

Title 63C. State Commissions and Councils Code

Chapter 1 General Provisions

63C-1-101 Title.

This title is known as the "State Commissions and Councils Code."

Enacted by Chapter 154, 1994 General Session

63C-1-102 Definitions.

As used in this title:

- (1) "Advisory board," "advisory commission," and "advisory council" means a board, commission, or council that:
 - (a) provides advice and makes recommendations to another person or entity who makes policy for the benefit of the general public;
 - (b) is created by and whose duties are provided by statute or by executive order; and
 - (c) performs its duties only under the supervision of another person as provided by statute.
- (2) "Review board," "review commission," or "review council" means a board, commission, or council that:
 - (a) possesses a portion of the sovereign power of the state only to the extent to enable it to approve policy made for the benefit of the general public by another body or person;
 - (b) is created by and whose duties are provided by statute;
 - (c) performs its duties according to its own rules without supervision other than under the general control of another person as provided by statute; and
 - (d) is permanent and continuous and not temporary and occasional.
- (3) "Policy board," "policy commission," or "policy council" means a board, commission, or council that:
 - (a) possesses a portion of the sovereign power of the state to enable it to make policy for the benefit of the general public;
 - (b) is created by and whose duties are provided by the constitution or by statute;
 - (c) performs its duties according to its own rules without supervision other than under the general control of another person as provided by statute; and
 - (d) is permanent and continuous and not temporary and occasional.

Enacted by Chapter 223, 1994 General Session

Chapter 4a Constitutional and Federalism Defense Act

Part 1 General Provisions

63C-4a-101 Title.

This chapter is known as the "Constitutional and Federalism Defense Act."

Amended by Chapter 246, 2019 General Session

63C-4a-102 Definitions.

As used in this chapter:

- (1) "Account" means the Constitutional Defense Restricted Account, created in Section 63C-4a-402.
- (2) "Commission" means the Federalism Commission, created in Section 63C-4a-302.
- (3) "Constitutional defense plan" means a plan that outlines actions and expenditures to fulfill the duties of the commission and the council.
- (4) "Council" means the Constitutional Defense Council, created in Section 63C-4a-202.
- (5) "Federal governmental entity" means:
 - (a) the president of the United States;
 - (b) the United States Congress;
 - (c) a United States agency; or
 - (d) an employee or official appointed by the president of the United States.
- (6) "Federal issue" means a matter relating to the federal government's dealings with the state.
- (7) "Federal law" means:
 - (a) an executive order by the president of the United States;
 - (b) a statute passed by the United States Congress;
 - (c) a regulation adopted by a United States agency; or
 - (d) a policy statement, order, guidance, or action by:
 - (i) a United States agency; or
 - (ii) an employee or official appointed by the president of the United States.
- (8) "R.S. 2477" means Revised Statute 2477, codified as 43 U.S.C. Section 932.
- (9) "R.S. 2477 plan" means a guiding document that:
 - (a) is developed jointly by the Utah Association of Counties and the state;
 - (b) is approved by the council; and
 - (c) presents the broad framework of a proposed working relationship between the state and participating counties collectively for the purpose of asserting, defending, or litigating state and local government rights under R.S. 2477.
- (10) "United States agency" means a department, agency, authority, commission, council, board, office, bureau, or other administrative unit of the executive branch of the United States government.

Amended by Chapter 64, 2021 General Session

63C-4a-103 Policy for public lands within the state.

It is the policy of the state to claim and preserve by lawful means the rights of the state and its citizens to determine and affect the disposition and use of federal lands within the state as those rights are granted by the United States Constitution, the Utah Enabling Act, and other applicable law.

Renumbered and Amended by Chapter 101, 2013 General Session

**Part 2
Constitutional Defense Council**

63C-4a-201 Title.

This part is known as "Constitutional Defense Council."

Enacted by Chapter 101, 2013 General Session

63C-4a-202 Creation of Constitutional Defense Council -- Membership -- Vacancies -- Meetings -- Staff -- Reports -- Per diem, travel expenses, and funding.

(1) There is created the Constitutional Defense Council.

(2)

(a) The council shall consist of the following members:

- (i) the governor or the lieutenant governor, who shall serve as chair of the council;
- (ii) the president of the Senate or the president of the Senate's designee who shall serve as vice chair of the council;
- (iii) the speaker of the House or the speaker of the House's designee who shall serve as vice chair of the council;
- (iv) another member of the House, appointed by the speaker of the House;
- (v) the minority leader of the Senate or the minority leader of the Senate's designee;
- (vi) the minority leader of the House or the minority leader of the House's designee;
- (vii) the attorney general or the attorney general's designee, who shall be one of the attorney general's appointees, not a current career service employee;
- (viii) the director of the School and Institutional Trust Lands Administration;
- (ix) four elected county commissioners, county council members, or county executives from different counties who are selected by the Utah Association of Counties, at least one of whom shall be from a county of the first or second class;
- (x) the executive director of the Department of Natural Resources, who may not vote;
- (xi) the commissioner of the Department of Agriculture and Food, who may not vote;
- (xii) the director of the Governor's Office of Economic Opportunity, who may not vote; and
- (xiii) two elected county commissioners, county council members, or county executives from different counties appointed by the Utah Association of Counties, who may not vote.

(b) The council vice chairs shall conduct a council meeting in the absence of the chair.

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

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

(4)

(a)

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

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

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

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

(d)

- (i) The council shall require that any entity, other than the commission, that receives money from the Constitutional Defense Restricted Account provide financial reports and litigation reports to the council.
 - (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from complying with Title 63G, Chapter 2, Government Records Access and Management Act.
 - (e) A majority of the voting membership on the council is required for a quorum to conduct council business. A majority vote of the quorum is required for any action taken by the council.
- (5)
- (a) The Office of the Attorney General shall advise the council.
 - (b) The Public Lands Policy Coordinating Office shall provide staff assistance for meetings of the council.
- (6)
- (a) A member of the council who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
 - (b) Compensation and expenses of a member of the council who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (7) Money appropriated for or received by the council may be expended by the governor in consultation with the council.

Amended by Chapter 387, 2014 General Session

63C-4a-203 Duties of Constitutional Defense Council.

- (1) The Constitutional Defense Council shall assist the governor and the Legislature on the following types of issues:
- (a) the constitutionality of federal mandates;
 - (b) when making recommendations to challenge the federal mandates and regulations described in Subsections (1)(f)(i) through (v), the rationale for and effectiveness of those federal mandates or regulations;
 - (c) legal and policy issues surrounding state and local government rights under R.S. 2477;
 - (d) legal issues relating to the rights of the School and Institutional Trust Lands Administration and its beneficiaries;
 - (e) a disagreement with another state regarding the use or ownership of water; and
 - (f) the advisability, feasibility, estimated cost, and likelihood of success of challenging:
 - (i) federal court rulings that:
 - (A) hinder the management of the state's prison system and place undue financial hardship on the state's taxpayers;
 - (B) impact a power or a right reserved to the state or its citizens by the United States Constitution, Amendment IX or X; or
 - (C) expand or grant a power to the United States government beyond the limited, enumerated powers granted by the United States Constitution;
 - (ii) federal laws or regulations that reduce or negate water rights or the rights of owners of private property, or the rights and interest of state and local governments, including

sovereignty interests and the power to provide for the health, safety, and welfare, and promote the prosperity of their inhabitants;

- (iii) conflicting federal regulations or policies in land management on federal land;
 - (iv) federal intervention that would damage the state's mining, timber, or ranching industries;
 - (v) the authority of the Environmental Protection Agency and Congress to mandate local air quality standards and penalties; and
 - (vi) other issues that are relevant to this Subsection (1).
- (2) The council shall:
- (a) provide advice to the governor, state planning coordinator, and the public lands policy coordinator concerning coordination of:
 - (i) state and local government rights under R.S. 2477; and
 - (ii) other public lands issues;
 - (b) approve a plan for R.S. 2477 rights developed in accordance with Section 63C-4a-403;
 - (c) review, at least quarterly:
 - (i) financial statements concerning implementation of the plan for R.S. 2477 rights; and
 - (ii) financial and other reports from the Public Lands Policy Coordinating Office concerning its activities; and
 - (d) study, formulate, and recommend appropriate legal strategies and arguments to further the policy described in Section 63C-4a-103.
- (3) The council chair may require the attorney general or a designee to provide testimony on potential legal actions that would enhance the state's sovereignty or authority on issues affecting Utah and the well-being of its citizens.
- (4) The council chair may direct the attorney general to initiate and prosecute any action that the council determines will further its purposes, including an action described in Section 67-5-29.
- (5)
- (a) Subject to the provisions of this section, the council may select and employ attorneys to implement the purposes and duties of the council.
 - (b) The council chair may, in consultation with the council, direct any council attorney in any manner considered appropriate by the attorney general to best serve the purposes of the council.
 - (c) The attorney general shall negotiate a contract for services with any attorney selected and approved for employment under this section.
- (6) The council chair may, only with the concurrence of the council, review and approve all claims for payments for:
- (a) legal services that are submitted to the council;
 - (b) an action filed in accordance with Section 67-5-29; and
 - (c) costs related to a constitutional defense plan approved in accordance with Section 63C-4a-403 that are submitted by:
 - (i) the Public Lands Policy Coordinating Office;
 - (ii) the School and Institutional Trust Lands Administration; or
 - (iii) the Office of the Attorney General.
- (7)
- (a) The council chair may, with the concurrence of the council, order the attorney general or an attorney employed by the council to cease work that may be charged to the fund.
 - (b) The attorney general or other attorney subject to the order shall comply with the order no later than five business days after the day on which the order is given.
- (8)

- (a) At least 20 calendar days before the state submits comments on the draft environmental impact statement or environmental assessment for a proposed land management plan of any federal land management agency, the governor shall make those documents available to:
 - (i) members of the council; and
 - (ii) any county executive, county council member, or county commissioner of a county that is covered by the management plan and that has established formal cooperating agency status with the relevant federal land management agency regarding the proposed plan.
- (b)
 - (i) A council member or local government official who receives the documents described in Subsection (8)(a) may make recommendations to the governor or the governor's designee concerning changes to the documents before the documents are submitted to the federal land management agency.
 - (ii) A council member or local government official shall submit recommendations to the governor or the governor's designee no later than 10 calendar days after the day on which the council member or local government official receives the documents described in Subsection (8)(a).
- (c) Documents transmitted or received under this Subsection (8) are drafts and are protected records under Subsection 63G-2-305(22).
- (9) The council shall submit a report on December 1 of each year to each legislator by electronic mail that summarizes the council's activities.

Renumbered and Amended by Chapter 101, 2013 General Session

Amended by Chapter 445, 2013 General Session

63C-4a-204 Review of presidential executive orders.

- (1) The council shall review certain executive orders by the president of the United States that are not affirmed by a vote of the United States Congress and signed into law as prescribed by the Constitution of the United States.
- (2) Upon review, the council may recommend to the attorney general and the governor that an executive order be further examined by the attorney general to determine:
 - (a) the constitutionality of the executive order; and
 - (b) whether the state should seek to have the executive order declared to be an unconstitutional exercise of legislative authority by the president.
- (3) Notwithstanding any other provision of law, no state agency, political subdivision, elected or appointed state official or employee, or official or employee of a political subdivision may implement a presidential executive order that is determined by the attorney general to be unconstitutional under this section if the order relates to:
 - (a) a pandemic or other public health emergency;
 - (b) the regulation of natural resources;
 - (c) the regulation of the agricultural industry;
 - (d) the regulation of land use;
 - (e) the regulation of the financial sector through the imposition of environmental, social, or governance standards; or
 - (f) the regulation of the constitutional right to keep and bear arms.

Enacted by Chapter 423, 2021 General Session

Part 3 Federalism Commission

63C-4a-301 Title.

This part is known as " Federalism Commission."

Amended by Chapter 246, 2019 General Session

63C-4a-302 Creation of Federalism Commission -- Membership -- Meetings -- Staff -- Expenses.

- (1) There is created the Federalism Commission, comprised of the following nine members:
 - (a) the president of the Senate or the president of the Senate's designee who shall serve as cochair of the commission;
 - (b) two other members of the Senate, appointed by the president of the Senate;
 - (c) the speaker of the House or the speaker of the House's designee who shall serve as cochair of the commission;
 - (d) three other members of the House, appointed by the speaker of the House;
 - (e) the minority leader of the Senate or the minority leader of the Senate's designee; and
 - (f) the minority leader of the House or the minority leader of the House's designee.
- (2)
 - (a) A majority of the members of the commission constitute a quorum of the commission.
 - (b) Action by a majority of the members of a quorum constitutes action by the commission.
- (3) The commission may meet up to nine times each year, unless additional meetings are approved by the Legislative Management Committee.
- (4) The Office of Legislative Research and General Counsel shall provide staff support to the commission.
- (5) Compensation and expenses of a member of the commission who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (6) Nothing in this section prohibits the commission from closing a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the commission from complying with Title 63G, Chapter 2, Government Records Access and Management Act.
- (7) The commission may, in the commission's discretion, elect to succeed to the position of any of the following under a contract that any of the following are party to, subject to applicable contractual provisions:
 - (a) the Commission on Federalism;
 - (b) the Commission for the Stewardship of Public Lands; and
 - (c) the Federal Funds Commission.

Amended by Chapter 246, 2019 General Session

63C-4a-303 Federalism Commission to evaluate federal law -- Curriculum on federalism.

- (1)
 - (a) In accordance with Section 63C-4a-304, the commission may evaluate a federal law:
 - (i) as agreed by a majority of the commission;
 - (ii) submitted to the commission by a council member; or
 - (iii) reported to the commission in accordance with Subsection (1)(b).
 - (b)

- (i) To assist the commission in the evaluation of federal law as required in this section and Section 63C-4a-304, the commission may contract with a third party that is a Utah institution of higher education to monitor federal law for possible implications on the principles of federalism.
- (ii) A third party contracted to monitor federal law as described in Subsection (1)(b)(i) shall:
 - (A) monitor federal law for possible implications on the principles of federalism and state sovereignty; and
 - (B) report to the commission any law or action by the federal government that may implicate the principles of federalism or state sovereignty.
- (c)
 - (i) As used in this Subsection (1)(c), "interim committee" means the same as that term is defined in Section 36-12-1.
 - (ii) The commission shall provide an annual report to each interim committee concerning any law or action by the federal government that implicates the principles of federalism or state sovereignty.
 - (iii) The commission may notify the appropriate interim committee of any law or action by the federal government that implicates the principles of federalism or state sovereignty.
- (2) The commission may request information regarding a federal law under evaluation from a United States senator or representative elected from the state.
- (3) If the commission finds that a federal law is not authorized by the United States Constitution or violates the principle of federalism as described in Subsection 63C-4a-304(2), a commission cochair or the commission may:
 - (a) request from a United States senator or representative elected from the state:
 - (i) information about the federal law; or
 - (ii) assistance in communicating with a federal governmental entity regarding the federal law;
 - (b)
 - (i) give written notice of an evaluation made under Subsection (1) to the federal governmental entity responsible for adopting or administering the federal law; and
 - (ii) request a response by a specific date to the evaluation from the federal governmental entity;
 - (c) request a meeting, conducted in person or by electronic means, with the federal governmental entity, a representative from another state, or a United States Senator or Representative elected from the state to discuss the evaluation of federal law and any possible remedy; or
 - (d) give written notice of an evaluation and the conclusions of the commission to any other relevant entity.
- (4) The commission may recommend to the governor that the governor call a special session of the Legislature to give the Legislature an opportunity to respond to the commission's evaluation of a federal law.
- (5) A commission cochair may coordinate the evaluation of and response to federal law with another state as provided in Section 63C-4a-305.
- (6) The commission shall keep a current list on the Legislature's website of:
 - (a) a federal law that the commission evaluates under Subsection (1);
 - (b) an action taken by a cochair of the commission or the commission under Subsection (3);
 - (c) any coordination undertaken with another state under Section 63C-4a-305; and
 - (d) any response received from a federal government entity that was requested under Subsection (3).
- (7)
 - (a) The commission shall develop curriculum for a seminar on the principles of federalism.
 - (b) The curriculum under Subsection (7)(a) shall be available to the general public and include:

- (i) fundamental principles of federalism;
 - (ii) the sovereignty, supremacy, and jurisdiction of the individual states, including their police powers;
 - (iii) the history and practical implementation of the Tenth Amendment to the United States Constitution;
 - (iv) the authority and limits on the authority of the federal government as found in the United States Constitution;
 - (v) the relationship between the state and federal governments;
 - (vi) methods of evaluating a federal law in the context of the principles of federalism;
 - (vii) how and when challenges should be made to a federal law or regulation on the basis of federalism;
 - (viii) the separate and independent powers of the state that serve as a check on the federal government;
 - (ix) first amendment rights and freedoms contained therein; and
 - (x) any other issues relating to federalism the commission considers necessary.
- (8) The commission may apply for and receive grants, and receive private donations to assist in funding the creation, enhancement, and dissemination of the curriculum.
- (9) The commission shall submit a report on or before November 30 of each year to the Government Operations Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee that:
- (a) describes any action taken by the commission under Section 63C-4a-303; and
 - (b) includes any proposed legislation the commission recommends.

Amended by Chapter 71, 2023 General Session

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

- (1) The commission shall evaluate whether a federal law evaluated under Section 63C-4a-303 is authorized by:
- (a) United States Constitution, Article I, Section 2, to provide for the decennial census;
 - (b) United States Constitution, Article I, Section 4, to override state laws regulating the times, places, and manner of congressional elections, other than the place of senatorial elections;
 - (c) United States Constitution, Article I, Section 7, to veto bills, orders, and resolutions by Congress;
 - (d) United States Constitution, Article I, Section 8, to:
 - (i) lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States, but all duties, imposts, and excises shall be uniform throughout the United States;
 - (ii) borrow money on the credit of the United States;
 - (iii) regulate commerce with foreign nations, among the several states, and with the Indian tribes;
 - (iv) establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States;
 - (v) coin money, regulate the value of coin money and of foreign coin, and fix the standard of weights and measures;
 - (vi) provide for the punishment of counterfeiting the securities and current coin of the United States;
 - (vii) establish post offices and post roads;

- (viii) promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
- (ix) constitute tribunals inferior to the supreme court;
- (x) define and punish piracies and felonies committed on the high seas and offences against the law of nations;
- (xi) declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
- (xii) raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
- (xiii) provide and maintain a navy;
- (xiv) make rules for the government and regulation of the land and naval forces;
- (xv) provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions;
- (xvi) provide for organizing, arming, and disciplining the militia, and for governing the part of the militia that may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;
- (xvii) exercise exclusive legislation in all cases whatsoever, over such district, which may not exceed 10 miles square, as may, by cession of particular states and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the place shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; or
- (xviii) make all laws which shall be necessary and proper for carrying into execution the powers listed in this section, and all other powers vested by the United States Constitution in the government of the United States, or in any department or officer of the United States;
- (e) United States Constitution, Article I, Section 9, to authorize a federal officer to receive benefits from a foreign nation;
- (f) United States Constitution, Article I, Section 10, to fix the pay of members of Congress and of federal officers;
- (g) United States Constitution, Article II, Section 1, to:
 - (i) set the time for choosing electors; or
 - (ii) establish who succeeded to the presidency after the vice president;
- (h) United States Constitution, Article II, Section 2, to:
 - (i) serve as Commander-in-Chief of the armed forces;
 - (ii) require the written opinions of executive officers;
 - (iii) grant reprieves and pardons;
 - (iv) make vacancy appointments;
 - (v) make treaties, subject to the advice and consent of the United States Senate;
 - (vi) appoint foreign affairs officers subject to the advice and consent of the United States Senate;
 - (vii) appoint domestic affairs officers subject either to the advice and consent of the United States Senate or pursuant to law;
 - (viii) appoint judges subject to the advice and consent of the United States Senate; or
 - (ix) authorize the president to fill designated inferior offices without senatorial consent;
- (i) United States Constitution, Article II, Section 3, to:
 - (i) receive representatives of foreign powers;
 - (ii) execute the laws;

- (iii) commission United States officers;
- (iv) give Congress information;
- (v) make recommendations to Congress;
- (vi) convene Congress on extraordinary occasions; or
- (vii) adjourn Congress if it cannot agree on a time;
- (j) United States Constitution, Article III, Section 1, to:
 - (i) create exceptions to the supreme court's appellate jurisdiction;
 - (ii) fix the jurisdiction of federal courts inferior to the supreme court; or
 - (iii) declare the punishment for treason;
- (k) United States Constitution, Article IV, Section 1, to establish the rules by which the records and judgments of states are proved in other states;
- (l) United States Constitution, Article IV, Section 3, to:
 - (i) manage federal property;
 - (ii) dispose of federal property;
 - (iii) govern the federal territories; or
 - (iv) consent to admission of new states or the combination of existing states;
- (m) United States Constitution, Article IV, Section 4, to defend states from invasion, insurrection, and non-republican forms of government;
- (n) United States Constitution, Article V, Section 1, to propose constitutional amendments;
- (o) United States Constitution, Article VI, Section 1, to prescribe the oath for federal officers;
- (p) United States Constitution, Amendment XIII, to abolish slavery;
- (q) United States Constitution, Amendment XIV, to guard people from certain state abuses;
- (r) United States Constitution, Amendment XVI, to impose taxes on income from any source without having to apportion the total dollar amount of tax collected from each state according to each state's population in relation to the total national population;
- (s) United States Constitution, Amendment XX, to revise the manner of presidential succession;
- (t) United States Constitution, Amendment XV, XIX, XXIII, or XXIV, to extend and protect the right to vote; or
- (u) United States Constitution, Amendment XVII, to grant a pay raise to a sitting Congress.
- (2) The commission shall evaluate whether a federal law evaluated under Section 63C-4a-303 violates the principle of federalism by:
 - (a) affecting the distribution of power and responsibility among the state and national government;
 - (b) limiting the policymaking discretion of the state;
 - (c) impacting a power or a right reserved to the state or its citizens by the United States Constitution, Amendment IX or X; or
 - (d) impacting the sovereignty rights and interest of the state or a political subdivision to provide for the health, safety, and welfare and promote the prosperity of the state's or political subdivision's inhabitants.
- (3) In the evaluation of a federal law, the commission:
 - (a) shall rely on:
 - (i) the text of the United States Constitution, as amended;
 - (ii) the meaning of the text of the United States Constitution, as amended, at the time of its drafting and ratification; and
 - (iii) a primary source document that is:
 - (A) directly relevant to the drafting, adoption, ratification, or initial implementation of the United States Constitution, as amended; or

- (B) created by a person directly involved in the drafting, adoption, ratification, or initial implementation of the United States Constitution, as amended;
 - (b) may rely on other relevant sources, including federal court decisions; and
 - (c) is not bound by a holding by a federal court.
- (4)
- (a) If the commission determines that a federal law is not authorized as described in this section or otherwise violates the principles of federalism, the commission may recommend appropriate action, including:
 - (i) no action;
 - (ii) correspondence with relevant federal agencies or leaders;
 - (iii) initiating or coordinating public education efforts;
 - (iv) initiating or joining multi-state coordination;
 - (v) outreach and coordination with state and local government officers and agencies;
 - (vi) outreach or coordination with the state's congressional delegation and Congress as a whole;
 - (vii) lobbying the state's congressional delegation and Congress as a whole;
 - (viii) legal challenges of the federal action;
 - (ix) enacting state laws to assert, defend, and preserve the constitutional allocation and balance of governing powers between the federal government and the state; or
 - (x) other actions within the constitutional powers of the state.
 - (b)
 - (i) The Legislative Management Committee shall include on the standing agenda for the Legislative Management Committee a report from the commission as described in Subsection (4)(b)(ii).
 - (ii) The commission:
 - (A) shall provide to the Legislative Management Committee a report with respect to federal laws that the commission determines are not authorized as described in this section or otherwise violate the principles of federalism; and
 - (B) with approval of the Legislative Management Committee, may take appropriate action.
 - (iii) If the Legislative Management Committee is not meeting within a reasonable time, the commission may:
 - (A) provide a report to the speaker of the House of Representatives and the president of the Senate with respect to federal laws that the commission determines are not authorized as described in this section or otherwise violate the principles of federalism; and
 - (B) with approval from the speaker of the House of Representatives and the president of the Senate, take appropriate action.

Amended by Chapter 320, 2022 General Session

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

A commission cochair may correspond with the presiding officer of the legislative branch of another state or an entity of another state that has powers and duties that are similar to the commission to discuss and coordinate the evaluation of and response to federal law as provided in Section 63C-4a-303.

Renumbered and Amended by Chapter 101, 2013 General Session

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

- (1) This section applies to:
 - (a) all political subdivisions of the state;
 - (b) all agencies of the state;
 - (c) the Attorney General's office; and
 - (d) the Office of Legislative Research and General Counsel.
- (2) An employing entity listed in Subsection (1) shall appoint at least one designee to which all questions and inquiries regarding federalism shall be directed. The designee shall be required to attend a seminar on the principles of federalism developed pursuant to Subsection 63C-4a-303(7) at least once in every two-year period.
- (3) The designee may complete the requirements of this section by attending a seminar in person or online.

Amended by Chapter 246, 2019 General Session

63C-4a-308 Commission duties with regards to federal lands.

The commission shall:

- (1) review and make recommendations on the transfer of federally controlled public lands to the state;
- (2) review and make recommendations regarding the state's sovereign right to protect the health, safety, and welfare of its citizens as it relates to public lands, including recommendations concerning the use of funds in the account created in Section 63C-4a-404;
- (3) study and evaluate the recommendations of the public lands transfer study and economic analysis conducted by the Public Lands Policy Coordinating Office in accordance with Section 63L-11-304;
- (4) coordinate with and report on the efforts of the executive branch, the counties and political subdivisions of the state, the state congressional delegation, western governors, other states, and other stakeholders concerning the transfer of federally controlled public lands to the state including convening working groups, such as a working group composed of members of the Utah Association of Counties;
- (5) study and make recommendations regarding the appropriate designation of public lands transferred to the state, including stewardship of the land and appropriate uses of the land;
- (6) study and make recommendations regarding the use of funds received by the state from the public lands transferred to the state; and
- (7) receive reports from and make recommendations to the attorney general, the Legislature, and other stakeholders involved in litigation on behalf of the state's interest in the transfer of public lands to the state, regarding:
 - (a) preparation for potential litigation;
 - (b) selection of outside legal counsel;
 - (c) ongoing legal strategy for the transfer of public lands; and
 - (d) use of money appropriated by the Legislature for the purpose of securing the transfer of public lands to the state under Section 63C-4a-404.

Amended by Chapter 451, 2022 General Session

**Part 4
Miscellaneous Provisions**

63C-4a-401 Title.

This part is known as "Miscellaneous Provisions."

Enacted by Chapter 101, 2013 General Session

63C-4a-402 Creation of Constitutional Defense Restricted Account -- Sources of funds -- Uses of funds -- Reports.

- (1) There is created a restricted account within the General Fund known as the Constitutional Defense Restricted Account.
- (2) The account consists of money from the following revenue sources:
 - (a) money deposited to the account as required by Section 53C-3-203;
 - (b) voluntary contributions;
 - (c) money received by the council from other state agencies; and
 - (d) appropriations made by the Legislature.
- (3) The Legislature may annually appropriate money from the Constitutional Defense Restricted Account to one or more of the following:
 - (a) the commission, to fund the commission and for the commission's duties;
 - (b) the council, to fund the council and for the council's duties;
 - (c) the Public Lands Policy Coordinating Office to carry out its duties in Section 63L-11-202;
 - (d) the Office of the Governor, to be used only for the purpose of asserting, defending, or litigating:
 - (i) an issue arising with another state regarding the use or ownership of water; or
 - (ii) state and local government rights under R.S. 2477, in accordance with a plan developed and approved as provided in Section 63C-4a-403;
 - (e) a county or association of counties to assist counties, consistent with the purposes of the council, in pursuing issues affecting the counties;
 - (f) the Office of the Attorney General, to be used only:
 - (i) for public lands counsel and assistance and litigation to the state or local governments including asserting, defending, or litigating state and local government rights under R.S. 2477 in accordance with a plan developed and approved as provided in Section 63C-4a-403;
 - (ii) for an action filed in accordance with Section 67-5-29;
 - (iii) to advise the council; or
 - (iv) for asserting, defending, or litigating an issue arising with another state regarding the use or ownership of water;
 - (g) the Office of the Attorney General or any other state or local government entity to bring an action to establish the right of a state or local government officer or employee to enter onto federal land or use a federal road or an R.S. 2477 road, in the officer's or employee's official capacity, to protect the health, safety, or welfare of a citizen of the state; or
 - (h) the Office of Legislative Research and General Counsel, to provide staff support to the commission.
- (4)
 - (a) The council shall require that any entity, other than the commission, that receives money from the account provide financial reports and litigation reports to the council.
 - (b) Nothing in this Subsection (4) prohibits the commission or the council from closing a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the commission or

the council from complying with Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2021 General Session

63C-4a-403 Plans for R.S. 2477 rights and constitutional defense -- Contents.

- (1) The council may approve an R.S. 2477 plan if the R.S. 2477 plan:
 - (a) provides for a good faith, cooperative effort between the state and each participating county;
 - (b) allows a county to formally agree to participate in the R.S. 2477 plan by adopting a resolution;
 - (c) provides that the state and a participating county are equal partners in determining litigation strategy and the expenditure of resources with respect to that county's rights under R.S. 2477; and
 - (d) provides a process for resolving any disagreement between the state and a participating county about litigation strategy or resource expenditure that includes the following requirements:
 - (i) the governor or the governor's designee and a representative of the Utah Association of Counties shall first attempt to resolve the disagreement;
 - (ii) if the county and the state continue to disagree, the county, the governor, and the Utah Association of Counties shall present their recommendations to the council for a final decision about the strategy or expenditure in question; and
 - (iii) the county may pursue a strategy or make an expenditure contrary to the final decision of the council only if the county does not claim resources provided to fund the R.S. 2477 plan.
- (2) The council shall ensure that the R.S. 2477 plan contains:
 - (a) provisions identifying which expenditure types require approval of the R.S. 2477 plan committee and which expenditure types may be made without the R.S. 2477 plan committee approval;
 - (b) provisions requiring that financial statements be provided to members of the R.S. 2477 plan committee and members of the council, and the frequency with which those financial statements must be provided; and
 - (c) provisions identifying those decisions or types of decisions that may be made by the R.S. 2477 plan committee and those decisions or types of decisions that must be referred to the council for decision.
- (3)
 - (a) The Public Lands Policy Coordinating Office, in consultation with the committee, the Office of the Attorney General and the School and Institutional Trust Lands, shall prepare and submit a constitutional defense plan to the council for the council's approval.
 - (b) The constitutional defense plan shall contain proposed action and expenditure for:
 - (i) the council's or the commission's duties; or
 - (ii) an action filed in accordance with Section 67-5-29.
- (4) The council shall:
 - (a) review expenditures, at least quarterly, made to further a plan approved under this section;
 - (b) approve an update to a plan under this section at least annually, or more often, if necessary; and
 - (c) jointly, with the Public Lands Policy Coordinating Office, present a R.S. 2477 plan approved under this section, with any updates, to:
 - (i) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee by July 1 of each calendar year, after providing the R.S. 2477 plan to the committee at least seven days before the presentation;

- (ii) the commission, which may be by mail; and
- (iii) the president of the Senate and the speaker of the House of Representatives, which may be by mail.

Renumbered and Amended by Chapter 101, 2013 General Session

63C-4a-404 Creation of Public Lands Litigation Restricted Account -- Sources of funds -- Uses of funds -- Reports.

- (1) There is created a restricted account within the General Fund known as the Public Lands Litigation Restricted Account.
- (2) The account created in Subsection (1) consists of money from the following revenue sources:
 - (a) money received by the commission from other state agencies; and
 - (b) appropriations made by the Legislature.
- (3) The Legislature may annually appropriate money from the account for the purposes of asserting, defending, or litigating state and local government rights to the disposition and use of federal lands within the state as those rights are granted by the United States Constitution, the Utah Enabling Act, and other applicable law.
- (4)
 - (a) Any entity that receives money from the account shall, before disbursing the money to another person for the purposes described in Subsection (3), or before spending the money appropriated, report to the commission regarding:
 - (i) the amount of the disbursement;
 - (ii) who will receive the disbursement; and
 - (iii) the planned use for the disbursement.
 - (b) The commission may, upon receiving the report under Subsection (4)(a):
 - (i) advise the Legislature and the entity of the commission finding that the disbursement is consistent with the purposes in Subsection (3); or
 - (ii) advise the Legislature and the entity of the commission finding that the disbursement is not consistent with the purposes in Subsection (3).

Renumbered and Amended by Chapter 246, 2019 General Session

Chapter 6
Utah Seismic Safety Commission

63C-6-101 Creation of commission -- Membership -- Appointment -- Vacancies.

- (1) There is created the Utah Seismic Safety Commission consisting of 15 members, designated as follows:
 - (a) the director of the Division of Emergency Management or the director's designee;
 - (b) the director of the Utah Geological Survey or the director's designee;
 - (c) the director of the University of Utah Seismograph Stations or the director's designee;
 - (d) the executive director of the Utah League of Cities and Towns or the executive director's designee;
 - (e) a representative from the Structural Engineers Association of Utah biannually selected by its membership;

- (f) the director of the Division of Facilities Construction and Management or the director's designee;
 - (g) the executive director of the Department of Transportation or the director's designee;
 - (h) the State Planning Coordinator or the coordinator's designee;
 - (i) a representative from the American Institute of Architects, Utah Section;
 - (j) a representative from the American Society of Civil Engineers, Utah Section;
 - (k) three individuals, appointed by the director of the Division of Emergency Management, from earthquake-related organizations that have an interest in reducing earthquake-related loss in the state, with consideration given to recommendations of the Utah Seismic Safety Commission;
 - (l) the commissioner of the Department of Insurance or the commissioner's designee; and
 - (m) a representative from the American Public Works Association, Utah Chapter, biannually selected by its membership.
- (2) The commission shall annually select one of its members to serve as chair of the commission.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

Amended by Chapter 106, 2021 General Session

63C-6-102 Meetings -- Duties -- Committees.

- (1) The commission shall meet at the call of the chair, but not less than once each quarter.
- (2) The commission shall:
- (a) review earthquake-related hazards and risks to the state of Utah and its inhabitants;
 - (b) prepare recommendations to identify and mitigate these hazards and risks;
 - (c) prioritize recommendations and present them to state and local government or other appropriate entities for adoption as policy or loss reduction strategies;
 - (d) act as a source of information for individuals and groups concerned with earthquake safety and as a promoter of earthquake loss reduction measures;
 - (e) prepare a strategic seismic planning document to be presented to the State and Local Interim Committee before the 1995 annual general session of the Legislature; and
 - (f) periodically update the planning document and monitor progress toward achieving the goal of loss reduction.
- (3) The commission may:
- (a) divide into or create subcommittees as it determines necessary to carry out its duties under this section; and
 - (b) accept contributions from other private or public sources and seek grants or funding from the federal government for uses relating to seismic safety.

Amended by Chapter 42, 2000 General Session

63C-6-103 Compensation of members -- Per diem and travel expenses.

- (1) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (2) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

63C-6-104 Staffing and appropriated funds.

- (1) Staff support to the commission shall be provided by the Division of Emergency Management and the Utah Geological Survey.
- (2) Money not expended by the Utah Seismic Safety Commission during a fiscal year is nonlapsing except that any balance of General Fund money greater than \$10,000 lapses to the General Fund.

Amended by Chapter 55, 2011 General Session

Amended by Chapter 342, 2011 General Session

**Chapter 9
State Capitol Preservation Board**

**Part 1
General Provisions**

63C-9-101 Title.

This chapter is known as the "State Capitol Preservation Board."

Enacted by Chapter 285, 1998 General Session

63C-9-102 Definitions.

- (1) "Board" means the State Capitol Preservation Board created by Section 63C-9-201.
- (2) "Capitol hill complex" means the grounds, monuments, parking areas, buildings, including the capitol, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard, and includes:
 - (a) the White Community Memorial Chapel and its grounds and parking areas, and the Council Hall Travel Information Center building and its grounds and parking areas;
 - (b) the Daughters of the Utah Pioneers building and its grounds and parking areas and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;
 - (c) the state-owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and
 - (d) the state-owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.
- (3) "Capitol hill facilities" means all of the buildings on the capitol hill complex, including the capitol, and the exterior steps, entrances, streets, parking areas, and other paved areas of capitol hill.
- (4) "Capitol hill grounds" means the unpaved areas of the capitol hill complex.
- (5) "Executive director" means the executive director appointed by the board under Section 63C-9-401.

Amended by Chapter 256, 2006 General Session

Part 2 State Capitol Preservation Board

63C-9-201 State Capitol Preservation Board -- Creation -- Membership.

- (1) There is created the State Capitol Preservation Board.
- (2) The board shall consist of the following 11 members:
 - (a) the governor, or the lieutenant governor acting as the governor's designee;
 - (b) the president of the Senate or the president's designee, who shall be a member of the Senate;
 - (c) the speaker of the House of Representatives or the speaker's designee, who shall be a member of the House of Representatives;
 - (d) the state treasurer;
 - (e) the state attorney general;
 - (f) two members of the Senate appointed by the president of the Senate, one from the majority party and one from the minority party;
 - (g) two members of the House of Representatives appointed by the speaker of the House of Representatives, one from the majority party and one from the minority party;
 - (h) the chief justice of the Supreme Court or the chief justice's designee, who shall be a member of the Supreme Court; and
 - (i) the state historic preservation officer.

Amended by Chapter 256, 2006 General Session

63C-9-202 Terms -- Vacancies -- Chair -- Vice chair -- Meetings -- Compensation.

- (1)
 - (a) The governor, president of the Senate, speaker of the House, chief justice, state treasurer, state attorney general, and state historic preservation officer shall serve terms coterminous with their office.
 - (b) The other members shall serve two-year terms.
- (2) Vacancies in the appointed positions shall be filled by the original appointing authority for the unexpired term.
- (3)
 - (a) Except as provided in Subsection (3)(b), the governor is chair of the board.
 - (b) When the governor is absent from meetings of the board, the vice chair is chair of the board.
 - (c) The governor shall appoint a member of the board to serve as vice chair with the approval of a majority of the members of the board.
- (4) The board shall meet at least quarterly and at other times at the call of the governor or at the request of four members of the board.
- (5)
 - (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
 - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

Part 3

Board Powers and Duties

63C-9-301 Board powers -- Subcommittees.

- (1) The board shall:
- (a) except as provided in Subsection (2), exercise complete jurisdiction and stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;
 - (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents;
 - (c) before October 1 of each year, review and approve the executive director's annual budget request for submittal to the governor and Legislature;
 - (d) by October 1 of each year, prepare and submit a recommended budget request for the upcoming fiscal year for the capitol hill complex to:
 - (i) the governor, through the Governor's Office of Planning and Budget; and
 - (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities, through the Office of the Legislative Fiscal Analyst;
 - (e) review and approve the executive director's:
 - (i) annual work plan;
 - (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and capitol hill grounds; and
 - (iii) furnishings plan for placement and care of objects under the care of the board;
 - (f) approve all changes to the buildings and their grounds, including:
 - (i) restoration, remodeling, and rehabilitation projects;
 - (ii) usual maintenance program; and
 - (iii) any transfers or loans of objects under the board's care;
 - (g) define and identify all significant aspects of the capitol hill complex, capitol hill facilities, and capitol hill grounds, after consultation with the:
 - (i) Division of Facilities Construction and Management;
 - (ii) State Library Division;
 - (iii) Division of Archives and Records Service;
 - (iv) Utah Historical Society;
 - (v) Office of Museum Services; and
 - (vi) Arts Council;
 - (h) inventory, define, and identify all significant contents of the buildings and all state-owned items of historical significance that were at one time in the buildings, after consultation with the:
 - (i) Division of Facilities Construction and Management;
 - (ii) State Library Division;
 - (iii) Division of Archives and Records Service;
 - (iv) Utah Historical Society;
 - (v) Office of Museum Services; and
 - (vi) Arts Council;

- (i) maintain archives relating to the construction and development of the buildings, the contents of the buildings and their grounds, including documents such as plans, specifications, photographs, purchase orders, and other related documents, the original copies of which shall be maintained by the Division of Archives and Records Service;
 - (j) comply with federal and state laws related to program and facility accessibility; and
 - (k) establish procedures for receiving, hearing, and deciding complaints or other issues raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their use.
- (2)
- (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative area, as defined in Section 36-5-1, is reserved to the Legislature; and
 - (b) the supervision and control of the governor's area, as defined in Section 67-1-16, is reserved to the governor.
- (3)
- (a) The board shall make rules to govern, administer, and regulate the capitol hill complex, capitol hill facilities, and capitol hill grounds by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) A violation of a rule relating to the use of the capitol hill complex adopted by the board under the authority of this Subsection (3) is an infraction.
 - (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does not prohibit prosecution and sentencing for the more serious offense.
 - (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person who violates a rule adopted by the board under the authority of this Subsection (3) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages, expenses, and costs related to the violation of the rule that are incurred by the state.
 - (e) The board may take any other legal action allowed by law.
 - (f) The board may not apply this section or rules adopted under the authority of this section in a manner that violates a person's rights under the Utah Constitution or the First Amendment to the United States Constitution, including the right of persons to peaceably assemble.
 - (g) The board shall send proposed rules under this section to the legislative general counsel and the governor's general counsel for review and comment before the board adopts the rules.
- (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah Procurement Code, but shall adopt procurement rules substantially similar to the requirements of that chapter.
- (5) The board shall name:
- (a) the House Building, that is defined in Section 36-5-1, the "Rebecca D. Lockhart House Building"; and
 - (b) committee room 210 in the Senate Building, that is defined in Section 36-5-1, the "Allyson W. Gamble Committee Room".
- (6)
- (a) The board may:
 - (i) establish subcommittees made up of board members and members of the public to assist and support the executive director in accomplishing the executive director's duties;
 - (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;
 - (iii) assign and allocate specific duties and responsibilities to any other state agency, if the other agency agrees to perform the duty or accept the responsibility;
 - (iv) contract with another state agency to provide services;

- (v) delegate by specific motion of the board any authority granted to it by this section to the executive director;
 - (vi) in conjunction with Salt Lake City, expend money to improve or maintain public property contiguous to East Capitol Boulevard and capitol hill;
 - (vii) provide wireless Internet service to the public without a fee in any capitol hill facility; and
 - (viii) when necessary, consult with the:
 - (A) Division of Facilities Construction and Management;
 - (B) State Library Division;
 - (C) Division of Archives and Records Service;
 - (D) Utah Historical Society;
 - (E) Office of Museum Services; and
 - (F) Arts Council.
 - (b) The board's provision of wireless Internet service under Subsection (6)(a)(vii) shall be discontinued in the legislative area if the president of the Senate and the speaker of the House of Representatives each submit a signed letter to the board indicating that the service is disruptive to the legislative process and is to be discontinued.
 - (c) If a budget subcommittee is established by the board, the following shall serve as ex officio, nonvoting members of the budget subcommittee:
 - (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office of the Legislative Fiscal Analyst; and
 - (ii) the executive director of the Governor's Office of Planning and Budget, or the executive director's designee, who shall be from the Governor's Office of Planning and Budget.
 - (d) If a preservation and maintenance subcommittee is established by the board, the board may, by majority vote, appoint one or each of the following to serve on the subcommittee as voting members of the subcommittee:
 - (i) an architect, who shall be selected from a list of three architects submitted by the American Institute of Architects; or
 - (ii) an engineer, who shall be selected from a list of three engineers submitted by the American Civil Engineers Council.
 - (e) If the board establishes any subcommittees, the board may, by majority vote, appoint up to two people who are not members of the board to serve, at the will of the board, as nonvoting members of a subcommittee.
 - (f) Members of each subcommittee shall, at the first meeting of each calendar year, select one individual to act as chair of the subcommittee for a one-year term.
- (7)
- (a) The board, and the employees of the board, may not move the office of the governor, lieutenant governor, president of the Senate, speaker of the House of Representatives, or a member of the Legislature from the State Capitol unless the removal is approved by:
 - (i) the governor, in the case of the governor's office;
 - (ii) the lieutenant governor, in the case of the lieutenant governor's office;
 - (iii) the president of the Senate, in the case of the president's office or the office of a member of the Senate; or
 - (iv) the speaker of the House of Representatives, in the case of the speaker's office or the office of a member of the House.
 - (b) The board and the employees of the board have no control over the furniture, furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the members of the Legislature except as necessary to inventory or conserve items of historical significance owned by the state.

- (c) The board and the employees of the board have no control over records and documents produced by or in the custody of a state agency, official, or employee having an office in a building on the capitol hill complex.
- (d) Except for items identified by the board as having historical significance, and except as provided in Subsection (7)(b), the board and the employees of the board have no control over moveable furnishings and equipment in the custody of a state agency, official, or employee having an office in a building on the capitol hill complex.

Amended by Chapter 160, 2023 General Session

Part 4 Executive Director

63C-9-401 Executive director.

The board shall:

- (1) appoint an executive director to assist the board in performing its duties under this chapter;
- (2)
 - (a) require the budget and operations subcommittee to review and make recommendations to the board regarding:
 - (i) the executive director's annual performance; and
 - (ii) the executive director's suggestions for staff, including staff duties, performance, compensation, and personnel;
 - (b) approve, deny, or modify the subcommittee's recommendations, which shall be submitted to the board before the board submits its budget recommendations under Subsections 63C-9-301(1)(c) and (d); and
 - (c) make rules governing the review, compensation, and bonus process for the executive director and staff.

Amended by Chapter 256, 2006 General Session

63C-9-402 Executive director -- Duties.

The executive director shall:

- (1) develop, for board approval, a master plan with a projection of at least 20 years concerning the stewardship responsibilities, operation, activities, maintenance, preservation, restoration, and modification of the capitol hill complex, capitol hill facilities, and capitol hill grounds, including, if directed by the board, a plan to restore the buildings to their original architecture;
- (2) develop, as part of the master plan submitted for board approval, a furnishings plan for the placement and care of objects under the care of the board;
- (3) prepare, and recommend for board approval, an annual budget and work plan, that is consistent with the master plan, for all work to be performed under this chapter, including usual operations and maintenance and janitorial and preventative maintenance for the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents;
- (4) develop an operations, maintenance, and janitorial program for the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents;
- (5) develop a program to purchase or accept by donation, permanent loan, or outside funding items necessary to implement the master plan;

- (6) develop and maintain a registration system and inventory of the contents of the capitol hill facilities and capitol hill grounds and of the original documents relating to the buildings' construction and alteration;
- (7) develop a program to purchase or accept by donation, permanent loan, or outside funding items of historical significance that were at one time in the capitol hill facilities and that are not owned by the state;
- (8) develop a program to locate and acquire state-owned items of historical significance that were at one time in the buildings;
- (9) develop a collections policy regarding the items of historic significance as identified in the registration system and inventory for the approval of the board;
- (10) assist in matters dealing with the preservation of historic materials;
- (11) make recommendations on conservation needs and make arrangements to contract for conservation services for objects of significance;
- (12) make recommendations for the transfer or loan of objects of significance as detailed in the approved collections policy;
- (13) make recommendations to transfer, sell, or otherwise dispose of unused surplus property that is not of significance as defined in the collections policy and by the registration system;
- (14) approve all art and exhibits placed on capitol hill after board approval;
- (15) employ staff to assist him in administering this chapter and direct and coordinate their activities;
- (16) contract for professional services of qualified consultants, including architectural historians, landscape architects with experience in landscape architectural preservation, conservators, historians, historic architects, engineers, artists, exhibit designers, and craftsmen;
- (17) prepare annually a complete and detailed written report for the board that accounts for all funds received and disbursed by the board during the preceding fiscal year;
- (18) develop and manage a visitor services program for capitol hill which shall include public outreach programs, public tours, events, and communication and public relation services; and
- (19) manage and organize all transit and parking programs on the capitol hill complex, except that:
 - (a) the Legislative Management Committee shall direct the executive director's management and organization of transit and parking associated with the legislative area as defined in Section 36-5-1; and
 - (b) the governor shall direct the executive director's management and organization of transit and parking associated with the governor's area as defined in Section 67-1-16.

Amended by Chapter 314, 2015 General Session

63C-9-403 Contracting power of executive director -- Health insurance coverage.

- (1) As used in this section:
 - (a) "Aggregate" means the sum of all contracts, change orders, and modifications related to a single project.
 - (b) "Change order" means the same as that term is defined in Section 63G-6a-103.
 - (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or "operative" who:
 - (i) works at least 30 hours per calendar week; and
 - (ii) meets employer eligibility waiting requirements for health care insurance, which may not exceed the first of the calendar month following 60 days after the day on which the individual is hired.
 - (d) "Health benefit plan" means:

- (i) the same as that term is defined in Section 31A-1-301; or
 - (ii) an employee welfare benefit plan:
 - (A) established under the Employee Retirement Income Security Act of 1974, 29 U.S.C. Sec. 1001 et seq.;
 - (B) for an employer with 100 or more employees; and
 - (C) in which the employer establishes a self-funded or partially self-funded group health plan to provide medical care for the employer's employees and dependents of the employees.
 - (e) "Qualified health coverage" means the same as that term is defined in Section 26B-3-909.
 - (f) "Subcontractor" means the same as that term is defined in Section 63A-5b-605.
 - (g) "Third party administrator" or "administrator" means the same as that term is defined in Section 31A-1-301.
- (2) Except as provided in Subsection (3), the requirements of this section apply to:
- (a) a contractor of a design or construction contract entered into by the board, or on behalf of the board, on or after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater than \$2,000,000; and
 - (b) a subcontractor of a contractor of a design or construction contract entered into by the board, or on behalf of the board, on or after July 1, 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.
- (3) The requirements of this section do not apply to a contractor or subcontractor described in Subsection (2) if:
- (a) the application of this section jeopardizes the receipt of federal funds;
 - (b) the contract is a sole source contract; or
 - (c) the contract is an emergency procurement.
- (4) A person that intentionally uses change orders, contract modifications, or multiple contracts to circumvent the requirements of this section is guilty of an infraction.
- (5)
- (a) A contractor subject to the requirements of this section shall demonstrate to the executive director that the contractor has and will maintain an offer of qualified health coverage for the contractor's employees and the employees' dependents during the duration of the contract by submitting to the executive director a written statement that:
 - (i) the contractor offers qualified health coverage that complies with Section 26B-3-909;
 - (ii) is from:
 - (A) an actuary selected by the contractor or the contractor's insurer;
 - (B) an underwriter who is responsible for developing the employer group's premium rates; or
 - (C) if the contractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or underwriter selected by a third party administrator; and
 - (iii) was created within one year before the day on which the statement is submitted.
 - (b)
 - (i) A contractor that provides a health benefit plan described in Subsection (1)(d)(ii) shall provide the actuary or underwriter selected by the administrator, as described in Subsection (5)(a)(ii)(C), sufficient information to determine whether the contractor's contribution to the health benefit plan and the health benefit plan's actuarial value meets the requirements of qualified health coverage.
 - (ii) A contractor may not make a change to the contractor's contribution to the health benefit plan, unless the contractor provides notice to:
 - (A) the actuary or underwriter selected by the administrator, as described in Subsection (5)(a)(ii)(C), for the actuary or underwriter to update the written statement described in Subsection (5)(a) in compliance with this section; and

- (B) the executive director.
- (c) A contractor that is subject to the requirements of this section shall:
 - (i) place a requirement in each of the contractor's subcontracts that a subcontractor that is subject to the requirements of this section shall obtain and maintain an offer of qualified health coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and
 - (ii) obtain from a subcontractor that is subject to the requirements of this section a written statement that:
 - (A) the subcontractor offers qualified health coverage that complies with Section 26B-3-909;
 - (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, an underwriter who is responsible for developing the employer group's premium rates, or if the subcontractor provides a health benefit plan described in Subsection (1)(d)(ii), an actuary or underwriter selected by an administrator; and
 - (C) was created within one year before the day on which the contractor obtains the statement.
- (d)
 - (i)
 - (A) A contractor that fails to maintain an offer of qualified health coverage as described in Subsection (5)(a) during the duration of the contract is subject to penalties in accordance with administrative rules adopted by the division under Subsection (6).
 - (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain and maintain an offer of qualified health coverage described in Subsection (5)(c)(i).
 - (ii)
 - (A) A subcontractor that fails to obtain and maintain an offer of qualified health coverage described in Subsection (5)(c)(i) during the duration of the subcontract is subject to penalties in accordance with administrative rules adopted by the department under Subsection (6).
 - (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain an offer of qualified health coverage described in Subsection (5)(a).
- (6) The department shall adopt administrative rules:
 - (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (b) in coordination with:
 - (i) the Department of Environmental Quality in accordance with Section 19-1-206;
 - (ii) the Department of Natural Resources in accordance with Section 79-2-404;
 - (iii) the Division of Facilities Construction and Management in accordance with Section 63A-5b-607;
 - (iv) a public transit district in accordance with Section 17B-2a-818.5;
 - (v) the Department of Transportation in accordance with Section 72-6-107.5; and
 - (vi) the Legislature's Administrative Rules Review and General Oversight Committee; and
 - (c) that establish:
 - (i) the requirements and procedures a contractor and a subcontractor shall follow to demonstrate compliance with this section, including:
 - (A) that a contractor or subcontractor's compliance with this section is subject to an audit by the department or the Office of the Legislative Auditor General;
 - (B) that a contractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(a); and
 - (C) that a subcontractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(c)(ii);

- (ii) the penalties that may be imposed if a contractor or subcontractor intentionally violates the provisions of this section, which may include:
 - (A) a three-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the first violation;
 - (B) a six-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the second violation;
 - (C) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and
 - (D) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health coverage for employees and dependents of employees of the contractor or subcontractor who were not offered qualified health coverage during the duration of the contract; and
 - (iii) a website on which the department shall post the commercially equivalent benchmark, for the qualified health coverage identified in Subsection (1)(e), that is provided by the Department of Health and Human Services, in accordance with Subsection 26B-3-909(2).
- (7)
- (a)
 - (i) In addition to the penalties imposed under Subsection (6)(c)(ii), a contractor or subcontractor who intentionally violates the provisions of this section is liable to the employee for health care costs that would have been covered by qualified health coverage.
 - (ii) An employer has an affirmative defense to a cause of action under Subsection (7)(a)(i) if:
 - (A) the employer relied in good faith on a written statement described in Subsection (5)(a) or (5)(c)(ii); or
 - (B) the department determines that compliance with this section is not required under the provisions of Subsection (3).
 - (b) An employee has a private right of action only against the employee's employer to enforce the provisions of this Subsection (7).
- (8) Any penalties imposed and collected under this section shall be deposited into the Medicaid Restricted Account created in Section 26B-1-309.
- (9) The failure of a contractor or subcontractor to provide qualified health coverage as required by this section:
- (a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under:
 - (i) Section 63G-6a-1602; or
 - (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
 - (b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design or construction.
- (10) An administrator, including the administrator's actuary or underwriter, who provides a written statement under Subsection (5)(a) or (c) regarding the qualified health coverage of a contractor or subcontractor who provides a health benefit plan described in Subsection (1)(d)(ii):
- (a) subject to Subsection (10)(b), is not liable for an error in the written statement, unless the administrator commits gross negligence in preparing the written statement;
 - (b) is not liable for any error in the written statement if the administrator relied in good faith on information from the contractor or subcontractor; and
 - (c) may require as a condition of providing the written statement that a contractor or subcontractor hold the administrator harmless for an action arising under this section.

Amended by Chapter 329, 2023 General Session

Part 5 Fund Raising and Donations

63C-9-501 Soliciting donations.

- (1) The executive director, under the direction of the board, shall:
 - (a) develop plans and programs to solicit gifts, money, and items of value from private persons, foundations, or organizations; and
 - (b) actively solicit donations from those persons and entities.
- (2)
 - (a) Property provided by those entities is the property of the state and is under the control of the board.
 - (b) Subsection (2)(a) does not apply to temporary exhibits or to the personal property of persons having an office in a building on capitol hill.
- (3) The board:
 - (a) shall deposit money donated to the board into the State Capitol Preservation Board budget as expendable receipts;
 - (b) shall use gifts of money made to the board for the purpose specified by the grantor, if any; and
 - (c) may return to the donor any gift or money donated to the board if a majority of the board determines that use of the gift or money is unfeasible, or will otherwise not be placed or used on capitol hill.

Amended by Chapter 534, 2023 General Session

Part 6 Custody, Control, and Acquisition of Furnishings

63C-9-601 Responsibility for items.

Furniture, furnishings, fixtures, works of art, and decorative objects for which the board has responsibility under this chapter are not subject to the custody or control of the State Library Board, the State Library Division, the Division of Archives and Records Service, the Utah Historical Society, the Division of Arts and Museums, the arts collection committee of the State of Utah Alice Merrill Horne Art Collection, or any other state agency.

Amended by Chapter 160, 2023 General Session

63C-9-602 Transfer of certain historical items.

- (1)
 - (a) A state agency or other state entity that possesses a state-owned item identified by the executive director and the board as an item of historical significance that was at one time located in the capitol hill facilities shall transfer the item to the inventory of the board at the direction of the executive director not later than the 60th day after the date that the executive director notifies the agency or entity.

- (b) The state agency or other state entity shall subsequently transfer physical possession of the item to the board in accordance with policies and procedures established by the board.
- (2) This section does not apply to records or documents in the custody of the Division of Archives and Records Service.

Enacted by Chapter 285, 1998 General Session

Chapter 12

Snake Valley Aquifer Advisory Council

63C-12-101 Title.

This chapter is known as the "Snake Valley Aquifer Advisory Council."

Enacted by Chapter 262, 2009 General Session

63C-12-102 Definitions.

As used in this chapter:

- (1) "Council" means the Snake Valley Aquifer Advisory Council created in Section 63C-12-103.
- (2) "Research team" means the Snake Valley Research Team created in Section 63C-12-107.

Enacted by Chapter 262, 2009 General Session

63C-12-103 Council creation -- Members -- Terms.

- (1) There is created a state advisory council known as the "Snake Valley Aquifer Advisory Council."
- (2) The advisory council is composed of the following seven members:
 - (a) the governor or the governor's designee; and
 - (b) six members appointed by the governor as follows:
 - (i) two county commissioners, from individuals recommended by an organization that represents counties in the state, who are residents of:
 - (A) Tooele County;
 - (B) Juab County;
 - (C) Millard County; or
 - (D) Beaver County;
 - (ii) one elected representative of Salt Lake County government, from individuals recommended by an organization that represents counties in the state;
 - (iii) two residents of:
 - (A) Tooele County;
 - (B) Juab County;
 - (C) Millard County; or
 - (D) Beaver County; and
 - (iv) a representative of the Confederate Tribes of Goshute Reservation.
- (3) A member appointed under Subsection (2)(b) is appointed to a two-year term.
- (4) Notwithstanding the requirements of Subsection (3), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council

members appointed under Subsection (2)(b) are staggered so that approximately half of the council is appointed every two years.

- (5) The governor shall appoint a chairperson.
- (6) If a vacancy occurs in council membership for any reason the replacement shall be appointed for the unexpired term in the same manner as the vacated member was appointed.

Enacted by Chapter 262, 2009 General Session

63C-12-104 Advisory council duties -- Meetings.

- (1) The council shall:
 - (a) meet at least annually but may also meet at the call of:
 - (i) the chair; or
 - (ii) at least two council members;
 - (b) provide advice to the research team, including recommendations concerning the type of data and information gathered by the research team;
 - (c) review the data and information gathered and reported by the research team, including baseline data and changes from baseline data; and
 - (d) act as liaison between the research team and the persons represented by the council.
- (2) A majority of the council members constitute a quorum for the transaction of council business.
- (3) The council may advise the governor and the Legislature on any issue relating to its review under Subsection (1)(c).

Enacted by Chapter 262, 2009 General Session

63C-12-105 Compensation of members -- Expenses.

A member of the council may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (1) Section 63A-3-106;
- (2) Section 63A-3-107; and
- (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Repealed and Re-enacted by Chapter 286, 2010 General Session

63C-12-106 Staff.

The director of the Public Lands Policy Coordinating Office shall provide staff services to the council.

Enacted by Chapter 262, 2009 General Session

63C-12-107 Research team.

- (1) There is created a Snake Valley Aquifer Research Team composed of the following four members:
 - (a) a representative of the Division of Air Quality, appointed by the executive director of the Department of Environmental Quality;
 - (b) a representative of the Department of Agriculture and Food, appointed by the commissioner of the Department of Agriculture and Food;
 - (c) the executive director of the Department of Natural Resources or the executive director's designee; and

- (d) the director of the Public Lands Policy Coordinating Office.
- (2) The director of the Public Lands Policy Coordinating Office shall coordinate and direct the research team's data and information compilation and reporting required by Section 63C-12-108.

Enacted by Chapter 262, 2009 General Session

63C-12-108 Research team duties.

The research team shall:

- (1) compile existing scientific research baseline data on the potential impact of the use of water resources in the interstate groundwater flow system specified in the Lincoln County Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108-424, including the impact on:
 - (a) surface water and groundwater;
 - (b) vegetation, including invasive species;
 - (c) agriculture;
 - (d) soils;
 - (e) air quality;
 - (f) wildlife;
 - (g) the geologic integrity of the aquifer; and
 - (h) socioeconomic conditions;
- (2) compile changes to the baseline data compiled under Subsection (1);
- (3) seek to enter into cooperative agreements with governmental entities to share relevant data and information;
- (4) provide an annual data and information report to the council; and
- (5) seek the voluntary participation of experts in academia and the private sector in the activities of the research team.

Enacted by Chapter 262, 2009 General Session

Chapter 18
Behavioral Health Crisis Response Committee

Part 1
General Provisions

63C-18-101 Title.

- (1) This chapter is known as the " Behavioral Health Crisis Response Committee."
- (2) This part is known as "General Provisions."

Amended by Chapter 303, 2020 General Session

63C-18-102 Definitions.

As used in this chapter:

- (1) "Commission" means the Behavioral Health Crisis Response Commission created in Section 63C-18-202.

- (2) "Local mental health crisis line" means the same as that term is defined in Section 26B-5-610.
- (3) "Statewide mental health crisis line" means the same as that term is defined in Section 26B-5-610.
- (4) "Statewide warm line" means the same as that term is defined in Section 26B-5-610.

Amended by Chapter 329, 2023 General Session

Part 2 Commission Creation

63C-18-202 Commission established -- Members.

- (1) There is created the Behavioral Health Crisis Response Commission, composed of the following members:
 - (a) the executive director of the Huntsman Mental Health Institute;
 - (b) the governor or the governor's designee;
 - (c) the director of the Office of Substance Use and Mental Health;
 - (d) one representative of the Office of the Attorney General, appointed by the attorney general;
 - (e) the executive director of the Department of Health and Human Services or the executive director's designee;
 - (f) one member of the public, appointed by the chair of the commission and approved by the commission;
 - (g) two individuals who are mental or behavioral health clinicians licensed to practice in the state, appointed by the chair of the commission and approved by the commission, at least one of whom is an individual who:
 - (i) is licensed as a physician under:
 - (A) Title 58, Chapter 67, Utah Medical Practice Act;
 - (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or
 - (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
 - (ii) is board eligible for a psychiatry specialization recognized by the American Board of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists;
 - (h) one individual who represents a county of the first or second class, appointed by the Utah Association of Counties;
 - (i) one individual who represents a county of the third, fourth, or fifth class, appointed by the Utah Association of Counties;
 - (j) one individual who represents the Utah Hospital Association, appointed by the chair of the commission;
 - (k) one individual who represents law enforcement, appointed by the chair of the commission;
 - (l) one individual who has lived with a mental health disorder, appointed by the chair of the commission;
 - (m) one individual who represents an integrated health care system that:
 - (i) is not affiliated with the chair of the commission; and
 - (ii) provides inpatient behavioral health services and emergency room services to individuals in the state;
 - (n) one individual who represents an accountable care organization, as defined in Section 26B-3-219, with a statewide membership base;

- (o) one individual who represents 911 call centers and public safety answering points, appointed by the chair of the commission;
 - (p) one individual who represents Emergency Medical Services, appointed by the chair of the commission;
 - (q) one individual who represents the mobile wireless service provider industry, appointed by the chair of the commission;
 - (r) one individual who represents rural telecommunications providers, appointed by the chair of the commission;
 - (s) one individual who represents voice over internet protocol and land line providers, appointed by the chair of the commission;
 - (t) one individual who represents the Utah League of Cities and Towns, appointed by the Utah League of Cities and Towns; and
 - (u) three or six legislative members, the number of which shall be decided jointly by the speaker of the House of Representatives and the president of the Senate, appointed as follows:
 - (i) if the speaker of the House of Representatives and the president of the Senate jointly decide to appoint three legislative members to the commission, the speaker shall appoint one member of the House of Representatives, the president shall appoint one member of the Senate, and the speaker and the president shall jointly appoint one legislator from the minority party; or
 - (ii) if the speaker of the House of Representatives and the president of the Senate jointly decide to appoint six legislative members to the commission:
 - (A) the speaker of the House of Representatives shall appoint three members of the House of Representatives, no more than two of whom may be from the same political party; and
 - (B) the president of the Senate shall appoint three members of the Senate, no more than two of whom may be from the same political party.
- (2)
- (a) Except as provided in Subsection (2)(d), the executive director of the Huntsman Mental Health Institute is the chair of the commission.
 - (b) The chair of the commission shall appoint a member of the commission to serve as the vice chair of the commission, with the approval of the commission.
 - (c) The chair of the commission shall set the agenda for each commission meeting.
 - (d) If the executive director of the Huntsman Mental Health Institute is not available to serve as the chair of the commission, the commission shall elect a chair from among the commission's members.
- (3)
- (a) A majority of the members of the commission constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes the action of the commission.
- (4)
- (a) Except as provided in Subsection (4)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service on the commission.
 - (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (5) The Office of the Attorney General shall provide staff support to the commission.

Amended by Chapter 270, 2023 General Session
Amended by Chapter 329, 2023 General Session

63C-18-203 Commission duties -- Reporting requirements.

- (1) The commission shall:
 - (a) identify a method to integrate existing local mental health crisis lines to ensure each individual who accesses a local mental health crisis line is connected to a qualified mental or behavioral health professional, regardless of the time, date, or number of individuals trying to simultaneously access the local mental health crisis line;
 - (b) study how to establish and implement a statewide mental health crisis line and a statewide warm line, including identifying:
 - (i) a statewide phone number or other means for an individual to easily access the statewide mental health crisis line, including a short code for text messaging and a three-digit number for calls;
 - (ii) a statewide phone number or other means for an individual to easily access the statewide warm line, including a short code for text messaging and a three-digit number for calls;
 - (iii) a supply of:
 - (A) qualified mental or behavioral health professionals to staff the statewide mental health crisis line; and
 - (B) qualified mental or behavioral health professionals or certified peer support specialists to staff the statewide warm line; and
 - (iv) a funding mechanism to operate and maintain the statewide mental health crisis line and the statewide warm line;
 - (c) coordinate with local mental health authorities in fulfilling the commission's duties described in Subsections (1)(a) and (b);
 - (d) recommend standards for the certifications described in Section 26B-5-610; and
 - (e) coordinate services provided by local mental health crisis lines and mobile crisis outreach teams, as defined in Section 62A-15-1401.
- (2) The commission shall study and make recommendations regarding:
 - (a) crisis line practices and needs, including:
 - (i) quality and timeliness of service;
 - (ii) service volume projections;
 - (iii) a statewide assessment of crisis line staffing needs, including required certifications; and
 - (iv) a statewide assessment of technology needs;
 - (b) primary duties performed by crisis line workers;
 - (c) coordination or redistribution of secondary duties performed by crisis line workers, including responding to non-emergency calls;
 - (d) operating the statewide 988 hotline:
 - (i) in accordance with federal law;
 - (ii) to ensure the efficient and effective routing of calls to an appropriate crisis center; and
 - (iii) to directly respond to calls with trained personnel and the provision of acute mental health, crisis outreach, and stabilization services;
 - (e) opportunities to increase operational and technological efficiencies and effectiveness between 988 and 911, utilizing current technology;
 - (f) needs for interoperability partnerships and policies related to 911 call transfers and public safety responses;
 - (g) standards for statewide mobile crisis outreach teams, including:
 - (i) current models and projected needs;
 - (ii) quality and timeliness of service;
 - (iii) hospital and jail diversions; and
 - (iv) staffing and certification;
 - (h) resource centers, including:

- (i) current models and projected needs; and
- (ii) quality and timeliness of service;
- (i) policy considerations related to whether the state should:
 - (i) manage, operate, and pay for a complete behavioral health system; or
 - (ii) create partnerships with private industry; and
- (j) sustainable funding source alternatives, including:
 - (i) charging a 988 fee, including a recommendation on the fee amount;
 - (ii) General Fund appropriations;
 - (iii) other government funding options;
 - (iv) private funding sources;
 - (v) grants;
 - (vi) insurance partnerships, including coverage for support and treatment after initial call and triage; and
 - (vii) other funding resources.
- (3) The commission may conduct other business related to the commission's duties described in this section.
- (4) The commission shall consult with the Office of Substance Use and Mental Health regarding:
 - (a) the standards and operation of the statewide mental health crisis line and the statewide warm line, in accordance with Section 26B-5-610; and
 - (b) the incorporation of the statewide mental health crisis line and the statewide warm line into behavioral health systems throughout the state.
- (5) Beginning in 2023, by no later than the last interim meeting of the Health and Human Services Interim Committee each year, the commission shall report to the Health and Human Services Interim Committee on the matters described in Subsections (1) and (2), including any recommendations, legislation proposals, and opportunities for behavioral health crisis response system improvement.

Amended by Chapter 270, 2023 General Session

Amended by Chapter 329, 2023 General Session

Chapter 20

Utah Population Committee

63C-20-101 Title.

This chapter is known as "Utah Population Committee."

Enacted by Chapter 330, 2018 General Session

63C-20-102 Definitions.

As used in this chapter, "committee" means the Utah Population Committee created by this chapter.

Enacted by Chapter 330, 2018 General Session

63C-20-103 Utah Population Committee -- Creation.

- (1) There is created the Utah Population Committee composed of the following members:
 - (a) the director of the Kem C. Gardner Policy Institute at the University of Utah or the director's designee;
 - (b) the director of the Population Research Laboratory at Utah State University or the director's designee;
 - (c) the state planning coordinator appointed under Section 63J-4-401;
 - (d) the director of the Workforce Research and Analysis Division within the Department of Workforce Services or the director's designee;
 - (e) the director of the Office of Vital Records and Statistics or the director's designee;
 - (f) the state superintendent of public instruction or the superintendent's designee;
 - (g) the chair of the State Tax Commission or the chair's designee;
 - (h) the legislative fiscal analyst or the legislative fiscal analyst's designee;
 - (i) the commissioner of higher education or the commissioner's designee; and
 - (j) any additional member appointed under Subsection (2).
- (2)
 - (a) By a majority vote of the members of the committee, the committee may appoint one or more additional members to serve on the committee at the pleasure of the committee.
 - (b) The committee shall ensure that each additional member appointed under Subsection (2)(a) is a data provider or a representative of a data provider.
- (3) The director of the Kem C. Gardner Policy Institute or the director's designee described in Subsection (1)(a) is the chair of the committee.

Amended by Chapter 382, 2021 General Session

63C-20-104 Committee duties.

The committee shall:

- (1) prepare annual population estimates for the total population of the state and each county in the state;
- (2) review and comment on the methodologies and population estimates for all geographic levels for the state that the United States Bureau of the Census produces;
- (3) prepare place estimates for new political subdivision annexations and incorporations in the state;
- (4) prepare additional demographic estimates for the state that may include estimates related to race, ethnicity, age, sex, religious affiliation, or economic status; and
- (5) publish the estimates described in Subsections (1), (3), and (4) on the committee's website.

Enacted by Chapter 330, 2018 General Session

63C-20-105 State use of committee estimates -- Compliance.

- (1) Except as provided in Subsection (2), and unless otherwise provided in statute or rule, if an executive branch entity, legislative branch entity, or independent entity is required to perform an action or make a determination based on a population estimate, the entity shall use a population estimate that the committee produces, if available.
- (2)
 - (a) The Governor's Office of Planning and Budget may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to use a population estimate other than a population estimate that the committee produces.

- (b) For the purpose of creating a revenue estimate, the Governor's Office of Planning and Budget and the Office of the Legislative Fiscal Analyst are not required to use a population estimate that the committee produces.
 - (c) For redistricting purposes, a legislative branch entity shall give priority to a population estimate that is produced by the United States Bureau of the Census.
- (3) A newly incorporated political subdivision shall provide the committee with a list of residential building permits issued within the boundaries of the political subdivision since the last decennial census.

Amended by Chapter 382, 2021 General Session

Chapter 21 Outdoor Adventure Commission

Part 1 General Provisions

63C-21-101 Title.

This chapter is known as the "Outdoor Adventure Commission."

Enacted by Chapter 199, 2020 General Session

63C-21-102 Definitions.

As used in this chapter:

- (1) "Commission" means the Outdoor Adventure Commission created in Section 63C-21-201.
- (2) "Strategic plan" means the strategic plan developed in Section 63C-21-202.

Enacted by Chapter 199, 2020 General Session

Part 2 Commission and Strategic Plan

63C-21-201 Outdoor Adventure Commission created.

- (1) There is created the Outdoor Adventure Commission consisting of the following 15 members:
 - (a) one member of the Senate, appointed by the president of the Senate;
 - (b) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
 - (c) the managing director of the Utah Office of Tourism, or the managing director's designee;
 - (d) the director of the Division of Outdoor Recreation, or the director's designee;
 - (e) the director of the School and Institutional Trust Lands Administration, or the director's designee;
 - (f) a designee of the Division of State Parks;
 - (g) a representative of the agriculture industry appointed jointly by the president of the Senate and the speaker of the House of Representatives;

- (h) a representative of the natural resources development industry appointed jointly by the president of the Senate and the speaker of the House of Representatives;
 - (i) two representatives of the Utah Association of Counties appointed by the Utah Association of Counties;
 - (j) two representatives of the Utah League of Cities and Towns appointed by the Utah League of Cities and Towns;
 - (k) a representative of conservation interests appointed jointly by the president of the Senate and the speaker of the House of Representatives;
 - (l) a representative of the outdoor recreation industry appointed jointly by the president of the Senate and the speaker of the House of Representatives; and
 - (m) a representative of the Department of Transportation.
- (2) The commission shall annually select one of the commission's members to be the chair of the commission.
- (3)
- (a) If a vacancy occurs in the membership of the commission appointed under Subsection (1)(a) or (b), or Subsections (1)(g) through (l), the member shall be replaced in the same manner in which the original appointment was made.
 - (b) A member appointed under Subsections (1)(g) through (l) shall serve a term of four years and until the member's successor is appointed and qualified.
 - (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed under Subsections (1)(g) through (l), the division shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission members appointed under Subsections (1)(g) through (l) are appointed every two years.
 - (d) An individual may be appointed to more than one term.
- (4)
- (a) Eight commission members constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the commission.
- (5)
- (a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
 - (b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (6) The coordinator of the Off-highway Vehicle Program within the Division of Outdoor Recreation shall serve as a technical advisor to the commission.
- (7) The coordinator of the boating program within the Division of Outdoor Recreation shall serve as a technical advisor to the commission.
- (8) The Division of Outdoor Recreation, created in Section 79-7-201, shall provide staff support to the commission.

Amended by Chapter 183, 2023 General Session

63C-21-202 Strategic plan -- Commission powers and duties -- Consultant -- Reports.

- (1)
 - (a) The commission shall gather information on recreation assets from state and local agencies and other sources and develop a strategic plan aimed at meeting the future needs of outdoor recreation within the state to enhance the quality of life of Utah residents. Asset lists received from state and local agencies shall include:
 - (i) common data points, to be established by the Division of Outdoor Recreation that can be uniformly compared with other recreation assets within the state, such as asset type, size, unique characteristics, vegetation, land ownership, and similar items;
 - (ii) any specific needs, challenges, or limitations on recreation use of the assets; and
 - (iii) a ranking of potential enhancements to the assets related to recreation use.
 - (b) The strategic plan shall address:
 - (i) outdoor recreation as a major contributor to residents' quality of life;
 - (ii) the needs and impacts of residents who engage in outdoor recreation;
 - (iii) the impact on local communities related to outdoor recreation, including the costs associated with emergency services and infrastructure;
 - (iv) outdoor recreation as a means to retain and attract an exceptional workforce to provide for a sustainable economy;
 - (v) impacts to the environment, wildlife, and natural resources and measures to preserve the natural beauty of the state as more people engage in outdoor recreation;
 - (vi) identify opportunities for sustainable revenue sources to provide for maintenance and future needs;
 - (vii) the interface with public lands that are federally managed and private lands; and
 - (viii) other items determined by the commission.
- (2) The commission shall:
 - (a) engage one or more consultants to:
 - (i) manage the strategic planning process in accordance with Subsection (3); and
 - (ii) conduct analytical work in accordance with Subsection (3);
 - (b) guide the analytical work of a consultant described in Subsection (2)(a) and review the results of the work;
 - (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process and create a strategic plan;
 - (d) conduct regional meetings to gather stakeholder input during the strategic planning process;
 - (e) seek input from federal entities including the United States Department of the Interior, the United States Department of Agriculture, and Utah's congressional delegation; and
 - (f) produce a final report including a strategic plan and any recommendations.
- (3) The commission, by contract with a consultant engaged under Subsection (2)(a), shall direct the consultant to:
 - (a) conduct an inventory of existing outdoor recreation resources, programs, and information;
 - (b) conduct an analysis of what is needed to develop and implement an effective outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;
 - (c) collect and analyze data related to the future projected conditions of the outdoor recreation resources, programs, and information, including the affordability and financing of outdoor recreation;
 - (d) develop alternatives to the projection described in Subsection (3)(c) by modeling potential changes to the outdoor recreation industry and economic growth;

- (e) in coordination with the commission, engage in extensive local stakeholder involvement to better understand the needs of, concerns of, and opportunities for different communities and outdoor recreation user types;
- (f) recommend accountability or performance measures to assess the effectiveness of the outdoor recreation system;
- (g) based on the data described in this Subsection (3), make comparisons between outdoor recreation in Utah and outdoor recreation in other states or countries;
- (h) in coordination with the commission, conduct the regional meetings described in Subsection (2)(d) to share information and seek input from a range of stakeholders;
- (i) recommend changes to the governance system for outdoor recreation that would facilitate implementation of the strategic plan;
- (j) engage in any other data collection or analysis requested by the commission; and
- (k) produce for the commission:
 - (i) a draft report of findings, observations, and strategic priorities, including:
 - (A) a statewide vision and strategy for outdoor recreation;
 - (B) a strategy for how to meaningfully engage stakeholders throughout the state;
 - (C) funding needs related to outdoor recreation; and
 - (D) recommendations for the steps the state should take to implement a statewide vision and strategy for outdoor recreation; and
 - (ii) a final report, incorporating feedback from the commission on the draft report described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.

Amended by Chapter 68, 2022 General Session

63C-21-203 Public-private partnerships.

The commission may facilitate or encourage public-private partnerships to provide for outdoor recreation resources, programs, or information.

Enacted by Chapter 199, 2020 General Session

Chapter 23
Education and Mental Health Coordinating Committee

Part 1
General Provisions

63C-23-101 Title.

This chapter is known as "Education and Mental Health Coordinating Committee."

Enacted by Chapter 171, 2021 General Session

63C-23-102 Definitions.

As used in this chapter:

- (1) "Council" means the Education and Mental Health Coordinating Council created in Section 63C-23-201.

- (2) "Local education agency" or "LEA" means the same as that term is defined in Section 53E-1-102.
- (3) "Local mental health authority" means a local mental health authority described in Section 17-43-301.
- (4) "Local substance abuse authority" means a local substance abuse authority described in Section 17-43-201.

Amended by Chapter 274, 2022 General Session

Part 2

Education and Mental Health Coordinating Council

63C-23-201 Education and Mental Health Coordinating Council -- Membership -- Quorum and voting requirements -- Compensation -- Staff support.

- (1) There is created the Education and Mental Health Coordinating Council to:
 - (a) provide action-oriented guidance to legislative and other state leaders on how to meet the behavioral health needs, including mental health and substance use issues, facing youth and families within the state; and
 - (b) ensure close collaboration and alignment with existing statewide behavioral health efforts and groups, including:
 - (i) the Behavioral Health Crisis Response Commission created in Section 63C-18-202; and
 - (ii) the Utah Substance Use and Mental Health Advisory Council created in Section 63M-7-301.
- (2) The council consists of the following members:
 - (a) a member of the House of Representatives whom the speaker of the House of Representatives appoints;
 - (b) a member of the Senate whom the president of the Senate appoints;
 - (c) an individual with expertise in behavioral health whom the governor appoints;
 - (d) the state superintendent of public instruction appointed under Section 53E-3-301 or the state superintendent's designee;
 - (e) the chief executive officer of the Huntsman Mental Health Institute at the University of Utah or the chief executive officer's designee;
 - (f) the director of the Division of Substance Abuse and Mental Health or the director's designee;
 - (g) the commissioner of higher education appointed under Section 53B-1-408 or the commissioner's designee; and
 - (h) the following individuals whom the president of the Senate and the speaker of the House of Representatives jointly appoint:
 - (i) a community-oriented behavioral health leader from the private sector;
 - (ii) the president or chief executive officer of an association that represents hospitals within the state;
 - (iii) a community health executive from an academic medical system;
 - (iv) a community health executive from an integrated healthcare system;
 - (v) the president or chief executive officer of a nonprofit organization that provides comprehensive mental health care to children and families across the socioeconomic spectrum; and
 - (vi) a mental health research expert.
- (3)

- (a) The members described in Subsections (2)(a) and (2)(h)(i) shall serve as co-chairs of the council.
 - (b) A council member whom the speaker of the House of Representatives and the president of the Senate jointly appoint under Subsection (2)(h), and the council member whom the governor appoints under Subsection (2)(c), shall serve a term of two years.
 - (c) The speaker of the House of Representatives, the president of the Senate, and the governor shall:
 - (i) make the initial appointments described in Subsection (2) before July 1, 2021; and
 - (ii) make appointments for subsequent terms for the council positions described in Subsection (2)(b) before July 1 of each odd-numbered year, by:
 - (A) reappointing the council member whose term expires under Subsection (3)(b); or
 - (B) appointing a new council member.
 - (d) The speaker of the House of Representatives and the president of the Senate may change the appointment described in Subsections (2)(a) and (b) at any time.
- (4)
- (a) The salary and expenses of a council member who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
 - (b) A council member who is not a legislator:
 - (i) may not receive compensation or benefits for the member's service on the council; and
 - (ii) may receive per diem and reimbursement for travel expenses that the council member incurs as a council member at the rates that the Division of Finance establishes under:
 - (A) Sections 63A-3-106 and 63A-3-107; and
 - (B) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.
- (5)
- (a) A majority of the council members constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the council.
- (6) The Office of Legislative Research and General Counsel shall provide staff support to the council.

Enacted by Chapter 171, 2021 General Session

63C-23-202 Council duties -- Reporting requirements.

- (1) The council shall:
- (a) meet at least twice per quarter; and
 - (b) make findings and recommendations to:
 - (i) generate a common framework for preventing and addressing mild, moderate, and serious behavioral health concerns that youth within the state face;
 - (ii) clarify roles among LEAs, local mental health authorities, local substance abuse authorities, and other behavioral health partners regarding the practical and legal obligations of screening, assessment, and the provision of care; and
 - (iii) facilitate joint development of state and local plans among LEAs, local mental health authorities, local substance abuse authorities, and other behavioral health partners that:
 - (A) describe how the entities will collaborate to meet the behavioral health needs of youth within the state; and
 - (B) provide clarity and consistency in the standardization, collection, analysis, and application of behavioral health-related data to drive improvement.

- (2) At least once per quarter, the council co-chairs shall report to the speaker of the House of Representatives and the president of the Senate regarding the findings and recommendations described in Subsection (1)(b).
- (3) At or before the November interim meeting, the council shall report the council's findings and recommendations described in Subsection (1)(b) to the Education Interim Committee and the Health and Human Services Interim Committee.

Enacted by Chapter 171, 2021 General Session

Chapter 24

Personal Privacy Oversight Commission

Part 1

General Provisions

63C-24-101 Title.

This chapter is known as the "Personal Privacy Oversight Commission."

Enacted by Chapter 155, 2021 General Session

63C-24-102 Definitions.

As used in this chapter:

- (1) "Commission" means the Personal Privacy Oversight Commission created in Section 63C-24-201.
- (2)
 - (a) "Government entity" means the state, a county, a municipality, a higher education institution, a special district, a special service district, a school district, an independent entity, or any other political subdivision of the state or an administrative subunit of any political subdivision, including a law enforcement entity.
 - (b) "Government entity" includes an agent of an entity described in Subsection (2)(a).
- (3) "Independent entity" means the same as that term is defined in Section 63E-1-102.
- (4)
 - (a) "Personal data" means any information relating to an identified or identifiable individual.
 - (b) "Personal data" includes personally identifying information.
- (5)
 - (a) "Privacy practice" means the acquisition, use, storage, or disposal of personal data.
 - (b) "Privacy practice" includes:
 - (i) a technology use related to personal data; and
 - (ii) policies related to the protection, storage, sharing, and retention of personal data.

Amended by Chapter 16, 2023 General Session

Part 2

Personal Privacy Oversight Commission

63C-24-201 Personal Privacy Oversight Commission created.

- (1) There is created the Personal Privacy Oversight Commission.
- (2)
 - (a) The commission shall be composed of 12 members.
 - (b) The governor shall appoint:
 - (i) one member who, at the time of appointment provides internet technology services for a county or a municipality;
 - (ii) one member with experience in cybersecurity;
 - (iii) one member representing private industry in technology;
 - (iv) one member representing law enforcement; and
 - (v) one member with experience in data privacy law.
 - (c) The state auditor shall appoint:
 - (i) one member with experience in internet technology services;
 - (ii) one member with experience in cybersecurity;
 - (iii) one member representing private industry in technology;
 - (iv) one member with experience in data privacy law; and
 - (v) one member with experience in civil liberties law or policy and with specific experience in identifying the disparate impacts of the use of a technology or a policy on different populations.
 - (d) The attorney general shall appoint:
 - (i) one member with experience as a prosecutor or appellate attorney and with experience in civil liberties law; and
 - (ii) one member representing law enforcement.
- (3)
 - (a) Except as provided in Subsection (3)(b), a member is appointed for a term of four years.
 - (b) The initial appointments of members described in Subsections (2)(b)(i) through (b)(iii), (2)(c)(iv) through (c)(v), and (2)(d)(ii) shall be for two-year terms.
 - (c) When the term of a current member expires, a member shall be reappointed or a new member shall be appointed in accordance with Subsection (2).
- (4)
 - (a) When a vacancy occurs in the membership for any reason, a replacement shall be appointed in accordance with Subsection (2) for the unexpired term.
 - (b) A member whose term has expired may continue to serve until a replacement is appointed.
- (5) The commission shall select officers from the commission's members as the commission finds necessary.
- (6)
 - (a) A majority of the members of the commission is a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the commission.
- (7) A member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses incurred as a member of the commission at the rates established by the Division of Finance under:
 - (a) Sections 63A-3-106 and 63A-3-107; and
 - (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (8) A member shall refrain from participating in a review of:
 - (a) an entity of which the member is an employee; or
 - (b) a technology in which the member has a financial interest.
- (9) The state auditor shall provide staff and support to the commission.

- (10) The commission shall meet up to seven times a year to accomplish the duties described in Section 63C-24-202.

Enacted by Chapter 155, 2021 General Session

63C-24-202 Commission duties.

- (1) The commission shall:
- (a) develop guiding standards and best practices with respect to government privacy practices;
 - (b) develop educational and training materials that include information about:
 - (i) the privacy implications and civil liberties concerns of the privacy practices of government entities;
 - (ii) best practices for government collection and retention policies regarding personal data; and
 - (iii) best practices for government personal data security standards; and
 - (c) review the privacy implications and civil liberties concerns of government privacy practices.
- (2) The commission may:
- (a) review specific government privacy practices as referred to the commission by the chief privacy officer described in Section 67-1-17 or the state privacy officer described in Section 67-3-13; and
 - (b) develop recommendations for legislation regarding the guiding standards and best practices the commission has developed in accordance with Subsection (1)(a).
- (3) Annually, on or before October 1, the commission shall report to the Judiciary Interim Committee:
- (a) the results of any reviews the commission has conducted;
 - (b) the guiding standards and best practices described in Subsection (1)(a); and
 - (c) any recommendations for legislation the commission has developed in accordance with Subsection (2)(b).

Amended by Chapter 173, 2023 General Session

Chapter 25
State Finance Review Commission

Part 1
General Provisions

63C-25-101 Definitions.

As used in this chapter:

- (1) "Authority" means the same as that term is defined in Section 63B-1-303.
- (2) "Bond" means the same as that term is defined in Section 63B-1-101.
- (3)
 - (a) "Bonding government entity" means the state or any entity that is authorized to issue bonds under any provision of state law.
 - (b) "Bonding government entity" includes:
 - (i) a bonding political subdivision; and

- (ii) a public infrastructure district that is authorized to issue bonds either directly, or through the authority of a bonding political subdivision or other governmental entity.
- (4) "Bonding political subdivision" means:
 - (a) the Utah Inland Port Authority, created in Section 11-58-201;
 - (b) the Military Installation Development Authority, created in Section 63H-1-201;
 - (c) the Point of the Mountain State Land Authority, created in Section 11-59-201;
 - (d) the Utah Lake Authority, created in Section 11-65-201 ; or
 - (e) the State Fair Park Authority, created in Section 11-68-201.
- (5) "Commission" means the State Finance Review Commission created in Section 63C-25-201.
- (6) "Concessionaire" means a person who:
 - (a) operates, finances, maintains, or constructs a government facility under a contract with a bonding political subdivision; and
 - (b) is not a bonding government entity.
- (7) "Concessionaire contract" means a contract:
 - (a) between a bonding government entity and a concessionaire for the operation, finance, maintenance, or construction of a government facility;
 - (b) that authorizes the concessionaire to operate the government facility for a term of five years or longer, including any extension of the contract; and
 - (c) in which all or some of the annual source of payment to the concessionaire comes from state funds provided to the bonding government entity.
- (8) "Creating entity" means the same as that term is defined in Section 17D-4-102.
- (9) "Government facility" means infrastructure, improvements, or a building that:
 - (a) costs more than \$5,000,000 to construct; and
 - (b) has a useful life greater than five years.
- (10) "Large public transit district" means the same as that term is defined in Section 17B-2a-802.
- (11) "Loan entity" means the board, person, unit, or agency with legal responsibility for making a loan from a revolving loan fund.
- (12) "Obligation" means the same as that term is defined in Section 63B-1-303.
- (13) "Parameters resolution" means a resolution of a bonding government entity that sets forth for proposed bonds:
 - (a) the maximum:
 - (i) amount of bonds;
 - (ii) term; and
 - (iii) interest rate; and
 - (b) the expected security for the bonds.
- (14) "Public infrastructure district" means a public infrastructure district created under Title 17D, Chapter 4, Public Infrastructure District Act.
- (15) "Revolving loan fund" means:
 - (a) the Water Resources Conservation and Development Fund, created in Section 73-10-24;
 - (b) the Water Resources Construction Fund, created in Section 73-10-8;
 - (c) the Water Resources Cities Water Loan Fund, created in Section 73-10-22;
 - (d) the Clean Fuel Conversion Funds, created in Title 19, Chapter 1, Part 4, Clean Fuels and Emission Reduction Technology Program Act;
 - (e) the Water Development Security Fund and its subaccounts, created in Section 73-10c-5;
 - (f) the Agriculture Resource Development Fund, created in Section 4-18-106;
 - (g) the Utah Rural Rehabilitation Fund, created in Section 4-19-105;
 - (h) the Permanent Community Impact Fund, created in Section 35A-8-303;
 - (i) the Petroleum Storage Tank Fund, created in Section 19-6-409;

- (j) the School Building Revolving Account, created in Section 53F-9-206;
 - (k) the State Infrastructure Bank Fund, created in Section 72-2-202;
 - (l) the Uintah Basin Revitalization Fund, created in Section 35A-8-1602;
 - (m) the Navajo Revitalization Fund, created in Section 35A-8-1704;
 - (n) the Energy Efficiency Fund, created in Section 11-45-201;
 - (o) the Brownfields Fund, created in Section 19-8-120;
 - (p) the following enterprise revolving loan funds created in Section 63A-3-402:
 - (i) the inland port infrastructure revolving loan fund;
 - (ii) the point of the mountain infrastructure revolving loan fund; or
 - (iii) the military development infrastructure revolving loan fund; and
 - (q) any other revolving loan fund created in statute where the borrower from the revolving loan fund is a public non-profit entity or political subdivision, including a fund listed in Section 63A-3-205, from which a loan entity is authorized to make a loan.
- (16)
- (a) "State funds" means an appropriation by the Legislature identified as coming from the General Fund or Education Fund.
 - (b) "State funds" does not include:
 - (i) a revolving loan fund; or
 - (ii) revenues received by a bonding political subdivision from:
 - (A) a tax levied by the bonding political subdivision;
 - (B) a fee assessed by the bonding political subdivision; or
 - (C) operation of the bonding political subdivision's government facility.

Amended by Chapter 91, 2023 General Session
Amended by Chapter 139, 2023 General Session
Amended by Chapter 502, 2023 General Session

Part 2 State Finance Review Commission

63C-25-201 State Finance Review Commission.

- (1) There is created the State Finance Review Commission.
- (2) The commission shall:
 - (a) as described in this part, approve, review, make recommendations, and monitor borrowing and lending practices and activities; and
 - (b) exercise the powers and perform other duties prescribed for the commission by statute.
- (3) The commission shall consist of:
 - (a) seven voting members as follows:
 - (i) the state treasurer;
 - (ii) the state auditor or the auditor's designee;
 - (iii) the attorney general or the attorney general's designee;
 - (iv) the director of the Division of Finance or the director's designee;
 - (v) the director of the Governor's Office of Planning and Budget or the director's designee; and
 - (vi) two individuals with a background in debt management, finance, or other similar expertise who are:
 - (A) after consultation with the state treasurer, appointed by the governor; and

- (B) confirmed by the Senate; and
- (b) the state's financial advisor described in Section 67-4-16, who is a nonvoting member.
- (4)
 - (a) Each position described in Subsection (3)(a)(vi) is for a term of four years.
 - (b) When a position described in Subsection (3)(a)(vi) is vacant for any reason, the governor shall appoint the replacement, with confirmation of the Senate, for the remainder of the unexpired term.
- (5) The state treasurer shall serve as chair of the commission.
- (6) A majority of the commission members constitute a quorum and may act on behalf of the commission.
- (7) The commission shall meet as necessary to effectively conduct the commission's business and duties as prescribed by statute.
- (8)
 - (a) A commission member may not receive compensation or benefits for the commission member's service.
 - (b) A commission member may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (9) The state treasurer's office shall provide staff support to facilitate the function of the commission and record commission action and recommendations.
- (10) The commission shall comply with the provisions of Title 52, Chapter 4, Open and Public Meetings Act.

Enacted by Chapter 207, 2022 General Session

63C-25-202 Powers and duties.

- (1) The commission shall annually review a report provided in accordance with Section 63B-1-305 or 63B-1a-102.
- (2)
 - (a) A loan entity other than a loan entity described in Subsection (2)(b) shall no later than January 1 of each year submit information on each revolving loan fund from which the loan entity made a loan in the previous fiscal year, including information identifying new and ongoing loan recipients, the terms of each loan, loan repayment, and any other information regarding a revolving loan fund requested by the commission.
 - (b) If a loan entity is:
 - (i) the Utah Inland Port Authority, the loan entity shall submit the information in accordance with Section 11-58-106 and any other information regarding a revolving loan fund requested by the commission;
 - (ii) the Point of the Mountain State Land Authority, the loan entity shall submit the information in accordance with Section 11-59-104 and any other information regarding a revolving loan fund requested by the commission; or
 - (iii) the Military Installation Development Authority, the loan entity shall submit the information in accordance with Section 63H-1-104 and any other information regarding a revolving loan fund requested by the commission.
 - (c) The commission may annually review and provide feedback for the following:

- (i) each loan entity for compliance with state law authorizing and regulating the revolving loan fund, including, as applicable, Title 11, Chapter 14, Local Government Bonding Act;
 - (ii) each loan entity's revolving loan fund policies and practices, including policies and practices for approving and setting the terms of a loan; and
 - (iii) each borrower of funds from a revolving loan fund for accurate and timely reporting by the borrower to the appropriate debt repository.
- (3)
- (a) The commission shall review and may approve a bond before a large public transit district may issue a bond.
 - (b) The commission may not approve issuance of a bond described in Subsection (3)(a) unless the execution and terms of the bond comply with state law.
 - (c) If, after review, the commission approves a bond described in Subsection (3)(a), the large public transit district:
 - (i) may not change before issuing the bond the terms of the bond that were reviewed by the commission if the change is outside the approved parameters and intended purposes; and
 - (ii) is under no obligation to issue the bond.
 - (d) A member of the commission who approves a bond under Subsection (3)(a) or reviews a parameters resolution under Subsection (4)(a) is not liable personally on the bond.
 - (e) The approval of a bond under Subsection (3)(a) or review under Subsection (4)(a) of a parameters resolution by the commission:
 - (i) is not an obligation of the state; and
 - (ii) is not an act that:
 - (A) lends the state's credit; or
 - (B) constitutes indebtedness within the meaning of any constitutional or statutory debt limitation.
- (4)
- (a) The commission shall review and, at the commission's discretion, may make recommendations regarding a parameters resolution before:
 - (i) a bonding political subdivision may issue a bond; or
 - (ii) a public infrastructure district may issue a bond, if the creating entity of the public infrastructure district is a bonding political subdivision.
 - (b) The commission shall conduct the review under Subsection (4)(a) and forward any recommendations to the bonding political subdivision or public infrastructure district no later than 45 days after the day on which the commission receives the bonding political subdivision's or public infrastructure district's parameters resolution.
 - (c) Notwithstanding Subsection (4)(a), if the commission fails to review a parameters resolution or forward recommendations, if any, in the timeframe described in Subsection (4)(b), the bonding political subdivision or public infrastructure district, respectively, may proceed with the bond without review by the commission.
 - (d) After review by the commission under Subsection (4)(a), the bonding political subdivision or public infrastructure district:
 - (i) shall consider recommendations by the commission; and
 - (ii) may proceed with the bond but is under no obligation to issue the bond.
- (5) The commission shall provide training and other information on debt management, lending and borrowing best practices, and compliance with state law to the authority, a bonding political subdivision, a large public transit district, and a loan entity.
- (6)

- (a) Before a bonding government entity may enter into a concessionaire contract, the commission shall review and approve the concessionaire contract.
- (b) If, after review, the commission approves the concessionaire contract, the bonding government entity:
 - (i) may not change the terms of the concessionaire contract if the change is outside of:
 - (A) any applicable approved parameters of the concessionaire contract; or
 - (B) the intended purposes of the concessionaire contract; and
 - (ii) is under no obligation to enter into the concessionaire contract.

Amended by Chapter 91, 2023 General Session

63C-25-203 Debt affordability report.

- (1) No later than November 1 each year, the state treasurer, with assistance from the Governor's Office of Planning and Budget and the Office of the Legislative Fiscal Analyst, shall prepare and submit a debt affordability report to the commission and the Revenue and Taxation Interim Committee.
- (2) The debt affordability report shall include:
 - (a) as determined by the state treasurer, the amount of tax-supported debt that, during the next fiscal year and annually for the following nine fiscal years:
 - (i) will be outstanding; and
 - (ii) has been authorized but is not yet issued;
 - (b) a projected schedule of affordable, state tax-supported debt authorizations for the next fiscal year;
 - (c) projected debt-service requirements during the next fiscal year and annually for the following nine fiscal years based upon:
 - (i) existing outstanding debt;
 - (ii) previously authorized but unissued debt; and
 - (iii) projected bond authorizations;
 - (d) the criteria that recognized bond rating agencies use to judge the quality of issues of bonds issued by the state; and
 - (e) any other information that is relevant to:
 - (i) the state's ability to meet its projected debt service requirements;
 - (ii) the ability of the state to support additional debt service;
 - (iii) the interest rate to be borne by, the credit rating on, or any other factor affecting the marketability of state bonds; and
 - (iv) the effect of authorizing new tax-supported debt on each of the considerations described in this Subsection (2).

Enacted by Chapter 207, 2022 General Session

Chapter 26
Project Entity Oversight Committee

Part 1
General Provisions

63C-26-101 Definitions.

As used in this part:

- (1) "Board" means the governing board of the project entity.
- (2) "Committee" means the Project Entity Oversight Committee created in Section 63C-26-201.
- (3) "Project entity" means the same as that term is defined in Section 11-13-103.

Enacted by Chapter 322, 2022 General Session

Part 2
Project Entity Oversight Committee

63C-26-201 Project Entity Oversight Committee created.

- (1) There is created the Project Entity Oversight Committee.
- (2) The committee shall be composed of the following 9 members:
 - (a) the speaker of the House of Representatives shall appoint one member who is a member of the House of Representatives;
 - (b) the president of the Senate shall appoint one member who is a member of the Senate;
 - (c) the governor shall appoint one member;
 - (d) the Millard County Commission shall appoint one member to represent the Millard County Commission;
 - (e) the board shall appoint one member to represent the board;
 - (f) the Millard County School District shall appoint one member to represent the Millard County School District;
 - (g) the School and Institutional Trust Lands Board of Trustees shall nominate one member to represent the School and Institutional Trust Lands;
 - (h) the Utah League of Cities and Towns shall nominate one member to represent the Utah League of Cities and Towns; and
 - (i) the Millard County Department of Economic Development shall nominate one member to represent commerce in the Delta area.
- (3)
 - (a) Except as provided in Subsections (3)(b) and (3)(c), a member is appointed for a term of four years.
 - (b) The initial appointments of the members described in Subsections (2)(f) through (i) shall be for two-year terms.
 - (c) When the term of a current member expires, a member shall be reappointed or a new member shall be appointed in accordance with Subsection (2).
- (4) A member may serve multiple terms.
- (5)
 - (a) When a vacancy occurs in the membership for any reason, a replacement shall be appointed in accordance with Subsection (2) for the unexpired term.
 - (b) A member whose term has expired may continue to serve until a replacement is appointed.
- (6) The committee shall select a chair from among the committee's members.
- (7)
 - (a) A majority of the members of the committee is a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the committee.

- (8)
- (a) The committee shall meet no fewer than six times per year to accomplish the duties described in Section 63C-26-202.
 - (b) A majority of the committee may vote to meet less frequently than the number of times described in Subsection (8)(a).

Enacted by Chapter 322, 2022 General Session

63C-26-202 Committee duties -- Office of Energy Development duties.

- (1) The committee shall:
- (a) review the information that a project entity submits in accordance with Section 11-13-317;
 - (b) make available to the public the information that a project entity submits in accordance with Section 11-13-317;
 - (c) receive input from the local community and stakeholders with respect to concerns about a project entity and the project entity's planned projects;
 - (d) communicate concerns the committee receives to the project entity;
 - (e) compile a report describing the information, input, and communications described in Subsections (1)(a) through (d); and
 - (f) submit the report described in Subsection (1)(e) annually to the Public Utilities, Energy, and Technology Interim Committee on or before October 30.
- (2) The Office of Energy Development, created in Section 79-6-401, shall:
- (a) provide staff and support to the committee;
 - (b) ensure the committee is fulfilling the duties described in Subsection (1)(a); and
 - (c) ensure the committee is functioning as a sufficient liaison for the state, the Legislature, the local community, and the project entity.

Enacted by Chapter 322, 2022 General Session

Chapter 27
Cybersecurity Commission

Part 1
General Provisions

63C-27-101 Definitions.

As used in this chapter:

- (1) "Commission" means the Cybersecurity Commission created in this chapter.
- (2) "Critical infrastructure" includes the following sectors the United States Department of Homeland Security identifies as critical:
 - (a) chemical;
 - (b) commercial facilities;
 - (c) communications;
 - (d) critical manufacturing;
 - (e) dams;
 - (f) defense industrial base;

- (g) emergency services;
- (h) energy;
- (i) financial services;
- (j) food and agriculture;
- (k) government facilities;
- (l) healthcare and public health;
- (m) information technology;
- (n) nuclear reactors, nuclear materials, and nuclear waste;
- (o) transportation systems; and
- (p) water and wastewater systems.

Enacted by Chapter 153, 2022 General Session

Part 2

Cybersecurity Commission

63C-27-201 Cybersecurity Commission created.

- (1) There is created the Cybersecurity Commission.
- (2) The commission shall be composed of 24 members:
 - (a) one member the governor designates to serve as the governor's designee;
 - (b) the commissioner of the Department of Public Safety;
 - (c) the lieutenant governor, or an election officer, as that term is defined in Section 20A-1-102, the lieutenant governor designates to serve as the lieutenant governor's designee;
 - (d) the chief information officer of the Division of Technology Services;
 - (e) the chief information security officer, as described in Section 63A-16-210;
 - (f) the chairman of the Public Service Commission shall designate a representative with professional experience in information technology or cybersecurity;
 - (g) the executive director of the Utah Department of Transportation shall designate a representative with professional experience in information technology or cybersecurity;
 - (h) the director of the Division of Finance shall designate a representative with professional experience in information technology or cybersecurity;
 - (i) the executive director of the Department of Health and Human Services shall designate a representative with professional experience in information technology or cybersecurity;
 - (j) the director of the Division of Indian Affairs shall designate a representative with professional experience in information technology or cybersecurity;
 - (k) the Utah League of Cities and Towns shall designate a representative with professional experience in information technology or cybersecurity;
 - (l) the Utah Association of Counties shall designate a representative with professional experience in information technology or cybersecurity;
 - (m) the attorney general, or the attorney general's designee;
 - (n) the commissioner of financial institutions, or the commissioner's designee;
 - (o) the executive director of the Department of Environmental Quality shall designate a representative with professional experience in information technology or cybersecurity;
 - (p) the executive director of the Department of Natural Resources shall designate a representative with professional experience in information technology or cybersecurity;
 - (q) the highest ranking information technology official, or the official's designee, from each of:

- (i) the Judicial Council;
 - (ii) the Utah Board of Higher Education;
 - (iii) the State Board of Education; and
 - (iv) the State Tax Commission;
- (r) the governor shall appoint:
- (i) one representative from the Utah National Guard; and
 - (ii) one representative from the Governor's Office of Economic Opportunity;
- (s) the president of the Senate shall appoint one member of the Senate; and
- (t) the speaker of the House of Representatives shall appoint one member of the House of Representatives.
- (3)
- (a) The governor's designee shall serve as cochair of the commission.
 - (b) The commissioner of the Department of Public Safety shall serve as cochair of the commission.
- (4)
- (a) The members described in Subsection (2) shall represent urban, rural, and suburban population areas.
 - (b) No fewer than half of the members described in Subsection (2) shall have professional experience in cybersecurity or in information technology.
- (5) In addition to the membership described in Subsection (2), the commission shall seek information and advice from state and private entities with expertise in critical infrastructure.
- (6) As necessary to improve information and protect potential vulnerabilities, the commission shall seek information and advice from federal entities including:
- (a) the Cybersecurity and Infrastructure Security Agency;
 - (b) the Federal Energy Regulatory Commission;
 - (c) the Federal Bureau of Investigation; and
 - (d) the United States Department of Transportation.
- (7)
- (a) Except as provided in Subsections (7)(b) and (c), a member is appointed for a term of four years.
 - (b) A member shall serve until the member's successor is appointed and qualified.
 - (c) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission members appointed under Subsection (2)(r) are appointed every two years.
- (8)
- (a) If a vacancy occurs in the membership of the commission, the member shall be replaced in the same manner in which the original appointment was made.
 - (b) An individual may be appointed to more than one term.
 - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (9)
- (a) A majority of the members of the commission is a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the commission.
- (10) The commission shall meet at least two times a year.

Enacted by Chapter 153, 2022 General Session

63C-27-202 Commission duties.

The commission shall:

- (1) identify and inform the governor of:
 - (a) cyber threats and vulnerabilities towards Utah's critical infrastructure;
 - (b) cybersecurity assets and resources;
 - (c) an analysis of:
 - (i) current cyber incident response capabilities;
 - (ii) potential cyber threats; and
 - (iii) areas of significant concern with respect to:
 - (A) vulnerability to cyber attack; or
 - (B) seriousness of consequences in the event of a cyber attack;
- (2) provide resources with respect to cyber attacks in both the public and private sector, including:
 - (a) best practices;
 - (b) education; and
 - (c) mitigation;
- (3) promote cyber security awareness;
- (4) share information;
- (5) promote best practices to prevent and mitigate cyber attacks;
- (6) enhance cyber capabilities and response for all Utahns;
- (7) provide consistent outreach and collaboration with private and public sector organizations; and
- (8) share cyber threat intelligence to operators and overseers of Utah's critical infrastructure.

Enacted by Chapter 153, 2022 General Session

63C-27-203 Compensation of members.

- (1) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses incurred as a member of the commission at the rates established by the Division of Finance under:
 - (a) Sections 63A-3-106 and 63A-3-107; and
 - (b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (2) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Enacted by Chapter 153, 2022 General Session

63C-27-204 Staffing.

The Department of Public Safety shall provide staff and support to the commission.

Enacted by Chapter 153, 2022 General Session

63C-27-205 Reporting requirement.

On or before November 30, the commission shall report to the Public Utilities, Energy, and Technology Interim Committee:

- (1) an assessment of cyber threats to Utah;
- (2) recommendations for legislation that would reduce the state's vulnerability to attack; and
- (3) recommendations for best practices for state government with respect to cybersecurity.

Enacted by Chapter 153, 2022 General Session

63C-27-206 Closure of meetings.

The commission may, in accordance with Section 52-4-204, close to the public a meeting to discuss an item described in Subsections 63C-27-202(1) and (8).

Enacted by Chapter 153, 2022 General Session

**Chapter 28
Ethnic Studies Commission**

**Part 1
General Provisions**

63C-28-101 Definitions.

As used in this part:

- (1) "Commission" means the Ethnic Studies Commission created in Section 63C-28-201.
- (2) "Core standards for Utah public schools" or "core standards" means the standards the state board establishes as described in Section 53E-4-202.
- (3) "Education entity" means:
 - (a) the Utah Board of Higher Education;
 - (b) an institution of higher education, as that term is defined in Section 53B-3-102;
 - (c) the state board;
 - (d) a local school board;
 - (e) a charter school governing board;
 - (f) a school district;
 - (g) a district school;
 - (h) a charter school; or
 - (i) the Utah Schools for the Deaf and the Blind.
- (4) "Ethnic studies" means the same as that term is defined in Section 53E-4-204.1.
- (5) "State board" means the State Board of Education.
- (6) "Utahns of diverse ethnicities" means the same as that term is defined in Section 53E-4-204.1.

Enacted by Chapter 472, 2022 General Session

**Part 2
Ethnic Studies Commission**

63C-28-201 Ethnic Studies Commission created.

- (1) There is created the Ethnic Studies Commission to:
 - (a) consider and review the contributions of Utahns of diverse ethnicities to the state; and
 - (b) make recommendations to the state board for incorporating ethnic studies into core standards.
- (2) The commission consists of the following members:

- (a) five members of the Senate, appointed by the president of the Senate, one of whom the president of the Senate shall designate to serve as co-chair of the commission;
 - (b) five members of the House of Representatives, appointed by the speaker of the House of Representatives, one of whom the speaker of the House of Representatives shall designate to serve as co-chair of the commission; and
 - (c) two members appointed by the governor.
- (3)
- (a) A majority of the members of the commission constitutes a quorum of the commission.
 - (b) The action by a majority of the members of a quorum constitutes the action of the commission.
- (4)
- (a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
 - (b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) The Office of Legislative Research and General Counsel shall provide staff support to the commission.

Amended by Chapter 429, 2023 General Session

63C-28-202 Ethnic Studies Commission duties.

- (1) The commission shall:
- (a) review the contributions of Utahns of diverse ethnicities in the state;
 - (b) advise the governor, state agencies, and the Legislature regarding issues that impact Utahns of diverse ethnicities;
 - (c) make recommendations for recognizing the contributions of Utahns of diverse ethnicities in the state, including:
 - (i) policy recommendations to the governor; and
 - (ii) recommendations for legislation to the Legislature;
 - (d) review proposed core standards incorporating ethnic studies the state board submits as described in Section 53E-4-204.1; and
 - (e) make recommendations to the state board for incorporating ethnic studies into core standards.
- (2)
- (a) The commission may establish subcommittees as needed to assist the commission in accomplishing the commission's duties under this section.
 - (b) A subcommittee described in Subsection (2)(a) may include representatives from:
 - (i) community organizations;
 - (ii) education entities; or
 - (iii) the general public.

Enacted by Chapter 472, 2022 General Session

Chapter 29 Domestic Violence Data Task Force

Part 1 General Provisions

63C-29-101 Definitions.

As used in this part:

- (1) "Cohabitant abuse protective order" means an order issued with or without notice to the respondent under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders.
- (2) "Criminal justice system victim advocate" means the same as that term is defined in Section 77-38-403.
- (3) "Lethality assessment" means an evidence-based assessment that is intended to identify a victim of domestic violence who is at a high risk of being killed by the perpetrator.
- (4) "Nongovernment organization victim advocate" means the same as that term is defined in Section 77-38-403.
- (5) "Task force" means the Domestic Violence Data Task Force created in Section 63C-29-201.
- (6) "Victim" means an individual who is a victim of domestic violence, as defined in Section 77-36-1.

Enacted by Chapter 109, 2023 General Session

Part 2 Domestic Violence Data Task Force

63C-29-201 Domestic Violence Data Task Force -- Creation -- Members -- Compensation -- Quorum -- Staff.

- (1) There is created the Domestic Violence Data Task Force to coordinate and make recommendations to the Legislature regarding the collection of domestic violence data in the state.
- (2) The task force consists of the following members:
 - (a) the commissioner of public safety, or the commissioner's designee;
 - (b) the executive director of the Department of Corrections, or the executive director's designee;
 - (c) the chair of the Board of Pardons and Parole, or the chair's designee;
 - (d) the president of the Utah Chiefs of Police Association, or the president's designee;
 - (e) the president of the Utah Sheriffs' Association, or the president's designee;
 - (f) the executive director of the State Commission on Criminal and Juvenile Justice, or the director's designee;
 - (g) the director of the Division of Child and Family Services, or the director's designee;
 - (h) the director of the Utah Division of Indian Affairs, or the director's designee;
 - (i) the chief administrative officer of the Office of Homeless Services, or the officer's designee;
 - (j) one individual who provides violence and injury prevention services within the Department of Health and Human Services, appointed by the executive director of the Department of Health and Human Services;

- (k) one individual who represents the Administrative Office of the Courts appointed by the state court administrator;
- (l) one individual appointed jointly by the Utah League of Cities and Towns and the Utah Association of Counties;
- (m) one individual who represents the Statewide Association of Prosecutors appointed by the association;
- (n) one individual who represents the Utah Association of Criminal Defense Lawyers appointed by the association; and
- (o) the following individuals appointed by the commissioner of public safety, or the commissioner's designee:
 - (i) one individual who represents a state domestic violence coalition, as defined in 45 C.F.R. Sec. 1370.2;
 - (ii) one criminal justice system advocate; and
 - (iii) one nongovernment organization victim advocate.
- (3) The task force shall annually select one of the task force members to be the chair of the task force.
- (4) If a vacancy occurs in the membership of the task force appointed under Subsection (2), the member shall be replaced in the same manner in which the original appointment was made.
- (5) A task force member:
 - (a) may not receive compensation or benefits for the member's service on the task force; and
 - (b) may receive per diem and reimbursement for travel expenses that the task force member incurs as a task force member at the rates that the Division of Finance establishes under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.
- (6)
 - (a) A majority of the task force members constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the task force.
- (7) The Department of Public Safety shall provide staff support to the task force.

Enacted by Chapter 109, 2023 General Session

63C-29-202 Task force duties -- Reporting.

- (1) The task force shall:
 - (a) gather information on:
 - (i) lethality assessments conducted in the state, including:
 - (A) the type of lethality assessments used by law enforcement agencies and other organizations that provide domestic violence services; and
 - (B) training and protocols implemented by law enforcement agencies and the organizations described in Subsection (1)(a)(i)(A) regarding the use of lethality assessments;
 - (ii) the data collection efforts implemented by law enforcement agencies and the organizations described in Subsection (1)(a)(i)(A);
 - (iii) the number of cohabitant abuse protective orders that, in the immediately preceding calendar year, were:
 - (A) issued;
 - (B) amended or dismissed before the date of expiration; or
 - (C) dismissed under Subsection 78B-7-605(1); and
 - (iv) the prevalence of domestic violence in the state and the prevalence of the following in domestic violence cases:

- (A) stalking;
 - (B) strangulation;
 - (C) violence in the presence of children; and
 - (D) threats of suicide or homicide; and
- (b) review and provide feedback on:
- (i) lethality assessment training and protocols implemented by law enforcement agencies and the organizations described in Subsection (1)(a)(i)(A); and
 - (ii) the collection of domestic violence data in the state, including:
 - (A) the coordination between state, local, and not-for-profit agencies to collect data from lethality assessments and on the prevalence of domestic violence, including the number of voluntary commitments of firearms under Section 53-5c-201;
 - (B) efforts to standardize the format for collecting domestic violence and lethality assessment data from state, local, and not-for-profit agencies within federal confidentiality requirements; and
 - (C) the need for any additional data collection requirements or efforts.
- (2) Before November 30 of each year the task force shall provide a written report to the Law Enforcement and Criminal Justice Interim Committee describing:
- (a) the information gathered under Subsection (1)(a); and
 - (b) the feedback described in Subsection (1)(b).

Enacted by Chapter 109, 2023 General Session

Chapter 30 County Recorder Standards Board

Part 1 General Provisions

63C-30-101 Definitions.

As used in this chapter:

- (1) "Board" means the County Recorder Standards Board created in Section 63C-30-201.
- (2) "Department" means the Department of Commerce created in Section 13-1-2.

Enacted by Chapter 413, 2023 General Session

Part 2 County Recorder Standards Board

63C-30-201 County Recorder Standards Board created.

- (1) There is created the County Recorder Standards Board.
- (2) The board shall be composed of nine members as follows:
 - (a) one representative of the Utah Property Rights Coalition, appointed by the Utah Property Rights Coalition;

- (b) one representative of the Utah Association of Counties, appointed by the Utah Association of Counties;
 - (c) one representative of the Utah Council of Land Surveyors, appointed by the Utah Council of Land Surveyors;
 - (d) one representative of the Utah Land Title Association, appointed by the Utah Land Title Association;
 - (e) one representative from the oil, gas, or mining industry, appointed jointly by the Utah Petroleum Association, the Utah Mining Association, and the Utah Association of Professional Landmen;
 - (f) one county recorder from a county of the first or second class, appointed by the Utah Association of County Recorders;
 - (g) one county recorder from a county of the third, fourth, fifth, or sixth class, appointed by the Utah Association of County Recorders;
 - (h) one attorney who is a member of the Utah State Bar, appointed by the Utah Association of County Recorders; and
 - (i) one attorney who is a member of the Utah State Bar, appointed by the Utah Association of Realtors.
- (3)
- (a) If a vacancy occurs in the membership of the board, the member shall be replaced in the same manner in which the original appointment was made.
 - (b) A member shall serve a term of four years and until the member's successor is appointed and qualified.
 - (c) Notwithstanding Subsection (3)(b), at the time of appointment or reappointment, the department shall adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board members are appointed every two years.
 - (d) A board member may be appointed to more than one term.
- (4) The board shall annually select a chair from among the board's members.
- (5)
- (a) Five board members constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the board.
- (6) A board member may not receive compensation or benefits for the member's service on the board, but may receive per diem and reimbursement for travel expenses incurred as a board member at the rates established by the Division of Finance under:
- (a) Sections 63A-3-106 and 63A-3-107; and
 - (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) The department shall provide staff support to the board.

Enacted by Chapter 413, 2023 General Session

63C-30-202 Duties of the board -- Reporting.

- (1) The board shall:
- (a) subject to Subsection (2), make rules that establish statewide standards for county recorders as the board deems necessary to reduce or eliminate inconsistencies, including rules for:
 - (i) the protection of recorded documents and records in a county recorder's custody, including appropriate methods for obtaining copies of a public record under Section 17-21-19, and the supervision of individuals who search and make copies of the public record;
 - (ii) the electronic submission of plats, records, and other documents to a county recorder's office;

- (iii) the protection of privacy interests in the case of documents and records in a county recorder's custody; and
 - (iv) the formatting, recording, and redaction of documents and records in a county recorder's custody; and
 - (b) promote uniformity throughout the state with respect to the services provided by a county recorder.
- (2)
- (a) The rules under Subsection (1)(a) shall:
 - (i) be made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) be consistent with applicable state law, including:
 - (A) Title 17, Chapter 21, Recorder;
 - (B) Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act;
 - (C) Title 46, Chapter 4, Uniform Electronic Transactions Act; and
 - (D) Title 57, Real Estate.
 - (b) The rules under Subsection (1)(a) may not require a county recorder to expend any additional funds.
- (3) On or before October 1 of each year, the board shall submit a written report to the Political Subdivisions Interim Committee and the Business and Labor Interim Committee that includes:
- (a) information regarding the operations and activities of the board; and
 - (b) any recommendations for legislation related to the services provided by county recorders, including recommendations for modification of the fees established in Section 17-21-18.5.

Enacted by Chapter 413, 2023 General Session

Chapter 31

State Employee Benefits Advisory Commission

63C-31-101 Definitions.

As used in this chapter:

- (1) "Annual compensation plan" means the annual compensation plan described in Section 63A-17-307.
- (2) "Benefits advisory commission" means the State Employee Benefit Advisory Commission created in Section 63C-31-102.
- (3) "Total compensation" means the same as that term is defined in Section 63A-17-102.

Enacted by Chapter 489, 2023 General Session

63C-31-102 Creation of State Employee Benefits Advisory Commission -- Membership.

- (1) There is created the State Employee Benefits Advisory Commission consisting of the following members:
 - (a) one member of the Senate, appointed by the president of the Senate;
 - (b) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
 - (c) the director of the Division of Human Resource Management, created in Section 63A-17-105, or the director's designee;

- (d) the executive director of the Governor's Office of Planning and Budget, created in Section 63J-4-201, or the executive director's designee;
 - (e) the following four individuals who are not employed by the state or another public entity and are appointed jointly by the president of the Senate and speaker of the House of Representatives:
 - (i) an individual who has experience in health insurance benefits in the private sector;
 - (ii) an individual who has experience in business and employee benefits in the private sector; and
 - (iii) a representative of an organization that represents the interests of state employees; and
 - (f) a representative of the Public Employees' Benefit and Insurance Program, created in Section 49-20-103, appointed by the executive director of the Utah State Retirement Office.
- (2)
- (a) The member of the Senate appointed under Subsection (1)(a) is a cochair of the benefits advisory commission.
 - (b) The member of the House of Representatives appointed under Subsection (1)(b) is a cochair of the benefits advisory commission.
- (3)
- (a) Each position described in Subsection (1)(e) is for a term of four years.
 - (b) A vacancy in a position appointed under Subsection (1)(a), (b), (e), or (f) shall be filled by appointing a replacement member in the same manner as the member creating the vacancy was appointed under Subsection (1)(a), (b), (e), or (f), respectively.
 - (c) If a position described in Subsection (1)(e) is vacant, the president of the Senate and speaker of the House of Representatives shall jointly appoint the replacement member for the remainder of the unexpired term.
- (4)
- (a) A majority of members constitute a quorum.
 - (b) The action of a majority of a quorum constitutes the action of the benefits advisory commission.
- (5) The benefits advisory commission shall meet as necessary to effectively conduct the commission's business and duties as prescribed by statute, but not less than twice a year.
- (6) The Division of Human Resource Management shall provide staff support to facilitate the function of the benefits advisory commission and record the benefits advisory commission's action and recommendations.
- (7)
- (a) The salary and expenses of a benefits advisory commission member who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
 - (b) A benefits advisory commission member who is not a legislator may not receive compensation or benefits for the member's service on the benefits advisory commission, but may receive per diem and reimbursement for travel expenses incurred as a benefits advisory commission member at the rates established by the Division of Finance under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (8) The benefits advisory commission shall comply with the provisions of Title 52, Chapter 4, Open and Public Meetings Act.

Enacted by Chapter 489, 2023 General Session

63C-31-103 Duties of benefits advisory commission.

(1) The benefits advisory commission shall:

- (a) review the annual compensation plan;
- (b) review proposed legislation submitted to the benefits advisory commission that amends the health care, leave, or salary benefits for state employees while considering total compensation; and
- (c) provide recommendations, if any, for the annual compensation plan or legislation described in Subsection (1)(b) that would make total compensation competitive with private sector employees.

(2)

- (a) No later than November 1 of each year, the benefits advisory commission shall submit a written report on the benefits advisory commission's activities and recommendations, if any, for the annual compensation plan and legislation described in Subsection (1)(b) to the Executive Appropriations Committee and the Retirement and Independent Entities Interim Committee.
- (b) The report submitted under Subsection (2)(a) shall comply with Section 68-3-14.

Enacted by Chapter 489, 2023 General Session