

PUBLIC SERVICE COMMISSION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Jefferson Moss

LONG TITLE

General Description:

This bill modifies provisions relating to the appointment of members to a commission.

Highlighted Provisions:

This bill:

- ▶ clarifies that a vacancy in the Public Service Commission shall be filled by appointment by the governor with the advice and consent of the Senate;
- ▶ makes changes to the process for the governor to appoint a commissioner pro tempore to the Public Service Commission;
- ▶ makes changes to the application period for an open appointed position; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill has retrospective operation.

Utah Code Sections Affected:

AMENDS:

54-1-1.5, as last amended by Laws of Utah 2020, Chapters 352, 373

54-1-1.6, as last amended by Laws of Utah 2011, Chapter 366

63G-24-201, as enacted by Laws of Utah 2020, Chapter 373



28 **63G-24-202**, as enacted by Laws of Utah 2020, Chapter 373



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

31 Section 1. Section **54-1-1.5** is amended to read:

32 **54-1-1.5. Appointment of members -- Terms -- Qualifications -- Chairman --**
33 **Quorum -- Removal -- Vacancies -- Compensation.**

34 (1) The commission shall be composed of three members appointed by the governor
35 with the advice and consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2,
36 Vacancies.

37 (2) The terms of the members shall be staggered so that one commissioner is appointed
38 for a term of six years on March 1 of each odd-numbered year.

39 (3) Not more than two members of the commission shall belong to the same political
40 party.

41 (4) One member of the commission shall be designated by the governor as chairman of
42 the commission.

43 (5) Any two commissioners constitute a quorum.

44 (6) Any member of the commission may be removed for cause by the governor.

45 (7) Vacancies in the commission shall be filled for unexpired terms by appointment of
46 the governor with the advice and consent of the Senate.

47 (8) Commissioners shall receive compensation as established by the governor within
48 the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation,
49 and all actual and necessary expenses incurred in attending to official business.

50 (9) Each commissioner at the time of appointment and qualification shall be a resident
51 citizen of the United States and of the state of Utah and shall be not less than 30 years of age.

52 (10) Except as provided by law, no commissioner may hold any other office either
53 under the government of the United States or of this state or of any municipal corporation
54 within this state.

55 (11) A commissioner shall comply with the conflict of interest provisions described in
56 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

57 Section 2. Section **54-1-1.6** is amended to read:

58 **54-1-1.6. Pro tempore commissioner -- Appointment -- Qualifications.**

59 (1) If a commissioner has a temporary disability or is disqualified as a result of a
 60 conflict of interest from sitting as a commissioner, the governor may appoint a commissioner
 61 pro tempore [~~according to the procedures and requirements of Section 67-1-1.5.~~] for a period
 62 not to exceed 60 days.

63 (2) Any person appointed as a commissioner pro tempore shall possess the
 64 qualifications required for public service commissioners in Section 54-1-1.5 and have previous
 65 utility regulatory experience or other comparable professional experience.

66 (3) The governor may appoint a retired or resigned public service commissioner as a
 67 commissioner pro tempore in order to render findings, orders, or decisions on matters which
 68 the retired or resigned commissioner had fully heard before the commissioner's retirement or
 69 resignation.

70 Section 3. Section **63G-24-201** is amended to read:

71 **63G-24-201. Notice.**

72 (1) A rulemaking board shall give public notice regarding a vacancy or expiring term
 73 on the rulemaking board on or before:

74 (a) ~~[90]~~ 30 days before the day on which a departing appointed board member's or a
 75 continuing board member's term expires; or

76 (b) 10 days after the day on which the rulemaking board chair or vice chair receives
 77 written notice of a current appointed board member's intent to leave the board.

78 (2) (a) The governor's office shall post the notice described in Subsection (1) on the
 79 governor's website described in Subsection 67-1-2.5(4).

80 (b) A rulemaking board may post the notice described in Subsection (1) on the
 81 rulemaking board's website.

82 Section 4. Section **63G-24-202** is amended to read:

83 **63G-24-202. Application.**

84 (1) The application period for an appointed board member [~~position shall last no fewer~~
 85 ~~than 60 days.~~] shall last for a period of at least:

86 (a) 30 days for an open position due to an expiring term; or

87 (b) 14 days for an open position due to a vacancy occurring for a reason other than the
 88 expiration of a term.

89 (2) An applicant shall use the application feature on the governor's website described in

90 Subsection 67-1-2.5(4) to apply for a vacant appointed board member position.

91 (3) The application feature described in Subsection (2) shall require the applicant to
92 provide information including:

93 (a) the applicant's name;

94 (b) the applicant's current employment; and

95 (c) the applicant's affiliation with public and private entities, including employment, in
96 the five years on or before the day on which the applicant submits the application.

97 **Section 5. Effective date.**

98 If approved by two-thirds of all the members elected to each house, this bill takes effect
99 upon approval by the governor, or the day following the constitutional time limit of Utah
100 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
101 the date of veto override.

102 **Section 6. Retrospective operation.**

103 This bill has retrospective operation to December 1, 2023.