

BOARDS AND COMMISSIONS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses provisions related to certain boards and commissions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires each executive branch board or commission to submit an annual report to the governor's office and requires the governor's office to provide a summary report to the Legislature;
- ▶ requires each legislative branch board or commission to submit an annual report to the Office of Legislative Research and General Counsel and requires the Office of Legislative Research and General Council to provide a summary report to the Legislature;
- ▶ repeals the following entities and provisions related to the following entities:
 - the American Indian-Alaskan Native Education Commission;
 - the Clean Air Act Compliance Advisory Panel;
 - the Commission on Civic and Character Education;
 - the Data Security Management Council;
 - the Economic Development Legislative Liaison Committee;
 - the Free Market Protection and Privatization Board;
 - the Governing Board of a Utah Interlocal Entity for Alternative Fuel Vehicles or



28 Facilities;

29 • the Judicial Rules Review Committee;

30 • the Legislative IT Steering Committee;

31 • the Online Court Assistance Program Policy Board;

32 • the Prison Development Commission;

33 • the State Council on Military Children;

34 • the Technology Advisory Board;

35 • the Towing Advisory Board; and

36 • the Utah Marriage Commission;

37 ▶ combines the Commission for the Stewardship of Public Lands, Commission on

38 Federalism, Federal Funds Commission, and Constitutional Defense Council into

39 the Constitutional and Federalism Defense Council and provides that the

40 Constitutional and Federalism Defense Council subsumes the responsibilities of

41 those entities;

42 ▶ removes some legislators from the following:

43 • the Air Quality Policy Advisory Board;

44 • the Native American Legislative Liaison Committee; and

45 • the Sentencing Commission;

46 ▶ removes all legislators from the following:

47 • the Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee;

48 • the State Workforce Development Board;

49 • the Utah Commission on Aging; and

50 • the Utah Substance Use and Mental Health Advisory Council;

51 ▶ prohibits a legislator from being appointed to the following:

52 • the Committee on Children and Family Law;

53 • the Governor's Child and Family Cabinet Council;

54 • the School Readiness Board;

55 • the Utah Commission on Literacy;

56 • the Utah Communications Authority Board;

57 • the Utah Developmental Disabilities Council;

58 • the Utah Lake Commission Governing Board;

- 59 • the Utah Multicultural Commission;
- 60 • the Utah Science, Technology, and Research Initiative Governing Authority
- 61 Board; and
- 62 • the Wasatch Front Regional Council;
- 63 ▶ adds a sunset date to the following entities and provisions related to the following
- 64 entities:
- 65 • the Advisory Board on Children’s Justice;
- 66 • the Criminal Code Evaluation Task Force;
- 67 • the Employability to Careers Program Board;
- 68 • the Legislative Process Committee;
- 69 • the Legislative Water Development Commission;
- 70 • the Native American Legislative Liaison Committee;
- 71 • the Point of the Mountain State Land Authority Board;
- 72 • the Road Usage Charge Advisory Committee;
- 73 • the School Safety and Crisis Line Commission;
- 74 • the Standards Review Committee;
- 75 • the Talent Ready Utah Board;
- 76 • the Utah Seismic Safety Commission;
- 77 • the Utah State Scenic Byway Committee;
- 78 • the Utah Tax Review Commission;
- 79 • the Utah Transparency Advisory Board;
- 80 • the Veterans and Military Affairs Commission; and
- 81 • the Women in the Economy Commission;
- 82 ▶ modifies sunset provisions related to the Mental Health and Crisis Line
- 83 Commission;
- 84 ▶ adds a sunset date to the legislative membership of the following entities:
- 85 • the Pete Suazo Athletic Commission; and
- 86 • the Utah State Fair Corporation Board of Directors;
- 87 ▶ adds a provision to automatically repeal the State Fair Park Committee; and
- 88 ▶ makes technical and conforming changes.

89 **Money Appropriated in this Bill:**

90 None

91 **Other Special Clauses:**

92 None

93 **Utah Code Sections Affected:**

94 AMENDS:

95 **9-9-104.6**, as last amended by Laws of Utah 2018, Chapter 415

96 **9-9-408**, as enacted by Laws of Utah 2017, Chapter 88

97 **17-16-21**, as last amended by Laws of Utah 2018, Chapter 347

98 **19-2-109.1**, as last amended by Laws of Utah 2015, Chapter 154

99 **19-2a-102**, as renumbered and amended by Laws of Utah 2018, Chapter 120

100 **26-54-103**, as last amended by Laws of Utah 2017, Chapter 261

101 **30-1-34**, as last amended by Laws of Utah 2018, Chapter 347

102 **30-1-36**, as last amended by Laws of Utah 2018, Chapter 347

103 **35A-1-206**, as last amended by Laws of Utah 2018, Chapter 39

104 **35A-3-209**, as renumbered and amended by Laws of Utah 2018, Chapter 389

105 **36-22-1**, as last amended by Laws of Utah 2014, Chapter 387

106 **40-6-16**, as last amended by Laws of Utah 2016, Chapter 317

107 **52-4-103**, as amended by Statewide Initiative -- Proposition 4, Nov. 6, 2018

108 **53F-5-601**, as renumbered and amended by Laws of Utah 2018, Chapter 2

109 **53F-5-602**, as renumbered and amended by Laws of Utah 2018, Chapter 2

110 **53F-5-604**, as renumbered and amended by Laws of Utah 2018, Chapter 2

111 **53G-10-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3

112 **54-1-13**, as last amended by Laws of Utah 2016, Chapter 13

113 **63A-5-225**, as enacted by Laws of Utah 2015, Chapter 182

114 **63B-25-101**, as last amended by Laws of Utah 2018, Chapter 280

115 **63C-4a-101**, as enacted by Laws of Utah 2013, Chapter 101

116 **63C-4a-102**, as enacted by Laws of Utah 2013, Chapter 101

117 **63C-4a-202**, as last amended by Laws of Utah 2014, Chapter 387

118 **63C-4a-303**, as last amended by Laws of Utah 2018, Chapters 81 and 338

119 **63C-4a-304**, as renumbered and amended by Laws of Utah 2013, Chapter 101

120 **63C-4a-305**, as renumbered and amended by Laws of Utah 2013, Chapter 101

121 [63C-4a-306](#), as enacted by Laws of Utah 2014, Chapter 221
122 [63C-4a-307](#), as enacted by Laws of Utah 2018, Chapter 338
123 [63F-1-102](#), as last amended by Laws of Utah 2017, Chapter 238
124 [63F-1-203](#), as last amended by Laws of Utah 2017, Chapter 238
125 [63F-1-303](#), as last amended by Laws of Utah 2012, Chapter 369
126 [63F-4-201](#), as enacted by Laws of Utah 2018, Chapter 144
127 [63F-4-202](#), as enacted by Laws of Utah 2018, Chapter 144
128 [63H-7a-203](#), as last amended by Laws of Utah 2017, Chapter 430
129 [63I-1-209](#), as last amended by Laws of Utah 2014, Chapter 117
130 [63I-1-211](#), as enacted by Laws of Utah 2011, Second Special Session, Chapter 1
131 [63I-1-223](#), as renumbered and amended by Laws of Utah 2008, Chapter 382
132 [63I-1-226](#), as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
133 [63I-1-235](#), as last amended by Laws of Utah 2018, Chapters 232 and 392
134 [63I-1-236](#), as last amended by Laws of Utah 2018, Chapters 33, 170, and 342
135 [63I-1-251](#), as enacted by Laws of Utah 2015, Chapter 275
136 [63I-1-253](#), as last amended by Laws of Utah 2018, Chapters 107, 117, 385, 415, and
137 453
138 [63I-1-259](#), as last amended by Laws of Utah 2018, Chapter 281
139 [63I-1-262](#), as last amended by Laws of Utah 2018, Chapters 74, 220, 281, and 347
140 [63I-1-263](#), as last amended by Laws of Utah 2018, Chapters 85, 144, 182, 261, 321,
141 338, 340, 347, 369, 428, 430, and 469
142 [63I-1-267](#), as last amended by Laws of Utah 2017, Chapter 192
143 [63I-1-272](#), as renumbered and amended by Laws of Utah 2008, Chapter 382
144 [63I-1-273](#), as last amended by Laws of Utah 2018, Chapters 344 and 418
145 [63I-2-263](#), as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469
146 [63J-1-602.2](#), as repealed and reenacted by Laws of Utah 2018, Chapter 469
147 [63J-4-401](#), as last amended by Laws of Utah 2013, Chapter 101
148 [63J-4-603](#), as last amended by Laws of Utah 2018, Chapter 411
149 [63J-4-606](#), as last amended by Laws of Utah 2014, Chapter 319
150 [63J-4-607](#), as last amended by Laws of Utah 2018, Chapter 411
151 [63L-10-102](#), as enacted by Laws of Utah 2018, Chapter 411

- 152 **63L-10-103**, as enacted by Laws of Utah 2018, Chapter 411
- 153 **63L-10-104**, as enacted by Laws of Utah 2018, Chapter 411
- 154 **63M-2-301**, as last amended by Laws of Utah 2016, Chapter 240
- 155 **63M-7-301**, as last amended by Laws of Utah 2018, Chapter 414
- 156 **63M-7-302**, as last amended by Laws of Utah 2016, Chapter 158
- 157 **63M-7-401**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 158 **63M-11-201**, as last amended by Laws of Utah 2017, Chapter 95
- 159 **63M-11-206**, as last amended by Laws of Utah 2014, Chapter 387
- 160 **63N-1-201**, as last amended by Laws of Utah 2017, Chapters 277 and 310
- 161 **67-1-2.5**, as last amended by Laws of Utah 2002, Chapter 176
- 162 **73-10g-105**, as last amended by Laws of Utah 2016, Chapter 309
- 163 **78A-2-501**, as last amended by Laws of Utah 2017, Chapter 115

164 ENACTS:

- 165 **36-12-21**, Utah Code Annotated 1953
- 166 **36-12-22**, Utah Code Annotated 1953
- 167 **63I-1-204**, Utah Code Annotated 1953

168 RENUMBERS AND AMENDS:

- 169 **63C-4a-301.1**, (Renumbered from 63C-4a-203, as last amended by Laws of Utah 2013,
170 Chapter 445 and renumbered and amended by Laws of Utah 2013, Chapter 101)
- 171 **63C-4a-308**, (Renumbered from 63C-4b-104, as enacted by Laws of Utah 2016,
172 Chapter 408)
- 173 **63C-4a-309**, (Renumbered from 63C-14-301, as last amended by Laws of Utah 2018,
174 Chapter 81)
- 175 **63C-4a-404**, (Renumbered from 63C-4b-105, as enacted by Laws of Utah 2016,
176 Chapter 408)
- 177 **63C-4a-405**, (Renumbered from 63C-4b-106, as enacted by Laws of Utah 2016,
178 Chapter 408)

179 REPEALS:

- 180 **10-1-119**, as last amended by Laws of Utah 2014, Chapter 189
- 181 **11-13-224**, as last amended by Laws of Utah 2015, Chapter 265
- 182 **17-50-107**, as last amended by Laws of Utah 2013, Chapter 325

- 183 [19-2-109.2](#), as last amended by Laws of Utah 2015, Chapter 154
- 184 [36-20-1](#), as last amended by Laws of Utah 2008, Chapter 3
- 185 [36-20-2](#), as last amended by Laws of Utah 2010, Chapter 324
- 186 [36-20-3](#), as enacted by Laws of Utah 1993, Chapter 282
- 187 [36-20-4](#), as enacted by Laws of Utah 1993, Chapter 282
- 188 [36-20-5](#), as enacted by Laws of Utah 1993, Chapter 282
- 189 [36-20-6](#), as last amended by Laws of Utah 1996, Chapter 36
- 190 [36-20-7](#), as enacted by Laws of Utah 1993, Chapter 282
- 191 [36-20-8](#), as enacted by Laws of Utah 1993, Chapter 282
- 192 [36-30-101](#), as enacted by Laws of Utah 2017, Chapter 277
- 193 [36-30-102](#), as enacted by Laws of Utah 2017, Chapter 277
- 194 [36-30-201](#), as enacted by Laws of Utah 2017, Chapter 277
- 195 [36-30-202](#), as enacted by Laws of Utah 2017, Chapter 277
- 196 [36-30-203](#), as enacted by Laws of Utah 2017, Chapter 277
- 197 [53E-3-920](#), as last amended by Laws of Utah 2018, Chapter 39 and renumbered and
- 198 amended by Laws of Utah 2018, Chapter 1
- 199 [53E-10-401](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 200 [53E-10-402](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 201 [53E-10-403](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 202 [53E-10-404](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 203 [53E-10-405](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 204 [53E-10-406](#), as renumbered and amended by Laws of Utah 2018, Chapter 1
- 205 [53E-10-407](#), as enacted by Laws of Utah 2018, Chapter 1
- 206 [62A-1-120](#), as last amended by Laws of Utah 2018, Chapter 347
- 207 [63C-4a-201](#), as enacted by Laws of Utah 2013, Chapter 101
- 208 [63C-4a-301](#), as enacted by Laws of Utah 2013, Chapter 101
- 209 [63C-4a-302](#), as last amended by Laws of Utah 2014, Chapter 387
- 210 [63C-4b-101](#), as enacted by Laws of Utah 2016, Chapter 408
- 211 [63C-4b-102](#), as enacted by Laws of Utah 2016, Chapter 408
- 212 [63C-4b-103](#), as enacted by Laws of Utah 2016, Chapter 408
- 213 [63C-4b-107](#), as enacted by Laws of Utah 2016, Chapter 408

- 214 **63C-14-101**, as enacted by Laws of Utah 2013, Chapter 62
215 **63C-14-102**, as enacted by Laws of Utah 2013, Chapter 62
216 **63C-14-201**, as enacted by Laws of Utah 2013, Chapter 62
217 **63C-14-202**, as last amended by Laws of Utah 2014, Chapter 387
218 **63C-14-302**, as last amended by Laws of Utah 2015, Chapter 409
219 **63C-16-101**, as enacted by Laws of Utah 2015, Chapter 182
220 **63C-16-102**, as enacted by Laws of Utah 2015, Chapter 182
221 **63C-16-201**, as enacted by Laws of Utah 2015, Chapter 182
222 **63C-16-202**, as enacted by Laws of Utah 2015, Chapter 182
223 **63C-16-203**, as enacted by Laws of Utah 2015, Chapter 182
224 **63C-16-204**, as enacted by Laws of Utah 2015, Chapter 182
225 **63F-1-202**, as last amended by Laws of Utah 2017, Chapter 238
226 **63F-2-101**, as enacted by Laws of Utah 2015, Chapter 371
227 **63F-2-102**, as last amended by Laws of Utah 2018, Chapter 81
228 **63F-2-103**, as last amended by Laws of Utah 2016, Chapter 13
229 **63I-4a-101**, as renumbered and amended by Laws of Utah 2013, Chapter 325
230 **63I-4a-102**, as last amended by Laws of Utah 2018, Chapter 415
231 **63I-4a-201**, as enacted by Laws of Utah 2013, Chapter 325
232 **63I-4a-202**, as last amended by Laws of Utah 2014, Chapters 189 and 387
233 **63I-4a-203**, as last amended by Laws of Utah 2018, Chapter 81
234 **63I-4a-204**, as enacted by Laws of Utah 2013, Chapter 325
235 **63I-4a-205**, as renumbered and amended by Laws of Utah 2013, Chapter 325
236 **63I-4a-301**, as enacted by Laws of Utah 2013, Chapter 325
237 **63I-4a-302**, as renumbered and amended by Laws of Utah 2013, Chapter 325
238 **63I-4a-303**, as last amended by Laws of Utah 2013, Chapter 310 and renumbered and
239 amended by Laws of Utah 2013, Chapter 325
240 **63I-4a-304**, as renumbered and amended by Laws of Utah 2013, Chapter 325
241 **63I-4a-401**, as enacted by Laws of Utah 2013, Chapter 325
242 **63I-4a-402**, as renumbered and amended by Laws of Utah 2013, Chapter 325
243 **67-1a-10**, as last amended by Laws of Utah 2014, Chapter 387
244 **67-1a-11**, as last amended by Laws of Utah 2018, Chapter 415

245 [78A-2-502](#), as last amended by Laws of Utah 2017, Chapter 115

246

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

248 Section 1. Section **9-9-104.6** is amended to read:

249 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

250 **Contact information.**

251 (1) For at least three of the joint meetings described in Subsection [9-9-104.5\(2\)\(a\)](#), the
252 division shall coordinate with representatives of tribal governments and the entities listed in
253 Subsection (2) to provide for the broadest participation possible in the joint meetings.

254 (2) The following may participate in all meetings described in Subsection (1):

255 (a) the chairs of the Native American Legislative Liaison Committee created in Section
256 [36-22-1](#);

257 (b) the governor or the governor's designee;

258 (c) (i) the American Indian-Alaskan Native Health Liaison appointed in accordance
259 with Section [26-7-2.5](#); or

260 (ii) if the American Indian-Alaskan Native Health Liaison is not appointed, a
261 representative of the Department of Health appointed by the executive director of the
262 Department of Health;

263 (d) the American Indian-Alaskan Native Public Education Liaison appointed in
264 accordance with Section [~~53E-10-402~~] [53F-5-604](#); and

265 (e) a representative appointed by the chief administrative officer of the following:

266 (i) the Department of Human Services;

267 (ii) the Department of Natural Resources;

268 (iii) the Department of Workforce Services;

269 (iv) the Governor's Office of Economic Development;

270 (v) the State Board of Education; and

271 (vi) the State Board of Regents.

272 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

273 (i) designate the name of a contact person for that agency that can assist in coordinating
274 the efforts of state and tribal governments in meeting the needs of the Native Americans
275 residing in the state; and

276 (ii) notify the division:
277 (A) who is the designated contact person described in Subsection (3)(a)(i); and
278 (B) of any change in who is the designated contact person described in Subsection
279 (3)(a)(i).

280 (b) This Subsection (3) applies to:
281 (i) the Department of Agriculture and Food;
282 (ii) the Department of Heritage and Arts;
283 (iii) the Department of Corrections;
284 (iv) the Department of Environmental Quality;
285 (v) the Department of Public Safety;
286 (vi) the Department of Transportation;
287 (vii) the Office of the Attorney General;
288 (viii) the State Tax Commission; and
289 (ix) any agency described in Subsections (2)(c) through (e).

290 (c) At the request of the division, a contact person listed in Subsection (3)(b) may
291 participate in a meeting described in Subsection (1).

292 (4) (a) A participant under this section who is not a legislator may not receive
293 compensation or benefits for the participant's service, but may receive per diem and travel
294 expenses as allowed in:

295 (i) Section 63A-3-106;
296 (ii) Section 63A-3-107; and
297 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
298 63A-3-107.

299 (b) Compensation and expenses of a participant who is a legislator are governed by
300 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

301 Section 2. Section 9-9-408 is amended to read:

302 **9-9-408. Burial of ancient Native American remains in state parks.**

303 (1) As used in this section:

304 (a) "Ancient Native American remains" means ancient human remains, as defined in
305 Section 9-8-302, that are Native American remains, as defined in Section 9-9-402.

306 (b) "Antiquities Section" means the Antiquities Section of the Division of State History

307 created in Section 9-8-304.

308 (2) (a) The division, the Antiquities Section, and the Division of Parks and Recreation
309 shall cooperate in a study of the feasibility of burying ancient Native American remains in state
310 parks.

311 (b) The study shall include:

312 (i) the process and criteria for determining which state parks would have land sufficient
313 and appropriate to reserve a portion of the land for the burial of ancient Native American
314 remains;

315 (ii) the process for burying the ancient Native American remains on the lands within
316 state parks, including the responsibilities of state agencies and the assurance of cultural
317 sensitivity;

318 (iii) how to keep a record of the locations in which specific ancient Native American
319 remains are buried;

320 (iv) how to account for the costs of:

321 (A) burying the ancient Native American remains on lands found within state parks;
322 and

323 (B) securing and maintaining burial sites in state parks; and

324 (v) any issues related to burying ancient Native American remains in state parks.

325 ~~[(3) The division, the Antiquities Section, and the Division of Parks and Recreation~~
326 ~~shall report to the Native American Legislative Liaison Committee by no later than November~~
327 ~~1, 2017, regarding the study required by Subsection (2).]~~

328 Section 3. Section 17-16-21 is amended to read:

329 **17-16-21. Fees of county officers.**

330 (1) As used in this section, "county officer" means a county officer enumerated in
331 Section 17-53-101 except a county recorder, a county constable, or a county sheriff.

332 (2) (a) A county officer shall collect, in advance, for exclusive county use and benefit:

333 (i) a fee established by the county legislative body under Section 17-53-211; and

334 (ii) any other fee authorized or required by law.

335 (b) As long as the Children's Legal Defense Account is authorized by Section
336 51-9-408, the county clerk shall:

337 (i) assess \$10 in addition to whatever fee for a marriage license is established under

338 authority of this section; and

339 (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit
340 in the Children's Legal Defense Account.

341 (c) (i) As long as the Division of Child and Family Services, created in Section
342 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including
343 temporary shelter, for victims of domestic violence, the county clerk shall:

344 (A) collect \$10 in addition to whatever fee for a marriage license is established under
345 authority of this section and in addition to the amount described in Subsection (2)(b), if an
346 applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional \$10; and

347 (B) to the extent actually paid, transmit \$10 from each marriage license fee to the
348 Division of Finance for distribution to the Division of Child and Family Services for the
349 operation of shelters for victims of domestic violence.

350 (ii) (A) The county clerk shall provide a method for an applicant for a marriage license
351 to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

352 (B) An applicant for a marriage license may choose not to pay the additional \$10
353 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a
354 marriage license.

355 (d) If a county operates an online marriage application system, the county clerk of that
356 county:

357 (i) may assess \$20 in addition to the other fees for a marriage license established under
358 this section;

359 (ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage
360 license fee to the state treasurer for deposit [~~annually as follows:~~] into the General Fund; and

361 [~~(A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in~~
362 ~~Section 62A-1-120, as dedicated credits for the operation of the Utah Marriage Commission;~~
363 ~~and]~~

364 [~~(B) proceeds in excess of \$400,000 shall be deposited into the General Fund; and]~~

365 (iii) may not transmit \$20 from the marriage license fee to the state treasurer under this
366 Subsection (2)(d) if both individuals seeking the marriage license certify that they have
367 completed premarital counseling or education in accordance with Section 30-1-34.

368 (3) This section does not apply to a fee currently being assessed by the state but

369 collected by a county officer.

370 Section 4. Section **19-2-109.1** is amended to read:

371 **19-2-109.1. Operating permit required -- Emissions fee -- Implementation.**

372 (1) As used in this section and [~~Sections 19-2-109.2 and~~] Section 19-2-109.3:

373 (a) "1990 Clean Air Act" means the federal Clean Air Act as amended in 1990.

374 (b) "EPA" means the federal Environmental Protection Agency.

375 (c) "Operating permit" means a permit issued by the director to sources of air pollution
376 that meet the requirements of Titles IV and V of the 1990 Clean Air Act.

377 (d) "Program" means the air pollution operating permit program established under this
378 section to comply with Title V of the 1990 Clean Air Act.

379 (e) "Regulated pollutant" means the same as that term is defined in Title V of the 1990
380 Clean Air Act and implementing federal regulations.

381 (2) A person may not operate a source of air pollution required to have a permit under
382 Title V of the 1990 Clean Air Act without having obtained an operating permit from the
383 director under procedures the board establishes by rule.

384 (3) (a) Operating permits issued under this section shall be for a period of five years
385 unless the director makes a written finding, after public comment and hearing, and based on
386 substantial evidence in the record, that an operating permit term of less than five years is
387 necessary to protect the public health and the environment of the state.

388 (b) The director may issue, modify, or renew an operating permit only after providing
389 public notice, an opportunity for public comment, and an opportunity for a public hearing.

390 (c) The director shall, in conformity with the 1990 Clean Air Act and implementing
391 federal regulations, revise the conditions of issued operating permits to incorporate applicable
392 federal regulations in conformity with Section 502(b)(9) of the 1990 Clean Air Act, if the
393 remaining period of the permit is three or more years.

394 (d) The director may terminate, modify, revoke, or reissue an operating permit for
395 cause.

396 (4) (a) The board shall establish a proposed annual emissions fee that conforms with
397 Title V of the 1990 Clean Air Act for each ton of regulated pollutant, applicable to all sources
398 required to obtain a permit. The emissions fee established under this section is in addition to
399 fees assessed under Section **19-2-108** for issuance of an approval order.

400 (b) In establishing the fee the board shall comply with the provisions of Section
401 63J-1-504 that require a public hearing and require the established fee to be submitted to the
402 Legislature for its approval as part of the department's annual appropriations request.

403 (c) The fee shall cover all reasonable direct and indirect costs required to develop and
404 administer the program [~~and the small business assistance program established under Section~~
405 ~~19-2-109.2~~]. The director shall prepare an annual report of the emissions fees collected and the
406 costs covered by those fees under this Subsection (4).

407 (d) The fee shall be established uniformly for all sources required to obtain an
408 operating permit under the program and for all regulated pollutants.

409 (e) The fee may not be assessed for emissions of any regulated pollutant if the
410 emissions are already accounted for within the emissions of another regulated pollutant.

411 (f) An emissions fee may not be assessed for any amount of a regulated pollutant
412 emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

413 (5) Emissions fees shall be based on actual emissions for a regulated pollutant unless a
414 source elects, prior to the issuance or renewal of a permit, to base the fee during the period of
415 the permit on allowable emissions for that regulated pollutant.

416 (6) If the owner or operator of a source subject to this section fails to timely pay an
417 annual emissions fee, the director may:

418 (a) impose a penalty of not more than 50% of the fee, in addition to the fee, plus
419 interest on the fee computed at 12% annually; or

420 (b) revoke the operating permit.

421 (7) The owner or operator of a source subject to this section may contest an emissions
422 fee assessment or associated penalty in an adjudicative hearing under the Title 63G, Chapter 4,
423 Administrative Procedures Act, and Section 19-1-301, as provided in this Subsection (7).

424 (a) The owner or operator shall pay the fee under protest prior to being entitled to a
425 hearing. Payment of an emissions fee or penalty under protest is not a waiver of the right to
426 contest the fee or penalty under this section.

427 (b) A request for a hearing under this Subsection (7) shall be made after payment of the
428 emissions fee and within six months after the emissions fee was due.

429 (8) To reinstate an operating permit revoked under Subsection (6) the owner or
430 operator shall pay all outstanding emissions fees, a penalty of not more than 50% of all

431 outstanding fees, and interest on the outstanding emissions fees computed at 12% annually.

432 (9) All emissions fees and penalties collected by the department under this section shall
 433 be deposited in the General Fund as the Air Pollution Operating Permit Program dedicated
 434 credit to be used solely to pay for the reasonable direct and indirect costs incurred by the
 435 department in developing and administering the program [~~and the small business assistance~~
 436 ~~program under Section 19-2-109.2~~].

437 (10) Failure of the director to act on an operating permit application or renewal is a
 438 final administrative action only for the purpose of obtaining judicial review by any of the
 439 following persons to require the director to take action on the permit or its renewal without
 440 additional delay:

- 441 (a) the applicant;
- 442 (b) a person who participated in the public comment process; or
- 443 (c) a person who could obtain judicial review of that action under applicable law.

444 Section 5. Section **19-2a-102** is amended to read:

445 **19-2a-102. Air Quality Policy Advisory Board created -- Composition --**
 446 **Responsibility -- Terms of office -- Compensation.**

447 (1) There is created the Air Quality Policy Advisory Board consisting of the following
 448 [~~10~~] seven voting members:

- 449 (a) [~~two members~~] one member of the Senate, appointed by the president of the Senate;
- 450 (b) [~~three members~~] one member of the House of Representatives, appointed by the
 451 speaker of the House of Representatives;
- 452 (c) the director;
- 453 (d) one representative of industry interests, appointed by the president of the Senate;
- 454 (e) one representative of business or economic development interests, appointed by the
 455 speaker of the House of Representatives, who has expertise in air quality matters;
- 456 (f) one representative of the academic community, appointed by the governor, who has
 457 expertise in air quality matters; and
- 458 (g) one representative of a nongovernmental organization, appointed by the governor,
 459 who:
 - 460 (i) represents community interests;
 - 461 (ii) does not represent industry or business interests; and

462 (iii) has expertise in air quality matters.
463 (2) The Air Quality Policy Advisory Board shall:
464 (a) seek the best available science to identify legislative actions to improve air quality;
465 (b) identify and prioritize potential legislation and funding that will improve air
466 quality; and
467 (c) make recommendations to the Legislature on how to improve air quality in the
468 state.
469 (3) (a) Except as required by Subsection (3)(b), members appointed under Subsections
470 (1)(d), (e), (f), and (g) are appointed to serve four-year terms.
471 (b) Notwithstanding the requirements of Subsection (3)(a), the governor, president of
472 the Senate, and speaker of the House of Representatives shall, at the time of appointment or
473 reappointment, adjust the length of terms to ensure that the terms of members are staggered so
474 that approximately half of the advisory board is appointed every two years.
475 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
476 appointed for the unexpired term.
477 (4) The advisory board shall elect one member to serve as chair of the advisory board
478 for a term of one year.
479 (5) Compensation for a member of the advisory board who is a legislator shall be paid
480 in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator
481 Compensation.
482 (6) A member of the advisory board who is not a legislator may not receive
483 compensation or benefits for the member's service, but may receive per diem and travel
484 expenses in accordance with:
485 (a) Section 63A-3-106;
486 (b) Section 63A-3-107; and
487 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
488 63A-3-107.
489 (7) The department shall provide staff support for the advisory board.
490 Section 6. Section 26-54-103 is amended to read:
491 **26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund Advisory**
492 **Committee -- Creation -- Membership -- Terms -- Duties.**

493 (1) There is created a Spinal Cord and Brain Injury Rehabilitation Fund Advisory
494 Committee.

495 (2) The advisory committee [~~shall be~~] is composed of [~~eight~~] six members as follows:

496 (a) the executive director of the Department of Health, or the executive director's
497 designee;

498 (b) two survivors, or family members of a survivor of a traumatic brain injury,
499 appointed by the governor;

500 (c) two survivors, or family members of a survivor of a traumatic spinal cord injury,
501 appointed by the governor; and

502 (d) one traumatic brain injury or spinal cord injury professional appointed by the
503 governor who, at the time of appointment and throughout the professional's term on the
504 committee, does not receive a financial benefit from the fund[;].

505 [~~(e) a member of the House of Representatives appointed by the speaker of the House~~
506 ~~of Representatives; and]~~

507 [~~(f) a member of the Senate appointed by the president of the Senate.]~~

508 (3) (a) The term of advisory committee members shall be four years. If a vacancy
509 occurs in the committee membership for any reason, a replacement shall be appointed for the
510 unexpired term in the same manner as the original appointment.

511 (b) The committee shall elect a chairperson from the membership.

512 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
513 is present at an open meeting, the action of the majority of members shall be the action of the
514 advisory committee.

515 (d) The terms of the advisory committee shall be staggered so that members appointed
516 under Subsections (2)(b) and (d) shall serve an initial two-year term and members appointed
517 under [~~Subsections (2)(e) and (e)] Subsection (2)(c) shall serve four-year terms. Thereafter,
518 members appointed to the advisory committee shall serve four-year terms.~~

519 (4) The advisory committee shall comply with the procedures and requirements of:

520 (a) Title 52, Chapter 4, Open and Public Meetings Act;

521 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and

522 (c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

523 (5) [~~(a)~~] A member [~~who is not a legislator~~] may not receive compensation or benefits

524 for the member's service, but, at the executive director's discretion, may receive per diem and
525 travel expenses as allowed in:

526 [(i)] (a) Section 63A-3-106;

527 [(ii)] (b) Section 63A-3-107; and

528 [(iii)] (c) rules adopted by the Division of Finance according to Sections 63A-3-106
529 and 63A-3-107.

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

532 (6) The advisory committee shall:

533 (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah
534 Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee
535 to follow in recommending distribution of money from the fund to assist qualified IRC
536 501(c)(3) charitable clinics;

537 (b) identify, evaluate, and review the quality of care available to people with spinal
538 cord and brain injuries through qualified IRC 501(c)(3) charitable clinics;

539 (c) explore, evaluate, and review other possible funding sources and make a
540 recommendation to the Legislature regarding sources that would provide adequate funding for
541 the advisory committee to accomplish its responsibilities under this section; and

542 (d) submit an annual report, not later than November 30 of each year, summarizing the
543 activities of the advisory committee and making recommendations regarding the ongoing needs
544 of people with spinal cord or brain injuries to:

545 (i) the governor;

546 (ii) the Health and Human Services Interim Committee; and

547 (iii) the Health and Human Services Appropriations Subcommittee.

548 Section 7. Section 30-1-34 is amended to read:

549 **30-1-34. Completion of counseling or education.**

550 (1) The county clerk of a county that operates an online marriage application system
551 and issues a marriage license to applicants who certify completion of premarital counseling or
552 education in accordance with Subsection (2) shall reduce the marriage license fee by \$20.

553 (2) (a) To qualify for the reduced fee under Subsection (1), the applicants shall certify
554 completion of premarital counseling or education in accordance with this Subsection (2).

- 555 (b) To complete premarital counseling or education, the applicants:
- 556 (i) shall obtain the premarital counseling or education from:
- 557 (A) a licensed or ordained minister or the minister's designee who is trained by the
- 558 minister or denomination to conduct premarital counseling or education;
- 559 (B) an individual licensed under Title 58, Chapter 60, Mental Health Professional
- 560 Practice Act;
- 561 ~~[(C) an individual certified by a national organization recognized by the Utah Marriage~~
- 562 ~~Commission, created in Section 62A-1-120, as a family life educator;]~~
- 563 ~~[(D)] (C) a family and consumer sciences educator; or~~
- 564 ~~[(E)] (D) an individual who is an instructor approved by a premarital education~~
- 565 ~~curriculum that meets the requirements of Subsection (2)(b)(ii)[; or].~~
- 566 ~~[(F) an online course approved by the Utah Marriage Commission;]~~
- 567 (ii) shall receive premarital counseling or education that includes information on
- 568 important factors associated with strong and healthy marriages, including:
- 569 (A) commitment in marriage; and
- 570 (B) effective communication and problem-solving skills, including avoiding violence
- 571 and abuse in the relationship;
- 572 (iii) shall complete at least three hours of premarital counseling or six hours of
- 573 premarital education meeting the requirements of this Subsection (2); and
- 574 (iv) shall complete the premarital counseling or education meeting the requirements of
- 575 this Subsection (2) not more than one year before but at least 14 days before the day on which
- 576 the marriage license is issued.
- 577 (c) Although applicants are encouraged to take the premarital counseling or education
- 578 together, each applicant may comply with the requirements of this Subsection (2) separately.
- 579 (3) A provider of premarital counseling or education under this section is encouraged
- 580 to use research-based relationship inventories.
- 581 Section 8. Section **30-1-36** is amended to read:
- 582 **30-1-36. Activities included in premarital counseling or education.**
- 583 (1) Premarital counseling may include group counseling, individual counseling, and
- 584 couple counseling.
- 585 (2) Premarital education may include~~[(a)]~~ a lecture, class, seminar, or workshop

586 provided by a person that meets the requirements of Subsection 30-1-34(2)(b)(i)~~]; or~~.
587 ~~[(b) an online course approved by the Utah Marriage Commission as provided in~~
588 ~~Subsection 30-1-34(2)(b)(i)(F).]~~

589 Section 9. Section 35A-1-206 is amended to read:

590 **35A-1-206. State Workforce Development Board -- Appointment -- Membership**
591 **-- Terms of members -- Compensation.**

592 (1) There is created within the department the State Workforce Development Board in
593 accordance with the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C.
594 Sec. 3101 et seq.

595 (2) The board shall consist of the following ~~[39]~~ 37 members:

596 (a) the governor or the governor's designee;

597 ~~[(b) one member of the Senate, appointed by the president of the Senate;]~~

598 ~~[(c) one representative of the House of Representatives, appointed by the speaker of the~~
599 ~~House of Representatives;]~~

600 ~~[(d)]~~ (b) the executive director or the executive director's designee;

601 ~~[(e)]~~ (c) the executive director of the Department of Human Services or the executive
602 director's designee;

603 ~~[(f)]~~ (d) the director of the Utah State Office of Rehabilitation or the director's
604 designee;

605 ~~[(g)]~~ (e) the state superintendent of public instruction or the superintendent's designee;

606 ~~[(h)]~~ (f) the commissioner of higher education or the commissioner's designee;

607 ~~[(i)]~~ (g) the Utah System of Technical Colleges commissioner of technical education or
608 the commissioner of technical education's designee;

609 ~~[(j)]~~ (h) the executive director of the Governor's Office of Economic Development or
610 the executive director's designee;

611 ~~[(k)]~~ (i) the executive director of the Department of Veterans and Military Affairs or
612 the executive director's designee; and

613 ~~[(l)]~~ (j) the following members appointed by the governor:

614 (i) 20 representatives of business in the state, selected among the following:

615 (A) owners of businesses, chief executive or operating officers of businesses, or other
616 business executives or employers with policymaking or hiring authority;

617 (B) representatives of businesses, including small businesses, that provide employment
618 opportunities that include high-quality, work-relevant training and development in in-demand
619 industry sectors or occupations in the state; and

620 (C) representatives of businesses appointed from among individuals nominated by state
621 business organizations or business trade associations;

622 (ii) six representatives of the workforce within the state, which:

623 (A) shall include at least two representatives of labor organizations who have been
624 nominated by state labor federations;

625 (B) shall include at least one representative from a registered apprentice program;

626 (C) may include one or more representatives from a community-based organization
627 that has demonstrated experience and expertise in addressing the employment, training, or
628 educational needs of individuals with barriers to employment; and

629 (D) may include one or more representatives from an organization that has
630 demonstrated experience and expertise in addressing the employment, training, or education
631 needs of eligible youth, including organizations that serve out of school youth; and

632 (iii) two elected officials that represent a city or a county.

633 (3) (a) The governor shall appoint one of the appointed business representatives as
634 chair of the board.

635 (b) The chair shall serve at the pleasure of the governor.

636 (4) (a) The governor shall ensure that members appointed to the board represent
637 diverse geographic areas of the state, including urban, suburban, and rural areas.

638 (b) A member appointed by the governor shall serve a term of four years and may be
639 reappointed to one additional term.

640 (c) A member shall continue to serve until the member's successor has been appointed
641 and qualified.

642 (d) Except as provided in Subsection (4)(e), as terms of board members expire, the
643 governor shall appoint each new member or reappointed member to a four-year term.

644 (e) Notwithstanding the requirements of Subsection (4)(d), the governor shall, at the
645 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
646 board members are staggered so that approximately one half of the board is appointed every
647 two years.

648 (f) When a vacancy occurs in the membership for any reason, the replacement shall be
649 appointed for the unexpired term.

650 (g) The executive director shall terminate the term of any governor-appointed member
651 of the board if the member leaves the position that qualified the member for the appointment.

652 (5) A majority of members constitutes a quorum for the transaction of business.

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

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

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

657 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
658 63A-3-107.

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

661 (7) The department shall provide staff and administrative support to the board at the
662 direction of the executive director.

663 (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec.
664 3111, including:

665 (a) identifying opportunities to align initiatives in education, training, workforce
666 development, and economic development;

667 (b) developing and implementing the state workforce services plan described in
668 Section 35A-1-207;

669 (c) utilizing strategic partners to ensure the needs of industry are met, including the
670 development of expanded strategies for partnerships for in-demand occupations and
671 understanding and adapting to economic changes;

672 (d) developing strategies for staff training;

673 (e) developing and improving employment centers; and

674 (f) performing other responsibilities within the scope of workforce services as
675 requested by:

676 (i) the Legislature;

677 (ii) the governor; or

678 (iii) the executive director.

679 Section 10. Section 35A-3-209 is amended to read:

680 **35A-3-209. Establishment of the School Readiness Board -- Membership --**
681 **Program intermediary -- Funding prioritization.**

682 (1) The terms defined in Section 53F-6-301 apply to this section.

683 (2) There is created the School Readiness Board within the Department of Workforce
684 Services composed of:

685 (a) the director of the Department of Workforces Services or the director's designee;

686 (b) one member appointed by the State Board of Education;

687 (c) one member appointed by the chair of the State Charter School Board;

688 (d) one member, appointed by the speaker of the House of Representatives, who:

689 (i) has research experience in the area of early childhood development, including
690 special education[~~-, appointed by the speaker of the House of Representatives~~]; and

691 (ii) is not a legislator; and

692 (e) one member, appointed by the president of the Senate, who:

693 (i) (A) has expertise in pay for success programs; or

694 [(ii)] (B) represents a financial institution that has experience managing a portfolio that
695 meets the requirements of the Community Reinvestment Act, 12 U.S.C. Sec. 2901 et seq[~~-~~];
696 and

697 (ii) is not a legislator.

698 (3) (a) A member described in Subsection (2)(c), (d), or (e) shall serve for a term of
699 two years.

700 (b) If a vacancy occurs for a member described in Subsection (2)(c), (d), or (e), the
701 person appointing the member shall appoint a replacement to serve the remainder of the
702 member's term.

703 (4) A member may not receive compensation or benefits for the member's service.

704 (5) The department shall provide staff support to the board.

705 (6) (a) The board members shall elect a chair of the board from the board's
706 membership.

707 (b) The board shall meet upon the call of the chair or a majority of the board members.

708 (7) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, and subject to
709 Subsection (8), the board shall:

710 (a) select a program intermediary that:
711 (i) is a nonprofit entity; and
712 (ii) has experience:
713 (A) developing and executing contracts;
714 (B) structuring the terms and conditions of a pay for success program;
715 (C) coordinating the funding and management of a pay for success program; and
716 (D) raising private investment capital necessary to fund program services related to a
717 pay for success program; and
718 (b) enter into a contract with the program intermediary.
719 (8) The board may not enter into a contract described in Subsection (7) without the
720 consent of the department regarding:
721 (a) the program intermediary selected; and
722 (b) the terms of the contract.
723 (9) A contract described in Subsection (7)(b) shall:
724 (a) require the program intermediary to:
725 (i) seek out participants for results-based contracts;
726 (ii) advise the board on results-based contracts; and
727 (iii) make recommendations directly to the board on:
728 (A) when to enter a results-based contract; and
729 (B) the terms of a results-based contract; and
730 (b) include a provision that the program intermediary is not eligible to receive or view
731 personally identifiable student data of eligible students funded under the School Readiness
732 Initiative described in this part and Title 53F, Chapter 6, Part 3, School Readiness Initiative.
733 (10) In allocating funding, the board shall:
734 (a) give first priority to a results-based contract described in Subsection [53F-6-309\(3\)](#)
735 to fund a high quality school readiness program directly;
736 (b) give second priority to a results-based contract that includes an investor; and
737 (c) give third priority to a grant described in Section [53F-6-305](#).
738 (11) Other powers and duties of the board are described in Title 53F, Chapter 6, Part 3,
739 School Readiness Initiative.
740 Section 11. Section **36-12-21** is enacted to read:

741 **36-12-21. Legislators serving in organizations without legislative sanction --**
742 **Prohibited participation -- Repealed organizations.**

743 (1) The Legislative IT Steering Committee created by the Legislative Management
744 Committee on July 17, 2007, is dissolved.

745 (2) (a) Except as provided in Subsection (2)(b):

746 (i) a legislator may not serve on:

747 (A) the Committee on Children and Family Law created under Judicial Rule 1-205;

748 (B) the Governor's Child and Family Cabinet Council created under Executive Order
749 2007-0005;

750 (C) the Utah Commission on Literacy created under Executive Order 2004-0011;

751 (D) the Utah Developmental Disabilities Council created under Executive Order
752 2006-0001; or

753 (E) the Utah Multicultural Commission created under Executive Order EO/007/2013;

754 (ii) the speaker of the House of Representatives or the president of the Senate may not
755 appoint a legislator, and a legislator may not serve in the legislator's capacity as a legislator, on
756 the Utah Lake Commission; and

757 (iii) the chair of the Wasatch Front Regional Council may not appoint a legislator, and
758 a legislator may not serve in the legislator's capacity as a legislator, on the Wasatch Front
759 Regional Council.

760 (b) The Legislative Management Committee may, on a case-by-case basis, approve:

761 (i) a legislator to serve on an entity described in Subsection (2)(a)(i); or

762 (ii) an action that is otherwise prohibited under Subsection (2)(a)(ii) or (iii).

763 Section 12. Section **36-12-22** is enacted to read:

764 **36-12-22. Review of legislative workload -- Reports from committees with**
765 **legislators.**

766 (1) As used in this section:

767 (a) "Legislative board or commission" means a board, commission, council,
768 committee, working group, task force, study group, advisory group, or other body:

769 (i) with a defined, limited membership;

770 (ii) that has a member who is required to be:

771 (A) a member of the Legislature; or

772 (B) appointed by a member of the Legislature; and
773 (iii) that has operated or is intended to operate for more than six months.
774 (b) "Legislative board or commission" does not include:
775 (i) a standing, ethics, interim, appropriations, confirmation, or rules committee of the
776 Legislature;
777 (ii) the Legislative Management Committee or a subcommittee of the Legislative
778 Management Committee; or
779 (iii) an organization that is prohibited from having a member that is a member of the
780 Legislature.
781 (2) (a) Before September 1 of each year, each legislative board or commission shall
782 prepare and submit to the Office of Legislative Research and General Counsel an annual report
783 that includes:
784 (i) the name of the legislative board or commission;
785 (ii) a description of the legislative board's or commission's official function and
786 purpose;
787 (iii) the total number of members of the legislative board or commission;
788 (iv) the number of the legislative board's or commission's members who are legislators;
789 (v) the compensation, if any, paid to the members of the legislative board or
790 commission;
791 (vi) a description of the actual work performed by the legislative board or commission
792 since the last report the legislative board or commission submitted to the Office of Legislative
793 Research and General Counsel under this section;
794 (vii) a description of actions taken by the legislative board or commission since the last
795 report the legislative board or commission submitted to the Office of Legislative Research and
796 General Counsel under this section;
797 (viii) recommendations on whether any statutory, rule, or other changes are needed to
798 make the legislative board or commission more effective; and
799 (ix) an indication of whether the legislative board or commission should continue to
800 exist.
801 (b) The Office of Legislative Research and General Counsel shall compile and post the
802 reports described in Subsection (2)(a) to the Legislature's website before October 1 of each

803 year.

804 (3) (a) The Office of Legislative Research and General Counsel shall prepare an annual
805 report by October 1 of each year that includes, as of September 1 of that year:

806 (i) the total number of legislative boards and commissions that exist in the state;

807 (ii) a summary of the reports submitted to the Office of Legislative Research and
808 General Counsel under Subsection (2), including:

809 (A) a list of each legislative board or commission that submitted a report under
810 Subsection (2);

811 (B) a list of each legislative board or commission that did not submit a report under
812 Subsection (2);

813 (C) an indication of any recommendations made under Subsection (2)(a)(viii); and

814 (D) a list of any legislative boards or commissions that indicated under Subsection
815 (2)(a)(ix) that the legislative board or commission should no longer exist.

816 (b) The Office of Legislative Research and General Counsel shall:

817 (i) distribute copies of the report described in Subsection (3)(a) to:

818 (A) the president of the Senate;

819 (B) the speaker of the House;

820 (C) the Legislative Management Committee; and

821 (D) the Government Operations Interim Committee; and

822 (ii) post the report described in Subsection (3)(a) to the Legislature's website.

823 (c) Each year, the Government Operations Interim Committee shall prepare legislation
824 making any changes the committee determines are suitable with respect to the report the
825 committee receives under Subsection (3)(b), including:

826 (i) repealing a legislative board or commission that is no longer functional or
827 necessary; and

828 (ii) making appropriate changes to make a legislative board or commission more
829 effective.

830 Section 13. Section **36-22-1** is amended to read:

831 **36-22-1. Native American Legislative Liaison Committee -- Creation --**
832 **Membership -- Chairs -- Salaries and expenses.**

833 (1) There is created the Native American Legislative Liaison Committee.

834 (2) The committee [~~shall consist of 11~~] consists of eight members:

835 (a) [~~seven~~] five members from the House of Representatives appointed by the speaker,
836 no more than [~~four~~] three of whom [~~shall~~] may be members of the same political party; and

837 (b) [~~four~~] three members of the Senate appointed by the president, no more than two of
838 whom [~~shall~~] may be members of the same political party.

839 (3) The speaker of the House shall select one of the members from the House of
840 Representatives to act as cochair of the committee.

841 (4) The president of the Senate shall select one of the members from the Senate to act
842 as cochair of the committee.

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

845 Section 14. Section ~~40-6-16~~ is amended to read:

846 **40-6-16. Duties of division.**

847 [(1)] In addition to the duties assigned by the board, the division shall:

848 [(a)] (1) develop and implement an inspection program that will include but not be
849 limited to production data, pre-drilling checks, and site security reviews;

850 [(b)] (2) publish a monthly production report;

851 [(c)] (3) publish a monthly gas processing plant report;

852 [(d)] (4) review and evaluate, prior to a hearing, evidence submitted with the petition to
853 be presented to the board;

854 [(e)] (5) require adequate assurance of approved water rights in accordance with rules
855 and orders enacted under Section 40-6-5; and

856 [(f)] (6) notify the county executive of the county in which the drilling will take place
857 in writing of the issuance of a drilling permit.

858 [~~(2) The director shall, by October 30, 2016, report to the Commission for the~~
859 ~~Stewardship of Public Lands regarding the division's recommendations for how the state shall~~
860 ~~deal with oil, gas, and mining issues in the Utah Public Land Management Act.]~~

861 Section 15. Section ~~52-4-103~~ is amended to read:

862 **52-4-103. Definitions.**

863 As used in this chapter:

864 (1) "Anchor location" means the physical location from which:

865 (a) an electronic meeting originates; or

866 (b) the participants are connected.

867 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by
868 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake
869 City.

870 (3) (a) "Convening" means the calling together of a public body by a person authorized
871 to do so for the express purpose of discussing or acting upon a subject over which that public
872 body has jurisdiction or advisory power.

873 (b) "Convening" does not include the initiation of a routine conversation between
874 members of a board of trustees of a large public transit district if the members involved in the
875 conversation do not, during the conversation, take a tentative or final vote on the matter that is
876 the subject of the conversation.

877 (4) "Electronic meeting" means a public meeting convened or conducted by means of a
878 conference using electronic communications.

879 (5) "Electronic message" means a communication transmitted electronically, including:

880 (a) electronic mail;

881 (b) instant messaging;

882 (c) electronic chat;

883 (d) text messaging, as that term is defined in Section 76-4-401; or

884 (e) any other method that conveys a message or facilitates communication
885 electronically.

886 (6) (a) "Meeting" means the convening of a public body or a specified body, with a
887 quorum present, including a workshop or an executive session, whether in person or by means
888 of electronic communications, for the purpose of discussing, receiving comments from the
889 public about, or acting upon a matter over which the public body or specific body has
890 jurisdiction or advisory power.

891 (b) "Meeting" does not mean:

892 (i) a chance gathering or social gathering;

893 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
894 accordance with Section 59-1-405; or

895 (iii) a convening of a three-member board of trustees of a large public transit district as

896 defined in Section [17B-2a-802](#) if:

897 (A) the board members do not, during the conversation, take a tentative or final vote on
898 the matter that is the subject of the conversation; or

899 (B) the conversation pertains only to day-to-day management and operation of the
900 public transit district.

901 (c) "Meeting" does not mean the convening of a public body that has both legislative
902 and executive responsibilities if:

903 (i) no public funds are appropriated for expenditure during the time the public body is
904 convened; and

905 (ii) the public body is convened solely for the discussion or implementation of
906 administrative or operational matters:

907 (A) for which no formal action by the public body is required; or

908 (B) that would not come before the public body for discussion or action.

909 (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
910 public statements of each member of the public body who is participating in a meeting.

911 (8) "Participate" means the ability to communicate with all of the members of a public
912 body, either verbally or electronically, so that each member of the public body can hear or
913 observe the communication.

914 (9) (a) "Public body" means:

915 (i) any administrative, advisory, executive, or legislative body of the state or its
916 political subdivisions that:

917 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

918 (B) consists of two or more persons;

919 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

920 (D) is vested with the authority to make decisions regarding the public's business; or

921 (ii) any administrative, advisory, executive, or policymaking body of an association, as
922 that term is defined in Section [53G-7-1101](#), that:

923 (A) consists of two or more persons;

924 (B) expends, disburses, or is supported in whole or in part by dues paid by a public
925 school or whose employees participate in a benefit or program described in Title 49, Utah State
926 Retirement and Insurance Benefit Act; and

927 (C) is vested with authority to make decisions regarding the participation of a public
928 school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.

929 (b) "Public body" includes:

930 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in
931 Section 11-13-103;

932 (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102;

933 and

934 (iii) the Utah Independent Redistricting Commission.

935 (c) "Public body" does not include:

936 (i) a political party, a political group, or a political caucus;

937 (ii) a conference committee, a rules committee, or a sifting committee of the
938 Legislature;

939 (iii) a school community council or charter trust land council, as that term is defined in
940 Section 53G-7-1203;

941 [~~(iv) the Economic Development Legislative Liaison Committee created in Section~~
942 ~~36-30-201;~~]

943 [~~(v)~~] (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602; or

944 [~~(vi)~~] (v) the following Legislative Management subcommittees, which are established
945 in Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to
946 recommend for employment, except that the meeting in which a subcommittee votes to
947 recommend that a candidate be employed shall be subject to the provisions of this act:

948 (A) the Research and General Counsel Subcommittee;

949 (B) the Budget Subcommittee; and

950 (C) the Audit Subcommittee.

951 (10) "Public statement" means a statement made in the ordinary course of business of
952 the public body with the intent that all other members of the public body receive it.

953 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless
954 otherwise defined by applicable law.

955 (b) "Quorum" does not include a meeting of two elected officials by themselves when
956 no action, either formal or informal, is taken on a subject over which these elected officials
957 have advisory power.

958 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a
 959 meeting that can be used to review the proceedings of the meeting.

960 (13) "Specified body":

961 (a) means an administrative, advisory, executive, or legislative body that:

962 (i) is not a public body;

963 (ii) consists of three or more members; and

964 (iii) includes at least one member who is:

965 (A) a legislator; and

966 (B) officially appointed to the body by the president of the Senate, speaker of the
 967 House of Representatives, or governor; and

968 (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(vi).

969 (14) "Transmit" means to send, convey, or communicate an electronic message by
 970 electronic means.

971 Section 16. Section **53F-5-601** is amended to read:

972 **53F-5-601. Definitions.**

973 [~~(1)~~ The terms defined in Section ~~53E-10-401~~ apply to this section.]

974 [~~(2)~~] As used in this part:

975 [~~(a)~~] (1) "American Indian and Alaskan Native concentrated school" means a school
 976 where at least 29% of [~~its~~] the school's students are American Indian or Alaskan Native.

977 [~~(b)~~] (2) "Board" means the State Board of Education.

978 (3) "Native American Legislative Liaison Committee" means the committee created in
 979 Section 36-22-1.

980 (4) "State plan" means the state plan adopted under Laws of Utah 2015, Chapter 53,
 981 Section 7.

982 [~~(c)~~] (5) "Teacher" means an individual employed by a school district or charter school
 983 who is required to hold an educator license issued by the board and who has an assignment to
 984 teach in a classroom.

985 Section 17. Section **53F-5-602** is amended to read:

986 **53F-5-602. Pilot programs created.**

987 (1) (a) In addition to the state plan [~~described in Title 53E, Chapter 10, Part 4,~~
 988 ~~American Indian-Alaskan Native Education State Plan~~] adopted under Laws of Utah 2015,

989 Chapter 53, Section 7, beginning with fiscal year 2016-2017, there is created a five-year pilot
 990 program administered by the board to provide grants targeted to address the needs of American
 991 Indian and Alaskan Native students.

992 (b) The pilot program shall consist of a grant program to school districts and charter
 993 schools to be used to fund stipends, recruitment, retention, and professional development of
 994 teachers who teach in American Indian and Alaskan Native concentrated schools.

995 (2) (a) Beginning with fiscal year 2017-2018, there is created a four-year pilot program
 996 administered by the board to provide grants targeted to address the needs of American Indian
 997 and Alaskan Native students.

998 (b) The pilot program shall consist of a grant program to school districts and charter
 999 schools to be used to fund stipends, recruitment, retention, and professional development of
 1000 teachers who teach in American Indian and Alaskan Native concentrated schools.

1001 (c) In determining grant recipients under this Subsection (2), the board shall give
 1002 priority to American Indian and Alaskan Native concentrated schools located in a county of the
 1003 fourth, fifth, or sixth class with significant populations of American Indians and Alaskan
 1004 Natives.

1005 (3) Up to 3% of the money appropriated to a grant program under this part may be used
 1006 by the board for costs in implementing the pilot program.

1007 Section 18. Section **53F-5-604** is amended to read:

1008 **53F-5-604. Liaison -- Reporting -- Meeting.**

1009 (1) Subject to budget constraints, the superintendent of public instruction appointed
 1010 under Section [53E-3-301](#) shall appoint an individual as the American Indian-Alaskan Native
 1011 Public Education Liaison.

1012 [~~(1)~~] (2) The liaison shall:

1013 (a) work under the direction of the superintendent in the development and
 1014 implementation of the state plan; and

1015 (b) annually report to the Native American Legislative Liaison Committee created
 1016 under Section [36-22-1](#) during the term of a pilot program under this part regarding:

1017 [~~(a)~~] (i) what entities receive a grant under this part;

1018 [~~(b)~~] (ii) the effectiveness of the expenditures of grant money; and

1019 [~~(c)~~] (iii) recommendations, if any, for additional legislative action.

1020 [~~2~~] (3) The Native American Legislative Liaison Committee shall annually schedule
1021 at least one meeting at which education is discussed with selected stakeholders.

1022 Section 19. Section **53G-10-204** is amended to read:

1023 **53G-10-204. Civic and character education -- Definitions -- Legislative finding --**
1024 **Elements -- Reporting requirements.**

1025 (1) As used in this section:

1026 (a) "Character education" means reaffirming values and qualities of character which
1027 promote an upright and desirable citizenry.

1028 (b) "Civic education" means the cultivation of informed, responsible participation in
1029 political life by competent citizens committed to the fundamental values and principles of
1030 representative democracy in Utah and the United States.

1031 (c) "Values" means time-established principles or standards of worth.

1032 (2) The Legislature recognizes that:

1033 (a) Civic and character education are fundamental elements of the public education
1034 system's core mission as originally intended and established under Article X of the Utah
1035 Constitution;

1036 (b) Civic and character education are fundamental elements of the constitutional
1037 responsibility of public education and shall be a continuing emphasis and focus in public
1038 schools;

1039 (c) the cultivation of a continuing understanding and appreciation of a constitutional
1040 republic and principles of representative democracy in Utah and the United States among
1041 succeeding generations of educated and responsible citizens is important to the nation and
1042 state;

1043 (d) the primary responsibility for the education of children within the state resides with
1044 their parents or guardians and that the role of state and local governments is to support and
1045 assist parents in fulfilling that responsibility;

1046 (e) public schools fulfill a vital purpose in the preparation of succeeding generations of
1047 informed and responsible citizens who are deeply attached to essential democratic values and
1048 institutions; and

1049 (f) the happiness and security of American society relies upon the public virtue of its
1050 citizens which requires a united commitment to a moral social order where self-interests are

1051 willingly subordinated to the greater common good.

1052 (3) Through an integrated curriculum, students shall be taught in connection with
1053 regular school work:

1054 (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

1055 (b) respect for and an understanding of the Declaration of Independence and the
1056 constitutions of the United States and of the state of Utah;

1057 (c) Utah history, including territorial and preterritorial development to the present;

1058 (d) the essentials and benefits of the free enterprise system;

1059 (e) respect for parents, home, and family;

1060 (f) the dignity and necessity of honest labor; and

1061 (g) other skills, habits, and qualities of character which will promote an upright and
1062 desirable citizenry and better prepare students to recognize and accept responsibility for
1063 preserving and defending the blessings of liberty inherited from prior generations and secured
1064 by the constitution.

1065 (4) Local school boards and school administrators may provide training, direction, and
1066 encouragement, as needed, to accomplish the intent and requirements of this section and to
1067 effectively emphasize civic and character education in the course of regular instruction in the
1068 public schools.

1069 (5) Civic and character education in public schools are:

1070 (a) not intended to be separate programs in need of special funding or added specialists
1071 to be accomplished; and

1072 (b) core principles which reflect the shared values of the citizens of Utah and the
1073 founding principles upon which representative democracy in the United States and the state of
1074 Utah are based.

1075 ~~[(6) To assist the Commission on Civic and Character Education in fulfilling the~~
1076 ~~commission's duties under Section 67-1a-11, by December 30 of each year, each school district~~
1077 ~~and the State Charter School Board shall submit to the lieutenant governor and the commission~~
1078 ~~a report summarizing how civic and character education are achieved in the school district or~~
1079 ~~charter schools through an integrated school curriculum and in the regular course of school~~
1080 ~~work as provided in this section.]~~

1081 ~~[(7)]~~ (6) Each year, the State Board of Education shall report to the Education Interim

1082 Committee, on or before the October meeting, the methods used, and the results being
1083 achieved, to instruct and prepare students to become informed and responsible citizens through
1084 an integrated curriculum taught in connection with regular school work as required in this
1085 section.

1086 Section 20. Section **54-1-13** is amended to read:

1087 **54-1-13. Commission exploration and development of cleaner air options.**

1088 [(†)] The commission shall immediately initiate and conduct proceedings to explore
1089 and develop options and opportunities for advancing and promoting measures designed to
1090 result in cleaner air in the state through the enhanced use of alternative fuel vehicles, including:

1091 [(a)] (1) consideration of the role that gas corporations should play in the enhancement
1092 and expansion of the infrastructure and maintenance and other facilities for alternative fuel
1093 vehicles;

1094 [(b)] (2) the potential funding options available to pay for the enhancement and
1095 expansion of infrastructure and facilities for alternative fuel vehicles;

1096 [(c)] (3) the role local government, including any local government entity established
1097 for the purpose of facilitating conversion to alternative fuel vehicles and of promoting the
1098 enhancement and expansion of the infrastructure and facilities for those vehicles, can or should
1099 play; and

1100 [(d)] (4) the most effective ways to overcome any obstacles to converting to alternative
1101 fuel vehicles and to enhancing and expanding the infrastructure and facilities for alternative
1102 fuel vehicles.

1103 [~~(2) As soon as an interlocal entity described in Subsection 11-13-224(2) is created, the~~
1104 ~~commission shall seek, encourage, and accept the interlocal entity's participation in the~~
1105 ~~commission's proceedings under this section.]~~

1106 [~~(3) By September 30, 2013, the commission and the interlocal entity described in~~
1107 ~~Subsection 11-13-224(2) shall report to the governor, the Legislative Management Committee,~~
1108 ~~and the Public Utilities, Energy, and Technology Interim Committee:]~~

1109 [~~(a) the results of the commission proceedings under Subsection (1); and]~~

1110 [~~(b) recommendations for specific actions to implement mechanisms to provide~~
1111 ~~funding for the enhancement and expansion of the infrastructure and facilities for alternative~~
1112 ~~fuel vehicles.]~~

1113 Section 21. Section **63A-5-225** is amended to read:

1114 **63A-5-225. Development of new correctional facilities.**

1115 (1) As used in this section:

1116 [~~(a) "Commission" means the Prison Development Commission, created in Section~~
1117 ~~63C-16-201.~~]

1118 (a) "Committee" means the Legislative Management Committee created in Section
1119 36-12-6.

1120 (b) "New correctional facilities" means a new prison and related facilities to be
1121 constructed to replace the state prison located in Draper.

1122 (c) "Prison project" means all aspects of a project for the design and construction of
1123 new correctional facilities on the selected site, including:

1124 (i) the acquisition of land, interests in land, easements, or rights-of-way;

1125 (ii) site improvement; and

1126 (iii) the acquisition, construction, equipping, or furnishing of facilities, structures,
1127 infrastructure, roads, parking facilities, utilities, and improvements, whether on or off the
1128 selected site, that are necessary, incidental, or convenient to the development of new
1129 correctional facilities on the selected site.

1130 (d) "Selected site" means [~~the same as that term is defined in Section 63C-16-102~~] the
1131 site selected under Subsection 63C-15-203(2) as the site for new correctional facilities.

1132 (2) In consultation with the [~~commission~~] committee, the division shall oversee the
1133 prison project, as provided in this section.

1134 (3) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, and this
1135 section, the division shall:

1136 (i) enter into contracts with persons providing professional and construction services
1137 for the prison project;

1138 [~~(ii) in determining contract types for the prison project, consult with and consider~~
1139 ~~recommendations from the commission or the commission's designee;~~]

1140 [(iii)] (ii) provide reports to the [~~commission~~] committee regarding the prison project,
1141 as requested by the commission; and

1142 [(iv)] (iii) consider input from the [~~commission~~] committee on the prison project,
1143 subject to Subsection (3)(b).

- 1144 (b) The division may not consult with or receive input from the [~~commission~~]
1145 committee regarding:
- 1146 (i) the evaluation of proposals from persons seeking to provide professional and
1147 construction services for the prison project; or
- 1148 (ii) the selection of persons to provide professional and construction services for the
1149 prison project.
- 1150 (c) A contract with a project manager or person with a comparable position on the
1151 prison project shall include a provision that requires the project manager or other person to
1152 provide reports to the [~~commission~~] committee regarding the prison project, as requested by the
1153 [~~commission~~] committee.
- 1154 (4) All contracts associated with the design or construction of new correctional
1155 facilities shall be awarded and managed by the division in accordance with Title 63G, Chapter
1156 6a, Utah Procurement Code, and this section.
- 1157 (5) The division shall coordinate with the Department of Corrections, created in
1158 Section [64-13-2](#), and the State Commission on Criminal and Juvenile Justice, created in
1159 Section [63M-7-201](#), during the prison project to help ensure that the design and construction of
1160 new correctional facilities are conducive to and consistent with, and help to implement any
1161 reforms of or changes to, the state's corrections system and corrections programs.
- 1162 (6) (a) There is created within the General Fund a restricted account known as the
1163 "Prison Development Restricted Account."
- 1164 (b) The account created in Subsection (6)(a) is funded by legislative appropriations.
- 1165 (c) (i) The account shall earn interest or other earnings.
- 1166 (ii) The Division of Finance shall deposit interest or other earnings derived from the
1167 investment of account funds into the account.
- 1168 (d) Upon appropriation from the Legislature, money from the account shall be used to
1169 fund the Prison Project Fund created in Subsection (7).
- 1170 (7) (a) There is created a capital projects fund known as the "Prison Project Fund."
- 1171 (b) The fund consists of:
- 1172 (i) money appropriated to the fund by the Legislature; and
- 1173 (ii) proceeds from the issuance of bonds authorized in Section [63B-25-101](#) to provide
1174 funding for the prison project.

- 1175 (c) (i) The fund shall earn interest or other earnings.
- 1176 (ii) The Division of Finance shall deposit interest or other earnings derived from the
1177 investment of fund money into the fund.
- 1178 (d) Money in the fund shall be used by the division to fund the prison project.
- 1179 Section 22. Section **63B-25-101** is amended to read:
- 1180 **63B-25-101. General obligation bonds for prison project -- Maximum amount --**
1181 **Use of proceeds.**
- 1182 (1) As used in this section:
- 1183 (a) "Prison project" means the same as that term is defined in Section [~~63C-16-102~~]
1184 [63A-5-225](#).
- 1185 (b) "Prison project fund" means the capital projects fund created in Subsection
1186 [63A-5-225](#)(7).
- 1187 (2) The commission may issue general obligation bonds as provided in this section.
- 1188 (3) (a) The total amount of bonds to be issued under this section may not exceed
1189 \$570,000,000 for acquisition and construction proceeds, plus additional amounts necessary to
1190 pay costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve
1191 requirements, with the total amount of the bonds not to exceed \$575,700,000.
- 1192 (b) The maturity of bonds issued under this section may not exceed 10 years.
- 1193 (4) The commission shall ensure that proceeds from the issuance of bonds under this
1194 section are deposited into the Prison Project Fund for use by the division to pay all or part of
1195 the cost of the prison project, including:
- 1196 (a) interest estimated to accrue on the bonds authorized in this section until the
1197 completion of construction of the prison project, plus a period of 12 months after the end of
1198 construction; and
- 1199 (b) all related engineering, architectural, and legal fees.
- 1200 (5) (a) The division may enter into agreements related to the prison project before the
1201 receipt of proceeds of bonds issued under this section.
- 1202 (b) The division shall make those expenditures from unexpended and unencumbered
1203 building funds already appropriated to the Prison Project Fund.
- 1204 (c) The division shall reimburse the Prison Project Fund upon receipt of the proceeds
1205 of bonds issued under this chapter.

1206 (d) The state intends to use proceeds of tax-exempt bonds to reimburse itself for
1207 expenditures for costs of the prison project.

1208 (6) Before issuing bonds authorized under this section, the commission shall request
1209 and consider a recommendation from the [~~Prison Development Commission~~] Legislative
1210 Management Committee, created in Section [~~63C-16-201~~] 36-12-6, regarding the timing and
1211 amount of the issuance.

1212 Section 23. Section **63C-4a-101** is amended to read:

1213 **63C-4a-101. Title.**

1214 [~~(1)~~] This chapter is known as the "Constitutional and Federalism Defense Act."

1215 [~~(2)~~] This part is known as "General Provisions."

1216 Section 24. Section **63C-4a-102** is amended to read:

1217 **63C-4a-102. Definitions.**

1218 As used in this chapter:

1219 (1) "Account" means the Constitutional Defense Restricted Account, created in Section
1220 63C-4a-402.

1221 [~~(2)~~] "Commission" means the ~~Commission on Federalism~~, created in Section
1222 63C-4a-302.]

1223 [~~(3)~~] (2) "Constitutional defense plan" means a plan that outlines actions and
1224 expenditures to fulfill the duties of [~~the commission and~~] the council.

1225 [~~(4)~~] (3) "Council" means the Constitutional and Federalism Defense Council, created
1226 in Section 63C-4a-202.

1227 [~~(5)~~] (4) "Federal governmental entity" means:

1228 (a) the president of the United States;

1229 (b) the United States Congress;

1230 (c) a United States agency; or

1231 (d) an employee or official appointed by the president of the United States.

1232 (5) "Federal issue" means a matter relating to the federal government's dealings with
1233 the state, including a matter described in Subsection 63C-14-301(1).

1234 (6) "Federal law" means:

1235 (a) an executive order by the president of the United States;

1236 (b) a statute passed by the United States Congress;

- 1237 (c) a regulation adopted by a United States agency; or
 1238 (d) a policy statement, order, guidance, or action by:
 1239 (i) a United States agency; or
 1240 (ii) an employee or official appointed by the president of the United States.
 1241 (7) "R.S. 2477" means Revised Statute 2477, codified as 43 U.S.C. Section 932.
 1242 (8) "R.S. 2477 plan" means a guiding document that:
 1243 (a) is developed jointly by the Utah Association of Counties and the state;
 1244 (b) is approved by the council; and
 1245 (c) presents the broad framework of a proposed working relationship between the state
 1246 and participating counties collectively for the purpose of asserting, defending, or litigating state
 1247 and local government rights under R.S. 2477.
 1248 (9) "United States agency" means a department, agency, authority, commission,
 1249 council, board, office, bureau, or other administrative unit of the executive branch of the
 1250 United States government.

1251 Section 25. Section **63C-4a-202** is amended to read:

1252 **Part 2. Creation of Constitutional and Federalism Defense Council**

1253 **63C-4a-202. Creation of Constitutional and Federalism Defense Council --**

1254 **Membership -- Vacancies -- Meetings -- Staff -- Reports -- Per diem, travel expenses, and**
 1255 **funding.**

1256 (1) There is created the Constitutional and Federalism Defense Council[-] consisting
 1257 of:

1258 [~~(2)(a) The council shall consist of]~~

1259 (a) the following 12 voting members:

1260 (i) the governor or the lieutenant governor, who shall serve as chair of the council;

1261 (ii) the president of the Senate or the president of the Senate's designee who shall serve
 1262 as vice chair of the council;

1263 (iii) the speaker of the House or the speaker of the House's designee who shall serve as
 1264 vice chair of the council;

1265 (iv) another member of the House, appointed by the speaker of the House;

1266 (v) the minority leader of the Senate or the minority leader of the Senate's designee;

1267 (vi) the minority leader of the House or the minority leader of the House's designee;

1268 (vii) the attorney general or the attorney general's designee, who shall be one of the
1269 attorney general's appointees, not a current career service employee;

1270 (viii) the director of the School and Institutional Trust Lands Administration;

1271 (ix) four elected county commissioners, county council members, or county executives
1272 from different counties who are selected by the Utah Association of Counties, at least one of
1273 whom shall be from a county of the first or second class; and

1274 (b) the following five nonvoting members:

1275 [~~(xi)~~] (i) the executive director of the Department of Natural Resources~~[-, who may not~~
1276 ~~vote]~~;

1277 [~~(xii)~~] (ii) the commissioner of the Department of Agriculture and Food~~[-, who may not~~
1278 ~~vote]~~;

1279 [~~(xiii)~~] (iii) the director of the Governor's Office of Economic Development~~[-, who may~~
1280 ~~not vote]~~; and

1281 [~~(xiv)~~] (iv) two elected county commissioners, county council members, or county
1282 executives from different counties appointed by the Utah Association of Counties~~[-, who may~~
1283 ~~not vote]~~.

1284 [~~(b)~~] (2) (a) The council vice chairs shall conduct a council meeting in the absence of
1285 the chair.

1286 [~~(c)~~] (b) If both the governor and the lieutenant governor are absent from a meeting of
1287 the council, the governor may designate a person to attend the meeting solely for the purpose of
1288 casting a vote on any matter on the governor's behalf.

1289 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
1290 appointed for the unexpired term in the same manner as the original appointment.

1291 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the council shall meet at least
1292 monthly or more frequently as needed.

1293 (ii) The council need not meet monthly if the chair, after polling the voting members,
1294 determines that a majority of the voting members do not wish to meet.

1295 (b) The governor or any six members of the council may call a meeting of the council.

1296 (c) Before calling a meeting, the governor or council members shall solicit items for
1297 the agenda from other members of the council.

1298 (d) (i) The council shall require that any entity~~[-, other than the commission,]~~ that

1299 receives money from the Constitutional Defense Restricted Account provide financial reports
1300 and litigation reports to the council.

1301 (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting
1302 under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from
1303 complying with Title 63G, Chapter 2, Government Records Access and Management Act.

1304 (e) A majority of the voting membership on the council is required for a quorum to
1305 conduct council business. A majority vote of the quorum is required for any action taken by
1306 the council.

1307 (5) (a) The Office of the Attorney General shall advise the council.

1308 (b) The Public Lands Policy Coordinating Office shall provide staff assistance for
1309 meetings of the council.

1310 (c) If requested by the council, the Office of Legislative Research and General Counsel
1311 shall provide additional staff support to the council.

1312 (6) (a) A member of the council who is not a legislator may not receive compensation
1313 or benefits for the member's service, but may receive per diem and travel expenses as allowed
1314 in:

1315 (i) Section 63A-3-106;

1316 (ii) Section 63A-3-107; and

1317 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
1318 63A-3-107.

1319 (b) Compensation and expenses of a member of the council who is a legislator are
1320 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
1321 Expenses.

1322 (7) Money appropriated for or received by the council may be expended by the
1323 governor in consultation with the council.

1324 Section 26. Section 63C-4a-301.1, which is renumbered from Section 63C-4a-203 is
1325 renumbered and amended to read:

1326 **Part 3. Duties of the Constitutional and Federalism Defense Council**

1327 **[63C-4a-203]. 63C-4a-301.1. General duties of Constitutional and**
1328 **Federalism Defense Council.**

1329 (1) The Constitutional and Federalism Defense Council shall assist the governor and

1330 the Legislature on the following types of issues:

1331 (a) the constitutionality of federal mandates;

1332 (b) when making recommendations to challenge the federal mandates and regulations

1333 described in Subsections (1)(f)(i) through (v), the rationale for and effectiveness of those

1334 federal mandates or regulations;

1335 (c) legal and policy issues surrounding state and local government rights under R.S.

1336 2477;

1337 (d) legal issues relating to the rights of the School and Institutional Trust Lands

1338 Administration and its beneficiaries;

1339 (e) a disagreement with another state regarding the use or ownership of water; and

1340 (f) the advisability, feasibility, estimated cost, and likelihood of success of challenging:

1341 (i) federal court rulings that:

1342 (A) hinder the management of the state's prison system and place undue financial

1343 hardship on the state's taxpayers;

1344 (B) impact a power or a right reserved to the state or its citizens by the United States

1345 Constitution, Amendment IX or X; or

1346 (C) expand or grant a power to the United States government beyond the limited,

1347 enumerated powers granted by the United States Constitution;

1348 (ii) federal laws or regulations that reduce or negate water rights or the rights of owners

1349 of private property, or the rights and interest of state and local governments, including

1350 sovereignty interests and the power to provide for the health, safety, and welfare, and promote

1351 the prosperity of their inhabitants;

1352 (iii) conflicting federal regulations or policies in land management on federal land;

1353 (iv) federal intervention that would damage the state's mining, timber, or ranching

1354 industries;

1355 (v) the authority of the Environmental Protection Agency and Congress to mandate

1356 local air quality standards and penalties; and

1357 (vi) other issues that are relevant to this Subsection (1).

1358 (2) The council shall:

1359 (a) provide advice to the governor, state planning coordinator, and the public lands

1360 policy coordinator concerning coordination of:

- 1361 (i) state and local government rights under R.S. 2477; and
- 1362 (ii) other public lands issues;
- 1363 (b) approve a plan for R.S. 2477 rights developed in accordance with Section
- 1364 [63C-4a-403](#);
- 1365 (c) review, at least quarterly:
- 1366 (i) financial statements concerning implementation of the plan for R.S. 2477 rights;
- 1367 and
- 1368 (ii) financial and other reports from the Public Lands Policy Coordinating Office
- 1369 concerning its activities; and
- 1370 (d) study, formulate, and recommend appropriate legal strategies and arguments to
- 1371 further the policy described in Section [63C-4a-103](#).
- 1372 (3) The council chair may require the attorney general or a designee to provide
- 1373 testimony on potential legal actions that would enhance the state's sovereignty or authority on
- 1374 issues affecting Utah and the well-being of its citizens.
- 1375 (4) The council chair may direct the attorney general to initiate and prosecute any
- 1376 action that the council determines will further its purposes, including an action described in
- 1377 Section [67-5-29](#).
- 1378 (5) (a) Subject to the provisions of this section, the council may select and employ
- 1379 attorneys to implement the purposes and duties of the council.
- 1380 (b) The council chair may, in consultation with the council, direct any council attorney
- 1381 in any manner considered appropriate by the attorney general to best serve the purposes of the
- 1382 council.
- 1383 (c) The attorney general shall negotiate a contract for services with any attorney
- 1384 selected and approved for employment under this section.
- 1385 (6) The council chair may, only with the concurrence of the council, review and
- 1386 approve all claims for payments for:
- 1387 (a) legal services that are submitted to the council;
- 1388 (b) an action filed in accordance with Section [67-5-29](#); and
- 1389 (c) costs related to a constitutional defense plan approved in accordance with Section
- 1390 [63C-4a-403](#) that are submitted by:
- 1391 (i) the Public Lands Policy Coordinating Office;

1392 (ii) the School and Institutional Trust Lands Administration; or

1393 (iii) the Office of the Attorney General.

1394 (7) (a) The council chair may, with the concurrence of the council, order the attorney
1395 general or an attorney employed by the council to cease work that may be charged to the fund.

1396 (b) The attorney general or other attorney subject to the order shall comply with the
1397 order no later than five business days after the day on which the order is given.

1398 (8) (a) At least 20 calendar days before the state submits comments on the draft
1399 environmental impact statement or environmental assessment for a proposed land management
1400 plan of any federal land management agency, the governor shall make those documents
1401 available to:

1402 (i) members of the council; and

1403 (ii) any county executive, county council member, or county commissioner of a county
1404 that is covered by the management plan and that has established formal cooperating agency
1405 status with the relevant federal land management agency regarding the proposed plan.

1406 (b) (i) A council member or local government official who receives the documents
1407 described in Subsection (8)(a) may make recommendations to the governor or the governor's
1408 designee concerning changes to the documents before the documents are submitted to the
1409 federal land management agency.

1410 (ii) A council member or local government official shall submit recommendations to
1411 the governor or the governor's designee no later than 10 calendar days after the day on which
1412 the council member or local government official receives the documents described in
1413 Subsection (8)(a).

1414 (c) Documents transmitted or received under this Subsection (8) are drafts and are
1415 protected records under Subsection [63G-2-305](#)(22).

1416 (9) The council shall submit a report [~~on December 1 of each year to each legislator by~~
1417 ~~electronic mail that~~] on or before November 30 of each year to the Government Operations
1418 Interim Committee and the Natural Resources, Agriculture, and Environment Interim
1419 Committee that:

1420 (a) summarizes the council's activities[-];

1421 (b) describes any action taken by the council under Section [63C-4a-303](#); and

1422 (c) includes any proposed legislation the council recommends.

1423 Section 27. Section **63C-4a-303** is amended to read:

1424 **63C-4a-303. Constitutional and Federalism Defense Council to evaluate federal**
1425 **law -- Curriculum on federalism.**

1426 (1) In accordance with Section **63C-4a-304**, the ~~[commission]~~ Constitutional and
1427 Federalism Defense Council may evaluate a federal law~~[(a)]~~ as agreed by a majority of the
1428 ~~[commission; or]~~ council.

1429 ~~[(b) submitted to the commission by a council member.]~~

1430 (2) The ~~[commission]~~ council may request information regarding a federal law under
1431 evaluation from a United States senator or representative elected from the state.

1432 (3) If the ~~[commission]~~ council finds that a federal law is not authorized by the United
1433 States Constitution or violates the principle of federalism as described in Subsection

1434 **63C-4a-304**(2), ~~[a commission cochair]~~ the council chair or cochairs may:

1435 (a) request from a United States senator or representative elected from the state:

1436 (i) information about the federal law; or

1437 (ii) assistance in communicating with a federal governmental entity regarding the
1438 federal law;

1439 (b) (i) give written notice of an evaluation made under Subsection (1) to the federal
1440 governmental entity responsible for adopting or administering the federal law; and

1441 (ii) request a response by a specific date to the evaluation from the federal
1442 governmental entity; and

1443 (c) request a meeting, conducted in person or by electronic means, with the federal
1444 governmental entity, a representative from another state, or a United States Senator or
1445 Representative elected from the state to discuss the evaluation of federal law and any possible
1446 remedy.

1447 (4) The ~~[commission]~~ council may recommend to the governor that the governor call a
1448 special session of the Legislature to give the Legislature an opportunity to respond to the
1449 ~~[commission's]~~ council's evaluation of a federal law.

1450 (5) ~~[A commission cochair]~~ The chair or the vice chairs of the council may coordinate
1451 the evaluation of and response to federal law with another state as provided in Section
1452 **63C-4a-305**.

1453 ~~[(6) Each year, the commission shall submit a report by electronic mail to the~~

1454 Legislative Management Committee and the Government Operations Interim Committee that
1455 summarizes:]

1456 [~~(a)~~ action taken by the commission in accordance with this section; and]

1457 [~~(b)~~ action taken by, or communication received from, any of the following in response
1458 to a request or inquiry made, or other action taken, by the commission:]

1459 [(i) a United States senator or representative elected from the state;]

1460 [(ii) a representative of another state; or]

1461 [(iii) a federal entity, official, or employee.]

1462 [~~(7)~~ (6) The [commission] council shall keep a current list on the [Legislature's]
1463 council's website of:

1464 (a) a federal law that the [commission] council evaluates under Subsection (1);

1465 (b) an action taken by a cochair of the [commission] council under Subsection (3);

1466 (c) any coordination undertaken with another state under Section 63C-4a-305; and

1467 (d) any response received from a federal government entity that was requested under
1468 Subsection (3).

1469 [~~(8)~~ (7) The [commission] council shall develop curriculum for a seminar on the
1470 principles of federalism. The curriculum shall be available to the general public and include:

1471 (a) fundamental principles of federalism;

1472 (b) the sovereignty, supremacy, and jurisdiction of the individual states, including their
1473 police powers;

1474 (c) the history and practical implementation of the Tenth Amendment to the United
1475 States Constitution;

1476 (d) the authority and limits on the authority of the federal government as found in the
1477 United States Constitution;

1478 (e) the relationship between the state and federal governments;

1479 (f) methods of evaluating a federal law in the context of the principles of federalism;

1480 (g) how and when challenges should be made to a federal law or regulation on the basis
1481 of federalism;

1482 (h) the separate and independent powers of the state that serve as a check on the federal
1483 government;

1484 (i) first amendment rights and freedoms contained therein; and

1485 (j) any other issues relating to federalism the [~~commission~~] council considers
1486 necessary.

1487 [~~(9)~~] (8) The [~~commission~~] council may apply for and receive grants, and receive
1488 private donations to assist in funding the creation, enhancement, and dissemination of the
1489 curriculum.

1490 [~~(10) Before the final meeting of 2019, the commission shall conduct the activities~~
1491 ~~described in Section 63C-4a-307.~~]

1492 Section 28. Section 63C-4a-304 is amended to read:

1493 **63C-4a-304. Standard for evaluation of federal law.**

1494 (1) The [~~commission~~] council shall evaluate whether a federal law evaluated under
1495 Section 63C-4a-303 is authorized by:

1496 (a) United States Constitution, Article I, Section 2, to provide for the decennial census;

1497 (b) United States Constitution, Article I, Section 4, to override state laws regulating the
1498 times, places, and manner of congressional elections, other than the place of senatorial
1499 elections;

1500 (c) United States Constitution, Article I, Section 7, to veto bills, orders, and resolutions
1501 by Congress;

1502 (d) United States Constitution, Article I, Section 8, to:

1503 (i) lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for
1504 the common defense and general welfare of the United States, but all duties, imposts, and
1505 excises shall be uniform throughout the United States;

1506 (ii) borrow money on the credit of the United States;

1507 (iii) regulate commerce with foreign nations, among the several states, and with the
1508 Indian tribes;

1509 (iv) establish a uniform rule of naturalization and uniform laws on the subject of
1510 bankruptcies throughout the United States;

1511 (v) coin money, regulate the value of coin money and of foreign coin, and fix the
1512 standard of weights and measures;

1513 (vi) provide for the punishment of counterfeiting the securities and current coin of the
1514 United States;

1515 (vii) establish post offices and post roads;

1516 (viii) promote the progress of science and useful arts, by securing for limited times to
1517 authors and inventors the exclusive right to their respective writings and discoveries;

1518 (ix) constitute tribunals inferior to the supreme court;

1519 (x) define and punish piracies and felonies committed on the high seas and offences
1520 against the law of nations;

1521 (xi) declare war, grant letters of marque and reprisal, and make rules concerning
1522 captures on land and water;

1523 (xii) raise and support armies, but no appropriation of money to that use shall be for a
1524 longer term than two years;

1525 (xiii) provide and maintain a navy;

1526 (xiv) make rules for the government and regulation of the land and naval forces;

1527 (xv) provide for calling forth the militia to execute the laws of the union, suppress
1528 insurrections, and repel invasions;

1529 (xvi) provide for organizing, arming, and disciplining the militia, and for governing the
1530 part of the militia that may be employed in the service of the United States, reserving to the
1531 states respectively, the appointment of the officers and the authority of training the militia
1532 according to the discipline prescribed by Congress;

1533 (xvii) exercise exclusive legislation in all cases whatsoever, over such district, which
1534 may not exceed 10 miles square, as may, by cession of particular states and the acceptance of
1535 Congress, become the seat of the government of the United States, and to exercise like
1536 authority over all places purchased by the consent of the legislature of the state in which the
1537 place shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful
1538 buildings; or

1539 (xviii) make all laws which shall be necessary and proper for carrying into execution
1540 the powers listed in this section, and all other powers vested by the United States Constitution
1541 in the government of the United States, or in any department or officer of the United States;

1542 (e) United States Constitution, Article I, Section 9, to authorize a federal officer to
1543 receive benefits from a foreign nation;

1544 (f) United States Constitution, Article I, Section 10, to fix the pay of members of
1545 Congress and of federal officers;

1546 (g) United States Constitution, Article II, Section 1, to:

- 1547 (i) set the time for choosing electors; or
- 1548 (ii) establish who succeeded to the presidency after the vice president;
- 1549 (h) United States Constitution, Article II, Section 2, to:
- 1550 (i) serve as Commander-in-Chief of the armed forces;
- 1551 (ii) require the written opinions of executive officers;
- 1552 (iii) grant reprieves and pardons;
- 1553 (iv) make vacancy appointments;
- 1554 (v) make treaties, subject to the advice and consent of the United States Senate;
- 1555 (vi) appoint foreign affairs officers subject to the advice and consent of the United
- 1556 States Senate;
- 1557 (vii) appoint domestic affairs officers subject either to the advice and consent of the
- 1558 United States Senate or pursuant to law;
- 1559 (viii) appoint judges subject to the advice and consent of the United States Senate; or
- 1560 (ix) authorize the president to fill designated inferior offices without senatorial
- 1561 consent;
- 1562 (i) United States Constitution, Article II, Section 3, to:
- 1563 (i) receive representatives of foreign powers;
- 1564 (ii) execute the laws;
- 1565 (iii) commission United States officers;
- 1566 (iv) give Congress information;
- 1567 (v) make recommendations to Congress;
- 1568 (vi) convene Congress on extraordinary occasions; or
- 1569 (vii) adjourn Congress if it cannot agree on a time;
- 1570 (j) United States Constitution, Article III, Section 1, to:
- 1571 (i) create exceptions to the supreme court's appellate jurisdiction;
- 1572 (ii) fix the jurisdiction of federal courts inferior to the supreme court; or
- 1573 (iii) declare the punishment for treason;
- 1574 (k) United States Constitution, Article IV, Section 1, to establish the rules by which the
- 1575 records and judgments of states are proved in other states;
- 1576 (l) United States Constitution, Article IV, Section 3, to:
- 1577 (i) manage federal property;

- 1578 (ii) dispose of federal property;
- 1579 (iii) govern the federal territories; or
- 1580 (iv) consent to admission of new states or the combination of existing states;
- 1581 (m) United States Constitution, Article IV, Section 4, to defend states from invasion,
- 1582 insurrection, and non-republican forms of government;
- 1583 (n) United States Constitution, Article V, Section 1, to propose constitutional
- 1584 amendments;
- 1585 (o) United States Constitution, Article VI, Section 1, to prescribe the oath for federal
- 1586 officers;
- 1587 (p) United States Constitution, Amendment XIII, to abolish slavery;
- 1588 (q) United States Constitution, Amendment XIV, to guard people from certain state
- 1589 abuses;
- 1590 (r) United States Constitution, Amendment XVI, to impose taxes on income from any
- 1591 source without having to apportion the total dollar amount of tax collected from each state
- 1592 according to each state's population in relation to the total national population;
- 1593 (s) United States Constitution, Amendment XX, to revise the manner of presidential
- 1594 succession;
- 1595 (t) United States Constitution, Amendment XV, XIX, XXIII, or XXIV, to extend and
- 1596 protect the right to vote; or
- 1597 (u) United States Constitution, Amendment XVII, to grant a pay raise to a sitting
- 1598 Congress.
- 1599 (2) The ~~[commission]~~ council shall evaluate whether a federal law evaluated under
- 1600 Section [63C-4a-303](#) violates the principle of federalism by:
- 1601 (a) affecting the distribution of power and responsibility among the state and national
- 1602 government;
- 1603 (b) limiting the policymaking discretion of the state;
- 1604 (c) impacting a power or a right reserved to the state or its citizens by the United States
- 1605 Constitution, Amendment IX or X; or
- 1606 (d) impacting the sovereignty rights and interest of the state or a political subdivision to
- 1607 provide for the health, safety, and welfare and promote the prosperity of the state's or political
- 1608 subdivision's inhabitants.

1609 (3) In the evaluation of a federal law, the ~~[commission]~~ council:

1610 (a) shall rely on:

1611 (i) the text of the United States Constitution, as amended;

1612 (ii) the meaning of the text of the United States Constitution, as amended, at the time

1613 of its drafting and ratification; and

1614 (iii) a primary source document that is:

1615 (A) directly relevant to the drafting, adoption, ratification, or initial implementation of
1616 the United States Constitution, as amended; or

1617 (B) created by a person directly involved in the drafting, adoption, ratification, or
1618 initial implementation of the United States Constitution, as amended;

1619 (b) may rely on other relevant sources, including federal court decisions; and

1620 (c) is not bound by a holding by a federal court.

1621 Section 29. Section **63C-4a-305** is amended to read:

1622 **63C-4a-305. Communication with other states and governmental entities.**

1623 ~~[A commission cochair]~~ The chair or a vice chair of the council may correspond with
1624 the presiding officer of ~~[the legislative branch of another state or]~~ an entity of another state that
1625 has powers and duties that are similar to the ~~[commission]~~ council to discuss and coordinate
1626 the evaluation of and response to federal law as provided in Section [63C-4a-303](#).

1627 Section 30. Section **63C-4a-306** is amended to read:

1628 **63C-4a-306. Course on federalism required.**

1629 (1) This section ~~[shall apply]~~ applies to:

1630 (a) all political subdivisions of the state;

1631 (b) all agencies of the state;

1632 (c) the Attorney General's office; and

1633 (d) the Office of Legislative Research and General Counsel.

1634 (2) ~~[Beginning January 1, 2015, an]~~ An employing entity listed in Subsection (1) shall
1635 appoint at least one designee to which all questions and inquiries regarding federalism shall be
1636 directed. The designee shall be required to attend a seminar on the principles of federalism
1637 developed pursuant to Subsection [63C-4a-303](#)~~[(8)]~~[(7)] at least once in every two-year period.

1638 (3) The designee may complete the requirements of this section by attending a seminar
1639 in person or online.

1640 Section 31. Section **63C-4a-307** is amended to read:

1641 **63C-4a-307. Council to evaluate foregone property tax -- Evaluation procedures.**

1642 (1) As used in this section:

1643 (a) (i) "Federally controlled land" means any land within the exterior boundaries of the
1644 state that is controlled by the United States government for the entire taxable year.

1645 (ii) "Federally controlled land" does not include:

1646 (A) a military installation;

1647 (B) a federal enclave as described in United States Constitution, Article I, Section 8,
1648 clause 17; or

1649 (C) land owned by an Indian tribe as described in 18 U.S.C. Sec. 1151.

1650 (b) (i) "Payments in lieu of tax" means payments made by the federal government to a
1651 county, municipality, or school district of the state.

1652 (ii) "Payments in lieu of tax" includes a payment under:

1653 (A) the in lieu of property taxes program, 31 U.S.C. Sec. 6901, et seq., commonly
1654 referred to as PILT; and

1655 (B) the impact aid program, 20 U.S.C. Sec. 7701, et seq.

1656 (2) (a) The [~~commission~~] council shall hold a hearing regarding the impact on the state
1657 from the failure of the federal government to make payments in lieu of tax that are equivalent
1658 to the property tax revenue that the state would generate but for federally controlled land.

1659 (b) The [~~commission~~] council shall invite and accept testimony on the information
1660 described in Subsection (2)(a) and the impact on the ability and the duty of the state to fund
1661 education and to protect and promote the health, safety, and welfare of the state, the state's
1662 political subdivisions, and the residents of the state from the following:

1663 (i) representatives from:

1664 (A) the office of each United States senator or representative elected from the state;

1665 (B) any federal government entity administering the payments in lieu of tax;

1666 (C) the Legislative Management Committee;

1667 (D) the Office of the Governor;

1668 (E) the Office of the Attorney General;

1669 (F) the State Tax Commission;

1670 (G) the Public Lands Policy Coordinating Office, created in Section [63J-4-602](#);

- 1671 (H) the school districts;
 1672 (I) the association of school districts;
 1673 (J) the superintendents' association;
 1674 (K) the charter schools;
 1675 (L) school community councils;
 1676 (M) the counties;
 1677 (N) the municipalities; and
 1678 (O) nonpartisan entities serving state governments;
 1679 (ii) other states' officials or agencies; and
 1680 (iii) other interested individuals or entities.

1681 (3) In accordance with this part, the [~~commission~~] council may engage each United
 1682 States senator or representative elected from the state in coordinating with the federal
 1683 government to secure payments in lieu of tax that are equivalent to the property tax revenue the
 1684 state would generate but for federally controlled land.

1685 (4) The [~~commission~~] council shall communicate the information received during the
 1686 hearing described in Subsection (2) and any action taken under Subsection (3) to the
 1687 individuals and entities described in Subsection (2)(b).

1688 (5) The council shall conduct the activities described in this section before the council's
 1689 final meeting in 2019.

1690 Section 32. Section **63C-4a-308**, which is renumbered from Section 63C-4b-104 is
 1691 renumbered and amended to read:

1692 ~~**63C-4b-104.**~~ **63C-4a-308. Council duties with regards to federal lands.**

1693 [(+)] The [~~commission~~] council shall:

1694 [~~(a)~~] ~~convene at least eight times each year;~~

1695 [~~(b)~~] (1) review and make recommendations on the transfer of federally controlled
 1696 public lands to the state;

1697 [~~(c)~~] (2) review and make recommendations regarding the state's sovereign right to
 1698 protect the health, safety, and welfare of its citizens as it relates to public lands, including
 1699 recommendations concerning the use of funds in the account created in Section [~~63C-4b-105~~]
 1700 63C-4a-404;

1701 [~~(d)~~] (3) study and evaluate the recommendations of the public lands transfer study and

1702 economic analysis conducted by the Public Lands Policy Coordinating Office in accordance
1703 with Section [63J-4-606](#);

1704 ~~[(e)]~~ (4) coordinate with and report on the efforts of the executive branch, the counties
1705 and political subdivisions of the state, the state congressional delegation, western governors,
1706 other states, and other stakeholders concerning the transfer of federally controlled public lands
1707 to the state including convening working groups, such as a working group composed of
1708 members of the Utah Association of Counties;

1709 ~~[(f)]~~ (5) study and make recommendations regarding the appropriate designation of
1710 public lands transferred to the state, including stewardship of the land and appropriate uses of
1711 the land;

1712 ~~[(g)]~~ (6) study and make recommendations regarding the use of funds received by the
1713 state from the public lands transferred to the state; and

1714 ~~[(h)]~~ (7) receive reports from and make recommendations to the attorney general, the
1715 Legislature, and other stakeholders involved in litigation on behalf of the state's interest in the
1716 transfer of public lands to the state, regarding:

1717 ~~[(i)]~~ (a) preparation for potential litigation;

1718 ~~[(ii)]~~ (b) selection of outside legal counsel;

1719 ~~[(iii)]~~ (c) ongoing legal strategy for the transfer of public lands; and

1720 ~~[(iv)]~~ (d) use of money:

1721 ~~[(A)]~~ (i) appropriated by the Legislature for the purpose of securing the transfer of
1722 public lands to the state under Section ~~[[63C-4b-105](#)]~~ [63C-4a-404](#); and

1723 ~~[(B)]~~ (ii) disbursed from the Public Lands Litigation Expendable Special Revenue
1724 Fund created in Section ~~[[63C-4b-106](#)]~~ [63C-4a-405](#).

1725 ~~[(2) The commission shall prepare an annual report, including any proposed
1726 legislation, and present the report to the Natural Resources, Agriculture, and Environment
1727 Interim Committee on or before November 30, 2016, and on or before November 30 each year
1728 thereafter.]~~

1729 Section 33. Section **63C-4a-309**, which is renumbered from Section 63C-14-301 is
1730 renumbered and amended to read:

1731 ~~[**63C-14-301**].~~ **63C-4a-309. Council duties in relation to federal funds.**

1732 ~~[(H)]~~ Until November 30, 2019, the ~~[commission]~~ council shall:

1733 [(a)] (1) study and assess:

1734 [(i)] (a) the financial stability of the federal government;

1735 [(ii)] (b) the level of dependency that the state and local governments have on the

1736 receipt of federal funds;

1737 [(iii)] (c) the risk that the state and local governments in the state will experience a

1738 reduction in the amount or value of federal funds they receive, in both the near and distant

1739 future;

1740 [(iv)] (d) the likely and potential impact on the state and its citizens from a reduction in

1741 the amount or value of federal funds received by the state and by local governments in the

1742 state, in both the near and distant future; and

1743 [(v)] (e) the likely and potential national impact from a reduction in the amount or

1744 value of federal funds paid to the states, in both the near and distant future; and

1745 [(b)] (2) make recommendations to the governor and Legislature on methods to:

1746 [(i)] (a) avoid or minimize the risk of a reduction in the amount or value of federal

1747 funds by the state and by local governments in the state;

1748 [(ii)] (b) reduce the dependency of the state and of local governments in the state on

1749 federal funds; and

1750 [(iii)] (c) prepare for and respond to a reduction in the amount or value of federal funds

1751 by the state and by local governments in the state.

1752 [~~(2) After November 30, 2019, the commission shall study, assess, and provide~~

1753 ~~recommendations on any federal issue that the governor, the Legislature through a joint~~

1754 ~~resolution of the Legislature, or the Legislative Management Committee directs the~~

1755 ~~commission to study, assess, and make recommendations on.]~~

1756 [~~(3) The commission shall present a report to the Government Operations Interim~~

1757 ~~Committee of the Legislature each year on the commission's findings and recommendations.]~~

1758 Section 34. Section **63C-4a-404**, which is renumbered from Section 63C-4b-105 is

1759 renumbered and amended to read:

1760 ~~**63C-4b-105**~~. **63C-4a-404. Creation of Public Lands Litigation Restricted**

1761 **Account -- Sources of funds -- Uses of funds -- Reports.**

1762 (1) There is created a restricted account within the General Fund known as the Public

1763 Lands Litigation Restricted Account.

1764 (2) The account created in Subsection (1) consists of money from the following
1765 revenue sources:

1766 (a) money received by the [~~commission~~] council from other state agencies; and
1767 (b) appropriations made by the Legislature.

1768 (3) The Legislature may annually appropriate money from the account for the purposes
1769 of asserting, defending, or litigating state and local government rights to the disposition and use
1770 of federal lands within the state as those rights are granted by the United States Constitution,
1771 the Utah Enabling Act, and other applicable law.

1772 (4) (a) Any entity that receives money from the account shall, before disbursing the
1773 money to another person for the purposes described in Subsection (3), or before spending the
1774 money appropriated, report to the [~~commission~~] council regarding:

1775 (i) the amount of the disbursement;
1776 (ii) who will receive the disbursement; and
1777 (iii) the planned use for the disbursement.

1778 (b) The [~~commission~~] council may, upon receiving the report under Subsection (4)(a):

1779 (i) advise the Legislature and the entity of the [~~commission~~] council finding that the
1780 disbursement is consistent with the purposes in Subsection (3); or

1781 (ii) advise the Legislature and the entity of the [~~commission~~] council finding that the
1782 disbursement is not consistent with the purposes in Subsection (3).

1783 Section 35. Section ~~63C-4a-405~~, which is renumbered from Section 63C-4b-106 is
1784 renumbered and amended to read:

1785 ~~[63C-4b-106]~~. **63C-4a-405. Public Lands Litigation Expendable Special**
1786 **Revenue Fund -- Creation -- Source of funds -- Use of funds -- Reports.**

1787 (1) There is created an expendable special revenue fund known as the Public Lands
1788 Litigation Expendable Special Revenue Fund.

1789 (2) The fund shall consist of gifts, grants, donations, or any other conveyance of money
1790 that may be made to the fund from private sources and other states.

1791 (3) The fund shall be administered by the Division of Finance in accordance with
1792 Subsection (4).

1793 (4) (a) The fund may be used only for the purpose of asserting, defending, or litigating
1794 state and local government rights to the disposition and use of federal lands within the state as

1795 those rights are granted by the United States Constitution, the Utah Enabling Act, and other
 1796 applicable law.

1797 (b) Before each disbursement from the fund, the Division of Finance shall report to the
 1798 [~~commission~~] council regarding:

- 1799 (i) the sources of the money in the fund;
- 1800 (ii) who will receive the disbursement;
- 1801 (iii) the planned use of the disbursement; and
- 1802 (iv) the amount of the disbursement.

1803 (c) The [~~commission~~] council may, upon receiving the report under Subsection (4)(b):

1804 (i) advise the Legislature and the Division of Finance of the commission finding that

1805 the disbursement is consistent with the purposes in Subsection (4)(a); or

1806 (ii) advise the Legislature and the Division of Finance of the [~~commission~~] council

1807 finding that the disbursement is not consistent with the purposes in Subsection (4)(a).

1808 Section 36. Section **63F-1-102** is amended to read:

1809 **63F-1-102. Definitions.**

1810 As used in this title:

1811 [~~(1)~~] "~~Board~~" means the ~~Technology Advisory Board~~ created in Section ~~63F-1-202~~;

1812 [~~(2)~~] (1) "Chief information officer" means the chief information officer appointed

1813 under Section ~~63F-1-201~~.

1814 [~~(3)~~] (2) "Data center" means a centralized repository for the storage, management, and
 1815 dissemination of data.

1816 [~~(4)~~] (3) "Department" means the Department of Technology Services.

1817 [~~(5)~~] (4) "Enterprise architecture" means:

1818 (a) information technology that can be applied across state government; and

1819 (b) support for information technology that can be applied across state government,

1820 including:

1821 (i) technical support;

1822 (ii) master software licenses; and

1823 (iii) hardware and software standards.

1824 [~~(6)~~] (5) (a) [~~Except as provided in Subsection (6)(b), "executive"~~] "Executive branch

1825 agency" means an agency or administrative subunit of state government.

- 1826 (b) "Executive branch agency" does not include:
1827 (i) the legislative branch;
1828 (ii) the judicial branch;
1829 (iii) the State Board of Education;
1830 (iv) the Board of Regents;
1831 (v) institutions of higher education;
1832 (vi) independent entities as defined in Section 63E-1-102; and
1833 (vii) elective constitutional offices of the executive department which includes:
1834 (A) the state auditor;
1835 (B) the state treasurer; and
1836 (C) the attorney general.

1837 [~~7~~] (6) "Executive branch strategic plan" means the executive branch strategic plan
1838 created under Section 63F-1-203.

1839 [~~8~~] (7) "Individual with a disability" means an individual with a condition that meets
1840 the definition of "disability" in 42 U.S.C. Sec. 12102.

1841 [~~9~~] (8) "Information technology" means all computerized and auxiliary automated
1842 information handling, including:

- 1843 (a) systems design and analysis;
1844 (b) acquisition, storage, and conversion of data;
1845 (c) computer programming;
1846 (d) information storage and retrieval;
1847 (e) voice, video, and data communications;
1848 (f) requisite systems controls;
1849 (g) simulation; and
1850 (h) all related interactions between people and machines.

1851 [~~10~~] (9) "State information architecture" means a logically consistent set of
1852 principles, policies, and standards that guide the engineering of state government's information
1853 technology and infrastructure in a way that ensures alignment with state government's business
1854 and service needs.

1855 Section 37. Section 63F-1-203 is amended to read:

1856 **63F-1-203. Executive branch information technology strategic plan.**

- 1857 (1) In accordance with this section, the chief information officer shall prepare an
1858 executive branch information technology strategic plan:
- 1859 (a) that complies with this chapter; and
1860 (b) that includes:
- 1861 (i) a strategic plan for the:
- 1862 (A) interchange of information related to information technology between executive
1863 branch agencies;
- 1864 (B) coordination between executive branch agencies in the development and
1865 maintenance of information technology and information systems, including the coordination of
1866 agency information technology plans described in Section 63F-1-204; and
- 1867 (C) protection of the privacy of individuals who use state information technology or
1868 information systems, including the implementation of industry best practices for data and
1869 system security;
- 1870 (ii) priorities for the development and implementation of information technology or
1871 information systems including priorities determined on the basis of:
- 1872 (A) the importance of the information technology or information system; and
1873 (B) the time sequencing of the information technology or information system; and
- 1874 (iii) maximizing the use of existing state information technology resources.
- 1875 (2) In the development of the executive branch strategic plan, the chief information
1876 officer shall consult with~~:(a)~~ all cabinet level officials~~;~~ and].
1877 ~~[(b) the advisory board created in Section 63F-1-202.]~~
- 1878 (3) (a) Unless withdrawn by the chief information officer or the governor in accordance
1879 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on
1880 which the executive branch strategic plan is submitted to:
- 1881 (i) the governor; and
1882 (ii) the Public Utilities, Energy, and Technology Interim Committee.
- 1883 (b) The chief information officer or the governor may withdraw the executive branch
1884 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer
1885 determines that the executive branch strategic plan:
- 1886 (i) should be modified; or
1887 (ii) for any other reason should not take effect.

1888 (c) The Public Utilities, Energy, and Technology Interim Committee may make
1889 recommendations to the governor and to the chief information officer if the commission
1890 determines that the executive branch strategic plan should be modified or for any other reason
1891 should not take effect.

1892 (d) Modifications adopted by the chief information officer shall be resubmitted to the
1893 governor and the Public Utilities, Energy, and Technology Interim Committee for their review
1894 or approval as provided in Subsections (3)(a) and (b).

1895 (4) (a) The chief information officer shall, on or before January 1, 2014, and each year
1896 thereafter, modify the executive branch information technology strategic plan to incorporate
1897 security standards that:

1898 (i) are identified as industry best practices in accordance with Subsections
1899 [63F-1-104](#)(3) and (4); and

1900 (ii) can be implemented within the budget of the department or the executive branch
1901 agencies.

1902 (b) The chief information officer shall inform the speaker of the House of
1903 Representatives and the president of the Senate on or before January 1 of each year if best
1904 practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered
1905 under Subsection (4)(a)(ii).

1906 (5) Each executive branch agency shall implement the executive branch strategic plan
1907 by adopting an agency information technology plan in accordance with Section [63F-1-204](#).

1908 Section 38. Section **63F-1-303** is amended to read:

1909 **63F-1-303. Executive branch agencies -- Subscription by institutions.**

1910 (1) An executive branch agency in accordance with its agency information technology
1911 plan approved by the chief information officer shall:

1912 (a) subscribe to the information technology services provided by the department; or

1913 (b) contract with one or more alternate private providers of information technology
1914 services if the chief information officer determines that the purchase of the services from a
1915 private provider will:

1916 (i) result in:

1917 (A) cost savings;

1918 (B) increased efficiency; or

- 1919 (C) improved quality of services; and
- 1920 (ii) not impair the interoperability of the state's information technology services.
- 1921 (2) An institution of higher education may subscribe to the services provided by the
- 1922 department if:
- 1923 (a) the president of the institution recommends that the institution subscribe to the
- 1924 services of the department; and
- 1925 (b) the Board of Regents determines that subscription to the services of the department
- 1926 will result in cost savings or increased efficiency to the institution.
- 1927 (3) The following may subscribe to information technology services by requesting that
- 1928 the services be provided from the department:
- 1929 (a) the legislative branch;
- 1930 (b) the judicial branch;
- 1931 (c) the State Board of Education;
- 1932 (d) a political subdivision of the state;
- 1933 (e) an agency of the federal government;
- 1934 (f) an independent entity as defined in Section 63E-1-102; and
- 1935 (g) an elective constitutional officer of the executive department as defined in
- 1936 Subsection 63F-1-102~~[(6)(b)]~~(5)(b)(vii).
- 1937 Section 39. Section 63F-4-201 is amended to read:
- 1938 **63F-4-201. Submitting a technology proposal -- Review process.**
- 1939 (1) Multiple executive branch agencies may jointly submit to the chief information
- 1940 officer a technology proposal, on a form or in a format specified by the department.
- 1941 (2) The chief information officer shall transmit to the review board each technology
- 1942 proposal the chief information officer determines meets the form or format requirements of the
- 1943 department.
- 1944 (3) The review board shall:
- 1945 (a) conduct a technical review of a technology proposal transmitted by the chief
- 1946 information officer;
- 1947 (b) determine whether the technology proposal merits further review and consideration
- 1948 ~~[by the board]~~ by the chief information officer, based on the technology proposal's likelihood
- 1949 to:

- 1950 (i) be capable of being implemented effectively; and
1951 (ii) result in greater efficiency in a government process or a cost saving in the delivery
1952 of a government service, or both; and
1953 (c) transmit a technology proposal to the [~~board~~] chief information officer and to the
1954 governor's budget office, if the review board determines that the technology proposal merits
1955 further review and consideration [~~by the board~~] by the chief information officer.

1956 Section 40. Section **63F-4-202** is amended to read:

1957 **63F-4-202. Chief information officer review and approval of technology**
1958 **proposals.**

1959 (1) The [~~board~~] chief information officer shall review and evaluate each technology
1960 proposal that the review board transmits to the [~~board~~] chief information officer.

1961 (2) The [~~board~~] chief information officer may approve and recommend that the
1962 department provide funding from legislative appropriations for a technology proposal if, after
1963 the [~~board's~~] chief information officer's review and evaluation of the technology proposal:

1964 (a) the [~~board~~] chief information officer determines that there is a reasonably good
1965 likelihood that the technology proposal:

1966 (i) is capable of being implemented effectively; and

1967 (ii) will result in greater efficiency in a government process or a cost saving in the
1968 delivery of a government service, or both; and

1969 (b) the [~~board~~] chief information officer receives approval from the governor's budget
1970 office for the technology proposal.

1971 (3) The [~~board~~] chief information officer may:

1972 (a) prioritize multiple approved technology proposals based on their relative likelihood
1973 of achieving the goals described in Subsection (2); and

1974 (b) recommend funding based on the [~~board's~~] chief information officer's prioritization
1975 under Subsection (3)(a).

1976 (4) The department shall:

1977 (a) track the implementation and success of a technology proposal approved by the
1978 [~~board~~] chief information officer;

1979 (b) evaluate the level of the technology proposal's implementation effectiveness and
1980 whether the implementation results in greater efficiency in a government process or a cost

1981 saving in the delivery of a government service, or both; and

1982 (c) report the results of the department's tracking and evaluation:

1983 (i) to the ~~[board]~~ chief information officer, as frequently as the ~~[board]~~ chief
1984 information officer requests; and

1985 (ii) at least annually to the Public Utilities, Energy, and Technology Interim
1986 Committee.

1987 (5) The department may~~[, upon recommendation by the board,]~~ expend money
1988 appropriated by the Legislature to pay for expenses incurred by executive branch agencies in
1989 implementing a technology proposal that the ~~[board]~~ chief information officer has approved.

1990 Section 41. Section **63H-7a-203** is amended to read:

1991 **63H-7a-203. Board established -- Terms -- Vacancies.**

1992 (1) There is created the Utah Communications Authority Board.

1993 (2) The board shall consist of nine board members as follows:

1994 (a) three individuals appointed by the governor with the advice and consent of the
1995 Senate;

1996 (b) one individual who is not a legislator appointed by the speaker of the House of
1997 Representatives;

1998 (c) one individual who is not a legislator appointed by the president of the Senate;

1999 (d) two individuals nominated by an association that represents cities and towns in the
2000 state and appointed by the governor with the advice and consent of the Senate; and

2001 (e) two individuals nominated by an association that represents counties in the state
2002 and appointed by the governor with the advice and consent of the Senate.

2003 (3) Subject to this section, an individual is eligible for appointment under Subsection
2004 (2) if the individual has knowledge of at least one of the following:

2005 (a) law enforcement;

2006 (b) public safety;

2007 (c) fire service;

2008 (d) telecommunications;

2009 (e) finance;

2010 (f) management; and

2011 (g) government.

2012 (4) An individual may not serve as a board member if the individual is a current public
2013 safety communications network:

- 2014 (a) user; or
- 2015 (b) vendor.

2016 (5) (a) (i) Five of the board members appointed under Subsection (2) shall serve an
2017 initial term of two years and four of the board members appointed under Subsection (2) shall
2018 serve an initial term of four years.

2019 (ii) Successor board members shall each serve a term of four years.

2020 (b) (i) The governor may remove a board member with cause.

2021 (ii) If the governor removes a board member the entity that appointed the board
2022 member under Subsection (2) shall appoint a replacement board member in the same manner as
2023 described in Subsection (2).

2024 (6) (a) The governor shall, after consultation with the board, appoint a board member
2025 as chair of the board with the advice and consent of the Senate.

2026 (b) The chair shall serve a two-year term.

2027 (7) The board shall meet on an as-needed basis and as provided in the bylaws.

2028 (8) (a) The board shall elect one of the board members to serve as vice chair.

2029 (b) (i) The board may elect a secretary and treasurer who are not members of the board.

2030 (ii) If the board elects a secretary or treasurer who is not a member of the board, the
2031 secretary or treasurer does not have voting power.

2032 (c) A separate individual shall hold the offices of chair, vice chair, secretary, and
2033 treasurer.

2034 (9) Each board member, including the chair, has one vote.

2035 (10) A vote of a majority of the board members is necessary to take action on behalf of
2036 the board.

2037 (11) A board member may not receive compensation for the member's service on the
2038 board, but may, in accordance with rules adopted by the board in accordance with Title 63G,
2039 Chapter 3, Utah Administrative Rulemaking Act, receive:

- 2040 (a) a per diem at the rate established under Section [63A-3-106](#); and
- 2041 (b) travel expenses at the rate established under Section [63A-3-107](#).

2042 Section 42. Section **63I-1-204** is enacted to read:

- 2043 **63I-1-204. Repeal dates, Title 4.**
- 2044 Subsection 4-41a-105(2)(e)(i), related to the Native American Legislative Liaison
- 2045 Committee, is repealed July 1, 2022.
- 2046 Section 43. Section **63I-1-209** is amended to read:
- 2047 **63I-1-209. Repeal dates, Title 9.**
- 2048 (1) In relation to the Native American Legislative Liaison Committee, on July 1, 2022:
- 2049 (a) Subsection 9-9-104.6(2)(a) is repealed;
- 2050 (b) Subsection 9-9-104.6(4)(a), the language that states "who is not a legislator" is
- 2051 repealed; and
- 2052 (c) Subsection 9-9-104.6(4)(b), related to compensation of legislative members, is
- 2053 repealed.
- 2054 (2) In relation to the American Indian and Alaska Native Education State Plan Pilot
- 2055 Program, on July 1, 2022:
- 2056 (a) Subsection 26-7-2.5(4), related to the American Indian-Alaskan Native Public
- 2057 Education Liaison, is repealed; and
- 2058 (b) Subsection 9-9-104.6(2)(d) is repealed.
- 2059 Section 44. Section **63I-1-211** is amended to read:
- 2060 **63I-1-211. Repeal dates, Title 11.**
- 2061 (1) Section 11-14-308 is repealed December 31, 2020.
- 2062 (2) Title 11, Chapter 59, Point of the Mountain State Land Authority Act, is repealed
- 2063 January 1, 2029.
- 2064 Section 45. Section **63I-1-223** is amended to read:
- 2065 **63I-1-223. Repeal dates, Title 23.**
- 2066 Subsection 23-13-12.5(2)(f)(i), related to the Native American Legislative Liaison
- 2067 Committee, is repealed July 1, 2022.
- 2068 Section 46. Section **63I-1-226** is amended to read:
- 2069 **63I-1-226. Repeal dates, Title 26.**
- 2070 (1) Section 26-1-40 is repealed July 1, 2019.
- 2071 (2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
- 2072 1, 2025.
- 2073 (3) Section 26-10-11 is repealed July 1, 2020.

- 2074 (4) Subsection [26-18-417\(3\)](#) is repealed July 1, 2020.
- 2075 (5) Subsection [26-18-418\(2\)](#), the language that states "and the Mental Health Crisis
- 2076 Line Commission created in Section [63C-18-202](#)" is repealed July 1, 2023.
- 2077 [~~5~~] (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
- 2078 2024.
- 2079 [~~6~~] (7) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
- 2080 2024.
- 2081 [~~7~~] (8) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
- 2082 repealed July 1, 2024.
- 2083 [~~8~~] (9) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1,
- 2084 2019.
- 2085 [~~9~~] (10) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed January 1,
- 2086 2019.
- 2087 (11) Subsection [26-61a-108\(2\)\(e\)\(i\)](#), related to the Native American Legislative Liaison
- 2088 Committee, is repealed July 1, 2022.
- 2089 [~~10~~] (12) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is
- 2090 repealed July 1, 2026.
- 2091 Section 47. Section **63I-1-235** is amended to read:
- 2092 **63I-1-235. Repeal dates, Title 35A.**
- 2093 (1) Subsection [35A-1-109\(4\)\(c\)](#), related to the Talent Ready Utah Board, is repealed
- 2094 January 1, 2023.
- 2095 [~~1~~] (2) Subsection [35A-4-312\(5\)\(p\)](#) is repealed July 1, 2019.
- 2096 [~~2~~] (3) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is
- 2097 repealed July 1, 2023.
- 2098 [~~3~~] (4) Section [35A-9-501](#) is repealed January 1, 2021.
- 2099 (5) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed
- 2100 January 1, 2025.
- 2101 Section 48. Section **63I-1-236** is amended to read:
- 2102 **63I-1-236. Repeal dates, Title 36.**
- 2103 (1) Title 36, Chapter 17, Legislative Process Committee, is repealed January 1, 2023.
- 2104 [~~1~~] (2) Section [36-12-20](#) is repealed June 30, 2023.

- 2105 (3) Title 36, Chapter 22, Native American Legislative Liaison Committee, is repealed
 2106 July 1, 2022.
- 2107 (4) Title 36, Chapter 28, Veterans and Military Affairs Commission, is repealed
 2108 January 1, 2025.
- 2109 (5) Section 36-29-105 is repealed January 1, 2021.
- 2110 ~~[(2)]~~ (6) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight
 2111 Committee, is repealed January 1, 2021.
- 2112 Section 49. Section **63I-1-251** is amended to read:
- 2113 **63I-1-251. Repeal dates, Title 51.**
- 2114 (1) Subsection 51-2a-202(3) is repealed on June 30, 2020.
- 2115 (2) Subsections 51-10-201(5)(iv) and 51-10-204(1)(k)(i)(C), related to the Native
 2116 American Legislative Liaison Committee, are repealed July 1, 2022.
- 2117 Section 50. Section **63I-1-253** is amended to read:
- 2118 **63I-1-253. Repeal dates, Titles 53 through 53G.**
- 2119 The following provisions are repealed on the following dates:
- 2120 (1) Subsection 53-10-202(18) is repealed July 1, 2018.
- 2121 (2) Section 53-10-202.1 is repealed July 1, 2018.
- 2122 (3) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 2123 (4) Section 53B-18-1501 is repealed July 1, 2021.
- 2124 (5) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 2125 (6) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.
- 2126 (7) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
 2127 from the Land Exchange Distribution Account to the Geological Survey for test wells, other
 2128 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.
- 2129 (8) Section 53E-3-515 is repealed January 1, 2023.
- 2130 (9) In relation to a standards review committee, on January 1, 2023:
- 2131 (a) in Subsection 53E-4-202(8), the language that states "by a standards review
 2132 committee and the recommendations of a standards review committee established under
 2133 Section 53E-4-203" is repealed; and
- 2134 (b) Section 53E-4-203 is repealed.
- 2135 (10) (a) Sections 53E-10-504 and 53E-10-505 are repealed January 1, 2023.

- 2136 (b) Subsection 53E-10-501(1), related to the School Safety and Crisis Line
 2137 Commission, is repealed January 1, 2023.
- 2138 [(9)] (11) Section 53F-2-514 is repealed July 1, 2020.
- 2139 [(10)] (12) Section 53F-5-203 is repealed July 1, 2019.
- 2140 [(11)] (13) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native
 2141 Education State Plan Pilot Program, is repealed July 1, 2022.
- 2142 [(12)] (14) Section 53F-6-201 is repealed July 1, 2019.
- 2143 [(13)] (15) Section 53F-9-501 is repealed January 1, 2023.
- 2144 (16) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
 2145 Commission, are repealed January 1, 2025.
- 2146 [(14)] (17) Subsection 53G-8-211(4) is repealed July 1, 2020.
- 2147 Section 51. Section 63I-1-259 is amended to read:
- 2148 **63I-1-259. Repeal dates, Title 59.**
- 2149 (1) Section 59-1-213.1 is repealed on May 9, 2019.
- 2150 (2) Section 59-1-213.2 is repealed on May 9, 2019.
- 2151 (3) Subsection 59-1-405(1)(g) is repealed on May 9, 2019.
- 2152 (4) Subsection 59-1-405(2)(b) is repealed on May 9, 2019.
- 2153 (5) Title 59, Chapter 1, Part 9, Utah Tax Review Commission, is repealed January 1,
 2154 2025.
- 2155 [(5)] (6) Section 59-7-618 is repealed July 1, 2020.
- 2156 [(6)] (7) Section 59-9-102.5 is repealed December 31, 2020.
- 2157 [(7)] (8) Section 59-10-1033 is repealed July 1, 2020.
- 2158 [(8)] (9) Subsection 59-12-2219(13) is repealed on June 30, 2020.
- 2159 [(9)] (10) Title 59, Chapter 28, State Transient Room Tax Act, is repealed on January
 2160 1, 2023.
- 2161 Section 52. Section 63I-1-262 is amended to read:
- 2162 **63I-1-262. Repeal dates, Title 62A.**
- 2163 [~~(1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.~~]
- 2164 [(2)] (1) Section 62A-3-209 is repealed July 1, 2023.
- 2165 [(3)] (2) Section 62A-4a-202.9 is repealed December 31, 2019.
- 2166 [(4)] (3) Section 62A-4a-213 is repealed July 1, 2019.

- 2167 ~~[(5)]~~ (4) Section [62A-15-114](#) is repealed December 31, 2021.
- 2168 (5) In relation to the Mental Health Crisis Line Commission, on July 1, 2023:
- 2169 (a) Subsections [62A-15-1301\(1\)](#) and [62A-15-1401\(1\)](#) are repealed;
- 2170 (b) Subsection [62A-15-1302\(1\)\(b\)](#), the language that states "in consultation with the
- 2171 commission" is repealed;
- 2172 (c) Section [62A-15-1303](#), the language that states "In consultation with the
- 2173 commission," is repealed; and
- 2174 (d) Subsection [62A-15-1402\(2\)\(a\)](#), the language that states "With recommendations
- 2175 from the commission," is repealed.
- 2176 (6) Subsection [62A-15-1101\(7\)](#) is repealed July 1, 2018.
- 2177 Section 53. Section **63I-1-263** is amended to read:
- 2178 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 2179 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 2180 (a) Section [63A-3-403](#) is repealed;
- 2181 (b) Subsection [63A-3-401\(1\)](#) is repealed;
- 2182 (c) Subsection [63A-3-402\(2\)\(c\)](#), the language that states "using criteria established by
- 2183 the board" is repealed;
- 2184 (d) Subsections [63A-3-404\(1\)](#) and (2), the language that states "After consultation with
- 2185 the board, and" is repealed; and
- 2186 (e) Subsection [63A-3-404\(1\)\(b\)](#), the language that states "using the standards provided
- 2187 in Subsection [63A-3-403\(3\)\(c\)](#)" is repealed.
- 2188 ~~[(+)]~~ (2) Subsection [63A-5-104\(4\)\(h\)](#) is repealed on July 1, 2024.
- 2189 ~~[(2)]~~ (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1,
- 2190 2023.
- 2191 ~~[(3)]~~ (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
- 2192 July 1, 2028.
- 2193 ~~[(4)]~~ Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is
- 2194 ~~repealed November 30, 2019.]~~
- 2195 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 2196 2025.
- 2197 ~~[(5)]~~ (6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July

2198 1, 2020.

2199 ~~[(6)]~~ (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act,
2200 is repealed July 1, 2021.

2201 ~~[(7)]~~ (8) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed
2202 July 1, 2023.

2203 ~~[(8)]~~ (9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July
2204 1, 2025.

2205 ~~[(9)]~~ (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
2206 July 1, 2020.

2207 (11) In relation to the State Fair Corporation Board of Directors, on January 1, 2025:

2208 (a) Subsection 63H-6-104(2)(c), related to a Senate appointment, is repealed;

2209 (b) Subsection 63H-6-104(2)(d), related to a House appointment, is repealed;

2210 (c) in Subsection 63H-6-104(2)(e), the language that states ", of whom only one may
2211 be a legislator, in accordance with Subsection (3)(e)," is repealed;

2212 (d) Subsection 63H-6-104(3)(a)(i) is amended to read:

2213 "(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under
2214 Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the
2215 year that the board member was appointed.";

2216 (e) in Subsections 63H-6-104(3)(a)(ii), (c)(ii), and (d), the language that states "the
2217 president of the Senate, the speaker of the House, the governor," is repealed and replaced with
2218 "the governor"; and

2219 (f) Subsection 63H-6-104(3)(e), related to limits on the number of legislators, is
2220 repealed.

2221 ~~[(10)]~~ (12) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
2222 2026.

2223 ~~[(11)]~~ (13) On July 1, 2025:

2224 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
2225 Development Coordinating Committee," is repealed;

2226 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
2227 sites for the transplant of species to local government officials having jurisdiction over areas
2228 that may be affected by a transplant.";

2229 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
2230 Coordinating Committee" is repealed;

2231 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
2232 Coordinating Committee created in Section 63J-4-501 and" is repealed;

2233 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
2234 Coordinating Committee and" is repealed;

2235 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
2236 accordingly;

2237 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

2238 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
2239 word "and" is inserted immediately after the semicolon;

2240 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

2241 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
2242 and

2243 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
2244 renumbered accordingly.

2245 ~~[(12)]~~ (14) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is
2246 repealed July 1, 2026.

2247 ~~[(13) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
2248 Commission, is repealed July 1, 2023.]~~

2249 ~~[(14)]~~ (15) (a) Subsection 63J-1-602.1(51), relating to the Utah Statewide Radio
2250 System Restricted Account, is repealed July 1, 2022.

2251 (b) When repealing Subsection 63J-1-602.1(51), the Office of Legislative Research and
2252 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
2253 necessary changes to subsection numbering and cross references.

2254 (16) Subsection 63J-1-602.2(23), related to the Utah Seismic Safety Commission, is
2255 repealed January 1, 2025.

2256 (17) In relation to the Employability to Careers Program Board, on January 1, 2023:

2257 (a) Subsection 63J-1-602.1(52) is repealed;

2258 (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

2259 and

- 2260 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
- 2261 (18) Subsection 63J-4-708(1), in relation to the Talent Ready Utah Board, on January
- 2262 1, 2023, is amended to read:
- 2263 "(1) On or before October 1, the board shall provide an annual written report to the
- 2264 Social Services Appropriations Subcommittee and the Economic Development and Workforce
- 2265 Services Interim Committee."
- 2266 [~~+5~~] (19) The Crime Victim Reparations and Assistance Board, created in Section
- 2267 63M-7-504, is repealed July 1, 2027.
- 2268 (20) In relation to an appointment from the Advisory Board on Children's Justice, on
- 2269 January 1, 2021:
- 2270 (a) in Subsection 63M-7-601(2), "25" is repealed and replaced with "24"; and
- 2271 (b) Subsection 63M-7-601(2)(l)(iv) is repealed.
- 2272 [~~+6~~] (21) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
- 2273 2027.
- 2274 (22) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed
- 2275 on January 1, 2023.
- 2276 [~~+7~~] (23) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 2277 [~~+8~~] (24) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,
- 2278 is repealed January 1, 2021.
- 2279 (b) Subject to Subsection [~~+8~~] (24)(c), Sections 59-7-610 and 59-10-1007 regarding
- 2280 tax credits for certain persons in recycling market development zones, are repealed for taxable
- 2281 years beginning on or after January 1, 2021.
- 2282 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:
- 2283 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
- 2284 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or
- 2285 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
- 2286 the expenditure is made on or after January 1, 2021.
- 2287 (d) Notwithstanding Subsections [~~+8~~] (24)(b) and (c), a person may carry forward a
- 2288 tax credit in accordance with Section 59-7-610 or 59-10-1007 if:
- 2289 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and
- 2290 (ii) (A) for the purchase price of machinery or equipment described in Section

2291 [59-7-610](#) or [59-10-1007](#), the machinery or equipment is purchased on or before December 31,
2292 2020; or

2293 (B) for an expenditure described in Subsection [59-7-610\(1\)\(b\)](#) or [59-10-1007\(1\)\(b\)](#), the
2294 expenditure is made on or before December 31, 2020.

2295 ~~[(19)]~~ [\(25\)](#) Section [63N-2-512](#) is repealed on July 1, 2021.

2296 ~~[(20)]~~ [\(26\)](#) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
2297 January 1, 2021.

2298 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
2299 calendar years beginning on or after January 1, 2021.

2300 (c) Notwithstanding Subsection ~~[(20)]~~ [\(26\)\(b\)](#), an entity may carry forward a tax credit
2301 in accordance with Section [59-9-107](#) if:

2302 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December
2303 31, 2020; and

2304 (ii) the qualified equity investment that is the basis of the tax credit is certified under
2305 Section [63N-2-603](#) on or before December 31, 2023.

2306 ~~[(21)]~~ [\(27\)](#) Subsections [63N-3-109\(2\)\(f\)](#) and [63N-3-109\(2\)\(g\)\(i\)\(C\)](#) are repealed July 1,
2307 2023.

2308 ~~[(22)]~~ [\(28\)](#) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
2309 repealed July 1, 2023.

2310 ~~[(23)]~~ [\(29\)](#) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
2311 Program, is repealed January 1, 2023.

2312 [\(30\)](#) In relation to the Pete Suazo Utah Athletic Commission, on January 1, 2021:

2313 [\(a\)](#) Subsection [63N-10-201\(2\)\(a\)](#) is amended to read:

2314 "(2)(a) The governor shall appoint five commission members with the advice and
2315 consent of the Senate.";

2316 [\(b\)](#) Subsection [63N-10-201\(2\)\(b\)](#), related to legislative appointments, is repealed;

2317 [\(c\)](#) in Subsection [63N-10-201\(3\)\(a\)](#), the language that states ", president, or speaker,
2318 respectively," is repealed; and

2319 [\(d\)](#) Subsection [63N-10-201\(3\)\(d\)](#) is amended to read:

2320 "(d) The governor may remove a commission member for any reason and replace the
2321 commission member in accordance with this section."

- 2322 (31) In relation to the Talent Ready Utah Board, on January 1, 2023:
- 2323 (a) Subsection 63N-12-202(17) is repealed;
- 2324 (b) in Subsection 63N-12-214(2), the language that states "Talent Ready Utah," is
- 2325 repealed; and
- 2326 (c) in Subsection 63N-12-214(5), the language that states "representatives of Talent
- 2327 Ready Utah," is repealed.
- 2328 ~~[(24)]~~ (32) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is
- 2329 repealed July 1, 2018.
- 2330 (33) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,
- 2331 2023.
- 2332 Section 54. Section **63I-1-267** is amended to read:
- 2333 **63I-1-267. Repeal dates, Title 67.**
- 2334 (1) Section 67-1-15 is repealed December 31, 2027.
- 2335 ~~[(2) Sections 67-1a-10 and 67-1a-11 creating the Commission on Civic and Character~~
- 2336 ~~Education and establishing its duties are repealed on July 1, 2021.]~~
- 2337 (2) In relation to the Advisory Board on Children's Justice, on January 1, 2021:
- 2338 (a) Subsection 67-5b-102(1)(c)(iii) is repealed;
- 2339 (b) in Subsection 67-5b-105(1)(i), the language that states "provided, however, that the
- 2340 Advisory Board on Children's Justice may authorize fewer members, although not less than
- 2341 two, if the local advisory board so requests" is repealed; and
- 2342 (c) Section 67-5b-106 is repealed.
- 2343 Section 55. Section **63I-1-272** is amended to read:
- 2344 **63I-1-272. Repeal dates, Title 72.**
- 2345 (1) Subsections 72-1-213(2) and (3)(a)(i), in relation to the Road Usage Charge
- 2346 Advisory Committee, are repealed January 1, 2023.
- 2347 (2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January
- 2348 2, 2025.
- 2349 Section 56. Section **63I-1-273** is amended to read:
- 2350 **63I-1-273. Repeal dates, Title 73.**
- 2351 (1) The instream flow water right for trout habitat established in Subsection 73-3-30(3)
- 2352 is repealed December 31, 2019.

- 2353 (2) In relation to the Legislative Water Development Commission, on January 1, 2021:
 2354 (a) in Subsection 73-10g-105(3), the language that states "and in consultation with the
 2355 State Water Development Commission created in Section 73-27-102" is repealed;
 2356 (b) Subsection 73-10g-203(4)(a) is repealed; and
 2357 (c) Title 73, Chapter 27, State Water Development Commission, is repealed.
 2358 Section 57. Section **63I-2-263** is amended to read:
 2359 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
 2360 (1) On July 1, 2020:
 2361 (a) Subsection **63A-3-403(5)(a)(i)** is repealed; and
 2362 (b) in Subsection **63A-3-403(5)(a)(ii)**, the language that states "appointed on or after
 2363 May 8, 2018," is repealed.
 2364 (2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.
 2365 [~~2~~] (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
 2366 repealed July 1, 2020.
 2367 (4) In relation to the State Fair Park Committee, on January 1, 2021:
 2368 (a) Section 63H-6-104.5 is repealed; and
 2369 (b) Subsections 63H-6-104(8) and (9) are repealed.
 2370 [~~3~~] (5) Section 63H-7a-303 is repealed on July 1, 2022.
 2371 [~~4~~] (6) On July 1, 2019:
 2372 (a) in Subsection **63J-1-206(2)(c)(i)**, the language that states " Subsection(2)(c)(ii) and"
 2373 is repealed; and
 2374 (b) Subsection **63J-1-206(2)(c)(ii)** is repealed.
 2375 [~~5~~] (7) Section 63J-4-708 is repealed January 1, 2023.
 2376 [~~6~~] (8) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.
 2377 [~~7~~] (9) Section 63N-3-110 is repealed July 1, 2020.
 2378 Section 58. Section **63J-1-602.2** is amended to read:
 2379 **63J-1-602.2. List of nonlapsing appropriations to programs.**
 2380 Appropriations made to the following programs are nonlapsing:
 2381 (1) The Legislature and its committees.
 2382 (2) The Percent-for-Art Program created in Section **9-6-404**.
 2383 (3) The LeRay McAllister Critical Land Conservation Program created in Section

- 2384 11-38-301.
- 2385 [~~(4)~~] ~~Dedicated credits accrued to the Utah Marriage Commission as provided under~~
- 2386 ~~Subsection 17-16-21(2)(d)(ii).]~~
- 2387 [~~(5)~~] (4) The Division of Wildlife Resources for the appraisal and purchase of lands
- 2388 under the Pelican Management Act, as provided in Section 23-21a-6.
- 2389 [~~(6)~~] (5) The primary care grant program created in Section 26-10b-102.
- 2390 [~~(7)~~] (6) Sanctions collected as dedicated credits from Medicaid provider under
- 2391 Subsection 26-18-3(7).
- 2392 [~~(8)~~] (7) The Utah Health Care Workforce Financial Assistance Program created in
- 2393 Section 26-46-102.
- 2394 [~~(9)~~] (8) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- 2395 [~~(10)~~] (9) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
- 2396 [~~(11)~~] (10) Funds that the Department of Alcoholic Beverage Control retains in
- 2397 accordance with Subsection 32B-2-301(7)(a)(ii) or (b).
- 2398 [~~(12)~~] (11) The General Assistance program administered by the Department of
- 2399 Workforce Services, as provided in Section 35A-3-401.
- 2400 [~~(13)~~] (12) A new program or agency that is designated as nonlapsing under Section
- 2401 36-24-101.
- 2402 [~~(14)~~] (13) The Utah National Guard, created in Title 39, Militia and Armories.
- 2403 [~~(15)~~] (14) The State Tax Commission under Section 41-1a-1201 for the:
- 2404 (a) purchase and distribution of license plates and decals; and
- 2405 (b) administration and enforcement of motor vehicle registration requirements.
- 2406 [~~(16)~~] (15) The Search and Rescue Financial Assistance Program, as provided in
- 2407 Section 53-2a-1102.
- 2408 [~~(17)~~] (16) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 2409 [~~(18)~~] (17) The State Board of Regents for teacher preparation programs, as provided
- 2410 in Section 53B-6-104.
- 2411 [~~(19)~~] (18) The Medical Education Program administered by the Medical Education
- 2412 Council, as provided in Section 53B-24-202.
- 2413 [~~(20)~~] (19) The State Board of Education, as provided in Section 53F-2-205.
- 2414 [~~(21)~~] (20) The Division of Services for People with Disabilities, as provided in

- 2415 Section [62A-5-102](#).
- 2416 ~~[(22)]~~ [\(21\)](#) The Division of Fleet Operations for the purpose of upgrading underground
2417 storage tanks under Section [63A-9-401](#).
- 2418 ~~[(23)]~~ [\(22\)](#) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2419 ~~[(24)]~~ [\(23\)](#) Appropriations to the Department of Technology Services for technology
2420 innovation as provided under Section [63F-4-202](#).
- 2421 ~~[(25)]~~ [\(24\)](#) The Office of Administrative Rules for publishing, as provided in Section
2422 [63G-3-402](#).
- 2423 ~~[(26)]~~ [\(25\)](#) The Utah Science Technology and Research Initiative created in Section
2424 [63M-2-301](#).
- 2425 ~~[(27)]~~ [\(26\)](#) The Governor's Office of Economic Development to fund the Enterprise
2426 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2427 ~~[(28)]~~ [\(27\)](#) Appropriations to fund the Governor's Office of Economic Development's
2428 Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
2429 Employment Expansion Program.
- 2430 ~~[(29)]~~ [\(28\)](#) The Department of Human Resource Management user training program, as
2431 provided in Section [67-19-6](#).
- 2432 ~~[(30)]~~ [\(29\)](#) The University of Utah Poison Control Center program, as provided in
2433 Section [69-2-5.5](#).
- 2434 ~~[(31)]~~ [\(30\)](#) A public safety answering point's emergency telecommunications service
2435 fund, as provided in Section [69-2-301](#).
- 2436 ~~[(32)]~~ [\(31\)](#) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 2437 ~~[(33)]~~ [\(32\)](#) The Judicial Council for compensation for special prosecutors, as provided
2438 in Section [77-10a-19](#).
- 2439 ~~[(34)]~~ [\(33\)](#) A state rehabilitative employment program, as provided in Section
2440 [78A-6-210](#).
- 2441 ~~[(35)]~~ [\(34\)](#) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 2442 ~~[(36)]~~ [\(35\)](#) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 2443 ~~[(37)]~~ [\(36\)](#) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#),
2444 and [78B-6-144.5](#).
- 2445 ~~[(38)]~~ [\(37\)](#) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent

2446 Defense Commission.

2447 Section 59. Section **63J-4-401** is amended to read:

2448 **63J-4-401. Planning duties of the planning coordinator and office.**

2449 (1) The state planning coordinator shall:

2450 (a) act as the governor's adviser on state, regional, metropolitan, and local
2451 governmental planning matters relating to public improvements and land use;

2452 (b) counsel with the authorized representatives of the Department of Transportation,
2453 the State Building Board, the Department of Health, the Department of Workforce Services,
2454 the Labor Commission, the Department of Natural Resources, the School and Institutional
2455 Trust Lands Administration, and other proper persons concerning all state planning matters;

2456 (c) when designated to do so by the governor, receive funds made available to Utah by
2457 the federal government;

2458 (d) receive and review plans of the various state agencies and political subdivisions
2459 relating to public improvements and programs;

2460 (e) when conflicts occur between the plans and proposals of state agencies, prepare
2461 specific recommendations for the resolution of the conflicts and submit the recommendations
2462 to the governor for a decision resolving the conflict;

2463 (f) when conflicts occur between the plans and proposals of a state agency and a
2464 political subdivision or between two or more political subdivisions, advise these entities of the
2465 conflict and make specific recommendations for the resolution of the conflict;

2466 (g) act as the governor's planning agent in planning public improvements and land use
2467 and, in this capacity, undertake special studies and investigations;

2468 (h) provide information and cooperate with the Legislature or any of its committees in
2469 conducting planning studies;

2470 (i) cooperate and exchange information with federal agencies and local, metropolitan,
2471 or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local
2472 programs;

2473 (j) make recommendations to the governor that the planning coordinator considers
2474 advisable for the proper development and coordination of plans for state government and
2475 political subdivisions; and

2476 (k) oversee and supervise the activities and duties of the public lands policy

2477 coordinator.

2478 (2) The state planning coordinator may:

2479 (a) perform regional and state planning and assist state government planning agencies
2480 in performing state planning;

2481 (b) provide planning assistance to Indian tribes regarding planning for Indian
2482 reservations; and

2483 (c) assist city, county, metropolitan, and regional planning agencies in performing
2484 local, metropolitan, and regional planning, provided that the state planning coordinator and the
2485 state planning coordinator's agents and designees recognize and promote the plans, policies,
2486 programs, processes, and desired outcomes of each planning agency whenever possible.

2487 (3) When preparing or assisting in the preparation of plans, policies, programs, or
2488 processes related to the management or use of federal lands or natural resources on federal
2489 lands in Utah, the state planning coordinator shall:

2490 (a) incorporate the plans, policies, programs, processes, and desired outcomes of the
2491 counties where the federal lands or natural resources are located, to the maximum extent
2492 consistent with state and federal law, provided that this requirement shall not be interpreted to
2493 infringe upon the authority of the governor;

2494 (b) identify inconsistencies or conflicts between the plans, policies, programs,
2495 processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs,
2496 processes, and desired outcomes of local government as early in the preparation process as
2497 possible, and seek resolution of the inconsistencies through meetings or other conflict
2498 resolution mechanisms involving the necessary and immediate parties to the inconsistency or
2499 conflict;

2500 (c) present to the governor the nature and scope of any inconsistency or other conflict
2501 that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about
2502 the position of the state concerning the inconsistency or conflict;

2503 (d) develop, research, and use factual information, legal analysis, and statements of
2504 desired future condition for the state, or subregion of the state, as necessary to support the
2505 plans, policies, programs, processes, and desired outcomes of the state and the counties where
2506 the federal lands or natural resources are located;

2507 (e) establish and coordinate agreements between the state and federal land management

2508 agencies, federal natural resource management agencies, and federal natural resource
2509 regulatory agencies to facilitate state and local participation in the development, revision, and
2510 implementation of land use plans, guidelines, regulations, other instructional memoranda, or
2511 similar documents proposed or promulgated for lands and natural resources administered by
2512 federal agencies; and

2513 (f) work in conjunction with political subdivisions to establish agreements with federal
2514 land management agencies, federal natural resource management agencies, and federal natural
2515 resource regulatory agencies to provide a process for state and local participation in the
2516 preparation of, or coordinated state and local response to, environmental impact analysis
2517 documents and similar documents prepared pursuant to law by state or federal agencies.

2518 (4) The state planning coordinator shall comply with the requirements of Subsection
2519 ~~[63C-4a-203(8)]~~ [63C-4a-301.1\(8\)](#) before submitting any comments on a draft environmental
2520 impact statement or on an environmental assessment for a proposed land management plan, if
2521 the governor would be subject to Subsection ~~[63C-4a-203(8)]~~ [63C-4a-301.1\(8\)](#) if the governor
2522 were submitting the material.

2523 (5) The state planning coordinator shall cooperate with and work in conjunction with
2524 appropriate state agencies and political subdivisions to develop policies, plans, programs,
2525 processes, and desired outcomes authorized by this section by coordinating the development of
2526 positions:

2527 (a) through the Resource Development Coordinating Committee;

2528 (b) in conjunction with local government officials concerning general local government
2529 plans;

2530 (c) by soliciting public comment through the Resource Development Coordinating
2531 Committee; and

2532 (d) by working with the Public Lands Policy Coordinating Office.

2533 (6) The state planning coordinator shall recognize and promote the following principles
2534 when preparing any policies, plans, programs, processes, or desired outcomes relating to
2535 federal lands and natural resources on federal lands pursuant to this section:

2536 (a) (i) the citizens of the state are best served by applying multiple-use and
2537 sustained-yield principles in public land use planning and management; and

2538 (ii) multiple-use and sustained-yield management means that federal agencies should

- 2539 develop and implement management plans and make other resource-use decisions that:
- 2540 (A) achieve and maintain in perpetuity a high-level annual or regular periodic output of
- 2541 mineral and various renewable resources from public lands;
- 2542 (B) support valid existing transportation, mineral, and grazing privileges at the highest
- 2543 reasonably sustainable levels;
- 2544 (C) support the specific plans, programs, processes, and policies of state agencies and
- 2545 local governments;
- 2546 (D) are designed to produce and provide the desired vegetation for the watersheds,
- 2547 timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to
- 2548 meet present needs and future economic growth and community expansion without permanent
- 2549 impairment of the productivity of the land;
- 2550 (E) meet the recreational needs and the personal and business-related transportation
- 2551 needs of the citizens of the state by providing access throughout the state;
- 2552 (F) meet the recreational needs of the citizens of the state;
- 2553 (G) meet the needs of wildlife;
- 2554 (H) provide for the preservation of cultural resources, both historical and
- 2555 archaeological;
- 2556 (I) meet the needs of economic development;
- 2557 (J) meet the needs of community development; and
- 2558 (K) provide for the protection of water rights;
- 2559 (b) managing public lands for "wilderness characteristics" circumvents the statutory
- 2560 wilderness process and is inconsistent with the multiple-use and sustained-yield management
- 2561 standard that applies to all Bureau of Land Management and U.S. Forest Service lands that are
- 2562 not wilderness areas or wilderness study areas;
- 2563 (c) all waters of the state are:
- 2564 (i) owned exclusively by the state in trust for its citizens;
- 2565 (ii) are subject to appropriation for beneficial use; and
- 2566 (iii) are essential to the future prosperity of the state and the quality of life within the
- 2567 state;
- 2568 (d) the state has the right to develop and use its entitlement to interstate rivers;
- 2569 (e) all water rights desired by the federal government must be obtained through the

2570 state water appropriation system;

2571 (f) land management and resource-use decisions which affect federal lands should give
2572 priority to and support the purposes of the compact between the state and the United States
2573 related to school and institutional trust lands;

2574 (g) development of the solid, fluid, and gaseous mineral resources of the state is an
2575 important part of the economy of the state, and of local regions within the state;

2576 (h) the state should foster and support industries that take advantage of the state's
2577 outstanding opportunities for outdoor recreation;

2578 (i) wildlife constitutes an important resource and provides recreational and economic
2579 opportunities for the state's citizens;

2580 (j) proper stewardship of the land and natural resources is necessary to ensure the
2581 health of the watersheds, timber, forage, and wildlife resources to provide for a continuous
2582 supply of resources for the people of the state and the people of the local communities who
2583 depend on these resources for a sustainable economy;

2584 (k) forests, rangelands, timber, and other vegetative resources:

2585 (i) provide forage for livestock;

2586 (ii) provide forage and habitat for wildlife;

2587 (iii) provide resources for the state's timber and logging industries;

2588 (iv) contribute to the state's economic stability and growth; and

2589 (v) are important for a wide variety of recreational pursuits;

2590 (l) management programs and initiatives that improve watersheds, forests, and increase
2591 forage for the mutual benefit of wildlife species and livestock, logging, and other agricultural
2592 industries by utilizing proven techniques and tools are vital to the state's economy and the
2593 quality of life in Utah; and

2594 (m) (i) land management plans, programs, and initiatives should provide that the
2595 amount of domestic livestock forage, expressed in animal unit months, for permitted, active
2596 use as well as the wildlife forage included in that amount, be no less than the maximum
2597 number of animal unit months sustainable by range conditions in grazing allotments and
2598 districts, based on an on-the-ground and scientific analysis;

2599 (ii) the state opposes the relinquishment or retirement of grazing animal unit months in
2600 favor of conservation, wildlife, and other uses;

2601 (iii) (A) the state favors the best management practices that are jointly sponsored by
2602 cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding,
2603 burning, and other direct soil and vegetation prescriptions that are demonstrated to restore
2604 forest and rangeland health, increase forage, and improve watersheds in grazing districts and
2605 allotments for the mutual benefit of domestic livestock and wildlife;

2606 (B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing
2607 allotment's forage beyond the total permitted forage use that was allocated to that allotment in
2608 the last federal land use plan or allotment management plan still in existence as of January 1,
2609 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated
2610 total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced
2611 committee of livestock and wildlife representatives that is appointed and constituted by the
2612 governor for that purpose;

2613 (C) the state favors quickly and effectively adjusting wildlife population goals and
2614 population census numbers in response to variations in the amount of available forage caused
2615 by drought or other climatic adjustments, and state agencies responsible for managing wildlife
2616 population goals and population census numbers will give due regard to both the needs of the
2617 livestock industry and the need to prevent the decline of species to a point where listing under
2618 the terms of the Endangered Species Act when making such adjustments;

2619 (iv) the state opposes the transfer of grazing animal unit months to wildlife for
2620 supposed reasons of rangeland health;

2621 (v) reductions in domestic livestock animal unit months must be temporary and
2622 scientifically based upon rangeland conditions;

2623 (vi) policies, plans, programs, initiatives, resource management plans, and forest plans
2624 may not allow the placement of grazing animal unit months in a suspended use category unless
2625 there is a rational and scientific determination that the condition of the rangeland allotment or
2626 district in question will not sustain the animal unit months sought to be placed in suspended
2627 use;

2628 (vii) any grazing animal unit months that are placed in a suspended use category should
2629 be returned to active use when range conditions improve;

2630 (viii) policies, plans, programs, and initiatives related to vegetation management
2631 should recognize and uphold the preference for domestic grazing over alternate forage uses in

2632 established grazing districts while upholding management practices that optimize and expand
2633 forage for grazing and wildlife in conjunction with state wildlife management plans and
2634 programs in order to provide maximum available forage for all uses; and

2635 (ix) in established grazing districts, animal unit months that have been reduced due to
2636 rangeland health concerns should be restored to livestock when rangeland conditions improve,
2637 and should not be converted to wildlife use.

2638 (7) The state planning coordinator shall recognize and promote the following findings
2639 in the preparation of any policies, plans, programs, processes, or desired outcomes relating to
2640 federal lands and natural resources on federal lands under this section:

2641 (a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its
2642 recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges
2643 the federal government to fully recognize the rights-of-way and their use by the public as
2644 expeditiously as possible;

2645 (b) it is the policy of the state to use reasonable administrative and legal measures to
2646 protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to
2647 support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way
2648 are not recognized or are impaired; and

2649 (c) transportation and access routes to and across federal lands, including all
2650 rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life
2651 in the state, and must provide, at a minimum, a network of roads throughout the resource
2652 planning area that provides for:

2653 (i) movement of people, goods, and services across public lands;

2654 (ii) reasonable access to a broad range of resources and opportunities throughout the
2655 resource planning area, including:

2656 (A) livestock operations and improvements;

2657 (B) solid, fluid, and gaseous mineral operations;

2658 (C) recreational opportunities and operations, including motorized and nonmotorized
2659 recreation;

2660 (D) search and rescue needs;

2661 (E) public safety needs; and

2662 (F) access for transportation of wood products to market;

2663 (iii) access to federal lands for people with disabilities and the elderly; and
2664 (iv) access to state lands and school and institutional trust lands to accomplish the
2665 purposes of those lands.

2666 (8) The state planning coordinator shall recognize and promote the following findings
2667 in the preparation of any plans, policies, programs, processes, or desired outcomes relating to
2668 federal lands and natural resources on federal lands pursuant to this section:

2669 (a) the state's support for the addition of a river segment to the National Wild and
2670 Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

2671 (i) it is clearly demonstrated that water is present and flowing at all times;

2672 (ii) it is clearly demonstrated that the required water-related value is considered
2673 outstandingly remarkable within a region of comparison consisting of one of the three
2674 physiographic provinces in the state, and that the rationale and justification for the conclusions
2675 are disclosed;

2676 (iii) it is clearly demonstrated that the inclusion of each river segment is consistent
2677 with the plans and policies of the state and the county or counties where the river segment is
2678 located as those plans and policies are developed according to Subsection (3);

2679 (iv) the effects of the addition upon the local and state economies, agricultural and
2680 industrial operations and interests, outdoor recreation, water rights, water quality, water
2681 resource planning, and access to and across river corridors in both upstream and downstream
2682 directions from the proposed river segment have been evaluated in detail by the relevant federal
2683 agency;

2684 (v) it is clearly demonstrated that the provisions and terms of the process for review of
2685 potential additions have been applied in a consistent manner by all federal agencies;

2686 (vi) the rationale and justification for the proposed addition, including a comparison
2687 with protections offered by other management tools, is clearly analyzed within the multiple-use
2688 mandate, and the results disclosed;

2689 (vii) it is clearly demonstrated that the federal agency with management authority over
2690 the river segment, and which is proposing the segment for inclusion in the National Wild and
2691 Scenic River System will not use the actual or proposed designation as a basis to impose
2692 management standards outside of the federal land management plan;

2693 (viii) it is clearly demonstrated that the terms and conditions of the federal land and

2694 resource management plan containing a recommendation for inclusion in the National Wild
2695 and Scenic River System:

2696 (A) evaluates all eligible river segments in the resource planning area completely and
2697 fully for suitability for inclusion in the National Wild and Scenic River System;

2698 (B) does not suspend or terminate any studies for inclusion in the National Wild and
2699 Scenic River System at the eligibility phase;

2700 (C) fully disclaims any interest in water rights for the recommended segment as a result
2701 of the adoption of the plan; and

2702 (D) fully disclaims the use of the recommendation for inclusion in the National Wild
2703 and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for
2704 projects upstream, downstream, or within the recommended segment;

2705 (ix) it is clearly demonstrated that the agency with management authority over the river
2706 segment commits not to use an actual or proposed designation as a basis to impose Visual
2707 Resource Management Class I or II management prescriptions that do not comply with the
2708 provisions of Subsection (8)(t); and

2709 (x) it is clearly demonstrated that including the river segment and the terms and
2710 conditions for managing the river segment as part of the National Wild and Scenic River
2711 System will not prevent, reduce, impair, or otherwise interfere with:

2712 (A) the state and its citizens' enjoyment of complete and exclusive water rights in and
2713 to the rivers of the state as determined by the laws of the state; or

2714 (B) local, state, regional, or interstate water compacts to which the state or any county
2715 is a party;

2716 (b) the conclusions of all studies related to potential additions to the National Wild and
2717 Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and
2718 action by the Legislature and governor, and the results, in support of or in opposition to, are
2719 included in any planning documents or other proposals for addition and are forwarded to the
2720 United States Congress;

2721 (c) the state's support for designation of an Area of Critical Environmental Concern
2722 (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be
2723 withheld until:

2724 (i) it is clearly demonstrated that the proposed area satisfies all the definitional

2725 requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.
2726 1702(a);

2727 (ii) it is clearly demonstrated that the area proposed for designation as an ACEC is
2728 limited in geographic size and that the proposed management prescriptions are limited in scope
2729 to the minimum necessary to specifically protect and prevent irreparable damage to the relevant
2730 and important values identified, or limited in geographic size and management prescriptions to
2731 the minimum required to specifically protect human life or safety from natural hazards;

2732 (iii) it is clearly demonstrated that the proposed area is limited only to areas that are
2733 already developed or used or to areas where no development is required;

2734 (iv) it is clearly demonstrated that the proposed area contains relevant and important
2735 historic, cultural or scenic values, fish or wildlife resources, or natural processes which are
2736 unique or substantially significant on a regional basis, or contain natural hazards which
2737 significantly threaten human life or safety;

2738 (v) the federal agency has analyzed regional values, resources, processes, or hazards for
2739 irreparable damage and its potential causes resulting from potential actions which are
2740 consistent with the multiple-use, sustained-yield principles, and the analysis describes the
2741 rationale for any special management attention required to protect, or prevent irreparable
2742 damage to the values, resources, processes, or hazards;

2743 (vi) it is clearly demonstrated that the proposed designation is consistent with the plans
2744 and policies of the state and of the county where the proposed designation is located as those
2745 plans and policies are developed according to Subsection (3);

2746 (vii) it is clearly demonstrated that the proposed ACEC designation will not be applied
2747 redundantly over existing protections provided by other state and federal laws for federal lands
2748 or resources on federal lands, and that the federal statutory requirement for special management
2749 attention for a proposed ACEC will discuss and justify any management requirements needed
2750 in addition to those specified by the other state and federal laws;

2751 (viii) the difference between special management attention required for an ACEC and
2752 normal multiple-use management has been identified and justified, and that any determination
2753 of irreparable damage has been analyzed and justified for short and long-term horizons;

2754 (ix) it is clearly demonstrated that the proposed designation:

2755 (A) is not a substitute for a wilderness suitability recommendation;

2756 (B) is not a substitute for managing areas inventoried for wilderness characteristics
2757 after 1993 under the BLM interim management plan for valid wilderness study areas; and

2758 (C) it is not an excuse or justification to apply de facto wilderness management
2759 standards; and

2760 (x) the conclusions of all studies are submitted to the state, as a cooperating agency, for
2761 review, and the results, in support of or in opposition to, are included in all planning
2762 documents;

2763 (d) sufficient federal lands are made available for government-to-government
2764 exchanges of school and institutional trust lands and federal lands without regard for a
2765 resource-to-resource correspondence between the surface or mineral characteristics of the
2766 offered trust lands and the offered federal lands;

2767 (e) federal agencies should support government-to-government exchanges of land with
2768 the state based on a fair process of valuation which meets the fiduciary obligations of both the
2769 state and federal governments toward trust lands management, and which assures that revenue
2770 authorized by federal statute to the state from mineral or timber production, present or future, is
2771 not diminished in any manner during valuation, negotiation, or implementation processes;

2772 (f) agricultural and grazing lands should continue to produce the food and fiber needed
2773 by the citizens of the state and the nation, and the rural character and open landscape of rural
2774 Utah should be preserved through a healthy and active agricultural and grazing industry,
2775 consistent with private property rights and state fiduciary duties;

2776 (g) the resources of the forests and rangelands of the state should be integrated as part
2777 of viable, robust, and sustainable state and local economies, and available forage should be
2778 evaluated for the full complement of herbivores the rangelands can support in a sustainable
2779 manner, and forests should contain a diversity of timber species, and disease or insect
2780 infestations in forests should be controlled using logging or other best management practices;

2781 (h) the state opposes any additional evaluation of national forest service lands as
2782 "roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and
2783 opposes efforts by agencies to specially manage those areas in a way that:

2784 (i) closes or declassifies existing roads unless multiple side by side roads exist running
2785 to the same destination and state and local governments consent to close or declassify the extra
2786 roads;

- 2787 (ii) permanently bars travel on existing roads;
- 2788 (iii) excludes or diminishes traditional multiple-use activities, including grazing and
2789 proper forest harvesting;
- 2790 (iv) interferes with the enjoyment and use of valid, existing rights, including water
2791 rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral
2792 leasing rights; or
- 2793 (v) prohibits development of additional roads reasonably necessary to pursue
2794 traditional multiple-use activities;
- 2795 (i) the state's support for any forest plan revision or amendment will be withheld until
2796 the appropriate plan revision or plan amendment clearly demonstrates that:
 - 2797 (i) established roads are not referred to as unclassified roads or a similar classification;
 - 2798 (ii) lands in the vicinity of established roads are managed under the multiple-use,
2799 sustained-yield management standard; and
 - 2800 (iii) no roadless or unroaded evaluations or inventories are recognized or upheld
2801 beyond those that were recognized or upheld in the forest service's second roadless area review
2802 evaluation;
 - 2803 (j) the state's support for any recommendations made under the statutory requirement to
2804 examine the wilderness option during the revision of land and resource management plans by
2805 the U.S. Forest Service will be withheld until it is clearly demonstrated that:
 - 2806 (i) the duly adopted transportation plans of the state and county or counties within the
2807 planning area are fully and completely incorporated into the baseline inventory of information
2808 from which plan provisions are derived;
 - 2809 (ii) valid state or local roads and rights-of-way are recognized and not impaired in any
2810 way by the recommendations;
 - 2811 (iii) the development of mineral resources by underground mining is not affected by
2812 the recommendations;
 - 2813 (iv) the need for additional administrative or public roads necessary for the full use of
2814 the various multiple-uses, including recreation, mineral exploration and development, forest
2815 health activities, and grazing operations is not unduly affected by the recommendations;
 - 2816 (v) analysis and full disclosure is made concerning the balance of multiple-use
2817 management in the proposed areas, and that the analysis compares the full benefit of

2818 multiple-use management to the recreational, forest health, and economic needs of the state and
2819 the counties to the benefits of the requirements of wilderness management; and

2820 (vi) the conclusions of all studies related to the requirement to examine the wilderness
2821 option are submitted to the state for review and action by the Legislature and governor, and the
2822 results, in support of or in opposition to, are included in any planning documents or other
2823 proposals that are forwarded to the United States Congress;

2824 (k) the invasion of noxious weeds and undesirable invasive plant species into the state
2825 should be reversed, their presence eliminated, and their return prevented;

2826 (l) management and resource-use decisions by federal land management and regulatory
2827 agencies concerning the vegetative resources within the state should reflect serious
2828 consideration of the proper optimization of the yield of water within the watersheds of the
2829 state;

2830 (m) (i) it is the policy of the state that:

2831 (A) mineral and energy production and environmental protection are not mutually
2832 exclusive;

2833 (B) it is technically feasible to permit appropriate access to mineral and energy
2834 resources while preserving nonmineral and nonenergy resources;

2835 (C) resource management planning should seriously consider all available mineral and
2836 energy resources;

2837 (D) the development of the solid, fluid, and gaseous mineral resources of the state and
2838 the renewable resources of the state should be encouraged;

2839 (E) the waste of fluid and gaseous minerals within developed areas should be
2840 prohibited; and

2841 (F) requirements to mitigate or reclaim mineral development projects should be based
2842 on credible evidence of significant impacts to natural or cultural resources;

2843 (ii) the state's support for mineral development provisions within federal land
2844 management plans will be withheld until the appropriate land management plan environmental
2845 impact statement clearly demonstrates:

2846 (A) that the authorized planning agency has:

2847 (I) considered and evaluated the mineral and energy potential in all areas of the
2848 planning area as if the areas were open to mineral development under standard lease

2849 agreements; and

2850 (II) evaluated any management plan prescription for its impact on the area's baseline
2851 mineral and energy potential;

2852 (B) that the development provisions do not unduly restrict access to public lands for
2853 energy exploration and development;

2854 (C) that the authorized planning agency has supported any closure of additional areas
2855 to mineral leasing and development or any increase of acres subject to no surface occupancy
2856 restrictions by adhering to:

2857 (I) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43
2858 U.S.C. Sec. 1701 et seq.;

2859 (II) other controlling mineral development laws; and

2860 (III) the controlling withdrawal and reporting procedures set forth in the Federal Land
2861 Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

2862 (D) that the authorized planning agency evaluated whether to repeal any moratorium
2863 that may exist on the issuance of additional mining patents and oil and gas leases;

2864 (E) that the authorized planning agency analyzed all proposed mineral lease
2865 stipulations and considered adopting the least restrictive necessary to protect against damage to
2866 other significant resource values;

2867 (F) that the authorized planning agency evaluated mineral lease restrictions to
2868 determine whether to waive, modify, or make exceptions to the restrictions on the basis that
2869 they are no longer necessary or effective;

2870 (G) that the authorized federal agency analyzed all areas proposed for no surface
2871 occupancy restrictions, and that the analysis evaluated:

2872 (I) whether directional drilling is economically feasible and ecologically necessary for
2873 each proposed no surface occupancy area;

2874 (II) whether the directional drilling feasibility analysis, or analysis of other
2875 management prescriptions, demonstrates that the proposed no surface occupancy prescription,
2876 in effect, sterilizes the mineral and energy resources beneath the area; and

2877 (III) whether, if the minerals are effectively sterilized, the area must be reported as
2878 withdrawn under the provisions of the Federal Land Policy and Management Act; and

2879 (H) that the authorized planning agency has evaluated all directional drilling

2880 requirements in no surface occupancy areas to determine whether directional drilling is feasible
2881 from an economic, ecological, and engineering standpoint;

2882 (n) motorized, human, and animal-powered outdoor recreation should be integrated
2883 into a fair and balanced allocation of resources within the historical and cultural framework of
2884 multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced
2885 plan of state and local economic support and growth;

2886 (o) off-highway vehicles should be used responsibly, the management of off-highway
2887 vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway
2888 vehicles should be uniformly applied across all jurisdictions;

2889 (p) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be
2890 preserved and acknowledged;

2891 (ii) land use management plans, programs, and initiatives should be consistent with
2892 both state and county transportation plans developed according to Subsection (3) in order to
2893 provide a network of roads throughout the planning area that provides for:

2894 (A) movement of people, goods, and services across public lands;

2895 (B) reasonable access to a broad range of resources and opportunities throughout the
2896 planning area, including access to livestock, water, and minerals;

2897 (C) economic and business needs;

2898 (D) public safety;

2899 (E) search and rescue;

2900 (F) access for people with disabilities and the elderly;

2901 (G) access to state lands; and

2902 (H) recreational opportunities;

2903 (q) transportation and access provisions for all other existing routes, roads, and trails
2904 across federal, state, and school trust lands within the state should be determined and
2905 identified, and agreements should be executed and implemented, as necessary to fully authorize
2906 and determine responsibility for maintenance of all routes, roads, and trails;

2907 (r) the reasonable development of new routes and trails for motorized, human, and
2908 animal-powered recreation should be implemented;

2909 (s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and
2910 beneficial for wildlife, livestock grazing, and other multiple-uses;

2911 (ii) management programs and initiatives that are implemented to increase forage for
2912 the mutual benefit of the agricultural industry, livestock operations, and wildlife species should
2913 utilize all proven techniques and tools;

2914 (iii) the continued viability of livestock operations and the livestock industry should be
2915 supported on the federal lands within the state by management of the lands and forage
2916 resources, by the proper optimization of animal unit months for livestock, in accordance with
2917 the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43

2918 U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq.,
2919 and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et seq.;

2920 (iv) provisions for predator control initiatives or programs under the direction of state
2921 and local authorities should be implemented; and

2922 (v) resource-use and management decisions by federal land management and
2923 regulatory agencies should support state-sponsored initiatives or programs designed to stabilize
2924 wildlife populations that may be experiencing a scientifically demonstrated decline in those
2925 populations; and

2926 (t) management and resource use decisions by federal land management and regulatory
2927 agencies concerning the scenic resources of the state must balance the protection of scenery
2928 with the full management requirements of the other authorized uses of the land under
2929 multiple-use management, and should carefully consider using Visual Resource Management
2930 Class I protection only for areas of inventoried Class A scenery or equivalent.

2931 (9) Notwithstanding any provision of Section [63J-8-105.5](#), the state is committed to
2932 establishing and administering an effective statewide conservation strategy for greater sage
2933 grouse.

2934 (10) Nothing contained in this section may be construed to restrict or supersede the
2935 planning powers conferred upon state departments, agencies, instrumentalities, or advisory
2936 councils of the state or the planning powers conferred upon political subdivisions by any other
2937 existing law.

2938 (11) Nothing in this section may be construed to affect any lands withdrawn from the
2939 public domain for military purposes, which are administered by the United States Army, Air
2940 Force, or Navy.

2941 Section 60. Section **63J-4-603** is amended to read:

- 2942 **63J-4-603. Powers and duties of coordinator and office.**
- 2943 (1) The coordinator and the office shall:
- 2944 (a) make a report to the Constitutional Defense Council created under Section
- 2945 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
- 2946 4a, Constitutional and Federalism Defense Act;
- 2947 (b) provide staff assistance to the Constitutional Defense Council created under Section
- 2948 [63C-4a-202](#) for meetings of the council;
- 2949 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and
- 2950 (ii) execute any action assigned in a constitutional defense plan;
- 2951 (d) under the direction of the state planning coordinator, assist in fulfilling the state
- 2952 planning coordinator's duties outlined in Section [63J-4-401](#) as those duties relate to the
- 2953 development of public lands policies by:
- 2954 (i) developing cooperative contracts and agreements between the state, political
- 2955 subdivisions, and agencies of the federal government for involvement in the development of
- 2956 public lands policies;
- 2957 (ii) producing research, documents, maps, studies, analysis, or other information that
- 2958 supports the state's participation in the development of public lands policy;
- 2959 (iii) preparing comments to ensure that the positions of the state and political
- 2960 subdivisions are considered in the development of public lands policy;
- 2961 (iv) partnering with state agencies and political subdivisions in an effort to:
- 2962 (A) prepare coordinated public lands policies;
- 2963 (B) develop consistency reviews and responses to public lands policies;
- 2964 (C) develop management plans that relate to public lands policies; and
- 2965 (D) develop and maintain a statewide land use plan that is based on cooperation and in
- 2966 conjunction with political subdivisions; and
- 2967 (v) providing other information or services related to public lands policies as requested
- 2968 by the state planning coordinator;
- 2969 (e) facilitate and coordinate the exchange of information, comments, and
- 2970 recommendations on public lands policies between and among:
- 2971 (i) state agencies;
- 2972 (ii) political subdivisions;

- 2973 (iii) the Office of Rural Development created under Section [63N-4-102](#);
- 2974 (iv) the Resource Development Coordinating Committee created under Section
2975 [63J-4-501](#);
- 2976 (v) School and Institutional Trust Lands Administration created under Section
2977 [53C-1-201](#);
- 2978 (vi) the committee created under Section [63F-1-508](#) to award grants to counties to
2979 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 2980 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
- 2981 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
2982 Chapter 8, Part 4, Historic Sites;
- 2983 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
2984 archaeological resources;
- 2985 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 2986 (i) report annually, or more often if necessary or requested, concerning the office's
2987 activities and expenditures to:
- 2988 (i) the Constitutional Defense Council; and
- 2989 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
2990 Committee jointly with the Constitutional Defense Council;
- 2991 (j) make grants of up to 16% of the office's total annual appropriations from the
2992 Constitutional Defense Restricted Account to a county or statewide association of counties to
2993 be used by the county or association of counties for public lands matters if the coordinator,
2994 with the advice of the Constitutional Defense Council, determines that the action provides a
2995 state benefit;
- 2996 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
2997 Section [63C-12-103](#);
- 2998 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
2999 [63C-12-107](#);
- 3000 (m) conduct the public lands transfer study and economic analysis required by Section
3001 [63J-4-606](#); and
- 3002 (n) fulfill the duties described in Section [63L-10-103](#).
- 3003 (2) The coordinator and office shall comply with [~~Subsection [63C-4a-203](#)(8)~~] Section

3004 [63C-4a-301.1](#) before submitting a comment to a federal agency, if the governor would be
3005 subject to [~~Subsection 63C-4a-203(8)~~] [Section 63C-4a-301.1](#) if the governor were submitting
3006 the material.

3007 (3) The office may enter into a contract or other agreement with another state agency to
3008 provide information and services related to:

3009 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
3010 Classification Act;

3011 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
3012 Classification Act, or R.S. 2477 matters; or

3013 (c) any other matter within the office's responsibility.

3014 Section 61. Section **63J-4-606** is amended to read:

3015 **63J-4-606. Public lands transfer study and economic analysis -- Report.**

3016 (1) As used in this section:

3017 (a) "Public lands" [~~is as~~] means the same as that term is defined in Section [63L-6-102](#).

3018 (b) "Transfer of public lands" means the transfer of public lands from federal
3019 ownership to state ownership.

3020 [~~(2) (a) The coordinator and the office shall:~~]

3021 [~~(i) conduct a study and economic analysis of the ramifications and economic impacts
3022 of the transfer of public lands;~~]

3023 [~~(ii) during the study and economic analysis, consult with county representatives on an
3024 ongoing basis regarding how to consider and incorporate county land use plans and planning
3025 processes into the analysis; and]~~]

3026 [~~(iii) on an ongoing basis, report on the progress and findings of the study to the
3027 Commission for the Stewardship of Public Lands.]~~]

3028 [~~(b) The study and economic analysis shall:~~]

3029 [~~(i) inventory public lands;~~]

3030 [~~(ii) examine public lands':~~]

3031 [~~(A) ownership;~~]

3032 [~~(B) management;~~]

3033 [~~(C) jurisdiction;~~]

3034 [~~(D) resource characteristics;~~]

3035 ~~[(E) federal management requirements related to national forests, national recreation~~
3036 ~~areas, or other public lands administered by the United States; and]~~

3037 ~~[(F) current and potential future uses and ways that socioeconomic conditions are~~
3038 ~~influenced by those uses;]~~

3039 ~~[(iii) determine;]~~

3040 ~~[(A) public lands' ongoing and deferred maintenance costs, revenue production, and~~
3041 ~~funding sources;]~~

3042 ~~[(B) whether historical federal funding levels have been sufficient to manage, maintain,~~
3043 ~~preserve, and restore public lands and whether that funding level is likely to continue;]~~

3044 ~~[(C) the amount of public lands revenue paid to state, county, and local governments~~
3045 ~~and other recipients designated by law from payments in lieu of taxes, timber receipts, secure~~
3046 ~~rural school receipts, severance taxes, and mineral lease royalties;]~~

3047 ~~[(D) historical trends of the revenue sources listed in Subsection (2)(b)(iii)(C);]~~

3048 ~~[(E) ways that the payments listed in Subsection (2)(b)(iii)(C) can be maintained or~~
3049 ~~replaced following the transfer of public lands; and]~~

3050 ~~[(F) ways that, following the transfer of public lands, revenue from public lands can be~~
3051 ~~increased while mitigating environmental impact;]~~

3052 ~~[(iv) identify;]~~

3053 ~~[(A) existing oil and gas, mining, grazing, hunting, fishing, recreation, and other rights~~
3054 ~~and interests on public lands;]~~

3055 ~~[(B) the economic impact of those rights and interests on state, county, and local~~
3056 ~~economies;]~~

3057 ~~[(C) actions necessary to secure, preserve, and protect those rights and interests; and]~~

3058 ~~[(D) how those rights and interests may be affected in the event the federal government~~
3059 ~~does not complete the transfer of public lands;]~~

3060 ~~[(v) evaluate the impact of federal land ownership on:]~~

3061 ~~[(A) the Utah School and Institutional Trust Lands Administration's ability to~~
3062 ~~administer trust lands for the benefit of Utah schoolchildren;]~~

3063 ~~[(B) the state's ability to fund education; and]~~

3064 ~~[(C) state and local government tax bases;]~~

3065 ~~[(vi) identify a process for the state to:]~~

- 3066 ~~[(A) transfer and receive title to public lands from the United States;]~~
- 3067 ~~[(B) utilize state agencies with jurisdiction over land, natural resources, environmental~~
- 3068 ~~quality, and water to facilitate the transfer of public lands;]~~
- 3069 ~~[(C) create a permanent state framework to oversee the transfer of public lands;]~~
- 3070 ~~[(D) transition to state ownership and management of public lands using existing state~~
- 3071 ~~and local government resources; and]~~
- 3072 ~~[(E) indemnify political subdivisions of the state for actions taken in connection with~~
- 3073 ~~the transfer of public lands;]~~
- 3074 ~~[(vii) examine ways that multiple use of public lands through tourism and outdoor~~
- 3075 ~~recreation contributes to:]~~
- 3076 ~~[(A) the economic growth of state and local economies; and]~~
- 3077 ~~[(B) the quality of life of Utah citizens;]~~
- 3078 ~~[(viii) using theoretical modeling of various levels of land transfer, usage, and~~
- 3079 ~~development, evaluate the potential economic impact of the transfer of public lands on state,~~
- 3080 ~~county, and local governments; and]~~
- 3081 ~~[(ix) recommend the optimal use of public lands following the transfer of public lands.]~~
- 3082 (2) The coordinator and the office shall, on an ongoing basis, report to the
- 3083 Constitutional and Federalism Defense Council regarding the ramifications and economic
- 3084 impacts of the transfer of public lands.
- 3085 (3) The coordinator and office shall:
- 3086 (a) on an ongoing basis, discuss issues related to the transfer of public lands with:
- 3087 (i) the School and Institutional Trust Lands Administration;
- 3088 (ii) local governments;
- 3089 (iii) water managers;
- 3090 (iv) environmental advocates;
- 3091 (v) outdoor recreation advocates;
- 3092 (vi) nonconventional and renewable energy producers;
- 3093 (vii) tourism representatives;
- 3094 (viii) wilderness advocates;
- 3095 (ix) ranchers and agriculture advocates;
- 3096 (x) oil, gas, and mining producers;

- 3097 (xi) fishing, hunting, and other wildlife interests;
- 3098 (xii) timber producers;
- 3099 (xiii) other interested parties; and
- 3100 [~~(xiv) the Commission for the Stewardship of Public Lands; and]~~
- 3101 (xiv) the Constitutional and Federalism Defense Council; and
- 3102 (b) develop ways to obtain input from Utah citizens regarding the transfer of public
- 3103 lands and the future care and use of public lands.
- 3104 [~~(4) The coordinator may contract with another state agency or private entity to assist~~
- 3105 ~~the coordinator and office with the study and economic analysis required by Subsection (2)(a).]~~
- 3106 [~~(5) The coordinator shall submit a final report on the study and economic analysis~~
- 3107 ~~described in Subsection (2)(a), including proposed legislation and recommendations, to the~~
- 3108 ~~governor, the Natural Resources, Agriculture, and Environment Interim Committee, and the~~
- 3109 ~~Commission for the Stewardship of Public Lands before November 30, 2014.]~~
- 3110 Section 62. Section **63J-4-607** is amended to read:
- 3111 **63J-4-607. Resource management plan administration.**
- 3112 (1) The office shall consult with the [~~Commission for the Stewardship of Public Lands]~~
- 3113 Constitutional and Federalism Defense Council before expending funds appropriated by the
- 3114 Legislature for the implementation of this section.
- 3115 (2) To the extent that the Legislature appropriates sufficient funding, the office may
- 3116 procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah
- 3117 Procurement Code, to assist the office with the office's responsibilities described in Subsection
- 3118 (3).
- 3119 (3) The office shall:
- 3120 (a) assist each county with the creation of the county's resource management plan by:
- 3121 (i) consulting with the county on policy and legal issues related to the county's resource
- 3122 management plan; and
- 3123 (ii) helping the county ensure that the county's resource management plan meets the
- 3124 requirements of Subsection [17-27a-401\(3\)](#);
- 3125 (b) promote quality standards among all counties' resource management plans; and
- 3126 (c) upon submission by a county, review and verify the county's:
- 3127 (i) estimated cost for creating a resource management plan; and

3128 (ii) actual cost for creating a resource management plan.

3129 (4) (a) A county shall cooperate with the office, or an entity procured by the office
3130 under Subsection (2), with regards to the office's responsibilities under Subsection (3).

3131 (b) To the extent that the Legislature appropriates sufficient funding, the office may, in
3132 accordance with Subsection (4)(c), provide funding to a county before the county completes a
3133 resource management plan.

3134 (c) The office may provide pre-completion funding described in Subsection (4)(b):

3135 (i) after:

3136 (A) the county submits an estimated cost for completing the resource management plan
3137 to the office; and

3138 (B) the office reviews and verifies the estimated cost in accordance with Subsection
3139 (3)(c)(i); and

3140 (ii) in an amount up to:

3141 (A) 50% of the estimated cost of completing the resource management plan, verified
3142 by the office; or

3143 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.

3144 (d) To the extent that the Legislature appropriates sufficient funding, the office shall
3145 provide funding to a county in the amount described in Subsection (4)(e) after:

3146 (i) a county's resource management plan:

3147 (A) meets the requirements described in Subsection 17-27a-401(3); and

3148 (B) is adopted under Subsection 17-27a-404(6)(d);

3149 (ii) the county submits the actual cost of completing the resource management plan to
3150 the office; and

3151 (iii) the office reviews and verifies the actual cost in accordance with Subsection
3152 (3)(c)(ii).

3153 (e) The office shall provide funding to a county under Subsection (4)(d) in an amount
3154 equal to the difference between:

3155 (i) the lesser of:

3156 (A) the actual cost of completing the resource management plan, verified by the office;
3157 or

3158 (B) \$50,000; and

3159 (ii) the amount of any pre-completion funding that the county received under
3160 Subsections (4)(b) and (c).

3161 (5) To the extent that the Legislature appropriates sufficient funding, after the deadline
3162 established in Subsection 17-27a-404(6)(d) for a county to adopt a resource management plan,
3163 the office shall:

3164 (a) obtain a copy of each county's resource management plan;

3165 (b) create a statewide resource management plan that:

3166 (i) meets the same requirements described in Subsection 17-27a-401(3); and

3167 (ii) to the extent reasonably possible, coordinates and is consistent with any resource
3168 management plan or land use plan established under Chapter 8, State of Utah Resource
3169 Management Plan for Federal Lands; and

3170 (c) submit a copy of the statewide resource management plan to the [~~Commission for~~
3171 ~~the Stewardship of Public Lands~~] Constitutional and Federalism Defense Council for review.

3172 (6) Following review of the statewide resource management plan, the [~~Commission for~~
3173 ~~the Stewardship of Public Lands~~] Constitutional and Federalism Defense Council shall prepare
3174 a concurrent resolution approving the statewide resource management plan for consideration
3175 during the 2018 General Session.

3176 (7) To the extent that the Legislature appropriates sufficient funding, the office shall
3177 provide legal support to a county that becomes involved in litigation with the federal
3178 government over the requirements of Subsection 17-27a-405(3).

3179 (8) After the statewide resource management plan is approved, as described in
3180 Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office
3181 shall monitor the implementation of the statewide resource management plan at the federal,
3182 state, and local levels.

3183 Section 63. Section 63L-10-102 is amended to read:

3184 **63L-10-102. Definitions.**

3185 As used in this chapter:

3186 [~~(1) "Commission" means the Commission for the Stewardship of Public Lands.]~~

3187 (1) "Council" means the Constitutional and Federalism Defense Council.

3188 (2) "Office" means the Public Lands Policy Coordinating Office established in Section
3189 63J-4-602.

3190 (3) "Plan" means the statewide resource management plan, created pursuant to Section
3191 [63J-4-607](#) and adopted in Section [63L-10-103](#).

3192 (4) "Public lands" means:

3193 (a) land other than a national park that is managed by the United States Parks Service;

3194 (b) land that is managed by the United States Forest Service; and

3195 (c) land that is managed by the Bureau of Land Management.

3196 Section 64. Section [63L-10-103](#) is amended to read:

3197 **[63L-10-103. Statewide resource management plan adopted.](#)**

3198 (1) The statewide resource management plan, dated January 2, 2018, and on file with
3199 the office, is hereby adopted.

3200 (2) The office shall, to the extent possible and as funding allows, monitor federal, state,
3201 and local government compliance with the plan.

3202 (3) If the office modifies the plan, the office shall notify the ~~[commission]~~ council of
3203 the modification and the office's reasoning for the modification within 30 days of the day on
3204 which the modification is made.

3205 (4) (a) The ~~[commission]~~ council may request additional information of the office
3206 regarding any modifications to the plan, as described in Subsection (3).

3207 (b) The office shall promptly respond to any request for additional information, as
3208 described in Subsection (4)(a).

3209 (c) The ~~[commission]~~ council may make a recommendation that the Legislature
3210 approve a modification or disapprove a modification, or the ~~[commission]~~ council may decline
3211 to take action.

3212 (5) The office shall annually:

3213 (a) prepare a report detailing what changes, if any, are recommended for the plan and
3214 deliver the report to the ~~[commission by October 31]~~ council by August 31; and

3215 (b) report on the implementation of the plan at the federal, state, and local levels to the
3216 ~~[commission by October 31]~~ council by August 31.

3217 ~~[(6) If the commission makes a recommendation that the Legislature approve a
3218 modification, the commission shall prepare a bill in anticipation of the annual general session
3219 of the Legislature to implement the change.]~~

3220 (6) If the council makes a recommendation that the Legislature make a change to the

3221 plan:

3222 (a) the council shall, before September 30, submit a request to the Natural Resources,
3223 Agriculture, and Environment Interim Committee for that committee to prepare a bill that
3224 makes the change; and

3225 (b) the Natural Resources, Agriculture, and Environment Interim Committee shall
3226 prepare a bill in anticipation of the annual general session of the Legislature to make the
3227 change.

3228 Section 65. Section **63L-10-104** is amended to read:

3229 **63L-10-104. Policy statement.**

3230 (1) Except as provided in Subsection (2), state agencies and political subdivisions shall
3231 refer to and substantially conform with the statewide resource management plan when making
3232 plans for public lands or other public resources in the state.

3233 (2) (a) The office shall, as funding allows, maintain a record of all state agency and
3234 political subdivision resource management plans and relevant documentation.

3235 (b) On an ongoing basis, state agencies and political subdivisions shall keep the office
3236 informed of any substantive modifications to their resource management plans.

3237 (c) On or before [~~October~~] August 31 of each year, the office shall provide a report to
3238 the [~~commission~~] council that includes the following:

3239 (i) any modifications to the state agency or political subdivision resource management
3240 plans that are inconsistent with the statewide resource management plan;

3241 (ii) a recommendation as to how an inconsistency identified under Subsection (2)(c)(i),
3242 if any, should be addressed; and

3243 (iii) a recommendation:

3244 (A) as to whether the statewide resource management plan should be modified to
3245 address any inconsistency identified under Subsection (2)(c)(i); or

3246 (B) on any other modification to the statewide resource management plan the office
3247 determines is necessary.

3248 (3) (a) Subject to Subsection (3)(b), nothing in this section preempts the authority
3249 granted to a political subdivision under:

3250 (i) Title 10, Chapter 8, Powers and Duties of Municipalities, or Title 10, Chapter 9a,
3251 Municipal Land Use, Development, and Management Act; or

3252 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

3253 (b) Federal regulations state that, when state and local government policies, plans, and
3254 programs conflict, those of higher authority will normally be followed.

3255 Section 66. Section **63M-2-301** is amended to read:

3256 **63M-2-301. The Utah Science Technology and Research Initiative -- Governing**
3257 **authority -- Executive director.**

3258 (1) There is created the Utah Science Technology and Research Initiative.

3259 (2) To oversee USTAR, there is created the Utah Science Technology and Research
3260 Governing Authority consisting of:

3261 (a) the state treasurer or the state treasurer's designee;

3262 (b) the executive director of the Governor's Office of Economic Development;

3263 (c) three members appointed by the governor, with the consent of the Senate;

3264 (d) two members who are not legislators appointed by the president of the Senate;

3265 (e) two members who are not legislators appointed by the speaker of the House of
3266 Representatives; and

3267 (f) one member appointed by the commissioner of higher education.

3268 (3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve
3269 four-year staggered terms.

3270 (b) An appointed member under Subsection (2)(c), (d), (e), or (f):

3271 (i) may not serve more than two full consecutive terms; and

3272 (ii) may be removed from the governing authority for any reason before the member's
3273 term is completed:

3274 (A) at the discretion of the original appointing authority; and

3275 (B) after the original appointing authority consults with the governing authority.

3276 (4) A vacancy on the governing authority in an appointed position under Subsection
3277 (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the
3278 same manner as the original appointment.

3279 (5) (a) Except as provided in Subsection (5)(b), the governor, with the consent of the
3280 Senate, shall select the chair of the governing authority to serve a one-year term.

3281 (b) The governor may extend the term of a sitting chair of the governing authority
3282 without the consent of the Senate.

3283 (c) The executive director of the Governor's Office of Economic Development shall
3284 serve as the vice chair of the governing authority.

3285 (6) The governing authority shall meet at least six times each year and may meet more
3286 frequently at the request of a majority of the members of the governing authority.

3287 (7) Five members of the governing authority are a quorum.

3288 (8) A member of the governing authority may not receive compensation or benefits for
3289 the member's service, but may receive per diem and travel expenses as allowed in:

3290 (a) Section 63A-3-106;

3291 (b) Section 63A-3-107; and

3292 (c) rules made by the Division of Finance:

3293 (i) pursuant to Sections 63A-3-106 and 63A-3-107; and

3294 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3295 (9) (a) After consultation with the governing authority, the governor, with the consent
3296 of the Senate, shall appoint a full-time executive director to provide staff support for the
3297 governing authority.

3298 (b) The executive director is an at-will employee who may be terminated with or
3299 without cause by:

3300 (i) the governor; or

3301 (ii) majority vote of the governing authority.

3302 Section 67. Section 63M-7-301 is amended to read:

3303 **63M-7-301. Definitions -- Creation of council -- Membership -- Terms.**

3304 (1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health
3305 Advisory Council created in this section.

3306 (b) There is created within the governor's office the Utah Substance Use and Mental
3307 Health Advisory Council.

3308 (2) The council shall be comprised of the following voting members:

3309 (a) the attorney general or the attorney general's designee;

3310 (b) an elected county official appointed by the Utah Association of Counties;

3311 (c) the commissioner of public safety or the commissioner's designee;

3312 (d) the director of the Division of Substance Abuse and Mental Health or the director's
3313 designee;

- 3314 (e) the state superintendent of public instruction or the superintendent's designee;
- 3315 (f) the executive director of the Department of Health or the executive director's
- 3316 designee;
- 3317 (g) the executive director of the Commission on Criminal and Juvenile Justice or the
- 3318 executive director's designee;
- 3319 (h) the executive director of the Department of Corrections or the executive director's
- 3320 designee;
- 3321 (i) the director of the Division of Juvenile Justice Services or the director's designee;
- 3322 (j) the director of the Division of Child and Family Services or the director's designee;
- 3323 (k) the chair of the Board of Pardons and Parole or the chair's designee;
- 3324 (l) the director of the Office of Multicultural Affairs or the director's designee;
- 3325 (m) the director of the Division of Indian Affairs or the director's designee;
- 3326 (n) the state court administrator or the state court administrator's designee;
- 3327 (o) a district court judge who presides over a drug court and who is appointed by the
- 3328 chief justice of the Utah Supreme Court;
- 3329 (p) a district court judge who presides over a mental health court and who is appointed
- 3330 by the chief justice of the Utah Supreme Court;
- 3331 (q) a juvenile court judge who presides over a drug court and who is appointed by the
- 3332 chief justice of the Utah Supreme Court;
- 3333 (r) a prosecutor appointed by the Statewide Association of Prosecutors;
- 3334 (s) the chair or co-chair of each committee established by the council;
- 3335 (t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under
- 3336 Subsection [62A-15-11\(2\)\(b\)](#);
- 3337 [~~(u) the following members appointed to serve four-year terms:~~]
- 3338 [~~(i) a member of the House of Representatives appointed by the speaker of the House~~
- 3339 ~~of Representatives;~~]
- 3340 [~~(ii) a member of the Senate appointed by the president of the Senate; and]~~
- 3341 [~~(iii)~~] (u) a representative appointed by the Utah League of Cities and Towns to serve a
- 3342 four-year term;
- 3343 (v) the following members appointed by the governor to serve four-year terms:
- 3344 (i) one resident of the state who has been personally affected by a substance use or

3345 mental health disorder; and

3346 (ii) one citizen representative; and

3347 (w) in addition to the voting members described in Subsections (2)(a) through (v), the

3348 following voting members appointed by a majority of the members described in Subsections

3349 (2)(a) through (v) to serve four-year terms:

3350 (i) one resident of the state who represents a statewide advocacy organization for

3351 recovery from substance use disorders;

3352 (ii) one resident of the state who represents a statewide advocacy organization for

3353 recovery from mental illness;

3354 (iii) one resident of the state who represents prevention professionals;

3355 (iv) one resident of the state who represents treatment professionals;

3356 (v) one resident of the state who represents the physical health care field;

3357 (vi) one resident of the state who is a criminal defense attorney;

3358 (vii) one resident of the state who is a military servicemember or military veteran under

3359 Section [53B-8-102](#);

3360 (viii) one resident of the state who represents local law enforcement agencies; and

3361 (ix) one representative of private service providers that serve youth with substance use
3362 disorders or mental health disorders.

3363 (3) An individual other than an individual described in Subsection (2) may not be
3364 appointed as a voting member of the council.

3365 Section 68. Section **63M-7-302** is amended to read:

3366 **63M-7-302. Chair -- Vacancies -- Quorum -- Expenses.**

3367 (1) The Utah Substance Use and Mental Health Advisory Council shall annually select
3368 one of its members to serve as chair and one of its members to serve as vice chair.

3369 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
3370 appointed for the unexpired term in the same manner as the position was originally filled.

3371 (3) A majority of the members of the council constitutes a quorum.

3372 (4) ~~(a)~~ A member ~~[who is not a legislator]~~ may not receive compensation or benefits
3373 for the member's service, but may receive per diem and travel expenses as allowed in:

3374 ~~(i)~~ (a) Section [63A-3-106](#);

3375 ~~(ii)~~ (b) Section [63A-3-107](#); and

3376 [(iii)] (c) rules made by the Division of Finance according to Sections 63A-3-106 and
3377 63A-3-107.

3378 [~~(b) Compensation and expenses of a member who is a legislator are governed by~~
3379 ~~Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~]

3380 (5) The council may establish committees as needed to assist in accomplishing its
3381 duties under Section 63M-7-303.

3382 Section 69. Section 63M-7-401 is amended to read:

3383 **63M-7-401. Creation -- Members -- Appointment -- Qualifications.**

3384 (1) There is created a state commission to be known as the Sentencing Commission
3385 composed of [27] 25 members. The commission shall develop by-laws and rules in
3386 compliance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and elect its
3387 officers.

3388 (2) The commission's members shall be:

3389 (a) [~~two members~~] one member of the House of Representatives, appointed by the
3390 speaker of the House [~~and not of the same political party~~];

3391 (b) [~~two members~~] one member of the Senate, appointed by the president of the Senate
3392 [~~and not of the same political party~~];

3393 (c) the executive director of the Department of Corrections or a designee appointed by
3394 the executive director;

3395 (d) the director of the Division of Juvenile Justice Services or a designee appointed by
3396 the director;

3397 (e) the executive director of the Commission on Criminal and Juvenile Justice or a
3398 designee appointed by the executive director;

3399 (f) the chair of the Board of Pardons and Parole or a designee appointed by the chair;

3400 (g) the chair of the Youth Parole Authority or a designee appointed by the chair;

3401 (h) two trial judges and an appellate judge appointed by the chair of the Judicial
3402 Council;

3403 (i) two juvenile court judges designated by the chair of the Judicial Council;

3404 (j) an attorney in private practice who is a member of the Utah State Bar, experienced
3405 in criminal defense, and appointed by the Utah Bar Commission;

3406 (k) an attorney who is a member of the Utah State Bar, experienced in the defense of

- 3407 minors in juvenile court, and appointed by the Utah Bar Commission;
- 3408 (l) the director of Salt Lake Legal Defenders or a designee appointed by the director;
- 3409 (m) the attorney general or a designee appointed by the attorney general;
- 3410 (n) a criminal prosecutor appointed by the Statewide Association of Public Attorneys;
- 3411 (o) a juvenile court prosecutor appointed by the Statewide Association of Public
- 3412 Attorneys;
- 3413 (p) a representative of the Utah Sheriff's Association appointed by the governor;
- 3414 (q) a chief of police appointed by the governor;
- 3415 (r) a licensed professional appointed by the governor who assists in the rehabilitation
- 3416 of adult offenders;
- 3417 (s) a licensed professional appointed by the governor who assists in the rehabilitation
- 3418 of juvenile offenders;
- 3419 (t) two members from the public appointed by the governor who exhibit sensitivity to
- 3420 the concerns of victims of crime and the ethnic composition of the population; and
- 3421 (u) one member from the public at large appointed by the governor.

3422 Section 70. Section **63M-11-201** is amended to read:

3423 **63M-11-201. Composition -- Appointments -- Terms -- Removal.**

- 3424 (1) The commission shall be composed of ~~[22]~~ 20 voting members as follows:
- 3425 ~~[(a) one senator, appointed by the president of the Senate;]~~
- 3426 ~~[(b) one representative, appointed by the speaker of the House of Representatives;]~~
- 3427 ~~[(c)]~~ (a) the executive director of the Department of Health;
- 3428 ~~[(d)]~~ (b) the executive director of the Department of Human Services;
- 3429 ~~[(e)]~~ (c) the executive director of the Governor's Office of Economic Development;
- 3430 ~~[(f)]~~ (d) the executive director of the Department of Workforce Services; and
- 3431 ~~[(g)]~~ (e) 16 voting members, appointed by the governor, representing each of the
- 3432 following:
- 3433 (i) the Utah Association of Area Agencies on Aging;
- 3434 (ii) higher education in Utah;
- 3435 (iii) the business community;
- 3436 (iv) the Utah Association of Counties;
- 3437 (v) the Utah League of Cities and Towns;

- 3438 (vi) charitable organizations;
- 3439 (vii) the health care provider industry;
- 3440 (viii) financial institutions;
- 3441 (ix) the legal profession;
- 3442 (x) the public safety sector;
- 3443 (xi) public transportation;
- 3444 (xii) ethnic minorities;
- 3445 (xiii) the industry that provides long-term care for the elderly;
- 3446 (xiv) organizations or associations that advocate for the aging population;
- 3447 (xv) the Alzheimer's Association; and
- 3448 (xvi) the general public.
- 3449 (2) (a) A member appointed under Subsection (1)[(g)](e) shall serve a two-year term.
- 3450 (b) Notwithstanding the term requirements of Subsection (2)(a), the governor may
- 3451 adjust the length of the initial commission members' terms to ensure that the terms are
- 3452 staggered so that approximately 1/2 of the members appointed under Subsection (1)(g) are
- 3453 appointed each year.
- 3454 (c) When, for any reason, a vacancy occurs in a position appointed by the governor
- 3455 under Subsection (1)[(g)](e), the governor shall appoint a person to fill the vacancy for the
- 3456 unexpired term of the commission member being replaced.
- 3457 (d) Members appointed under Subsection (1)[(g)](e) may be removed by the governor
- 3458 for cause.
- 3459 (e) A member appointed under Subsection (1)[(g)](e) shall be removed from the
- 3460 commission and replaced by the governor if the member is absent for three consecutive
- 3461 meetings of the commission without being excused by the chair of the commission.
- 3462 (3) In appointing the members under Subsection (1)[(g)](e), the governor shall:
- 3463 (a) take into account the geographical makeup of the commission; and
- 3464 (b) strive to appoint members who are knowledgeable or have an interest in issues
- 3465 relating to the aging population.
- 3466 Section 71. Section **63M-11-206** is amended to read:
- 3467 **63M-11-206. Members serve without pay -- Reimbursement for expenses.**
- 3468 [(H)] A member [who is not a legislator] may not receive compensation or benefits for

3469 the member's service, but may receive per diem and travel expenses as allowed in:

3470 ~~[(a)]~~ (1) Section 63A-3-106;

3471 ~~[(b)]~~ (2) Section 63A-3-107; and

3472 ~~[(c)]~~ (3) rules made by the Division of Finance according to Sections 63A-3-106 and
3473 63A-3-107.

3474 ~~[(2) Compensation and expenses of a member who is a legislator are governed by~~
3475 ~~Section 36-2-2 and Legislative Joint Rules, Title JR5, Legislative Compensation and~~
3476 ~~Expenses.]~~

3477 Section 72. Section 63N-1-201 is amended to read:

3478 **63N-1-201. Creation of office -- Responsibilities.**

3479 (1) There is created the Governor's Office of Economic Development.

3480 (2) The office is:

3481 (a) responsible for economic development and economic development planning in the
3482 state; and

3483 (b) the industrial promotion authority of the state.

3484 (3) The office shall:

3485 (a) administer and coordinate state and federal economic development grant programs;

3486 (b) promote and encourage the economic, commercial, financial, industrial,
3487 agricultural, and civic welfare of the state;

3488 (c) promote and encourage the employment of workers in the state and the purchase of
3489 goods and services produced in the state by local businesses;

3490 (d) act to create, develop, attract, and retain business, industry, and commerce in the
3491 state;

3492 (e) act to enhance the state's economy;

3493 (f) administer programs over which the office is given administrative supervision by
3494 the governor;

3495 (g) submit an annual written report as described in Section 63N-1-301; and

3496 ~~[(h) comply with the requirements of Section 36-30-202; and]~~

3497 ~~[(i)]~~ (h) perform other duties as provided by the Legislature.

3498 (4) In order to perform its duties under this title, the office may:

3499 (a) enter into a contract or agreement with, or make a grant to, a public or private

3500 entity, including a municipality, if the contract or agreement is not in violation of state statute
3501 or other applicable law;

3502 (b) except as provided in Subsection (4)(c), receive and expend funds from a public or
3503 private source for any lawful purpose that is in the state's best interest; and

3504 (c) solicit and accept a contribution of money, services, or facilities from a public or
3505 private donor, but may not use the contribution for publicizing the exclusive interest of the
3506 donor.

3507 (5) Money received under Subsection (4)(c) shall be deposited in the General Fund as
3508 dedicated credits of the office.

3509 (6) (a) The office shall obtain the advice of the board before implementing a change to
3510 a policy, priority, or objective under which the office operates.

3511 (b) Subsection (6)(a) does not apply to the routine administration by the office of
3512 money or services related to the assistance, retention, or recruitment of business, industry, or
3513 commerce in the state.

3514 Section 73. Section **67-1-2.5** is amended to read:

3515 **67-1-2.5. Database for executive boards.**

3516 (1) As used in this section [~~,"executive board"~~]:

3517 (a) "Administrator" means the boards and commissions administrator designated under
3518 Subsection (2).

3519 (b) "Executive board" means any executive branch board, commission, council,
3520 committee, working group, task force, study group, advisory group, or other body with a
3521 defined limited membership that is created to operate for more than six months by the
3522 constitution, by statute, by executive order, by the governor, lieutenant governor, attorney
3523 general, state auditor, or state treasurer or by the head of a department, division, or other
3524 administrative subunit of the executive branch of state government.

3525 (2) The governor shall designate [~~a person from his~~] a board and commissions
3526 administrator from the governor's staff to maintain a computerized [~~data base~~] database
3527 containing information about all executive boards.

3528 (3) The [~~person designated to maintain the data base~~] administrator shall ensure that
3529 the [~~data base~~] database contains:

3530 (a) the name of each executive board;

- 3531 (b) the statutory or constitutional authority for the creation of the executive board;
- 3532 (c) the sunset date on which each executive board's statutory authority expires;
- 3533 (d) the state officer or department and division of state government under whose
- 3534 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 3535 (e) the name, address, gender, telephone number, and county of each ~~[person]~~
- 3536 individual currently serving on the executive board, along with a notation of all vacant or
- 3537 unfilled positions;
- 3538 (f) the title of the position held by the person who appointed each member of the
- 3539 executive board;
- 3540 (g) the length of the term to which each member of the executive board was appointed
- 3541 and the month and year that each executive board member's term expires;
- 3542 (h) whether or not members appointed to the executive board require consent of the
- 3543 Senate;
- 3544 (i) the organization, interest group, profession, local government entity, or geographic
- 3545 area that ~~[the person]~~ an individual appointed to an executive board represents, if any;
- 3546 (j) the ~~[person's]~~ party affiliation of an individual appointed to an executive board, if
- 3547 the statute or executive order creating the position requires representation from political
- 3548 parties;
- 3549 (k) whether ~~[the]~~ each executive board is a policy board or an advisory board;
- 3550 (l) whether ~~[or not]~~ the executive board has or exercises rulemaking authority; and
- 3551 (m) any compensation and expense reimbursement that members of the executive
- 3552 board are authorized to receive.
- 3553 ~~[(4) The person designated to maintain the data base shall:]~~
- 3554 (4) The administrator shall place the following on the governor's website:
- 3555 (a) ~~[make]~~ the information contained in the ~~[data base available to the public upon~~
- 3556 ~~request; and]~~ database;
- 3557 ~~[(b) cooperate with other entities of state government to publish the data or useful~~
- 3558 ~~summaries of the data.]~~
- 3559 (b) each report the administrator receives under Subsection (5); and
- 3560 (c) the summary report described in Subsection (6).
- 3561 (5) (a) Before September 1 of each year, each executive board shall prepare and submit

3562 to the administrator an annual report that includes:

3563 (i) the name of the executive board;

3564 (ii) a description of the executive board's official function and purpose;

3565 (iii) a description of the actual work performed by the executive board since the last

3566 report the executive board submitted to the administrator under this Subsection (5);

3567 (iv) a description of actions taken by the executive board since the last report the

3568 executive board submitted to the administrator under this Subsection (5);

3569 (v) recommendations on whether any statutory, rule, or other changes are needed to

3570 make the executive board more effective; and

3571 (vi) an indication of whether the executive board should continue to exist.

3572 (b) The administrator shall compile and post the reports described in Subsection (5)(a)

3573 to the governor's website before October 1 of each year.

3574 (c) An executive board is not required to submit a report under this Subsection (5) if
3575 the executive board:

3576 (i) is also a legislative board under Section [36-12-22](#); and

3577 (ii) submits a report under Section [36-12-22](#).

3578 ~~[(5)]~~ (6) (a) The ~~[person designated to maintain the data base]~~ administrator shall
3579 prepare, publish, and distribute an annual report by ~~[December]~~ October 1 of each year that
3580 includes~~[-as of November 1]~~:

3581 (i) as of September 1 of that year:

3582 ~~[(i)]~~ (A) the total number of executive boards;

3583 ~~[(ii)]~~ (B) the name of each of those executive boards and the state officer or department
3584 and division of state government under whose jurisdiction the executive board operates or with
3585 which the executive board is affiliated, if any;

3586 ~~[(iii)]~~ (C) for each state officer and each department and division, the total number of
3587 executive boards under the jurisdiction of or affiliated with that officer, department, and
3588 division;

3589 ~~[(iv)]~~ (D) the total number of members for each of those executive boards;

3590 ~~[(v)]~~ (E) whether or not some or all of the members of each of those executive boards
3591 are approved by the Senate;

3592 ~~[(vi)]~~ (F) whether each board is a policymaking board or an advisory board and the

3593 total number of policy boards and the total number of advisory boards; and
 3594 ~~[(vii)]~~ (G) the compensation, if any, paid to the members of each of those executive
 3595 boards~~[-];~~ and
 3596 (ii) a summary of the reports submitted to the administrator under Subsection (5),
 3597 including:
 3598 (A) a list of each executive board that submitted a report under Subsection (5);
 3599 (B) a list of each executive board that did not submit a report under Subsection (5);
 3600 (C) an indication of any recommendations made under Subsection (5)(a)(v); and
 3601 (D) a list of any executive boards that indicated under Subsection (5)(a)(vi) that the
 3602 executive board should no longer exist.
 3603 (b) The ~~[person designated to maintain the data bases]~~ administrator shall distribute
 3604 copies of the report described in Subsection (6)(a) to:
 3605 (i) the governor;
 3606 (ii) the president of the Senate;
 3607 (iii) the speaker of the House;
 3608 (iv) the Office of Legislative Research and General Counsel; ~~[and]~~
 3609 (v) the Government Operations Interim Committee; and
 3610 ~~[(v)]~~ (vi) any other persons who request a copy of the annual report.
 3611 (c) Each year, the Government Operations Interim Committee shall prepare legislation
 3612 making any changes the committee determines are suitable with respect to the report the
 3613 committee receives under Subsection (6)(b), including:
 3614 (i) repealing an executive board that is no longer functional or necessary; and
 3615 (ii) making appropriate changes to make an executive board more effective.
 3616 Section 74. Section **73-10g-105** is amended to read:
 3617 **73-10g-105. Loans -- Rulemaking.**
 3618 (1) (a) The division and the board shall make rules, in accordance with Title 63G,
 3619 Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available
 3620 funds to repair, replace, or improve underfunded federal water infrastructure projects.
 3621 (b) Subject to Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell
 3622 Pipeline Development Act, the division and the board shall make rules, in accordance with
 3623 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from

3624 available funds to develop the state's undeveloped share of the Bear and Colorado rivers.

3625 (2) The rules described in Subsection (1) shall:

3626 (a) specify the amount of money that may be loaned;

3627 (b) specify the criteria the division and the board shall consider in prioritizing and

3628 awarding loans;

3629 (c) specify the minimum qualifications for an individual who, or entity that, receives a

3630 loan, including the amount of cost-sharing to be the responsibility of the individual or entity

3631 applying for a loan;

3632 (d) specify the terms of the loan, including the terms of repayment; and

3633 (e) require all applicants for a loan to apply on forms provided by the division and in a

3634 manner required by the division.

3635 (3) The division and the board shall, in making the rules described in Subsection (1)

3636 and in consultation with the State Water Development Commission created in Section

3637 ~~73-27-102:~~

3638 (a) establish criteria for better water data and data reporting;

3639 (b) establish new conservation targets based on the data described in Subsection (3)(a);

3640 (c) institute a process for the independent verification of the data described in

3641 Subsection (3)(a);

3642 (d) establish a plan for an independent review of:

3643 (i) the proposed construction plan for an applicant's qualifying water infrastructure

3644 project; and

3645 (ii) the applicant's plan to repay the loan for the construction of the proposed water

3646 infrastructure project;

3647 (e) invite and recommend public involvement; and

3648 (f) set appropriate financing and repayment terms.

3649 ~~[(4)(a) The division, board, and State Water Development Commission shall, no later~~

3650 ~~than October 30, 2016, report to the Natural Resources, Agriculture, and Environment Interim~~

3651 ~~Committee and Legislative Management Committee on the rules established pursuant to~~

3652 ~~Subsections (1) and (3).]~~

3653 ~~[(b) After October 30, 2016, the]~~

3654 (4) The division and the board shall provide regular updates to the Legislative

3655 Management Committee on the progress made under this section, including whether the
3656 division and board intend to issue a request for proposals.

3657 Section 75. Section **78A-2-501** is amended to read:

3658 **78A-2-501. Definitions -- Online Court Assistance Program -- Purpose of**
3659 **program -- Online Court Assistance Account -- User's fee.**

3660 (1) As used in this part:

3661 (a) "Account" means the Online Court Assistance Account created in this section.

3662 [~~(b) "Board" means the Online Court Assistance Program Policy Board created in~~

3663 ~~Section [78A-2-502](#).]~~

3664 [~~(c)~~] (b) "Program" means the Online Court Assistance Program created in this section.

3665 (2) There is created the "Online Court Assistance Program" administered by the
3666 Administrative Office of the Courts to provide the public with information about civil
3667 procedures and to assist the public in preparing and filing civil pleadings and other papers in:

3668 (a) uncontested divorces;

3669 (b) enforcement of orders in the divorce decree;

3670 (c) landlord and tenant actions;

3671 (d) guardianship actions; and

3672 (e) other types of proceedings approved by the board.

3673 (3) The purpose of the program shall be to:

3674 (a) minimize the costs of civil litigation;

3675 (b) improve access to the courts; and

3676 (c) provide for informed use of the courts and the law by pro se litigants.

3677 (4) (a) An additional \$20 shall be added to the filing fee established by Sections
3678 [78A-2-301](#) and [78A-2-301.5](#) if a person files a complaint, petition, answer, or response
3679 prepared through the program. There shall be no fee for using the program or for papers filed
3680 subsequent to the initial pleading.

3681 (b) There is created within the General Fund a restricted account known as the Online
3682 Court Assistance Account. The fees collected under this Subsection (4) shall be deposited in
3683 the restricted account and appropriated by the Legislature to the Administrative Office of the
3684 Courts to develop, operate, and maintain the program and to support the use of the program
3685 through education of the public.

3686 (5) The Administrative Office of the Courts shall provide on the front page of the
3687 program website a listing of all forms and proceedings available to all pro se litigants within
3688 the program.

3689 Section 76. **Repealer.**

3690 This bill repeals:

3691 Section **10-1-119**, **Inventory of competitive activities.**

3692 Section **11-13-224**, **Utah interlocal entity for alternative fuel vehicles and facilities.**

3693 Section **17-50-107**, **Inventory of competitive activities.**

3694 Section **19-2-109.2**, **Small business assistance program.**

3695 Section **36-20-1**, **Definitions.**

3696 Section **36-20-2**, **Judicial Rules Review Committee.**

3697 Section **36-20-3**, **Submission of court rules or proposals for court rules.**

3698 Section **36-20-4**, **Review of rules -- Criteria.**

3699 Section **36-20-5**, **Committee review -- Fiscal analyst -- Powers of committee.**

3700 Section **36-20-6**, **Findings -- Report -- Distribution of copies.**

3701 Section **36-20-7**, **Court rules or proposals for court rules -- Publication in bulletin.**

3702 Section **36-20-8**, **Duties of staff.**

3703 Section **36-30-101**, **Title.**

3704 Section **36-30-102**, **Definitions.**

3705 Section **36-30-201**, **Economic Development Legislative Liaison Committee --**

3706 **Creation -- Membership -- Chairs -- Per diem and expenses.**

3707 Section **36-30-202**, **Duties -- Confidential information -- Records.**

3708 Section **36-30-203**, **Staff support.**

3709 Section **53E-3-920**, **Creation of State Council on Military Children.**

3710 Section **53E-10-401**, **Definitions.**

3711 Section **53E-10-402**, **American Indian-Alaskan Native Public Education Liaison.**

3712 Section **53E-10-403**, **Commission created.**

3713 Section **53E-10-404**, **Duties of the commission.**

3714 Section **53E-10-405**, **Adoption of state plan.**

3715 Section **53E-10-406**, **Changes to state plan.**

3716 Section **53E-10-407**, **Pilot program.**

- 3717 Section **62A-1-120**, Utah Marriage Commission.
- 3718 Section **63C-4a-201**, Title.
- 3719 Section **63C-4a-301**, Title.
- 3720 Section **63C-4a-302**, Creation of Commission on Federalism -- Membership
- 3721 **meetings -- Staff -- Expenses.**
- 3722 Section **63C-4b-101**, Title.
- 3723 Section **63C-4b-102**, Definitions.
- 3724 Section **63C-4b-103**, Commission for the Stewardship of Public Lands -- Creation
- 3725 **-- Membership -- Interim rules followed -- Compensation -- Staff.**
- 3726 Section **63C-4b-107**, Repeal of commission.
- 3727 Section **63C-14-101**, Title.
- 3728 Section **63C-14-102**, Definitions.
- 3729 Section **63C-14-201**, Creation of Federal Funds Commission -- Membership --
- 3730 **Chairs.**
- 3731 Section **63C-14-202**, Terms of commission members -- Removal -- Vacancies --
- 3732 **Salaries and expenses.**
- 3733 Section **63C-14-302**, Commission meetings -- Quorum -- Bylaws -- Staff support.
- 3734 Section **63C-16-101**, Title.
- 3735 Section **63C-16-102**, Definitions.
- 3736 Section **63C-16-201**, Commission created -- Membership -- Cochairs -- Removal --
- 3737 **Vacancy.**
- 3738 Section **63C-16-202**, Quorum and voting requirements -- Bylaws -- Per diem and
- 3739 **expenses -- Staff.**
- 3740 Section **63C-16-203**, Commission duties and responsibilities.
- 3741 Section **63C-16-204**, Other agencies' cooperation and actions.
- 3742 Section **63F-1-202**, Technology Advisory Board -- Membership -- Duties.
- 3743 Section **63F-2-101**, Title.
- 3744 Section **63F-2-102**, Data Security Management Council -- Membership -- Duties.
- 3745 Section **63F-2-103**, Data Security Management Council -- Report to Legislature --
- 3746 **Recommendations.**
- 3747 Section **63I-4a-101**, Title.

- 3748 Section **63I-4a-102**, **Definitions.**
- 3749 Section **63I-4a-201**, **Title.**
- 3750 Section **63I-4a-202**, **Free Market Protection and Privatization Board -- Created --**
- 3751 **Membership -- Operations -- Expenses.**
- 3752 Section **63I-4a-203**, **Free Market Protection and Privatization Board -- Duties.**
- 3753 Section **63I-4a-204**, **Staff support -- Assistance to an agency or local entity.**
- 3754 Section **63I-4a-205**, **Board accounting method.**
- 3755 Section **63I-4a-301**, **Title.**
- 3756 Section **63I-4a-302**, **Board to create inventory.**
- 3757 Section **63I-4a-303**, **Governor to require review of commercial activities.**
- 3758 Section **63I-4a-304**, **Duties of the Governor's Office of Management and Budget.**
- 3759 Section **63I-4a-401**, **Title.**
- 3760 Section **63I-4a-402**, **Government immunity.**
- 3761 Section **67-1a-10**, **Commission on Civic and Character Education -- Membership --**
- 3762 **Chair -- Expenses.**
- 3763 Section **67-1a-11**, **Commission on Civic and Character Education -- Duties and**
- 3764 **responsibilities.**
- 3765 Section **78A-2-502**, **Creation of policy board -- Membership -- Terms -- Chair --**
- 3766 **Quorum -- Expenses.**