

BOARDS AND COMMISSIONS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to executive boards.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the frequency by which an executive board is required to submit a report to the governor's office;
- ▶ modifies reporting requirements;
- ▶ requires an interim committee to unanimously approve the creation of certain new executive boards;
- ▶ subject to certain exceptions, authorizes the Legislature or the governor to deactivate or reactivate certain boards and commissions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-1-2.5, as last amended by Laws of Utah 2023, Chapters 35, 249



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

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

**67-1-2.5. Executive boards -- Database -- Governor's review of new boards --
Creation of boards and commissions -- Inactive boards.**

(1) As used in this section:

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

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

(i) with a defined limited membership;

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

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

(c) "Inactive board" means a board that does not need to function at the present time, but may need to function in the future.

(d) "Interim committee" means the same as that term is defined in Legislative Joint Rules, Title 7, Chapter 1, Part 2, Creation and Organization of Legislative Committees.

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

(i) review the executive board to evaluate:

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

(B) whether it is necessary for the executive board to [~~remain in statute~~] continue to exist;

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

(A) the funding required for the executive board;

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

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

- 59 (D) whether the responsibilities of the executive board could reasonably be
60 accomplished through an existing entity or without statutory direction; and
- 61 (iii) submit a report to the Government Operations Interim Committee recommending
62 that the Legislature:
- 63 (A) repeal the executive board;
- 64 (B) add a sunset provision or future repeal date to the executive board;
- 65 (C) make other changes to make the executive board more efficient; or
- 66 (D) make no changes to the executive board.
- 67 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
68 deference to:
- 69 (i) reducing the size of government; and
- 70 (ii) making governmental programs more efficient and effective.
- 71 (c) The governor is not required to conduct the review or submit the report described in
72 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,
73 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.
- 74 (3) (a) The governor shall designate a board and commissions administrator from the
75 governor's staff to maintain a computerized database containing information about all
76 executive boards.
- 77 (b) The administrator shall ensure that the database contains:
- 78 (i) the name of each executive board;
- 79 (ii) the current statutory or constitutional authority for the creation of the executive
80 board;
- 81 (iii) the sunset date on which each executive board's statutory authority expires;
- 82 (iv) the state officer or department and division of state government under whose
83 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 84 (v) the name, address, gender, telephone number, and county of each individual
85 currently serving on the executive board, along with a notation of all vacant or unfilled
86 positions;
- 87 (vi) the title of the position held by the person who appointed each member of the
88 executive board;
- 89 (vii) the length of the term to which each member of the executive board was

90 appointed and the month and year that each executive board member's term expires;

91 (viii) whether members appointed to the executive board require the advice and

92 consent of the Senate;

93 (ix) the organization, interest group, profession, local government entity, or geographic

94 area that an individual appointed to an executive board represents, if any;

95 (x) the party affiliation of an individual appointed to an executive board, if the statute

96 or executive order creating the position requires representation from political parties;

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

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

99 rulemaking board as defined in Section 63G-24-102; and

100 (xiii) any compensation and expense reimbursement that members of the executive

101 board are authorized to receive.

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

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

104 (i) physical address;

105 (ii) email address; and

106 (iii) telephone number;

107 (b) a portal, accessible on each executive board's web page within the governor's

108 website, through which a member of the public may provide input on:

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

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

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

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

113 (5) (a) Before August 1, [~~once every five years, beginning in calendar year 2024~~] in

114 each even-numbered year, each executive board shall prepare and submit to the administrator a

115 report that includes:

116 (i) the name of the executive board;

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

118 (iii) a description of the actions taken by the executive board since the last report the

119 executive board submitted to the administrator under this Subsection (5);

120 (iv) recommendations on whether any statutory, rule, or other changes are needed to

121 make the executive board more effective; and

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

123 (b) The administrator shall compile and post the reports described in Subsection (5)(a)

124 to the governor's website before September 1 of a calendar year in which the administrator

125 receives a report described in Subsection (5)(a).

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

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

129 (ii) a summary of the reports submitted to the administrator under Subsection (5),

130 including:

131 (A) a list of each executive board that submitted a report under Subsection (5);

132 (B) a list of each executive board that failed to timely submit a report under Subsection

133 (5);

134 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and

135 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the

136 executive board should no longer exist; and

137 (E) a recommendation regarding whether the administrator recommends the executive
138 board should continue to exist; and

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

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

145 (i) the president of the Senate;

146 (ii) the speaker of the House of Representatives; and

147 (iii) the Government Operations Interim Committee.

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

151 (ii) The Office of Legislative Research and General Counsel shall notify the chairs of

152 an interim committee whose subject area most closely relates to an executive board described
153 in Subsection (6)(c)(i) of:

154 (A) the name of the board;

155 (B) information regarding the function of the board; and

156 (C) the deadline by which the interim committee is required to conduct a review
157 described in Subsection (6)(c)(i).

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

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

165 (7) The Legislature may not create an executive board except through a bill that
166 receives a favorable recommendation by unanimous vote of an interim committee.

167 (8) Except for an executive board created by the Utah Constitution, an interim
168 committee may determine that an executive board is an inactive board and recommend that the
169 governor deactivate the executive board.

170 (9) Except for an executive board created by the Utah Constitution, an interim
171 committee may recommend that the governor reactivate a deactivated executive board.

172 (10) If an interim committee recommends that the governor deactivate or reactivate an
173 executive board, the chairs of the interim committee shall submit a written notice identifying
174 the name of the executive board and the reason for the recommendation to:

175 (a) the governor;

176 (b) the chairs of the Legislative Management Committee;

177 (c) the administrator, as defined in Section 67-1-2.5; and

178 (d) the executive branch agency that oversees the board.

179 (11) Except for an executive board created by the Utah Constitution, the Legislature
180 may deactivate or reactivate an executive board by concurrent resolution.

181 (12) (a) Except as provided in Subsection (12)(c), the governor may determine that an
182 executive board is an inactive board:

- 183 (i) in response to the recommendation of an interim committee; or
184 (ii) based on the governor's own determination.
- 185 (b) Except as provided in Subsection (12)(c), if the governor determines that an
186 executive board is an inactive board, the governor may deactivate the executive board.
- 187 (c) The governor may not deactivate an executive board if:
188 (i) the executive board is created by the Utah Constitution;
189 (ii) within the previous one-year period, the Legislature created the executive board,
190 reauthorized the executive board, or, by concurrent resolution, reactivated the executive board;
191 or
- 192 (iii) the board is created by a statute that expressly prohibits the governor from
193 deactivating the executive board.
- 194 (d) An executive board that the governor deactivates under Subsection (12)(b), or that
195 the Legislature deactivates by concurrent resolution, may not take an action or fulfill a duty that
196 the executive board is otherwise statutorily authorized to take or fulfill.
- 197 (13) (a) Except as provided in Subsection (13)(c), the governor may determine that a
198 deactivated executive board should be reactivated.
- 199 (b) Except as provided in Subsection (13)(c), if the governor determines that a
200 deactivated executive board should be reactivated, the governor may reactivate the executive
201 board.
- 202 (c) The governor may not reactivate an executive board if:
203 (i) within the previous one-year period, the Legislature deactivated the executive board
204 by concurrent resolution; or
205 (ii) the board is created by a statute that expressly prohibits the governor from
206 reactivating the executive board.
- 207 (d) An executive board that the governor reactivates under Subsection (13)(b), or that
208 the Legislature reactivates by concurrent resolution, may take an action or fulfill a duty that the
209 executive board is statutorily authorized to take or fulfill.
- 210 (14) Before the governor deactivates or reactivates an executive board under this
211 section, the governor shall submit a written notice identifying the name of the board and the
212 reason the governor has determined to deactivate or reactivate the executive board to:
- 213 (a) the chairs of the Legislative Management Committee;

214 (b) the chairs of the Government Operations Interim Committee;

215 (c) the administrator, as defined in Section [67-1-2.5](#); and

216 (d) the executive branch agency that oversees the board.

217 ~~[(7) (a) On or before September 30, 2023, the administrator shall meet with the~~

218 ~~Division of Professional Licensing, the Insurance Department, the Department of Agriculture~~

219 ~~and Food, and the stakeholders involved with at least the following boards as part of the annual~~

220 ~~review of executive boards:]~~

221 ~~[(i) the Landscape Architects Board;]~~

222 ~~[(ii) the Professional Geologist Licensing Board;]~~

223 ~~[(iii) the Bail Bond Oversight Board;]~~

224 ~~[(iv) the Title and Escrow Commission; and]~~

225 ~~[(v) the Horse Racing Commission.]~~

226 ~~[(b) The review described in Subsection (7)(a) shall consider:]~~

227 ~~[(i) the funding required for the executive board;]~~

228 ~~[(ii) the staffing resources required for the executive board;]~~

229 ~~[(iii) the time members of the executive board are required to commit to serve on the~~

230 ~~executive board;]~~

231 ~~[(iv) whether the responsibilities of the executive board could reasonably be~~

232 ~~accomplished through an existing entity or without statutory direction;]~~

233 ~~[(v) the historical record of how many meetings the executive board held in the last~~

234 ~~five years and the agendas of the executive board;]~~

235 ~~[(vi) the ability to fill vacancies and appointments to the executive board;]~~

236 ~~[(vii) the statutory duties of the executive board; and]~~

237 ~~[(viii) other items to make the best recommendations for the executive board.]~~

238 ~~[(8) (a) The administrator shall submit a report of the review described in Subsection~~

239 ~~(7)(b) to the Government Operations Interim Committee before October 17, 2023,~~

240 ~~recommending that the Legislature:]~~

241 ~~[(i) repeal the executive board;]~~

242 ~~[(ii) add a sunset or future repeal date to the executive board;]~~

243 ~~[(iii) make other changes to make the executive board more efficient; or]~~

244 ~~[(iv) make no changes to the executive board.]~~

245 ~~[(b) In conducting the review described in Subsection (7)(b), the administrator shall~~
246 ~~give deference to:]~~

247 ~~[(i) reducing the size of government;]~~

248 ~~[(ii) making governmental programs more efficient and effective; and]~~

249 ~~[(iii) reducing the burdens of government on business.]~~

250 Section 2. **Effective date.**

251 This bill takes effect on May 1, 2024.