

HB0387S01 compared with HB0387

~~{deleted text}~~ shows text that was in HB0387 but was deleted in HB0387S01.

Inserted text shows text that was not in HB0387 but was inserted into HB0387S01.

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Representative John Knotwell proposes the following substitute bill:

BOARDS AND COMMISSIONS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses provisions related to certain boards and commissions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires each executive branch board or commission to submit an annual report to the governor's office and requires the governor's office to provide a summary report to the Legislature;
- ▶ requires each legislative branch board or commission to submit an annual report to the Office of Legislative Research and General Counsel and requires the Office of Legislative Research and General Council to provide a summary report to the Legislature;

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- ▶ repeals the following entities and provisions related to the following entities:
 - the Advisory Board on Children's Justice;
 - the American Indian-Alaskan Native Education Commission;
 - the Board of Juvenile Justice Services;
 - the Clean Air Act Compliance Advisory Panel;
 - the Commission on Civic and Character Education;
 - the Data Security Management Council;
 - the Economic Development Legislative Liaison Committee;
 - the Free Market Protection and Privatization Board;
 - the Governing Board of a Utah Interlocal Entity for Alternative Fuel Vehicles or Facilities;
 - the Judicial Rules Review Committee;
 - the Legislative IT Steering Committee;
 - the Online Court Assistance Program Policy Board;
 - the Prison Development Commission;
 - the State Council on Military Children;
 - the Technology Advisory Board;
 - the Towing Advisory Board; and
 - the Utah Marriage Commission;
- ▶ combines the Commission for the Stewardship of Public Lands, the Commission on Federalism, and the Federal Funds Commission, ~~{, and Constitutional Defense Council into the Constitutional and Federalism Defense Council}~~ into the Federalism Commission and provides that the ~~{Constitutional and}~~ Federalism ~~{Defense Council}~~ Commission subsumes the responsibilities of those entities;
- ▶ removes some legislators from the following:
 - the Air Quality Policy Advisory Board;
 - the Native American Legislative Liaison Committee; and
 - the Sentencing Commission;
- ▶ removes all legislators from the following:
 - the Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee;
 - ~~{~~ • ~~the State Workforce Development Board;~~

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- † • the Utah Commission on Aging; and
- the Utah Substance Use and Mental Health Advisory Council;
- ▶ prohibits a legislator from being appointed to the following:
 - the Committee on Children and Family Law;
 - the Governor's Child and Family Cabinet Council;
 - the School Readiness Board;
 - the Utah Commission on Literacy;
 - the Utah Communications Authority Board;
 - the Utah Developmental Disabilities Council;
 - the Utah Lake Commission Governing Board;
 - the Utah Multicultural Commission;
 - the Utah Science, Technology, and Research Initiative Governing Authority Board; and
 - the Wasatch Front Regional Council;
- ▶ adds a sunset date to the following entities and provisions related to the following entities:
 - † { ~~• the Advisory Board on Children's Justice;~~
 - † • the Criminal Code Evaluation Task Force;
 - the Employability to Careers Program Board;
 - the Legislative Process Committee;
 - the Legislative Water Development Commission;
 - the Native American Legislative Liaison Committee;
 - the Point of the Mountain State Land Authority Board;
 - the Road Usage Charge Advisory Committee;
 - the School Safety and Crisis Line Commission;
 - the Standards Review Committee;
 - the Talent Ready Utah Board;
 - the Utah Seismic Safety Commission;
 - the Utah State Scenic Byway Committee;
 - the Utah Tax Review Commission;
 - the Utah Transparency Advisory Board;

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- the Veterans and Military Affairs Commission; and
- the Women in the Economy Commission;
- ▶ modifies sunset provisions related to the Mental Health and Crisis Line Commission;
- ▶ adds a sunset date to the legislative membership of the following entities:
 - the Pete Suazo Athletic Commission; and
 - the Utah State Fair Corporation Board of Directors;
- ▶ adds a provision to automatically repeal the State Fair Park Committee;
- ▶ repeals obsolete provisions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62A-1-105, as last amended by Laws of Utah 2016, Chapter 300

62A-1-107, as last amended by Laws of Utah 2016, Chapter 300

62A-7-101, as last amended by Laws of Utah 2017, Chapter 330

62A-7-102, as last amended by Laws of Utah 2008, Chapter 3

62A-7-103, as last amended by Laws of Utah 1992, Chapter 104

62A-7-104, as last amended by Laws of Utah 2017, Chapters 282 and 330

62A-7-106.5, as renumbered and amended by Laws of Utah 2005, Chapter 13

62A-7-201, as last amended by Laws of Utah 2017, Chapter 330

62A-7-401.5, as renumbered and amended by Laws of Utah 2005, Chapter 13

62A-7-501, as last amended by Laws of Utah 2017, Chapter 330

62A-7-502, as renumbered and amended by Laws of Utah 2005, Chapter 13

62A-7-506, as last amended by Laws of Utah 2017, Chapter 330

62A-7-601, as last amended by Laws of Utah 2017, Chapter 330

62A-7-701, as last amended by Laws of Utah 2017, Chapter 330

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

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

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

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

~~{63C-4a-202}~~63C-4a-301, as ~~{last amended}~~enacted by Laws of Utah ~~{2014}~~2013,

Chapter 101

63C-4a-302, as last amended by Laws of Utah 2014, Chapter 387

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

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

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

~~‡~~ 63C-4a-306, as enacted by Laws of Utah 2014, Chapter 221

63C-4a-307, as enacted by Laws of Utah 2018, Chapter 338

63F-1-102, as last amended by Laws of Utah 2017, Chapter 238

63F-1-203, as last amended by Laws of Utah 2017, Chapter 238

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- 63F-1-303, as last amended by Laws of Utah 2012, Chapter 369
- 63F-4-201, as enacted by Laws of Utah 2018, Chapter 144
- 63F-4-202, as enacted by Laws of Utah 2018, Chapter 144
- 63H-7a-203, as last amended by Laws of Utah 2017, Chapter 430
- 63I-1-209, as last amended by Laws of Utah 2014, Chapter 117
- 63I-1-211, as enacted by Laws of Utah 2011, Second Special Session, Chapter 1
- 63I-1-223, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63I-1-226, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 63I-1-235, as last amended by Laws of Utah 2018, Chapters 232 and 392
- 63I-1-236, as last amended by Laws of Utah 2018, Chapters 33, 170, and 342
- 63I-1-251, as enacted by Laws of Utah 2015, Chapter 275
- 63I-1-253, as last amended by Laws of Utah 2018, Chapters 107, 117, 385, 415, and 453
- 63I-1-259, as last amended by Laws of Utah 2018, Chapter 281
- 63I-1-262, as last amended by Laws of Utah 2018, Chapters 74, 220, 281, and 347
- 63I-1-263, as last amended by Laws of Utah 2018, Chapters 85, 144, 182, 261, 321, 338, 340, 347, 369, 428, 430, and 469
- 63I-1-267, as last amended by Laws of Utah 2017, Chapter 192
- 63I-1-272, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63I-1-273, as last amended by Laws of Utah 2018, Chapters 344 and 418
- 63I-2-263, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469
- 63J-1-602.2, as repealed and reenacted by Laws of Utah 2018, Chapter 469
- ~~63J-4-401, as last amended by Laws of Utah 2013, Chapter 101~~
- ~~63J-4-603, as last amended by Laws of Utah 2018, Chapter 411~~
- 63J-4-606, as last amended by Laws of Utah 2014, Chapter 319
- 63J-4-607, as last amended by Laws of Utah 2018, Chapter 411
- 63L-10-102, as enacted by Laws of Utah 2018, Chapter 411
- 63L-10-103, as enacted by Laws of Utah 2018, Chapter 411
- 63L-10-104, as enacted by Laws of Utah 2018, Chapter 411
- 63M-2-301, as last amended by Laws of Utah 2016, Chapter 240
- 63M-7-301, as last amended by Laws of Utah 2018, Chapter 414

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63M-7-302, as last amended by Laws of Utah 2016, Chapter 158

63M-7-401, as renumbered and amended by Laws of Utah 2008, Chapter 382

63M-7-601, as last amended by Laws of Utah 2016, Chapter 32

63M-11-201, as last amended by Laws of Utah 2017, Chapter 95

63M-11-206, as last amended by Laws of Utah 2014, Chapter 387

63N-1-201, as last amended by Laws of Utah 2017, Chapters 277 and 310

67-1-2.5, as last amended by Laws of Utah 2002, Chapter 176

67-5b-102, as last amended by Laws of Utah 2018, Chapters 94 and 200

67-5b-105, as last amended by Laws of Utah 2016, Chapter 290

73-10g-105, as last amended by Laws of Utah 2016, Chapter 309

78A-2-501, as last amended by Laws of Utah 2017, Chapter 115

ENACTS:

36-12-21, Utah Code Annotated 1953

36-12-22, Utah Code Annotated 1953

53E-3-920.1, Utah Code Annotated 1953

63I-1-204, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

~~{ 63C-4a-301.1, (Renumbered from 63C-4a-203, as last amended by Laws of Utah 2013, Chapter 445 and renumbered and amended by Laws of Utah 2013, Chapter 101)~~

† 63C-4a-308, (Renumbered from 63C-4b-104, as enacted by Laws of Utah 2016, Chapter 408)

63C-4a-309, (Renumbered from 63C-14-301, as last amended by Laws of Utah 2018, Chapter 81)

63C-4a-404, (Renumbered from 63C-4b-105, as enacted by Laws of Utah 2016, Chapter 408)

63C-4a-405, (Renumbered from 63C-4b-106, as enacted by Laws of Utah 2016, Chapter 408)

REPEALS:

10-1-119, as last amended by Laws of Utah 2014, Chapter 189

11-13-224, as last amended by Laws of Utah 2015, Chapter 265

17-50-107, as last amended by Laws of Utah 2013, Chapter 325

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- 19-2-109.2**, as last amended by Laws of Utah 2015, Chapter 154
- 36-20-1**, as last amended by Laws of Utah 2008, Chapter 3
- 36-20-2**, as last amended by Laws of Utah 2010, Chapter 324
- 36-20-3**, as enacted by Laws of Utah 1993, Chapter 282
- 36-20-4**, as enacted by Laws of Utah 1993, Chapter 282
- 36-20-5**, as enacted by Laws of Utah 1993, Chapter 282
- 36-20-6**, as last amended by Laws of Utah 1996, Chapter 36
- 36-20-7**, as enacted by Laws of Utah 1993, Chapter 282
- 36-20-8**, as enacted by Laws of Utah 1993, Chapter 282
- 36-30-101**, as enacted by Laws of Utah 2017, Chapter 277
- 36-30-102**, as enacted by Laws of Utah 2017, Chapter 277
- 36-30-201**, as enacted by Laws of Utah 2017, Chapter 277
- 36-30-202**, as enacted by Laws of Utah 2017, Chapter 277
- 36-30-203**, as enacted by Laws of Utah 2017, Chapter 277
- 53E-3-920**, as last amended by Laws of Utah 2018, Chapter 39 and renumbered and amended by Laws of Utah 2018, Chapter 1
- 53E-10-401**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 53E-10-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 53E-10-403**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 53E-10-404**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 53E-10-405**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 53E-10-406**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 53E-10-407**, as enacted by Laws of Utah 2018, Chapter 1
- 62A-1-120**, as last amended by Laws of Utah 2018, Chapter 347
- ~~{ **63C-4a-201**, as enacted by Laws of Utah 2013, Chapter 101~~
- ~~— **63C-4a-301**, as enacted by Laws of Utah 2013, Chapter 101~~
- ~~— **63C-4a-302**, as last amended by Laws of Utah 2014, Chapter 387~~
- ‡ **63C-4b-101**, as enacted by Laws of Utah 2016, Chapter 408
- 63C-4b-102**, as enacted by Laws of Utah 2016, Chapter 408
- 63C-4b-103**, as enacted by Laws of Utah 2016, Chapter 408
- 63C-4b-107**, as enacted by Laws of Utah 2016, Chapter 408

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- 63C-14-101**, as enacted by Laws of Utah 2013, Chapter 62
- 63C-14-102**, as enacted by Laws of Utah 2013, Chapter 62
- 63C-14-201**, as enacted by Laws of Utah 2013, Chapter 62
- 63C-14-202**, as last amended by Laws of Utah 2014, Chapter 387
- 63C-14-302**, as last amended by Laws of Utah 2015, Chapter 409
- 63C-16-101**, as enacted by Laws of Utah 2015, Chapter 182
- 63C-16-102**, as enacted by Laws of Utah 2015, Chapter 182
- 63C-16-201**, as enacted by Laws of Utah 2015, Chapter 182
- 63C-16-202**, as enacted by Laws of Utah 2015, Chapter 182
- 63C-16-203**, as enacted by Laws of Utah 2015, Chapter 182
- 63C-16-204**, as enacted by Laws of Utah 2015, Chapter 182
- 63F-1-202**, as last amended by Laws of Utah 2017, Chapter 238
- 63F-2-101**, as enacted by Laws of Utah 2015, Chapter 371
- 63F-2-102**, as last amended by Laws of Utah 2018, Chapter 81
- 63F-2-103**, as last amended by Laws of Utah 2016, Chapter 13
- 63I-4a-101**, as renumbered and amended by Laws of Utah 2013, Chapter 325
- 63I-4a-102**, as last amended by Laws of Utah 2018, Chapter 415
- 63I-4a-201**, as enacted by Laws of Utah 2013, Chapter 325
- 63I-4a-202**, as last amended by Laws of Utah 2014, Chapters 189 and 387
- 63I-4a-203**, as last amended by Laws of Utah 2018, Chapter 81
- 63I-4a-204**, as enacted by Laws of Utah 2013, Chapter 325
- 63I-4a-205**, as renumbered and amended by Laws of Utah 2013, Chapter 325
- 63I-4a-301**, as enacted by Laws of Utah 2013, Chapter 325
- 63I-4a-302**, as renumbered and amended by Laws of Utah 2013, Chapter 325
- 63I-4a-303**, as last amended by Laws of Utah 2013, Chapter 310 and renumbered and amended by Laws of Utah 2013, Chapter 325
- 63I-4a-304**, as renumbered and amended by Laws of Utah 2013, Chapter 325
- 63I-4a-401**, as enacted by Laws of Utah 2013, Chapter 325
- 63I-4a-402**, as renumbered and amended by Laws of Utah 2013, Chapter 325
- 67-1a-10**, as last amended by Laws of Utah 2014, Chapter 387
- 67-1a-11**, as last amended by Laws of Utah 2018, Chapter 415

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67-5b-106, as last amended by Laws of Utah 2016, Chapter 290

72-9-606, as enacted by Laws of Utah 2017, Chapter 298

78A-2-502, as last amended by Laws of Utah 2017, Chapter 115

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

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

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

Contact information.

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

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

(a) the chairs of the Native American Legislative Liaison Committee created in Section 36-22-1;

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

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

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

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

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

(i) the Department of Human Services;

(ii) the Department of Natural Resources;

(iii) the Department of Workforce Services;

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

(v) the State Board of Education; and

(vi) the State Board of Regents.

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

(i) designate the name of a contact person for that agency that can assist in coordinating

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the efforts of state and tribal governments in meeting the needs of the Native Americans residing in the state; and

(ii) notify the division:

(A) who is the designated contact person described in Subsection (3)(a)(i); and

(B) of any change in who is the designated contact person described in Subsection

(3)(a)(i).

(b) This Subsection (3) applies to:

(i) the Department of Agriculture and Food;

(ii) the Department of Heritage and Arts;

(iii) the Department of Corrections;

(iv) the Department of Environmental Quality;

(v) the Department of Public Safety;

(vi) the Department of Transportation;

(vii) the Office of the Attorney General;

(viii) the State Tax Commission; and

(ix) any agency described in Subsections (2)(c) through (e).

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

(4) (a) A participant under this section who is not a legislator may not receive compensation or benefits for the participant'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 participant who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

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

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

(1) As used in this section:

(a) "Ancient Native American remains" means ancient human remains, as defined in

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Section 9-8-302, that are Native American remains, as defined in Section 9-9-402.

(b) "Antiquities Section" means the Antiquities Section of the Division of State History created in Section 9-8-304.

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

(b) The study shall include:

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

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

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

(iv) how to account for the costs of:

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

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

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

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

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

17-16-21. Fees of county officers.

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

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

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

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

(b) As long as the Children's Legal Defense Account is authorized by Section

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51-9-408, the county clerk shall:

(i) assess \$10 in addition to whatever fee for a marriage license is established under authority of this section; and

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

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

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

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

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

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

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

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

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

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

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

(iii) may not transmit \$20 from the marriage license fee to the state treasurer under this Subsection (2)(d) if both individuals seeking the marriage license certify that they have

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completed premarital counseling or education in accordance with Section 30-1-34.

(3) This section does not apply to a fee currently being assessed by the state but collected by a county officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) (a) The board shall establish a proposed annual emissions fee that conforms with Title V of the 1990 Clean Air Act for each ton of regulated pollutant, applicable to all sources

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required to obtain a permit. The emissions fee established under this section is in addition to fees assessed under Section 19-2-108 for issuance of an approval order.

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

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

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

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

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

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

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

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

(b) revoke the operating permit.

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

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

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

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(8) To reinstate an operating permit revoked under Subsection (6) the owner or operator shall pay all outstanding emissions fees, a penalty of not more than 50% of all outstanding fees, and interest on the outstanding emissions fees computed at 12% annually.

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

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

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

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

19-2a-102. Air Quality Policy Advisory Board created -- Composition --

Responsibility -- Terms of office -- Compensation.

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

- (a) [~~two members~~] one member of the Senate, appointed by the president of the Senate;
- (b) [~~three members~~] one member of the House of Representatives, appointed by the speaker of the House of Representatives;
- (c) the director;
- (d) one representative of industry interests, appointed by the president of the Senate;
- (e) one representative of business or economic development interests, appointed by the speaker of the House of Representatives, who has expertise in air quality matters;
- (f) one representative of the academic community, appointed by the governor, who has expertise in air quality matters; and
- (g) one representative of a nongovernmental organization, appointed by the governor, who:

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- (i) represents community interests;
- (ii) does not represent industry or business interests; and
- (iii) has expertise in air quality matters.

(2) The Air Quality Policy Advisory Board shall:

- (a) seek the best available science to identify legislative actions to improve air quality;
- (b) identify and prioritize potential legislation and funding that will improve air

quality; and

(c) make recommendations to the Legislature on how to improve air quality in the state.

(3) (a) Except as required by Subsection (3)(b), members appointed under Subsections (1)(d), (e), (f), and (g) are appointed to serve four-year terms.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor, president of the Senate, and speaker of the House of Representatives shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately half of the advisory board is appointed every two years.

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

(4) The advisory board shall elect one member to serve as chair of the advisory board for a term of one year.

(5) Compensation for a member of the advisory board who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(6) A member of the advisory board who is not a legislator 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.

(7) The department shall provide staff support for the advisory board.

Section 6. Section **26-54-103** is amended to read:

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26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms -- Duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) ~~[(a)]~~ A member ~~[who is not a legislator]~~ may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses as allowed in:

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

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

~~[(iii)]~~ (c) rules adopted 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.]~~

(6) The advisory committee shall:

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

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

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

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

(i) the governor;

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

(iii) the Health and Human Services Appropriations Subcommittee.

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

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

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

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

(b) To complete premarital counseling or education, the applicants:

(i) shall obtain the premarital counseling or education from:

(A) a licensed or ordained minister or the minister's designee who is trained by the minister or denomination to conduct premarital counseling or education;

(B) an individual licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;

~~[(C) an individual certified by a national organization recognized by the Utah Marriage Commission, created in Section 62A-1-120, as a family life educator;]~~

~~[(D)]~~ (C) a family and consumer sciences educator; or

~~[(E)]~~ (D) an individual who is an instructor approved by a premarital education curriculum that meets the requirements of Subsection (2)(b)(ii)~~[-or]~~.

~~[(F) an online course approved by the Utah Marriage Commission;]~~

(ii) shall receive premarital counseling or education that includes information on important factors associated with strong and healthy marriages, including:

(A) commitment in marriage; and

(B) effective communication and problem-solving skills, including avoiding violence and abuse in the relationship;

(iii) shall complete at least three hours of premarital counseling or six hours of premarital education meeting the requirements of this Subsection (2); and

(iv) shall complete the premarital counseling or education meeting the requirements of this Subsection (2) not more than one year before but at least 14 days before the day on which the marriage license is issued.

(c) Although applicants are encouraged to take the premarital counseling or education together, each applicant may comply with the requirements of this Subsection (2) separately.

(3) A provider of premarital counseling or education under this section is encouraged to use research-based relationship inventories.

Section 8. Section **30-1-36** is amended to read:

30-1-36. Activities included in premarital counseling or education.

(1) Premarital counseling may include group counseling, individual counseling, and

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couple counseling.

(2) Premarital education may include~~[(a)]~~ a lecture, class, seminar, or workshop provided by a person that meets the requirements of Subsection 30-1-34(2)(b)(i)~~[(or)]~~.

~~[(b) an online course approved by the Utah Marriage Commission as provided in Subsection 30-1-34(2)(b)(i)(F).]~~

Section 9. Section ~~{35A-1-206}~~35A-3-209 is amended to read:

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

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

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

~~_____ (a) the governor or the governor's designee;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (e) Notwithstanding the requirements of Subsection (4)(d), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of~~

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~~board members are staggered so that approximately one half of the board is appointed every two years:~~

~~—— (f) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term:~~

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

~~—— (5) A majority of members constitutes a quorum for the transaction of business:~~

~~—— (6) (a) A member of the board 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:~~

~~—— (7) The department shall provide staff and administrative support to the board at the direction of the executive director:~~

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

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

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

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

~~—— (d) developing strategies for staff training;~~

~~—— (e) developing and improving employment centers; and~~

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

~~—— (i) the Legislature;~~

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~~(ii) the governor; or~~

~~(iii) the executive director.~~

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

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

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

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

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

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

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

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

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

(ii) is not a legislator; and

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

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

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

and

(ii) is not a legislator.

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

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

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

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

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

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

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

(a) select a program intermediary that:

(i) is a nonprofit entity; and

(ii) has experience:

(A) developing and executing contracts;

(B) structuring the terms and conditions of a pay for success program;

(C) coordinating the funding and management of a pay for success program; and

(D) raising private investment capital necessary to fund program services related to a pay for success program; and

(b) enter into a contract with the program intermediary.

(8) The board may not enter into a contract described in Subsection (7) without the consent of the department regarding:

(a) the program intermediary selected; and

(b) the terms of the contract.

(9) A contract described in Subsection (7)(b) shall:

(a) require the program intermediary to:

(i) seek out participants for results-based contracts;

(ii) advise the board on results-based contracts; and

(iii) make recommendations directly to the board on:

(A) when to enter a results-based contract; and

(B) the terms of a results-based contract; and

(b) include a provision that the program intermediary is not eligible to receive or view personally identifiable student data of eligible students funded under the School Readiness Initiative described in this part and Title 53F, Chapter 6, Part 3, School Readiness Initiative.

(10) In allocating funding, the board shall:

(a) give first priority to a results-based contract described in Subsection 53F-6-309(3) to fund a high quality school readiness program directly;

(b) give second priority to a results-based contract that includes an investor; and

(c) give third priority to a grant described in Section 53F-6-305.

(11) Other powers and duties of the board are described in Title 53F, Chapter 6, Part 3,

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School Readiness Initiative.

Section ~~{11}~~10. Section **36-12-21** is enacted to read:

36-12-21. Legislators serving in organizations without legislative sanction --

Prohibited participation -- Repealed organizations.

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

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

(i) a legislator may not serve on:

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

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

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

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

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

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

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

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

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

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

Section ~~{12}~~11. Section **36-12-22** is enacted to read:

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

(1) As used in this section:

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

(i) with a defined, limited membership;

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

(A) a member of the Legislature; or

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

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

(b) "Legislative board or commission" does not include:

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

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

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

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

(i) the name of the legislative board or commission;

(ii) a description of the legislative board's or commission's official function and purpose;

(iii) the total number of members of the legislative board or commission;

(iv) the number of the legislative board's or commission's members who are legislators;

(v) the compensation, if any, paid to the members of the legislative board or commission;

(vi) a description of the actual work performed by the legislative board or commission since the last report the legislative board or commission submitted to the Office of Legislative Research and General Counsel under this section;

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

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

(ix) an indication of whether the legislative board or commission should continue to exist.

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

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

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

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

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

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

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

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

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

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

(A) the president of the Senate;

(B) the speaker of the House;

(C) the Legislative Management Committee; and

(D) the Government Operations Interim Committee; and

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

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

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

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

Section ~~{13}~~12. Section 36-22-1 is amended to read:

36-22-1. Native American Legislative Liaison Committee -- Creation --

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Membership -- Chairs -- Salaries and expenses.

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

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

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

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

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

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

(5) 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.

Section ~~{14}~~ 13. Section **40-6-16** is amended to read:

40-6-16. Duties of division.

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

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

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

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

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

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

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

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

Section ~~{15}~~ 14. Section **52-4-103** is amended to read:

52-4-103. Definitions.

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As used in this chapter:

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

- (a) an electronic meeting originates; or
- (b) the participants are connected.

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

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

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

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

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

- (a) electronic mail;
- (b) instant messaging;
- (c) electronic chat;
- (d) text messaging, as that term is defined in Section 76-4-401; or
- (e) any other method that conveys a message or facilitates communication

electronically.

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

(b) "Meeting" does not mean:

- (i) a chance gathering or social gathering;
- (ii) a convening of the State Tax Commission to consider a confidential tax matter in

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accordance with Section 59-1-405; or

(iii) a convening of a three-member board of trustees of a large public transit district as defined in Section 17B-2a-802 if:

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

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

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

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

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

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

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

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

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

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

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

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

(B) consists of two or more persons;

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

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

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

(A) consists of two or more persons;

(B) expends, disburses, or is supported in whole or in part by dues paid by a public

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school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and

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

(b) "Public body" includes:

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

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

(iii) the Utah Independent Redistricting Commission.

(c) "Public body" does not include:

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

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

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

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

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

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

(A) the Research and General Counsel Subcommittee;

(B) the Budget Subcommittee; and

(C) the Audit Subcommittee.

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

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

(b) "Quorum" does not include a meeting of two elected officials by themselves when

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no action, either formal or informal, is taken on a subject over which these elected officials have advisory power.

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

(13) "Specified body":

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

(i) is not a public body;

(ii) consists of three or more members; and

(iii) includes at least one member who is:

(A) a legislator; and

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

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

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

Section 15. Section 53E-3-920.1 is enacted to read:

53E-3-920.1. State council - Creation.

The State Board of Education shall create a state council described in Section 53E-3-909 to accomplish the duties described in Section 53E-3-909.

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

53F-5-601. Definitions.

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

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

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

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

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

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

~~[(c)] (5) "Teacher" means an individual employed by a school district or charter school~~

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who is required to hold an educator license issued by the board and who has an assignment to teach in a classroom.

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

53F-5-602. Pilot programs created.

(1) (a) In addition to the state plan [~~described in Title 53E, Chapter 10, Part 4, American Indian-Alaskan Native Education State Plan~~] adopted under Laws of Utah 2015, Chapter 53, Section 7, beginning with fiscal year 2016-2017, there is created a five-year pilot program administered by the board to provide grants targeted to address the needs of American Indian and Alaskan Native students.

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

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

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

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

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

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

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

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

~~(1)~~ (2) The liaison shall:

(a) work under the direction of the superintendent in the development and

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implementation of the state plan; and

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

- ~~[(a)]~~ (i) what entities receive a grant under this part;
- ~~[(b)]~~ (ii) the effectiveness of the expenditures of grant money; and
- ~~[(c)]~~ (iii) recommendations, if any, for additional legislative action.

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

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

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

(1) As used in this section:

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

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

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

(2) The Legislature recognizes that:

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

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

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

(d) the primary responsibility for the education of children within the state resides with their parents or guardians and that the role of state and local governments is to support and

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assist parents in fulfilling that responsibility;

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

(f) the happiness and security of American society relies upon the public virtue of its citizens which requires a united commitment to a moral social order where self-interests are willingly subordinated to the greater common good.

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

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

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

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

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

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

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

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

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

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

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

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

~~[(6) To assist the Commission on Civic and Character Education in fulfilling the~~

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~~commission's duties under Section 67-1a-11, by December 30 of each year, each school district and the State Charter School Board shall submit to the lieutenant governor and the commission a report summarizing how civic and character education are achieved in the school district or charter schools through an integrated school curriculum and in the regular course of school work as provided in this section.]~~

~~[(7)]~~ (6) Each year, the State Board of Education shall report to the Education Interim Committee, on or before the October meeting, the methods used, and the results being achieved, to instruct and prepare students to become informed and responsible citizens through an integrated curriculum taught in connection with regular school work as required in this section.

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

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

~~[(1)]~~ The commission shall immediately initiate and conduct proceedings to explore and develop options and opportunities for advancing and promoting measures designed to result in cleaner air in the state through the enhanced use of alternative fuel vehicles, including:

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

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

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

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

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

~~[(3) By September 30, 2013, the commission and the interlocal entity described in~~

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Subsection 11-13-224(2) shall report to the governor, the Legislative Management Committee, and the Public Utilities, Energy, and Technology Interim Committee:]

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

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

Section 21. Section 62A-1-105 is amended to read:

62A-1-105. Creation of boards, divisions, and offices.

(1) The following policymaking boards are created within the Department of Human Services:

(a) the Board of Aging and Adult Services;

~~[(b) the Board of Juvenile Justice Services;]~~ and

~~[(c)]~~ (b) the Utah State Developmental Center Board.

(2) The following divisions are created within the Department of Human Services:

(a) the Division of Aging and Adult Services;

(b) the Division of Child and Family Services;

(c) the Division of Services for People with Disabilities;

(d) the Division of Substance Abuse and Mental Health; and

(e) the Division of Juvenile Justice Services.

(3) The following offices are created within the Department of Human Services:

(a) the Office of Licensing;

(b) the Office of Public Guardian; and

(c) the Office of Recovery Services.

Section 22. Section 62A-1-107 is amended to read:

62A-1-107. ~~{Boards within department}~~ Board of Aging and Adult Services --

Members, appointment, terms, vacancies, chairperson, compensation, meetings, quorum.

(1) ~~[(a) This section applies only to the]~~ The Board of Aging and Adult Services ~~[and the Board of Juvenile Justice Services]~~ described in ~~[Subsections]~~ Subsection 62A-1-105(1)(a) ~~[and (b).]~~

~~_____]~~ (b) { } Each board shall have seven members who are appointed by the governor with the consent of the Senate.

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(2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a term of four years, and is eligible for one reappointment.

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

(c) Board members shall continue in office until the expiration of their terms and until their successors are appointed, which may not exceed 90 days after the formal expiration of a term.

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

(3) No more than four members of ~~[any]~~ the board may be from the same political party. ~~[Each]~~ The board shall have diversity of gender, ethnicity, and culture; and members shall be chosen on the basis of their active interest, experience, and demonstrated ability to deal with issues related to ~~[their specific boards]~~ the Board of Aging and Adult Services.

(4) ~~[Each]~~ The board shall annually elect a chairperson from ~~[its]~~ the board's membership. ~~[Each]~~ The board shall hold meetings at least once every three months. Within budgetary constraints, meetings may be held from time to time on the call of the chairperson or of the majority of the members of ~~[any]~~ the board. Four members of ~~[a]~~ the board are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.

(5) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, 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.

(6) ~~[Each]~~ The board shall adopt bylaws governing its activities. Bylaws shall include procedures for removal of a board member who is unable or unwilling to fulfill the requirements of ~~[his]~~ the board member's appointment.

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(7) The board has program policymaking authority for the division over which ~~it~~ the board presides.

Section 23. Section 62A-7-101 is amended to read:

62A-7-101. Definitions.

As used in this chapter:

(1) "Authority" means the Youth Parole Authority, established in accordance with Section 62A-7-501.

~~[(2)]~~ "Board" means the Board of Juvenile Justice Services established in accordance with Section 62A-1-105.

~~[(3)]~~ [(2)] "Community-based program" means a nonsecure residential or nonresidential program designated to supervise and rehabilitate youth offenders in accordance with Subsection 78A-6-117(2) that prioritizes the least restrictive nonresidential setting, consistent with public safety, and designated or operated by or under contract with the division.

~~[(4)]~~ [(3)] "Control" means the authority to detain, restrict, and supervise a youth in a manner consistent with public safety and the well being of the youth and division employees.

~~[(5)]~~ [(4)] "Court" means the juvenile court.

~~[(6)]~~ [(5)] "Delinquent act" is an act which would constitute a felony or a misdemeanor if committed by an adult.

~~[(7)]~~ [(6)] "Detention" means secure detention or home detention.

~~[(8)]~~ [(7)] "Detention center" means a facility established in accordance with Title 62A, Chapter 7, Part 2, Detention Facilities.

~~[(9)]~~ [(8)] "Director" means the director of the Division of Juvenile Justice Services.

~~[(10)]~~ [(9)] "Discharge" means a written order of the Youth Parole Authority that removes a youth offender from its jurisdiction.

~~[(11)]~~ [(10)] "Division" means the Division of Juvenile Justice Services.

~~[(12)]~~ [(11)] "Home detention" means predispositional placement of a child in the child's home or a surrogate home with the consent of the child's parent, guardian, or custodian for conduct by a child who is alleged to have committed a delinquent act or postdispositional placement pursuant to Subsection 78A-6-117(2)(f) or 78A-6-1101(3).

~~[(13)]~~ [(12)] "Observation and assessment program" means a nonresidential service program operated or purchased by the division that is responsible only for diagnostic

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assessment of minors, including for substance use disorder, mental health, psychological, and sexual behavior risk assessments.

~~[(14)]~~ [(13)] "Parole" means a conditional release of a youth offender from residency in a secure facility to live outside that facility under the supervision of the Division of Juvenile Justice Services or other person designated by the division.

~~[(15)]~~ [(14)] "Performance-based contracting" means a system of contracting with service providers for the provision of residential or nonresidential services that:

(a) provides incentives for the implementation of evidence-based juvenile justice programs or programs rated as effective for reducing recidivism by a standardized tool pursuant to Section 63M-7-208; and

(b) provides a premium rate allocation for a minor who receives the evidence-based dosage of treatment and successfully completes the program within three months.

~~[(16)]~~ [(15)] "Receiving center" means a nonsecure, nonresidential program established by the division or under contract with the division that is responsible for juveniles taken into custody by a law enforcement officer for status offenses, infractions, or delinquent acts.

~~[(17)]~~ [(16)] "Rescission" means a written order of the Youth Parole Authority that rescinds a parole date.

~~[(18)]~~ [(17)] "Revocation of parole" means a written order of the Youth Parole Authority that terminates parole supervision of a youth offender and directs return of the youth offender to the custody of a secure facility after a hearing and a determination that there has been a violation of law or of a condition of parole that warrants a return to a secure facility in accordance with Section 62A-7-504.

~~[(19)]~~ [(18)] "Runaway" means a youth who willfully leaves the residence of a parent or guardian without the permission of the parent or guardian.

~~[(20)]~~ [(19)] "Secure detention" means predisposition placement in a facility operated by or under contract with the division, for conduct by a child who is alleged to have committed a delinquent act.

~~[(21)]~~ [(20)] "Secure facility" means any facility operated by or under contract with the division, that provides 24-hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation.

~~[(22)]~~ [(21)] "Shelter" means the temporary care of children in physically unrestricted

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facilities pending court disposition or transfer to another jurisdiction.

~~[(23)]~~ [(22)] (a) "Temporary custody" means control and responsibility of nonadjudicated youth until the youth can be released to the parent, guardian, a responsible adult, or to an appropriate agency.

(b) "Temporary custody" does not include a placement in a secure facility, including secure detention, or a residential community-based program operated or contracted by the division, except pursuant to Subsection 78A-6-117(2).

~~[(24)]~~ [(23)] "Termination" means a written order of the Youth Parole Authority that terminates a youth offender from parole.

~~[(25)]~~ [(24)] "Ungovernable" means a youth in conflict with a parent or guardian, and the conflict:

(a) results in behavior that is beyond the control or ability of the youth, or the parent or guardian, to manage effectively;

(b) poses a threat to the safety or well-being of the youth, the family, or others; or

(c) results in the situations in both Subsections ~~[(25)]~~ [(24)](a) and (b).

~~[(26)]~~ [(25)] "Work program" means a nonresidential public or private service work project established and administered by the division for youth offenders for the purpose of rehabilitation, education, and restitution to victims.

~~[(27)]~~ [(26)] "Youth offender" means a person 12 years of age or older, and who has not reached 21 years of age, committed or admitted by the juvenile court to the custody, care, and jurisdiction of the division, for confinement in a secure facility or supervision in the community, following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult in accordance with Section 78A-6-117.

~~[(28)]~~ [(27)] (a) "Youth services" means services provided in an effort to resolve family conflict:

(i) for families in crisis when a minor is ungovernable or runaway; or

(ii) involving a minor and the minor's parent or guardian.

(b) These services include efforts to:

(i) resolve family conflict;

(ii) maintain or reunite minors with their families; and

(iii) divert minors from entering or escalating in the juvenile justice system.

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- (c) The services may provide:
 - (i) crisis intervention;
 - (ii) short-term shelter;
 - (iii) time out placement; and
 - (iv) family counseling.

Section 24. Section 62A-7-102 is amended to read:

62A-7-102. Creation of division -- Jurisdiction.

(1) There is created the Division of Juvenile Justice Services within the department, under the administration and supervision of the executive director ~~and under the policy direction of the board~~.

(2) The division has jurisdiction over all youth committed to ~~it pursuant to~~ the division under Section 78A-6-117.

Section 25. Section 62A-7-103 is amended to read:

62A-7-103. Division director -- Qualifications -- Responsibility.

(1) The director of the division shall be appointed by the executive director ~~with the concurrence of the board~~.

(2) The director shall have a bachelor's degree from an accredited university or college, be experienced in administration, and be knowledgeable in youth corrections.

(3) The director is the administrative head of the division.

Section 26. Section 62A-7-104 is amended to read:

62A-7-104. Division responsibilities.

(1) The division is responsible for all youth offenders committed to the division by juvenile courts for secure confinement or supervision and treatment in the community in accordance with Section 78A-6-117.

(2) The division shall:

(a) establish and administer a continuum of community, secure, and nonsecure programs for all youth offenders committed to the division;

(b) establish and maintain all detention and secure facilities and set minimum standards for those facilities;

(c) establish and operate prevention and early intervention youth services programs for nonadjudicated youth placed with the division; and

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(d) establish observation and assessment programs necessary to serve youth offenders in a nonresidential setting under Subsection 78A-6-117(2)(e).

(3) The division shall place youth offenders committed to it in the most appropriate program for supervision and treatment.

(4) In any order committing a youth offender to the division, the juvenile court shall find whether the youth offender is being committed for secure confinement under Subsection 78A-6-117(2)(c), or placement in a community-based program under Subsection 78A-6-117(2)(c), and specify the criteria under Subsection 78A-6-117(2)(c) or (d) underlying the commitment. The division shall place the youth offender in the most appropriate program within the category specified by the court.

(5) The division shall employ staff necessary to:

(a) supervise and control youth offenders in secure facilities or in the community;

(b) supervise and coordinate treatment of youth offenders committed to the division for placement in community-based programs; and

(c) control and supervise adjudicated and nonadjudicated youth placed with the division for temporary services in receiving centers, youth services, and other programs established by the division.

(6) (a) Youth in the custody or temporary custody of the division are controlled or detained in a manner consistent with public safety and rules made by the division. In the event of an unauthorized leave from a secure facility, detention center, community-based program, receiving center, home, or any other designated placement, division employees have the authority and duty to locate and apprehend the youth, or to initiate action with local law enforcement agencies for assistance.

(b) A rule made by the division under this Subsection (6) may not permit secure detention based solely on the existence of multiple status offenses, misdemeanors, or infractions alleged in the same criminal episode.

(7) The division shall establish and operate compensatory-service work programs for youth offenders committed to the division by the juvenile court. The compensatory-service work program may not be residential and shall:

(a) provide labor to help in the operation, repair, and maintenance of public facilities, parks, highways, and other programs designated by the division;

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(b) provide educational and prevocational programs in cooperation with the State Board of Education for youth offenders placed in the program; and

(c) provide counseling to youth offenders.

(8) The division shall establish minimum standards for the operation of all private residential and nonresidential rehabilitation facilities that provide services to juveniles who have committed a delinquent act or infraction in this state or in any other state.

(9) ~~In accordance with policies established by the board, the~~ The division shall provide regular training for staff of secure facilities, detention staff, case management staff, and staff of the community-based programs.

(10) (a) The division is authorized to employ special function officers, as defined in Section 53-13-105, to locate and apprehend minors who have absconded from division custody, transport minors taken into custody pursuant to division policy, investigate cases, and carry out other duties as assigned by the division.

(b) Special function officers may be employed through contract with the Department of Public Safety, any P.O.S.T. certified law enforcement agency, or directly hired by the division.

(11) The division shall designate employees to obtain the saliva DNA specimens required under Section 53-10-403. The division shall ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol.

(12) The division shall register with the Department of Corrections any person who:

(a) has been adjudicated delinquent based on an offense listed in Subsection 77-41-102(17)(a) or 77-43-102(2);

(b) has been committed to the division for secure confinement; and

(c) remains in the division's custody 30 days before the person's 21st birthday.

(13) The division shall ensure that a program delivered to a youth offender under this section is evidence based in accordance with Section 63M-7-208.

Section 27. Section 62A-7-106.5 is amended to read:

62A-7-106.5. Annual review of programs and facilities.

(1) (a) The division shall annually review all programs and facilities that provide services to juveniles who have committed a delinquent act, in this state or in any other state, which would constitute a felony or misdemeanor if committed by an adult, and license those

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programs and facilities that are in compliance with standards ~~[approved by the board]~~ established by the division. The division shall provide written reviews to the managers of those programs and facilities.

(b) ~~[Based upon policies established by the board, programs]~~ Programs or facilities that are unable or unwilling to comply with the ~~[approved]~~ standards established by the division may not be licensed.

(2) Any private facility or program providing services under this chapter that willfully fails to comply with the standards established by the division is guilty of a class B misdemeanor.

Section 28. Section 62A-7-201 is amended to read:

62A-7-201. Confinement -- Facilities -- Restrictions.

(1) Children under 18 years of age, who are apprehended by any officer or brought before any court for examination under any provision of state law, may not be confined in jails, lockups, or cells used for persons 18 years of age or older who are charged with crime, or in secure postadjudication correctional facilities operated by the division, except as provided in Subsection (2) ~~[;]~~ or other specific statute ~~[; or in conformance with standards approved by the board]~~.

(2) (a) Children charged with crimes under Section 78A-6-701, as a serious youth offender under Section 78A-6-702 and bound over to the jurisdiction of the district court, or certified to stand trial as an adult pursuant to Section 78A-6-703, if detained, shall be detained as provided in these sections.

(b) Children detained in adult facilities under Section 78A-6-702 or 78A-6-703 before a hearing before a magistrate, or under Subsection 78A-6-113(3), may only be held in certified juvenile detention accommodations in accordance with rules made by the Commission on Criminal and Juvenile Justice. Those rules shall include standards for acceptable sight and sound separation from adult inmates. The Commission on Criminal and Juvenile Justice certifies facilities that are in compliance with the Commission on Criminal and Juvenile Justice's standards. This Subsection (2)(b) does not apply to juveniles held in an adult detention facility in accordance with Subsection (2)(a).

(3) In areas of low density population, the Commission on Criminal and Juvenile Justice may, by rule, approve juvenile holding accommodations within adult facilities that have

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acceptable sight and sound separation. Those facilities shall be used only for short-term holding purposes, with a maximum confinement of six hours, for children alleged to have committed an act which would be a criminal offense if committed by an adult. Acceptable short-term holding purposes are: identification, notification of juvenile court officials, processing, and allowance of adequate time for evaluation of needs and circumstances regarding release or transfer to a shelter or detention facility. This Subsection (3) does not apply to juveniles held in an adult detention facility in accordance with Subsection (2)(a).

(4) Children who are alleged to have committed an act that would be a criminal offense if committed by an adult, may be detained in holding rooms in local law enforcement agency facilities for a maximum of two hours, for identification or interrogation, or while awaiting release to a parent or other responsible adult. Those rooms shall be certified by the Commission on Criminal and Juvenile Justice, according to the Commission on Criminal and Juvenile Justice's rules. Those rules shall include provisions for constant supervision and for sight and sound separation from adult inmates.

(5) Willful failure to comply with this section is a class B misdemeanor.

(6) (a) The division is responsible for the custody and detention of children under 18 years of age who require detention care before trial or examination, or while awaiting assignment to a home or facility, as a dispositional placement under Subsection 78A-6-117(2)(f)(i), and of youth offenders under Subsection 62A-7-504(9). This Subsection (6)(a) does not apply to juveniles held in an adult detention facility in accordance with Subsection (2)(a).

(b) (i) The Commission on Criminal and Juvenile Justice shall provide standards for custody or detention under Subsections (2)(b), (3), and (4).

(ii) The division shall determine and set standards for conditions of care and confinement of children in detention facilities.

(c) All other custody or detention shall be provided by the division, or by contract with a public or private agency willing to undertake temporary custody or detention upon agreed terms, or in suitable premises distinct and separate from the general jails, lockups, or cells used in law enforcement and corrections systems. This Subsection (6)(c) does not apply to juveniles held in an adult detention facility in accordance with Subsection (2)(a).

Section 29. Section 62A-7-401.5 is amended to read:

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62A-7-401.5. Secure facilities.

(1) The division shall maintain and operate secure facilities for the custody and rehabilitation of youth offenders who pose a danger of serious bodily harm to others, who cannot be controlled in a less secure setting, or who have engaged in a pattern of conduct characterized by persistent and serious criminal offenses which, as demonstrated through the use of other alternatives, cannot be controlled in a less secure setting.

(2) The director shall appoint an administrator for each secure facility. An administrator of a secure facility shall have experience in social work, law, criminology, corrections, or a related field, and also in administration.

(3) (a) The division, in cooperation with the State Board of Education, shall provide instruction, or make instruction available, to youth offenders in secure facilities. The instruction shall be appropriate to the age, needs, and range of abilities of the youth offender. †

(b) An assessment shall be made of each youth offender by the appropriate secure facility to determine the offender's abilities, possible learning disabilities, interests, attitudes, and other attributes related to appropriate educational programs.

(c) Prevocational education shall be provided to acquaint youth offenders with vocations, and vocational requirements and opportunities.

(4) The division shall place youth offenders who have been committed to the division for secure confinement and rehabilitation in a secure facility, operated by the division or by a private entity, that is appropriate to ensure that humane care and rehabilitation opportunities are afforded to the youth offender.

(5) The division shall adopt ~~subject to approval by the board,~~ standards, policies, and procedures for the regulation and operation of secure facilities, consistent with state and federal law.

Section 30. Section 62A-7-501 is amended to read:

62A-7-501. Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.

(1) There is created within the division a Youth Parole Authority.

(2) (a) The authority is composed of 10 part-time members and five pro tempore members who are residents of this state. No more than three pro tempore members may serve on the authority at any one time.

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(b) Throughout this section, the term "member" refers to both part-time and pro tempore members of the Youth Parole Authority.

(3) (a) Except as required by Subsection (3)(b), members shall be appointed to four-year terms by the governor with the consent of the Senate.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.

(4) Each member shall have training or experience in social work, law, juvenile or criminal justice, or related behavioral sciences.

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

(6) During the tenure of the member's appointment, a member may not:

(a) be an employee of the department, other than in the member's capacity as a member of the authority;

(b) hold any public office;

(c) hold any position in the state's juvenile justice system; or

(d) be an employee, officer, advisor, policy board member, or subcontractor of any juvenile justice agency or its contractor.

(7) In extraordinary circumstances or when a regular member is absent or otherwise unavailable, the chair may assign a pro tempore member to act in the absent member's place.

(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 authority shall determine appropriate parole dates for youth offenders~~], based on guidelines established by the board and]~~ in accordance with Section 62A-7-404. ~~]The board shall review and update policy guidelines annually.]~~

(10) Youth offenders may be paroled to their own homes, to an independent living program contracted or operated by the division, to an approved independent living setting, or to

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other appropriate residences of qualifying relatives or guardians, but shall remain on parole until parole is terminated by the authority in accordance with Section 62A-7-404.

(11) The division's case management staff shall implement parole release plans and shall supervise youth offenders while on parole.

(12) The division shall permit the authority to have reasonable access to youth offenders in secure facilities and shall furnish all pertinent data requested by the authority in matters of parole, revocation, and termination.

Section 31. Section 62A-7-502 is amended to read:

62A-7-502. Youth Parole Authority -- Parole procedures.

(1) The authority has responsibility for parole release, rescission, revocation, and termination for youth offenders who have been committed to the division for secure confinement. The authority shall determine when and under what conditions youth offenders who have been committed to a secure facility are eligible for parole.

(2) Each youth offender shall be served with notice of parole hearings, and has the right to personally appear before the authority for parole consideration.

(3) Orders and decisions of the authority shall be in writing, and each youth offender shall be provided written notice of the authority's reasoning and decision in his the youth offender's case.

(4) The authority shall establish policies and procedures ~~subject to board approval,~~ for the authority's governance, meetings, hearings, the conduct of proceedings before it, the parole of youth offenders, and the general conditions under which parole may be granted, rescinded, revoked, modified, and terminated.

Section 32. Section 62A-7-506 is amended to read:

62A-7-506. Discharge of youth offender.

(1) A youth offender may be discharged from the jurisdiction of the division at any time, by written order of the Youth Parole Authority, upon a finding that no further purpose would be served by secure confinement or supervision in a community setting.

(2) ~~Discharge of a~~ A youth offender shall be discharged in accordance with policies approved by the board and Section 62A-7-404.

(3) Discharge of a youth offender is a complete release of all penalties incurred by adjudication of the offense for which the youth offender was committed.

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Section 33. Section 62A-7-601 is amended to read:

62A-7-601. Youth services for prevention and early intervention -- Program standards -- Program services.

(1) The division shall establish and operate prevention and early intervention youth services programs.

(2) The division shall adopt ~~[with the approval of the board]~~ statewide policies and procedures, including minimum standards for the organization and operation of youth services programs.

(3) The division shall establish housing, programs, and procedures to ensure that youth who are receiving services under this section and who are not in the custody of the division are served separately from youth who are in custody of the division.

(4) The division may enter into contracts with state and local governmental entities and private providers to provide the youth services.

(5) The division shall establish and administer juvenile receiving centers and other programs to provide temporary custody, care, risk-needs assessments, evaluations, and control for nonadjudicated and adjudicated youth placed with the division.

(6) The division shall prioritize use of evidence-based juvenile justice programs and practices.

Section 34. Section 62A-7-701 is amended to read:

62A-7-701. Community-based programs.

(1) (a) The division shall operate residential and nonresidential community-based programs to provide care, treatment, and supervision for youth offenders committed to the division by juvenile courts.

(b) The division shall operate or contract for nonresidential community-based programs and independent living programs to provide care, treatment, and supervision of paroled youth offenders.

(2) The division shall adopt ~~[with the approval of the board]~~ minimum standards for the organization and operation of community-based corrections programs for youth offenders.

(3) The division shall place youth offenders committed to it for community-based programs in the most appropriate program based upon the division's evaluation of the youth offender's needs and the division's available resources in accordance with Sections 62A-7-404

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and 78A-6-117.

Section ~~{21}~~35. Section **63A-5-225** is amended to read:

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

(1) As used in this section:

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

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

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

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

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

(ii) site improvement; and

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

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

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

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

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

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

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

~~[(iv)]~~ (iii) consider input from the ~~[commission]~~ committee on the prison project,

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subject to Subsection (3)(b).

(b) The division may not consult with or receive input from the [commission] committee regarding:

(i) the evaluation of proposals from persons seeking to provide professional and construction services for the prison project; or

(ii) the selection of persons to provide professional and construction services for the prison project.

(c) A contract with a project manager or person with a comparable position on the prison project shall include a provision that requires the project manager or other person to provide reports to the [commission] committee regarding the prison project, as requested by the [commission] committee.

(4) All contracts associated with the design or construction of new correctional facilities shall be awarded and managed by the division in accordance with Title 63G, Chapter 6a, Utah Procurement Code, and this section.

(5) The division shall coordinate with the Department of Corrections, created in Section 64-13-2, and the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201, during the prison project to help ensure that the design and construction of new correctional facilities are conducive to and consistent with, and help to implement any reforms of or changes to, the state's corrections system and corrections programs.

(6) (a) There is created within the General Fund a restricted account known as the "Prison Development Restricted Account."

(b) The account created in Subsection (6)(a) is funded by legislative appropriations.

(c) (i) The account shall earn interest or other earnings.

(ii) The Division of Finance shall deposit interest or other earnings derived from the investment of account funds into the account.

(d) Upon appropriation from the Legislature, money from the account shall be used to fund the Prison Project Fund created in Subsection (7).

(7) (a) There is created a capital projects fund known as the "Prison Project Fund."

(b) The fund consists of:

(i) money appropriated to the fund by the Legislature; and

(ii) proceeds from the issuance of bonds authorized in Section 63B-25-101 to provide

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funding for the prison project.

(c) (i) The fund shall earn interest or other earnings.

(ii) The Division of Finance shall deposit interest or other earnings derived from the investment of fund money into the fund.

(d) Money in the fund shall be used by the division to fund the prison project.

Section ~~{22}~~36. Section **63B-25-101** is amended to read:

63B-25-101. General obligation bonds for prison project -- Maximum amount --

Use of proceeds.

(1) As used in this section:

(a) "Prison project" means the same as that term is defined in Section [~~63C-16-102~~] 63A-5-225.

(b) "Prison project fund" means the capital projects fund created in Subsection 63A-5-225(7).

(2) The commission may issue general obligation bonds as provided in this section.

(3) (a) The total amount of bonds to be issued under this section may not exceed \$570,000,000 for acquisition and construction proceeds, plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve requirements, with the total amount of the bonds not to exceed \$575,700,000.

(b) The maturity of bonds issued under this section may not exceed 10 years.

(4) The commission shall ensure that proceeds from the issuance of bonds under this section are deposited into the Prison Project Fund for use by the division to pay all or part of the cost of the prison project, including:

(a) interest estimated to accrue on the bonds authorized in this section until the completion of construction of the prison project, plus a period of 12 months after the end of construction; and

(b) all related engineering, architectural, and legal fees.

(5) (a) The division may enter into agreements related to the prison project before the receipt of proceeds of bonds issued under this section.

(b) The division shall make those expenditures from unexpended and unencumbered building funds already appropriated to the Prison Project Fund.

(c) The division shall reimburse the Prison Project Fund upon receipt of the proceeds

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of bonds issued under this chapter.

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

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

Section ~~{23}~~37. Section **63C-4a-101** is amended to read:

63C-4a-101. Title.

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

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

Section ~~{24}~~38. Section **63C-4a-102** is amended to read:

63C-4a-102. Definitions.

As used in this chapter:

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

~~{1}~~(2) "Commission" means the [~~Commission on~~] Federalism Commission, created in Section 63C-4a-302.~~{1}~~

~~{1}~~(3)~~{2}~~ "Constitutional defense plan" means a plan that outlines actions and expenditures to fulfill the duties of ~~{1}~~the commission and~~{1}~~ the council.

~~{1}~~(4)~~{3}~~ "Council" means the Constitutional ~~{and Federalism}~~ Defense Council, created in Section 63C-4a-202.

~~{1}~~(5)~~{4}~~ "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.

~~{5}~~6 "Federal issue" means a matter relating to the federal government's dealings with the state, including a matter described in ~~{Subsection 63C-14-301(1)}~~Section 63C-4a-309.

~~[(6)]~~(7) "Federal law" means:

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- (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.

~~[(7)]~~[(8)] "R.S. 2477" means Revised Statute 2477, codified as 43 U.S.C. Section 932.

~~[(8)]~~[(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.

~~[(9)]~~[(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.

Section ~~{25}~~39. Section ~~{63C-4a-202}~~63C-4a-301 is amended to read:

~~{Part 2. Creation of Constitutional and Federalism Defense Council~~

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

~~Membership -- Vacancies -- Meetings -- Staff -- Reports -- Per diem, travel expenses, and funding.~~

~~———— (1) There is created the Constitutional and Federalism Defense Council[.] consisting of:~~

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

~~———— (a) the following 12 voting 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;~~

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~~—— (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; and~~

~~—— (b) the following five nonvoting members:~~

~~—— [(x)] (i) the executive director of the Department of Natural Resources[, who may not vote];~~

~~—— [(xi)] (ii) the commissioner of the Department of Agriculture and Food[, who may not vote];~~

~~—— [(xii)] (iii) the director of the Governor's Office of Economic Development[, who may not vote]; and~~

~~—— [(xiii)] (iv) 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)] (2) (a) The council vice chairs shall conduct a council meeting in the absence of the chair.~~

~~—— [(c)] (b) 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 voting members, determines that a majority of the voting 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~~

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~~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.~~

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

‡ **63C-4a-301. Title.**

This part is known as "~~[Commission on]~~ Federalism Commission."

Section ~~{26}~~40. Section ~~{63C-4a-301.1}~~63C-4a-302 ~~{, which}~~ is ~~{renumbered from Section 63C-4a-203 is renumbered and}~~ amended to read ~~{~~

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~~Part 3. Duties of the Constitutional and Federalism Defense Council~~

~~———— [63C-4a-203]. ———— 63C-4a-301.1. General duties of Constitutional and Federalism Defense Council.~~

~~———— (1) The Constitutional and Federalism 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~~

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- ~~—— (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;~~

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- ~~—— (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] on or before November 30 of each year to the Government Operations Interim Committee and the Natural Resources, Agriculture, and Environment Interim~~

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Committee that:

- ~~_____ (a) summarizes the council's activities[.];~~
- ~~_____ (b) describes any action taken by the council under Section 63C-4a-303; and~~
- ~~_____ (c) includes any proposed legislation the council recommends.~~

†:

63C-4a-302. Creation of Federalism Commission{~~on Federalism~~} -- Membership meetings -- Staff -- Expenses.

(1) There is created the [~~Commission on~~] Federalism Commission, comprised of the following [~~seven~~] 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) [~~another member~~] 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) [~~two~~] 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 [~~shall meet six~~] 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

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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.

Section ~~{27}~~41. Section **63C-4a-303** is amended to read:

63C-4a-303. ~~{Constitutional and}~~Federalism ~~{Defense Council}~~Commission to evaluate federal law -- Curriculum on federalism.

(1) In accordance with Section 63C-4a-304, the ~~{}~~commission~~{}~~ {Constitutional and Federalism Defense Council} may evaluate a federal law~~{}~~:

(a)~~{}~~ as agreed by a majority of the ~~{}~~commission; or {council}

~~{}~~(b) submitted to the commission by a council member. ~~{}~~

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

(3) If the ~~{}~~commission~~{}~~ {council} 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~~{}~~ {the council chair or cochairs} 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; and

(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.

(4) The ~~{}~~commission~~{}~~ {council} 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~~{}~~ {council's} evaluation of a federal law.

(5) ~~{}~~A commission cochair~~{}~~ {The chair or the vice chairs of the council} may coordinate the evaluation of and response to federal law with another state as provided in

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Section 63C-4a-305.

~~[(6) Each year, the commission shall submit a report by electronic mail to the Legislative Management Committee and the Government Operations Interim Committee that summarizes:]~~

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

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

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

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

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

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

(a) a federal law that the ~~{} commission {}~~ [council](#) evaluates under Subsection (1);

(b) an action taken by a cochair of the ~~{} commission {}~~ [council](#) 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).

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

(a) fundamental principles of federalism;

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

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

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

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

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

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

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

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government;

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

(j) any other issues relating to federalism the ~~{f}~~commission ~~{c}~~council considers necessary.

~~{(9)}~~ (8) The ~~{f}~~commission ~~{c}~~council may apply for and receive grants, and receive private donations to assist in funding the creation, enhancement, and dissemination of the curriculum.

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

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

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

~~———— }{(1)9) The {f}commission{c}council shall evaluate whether a federal law evaluated}~~
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{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~~

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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~~

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~~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;~~

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- ~~—— (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] council 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;~~

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- ~~— (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] council:~~
 - ~~— (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.~~
- ~~— Section 29. Section ~~63C-4a-305~~ is amended to read:~~
 - ~~— ~~63C-4a-305. Communication with other states and governmental entities:~~~~
 - ~~— [A commission cochair] The chair or a vice chair of the council 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] council to discuss and coordinate the evaluation of and response to federal law as provided in Section 63C-4a-303.~~
 - ~~— ~~Section 30}; and~~~~
 - ~~— ~~(b) includes any proposed legislation the commission recommends.~~~~
- ~~— Section 42. Section ~~63C-4a-306~~ is amended to read:~~
 - ~~— **63C-4a-306. Course on federalism required.**~~
 - ~~— (1) This section [shall apply] applies to:~~
 - ~~— (a) all political subdivisions of the state;~~
 - ~~— (b) all agencies of the state;~~

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- (c) the Attorney General's office; and
- (d) the Office of Legislative Research and General Counsel.

(2) [~~Beginning January 1, 2015, an~~] 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[(8)](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.

Section ~~{31}~~43. Section 63C-4a-307 is amended to read:

63C-4a-307. ~~{Council}~~Commission to evaluate foregone property tax --

Evaluation procedures.

(1) As used in this section:

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

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

(A) a military installation;

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

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

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

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

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

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

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

(b) The ~~{}~~commission~~{}~~ ~~{}~~council~~{}~~ shall invite and accept testimony on the information described in Subsection (2)(a) and the impact on the ability and the duty of the state to fund

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education and to protect and promote the health, safety, and welfare of the state, the state's political subdivisions, and the residents of the state from the following:

- (i) representatives from:
 - (A) the office of each United States senator or representative elected from the state;
 - (B) any federal government entity administering the payments in lieu of tax;
 - (C) the Legislative Management Committee;
 - (D) the Office of the Governor;
 - (E) the Office of the Attorney General;
 - (F) the State Tax Commission;
 - (G) the Public Lands Policy Coordinating Office, created in Section 63J-4-602;
 - (H) the school districts;
 - (I) the association of school districts;
 - (J) the superintendents' association;
 - (K) the charter schools;
 - (L) school community councils;
 - (M) the counties;
 - (N) the municipalities; and
 - (O) nonpartisan entities serving state governments;
- (ii) other states' officials or agencies; and
- (iii) other interested individuals or entities.

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

(4) The ~~{f}~~commission~~{f}~~ ~~{f}~~council~~{f}~~ shall communicate the information received during the hearing described in Subsection (2) and any action taken under Subsection (3) to the individuals and entities described in Subsection (2)(b).

(5) The ~~{f}~~council~~{f}~~ ~~{f}~~commission~~{f}~~ shall conduct the activities described in this section before the ~~{f}~~council's~~{f}~~ ~~{f}~~commission's~~{f}~~ final meeting in 2019.

Section ~~{32}~~44. Section **63C-4a-308**, which is renumbered from Section 63C-4b-104 is renumbered and amended to read:

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~~[63C-4b-104].~~ 63C-4a-308. ~~{Council}~~Commission duties with regards to federal lands.

~~[(+)]~~ The ~~{f}~~commission~~{f council}~~ shall:

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

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

~~[(c)]~~ (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-4b-105]~~ 63C-4a-404;

~~[(d)]~~ (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 63J-4-606;

~~[(e)]~~ (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;

~~[(f)]~~ (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;

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

~~[(h)]~~ (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:

~~[(A)]~~ (i) appropriated by the Legislature for the purpose of securing the transfer of

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public lands to the state under Section [~~63C-4b-105~~] 63C-4a-404; and

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

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

Section ~~{33}~~45. Section **63C-4a-309**, which is renumbered from Section 63C-14-301 is renumbered and amended to read:

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

~~[(+)]~~ Until November 30, 2019, the ~~{ }~~commission~~{ }~~ ~~{ }~~council~~{ }~~ shall:

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

~~[(+)]~~ ~~(a)~~ the financial stability of the federal government;

~~[(+)]~~ ~~(b)~~ the level of dependency that the state and local governments have on the receipt of federal funds;

~~[(+)]~~ ~~(c)~~ the risk that the state and local governments in the state will experience a reduction in the amount or value of federal funds they receive, in both the near and distant future;

~~[(+)]~~ ~~(d)~~ the likely and potential impact on the state and its citizens from a reduction in the amount or value of federal funds received by the state and by local governments in the state, in both the near and distant future; and

~~[(+)]~~ ~~(e)~~ the likely and potential national impact from a reduction in the amount or value of federal funds paid to the states, in both the near and distant future; and

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

~~[(+)]~~ ~~(a)~~ avoid or minimize the risk of a reduction in the amount or value of federal funds by the state and by local governments in the state;

~~[(+)]~~ ~~(b)~~ reduce the dependency of the state and of local governments in the state on federal funds; and

~~[(+)]~~ ~~(c)~~ prepare for and respond to a reduction in the amount or value of federal funds by the state and by local governments in the state.

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~~[(2) After November 30, 2019, the commission shall study, assess, and provide recommendations on any federal issue that the governor, the Legislature through a joint resolution of the Legislature, or the Legislative Management Committee directs the commission to study, assess, and make recommendations on.]~~

~~[(3) The commission shall present a report to the Government Operations Interim Committee of the Legislature each year on the commission's findings and recommendations.]~~

Section ~~{34}~~46. Section **63C-4a-404**, which is renumbered from Section 63C-4b-105 is renumbered and amended to read:

~~[63C-4b-105].~~ **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 ~~{f}~~commission~~{f council}~~ 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 ~~{f}~~commission~~{f council}~~ regarding:

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

(b) The ~~{f}~~commission~~{f council}~~ may, upon receiving the report under Subsection (4)(a):

(i) advise the Legislature and the entity of the ~~{f}~~commission~~{f council}~~ finding that the disbursement is consistent with the purposes in Subsection (3); or

- (ii) advise the Legislature and the entity of the ~~{f}~~commission~~{f council}~~ finding that

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the disbursement is not consistent with the purposes in Subsection (3).

Section ~~{35}~~47. Section **63C-4a-405**, which is renumbered from Section 63C-4b-106 is renumbered and amended to read:

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

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

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

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

(4) (a) The fund may be used only for the purpose 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.

(b) Before each disbursement from the fund, the Division of Finance shall report to the ~~{}~~commission~~{}~~ {}council~~{}~~ regarding:

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

(c) The ~~{}~~commission~~{}~~ {}council~~{}~~ may, upon receiving the report under Subsection (4)(b):

(i) advise the Legislature and the Division of Finance of the commission finding that the disbursement is consistent with the purposes in Subsection (4)(a); or

(ii) advise the Legislature and the Division of Finance of the ~~{}~~commission~~{}~~ {}council~~{}~~ finding that the disbursement is not consistent with the purposes in Subsection (4)(a).

Section ~~{36}~~48. Section **63F-1-102** is amended to read:

63F-1-102. Definitions.

As used in this title:

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

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~~[(2)]~~ (1) "Chief information officer" means the chief information officer appointed under Section 63F-1-201.

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

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

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

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

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

(i) technical support;

(ii) master software licenses; and

(iii) hardware and software standards.

~~[(6)]~~ (5) (a) [~~Except as provided in Subsection (6)(b), "executive]~~ "Executive branch agency" means an agency or administrative subunit of state government.

(b) "Executive branch agency" does not include:

(i) the legislative branch;

(ii) the judicial branch;

(iii) the State Board of Education;

(iv) the Board of Regents;

(v) institutions of higher education;

(vi) independent entities as defined in Section 63E-1-102; and

(vii) elective constitutional offices of the executive department which includes:

(A) the state auditor;

(B) the state treasurer; and

(C) the attorney general.

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

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

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

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

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

Section ~~(37)~~49. Section **63F-1-203** is amended to read:

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

(1) In accordance with this section, the chief information officer shall prepare an executive branch information technology strategic plan:

- (a) that complies with this chapter; and
- (b) that includes:
 - (i) a strategic plan for the:
 - (A) interchange of information related to information technology between executive branch agencies;
 - (B) coordination between executive branch agencies in the development and maintenance of information technology and information systems, including the coordination of agency information technology plans described in Section 63F-1-204; and
 - (C) protection of the privacy of individuals who use state information technology or information systems, including the implementation of industry best practices for data and system security;
 - (ii) priorities for the development and implementation of information technology or information systems including priorities determined on the basis of:
 - (A) the importance of the information technology or information system; and
 - (B) the time sequencing of the information technology or information system; and

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(iii) maximizing the use of existing state information technology resources.

(2) In the development of the executive branch strategic plan, the chief information officer shall consult with~~[(a)]~~ all cabinet level officials~~[-and]~~.

~~[(b) the advisory board created in Section 63F-1-202.]~~

(3) (a) Unless withdrawn by the chief information officer or the governor in accordance with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on which the executive branch strategic plan is submitted to:

(i) the governor; and

(ii) the Public Utilities, Energy, and Technology Interim Committee.

(b) The chief information officer or the governor may withdraw the executive branch strategic plan submitted under Subsection (3)(a) if the governor or chief information officer determines that the executive branch strategic plan:

(i) should be modified; or

(ii) for any other reason should not take effect.

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

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

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

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

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

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

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under Subsection (4)(a)(ii).

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

Section ~~38~~50. Section **63F-1-303** is amended to read:

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

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

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

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

(i) result in:

(A) cost savings;

(B) increased efficiency; or

(C) improved quality of services; and

(ii) not impair the interoperability of the state's information technology services.

(2) An institution of higher education may subscribe to the services provided by the department if:

(a) the president of the institution recommends that the institution subscribe to the services of the department; and

(b) the Board of Regents determines that subscription to the services of the department will result in cost savings or increased efficiency to the institution.

(3) The following may subscribe to information technology services by requesting that the services be provided from the department:

(a) the legislative branch;

(b) the judicial branch;

(c) the State Board of Education;

(d) a political subdivision of the state;

(e) an agency of the federal government;

(f) an independent entity as defined in Section 63E-1-102; and

(g) an elective constitutional officer of the executive department as defined in

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Subsection 63F-1-102~~(6)(b)~~(5)(b)(vii).

Section ~~{39}~~51. Section **63F-4-201** is amended to read:

63F-4-201. Submitting a technology proposal -- Review process.

(1) Multiple executive branch agencies may jointly submit to the chief information officer a technology proposal, on a form or in a format specified by the department.

(2) The chief information officer shall transmit to the review board each technology proposal the chief information officer determines meets the form or format requirements of the department.

(3) The review board shall:

(a) conduct a technical review of a technology proposal transmitted by the chief information officer;

(b) determine whether the technology proposal merits further review and consideration ~~[by the board]~~ by the chief information officer, based on the technology proposal's likelihood to:

(i) be capable of being implemented effectively; and

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

(c) transmit a technology proposal to the ~~[board]~~ chief information officer and to the governor's budget office, if the review board determines that the technology proposal merits further review and consideration ~~[by the board]~~ by the chief information officer.

Section ~~{40}~~52. Section **63F-4-202** is amended to read:

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

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

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

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

(i) is capable of being implemented effectively; and

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

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

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

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

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

(4) The department shall:

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

(b) evaluate the level of the technology proposal's implementation effectiveness and whether the implementation results in greater efficiency in a government process or a cost saving in the delivery of a government service, or both; and

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

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

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

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

Section ~~{41}~~53. Section **63H-7a-203** is amended to read:

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

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

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

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

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

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

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

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

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

(a) law enforcement;

(b) public safety;

(c) fire service;

(d) telecommunications;

(e) finance;

(f) management; and

(g) government.

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

(a) user; or

(b) vendor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) a per diem at the rate established under Section 63A-3-106; and

(b) travel expenses at the rate established under Section 63A-3-107.

Section ~~{42}~~54. Section **63I-1-204** is enacted to read:

63I-1-204. Repeal dates, Title 4.

Subsection 4-41a-105(2)(e)(i), related to the Native American Legislative Liaison Committee, is repealed July 1, 2022.

Section ~~{43}~~55. Section **63I-1-209** is amended to read:

63I-1-209. Repeal dates, Title 9.

(1) In relation to the Native American Legislative Liaison Committee, on July 1, 2022:

(a) Subsection 9-9-104.6(2)(a) is repealed;

(b) Subsection 9-9-104.6(4)(a), the language that states "who is not a legislator" is repealed; and

(c) Subsection 9-9-104.6(4)(b), related to compensation of legislative members, is repealed.

(2) In relation to the American Indian and Alaska Native Education State Plan Pilot Program, on July 1, 2022:

(a) Subsection 26-7-2.5(4), related to the American Indian-Alaskan Native Public Education Liaison, is repealed; and

(b) Subsection 9-9-104.6(2)(d) is repealed.

Section ~~{44}~~56. Section **63I-1-211** is amended to read:

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63I-1-211. Repeal dates, Title 11.

(1) Section 11-14-308 is repealed December 31, 2020.

(2) Title 11, Chapter 59, Point of the Mountain State Land Authority Act, is repealed January 1, 2029.

Section ~~{45}~~57. Section **63I-1-223** is amended to read:

63I-1-223. Repeal dates, Title 23.

Subsection 23-13-12.5(2)(f)(i), related to the Native American Legislative Liaison Committee, is repealed July 1, 2022.

Section ~~{46}~~58. Section **63I-1-226** is amended to read:

63I-1-226. Repeal dates, Title 26.

(1) Section 26-1-40 is repealed July 1, 2019.

(2) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.

(3) Section 26-10-11 is repealed July 1, 2020.

(4) Subsection 26-18-417(3) is repealed July 1, 2020.

(5) Subsection 26-18-418(2), the language that states "and the Mental Health Crisis Line Commission created in Section 63C-18-202" is repealed July 1, 2023.

~~{5}~~ (6) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

~~{6}~~ (7) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

~~{7}~~ (8) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed July 1, 2024.

~~{8}~~ (9) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2019.

~~{9}~~ (10) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed January 1, 2019.

(11) Subsection 26-61a-108(2)(e)(i), related to the Native American Legislative Liaison Committee, is repealed July 1, 2022.

~~{10}~~ (12) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed July 1, 2026.

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Section ~~{47}~~59. Section **63I-1-235** is amended to read:

63I-1-235. Repeal dates, Title 35A.

(1) Subsection 35A-1-109(4)(c), related to the Talent Ready Utah Board, is repealed January 1, 2023.

~~{+}~~ (2) Subsection 35A-4-312(5)(p) is repealed July 1, 2019.

~~{2}~~ (3) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is repealed July 1, 2023.

~~{3}~~ (4) Section 35A-9-501 is repealed January 1, 2021.

(5) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed January 1, 2025.

Section ~~{48}~~60. Section **63I-1-236** is amended to read:

63I-1-236. Repeal dates, Title 36.

(1) Title 36, Chapter 17, Legislative Process Committee, is repealed January 1, 2023.

~~{+}~~ (2) Section 36-12-20 is repealed June 30, 2023.

(3) Title 36, Chapter 22, Native American Legislative Liaison Committee, is repealed July 1, 2022.

(4) Title 36, Chapter 28, Veterans and Military Affairs Commission, is repealed January 1, 2025.

(5) Section 36-29-105 is repealed ~~{January 1}~~December 31, ~~{2021}~~2020.

~~{2}~~ (6) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight Committee, is repealed January 1, 2021.

Section ~~{49}~~61. Section **63I-1-251** is amended to read:

63I-1-251. Repeal dates, Title 51.

(1) Subsection 51-2a-202(3) is repealed on June 30, 2020.

(2) Subsections 51-10-201(5)(iv) and 51-10-204(1)(k)(i)(C), related to the Native American Legislative Liaison Committee, are repealed July 1, 2022.

Section ~~{50}~~62. Section **63I-1-253** is amended to read:

63I-1-253. Repeal dates, Titles 53 through 53G.

The following provisions are repealed on the following dates:

(1) Subsection 53-10-202(18) is repealed July 1, 2018.

(2) Section 53-10-202.1 is repealed July 1, 2018.

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- (3) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- (4) Section 53B-18-1501 is repealed July 1, 2021.
- (5) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- (6) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.
- (7) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells, other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.
- (8) Section 53E-3-515 is repealed January 1, 2023.
- (9) In relation to a standards review committee, on January 1, 2023:
- (a) in Subsection 53E-4-202(8), the language that states "by a standards review committee and the recommendations of a standards review committee established under Section 53E-4-203" is repealed; and
- (b) Section 53E-4-203 is repealed.
- (10) (a) Sections 53E-10-504 and 53E-10-505 are repealed January 1, 2023.
- (b) Subsection 53E-10-501(1), related to the School Safety and Crisis Line Commission, is repealed January 1, 2023.
- ~~(9)~~ (11) Section 53F-2-514 is repealed July 1, 2020.
- ~~(10)~~ (12) Section 53F-5-203 is repealed July 1, 2019.
- ~~(11)~~ (13) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native Education State Plan Pilot Program, is repealed July 1, 2022.
- ~~(12)~~ (14) Section 53F-6-201 is repealed July 1, 2019.
- ~~(13)~~ (15) Section 53F-9-501 is repealed January 1, 2023.
- (16) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.
- ~~(14)~~ (17) Subsection 53G-8-211(4) is repealed July 1, 2020.
- Section ~~51~~63. Section **63I-1-259** is amended to read:
- 63I-1-259. Repeal dates, Title 59.**
- (1) Section 59-1-213.1 is repealed on May 9, 2019.
- (2) Section 59-1-213.2 is repealed on May 9, 2019.
- (3) Subsection 59-1-405(1)(g) is repealed on May 9, 2019.
- (4) Subsection 59-1-405(2)(b) is repealed on May 9, 2019.

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(5) Title 59, Chapter 1, Part 9, Utah Tax Review Commission, is repealed January 1, 2025.

~~[(5)]~~ (6) Section 59-7-618 is repealed July 1, 2020.

~~[(6)]~~ (7) Section 59-9-102.5 is repealed December 31, 2020.

~~[(7)]~~ (8) Section 59-10-1033 is repealed July 1, 2020.

~~[(8)]~~ (9) Subsection 59-12-2219(13) is repealed on June 30, 2020.

~~[(9)]~~ (10) Title 59, Chapter 28, State Transient Room Tax Act, is repealed on January 1, 2023.

Section ~~{52}~~64. Section **63I-1-262** is amended to read:

63I-1-262. Repeal dates, Title 62A.

~~[(1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.]~~

~~[(2)]~~ (1) Section 62A-3-209 is repealed July 1, 2023.

~~[(3)]~~ (2) Section 62A-4a-202.9 is repealed December 31, 2019.

~~[(4)]~~ (3) Section 62A-4a-213 is repealed July 1, 2019.

~~[(5)]~~ (4) Section 62A-15-114 is repealed December 31, 2021.

(5) In relation to the Mental Health Crisis Line Commission, on July 1, 2023:

(a) Subsections 62A-15-1301(1) and 62A-15-1401(1) are repealed;

(b) Subsection 62A-15-1302(1)(b), the language that states "in consultation with the commission" is repealed;

(c) Section 62A-15-1303, the language that states "In consultation with the commission," is repealed; and

(d) Subsection 62A-15-1402(2)(a), the language that states "With recommendations from the commission," is repealed.

(6) Subsection 62A-15-1101(7) is repealed July 1, 2018.

Section ~~{53}~~65. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Section 63A-3-403 is repealed;

(b) Subsection 63A-3-401(1) is repealed;

(c) Subsection 63A-3-402(2)(c), the language that states "using criteria established by the board" is repealed;

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(d) Subsections 63A-3-404(1) and (2), the language that states "After consultation with the board, and" is repealed; and

(e) Subsection 63A-3-404(1)(b), the language that states "using the standards provided in Subsection 63A-3-403(3)(c)" is repealed.

~~[(1)]~~ (2) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.

~~[(2)]~~ (3) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

~~[(3)]~~ (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

~~[(4)] Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is repealed November 30, 2019.;~~

(5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

~~[(5)]~~ (6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1, 2020.

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

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

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

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

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

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

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

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

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

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

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year that the board member was appointed.”:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(12)]~~ (14) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is

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repealed July 1, 2026.

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

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

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

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

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

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

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

and

(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

(18) Subsection 63J-4-708(1), in relation to the Talent Ready Utah Board, on January 1, 2023, is amended to read:

"(1) On or before October 1, the board shall provide an annual written report to the Social Services Appropriations Subcommittee and the Economic Development and Workforce Services Interim Committee."

~~[(15)]~~ (19) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

~~{ (20) In relation to an appointment from the Advisory Board on Children's Justice, on January 1, 2021:~~

~~— (a) in Subsection 63M-7-601(2), "25" is repealed and replaced with "24"; and~~

~~— (b) Subsection 63M-7-601(2)(i)(iv) is repealed.~~

~~†~~ ~~[(16)]~~ ~~(~~21~~20)~~ Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2027.

~~(~~22~~21)~~ Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed on January 1, 2023.

~~[(17)]~~ ~~(~~23~~22)~~ Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1,

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2028.

~~[(18)]~~ ~~(~~24~~;23)~~ (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is repealed January 1, 2021.

(b) Subject to Subsection ~~[(18)]~~ ~~(~~24~~;23)~~(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2021.

(c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

(i) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

(ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if the expenditure is made on or after January 1, 2021.

(d) Notwithstanding Subsections ~~[(18)]~~ ~~(~~24~~;23)~~(b) and (c), a person may carry forward a tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

(i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

(ii) (A) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31, 2020; or

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

~~[(19)]~~ ~~(~~25~~;24)~~ Section 63N-2-512 is repealed on July 1, 2021.

~~[(20)]~~ ~~(~~26~~;25)~~ (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

(b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection ~~[(20)]~~ ~~(~~26~~;25)~~(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

(i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63N-2-603 on or before December 31, 2023.

~~[(21)]~~ ~~(~~27~~;26)~~ Subsections 63N-3-109(2)(f) and 63N-3-109(2)(g)(i)(C) are repealed

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July 1, 2023.

~~[(22)]~~ ~~(~~28~~;~~27~~)~~ Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

~~[(23)]~~ ~~(~~29~~;~~28~~)~~ Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

~~(~~30~~;~~29~~)~~ In relation to the Pete Suazo Utah Athletic Commission, on January 1, 2021:

(a) Subsection 63N-10-201(2)(a) is amended to read:

"(2)(a) The governor shall appoint five commission members with the advice and consent of the Senate.";

(b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;

(c) in Subsection 63N-10-201(3)(a), the language that states ", president, or speaker, respectively," is repealed; and

(d) Subsection 63N-10-201(3)(d) is amended to read:

"(d) The governor may remove a commission member for any reason and replace the commission member in accordance with this section."

~~(~~31~~;~~30~~)~~ In relation to the Talent Ready Utah Board, on January 1, 2023:

(a) Subsection 63N-12-202(17) is repealed;

(b) in Subsection 63N-12-214(2), the language that states "Talent Ready Utah," is repealed; and

(c) in Subsection 63N-12-214(5), the language that states "representatives of Talent Ready Utah," is repealed.

~~[(24)]~~ ~~(~~32~~;~~31~~)~~ Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is repealed July 1, 2018.

~~(~~33~~;~~32~~)~~ Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.

Section ~~(~~54~~;~~66~~)~~. Section **63I-1-267** is amended to read:

63I-1-267. Repeal dates, Title 67.

~~[(+)]~~ Section 67-1-15 is repealed December 31, 2027.

~~[(2) Sections 67-1a-10 and 67-1a-11 creating the Commission on Civic and Character Education and establishing its duties are repealed on July 1, 2021.]~~

~~{~~ ~~(2) In relation to the Advisory Board on Children's Justice, on January 1, 2021:~~

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~~(a) Subsection 67-5b-102(1)(c)(iii) is repealed;~~

~~(b) in Subsection 67-5b-105(1)(i), the language that states "provided, however, that the Advisory Board on Children's Justice may authorize fewer members, although not less than two, if the local advisory board so requests" is repealed; and~~

~~(c) Section 67-5b-106 is repealed.~~

‡ Section ~~{55}~~67. Section **63I-1-272** is amended to read:

63I-1-272. Repeal dates, Title 72.

(1) Subsections 72-1-213(2) and (3)(a)(i), in relation to the Road Usage Charge Advisory Committee, are repealed January 1, 2023.

(2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January 2, 2025.

Section ~~{56}~~68. Section **63I-1-273** is amended to read:

63I-1-273. Repeal dates, Title 73.

(1) The instream flow water right for trout habitat established in Subsection 73-3-30(3) is repealed December 31, 2019.

(2) In relation to the Legislative Water Development Commission, on January 1, 2021:

(a) in Subsection 73-10g-105(3), the language that states "and in consultation with the State Water Development Commission created in Section 73-27-102" is repealed;

(b) Subsection 73-10g-203(4)(a) is repealed; and

(c) Title 73, Chapter 27, State Water Development Commission, is repealed.

Section ~~{57}~~69. Section **63I-2-263** is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) On July 1, 2020:

(a) Subsection 63A-3-403(5)(a)(i) is repealed; and

(b) in Subsection 63A-3-403(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

(2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.

~~(2)~~ (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2020.

(4) In relation to the State Fair Park Committee, on January 1, 2021:

(a) Section 63H-6-104.5 is repealed; and

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(b) Subsections 63H-6-104(8) and (9) are repealed.

~~[(3)]~~ (5) Section 63H-7a-303 is repealed on July 1, 2022.

~~[(4)]~~ (6) On July 1, 2019:

(a) in Subsection 63J-1-206(2)(c)(i), the language that states " Subsection(2)(c)(ii) and" is repealed; and

(b) Subsection 63J-1-206(2)(c)(ii) is repealed.

~~[(5)]~~ (7) Section 63J-4-708 is repealed January 1, 2023.

~~[(6)]~~ (8) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.

~~[(7)]~~ (9) Section 63N-3-110 is repealed July 1, 2020.

Section ~~[(58)]~~ 70. Section **63J-1-602.2** is amended to read:

63J-1-602.2. List of nonlapsing appropriations to programs.

Appropriations made to the following programs are nonlapsing:

(1) The Legislature and its committees.

(2) The Percent-for-Art Program created in Section 9-6-404.

(3) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.

~~[(4) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-16-21(2)(d)(ii):]~~

~~[(5)]~~ (4) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

~~[(6)]~~ (5) The primary care grant program created in Section 26-10b-102.

~~[(7)]~~ (6) Sanctions collected as dedicated credits from Medicaid provider under Subsection 26-18-3(7).

~~[(8)]~~ (7) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.

~~[(9)]~~ (8) The Rural Physician Loan Repayment Program created in Section 26-46a-103.

~~[(10)]~~ (9) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

~~[(11)]~~ (10) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection 32B-2-301(7)(a)(ii) or (b).

~~[(12)]~~ (11) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.

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~~[(13)]~~ (12) A new program or agency that is designated as nonlapsing under Section 36-24-101.

~~[(14)]~~ (13) The Utah National Guard, created in Title 39, Militia and Armories.

~~[(15)]~~ (14) The State Tax Commission under Section 41-1a-1201 for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

~~[(16)]~~ (15) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

~~[(17)]~~ (16) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

~~[(18)]~~ (17) The State Board of Regents for teacher preparation programs, as provided in Section 53B-6-104.

~~[(19)]~~ (18) The Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.

~~[(20)]~~ (19) The State Board of Education, as provided in Section 53F-2-205.

~~[(21)]~~ (20) The Division of Services for People with Disabilities, as provided in Section 62A-5-102.

~~[(22)]~~ (21) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.

~~[(23)]~~ (22) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

~~[(24)]~~ (23) Appropriations to the Department of Technology Services for technology innovation as provided under Section 63F-4-202.

~~[(25)]~~ (24) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

~~[(26)]~~ (25) The Utah Science Technology and Research Initiative created in Section 63M-2-301.

~~[(27)]~~ (26) The Governor's Office of Economic Development to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

~~[(28)]~~ (27) Appropriations to fund the Governor's Office of Economic Development's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

~~[(29)]~~ (28) The Department of Human Resource Management user training program, as

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provided in Section 67-19-6.

[(30)] (29) The University of Utah Poison Control Center program, as provided in Section 69-2-5.5.

[(31)] (30) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.

[(32)] (31) The Traffic Noise Abatement Program created in Section 72-6-112.

[(33)] (32) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.

[(34)] (33) A state rehabilitative employment program, as provided in Section 78A-6-210.

[(35)] (34) The Utah Geological Survey, as provided in Section 79-3-401.

[(36)] (35) The Bonneville Shoreline Trail Program created under Section 79-5-503.

[(37)] (36) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

[(38)] (37) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent Defense Commission.

Section ~~{59}~~71. Section ~~{63J-4-401}~~63J-4-606 is amended to read:

~~{~~ ~~63J-4-401. Planning duties of the planning coordinator and office:~~

~~—— (1) The state planning coordinator shall:~~

~~—— (a) act as the governor's adviser on state, regional, metropolitan, and local governmental planning matters relating to public improvements and land use;~~

~~—— (b) counsel with the authorized representatives of the Department of Transportation, the State Building Board, the Department of Health, the Department of Workforce Services, the Labor Commission, the Department of Natural Resources, the School and Institutional Trust Lands Administration, and other proper persons concerning all state planning matters;~~

~~—— (c) when designated to do so by the governor, receive funds made available to Utah by the federal government;~~

~~—— (d) receive and review plans of the various state agencies and political subdivisions relating to public improvements and programs;~~

~~—— (e) when conflicts occur between the plans and proposals of state agencies, prepare specific recommendations for the resolution of the conflicts and submit the recommendations~~

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~~to the governor for a decision resolving the conflict;~~

~~—— (f) when conflicts occur between the plans and proposals of a state agency and a political subdivision or between two or more political subdivisions, advise these entities of the conflict and make specific recommendations for the resolution of the conflict;~~

~~—— (g) act as the governor's planning agent in planning public improvements and land use and, in this capacity, undertake special studies and investigations;~~

~~—— (h) provide information and cooperate with the Legislature or any of its committees in conducting planning studies;~~

~~—— (i) cooperate and exchange information with federal agencies and local, metropolitan, or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local programs;~~

~~—— (j) make recommendations to the governor that the planning coordinator considers advisable for the proper development and coordination of plans for state government and political subdivisions; and~~

~~—— (k) oversee and supervise the activities and duties of the public lands policy coordinator.~~

~~—— (2) The state planning coordinator may:~~

~~—— (a) perform regional and state planning and assist state government planning agencies in performing state planning;~~

~~—— (b) provide planning assistance to Indian tribes regarding planning for Indian reservations; and~~

~~—— (c) assist city, county, metropolitan, and regional planning agencies in performing local, metropolitan, and regional planning, provided that the state planning coordinator and the state planning coordinator's agents and designees recognize and promote the plans, policies, programs, processes, and desired outcomes of each planning agency whenever possible.~~

~~—— (3) When preparing or assisting in the preparation of plans, policies, programs, or processes related to the management or use of federal lands or natural resources on federal lands in Utah, the state planning coordinator shall:~~

~~—— (a) incorporate the plans, policies, programs, processes, and desired outcomes of the counties where the federal lands or natural resources are located, to the maximum extent consistent with state and federal law, provided that this requirement shall not be interpreted to~~

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~~infringe upon the authority of the governor;~~

~~—— (b) identify inconsistencies or conflicts between the plans, policies, programs, processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs, processes, and desired outcomes of local government as early in the preparation process as possible, and seek resolution of the inconsistencies through meetings or other conflict resolution mechanisms involving the necessary and immediate parties to the inconsistency or conflict;~~

~~—— (c) present to the governor the nature and scope of any inconsistency or other conflict that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about the position of the state concerning the inconsistency or conflict;~~

~~—— (d) develop, research, and use factual information, legal analysis, and statements of desired future condition for the state, or subregion of the state, as necessary to support the plans, policies, programs, processes, and desired outcomes of the state and the counties where the federal lands or natural resources are located;~~

~~—— (e) establish and coordinate agreements between the state and federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to facilitate state and local participation in the development, revision, and implementation of land use plans, guidelines, regulations, other instructional memoranda, or similar documents proposed or promulgated for lands and natural resources administered by federal agencies; and~~

~~—— (f) work in conjunction with political subdivisions to establish agreements with federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to provide a process for state and local participation in the preparation of, or coordinated state and local response to, environmental impact analysis documents and similar documents prepared pursuant to law by state or federal agencies.~~

~~—— (4) The state planning coordinator shall comply with the requirements of Subsection [63C-4a-203(8)] 63C-4a-301.1(8) before submitting any comments on a draft environmental impact statement or on an environmental assessment for a proposed land management plan, if the governor would be subject to Subsection [63C-4a-203(8)] 63C-4a-301.1(8) if the governor were submitting the material.~~

~~—— (5) The state planning coordinator shall cooperate with and work in conjunction with~~

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~~appropriate state agencies and political subdivisions to develop policies, plans, programs, processes, and desired outcomes authorized by this section by coordinating the development of positions:~~

~~—— (a) through the Resource Development Coordinating Committee;~~

~~—— (b) in conjunction with local government officials concerning general local government plans;~~

~~—— (c) by soliciting public comment through the Resource Development Coordinating Committee; and~~

~~—— (d) by working with the Public Lands Policy Coordinating Office.~~

~~(6) The state planning coordinator shall recognize and promote the following principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:~~

~~—— (a) (i) the citizens of the state are best served by applying multiple-use and sustained-yield principles in public land use planning and management; and~~

~~—— (ii) multiple-use and sustained-yield management means that federal agencies should develop and implement management plans and make other resource-use decisions that:~~

~~—— (A) achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources from public lands;~~

~~—— (B) support valid existing transportation, mineral, and grazing privileges at the highest reasonably sustainable levels;~~

~~—— (C) support the specific plans, programs, processes, and policies of state agencies and local governments;~~

~~—— (D) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion without permanent impairment of the productivity of the land;~~

~~—— (E) meet the recreational needs and the personal and business-related transportation needs of the citizens of the state by providing access throughout the state;~~

~~—— (F) meet the recreational needs of the citizens of the state;~~

~~—— (G) meet the needs of wildlife;~~

~~—— (H) provide for the preservation of cultural resources, both historical and~~

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archaeological;

~~—— (I) meet the needs of economic development;~~

~~—— (J) meet the needs of community development; and~~

~~—— (K) provide for the protection of water rights;~~

~~—— (b) managing public lands for "wilderness characteristics" circumvents the statutory wilderness process and is inconsistent with the multiple-use and sustained-yield management standard that applies to all Bureau of Land Management and U.S. Forest Service lands that are not wilderness areas or wilderness study areas;~~

~~—— (c) all waters of the state are:~~

~~—— (i) owned exclusively by the state in trust for its citizens;~~

~~—— (ii) are subject to appropriation for beneficial use; and~~

~~—— (iii) are essential to the future prosperity of the state and the quality of life within the state;~~

~~—— (d) the state has the right to develop and use its entitlement to interstate rivers;~~

~~—— (e) all water rights desired by the federal government must be obtained through the state water appropriation system;~~

~~—— (f) land management and resource-use decisions which affect federal lands should give priority to and support the purposes of the compact between the state and the United States related to school and institutional trust lands;~~

~~—— (g) development of the solid, fluid, and gaseous mineral resources of the state is an important part of the economy of the state, and of local regions within the state;~~

~~—— (h) the state should foster and support industries that take advantage of the state's outstanding opportunities for outdoor recreation;~~

~~—— (i) wildlife constitutes an important resource and provides recreational and economic opportunities for the state's citizens;~~

~~—— (j) proper stewardship of the land and natural resources is necessary to ensure the health of the watersheds, timber, forage, and wildlife resources to provide for a continuous supply of resources for the people of the state and the people of the local communities who depend on these resources for a sustainable economy;~~

~~—— (k) forests, rangelands, timber, and other vegetative resources:~~

~~—— (i) provide forage for livestock;~~

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- ~~—— (ii) provide forage and habitat for wildlife;~~
- ~~—— (iii) provide resources for the state's timber and logging industries;~~
- ~~—— (iv) contribute to the state's economic stability and growth; and~~
- ~~—— (v) are important for a wide variety of recreational pursuits;~~
- ~~—— (l) management programs and initiatives that improve watersheds, forests, and increase forage for the mutual benefit of wildlife species and livestock, logging, and other agricultural industries by utilizing proven techniques and tools are vital to the state's economy and the quality of life in Utah; and~~
- ~~—— (m) (i) land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as the wildlife forage included in that amount, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis;~~
- ~~—— (ii) the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses;~~
- ~~—— (iii) (A) the state favors the best management practices that are jointly sponsored by cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding, burning, and other direct soil and vegetation prescriptions that are demonstrated to restore forest and rangeland health, increase forage, and improve watersheds in grazing districts and allotments for the mutual benefit of domestic livestock and wildlife;~~
- ~~—— (B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife representatives that is appointed and constituted by the governor for that purpose;~~
- ~~—— (C) the state favors quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by drought or other climatic adjustments, and state agencies responsible for managing wildlife population goals and population census numbers will give due regard to both the needs of the~~

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~~livestock industry and the need to prevent the decline of species to a point where listing under the terms of the Endangered Species Act when making such adjustments;~~

~~—— (iv) the state opposes the transfer of grazing animal unit months to wildlife for supposed reasons of rangeland health;~~

~~—— (v) reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions;~~

~~—— (vi) policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months sought to be placed in suspended use;~~

~~—— (vii) any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve;~~

~~—— (viii) policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses; and~~

~~—— (ix) in established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use.~~

~~—— (7) The state planning coordinator shall recognize and promote the following findings in the preparation of any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands under this section:~~

~~—— (a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges the federal government to fully recognize the rights-of-way and their use by the public as expeditiously as possible;~~

~~—— (b) it is the policy of the state to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way~~

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~~are not recognized or are impaired; and~~

~~—— (c) transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life in the state, and must provide, at a minimum, a network of roads throughout the resource planning area that provides for:~~

~~—— (i) movement of people, goods, and services across public lands;~~

~~—— (ii) reasonable access to a broad range of resources and opportunities throughout the resource planning area, including:~~

~~—— (A) livestock operations and improvements;~~

~~—— (B) solid, fluid, and gaseous mineral operations;~~

~~—— (C) recreational opportunities and operations, including motorized and nonmotorized recreation;~~

~~—— (D) search and rescue needs;~~

~~—— (E) public safety needs; and~~

~~—— (F) access for transportation of wood products to market;~~

~~—— (iii) access to federal lands for people with disabilities and the elderly; and~~

~~—— (iv) access to state lands and school and institutional trust lands to accomplish the purposes of those lands:~~

~~—— (8) The state planning coordinator shall recognize and promote the following findings in the preparation of any plans, policies, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:~~

~~—— (a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:~~

~~—— (i) it is clearly demonstrated that water is present and flowing at all times;~~

~~—— (ii) it is clearly demonstrated that the required water-related value is considered~~

~~outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;~~

~~—— (iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);~~

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~~—— (iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;~~

~~—— (v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;~~

~~—— (vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;~~

~~—— (vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;~~

~~—— (viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:~~

~~—— (A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;~~

~~—— (B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;~~

~~—— (C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and~~

~~—— (D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;~~

~~—— (ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and~~

~~—— (x) it is clearly demonstrated that including the river segment and the terms and~~

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conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

~~—— (A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or~~

~~—— (B) local, state, regional, or interstate water compacts to which the state or any county is a party;~~

~~—— (b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;~~

~~—— (c) the state's support for designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:~~

~~—— (i) it is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1702(a);~~

~~—— (ii) it is clearly demonstrated that the area proposed for designation as an ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;~~

~~—— (iii) it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;~~

~~—— (iv) it is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;~~

~~—— (v) the federal agency has analyzed regional values, resources, processes, or hazards for irreparable damage and its potential causes resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the~~

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~~rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;~~

~~—— (vi) it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the state and of the county where the proposed designation is located as those plans and policies are developed according to Subsection (3);~~

~~—— (vii) it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for special management attention for a proposed ACEC will discuss and justify any management requirements needed in addition to those specified by the other state and federal laws;~~

~~—— (viii) the difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;~~

~~—— (ix) it is clearly demonstrated that the proposed designation:~~

~~—— (A) is not a substitute for a wilderness suitability recommendation;~~

~~—— (B) is not a substitute for managing areas inventoried for wilderness characteristics after 1993 under the BLM interim management plan for valid wilderness study areas; and~~

~~—— (C) it is not an excuse or justification to apply de facto wilderness management standards; and~~

~~—— (x) the conclusions of all studies are submitted to the state, as a cooperating agency, for review, and the results, in support of or in opposition to, are included in all planning documents;~~

~~—— (d) sufficient federal lands are made available for government-to-government exchanges of school and institutional trust lands and federal lands without regard for a resource-to-resource correspondence between the surface or mineral characteristics of the offered trust lands and the offered federal lands;~~

~~—— (e) federal agencies should support government-to-government exchanges of land with the state based on a fair process of valuation which meets the fiduciary obligations of both the state and federal governments toward trust lands management, and which assures that revenue authorized by federal statute to the state from mineral or timber production, present or future, is not diminished in any manner during valuation, negotiation, or implementation processes;~~

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~~—— (f) agricultural and grazing lands should continue to produce the food and fiber needed by the citizens of the state and the nation, and the rural character and open landscape of rural Utah should be preserved through a healthy and active agricultural and grazing industry, consistent with private property rights and state fiduciary duties;~~

~~—— (g) the resources of the forests and rangelands of the state should be integrated as part of viable, robust, and sustainable state and local economies, and available forage should be evaluated for the full complement of herbivores the rangelands can support in a sustainable manner, and forests should contain a diversity of timber species, and disease or insect infestations in forests should be controlled using logging or other best management practices;~~

~~—— (h) the state opposes any additional evaluation of national forest service lands as "roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and opposes efforts by agencies to specially manage those areas in a way that:~~

~~—— (i) closes or declassifies existing roads unless multiple side by side roads exist running to the same destination and state and local governments consent to close or declassify the extra roads;~~

~~—— (ii) permanently bars travel on existing roads;~~

~~—— (iii) excludes or diminishes traditional multiple-use activities, including grazing and proper forest harvesting;~~

~~—— (iv) interferes with the enjoyment and use of valid, existing rights, including water rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights; or~~

~~—— (v) prohibits development of additional roads reasonably necessary to pursue traditional multiple-use activities;~~

~~—— (i) the state's support for any forest plan revision or amendment will be withheld until the appropriate plan revision or plan amendment clearly demonstrates that:~~

~~—— (i) established roads are not referred to as unclassified roads or a similar classification;~~

~~—— (ii) lands in the vicinity of established roads are managed under the multiple-use, sustained-yield management standard; and~~

~~—— (iii) no roadless or unroaded evaluations or inventories are recognized or upheld beyond those that were recognized or upheld in the forest service's second roadless area review evaluation;~~

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~~—— (j) the state's support for any recommendations made under the statutory requirement to examine the wilderness option during the revision of land and resource management plans by the U.S. Forest Service will be withheld until it is clearly demonstrated that:~~

~~—— (i) the duly adopted transportation plans of the state and county or counties within the planning area are fully and completely incorporated into the baseline inventory of information from which plan provisions are derived;~~

~~—— (ii) valid state or local roads and rights-of-way are recognized and not impaired in any way by the recommendations;~~

~~—— (iii) the development of mineral resources by underground mining is not affected by the recommendations;~~

~~—— (iv) the need for additional administrative or public roads necessary for the full use of the various multiple-uses, including recreation, mineral exploration and development, forest health activities, and grazing operations is not unduly affected by the recommendations;~~

~~—— (v) analysis and full disclosure is made concerning the balance of multiple-use management in the proposed areas, and that the analysis compares the full benefit of multiple-use management to the recreational, forest health, and economic needs of the state and the counties to the benefits of the requirements of wilderness management; and~~

~~—— (vi) the conclusions of all studies related to the requirement to examine the wilderness option are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals that are forwarded to the United States Congress;~~

~~—— (k) the invasion of noxious weeds and undesirable invasive plant species into the state should be reversed, their presence eliminated, and their return prevented;~~

~~—— (l) management and resource-use decisions by federal land management and regulatory agencies concerning the vegetative resources within the state should reflect serious consideration of the proper optimization of the yield of water within the watersheds of the state;~~

~~—— (m) (i) it is the policy of the state that:~~

~~—— (A) mineral and energy production and environmental protection are not mutually exclusive;~~

~~—— (B) it is technically feasible to permit appropriate access to mineral and energy~~

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~~resources while preserving nonmineral and nonenergy resources;~~

~~—— (C) resource management planning should seriously consider all available mineral and energy resources;~~

~~—— (D) the development of the solid, fluid, and gaseous mineral resources of the state and the renewable resources of the state should be encouraged;~~

~~—— (E) the waste of fluid and gaseous minerals within developed areas should be prohibited; and~~

~~—— (F) requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources;~~

~~—— (ii) the state's support for mineral development provisions within federal land management plans will be withheld until the appropriate land management plan environmental impact statement clearly demonstrates:~~

~~—— (A) that the authorized planning agency has:~~

~~—— (I) considered and evaluated the mineral and energy potential in all areas of the planning area as if the areas were open to mineral development under standard lease agreements; and~~

~~—— (II) evaluated any management plan prescription for its impact on the area's baseline mineral and energy potential;~~

~~—— (B) that the development provisions do not unduly restrict access to public lands for energy exploration and development;~~

~~—— (C) that the authorized planning agency has supported any closure of additional areas to mineral leasing and development or any increase of acres subject to no surface occupancy restrictions by adhering to:~~

~~—— (I) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;~~

~~—— (II) other controlling mineral development laws; and~~

~~—— (III) the controlling withdrawal and reporting procedures set forth in the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;~~

~~—— (D) that the authorized planning agency evaluated whether to repeal any moratorium that may exist on the issuance of additional mining patents and oil and gas leases;~~

~~—— (E) that the authorized planning agency analyzed all proposed mineral lease~~

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~~stipulations and considered adopting the least restrictive necessary to protect against damage to other significant resource values;~~

~~—— (F) that the authorized planning agency evaluated mineral lease restrictions to determine whether to waive, modify, or make exceptions to the restrictions on the basis that they are no longer necessary or effective;~~

~~—— (G) that the authorized federal agency analyzed all areas proposed for no surface occupancy restrictions, and that the analysis evaluated:~~

~~—— (I) whether directional drilling is economically feasible and ecologically necessary for each proposed no surface occupancy area;~~

~~—— (H) whether the directional drilling feasibility analysis, or analysis of other management prescriptions, demonstrates that the proposed no surface occupancy prescription, in effect, sterilizes the mineral and energy resources beneath the area; and~~

~~—— (III) whether, if the minerals are effectively sterilized, the area must be reported as withdrawn under the provisions of the Federal Land Policy and Management Act; and~~

~~—— (II) that the authorized planning agency has evaluated all directional drilling requirements in no surface occupancy areas to determine whether directional drilling is feasible from an economic, ecological, and engineering standpoint;~~

~~—— (n) motorized, human, and animal-powered outdoor recreation should be integrated into a fair and balanced allocation of resources within the historical and cultural framework of multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced plan of state and local economic support and growth;~~

~~—— (o) off-highway vehicles should be used responsibly, the management of off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway vehicles should be uniformly applied across all jurisdictions;~~

~~—— (p) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be preserved and acknowledged;~~

~~—— (ii) land use management plans, programs, and initiatives should be consistent with both state and county transportation plans developed according to Subsection (3) in order to provide a network of roads throughout the planning area that provides for:~~

~~—— (A) movement of people, goods, and services across public lands;~~

~~—— (B) reasonable access to a broad range of resources and opportunities throughout the~~

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~~planning area, including access to livestock, water, and minerals;~~

~~—— (C) economic and business needs;~~

~~—— (D) public safety;~~

~~—— (E) search and rescue;~~

~~—— (F) access for people with disabilities and the elderly;~~

~~—— (G) access to state lands; and~~

~~—— (H) recreational opportunities;~~

~~—— (q) transportation and access provisions for all other existing routes, roads, and trails~~

~~across federal, state, and school trust lands within the state should be determined and~~

~~identified, and agreements should be executed and implemented, as necessary to fully authorize and determine responsibility for maintenance of all routes, roads, and trails;~~

~~—— (r) the reasonable development of new routes and trails for motorized, human, and animal-powered recreation should be implemented;~~

~~—— (s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple-uses;~~

~~—— (ii) management programs and initiatives that are implemented to increase forage for the mutual benefit of the agricultural industry, livestock operations, and wildlife species should utilize all proven techniques and tools;~~

~~—— (iii) the continued viability of livestock operations and the livestock industry should be supported on the federal lands within the state by management of the lands and forage~~

~~resources, by the proper optimization of animal unit months for livestock, in accordance with the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43~~

~~U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq.,~~

~~and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et seq.;~~

~~—— (iv) provisions for predator control initiatives or programs under the direction of state and local authorities should be implemented; and~~

~~—— (v) resource-use and management decisions by federal land management and regulatory agencies should support state-sponsored initiatives or programs designed to stabilize wildlife populations that may be experiencing a scientifically demonstrated decline in those populations; and~~

~~—— (t) management and resource use decisions by federal land management and regulatory~~

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~~agencies concerning the scenic resources of the state must balance the protection of scenery with the full management requirements of the other authorized uses of the land under multiple-use management, and should carefully consider using Visual Resource Management Class I protection only for areas of inventoried Class A scenery or equivalent.~~

~~—— (9) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to establishing and administering an effective statewide conservation strategy for greater sage grouse.~~

~~—— (10) Nothing contained in this section may be construed to restrict or supersede the planning powers conferred upon state departments, agencies, instrumentalities, or advisory councils of the state or the planning powers conferred upon political subdivisions by any other existing law.~~

~~—— (11) Nothing in this section may be construed to affect any lands withdrawn from the public domain for military purposes, which are administered by the United States Army, Air Force, or Navy.~~

~~—— Section 60. Section **63J-4-603** is amended to read:~~

~~—— **63J-4-603. Powers and duties of coordinator and office.**~~

~~—— (1) The coordinator and the office shall:~~

~~—— (a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;~~

~~—— (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for meetings of the council;~~

~~—— (c) (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and~~

~~—— (ii) execute any action assigned in a constitutional defense plan;~~

~~—— (d) under the direction of the state planning coordinator, assist in fulfilling the state planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the development of public lands policies by:~~

~~—— (i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;~~

~~—— (ii) producing research, documents, maps, studies, analysis, or other information that~~

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~~supports the state's participation in the development of public lands policy;~~

~~—— (iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy;~~

~~—— (iv) partnering with state agencies and political subdivisions in an effort to:~~

~~—— (A) prepare coordinated public lands policies;~~

~~—— (B) develop consistency reviews and responses to public lands policies;~~

~~—— (C) develop management plans that relate to public lands policies; and~~

~~—— (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions; and~~

~~—— (v) providing other information or services related to public lands policies as requested by the state planning coordinator;~~

~~—— (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:~~

~~—— (i) state agencies;~~

~~—— (ii) political subdivisions;~~

~~—— (iii) the Office of Rural Development created under Section 63N-4-102;~~

~~—— (iv) the Resource Development Coordinating Committee created under Section 63J-4-501;~~

~~—— (v) School and Institutional Trust Lands Administration created under Section 53C-1-201;~~

~~—— (vi) the committee created under Section 63F-1-508 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and~~

~~—— (vii) the Constitutional Defense Council created under Section 63C-4a-202;~~

~~—— (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9, Chapter 8, Part 4, Historic Sites;~~

~~—— (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;~~

~~—— (h) maintain information concerning grants made under Subsection (1)(j), if available;~~

~~—— (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:~~

~~—— (i) the Constitutional Defense Council; and~~

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~~—— (i) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;~~

~~—— (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the coordinator, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;~~

~~—— (k) provide staff services to the Snake Valley Aquifer Advisory Council created in Section 63C-12-103;~~

~~—— (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section 63C-12-107;~~

~~—— (m) conduct the public lands transfer study and economic analysis required by Section 63J-4-606; and~~

~~—— (n) fulfill the duties described in Section 63L-10-103.~~

~~—— (2) The coordinator and office shall comply with [Subsection 63C-4a-203(8)] Section 63C-4a-301.1 before submitting a comment to a federal agency, if the governor would be subject to [Subsection 63C-4a-203(8)] Section 63C-4a-301.1 if the governor were submitting the material.~~

~~—— (3) The office may enter into a contract or other agreement with another state agency to provide information and services related to:~~

~~—— (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;~~

~~—— (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or~~

~~—— (c) any other matter within the office's responsibility.~~

~~—— Section 61. Section **63J-4-606** is amended to read:~~

‡ **63J-4-606. Public lands transfer study and economic analysis -- Report.**

(1) As used in this section:

(a) "Public lands" [~~is as~~] means the same as that term is defined in Section 63L-6-102.

(b) "Transfer of public lands" means the transfer of public lands from federal ownership to state ownership.

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~~[(2)(a) The coordinator and the office shall:]~~

~~[(i) conduct a study and economic analysis of the ramifications and economic impacts of the transfer of public lands;]~~

~~[(ii) during the study and economic analysis, consult with county representatives on an ongoing basis regarding how to consider and incorporate county land use plans and planning processes into the analysis; and]~~

~~[(iii) on an ongoing basis, report on the progress and findings of the study to the Commission for the Stewardship of Public Lands;]~~

~~[(b) The study and economic analysis shall:]~~

~~[(i) inventory public lands;]~~

~~[(ii) examine public lands';]~~

~~[(A) ownership;]~~

~~[(B) management;]~~

~~[(C) jurisdiction;]~~

~~[(D) resource characteristics;]~~

~~[(E) federal management requirements related to national forests, national recreation areas, or other public lands administered by the United States; and]~~

~~[(F) current and potential future uses and ways that socioeconomic conditions are influenced by those uses;]~~

~~[(iii) determine:]~~

~~[(A) public lands' ongoing and deferred maintenance costs, revenue production, and funding sources;]~~

~~[(B) whether historical federal funding levels have been sufficient to manage, maintain, preserve, and restore public lands and whether that funding level is likely to continue;]~~

~~[(C) the amount of public lands revenue paid to state, county, and local governments and other recipients designated by law from payments in lieu of taxes, timber receipts, secure rural school receipts, severance taxes, and mineral lease royalties;]~~

~~[(D) historical trends of the revenue sources listed in Subsection (2)(b)(iii)(C);]~~

~~[(E) ways that the payments listed in Subsection (2)(b)(iii)(C) can be maintained or replaced following the transfer of public lands; and]~~

~~[(F) ways that, following the transfer of public lands, revenue from public lands can be~~

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~~increased while mitigating environmental impact;]~~

~~[(iv) identify:]~~

~~[(A) existing oil and gas, mining, grazing, hunting, fishing, recreation, and other rights and interests on public lands;]~~

~~[(B) the economic impact of those rights and interests on state, county, and local economies;]~~

~~[(C) actions necessary to secure, preserve, and protect those rights and interests; and]~~

~~[(D) how those rights and interests may be affected in the event the federal government does not complete the transfer of public lands;]~~

~~[(v) evaluate the impact of federal land ownership on:]~~

~~[(A) the Utah School and Institutional Trust Lands Administration's ability to administer trust lands for the benefit of Utah schoolchildren;]~~

~~[(B) the state's ability to fund education; and]~~

~~[(C) state and local government tax bases;]~~

~~[(vi) identify a process for the state to:]~~

~~[(A) transfer and receive title to public lands from the United States;]~~

~~[(B) utilize state agencies with jurisdiction over land, natural resources, environmental quality, and water to facilitate the transfer of public lands;]~~

~~[(C) create a permanent state framework to oversee the transfer of public lands;]~~

~~[(D) transition to state ownership and management of public lands using existing state and local government resources; and]~~

~~[(E) indemnify political subdivisions of the state for actions taken in connection with the transfer of public lands;]~~

~~[(vii) examine ways that multiple use of public lands through tourism and outdoor recreation contributes to:]~~

~~[(A) the economic growth of state and local economies; and]~~

~~[(B) the quality of life of Utah citizens;]~~

~~[(viii) using theoretical modeling of various levels of land transfer, usage, and development, evaluate the potential economic impact of the transfer of public lands on state, county, and local governments; and]~~

~~[(ix) recommend the optimal use of public lands following the transfer of public lands:]~~

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(2) The coordinator and the office shall, on an ongoing basis, report to the ~~{Constitutional and }~~Federalism ~~{Defense Council}~~Commission regarding the ramifications and economic impacts of the transfer of public lands.

(3) The coordinator and office shall:

(a) on an ongoing basis, discuss issues related to the transfer of public lands with:

(i) the School and Institutional Trust Lands Administration;

(ii) local governments;

(iii) water managers;

(iv) environmental advocates;

(v) outdoor recreation advocates;

(vi) nonconventional and renewable energy producers;

(vii) tourism representatives;

(viii) wilderness advocates;

(ix) ranchers and agriculture advocates;

(x) oil, gas, and mining producers;

(xi) fishing, hunting, and other wildlife interests;

(xii) timber producers;

(xiii) other interested parties; and

~~[(xiv) the Commission for the Stewardship of Public Lands; and]~~

(xiv) the ~~{Constitutional and }~~Federalism ~~{Defense Council}~~Commission; and

(b) develop ways to obtain input from Utah citizens regarding the transfer of public lands and the future care and use of public lands.

~~[(4) The coordinator may contract with another state agency or private entity to assist the coordinator and office with the study and economic analysis required by Subsection (2)(a).]~~

~~[(5) The coordinator shall submit a final report on the study and economic analysis described in Subsection (2)(a), including proposed legislation and recommendations, to the governor, the Natural Resources, Agriculture, and Environment Interim Committee, and the Commission for the Stewardship of Public Lands before November 30, 2014.]~~

Section ~~{62}~~72. Section **63J-4-607** is amended to read:

63J-4-607. Resource management plan administration.

(1) The office shall consult with the ~~[Commission for the Stewardship of Public Lands]~~

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~~{Constitutional and}~~ Federalism ~~{Defense Council}~~ Commission before expending funds appropriated by the Legislature for the implementation of this section.

(2) To the extent that the Legislature appropriates sufficient funding, the office may procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to assist the office with the office's responsibilities described in Subsection (3).

(3) The office shall:

(a) assist each county with the creation of the county's resource management plan by:

(i) consulting with the county on policy and legal issues related to the county's resource management plan; and

(ii) helping the county ensure that the county's resource management plan meets the requirements of Subsection 17-27a-401(3);

(b) promote quality standards among all counties' resource management plans; and

(c) upon submission by a county, review and verify the county's:

(i) estimated cost for creating a resource management plan; and

(ii) actual cost for creating a resource management plan.

(4) (a) A county shall cooperate with the office, or an entity procured by the office under Subsection (2), with regards to the office's responsibilities under Subsection (3).

(b) To the extent that the Legislature appropriates sufficient funding, the office may, in accordance with Subsection (4)(c), provide funding to a county before the county completes a resource management plan.

(c) The office may provide pre-completion funding described in Subsection (4)(b):

(i) after:

(A) the county submits an estimated cost for completing the resource management plan to the office; and

(B) the office reviews and verifies the estimated cost in accordance with Subsection (3)(c)(i); and

(ii) in an amount up to:

(A) 50% of the estimated cost of completing the resource management plan, verified by the office; or

(B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.

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(d) To the extent that the Legislature appropriates sufficient funding, the office shall provide funding to a county in the amount described in Subsection (4)(e) after:

(i) a county's resource management plan:

(A) meets the requirements described in Subsection 17-27a-401(3); and

(B) is adopted under Subsection 17-27a-404(6)(d);

(ii) the county submits the actual cost of completing the resource management plan to the office; and

(iii) the office reviews and verifies the actual cost in accordance with Subsection (3)(c)(ii).

(e) The office shall provide funding to a county under Subsection (4)(d) in an amount equal to the difference between:

(i) the lesser of:

(A) the actual cost of completing the resource management plan, verified by the office;

or

(B) \$50,000; and

(ii) the amount of any pre-completion funding that the county received under Subsections (4)(b) and (c).

(5) To the extent that the Legislature appropriates sufficient funding, after the deadline established in Subsection 17-27a-404(6)(d) for a county to adopt a resource management plan, the office shall:

(a) obtain a copy of each county's resource management plan;

(b) create a statewide resource management plan that:

(i) meets the same requirements described in Subsection 17-27a-401(3); and

(ii) to the extent reasonably possible, coordinates and is consistent with any resource management plan or land use plan established under Chapter 8, State of Utah Resource Management Plan for Federal Lands; and

(c) submit a copy of the statewide resource management plan to the [~~Commission for the Stewardship of Public Lands~~] ~~{Constitutional and }Federalism {Defense Council}~~ Commission for review.

(6) Following review of the statewide resource management plan, the [~~Commission for the Stewardship of Public Lands~~] ~~{Constitutional and }Federalism {Defense~~

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~~Council~~Commission shall prepare a concurrent resolution approving the statewide resource management plan for consideration during the 2018 General Session.

(7) To the extent that the Legislature appropriates sufficient funding, the office shall provide legal support to a county that becomes involved in litigation with the federal government over the requirements of Subsection 17-27a-405(3).

(8) After the statewide resource management plan is approved, as described in Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office shall monitor the implementation of the statewide resource management plan at the federal, state, and local levels.

Section ~~{63}~~73. Section **63L-10-102** is amended to read:

63L-10-102. Definitions.

As used in this chapter:

~~{1}~~(1) "Commission" means the ~~Commission for the Stewardship of Public Lands~~.

~~(1) "Council" means the Constitutional and Federalism Defense Council.~~

~~{1}~~Federalism Commission.

(2) "Office" means the Public Lands Policy Coordinating Office established in Section 63J-4-602.

(3) "Plan" means the statewide resource management plan, created pursuant to Section 63J-4-607 and adopted in Section 63L-10-103.

(4) "Public lands" means:

(a) land other than a national park that is managed by the United States Parks Service;

(b) land that is managed by the United States Forest Service; and

(c) land that is managed by the Bureau of Land Management.

Section ~~{64}~~74. Section **63L-10-103** is amended to read:

63L-10-103. Statewide resource management plan adopted.

(1) The statewide resource management plan, dated January 2, 2018, and on file with the office, is hereby adopted.

(2) The office shall, to the extent possible and as funding allows, monitor federal, state, and local government compliance with the plan.

(3) If the office modifies the plan, the office shall notify the ~~{1}~~commission ~~{1}~~council of the modification and the office's reasoning for the modification within 30 days of the day on

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which the modification is made.

(4) (a) The ~~{}~~commission~~{}~~ ~~{}~~council~~}~~ may request additional information of the office regarding any modifications to the plan, as described in Subsection (3).

(b) The office shall promptly respond to any request for additional information, as described in Subsection (4)(a).

(c) The ~~{}~~commission~~{}~~ ~~{}~~council~~}~~ may make a recommendation that the Legislature approve a modification or disapprove a modification, or the ~~{}~~commission~~{}~~ ~~{}~~council~~}~~ may decline to take action.

(5) The office shall annually:

(a) prepare a report detailing what changes, if any, are recommended for the plan and deliver the report to the ~~{}~~commission ~~[by October 31]~~ ~~{}~~council ~~by }~~ August 31; and

(b) report on the implementation of the plan at the federal, state, and local levels to the ~~{}~~commission ~~[by October 31]~~ ~~{}~~council ~~by }~~ August 31.

~~{}~~(6) If the commission makes a recommendation that the Legislature approve a modification, the commission shall prepare a bill in anticipation of the annual general session of the Legislature to implement the change.~~{}~~

~~{~~ ~~—— (6) If the council makes a recommendation that the Legislature make a change to the plan:~~

~~—— (a) the council shall, before September 30, submit a request to the Natural Resources, Agriculture, and Environment Interim Committee for that committee to prepare a bill that makes the change; and~~

~~—— (b) the Natural Resources, Agriculture, and Environment Interim Committee shall prepare a bill in anticipation of the annual general session of the Legislature to make the change.~~

~~}~~ Section ~~{65}~~75. Section **63L-10-104** is amended to read:

63L-10-104. Policy statement.

(1) Except as provided in Subsection (2), state agencies and political subdivisions shall refer to and substantially conform with the statewide resource management plan when making plans for public lands or other public resources in the state.

(2) (a) The office shall, as funding allows, maintain a record of all state agency and political subdivision resource management plans and relevant documentation.

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(b) On an ongoing basis, state agencies and political subdivisions shall keep the office informed of any substantive modifications to their resource management plans.

(c) On or before [~~October~~] August 31 of each year, the office shall provide a report to the ~~the~~ ~~commission~~ ~~the~~ council that includes the following:

(i) any modifications to the state agency or political subdivision resource management plans that are inconsistent with the statewide resource management plan;

(ii) a recommendation as to how an inconsistency identified under Subsection (2)(c)(i), if any, should be addressed; and

(iii) a recommendation:

(A) as to whether the statewide resource management plan should be modified to address any inconsistency identified under Subsection (2)(c)(i); or

(B) on any other modification to the statewide resource management plan the office determines is necessary.

(3) (a) Subject to Subsection (3)(b), nothing in this section preempts the authority granted to a political subdivision under:

(i) Title 10, Chapter 8, Powers and Duties of Municipalities, or Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

(ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

(b) Federal regulations state that, when state and local government policies, plans, and programs conflict, those of higher authority will normally be followed.

Section ~~66~~ 76. Section **63M-2-301** is amended to read:

63M-2-301. The Utah Science Technology and Research Initiative -- Governing authority -- Executive director.

(1) There is created the Utah Science Technology and Research Initiative.

(2) To oversee USTAR, there is created the Utah Science Technology and Research Governing Authority consisting of:

(a) the state treasurer or the state treasurer's designee;

(b) the executive director of the Governor's Office of Economic Development;

(c) three members appointed by the governor, with the consent of the Senate;

(d) two members who are not legislators appointed by the president of the Senate;

(e) two members who are not legislators appointed by the speaker of the House of

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Representatives; and

(f) one member appointed by the commissioner of higher education.

(3) (a) The eight appointed members under Subsections (2)(c) through (f) shall serve four-year staggered terms.

(b) An appointed member under Subsection (2)(c), (d), (e), or (f):

(i) may not serve more than two full consecutive terms; and

(ii) may be removed from the governing authority for any reason before the member's term is completed:

(A) at the discretion of the original appointing authority; and

(B) after the original appointing authority consults with the governing authority.

(4) A vacancy on the governing authority in an appointed position under Subsection (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment.

(5) (a) Except as provided in Subsection (5)(b), the governor, with the consent of the Senate, shall select the chair of the governing authority to serve a one-year term.

(b) The governor may extend the term of a sitting chair of the governing authority without the consent of the Senate.

(c) The executive director of the Governor's Office of Economic Development shall serve as the vice chair of the governing authority.

(6) The governing authority shall meet at least six times each year and may meet more frequently at the request of a majority of the members of the governing authority.

(7) Five members of the governing authority are a quorum.

(8) A member of the governing authority 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:

(i) pursuant to Sections 63A-3-106 and 63A-3-107; and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(9) (a) After consultation with the governing authority, the governor, with the consent of the Senate, shall appoint a full-time executive director to provide staff support for the

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governing authority.

(b) The executive director is an at-will employee who may be terminated with or without cause by:

- (i) the governor; or
- (ii) majority vote of the governing authority.

Section ~~67~~77. Section **63M-7-301** is amended to read:

63M-7-301. Definitions -- Creation of council -- Membership -- Terms.

(1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health Advisory Council created in this section.

(b) There is created within the governor's office the Utah Substance Use and Mental Health Advisory Council.

(2) The council shall be comprised of the following voting members:

- (a) the attorney general or the attorney general's designee;
- (b) an elected county official appointed by the Utah Association of Counties;
- (c) the commissioner of public safety or the commissioner's designee;
- (d) the director of the Division of Substance Abuse and Mental Health or the director's designee;
- (e) the state superintendent of public instruction or the superintendent's designee;
- (f) the executive director of the Department of Health or the executive director's designee;
- (g) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee;
- (h) the executive director of the Department of Corrections or the executive director's designee;
- (i) the director of the Division of Juvenile Justice Services or the director's designee;
- (j) the director of the Division of Child and Family Services or the director's designee;
- (k) the chair of the Board of Pardons and Parole or the chair's designee;
- (l) the director of the Office of Multicultural Affairs or the director's designee;
- (m) the director of the Division of Indian Affairs or the director's designee;
- (n) the state court administrator or the state court administrator's designee;
- (o) a district court judge who presides over a drug court and who is appointed by the

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chief justice of the Utah Supreme Court;

(p) a district court judge who presides over a mental health court and who is appointed by the chief justice of the Utah Supreme Court;

(q) a juvenile court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;

(r) a prosecutor appointed by the Statewide Association of Prosecutors;

(s) the chair or co-chair of each committee established by the council;

(t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under Subsection 62A-15-11(2)(b);

~~[(u) the following members appointed to serve four-year terms:]~~

~~[(i) a member of the House of Representatives appointed by the speaker of the House of Representatives;]~~

~~[(ii) a member of the Senate appointed by the president of the Senate; and]~~

~~[(iii)]~~ (u) a representative appointed by the Utah League of Cities and Towns to serve a four-year term;

(v) the following members appointed by the governor to serve four-year terms:

(i) one resident of the state who has been personally affected by a substance use or mental health disorder; and

(ii) one citizen representative; and

(w) in addition to the voting members described in Subsections (2)(a) through (v), the following voting members appointed by a majority of the members described in Subsections (2)(a) through (v) to serve four-year terms:

(i) one resident of the state who represents a statewide advocacy organization for recovery from substance use disorders;

(ii) one resident of the state who represents a statewide advocacy organization for recovery from mental illness;

(iii) one resident of the state who represents prevention professionals;

(iv) one resident of the state who represents treatment professionals;

(v) one resident of the state who represents the physical health care field;

(vi) one resident of the state who is a criminal defense attorney;

(vii) one resident of the state who is a military servicemember or military veteran under

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(viii) one resident of the state who represents local law enforcement agencies; and

(ix) one representative of private service providers that serve youth with substance use disorders or mental health disorders.

(3) An individual other than an individual described in Subsection (2) may not be appointed as a voting member of the council.

Section ~~{68}~~78. Section **63M-7-302** is amended to read:

63M-7-302. Chair -- Vacancies -- Quorum -- Expenses.

(1) The Utah Substance Use and Mental Health Advisory Council shall annually select one of its members to serve as chair and one of its members to serve as vice chair.

(2) 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 position was originally filled.

(3) A majority of the members of the council constitutes a quorum.

(4) ~~{(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)}~~ (a) Section 63A-3-106;

~~{(ii)}~~ (b) Section 63A-3-107; and

~~{(iii)}~~ (c) 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.}~~

(5) The council may establish committees as needed to assist in accomplishing its duties under Section 63M-7-303.

Section ~~{69}~~79. Section **63M-7-401** is amended to read:

63M-7-401. Creation -- Members -- Appointment -- Qualifications.

(1) There is created a state commission to be known as the Sentencing Commission composed of ~~[27]~~ 25 members. The commission shall develop by-laws and rules in compliance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and elect its officers.

(2) The commission's members shall be:

(a) ~~[two members]~~ one member of the House of Representatives, appointed by the

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speaker of the House [~~and not of the same political party~~];

(b) [~~two members~~] one member of the Senate, appointed by the president of the Senate [~~and not of the same political party~~];

(c) the executive director of the Department of Corrections or a designee appointed by the executive director;

(d) the director of the Division of Juvenile Justice Services or a designee appointed by the director;

(e) the executive director of the Commission on Criminal and Juvenile Justice or a designee appointed by the executive director;

(f) the chair of the Board of Pardons and Parole or a designee appointed by the chair;

(g) the chair of the Youth Parole Authority or a designee appointed by the chair;

(h) two trial judges and an appellate judge appointed by the chair of the Judicial Council;

(i) two juvenile court judges designated by the chair of the Judicial Council;

(j) an attorney in private practice who is a member of the Utah State Bar, experienced in criminal defense, and appointed by the Utah Bar Commission;

(k) an attorney who is a member of the Utah State Bar, experienced in the defense of minors in juvenile court, and appointed by the Utah Bar Commission;

(l) the director of Salt Lake Legal Defenders or a designee appointed by the director;

(m) the attorney general or a designee appointed by the attorney general;

(n) a criminal prosecutor appointed by the Statewide Association of Public Attorneys;

(o) a juvenile court prosecutor appointed by the Statewide Association of Public Attorneys;

(p) a representative of the Utah Sheriff's Association appointed by the governor;

(q) a chief of police appointed by the governor;

(r) a licensed professional appointed by the governor who assists in the rehabilitation of adult offenders;

(s) a licensed professional appointed by the governor who assists in the rehabilitation of juvenile offenders;

(t) two members from the public appointed by the governor who exhibit sensitivity to the concerns of victims of crime and the ethnic composition of the population; and

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(u) one member from the public at large appointed by the governor.

Section 80. Section 63M-7-601 is amended to read:

63M-7-601. Creation -- Members -- Chair.

(1) There is created within the governor's office the Utah Council on Victims of Crime.

(2) The Utah Council on Victims of Crime shall be composed of 25 voting members as follows:

(a) a representative of the Commission on Criminal and Juvenile Justice appointed by the executive director;

(b) a representative of the Department of Corrections appointed by the executive director;

(c) a representative of the Board of Pardons and Parole appointed by the chair;

(d) a representative of the Department of Public Safety appointed by the commissioner;

(e) a representative of the Division of Juvenile Justice Services appointed by the director;

(f) a representative of the Utah Office for Victims of Crime appointed by the director;

(g) a representative of the Office of the Attorney General appointed by the attorney general;

(h) a representative of the United States Attorney for the district of Utah appointed by the United States Attorney;

(i) a representative of Utah's Native American community appointed by the director of the Division of Indian Affairs after input from federally recognized tribes in Utah;

(j) a professional or volunteer working in the area of violence against women and families appointed by the governor;

(k) the chair of each judicial district's victims' rights committee;

(l) the following members appointed to serve four-year terms:

(i) a representative of the Statewide Association of Public Attorneys appointed by that association;

(ii) a representative of the Utah Chiefs of Police Association appointed by the president of that association;

(iii) a representative of the Utah Sheriffs' Association appointed by the president of that association;

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(iv) a representative of a Children's Justice Center appointed by the ~~[Advisory Board on Children's Justice]~~ attorney general; and

(v) a citizen representative appointed by the governor; and

(m) the following members appointed by the members in Subsections (2)(a) through (2)(k) to serve four-year terms:

(i) an individual who works professionally with victims of crime; and

(ii) a victim of crime.

(3) The council shall annually elect one member to serve as chair.

Section ~~{70}~~81. Section **63M-11-201** is amended to read:

63M-11-201. Composition -- Appointments -- Terms -- Removal.

(1) The commission shall be composed of [22] 20 voting members as follows:

~~[(a) one senator, appointed by the president of the Senate;]~~

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

~~[(c)]~~ (a) the executive director of the Department of Health;

~~[(d)]~~ (b) the executive director of the Department of Human Services;

~~[(e)]~~ (c) the executive director of the Governor's Office of Economic Development;

~~[(f)]~~ (d) the executive director of the Department of Workforce Services; and

~~[(g)]~~ (e) 16 voting members, appointed by the governor, representing each of the following:

(i) the Utah Association of Area Agencies on Aging;

(ii) higher education in Utah;

(iii) the business community;

(iv) the Utah Association of Counties;

(v) the Utah League of Cities and Towns;

(vi) charitable organizations;

(vii) the health care provider industry;

(viii) financial institutions;

(ix) the legal profession;

(x) the public safety sector;

(xi) public transportation;

(xii) ethnic minorities;

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- (xiii) the industry that provides long-term care for the elderly;
- (xiv) organizations or associations that advocate for the aging population;
- (xv) the Alzheimer's Association; and
- (xvi) the general public.

(2) (a) A member appointed under Subsection (1)~~[(g)](e)~~ shall serve a two-year term.

(b) Notwithstanding the term requirements of Subsection (2)(a), the governor may adjust the length of the initial commission members' terms to ensure that the terms are staggered so that approximately 1/2 of the members appointed under Subsection (1)(g) are appointed each year.

(c) When, for any reason, a vacancy occurs in a position appointed by the governor under Subsection (1)~~[(g)](e)~~, the governor shall appoint a person to fill the vacancy for the unexpired term of the commission member being replaced.

(d) Members appointed under Subsection (1)~~[(g)](e)~~ may be removed by the governor for cause.

(e) A member appointed under Subsection (1)~~[(g)](e)~~ shall be removed from the commission and replaced by the governor if the member is absent for three consecutive meetings of the commission without being excused by the chair of the commission.

(3) In appointing the members under Subsection (1)~~[(g)](e)~~, the governor shall:

- (a) take into account the geographical makeup of the commission; and
- (b) strive to appoint members who are knowledgeable or have an interest in issues

relating to the aging population.

Section ~~{71}~~82. Section **63M-11-206** is amended to read:

63M-11-206. Members serve without pay -- Reimbursement for 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)]~~ (1) Section 63A-3-106;

~~[(b)]~~ (2) Section 63A-3-107; and

~~[(c)]~~ (3) 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 JR5, Legislative Compensation and

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Expenses.]

Section ~~{72}~~83. Section **63N-1-201** is amended to read:

63N-1-201. Creation of office -- Responsibilities.

- (1) There is created the Governor's Office of Economic Development.
- (2) The office is:
 - (a) responsible for economic development and economic development planning in the state; and
 - (b) the industrial promotion authority of the state.
- (3) The office shall:
 - (a) administer and coordinate state and federal economic development grant programs;
 - (b) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;
 - (c) promote and encourage the employment of workers in the state and the purchase of goods and services produced in the state by local businesses;
 - (d) act to create, develop, attract, and retain business, industry, and commerce in the state;
 - (e) act to enhance the state's economy;
 - (f) administer programs over which the office is given administrative supervision by the governor;
 - (g) submit an annual written report as described in Section 63N-1-301; and
 - ~~[(h) comply with the requirements of Section 36-30-202; and]~~
 - ~~[(i)]~~ (h) perform other duties as provided by the Legislature.
- (4) In order to perform its duties under this title, the office may:
 - (a) enter into a contract or agreement with, or make a grant to, a public or private entity, including a municipality, if the contract or agreement is not in violation of state statute or other applicable law;
 - (b) except as provided in Subsection (4)(c), receive and expend funds from a public or private source for any lawful purpose that is in the state's best interest; and
 - (c) solicit and accept a contribution of money, services, or facilities from a public or private donor, but may not use the contribution for publicizing the exclusive interest of the donor.

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(5) Money received under Subsection (4)(c) shall be deposited in the General Fund as dedicated credits of the office.

(6) (a) The office shall obtain the advice of the board before implementing a change to a policy, priority, or objective under which the office operates.

(b) Subsection (6)(a) does not apply to the routine administration by the office of money or services related to the assistance, retention, or recruitment of business, industry, or commerce in the state.

Section ~~{73}~~84. Section **67-1-2.5** is amended to read:

67-1-2.5. Database for executive boards.

(1) As used in this section[, "executive board"]:

(a) "Administrator" means the boards and commissions administrator designated under Subsection (2).

(b) "Executive board" means any executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months 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.

(2) The governor shall designate [~~a person from his~~] a board and commissions administrator from the governor's staff to maintain a computerized [~~data base~~] database containing information about all executive boards.

(3) The [~~person designated to maintain the data base~~] administrator shall ensure that the [~~data base~~] database contains:

- (a) the name of each executive board;
- (b) the statutory or constitutional authority for the creation of the executive board;
- (c) the sunset date on which each executive board's statutory authority expires;
- (d) 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;
- (e) the name, address, gender, telephone number, and county of each [~~person~~] individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;

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(f) the title of the position held by the person who appointed each member of the executive board;

(g) 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;

(h) whether or not members appointed to the executive board require consent of the Senate;

(i) the organization, interest group, profession, local government entity, or geographic area that ~~[the person]~~ an individual appointed to an executive board represents, if any;

(j) the ~~[person's]~~ party affiliation of an individual appointed to an executive board, if the statute or executive order creating the position requires representation from political parties;

(k) whether ~~[the]~~ each executive board is a policy board or an advisory board;

(l) whether ~~[or not]~~ the executive board has or exercises rulemaking authority; and

(m) any compensation and expense reimbursement that members of the executive board are authorized to receive.

~~[(4) The person designated to maintain the data base shall:]~~

(4) The administrator shall place the following on the governor's website:

(a) ~~[make]~~ the information contained in the ~~[data base available to the public upon request; and]~~ database;

~~[(b) cooperate with other entities of state government to publish the data or useful summaries of the data.]~~

(b) each report the administrator receives under Subsection (5); and

(c) the summary report described in Subsection (6).

(5) (a) Before September 1 of each year, each executive board shall prepare and submit to the administrator an annual 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 actual work performed by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);

(iv) a description of actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);

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(v) recommendations on whether any statutory, rule, or other changes are needed to make the executive board more effective; and

(vi) 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 October 1 of each year.

(c) An executive board is not required to submit a report under this Subsection (5) if the executive board:

(i) is also a legislative board under Section 36-12-22; and

(ii) submits a report under Section 36-12-22.

~~[(5)]~~ (6) (a) The [person designated to maintain the data base] administrator shall prepare, publish, and distribute an annual report by [December] October 1 of each year that includes[~~, as of November 1~~]:

(i) as of September 1 of that year:

~~[(i)]~~ (A) the total number of executive boards;

~~[(ii)]~~ (B) the name of each of those executive boards and 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;

~~[(iii)]~~ (C) for each state officer and each department and division, the total number of executive boards under the jurisdiction of or affiliated with that officer, department, and division;

~~[(iv)]~~ (D) the total number of members for each of those executive boards;

~~[(v)]~~ (E) whether or not some or all of the members of each of those executive boards are approved by the Senate;

~~[(vi)]~~ (F) whether each board is a policymaking board or an advisory board and the total number of policy boards and the total number of advisory boards; and

~~[(vii)]~~ (G) the compensation, if any, paid to the members of each of those executive boards[~~;~~]; and

(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 did not submit a report under Subsection (5);

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(C) an indication of any recommendations made under Subsection (5)(a)(v); and

(D) a list of any executive boards that indicated under Subsection (5)(a)(vi) that the executive board should no longer exist.

(b) The ~~[person designated to maintain the data bases]~~ administrator shall distribute copies of the report described in Subsection (6)(a) to:

(i) the governor;

(ii) the president of the Senate;

(iii) the speaker of the House;

(iv) the Office of Legislative Research and General Counsel; ~~[and]~~

(v) the Government Operations Interim Committee; and

~~[(v)]~~ (vi) any other persons who request a copy of the annual report.

(c) Each year, the Government Operations Interim Committee shall prepare legislation making any changes the committee determines are suitable with respect to the report the committee receives under Subsection (6)(b), including:

(i) repealing an executive board that is no longer functional or necessary; and

(ii) making appropriate changes to make an executive board more effective.

Section 85. Section 67-5b-102 is amended to read:

67-5b-102. Children's Justice Center -- Requirements of center -- Purposes of center.

(1) (a) There is established the Children's Justice Center Program to provide a comprehensive, multidisciplinary, intergovernmental response to child abuse victims in a facility known as a Children's Justice Center.

(b) The attorney general shall administer the program.

(c) The attorney general shall:

(i) allocate the funds appropriated by a line item pursuant to Section 67-5b-103;

(ii) administer applications for state and federal grants and subgrants;

~~[(iii) staff the Advisory Board on Children's Justice;]~~

(iii) maintain an advisory board that is associated with the program to comply with requirements of grants that are associated with the program;

(iv) assist in the development of new centers;

(v) coordinate services between centers;

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(vi) contract with counties and other entities for the provision of services;

(vii) (A) provide training, technical assistance, and evaluation to centers; and
(B) ensure that any training described in Subsection (1)(c)(vii)(A) complies with Title 63G, Chapter 22, State Training and Certification Requirements; and

(viii) provide other services to comply with established minimum practice standards as required to maintain the state's and centers' eligibility for grants and subgrants.

(2) (a) The attorney general shall establish Children's Justice Centers, satellite offices, or multidisciplinary teams in Beaver County, Box Elder County, Cache County, Carbon County, Davis County, Duchesne County, Emery County, Grand County, Iron County, Juab County, Kane County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit County, Tooele County, Uintah County, Utah County, Wasatch County, Washington County, and Weber County.

(b) The attorney general may establish other centers, satellites, or multidisciplinary teams within a county and in other counties of the state.

(3) The attorney general and each center shall:

(a) coordinate the activities of the public agencies involved in the investigation and prosecution of child abuse cases and the delivery of services to child abuse victims and child abuse victims' families;

(b) provide a neutral, child-friendly program, where interviews are conducted and services are provided to facilitate the effective and appropriate disposition of child abuse cases in juvenile, civil, and criminal court proceedings;

(c) facilitate a process for interviews of child abuse victims to be conducted in a professional and neutral manner;

(d) obtain reliable and admissible information that can be used effectively in child abuse cases in the state;

(e) maintain a multidisciplinary team that includes representatives of public agencies involved in the investigation and prosecution of child abuse cases and in the delivery of services to child abuse victims and child abuse victims' families;

(f) hold regularly scheduled case reviews with the multidisciplinary team;

(g) coordinate and track:

(i) investigation of the alleged offense; and

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(ii) preparation of prosecution;

(h) maintain a working protocol that addresses the center's procedures for conducting forensic interviews and case reviews, and for ensuring a child abuse victim's access to medical and mental health services;

(i) maintain a system to track the status of cases and the provision of services to child abuse victims and child abuse victims' families;

(j) provide training for professionals involved in the investigation and prosecution of child abuse cases and in the provision of related treatment and services;

(k) enhance community understanding of child abuse cases; and

(l) provide as many services as possible that are required for the thorough and effective investigation of child abuse cases.

(4) To assist a center in fulfilling the requirements and statewide purposes as provided in Subsection (3), each center may obtain access to any relevant juvenile court legal records and adult court legal records, unless sealed by the court.

Section 86. Section 67-5b-105 is amended to read:

67-5b-105. Local advisory boards -- Membership.

(1) The cooperating public agencies and other persons shall make up each center's local advisory board, which shall be composed of the following people from the county or area:

(a) the local center director or the director's designee;

(b) a district attorney or county attorney having criminal jurisdiction or any designee;

(c) a representative of the attorney general's office, designated by the attorney general;

(d) at least one official from a local law enforcement agency or the local law enforcement agency's designee;

(e) the county executive or the county executive's designee;

(f) a licensed nurse practitioner or physician;

(g) a licensed mental health professional;

(h) a criminal defense attorney;

(i) at least four members of the community at large ~~provided, however, that the Advisory Board on Children's Justice may authorize fewer members, although not less than two, if the local advisory board so requests~~];

(j) a guardian ad litem or representative of the Office of Guardian Ad Litem,

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designated by the director;

(k) a representative of the Division of Child and Family Services within the Department of Human Services, designated by the employee of the division who has supervisory responsibility for the county served by the center;

(l) if a center serves more than one county, one representative from each county served, appointed by the county executive; and

(m) additional members appointed as needed by the county executive.

(2) The members on each local advisory board who serve due to public office as provided in Subsections (1)(b) through (e) shall select the remaining members. The members on each local advisory board shall select a chair of the local advisory board.

(3) The local advisory board may not supersede the authority of the contracting county as designated in Section 67-5b-104.

(4) Appointees and designees shall serve a term or terms as designated in the bylaws of the local advisory board.

Section ~~{74}~~87. Section **73-10g-105** is amended to read:

73-10g-105. Loans -- Rulemaking.

(1) (a) The division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to repair, replace, or improve underfunded federal water infrastructure projects.

(b) Subject to Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act, the division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to develop the state's undeveloped share of the Bear and Colorado rivers.

(2) The rules described in Subsection (1) shall:

(a) specify the amount of money that may be loaned;

(b) specify the criteria the division and the board shall consider in prioritizing and awarding loans;

(c) specify the minimum qualifications for an individual who, or entity that, receives a loan, including the amount of cost-sharing to be the responsibility of the individual or entity applying for a loan;

(d) specify the terms of the loan, including the terms of repayment; and

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(e) require all applicants for a loan to apply on forms provided by the division and in a manner required by the division.

(3) The division and the board shall, in making the rules described in Subsection (1) and in consultation with the State Water Development Commission created in Section 73-27-102:

(a) establish criteria for better water data and data reporting;

(b) establish new conservation targets based on the data described in Subsection (3)(a);

(c) institute a process for the independent verification of the data described in Subsection (3)(a);

(d) establish a plan for an independent review of:

(i) the proposed construction plan for an applicant's qualifying water infrastructure project; and

(ii) the applicant's plan to repay the loan for the construction of the proposed water infrastructure project;

(e) invite and recommend public involvement; and

(f) set appropriate financing and repayment terms.

~~[(4) (a) The division, board, and State Water Development Commission shall, no later than October 30, 2016, report to the Natural Resources, Agriculture, and Environment Interim Committee and Legislative Management Committee on the rules established pursuant to Subsections (1) and (3).]~~

~~[(b) After October 30, 2016, the]~~

~~(4) The division and the board shall provide regular updates to the Legislative Management Committee on the progress made under this section, including whether the division and board intend to issue a request for proposals.~~

Section ~~{75}~~88. Section **78A-2-501** is amended to read:

78A-2-501. Definitions -- Online Court Assistance Program -- Purpose of program -- Online Court Assistance Account -- User's fee.

(1) As used in this part:

(a) "Account" means the Online Court Assistance Account created in this section.

~~[(b) "Board" means the Online Court Assistance Program Policy Board created in Section 78A-2-502.]~~

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~~[(c)]~~ (b) "Program" means the Online Court Assistance Program created in this section.

(2) There is created the "Online Court Assistance Program" administered by the Administrative Office of the Courts to provide the public with information about civil procedures and to assist the public in preparing and filing civil pleadings and other papers in:

- (a) uncontested divorces;
- (b) enforcement of orders in the divorce decree;
- (c) landlord and tenant actions;
- (d) guardianship actions; and
- (e) other types of proceedings approved by the board.

(3) The purpose of the program shall be to:

- (a) minimize the costs of civil litigation;
- (b) improve access to the courts; and
- (c) provide for informed use of the courts and the law by pro se litigants.

(4) (a) An additional \$20 shall be added to the filing fee established by Sections 78A-2-301 and 78A-2-301.5 if a person files a complaint, petition, answer, or response prepared through the program. There shall be no fee for using the program or for papers filed subsequent to the initial pleading.

(b) There is created within the General Fund a restricted account known as the Online Court Assistance Account. The fees collected under this Subsection (4) shall be deposited in the restricted account and appropriated by the Legislature to the Administrative Office of the Courts to develop, operate, and maintain the program and to support the use of the program through education of the public.

(5) The Administrative Office of the Courts shall provide on the front page of the program website a listing of all forms and proceedings available to all pro se litigants within the program.

Section ~~76~~89. **Repealer.**

This bill repeals:

Section **10-1-119, Inventory of competitive activities.**

Section **11-13-224, Utah interlocal entity for alternative fuel vehicles and facilities.**

Section **17-50-107, Inventory of competitive activities.**

Section **19-2-109.2, Small business assistance program.**

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Section 36-20-1, Definitions.

Section 36-20-2, Judicial Rules Review Committee.

Section 36-20-3, Submission of court rules or proposals for court rules.

Section 36-20-4, Review of rules -- Criteria.

Section 36-20-5, Committee review -- Fiscal analyst -- Powers of committee.

Section 36-20-6, Findings -- Report -- Distribution of copies.

Section 36-20-7, Court rules or proposals for court rules -- Publication in bulletin.

Section 36-20-8, Duties of staff.

Section 36-30-101, Title.

Section 36-30-102, Definitions.

Section 36-30-201, Economic Development Legislative Liaison Committee --
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Section 78A-2-502, Creation of policy board -- Membership -- Terms -- Chair --
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