

**Representative Brady Brammer** proposes the following substitute bill:

**STATE LEGAL DISPUTE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

Senate Sponsor: Kirk A. Cullimore

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**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 imminent 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 relating to state settlements and anticipated or pending state litigation;
- and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides revisor instructions.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63G-2-103**, as last amended by Laws of Utah 2023, Chapters 16, 173, 231, and 516

33 **63G-10-301**, as last amended by Laws of Utah 2023, Chapter 535

34 **63G-10-302**, as last amended by Laws of Utah 2023, Chapter 535

35 **63G-10-303**, as last amended by Laws of Utah 2023, Chapter 535

36 **63G-10-501**, as last amended by Laws of Utah 2021, Chapters 33, 344

37 **63G-10-503**, as last amended by Laws of Utah 2023, Chapter 535

38 **63I-2-263**, as last amended by Laws of Utah 2023, Chapters 33, 139, 212, 354, and 530

39 **67-5-17**, as enacted by Laws of Utah 2000, Chapter 212

40 ENACTS:

41 **63G-31-401.1**, Utah Code Annotated 1953

42 REPEALS AND REENACTS:

43 **63G-10-103**, as renumbered and amended by Laws of Utah 2008, Chapter 382



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

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

47 **63G-2-103. Definitions.**

48 As used in this chapter:

49 (1) "Audit" means:

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

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

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

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

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

55 regulations.

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

57 enforcement agencies and other public safety agencies that show:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88 typically present in the record series would be given if classified.

89 (8) "Elected official" means each person elected to a state office, county office,  
90 municipal office, school board or school district office, special district office, or special service  
91 district office, but does not include judges.

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

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

94 (b) that contains oxidizing or combustive units or other ingredients in proportions,  
95 quantities, or packing so that:

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

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

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

100 (B) causing death or serious bodily injury.

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

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

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

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

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

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

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

118 (b) "Governmental entity" also means:

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

122 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative  
123 undertaking;

124 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

125 (iv) an association as defined in Section 53G-7-1101;

126 (v) the Utah Independent Redistricting Commission; and

127 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or  
128 more law enforcement officers, as defined in Section 53-13-103.

129 (c) "Governmental entity" does not include the Utah Educational Savings Plan created  
130 in Section 53B-8a-103.

131 (12) "Gross compensation" means every form of remuneration payable for a given  
132 period to an individual for services provided including salaries, commissions, vacation pay,  
133 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any  
134 similar benefit received from the individual's employer.

135 (13) "Individual" means a human being.

136 (14) (a) "Initial contact report" means an initial written or recorded report, however  
137 titled, prepared by peace officers engaged in public patrol or response duties describing official  
138 actions initially taken in response to either a public complaint about or the discovery of an  
139 apparent violation of law, which report may describe:

140 (i) the date, time, location, and nature of the complaint, the incident, or offense;

141 (ii) names of victims;

142 (iii) the nature or general scope of the agency's initial actions taken in response to the  
143 incident;

144 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

145 (v) the name, address, and other identifying information about any person arrested or  
146 charged in connection with the incident; or

147 (vi) the identity of the public safety personnel, except undercover personnel, or  
148 prosecuting attorney involved in responding to the initial incident.

149 (b) Initial contact reports do not include follow-up or investigative reports prepared

150 after the initial contact report. However, if the information specified in Subsection (14)(a)  
151 appears in follow-up or investigative reports, it may only be treated confidentially if it is  
152 private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

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

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

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

158 (17) "Person" means:

159 (a) an individual;

160 (b) a nonprofit or profit corporation;

161 (c) a partnership;

162 (d) a sole proprietorship;

163 (e) other type of business organization; or

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

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

167 (19) "Privacy annotation" means the same as that term is defined in Section  
168 63A-12-100.5.

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

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

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

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

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

178 (a) reasonable in scope and intensity; and

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

180 (25) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,

181 card, tape, recording, electronic data, or other documentary material regardless of physical form  
182 or characteristics:

183 (i) that is prepared, owned, received, or retained by a governmental entity or political  
184 subdivision; and

185 (ii) where all of the information in the original is reproducible by photocopy or other  
186 mechanical or electronic means.

187 (b) "Record" does not mean:

188 (i) a personal note or personal communication prepared or received by an employee or  
189 officer of a governmental entity:

190 (A) in a capacity other than the employee's or officer's governmental capacity; or

191 (B) that is unrelated to the conduct of the public's business;

192 (ii) a temporary draft or similar material prepared for the originator's personal use or  
193 prepared by the originator for the personal use of an individual for whom the originator is  
194 working;

195 (iii) material that is legally owned by an individual in the individual's private capacity;

196 (iv) material to which access is limited by the laws of copyright or patent unless the  
197 copyright or patent is owned by a governmental entity or political subdivision;

198 (v) proprietary software;

199 (vi) junk mail or a commercial publication received by a governmental entity or an  
200 official or employee of a governmental entity;

201 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections  
202 of a library open to the public;

203 (viii) material that is cataloged, indexed, or inventoried and contained in the collections  
204 of a library open to the public, regardless of physical form or characteristics of the material;

205 (ix) a daily calendar or other personal note prepared by the originator for the  
206 originator's personal use or for the personal use of an individual for whom the originator is  
207 working;

208 (x) a computer program that is developed or purchased by or for any governmental  
209 entity for its own use;

210 (xi) a note or internal memorandum prepared as part of the deliberative process by:

211 (A) a member of the judiciary;

- 212 (B) an administrative law judge;
- 213 (C) a member of the Board of Pardons and Parole; or
- 214 (D) a member of any other body, other than an association or appeals panel as defined
- 215 in Section [53G-7-1101](#), charged by law with performing a quasi-judicial function;
- 216 (xii) a telephone number or similar code used to access a mobile communication
- 217 device that is used by an employee or officer of a governmental entity, provided that the
- 218 employee or officer of the governmental entity has designated at least one business telephone
- 219 number that is a public record as provided in Section [63G-2-301](#);
- 220 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
- 221 created in Section [49-20-103](#), to a county to enable the county to calculate the amount to be
- 222 paid to a health care provider under Subsection [17-50-319\(2\)\(e\)\(ii\)](#);
- 223 (xiv) information that an owner of unimproved property provides to a local entity as
- 224 provided in Section [11-42-205](#);
- 225 (xv) a video or audio recording of an interview, or a transcript of the video or audio
- 226 recording, that is conducted at a Children's Justice Center established under Section [67-5b-102](#);
- 227 (xvi) child sexual abuse material, as defined by Section [76-5b-103](#);
- 228 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording
- 229 of the closed portion of a meeting or hearing of:
  - 230 (A) a Senate or House Ethics Committee;
  - 231 (B) the Independent Legislative Ethics Commission;
  - 232 (C) the Independent Executive Branch Ethics Commission, created in Section
  - 233 [63A-14-202](#); or
  - 234 (D) the Political Subdivisions Ethics Review Commission established in Section
  - 235 [63A-15-201](#); [or]
  - 236 (xviii) confidential communication described in Section [58-60-102](#), [58-61-102](#), or
  - 237 [~~58-61-702~~.] [58-61-702](#); or
  - 238 (xix) any item described in Subsection (25)(a) that is:
    - 239 (A) described in Subsection [63G-2-305\(17\)](#), (18), or (23)(b); and
    - 240 (B) shared between any of the following entities:
      - 241 (I) the Division of Risk Management;
      - 242 (II) the Office of the Attorney General;



243 (III) the governor's office; or

244 (IV) the Legislature.

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

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

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

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

257 (a) conducted:

258 (i) by an institution within the state system of higher education defined in Section  
259 [53B-1-102](#); and

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

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

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

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

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

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

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

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

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

274 **63G-10-103. Notice of voidableness of settlement agreements.**

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

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

281 (b) Information and documents shared under this section are governed by Subsection  
282 67-5-17(6).

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

284 **63G-10-301. Cost evaluation of action settlement agreements.**

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

290 (2) The Legislative Management Committee may:

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

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

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

296 **63G-10-302. Governor to approve action settlement agreements.**

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

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

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

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

307 (4) If an agency executes an action settlement agreement without obtaining the  
308 governor's approval under this section, the governor may issue an executive order declaring the  
309 settlement agreement void.

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

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

316 **63G-10-303. Legislative review and approval of action settlement agreements.**

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

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

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

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

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

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

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

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

334 (i) submit the proposed action settlement agreement, including all terms that are  
335 material to the settlement, to the governor for the governor's approval or rejection as required

336 by Section [63G-10-302](#); and

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

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

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

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

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

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

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

351 **63G-10-501. Definitions.**

352 As used in this part:

353 (1) "Executive director" means the individual appointed under Section [63A-1-105](#) as  
354 the executive director of the Department of Government Operations, created in Section  
355 [63A-1-104](#).

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

357 (3) "Risk manager" means the state risk manager appointed under Section  
358 [63A-4-101.5](#).

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

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

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

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

364 **63G-10-503. Risk manager's authority to settle a claim -- Additional approvals**  
365 **required.**

366 (1) The risk manager may compromise and settle any claim for which the risk

367 management fund may be liable:

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

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

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

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

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

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

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

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

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

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

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

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

391 (ii) the known facts that support the claim and the known facts that controvert the  
392 claim; and

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

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

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

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

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

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

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

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

414 **63G-31-401.1. Government entity noncompliance.**

415 (1) The state auditor shall:

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

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

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

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

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

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

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

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

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

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

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

435 (3) A local education agency is not in violation of this chapter for a lawful application  
 436 of Section [53G-8-211](#).

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

438 **63I-2-263. Repeal dates: Title 63A to Title 63N.**

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

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

442 (3) Section [63A-17-806](#) is repealed June 30, 2026.

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

445 (5) Section [63G-31-401](#) is repealed May 1, 2024.

446 [~~5~~] (6) Section [63H-7a-303](#) is repealed July 1, 2024.

447 [~~6~~] (7) Subsection [63H-7a-403](#)(2)(b), regarding the charge to maintain the public  
 448 safety communications network, is repealed July 1, 2033.

449 [~~7~~] (8) Subsection [63J-1-602.2](#)(45), which lists appropriations to the State Tax  
 450 Commission for property tax deferral reimbursements, is repealed July 1, 2027.

451 [~~8~~] (9) Subsection [63N-2-213](#)(12)(a), relating to claiming a tax credit in the same  
 452 taxable year as the targeted business income tax credit, is repealed December 31, 2024.

453 [~~9~~] (10) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an  
 454 Enterprise Zone, is repealed December 31, 2024.

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

456 **67-5-17. Attorney-client relationship.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

489 (6) (a) As used in this section, "cooperative state litigation" means:

490 (i) an anticipated or pending settlement that may require approval by the Legislature or



491 the Legislative Management Committee in accordance with Title 63G, Chapter 10, State  
492 Settlement Agreements Act; or

493 (ii) anticipated or pending litigation in which:

494 (A) a party challenges the constitutionality of a state law; or

495 (B) the state challenges a federal law or regulation.

496 (b) When the Office of the Attorney General discusses or shares with persons within  
497 the legislative branch documents or information related to cooperative state litigation, the  
498 sharing is in furtherance of matters of common interest between the represented parties.

499 Section 11. **Effective date.**

500 This bill takes effect on May 1, 2024.

501 Section 12. **Revisor instructions.**

502 The Legislature intends that the Office of Legislative Research and General Counsel, in  
503 preparing the Utah Code database for publication, replace in any provision of Utah Code  
504 "63G-31-401" with "63G-31-401.1."