:
 1772 (i) is employed by a higher education institution; and
 1773 (ii) receives USTAR support.
 1774 (10) "USTAR support" means assistance provided by USTAR including:
 1775 (a) financial support;
 1776 (b) technical assistance;
 1777 (c) mentoring; and
 1778 (d) the use of:
 1779 (i) research or laboratory space controlled by USTAR in a building other than a
 1780 research building; and
 1781 (ii) equipment in space described in Subsection (10)(d)(i).

1782 Section 42. Section 63M-2-301 is amended to read:
 1783 **63M-2-301. The Utah Science Technology and Research Initiative -- Governing**
 1784 **authority -- Program director.**

1785 (1) There is created the Utah Science Technology and Research Initiative.
 1786 (2) Subject to Subsection [~~(10)~~] (11), to oversee USTAR, there is created the Utah
 1787 Science Technology and Research Governing Authority consisting of:
 1788 (a) the state treasurer or the state treasurer's designee;
 1789 (b) the executive director of the Governor's Office of Economic Development;
 1790 (c) three members appointed by the governor, with the consent of the Senate in
 1791 accordance with Title 63G, Chapter 24, Part 2, Vacancies;
 1792 (d) two members who are not legislators appointed by the president of the Senate;
 1793 (e) two members who are not legislators appointed by the speaker of the House of
 1794 Representatives; and

- 1795 (f) one member appointed by the commissioner of higher education.
- 1796 (3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve
1797 four-year staggered terms.
- 1798 (b) An appointed member under Subsection (2)(c), (d), (e), or (f):
- 1799 (i) may not serve more than two full consecutive terms; and
- 1800 (ii) may be removed from the governing authority for any reason before the member's
1801 term is completed:
- 1802 (A) at the discretion of the original appointing authority; and
- 1803 (B) after the original appointing authority consults with the governing authority.
- 1804 (4) A vacancy on the governing authority in an appointed position under Subsection
1805 (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the
1806 same manner as the original appointment.
- 1807 (5) (a) Except as provided in Subsection (5)(b), the governor, with the consent of the
1808 Senate, shall select the chair of the governing authority to serve a one-year term.
- 1809 (b) The governor may extend the term of a sitting chair of the governing authority
1810 without the consent of the Senate.
- 1811 (c) The executive director of the Governor's Office of Economic Development shall
1812 serve as the vice chair of the governing authority.
- 1813 (6) The governing authority shall meet at least six times each year and may meet more
1814 frequently at the request of a majority of the members of the governing authority.
- 1815 (7) Five members of the governing authority are a quorum.
- 1816 (8) A member of the governing authority may not receive compensation or benefits for
1817 the member's service, but may receive per diem and travel expenses as allowed in:
- 1818 (a) Section [63A-3-106](#);
- 1819 (b) Section [63A-3-107](#); and
- 1820 (c) rules made by the Division of Finance:
- 1821 (i) pursuant to Sections [63A-3-106](#) and [63A-3-107](#); and
- 1822 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1823 (9) A member described in Subsection (2)(c) shall comply with the conflict of interest
1824 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1825 [~~9~~] (10) (a) The governor, with the consent of the Senate, may appoint a program

1826 director to oversee USTAR.

1827 (b) The program director is an at-will employee who may be terminated with or
1828 without cause by the governor or the executive director of the Governor's Office of Economic
1829 Development.

1830 ~~[(10)]~~ (11) On July 1, 2019, the governing authority is dissolved and the program
1831 director is under the supervision of the executive director of the Governor's Office of Economic
1832 Development.

1833 Section 43. Section **63M-7-504** is amended to read:

1834 **63M-7-504. Crime Victim Reparations and Assistance Board -- Members.**

1835 (1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of
1836 seven members appointed by the governor with the consent of the Senate in accordance with
1837 Title 63G, Chapter 24, Part 2, Vacancies.

1838 (b) The membership of the board shall consist of:

- 1839 (i) a member of the bar of this state;
- 1840 (ii) a victim of criminally injurious conduct;
- 1841 (iii) a licensed physician;
- 1842 (iv) a representative of law enforcement;
- 1843 (v) a mental health care provider;
- 1844 (vi) a victim advocate; and
- 1845 (vii) a private citizen.

1846 (c) The governor may appoint a chair of the board who shall serve for a period of time
1847 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a
1848 vice chair to serve in the absence of the chair.

1849 (d) The board may hear appeals from administrative decisions as provided in rules
1850 adopted pursuant to Section **63M-7-515**.

1851 (2) (a) Except as required by Subsection (2)(b), as terms of current board members
1852 expire, the governor shall appoint each new member or reappointed member to a four-year
1853 term.

1854 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1855 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1856 board members are staggered so that approximately half of the board is appointed every two

1857 years.

1858 (c) A member may be reappointed to one successive term in addition to a member's
1859 initial full-term appointment.

1860 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall
1861 be appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2,
1862 Vacancies.

1863 (b) A member resigning from the board shall serve until the member's successor is
1864 appointed and qualified.

1865 (4) A member may not receive compensation or benefits for the member's service, but
1866 may receive per diem and travel expenses in accordance with:

1867 (a) Section 63A-3-106;

1868 (b) Section 63A-3-107; and

1869 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1870 63A-3-107.

1871 (5) The board shall meet at least once quarterly but may meet more frequently as
1872 necessary.

1873 (6) A member shall comply with the conflict of interest provisions described in Title
1874 63G, Chapter 24, Part 3, Conflicts of Interest.

1875 Section 44. Section 63N-1-401 is amended to read:

1876 **63N-1-401. Board of Business and Economic Development -- Membership --**
1877 **Expenses.**

1878 (1) (a) There is created within the office the Board of Business and Economic
1879 Development, consisting of 15 members appointed by the governor to four-year terms of office
1880 with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1881 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the
1882 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1883 board members are staggered so that approximately half of the board is appointed every two
1884 years.

1885 (c) The members may not serve more than two full consecutive terms except where the
1886 governor determines that an additional term is in the best interest of the state.

1887 (2) In appointing members of the committee, the governor shall ensure that:

- 1888 (a) no more than eight members of the board are from one political party; and
- 1889 (b) members represent a variety of geographic areas and economic interests of the state.
- 1890 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
- 1891 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1892 (4) Eight members of the board constitute a quorum for conducting board business and
- 1893 exercising board power.
- 1894 (5) The governor shall select one board member as the board's chair.
- 1895 (6) A member may not receive compensation or benefits for the member's service, but
- 1896 may receive per diem and travel expenses in accordance with:
- 1897 (a) Section [63A-3-106](#);
- 1898 (b) Section [63A-3-107](#); and
- 1899 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).
- 1900 (7) A member shall comply with the conflict of interest provisions described in Title
- 1901 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1902 Section 45. Section **67-1-2** is amended to read:
- 1903 **67-1-2. Sending list of gubernatorial nominees to Senate and to Office of**
- 1904 **Legislative Research and General Counsel.**
- 1905 [~~(1) Unless waived by a majority of the president of the Senate, the Senate majority~~
- 1906 ~~leader, and the Senate minority leader, 15 days before any Senate session to confirm any~~
- 1907 ~~gubernatorial nominee, except a judicial appointment,]~~
- 1908 (1) Except as provided in Subsection (2), at least 30 days before the day of an
- 1909 extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send
- 1910 to each member of the Senate and to the Office of Legislative Research and General Counsel
- 1911 the following information for each nominee:
- 1912 [~~(a) a list of each nominee for an office or position made by the governor in accordance~~
- 1913 ~~with the Utah Constitution and state law; and]~~
- 1914 [~~(b) any information that may support or provide biographical information about the~~
- 1915 ~~nominee, including resumes and curriculum vitae.]~~
- 1916 (a) the nominee's name and biographical information, including a resume and a
- 1917 curriculum vitae;
- 1918 (b) a detailed list, with citations, of the legal requirements for the appointed position;

1919 (c) a detailed list with supporting documents explaining how, and verifying that, the
1920 nominee meets each statutory and constitutional requirement for the appointed position; and

1921 (d) a written certification by the governor that the nominee satisfies all requirements
1922 for the appointment.

1923 (2) (a) Subsection (1) does not apply to a judicial nominee.

1924 (b) A majority of the president of the Senate, the Senate majority leader, and the Senate
1925 minority leader may waive the 30-day requirement described in Subsection (1) for a
1926 gubernatorial nominee other than a nominee for the following:

1927 (i) a member of the State Tax Commission;

1928 (ii) a member of the State Board of Education;

1929 (iii) a member of the State Board of Regents;

1930 (iv) a member of the Utah System of Technical Colleges Board of Trustees; or

1931 (v) a member of a rulemaking board as that term is defined in Section [63G-24-202](#).

1932 (3) The Senate shall hold a confirmation hearing for a nominee for an individual
1933 described in Subsections (2)(b)(i) through (v).

1934 (4) The governor shall:

1935 (a) if the governor is aware of an upcoming vacancy in a position that requires Senate
1936 confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate
1937 minority leader, and the Office of Legislative Research and General Counsel at least 30 days
1938 before the day on which the vacancy occurs; and

1939 (b) establish a process for the government entities and other relevant organizations to
1940 provide input on gubernatorial appointments.

1941 [(2)] (5) When the governor makes a judicial appointment, the governor shall
1942 immediately provide to the president of the Senate and the Office of Legislative Research and
1943 General Counsel:

1944 (a) the name of the judicial appointee; and

1945 (b) the judicial appointee's:

1946 (i) resume;

1947 (ii) complete file of all the application materials the governor received from the
1948 Judicial Nominating Commission; and

1949 (iii) any other related documents, including any letters received by the governor about

1950 the appointee, unless the letter specifically directs that it may not be shared.

1951 ~~[(3)]~~ (6) The governor shall inform the president of the Senate and the Office of
1952 Legislative Research and General Counsel of the number of letters withheld pursuant to
1953 Subsection ~~[(2)]~~ (5)(b)(iii).

1954 ~~[(4)]~~ (7) (a) Letters of inquiry submitted by any judge at the request of any judicial
1955 nominating commission shall be classified as private in accordance with Section 63G-2-302.

1956 (b) All other records received from the governor pursuant to this Subsection ~~[(4)]~~ (7)
1957 may be classified as private in accordance with Section 63G-2-302.

1958 ~~[(5)]~~ (8) The Senate shall consent or refuse to give [its] consent to the nomination or
1959 judicial appointment.

1960 Section 46. Section 72-1-301 is amended to read:

1961 **72-1-301. Transportation Commission created -- Members, appointment, terms --**
1962 **Qualifications -- Pay and expenses -- Chair -- Quorum.**

1963 (1) (a) There is created the Transportation Commission which shall consist of seven
1964 members.

1965 (b) The members of the commission shall be residents of Utah.

1966 (c) The members of the commission shall be selected on a nonpartisan basis.

1967 (d) (i) The commissioners shall, in accordance with Title 63G, Chapter 24, Part 2,
1968 Vacancies, be appointed by the governor, with the consent of the Senate, for a term of six
1969 years, beginning on April 1 of odd-numbered years, except as provided under Subsection
1970 (1)(d)(ii).

1971 (ii) The first two additional commissioners serving on the seven member commission
1972 shall be appointed for terms of two years nine months and four years nine months, respectively,
1973 initially commencing on July 1, 1996, and subsequently commencing as specified under
1974 Subsection (1)(d)(i).

1975 (e) The commissioners serve on a part-time basis.

1976 (f) Each commissioner shall remain in office until a successor is appointed and
1977 qualified.

1978 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners
1979 shall be as follows:

1980 (i) one commissioner from Box Elder, Cache, or Rich county;

- 1981 (ii) one commissioner from Salt Lake or Tooele county;
- 1982 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;
- 1983 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,
- 1984 Sevier, Washington, or Wayne county;
- 1985 (v) one commissioner from Weber, Davis, or Morgan county;
- 1986 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or
- 1987 Daggett county; and
- 1988 (vii) one commissioner selected from the state at large.
- 1989 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and
- 1990 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as
- 1991 follows:
- 1992 (i) four commissioners with one commissioner selected from each of the four regions
- 1993 established by the department; and
- 1994 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from
- 1995 the state at large.
- 1996 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)
- 1997 shall be selected from a rural county.
- 1998 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third,
- 1999 fourth, fifth, or sixth class.
- 2000 (d) No more than two commissioners appointed under Subsection (2)(b) may be
- 2001 selected from any one of the four regions established by the department.
- 2002 (3) A member may not receive compensation or benefits for the member's service, but
- 2003 may receive per diem and travel expenses in accordance with:
- 2004 (a) Section [63A-3-106](#);
- 2005 (b) Section [63A-3-107](#); and
- 2006 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 2007 [63A-3-107](#).
- 2008 (4) (a) One member of the commission shall be designated by the governor as chair.
- 2009 (b) The commission shall select one member as vice chair to act in the chair's absence.
- 2010 (5) Any four commissioners constitute a quorum.
- 2011 (6) Each member of the commission shall qualify by taking the constitutional oath of

2012 office.

2013 (7) For the purposes of Section 63J-1-504, the commission is not considered an
2014 agency.

2015 Section 47. Section 72-1-302 is amended to read:

2016 **72-1-302. Commission offices and meetings.**

2017 (1) The commission shall maintain offices and hold regular meetings at those offices
2018 on dates fixed and formally announced by it, and may hold other meetings at the times and
2019 places as it may, by order, provide.

2020 (2) (a) Meetings may be held upon call of the governor, the chairman, or two
2021 commissioners upon notice of the time, place, and purpose of meeting to each commissioner at
2022 least seven days prior to the date of the meeting.

2023 (b) Any meeting may be held upon shorter notice with the unanimous approval of the
2024 commission.

2025 (c) A member of the commission shall comply with the conflict of interest provisions
2026 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

2027 Section 48. Section 73-10-2 is amended to read:

2028 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**
2029 **Vacancies.**

2030 (1) (a) The Board of Water Resources shall be comprised of eight members to be
2031 appointed by the governor with the consent of the Senate in accordance with Title 63G,
2032 Chapter 24, Part 2, Vacancies.

2033 (b) In addition to the requirements of Section 79-2-203, not more than four members
2034 shall be from the same political party.

2035 (2) One member of the board shall be appointed from each of the following districts:

2036 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

2037 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

2038 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

2039 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

2040 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,
2041 and Wayne;

2042 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;

2043 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,
2044 and San Juan; and

2045 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,
2046 Washington, and Kane.

2047 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of
2048 four years.

2049 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
2050 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2051 board members are staggered so that approximately half of the board is appointed every two
2052 years.

2053 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
2054 appointed for the unexpired term with the consent of the Senate, in accordance with Title 63G,
2055 Chapter 24, Part 2, Vacancies, and shall be from the same district as such person.

2056 (4) A member may not receive compensation or benefits for the member's service, but
2057 may receive per diem and travel expenses in accordance with:

2058 (a) Section 63A-3-106;

2059 (b) Section 63A-3-107; and

2060 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2061 63A-3-107.

2062 (5) A member shall comply with the conflict of interest provisions described in Title
2063 63G, Chapter 24, Part 3, Conflicts of Interest.

2064 Section 49. Section 77-27-2 is amended to read:

2065 **77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.**

2066 (1) There is created the Board of Pardons and Parole. The board shall consist of five
2067 full-time members and not more than five pro tempore members to be appointed by the
2068 governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
2069 Vacancies, and as provided in this section. The members of the board shall be resident citizens
2070 of the state. The governor shall establish salaries for the members of the board within the
2071 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

2072 (2) (a) (i) The full-time board members shall serve terms of five years. The terms of
2073 the full-time members shall be staggered so one board member is appointed for a term of five

2074 years on March 1 of each year.

2075 (ii) The pro tempore members shall serve terms of five years, beginning on March 1 of
2076 the year of appointment, with no more than one pro tempore member term beginning or
2077 expiring in the same calendar year. If a pro tempore member vacancy occurs, the board may
2078 submit the names of not fewer than three or more than five persons to the governor for
2079 appointment to fill the vacancy.

2080 (b) All vacancies occurring on the board for any cause shall be filled by the governor
2081 with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and
2082 pursuant to this section for the unexpired term of the vacating member.

2083 (c) The governor may at any time remove any member of the board for inefficiency,
2084 neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

2085 (d) A member of the board may not hold any other office in the government of the
2086 United States, this state or any other state, or of any county government or municipal
2087 corporation within a state. A member may not engage in any occupation or business
2088 inconsistent with the member's duties.

2089 (e) A majority of the board constitutes a quorum for the transaction of business,
2090 including the holding of hearings at any time or any location within or without the state, or for
2091 the purpose of exercising any duty or authority of the board. Action taken by a majority of the
2092 board regarding whether parole, pardon, commutation, termination of sentence, or remission of
2093 fines or forfeitures may be granted or restitution ordered in individual cases is deemed the
2094 action of the board. A majority vote of the five full-time members of the board is required for
2095 adoption of rules or policies of general applicability as provided by statute. However, a
2096 vacancy on the board does not impair the right of the remaining board members to exercise any
2097 duty or authority of the board as long as a majority of the board remains. A board member shall
2098 comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3,
2099 Conflicts of Interest.

2100 (f) Any investigation, inquiry, or hearing that the board has authority to undertake or
2101 hold may be conducted by any board member or an examiner appointed by the board. When
2102 any of these actions are approved and confirmed by the board and filed in its office, they are
2103 considered to be the action of the board and have the same effect as if originally made by the
2104 board.

2105 (g) When a full-time board member is absent or in other extraordinary circumstances
2106 the chair may, as dictated by public interest and efficient administration of the board, assign a
2107 pro tempore member to act in the place of a full-time member. Pro tempore members shall
2108 receive a per diem rate of compensation as established by the Division of Finance and all actual
2109 and necessary expenses incurred in attending to official business.

2110 (h) The chair may request staff and administrative support as necessary from the
2111 Department of Corrections.

2112 (3) (a) Except as provided in Subsection (3)(b), the Commission on Criminal and
2113 Juvenile Justice shall:

2114 (i) recommend five applicants to the governor for a full-time member appointment to
2115 the Board of Pardons and Parole; and

2116 (ii) consider applicants' knowledge of the criminal justice system, state and federal
2117 criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

2118 (b) The procedures and requirements of Subsection (3)(a) do not apply if the governor
2119 appoints a sitting board member to a new term of office.

2120 (4) (a) The board shall appoint an individual to serve as its mental health adviser and
2121 may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77,
2122 Chapter 16a, Commitment and Treatment of Persons with a Mental Illness. The adviser shall
2123 prepare reports and recommendations to the board on all persons adjudicated as guilty with a
2124 mental illness, in accordance with Title 77, Chapter 16a, Commitment and Treatment of
2125 Persons with a Mental Illness.

2126 (b) The mental health adviser shall possess the qualifications necessary to carry out the
2127 duties imposed by the board and may not be employed by the Department of Corrections or the
2128 Utah State Hospital.

2129 (i) The Board of Pardons and Parole may review outside employment by the mental
2130 health advisor.

2131 (ii) The Board of Pardons and Parole shall develop rules governing employment with
2132 entities other than the board by the mental health advisor for the purpose of prohibiting a
2133 conflict of interest.

2134 (c) The mental health adviser shall:

2135 (i) act as liaison for the board with the Department of Human Services and local mental

- 2136 health authorities;
- 2137 (ii) educate the members of the board regarding the needs and special circumstances of
- 2138 persons with a mental illness in the criminal justice system;
- 2139 (iii) in cooperation with the Department of Corrections, monitor the status of persons
- 2140 in the prison who have been found guilty with a mental illness;
- 2141 (iv) monitor the progress of other persons under the board's jurisdiction who have a
- 2142 mental illness;
- 2143 (v) conduct hearings as necessary in the preparation of reports and recommendations;
- 2144 and
- 2145 (vi) perform other duties as assigned by the board.

2146 Section 50. Section **78A-11-103** is amended to read:

2147 **78A-11-103. Judicial Conduct Commission -- Members -- Terms -- Vacancies --**

2148 **Voting -- Power of chair.**

- 2149 (1) The membership of the commission consists of the following 11 members:
- 2150 (a) two members of the House of Representatives to be appointed by the speaker of the
- 2151 House of Representatives for a four-year term, not more than one of whom may be of the same
- 2152 political party as the speaker;
- 2153 (b) two members of the Senate to be appointed by the president of the Senate for a
- 2154 four-year term, not more than one of whom may be of the same political party as the president;
- 2155 (c) two members of, and in good standing with, the Utah State Bar, who shall be
- 2156 appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may
- 2157 reside in the same judicial district;
- 2158 (d) three persons not members of the Utah State Bar, who shall be appointed by the
- 2159 governor, with the consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2,
- 2160 Vacancies, for four-year terms, not more than two of whom may be of the same political party
- 2161 as the governor; and
- 2162 (e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year
- 2163 term, neither of whom may:
 - 2164 (i) be a member of the Utah Supreme Court;
 - 2165 (ii) serve on the same level of court as the other; and
 - 2166 (iii) if trial judges, serve primarily in the same judicial district as the other.

2167 (2) (a) The terms of the members shall be staggered so that approximately half of the
2168 commission expires every two years.

2169 (b) Members of the commission may not serve longer than eight years.

2170 (3) The commission shall establish guidelines and procedures for the disqualification
2171 of any member from consideration of any matter. A judge who is a member of the commission
2172 or the Supreme Court may not participate in any proceedings involving the judge's own
2173 removal or retirement.

2174 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
2175 be appointed by the appointing authority for that position for the unexpired term and, in the
2176 case of the members described in Subsection (1)(d), the vacancies shall be filled in accordance
2177 with Title 63G, Chapter 24, Part 2, Vacancies.

2178 (b) If the appointing authority fails to appoint a replacement, the commissioners who
2179 have been appointed may act as a commission under all the provisions of this section.

2180 (5) Six members of the commission shall constitute a quorum. Any action of a
2181 majority of the quorum constitutes the action of the commission.

2182 (6) (a) At each commission meeting, the chair and executive director shall schedule all
2183 complaints to be heard by the commission and present any information from which a
2184 reasonable inference can be drawn that a judge has committed misconduct so that the
2185 commission may determine by majority vote of a quorum whether the executive director shall
2186 draft a written complaint in accordance with Subsection 78A-11-102(2)(b).

2187 (b) The chair and executive director may not act to dismiss any complaint without a
2188 majority vote of a quorum of the commission.

2189 (c) A member of the commission described in Subsection (1)(d) shall comply with the
2190 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

2191 (7) It is the responsibility of the chair and the executive director to ensure that the
2192 commission complies with the procedures of the commission.

2193 (8) The chair shall be nonvoting except in the case of a tie vote.

2194 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses
2195 of services for either a court reporter or a transcriber of electronic tape recordings, and other
2196 necessary administrative expenses incurred in the performance of the duties of the commission.

2197 (10) Upon a majority vote of the quorum, the commission may:

2198 (a) employ an executive director, legal counsel, investigators, and other staff to assist
2199 the commission; and

2200 (b) incur other reasonable and necessary expenses within the authorized budget of the
2201 commission and consistent with the duties of the commission.

2202 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
2203 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

2204 Section 51. Section **78B-22-402** is amended to read:

2205 **78B-22-402. Commission members -- Member qualifications -- Terms -- Vacancy.**

2206 (1) The commission is composed of 15 voting members and one ex officio, nonvoting
2207 member.

2208 (a) The governor, with the consent of the Senate, and in accordance with Title 63G,
2209 Chapter 24, Part 2, Vacancies, shall appoint the following 13 voting members:

2210 (i) two practicing criminal defense attorneys recommended by the Utah Association of
2211 Criminal Defense Lawyers;

2212 (ii) one attorney practicing in juvenile delinquency defense recommended by the Utah
2213 Association of Criminal Defense Lawyers;

2214 (iii) an attorney representing minority interests recommended by the Utah Minority Bar
2215 Association;

2216 (iv) one member recommended by the Utah Association of Counties from a county of
2217 the first or second class;

2218 (v) one member recommended by the Utah Association of Counties from a county of
2219 the third through sixth class;

2220 (vi) a director of a county public defender organization recommended by the Utah
2221 Association of Criminal Defense Lawyers;

2222 (vii) two members recommended by the Utah League of Cities and Towns from its
2223 membership;

2224 (viii) a retired judge recommended by the Judicial Council;

2225 (ix) one attorney practicing in the area of parental defense, recommended by an entity
2226 funded under the Child Welfare Parental Defense Program created in Section **63M-7-211**; and

2227 (x) two members of the Utah Legislature, one from the House of Representatives and
2228 one from the Senate, selected jointly by the Speaker of the House and President of the Senate.

2229 (b) The Judicial Council shall appoint a voting member from the Administrative Office
2230 of the Courts.

2231 (c) The executive director of the State Commission on Criminal and Juvenile Justice or
2232 the executive director's designee is a voting member of the commission.

2233 (d) The director of the commission, appointed under Section 78B-22-403, is an ex
2234 officio, nonvoting member of the commission.

2235 (2) A member appointed by the governor shall serve a four-year term, except as
2236 provided in Subsection (3).

2237 (3) The governor shall stagger the initial terms of appointees so that approximately half
2238 of the members appointed by the governor are appointed every two years.

2239 (4) A member appointed to the commission shall have significant experience in
2240 indigent criminal defense, parental defense, or juvenile defense in delinquency proceedings or
2241 have otherwise demonstrated a strong commitment to providing effective representation in
2242 indigent defense services.

2243 (5) A person who is currently employed solely as a criminal prosecuting attorney may
2244 not serve as a member of the commission.

2245 (6) A commission member shall hold office until the member's successor is appointed.

2246 (7) The commission may remove a member for incompetence, dereliction of duty,
2247 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

2248 (8) If a vacancy occurs in the membership for any reason, a replacement shall be
2249 appointed in accordance with Title 63G, Chapter 24, Part 2, Vacancies, for the remaining
2250 unexpired term in the same manner as the original appointment.

2251 (9) The commission shall annually elect a chair from the commission's membership to
2252 serve a one-year term. A commission member may not serve as chair of the commission for
2253 more than three consecutive terms.

2254 (10) A member may not receive compensation or benefits for the member's service, but
2255 may receive per diem and travel expenses in accordance with:

2256 (a) Section 63A-3-106;

2257 (b) Section 63A-3-107; and

2258 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2259 63A-3-107.

- 2260 (11) (a) A majority of the members of the commission constitutes a quorum.
- 2261 (b) If a quorum is present, the action of a majority of the voting members present
- 2262 constitutes the action of the commission.
- 2263 (c) A member shall comply with the conflict of interest provisions described in Title
- 2264 63G, Chapter 24, Part 3, Conflicts of Interest.
- 2265 Section 52. Section **79-3-302** is amended to read:
- 2266 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**
- 2267 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**
- 2268 (1) The board consists of seven members appointed by the governor, with the consent
- 2269 of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 2270 (2) In addition to the requirements of Section **79-2-203**, the members shall have the
- 2271 following qualifications:
- 2272 (a) one member knowledgeable in the field of geology as applied to the practice of civil
- 2273 engineering;
- 2274 (b) four members knowledgeable and representative of various segments of the mineral
- 2275 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;
- 2276 (c) one member knowledgeable of the economic or scientific interests of the mineral
- 2277 industry in the state; and
- 2278 (d) one member who is interested in the goals of the survey and from the public at
- 2279 large.
- 2280 (3) The director of the School and Institutional Trust Lands Administration is an ex
- 2281 officio member of the board but without any voting privileges.
- 2282 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of
- 2283 four years.
- 2284 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 2285 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 2286 board members are staggered so that approximately half of the board is appointed every two
- 2287 years.
- 2288 (c) No more than four members may be of the same political party.
- 2289 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
- 2290 appointed for the unexpired term by the governor with the consent of the Senate, in accordance

2291 with Title 63G, Chapter 24, Part 2, Vacancies.

2292 (5) The board shall select from its members a chair and such officers and committees
2293 as it considers necessary.

2294 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by
2295 its chair.

2296 (b) Special meetings may be held upon notice of the chair or by a majority of its
2297 members.

2298 (c) A majority of the members of the board present at a meeting constitutes a quorum
2299 for the transaction of business.

2300 (7) (a) Members of the board may not obtain financial gain by reason of information
2301 obtained during the course of their official duties.

2302 (b) A member shall comply with the conflict of interest provisions described in Title
2303 63G, Chapter 24, Part 3, Conflicts of Interest.

2304 (8) A member may not receive compensation or benefits for the member's service, but
2305 may receive per diem and travel expenses in accordance with:

2306 (a) Section 63A-3-106;

2307 (b) Section 63A-3-107; and

2308 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2309 63A-3-107.

2310 Section 53. Section 79-4-302 is amended to read:

2311 **79-4-302. Board appointment and terms of members -- Expenses.**

2312 (1) (a) The board is composed of nine members appointed in accordance with Title
2313 63G, Chapter 24, Part 2, Vacancies, by the governor, with the consent of the Senate, to
2314 four-year terms.

2315 (b) In addition to the requirements of Section 79-2-203, the governor shall:

2316 (i) appoint one member from each judicial district and one member from the public at
2317 large;

2318 (ii) ensure that not more than five members are from the same political party; and

2319 (iii) appoint persons who have an understanding of and demonstrated interest in parks
2320 and recreation.

2321 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may

2322 adjust the length of terms to ensure that the terms of board members are staggered so that
2323 approximately half of the board is appointed every two years.

2324 (2) When vacancies occur because of death, resignation, or other cause, the governor,
2325 with the consent of the Senate, and in accordance with Title 63G, Chapter 24, Part 2,

2326 Vacancies, shall:

2327 (a) appoint a person to complete the unexpired term of the person whose office was
2328 vacated; and

2329 (b) if the person was appointed from a judicial district, appoint the replacement from
2330 the judicial district from which the person whose office has become vacant was appointed.

2331 (3) The board shall appoint its chair from its membership.

2332 (4) A member may not receive compensation or benefits for the member's service, but
2333 may receive per diem and travel expenses in accordance with:

2334 (a) Section 63A-3-106;

2335 (b) Section 63A-3-107; and

2336 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2337 63A-3-107.

2338 (5) A member shall comply with the conflict of interest provisions described in Title
2339 63G, Chapter 24, Part 3, Conflicts of Interest.