

BOARDS AND COMMISSIONS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill repeals, places sunset provisions on, and amends provisions related to certain boards and commissions.

Highlighted Provisions:

This bill:

▶ repeals the following entities and certain provisions related to the following entities:

- the Arts and Culture Business Alliance;
- the Deception Detection Examiners Board;
- the Energy Producer States' Agreement;
- the Executive Residence Commission;
- the Global Positioning Systems Advisory Committee;
- the Hearing Instrument Specialist Licensing Board;
- the Higher Education Strategic Planning Commission;
- the Livestock Market Committee;
- the Motorcycle Rider Education Advisory Committee;
- the Motor Vehicle Business Advisory Board;
- the Motor Vehicle Review Committee;
- the Pesticide Committee;
- the Powersport Motor Vehicle Franchise Advisory Board;
- the Private Aquiculture Advisory Council;
- the Residence Lien Recovery Fund Advisory Board;
- the State Advisory Council on Science and Technology;
- the State Law Library Board of Control;
- the Survey and Excavation Permit Advisory Committee;
- the Traumatic Brain Injury Advisory Committee; and
- the Veterans Memorial Park Board;

▶ adds sunset provisions to the following and provisions related to the following:

- 33 • the advisory council for the Utah Schools for the Deaf and Blind;
- 34 • the advisory council for the Division of Services for the Blind and Visually
- 35 Impaired;
- 36 • the Agricultural Advisory Board;
- 37 • the Agricultural and Wildlife Damage Prevention Board;
- 38 • the Agricultural Water Optimization Task Force;
- 39 • the Alarm System Security Licensing Board;
- 40 • the Architects Licensing Board;
- 41 • the Board of Bank Advisors;
- 42 • the Board of Credit Union Advisors;
- 43 • the Board of Financial Institutions;
- 44 • the Board of Tourism Development;
- 45 • the Boating Advisory Council;
- 46 • the Charter School Revolving Account Committee;
- 47 • the Child Care Advisory Committee;
- 48 • the Child Support Guidelines Advisory Committee;
- 49 • the Coal Miner Certification Panel;
- 50 • the Committee of Consumer Services;
- 51 • the Concealed Firearms Review Board;
- 52 • the Coordinating Council for Persons with Disabilities;
- 53 • coordinating councils for youth in custody;
- 54 • the Data Security Management Council;
- 55 • the Decision and Action Committee;
- 56 • the Domesticated Elk Act advisory council;
- 57 • the Drug Utilization Review Board;
- 58 • the Early Childhood Utah Advisory Council;
- 59 • the Emergency Management Administration Council;
- 60 • the Employment Advisory Council;
- 61 • the Federal Land Application Advisory Committee;
- 62 • the Forensic Mental Health Coordinating Council;
- 63 • the Governor's Committee on Employment of People with Disabilities;

- 64 • the Governor's Economic Development Coordinating Council;
- 65 • the Great Salt Lake Advisory Council;
- 66 • the Heritage Trees Advisory Committee;
- 67 • the Interpreter Certification Board;
- 68 • the Kurt Oscarson Children's Organ Transplant Coordinating Committee;
- 69 • the Land Use and Eminent Domain Advisory Board;
- 70 • the Livestock Brand Board;
- 71 • local advisory boards for the Children's Justice Center Program;
- 72 • market boards of control in the Department of Agriculture;
- 73 • the Medical Education Council;
- 74 • the Museum Services Advisory Board;
- 75 • the Native American Remains Review Committee;
- 76 • the Newborn Hearing Screening Committee;
- 77 • the Off-highway Vehicle Advisory Council;
- 78 • the Pawnshop and Secondhand Merchandise Advisory Board;
- 79 • the Primary Care Grant Committee;
- 80 • the Purchasing from Persons with Disabilities Advisory Board;
- 81 • the Recreational Trails Advisory Council;
- 82 • regional advisory councils for the Wildlife Board;
- 83 • the Residential Child Care Licensing Advisory Committee;
- 84 • the Residential Mortgage Regulatory Commission;
- 85 • the School and Institutional Trust Fund Nominating Committee;
- 86 • the Search and Rescue Advisory Board;
- 87 • the Serious Habitual Offender Comprehensive Action Program Oversight
- 88 Committees;
- 89 • the Snake Valley Aquifer Advisory Council;
- 90 • the State Grazing Advisory Board;
- 91 • the State Instructional Materials Commission;
- 92 • the State Rehabilitation Advisory Council;
- 93 • the State of Utah Alice Merrill Horne Art Collection Board;
- 94 • the State Weed Committee;

- 95 • the Technology Initiative Advisory Board;
- 96 • transportation advisory committees;
- 97 • the Traumatic Brain Injury Advisory Committee;
- 98 • the Utah Children's Health Insurance Program Advisory Council;
- 99 • the Utah Commission on Service and Volunteerism;
- 100 • the Utah Council on Victims of Crime;
- 101 • the Utah Electronic Recording Commission;
- 102 • the Utah Health Advisory Council;
- 103 • the Utah Professional Practices Advisory Commission;
- 104 • the Utah Prosecution Council;
- 105 • the Wildlife Board Nominating Committee; and
- 106 • the Workers' Compensation Advisory Council;
- 107 ▶ modifies appointments related to:
 - 108 • the Committee of Consumer Services;
 - 109 • the Health Facility Committee;
 - 110 • the Sentencing Commission; and
 - 111 • the Utah Seismic Safety Commission;
- 112 ▶ adds provisions to an existing repealer for the Air Ambulance Committee;
- 113 ▶ modifies reporting requirements for the governor's office and the Office of
114 Legislative Research and General Counsel;
- 115 ▶ requires the Utah Public Notice Website and the governor's boards and
116 commissions database to share certain information;
- 117 ▶ requires the Division of Archives and Records Service to identify and report certain
118 information;
- 119 ▶ allows an individual to receive notifications regarding vacancies on certain boards
120 and commissions;
- 121 ▶ provides a portal through which a member of the public may provide feedback on
122 an appointee or sitting member of certain boards and commissions; and
- 123 ▶ makes technical changes.

124 **Money Appropriated in this Bill:**

125 None

126 **Other Special Clauses:**

127 None

128 **Utah Code Sections Affected:**

129 AMENDS:

130 **4-14-106**, as renumbered and amended by Laws of Utah 2017, Chapter 345131 **4-30-105**, as renumbered and amended by Laws of Utah 2017, Chapter 345132 **4-30-106**, as renumbered and amended by Laws of Utah 2017, Chapter 345133 **4-30-107**, as renumbered and amended by Laws of Utah 2017, Chapter 345134 **4-37-109**, as last amended by Laws of Utah 2017, Chapter 412135 **9-6-201**, as last amended by Laws of Utah 2017, Chapter 48136 **9-6-202**, as last amended by Laws of Utah 2015, Chapter 350137 **9-6-305**, as last amended by Laws of Utah 2018, Chapter 65138 **9-6-306**, as last amended by Laws of Utah 2018, Chapter 65139 **9-6-806**, as enacted by Laws of Utah 2015, Chapter 350140 **9-7-302**, as last amended by Laws of Utah 2008, Chapter 382141 **9-8-305**, as last amended by Laws of Utah 2008, Chapter 382142 **13-35-102**, as last amended by Laws of Utah 2018, Chapter 166143 **13-35-104**, as last amended by Laws of Utah 2008, Chapter 382144 **13-35-106**, as last amended by Laws of Utah 2008, Chapter 382145 **13-35-107**, as last amended by Laws of Utah 2008, Chapter 382146 **13-35-201**, as last amended by Laws of Utah 2005, Chapter 268147 **13-35-202**, as last amended by Laws of Utah 2005, Chapter 268148 **13-35-203**, as last amended by Laws of Utah 2005, Chapter 268149 **13-35-301**, as last amended by Laws of Utah 2005, Chapter 268150 **13-35-302**, as last amended by Laws of Utah 2016, Chapter 414151 **13-35-303**, as last amended by Laws of Utah 2005, Chapter 268152 **13-35-305**, as last amended by Laws of Utah 2005, Chapter 268153 **13-35-306**, as last amended by Laws of Utah 2005, Chapter 268154 **23-14-3**, as last amended by Laws of Utah 2017, Chapter 412155 **26-21-3**, as last amended by Laws of Utah 2011, Chapter 366

156 **26-39-200**, as last amended by Laws of Utah 2019, Chapter 111
157 **26-39-201**, as last amended by Laws of Utah 2014, Chapter 322
158 **26-50-102**, as enacted by Laws of Utah 2008, Chapter 325
159 **26-50-201**, as last amended by Laws of Utah 2013, Chapter 400
160 **36-12-22**, as enacted by Laws of Utah 2019, Chapter 246
161 **38-11-102**, as last amended by Laws of Utah 2018, Chapter 229
162 **38-11-201**, as last amended by Laws of Utah 2018, Chapter 229
163 **41-3-102**, as last amended by Laws of Utah 2019, Chapter 424
164 **41-3-103**, as last amended by Laws of Utah 2018, Chapter 387
165 **41-3-105**, as last amended by Laws of Utah 2018, Chapter 387
166 **41-3-107**, as renumbered and amended by Laws of Utah 1992, Chapter 234
167 **41-3-109**, as last amended by Laws of Utah 2008, Chapter 382
168 **53B-1-301**, as enacted by Laws of Utah 2019, Chapter 324 and last amended by
169 Coordination Clause, Laws of Utah 2019, Chapter 444
170 **53E-1-201**, as last amended by Laws of Utah 2019, Chapter 324 and last amended by
171 Coordination Clause, Laws of Utah 2019, Chapters 41, 205, 223, 342, 446, and 476
172 **53F-9-203**, as last amended by Laws of Utah 2019, Chapter 186
173 **54-10a-202**, as last amended by Laws of Utah 2010, Chapter 286
174 **58-46a-102**, as last amended by Laws of Utah 2017, Chapter 43
175 **58-46a-302**, as last amended by Laws of Utah 2013, Chapter 87
176 **58-46a-302.5**, as last amended by Laws of Utah 2013, Chapter 87
177 **58-46a-303**, as last amended by Laws of Utah 2001, Chapter 268
178 **58-46a-501**, as last amended by Laws of Utah 2002, Chapter 50
179 **58-46a-502**, as last amended by Laws of Utah 2019, Chapter 349
180 **58-55-201**, as last amended by Laws of Utah 2019, Chapter 215
181 **58-64-102**, as last amended by Laws of Utah 2016, Chapter 201
182 **58-64-302**, as last amended by Laws of Utah 2016, Chapter 201
183 **58-64-502**, as enacted by Laws of Utah 1995, Chapter 215
184 **58-64-601**, as last amended by Laws of Utah 2016, Chapter 201
185 **63A-9-101**, as last amended by Laws of Utah 2017, Chapter 382
186 **63C-6-101**, as last amended by Laws of Utah 2011, Chapter 55

187 **63F-1-509**, as last amended by Laws of Utah 2008, Chapter 382
188 **63F-1-701**, as last amended by Laws of Utah 2016, Chapter 233
189 **63I-1-204**, as enacted by Laws of Utah 2019, Chapter 246
190 **63I-1-209**, as last amended by Laws of Utah 2019, Chapter 246
191 **63I-1-213**, as last amended by Laws of Utah 2018, Chapter 111
192 **63I-1-217**, as last amended by Laws of Utah 2018, Chapters 236 and 347
193 **63I-1-223**, as last amended by Laws of Utah 2019, Chapter 246
194 **63I-1-226**, as last amended by Laws of Utah 2019, Chapters 67, 136, 246, 289, 455 and
195 last amended by Coordination Clause, Laws of Utah 2019, Chapter 246
196 **63I-1-234**, as last amended by Laws of Utah 2019, Chapter 136
197 **63I-1-235**, as last amended by Laws of Utah 2019, Chapters 89 and 246
198 **63I-1-236**, as last amended by Laws of Utah 2019, Chapters 193 and 246
199 **63I-1-241**, as last amended by Laws of Utah 2019, Chapters 49, 55, and 246
200 **63I-1-253**, as last amended by Laws of Utah 2019, Chapters 90, 136, 166, 173, 246,
201 325, 344 and last amended by Coordination Clause, Laws of Utah 2019, Chapter
202 246
203 **63I-1-254**, as last amended by Laws of Utah 2019, Chapter 88
204 **63I-1-258**, as last amended by Laws of Utah 2019, Chapters 67 and 68
205 **63I-1-261**, as last amended by Laws of Utah 2011, Chapter 199
206 **63I-1-262**, as last amended by Laws of Utah 2019, Chapters 246, 257, 440 and last
207 amended by Coordination Clause, Laws of Utah 2019, Chapter 246
208 **63I-1-263**, as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468,
209 469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter
210 246
211 **63I-1-267**, as last amended by Laws of Utah 2019, Chapters 246 and 370
212 **63I-1-272**, as last amended by Laws of Utah 2019, Chapter 246
213 **63I-1-273**, as last amended by Laws of Utah 2019, Chapters 96 and 246
214 **63I-1-278**, as last amended by Laws of Utah 2019, Chapters 66 and 136
215 **63I-2-226**, as last amended by Laws of Utah 2019, Chapters 262, 393, 405 and last
216 amended by Coordination Clause, Laws of Utah 2019, Chapter 246

- 217 **63I-2-253**, as last amended by Laws of Utah 2019, Chapters 41, 129, 136, 223, 324,
218 325, and 444
- 219 **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
220 and 483
- 221 **63M-7-402**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 222 **63N-7-103**, as last amended by Laws of Utah 2015, Chapter 301 and renumbered and
223 amended by Laws of Utah 2015, Chapter 283
- 224 **63N-7-301**, as last amended by Laws of Utah 2019, Chapters 136 and 237
- 225 **67-1-2.5**, as last amended by Laws of Utah 2019, Chapter 246
- 226 **67-1-9**, as last amended by Laws of Utah 2001, Chapter 9
- 227 **71-7-3**, as last amended by Laws of Utah 2018, Chapter 39
- 228 ENACTS:
- 229 **63I-1-207**, Utah Code Annotated 1953
- 230 **63I-1-240**, Utah Code Annotated 1953
- 231 **63I-1-265**, Utah Code Annotated 1953
- 232 **63I-1-279**, Utah Code Annotated 1953
- 233 REPEALS:
- 234 **4-30-103**, as last amended by Laws of Utah 2019, Chapter 156
- 235 **9-6-801**, as enacted by Laws of Utah 2015, Chapter 350
- 236 **9-6-802**, as enacted by Laws of Utah 2015, Chapter 350
- 237 **9-6-803**, as enacted by Laws of Utah 2015, Chapter 350
- 238 **9-6-804**, as enacted by Laws of Utah 2015, Chapter 350
- 239 **9-6-805**, as enacted by Laws of Utah 2015, Chapter 350
- 240 **9-7-301**, as last amended by Laws of Utah 1997, Chapter 10
- 241 **13-35-103**, as last amended by Laws of Utah 2015, Chapter 258
- 242 **23-14-2.8**, as enacted by Laws of Utah 2017, Chapter 412
- 243 **26-39-202**, as last amended by Laws of Utah 2014, Chapter 322
- 244 **26-50-202**, as last amended by Laws of Utah 2016, Chapter 168
- 245 **36-12-20**, as last amended by Laws of Utah 2018, Chapter 33
- 246 **38-11-104**, as last amended by Laws of Utah 2018, Chapter 229
- 247 **41-3-106**, as last amended by Laws of Utah 2010, Chapters 286 and 324

248 **53-3-908**, as last amended by Laws of Utah 2010, Chapters 286 and 324
 249 **58-46a-201**, as enacted by Laws of Utah 1994, Chapter 28
 250 **58-64-201**, as enacted by Laws of Utah 1995, Chapter 215
 251 **63A-9-301**, as last amended by Laws of Utah 2010, Chapter 286
 252 **63A-9-302**, as last amended by Laws of Utah 2003, Chapter 5
 253 **63C-19-101**, as enacted by Laws of Utah 2018, Chapter 382
 254 **63C-19-102**, as enacted by Laws of Utah 2018, Chapter 382
 255 **63C-19-201**, as enacted by Laws of Utah 2018, Chapter 382
 256 **63C-19-202**, as enacted by Laws of Utah 2018, Chapter 382
 257 **63M-3-101**, as enacted by Laws of Utah 2008, Chapter 382
 258 **63M-3-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 259 **63M-3-103**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 260 **63M-3-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 261 **63M-3-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 262 **67-1-8.1**, as last amended by Laws of Utah 2017, Chapter 181
 263 **71-7-4**, as last amended by Laws of Utah 2018, Chapter 39

264

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

266 Section 1. Section **4-14-106** is amended to read:

267 **4-14-106. Department authorized to make and enforce rules.**

268 The department may, by following the procedures and requirements of Title 63G,
 269 Chapter 3, Utah Administrative Rulemaking Act, adopt rules to:

270 (1) declare as a pest any form of plant or animal life that is injurious to health or the
 271 environment, except:

272 (a) a human being; or

273 (b) a bacteria, virus, or other microorganism on or in a living person or animal;

274 (2) establish, in accordance with the regulations issued by the EPA under 7 U.S.C. Sec.
 275 136w(c)(2), whether pesticides registered for special local needs under the authority of 7
 276 U.S.C. Sec. 136v(c) are highly toxic to man;

277 (3) establish, consistent with EPA regulations, that certain pesticides or quantities of

278 substances contained in these pesticides are injurious to the environment;

279 (4) adopt a list of "restricted use pesticides" for the state or designated areas within the
280 state if the department determines upon substantial evidence presented at a public hearing [~~and~~
281 ~~upon recommendation of the pesticide committee~~] that restricted use is necessary to prevent
282 damage to property or to the environment;

283 (5) establish qualifications for a pesticide applicator business; and

284 (6) adopt any rule, not inconsistent with federal regulations issued under FIFRA,
285 considered necessary to administer and enforce this chapter, including rules relating to the
286 sale, distribution, use, and disposition of pesticides if necessary to prevent damage and to
287 protect the public health.

288 Section 2. Section **4-30-105** is amended to read:

289 **4-30-105. License required -- Application -- Fee -- Expiration -- Renewal.**

290 (1) (a) No person may operate a livestock market in this state without a license issued
291 by the department.

292 (b) Application for a license shall be made to the department upon forms prescribed
293 and furnished by the department, and the application shall specify:

294 (i) if the applicant is an individual, the name, address, and date of birth of the
295 applicant; or

296 (ii) if the applicant is a partnership, corporation, or association, the name, address, and
297 date of birth of each person who has a financial interest in the applicant and the amount of each
298 person's interest;

299 (iii) a certified statement of the financial assets and liabilities of the applicant detailing:

300 (A) current assets;

301 (B) current liabilities;

302 (C) long-term assets; and

303 (D) long-term liabilities;

304 (iv) a legal description of the property where the market is proposed to be located, the
305 property's street address, and a description of the facilities proposed to be used in connection
306 with the property;

307 (v) a schedule of the charges or fees the applicant proposes to charge for each service
308 rendered; and

309 (vi) a detailed statement of the trade area proposed to be served by the applicant, the
310 potential benefits which will be derived by the livestock industry, and the specific services the
311 applicant intends to render at the livestock market.

312 (2) (a) Upon receipt of a proper application, payment of a license fee in an amount
313 determined by the department pursuant to Subsection 4-2-103(2), [~~and a favorable~~
314 ~~recommendation by the Livestock Market Committee,~~] the commissioner, if satisfied that the
315 convenience and necessity of the industry and the public will be served, shall issue a license
316 allowing the applicant to operate the livestock market proposed in the application valid through
317 December 31 of the year in which the license is issued, subject to suspension or revocation for
318 cause.

319 (b) A livestock market license is annually renewable on or before December 31 of each
320 year upon the payment of an annual license renewal fee in an amount determined by the
321 department pursuant to Subsection 4-2-103(2).

322 (3) No livestock market original or renewal license may be issued until the applicant
323 has provided the department with a certified copy of a surety bond filed with the United States
324 Department of Agriculture as required by the Packers and Stockyards Act, 1921, 7 U.S.C.
325 Section 181 et seq.

326 Section 3. Section **4-30-106** is amended to read:

327 **4-30-106. Hearing on license application -- Notice of hearing.**

328 (1) Upon the filing of an application, the [~~chairman of the Livestock Market~~
329 ~~Committee~~] department shall set a time for hearing on the application in the city or town
330 nearest the proposed site of the livestock market and cause notice of the time and place of the
331 hearing together with a copy of the application to be forwarded by mail, not less than 15 days
332 before the hearing date, to the following:

333 (a) each licensed livestock market operator within the state; and

334 (b) each livestock or other interested association or group of persons in the state that
335 has filed written notice with the [~~committee~~] department requesting receipt of notice of such
336 hearings.

337 (2) Notice of the hearing shall be published 14 days before the scheduled hearing date:

338 (a) in a daily or weekly newspaper of general circulation within the city or town where
339 the hearing is scheduled; and

340 (b) on the Utah Public Notice Website created in Section 63F-1-701.

341 Section 4. Section **4-30-107** is amended to read:

342 **4-30-107. Guidelines delineated for decision on application.**

343 (1) The [~~Livestock Market Committee~~] department, in determining whether to
344 [~~recommend approval or denial of~~] approve or deny the application, shall consider:

345 (a) the applicant's proven or potential ability to comply with the Packers and
346 Stockyards Act, 7 U.S.C. Sec. 221 through 229b;

347 (b) the financial stability, business integrity, and fiduciary responsibility of the
348 applicant;

349 (c) the livestock marketing benefits which potentially will be derived from the
350 establishment and operation of the public livestock market proposed;

351 (d) the need for livestock market services in the trade area proposed;

352 (e) the adequacy of the livestock market location and facilities proposed in the
353 application, including facilities for health inspection and testing;

354 (f) whether the operation of the proposed livestock market is likely to be permanent;
355 and

356 (g) the economic feasibility of the proposed livestock market based on competent
357 evidence.

358 (2) Any interested person may appear at the hearing on the application and give an
359 opinion or present evidence either for or against granting the application.

360 Section 5. Section **4-37-109** is amended to read:

361 **4-37-109. Department to make rules.**

362 (1) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
363 Administrative Rulemaking Act:

364 (a) specifying procedures for the application and renewal of certificates of registration
365 for operating an aquaculture or fee fishing facility; and

366 (b) governing the disposal or removal of aquatic animals from an aquaculture or fee
367 fishing facility for which the certificate of registration has lapsed or been revoked.

368 (2) (a) The department may make other rules consistent with its responsibilities set
369 forth in Section 4-37-104.

370 (b) Except as provided by this chapter, the rules authorized by Subsection (2)(a) shall

371 be consistent with the suggested procedures for the detection and identification of pathogens
372 published by the American Fisheries Society's Fish Health Section.

373 ~~[(3)(a) The department shall consider the recommendations of the Private Aquaculture~~
374 ~~Advisory Council established in Section 23-14-2.8 when adopting rules under Subsection (1).]~~

375 ~~[(b) If the Private Aquaculture Advisory Council recommends a position or action to~~
376 ~~the department pursuant to Section 23-14-2.8 and the department rejects the recommendation,~~
377 ~~the department shall provide a written explanation to the council.]~~

378 Section 6. Section **9-6-201** is amended to read:

379 **9-6-201. Division of Arts and Museums -- Creation -- Powers and duties.**

380 (1) There is created within the department the Division of Arts and Museums under the
381 administration and general supervision of the executive director or the designee of the
382 executive director.

383 (2) The division shall be under the policy direction of the board.

384 (3) The division shall advance the interests of the arts, in all their phases, within the
385 state, and to that end shall:

386 (a) cooperate with and locally sponsor federal agencies and projects directed to similar
387 undertakings;

388 (b) develop the influence of arts in education;

389 (c) involve the private sector, including businesses, charitable interests, educational
390 interests, manufacturers, agriculturalists, and industrialists in these endeavors;

391 (d) utilize broadcasting facilities and the power of the press in disseminating
392 information; and

393 (e) foster, promote, encourage, and facilitate, not only a more general and lively study
394 of the arts, but take all necessary and useful means to stimulate a more abundant production of
395 an indigenous art in this state.

396 (4) The board shall set policy to guide the division in accomplishing the purposes set
397 forth in Subsection (3).

398 (5) ~~[Except for arts development projects under Section 9-6-804, the]~~ The division may
399 not grant funds for the support of any arts project under this section unless the project has been
400 first approved by the board.

401 Section 7. Section **9-6-202** is amended to read:

402 **9-6-202. Division director.**

403 (1) The chief administrative officer of the division shall be a director appointed by the
404 executive director in consultation with the board and the advisory board.

405 (2) The director shall be a person experienced in administration and knowledgeable
406 about the arts and museums.

407 (3) In addition to the division, the director is the chief administrative officer for:

408 (a) the Board of Directors of the Utah Arts Council created in Section 9-6-204;

409 (b) the Utah Arts Council created in Section 9-6-301;

410 (c) the Office of Museum Services created in Section 9-6-602; and

411 (d) the Museum Services Advisory Board created in Section 9-6-604[; ~~and~~].

412 ~~[(e) the Arts and Culture Business Alliance created in Section 9-6-803.]~~

413 Section 8. Section **9-6-305** is amended to read:

414 **9-6-305. Art collection committee.**

415 (1) ~~[(a)]~~ The board shall appoint a committee of artists or judges of art to take charge
416 of ~~[all works of art acquired under this chapter]~~ the Utah Alice Merrill Horne Art Collection.

417 ~~[(b) This collection shall be known as the State of Utah Alice Merrill Horne Art~~
418 ~~Collection.]~~

419 (2) (a) Except as required by Subsection (2)(b), as terms of current committee members
420 expire, the board shall appoint each new member or reappointed member to a four-year term.

421 (b) Notwithstanding the requirements of Subsection (2)(a), the board shall, at the time
422 of appointment or reappointment, adjust the length of terms to ensure that the terms of
423 committee members are staggered so that approximately half of the board is appointed every
424 two years.

425 (3) When a vacancy occurs in the membership, the replacement shall be appointed for
426 the unexpired term.

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

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

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

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

432 63A-3-107.

433 Section 9. Section **9-6-306** is amended to read:

434 **9-6-306. Collection.**

435 (1) (a) There is created the State of Utah Alice Merrill Horne Art Collection.

436 (b) All works of art acquired under this part [~~shall become~~] are part of the [State of
437 ~~Utah Alice Merrill Horne Art Collection] art collection.~~

438 (2) The art collection shall be held as the property of the state, under control of the
439 division, and may be loaned in whole or in part for exhibition purposes to different parts of the
440 state according to rules prescribed by the board.

441 (3) The division shall take every precaution to avoid damage or destruction to the
442 property of the institute and the art works submitted by exhibitors and shall procure ample
443 insurance on them.

444 (4) All art works shipped to and from the place of exhibition shall be packed by an
445 expert packer.

446 Section 10. Section **9-6-806** is amended to read:

447 **9-6-806. Arts and Culture Business Alliance Account -- Funding -- Rulemaking.**

448 (1) As used in this section:

449 (a) "Account" means the Arts and Culture Business Alliance Account created in this
450 section.

451 (b) (i) "Arts" means the various branches of creative human activity.

452 (ii) "Arts" includes visual arts, film, performing arts, sculpture, literature, music,
453 theater, dance, digital arts, video-game arts, and cultural vitality.

454 (c) "Development of the arts" means:

455 (i) constructing, expanding, or repairing facilities that house arts presentations;

456 (ii) providing for public information, preservation, or access to the arts; or

457 (iii) supporting the professional development of artists within the state.

458 ~~[(1)]~~ (2) There is created within the General Fund a restricted account known as the
459 Arts and Culture Business Alliance Account.

460 ~~[(2)]~~ (3) The account shall be administered ~~by the division for the purposes listed in~~
461 ~~Subsection [(5)]~~ (6).

462 ~~[(3)]~~ (4) (a) The account shall earn interest.

463 (b) All interest earned on account money shall be deposited into the account.

464 ~~[(4)]~~ (5) The account shall be funded by:

465 (a) appropriations made to the account by the Legislature; and

466 (b) private donations and grants.

467 ~~[(5)]~~ (6) Subject to appropriation, the director shall use account funds to pay for:

468 (a) the statewide advancement and development of the arts [~~in accordance with the~~
469 ~~recommendation of the alliance~~]; and

470 (b) actual administrative costs associated with administering this ~~[part]~~ section.

471 ~~[(6)]~~ (7) The division shall submit an annual written report to the department that gives
472 a complete accounting of the use of money from the account for inclusion in the annual report
473 described in Section 9-1-208.

474 (8) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative
475 Rulemaking Act, make rules establishing processes to:

476 (a) accept and consider applications for projects for the development of the arts; and

477 (b) distribute account money under this section.

478 Section 11. Section **9-7-302** is amended to read:

479 **9-7-302. Public access.**

480 ~~[(1)]~~ The public shall have access to the State Law Library.

481 ~~[(2)] The board of control may make rules in accordance with Title 63G, Chapter 3,~~
482 ~~Utah Administrative Rulemaking Act, and not inconsistent with the provisions of this part.]~~

483 Section 12. Section **9-8-305** is amended to read:

484 **9-8-305. Permit required to survey or excavate on state lands -- Public Lands**

485 **Policy Coordinating Office to issue permits and make rules -- Ownership of collections**
486 **and resources -- Revocation or suspension of permits -- Criminal penalties.**

487 (1) (a) Except as provided by Subsections (1)(d) and (3)(c), each principal investigator
488 who wishes to survey or excavate on any lands owned or controlled by the state, its political
489 subdivisions, or by the School and Institutional Trust Lands Administration shall obtain a
490 survey or excavation permit from the Public Lands Policy Coordinating Office.

491 (b) A principal investigator who holds a valid permit under this section may allow
492 other individuals to assist the principal investigator in a survey or excavation if the principal
493 investigator ensures that all the individuals comply with the law, the rules, the permit, and the
494 appropriate professional standards.

495 (c) A person, other than a principal investigator, may not survey or excavate on any
496 lands owned or controlled by the state, its political subdivisions, or by the School and
497 Institutional Trust Lands Administration unless the person works under the direction of a
498 principal investigator who holds a valid permit.

499 (d) A permit obtained before July 1, 2006 shall continue until the permit terminates on
500 its own terms.

501 (2) (a) To obtain a survey permit, a principal investigator shall:

502 (i) submit a permit application on a form furnished by the Public Lands Policy
503 Coordinating Office;

504 (ii) except as provided in Subsection (2)(b), possess a graduate degree in anthropology,
505 archaeology, or history;

506 (iii) have one year of full-time professional experience or equivalent specialized
507 training in archaeological research, administration, or management; and

508 (iv) have one year of supervised field and analytical experience in Utah prehistoric or
509 historic archaeology.

510 (b) In lieu of the graduate degree required by Subsection (2)(a)(ii), a principal
511 investigator may submit evidence of training and experience equivalent to a graduate degree.

512 (c) Unless the permit is revoked or suspended, a survey permit is valid for the time
513 period specified in the permit by the Public Lands Policy Coordinating Office, which may not
514 exceed three years.

515 (3) (a) Except as provided by Subsection (3)(c), to obtain an excavation permit, a
516 principal investigator shall, in addition to complying with Subsection (2)(a), submit:

517 (i) a research design to the Public Lands Policy Coordinating Office and the Antiquities
518 Section that:

519 (A) states the questions to be addressed;

520 (B) states the reasons for conducting the work;

521 (C) defines the methods to be used;

522 (D) describes the analysis to be performed;

523 (E) outlines the expected results and the plan for reporting;

524 (F) evaluates expected contributions of the proposed work to archaeological or
525 anthropological science; and

526 (G) estimates the cost and the time of the work that the principal investigator believes
527 is necessary to provide the maximum amount of historic, scientific, archaeological,
528 anthropological, and educational information; and

529 (ii) proof of permission from the landowner to enter the property for the purposes of
530 the permit.

531 (b) An excavation permit is valid for the amount of time specified in the permit, unless
532 the permit is revoked according to Subsection (9).

533 (c) The Public Lands Policy Coordinating Office may delegate to an agency the
534 authority to issue excavation permits if the agency:

535 (i) requests the delegation; and

536 (ii) employs or has a long-term contract with a principal investigator with a valid
537 survey permit.

538 (d) The Public Lands Policy Coordinating Office shall conduct an independent review
539 of the delegation authorized by Subsection (3)(c) every three years and may revoke the
540 delegation at any time without cause.

541 (4) The Public Lands Policy Coordinating Office shall:

542 (a) grant a survey permit to a principal investigator who meets the requirements of this
543 section; and

544 (b) grant an excavation permit to a principal investigator after approving, in
545 consultation with the Antiquities Section, the research design for the project[~~;~~ and].

546 [~~(c) assemble a committee of qualified individuals to advise the Public Lands Policy~~
547 ~~Coordinating Office in its duties under this section.~~]

548 (5) By following the procedures and requirements of Title 63G, Chapter 3, Utah
549 Administrative Rulemaking Act, the Public Lands Policy Coordinating Office shall, after
550 consulting with the Antiquities Section, make rules to:

551 (a) establish survey methodology;

552 (b) standardize report and data preparation and submission;

553 (c) require other permit application information that the Public Lands Policy
554 Coordinating Office finds necessary, including proof of consultation with the appropriate
555 Native American tribe;

556 (d) establish what training and experience is equivalent to a graduate degree;

557 (e) establish requirements for a person authorized by Subsection (1)(b) to assist the
558 principal investigator;

559 (f) establish requirements for a principal investigator's employer, if applicable; and

560 (g) establish criteria that, if met, would allow the Public Lands Policy Coordinating
561 Office to reinstate a suspended permit.

562 (6) Each principal investigator shall submit a summary report of the work for each
563 project to the Antiquities Section in a form prescribed by a rule established under Subsection
564 (5)(b), which shall include copies of all:

565 (a) site forms;

566 (b) data;

567 (c) maps;

568 (d) drawings;

569 (e) photographs; and

570 (f) descriptions of specimens.

571 (7) (a) Except as provided in Subsection (7)(c), a person may not remove from Utah
572 any specimen, site, or portion of any site from lands owned or controlled by the state or its
573 political subdivisions, other than school and institutional trust lands, without permission from
574 the Antiquities Section, and prior consultation with the landowner and any other agencies
575 managing other interests in the land.

576 (b) Except as provided in Subsection (7)(c), a person may not remove from Utah any
577 specimen, site, or portion of any site from school and institutional trust lands without
578 permission from the School and Institutional Trust Lands Administration, granted after
579 consultation with the Antiquities Section.

580 (c) If a specimen, site, or portion of a site is placed in a repository or curation facility, a
581 person may remove it by following the procedures established by the repository or curation
582 facility.

583 (8) (a) Collections recovered from school and institutional trust lands are owned by the
584 respective trust.

585 (b) Collections recovered from lands owned or controlled by the state or its
586 subdivisions, other than school and institutional trust lands, are owned by the state.

587 (c) Within a reasonable time after the completion of fieldwork, each permit holder

588 shall deposit all collections at the museum, a curation facility, or a repository.

589 (d) The repository or curation facility for collections from lands owned or controlled by
590 the state or its subdivisions shall be designated according to the rules made under the authority
591 of Section 53B-17-603.

592 (9) (a) Upon complaint by an agency, the Public Lands Policy Coordinating Office
593 shall investigate a principal investigator and the work conducted under a permit.

594 (b) By following the procedures and requirements of Title 63G, Chapter 4,
595 Administrative Procedures Act, the Public Lands Policy Coordinating Office may revoke or
596 suspend a permit if the principal investigator fails to conduct a survey or excavation according
597 to law, the rules enacted by the Public Lands Policy Coordinating Office, or permit provisions.

598 (10) (a) Any person violating this section is guilty of a class B misdemeanor.

599 (b) A person convicted of violating this section, or found to have violated the rules
600 authorized by this section, shall, in addition to any other penalties imposed, forfeit all
601 archaeological resources discovered by or through the person's efforts to the state or the
602 respective trust.

603 (11) The division may enter into memoranda of agreement to issue project numbers or
604 to retain other data for federal lands or Native American lands within the state.

605 Section 13. Section **13-35-102** is amended to read:

606 **13-35-102. Definitions.**

607 As used in this chapter:

608 [~~(1)~~ "Advisory board" or "board" means the Utah Powersport Vehicle Franchise
609 Advisory Board created in Section 13-35-103.]

610 [~~(2)~~ (1) "Dealership" means a site or location in this state:

611 (a) at which a franchisee conducts the business of a new powersport vehicle dealer; and

612 (b) that is identified as a new powersport vehicle dealer's principal place of business
613 for registration purposes under Section 13-35-105.

614 [~~(3)~~ (2) "Department" means the Department of Commerce.

615 [~~(4)~~ (3) "Executive director" means the executive director of the Department of
616 Commerce.

617 [~~(5)~~ (4) "Franchise" or "franchise agreement" means a written agreement, for a definite
618 or indefinite period, in which:

619 (a) a person grants to another person a license to use a trade name, trademark, service
620 mark, or related characteristic; and

621 (b) a community of interest exists in the marketing of new powersport vehicles, new
622 powersport vehicle parts, and services related to the sale or lease of new powersport vehicles at
623 wholesale or retail.

624 ~~[(6)]~~ (5) "Franchisee" means a person with whom a franchisor has agreed or permitted,
625 in writing or in practice, to purchase, sell, or offer for sale new powersport vehicles
626 manufactured, produced, represented, or distributed by the franchisor.

627 ~~[(7)]~~ (6) (a) "Franchisor" means a person who has, in writing or in practice, agreed with
628 or permits a franchisee to purchase, sell, or offer for sale new powersport vehicles
629 manufactured, produced, represented, or distributed by the franchisor, and includes:

630 (i) the manufacturer or distributor of the new powersport vehicles;

631 (ii) an intermediate distributor;

632 (iii) an agent, officer, or field or area representative of the franchisor; and

633 (iv) a person who is affiliated with a manufacturer or a representative or who directly
634 or indirectly through an intermediary is controlled by, or is under common control with the
635 manufacturer.

636 (b) For purposes of Subsection ~~[(7)]~~ (6)(a)(iv), a person is controlled by a manufacturer
637 if the manufacturer has the authority directly or indirectly by law or by an agreement of the
638 parties, to direct or influence the management and policies of the person.

639 ~~[(8)]~~ (7) "Lead" means the referral by a franchisor to a franchisee of an actual or
640 potential customer for the purchase or lease of a new powersport vehicle, or for service work
641 related to the franchisor's vehicles.

642 ~~[(9)]~~ (8) "Line-make" means the powersport vehicles that are offered for sale, lease, or
643 distribution under a common name, trademark, service mark, or brand name of the franchisor,
644 or manufacturer of the powersport vehicle.

645 ~~[(10)]~~ (9) "New powersport vehicle dealer" means a person who is engaged in the
646 business of buying, selling, offering for sale, or exchanging new powersport vehicles either
647 outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise who has
648 established a place of business for the sale, lease, trade, or display of powersport vehicles.

649 ~~[(11)]~~ (10) "Notice" or "notify" includes both traditional written communications and

650 all reliable forms of electronic communication unless expressly prohibited by statute or rule.

651 ~~[(12)]~~ (11) (a) "Powersport vehicle" means:

652 (i) an all-terrain type I, type II, or type III vehicle "ATV" defined in Section 41-22-2;

653 (ii) a snowmobile as defined in Section 41-22-2;

654 (iii) a motorcycle as defined in Section 41-1a-102;

655 (iv) a personal watercraft as defined in Section 73-18-2;

656 (v) except as provided in Subsection ~~[(12)]~~ (11)(b), a motor-driven cycle as defined in
657 Section 41-6a-102; or

658 (vi) a moped as defined in Section 41-6a-102.

659 (b) "Powersport vehicle" does not include:

660 (i) an electric assisted bicycle defined in Section 41-6a-102;

661 (ii) a motor assisted scooter as defined in Section 41-6a-102; or

662 (iii) an electric personal assistive mobility device as defined in Section 41-6a-102.

663 ~~[(13)]~~ (12) "Relevant market area" means:

664 (a) for a powersport dealership in a county that has a population of less than 225,000:

665 (i) the county in which the powersport dealership exists or is to be established or
666 relocated; and

667 (ii) in addition to the county described in Subsection ~~[(13)]~~ (12)(a)(i), the area within a
668 15-mile radius from the site of the existing, new, or relocated dealership; or

669 (b) for a powersport dealership in a county that has a population of 225,000 or more,
670 the area within a 10-mile radius from the site of the existing, new, or relocated dealership.

671 ~~[(14)]~~ (13) "Sale, transfer, or assignment" means any disposition of a franchise or an
672 interest in a franchise, with or without consideration, including a bequest, inheritance, gift,
673 exchange, lease, or license.

674 ~~[(15)]~~ (14) "Serve" or "served," unless expressly indicated otherwise by statute or rule,
675 includes any reliable form of communication.

676 ~~[(16)]~~ (15) "Written," "write," "in writing," or other variations of those terms shall
677 include all reliable forms of electronic communication.

678 Section 14. Section **13-35-104** is amended to read:

679 **13-35-104. Powers and duties of the executive director.**

680 ~~[(1)(a) Except as provided in Subsection 13-35-106(3), the advisory board shall make~~

681 ~~recommendations to the executive director on the administration and enforcement of this~~
682 ~~chapter, including adjudicative and rulemaking proceedings.]~~

683 ~~[(b) The executive director shall:]~~

684 ~~[(i) consider the advisory board's recommendations; and]~~

685 ~~[(ii) issue any final decision by the department.]~~

686 ~~[(2)] (1)~~ The executive director~~[, in consultation with the advisory board,]~~ shall make
687 rules for the administration of this chapter in accordance with Title 63G, Chapter 3, Utah
688 Administrative Rulemaking Act.

689 ~~[(3)] (2)~~ (a) An adjudicative proceeding under this chapter shall be conducted in
690 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

691 (b) In an adjudicative proceeding under this chapter, any order issued by the executive
692 director:

693 (i) shall comply with Section 63G-4-208, whether the proceeding is a formal or an
694 informal adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act;
695 and

696 (ii) ~~[if the order modifies or rejects a finding of fact in a recommendation from the~~
697 ~~advisory board,]~~ shall be made on the basis of information learned from the executive
698 director's:

699 (A) personal attendance at the hearing; or

700 (B) review of the record developed at the hearing.

701 Section 15. Section ~~13-35-106~~ is amended to read:

702 **13-35-106. Administrative proceedings commenced by the agency.**

703 (1) Except as provided in Subsection (3), after a hearing ~~[and after receipt of the~~
704 ~~advisory board's recommendation]~~, if the executive director finds that a person has violated this
705 chapter or any rule made under this chapter, the executive director may:

706 (a) issue a cease and desist order; and

707 (b) assess an administrative fine.

708 (2) (a) In determining the amount and appropriateness of an administrative fine under
709 Subsection (1), the executive director shall consider:

710 (i) the gravity of the violation;

711 (ii) any history of previous violations; and

712 (iii) any attempt made by the person to retaliate against another person for seeking
713 relief under this chapter or other federal or state law relating to the motor vehicle industry.

714 (b) In addition to any other action permitted under Subsection (1), the department may
715 file an action with a court seeking to enforce the executive director's order and pursue the
716 executive director's assessment of a fine in an amount not to exceed \$5,000 for each day a
717 person violates an order of the executive director.

718 (3) (a) In addition to the grounds for issuing an order on an emergency basis listed in
719 Subsection 63G-4-502(1), the executive director may issue an order on an emergency basis if
720 the executive director determines that irreparable damage is likely to occur if immediate action
721 is not taken.

722 (b) In issuing an emergency order under Subsection (3)(a), the executive director shall
723 comply with the requirements of Subsections 63G-4-502(2) and (3).

724 Section 16. Section **13-35-107** is amended to read:

725 **13-35-107. Administrative proceedings -- Request for agency action.**

726 (1) (a) A person may commence an adjudicative proceeding in accordance with this
727 chapter and with Title 63G, Chapter 4, Administrative Procedures Act, to:

- 728 (i) remedy a violation of this chapter;
729 (ii) obtain approval of an act regulated by this chapter; or
730 (iii) obtain any determination that this chapter specifically authorizes that person to
731 request.

732 (b) A person shall commence an adjudicative proceeding by filing a request for agency
733 action in accordance with Section 63G-4-201.

734 (2) [~~After receipt of the advisory board's recommendation, the~~] The executive director
735 shall apportion in a fair and equitable manner between the parties any costs of the adjudicative
736 proceeding, including reasonable attorney fees.

737 Section 17. Section **13-35-201** is amended to read:

738 **13-35-201. Prohibited acts by franchisors -- Disclosures.**

739 (1) A franchisor in this state may not:

- 740 (a) except as provided in Subsection (2), require a franchisee to order or accept
741 delivery of any new powersport vehicle, part, accessory, equipment, or other item not otherwise
742 required by law that is not voluntarily ordered by the franchisee;

- 743 (b) require a franchisee to:
- 744 (i) participate monetarily in any advertising campaign or contest; or
- 745 (ii) purchase any promotional materials, display devices, or display decorations or
746 materials;
- 747 (c) require a franchisee to change the capital structure of the franchisee's dealership or
748 the means by or through which the franchisee finances the operation of the franchisee's
749 dealership, if the dealership at all times meets reasonable capital standards determined by and
750 applied in a nondiscriminatory manner by the franchisor;
- 751 (d) require a franchisee to refrain from participating in the management of, investment
752 in, or acquisition of any other line of new powersport vehicles or related products, if the
753 franchisee:
- 754 (i) maintains a reasonable line of credit for each make or line of powersport vehicles;
755 and
- 756 (ii) complies with reasonable capital and facilities requirements of the franchisor;
- 757 (e) require a franchisee to prospectively agree to a release, assignment, novation,
758 waiver, or estoppel that would:
- 759 (i) relieve a franchisor from any liability, including notice and hearing rights imposed
760 on the franchisor by this chapter; or
- 761 (ii) require any controversy between the franchisee and a franchisor to be referred to a
762 third party if the decision by the third party would be binding;
- 763 (f) require a franchisee to change the location of the principal place of business of the
764 franchisee's dealership or make any substantial alterations to the dealership premises, if the
765 change or alterations would be unreasonable;
- 766 (g) coerce or attempt to coerce a franchisee to join, contribute to, or affiliate with an
767 advertising association;
- 768 (h) require, coerce, or attempt to coerce a franchisee to enter into an agreement with the
769 franchisor or do any other act that is unfair or prejudicial to the franchisee, by threatening to
770 cancel a franchise agreement or other contractual agreement or understanding existing between
771 the franchisor and franchisee;
- 772 (i) adopt, change, establish, modify, or implement a plan or system for the allocation,
773 scheduling, or delivery of new powersport vehicles, parts, or accessories to its franchisees so

774 that the plan or system is not fair, reasonable, and equitable;

775 (j) increase the price of any new powersport vehicle that the franchisee has ordered
776 from the franchisor and for which there exists at the time of the order a bona fide sale to a retail
777 purchaser if the order was made prior to the franchisee's receipt of an official written price
778 increase notification;

779 (k) fail to indemnify and hold harmless its franchisee against any judgment for
780 damages or settlement approved in writing by the franchisor:

781 (i) including court costs and attorneys' fees arising out of actions, claims, or
782 proceedings including those based on:

783 (A) strict liability;

784 (B) negligence;

785 (C) misrepresentation;

786 (D) express or implied warranty;

787 (E) revocation as described in Section 70A-2-608; or

788 (F) rejection as described in Section 70A-2-602; and

789 (ii) to the extent the judgment or settlement relates to alleged defective or negligent
790 actions by the franchisor;

791 (l) threaten or coerce a franchisee to waive or forbear its right to protest the
792 establishment or relocation of a same line-make franchisee in the relevant market area of the
793 affected franchisee;

794 (m) fail to ship monthly to a franchisee, if ordered by the franchisee, the number of
795 new powersport vehicles of each make, series, and model needed by the franchisee to achieve a
796 percentage of total new vehicle sales of each make, series, and model equitably related to the
797 total new vehicle production or importation being achieved nationally at the time of the order
798 by each make, series, and model covered under the franchise agreement;

799 (n) require or otherwise coerce a franchisee to under-utilize the franchisee's existing
800 facilities;

801 (o) fail to include in any franchise agreement the following language or language to the
802 effect that: "If any provision in this agreement contravenes the laws, rules, or regulations of any
803 state or other jurisdiction where this agreement is to be performed, or provided for by such
804 laws or regulations, the provision is considered to be modified to conform to such laws, rules,

805 or regulations, and all other terms and provisions shall remain in full force.";

806 (p) engage in the distribution, sale, offer for sale, or lease of a new powersport vehicle
807 to purchasers who acquire the vehicle in this state except through a franchisee with whom the
808 franchisor has established a written franchise agreement, if the franchisor's trade name,
809 trademark, service mark, or related characteristic is an integral element in the distribution, sale,
810 offer for sale, or lease;

811 (q) except as provided in Subsection (2), authorize or permit a person to perform
812 warranty service repairs on powersport vehicles, except warranty service repairs:

813 (i) by a franchisee with whom the franchisor has entered into a franchise agreement for
814 the sale and service of the franchisor's powersport vehicles; or

815 (ii) on owned powersport vehicles by a person or government entity who has purchased
816 new powersport vehicles pursuant to a franchisor's or manufacturer's fleet discount program;

817 (r) fail to provide a franchisee with a written franchise agreement;

818 (s) notwithstanding any other provisions of this chapter, unreasonably fail or refuse to
819 offer to its same line-make franchised dealers all models manufactured for that line-make, or
820 unreasonably require a dealer to pay any extra fee, remodel, renovate, recondition the dealer's
821 existing facilities, or purchase unreasonable advertising displays or other materials as a
822 prerequisite to receiving a model or series of vehicles;

823 (t) except as provided in Subsection (5), directly or indirectly:

824 (i) own an interest in a new powersport vehicle dealer or dealership;

825 (ii) operate or control a new powersport vehicle dealer or dealership;

826 (iii) act in the capacity of a new powersport vehicle dealer, as defined in Section
827 13-35-102; or

828 (iv) operate a powersport vehicle service facility;

829 (u) fail to timely pay for all reimbursements to a franchisee for incentives and other
830 payments made by the franchisor;

831 (v) directly or indirectly influence or direct potential customers to franchisees in an
832 inequitable manner, including:

833 (i) charging a franchisee a fee for a referral regarding a potential sale or lease of any of
834 the franchisee's products or services in an amount exceeding the actual cost of the referral;

835 (ii) giving a customer referral to a franchisee on the condition that the franchisee agree

836 to sell the vehicle at a price fixed by the franchisor; or

837 (iii) advising a potential customer as to the amount that the potential customer should

838 pay for a particular product;

839 (w) fail to provide comparable delivery terms to each franchisee for a product of the

840 franchisor, including the time of delivery after the placement of an order by the franchisee;

841 (x) if personnel training is provided by the franchisor to its franchisees, unreasonably

842 fail to make that training available to each franchisee on proportionally equal terms;

843 (y) condition a franchisee's eligibility to participate in a sales incentive program on the

844 requirement that a franchisee use the financing services of the franchisor or a subsidiary or

845 affiliate of the franchisor for inventory financing;

846 (z) make available for public disclosure, except with the franchisee's permission or

847 under subpoena or in any administrative or judicial proceeding in which the franchisee or the

848 franchisor is a party, any confidential financial information regarding a franchisee, including:

849 (i) monthly financial statements provided by the franchisee;

850 (ii) the profitability of a franchisee; or

851 (iii) the status of a franchisee's inventory of products;

852 (aa) use any performance standard, incentive program, or similar method to measure

853 the performance of franchisees unless the standard or program:

854 (i) is designed and administered in a fair, reasonable, and equitable manner;

855 (ii) if based upon a survey, utilizes an actuarially generally acceptable, valid sample;

856 and

857 (iii) is, upon request by a franchisee, disclosed and explained in writing to the

858 franchisee, including:

859 (A) how the standard or program is designed;

860 (B) how the standard or program will be administered; and

861 (C) the types of data that will be collected and used in the application of the standard or

862 program;

863 (bb) other than sales to the federal government, directly or indirectly, sell, lease, offer

864 to sell, or offer to lease, a new powersport vehicle or any powersport vehicle owned by the

865 franchisor, except through a franchised new powersport vehicle dealer;

866 (cc) compel a franchisee, through a finance subsidiary, to agree to unreasonable

867 operating requirements, except that this Subsection (1)(cc) may not be construed to limit the
868 right of a financing subsidiary to engage in business practices in accordance with the usage of
869 trade in retail and wholesale powersport vehicle financing;

870 (dd) condition the franchisor's participation in co-op advertising for a product category
871 on the franchisee's participation in any program related to another product category or on the
872 franchisee's achievement of any level of sales in a product category other than that which is the
873 subject of the co-op advertising;

874 (ee) discriminate against a franchisee in the state in favor of another franchisee of the
875 same line-make in the state by:

876 (i) selling or offering to sell a new powersport vehicle to one franchisee at a higher
877 actual price, including the price for vehicle transportation, than the actual price at which the
878 same model similarly equipped is offered to or is made available by the franchisor to another
879 franchisee in the state during a similar time period;

880 (ii) except as provided in Subsection (6), using a promotional program or device or an
881 incentive, payment, or other benefit, whether paid at the time of the sale of the new powersport
882 vehicle to the franchisee or later, that results in the sale of or offer to sell a new powersport
883 vehicle to one franchisee in the state at a higher price, including the price for vehicle
884 transportation, than the price at which the same model similarly equipped is offered or is made
885 available by the franchisor to another franchisee in the state during a similar time period; or

886 (iii) except as provided in Subsection (7), failing to provide or direct a lead in a fair,
887 equitable, and timely manner; or

888 (ff) through an affiliate, take any action that would otherwise be prohibited under this
889 chapter.

890 (2) Subsection (1)(a) does not prevent the franchisor from requiring that a franchisee
891 carry a reasonable inventory of:

892 (a) new powersport vehicle models offered for sale by the franchisor; and

893 (b) parts to service the repair of the new powersport vehicles.

894 (3) Subsection (1)(d) does not prevent a franchisor from:

895 (a) requiring that a franchisee maintain separate sales personnel or display space; or

896 (b) refusing to permit a combination of new powersport vehicle lines, if justified by
897 reasonable business considerations.

898 (4) Upon the written request of any franchisee, a franchisor shall disclose in writing to
899 the franchisee the basis on which new powersport vehicles, parts, and accessories are allocated,
900 scheduled, and delivered among the franchisor's dealers of the same line-make.

901 (5) (a) A franchisor may engage in any of the activities listed in Subsection (1)(t), for a
902 period not to exceed 12 months if:

903 (i) (A) the person from whom the franchisor acquired the interest in or control of the
904 new powersport vehicle dealership was a franchised new powersport vehicle dealer; and

905 (B) the franchisor's interest in the new powersport vehicle dealership is for sale at a
906 reasonable price and on reasonable terms and conditions; or

907 (ii) the franchisor is engaging in the activity listed in Subsection (1)(t) for the purpose
908 of broadening the diversity of its dealer body and facilitating the ownership of a new
909 powersport vehicle dealership by a person who:

910 (A) is part of a group that has been historically underrepresented in the franchisor's
911 dealer body;

912 (B) would not otherwise be able to purchase a new powersport vehicle dealership;

913 (C) has made a significant investment in the new powersport vehicle dealership which
914 is subject to loss;

915 (D) has an ownership interest in the new powersport vehicle dealership; and

916 (E) operates the new powersport vehicle dealership under a plan to acquire full
917 ownership of the dealership within a reasonable period of time and under reasonable terms and
918 conditions.

919 (b) ~~[After receipt of the advisory board's recommendation, the]~~ The executive director
920 may, for good cause shown, extend the time limit set forth in Subsection (5)(a) for an
921 additional period not to exceed 12 months.

922 (c) Notwithstanding Subsection (1)(t), a franchisor may own, operate, or control a new
923 powersport vehicle dealership trading in a line-make of powersport vehicle if:

924 (i) as to that line-make of powersport vehicle, there are no more than four franchised
925 new powersport vehicle dealerships licensed and in operation within the state as of January 1,
926 2002;

927 (ii) the franchisor does not own directly or indirectly, more than a 45% interest in the
928 dealership;

929 (iii) at the time the franchisor first acquires ownership or assumes operation or control
930 of the dealership, the distance between the dealership thus owned, operated, or controlled and
931 the nearest unaffiliated new powersport vehicle dealership trading in the same line-make is not
932 less than 150 miles;

933 (iv) all the franchisor's franchise agreements confer rights on the franchisee to develop
934 and operate as many dealership facilities as the franchisee and franchisor shall agree are
935 appropriate within a defined geographic territory or area; and

936 (v) as of January 1, 2002, no fewer than half of the franchisees of the line-make within
937 the state own and operate two or more dealership facilities in the geographic area covered by
938 the franchise agreement.

939 (6) Subsection (1)(ee)(ii) does not prohibit a promotional or incentive program that is
940 functionally available to all franchisees of the same line-make in the state on substantially
941 comparable terms.

942 (7) Subsection (1)(ee)(iii) may not be construed to:

943 (a) permit provision of or access to customer information that is otherwise protected
944 from disclosure by law or by contract between franchisor and a franchisee; or

945 (b) require a franchisor to disregard the preference of a potential customer in providing
946 or directing a lead, provided that the franchisor does not direct the customer to such a
947 preference.

948 (8) Subsection (1)(ff) does not limit the right of an affiliate to engage in business
949 practices in accordance with the usage of trade in which the affiliate is engaged.

950 Section 18. Section **13-35-202** is amended to read:

951 **13-35-202. Sale or transfer of ownership.**

952 (1) (a) The franchisor shall give effect to the change in a franchise agreement as a
953 result of an event listed in Subsection (1)(b):

954 (i) subject to Subsection 13-35-305(2)(b); and

955 (ii) unless exempted under Subsection (2).

956 (b) The franchisor shall give effect to the change in a franchise agreement pursuant to
957 Subsection (1)(a) for the:

958 (i) sale of a dealership;

959 (ii) contract for sale of a dealership;

960 (iii) transfer of ownership of a franchisee's dealership by sale, transfer of the business,
961 or by stock transfer; or

962 (iv) change in the executive management of the franchisee's dealership.

963 (2) A franchisor is exempted from the requirements of Subsection (1) if:

964 (a) the transferee is denied, or would be denied, a new powersport vehicle franchisee's
965 registration pursuant to Section 13-35-105; or

966 (b) the proposed sale or transfer of the business or change of executive management
967 will be substantially detrimental to the distribution of the franchisor's new powersport vehicles
968 or to competition in the relevant market area, provided that the franchisor has given written
969 notice to the franchisee within 60 days following receipt by the franchisor of the following:

970 (i) a copy of the proposed contract of sale or transfer executed by the franchisee and the
971 proposed transferee;

972 (ii) a completed copy of the franchisor's written application for approval of the change
973 in ownership or executive management, if any, including the information customarily required
974 by the franchisor; and

975 (iii) (A) a written description of the business experience of the executive management
976 of the transferee in the case of a proposed sale or transfer of the franchisee's business; or

977 (B) a written description of the business experience of the person involved in the
978 proposed change of the franchisee's executive management in the case of a proposed change of
979 executive management.

980 (3) For purposes of this section, the refusal by the franchisor to accept a proposed
981 transferee is presumed to be unreasonable and undertaken without good cause if the proposed
982 franchisee:

983 (a) is of good moral character; and

984 (b) otherwise meets the written, reasonable, and uniformly applied standards or
985 qualifications, if any, of the franchisor relating to the business experience of executive
986 management and financial capacity to operate and maintain the dealership required by the
987 franchisor of its franchisees.

988 (4) (a) If after receipt of the written notice from the franchisor described in Subsection
989 (1) the franchisee objects to the franchisor's refusal to accept the proposed sale or transfer of
990 the business or change of executive management, the franchisee may file an application for a

991 hearing ~~[before the board]~~, administered by the department, up to 60 days from the date of
992 receipt of the notice.

993 (b) After a hearing, ~~[and the executive director's receipt of the advisory board's~~
994 ~~recommendation;]~~ the executive director shall determine, and enter an order, providing that:

995 (i) the proposed transferee or change in executive management:

996 (A) shall be approved; or

997 (B) may not be approved for specified reasons; or

998 (ii) a proposed transferee or change in executive management is approved if specific
999 conditions are timely satisfied.

1000 (c) (i) The franchisee shall have the burden of proof with respect to all issues raised by
1001 the franchisee's application for a hearing as provided in this section.

1002 (ii) During the pendency of the hearing, the franchise agreement shall continue in effect
1003 in accordance with its terms.

1004 (d) The ~~[advisory board and the]~~ executive director shall expedite, upon written
1005 request, any determination sought under this section.

1006 Section 19. Section **13-35-203** is amended to read:

1007 **13-35-203. Succession to franchise.**

1008 (1) (a) A successor, including a family member of a deceased or incapacitated
1009 franchisee, who is designated by the franchisee may succeed the franchisee in the ownership
1010 and operation of the dealership under the existing franchise agreement if:

1011 (i) the designated successor gives the franchisor written notice of an intent to succeed
1012 to the rights of the deceased or incapacitated franchisee in the franchise agreement within 180
1013 days after the franchisee's death or incapacity;

1014 (ii) the designated successor agrees to be bound by all of the terms and conditions of
1015 the franchise agreement; and

1016 (iii) the designated successor meets the criteria generally applied by the franchisor in
1017 qualifying franchisees.

1018 (b) A franchisor may refuse to honor the existing franchise agreement with the
1019 designated successor only for good cause.

1020 (2) (a) The franchisor may request in writing from a designated successor the personal
1021 and financial data that is reasonably necessary to determine whether the existing franchise

1022 agreement should be honored.

1023 (b) The designated successor shall supply the personal and financial data promptly
1024 upon the request.

1025 (3) (a) If a franchisor believes that good cause exists for refusing to honor the requested
1026 succession, the franchisor shall serve upon the designated successor notice of its refusal to
1027 approve the succession, within 60 days after the later of:

1028 (i) receipt of the notice of the designated successor's intent to succeed the franchisee in
1029 the ownership and operation of the dealership; or

1030 (ii) the receipt of the requested personal and financial data.

1031 (b) Failure to serve the notice pursuant to Subsection (3)(a) is considered approval of
1032 the designated successor and the franchise agreement is considered amended to reflect the
1033 approval of the succession the day following the last day the franchisor can serve notice under
1034 Subsection (3)(a).

1035 (4) The notice of the franchisor provided in Subsection (3) shall state:

1036 (a) the specific grounds for the refusal to approve the succession; and

1037 (b) that discontinuance of the franchise agreement shall take effect not less than 180
1038 days after the date the notice of refusal is served unless the proposed successor files an
1039 application for hearing under Subsection (6).

1040 (5) (a) This section does not prevent a franchisee from designating a person as the
1041 successor by written instrument filed with the franchisor.

1042 (b) If a franchisee files an instrument under Subsection (5)(a), the instrument governs
1043 the succession rights to the management and operation of the dealership subject to the
1044 designated successor satisfying the franchisor's qualification requirements as described in this
1045 section.

1046 (6) (a) If a franchisor serves a notice of refusal to a designated successor pursuant to
1047 Subsection (3), the designated successor may, within the 180-day period provided in
1048 Subsection (4), file with the ~~[advisory board]~~ department an application for a hearing and a
1049 determination by the executive director regarding whether good cause exists for the refusal.

1050 (b) If application for a hearing is timely filed, the franchisor shall continue to honor the
1051 franchise agreement until after:

1052 (i) the requested hearing has been concluded;

1053 (ii) a decision is rendered by the executive director; and
1054 (iii) the applicable appeal period has expired following a decision by the executive
1055 director.

1056 Section 20. Section **13-35-301** is amended to read:

1057 **13-35-301. Termination or noncontinuance of franchise.**

1058 (1) Except as provided in Subsection (2), a franchisor may not terminate or refuse to
1059 continue a franchise agreement unless:

1060 (a) the franchisee has received written notice from the franchisor 60 days before the
1061 effective date of termination or noncontinuance setting forth the specific grounds for
1062 termination or noncontinuance that are relied on by the franchisor as establishing good cause
1063 for the termination or noncontinuance;

1064 (b) the franchisor has good cause for termination or noncontinuance; and

1065 (c) the franchisor is willing and able to comply with Section 13-35-105.

1066 (2) A franchisor may terminate a franchise, without complying with Subsection (1):

1067 (a) if for a particular line-make the franchisor or manufacturer discontinues that
1068 line-make;

1069 (b) if the franchisee's registration as a new powersport vehicle dealer is revoked under
1070 Section 13-35-105; or

1071 (c) upon a mutual written agreement of the franchisor and franchisee.

1072 (3) (a) At any time before the effective date of termination or noncontinuance of the
1073 franchise, the franchisee may apply to the [~~advisory board~~] department for a hearing on the
1074 merits, and following notice to all parties concerned, the hearing shall be promptly held as
1075 provided in Section 13-35-304.

1076 (b) A termination or noncontinuance subject to a hearing under Subsection (3)(a) may
1077 not become effective until:

1078 (i) final determination of the issue by the executive director; and

1079 (ii) the applicable appeal period has lapsed.

1080 Section 21. Section **13-35-302** is amended to read:

1081 **13-35-302. Issuance of additional franchises -- Relocation of existing franchisees.**

1082 (1) (a) Except as provided in Subsection (2), a franchisor shall comply with Subsection
1083 (1)(b) if the franchisor seeks to:

1084 (i) enter into a franchise establishing a powersport vehicle dealership within a relevant
1085 market area where the same line-make is represented by another franchisee; or

1086 (ii) relocate an existing powersport vehicle dealership.

1087 (b) (i) If a franchisor seeks to take an action listed in Subsection (1)(a), prior to taking
1088 the action, the franchisor shall in writing notify the [~~advisory board~~] department and each
1089 franchisee in that line-make in the relevant market area that the franchisor intends to take an
1090 action described in Subsection (1)(a).

1091 (ii) The notice required by Subsection (1)(b)(i) shall:

1092 (A) specify the good cause on which it intends to rely for the action; and

1093 (B) be delivered by registered or certified mail or by any form of reliable delivery
1094 through which receipt is verifiable.

1095 (c) Within 45 days of receiving notice required by Subsection (1)(b), any franchisee
1096 that is required to receive notice under Subsection (1)(b) may protest to the [~~advisory board~~]
1097 department the establishing or relocating of the dealership. When a protest is filed, the
1098 department shall inform the franchisor that:

1099 (i) a timely protest has been filed;

1100 (ii) a hearing is required;

1101 (iii) the franchisor may not establish or relocate the proposed dealership until the
1102 [~~advisory board~~] department has held a hearing; and

1103 (iv) the franchisor may not establish or relocate a proposed dealership if the executive
1104 director determines that there is not good cause for permitting the establishment or relocation
1105 of the dealership.

1106 (d) If multiple protests are filed under Subsection (1)(c), hearings may be consolidated
1107 to expedite the disposition of the issue.

1108 (2) Subsection (1) does not apply to the relocation of a franchisee's dealership:

1109 (a) less than two miles from the existing location of the franchisee's dealership; or

1110 (b) farther away from all powersport dealerships that are:

1111 (i) of the same line-make as the franchisee's dealership; and

1112 (ii) in the franchisee's existing dealership's relevant market area.

1113 (3) For purposes of this section:

1114 (a) relocation of an existing franchisee's dealership in excess of one mile from its

1115 existing location is considered the establishment of an additional franchise in the line-make of
1116 the relocating franchise;

1117 (b) the reopening in a relevant market area of a dealership that has not been in
1118 operation for one year or more is considered the establishment of an additional powersport
1119 vehicle dealership; and

1120 (c) (i) except as provided in Subsection (3)(c)(ii), the establishment of a temporary
1121 additional place of business by a powersport vehicle franchisee is considered the establishment
1122 of an additional powersport vehicle dealership; and

1123 (ii) the establishment of a temporary additional place of business by a powersport
1124 vehicle franchisee is not considered the establishment of an additional powersport vehicle
1125 dealership if the powersport vehicle franchisee is participating in a trade show where three or
1126 more powersport vehicle dealers are participating.

1127 Section 22. Section **13-35-303** is amended to read:

1128 **13-35-303. Effect of terminating a franchise.**

1129 If under Section 13-35-301 the executive director permits a franchisor to terminate or
1130 not continue a franchise and prohibits the franchisor from entering into a franchise for the sale
1131 of new powersport vehicles of a line-make in a relevant market area, the franchisor may not
1132 enter into a franchise for the sale of new powersport vehicles of that line-make in the specified
1133 relevant market area unless the executive director determines [~~after a recommendation by the~~
1134 ~~advisory board;~~] that there has been a change of circumstances so that the relevant market area
1135 at the time of the establishment of the new franchise agreement can reasonably be expected to
1136 support the new franchisee.

1137 Section 23. Section **13-35-305** is amended to read:

1138 **13-35-305. Evidence to be considered in determining cause to terminate or**
1139 **discontinue.**

1140 (1) In determining whether a franchisor has established good cause for terminating or
1141 not continuing a franchise agreement, [~~the advisory board and~~] the executive director shall
1142 consider:

1143 (a) the amount of business transacted by the franchisee, as compared to business
1144 available to the franchisee;

1145 (b) the investment necessarily made and obligations incurred by the franchisee in the

- 1146 performance of the franchisee's part of the franchise agreement;
- 1147 (c) the permanency of the investment;
- 1148 (d) whether it is injurious or beneficial to the public welfare or public interest for the
1149 business of the franchisee to be disrupted;
- 1150 (e) whether the franchisee has adequate powersport vehicle sales and service facilities,
1151 equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of
1152 the consumer for the new powersport vehicles handled by the franchisee and has been and is
1153 rendering adequate services to the public;
- 1154 (f) whether the franchisee refuses to honor warranties of the franchisor under which the
1155 warranty service work is to be performed pursuant to the franchise agreement, if the franchisor
1156 reimburses the franchisee for the warranty service work;
- 1157 (g) failure by the franchisee to substantially comply with those requirements of the
1158 franchise agreement that are determined by [~~the advisory board or~~] the executive director to be:
- 1159 (i) reasonable;
- 1160 (ii) material; and
- 1161 (iii) not in violation of this chapter;
- 1162 (h) evidence of bad faith by the franchisee in complying with those terms of the
1163 franchise agreement that are determined by [~~the advisory board or~~] the executive director to be:
- 1164 (i) reasonable;
- 1165 (ii) material; and
- 1166 (iii) not in violation of this chapter;
- 1167 (i) prior misrepresentation by the franchisee in applying for the franchise;
- 1168 (j) transfer of any ownership or interest in the franchise without first obtaining
1169 approval from the franchisor or the executive director [~~after receipt of the advisory board's~~
1170 ~~recommendation~~]; and
- 1171 (k) any other factor [~~the advisory board or~~] the executive director [~~consider~~] considers
1172 relevant.
- 1173 (2) Notwithstanding any franchise agreement, the following do not constitute good
1174 cause, as used in this chapter for the termination or noncontinuation of a franchise:
- 1175 (a) the sole fact that the franchisor desires:
- 1176 (i) greater market penetration; or

1177 (ii) more sales or leases of new powersport vehicles;
1178 (b) the change of ownership of the franchisee's dealership or the change of executive
1179 management of the franchisee's dealership unless the franchisor proves that the change of
1180 ownership or executive management will be substantially detrimental to the distribution of the
1181 franchisor's powersport vehicles; or

1182 (c) the fact that the franchisee has justifiably refused or declined to participate in any
1183 conduct covered by Section 13-35-201.

1184 (3) For purposes of Subsection (2), "substantially detrimental" includes the failure of
1185 any proposed transferee to meet the objective criteria applied by the franchisor in qualifying
1186 franchisees at the time of application.

1187 Section 24. Section **13-35-306** is amended to read:

1188 **13-35-306. Evidence to be considered in determining cause to relocate existing**
1189 **franchisee or establish a new franchised dealership.**

1190 In determining whether a franchisor has established good cause for relocating an
1191 existing franchisee or establishing a new franchised dealership for the same line-make in a
1192 given relevant market area, [~~the advisory board and~~] the executive director shall consider:

1193 (1) the amount of business transacted by other franchisees of the same line-make in
1194 that relevant market area, as compared to business available to the franchisees;

1195 (2) the investment necessarily made and obligations incurred by other franchisees of
1196 the same line-make in that relevant market area in the performance of their part of their
1197 franchisee agreements;

1198 (3) the permanency of the existing and proposed investment;

1199 (4) whether it is injurious or beneficial to the public welfare or public interest for an
1200 additional franchise to be established; and

1201 (5) whether the franchisees of the same line-make in that relevant market area are
1202 providing adequate service to consumers for the powersport vehicles of the line-make, which
1203 shall include the adequacy of:

1204 (a) the powersport vehicle sale and service facilities;

1205 (b) equipment;

1206 (c) supply of vehicle parts; and

1207 (d) qualified service personnel.

1208 Section 25. Section **23-14-3** is amended to read:

1209 **23-14-3. Powers of division to determine facts -- Policymaking powers of Wildlife**
1210 **Board.**

1211 (1) The Division of Wildlife Resources may determine the facts relevant to the wildlife
1212 resources of this state.

1213 (2) (a) Upon a determination of these facts, the Wildlife Board shall establish the
1214 policies best designed to accomplish the purposes and fulfill the intent of all laws pertaining to
1215 wildlife and the preservation, protection, conservation, perpetuation, introduction, and
1216 management of wildlife.

1217 (b) In establishing policy, the Wildlife Board shall:

1218 (i) recognize that wildlife and its habitat are an essential part of a healthy, productive
1219 environment;

1220 (ii) recognize the impact of wildlife on [~~man, his~~] humans, human economic activities,
1221 private property rights, and local economies;

1222 (iii) seek to balance the habitat requirements of wildlife with the social and economic
1223 activities of man;

1224 (iv) recognize the social and economic values of wildlife, including fishing, hunting,
1225 and other uses; and

1226 (v) seek to maintain wildlife on a sustainable basis.

1227 (c) (i) The Wildlife Board shall consider the recommendations of the regional advisory
1228 councils established in Section 23-14-2.6 [~~and the Private Aquaculture Advisory Council~~
1229 ~~established in Section 23-14-2.8~~].

1230 (ii) If a regional advisory council [~~or the Private Aquaculture Advisory Council~~]
1231 recommends a position or action to the Wildlife Board, and the Wildlife Board rejects the
1232 recommendation, the Wildlife Board shall provide a written explanation to the advisory council
1233 recommending the opposing position.

1234 (3) No authority conferred upon the Wildlife Board by this title shall supersede the
1235 administrative authority of the executive director of the Department of Natural Resources or
1236 the director of the Division of Wildlife Resources.

1237 Section 26. Section **26-21-3** is amended to read:

1238 **26-21-3. Health Facility Committee -- Members -- Terms -- Organization --**

1239 **Meetings.**

1240 (1) (a) The Health Facility Committee created by Section 26-1-7 consists of ~~[15]~~ 11
 1241 members appointed by the governor ~~[with the consent of the Senate]~~ in consultation with the
 1242 executive director.

1243 (b) The appointed members shall be knowledgeable about health care facilities and
 1244 issues.

1245 (2) The membership of the committee is:

1246 (a) one physician, licensed to practice medicine and surgery under Title 58, Chapter 67,
 1247 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act,
 1248 who is a graduate of a regularly chartered medical school;

1249 (b) one hospital administrator;

1250 (c) one hospital trustee;

1251 (d) one representative of a freestanding ambulatory surgical facility;

1252 ~~[(e) one representative of an ambulatory surgical facility that is affiliated with a~~
 1253 ~~hospital;]~~

1254 ~~[(f) (e) [two representatives] one representative~~ of the nursing care facility industry;

1255 ~~[(g) (f) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse~~
 1256 ~~Practice Act;~~

1257 ~~[(h) one professional in the field of intellectual disabilities not affiliated with a nursing~~
 1258 ~~care facility;]~~

1259 ~~[(i) (g) one licensed architect or engineer with expertise in health care facilities;~~

1260 ~~[(j) (h) [two representatives] one representative~~ of assisted living facilities licensed
 1261 under this chapter;

1262 ~~[(k) (i) two consumers, one of whom has an interest in or expertise in geriatric care;~~
 1263 and

1264 ~~[(l) (j) one representative from either a home health care provider or a hospice~~
 1265 ~~provider.~~

1266 ~~[(2) (3) (a) Except as required by Subsection [(2) (3)(b), members shall be appointed~~
 1267 ~~for a term of four years.~~

1268 (b) Notwithstanding the requirements of Subsection ~~[(2) (3)(a), the governor shall, at~~
 1269 ~~the time of appointment or reappointment, adjust the length of terms to ensure that the terms of~~

1270 committee members are staggered so that approximately half of the committee is appointed
1271 every two years.

1272 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1273 appointed for the unexpired term by the governor, giving consideration to recommendations
1274 made by the committee, with the consent of the Senate.

1275 (d) A member may not serve more than two consecutive full terms or 10 consecutive
1276 years, whichever is less. However, a member may continue to serve as a member until ~~he~~ the
1277 member is replaced.

1278 (e) The committee shall annually elect from its membership a chair and vice chair.

1279 (f) The committee shall meet at least quarterly, or more frequently as determined by the
1280 chair or five members of the committee.

1281 (g) ~~Eight~~ Six members constitute a quorum. A vote of the majority of the members
1282 present constitutes action of the committee.

1283 Section 27. Section **26-39-200** is amended to read:

1284 **26-39-200. Child Care Center Licensing Committee.**

1285 (1) (a) The Child Care Center Licensing Committee created in Section 26-1-7 shall be
1286 comprised of seven members appointed by the governor and approved by the Senate in
1287 accordance with this subsection.

1288 (b) The governor shall appoint three members who:

1289 (i) have at least five years of experience as an owner in or director of a for profit or
1290 not-for-profit center based child care; and

1291 (ii) hold an active license as a child care center from the department to provide center
1292 based child care.

1293 (c) (i) The governor shall appoint one member to represent each of the following:

1294 (A) a parent with a child in center based child care;

1295 (B) a child development expert from the state system of higher education;

1296 (C) except as provided in Subsection (1)(e), a pediatrician licensed in the state; and

1297 (D) an architect licensed in the state.

1298 (ii) Except as provided in Subsection (1)(c)(i)(B), a member appointed under
1299 Subsection (1)(c)(i) may not be an employee of the state or a political subdivision of the state.

1300 (d) At least one member described in Subsection (1)(b) shall at the time of appointment

1301 reside in a county that is not a county of the first class.

1302 (e) For the appointment described in Subsection (1)(c)(i)(C), the governor may appoint
1303 a health care professional who specializes in pediatric health if:

1304 (i) the health care professional is licensed under:

1305 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse
1306 practitioner; or

1307 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and

1308 (ii) before appointing a health care professional under this Subsection (1)(e), the
1309 governor:

1310 (A) sends a notice to a professional physician organization in the state regarding the
1311 opening for the appointment described in Subsection (1)(c)(i)(C); and

1312 (B) receives no applications from a pediatrician who is licensed in the state for the
1313 appointment described in Subsection (1)(c)(i)(C) within 90 days after the day on which the
1314 governor sends the notice described in Subsection (1)(e)(ii)(A).

1315 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the
1316 governor shall appoint each new member or reappointed member to a four-year term ending
1317 June 30.

1318 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1319 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1320 members are staggered so that approximately half of the licensing committee is appointed
1321 every two years.

1322 (c) Upon the expiration of the term of a member of the licensing committee, the
1323 member shall continue to hold office until a successor is appointed and qualified.

1324 (d) A member may not serve more than two consecutive terms.

1325 (e) Members of the licensing committee shall annually select one member to serve as
1326 chair who shall establish the agenda for licensing committee meetings.

1327 (3) When a vacancy occurs in the membership for any reason, the governor, with the
1328 consent of the Senate, shall appoint a replacement for the unexpired term.

1329 (4) (a) The licensing committee shall meet at least every two months.

1330 (b) The director may call additional meetings:

1331 (i) at the director's discretion;

1332 (ii) upon the request of the chair; or

1333 (iii) upon the written request of three or more members.

1334 (5) Three members of the licensing committee constitute a quorum for the transaction
1335 of business.

1336 (6) A member of the licensing committee may not receive compensation or benefits for
1337 the member's service, but may receive per diem and travel expenses as allowed in:

1338 (a) Section 63A-3-106;

1339 (b) Section 63A-3-107; and

1340 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
1341 63A-3-107.

1342 Section 28. Section **26-39-201** is amended to read:

1343 **26-39-201. Residential Child Care Licensing Advisory Committee.**

1344 (1) (a) The Residential Child Care Licensing Advisory Committee created in Section
1345 26-1-7 shall advise the department on rules made by the department under this chapter for
1346 residential child care.

1347 (b) The advisory committee shall be composed of the following nine members who
1348 shall be appointed by the executive director:

1349 (i) two child care consumers;

1350 (ii) three licensed residential child care providers;

1351 (iii) one certified residential child care provider;

1352 (iv) one individual with expertise in early childhood development; and

1353 (v) two health care providers.

1354 (2) (a) Members of the advisory committee shall be appointed for four-year terms,
1355 except for those members who have been appointed to complete an unexpired term.

1356 (b) Appointments and reappointments may be staggered so that 1/4 of the advisory
1357 committee changes each year.

1358 (c) The advisory committee shall annually elect a [~~chairman~~] chair from its
1359 membership.

1360 (3) The advisory committee shall meet at least quarterly, or more frequently as
1361 determined by the executive director, the [~~chairman~~] chair, or three or more members of the
1362 committee.

1363 (4) Five members constitute a quorum and a vote of the majority of the members
1364 present constitutes an action of the advisory committee.

1365 (5) A member of the advisory committee may not receive compensation or benefits for
1366 the member's service, but may receive per diem and travel expenses as allowed in:

1367 (a) Section 63A-3-106;

1368 (b) Section 63A-3-107; and

1369 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
1370 63A-3-107.

1371 Section 29. Section **26-50-102** is amended to read:

1372 **26-50-102. Definitions.**

1373 As used in this chapter[:~~(1) "Committee" means the advisory committee created by the~~
1374 ~~executive director pursuant to Section 26-50-202. (2) "Fund"~~, "**fund**" means the Traumatic
1375 Brain Injury Fund created in Section 26-50-201.

1376 Section 30. Section **26-50-201** is amended to read:

1377 **26-50-201. Traumatic Brain Injury Fund.**

1378 (1) There is created an expendable special revenue fund entitled the Traumatic Brain
1379 Injury Fund.

1380 (2) The fund shall consist of:

1381 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
1382 fund from private sources; and

1383 (b) additional amounts as appropriated by the Legislature.

1384 (3) The fund shall be administered by the executive director.

1385 (4) Fund money may be used to:

1386 (a) educate the general public and professionals regarding understanding, treatment,
1387 and prevention of traumatic brain injury;

1388 (b) provide access to evaluations and coordinate short-term care to assist an individual
1389 in identifying services or support needs, resources, and benefits for which the individual may
1390 be eligible;

1391 (c) develop and support an information and referral system for persons with a traumatic
1392 brain injury and their families; and

1393 (d) provide grants to persons or organizations to provide the services described in

1394 Subsections (4)(a), (b), and (c).

1395 (5) Not less than 50% of the fund shall be used each fiscal year to directly assist
1396 individuals who meet the qualifications described in Subsection (6).

1397 (6) An individual who receives services either paid for from the fund, or through an
1398 organization under contract with the fund, shall:

1399 (a) be a resident of Utah;

1400 (b) have been diagnosed by a qualified professional as having a traumatic brain injury
1401 which results in impairment of cognitive or physical function; and

1402 (c) have a need that can be met within the requirements of this chapter.

1403 (7) The fund may not duplicate any services or support mechanisms being provided to
1404 an individual by any other government or private agency.

1405 (8) All actual and necessary operating expenses for [~~the committee and staff~~] any staff
1406 needed to administer the fund shall be paid by the fund.

1407 (9) The fund may not be used for medical treatment, long-term care, or acute care.

1408 Section 31. Section **36-12-22** is amended to read:

1409 **36-12-22. Review of legislative workload -- Reports from committees with**
1410 **legislators.**

1411 (1) As used in this section:

1412 (a) "Legislative board [~~or commission~~]" means a board, commission, council,
1413 committee, working group, task force, study group, advisory group, or other body:

1414 (i) with a defined, limited membership;

1415 (ii) that has a member who is required to be:

1416 (A) a member of the Legislature; or

1417 (B) appointed by a member of the Legislature; and

1418 (iii) that has operated or is intended to operate for more than six months.

1419 (b) "Legislative board [~~or commission~~]" does not include:

1420 (i) a standing, ethics, interim, appropriations, confirmation, or rules committee of the
1421 Legislature;

1422 (ii) the Legislative Management Committee or a subcommittee of the Legislative
1423 Management Committee; or

1424 (iii) an organization that is prohibited from having a member that is a member of the

1425 Legislature.

1426 (2) (a) Before [~~September~~] August 1 of each year, each legislative board [~~or~~
1427 ~~commission~~] shall prepare and submit to the Office of Legislative Research and General
1428 Counsel an annual report that includes:

1429 (i) the name of the legislative board [~~or commission~~];

1430 (ii) a description of the legislative board's [~~or commission's~~] official function and
1431 purpose;

1432 [~~(iii) the total number of members of the legislative board or commission;~~]

1433 [~~(iv) the number of the legislative board's or commission's members who are~~
1434 ~~legislators;~~]

1435 [~~(v) the compensation, if any, paid to the members of the legislative board or~~
1436 ~~commission;~~]

1437 [~~(vi)~~] (iii) a description of the actual work performed and actions taken by the
1438 legislative board [~~or commission since the last report the legislative board or commission~~
1439 ~~submitted to the Office of Legislative Research and General Counsel under this section]~~ in the
1440 last fiscal year;

1441 [~~(vii) a description of actions taken by the legislative board or commission since the~~
1442 ~~last report the legislative board or commission submitted to the Office of Legislative Research~~
1443 ~~and General Counsel under this section;~~]

1444 [~~(viii)~~] (iv) recommendations on whether any statutory, rule, or other changes are
1445 needed to make the legislative board [~~or commission~~] more effective; and

1446 [~~(ix)~~] (v) an indication of whether the legislative board [~~or commission~~] should
1447 continue to exist.

1448 (b) The Office of Legislative Research and General Counsel shall compile and post the
1449 reports described in Subsection (2)(a) to the Legislature's website before [~~October~~] September
1450 1 of each year.

1451 (3) (a) The Office of Legislative Research and General Counsel shall prepare an annual
1452 report by [~~October~~] September 1 of each year that includes, as of [~~September~~] July 1 of that
1453 year:

1454 (i) the total number of legislative boards and commissions that exist in the state; and

1455 (ii) a summary of the reports submitted to the Office of Legislative Research and

1456 General Counsel under Subsection (2), including:

1457 (A) a list of each legislative board [~~or commission~~] that submitted a report under
1458 Subsection (2);

1459 (B) a list of each legislative board [~~or commission~~] that did not submit a report under
1460 Subsection (2);

1461 (C) an indication of any recommendations made under Subsection (2)(a)[~~(viii)~~](iv);
1462 and

1463 (D) a list of any legislative boards [~~or commissions~~] that indicated under Subsection
1464 (2)(a)[~~(ix)~~](v) that the legislative board [~~or commission~~] should no longer exist.

1465 (b) The Office of Legislative Research and General Counsel shall:

1466 (i) coordinate with the governor's boards and commissions administrator to jointly
1467 distribute copies of the report described in Subsection (3)(a) and copies of the report described
1468 in Subsection 67-1-2.5(6)(b) to:

1469 (A) the president of the Senate;

1470 (B) the speaker of the House; and

1471 [~~(C) the Legislative Management Committee; and~~]

1472 [~~(D)~~] (C) the Government Operations Interim Committee; and

1473 (ii) post the report described in Subsection (3)(a) to the Legislature's website.

1474 (c) Each year, the Government Operations Interim Committee shall prepare legislation
1475 making any changes the committee determines are suitable with respect to the [~~report~~] reports
1476 the committee receives under Subsection (3)(b) and Subsection 67-1-2.5(6)(b), including:

1477 (i) repealing a legislative or executive board [~~or commission~~] that is no longer
1478 functional or necessary; and

1479 (ii) making appropriate changes to make a legislative or executive board [~~or~~
1480 ~~commission~~] more effective.

1481 Section 32. Section **38-11-102** is amended to read:

1482 **38-11-102. Definitions.**

1483 [~~(1) "Board" means the Residence Lien Recovery Fund Advisory Board established~~
1484 ~~under Section 38-11-104.~~]

1485 [~~(2)~~] (1) "Certificate of compliance" means an order issued by the director to the owner
1486 finding that the owner is in compliance with the requirements of Subsections 38-11-204(4)(a)

1487 and (4)(b) and is entitled to protection under Section 38-11-107.

1488 ~~[(3)]~~ (2) "Construction on an owner-occupied residence" means designing, engineering,
1489 constructing, altering, remodeling, improving, repairing, or maintaining a new or existing
1490 residence.

1491 ~~[(4)]~~ (3) "Department" means the Department of Commerce.

1492 ~~[(5)]~~ (4) "Director" means the director of the Division of Occupational and
1493 Professional Licensing.

1494 ~~[(6)]~~ (5) "Division" means the Division of Occupational and Professional Licensing.

1495 ~~[(7)]~~ (6) "Duplex" means a single building having two separate living units.

1496 ~~[(8)]~~ (7) "Encumbered fund balance" means the aggregate amount of outstanding
1497 claims against the fund. The remainder of the money in the fund is unencumbered funds.

1498 ~~[(9)]~~ (8) "Executive director" means the executive director of the Department of
1499 Commerce.

1500 ~~[(10)]~~ (9) "Factory built housing" is as defined in Section 15A-1-302.

1501 ~~[(11)]~~ (10) "Factory built housing retailer" means a person that sells factory built
1502 housing to consumers.

1503 ~~[(12)]~~ (11) "Fund" means the Residence Lien Recovery Fund established under Section
1504 38-11-201.

1505 ~~[(13)]~~ (12) "Laborer" means a person who provides services at the site of the
1506 construction on an owner-occupied residence as an employee of an original contractor or other
1507 qualified beneficiary performing qualified services on the residence.

1508 ~~[(14)]~~ (13) "Licensee" means any holder of a license issued under Title 58, Chapter 3a,
1509 Architects Licensing Act; Chapter 22, Professional Engineers and Professional Land Surveyors
1510 Licensing Act; Chapter 53, Landscape Architects Licensing Act; and Chapter 55, Utah
1511 Construction Trades Licensing Act.

1512 ~~[(15)]~~ (14) "Nonpaying party" means the original contractor, subcontractor, or real
1513 estate developer who has failed to pay the qualified beneficiary making a claim against the
1514 fund.

1515 ~~[(16)]~~ (15) "Original contractor" means a person who contracts with the owner of real
1516 property or the owner's agent to provide services, labor, or material for the construction of an
1517 owner-occupied residence.

1518 [~~(17)~~] (16) "Owner" means a person who:

1519 (a) contracts with a person who is licensed as a contractor or is exempt from licensure
1520 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction on an
1521 owner-occupied residence upon real property that the person:

1522 (i) owns; or

1523 (ii) purchases after the person enters into a contract described in this Subsection [~~(17)~~]
1524 (16)(a) and before completion of the owner-occupied residence;

1525 (b) contracts with a real estate developer to buy a residence upon completion of the
1526 construction on the owner-occupied residence; or

1527 (c) purchases a residence from a real estate developer after completion of the
1528 construction on the owner-occupied residence.

1529 [~~(18)~~] (17) "Owner-occupied residence" means a residence that is, or after completion
1530 of the construction on the residence will be, occupied by the owner or the owner's tenant or
1531 lessee as a primary or secondary residence within 180 days after the day on which the
1532 construction on the residence is complete.

1533 [~~(19)~~] (18) "Qualified beneficiary" means a person who:

1534 (a) provides qualified services;

1535 (b) pays necessary fees required under this chapter; and

1536 (c) registers with the division:

1537 (i) as a licensed contractor under Subsection 38-11-301(1) or (2), if that person seeks
1538 recovery from the fund as a licensed contractor; or

1539 (ii) as a person providing qualified services other than as a licensed contractor under
1540 Subsection 38-11-301(3) if the person seeks recovery from the fund in a capacity other than as
1541 a licensed contractor.

1542 [~~(20)~~] (19) (a) "Qualified services" means the following performed in construction on
1543 an owner-occupied residence:

1544 (i) contractor services provided by a contractor licensed or exempt from licensure
1545 under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

1546 (ii) architectural services provided by an architect licensed under Title 58, Chapter 3a,
1547 Architects Licensing Act;

1548 (iii) engineering and land surveying services provided by a professional engineer or

1549 land surveyor licensed or exempt from licensure under Title 58, Chapter 22, Professional
1550 Engineers and Professional Land Surveyors Licensing Act;

1551 (iv) landscape architectural services by a landscape architect licensed or exempt from
1552 licensure under Title 58, Chapter 53, Landscape Architects Licensing Act;

1553 (v) design and specification services of mechanical or other systems;

1554 (vi) other services related to the design, drawing, surveying, specification, cost
1555 estimation, or other like professional services;

1556 (vii) providing materials, supplies, components, or similar products;

1557 (viii) renting equipment or materials;

1558 (ix) labor at the site of the construction on the owner-occupied residence; and

1559 (x) site preparation, set up, and installation of factory built housing.

1560 (b) "Qualified services" does not include the construction of factory built housing in
1561 the factory.

1562 [~~(21)~~] (20) "Real estate developer" means a person having an ownership interest in real
1563 property who:

1564 (a) contracts with a person who is licensed as a contractor or is exempt from licensure
1565 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction of a
1566 residence that is offered for sale to the public; or

1567 (b) is a licensed contractor under Title 58, Chapter 55, Utah Construction Trades
1568 Licensing Act, who engages in the construction of a residence that is offered for sale to the
1569 public.

1570 [~~(22)~~] (21) (a) "Residence" means an improvement to real property used or occupied,
1571 to be used or occupied as, or in conjunction with:

1572 (i) a primary or secondary detached single-family dwelling; or

1573 (ii) a multifamily dwelling up to and including duplexes.

1574 (b) "Residence" includes factory built housing.

1575 [~~(23)~~] (22) "Subsequent owner" means a person who purchases a residence from an
1576 owner within 180 days after the day on which the construction on the residence is completed.

1577 Section 33. Section **38-11-201** is amended to read:

1578 **38-11-201. Residence Lien Recovery Fund.**

1579 (1) There is created an expendable special revenue fund called the "Residence Lien

1580 Recovery Fund."

1581 (2) The fund shall earn interest.

1582 (3) The division shall employ personnel and resources necessary to administer the fund
1583 and shall use fund money in accordance with Sections 38-11-203 and 38-11-204 and to pay the
1584 costs charged to the fund by the attorney general.

1585 (4) Costs incurred by the division, on or after May 8, 2018, for administering the fund
1586 may be paid out of fund money in an amount that may be no more than a total of \$300,000 for
1587 the remaining existence of the fund.

1588 (5) (a) The Division of Finance shall report annually to the Legislature[;] and the
1589 division[; ~~and the board~~].

1590 (b) The report shall state:

1591 (i) amounts received by the fund;

1592 (ii) disbursements from the fund;

1593 (iii) interest earned and credited to the fund; and

1594 (iv) the fund balance.

1595 Section 34. Section **41-3-102** is amended to read:

1596 **41-3-102. Definitions.**

1597 As used in this chapter:

1598 (1) "Administrator" means the motor vehicle enforcement administrator.

1599 (2) "Agent" means a person other than a holder of any dealer's or salesperson's license
1600 issued under this chapter, who for salary, commission, or compensation of any kind, negotiates
1601 in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any
1602 other person in any 12-month period.

1603 (3) "Auction" means a dealer engaged in the business of auctioning motor vehicles,
1604 either owned or consigned, to the general public.

1605 (4) "Authorized service center" means an entity that:

1606 (a) is in the business of repairing exclusively the motor vehicles of the same line-make
1607 as the motor vehicles a single direct-sale manufacturer manufactures;

1608 (b) the direct-sale manufacturer described in Subsection (4)(a) authorizes to complete
1609 warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for
1610 sale, or offers for sale or exchange; and

1611 (c) conducts business primarily from an enclosed commercial repair facility that is
1612 permanently located in the state.

1613 [~~(5)~~] "~~Board~~" means the advisory board created in ~~Section 41-3-106.~~]

1614 [~~(6)~~] (5) "Body shop" means a person engaged in rebuilding, restoring, repairing, or
1615 painting the body of motor vehicles for compensation.

1616 [~~(7)~~] (6) "Commission" means the State Tax Commission.

1617 [~~(8)~~] (7) "Crusher" means a person who crushes or shreds motor vehicles subject to
1618 registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and
1619 metals to a more compact size for recycling.

1620 [~~(9)~~] (8) (a) "Dealer" means a person:

1621 (i) whose business in whole or in part involves selling new, used, or new and used
1622 motor vehicles or off-highway vehicles; and

1623 (ii) who sells, displays for sale, or offers for sale or exchange three or more new or
1624 used motor vehicles or off-highway vehicles in any 12-month period.

1625 (b) "Dealer" includes a representative or consignee of any dealer.

1626 [~~(10)~~] (9) "Direct-sale manufacturer" means a person:

1627 (a) that is both a manufacturer and a dealer;

1628 (b) that, in this state, sells, displays for sale, or offers for sale or exchange only new
1629 motor vehicles of the person's own line-make that are:

1630 (i) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another
1631 non-fossil fuel source;

1632 (ii) (A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less;

1633 or

1634 (B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and

1635 (iii) manufactured by the person;

1636 (c) that is not a franchise holder;

1637 (d) that is domiciled in the United States; and

1638 (e) whose chief officers direct, control, and coordinate the person's activities as a
1639 direct-sale manufacturer from a physical location in the United States.

1640 [~~(11)~~] (10) "Direct-sale manufacturer salesperson" means an individual who for a
1641 salary, commission, or compensation of any kind, is employed either directly, indirectly,

1642 regularly, or occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to
1643 negotiate for the sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale
1644 manufacturer who employs the individual.

1645 ~~[(12)]~~ (11) (a) "Dismantler" means a person engaged in the business of dismantling
1646 motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the
1647 resale of parts or for salvage.

1648 (b) "Dismantler" includes a person who dismantles three or more motor vehicles in any
1649 12-month period.

1650 ~~[(13)]~~ (12) "Distributor" means a person who has a franchise from a manufacturer of
1651 motor vehicles to distribute motor vehicles within this state and who in whole or in part sells or
1652 distributes new motor vehicles to dealers or who maintains distributor representatives.

1653 ~~[(14)]~~ (13) "Distributor branch" means a branch office similarly maintained by a
1654 distributor for the same purposes a factory branch is maintained.

1655 ~~[(15)]~~ (14) "Distributor representative" means a person and each officer and employee
1656 of the person engaged as a representative of a distributor or distributor branch of motor
1657 vehicles to make or promote the sale of the distributor or the distributor branch's motor
1658 vehicles, or for supervising or contacting dealers or prospective dealers of the distributor or the
1659 distributor branch.

1660 ~~[(16)]~~ (15) "Division" means the Motor Vehicle Enforcement Division created in
1661 Section 41-3-104.

1662 ~~[(17)]~~ (16) "Factory branch" means a branch office maintained by a person who
1663 manufactures or assembles motor vehicles for sale to distributors, motor vehicle dealers, or
1664 who directs or supervises the factory branch's representatives.

1665 ~~[(18)]~~ (17) "Factory representative" means a person and each officer and employee of
1666 the person engaged as a representative of a manufacturer of motor vehicles or by a factory
1667 branch to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or
1668 for supervising or contacting the dealers or prospective dealers of the manufacturer or the
1669 factory branch.

1670 ~~[(19)]~~ (18) "Franchise" means a contract or agreement between a dealer and a
1671 manufacturer of new motor vehicles or a manufacturer's distributor or factory branch by which
1672 the dealer is authorized to sell any specified make or makes of new motor vehicles.

- 1673 ~~[(20)]~~ (19) (a) "Franchise holder" means a manufacturer who:
- 1674 (i) previously had a franchised dealer in the United States;
- 1675 (ii) currently has a franchised dealer in the United States;
- 1676 (iii) is a successor to another manufacturer who previously had or currently has a
- 1677 franchised dealer in the United States;
- 1678 (iv) is a material owner of another manufacturer who previously had or currently has a
- 1679 franchised dealer in the United States;
- 1680 (v) is under legal or common ownership, or practical control, with another
- 1681 manufacturer who previously had or currently has a franchised dealer in the United States; or
- 1682 (vi) is in a partnership, joint venture, or similar arrangement for production of a
- 1683 commonly owned line-make with another manufacturer who previously had or currently has a
- 1684 franchised dealer in the United States.
- 1685 (b) "Franchise holder" does not include a manufacturer described in Subsection ~~[(20)]~~
- 1686 (19)(a), if at all times during the franchised dealer's existence, the manufacturer had legal or
- 1687 practical common ownership or common control with the franchised dealer.
- 1688 ~~[(21)]~~ (20) "Line-make" means motor vehicles that are offered for sale, lease, or
- 1689 distribution under a common name, trademark, service mark, or brand name of the
- 1690 manufacturer.
- 1691 ~~[(22)]~~ (21) "Manufacturer" means a person engaged in the business of constructing or
- 1692 assembling new motor vehicles, ownership of which is customarily transferred by a
- 1693 manufacturer's statement or certificate of origin, or a person who constructs three or more new
- 1694 motor vehicles in any 12-month period.
- 1695 ~~[(23)]~~ (22) "Material owner" means a person who possesses, directly or indirectly, the
- 1696 power to direct, or cause the direction of, the management, policies, or activities of another
- 1697 person:
- 1698 (a) through ownership of voting securities;
- 1699 (b) by contract or credit arrangement; or
- 1700 (c) in another way not described in Subsections ~~[(23)]~~ (22)(a) and (b).
- 1701 ~~[(24)]~~ (23) (a) "Motor vehicle" means a vehicle that is:
- 1702 (i) self-propelled;
- 1703 (ii) a trailer, travel trailer, or semitrailer; or

- 1704 (iii) an off-highway vehicle or small trailer.
- 1705 (b) "Motor vehicle" does not include:
- 1706 (i) mobile homes as defined in Section 41-1a-102;
- 1707 (ii) trailers of 750 pounds or less unladen weight;
- 1708 (iii) farm tractors and other machines and tools used in the production, harvesting, and
- 1709 care of farm products; and
- 1710 (iv) park model recreational vehicles as defined in Section 41-1a-102.
- 1711 [~~(25)~~] (24) "Motorcycle" has the same meaning as defined in Section 41-1a-102.
- 1712 [~~(26)~~] (25) "New motor vehicle" means a motor vehicle that:
- 1713 (a) has never been titled or registered; and
- 1714 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
- 1715 less than 7,500 miles.
- 1716 [~~(27)~~] (26) "Off-highway vehicle" has the same meaning as provided in Section
- 1717 41-22-2.
- 1718 [~~(28)~~] (27) "Pawnbroker" means a person whose business is to lend money on security
- 1719 of personal property deposited with [~~him~~] the person.
- 1720 [~~(29)~~] (28) (a) "Principal place of business" means a site or location in this state:
- 1721 (i) devoted exclusively to the business for which the dealer, manufacturer,
- 1722 remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses
- 1723 incidental to them;
- 1724 (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely
- 1725 indicate the boundary and to admit a definite description with space adequate to permit the
- 1726 display of three or more new, or new and used, or used motor vehicles and sufficient parking
- 1727 for the public; and
- 1728 (iii) that includes a permanent enclosed building or structure large enough to
- 1729 accommodate the office of the establishment and to provide a safe place to keep the books and
- 1730 other records of the business, at which the principal portion of the business is conducted and
- 1731 the books and records kept and maintained.
- 1732 (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the
- 1733 direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection
- 1734 [~~(29)~~] (28)(a).

1735 ~~(30)~~ (29) "Remanufacturer" means a person who reconstructs used motor vehicles
1736 subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to change the body style
1737 and appearance of the motor vehicle or who constructs or assembles motor vehicles from used
1738 or new and used motor vehicle parts, or who reconstructs, constructs, or assembles three or
1739 more motor vehicles in any 12-month period.

1740 ~~(31)~~ (30) "Salesperson" means an individual who for a salary, commission, or
1741 compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by
1742 any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to
1743 negotiate for the sale, purchase, or exchange of motor vehicles.

1744 ~~(32)~~ (31) "Semitrailer" has the same meaning as defined in Section 41-1a-102.

1745 ~~(33)~~ (32) "Showroom" means a site or location in the state that a direct-sale
1746 manufacturer uses for the direct-sale manufacturer's business, including the display and
1747 demonstration of new motor vehicles that are exclusively of the same line-make that the
1748 direct-sale manufacturer manufactures.

1749 ~~(34)~~ (33) "Small trailer" means a trailer that has an unladen weight of more than 750
1750 pounds, but less than 2,000 pounds.

1751 ~~(35)~~ (34) "Special equipment" includes a truck mounted crane, cherry picker, material
1752 lift, post hole digger, and a utility or service body.

1753 ~~(36)~~ (35) "Special equipment dealer" means a new or new and used motor vehicle
1754 dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle
1755 weight of 12,000 or more pounds and installing special equipment on the incomplete motor
1756 vehicle.

1757 ~~(37)~~ (36) "Trailer" has the same meaning as defined in Section 41-1a-102.

1758 ~~(38)~~ (37) "Transporter" means a person engaged in the business of transporting motor
1759 vehicles as described in Section 41-3-202.

1760 ~~(39)~~ (38) "Travel trailer" has the same meaning as provided in Section 41-1a-102.

1761 ~~(40)~~ (39) "Used motor vehicle" means a vehicle that:

1762 (a) has been titled and registered to a purchaser other than a dealer; or

1763 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
1764 7,500 or more miles.

1765 ~~(41)~~ (40) "Wholesale motor vehicle auction" means a dealer primarily engaged in the

1766 business of auctioning consigned motor vehicles to dealers or dismantlers who are licensed by
1767 this or any other jurisdiction.

1768 Section 35. Section **41-3-103** is amended to read:

1769 **41-3-103. Exceptions to "dealer" definition -- Dealer licensed in other state --**
1770 **Direct-sale manufacturer -- Direct-sale manufacturer salesperson.**

1771 Under this chapter:

1772 (1) (a) An insurance company, bank, finance company, company registered as a title
1773 lender under Title 7, Chapter 24, Title Lending Registration Act, company registered as a check
1774 casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and Deferred
1775 Deposit Lending Registration Act, public utility company, commission impound yard, federal
1776 or state governmental agency, or any political subdivision of any of them or any other person
1777 coming into possession of a motor vehicle as an incident to its regular business, that sells the
1778 motor vehicle under contractual rights that it may have in the motor vehicle is not considered a
1779 dealer.

1780 (b) A person who sells or exchanges only those motor vehicles that the person has
1781 owned for over 12 months is not considered a dealer.

1782 (2) (a) A person engaged in leasing motor vehicles is not considered as coming into
1783 possession of the motor vehicles incident to the person's regular business.

1784 (b) A pawnbroker engaged in selling, exchanging, or pawning motor vehicles is
1785 considered as coming into possession of the motor vehicles incident to the person's regular
1786 business and must be licensed as a used motor vehicle dealer.

1787 (3) A person currently licensed as a dealer or salesperson by another state or country
1788 and not currently under license suspension or revocation by the administrator may only sell
1789 motor vehicles in this state to licensed dealers, dismantlers, or manufacturers, and only at their
1790 places of business.

1791 (4) Except as otherwise expressly provided:

1792 (a) a direct-sale manufacturer is subject to the same provisions under this chapter as a
1793 new motor vehicle dealer; and

1794 (b) a direct-sale manufacturer salesperson is subject to the same provisions under this
1795 chapter as a salesperson.

1796 (5) Notwithstanding any provision of this chapter to the contrary, a direct-sale

1797 manufacturer:

1798 (a) may sell, display for sale, or offer for sale or exchange a motor vehicle described in
1799 Subsection 41-3-102~~[(10)]~~(9)(b) without a franchise; and

1800 (b) may not sell, display for sale, or offer for sale or exchange a new motor vehicle that
1801 is not of the same line-make the direct-sale manufacturer manufactures.

1802 Section 36. Section **41-3-105** is amended to read:

1803 **41-3-105. Administrator's powers and duties -- Administrator and investigators**
1804 **to be law enforcement officers.**

1805 (1) The administrator may make rules to carry out the purposes of this chapter and
1806 Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title
1807 63G, Chapter 3, Utah Administrative Rulemaking Act.

1808 (2) (a) The administrator may employ clerks, deputies, and assistants necessary to
1809 discharge the duties under this chapter and may designate the duties of those clerks, deputies,
1810 and assistants.

1811 (b) The administrator, assistant administrator, and all investigators shall be law
1812 enforcement officers certified by peace officer standards and training as required by Section
1813 53-13-103.

1814 (3) (a) The administrator may investigate any suspected or alleged violation of:

1815 (i) this chapter;

1816 (ii) Title 41, Chapter 1a, Motor Vehicle Act;

1817 (iii) any law concerning motor vehicle fraud; or

1818 (iv) any rule made by the administrator.

1819 (b) The administrator may bring an action in the name of the state against any person to
1820 enjoin a violation found under Subsection (3)(a).

1821 (4) (a) The administrator may prescribe forms to be used for applications for licenses.

1822 (b) The administrator may require information from the applicant concerning the
1823 applicant's fitness to be licensed.

1824 (c) Each application for a license shall contain:

1825 (i) if the applicant is an individual, the name and residence address of the applicant and
1826 the trade name, if any, under which the applicant intends to conduct business;

1827 (ii) if the applicant is a partnership, the name and residence address of each partner,

1828 whether limited or general, and the name under which the partnership business will be
1829 conducted;

1830 (iii) if the applicant is a corporation, the name of the corporation, and the name and
1831 residence address of each of its principal officers and directors;

1832 (iv) a complete description of the principal place of business, including:

1833 (A) the municipality, with the street and number, if any;

1834 (B) if located outside of any municipality, a general description so that the location can
1835 be determined; and

1836 (C) any other places of business operated and maintained by the applicant in
1837 conjunction with the principal place of business;

1838 (v) if the application is for a new motor vehicle dealer's license, the name of each
1839 motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of
1840 the manufacturer or distributor who has enfranchised the applicant, and the name and address
1841 of each individual who will act as a salesperson under authority of the license;

1842 (vi) at least five years of business history;

1843 (vii) the federal tax identification number issued to the dealer;

1844 (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter
1845 12, Sales and Use Tax Act; and

1846 (ix) if the application is for a direct-sale manufacturer's license:

1847 (A) the name of each line-make the applicant will sell, display for sale, or offer for sale
1848 or exchange;

1849 (B) the name and address of each individual who will act as a direct-sale manufacturer
1850 salesperson under authority of the license;

1851 (C) a complete description of the direct-sale manufacturer's authorized service center,
1852 including the address and any other place of business the applicant operates and maintains in
1853 conjunction with the authorized service center;

1854 (D) a sworn statement that the applicant complies with each qualification for a
1855 direct-sale manufacturer under this chapter;

1856 (E) a sworn statement that if at any time the applicant fails to comply with a
1857 qualification for a direct-sale manufacturer under this chapter, the applicant will inform the
1858 division in writing within 10 business days after the day on which the noncompliance occurs;

1859 and

1860 (F) an acknowledgment that if the applicant fails to comply with a qualification for a
1861 direct-sale manufacturer under this chapter, the administrator will deny, suspend, or revoke the
1862 applicant's direct-sale manufacturer license in accordance with Section 41-3-209.

1863 (5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement
1864 Administrator, State of Utah," to authenticate the acts of the administrator's office.

1865 (6) (a) The administrator may require that a licensee erect or post signs or devices on
1866 the licensee's principal place of business and any other sites, equipment, or locations operated
1867 and maintained by the licensee in conjunction with the licensee's business.

1868 (b) The signs or devices shall state the licensee's name, principal place of business,
1869 type and number of licenses, and any other information that the administrator considers
1870 necessary to identify the licensee.

1871 (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah
1872 Administrative Rulemaking Act, determining allowable size and shape of signs or devices,
1873 lettering and other details of signs or devices, and location of signs or devices.

1874 ~~[(7) (a) The administrator shall provide for quarterly meetings of the advisory board
1875 and may call special meetings.]~~

1876 ~~[(b) Notices of all meetings shall be sent to each member not fewer than five days
1877 before the meeting.]~~

1878 ~~[(8)]~~ (7) The administrator, the officers and inspectors of the division designated by the
1879 commission, and peace officers shall:

1880 (a) make arrests upon view and without warrant for any violation committed in their
1881 presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;

1882 (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is
1883 being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require
1884 the driver of the vehicle to stop, exhibit the person's driver license and the registration card
1885 issued for the vehicle, and submit to an inspection of the vehicle, the license plates, and
1886 registration card;

1887 (c) serve all warrants relating to the enforcement of the laws regulating the operation of
1888 motor vehicles, trailers, and semitrailers;

1889 (d) investigate traffic accidents and secure testimony of any witnesses or persons

1890 involved; and

1891 (e) investigate reported thefts of motor vehicles, trailers, and semitrailers.

1892 ~~[(9)]~~ (8) The administrator may contract with a public prosecutor to provide additional
1893 prosecution of this chapter.

1894 Section 37. Section **41-3-107** is amended to read:

1895 **41-3-107. Attorney general -- Duty to render opinions and to represent or appear**
1896 **for administrator or board.**

1897 The attorney general shall:

1898 (1) represent the administrator[;] and the division[~~, and the board~~];

1899 (2) give opinions on all questions of law relating to the interpretation of this chapter or
1900 arising out of the administration of this chapter; and

1901 (3) appear on behalf of the administrator[;] or the division[~~, or the board~~] in all actions
1902 brought by or against the administrator[;] or the division, [~~or board~~,] whether under the
1903 provisions of this chapter or otherwise.

1904 Section 38. Section **41-3-109** is amended to read:

1905 **41-3-109. Adjudicative proceedings -- Hearings.**

1906 ~~[(1)]~~ The commission, the division, [~~the board~~,] and the administrator shall comply
1907 with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act,
1908 in all adjudicative proceedings conducted under the authority of this chapter and Sections
1909 41-1a-1001 through 41-1a-1008.

1910 ~~[(2) The administrator may request the attendance of the board at any hearing, or the~~
1911 ~~administrator may direct that any hearing be held before the board.]~~

1912 Section 39. Section **53B-1-301** is amended to read:

1913 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
1914 **Subcommittee.**

1915 (1) In accordance with applicable provisions and Section 68-3-14, the following
1916 recurring reports are due to the Higher Education Appropriations Subcommittee:

1917 (a) the reports described in Sections 34A-2-202.5, 53B-17-804, and 59-9-102.5 by the
1918 Rocky Mountain Center for Occupational and Environmental Health;

1919 (b) the report described in Section 53B-7-101 by the board on recommended
1920 appropriations for higher education institutions, including the report described in Section

1921 53B-8-104 by the board on the effects of offering nonresident partial tuition scholarships;
1922 (c) the report described in Section 53B-7-704 by the Department of Workforce
1923 Services and the Governor's Office of Economic Development on targeted jobs;
1924 (d) the reports described in Section 53B-7-705 by the board and the Utah System of
1925 Technical Colleges Board of Trustees, respectively, on performance;
1926 (e) the report described in Section 53B-8-201 by the board on the Regents' Scholarship
1927 Program;
1928 (f) the report described in Section 53B-8-303 by the State Board of Regents regarding
1929 Access Utah promise scholarships;
1930 (g) the report described in Section 53B-8d-104 by the Division of Child and Family
1931 Services on tuition waivers for wards of the state;
1932 (h) the report described in Section 53B-12-107 by the Utah Higher Education
1933 Assistance Authority;
1934 (i) the report described in Section 53B-13a-104 by the board on the Success Stipend
1935 Program;
1936 (j) the report described in Section 53B-17-201 by the University of Utah regarding the
1937 Miners' Hospital for Disabled Miners;
1938 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic
1939 Development on high demand technical jobs projected to support economic growth;
1940 (l) the report described in Section 53B-26-202 by the Medical Education Council on
1941 projected demand for nursing professionals; and
1942 (m) the report described in Section 53E-10-308 by the State Board of Education and
1943 State Board of Regents on student participation in the concurrent enrollment program.
1944 (2) In accordance with applicable provisions and Section 68-3-14, the following
1945 occasional reports are due to the Higher Education Appropriations Subcommittee:
1946 (a) upon request, the information described in Section 53B-8a-111 submitted by the
1947 Utah Educational Savings Plan;
1948 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to
1949 workforce needs for technical jobs projected to support economic growth; and
1950 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to
1951 projected demand for nursing professionals[~~and~~].

1952 ~~[(d) the reports described in Section 63C-19-202 by the Higher Education Strategic~~
1953 ~~Planning Commission on the commission's progress.]~~

1954 (3) In accordance with applicable provisions, the Higher Education Appropriations
1955 Subcommittee shall complete the following:

1956 (a) as required by Section 53B-7-703, the review of performance funding described in
1957 Section 53B-7-703;

1958 (b) the review described in Section 53B-7-705 of the implementation of performance
1959 funding;

1960 (c) an appropriation recommendation described in Section 53B-26-103 to fund a
1961 proposal responding to workforce needs of a strategic industry cluster;

1962 (d) an appropriation recommendation described in Section 53B-26-202 to fund a
1963 proposal responding to projected demand for nursing professionals; and

1964 (e) review of the report described in Section 63B-10-301 by the University of Utah on
1965 the status of a bond and bond payments specified in Section 63B-10-301.

1966 Section 40. Section **53E-1-201** is amended to read:

1967 **53E-1-201. Reports to and action required of the Education Interim Committee.**

1968 (1) In accordance with applicable provisions and Section 68-3-14, the following
1969 recurring reports are due to the Education Interim Committee:

1970 (a) the prioritized list of data research described in Section 35A-14-302 and the report
1971 on research described in Section 35A-14-304 by the Utah Data Research Center;

1972 (b) the report described in Section 35A-15-303 by the State Board of Education on
1973 preschool programs;

1974 (c) the report described in Section 53B-1-103 by the State Board of Regents on career
1975 and technical education issues and addressing workforce needs;

1976 (d) the report described in Section 53B-1-107 by the State Board of Regents on the
1977 activities of the State Board of Regents;

1978 (e) the report described in Section 53B-2a-104 by the Utah System of Technical
1979 Colleges Board of Trustees on career and technical education issues;

1980 (f) the reports described in Section 53B-28-401 by the State Board of Regents and the
1981 Utah System of Technical Colleges Board of Trustees regarding activities related to campus
1982 safety;

- 1983 (g) the State Superintendent's Annual Report by the state board described in Section
1984 53E-1-203;
- 1985 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
1986 plan to improve student outcomes;
- 1987 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
1988 the Deaf and the Blind;
- 1989 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
1990 Actionable, and Dynamic Education director on research and other activities;
- 1991 (k) the report described in Section 53F-4-203 by the state board and the independent
1992 evaluator on an evaluation of early interactive reading software;
- 1993 (l) the report described in Section 53F-4-407 by the state board on UPSTART;
- 1994 (m) the report described in Section 53F-5-405 by an independent evaluator of a
1995 partnership that receives a grant to improve educational outcomes for students who are low
1996 income; and
- 1997 (n) the report described in Section 63N-12-208 by the STEM Action Center Board,
1998 including the information described in Section 63N-12-213 on the status of the computer
1999 science initiative and Section 63N-12-214 on the Computing Partnerships Grants Program.
- 2000 (2) In accordance with applicable provisions and Section 68-3-14, the following
2001 occasional reports are due to the Education Interim Committee:
- 2002 (a) the report described in Section 35A-15-303 by the School Readiness Board by
2003 November 30, 2020, on benchmarks for certain preschool programs;
- 2004 (b) the report described in Section 53E-3-519 by the state board regarding counseling
2005 services in schools;
- 2006 (c) the reports described in Section 53E-3-520 by the state board regarding cost centers
2007 and implementing activity based costing;
- 2008 (d) if required, the report described in Section 53E-4-309 by the state board explaining
2009 the reasons for changing the grade level specification for the administration of specific
2010 assessments;
- 2011 (e) if required, the report described in Section 53E-5-210 by the state board of an
2012 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
- 2013 (f) the report described in Section 53E-10-702 by Utah Leading through Effective,

2014 Actionable, and Dynamic Education;

2015 (g) the report described in Section 53F-2-502 by the state board on the program
2016 evaluation of the dual language immersion program;

2017 (h) if required, the report described in Section 53F-2-513 by the state board evaluating
2018 the effects of salary bonuses on the recruitment and retention of effective teachers in high
2019 poverty schools;

2020 (i) upon request, the report described in Section 53F-5-207 by the state board on the
2021 Intergenerational Poverty Intervention Grants Program;

2022 (j) the report described in Section 53F-5-210 by the state board on the Educational
2023 Improvement Opportunities Outside of the Regular School Day Grant Program;

2024 (k) the reports described in Section 53G-11-304 by the state board regarding proposed
2025 rules and results related to educator exit surveys;

2026 (l) upon request, the report described in Section 53G-11-505 by the state board on
2027 progress in implementing employee evaluations; and

2028 (m) the report described in Section 62A-15-117 by the Division of Substance Abuse
2029 and Mental Health, the State Board of Education, and the Department of Health regarding
2030 recommendations related to Medicaid reimbursement for school-based health services[~~;~~ and].

2031 [~~(n) the reports described in Section 63C-19-202 by the Higher Education Strategic
2032 Planning Commission.~~]

2033 (3) In accordance with Section 53B-7-705, the Education Interim Committee shall
2034 complete the review of the implementation of performance funding.

2035 Section 41. Section **53F-9-203** is amended to read:

2036 **53F-9-203. Charter School Revolving Account.**

2037 (1) (a) The terms defined in Section 53G-5-102 apply to this section.

2038 (b) As used in this section, "account" means the Charter School Revolving Account.

2039 (2) (a) There is created within the Uniform School Fund a restricted account known as
2040 the "Charter School Revolving Account" to provide assistance to charter schools to:

2041 (i) meet school building construction and renovation needs; and

2042 (ii) pay for expenses related to the start up of a new charter school or the expansion of
2043 an existing charter school.

2044 (b) The state board, in consultation with the State Charter School Board, shall

2045 administer the Charter School Revolving Account in accordance with rules adopted by the state
2046 board.

2047 (3) The Charter School Revolving Account shall consist of:

2048 (a) money appropriated to the account by the Legislature;

2049 (b) money received from the repayment of loans made from the account; and

2050 (c) interest earned on money in the account.

2051 (4) The state superintendent shall make loans to charter schools from the account to
2052 pay for the costs of:

2053 (a) planning expenses;

2054 (b) constructing or renovating charter school buildings;

2055 (c) equipment and supplies; or

2056 (d) other start-up or expansion expenses.

2057 (5) Loans to new charter schools or charter schools with urgent facility needs may be
2058 given priority.

2059 (6) ~~[(a)]~~ The state board shall ~~[establish a committee to]:~~

2060 ~~[(+)]~~ (a) except as provided in Subsection (7)(a), review requests by charter schools for
2061 loans under this section; and

2062 ~~[(ii)]~~ ~~make recommendations regarding approval or disapproval of the loan applications~~
2063 ~~to the State Charter School Board and the state board.]~~

2064 (b) in consultation with the State Charter School Board, approve or reject each request.

2065 (7) (a) The state board may establish a committee to:

2066 (i) review requests under Subsection (6)(a); and

2067 (ii) make recommendations to the state board and the State Charter School Board
2068 regarding the approval or rejection of a request.

2069 (b) (i) A committee established under Subsection ~~[(6)]~~ (7)(a) shall include individuals
2070 who have expertise or experience in finance, real estate, or charter school administration.

2071 (ii) Of the members appointed to a committee established under Subsection ~~[(6)]~~

2072 (7)(a):

2073 (A) one member shall be nominated by the governor; and

2074 (B) the remaining members shall be selected from a list of nominees submitted by the
2075 State Charter School Board.

2076 (c) If the committee recommends approval of a loan application under Subsection [~~(6)~~
2077 ~~(7)~~(a)(ii), the committee's recommendation shall include:

2078 (i) the recommended amount of the loan;

2079 (ii) the payback schedule; and

2080 (iii) the interest rate to be charged.

2081 (d) A committee member may not:

2082 (i) be a relative, as defined in Section 53G-5-409, of a loan applicant; or

2083 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person

2084 or entity that contracts with a loan applicant.

2085 [~~(7)~~] ~~(8)~~ A loan under this section may not be made unless the state board, in
2086 consultation with the State Charter School Board, approves the loan.

2087 [~~(8)~~] ~~(9)~~ The term of a loan to a charter school under this section may not exceed five
2088 years.

2089 [~~(9)~~] ~~(10)~~ The state board may not approve loans to charter schools under this section
2090 that exceed a total of \$2,000,000 in any fiscal year.

2091 [~~(10)~~] ~~(11)~~ (a) On March 16, 2011, the assets of the Charter School Building
2092 Subaccount administered by the state board shall be deposited into the Charter School
2093 Revolving Account.

2094 (b) Beginning on March 16, 2011, loan payments for loans made from the Charter
2095 School Building Subaccount shall be deposited into the Charter School Revolving Account.

2096 Section 42. Section **54-10a-202** is amended to read:

2097 **54-10a-202. Committee of Consumer Services.**

2098 (1) (a) There is created within the office a committee known as the "Committee of
2099 Consumer Services."

2100 (b) A member of the committee shall maintain the member's principal residence within
2101 Utah.

2102 (2) (a) The governor shall appoint [~~nine~~] five members to the committee subject to
2103 Subsection (3).

2104 (b) Except as required by Subsection (2)(c), as terms of current committee members
2105 expire, the governor shall appoint a new member or reappointed member to a four-year term.

2106 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the

2107 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
 2108 committee members are staggered so that approximately half of the committee is appointed
 2109 every two years.

2110 (d) When a vacancy occurs in the membership for any reason, the governor shall
 2111 appoint a replacement for the unexpired term.

2112 (3) Members of the committee shall represent the following geographic and consumer
 2113 interests:

2114 ~~[(a) one member shall be from Salt Lake City, Provo, or Ogden;]~~

2115 ~~[(b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;]~~

2116 ~~[(c) one member shall be from an unincorporated area of the state;]~~

2117 ~~[(d)]~~ (a) one member shall be ~~[a low-income resident]~~ an individual with experience
 2118 and understanding of issues affecting low-income residents;

2119 ~~[(e)]~~ (b) one member shall be a retired person;

2120 ~~[(f)]~~ (c) one member shall be ~~[a small commercial consumer]~~ an individual with
 2121 experience and understanding of issues affecting small commercial consumers;

2122 ~~[(g)]~~ (d) one member shall be a farmer or rancher who uses electric power to pump
 2123 water in the member's farming or ranching operation; and

2124 ~~[(h)]~~ (e) one member shall be a residential consumer~~[-and]~~.

2125 ~~[(i) one member shall be appointed to provide geographic diversity on the committee to~~
 2126 ~~ensure to the extent possible that all areas of the state are represented.]~~

2127 (4) (a) No more than ~~[five]~~ three members of the committee ~~[shall]~~ may be from the
 2128 same political party.

2129 (b) Subject to Subsection (3), for a member of the committee appointed on or after
 2130 May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or
 2131 experience in:

2132 (i) public utility matters related to consumers;

2133 (ii) economics;

2134 (iii) accounting;

2135 (iv) financing;

2136 (v) engineering; or

2137 (vi) public utilities law.

2138 (5) The governor shall designate one member as chair of the committee.
2139 (6) A member may not receive compensation or benefits for the member's service, but

2140 may receive per diem and travel expenses in accordance with:

2141 (a) Section 63A-3-106;

2142 (b) Section 63A-3-107; and

2143 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2144 63A-3-107.

2145 (7) (a) The committee may hold monthly meetings.

2146 (b) The committee may hold other meetings, at the times and places the chair and a
2147 majority of the committee determine.

2148 (8) (a) [~~Five~~] Three members of the committee constitute a quorum of the committee.

2149 (b) A majority of members voting when a quorum is present constitutes an action of
2150 the committee.

2151 Section 43. Section ~~58-46a-102~~ is amended to read:

2152 **~~58-46a-102. Definitions.~~**

2153 In addition to the definitions in Section 58-1-102, as used in this chapter:

2154 [~~(1) "Board" means the Hearing Instrument Specialist Licensing Board created in~~
2155 ~~Section 58-46a-201.]~~

2156 [~~(2)~~] (1) "Direct supervision" means that the supervising hearing instrument specialist
2157 is present in the same facility as is the person being supervised and is available for immediate
2158 in person consultation.

2159 [~~(3)~~] (2) "Hearing instrument" or "hearing aid" means any device designed or offered to
2160 be worn on or by an individual to enhance human hearing, including the device's specialized
2161 parts, attachments, or accessories.

2162 [~~(4)~~] (3) "Hearing instrument intern" means a person licensed under this chapter who is
2163 obtaining education and experience in the practice of a hearing instrument specialist under the
2164 supervision of a supervising hearing instrument specialist.

2165 [~~(5)~~] (4) "Indirect supervision" means that the supervising hearing instrument specialist
2166 is not required to be present in the same facility as is the person being supervised, but is
2167 available for voice to voice contact by telephone, radio, or other means at the initiation of the
2168 person being supervised.

2169 [(6)] (5) "Practice of a hearing instrument specialist" means:

2170 (a) establishing a place of business to practice as a hearing instrument specialist;

2171 (b) testing the hearing of a human patient over the age of 17 for the sole purpose of

2172 determining whether a hearing loss will be sufficiently improved by the use of a hearing

2173 instrument to justify prescribing and selling the hearing instrument and whether that hearing

2174 instrument will be in the best interest of the patient;

2175 (c) providing the patient a written statement of prognosis regarding the need for or

2176 usefulness of a hearing instrument for the patient's condition;

2177 (d) prescribing an appropriate hearing instrument;

2178 (e) making impressions or earmolds for the fitting of a hearing instrument;

2179 (f) sale and professional placement of the hearing instrument on a patient;

2180 (g) evaluating the hearing loss overcome by the installation of the hearing instrument

2181 and evaluating the hearing recovery against the representations made to the patient by the

2182 hearing instrument specialist;

2183 (h) necessary intervention to produce satisfactory hearing recovery results from a

2184 hearing instrument; or

2185 (i) instructing the patient on the use and care of the hearing instrument.

2186 [(7)] (6) "Supervising hearing instrument specialist" means a hearing instrument

2187 specialist who:

2188 (a) is licensed by and in good standing with the division;

2189 (b) has practiced full-time as a hearing instrument specialist for not less than two years;

2190 and

2191 (c) is approved as a supervisor by the division [~~in collaboration with the board~~].

2192 [(8)] (7) "Unlawful conduct" means the same as that term is defined in Section

2193 58-1-501.

2194 [(9)] (8) "Unprofessional conduct" means the same as that term is defined in Sections

2195 58-1-501 and 58-46a-501.

2196 Section 44. Section **58-46a-302** is amended to read:

2197 **58-46a-302. Qualifications for licensure.**

2198 (1) Each applicant for licensure as a hearing instrument specialist shall:

2199 (a) submit to the division an application in a form prescribed by the division;

- 2200 (b) pay a fee as determined by the division pursuant to Section 63J-1-504;
- 2201 (c) be of good moral character;
- 2202 (d) have qualified for and currently hold board certification by the National Board for
2203 Certification - Hearing Instrument Sciences, or an equivalent certification approved by the
2204 division [~~in collaboration with the board~~];
- 2205 (e) have passed the Utah Law and Rules Examination for Hearing Instrument
2206 Specialists; and
- 2207 (f) if the applicant holds a hearing instrument intern license, surrender the hearing
2208 instrument intern license at the time of licensure as a hearing instrument specialist.
- 2209 (2) Each applicant for licensure as a hearing instrument intern shall:
- 2210 (a) submit to the division an application in a form prescribed by the division;
- 2211 (b) pay a fee as determined by the division pursuant to Section 63J-1-504;
- 2212 (c) be of good moral character;
- 2213 (d) have passed the Utah Law and Rules Examination for Hearing Instrument
2214 Specialists; and
- 2215 (e) present evidence acceptable to the division [~~and the board~~] that the applicant, when
2216 licensed, will practice as a hearing instrument intern only under the supervision of a
2217 supervising hearing instrument specialist in accordance with:
- 2218 (i) Section 58-46a-302.5; and
- 2219 (ii) the supervision requirements for obtaining board certification by the National
2220 Board for Certification - Hearing Instrument Sciences, or an equivalent certification approved
2221 by the division [~~in collaboration with the board~~].
- 2222 Section 45. Section **58-46a-302.5** is amended to read:
- 2223 **58-46a-302.5. Supervision requirements -- Hearing instrument interns.**
- 2224 (1) A hearing instrument intern shall practice as a hearing instrument intern only under
2225 the direct supervision of a licensed hearing instrument specialist, until the intern:
- 2226 (a) receives a passing score on a practical examination demonstrating acceptable skills
2227 in the area of hearing testing as approved by the division [~~in collaboration with the board~~]; and
- 2228 (b) completes the National Institute for Hearing instrument studies education and
2229 examination program, or an equivalent college level program as approved by the division [~~in
2230 collaboration with the board~~].

2231 (2) Upon satisfaction of the direct supervision requirement of Subsection (1) the intern
2232 shall:

2233 (a) practice as a hearing instrument intern only under the indirect supervision of a
2234 licensed hearing instrument specialist; and

2235 (b) receive a passing score on the International Licensing Examination of the hearing
2236 instrument dispenser or other tests approved by the division prior to applying for licensure as a
2237 hearing instrument specialist.

2238 Section 46. Section **58-46a-303** is amended to read:

2239 **58-46a-303. Term of license -- Expiration -- Renewal of specialist license --**
2240 **Limitation on renewal of intern license.**

2241 (1) The division shall issue each license for a hearing instrument specialist in
2242 accordance with a two-year renewal cycle established by rule. The division may by rule extend
2243 or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

2244 (2) Each license as a hearing instrument intern shall be issued for a term of three years
2245 and may not be renewed.

2246 (3) At the time of renewal, the licensed hearing instrument specialist shall demonstrate
2247 satisfactory evidence of each of the following:

2248 (a) current certification by the National Board for Certification Hearing Instrument
2249 Sciences, or other acceptable certification approved by the division [~~in collaboration with the~~
2250 ~~board~~];

2251 (b) calibration of all appropriate technical instruments used in practice; and

2252 (c) completion of continuing professional education required in Section 58-46a-304.

2253 (4) Each license automatically expires on the expiration date shown on the license
2254 unless renewed by the licensee in accordance with the provisions of Section 58-1-308, or
2255 unless surrendered in accordance with the provisions of Section 58-1-306.

2256 Section 47. Section **58-46a-501** is amended to read:

2257 **58-46a-501. Unprofessional conduct.**

2258 "Unprofessional conduct" includes:

2259 (1) testing the hearing of a patient for any purpose other than to determine whether a
2260 hearing loss will be improved by the use of a hearing instrument;

2261 (2) failing to make an appropriate referral to a qualified health care provider with

- 2262 respect to a condition detected in a patient examined by a licensee under this chapter if the
2263 condition is generally recognized in the profession as one that should be referred;
- 2264 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently
2265 improved to justify prescribing and selling of the hearing instrument;
- 2266 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect
2267 to practice under this chapter and specifically with respect to the benefits of a hearing
2268 instrument or the degree to which a hearing instrument will benefit a patient;
- 2269 (5) failing to exercise caution in providing a patient a prognosis to assure the patient is
2270 not led to expect results that cannot be accurately predicted;
- 2271 (6) failing to provide appropriate follow-up care and consultation with respect to a
2272 patient to whom a hearing instrument has been prescribed and sold upon being informed by the
2273 patient that the hearing instrument does not produce the results represented by the licensee;
- 2274 (7) failing to disclose in writing to the patient the charge for all services and hearing
2275 instruments prescribed and sold to a patient prior to providing the services or hearing
2276 instrument;
- 2277 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories,
2278 upon a determination by the division [~~in collaboration with the board~~] that the patient has not
2279 obtained the recovery of hearing represented by the licensee in writing prior to designation and
2280 sale of the hearing instrument;
- 2281 (9) paying any professional person any consideration of any kind for referral of a
2282 patient;
- 2283 (10) failing, when acting as a supervising hearing instrument specialist, to provide
2284 supervision and training in hearing instrument sciences in accordance with Section
2285 58-46a-302.5;
- 2286 (11) engaging in the practice as a hearing instrument intern when not under the
2287 supervision of a supervising hearing instrument specialist in accordance with Section
2288 58-46a-302.5;
- 2289 (12) failing to describe the circuitry in any advertisement, presentation, purchase, or
2290 trial agreement as being either "digital" or "analog"; or other acceptable terms as determined by
2291 the division [~~in collaboration with the board~~];
- 2292 (13) failing to follow the guidelines or policies of the United States Federal Trade

2293 Commission in any advertisement;

2294 (14) failing to adhere to the rules and regulations prescribed by the United States Food
2295 and Drug Administration as they pertain to the hearing instrument specialist;

2296 (15) failing to maintain all equipment used in the practice of a hearing instrument
2297 specialist properly calibrated and in good working condition; and

2298 (16) failing to comply with any of the requirements set forth in Section 58-46a-502 or
2299 58-46a-503.

2300 Section 48. Section **58-46a-502** is amended to read:

2301 **58-46a-502. Additional requirements for practicing as a hearing instrument**
2302 **specialist.**

2303 A person engaging in the practice of a hearing instrument specialist shall:

2304 (1) have a regular place or places of business from which the person conducts business
2305 as a hearing instrument specialist and the place or places of business shall be represented to a
2306 patient and others with whom business is conducted by the street address at which the place of
2307 business is located;

2308 (2) include in all advertising or other representation the street address at which the
2309 business is located and the telephone number of the business at that street address;

2310 (3) provide as part of each transaction between a licensee and a patient related to
2311 testing for hearing loss and selling of a hearing instrument written documentation provided to
2312 the patient that includes:

2313 (a) identification of all services and products provided to the patient by the hearing
2314 instrument specialist and the charges for each service or product;

2315 (b) a statement whether any hearing instrument provided to a patient is "new," "used,"
2316 or "reconditioned" and the terms and conditions of any warranty or guarantee that applies to
2317 each instrument; and

2318 (c) the identity and license number of each hearing instrument specialist or hearing
2319 instrument intern who provided services or products to the patient;

2320 (4) before providing services or products to a patient:

2321 (a) advise the patient regarding services and products offered to the patient, including
2322 the expected results of the services and products;

2323 (b) inform each patient who is being offered a hearing instrument about hearing

2324 instruments that work with assistive listening systems that are compliant with the ADA
 2325 Standards for Accessible Design adopted by the United States Department of Justice in
 2326 accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.; and

2327 (c) obtain written informed consent from the patient regarding offered services,
 2328 products, and the expected results of the services and products in a form approved by the
 2329 division [~~in collaboration with the board~~];

2330 (5) refer all individuals under the age of 18 who seek testing of hearing to a physician
 2331 or surgeon, osteopathic physician, physician assistant, or audiologist, licensed under the
 2332 provisions of this title, and shall dispense a hearing aid to that individual only on prescription
 2333 of a physician or surgeon, osteopathic physician, physician assistant, or audiologist;

2334 (6) obtain the patient's informed consent and agreement to purchase the hearing
 2335 instrument based on that informed consent either by the hearing instrument specialist or the
 2336 hearing instrument intern, before designating an appropriate hearing instrument; and

2337 (7) if a hearing instrument does not substantially enhance the patient's hearing
 2338 consistent with the representations of the hearing instrument specialist at the time informed
 2339 consent was given prior to the sale and fitting of the hearing instrument, provide:

2340 (a) necessary intervention to produce satisfactory hearing recovery results consistent
 2341 with representations made; or

2342 (b) for the refund of fees paid by the patient for the hearing instrument to the hearing
 2343 instrument specialist within a reasonable time after finding that the hearing instrument does not
 2344 substantially enhance the patient's hearing.

2345 Section 49. Section **58-55-201** is amended to read:

2346 **58-55-201. Boards created -- Duties.**

2347 (1) There is created [a] the Plumbers Licensing Board[~~, an Alarm System Security and~~
 2348 ~~Licensing Board, and an Electricians Licensing Board. Members of the boards shall be~~
 2349 ~~selected to provide representation as follows: (a) The Plumbers Licensing Board consists]~~
 2350 consisting of five members as follows:

2351 [(i)] (a) two members shall be licensed from among the license classifications of
 2352 master or journeyman plumber;

2353 [(ii)] (b) two members shall be licensed plumbing contractors; and

2354 [(iii)] (c) one member shall be from the public at large with no history of involvement

2355 in the construction trades.

2356 ~~[(b)(1)]~~ (2) (a) ~~[The]~~ There is created the Alarm System Security and Licensing Board
2357 ~~[consists]~~ consisting of five members as follows:

2358 ~~[(A)]~~ (i) three individuals who are officers or owners of a licensed alarm business;

2359 ~~[(B)]~~ (ii) one individual from among nominees of the Utah Peace Officers Association;

2360 and

2361 ~~[(C)]~~ (iii) one individual representing the general public.

2362 ~~[(ii)]~~ (b) The Alarm System Security and Licensing Board shall designate one of its
2363 members on a permanent or rotating basis to:

2364 ~~[(A)]~~ (i) assist the division in reviewing complaints concerning the unlawful or
2365 unprofessional conduct of a licensee; and

2366 ~~[(B)]~~ (ii) advise the division in its investigation of these complaints.

2367 ~~[(iii)]~~ (c) A board member who has, under this Subsection ~~[(1)(b)(iii)]~~ (2)(c), reviewed
2368 a complaint or advised in its investigation is disqualified from participating with the board
2369 when the board serves as a presiding officer in an adjudicative proceeding concerning the
2370 complaint.

2371 ~~[(c)]~~ (3) ~~[The]~~ There is created the Electricians Licensing Board ~~[consists]~~ consisting
2372 of five members as follows:

2373 ~~[(1)]~~ (a) two members shall be licensed from among the license classifications of
2374 master or journeyman electrician, of whom one shall represent a union organization and one
2375 shall be selected having no union affiliation;

2376 ~~[(ii)]~~ (b) two shall be licensed electrical contractors of whom one shall represent a
2377 union organization and one shall be selected having no union affiliation; and

2378 ~~[(iii)]~~ (c) one member shall be from the public at large with no history of involvement
2379 in the construction trades or union affiliation.

2380 ~~[(2)]~~ (4) The duties, functions, and responsibilities of each board described in
2381 Subsections (1) through (3) include the following:

2382 (a) recommending to the commission appropriate rules;

2383 (b) recommending to the commission policy and budgetary matters;

2384 (c) approving and establishing a passing score for applicant examinations;

2385 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and

2386 relicensure;

2387 (e) assisting the commission in establishing standards of supervision for students or
2388 persons in training to become qualified to obtain a license in the occupation or profession [it]
2389 the board represents; and

2390 (f) acting as presiding officer in conducting hearings associated with the adjudicative
2391 proceedings and in issuing recommended orders when so authorized by the commission.

2392 ~~[(3)]~~ (5) The division, in collaboration with the Plumbers Licensing Board and the
2393 Electricians Licensing Board, shall provide a preliminary report on or before October 1, 2019,
2394 and a final written report on or before June 1, 2020, to the Business and Labor Interim
2395 Committee and the Occupational and Professional Licensure Review Committee that provides
2396 recommendations for consistent educational and training standards for plumber and electrician
2397 apprentice programs in the state, including recommendations for education and training
2398 provided by all providers, including institutions of higher education and technical colleges.

2399 Section 50. Section **58-64-102** is amended to read:

2400 **58-64-102. Definitions.**

2401 In addition to the definitions in Section 58-1-102, as used in this chapter:

2402 ~~[(1) "Board" means the Deception Detection Examiners Board created in Section~~
2403 ~~58-64-201.]~~

2404 ~~[(2)]~~ (1) "Deception detection examination" means the use of an instrument, or
2405 software application designed for detecting deception, on an individual for the purpose of
2406 detecting whether that individual is engaged in deception.

2407 ~~[(3)]~~ (2) "Deception detection examination administrator" means an individual who
2408 engages in or represents that the individual is engaged in:

2409 (a) conducting or administering a deception detection examination using a software
2410 application designed for detecting deception without intervention from the examination
2411 administrator; or

2412 (b) the interpretation of deception detection examination results derived from a
2413 software application designed for detecting deception.

2414 ~~[(4)]~~ (3) "Deception detection examiner" means an individual who engages in or
2415 represents that the individual is engaged in conducting or performing deception detection
2416 examinations or in the interpretation of deception detection examinations.

2417 [(5)] (4) "Deception detection intern" means an individual who engages in deception
2418 detection examinations under the supervision and control of a deception detection examiner for
2419 the purpose of training and qualification as a deception detection examiner.

2420 [(6)] (5) "Instrument" means a polygraph, voice stress analyzer, ocular-motor test, or
2421 any other device or software application that records the examinee's cardiovascular patterns,
2422 respiratory patterns, galvanic skin response, cognitive response, eye behavior, memory recall,
2423 or other physiologic characteristics of the examinee for the purpose of monitoring factors
2424 relating to whether the examinee is truthful or engaged in deception.

2425 [(7)] (6) "Unlawful conduct" means the same as that term is defined in Sections
2426 58-1-501 and 58-64-501.

2427 [(8)] (7) "Unprofessional conduct" means the same as that term is defined in Sections
2428 58-1-501 and 58-64-502 and as may be further defined by rule.

2429 Section 51. Section **58-64-302** is amended to read:

2430 **58-64-302. Qualifications for licensure.**

2431 (1) Each applicant for licensure as a deception detection examiner:

2432 (a) shall submit an application in a form prescribed by the division;

2433 (b) shall pay a fee determined by the department under Section 63J-1-504;

2434 (c) shall be of good moral character in that the applicant has not been convicted of a
2435 felony, a misdemeanor involving moral turpitude, or any other crime which when considered
2436 with the duties and responsibilities of a deception detection examiner is considered by the
2437 division [~~and the board~~] to indicate that the best interests of the public will not be served by
2438 granting the applicant a license;

2439 (d) may not have been declared by any court of competent jurisdiction incompetent by
2440 reason of mental defect or disease and not been restored;

2441 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
2442 dependence;

2443 (f) shall have completed one of the following:

2444 (i) have earned a bachelor's degree from a four year university or college meeting
2445 standards established by the division by rule [~~in collaboration with the board~~];

2446 (ii) have completed not less than 8,000 hours of investigation experience approved by
2447 the division [~~in collaboration with the board~~]; or

2448 (iii) have completed a combination of university or college education and investigation
2449 experience, as defined by rule by the division [~~in collaboration with the board~~] as being
2450 equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);

2451 (g) shall have successfully completed a training program in deception detection
2452 meeting criteria established by rule by the division [~~in collaboration with the board~~]; and

2453 (h) shall have performed satisfactorily as a licensed deception detection intern for a
2454 period of not less than one year and shall have satisfactorily conducted not less than 100
2455 deception detection examinations under the supervision of a licensed deception detection
2456 examiner.

2457 (2) Each applicant for licensure as a deception detection intern:

2458 (a) shall submit an application in a form prescribed by the division;

2459 (b) shall pay a fee determined by the department under Section 63J-1-504;

2460 (c) shall be of good moral character in that the applicant has not been convicted of a
2461 felony, a misdemeanor involving moral turpitude, or any other crime which when considered
2462 with the duties and responsibilities of a deception detection intern is considered by the division
2463 [~~and the board~~] to indicate that the best interests of the public will not be served by granting the
2464 applicant a license;

2465 (d) may not have been declared by any court of competent jurisdiction incompetent by
2466 reason of mental defect or disease and not been restored;

2467 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
2468 dependence;

2469 (f) shall have completed one of the following:

2470 (i) have earned a bachelor's degree from a four year university or college meeting
2471 standards established by the division by rule [~~in collaboration with the board~~];

2472 (ii) have completed not less than 8,000 hours of investigation experience approved by
2473 the division [~~in collaboration with the board~~]; or

2474 (iii) have completed a combination of university or college education and investigation
2475 experience, as defined by rule by the division [~~in collaboration with the board~~] as being
2476 equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);

2477 (g) shall have successfully completed a training program in deception detection
2478 meeting criteria established by rule by the division [~~in collaboration with the board~~]; and

2479 (h) shall provide the division with an intern supervision agreement in a form prescribed
2480 by the division under which:

2481 (i) a licensed deception detection examiner agrees to supervise the intern; and

2482 (ii) the applicant agrees to be supervised by that licensed deception detection examiner.

2483 (3) Each applicant for licensure as a deception detection examination administrator:

2484 (a) shall submit an application in a form prescribed by the division;

2485 (b) shall pay a fee determined by the department under Section 63J-1-504;

2486 (c) shall be of good moral character in that the applicant has not been convicted of a
2487 felony, a misdemeanor involving moral turpitude, or any other crime that when considered with
2488 the duties and responsibilities of a deception detection examination administrator is considered
2489 by the division [~~and the board~~] to indicate that the best interests of the public will not be served
2490 by granting the applicant a license;

2491 (d) may not have been declared by a court of competent jurisdiction incompetent by
2492 reason of mental defect or disease and not been restored;

2493 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
2494 dependence;

2495 (f) shall have earned an associate degree from a state-accredited university or college or
2496 have an equivalent number of years' work experience; and

2497 (g) shall have successfully completed a training program and have obtained
2498 certification in deception detection examination administration provided by the manufacturer
2499 of a scientific or technology-based software application solution that is approved by the
2500 director.

2501 (4) To determine if an applicant meets the qualifications of Subsection (1)(c), (2)(c), or
2502 (3)(c) the division shall provide an appropriate number of copies of fingerprint cards to the
2503 Department of Public Safety with the division's request to:

2504 (a) conduct a search of records of the Department of Public Safety for criminal history
2505 information relating to each applicant for licensure under this chapter; and

2506 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
2507 requiring a check of records of the F.B.I. for criminal history information under this section.

2508 (5) The Department of Public Safety shall send to the division:

2509 (a) a written record of criminal history, or certification of no criminal history record, as

2510 contained in the records of the Department of Public Safety in a timely manner after receipt of
2511 a fingerprint card from the division and a request for review of Department of Public Safety
2512 records; and

2513 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
2514 receipt of information from the F.B.I.

2515 (6) (a) The division shall charge each applicant a fee, in accordance with Section
2516 63J-1-504, equal to the cost of performing the records reviews under this section.

2517 (b) The division shall pay the Department of Public Safety the costs of all records
2518 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews
2519 under this chapter.

2520 (7) Information obtained by the division from the reviews of criminal history records of
2521 the Department of Public Safety and the F.B.I. shall be used or disseminated by the division
2522 only for the purpose of determining if an applicant for licensure under this chapter is qualified
2523 for licensure.

2524 Section 52. Section **58-64-502** is amended to read:

2525 **58-64-502. Unprofessional conduct.**

2526 "Unprofessional conduct" includes:

2527 (1) using any deception detection instrument that does not meet criteria and standards
2528 established by rule by the division [~~in collaboration with the board~~]; and

2529 (2) using any deception detection instrument that does not make a permanent recording
2530 as required under Section 58-64-601.

2531 Section 53. Section **58-64-601** is amended to read:

2532 **58-64-601. Deception detection instruments.**

2533 (1) Instruments or software applications used in performing deception detection
2534 examinations shall be those that are generally recognized in the profession or, if approved by
2535 the director, those with results published in peer-reviewed, scientific journals generally
2536 recognized by the scientific community.

2537 (2) An instrument or software application used for deception detection shall have a
2538 permanent recording or written report produced by the instrument or software application for
2539 objective analysis by the examiner[;] or the division[~~or the board~~].

2540 (3) A written interpretation by an examiner while conducting a deception detection

2541 examination does not satisfy the requirements of a permanent recording.

2542 Section 54. Section **63A-9-101** is amended to read:

2543 **63A-9-101. Definitions.**

2544 (1) (a) "Agency" means each department, commission, board, council, agency,
2545 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
2546 unit, bureau, panel, or other administrative unit of the state.

2547 (b) "Agency" includes the State Board of Education and each higher education
2548 institution described in Section 53B-1-102.

2549 (c) "Agency" includes the legislative and judicial branches.

2550 [~~(2)~~ "Committee" means the Motor Vehicle Review Committee created by this
2551 chapter.]

2552 [~~(3)~~ (2) "Director" means the director of the division.

2553 [~~(4)~~ (3) "Division" means the Division of Fleet Operations created by this chapter.

2554 [~~(5)~~ (4) "Executive director" means the executive director of the Department of
2555 Administrative Services.

2556 [~~(6)~~ (5) "Local agency" means:

2557 (a) a county;

2558 (b) a municipality;

2559 (c) a school district;

2560 (d) a local district;

2561 (e) a special service district;

2562 (f) an interlocal entity as defined under Section 11-13-103; or

2563 (g) any other political subdivision of the state, including a local commission, board, or
2564 other governmental entity that is vested with the authority to make decisions regarding the
2565 public's business.

2566 [~~(7)~~ (6) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying
2567 passengers.

2568 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation
2569 purposes.

2570 [~~(8)~~ (7) "State vehicle" means each motor vehicle owned, operated, or in the
2571 possession of an agency.

2572 Section 55. Section **63C-6-101** is amended to read:

2573 **63C-6-101. Creation of commission -- Membership -- Appointment -- Vacancies.**

2574 (1) There is created the Utah Seismic Safety Commission consisting of 15 members,
2575 designated as follows:

2576 (a) the director of the Division of Emergency Management or the director's designee;

2577 (b) the director of the Utah Geological Survey or the director's designee;

2578 (c) the director of the University of Utah Seismograph Stations or the director's
2579 designee;

2580 (d) the executive director of the Utah League of Cities and Towns or the executive
2581 director's designee;

2582 (e) a representative from the Structural Engineers Association of Utah biannually
2583 selected by its membership;

2584 (f) the director of the Division of Facilities Construction and Management or the
2585 director's designee;

2586 (g) the executive director of the Department of Transportation or the director's
2587 designee;

2588 (h) the State Planning Coordinator or the coordinator's designee;

2589 (i) a representative from the American Institute of Architects, Utah Section;

2590 (j) a representative from the American Society of Civil Engineers, Utah Section;

2591 [~~(k) a member of the House of Representatives appointed biannually by the speaker of~~
2592 ~~the House;~~]

2593 [~~(l) a member of the Senate appointed biannually by the president of the Senate;~~]

2594 (k) two individuals, appointed by the director of the Division of Emergency
2595 Management, from earthquake-related organizations that have an interest in reducing
2596 earthquake-related loss in the state;

2597 [~~(m)~~] (l) the commissioner of the Department of Insurance or the commissioner's
2598 designee;

2599 [~~(n)~~] (m) a representative from the Association of Contingency Planners, Utah Chapter,
2600 biannually selected by its membership; and

2601 [~~(o)~~] (n) a representative from the American Public Works Association, Utah Chapter,
2602 biannually selected by its membership.

2603 (2) The commission shall annually select one of its members to serve as chair of the
2604 commission.

2605 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
2606 appointed for the unexpired term.

2607 Section 56. Section **63F-1-509** is amended to read:

2608 **63F-1-509. Statewide Global Positioning Reference Network created --**
2609 **Rulemaking authority.**

2610 (1) (a) There is created the Statewide Global Positioning Reference Network to
2611 improve the quality of geographic information system data and the productivity, efficiency, and
2612 cost-effectiveness of government services.

2613 (b) The network shall provide a system of permanently mounted, fully networked,
2614 global positioning system base stations that will provide real time radio navigation and
2615 establish a standard statewide coordinate reference system.

2616 (c) The center shall administer the network.

2617 ~~[(2) (a) There is created the Global Positioning Systems Advisory Committee to advise~~
2618 ~~the center on implementing and maintaining the network.]~~

2619 ~~[(b) The committee membership shall consist of:]~~

2620 ~~[(i) the center manager or the manager's designee;]~~

2621 ~~[(ii) a representative from the Department of Transportation created by Section~~
2622 ~~72-1-201 designated by the executive director appointed under Section 72-1-202;]~~

2623 ~~[(iii) the chief information officer or the chief information officer's designee;]~~

2624 ~~[(iv) a representative from the Utah Association of County Surveyors; and]~~

2625 ~~[(v) a representative from the Utah Council of Land Surveyors;]~~

2626 ~~[(c) The representative from the center shall be the chair of the committee.]~~

2627 ~~[(d) The committee shall meet upon the call of the chair or a majority of the committee~~
2628 ~~members;]~~

2629 ~~[(e) The committee chair shall give reasonable notice to each member prior to any~~
2630 ~~meeting;]~~

2631 ~~[(f) Three members shall constitute a quorum for the transaction of business;]~~

2632 ~~[(g) The center shall provide staff support to the committee;]~~

2633 ~~[(h) Committee members who are state government employees shall receive no~~

2634 ~~additional compensation for their work on the committee.]~~

2635 ~~[(f) Committee members who are not state government employees shall receive no~~
 2636 ~~compensation or expenses for their work on the committee.]~~

2637 ~~[(g) The committee shall recommend rules to the chief information officer for adoption~~
 2638 ~~under Subsection (3).]~~

2639 ~~[(3)]~~ (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 2640 Act, the chief information officer shall make ~~[, in consultation with the committee,]~~ rules
 2641 providing for operating policies and procedures for the network.

2642 (b) ~~[The rules]~~ When making rules under this section, the chief information officer
 2643 shall consider:

- 2644 (i) network development that serves a public purpose;
- 2645 (ii) increased productivity and efficiency for state agencies; and
- 2646 (iii) costs and longevity of the network.

2647 Section 57. Section **63F-1-701** is amended to read:

2648 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**

2649 (1) As used in this part:

2650 (a) "Division" means the Division of Archives and Records Service of the Department
 2651 of Administrative Services.

2652 (b) "Executive board" means the same as that term is defined in Section 67-1-2.5.

2653 ~~[(b)]~~ (c) "Public body" has the same meaning as provided under Section 52-4-103.

2654 ~~[(c)]~~ (d) "Public information" means a public body's public notices, minutes, audio
 2655 recordings, and other materials that are required to be posted to the website under Title 52,
 2656 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

2657 ~~[(d)]~~ (e) "Website" means the Utah Public Notice Website created under this section.

2658 (2) There is created the Utah Public Notice Website to be administered by the Division
 2659 of Archives and Records Service.

2660 (3) The website shall consist of an Internet website provided to assist the public to find
 2661 posted public information.

2662 (4) The division, with the technical assistance of the Department of Technology
 2663 Services, shall create the website which shall:

2664 (a) allow a public body, or other certified entity, to easily post any public information,

- 2665 including the contact information required under Subsections 17B-1-303(9) and
2666 17D-1-106(1)(b)(ii);
- 2667 (b) allow the public to easily search the public information by:
- 2668 (i) public body name;
- 2669 (ii) date of posting of the notice;
- 2670 (iii) date of any meeting or deadline included as part of the public information; and
- 2671 (iv) any other criteria approved by the division;
- 2672 (c) allow the public to easily search and view past, archived public information;
- 2673 (d) allow a person to subscribe to receive updates and notices associated with a public
2674 body or a particular type of public information;
- 2675 (e) be easily accessible by the public from the State of Utah home page;
- 2676 (f) have a unique and simplified website address;
- 2677 (g) be directly accessible via a link from the main page of the official state website; and
- 2678 (h) include other links, features, or functionality that will assist the public in obtaining
2679 and reviewing public information posted on the website, as may be approved by the division.
- 2680 (5) (a) The division and the governor's office shall coordinate to ensure that the
2681 website, the database described in Section 67-1-2.5, and the website described in Section
2682 67-1-2.5 automatically share appropriate information in order to ensure that:
- 2683 (i) an individual who subscribes to receive information under Subsection (4)(d) for an
2684 executive board automatically receives notifications of vacancies on the executive board that
2685 will be publicly filled, including a link to information regarding how an individual may apply
2686 to fill the vacancy; and
- 2687 (ii) an individual who accesses an executive board's information on the website has
2688 access to the following through the website:
- 2689 (A) the executive board's information in the database; and
- 2690 (B) the portal described in Subsection 67-1-2.5(4)(b) through which an individual may
2691 provide input on an appointee to, or member of, the executive board.
- 2692 (b) The division and the governor's office shall comply with Subsection (5)(a) as soon
2693 as reasonably possible within existing funds appropriated to the division and the governor's
2694 office.
- 2695 (6) Before August 1 of each year, the division shall:

2696 (a) identify each executive board that did not submit to the website a notice of a public
2697 meeting during the previous fiscal year; and

2698 (b) report the name of each identified executive board to the governor's boards and
2699 commissions administrator for inclusion in the report described in Subsection 67-1-2.5(6).

2700 ~~[(5)]~~ (7) The division ~~[shall be]~~ is responsible for:

2701 (a) establishing and maintaining the website, including the provision of equipment,
2702 resources, and personnel as is necessary;

2703 (b) providing a mechanism for public bodies or other certified entities to have access to
2704 the website for the purpose of posting and modifying public information; and

2705 (c) maintaining an archive of all public information posted to the website.

2706 ~~[(6) The timing for posting and the content of the public information posted to the~~
2707 ~~website shall be the responsibility of the public body or other entity posting the public~~
2708 ~~information.]~~

2709 (8) A public body is responsible for the content the public body is required to post to
2710 the website and the timely posting of that information.

2711 Section 58. Section **63I-1-204** is amended to read:

2712 **63I-1-204. Repeal dates, Title 4.**

2713 (1) Section 4-2-108, which creates the Agricultural Advisory Board, is repealed July 1,
2714 2023.

2715 (2) Section 4-17-104, which creates the State Weed Committee, is repealed July 1,
2716 2021.

2717 (3) Section 4-20-103, which creates the State Grazing Advisory Board, is repealed July
2718 1, 2022.

2719 (4) Sections 4-23-104 and 4-23-105, which create the Agricultural and Wildlife
2720 Damage Prevention Board, are repealed July 1, 2024.

2721 (5) Section 4-24-104, which creates the Livestock Brand Board, is repealed July 1,
2722 2024.

2723 (6) Section 4-35-103, which creates the Decision and Action Committee, is repealed
2724 July 1, 2022.

2725 (7) Section 4-39-104, which creates the Domesticated Elk Act Advisory Council, is
2726 repealed July 1, 2023.

2727 (8) Subsection 4-41a-105(2)(e)(i), related to the Native American Legislative Liaison
2728 Committee, is repealed July 1, 2022.

2729 Section 59. Section **63I-1-207** is enacted to read:

2730 **63I-1-207. Repeal dates, Title 7.**

2731 (1) Section 7-1-203, which creates the Board of Financial Institutions, is repealed July
2732 1, 2021.

2733 (2) Section 7-3-40, which creates the Board of Bank Advisors, is repealed July 1, 2024.

2734 (3) Section 7-9-43, which creates the Board of Credit Union Advisors, is repealed July
2735 1, 2024.

2736 Section 60. Section **63I-1-209** is amended to read:

2737 **63I-1-209. Repeal dates, Title 9.**

2738 (1) Section 9-6-305, which creates the State of Utah Alice Merrill Horne Art
2739 Collection Committee, is repealed July 1, 2023.

2740 (2) Sections 9-6-604 and 9-6-605, which create the Museum Services Advisory Board,
2741 are repealed July 1, 2022.

2742 ~~[(+)]~~ (3) In relation to the Native American Legislative Liaison Committee, on July 1,
2743 2022:

2744 (a) Subsection 9-9-104.6(2)(a) is repealed;

2745 (b) Subsection 9-9-104.6(4)(a), the language that states "who is not a legislator" is
2746 repealed; and

2747 (c) Subsection 9-9-104.6(4)(b), related to compensation of legislative members, is
2748 repealed.

2749 ~~[(2) In relation to the American Indian and Alaska Native Education State Plan Pilot~~
2750 ~~Program, on July 1, 2022:]~~

2751 ~~[(a) Subsection 26-7-2.5(4), related to the American Indian-Alaskan Native Public~~
2752 ~~Education Liaison, is repealed; and]~~

2753 ~~[(b) Subsection 9-9-104.6(2)(d) is repealed.]~~

2754 (4) Section 9-9-405, which creates the Native American Remains Review Committee,
2755 is repealed July 1, 2023.

2756 (5) Title 9, Chapter 20, Utah Commission on Service and Volunteerism Act, is
2757 repealed July 1, 2023.

2758 Section 61. Section **63I-1-213** is amended to read:

2759 **63I-1-213. Repeal dates, Title 13.**

2760 (1) Section 13-32a-112, which creates the Pawnshop and Secondhand Merchandise
2761 Advisory Board, is repealed July 1, 2021.

2762 (2) Section 13-43-202, which creates the Land Use and Eminent Domain Advisory
2763 Board, is repealed July 1, 2023.

2764 Section 62. Section **63I-1-217** is amended to read:

2765 **63I-1-217. Repeal dates, Title 17.**

2766 (1) Subsection 17-16-21(2)(d) is repealed July 1, 2023.

2767 (2) Title 17, Chapter 21a, Part 3, Administration and Standards, which creates the Utah
2768 Electronic Recording Commission, is repealed July 1, 2021.

2769 Section 63. Section **63I-1-223** is amended to read:

2770 **63I-1-223. Repeal dates, Title 23.**

2771 (1) Subsection 23-13-12.5(2)(f)(i), related to the Native American Legislative Liaison
2772 Committee, is repealed July 1, 2022.

2773 (2) Section 23-14-2.5, which creates the Wildlife Board Nominating Committee, is
2774 repealed July 1, 2025.

2775 (3) Section 23-14-2.6, which creates regional advisory councils for the Wildlife Board,
2776 is repealed July 1, 2025.

2777 Section 64. Section **63I-1-226** is amended to read:

2778 **63I-1-226. Repeal dates, Title 26.**

2779 (1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory
2780 Committee, is repealed July 1, 2022.

2781 (2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed
2782 July 1, 2022.

2783 (3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
2784 1, 2022.

2785 ~~(4)~~ (4) Section 26-1-40 is repealed July 1, 2022.

2786 ~~(5)~~ (5) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
2787 July 1, 2025.

2788 (6) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,

- 2789 is repealed July 1, 2024.
- 2790 ~~(3)~~ (7) Section 26-10-11 is repealed July 1, 2020.
- 2791 (8) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
- 2792 July 1, 2022.
- 2793 (9) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
- 2794 2024.
- 2795 ~~(4)~~ (10) Subsection 26-18-417(3) is repealed July 1, 2020.
- 2796 ~~(5)~~ (11) Subsection 26-18-418(2), the language that states "and the Mental Health
- 2797 Crisis Line Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 2798 ~~(6)~~ (12) Section 26-18-419.1 is repealed December 31, 2019.
- 2799 (13) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating
- 2800 Committee, is repealed July 1, 2022.
- 2801 ~~(7)~~ (14) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
- 2802 2024.
- 2803 ~~(8)~~ (15) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
- 2804 2024.
- 2805 ~~(9)~~ (16) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
- 2806 repealed July 1, 2024.
- 2807 ~~(10)~~ (17) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
- 2808 1, 2024.
- 2809 (18) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
- 2810 Committee, is repealed July 1, 2022.
- 2811 (19) Section 26-40-104, which creates the Utah Children's Health Insurance Program
- 2812 Advisory Council, is repealed July 1, 2022.
- 2813 (20) Section 26-50-202, which creates the Traumatic Brain Injury Advisory
- 2814 Committee, is repealed July 1, 2021.
- 2815 ~~(11)~~ (21) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
- 2816 Pediatric Neuro-rehabilitation Fund, is repealed January 1, 2023.
- 2817 ~~(12)~~ (22) Subsection 26-61a-108(2)(e)(i), related to the Native American Legislative
- 2818 Liaison Committee, is repealed July 1, 2022.
- 2819 ~~(13)~~ (23) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is

2820 repealed July 1, 2026.

2821 (24) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,
2822 2025.

2823 Section 65. Section **63I-1-234** is amended to read:

2824 **63I-1-234. Repeal dates, Titles 34 and 34A.**

2825 (1) Subsection 34A-1-202(2)(c)(i), related to the Workers' Compensation Advisory
2826 Council, is repealed July 1, 2021.

2827 (2) Subsection 34A-1-202(2)(c)(iii), related to the Coal Miner Certification Panel, is
2828 repealed July 1, 2024.

2829 (3) Section 34A-2-107, which creates the Workers' Compensation Advisory Council, is
2830 repealed July 1, 2021.

2831 (4) Section 34A-2-202.5 is repealed December 31, 2020.

2832 Section 66. Section **63I-1-235** is amended to read:

2833 **63I-1-235. Repeal dates, Title 35A.**

2834 (1) Subsection 35A-1-109(4)(c), related to the Talent Ready Utah Board, is repealed
2835 January 1, 2023.

2836 (2) Subsection 35A-1-202(2)(d), related to the Child Care Advisory Committee, is
2837 repealed July 1, 2023.

2838 (3) Section 35A-3-205, which creates the Child Care Advisory Committee, is repealed
2839 July 1, 2023.

2840 ~~[(2)]~~ (4) Subsection 35A-4-312(5)(p), describing information that may be disclosed to
2841 the federal Wage and Hour Division, is repealed July 1, 2022.

2842 (5) Subsection 35A-4-502(5), which creates the Employment Advisory Council, is
2843 repealed July 1, 2022.

2844 ~~[(3)]~~ (6) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is
2845 repealed July 1, 2023.

2846 ~~[(4)]~~ (7) Section 35A-9-501 is repealed January 1, 2021.

2847 ~~[(5)]~~ (8) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed
2848 January 1, 2025.

2849 (9) Sections 35A-13-301 and 35A-13-302, which create the Governor's Committee on
2850 Employment of People with Disabilities, are repealed July 1, 2025.

2851 (10) Section 35A-13-303, which creates the State Rehabilitation Advisory Council, is
2852 repealed July 1, 2021.

2853 (11) Section 35A-13-404, which creates the advisory council for the Division of
2854 Services for the Blind and Visually Impaired, is repealed July 1, 2022.

2855 (12) Sections 35A-13-603 and 35A-13-604, which create the Interpreter Certification
2856 Board, are repealed July 1, 2021.

2857 Section 67. Section **63I-1-236** is amended to read:

2858 **63I-1-236. Repeal dates, Title 36.**

2859 (1) Title 36, Chapter 17, Legislative Process Committee, is repealed January 1, 2023.

2860 [~~(2)~~ Section 36-12-20 is repealed June 30, 2023.]

2861 [~~(3)~~] (2) Title 36, Chapter 22, Native American Legislative Liaison Committee, is
2862 repealed July 1, 2022.

2863 [~~(4)~~] (3) Title 36, Chapter 28, Veterans and Military Affairs Commission, is repealed
2864 January 1, 2025.

2865 [~~(5)~~] (4) Section 36-29-105 is repealed on December 31, 2020.

2866 [~~(6)~~] (5) Section 36-29-106 is repealed June 1, 2021.

2867 [~~(7)~~] (6) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight
2868 Committee, is repealed January 1, 2021.

2869 Section 68. Section **63I-1-240** is enacted to read:

2870 **63I-1-240. Repeal dates, Title 40.**

2871 Section 40-2-204, which creates the Coal Miner Certification Panel, is repealed July 1,
2872 2024.

2873 Section 69. Section **63I-1-241** is amended to read:

2874 **63I-1-241. Repeal dates, Title 41.**

2875 (1) Subsection 41-1a-1201(9), related to the Spinal Cord and Brain Injury
2876 Rehabilitation Fund, is repealed January 1, 2023.

2877 (2) The following subsections addressing lane filtering are repealed on July 1, 2022:

2878 (a) Subsection 41-6a-102(29);

2879 (b) Subsection 41-6a-704(5); and

2880 (c) Subsection 41-6a-710(1)(c).

2881 (3) Subsection 41-6a-1406(6)(b)(iii), related to the Spinal Cord and Brain Injury

2882 Rehabilitation Fund, is repealed January 1, 2023.

2883 (4) Subsections 41-22-2(1) and 41-22-10(1)(a), which create the Off-highway Vehicle

2884 Advisory Council, are repealed July 1, 2025.

2885 [~~(4)~~] (5) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury

2886 Rehabilitation Fund, is repealed January 1, 2023.

2887 Section 70. Section **63I-1-253** is amended to read:

2888 **63I-1-253. Repeal dates, Titles 53 through 53G.**

2889 [The following provisions are repealed on the following dates:]

2890 (1) Section 53-2a-105, which creates the Emergency Management Administration

2891 Council, is repealed July 1, 2021.

2892 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory

2893 Board, are repealed July 1, 2023.

2894 (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed

2895 July 1, 2021.

2896 [~~(4)~~] (4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is

2897 repealed July 1, 2022.

2898 [~~(5)~~] (5) Subsection 53-13-104(6), regarding being 19 years old at certification, is

2899 repealed July 1, 2022.

2900 (6) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is

2901 repealed July 1, 2024.

2902 [~~(7)~~] (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

2903 (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is

2904 repealed January 1, 2023.

2905 [~~(9)~~] (9) Section 53B-18-1501 is repealed July 1, 2021.

2906 [~~(10)~~] (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1,

2907 2028.

2908 [~~(11)~~] (11) Section 53B-24-402, Rural residency training program, is repealed July 1,

2909 2020.

2910 [~~(12)~~] (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of

2911 money from the Land Exchange Distribution Account to the Geological Survey for test wells,

2912 other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1,

- 2913 2020.
- 2914 (13) Title 53D, Chapter 1, Part 5, Nominating Committee, which creates the School
- 2915 and Institutional Trust Fund Nominating Committee, is repealed July 1, 2022.
- 2916 ~~[(8)]~~ (14) Section 53E-3-515 is repealed January 1, 2023.
- 2917 ~~[(9)]~~ (15) In relation to a standards review committee, on January 1, 2023:
- 2918 (a) in Subsection 53E-4-202(8), the language ~~[that states]~~ "by a standards review
- 2919 committee and the recommendations of a standards review committee established under
- 2920 Section 53E-4-203" is repealed; and
- 2921 (b) Section 53E-4-203 is repealed.
- 2922 ~~[(10) In relation to the SafeUT and School Safety Commission, on January 1, 2023:]~~
- 2923 ~~[(a) Subsection 53B-17-1201(1) is repealed;]~~
- 2924 ~~[(b) Section 53B-17-1203 is repealed;]~~
- 2925 ~~[(c) Subsection 53B-17-1204(2) is repealed;]~~
- 2926 ~~[(d) Subsection 53B-17-1204(4)(a), the language that states "in accordance with the~~
- 2927 ~~method described in Subsection (4)(c)" is repealed; and]~~
- 2928 ~~[(e) Subsection 53B-17-1204(4)(c) is repealed.]~~
- 2929 (16) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
- 2930 custody, are repealed July 1, 2024.
- 2931 (17) Section 53E-4-402, which creates the State Instructional Materials Commission, is
- 2932 repealed July 1, 2022.
- 2933 (18) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
- 2934 repealed July 1, 2023.
- 2935 (19) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools
- 2936 for the Deaf and the Blind, is repealed July 1, 2021.
- 2937 ~~[(11)]~~ (20) Section 53F-2-514 is repealed July 1, 2020.
- 2938 ~~[(12)]~~ (21) Section 53F-5-203 is repealed July 1, 2024.
- 2939 ~~[(13)]~~ (22) Section 53F-5-212 is repealed July 1, 2024.
- 2940 ~~[(14)]~~ (23) Section 53F-5-213 is repealed July 1, 2023.
- 2941 ~~[(15)]~~ (24) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native
- 2942 Education State Plan Pilot Program, is repealed July 1, 2022.
- 2943 ~~[(16)]~~ (25) Section 53F-6-201 is repealed July 1, 2019.

2944 (26) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
2945 Committee, is repealed July 1, 2022.

2946 [~~(17)~~] (27) Section 53F-9-501 is repealed January 1, 2023.

2947 [~~(18)~~] (28) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
2948 Commission, are repealed January 1, 2025.

2949 [~~(19)~~] (29) Subsection 53G-8-211(4), regarding referrals of a minor to court for a class
2950 C misdemeanor, is repealed July 1, 2020.

2951 Section 71. Section **63I-1-254** is amended to read:
2952 **63I-1-254. Repeal dates, Title 54.**

2953 (1) Section 54-10a-202, which creates the Committee of Consumer Services, is
2954 repealed July 1, 2025.

2955 (2) Title 54, Chapter 15, Net Metering of Electricity, is repealed January 1, 2036.

2956 Section 72. Section **63I-1-258** is amended to read:
2957 **63I-1-258. Repeal dates, Title 58.**

2958 (1) Section 58-3a-201, which creates the Architects Licensing Board, is repealed July
2959 1, 2023.

2960 [~~(1)~~] (2) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
2961 repealed July 1, 2026.

2962 [~~(2)~~] (3) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1,
2963 2025.

2964 [~~(3)~~] (4) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1,
2965 2028.

2966 [~~(4)~~] (5) Section 58-37-4.3 is repealed January 1, 2020.

2967 [~~(5)~~] (6) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of
2968 Legislative Research and General Counsel is authorized to renumber the remaining subsections
2969 accordingly.

2970 [~~(6)~~] (7) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,
2971 2023.

2972 [~~(7)~~] (8) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing
2973 Act, is repealed July 1, 2029.

2974 [~~(8)~~] (9) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,

2975 2025.

2976 ~~[(9)]~~ (10) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is
 2977 repealed July 1, 2023.

2978 ~~[(10)]~~ (11) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,
 2979 2024.

2980 (12) Subsection 58-55-201(2), which creates the Alarm System and Security Licensing
 2981 Advisory Board, is repealed July 1, 2021.

2982 ~~[(11)]~~ (13) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed
 2983 July 1, 2026.

2984 ~~[(12)]~~ (14) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

2985 ~~[(13)]~~ (15) Title 58, Chapter 86, State Certification of Commercial Interior Designers
 2986 Act, is repealed July 1, 2021.

2987 ~~[(14)]~~ (16) The following sections are repealed on July 1, 2022:

2988 (a) Section 58-5a-502;

2989 (b) Section 58-31b-502.5;

2990 (c) Section 58-67-502.5;

2991 (d) Section 58-68-502.5; and

2992 (e) Section 58-69-502.5.

2993 Section 73. Section **63I-1-261** is amended to read:

2994 **63I-1-261. Repeal dates, Title 61.**

2995 Section 61-2c-104, which creates the Residential Mortgage Regulatory Commission, is
 2996 repealed July 1, 2021.

2997 Section 74. Section **63I-1-262** is amended to read:

2998 **63I-1-262. Repeal dates, Title 62A.**

2999 (1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.

3000 (2) Section 62A-3-209 is repealed July 1, 2023.

3001 (3) Section 62A-4a-202.9 is repealed December 31, 2021.

3002 (4) Section 62A-4a-213 is repealed July 1, 2024.

3003 (5) Sections 62A-5a-101, 62A-5a-102, 62A-5a-103, and 62A-5a-104, which create the
 3004 Coordination Council for Persons with Disabilities, are repealed July 1, 2022.

3005 ~~[(5)]~~ (6) Section 62A-15-114 is repealed December 31, 2021.

3006 ~~[(6)]~~ (7) Subsections 62A-15-116(1) and (4), the language that states "In consultation
3007 with the SafeUT and School Safety Commission, established in Section 53B-17-1203," is
3008 repealed January 1, 2023.

3009 (8) Section 62A-15-605, which creates the Forensic Mental Health Coordinating
3010 Council, is repealed July 1, 2024.

3011 ~~[(7)]~~ (9) Subsections 62A-15-1100(1) and 62A-15-1101(8), in relation to the Utah
3012 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

3013 ~~[(8)]~~ (10) In relation to the Mental Health Crisis Line Commission, on July 1, 2023:

3014 (a) Subsections 62A-15-1301(1) and 62A-15-1401(1) are repealed;

3015 (b) Subsection 62A-15-1302(1)(b), the language that states "in consultation with the
3016 commission" is repealed;

3017 (c) Section 62A-15-1303, the language that states "In consultation with the
3018 commission," is repealed; and

3019 (d) Subsection 62A-15-1402(2)(a), the language that states "With recommendations
3020 from the commission," is repealed.

3021 Section 75. Section **63I-1-263** is amended to read:

3022 **63I-1-263. Repeal dates, Titles 63A to 63N.**

3023 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

3024 (a) Subsection 63A-1-201(1) is repealed;

3025 (b) Subsection 63A-1-202(2)(c), the language [~~that states~~] "using criteria established by
3026 the board" is repealed;

3027 (c) Section 63A-1-203 is repealed;

3028 (d) Subsections 63A-1-204(1) and (2), the language [~~that states~~] "After consultation
3029 with the board, and" is repealed; and

3030 (e) Subsection 63A-1-204(1)(b), the language [~~that states~~] "using the standards
3031 provided in Subsection 63A-1-203(3)(c)" is repealed.

3032 (2) Subsection 63A-5-228(2)(h), relating to prioritizing and allocating capital
3033 improvement funding, is repealed on July 1, 2024.

3034 (3) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

3035 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
3036 1, 2028.

- 3037 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
 3038 2025.
- 3039 (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
 3040 2025.
- 3041 [~~(6)~~ Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
 3042 ~~2020.~~]
- 3043 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
 3044 repealed July 1, 2021.
- 3045 (8) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
 3046 2023.
- 3047 (9) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1, 2023.
- 3048 (10) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
 3049 Advisory Board, is repealed July 1, 2023.
- 3050 [~~(9)~~ (11) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
 3051 July 1, 2025.
- 3052 [~~(10)~~ (12) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
 3053 July 1, 2020.
- 3054 [~~(11)~~ (13) In relation to the State Fair Corporation Board of Directors, on January 1,
 3055 2025:
- 3056 (a) Subsection 63H-6-104(2)(c), related to a Senate appointment, is repealed;
 3057 (b) Subsection 63H-6-104(2)(d), related to a House appointment, is repealed;
 3058 (c) in Subsection 63H-6-104(2)(e), the language that states ", of whom only one may
 3059 be a legislator, in accordance with Subsection (3)(e)," is repealed;
- 3060 (d) Subsection 63H-6-104(3)(a)(i) is amended to read:
 3061 "(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under
 3062 Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the
 3063 year that the board member was appointed.";
- 3064 (e) in Subsections 63H-6-104(3)(a)(ii), (c)(ii), and (d), the language that states "the
 3065 president of the Senate, the speaker of the House, the governor," is repealed and replaced with
 3066 "the governor"; and
- 3067 (f) Subsection 63H-6-104(3)(e), related to limits on the number of legislators, is

- 3068 repealed.
- 3069 ~~[(12)]~~ (14) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
- 3070 2026.
- 3071 ~~[(13) Section 63M-7-212 is repealed on December 31, 2019.]~~
- 3072 ~~[(14) On July 1, 2025:]~~
- 3073 ~~[(a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource~~
- 3074 ~~Development Coordinating Committee," is repealed;]~~
- 3075 ~~[(b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed~~
- 3076 ~~sites for the transplant of species to local government officials having jurisdiction over areas~~
- 3077 ~~that may be affected by a transplant.";~~
- 3078 ~~[(c) in Subsection 23-14-21(3), the language that states "and the Resource~~
- 3079 ~~Development Coordinating Committee" is repealed;]~~
- 3080 ~~[(d) in Subsection 23-21-2.3(1), the language that states "the Resource Development~~
- 3081 ~~Coordinating Committee created in Section 63J-4-501 and" is repealed;]~~
- 3082 ~~[(e) in Subsection 23-21-2.3(2), the language that states "the Resource Development~~
- 3083 ~~Coordinating Committee and" is repealed;]~~
- 3084 ~~[(f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered~~
- 3085 ~~accordingly;]~~
- 3086 ~~[(g) Subsections 63J-4-401(5)(a) and (c) are repealed;]~~
- 3087 ~~[(h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the~~
- 3088 ~~word "and" is inserted immediately after the semicolon;]~~
- 3089 ~~[(i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);]~~
- 3090 ~~[(j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;~~
- 3091 ~~and]~~
- 3092 ~~[(k) Subsection 63J-4-603(1)(c)(iv) is repealed and the remaining subsections are~~
- 3093 ~~renumbered accordingly.]~~
- 3094 (15) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed
- 3095 July 1, 2026.
- 3096 (16) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
- 3097 Commission, is repealed July 1, 2023.
- 3098 (17) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed

3099 July 1, 2022.

3100 (18) (a) Subsection 63J-1-602.1(53), relating to the Utah Statewide Radio System

3101 Restricted Account, is repealed July 1, 2022.

3102 (b) When repealing Subsection 63J-1-602.1(53), the Office of Legislative Research and

3103 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make

3104 necessary changes to subsection numbering and cross references.

3105 (19) Subsection 63J-1-602.2[~~(23)~~](24), related to the Utah Seismic Safety

3106 Commission, is repealed January 1, 2025.

3107 (20) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is

3108 repealed July 1, 2025.

3109 (21) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory

3110 Committee, is repealed on July 1, 2023.

3111 [~~(20)~~] (22) Subsection 63J-4-708(1), in relation to the Talent Ready Utah Board, on

3112 January 1, 2023, is amended to read:

3113 "(1) On or before October 1, the board shall provide an annual written report to the

3114 Social Services Appropriations Subcommittee and the Economic Development and Workforce

3115 Services Interim Committee."

3116 [~~(21)~~] (23) In relation to the Utah Substance Use and Mental Health Advisory Council,

3117 on January 1, 2023:

3118 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are

3119 repealed;

3120 (b) Section 63M-7-305, the language that states "council" is replaced with

3121 "commission";

3122 (c) Subsection 63M-7-305(1) is repealed and replaced with:

3123 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

3124 (d) Subsection 63M-7-305(2) is repealed and replaced with:

3125 "(2) The commission shall:

3126 (a) provide ongoing oversight of the implementation, functions, and evaluation of the

3127 Drug-Related Offenses Reform Act; and

3128 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in

3129 Subsections 77-18-1(5)(b)(iii) and (iv)."

3130 ~~[(22)]~~ (24) The Crime Victim Reparations and Assistance Board, created in Section
3131 63M-7-504, is repealed July 1, 2027.

3132 ~~[(25)]~~ (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
3133 1, 2025.

3134 ~~[(26)]~~ (26) Section 63M-10-202, which creates Serious Habitual Offender Comprehensive
3135 Action Program oversight committees, is repealed July 1, 2024.

3136 ~~[(23)]~~ (27) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
3137 2021.

3138 ~~[(24)]~~ (28) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is
3139 repealed on January 1, 2023.

3140 ~~[(29)]~~ (29) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
3141 Council, is repealed July 1, 2021.

3142 ~~[(25)]~~ (30) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3143 ~~[(26)]~~ (31) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,
3144 is repealed January 1, 2021.

3145 (b) Subject to Subsection ~~[(26)]~~ (31)(c), Sections 59-7-610 and 59-10-1007 regarding
3146 tax credits for certain persons in recycling market development zones, are repealed for taxable
3147 years beginning on or after January 1, 2021.

3148 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

3149 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
3150 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

3151 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
3152 the expenditure is made on or after January 1, 2021.

3153 (d) Notwithstanding Subsections ~~[(26)]~~ (31)(b) and (c), a person may carry forward a
3154 tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

3155 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

3156 (ii) (A) for the purchase price of machinery or equipment described in Section
3157 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
3158 2020; or

3159 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
3160 expenditure is made on or before December 31, 2020.

3161 ~~[(27)]~~ (32) Section 63N-2-512 is repealed on July 1, 2021.

3162 ~~[(28)]~~ (33) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
3163 January 1, 2021.

3164 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
3165 calendar years beginning on or after January 1, 2021.

3166 (c) Notwithstanding Subsection ~~[(28)]~~ (33)(b), an entity may carry forward a tax credit
3167 in accordance with Section 59-9-107 if:

3168 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
3169 31, 2020; and

3170 (ii) the qualified equity investment that is the basis of the tax credit is certified under
3171 Section 63N-2-603 on or before December 31, 2023.

3172 ~~[(29)]~~ (34) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1,
3173 2023.

3174 ~~[(30)]~~ (35) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
3175 repealed July 1, 2023.

3176 (36) Title 63N, Chapter 7, Part 1, Board of Tourism Deveopment, is repealed July 1,
3177 2025.

3178 ~~[(31)]~~ (37) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
3179 Program, is repealed January 1, 2023.

3180 ~~[(32)]~~ (38) In relation to the Pete Suazo Utah Athletic Commission, on January 1,
3181 2021:

3182 (a) Subsection 63N-10-201(2)(a) is amended to read:

3183 "(2) (a) The governor shall appoint five commission members with the advice and
3184 consent of the Senate.";

3185 (b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;

3186 (c) in Subsection 63N-10-201(3)(a), the language ~~[that states]~~ ", president, or speaker,
3187 respectively," is repealed; and

3188 (d) Subsection 63N-10-201(3)(d) is amended to read:

3189 "(d) The governor may remove a commission member for any reason and replace the
3190 commission member in accordance with this section.".

3191 ~~[(33) In relation to the Talent Ready Utah Board, on January 1, 2023:]~~

3192 ~~[(a) Subsection 9-22-102(16) is repealed;]~~
3193 ~~[(b) in Subsection 9-22-114(2), the language that states "Talent Ready Utah," is~~
3194 ~~repealed; and]~~
3195 ~~[(c) in Subsection 9-22-114(5), the language that states "representatives of Talent~~
3196 ~~Ready Utah," is repealed.]~~
3197 ~~[(34)]~~ (39) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed
3198 January 1, 2023.
3199 Section 76. Section **63I-1-265** is enacted to read:
3200 **63I-1-265. Repeal dates, Title 65A.**
3201 Section 65A-8-306, which creates the Heritage Trees Advisory Committee, is repealed
3202 July 1, 2025.
3203 Section 77. Section **63I-1-267** is amended to read:
3204 **63I-1-267. Repeal dates, Title 67.**
3205 (1) Section 67-1-15 is repealed December 31, 2027.
3206 (2) Section 67-3-11 is repealed July 1, 2024.
3207 (3) Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, 2024.
3208 (4) Section 67-5b-105, which creates local advisory boards for the Children's Justice
3209 Center Program, is repealed July 1, 2021.
3210 Section 78. Section **63I-1-272** is amended to read:
3211 **63I-1-272. Repeal dates, Title 72.**
3212 (1) Subsection 72-2-121(9), which creates transportation advisory committees, is
3213 repealed July 1, 2025.
3214 (2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January
3215 2, 2025.
3216 Section 79. Section **63I-1-273** is amended to read:
3217 **63I-1-273. Repeal dates, Title 73.**
3218 (1) In relation to the Legislative Water Development Commission, on January 1, 2021:
3219 ~~[(+)]~~ (a) in Subsection 73-10g-105(3), the language that states "and in consultation
3220 with the State Water Development Commission created in Section 73-27-102" is repealed; and
3221 ~~[(2)]~~ (b) Subsection 73-10g-203(4)(a) is repealed~~[; and]~~.
3222 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,

- 3223 2025.
- 3224 (3) Section 73-18-3.5, which creates the Boating Advisory Council, is repealed July 1,
- 3225 2021.
- 3226 ~~(3)~~ (4) Title 73, Chapter 27, State Water Development Commission, is repealed
- 3227 January 1, 2021.
- 3228 (5) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,
- 3229 2023.
- 3230 Section 80. Section **63I-1-278** is amended to read:
- 3231 **63I-1-278. Repeal dates, Title 78A and Title 78B.**
- 3232 (1) Section 78B-3-421, regarding medical malpractice arbitration agreements, is
- 3233 repealed July 1, 2029.
- 3234 (2) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
- 3235 2026.
- 3236 (3) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child
- 3237 Support Guidelines Advisory Committee, is repealed July 1, 2021.
- 3238 Section 81. Section **63I-1-279** is enacted to read:
- 3239 **63I-1-279. Repeal dates, Title 79.**
- 3240 (1) Subsection 79-2-201(2)(n), related to the Heritage Trees Advisory Committee, is
- 3241 repealed July 1, 2025.
- 3242 (2) Subsection 79-2-201(2)(o), related to the Recreational Trails Advisory Council, is
- 3243 repealed July 1, 2024.
- 3244 (3) Subsection 79-2-201(2)(p), related to the Boating Advisory Council, is repealed
- 3245 July 1, 2021.
- 3246 (4) Subsection 79-2-201(2)(q), related to the Wildlife Board Nominating Committee, is
- 3247 repealed July 1, 2025.
- 3248 (5) Subsection 79-2-201(2)(r), related to regional advisory councils for the Wildlife
- 3249 Board, is repealed July 1, 2025.
- 3250 (6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational Trails
- 3251 Advisory Council, is repealed July 1, 2024.
- 3252 Section 82. Section **63I-2-226** is amended to read:
- 3253 **63I-2-226. Repeal dates, Title 26.**

- 3254 (1) Subsection 26-1-7(1)(c), in relation to the Air Ambulance Committee, is repealed
3255 July 1, 2024.
- 3256 ~~(1)~~ (2) Subsection 26-7-8(3) is repealed January 1, 2027.
- 3257 ~~(2)~~ (3) Section 26-8a-107 is repealed July 1, 2024.
- 3258 ~~(3)~~ (4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.
- 3259 (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
3260 26-8a-602(1)(a) is amended to read:
- 3261 "(a) provide the patient or the patient's representative with the following information
3262 before contacting an air medical transport provider:
- 3263 (i) which health insurers in the state the air medical transport provider contracts with;
3264 (ii) if sufficient data is available, the average charge for air medical transport services
3265 for a patient who is uninsured or out of network; and
- 3266 (iii) whether the air medical transport provider balance bills a patient for any charge
3267 not paid by the patient's health insurer; and".
- 3268 ~~(4)~~ (6) Subsection 26-18-2.3(5) is repealed January 1, 2020.
- 3269 ~~(5)~~ (7) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.
- 3270 ~~(6)~~ (8) Subsection 26-18-411(8), related to reporting on the health coverage
3271 improvement program, is repealed January 1, 2023.
- 3272 ~~(7)~~ (9) Subsection 26-18-604(2) is repealed January 1, 2020.
- 3273 ~~(8)~~ (10) Subsection 26-21-28(2)(b) is repealed January 1, 2021.
- 3274 (11) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
3275 26-21-32(1)(a) is amended to read:
- 3276 "(a) provide the patient or the patient's representative with the following information
3277 before contacting an air medical transport provider:
- 3278 (i) which health insurers in the state the air medical transport provider contracts with;
3279 (ii) if sufficient data is available, the average charge for air medical transport services
3280 for a patient who is uninsured or out of network; and
- 3281 (iii) whether the air medical transport provider balance bills a patient for any charge
3282 not paid by the patient's health insurer; and".
- 3283 ~~(9)~~ (12) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.
- 3284 ~~(10)~~ (13) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.

- 3285 ~~[(11)]~~ (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
3286 Program, is repealed July 1, 2027.
- 3287 ~~[(12) Subsection 26-50-202(7)(b) is repealed January 1, 2020.]~~
- 3288 ~~[(13)]~~ (15) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed January 1, 2020.
- 3289 ~~[(14)]~~ (16) Subsection 26-55-107(8) is repealed January 1, 2021.
- 3290 ~~[(15)]~~ (17) Subsection 26-56-103(9)(d) is repealed January 1, 2020.
- 3291 ~~[(16)]~~ (18) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.
- 3292 ~~[(17)]~~ (19) Subsection 26-61-202(4)(b) is repealed January 1, 2022.
- 3293 ~~[(18)]~~ (20) Subsection 26-61-202(5) is repealed January 1, 2022.
- 3294 Section 83. Section **63I-2-253** is amended to read:
- 3295 **63I-2-253. Repeal dates, Titles 53 through 53G.**
- 3296 (1) (a) Subsections 53B-2a-103(2) and (4), regarding the composition of the UTech
3297 Board of Trustees and the transition to that composition, are repealed July 1, 2019.
- 3298 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative
3299 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),
3300 make necessary changes to subsection numbering and cross references.
- 3301 (2) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a
3302 technical college board of directors, is repealed July 1, 2022.
- 3303 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
3304 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
3305 necessary changes to subsection numbering and cross references.
- 3306 (3) Section 53B-6-105.7 ~~[is]~~ and Subsection 63I-1-253(8)(b), related to the Technology
3307 Initiative Advisory Board, are repealed July 1, 2024.
- 3308 (4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided
3309 in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.
- 3310 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's
3311 change in performance with the technical college's average performance, is repealed July 1,
3312 2021.
- 3313 (5) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as provided in
3314 Subsection (3)(b)," is repealed July 1, 2021.
- 3315 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college

- 3316 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.
- 3317 (6) Section 53B-8-112 is repealed July 1, 2024.
- 3318 (7) Section 53B-8-114 is repealed July 1, 2024.
- 3319 (8) (a) The following sections, regarding the Regents' scholarship program, are
3320 repealed on July 1, 2023:
- 3321 (i) Section 53B-8-202;
- 3322 (ii) Section 53B-8-203;
- 3323 (iii) Section 53B-8-204; and
- 3324 (iv) Section 53B-8-205.
- 3325 (b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for
3326 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.
- 3327 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and
3328 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
3329 necessary changes to subsection numbering and cross references.
- 3330 (9) Section 53B-10-101 is repealed on July 1, 2027.
- 3331 (10) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
3332 repealed July 1, 2023.
- 3333 (11) Section 53E-3-519 regarding school counselor services is repealed July 1, 2020.
- 3334 (12) Section 53E-3-520 is repealed July 1, 2021.
- 3335 (13) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school performance and
3336 continued funding relating to the School Recognition and Reward Program, is repealed July 1,
3337 2020.
- 3338 (14) Section 53E-5-307 is repealed July 1, 2020.
- 3339 (15) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's
3340 duties if contributions from the minimum basic tax rate are overestimated or underestimated,
3341 the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.
- 3342 (16) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
3343 repealed July 1, 2023.
- 3344 (17) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
3345 applicable" is repealed July 1, 2023.
- 3346 (18) Section 53F-4-204 is repealed July 1, 2019.

3347 (19) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
3348 applicable" is repealed July 1, 2023.

3349 (20) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
3350 applicable" is repealed July 1, 2023.

3351 (21) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
3352 applicable" is repealed July 1, 2023.

3353 (22) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as
3354 applicable" is repealed July 1, 2023.

3355 (23) On July 1, 2023, when making changes in this section, the Office of Legislative
3356 Research and General Counsel shall, in addition to the office's authority under Subsection
3357 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in
3358 this section are complete sentences and accurately reflect the office's perception of the
3359 Legislature's intent.

3360 Section 84. Section **63I-2-263** is amended to read:

3361 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

3362 (1) On July 1, 2020:

3363 (a) Subsection 63A-1-203(5)(a)(i) is repealed; and

3364 (b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after
3365 May 8, 2018," is repealed.

3366 (2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.

3367 [~~(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is~~
3368 ~~repealed July 1, 2020.~~]

3369 [~~(4)~~ (3)] The following sections regarding the World War II Memorial Commission are
3370 repealed on July 1, 2020:

3371 (a) Section 63G-1-801;

3372 (b) Section 63G-1-802;

3373 (c) Section 63G-1-803; and

3374 (d) Section 63G-1-804.

3375 [~~(5)~~ (4)] In relation to the State Fair Park Committee, on January 1, 2021:

3376 (a) Section 63H-6-104.5 is repealed; and

3377 (b) Subsections 63H-6-104(8) and (9) are repealed.

3378 ~~[(6)]~~ (5) Section 63H-7a-303 is repealed on July 1, 2022.

3379 ~~[(7)]~~ (6) In relation to the Employability to Careers Program Board, on July 1, 2022:

3380 (a) Subsection 63J-1-602.1(52) is repealed;

3381 (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

3382 and

3383 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

3384 ~~[(8)]~~ (7) Section 63J-4-708 is repealed January 1, 2023.

3385 Section 85. Section **63M-7-402** is amended to read:

3386 **63M-7-402. Terms of members -- Vacancies -- Reappointment.**

3387 (1) (a) Except as required by Subsection (1)(b), as terms of current commission
3388 members expire, the appointing authority shall appoint each new member or reappointed
3389 member to a four-year term.

3390 (b) Notwithstanding the requirements of Subsection (1)(a), the appointing authority
3391 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
3392 terms of commission members are staggered so that approximately half of the commission is
3393 appointed every two years.

3394 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
3395 appointed for the unexpired term.

3396 ~~[(3) All members of the commission, including those appointed before July 1, 1995,
3397 shall be eligible for reappointment one time.]~~

3398 Section 86. Section **63N-7-103** is amended to read:

3399 **63N-7-103. Board duties.**

3400 (1) The ~~[board]~~ Board of Tourism Development:

3401 (a) has authority to approve a tourism program of out-of-state advertising, marketing,

3402 and branding, taking into account the long-term strategic plan, economic trends, and

3403 opportunities for tourism development on a statewide basis, as a condition of the distribution of

3404 funds to the office from the:

3405 (i) Tourism Marketing Performance Account created in Section 63N-7-301; and

3406 (ii) Stay Another Day and Bounce Back Account, created in Section 63N-2-511;

3407 (b) shall review office programs to coordinate and integrate advertising and branding

3408 themes, which may include recreational, scenic, historic, and tourist attractions of the state, to

3409 be used in office programs;

3410 (c) shall encourage and assist in coordinating activities of persons, firms, associations,
3411 corporations, civic groups, and governmental agencies that are engaged in publicizing,
3412 developing, and promoting the scenic attractions and tourist advantages of the state; and

3413 (d) shall advise the office in establishing a cooperative program using funds from the
3414 Tourism Marketing Performance Account created in Section 63N-7-301.

3415 (2) The board may:

3416 (a) solicit and accept contributions of money, services, and facilities from any other
3417 sources, public or private and shall use these funds for promoting the general interest of the
3418 state in tourism; and

3419 (b) establish subcommittees for the purpose of assisting the board in an advisory role.

3420 (3) The [board] Board of Tourism Development may not, except as otherwise provided
3421 in Subsection (1)(a), make policy related to the management or operation of the office.

3422 [~~(4)(a) For each fiscal year, the office shall allocate 20% of the funds appropriated to
3423 the Tourism Marketing and Performance Account created in Section 63N-7-301 to the
3424 cooperative program described in Subsection (1)(d) and this Subsection (4).]~~

3425 [~~(b) Money allocated to the cooperative program may be awarded to cities, counties,
3426 nonprofit destination marketing organizations, and similar public entities for the purpose of
3427 supplementing money committed by these entities for advertising and promoting sites and
3428 events in the state.]~~

3429 [~~(c) The office, with approval from the board, shall establish:]~~

3430 [~~(i) an application and approval process for an entity to receive a cooperative program
3431 award, including an application deadline;]~~

3432 [~~(ii) the criteria for awarding a cooperative program award, which shall emphasize
3433 attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in
3434 the state; and]~~

3435 [~~(iii) eligibility, advertising, timing, and reporting requirements of an entity that
3436 receives a cooperative program award.]~~

3437 [~~(d) Money allocated to the cooperative program that is not used in each fiscal year
3438 shall be returned to the Tourism Marketing Performance Account.]~~

3439 Section 87. Section **63N-7-301** is amended to read:

3440 **63N-7-301. Tourism Marketing Performance Account.**

3441 (1) There is created within the General Fund a restricted account known as the Tourism
3442 Marketing Performance Account.

3443 (2) The account shall be administered by GOED for the purposes listed in Subsection
3444 (5).

3445 (3) (a) The account shall earn interest.

3446 (b) All interest earned on account money shall be deposited into the account.

3447 (4) The account shall be funded by appropriations made to the account by the
3448 Legislature in accordance with this section.

3449 (5) The executive director of GOED's Office of Tourism shall use account money
3450 appropriated to GOED to pay for the statewide advertising, marketing, and branding campaign
3451 for promotion of the state as conducted by GOED.

3452 (6) (a) For each fiscal year beginning on or after July 1, 2007, GOED shall annually
3453 allocate 10% of the account money appropriated to GOED to a sports organization for
3454 advertising, marketing, branding, and promoting Utah in attracting sporting events into the
3455 state.

3456 (b) The sports organization shall:

3457 (i) provide an annual written report to GOED that gives an accounting of the use of
3458 funds the sports organization receives under this Subsection (6); and

3459 (ii) promote the state and encourage economic growth in the state.

3460 (c) For purposes of this Subsection (6), "sports organization" means an organization
3461 that:

3462 (i) is exempt from federal income taxation in accordance with Section 501(c)(3),
3463 Internal Revenue Code;

3464 (ii) maintains its principal location in the state;

3465 (iii) has a minimum of 15 years experience in the state hosting, fostering, and attracting
3466 major summer and winter sporting events statewide; and

3467 (iv) was created to foster state, regional, national, and international sports competitions
3468 in the state, to drive the state's Olympic and sports legacy, including competitions related to
3469 Olympic sports, and to promote and encourage sports tourism throughout the state, including
3470 advertising, marketing, branding, and promoting the state for the purpose of attracting sporting

3471 events in the state.

3472 (7) Money deposited into the account shall include a legislative appropriation from the
3473 cumulative sales and use tax revenue increases described in Subsection (8), plus any additional
3474 appropriation made by the Legislature.

3475 (8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax
3476 revenues determined under this Subsection (8) shall be certified by the State Tax Commission
3477 as a set-aside for the account, and the State Tax Commission shall report the amount of the
3478 set-aside to the office, the Office of Legislative Fiscal Analyst, and the Division of Finance,
3479 which shall set aside the certified amount for appropriation to the account.

3480 (b) For fiscal years 2016 through 2019, the State Tax Commission shall calculate the
3481 set-aside under this Subsection (8) in each fiscal year by applying one of the following
3482 formulas: if the annual percentage change in the Consumer Price Index for All Urban
3483 Consumers, as published by the Bureau of Labor Statistics of the United States Department of
3484 Labor, for the fiscal year two years before the fiscal year in which the set-aside is to be made is:

3485 (i) greater than 3%, and if the annual percentage change in the state sales and use tax
3486 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal
3487 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two
3488 years before the fiscal year in which the set-aside is to be made is greater than the annual
3489 percentage change in the Consumer Price Index for the fiscal year two years before the fiscal
3490 year in which the set-aside is to be made, then the difference between the annual percentage
3491 change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented
3492 goods and services and the annual percentage change in the Consumer Price Index shall be
3493 multiplied by an amount equal to the state sales and use tax revenues attributable to the retail
3494 sales of tourist-oriented goods and services from the fiscal year three years before the fiscal
3495 year in which the set-aside is to be made; or

3496 (ii) 3% or less, and if the annual percentage change in the state sales and use tax
3497 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal
3498 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two
3499 years before the fiscal year in which the set-aside is to be made is greater than 3%, then the
3500 difference between the annual percentage change in the state sales and use tax revenues
3501 attributable to the retail sales of tourist-oriented goods and services and 3% shall be multiplied

3502 by an amount equal to the state sales and use tax revenues attributable to the retail sales of
3503 tourist-oriented goods and services from the fiscal year three years before the fiscal year in
3504 which the set-aside is to be made.

3505 (c) The total money appropriated to the account in a fiscal year under Subsections
3506 (8)(a) and (b) may not exceed the amount appropriated to the account in the preceding fiscal
3507 year by more than \$3,000,000.

3508 (d) As used in this Subsection (8), "state sales and use tax revenues" are revenues
3509 collected under Subsections 59-12-103(2)(a)(i)(A) and 59-12-103(2)(c)(i).

3510 (e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services"
3511 are calculated by adding the following percentages of sales from each business registered with
3512 the State Tax Commission under one of the following codes of the 2012 North American
3513 Industry Classification System of the federal Executive Office of the President, Office of
3514 Management and Budget:

3515 (i) 80% of the sales from each business under NAICS Codes:

3516 (A) 532111 Passenger Car Rental;

3517 (B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;

3518 (C) 5615 Travel Arrangement and Reservation Services;

3519 (D) 7211 Traveler Accommodation; and

3520 (E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;

3521 (ii) 25% of the sales from each business under NAICS Codes:

3522 (A) 51213 Motion Picture and Video Exhibition;

3523 (B) 532292 Recreational Goods Rental;

3524 (C) 711 Performing Arts, Spectator Sports, and Related Industries;

3525 (D) 712 Museums, Historical Sites, and Similar Institutions; and

3526 (E) 713 Amusement, Gambling, and Recreation Industries;

3527 (iii) 20% of the sales from each business under NAICS Code 722 Food Services and
3528 Drinking Places;

3529 (iv) 18% of the sales from each business under NAICS Codes:

3530 (A) 447 Gasoline Stations; and

3531 (B) 81293 Parking Lots and Garages;

3532 (v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair

3533 and Maintenance; and

3534 (vi) 5% of the sales from each business under NAICS Codes:

3535 (A) 445 Food and Beverage Stores;

3536 (B) 446 Health and Personal Care Stores;

3537 (C) 448 Clothing and Clothing Accessories Stores;

3538 (D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;

3539 (E) 452 General Merchandise Stores; and

3540 (F) 453 Miscellaneous Store Retailers.

3541 (9) (a) For each fiscal year, the office shall allocate 20% of the funds appropriated to

3542 the Tourism Marketing and Performance Account to the cooperative program described in this

3543 Subsection (9).

3544 (b) Money allocated to the cooperative program may be awarded to cities, counties,

3545 nonprofit destination marketing organizations, and similar public entities for the purpose of

3546 supplementing money committed by these entities for advertising and promoting sites and

3547 events in the state.

3548 (c) The office shall establish:

3549 (i) an application and approval process for an entity to receive a cooperative program

3550 award, including an application deadline;

3551 (ii) the criteria for awarding a cooperative program award, which shall emphasize

3552 attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in

3553 the state; and

3554 (iii) eligibility, advertising, timing, and reporting requirements of an entity that

3555 receives a cooperative program award.

3556 (d) Money allocated to the cooperative program that is not used in each fiscal year shall

3557 be returned to the Tourism Marketing Performance Account.

3558 Section 88. Section **67-1-2.5** is amended to read:

3559 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

3560 (1) As used in this section:

3561 (a) "Administrator" means the boards and commissions administrator designated under

3562 Subsection (2).

3563 (b) "Executive board" means any executive branch board, commission, council,

3564 committee, working group, task force, study group, advisory group, or other body;

3565 (i) with a defined limited membership;

3566 (ii) that is created [~~to operate for more than six months~~] by the constitution, by statute,

3567 by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state

3568 treasurer or by the head of a department, division, or other administrative subunit of the

3569 executive branch of state government[-]; and

3570 (iii) that is created to operate for more than six months.

3571 (2) (a) Before September 1 of the calendar year following the year in which the

3572 Legislature creates a new executive board, the governor shall:

3573 (i) review the executive board to evaluate:

3574 (A) whether the executive board accomplishes a substantial governmental interest; and

3575 (B) whether it is necessary for the executive board to remain in statute;

3576 (ii) in the governor's review under Subsection (2)(a)(i), consider:

3577 (A) the funding required for the executive board;

3578 (B) the staffing resources required for the executive board;

3579 (C) the time members of the executive board are required to commit to serve on the

3580 executive board; and

3581 (D) whether the responsibilities of the executive board could reasonably be

3582 accomplished through an existing entity or without statutory direction; and

3583 (iii) submit a report to the Government Operations Interim Committee recommending

3584 that the Legislature:

3585 (A) repeal the executive board;

3586 (B) add a sunset provision or future repeal date to the executive board;

3587 (C) make other changes to make the executive board more efficient; or

3588 (D) make no changes to the executive board.

3589 (b) In conducting the evaluation and making the report described in Subsection (2)(a),

3590 the governor shall give deference to:

3591 (i) reducing the size of government; and

3592 (ii) making governmental programs more efficient and effective.

3593 (c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the

3594 Government Operations Interim Committee shall vote on whether to address the

3595 recommendations made by the governor in the report and prepare legislation accordingly.

3596 (3) (a) The governor shall designate a board and commissions administrator from the
3597 governor's staff to maintain a computerized database containing information about all
3598 executive boards.

3599 (b) The administrator shall ensure that the database contains:

3600 (i) the name of each executive board;

3601 (ii) the current statutory or constitutional authority for the creation of the executive
3602 board;

3603 (iii) the sunset date on which each executive board's statutory authority expires;

3604 (iv) the state officer or department and division of state government under whose
3605 jurisdiction the executive board operates or with which the executive board is affiliated, if any;

3606 (v) the name, address, gender, telephone number, and county of each individual
3607 currently serving on the executive board, along with a notation of all vacant or unfilled
3608 positions;

3609 (vi) the title of the position held by the person who appointed each member of the
3610 executive board;

3611 (vii) the length of the term to which each member of the executive board was
3612 appointed and the month and year that each executive board member's term expires;

3613 (viii) whether or not members appointed to the executive board require consent of the
3614 Senate;

3615 (ix) the organization, interest group, profession, local government entity, or geographic
3616 area that an individual appointed to an executive board represents, if any;

3617 (x) the party affiliation of an individual appointed to an executive board, if the statute
3618 or executive order creating the position requires representation from political parties;

3619 (xi) whether each executive board is a policy board or an advisory board;

3620 (xii) whether the executive board has or exercises rulemaking authority; and

3621 (xiii) any compensation and expense reimbursement that members of the executive
3622 board are authorized to receive.

3623 (4) The administrator shall [~~place the following on the~~] ensure the governor's website
3624 includes:

3625 (a) the information contained in the database;

3626 (b) a portal, accessible on each executive board's web page within the governor's
 3627 website, through which a member of the public may provide input on:

3628 (i) an individual appointed to serve on the executive board; or

3629 (ii) a sitting member of the executive board;

3630 ~~[(b)]~~ (c) each report the administrator receives under Subsection (5); and

3631 ~~[(c)]~~ (d) the summary report described in Subsection (6).

3632 (5) (a) Before August 1 of each year, each executive board shall prepare and submit to
 3633 the administrator an annual report that includes:

3634 (i) the name of the executive board;

3635 (ii) a description of the executive board's official function and purpose;

3636 (iii) a description of the actual work performed and actions taken by the executive
 3637 board ~~[since the last report the executive board submitted to the administrator under this~~
 3638 ~~Subsection (5)]~~ in the last fiscal year;

3639 ~~[(iv) a description of actions taken by the executive board since the last report the~~
 3640 ~~executive board submitted to the administrator under this Subsection (5);]~~

3641 ~~[(v)]~~ (iv) recommendations on whether any statutory, rule, or other changes are needed
 3642 to make the executive board more effective; and

3643 ~~[(vi)]~~ (v) an indication of whether the executive board should continue to exist.

3644 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
 3645 to the governor's website before September 1 of each year.

3646 (c) An executive board is not required to submit a report under this Subsection (5) if
 3647 the executive board:

3648 (i) is also a legislative board under Section 36-12-22; and

3649 (ii) submits a report under Section 36-12-22.

3650 (6) (a) The administrator shall prepare~~[-publish, and distribute]~~ an annual report by
 3651 September 1 of each year that includes:

3652 ~~[(i) as of August 1 of that year.]~~

3653 ~~[(A)]~~ (i) as of July 1 of that year, the total number of executive boards that exist in the
 3654 state;

3655 ~~[(B) the name of each of those executive boards and the state officer or department and~~
 3656 ~~division of state government under whose jurisdiction the executive board operates or with~~

3657 ~~which the executive board is affiliated, if any;]~~

3658 ~~[(C) for each state officer and each department and division, the total number of~~

3659 ~~executive boards under the jurisdiction of or affiliated with that officer, department, and~~

3660 ~~division;]~~

3661 ~~[(D) the total number of members for each of those executive boards;]~~

3662 ~~[(E) whether or not some or all of the members of each of those executive boards are~~

3663 ~~approved by the Senate;]~~

3664 ~~[(F) whether each board is a policymaking board or an advisory board and the total~~

3665 ~~number of policy boards and the total number of advisory boards; and]~~

3666 ~~[(G) the compensation, if any, paid to the members of each of those executive boards;~~

3667 ~~and]~~

3668 (ii) a summary of the reports submitted to the administrator under Subsection (5),

3669 including:

3670 (A) a list of each executive board that submitted a report under Subsection (5);

3671 (B) a list of each executive board that did not submit a report under Subsection (5);

3672 (C) an indication of any recommendations made under Subsection (5)(a)~~[(v)]~~(iv); and

3673 (D) a list of any executive boards that indicated under Subsection (5)(a)~~[(vi)]~~(v) that

3674 the executive board should no longer exist~~[-]; and~~

3675 (iii) a list of each executive board, identified and reported by the Division of Archives

3676 and Record Services under Subsection 63F-1-701(6)(b), that did not post a notice of a public

3677 meeting on the public notice website during the previous fiscal year.

3678 (b) The administrator shall coordinate with the Office of Legislative Research and

3679 General Counsel to jointly distribute copies of the report described in Subsection (6)(a) and

3680 copies of the report described in Subsection 36-12-22(3)(a) to:

3681 ~~[(i) the governor;]~~

3682 ~~[(ii)]~~ (i) the president of the Senate;

3683 ~~[(iii)]~~ (ii) the speaker of the House; and

3684 ~~[(iv) the Office of Legislative Research and General Counsel;]~~

3685 ~~[(v)]~~ (iii) the Government Operations Interim Committee~~[-; and]~~.

3686 ~~[(vi) any other persons who request a copy of the annual report.]~~

3687 ~~[(c) Each year, the Government Operations Interim Committee shall prepare legislation~~

3688 making any changes the committee determines are suitable with respect to the report the
 3689 committee receives under Subsection (6)(b), including:]

3690 [(i) repealing an executive board that is no longer functional or necessary; and]

3691 [(ii) making appropriate changes to make an executive board more effective.]

3692 Section 89. Section **67-1-9** is amended to read:

3693 **67-1-9. Governor's residence -- Sources of funds.**

3694 (1) The [~~Kearns' mansion shall be~~] Thomas Kearns Mansion is the official residence of
 3695 the governor.

3696 (2) The building board may apply for, accept, and expend funds from federal and other
 3697 sources [~~for carrying out the purposes of Section 67-1-8.1 and this section~~] to provide for the
 3698 use, operation, maintenance, repair, rehabilitation, alteration, and restoration of the Thomas
 3699 Kearns Mansion, the Carriage House Building adjacent to the Thomas Kearns Mansion, and
 3700 the grounds and landscaping surrounding the Thomas Kearns Mansion and the Carriage House
 3701 Building.

3702 Section 90. Section **71-7-3** is amended to read:

3703 **71-7-3. Development, operation, and maintenance of Utah Veterans Cemetery**
 3704 **and Memorial Park -- Responsibilities of Department of Veterans and Military Affairs --**
 3705 **Costs -- Definition.**

3706 (1) The Department of Veterans and Military Affairs[~~, in consultation with the~~
 3707 ~~Veterans Memorial Park Board,~~] shall develop, operate, and maintain a veterans cemetery and
 3708 memorial park.

3709 (2) To help pay the costs of developing, constructing, operating, and maintaining a
 3710 veterans cemetery and memorial park, the Department of Veterans and Military Affairs may:

3711 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal
 3712 Funds Procedures Act, receive federal funds, and may receive state funds, contributions from
 3713 veterans organizations, and other private donations; and

3714 (b) charge fees for at least the cost of the burial of a veteran's spouse and any other
 3715 persons, whom the department [~~and the Veterans Memorial Park Board~~] determines are eligible
 3716 to be buried in a veterans cemetery established by the state.

3717 (3) "Veteran" has the same meaning as defined in Section 68-3-12.5.

3718 Section 91. **Repealer.**

3719 This bill repeals:
3720 Section **4-30-103, Livestock Market Committee created -- Composition -- Terms --**
3721 **Removal -- Compensation -- Duties.**
3722 Section **9-6-801, Title.**
3723 Section **9-6-802, Definitions.**
3724 Section **9-6-803, Arts and Culture Business Alliance -- Creation -- Members --**
3725 **Vacancies.**
3726 Section **9-6-804, Alliance duties.**
3727 Section **9-6-805, Staff support -- Rulemaking.**
3728 Section **9-7-301, Board of control.**
3729 Section **13-35-103, Utah Powersport Vehicle Franchise Advisory Board -- Creation**
3730 **-- Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of**
3731 **interest.**
3732 Section **23-14-2.8, Private Aquaculture Advisory Council.**
3733 Section **26-39-202, Members serve without pay -- Reimbursement for expenses.**
3734 Section **26-50-202, Traumatic Brain Injury Advisory Committee -- Membership --**
3735 **Time limit.**
3736 Section **36-12-20, Development of proposed energy producer states' agreement --**
3737 **Membership selection -- Agreements -- Goals -- Meetings -- Reports.**
3738 Section **38-11-104, Board.**
3739 Section **41-3-106, Board -- Creation and composition -- Appointment, terms,**
3740 **compensation, and expenses of members -- Meetings -- Quorum -- Powers and duties --**
3741 **Officers' election and duties -- Voting.**
3742 Section **53-3-908, Advisory committee.**
3743 Section **58-46a-201, Board.**
3744 Section **58-64-201, Board.**
3745 Section **63A-9-301, Motor Vehicle Review Committee -- Composition.**
3746 Section **63A-9-302, Committee duties.**
3747 Section **63C-19-101, Title.**
3748 Section **63C-19-102, Definitions.**

- 3749 Section **63C-19-201, Higher Education Strategic Planning Commission --**
3750 **Membership -- Quorum and voting requirements -- Compensation -- Staff support.**
- 3751 Section **63C-19-202, Commission powers and duties -- Strategic plan -- Consultant**
3752 **-- Reports.**
- 3753 Section **63M-3-101, Title.**
- 3754 Section **63M-3-102, Legislative findings -- Purpose of act.**
- 3755 Section **63M-3-103, Definitions.**
- 3756 Section **63M-3-201, Contract for pilot plant -- Contents -- Financing --**
3757 **Termination of contract.**
- 3758 Section **63M-3-202, Intellectual properties discovered or developed -- Ownership --**
3759 **Patenting -- Licensing.**
- 3760 Section **67-1-8.1, Executive Residence Commission -- Recommendations as to use,**
3761 **maintenance, and operation of executive residence.**
- 3762 Section **71-7-4, Veterans Memorial Park Board -- Members -- Appointment --**
3763 **Meetings -- Per diem and travel expenses.**