

HB0010S05 compared with HB0010S03

~~{deleted text}~~ shows text that was in HB0010S03 but was deleted in HB0010S05.

inserted text shows text that was not in HB0010S03 but was inserted into HB0010S05.

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~~{Representative Marc K}~~Senator Daniel W. ~~{Roberts}~~Thatcher 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

Cosponsor: Travis M. Seegmiller

LONG TITLE

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 amends provisions related to the following entities:
 - the Arts and Culture Business Alliance;
 - the Deception Detection Examiners Board;

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- the Global Positioning Systems Advisory Committee;
 - the Hearing Instrument Specialist Licensing Board;
 - the Livestock Market Committee;
 - the Motorcycle Rider Education Advisory Committee;
 - the Pesticide Committee;
 - the Private Aquaculture Advisory Council;
 - the Residence Lien Recovery Fund Advisory Board;
 - the Serious Habitual Offender Comprehensive Action Program Oversight Committees;
 - the State Advisory Council on Science and Technology;
 - the State Law Library Board of Control;
 - the Survey and Excavation Permit 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;
 - 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;

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- 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;
- 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;

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- 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 Search and Rescue Advisory Board;
 - 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;
 - the Utah Professional Practices Advisory Commission;
 - the Utah Prosecution Council;
 - the Wildlife Board Nominating Committee; and
 - the Workers' Compensation Advisory Council;
- ▶ reinstates the Judicial Rules Review Committee, which was previously repealed, and enacts provisions related to the Judicial Rules Review Committee;
- ~~↳ reinstates and describes the duties of the Economic Development Legislative Liaison Committee, which was previously repealed;~~

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→ ~~provides that the Economic Development Legislative Liaison Committee is not a public body for purposes of the Open and Public Meetings Act;~~

- † ▶ repeals sunset provisions related to the Utah State Fair Corporation Board of Directors;
- ▶ repeals sunset provisions related to the Pete Suazo Utah Athletic Commission;
- ▶ 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 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:

This bill provides coordination clauses.

Utah Code Sections Affected:

AMENDS:

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

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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

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

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

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

~~{ **52-4-103**, as last amended by Laws of Utah 2019, Chapters 25 and 246~~

{ **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

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

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

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

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

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

~~**36-33-101**, Utah Code Annotated 1953~~

~~**36-33-102**, Utah Code Annotated 1953~~

~~**36-33-103**, Utah Code Annotated 1953~~

~~**36-33-104**, Utah Code Annotated 1953~~

~~**36-33-105**, 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

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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

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

38-11-104, as last amended by Laws of Utah 2018, Chapter 229

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

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

63M-10-202, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

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:
 - (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

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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

(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;

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(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

(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:

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(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 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

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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.

(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

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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.

(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

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(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.

~~(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).

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~~[(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 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

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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;

(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;

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(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:

(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

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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 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

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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 **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;

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(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 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 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;

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- (d) one representative of a freestanding ambulatory surgical facility;
- (e) one representative of an ambulatory surgical facility that is affiliated with a hospital;
- (f) ~~[two representatives]~~ one representative of the nursing care facility industry;
- (g) 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;]~~

- ~~[(+)]~~ (h) one licensed architect or engineer with expertise in health care facilities;
- ~~[(+)]~~ (i) ~~[two representatives]~~ one representative of assisted living facilities licensed under this chapter;
- ~~[(k)]~~ (j) two consumers, one of whom has an interest in or expertise in geriatric care; and
- ~~[(+)]~~ (k) 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

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present constitutes action of the committee.

Section 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;

(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

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

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

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(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 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 17. Section **36-12-22** is amended to read:

36-12-22. Reports from legislative boards -- Annual reports -- Preparation of legislation.

(1) As used in this section:

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(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]~~

~~[(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 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]~~ actions taken by the legislative board [~~or commission since the last report the legislative board or commission submitted to the~~

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~~Office of Legislative Research and General Counsel under this section;~~ in the five previous fiscal 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

~~[(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 1 of each year that includes, as of September 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.

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

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

(i) in accordance with Section 68-3-14, submit the report described in Subsection (3)(a)

to:

(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 the committee receives under Subsection (3)(b), including:] to address a recommendation regarding:

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

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

(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;

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(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

(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 19. Section ~~36-32-101~~ is enacted to read:

CHAPTER 32. JUDICIAL RULES REVIEW COMMITTEE

Part 1. General Provisions

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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.

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.

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(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

(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 member 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 no 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

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(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 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

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(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 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:

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- (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 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 ~~{36-33-101}~~**38-11-102** is ~~{enacted to read:~~

CHAPTER 33. ECONOMIC DEVELOPMENT LEGISLATIVE LIAISON COMMITTEE

~~————~~ **36-33-101. Title:**

~~————~~ This chapter is known as the "Economic Development Legislative Liaison Committee."

~~————~~ Section 29. Section **36-33-102** is enacted to read:

~~————~~ **36-33-102. Definitions:**

~~————~~ (1) "Classification" means the same as that term is defined in Section 63G-2-103.

~~————~~ (2) "Committee" means the Economic Development Legislative Liaison Committee created in this chapter.

~~————~~ (3) "Improper use" means:

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~~(a) to further substantially one's own or another's personal economic interest;~~

~~(b) to secure special privileges or exemptions for one's self or another; or~~

~~(c) to cause economic injury or damage to:~~

~~(i) an individual or business entity; or~~

~~(ii) an individual's or a business entity's property, reputation, or business interests.~~

~~(4) "Office" means the Governor's Office of Economic Development created in Section 63N-1-201.~~

~~(5) "Record" means the same as that term is defined in Section 63G-2-103.~~

~~Section 30. Section 36-33-103 is enacted to read:~~

~~**36-33-103. Economic Development Legislative Liaison Committee -- Creation -- Membership -- Chairs -- Per diem.**~~

~~(1) There is created the Economic Development Legislative Liaison Committee.~~

~~(2) The committee membership consists of the following eight members:~~

~~(a) four members from the House of Representatives, appointed by the speaker of the House of Representatives, with no more than three from the same political party; and~~

~~(b) four members from the Senate, appointed by the president of the Senate, with no more than three members from the same political party.~~

~~(3) Five members of the committee constitute a quorum.~~

~~(4) (a) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(a) as a cochair of the committee.~~

~~(b) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(b) as a cochair of the committee.~~

~~(5) A committee member shall receive compensation and expenses as provided by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.~~

~~Section 31. Section 36-33-104 is enacted to read:~~

~~**36-33-104. Duties -- Confidential information -- Records.**~~

~~(1) The committee shall receive reports from the office regarding:~~

~~(a) how the office is:~~

~~(i) promoting and encouraging economic development in the state; and~~

~~(ii) creating, developing, attracting, and retaining business, industry, and commerce in the state;~~

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- ~~_____ (b) an economic development incentive or program the office administers;~~
- ~~_____ (c) a contract or agreement that the office has entered into with a public or private entity;~~
- ~~_____ (d) a grant that the office has made to a public or private entity;~~
- ~~_____ (e) any funds from a public or private source that the office has expended;~~
- ~~_____ (f) any money, services, or facilities the office has solicited or accepted from a public or private donor;~~
- ~~_____ (g) a policy, priority, or objective under which the office operates; or~~
- ~~_____ (h) any other economic development related information that the office can provide.~~
- ~~_____ (2) At the beginning of each meeting, the cochairs of the committee shall inform each individual in attendance that there may be:~~
 - ~~_____ (a) restrictions on the disclosure or improper use of information the committee receives during the meeting; and~~
 - ~~_____ (b) penalties for not complying with the restrictions on the disclosure or improper use of information the committee receives during the meeting.~~
- ~~_____ (3) (a) Before adjourning a meeting of the committee, the office shall inform the committee whether the information the office provides under this section is subject to restrictions on the disclosure or improper use of the information.~~
 - ~~_____ (b) The committee shall comply with any restrictions on the disclosure or improper use of information.~~
 - ~~_____ (c) An individual may not disclose or improperly use information that is:~~
 - ~~_____ (i) received by the individual at a committee meeting; and~~
 - ~~_____ (ii) determined to be confidential or subject to restrictions on disclosure or improper use under Subsection (3)(a).~~
 - ~~_____ (d) An individual who intentionally discloses or improperly uses information described under Subsection (3)(c) knowing that the disclosure or improper use is prohibited under this section is guilty of a class B misdemeanor.~~
- ~~_____ (4) (a) The office's sharing of records with the committee is governed by this section rather than Section 63G-2-206.~~
 - ~~_____ (b) The office shall inform the committee of the office's classification of any record the office provides to the committee.~~

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~~— (c) The committee is subject to the same restrictions on disclosure or use of a record the committee receives from the office as the office is subject to.~~

~~— (d) An individual that violates the restrictions on disclosure or improper use described under Subsection (4)(c) is subject to:~~

~~— (i) the applicable penalties provided under Title 63G, Chapter 2, Government Records Access and Management Act; and~~

~~— (ii) any other applicable penalties provided by law.~~

~~— (e) A person may not make a request under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, for access to a record in possession of the committee if the committee received the record from the office in accordance with this section:~~

~~— (5) The committee may not:~~

~~— (a) request legislation;~~

~~— (b) recommend legislation;~~

~~— (c) take a position on a matter of public policy;~~

~~— (d) except as necessary to obtain the information described in Subsection (1), direct the negotiations, activities, or work of the office; or~~

~~— (e) require the office to request company-specific tax information from the State Tax Commission.~~

~~— (6) The committee shall comply with the rules of legislative interim committees unless those rules conflict with this section.~~

~~— (7) The committee may meet as needed.~~

~~— Section 32. Section ~~36-33-105~~ is enacted to read:~~

~~— **36-33-105. Staff support.**~~

~~— The Office of Legislative Research and General Counsel and the Office of the Legislative Fiscal Analyst shall jointly provide staff services to the committee.~~

~~— Section 33. 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)~~

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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.

~~[(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.

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~~[(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

(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

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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;

(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 ~~{34}~~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

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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 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 ~~{35}~~30. Section ~~{52-4-103}~~53F-9-203 is amended to read:

~~{~~ **52-4-103. Definitions:**

~~_____~~ As used in this chapter:

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

~~_____~~ (a) an electronic meeting originates; or

~~_____~~ (b) the participants are connected.

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

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

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

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

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

~~———— (a) electronic mail;~~

~~———— (b) instant messaging;~~

~~———— (c) electronic chat;~~

~~———— (d) text messaging, as that term is defined in Section 76-4-401; or~~

~~———— (e) any other method that conveys a message or facilitates communication electronically:~~

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

~~———— (b) "Meeting" does not mean:~~

~~———— (i) a chance gathering or social gathering;~~

~~———— (ii) a convening of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405; or~~

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

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

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

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

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

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

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

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

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

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

~~—— (9) (a) "Public body" means:~~

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

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

~~—— (B) consists of two or more persons;~~

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

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

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

~~—— (A) consists of two or more persons;~~

~~—— (B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and~~

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

~~—— (b) "Public body" includes:~~

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

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

~~—— (iii) the Utah Independent Redistricting Commission.~~

~~—— (c) "Public body" does not include:~~

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

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

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

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

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

~~—— (A) the Research and General Counsel Subcommittee;~~

~~—— (B) the Budget Subcommittee; and~~

~~—— (C) the Audit Subcommittee[.]; or~~

~~—— (vi) the Economic Development Legislative Liaison Committee created in Section 36-33-103.~~

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

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

~~—— (b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.~~

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

~~—— (13) "Specified body":~~

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

~~—— (i) is not a public body;~~

~~—— (ii) consists of three or more members; and~~

~~—— (iii) includes at least one member who is:~~

~~—— (A) a legislator; and~~

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

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

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

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~~Section 36. 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;

(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]~~:

~~[(i)]~~ (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:

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(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.

[~~(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 ~~(37)~~ 31. Section **54-10a-202** is amended to read:

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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;]~~

~~[(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

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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 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 ~~{38}~~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.

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~~[(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;
- (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;

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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 ~~(39)~~ 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.

(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

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by the division [~~in collaboration with the board~~].

Section ~~{40}~~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 ~~{41}~~35. Section **58-46a-303** is amended to read:

58-46a-303. Term of license -- Expiration -- Renewal of specialist license -- 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

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(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 ~~{42}~~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;

(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;

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(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 ~~{43}~~37. Section **58-46a-502** is amended to read:

58-46a-502. Additional requirements for practicing as a hearing instrument 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

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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 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.

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Section ~~{44}~~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:

[~~(i)~~] (a) two members shall be licensed from among the license classifications of master or journeyman plumber;

[~~(ii)~~] (b) two members shall be licensed plumbing contractors; and

[~~(iii)~~] (c) one member shall be from the public at large with no history of involvement in the construction trades.

[~~(b)~~-(~~i~~)] (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.

[~~(ii)~~] (b) The Alarm System Security and Licensing Board shall designate one of its members on a permanent or rotating basis to:

[~~(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:

[~~(i)~~] (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;

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~~[(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 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 ~~{45}~~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.

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~~[(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 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 ~~{46}~~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

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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.

(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;

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(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 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

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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 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 ~~{47}~~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.

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Section ~~{48}~~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 ~~{49}~~43. 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 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~~

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~~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 ~~{50}~~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 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;]~~

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~~[(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 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 ~~{51}~~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

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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;

(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) 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:

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(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 Section 67-1-2.5 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.

~~[(5)]~~ (7) The division ~~[shall be]~~ is responsible for:

(a) establishing and maintaining the website, including the provision of equipment, 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 timing of posting of that information.

Section ~~{52}~~46. Section **63I-1-204** is amended to read:

63I-1-204. Repeal dates, Title 4.

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(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, 2025.

(6) Section 4-35-103, which creates the Decision and Action Committee, is repealed July 1, 2026

(7) Section 4-39-104, which creates the Domesticated Elk Act Advisory Council, is repealed July 1, 2027

(8) Subsection 4-41a-105(2)(e)(i), related to the Native American Legislative Liaison Committee, is repealed July 1, 2022.

Section ~~{53}~~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.

(2) Section 7-3-40, which creates the Board of Bank Advisors, is repealed July 1, 2022.

(3) Section 7-9-43, which creates the Board of Credit Union Advisors, is repealed July 1, 2023.

Section ~~{54}~~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, 2027.

(2) Sections 9-6-604 and 9-6-605, which create the Museum Services Advisory Board, are repealed July 1, 2027.

[†] (3) In relation to the Native American Legislative Liaison Committee, on July 1, 2022:

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(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, 2026.

Section ~~{55}~~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, 2027.

(2) Section 13-35-103, which creates the Powersport Motor Vehicle Franchise 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, 2021.

Section ~~{56}~~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, 2022.

Section ~~{57}~~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.

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(2) Section 23-14-2.5, which creates the Wildlife Board Nominating Committee, is repealed July 1, 2023.

(3) Section 23-14-2.6, which creates regional advisory councils for the Wildlife Board, is repealed July 1, 2023

Section ~~{58}~~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, 2024

(2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed July 1, 2025

(3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July 1, 2025.

~~[(1)]~~ (4) Section 26-1-40 is repealed July 1, 2022.

~~[(2)]~~ (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, 2026

~~[(3)]~~ (7) Section 26-10-11 is repealed July 1, 2020.

(8) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed July 1, 2025

(9) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1, 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, 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,

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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, 2024.

(19) Section 26-40-104, which creates the Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.

(20) Section 26-50-202, which creates the Traumatic Brain Injury Advisory Committee, is repealed July 1, 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, 2026

Section ~~59~~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, 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, 2027.

(4) Section 34A-2-202.5 is repealed December 31, 2020.

Section ~~60~~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

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January 1, 2023.

(2) Subsection 35A-1-202(2)(d), related to the Child Care Advisory Committee, is repealed July 1, 2021.

(3) Section 35A-3-205, which creates the Child Care Advisory Committee, is repealed July 1, 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, 2023.

(10) Section 35A-13-303, which creates the State Rehabilitation Advisory Council, is repealed July 1, 2024

(11) Section 35A-13-404, which creates the advisory council for the Division of Services for the Blind and Visually Impaired, is repealed July 1, 2025

(12) Sections 35A-13-603 and 35A-13-604, which create the Interpreter Certification Board, are repealed July 1, 2026.

Section ~~{61}~~ 55. Section ~~{63I-1-236}~~ 63I-1-240 is ~~{amended to read:~~

~~————~~ 63I-1-236. Repeal dates, Title 36:

~~————~~ (1) Title 36, Chapter 17, Legislative Process Committee, is repealed January 1, 2023.

~~————~~ (2) Section 36-12-20 is repealed June 30, 2023.

~~————~~ (3) Title 36, Chapter 22, Native American Legislative Liaison Committee, is repealed July 1, 2022.

~~————~~ (4) Title 36, Chapter 28, Veterans and Military Affairs Commission, is repealed January 1, 2025.

~~————~~ (5) Section 36-29-105 is repealed on December 31, 2020.

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~~Section 36-29-106 is repealed June 1, 2021.~~

~~Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight Committee, is repealed January 1, 2021.~~

~~Title 36, Chapter 33, Economic Development Legislative Liaison Committee, is repealed July 1, 2023.~~

~~Section 62. Section 63I-1-240 is enacted to read:~~

~~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 ~~{63}~~56. 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]~~2025.

(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).

~~{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.

(5) Subsections 41-22-2(1) and 41-22-10(1)(a), which create the Off-highway Vehicle Advisory Council, are repealed July 1, 2027.

~~{4}~~ (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, ~~[2023]~~2025.

Section ~~{64}~~57. 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

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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, 2022.

(3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, 2023.

~~[(4)]~~ (4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is repealed July 1, 2022.

~~[(5)]~~ (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.

~~[(7)]~~ (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, 2025.

~~[(9)]~~ (9) Section 53B-18-1501 is repealed July 1, 2021.

~~[(10)]~~ (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

~~[(11)]~~ (11) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.

~~[(12)]~~ (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, other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

~~[(13)]~~ (13) Section 53E-3-515 is repealed January 1, 2023.

~~[(14)]~~ (14) 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;]~~

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~~[(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.]~~

(15) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in custody, are repealed July 1, 2027.

(16) Section 53E-4-402, which creates the State Instructional Materials Commission, is repealed July 1, 2022.

(17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2023.

(18) 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)] (19) Section 53F-2-514 is repealed July 1, 2020.~~

~~[(12)] (20) Section 53F-5-203 is repealed July 1, 2024.~~

~~[(13)] (21) Section 53F-5-212 is repealed July 1, 2024.~~

~~[(14)] (22) Section 53F-5-213 is repealed July 1, 2023.~~

~~[(15)] (23) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native Education State Plan Pilot Program, is repealed July 1, 2022.~~

~~[(16)] (24) Section 53F-6-201 is repealed July 1, 2019.~~

(25) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

~~[(17)] (26) Section 53F-9-501 is repealed January 1, 2023.~~

~~[(18)] (27) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.~~

~~[(19)] (28) Subsection 53G-8-211(4), regarding referrals of a minor to court for a class C misdemeanor, is repealed July 1, 2020.~~

Section ~~{65}~~58. 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.

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(2) Title 54, Chapter 15, Net Metering of Electricity, is repealed January 1, 2036.

Section ~~(66)~~59. 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, 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.

~~[(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, 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

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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 ~~{67}~~60. 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 ~~{68}~~61. Section **63I-1-262** is amended to read:

63I-1-262. Repeal dates, Title 62A.

- (1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.
- (2) Section 62A-3-209 is repealed July 1, 2023.
- (3) Section 62A-4a-202.9 is repealed December 31, 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 Coordinating Council for Persons with Disabilities, are repealed July 1, 2022.

~~[(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, 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;

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(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 ~~69~~62. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) 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 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) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1, 2020.]~~

(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

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July 1, 2023.

~~(10) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1, 2025.~~

~~(11) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.~~

~~(9) (12) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.~~

~~(10) (13) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.~~

~~[(11) In relation to the State Fair Corporation Board of Directors, on January 1, 2025:]~~

~~[(a) Subsection 63H-6-104(2)(c), related to a Senate appointment, is repealed;]~~

~~[(b) Subsection 63H-6-104(2)(d), related to a House appointment, is repealed;]~~

~~[(c) in Subsection 63H-6-104(2)(e), the language that states ", of whom only one may be a legislator, in accordance with Subsection (3)(e)," is repealed;]~~

~~[(d) Subsection 63H-6-104(3)(a)(i) is amended to read:]~~

~~["(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the year that the board member was appointed.";]~~

~~[(e) in Subsections 63H-6-104(3)(a)(ii), (c)(ii), and (d), the language that states "the president of the Senate, the speaker of the House, the governor," is repealed and replaced with "the governor", and]~~

~~[(f) Subsection 63H-6-104(3)(e), related to limits on the number of legislators, is repealed.]~~

~~(12) (14) 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~~

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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 renumbered accordingly;]~~

(15) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

(16) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

(17) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed July 1, 2022.

(18) (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) Subsection 63J-1-602.2~~[(23)]~~(24), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

(20) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is

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repealed July 1, 2027.

(21) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory Committee, is repealed on July 1, 2021.

~~[(20)]~~ (22) 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) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

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

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

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

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

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

"(2) The commission shall:

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

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

~~[(22)]~~ (24) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

(25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.

~~[(23)]~~ (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

~~[(24)]~~ (27) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed on January 1, 2023.

(28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating

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Council, is repealed July 1, 2024.

~~[(25)] (29)~~ Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

~~[(26)] (30)~~ (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is repealed January 1, 2021.

(b) Subject to Subsection ~~[(26)] (30)~~(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)] (30)~~(b) and (c), a person may carry forward a tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

(i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

(ii) (A) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31, 2020; or

(B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the expenditure is made on or before December 31, 2020.

~~[(27)] (31)~~ Section 63N-2-512 is repealed on July 1, 2021.

~~[(28)] (32)~~ (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)] (32)~~(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.

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~~[(29)]~~ (33) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

~~[(30)]~~ (34) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

(35) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1, 2025.

~~[(31)]~~ (36) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

~~[(32) In relation to the Pete Suazo Utah Athletic Commission, on January 1, 2021:]~~

~~[(a) Subsection 63N-10-201(2)(a) is amended to read:]~~

~~["(2) (a) The governor shall appoint five commission members with the advice and consent of the Senate.";]~~

~~[(b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;]~~

~~[(c) in Subsection 63N-10-201(3)(a), the language that states ", president, or speaker, respectively," is repealed; and]~~

~~[(d) Subsection 63N-10-201(3)(d) is amended to read:]~~

~~["(d) The governor may remove a commission member for any reason and replace the commission member in accordance with this section.";]~~

~~[(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)]~~ (37) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.

Section ~~{70}~~63. 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, 2026.

Section ~~{71}~~64. Section **63I-1-267** is amended to read:

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

(1) Section 67-1-8.1, which creates the Executive Residence Commission, is repealed July 1, 2022.

~~[(+)]~~ (2) Section 67-1-15 is repealed December 31, 2027.

~~[(2)]~~ (3) Section 67-3-11 is repealed July 1, 2024.

(4) Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, 2027.

(5) Section 67-5b-105, which creates local advisory boards for the Children's Justice Center Program, is repealed July 1, 2021.

Section ~~{72}~~65. 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, 2022.

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

Section ~~{73}~~66. 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;

~~[(2)]~~ (b) Subsection 73-10g-203(4)(a) is repealed; and

~~[(3)]~~ (c) Title 73, Chapter 27, State Water Development Commission, is repealed.

(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, 2024.

(4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1, 2027.

Section ~~{74}~~67. 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.

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(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, 2026.

Section ~~{75}~~68. 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, 2026.

(2) Subsection 79-2-201(2)(o), related to the Recreational Trails Advisory Council, is repealed July 1, 2027.

(3) Subsection 79-2-201(2)(p), related to the Boating Advisory Council, is repealed July 1, 2024.

(4) Subsection 79-2-201(2)(q), related to the Wildlife Board Nominating Committee, is repealed July 1, 2023.

(5) Subsection 79-2-201(2)(r), related to regional advisory councils for the Wildlife Board, is repealed July 1, 2023.

(6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational Trails Advisory Council, is repealed July 1, 2027.

Section ~~{76}~~69. 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

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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:

"(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 ~~{77}~~70. Section **63M-7-402** is amended to read:

63M-7-402. Terms of members -- Vacancies -- Reappointment.

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(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 ~~{78}~~71. Section **63N-7-103** is amended to read:

63N-7-103. Board duties.

(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

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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 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 ~~{79}~~72. 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.

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(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:

(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.

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(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 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"

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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;

(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

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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 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 ~~73~~⁷³. 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

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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:

(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:

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- (i) the name of each executive board;
- (ii) the current statutory or constitutional authority for the creation of the executive board;
- (iii) the sunset date on which each executive board's statutory authority expires;
- (iv) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- (v) the name, address, gender, telephone number, and county of each individual currently serving on the executive board, along with a notation of all vacant or unfilled positions;
- (vi) the title of the position held by the person who appointed each member of the executive board;
- (vii) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;
- (viii) whether 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:

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(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]~~ actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);

~~[(iv)]~~ a description of actions taken by the executive board since the last report the executive board submitted to the administrator under this Subsection (5);]

~~[(v)]~~ (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;

~~[(B)]~~ the name of each of those executive boards and the state officer or department and

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~~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]~~

(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 Section 63F-1-701, that did not post a notice of a public meeting on the public notice website during the previous fiscal year.

~~[(b) The administrator shall distribute copies of the report described in Subsection (6)(a) to:]~~

~~[(i) the governor;]~~

(b) On or before September 1 of a calendar year in which the administrator prepares a report described in Subsection (6)(a), in accordance with Section 68-3-14, the administrator shall submit the report to:

~~[(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;]~~

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~~[(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 ~~{81}~~74. 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 ~~{82}~~75. 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.

HB0010S05 compared with HB0010S03

Section **9-6-804, Alliance duties.**

Section **9-6-805, Staff support -- Rulemaking.**

Section **9-7-301, Board of control.**

Section **23-14-2.8, Private Aquaculture Advisory Council.**

Section **26-39-202, Members serve without pay -- Reimbursement for expenses.**

Section **38-11-104, Board.**

Section **53-3-908, Advisory committee.**

Section **58-46a-201, Board.**

Section **58-64-201, Board.**

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 --**

Termination of contract.

Section **63M-3-202, Intellectual properties discovered or developed -- Ownership --**

Patenting -- Licensing.

Section **63M-10-202, Establishment of local oversight committees -- Interagency information sharing.**

Section **71-7-4, Veterans Memorial Park Board -- Members -- Appointment -- Meetings -- Per diem and travel expenses.**

Section ~~{83}~~76. **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 ~~{84}~~77. **Coordinating H.B. 10 with S.B. 60 -- Superseding technical and substantive amendments.**

HB0010S05 compared with HB0010S03

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.