

BOARDS AND COMMISSIONS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeffrey D. Stenquist

Senate Sponsor: David G. Buxton

LONG TITLE

General Description:

This bill amends provisions relating to boards and commissions.

Highlighted Provisions:

This bill:

- ▶ addresses reporting requirements relating to an executive board; and
- ▶ requires an interim committee to review, for potential repeal, an executive board

that fails to comply with the five-year reporting requirement for an executive board.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-1-2.5, as last amended by Laws of Utah 2021, Chapters 84, 345

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

Section 1. Section **67-1-2.5** is amended to read:

67-1-2.5. Executive boards -- Database -- Governor's review of new boards.

(1) As used in this section:

(a) "Administrator" means the boards and commissions administrator designated under

Subsection (3).

(b) "Executive board" means an executive branch board, commission, council,

30 committee, working group, task force, study group, advisory group, or other body:

31 (i) with a defined limited membership;

32 (ii) that is created by the constitution, by statute, by executive order, by the governor,
33 lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a
34 department, division, or other administrative subunit of the executive branch of state
35 government; and

36 (iii) that is created to operate for more than six months.

37 (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year
38 following the year in which a new executive board is created in statute, the governor shall:

39 (i) review the executive board to evaluate:

40 (A) whether the executive board accomplishes a substantial governmental interest; and

41 (B) whether it is necessary for the executive board to remain in statute;

42 (ii) in the governor's review described in Subsection (2)(a)(i), consider:

43 (A) the funding required for the executive board;

44 (B) the staffing resources required for the executive board;

45 (C) the time members of the executive board are required to commit to serve on the
46 executive board; and

47 (D) whether the responsibilities of the executive board could reasonably be
48 accomplished through an existing entity or without statutory direction; and

49 (iii) submit a report to the Government Operations Interim Committee recommending
50 that the Legislature:

51 (A) repeal the executive board;

52 (B) add a sunset provision or future repeal date to the executive board;

53 (C) make other changes to make the executive board more efficient; or

54 (D) make no changes to the executive board.

55 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
56 deference to:

57 (i) reducing the size of government; and

- 58 (ii) making governmental programs more efficient and effective.
- 59 (c) The governor is not required to conduct the review or submit the report described in
- 60 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,
- 61 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.
- 62 (3) (a) The governor shall designate a board and commissions administrator from the
- 63 governor's staff to maintain a computerized database containing information about all
- 64 executive boards.
- 65 (b) The administrator shall ensure that the database contains:
- 66 (i) the name of each executive board;
- 67 (ii) the current statutory or constitutional authority for the creation of the executive
- 68 board;
- 69 (iii) the sunset date on which each executive board's statutory authority expires;
- 70 (iv) the state officer or department and division of state government under whose
- 71 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 72 (v) the name, address, gender, telephone number, and county of each individual
- 73 currently serving on the executive board, along with a notation of all vacant or unfilled
- 74 positions;
- 75 (vi) the title of the position held by the person who appointed each member of the
- 76 executive board;
- 77 (vii) the length of the term to which each member of the executive board was
- 78 appointed and the month and year that each executive board member's term expires;
- 79 (viii) whether members appointed to the executive board require the advice and
- 80 consent of the Senate;
- 81 (ix) the organization, interest group, profession, local government entity, or geographic
- 82 area that an individual appointed to an executive board represents, if any;
- 83 (x) the party affiliation of an individual appointed to an executive board, if the statute
- 84 or executive order creating the position requires representation from political parties;
- 85 (xi) whether each executive board is a policy board or an advisory board;

86 (xii) whether the executive board has or exercises rulemaking authority, or is a
87 rulemaking board as defined in Section 63G-24-102; and

88 (xiii) any compensation and expense reimbursement that members of the executive
89 board are authorized to receive.

90 (4) The administrator shall ensure the governor's website includes:

91 (a) the information contained in the database, except for an individual's:

92 (i) physical address;

93 (ii) email address; and

94 (iii) telephone number;

95 (b) a portal, accessible on each executive board's web page within the governor's
96 website, through which a member of the public may provide input on:

97 (i) an individual appointed to serve on the executive board; or

98 (ii) a sitting member of the executive board;

99 (c) each report the administrator receives under Subsection (5); and

100 (d) the summary report described in Subsection (6).

101 (5) (a) Before August 1, once every five years, beginning in calendar year 2024, each
102 executive board shall prepare and submit to the administrator a report that includes:

103 (i) the name of the executive board;

104 (ii) a description of the executive board's official function and purpose;

105 (iii) a description of the actions taken by the executive board since the last report the
106 executive board submitted to the administrator under this Subsection (5);

107 (iv) recommendations on whether any statutory, rule, or other changes are needed to
108 make the executive board more effective; and

109 (v) an indication of whether the executive board should continue to exist.

110 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
111 to the governor's website before September 1 of a calendar year in which the administrator
112 receives a report described in Subsection (5)(a).

113 (6) (a) Before September 1 of a calendar year in which the administrator receives a

114 report described in Subsection (5)(a), the administrator shall prepare a report that includes:

- 115 (i) as of July 1 of that year, the total number of executive boards that exist;
- 116 (ii) a summary of the reports submitted to the administrator under Subsection (5),
- 117 including:

- 118 (A) a list of each executive board that submitted a report under Subsection (5);
- 119 (B) a list of each executive board that [~~did not~~] failed to timely submit a report under
- 120 Subsection (5);

- 121 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and
- 122 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
- 123 executive board should no longer exist; and

124 (iii) a list of each executive board, identified and reported by the Division of Archives
125 and Record Services under Section 63A-16-601, that did not post a notice of a public meeting
126 on the Utah Public Notice Website during the previous fiscal year.

127 (b) On or before September 1 of a calendar year in which the administrator prepares a
128 report described in Subsection (6)(a), in accordance with Section 68-3-14, the administrator
129 shall submit the report to:

- 130 (i) the president of the Senate;
- 131 (ii) the speaker of the House of Representatives; and
- 132 (iii) the Government Operations Interim Committee.

133 (c) (i) Within 60 days after the day on which an executive board fails to timely submit
134 a report under Subsection (5), a legislative interim committee shall conduct a review to
135 determine whether to recommend repeal of the executive board.

136 (ii) The Office of Legislative Research and General Counsel shall notify the chairs of
137 an interim committee whose subject area most closely relates to an executive board described
138 in Subsection (6)(c)(i) of:

- 139 (A) the name of the board;
- 140 (B) information regarding the function of the board; and
- 141 (C) the deadline by which the interim committee is required to conduct a review

142 described in Subsection (6)(c)(i).

143 (iii) If there is not an interim committee with a subject area relating to the executive
144 board, or if the interim committee described in Subsection (6)(c)(ii) is unable to timely conduct
145 the review described in Subsection (6)(c), the Government Operations Interim Committee shall
146 conduct the review.

147 (iv) If an interim committee recommends that an executive board described in
148 Subsection (6)(c)(i) be repealed, the Office of Legislative Research and General Counsel shall
149 draft a bill repealing the executive board.