

Representative Scott H. Chew proposes the following substitute bill:

PERMANENT COMMUNITY IMPACT FUND BOARD

AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: Scott H. Chew

LONG TITLE

General Description:

This bill addresses the Permanent Community Impact Fund Board.

Highlighted Provisions:

This bill:

- ▶ modifies the membership of the Permanent Community Impact Fund Board (impact board);
- ▶ designates the member appointed by the governor who resides in a rural county as the chair of the impact board;
- ▶ describes the responsibilities of the chair of the impact board;
- ▶ requires the majority vote of a quorum of the impact board to take action;
- ▶ directs the Department of Workforce Services to provide staff support to the impact board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **35A-8-304**, as last amended by Laws of Utah 2020, Chapters 352 and 373



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

31 Section 1. Section **35A-8-304** is amended to read:

32 **35A-8-304. Permanent Community Impact Fund Board created -- Members --**
33 **Terms -- Chair -- Expenses.**

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

36 [~~(a) the chair of the Board of Water Resources or the chair's designee;~~]

37 [~~(b) the chair of the Water Quality Board or the chair's designee;~~]

38 [~~(c) the director of the department or the director's designee;~~]

39 [~~(d)~~] (a) the state treasurer or the state treasurer's designee;

40 [~~(e)~~] (b) the chair of the Transportation Commission or the chair's designee;

41 (c) the executive director of the Governor's Office of Planning and Budget or the
42 executive director's designee;

43 [~~(f)~~] (d) a locally elected official who resides in Carbon, Emery, Grand, or San Juan
44 County;

45 [~~(g)~~] (e) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute,
46 or Wayne County;

47 [~~(h)~~] (f) a locally elected official who resides in Duchesne, Daggett, or Uintah County;

48 [~~(i)~~] (g) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or
49 Kane County; [and]

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

53 (h) a locally elected official from the county that:

54 (i) produced the most mineral lease money related to oil extraction during the four-year
55 period immediately preceding the term of appointment, as determined by the department at the
56 end of each term; and

57 (ii) does not already have a representative on the impact board;
 58 (i) a locally elected official from the county that:
 59 (i) produced the most mineral lease money related to natural gas extraction during the
 60 four-year period immediately preceding the term of appointment, as determined by the
 61 department at the end of each term; and

62 (ii) does not already have a representative on the impact board;
 63 (j) a locally elected official from the county that:
 64 (i) produced the most mineral lease money related to coal extraction during the
 65 four-year period immediately preceding the term of appointment, as determined by the
 66 department at the end of each term; and

67 (ii) does not already have a representative on the impact board; and
 68 (k) an individual who resides in a county of the third, fourth, fifth, or sixth class,
 69 appointed by the governor with the advice and consent of the Senate in accordance with Title
 70 63G, Chapter 24, Part 2, Vacancies.

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

73 (i) nominated by the Board of Directors of the Southeastern Association of Local
 74 Governments, the Six County Association of Governments, the Uintah Basin Association of
 75 Governments, and the Five County Association of Governments, respectively, except that ~~a~~
 76 ~~member under Subsection (1)(j)]~~ the members specified under Subsections (1)(h) through (j)
 77 shall be nominated by the Board of Directors of the Association of Governments from the
 78 region of the state in which the county is located; and

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

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

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

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

88 appointed for the unexpired term.

89 (3) The terms of office for the members [~~of the impact board~~] specified under
90 Subsections (1)(a) through [~~(1)(e)~~] (c) shall run concurrently with the [~~terms~~] term of office for
91 the [~~councils, boards, committees, commission, departments, or offices~~] commission,
92 department, or office from which [~~the members come~~] each member comes.

93 [~~(4) The executive director of the department, or the executive director's designee, is~~
94 ~~the chair of the impact board.]~~

95 (4) (a) The member specified under Subsection (1)(k) is the chair of the impact board.

96 (b) The chair of the impact board is responsible for the call and conduct of meetings.

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

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

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

101 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
102 63A-3-107.

103 (6) A member described in Subsections [~~(1)(f) through (j)~~] (1)(d) through (k) shall
104 comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3,
105 Conflicts of Interest.

106 (7) (a) A majority of the members of the impact board constitutes a quorum.

107 (b) Action by a majority vote of a quorum of the impact board constitutes action by the
108 impact board.

109 (8) The department shall provide staff support to the impact board.