

## HB0010S01 compared with HB0010

~~{deleted text}~~ shows text that was in HB0010 but was deleted in HB0010S01.

inserted text shows text that was not in HB0010 but was inserted into HB0010S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Marc K. Roberts proposes the following substitute bill:

### BOARDS AND COMMISSIONS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marc K. Roberts**

Senate Sponsor: Daniel W. Thatcher

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#### LONG TITLE

~~{Committee Note:~~

~~—The Government Operations Interim Committee recommended this bill.~~

~~—Legislative Vote: 10 voting for 0 voting against 6 absent~~

~~{General Description:~~

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

#### Highlighted Provisions:

This bill:

- ▶ repeals the following entities and ~~{certain}~~amends provisions related to the following entities:
  - the Arts and Culture Business Alliance;
  - the Deception Detection Examiners Board;

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- the Energy Producer States' Agreement;
- ~~{~~ • ~~the Executive Residence Commission;~~
- ~~}~~ • the Global Positioning Systems Advisory Committee;
- the Hearing Instrument Specialist Licensing Board;
- ~~{~~ • ~~the Higher Education Strategic Planning Commission;~~
- ~~}~~ • the Livestock Market Committee;
- the Motorcycle Rider Education Advisory Committee;
- the ~~{~~Motor Vehicle Business Advisory Board;
- ~~—~~ • ~~the Motor Vehicle Review Committee;~~
- ~~—~~ • ~~the }~~Pesticide Committee;
- ~~{~~ • ~~the Powersport Motor Vehicle Franchise Advisory Board;~~
- ~~}~~ • the Private ~~{~~Aquiculture~~}~~ Aquaculture Advisory Council;
- the Residence Lien Recovery Fund Advisory Board;
- the State Advisory Council on Science and Technology;
- the State Law Library Board of Control;
- the Survey and Excavation Permit~~{~~ Advisory Committee;
- ~~—~~ • ~~the Traumatic Brain Injury}~~ Advisory Committee; and
- the Veterans Memorial Park Board;
- ▶ adds sunset provisions to the following and provisions related to the following:
  - the advisory council for the Utah Schools for the Deaf and Blind;
  - the advisory council for the Division of Services for the Blind and Visually Impaired;
  - the Agricultural Advisory Board;
  - the Agricultural and Wildlife Damage Prevention Board;
  - the Agricultural Water Optimization Task Force;
  - the Alarm System Security Licensing Board;
  - the Architects Licensing Board;
  - the Board of Bank Advisors;
  - the Board of Credit Union Advisors;
  - the Board of Financial Institutions;
  - the Board of Tourism Development;

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- the Boating Advisory Council;
- the Charter School Revolving Account Committee;
- the Child Care Advisory Committee;
- the Child Support Guidelines Advisory Committee;
- the Coal Miner Certification Panel;
- the Committee of Consumer Services;
- the Concealed Firearms Review Board;
- the Coordinating Council for Persons with Disabilities;
- coordinating councils for youth in custody;
- the Data Security Management Council;
- the Decision and Action Committee;
- the Domesticated Elk Act advisory council;
- the Drug Utilization Review Board;
- the Early Childhood Utah Advisory Council;
- the Emergency Management Administration Council;
- the Employment Advisory Council;
- the Executive Residence Commission;
- the Federal Land Application Advisory Committee;
- the Forensic Mental Health Coordinating Council;
- the Governor's Committee on Employment of People with Disabilities;
- the Governor's Economic Development Coordinating Council;
- the Great Salt Lake Advisory Council;
- the Heritage Trees Advisory Committee;
- the Interpreter Certification Board;
- the Kurt Oscarson Children's Organ Transplant Coordinating Committee;
- the Land Use and Eminent Domain Advisory Board;
- the Livestock Brand Board;
- local advisory boards for the Children's Justice Center Program;
- market boards of control in the Department of Agriculture;
- the Medical Education Council;
- the Motor Vehicle Business Advisory Board;

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- the Motor Vehicle Review Committee;
- the Museum Services Advisory Board;
- the Native American Remains Review Committee;
- the Newborn Hearing Screening Committee;
- the Off-highway Vehicle Advisory Council;
- the Pawnshop and Secondhand Merchandise Advisory Board;
- the Powersport Motor Vehicle Franchise Advisory Board;
- the Primary Care Grant Committee;
- the Purchasing from Persons with Disabilities Advisory Board;
- the Recreational Trails Advisory Council;
- regional advisory councils for the Wildlife Board;
- the Residential Child Care Licensing Advisory Committee;
- the Residential Mortgage Regulatory Commission;
- the School and Institutional Trust Fund Nominating Committee;
- the Search and Rescue Advisory Board;
- the Serious Habitual Offender Comprehensive Action Program Oversight Committees;
- the Snake Valley Aquifer Advisory Council;
- the State Grazing Advisory Board;
- the State Instructional Materials Commission;
- the State Rehabilitation Advisory Council;
- the State of Utah Alice Merrill Horne Art Collection Board;
- the State Weed Committee;
- the Technology Initiative Advisory Board;
- transportation advisory committees;
- the Traumatic Brain Injury Advisory Committee;
- the Utah Children's Health Insurance Program Advisory Council;
- the Utah Commission on Service and Volunteerism;
- the Utah Council on Victims of Crime;
- the Utah Electronic Recording Commission;
- the Utah Health Advisory Council;

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- the Utah Professional Practices Advisory Commission;
  - the Utah Prosecution Council;
  - the Wildlife Board Nominating Committee; and
  - the Workers' Compensation Advisory Council;
- ▶ reestablishes the Judicial Rules Review Committee and enacts provisions related to the Judicial Rules Review Committee;
- ▶ modifies appointments related to:
- the Committee of Consumer Services;
  - the Health Facility Committee;
  - the Sentencing Commission; and
  - the Utah Seismic Safety Commission;
- ▶ amends provisions related to contributions to the Martha Hughes Cannon Capitol Statue Oversight Committee;
- ▶ adds provisions to an existing repealer for the Air Ambulance Committee;
- ▶ modifies reporting requirements ~~{for the governor's office and the Office of Legislative Research and General Counsel}~~ related to boards and commissions;
- ▶ requires the Utah Public Notice Website and the governor's boards and commissions database to share certain information;
- ▶ requires the Division of Archives and Records Service to identify and report certain information;
- ▶ allows an individual to receive notifications regarding vacancies on certain boards and commissions;
- ▶ provides a portal through which a member of the public may provide feedback on an appointee or sitting member of certain boards and commissions; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{None}~~ This bill provides coordination clauses.

### Utah Code Sections Affected:

AMENDS:

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4-14-106, as renumbered and amended by Laws of Utah 2017, Chapter 345

4-30-105, as renumbered and amended by Laws of Utah 2017, Chapter 345

4-30-106, as renumbered and amended by Laws of Utah 2017, Chapter 345

4-30-107, as renumbered and amended by Laws of Utah 2017, Chapter 345

4-37-109, as last amended by Laws of Utah 2017, Chapter 412

9-6-201, as last amended by Laws of Utah 2017, Chapter 48

9-6-202, as last amended by Laws of Utah 2015, Chapter 350

9-6-305, as last amended by Laws of Utah 2018, Chapter 65

9-6-306, as last amended by Laws of Utah 2018, Chapter 65

9-6-806, as enacted by Laws of Utah 2015, Chapter 350

9-7-302, as last amended by Laws of Utah 2008, Chapter 382

9-8-305, as last amended by Laws of Utah 2008, Chapter 382

~~{ 13-35-102, as last amended by Laws of Utah 2018, Chapter 166~~

~~13-35-104, as last amended by Laws of Utah 2008, Chapter 382~~

~~13-35-106, as last amended by Laws of Utah 2008, Chapter 382~~

~~13-35-107, as last amended by Laws of Utah 2008, Chapter 382~~

~~13-35-201, as last amended by Laws of Utah 2005, Chapter 268~~

~~13-35-202, as last amended by Laws of Utah 2005, Chapter 268~~

~~13-35-203, as last amended by Laws of Utah 2005, Chapter 268~~

~~13-35-301, as last amended by Laws of Utah 2005, Chapter 268~~

~~13-35-302, as last amended by Laws of Utah 2016, Chapter 414~~

~~13-35-303, as last amended by Laws of Utah 2005, Chapter 268~~

~~13-35-305, as last amended by Laws of Utah 2005, Chapter 268~~

~~13-35-306, as last amended by Laws of Utah 2005, Chapter 268~~

} 23-14-3, as last amended by Laws of Utah 2017, Chapter 412

26-21-3, as last amended by Laws of Utah 2011, Chapter 366

26-39-200, as last amended by Laws of Utah 2019, Chapter 111

26-39-201, as last amended by Laws of Utah 2014, Chapter 322

~~{26-50-102, as enacted by Laws of Utah 2008, Chapter 325~~

~~26-50-201, as last amended by Laws of Utah 2013, Chapter 400~~

~~}36-12-22, as enacted by Laws of Utah 2019, Chapter 246~~

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### 36-31-104, as enacted by Laws of Utah 2018, Chapter 342

38-11-102, as last amended by Laws of Utah 2018, Chapter 229

38-11-201, as last amended by Laws of Utah 2018, Chapter 229

~~{ 41-3-102, as last amended by Laws of Utah 2019, Chapter 424~~

~~— 41-3-103, as last amended by Laws of Utah 2018, Chapter 387~~

~~— 41-3-105, as last amended by Laws of Utah 2018, Chapter 387~~

~~— 41-3-107, as renumbered and amended by Laws of Utah 1992, Chapter 234~~

~~— 41-3-109, as last amended by Laws of Utah 2008, Chapter 382~~

~~— 53B-1-301, as enacted by Laws of Utah 2019, Chapter 324 and last amended by  
Coordination Clause, Laws of Utah 2019, Chapter 444~~

~~— 53E-1-201, as last amended by Laws of Utah 2019, Chapter 324 and last amended by  
Coordination Clause, Laws of Utah 2019, Chapters 41, 205, 223, 342, 446, and 476~~

† 53F-9-203, as last amended by Laws of Utah 2019, Chapter 186

54-10a-202, as last amended by Laws of Utah 2010, Chapter 286

58-46a-102, as last amended by Laws of Utah 2017, Chapter 43

58-46a-302, as last amended by Laws of Utah 2013, Chapter 87

58-46a-302.5, as last amended by Laws of Utah 2013, Chapter 87

58-46a-303, as last amended by Laws of Utah 2001, Chapter 268

58-46a-501, as last amended by Laws of Utah 2002, Chapter 50

58-46a-502, as last amended by Laws of Utah 2019, Chapter 349

58-55-201, as last amended by Laws of Utah 2019, Chapter 215

58-64-102, as last amended by Laws of Utah 2016, Chapter 201

58-64-302, as last amended by Laws of Utah 2016, Chapter 201

58-64-502, as enacted by Laws of Utah 1995, Chapter 215

58-64-601, as last amended by Laws of Utah 2016, Chapter 201

~~{ 63A-9-101, as last amended by Laws of Utah 2017, Chapter 382~~

† 63C-6-101, as last amended by Laws of Utah 2011, Chapter 55

63F-1-509, as last amended by Laws of Utah 2008, Chapter 382

63F-1-701, as last amended by Laws of Utah 2016, Chapter 233

63I-1-204, as enacted by Laws of Utah 2019, Chapter 246

63I-1-209, as last amended by Laws of Utah 2019, Chapter 246

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63I-1-213, as last amended by Laws of Utah 2018, Chapter 111

63I-1-217, as last amended by Laws of Utah 2018, Chapters 236 and 347

63I-1-223, as last amended by Laws of Utah 2019, Chapter 246

63I-1-226, as last amended by Laws of Utah 2019, Chapters 67, 136, 246, 289, 455 and

last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

63I-1-234, as last amended by Laws of Utah 2019, Chapter 136

63I-1-235, as last amended by Laws of Utah 2019, Chapters 89 and 246

63I-1-236, as last amended by Laws of Utah 2019, Chapters 193 and 246

63I-1-241, as last amended by Laws of Utah 2019, Chapters 49, 55, and 246

63I-1-253, as last amended by Laws of Utah 2019, Chapters 90, 136, 166, 173, 246,

325, 344 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

63I-1-254, as last amended by Laws of Utah 2019, Chapter 88

63I-1-258, as last amended by Laws of Utah 2019, Chapters 67 and 68

63I-1-261, as last amended by Laws of Utah 2011, Chapter 199

63I-1-262, as last amended by Laws of Utah 2019, Chapters 246, 257, 440 and last

amended by Coordination Clause, Laws of Utah 2019, Chapter 246

63I-1-263, as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468,

469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

63I-1-267, as last amended by Laws of Utah 2019, Chapters 246 and 370

63I-1-272, as last amended by Laws of Utah 2019, Chapter 246

63I-1-273, as last amended by Laws of Utah 2019, Chapters 96 and 246

63I-1-278, as last amended by Laws of Utah 2019, Chapters 66 and 136

63I-2-226, as last amended by Laws of Utah 2019, Chapters 262, 393, 405 and last

amended by Coordination Clause, Laws of Utah 2019, Chapter 246

~~{ 63I-2-253, as last amended by Laws of Utah 2019, Chapters 41, 129, 136, 223, 324, 325, and 444~~

~~63I-2-263, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370, and 483~~

‡ 63M-7-402, as renumbered and amended by Laws of Utah 2008, Chapter 382



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63N-7-103, as last amended by Laws of Utah 2015, Chapter 301 and renumbered and amended by Laws of Utah 2015, Chapter 283

63N-7-301, as last amended by Laws of Utah 2019, Chapters 136 and 237

67-1-2.5, as last amended by Laws of Utah 2019, Chapter 246

~~{ 67-1-9, as last amended by Laws of Utah 2001, Chapter 9~~

{ 71-7-3, as last amended by Laws of Utah 2018, Chapter 39

### ENACTS:

36-32-101, Utah Code Annotated 1953

36-32-102, Utah Code Annotated 1953

36-32-201, Utah Code Annotated 1953

36-32-202, Utah Code Annotated 1953

36-32-203, Utah Code Annotated 1953

36-32-204, Utah Code Annotated 1953

36-32-205, Utah Code Annotated 1953

36-32-206, Utah Code Annotated 1953

36-32-207, Utah Code Annotated 1953

63I-1-207, Utah Code Annotated 1953

63I-1-240, Utah Code Annotated 1953

63I-1-265, Utah Code Annotated 1953

63I-1-279, Utah Code Annotated 1953

### REPEALS:

4-30-103, as last amended by Laws of Utah 2019, Chapter 156

9-6-801, as enacted by Laws of Utah 2015, Chapter 350

9-6-802, as enacted by Laws of Utah 2015, Chapter 350

9-6-803, as enacted by Laws of Utah 2015, Chapter 350

9-6-804, as enacted by Laws of Utah 2015, Chapter 350

9-6-805, as enacted by Laws of Utah 2015, Chapter 350

9-7-301, as last amended by Laws of Utah 1997, Chapter 10

~~{ 13-35-103, as last amended by Laws of Utah 2015, Chapter 258~~

{ 23-14-2.8, as enacted by Laws of Utah 2017, Chapter 412

26-39-202, as last amended by Laws of Utah 2014, Chapter 322

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- ~~{ 26-50-202, as last amended by Laws of Utah 2016, Chapter 168~~
- ‡ 36-12-20, as last amended by Laws of Utah 2018, Chapter 33
- 38-11-104, as last amended by Laws of Utah 2018, Chapter 229
- ~~{ 41-3-106, as last amended by Laws of Utah 2010, Chapters 286 and 324~~
- ‡ 53-3-908, as last amended by Laws of Utah 2010, Chapters 286 and 324
- 58-46a-201, as enacted by Laws of Utah 1994, Chapter 28
- 58-64-201, as enacted by Laws of Utah 1995, Chapter 215
- ~~{ 63A-9-301, as last amended by Laws of Utah 2010, Chapter 286~~
- ~~— 63A-9-302, as last amended by Laws of Utah 2003, Chapter 5~~
- ~~— 63C-19-101, as enacted by Laws of Utah 2018, Chapter 382~~
- ~~— 63C-19-102, as enacted by Laws of Utah 2018, Chapter 382~~
- ~~— 63C-19-201, as enacted by Laws of Utah 2018, Chapter 382~~
- ~~— 63C-19-202, as enacted by Laws of Utah 2018, Chapter 382~~
- ‡ 63M-3-101, as enacted by Laws of Utah 2008, Chapter 382
- 63M-3-102, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-3-103, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-3-201, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-3-202, as renumbered and amended by Laws of Utah 2008, Chapter 382
- ~~{ 67-1-8.1, as last amended by Laws of Utah 2017, Chapter 181~~
- ~~— } 71-7-4, as last amended by Laws of Utah 2018, Chapter 39~~

### Utah Code Sections Affected by Coordination Clause:

26-21-3, as last amended by Laws of Utah 2011, Chapter 366

63I-1-209, as last amended by Laws of Utah 2019, Chapter 246

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

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

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

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

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

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- (a) a human being; or
- (b) a bacteria, virus, or other microorganism on or in a living person or animal;
- (2) establish, in accordance with the regulations issued by the EPA under 7 U.S.C. Sec. 136w(c)(2), whether pesticides registered for special local needs under the authority of 7 U.S.C. Sec. 136v(c) are highly toxic to man;
- (3) establish, consistent with EPA regulations, that certain pesticides or quantities of substances contained in these pesticides are injurious to the environment;
- (4) adopt a list of "restricted use pesticides" for the state or designated areas within the state if the department determines upon substantial evidence presented at a public hearing [~~and upon recommendation of the pesticide committee~~] that restricted use is necessary to prevent damage to property or to the environment;
- (5) establish qualifications for a pesticide applicator business; and
- (6) adopt any rule, not inconsistent with federal regulations issued under FIFRA, considered necessary to administer and enforce this chapter, including rules relating to the sale, distribution, use, and disposition of pesticides if necessary to prevent damage and to protect the public health.

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

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

- (1) (a) No person may operate a livestock market in this state without a license issued by the department.
- (b) Application for a license shall be made to the department upon forms prescribed and furnished by the department, and the application shall specify:
  - (i) if the applicant is an individual, the name, address, and date of birth of the applicant; or
  - (ii) if the applicant is a partnership, corporation, or association, the name, address, and date of birth of each person who has a financial interest in the applicant and the amount of each person's interest;
  - (iii) a certified statement of the financial assets and liabilities of the applicant detailing:
    - (A) current assets;
    - (B) current liabilities;
    - (C) long-term assets; and

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(D) long-term liabilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) specifying procedures for the application and renewal of certificates of registration

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for operating an aquaculture or fee fishing facility; and

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

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

(b) Except as provided by this chapter, the rules authorized by Subsection (2)(a) shall be consistent with the suggested procedures for the detection and identification of pathogens published by the American Fisheries Society's Fish Health Section.

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

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

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

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

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

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

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

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

(b) develop the influence of arts in education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **9-6-306. Collection.**

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

(c) "Development of the arts" means:

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

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

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



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

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

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

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

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

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

(b) private donations and grants.

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

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

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

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

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

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

(b) distribute account money under this section.

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

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

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

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

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

**9-8-305. Permit required to survey or excavate on state lands -- Public Lands Policy Coordinating Office to issue permits and make rules -- Ownership of collections and resources -- Revocation or suspension of permits -- Criminal penalties.**

(1) (a) Except as provided by Subsections (1)(d) and (3)(c), each principal investigator who wishes to survey or excavate on any lands owned or controlled by the state, its political

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subdivisions, or by the School and Institutional Trust Lands Administration shall obtain a survey or excavation permit from the Public Lands Policy Coordinating Office.

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

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

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

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

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

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

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

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

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

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

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

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

(A) states the questions to be addressed;

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(B) states the reasons for conducting the work;

(C) defines the methods to be used;

(D) describes the analysis to be performed;

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

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

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

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

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

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

(i) requests the delegation; and

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

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

(4) The Public Lands Policy Coordinating Office shall:

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

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

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

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

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- (a) establish survey methodology;
- (b) standardize report and data preparation and submission;
- (c) require other permit application information that the Public Lands Policy

Coordinating Office finds necessary, including proof of consultation with the appropriate Native American tribe;

- (d) establish what training and experience is equivalent to a graduate degree;
- (e) establish requirements for a person authorized by Subsection (1)(b) to assist the

principal investigator;

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

- (g) establish criteria that, if met, would allow the Public Lands Policy Coordinating

Office to reinstate a suspended permit.

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

- (a) site forms;
- (b) data;
- (c) maps;
- (d) drawings;
- (e) photographs; and
- (f) descriptions of specimens.

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

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

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

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facility.

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

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

(c) Within a reasonable time after the completion of fieldwork, each permit holder shall deposit all collections at the museum, a curation facility, or a repository.

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

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

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

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

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

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

Section 13. Section ~~{13-35-102}~~23-14-3 is amended to read:

~~{~~ ~~13-35-102.~~ **Definitions.**

~~As used in this chapter:~~

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

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

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

~~(b) that is identified as a new powersport vehicle dealer's principal place of business~~

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~~for registration purposes under Section 13-35-105.~~

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

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

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

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

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

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

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

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

~~——— (ii) an intermediate distributor;~~

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

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

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

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

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

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~~or manufacturer of the powersport vehicle.~~

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

~~—— [(11)] (10) "Notice" or "notify" includes both traditional written communications and all reliable forms of electronic communication unless expressly prohibited by statute or rule.~~

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

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

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

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

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

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

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

~~—— (b) "Powersport vehicle" does not include:~~

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

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

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

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

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

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

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

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

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

~~—— [(15)] (14) "Serve" or "served," unless expressly indicated otherwise by statute or rule,~~

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~~includes any reliable form of communication.~~

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

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

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

~~—— [(1) (a) Except as provided in Subsection 13-35-106(3), the advisory board shall make recommendations to the executive director on the administration and enforcement of this chapter, including adjudicative and rulemaking proceedings.]~~

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

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

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

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

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

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

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

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

~~—— (A) personal attendance at the hearing; or~~

~~—— (B) review of the record developed at the hearing.~~

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

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

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



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~~\_\_\_\_\_ (a) issue a cease and desist order; and~~

~~\_\_\_\_\_ (b) assess an administrative fine.~~

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

~~\_\_\_\_\_ (i) the gravity of the violation;~~

~~\_\_\_\_\_ (ii) any history of previous violations; and~~

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

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

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

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

~~\_\_\_\_\_ Section 16. Section ~~13-35-107~~ is amended to read:~~

~~\_\_\_\_\_ ~~13-35-107. Administrative proceedings -- Request for agency action.~~~~

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

~~\_\_\_\_\_ (i) remedy a violation of this chapter;~~

~~\_\_\_\_\_ (ii) obtain approval of an act regulated by this chapter; or~~

~~\_\_\_\_\_ (iii) obtain any determination that this chapter specifically authorizes that person to request.~~

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

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

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

~~13-35-201. Prohibited acts by franchisors -- Disclosures.~~

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

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

~~(b) require a franchisee to:~~

~~(i) participate monetarily in any advertising campaign or contest; or~~

~~(ii) purchase any promotional materials, display devices, or display decorations or materials;~~

~~(c) require a franchisee to change the capital structure of the franchisee's dealership or the means by or through which the franchisee finances the operation of the franchisee's dealership, if the dealership at all times meets reasonable capital standards determined by and applied in a nondiscriminatory manner by the franchisor;~~

~~(d) require a franchisee to refrain from participating in the management of, investment in, or acquisition of any other line of new powersport vehicles or related products, if the franchisee:~~

~~(i) maintains a reasonable line of credit for each make or line of powersport vehicles; and~~

~~(ii) complies with reasonable capital and facilities requirements of the franchisor;~~

~~(e) require a franchisee to prospectively agree to a release, assignment, novation, waiver, or estoppel that would:~~

~~(i) relieve a franchisor from any liability, including notice and hearing rights imposed on the franchisor by this chapter; or~~

~~(ii) require any controversy between the franchisee and a franchisor to be referred to a third party if the decision by the third party would be binding;~~

~~(f) require a franchisee to change the location of the principal place of business of the franchisee's dealership or make any substantial alterations to the dealership premises, if the change or alterations would be unreasonable;~~

~~(g) coerce or attempt to coerce a franchisee to join, contribute to, or affiliate with an advertising association;~~

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~~—— (h) require, coerce, or attempt to coerce a franchisee to enter into an agreement with the franchisor or do any other act that is unfair or prejudicial to the franchisee, by threatening to cancel a franchise agreement or other contractual agreement or understanding existing between the franchisor and franchisee;~~

~~—— (i) adopt, change, establish, modify, or implement a plan or system for the allocation, scheduling, or delivery of new powersport vehicles, parts, or accessories to its franchisees so that the plan or system is not fair, reasonable, and equitable;~~

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

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

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

~~—— (A) strict liability;~~

~~—— (B) negligence;~~

~~—— (C) misrepresentation;~~

~~—— (D) express or implied warranty;~~

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

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

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

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

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

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- ~~\_\_\_\_\_ (n) require or otherwise coerce a franchisee to under-utilize the franchisee's existing facilities;~~
- ~~\_\_\_\_\_ (o) fail to include in any franchise agreement the following language or language to the effect that: "If any provision in this agreement contravenes the laws, rules, or regulations of any state or other jurisdiction where this agreement is to be performed, or provided for by such laws or regulations, the provision is considered to be modified to conform to such laws, rules, or regulations, and all other terms and provisions shall remain in full force.";~~
- ~~\_\_\_\_\_ (p) engage in the distribution, sale, offer for sale, or lease of a new powersport vehicle to purchasers who acquire the vehicle in this state except through a franchisee with whom the franchisor has established a written franchise agreement, if the franchisor's trade name, trademark, service mark, or related characteristic is an integral element in the distribution, sale, offer for sale, or lease;~~
- ~~\_\_\_\_\_ (q) except as provided in Subsection (2), authorize or permit a person to perform warranty service repairs on powersport vehicles, except warranty service repairs:~~
  - ~~\_\_\_\_\_ (i) by a franchisee with whom the franchisor has entered into a franchise agreement for the sale and service of the franchisor's powersport vehicles; or~~
  - ~~\_\_\_\_\_ (ii) on owned powersport vehicles by a person or government entity who has purchased new powersport vehicles pursuant to a franchisor's or manufacturer's fleet discount program;~~
- ~~\_\_\_\_\_ (r) fail to provide a franchisee with a written franchise agreement;~~
- ~~\_\_\_\_\_ (s) notwithstanding any other provisions of this chapter, unreasonably fail or refuse to offer to its same line-make franchised dealers all models manufactured for that line-make, or unreasonably require a dealer to pay any extra fee, remodel, renovate, recondition the dealer's existing facilities, or purchase unreasonable advertising displays or other materials as a prerequisite to receiving a model or series of vehicles;~~
- ~~\_\_\_\_\_ (t) except as provided in Subsection (5), directly or indirectly:~~
  - ~~\_\_\_\_\_ (i) own an interest in a new powersport vehicle dealer or dealership;~~
  - ~~\_\_\_\_\_ (ii) operate or control a new powersport vehicle dealer or dealership;~~
  - ~~\_\_\_\_\_ (iii) act in the capacity of a new powersport vehicle dealer, as defined in Section 13-35-102; or~~
  - ~~\_\_\_\_\_ (iv) operate a powersport vehicle service facility;~~
  - ~~\_\_\_\_\_ (u) fail to timely pay for all reimbursements to a franchisee for incentives and other~~

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~~payments made by the franchisor;~~

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

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

~~—— (ii) giving a customer referral to a franchisee on the condition that the franchisee agree to sell the vehicle at a price fixed by the franchisor; or~~

~~—— (iii) advising a potential customer as to the amount that the potential customer should pay for a particular product;~~

~~—— (w) fail to provide comparable delivery terms to each franchisee for a product of the franchisor, including the time of delivery after the placement of an order by the franchisee;~~

~~—— (x) if personnel training is provided by the franchisor to its franchisees, unreasonably fail to make that training available to each franchisee on proportionally equal terms;~~

~~—— (y) condition a franchisee's eligibility to participate in a sales incentive program on the requirement that a franchisee use the financing services of the franchisor or a subsidiary or affiliate of the franchisor for inventory financing;~~

~~—— (z) make available for public disclosure, except with the franchisee's permission or under subpoena or in any administrative or judicial proceeding in which the franchisee or the franchisor is a party, any confidential financial information regarding a franchisee, including:~~

~~—— (i) monthly financial statements provided by the franchisee;~~

~~—— (ii) the profitability of a franchisee; or~~

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

~~—— (aa) use any performance standard, incentive program, or similar method to measure the performance of franchisees unless the standard or program:~~

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

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

~~and~~

~~—— (iii) is, upon request by a franchisee, disclosed and explained in writing to the franchisee, including:~~

~~—— (A) how the standard or program is designed;~~

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

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~~—— (C) the types of data that will be collected and used in the application of the standard or program;~~

~~—— (bb) other than sales to the federal government, directly or indirectly, sell, lease, offer to sell, or offer to lease, a new powersport vehicle or any powersport vehicle owned by the franchisor, except through a franchised new powersport vehicle dealer;~~

~~—— (cc) compel a franchisee, through a finance subsidiary, to agree to unreasonable operating requirements, except that this Subsection (1)(cc) may not be construed to limit the right of a financing subsidiary to engage in business practices in accordance with the usage of trade in retail and wholesale powersport vehicle financing;~~

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

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

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

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

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

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

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

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- ~~—— (a) new powersport vehicle models offered for sale by the franchisor; and~~
- ~~—— (b) parts to service the repair of the new powersport vehicles.~~
- ~~—— (3) Subsection (1)(d) does not prevent a franchisor from:~~
  - ~~—— (a) requiring that a franchisee maintain separate sales personnel or display space; or~~
  - ~~—— (b) refusing to permit a combination of new powersport vehicle lines, if justified by reasonable business considerations.~~
- ~~—— (4) Upon the written request of any franchisee, a franchisor shall disclose in writing to the franchisee the basis on which new powersport vehicles, parts, and accessories are allocated, scheduled, and delivered among the franchisor's dealers of the same line-make.~~
- ~~—— (5) (a) A franchisor may engage in any of the activities listed in Subsection (1)(t), for a period not to exceed 12 months if:~~
  - ~~—— (i) (A) the person from whom the franchisor acquired the interest in or control of the new powersport vehicle dealership was a franchised new powersport vehicle dealer; and~~
  - ~~—— (B) the franchisor's interest in the new powersport vehicle dealership is for sale at a reasonable price and on reasonable terms and conditions; or~~
  - ~~—— (ii) the franchisor is engaging in the activity listed in Subsection (1)(t) for the purpose of broadening the diversity of its dealer body and facilitating the ownership of a new powersport vehicle dealership by a person who:~~
    - ~~—— (A) is part of a group that has been historically underrepresented in the franchisor's dealer body;~~
    - ~~—— (B) would not otherwise be able to purchase a new powersport vehicle dealership;~~
    - ~~—— (C) has made a significant investment in the new powersport vehicle dealership which is subject to loss;~~
    - ~~—— (D) has an ownership interest in the new powersport vehicle dealership; and~~
    - ~~—— (E) operates the new powersport vehicle dealership under a plan to acquire full ownership of the dealership within a reasonable period of time and under reasonable terms and conditions.~~
- ~~—— (b) [After receipt of the advisory board's recommendation, the] The executive director may, for good cause shown, extend the time limit set forth in Subsection (5)(a) for an additional period not to exceed 12 months.~~
- ~~—— (c) Notwithstanding Subsection (1)(t), a franchisor may own, operate, or control a new~~

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powersport vehicle dealership trading in a line-make of powersport vehicle if:

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

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

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

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

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

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

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

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

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

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

~~—— Section 18. Section ~~13-35-202~~ is amended to read:~~

~~—— **13-35-202. Sale or transfer of ownership.**~~

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



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- ~~—— (i) subject to Subsection 13-35-305(2)(b); and~~
- ~~—— (ii) unless exempted under Subsection (2).~~
- ~~—— (b) The franchisor shall give effect to the change in a franchise agreement pursuant to Subsection (1)(a) for the:~~
  - ~~—— (i) sale of a dealership;~~
  - ~~—— (ii) contract for sale of a dealership;~~
  - ~~—— (iii) transfer of ownership of a franchisee's dealership by sale, transfer of the business, or by stock transfer; or~~
  - ~~—— (iv) change in the executive management of the franchisee's dealership.~~
- ~~—— (2) A franchisor is exempted from the requirements of Subsection (1) if:~~
  - ~~—— (a) the transferee is denied, or would be denied, a new powersport vehicle franchisee's registration pursuant to Section 13-35-105; or~~
  - ~~—— (b) the proposed sale or transfer of the business or change of executive management will be substantially detrimental to the distribution of the franchisor's new powersport vehicles or to competition in the relevant market area, provided that the franchisor has given written notice to the franchisee within 60 days following receipt by the franchisor of the following:~~
    - ~~—— (i) a copy of the proposed contract of sale or transfer executed by the franchisee and the proposed transferee;~~
    - ~~—— (ii) a completed copy of the franchisor's written application for approval of the change in ownership or executive management, if any, including the information customarily required by the franchisor; and~~
    - ~~—— (iii) (A) a written description of the business experience of the executive management of the transferee in the case of a proposed sale or transfer of the franchisee's business; or~~
      - ~~—— (B) a written description of the business experience of the person involved in the proposed change of the franchisee's executive management in the case of a proposed change of executive management.~~
- ~~—— (3) For purposes of this section, the refusal by the franchisor to accept a proposed transferee is presumed to be unreasonable and undertaken without good cause if the proposed franchisee:~~
  - ~~—— (a) is of good moral character; and~~
  - ~~—— (b) otherwise meets the written, reasonable, and uniformly applied standards or~~

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~~qualifications, if any, of the franchisor relating to the business experience of executive management and financial capacity to operate and maintain the dealership required by the franchisor of its franchisees.~~

~~—— (4) (a) If after receipt of the written notice from the franchisor described in Subsection (1) the franchisee objects to the franchisor's refusal to accept the proposed sale or transfer of the business or change of executive management, the franchisee may file an application for a hearing [before the board], administered by the department, up to 60 days from the date of receipt of the notice.~~

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

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

~~—— (A) shall be approved; or~~

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

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

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

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

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

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

~~—— **13-35-203. Succession to franchise.**~~

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

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

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

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~~—— (iii) the designated successor meets the criteria generally applied by the franchisor in qualifying franchisees:~~

~~—— (b) A franchisor may refuse to honor the existing franchise agreement with the designated successor only for good cause:~~

~~—— (2) (a) The franchisor may request in writing from a designated successor the personal and financial data that is reasonably necessary to determine whether the existing franchise agreement should be honored:~~

~~—— (b) The designated successor shall supply the personal and financial data promptly upon the request:~~

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

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

~~—— (ii) the receipt of the requested personal and financial data:~~

~~—— (b) Failure to serve the notice pursuant to Subsection (3)(a) is considered approval of the designated successor and the franchise agreement is considered amended to reflect the approval of the succession the day following the last day the franchisor can serve notice under Subsection (3)(a):~~

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

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

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

~~—— (5) (a) This section does not prevent a franchisee from designating a person as the successor by written instrument filed with the franchisor:~~

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

~~—— (6) (a) If a franchisor serves a notice of refusal to a designated successor pursuant to~~

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~~Subsection (3), the designated successor may, within the 180-day period provided in Subsection (4), file with the [advisory board] department an application for a hearing and a determination by the executive director regarding whether good cause exists for the refusal.~~

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

~~—— (i) the requested hearing has been concluded;~~

~~—— (ii) a decision is rendered by the executive director; and~~

~~—— (iii) the applicable appeal period has expired following a decision by the executive director.~~

~~—— Section 20. Section ~~13-35-301~~ is amended to read:~~

~~—— **13-35-301. Termination or noncontinuance of franchise.**~~

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

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

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

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

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

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

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

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

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

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

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

~~—— (ii) the applicable appeal period has lapsed.~~

~~—— Section 21. Section 13-35-302 is amended to read:~~

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

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

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

~~—— (ii) relocate an existing powersport vehicle dealership.~~

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

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

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

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

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

~~—— (i) a timely protest has been filed;~~

~~—— (ii) a hearing is required;~~

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

~~—— (iv) the franchisor may not establish or relocate a proposed dealership if the executive director determines that there is not good cause for permitting the establishment or relocation of the dealership:~~

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

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

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

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

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

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

~~— (3) For purposes of this section:~~

~~— (a) relocation of an existing franchisee's dealership in excess of one mile from its existing location is considered the establishment of an additional franchise in the line-make of the relocating franchise;~~

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

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

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

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

~~— **13-35-303. Effect of terminating a franchise.**~~

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

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

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

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

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

~~—— (b) the investment necessarily made and obligations incurred by the franchisee in the performance of the franchisee's part of the franchise agreement;~~

~~—— (c) the permanency of the investment;~~

~~—— (d) whether it is injurious or beneficial to the public welfare or public interest for the business of the franchisee to be disrupted;~~

~~—— (e) whether the franchisee has adequate powersport vehicle sales and service facilities, equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of the consumer for the new powersport vehicles handled by the franchisee and has been and is rendering adequate services to the public;~~

~~—— (f) whether the franchisee refuses to honor warranties of the franchisor under which the warranty service work is to be performed pursuant to the franchise agreement, if the franchisor reimburses the franchisee for the warranty service work;~~

~~—— (g) failure by the franchisee to substantially comply with those requirements of the franchise agreement that are determined by [the advisory board or] the executive director to be:~~

~~—— (i) reasonable;~~

~~—— (ii) material; and~~

~~—— (iii) not in violation of this chapter;~~

~~—— (h) evidence of bad faith by the franchisee in complying with those terms of the franchise agreement that are determined by [the advisory board or] the executive director to be:~~

~~—— (i) reasonable;~~

~~—— (ii) material; and~~

~~—— (iii) not in violation of this chapter;~~

~~—— (i) prior misrepresentation by the franchisee in applying for the franchise;~~

~~—— (j) transfer of any ownership or interest in the franchise without first obtaining approval from the franchisor or the executive director [after receipt of the advisory board's recommendation]; and~~

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~~—— (k) any other factor [the advisory board or] the executive director [consider] considers relevant:~~

~~—— (2) Notwithstanding any franchise agreement, the following do not constitute good cause, as used in this chapter for the termination or noncontinuation of a franchise:~~

~~—— (a) the sole fact that the franchisor desires:~~

~~—— (i) greater market penetration; or~~

~~—— (ii) more sales or leases of new powersport vehicles;~~

~~—— (b) the change of ownership of the franchisee's dealership or the change of executive management of the franchisee's dealership unless the franchisor proves that the change of ownership or executive management will be substantially detrimental to the distribution of the franchisor's powersport vehicles; or~~

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

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

~~—— Section 24. Section ~~13-35-306~~ is amended to read:~~

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

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

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

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

~~—— (3) the permanency of the existing and proposed investment;~~

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

~~—— (5) whether the franchisees of the same line-make in that relevant market area are~~



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~~providing adequate service to consumers for the powersport vehicles of the line-make, which shall include the adequacy of:~~

- ~~—— (a) the powersport vehicle sale and service facilities;~~
- ~~—— (b) equipment;~~
- ~~—— (c) supply of vehicle parts; and~~
- ~~—— (d) qualified service personnel.~~

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

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

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

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

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

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

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

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

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

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

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

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

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recommending the opposing position.

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

Section ~~{26}~~14. Section **26-21-3** is amended to read:

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

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

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

~~(2)~~ The membership of the committee is:

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

~~(b)~~ one hospital administrator;

~~(c)~~ one hospital trustee;

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

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

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

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

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

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

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

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

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~~[(1)]~~ (j) one representative from either a home health care provider or a hospice provider.

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

(b) Notwithstanding the requirements of Subsection ~~[(2)]~~ (3)(a), the governor shall, at the time of appointment or reappointment, 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.

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

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

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

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

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

Section ~~{27}~~15. Section 26-39-200 is amended to read:

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

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

(b) The governor shall appoint three members who:

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

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

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

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

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- (B) a child development expert from the state system of higher education;
- (C) except as provided in Subsection (1)(e), a pediatrician licensed in the state; and
- (D) an architect licensed in the state.

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

(d) At least one member described in Subsection (1)(b) shall at the time of appointment reside in a county that is not a county of the first class.

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

(i) the health care professional is licensed under:

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

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

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

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

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

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

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

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

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

(e) Members of the licensing committee shall annually select one member to serve as

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chair who shall establish the agenda for licensing committee meetings.

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

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

(b) The director may call additional meetings:

(i) at the director's discretion;

(ii) upon the request of the chair; or

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

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

(6) A member of the licensing committee 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 in accordance with Sections 63A-3-106 and 63A-3-107.

Section ~~28~~16. Section **26-39-201** is amended to read:

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

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

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

(i) two child care consumers;

(ii) three licensed residential child care providers;

(iii) one certified residential child care provider;

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

(v) two health care providers.

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

(b) Appointments and reappointments may be staggered so that 1/4 of the advisory

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committee changes each year.

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

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

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

(5) A member of the advisory committee 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 in accordance with Sections 63A-3-106 and 63A-3-107.

Section ~~{29}~~17. Section ~~{26-50-10}~~36-12-22 is amended to read:

~~{~~ ~~26-50-102.~~ **Definitions:**

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

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

~~26-50-201. Traumatic Brain Injury Fund.~~

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

~~(2) The fund shall consist of:~~

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

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

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

~~(4) Fund money may be used to:~~

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

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

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

~~— (d) provide grants to persons or organizations to provide the services described in Subsections (4)(a), (b), and (c).~~

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

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

~~— (a) be a resident of Utah;~~

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

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

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

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

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

~~— Section 31. Section ~~36-12-22~~ is amended to read:~~

~~‡~~ **36-12-22. ~~{Review of legislative workload -- Reports from committees with legislators}~~ Reports from legislative boards -- Annual reports -- Preparation of legislation.**

(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 created in statute or by legislative rule:

(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)] (ii)~~ that has operated or is intended to operate for more than six months~~[-]; and~~  
(iii) (A) that has exclusive or majority legislative membership; or  
(B) that receives staff support from a legislative staff office.

(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 {;} August] 1 of each year~~ Before August 1, once every five years, beginning in calendar year 2024, each legislative board ~~[or commission]~~ shall prepare and submit to the Office of Legislative Research and General Counsel ~~[an annual]~~ a 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) (iii) a description of [the actual work performed] ~~{and}~~ 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;] in the {last} five previous fiscal {year} years; {;}]~~

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



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~~[(ix)] (v) [an indication of]~~ a recommendation regarding 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]~~ each report described in Subsection (2)(a) to the Legislature's website before ~~[October]~~ September 1 of ~~[each year]~~ a calendar year in which the Office of Legislative Research and General Counsel receives a report described in Subsection (2)(a).

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

(3) (a) Before September 1 of a calendar year in which the Office of Legislative Research and General Counsel receives a report described in Subsection (2)(a), the Office of Legislative Research and General Counsel shall prepare a report that includes, as of July 1 of that year:

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

(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)]~~(iv); and

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

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

~~[(i) { coordinate with the governor's boards and commissions administrator to jointly } distribute copies of the report described in Subsection (3)(a) to:]~~

{and copies of} (i) in accordance with Section 68-3-14, submit the report described in Subsection {67-1-2.5}({6}3)({b}a) to:

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- (A) the president of the Senate;
- (B) the speaker of the House of Representatives; and
- ~~[(C) the Legislative Management Committee; and]~~
- ~~[(D)]~~ (C) the Government Operations Interim Committee; and
- (ii) post the report described in Subsection (3)(a) to the Legislature's website.

~~[(c) Each year, the]~~ (4) (a) The Government Operations Interim Committee ~~[shall]~~ may prepare legislation ~~[making any changes the committee determines are suitable with respect to the {} report {} reports] the committee receives under Subsection (3)(b) { and Subsection 67-1-2.5(6)(b)}; including:~~ to address a recommendation regarding:

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

~~[(ii) making appropriate changes to make a legislative {or executive } board {} or commission {} more effective;]~~

(i) an executive board, as defined in Section 67-1-2.5, included in the report described in Section 67-1-2.5; or

(ii) a legislative board included in the report described in Subsection (3)(a).

(b) If an executive board or a legislative board is assigned to an interim committee for review under Title 63I, Chapter 1, Legislative Oversight and Sunset Act, the Government Operations Interim Committee may coordinate with the interim committee to prepare legislation described in Subsection (4)(a).

Section 18. Section 36-31-104 is amended to read:

### **36-31-104. Committee duties.**

- (1) The committee shall:
  - (a) coordinate efforts to place a statue of Martha Hughes Cannon in the National Statuary Hall in the United States Capitol to replace the statue of Philo Farnsworth;
  - (b) ensure that efforts to place the statue of Martha Hughes Cannon conform with the requirements of 2 U.S.C. Chapter 30, Subchapter V, Part D, Miscellaneous;
  - (c) represent the state in interactions with the following in relation to the placement of the statue of Martha Hughes Cannon:
    - (i) the Joint Committee on the Library of Congress described in 2 U.S.C. Sec. 2132;
    - (ii) the architect of the capitol described in 2 U.S.C. Sec. 2132; and

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- (iii) any other federal entity;
  - (d) select a sculptor for the statue of Martha Hughes Cannon;
  - (e) ensure that the statue of Martha Hughes Cannon is created in marble or bronze, as required under 2 U.S.C. Sec. 2131;
  - (f) approve the final design of the statue of Martha Hughes Cannon;
  - (g) ensure that the statue of Martha Hughes Cannon is unveiled in the National Statuary Hall in August of 2020, in commemoration of the month of the 100th anniversary of the ratification of the Nineteenth Amendment to the United States Constitution; and
  - (h) determine, in coordination with appropriate community leaders and local elected officials, an appropriate location for placement of the statue of Philo Farnsworth that is currently on display in the National Statuary Hall in the United States Capitol.
- (2) The committee shall facilitate the creation of a nonprofit entity that is exempt from federal income tax under Section 501(c), Internal Revenue Code, to:
- (a) collect ~~[charitable]~~ contributions to cover ~~[all]~~ costs associated with:
    - (i) the creation and placement of the statue of Martha Hughes Cannon in the National Statuary Hall in the United States Capitol;
    - (ii) the removal of the statue of Philo Farnsworth that is currently on display in the National Statuary Hall in the United States Capitol; and
    - (iii) the placement of the statue described in Subsection (2)(a)(ii) for display in a location designated by the committee under Subsection (1)(h); and
  - (b) comply with the requirements of 2 U.S.C. Sec. 2132 regarding the cost of replacing a state's statue in the National Statuary Hall ~~[; and]~~.
  - ~~[(c) ensure that no state funds are used for any cost related to an item described in Subsection (2)(a).]~~

Section ~~{32}~~19. Section ~~{38-11-102}~~36-32-101 is enacted to read:

### CHAPTER 32. JUDICIAL RULES REVIEW COMMITTEE

#### Part 1. General Provisions

#### 36-32-101. Title.

This chapter is known as "Judicial Rules Review Committee."

Section 20. Section 36-32-102 is enacted to read:

#### 36-32-102. Definitions.

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As used in this chapter:

(1) “Advisory committee” means the committee that proposes to the Supreme Court rules or changes in rules related to:

- (a) civil procedure;
- (b) criminal procedure;
- (c) juvenile procedure;
- (d) appellate procedure;
- (e) evidence; and
- (f) professional conduct.

(2) “Committee” means the Judicial Rules Review Committee created in Section 36-31-201.

(3) “Court rule” means any of the following:

- (a) rules of procedure, evidence, or practice for use of the courts of this state;
- (b) rules governing and managing the appellate process adopted by the Supreme Court;

or

(c) rules adopted by the Judicial Council for the administration of the courts of the state.

(4) “Judicial Council” means the administrative body of the courts, established in Utah Constitution, Article VIII, Sec. 12, and Section 78A-2-104.

(5) “Proposal for court rule” means the proposed language in a court rule that is submitted to:

- (a) the Judicial Council;
- (b) the advisory committee; or
- (c) the Supreme Court.

Section 21. Section 36-32-201 is enacted to read:

### **Part 2. Judicial Rules Review Committee**

#### **36-32-201. Establishment of committee -- Membership -- Duties.**

(1) There is created a six member Judicial Rules Review Committee.

(2) (a) The committee is comprised of:

(i) three members of the Senate, no more than two from the same political party, appointed by the president of the Senate; and

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(ii) three members of the House of Representatives, no more than two from the same political party, appointed by the speaker of the House of Representatives.

(b) A members shall serve for a two-year term, or until the member's successor is appointed.

(c) (i) A vacancy exists when a member:

(A) is not longer a member of the Legislature; or

(B) resigns from the committee.

(ii) The appointing authority shall fill a vacancy.

(iii) A member appointed to fill a vacancy shall serve out the unexpired term.

(d) The committee may meet as needed:

(i) to review:

(A) court rules:

(B) proposals for court rules; or

(C) conflicts between court rules or proposals for court rules and statute or the Utah

Constitution; or

(ii) to recommend legislative action related to a review described in Subsection

(2)(d)(i).

Section 22. Section 36-32-202 is enacted to read:

### **36-32-202. Submission of court rules or proposals for court rules.**

(1) The Supreme Court or the Judicial Council shall submit to the committee and the governor each court rule, proposal for court rule, and any additional information related to a court rule or proposal for court rule that the Supreme Court or Judicial Council considers relevant:

(a) when the court rule or proposal for court rule is submitted:

(i) to the Judicial Council for consideration or approval for public comment; or

(ii) to the Supreme Court by the advisory committee after the advisory committee's consideration or approval; and

(b) when the approved court rule or approved proposal for court rule is made available to members of the bar and the public for public comment.

(2) At the time of submission under Subsection (1), the Supreme Court or Judicial Council shall provide the committee with the name and contact information of a Supreme

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Court advisory committee or Judicial Council employee whom the committee may contact about the submission.

Section 23. Section 36-32-203 is enacted to read:

### **36-32-203. Review of rules -- Criteria.**

(1) As used in this section, "court rule" means a new court rule, a proposal for court rule, or an existing court rule.

(2) The committee:

(a) shall review and evaluate a submission of:

(i) a court rule; or

(ii) a proposal for court rule; and

(b) may review an existing court rule.

(3) The committee shall conduct a review of a court rule described in Subsection (2) based on the following criteria:

(a) whether the court rule is authorized by the state constitution or by statute;

(b) if authorized by statute, whether the court rule complies with legislative intent;

(c) whether the court rule is in conflict with existing statute or governs a policy expressed in statute;

(d) whether the court rule is primarily substantive or procedural in nature;

(e) whether the court rule infringes on the powers of the executive or legislative branch of government;

(f) the impact of the court rule on an affected person;

(g) the purpose for the court rule, and if applicable, the reason for a change to an existing court rule;

(h) the anticipated cost or savings due to the court rule to:

(i) the state budget;

(ii) local governments; and

(iii) individuals; and

(i) the cost to an affected person of complying with the court rule.

Section 24. Section 36-32-204 is enacted to read:

### **36-32-204. Committee review--Fiscal analyst--Powers of committee.**

(1) To carry out the committee's duties, the committee may examine issues that the

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committee considers necessary in addition to the issues described in this chapter.

(2) The committee may request that the Office of the Legislative Fiscal Analyst prepare a fiscal note on any court rule or proposal for court rule.

(3) The committee has the powers granted to a legislative interim committee described in Section 36-12-11.

Section 25. Section 36-32-205 is enacted to read:

### **36-32-205. Findings--Report--Distribution of report.**

(1) The committee may:

(a) make an informal recommendation about a court rule or proposal for court rule; or

(b) provide written findings of the committee's review of a court rule or proposal for court rule; and

(c) if the committee identifies significant issues, provide written recommendations for:

(i) legislative action;

(ii) Supreme Court rulemaking action; or

(iii) Judicial Council rulemaking action.

(2) The committee shall provide to the Supreme Court or the Judicial Council:

(a) a copy of the committee's findings or recommendations described in Subsection (1);

and

(b) a request that the Supreme Court or Judicial Council notify the committee of the Supreme Court or Judicial Council's response.

(3) The committee may prepare a report that includes:

(a) the findings and recommendations made by the committee based on the criteria described in Section 36-32-203;

(b) any action taken by the Supreme Court or Judicial Council in response to recommendations from the committee; and

(c) any recommendations described in Subsection (1).

(4) The committee shall provide a report described in Subsection (3) to:

(a) the speaker of the House of Representatives;

(b) the president of the Senate;

(c) the chair of the House Judiciary Standing Committee;

(d) the chair of the Senate Judiciary, Law Enforcement, and Criminal Justice Standing

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### Committee:

(e) the Judiciary Interim Committee;

(f) the governor;

(g) the Executive Offices and Criminal Justice Appropriations Subcommittee;

(h) the Judicial Council; and

(i) the Supreme Court.

Section 26. Section 36-32-206 is enacted to read:

### 36-32-206. Court rules or proposals for court rules--Publication in bulletin.

When the Supreme Court or Judicial Council submits a court rule or proposal for court rule for public comment, the Supreme Court or Judicial Council shall submit the court rule or proposal for court rule to publication houses that publish court rules, proposals to court rules, case law, or other relevant information for individuals engaged in the legal profession.

Section 27. Section 36-32-207 is enacted to read:

### 36-32-207. Duties of staff.

The Office of Legislative Research and General Counsel shall, when practicable, attend meetings of the advisory committees of the Supreme Court.

Section 28. Section 38-11-102 is amended to read:

### **38-11-102. Definitions.**

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

[(2)] (1) "Certificate of compliance" means an order issued by the director to the owner finding that the owner is in compliance with the requirements of Subsections 38-11-204(4)(a) and (4)(b) and is entitled to protection under Section 38-11-107.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(i) owns; or

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

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

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

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

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

- (a) provides qualified services;
- (b) pays necessary fees required under this chapter; and
- (c) registers with the division:
  - (i) as a licensed contractor under Subsection 38-11-301(1) or (2), if that person seeks recovery from the fund as a licensed contractor; or
  - (ii) as a person providing qualified services other than as a licensed contractor under Subsection 38-11-301(3) if the person seeks recovery from the fund in a capacity other than as a licensed contractor.

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

- (i) contractor services provided by a contractor licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act;
- (ii) architectural services provided by an architect licensed under Title 58, Chapter 3a, Architects Licensing Act;
- (iii) engineering and land surveying services provided by a professional engineer or land surveyor licensed or exempt from licensure under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
- (iv) landscape architectural services by a landscape architect licensed or exempt from licensure under Title 58, Chapter 53, Landscape Architects Licensing Act;
- (v) design and specification services of mechanical or other systems;
- (vi) other services related to the design, drawing, surveying, specification, cost estimation, or other like professional services;
- (vii) providing materials, supplies, components, or similar products;
- (viii) renting equipment or materials;

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- (ix) labor at the site of the construction on the owner-occupied residence; and
- (x) site preparation, set up, and installation of factory built housing.
- (b) "Qualified services" does not include the construction of factory built housing in

the factory.

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

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

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

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

- (i) a primary or secondary detached single-family dwelling; or
- (ii) a multifamily dwelling up to and including duplexes.
- (b) "Residence" includes factory built housing.

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

Section ~~{33}~~29. Section **38-11-201** is amended to read:

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

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

(2) The fund shall earn interest.

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

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

(5) (a) The Division of Finance shall report annually to the Legislature~~[;]~~ and the

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division[, and the board].

- (b) The report shall state:
  - (i) amounts received by the fund;
  - (ii) disbursements from the fund;
  - (iii) interest earned and credited to the fund; and
  - (iv) the fund balance.

Section ~~{34}~~30. Section ~~{41-3-102}~~53F-9-203 is amended to read:

~~{~~ ~~41-3-102. Definitions:~~

~~As used in this chapter:~~

- ~~(1) "Administrator" means the motor vehicle enforcement administrator.~~
- ~~(2) "Agent" means a person other than a holder of any dealer's or salesperson's license issued under this chapter, who for salary, commission, or compensation of any kind, negotiates in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any other person in any 12-month period.~~
- ~~(3) "Auction" means a dealer engaged in the business of auctioning motor vehicles, either owned or consigned, to the general public.~~
- ~~(4) "Authorized service center" means an entity that:
  - ~~(a) is in the business of repairing exclusively the motor vehicles of the same line-make as the motor vehicles a single direct-sale manufacturer manufactures;~~
  - ~~(b) the direct-sale manufacturer described in Subsection (4)(a) authorizes to complete warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for sale, or offers for sale or exchange; and~~
  - ~~(c) conducts business primarily from an enclosed commercial repair facility that is permanently located in the state.~~~~
- ~~[(5) "Board" means the advisory board created in Section 41-3-106.]~~
- ~~[(6)] (5) "Body shop" means a person engaged in rebuilding, restoring, repairing, or painting the body of motor vehicles for compensation.~~
- ~~[(7)] (6) "Commission" means the State Tax Commission.~~
- ~~[(8)] (7) "Crusher" means a person who crushes or shreds motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and metals to a more compact size for recycling.~~

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

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

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

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

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

~~———— (a) that is both a manufacturer and a dealer;~~

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

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

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

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

~~———— (iii) manufactured by the person;~~

~~———— (c) that is not a franchise holder;~~

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

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

~~———— [(11)] (10) "Direct-sale manufacturer salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale manufacturer who employs the individual.~~

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

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

~~———— [(13)] (12) "Distributor" means a person who has a franchise from a manufacturer of~~

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~~motor vehicles to distribute motor vehicles within this state and who in whole or in part sells or distributes new motor vehicles to dealers or who maintains distributor representatives:~~

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

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

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

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

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

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

~~——— [(20)] (19) (a) "Franchise holder" means a manufacturer who:~~

~~——— (i) previously had a franchised dealer in the United States;~~

~~——— (ii) currently has a franchised dealer in the United States;~~

~~——— (iii) is a successor to another manufacturer who previously had or currently has a franchised dealer in the United States;~~

~~——— (iv) is a material owner of another manufacturer who previously had or currently has a franchised dealer in the United States;~~

~~——— (v) is under legal or common ownership, or practical control, with another manufacturer who previously had or currently has a franchised dealer in the United States; or~~

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~~—— (vi) is in a partnership, joint venture, or similar arrangement for production of a commonly owned line-make with another manufacturer who previously had or currently has a franchised dealer in the United States.~~

~~—— (b) "Franchise holder" does not include a manufacturer described in Subsection [(20)] (19)(a), if at all times during the franchised dealer's existence, the manufacturer had legal or practical common ownership or common control with the franchised dealer.~~

~~—— [(21)] (20) "Line-make" means motor vehicles that are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer.~~

~~—— [(22)] (21) "Manufacturer" means a person engaged in the business of constructing or assembling new motor vehicles, ownership of which is customarily transferred by a manufacturer's statement or certificate of origin, or a person who constructs three or more new motor vehicles in any 12-month period.~~

~~—— [(23)] (22) "Material owner" means a person who possesses, directly or indirectly, the power to direct, or cause the direction of, the management, policies, or activities of another person:~~

~~—— (a) through ownership of voting securities;~~

~~—— (b) by contract or credit arrangement; or~~

~~—— (c) in another way not described in Subsections [(23)] (22)(a) and (b).~~

~~—— [(24)] (23) (a) "Motor vehicle" means a vehicle that is:~~

~~—— (i) self-propelled;~~

~~—— (ii) a trailer, travel trailer, or semitrailer; or~~

~~—— (iii) an off-highway vehicle or small trailer.~~

~~—— (b) "Motor vehicle" does not include:~~

~~—— (i) mobile homes as defined in Section 41-1a-102;~~

~~—— (ii) trailers of 750 pounds or less unladen weight;~~

~~—— (iii) farm tractors and other machines and tools used in the production, harvesting, and care of farm products; and~~

~~—— (iv) park model recreational vehicles as defined in Section 41-1a-102.~~

~~—— [(25)] (24) "Motorcycle" has the same meaning as defined in Section 41-1a-102.~~

~~—— [(26)] (25) "New motor vehicle" means a motor vehicle that:~~

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~~—— (a) has never been titled or registered; and~~

~~—— (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven less than 7,500 miles.~~

~~—— [(27)] (26) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.~~

~~—— [(28)] (27) "Pawnbroker" means a person whose business is to lend money on security of personal property deposited with [him] the person.~~

~~—— [(29)] (28) (a) "Principal place of business" means a site or location in this state:~~

~~—— (i) devoted exclusively to the business for which the dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses incidental to them;~~

~~—— (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely indicate the boundary and to admit a definite description with space adequate to permit the display of three or more new, or new and used, or used motor vehicles and sufficient parking for the public; and~~

~~—— (iii) that includes a permanent enclosed building or structure large enough to accommodate the office of the establishment and to provide a safe place to keep the books and other records of the business, at which the principal portion of the business is conducted and the books and records kept and maintained.~~

~~—— (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection [(29)] (28)(a).~~

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

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



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

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

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

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

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

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

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

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

~~—— [(40)] (39) "Used motor vehicle" means a vehicle that:~~

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

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

~~—— [(41)] (40) "Wholesale motor vehicle auction" means a dealer primarily engaged in the business of auctioning consigned motor vehicles to dealers or dismantlers who are licensed by this or any other jurisdiction.~~

~~—— Section 35. Section 41-3-103 is amended to read:~~

~~—— 41-3-103. Exceptions to "dealer" definition -- Dealer licensed in other state --~~

~~**Direct-sale manufacturer -- Direct-sale manufacturer salesperson:**~~

~~—— Under this chapter:~~

~~—— (1) (a) An insurance company, bank, finance company, company registered as a title lender under Title 7, Chapter 24, Title Lending Registration Act, company registered as a check casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and Deferred~~

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~~Deposit Lending Registration Act, public utility company, commission impound yard, federal or state governmental agency, or any political subdivision of any of them or any other person coming into possession of a motor vehicle as an incident to its regular business, that sells the motor vehicle under contractual rights that it may have in the motor vehicle is not considered a dealer.~~

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

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

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

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

~~—— (4) Except as otherwise expressly provided:~~

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

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

~~—— (5) Notwithstanding any provision of this chapter to the contrary, a direct-sale manufacturer:~~

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

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

~~—— Section 36. Section 41-3-105 is amended to read:~~

~~—— 41-3-105. Administrator's powers and duties -- Administrator and investigators to be law enforcement officers:~~

~~—— (1) The administrator may make rules to carry out the purposes of this chapter and~~

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~~Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act:~~

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

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

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

~~—— (i) this chapter;~~

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

~~—— (iii) any law concerning motor vehicle fraud; or~~

~~—— (iv) any rule made by the administrator.~~

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

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

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

~~—— (c) Each application for a license shall contain:~~

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

~~—— (ii) if the applicant is a partnership, the name and residence address of each partner, whether limited or general, and the name under which the partnership business will be conducted;~~

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

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

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

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

~~—— (C) any other places of business operated and maintained by the applicant in~~

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~~conjunction with the principal place of business;~~

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

~~—— (vi) at least five years of business history;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (d) investigate traffic accidents and secure testimony of any witnesses or persons involved; and~~

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

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

~~—— Section 37. Section ~~41-3-107~~ is amended to read:~~

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

~~—— The attorney general shall:~~

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

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

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

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

~~— **41-3-109. Adjudicative proceedings -- Hearings.**~~

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

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

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

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

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

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

~~— (b) the report described in Section 53B-7-101 by the board on recommended appropriations for higher education institutions, including the report described in Section 53B-8-104 by the board on the effects of offering nonresident partial tuition scholarships;~~

~~— (c) the report described in Section 53B-7-704 by the Department of Workforce Services and the Governor's Office of Economic Development on targeted jobs;~~

~~— (d) the reports described in Section 53B-7-705 by the board and the Utah System of Technical Colleges Board of Trustees, respectively, on performance;~~

~~— (e) the report described in Section 53B-8-201 by the board on the Regents' Scholarship Program;~~

~~— (f) the report described in Section 53B-8-303 by the State Board of Regents regarding Access Utah promise scholarships;~~

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~~—— (g) the report described in Section 53B-8d-104 by the Division of Child and Family Services on tuition waivers for wards of the state;~~

~~—— (h) the report described in Section 53B-12-107 by the Utah Higher Education Assistance Authority;~~

~~—— (i) the report described in Section 53B-13a-104 by the board on the Success Stipend Program;~~

~~—— (j) the report described in Section 53B-17-201 by the University of Utah regarding the Miners' Hospital for Disabled Miners;~~

~~—— (k) the report described in Section 53B-26-103 by the Governor's Office of Economic Development on high demand technical jobs projected to support economic growth;~~

~~—— (l) the report described in Section 53B-26-202 by the Medical Education Council on projected demand for nursing professionals; and~~

~~—— (m) the report described in Section 53E-10-308 by the State Board of Education and State Board of Regents on student participation in the concurrent enrollment program.~~

~~—— (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Higher Education Appropriations Subcommittee:~~

~~—— (a) upon request, the information described in Section 53B-8a-111 submitted by the Utah Educational Savings Plan;~~

~~—— (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to workforce needs for technical jobs projected to support economic growth; and~~

~~—— (c) a proposal described in Section 53B-26-202 by an eligible program to respond to projected demand for nursing professionals[; and];~~

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

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

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

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

~~—— (c) an appropriation recommendation described in Section 53B-26-103 to fund a~~

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~~proposal responding to workforce needs of a strategic industry cluster;~~

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

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

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

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

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

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

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

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

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

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

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

~~—— (g) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;~~

~~—— (h) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve student outcomes;~~

~~—— (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and the Blind;~~

~~—— (j) the report described in Section 53E-10-703 by the Utah Leading through Effective, Actionable, and Dynamic Education director on research and other activities;~~

~~—— (k) the report described in Section 53F-4-203 by the state board and the independent~~



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~~evaluator on an evaluation of early interactive reading software;~~

~~—— (l) the report described in Section 53F-4-407 by the state board on UPSTART;~~

~~—— (m) the report described in Section 53F-5-405 by an independent evaluator of a partnership that receives a grant to improve educational outcomes for students who are low income; and~~

~~—— (n) the report described in Section 63N-12-208 by the STEM Action Center Board, including the information described in Section 63N-12-213 on the status of the computer science initiative and Section 63N-12-214 on the Computing Partnerships Grants Program.~~

~~—— (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Education Interim Committee:~~

~~—— (a) the report described in Section 35A-15-303 by the School Readiness Board by November 30, 2020, on benchmarks for certain preschool programs;~~

~~—— (b) the report described in Section 53E-3-519 by the state board regarding counseling services in schools;~~

~~—— (c) the reports described in Section 53E-3-520 by the state board regarding cost centers and implementing activity based costing;~~

~~—— (d) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for changing the grade level specification for the administration of specific assessments;~~

~~—— (e) if required, the report described in Section 53E-5-210 by the state board of an adjustment to the minimum level that demonstrates proficiency for each statewide assessment;~~

~~—— (f) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;~~

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

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

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

~~—— (j) the report described in Section 53F-5-210 by the state board on the Educational~~

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~~Improvement Opportunities Outside of the Regular School Day Grant Program;~~

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

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

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

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

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

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

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

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

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

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

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

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

(b) The state board, in consultation with the State Charter School Board, shall administer the Charter School Revolving Account in accordance with rules adopted by the state board.

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

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

(b) money received from the repayment of loans made from the account; and

(c) interest earned on money in the account.

(4) The state superintendent shall make loans to charter schools from the account to pay for the costs of:

(a) planning expenses;

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- (b) constructing or renovating charter school buildings;
- (c) equipment and supplies; or
- (d) other start-up or expansion expenses.

(5) Loans to new charter schools or charter schools with urgent facility needs may be given priority.

(6) ~~[(a)]~~ The state board shall ~~[establish a committee to]:~~

~~[(+)]~~ (a) except as provided in Subsection (7)(a), review requests by charter schools for loans under this section; and

~~[(ii) make recommendations regarding approval or disapproval of the loan applications to the State Charter School Board and the state board.]~~

(b) in consultation with the State Charter School Board, approve or reject each request.

(7) (a) The state board may establish a committee to:

(i) review requests under Subsection (6)(a); and

(ii) make recommendations to the state board and the State Charter School Board regarding the approval or rejection of a request.

(b) (i) A committee established under Subsection ~~[(6)]~~ (7)(a) shall include individuals who have expertise or experience in finance, real estate, or charter school administration.

(ii) Of the members appointed to a committee established under Subsection ~~[(6)]~~ (7)(a):

(A) one member shall be nominated by the governor; and

(B) the remaining members shall be selected from a list of nominees submitted by the State Charter School Board.

(c) If the committee recommends approval of a loan application under Subsection ~~[(6)]~~ (7)(a)(ii), the committee's recommendation shall include:

(i) the recommended amount of the loan;

(ii) the payback schedule; and

(iii) the interest rate to be charged.

(d) A committee member may not:

(i) be a relative, as defined in Section 53G-5-409, of a loan applicant; or

(ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person or entity that contracts with a loan applicant.

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~~[(7)]~~ (8) A loan under this section may not be made unless the state board, in consultation with the State Charter School Board, approves the loan.

~~[(8)]~~ (9) The term of a loan to a charter school under this section may not exceed five years.

~~[(9)]~~ (10) The state board may not approve loans to charter schools under this section that exceed a total of \$2,000,000 in any fiscal year.

~~[(10)]~~ (11) (a) On March 16, 2011, the assets of the Charter School Building Subaccount administered by the state board shall be deposited into the Charter School Revolving Account.

(b) Beginning on March 16, 2011, loan payments for loans made from the Charter School Building Subaccount shall be deposited into the Charter School Revolving Account.

Section ~~{42}~~ 31. Section **54-10a-202** is amended to read:

### **54-10a-202. Committee of Consumer Services.**

(1) (a) There is created within the office a committee known as the "Committee of Consumer Services."

(b) A member of the committee shall maintain the member's principal residence within Utah.

(2) (a) The governor shall appoint ~~[nine]~~ five members to the committee subject to Subsection (3).

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

(c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time of appointment or reappointment, 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) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term.

(3) Members of the committee shall represent the following ~~[geographic and]~~ consumer interests:

~~[(a) one member shall be from Salt Lake City, Provo, or Ogden;]~~

~~[(b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;]~~

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~~[(c) one member shall be from an unincorporated area of the state;]~~

~~[(d)]~~ (a) one member shall be ~~[a low-income resident]~~ an individual with experience and understanding of issues affecting low-income residents;

~~[(e)]~~ (b) one member shall be a retired person;

~~[(f)]~~ (c) one member shall be ~~[a small commercial consumer]~~ an individual with experience and understanding of issues affecting small commercial consumers;

~~[(g)]~~ (d) one member shall be a farmer or rancher who uses electric power to pump water in the member's farming or ranching operation; and

~~[(h)]~~ (e) one member shall be a residential consumer~~[-and].~~

~~[(i) one member shall be appointed to provide geographic diversity on the committee to ensure to the extent possible that all areas of the state are represented.]~~

(4) (a) No more than ~~[five]~~ three members of the committee ~~[shall]~~ may be from the same political party.

(b) Subject to Subsection (3), for a member of the committee appointed on or after May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or experience in:

- (i) public utility matters related to consumers;
- (ii) economics;
- (iii) accounting;
- (iv) financing;
- (v) engineering; or
- (vi) public utilities law.

(5) The governor shall designate one member as chair of the committee.

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

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

(7) (a) The committee may hold monthly meetings.

(b) The committee may hold other meetings, at the times and places the chair and a

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majority of the committee determine.

(8) (a) [~~Five~~] Three members of the committee constitute a quorum of the committee.

(b) A majority of members voting when a quorum is present constitutes an action of the committee.

Section ~~{43}~~32. Section **58-46a-102** is amended to read:

### **58-46a-102. Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

~~[(1) "Board" means the Hearing Instrument Specialist Licensing Board created in Section 58-46a-201.]~~

~~[(2)]~~ (1) "Direct supervision" means that the supervising hearing instrument specialist is present in the same facility as is the person being supervised and is available for immediate in person consultation.

~~[(3)]~~ (2) "Hearing instrument" or "hearing aid" means any device designed or offered to be worn on or by an individual to enhance human hearing, including the device's specialized parts, attachments, or accessories.

~~[(4)]~~ (3) "Hearing instrument intern" means a person licensed under this chapter who is obtaining education and experience in the practice of a hearing instrument specialist under the supervision of a supervising hearing instrument specialist.

~~[(5)]~~ (4) "Indirect supervision" means that the supervising hearing instrument specialist is not required to be present in the same facility as is the person being supervised, but is available for voice to voice contact by telephone, radio, or other means at the initiation of the person being supervised.

~~[(6)]~~ (5) "Practice of a hearing instrument specialist" means:

(a) establishing a place of business to practice as a hearing instrument specialist;

(b) testing the hearing of a human patient over the age of 17 for the sole purpose of determining whether a hearing loss will be sufficiently improved by the use of a hearing instrument to justify prescribing and selling the hearing instrument and whether that hearing instrument will be in the best interest of the patient;

(c) providing the patient a written statement of prognosis regarding the need for or usefulness of a hearing instrument for the patient's condition;

(d) prescribing an appropriate hearing instrument;

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- (e) making impressions or earmolds for the fitting of a hearing instrument;
- (f) sale and professional placement of the hearing instrument on a patient;
- (g) evaluating the hearing loss overcome by the installation of the hearing instrument and evaluating the hearing recovery against the representations made to the patient by the hearing instrument specialist;
- (h) necessary intervention to produce satisfactory hearing recovery results from a hearing instrument; or
- (i) instructing the patient on the use and care of the hearing instrument.

~~[(7)]~~ (6) "Supervising hearing instrument specialist" means a hearing instrument specialist who:

- (a) is licensed by and in good standing with the division;
  - (b) has practiced full-time as a hearing instrument specialist for not less than two years;
- and
- (c) is approved as a supervisor by the division [~~in collaboration with the board~~].

~~[(8)]~~ (7) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

~~[(9)]~~ (8) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-46a-501.

Section ~~{44}~~33. Section **58-46a-302** is amended to read:

### **58-46a-302. Qualifications for licensure.**

- (1) Each applicant for licensure as a hearing instrument specialist shall:
  - (a) submit to the division an application in a form prescribed by the division;
  - (b) pay a fee as determined by the division pursuant to Section 63J-1-504;
  - (c) be of good moral character;
  - (d) have qualified for and currently hold board certification by the National Board for Certification - Hearing Instrument Sciences, or an equivalent certification approved by the division [~~in collaboration with the board~~];
  - (e) have passed the Utah Law and Rules Examination for Hearing Instrument Specialists; and
  - (f) if the applicant holds a hearing instrument intern license, surrender the hearing instrument intern license at the time of licensure as a hearing instrument specialist.

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- (2) Each applicant for licensure as a hearing instrument intern shall:
  - (a) submit to the division an application in a form prescribed by the division;
  - (b) pay a fee as determined by the division pursuant to Section 63J-1-504;
  - (c) be of good moral character;
  - (d) have passed the Utah Law and Rules Examination for Hearing Instrument

Specialists; and

(e) present evidence acceptable to the division [~~and the board~~] that the applicant, when licensed, will practice as a hearing instrument intern only under the supervision of a supervising hearing instrument specialist in accordance with:

(i) Section 58-46a-302.5; and

(ii) the supervision requirements for obtaining board certification by the National Board for Certification - Hearing Instrument Sciences, or an equivalent certification approved by the division [~~in collaboration with the board~~].

Section ~~{45}~~34. Section **58-46a-302.5** is amended to read:

### **58-46a-302.5. Supervision requirements -- Hearing instrument interns.**

(1) A hearing instrument intern shall practice as a hearing instrument intern only under the direct supervision of a licensed hearing instrument specialist, until the intern:

(a) receives a passing score on a practical examination demonstrating acceptable skills in the area of hearing testing as approved by the division [~~in collaboration with the board~~]; and

(b) completes the National Institute for Hearing instrument studies education and examination program, or an equivalent college level program as approved by the division [~~in collaboration with the board~~].

(2) Upon satisfaction of the direct supervision requirement of Subsection (1) the intern shall:

(a) practice as a hearing instrument intern only under the indirect supervision of a licensed hearing instrument specialist; and

(b) receive a passing score on the International Licensing Examination of the hearing instrument dispenser or other tests approved by the division prior to applying for licensure as a hearing instrument specialist.

Section ~~{46}~~35. Section **58-46a-303** is amended to read:

### **58-46a-303. Term of license -- Expiration -- Renewal of specialist license --**



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### Limitation on renewal of intern license.

(1) The division shall issue each license for a hearing instrument specialist in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) Each license as a hearing instrument intern shall be issued for a term of three years and may not be renewed.

(3) At the time of renewal, the licensed hearing instrument specialist shall demonstrate satisfactory evidence of each of the following:

(a) current certification by the National Board for Certification Hearing Instrument Sciences, or other acceptable certification approved by the division [~~in collaboration with the board~~];

(b) calibration of all appropriate technical instruments used in practice; and

(c) completion of continuing professional education required in Section 58-46a-304.

(4) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with the provisions of Section 58-1-308, or unless surrendered in accordance with the provisions of Section 58-1-306.

Section ~~{47}~~36. Section **58-46a-501** is amended to read:

#### **58-46a-501. Unprofessional conduct.**

"Unprofessional conduct" includes:

(1) testing the hearing of a patient for any purpose other than to determine whether a hearing loss will be improved by the use of a hearing instrument;

(2) failing to make an appropriate referral to a qualified health care provider with respect to a condition detected in a patient examined by a licensee under this chapter if the condition is generally recognized in the profession as one that should be referred;

(3) designating a hearing instrument for a patient whose hearing will not be sufficiently improved to justify prescribing and selling of the hearing instrument;

(4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to practice under this chapter and specifically with respect to the benefits of a hearing instrument or the degree to which a hearing instrument will benefit a patient;

(5) failing to exercise caution in providing a patient a prognosis to assure the patient is not led to expect results that cannot be accurately predicted;

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(6) failing to provide appropriate follow-up care and consultation with respect to a patient to whom a hearing instrument has been prescribed and sold upon being informed by the patient that the hearing instrument does not produce the results represented by the licensee;

(7) failing to disclose in writing to the patient the charge for all services and hearing instruments prescribed and sold to a patient prior to providing the services or hearing instrument;

(8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon a determination by the division [~~in collaboration with the board~~] that the patient has not obtained the recovery of hearing represented by the licensee in writing prior to designation and sale of the hearing instrument;

(9) paying any professional person any consideration of any kind for referral of a patient;

(10) failing, when acting as a supervising hearing instrument specialist, to provide supervision and training in hearing instrument sciences in accordance with Section 58-46a-302.5;

(11) engaging in the practice as a hearing instrument intern when not under the supervision of a supervising hearing instrument specialist in accordance with Section 58-46a-302.5;

(12) failing to describe the circuitry in any advertisement, presentation, purchase, or trial agreement as being either "digital" or "analog"; or other acceptable terms as determined by the division [~~in collaboration with the board~~];

(13) failing to follow the guidelines or policies of the United States Federal Trade Commission in any advertisement;

(14) failing to adhere to the rules and regulations prescribed by the United States Food and Drug Administration as they pertain to the hearing instrument specialist;

(15) failing to maintain all equipment used in the practice of a hearing instrument specialist properly calibrated and in good working condition; and

(16) failing to comply with any of the requirements set forth in Section 58-46a-502 or 58-46a-503.

Section ~~{48}~~37. Section **58-46a-502** is amended to read:

**58-46a-502. Additional requirements for practicing as a hearing instrument**

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### specialist.

A person engaging in the practice of a hearing instrument specialist shall:

(1) have a regular place or places of business from which the person conducts business as a hearing instrument specialist and the place or places of business shall be represented to a patient and others with whom business is conducted by the street address at which the place of business is located;

(2) include in all advertising or other representation the street address at which the business is located and the telephone number of the business at that street address;

(3) provide as part of each transaction between a licensee and a patient related to testing for hearing loss and selling of a hearing instrument written documentation provided to the patient that includes:

(a) identification of all services and products provided to the patient by the hearing instrument specialist and the charges for each service or product;

(b) a statement whether any hearing instrument provided to a patient is "new," "used," or "reconditioned" and the terms and conditions of any warranty or guarantee that applies to each instrument; and

(c) the identity and license number of each hearing instrument specialist or hearing instrument intern who provided services or products to the patient;

(4) before providing services or products to a patient:

(a) advise the patient regarding services and products offered to the patient, including the expected results of the services and products;

(b) inform each patient who is being offered a hearing instrument about hearing instruments that work with assistive listening systems that are compliant with the ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.; and

(c) obtain written informed consent from the patient regarding offered services, products, and the expected results of the services and products in a form approved by the division [~~in collaboration with the board~~];

(5) refer all individuals under the age of 18 who seek testing of hearing to a physician or surgeon, osteopathic physician, physician assistant, or audiologist, licensed under the provisions of this title, and shall dispense a hearing aid to that individual only on prescription

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of a physician or surgeon, osteopathic physician, physician assistant, or audiologist;

(6) obtain the patient's informed consent and agreement to purchase the hearing instrument based on that informed consent either by the hearing instrument specialist or the hearing instrument intern, before designating an appropriate hearing instrument; and

(7) if a hearing instrument does not substantially enhance the patient's hearing consistent with the representations of the hearing instrument specialist at the time informed consent was given prior to the sale and fitting of the hearing instrument, provide:

(a) necessary intervention to produce satisfactory hearing recovery results consistent with representations made; or

(b) for the refund of fees paid by the patient for the hearing instrument to the hearing instrument specialist within a reasonable time after finding that the hearing instrument does not substantially enhance the patient's hearing.

Section ~~(49)~~38. Section **58-55-201** is amended to read:

### **58-55-201. Boards created -- Duties.**

(1) There is created [a] the Plumbers Licensing Board[~~an Alarm System Security and Licensing Board, and an Electricians Licensing Board. Members of the boards shall be selected to provide representation as follows: (a) The Plumbers Licensing Board consists~~] consisting of five members as follows:

[(~~†~~)] (a) two members shall be licensed from among the license classifications of master or journeyman plumber;

[(~~†~~)] (b) two members shall be licensed plumbing contractors; and

[(~~†~~)] (c) one member shall be from the public at large with no history of involvement in the construction trades.

[(~~†~~)] (2) (a) [~~The~~] There is created the Alarm System Security and Licensing Board [~~consists~~] consisting of five members as follows:

[(~~A~~)] (i) three individuals who are officers or owners of a licensed alarm business;

[(~~B~~)] (ii) one individual from among nominees of the Utah Peace Officers Association;  
and

[(~~C~~)] (iii) one individual representing the general public.

[(~~†~~)] (b) The Alarm System Security and Licensing Board shall designate one of its members on a permanent or rotating basis to:

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~~[(A)]~~ (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

~~[(B)]~~ (ii) advise the division in its investigation of these complaints.

~~[(iii)]~~ (c) A board member who has, under this Subsection ~~[(1)(b)(iii)]~~ (2)(c), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

~~[(c)]~~ (3) ~~[The]~~ There is created the Electricians Licensing Board ~~[consists]~~ consisting of five members as follows:

~~[(f)]~~ (a) two members shall be licensed from among the license classifications of master or journeyman electrician, of whom one shall represent a union organization and one shall be selected having no union affiliation;

~~[(ii)]~~ (b) two shall be licensed electrical contractors of whom one shall represent a union organization and one shall be selected having no union affiliation; and

~~[(iii)]~~ (c) one member shall be from the public at large with no history of involvement in the construction trades or union affiliation.

~~[(2)]~~ (4) The duties, functions, and responsibilities of each board described in Subsections (1) through (3) include the following:

(a) recommending to the commission appropriate rules;

(b) recommending to the commission policy and budgetary matters;

(c) approving and establishing a passing score for applicant examinations;

(d) overseeing the screening of applicants for licensing, renewal, reinstatement, and relicensure;

(e) assisting the commission in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession ~~[it]~~ the board represents; and

(f) acting as presiding officer in conducting hearings associated with the adjudicative proceedings and in issuing recommended orders when so authorized by the commission.

~~[(3)]~~ (5) The division, in collaboration with the Plumbers Licensing Board and the Electricians Licensing Board, shall provide a preliminary report on or before October 1, 2019, and a final written report on or before June 1, 2020, to the Business and Labor Interim

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Committee and the Occupational and Professional Licensure Review Committee that provides recommendations for consistent educational and training standards for plumber and electrician apprentice programs in the state, including recommendations for education and training provided by all providers, including institutions of higher education and technical colleges.

Section ~~50~~39. Section **58-64-102** is amended to read:

### **58-64-102. Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

~~[(1) "Board" means the Deception Detection Examiners Board created in Section 58-64-201.]~~

~~[(2)]~~ (1) "Deception detection examination" means the use of an instrument, or software application designed for detecting deception, on an individual for the purpose of detecting whether that individual is engaged in deception.

~~[(3)]~~ (2) "Deception detection examination administrator" means an individual who engages in or represents that the individual is engaged in:

(a) conducting or administering a deception detection examination using a software application designed for detecting deception without intervention from the examination administrator; or

(b) the interpretation of deception detection examination results derived from a software application designed for detecting deception.

~~[(4)]~~ (3) "Deception detection examiner" means an individual who engages in or represents that the individual is engaged in conducting or performing deception detection examinations or in the interpretation of deception detection examinations.

~~[(5)]~~ (4) "Deception detection intern" means an individual who engages in deception detection examinations under the supervision and control of a deception detection examiner for the purpose of training and qualification as a deception detection examiner.

~~[(6)]~~ (5) "Instrument" means a polygraph, voice stress analyzer, ocular-motor test, or any other device or software application that records the examinee's cardiovascular patterns, respiratory patterns, galvanic skin response, cognitive response, eye behavior, memory recall, or other physiologic characteristics of the examinee for the purpose of monitoring factors relating to whether the examinee is truthful or engaged in deception.

~~[(7)]~~ (6) "Unlawful conduct" means the same as that term is defined in Sections

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58-1-501 and 58-64-501.

~~[(8)]~~ (7) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-64-502 and as may be further defined by rule.

Section ~~(51)~~40. Section **58-64-302** is amended to read:

### **58-64-302. Qualifications for licensure.**

- (1) Each applicant for licensure as a deception detection examiner:
  - (a) shall submit an application in a form prescribed by the division;
  - (b) shall pay a fee determined by the department under Section 63J-1-504;
  - (c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime which when considered with the duties and responsibilities of a deception detection examiner is considered by the division ~~[and the board]~~ to indicate that the best interests of the public will not be served by granting the applicant a license;
  - (d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
  - (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
  - (f) shall have completed one of the following:
    - (i) have earned a bachelor's degree from a four year university or college meeting standards established by the division by rule ~~[in collaboration with the board]~~;
    - (ii) have completed not less than 8,000 hours of investigation experience approved by the division ~~[in collaboration with the board]~~; or
    - (iii) have completed a combination of university or college education and investigation experience, as defined by rule by the division ~~[in collaboration with the board]~~ as being equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);
  - (g) shall have successfully completed a training program in deception detection meeting criteria established by rule by the division ~~[in collaboration with the board]~~; and
  - (h) shall have performed satisfactorily as a licensed deception detection intern for a period of not less than one year and shall have satisfactorily conducted not less than 100 deception detection examinations under the supervision of a licensed deception detection examiner.

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(2) Each applicant for licensure as a deception detection intern:

(a) shall submit an application in a form prescribed by the division;

(b) shall pay a fee determined by the department under Section 63J-1-504;

(c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime which when considered with the duties and responsibilities of a deception detection intern is considered by the division [~~and the board~~] to indicate that the best interests of the public will not be served by granting the applicant a license;

(d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;

(f) shall have completed one of the following:

(i) have earned a bachelor's degree from a four year university or college meeting standards established by the division by rule [~~in collaboration with the board~~];

(ii) have completed not less than 8,000 hours of investigation experience approved by the division [~~in collaboration with the board~~]; or

(iii) have completed a combination of university or college education and investigation experience, as defined by rule by the division [~~in collaboration with the board~~] as being equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);

(g) shall have successfully completed a training program in deception detection meeting criteria established by rule by the division [~~in collaboration with the board~~]; and

(h) shall provide the division with an intern supervision agreement in a form prescribed by the division under which:

(i) a licensed deception detection examiner agrees to supervise the intern; and

(ii) the applicant agrees to be supervised by that licensed deception detection examiner.

(3) Each applicant for licensure as a deception detection examination administrator:

(a) shall submit an application in a form prescribed by the division;

(b) shall pay a fee determined by the department under Section 63J-1-504;

(c) shall be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with



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the duties and responsibilities of a deception detection examination administrator is considered by the division [~~and the board~~] to indicate that the best interests of the public will not be served by granting the applicant a license;

(d) may not have been declared by a court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;

(f) shall have earned an associate degree from a state-accredited university or college or have an equivalent number of years' work experience; and

(g) shall have successfully completed a training program and have obtained certification in deception detection examination administration provided by the manufacturer of a scientific or technology-based software application solution that is approved by the director.

(4) To determine if an applicant meets the qualifications of Subsection (1)(c), (2)(c), or (3)(c) the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:

(a) conduct a search of records of the Department of Public Safety for criminal history information relating to each applicant for licensure under this chapter; and

(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the F.B.I. for criminal history information under this section.

(5) The Department of Public Safety shall send to the division:

(a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a fingerprint card from the division and a request for review of Department of Public Safety records; and

(b) the results of the F.B.I. review concerning an applicant in a timely manner after receipt of information from the F.B.I.

(6) (a) The division shall charge each applicant a fee, in accordance with Section 63J-1-504, equal to the cost of performing the records reviews under this section.

(b) The division shall pay the Department of Public Safety the costs of all records reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews

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under this chapter.

(7) Information obtained by the division from the reviews of criminal history records of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division only for the purpose of determining if an applicant for licensure under this chapter is qualified for licensure.

Section ~~{52}~~41. Section **58-64-502** is amended to read:

### **58-64-502. Unprofessional conduct.**

"Unprofessional conduct" includes:

- (1) using any deception detection instrument that does not meet criteria and standards established by rule by the division [~~in collaboration with the board~~]; and
- (2) using any deception detection instrument that does not make a permanent recording as required under Section 58-64-601.

Section ~~{53}~~42. Section **58-64-601** is amended to read:

### **58-64-601. Deception detection instruments.**

(1) Instruments or software applications used in performing deception detection examinations shall be those that are generally recognized in the profession or, if approved by the director, those with results published in peer-reviewed, scientific journals generally recognized by the scientific community.

(2) An instrument or software application used for deception detection shall have a permanent recording or written report produced by the instrument or software application for objective analysis by the examiner[;] or the division[; ~~or the board~~].

(3) A written interpretation by an examiner while conducting a deception detection examination does not satisfy the requirements of a permanent recording.

Section ~~{54}~~43. Section ~~{63A-9-101}~~63C-6-101 is amended to read:

### ~~{~~ **63A-9-101. Definitions.**

~~\_\_\_\_\_~~ (1) (a) "Agency" means ~~each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.~~

~~\_\_\_\_\_~~ (b) "Agency" includes the State Board of Education and each higher education institution described in Section 53B-1-102.

~~\_\_\_\_\_~~ (c) "Agency" includes the legislative and judicial branches.

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~~— [(2) "Committee" means the Motor Vehicle Review Committee created by this chapter.]~~

~~— [(3)] (2) "Director" means the director of the division.~~

~~— [(4)] (3) "Division" means the Division of Fleet Operations created by this chapter.~~

~~— [(5)] (4) "Executive director" means the executive director of the Department of Administrative Services.~~

~~— [(6)] (5) "Local agency" means:~~

~~— (a) a county;~~

~~— (b) a municipality;~~

~~— (c) a school district;~~

~~— (d) a local district;~~

~~— (e) a special service district;~~

~~— (f) an interlocal entity as defined under Section 11-13-103; or~~

~~— (g) any other political subdivision of the state, including a local commission, board, or other governmental entity that is vested with the authority to make decisions regarding the public's business.~~

~~— [(7)] (6) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.~~

~~— (b) "Motor vehicle" includes vehicles used for construction and other nontransportation purposes.~~

~~— [(8)] (7) "State vehicle" means each motor vehicle owned, operated, or in the possession of an agency.~~

~~— Section 55. Section **63C-6-101** is amended to read:~~

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

(1) There is created the Utah Seismic Safety Commission consisting of 15 members, designated as follows:

(a) the director of the Division of Emergency Management or the director's designee;

(b) the director of the Utah Geological Survey or the director's designee;

(c) the director of the University of Utah Seismograph Stations or the director's designee;

(d) the executive director of the Utah League of Cities and Towns or the executive

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director's designee;

(e) a representative from the Structural Engineers Association of Utah biannually selected by its membership;

(f) the director of the Division of Facilities Construction and Management or the director's designee;

(g) the executive director of the Department of Transportation or the director's designee;

(h) the State Planning Coordinator or the coordinator's designee;

(i) a representative from the American Institute of Architects, Utah Section;

(j) a representative from the American Society of Civil Engineers, Utah Section;

~~[(k) a member of the House of Representatives appointed biannually by the speaker of the House;]~~

~~[(l) a member of the Senate appointed biannually by the president of the Senate;]~~

(k) two individuals, appointed by the director of the Division of Emergency Management, from earthquake-related organizations that have an interest in reducing earthquake-related loss in the state;

~~[(m) (l) the commissioner of the Department of Insurance or the commissioner's designee;~~

~~[(n) (m) a representative from the Association of Contingency Planners, Utah Chapter, biannually selected by its membership; and~~

~~[(o) (n) a representative from the American Public Works Association, Utah Chapter, biannually selected by its membership.~~

(2) The commission shall annually select one of its members to serve as chair of the commission.

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

Section ~~{56}~~44. Section **63F-1-509** is amended to read:

**63F-1-509. Statewide Global Positioning Reference Network created -- Rulemaking authority.**

(1) (a) There is created the Statewide Global Positioning Reference Network to improve the quality of geographic information system data and the productivity, efficiency, and

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cost-effectiveness of government services.

(b) The network shall provide a system of permanently mounted, fully networked, global positioning system base stations that will provide real time radio navigation and establish a standard statewide coordinate reference system.

(c) The center shall administer the network.

~~[(2)(a) There is created the Global Positioning Systems Advisory Committee to advise the center on implementing and maintaining the network.]~~

~~[(b) The committee membership shall consist of:]~~

~~[(i) the center manager or the manager's designee;]~~

~~[(ii) a representative from the Department of Transportation created by Section 72-1-201 designated by the executive director appointed under Section 72-1-202;]~~

~~[(iii) the chief information officer or the chief information officer's designee;]~~

~~[(iv) a representative from the Utah Association of County Surveyors; and]~~

~~[(v) a representative from the Utah Council of Land Surveyors.]~~

~~[(c) The representative from the center shall be the chair of the committee.]~~

~~[(d) The committee shall meet upon the call of the chair or a majority of the committee members.]~~

~~[(e) The committee chair shall give reasonable notice to each member prior to any meeting.]~~

~~[(f) Three members shall constitute a quorum for the transaction of business.]~~

~~[(g) The center shall provide staff support to the committee.]~~

~~[(h) Committee members who are state government employees shall receive no additional compensation for their work on the committee.]~~

~~[(i) Committee members who are not state government employees shall receive no compensation or expenses for their work on the committee.]~~

~~[(j) The committee shall recommend rules to the chief information officer for adoption under Subsection (3).]~~

~~[(3)]~~ (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the chief information officer shall make~~[, in consultation with the committee,]~~ rules providing for operating policies and procedures for the network.

(b) ~~[The rules]~~ When making rules under this section, the chief information officer

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shall consider:

- (i) network development that serves a public purpose;
- (ii) increased productivity and efficiency for state agencies; and
- (iii) costs and longevity of the network.

Section ~~{57}~~45. Section 63F-1-701 is amended to read:

### **63F-1-701. Utah Public Notice Website -- Establishment and administration.**

(1) As used in this part:

(a) "Division" means the Division of Archives and Records Service of the Department of Administrative Services.

(b) "Executive board" means the same as that term is defined in Section 67-1-2.5.

~~[(b)]~~ (c) "Public body" ~~[has the same meaning as provided under ]~~ means the same as that term is defined in Section 52-4-103.

~~[(c)]~~ (d) "Public information" means a public body's public notices, minutes, audio recordings, and other materials that are required to be posted to the website under Title 52, Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

~~[(d)]~~ (e) "Website" means the Utah Public Notice Website created under this section.

(2) There is created the Utah Public Notice Website to be administered by the Division of Archives and Records Service.

(3) The website shall consist of an Internet website provided to assist the public to find posted public information.

(4) The division, with the technical assistance of the Department of Technology Services, shall create the website ~~[which]~~ that shall:

(a) allow a public body, or other certified entity, to easily post any public information, including the contact information required under Subsections 17B-1-303(9) and 17D-1-106(1)(b)(ii);

(b) allow the public to easily search the public information by:

- (i) public body name;
- (ii) date of posting of the notice;
- (iii) date of any meeting or deadline included as part of the public information; and
- (iv) any other criteria approved by the division;

(c) allow the public to easily search and view past, archived public information;

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- (d) allow ~~[a person]~~ an individual to subscribe to receive updates and notices associated with a public body or a particular type of public information;
- (e) be easily accessible by the public from the State of Utah home page;
- (f) have a unique and simplified website address;
- (g) be directly accessible via a link from the main page of the official state website; and
- (h) include other links, features, or functionality that will assist the public in obtaining and reviewing public information posted on the website, as may be approved by the division.

(5) (a) ~~{The}~~ Subject to Subsection (5)(b), the division and the governor's office shall coordinate to ensure that the website, the database described in Section 67-1-2.5, and the website described in Section 67-1-2.5 automatically share appropriate information in order to ensure that:

(i) an individual who subscribes to receive information under Subsection (4)(d) for an executive board automatically receives notifications of vacancies on the executive board that will be publicly filled, including a link to information regarding how an individual may apply to fill the vacancy; and

(ii) an individual who accesses an executive board's information on the website has access to the following through the website:

(A) the executive board's information in the database, ~~except an individual's physical address, e-mail address, or phone number;~~ and

(B) the portal described in ~~{Subsection}~~ Section 67-1-2.5 ~~{(4)(b)}~~ through which an individual may provide input on an appointee to, or member of, the executive board.

(b) The division and the governor's office shall comply with Subsection (5)(a) as soon as reasonably possible within existing funds appropriated to the division and the governor's office.

(6) Before August 1 of each year, the division shall:

(a) identify each executive board that ~~is a public body that~~ did not submit to the website a notice of a public meeting during the previous fiscal year; and

(b) report the name of each identified executive board to the governor's boards and commissions administrator ~~{ for inclusion in the report described in Subsection 67-1-2.5(6) }.~~

~~{(5)}~~ (7) The division [shall be] is responsible for:

(a) establishing and maintaining the website, including the provision of equipment,

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resources, and personnel as is necessary;

(b) providing a mechanism for public bodies or other certified entities to have access to the website for the purpose of posting and modifying public information; and

(c) maintaining an archive of all public information posted to the website.

~~[(6) The timing for posting and the content of the public information posted to the website shall be the responsibility of the public body or other entity posting the public information.]~~

(8) A public body is responsible for the content the public body is required to post to the website and the ~~timely~~ timing of posting of that information.

Section ~~{58}~~46. Section **63I-1-204** is amended to read:

### **63I-1-204. Repeal dates, Title 4.**

(1) Section 4-2-108, which creates the Agricultural Advisory Board, is repealed July 1, 2023.

(2) Section 4-17-104, which creates the State Weed Committee, is repealed July 1, 2021.

(3) Section 4-20-103, which creates the State Grazing Advisory Board, is repealed July 1, 2022.

(4) Sections 4-23-104 and 4-23-105, which create the Agricultural and Wildlife Damage Prevention Board, are repealed July 1, 2024.

(5) Section 4-24-104, which creates the Livestock Brand Board, is repealed July 1, ~~2024~~2025.

(6) Section 4-35-103, which creates the Decision and Action Committee, is repealed July 1, ~~2022~~2026

(7) Section 4-39-104, which creates the Domesticated Elk Act Advisory Council, is repealed July 1, ~~2023~~2027

(8) Subsection 4-41a-105(2)(e)(i), related to the Native American Legislative Liaison Committee, is repealed July 1, 2022.

Section ~~{59}~~47. Section **63I-1-207** is enacted to read:

### **63I-1-207. Repeal dates, Title 7.**

(1) Section 7-1-203, which creates the Board of Financial Institutions, is repealed July 1, 2021.



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(2) Section 7-3-40, which creates the Board of Bank Advisors, is repealed July 1, ~~2024~~2022.

(3) Section 7-9-43, which creates the Board of Credit Union Advisors, is repealed July 1, ~~2024~~2023.

Section ~~60~~48. Section **63I-1-209** is amended to read:

### **63I-1-209. Repeal dates, Title 9.**

(1) Section 9-6-305, which creates the State of Utah Alice Merrill Horne Art Collection Committee, is repealed July 1, ~~2023~~2027.

(2) Sections 9-6-604 and 9-6-605, which create the Museum Services Advisory Board, are repealed July 1, ~~2022~~2027.

~~[(+)]~~ (3) In relation to the Native American Legislative Liaison Committee, on July 1, 2022:

(a) Subsection 9-9-104.6(2)(a) is repealed;

(b) Subsection 9-9-104.6(4)(a), the language that states "who is not a legislator" is repealed; and

(c) Subsection 9-9-104.6(4)(b), related to compensation of legislative members, is repealed.

~~[(2) In relation to the American Indian and Alaska Native Education State Plan Pilot Program, on July 1, 2022:]~~

~~[(a) Subsection 26-7-2.5(4), related to the American Indian-Alaskan Native Public Education Liaison, is repealed; and]~~

~~[(b) Subsection 9-9-104.6(2)(d) is repealed.]~~

(4) Section 9-9-405, which creates the Native American Remains Review Committee, is repealed July 1, 2025.

(5) Title 9, Chapter 20, Utah Commission on Service and Volunteerism Act, is repealed July 1, ~~2023~~2026.

Section ~~61~~49. Section **63I-1-213** is amended to read:

### **63I-1-213. Repeal dates, Title 13.**

(1) Section 13-32a-112, which creates the Pawnshop and Secondhand Merchandise Advisory Board, is repealed July 1, ~~2021~~2027.

(2) Section 13-35-103, which creates the Powersport Motor Vehicle Franchise

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Advisory Board, is repealed July 1, 2022.

(3) Section 13-43-202, which creates the Land Use and Eminent Domain Advisory Board, is repealed July 1, ~~2023~~2021.

Section ~~62~~50. Section **63I-1-217** is amended to read:

**63I-1-217. Repeal dates, Title 17.**

(1) Subsection 17-16-21(2)(d) is repealed July 1, 2023.

(2) Title 17, Chapter 21a, Part 3, Administration and Standards, which creates the Utah Electronic Recording Commission, is repealed July 1, ~~2021~~2022.

Section ~~63~~51. Section **63I-1-223** is amended to read:

**63I-1-223. Repeal dates, Title 23.**

(1) Subsection 23-13-12.5(2)(f)(i), related to the Native American Legislative Liaison Committee, is repealed July 1, 2022.

(2) Section 23-14-2.5, which creates the Wildlife Board Nominating Committee, is repealed July 1, ~~2025~~2023.

(3) Section 23-14-2.6, which creates regional advisory councils for the Wildlife Board, is repealed July 1, ~~2025~~2023

Section ~~64~~52. Section **63I-1-226** is amended to read:

**63I-1-226. Repeal dates, Title 26.**

(1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory Committee, is repealed July 1, ~~2022~~2024

(2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed July 1, ~~2022~~2025

(3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July 1, ~~2022~~2025.

~~(4)~~ (4) Section 26-1-40 is repealed July 1, 2022.

~~(5)~~ (5) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.

(6) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee, is repealed July 1, ~~2024~~2026

~~(7)~~ (7) Section 26-10-11 is repealed July 1, 2020.

(8) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed

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July 1, ~~2022~~2025

(9) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1, ~~2024~~2027.

~~(4)~~ (10) Subsection 26-18-417(3) is repealed July 1, 2020.

~~(5)~~ (11) 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.

~~(6)~~ (12) Section 26-18-419.1 is repealed December 31, 2019.

(13) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating Committee, is repealed July 1, ~~2022~~2021

~~(7)~~ (14) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

~~(8)~~ (15) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

~~(9)~~ (16) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed July 1, 2024.

~~(10)~~ (17) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

(18) Section 26-39-201, which creates the Residential Child Care Licensing Advisory Committee, is repealed July 1, ~~2022~~2024.

(19) Section 26-40-104, which creates the Utah Children's Health Insurance Program Advisory Council, is repealed July 1, ~~2022~~2025.

(20) Section 26-50-202, which creates the Traumatic Brain Injury Advisory Committee, is repealed July 1, ~~2021~~2025.

~~(11)~~ (21) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund, is repealed January 1, ~~2023~~2025.

~~(12)~~ (22) Subsection 26-61a-108(2)(e)(i), related to the Native American Legislative Liaison Committee, is repealed July 1, 2022.

~~(13)~~ (23) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed July 1, 2026.

(24) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1, ~~2025~~2026

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Section ~~65~~53. Section **63I-1-234** is amended to read:

### **63I-1-234. Repeal dates, Titles 34 and 34A.**

(1) Subsection 34A-1-202(2)(c)(i), related to the Workers' Compensation Advisory Council, is repealed July 1, ~~2021~~2027.

(2) Subsection 34A-1-202(2)(c)(iii), related to the Coal Miner Certification Panel, is repealed July 1, 2024.

(3) Section 34A-2-107, which creates the Workers' Compensation Advisory Council, is repealed July 1, ~~2021~~2027.

(4) Section 34A-2-202.5 is repealed December 31, 2020.

Section ~~66~~54. 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-1-202(2)(d), related to the Child Care Advisory Committee, is repealed July 1, ~~2023~~2021.

(3) Section 35A-3-205, which creates the Child Care Advisory Committee, is repealed July 1, ~~2023~~2021.

~~[(2)]~~ (4) Subsection 35A-4-312(5)(p), describing information that may be disclosed to the federal Wage and Hour Division, is repealed July 1, 2022.

(5) Subsection 35A-4-502(5), which creates the Employment Advisory Council, is repealed July 1, 2022.

~~[(3)]~~ (6) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is repealed July 1, 2023.

~~[(4)]~~ (7) Section 35A-9-501 is repealed January 1, 2021.

~~[(5)]~~ (8) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed January 1, 2025.

(9) Sections 35A-13-301 and 35A-13-302, which create the Governor's Committee on Employment of People with Disabilities, are repealed July 1, ~~2025~~2023.

(10) Section 35A-13-303, which creates the State Rehabilitation Advisory Council, is repealed July 1, ~~2021~~2024

(11) Section 35A-13-404, which creates the advisory council for the Division of

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Services for the Blind and Visually Impaired, is repealed July 1, ~~2022~~2025

(12) Sections 35A-13-603 and 35A-13-604, which create the Interpreter Certification Board, are repealed July 1, ~~2021~~2026.

Section ~~67~~55. 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)]~~ (2) Title 36, Chapter 22, Native American Legislative Liaison Committee, is repealed July 1, 2022.

~~[(4)]~~ (3) Title 36, Chapter 28, Veterans and Military Affairs Commission, is repealed January 1, 2025.

~~[(5)]~~ (4) Section 36-29-105 is repealed on December 31, 2020.

~~[(6)]~~ (5) Section 36-29-106 is repealed June 1, 2021.

~~[(7)]~~ (6) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight Committee, is repealed January 1, 2021.

Section ~~68~~56. Section **63I-1-240** is enacted to read:

**63I-1-240. Repeal dates, Title 40.**

Section 40-2-204, which creates the Coal Miner Certification Panel, is repealed July 1, 2024.

Section ~~69~~57. 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)~~ 20232025.

(2) Section 41-3-106, which creates an advisory board related to motor vehicle business regulation, is repealed July 1, 2024.

~~[(2)]~~ (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

(a) Subsection 41-6a-102(29);

(b) Subsection 41-6a-704(5); and

(c) Subsection 41-6a-710(1)(c).

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~~[(3)]~~[(4)] Subsection 41-6a-1406(6)(b)(iii), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, ~~[2023]~~2025.

~~[(4)]~~[(5)] Subsections 41-22-2(1) and 41-22-10(1)(a), which create the Off-highway Vehicle Advisory Council, are repealed July 1, ~~[2025]~~2027.

~~[(4)]~~ ~~[(5)]~~[(6)] Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, ~~[2023]~~2025.

Section ~~{70}~~58. 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) Section 53-2a-105, which creates the Emergency Management Administration Council, is repealed July 1, 2021.

(2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory Board, are repealed July 1, ~~[2023]~~2022.

(3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, ~~[2021]~~2023.

~~[(1)]~~ (4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is repealed July 1, 2022.

~~[(2)]~~ (5) Subsection 53-13-104(6), regarding being 19 years old at certification, is repealed July 1, 2022.

(6) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is repealed July 1, 2024.

~~[(3)]~~ (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

(8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is repealed January 1, ~~[2023]~~2025.

~~[(4)]~~ (9) Section 53B-18-1501 is repealed July 1, 2021.

~~[(5)]~~ (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

~~[(6)]~~ (11) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.

~~[(7)]~~ (12) 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,

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other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

(13) Title 53D, Chapter 1, Part 5, Nominating Committee, which creates the School and Institutional Trust Fund Nominating Committee, is repealed July 1, ~~2022~~2026.

~~[(8)]~~ (14) Section 53E-3-515 is repealed January 1, 2023.

~~[(9)]~~ (15) 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) 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;]~~

(16) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in custody, are repealed July 1, ~~2024~~2027.

(17) Section 53E-4-402, which creates the State Instructional Materials Commission, is repealed July 1, 2022.

(18) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2023.

(19) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools for the Deaf and the Blind, is repealed July 1, 2021.

~~[(11)]~~ (20) Section 53F-2-514 is repealed July 1, 2020.

~~[(12)]~~ (21) Section 53F-5-203 is repealed July 1, 2024.

~~[(13)]~~ (22) Section 53F-5-212 is repealed July 1, 2024.

~~[(14)]~~ (23) Section 53F-5-213 is repealed July 1, 2023.

~~[(15)]~~ (24) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native Education State Plan Pilot Program, is repealed July 1, 2022.

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~~[(16)]~~ (25) Section 53F-6-201 is repealed July 1, 2019.

(26) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, ~~2022~~2024.

~~[(17)]~~ (27) Section 53F-9-501 is repealed January 1, 2023.

~~[(18)]~~ (28) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

~~[(19)]~~ (29) Subsection 53G-8-211(4), regarding referrals of a minor to court for a class C misdemeanor, is repealed July 1, 2020.

Section ~~{71}~~59. Section **63I-1-254** is amended to read:

**63I-1-254. Repeal dates, Title 54.**

(1) Section 54-10a-202, which creates the Committee of Consumer Services, is repealed July 1, 2025.

(2) Title 54, Chapter 15, Net Metering of Electricity, is repealed January 1, 2036.

Section ~~{72}~~60. Section **63I-1-258** is amended to read:

**63I-1-258. Repeal dates, Title 58.**

(1) Section 58-3a-201, which creates the Architects Licensing Board, is repealed July 1, ~~2023~~2026.

~~[(1)]~~ (2) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

~~[(2)]~~ (3) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

~~[(3)]~~ (4) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

~~[(4)]~~ (5) Section 58-37-4.3 is repealed January 1, 2020.

~~[(5)]~~ (6) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of Legislative Research and General Counsel is authorized to renumber the remaining subsections accordingly.

~~[(6)]~~ (7) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

~~[(7)]~~ (8) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2029.



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~~[(8)]~~ (9) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.

~~[(9)]~~ (10) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2023.

~~[(10)]~~ (11) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

(12) Subsection 58-55-201(2), which creates the Alarm System and Security Licensing Advisory Board, is repealed July 1, ~~2021~~2027.

~~[(11)]~~ (13) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.

~~[(12)]~~ (14) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

~~[(13)]~~ (15) Title 58, Chapter 86, State Certification of Commercial Interior Designers Act, is repealed July 1, 2021.

~~[(14)]~~ (16) The following sections are repealed on July 1, 2022:

- (a) Section 58-5a-502;
- (b) Section 58-31b-502.5;
- (c) Section 58-67-502.5;
- (d) Section 58-68-502.5; and
- (e) Section 58-69-502.5.

Section ~~{73}~~61. Section **63I-1-261** is amended to read:

### **63I-1-261. Repeal dates, Title 61.**

Section 61-2c-104, which creates the Residential Mortgage Regulatory Commission, is repealed July 1, 2021.

Section ~~{74}~~62. 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, 2021.
- (4) Section 62A-4a-213 is repealed July 1, 2024.

(5) Sections 62A-5a-101, 62A-5a-102, 62A-5a-103, and 62A-5a-104, which create the Coordination Council for Persons with Disabilities, are repealed July 1, 2022.

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~~[(5)]~~ (6) Section 62A-15-114 is repealed December 31, 2021.

~~[(6)]~~ (7) 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.

(8) Section 62A-15-605, which creates the Forensic Mental Health Coordinating Council, is repealed July 1, ~~2024~~2023.

~~[(7)]~~ (9) 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.

~~[(8)]~~ (10) 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 ~~{75}~~63. 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) Subsection 63A-1-201(1) is repealed;

(b) Subsection 63A-1-202(2)(c), the language ~~[that states]~~ "using criteria established by the board" is repealed;

(c) Section 63A-1-203 is repealed;

(d) Subsections 63A-1-204(1) and (2), the language ~~[that states]~~ "After consultation with the board, and" is repealed; and

(e) Subsection 63A-1-204(1)(b), the language ~~[that states]~~ "using the standards provided in Subsection 63A-1-203(3)(c)" is repealed.

(2) Subsection 63A-5-228(2)(h), relating to prioritizing and allocating capital improvement funding, is repealed on July 1, 2024.

(3) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review

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Committee, are repealed July 1, 2023.

~~[(4)]~~ [(5)] Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

~~[(5)]~~ [(6)] Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

~~[(6)]~~ [(6)] Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2025.

~~[(6)]~~ [(6)] Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1, 2020.]

[(7)] [(7)] Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

~~[(7)]~~ [(8)] Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2021.

~~[(8)]~~ [(9)] Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1, 2023.

~~[(9)]~~ [(10)] Title 63F, Chapter 2, Data Security Management Council, is repealed July 1, ~~2023~~ 2025.

~~[(10)]~~ [(11)] Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, ~~2023~~ 2026.

~~[(9)]~~ ~~[(11)]~~ [(12)] Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

~~[(10)]~~ ~~[(12)]~~ [(13)] Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.

~~[(11)]~~ ~~[(13)]~~ [(14)] 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

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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.

~~[(12)]~~ ~~(~~14~~;15)~~ Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

~~[(13) Section 63M-7-212 is repealed on December 31, 2019;]~~

~~[(14) On July 1, 2025:]~~

~~[(a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource Development Coordinating Committee," is repealed;]~~

~~[(b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed sites for the transplant of species to local government officials having jurisdiction over areas that may be affected by a transplant.";]~~

~~[(c) in Subsection 23-14-21(3), the language that states "and the Resource Development Coordinating Committee" is repealed;]~~

~~[(d) in Subsection 23-21-2.3(1), the language that states "the Resource Development Coordinating Committee created in Section 63J-4-501 and" is repealed;]~~

~~[(e) in Subsection 23-21-2.3(2), the language that states "the Resource Development Coordinating Committee and" is repealed;]~~

~~[(f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered accordingly;]~~

~~[(g) Subsections 63J-4-401(5)(a) and (c) are repealed;]~~

~~[(h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the word "and" is inserted immediately after the semicolon;]~~

~~[(i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);]~~

~~[(j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed; and]~~

~~[(k) Subsection 63J-4-603(1)(c)(iv) is repealed and the remaining subsections are~~

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~~renumbered accordingly.]~~

~~[(15)]~~ [(16)] Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

~~[(16)]~~ [(17)] Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

~~[(17)]~~ [(18)] Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed July 1, 2022.

~~[(18)]~~ [(19)] (a) Subsection 63J-1-602.1(53), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(53), 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.

~~[(19)]~~ [(20)] Subsection 63J-1-602.2~~[(23)]~~[(24)], related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

~~[(20)]~~ [(21)] Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is repealed July 1, ~~2025~~2027.

~~[(21)]~~ [(22)] Subsection 63J-4-608(3), which creates the Federal Land Application Advisory Committee, is repealed on July 1, ~~2023~~2021.

~~[(20)]~~ ~~[(22)]~~ [(23)] 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."

~~[(21)]~~ ~~[(23)]~~ [(24)] 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

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(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)."

~~[(22)]~~ ~~(~~24~~~~25~~)~~ The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

~~(~~25~~~~26~~)~~ (~~25~~~~26~~) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, ~~2025~~2022.

~~(~~26~~~~27~~)~~ (~~26~~~~27~~) Section 63M-10-202, which creates Serious Habitual Offender Comprehensive Action Program oversight committees, is repealed July 1, ~~2024~~2023.

~~[(23)]~~ ~~(~~27~~~~28~~)~~ Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

~~[(24)]~~ ~~(~~28~~~~29~~)~~ Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed on January 1, 2023.

~~(~~29~~~~30~~)~~ (~~29~~~~30~~) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, ~~2021~~2024.

~~[(25)]~~ ~~(~~30~~~~31~~)~~ Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

~~[(26)]~~ ~~(~~31~~~~32~~)~~ (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is repealed January 1, 2021.

(b) Subject to Subsection ~~[(26)]~~ ~~(~~31~~~~32~~)~~(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2021.

(c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

(i) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

(ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if the expenditure is made on or after January 1, 2021.

(d) Notwithstanding Subsections ~~[(26)]~~ ~~(~~31~~~~32~~)~~(b) and (c), a person may carry

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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.

~~[(27)]~~ ~~(32;33)~~ Section 63N-2-512 is repealed on July 1, 2021.

~~[(28)]~~ ~~(33;34)~~ (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 ~~[(28)]~~ ~~(33;34)~~(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.

~~[(29)]~~ ~~(34;35)~~ Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

~~[(30)]~~ ~~(35;36)~~ Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

~~(36;37)~~ Title 63N, Chapter 7, Part 1, Board of Tourism ~~(Development)~~Development, is repealed July 1, 2025.

~~[(31)]~~ ~~(37;38)~~ Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

~~[(32)]~~ ~~(38;39)~~ 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.";

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(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."

~~[(33) In relation to the Talent Ready Utah Board, on January 1, 2023:]~~

~~[(a) Subsection 9-22-102(16) is repealed;]~~

~~[(b) in Subsection 9-22-114(2), the language that states "Talent Ready Utah," is repealed; and]~~

~~[(c) in Subsection 9-22-114(5), the language that states "representatives of Talent Ready Utah," is repealed:]~~

~~[(34) ~~(39;40)~~ Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.~~

Section ~~{76}~~64. Section **63I-1-265** is enacted to read:

**63I-1-265. Repeal dates, Title 65A.**

Section 65A-8-306, which creates the Heritage Trees Advisory Committee, is repealed July 1, ~~{2025}~~2026.

Section ~~{77}~~65. Section **63I-1-267** is amended to read:

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

~~(1) Section 67-1-8.1, which creates the Executive Residence Commission, is repealed July 1, 2022.~~

~~[(1)]~~(2) Section 67-1-15 is repealed December 31, 2027.

~~[(2)]~~(3) Section 67-3-11 is repealed July 1, 2024.

~~{3}~~4 Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, ~~{2024}~~2027.

~~{4}~~5 Section 67-5b-105, which creates local advisory boards for the Children's Justice Center Program, is repealed July 1, 2021.

Section ~~{78}~~66. Section **63I-1-272** is amended to read:

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

(1) Subsection 72-2-121(9), which creates transportation advisory committees, is repealed July 1, ~~{2025}~~2022.



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

Section ~~{79}~~67. Section **63I-1-273** is amended to read:

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

(1) 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; and ~~[(2)]~~ (b) Subsection 73-10g-203(4)(a) is repealed~~[; and]~~.

(2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1, 2025.

(3) Section 73-18-3.5, which creates the Boating Advisory Council, is repealed July 1, ~~{2021}~~2024

~~[(3)]~~ (4) Title 73, Chapter 27, State Water Development Commission, is repealed January 1, 2021.

(5) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1, 2023.

Section ~~{80}~~68. Section **63I-1-278** is amended to read:

### **63I-1-278. Repeal dates, Title 78A and Title 78B.**

(1) Section 78B-3-421, regarding medical malpractice arbitration agreements, is repealed July 1, 2029.

(2) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1, 2026.

(3) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child Support Guidelines Advisory Committee, is repealed July 1, ~~{2021}~~2026.

Section ~~{81}~~69. Section **63I-1-279** is enacted to read:

### **63I-1-279. Repeal dates, Title 79.**

(1) Subsection 79-2-201(2)(n), related to the Heritage Trees Advisory Committee, is repealed July 1, ~~{2025}~~2026.

(2) Subsection 79-2-201(2)(o), related to the Recreational Trails Advisory Council, is repealed July 1, ~~{2024}~~2027.

(3) Subsection 79-2-201(2)(p), related to the Boating Advisory Council, is repealed

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July 1, ~~2021~~2024.

(4) Subsection 79-2-201(2)(q), related to the Wildlife Board Nominating Committee, is repealed July 1, ~~2025~~2023.

(5) Subsection 79-2-201(2)(r), related to regional advisory councils for the Wildlife Board, is repealed July 1, ~~2025~~2023.

(6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational Trails Advisory Council, is repealed July 1, ~~2024~~2027.

Section ~~82~~70. Section **63I-2-226** is amended to read:

### **63I-2-226. Repeal dates, Title 26.**

(1) Subsection 26-1-7(1)(c), in relation to the Air Ambulance Committee, is repealed July 1, 2024.

~~[(1)]~~ (2) Subsection 26-7-8(3) is repealed January 1, 2027.

~~[(2)]~~ (3) Section 26-8a-107 is repealed July 1, 2024.

~~[(3)]~~ (4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

(5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 26-8a-602(1)(a) is amended to read:

"(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:

(i) which health insurers in the state the air medical transport provider contracts with;

(ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and

(iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".

~~[(4)]~~ (6) Subsection 26-18-2.3(5) is repealed January 1, 2020.

~~[(5)]~~ (7) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

~~[(6)]~~ (8) Subsection 26-18-411(8), related to reporting on the health coverage improvement program, is repealed January 1, 2023.

~~[(7)]~~ (9) Subsection 26-18-604(2) is repealed January 1, 2020.

~~[(8)]~~ (10) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

(11) In relation to the Air Ambulance Committee, July 1, 2024, Subsection 26-21-32(1)(a) is amended to read:

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"(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:

(i) which health insurers in the state the air medical transport provider contracts with;

(ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and

(iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".

~~[(9)]~~ (12) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

~~[(10)]~~ (13) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.

~~[(11)]~~ (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2027.

~~[(12) Subsection 26-50-202(7)(b) is repealed January 1, 2020.]~~

~~[(13)]~~ (15) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed January 1, 2020.

~~[(14)]~~ (16) Subsection 26-55-107(8) is repealed January 1, 2021.

~~[(15)]~~ (17) Subsection 26-56-103(9)(d) is repealed January 1, 2020.

~~[(16)]~~ (18) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.

~~[(17)]~~ (19) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

~~[(18)]~~ (20) Subsection 26-61-202(5) is repealed January 1, 2022.

Section ~~{83}~~ 71. Section ~~{63I-2-253}~~ 63M-7-402 is amended to read:

~~{~~ ~~63I-2-253.~~ **Repeal dates, Titles 53 through 53G.**

~~\_\_\_\_\_ (1) (a) Subsections 53B-2a-103(2) and (4), regarding the composition of the UTech Board of Trustees and the transition to that composition, are repealed July 1, 2019.~~

~~\_\_\_\_\_ (b) When repealing Subsections 53B-2a-103(2) and (4), 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) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a technical college board of directors, is repealed July 1, 2022.~~

~~\_\_\_\_\_ (b) When repealing Subsection 53B-2a-108(5), 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.~~

~~\_\_\_\_\_ (3) Section 53B-6-105.7 [is] and Subsection 63I-1-253(8)(b), related to the Technology~~

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~~Initiative Advisory Board, are repealed July 1, 2024.~~

~~—— (4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.~~

~~—— (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's change in performance with the technical college's average performance, is repealed July 1, 2021.~~

~~—— (5) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as provided in Subsection (3)(b)," is repealed July 1, 2021.~~

~~—— (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college during a fiscal year before fiscal year 2020, is repealed July 1, 2021.~~

~~—— (6) Section 53B-8-112 is repealed July 1, 2024.~~

~~—— (7) Section 53B-8-114 is repealed July 1, 2024.~~

~~—— (8) (a) The following sections, regarding the Regents' scholarship program, are repealed on July 1, 2023:~~

~~—— (i) Section 53B-8-202;~~

~~—— (ii) Section 53B-8-203;~~

~~—— (iii) Section 53B-8-204; and~~

~~—— (iv) Section 53B-8-205.~~

~~—— (b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.~~

~~—— (ii) When repealing Subsection 53B-8-201(2), 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.~~

~~—— (9) Section 53B-10-101 is repealed on July 1, 2027.~~

~~—— (10) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.~~

~~—— (11) Section 53E-3-519 regarding school counselor services is repealed July 1, 2020.~~

~~—— (12) Section 53E-3-520 is repealed July 1, 2021.~~

~~—— (13) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school performance and continued funding relating to the School Recognition and Reward Program, is repealed July 1, 2020.~~

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- ~~———— (14) Section 53E-5-307 is repealed July 1, 2020.~~
- ~~———— (15) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's duties if contributions from the minimum basic tax rate are overestimated or underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.~~
- ~~———— (16) Subsection 53F-2-301(1), relating to the years the section is not in effect, is repealed July 1, 2023.~~
- ~~———— (17) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.~~
- ~~———— (18) Section 53F-4-204 is repealed July 1, 2019.~~
- ~~———— (19) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.~~
- ~~———— (20) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.~~
- ~~———— (21) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.~~
- ~~———— (22) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.~~
- ~~———— (23) On July 1, 2023, when making changes in this section, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's perception of the Legislature's intent.~~
- ~~———— Section 84. 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-1-203(5)(a)(i) is repealed; and~~
- ~~———— (b) in Subsection 63A-1-203(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.~~
- ~~———— [(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2020.]~~

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~~[(4)] (3) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2020:~~

- ~~— (a) Section 63G-1-801;~~
- ~~— (b) Section 63G-1-802;~~
- ~~— (c) Section 63G-1-803; and~~
- ~~— (d) Section 63G-1-804.~~

~~[(5)] (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.~~

~~[(6)] (5) Section 63H-7a-303 is repealed on July 1, 2022.~~

~~[(7)] (6) 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.~~

~~[(8)] (7) Section 63J-4-708 is repealed January 1, 2023.~~

~~Section 85. Section ~~63M-7-402~~ is amended to read:~~

‡ **63M-7-402. Terms of members -- Vacancies -- Reappointment.**

(1) (a) Except as required by Subsection (1)(b), as terms of current commission members expire, the appointing authority shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (1)(a), the appointing authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

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

~~[(3) All members of the commission, including those appointed before July 1, 1995, shall be eligible for reappointment one time.]~~

Section ~~{86}~~ 72. Section **63N-7-103** is amended to read:

**63N-7-103. Board duties.**

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(1) The [board] Board of Tourism Development:

(a) has authority to approve a tourism program of out-of-state advertising, marketing, and branding, taking into account the long-term strategic plan, economic trends, and opportunities for tourism development on a statewide basis, as a condition of the distribution of funds to the office from the:

(i) Tourism Marketing Performance Account created in Section 63N-7-301; and

(ii) Stay Another Day and Bounce Back Account, created in Section 63N-2-511;

(b) shall review office programs to coordinate and integrate advertising and branding themes, which may include recreational, scenic, historic, and tourist attractions of the state, to be used in office programs;

(c) shall encourage and assist in coordinating activities of persons, firms, associations, corporations, civic groups, and governmental agencies that are engaged in publicizing, developing, and promoting the scenic attractions and tourist advantages of the state; and

(d) shall advise the office in establishing a cooperative program using funds from the Tourism Marketing Performance Account created in Section 63N-7-301.

(2) The board may:

(a) solicit and accept contributions of money, services, and facilities from any other sources, public or private and shall use these funds for promoting the general interest of the state in tourism; and

(b) establish subcommittees for the purpose of assisting the board in an advisory role.

(3) The [board] Board of Tourism Development may not, except as otherwise provided in Subsection (1)(a), make policy related to the management or operation of the office.

~~[(4)(a) For each fiscal year, the office shall allocate 20% of the funds appropriated to the Tourism Marketing and Performance Account created in Section 63N-7-301 to the cooperative program described in Subsection (1)(d) and this Subsection (4).]~~

~~[(b) Money allocated to the cooperative program may be awarded to cities, counties, nonprofit destination marketing organizations, and similar public entities for the purpose of supplementing money committed by these entities for advertising and promoting sites and events in the state.]~~

~~[(c) The office, with approval from the board, shall establish:]~~

~~[(i) an application and approval process for an entity to receive a cooperative program~~

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~~award, including an application deadline;]~~

~~[(ii) the criteria for awarding a cooperative program award, which shall emphasize attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in the state; and]~~

~~[(iii) eligibility, advertising, timing, and reporting requirements of an entity that receives a cooperative program award.]~~

~~[(d) Money allocated to the cooperative program that is not used in each fiscal year shall be returned to the Tourism Marketing Performance Account.]~~

Section ~~{87}~~73. Section **63N-7-301** is amended to read:

### **63N-7-301. Tourism Marketing Performance Account.**

(1) There is created within the General Fund a restricted account known as the Tourism Marketing Performance Account.

(2) The account shall be administered by GOED for the purposes listed in Subsection (5).

(3) (a) The account shall earn interest.

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

(4) The account shall be funded by appropriations made to the account by the Legislature in accordance with this section.

(5) The executive director of GOED's Office of Tourism shall use account money appropriated to GOED to pay for the statewide advertising, marketing, and branding campaign for promotion of the state as conducted by GOED.

(6) (a) For each fiscal year beginning on or after July 1, 2007, GOED shall annually allocate 10% of the account money appropriated to GOED to a sports organization for advertising, marketing, branding, and promoting Utah in attracting sporting events into the state.

(b) The sports organization shall:

(i) provide an annual written report to GOED that gives an accounting of the use of funds the sports organization receives under this Subsection (6); and

(ii) promote the state and encourage economic growth in the state.

(c) For purposes of this Subsection (6), "sports organization" means an organization that:



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(i) is exempt from federal income taxation in accordance with Section 501(c)(3), Internal Revenue Code;

(ii) maintains its principal location in the state;

(iii) has a minimum of 15 years experience in the state hosting, fostering, and attracting major summer and winter sporting events statewide; and

(iv) was created to foster state, regional, national, and international sports competitions in the state, to drive the state's Olympic and sports legacy, including competitions related to Olympic sports, and to promote and encourage sports tourism throughout the state, including advertising, marketing, branding, and promoting the state for the purpose of attracting sporting events in the state.

(7) Money deposited into the account shall include a legislative appropriation from the cumulative sales and use tax revenue increases described in Subsection (8), plus any additional appropriation made by the Legislature.

(8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax revenues determined under this Subsection (8) shall be certified by the State Tax Commission as a set-aside for the account, and the State Tax Commission shall report the amount of the set-aside to the office, the Office of Legislative Fiscal Analyst, and the Division of Finance, which shall set aside the certified amount for appropriation to the account.

(b) For fiscal years 2016 through 2019, the State Tax Commission shall calculate the set-aside under this Subsection (8) in each fiscal year by applying one of the following formulas: if the annual percentage change in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the fiscal year two years before the fiscal year in which the set-aside is to be made is:

(i) greater than 3%, and if the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made to the fiscal year two years before the fiscal year in which the set-aside is to be made is greater than the annual percentage change in the Consumer Price Index for the fiscal year two years before the fiscal year in which the set-aside is to be made, then the difference between the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services and the annual percentage change in the Consumer Price Index shall be

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multiplied by an amount equal to the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made; or

(ii) 3% or less, and if the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made to the fiscal year two years before the fiscal year in which the set-aside is to be made is greater than 3%, then the difference between the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services and 3% shall be multiplied by an amount equal to the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made.

(c) The total money appropriated to the account in a fiscal year under Subsections (8)(a) and (b) may not exceed the amount appropriated to the account in the preceding fiscal year by more than \$3,000,000.

(d) As used in this Subsection (8), "state sales and use tax revenues" are revenues collected under Subsections 59-12-103(2)(a)(i)(A) and 59-12-103(2)(c)(i).

(e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services" are calculated by adding the following percentages of sales from each business registered with the State Tax Commission under one of the following codes of the 2012 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget:

(i) 80% of the sales from each business under NAICS Codes:

(A) 532111 Passenger Car Rental;

(B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;

(C) 5615 Travel Arrangement and Reservation Services;

(D) 7211 Traveler Accommodation; and

(E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;

(ii) 25% of the sales from each business under NAICS Codes:

(A) 51213 Motion Picture and Video Exhibition;

(B) 532292 Recreational Goods Rental;

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(C) 711 Performing Arts, Spectator Sports, and Related Industries;

(D) 712 Museums, Historical Sites, and Similar Institutions; and

(E) 713 Amusement, Gambling, and Recreation Industries;

(iii) 20% of the sales from each business under NAICS Code 722 Food Services and Drinking Places;

(iv) 18% of the sales from each business under NAICS Codes:

(A) 447 Gasoline Stations; and

(B) 81293 Parking Lots and Garages;

(v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair and Maintenance; and

(vi) 5% of the sales from each business under NAICS Codes:

(A) 445 Food and Beverage Stores;

(B) 446 Health and Personal Care Stores;

(C) 448 Clothing and Clothing Accessories Stores;

(D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;

(E) 452 General Merchandise Stores; and

(F) 453 Miscellaneous Store Retailers.

(9) (a) For each fiscal year, the office shall allocate 20% of the funds appropriated to the Tourism Marketing and Performance Account to the cooperative program described in this Subsection (9).

(b) Money allocated to the cooperative program may be awarded to cities, counties, nonprofit destination marketing organizations, and similar public entities for the purpose of supplementing money committed by these entities for advertising and promoting sites and events in the state.

(c) The office shall establish:

(i) an application and approval process for an entity to receive a cooperative program award, including an application deadline;

(ii) the criteria for awarding a cooperative program award, which shall emphasize attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in the state; and

(iii) eligibility, advertising, timing, and reporting requirements of an entity that

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receives a cooperative program award.

(d) Money allocated to the cooperative program that is not used in each fiscal year shall be returned to the Tourism Marketing Performance Account.

Section ~~{88}~~74. 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:

(a) "Administrator" means the boards and commissions administrator designated under Subsection ~~[(2)]~~(3).

(b) "Executive board" means ~~[any]~~an executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body:

(i) with a defined limited membership;

(ii) that is created ~~[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~~[-];~~ and

(iii) that is created to operate for more than six months.

(2) (a) ~~[Before September]~~ Except as provided in Subsection (2)(c), before August 1 of the calendar year following the year in which ~~[the Legislature creates]~~ a new executive board is created in statute, the governor shall:

(i) review the executive board to evaluate:

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

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

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

(A) the funding required for the executive board;

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

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

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

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

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- (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.]~~

(c) The governor is not required to conduct the review or submit the report described in Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.

(3) (a) The governor shall designate a board and commissions administrator from the governor's staff to maintain a computerized database containing information about all executive boards.

(b) The administrator shall ensure that the database contains:

- (i) the name of each executive board;
- (ii) the current statutory or constitutional authority for the creation of the executive board;
- (iii) the sunset date on which each executive board's statutory authority expires;
- (iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- (v) the name, address, gender, telephone number, and county of each individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;
- (vi) the title of the position held by the person who appointed each member of the executive board;
- (vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;

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

(ix) the organization, interest group, profession, local government entity, or geographic area that an individual appointed to an executive board represents, if any;

(x) the party affiliation of an individual appointed to an executive board, if the statute or executive order creating the position requires representation from political parties;

(xi) whether each executive board is a policy board or an advisory board;

(xii) whether the executive board has or exercises rulemaking authority; and

(xiii) any compensation and expense reimbursement that members of the executive board are authorized to receive.

(4) The administrator shall ~~[place the following on the]~~ ensure the governor's website includes:

(a) the information contained in the database~~;~~ except for an individual's:

(i) physical address;

(ii) email address; and

(iii) telephone number;

(b) a portal, accessible on each executive board's web page within the governor's website, through which a member of the public may provide input on:

(i) an individual appointed to serve on the executive board; or

(ii) a sitting member of the executive board;

~~[(b)]~~ (c) each report the administrator receives under Subsection (5); and

~~[(c)]~~ (d) the summary report described in Subsection (6).

(5) (a) Before August 1 ~~[of each year]~~, once every five years, beginning in calendar year 2024, each executive board shall prepare and submit to the administrator ~~[an annual]~~ a report that includes:

(i) the name of the executive board;

(ii) a description of the executive board's official function and purpose;

(iii) a description of the ~~[actual work performed]~~ ~~{and}~~ actions taken by the executive board ~~{}~~ since the last report the executive board submitted to the administrator under this Subsection (5) ~~{}~~ in the last fiscal year;

~~[(iv) a description of actions taken by the executive board since the last report the~~

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~~executive board submitted to the administrator under this Subsection (5);]~~

~~[(v)] (iv) recommendations on whether any statutory, rule, or other changes are needed to make the executive board more effective; and~~

~~[(vi)] (v) an indication of whether the executive board should continue to exist.~~

~~(b) The administrator shall compile and post the reports described in Subsection (5)(a) to the governor's website before September 1 of [each year.] a calendar year in which the administrator receives a report described in Subsection (5)(a).~~

~~[(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.]~~

~~[(6) (a) The administrator shall prepare {}, publish, and distribute {} an annual report by September 1 of each year that includes:]~~

~~[(i) as of August 1 of that year:]~~

~~(6) (a) Before September 1 of a calendar year in which the administrator receives a report described in Subsection (5)(a), the administrator shall prepare a report that includes:~~

~~[(A)] (i) as of July 1 of that year, the total number of executive boards that exist ~~in the state~~;~~

~~[(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;]~~

~~[(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;]~~

~~[(D) the total number of members for each of those executive boards;]~~

~~[(E) whether or not some or all of the members of each of those executive boards are approved by the Senate;]~~

~~[(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]~~

~~[(G) the compensation, if any, paid to the members of each of those executive boards; and]~~

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(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)~~)(iv); and
- (D) a list of any executive boards that indicated under Subsection (5)(a)(~~(vi)~~)(v) that

the executive board should no longer exist[-]; and

(iii) a list of each executive board, identified and reported by the Division of Archives and Record Services under ~~Subsection~~ Section 63F-1-701 ~~(6)(b)~~, that did not post a notice of a public meeting on the public notice website during the previous fiscal year.

~~(b) The administrator shall ~~coordinate with the Office of Legislative Research and General Counsel to jointly~~ distribute copies of the report described in Subsection (6)(a) ~~and copies of the~~ to:~~

~~(i) the governor;~~

~~(b) On or before September 1 of a calendar year in which the administrator prepares a report described in Subsection ~~36-12-22(3)(a) to:~~~~

~~(i) the governor;~~

~~(6)(a), in accordance with Section 68-3-14, the administrator shall submit the report to:~~

~~(ii) (i) the president of the Senate;~~

~~(iii) (ii) the speaker of the House of Representatives; and~~

~~(iv) the Office of Legislative Research and General Counsel;~~

~~(v) (iii) the Government Operations Interim Committee[-; and].~~

~~(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 ~~89~~75. Section ~~67-1-9~~71-7-3 is amended to read:

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

~~(1) The [Kearns' mansion shall be] Thomas Kearns Mansion is the official residence of~~



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~~the governor.~~

~~———— (2) The building board may apply for, accept, and expend funds from federal and other sources [for carrying out the purposes of Section 67-1-8.1 and this section] to provide for the use, operation, maintenance, repair, rehabilitation, alteration, and restoration of the Thomas Kearns Mansion, the Carriage House Building adjacent to the Thomas Kearns Mansion, and the grounds and landscaping surrounding the Thomas Kearns Mansion and the Carriage House Building.~~

~~———— Section 90. Section 71-7-3 is amended to read:~~

‡ **71-7-3. Development, operation, and maintenance of Utah Veterans Cemetery and Memorial Park -- Responsibilities of Department of Veterans and Military Affairs -- Costs -- Definition.**

(1) The Department of Veterans and Military Affairs [~~in consultation with the Veterans Memorial Park Board,~~] shall develop, operate, and maintain a veterans cemetery and memorial park.

(2) To help pay the costs of developing, constructing, operating, and maintaining a veterans cemetery and memorial park, the Department of Veterans and Military Affairs may:

(a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, receive federal funds, and may receive state funds, contributions from veterans organizations, and other private donations; and

(b) charge fees for at least the cost of the burial of a veteran's spouse and any other persons, whom the department [~~and the Veterans Memorial Park Board~~] determines are eligible to be buried in a veterans cemetery established by the state.

(3) "Veteran" has the same meaning as defined in Section 68-3-12.5.

Section ~~{91}~~76. **Repealer.**

This bill repeals:

**Section 4-30-103, Livestock Market Committee created -- Composition -- Terms -- Removal -- Compensation -- Duties.**

**Section 9-6-801, Title.**

**Section 9-6-802, Definitions.**

**Section 9-6-803, Arts and Culture Business Alliance -- Creation -- Members -- Vacancies.**

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Section 9-6-804, Alliance duties.

Section 9-6-805, Staff support -- Rulemaking.

Section 9-7-301, Board of control.

~~{ Section 13-35-103, Utah Powersport Vehicle Franchise Advisory Board -- Creation -- Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest.~~

‡ Section 23-14-2.8, Private Aquaculture Advisory Council.

Section 26-39-202, Members serve without pay -- Reimbursement for expenses.

~~{ Section 26-50-202, Traumatic Brain Injury Advisory Committee -- Membership -- Time limit.~~

‡ Section 36-12-20, Development of proposed energy producer states' agreement -- Membership selection -- Agreements -- Goals -- Meetings -- Reports.

Section 38-11-104, Board.

~~{ Section 41-3-106, Board -- Creation and composition -- Appointment, terms, compensation, and expenses of members -- Meetings -- Quorum -- Powers and duties -- Officers' election and duties -- Voting.~~

‡ Section 53-3-908, Advisory committee.

Section 58-46a-201, Board.

Section 58-64-201, Board.

~~{ Section 63A-9-301, Motor Vehicle Review Committee -- Composition.~~

~~Section 63A-9-302, Committee duties.~~

~~Section 63C-19-101, Title.~~

~~Section 63C-19-102, Definitions.~~

~~Section 63C-19-201, Higher Education Strategic Planning Commission -- Membership -- Quorum and voting requirements -- Compensation -- Staff support.~~

~~Section 63C-19-202, Commission powers and duties -- Strategic plan -- Consultant -- Reports.~~

‡ Section 63M-3-101, Title.

Section 63M-3-102, Legislative findings -- Purpose of act.

Section 63M-3-103, Definitions.

Section 63M-3-201, Contract for pilot plant -- Contents -- Financing --

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### Termination of contract.

Section 63M-3-202, Intellectual properties discovered or developed -- Ownership --

### Patenting -- Licensing.

~~{ Section 67-1-8.1, Executive Residence Commission -- Recommendations as to use, maintenance, and operation of executive residence:~~

‡ Section 71-7-4, Veterans Memorial Park Board -- Members -- Appointment -- Meetings -- Per diem and travel expenses.

### Section 77. Coordinating H.B. 10 with H.B. 46 -- Substantive language.

If this H.B. 10 and H.B. 46, Arts and Museums Revisions, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by amending Subsections 63I-1-209(1) and (2) to read:

"(1) Section 9-6-303, which creates the Arts Collection Committee, is repealed July 1, 2027.

(2) Section 9-6-305, which creates the Utah Museums Advisory Board, is repealed July 1, 2027."

### Section 78. Coordinating H.B. 10 with S.B. 60 -- Superseding technical and substantive amendments.

If this H.B. 10 and S.B. 60, Advice and Consent Amendments, both pass and become law, it is the intent of the Legislature that the amendments to Section 26-21-3 in this bill supersede the amendments to Section 26-21-3 in S.B. 60 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.