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STATE LEGAL DISPUTE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to state legal actions.

Highlighted Provisions:

This bill:

- ▶ modifies the Government Records Access and Management Act to address information regarding anticipated or pending litigation shared among certain state entities;
- ▶ amends the state settlement approval process by:
 - directing the attorney general to share with the approving person any information relevant to a recommended settlement; and
 - clarifying that the cost to implement an action settlement agreement includes the cost of monetary and non-monetary terms;
- ▶ provides the attorney general's authority to take certain enforcement action against charter schools;
- ▶ addresses the sharing of information between the attorney general and the Legislature related to anticipated or pending state litigation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 This bill provides revisor instructions.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63G-2-103**, as last amended by Laws of Utah 2023, Chapters 16, 173, 231, and 516

32 **63G-10-301**, as last amended by Laws of Utah 2023, Chapter 535

33 **63G-10-302**, as last amended by Laws of Utah 2023, Chapter 535

34 **63G-10-303**, as last amended by Laws of Utah 2023, Chapter 535

35 **63G-10-501**, as last amended by Laws of Utah 2021, Chapters 33, 344

36 **63G-10-503**, as last amended by Laws of Utah 2023, Chapter 535

37 **63I-2-263**, as last amended by Laws of Utah 2023, Chapters 33, 139, 212, 354, and 530

38 **67-5-17**, as enacted by Laws of Utah 2000, Chapter 212

39 ENACTS:

40 **63G-31-401.1**, Utah Code Annotated 1953

41 REPEALS AND REENACTS:

42 **63G-10-103**, as renumbered and amended by Laws of Utah 2008, Chapter 382



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

45 Section 1. Section **63G-2-103** is amended to read:

46 **63G-2-103. Definitions.**

47 As used in this chapter:

48 (1) "Audit" means:

49 (a) a systematic examination of financial, management, program, and related records

50 for the purpose of determining the fair presentation of financial statements, adequacy of

51 internal controls, or compliance with laws and regulations; or

52 (b) a systematic examination of program procedures and operations for the purpose of

53 determining their effectiveness, economy, efficiency, and compliance with statutes and

54 regulations.

55 (2) "Chronological logs" mean the regular and customary summary records of law

56 enforcement agencies and other public safety agencies that show:

57 (a) the time and general nature of police, fire, and paramedic calls made to the agency;

58 and

59 (b) any arrests or jail bookings made by the agency.

60 (3) "Classification," "classify," and their derivative forms mean determining whether a
61 record series, record, or information within a record is public, private, controlled, protected, or
62 exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

63 (4) (a) "Computer program" means:

64 (i) a series of instructions or statements that permit the functioning of a computer
65 system in a manner designed to provide storage, retrieval, and manipulation of data from the
66 computer system; and

67 (ii) any associated documentation and source material that explain how to operate the
68 computer program.

69 (b) "Computer program" does not mean:

70 (i) the original data, including numbers, text, voice, graphics, and images;

71 (ii) analysis, compilation, and other manipulated forms of the original data produced by
72 use of the program; or

73 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
74 algorithms contained in the program, that would be used if the manipulated forms of the
75 original data were to be produced manually.

76 (5) (a) "Contractor" means:

77 (i) any person who contracts with a governmental entity to provide goods or services
78 directly to a governmental entity; or

79 (ii) any private, nonprofit organization that receives funds from a governmental entity.

80 (b) "Contractor" does not mean a private provider.

81 (6) "Controlled record" means a record containing data on individuals that is controlled
82 as provided by Section [63G-2-304](#).

83 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
84 governmental entity's familiarity with a record series or based on a governmental entity's
85 review of a reasonable sample of a record series, the primary classification that a majority of
86 records in a record series would be given if classified and the classification that other records
87 typically present in the record series would be given if classified.

88 (8) "Elected official" means each person elected to a state office, county office,
89 municipal office, school board or school district office, special district office, or special service

90 district office, but does not include judges.

91 (9) "Explosive" means a chemical compound, device, or mixture:

92 (a) commonly used or intended for the purpose of producing an explosion; and

93 (b) that contains oxidizing or combustive units or other ingredients in proportions,

94 quantities, or packing so that:

95 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
96 compound or mixture may cause a sudden generation of highly heated gases; and

97 (ii) the resultant gaseous pressures are capable of:

98 (A) producing destructive effects on contiguous objects; or

99 (B) causing death or serious bodily injury.

100 (10) "Government audit agency" means any governmental entity that conducts an audit.

101 (11) (a) "Governmental entity" means:

102 (i) executive department agencies of the state, the offices of the governor, lieutenant
103 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
104 the Board of Examiners, the National Guard, the Career Service Review Office, the State
105 Board of Education, the Utah Board of Higher Education, and the State Archives;

106 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
107 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
108 committees, except any political party, group, caucus, or rules or sifting committee of the
109 Legislature;

110 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
111 administrative units in the judicial branch;

112 (iv) any state-funded institution of higher education or public education; or

113 (v) any political subdivision of the state, but, if a political subdivision has adopted an
114 ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this
115 chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or
116 as specified in any other section of this chapter that specifically refers to political subdivisions.

117 (b) "Governmental entity" also means:

118 (i) every office, agency, board, bureau, committee, department, advisory board, or
119 commission of an entity listed in Subsection (11)(a) that is funded or established by the
120 government to carry out the public's business;

- 121 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
122 undertaking;
- 123 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- 124 (iv) an association as defined in Section 53G-7-1101;
- 125 (v) the Utah Independent Redistricting Commission; and
- 126 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
127 more law enforcement officers, as defined in Section 53-13-103.
- 128 (c) "Governmental entity" does not include the Utah Educational Savings Plan created
129 in Section 53B-8a-103.
- 130 (12) "Gross compensation" means every form of remuneration payable for a given
131 period to an individual for services provided including salaries, commissions, vacation pay,
132 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any
133 similar benefit received from the individual's employer.
- 134 (13) "Individual" means a human being.
- 135 (14) (a) "Initial contact report" means an initial written or recorded report, however
136 titled, prepared by peace officers engaged in public patrol or response duties describing official
137 actions initially taken in response to either a public complaint about or the discovery of an
138 apparent violation of law, which report may describe:
- 139 (i) the date, time, location, and nature of the complaint, the incident, or offense;
- 140 (ii) names of victims;
- 141 (iii) the nature or general scope of the agency's initial actions taken in response to the
142 incident;
- 143 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
- 144 (v) the name, address, and other identifying information about any person arrested or
145 charged in connection with the incident; or
- 146 (vi) the identity of the public safety personnel, except undercover personnel, or
147 prosecuting attorney involved in responding to the initial incident.
- 148 (b) Initial contact reports do not include follow-up or investigative reports prepared
149 after the initial contact report. However, if the information specified in Subsection (14)(a)
150 appears in follow-up or investigative reports, it may only be treated confidentially if it is
151 private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

152 (c) Initial contact reports do not include accident reports, as that term is described in
153 Title 41, Chapter 6a, Part 4, Accident Responsibilities.

154 (15) "Legislative body" means the Legislature.

155 (16) "Notice of compliance" means a statement confirming that a governmental entity
156 has complied with an order of the State Records Committee.

157 (17) "Person" means:

158 (a) an individual;

159 (b) a nonprofit or profit corporation;

160 (c) a partnership;

161 (d) a sole proprietorship;

162 (e) other type of business organization; or

163 (f) any combination acting in concert with one another.

164 (18) "Personal identifying information" means the same as that term is defined in
165 Section [63A-12-100.5](#).

166 (19) "Privacy annotation" means the same as that term is defined in Section
167 [63A-12-100.5](#).

168 (20) "Private provider" means any person who contracts with a governmental entity to
169 provide services directly to the public.

170 (21) "Private record" means a record containing data on individuals that is private as
171 provided by Section [63G-2-302](#).

172 (22) "Protected record" means a record that is classified protected as provided by
173 Section [63G-2-305](#).

174 (23) "Public record" means a record that is not private, controlled, or protected and that
175 is not exempt from disclosure as provided in Subsection [63G-2-201\(3\)\(b\)](#).

176 (24) "Reasonable search" means a search that is:

177 (a) reasonable in scope and intensity; and

178 (b) not unreasonably burdensome for the government entity.

179 (25) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
180 card, tape, recording, electronic data, or other documentary material regardless of physical form
181 or characteristics:

182 (i) that is prepared, owned, received, or retained by a governmental entity or political

- 183 subdivision; and
- 184 (ii) where all of the information in the original is reproducible by photocopy or other
185 mechanical or electronic means.
- 186 (b) "Record" does not mean:
- 187 (i) a personal note or personal communication prepared or received by an employee or
188 officer of a governmental entity:
- 189 (A) in a capacity other than the employee's or officer's governmental capacity; or
190 (B) that is unrelated to the conduct of the public's business;
- 191 (ii) a temporary draft or similar material prepared for the originator's personal use or
192 prepared by the originator for the personal use of an individual for whom the originator is
193 working;
- 194 (iii) material that is legally owned by an individual in the individual's private capacity;
- 195 (iv) material to which access is limited by the laws of copyright or patent unless the
196 copyright or patent is owned by a governmental entity or political subdivision;
- 197 (v) proprietary software;
- 198 (vi) junk mail or a commercial publication received by a governmental entity or an
199 official or employee of a governmental entity;
- 200 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
201 of a library open to the public;
- 202 (viii) material that is cataloged, indexed, or inventoried and contained in the collections
203 of a library open to the public, regardless of physical form or characteristics of the material;
- 204 (ix) a daily calendar or other personal note prepared by the originator for the
205 originator's personal use or for the personal use of an individual for whom the originator is
206 working;
- 207 (x) a computer program that is developed or purchased by or for any governmental
208 entity for its own use;
- 209 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 210 (A) a member of the judiciary;
- 211 (B) an administrative law judge;
- 212 (C) a member of the Board of Pardons and Parole; or
213 (D) a member of any other body, other than an association or appeals panel as defined

214 in Section 53G-7-1101, charged by law with performing a quasi-judicial function;

215 (xii) a telephone number or similar code used to access a mobile communication
216 device that is used by an employee or officer of a governmental entity, provided that the
217 employee or officer of the governmental entity has designated at least one business telephone
218 number that is a public record as provided in Section 63G-2-301;

219 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
220 created in Section 49-20-103, to a county to enable the county to calculate the amount to be
221 paid to a health care provider under Subsection 17-50-319(2)(e)(ii);

222 (xiv) information that an owner of unimproved property provides to a local entity as
223 provided in Section 11-42-205;

224 (xv) a video or audio recording of an interview, or a transcript of the video or audio
225 recording, that is conducted at a Children's Justice Center established under Section 67-5b-102;

226 (xvi) child sexual abuse material, as defined by Section 76-5b-103;

227 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording
228 of the closed portion of a meeting or hearing of:

229 (A) a Senate or House Ethics Committee;

230 (B) the Independent Legislative Ethics Commission;

231 (C) the Independent Executive Branch Ethics Commission, created in Section
232 63A-14-202; or

233 (D) the Political Subdivisions Ethics Review Commission established in Section
234 63A-15-201; [or]

235 (xviii) confidential communication described in Section 58-60-102, 58-61-102, or
236 [~~58-61-702~~]; 58-61-702; or

237 (xix) any document or information related to an anticipated or pending legal claim and
238 shared between any of the following entities:

239 (A) the Division of Risk Management;

240 (B) the Office of the Attorney General;

241 (C) the governor's office; or

242 (D) the legislative department.

243 (26) "Record series" means a group of records that may be treated as a unit for
244 purposes of designation, description, management, or disposition.

245 (27) "Records officer" means the individual appointed by the chief administrative
246 officer of each governmental entity, or the political subdivision to work with state archives in
247 the care, maintenance, scheduling, designation, classification, disposal, and preservation of
248 records.

249 (28) "Schedule," "scheduling," and their derivative forms mean the process of
250 specifying the length of time each record series should be retained by a governmental entity for
251 administrative, legal, fiscal, or historical purposes and when each record series should be
252 transferred to the state archives or destroyed.

253 (29) "Sponsored research" means research, training, and other sponsored activities as
254 defined by the federal Executive Office of the President, Office of Management and Budget:

255 (a) conducted:

256 (i) by an institution within the state system of higher education defined in Section
257 [53B-1-102](#); and

258 (ii) through an office responsible for sponsored projects or programs; and

259 (b) funded or otherwise supported by an external:

260 (i) person that is not created or controlled by the institution within the state system of
261 higher education; or

262 (ii) federal, state, or local governmental entity.

263 (30) "State archives" means the Division of Archives and Records Service created in
264 Section [63A-12-101](#).

265 (31) "State archivist" means the director of the state archives.

266 (32) "State Records Committee" means the State Records Committee created in
267 Section [63G-2-501](#).

268 (33) "Summary data" means statistical records and compilations that contain data
269 derived from private, controlled, or protected information but that do not disclose private,
270 controlled, or protected information.

271 Section 2. Section [63G-10-103](#) is repealed and reenacted to read:

272 **[63G-10-103](#). Notice of voidableness of settlement agreements.**

273 (1) Each action settlement agreement and each financial settlement agreement executed
274 in violation of this chapter is voidable by the governor or the Legislature as provided in this
275 chapter.

276 (2) (a) When seeking approval of an action settlement agreement or a financial
277 settlement agreement under this chapter, upon request the attorney general shall provide to the
278 approving person any documents or information relevant to the recommended settlement.

279 (b) Information and documents shared under this section are governed by Subsection
280 67-5-17(6).

281 Section 3. Section **63G-10-301** is amended to read:

282 **63G-10-301. Cost evaluation of action settlement agreements.**

283 (1) Before legally binding the state to an action settlement agreement that might cost
284 the state a total of \$250,000 or more to implement, inclusive of the cost of the required action
285 and any required monetary payment, an agency shall estimate the cost of implementing the
286 action settlement agreement and submit that cost estimate to the governor and the Legislative
287 Management Committee.

288 (2) The Legislative Management Committee may:

289 (a) direct its staff to make an independent cost estimate of the cost of implementing the
290 action settlement agreement; and

291 (b) affirmatively adopt a cost estimate as the benchmark for determining which
292 authorizations established by this part are necessary.

293 Section 4. Section **63G-10-302** is amended to read:

294 **63G-10-302. Governor to approve action settlement agreements.**

295 (1) Before legally binding the state by executing an action settlement agreement that
296 might cost government entities more than \$250,000 to implement, inclusive of the cost of the
297 required action and any required monetary payment, an agency shall submit the proposed
298 settlement agreement, including all terms material to the settlement, to the governor for the
299 governor's approval or rejection.

300 (2) The governor shall approve or reject each action settlement agreement.

301 (3) (a) If the governor approves the action settlement agreement, the agency may
302 execute the agreement.

303 (b) If the governor rejects the action settlement agreement, the agency may not execute
304 the agreement.

305 (4) If an agency executes an action settlement agreement without obtaining the
306 governor's approval under this section, the governor may issue an executive order declaring the

307 settlement agreement void.

308 (5) An agency executing an agreement under this section shall give notice of the
309 settlement to the Legislative Management Committee by sending a settlement agreement report
310 to the president of the Senate, the speaker of the House of Representatives, and the director of
311 the Office of Legislative Research and General Counsel within three business days of executing
312 the agreement.

313 Section 5. Section **63G-10-303** is amended to read:

314 **63G-10-303. Legislative review and approval of action settlement agreements.**

315 (1) (a) Before legally binding the state by executing an action settlement agreement that
316 might cost government entities more than \$1,000,000 to implement, inclusive of the cost of the
317 required action and any required monetary payment, an agency shall:

318 (i) submit the proposed action settlement agreement, including all terms that are
319 material to the settlement, to the governor for the governor's approval or rejection as required
320 by Section **63G-10-302**; and

321 (ii) if the governor approves the action settlement agreement, submit the action
322 settlement agreement to the Legislative Management Committee for its review and
323 recommendations.

324 (b) The Legislative Management Committee shall review the action settlement
325 agreement and may:

326 (i) recommend that the agency execute the settlement agreement;

327 (ii) recommend that the agency reject the settlement agreement; or

328 (iii) recommend to the governor that the governor call a special session of the
329 Legislature to review and approve or reject the settlement agreement.

330 (2) (a) Before legally binding the state by executing an action settlement agreement that
331 might cost government entities more than \$2,000,000 to implement, an agency shall:

332 (i) submit the proposed action settlement agreement, including all terms that are
333 material to the settlement, to the governor for the governor's approval or rejection as required
334 by Section **63G-10-302**; and

335 (ii) if the governor approves the action settlement agreement, submit the action
336 settlement agreement to the Legislature for its approval in an annual general session or a
337 special session.

338 (b) (i) If the Legislature approves the action settlement agreement, the agency may
339 execute the agreement.

340 (ii) If the Legislature rejects the action settlement agreement, the agency may not
341 execute the agreement.

342 (c) If an agency executes an action settlement agreement without obtaining the
343 Legislature's approval under this Subsection (2):

344 (i) the governor may issue an executive order declaring the action settlement agreement
345 void; or

346 (ii) the Legislature may pass a joint resolution declaring the action settlement
347 agreement void.

348 Section 6. Section **63G-10-501** is amended to read:

349 **63G-10-501. Definitions.**

350 As used in this part:

351 (1) "Executive director" means the individual appointed under Section [63A-1-105](#) as
352 the executive director of the Department of Government Operations, created in Section
353 [63A-1-104](#).

354 (2) "Risk management fund" means the fund created in Section [63A-4-201](#).

355 (3) "Risk manager" means the state risk manager appointed under Section
356 [63A-4-101.5](#).

357 (4) "Settlement amount" means the total cost to implement:

358 (a) an action settlement as defined in Section [63G-10-102](#), including the cost of the
359 required action and any required monetary payment; or

360 (b) a financial settlement as defined in Section [63G-10-102](#).

361 Section 7. Section **63G-10-503** is amended to read:

362 **63G-10-503. Risk manager's authority to settle a claim -- Additional approvals**
363 **required.**

364 (1) The risk manager may compromise and settle any claim for which the risk
365 management fund may be liable:

366 (a) if the settlement amount is \$500,000 or less, on the risk manager's own authority;

367 (b) if the settlement amount is more than \$500,000 but not more than \$1,000,000, upon
368 the approval of the attorney general, or the attorney general's representative, and the executive

369 director;

370 (c) if the settlement amount is more than \$1,000,000 but not more than \$1,500,000,
371 upon the governor's approval after receiving approval under Subsection (1)(b);

372 (d) if the settlement amount is more than \$1,500,000 but not more than \$2,000,000,
373 upon the Legislative Management Committee's approval after receiving approval under
374 Subsections (1)(b) and (c); and

375 (e) if the settlement amount is more than \$2,000,000, upon the Legislature's approval
376 after receiving approval under Subsections (1)(b), (c), and (d).

377 (2) When seeking approval from a person under Subsection (1), the risk manager shall
378 provide the person a list of each material term in the proposed settlement agreement.

379 ~~[(2)]~~ (3) (a) The risk manager shall, upon initiation of negotiations that the risk
380 manager reasonably believes to have the potential to lead to a settlement requiring approval
381 under Subsection (1)(d) or (e):

382 (i) notify the Legislature's general counsel that negotiations have commenced;

383 (ii) continue to keep the Legislature's general counsel informed of material
384 developments in the negotiation process; and

385 (iii) permit the Legislature's general counsel to attend negotiations.

386 (b) The information that the risk manager shall provide to the Legislature's general
387 counsel under Subsection ~~[(2)(a)]~~ (3)(a) includes:

388 (i) the nature of the claim that is the subject of the settlement negotiations;

389 (ii) the known facts that support the claim and the known facts that controvert the
390 claim; and

391 (iii) the risk manager's assessment of the potential liability under the claim.

392 (c) A document, paper, electronic data, communication, or other material that the risk
393 manager provides to legislative general counsel in the discharge of the risk manager's
394 responsibility under this Subsection ~~[(2)]~~ (3) may not be considered to be a record, as defined
395 in Section [63G-2-103](#).

396 (d) Information provided by the risk manager to legislative general counsel under
397 Subsection ~~[(2)(a)]~~ (3)(a) and a communication between the risk manager and legislative
398 general counsel under Subsection ~~[(2)(a)]~~ (3)(a) shall be considered to be evidence that is
399 subject to Rule 408 of the Utah Rules of Evidence to the fullest extent possible.

400 (e) Subsections ~~[(2)(c)]~~ (3)(c) and (d) apply regardless of whether:

401 (i) the risk manager acts personally under this section or through counsel or another
402 individual acting under the risk manager's direction; or

403 (ii) other individuals under the direction of legislative general counsel are involved in
404 the process described in this section.

405 ~~[(3)]~~ (4) The risk manager shall, for each settlement agreement approved under this
406 section for an amount greater than \$250,000 but less than \$1,500,000, give notice of the
407 settlement to the Legislative Management Committee by sending a settlement agreement report
408 to the president of the Senate, the speaker of the House of Representatives, and the director of
409 the Office of Legislative Research and General Counsel within three business days of executing
410 the agreement.

411 Section 8. Section **63G-31-401.1** is enacted to read:

412 **63G-31-401.1. Government entity noncompliance.**

413 (1) The state auditor shall:

414 (a) establish a process to receive and investigate alleged violations of this chapter by a
415 government entity;

416 (b) provide notice to the relevant government entity of:

417 (i) each alleged violation of this chapter by the government entity; and

418 (ii) each violation that the state auditor determines to be substantiated, including an
419 opportunity to cure the violation not to exceed 30 calendar days; and

420 (c) if a government entity fails to cure a violation in accordance with Subsection
421 (1)(b)(ii), report the government entity's failure to:

422 (i) for a political subdivision as defined in Section [63G-7-102](#) or a charter school, the
423 attorney general for enforcement under Subsection (2); or

424 (ii) for a state entity as defined in Section [67-4-2](#), the Legislative Management
425 Committee.

426 (2) (a) The attorney general shall:

427 (i) enforce this chapter against a political subdivision or charter school upon referral
428 by the state auditor under Subsection (1)(c) by imposing a fine of up to \$10,000 per violation
429 per day; and

430 (ii) deposit fines under Subsection (2)(a) into the General Fund.

431 (b) A political subdivision or charter school may seek judicial review of a fine that the
 432 attorney general imposes under this section to determine whether the fine is clearly erroneous.

433 (3) A local education agency is not in violation of this chapter for a lawful application
 434 of Section 53G-8-211.

435 Section 9. Section **63I-2-263** is amended to read:

436 **63I-2-263. Repeal dates: Title 63A to Title 63N.**

437 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services
 438 Procurement Advisory Council is repealed July 1, 2025.

439 (2) Section 63A-17-303 is repealed July 1, 2023.

440 (3) Section **63A-17-806** is repealed June 30, 2026.

441 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
 442 Commission is repealed July 1, 2023.

443 (5) Section 63G-31-401 is repealed May 1, 2024.

444 [~~5~~] (6) Section 63H-7a-303 is repealed July 1, 2024.

445 [~~6~~] (7) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public
 446 safety communications network, is repealed July 1, 2033.

447 [~~7~~] (8) Subsection 63J-1-602.2(45), which lists appropriations to the State Tax
 448 Commission for property tax deferral reimbursements, is repealed July 1, 2027.

449 [~~8~~] (9) Subsection 63N-2-213(12)(a), relating to claiming a tax credit in the same
 450 taxable year as the targeted business income tax credit, is repealed December 31, 2024.

451 [~~9~~] (10) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an
 452 Enterprise Zone, is repealed December 31, 2024.

453 Section 10. Section **67-5-17** is amended to read:

454 **67-5-17. Attorney-client relationship.**

455 (1) When representing the governor, lieutenant governor, auditor, or treasurer, or when
 456 representing an agency under the supervision of any of those officers, the attorney general
 457 shall:

458 (a) keep the officer or the officer's designee reasonably informed about the status of a
 459 matter and promptly comply with reasonable requests for information;

460 (b) explain a matter to the extent reasonably necessary to enable the officer or the
 461 officer's designee to make informed decisions regarding the representation;

462 (c) abide by the officer's or designee's decisions concerning the objectives of the
463 representation and consult with the officer or designee as to the means by which they are to be
464 pursued; and

465 (d) jointly by agreement, establish protocols with the officer to facilitate
466 communications and working relationships with the officer or agencies under the officer's
467 supervision.

468 (2) Nothing in Subsection (1) modifies or supercedes any independent legal authority
469 granted specifically by statute to the attorney general.

470 (3) When the attorney general institutes or maintains a civil enforcement action on
471 behalf of the state of Utah that is not covered under Subsection (1), the attorney general shall:

472 (a) fully advise the governor, as the officer in whom the executive authority of the state
473 is vested, before instituting the action, entering into a settlement or consent decree, or taking an
474 appeal; and

475 (b) keep the governor reasonably informed about the status of the matter and promptly
476 comply with reasonable requests for information.

477 (4) In a civil action not covered under Subsection (1) or (3), the attorney general shall:

478 (a) keep the governor reasonably informed about the status of the matter and promptly
479 comply with reasonable requests for information;

480 (b) explain the matter to the extent reasonably necessary to enable the governor to
481 make informed decisions regarding the representation; and

482 (c) abide by the governor's decisions concerning the objectives of the representation
483 and consult with the governor as to the means by which they are to be pursued.

484 (5) The governor may appear in any civil legal action involving the state and appoint
485 legal counsel to advise or appear on behalf of the governor. The court shall allow the
486 governor's appearance.

487 (6) (a) Anticipated or pending litigation in which the attorney general represents a party
488 to the litigation constitutes a matter of common interest between the Office of the Attorney
489 General and the Legislature.

490 (b) When the Office of the Attorney General discusses or shares with the legislative
491 department documents or information related to anticipated or pending litigation, the sharing is
492 an exception to the Rules of Professional Conduct, Rule 1.6.

493 (c) The attorney general may not invoke the Rules of Professional Conduct, Rule 1.6 or
494 attorney-client privilege as grounds to withhold or refuse to provide to the legislative
495 department documents or information related to anticipated or pending litigation.

496 Section 11. **Effective date.**

497 This bill takes effect on May 1, 2024.

498 Section 12. **Revisor instructions.**

499 The Legislature intends that the Office of Legislative Research and General Counsel, in
500 preparing the Utah Code database for publication, replace in any provision of Utah Code
501 "63G-31-401" with "63G-31-401.1."