

**BOARDS AND COMMISSIONS REVISIONS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Calvin R. Musselman

**LONG TITLE**

**General Description:**

This bill modifies provisions related to boards and commissions.

**Highlighted Provisions:**

This bill:

clarifies that, when the governor makes an appointment to a board, commission, or similar entity that requires the advice and consent of the Senate, the governor's new appointment, reappointment, or vacancy appointment of an individual to that board, commission, or similar entity also requires the advice and consent of the Senate; and

makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**4-18-104**, as last amended by Laws of Utah 2020, Chapters 352, 373

**7-1-203**, as last amended by Laws of Utah 2020, Chapter 352

**9-6-301**, as repealed and reenacted by Laws of Utah 2020, Chapter 419

**9-8-204**, as last amended by Laws of Utah 2023, Chapter 160



- 28 **11-68-301**, as renumbered and amended by Laws of Utah 2023, Chapter 502
- 29 **17B-2a-807.1**, as last amended by Laws of Utah 2021, Chapter 239
- 30 **17B-2a-807.2**, as last amended by Laws of Utah 2022, Chapter 259
- 31 **17B-2a-1005**, as last amended by Laws of Utah 2020, Chapter 352
- 32 **19-2-103**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 33 **19-4-103**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 34 **19-5-103**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 35 **23A-2-301**, as last amended by Laws of Utah 2023, Chapter 211 and renumbered and
- 36 amended by Laws of Utah 2023, Chapter 103
- 37 **23A-2-303**, as last amended by Laws of Utah 2023, Chapter 211 and renumbered and
- 38 amended by Laws of Utah 2023, Chapter 103
- 39 **26B-1-409**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 40 **26B-1-412**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 41 **26B-1-413**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 42 **26B-1-426**, as renumbered and amended by Laws of Utah 2023, Chapter 305
- 43 **26B-1-429**, as last amended by Laws of Utah 2023, Chapter 435 and renumbered and
- 44 amended by Laws of Utah 2023, Chapter 305
- 45 **32B-2-205**, as last amended by Laws of Utah 2022, Chapter 447
- 46 **35A-8-304**, as last amended by Laws of Utah 2022, Chapter 427
- 47 **35A-8-2103**, as last amended by Laws of Utah 2020, Chapters 352, 365 and 373
- 48 **40-6-4**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 49 **51-7-16**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 50 **51-10-206**, as last amended by Laws of Utah 2020, Chapter 352
- 51 **53B-2-104**, as last amended by Laws of Utah 2021, Chapter 187
- 52 **59-1-201**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 53 **61-1-18.5**, as last amended by Laws of Utah 2020, Chapter 352
- 54 **61-2g-204**, as last amended by Laws of Utah 2021, Chapter 259
- 55 **63A-15-201**, as last amended by Laws of Utah 2023, Chapter 16
- 56 **63G-2-501**, as last amended by Laws of Utah 2021, Chapter 344
- 57 **63M-7-504**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 58 **63M-7-902**, as enacted by Laws of Utah 2023, Chapter 150

59           **63N-7-201**, as repealed and reenacted by Laws of Utah 2022, Chapter 362  
60           **78A-11-103 (Superseded 07/01/24)**, as last amended by Laws of Utah 2020, Chapters  
61 352, 373  
62           **78A-11-103 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 394  
63           **78B-22-402**, as last amended by Laws of Utah 2021, Chapter 228  
64           **80-5-702**, as enacted by Laws of Utah 2021, Chapter 261

---



---

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

67           Section 1. Section **4-18-104** is amended to read:

68           **4-18-104. Conservation Commission created -- Composition -- Appointment --**  
69 **Terms -- Compensation -- Attorney general to provide legal assistance.**

70           (1) There is created within the department the Conservation Commission to perform  
71 the functions specified in this chapter.

72           (2) The Conservation Commission shall be composed of:

73           (a) 12 voting members, including:

74           (i) the director of the Extension Service at Utah State University or the director's  
75 designee;

76           (ii) the executive director of the Department of Natural Resources or the executive  
77 director's designee;

78           (iii) the executive director of the Department of Environmental Quality or the  
79 executive director's designee;

80           (iv) the president of the County Weed Supervisors Association or the president's  
81 designee; and

82           (v) seven district supervisors who provide district representation on the commission on  
83 a multicounty basis; and

84           (b) the commissioner or the commissioner's designee.

85           (3) If a district supervisor is unable to attend a meeting, the district supervisor may  
86 designate an alternate to serve in the place of the district supervisor for that meeting.

87           (4) None of the members described in Subsection (2)(a)(v) or (3) may serve on an  
88 association that represents a conservation district.

89           (5) (a) The commissioner or the commissioner's designee shall serve as chair of the

90 Conservation Commission.

91 (b) The commissioner or the commissioner's designee may not vote except in the event  
92 of a tie, in which case the commissioner or the commissioner's designee shall cast the deciding  
93 vote.

94 (6) The members of the commission specified in Subsection (2)(a)(v) shall:

95 (a) be recommended by the commission to the governor; and

96 (b) be appointed by the governor with the advice and consent of the Senate in  
97 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

98 (7) (a) Except as required by Subsection (7)(b), as terms of current commission  
99 members expire, the governor shall appoint each new member or reappointed member to a  
100 four-year term.

101 (b) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the  
102 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
103 commission members are staggered so that approximately half of the commission is appointed  
104 every two years.

105 (c) A commission member may not be appointed to more than two consecutive terms.

106 (8) When a vacancy occurs in the membership for any reason, the replacement shall be  
107 appointed for the unexpired term.

108 (9) When the governor makes a new appointment or reappointment under Subsection  
109 (7)(a), or a vacancy appointment under Subsection (8), the governor's new appointment,  
110 reappointment, or vacancy appointment shall be made with the advice and consent of the  
111 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

112 [~~9~~] (10) Attendance of six voting members of the commission at a meeting  
113 constitutes a quorum.

114 [~~10~~] (11) A member may not receive compensation or benefits for the member's  
115 service, but may receive per diem and travel expenses in accordance with:

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

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

118 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
119 63A-3-107.

120 [~~11~~] (12) The commission shall keep a record of the commission's actions.

121            [~~(12)~~] (13) The attorney general shall provide legal services to the commission upon  
122 request.

123            [~~(13)~~] (14) A member shall comply with the conflict of interest provisions described in  
124 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

125            Section 2. Section **7-1-203** is amended to read:

126            **7-1-203. Board of Financial Institutions.**

127            (1) There is created a Board of Financial Institutions consisting of the commissioner  
128 and the following five members, who shall be qualified by training and experience in their  
129 respective fields and shall be appointed or reappointed by the governor with the advice and  
130 consent of the Senate:

131            (a) one representative from the commercial banking business;

132            (b) one representative from the consumer lending, money services business, or escrow  
133 agency business;

134            (c) one representative from the industrial bank business;

135            (d) one representative from the credit union business; and

136            (e) one representative of the general public who, as a result of education, training,  
137 experience, or interest, is well qualified to consider economic and financial issues and data as  
138 they may affect the public interest in the soundness of the financial systems of this state.

139            (2) The commissioner shall act as chair.

140            (3) (a) A member of the board shall be a resident of this state.

141            (b) No more than three members of the board may be from the same political party.

142            (c) No more than two members of the board may be connected with the same financial  
143 institution or its holding company.

144            (d) A member may not participate in any matter involving an institution with which the  
145 member has a conflict of interest.

146            (4) (a) Except as required by Subsection (4)(b), the terms of office shall be four years  
147 each expiring on July 1.

148            (b) The governor shall, at the time of appointment or reappointment, adjust the length  
149 of terms to ensure that the terms of board members are staggered so that approximately half of  
150 the board is appointed every two years.

151            (c) A member serves until the member's successor is appointed and qualified.

152 (d) When a vacancy occurs in the membership for any reason, the governor shall, with  
153 the advice and consent of the Senate, appoint a replacement for the unexpired term.

154 (5) (a) The board shall meet at least quarterly on a date the board sets.

155 (b) The commissioner or any two members of the board may call additional meetings.

156 (c) Four members constitute a quorum for the transaction of business.

157 (d) Actions of the board require a vote of a majority of those present when a quorum is  
158 present.

159 (e) A meeting of the board and records of the board's proceedings are subject to Title  
160 52, Chapter 4, Open and Public Meetings Act, except for discussion of confidential  
161 information pertaining to a particular financial institution.

162 (6) (a) A member of the board shall, by sworn or written statement filed with the  
163 commissioner, disclose any position of employment or ownership interest that the member has  
164 with respect to any institution subject to the jurisdiction of the department.

165 (b) The member shall:

166 (i) file the statement required by this Subsection (6) when first appointed to the board;  
167 and

168 (ii) subsequently file amendments to the statement if there is any material change in the  
169 matters covered by the statement.

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

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

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

174 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
175 63A-3-107.

176 (8) The board shall advise the commissioner with respect to:

177 (a) the exercise of the commissioner's duties, powers, and responsibilities under this  
178 title; and

179 (b) the organization and performance of the department and its employees.

180 (9) The board shall recommend annually to the governor and the Legislature a budget  
181 for the requirements of the department in carrying out its duties, functions, and responsibilities  
182 under this title.

183 Section 3. Section **9-6-301** is amended to read:

184 **9-6-301. Utah Arts Advisory Board.**

185 (1) There is created within the division the Utah Arts Advisory Board.

186 (2) (a) Except as provided in Subsections (2)(b) and (2)(f), the arts board shall consist  
187 of 13 members appointed or reappointed by the governor to four-year terms with the advice and  
188 consent of the Senate.

189 (b) The governor shall, at the time of appointment or reappointment, adjust the length  
190 of terms to ensure that the terms of arts board members are staggered so that approximately  
191 half of the arts board is appointed every two years.

192 (c) The governor shall appoint eight members who are working artists or  
193 administrators, one from each of the following areas:

194 (i) visual arts;

195 (ii) architecture or design;

196 (iii) literature;

197 (iv) music;

198 (v) folk, traditional, or native arts;

199 (vi) theater;

200 (vii) dance; and

201 (viii) media arts.

202 (d) The governor shall appoint three members who are knowledgeable in or  
203 appreciative of the arts.

204 (e) The governor shall appoint two members who have expertise in technology,  
205 marketing, business, or finance.

206 (f) Before January 1, 2026, the governor may appoint up to three additional members  
207 who are knowledgeable in or appreciative of the arts:

208 (i) for terms that shall end before January 1, 2026; and

209 (ii) in which case the arts board may consist of up to 16 members until January 1,  
210 2026.

211 (3) The governor shall appoint members from the state at large with due consideration  
212 for geographical representation.

213 (4) When a vacancy occurs in the membership for any reason, the governor shall,

214 within 30 days after the date on which the vacancy occurs, appoint a replacement [member for  
215 the unexpired term within one month from the time of the vacancy], with the advice and  
216 consent of the Senate, for the unexpired term.

217 (5) A simple majority of the voting members of the arts board constitutes a quorum for  
218 the transaction of business.

219 (6) (a) The arts board members shall elect a chair and a vice chair from among the arts  
220 board's members.

221 (b) The chair and the vice chair shall serve a term of two years.

222 (7) The arts board shall meet at least once each year.

223 (8) A member of the arts board may not receive compensation or benefits for the  
224 member's service, but may receive per diem and travel expenses in accordance with:

225 (a) Sections 63A-3-106 and 63A-3-107; and

226 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
227 63A-3-107.

228 (9) Except as provided in Subsection (8), a member may not receive any gifts, prizes,  
229 or awards of money from division funds during the member's term of office.

230 Section 4. Section 9-8-204 is amended to read:

231 **9-8-204. Board of State History.**

232 (1) There is created within the department the Board of State History.

233 (2) The board shall consist of 11 members appointed or reappointed by the governor  
234 with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2,  
235 Vacancies, who are persons with an interest in the subject matter of the society's  
236 responsibilities.

237 (3) (a) Except as required by Subsection (3)(b), the members shall be appointed for  
238 terms of four years and shall serve until their successors are appointed and qualified.

239 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
240 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
241 board members are staggered so that approximately half of the board is appointed every two  
242 years.

243 (4) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~  
244 ~~appointed for the unexpired term with the consent of the Senate]~~ the governor shall, with the



245 advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies,  
246 appoint a replacement for the unexpired term.

247 (5) A simple majority of the board constitutes a quorum for conducting board business.

248 (6) The governor shall select a chair and vice chair from the board members.

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

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

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

253 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
254 63A-3-107.

255 (8) A member shall comply with the conflict of interest provisions described in Title  
256 63G, Chapter 24, Part 3, Conflicts of Interest.

257 Section 5. Section 11-68-301 is amended to read:

258 **11-68-301. Board -- Membership -- Term -- Quorum -- Vacancies -- Duties.**

259 (1) The authority is governed by a board.

260 (2) The board is composed of:

261 (a) the director of the Division of Facilities Construction and Management or the  
262 director's designee;

263 (b) the commissioner of agriculture and food or the commissioner's designee;

264 (c) two members, appointed by the president of the Senate:

265 (i) who have business related experience; and

266 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

267 (d) two members, appointed by the speaker of the House:

268 (i) who have business related experience; and

269 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

270 (e) five members, of whom only one may be a legislator, in accordance with

271 Subsection (3)(e), appointed by the governor with the advice and consent of the Senate in  
272 accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

273 (i) two members who represent agricultural interests;

274 (ii) two members who have business related experience; and

275 (iii) one member who is recommended by the Utah Farm Bureau Federation;

276 (f) one member, appointed by the mayor of Salt Lake City with the advice and consent  
277 of the Senate, who is a resident of the neighborhood located adjacent to the fair park land;

278 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed  
279 lease agreement with the authority; and

280 (h) a representative of the Days of '47 Rodeo.

281 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under  
282 Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years  
283 after the year that the board member was appointed.

284 (ii) In making appointments to the board, the president of the Senate, the speaker of the  
285 House, the governor, and the mayor of Salt Lake City shall ensure that the terms of  
286 approximately 1/4 of the appointed board members expire each year.

287 (b) Except as provided in Subsection (3)(c), appointed board members serve until their  
288 successors are appointed and qualified.

289 (c) (i) If an appointed board member is absent from three consecutive board meetings  
290 without excuse, that member's appointment is terminated, the position is vacant, and the  
291 individual who appointed the board member shall appoint a replacement in accordance with the  
292 procedures described in this section.

293 (ii) The president of the Senate, the speaker of the House of Representatives, the  
294 governor, or the mayor of Salt Lake City, as applicable, may remove an appointed member of  
295 the board at will.

296 (d) The president of the Senate, the speaker of the House of Representatives, the  
297 governor, or the mayor of Salt Lake City, as appropriate, shall fill [~~any~~] a vacancy that occurs  
298 on the board for any reason by appointing an individual in accordance with the procedures  
299 described in this section for the unexpired term of the vacated member.

300 (e) No more than a combined total of two legislators may be appointed under  
301 Subsections (2)(c), (d), and (e).

302 (4) The governor shall select the board's chair.

303 (5) A majority of the members of the board is a quorum for the transaction of business.

304 (6) The board may elect a vice chair and any other board offices.

305 (7) The board may create one or more subcommittees to advise the board on any issue  
306 related to the state fair park.

307 (8) A member described in Subsection (2)(e) shall comply with the conflict of interest  
308 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

309 (9) The board shall create and may, as the board considers appropriate, modify:

310 (a) a business plan for the authority;

311 (b) a financial plan for the authority that projects self-sufficiency for the authority  
312 within two years; and

313 (c) a master plan for the fair park land.

314 Section 6. Section **17B-2a-807.1** is amended to read:

315 **17B-2a-807.1. Large public transit district board of trustees -- Appointment --**  
316 **Quorum -- Compensation -- Terms.**

317 (1) (a) For a large public transit district, the board of trustees shall consist of three  
318 members appointed as described in Subsection (1)(b).

319 (b) (i) The governor, with advice and consent of the Senate, shall appoint the members  
320 of the board of trustees, making an appointment from nominations given from each region  
321 created in Subsection (1)(b)(ii).

322 (ii) (A) Before creation of a large public transit district, the political subdivision or  
323 subdivisions forming the large public transit district shall submit to the Legislature for approval  
324 a proposal for the creation of three regions for nominating members to the board of trustees of  
325 the large public transit district.

326 (B) For a large public transit district created after January 1, 2019, the Legislature, after  
327 receiving and considering the proposal described in Subsection (1)(b)(ii)(A), shall designate  
328 three regions for nominating members to the board of trustees of the large public transit  
329 district, and further describe the process for nomination for appointment to the board of  
330 trustees.

331 (c) Each nominee shall be a qualified executive with technical and administrative  
332 experience and training appropriate for the position.

333 (d) The board of trustees of a large public transit district shall be full-time employees  
334 of the public transit district.

335 (e) The compensation package for the board of trustees shall be determined by a local  
336 advisory council as described in Section [17B-2a-808.2](#).

337 (f) (i) Subject to Subsection (1)(f)(iii), for a board of trustees of a large public transit

338 district, "quorum" means at least two members of the board of trustees.

339 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.

340 (iii) A meeting of a quorum of the board of trustees of a large public transit district is  
341 subject to Section [52-4-103](#) regarding convening of a three-member board of trustees and what  
342 constitutes a public meeting.

343 (2) (a) Subject to Subsections (3), (4), and (7), each member of the board of trustees of  
344 a large public transit district shall serve for a term of four years.

345 (b) A member of the board of trustees may serve an unlimited number of terms.

346 (3) Each member of the board of trustees of a large public transit district shall serve at  
347 the pleasure of the governor.

348 (4) The first time the board of trustees is appointed under this section, the governor  
349 shall stagger the initial term of each of the members of the board of trustees as follows:

350 (a) one member of the board of trustees shall serve an initial term of two years;

351 (b) one member of the board of trustees shall serve an initial term of three years; and

352 (c) one member of the board of trustees shall serve an initial term of four years.

353 (5) The governor shall designate one member of the board of trustees as chair of the  
354 board of trustees.

355 (6) (a) If a vacancy occurs, the nomination and appointment procedures to replace the  
356 individual shall occur in the same manner described in Subsection (1) for the member creating  
357 the vacancy.

358 (b) A replacement board member shall serve for the remainder of the unexpired term,  
359 but may serve an unlimited number of terms as provided in Subsection (2)(b).

360 (c) If the nominating officials under Subsection (1) do not nominate to fill the vacancy  
361 within 60 days, the governor shall, with the advice and consent of the Senate, appoint an  
362 individual to fill the vacancy.

363 (7) Each board of trustees member shall serve until a successor is duly nominated,  
364 appointed, and qualified, unless the board of trustees member is removed from office or resigns  
365 or otherwise leaves office.

366 Section 7. Section **17B-2a-807.2** is amended to read:

367 **17B-2a-807.2. Existing large public transit district board of trustees --**

368 **Appointment -- Quorum -- Compensation -- Terms.**

369 (1) (a) (i) For a large public transit district created before January 1, 2019, and except  
370 as provided in Subsection (7), the board of trustees shall consist of three members appointed as  
371 described in Subsection (1)(b).

372 (ii) For purposes of a large public transit district created before January 1, 2019, the  
373 nominating regions are as follows:

374 (A) a central region that is Salt Lake County;

375 (B) a southern region that is comprised of Utah County and the portion of Tooele  
376 County that is part of the large public transit district; and

377 (C) a northern region that is comprised of Davis County, Weber County, and the  
378 portion of Box Elder County that is part of the large public transit district.

379 (iii) (A) If a large public transit district created before January 1, 2019, annexes an  
380 additional county into the large public transit district pursuant to Section 17B-1-402, following  
381 the issuance of the certificate of annexation by the lieutenant governor, the political  
382 subdivisions making up the large public transit district shall submit to the Legislature for  
383 approval a proposal for the creation of three regions for nominating members to the board of  
384 trustees of the large public transit district.

385 (B) If a large public transit district created before January 1, 2019, has a change to the  
386 boundaries of the large public transit district, the Legislature, after receiving and considering  
387 the proposal described in Subsection (1)(a)(iii)(A), shall designate the three regions for  
388 nominating members to the board of trustees of the large public transit district.

389 (b) ~~(f)~~ Except as provided in Subsection (5), the governor, with advice and consent of  
390 the Senate, shall appoint the members of the board of trustees, making:

391 ~~(A)~~ (i) one appointment from individuals nominated from the central region as  
392 described in Subsection (2);

393 ~~(B)~~ (ii) one appointment from individuals nominated from the southern region  
394 described in Subsection (3); and

395 ~~(C)~~ (iii) one appointment from individuals nominated from the northern region  
396 described in Subsection (4).

397 (2) For the appointment from the central region, the governor shall appoint one  
398 individual selected from five individuals nominated as follows:

399 (a) two individuals nominated by the council of governments of Salt Lake County; and

400 (b) three individuals nominated by the mayor of Salt Lake County, with approval of the  
401 Salt Lake County council.

402 (3) For the appointment from the southern region, the governor shall appoint one  
403 individual selected from five individuals nominated as follows:

404 (a) two individuals nominated by the council of governments of Utah County;

405 (b) two individuals nominated by the county commission of Utah County; and

406 (c) one individual nominated by the county commission of Tooele County.

407 (4) For the appointment from the northern region, the governor shall appoint one  
408 individual selected from five individuals nominated as follows:

409 (a) one individual nominated by the council of governments of Davis County;

410 (b) one individual nominated by the council of governments of Weber County;

411 (c) one individual nominated by the county commission of Davis County;

412 (d) one individual nominated by the county commission of Weber County; and

413 (e) one individual nominated by the county commission of Box Elder County.

414 (5) (a) The nominating counties described in Subsections (2) through (4) shall ensure  
415 that nominations are submitted to the governor no later than June 1 of each respective  
416 nominating year.

417 (b) If the governor fails to appoint one of the individuals nominated as described in  
418 Subsection (2), (3), or (4), as applicable, within 60 days of the nominations, the following  
419 appointment procedures apply:

420 (i) for an appointment for the central region, the Salt Lake County council shall appoint  
421 an individual, with [~~confirmation by~~] the advice and consent of the Senate;

422 (ii) for an appointment for the southern region, the Utah County commission shall  
423 appoint an individual, in consultation with the Tooele County commission, with [~~confirmation~~  
424 ~~by the~~] the advise and consent of the Senate; and

425 (iii) for an appointment for the northern region, the Davis County commission and the  
426 Weber County commission, collectively, and in consultation with the Box Elder County  
427 commission, shall appoint an individual, with [~~confirmation by~~] the advice and consent of the  
428 Senate.

429 (6) (a) Each nominee shall be a qualified executive with technical and administrative  
430 experience and training appropriate for the position.

431 (b) The board of trustees of a large public transit district shall be full-time employees  
432 of the public transit district.

433 (c) The compensation package for the board of trustees shall be determined by the local  
434 advisory council as described in Section [17B-2a-808.2](#).

435 (d) (i) Subject to Subsection (6)(d)(iii), for a board of trustees of a large public transit  
436 district, "quorum" means at least two members of the board of trustees.

437 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.

438 (iii) A meeting of a quorum of a board of trustees of a large public transit district is  
439 subject to Section [52-4-103](#) regarding convening of a three-member board of trustees and what  
440 constitutes a public meeting.

441 (7) (a) Subject to Subsection (8), each member of the board of trustees of a large public  
442 transit district shall serve for a term of four years.

443 (b) A member of the board of trustees may serve an unlimited number of terms.

444 (c) Notwithstanding Subsection (2), (3), or (4), as applicable, at the expiration of a  
445 term of a member of the board of trustees, if the respective nominating entities and individuals  
446 for the respective region described in Subsection (2), (3), or (4), unanimously agree to retain  
447 the existing member of the board of trustees, the respective nominating individuals or bodies  
448 described in Subsection (2), (3), or (4) are not required to make nominations to the governor,  
449 and the governor may, with the advice and consent of the Senate, reappoint the existing  
450 member to the board of trustees.

451 (8) Each member of the board of trustees of a large public transit district shall serve at  
452 the pleasure of the governor.

453 (9) Subject to Subsections (7) and (8), a board of trustees of a large public transit  
454 district that is in place as of February 1, 2019, may remain in place.

455 (10) The governor shall designate one member of the board of trustees as chair of the  
456 board of trustees.

457 (11) (a) If a vacancy occurs, the nomination and appointment procedures to replace the  
458 individual shall occur in the same manner described in Subsection (1)(b), Subsection (2), (3),  
459 or (4), and, if applicable, Subsection (5), for the respective member of the board of trustees  
460 creating the vacancy.

461 (b) If a vacancy occurs on the board of trustees of a large public transit district, the

462 respective nominating region shall nominate individuals to the governor as described in this  
463 section within 60 days after the date the vacancy occurs.

464 (c) If the respective nominating region does not nominate to fill the vacancy within 60  
465 days, the governor shall, with the advice and consent of the Senate, appoint an individual to fill  
466 the vacancy.

467 (d) A replacement board member shall serve for the remainder of the unexpired term,  
468 but may serve an unlimited number of terms as provided in Subsection (7)(b).

469 Section 8. Section **17B-2a-1005** is amended to read:

470 **17B-2a-1005. Water conservancy district board of trustees -- Selection of**  
471 **members -- Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Authority.**

472 (1) Members of the board of trustees for a water conservancy district shall be:

473 (a) elected in accordance with:

474 (i) the petition or resolution that initiated the process of creating the water conservancy  
475 district; and

476 (ii) Section [17B-1-306](#);

477 (b) appointed in accordance with Subsection (2); or

478 (c) elected under Subsection (4)(a).

479 (2) (a) If the members of the board of trustees are appointed, within 45 days after the  
480 day on which a water conservancy district is created as provided in Section [17B-1-215](#), the  
481 board of trustees shall be appointed as provided in this Subsection (2).

482 (b) For a district located entirely within the boundaries of a single county, the county  
483 legislative body of that county shall appoint each trustee.

484 (c) (i) For a district located in more than a single county, the governor, with the advice  
485 and consent of the Senate, shall appoint each trustee from nominees submitted as provided in  
486 this Subsection (2)(c).

487 (ii) (A) Except as provided in Subsection (2)(c)(ii)(B), in a division composed solely of  
488 municipalities, the legislative body of each municipality within the division shall submit two  
489 nominees per trustee.

490 (B) The legislative body of a municipality may submit fewer than two nominees per  
491 trustee if the legislative body certifies in writing to the governor that the legislative body is  
492 unable, after reasonably diligent effort, to identify two nominees who are willing and qualified



493 to serve as trustee.

494 (iii) (A) Except as provided in Subsection (2)(c)(iii)(B), in all other divisions, the  
495 county legislative body of the county in which the division is located shall submit three  
496 nominees per trustee.

497 (B) The county legislative body may submit fewer than three nominees per trustee if  
498 the county legislative body certifies in writing to the governor that the county legislative body  
499 is unable, after reasonably diligent effort, to identify three nominees who are willing and  
500 qualified to serve as trustee.

501 (iv) If a trustee represents a division located in more than one county, the county  
502 legislative bodies of those counties shall collectively compile the list of three nominees.

503 (v) For purposes of this Subsection (2)(c), a municipality that is located in more than  
504 one county shall be considered to be located in only the county in which more of the municipal  
505 area is located than in any other county.

506 (d) In districts where substantial water is allocated for irrigated agriculture, one trustee  
507 appointed in that district shall be a person who owns irrigation rights and uses those rights as  
508 part of that person's livelihood.

509 (3) (a) The board shall give written notice of the upcoming vacancy in an appointed  
510 trustee's term and the date when the trustee's term expires to the county legislative body in  
511 single county districts and to the nominating entities and the governor in all other districts:

512 (i) if the upcoming vacancy is in a single county district, at least 90 days before the  
513 expiration of the trustee's term; and

514 (ii) for all other districts, on or before October 1 before the expiration of the appointed  
515 trustee's term.

516 (b) (i) Upon receipt of the notice of the expiration of an appointed trustee's term or  
517 notice of a vacancy in the office of an appointed trustee, the county or municipal legislative  
518 body, as the case may be, shall nominate candidates to fill the unexpired term of office  
519 pursuant to Subsection (2).

520 (ii) If a trustee is to be appointed by the governor and the entity charged with  
521 nominating candidates has not submitted the list of nominees within 90 days after service of  
522 the notice, the governor shall, with the advice and consent of the Senate, make the appointment  
523 from qualified candidates without consultation with the county or municipal legislative body.

524 (iii) If the governor fails to appoint, the incumbent shall continue to serve until a  
525 successor is appointed and qualified.

526 (iv) Appointment by the governor vests in the appointee, upon qualification, the  
527 authority to discharge the duties of trustee, subject only to the advice and consent of the Senate.

528 (c) Each trustee shall hold office during the term for which appointed and until a  
529 successor is duly appointed and has qualified.

530 (4) (a) Members of the board of trustees of a water conservancy district shall be  
531 elected, if, subject to Subsection (4)(b):

532 (i) two-thirds of all members of the board of trustees of the water conservancy district  
533 vote in favor of changing to an elected board; and

534 (ii) the legislative body of each municipality or county that appoints a member to the  
535 board of trustees adopts a resolution approving the change to an elected board.

536 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten  
537 the term of any member of the board of trustees serving at the time of the change.

538 (5) The board of trustees of a water conservancy district shall consist of:

539 (a) except as provided in Subsection (5)(b), not more than 11 persons who are residents  
540 of the district; or

541 (b) if the district consists of five or more counties, not more than 21 persons who are  
542 residents of the district.

543 (6) If an elected trustee's office is vacated, the vacated office shall be filled in  
544 accordance with Section [17B-1-303](#).

545 (7) Each trustee shall furnish a corporate surety bond at the expense of the district,  
546 conditioned for the faithful performance of duties as a trustee.

547 (8) (a) The board of trustees of a water conservancy district may:

548 (i) make and enforce all reasonable rules and regulations for the management, control,  
549 delivery, use, and distribution of water;

550 (ii) withhold the delivery of water with respect to which there is a default or  
551 delinquency of payment;

552 (iii) provide for and declare a forfeiture of the right to the use of water upon the default  
553 or failure to comply with an order, contract, or agreement for the purchase, lease, or use of  
554 water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has

555 been declared;

556 (iv) allocate and reallocate the use of water to lands within the district;

557 (v) provide for and grant the right, upon terms, to transfer water from lands to which  
558 water has been allocated to other lands within the district;

559 (vi) create a lien, as provided in this part, upon land to which the use of water is  
560 transferred;

561 (vii) discharge a lien from land to which a lien has attached; and

562 (viii) subject to Subsection (8)(b), enter into a written contract for the sale, lease, or  
563 other disposition of the use of water.

564 (b) (i) A contract under Subsection (8)(a)(viii) may provide for the use of water  
565 perpetually or for a specified term.

566 (ii) (A) If a contract under Subsection (8)(a)(viii) makes water available to the  
567 purchasing party without regard to actual taking or use, the board may require that the  
568 purchasing party give security for the payment to be made under the contract, unless the  
569 contract requires the purchasing party to pay for certain specified annual minimums.

570 (B) The security requirement under Subsection (8)(b)(ii)(A) in a contract with a public  
571 entity may be met by including in the contract a provision for the public entity's levy of a  
572 special assessment to make annual payments to the district.

573 Section 9. Section **19-2-103** is amended to read:

574 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**  
575 **and expenses.**

576 (1) The board consists of the following nine members:

577 (a) the following non-voting member, except that the member may vote to break a tie  
578 vote between the voting members:

579 (i) the executive director; or

580 (ii) an employee of the department designated by the executive director; and

581 (b) the following eight voting members, who shall be appointed or reappointed by the  
582 governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24,  
583 Part 2, Vacancies:

584 (i) one representative who:

585 (A) is not connected with industry;

- 586 (B) is an expert in air quality matters; and  
587 (C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist  
588 with relevant training and experience;
- 589 (ii) two government representatives who do not represent the federal government;  
590 (iii) one representative from the mining industry;  
591 (iv) one representative from the fuels industry;  
592 (v) one representative from the manufacturing industry;  
593 (vi) one representative from the public who represents:  
594 (A) an environmental nongovernmental organization; or  
595 (B) a nongovernmental organization that represents community interests and does not  
596 represent industry interests; and  
597 (vii) one representative from the public who is trained and experienced in public  
598 health.
- 599 (2) A member of the board shall:  
600 (a) be knowledgeable about air pollution matters, as evidenced by a professional  
601 degree, a professional accreditation, or documented experience;  
602 (b) be a resident of Utah;  
603 (c) attend board meetings in accordance with the attendance rules made by the  
604 department under Subsection 19-1-201(1)(d)(i)(A); and  
605 (d) comply with all applicable statutes, rules, and policies, including the conflict of  
606 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest, and the  
607 conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- 608 (3) No more than five of the appointed members of the board shall belong to the same  
609 political party.
- 610 (4) A majority of the members of the board may not derive any significant portion of  
611 their income from persons subject to permits or orders under this chapter.
- 612 (5) (a) Members shall be appointed for a term of four years.  
613 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
614 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
615 board members are staggered so that half of the appointed board is appointed every two years.
- 616 (6) A member may serve more than one term.

617 (7) A member shall hold office until the expiration of the member's term and until the  
618 member's successor is appointed, but not more than 90 days after the expiration of the  
619 member's term.

620 (8) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~  
621 ~~appointed for the unexpired term~~] the governor shall, with the advice and consent of the Senate  
622 in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the  
623 unexpired term.

624 (9) The board shall elect annually a chair and a vice chair from its members.

625 (10) (a) The board shall meet at least quarterly.

626 (b) Special meetings may be called by the chair upon the chair's own initiative, upon  
627 the request of the director, or upon the request of three members of the board.

628 (c) Three days' notice shall be given to each member of the board before a meeting.

629 (11) Five members constitute a quorum at a meeting, and the action of a majority of  
630 members present is the action of the board.

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

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

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

635 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
636 63A-3-107.

637 Section 10. Section 19-4-103 is amended to read:

638 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**  
639 **diem and expenses.**

640 (1) The board consists of the following nine members:

641 (a) the following non-voting member, except that the member may vote to break a tie  
642 vote between the voting members:

643 (i) the executive director; or

644 (ii) an employee of the department designated by the executive director; and

645 (b) the following eight voting members, who shall be appointed by the governor with  
646 the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
647 Vacancies:

- 648 (i) one representative who is a Utah-licensed professional engineer with expertise in  
649 civil or sanitary engineering;
- 650 (ii) two representatives who are elected officials from a municipal government that is  
651 involved in the management or operation of a public water system;
- 652 (iii) one representative from an improvement district, a water conservancy district, or a  
653 metropolitan water district;
- 654 (iv) one representative from an entity that manages or operates a public water system;
- 655 (v) one representative from:
- 656 (A) the state water research community; or  
657 (B) an institution of higher education that has comparable expertise in water research  
658 to the state water research community;
- 659 (vi) one representative from the public who represents:
- 660 (A) an environmental nongovernmental organization; or  
661 (B) a nongovernmental organization that represents community interests and does not  
662 represent industry interests; and
- 663 (vii) one representative from the public who is trained and experienced in public  
664 health.
- 665 (2) A member of the board shall:
- 666 (a) be knowledgeable about drinking water and public water systems, as evidenced by a  
667 professional degree, a professional accreditation, or documented experience;
- 668 (b) represent different geographical areas within the state insofar as practicable;
- 669 (c) be a resident of Utah;
- 670 (d) attend board meetings in accordance with the attendance rules made by the  
671 department under Subsection 19-1-201(1)(d)(i)(A); and
- 672 (e) comply with all applicable statutes, rules, and policies, including the conflict of  
673 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the conflict of  
674 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 675 (3) No more than five appointed members of the board shall be from the same political  
676 party.
- 677 (4) (a) As terms of current board members expire, the governor shall appoint each new  
678 member or reappointed member to a four-year term.

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

682 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is  
683 appointed before May 1, 2013, shall expire on April 30, 2013.

684 (ii) On May 1, 2013, the governor shall appoint or reappoint board members in  
685 accordance with this section.

686 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
687 appointed for the unexpired term.

688 (6) When the governor makes a new appointment or reappointment under Subsection  
689 (4)(a), or a vacancy appointment under Subsection (5), the governor's new appointment,  
690 reappointment, or vacancy appointment shall be with the advice and consent of the Senate in  
691 accordance with Title 63G, Chapter 24, Part 2, Vacancies.

692 [~~6~~] (7) Each member holds office until the expiration of the member's term, and until  
693 a successor is appointed, but not for more than 90 days after the expiration of the term.

694 [~~7~~] (8) The board shall elect annually a chair and a vice chair from its members.

695 [~~8~~] (9) (a) The board shall meet at least quarterly.

696 (b) Special meetings may be called by the chair upon the chair's own initiative, upon  
697 the request of the director, or upon the request of three members of the board.

698 (c) Reasonable notice shall be given to each member of the board before any meeting.

699 [~~9~~] (10) Five members constitute a quorum at any meeting and the action of the  
700 majority of the members present is the action of the board.

701 [~~10~~] (11) A member may not receive compensation or benefits for the member's  
702 service, but may receive per diem and travel expenses in accordance with:

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

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

705 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
706 63A-3-107.

707 Section 11. Section 19-5-103 is amended to read:

708 **19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --**  
709 **Organization -- Meetings -- Per diem and expenses.**

- 710 (1) The board consists of the following nine members:
- 711 (a) the following non-voting member, except that the member may vote to break a tie
- 712 vote between the voting members:
- 713 (i) the executive director; or
- 714 (ii) an employee of the department designated by the executive director; and
- 715 (b) the following eight voting members, who shall be appointed or reappointed by the
- 716 governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24,
- 717 Part 2, Vacancies:
- 718 (i) one representative who:
- 719 (A) is an expert and has relevant training and experience in water quality matters;
- 720 (B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist
- 721 with relevant training and experience; and
- 722 (C) represents local and special service districts in the state;
- 723 (ii) two government representatives who do not represent the federal government;
- 724 (iii) one representative from the mineral industry;
- 725 (iv) one representative from the manufacturing industry;
- 726 (v) one representative who represents agricultural and livestock interests;
- 727 (vi) one representative from the public who represents:
- 728 (A) an environmental nongovernmental organization; or
- 729 (B) a nongovernmental organization that represents community interests and does not
- 730 represent industry interests; and
- 731 (vii) one representative from the public who is trained and experienced in public
- 732 health.
- 733 (2) A member of the board shall:
- 734 (a) be knowledgeable about water quality matters, as evidenced by a professional
- 735 degree, a professional accreditation, or documented experience;
- 736 (b) be a resident of Utah;
- 737 (c) attend board meetings in accordance with the attendance rules made by the
- 738 department under Subsection 19-1-201(1)(d)(i)(A); and
- 739 (d) comply with all applicable statutes, rules, and policies, including the conflict of
- 740 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the conflict of



741 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

742 (3) No more than five of the appointed members may be from the same political party.

743 (4) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~  
744 ~~appointed for the unexpired term with the advice and consent of the Senate]~~ the governor shall,  
745 with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
746 Vacancies, appoint a replacement for the unexpired term.

747 (5) (a) A member shall be appointed for a term of four years and is eligible for  
748 reappointment.

749 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
750 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
751 board members are staggered so that half of the appointed board is appointed every two years.

752 (6) A member shall hold office until the expiration of the member's term and until the  
753 member's successor is appointed, not to exceed 90 days after the formal expiration of the term.

754 (7) The board shall:

755 (a) organize and annually select one of its members as chair and one of its members as  
756 vice chair;

757 (b) hold at least four regular meetings each calendar year; and

758 (c) keep minutes of its proceedings which are open to the public for inspection.

759 (8) The chair may call a special meeting upon the request of three or more members of  
760 the board.

761 (9) Each member of the board and the director shall be notified of the time and place of  
762 each meeting.

763 (10) Five members of the board constitute a quorum for the transaction of business,  
764 and the action of a majority of members present is the action of the board.

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

767 (a) Section [63A-3-106](#);

768 (b) Section [63A-3-107](#); and

769 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
770 [63A-3-107](#).

771 Section 12. Section **23A-2-301** is amended to read:

772 **23A-2-301. Wildlife Board created.**

773 (1) There is created a Wildlife Board that consists of seven members appointed by the  
774 governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24,  
775 Part 2, Vacancies.

776 (2) (a) In addition to the requirements of Section 79-2-203, the members of the  
777 Wildlife Board shall have expertise or experience in at least one of the following areas:

- 778 (i) wildlife management or biology;
- 779 (ii) habitat management, including range or aquatic;
- 780 (iii) business, including knowledge of private land issues; and
- 781 (iv) economics, including knowledge of recreational wildlife uses.

782 (b) At least one member of the Wildlife Board shall represent each of the areas of  
783 expertise under Subsection (2)(a).

784 (3) (a) The governor shall select a board member from a list of nominees submitted by  
785 the nominating committee pursuant to Section 23A-2-302.

786 (b) No more than two members shall be from a single wildlife region described in  
787 Subsection 23A-2-303(1).

788 (c) The governor may request an additional list of at least two nominees from the  
789 nominating committee if the initial list of nominees for a given position is unacceptable.

790 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of  
791 the initial or additional list, the nominating committee shall make an interim appointment by  
792 majority vote.

793 (ii) The interim board member shall serve until the matter is resolved by the  
794 nominating committee and the governor or until the board member is replaced pursuant to this  
795 chapter.

796 (4) (a) Except as required by Subsection (4)(b), as terms of current board members  
797 expire, the governor shall appoint a new member or reappointed member to a six-year term.

798 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
799 time of appointment or reappointment, adjust the length of terms to ensure that:

800 (i) the terms of board members are staggered so that approximately one-third of the  
801 Wildlife Board is appointed every two years; and

802 (ii) members serving from the same region have staggered terms.

803 (c) If a vacancy occurs, the nominating committee shall submit at least two names, as  
804 provided in Subsection 23A-2-302(4), to the governor and the governor shall appoint a  
805 replacement for the unexpired term.

806 (d) A board member may serve only one term unless the board member:

807 (i) is among the first board members appointed to serve four years or less; or

808 (ii) filled a vacancy under Subsection (4)(c) for four years or less.

809 (5) When the governor makes a new appointment or reappointment under Subsection  
810 (4)(a), or a vacancy appointment under Subsection (4)(c), the governor's new appointment,  
811 reappointment, or vacancy appointment shall be made with the advice and consent of the  
812 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

813 [~~5~~] (6) (a) The Wildlife Board shall elect a chair and a vice chair from the Wildlife  
814 Board's membership.

815 (b) Four members of the Wildlife Board constitutes a quorum.

816 (c) The director shall act as secretary to the Wildlife Board, but is not a voting member  
817 of the Wildlife Board.

818 [~~6~~] (7) (a) The Wildlife Board shall hold a sufficient number of public meetings each  
819 year to expeditiously conduct the Wildlife Board's business.

820 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in  
821 emergency situations.

822 (c) Meetings may be held at the Salt Lake City office of the division or elsewhere as  
823 determined by the Wildlife Board.

824 [~~7~~] (8) A member may not receive compensation or benefits for the member's service,  
825 but may receive per diem and travel expenses in accordance with:

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

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

828 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
829 63A-3-107.

830 [~~8~~] (9) (a) A member of the Wildlife Board shall complete an orientation course to  
831 assist the member in the performance of the duties of the member's office.

832 (b) The department shall provide the course required under Subsection [~~8~~](a) (9)(a).

833 [~~9~~] (10) A member shall comply with the conflict of interest provisions described in

834 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

835 Section 13. Section **23A-2-303** is amended to read:

836 **23A-2-303. Regional advisory councils created.**

837 (1) There are created five regional advisory councils that consist of 12 to 15 members  
838 each from the wildlife region whose boundaries are established for administrative purposes by  
839 the division.

840 (2) The members shall include individuals who represent the following groups and  
841 interests:

- 842 (a) agriculture;
- 843 (b) sportsmen;
- 844 (c) nonconsumptive wildlife;
- 845 (d) locally elected public officials;
- 846 (e) federal land agencies; and
- 847 (f) the public at large.

848 (3) The executive director, in consultation with the director, shall select the members  
849 from a list of nominees submitted by the respective interest group or agency.

850 (4) The regional advisory councils shall:

851 (a) hear broad input, including recommendations, biological data, and information  
852 regarding the effects of wildlife;

853 (b) gather information from staff, the public, and government agencies; and

854 (c) make recommendations to the Wildlife Board in an advisory capacity.

855 (5) (a) Except as required by Subsection (5)(b), a member shall serve a four-year term.

856 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,  
857 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
858 of council members are staggered so that approximately half of the council is appointed every  
859 two years.

860 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
861 appointed for the unexpired term.

862 (7) The councils shall determine:

863 (a) the time and place of meetings; and

864 (b) a procedural matter not specified in this chapter.

865 (8) Members of the councils shall complete an orientation course described in  
866 Subsection [~~23A-2-301(8)~~] 23A-2-301(9).

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

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

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

871 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
872 63A-3-107.

873 Section 14. Section **26B-1-409** is amended to read:

874 **26B-1-409. Utah Digital Health Service Commission -- Creation -- Membership --**  
875 **Duties.**

876 (1) As used in this section:

877 (a) "Commission" means the Utah Digital Health Service Commission created in this  
878 section.

879 (b) "Digital health service" means the electronic transfer, exchange, or management of  
880 related data for diagnosis, treatment, consultation, educational, public health, or other related  
881 purposes.

882 (2) There is created within the department the Utah Digital Health Service  
883 Commission.

884 (3) The governor shall appoint or reappoint 13 members to the commission with the  
885 advice and consent of the Senate, as follows:

886 (a) a physician who is involved in digital health service;

887 (b) a representative of a health care system or a licensed health care facility as defined  
888 in Section 26B-2-201;

889 (c) a representative of rural Utah, which may be a person nominated by an advisory  
890 committee on rural health issues;

891 (d) a member of the public who is not involved with digital health service;

892 (e) a nurse who is involved in digital health service; and

893 (f) eight members who fall into one or more of the following categories:

894 (i) individuals who use digital health service in a public or private institution;

895 (ii) individuals who use digital health service in serving medically underserved

896 populations;

897 (iii) nonphysician health care providers involved in digital health service;

898 (iv) information technology professionals involved in digital health service;

899 (v) representatives of the health insurance industry;

900 (vi) telehealth digital health service consumer advocates; and

901 (vii) individuals who use digital health service in serving mental or behavioral health  
902 populations.

903 (4) (a) The commission shall annually elect a chairperson from its membership. The  
904 chairperson shall report to the executive director of the department.

905 (b) The commission shall hold meetings at least once every three months. Meetings  
906 may be held from time to time on the call of the chair or a majority of the board members.

907 (c) Seven commission members are necessary to constitute a quorum at any meeting  
908 and, if a quorum exists, the action of a majority of members present shall be the action of the  
909 commission.

910 (5) (a) Except as provided in Subsection (5)(b), a commission member shall be  
911 appointed for a three-year term and eligible for two reappointments.

912 (b) Notwithstanding Subsection (5)(a), the governor shall, at the time of appointment  
913 or reappointment, adjust the length of terms to ensure that the terms of commission members  
914 are staggered so that approximately 1/3 of the commission is appointed each year.

915 (c) A commission member shall continue in office until the expiration of the member's  
916 term and until a successor is appointed, which may not exceed 90 days after the formal  
917 expiration of the term.

918 (d) Notwithstanding Subsection (5)(c), a commission member who fails to attend 75%  
919 of the scheduled meetings in a calendar year shall be disqualified from serving.

920 (e) When a vacancy occurs in membership for any reason, ~~[the replacement shall be~~  
921 ~~appointed for the unexpired term]~~ the governor shall, with the advice and consent of the  
922 Senate, appoint a replacement for the unexpired term.

923 (6) A member may not receive compensation or benefits for the member's service, but,  
924 at the executive director's discretion, may receive per diem and travel expenses in accordance  
925 with:

926 (a) Section [63A-3-106](#);

- 927 (b) Section 63A-3-107; and
- 928 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 929 63A-3-107.
- 930 (7) The department shall provide informatics staff support to the commission.
- 931 (8) The funding of the commission shall be a separate line item to the department in
- 932 the annual appropriations act.
- 933 (9) The commission shall:
- 934 (a) advise and make recommendations on digital health service issues to the
- 935 department and other state entities;
- 936 (b) advise and make recommendations on digital health service related patient privacy
- 937 and information security to the department;
- 938 (c) promote collaborative efforts to establish technical compatibility, uniform policies,
- 939 privacy features, and information security to meet legal, financial, commercial, and other
- 940 societal requirements;
- 941 (d) identify, address, and seek to resolve the legal, ethical, regulatory, financial,
- 942 medical, and technological issues that may serve as barriers to digital health service;
- 943 (e) explore and encourage the development of digital health service systems as a means
- 944 of reducing health care costs and increasing health care quality and access, with emphasis on
- 945 assisting rural health care providers and special populations with access to or development of
- 946 electronic medical records;
- 947 (f) seek public input on digital health service issues; and
- 948 (g) in consultation with the department, advise the governor and Legislature on:
- 949 (i) the role of digital health service in the state;
- 950 (ii) the policy issues related to digital health service;
- 951 (iii) the changing digital health service needs and resources in the state; and
- 952 (iv) state budgetary matters related to digital health service.

953 Section 15. Section 26B-1-412 is amended to read:

954 **26B-1-412. Health Facility Committee -- Members -- Terms -- Organization --**  
955 **Meetings.**

- 956 (1) The definitions in Section 26B-2-201 apply to this section.
- 957 (2) (a) The Health Facility Committee shall consist of 12 members appointed by the

958 governor in consultation with the executive director.

959 (b) The appointed members shall be knowledgeable about health care facilities and  
960 issues.

961 (3) The membership of the committee is:

962 (a) one physician, licensed to practice medicine and surgery under Title 58, Chapter 67,  
963 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act,  
964 who is a graduate of a regularly chartered medical school;

965 (b) one hospital administrator;

966 (c) one hospital trustee;

967 (d) one representative of a freestanding ambulatory surgical facility;

968 (e) one representative of an ambulatory surgical facility that is affiliated with a  
969 hospital;

970 (f) one representative of the nursing care facility industry;

971 (g) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse  
972 Practice Act;

973 (h) one licensed architect or engineer with expertise in health care facilities;

974 (i) one representative of assisted living facilities licensed under Chapter 2, Part 2,  
975 Health Care Facility Licensing and Inspection;

976 (j) two consumers, one of whom has an interest in or expertise in geriatric care; and

977 (k) one representative from either a home health care provider or a hospice provider.

978 (4) (a) Except as required by Subsection (4)(b), members shall be appointed for a term  
979 of four years.

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

984 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
985 appointed for the unexpired term by the governor, giving consideration to recommendations  
986 made by the committee, with the advice and consent of the Senate.

987 (d) (i) A member may not serve more than two consecutive full terms or 10  
988 consecutive years, whichever is less.



989 (ii) Notwithstanding Subsection (4)(d)(i), a member may continue to serve as a  
990 member until the member is replaced.

991 (e) The committee shall annually elect from the committee's membership a chair and  
992 vice chair.

993 (f) The committee shall meet at least quarterly, or more frequently as determined by the  
994 chair or five members of the committee.

995 (g) Six members constitute a quorum.

996 (h) A vote of the majority of the members present constitutes action of the committee.

997 (5) The committee shall:

998 (a) with the concurrence of the department, make rules in accordance with Title 63G,  
999 Chapter 3, Utah Administrative Rulemaking Act:

1000 (i) for the licensing of health-care facilities; and

1001 (ii) requiring the submission of architectural plans and specifications for any proposed  
1002 new health-care facility or renovation to the department for review;

1003 (b) approve the information for applications for licensure pursuant to Section  
1004 [26B-2-207](#);

1005 (c) advise the department as requested concerning the interpretation and enforcement  
1006 of the rules established under Chapter 2, Part 2, Health Care Facility Licensing and Inspection;  
1007 and

1008 (d) advise, consult, cooperate with, and provide technical assistance to other agencies  
1009 of the state and federal government, and other states and affected groups or persons in carrying  
1010 out the purposes of Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1011 (6) A member may not receive compensation or benefits for the member's service, but  
1012 may receive per diem and travel expenses in accordance with:

1013 (a) Section [63A-3-106](#);

1014 (b) Section [63A-3-107](#); and

1015 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1016 [63A-3-107](#).

1017 Section 16. Section **26B-1-413** is amended to read:

1018 **26B-1-413. Health Data Committee -- Purpose, powers, and duties of the**  
1019 **committee -- Membership -- Terms -- Chair -- Compensation.**

- 1020 (1) The definitions in Section 26B-8-501 apply to this section.
- 1021 (2) (a) There is created within the department the Health Data Committee.
- 1022 (b) The purpose of the committee is to direct a statewide effort to collect, analyze, and
- 1023 distribute health care data to facilitate the promotion and accessibility of quality and
- 1024 cost-effective health care and also to facilitate interaction among those with concern for health
- 1025 care issues.
- 1026 (3) The committee shall:
- 1027 (a) with the concurrence of the department and in accordance with Title 63G, Chapter
- 1028 3, Utah Administrative Rulemaking Act, develop and adopt by rule, following public hearing
- 1029 and comment, a health data plan that shall among its elements:
- 1030 (i) identify the key health care issues, questions, and problems amenable to resolution
- 1031 or improvement through better data, more extensive or careful analysis, or improved
- 1032 dissemination of health data;
- 1033 (ii) document existing health data activities in the state to collect, organize, or make
- 1034 available types of data pertinent to the needs identified in Subsection (3)(a)(i);
- 1035 (iii) describe and prioritize the actions suitable for the committee to take in response to
- 1036 the needs identified in Subsection (3)(a)(i) in order to obtain or to facilitate the obtaining of
- 1037 needed data, and to encourage improvements in existing data collection, interpretation, and
- 1038 reporting activities, and indicate how those actions relate to the activities identified under
- 1039 Subsection (3)(a)(ii);
- 1040 (iv) detail the types of data needed for the committee's work, the intended data
- 1041 suppliers, and the form in which such data are to be supplied, noting the consideration given to
- 1042 the potential alternative sources and forms of such data and to the estimated cost to the
- 1043 individual suppliers as well as to the department of acquiring these data in the proposed
- 1044 manner; the plan shall reasonably demonstrate that the committee has attempted to maximize
- 1045 cost-effectiveness in the data acquisition approaches selected;
- 1046 (v) describe the types and methods of validation to be performed to assure data validity
- 1047 and reliability;
- 1048 (vi) explain the intended uses of and expected benefits to be derived from the data
- 1049 specified in Subsection (3)(a)(iv), including the contemplated tabulation formats and analysis
- 1050 methods; the benefits described shall demonstrably relate to one or more of the following:

- 1051 (A) promoting quality health care;
- 1052 (B) managing health care costs; or
- 1053 (C) improving access to health care services;
- 1054 (vii) describe the expected processes for interpretation and analysis of the data flowing
- 1055 to the committee; noting specifically the types of expertise and participation to be sought in
- 1056 those processes; and
- 1057 (viii) describe the types of reports to be made available by the committee and the
- 1058 intended audiences and uses;
- 1059 (b) have the authority to collect, validate, analyze, and present health data in
- 1060 accordance with the plan while protecting individual privacy through the use of a control
- 1061 number as the health data identifier;
- 1062 (c) evaluate existing identification coding methods and, if necessary, require by rule
- 1063 adopted in accordance with Subsection (4), that health data suppliers use a uniform system for
- 1064 identification of patients, health care facilities, and health care providers on health data they
- 1065 submit under this section and Chapter 8, Part 5, Utah Health Data Authority; and
- 1066 (d) advise, consult, contract, and cooperate with any corporation, association, or other
- 1067 entity for the collection, analysis, processing, or reporting of health data identified by control
- 1068 number only in accordance with the plan.
- 1069 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1070 committee, with the concurrence of the department, may adopt rules to carry out the provisions
- 1071 of this section and Chapter 8, Part 5, Utah Health Data Authority.
- 1072 (5) (a) Except for data collection, analysis, and validation functions described in this
- 1073 section, nothing in this section or in Chapter 8, Part 5, Utah Health Data Authority, shall be
- 1074 construed to authorize or permit the committee to perform regulatory functions which are
- 1075 delegated by law to other agencies of the state or federal governments or to perform quality
- 1076 assurance or medical record audit functions that health care facilities, health care providers, or
- 1077 third party payors are required to conduct to comply with federal or state law.
- 1078 (b) The committee may not recommend or determine whether a health care provider,
- 1079 health care facility, third party payor, or self-funded employer is in compliance with federal or
- 1080 state laws including federal or state licensure, insurance, reimbursement, tax, malpractice, or
- 1081 quality assurance statutes or common law.

1082 (6) (a) Nothing in this section or in Chapter 8, Part 5, Utah Health Data Authority, shall  
1083 be construed to require a data supplier to supply health data identifying a patient by name or  
1084 describing detail on a patient beyond that needed to achieve the approved purposes included in  
1085 the plan.

1086 (7) No request for health data shall be made of health care providers and other data  
1087 suppliers until a plan for the use of such health data has been adopted.

1088 (8) (a) If a proposed request for health data imposes unreasonable costs on a data  
1089 supplier, due consideration shall be given by the committee to altering the request.

1090 (b) If the request is not altered, the committee shall pay the costs incurred by the data  
1091 supplier associated with satisfying the request that are demonstrated by the data supplier to be  
1092 unreasonable.

1093 (9) After a plan is adopted as provided in Section [26B-8-504](#), the committee may  
1094 require any data supplier to submit fee schedules, maximum allowable costs, area prevailing  
1095 costs, terms of contracts, discounts, fixed reimbursement arrangements, capitations, or other  
1096 specific arrangements for reimbursement to a health care provider.

1097 (10) (a) The committee may not publish any health data collected under Subsection (9)  
1098 that would disclose specific terms of contracts, discounts, or fixed reimbursement  
1099 arrangements, or other specific reimbursement arrangements between an individual provider  
1100 and a specific payer.

1101 (b) Nothing in Subsection (9) shall prevent the committee from requiring the  
1102 submission of health data on the reimbursements actually made to health care providers from  
1103 any source of payment, including consumers.

1104 (11) The committee shall be composed of 15 members.

1105 (12) (a) One member shall be:

1106 (i) the commissioner of the Utah Insurance Department; or

1107 (ii) the commissioner's designee who shall have knowledge regarding the health care  
1108 system and characteristics and use of health data.

1109 (b) (i) Fourteen members shall be appointed or reappointed by the governor with the  
1110 advice and consent of the Senate in accordance with Subsection (13) and ~~[in accordance with]~~  
1111 Title 63G, Chapter 24, Part 2, Vacancies.

1112 (ii) No more than seven members of the committee appointed by the governor may be

1113 members of the same political party.

1114 (13) The members of the committee appointed under Subsection (12)(b) shall:

1115 (a) be knowledgeable regarding the health care system and the characteristics and use  
1116 of health data;

1117 (b) be selected so that the committee at all times includes individuals who provide  
1118 care;

1119 (c) include one person employed by or otherwise associated with a general acute  
1120 hospital as defined in Section 26B-2-201, who is knowledgeable about the collection, analysis,  
1121 and use of health care data;

1122 (d) include two physicians, as defined in Section 58-67-102:

1123 (i) who are licensed to practice in this state;

1124 (ii) who actively practice medicine in this state;

1125 (iii) who are trained in or have experience with the collection, analysis, and use of  
1126 health care data; and

1127 (iv) one of whom is selected by the Utah Medical Association;

1128 (e) include three persons:

1129 (i) who are:

1130 (A) employed by or otherwise associated with a business that supplies health care  
1131 insurance to the business's employees; and

1132 (B) knowledgeable about the collection and use of health care data; and

1133 (ii) at least one of whom represents an employer employing 50 or fewer employees;

1134 (f) include three persons representing health insurers:

1135 (i) at least one of whom is employed by or associated with a third-party payor that is  
1136 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited  
1137 Health Plans;

1138 (ii) at least one of whom is employed by or associated with a third party that is licensed  
1139 under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans; and

1140 (iii) who are trained in, or experienced with the collection, analysis, and use of health  
1141 care data;

1142 (g) include two consumer representatives:

1143 (i) from organized consumer or employee associations; and

1144 (ii) knowledgeable about the collection and use of health care data;  
1145 (h) include one person:  
1146 (i) representative of a neutral, non-biased entity that can demonstrate that the entity has  
1147 the broad support of health care payers and health care providers; and  
1148 (ii) who is knowledgeable about the collection, analysis, and use of health care data;  
1149 and  
1150 (i) include two persons representing public health who are trained in or experienced  
1151 with the collection, use, and analysis of health care data.  
1152 (14) (a) Except as required by Subsection (14)(b), as terms of current committee  
1153 members expire, the governor shall appoint each new member or reappointed member to a  
1154 four-year term.  
1155 (b) Notwithstanding the requirements of Subsection (14)(a), the governor shall, at the  
1156 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1157 committee members are staggered so that approximately half of the committee is appointed  
1158 every two years.  
1159 (c) Members may serve after the members' terms expire until replaced.  
1160 (15) When a vacancy occurs in the membership for any reason, ~~the replacement shall~~  
1161 ~~be appointed for the unexpired term]~~ the governor shall, with the advice and consent of the  
1162 Senate, and in accordance with Subsection (13) and Title 63G, Chapter 24, Part 2, Vacancies,  
1163 appoint a replacement for the unexpired term.  
1164 (16) Committee members shall annually elect a chair of the committee from among the  
1165 committee's membership. The chair shall report to the executive director.  
1166 (17) (a) The committee shall meet at least once during each calendar quarter. Meeting  
1167 dates shall be set by the chair upon 10 working days' notice to the other members, or upon  
1168 written request by at least four committee members with at least 10 working days' notice to  
1169 other committee members.  
1170 (b) Eight committee members constitute a quorum for the transaction of business.  
1171 Action may not be taken except upon the affirmative vote of a majority of a quorum of the  
1172 committee.  
1173 (c) All meetings of the committee shall be open to the public, except that the  
1174 committee may hold a closed meeting if the requirements of Sections [52-4-204](#), [52-4-205](#), and

1175 52-4-206 are met.

1176 (18) A member:

1177 (a) may not receive compensation or benefits for the member's service, but may receive  
1178 per diem and travel expenses in accordance with:

1179 (i) Section 63A-3-106;

1180 (ii) Section 63A-3-107; and

1181 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1182 63A-3-107; and

1183 (b) shall comply with the conflict of interest provisions described in Title 63G, Chapter  
1184 24, Part 3, Conflicts of Interest.

1185 Section 17. Section 26B-1-426 is amended to read:

1186 **26B-1-426. Board of Aging and Adult Services -- Members, appointment, terms,  
1187 vacancies, chairperson, compensation, meetings, quorum.**

1188 (1) The Board of Aging and Adult Services created in Section 26B-1-204 shall have  
1189 seven members who are appointed or reappointed by the governor with the advice and consent  
1190 of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1191 (2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a  
1192 term of four years, and is eligible for one reappointment.

1193 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1194 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1195 board members are staggered so that approximately half of the board is appointed every two  
1196 years.

1197 (c) Board members shall continue in office until the expiration of their terms and until  
1198 their successors are appointed, which may not exceed 90 days after the formal expiration of a  
1199 term.

1200 (d) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~  
1201 ~~appointed for the unexpired term~~] the governor shall, with the advice and consent of the Senate  
1202 in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the  
1203 unexpired term.

1204 (3) (a) No more than four members of the board may be from the same political party.

1205 (b) The board shall have diversity of gender, ethnicity, and culture; and members shall

1206 be chosen on the basis of their active interest, experience, and demonstrated ability to deal with  
1207 issues related to the Board of Aging and Adult Services [-].

1208 (4) (a) The board shall annually elect a chairperson from the board's membership.

1209 (b) The board shall hold meetings at least once every three months.

1210 (c) Within budgetary constraints, meetings may be held from time to time on the call of  
1211 the chairperson or of the majority of the members of the board.

1212 (d) Four members of the board are necessary to constitute a quorum at any meeting,  
1213 and, if a quorum exists, the action of the majority of members present shall be the action of the  
1214 board.

1215 (5) A member may not receive compensation or benefits for the member's service, but,  
1216 at the executive director's discretion, may receive per diem and travel expenses in accordance  
1217 with:

1218 (a) Section 63A-3-106;

1219 (b) Section 63A-3-107; and

1220 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1221 63A-3-107.

1222 (6) (a) The board shall adopt bylaws governing its activities.

1223 (b) The bylaws described in Subsection (6)(a) shall include procedures for removal of a  
1224 board member who is unable or unwilling to fulfill the requirements of the board member's  
1225 appointment.

1226 (7) The board has program policymaking authority for the division over which the  
1227 board presides.

1228 (8) A member of the board shall comply with the conflict of interest provisions  
1229 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1230 Section 18. Section 26B-1-429 is amended to read:

1231 **26B-1-429. Utah State Developmental Center Board -- Creation -- Membership --**  
1232 **Duties -- Powers.**

1233 (1) There is created the Utah State Developmental Center Board within the department.

1234 (2) The board is composed of nine members as follows:

1235 (a) the director of the Division of Services for People with Disabilities or the director's  
1236 designee;



- 1237 (b) the superintendent of the developmental center or the superintendent's designee;
- 1238 (c) the executive director or the executive director's designee;
- 1239 (d) a resident of the Utah State Developmental Center selected by the superintendent;
- 1240 and
- 1241 (e) five members appointed or reappointed by the governor with the advice and consent
- 1242 of the Senate as follows:
- 1243 (i) three members of the general public; and
- 1244 (ii) two members who are parents or guardians of individuals who receive services at
- 1245 the Utah State Developmental Center.
- 1246 (3) In making appointments to the board, the governor shall ensure that:
- 1247 (a) no more than three members have immediate family residing at the Utah State
- 1248 Developmental Center; and
- 1249 (b) members represent a variety of geographic areas and economic interests of the state.
- 1250 (4) (a) The governor shall appoint each member described in Subsection (2)(e) for a
- 1251 term of four years.
- 1252 (b) An appointed member may not serve more than two full consecutive terms unless
- 1253 the governor determines that an additional term is in the best interest of the state.
- 1254 (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,
- 1255 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
- 1256 of appointed members are staggered so that approximately half of the appointed members are
- 1257 appointed every two years.
- 1258 (d) Appointed members shall continue in office until the expiration of their terms and
- 1259 until their successors are appointed, which may not exceed 120 days after the formal expiration
- 1260 of a term.
- 1261 (e) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~
- 1262 ~~appointed for the unexpired term~~] the governor shall, with the advice and consent of the
- 1263 Senate, appoint a replacement for the unexpired term.
- 1264 (5) (a) The director shall serve as the chair.
- 1265 (b) The board shall appoint a member to serve as vice chair.
- 1266 (c) The board shall hold meetings quarterly or as needed.
- 1267 (d) Five members are necessary to constitute a quorum at any meeting, and, if a

1268 quorum exists, the action of the majority of members present shall be the action of the board.

1269 (e) The chair shall be a non-voting member except that the chair may vote to break a tie  
1270 vote between the voting members.

1271 (6) An appointed member may not receive compensation or benefits for the member's  
1272 service, but, at the executive director's discretion, may receive per diem and travel expenses in  
1273 accordance with:

1274 (a) Section [63A-3-106](#);

1275 (b) Section [63A-3-107](#); and

1276 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1277 [63A-3-107](#).

1278 (7) (a) The board shall adopt bylaws governing the board's activities.

1279 (b) Bylaws shall include procedures for removal of a member who is unable or  
1280 unwilling to fulfill the requirements of the member's appointment.

1281 (8) The board shall:

1282 (a) act for the benefit of the Utah State Developmental Center and the Division of  
1283 Services for People with Disabilities;

1284 (b) advise and assist the Division of Services for People with Disabilities with the  
1285 division's functions, operations, and duties related to the Utah State Developmental Center,  
1286 described in Sections [26B-6-402](#), [26B-6-403](#), [26B-6-502](#), [26B-6-504](#), and [26B-6-506](#);

1287 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as  
1288 described in Section [26B-1-330](#);

1289 (d) administer the Utah State Developmental Center Long-Term Sustainability Fund,  
1290 as described in Section [26B-1-331](#);

1291 (e) approve the sale, lease, or other disposition of real property or water rights  
1292 associated with the Utah State Developmental Center, as described in Subsection  
1293 [26B-6-507\(2\)](#); and

1294 (f) within 21 days after the day on which the board receives the notice required under  
1295 Subsection [10-2-419\(3\)](#) (b), provide a written opinion regarding the proposed boundary  
1296 adjustment to:

1297 (i) the director of the Division of Facilities and Construction Management; and

1298 (ii) the Legislative Management Committee.

1299 Section 19. Section **32B-2-205** is amended to read:

1300 **32B-2-205. Director of alcoholic beverage services.**

1301 (1) (a) In accordance with Subsection (1)(b), the governor, with the advice and consent  
1302 of the Senate, shall appoint a director of alcoholic beverage services to a four-year term. [~~The~~  
1303 The director may be appointed to more than one four-year term. The director is the  
1304 administrative head of the department.

1305 (b) (i) The governor shall appoint the director from nominations made by the  
1306 commission.

1307 (ii) The commission shall submit the nomination of three individuals to the governor  
1308 for appointment of the director.

1309 (iii) By no later than 30 calendar days from the day on which the governor receives the  
1310 three nominations submitted by the commission, the governor may:

1311 (A) appoint the director; or

1312 (B) reject the three nominations.

1313 (iv) If the governor rejects the nominations or fails to take action within the 30-day  
1314 period, the commission shall nominate three different individuals from which the governor may  
1315 appoint the director or reject the nominations until such time as the governor appoints the  
1316 director.

1317 (v) The governor may reappoint the director without seeking nominations from the  
1318 commission. [~~Reappointment of a director is subject to the advice and consent of the Senate.~~]

1319 (vi) The governor's reappointment of the director under Subsection (1)(b)(v) shall be  
1320 made with the advice and consent of the Senate.

1321 (c) (i) If there is a vacancy in the position of director, during the nomination process  
1322 described in Subsection (1)(b), the governor may unilaterally appoint an interim director for a  
1323 period of up to 30 calendar days.

1324 (ii) If a director is not appointed within the 30-day period, the interim director may  
1325 continue to serve beyond the 30-day period, subject to the advice and consent of the Senate at  
1326 the next scheduled time for the Senate giving consent to appointments of the governor.

1327 (iii) Except that if the Senate does not act on the consent to the appointment of the  
1328 interim director within 60 days of the end of the initial 30-day period, the interim director may  
1329 continue as the interim director.

- 1330 (d) The director may be terminated by:
- 1331 (i) the commission by a vote of four commissioners; or
- 1332 (ii) the governor after consultation with the commission.
- 1333 (e) The director may not be a commissioner.
- 1334 (f) The director shall:
- 1335 (i) be qualified in administration;
- 1336 (ii) be knowledgeable by experience and training in the field of business management;

1337 and

- 1338 (iii) possess any other qualification prescribed by the commission.
- 1339 (2) The governor shall establish the director's compensation within the salary range
- 1340 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

- 1341 (3) The director shall:
- 1342 (a) carry out the policies of the commission;
- 1343 (b) carry out the policies of the department;
- 1344 (c) fully inform the commission of the operations and administrative activities of the
- 1345 department; and

- 1346 (d) assist the commission in the proper discharge of the commission's duties.

1347 Section 20. Section **35A-8-304** is amended to read:

1348 **35A-8-304. Permanent Community Impact Fund Board created -- Members --**  
 1349 **Terms -- Chair -- Expenses.**

1350 (1) There is created within the department the Permanent Community Impact Fund  
 1351 Board composed of 11 members as follows:

- 1352 (a) the state treasurer or the state treasurer's designee;
- 1353 (b) the chair of the Transportation Commission or the chair's designee;
- 1354 (c) the executive director of the Governor's Office of Planning and Budget or the
- 1355 executive director's designee;
- 1356 (d) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
- 1357 (e) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or
- 1358 Wayne County;
- 1359 (f) a locally elected official who resides in Duchesne, Daggett, or Uintah County;
- 1360 (g) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or

1361 Kane County;

1362 (h) a locally elected official from the county that:

1363 (i) produced the most mineral lease money related to oil extraction during the four-year

1364 period immediately preceding the term of appointment, as determined by the department at the

1365 end of each term; and

1366 (ii) does not already have a representative on the impact board;

1367 (i) a locally elected official from the county that:

1368 (i) produced the most mineral lease money related to natural gas extraction during the

1369 four-year period immediately preceding the term of appointment, as determined by the

1370 department at the end of each term; and

1371 (ii) does not already have a representative on the impact board;

1372 (j) a locally elected official from the county that:

1373 (i) produced the most mineral lease money related to coal extraction during the

1374 four-year period immediately preceding the term of appointment, as determined by the

1375 department at the end of each term; and

1376 (ii) does not already have a representative on the impact board; and

1377 (k) an individual who resides in a county of the third, fourth, fifth, or sixth class,

1378 appointed by the governor with the advice and consent of the Senate in accordance with Title

1379 63G, Chapter 24, Part 2, Vacancies.

1380 (2) (a) The members specified under Subsections (1)(d) through (j) may not reside in

1381 the same county and shall be:

1382 (i) nominated by the Board of Directors of the Southeastern Association of Local

1383 Governments, the Six County Association of Governments, the Uintah Basin Association of

1384 Governments, and the Five County Association of Governments, respectively, except that the

1385 members specified under Subsections (1)(h) through (j) shall be nominated by the Board of

1386 Directors of the Association of Governments from the region of the state in which the county is

1387 located; and

1388 (ii) appointed by the governor with the advice and consent of the Senate in accordance

1389 with Title 63G, Chapter 24, Part 2, Vacancies.

1390 (b) Except as required by Subsection (2)(c), as terms of current board members expire,

1391 the governor shall appoint each new member or reappointed member to a four-year term.

1392 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the  
1393 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1394 board members are staggered so that approximately half of the board is appointed every two  
1395 years.

1396 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1397 appointed for the unexpired term.

1398 (3) When the governor makes a new appointment or reappointment under Subsection  
1399 (2)(b), or a vacancy appointment under Subsection (2)(d), the governor's new appointment,  
1400 reappointment, or vacancy appointment shall be made with the advice and consent of the  
1401 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1402 [~~3~~] (4) The terms of office for the members specified under Subsections (1)(a)  
1403 through (c) shall run concurrently with the term of office for the commission, department, or  
1404 office from which each member comes.

1405 [~~4~~] (5) (a) The member specified under Subsection (1)(k) is the chair of the impact  
1406 board.

1407 (b) The chair of the impact board is responsible for the call and conduct of meetings.

1408 [~~5~~] (6) A member may not receive compensation or benefits for the member's service,  
1409 but may receive per diem and travel expenses in accordance with:

1410 (a) Section 63A-3-106;

1411 (b) Section 63A-3-107; and

1412 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1413 63A-3-107.

1414 [~~6~~] (7) A member described in Subsections (1)(d) through (k) shall comply with the  
1415 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1416 [~~7~~] (8) (a) A majority of the members of the impact board constitutes a quorum.

1417 (b) Action by a majority vote of a quorum of the impact board constitutes action by the  
1418 impact board.

1419 [~~8~~] (9) The department shall provide staff support to the impact board.

1420 Section 21. Section 35A-8-2103 is amended to read:

1421 **35A-8-2103. Private Activity Bond Review Board.**

1422 (1) There is created within the department the Private Activity Bond Review Board,

1423 composed of the following 11 members:

1424 (a) (i) the executive director of the department or the executive director's designee;

1425 (ii) the executive director of the Governor's Office of Economic Opportunity or the  
1426 executive director's designee;

1427 (iii) the state treasurer or the state treasurer's designee;

1428 (iv) the chair of the Utah Board of Higher Education or the chair's designee; and

1429 (v) the chair of the Utah Housing Corporation or the chair's designee; and

1430 (b) six local government members who are:

1431 (i) three elected or appointed county officials, nominated by the Utah Association of  
1432 Counties and appointed or reappointed by the governor with the advice and consent of the

1433 Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and

1434 (ii) three elected or appointed municipal officials, nominated by the Utah League of  
1435 Cities and Towns and appointed or reappointed by the governor with the advice and consent of  
1436 the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1437 (2) (a) Except as required by Subsection (2)(b), the terms of office for the local  
1438 government members of the board of review shall be four-year terms.

1439 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1440 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1441 board of review members are staggered so that approximately half of the board of review is  
1442 appointed every two years.

1443 (c) Members may be reappointed only once.

1444 (3) (a) If a local government member ceases to be an elected or appointed official of  
1445 the city or county the member is appointed to represent, that membership on the board of  
1446 review terminates immediately and there shall be a vacancy in the membership.

1447 (b) When a vacancy occurs in the local government membership for any reason~~[-the~~  
1448 ~~replacement shall be appointed within 30 days in the manner of the regular appointment for the~~  
1449 ~~unexpired term.];~~

1450 (i) the Utah Association of Counties or the Utah League of Cities and Towns shall,  
1451 within 30 days after the date of the vacancy, nominate an official described in Subsection  
1452 (1)(b)(i) or (ii), as applicable, to fill the vacancy; and

1453 (ii) the governor shall, with the advice and consent of the Senate in accordance with

1454 Title 63G, Chapter 24, Part 2, Vacancies, appoint the nominee for the unexpired term.

1455 (4) (a) The chair of the board of review is the executive director of the department or  
1456 the executive director's designee.

1457 (b) The chair is nonvoting except in the case of a tie vote.

1458 (5) Six members of the board of review constitute a quorum.

1459 (6) Formal action by the board of review requires a majority vote of a quorum.

1460 (7) A member may not receive compensation or benefits for the member's service, but  
1461 may receive per diem and travel expenses in accordance with:

1462 (a) Section [63A-3-106](#);

1463 (b) Section [63A-3-107](#); and

1464 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

1465 (8) The chair of the board of review serves as the state official designated under state  
1466 law to make certifications required to be made under Section 146 of the code including the  
1467 certification required by Section 149(e)(2)(F) of the code.

1468 (9) A member appointed to fill a position described in Subsection (1)(b) shall comply  
1469 with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of  
1470 Interest.

1471 Section 22. Section **40-6-4** is amended to read:

1472 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**  
1473 **members -- Terms -- Chair -- Quorum -- Expenses.**

1474 (1) (a) There is created within the Department of Natural Resources the Board of Oil,  
1475 Gas, and Mining.

1476 (b) The board shall be the policy making body for the Division of Oil, Gas, and  
1477 Mining.

1478 (2) (a) The board shall consist of seven members appointed by the governor with the  
1479 advice and consent of the Senate [~~and~~] in accordance with Title 63G, Chapter 24, Part 2,  
1480 Vacancies.

1481 (b) No more than four members shall be from the same political party.

1482 (c) In accordance with the requirements of Section [79-2-203](#), the members appointed  
1483 under Subsection (2)(a) shall include the following:

1484 (i) two members who are knowledgeable in mining matters;



- 1485 (ii) two members who are knowledgeable in oil and gas matters;
- 1486 (iii) one member who is knowledgeable in ecological and environmental matters;
- 1487 (iv) one member who:
- 1488 (A) is a private land owner;
- 1489 (B) owns a mineral or royalty interest; and
- 1490 (C) is knowledgeable in mineral or royalty interests; and
- 1491 (v) one member who is knowledgeable in geological matters.
- 1492 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
- 1493 expire, the governor shall appoint each new member or reappointed member to a four-year
- 1494 term.
- 1495 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
- 1496 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 1497 board members are staggered so that approximately half of the board is appointed every two
- 1498 years.
- 1499 (c) A member shall hold office until the expiration of the member's term and until the
- 1500 member's successor is appointed, but not more than 90 days after the expiration of the
- 1501 member's term.
- 1502 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
- 1503 be appointed for the unexpired term by the governor with the advice and consent of the Senate.
- 1504 (b) The person appointed shall have the same qualifications as the person's
- 1505 predecessor.
- 1506 (5) When the governor makes a new appointment or reappointment under Subsection
- 1507 (3)(a), or a vacancy appointment under Subsection (4)(a), the governor's new appointment,
- 1508 reappointment, or vacancy appointment shall be made with the advice and consent of the
- 1509 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1510 ~~[(5)]~~ (6) (a) The board shall appoint its chair from the membership.
- 1511 (b) Four members of the board shall constitute a quorum for the transaction of business
- 1512 and the holding of hearings.
- 1513 ~~[(6)]~~ (7) A member may not receive compensation or benefits for the member's service,
- 1514 but may receive per diem and travel expenses in accordance with:
- 1515 (a) Section [63A-3-106](#);

1516 (b) Section 63A-3-107; and

1517 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

1518 63A-3-107.

1519 [(7)] (8) A member shall comply with the conflict of interest provisions described in

1520 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1521 Section 23. Section 51-7-16 is amended to read:

1522 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**  
1523 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**  
1524 **of interests -- Per diem and expenses.**

1525 (1) (a) There is created a State Money Management Council composed of five  
1526 members appointed or reappointed by the governor after consultation with the state treasurer  
1527 and with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
1528 Vacancies.

1529 (b) The members of the council shall be qualified by training and experience in the  
1530 field of investment or finance as follows:

1531 (i) at least one member, but not more than two members, shall be experienced in the  
1532 banking business;

1533 (ii) at least one member, but not more than two members, shall be an elected treasurer;

1534 (iii) at least one member, but not more than two members, shall be an appointed public  
1535 treasurer; and

1536 (iv) two members, but not more than two members, shall be experienced in the field of  
1537 investment.

1538 (c) No more than three members of the council may be from the same political party.

1539 (2) (a) Except as required by Subsection (2)(b), the council members shall be appointed  
1540 for terms of four years.

1541 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1542 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1543 council members are staggered so that approximately half of the council is appointed every two  
1544 years.

1545 (c) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~  
1546 ~~appointed for the unexpired term~~] the governor shall, with the advice and consent of the Senate

1547 in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the  
1548 unexpired term.

1549 (d) All members shall serve until their successors are appointed and qualified.

1550 (3) (a) The council members shall elect a chair and vice chair.

1551 (b) The state treasurer shall serve as executive secretary of the council without vote.

1552 (4) (a) The council shall meet at least once per quarter at a regular date to be fixed by  
1553 the council and at other times at the call of the chair, the state treasurer, or any two members of  
1554 the council.

1555 (b) Three members are a quorum for the transaction of business.

1556 (c) Actions of the council require a vote of a majority of those present.

1557 (d) All meetings of the council and records of its proceedings are open for inspection  
1558 by the public at the state treasurer's office during regular business hours except for:

1559 (i) reports of the commissioner of financial institutions concerning the identity,  
1560 liquidity, or financial condition of qualified depositories and the amount of public funds each is  
1561 eligible to hold; and

1562 (ii) reports of the director concerning the identity, liquidity, or financial condition of  
1563 certified dealers.

1564 (5) (a) Each member of the council shall file a sworn or written statement with the  
1565 lieutenant governor that discloses any position or employment or ownership interest that the  
1566 member has in any financial institution or investment organization.

1567 (b) Each member shall file the statement required by this Subsection (5) when the  
1568 member becomes a member of the council and when substantial changes in the member's  
1569 position, employment, or ownership interests occur.

1570 (c) Each member shall comply with the conflict of interest provisions described in Title  
1571 63G, Chapter 24, Part 3, Conflicts of Interest.

1572 (6) A member may not receive compensation or benefits for the member's service, but  
1573 may receive per diem and travel expenses in accordance with:

1574 (a) Section [63A-3-106](#);

1575 (b) Section [63A-3-107](#); and

1576 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1577 [63A-3-107](#).

1578 Section 24. Section **51-10-206** is amended to read:

1579 **51-10-206. Diné Advisory Committee.**

1580 (1) There is created the Diné Advisory Committee.

1581 (2) (a) The governor, with the advice and consent of the Senate, shall appoint nine  
1582 members to the Diné Advisory Committee.

1583 (b) In making an appointment under Subsection (2)(a), the governor shall ensure that  
1584 the Diné Advisory Committee includes:

1585 (i) two registered members of the Aneth Chapter of the Navajo Nation who reside in  
1586 San Juan County, Utah;

1587 (ii) one registered member of the Blue Mountain Diné who resides in San Juan County,  
1588 Utah;

1589 (iii) one registered member of the Mexican Water Chapter of the Navajo Nation who  
1590 resides in San Juan County, Utah;

1591 (iv) one registered member of the Naatsis'áán Chapter of the Navajo Nation who  
1592 resides in San Juan County, Utah;

1593 (v) subject to Subsection (4), two members who reside in San Juan County, Utah, one  
1594 of whom is a registered member of the Oljato Chapter of the Navajo Nation, and one of whom  
1595 is a registered member of either the Oljato Chapter or the Dennehotso Chapter of the Navajo  
1596 Nation;

1597 (vi) one registered member of the Red Mesa Chapter of the Navajo Nation who resides  
1598 in San Juan County, Utah; and

1599 (vii) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who  
1600 resides in San Juan County, Utah.

1601 (3) (a) (i) Each chapter of the Utah Navajo Chapter, except the Aneth, Oljato, and  
1602 Dennehotso chapters, shall submit to the governor the names of two nominees to the Diné  
1603 Advisory Committee chosen by the chapter.

1604 (ii) The governor shall appoint one of the two persons whose names are submitted  
1605 under Subsection (3)(a)(i) as that chapter's representative on the Diné Advisory Committee.

1606 (b) (i) The Blue Mountain Diné shall submit to the governor the names of two  
1607 nominees to the Diné Advisory Committee.

1608 (ii) The governor shall appoint one of the two persons whose names are submitted

1609 under Subsection (3)(b)(i) as the Blue Mountain Diné representative on the Diné Advisory  
1610 Committee.

1611 (c) (i) The Aneth Chapter shall submit to the governor the names of two nominees for  
1612 each of the two positions to the Diné Advisory Committee representing the Aneth chapter.

1613 (ii) The governor shall appoint two of the persons whose names are submitted under  
1614 Subsection (3)(c)(i) to be the Aneth Chapter's representatives on the Diné Advisory Committee.

1615 (d) (i) Subject to Subsection (3)(d)(ii), the Oljato Chapter shall submit to the governor  
1616 the names of two nominees for each of the two positions to the Diné Advisory Committee  
1617 representing the Oljato Chapter and the Dennehotso Chapter.

1618 (ii) The Dennehotso Chapter may submit one nominee for purposes of the governor  
1619 appointing a representative of the Oljato Chapter and the Dennehotso Chapter.

1620 (iii) The governor shall appoint two of the persons whose names are submitted under  
1621 Subsection (3)(d)(i) or (ii) to be the representatives on the Diné Advisory Committee of the  
1622 Oljato Chapter and the Dennehotso Chapter.

1623 (e) Before submitting a name to the governor, a Utah Navajo Chapter and the Blue  
1624 Mountain Diné shall ensure that the individual's whose name is submitted:

1625 (i) is an enrolled member of the Navajo Nation;

1626 (ii) resides in San Juan County, Utah;

1627 (iii) is 21 years of age or older;

1628 (iv) is not an officer of the chapter;

1629 (v) has not been convicted of a felony; and

1630 (vi) is not currently, or within the last 12 months has not been, an officer, director,  
1631 employee, or contractor of a service provider that solicits, accepts, or receives a benefit from an  
1632 expenditure of:

1633 (A) the Division of Indian Affairs; or

1634 (B) the fund.

1635 (4) If both members appointed under Subsection (2)(b)(v) are registered members of  
1636 the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as practicable.

1637 (5) (a) Except as provided in Subsection (5)(b) and other than the amount authorized  
1638 by this section for Diné Advisory Committee member expenses, a person appointed to the Diné  
1639 Advisory Committee may not solicit, accept, or receive any benefit from an expenditure of:

- 1640 (i) the Division of Indian Affairs;
- 1641 (ii) the fund; or
- 1642 (iii) the Division of Indian Affairs or fund as an officer, director, employee, or
- 1643 contractor of a service provider that solicits, accepts, or receives a benefit from the expenditure
- 1644 of:
- 1645 (A) the Division of Indian Affairs; or
- 1646 (B) the fund.
- 1647 (b) A member of the Diné Advisory Committee may receive a benefit from an
- 1648 expenditure of the fund if:
- 1649 (i) when the benefit is discussed by the Diné Advisory Committee:
- 1650 (A) the member discloses that the member may receive the benefit;
- 1651 (B) the member physically leaves the room in which the Diné Advisory Committee is
- 1652 discussing the benefit; and
- 1653 (C) the Diné Advisory Committee approves the member receiving the benefit by a
- 1654 unanimous vote of the members present at the meeting discussing the benefit;
- 1655 (ii) a Utah Navajo Chapter requests that the benefit be received by the member;
- 1656 (iii) the member is in compliance with the ethics and conflict of interest policy required
- 1657 under Subsection [51-10-204\(2\)\(c\)](#);
- 1658 (iv) (A) the expenditure from the fund is made in accordance with this chapter; and
- 1659 (B) the benefit is no greater than the benefit available to members of the Navajo Nation
- 1660 residing in San Juan County, Utah; and
- 1661 (v) the member is not receiving the benefit as an officer, director, employee, or
- 1662 contractor of a service provider.
- 1663 (6) (a) (i) Except as required in Subsection (6)(a)(ii), as terms of current committee
- 1664 members expire, the governor shall appoint each new member or reappointed member to a
- 1665 four-year term.
- 1666 (ii) The governor shall, at the time of appointment or reappointment, adjust the length
- 1667 of terms to ensure that the terms of committee members are staggered so that approximately
- 1668 half of the Diné Advisory Committee is appointed every two years.
- 1669 (iii) The terms of the Aneth Chapter's representatives appointed under Subsection
- 1670 (3)(c)(ii) shall be staggered in accordance with this Subsection (6) so that only one position is

1671 appointed by the governor in a year.

1672 (iv) The terms of the Oljato Chapter's and the Dennehotso Chapter's representatives  
1673 appointed under Subsection (3)(d) shall be staggered in accordance with this Subsection (6) so  
1674 that only one position is appointed by the governor in a year.

1675 (b) Except as provided in Subsection (6)(c), a committee member shall serve until the  
1676 committee member's successor is appointed and qualified.

1677 (c) If a committee member is absent from three consecutive committee meetings, or if  
1678 the committee member violates the ethical or conflict of interest policies established by statute  
1679 or the Diné Advisory Committee:

1680 (i) the committee member's appointment is terminated;

1681 (ii) the position is vacant; and

1682 (iii) the governor shall appoint a replacement.

1683 (d) When a vacancy occurs in the membership for any reason, the governor shall  
1684 appoint a replacement for the unexpired term according to the procedures of this section.

1685 (e) The governor may appoint an individual to more than one term on the Diné  
1686 Advisory Committee.

1687 (7) When the governor makes a new appointment or reappointment under Subsection  
1688 (6)(a)(i), or a vacancy appointment under Subsection (6)(d), the governor's new appointment,  
1689 reappointment, or vacancy appointment shall be made with the advice and consent of the  
1690 Senate.

1691 [~~(7)~~] (8) (a) The committee members shall select a chair and vice chair from committee  
1692 membership each two years subsequent to the appointment of new committee members.

1693 (b) Five members of the Diné Advisory Committee is a quorum for the transaction of  
1694 business.

1695 (c) The Diné Advisory Committee shall:

1696 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act;

1697 (ii) ensure that its meetings are held at or near:

1698 (A) a chapter house or meeting hall of a Utah Navajo Chapter; or

1699 (B) other places in Utah that the Diné Advisory Committee considers practical and  
1700 appropriate; and

1701 (iii) ensure that its meetings are public hearings at which a resident of San Juan

1702 County, Utah, may appear and speak.

1703       ~~[(8)]~~ (9) A committee member may not receive compensation or benefits for the  
1704 committee member's service, but may receive per diem and travel expenses in accordance with  
1705 policy adopted by the board.

1706       ~~[(9)]~~ (10) The trust administrator shall staff the Diné Advisory Committee.

1707       ~~[(10)]~~ (11) The Diné Advisory Committee shall advise the trust administrator about the  
1708 expenditure of fund money.

1709       Section 25. Section **53B-2-104** is amended to read:

1710       **53B-2-104. Degree-granting institution board of trustees -- Membership -- Terms**  
1711 **-- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.**

1712       (1) As used in this section, "board of trustees" means the board of trustees for a  
1713 degree-granting institution.

1714       (2) (a) The board of trustees of a degree-granting institution consists of the following:

1715       (i) except as provided in Subsection (2)(c), eight individuals appointed by the governor  
1716 with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
1717 Vacancies; and

1718       (ii) two ex officio members who are the president of the institution's alumni  
1719 association, and the president of the associated students of the institution.

1720       (b) In making the appointments described in Subsections (2)(a)(i) and (2)(c)(i), the  
1721 governor:

1722       (i) shall ensure that the membership of a board of trustees includes representation of  
1723 interests of business, industry, and labor; and

1724       (ii) may not appoint an individual to more than two consecutive full terms.

1725       (c) (i) The board of trustees of Utah State University has nine individuals appointed by  
1726 the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter  
1727 24, Part 2, Vacancies.

1728       (ii) One of the nine individuals described in Subsection (2)(c)(i) shall reside in the  
1729 Utah State University Eastern service region or the Utah State University Blanding service  
1730 region.

1731       (3) (a) The governor shall appoint four members of each board of trustees during each  
1732 odd-numbered year to four-year terms commencing on July 1 of the year of appointment.



1733 (b) Except as provided in Subsection (3)(d), a member appointed under Subsection  
1734 (2)(a)(i) or (2)(c)(i) holds office until a successor is appointed and qualified.

1735 (c) The ex officio members serve for the same period as they serve as presidents and  
1736 until their successors have qualified.

1737 (d) (i) The governor may remove a member appointed under Subsection (2)(a)(i) or  
1738 (2)(c)(i) for cause.

1739 (ii) The governor shall consult with the president of the Senate before removing a  
1740 member in accordance with Subsection (3)(d)(i).

1741 (4) When a vacancy occurs in the membership of a board of trustees for any reason, the  
1742 governor shall, with the advice and consent of the Senate in accordance with Title 63G,  
1743 Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.

1744 (5) (a) Each member of a board of trustees shall take the official oath of office prior to  
1745 assuming the office.

1746 (b) The oath shall be filed with the Division of Archives and Records Services.

1747 (6) A board of trustees shall elect a chair and vice chair, who serve for two years and  
1748 until their successors are elected and qualified.

1749 (7) (a) A board of trustees may enact bylaws for the board of trustees' own government,  
1750 including provisions for regular meetings.

1751 (b) (i) A board of trustees may provide for an executive committee in the board of  
1752 trustees' bylaws.

1753 (ii) If established, an executive committee shall have full authority of the board of  
1754 trustees to act upon routine matters during the interim between board of trustees meetings.

1755 (iii) An executive committee may act on nonroutine matters only under extraordinary  
1756 and emergency circumstances.

1757 (iv) An executive committee shall report the executive committee's activities to the  
1758 board of trustees at the board of trustees' next regular meeting following the action.

1759 (c) Copies of a board of trustees' bylaws shall be filed with the board.

1760 (8) A quorum is required to conduct business and consists of six members.

1761 (9) A board of trustees may establish advisory committees.

1762 (10) A member may not receive compensation or benefits for the member's service, but  
1763 may receive per diem and travel expenses in accordance with:

- 1764 (a) Section [63A-3-106](#);  
1765 (b) Section [63A-3-107](#); and  
1766 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1767 [63A-3-107](#).

1768 (11) A board of trustees member shall comply with the conflict of interest provisions  
1769 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1770 Section 26. Section **59-1-201** is amended to read:

1771 **59-1-201. Composition of commission -- Terms -- Removal from office --**

1772 **Appointment.**

1773 (1) The commission shall be composed of four members appointed by the governor  
1774 with the advice and consent of the Senate~~[, and]~~ in accordance with Title 63G, Chapter 24, Part  
1775 2, Vacancies.

1776 (2) Subject to Subsection (3), the term of office of each commissioner shall be for four  
1777 years and expire on June 30 of the year the term ends.

1778 (3) The governor shall stagger a term described in Subsection (2) so that the term of  
1779 one commissioner expires each year.

1780 (4) A commissioner shall hold office until a successor is appointed and qualified.

1781 (5) (a) The governor may remove a commissioner from office for neglect of duty,  
1782 inefficiency, or malfeasance, after notice and a hearing.

1783 (b) If the governor removes a commissioner from office and appoints another person to  
1784 replace the commissioner, the person the governor appoints to replace the commissioner:

1785 (i) shall serve for the remainder of the unexpired term; and

1786 (ii) may be reappointed as the governor determines.

1787 (6) The individual the governor appoints or reappoints under Subsection (5) shall be  
1788 made with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part  
1789 2, Vacancies.

1790 [~~6~~] (7) (a) Before appointing a commissioner, the governor shall request a list of  
1791 names of potential appointees from:

1792 (i) the Utah State Bar;

1793 (ii) one or more organizations that represent certified public accountants who are  
1794 licensed to practice in the state;

1795 (iii) one or more organizations that represent persons who assess or appraise property  
1796 in the state; and

1797 (iv) one or more national organizations that:

1798 (A) offer a professional certification in the areas of property tax, sales and use tax, and  
1799 state income tax;

1800 (B) require experience, education, and testing to obtain the certification; and

1801 (C) require additional education to maintain the certification.

1802 (b) In appointing a commissioner, the governor shall consider:

1803 (i) to the extent names of potential appointees are submitted, the names of potential  
1804 appointees submitted in accordance with Subsection [~~(6)(a)~~] (7)(a); and

1805 (ii) any other potential appointee of the governor's own choosing.

1806 Section 27. Section **61-1-18.5** is amended to read:

1807 **61-1-18.5. Securities Commission -- Transition.**

1808 (1) (a) There is created a Securities Commission.

1809 (b) The division shall provide staffing to the commission.

1810 (2) (a) The commission shall:

1811 (i) formulate and make recommendations to the director regarding policy and  
1812 budgetary matters;

1813 (ii) submit recommendations regarding registration requirements;

1814 (iii) formulate and make recommendations to the director regarding the establishment  
1815 of reasonable fees;

1816 (iv) act in an advisory capacity to the director with respect to the exercise of the  
1817 director's duties, powers, and responsibilities;

1818 (v) conduct an administrative hearing under this chapter that is not:

1819 (A) delegated by the commission to an administrative law judge or the division relating  
1820 to a violation of this chapter; or

1821 (B) expressly delegated to the division under this chapter;

1822 (vi) except as provided in Subsection (2)(b), and consistent with Section **61-1-20**,  
1823 impose a sanction as provided in this chapter;

1824 (vii) review rules made by the division for purposes of concurrence in accordance with  
1825 Section **61-1-24**; and

1826 (viii) perform other duties as this chapter provides.

1827 (b) (i) The commission may delegate to the division the authority to impose a sanction  
1828 under this chapter.

1829 (ii) If under Subsection (2)(b)(i) the commission delegates to the division the authority  
1830 to impose a sanction, a person who is subject to the sanction may petition the commission for  
1831 review of the sanction.

1832 (iii) A person who is sanctioned by the division in accordance with this Subsection  
1833 (2)(b) may seek agency review by the executive director only after the commission reviews the  
1834 division's action.

1835 (3) (a) The governor shall appoint five members to the commission with the advice and  
1836 consent of the Senate as follows:

1837 (i) two members from the securities brokerage community:

1838 (A) who are not from the same broker-dealer or affiliate; and

1839 (B) who have at least five years prior experience in securities matters;

1840 (ii) one member from the securities section of the Utah State Bar:

1841 (A) whose practice primarily involves:

1842 (I) corporate securities; or

1843 (II) representation of plaintiffs in securities cases;

1844 (B) who does not routinely represent clients involved in:

1845 (I) civil or administrative litigation with the division; or

1846 (II) criminal cases brought under this chapter; and

1847 (C) who has at least five years prior experience in securities matters;

1848 (iii) one member who is an officer or director of a business entity not subject to the  
1849 reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934; and

1850 (iv) one member from the public at large who has no active participation in the  
1851 securities business.

1852 (b) A member may not serve more than two consecutive terms.

1853 (4) (a) Except as required by Subsection (4)(b) and subject to Subsection (4)(c), as  
1854 terms of current members expire, the governor shall appoint a new member or reappointed  
1855 member to a four-year term.

1856 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment

1857 or reappointment, adjust the length of terms to ensure that the terms of commission members  
1858 are staggered so that approximately half of the commission is appointed every two years.

1859 (c) For purposes of making an appointment to the commission, the governor:

1860 (i) shall as of May 12, 2009:

1861 (A) appoint all five members of the commission; and

1862 (B) stagger the terms of the five members of the commission to comply with

1863 Subsection (4)(b); and

1864 (ii) may not consider the commission an extension of the previous Securities Advisory  
1865 Board.

1866 (d) When a vacancy occurs in the membership for any reason, the governor shall  
1867 appoint a replacement member for the unexpired term.

1868 (e) A member shall serve until the member's respective successor is appointed and  
1869 qualified.

1870 (f) The commission shall annually select one member to serve as chair of the  
1871 commission.

1872 (5) When the governor makes a new appointment or reappointment under Subsection  
1873 (4)(a), or a vacancy appointment under Subsection (4)(d), the governor's new appointment,  
1874 reappointment, or vacancy appointment shall be made with the advice and consent of the  
1875 Senate.

1876 [~~5~~] (6) (a) The commission shall meet:

1877 (i) at least quarterly on a regular date to be fixed by the commission; and

1878 (ii) at such other times at the call of:

1879 (A) the director; or

1880 (B) any two members of the commission.

1881 (b) A majority of the commission shall constitute a quorum for the transaction of  
1882 business.

1883 (c) An action of the commission requires a vote of a majority of members present.

1884 [~~6~~] (7) A member of the commission shall, by sworn and written statement filed with  
1885 the Department of Commerce and the lieutenant governor, disclose any position of  
1886 employment or ownership interest that the member has with respect to an entity or business  
1887 subject to the jurisdiction of the division or commission. This statement shall be filed upon

1888 appointment and must be appropriately amended whenever significant changes occur in matters  
1889 covered by the statement.

1890 ~~[(7)]~~ (8) A member may not receive compensation or benefits for the member's service,  
1891 but may receive per diem and travel expenses in accordance with:

1892 (a) Section 63A-3-106;

1893 (b) Section 63A-3-107; and

1894 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1895 63A-3-107.

1896 ~~[(8)]~~ (9) (a) A rule or form made by the division under this section that is in effect on  
1897 May 11, 2009, is considered to have been concurred with by the commission as of May 12,  
1898 2009, until the commission acts on the rule or form.

1899 (b) For a civil or administrative action pending under this chapter as of May 12, 2009,  
1900 brought under the authority of division under this chapter as in effect May 11, 2009, that may  
1901 be brought only by the commission under this chapter as in effect on May 12, 2009:

1902 (i) the action shall be considered brought by the commission; and

1903 (ii) the commission may take any act authorized under this chapter regarding that  
1904 action.

1905 Section 28. Section 61-2g-204 is amended to read:

1906 **61-2g-204. Real Estate Appraiser Licensing and Certification Board.**

1907 (1) (a) There is established a Real Estate Appraiser Licensing and Certification Board  
1908 that consists of seven regular members as follows:

1909 (i) one state-licensed or state-certified appraiser who may be either a residential or  
1910 general licensee or certificate holder;

1911 (ii) one state-certified residential appraiser;

1912 (iii) one state-certified general appraiser;

1913 (iv) one member who is certified as either a state-certified residential appraiser or a  
1914 state-certified general appraiser;

1915 (v) one member who represents an appraisal management company registered in  
1916 accordance with Chapter 2e, Appraisal Management Company Registration and Regulation  
1917 Act;

1918 (vi) one member:

1919 (A) who is licensed or represents a person licensed under Chapter 2c, Utah Residential  
1920 Mortgage Practices and Licensing Act; or

1921 (B) who represents a mortgage lender, as defined in Section 70D-2-102, operating in  
1922 the state in accordance with Title 70D, Chapter 2, Mortgage Lending and Servicing Act; and

1923 (vii) one member of the general public.

1924 (b) A state-licensed or state-certified appraiser may be appointed as an alternate  
1925 member of the board.

1926 (c) The governor shall appoint all members of the board with the advice and consent of  
1927 the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1928 (2) (a) Except as required by Subsection (2)(b), as terms of current board members  
1929 expire, the governor shall appoint each new member or reappointed member to a four-year  
1930 term beginning on July 1.

1931 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
1932 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1933 board members are staggered so that approximately half of the board is appointed every two  
1934 years.

1935 (c) Upon the expiration of a member's term, a member of the board shall continue to  
1936 hold office until the appointment and qualification of the member's successor.

1937 (d) A person may not serve as a member of the board for more than two consecutive  
1938 terms.

1939 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
1940 be appointed for the unexpired term.

1941 (b) The governor may remove a member for cause.

1942 (4) When the governor makes a new appointment or reappointment under Subsection  
1943 (2)(a), or a vacancy appointment under Subsection (3)(a), the governor's new appointment,  
1944 reappointment, or vacancy appointment shall be made with the advice and consent of the  
1945 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1946 [~~4~~] (5) The public member of the board may not be licensed or certified under this  
1947 chapter.

1948 [~~5~~] (6) The board shall meet at least quarterly to conduct its business. The division  
1949 shall give public notice of a board meeting.

1950           ~~[(6)]~~ (7) The members of the board shall elect a chair annually from among the  
1951 members to preside at board meetings.

1952           ~~[(7)]~~ (8) A member may not receive compensation or benefits for the member's service,  
1953 but may receive per diem and travel expenses in accordance with:

1954           (a) Section [63A-3-106](#);

1955           (b) Section [63A-3-107](#); and

1956           (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1957 [63A-3-107](#).

1958           ~~[(8)]~~ (9) (a) Four members of the board shall constitute a quorum for the transaction of  
1959 business.

1960           (b) If a quorum of members is unavailable for any meeting, the alternate member of the  
1961 board, if any, shall serve as a regular member of the board for that meeting if with the presence  
1962 of the alternate member a quorum is present at the meeting.

1963           (c) A member of the board shall comply with the conflict of interest provisions  
1964 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1965           Section 29. Section **63A-15-201** is amended to read:

1966           **63A-15-201. Commission established -- Membership.**

1967           (1) There is established a Political Subdivisions Ethics Review Commission.

1968           (2) The commission is composed of seven individuals, each of whom is registered to  
1969 vote in this state and appointed by the governor with the advice and consent of the Senate, as  
1970 follows:

1971           (a) one member who has served, but no longer serves, as a judge of a court of record in  
1972 this state;

1973           (b) one member who has served as a mayor or municipal council member no more  
1974 recently than four years before the date of appointment;

1975           (c) one member who has served as a member of a local board of education no more  
1976 recently than four years before the date of appointment;

1977           (d) two members who are lay persons; and

1978           (e) two members, each of whom is one of the following:

1979           (i) a municipal mayor no more recently than four years before the date of appointment;

1980           (ii) a municipal council member no more recently than four years before the date of



1981 appointment;

1982 (iii) a county mayor no more recently than four years before the date of appointment;

1983 (iv) a county commissioner no more recently than four years before the date of

1984 appointment;

1985 (v) a special service district administrative control board member no more recently

1986 than four years before the date of appointment;

1987 (vi) a special district board of trustees member no more recently than four years before

1988 the date of appointment; or

1989 (vii) a judge who has served, but no longer serves, as a judge of a court of record in

1990 this state.

1991 (3) (a) A member of the commission may not, during the member's term of office on

1992 the commission, act or serve as:

1993 (i) a political subdivision officer;

1994 (ii) a political subdivision employee;

1995 (iii) an agency head as defined in Section [67-16-3](#);

1996 (iv) a lobbyist as defined in Section [36-11-102](#); or

1997 (v) a principal as defined in Section [36-11-102](#).

1998 (b) In addition to the seven members described in Subsection (2), the governor shall,

1999 with the advice and consent of the Senate, appoint one individual as an alternate member of the

2000 commission who:

2001 (i) may be a lay person;

2002 (ii) shall be registered to vote in the state; and

2003 (iii) complies with the requirements described in Subsection (3)(a).

2004 (c) The alternate member described in Subsection (3)(b):

2005 (i) shall serve as a member of the commission in the place of one of the seven members

2006 described in Subsection (2) if that member is temporarily unable or unavailable to participate in

2007 a commission function or is disqualified under Section [63A-15-303](#); and

2008 (ii) may not cast a vote on the commission unless the alternate member is serving in

2009 the capacity described in Subsection (3)(c)(i).

2010 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission

2011 shall serve a four-year term.

2012 (ii) When appointing the initial members upon formation of the commission, a member  
2013 described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that  
2014 approximately half of the commission is appointed every two years.

2015 (b) (i) When a vacancy occurs in the commission's membership for any reason, a  
2016 replacement member shall be appointed for the unexpired term of the vacating member using  
2017 the procedures and requirements [of] described in Subsection (2) or (3)(b), as applicable.

2018 (ii) For the purposes of this section, an appointment for an unexpired term of a  
2019 vacating member is not considered a full term.

2020 (c) A member may not be appointed to serve for more than two full terms, whether  
2021 those terms are two or four years.

2022 (d) A member of the commission may resign from the commission by giving one  
2023 month's written notice of the resignation to the governor.

2024 (e) The governor shall remove a member from the commission if the member:

2025 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

2026 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral  
2027 turpitude; or

2028 (iii) fails to meet the qualifications of office as provided in this section.

2029 (f) (i) If a commission member is accused of wrongdoing in a complaint, or if a  
2030 commission member has a conflict of interest in relation to a matter before the commission:

2031 (A) the alternate member described in Subsection (3)(b) shall serve in the member's  
2032 place for the purposes of reviewing the complaint; or

2033 (B) if the alternate member has already taken the place of another commission member  
2034 or is otherwise not available, the commission shall appoint another individual to temporarily  
2035 serve in the member's place for the purposes of reviewing the complaint.

2036 (ii) An individual appointed by the commission under Subsection (4)(f)(i)(B):

2037 (A) is not required to be confirmed by the Senate;

2038 (B) may be a lay person;

2039 (C) shall be registered to vote in the state; and

2040 (D) shall comply with Subsection (3)(a).

2041 (5) (a) Except as provided in Subsection (5)(b)(i), a member of the commission may  
2042 not receive compensation or benefits for the member's service.

2043 (b) (i) A member may receive per diem and expenses incurred in the performance of  
2044 the member's official duties at the rates established by the Division of Finance under Sections  
2045 [63A-3-106](#) and [63A-3-107](#).

2046 (ii) A member may decline to receive per diem and expenses for the member's service.

2047 (6) The commission members shall, by a majority vote, elect a commission chair from  
2048 among the commission members.

2049 Section 30. Section **63G-2-501** is amended to read:

2050 **63G-2-501. State Records Committee created -- Membership -- Terms --**

2051 **Vacancies -- Expenses.**

2052 (1) There is created the State Records Committee within the Department of  
2053 Government Operations consisting of the following seven individuals:

2054 (a) an individual in the private sector whose profession requires the individual to create  
2055 or manage records that, if created by a governmental entity, would be private or controlled;

2056 (b) an individual with experience with electronic records and databases, as  
2057 recommended by a statewide technology advocacy organization that represents the public,  
2058 private, and nonprofit sectors;

2059 (c) the director of the Division of Archives and Records Services or the director's  
2060 designee;

2061 (d) two citizen members;

2062 (e) one person representing political subdivisions, as recommended by the Utah League  
2063 of Cities and Towns; and

2064 (f) one individual representing the news media.

2065 (2) The governor shall appoint or reappoint the members described in Subsections  
2066 (1)(a), (b), (d), (e), and (f) with the advice and consent of the Senate in accordance with ~~[Title~~  
2067 ~~63G, Chapter 24, Part 2, Vacancies]~~ Chapter 24, Part 2, Vacancies.

2068 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each  
2069 member to a four-year term.

2070 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment  
2071 or reappointment, adjust the length of terms to ensure that the terms of committee members are  
2072 staggered so that approximately half of the committee is appointed every two years.

2073 (c) Each appointed member is eligible for reappointment for one additional term.

2074 (4) When a vacancy occurs in the membership for any reason, [~~the replacement shall be~~  
2075 ~~appointed for the unexpired term~~] the governor shall, with the advice and consent of the Senate  
2076 in accordance with Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired  
2077 term.

2078 (5) A member of the State Records Committee may not receive compensation or  
2079 benefits for the member's service on the committee, but may receive per diem and travel  
2080 expenses in accordance with:

2081 (a) Section 63A-3-106;

2082 (b) Section 63A-3-107; and

2083 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

2084 (6) A member described in Subsection (1)(a), (b), (d), (e), or (f) shall comply with the  
2085 conflict of interest provisions described in Chapter 24, Part 3, Conflicts of Interest.

2086 Section 31. Section 63M-7-504 is amended to read:

2087 **63M-7-504. Crime Victim Reparations and Assistance Board -- Members.**

2088 (1) (a) A Crime Victim Reparations and Assistance Board is created, consisting of  
2089 seven members appointed or reappointed by the governor with the advice and consent of the  
2090 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

2091 (b) The membership of the board shall consist of:

2092 (i) a member of the bar of this state;

2093 (ii) a victim of criminally injurious conduct;

2094 (iii) a licensed physician;

2095 (iv) a representative of law enforcement;

2096 (v) a mental health care provider;

2097 (vi) a victim advocate; and

2098 (vii) a private citizen.

2099 (c) The governor may appoint a chair of the board who shall serve for a period of time  
2100 prescribed by the governor, not to exceed the length of the chair's term. The board may elect a  
2101 vice chair to serve in the absence of the chair.

2102 (d) The board may hear appeals from administrative decisions as provided in rules  
2103 adopted pursuant to Section 63M-7-515.

2104 (2) (a) Except as required by Subsection (2)(b), as terms of current board members

2105 expire, the governor shall appoint each new member or reappointed member to a four-year  
2106 term.

2107 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
2108 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2109 board members are staggered so that approximately half of the board is appointed every two  
2110 years.

2111 (c) A member may be reappointed to one successive term in addition to a member's  
2112 initial full-term appointment.

2113 (3) (a) When a vacancy occurs in the membership for any reason, [~~the replacement~~  
2114 ~~shall be appointed for the unexpired term]~~ the governor shall, with the advice and consent of  
2115 the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement  
2116 for the unexpired term.

2117 (b) A member resigning from the board shall serve until the member's successor is  
2118 appointed and qualified.

2119 (4) A member may not receive compensation or benefits for the member's service, but  
2120 may receive per diem and travel expenses in accordance with:

2121 (a) Section 63A-3-106;

2122 (b) Section 63A-3-107; and

2123 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2124 63A-3-107.

2125 (5) The board shall meet at least once quarterly but may meet more frequently as  
2126 necessary.

2127 (6) A member shall comply with the conflict of interest provisions described in Title  
2128 63G, Chapter 24, Part 3, Conflicts of Interest.

2129 Section 32. Section 63M-7-902 is amended to read:

2130 **63M-7-902. Creation -- Membership -- Terms -- Vacancies -- Expenses.**

2131 (1) There is created the Utah Victim Services Commission within the State  
2132 Commission on Criminal and Juvenile Justice.

2133 (2) The commission is composed of the following members:

2134 (a) the executive director of the State Commission on Criminal and Juvenile Justice or  
2135 the executive director's designee;

- 2136 (b) the director of the Utah Office for Victims of Crime or the director's designee;
- 2137 (c) the executive director of the Department of Health and Human Services or the
- 2138 executive director's designee;
- 2139 (d) the executive director of the Department of Corrections or the executive director's
- 2140 designee;
- 2141 (e) the director of the Division of Multicultural Affairs or the director's designee;
- 2142 (f) the executive director of the state sexual assault coalition for this state or the
- 2143 executive director's designee;
- 2144 (g) the executive director of the state domestic violence coalition for this state or the
- 2145 executive director's designee;
- 2146 (h) the executive director of the tribal coalition for this state or the executive director's
- 2147 designee;
- 2148 (i) the director of the Children's Justice Center Program in the Office of the Attorney
- 2149 General or the director's designee;
- 2150 (j) the chair of the Children's Justice Center Standing Committee or the chair's
- 2151 designee;
- 2152 (k) the attorney general or the attorney general's designee;
- 2153 (l) the commissioner of the Department of Public Safety or the commissioner's
- 2154 designee;
- 2155 (m) a criminal justice system based advocate, appointed by the governor with the
- 2156 advice and consent of the Senate;
- 2157 (n) a prosecuting attorney, appointed by the governor with the advice and consent of
- 2158 the Senate;
- 2159 (o) a criminal defense attorney, appointed by the governor with the advice and consent
- 2160 of the Senate;
- 2161 (p) a law enforcement representative from the Utah Sheriffs Association or Utah Chiefs
- 2162 of Police Association, appointed by the governor with the advice and consent of the Senate;
- 2163 (q) an individual who is a victim of crime, appointed by the governor with the advice
- 2164 and consent of the Senate;
- 2165 (r) an individual who is a current or former representative from the House of
- 2166 Representatives or has experience or expertise with the legislative process, appointed by the

2167 speaker of the House of Representatives; and

2168 (s) an individual who is a current or former senator from the Senate or has experience  
2169 or expertise with the legislative process, appointed by the president of the Senate.

2170 (3) (a) A member appointed under Subsections (2)(m) through (s) shall serve a  
2171 four-year term.

2172 (b) A member appointed to serve a four-year term is eligible for reappointment.

2173 (c) The governor's reappointment of a member under Subsections (2)(m) through (q)  
2174 shall be made with the advice and consent of the Senate.

2175 (4) When a vacancy occurs in the membership of the commission for any reason, [~~the~~  
2176 ~~replacement shall be appointed by the applicable appointing authority for the remainder of the~~  
2177 ~~unexpired term of the original appointment] the applicable appointing authority shall, in  
2178 accordance with any procedure described in Subsection (2)(a) through (s), appoint a  
2179 replacement for the unexpired term.~~

2180 (5) Except as otherwise provided in Subsection [~~(5)~~] (6), a member may not receive  
2181 compensation for the member's service but may receive per diem and reimbursement for travel  
2182 expenses incurred as a member at the rates established by:

2183 (a) Section 63A-3-106;

2184 (b) Section 63A-3-107; and

2185 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
2186 63A-3-107.

2187 (6) A member may not receive per diem or reimbursement for travel expenses under  
2188 Subsection (5) if the member is being paid by a governmental entity while performing the  
2189 member's service on the commission.

2190 Section 33. Section 63N-7-201 is amended to read:

2191 **63N-7-201. Board of Tourism created -- Members -- Meetings -- Expenses.**

2192 (1) There is created within the tourism office the Board of Tourism Development.

2193 (2) (a) The board shall consist of 15 members appointed or reappointed by the  
2194 governor to four-year terms with the advice and consent of the Senate.

2195 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
2196 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2197 board members are staggered so that approximately half of the board is appointed every two

2198 years.

2199 (3) The members may not serve more than two full consecutive terms unless the  
2200 governor determines that an additional term is in the best interest of the state.

2201 (4) Not more than eight members of the board may be from the same political party.

2202 (5) (a) The members shall be representative of:

2203 (i) all areas of the state with six being appointed from separate geographical areas as  
2204 provided in Subsection (5)(b); and

2205 (ii) a diverse mix of business ownership or executive management of tourism related  
2206 industries.

2207 (b) The geographical representatives shall be appointed as follows:

2208 (i) one member from Salt Lake, Tooele, or Morgan County;

2209 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

2210 (iii) one member from Utah, Summit, Juab, or Wasatch County;

2211 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

2212 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

2213 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

2214 (c) The tourism industry representatives of ownership or executive management shall  
2215 be appointed as follows:

2216 (i) one member from ownership or executive management of the lodging industry, as  
2217 recommended by the tourism industry for the governor's consideration;

2218 (ii) one member from ownership or executive management of the restaurant industry,  
2219 as recommended by the restaurant industry for the governor's consideration;

2220 (iii) one member from ownership or executive management of the ski industry, as  
2221 recommended by the ski industry for the governor's consideration; and

2222 (iv) one member from ownership or executive management of a tourism-related  
2223 transportation provider, as recommended by the tourism industry for the governor's  
2224 consideration.

2225 (d) One member shall be appointed at large from ownership or executive management  
2226 of business, finance, economic policy, or the academic media marketing community.

2227 (e) One member shall be appointed from the Utah Tourism Industry Association, as  
2228 recommended by the association for the governor's consideration.



2229 (f) One member shall be appointed to represent the state's counties, as recommended  
2230 by the Utah Association of Counties for the governor's consideration.

2231 (g) One member shall be appointed from an arts and cultural organization, as  
2232 recommended by the arts and cultural community for the governor's consideration.

2233 (h) One member shall be appointed to represent the outdoor recreation industry, as  
2234 recommended by the outdoor recreation industry for the governor's consideration.

2235 (i) (i) The governor may choose to disregard a recommendation made for the board  
2236 members described in Subsections (5)(c), (e), and (f) through (h).

2237 (ii) The governor shall request additional recommendations if recommendations are  
2238 disregarded under Subsection (5)(i)(i).

2239 (6) When a vacancy occurs in the membership for any reason, ~~[the replacement shall be~~  
2240 ~~appointed]~~ the governor shall, with the advice and consent of the Senate, appoint a replacement  
2241 for the unexpired term from the same geographic area or industry representation as the member  
2242 whose office was vacated.

2243 (7) Eight members of the board constitute a quorum for conducting board business and  
2244 exercising board powers.

2245 (8) The governor shall select one of the board members as chair and one of the board  
2246 members as vice chair, each for a four-year term as recommended by the board for the  
2247 governor's consideration.

2248 (9) A member may not receive compensation or benefits for the member's service, but  
2249 may receive per diem and travel expenses in accordance with:

2250 (a) Section [63A-3-106](#);

2251 (b) Section [63A-3-107](#); and

2252 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2253 (10) The board shall meet monthly or as often as the board determines to be necessary  
2254 at various locations throughout the state.

2255 (11) Members who may have a potential conflict of interest in consideration of fund  
2256 allocation decisions shall identify the potential conflict prior to voting on the issue.

2257 (12) (a) The board shall determine attendance requirements for maintaining a  
2258 designated board seat.

2259 (b) If a board member fails to attend according to the requirements established

2260 pursuant to Subsection (12)(a), the board member shall be replaced upon written certification  
2261 from the board chair or vice chair to the governor.

2262 (c) A replacement appointed by the governor under Subsection (12)(b) shall serve for  
2263 the remainder of the board member's unexpired term.

2264 (13) (a) The board's office shall be in Salt Lake City.

2265 (b) The tourism office shall provide staff support to the board.

2266 Section 34. Section **78A-11-103 (Superseded 07/01/24)** is amended to read:

2267 **78A-11-103 (Superseded 07/01/24). Judicial Conduct Commission -- Members --**

2268 **Terms -- Vacancies -- Voting -- Power of chair.**

2269 (1) The membership of the commission consists of the following 11 members:

2270 (a) two members of the House of Representatives to be appointed by the speaker of the  
2271 House of Representatives for a four-year term, not more than one of whom may be of the same  
2272 political party as the speaker;

2273 (b) two members of the Senate to be appointed by the president of the Senate for a  
2274 four-year term, not more than one of whom may be of the same political party as the president;

2275 (c) two members of, and in good standing with, the Utah State Bar, who shall be  
2276 appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may  
2277 reside in the same judicial district;

2278 (d) three persons not members of the Utah State Bar, who shall be appointed by the  
2279 governor, with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24,  
2280 Part 2, Vacancies, for four-year terms, not more than two of whom may be of the same political  
2281 party as the governor; and

2282 (e) two judges to be appointed by a majority of the Utah Supreme Court for a four-year  
2283 term, neither of whom may:

2284 (i) be a member of the Utah Supreme Court;

2285 (ii) serve on the same level of court as the other; and

2286 (iii) if trial judges, serve primarily in the same judicial district as the other.

2287 (2) (a) The terms of the members shall be staggered so that approximately half of the  
2288 commission expires every two years.

2289 (b) Members of the commission may not serve longer than eight years.

2290 (3) The commission shall establish guidelines and procedures for the disqualification

2291 of any member from consideration of any matter. A judge who is a member of the commission  
2292 or the Supreme Court may not participate in any proceedings involving the judge's own  
2293 removal or retirement.

2294 (4) (a) When a vacancy occurs in the membership for any reason, [~~the replacement~~  
2295 ~~shall be appointed by the appointing authority for that position for the unexpired term~~] the  
2296 applicable appointing authority shall, in accordance with any procedure described in this  
2297 section, appoint a replacement for the unexpired term.

2298 (b) If the appointing authority fails to appoint a replacement, the commissioners who  
2299 have been appointed may act as a commission under all the provisions of this section.

2300 (5) Six members of the commission shall constitute a quorum. Any action of a  
2301 majority of the quorum constitutes the action of the commission.

2302 (6) (a) At each commission meeting, the chair and executive director shall schedule all  
2303 complaints to be heard by the commission and present any information from which a  
2304 reasonable inference can be drawn that a judge has committed misconduct so that the  
2305 commission may determine by majority vote of a quorum whether the executive director shall  
2306 draft a written complaint in accordance with Subsection 78A-11-102(2)(b).

2307 (b) The chair and executive director may not act to dismiss any complaint without a  
2308 majority vote of a quorum of the commission.

2309 (c) A member of the commission described in Subsection (1)(d) shall comply with the  
2310 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

2311 (7) It is the responsibility of the chair and the executive director to ensure that the  
2312 commission complies with the procedures of the commission.

2313 (8) The chair shall be nonvoting except in the case of a tie vote.

2314 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses  
2315 of services for either a court reporter or a transcriber of electronic tape recordings, and other  
2316 necessary administrative expenses incurred in the performance of the duties of the commission.

2317 (10) Upon a majority vote of the quorum, the commission may:

2318 (a) employ an executive director, legal counsel, investigators, and other staff to assist  
2319 the commission; and

2320 (b) incur other reasonable and necessary expenses within the authorized budget of the  
2321 commission and consistent with the duties of the commission.

2322 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah  
2323 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

2324 Section 35. Section **78A-11-103 (Effective 07/01/24)** is amended to read:

2325 **78A-11-103 (Effective 07/01/24). Judicial Conduct Commission -- Members --**  
2326 **Terms -- Vacancies -- Voting -- Power of chair.**

2327 (1) (a) The membership of the commission consists of the following 11 members:

2328 (i) two members of the House of Representatives to be appointed by the speaker of the  
2329 House of Representatives for a four-year term, not more than one of whom may be of the same  
2330 political party as the speaker;

2331 (ii) two members of the Senate to be appointed by the president of the Senate for a  
2332 four-year term, not more than one of whom may be of the same political party as the president;

2333 (iii) two members of, and in good standing with, the Utah State Bar, who shall be  
2334 appointed by a majority of the Utah Supreme Court for a four-year term, none of whom may  
2335 reside in the same judicial district;

2336 (iv) three persons not members of the Utah State Bar, who shall be appointed by the  
2337 governor, with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24,  
2338 Part 2, Vacancies, for four-year terms, not more than two of whom may be of the same political  
2339 party as the governor; and

2340 (v) subject to Subsection (1)(b), two judges to be appointed by a majority of the Utah  
2341 Supreme Court for a four-year term.

2342 (b) The two judges appointed under Subsection (1)(a)(v) may not:

2343 (i) be a member of the Utah Supreme Court;

2344 (ii) serve on the same level of court; and

2345 (iii) serve primarily in the same judicial district if the judges are district or juvenile  
2346 court judges.

2347 (2) (a) The terms of the members shall be staggered so that approximately half of the  
2348 commission expires every two years.

2349 (b) Members of the commission may not serve longer than eight years.

2350 (3) The commission shall establish guidelines and procedures for the disqualification  
2351 of any member from consideration of any matter. A judge who is a member of the commission  
2352 or the Supreme Court may not participate in any proceedings involving the judge's own

2353 removal or retirement.

2354 (4) (a) When a vacancy occurs in the membership for any reason, [~~the replacement~~  
2355 ~~shall be appointed by the appointing authority for that position for the unexpired term]~~ the  
2356 applicable appointing authority shall, in accordance with any procedure described in this  
2357 section, appoint a replacement for the unexpired term.

2358 (b) If the appointing authority fails to appoint a replacement, the commissioners who  
2359 have been appointed may act as a commission under all the provisions of this section.

2360 (5) Six members of the commission shall constitute a quorum. Any action of a  
2361 majority of the quorum constitutes the action of the commission.

2362 (6) (a) At each commission meeting, the chair and executive director shall schedule all  
2363 complaints to be heard by the commission and present any information from which a  
2364 reasonable inference can be drawn that a judge has committed misconduct so that the  
2365 commission may determine by majority vote of a quorum whether the executive director shall  
2366 draft a written complaint in accordance with Subsection 78A-11-102(2)(b).

2367 (b) The chair and executive director may not act to dismiss any complaint without a  
2368 majority vote of a quorum of the commission.

2369 (c) A member of the commission described in Subsection (1)(a)(iv) shall comply with  
2370 the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of  
2371 Interest.

2372 (7) It is the responsibility of the chair and the executive director to ensure that the  
2373 commission complies with the procedures of the commission.

2374 (8) The chair shall be nonvoting except in the case of a tie vote.

2375 (9) The chair shall be allowed the actual expenses of secretarial services, the expenses  
2376 of services for either a court reporter or a transcriber of electronic tape recordings, and other  
2377 necessary administrative expenses incurred in the performance of the duties of the commission.

2378 (10) Upon a majority vote of the quorum, the commission may:

2379 (a) employ an executive director, legal counsel, investigators, and other staff to assist  
2380 the commission; and

2381 (b) incur other reasonable and necessary expenses within the authorized budget of the  
2382 commission and consistent with the duties of the commission.

2383 (11) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah

2384 Administrative Rulemaking Act, outlining its procedures and the appointment of masters.

2385 Section 36. Section **78B-22-402** is amended to read:

2386 **78B-22-402. Commission members -- Member qualifications -- Terms -- Vacancy.**

2387 (1) (a) The commission is composed of 15 members.

2388 (b) The governor, with the advice and consent of the Senate, and in accordance with

2389 Title 63G, Chapter 24, Part 2, Vacancies, shall appoint the following 11 members:

2390 (i) two practicing criminal defense attorneys recommended by the Utah Association of  
2391 Criminal Defense Lawyers;

2392 (ii) one attorney practicing in juvenile delinquency defense recommended by the Utah  
2393 Association of Criminal Defense Lawyers;

2394 (iii) one attorney who represents parents in child welfare cases, recommended by an  
2395 entity funded under the Child Welfare Parental Representation Program created in Section  
2396 [78B-22-802](#);

2397 (iv) one attorney representing minority interests recommended by the Utah Minority  
2398 Bar Association;

2399 (v) one member recommended by the Utah Association of Counties from a county of  
2400 the first or second class;

2401 (vi) one member recommended by the Utah Association of Counties from a county of  
2402 the third through sixth class;

2403 (vii) a director of a county public defender organization recommended by the Utah  
2404 Association of Criminal Defense Lawyers;

2405 (viii) two members recommended by the Utah League of Cities and Towns from its  
2406 membership; and

2407 (ix) one retired judge recommended by the Judicial Council.

2408 (c) The speaker of the House of Representatives and the president of the Senate shall  
2409 appoint two members of the Utah Legislature, one from the House of Representatives and one  
2410 from the Senate.

2411 (d) The Judicial Council shall appoint a member from the Administrative Office of the  
2412 Courts.

2413 (e) The executive director of the State Commission on Criminal and Juvenile Justice or  
2414 the executive director's designee is a member of the commission.

2415 (2) A member appointed by the governor shall serve a four-year term, except as  
2416 provided in Subsection (3).

2417 (3) The governor shall stagger the initial terms of appointees so that approximately half  
2418 of the members appointed by the governor are appointed every two years.

2419 (4) A member appointed to the commission shall have significant experience in  
2420 indigent criminal defense, representing parents in child welfare cases, or in juvenile defense in  
2421 delinquency proceedings or have otherwise demonstrated a strong commitment to providing  
2422 effective representation in indigent defense services.

2423 (5) An individual who is currently employed solely as a criminal prosecuting attorney  
2424 may not serve as a member of the commission .

2425 (6) A commission member shall hold office until the member's successor is appointed.

2426 (7) The commission may remove a member for incompetence, dereliction of duty,  
2427 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

2428 (8) If a vacancy occurs in the membership for any reason, a replacement shall be  
2429 appointed for the remaining unexpired term in the same manner, and in accordance with the  
2430 same procedure, as the original appointment.

2431 (9) (a) The commission shall elect annually a chair from the commission's membership  
2432 to serve a one-year term.

2433 (b) A commission member may not serve as chair of the commission for more than  
2434 three consecutive terms.

2435 (10) A member may not receive compensation or benefits for the member's service, but  
2436 may receive per diem and travel expenses in accordance with:

2437 (a) Section [63A-3-106](#);

2438 (b) Section [63A-3-107](#); and

2439 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
2440 [63A-3-107](#).

2441 (11) (a) A majority of the members of the commission constitutes a quorum.

2442 (b) If a quorum is present, the action of a majority of the voting members present  
2443 constitutes the action of the commission.

2444 (c) A member shall comply with the conflict of interest provisions described in Title  
2445 63G, Chapter 24, Part 3, Conflicts of Interest.

2446 Section 37. Section **80-5-702** is amended to read:

2447 **80-5-702. Member qualifications -- Expenses.**

2448 (1) As used in this section, "member" means both a part-time member and a pro  
2449 tempore member of the authority.

2450 (2) (a) Except as required by Subsection (2)(b), the governor, with the advice and  
2451 consent of the Senate, shall appoint or reappoint members to four-year terms.

2452 (b) The governor shall, at the time of appointment or reappointment, adjust the length  
2453 of terms to ensure that the terms of members are staggered so that approximately half of the  
2454 authority is appointed every two years.

2455 (3) A member shall have training or experience in social work, law, juvenile or  
2456 criminal justice, or related behavioral sciences.

2457 (4) When a vacancy occurs in the membership for any reason, [~~the replacement~~  
2458 ~~member shall be appointed for the unexpired term~~] the governor shall, with the advice and  
2459 consent of the Senate, appoint a replacement for the unexpired term.

2460 (5) During the tenure of the member's appointment, a member may not:

2461 (a) be an employee of the department, other than in the member's capacity as a member  
2462 of the authority;

2463 (b) hold any public office;

2464 (c) hold any position in the state's juvenile justice system; or

2465 (d) be an employee, officer, advisor, policy board member, or subcontractor of any  
2466 juvenile justice agency or the juvenile justice agency's contractor.

2467 (6) In extraordinary circumstances or when a regular member is absent or otherwise  
2468 unavailable, the chair may assign a pro tempore member to act in the absent member's place.

2469 (7) A member may not receive compensation or benefits for the member's service but  
2470 may receive per diem and travel expenses in accordance with:

2471 (a) Section [63A-3-106](#);

2472 (b) Section [63A-3-107](#); and

2473 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
2474 [63A-3-107](#).

2475 Section 38. **Effective date.**

2476 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.



2477            (2) The actions affecting Section [78A-11-103](#) (Effective 07/01/24) take effect on July  
2478 1, 2024.