

**Representative Jeremy A. Peterson** proposes the following substitute bill:

**STATE BOARDS AND COMMISSIONS AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the membership requirements for certain state entities.

**Highlighted Provisions:**

This bill:

- ▶ removes the political party affiliation requirement for certain boards and commissions;
- ▶ requires certain board appointments to be made without considering political affiliation; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-30-2**, as last amended by Laws of Utah 2010, Chapter 286

**7-1-203**, as last amended by Laws of Utah 2013, Chapter 73



- 26 [11-38-201](#), as last amended by Laws of Utah 2013, Chapter 310
- 27 [17-30a-202](#), as enacted by Laws of Utah 2014, Chapter 366
- 28 [19-4-103](#), as last amended by Laws of Utah 2012, Chapter 360
- 29 [19-6-103](#), as last amended by Laws of Utah 2015, Chapter 451
- 30 [26-1-7.5](#), as last amended by Laws of Utah 2011, Chapter 297
- 31 [26-33a-103](#), as last amended by Laws of Utah 2014, Chapter 118
- 32 [34A-1-205](#), as last amended by Laws of Utah 2013, Chapter 428
- 33 [35A-1-205](#), as last amended by Laws of Utah 2010, Chapter 286
- 34 [36-12-20](#), as last amended by Laws of Utah 2014, Chapter 387
- 35 [40-6-4](#), as last amended by Laws of Utah 2013, Chapter 243
- 36 [51-7-16](#), as last amended by Laws of Utah 2010, Chapter 286
- 37 [54-10a-202](#), as last amended by Laws of Utah 2010, Chapter 286
- 38 [62A-1-107](#), as last amended by Laws of Utah 2016, Chapter 300
- 39 [63H-8-201](#), as renumbered and amended by Laws of Utah 2015, Chapter 226
- 40 [63N-1-401](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 41 [63N-7-102](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 42 [72-4-302](#), as last amended by Laws of Utah 2015, Chapter 258
- 43 [72-11-202](#), as renumbered and amended by Laws of Utah 1999, Chapter 195
- 44 [73-10-2](#), as last amended by Laws of Utah 2010, Chapter 286
- 45 [79-3-302](#), as last amended by Laws of Utah 2010, Chapter 286
- 46 [79-4-302](#), as last amended by Laws of Utah 2010, Chapter 286

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

49 Section 1. Section **4-30-2** is amended to read:

50 **4-30-2. Livestock Market Committee created -- Composition -- Terms -- Removal**  
51 **-- Compensation -- Duties.**

52 (1) There is created a Livestock Market Committee which consists of the following  
53 seven members appointed to a four-year term of office by the commissioner:

- 54 (a) one member recommended by the livestock market operators in the state;
- 55 (b) one member recommended by the Utah Cattlemen's Association;
- 56 (c) one member recommended by the Utah Dairymen's Association;

- 57 (d) one member recommended by the Utah Woolgrowers' Association;
- 58 (e) one member recommended by the horse industry;
- 59 (f) one member recommended by the Utah Farm Bureau Federation; and
- 60 (g) one member recommended by the Utah Farmers Union.

61 (2) Notwithstanding the requirements of Subsection (1), the commissioner shall, at the  
62 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
63 committee members are staggered so that approximately half of the committee is appointed  
64 every two years.

65 ~~[(3) No more than four members shall be members of the same political party.]~~

66 (3) The commissioner may not consider or seek to discover the political affiliation of a  
67 person when considering the person for appointment or reappointment to the committee.

68 (4) (a) The commissioner may remove a member of the committee at the request of the  
69 association or group which recommended the member's appointment.

70 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
71 appointed for the unexpired term.

72 (5) The Livestock Market Committee shall elect a chair from its membership, who  
73 shall serve for a term of office of two years, but may be reelected for subsequent terms.

74 (6) (a) The chair is responsible for the call and conduct of meetings.

75 (b) Four members constitute a quorum for the transaction of official business.

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

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

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

80 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
81 63A-3-107.

82 (8) The Livestock Market Committee acts as advisor to the department with respect to  
83 the administration and enforcement of this chapter and makes recommendations necessary to  
84 carry out the intent of this chapter to the commissioner.

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

86 **7-1-203. Board of Financial Institutions.**

87 (1) There is created a Board of Financial Institutions consisting of the commissioner

88 and the following five members, who shall be qualified by training and experience in their  
89 respective fields and shall be appointed by the governor with the consent of the Senate:

- 90 (a) one representative from the commercial banking business;
- 91 (b) one representative from the consumer lending, money services business, or escrow  
92 agency business;
- 93 (c) one representative from the industrial bank business;
- 94 (d) one representative from the credit union business; and
- 95 (e) one representative of the general public who, as a result of education, training,  
96 experience, or interest, is well qualified to consider economic and financial issues and data as  
97 they may affect the public interest in the soundness of the financial systems of this state.

98 (2) The commissioner shall act as chair.

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

100 [~~(b) No more than three members of the board may be from the same political party.]~~

101 (b) The governor and the Senate may not consider or seek to discover the political  
102 affiliation of a person when considering the person for appointment, reappointment, or  
103 confirmation to the board.

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

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

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

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

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

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

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

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

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

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

121 (e) A meeting of the board and records of the board's proceedings are subject to Title  
122 52, Chapter 4, Open and Public Meetings Act, except for discussion of confidential  
123 information pertaining to a particular financial institution.

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

127 (b) The member shall:

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

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

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

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

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

136 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
137 63A-3-107.

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

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

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

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

145 Section 3. Section 11-38-201 is amended to read:

146 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**

147 **Organization -- Expenses -- Staff.**

148 (1) (a) There is created a Quality Growth Commission consisting of:

149 (i) the director of the Department of Natural Resources;

150 (ii) the commissioner of the Department of Agriculture and Food;

151 (iii) six elected officials at the local government level, three of whom may not be  
152 residents of a county of the first or second class; and

153 ~~[(iv) five persons from the profit and nonprofit private sector, two of whom may not be  
154 residents of a county of the first or second class and no more than three of whom may be from  
155 the same political party and one of whom shall be from the residential construction industry,  
156 nominated by the Utah Home Builders Association, and one of whom shall be from the real  
157 estate industry, nominated by the Utah Association of Realtors.]~~

158 (iv) five individuals from the profit or nonprofit private sector, including:

159 (A) two individuals who are residents of a county of the third, fourth, fifth, or sixth  
160 class;

161 (B) one individual from the residential construction industry, nominated by the Utah  
162 Home Builders Association; and

163 (C) one individual from the real estate industry, nominated by the Utah Association of  
164 Realtors.

165 (b) The governor and the Senate may not consider or seek to discover the political  
166 affiliation of a person when considering the person for appointment, reappointment, or  
167 confirmation to the commission.

168 ~~[(b)]~~ (c) (i) The director of the Department of Natural Resources and the commissioner  
169 of the Department of Agriculture and Food may not assume their positions on the commission  
170 until:

171 (A) after May 1, 2005; and

172 (B) the term of the respective predecessor in office, who is a state government level  
173 appointee, expires.

174 (ii) The term of a commission member serving on May 1, 2005 as one of the six  
175 elected local officials or five private sector appointees may not be shortened because of  
176 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees  
177 from counties of the first or second class.

178 (2) (a) Each commission member appointed under Subsection (1)(a)(iii) or (iv) shall be  
179 appointed by the governor with the consent of the Senate.

180 (b) The governor shall select three of the six members under Subsection (1)(a)(iii) from

181 a list of names provided by the Utah League of Cities and Towns, and shall select the  
182 remaining three from a list of names provided by the Utah Association of Counties.

183 (c) Two of the persons appointed under Subsection (1) shall be from the agricultural  
184 community from a list of names provided by Utah farm organizations.

185 (3) (a) The term of office of each member is four years, except that the governor shall  
186 appoint one of the persons at the state government level, three of the persons at the local  
187 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year  
188 term.

189 (b) No member of the commission may serve more than two consecutive four-year  
190 terms.

191 (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as  
192 an appointment under Subsection (2).

193 (5) Commission members shall elect a chair from their number and establish rules for  
194 the organization and operation of the commission.

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

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

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

199 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
200 63A-3-107.

201 (7) A member is not required to give bond for the performance of official duties.

202 (8) Staff services to the commission:

203 (a) shall be provided by the Governor's Office of Management and Budget; and

204 (b) may be provided by local entities through the Utah Association of Counties and the  
205 Utah League of Cities and Towns, with funds approved by the commission from those  
206 identified as available to local entities under Subsection 11-38-203(1)(a).

207 Section 4. Section 17-30a-202 is amended to read:

208 **17-30a-202. Establishment of merit commission -- Appointment, qualifications,**  
209 **and compensation of members.**

210 (1) (a) Except as provided in Subsection (1)(b), a county subject to this chapter shall  
211 establish a merit system commission consisting of three appointed members:

212 (i) two members appointed by the legislative body of the county; and  
213 (ii) one member appointed by the governing body of a police interlocal entity.  
214 (b) If there is no police interlocal entity within the county, the county legislative body  
215 shall appoint all three members of a commission described in Subsection (1)(a).  
216 ~~[(c) No more than two members of the commission may be affiliated with or members~~  
217 ~~of the same political party.]~~  
218 (c) The county legislative body described in Subsection (1)(a)(i) and the police  
219 interlocal entity governing body described in Subsection (1)(a)(ii) may not consider or seek to  
220 discover the political affiliation of a person when considering the person for appointment or  
221 reappointment to the commission.  
222 (d) (i) Of the original appointees described in Subsection (1)(a) or (b), one member  
223 shall be appointed for a term ending February 1 of the first odd-numbered year after the date of  
224 appointment, and one each for terms ending two and four years thereafter.  
225 (ii) For a term subsequent to a term described in Subsection (1)(d)(i), a commission  
226 member shall hold a term of six years.  
227 (e) If an appointed position described in Subsection (1)(a) or (b) is vacated for a cause  
228 other than expiration of the member's term, the position is filled by appointment for the  
229 unexpired portion of the term only.  
230 (2) A member of the commission:  
231 (a) shall be a resident of the state;  
232 (b) for at least five years preceding the date of appointment a resident of:  
233 (i) the county; or  
234 (ii) if applicable, the area served by the police interlocal entity from which appointed;  
235 and  
236 (c) may not hold another office or employment with the county or, if applicable, in a  
237 municipality served by the police interlocal entity for which the member is appointed.  
238 (3) The county legislative body or interlocal entity governing body may compensate a  
239 member for service on the commission and reimburse the member for necessary expenses  
240 incurred in the performance of the member's duties.  
241 Section 5. Section **19-4-103** is amended to read:  
242 **19-4-103. Drinking Water Board -- Members -- Organization -- Meetings -- Per**



243 **diem and expenses.**

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

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

247 (i) the executive director; or

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

249 (b) the following eight voting members, who shall be appointed by the governor with  
250 the consent of the Senate:

251 (i) one representative who is a Utah-licensed professional engineer with expertise in  
252 civil or sanitary engineering;

253 (ii) two representatives who are elected officials from a municipal government that is  
254 involved in the management or operation of a public water system;

255 (iii) one representative from an improvement district, a water conservancy district, or a  
256 metropolitan water district;

257 (iv) one representative from an entity that manages or operates a public water system;

258 (v) one representative from:

259 (A) the state water research community; or

260 (B) an institution of higher education that has comparable expertise in water research  
261 to the state water research community;

262 (vi) one representative from the public who represents:

263 (A) an environmental nongovernmental organization; or

264 (B) a nongovernmental organization that represents community interests and does not  
265 represent industry interests; and

266 (vii) one representative from the public who is trained and experienced in public  
267 health.

268 (2) A member of the board shall:

269 (a) be knowledgeable about drinking water and public water systems, as evidenced by a  
270 professional degree, a professional accreditation, or documented experience;

271 (b) represent different geographical areas within the state insofar as practicable;

272 (c) be a resident of Utah;

273 (d) attend board meetings in accordance with the attendance rules made by the

274 department under Subsection 19-1-201(1)(d)(i)(A); and

275 (e) comply with all applicable statutes, rules, and policies, including the conflict of  
276 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

277 [~~(3) No more than five appointed members of the board shall be from the same  
278 political party.~~]

279 (3) The governor and the Senate may not consider or seek to discover the political  
280 affiliation of a person when considering the person for appointment, reappointment, or  
281 confirmation to the board.

282 (4) (a) As terms of current board members expire, the governor shall appoint each new  
283 member or reappointed member to a four-year term.

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

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

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

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

293 (6) Each member holds office until the expiration of the member's term, and until a  
294 successor is appointed, but not for more than 90 days after the expiration of the term.

295 (7) The board shall elect annually a chair and a vice chair from its members.

296 (8) (a) The board shall meet at least quarterly.

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

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

300 (9) Five members constitute a quorum at any meeting and the action of the majority of  
301 the members present is the action of the board.

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

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

- 305 (b) Section 63A-3-107; and
- 306 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 307 63A-3-107.
- 308 Section 6. Section 19-6-103 is amended to read:
- 309 **19-6-103. Waste Management and Radiation Control Board -- Members -- Terms**
- 310 **-- Organization -- Meetings -- Per diem and expenses.**
- 311 (1) The board consists of the following 12 members:
- 312 (a) the following non-voting member, except that the member may vote to break a tie
- 313 vote between the voting members:
- 314 (i) the executive director; or
- 315 (ii) an employee of the department designated by the executive director; and
- 316 (b) the following 11 voting members appointed by the governor with the consent of the
- 317 Senate:
- 318 (i) one representative who is:
- 319 (A) not connected with industry; and
- 320 (B) a Utah-licensed professional engineer;
- 321 (ii) two government representatives who do not represent the federal government;
- 322 (iii) one representative from the manufacturing, mining, or fuel industry;
- 323 (iv) one representative from the private solid or hazardous waste disposal industry;
- 324 (v) one representative from the private hazardous waste recovery industry;
- 325 (vi) one representative from the radioactive waste management industry;
- 326 (vii) one representative from the uranium milling industry;
- 327 (viii) one representative from the public who represents:
- 328 (A) an environmental nongovernmental organization; or
- 329 (B) a nongovernmental organization that represents community interests and does not
- 330 represent industry interests;
- 331 (ix) one representative from the public who is trained and experienced in public health
- 332 and a licensed:
- 333 (A) medical doctor; or
- 334 (B) dentist; and
- 335 (x) one representative who is:

- 336 (A) a medical physicist or a health physicist; or  
337 (B) a professional employed in the field of radiation safety.  
338 (2) A member of the board shall:  
339 (a) be knowledgeable about solid and hazardous waste matters and radiation safety and  
340 protection as evidenced by a professional degree, a professional accreditation, or documented  
341 experience;  
342 (b) be a resident of Utah;  
343 (c) attend board meetings in accordance with the attendance rules made by the  
344 department under Subsection 19-1-201(1)(d)(i)(A); and  
345 (d) comply with all applicable statutes, rules, and policies, including the conflict of  
346 interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B).  
347 ~~[(3) No more than six of the appointed members may be from the same political party.]~~  
348 (3) The governor and the Senate may not consider or seek to discover the political  
349 affiliation of a person when considering the person for appointment, reappointment, or  
350 confirmation to the board.  
351 (4) (a) Members shall be appointed for terms of four years each.  
352 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
353 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
354 board members are staggered so that half of the appointed board is appointed every two years.  
355 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is  
356 appointed before March 1, 2013, shall expire on February 28, 2013.  
357 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in  
358 accordance with this section.  
359 (5) Each member is eligible for reappointment.  
360 (6) Board members shall continue in office until the expiration of their terms and until  
361 their successors are appointed, but not more than 90 days after the expiration of their terms.  
362 (7) When a vacancy occurs in the membership for any reason, the replacement shall be  
363 appointed for the unexpired term by the governor, after considering recommendations of the  
364 board and with the consent of the Senate.  
365 (8) The board shall elect a chair and vice chair on or before April 1 of each year from  
366 its membership.

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

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

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

371 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
372 63A-3-107.

373 (10) (a) The board shall hold a meeting at least once every three months including one  
374 meeting during each annual general session of the Legislature.

375 (b) Meetings shall be held on the call of the chair, the director, or any three of the  
376 members.

377 (11) Six members constitute a quorum at any meeting, and the action of the majority of  
378 members present is the action of the board.

379 Section 7. Section 26-1-7.5 is amended to read:

380 **26-1-7.5. Health advisory council.**

381 (1) (a) There is created the Utah Health Advisory Council, comprised of nine persons  
382 appointed by the governor.

383 (b) The governor shall ensure that:

384 (i) members of the council:

385 (A) broadly represent the public interest;

386 (B) have an interest in or knowledge of public health, environmental health, health  
387 planning, health care financing, or health care delivery systems; and

388 (C) include health professionals;

389 (ii) the majority of the ~~[membership]~~ members of the council are nonhealth  
390 professionals; and

391 ~~[(iii) no more than five persons are from the same political party; and]~~

392 ~~[(iv)]~~ (iii) the governor considers geography, sex, and ethnicity balance ~~[are~~  
393 ~~considered]~~ when selecting the members.

394 (c) The governor may not consider or seek to discover the political affiliation of a  
395 person when considering the person for appointment or reappointment to the council.

396 (2) (a) Except as required by Subsection (2)(b), members of the council shall be  
397 appointed to four-year terms.

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

402 (c) Terms of office for subsequent appointments shall commence on July 1 of the year  
403 in which the appointment occurs.

404 (3) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
405 be appointed for the unexpired term.

406 (b) No person shall be appointed to the council for more than two consecutive terms.

407 (c) The chair of the council shall be appointed by the governor from the membership of  
408 the council.

409 (4) The council shall meet at least quarterly or more frequently as determined necessary  
410 by the chair. A quorum for conducting business shall consist of four members of the council.

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

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

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

416 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
417 63A-3-107.

418 (6) The council shall be empowered to advise the department on any subject deemed to  
419 be appropriate by the council except that the council may not become involved in  
420 administrative matters. The council shall also advise the department as requested by the  
421 executive director.

422 (7) The executive director shall ensure that the council has adequate staff support and  
423 shall provide any available information requested by the council necessary for their  
424 deliberations. The council shall observe confidential requirements placed on the department in  
425 the use of such information.

426 Section 8. Section 26-33a-103 is amended to read:

427 **26-33a-103. Committee membership -- Terms -- Chair -- Compensation.**

428 (1) The Health Data Committee created by Section 26-1-7 shall be composed of 15

429 members.

430 (2) (a) One member shall be:

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

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

434 (b) (i) Fourteen members shall be appointed by the governor with the consent of the  
435 Senate in accordance with Subsection (3). ~~[No more than seven members of the committee~~  
436 ~~appointed by the governor may be members of the same political party.]~~

437 (ii) The governor and the Senate may not consider or seek to discover the political  
438 affiliation of a person when considering the person for appointment, reappointment, or  
439 confirmation to the committee.

440 (3) The members of the committee appointed under Subsection (2)(b) shall:

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

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

445 (c) include one person employed by or otherwise associated with a general acute  
446 hospital as defined by Section 26-21-2, who is knowledgeable about the collection, analysis,  
447 and use of health care data;

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

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

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

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

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

454 (e) include three persons:

455 (i) who are:

456 (A) employed by or otherwise associated with a business that supplies health care  
457 insurance to its employees; and

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

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

- 460 (f) include three persons representing health insurers:
- 461 (i) at least one of whom is employed by or associated with a third-party payor that is
- 462 not licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited
- 463 Health Plans;
- 464 (ii) at least one of whom is employed by or associated with a third party payer that is
- 465 licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health
- 466 Plans; and
- 467 (iii) who are trained in, or experienced with the collection, analysis, and use of health
- 468 care data;
- 469 (g) include two consumer representatives:
- 470 (i) from organized consumer or employee associations; and
- 471 (ii) knowledgeable about the collection and use of health care data;
- 472 (h) include one person:
- 473 (i) representative of a neutral, non-biased entity that can demonstrate that it has the
- 474 broad support of health care payers and health care providers; and
- 475 (ii) who is knowledgeable about the collection, analysis, and use of health care data;
- 476 and
- 477 (i) include two persons representing public health who are trained in, or experienced
- 478 with the collection, use, and analysis of health care data.
- 479 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
- 480 expire, the governor shall appoint each new member or reappointed member to a four-year
- 481 term.
- 482 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 483 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 484 committee members are staggered so that approximately half of the committee is appointed
- 485 every two years.
- 486 (c) Members may serve after their terms expire until replaced.
- 487 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
- 488 appointed for the unexpired term.
- 489 (6) Committee members shall annually elect a chair of the committee from among their
- 490 membership. The chair shall report to the executive director.



491 (7) The committee shall meet at least once during each calendar quarter. Meeting dates  
492 shall be set by the chair upon 10 working days notice to the other members, or upon written  
493 request by at least four committee members with at least 10 working days notice to other  
494 committee members.

495 (8) Eight committee members constitute a quorum for the transaction of business.  
496 Action may not be taken except upon the affirmative vote of a majority of a quorum of the  
497 committee.

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

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

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

502 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
503 63A-3-107.

504 (10) All meetings of the committee shall be open to the public, except that the  
505 committee may hold a closed meeting if the requirements of Sections 52-4-204, 52-4-205, and  
506 52-4-206 are met.

507 Section 9. Section 34A-1-205 is amended to read:

508 **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --**  
509 **Qualifications.**

510 (1) There is created the Appeals Board within the commission consisting of three  
511 members. The board may call and preside at adjudicative proceedings to review an order or  
512 decision that is subject to review by the Appeals Board under this title.

513 (2) (a) The governor shall appoint the members with the consent of the Senate and in  
514 accordance with this section.

515 (b) One member of the board shall be appointed to represent employers, in making this  
516 appointment, the governor shall consider nominations from employer organizations.

517 (c) One member of the board shall be appointed to represent employees, in making this  
518 appointment, the governor shall consider nominations from employee organizations.

519 ~~[(d) No more than two members may belong to the same political party.]~~

520 (d) The governor and the Senate may not consider or seek to discover the political  
521 affiliation of a person when considering the person for appointment, reappointment, or

522 confirmation to the board.

523 (e) The governor shall, at the time of appointment or reappointment, make  
524 appointments to the board so that at least two of the members of the board are members of the  
525 Utah State Bar in good standing or resigned from the Utah State Bar in good standing.

526 (3) (a) The term of a member shall be six years beginning on March 1 of the year the  
527 member is appointed, except that the governor shall, at the time of appointment or  
528 reappointment, adjust the length of terms to ensure that the terms of members are staggered so  
529 that one member is appointed every two years.

530 (b) The governor may remove a member only for inefficiency, neglect of duty,  
531 malfeasance or misfeasance in office, or other good and sufficient cause.

532 (c) A member shall hold office until a successor is appointed and has qualified.

533 (4) A member shall be part-time and receive compensation as provided by Title 67,  
534 Chapter 19, Utah State Personnel Management Act.

535 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive  
536 and administrative head of the board.

537 (b) The governor shall appoint and may remove at will the chair from the position of  
538 chair.

539 (6) A majority of the board shall constitute a quorum to transact business.

540 (7) (a) The commission shall provide the Appeals Board necessary staff support,  
541 except as provided in Subsection (7)(b).

542 (b) At the request of the Appeals Board, the attorney general shall act as an impartial  
543 aid to the Appeals Board in outlining the facts and the issues.

544 Section 10. Section **35A-1-205** is amended to read:

545 **35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation**  
546 **-- Qualifications.**

547 (1) There is created the Workforce Appeals Board within the department consisting of  
548 one or more panels to hear and decide appeals from the decision of an administrative law  
549 judge.

550 (2) (a) A panel shall consist of three impartial members appointed by the governor as  
551 follows:

552 (i) the board chair, appointed in accordance with Subsection (5);

553 (ii) one member appointed to represent employers; and in making this appointment,  
554 the governor shall consider nominations from employer organizations; and

555 (iii) one member appointed to represent employees; and in making this appointment,  
556 the governor shall consider nominations from employee organizations.

557 ~~[(b) No more than two members of a panel may belong to the same political party.]~~

558 (b) The governor may not consider or seek to discover the political affiliation of a  
559 person when considering the person for appointment or reappointment to the board.

560 (3) (a) (i) The term of a member shall be six years beginning on March 1 of the year  
561 the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).

562 (ii) The governor shall, at the time of appointment or reappointment, adjust the length  
563 of terms to ensure that the terms of members are staggered so that approximately one third of  
564 the members are appointed every two years.

565 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
566 appointed for the unexpired term.

567 (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance  
568 or misfeasance in office, or other good and sufficient cause.

569 (d) A member shall hold office until a successor is appointed and has qualified.

570 (4) (a) Except as provided in Subsection (4)(b), a member may not receive  
571 compensation or benefits for the member's service, but may receive per diem and travel  
572 expenses in accordance with:

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

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

575 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
576 63A-3-107.

577 (b) The member appointed as board chair in accordance with Subsection (5) shall be  
578 compensated at an hourly rate determined by the Department of Human Resource Management  
579 in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

580 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive  
581 and administrative head of the board.

582 (b) The chair shall be appointed by the governor to represent the public and may be  
583 removed from that position at the will of the governor.

584 (c) The chair shall be experienced in administration and possess any additional  
585 qualifications determined by the governor.

586 (6) (a) The chair shall designate an alternate from a panel appointed under this section:

587 (i) in the absence of a regular member or the chair; or

588 (ii) if the regular member or the chair has a conflict of interest.

589 (b) Each case shall be decided by a full three-member panel.

590 (7) The department shall provide the Workforce Appeals Board necessary staff  
591 support, except, the board may employ, retain, or appoint legal counsel.

592 Section 11. Section 36-12-20 is amended to read:

593 **36-12-20. Development of proposed energy producer states' agreement --**

594 **Membership selection -- Agreements -- Goals -- Meetings -- Reports.**

595 (1) (a) The speaker of the House of Representatives shall appoint two members of the  
596 House of Representatives and the president of the Senate shall appoint two members of the  
597 Senate~~[, of which no more than three of the four members shall be from the same political~~  
598 ~~party,]~~ to study and work with legislative members of other energy producing states for the  
599 purpose of developing a proposed energy producer states' agreement.

600 (b) The speaker of the House of Representatives and the president of the Senate may  
601 not consider the political affiliation of a House of Representatives or Senate member when  
602 considering the member for the appointment described in Subsection (1)(a).

603 (2) The proposed energy producer states' agreement shall have the following goals:

604 (a) to encourage domestic development of energy in the United States;

605 (b) to ensure the continued development of each state's domestic natural resources;

606 (c) to deliver a unified message to the federal government from energy producing states  
607 by:

608 (i) participating in the development of proposed federal legislation and regulations; and

609 (ii) making recommendations regarding existing federal law and regulations including  
610 the following:

611 (A) the Environmental Protection Act;

612 (B) the Endangered Species Act; and

613 (C) federal land access issues that affect the production of energy;

614 (d) to eliminate or reduce overly broad federal legislation; and

615 (e) to identify and address consequences of delays and cancellations of economically  
616 viable energy projects.

617 (3) Appointed members shall:

618 (a) produce a report with recommendations regarding an energy producer states'  
619 agreement; and

620 (b) present the report to the Natural Resources, Agriculture, and Environment Interim  
621 Committee on or before November 30 of each year.

622 (4) Compensation and expenses of a member who is a legislator are governed by  
623 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

624 (5) The Office of Legislative Research and General Counsel shall provide staff  
625 assistance as requested.

626 Section 12. Section 40-6-4 is amended to read:

627 **40-6-4. Board of Oil, Gas, and Mining created -- Functions -- Appointment of**  
628 **members -- Terms -- Chair -- Quorum -- Expenses.**

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

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

633 (2) (a) The board shall consist of seven members appointed by the governor with the  
634 consent of the Senate.

635 ~~[(b) No more than four members shall be from the same political party.]~~

636 (b) The governor and the Senate may not consider or seek to discover the political  
637 affiliation of a person when considering the person for appointment, reappointment, or  
638 confirmation to the board.

639 (c) In accordance with the requirements of Section 79-2-203, the members appointed  
640 under Subsection (2)(a) shall include the following:

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

642 (ii) two members who are knowledgeable in oil and gas matters;

643 (iii) one member who is knowledgeable in ecological and environmental matters;

644 (iv) one member who:

645 (A) is a private land owner;

- 646 (B) owns a mineral or royalty interest; and
- 647 (C) is knowledgeable in mineral or royalty interests; and
- 648 (v) one member who is knowledgeable in geological matters.

649 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
650 expire, the governor shall appoint each new member or reappointed member to a four-year  
651 term.

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

656 (c) A member shall hold office until the expiration of the member's term and until the  
657 member's successor is appointed, but not more than 90 days after the expiration of the  
658 member's term.

659 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall  
660 be appointed for the unexpired term by the governor with the consent of the Senate.

661 (b) The person appointed shall have the same qualifications as the person's  
662 predecessor.

663 (5) (a) The board shall appoint its chair from the membership.

664 (b) Four members of the board shall constitute a quorum for the transaction of business  
665 and the holding of hearings.

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

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

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

670 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
671 63A-3-107.

672 Section 13. Section 51-7-16 is amended to read:

673 **51-7-16. State Money Management Council -- Members -- Terms -- Vacancies --**  
674 **Chair and vice chair-- Executive secretary -- Meetings -- Quorum -- Members' disclosure**  
675 **of interests -- Per diem and expenses.**

676 (1) (a) There is created a State Money Management Council composed of five

677 members appointed by the governor after consultation with the state treasurer and with the  
678 consent of the Senate.

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

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

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

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

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

688 [~~(c) No more than three members of the council may be from the same political party.~~]

689 (c) The governor and the Senate may not consider or seek to discover the political  
690 affiliation of a person when considering the person for appointment, reappointment, or  
691 confirmation to the board.

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

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

698 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
699 appointed for the unexpired term.

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

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

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

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

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

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

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

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

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

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

718 (b) Each member shall file the statement required by this Subsection (5) when he  
719 becomes a member of the council and when substantial changes in his position, employment,  
720 or ownership interests occur.

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

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

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

725 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
726 [63A-3-107](#).

727 Section 14. Section **54-10a-202** is amended to read:

728 **54-10a-202. Committee of Consumer Services.**

729 (1) (a) There is created within the office a committee known as the "Committee of  
730 Consumer Services."

731 (b) A member of the committee shall maintain the member's principal residence within  
732 Utah.

733 (2) (a) The governor shall appoint nine members to the committee subject to  
734 Subsection (3).

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

737 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the  
738 time of appointment or reappointment, adjust the length of terms to ensure that the terms of



739 committee members are staggered so that approximately half of the committee is appointed  
740 every two years.

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

743 (3) Members of the committee shall represent the following geographic and consumer  
744 interests:

745 (a) one member shall be from Salt Lake City, Provo, or Ogden;

746 (b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;

747 (c) one member shall be from an unincorporated area of the state;

748 (d) one member shall be a low-income resident;

749 (e) one member shall be a retired person;

750 (f) one member shall be a small commercial consumer;

751 (g) one member shall be a farmer or rancher who uses electric power to pump water in  
752 the member's farming or ranching operation;

753 (h) one member shall be a residential consumer; and

754 (i) one member shall be appointed to provide geographic diversity on the committee to  
755 ensure to the extent possible that all areas of the state are represented.

756 [~~(4) (a) No more than five members of the committee shall be from the same political  
757 party.~~]

758 (4) (a) The governor may not consider or seek to discover the political affiliation of a  
759 person when considering the person for appointment or reappointment to the committee.

760 (b) Subject to Subsection (3), for a member of the committee appointed on or after  
761 May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or  
762 experience in:

763 (i) public utility matters related to consumers;

764 (ii) economics;

765 (iii) accounting;

766 (iv) financing;

767 (v) engineering; or

768 (vi) public utilities law.

769 (5) The governor shall designate one member as chair of the committee.

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

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

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

774 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
775 63A-3-107.

776 (7) (a) The committee may hold monthly meetings.

777 (b) The committee may hold other meetings, at the times and places the chair and a  
778 majority of the committee determine.

779 (8) (a) Five members of the committee constitute a quorum of the committee.

780 (b) A majority of members voting when a quorum is present constitutes an action of  
781 the committee.

782 Section 15. Section 62A-1-107 is amended to read:

783 **62A-1-107. Boards within department -- Members, appointment, terms,**  
784 **vacancies, chairperson, compensation, meetings, quorum.**

785 (1) (a) This section applies only to the Board of Aging and Adult Services and the  
786 Board of Juvenile Justice Services described in Subsections 62A-1-105(1)(a) and (b).

787 (b) Each board shall have seven members who are appointed by the governor with the  
788 consent of the Senate.

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

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

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

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

800 [~~(3) No more than four members of any board may be from the same political party.~~]

801           (3) (a) The governor and the Senate may not consider or seek to discover the political  
802 affiliation of a person when considering the person for appointment, reappointment, or  
803 confirmation to a board under this section.

804           (b) Each board shall have diversity of gender, ethnicity, and culture; and members shall  
805 be chosen on the basis of their active interest, experience, and demonstrated ability to deal with  
806 issues related to their specific boards.

807           (4) Each board shall annually elect a chairperson from its membership. Each board  
808 shall hold meetings at least once every three months. Within budgetary constraints, meetings  
809 may be held from time to time on the call of the chairperson or of the majority of the members  
810 of any board. Four members of a board are necessary to constitute a quorum at any meeting,  
811 and, if a quorum exists, the action of the majority of members present shall be the action of the  
812 board.

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

816           (a) Section 63A-3-106;

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

818           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
819 63A-3-107.

820           (6) Each board shall adopt bylaws governing its activities. Bylaws shall include  
821 procedures for removal of a board member who is unable or unwilling to fulfill the  
822 requirements of his appointment.

823           (7) The board has program policymaking authority for the division over which it  
824 presides.

825           Section 16. Section 63H-8-201 is amended to read:

826           **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**  
827 **Quorum -- Per diem and expenses.**

828           (1) (a) There is created an independent body politic and corporate, constituting a public  
829 corporation, known as the "Utah Housing Corporation."

830           (b) The corporation may also be known and do business as the:

831           (i) Utah Housing Finance Association; and

832 (ii) Utah Housing Finance Agency in connection with a contract entered into when that  
833 was the corporation's legal name.

834 (c) No other entity may use the names described in Subsections (1)(a) and (b) without  
835 the express approval of the corporation.

836 (2) The corporation is governed by a board of trustees composed of the following nine  
837 trustees:

838 (a) the executive director of the Department of Workforce Services or the executive  
839 director's designee;

840 (b) the commissioner of the Department of Financial Institutions or the commissioner's  
841 designee;

842 (c) the state treasurer or the treasurer's designee; and

843 (d) six public trustees, who are private citizens of the state, as follows:

844 (i) two people who represent the mortgage lending industry;

845 (ii) two people who represent the home building and real estate industry; and

846 (iii) two people who represent the public at large.

847 (3) (a) The governor shall:

848 ~~[(a)]~~ (i) appoint the six public trustees of the corporation with the consent of the  
849 Senate; and

850 ~~[(b)]~~ (ii) ensure that~~[(i)]~~ the six public trustees are from different counties and are  
851 residents of the state~~[-and]~~.

852 (b) The governor and the Senate may not consider or seek to discover the political  
853 affiliation of a person when considering the person for appointment, reappointment, or  
854 confirmation to the board of trustees.

855 ~~[(ii) not more than three of the public trustees are members of the same political party.]~~

856 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six  
857 public trustees to terms of office of four years each.

858 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
859 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
860 corporation trustees are staggered so that approximately half of the board is appointed every  
861 two years.

862 (5) (a) A public trustee of the corporation may be removed from office for cause either

863 by the governor or by an affirmative vote of six trustees of the corporation.

864 (b) When a vacancy occurs in the board of trustees for any reason, the replacement  
865 shall be appointed for the unexpired term.

866 (c) A public trustee shall hold office for the term of appointment and until the trustee's  
867 successor has been appointed and qualified.

868 (d) A public trustee is eligible for reappointment but may not serve more than two full  
869 consecutive terms.

870 (6) (a) The governor shall select the chair of the corporation.

871 (b) The trustees shall elect from among their number a vice chair and other officers  
872 they may determine.

873 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

874 (b) An affirmative vote of at least five trustees is necessary for any action to be taken  
875 by the corporation.

876 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise  
877 all rights and perform all duties of the corporation.

878 (8) A trustee may not receive compensation or benefits for the trustee's service, but  
879 may receive per diem and travel expenses in accordance with:

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

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

882 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
883 63A-3-107.

884 Section 17. Section 63N-1-401 is amended to read:

885 **63N-1-401. Board of Business and Economic Development -- Membership --**  
886 **Expenses.**

887 (1) (a) There is created within the office the Board of Business and Economic  
888 Development, consisting of 15 members appointed by the governor to four-year terms of office  
889 with the consent of the Senate.

890 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
891 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
892 board members are staggered so that approximately half of the board is appointed every two  
893 years.

894 (c) The members may not serve more than two full consecutive terms except where the  
895 governor determines that an additional term is in the best interest of the state.

896 (2) ~~(a)~~ In appointing members of the committee, the governor shall ensure that ~~that~~ ~~(a) no~~  
897 ~~more than eight members of the board are from one political party, and (b)]~~ members represent  
898 a variety of geographic areas and economic interests of the state.

899 (b) The governor and the Senate may not consider or seek to discover the political  
900 affiliation of a person when considering the person for appointment, reappointment, or  
901 confirmation to the board.

902 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
903 appointed for the unexpired term.

904 (4) Eight members of the board constitute a quorum for conducting board business and  
905 exercising board power.

906 (5) The governor shall select one board member as the board's chair.

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

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

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

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

912 Section 18. Section 63N-7-102 is amended to read:

913 **63N-7-102. Members -- Meetings -- Expenses.**

914 (1) (a) The board shall consist of 13 members appointed by the governor to four-year  
915 terms with the consent of the Senate.

916 (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the  
917 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
918 board members are staggered so that approximately half of the board is appointed every two  
919 years.

920 (2) The members may not serve more than two full consecutive terms unless the  
921 governor determines that an additional term is in the best interest of the state.

922 ~~[(3) Not more than seven members of the board may be of the same political party.]~~

923 (3) The governor and the Senate may not consider or seek to discover the political  
924 affiliation of a person when considering the person for appointment, reappointment, or

925 confirmation to the board.

926 (4) (a) The members shall be representative of:

927 (i) all areas of the state with six being appointed from separate geographical areas as  
928 provided in Subsection (4)(b); and

929 (ii) a diverse mix of business ownership or executive management of tourism related  
930 industries.

931 (b) The geographical representatives shall be appointed as follows:

932 (i) one member from Salt Lake, Tooele, or Morgan County;

933 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

934 (iii) one member from Utah, Summit, Juab, or Wasatch County;

935 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

936 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

937 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

938 (c) The tourism industry representatives of ownership or executive management shall  
939 be appointed as follows:

940 (i) one member from ownership or executive management of the lodging industry, as  
941 recommended by the lodging industry for the governor's consideration;

942 (ii) one member from ownership or executive management of the restaurant industry,  
943 as recommended by the restaurant industry for the governor's consideration;

944 (iii) one member from ownership or executive management of the ski industry, as  
945 recommended by the ski industry for the governor's consideration; and

946 (iv) one member from ownership or executive management of the motor vehicle rental  
947 industry, as recommended by the motor vehicle rental industry for the governor's consideration.

948 (d) One member shall be appointed at large from ownership or executive management  
949 of business, finance, economic policy, or the academic media marketing community.

950 (e) One member shall be appointed from the Utah Tourism Industry Coalition as  
951 recommended by the coalition for the governor's consideration.

952 (f) One member shall be appointed to represent the state's counties as recommended by  
953 the Utah Association of Counties for the governor's consideration.

954 (g) (i) The governor may choose to disregard a recommendation made for a board  
955 member under Subsections (4)(c), (e), and (f).

956 (ii) The governor shall request additional recommendations if recommendations are  
957 disregarded under Subsection (4)(g)(i).

958 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
959 appointed for the unexpired term from the same geographic area or industry representation as  
960 the member whose office was vacated.

961 (6) Seven members of the board constitute a quorum for conducting board business and  
962 exercising board powers.

963 (7) The governor shall select one of the board members as chair and one of the board  
964 members as vice chair, each for a four-year term as recommended by the board for the  
965 governor's consideration.

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

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

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

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

971 (9) The board shall meet monthly or as often as the board determines to be necessary at  
972 various locations throughout the state.

973 (10) Members who may have a potential conflict of interest in consideration of fund  
974 allocation decisions shall identify the potential conflict prior to voting on the issue.

975 (11) (a) The board shall determine attendance requirements for maintaining a  
976 designated board seat.

977 (b) If a board member fails to attend according to the requirements established  
978 pursuant to Subsection (11)(a), the board member shall be replaced upon written certification  
979 from the board chair or vice chair to the governor.

980 (c) A replacement appointed by the governor under Subsection (11)(b) shall serve for  
981 the remainder of the board member's unexpired term.

982 (12) The board's office shall be in Salt Lake City.

983 Section 19. Section 72-4-302 is amended to read:

984 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**  
985 **Meetings -- Expenses.**

986 (1) There is created the Utah State Scenic Byway Committee.



- 987 (2) (a) The committee shall consist of the following 15 members:
- 988 (i) a representative from each of the following entities appointed by the governor:
- 989 (A) the Governor's Office of Economic Development;
- 990 (B) the Utah Department of Transportation;
- 991 (C) the Department of Heritage and Arts;
- 992 (D) the Division of Parks and Recreation;
- 993 (E) the Federal Highway Administration;
- 994 (F) the National Park Service;
- 995 (G) the National Forest Service; and
- 996 (H) the Bureau of Land Management;
- 997 (ii) one local government tourism representative appointed by the governor;
- 998 (iii) a representative from the private business sector appointed by the governor;
- 999 (iv) three local elected officials from a county, city, or town within the state appointed
- 1000 by the governor;
- 1001 (v) a member from the House of Representatives appointed by the speaker of the
- 1002 House of Representatives; and
- 1003 (vi) a member from the Senate appointed by the president of the Senate.
- 1004 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection
- 1005 (2) shall be appointed for a four-year term of office.
- 1006 (c) The governor shall, at the time of appointment or reappointment for appointments
- 1007 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the
- 1008 terms of committee members are staggered so that approximately half of the committee is
- 1009 appointed every two years.
- 1010 [~~(d) (i) The appointments made under Subsections (2)(a)(v) and (vi) by the speaker of~~
- 1011 ~~the House and the president of the Senate may not be from the same political party.]~~
- 1012 [~~(ii) The speaker of the House and the president of the Senate shall alternate the~~
- 1013 ~~appointments made under Subsections (2)(a)(v) and (vi) as follows:]~~
- 1014 [~~(A) if the speaker appoints a member under Subsection (2)(a)(v), the next appointment~~
- 1015 ~~made by the speaker following the expiration of the existing member's four-year term of office~~
- 1016 ~~shall be from a different political party; and]~~
- 1017 [~~(B) if the president appoints a member under Subsection (2)(a)(vi), the next~~

1018 ~~appointment made by the president following the expiration of the existing member's four-year~~  
1019 ~~term of office shall be from a different political party.]~~

1020 (d) The governor, the speaker of the House of Representatives, and the president of the  
1021 Senate may not consider or seek to discover the political affiliation of a person when  
1022 considering the person for appointment or reappointment to the board.

1023 (3) (a) The representative from the Governor's Office of Economic Development shall  
1024 chair the committee.

1025 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as  
1026 nonvoting, ex officio members of the committee.

1027 (4) The Governor's Office of Economic Development and the department shall provide  
1028 staff support to the committee.

1029 (5) (a) The chair may call a meeting of the committee only with the concurrence of the  
1030 department.

1031 (b) A majority of the voting members of the committee constitute a quorum.

1032 (c) Action by a majority vote of a quorum of the committee constitutes action by the  
1033 committee.

1034 (6) (a) A member who is not a legislator may not receive compensation or benefits for  
1035 the member's service, but may receive per diem and travel expenses as allowed in:

1036 (i) Section [63A-3-106](#);

1037 (ii) Section [63A-3-107](#); and

1038 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
1039 [63A-3-107](#).

1040 (b) Compensation and expenses of a member who is a legislator are governed by  
1041 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

1042 Section 20. Section **72-11-202** is amended to read:

1043 **72-11-202. Passenger ropeways -- Creation of Passenger Ropeway Safety**

1044 **Committee within Department of Transportation -- Members.**

1045 (1) There is created within the Department of Transportation a Passenger Ropeway  
1046 Safety Committee.

1047 (2) The committee is comprised of six appointive members and one ex officio member  
1048 who shall be appointed by the executive director of the Department of Transportation.

1049 (3) The appointive members shall be appointed by the governor from persons  
1050 representing the following interests:

- 1051 (a) two members to represent the industry;  
1052 (b) two members to represent the public at large;  
1053 (c) one member who is a licensed engineer in Utah; and  
1054 (d) one member to represent the United States Forest Service.

1055 (4) (a) Except as required by Subsection (4)(b), as terms of committee members expire,  
1056 the governor shall appoint each new member or reappointed member to a four-year term.

1057 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1058 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1059 committee members are staggered so that approximately half of the committee is appointed  
1060 every two years.

1061 ~~[(c) No more than four members shall be of the same political party.]~~

1062 (c) The governor may not consider or seek to discover the political affiliation of a  
1063 person when considering the person for appointment or reappointment to the committee.

1064 (5) The governor, in making the appointments, shall request and consider  
1065 recommendations made to him by:

- 1066 (a) the membership of the particular interest from which the appointments are to be  
1067 made; and  
1068 (b) the Department of Transportation.

1069 Section 21. Section **73-10-2** is amended to read:

1070 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**  
1071 **Vacancies.**

1072 (1) (a) The Board of Water Resources shall be comprised of eight members to be  
1073 appointed by the governor with the consent of the Senate.

1074 ~~[(b) In addition to the requirements of Section [79-2-203](#), not more than four members~~  
1075 ~~shall be from the same political party.]~~

1076 (b) The governor and the Senate may not consider or seek to discover the political  
1077 affiliation of a person when considering the person for appointment, reappointment, or  
1078 confirmation to the board.

1079 (2) ~~[One]~~ In addition to the requirements described in Section [79-2-203](#), one member

1080 of the board shall be appointed from each of the following districts:

1081 (a) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

1082 (b) Weber District, comprising the counties of Weber, Davis, Morgan, and Summit;

1083 (c) Salt Lake District, comprising the counties of Salt Lake and Tooele;

1084 (d) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

1085 (e) Sevier River District, comprising the counties of Millard, Sanpete, Sevier, Piute,

1086 and Wayne;

1087 (f) Green River District, comprising the counties of Daggett, Duchesne, and Uintah;

1088 (g) Upper Colorado River District, comprising the counties of Carbon, Emery, Grand,  
1089 and San Juan; and

1090 (h) Lower Colorado River District, comprising the counties of Beaver, Garfield, Iron,  
1091 Washington, and Kane.

1092 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of  
1093 four years.

1094 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
1095 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1096 board members are staggered so that approximately half of the board is appointed every two  
1097 years.

1098 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
1099 appointed for the unexpired term with the consent of the Senate and shall be from the same  
1100 district as such person.

1101 (4) A member may not receive compensation or benefits for the member's service, but  
1102 may receive per diem and travel expenses in accordance with:

1103 (a) Section [63A-3-106](#);

1104 (b) Section [63A-3-107](#); and

1105 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1106 [63A-3-107](#).

1107 Section 22. Section **79-3-302** is amended to read:

1108 **79-3-302. Members of board -- Qualifications and appointment -- Vacancies --**  
1109 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**

1110 (1) The board consists of seven members appointed by the governor, with the consent

1111 of the Senate.

1112 (2) In addition to the requirements of Section 79-2-203, the members shall have the  
1113 following qualifications:

1114 (a) one member knowledgeable in the field of geology as applied to the practice of civil  
1115 engineering;

1116 (b) four members knowledgeable and representative of various segments of the mineral  
1117 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

1118 (c) one member knowledgeable of the economic or scientific interests of the mineral  
1119 industry in the state; and

1120 (d) one member who is interested in the goals of the survey and from the public at  
1121 large.

1122 (3) The director of the School and Institutional Trust Lands Administration is an ex  
1123 officio member of the board but without any voting privileges.

1124 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of  
1125 four years.

1126 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1127 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1128 board members are staggered so that approximately half of the board is appointed every two  
1129 years.

1130 [~~(c) No more than four members may be of the same political party.~~]

1131 (c) The governor and the Senate may not consider or seek to discover the political  
1132 affiliation of a person when considering the person for appointment, reappointment, or  
1133 confirmation to the board.

1134 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1135 appointed for the unexpired term by the governor with the consent of the Senate.

1136 (5) The board shall select from its members a chair and such officers and committees  
1137 as it considers necessary.

1138 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by  
1139 its chair.

1140 (b) Special meetings may be held upon notice of the chair or by a majority of its  
1141 members.

1142 (c) A majority of the members of the board present at a meeting constitutes a quorum  
1143 for the transaction of business.

1144 (7) Members of the board may not obtain financial gain by reason of information  
1145 obtained during the course of their official duties.

1146 (8) A member may not receive compensation or benefits for the member's service, but  
1147 may receive per diem and travel expenses in accordance with:

1148 (a) Section 63A-3-106;

1149 (b) Section 63A-3-107; and

1150 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1151 63A-3-107.

1152 Section 23. Section 79-4-302 is amended to read:

1153 **79-4-302. Board appointment and terms of members -- Expenses.**

1154 (1) (a) The board is composed of nine members appointed by the governor, with the  
1155 consent of the Senate, to four-year terms.

1156 (b) In addition to the requirements of Section 79-2-203, the governor shall appoint:

1157 (i) [~~appoint~~] one member from each judicial district [~~and~~];

1158 (ii) one member from the public at large; and

1159 [~~(ii) ensure that not more than five members are from the same political party; and~~]

1160 (iii) [~~appoint~~] persons who have an understanding of and demonstrated interest in parks  
1161 and recreation.

1162 (c) The governor and the Senate may not consider or seek to discover the political  
1163 affiliation of a person when considering the person for appointment, reappointment, or  
1164 confirmation to the board.

1165 [~~(e)~~] (d) Notwithstanding the term requirements of Subsection (1)(a), the governor may  
1166 adjust the length of terms to ensure that the terms of board members are staggered so that  
1167 approximately half of the board is appointed every two years.

1168 (2) When vacancies occur because of death, resignation, or other cause, the governor,  
1169 with the consent of the Senate, shall:

1170 (a) appoint a person to complete the unexpired term of the person whose office was  
1171 vacated; and

1172 (b) if the person was appointed from a judicial district, appoint the replacement from

1173 the judicial district from which the person whose office has become vacant was appointed.

1174 (3) The board shall appoint its chair from its membership.

1175 (4) A member may not receive compensation or benefits for the member's service, but  
1176 may receive per diem and travel expenses in accordance with:

1177 (a) Section [63A-3-106](#);

1178 (b) Section [63A-3-107](#); and

1179 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1180 [63A-3-107](#).