

**BOARDS AND COMMISSIONS AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeffrey D. Stenquist**

Senate Sponsor: David G. Buxton

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**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 2 absent

**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

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

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



28 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

29 (1) As used in this section:

30 (a) "Administrator" means the boards and commissions administrator designated under  
31 Subsection (3).

32 (b) "Executive board" means an executive branch board, commission, council,  
33 committee, working group, task force, study group, advisory group, or other body:

34 (i) with a defined limited membership;

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

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

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

42 (i) review the executive board to evaluate:

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

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

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

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

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

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

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

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

54 (A) repeal the executive board;

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

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

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

58 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give

59 deference to:

60 (i) reducing the size of government; and

61 (ii) making governmental programs more efficient and effective.

62 (c) The governor is not required to conduct the review or submit the report described in  
63 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,  
64 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.

65 (3) (a) The governor shall designate a board and commissions administrator from the  
66 governor's staff to maintain a computerized database containing information about all  
67 executive boards.

68 (b) The administrator shall ensure that the database contains:

69 (i) the name of each executive board;

70 (ii) the current statutory or constitutional authority for the creation of the executive  
71 board;

72 (iii) the sunset date on which each executive board's statutory authority expires;

73 (iv) the state officer or department and division of state government under whose  
74 jurisdiction the executive board operates or with which the executive board is affiliated, if any;

75 (v) the name, address, gender, telephone number, and county of each individual  
76 currently serving on the executive board, along with a notation of all vacant or unfilled  
77 positions;

78 (vi) the title of the position held by the person who appointed each member of the  
79 executive board;

80 (vii) the length of the term to which each member of the executive board was  
81 appointed and the month and year that each executive board member's term expires;

82 (viii) whether members appointed to the executive board require the advice and  
83 consent of the Senate;

84 (ix) the organization, interest group, profession, local government entity, or geographic  
85 area that an individual appointed to an executive board represents, if any;

86 (x) the party affiliation of an individual appointed to an executive board, if the statute  
87 or executive order creating the position requires representation from political parties;

88 (xi) whether each executive board is a policy board or an advisory board;

89 (xii) whether the executive board has or exercises rulemaking authority, or is a

90 rulemaking board as defined in Section [63G-24-102](#); and

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

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

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

95 (i) physical address;

96 (ii) email address; and

97 (iii) telephone number;

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

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

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

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

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

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

106 (i) the name of the executive board;

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

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

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

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

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

116 (6) (a) Before September 1 of a calendar year in which the administrator receives a  
117 report described in Subsection (5)(a), the administrator shall prepare a report that includes:

118 (i) as of July 1 of that year, the total number of executive boards that exist;

119 (ii) a summary of the reports submitted to the administrator under Subsection (5),  
120 including:

- 121 (A) a list of each executive board that submitted a report under Subsection (5);
- 122 (B) a list of each executive board that ~~[did not]~~ failed to timely submit a report under
- 123 Subsection (5);
- 124 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and
- 125 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
- 126 executive board should no longer exist; and
- 127 (iii) a list of each executive board, identified and reported by the Division of Archives
- 128 and Record Services under Section [63A-16-601](#), that did not post a notice of a public meeting
- 129 on the Utah Public Notice Website during the previous fiscal year.
- 130 (b) On or before September 1 of a calendar year in which the administrator prepares a
- 131 report described in Subsection (6)(a), in accordance with Section [68-3-14](#), the administrator
- 132 shall submit the report to:
- 133 (i) the president of the Senate;
- 134 (ii) the speaker of the House of Representatives; and
- 135 (iii) the Government Operations Interim Committee.
- 136 (c) (i) Within 60 days after the day on which an executive board fails to timely submit
- 137 a report under Subsection (5), a legislative interim committee shall conduct a review to
- 138 determine whether to recommend repeal of the executive board.
- 139 (ii) The Office of Legislative Research and General Counsel shall notify the chairs of
- 140 an interim committee whose subject area most closely relates to an executive board described
- 141 in Subsection (6)(c)(i) of:
- 142 (A) the name of the board;
- 143 (B) information regarding the function of the board; and
- 144 (C) the deadline by which the interim committee is required to conduct a review
- 145 described in Subsection (6)(c)(i).
- 146 (iii) If there is not an interim committee with a subject area relating to the executive
- 147 board, or if the interim committee described in Subsection (6)(c)(ii) is unable to timely conduct
- 148 the review described in Subsection (6)(c), the Government Operations Interim Committee shall
- 149 conduct the review.
- 150 (iv) If an interim committee recommends that an executive board described in
- 151 Subsection (6)(c)(i) be repealed, the Office of Legislative Research and General Counsel shall

152 draft a bill repealing the executive board.