

## HB0387S06 compared with HB0387S04

~~text~~ shows text that was in HB0387S04 but was deleted in HB0387S06.

Inserted text shows text that was not in HB0387S04 but was inserted into HB0387S06.

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Senator ~~Lyle W. Hillyard~~Daniel Hemmert proposes the following substitute bill:

### BOARDS AND COMMISSIONS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Knotwell**

Senate Sponsor: Daniel Hemmert

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#### 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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- ▶ requires the governor to review and provide certain recommendations regarding each newly created board or commission;
- ▶ requires the Government Operations Interim Committee to receive and consider taking action on recommendations made by the governor;
- ▶ 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 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 Tax Review Commission;
- ▶ combines the Commission for the Stewardship of Public Lands, the Commission on Federalism, and the Federal Funds Commission into the Federalism Commission and provides that the Federalism Commission subsumes the responsibilities of those entities;
- ▶ eliminates the Utah Futures Steering Committee and transfers responsibility for the Utah Futures program to the Talent Ready Utah Board;
- ▶ removes some legislators from the Native American Legislative Liaison Committee;
- ▶ removes all legislators from the following:

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

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- the Utah Commission on Aging;
- the Utah State Scenic Byway Committee; 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 Employability to Careers Program Board;
  - 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; and
  - the Utah Science, Technology, and Research Initiative Governing Authority Board;
- ▶ adds a sunset date to the following entities and provisions related to the following entities:
  - the Air quality Policy Advisory Board;
  - the Criminal Code Evaluation Task Force;
  - 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 School Safety and Crisis Line Commission;
  - the Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee;
  - the Standards Review Committee;
  - the Talent Ready Utah Board;
  - the Utah Seismic Safety Commission;
  - the Utah State Scenic Byway Committee;
  - the Utah Substance Use and Mental Health Advisory Council;
  - 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 following:
  - the Mental Health Crisis Line Commission; and
  - the Utah Commission on Aging;
- ▶ 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 provisions to automatically repeal the following:
  - the Clean Air Act Compliance Advisory Panel;
  - the Employability to Careers Program Board;
  - the Road Usage Charge Advisory Committee; and
  - the State Fair Park Committee;
- ▶ repeals obsolete provisions; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

[This bill provides a special effective date.](#)

This bill provides coordination clauses.

### 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

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

{ 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-1-109**, as enacted by Laws of Utah 1988, Chapter 1  
**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-301**, as enacted by Laws of Utah 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-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  
**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

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- 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-1-219**, as last amended by Laws of Utah 2018, Chapter 31
- 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-1-232**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 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-1-241**, as last amended by Laws of Utah 2015, Chapter 109
- 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-1-262**, 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-2-219**, as last amended by Laws of Utah 2018, Chapters 241 and 281
- 63I-2-263**, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469
- 63I-2-272**, as last amended by Laws of Utah 2017, Chapter 427
- 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
- 63J-4-702**, as enacted by Laws of Utah 2017, Chapter 253
- 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-7-601**, 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  
**72-4-302**, as last amended by Laws of Utah 2015, Chapter 258  
**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-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)  
**63N-12-505**, (**Renumbered from 53B-17-108, as last amended by Laws of Utah 2017, Chapter 370**)

### 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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- 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
- 59-1-901**, as last amended by Laws of Utah 2007, Chapter 288
- 59-1-902**, as enacted by Laws of Utah 1990, Chapter 237
- 59-1-903**, as last amended by Laws of Utah 2011, Chapter 384
- 59-1-904**, as last amended by Laws of Utah 2011, Chapter 384
- 59-1-905**, as last amended by Laws of Utah 2014, Chapter 387
- 59-1-907**, as enacted by Laws of Utah 1990, Chapter 237
- 59-1-908**, as enacted by Laws of Utah 1990, Chapter 237
- 63C-4b-101**, as enacted by Laws of Utah 2016, Chapter 408
- 63C-4b-102**, as enacted by Laws of Utah 2016, Chapter 408



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63C-4b-103, as enacted by Laws of Utah 2016, Chapter 408

63C-4b-107, as enacted by Laws of Utah 2016, Chapter 408

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

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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

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

### Utah Code Sections Affected by Coordination Clause:

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

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

63I-1-253, as last amended by Laws of Utah 2018, Chapters 107, 117, 385, 415, and 453

63I-1-226, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

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-2-226, as last amended by Laws of Utah 2018, Chapters 38 and 281

63I-2-263, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469

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*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

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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 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).

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(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 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

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(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 ~~{26-54-103}~~35A-3-209 is amended to read:

~~{~~ **~~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~~

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~~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~~

~~—— (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~~

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

~~Section 4. 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.

(7) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, and subject to

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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, School Readiness Initiative.



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Section ~~5~~4. 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;

and

(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.

(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).

Section ~~6~~5. 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;

(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

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(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.

(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.

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(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 ~~7~~6. Section **36-22-1** is amended to read:

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

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(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 ~~{8}~~7. Section **40-6-16** is amended to read:

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

[~~(+)~~] 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 ~~{9}~~8. Section **52-4-103** is amended to read:

### **52-4-103. Definitions.**

As used in this chapter:

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

(a) an electronic meeting originates; or

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(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 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:

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(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 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

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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 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

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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 ~~{10}~~9. 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 ~~{11}~~10. 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 who is required to hold an educator license issued by the board and who has an assignment to teach in a classroom.

Section ~~{12}~~11. Section **53F-5-602** is amended to read:



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### 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 ~~{13}~~12. 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 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:

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- ~~[(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 ~~{14}~~13. 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 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

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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 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~~

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~~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 ~~{15}~~14. Section **54-1-13** is amended to read:

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

~~[(1)]~~ (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 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]

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~~[(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 ~~{16}~~15. 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 ~~{17}~~16. Section **62A-1-107** is amended to read:

**62A-1-107. 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.

(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

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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.

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

Section ~~{18}~~17. Section **62A-1-109** is amended to read:

**62A-1-109. Division directors -- Appointment -- Compensation -- Qualifications.**

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(1) The chief officer of each division and office enumerated in Section 62A-1-105 shall be a director who shall serve as the executive and administrative head of the division or office.

(2) Each division director shall be appointed by the executive director with the concurrence of the division's board, if the division has a board.

(3) The director of any division may be removed from that position at the will of the executive director after consultation with that division's board, if the division has a board.

(4) Each office director shall be appointed by the executive director.

(5) Directors of divisions and offices shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

(6) The director of each division and office shall be experienced in administration and possess such additional qualifications as determined by the executive director, and as provided by law.

Section ~~(19)~~18. 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.

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~~[(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 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



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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 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

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

Section ~~{20}~~19. 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 ~~{21}~~20. 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 ~~{22}~~21. Section **62A-7-104** is amended to read:

### **62A-7-104. Division responsibilities.**

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(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

(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

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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;

(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

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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 ~~{23}~~22. 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 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 ~~{24}~~23. 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.

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(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 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).

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(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 ~~25~~24. Section **62A-7-401.5** is amended to read:

### **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.

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(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 ~~26~~25. 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.

(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:



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- (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 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 ~~{27}~~26. 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.

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Section ~~{28}~~27. 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.

Section ~~{29}~~28. 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 ~~{30}~~29. 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

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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 and 78A-6-117.

Section ~~{31}~~30. 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.

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(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, 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.

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(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 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 ~~{32}~~31. 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:

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(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 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 ~~{33}~~32. 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 ~~{34}~~33. 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.

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

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

(4) "Council" means the Constitutional Defense Council, created in Section 63C-4a-202.

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(5) "Federal governmental entity" means:

- (a) the president of the United States;
- (b) the United States Congress;
- (c) a United States agency; or
- (d) an employee or official appointed by the president of the United States.

(6) "Federal issue" means a matter relating to the federal government's dealings with the state, including a matter described in Section 63C-4a-309.

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

- (a) an executive order by the president of the United States;
- (b) a statute passed by the United States Congress;
- (c) a regulation adopted by a United States agency; or
- (d) a policy statement, order, guidance, or action by:
  - (i) a United States agency; or
  - (ii) an employee or official appointed by the president of the United States.

~~[(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 ~~35~~34. Section **63C-4a-301** is amended to read:

### **63C-4a-301. Title.**

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

Section ~~36~~35. Section **63C-4a-302** is amended to read:

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

(1) There is created the [~~Commission on~~] Federalism Commission, comprised of the

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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 Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the commission from complying with Title 63G, Chapter 2, Government Records Access and Management Act.

(7) The commission may, in the commission's discretion, elect to succeed to the position of any of the following under a contract that any of the following are party to, subject to applicable contractual provisions:

(a) the Commission on Federalism;

(b) the Commission for the Stewardship of Public Lands; and

(c) the Federal Funds Commission.



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Section ~~37~~36. Section **63C-4a-303** is amended to read:

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

(1) In accordance with Section 63C-4a-304, the commission may evaluate a federal law:

- (a) as agreed by a majority of the commission; or
- (b) submitted to the commission by a council member.

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

(3) If the commission finds that a federal law is not authorized by the United States Constitution or violates the principle of federalism as described in Subsection 63C-4a-304(2), a commission cochair 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 may recommend to the governor that the governor call a special session of the Legislature to give the Legislature an opportunity to respond to the commission's evaluation of a federal law.

(5) A commission cochair may coordinate the evaluation of and response to federal law with another state as provided in Section 63C-4a-305.

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

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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 shall keep a current list on the Legislature's website of:~~

~~(a) a federal law that the commission evaluates under Subsection (1);~~

~~(b) an action taken by a cochair of the commission 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 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 government;~~

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

~~(j) any other issues relating to federalism the commission considers necessary.~~

~~[(9)] (8) The commission may apply for and receive grants, and receive private~~

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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.]~~

(9) The commission shall submit a report on or before November 30 of each year to the Government Operations Interim Committee and the Natural Resources, Agriculture, and Environment Interim Committee that:

- (a) describes any action taken by the commission under Section 63C-4a-303; and
- (b) includes any proposed legislation the commission recommends.

Section ~~{38}~~37. 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;
- (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 ~~{39}~~38. Section **63C-4a-307** is amended to read:

### **63C-4a-307. 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

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(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 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 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 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

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(iii) other interested individuals or entities.

(3) In accordance with this part, the commission 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 commission 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 commission shall conduct the activities described in this section before the commission's final meeting in 2019.

Section ~~{40}~~39. Section **63C-4a-308**, which is renumbered from Section 63C-4b-104 is renumbered and amended to read:

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

~~[(+)]~~ The commission 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

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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:

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

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

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

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

~~[(A)]~~ (i) appropriated by the Legislature for the purpose of securing the transfer of 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 ~~{41}~~40. Section **63C-4a-309**, which is renumbered from Section 63C-14-301 is renumbered and amended to read:

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

~~[(1)]~~ Until November 30, 2019, the commission shall:

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

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

~~[(ii)]~~ (b) the level of dependency that the state and local governments have on the receipt of federal funds;

~~[(iii)]~~ (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;

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

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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

~~[(v)]~~ (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:

~~[(i)]~~ (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;

~~[(ii)]~~ (b) reduce the dependency of the state and of local governments in the state on federal funds; and

~~[(iii)]~~ (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.

~~[(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 ~~{42}~~41. 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 commission from other state agencies; and
- (b) appropriations made by the Legislature.

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

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

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

(b) The commission may, upon receiving the report under Subsection (4)(a):

- (i) advise the Legislature and the entity of the commission finding that the disbursement is consistent with the purposes in Subsection (3); or
- (ii) advise the Legislature and the entity of the commission finding that the disbursement is not consistent with the purposes in Subsection (3).

Section ~~{43}~~42. 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 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.



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

Section ~~{44}~~43. 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.]~~

~~[(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:

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- (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:

- (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 ~~{45}~~44. 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

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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

(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

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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 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 ~~46~~45. 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.

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(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

Subsection 63F-1-102[~~(6)(b)~~](5)(b)(vii).

Section ~~{47}~~46. 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 ~~{48}~~47. Section **63F-4-202** is amended to read:

### **63F-4-202. Chief information officer review and approval of technology**

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### 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

(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

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implementing a technology proposal that the [~~board~~] chief information officer has approved.

Section ~~{49}~~48. 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;
  - (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.

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(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.

(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 ~~50~~49. 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 ~~51~~50. 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



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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 ~~{52}~~51. Section **63I-1-211** is amended to read:

**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 ~~{53}~~52. Section **63I-1-219** is amended to read:

**63I-1-219. Repeal dates, Title 19.**

(1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2019.

(2) Section 19-2a-102 is repealed July 1, 2021.

~~[(2)]~~ (3) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2019.

~~[(3)]~~ (4) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2019.

~~[(4)]~~ (5) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1, 2019.

~~[(5)]~~ (6) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July 1, 2020.

~~[(6)]~~ (7) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1, 2028.

~~[(7)]~~ (8) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.

~~[(8)]~~ (9) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2019.

~~[(9)]~~ (10) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2020.

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~~[(10)]~~ (11) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1, 2027.

Section ~~{54}~~53. 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 ~~{55}~~54. 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.

(10) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2023.

~~[(9)]~~ (11) Title 26, Chapter 56, Hemp Extract Registration Act, is repealed January 1, 2019.

(12) Subsection 26-61a-108(2)(e)(i), related to the Native American Legislative Liaison Committee, is repealed July 1, 2022.

~~[(10)]~~ (13) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed July 1, 2026.

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Section ~~{56}~~55. Section **63I-1-232** is amended to read:

### **63I-1-232. Repeal dates, Title 32A.**

In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

- (1) Subsection 32B-2-306(1)(a) is repealed;
- (2) Subsection 32B-2-306(4), the language that states "advisory council" is repealed and replaced with "department";
- (3) Subsections 32B-2-306(4)(b) and (e) are repealed;
- (4) Subsection 32B-2-306(5)(a), the language that states "in cooperation with the advisory council" is repealed;
- (5) Subsection 32B-2-306(5)(b) is amended to read:  
"(b) The department shall:
  - (i) prepare a plan detailing the intended use of the money appropriated under this section; and
  - (ii) conduct the media and education campaign in accordance with the guidelines created by the department under Subsection (4)(c).";
- (6) Subsection 32B-2-402(1)(b) is repealed;
- (7) Sections 32B-2-404 and 32B-2-405, the language that states "advisory council" is repealed and replaced with "department";
- (8) Subsection 32B-2-405(2), the language that states "by a majority vote" is repealed;  
and
- (9) Subsection 32B-2-405(4)(a)(i), the language that states "majority vote of" is repealed.

Section ~~{57}~~56. 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.
- ~~{-}~~ (3) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is repealed July 1, 2023.
- ~~{-}~~ (4) Section 35A-9-501 is repealed January 1, 2021.

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(5) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed January 1, 2025.

Section ~~{58}~~57. 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 on December 31, 2020.

~~[(2)]~~ (6) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight Committee, is repealed January 1, 2021.

Section ~~{59}~~58. Section **63I-1-241** is amended to read:

### **63I-1-241. Repeal dates, Title 41.**

(1) Subsection 41-1a-1201(9), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2023.

(2) Subsection 41-6a-1406(6)(b)(iii), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2023.

(3) Subsection 41-12a-806(5) is repealed on July 1, 2020.

(4) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2023.

Section ~~{60}~~59. 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 ~~{61}~~60. 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.

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- (2) Section 53-10-202.1 is repealed July 1, 2018.
  - (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-10-503 and 53E-10-504 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 ~~62~~61. 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) Section 62A-3-209 is repealed July 1, 2023.
  - (3) Section 62A-4a-202.9 is repealed December 31, 2019.

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(4) Section 62A-4a-213 is repealed July 1, 2019.

(5) Section 62A-15-114 is repealed December 31, 2021.

(6) Subsections 62A-15-116(1) and (4), the language that states "In consultation with the Crisis Line Commission, established in Section 53E-10-503," is repealed January 1, 2023.

(7) Subsections 62A-15-1100(1) and 62A-15-1101(8), in relation to the Utah Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

~~(6)~~ (8) Subsection 62A-15-1101(7) is repealed July 1, 2018.

(9) 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.

Section ~~63~~62. 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;

(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.

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~~[(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 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:

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(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 repealed July 1, 2026.

~~[(13)]~~ (15) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

~~[(14)]~~ (16) (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.

(17) Subsection 63J-1-602.2(23), related to the Utah Seismic Safety Commission, is



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repealed January 1, 2025.

(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."

(19) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-1.1 and related provisions in Subsections 77-18-1(5)(b)(iii) and (iv)."

~~[(15)]~~ (20) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

~~[(16)]~~ (21) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, ~~[2027]~~ 2021.

(22) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed on January 1, 2023.

~~[(17)]~~ (23) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

~~[(18)]~~ (24) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is repealed January 1, 2021.

(b) Subject to Subsection ~~[(18)]~~ (24)(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable

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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)(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) Section 63N-2-512 is repealed on July 1, 2021.

~~[(20)]~~ (26) (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)(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) Subsections 63N-3-109(2)(f) and 63N-3-109(2)(g)(i)(C) are repealed July 1, 2023.

~~[(22)]~~ (28) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

~~[(23)]~~ (29) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

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(30) 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) 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) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is repealed July 1, 2018.

(33) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.

Section ~~{64}~~63. Section **63I-1-267** is amended to read:

**63I-1-267. Repeal dates, Title 67.**

~~[(1)]~~ 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.]~~

Section ~~{65}~~64. Section **63I-1-272** is amended to read:

**63I-1-272. Repeal dates, Title 72.**

Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January 2, 2025.

Section ~~{66}~~65. Section **63I-1-273** is amended to read:

**63I-1-273. Repeal dates, Title 73.**

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(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 ~~{67}~~66. Section **63I-2-219** is amended to read:

### **63I-2-219. Repeal dates -- Title 19.**

(1) (a) Subsection 19-1-108(3)(a) is repealed on June 30, 2019.

(b) When repealing Subsection 19-1-108(3)(a), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(2) Subsections 19-2-109.2(2) through (10), related to the Compliance Advisory Panel, are repealed July 1, 2021.

~~{2}~~ (3) Section 19-6-126 is repealed on January 1, 2020.

Section ~~{68}~~67. 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

(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"

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is repealed; and

(b) Subsection 63J-1-206(2)(c)(ii) is repealed.

(7) In relation to the Employability to Careers Program Board, on July 1, 2022:

(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.

~~[(5)]~~ (8) Section 63J-4-708 is repealed January 1, 2023.

~~[(6)]~~ (9) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.

~~[(7)]~~ (10) Section 63N-3-110 is repealed July 1, 2020.

Section ~~{69}~~68. Section **63I-2-272** is amended to read:

**63I-2-272. Repeal dates -- Title 72.**

(1) Subsections 72-1-213(2) and (3)(a)(i), related to the Road Usage Charge Advisory Committee, are repealed January 1, 2022.

~~[(1)]~~ (2) On July 1, 2018:

(a) in Subsection 72-2-108(2), the language that states "and except as provided in Subsection (10)" is repealed;

(b) in Subsection 72-2-108(4)(c)(ii)(A), the language that states ", excluding any amounts appropriated as additional support for class B and class C roads under Subsection (10)," is repealed; and

(c) Subsection 72-2-108(10) is repealed.

~~[(2)]~~ (3) Section 72-3-113 is repealed January 1, 2020.

~~[(3)]~~ (4) Section 72-15-101 is repealed on March 31, 2018.

Section ~~{70}~~69. 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.

~~[(2)(a) The coordinator and the office shall:]~~

~~[(i) conduct a study and economic analysis of the ramifications and economic impacts~~

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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 increased while mitigating environmental impact;]~~

~~[(iv) identify:]~~

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~~[(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.]~~

(2) The coordinator and the office shall, on an ongoing basis, report to the Federalism Commission regarding the ramifications and economic impacts of the transfer of public lands.

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(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 Federalism 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 ~~{71}~~70. 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]~~ Federalism 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



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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.

(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:

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(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~~] Federalism Commission for review.

(6) Following review of the statewide resource management plan, the [~~Commission for the Stewardship of Public Lands~~] Federalism 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

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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 ~~{72}~~71. Section **63J-4-702** is amended to read:

### **63J-4-702. Employability to Careers Program Board.**

(1) There is created within the office the Employability to Careers Program Board composed of the following members:

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

(b) the executive director of the Department of Human Services or the executive director's designee; and

(c) three members appointed by the governor with the consent of the Senate as follows:

(i) one member from the private or nonprofit sector with expertise in finance;

(ii) one member who is not a legislator from the private or nonprofit sector chosen from among two individuals recommended by the president of the Senate; and

(iii) one member who is not a legislator from the private or nonprofit sector chosen from among two individuals recommended by the speaker of the House of Representatives.

(2) (a) An appointed member of the board shall serve for a term of three years, but may be reappointed for one additional term.

(b) If a vacancy occurs in the board for any reason, the governor with the consent of the Senate shall appoint a replacement to serve the remainder of the board member's term.

(3) The board shall elect a chair from among the board's membership.

(4) The board shall meet at least quarterly upon the call of the chair.

(5) Four members of the board constitute a quorum.

(6) Action by a majority present constitutes the action of the board.

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

(a) Section 63A-3-106;

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

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

(8) The office shall provide staff support to the board.

Section ~~{73}~~72. Section **63L-10-102** is amended to read:

### **63L-10-102. Definitions.**

As used in this chapter:

(1) "Commission" means the [~~Commission for the Stewardship of Public Lands~~]  
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 ~~{74}~~73. 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 commission of the modification and the office's reasoning for the modification within 30 days of the day on which the modification is made.

(4) (a) The commission 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 may make a recommendation that the Legislature approve a modification or disapprove a modification, or the commission may decline to take action.

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(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~~] August 31; and

(b) report on the implementation of the plan at the federal, state, and local levels to the commission [~~by October 31~~] 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.

Section ~~{75}~~74. 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.

(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 commission 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,

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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 ~~76~~75. 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 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

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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 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 ~~777~~76. 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

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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 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:



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(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 Section 53B-8-102;

(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 ~~{78}~~77. 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:

~~{(a)}~~ (a) Section 63A-3-106;

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~~[(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 ~~{79}~~78. 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:

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(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;

(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 ~~79~~79. 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;

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- (vii) the health care provider industry;
- (viii) financial institutions;
- (ix) the legal profession;
- (x) the public safety sector;
- (xi) public transportation;
- (xii) ethnic minorities;
- (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 ~~81~~80. 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:

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~~[(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 Expenses.]~~

Section ~~{82}~~81. 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

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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.

(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.

~~{53B-17-108. Utah}~~ Section 82. Section 63N-12-505, which is renumbered from Section 53B-17-108 is renumbered and amended to read:

~~53B-17-108.~~ 63N-12-505. Utah Futures.

(1) As used in this section:

(a) "Education provider" means:

- (i) a Utah institution of higher education as defined in Section 53B-2-101; or
- (ii) a nonprofit Utah provider of postsecondary education.

(b) "Student user" means:

- (i) a Utah student in kindergarten through grade 12;
- (ii) a Utah post secondary education student;
- (iii) a parent or guardian of a Utah public education student; or
- (iv) a Utah potential post secondary education student.

(c) "Utah Futures" means a career planning program developed and administered by the ~~[Utah Futures Steering Committee]~~ talent ready board.

~~[(d) "Utah Futures Steering Committee" means a committee of members designated by the governor to administer and manage Utah Futures.]~~

(2) The ~~[Utah Futures Steering Committee]~~ talent ready board shall ensure, as funding allows and is feasible, that Utah Futures will:

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(a) allow a student user to:

- (i) access, subject to Subsection (3), information about an education provider or a scholarship provider;
- (ii) access information about different career opportunities and understand the related educational requirements to enter that career;
- (iii) access information about education providers;
- (iv) access up to date information about entrance requirements to education providers;
- (v) apply for entrance to multiple schools without having to fully replicate the application process;
- (vi) apply for loans, scholarships, or grants from multiple education providers in one location without having to fully replicate the application process for multiple education providers; and
- (vii) research open jobs from different companies within the user's career interest and apply for those jobs without having to leave the website to do so;

(b) allow all users to:

- (i) access information about different career opportunities and understand the related educational requirements to enter that career;
- (ii) access information about education providers;
- (iii) access up-to-date information about entrance requirements to education providers;
- (iv) apply for entrance to multiple schools without having to fully replicate the application process;
- (v) apply for loans, scholarships, or grants from multiple education providers in one location without having to fully replicate the application process for multiple education providers; and
- (vi) research open jobs from different companies within the user's career interest and apply for those jobs without having to leave the website to do so;

(c) allow an education provider to:

- (i) request that Utah Futures send information to student users who are interested in various educational opportunities;
- (ii) promote the education provider's programs and schools to student users; and
- (iii) connect with student users within the Utah Futures website;

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(d) allow a Utah business to:

(i) request that Utah Futures send information to student users who are pursuing educational opportunities that are consistent with jobs the Utah business is trying to fill now or in the future; and

(ii) market jobs and communicate with student users through the Utah Futures website as allowed by law;

(e) provide analysis and reporting on student user interests and education paths within the education system; and

(f) allow all users of the Utah Futures' system to communicate and interact through social networking tools within the Utah Futures website as allowed by law.

(3) A student may access information described in Subsection (2)(a)(i) only if Utah Futures obtains written consent:

(a) of a student's parent or legal guardian through the student's school or LEA; or

(b) for a student who is age 18 or older or an emancipated minor, from the student.

(4) The ~~Utah Futures Steering Committee~~ talent ready board:

(a) may charge a fee to a Utah business for services provided by Utah Futures under this section; and

(b) shall establish a fee described in Subsection (4)(a) in accordance with Section 63J-1-504.

Section 83. Section ~~67-1-2.5~~ is amended to read:

### **67-1-2.5. Executive boards -- Database -- Governor's review of new 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) (a) Before September 1 of the calendar year following the year in which the



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Legislature creates a new executive board, the governor shall:

(i) review the executive board to evaluate:

(A) whether the executive board accomplishes a substantial governmental interest; and

(B) whether it is necessary for the executive board to remain in statute;

(ii) in the governor's review under Subsection (2)(a)(i), consider:

(A) the funding required for the executive board;

(B) the staffing resources required for the executive board;

(C) the time members of the executive board are required to commit to serve on the executive board; and

(D) whether the responsibilities of the executive board could reasonably be accomplished through an existing entity or without statutory direction; and

(iii) submit a report to the Government Operations Interim Committee recommending that the Legislature:

(A) repeal the executive board;

(B) add a sunset provision or future repeal date to the executive board;

(C) make other changes to make the executive board more efficient; or

(D) make no changes to the executive board.

(b) In conducting the evaluation and making the report described in Subsection (2)(a), the governor shall give deference to:

(i) reducing the size of government; and

(ii) making governmental programs more efficient and effective.

(c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the Government Operations Interim Committee shall vote on whether to address the recommendations made by the governor in the report and prepare legislation accordingly.

~~[(2)]~~ (3) (a) 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)]~~ (b) The [person designated to maintain the data base] administrator shall ensure that the [data base] database contains:

~~[(a)]~~ (i) the name of each executive board;

~~[(b)]~~ (ii) the statutory or constitutional authority for the creation of the executive board;

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~~(e)~~ (iii) the sunset date on which each executive board's statutory authority expires;

~~(d)~~ (iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;

~~(e)~~ (v) 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;

~~(f)~~ (vi) the title of the position held by the person who appointed each member of the executive board;

~~(g)~~ (vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;

~~(h)~~ (viii) whether or not members appointed to the executive board require consent of the Senate;

~~(i)~~ (ix) 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)~~ (x) 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)~~ (xi) whether ~~[the]~~ each executive board is a policy board or an advisory board;

~~(l)~~ (xii) whether ~~[or not]~~ the executive board has or exercises rulemaking authority;  
and

~~(m)~~ (xiii) 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).

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(5) (a) Before August 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);

(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 September 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] September 1 of each year that includes[-, as of November 1]:

(i) as of August 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;

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~~(vii)~~ (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

~~(viii)~~ (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);

(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 84. 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.

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(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;

(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;

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(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

(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 85. 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;

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- (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, 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 86. Section **72-4-302** is amended to read:

**72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership -- Meetings -- Expenses.**

- (1) There is created the Utah State Scenic Byway Committee.
- (2) (a) The committee shall consist of the following [~~15~~] 13 members:
  - (i) a representative from each of the following entities appointed by the governor:
    - (A) the Governor's Office of Economic Development;
    - (B) the Utah Department of Transportation;
    - (C) the Department of Heritage and Arts;

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- (D) the Division of Parks and Recreation;
- (E) the Federal Highway Administration;
- (F) the National Park Service;
- (G) the National Forest Service; and
- (H) the Bureau of Land Management;
- (ii) one local government tourism representative appointed by the governor;
- (iii) a representative from the private business sector appointed by the governor; and
- (iv) three local elected officials from a county, city, or town within the state appointed

by the governor[;].

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

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

(b) Except as provided in Subsection (2)(c), the members appointed in this Subsection (2) shall be appointed for a four-year term of office.

(c) The governor shall, at the time of appointment or reappointment for appointments made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

~~[(d) (i) The appointments made under Subsections (2)(a)(v) and (vi) by the speaker of the House and the president of the Senate may not be from the same political party.]~~

~~[(ii) The speaker of the House and the president of the Senate shall alternate the appointments made under Subsections (2)(a)(v) and (vi) as follows:]~~

~~[(A) if the speaker appoints a member under Subsection (2)(a)(v), the next appointment made by the speaker following the expiration of the existing member's four-year term of office shall be from a different political party; and]~~

~~[(B) if the president appoints a member under Subsection (2)(a)(vi), the next appointment made by the president following the expiration of the existing member's four-year term of office shall be from a different political party.]~~

(3) (a) The representative from the Governor's Office of Economic Development shall chair the committee.

(b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as



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nonvoting, ex officio members of the committee.

(4) The Governor's Office of Economic Development and the department shall provide staff support to the committee.

(5) (a) The chair may call a meeting of the committee only with the concurrence of the department.

(b) A majority of the voting members of the committee constitute a quorum.

(c) Action by a majority vote of a quorum of the committee constitutes action by the committee.

(6) ~~[(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.]~~

Section 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

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applying for a loan;

(d) specify the terms of the loan, including the terms of repayment; and

(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 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.

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~~[(b) "Board" means the Online Court Assistance Program Policy Board created in Section 78A-2-502.]~~

~~[(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 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.**

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Section **17-50-107, Inventory of competitive activities.**

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 --  
Creation -- Membership -- Chairs -- Per diem and expenses.**

Section **36-30-202, Duties -- Confidential information -- Records.**

Section **36-30-203, Staff support.**

Section **53E-3-920, Creation of State Council on Military Children.**

Section **53E-10-401, Definitions.**

Section **53E-10-402, American Indian-Alaskan Native Public Education Liaison.**

Section **53E-10-403, Commission created.**

Section **53E-10-404, Duties of the commission.**

Section **53E-10-405, Adoption of state plan.**

Section **53E-10-406, Changes to state plan.**

Section **53E-10-407, Pilot program.**

Section **59-1-901, Creation -- Members -- Terms.**

Section **59-1-902, Organization -- Vacancies.**

Section **59-1-903, Duties.**

Section **59-1-904, Public hearings.**

Section **59-1-905, Per diem and travel expenses.**

Section **59-1-907, Staff.**

Section **59-1-908, Reports.**

Section **63C-4b-101, Title.**

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Section 63C-4b-102, Definitions.

Section 63C-4b-103, Commission for the Stewardship of Public Lands -- Creation -- Membership -- Interim rules followed -- Compensation -- Staff.

Section 63C-4b-107, Repeal of commission.

Section 63C-14-101, Title.

Section 63C-14-102, Definitions.

Section 63C-14-201, Creation of Federal Funds Commission -- Membership -- Chairs.

Section 63C-14-202, Terms of commission members -- Removal -- Vacancies --

Salaries and expenses.

Section 63C-14-302, Commission meetings -- Quorum -- Bylaws -- Staff support.

Section 63C-16-101, Title.

Section 63C-16-102, Definitions.

Section 63C-16-201, Commission created -- Membership -- Cochairs -- Removal -- Vacancy.

Section 63C-16-202, Quorum and voting requirements -- Bylaws -- Per diem and expenses -- Staff.

Section 63C-16-203, Commission duties and responsibilities.

Section 63C-16-204, Other agencies' cooperation and actions.

Section 63F-1-202, Technology Advisory Board -- Membership -- Duties.

~~Section 63F-2-101, Title.~~

~~Section 63F-2-102, Data Security Management Council -- Membership -- Duties.~~

~~Section 63F-2-103, Data Security Management Council -- Report to Legislature --~~

**Recommendations:**

† Section 63I-4a-101, Title.

Section 63I-4a-102, Definitions.

Section 63I-4a-201, Title.

Section 63I-4a-202, Free Market Protection and Privatization Board -- Created -- Membership -- Operations -- Expenses.

Section 63I-4a-203, Free Market Protection and Privatization Board -- Duties.

Section 63I-4a-204, Staff support -- Assistance to an agency or local entity.

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Section 63I-4a-205, Board accounting method.

Section 63I-4a-301, Title.

Section 63I-4a-302, Board to create inventory.

Section 63I-4a-303, Governor to require review of commercial activities.

Section 63I-4a-304, Duties of the Governor's Office of Management and Budget.

Section 63I-4a-401, Title.

Section 63I-4a-402, Government immunity.

Section 67-1a-10, Commission on Civic and Character Education -- Membership --  
Chair -- Expenses.

Section 67-1a-11, Commission on Civic and Character Education -- Duties and  
responsibilities.

Section 67-5b-106, Advisory Board on Children's Justice -- Membership -- Terms  
-- Duties -- Authority.

Section 72-9-606, Towing Advisory Board created -- Appointment -- Terms --  
Meetings -- Per diem and expenses -- Duties.

Section 78A-2-502, Creation of policy board -- Membership -- Terms -- Chair --  
Quorum -- Expenses.

Section 90. Effective date.

This bill takes effect May 14, 2019, except that the amendments to Section 63N-12-505  
take effect July 1, 2020.

Section ~~{90}~~91. Coordinating H.B. 387 with H.B. 140 -- Substantive amendments.

If this H.B. 387 and H.B. 140, Civic and Character Education Reports Amendments,  
both pass and become law, it is the intent of the Legislature that the Office of Legislative  
Research and General Counsel shall prepare the Utah Code database for publication by  
amending Subsection 53G-10-204(7) to read:

"(7) Each year, the [~~State Board of Education~~] state board 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 ~~{91}~~92. Coordinating H.B. 387 with H.B. 373 -- Substantive amendments.

## HB0387S06 compared with HB0387S04

If this H.B. 387 and H.B. 373, Student Support Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by:

(1) amending Subsection 63I-1-253(10) in this bill to read:

"(10) In relation to the SafeUT ~~and School Safety~~ Commission, on January 1, 2023:

(a) Subsection 53B-17-1201(1) is repealed;

(b) Section 53B-17-1203 is repealed;

(c) Subsection 53B-17-1204(2) is repealed;

(d) Subsection 53B-17-1204(4)(a), the language that states "in accordance with the method described in Subsection (4)(c)" is repealed; and

(e) Subsection 53B-17-1204(4)(c) is repealed."; and

(2) amending Subsection 63I-1-262(5) in this bill to read:

"(5) Subsections 62A-15-116(1) and (4), the language that states "In consultation with the SafeUT ~~and School Safety~~ Commission, established in Section 53B-17-1203," is repealed January 1, 2023."

Section ~~{92}~~93. **Coordinating H.B. 387 with H.B. 461 -- Substantive and technical amendments -- Omitting substantive changes.**

If this H.B. 387 and H.B. 461, Pediatric Neuro-Rehabilitation Fund, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database as follows:

~~{~~ (1) amend Subsection 26-54-103(2) to read:

~~\_\_\_\_\_~~ "(2) The advisory committee [shall be] is composed of [eight] 10 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;

~~\_\_\_\_\_~~ (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;

## HB0387S06 compared with HB0387S04

~~— (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.]~~

~~— (e) two parents of a child with a nonprogressive neurological condition, appointed by the governor;~~

~~— (f) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act, with experience treating brain and spinal cord injuries, appointed by the governor; and~~

~~— (g) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act, with experience treating brain and spinal cord injuries, appointed by the governor."~~

~~— (2) the amendments to Subsection 26-54-103(3)(d) in H.B. 461 supersede the amendments to Subsection 26-54-103(3)(d) in this H.B. 387;~~

‡ ~~(3)~~1 amend Subsection 63I-1-226(10) in this bill to read:

"(10) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund is repealed January 1, 2023."; and

~~(4)~~2 not make the changes in H.B. 461 to Section 63I-2-226.

Section ~~93~~94. **Coordinating H.B. 387 with S.B. 172 -- Technical amendments --**

### **Changing technical cross references.**

If this H.B. 387 and S.B. 172, Economic Development Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication:

(1) change the references in Subsection 63I-1-263(30) of this bill from Section 63N-10-201 to Section 53-19-201; and

(2) amend Subsection 63I-1-263(31) of this bill to read as follows:

"(30) In relation to the Talent Ready Utah Board, on January 1, 2023:

(a) Subsection 9-20-102(16) is repealed;

(b) in Subsection 9-20-115(2), the language that states "Talent Ready Utah," is repealed; and

(c) in Subsection 9-20-115(5), the language that states "representatives of Talent Ready Utah," is repealed."

Section ~~94~~95. **Coordinating H.B. 387 with S.B. 219 -- Changing terminology.**



## **HB0387S06 compared with HB0387S04**

If this H.B. 387 and S.B. 219, Crisis Response Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, change the terminology in Sections 63I-1-226, 63I-1-262, and 63I-2-263 from "Mental Health Crisis Line Commission" to "Mental Health Crisis Response Commission."