

Chapter 1 Governor

67-1-1 General powers and duties.

In addition to those prescribed by the constitution, the governor has the following powers and must perform the following duties:

- (1) He shall supervise the official conduct of all executive and ministerial officers.
- (2) He shall see that all offices are filled and the duties thereof performed, or in default thereof, apply such remedy as the law allows, and, if the remedy is imperfect, acquaint the Legislature therewith at its next session.
- (3) He shall make appointments and fill vacancies as required by law.
- (4) He is the sole official organ of communication between the government of this state and the government of any other state and of the United States.
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and may employ such additional counsel as he may judge expedient.
- (6) He may require the attorney general or the county attorney or district attorney of any county to inquire into the affairs or management of any corporation doing business in this state.
- (7) He may require the attorney general to aid any county attorney or district attorney in the discharge of his duties.
- (8) He may offer rewards, not exceeding \$1,000 each, payable out of the general fund, for the apprehension of any convict who has escaped from the state prison, or any person who has committed, or is charged with the commission of, a felony.
- (9) He must perform such duties respecting fugitives from justice as are prescribed by law.
- (10) He must issue and transmit election proclamations as prescribed by law.
- (11) He must issue land warrants and patents as prescribed by law.
- (12) He must, prior to each regular meeting of the Legislature, deliver to the Division of Archives for publication all biennial reports of officers, commissions, and boards for the two preceding years.
- (13) He may require any officer, commission, or board to make special reports to him in writing.
- (14) He must discharge the duties of a member of all boards of which he is or may be made a member by the constitution or by law.
- (15) He shall each year issue a proclamation recommending the observance of Arbor day, by the planting of trees, shrubs, and vines, in the promotion of forest growth and culture, and in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of such holiday.
- (16) He has such other powers and must perform such other duties as are devolved upon him by law.

Amended by Chapter 38, 1993 General Session

67-1-1.5 Gubernatorial appointment powers.

- (1) As used in this section:
 - (a) "Board member" means each gubernatorial appointee to any state board, committee, commission, council, or authority.

- (b) "Executive branch management position" includes department executive directors, division directors, and any other administrative position in state government where the person filling the position:
 - (i) works full-time performing managerial and administrative functions;
 - (ii) is appointed by the governor with the advice and consent of the Senate.
- (c)
 - (i) "Executive branch policy position" means any person other than a person filling an executive branch management position, who is appointed by the governor with the advice and consent of the Senate.
 - (ii) "Executive branch policy position" includes each member of any state board and commission appointed by the governor with the advice and consent of the Senate.
- (2)
 - (a) Whenever a vacancy occurs in any executive branch policy position or in any executive branch management position, the governor shall submit the name of a nominee to the Senate for advice and consent no later than three months after the day on which the vacancy occurs.
 - (b) If the Senate fails to consent to that person within 90 days after the day on which the governor submits the nominee's name to the Senate for consent:
 - (i) the nomination is considered rejected; and
 - (ii) the governor shall resubmit the name of the nominee described in Subsection (2)(a) or submit the name of a different nominee to the Senate for consent no later than 60 days after the date on which the nomination was rejected by the Senate.
- (3) Whenever a vacancy occurs in any executive branch management position, the governor may either:
 - (a) appoint an interim manager who meets the qualifications of the vacant position to exercise the powers and duties of the vacant position for three months, pending consent of a person to permanently fill that position by the Senate; or
 - (b) appoint an interim manager who does not meet the qualifications of the vacant position and submit that person's name to the Senate for consent as interim manager within one month of the appointment.
- (4) Except for an interim manager appointed to a position described in Subsection 67-1-2(2)(a), if the Senate fails to consent to the interim manager appointed under Subsection (3)(b) within 30 days after the day on which the governor submits the nominee's name to the Senate for consent:
 - (a) the nomination is considered rejected; and
 - (b) the governor may:
 - (i)
 - (A) reappoint the interim manager to whom the Senate failed to consent within 30 days; and
 - (B) resubmit the name of the person described in Subsection (4)(b)(i)(A) to the Senate for consent as interim manager; or
 - (ii) appoint a different interim manager under Subsection (3).
- (5) For an interim manager appointed to a position described in Subsection 67-1-2(2)(a), if the Senate fails to consent to the interim manager appointed under Subsection (3)(b) within 60 days after the day on which the governor submits the nominee's name to the Senate for consent:
 - (a) the nomination is considered rejected; and
 - (b) the governor may:
 - (i)
 - (A) reappoint the interim manager to whom the Senate failed to consent; and

- (B) resubmit the name of the person described in Subsection (5)(b)(i)(A) to the Senate for consent as interim manager; or
- (ii) appoint a different interim manager under Subsection (3).
- (6) If, after an interim manager has served three months, no one has been appointed and received Senate consent to permanently fill the position, the governor shall:
 - (a) appoint a new interim manager who meets the qualifications of the vacant position to exercise the powers and duties of the vacant position for three months; or
 - (b) submit the name of the first interim manager to the Senate for consent as an interim manager for a three-month term.
- (7) If the Senate fails to consent to a nominee whose name is submitted under Subsection (6)(b) within 30 days after the day on which the governor submits the name to the Senate:
 - (a) the nomination is considered rejected; and
 - (b) the governor shall:
 - (i)
 - (A) reappoint the person described in Subsection (6)(b); and
 - (B) resubmit the name of the person described in Subsection (6)(b) to the Senate for consent as interim manager; or
 - (ii) appoint a different interim manager in the manner required by Subsection (3).
- (8) The governor may not make a temporary appointment to fill a vacant executive branch policy position.
- (9)
 - (a) Before appointing any person to serve as a board member, the governor shall ask the person whether the person wishes to receive per diem, expenses, or both for serving as a board member.
 - (b) If the person declines to receive per diem, expenses, or both, the governor shall notify the agency administering the board, commission, committee, council, or authority and direct the agency to implement the board member's request.
- (10) A gubernatorial nomination upon which the Senate has not acted to give consent or refuse to give consent is void when a vacancy in the office of governor occurs.

Amended by Chapter 250, 2023 General Session

67-1-2 Senate confirmation of gubernatorial nominees -- Verification of nomination requirements -- Consultation on appointments -- Notification of anticipated vacancies.

- (1)
 - (a) Except as provided in Subsection (3), at least 30 days before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel the following information for each nominee:
 - (i) the nominee's name and biographical information, including a resume and curriculum vitae with personal contact information, including home address, email address, and telephone number, redacted, except that the governor shall send to the Office of Legislative Research and General Counsel the contact information for the nominee;
 - (ii) a detailed list, with citations, of the legal requirements for the appointed position;
 - (iii) a detailed list with supporting documents explaining how, and verifying that, the nominee meets each statutory and constitutional requirement for the appointed position;
 - (iv) a written certification by the governor that the nominee satisfies all requirements for the appointment; and

- (v) public comment information collected in accordance with Section 63G-24-204.
- (b) This Subsection (1) does not apply to a judicial appointee.
- (2)
 - (a) A majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection (1) for a gubernatorial nominee other than a nominee for the following:
 - (i) the executive director of a department;
 - (ii) the executive director of the Governor's Office of Economic Opportunity;
 - (iii) the executive director of the Labor Commission;
 - (iv) a member of the State Tax Commission;
 - (v) a member of the State Board of Education;
 - (vi) a member of the Utah Board of Higher Education; or
 - (vii) an individual:
 - (A) whose appointment requires the advice and consent of the Senate; and
 - (B) whom the governor designates as a member of the governor's cabinet.
 - (b) The Senate shall hold a confirmation hearing for a nominee for an individual described in Subsection (2)(a).
- (3) The governor shall:
 - (a) if the governor is aware of an upcoming vacancy in a position that requires Senate confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel at least 30 days before the day on which the vacancy occurs; and
 - (b) establish a process for government entities and other relevant organizations to provide input on gubernatorial appointments.
- (4) When the governor makes a judicial appointment, the governor shall immediately provide to the president of the Senate and the Office of Legislative Research and General Counsel:
 - (a) the name of the judicial appointee; and
 - (b) the judicial appointee's:
 - (i) resume;
 - (ii) complete file of all the application materials the governor received from the judicial nominating commission; and
 - (iii) any other related documents, including any letters received by the governor about the appointee, unless the letter specifically directs that the letter may not be shared.
- (5) The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel of the number of letters withheld pursuant to Subsection (4)(b)(iii).
- (6)
 - (a) Letters of inquiry submitted by any judge at the request of any judicial nominating commission are classified as private in accordance with Section 63G-2-302.
 - (b) All other records received from the governor pursuant to this Subsection (6) may be classified as private in accordance with Section 63G-2-302.
- (7) The Senate shall consent or refuse to give the Senate's consent to a nomination or judicial appointment.

Amended by Chapter 250, 2023 General Session

67-1-2.5 Executive boards -- Database -- Governor's review of new boards.

- (1) As used in this section:

- (a) "Administrator" means the boards and commissions administrator designated under Subsection (3).
 - (b) "Executive board" means an executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body:
 - (i) with a defined limited membership;
 - (ii) that is created by the constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a department, division, or other administrative subunit of the executive branch of state government; and
 - (iii) that is created to operate for more than six months.
- (2)
- (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year following the year in which a new executive board is created in statute, the governor shall:
 - (i) review the executive board to evaluate:
 - (A) whether the executive board accomplishes a substantial governmental interest; and
 - (B) whether it is necessary for the executive board to remain in statute;
 - (ii) in the governor's review described in Subsection (2)(a)(i), consider:
 - (A) the funding required for the executive board;
 - (B) the staffing resources required for the executive board;
 - (C) the time members of the executive board are required to commit to serve on the executive board; and
 - (D) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction; and
 - (iii) submit a report to the Government Operations Interim Committee recommending that the Legislature:
 - (A) repeal the executive board;
 - (B) add a sunset provision or future repeal date to the executive board;
 - (C) make other changes to make the executive board more efficient; or
 - (D) make no changes to the executive board.
 - (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give deference to:
 - (i) reducing the size of government; and
 - (ii) making governmental programs more efficient and effective.
 - (c) The governor is not required to conduct the review or submit the report described in Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.
- (3)
- (a) The governor shall designate a board and commissions administrator from the governor's staff to maintain a computerized database containing information about all executive boards.
 - (b) The administrator shall ensure that the database contains:
 - (i) the name of each executive board;
 - (ii) the current statutory or constitutional authority for the creation of the executive board;
 - (iii) the sunset date on which each executive board's statutory authority expires;
 - (iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;
 - (v) the name, address, gender, telephone number, and county of each individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;
 - (vi) the title of the position held by the person who appointed each member of the executive board;

- (vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;
 - (viii) whether members appointed to the executive board require the advice and consent of the Senate;
 - (ix) the organization, interest group, profession, local government entity, or geographic area that an individual appointed to an executive board represents, if any;
 - (x) the party affiliation of an individual appointed to an executive board, if the statute or executive order creating the position requires representation from political parties;
 - (xi) whether each executive board is a policy board or an advisory board;
 - (xii) whether the executive board has or exercises rulemaking authority, or is a rulemaking board as defined in Section 63G-24-102; and
 - (xiii) any compensation and expense reimbursement that members of the executive board are authorized to receive.
- (4) The administrator shall ensure the governor's website includes:
- (a) the information contained in the database, except for an individual's:
 - (i) physical address;
 - (ii) email address; and
 - (iii) telephone number;
 - (b) a portal, accessible on each executive board's web page within the governor's website, through which a member of the public may provide input on:
 - (i) an individual appointed to serve on the executive board; or
 - (ii) a sitting member of the executive board;
 - (c) each report the administrator receives under Subsection (5); and
 - (d) the summary report described in Subsection (6).
- (5)
- (a) Before August 1, once every five years, beginning in calendar year 2024, each executive board shall prepare and submit to the administrator a report that includes:
 - (i) the name of the executive board;
 - (ii) a description of the executive board's official function and purpose;
 - (iii) a description of the actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);
 - (iv) recommendations on whether any statutory, rule, or other changes are needed to make the executive board more effective; and
 - (v) an indication of whether the executive board should continue to exist.
 - (b) The administrator shall compile and post the reports described in Subsection (5)(a) to the governor's website before September 1 of a calendar year in which the administrator receives a report described in Subsection (5)(a).
- (6)
- (a) Before September 1 of a calendar year in which the administrator receives a report described in Subsection (5)(a), the administrator shall prepare a report that includes:
 - (i) as of July 1 of that year, the total number of executive boards that exist;
 - (ii) a summary of the reports submitted to the administrator under Subsection (5), including:
 - (A) a list of each executive board that submitted a report under Subsection (5);
 - (B) a list of each executive board that failed to timely submit a report under Subsection (5);
 - (C) an indication of any recommendations made under Subsection (5)(a)(iv); and
 - (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the executive board should no longer exist; and

- (iii) a list of each executive board, identified and reported by the Division of Archives and Record Services under Section 63A-16-601, that did not post a notice of a public meeting on the Utah Public Notice Website during the previous fiscal year.
- (b) On or before September 1 of a calendar year in which the administrator prepares a report described in Subsection (6)(a), in accordance with Section 68-3-14, the administrator shall submit the report to:
 - (i) the president of the Senate;
 - (ii) the speaker of the House of Representatives; and
 - (iii) the Government Operations Interim Committee.
- (c)
 - (i) Within 60 days after the day on which an executive board fails to timely submit a report under Subsection (5), a legislative interim committee shall conduct a review to determine whether to recommend repeal of the executive board.
 - (ii) The Office of Legislative Research and General Counsel shall notify the chairs of an interim committee whose subject area most closely relates to an executive board described in Subsection (6)(c)(i) of:
 - (A) the name of the board;
 - (B) information regarding the function of the board; and
 - (C) the deadline by which the interim committee is required to conduct a review described in Subsection (6)(c)(i).
 - (iii) If there is not an interim committee with a subject area relating to the executive board, or if the interim committee described in Subsection (6)(c)(ii) is unable to timely conduct the review described in Subsection (6)(c), the Government Operations Interim Committee shall conduct the review.
 - (iv) If an interim committee recommends that an executive board described in Subsection (6)(c)(i) be repealed, the Office of Legislative Research and General Counsel shall draft a bill repealing the executive board.
- (7)
 - (a) On or before September 30, 2023, the administrator shall meet with the Division of Professional Licensing, the Insurance Department, the Department of Agriculture and Food, and the stakeholders involved with at least the following boards as part of the annual review of executive boards:
 - (i) the Landscape Architects Board;
 - (ii) the Professional Geologist Licensing Board;
 - (iii) the Bail Bond Oversight Board;
 - (iv) the Title and Escrow Commission; and
 - (v) the Horse Racing Commission.
 - (b) The review described in Subsection (7)(a) shall consider:
 - (i) the funding required for the executive board;
 - (ii) the staffing resources required for the executive board;
 - (iii) the time members of the executive board are required to commit to serve on the executive board;
 - (iv) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction;
 - (v) the historical record of how many meetings the executive board held in the last five years and the agendas of the executive board;
 - (vi) the ability to fill vacancies and appointments to the executive board;
 - (vii) the statutory duties of the executive board; and

- (viii) other items to make the best recommendations for the executive board.
- (8)
- (a) The administrator shall submit a report of the review described in Subsection (7)(b) to the Government Operations Interim Committee before October 17, 2023, recommending that the Legislature:
 - (i) repeal the executive board;
 - (ii) add a sunset or future repeal date to the executive board;
 - (iii) make other changes to make the executive board more efficient; or
 - (iv) make no changes to the executive board.
 - (b) In conducting the review described in Subsection (7)(b), the administrator shall give deference to:
 - (i) reducing the size of government;
 - (ii) making governmental programs more efficient and effective; and
 - (iii) reducing the burdens of government on business.

Amended by Chapter 35, 2023 General Session
Amended by Chapter 249, 2023 General Session

67-1-3 Removal of gubernatorial appointee.

- (1) Any time during a recess of the Legislature, the governor may remove any gubernatorial appointee for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.
- (2) If the appointment required the advice and consent of the Senate, the governor may fill the vacancy created by the removal by following the procedures and requirements of Section 67-1-1.5.

Amended by Chapter 373, 2020 General Session

67-1-4 Records to be kept.

The governor must cause to be kept the following records:

- (1) An account of all his official expenses and disbursements, including the incidental expenses of his department, and an account of all rewards offered by him for the apprehension of criminals and persons charged with crime.
- (2) A register of all appointments made by him, with dates of commissions and names of appointees and predecessors.

No Change Since 1953

67-1-5 Commissioning officers.

The governor must commission all officers of the militia, and all officers appointed by the governor or by the governor with the advice and consent of the Senate.

Amended by Chapter 373, 2020 General Session

67-1-6 Acting governor -- Powers and duties.

Every provision of law relating to the powers and duties of the governor, and relating to acts and duties to be performed by others toward him, extends to the person performing, for the time being, the duties of governor.

No Change Since 1953

67-1-8.1 Executive Residence Commission -- Recommendations as to use, maintenance, and operation of executive residence.

- (1) The Legislature finds and declares that:
 - (a) the state property known as the Thomas Kearns Mansion is a recognized state landmark possessing historical and architectural qualities that should be preserved; and
 - (b) the Thomas Kearns Mansion was the first building listed on the National Register of Historic Places in the state.
- (2) As used in this section:
 - (a) "Executive residence" includes the:
 - (i) Thomas Kearns Mansion;
 - (ii) Carriage House building;
 - (iii) grounds and landscaping surrounding the Thomas Kearns Mansion and the Carriage House building ; and
 - (iv) state owned property included in the Salt Lake City area bounded by South Temple, G Street, First Avenue, and H Street.
 - (b) "Commission" means the Executive Residence Commission established in this section.
- (3)
 - (a) An Executive Residence Commission is established to make recommendations to the Division of Facilities Construction and Management for the use, operation, maintenance, repair, rehabilitation, alteration, restoration, placement of art and monuments, or adoptive use of the executive residence.
 - (b) The commission shall meet at least once a year and make any recommendations to the Division of Facilities Construction and Management prior to August 1 of each year.
- (4) The commission shall consist of nine voting members and one ex officio, nonvoting member representing the Governor's Mansion Foundation. The membership shall consist of:
 - (a) three private citizens appointed by the governor, who have demonstrated an interest in historical preservation;
 - (b) three additional private citizens appointed by the governor with the following background:
 - (i) an interior design professional with a background in historic spaces;
 - (ii) an architect with a background in historic preservation and restoration recommended by the Utah chapter of the American Institute of Architects; and
 - (iii) a landscape architect with a background and knowledge of historic properties recommended by the Utah chapter of the American Society of Landscape Architects;
 - (c) the director, or director's designee, of the Division of Art and Museums;
 - (d) the director, or director's designee, of the Utah Historical Society; and
 - (e) the executive director, or executive director's designee, of the Department of Government Operations.
- (5)
 - (a) Except as required by Subsection (5)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a four-year term ending on March 1.
 - (b) Notwithstanding the requirements of Subsection (5)(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 is appointed every two years.

- (6)
 - (a) The governor shall appoint a chair from among the membership of the commission.
 - (b) Six members of the commission shall constitute a quorum, and either the chair or two other members of the commission may call meetings of the commission.
- (7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9) The Division of Facilities Construction and Management shall provide the administrative support to the commission.

Amended by Chapter 160, 2023 General Session

Amended by Chapter 439, 2023 General Session

67-1-9 Governor's residence -- Sources of funds.

- (1) The Kearns' mansion shall be the official residence of the governor.
- (2) The Division of Facilities Construction and Management may apply for, accept and expend funds from federal and other sources for carrying out the purposes of Section 67-1-8.1 and this section.

Amended by Chapter 209, 2021 General Session

67-1-10 Spouse of the governor -- Status as state employee.

The spouse of the governor of the state, when acting as a representative of this state, shall be considered a state employee.

Enacted by Chapter 70, 1985 General Session

67-1-11 Gender balance in appointing board members.

- (1) As used in this section, "appointing authority" means the speaker of the House, the president of the Senate, the governor, the governor's designee, nominating committee, or executive branch officer or other body empowered by statute or rule to make any appointment or nomination for appointment to any board, committee, bureau, commission, council, panel, or other entity.
- (2) In making a nomination, appointment, or reappointment to fill a vacancy on any board, committee, bureau, commission, council, or other entity, the appointing authority shall strongly consider nominating, appointing, or reappointing a qualified individual whose gender is in the minority on that entity.

Enacted by Chapter 302, 1992 General Session

67-1-12 Displaced defense workers.

- (1) The governor, through the Department of Workforce Services, may use funds specifically appropriated by the Legislature to benefit, in a manner prescribed by Subsection (2):
 - (a) Department of Defense employees within the state who lose their employment because of reductions in defense spending by the federal government;

- (b) persons dismissed by a defense-related industry employer because of reductions in federal government defense contracts received by the employer; and
 - (c) defense-related businesses in the state that have been severely and adversely impacted because of reductions in defense spending.
- (2) Funds appropriated under this section before fiscal year 1999-2000 but not expended shall remain with the agency that possesses the funds and shall be used in a manner consistent with this section. Any amount appropriated under this section in fiscal year 1999-2000 or thereafter may be used to:
- (a) provide matching or enhancement funds for grants, loans, or other assistance received by the state from the United States Department of Labor, Department of Defense, or other federal agency to assist in retraining, community assistance, or technology transfer activities;
 - (b) fund or match available private or public funds from the state or local level to be used for retraining, community assistance, technology transfer, or educational projects coordinated by state or federal agencies;
 - (c) provide for retraining, upgraded services, and programs at technical colleges, public schools, higher education institutions, or any other appropriate public or private entity that are designed to teach specific job skills requested by a private employer in the state or required for occupations that are in demand in the state;
 - (d) aid public or private entities that provide assistance in locating new employment;
 - (e) inform the public of assistance programs available for persons who have lost their employment;
 - (f) increase funding for assistance and retraining programs;
 - (g) provide assistance for small start-up companies owned or operated by persons who have lost their employment;
 - (h) enhance the implementation of dual-use technologies programs, community adjustment assistance programs, or other relevant programs under Pub. L. No. 102-484; and
 - (i) coordinate local and national resources to protect and enhance current Utah defense installations and related operations and to facilitate conversion or enhancement efforts by:
 - (i) creating and operating state information clearinghouse operations that monitor relevant activities on the federal, state, and local level;
 - (ii) identifying, seeking, and matching funds from federal and other public agencies and private donors;
 - (iii) identifying and coordinating needs in different geographic areas;
 - (iv) coordinating training and retraining centers;
 - (v) coordinating technology transfer efforts between public entities, private entities, and institutions of higher education;
 - (vi) facilitating the development of local and national awareness and support for Utah defense installations;
 - (vii) studying the creation of strategic alliances, tax incentives, and relocation and consolidation assistance; and
 - (viii) exploring feasible alternative uses for the physical and human resources at defense installations and in related industries should reductions in mission occur.
- (3) The governor, through the Department of Workforce Services, may coordinate and administer the expenditure of money under this section and collaborate with institutions of higher education, or other appropriate public or private entities to provide retraining and other services described in Subsection (2).

Amended by Chapter 254, 2023 General Session

67-1-14 Information technology.

The governor shall review the executive branch strategic plan submitted to the governor by the chief information officer in accordance with Section 63A-16-202.

Amended by Chapter 345, 2021 General Session

67-1-15 Approval of international trade agreement -- Consultation with Utah International Relations and Trade Commission.

Before binding the state or giving the federal government consent to bind the state to an international trade agreement the Governor shall consult with the Utah International Relations and Trade Commission.

Amended by Chapter 181, 2017 General Session

67-1-16 Reservation of area for governor.

(1) As used in this section:

- (a) "Architectural integrity" means the architectural elements, materials, color, and quality of the original building construction.
- (b) "Capitol hill" means the grounds, monuments, parking areas, buildings, 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:
 - (i) 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;
 - (ii) 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;
 - (iii) the state-owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and
 - (iv) the state-owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.
- (c) "Governor area" means the chambers, rooms, hallways, lounges, parking lots, and parking garages designated by this section as being subject to governor control.
- (d) "House Building" means the west building on capitol hill that is located northwest of the State Capitol and southwest of the State Office Building.
- (e) "Legislative area" means the buildings, chambers, rooms, hallways, lounges, parking lots, and parking garages designated by this section as being subject to legislative control.
- (f) "Senate Building" means the east building on capitol hill that is located northeast of the State Capitol and southeast of the State Office Building.
- (g) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.
- (h) "State Capitol Preservation Board" or "board" is as created in Section 63C-9-201.

(2) The governor area on capitol hill includes:

- (a) in the State Capitol:
 - (i) on the second floor: the entire floor including the stairways and elevators on the east and west side of the second floor, except:
 - (A) the area reserved for the attorney general and the state auditor;
 - (B) the committee room on the northeast side which is to be controlled and scheduled as provided in Subsection 36-5-1(2)(a)(iii);

- (C) the conference room on the south side, east of the southeast stairway, which is to be scheduled through the State Capitol Preservation Board;
 - (D) the Gold Room, which is to be controlled by the governor and the Legislature and scheduled by the governor, with the governor being given scheduling priority; and the maintenance of the Gold Room shall be by the State Capitol Preservation Board at the direction of the governor;
 - (E) the public restrooms;
 - (F) the grand staircases;
 - (G) the public stairways;
 - (H) the public elevators;
 - (I) the Capitol Rotunda;
 - (J) the kitchen to the east of the dignitary protection elevator and pantry area which kitchen is to be scheduled and maintained by the State Capitol Preservation Board, with the governor's and Legislature's use associated with the Gold Room to be given scheduling priority; and
 - (K) the open areas:
 - (I) east of the Rotunda to the doors of the Capitol Board Room;
 - (II) south of the Rotunda to the south entrance to the State Capitol; and
 - (III) north of the Rotunda to the north wall;
 - (ii) on the first floor: all office areas, conference rooms, stairways, and elevators, excluding the public corridors, public stairways, and public elevators:
 - (A) west of the south entrance to the State Capitol on the first floor, including the dignitary holding area and elevator, which area and elevator the Legislature may schedule through the Utah Highway Patrol Dignitary Protection Bureau; but excluding the storage area that is directly to the north of the dignitary holding area;
 - (B) west of the public elevator on the north side of the first floor; and
 - (C) the northwest pier storage area; and
 - (iii) in the basement:
 - (A) the audio/video control rooms on the southwest side of the State Capitol are shared space with the Legislature as provided in Section 36-5-1;
 - (B) all areas west of the westernmost hall and bordered by a hall on the north and a hall on the south of the areas, including the stairs and elevator, secured parking and all entrances and exits to the secured parking, and the Utah Highway Patrol Dignitary Protection Bureau office space, and excluding the areas north and south of the area designated in this Subsection (2) as the governor area;
 - (b) in the Senate Building:
 - (i) all office areas and conference rooms on the third floor that are south of the south stairway; and
 - (ii) the Utah Highway Patrol Dignitary Protection Bureau office space in the basement;
 - (c)
 - (i) 46 of the parking stalls in the underground parking facility known as Lot C located directly east of the State Capitol; and
 - (ii) 52 of the parking stalls in the underground parking facility known as Lot E located directly east of the Senate Building; and
 - (d) any other area designated by the State Capitol Preservation Board as the governor area.
- (3) The governor area is reserved for the use and occupancy of the governor and lieutenant governor and their staff, committees, and functions.

- (4) The data centers in the Senate Building and State Capitol which are associated with the governor, lieutenant governor, or their staff space are the responsibility of the governor, and the maintenance of these data centers shall be by the State Capitol Preservation Board at the direction of the governor.
- (5) The governor shall exercise complete jurisdiction over the governor area, except for the following, which are the responsibility of the State Capitol Preservation Board:
 - (a) the architectural integrity of the governor area, including:
 - (i) restored historic architectural or design features;
 - (ii) historic color schemes, decorative finishes, and stenciling;
 - (iii) decorative light fixtures; and
 - (iv) flooring;
 - (b) control of the central mechanical and electrical core of the Senate Building and State Capitol on all floors;
 - (c) control of the enclosure of the Senate Building and State Capitol from the exterior of the building to the interior of the exterior wall;
 - (d) the roof of the Senate Building and State Capitol;
 - (e) the utility and security tunnels between the underground parking structure and the Senate Building and State Capitol;
 - (f) public restrooms of the Senate Building and State Capitol;
 - (g) maintenance of all the elevators and stairways in the Senate Building and State Capitol; and
 - (h) those functions the governor delegates in writing to be performed by the State Capitol Preservation Board.
- (6) The responsibility for the communications centers in the Senate Building and State Capitol is as provided in Subsection 36-5-1(6).
- (7) The State Capitol Preservation Board shall schedule and manage the Capitol Board Room on the second floor of the State Capitol.
 - (a) The governor's and lieutenant governor's use of the Capitol Board Room for functions shall be given scheduling priority over other meetings, except as provided in Subsection (7)(b). If the governor or lieutenant governor has need for the Capitol Board Room that has already been scheduled by another person, the governor or lieutenant governor shall be given the Capitol Board Room and as much notice as possible shall be given to the other person scheduling the room so that person may seek an alternative site.
 - (b) During a general session or special session of the Legislature or on interim committee days designated by the Legislative Management Committee, a legislator's use of the Capitol Board Room for functions shall be given scheduling priority over any meeting, including the governor's or lieutenant governor's use under Subsection (7)(a). If a legislator has need for the Capitol Board Room and it has already been scheduled by another person, the legislator shall be given the Capitol Board Room and as much notice as possible shall be given to the other person scheduling the room so that person may seek an alternative site.
 - (c) When the Legislature is not in session and on non interim committee days, a legislator's use of the Capitol Board Room for functions shall be given scheduling priority over any meeting, other than the governor's or lieutenant governor's use under Subsection (7)(a). If a legislator has need for the Capitol Board Room and it is not being used as provided in Subsection (7)(a), the legislator shall be given the Capitol Board Room and as much notice as possible shall be given to the other person scheduling the room so that person may seek an alternative site.
 - (d) When not being used for a governor, lieutenant governor, or legislative function, the Capitol Board Room may be scheduled by the State Capitol Preservation Board on a first-come, first-served basis:

- (i) by other executive or judicial branch entities; and
- (ii) by a public or private person or organization who complies with State Capitol Preservation Board rules for Capitol Hill Complex Facility use.

Enacted by Chapter 10, 2008 General Session

67-1-17 Chief privacy officer.

(1) As used in this section:

(a) "Independent entity" means the same as that term is defined in Section 63E-1-102.

(b)

(i) "Personal data" means any information relating to an identified or identifiable individual.

(ii) "Personal data" includes personally identifying information.

(c)

(i) "Privacy practice" means the acquisition, use, storage, or disposal of personal data.

(ii) "Privacy practice" includes:

(A) a technology use related to personal data; and

(B) policies related to the protection, storage, sharing, and retention of personal data.

(d)

(i) "State agency" means the following entities that are under the direct supervision and control of the governor or the lieutenant governor:

(A) a department;

(B) a commission;

(C) a board;

(D) a council;

(E) an institution;

(F) an officer;

(G) a corporation;

(H) a fund;

(I) a division;

(J) an office;

(K) a committee;

(L) an authority;

(M) a laboratory;

(N) a library;

(O) a bureau;

(P) a panel;

(Q) another administrative unit of the state; or

(R) an agent of an entity described in Subsections (A) through (Q).

(ii) "State agency" does not include:

(A) the legislative branch;

(B) the judicial branch;

(C) an executive branch agency within the Office of the Attorney General, the state auditor, the state treasurer, or the State Board of Education; or

(D) an independent entity.

(2) The governor shall, with the advice and consent of the Senate, appoint a chief privacy officer.

(3) The chief privacy officer shall:

(a) compile information about the privacy practices of state agencies;

- (b) make public and maintain information about the privacy practices of state agencies on the governor's website;
 - (c) provide state agencies with educational and training materials developed by the Personal Privacy Oversight Commission established in Section 63C-24-201 that include the information described in Subsection 63C-24-202(1)(b);
 - (d) implement a process to analyze and respond to requests from individuals for the chief privacy officer to review a state agency's privacy practice;
 - (e) identify annually which state agencies' privacy practices pose the greatest risk to individual privacy and prioritize those privacy practices for review;
 - (f) review each year, in as timely a manner as possible, the privacy practices that the chief privacy officer identifies under Subsection (3)(d) or (e) as posing the greatest risk to individuals' privacy;
 - (g) when reviewing a state agency's privacy practice under Subsection (3)(f), analyze:
 - (i) details about the privacy practice;
 - (ii) information about the type of data being used;
 - (iii) information about how the data is obtained, shared, secured, stored, and disposed;
 - (iv) information about with which persons the state agency shares the information;
 - (v) information about whether an individual can or should be able to opt out of the retention and sharing of the individual's data;
 - (vi) information about how the state agency de-identifies or anonymizes data;
 - (vii) a determination about the existence of alternative technology or improved practices to protect privacy; and
 - (viii) a finding of whether the state agency's current privacy practice adequately protects individual privacy; and
 - (h) after completing a review described in Subsections (3)(f) and (g), determine:
 - (i) each state agency's use of personal data, including the state agency's practices regarding data:
 - (A) acquisition;
 - (B) storage;
 - (C) disposal;
 - (D) protection; and
 - (E) sharing;
 - (ii) the adequacy of the state agency's practices in each of the areas described in Subsection (3)(h)(i); and
 - (iii) for each of the areas described in Subsection (3)(h)(i) that the chief privacy officer determines require reform, provide recommendations to the state agency for reform.
- (4) The chief privacy officer shall:
- (a) quarterly report, to the Personal Privacy Oversight Commission:
 - (i) recommendations for privacy practices for the commission to review; and
 - (ii) the information described in Subsection (3)(h); and
 - (b) annually, on or before October 1, report to the Judiciary Interim Committee:
 - (i) the results of any reviews described in Subsection (3)(g), if any reviews have been completed;
 - (ii) reforms, to the extent that the chief privacy officer is aware of any reforms, that the state agency made in response to any reviews described in Subsection (3)(g);
 - (iii) the information described in Subsection (3)(h); and
 - (iv) recommendations for legislation based on the results of any reviews described in Subsection (3)(g).

- (5) The chief privacy officer may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish requirements and standards for determining whether a state agency's privacy practice, in relation to the areas described in Subsection (3)(h)(i), is adequate or requires reform.

Amended by Chapter 173, 2023 General Session