

SB0146S03 compared with SB0146S02

~~{deleted text}~~ shows text that was in SB0146S02 but was deleted in SB0146S03.

inserted text shows text that was not in SB0146S02 but was inserted into SB0146S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Wayne A. Harper}~~Representative Logan Wilde proposes the following substitute bill:

BOARDS AND COMMISSIONS MODIFICATIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Logan Wilde

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

SB0146S03 compared with SB0146S02

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:

This bill provides a special effective date.

This bill provides coordination clauses.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

53B-1-104, as last amended by Laws of Utah 2018, Chapter 382
53B-2-104, as last amended by Laws of Utah 2019, Chapter 357
53B-2a-103, as last amended by Laws of Utah 2018, Chapter 382
53B-2a-108, as repealed and reenacted by Laws of Utah 2018, Chapter 382
53C-1-202, as last amended by Laws of Utah 2011, Chapter 247
54-1-1.5, as last amended by Laws of Utah 2002, Chapter 176
59-1-201, as last amended by Laws of Utah 2014, Chapter 370
59-1-203, as last amended by Laws of Utah 1991, Chapter 114
59-13-103, as last amended by Laws of Utah 2008, Chapter 153
61-2f-103, as last amended by Laws of Utah 2016, Chapters 25 and 381
61-2g-204, as renumbered and amended by Laws of Utah 2011, Chapter 289
62A-1-107, as last amended by Laws of Utah 2019, Chapter 246
63G-2-501, as last amended by Laws of Utah 2019, Chapter 254
63H-6-104, as last amended by Laws of Utah 2018, Chapter 447
63H-8-201, as renumbered and amended by Laws of Utah 2015, Chapter 226
63M-2-301, as last amended by Laws of Utah 2019, Chapters 246 and 352
63M-7-504, as last amended by Laws of Utah 2011, Chapter 131
63N-1-401, as renumbered and amended by Laws of Utah 2015, Chapter 283
67-1-2, as last amended by Laws of Utah 2008, Chapter 382
67-1-2.5, as last amended by Laws of Utah 2019, Chapter 246
72-1-301, as last amended by Laws of Utah 2019, Chapter 479
72-1-302, as last amended by Laws of Utah 2002, Chapter 10
73-10-2, as last amended by Laws of Utah 2010, Chapter 286
77-27-2, as last amended by Laws of Utah 2011, Chapter 366
78A-11-103, as last amended by Laws of Utah 2012, Chapter 133
78B-22-402, as last amended by Laws of Utah 2019, Chapter 435 and renumbered and amended by Laws of Utah 2019, Chapter 326
79-3-302, as last amended by Laws of Utah 2010, Chapter 286
79-4-302, as last amended by Laws of Utah 2010, Chapter 286

ENACTS:

63G-24-101, Utah Code Annotated 1953

SB0146S03 compared with SB0146S02

63G-24-102, Utah Code Annotated 1953

63G-24-103, Utah Code Annotated 1953

63G-24-201, Utah Code Annotated 1953

63G-24-202, Utah Code Annotated 1953

63G-24-203, Utah Code Annotated 1953

63G-24-204, Utah Code Annotated 1953

63G-24-205, Utah Code Annotated 1953

63G-24-301, Utah Code Annotated 1953

63G-24-302, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

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

63G-24-102, Utah Code Annotated 1953

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

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

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

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

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

(2) The Conservation Commission shall be composed of:

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

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

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

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

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

(v) seven district supervisors who provide district representation on the commission on

SB0146S03 compared with SB0146S02

a multicounty basis; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

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

(i) visual arts;

(ii) architecture or design;

(iii) literature;

(iv) music;

(v) sculpture;

(vi) folklore or folk arts;

(vii) theatre;

(viii) dance; and

(ix) media arts.

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

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

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

SB0146S03 compared with SB0146S02

appointed for the unexpired term by the governor within one month from the time of vacancy.

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

9-8-204. Board of State History.

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

19-1-106. Boards within department.

- (1) The following policymaking boards are created within the department:
 - (a) the Air Quality Board, appointed under Section 19-2-103;
 - (b) the Drinking Water Board, appointed under Section 19-4-103;
 - (c) the Water Quality Board, appointed under Section 19-5-103; and
 - (d) the Waste Management and Radiation Control Board, appointed under Section ~~[19-6-104]~~ 19-6-103.

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

(3) A vacancy that occurs during an expired term in a board described in Subsection (1) shall be filled in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

- (1) The board consists of the following nine members:
 - (a) the following non-voting member, except that the member may vote to break a tie vote between the voting members:
 - (i) the executive director; or
 - (ii) an employee of the department designated by the executive director; and
 - (b) the following eight voting members, who shall be appointed by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:
 - (i) one representative who:

SB0146S03 compared with SB0146S02

- (A) is not connected with industry;
 - (B) is an expert in air quality matters; and
 - (C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist with relevant training and experience;
 - (ii) two government representatives who do not represent the federal government;
 - (iii) one representative from the mining industry;
 - (iv) one representative from the fuels industry;
 - (v) one representative from the manufacturing industry;
 - (vi) one representative from the public who represents:
 - (A) an environmental nongovernmental organization; or
 - (B) a nongovernmental organization that represents community interests and does not represent industry interests; and
 - (vii) one representative from the public who is trained and experienced in public health.
- (2) A member of the board shall:
- (a) be knowledgeable about air pollution matters, as evidenced by a professional degree, a professional accreditation, or documented experience;
 - (b) be a resident of Utah;
 - (c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and
 - (d) comply with all applicable statutes, rules, and policies, including the conflict of interest ~~[rules]~~ provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest, and the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- (3) No more than five of the appointed members of the board shall belong to the same political party.
- (4) A majority of the members of the board may not derive any significant portion of their income from persons subject to permits or orders under this chapter.
- (5) (a) Members shall be appointed for a term of four years.
- (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

(i) the executive director; or

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

(v) one representative from:

(A) the state water research community; or

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

(vi) one representative from the public who represents:

(A) an environmental nongovernmental organization; or

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

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

(2) A member of the board shall:

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

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

(c) be a resident of Utah;

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

(i) the executive director; or

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

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

SB0146S03 compared with SB0146S02

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

(i) one representative who:

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

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

with relevant training and experience; and

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

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

(iii) one representative from the mineral industry;

(iv) one representative from the manufacturing industry;

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

(vi) one representative from the public who represents:

(A) an environmental nongovernmental organization; or

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

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

(2) A member of the board shall:

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

(b) be a resident of Utah;

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

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

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

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

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

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the

SB0146S03 compared with SB0146S02

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

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

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

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

(7) The board shall:

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

- (i) the executive director; or
- (ii) an employee of the department designated by the executive director; and
- (b) the following 11 voting members appointed by the governor with the consent of the

Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:

- (i) one representative who is:
 - (A) not connected with industry; and
 - (B) a Utah-licensed professional engineer;
- (ii) two government representatives who do not represent the federal government;
- (iii) one representative from the manufacturing, mining, or fuel industry;
- (iv) one representative from the private solid or hazardous waste disposal industry;
- (v) one representative from the private hazardous waste recovery industry;
- (vi) one representative from the radioactive waste management industry;
- (vii) one representative from the uranium milling industry;
- (viii) one representative from the public who represents:
 - (A) an environmental nongovernmental organization; or
 - (B) a nongovernmental organization that represents community interests and does not represent industry interests;
- (ix) one representative from the public who is trained and experienced in public health and a licensed:
 - (A) medical doctor; or
 - (B) dentist; and
- (x) one representative who is:
 - (A) a medical physicist or a health physicist; or
 - (B) a professional employed in the field of radiation safety.
- (2) A member of the board shall:
 - (a) be knowledgeable about solid and hazardous waste matters and radiation safety and protection as evidenced by a professional degree, a professional accreditation, or documented experience;
 - (b) be a resident of Utah;
 - (c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and

SB0146S03 compared with SB0146S02

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

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

(4) (a) Members shall be appointed for terms of four years each.

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

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

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

(5) Each member is eligible for reappointment.

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

or

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

(b) one hospital administrator;

(c) one hospital trustee;

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

(2) (a) One member shall be:

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

(ii) who actively practice medicine in this state;

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

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

(e) include three persons:

(i) who are:

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

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

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

(f) include three persons representing health insurers:

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

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

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

(g) include two consumer representatives:

(i) from organized consumer or employee associations; and

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

(h) include one person:

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

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

and

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

(ii) two members shall:

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

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

and

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

(ii) (A) The commissioner shall, with the concurrence of the chair of the commission,

SB0146S03 compared with SB0146S02

designate at least one monthly meeting per quarter as an in-person meeting.

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

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

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

(c) The commissioner may call additional meetings:

(i) at the commissioner's discretion;

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

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

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

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

(7) The commissioner shall staff the commission.

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

- (i) the governor; or
- (ii) an impartial hearing examiner appointed by the governor to conduct the hearing.

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

- (i) the date, time, and place of the hearing; and
- (ii) the alleged grounds for the removal.
- (c) The commissioner shall have an opportunity to:
 - (i) attend the hearing;
 - (ii) present witnesses and other evidence; and
 - (iii) confront and cross examine witnesses.
- (d) After a hearing under this Subsection (6):

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

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

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

(f) A commissioner has five days from the day on which the commissioner receives the findings and conclusions described in Subsection (6)(d) to file written objections to the

SB0146S03 compared with SB0146S02

recommendation before the governor issues a final order.

(g) The governor shall:

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

(ii) serve the final order upon the commissioner.

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

(a) Section 63A-3-106;

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

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

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

(b) The commission shall elect:

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

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

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

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

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

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

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

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

(i) the commission;

(ii) the chair; or

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

SB0146S03 compared with SB0146S02

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

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

34-20-3. Labor relations board.

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

(i) the commissioner of the Labor Commission;

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

county government or municipal corporation within a state.

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

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

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

- (a) by the chair; or
- (b) jointly by the members appointed under Subsection (1)(a)(ii).

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

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

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

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

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

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

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

- (a) the chair of the Board of Water Resources or the chair's designee;
- (b) the chair of the Water Quality Board or the chair's designee;
- (c) the director of the department or the director's designee;
- (d) the state treasurer;
- (e) the chair of the Transportation Commission or the chair's designee;
- (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
- (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or

SB0146S03 compared with SB0146S02

Wayne County;

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

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

may receive per diem and travel expenses in accordance with:

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

63A-3-107.

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

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

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

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

- (a) (i) the executive director of the department or the executive director's designee;
- (ii) the executive director of the Governor's Office of Economic Development or the executive director's designee;
- (iii) the state treasurer or the state treasurer's designee;
- (iv) the chair of the Board of Regents or the chair's designee; and
- (v) the chair of the Utah Housing Corporation or the chair's designee; and
- (b) six local government members who are:
 - (i) three elected or appointed county officials, nominated by the Utah Association of Counties and appointed by the governor with the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and
 - (ii) three elected or appointed municipal officials, nominated by the Utah League of Cities and Towns and appointed by the governor with the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

(c) Members may be reappointed only once.

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

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

(2) (a) The board shall consist of seven members appointed by the governor with the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

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

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and

SB0146S03 compared with SB0146S02

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

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

Section 18. Section **51-7-16** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

Section 19. Section **53B-1-104** is amended to read:

53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.

(1) Except as provided in Subsection (1)(c)~~(ii)~~ or (2), the board consists of 17

SB0146S03 compared with SB0146S02

residents of the state appointed by the governor with the consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

- (a) eight at-large members;
 - (b) eight members, each of whom is:
 - (i) selected from three nominees presented to the governor by a higher education institution board of trustees; and
 - (ii) a current or former member of the institution of higher education board of trustees that nominates the member; and
 - (c) one member, selected from three nominees presented to the governor by the student body presidents of the institutions of higher education, but not subject to the public comment process described in Section 63G-24-204, who:
 - (i) is a fully matriculated student enrolled in an institution of higher education; and
 - (ii) is not serving as a student body president at the time of the nomination.
- (2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on the board, even if the individual does not fulfill a requirement for the composition of the board described in Subsection (1).
- (ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the member's term expires.
- (b) An individual appointed to the board on or before May 8, 2017, who is a current or former member of an institution of higher education board of trustees is the board member for the institution of higher education described in Subsection (1)(b).
- (c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the governor shall ensure that newly appointed members move the board toward the composition described in Subsection (1).
- (ii) In appointing a new member to the board, the governor shall first appoint a member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.
- (3) (a) All appointments to the board shall be made on a nonpartisan basis.
- (b) In making appointments to the board, the governor shall consider:
- (i) geographic representation of members;
 - (ii) diversity;
 - (iii) experience in higher education governance;

SB0146S03 compared with SB0146S02

(iv) experience in economic development; and

(v) exposure to institutions of higher education.

(c) An individual may not serve simultaneously on the State Board of Regents and an institution of higher education board of trustees.

(4) (a) Except as provided in Subsection (4)(b), members of the board shall be appointed to six-year staggered terms, which begin on July 1 of the year of appointment.

(b) A student member described in Subsection (1)(c) shall be appointed to a one-year term.

(c) (i) The governor may remove a member of the board for cause.

(ii) The governor shall consult with the president of the Senate before removing a member of the board.

(5) (a) A member of the board shall take the official oath of office before entering upon the duties of office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(6) The board shall elect a chair and vice chair from among the board's members who shall serve terms of two years and until their successors are chosen and qualified.

(7) (a) The board shall appoint a secretary from the staff of the board's chief executive to serve at the board's discretion.

(b) The secretary is a full-time employee who receives a salary set by the board.

(c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.

(8) (a) The board may establish advisory committees.

(b) The powers and authority of the board are nondelegable, except as specifically provided for in this title.

(c) All matters requiring board determination shall be addressed in a properly convened meeting of the board or the board's executive committee.

(9) The board shall enact bylaws for the board's own government not inconsistent with the constitution or the laws of this state.

(10) (a) The board shall meet regularly upon the board's own determination.

(b) The board may also meet, in full or executive session, at the request of the chair, the executive officer, or five members of the board.

SB0146S03 compared with SB0146S02

(11) A quorum of the voting members of the board is required to conduct the board's business and consists of nine members.

(12) (a) A vacancy in the board occurring before the expiration of a voting member's full term shall be immediately filled by appointment by the governor with the consent of the Senate.

(b) An individual appointed under Subsection (12)(a) serves for the remainder of the unexpired term.

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

(a) Section 63A-3-106;

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

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

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

Section 20. Section **53B-2-104** is amended to read:

53B-2-104. Institution of higher education board of trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

(1) (a) Except as provided in Subsection (10), the board of trustees of an institution of higher education consists of the following:

(i) except as provided in Subsection (1)(c), eight individuals appointed by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and

(ii) two ex officio members who are the president of the institution's alumni association, and the president of the associated students of the institution.

(b) The appointed members of the boards of trustees for Utah Valley University and Salt Lake Community College shall be representative of the interests of business, industry, and labor.

(c) (i) The board of trustees of Utah State University has nine individuals appointed by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,

SB0146S03 compared with SB0146S02

Vacancies.

(ii) One of the nine individuals described in Subsection (1)(c)(i) shall reside in the Utah State University Eastern service region or the Utah State University Blanding service region.

(2) (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

(b) Except as provided in Subsection (2)(d), a member appointed under Subsection (1)(a)(i) or (1)(c)(i) holds office until a successor is appointed and qualified.

(c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.

(d) (i) The governor may remove a member appointed under Subsection (1)(a)(i) or (1)(c)(i) for cause.

(ii) The governor shall consult with the president of the Senate before removing a member appointed under Subsection (1)(a)(i) or (1)(c)(i).

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

(4) (a) Each member of a board of trustees shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(5) A board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(6) (a) A board of trustees may enact bylaws for the board of trustees' own government, including provisions for regular meetings.

(b) (i) A board of trustees may provide for an executive committee in the board of trustees' bylaws.

(ii) If established, an executive committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) An executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) An executive committee shall report the executive committee's activities to the board of trustees at the board of trustees' next regular meeting following the action.

SB0146S03 compared with SB0146S02

- (c) Copies of a board of trustees' bylaws shall be filed with the board.
- (7) A quorum is required to conduct business and consists of six members.
- (8) A board of trustees may establish advisory committees.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (10) This section does not apply to a technical college board of directors described in Section 53B-2a-108.
- (11) A board member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 21. Section **53B-2a-103** is amended to read:

53B-2a-103. UTech Board of Trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees -- Compensation.

- (1) There is created the UTech Board of Trustees.
- (2) (a) Beginning on July 1, 2019, the board of trustees is composed of 15 members appointed by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:
 - (i) one member selected from at least two nominees presented to the governor by the board of directors of each technical college, for a total of eight members; and
 - (ii) one member who is employed in and represents each of the following sectors:
 - (A) information technology;
 - (B) manufacturing;
 - (C) life sciences;
 - (D) health care;
 - (E) transportation;
 - (F) union craft, trade, or apprenticeship; and
 - (G) non-union craft, trade, or apprenticeship.
- (b) The seven members described in Subsection (2)(a)(ii) shall be selected from the

SB0146S03 compared with SB0146S02

state at large, subject to the following conditions:

(i) at least four members shall reside in a geographic area served by a technical college;
and

(ii) no more than two members may reside in a single geographic area served by a technical college.

(c) The governor shall make appointments to the board of trustees on a nonpartisan basis.

(d) An individual may not serve on the board of trustees and a technical college board of directors simultaneously.

(3) (a) (i) Except as provided under Subsection (3)(a)(ii), a member shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.

(ii) The governor shall ensure that member terms are staggered so that approximately one-half of the members' terms expire in any odd-numbered year.

(b) A member may not hold office for more than two consecutive full terms.

(c) (i) The governor may remove a member of the board of trustees for cause.

(ii) The governor shall consult with the president of the Senate before removing a member of the board of trustees.

(4) When a vacancy occurs on the board of trustees for any reason, the governor shall appoint a replacement for the unexpired term.

(5) (a) Each member shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(6) (a) The board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(b) A member may not serve more than two consecutive terms as the chair or vice chair.

(7) (a) The board of trustees shall enact bylaws for the board of trustees' own government, including provisions for regular meetings.

(b) (i) The board of trustees shall provide for an executive committee in the board of trustees' bylaws.

(ii) The executive committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

SB0146S03 compared with SB0146S02

(iii) The executive committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) The executive committee shall report the executive committee's activities to the board of trustees at the board of trustees' next regular meeting following the executive committee's activities.

(8) A quorum shall be required to conduct business which shall consist of a majority of board of trustee members.

(9) The board of trustees may establish advisory committees.

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

(a) Section 63A-3-106;

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

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

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

Section 22. Section **53B-2a-108** is amended to read:

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

Appointments.

(1) As used in this section:

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

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

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

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

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

(c) a number of individuals, appointed by the governor with the consent of the Senate

SB0146S03 compared with SB0146S02

and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, that is:

- (i) seven for:
 - (A) Tooele Technical College;
 - (B) Uintah Basin Technical College; and
 - (C) Dixie Technical College;
- (ii) eight for:
 - (A) Bridgerland Technical College;
 - (B) Ogden-Weber Technical College;
 - (C) Davis Technical College; and
 - (D) Southwest Technical College; or
- (iii) nine for Mountainland Technical College.

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

Section 23. Section **53C-1-202** is amended to read:

53C-1-202. Board of trustees membership -- Nomination list -- Qualifications -- Terms -- Replacement -- Chair -- Quorum.

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

(2) The board shall consist of seven members appointed on a nonpartisan basis by the governor with the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(3) (a) Except for the appointment made pursuant to Subsection (5), all appointments to the board shall be for a nonconsecutive term of six years, or until a replacement has been appointed and confirmed pursuant to this section.

(b) If a vacancy occurs, the governor shall appoint a replacement, following the procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.

(c) Any member of the board who has served less than six years upon the expiration of that member's term is eligible for a consecutive reappointment.

(4) (a) The governor shall select six of the seven appointees to the board from a nomination list of at least two candidates for each position or vacancy submitted pursuant to Section 53C-1-203.

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

(c) (i) If the governor fails to select an appointee within 60 days after receipt of the initial list or within 60 days after the receipt of an additional list, the nominating committee shall make an interim appointment by majority vote.

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

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

(b) The member appointed under Subsection (5)(a) serves at the pleasure of the governor.

(6) (a) Each board candidate shall possess outstanding professional qualifications

SB0146S03 compared with SB0146S02

pertinent to the purposes and activities of the trust.

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

- (i) nonrenewable resource management or development;
- (ii) renewable resource management or development; and
- (iii) real estate.

(c) Other qualifications which are pertinent for membership to the board are expertise in any of the following areas:

- (i) business;
- (ii) investment banking;
- (iii) finance;
- (iv) trust administration;
- (v) asset management; and
- (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)

through (v).

(7) The board of trustees shall select a chair and vice chair from its membership.

(8) Before assuming a position on the board, each member shall take an oath of office.

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

(10) The governor or five board members may, for cause, remove a member of the board.

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

Section 24. Section **54-1-1.5** is amended to read:

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

The commission shall be composed of three members appointed by the governor with the consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies. The terms of the members shall be staggered so that one commissioner is appointed for a term of six years on March 1 of each odd-numbered year. Not more than two members of the commission shall belong to the same political party. One member of the commission shall be designated by the governor as chairman of the commission. Any two commissioners constitute a quorum. Any member of the commission may be removed for cause by the governor.

SB0146S03 compared with SB0146S02

Vacancies in the commission shall be filled for unexpired terms by appointment of the governor. Commissioners shall receive compensation as established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and all actual and necessary expenses incurred in attending to official business. Each commissioner at the time of appointment and qualification shall be a resident citizen of the United States and of the state of Utah and shall be not less than 30 years of age. Except as provided by law, no commissioner may hold any other office either under the government of the United States or of this state or of any municipal corporation within this state. A commissioner shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 25. Section **59-1-201** is amended to read:

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

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

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

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

(4) A commissioner shall hold office until a successor is appointed and qualified.

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

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

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

(ii) may be reappointed as the governor determines.

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

(i) the Utah State Bar;

(ii) one or more organizations that represent certified public accountants who are

SB0146S03 compared with SB0146S02

licensed to practice in the state;

(iii) one or more organizations that represent persons who assess or appraise property in the state; and

(iv) one or more national organizations that:

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

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

(C) require additional education to maintain the certification.

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

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

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

Section 26. Section **59-1-203** is amended to read:

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

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

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

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

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

Section 27. Section **59-13-103** is amended to read:

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

(1) The Air Quality Board shall annually provide to the tax commission a list of fuels

SB0146S03 compared with SB0146S02

that are clean fuels under Section 59-13-102.

(2) The Air Quality Board [~~created~~] appointed under Section 19-2-103 shall in conjunction with the State Tax Commission prepare and submit to the Legislature before January 1, 1995, a report evaluating the impacts, benefits, and economic consequences of the clean fuel provisions of Sections 59-13-201 and 59-13-301.

Section 28. Section **61-2f-103** is amended to read:

61-2f-103. Real Estate Commission.

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

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

(i) licensing of:

(A) a principal broker;

(B) an associate broker; and

(C) a sales agent;

(ii) registration of:

(A) an entity; and

(B) a branch office;

(iii) prelicensing and postlicensing education curricula;

(iv) examination procedures;

(v) the certification and conduct of:

(A) a real estate school;

(B) a course provider; or

(C) an instructor;

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

(vii) brokerage office procedures and recordkeeping requirements;

(viii) property management;

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

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

SB0146S03 compared with SB0146S02

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

(c) conduct an administrative hearing not delegated by the commission to an administrative law judge or the division relating to the:

(i) licensing of an applicant;

(ii) conduct of a licensee;

(iii) the certification or conduct of a real estate school, course provider, or instructor regulated under this chapter; or

(iv) violation of this chapter by any person;

(d) with the concurrence of the director, impose a sanction as provided in Section 61-2f-404;

(e) advise the director on the administration and enforcement of a matter affecting the division and the real estate sales and property management industries;

(f) advise the director on matters affecting the division budget;

(g) advise and assist the director in conducting real estate seminars; and

(h) perform other duties as provided by this chapter.

(2) (a) Except as provided in Subsection (2)(b), a state entity may not, without the concurrence of the commission, make a rule that changes the rights, duties, or obligations of buyers, sellers, or persons licensed under this chapter in relation to a real estate transaction between private parties.

(b) Subsection (2)(a) does not apply to a rule made:

(i) under Title 31A, Insurance Code, or Title 7, Financial Institutions Act; or

(ii) by the Department of Commerce or any division or other rulemaking body within the Department of Commerce.

(3) (a) The commission shall be comprised of five members appointed by the governor and approved by the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(b) Four of the commission members shall:

(i) have at least five years' experience in the real estate business; and

(ii) hold an active principal broker, associate broker, or sales agent license.

(c) One commission member shall be a member of the general public.

(d) The governor may not appoint a commission member described in Subsection

SB0146S03 compared with SB0146S02

(3)(b) who, at the time of appointment, resides in the same county in the state as another commission member.

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

(b) The director may call additional meetings:

(i) at the director's discretion;

(ii) upon the request of the chair; or

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

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

(9) A member of the commission shall comply with the conflict of interest provisions

SB0146S03 compared with SB0146S02

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

Section 29. Section **61-2g-204** is amended to read:

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

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

- (i) one state-licensed or state-certified appraiser who may be either a residential or general licensee or certificate holder;
- (ii) one state-certified residential appraiser;
- (iii) one state-certified general appraiser;
- (iv) one member who is certified as either a state-certified residential appraiser or a state-certified general appraiser; and
- (v) one member of the general public.

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

Section 30. Section **62A-1-107** is amended to read:

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

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

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

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

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

SB0146S03 compared with SB0146S02

term.

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

Section 31. Section **63G-2-501** is amended to read:

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

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

SB0146S03 compared with SB0146S02

Administrative Services consisting of the following seven individuals:

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

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

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

(d) two citizen members;

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

(f) one individual representing the news media.

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

SB0146S03 compared with SB0146S02

Section 32. Section **63G-24-101** is enacted to read:

CHAPTER 24. BOARD VACANCIES AND CONFLICTS ACT

Part 1. General Provisions

63G-24-101. Title.

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

Section 33. Section **63G-24-102** is enacted to read:

63G-24-102. Definitions.

As used in this chapter:

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

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

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

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

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

(i) that has rulemaking authority; and

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

(b) "Rulemaking board" does not include:

(i) the State Board of Education; or

(ii) the Utah Retirement Board.

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

Section 34. Section **63G-24-103** is enacted to read:

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

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

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

Section 35. Section **63G-24-201** is enacted to read:

SB0146S03 compared with SB0146S02

Part 2. Vacancies

63G-24-201. Notice.

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

(a) 90 days before the day on which a departing appointed board member's or a continuing board member's term expires; or

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

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

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

Section 36. Section **63G-24-202** is enacted to read:

63G-24-202. Application.

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

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

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

(a) the applicant's name;

(b) the applicant's current employment; and

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

Section 37. Section **63G-24-203** is enacted to read:

63G-24-203. Governor selection of nominee.

(1) The governor shall select a nominee based on:

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

(b) statutory requirements.

(2) The governor shall follow the process described in Section 67-1-2 to notify the Senate of a nominee for an appointed board member vacancy.

SB0146S03 compared with SB0146S02

Section 38. Section **63G-24-204** is enacted to read:

63G-24-204. Public comment on nominee.

(1) Within seven days after the day on which the governor selects a nominee, the governor's office shall post the information about the nominee described in Subsection 63G-24-202(3) on the governor's website described in Subsection 67-1-2.5(4).

(2) A rulemaking board may post the information about the nominee described in Subsection 63G-24-202(3) on the rulemaking board's website.

(3) Before posting the information described in Subsection 63G-24-202(3), the governor's office and the rulemaking board shall redact personal information about the nominee, including the nominee's home address, date of birth, email address, and phone number.

(4) The governor's website described in Subsection 67-1-2.5(4) shall include information on how to publicly comment on a nominee no fewer than seven days before the first day on which the governor's office will accept applications for a position.

(5) The governor's office shall permit public comment for no fewer than 30 days after the day on which the governor's office posts the information about the nominee.

Section 39. Section **63G-24-205** is enacted to read:

63G-24-205. Senate confirmation of nominee.

The Senate shall follow the process described in Section 67-1-2 to confirm a nominee to fill an appointed board member vacancy.

Section 40. Section **63G-24-301** is enacted to read:

Part 3. Conflicts of Interest

63G-24-301. Disclosure of conflicts.

(1) An appointed board member shall disclose the nature of any position or financial interest the appointed board member holds in any business entity that is subject to the regulation of the agency, including if the relationship of the appointed board member to the business entity is that of:

(a) an officer;

(b) a director;

(c) an agent;

(d) an employee; or

SB0146S03 compared with SB0146S02

(e) an owner of a substantial interest.

(2) Within 10 days after the day on which an appointed board member is appointed to serve on a rulemaking board, the appointed board member shall make the disclosure described in Subsection (1) in writing to the rulemaking board.

(3) An appointed board member shall, if there are changes to items the appointed board member is required to disclose under Subsection (1), update the disclosure before voting on a measure the rulemaking board takes with respect to a business entity described in Subsection (1).

Section 41. Section **63G-24-302** is enacted to read:

63G-24-302. Effect on voting.

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

Section 42. Section **63H-6-104** is amended to read:

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

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

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

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

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

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

(i) who have business related experience; and

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

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

(i) who have business related experience; and

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

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

Subsection (3)(e), appointed by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies as follows:

(i) two members who represent agricultural interests;

SB0146S03 compared with SB0146S02

- (ii) two members who have business related experience; and
 - (iii) one member who is recommended by the Utah Farm Bureau Federation;
 - (f) one member, appointed by the mayor of Salt Lake City with the consent of the Senate, who is a resident of the neighborhood located adjacent to the state fair park;
 - (g) a representative of Salt Lake County, if Salt Lake County is party to an executed lease agreement with the corporation; and
 - (h) a representative of the Days of '47 Rodeo.
- (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years after the year that the board member was appointed.
- (ii) In making appointments to the board, the president of the Senate, the speaker of the House, the governor, and the mayor of Salt Lake City shall ensure that the terms of approximately 1/4 of the appointed board members expire each year.
- (b) Except as provided in Subsection (3)(c), appointed board members serve until their successors are appointed and qualified.
- (c) (i) If an appointed board member is absent from three consecutive board meetings without excuse, that member's appointment is terminated, the position is vacant, and the individual who appointed the board member shall appoint a replacement.
- (ii) The president of the Senate, the speaker of the House, the governor, or the mayor of Salt Lake City, as applicable, may remove an appointed member of the board at will.
- (d) The president of the Senate, the speaker of the House, the governor, or the mayor of Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by appointing an individual in accordance with the procedures described in this section for the unexpired term of the vacated member.
- (e) No more than a combined total of two legislators may be appointed under Subsections (2)(c), (d), and (e).
- (4) The governor shall select the board's chair.
 - (5) A majority of the members of the board is a quorum for the transaction of business.
 - (6) The board may elect a vice chair and any other board offices.
 - (7) The board may create one or more subcommittees to advise the board on any issue related to the state fair park.

SB0146S03 compared with SB0146S02

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

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

- (a) a report on the general state of the financial and business affairs of the corporation;
- (b) a report on that year's annual exhibition described in Subsection 63H-6-103(4)(j), including the exhibition's attendance, operations, and revenue;
- (c) any appropriation request that the board plans to submit to the Legislature; and
- (d) any other report that the State Fair Park Committee requests.

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

Section 43. Section **63H-8-201** is amended to read:

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

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

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

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

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

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

- (a) the executive director of the Department of Workforce Services or the executive director's designee;
- (b) the commissioner of the Department of Financial Institutions or the commissioner's designee;
- (c) the state treasurer or the treasurer's designee; and
- (d) six public trustees, who are private citizens of the state, as follows:
 - (i) two people who represent the mortgage lending industry;

SB0146S03 compared with SB0146S02

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

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

(3) The governor shall:

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

(b) ensure that:

(i) the six public trustees are from different counties and are residents of the state; and

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

may receive per diem and travel expenses in accordance with:

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

63A-3-107.

(9) A trustee described in Subsection (2)(d) shall comply with the conflict of interest provisions described in Section 63G-24-301.

Section 44. Section **63M-2-301** is amended to read:

63M-2-301. The Utah Science Technology and Research Initiative -- Governing authority -- Program director.

(1) There is created the Utah Science Technology and Research Initiative.

(2) Subject to Subsection [~~(10)~~] (11), to oversee USTAR, there is created the Utah Science Technology and Research Governing Authority consisting of:

- (a) the state treasurer or the state treasurer's designee;
- (b) the executive director of the Governor's Office of Economic Development;
- (c) three members appointed by the governor, with the consent of the Senate in

accordance with Title 63G, Chapter 24, Part 2, Vacancies;

(d) two members who are not legislators appointed by the president of the Senate;

(e) two members who are not legislators appointed by the speaker of the House of Representatives; and

(f) one member appointed by the commissioner of higher education.

(3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve four-year staggered terms.

(b) An appointed member under Subsection (2)(c), (d), (e), or (f):

(i) may not serve more than two full consecutive terms; and

(ii) may be removed from the governing authority for any reason before the member's term is completed:

(A) at the discretion of the original appointing authority; and

(B) after the original appointing authority consults with the governing authority.

(4) A vacancy on the governing authority in an appointed position under Subsection (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the

SB0146S03 compared with SB0146S02

same manner as the original appointment.

(5) (a) Except as provided in Subsection (5)(b), the governor, with the consent of the Senate, shall select the chair of the governing authority to serve a one-year term.

(b) The governor may extend the term of a sitting chair of the governing authority without the consent of the Senate.

(c) The executive director of the Governor's Office of Economic Development shall serve as the vice chair of the governing authority.

(6) The governing authority shall meet at least six times each year and may meet more frequently at the request of a majority of the members of the governing authority.

(7) Five members of the governing authority are a quorum.

(8) A member of the governing authority may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(a) Section 63A-3-106;

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

(c) rules made by the Division of Finance:

(i) pursuant to Sections 63A-3-106 and 63A-3-107; and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(9) (a) The governor, with the consent of the Senate, may appoint a program director to oversee USTAR.

(b) The program director is an at-will employee who may be terminated with or without cause by the governor or the executive director of the Governor's Office of Economic Development.

(10) On July 1, 2019, the governing authority is dissolved and the program director is under the supervision of the executive director of the Governor's Office of Economic Development.

Section 45. Section **63M-7-504** is amended to read:

63M-7-504. Crime Victim Reparations and Assistance Board -- Members.

(1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of seven members appointed by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(b) The membership of the board shall consist of:

SB0146S03 compared with SB0146S02

- (i) a member of the bar of this state;
- (ii) a victim of criminally injurious conduct;
- (iii) a licensed physician;
- (iv) a representative of law enforcement;
- (v) a mental health care provider;
- (vi) a victim advocate; and
- (vii) a private citizen.

(c) The governor may appoint a chair of the board who shall serve for a period of time prescribed by the governor, not to exceed the length of the chair's term. The board may elect a vice chair to serve in the absence of the chair.

(d) The board may hear appeals from administrative decisions as provided in rules adopted pursuant to Section 63M-7-515.

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

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

(c) A member may be reappointed to one successive term in addition to a member's initial full-term appointment.

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

(b) A member resigning from the board shall serve until the member's successor is appointed and qualified.

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

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

SB0146S03 compared with SB0146S02

(5) The board shall meet at least once quarterly but may meet more frequently as necessary.

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

Section 46. Section **63N-1-401** is amended to read:

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

(1) (a) There is created within the office the Board of Business and Economic Development, consisting of 15 members appointed by the governor to four-year terms of office with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

(2) In appointing members of the committee, the governor shall ensure that:

- (a) no more than eight members of the board are from one political party; and
- (b) members represent a variety of geographic areas and economic interests of the state.

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

Section 47. Section **67-1-2** is amended to read:

67-1-2. Sending list of gubernatorial nominees to Senate and to Office of Legislative Research and General Counsel.

~~[(1) Unless waived by a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate session to confirm any gubernatorial nominee, except a judicial appointment,]~~

(1) Except as provided in Subsection (2), at least 30 days before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel the following information for each nominee:

~~[(a) a list of each nominee for an office or position made by the governor in accordance with the Utah Constitution and state law; and]~~

~~[(b) any information that may support or provide biographical information about the nominee, including resumes and curriculum vitae.]~~

(a) the nominee's name and biographical information, including a resume and a curriculum vitae with personal contact information, including home address, email address, and telephone number, redacted, except that the governor shall send to the Office of Legislative Research and General Counsel the contact information for the nominee;

(b) a detailed list, with citations, of the legal requirements for the appointed position;

(c) a detailed list with supporting documents explaining how, and verifying that, the nominee meets each statutory and constitutional requirement for the appointed position;

(d) a written certification by the governor that the nominee satisfies all requirements for the appointment; and

(e) public comment information collected in accordance with Section 63G-24-204.

(2) (a) Subsection (1) does not apply to a judicial nominee.

(b) A majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection (1) for a gubernatorial nominee other than a nominee for the following:

(i) a member of the State Tax Commission;

(ii) a member of the State Board of Education;

(iii) a member of the State Board of Regents; or

SB0146S03 compared with SB0146S02

(iv) a member of the Utah System of Technical Colleges Board of Trustees.

(3) The Senate shall hold a confirmation hearing for a nominee for an individual described in Subsections (2)(b)(i) through (iv).

(4) The governor shall:

(a) if the governor is aware of an upcoming vacancy in a position that requires Senate confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel at least 30 days before the day on which the vacancy occurs; and

(b) establish a process for the government entities and other relevant organizations to provide input on gubernatorial appointments.

~~[(2)]~~ (5) When the governor makes a judicial appointment, the governor shall immediately provide to the president of the Senate and the Office of Legislative Research and General Counsel:

(a) the name of the judicial appointee; and

(b) the judicial appointee's:

(i) resume;

(ii) complete file of all the application materials the governor received from the Judicial Nominating Commission; and

(iii) any other related documents, including any letters received by the governor about the appointee, unless the letter specifically directs that it may not be shared.

~~[(3)]~~ (6) The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel of the number of letters withheld pursuant to Subsection ~~[(2)]~~ (5)(b)(iii).

~~[(4)]~~ (7) (a) Letters of inquiry submitted by any judge at the request of any judicial nominating commission shall be classified as private in accordance with Section 63G-2-302.

(b) All other records received from the governor pursuant to this Subsection ~~[(4)]~~ (7) may be classified as private in accordance with Section 63G-2-302.

~~[(5)]~~ (8) The Senate shall consent or refuse to give ~~[its]~~ consent to the nomination or judicial appointment.

Section 48. Section **67-1-2.5** is amended to read:

67-1-2.5. Executive boards -- Database -- Governor's review of new boards.

SB0146S03 compared with SB0146S02

(1) As used in this section:

(a) "Administrator" means the boards and commissions administrator designated under Subsection (2).

(b) "Executive board" means any executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months by the constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a department, division, or other administrative subunit of the executive branch of state government.

(2) (a) Before September 1 of the calendar year following the year in which the Legislature creates a new executive board, the governor shall:

(i) review the executive board to evaluate:

(A) whether the executive board accomplishes a substantial governmental interest; and

(B) whether it is necessary for the executive board to remain in statute;

(ii) in the governor's review under Subsection (2)(a)(i), consider:

(A) the funding required for the executive board;

(B) the staffing resources required for the executive board;

(C) the time members of the executive board are required to commit to serve on the executive board; and

(D) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction; and

(iii) submit a report to the Government Operations Interim Committee recommending that the Legislature:

(A) repeal the executive board;

(B) add a sunset provision or future repeal date to the executive board;

(C) make other changes to make the executive board more efficient; or

(D) make no changes to the executive board.

(b) In conducting the evaluation and making the report described in Subsection (2)(a), the governor shall give deference to:

(i) reducing the size of government; and

(ii) making governmental programs more efficient and effective.

SB0146S03 compared with SB0146S02

(c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the Government Operations Interim Committee shall vote on whether to address the recommendations made by the governor in the report and prepare legislation accordingly.

(3) (a) The governor shall designate a board and commissions administrator from the governor's staff to maintain a computerized database containing information about all executive boards.

(b) The administrator shall ensure that the database contains:

(i) the name of each executive board;

(ii) the statutory or constitutional authority for the creation of the executive board;

(iii) the sunset date on which each executive board's statutory authority expires;

(iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;

(v) the name, address, gender, telephone number, and county of each individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;

(vi) the title of the position held by the person who appointed each member of the executive board;

(vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;

(viii) whether or not members appointed to the executive board require consent of the Senate;

(ix) the organization, interest group, profession, local government entity, or geographic area that an individual appointed to an executive board represents, if any;

(x) the party affiliation of an individual appointed to an executive board, if the statute or executive order creating the position requires representation from political parties;

(xi) whether each executive board is a policy board or an advisory board;

(xii) whether the executive board has or exercises rulemaking authority, or is a rulemaking board as defined in Section 63G-24-102; and

(xiii) any compensation and expense reimbursement that members of the executive board are authorized to receive.

(4) The administrator shall ~~[place the following on]~~ ensure the governor's website

SB0146S03 compared with SB0146S02

includes:

(a) the information contained in the database[?], except for an individual's:

(i) physical address;

(ii) email address; and

(iii) telephone number;

(b) each report the administrator receives under Subsection (5); and

(c) the summary report described in Subsection (6).

(5) (a) Before August 1 of each year, each executive board shall prepare and submit to the administrator an annual report that includes:

(i) the name of the executive board;

(ii) a description of the executive board's official function and purpose;

(iii) a description of the actual work performed by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);

(iv) a description of actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);

(v) recommendations on whether any statutory, rule, or other changes are needed to make the executive board more effective; and

(vi) an indication of whether the executive board should continue to exist.

(b) The administrator shall compile and post the reports described in Subsection (5)(a) to the governor's website before September 1 of each year.

(c) An executive board is not required to submit a report under this Subsection (5) if the executive board:

(i) is also a legislative board under Section 36-12-22; and

(ii) submits a report under Section 36-12-22.

(6) (a) The administrator shall prepare, publish, and distribute an annual report by September 1 of each year that includes:

(i) as of August 1 of that year:

(A) the total number of executive boards;

(B) the name of each of those executive boards and the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;

SB0146S03 compared with SB0146S02

(C) for each state officer and each department and division, the total number of executive boards under the jurisdiction of or affiliated with that officer, department, and division;

(D) the total number of members for each of those executive boards;

(E) whether or not some or all of the members of each of those executive boards are approved by the Senate;

(F) whether each board is a policymaking board or an advisory board and the total number of policy boards and the total number of advisory boards; and

(G) the compensation, if any, paid to the members of each of those executive boards; and

(ii) a summary of the reports submitted to the administrator under Subsection (5), including:

(A) a list of each executive board that submitted a report under Subsection (5);

(B) a list of each executive board that did not submit a report under Subsection (5);

(C) an indication of any recommendations made under Subsection (5)(a)(v); and

(D) a list of any executive boards that indicated under Subsection (5)(a)(vi) that the executive board should no longer exist.

(b) The administrator shall distribute copies of the report described in Subsection (6)(a) to:

(i) the governor;

(ii) the president of the Senate;

(iii) the speaker of the House;

(iv) the Office of Legislative Research and General Counsel;

(v) the Government Operations Interim Committee; and

(vi) any other persons who request a copy of the annual report.

(c) Each year, the Government Operations Interim Committee shall prepare legislation making any changes the committee determines are suitable with respect to the report the committee receives under Subsection (6)(b), including:

(i) repealing an executive board that is no longer functional or necessary; and

(ii) making appropriate changes to make an executive board more effective.

Section 49. Section **72-1-301** is amended to read:

SB0146S03 compared with SB0146S02

72-1-301. Transportation Commission created -- Members, appointment, terms -- Qualifications -- Pay and expenses -- Chair -- Quorum.

(1) (a) There is created the Transportation Commission which shall consist of seven members.

(b) The members of the commission shall be residents of Utah.

(c) The members of the commission shall be selected on a nonpartisan basis.

(d) (i) The commissioners shall, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, be appointed by the governor, with the consent of the Senate, for a term of six years, beginning on April 1 of odd-numbered years, except as provided under Subsection (1)(d)(ii).

(ii) The first two additional commissioners serving on the seven member commission shall be appointed for terms of two years nine months and four years nine months, respectively, initially commencing on July 1, 1996, and subsequently commencing as specified under Subsection (1)(d)(i).

(e) The commissioners serve on a part-time basis.

(f) Each commissioner shall remain in office until a successor is appointed and qualified.

(2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners shall be as follows:

(i) one commissioner from Box Elder, Cache, or Rich county;

(ii) one commissioner from Salt Lake or Tooele county;

(iii) one commissioner from Carbon, Emery, Grand, or San Juan county;

(iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete, Sevier, Washington, or Wayne county;

(v) one commissioner from Weber, Davis, or Morgan county;

(vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or Daggett county; and

(vii) one commissioner selected from the state at large.

(b) Beginning with the appointment of commissioners on or after July 1, 2009 and subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as follows:

SB0146S03 compared with SB0146S02

(i) four commissioners with one commissioner selected from each of the four regions established by the department; and

(ii) subject to the restriction in Subsection (2)(c), three commissioners selected from the state at large.

(c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii) shall be selected from a rural county.

(ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third, fourth, fifth, or sixth class.

(d) No more than two commissioners appointed under Subsection (2)(b) may be selected from any one of the four regions established by the department.

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

(a) Section 63A-3-106;

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

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

(4) (a) One member of the commission shall be designated by the governor as chair.

(b) The commission shall select one member as vice chair to act in the chair's absence.

(5) Any four commissioners constitute a quorum.

(6) Each member of the commission shall qualify by taking the constitutional oath of office.

(7) For the purposes of Section 63J-1-504, the commission is not considered an agency.

Section 50. Section **72-1-302** is amended to read:

72-1-302. Commission offices and meetings.

(1) The commission shall maintain offices and hold regular meetings at those offices on dates fixed and formally announced by it, and may hold other meetings at the times and places as it may, by order, provide.

(2) (a) Meetings may be held upon call of the governor, the chairman, or two commissioners upon notice of the time, place, and purpose of meeting to each commissioner at least seven days prior to the date of the meeting.

SB0146S03 compared with SB0146S02

(b) Any meeting may be held upon shorter notice with the unanimous approval of the commission.

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

Section 51. Section **73-10-2** is amended to read:

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

(1) (a) The Board of Water Resources shall be comprised of eight members to be appointed by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

(2) One member of the board shall be appointed from each of the following districts:

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

appointed for the unexpired term with the consent of the Senate and shall be from the same district as such person.

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

(a) Section 63A-3-106;

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

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

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

Section 52. Section **77-27-2** is amended to read:

77-27-2. Board of Pardons and Parole -- Creation -- Compensation -- Functions.

(1) There is created the Board of Pardons and Parole. The board shall consist of five full-time members and not more than five pro tempore members to be appointed by the governor with the consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, and as provided in this section. The members of the board shall be resident citizens of the state. The governor shall establish salaries for the members of the board within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

(2) (a) (i) The full-time board members shall serve terms of five years. The terms of the full-time members shall be staggered so one board member is appointed for a term of five years on March 1 of each year.

(ii) The pro tempore members shall serve terms of five years, beginning on March 1 of the year of appointment, with no more than one pro tempore member term beginning or expiring in the same calendar year. If a pro tempore member vacancy occurs, the board may submit the names of not fewer than three or more than five persons to the governor for appointment to fill the vacancy.

(b) All vacancies occurring on the board for any cause shall be filled by the governor with the consent of the Senate pursuant to this section for the unexpired term of the vacating member.

(c) The governor may at any time remove any member of the board for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.

SB0146S03 compared with SB0146S02

(d) A member of the board may not hold any other office in the government of the United States, this state or any other state, or of any county government or municipal corporation within a state. A member may not engage in any occupation or business inconsistent with the member's duties.

(e) A majority of the board constitutes a quorum for the transaction of business, including the holding of hearings at any time or any location within or without the state, or for the purpose of exercising any duty or authority of the board. Action taken by a majority of the board regarding whether parole, pardon, commutation, termination of sentence, or remission of fines or forfeitures may be granted or restitution ordered in individual cases is deemed the action of the board. A majority vote of the five full-time members of the board is required for adoption of rules or policies of general applicability as provided by statute. However, a vacancy on the board does not impair the right of the remaining board members to exercise any duty or authority of the board as long as a majority of the board remains. A board member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

(f) Any investigation, inquiry, or hearing that the board has authority to undertake or hold may be conducted by any board member or an examiner appointed by the board. When any of these actions are approved and confirmed by the board and filed in its office, they are considered to be the action of the board and have the same effect as if originally made by the board.

(g) When a full-time board member is absent or in other extraordinary circumstances the chair may, as dictated by public interest and efficient administration of the board, assign a pro tempore member to act in the place of a full-time member. Pro tempore members shall receive a per diem rate of compensation as established by the Division of Finance and all actual and necessary expenses incurred in attending to official business.

(h) The chair may request staff and administrative support as necessary from the Department of Corrections.

(3) (a) Except as provided in Subsection (3)(b), the Commission on Criminal and Juvenile Justice shall:

(i) recommend five applicants to the governor for a full-time member appointment to the Board of Pardons and Parole; and

SB0146S03 compared with SB0146S02

(ii) consider applicants' knowledge of the criminal justice system, state and federal criminal law, judicial procedure, corrections policies and procedures, and behavioral sciences.

(b) The procedures and requirements of Subsection (3)(a) do not apply if the governor appoints a sitting board member to a new term of office.

(4) (a) The board shall appoint an individual to serve as its mental health adviser and may appoint other staff necessary to aid it in fulfilling its responsibilities under Title 77, Chapter 16a, Commitment and Treatment of Persons with a Mental Illness. The adviser shall prepare reports and recommendations to the board on all persons adjudicated as guilty with a mental illness, in accordance with Title 77, Chapter 16a, Commitment and Treatment of Persons with a Mental Illness.

(b) The mental health adviser shall possess the qualifications necessary to carry out the duties imposed by the board and may not be employed by the Department of Corrections or the Utah State Hospital.

(i) The Board of Pardons and Parole may review outside employment by the mental health advisor.

(ii) The Board of Pardons and Parole shall develop rules governing employment with entities other than the board by the mental health advisor for the purpose of prohibiting a conflict of interest.

(c) The mental health adviser shall:

(i) act as liaison for the board with the Department of Human Services and local mental health authorities;

(ii) educate the members of the board regarding the needs and special circumstances of persons with a mental illness in the criminal justice system;

(iii) in cooperation with the Department of Corrections, monitor the status of persons in the prison who have been found guilty with a mental illness;

(iv) monitor the progress of other persons under the board's jurisdiction who have a mental illness;

(v) conduct hearings as necessary in the preparation of reports and recommendations;
and

(vi) perform other duties as assigned by the board.

Section 53. Section **78A-11-103** is amended to read:

SB0146S03 compared with SB0146S02

78A-11-103. Judicial Conduct Commission -- Members -- Terms -- Vacancies -- Voting -- Power of chair.

(1) The membership of the commission consists of the following 11 members:

(a) two members of the House of Representatives to be appointed by the speaker of the House of Representatives for a four-year term, not more than one of whom may be of the same political party as the speaker;

(b) two members of the Senate to be appointed by the president of the Senate for a four-year term, not more than one of whom may be of the same political party as the president;

(c) two members of, and in good standing with, the Utah State Bar, who shall be appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may reside in the same judicial district;

(d) three persons not members of the Utah State Bar, who shall be appointed by the governor, with the consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, for four-year terms, not more than two of whom may be of the same political party as the governor; and

(e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year term, neither of whom may:

(i) be a member of the Utah Supreme Court;

(ii) serve on the same level of court as the other; and

(iii) if trial judges, serve primarily in the same judicial district as the other.

(2) (a) The terms of the members shall be staggered so that approximately half of the commission expires every two years.

(b) Members of the commission may not serve longer than eight years.

(3) The commission shall establish guidelines and procedures for the disqualification of any member from consideration of any matter. A judge who is a member of the commission or the Supreme Court may not participate in any proceedings involving the judge's own removal or retirement.

(4) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the appointing authority for that position for the unexpired term.

(b) If the appointing authority fails to appoint a replacement, the commissioners who have been appointed may act as a commission under all the provisions of this section.

SB0146S03 compared with SB0146S02

(5) Six members of the commission shall constitute a quorum. Any action of a majority of the quorum constitutes the action of the commission.

(6) (a) At each commission meeting, the chair and executive director shall schedule all complaints to be heard by the commission and present any information from which a reasonable inference can be drawn that a judge has committed misconduct so that the commission may determine by majority vote of a quorum whether the executive director shall draft a written complaint in accordance with Subsection 78A-11-102(2)(b).

(b) The chair and executive director may not act to dismiss any complaint without a majority vote of a quorum of the commission.

(c) A member of the commission described in Subsection (1)(d) shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

(7) It is the responsibility of the chair and the executive director to ensure that the commission complies with the procedures of the commission.

(8) The chair shall be nonvoting except in the case of a tie vote.

(9) The chair shall be allowed the actual expenses of secretarial services, the expenses of services for either a court reporter or a transcriber of electronic tape recordings, and other necessary administrative expenses incurred in the performance of the duties of the commission.

(10) Upon a majority vote of the quorum, the commission may:

(a) employ an executive director, legal counsel, investigators, and other staff to assist the commission; and

(b) incur other reasonable and necessary expenses within the authorized budget of the commission and consistent with the duties of the commission.

(11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

Section 54. Section **78B-22-402** is amended to read:

78B-22-402. Commission members -- Member qualifications -- Terms -- Vacancy.

(1) The commission is composed of 15 voting members and one ex officio, nonvoting member.

(a) The governor, with the consent of the Senate, and in accordance with Title 63G, Chapter 24, Part 2, Vacancies, shall appoint the following 13 voting members:

(i) two practicing criminal defense attorneys recommended by the Utah Association of

SB0146S03 compared with SB0146S02

Criminal Defense Lawyers;

(ii) one attorney practicing in juvenile delinquency defense recommended by the Utah Association of Criminal Defense Lawyers;

(iii) an attorney representing minority interests recommended by the Utah Minority Bar Association;

(iv) one member recommended by the Utah Association of Counties from a county of the first or second class;

(v) one member recommended by the Utah Association of Counties from a county of the third through sixth class;

(vi) a director of a county public defender organization recommended by the Utah Association of Criminal Defense Lawyers;

(vii) two members recommended by the Utah League of Cities and Towns from its membership;

(viii) a retired judge recommended by the Judicial Council;

(ix) one attorney practicing in the area of parental defense, recommended by an entity funded under the Child Welfare Parental Defense Program created in Section 63M-7-211; and

(x) two members of the Utah Legislature, one from the House of Representatives and one from the Senate, selected jointly by the Speaker of the House and President of the Senate.

(b) The Judicial Council shall appoint a voting member from the Administrative Office of the Courts.

(c) The executive director of the State Commission on Criminal and Juvenile Justice or the executive director's designee is a voting member of the commission.

(d) The director of the commission, appointed under Section 78B-22-403, is an ex officio, nonvoting member of the commission.

(2) A member appointed by the governor shall serve a four-year term, except as provided in Subsection (3).

(3) The governor shall stagger the initial terms of appointees so that approximately half of the members appointed by the governor are appointed every two years.

(4) A member appointed to the commission shall have significant experience in indigent criminal defense, parental defense, or juvenile defense in delinquency proceedings or have otherwise demonstrated a strong commitment to providing effective representation in

SB0146S03 compared with SB0146S02

indigent defense services.

(5) A person who is currently employed solely as a criminal prosecuting attorney may not serve as a member of the commission.

(6) A commission member shall hold office until the member's successor is appointed.

(7) The commission may remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

(8) If a vacancy occurs in the membership for any reason, a replacement shall be appointed for the remaining unexpired term in the same manner as the original appointment.

(9) The commission shall annually elect a chair from the commission's membership to serve a one-year term. A commission member may not serve as chair of the commission for more than three consecutive terms.

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

(a) Section 63A-3-106;

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

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

(11) (a) A majority of the members of the commission constitutes a quorum.

(b) If a quorum is present, the action of a majority of the voting members present constitutes the action of the commission.

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

Section 55. Section **79-3-302** is amended to read:

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

(1) The board consists of seven members appointed by the governor, with the consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

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

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

SB0146S03 compared with SB0146S02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

Section 56. Section **79-4-302** is amended to read:

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

(1) (a) The board is composed of nine members appointed in accordance with Title 63G, Chapter 24, Part 2, Vacancies, by the governor, with the consent of the Senate, to four-year terms.

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

- (i) appoint one member from each judicial district and one member from the public at large;
- (ii) ensure that not more than five members are from the same political party; and
- (iii) appoint persons who have an understanding of and demonstrated interest in parks and recreation.

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

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

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

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

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

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

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

SB0146S03 compared with SB0146S02

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

Section 57. **Effective date.**

This bill takes effect on January 1, 2021.

Section 58. **Coordinating S.B. 146 with S.B. 60 -- Substantive and technical amendments.**

If this S.B. 146 and S.B. 60, Advice and Consent Amendments, both pass and become law, and S.B. 111, Higher Education Amendments, does not pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by modifying Subsections 63G-24-102(4) and (5)(a) to read:

"(4) "Nominee" means a person selected by the governor to fill a rulemaking board vacancy subject to the advice and consent of the Senate.

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

(i) that has rulemaking authority; and

(ii) at least part of whose membership is appointed by the governor subject to the advice and consent of the Senate."

Section 59. **Coordinating S.B. 146 with S.B. 111 -- Substantive and technical amendments.**

If this S.B. 146 and S.B. 111, Higher Education Amendments, both pass and become law, but S.B. 60, Advice and Consent Amendments, does not pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:

(1) modifying Subsection 53B-1-404(1) as renumbered and amended by S.B. 111 to read:

"(1) ~~[Except as provided in Subsection (2), the]~~ The board consists of ~~[17]~~ 18 residents of the state appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

~~[(a) eight at-large members;]~~

~~[(b) eight members, each of whom is:]~~

~~[(i) selected from three nominees presented to the governor by a higher education institution board of trustees; and]~~

SB0146S03 compared with SB0146S02

~~[(ii) a current or former member of the institution of higher education board of trustees that nominates the member; and]~~

~~[(c) one member, selected from three nominees presented to the governor by the student body presidents of the institutions of higher education, who:]~~

~~[(i) is a fully matriculated student enrolled in an institution of higher education; and]~~

~~[(ii) is not serving as a student body president at the time of the nomination.]~~

~~[(2)(a)(i) An individual appointed to the board on or before May 8, 2017, may serve on the board, even if the individual does not fulfill a requirement for the composition of the board described in Subsection (1).]~~

~~[(ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the member's term expires.]~~

~~[(b) An individual appointed to the board on or before May 8, 2017, who is a current or former member of an institution of higher education board of trustees is the board member for the institution of higher education described in Subsection (1)(b).]~~

~~[(c)(i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the governor shall ensure that newly appointed members move the board toward the composition described in Subsection (1).]~~

~~[(ii) In appointing a new member to the board, the governor shall first appoint a member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.]~~

~~(a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among candidates presented to the governor by a nominating committee; and~~

~~(b) two student members appointed as described in Subsection (4).";~~

~~(2) creating a newly enacted Subsection 53B-1-404(4)(c) to read:~~

~~"(c) An appointee described in Subsection (4)(a) is not subject to the public comment process described in Section 63G-24-204.";~~

~~(~~11~~3) modifying Subsections 63G-24-102(4) and (5)(a) to read:~~

~~"(4) "Nominee" means a person selected by the governor to fill a rulemaking board vacancy subject to the consent of the Senate.~~

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

~~(i) that has rulemaking authority; and~~

SB0146S03 compared with SB0146S02

(ii) at least part of whose membership is appointed by the governor subject to the consent of the Senate."; and

(~~2~~4) modifying Subsections 67-1-2(2)(b) and (3) amended in S.B. 146 to read:

"(b) A majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection (1) for a gubernatorial nominee other than a nominee for the following:

(i) a member of the State Tax Commission;

(ii) a member of the State Board of Education; or

(iii) a member of the Utah Board of Higher Education.

(3) The Senate shall hold a confirmation hearing for a nominee for an individual described in Subsections (2)(b)(i) through (iii)."

Section 60. Coordinating S.B. 146 with S.B. 60 and S.B. 111 -- Substantive and technical amendments.

If this S.B. 146, S.B. 60, Advice and Consent Amendments, and S.B. 111, Higher Education Amendments, all pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:

(1) modifying Subsection 53B-1-404(1) as renumbered and amended by S.B. 111 to read:

"(1) ~~[Except as provided in Subsection (2), the]~~ The board consists of ~~[17]~~ 18 residents of the state appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

~~[(a) eight at-large members;]~~

~~[(b) eight members, each of whom is:]~~

~~[(i) selected from three nominees presented to the governor by a higher education institution board of trustees; and]~~

~~[(ii) a current or former member of the institution of higher education board of trustees that nominates the member; and]~~

~~[(c) one member, selected from three nominees presented to the governor by the student body presidents of the institutions of higher education, who:]~~

~~[(i) is a fully matriculated student enrolled in an institution of higher education; and]~~

SB0146S03 compared with SB0146S02

~~[(ii) is not serving as a student body president at the time of the nomination.]~~

~~[(2) (a) (i) An individual appointed to the board on or before May 8, 2017, may serve on the board, even if the individual does not fulfill a requirement for the composition of the board described in Subsection (1).]~~

~~[(ii) The governor may reappoint a member described in Subsection (2)(a)(i) when the member's term expires.]~~

~~[(b) An individual appointed to the board on or before May 8, 2017, who is a current or former member of an institution of higher education board of trustees is the board member for the institution of higher education described in Subsection (1)(b).]~~

~~[(c) (i) Subject to Subsection (2)(c)(ii), as positions on the board become vacant, the governor shall ensure that newly appointed members move the board toward the composition described in Subsection (1).]~~

~~[(ii) In appointing a new member to the board, the governor shall first appoint a member described in Subsection (1)(b) until the eight positions described in Subsection (1)(b) are filled.]~~

~~(a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among candidates presented to the governor by a nominating committee; and~~

~~(b) two student members appointed as described in Subsection (4).";~~

~~(2) creating a newly enacted Subsection 53B-1-404(4)(c) to read:~~

~~"(c) An appointee described in Subsection (4)(a) is not subject to the public comment process described in Section 63G-24-204.";~~

~~(~~11~~3) modifying Subsections 63G-24-102(4) and (5)(a) to read:~~

~~"(4) "Nominee" means a person selected by the governor to fill a rulemaking board vacancy subject to the advice and consent of the Senate.~~

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

~~(i) that has rulemaking authority; and~~

~~(ii) at least part of whose membership is appointed by the governor subject to the advice and consent of the Senate."; and~~

~~(~~12~~4) modifying Subsections 67-1-2(2)(b) and (3) amended in this S.B. 146 and S.B. 60 to read:~~

~~"(b) A majority of the president of the Senate, the Senate majority leader, and the~~

SB0146S03 compared with SB0146S02

Senate minority leader may waive the 30-day requirement described in Subsection (1) for a gubernatorial nominee other than a nominee for the following:

- (i) the executive director of a department;
- (ii) the executive director of the Governor's Office of Economic Development;
- (iii) the executive director of the Labor Commission;
- (iv) a member of the State Tax Commission;
- (v) a member of the State Board of Education;
- (vi) a member of the Utah Board of Higher Education; or
- (vii) an individual:
 - (A) whose appointment requires the advice and consent of the Senate; and
 - (B) whom the governor designates as a member of the governor's cabinet.
- (3) The Senate shall hold a confirmation hearing for a nominee for an individual

described in Subsections (2)(b)(i) through (vii)."

Section 61. Coordinating S.B. 146 with H.B. 10 -- Superseding technical and substantive amendments.

If this S.B. 146 and H.B. 10, Boards and Commissions Amendments, both pass and become law, it is the intent of the Legislature that the amendments to Section 26-21-3 in H.B. 10 supersede the amendments to Section 26-21-3 in this bill when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.