

**Representative Mike Winder** proposes the following substitute bill:

**POST COUNCIL MEMBERSHIP AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Winder**

Senate Sponsor: Daniel W. Thatcher

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**LONG TITLE**

**General Description:**

This bill modifies the representatives on the POST Council.

**Highlighted Provisions:**

This bill:

- ▶ adds a representative from one of several law enforcement organizations to the Peace Officer Standards and Training Council;
- ▶ adds a representative from a non-profit civil rights organization to the Peace Officer Standards and Training Council; and
- ▶ reduces the number of at-large members on the Peace Officer Standards and Training Council.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-6-106**, as last amended by Laws of Utah 2012, Chapters 108 and 296

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

27 Section 1. Section **53-6-106** is amended to read:

28 **53-6-106. Creation of Peace Officer Standards and Training Council -- Purpose --**  
 29 **Membership -- Quorum -- Meetings -- Compensation.**

30 (1) There is created the Peace Officer Standards and Training Council.

31 (2) The council shall serve as an advisory board to the director of the division on  
 32 matters relating to peace officer and dispatcher standards and training.

33 (3) The council includes:

34 (a) the attorney general or a designated representative;

35 (b) the superintendent of the highway patrol or a designated representative;

36 (c) the executive director of the Department of Corrections or a designated  
 37 representative; and

38 (d) [~~14~~] 15 additional members appointed by the governor having qualifications,  
 39 experience, or education in the field of law enforcement as follows:

40 (i) one incumbent mayor;

41 (ii) one incumbent county commissioner;

42 (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs  
 43 Association, one of whom is from a county having a population of 100,000 or more, and one of  
 44 whom is from a county having a population of less than 100,000;

45 (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs  
 46 of Police Association, one of whom is from a city of the first or second class, and one of whom  
 47 is from a city of the third, fourth, or fifth class or town;

48 (v) a representative of the Utah Peace Officers Association;

49 (vi) an educator in the field of public administration, criminal justice, or a related area;

50 [~~and~~]

51 (vii) a current ~~H~~→ [~~or former~~] ←~~H~~ Utah certified law enforcement officer ~~H~~→ , employed

51a in a non-supervisory role, ←~~H~~ who represents the

52 Utah State Fraternal Order of Police, the Salt Lake Valley Law Enforcement Association, the

53 Salt Lake Police Association, or the Utah Highway Patrol Association;

54 (viii) a representative of a non-profit civil rights organization that represents minority  
 55 populations; and

56 [~~(vii)~~] (ix) [~~four~~] three persons selected at large by the governor.

57 (4) (a) Except as required by Subsection (4)(b), the [~~14~~] 15 members of the council  
58 shall be appointed by the governor for four-year terms.

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

63 (c) A member may be reappointed for additional terms.

64 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
65 appointed for the unexpired term by the governor from the same category in which the vacancy  
66 occurs.

67 (5) A member of the council ceases to be a member:

68 (a) immediately upon the termination of the member's holding the office or  
69 employment that was the basis for eligibility to membership on the council; or

70 (b) upon two unexcused absences in one year from regularly scheduled council  
71 meetings.

72 (6) The council shall select a chair and vice chair from among its members.

73 (7) Ten members of the advisory council constitute a quorum.

74 (8) (a) Meetings may be called by the chair, the commissioner, or the director and shall  
75 be called by the chair upon the written request of nine members.

76 (b) Meetings shall be held at the times and places determined by the director.

77 (9) The council shall meet at least two times per year.

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

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

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

82 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
83 [63A-3-107](#).

84 (11) Membership on the council does not disqualify any member from holding any  
85 other public office or employment.