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BOARDS AND COMMISSIONS AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Daniel McCay
House Sponsor: Calvin R. Musselman

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

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 --

28 **Creation of boards and commissions -- Inactive boards.**

29 (1) As used in this section:

30 (a) "Administrator" means the boards and commissions administrator designated under
31 Subsection (3).32 (b) "Executive board" means an executive branch board, commission, council,
33 committee, working group, task force, study group, advisory group, or other body:

34 (i) with a defined limited membership;

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

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

40 (c) "Inactive board" means a board that does not need to function at the present time, but
41 may need to function in the future.42 (d) "Interim committee" means the same as that term is defined in Legislative Joint
43 Rules, Title 7, Chapter 1, Part 2, Creation and Organization of Legislative
44 Committees.45 (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year
46 following the year in which a new executive board is created in statute, the governor
47 shall:

48 (i) review the executive board to evaluate:

49 (A) whether the executive board accomplishes a substantial governmental interest;
50 and51 (B) whether it is necessary for the executive board to~~remain in statute~~ continue
52 to exist;

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

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

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

56 (C) the time members of the executive board are required to commit to serve on
57 the executive board; and58 (D) whether the responsibilities of the executive board could reasonably be
59 accomplished through an existing entity or without statutory direction; and60 (iii) submit a report to the Government Operations Interim Committee recommending
61 that the Legislature:

- 62 (A) repeal the executive board;
- 63 (B) add a sunset provision or future repeal date to the executive board;
- 64 (C) make other changes to make the executive board more efficient; or
- 65 (D) make no changes to the executive board.
- 66 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
- 67 deference to:
- 68 (i) reducing the size of government; and
- 69 (ii) making governmental programs more efficient and effective.
- 70 (c) The governor is not required to conduct the review or submit the report described in
- 71 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I,
- 72 Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal
- 73 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
- 84 affiliated, if any;
- 85 (v) the name, address, gender, telephone number, and county of each individual
- 86 currently serving on the executive board, along with a notation of all vacant or
- 87 unfilled positions;
- 88 (vi) the title of the position held by the person who appointed each member of the
- 89 executive board;
- 90 (vii) the length of the term to which each member of the executive board was
- 91 appointed and the month and year that each executive board member's term
- 92 expires;
- 93 (viii) whether members appointed to the executive board require the advice and
- 94 consent of the Senate;
- 95 (ix) the organization, interest group, profession, local government entity, or

- 96 geographic area that an individual appointed to an executive board represents, if
97 any;
- 98 (x) the party affiliation of an individual appointed to an executive board, if the statute
99 or executive order creating the position requires representation from political
100 parties;
- 101 (xi) whether each executive board is a policy board or an advisory board;
- 102 (xii) whether the executive board has or exercises rulemaking authority, or is a
103 rulemaking board as defined in Section 63G-24-102; and
- 104 (xiii) any compensation and expense reimbursement that members of the executive
105 board are authorized to receive.
- 106 (4) The administrator shall ensure the governor's website includes:
- 107 (a) the information contained in the database, except for an individual's:
- 108 (i) physical address;
- 109 (ii) email address; and
- 110 (iii) telephone number;
- 111 (b) a portal, accessible on each executive board's web page within the governor's
112 website, through which a member of the public may provide input on:
- 113 (i) an individual appointed to serve on the executive board; or
- 114 (ii) a sitting member of the executive board;
- 115 (c) each report the administrator receives under Subsection (5); and
- 116 (d) the summary report described in Subsection (6).
- 117 (5) (a) Before August 1, [~~once every five years, beginning in calendar year 2024~~] in each
118 even-numbered year, each executive board shall prepare and submit to the
119 administrator a report that includes:
- 120 (i) the name of the executive board;
- 121 (ii) a description of the executive board's official function and purpose;
- 122 (iii) a description of the actions taken by the executive board since the last report the
123 executive board submitted to the administrator under this Subsection (5);
- 124 (iv) recommendations on whether any statutory, rule, or other changes are needed to
125 make the executive board more effective; and
- 126 (v) an indication of whether the executive board should continue to exist.
- 127 (b) The administrator shall compile and post the reports described in Subsection (5)(a) to
128 the governor's website before September 1 of a calendar year in which the
129 administrator receives a report described in Subsection (5)(a).

- 130 (6) (a) Before September 1 of a calendar year in which the administrator receives a
131 report described in Subsection (5)(a), the administrator shall prepare a report that
132 includes:
- 133 (i) as of July 1 of that year, the total number of executive boards that exist;
 - 134 (ii) a summary of the reports submitted to the administrator under Subsection (5),
135 including:
 - 136 (A) a list of each executive board that submitted a report under Subsection (5);
 - 137 (B) a list of each executive board that failed to timely submit a report under
138 Subsection (5);
 - 139 (C) an indication of any recommendations made under Subsection (5)(a)(iv); [~~and~~]
 - 140 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
141 executive board should no longer exist; and
 - 142 (E) a recommendation regarding whether the administrator recommends the
143 executive board should continue to exist; and
 - 144 (iii) a list of each executive board, identified and reported by the Division of
145 Archives and Record Services under Section 63A-16-601, that did not post a
146 notice of a public meeting on the Utah Public Notice Website during the previous
147 fiscal year.
- 148 (b) On or before September 1 of a calendar year in which the administrator prepares a
149 report described in Subsection (6)(a), in accordance with Section 68-3-14, the
150 administrator shall submit the report to:
- 151 (i) the president of the Senate;
 - 152 (ii) the speaker of the House of Representatives; and
 - 153 (iii) the Government Operations Interim Committee.
- 154 (c) (i) Within 60 days after the day on which an executive board fails to timely
155 submit a report under Subsection (5), a legislative interim committee shall conduct
156 a review to determine whether to recommend repeal of the executive board.
- 157 (ii) The Office of Legislative Research and General Counsel shall notify the chairs of
158 an interim committee whose subject area most closely relates to an executive
159 board described in Subsection (6)(c)(i) of:
 - 160 (A) the name of the board;
 - 161 (B) information regarding the function of the board; and
 - 162 (C) the deadline by which the interim committee is required to conduct a review
163 described in Subsection (6)(c)(i).

- 164 (iii) If there is not an interim committee with a subject area relating to the executive
165 board, or if the interim committee described in Subsection (6)(c)(ii) is unable to
166 timely conduct the review described in Subsection (6)(c), the Government
167 Operations Interim Committee shall conduct the review.
- 168 (iv) If an interim committee recommends that an executive board described in
169 Subsection (6)(c)(i) be repealed, the Office of Legislative Research and General
170 Counsel shall draft a bill repealing the executive board.
- 171 (7) The Legislature may not create an executive board except through a bill that receives a
172 favorable recommendation by unanimous vote of an interim committee.
- 173 (8) Except for an executive board created by the Utah Constitution, an interim committee
174 may determine that an executive board is an inactive board and recommend that the
175 governor deactivate the executive board.
- 176 (9) Except for an executive board created by the Utah Constitution, an interim committee
177 may recommend that the governor reactivate a deactivated executive board.
- 178 (10) If an interim committee recommends that the governor deactivate or reactivate an
179 executive board, the chairs of the interim committee shall submit a written notice
180 identifying the name of the executive board and the reason for the recommendation to:
181 (a) the governor;
182 (b) the chairs of the Legislative Management Committee;
183 (c) the administrator, as defined in Section 67-1-2.5; and
184 (d) the executive branch agency that oversees the board.
- 185 (11) Except for an executive board created by the Utah Constitution, the Legislature may
186 deactivate or reactivate an executive board by concurrent resolution.
- 187 (12) (a) Except as provided in Subsection (12)(c), the governor may determine that an
188 executive board is an inactive board:
189 (i) in response to the recommendation of an interim committee; or
190 (ii) based on the governor's own determination.
191 (b) Except as provided in Subsection (12)(c), if the governor determines that an
192 executive board is an inactive board, the governor may deactivate the executive board.
193 (c) The governor may not deactivate an executive board if:
194 (i) the executive board is created by the Utah Constitution;
195 (ii) within the previous one-year period, the Legislature created the executive board,
196 reauthorized the executive board, or, by concurrent resolution, reactivated the
197 executive board; or

- 198 (iii) the board is created by a statute that expressly prohibits the governor from
199 deactivating the executive board.
- 200 (d) An executive board that the governor deactivates under Subsection (12)(b), or that
201 the Legislature deactivates by concurrent resolution, may not take an action or fulfill
202 a duty that the executive board is otherwise statutorily authorized to take or fulfill.
- 203 (13) (a) Except as provided in Subsection (13)(c), the governor may determine that a
204 deactivated executive board should be reactivated.
- 205 (b) Except as provided in Subsection (13)(c), if the governor determines that a
206 deactivated executive board should be reactivated, the governor may reactivate the
207 executive board.
- 208 (c) The governor may not reactivate an executive board if:
- 209 (i) within the previous one-year period, the Legislature deactivated the executive
210 board by concurrent resolution; or
- 211 (ii) the board is created by a statute that expressly prohibits the governor from
212 reactivating the executive board.
- 213 (d) An executive board that the governor reactivates under Subsection (13)(b), or that
214 the Legislature reactivates by concurrent resolution, may take an action or fulfill a
215 duty that the executive board is statutorily authorized to take or fulfill.
- 216 (14) Before the governor deactivates or reactivates an executive board under this section,
217 the governor shall submit a written notice identifying the name of the board and the
218 reason the governor has determined to deactivate or reactivate the executive board to:
- 219 (a) the chairs of the Legislative Management Committee;
220 (b) the chairs of the Government Operations Interim Committee;
221 (c) the administrator, as defined in Section 67-1-2.5; and
222 (d) the executive branch agency that oversees the board.
- 223 ~~[(7) (a) On or before September 30, 2023, the administrator shall meet with the Division of~~
224 ~~Professional Licensing, the Insurance Department, the Department of Agriculture and~~
225 ~~Food, and the stakeholders involved with at least the following boards as part of the~~
226 ~~annual review of executive boards:]~~
- 227 ~~[(i) the Landscape Architects Board;]~~
228 ~~[(ii) the Professional Geologist Licensing Board;]~~
229 ~~[(iii) the Bail Bond Oversight Board;]~~
230 ~~[(iv) the Title and Escrow Commission; and]~~
231 ~~[(v) the Horse Racing Commission.]~~

- 232 ~~[(b) The review described in Subsection (7)(a) shall consider:]~~
- 233 ~~[(i) the funding required for the executive board;]~~
- 234 ~~[(ii) the staffing resources required for the executive board;]~~
- 235 ~~[(iii) the time members of the executive board are required to commit to serve on the~~
- 236 ~~executive board;]~~
- 237 ~~[(iv) whether the responsibilities of the executive board could reasonably be accomplished~~
- 238 ~~through an existing entity or without statutory direction;]~~
- 239 ~~[(v) the historical record of how many meetings the executive board held in the last five~~
- 240 ~~years and the agendas of the executive board;]~~
- 241 ~~[(vi) the ability to fill vacancies and appointments to the executive board;]~~
- 242 ~~[(vii) the statutory duties of the executive board; and]~~
- 243 ~~[(viii) other items to make the best recommendations for the executive board.]~~
- 244 ~~[(8) (a) The administrator shall submit a report of the review described in Subsection~~
- 245 ~~(7)(b) to the Government Operations Interim Committee before October 17, 2023,~~
- 246 ~~recommending that the Legislature:]~~
- 247 ~~[(i) repeal the executive board;]~~
- 248 ~~[(ii) add a sunset or future repeal date to the executive board;]~~
- 249 ~~[(iii) make other changes to make the executive board more efficient; or]~~
- 250 ~~[(iv) make no changes to the executive board.]~~
- 251 ~~[(b) In conducting the review described in Subsection (7)(b), the administrator shall give~~
- 252 ~~deference to:]~~
- 253 ~~[(i) reducing the size of government;]~~
- 254 ~~[(ii) making governmental programs more efficient and effective; and]~~
- 255 ~~[(iii) reducing the burdens of government on business.]~~

256 Section 2. **Effective date.**

257 This bill takes effect on May 1, 2024.