

HB0138S01 compared with HB0138

~~text~~ shows text that was in HB0138 but was deleted in HB0138S01.

text shows text that was not in HB0138 but was inserted into HB0138S01.

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Representative Mike Winder proposes the following substitute bill:

POST COUNCIL MEMBERSHIP AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: _____

LONG TITLE

General Description:

This bill adds a representative of the Utah State Fraternal Order of Police to the POST Council.

Highlighted Provisions:

This bill:

- ▶ adds a representative ~~of the Utah State Fraternal Order~~ from one of ~~Police~~ several law enforcement organizations to the Peace Officer Standards and Training Council.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

AMENDS:

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

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

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

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

- (1) There is created the Peace Officer Standards and Training Council.
- (2) The council shall serve as an advisory board to the director of the division on matters relating to peace officer and dispatcher standards and training.
- (3) The council includes:
 - (a) the attorney general or a designated representative;
 - (b) the superintendent of the highway patrol or a designated representative;
 - (c) the executive director of the Department of Corrections or a designated representative; and
 - (d) [~~14~~] 15 additional members appointed by the governor having qualifications, experience, or education in the field of law enforcement as follows:
 - (i) one incumbent mayor;
 - (ii) one incumbent county commissioner;
 - (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs Association, one of whom is from a county having a population of 100,000 or more, and one of whom is from a county having a population of less than 100,000;
 - (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs of Police Association, one of whom is from a city of the first or second class, and one of whom is from a city of the third, fourth, or fifth class or town;
 - (v) a representative of the Utah Peace Officers Association;
 - (vi) an educator in the field of public administration, criminal justice, or a related area;
 - [and]
 - (vii) a ~~representative of~~ current or former Utah certified law enforcement officer who represents the Utah State Fraternal Order of Police, the Salt Lake Valley Law Enforcement

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

~~[(vii)]~~ (viii) four persons selected at large by the governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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