

BOARDS AND COMMISSIONS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 10 voting for 0 voting against 6 absent

General Description:

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

Highlighted Provisions:

This bill:

- ▶ repeals the following entities and certain provisions related to the following entities:
 - the Arts and Culture Business Alliance;
 - the Deception Detection Examiners Board;
 - the Energy Producer States' Agreement;
 - the Executive Residence Commission;
 - the Global Positioning Systems Advisory Committee;
 - the Hearing Instrument Specialist Licensing Board;
 - the Higher Education Strategic Planning Commission;
 - the Livestock Market Committee;
 - the Motorcycle Rider Education Advisory Committee;
 - the Motor Vehicle Business Advisory Board;
 - the Motor Vehicle Review Committee;



- 28 • the Pesticide Committee;
- 29 • the Powersport Motor Vehicle Franchise Advisory Board;
- 30 • the Private Aquiculture Advisory Council;
- 31 • the Residence Lien Recovery Fund Advisory Board;
- 32 • the State Advisory Council on Science and Technology;
- 33 • the State Law Library Board of Control;
- 34 • the Survey and Excavation Permit Advisory Committee;
- 35 • the Traumatic Brain Injury Advisory Committee; and
- 36 • the Veterans Memorial Park Board;
- 37 ▶ adds sunset provisions to the following and provisions related to the following:
- 38 • the advisory council for the Utah Schools for the Deaf and Blind;
- 39 • the advisory council for the Division of Services for the Blind and Visually
- 40 Impaired;
- 41 • the Agricultural Advisory Board;
- 42 • the Agricultural and Wildlife Damage Prevention Board;
- 43 • the Agricultural Water Optimization Task Force;
- 44 • the Alarm System Security Licensing Board;
- 45 • the Architects Licensing Board;
- 46 • the Board of Bank Advisors;
- 47 • the Board of Credit Union Advisors;
- 48 • the Board of Financial Institutions;
- 49 • the Board of Tourism Development;
- 50 • the Boating Advisory Council;
- 51 • the Charter School Revolving Account Committee;
- 52 • the Child Care Advisory Committee;
- 53 • the Child Support Guidelines Advisory Committee;
- 54 • the Coal Miner Certification Panel;
- 55 • the Committee of Consumer Services;
- 56 • the Concealed Firearms Review Board;
- 57 • the Coordinating Council for Persons with Disabilities;
- 58 • coordinating councils for youth in custody;

- 59 • the Data Security Management Council;
- 60 • the Decision and Action Committee;
- 61 • the Domesticated Elk Act advisory council;
- 62 • the Drug Utilization Review Board;
- 63 • the Early Childhood Utah Advisory Council;
- 64 • the Emergency Management Administration Council;
- 65 • the Employment Advisory Council;
- 66 • the Federal Land Application Advisory Committee;
- 67 • the Forensic Mental Health Coordinating Council;
- 68 • the Governor's Committee on Employment of People with Disabilities;
- 69 • the Governor's Economic Development Coordinating Council;
- 70 • the Great Salt Lake Advisory Council;
- 71 • the Heritage Trees Advisory Committee;
- 72 • the Interpreter Certification Board;
- 73 • the Kurt Oscarson Children's Organ Transplant Coordinating Committee;
- 74 • the Land Use and Eminent Domain Advisory Board;
- 75 • the Livestock Brand Board;
- 76 • local advisory boards for the Children's Justice Center Program;
- 77 • market boards of control in the Department of Agriculture;
- 78 • the Medical Education Council;
- 79 • the Museum Services Advisory Board;
- 80 • the Native American Remains Review Committee;
- 81 • the Newborn Hearing Screening Committee;
- 82 • the Off-highway Vehicle Advisory Council;
- 83 • the Pawnshop and Secondhand Merchandise Advisory Board;
- 84 • the Primary Care Grant Committee;
- 85 • the Purchasing from Persons with Disabilities Advisory Board;
- 86 • the Recreational Trails Advisory Council;
- 87 • regional advisory councils for the Wildlife Board;
- 88 • the Residential Child Care Licensing Advisory Committee;
- 89 • the Residential Mortgage Regulatory Commission;

- 90 • the School and Institutional Trust Fund Nominating Committee;
- 91 • the Search and Rescue Advisory Board;
- 92 • the Serious Habitual Offender Comprehensive Action Program Oversight
- 93 Committees;
- 94 • the Snake Valley Aquifer Advisory Council;
- 95 • the State Grazing Advisory Board;
- 96 • the State Instructional Materials Commission;
- 97 • the State Rehabilitation Advisory Council;
- 98 • the State of Utah Alice Merrill Horne Art Collection Board;
- 99 • the State Weed Committee;
- 100 • the Technology Initiative Advisory Board;
- 101 • transportation advisory committees;
- 102 • the Traumatic Brain Injury Advisory Committee;
- 103 • the Utah Children's Health Insurance Program Advisory Council;
- 104 • the Utah Commission on Service and Volunteerism;
- 105 • the Utah Council on Victims of Crime;
- 106 • the Utah Electronic Recording Commission;
- 107 • the Utah Health Advisory Council;
- 108 • the Utah Professional Practices Advisory Commission;
- 109 • the Utah Prosecution Council;
- 110 • the Wildlife Board Nominating Committee; and
- 111 • the Workers' Compensation Advisory Council;
- 112 ▶ modifies appointments related to:
- 113 • the Committee of Consumer Services;
- 114 • the Health Facility Committee;
- 115 • the Sentencing Commission; and
- 116 • the Utah Seismic Safety Commission;
- 117 ▶ adds provisions to an existing repealer for the Air Ambulance Committee;
- 118 ▶ modifies reporting requirements for the governor's office and the Office of
- 119 Legislative Research and General Counsel;
- 120 ▶ requires the Utah Public Notice Website and the governor's boards and

- 121 commissions database to share certain information;
- 122 ▶ requires the Division of Archives and Records Service to identify and report certain
- 123 information;
- 124 ▶ allows an individual to receive notifications regarding vacancies on certain boards
- 125 and commissions;
- 126 ▶ provides a portal through which a member of the public may provide feedback on
- 127 an appointee or sitting member of certain boards and commissions; and
- 128 ▶ makes technical changes.

129 **Money Appropriated in this Bill:**

130 None

131 **Other Special Clauses:**

132 None

133 **Utah Code Sections Affected:**

134 AMENDS:

- 135 4-14-106, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 136 4-30-105, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 137 4-30-106, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 138 4-30-107, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 139 4-37-109, as last amended by Laws of Utah 2017, Chapter 412
- 140 9-6-201, as last amended by Laws of Utah 2017, Chapter 48
- 141 9-6-202, as last amended by Laws of Utah 2015, Chapter 350
- 142 9-6-305, as last amended by Laws of Utah 2018, Chapter 65
- 143 9-6-306, as last amended by Laws of Utah 2018, Chapter 65
- 144 9-6-806, as enacted by Laws of Utah 2015, Chapter 350
- 145 9-7-302, as last amended by Laws of Utah 2008, Chapter 382
- 146 9-8-305, as last amended by Laws of Utah 2008, Chapter 382
- 147 13-35-102, as last amended by Laws of Utah 2018, Chapter 166
- 148 13-35-104, as last amended by Laws of Utah 2008, Chapter 382
- 149 13-35-106, as last amended by Laws of Utah 2008, Chapter 382
- 150 13-35-107, as last amended by Laws of Utah 2008, Chapter 382
- 151 13-35-201, as last amended by Laws of Utah 2005, Chapter 268

152 **13-35-202**, as last amended by Laws of Utah 2005, Chapter 268
153 **13-35-203**, as last amended by Laws of Utah 2005, Chapter 268
154 **13-35-301**, as last amended by Laws of Utah 2005, Chapter 268
155 **13-35-302**, as last amended by Laws of Utah 2016, Chapter 414
156 **13-35-303**, as last amended by Laws of Utah 2005, Chapter 268
157 **13-35-305**, as last amended by Laws of Utah 2005, Chapter 268
158 **13-35-306**, as last amended by Laws of Utah 2005, Chapter 268
159 **23-14-3**, as last amended by Laws of Utah 2017, Chapter 412
160 **26-21-3**, as last amended by Laws of Utah 2011, Chapter 366
161 **26-39-200**, as last amended by Laws of Utah 2019, Chapter 111
162 **26-39-201**, as last amended by Laws of Utah 2014, Chapter 322
163 **26-50-102**, as enacted by Laws of Utah 2008, Chapter 325
164 **26-50-201**, as last amended by Laws of Utah 2013, Chapter 400
165 **36-12-22**, as enacted by Laws of Utah 2019, Chapter 246
166 **38-11-102**, as last amended by Laws of Utah 2018, Chapter 229
167 **38-11-201**, as last amended by Laws of Utah 2018, Chapter 229
168 **41-3-102**, as last amended by Laws of Utah 2019, Chapter 424
169 **41-3-103**, as last amended by Laws of Utah 2018, Chapter 387
170 **41-3-105**, as last amended by Laws of Utah 2018, Chapter 387
171 **41-3-107**, as renumbered and amended by Laws of Utah 1992, Chapter 234
172 **41-3-109**, as last amended by Laws of Utah 2008, Chapter 382
173 **53B-1-301**, as enacted by Laws of Utah 2019, Chapter 324 and last amended by
174 Coordination Clause, Laws of Utah 2019, Chapter 444
175 **53E-1-201**, as last amended by Laws of Utah 2019, Chapter 324 and last amended by
176 Coordination Clause, Laws of Utah 2019, Chapters 41, 205, 223, 342, 446, and 476
177 **53F-9-203**, as last amended by Laws of Utah 2019, Chapter 186
178 **54-10a-202**, as last amended by Laws of Utah 2010, Chapter 286
179 **58-46a-102**, as last amended by Laws of Utah 2017, Chapter 43
180 **58-46a-302**, as last amended by Laws of Utah 2013, Chapter 87
181 **58-46a-302.5**, as last amended by Laws of Utah 2013, Chapter 87
182 **58-46a-303**, as last amended by Laws of Utah 2001, Chapter 268

183 [58-46a-501](#), as last amended by Laws of Utah 2002, Chapter 50
184 [58-46a-502](#), as last amended by Laws of Utah 2019, Chapter 349
185 [58-55-201](#), as last amended by Laws of Utah 2019, Chapter 215
186 [58-64-102](#), as last amended by Laws of Utah 2016, Chapter 201
187 [58-64-302](#), as last amended by Laws of Utah 2016, Chapter 201
188 [58-64-502](#), as enacted by Laws of Utah 1995, Chapter 215
189 [58-64-601](#), as last amended by Laws of Utah 2016, Chapter 201
190 [63A-9-101](#), as last amended by Laws of Utah 2017, Chapter 382
191 [63C-6-101](#), as last amended by Laws of Utah 2011, Chapter 55
192 [63F-1-509](#), as last amended by Laws of Utah 2008, Chapter 382
193 [63F-1-701](#), as last amended by Laws of Utah 2016, Chapter 233
194 [63I-1-204](#), as enacted by Laws of Utah 2019, Chapter 246
195 [63I-1-209](#), as last amended by Laws of Utah 2019, Chapter 246
196 [63I-1-213](#), as last amended by Laws of Utah 2018, Chapter 111
197 [63I-1-217](#), as last amended by Laws of Utah 2018, Chapters 236 and 347
198 [63I-1-223](#), as last amended by Laws of Utah 2019, Chapter 246
199 [63I-1-226](#), as last amended by Laws of Utah 2019, Chapters 67, 136, 246, 289, 455 and
200 last amended by Coordination Clause, Laws of Utah 2019, Chapter 246
201 [63I-1-234](#), as last amended by Laws of Utah 2019, Chapter 136
202 [63I-1-235](#), as last amended by Laws of Utah 2019, Chapters 89 and 246
203 [63I-1-236](#), as last amended by Laws of Utah 2019, Chapters 193 and 246
204 [63I-1-241](#), as last amended by Laws of Utah 2019, Chapters 49, 55, and 246
205 [63I-1-253](#), as last amended by Laws of Utah 2019, Chapters 90, 136, 166, 173, 246,
206 325, 344 and last amended by Coordination Clause, Laws of Utah 2019, Chapter
207 246
208 [63I-1-254](#), as last amended by Laws of Utah 2019, Chapter 88
209 [63I-1-258](#), as last amended by Laws of Utah 2019, Chapters 67 and 68
210 [63I-1-261](#), as last amended by Laws of Utah 2011, Chapter 199
211 [63I-1-262](#), as last amended by Laws of Utah 2019, Chapters 246, 257, 440 and last
212 amended by Coordination Clause, Laws of Utah 2019, Chapter 246
213 [63I-1-263](#), as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468,

214 469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246
215 **63I-1-267**, as last amended by Laws of Utah 2019, Chapters 246 and 370
216 **63I-1-272**, as last amended by Laws of Utah 2019, Chapter 246
217 **63I-1-273**, as last amended by Laws of Utah 2019, Chapters 96 and 246
218 **63I-1-278**, as last amended by Laws of Utah 2019, Chapters 66 and 136
219 **63I-2-226**, as last amended by Laws of Utah 2019, Chapters 262, 393, 405 and last
220 amended by Coordination Clause, Laws of Utah 2019, Chapter 246
221 **63I-2-253**, as last amended by Laws of Utah 2019, Chapters 41, 129, 136, 223, 324,
222 325, and 444
223 **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
224 and 483
225 **63M-7-402**, as renumbered and amended by Laws of Utah 2008, Chapter 382
226 **63N-7-103**, as last amended by Laws of Utah 2015, Chapter 301 and renumbered and
227 amended by Laws of Utah 2015, Chapter 283
228 **63N-7-301**, as last amended by Laws of Utah 2019, Chapters 136 and 237
229 **67-1-2.5**, as last amended by Laws of Utah 2019, Chapter 246
230 **67-1-9**, as last amended by Laws of Utah 2001, Chapter 9
231 **71-7-3**, as last amended by Laws of Utah 2018, Chapter 39
232 ENACTS:
233 **63I-1-207**, Utah Code Annotated 1953
234 **63I-1-240**, Utah Code Annotated 1953
235 **63I-1-265**, Utah Code Annotated 1953
236 **63I-1-279**, Utah Code Annotated 1953
237 REPEALS:
238 **4-30-103**, as last amended by Laws of Utah 2019, Chapter 156
239 **9-6-801**, as enacted by Laws of Utah 2015, Chapter 350
240 **9-6-802**, as enacted by Laws of Utah 2015, Chapter 350
241 **9-6-803**, as enacted by Laws of Utah 2015, Chapter 350
242 **9-6-804**, as enacted by Laws of Utah 2015, Chapter 350
243 **9-6-805**, as enacted by Laws of Utah 2015, Chapter 350
244 **9-7-301**, as last amended by Laws of Utah 1997, Chapter 10

- 245 **13-35-103**, as last amended by Laws of Utah 2015, Chapter 258
- 246 **23-14-2.8**, as enacted by Laws of Utah 2017, Chapter 412
- 247 **26-39-202**, as last amended by Laws of Utah 2014, Chapter 322
- 248 **26-50-202**, as last amended by Laws of Utah 2016, Chapter 168
- 249 **36-12-20**, as last amended by Laws of Utah 2018, Chapter 33
- 250 **38-11-104**, as last amended by Laws of Utah 2018, Chapter 229
- 251 **41-3-106**, as last amended by Laws of Utah 2010, Chapters 286 and 324
- 252 **53-3-908**, as last amended by Laws of Utah 2010, Chapters 286 and 324
- 253 **58-46a-201**, as enacted by Laws of Utah 1994, Chapter 28
- 254 **58-64-201**, as enacted by Laws of Utah 1995, Chapter 215
- 255 **63A-9-301**, as last amended by Laws of Utah 2010, Chapter 286
- 256 **63A-9-302**, as last amended by Laws of Utah 2003, Chapter 5
- 257 **63C-19-101**, as enacted by Laws of Utah 2018, Chapter 382
- 258 **63C-19-102**, as enacted by Laws of Utah 2018, Chapter 382
- 259 **63C-19-201**, as enacted by Laws of Utah 2018, Chapter 382
- 260 **63C-19-202**, as enacted by Laws of Utah 2018, Chapter 382
- 261 **63M-3-101**, as enacted by Laws of Utah 2008, Chapter 382
- 262 **63M-3-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 263 **63M-3-103**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 264 **63M-3-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 265 **63M-3-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 266 **67-1-8.1**, as last amended by Laws of Utah 2017, Chapter 181
- 267 **71-7-4**, as last amended by Laws of Utah 2018, Chapter 39

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

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

271 **4-14-106. Department authorized to make and enforce rules.**

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

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

- 276 (a) a human being; or
- 277 (b) a bacteria, virus, or other microorganism on or in a living person or animal;
- 278 (2) establish, in accordance with the regulations issued by the EPA under 7 U.S.C. Sec.
- 279 136w(c)(2), whether pesticides registered for special local needs under the authority of 7
- 280 U.S.C. Sec. 136v(c) are highly toxic to man;
- 281 (3) establish, consistent with EPA regulations, that certain pesticides or quantities of
- 282 substances contained in these pesticides are injurious to the environment;
- 283 (4) adopt a list of "restricted use pesticides" for the state or designated areas within the
- 284 state if the department determines upon substantial evidence presented at a public hearing [~~and~~
- 285 ~~upon recommendation of the pesticide committee~~] that restricted use is necessary to prevent
- 286 damage to property or to the environment;
- 287 (5) establish qualifications for a pesticide applicator business; and
- 288 (6) adopt any rule, not inconsistent with federal regulations issued under FIFRA,
- 289 considered necessary to administer and enforce this chapter, including rules relating to the
- 290 sale, distribution, use, and disposition of pesticides if necessary to prevent damage and to
- 291 protect the public health.

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

293 **4-30-105. License required -- Application -- Fee -- Expiration -- Renewal.**

294 (1) (a) No person may operate a livestock market in this state without a license issued

295 by the department.

296 (b) Application for a license shall be made to the department upon forms prescribed

297 and furnished by the department, and the application shall specify:

298 (i) if the applicant is an individual, the name, address, and date of birth of the

299 applicant; or

300 (ii) if the applicant is a partnership, corporation, or association, the name, address, and

301 date of birth of each person who has a financial interest in the applicant and the amount of each

302 person's interest;

303 (iii) a certified statement of the financial assets and liabilities of the applicant detailing:

304 (A) current assets;

305 (B) current liabilities;

306 (C) long-term assets; and

307 (D) long-term liabilities;
308 (iv) a legal description of the property where the market is proposed to be located, the
309 property's street address, and a description of the facilities proposed to be used in connection
310 with the property;

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

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

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

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

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

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

331 **4-30-106. Hearing on license application -- Notice of hearing.**

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

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

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

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

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

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

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

346 **4-30-107. Guidelines delineated for decision on application.**

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

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

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

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

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

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

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

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

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

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

365 **4-37-109. Department to make rules.**

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

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

369 for operating an aquaculture or fee fishing facility; and

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

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

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

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

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

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

383 **9-6-201. Division of Arts and Museums -- Creation -- Powers and duties.**

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

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

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

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

392 (b) develop the influence of arts in education;

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

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

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

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

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

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

406 **9-6-202. Division director.**

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

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

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

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

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

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

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

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

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

418 **9-6-305. Art collection committee.**

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

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

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

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

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

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

433 (a) Section 63A-3-106;

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

435 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
436 63A-3-107.

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

438 **9-6-306. Collection.**

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

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

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

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

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

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

451 **9-6-806. Arts and Culture Business Alliance Account -- Funding -- Rulemaking.**

452 (1) As used in this section:

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

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

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

458 (c) "Development of the arts" means:

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

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

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

462 ~~[(1)]~~ (2) There is created within the General Fund a restricted account known as the
463 Arts and Culture Business Alliance Account.

464 ~~[(2)]~~ (3) The account shall be administered by the division for the purposes listed in
465 Subsection ~~[(5)]~~ (6).

466 ~~[(3)]~~ (4) (a) The account shall earn interest.

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

468 ~~[(4)]~~ (5) The account shall be funded by:

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

470 (b) private donations and grants.

471 ~~[(5)]~~ (6) Subject to appropriation, the director shall use account funds to pay for:

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

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

475 ~~[(6)]~~ (7) The division shall submit an annual written report to the department that gives
476 a complete accounting of the use of money from the account for inclusion in the annual report
477 described in Section [9-1-208](#).

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

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

481 (b) distribute account money under this section.

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

483 **9-7-302. Public access.**

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

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

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

488 **9-8-305. Permit required to survey or excavate on state lands -- Public Lands**
489 **Policy Coordinating Office to issue permits and make rules -- Ownership of collections**
490 **and resources -- Revocation or suspension of permits -- Criminal penalties.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

523 (A) states the questions to be addressed;

- 524 (B) states the reasons for conducting the work;
- 525 (C) defines the methods to be used;
- 526 (D) describes the analysis to be performed;
- 527 (E) outlines the expected results and the plan for reporting;
- 528 (F) evaluates expected contributions of the proposed work to archaeological or
- 529 anthropological science; and
- 530 (G) estimates the cost and the time of the work that the principal investigator believes
- 531 is necessary to provide the maximum amount of historic, scientific, archaeological,
- 532 anthropological, and educational information; and
- 533 (ii) proof of permission from the landowner to enter the property for the purposes of
- 534 the permit.
- 535 (b) An excavation permit is valid for the amount of time specified in the permit, unless
- 536 the permit is revoked according to Subsection (9).
- 537 (c) The Public Lands Policy Coordinating Office may delegate to an agency the
- 538 authority to issue excavation permits if the agency:
- 539 (i) requests the delegation; and
- 540 (ii) employs or has a long-term contract with a principal investigator with a valid
- 541 survey permit.
- 542 (d) The Public Lands Policy Coordinating Office shall conduct an independent review
- 543 of the delegation authorized by Subsection (3)(c) every three years and may revoke the
- 544 delegation at any time without cause.
- 545 (4) The Public Lands Policy Coordinating Office shall:
- 546 (a) grant a survey permit to a principal investigator who meets the requirements of this
- 547 section; and
- 548 (b) grant an excavation permit to a principal investigator after approving, in
- 549 consultation with the Antiquities Section, the research design for the project[~~;~~and].
- 550 [~~(c) assemble a committee of qualified individuals to advise the Public Lands Policy~~
- 551 ~~Coordinating Office in its duties under this section.~~]
- 552 (5) By following the procedures and requirements of Title 63G, Chapter 3, Utah
- 553 Administrative Rulemaking Act, the Public Lands Policy Coordinating Office shall, after
- 554 consulting with the Antiquities Section, make rules to:

- 555 (a) establish survey methodology;
- 556 (b) standardize report and data preparation and submission;
- 557 (c) require other permit application information that the Public Lands Policy
- 558 Coordinating Office finds necessary, including proof of consultation with the appropriate
- 559 Native American tribe;
- 560 (d) establish what training and experience is equivalent to a graduate degree;
- 561 (e) establish requirements for a person authorized by Subsection (1)(b) to assist the
- 562 principal investigator;
- 563 (f) establish requirements for a principal investigator's employer, if applicable; and
- 564 (g) establish criteria that, if met, would allow the Public Lands Policy Coordinating
- 565 Office to reinstate a suspended permit.
- 566 (6) Each principal investigator shall submit a summary report of the work for each
- 567 project to the Antiquities Section in a form prescribed by a rule established under Subsection
- 568 (5)(b), which shall include copies of all:
- 569 (a) site forms;
- 570 (b) data;
- 571 (c) maps;
- 572 (d) drawings;
- 573 (e) photographs; and
- 574 (f) descriptions of specimens.
- 575 (7) (a) Except as provided in Subsection (7)(c), a person may not remove from Utah
- 576 any specimen, site, or portion of any site from lands owned or controlled by the state or its
- 577 political subdivisions, other than school and institutional trust lands, without permission from
- 578 the Antiquities Section, and prior consultation with the landowner and any other agencies
- 579 managing other interests in the land.
- 580 (b) Except as provided in Subsection (7)(c), a person may not remove from Utah any
- 581 specimen, site, or portion of any site from school and institutional trust lands without
- 582 permission from the School and Institutional Trust Lands Administration, granted after
- 583 consultation with the Antiquities Section.
- 584 (c) If a specimen, site, or portion of a site is placed in a repository or curation facility, a
- 585 person may remove it by following the procedures established by the repository or curation

586 facility.

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

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

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

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

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

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

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

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

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

609 Section 13. Section 13-35-102 is amended to read:

610 **13-35-102. Definitions.**

611 As used in this chapter:

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

614 [(2)] (1) "Dealership" means a site or location in this state:

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

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

617 for registration purposes under Section [13-35-105](#).

618 ~~[(3)]~~ (2) "Department" means the Department of Commerce.

619 ~~[(4)]~~ (3) "Executive director" means the executive director of the Department of
620 Commerce.

621 ~~[(5)]~~ (4) "Franchise" or "franchise agreement" means a written agreement, for a definite
622 or indefinite period, in which:

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

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

628 ~~[(6)]~~ (5) "Franchisee" means a person with whom a franchisor has agreed or permitted,
629 in writing or in practice, to purchase, sell, or offer for sale new powersport vehicles
630 manufactured, produced, represented, or distributed by the franchisor.

631 ~~[(7)]~~ (6) (a) "Franchisor" means a person who has, in writing or in practice, agreed with
632 or permits a franchisee to purchase, sell, or offer for sale new powersport vehicles
633 manufactured, produced, represented, or distributed by the franchisor, and includes:

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

635 (ii) an intermediate distributor;

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

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

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

643 ~~[(8)]~~ (7) "Lead" means the referral by a franchisor to a franchisee of an actual or
644 potential customer for the purchase or lease of a new powersport vehicle, or for service work
645 related to the franchisor's vehicles.

646 ~~[(9)]~~ (8) "Line-make" means the powersport vehicles that are offered for sale, lease, or
647 distribution under a common name, trademark, service mark, or brand name of the franchisor,

648 or manufacturer of the powersport vehicle.

649 ~~[(10)]~~ (9) "New powersport vehicle dealer" means a person who is engaged in the
650 business of buying, selling, offering for sale, or exchanging new powersport vehicles either
651 outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise who has
652 established a place of business for the sale, lease, trade, or display of powersport vehicles.

653 ~~[(11)]~~ (10) "Notice" or "notify" includes both traditional written communications and
654 all reliable forms of electronic communication unless expressly prohibited by statute or rule.

655 ~~[(12)]~~ (11) (a) "Powersport vehicle" means:

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

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

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

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

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

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

663 (b) "Powersport vehicle" does not include:

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

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

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

667 ~~[(13)]~~ (12) "Relevant market area" means:

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

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

671 (ii) in addition to the county described in Subsection ~~[(13)]~~ (12)(a)(i), the area within a
672 15-mile radius from the site of the existing, new, or relocated dealership; or

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

675 ~~[(14)]~~ (13) "Sale, transfer, or assignment" means any disposition of a franchise or an
676 interest in a franchise, with or without consideration, including a bequest, inheritance, gift,
677 exchange, lease, or license.

678 ~~[(15)]~~ (14) "Serve" or "served," unless expressly indicated otherwise by statute or rule,

679 includes any reliable form of communication.

680 ~~[(16)]~~ (15) "Written," "write," "in writing," or other variations of those terms shall
681 include all reliable forms of electronic communication.

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

683 **13-35-104. Powers and duties of the executive director.**

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

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

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

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

690 ~~[(2)]~~ (1) The executive director~~[-in consultation with the advisory board;]~~ shall make
691 rules for the administration of this chapter in accordance with Title 63G, Chapter 3, Utah
692 Administrative Rulemaking Act.

693 ~~[(3)]~~ (2) (a) An adjudicative proceeding under this chapter shall be conducted in
694 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

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

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

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

703 (A) personal attendance at the hearing; or

704 (B) review of the record developed at the hearing.

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

706 **13-35-106. Administrative proceedings commenced by the agency.**

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

710 (a) issue a cease and desist order; and

711 (b) assess an administrative fine.

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

714 (i) the gravity of the violation;

715 (ii) any history of previous violations; and

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

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

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

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

728 Section 16. Section 13-35-107 is amended to read:

729 **13-35-107. Administrative proceedings -- Request for agency action.**

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

732 (i) remedy a violation of this chapter;

733 (ii) obtain approval of an act regulated by this chapter; or

734 (iii) obtain any determination that this chapter specifically authorizes that person to
735 request.

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

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

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

742 **13-35-201. Prohibited acts by franchisors -- Disclosures.**

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

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

747 (b) require a franchisee to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

787 (A) strict liability;

788 (B) negligence;

789 (C) misrepresentation;

790 (D) express or implied warranty;

791 (E) revocation as described in Section [70A-2-608](#); or

792 (F) rejection as described in Section [70A-2-602](#); and

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

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

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

803 (n) require or otherwise coerce a franchisee to under-utilize the franchisee's existing
804 facilities;

805 (o) fail to include in any franchise agreement the following language or language to the
806 effect that: "If any provision in this agreement contravenes the laws, rules, or regulations of any
807 state or other jurisdiction where this agreement is to be performed, or provided for by such
808 laws or regulations, the provision is considered to be modified to conform to such laws, rules,
809 or regulations, and all other terms and provisions shall remain in full force.";

810 (p) engage in the distribution, sale, offer for sale, or lease of a new powersport vehicle
811 to purchasers who acquire the vehicle in this state except through a franchisee with whom the
812 franchisor has established a written franchise agreement, if the franchisor's trade name,
813 trademark, service mark, or related characteristic is an integral element in the distribution, sale,
814 offer for sale, or lease;

815 (q) except as provided in Subsection (2), authorize or permit a person to perform
816 warranty service repairs on powersport vehicles, except warranty service repairs:

817 (i) by a franchisee with whom the franchisor has entered into a franchise agreement for
818 the sale and service of the franchisor's powersport vehicles; or

819 (ii) on owned powersport vehicles by a person or government entity who has purchased
820 new powersport vehicles pursuant to a franchisor's or manufacturer's fleet discount program;

821 (r) fail to provide a franchisee with a written franchise agreement;

822 (s) notwithstanding any other provisions of this chapter, unreasonably fail or refuse to
823 offer to its same line-make franchised dealers all models manufactured for that line-make, or
824 unreasonably require a dealer to pay any extra fee, remodel, renovate, recondition the dealer's
825 existing facilities, or purchase unreasonable advertising displays or other materials as a
826 prerequisite to receiving a model or series of vehicles;

827 (t) except as provided in Subsection (5), directly or indirectly:

828 (i) own an interest in a new powersport vehicle dealer or dealership;

829 (ii) operate or control a new powersport vehicle dealer or dealership;

830 (iii) act in the capacity of a new powersport vehicle dealer, as defined in Section

831 [13-35-102](#); or

832 (iv) operate a powersport vehicle service facility;

833 (u) fail to timely pay for all reimbursements to a franchisee for incentives and other

834 payments made by the franchisor;

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

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

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

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

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

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

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

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

853 (i) monthly financial statements provided by the franchisee;

854 (ii) the profitability of a franchisee; or

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

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

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

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

860 and

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

863 (A) how the standard or program is designed;

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

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

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

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

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

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

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

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

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

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

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

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

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

928 (i) as to that line-make of powersport vehicle, there are no more than four franchised
929 new powersport vehicle dealerships licensed and in operation within the state as of January 1,
930 2002;

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

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

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

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

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

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

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

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

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

954 Section 18. Section **13-35-202** is amended to read:

955 **13-35-202. Sale or transfer of ownership.**

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

958 (i) subject to Subsection 13-35-305(2)(b); and

959 (ii) unless exempted under Subsection (2).

960 (b) The franchisor shall give effect to the change in a franchise agreement pursuant to
961 Subsection (1)(a) for the:

962 (i) sale of a dealership;

963 (ii) contract for sale of a dealership;

964 (iii) transfer of ownership of a franchisee's dealership by sale, transfer of the business,
965 or by stock transfer; or

966 (iv) change in the executive management of the franchisee's dealership.

967 (2) A franchisor is exempted from the requirements of Subsection (1) if:

968 (a) the transferee is denied, or would be denied, a new powersport vehicle franchisee's
969 registration pursuant to Section 13-35-105; or

970 (b) the proposed sale or transfer of the business or change of executive management
971 will be substantially detrimental to the distribution of the franchisor's new powersport vehicles
972 or to competition in the relevant market area, provided that the franchisor has given written
973 notice to the franchisee within 60 days following receipt by the franchisor of the following:

974 (i) a copy of the proposed contract of sale or transfer executed by the franchisee and the
975 proposed transferee;

976 (ii) a completed copy of the franchisor's written application for approval of the change
977 in ownership or executive management, if any, including the information customarily required
978 by the franchisor; and

979 (iii) (A) a written description of the business experience of the executive management
980 of the transferee in the case of a proposed sale or transfer of the franchisee's business; or

981 (B) a written description of the business experience of the person involved in the
982 proposed change of the franchisee's executive management in the case of a proposed change of
983 executive management.

984 (3) For purposes of this section, the refusal by the franchisor to accept a proposed
985 transferee is presumed to be unreasonable and undertaken without good cause if the proposed
986 franchisee:

987 (a) is of good moral character; and

988 (b) otherwise meets the written, reasonable, and uniformly applied standards or

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

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

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

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

1000 (A) shall be approved; or

1001 (B) may not be approved for specified reasons; or

1002 (ii) a proposed transferee or change in executive management is approved if specific
1003 conditions are timely satisfied.

1004 (c) (i) The franchisee shall have the burden of proof with respect to all issues raised by
1005 the franchisee's application for a hearing as provided in this section.

1006 (ii) During the pendency of the hearing, the franchise agreement shall continue in effect
1007 in accordance with its terms.

1008 (d) The [~~advisory board and the~~] executive director shall expedite, upon written
1009 request, any determination sought under this section.

1010 Section 19. Section **13-35-203** is amended to read:

1011 **13-35-203. Succession to franchise.**

1012 (1) (a) A successor, including a family member of a deceased or incapacitated
1013 franchisee, who is designated by the franchisee may succeed the franchisee in the ownership
1014 and operation of the dealership under the existing franchise agreement if:

1015 (i) the designated successor gives the franchisor written notice of an intent to succeed
1016 to the rights of the deceased or incapacitated franchisee in the franchise agreement within 180
1017 days after the franchisee's death or incapacity;

1018 (ii) the designated successor agrees to be bound by all of the terms and conditions of
1019 the franchise agreement; and

1020 (iii) the designated successor meets the criteria generally applied by the franchisor in
1021 qualifying franchisees.

1022 (b) A franchisor may refuse to honor the existing franchise agreement with the
1023 designated successor only for good cause.

1024 (2) (a) The franchisor may request in writing from a designated successor the personal
1025 and financial data that is reasonably necessary to determine whether the existing franchise
1026 agreement should be honored.

1027 (b) The designated successor shall supply the personal and financial data promptly
1028 upon the request.

1029 (3) (a) If a franchisor believes that good cause exists for refusing to honor the requested
1030 succession, the franchisor shall serve upon the designated successor notice of its refusal to
1031 approve the succession, within 60 days after the later of:

1032 (i) receipt of the notice of the designated successor's intent to succeed the franchisee in
1033 the ownership and operation of the dealership; or

1034 (ii) the receipt of the requested personal and financial data.

1035 (b) Failure to serve the notice pursuant to Subsection (3)(a) is considered approval of
1036 the designated successor and the franchise agreement is considered amended to reflect the
1037 approval of the succession the day following the last day the franchisor can serve notice under
1038 Subsection (3)(a).

1039 (4) The notice of the franchisor provided in Subsection (3) shall state:

1040 (a) the specific grounds for the refusal to approve the succession; and

1041 (b) that discontinuance of the franchise agreement shall take effect not less than 180
1042 days after the date the notice of refusal is served unless the proposed successor files an
1043 application for hearing under Subsection (6).

1044 (5) (a) This section does not prevent a franchisee from designating a person as the
1045 successor by written instrument filed with the franchisor.

1046 (b) If a franchisee files an instrument under Subsection (5)(a), the instrument governs
1047 the succession rights to the management and operation of the dealership subject to the
1048 designated successor satisfying the franchisor's qualification requirements as described in this
1049 section.

1050 (6) (a) If a franchisor serves a notice of refusal to a designated successor pursuant to

1051 Subsection (3), the designated successor may, within the 180-day period provided in
1052 Subsection (4), file with the [~~advisory board~~] department an application for a hearing and a
1053 determination by the executive director regarding whether good cause exists for the refusal.

1054 (b) If application for a hearing is timely filed, the franchisor shall continue to honor the
1055 franchise agreement until after:

1056 (i) the requested hearing has been concluded;

1057 (ii) a decision is rendered by the executive director; and

1058 (iii) the applicable appeal period has expired following a decision by the executive
1059 director.

1060 Section 20. Section **13-35-301** is amended to read:

1061 **13-35-301. Termination or noncontinuance of franchise.**

1062 (1) Except as provided in Subsection (2), a franchisor may not terminate or refuse to
1063 continue a franchise agreement unless:

1064 (a) the franchisee has received written notice from the franchisor 60 days before the
1065 effective date of termination or noncontinuance setting forth the specific grounds for
1066 termination or noncontinuance that are relied on by the franchisor as establishing good cause
1067 for the termination or noncontinuance;

1068 (b) the franchisor has good cause for termination or noncontinuance; and

1069 (c) the franchisor is willing and able to comply with Section [13-35-105](#).

1070 (2) A franchisor may terminate a franchise, without complying with Subsection (1):

1071 (a) if for a particular line-make the franchisor or manufacturer discontinues that
1072 line-make;

1073 (b) if the franchisee's registration as a new powersport vehicle dealer is revoked under
1074 Section [13-35-105](#); or

1075 (c) upon a mutual written agreement of the franchisor and franchisee.

1076 (3) (a) At any time before the effective date of termination or noncontinuance of the
1077 franchise, the franchisee may apply to the [~~advisory board~~] department for a hearing on the
1078 merits, and following notice to all parties concerned, the hearing shall be promptly held as
1079 provided in Section [13-35-304](#).

1080 (b) A termination or noncontinuance subject to a hearing under Subsection (3)(a) may
1081 not become effective until:

1082 (i) final determination of the issue by the executive director; and
1083 (ii) the applicable appeal period has lapsed.

1084 Section 21. Section **13-35-302** is amended to read:

1085 **13-35-302. Issuance of additional franchises -- Relocation of existing franchisees.**

1086 (1) (a) Except as provided in Subsection (2), a franchisor shall comply with Subsection
1087 (1)(b) if the franchisor seeks to:

1088 (i) enter into a franchise establishing a powersport vehicle dealership within a relevant
1089 market area where the same line-make is represented by another franchisee; or

1090 (ii) relocate an existing powersport vehicle dealership.

1091 (b) (i) If a franchisor seeks to take an action listed in Subsection (1)(a), prior to taking
1092 the action, the franchisor shall in writing notify the [~~advisory board~~] department and each
1093 franchisee in that line-make in the relevant market area that the franchisor intends to take an
1094 action described in Subsection (1)(a).

1095 (ii) The notice required by Subsection (1)(b)(i) shall:

1096 (A) specify the good cause on which it intends to rely for the action; and

1097 (B) be delivered by registered or certified mail or by any form of reliable delivery
1098 through which receipt is verifiable.

1099 (c) Within 45 days of receiving notice required by Subsection (1)(b), any franchisee
1100 that is required to receive notice under Subsection (1)(b) may protest to the [~~advisory board~~]
1101 department the establishing or relocating of the dealership. When a protest is filed, the
1102 department shall inform the franchisor that:

1103 (i) a timely protest has been filed;

1104 (ii) a hearing is required;

1105 (iii) the franchisor may not establish or relocate the proposed dealership until the
1106 [~~advisory board~~] department has held a hearing; and

1107 (iv) the franchisor may not establish or relocate a proposed dealership if the executive
1108 director determines that there is not good cause for permitting the establishment or relocation
1109 of the dealership.

1110 (d) If multiple protests are filed under Subsection (1)(c), hearings may be consolidated
1111 to expedite the disposition of the issue.

1112 (2) Subsection (1) does not apply to the relocation of a franchisee's dealership:

- 1113 (a) less than two miles from the existing location of the franchisee's dealership; or
1114 (b) farther away from all powersport dealerships that are:
1115 (i) of the same line-make as the franchisee's dealership; and
1116 (ii) in the franchisee's existing dealership's relevant market area.
1117 (3) For purposes of this section:
1118 (a) relocation of an existing franchisee's dealership in excess of one mile from its
1119 existing location is considered the establishment of an additional franchise in the line-make of
1120 the relocating franchise;
1121 (b) the reopening in a relevant market area of a dealership that has not been in
1122 operation for one year or more is considered the establishment of an additional powersport
1123 vehicle dealership; and
1124 (c) (i) except as provided in Subsection (3)(c)(ii), the establishment of a temporary
1125 additional place of business by a powersport vehicle franchisee is considered the establishment
1126 of an additional powersport vehicle dealership; and
1127 (ii) the establishment of a temporary additional place of business by a powersport
1128 vehicle franchisee is not considered the establishment of an additional powersport vehicle
1129 dealership if the powersport vehicle franchisee is participating in a trade show where three or
1130 more powersport vehicle dealers are participating.

1131 Section 22. Section **13-35-303** is amended to read:

1132 **13-35-303. Effect of terminating a franchise.**

1133 If under Section **13-35-301** the executive director permits a franchisor to terminate or
1134 not continue a franchise and prohibits the franchisor from entering into a franchise for the sale
1135 of new powersport vehicles of a line-make in a relevant market area, the franchisor may not
1136 enter into a franchise for the sale of new powersport vehicles of that line-make in the specified
1137 relevant market area unless the executive director determines [~~after a recommendation by the~~
1138 ~~advisory board,~~] that there has been a change of circumstances so that the relevant market area
1139 at the time of the establishment of the new franchise agreement can reasonably be expected to
1140 support the new franchisee.

1141 Section 23. Section **13-35-305** is amended to read:

1142 **13-35-305. Evidence to be considered in determining cause to terminate or**
1143 **discontinue.**

1144 (1) In determining whether a franchisor has established good cause for terminating or
1145 not continuing a franchise agreement, [~~the advisory board and~~] the executive director shall
1146 consider:

1147 (a) the amount of business transacted by the franchisee, as compared to business
1148 available to the franchisee;

1149 (b) the investment necessarily made and obligations incurred by the franchisee in the
1150 performance of the franchisee's part of the franchise agreement;

1151 (c) the permanency of the investment;

1152 (d) whether it is injurious or beneficial to the public welfare or public interest for the
1153 business of the franchisee to be disrupted;

1154 (e) whether the franchisee has adequate powersport vehicle sales and service facilities,
1155 equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of
1156 the consumer for the new powersport vehicles handled by the franchisee and has been and is
1157 rendering adequate services to the public;

1158 (f) whether the franchisee refuses to honor warranties of the franchisor under which the
1159 warranty service work is to be performed pursuant to the franchise agreement, if the franchisor
1160 reimburses the franchisee for the warranty service work;

1161 (g) failure by the franchisee to substantially comply with those requirements of the
1162 franchise agreement that are determined by [~~the advisory board or~~] the executive director to be:

1163 (i) reasonable;

1164 (ii) material; and

1165 (iii) not in violation of this chapter;

1166 (h) evidence of bad faith by the franchisee in complying with those terms of the
1167 franchise agreement that are determined by [~~the advisory board or~~] the executive director to be:

1168 (i) reasonable;

1169 (ii) material; and

1170 (iii) not in violation of this chapter;

1171 (i) prior misrepresentation by the franchisee in applying for the franchise;

1172 (j) transfer of any ownership or interest in the franchise without first obtaining
1173 approval from the franchisor or the executive director [~~after receipt of the advisory board's~~
1174 ~~recommendation~~]; and

1175 (k) any other factor [~~the advisory board or~~] the executive director [~~consider~~] considers
1176 relevant.

1177 (2) Notwithstanding any franchise agreement, the following do not constitute good
1178 cause, as used in this chapter for the termination or noncontinuation of a franchise:

1179 (a) the sole fact that the franchisor desires:

1180 (i) greater market penetration; or

1181 (ii) more sales or leases of new powersport vehicles;

1182 (b) the change of ownership of the franchisee's dealership or the change of executive
1183 management of the franchisee's dealership unless the franchisor proves that the change of
1184 ownership or executive management will be substantially detrimental to the distribution of the
1185 franchisor's powersport vehicles; or

1186 (c) the fact that the franchisee has justifiably refused or declined to participate in any
1187 conduct covered by Section 13-35-201.

1188 (3) For purposes of Subsection (2), "substantially detrimental" includes the failure of
1189 any proposed transferee to meet the objective criteria applied by the franchisor in qualifying
1190 franchisees at the time of application.

1191 Section 24. Section 13-35-306 is amended to read:

1192 **13-35-306. Evidence to be considered in determining cause to relocate existing**
1193 **franchisee or establish a new franchised dealership.**

1194 In determining whether a franchisor has established good cause for relocating an
1195 existing franchisee or establishing a new franchised dealership for the same line-make in a
1196 given relevant market area, [~~the advisory board and~~] the executive director shall consider:

1197 (1) the amount of business transacted by other franchisees of the same line-make in
1198 that relevant market area, as compared to business available to the franchisees;

1199 (2) the investment necessarily made and obligations incurred by other franchisees of
1200 the same line-make in that relevant market area in the performance of their part of their
1201 franchisee agreements;

1202 (3) the permanency of the existing and proposed investment;

1203 (4) whether it is injurious or beneficial to the public welfare or public interest for an
1204 additional franchise to be established; and

1205 (5) whether the franchisees of the same line-make in that relevant market area are

1206 providing adequate service to consumers for the powersport vehicles of the line-make, which
1207 shall include the adequacy of:

- 1208 (a) the powersport vehicle sale and service facilities;
- 1209 (b) equipment;
- 1210 (c) supply of vehicle parts; and
- 1211 (d) qualified service personnel.

1212 Section 25. Section **23-14-3** is amended to read:

1213 **23-14-3. Powers of division to determine facts -- Policymaking powers of Wildlife**
1214 **Board.**

1215 (1) The Division of Wildlife Resources may determine the facts relevant to the wildlife
1216 resources of this state.

1217 (2) (a) Upon a determination of these facts, the Wildlife Board shall establish the
1218 policies best designed to accomplish the purposes and fulfill the intent of all laws pertaining to
1219 wildlife and the preservation, protection, conservation, perpetuation, introduction, and
1220 management of wildlife.

1221 (b) In establishing policy, the Wildlife Board shall:

1222 (i) recognize that wildlife and its habitat are an essential part of a healthy, productive
1223 environment;

1224 (ii) recognize the impact of wildlife on [~~man, his~~] humans, human economic activities,
1225 private property rights, and local economies;

1226 (iii) seek to balance the habitat requirements of wildlife with the social and economic
1227 activities of man;

1228 (iv) recognize the social and economic values of wildlife, including fishing, hunting,
1229 and other uses; and

1230 (v) seek to maintain wildlife on a sustainable basis.

1231 (c) (i) The Wildlife Board shall consider the recommendations of the regional advisory
1232 councils established in Section [23-14-2.6](#) [~~and the Private Aquaculture Advisory Council~~
1233 ~~established in Section [23-14-2.8](#)].~~

1234 (ii) If a regional advisory council [~~or the Private Aquaculture Advisory Council~~]
1235 recommends a position or action to the Wildlife Board, and the Wildlife Board rejects the
1236 recommendation, the Wildlife Board shall provide a written explanation to the advisory council

1237 recommending the opposing position.

1238 (3) No authority conferred upon the Wildlife Board by this title shall supersede the
1239 administrative authority of the executive director of the Department of Natural Resources or
1240 the director of the Division of Wildlife Resources.

1241 Section 26. Section **26-21-3** is amended to read:

1242 **26-21-3. Health Facility Committee -- Members -- Terms -- Organization --**
1243 **Meetings.**

1244 (1) (a) The Health Facility Committee created by Section 26-1-7 consists of [~~15~~] 11
1245 members appointed by the governor [~~with the consent of the Senate~~] in consultation with the
1246 executive director.

1247 (b) The appointed members shall be knowledgeable about health care facilities and
1248 issues.

1249 (2) The membership of the committee is:

1250 (a) one physician, licensed to practice medicine and surgery under Title 58, Chapter 67,
1251 Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act,
1252 who is a graduate of a regularly chartered medical school;

1253 (b) one hospital administrator;

1254 (c) one hospital trustee;

1255 (d) one representative of a freestanding ambulatory surgical facility;

1256 [~~(e) one representative of an ambulatory surgical facility that is affiliated with a~~
1257 ~~hospital;~~]

1258 [~~(f)~~] (e) [~~two representatives~~] one representative of the nursing care facility industry;

1259 [~~(g)~~] (f) one registered nurse, licensed to practice under Title 58, Chapter 31b, Nurse
1260 Practice Act;

1261 [~~(h) one professional in the field of intellectual disabilities not affiliated with a nursing~~
1262 ~~care facility;~~]

1263 [~~(i)~~] (g) one licensed architect or engineer with expertise in health care facilities;

1264 [~~(j)~~] (h) [~~two representatives~~] one representative of assisted living facilities licensed
1265 under this chapter;

1266 [~~(k)~~] (i) two consumers, one of whom has an interest in or expertise in geriatric care;

1267 and

1268 ~~[(1)]~~ (j) one representative from either a home health care provider or a hospice
1269 provider.

1270 ~~[(2)]~~ (3) (a) Except as required by Subsection ~~[(2)]~~ (3)(b), members shall be appointed
1271 for a term of four years.

1272 (b) Notwithstanding the requirements of Subsection ~~[(2)]~~ (3)(a), the governor shall, at
1273 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1274 committee members are staggered so that approximately half of the committee is appointed
1275 every two years.

1276 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1277 appointed for the unexpired term by the governor, giving consideration to recommendations
1278 made by the committee, with the consent of the Senate.

1279 (d) A member may not serve more than two consecutive full terms or 10 consecutive
1280 years, whichever is less. However, a member may continue to serve as a member until ~~[he]~~ the
1281 member is replaced.

1282 (e) The committee shall annually elect from its membership a chair and vice chair.

1283 (f) The committee shall meet at least quarterly, or more frequently as determined by the
1284 chair or five members of the committee.

1285 (g) ~~[Eight]~~ Six members constitute a quorum. A vote of the majority of the members
1286 present constitutes action of the committee.

1287 Section 27. Section **26-39-200** is amended to read:

1288 **26-39-200. Child Care Center Licensing Committee.**

1289 (1) (a) The Child Care Center Licensing Committee created in Section **26-1-7** shall be
1290 comprised of seven members appointed by the governor and approved by the Senate in
1291 accordance with this subsection.

1292 (b) The governor shall appoint three members who:

1293 (i) have at least five years of experience as an owner in or director of a for profit or
1294 not-for-profit center based child care; and

1295 (ii) hold an active license as a child care center from the department to provide center
1296 based child care.

1297 (c) (i) The governor shall appoint one member to represent each of the following:

1298 (A) a parent with a child in center based child care;

- 1299 (B) a child development expert from the state system of higher education;
1300 (C) except as provided in Subsection (1)(e), a pediatrician licensed in the state; and
1301 (D) an architect licensed in the state.
- 1302 (ii) Except as provided in Subsection (1)(c)(i)(B), a member appointed under
1303 Subsection (1)(c)(i) may not be an employee of the state or a political subdivision of the state.
- 1304 (d) At least one member described in Subsection (1)(b) shall at the time of appointment
1305 reside in a county that is not a county of the first class.
- 1306 (e) For the appointment described in Subsection (1)(c)(i)(C), the governor may appoint
1307 a health care professional who specializes in pediatric health if:
- 1308 (i) the health care professional is licensed under:
- 1309 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse
1310 practitioner; or
1311 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and
1312 (ii) before appointing a health care professional under this Subsection (1)(e), the
1313 governor:
- 1314 (A) sends a notice to a professional physician organization in the state regarding the
1315 opening for the appointment described in Subsection (1)(c)(i)(C); and
1316 (B) receives no applications from a pediatrician who is licensed in the state for the
1317 appointment described in Subsection (1)(c)(i)(C) within 90 days after the day on which the
1318 governor sends the notice described in Subsection (1)(e)(ii)(A).
- 1319 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the
1320 governor shall appoint each new member or reappointed member to a four-year term ending
1321 June 30.
- 1322 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
1323 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1324 members are staggered so that approximately half of the licensing committee is appointed
1325 every two years.
- 1326 (c) Upon the expiration of the term of a member of the licensing committee, the
1327 member shall continue to hold office until a successor is appointed and qualified.
- 1328 (d) A member may not serve more than two consecutive terms.
- 1329 (e) Members of the licensing committee shall annually select one member to serve as

1330 chair who shall establish the agenda for licensing committee meetings.

1331 (3) When a vacancy occurs in the membership for any reason, the governor, with the
1332 consent of the Senate, shall appoint a replacement for the unexpired term.

1333 (4) (a) The licensing committee shall meet at least every two months.

1334 (b) The director may call additional meetings:

1335 (i) at the director's discretion;

1336 (ii) upon the request of the chair; or

1337 (iii) upon the written request of three or more members.

1338 (5) Three members of the licensing committee constitute a quorum for the transaction
1339 of business.

1340 (6) A member of the licensing committee may not receive compensation or benefits for
1341 the member's service, but may receive per diem and travel expenses as allowed in:

1342 (a) Section [63A-3-106](#);

1343 (b) Section [63A-3-107](#); and

1344 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
1345 [63A-3-107](#).

1346 Section 28. Section **26-39-201** is amended to read:

1347 **26-39-201. Residential Child Care Licensing Advisory Committee.**

1348 (1) (a) The Residential Child Care Licensing Advisory Committee created in Section
1349 [26-1-7](#) shall advise the department on rules made by the department under this chapter for
1350 residential child care.

1351 (b) The advisory committee shall be composed of the following nine members who
1352 shall be appointed by the executive director:

1353 (i) two child care consumers;

1354 (ii) three licensed residential child care providers;

1355 (iii) one certified residential child care provider;

1356 (iv) one individual with expertise in early childhood development; and

1357 (v) two health care providers.

1358 (2) (a) Members of the advisory committee shall be appointed for four-year terms,
1359 except for those members who have been appointed to complete an unexpired term.

1360 (b) Appointments and reappointments may be staggered so that 1/4 of the advisory

1361 committee changes each year.

1362 (c) The advisory committee shall annually elect a [~~chairman~~] chair from its
1363 membership.

1364 (3) The advisory committee shall meet at least quarterly, or more frequently as
1365 determined by the executive director, the [~~chairman~~] chair, or three or more members of the
1366 committee.

1367 (4) Five members constitute a quorum and a vote of the majority of the members
1368 present constitutes an action of the advisory committee.

1369 (5) A member of the advisory committee may not receive compensation or benefits for
1370 the member's service, but may receive per diem and travel expenses as allowed in:

1371 (a) Section [63A-3-106](#);

1372 (b) Section [63A-3-107](#); and

1373 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
1374 [63A-3-107](#).

1375 Section 29. Section **26-50-102** is amended to read:

1376 **26-50-102. Definitions.**

1377 As used in this chapter[: ~~(1) "Committee" means the advisory committee created by the~~
1378 ~~executive director pursuant to Section [26-50-202](#).~~ (2) "Fund"], "fund" means the Traumatic
1379 Brain Injury Fund created in Section [26-50-201](#).

1380 Section 30. Section **26-50-201** is amended to read:

1381 **26-50-201. Traumatic Brain Injury Fund.**

1382 (1) There is created an expendable special revenue fund entitled the Traumatic Brain
1383 Injury Fund.

1384 (2) The fund shall consist of:

1385 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
1386 fund from private sources; and

1387 (b) additional amounts as appropriated by the Legislature.

1388 (3) The fund shall be administered by the executive director.

1389 (4) Fund money may be used to:

1390 (a) educate the general public and professionals regarding understanding, treatment,
1391 and prevention of traumatic brain injury;

1392 (b) provide access to evaluations and coordinate short-term care to assist an individual
1393 in identifying services or support needs, resources, and benefits for which the individual may
1394 be eligible;

1395 (c) develop and support an information and referral system for persons with a traumatic
1396 brain injury and their families; and

1397 (d) provide grants to persons or organizations to provide the services described in
1398 Subsections (4)(a), (b), and (c).

1399 (5) Not less than 50% of the fund shall be used each fiscal year to directly assist
1400 individuals who meet the qualifications described in Subsection (6).

1401 (6) An individual who receives services either paid for from the fund, or through an
1402 organization under contract with the fund, shall:

1403 (a) be a resident of Utah;

1404 (b) have been diagnosed by a qualified professional as having a traumatic brain injury
1405 which results in impairment of cognitive or physical function; and

1406 (c) have a need that can be met within the requirements of this chapter.

1407 (7) The fund may not duplicate any services or support mechanisms being provided to
1408 an individual by any other government or private agency.

1409 (8) All actual and necessary operating expenses for ~~[the committee and staff]~~ any staff
1410 needed to administer the fund shall be paid by the fund.

1411 (9) The fund may not be used for medical treatment, long-term care, or acute care.

1412 Section 31. Section **36-12-22** is amended to read:

1413 **36-12-22. Review of legislative workload -- Reports from committees with**
1414 **legislators.**

1415 (1) As used in this section:

1416 (a) "Legislative board ~~[or commission]~~" means a board, commission, council,
1417 committee, working group, task force, study group, advisory group, or other body:

1418 (i) with a defined, limited membership;

1419 (ii) that has a member who is required to be:

1420 (A) a member of the Legislature; or

1421 (B) appointed by a member of the Legislature; and

1422 (iii) that has operated or is intended to operate for more than six months.

- 1423 (b) "Legislative board [~~or commission~~]" does not include:
- 1424 (i) a standing, ethics, interim, appropriations, confirmation, or rules committee of the
1425 Legislature;
- 1426 (ii) the Legislative Management Committee or a subcommittee of the Legislative
1427 Management Committee; or
- 1428 (iii) an organization that is prohibited from having a member that is a member of the
1429 Legislature.
- 1430 (2) (a) Before [~~September~~] August 1 of each year, each legislative board [~~or~~
1431 ~~commission~~] shall prepare and submit to the Office of Legislative Research and General
1432 Counsel an annual report that includes:
- 1433 (i) the name of the legislative board [~~or commission~~];
- 1434 (ii) a description of the legislative board's [~~or commission's~~] official function and
1435 purpose;
- 1436 [~~(iii) the total number of members of the legislative board or commission;~~]
- 1437 [~~(iv) the number of the legislative board's or commission's members who are~~
1438 ~~legislators;~~]
- 1439 [~~(v) the compensation, if any, paid to the members of the legislative board or~~
1440 ~~commission;~~]
- 1441 [~~(vi)~~] (iii) a description of the actual work performed and actions taken by the
1442 legislative board [~~or commission since the last report the legislative board or commission~~
1443 ~~submitted to the Office of Legislative Research and General Counsel under this section~~] in the
1444 last fiscal year;
- 1445 [~~(vii) a description of actions taken by the legislative board or commission since the~~
1446 ~~last report the legislative board or commission submitted to the Office of Legislative Research~~
1447 ~~and General Counsel under this section;~~]
- 1448 [~~(viii)~~] (iv) recommendations on whether any statutory, rule, or other changes are
1449 needed to make the legislative board [~~or commission~~] more effective; and
- 1450 [~~(ix)~~] (v) an indication of whether the legislative board [~~or commission~~] should
1451 continue to exist.
- 1452 (b) The Office of Legislative Research and General Counsel shall compile and post the
1453 reports described in Subsection (2)(a) to the Legislature's website before [~~October~~] September

1454 1 of each year.

1455 (3) (a) The Office of Legislative Research and General Counsel shall prepare an annual
1456 report by [~~October~~] September 1 of each year that includes, as of [~~September~~] July 1 of that
1457 year:

1458 (i) the total number of legislative boards and commissions that exist in the state; and

1459 (ii) a summary of the reports submitted to the Office of Legislative Research and
1460 General Counsel under Subsection (2), including:

1461 (A) a list of each legislative board [~~or commission~~] that submitted a report under
1462 Subsection (2);

1463 (B) a list of each legislative board [~~or commission~~] that did not submit a report under
1464 Subsection (2);

1465 (C) an indication of any recommendations made under Subsection (2)(a)[~~(viii)~~](iv);
1466 and

1467 (D) a list of any legislative boards [~~or commissions~~] that indicated under Subsection
1468 (2)(a)[~~(ix)~~](v) that the legislative board [~~or commission~~] should no longer exist.

1469 (b) The Office of Legislative Research and General Counsel shall:

1470 (i) coordinate with the governor's boards and commissions administrator to jointly
1471 distribute copies of the report described in Subsection (3)(a) and copies of the report described
1472 in Subsection 67-1-2.5(6)(b) to:

1473 (A) the president of the Senate;

1474 (B) the speaker of the House; and

1475 [~~(C) the Legislative Management Committee; and~~]

1476 [~~(D)~~] (C) the Government Operations Interim Committee; and

1477 (ii) post the report described in Subsection (3)(a) to the Legislature's website.

1478 (c) Each year, the Government Operations Interim Committee shall prepare legislation
1479 making any changes the committee determines are suitable with respect to the [~~report~~] reports
1480 the committee receives under Subsection (3)(b) and Subsection 67-1-2.5(6)(b), including:

1481 (i) repealing a legislative or executive board [~~or commission~~] that is no longer
1482 functional or necessary; and

1483 (ii) making appropriate changes to make a legislative or executive board [~~or~~
1484 ~~commission~~] more effective.

1485 Section 32. Section **38-11-102** is amended to read:

1486 **38-11-102. Definitions.**

1487 [~~(1)~~] "Board" means the Residence Lien Recovery Fund Advisory Board established
1488 under Section ~~38-11-104~~;

1489 [~~(2)~~] (1) "Certificate of compliance" means an order issued by the director to the owner
1490 finding that the owner is in compliance with the requirements of Subsections ~~38-11-204~~(4)(a)
1491 and (4)(b) and is entitled to protection under Section ~~38-11-107~~.

1492 [~~(3)~~] (2) "Construction on an owner-occupied residence" means designing, engineering,
1493 constructing, altering, remodeling, improving, repairing, or maintaining a new or existing
1494 residence.

1495 [~~(4)~~] (3) "Department" means the Department of Commerce.

1496 [~~(5)~~] (4) "Director" means the director of the Division of Occupational and
1497 Professional Licensing.

1498 [~~(6)~~] (5) "Division" means the Division of Occupational and Professional Licensing.

1499 [~~(7)~~] (6) "Duplex" means a single building having two separate living units.

1500 [~~(8)~~] (7) "Encumbered fund balance" means the aggregate amount of outstanding
1501 claims against the fund. The remainder of the money in the fund is unencumbered funds.

1502 [~~(9)~~] (8) "Executive director" means the executive director of the Department of
1503 Commerce.

1504 [~~(10)~~] (9) "Factory built housing" is as defined in Section ~~15A-1-302~~.

1505 [~~(11)~~] (10) "Factory built housing retailer" means a person that sells factory built
1506 housing to consumers.

1507 [~~(12)~~] (11) "Fund" means the Residence Lien Recovery Fund established under Section
1508 ~~38-11-201~~.

1509 [~~(13)~~] (12) "Laborer" means a person who provides services at the site of the
1510 construction on an owner-occupied residence as an employee of an original contractor or other
1511 qualified beneficiary performing qualified services on the residence.

1512 [~~(14)~~] (13) "Licensee" means any holder of a license issued under Title 58, Chapter 3a,
1513 Architects Licensing Act; Chapter 22, Professional Engineers and Professional Land Surveyors
1514 Licensing Act; Chapter 53, Landscape Architects Licensing Act; and Chapter 55, Utah
1515 Construction Trades Licensing Act.

1516 ~~[(15)]~~ (14) "Nonpaying party" means the original contractor, subcontractor, or real
1517 estate developer who has failed to pay the qualified beneficiary making a claim against the
1518 fund.

1519 ~~[(16)]~~ (15) "Original contractor" means a person who contracts with the owner of real
1520 property or the owner's agent to provide services, labor, or material for the construction of an
1521 owner-occupied residence.

1522 ~~[(17)]~~ (16) "Owner" means a person who:

1523 (a) contracts with a person who is licensed as a contractor or is exempt from licensure
1524 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction on an
1525 owner-occupied residence upon real property that the person:

1526 (i) owns; or

1527 (ii) purchases after the person enters into a contract described in this Subsection ~~[(17)]~~

1528 (16)(a) and before completion of the owner-occupied residence;

1529 (b) contracts with a real estate developer to buy a residence upon completion of the
1530 construction on the owner-occupied residence; or

1531 (c) purchases a residence from a real estate developer after completion of the
1532 construction on the owner-occupied residence.

1533 ~~[(18)]~~ (17) "Owner-occupied residence" means a residence that is, or after completion
1534 of the construction on the residence will be, occupied by the owner or the owner's tenant or
1535 lessee as a primary or secondary residence within 180 days after the day on which the
1536 construction on the residence is complete.

1537 ~~[(19)]~~ (18) "Qualified beneficiary" means a person who:

1538 (a) provides qualified services;

1539 (b) pays necessary fees required under this chapter; and

1540 (c) registers with the division:

1541 (i) as a licensed contractor under Subsection [38-11-301](#)(1) or (2), if that person seeks
1542 recovery from the fund as a licensed contractor; or

1543 (ii) as a person providing qualified services other than as a licensed contractor under
1544 Subsection [38-11-301](#)(3) if the person seeks recovery from the fund in a capacity other than as
1545 a licensed contractor.

1546 ~~[(20)]~~ (19) (a) "Qualified services" means the following performed in construction on

1547 an owner-occupied residence:

1548 (i) contractor services provided by a contractor licensed or exempt from licensure
1549 under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

1550 (ii) architectural services provided by an architect licensed under Title 58, Chapter 3a,
1551 Architects Licensing Act;

1552 (iii) engineering and land surveying services provided by a professional engineer or
1553 land surveyor licensed or exempt from licensure under Title 58, Chapter 22, Professional
1554 Engineers and Professional Land Surveyors Licensing Act;

1555 (iv) landscape architectural services by a landscape architect licensed or exempt from
1556 licensure under Title 58, Chapter 53, Landscape Architects Licensing Act;

1557 (v) design and specification services of mechanical or other systems;

1558 (vi) other services related to the design, drawing, surveying, specification, cost
1559 estimation, or other like professional services;

1560 (vii) providing materials, supplies, components, or similar products;

1561 (viii) renting equipment or materials;

1562 (ix) labor at the site of the construction on the owner-occupied residence; and

1563 (x) site preparation, set up, and installation of factory built housing.

1564 (b) "Qualified services" does not include the construction of factory built housing in
1565 the factory.

1566 [~~(21)~~] (20) "Real estate developer" means a person having an ownership interest in real
1567 property who:

1568 (a) contracts with a person who is licensed as a contractor or is exempt from licensure
1569 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction of a
1570 residence that is offered for sale to the public; or

1571 (b) is a licensed contractor under Title 58, Chapter 55, Utah Construction Trades
1572 Licensing Act, who engages in the construction of a residence that is offered for sale to the
1573 public.

1574 [~~(22)~~] (21) (a) "Residence" means an improvement to real property used or occupied,
1575 to be used or occupied as, or in conjunction with:

1576 (i) a primary or secondary detached single-family dwelling; or

1577 (ii) a multifamily dwelling up to and including duplexes.

1578 (b) "Residence" includes factory built housing.
 1579 [~~(23)~~] (22) "Subsequent owner" means a person who purchases a residence from an
 1580 owner within 180 days after the day on which the construction on the residence is completed.

1581 Section 33. Section **38-11-201** is amended to read:

1582 **38-11-201. Residence Lien Recovery Fund.**

1583 (1) There is created an expendable special revenue fund called the "Residence Lien
 1584 Recovery Fund."

1585 (2) The fund shall earn interest.

1586 (3) The division shall employ personnel and resources necessary to administer the fund
 1587 and shall use fund money in accordance with Sections 38-11-203 and 38-11-204 and to pay the
 1588 costs charged to the fund by the attorney general.

1589 (4) Costs incurred by the division, on or after May 8, 2018, for administering the fund
 1590 may be paid out of fund money in an amount that may be no more than a total of \$300,000 for
 1591 the remaining existence of the fund.

1592 (5) (a) The Division of Finance shall report annually to the Legislature[;] and the
 1593 division[~~, and the board~~].

1594 (b) The report shall state:

- 1595 (i) amounts received by the fund;
- 1596 (ii) disbursements from the fund;
- 1597 (iii) interest earned and credited to the fund; and
- 1598 (iv) the fund balance.

1599 Section 34. Section **41-3-102** is amended to read:

1600 **41-3-102. Definitions.**

1601 As used in this chapter:

1602 (1) "Administrator" means the motor vehicle enforcement administrator.

1603 (2) "Agent" means a person other than a holder of any dealer's or salesperson's license
 1604 issued under this chapter, who for salary, commission, or compensation of any kind, negotiates
 1605 in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any
 1606 other person in any 12-month period.

1607 (3) "Auction" means a dealer engaged in the business of auctioning motor vehicles,
 1608 either owned or consigned, to the general public.

- 1609 (4) "Authorized service center" means an entity that:
- 1610 (a) is in the business of repairing exclusively the motor vehicles of the same line-make
- 1611 as the motor vehicles a single direct-sale manufacturer manufactures;
- 1612 (b) the direct-sale manufacturer described in Subsection (4)(a) authorizes to complete
- 1613 warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for
- 1614 sale, or offers for sale or exchange; and
- 1615 (c) conducts business primarily from an enclosed commercial repair facility that is
- 1616 permanently located in the state.
- 1617 [~~(5)~~] "~~Board~~" means the advisory board created in Section ~~41-3-106~~;
- 1618 [~~(6)~~] (5) "Body shop" means a person engaged in rebuilding, restoring, repairing, or
- 1619 painting the body of motor vehicles for compensation.
- 1620 [~~(7)~~] (6) "Commission" means the State Tax Commission.
- 1621 [~~(8)~~] (7) "Crusher" means a person who crushes or shreds motor vehicles subject to
- 1622 registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and
- 1623 metals to a more compact size for recycling.
- 1624 [~~(9)~~] (8) (a) "Dealer" means a person:
- 1625 (i) whose business in whole or in part involves selling new, used, or new and used
- 1626 motor vehicles or off-highway vehicles; and
- 1627 (ii) who sells, displays for sale, or offers for sale or exchange three or more new or
- 1628 used motor vehicles or off-highway vehicles in any 12-month period.
- 1629 (b) "Dealer" includes a representative or consignee of any dealer.
- 1630 [~~(10)~~] (9) "Direct-sale manufacturer" means a person:
- 1631 (a) that is both a manufacturer and a dealer;
- 1632 (b) that, in this state, sells, displays for sale, or offers for sale or exchange only new
- 1633 motor vehicles of the person's own line-make that are:
- 1634 (i) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another
- 1635 non-fossil fuel source;
- 1636 (ii) (A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less;
- 1637 or
- 1638 (B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and
- 1639 (iii) manufactured by the person;

1640 (c) that is not a franchise holder;
1641 (d) that is domiciled in the United States; and
1642 (e) whose chief officers direct, control, and coordinate the person's activities as a
1643 direct-sale manufacturer from a physical location in the United States.

1644 [~~(11)~~] (10) "Direct-sale manufacturer salesperson" means an individual who for a
1645 salary, commission, or compensation of any kind, is employed either directly, indirectly,
1646 regularly, or occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to
1647 negotiate for the sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale
1648 manufacturer who employs the individual.

1649 [~~(12)~~] (11) (a) "Dismantler" means a person engaged in the business of dismantling
1650 motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the
1651 resale of parts or for salvage.

1652 (b) "Dismantler" includes a person who dismantles three or more motor vehicles in any
1653 12-month period.

1654 [~~(13)~~] (12) "Distributor" means a person who has a franchise from a manufacturer of
1655 motor vehicles to distribute motor vehicles within this state and who in whole or in part sells or
1656 distributes new motor vehicles to dealers or who maintains distributor representatives.

1657 [~~(14)~~] (13) "Distributor branch" means a branch office similarly maintained by a
1658 distributor for the same purposes a factory branch is maintained.

1659 [~~(15)~~] (14) "Distributor representative" means a person and each officer and employee
1660 of the person engaged as a representative of a distributor or distributor branch of motor
1661 vehicles to make or promote the sale of the distributor or the distributor branch's motor
1662 vehicles, or for supervising or contacting dealers or prospective dealers of the distributor or the
1663 distributor branch.

1664 [~~(16)~~] (15) "Division" means the Motor Vehicle Enforcement Division created in
1665 Section [41-3-104](#).

1666 [~~(17)~~] (16) "Factory branch" means a branch office maintained by a person who
1667 manufactures or assembles motor vehicles for sale to distributors, motor vehicle dealers, or
1668 who directs or supervises the factory branch's representatives.

1669 [~~(18)~~] (17) "Factory representative" means a person and each officer and employee of
1670 the person engaged as a representative of a manufacturer of motor vehicles or by a factory

1671 branch to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or
1672 for supervising or contacting the dealers or prospective dealers of the manufacturer or the
1673 factory branch.

1674 ~~[(19)]~~ (18) "Franchise" means a contract or agreement between a dealer and a
1675 manufacturer of new motor vehicles or a manufacturer's distributor or factory branch by which
1676 the dealer is authorized to sell any specified make or makes of new motor vehicles.

1677 ~~[(20)]~~ (19) (a) "Franchise holder" means a manufacturer who:

1678 (i) previously had a franchised dealer in the United States;

1679 (ii) currently has a franchised dealer in the United States;

1680 (iii) is a successor to another manufacturer who previously had or currently has a
1681 franchised dealer in the United States;

1682 (iv) is a material owner of another manufacturer who previously had or currently has a
1683 franchised dealer in the United States;

1684 (v) is under legal or common ownership, or practical control, with another
1685 manufacturer who previously had or currently has a franchised dealer in the United States; or

1686 (vi) is in a partnership, joint venture, or similar arrangement for production of a
1687 commonly owned line-make with another manufacturer who previously had or currently has a
1688 franchised dealer in the United States.

1689 (b) "Franchise holder" does not include a manufacturer described in Subsection ~~[(20)]~~
1690 (19)(a), if at all times during the franchised dealer's existence, the manufacturer had legal or
1691 practical common ownership or common control with the franchised dealer.

1692 ~~[(21)]~~ (20) "Line-make" means motor vehicles that are offered for sale, lease, or
1693 distribution under a common name, trademark, service mark, or brand name of the
1694 manufacturer.

1695 ~~[(22)]~~ (21) "Manufacturer" means a person engaged in the business of constructing or
1696 assembling new motor vehicles, ownership of which is customarily transferred by a
1697 manufacturer's statement or certificate of origin, or a person who constructs three or more new
1698 motor vehicles in any 12-month period.

1699 ~~[(23)]~~ (22) "Material owner" means a person who possesses, directly or indirectly, the
1700 power to direct, or cause the direction of, the management, policies, or activities of another
1701 person:

- 1702 (a) through ownership of voting securities;
- 1703 (b) by contract or credit arrangement; or
- 1704 (c) in another way not described in Subsections [~~(23)~~] (22)(a) and (b).
- 1705 [~~(24)~~] (23) (a) "Motor vehicle" means a vehicle that is:
- 1706 (i) self-propelled;
- 1707 (ii) a trailer, travel trailer, or semitrailer; or
- 1708 (iii) an off-highway vehicle or small trailer.
- 1709 (b) "Motor vehicle" does not include:
- 1710 (i) mobile homes as defined in Section [41-1a-102](#);
- 1711 (ii) trailers of 750 pounds or less unladen weight;
- 1712 (iii) farm tractors and other machines and tools used in the production, harvesting, and
- 1713 care of farm products; and
- 1714 (iv) park model recreational vehicles as defined in Section [41-1a-102](#).
- 1715 [~~(25)~~] (24) "Motorcycle" has the same meaning as defined in Section [41-1a-102](#).
- 1716 [~~(26)~~] (25) "New motor vehicle" means a motor vehicle that:
- 1717 (a) has never been titled or registered; and
- 1718 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
- 1719 less than 7,500 miles.
- 1720 [~~(27)~~] (26) "Off-highway vehicle" has the same meaning as provided in Section
- 1721 [41-22-2](#).
- 1722 [~~(28)~~] (27) "Pawnbroker" means a person whose business is to lend money on security
- 1723 of personal property deposited with [~~him~~] the person.
- 1724 [~~(29)~~] (28) (a) "Principal place of business" means a site or location in this state:
- 1725 (i) devoted exclusively to the business for which the dealer, manufacturer,
- 1726 remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses
- 1727 incidental to them;
- 1728 (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely
- 1729 indicate the boundary and to admit a definite description with space adequate to permit the
- 1730 display of three or more new, or new and used, or used motor vehicles and sufficient parking
- 1731 for the public; and
- 1732 (iii) that includes a permanent enclosed building or structure large enough to

1733 accommodate the office of the establishment and to provide a safe place to keep the books and
1734 other records of the business, at which the principal portion of the business is conducted and
1735 the books and records kept and maintained.

1736 (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the
1737 direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection
1738 ~~[(29)]~~ (28)(a).

1739 ~~[(30)]~~ (29) "Remanufacturer" means a person who reconstructs used motor vehicles
1740 subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to change the body style
1741 and appearance of the motor vehicle or who constructs or assembles motor vehicles from used
1742 or new and used motor vehicle parts, or who reconstructs, constructs, or assembles three or
1743 more motor vehicles in any 12-month period.

1744 ~~[(31)]~~ (30) "Salesperson" means an individual who for a salary, commission, or
1745 compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by
1746 any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to
1747 negotiate for the sale, purchase, or exchange of motor vehicles.

1748 ~~[(32)]~~ (31) "Semitrailer" has the same meaning as defined in Section [41-1a-102](#).

1749 ~~[(33)]~~ (32) "Showroom" means a site or location in the state that a direct-sale
1750 manufacturer uses for the direct-sale manufacturer's business, including the display and
1751 demonstration of new motor vehicles that are exclusively of the same line-make that the
1752 direct-sale manufacturer manufactures.

1753 ~~[(34)]~~ (33) "Small trailer" means a trailer that has an unladen weight of more than 750
1754 pounds, but less than 2,000 pounds.

1755 ~~[(35)]~~ (34) "Special equipment" includes a truck mounted crane, cherry picker, material
1756 lift, post hole digger, and a utility or service body.

1757 ~~[(36)]~~ (35) "Special equipment dealer" means a new or new and used motor vehicle
1758 dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle
1759 weight of 12,000 or more pounds and installing special equipment on the incomplete motor
1760 vehicle.

1761 ~~[(37)]~~ (36) "Trailer" has the same meaning as defined in Section [41-1a-102](#).

1762 ~~[(38)]~~ (37) "Transporter" means a person engaged in the business of transporting motor
1763 vehicles as described in Section [41-3-202](#).

1764 [~~(39)~~] (38) "Travel trailer" has the same meaning as provided in Section 41-1a-102.

1765 [~~(40)~~] (39) "Used motor vehicle" means a vehicle that:

1766 (a) has been titled and registered to a purchaser other than a dealer; or

1767 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
1768 7,500 or more miles.

1769 [~~(41)~~] (40) "Wholesale motor vehicle auction" means a dealer primarily engaged in the
1770 business of auctioning consigned motor vehicles to dealers or dismantlers who are licensed by
1771 this or any other jurisdiction.

1772 Section 35. Section 41-3-103 is amended to read:

1773 **41-3-103. Exceptions to "dealer" definition -- Dealer licensed in other state --**

1774 **Direct-sale manufacturer -- Direct-sale manufacturer salesperson.**

1775 Under this chapter:

1776 (1) (a) An insurance company, bank, finance company, company registered as a title
1777 lender under Title 7, Chapter 24, Title Lending Registration Act, company registered as a check
1778 casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and Deferred
1779 Deposit Lending Registration Act, public utility company, commission impound yard, federal
1780 or state governmental agency, or any political subdivision of any of them or any other person
1781 coming into possession of a motor vehicle as an incident to its regular business, that sells the
1782 motor vehicle under contractual rights that it may have in the motor vehicle is not considered a
1783 dealer.

1784 (b) A person who sells or exchanges only those motor vehicles that the person has
1785 owned for over 12 months is not considered a dealer.

1786 (2) (a) A person engaged in leasing motor vehicles is not considered as coming into
1787 possession of the motor vehicles incident to the person's regular business.

1788 (b) A pawnbroker engaged in selling, exchanging, or pawning motor vehicles is
1789 considered as coming into possession of the motor vehicles incident to the person's regular
1790 business and must be licensed as a used motor vehicle dealer.

1791 (3) A person currently licensed as a dealer or salesperson by another state or country
1792 and not currently under license suspension or revocation by the administrator may only sell
1793 motor vehicles in this state to licensed dealers, dismantlers, or manufacturers, and only at their
1794 places of business.

1795 (4) Except as otherwise expressly provided:

1796 (a) a direct-sale manufacturer is subject to the same provisions under this chapter as a
1797 new motor vehicle dealer; and

1798 (b) a direct-sale manufacturer salesperson is subject to the same provisions under this
1799 chapter as a salesperson.

1800 (5) Notwithstanding any provision of this chapter to the contrary, a direct-sale
1801 manufacturer:

1802 (a) may sell, display for sale, or offer for sale or exchange a motor vehicle described in
1803 Subsection ~~41-3-102(10)~~(9)(b) without a franchise; and

1804 (b) may not sell, display for sale, or offer for sale or exchange a new motor vehicle that
1805 is not of the same line-make the direct-sale manufacturer manufactures.

1806 Section 36. Section **41-3-105** is amended to read:

1807 **41-3-105. Administrator's powers and duties -- Administrator and investigators**
1808 **to be law enforcement officers.**

1809 (1) The administrator may make rules to carry out the purposes of this chapter and
1810 Sections ~~41-1a-1001~~ through ~~41-1a-1007~~ according to the procedures and requirements of Title
1811 63G, Chapter 3, Utah Administrative Rulemaking Act.

1812 (2) (a) The administrator may employ clerks, deputies, and assistants necessary to
1813 discharge the duties under this chapter and may designate the duties of those clerks, deputies,
1814 and assistants.

1815 (b) The administrator, assistant administrator, and all investigators shall be law
1816 enforcement officers certified by peace officer standards and training as required by Section
1817 ~~53-13-103~~.

1818 (3) (a) The administrator may investigate any suspected or alleged violation of:

1819 (i) this chapter;

1820 (ii) Title 41, Chapter 1a, Motor Vehicle Act;

1821 (iii) any law concerning motor vehicle fraud; or

1822 (iv) any rule made by the administrator.

1823 (b) The administrator may bring an action in the name of the state against any person to
1824 enjoin a violation found under Subsection (3)(a).

1825 (4) (a) The administrator may prescribe forms to be used for applications for licenses.

1826 (b) The administrator may require information from the applicant concerning the
1827 applicant's fitness to be licensed.

1828 (c) Each application for a license shall contain:

1829 (i) if the applicant is an individual, the name and residence address of the applicant and
1830 the trade name, if any, under which the applicant intends to conduct business;

1831 (ii) if the applicant is a partnership, the name and residence address of each partner,
1832 whether limited or general, and the name under which the partnership business will be
1833 conducted;

1834 (iii) if the applicant is a corporation, the name of the corporation, and the name and
1835 residence address of each of its principal officers and directors;

1836 (iv) a complete description of the principal place of business, including:

1837 (A) the municipality, with the street and number, if any;

1838 (B) if located outside of any municipality, a general description so that the location can
1839 be determined; and

1840 (C) any other places of business operated and maintained by the applicant in
1841 conjunction with the principal place of business;

1842 (v) if the application is for a new motor vehicle dealer's license, the name of each
1843 motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of
1844 the manufacturer or distributor who has enfranchised the applicant, and the name and address
1845 of each individual who will act as a salesperson under authority of the license;

1846 (vi) at least five years of business history;

1847 (vii) the federal tax identification number issued to the dealer;

1848 (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter
1849 12, Sales and Use Tax Act; and

1850 (ix) if the application is for a direct-sale manufacturer's license:

1851 (A) the name of each line-make the applicant will sell, display for sale, or offer for sale
1852 or exchange;

1853 (B) the name and address of each individual who will act as a direct-sale manufacturer
1854 salesperson under authority of the license;

1855 (C) a complete description of the direct-sale manufacturer's authorized service center,
1856 including the address and any other place of business the applicant operates and maintains in

1857 conjunction with the authorized service center;

1858 (D) a sworn statement that the applicant complies with each qualification for a
1859 direct-sale manufacturer under this chapter;

1860 (E) a sworn statement that if at any time the applicant fails to comply with a
1861 qualification for a direct-sale manufacturer under this chapter, the applicant will inform the
1862 division in writing within 10 business days after the day on which the noncompliance occurs;
1863 and

1864 (F) an acknowledgment that if the applicant fails to comply with a qualification for a
1865 direct-sale manufacturer under this chapter, the administrator will deny, suspend, or revoke the
1866 applicant's direct-sale manufacturer license in accordance with Section 41-3-209.

1867 (5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement
1868 Administrator, State of Utah," to authenticate the acts of the administrator's office.

1869 (6) (a) The administrator may require that a licensee erect or post signs or devices on
1870 the licensee's principal place of business and any other sites, equipment, or locations operated
1871 and maintained by the licensee in conjunction with the licensee's business.

1872 (b) The signs or devices shall state the licensee's name, principal place of business,
1873 type and number of licenses, and any other information that the administrator considers
1874 necessary to identify the licensee.

1875 (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah
1876 Administrative Rulemaking Act, determining allowable size and shape of signs or devices,
1877 lettering and other details of signs or devices, and location of signs or devices.

1878 ~~[(7) (a) The administrator shall provide for quarterly meetings of the advisory board
1879 and may call special meetings.]~~

1880 ~~[(b) Notices of all meetings shall be sent to each member not fewer than five days
1881 before the meeting.]~~

1882 [(8)] (7) The administrator, the officers and inspectors of the division designated by the
1883 commission, and peace officers shall:

1884 (a) make arrests upon view and without warrant for any violation committed in their
1885 presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;

1886 (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is
1887 being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require

1888 the driver of the vehicle to stop, exhibit the person's driver license and the registration card
1889 issued for the vehicle, and submit to an inspection of the vehicle, the license plates, and
1890 registration card;

1891 (c) serve all warrants relating to the enforcement of the laws regulating the operation of
1892 motor vehicles, trailers, and semitrailers;

1893 (d) investigate traffic accidents and secure testimony of any witnesses or persons
1894 involved; and

1895 (e) investigate reported thefts of motor vehicles, trailers, and semitrailers.

1896 [(9)] (8) The administrator may contract with a public prosecutor to provide additional
1897 prosecution of this chapter.

1898 Section 37. Section 41-3-107 is amended to read:

1899 **41-3-107. Attorney general -- Duty to render opinions and to represent or appear**
1900 **for administrator or board.**

1901 The attorney general shall:

1902 (1) represent the administrator[;] and the division[; ~~and the board~~];

1903 (2) give opinions on all questions of law relating to the interpretation of this chapter or
1904 arising out of the administration of this chapter; and

1905 (3) appear on behalf of the administrator[;] or the division[; ~~or the board~~] in all actions
1906 brought by or against the administrator[;] or the division, [~~or board~~;] whether under the
1907 provisions of this chapter or otherwise.

1908 Section 38. Section 41-3-109 is amended to read:

1909 **41-3-109. Adjudicative proceedings -- Hearings.**

1910 [(1)] The commission, the division, [~~the board~~;] and the administrator shall comply
1911 with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act,
1912 in all adjudicative proceedings conducted under the authority of this chapter and Sections
1913 41-1a-1001 through 41-1a-1008.

1914 [(2)] ~~The administrator may request the attendance of the board at any hearing, or the~~
1915 ~~administrator may direct that any hearing be held before the board.]~~

1916 Section 39. Section 53B-1-301 is amended to read:

1917 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
1918 **Subcommittee.**

- 1919 (1) In accordance with applicable provisions and Section 68-3-14, the following
1920 recurring reports are due to the Higher Education Appropriations Subcommittee:
- 1921 (a) the reports described in Sections 34A-2-202.5, 53B-17-804, and 59-9-102.5 by the
1922 Rocky Mountain Center for Occupational and Environmental Health;
- 1923 (b) the report described in Section 53B-7-101 by the board on recommended
1924 appropriations for higher education institutions, including the report described in Section
1925 53B-8-104 by the board on the effects of offering nonresident partial tuition scholarships;
- 1926 (c) the report described in Section 53B-7-704 by the Department of Workforce
1927 Services and the Governor's Office of Economic Development on targeted jobs;
- 1928 (d) the reports described in Section 53B-7-705 by the board and the Utah System of
1929 Technical Colleges Board of Trustees, respectively, on performance;
- 1930 (e) the report described in Section 53B-8-201 by the board on the Regents' Scholarship
1931 Program;
- 1932 (f) the report described in Section 53B-8-303 by the State Board of Regents regarding
1933 Access Utah promise scholarships;
- 1934 (g) the report described in Section 53B-8d-104 by the Division of Child and Family
1935 Services on tuition waivers for wards of the state;
- 1936 (h) the report described in Section 53B-12-107 by the Utah Higher Education
1937 Assistance Authority;
- 1938 (i) the report described in Section 53B-13a-104 by the board on the Success Stipend
1939 Program;
- 1940 (j) the report described in Section 53B-17-201 by the University of Utah regarding the
1941 Miners' Hospital for Disabled Miners;
- 1942 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic
1943 Development on high demand technical jobs projected to support economic growth;
- 1944 (l) the report described in Section 53B-26-202 by the Medical Education Council on
1945 projected demand for nursing professionals; and
- 1946 (m) the report described in Section 53E-10-308 by the State Board of Education and
1947 State Board of Regents on student participation in the concurrent enrollment program.
- 1948 (2) In accordance with applicable provisions and Section 68-3-14, the following
1949 occasional reports are due to the Higher Education Appropriations Subcommittee:

- 1950 (a) upon request, the information described in Section 53B-8a-111 submitted by the
1951 Utah Educational Savings Plan;
- 1952 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to
1953 workforce needs for technical jobs projected to support economic growth; and
- 1954 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to
1955 projected demand for nursing professionals~~[-and]~~.
- 1956 ~~[(d) the reports described in Section 63C-19-202 by the Higher Education Strategic~~
1957 ~~Planning Commission on the commission's progress.]~~
- 1958 (3) In accordance with applicable provisions, the Higher Education Appropriations
1959 Subcommittee shall complete the following:
- 1960 (a) as required by Section 53B-7-703, the review of performance funding described in
1961 Section 53B-7-703;
- 1962 (b) the review described in Section 53B-7-705 of the implementation of performance
1963 funding;
- 1964 (c) an appropriation recommendation described in Section 53B-26-103 to fund a
1965 proposal responding to workforce needs of a strategic industry cluster;
- 1966 (d) an appropriation recommendation described in Section 53B-26-202 to fund a
1967 proposal responding to projected demand for nursing professionals; and
- 1968 (e) review of the report described in Section 63B-10-301 by the University of Utah on
1969 the status of a bond and bond payments specified in Section 63B-10-301.
- 1970 Section 40. Section 53E-1-201 is amended to read:
- 1971 **53E-1-201. Reports to and action required of the Education Interim Committee.**
- 1972 (1) In accordance with applicable provisions and Section 68-3-14, the following
1973 recurring reports are due to the Education Interim Committee:
- 1974 (a) the prioritized list of data research described in Section 35A-14-302 and the report
1975 on research described in Section 35A-14-304 by the Utah Data Research Center;
- 1976 (b) the report described in Section 35A-15-303 by the State Board of Education on
1977 preschool programs;
- 1978 (c) the report described in Section 53B-1-103 by the State Board of Regents on career
1979 and technical education issues and addressing workforce needs;
- 1980 (d) the report described in Section 53B-1-107 by the State Board of Regents on the

- 1981 activities of the State Board of Regents;
- 1982 (e) the report described in Section [53B-2a-104](#) by the Utah System of Technical
1983 Colleges Board of Trustees on career and technical education issues;
- 1984 (f) the reports described in Section [53B-28-401](#) by the State Board of Regents and the
1985 Utah System of Technical Colleges Board of Trustees regarding activities related to campus
1986 safety;
- 1987 (g) the State Superintendent's Annual Report by the state board described in Section
1988 [53E-1-203](#);
- 1989 (h) the annual report described in Section [53E-2-202](#) by the state board on the strategic
1990 plan to improve student outcomes;
- 1991 (i) the report described in Section [53E-8-204](#) by the state board on the Utah Schools for
1992 the Deaf and the Blind;
- 1993 (j) the report described in Section [53E-10-703](#) by the Utah Leading through Effective,
1994 Actionable, and Dynamic Education director on research and other activities;
- 1995 (k) the report described in Section [53F-4-203](#) by the state board and the independent
1996 evaluator on an evaluation of early interactive reading software;
- 1997 (l) the report described in Section [53F-4-407](#) by the state board on UPSTART;
- 1998 (m) the report described in Section [53F-5-405](#) by an independent evaluator of a
1999 partnership that receives a grant to improve educational outcomes for students who are low
2000 income; and
- 2001 (n) the report described in Section [63N-12-208](#) by the STEM Action Center Board,
2002 including the information described in Section [63N-12-213](#) on the status of the computer
2003 science initiative and Section [63N-12-214](#) on the Computing Partnerships Grants Program.
- 2004 (2) In accordance with applicable provisions and Section [68-3-14](#), the following
2005 occasional reports are due to the Education Interim Committee:
- 2006 (a) the report described in Section [35A-15-303](#) by the School Readiness Board by
2007 November 30, 2020, on benchmarks for certain preschool programs;
- 2008 (b) the report described in Section [53E-3-519](#) by the state board regarding counseling
2009 services in schools;
- 2010 (c) the reports described in Section [53E-3-520](#) by the state board regarding cost centers
2011 and implementing activity based costing;

2012 (d) if required, the report described in Section 53E-4-309 by the state board explaining
2013 the reasons for changing the grade level specification for the administration of specific
2014 assessments;

2015 (e) if required, the report described in Section 53E-5-210 by the state board of an
2016 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

2017 (f) the report described in Section 53E-10-702 by Utah Leading through Effective,
2018 Actionable, and Dynamic Education;

2019 (g) the report described in Section 53F-2-502 by the state board on the program
2020 evaluation of the dual language immersion program;

2021 (h) if required, the report described in Section 53F-2-513 by the state board evaluating
2022 the effects of salary bonuses on the recruitment and retention of effective teachers in high
2023 poverty schools;

2024 (i) upon request, the report described in Section 53F-5-207 by the state board on the
2025 Intergenerational Poverty Intervention Grants Program;

2026 (j) the report described in Section 53F-5-210 by the state board on the Educational
2027 Improvement Opportunities Outside of the Regular School Day Grant Program;

2028 (k) the reports described in Section 53G-11-304 by the state board regarding proposed
2029 rules and results related to educator exit surveys;

2030 (l) upon request, the report described in Section 53G-11-505 by the state board on
2031 progress in implementing employee evaluations; and

2032 (m) the report described in Section 62A-15-117 by the Division of Substance Abuse
2033 and Mental Health, the State Board of Education, and the Department of Health regarding
2034 recommendations related to Medicaid reimbursement for school-based health services[; ~~and~~].

2035 [~~(n) the reports described in Section 63C-19-202 by the Higher Education Strategic
2036 Planning Commission.~~]

2037 (3) In accordance with Section 53B-7-705, the Education Interim Committee shall
2038 complete the review of the implementation of performance funding.

2039 Section 41. Section 53F-9-203 is amended to read:

2040 **53F-9-203. Charter School Revolving Account.**

2041 (1) (a) The terms defined in Section 53G-5-102 apply to this section.

2042 (b) As used in this section, "account" means the Charter School Revolving Account.

2043 (2) (a) There is created within the Uniform School Fund a restricted account known as
 2044 the "Charter School Revolving Account" to provide assistance to charter schools to:

2045 (i) meet school building construction and renovation needs; and

2046 (ii) pay for expenses related to the start up of a new charter school or the expansion of
 2047 an existing charter school.

2048 (b) The state board, in consultation with the State Charter School Board, shall
 2049 administer the Charter School Revolving Account in accordance with rules adopted by the state
 2050 board.

2051 (3) The Charter School Revolving Account shall consist of:

2052 (a) money appropriated to the account by the Legislature;

2053 (b) money received from the repayment of loans made from the account; and

2054 (c) interest earned on money in the account.

2055 (4) The state superintendent shall make loans to charter schools from the account to
 2056 pay for the costs of:

2057 (a) planning expenses;

2058 (b) constructing or renovating charter school buildings;

2059 (c) equipment and supplies; or

2060 (d) other start-up or expansion expenses.

2061 (5) Loans to new charter schools or charter schools with urgent facility needs may be
 2062 given priority.

2063 (6) ~~(a)~~ The state board shall ~~[establish a committee to]:~~

2064 ~~[(i)]~~ (a) except as provided in Subsection (7)(a), review requests by charter schools for
 2065 loans under this section; and

2066 ~~[(ii)] make recommendations regarding approval or disapproval of the loan applications~~
 2067 ~~to the State Charter School Board and the state board.]~~

2068 (b) in consultation with the State Charter School Board, approve or reject each request.

2069 (7) (a) The state board may establish a committee to:

2070 (i) review requests under Subsection (6)(a); and

2071 (ii) make recommendations to the state board and the State Charter School Board
 2072 regarding the approval or rejection of a request.

2073 (b) (i) A committee established under Subsection ~~[(6)]~~ (7)(a) shall include individuals

2074 who have expertise or experience in finance, real estate, or charter school administration.

2075 (ii) Of the members appointed to a committee established under Subsection [~~(6)~~]

2076 (7)(a):

2077 (A) one member shall be nominated by the governor; and

2078 (B) the remaining members shall be selected from a list of nominees submitted by the
2079 State Charter School Board.

2080 (c) If the committee recommends approval of a loan application under Subsection [~~(6)~~]

2081 (7)(a)(ii), the committee's recommendation shall include:

2082 (i) the recommended amount of the loan;

2083 (ii) the payback schedule; and

2084 (iii) the interest rate to be charged.

2085 (d) A committee member may not:

2086 (i) be a relative, as defined in Section 53G-5-409, of a loan applicant; or

2087 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person
2088 or entity that contracts with a loan applicant.

2089 [~~(7)~~] (8) A loan under this section may not be made unless the state board, in
2090 consultation with the State Charter School Board, approves the loan.

2091 [~~(8)~~] (9) The term of a loan to a charter school under this section may not exceed five
2092 years.

2093 [~~(9)~~] (10) The state board may not approve loans to charter schools under this section
2094 that exceed a total of \$2,000,000 in any fiscal year.

2095 [~~(10)~~] (11) (a) On March 16, 2011, the assets of the Charter School Building
2096 Subaccount administered by the state board shall be deposited into the Charter School
2097 Revolving Account.

2098 (b) Beginning on March 16, 2011, loan payments for loans made from the Charter
2099 School Building Subaccount shall be deposited into the Charter School Revolving Account.

2100 Section 42. Section **54-10a-202** is amended to read:

2101 **54-10a-202. Committee of Consumer Services.**

2102 (1) (a) There is created within the office a committee known as the "Committee of
2103 Consumer Services."

2104 (b) A member of the committee shall maintain the member's principal residence within

2105 Utah.

2106 (2) (a) The governor shall appoint [~~nine~~] five members to the committee subject to
2107 Subsection (3).

2108 (b) Except as required by Subsection (2)(c), as terms of current committee members
2109 expire, the governor shall appoint a new member or reappointed member to a four-year term.

2110 (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the
2111 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2112 committee members are staggered so that approximately half of the committee is appointed
2113 every two years.

2114 (d) When a vacancy occurs in the membership for any reason, the governor shall
2115 appoint a replacement for the unexpired term.

2116 (3) Members of the committee shall represent the following geographic and consumer
2117 interests:

2118 [~~(a) one member shall be from Salt Lake City, Provo, or Ogden;~~]

2119 [~~(b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;~~]

2120 [~~(c) one member shall be from an unincorporated area of the state;~~]

2121 [~~(d)~~] (a) one member shall be [~~a low-income resident~~] an individual with experience
2122 and understanding of issues affecting low-income residents;

2123 [~~(e)~~] (b) one member shall be a retired person;

2124 [~~(f)~~] (c) one member shall be [~~a small commercial consumer~~] an individual with
2125 experience and understanding of issues affecting small commercial consumers;

2126 [~~(g)~~] (d) one member shall be a farmer or rancher who uses electric power to pump
2127 water in the member's farming or ranching operation; and

2128 [~~(h)~~] (e) one member shall be a residential consumer[~~;~~ and].

2129 [~~(i) one member shall be appointed to provide geographic diversity on the committee to~~
2130 ensure to the extent possible that all areas of the state are represented.]

2131 (4) (a) No more than [~~five~~] three members of the committee [~~shall~~] may be from the
2132 same political party.

2133 (b) Subject to Subsection (3), for a member of the committee appointed on or after
2134 May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or
2135 experience in:

- 2136 (i) public utility matters related to consumers;
- 2137 (ii) economics;
- 2138 (iii) accounting;
- 2139 (iv) financing;
- 2140 (v) engineering; or
- 2141 (vi) public utilities law.

2142 (5) The governor shall designate one member as chair of the committee.

2143 (6) A member may not receive compensation or benefits for the member's service, but
2144 may receive per diem and travel expenses in accordance with:

2145 (a) Section 63A-3-106;

2146 (b) Section 63A-3-107; and

2147 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2148 63A-3-107.

2149 (7) (a) The committee may hold monthly meetings.

2150 (b) The committee may hold other meetings, at the times and places the chair and a
2151 majority of the committee determine.

2152 (8) (a) [~~Five~~] Three members of the committee constitute a quorum of the committee.

2153 (b) A majority of members voting when a quorum is present constitutes an action of
2154 the committee.

2155 Section 43. Section 58-46a-102 is amended to read:

2156 **58-46a-102. Definitions.**

2157 In addition to the definitions in Section 58-1-102, as used in this chapter:

2158 [~~(1)~~] "~~Board~~" means the Hearing Instrument Specialist Licensing Board created in
2159 Section 58-46a-201.]

2160 [~~(2)~~] (1) "Direct supervision" means that the supervising hearing instrument specialist
2161 is present in the same facility as is the person being supervised and is available for immediate
2162 in person consultation.

2163 [~~(3)~~] (2) "Hearing instrument" or "hearing aid" means any device designed or offered to
2164 be worn on or by an individual to enhance human hearing, including the device's specialized
2165 parts, attachments, or accessories.

2166 [~~(4)~~] (3) "Hearing instrument intern" means a person licensed under this chapter who is

2167 obtaining education and experience in the practice of a hearing instrument specialist under the
2168 supervision of a supervising hearing instrument specialist.

2169 [(5)] (4) "Indirect supervision" means that the supervising hearing instrument specialist
2170 is not required to be present in the same facility as is the person being supervised, but is
2171 available for voice to voice contact by telephone, radio, or other means at the initiation of the
2172 person being supervised.

2173 [(6)] (5) "Practice of a hearing instrument specialist" means:

2174 (a) establishing a place of business to practice as a hearing instrument specialist;

2175 (b) testing the hearing of a human patient over the age of 17 for the sole purpose of
2176 determining whether a hearing loss will be sufficiently improved by the use of a hearing
2177 instrument to justify prescribing and selling the hearing instrument and whether that hearing
2178 instrument will be in the best interest of the patient;

2179 (c) providing the patient a written statement of prognosis regarding the need for or
2180 usefulness of a hearing instrument for the patient's condition;

2181 (d) prescribing an appropriate hearing instrument;

2182 (e) making impressions or earmolds for the fitting of a hearing instrument;

2183 (f) sale and professional placement of the hearing instrument on a patient;

2184 (g) evaluating the hearing loss overcome by the installation of the hearing instrument
2185 and evaluating the hearing recovery against the representations made to the patient by the
2186 hearing instrument specialist;

2187 (h) necessary intervention to produce satisfactory hearing recovery results from a
2188 hearing instrument; or

2189 (i) instructing the patient on the use and care of the hearing instrument.

2190 [(7)] (6) "Supervising hearing instrument specialist" means a hearing instrument
2191 specialist who:

2192 (a) is licensed by and in good standing with the division;

2193 (b) has practiced full-time as a hearing instrument specialist for not less than two years;

2194 and

2195 (c) is approved as a supervisor by the division [~~in collaboration with the board~~].

2196 [(8)] (7) "Unlawful conduct" means the same as that term is defined in Section

2197 58-1-501.

2198 [(9)] (8) "Unprofessional conduct" means the same as that term is defined in Sections
2199 58-1-501 and 58-46a-501.

2200 Section 44. Section 58-46a-302 is amended to read:

2201 **58-46a-302. Qualifications for licensure.**

2202 (1) Each applicant for licensure as a hearing instrument specialist shall:

2203 (a) submit to the division an application in a form prescribed by the division;

2204 (b) pay a fee as determined by the division pursuant to Section 63J-1-504;

2205 (c) be of good moral character;

2206 (d) have qualified for and currently hold board certification by the National Board for
2207 Certification - Hearing Instrument Sciences, or an equivalent certification approved by the
2208 division [~~in collaboration with the board~~];

2209 (e) have passed the Utah Law and Rules Examination for Hearing Instrument
2210 Specialists; and

2211 (f) if the applicant holds a hearing instrument intern license, surrender the hearing
2212 instrument intern license at the time of licensure as a hearing instrument specialist.

2213 (2) Each applicant for licensure as a hearing instrument intern shall:

2214 (a) submit to the division an application in a form prescribed by the division;

2215 (b) pay a fee as determined by the division pursuant to Section 63J-1-504;

2216 (c) be of good moral character;

2217 (d) have passed the Utah Law and Rules Examination for Hearing Instrument
2218 Specialists; and

2219 (e) present evidence acceptable to the division [~~and the board~~] that the applicant, when
2220 licensed, will practice as a hearing instrument intern only under the supervision of a
2221 supervising hearing instrument specialist in accordance with:

2222 (i) Section 58-46a-302.5; and

2223 (ii) the supervision requirements for obtaining board certification by the National
2224 Board for Certification - Hearing Instrument Sciences, or an equivalent certification approved
2225 by the division [~~in collaboration with the board~~].

2226 Section 45. Section 58-46a-302.5 is amended to read:

2227 **58-46a-302.5. Supervision requirements -- Hearing instrument interns.**

2228 (1) A hearing instrument intern shall practice as a hearing instrument intern only under

2229 the direct supervision of a licensed hearing instrument specialist, until the intern:

2230 (a) receives a passing score on a practical examination demonstrating acceptable skills
2231 in the area of hearing testing as approved by the division [~~in collaboration with the board~~]; and

2232 (b) completes the National Institute for Hearing instrument studies education and
2233 examination program, or an equivalent college level program as approved by the division [~~in~~
2234 ~~collaboration with the board~~].

2235 (2) Upon satisfaction of the direct supervision requirement of Subsection (1) the intern
2236 shall:

2237 (a) practice as a hearing instrument intern only under the indirect supervision of a
2238 licensed hearing instrument specialist; and

2239 (b) receive a passing score on the International Licensing Examination of the hearing
2240 instrument dispenser or other tests approved by the division prior to applying for licensure as a
2241 hearing instrument specialist.

2242 Section 46. Section **58-46a-303** is amended to read:

2243 **58-46a-303. Term of license -- Expiration -- Renewal of specialist license --**
2244 **Limitation on renewal of intern license.**

2245 (1) The division shall issue each license for a hearing instrument specialist in
2246 accordance with a two-year renewal cycle established by rule. The division may by rule extend
2247 or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

2248 (2) Each license as a hearing instrument intern shall be issued for a term of three years
2249 and may not be renewed.

2250 (3) At the time of renewal, the licensed hearing instrument specialist shall demonstrate
2251 satisfactory evidence of each of the following:

2252 (a) current certification by the National Board for Certification Hearing Instrument
2253 Sciences, or other acceptable certification approved by the division [~~in collaboration with the~~
2254 ~~board~~];

2255 (b) calibration of all appropriate technical instruments used in practice; and

2256 (c) completion of continuing professional education required in Section **58-46a-304**.

2257 (4) Each license automatically expires on the expiration date shown on the license
2258 unless renewed by the licensee in accordance with the provisions of Section **58-1-308**, or
2259 unless surrendered in accordance with the provisions of Section **58-1-306**.

2260 Section 47. Section **58-46a-501** is amended to read:

2261 **58-46a-501. Unprofessional conduct.**

2262 "Unprofessional conduct" includes:

2263 (1) testing the hearing of a patient for any purpose other than to determine whether a
2264 hearing loss will be improved by the use of a hearing instrument;

2265 (2) failing to make an appropriate referral to a qualified health care provider with
2266 respect to a condition detected in a patient examined by a licensee under this chapter if the
2267 condition is generally recognized in the profession as one that should be referred;

2268 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently
2269 improved to justify prescribing and selling of the hearing instrument;

2270 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect
2271 to practice under this chapter and specifically with respect to the benefits of a hearing
2272 instrument or the degree to which a hearing instrument will benefit a patient;

2273 (5) failing to exercise caution in providing a patient a prognosis to assure the patient is
2274 not led to expect results that cannot be accurately predicted;

2275 (6) failing to provide appropriate follow-up care and consultation with respect to a
2276 patient to whom a hearing instrument has been prescribed and sold upon being informed by the
2277 patient that the hearing instrument does not produce the results represented by the licensee;

2278 (7) failing to disclose in writing to the patient the charge for all services and hearing
2279 instruments prescribed and sold to a patient prior to providing the services or hearing
2280 instrument;

2281 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories,
2282 upon a determination by the division [~~in collaboration with the board~~] that the patient has not
2283 obtained the recovery of hearing represented by the licensee in writing prior to designation and
2284 sale of the hearing instrument;

2285 (9) paying any professional person any consideration of any kind for referral of a
2286 patient;

2287 (10) failing, when acting as a supervising hearing instrument specialist, to provide
2288 supervision and training in hearing instrument sciences in accordance with Section
2289 [58-46a-302.5](#);

2290 (11) engaging in the practice as a hearing instrument intern when not under the

2291 supervision of a supervising hearing instrument specialist in accordance with Section
2292 58-46a-302.5;

2293 (12) failing to describe the circuitry in any advertisement, presentation, purchase, or
2294 trial agreement as being either "digital" or "analog"; or other acceptable terms as determined by
2295 the division [~~in collaboration with the board~~];

2296 (13) failing to follow the guidelines or policies of the United States Federal Trade
2297 Commission in any advertisement;

2298 (14) failing to adhere to the rules and regulations prescribed by the United States Food
2299 and Drug Administration as they pertain to the hearing instrument specialist;

2300 (15) failing to maintain all equipment used in the practice of a hearing instrument
2301 specialist properly calibrated and in good working condition; and

2302 (16) failing to comply with any of the requirements set forth in Section 58-46a-502 or
2303 58-46a-503.

2304 Section 48. Section **58-46a-502** is amended to read:

2305 **58-46a-502. Additional requirements for practicing as a hearing instrument**
2306 **specialist.**

2307 A person engaging in the practice of a hearing instrument specialist shall:

2308 (1) have a regular place or places of business from which the person conducts business
2309 as a hearing instrument specialist and the place or places of business shall be represented to a
2310 patient and others with whom business is conducted by the street address at which the place of
2311 business is located;

2312 (2) include in all advertising or other representation the street address at which the
2313 business is located and the telephone number of the business at that street address;

2314 (3) provide as part of each transaction between a licensee and a patient related to
2315 testing for hearing loss and selling of a hearing instrument written documentation provided to
2316 the patient that includes:

2317 (a) identification of all services and products provided to the patient by the hearing
2318 instrument specialist and the charges for each service or product;

2319 (b) a statement whether any hearing instrument provided to a patient is "new," "used,"
2320 or "reconditioned" and the terms and conditions of any warranty or guarantee that applies to
2321 each instrument; and

2322 (c) the identity and license number of each hearing instrument specialist or hearing
2323 instrument intern who provided services or products to the patient;

2324 (4) before providing services or products to a patient:

2325 (a) advise the patient regarding services and products offered to the patient, including
2326 the expected results of the services and products;

2327 (b) inform each patient who is being offered a hearing instrument about hearing
2328 instruments that work with assistive listening systems that are compliant with the ADA
2329 Standards for Accessible Design adopted by the United States Department of Justice in
2330 accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.; and

2331 (c) obtain written informed consent from the patient regarding offered services,
2332 products, and the expected results of the services and products in a form approved by the
2333 division [~~in collaboration with the board~~];

2334 (5) refer all individuals under the age of 18 who seek testing of hearing to a physician
2335 or surgeon, osteopathic physician, physician assistant, or audiologist, licensed under the
2336 provisions of this title, and shall dispense a hearing aid to that individual only on prescription
2337 of a physician or surgeon, osteopathic physician, physician assistant, or audiologist;

2338 (6) obtain the patient's informed consent and agreement to purchase the hearing
2339 instrument based on that informed consent either by the hearing instrument specialist or the
2340 hearing instrument intern, before designating an appropriate hearing instrument; and

2341 (7) if a hearing instrument does not substantially enhance the patient's hearing
2342 consistent with the representations of the hearing instrument specialist at the time informed
2343 consent was given prior to the sale and fitting of the hearing instrument, provide:

2344 (a) necessary intervention to produce satisfactory hearing recovery results consistent
2345 with representations made; or

2346 (b) for the refund of fees paid by the patient for the hearing instrument to the hearing
2347 instrument specialist within a reasonable time after finding that the hearing instrument does not
2348 substantially enhance the patient's hearing.

2349 Section 49. Section **58-55-201** is amended to read:

2350 **58-55-201. Boards created -- Duties.**

2351 (1) There is created [a] the Plumbers Licensing Board[~~, an Alarm System Security and~~
2352 ~~Licensing Board, and an Electricians Licensing Board. Members of the boards shall be~~

2353 ~~selected to provide representation as follows: (a) The Plumbers Licensing Board consists]~~
 2354 consisting of five members as follows:

2355 ~~[(i)]~~ (a) two members shall be licensed from among the license classifications of
 2356 master or journeyman plumber;

2357 ~~[(ii)]~~ (b) two members shall be licensed plumbing contractors; and

2358 ~~[(iii)]~~ (c) one member shall be from the public at large with no history of involvement
 2359 in the construction trades.

2360 ~~[(b)-(i)]~~ (2) (a) ~~[The]~~ There is created the Alarm System Security and Licensing Board
 2361 ~~[consists]~~ consisting of five members as follows:

2362 ~~[(A)]~~ (i) three individuals who are officers or owners of a licensed alarm business;

2363 ~~[(B)]~~ (ii) one individual from among nominees of the Utah Peace Officers Association;
 2364 and

2365 ~~[(C)]~~ (iii) one individual representing the general public.

2366 ~~[(ii)]~~ (b) The Alarm System Security and Licensing Board shall designate one of its
 2367 members on a permanent or rotating basis to:

2368 ~~[(A)]~~ (i) assist the division in reviewing complaints concerning the unlawful or
 2369 unprofessional conduct of a licensee; and

2370 ~~[(B)]~~ (ii) advise the division in its investigation of these complaints.

2371 ~~[(iii)]~~ (c) A board member who has, under this Subsection ~~[(1)(b)(iii)]~~ (2)(c), reviewed
 2372 a complaint or advised in its investigation is disqualified from participating with the board
 2373 when the board serves as a presiding officer in an adjudicative proceeding concerning the
 2374 complaint.

2375 ~~[(e)]~~ (3) ~~[The]~~ There is created the Electricians Licensing Board ~~[consists]~~ consisting
 2376 of five members as follows:

2377 ~~[(i)]~~ (a) two members shall be licensed from among the license classifications of
 2378 master or journeyman electrician, of whom one shall represent a union organization and one
 2379 shall be selected having no union affiliation;

2380 ~~[(ii)]~~ (b) two shall be licensed electrical contractors of whom one shall represent a
 2381 union organization and one shall be selected having no union affiliation; and

2382 ~~[(iii)]~~ (c) one member shall be from the public at large with no history of involvement
 2383 in the construction trades or union affiliation.

2384 [(2)] (4) The duties, functions, and responsibilities of each board described in
 2385 Subsections (1) through (3) include the following:
 2386 (a) recommending to the commission appropriate rules;
 2387 (b) recommending to the commission policy and budgetary matters;
 2388 (c) approving and establishing a passing score for applicant examinations;
 2389 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and
 2390 relicensure;
 2391 (e) assisting the commission in establishing standards of supervision for students or
 2392 persons in training to become qualified to obtain a license in the occupation or profession [it]
 2393 the board represents; and
 2394 (f) acting as presiding officer in conducting hearings associated with the adjudicative
 2395 proceedings and in issuing recommended orders when so authorized by the commission.

2396 [(3)] (5) The division, in collaboration with the Plumbers Licensing Board and the
 2397 Electricians Licensing Board, shall provide a preliminary report on or before October 1, 2019,
 2398 and a final written report on or before June 1, 2020, to the Business and Labor Interim
 2399 Committee and the Occupational and Professional Licensure Review Committee that provides
 2400 recommendations for consistent educational and training standards for plumber and electrician
 2401 apprentice programs in the state, including recommendations for education and training
 2402 provided by all providers, including institutions of higher education and technical colleges.

2403 Section 50. Section **58-64-102** is amended to read:

2404 **58-64-102. Definitions.**

2405 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2406 [(1)] "~~Board~~" means the ~~Deception Detection Examiners Board~~ created in Section
 2407 **58-64-201**.]

2408 [(2)] (1) "Deception detection examination" means the use of an instrument, or
 2409 software application designed for detecting deception, on an individual for the purpose of
 2410 detecting whether that individual is engaged in deception.

2411 [(3)] (2) "Deception detection examination administrator" means an individual who
 2412 engages in or represents that the individual is engaged in:

2413 (a) conducting or administering a deception detection examination using a software
 2414 application designed for detecting deception without intervention from the examination

2415 administrator; or

2416 (b) the interpretation of deception detection examination results derived from a
2417 software application designed for detecting deception.

2418 [(4)] (3) "Deception detection examiner" means an individual who engages in or
2419 represents that the individual is engaged in conducting or performing deception detection
2420 examinations or in the interpretation of deception detection examinations.

2421 [(5)] (4) "Deception detection intern" means an individual who engages in deception
2422 detection examinations under the supervision and control of a deception detection examiner for
2423 the purpose of training and qualification as a deception detection examiner.

2424 [(6)] (5) "Instrument" means a polygraph, voice stress analyzer, ocular-motor test, or
2425 any other device or software application that records the examinee's cardiovascular patterns,
2426 respiratory patterns, galvanic skin response, cognitive response, eye behavior, memory recall,
2427 or other physiologic characteristics of the examinee for the purpose of monitoring factors
2428 relating to whether the examinee is truthful or engaged in deception.

2429 [(7)] (6) "Unlawful conduct" means the same as that term is defined in Sections
2430 58-1-501 and 58-64-501.

2431 [(8)] (7) "Unprofessional conduct" means the same as that term is defined in Sections
2432 58-1-501 and 58-64-502 and as may be further defined by rule.

2433 Section 51. Section 58-64-302 is amended to read:

2434 **58-64-302. Qualifications for licensure.**

2435 (1) Each applicant for licensure as a deception detection examiner:

2436 (a) shall submit an application in a form prescribed by the division;

2437 (b) shall pay a fee determined by the department under Section 63J-1-504;

2438 (c) shall be of good moral character in that the applicant has not been convicted of a
2439 felony, a misdemeanor involving moral turpitude, or any other crime which when considered
2440 with the duties and responsibilities of a deception detection examiner is considered by the
2441 division [~~and the board~~] to indicate that the best interests of the public will not be served by
2442 granting the applicant a license;

2443 (d) may not have been declared by any court of competent jurisdiction incompetent by
2444 reason of mental defect or disease and not been restored;

2445 (e) may not be currently suffering from habitual drunkenness or from drug addiction or

2446 dependence;

2447 (f) shall have completed one of the following:

2448 (i) have earned a bachelor's degree from a four year university or college meeting
2449 standards established by the division by rule [~~in collaboration with the board~~];

2450 (ii) have completed not less than 8,000 hours of investigation experience approved by
2451 the division [~~in collaboration with the board~~]; or

2452 (iii) have completed a combination of university or college education and investigation
2453 experience, as defined by rule by the division [~~in collaboration with the board~~] as being
2454 equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);

2455 (g) shall have successfully completed a training program in deception detection
2456 meeting criteria established by rule by the division [~~in collaboration with the board~~]; and

2457 (h) shall have performed satisfactorily as a licensed deception detection intern for a
2458 period of not less than one year and shall have satisfactorily conducted not less than 100
2459 deception detection examinations under the supervision of a licensed deception detection
2460 examiner.

2461 (2) Each applicant for licensure as a deception detection intern:

2462 (a) shall submit an application in a form prescribed by the division;

2463 (b) shall pay a fee determined by the department under Section [63J-1-504](#);

2464 (c) shall be of good moral character in that the applicant has not been convicted of a
2465 felony, a misdemeanor involving moral turpitude, or any other crime which when considered
2466 with the duties and responsibilities of a deception detection intern is considered by the division
2467 [~~and the board~~] to indicate that the best interests of the public will not be served by granting the
2468 applicant a license;

2469 (d) may not have been declared by any court of competent jurisdiction incompetent by
2470 reason of mental defect or disease and not been restored;

2471 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
2472 dependence;

2473 (f) shall have completed one of the following:

2474 (i) have earned a bachelor's degree from a four year university or college meeting
2475 standards established by the division by rule [~~in collaboration with the board~~];

2476 (ii) have completed not less than 8,000 hours of investigation experience approved by

2477 the division [~~in collaboration with the board~~]; or

2478 (iii) have completed a combination of university or college education and investigation
2479 experience, as defined by rule by the division [~~in collaboration with the board~~] as being
2480 equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);

2481 (g) shall have successfully completed a training program in deception deception
2482 meeting criteria established by rule by the division [~~in collaboration with the board~~]; and

2483 (h) shall provide the division with an intern supervision agreement in a form prescribed
2484 by the division under which:

2485 (i) a licensed deception detection examiner agrees to supervise the intern; and

2486 (ii) the applicant agrees to be supervised by that licensed deception detection examiner.

2487 (3) Each applicant for licensure as a deception detection examination administrator:

2488 (a) shall submit an application in a form prescribed by the division;

2489 (b) shall pay a fee determined by the department under Section [63J-1-504](#);

2490 (c) shall be of good moral character in that the applicant has not been convicted of a
2491 felony, a misdemeanor involving moral turpitude, or any other crime that when considered with
2492 the duties and responsibilities of a deception detection examination administrator is considered
2493 by the division [~~and the board~~] to indicate that the best interests of the public will not be served
2494 by granting the applicant a license;

2495 (d) may not have been declared by a court of competent jurisdiction incompetent by
2496 reason of mental defect or disease and not been restored;

2497 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
2498 dependence;

2499 (f) shall have earned an associate degree from a state-accredited university or college or
2500 have an equivalent number of years' work experience; and

2501 (g) shall have successfully completed a training program and have obtained
2502 certification in deception detection examination administration provided by the manufacturer
2503 of a scientific or technology-based software application solution that is approved by the
2504 director.

2505 (4) To determine if an applicant meets the qualifications of Subsection (1)(c), (2)(c), or
2506 (3)(c) the division shall provide an appropriate number of copies of fingerprint cards to the
2507 Department of Public Safety with the division's request to:

2508 (a) conduct a search of records of the Department of Public Safety for criminal history
2509 information relating to each applicant for licensure under this chapter; and

2510 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
2511 requiring a check of records of the F.B.I. for criminal history information under this section.

2512 (5) The Department of Public Safety shall send to the division:

2513 (a) a written record of criminal history, or certification of no criminal history record, as
2514 contained in the records of the Department of Public Safety in a timely manner after receipt of
2515 a fingerprint card from the division and a request for review of Department of Public Safety
2516 records; and

2517 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
2518 receipt of information from the F.B.I.

2519 (6) (a) The division shall charge each applicant a fee, in accordance with Section
2520 63J-1-504, equal to the cost of performing the records reviews under this section.

2521 (b) The division shall pay the Department of Public Safety the costs of all records
2522 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews
2523 under this chapter.

2524 (7) Information obtained by the division from the reviews of criminal history records of
2525 the Department of Public Safety and the F.B.I. shall be used or disseminated by the division
2526 only for the purpose of determining if an applicant for licensure under this chapter is qualified
2527 for licensure.

2528 Section 52. Section 58-64-502 is amended to read:

2529 **58-64-502. Unprofessional conduct.**

2530 "Unprofessional conduct" includes:

2531 (1) using any deception detection instrument that does not meet criteria and standards
2532 established by rule by the division [~~in collaboration with the board~~]; and

2533 (2) using any deception detection instrument that does not make a permanent recording
2534 as required under Section 58-64-601.

2535 Section 53. Section 58-64-601 is amended to read:

2536 **58-64-601. Deception detection instruments.**

2537 (1) Instruments or software applications used in performing deception detection
2538 examinations shall be those that are generally recognized in the profession or, if approved by

2539 the director, those with results published in peer-reviewed, scientific journals generally
2540 recognized by the scientific community.

2541 (2) An instrument or software application used for deception detection shall have a
2542 permanent recording or written report produced by the instrument or software application for
2543 objective analysis by the examiner~~[;]~~ or the division~~[; or the board]~~.

2544 (3) A written interpretation by an examiner while conducting a deception detection
2545 examination does not satisfy the requirements of a permanent recording.

2546 Section 54. Section **63A-9-101** is amended to read:

2547 **63A-9-101. Definitions.**

2548 (1) (a) "Agency" means each department, commission, board, council, agency,
2549 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
2550 unit, bureau, panel, or other administrative unit of the state.

2551 (b) "Agency" includes the State Board of Education and each higher education
2552 institution described in Section [53B-1-102](#).

2553 (c) "Agency" includes the legislative and judicial branches.

2554 ~~[(2) "Committee" means the Motor Vehicle Review Committee created by this~~
2555 ~~chapter.]~~

2556 ~~[(3)]~~ (2) "Director" means the director of the division.

2557 ~~[(4)]~~ (3) "Division" means the Division of Fleet Operations created by this chapter.

2558 ~~[(5)]~~ (4) "Executive director" means the executive director of the Department of
2559 Administrative Services.

2560 ~~[(6)]~~ (5) "Local agency" means:

2561 (a) a county;

2562 (b) a municipality;

2563 (c) a school district;

2564 (d) a local district;

2565 (e) a special service district;

2566 (f) an interlocal entity as defined under Section [11-13-103](#); or

2567 (g) any other political subdivision of the state, including a local commission, board, or
2568 other governmental entity that is vested with the authority to make decisions regarding the
2569 public's business.

2570 [7] (6) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying
2571 passengers.

2572 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation
2573 purposes.

2574 [8] (7) "State vehicle" means each motor vehicle owned, operated, or in the
2575 possession of an agency.

2576 Section 55. Section **63C-6-101** is amended to read:

2577 **63C-6-101. Creation of commission -- Membership -- Appointment -- Vacancies.**

2578 (1) There is created the Utah Seismic Safety Commission consisting of 15 members,
2579 designated as follows:

2580 (a) the director of the Division of Emergency Management or the director's designee;

2581 (b) the director of the Utah Geological Survey or the director's designee;

2582 (c) the director of the University of Utah Seismograph Stations or the director's
2583 designee;

2584 (d) the executive director of the Utah League of Cities and Towns or the executive
2585 director's designee;

2586 (e) a representative from the Structural Engineers Association of Utah biannually
2587 selected by its membership;

2588 (f) the director of the Division of Facilities Construction and Management or the
2589 director's designee;

2590 (g) the executive director of the Department of Transportation or the director's
2591 designee;

2592 (h) the State Planning Coordinator or the coordinator's designee;

2593 (i) a representative from the American Institute of Architects, Utah Section;

2594 (j) a representative from the American Society of Civil Engineers, Utah Section;

2595 [~~(k) a member of the House of Representatives appointed biannually by the speaker of~~
2596 ~~the House;~~]

2597 [~~(l) a member of the Senate appointed biannually by the president of the Senate;~~]

2598 (k) two individuals, appointed by the director of the Division of Emergency
2599 Management, from earthquake-related organizations that have an interest in reducing
2600 earthquake-related loss in the state;

2601 ~~[(m)]~~ (l) the commissioner of the Department of Insurance or the commissioner's
 2602 designee;

2603 ~~[(n)]~~ (m) a representative from the Association of Contingency Planners, Utah Chapter,
 2604 biannually selected by its membership; and

2605 ~~[(o)]~~ (n) a representative from the American Public Works Association, Utah Chapter,
 2606 biannually selected by its membership.

2607 (2) The commission shall annually select one of its members to serve as chair of the
 2608 commission.

2609 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
 2610 appointed for the unexpired term.

2611 Section 56. Section **63F-1-509** is amended to read:

2612 **63F-1-509. Statewide Global Positioning Reference Network created --**

2613 **Rulemaking authority.**

2614 (1) (a) There is created the Statewide Global Positioning Reference Network to
 2615 improve the quality of geographic information system data and the productivity, efficiency, and
 2616 cost-effectiveness of government services.

2617 (b) The network shall provide a system of permanently mounted, fully networked,
 2618 global positioning system base stations that will provide real time radio navigation and
 2619 establish a standard statewide coordinate reference system.

2620 (c) The center shall administer the network.

2621 ~~[(2)(a) There is created the Global Positioning Systems Advisory Committee to advise
 2622 the center on implementing and maintaining the network.]~~

2623 ~~[(b) The committee membership shall consist of:]~~

2624 ~~[(i) the center manager or the manager's designee;]~~

2625 ~~[(ii) a representative from the Department of Transportation created by Section
 2626 72-1-201 designated by the executive director appointed under Section 72-1-202;]~~

2627 ~~[(iii) the chief information officer or the chief information officer's designee;]~~

2628 ~~[(iv) a representative from the Utah Association of County Surveyors; and]~~

2629 ~~[(v) a representative from the Utah Council of Land Surveyors.]~~

2630 ~~[(c) The representative from the center shall be the chair of the committee.]~~

2631 ~~[(d) The committee shall meet upon the call of the chair or a majority of the committee~~

2632 members.]

2633 ~~[(e) The committee chair shall give reasonable notice to each member prior to any~~
2634 ~~meeting.]~~

2635 ~~[(f) Three members shall constitute a quorum for the transaction of business.]~~

2636 ~~[(g) The center shall provide staff support to the committee.]~~

2637 ~~[(h) Committee members who are state government employees shall receive no~~
2638 ~~additional compensation for their work on the committee.]~~

2639 ~~[(i) Committee members who are not state government employees shall receive no~~
2640 ~~compensation or expenses for their work on the committee.]~~

2641 ~~[(j) The committee shall recommend rules to the chief information officer for adoption~~
2642 ~~under Subsection (3).]~~

2643 ~~[(3)]~~ (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2644 Act, the chief information officer shall make~~[, in consultation with the committee,]~~ rules
2645 providing for operating policies and procedures for the network.

2646 (b) ~~[The rules]~~ When making rules under this section, the chief information officer
2647 shall consider:

2648 (i) network development that serves a public purpose;

2649 (ii) increased productivity and efficiency for state agencies; and

2650 (iii) costs and longevity of the network.

2651 Section 57. Section **63F-1-701** is amended to read:

2652 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**

2653 (1) As used in this part:

2654 (a) "Division" means the Division of Archives and Records Service of the Department
2655 of Administrative Services.

2656 (b) "Executive board" means the same as that term is defined in Section [67-1-2.5](#).

2657 ~~[(b)]~~ (c) "Public body" has the same meaning as provided under Section [52-4-103](#).

2658 ~~[(c)]~~ (d) "Public information" means a public body's public notices, minutes, audio
2659 recordings, and other materials that are required to be posted to the website under Title 52,
2660 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

2661 ~~[(d)]~~ (e) "Website" means the Utah Public Notice Website created under this section.

2662 (2) There is created the Utah Public Notice Website to be administered by the Division

2663 of Archives and Records Service.

2664 (3) The website shall consist of an Internet website provided to assist the public to find
2665 posted public information.

2666 (4) The division, with the technical assistance of the Department of Technology
2667 Services, shall create the website which shall:

2668 (a) allow a public body, or other certified entity, to easily post any public information,
2669 including the contact information required under Subsections [17B-1-303\(9\)](#) and
2670 [17D-1-106\(1\)\(b\)\(ii\)](#);

2671 (b) allow the public to easily search the public information by:

2672 (i) public body name;

2673 (ii) date of posting of the notice;

2674 (iii) date of any meeting or deadline included as part of the public information; and

2675 (iv) any other criteria approved by the division;

2676 (c) allow the public to easily search and view past, archived public information;

2677 (d) allow a person to subscribe to receive updates and notices associated with a public
2678 body or a particular type of public information;

2679 (e) be easily accessible by the public from the State of Utah home page;

2680 (f) have a unique and simplified website address;

2681 (g) be directly accessible via a link from the main page of the official state website; and

2682 (h) include other links, features, or functionality that will assist the public in obtaining

2683 and reviewing public information posted on the website, as may be approved by the division.

2684 (5) (a) The division and the governor's office shall coordinate to ensure that the
2685 website, the database described in Section [67-1-2.5](#), and the website described in Section
2686 [67-1-2.5](#) automatically share appropriate information in order to ensure that:

2687 (i) an individual who subscribes to receive information under Subsection (4)(d) for an
2688 executive board automatically receives notifications of vacancies on the executive board that
2689 will be publicly filled, including a link to information regarding how an individual may apply
2690 to fill the vacancy; and

2691 (ii) an individual who accesses an executive board's information on the website has
2692 access to the following through the website:

2693 (A) the executive board's information in the database; and

2694 (B) the portal described in Subsection 67-1-2.5(4)(b) through which an individual may
2695 provide input on an appointee to, or member of, the executive board.

2696 (b) The division and the governor's office shall comply with Subsection (5)(a) as soon
2697 as reasonably possible within existing funds appropriated to the division and the governor's
2698 office.

2699 (6) Before August 1 of each year, the division shall:

2700 (a) identify each executive board that did not submit to the website a notice of a public
2701 meeting during the previous fiscal year; and

2702 (b) report the name of each identified executive board to the governor's boards and
2703 commissions administrator for inclusion in the report described in Subsection 67-1-2.5(6).

2704 ~~[(5)]~~ (7) The division [shall be] is responsible for:

2705 (a) establishing and maintaining the website, including the provision of equipment,
2706 resources, and personnel as is necessary;

2707 (b) providing a mechanism for public bodies or other certified entities to have access to
2708 the website for the purpose of posting and modifying public information; and

2709 (c) maintaining an archive of all public information posted to the website.

2710 ~~[(6) The timing for posting and the content of the public information posted to the~~
2711 ~~website shall be the responsibility of the public body or other entity posting the public~~
2712 ~~information.]~~

2713 (8) A public body is responsible for the content the public body is required to post to
2714 the website and the timely posting of that information.

2715 Section 58. Section **63I-1-204** is amended to read:

2716 **63I-1-204. Repeal dates, Title 4.**

2717 (1) Section 4-2-108, which creates the Agricultural Advisory Board, is repealed July 1,
2718 2023.

2719 (2) Section 4-17-104, which creates the State Weed Committee, is repealed July 1,
2720 2021.

2721 (3) Section 4-20-103, which creates the State Grazing Advisory Board, is repealed July
2722 1, 2022.

2723 (4) Sections 4-23-104 and 4-23-105, which create the Agricultural and Wildlife
2724 Damage Prevention Board, are repealed July 1, 2024.

2725 (5) Section 4-24-104, which creates the Livestock Brand Board, is repealed July 1,
2726 2024.

2727 (6) Section 4-35-103, which creates the Decision and Action Committee, is repealed
2728 July 1, 2022.

2729 (7) Section 4-39-104, which creates the Domesticated Elk Act Advisory Council, is
2730 repealed July 1, 2023.

2731 (8) Subsection 4-41a-105(2)(e)(i), related to the Native American Legislative Liaison
2732 Committee, is repealed July 1, 2022.

2733 Section 59. Section **63I-1-207** is enacted to read:

2734 **63I-1-207. Repeal dates, Title 7.**

2735 (1) Section 7-1-203, which creates the Board of Financial Institutions, is repealed July
2736 1, 2021.

2737 (2) Section 7-3-40, which creates the Board of Bank Advisors, is repealed July 1, 2024.

2738 (3) Section 7-9-43, which creates the Board of Credit Union Advisors, is repealed July
2739 1, 2024.

2740 Section 60. Section **63I-1-209** is amended to read:

2741 **63I-1-209. Repeal dates, Title 9.**

2742 (1) Section 9-6-305, which creates the State of Utah Alice Merrill Horne Art
2743 Collection Committee, is repealed July 1, 2023.

2744 (2) Sections 9-6-604 and 9-6-605, which create the Museum Services Advisory Board,
2745 are repealed July 1, 2022.

2746 ~~[(+)]~~ (3) In relation to the Native American Legislative Liaison Committee, on July 1,
2747 2022:

2748 (a) Subsection 9-9-104.6(2)(a) is repealed;

2749 (b) Subsection 9-9-104.6(4)(a), the language that states "who is not a legislator" is
2750 repealed; and

2751 (c) Subsection 9-9-104.6(4)(b), related to compensation of legislative members, is
2752 repealed.

2753 ~~[(2) In relation to the American Indian and Alaska Native Education State Plan Pilot~~
2754 ~~Program, on July 1, 2022:]~~

2755 ~~[(a) Subsection 26-7-2.5(4), related to the American Indian-Alaskan Native Public~~

2756 Education Liaison, is repealed; and]
2757 [~~(b) Subsection 9-9-104.6(2)(d) is repealed.~~]
2758 (4) Section 9-9-405, which creates the Native American Remains Review Committee,
2759 is repealed July 1, 2025.
2760 (5) Title 9, Chapter 20, Utah Commission on Service and Volunteerism Act, is
2761 repealed July 1, 2023.
2762 Section 61. Section **63I-1-213** is amended to read:
2763 **63I-1-213. Repeal dates, Title 13.**
2764 (1) Section 13-32a-112, which creates the Pawnshop and Secondhand Merchandise
2765 Advisory Board, is repealed July 1, 2021.
2766 (2) Section 13-43-202, which creates the Land Use and Eminent Domain Advisory
2767 Board, is repealed July 1, 2023.
2768 Section 62. Section **63I-1-217** is amended to read:
2769 **63I-1-217. Repeal dates, Title 17.**
2770 (1) Subsection 17-16-21(2)(d) is repealed July 1, 2023.
2771 (2) Title 17, Chapter 21a, Part 3, Administration and Standards, which creates the Utah
2772 Electronic Recording Commission, is repealed July 1, 2021.
2773 Section 63. Section **63I-1-223** is amended to read:
2774 **63I-1-223. Repeal dates, Title 23.**
2775 (1) Subsection 23-13-12.5(2)(f)(i), related to the Native American Legislative Liaison
2776 Committee, is repealed July 1, 2022.
2777 (2) Section 23-14-2.5, which creates the Wildlife Board Nominating Committee, is
2778 repealed July 1, 2025.
2779 (3) Section 23-14-2.6, which creates regional advisory councils for the Wildlife Board,
2780 is repealed July 1, 2025.
2781 Section 64. Section **63I-1-226** is amended to read:
2782 **63I-1-226. Repeal dates, Title 26.**
2783 (1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory
2784 Committee, is repealed July 1, 2022.
2785 (2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed
2786 July 1, 2022.

- 2787 (3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
2788 1, 2022.
- 2789 [~~(1)~~] (4) Section 26-1-40 is repealed July 1, 2022.
- 2790 [~~(2)~~] (5) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
2791 July 1, 2025.
- 2792 (6) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
2793 is repealed July 1, 2024.
- 2794 [~~(3)~~] (7) Section 26-10-11 is repealed July 1, 2020.
- 2795 (8) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
2796 July 1, 2022.
- 2797 (9) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
2798 2024.
- 2799 [~~(4)~~] (10) Subsection 26-18-417(3) is repealed July 1, 2020.
- 2800 [~~(5)~~] (11) Subsection 26-18-418(2), the language that states "and the Mental Health
2801 Crisis Line Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 2802 [~~(6)~~] (12) Section 26-18-419.1 is repealed December 31, 2019.
- 2803 (13) Title 26, Chapter 18a, Kurt Oscarson Children's Organ Transplant Coordinating
2804 Committee, is repealed July 1, 2022.
- 2805 [~~(7)~~] (14) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
2806 2024.
- 2807 [~~(8)~~] (15) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
2808 2024.
- 2809 [~~(9)~~] (16) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
2810 repealed July 1, 2024.
- 2811 [~~(10)~~] (17) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
2812 1, 2024.
- 2813 (18) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
2814 Committee, is repealed July 1, 2022.
- 2815 (19) Section 26-40-104, which creates the Utah Children's Health Insurance Program
2816 Advisory Council, is repealed July 1, 2022.
- 2817 (20) Section 26-50-202, which creates the Traumatic Brain Injury Advisory

- 2818 Committee, is repealed July 1, 2021.
- 2819 ~~[(11)]~~ (21) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
- 2820 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2023.
- 2821 ~~[(12)]~~ (22) Subsection 26-61a-108(2)(e)(i), related to the Native American Legislative
- 2822 Liaison Committee, is repealed July 1, 2022.
- 2823 ~~[(13)]~~ (23) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is
- 2824 repealed July 1, 2026.
- 2825 (24) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,
- 2826 2025.
- 2827 Section 65. Section **63I-1-234** is amended to read:
- 2828 **63I-1-234. Repeal dates, Titles 34 and 34A.**
- 2829 (1) Subsection 34A-1-202(2)(c)(i), related to the Workers' Compensation Advisory
- 2830 Council, is repealed July 1, 2021.
- 2831 (2) Subsection 34A-1-202(2)(c)(iii), related to the Coal Miner Certification Panel, is
- 2832 repealed July 1, 2024.
- 2833 (3) Section 34A-2-107, which creates the Workers' Compensation Advisory Council, is
- 2834 repealed July 1, 2021.
- 2835 (4) Section 34A-2-202.5 is repealed December 31, 2020.
- 2836 Section 66. Section **63I-1-235** is amended to read:
- 2837 **63I-1-235. Repeal dates, Title 35A.**
- 2838 (1) Subsection 35A-1-109(4)(c), related to the Talent Ready Utah Board, is repealed
- 2839 January 1, 2023.
- 2840 (2) Subsection 35A-1-202(2)(d), related to the Child Care Advisory Committee, is
- 2841 repealed July 1, 2023.
- 2842 (3) Section 35A-3-205, which creates the Child Care Advisory Committee, is repealed
- 2843 July 1, 2023.
- 2844 ~~[(2)]~~ (4) Subsection 35A-4-312(5)(p), describing information that may be disclosed to
- 2845 the federal Wage and Hour Division, is repealed July 1, 2022.
- 2846 (5) Subsection 35A-4-502(5), which creates the Employment Advisory Council, is
- 2847 repealed July 1, 2022.
- 2848 ~~[(3)]~~ (6) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is

- 2849 repealed July 1, 2023.
- 2850 ~~[(4)]~~ (7) Section [35A-9-501](#) is repealed January 1, 2021.
- 2851 ~~[(5)]~~ (8) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed
- 2852 January 1, 2025.
- 2853 (9) Sections [35A-13-301](#) and [35A-13-302](#), which create the Governor's Committee on
- 2854 Employment of People with Disabilities, are repealed July 1, 2025.
- 2855 (10) Section [35A-13-303](#), which creates the State Rehabilitation Advisory Council, is
- 2856 repealed July 1, 2021.
- 2857 (11) Section [35A-13-404](#), which creates the advisory council for the Division of
- 2858 Services for the Blind and Visually Impaired, is repealed July 1, 2022.
- 2859 (12) Sections [35A-13-603](#) and [35A-13-604](#), which create the Interpreter Certification
- 2860 Board, are repealed July 1, 2021.
- 2861 Section 67. Section **63I-1-236** is amended to read:
- 2862 **63I-1-236. Repeal dates, Title 36.**
- 2863 (1) Title 36, Chapter 17, Legislative Process Committee, is repealed January 1, 2023.
- 2864 ~~[(2) Section [36-12-20](#) is repealed June 30, 2023.]~~
- 2865 ~~[(3)]~~ (2) Title 36, Chapter 22, Native American Legislative Liaison Committee, is
- 2866 repealed July 1, 2022.
- 2867 ~~[(4)]~~ (3) Title 36, Chapter 28, Veterans and Military Affairs Commission, is repealed
- 2868 January 1, 2025.
- 2869 ~~[(5)]~~ (4) Section [36-29-105](#) is repealed on December 31, 2020.
- 2870 ~~[(6)]~~ (5) Section [36-29-106](#) is repealed June 1, 2021.
- 2871 ~~[(7)]~~ (6) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight
- 2872 Committee, is repealed January 1, 2021.
- 2873 Section 68. Section **63I-1-240** is enacted to read:
- 2874 **63I-1-240. Repeal dates, Title 40.**
- 2875 Section [40-2-204](#), which creates the Coal Miner Certification Panel, is repealed July 1,
- 2876 2024.
- 2877 Section 69. Section **63I-1-241** is amended to read:
- 2878 **63I-1-241. Repeal dates, Title 41.**
- 2879 (1) Subsection [41-1a-1201](#)(9), related to the Spinal Cord and Brain Injury

2880 Rehabilitation Fund, is repealed January 1, 2023.

2881 (2) The following subsections addressing lane filtering are repealed on July 1, 2022:

2882 (a) Subsection [41-6a-102](#)(29);

2883 (b) Subsection [41-6a-704](#)(5); and

2884 (c) Subsection [41-6a-710](#)(1)(c).

2885 (3) Subsection [41-6a-1406](#)(6)(b)(iii), related to the Spinal Cord and Brain Injury

2886 Rehabilitation Fund, is repealed January 1, 2023.

2887 (4) Subsections [41-22-2](#)(1) and [41-22-10](#)(1)(a), which create the Off-highway Vehicle

2888 Advisory Council, are repealed July 1, 2025.

2889 [~~4~~] (5) Subsection [41-22-8](#)(3), related to the Spinal Cord and Brain Injury

2890 Rehabilitation Fund, is repealed January 1, 2023.

2891 Section 70. Section **63I-1-253** is amended to read:

2892 **63I-1-253. Repeal dates, Titles 53 through 53G.**

2893 [The following provisions are repealed on the following dates:]

2894 (1) Section [53-2a-105](#), which creates the Emergency Management Administration

2895 Council, is repealed July 1, 2021.

2896 (2) Sections [53-2a-1103](#) and [53-2a-1104](#), which create the Search and Rescue Advisory

2897 Board, are repealed July 1, 2023.

2898 (3) Section [53-5-703](#), which creates the Concealed Firearm Review Board, is repealed

2899 July 1, 2021.

2900 [~~1~~] (4) Subsection [53-6-203](#)(1)(b)(ii), regarding being 19 years old at certification, is

2901 repealed July 1, 2022.

2902 [~~2~~] (5) Subsection [53-13-104](#)(6), regarding being 19 years old at certification, is

2903 repealed July 1, 2022.

2904 (6) Section [53B-6-105.5](#), which creates the Technology Initiative Advisory Board, is

2905 repealed July 1, 2024.

2906 [~~3~~] (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

2907 (8) Section [53B-17-1203](#), which creates the SafeUT and School Safety Commission, is

2908 repealed January 1, 2023.

2909 [~~4~~] (9) Section [53B-18-1501](#) is repealed July 1, 2021.

2910 [~~5~~] (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1,

2911 2028.

2912 ~~[(6)]~~ (11) Section [53B-24-402](#), Rural residency training program, is repealed July 1,

2913 2020.

2914 ~~[(7)]~~ (12) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of

2915 money from the Land Exchange Distribution Account to the Geological Survey for test wells,

2916 other hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1,

2917 2020.

2918 (13) Title 53D, Chapter 1, Part 5, Nominating Committee, which creates the School

2919 and Institutional Trust Fund Nominating Committee, is repealed July 1, 2022.

2920 ~~[(8)]~~ (14) Section [53E-3-515](#) is repealed January 1, 2023.

2921 ~~[(9)]~~ (15) In relation to a standards review committee, on January 1, 2023:

2922 (a) in Subsection [53E-4-202](#)(8), the language ~~[that states]~~ "by a standards review

2923 committee and the recommendations of a standards review committee established under

2924 Section [53E-4-203](#)" is repealed; and

2925 (b) Section [53E-4-203](#) is repealed.

2926 ~~[(10) In relation to the SafeUT and School Safety Commission, on January 1, 2023:]~~

2927 ~~[(a) Subsection [53B-17-1201](#)(1) is repealed;]~~

2928 ~~[(b) Section [53B-17-1203](#) is repealed;]~~

2929 ~~[(c) Subsection [53B-17-1204](#)(2) is repealed;]~~

2930 ~~[(d) Subsection [53B-17-1204](#)(4)(a), the language that states "in accordance with the~~

2931 ~~method described in Subsection (4)(c)" is repealed; and]~~

2932 ~~[(e) Subsection [53B-17-1204](#)(4)(c) is repealed.]~~

2933 (16) Subsections [53E-3-503](#)(5) and (6), which create coordinating councils for youth in

2934 custody, are repealed July 1, 2024.

2935 (17) Section [53E-4-402](#), which creates the State Instructional Materials Commission, is

2936 repealed July 1, 2022.

2937 (18) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is

2938 repealed July 1, 2023.

2939 (19) Subsection [53E-8-204](#)(4), which creates the advisory council for the Utah Schools

2940 for the Deaf and the Blind, is repealed July 1, 2021.

2941 ~~[(H)]~~ (20) Section [53F-2-514](#) is repealed July 1, 2020.

- 2942 [~~(12)~~] (21) Section [53F-5-203](#) is repealed July 1, 2024.
- 2943 [~~(13)~~] (22) Section [53F-5-212](#) is repealed July 1, 2024.
- 2944 [~~(14)~~] (23) Section [53F-5-213](#) is repealed July 1, 2023.
- 2945 [~~(15)~~] (24) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native
2946 Education State Plan Pilot Program, is repealed July 1, 2022.
- 2947 [~~(16)~~] (25) Section [53F-6-201](#) is repealed July 1, 2019.
- 2948 (26) Subsection [53F-9-203\(7\)](#), which creates the Charter School Revolving Account
2949 Committee, is repealed July 1, 2022.
- 2950 [~~(17)~~] (27) Section [53F-9-501](#) is repealed January 1, 2023.
- 2951 [~~(18)~~] (28) Subsections [53G-4-608\(2\)\(b\)](#) and (4)(b), related to the Utah Seismic Safety
2952 Commission, are repealed January 1, 2025.
- 2953 [~~(19)~~] (29) Subsection [53G-8-211\(4\)](#), regarding referrals of a minor to court for a class
2954 C misdemeanor, is repealed July 1, 2020.
- 2955 Section 71. Section **63I-1-254** is amended to read:
- 2956 **63I-1-254. Repeal dates, Title 54.**
- 2957 (1) Section [54-10a-202](#), which creates the Committee of Consumer Services, is
2958 repealed July 1, 2025.
- 2959 (2) Title 54, Chapter 15, Net Metering of Electricity, is repealed January 1, 2036.
- 2960 Section 72. Section **63I-1-258** is amended to read:
- 2961 **63I-1-258. Repeal dates, Title 58.**
- 2962 (1) Section [58-3a-201](#), which creates the Architects Licensing Board, is repealed July
2963 1, 2023.
- 2964 [~~(1)~~] (2) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
2965 repealed July 1, 2026.
- 2966 [~~(2)~~] (3) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1,
2967 2025.
- 2968 [~~(3)~~] (4) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1,
2969 2028.
- 2970 [~~(4)~~] (5) Section [58-37-4.3](#) is repealed January 1, 2020.
- 2971 [~~(5)~~] (6) Subsection [58-37-6\(7\)\(f\)\(iii\)](#) is repealed July 1, 2022, and the Office of
2972 Legislative Research and General Counsel is authorized to renumber the remaining subsections

2973 accordingly.

2974 [~~(6)~~] (7) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1,
2975 2023.

2976 [~~(7)~~] (8) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing
2977 Act, is repealed July 1, 2029.

2978 [~~(8)~~] (9) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1,
2979 2025.

2980 [~~(9)~~] (10) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is
2981 repealed July 1, 2023.

2982 [~~(10)~~] (11) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1,
2983 2024.

2984 (12) Subsection 58-55-201(2), which creates the Alarm System and Security Licensing
2985 Advisory Board, is repealed July 1, 2021.

2986 [~~(11)~~] (13) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed
2987 July 1, 2026.

2988 [~~(12)~~] (14) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

2989 [~~(13)~~] (15) Title 58, Chapter 86, State Certification of Commercial Interior Designers
2990 Act, is repealed July 1, 2021.

2991 [~~(14)~~] (16) The following sections are repealed on July 1, 2022:

2992 (a) Section 58-5a-502;

2993 (b) Section 58-31b-502.5;

2994 (c) Section 58-67-502.5;

2995 (d) Section 58-68-502.5; and

2996 (e) Section 58-69-502.5.

2997 Section 73. Section **63I-1-261** is amended to read:

2998 **63I-1-261. Repeal dates, Title 61.**

2999 Section 61-2c-104, which creates the Residential Mortgage Regulatory Commission, is
3000 repealed July 1, 2021.

3001 Section 74. Section **63I-1-262** is amended to read:

3002 **63I-1-262. Repeal dates, Title 62A.**

3003 (1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.

- 3004 (2) Section [62A-3-209](#) is repealed July 1, 2023.
- 3005 (3) Section [62A-4a-202.9](#) is repealed December 31, 2021.
- 3006 (4) Section [62A-4a-213](#) is repealed July 1, 2024.
- 3007 (5) Sections [62A-5a-101](#), [62A-5a-102](#), [62A-5a-103](#), and [62A-5a-104](#), which create the
- 3008 Coordination Council for Persons with Disabilities, are repealed July 1, 2022.
- 3009 [~~(5)~~] (6) Section [62A-15-114](#) is repealed December 31, 2021.
- 3010 [~~(6)~~] (7) Subsections [62A-15-116](#)(1) and (4), the language that states "In consultation
- 3011 with the SafeUT and School Safety Commission, established in Section [53B-17-1203](#)," is
- 3012 repealed January 1, 2023.
- 3013 (8) Section [62A-15-605](#), which creates the Forensic Mental Health Coordinating
- 3014 Council, is repealed July 1, 2024.
- 3015 [~~(7)~~] (9) Subsections [62A-15-1100](#)(1) and [62A-15-1101](#)(8), in relation to the Utah
- 3016 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.
- 3017 [~~(8)~~] (10) In relation to the Mental Health Crisis Line Commission, on July 1, 2023:
- 3018 (a) Subsections [62A-15-1301](#)(1) and [62A-15-1401](#)(1) are repealed;
- 3019 (b) Subsection [62A-15-1302](#)(1)(b), the language that states "in consultation with the
- 3020 commission" is repealed;
- 3021 (c) Section [62A-15-1303](#), the language that states "In consultation with the
- 3022 commission," is repealed; and
- 3023 (d) Subsection [62A-15-1402](#)(2)(a), the language that states "With recommendations
- 3024 from the commission," is repealed.
- 3025 Section 75. Section **63I-1-263** is amended to read:
- 3026 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 3027 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 3028 (a) Subsection [63A-1-201](#)(1) is repealed;
- 3029 (b) Subsection [63A-1-202](#)(2)(c), the language [~~that states~~] "using criteria established by
- 3030 the board" is repealed;
- 3031 (c) Section [63A-1-203](#) is repealed;
- 3032 (d) Subsections [63A-1-204](#)(1) and (2), the language [~~that states~~] "After consultation
- 3033 with the board, and" is repealed; and
- 3034 (e) Subsection [63A-1-204](#)(1)(b), the language [~~that states~~] "using the standards

- 3035 provided in Subsection [63A-1-203\(3\)\(c\)](#)" is repealed.
- 3036 (2) Subsection [63A-5-228\(2\)\(h\)](#), relating to prioritizing and allocating capital
3037 improvement funding, is repealed on July 1, 2024.
- 3038 (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2023.
- 3039 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
3040 1, 2028.
- 3041 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
3042 2025.
- 3043 (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
3044 2025.
- 3045 [~~6~~] Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
3046 2020.]
- 3047 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
3048 repealed July 1, 2021.
- 3049 (8) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
3050 2023.
- 3051 (9) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1, 2023.
- 3052 (10) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
3053 Advisory Board, is repealed July 1, 2023.
- 3054 [~~9~~] (11) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
3055 July 1, 2025.
- 3056 [~~10~~] (12) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
3057 July 1, 2020.
- 3058 [~~11~~] (13) In relation to the State Fair Corporation Board of Directors, on January 1,
3059 2025:
- 3060 (a) Subsection [63H-6-104\(2\)\(c\)](#), related to a Senate appointment, is repealed;
- 3061 (b) Subsection [63H-6-104\(2\)\(d\)](#), related to a House appointment, is repealed;
- 3062 (c) in Subsection [63H-6-104\(2\)\(e\)](#), the language that states ", of whom only one may
3063 be a legislator, in accordance with Subsection (3)(e)," is repealed;
- 3064 (d) Subsection [63H-6-104\(3\)\(a\)\(i\)](#) is amended to read:
- 3065 "(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under

3066 Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the
3067 year that the board member was appointed.";

3068 (e) in Subsections ~~63H-6-104~~(3)(a)(ii), (c)(ii), and (d), the language that states "the
3069 president of the Senate, the speaker of the House, the governor," is repealed and replaced with
3070 "the governor"; and

3071 (f) Subsection ~~63H-6-104~~(3)(e), related to limits on the number of legislators, is
3072 repealed.

3073 ~~[(12)]~~ (14) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
3074 2026.

3075 ~~[(13) Section 63M-7-212 is repealed on December 31, 2019.]~~

3076 ~~[(14) On July 1, 2025:]~~

3077 ~~[(a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
3078 Development Coordinating Committee," is repealed;]~~

3079 ~~[(b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
3080 sites for the transplant of species to local government officials having jurisdiction over areas
3081 that may be affected by a transplant.";~~

3082 ~~[(c) in Subsection 23-14-21(3), the language that states "and the Resource
3083 Development Coordinating Committee" is repealed;]~~

3084 ~~[(d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
3085 Coordinating Committee created in Section 63J-4-501 and" is repealed;]~~

3086 ~~[(e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
3087 Coordinating Committee and" is repealed;]~~

3088 ~~[(f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
3089 accordingly;]~~

3090 ~~[(g) Subsections 63J-4-401(5)(a) and (c) are repealed;]~~

3091 ~~[(h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
3092 word "and" is inserted immediately after the semicolon;]~~

3093 ~~[(i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);]~~

3094 ~~[(j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
3095 and]~~

3096 ~~[(k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are~~

3097 ~~renumbered accordingly.]~~

3098 (15) Subsection [63J-1-602.1](#)(13), Nurse Home Visiting Restricted Account is repealed
3099 July 1, 2026.

3100 (16) Subsection [63J-1-602.2](#)(4), referring to dedicated credits to the Utah Marriage
3101 Commission, is repealed July 1, 2023.

3102 (17) Subsection [63J-1-602.2](#)(5), referring to the Trip Reduction Program, is repealed
3103 July 1, 2022.

3104 (18) (a) Subsection [63J-1-602.1](#)(53), relating to the Utah Statewide Radio System
3105 Restricted Account, is repealed July 1, 2022.

3106 (b) When repealing Subsection [63J-1-602.1](#)(53), the Office of Legislative Research and
3107 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
3108 necessary changes to subsection numbering and cross references.

3109 (19) Subsection [63J-1-602.2](#)~~[(23)]~~(24), related to the Utah Seismic Safety
3110 Commission, is repealed January 1, 2025.

3111 (20) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
3112 repealed July 1, 2025.

3113 (21) Subsection [63J-4-608](#)(3), which creates the Federal Land Application Advisory
3114 Committee, is repealed on July 1, 2023.

3115 ~~[(20)]~~ (22) Subsection [63J-4-708](#)(1), in relation to the Talent Ready Utah Board, on
3116 January 1, 2023, is amended to read:

3117 "(1) On or before October 1, the board shall provide an annual written report to the
3118 Social Services Appropriations Subcommittee and the Economic Development and Workforce
3119 Services Interim Committee."

3120 ~~[(21)]~~ (23) In relation to the Utah Substance Use and Mental Health Advisory Council,
3121 on January 1, 2023:

3122 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
3123 repealed;

3124 (b) Section [63M-7-305](#), the language that states "council" is replaced with
3125 "commission";

3126 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:

3127 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

3128 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:
3129 "(2) The commission shall:
3130 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
3131 Drug-Related Offenses Reform Act; and
3132 (b) coordinate the implementation of Section [77-18-1.1](#) and related provisions in
3133 Subsections [77-18-1](#)(5)(b)(iii) and (iv).".
3134 [~~(22)~~] [\(24\)](#) The Crime Victim Reparations and Assistance Board, created in Section
3135 [63M-7-504](#), is repealed July 1, 2027.
3136 [\(25\)](#) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
3137 [1, 2025](#).
3138 [\(26\)](#) Section [63M-10-202](#), which creates Serious Habitual Offender Comprehensive
3139 Action Program oversight committees, is repealed July 1, 2024.
3140 [~~(23)~~] [\(27\)](#) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
3141 2021.
3142 [~~(24)~~] [\(28\)](#) Subsection [63N-1-301](#)(4)(c), related to the Talent Ready Utah Board, is
3143 repealed on January 1, 2023.
3144 [\(29\)](#) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
3145 Council, is repealed July 1, 2021.
3146 [~~(25)~~] [\(30\)](#) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
3147 [~~(26)~~] [\(31\)](#) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,
3148 is repealed January 1, 2021.
3149 (b) Subject to Subsection [~~(26)~~] [\(31\)](#)(c), Sections [59-7-610](#) and [59-10-1007](#) regarding
3150 tax credits for certain persons in recycling market development zones, are repealed for taxable
3151 years beginning on or after January 1, 2021.
3152 (c) A person may not claim a tax credit under Section [59-7-610](#) or [59-10-1007](#):
3153 (i) for the purchase price of machinery or equipment described in Section [59-7-610](#) or
3154 [59-10-1007](#), if the machinery or equipment is purchased on or after January 1, 2021; or
3155 (ii) for an expenditure described in Subsection [59-7-610](#)(1)(b) or [59-10-1007](#)(1)(b), if
3156 the expenditure is made on or after January 1, 2021.
3157 (d) Notwithstanding Subsections [~~(26)~~] [\(31\)](#)(b) and (c), a person may carry forward a
3158 tax credit in accordance with Section [59-7-610](#) or [59-10-1007](#) if:

- 3159 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and
3160 (ii) (A) for the purchase price of machinery or equipment described in Section
3161 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
3162 2020; or
3163 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
3164 expenditure is made on or before December 31, 2020.
- 3165 ~~[(27)]~~ (32) Section 63N-2-512 is repealed on July 1, 2021.
3166 ~~[(28)]~~ (33) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
3167 January 1, 2021.
3168 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
3169 calendar years beginning on or after January 1, 2021.
3170 (c) Notwithstanding Subsection ~~[(28)]~~ (33)(b), an entity may carry forward a tax credit
3171 in accordance with Section 59-9-107 if:
3172 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
3173 31, 2020; and
3174 (ii) the qualified equity investment that is the basis of the tax credit is certified under
3175 Section 63N-2-603 on or before December 31, 2023.
- 3176 ~~[(29)]~~ (34) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1,
3177 2023.
3178 ~~[(30)]~~ (35) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
3179 repealed July 1, 2023.
3180 (36) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,
3181 2025.
3182 ~~[(31)]~~ (37) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
3183 Program, is repealed January 1, 2023.
3184 ~~[(32)]~~ (38) In relation to the Pete Suazo Utah Athletic Commission, on January 1,
3185 2021:
3186 (a) Subsection 63N-10-201(2)(a) is amended to read:
3187 "(2) (a) The governor shall appoint five commission members with the advice and
3188 consent of the Senate."
3189 (b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;

3190 (c) in Subsection [63N-10-201\(3\)\(a\)](#), the language [~~that states~~] ", president, or speaker,
3191 respectively," is repealed; and

3192 (d) Subsection [63N-10-201\(3\)\(d\)](#) is amended to read:

3193 "(d) The governor may remove a commission member for any reason and replace the
3194 commission member in accordance with this section."

3195 [~~(33) In relation to the Talent Ready Utah Board, on January 1, 2023:]~~

3196 [~~(a) Subsection [9-22-102\(16\)](#) is repealed;~~]

3197 [~~(b) in Subsection [9-22-114\(2\)](#), the language that states "Talent Ready Utah," is
3198 repealed; and]~~

3199 [~~(c) in Subsection [9-22-114\(5\)](#), the language that states "representatives of Talent
3200 Ready Utah," is repealed.]~~

3201 [~~(34)~~] (39) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed
3202 January 1, 2023.

3203 Section 76. Section **63I-1-265** is enacted to read:

3204 **63I-1-265. Repeal dates, Title 65A.**

3205 Section [65A-8-306](#), which creates the Heritage Trees Advisory Committee, is repealed
3206 July 1, 2025.

3207 Section 77. Section **63I-1-267** is amended to read:

3208 **63I-1-267. Repeal dates, Title 67.**

3209 (1) Section [67-1-15](#) is repealed December 31, 2027.

3210 (2) Section [67-3-11](#) is repealed July 1, 2024.

3211 (3) Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, 2024.

3212 (4) Section [67-5b-105](#), which creates local advisory boards for the Children's Justice
3213 Center Program, is repealed July 1, 2021.

3214 Section 78. Section **63I-1-272** is amended to read:

3215 **63I-1-272. Repeal dates, Title 72.**

3216 (1) Subsection [72-2-121\(9\)](#), which creates transportation advisory committees, is
3217 repealed July 1, 2025.

3218 (2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January
3219 2, 2025.

3220 Section 79. Section **63I-1-273** is amended to read:

3221 **63I-1-273. Repeal dates, Title 73.**

3222 (1) In relation to the Legislative Water Development Commission, on January 1, 2021:

3223 [~~(1)~~] (a) in Subsection 73-10g-105(3), the language that states "and in consultation
3224 with the State Water Development Commission created in Section 73-27-102" is repealed; and

3225 [~~(2)~~] (b) Subsection 73-10g-203(4)(a) is repealed[~~; and~~].

3226 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,

3227 2025.

3228 (3) Section 73-18-3.5, which creates the Boating Advisory Council, is repealed July 1,

3229 2021.

3230 [~~(3)~~] (4) Title 73, Chapter 27, State Water Development Commission, is repealed

3231 January 1, 2021.

3232 (5) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,

3233 2023.

3234 Section 80. Section **63I-1-278** is amended to read:

3235 **63I-1-278. Repeal dates, Title 78A and Title 78B.**

3236 (1) Section 78B-3-421, regarding medical malpractice arbitration agreements, is
3237 repealed July 1, 2029.

3238 (2) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,

3239 2026.

3240 (3) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child

3241 Support Guidelines Advisory Committee, is repealed July 1, 2021.

3242 Section 81. Section **63I-1-279** is enacted to read:

3243 **63I-1-279. Repeal dates, Title 79.**

3244 (1) Subsection 79-2-201(2)(n), related to the Heritage Trees Advisory Committee, is
3245 repealed July 1, 2025.

3246 (2) Subsection 79-2-201(2)(o), related to the Recreational Trails Advisory Council, is
3247 repealed July 1, 2024.

3248 (3) Subsection 79-2-201(2)(p), related to the Boating Advisory Council, is repealed

3249 July 1, 2021.

3250 (4) Subsection 79-2-201(2)(q), related to the Wildlife Board Nominating Committee, is
3251 repealed July 1, 2025.

- 3252 (5) Subsection 79-2-201(2)(r), related to regional advisory councils for the Wildlife
3253 Board, is repealed July 1, 2025.
- 3254 (6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational Trails
3255 Advisory Council, is repealed July 1, 2024.
- 3256 Section 82. Section **63I-2-226** is amended to read:
3257 **63I-2-226. Repeal dates, Title 26.**
- 3258 (1) Subsection 26-1-7(1)(c), in relation to the Air Ambulance Committee, is repealed
3259 July 1, 2024.
- 3260 ~~[(1)]~~ (2) Subsection 26-7-8(3) is repealed January 1, 2027.
- 3261 ~~[(2)]~~ (3) Section 26-8a-107 is repealed July 1, 2024.
- 3262 ~~[(3)]~~ (4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.
- 3263 (5) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
3264 26-8a-602(1)(a) is amended to read:
- 3265 "(a) provide the patient or the patient's representative with the following information
3266 before contacting an air medical transport provider:
- 3267 (i) which health insurers in the state the air medical transport provider contracts with;
3268 (ii) if sufficient data is available, the average charge for air medical transport services
3269 for a patient who is uninsured or out of network; and
- 3270 (iii) whether the air medical transport provider balance bills a patient for any charge
3271 not paid by the patient's health insurer; and".
- 3272 ~~[(4)]~~ (6) Subsection 26-18-2.3(5) is repealed January 1, 2020.
- 3273 ~~[(5)]~~ (7) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.
- 3274 ~~[(6)]~~ (8) Subsection 26-18-411(8), related to reporting on the health coverage
3275 improvement program, is repealed January 1, 2023.
- 3276 ~~[(7)]~~ (9) Subsection 26-18-604(2) is repealed January 1, 2020.
- 3277 ~~[(8)]~~ (10) Subsection 26-21-28(2)(b) is repealed January 1, 2021.
- 3278 (11) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
3279 26-21-32(1)(a) is amended to read:
- 3280 "(a) provide the patient or the patient's representative with the following information
3281 before contacting an air medical transport provider:
- 3282 (i) which health insurers in the state the air medical transport provider contracts with;

3283 (ii) if sufficient data is available, the average charge for air medical transport services
 3284 for a patient who is uninsured or out of network; and

3285 (iii) whether the air medical transport provider balance bills a patient for any charge
 3286 not paid by the patient's health insurer; and".

3287 [~~9~~] (12) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

3288 [~~10~~] (13) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.

3289 [~~11~~] (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
 3290 Program, is repealed July 1, 2027.

3291 [~~12~~] Subsection 26-50-202(7)(b) is repealed January 1, 2020.]

3292 [~~13~~] (15) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed January 1, 2020.

3293 [~~14~~] (16) Subsection 26-55-107(8) is repealed January 1, 2021.

3294 [~~15~~] (17) Subsection 26-56-103(9)(d) is repealed January 1, 2020.

3295 [~~16~~] (18) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.

3296 [~~17~~] (19) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

3297 [~~18~~] (20) Subsection 26-61-202(5) is repealed January 1, 2022.

3298 Section 83. Section **63I-2-253** is amended to read:

3299 **63I-2-253. Repeal dates, Titles 53 through 53G.**

3300 (1) (a) Subsections 53B-2a-103(2) and (4), regarding the composition of the UTech
 3301 Board of Trustees and the transition to that composition, are repealed July 1, 2019.

3302 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative
 3303 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),
 3304 make necessary changes to subsection numbering and cross references.

3305 (2) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a
 3306 technical college board of directors, is repealed July 1, 2022.

3307 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and
 3308 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make
 3309 necessary changes to subsection numbering and cross references.

3310 (3) Section 53B-6-105.7 [is] and Subsection 63I-1-253(8)(b), related to the Technology
 3311 Initiative Advisory Board, are repealed July 1, 2024.

3312 (4) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided
 3313 in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

3314 (b) Subsection [53B-7-705\(6\)\(b\)\(ii\)\(B\)](#), regarding comparing a technical college's
3315 change in performance with the technical college's average performance, is repealed July 1,
3316 2021.

3317 (5) (a) Subsection [53B-7-707\(3\)\(a\)\(ii\)](#), the language that states "Except as provided in
3318 Subsection (3)(b)," is repealed July 1, 2021.

3319 (b) Subsection [53B-7-707\(3\)\(b\)](#), regarding performance data of a technical college
3320 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

3321 (6) Section [53B-8-112](#) is repealed July 1, 2024.

3322 (7) Section [53B-8-114](#) is repealed July 1, 2024.

3323 (8) (a) The following sections, regarding the Regents' scholarship program, are
3324 repealed on July 1, 2023:

3325 (i) Section [53B-8-202](#);

3326 (ii) Section [53B-8-203](#);

3327 (iii) Section [53B-8-204](#); and

3328 (iv) Section [53B-8-205](#).

3329 (b) (i) Subsection [53B-8-201\(2\)](#), regarding the Regents' scholarship program for
3330 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

3331 (ii) When repealing Subsection [53B-8-201\(2\)](#), the Office of Legislative Research and
3332 General Counsel shall, in addition to its authority under Subsection [36-12-12\(3\)](#), make
3333 necessary changes to subsection numbering and cross references.

3334 (9) Section [53B-10-101](#) is repealed on July 1, 2027.

3335 (10) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
3336 repealed July 1, 2023.

3337 (11) Section [53E-3-519](#) regarding school counselor services is repealed July 1, 2020.

3338 (12) Section [53E-3-520](#) is repealed July 1, 2021.

3339 (13) Subsection [53E-5-306\(3\)\(b\)\(ii\)\(B\)](#), related to improving school performance and
3340 continued funding relating to the School Recognition and Reward Program, is repealed July 1,
3341 2020.

3342 (14) Section [53E-5-307](#) is repealed July 1, 2020.

3343 (15) In Subsections [53F-2-205\(4\)](#) and (5), regarding the State Board of Education's
3344 duties if contributions from the minimum basic tax rate are overestimated or underestimated,

3345 the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

3346 (16) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
3347 repealed July 1, 2023.

3348 (17) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
3349 applicable" is repealed July 1, 2023.

3350 (18) Section 53F-4-204 is repealed July 1, 2019.

3351 (19) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
3352 applicable" is repealed July 1, 2023.

3353 (20) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
3354 applicable" is repealed July 1, 2023.

3355 (21) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
3356 applicable" is repealed July 1, 2023.

3357 (22) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as
3358 applicable" is repealed July 1, 2023.

3359 (23) On July 1, 2023, when making changes in this section, the Office of Legislative
3360 Research and General Counsel shall, in addition to the office's authority under Subsection
3361 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in
3362 this section are complete sentences and accurately reflect the office's perception of the
3363 Legislature's intent.

3364 Section 84. Section 63I-2-263 is amended to read:

3365 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

3366 (1) On July 1, 2020:

3367 (a) Subsection 63A-1-203(5)(a)(i) is repealed; and

3368 (b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after
3369 May 8, 2018," is repealed.

3370 (2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.

3371 [~~(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
3372 repealed July 1, 2020.~~]

3373 [(~~4~~) (3)] The following sections regarding the World War II Memorial Commission are
3374 repealed on July 1, 2020:

3375 (a) Section 63G-1-801;

- 3376 (b) Section [63G-1-802](#);
- 3377 (c) Section [63G-1-803](#); and
- 3378 (d) Section [63G-1-804](#).
- 3379 ~~[(5)]~~ (4) In relation to the State Fair Park Committee, on January 1, 2021:
- 3380 (a) Section [63H-6-104.5](#) is repealed; and
- 3381 (b) Subsections [63H-6-104](#)(8) and (9) are repealed.
- 3382 ~~[(6)]~~ (5) Section [63H-7a-303](#) is repealed on July 1, 2022.
- 3383 ~~[(7)]~~ (6) In relation to the Employability to Careers Program Board, on July 1, 2022:
- 3384 (a) Subsection [63J-1-602.1](#)(52) is repealed;
- 3385 (b) Subsection [63J-4-301](#)(1)(h), related to the review of data and metrics, is repealed;

3386 and

- 3387 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
- 3388 ~~[(8)]~~ (7) Section [63J-4-708](#) is repealed January 1, 2023.
- 3389 Section 85. Section **63M-7-402** is amended to read:
- 3390 **63M-7-402. Terms of members -- Vacancies -- Reappointment.**
- 3391 (1) (a) Except as required by Subsection (1)(b), as terms of current commission
- 3392 members expire, the appointing authority shall appoint each new member or reappointed
- 3393 member to a four-year term.
- 3394 (b) Notwithstanding the requirements of Subsection (1)(a), the appointing authority
- 3395 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
- 3396 terms of commission members are staggered so that approximately half of the commission is
- 3397 appointed every two years.
- 3398 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
- 3399 appointed for the unexpired term.
- 3400 ~~[(3) All members of the commission, including those appointed before July 1, 1995,~~
- 3401 ~~shall be eligible for reappointment one time.]~~

3402 Section 86. Section **63N-7-103** is amended to read:

3403 **63N-7-103. Board duties.**

3404 (1) The ~~[board]~~ Board of Tourism Development:

- 3405 (a) has authority to approve a tourism program of out-of-state advertising, marketing,
- 3406 and branding, taking into account the long-term strategic plan, economic trends, and

3407 opportunities for tourism development on a statewide basis, as a condition of the distribution of
3408 funds to the office from the:

3409 (i) Tourism Marketing Performance Account created in Section 63N-7-301; and

3410 (ii) Stay Another Day and Bounce Back Account, created in Section 63N-2-511;

3411 (b) shall review office programs to coordinate and integrate advertising and branding
3412 themes, which may include recreational, scenic, historic, and tourist attractions of the state, to
3413 be used in office programs;

3414 (c) shall encourage and assist in coordinating activities of persons, firms, associations,
3415 corporations, civic groups, and governmental agencies that are engaged in publicizing,
3416 developing, and promoting the scenic attractions and tourist advantages of the state; and

3417 (d) shall advise the office in establishing a cooperative program using funds from the
3418 Tourism Marketing Performance Account created in Section 63N-7-301.

3419 (2) The board may:

3420 (a) solicit and accept contributions of money, services, and facilities from any other
3421 sources, public or private and shall use these funds for promoting the general interest of the
3422 state in tourism; and

3423 (b) establish subcommittees for the purpose of assisting the board in an advisory role.

3424 (3) The [board] Board of Tourism Development may not, except as otherwise provided
3425 in Subsection (1)(a), make policy related to the management or operation of the office.

3426 [~~(4) (a) For each fiscal year, the office shall allocate 20% of the funds appropriated to
3427 the Tourism Marketing and Performance Account created in Section 63N-7-301 to the
3428 cooperative program described in Subsection (1)(d) and this Subsection (4).]~~

3429 [~~(b) Money allocated to the cooperative program may be awarded to cities, counties,
3430 nonprofit destination marketing organizations, and similar public entities for the purpose of
3431 supplementing money committed by these entities for advertising and promoting sites and
3432 events in the state.]~~

3433 [~~(c) The office, with approval from the board, shall establish:]~~

3434 [~~(i) an application and approval process for an entity to receive a cooperative program
3435 award, including an application deadline;]~~

3436 [~~(ii) the criteria for awarding a cooperative program award, which shall emphasize
3437 attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in~~

3438 the state; and]

3439 [(iii) eligibility, advertising, timing, and reporting requirements of an entity that
3440 receives a cooperative program award.]

3441 [(d) Money allocated to the cooperative program that is not used in each fiscal year
3442 shall be returned to the Tourism Marketing Performance Account.]

3443 Section 87. Section **63N-7-301** is amended to read:

3444 **63N-7-301. Tourism Marketing Performance Account.**

3445 (1) There is created within the General Fund a restricted account known as the Tourism
3446 Marketing Performance Account.

3447 (2) The account shall be administered by GOED for the purposes listed in Subsection
3448 (5).

3449 (3) (a) The account shall earn interest.

3450 (b) All interest earned on account money shall be deposited into the account.

3451 (4) The account shall be funded by appropriations made to the account by the
3452 Legislature in accordance with this section.

3453 (5) The executive director of GOED's Office of Tourism shall use account money
3454 appropriated to GOED to pay for the statewide advertising, marketing, and branding campaign
3455 for promotion of the state as conducted by GOED.

3456 (6) (a) For each fiscal year beginning on or after July 1, 2007, GOED shall annually
3457 allocate 10% of the account money appropriated to GOED to a sports organization for
3458 advertising, marketing, branding, and promoting Utah in attracting sporting events into the
3459 state.

3460 (b) The sports organization shall:

3461 (i) provide an annual written report to GOED that gives an accounting of the use of
3462 funds the sports organization receives under this Subsection (6); and

3463 (ii) promote the state and encourage economic growth in the state.

3464 (c) For purposes of this Subsection (6), "sports organization" means an organization
3465 that:

3466 (i) is exempt from federal income taxation in accordance with Section 501(c)(3),
3467 Internal Revenue Code;

3468 (ii) maintains its principal location in the state;

3469 (iii) has a minimum of 15 years experience in the state hosting, fostering, and attracting
3470 major summer and winter sporting events statewide; and

3471 (iv) was created to foster state, regional, national, and international sports competitions
3472 in the state, to drive the state's Olympic and sports legacy, including competitions related to
3473 Olympic sports, and to promote and encourage sports tourism throughout the state, including
3474 advertising, marketing, branding, and promoting the state for the purpose of attracting sporting
3475 events in the state.

3476 (7) Money deposited into the account shall include a legislative appropriation from the
3477 cumulative sales and use tax revenue increases described in Subsection (8), plus any additional
3478 appropriation made by the Legislature.

3479 (8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax
3480 revenues determined under this Subsection (8) shall be certified by the State Tax Commission
3481 as a set-aside for the account, and the State Tax Commission shall report the amount of the
3482 set-aside to the office, the Office of Legislative Fiscal Analyst, and the Division of Finance,
3483 which shall set aside the certified amount for appropriation to the account.

3484 (b) For fiscal years 2016 through 2019, the State Tax Commission shall calculate the
3485 set-aside under this Subsection (8) in each fiscal year by applying one of the following
3486 formulas: if the annual percentage change in the Consumer Price Index for All Urban
3487 Consumers, as published by the Bureau of Labor Statistics of the United States Department of
3488 Labor, for the fiscal year two years before the fiscal year in which the set-aside is to be made is:

3489 (i) greater than 3%, and if the annual percentage change in the state sales and use tax
3490 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal
3491 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two
3492 years before the fiscal year in which the set-aside is to be made is greater than the annual
3493 percentage change in the Consumer Price Index for the fiscal year two years before the fiscal
3494 year in which the set-aside is to be made, then the difference between the annual percentage
3495 change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented
3496 goods and services and the annual percentage change in the Consumer Price Index shall be
3497 multiplied by an amount equal to the state sales and use tax revenues attributable to the retail
3498 sales of tourist-oriented goods and services from the fiscal year three years before the fiscal
3499 year in which the set-aside is to be made; or

3500 (ii) 3% or less, and if the annual percentage change in the state sales and use tax
3501 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal
3502 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two
3503 years before the fiscal year in which the set-aside is to be made is greater than 3%, then the
3504 difference between the annual percentage change in the state sales and use tax revenues
3505 attributable to the retail sales of tourist-oriented goods and services and 3% shall be multiplied
3506 by an amount equal to the state sales and use tax revenues attributable to the retail sales of
3507 tourist-oriented goods and services from the fiscal year three years before the fiscal year in
3508 which the set-aside is to be made.

3509 (c) The total money appropriated to the account in a fiscal year under Subsections
3510 (8)(a) and (b) may not exceed the amount appropriated to the account in the preceding fiscal
3511 year by more than \$3,000,000.

3512 (d) As used in this Subsection (8), "state sales and use tax revenues" are revenues
3513 collected under Subsections 59-12-103(2)(a)(i)(A) and 59-12-103(2)(c)(i).

3514 (e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services"
3515 are calculated by adding the following percentages of sales from each business registered with
3516 the State Tax Commission under one of the following codes of the 2012 North American
3517 Industry Classification System of the federal Executive Office of the President, Office of
3518 Management and Budget:

3519 (i) 80% of the sales from each business under NAICS Codes:

3520 (A) 532111 Passenger Car Rental;

3521 (B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;

3522 (C) 5615 Travel Arrangement and Reservation Services;

3523 (D) 7211 Traveler Accommodation; and

3524 (E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;

3525 (ii) 25% of the sales from each business under NAICS Codes:

3526 (A) 51213 Motion Picture and Video Exhibition;

3527 (B) 532292 Recreational Goods Rental;

3528 (C) 711 Performing Arts, Spectator Sports, and Related Industries;

3529 (D) 712 Museums, Historical Sites, and Similar Institutions; and

3530 (E) 713 Amusement, Gambling, and Recreation Industries;

3531 (iii) 20% of the sales from each business under NAICS Code 722 Food Services and
3532 Drinking Places;

3533 (iv) 18% of the sales from each business under NAICS Codes:

3534 (A) 447 Gasoline Stations; and

3535 (B) 81293 Parking Lots and Garages;

3536 (v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair
3537 and Maintenance; and

3538 (vi) 5% of the sales from each business under NAICS Codes:

3539 (A) 445 Food and Beverage Stores;

3540 (B) 446 Health and Personal Care Stores;

3541 (C) 448 Clothing and Clothing Accessories Stores;

3542 (D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;

3543 (E) 452 General Merchandise Stores; and

3544 (F) 453 Miscellaneous Store Retailers.

3545 (9) (a) For each fiscal year, the office shall allocate 20% of the funds appropriated to
3546 the Tourism Marketing and Performance Account to the cooperative program described in this
3547 Subsection (9).

3548 (b) Money allocated to the cooperative program may be awarded to cities, counties,
3549 nonprofit destination marketing organizations, and similar public entities for the purpose of
3550 supplementing money committed by these entities for advertising and promoting sites and
3551 events in the state.

3552 (c) The office shall establish:

3553 (i) an application and approval process for an entity to receive a cooperative program
3554 award, including an application deadline;

3555 (ii) the criteria for awarding a cooperative program award, which shall emphasize
3556 attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in
3557 the state; and

3558 (iii) eligibility, advertising, timing, and reporting requirements of an entity that
3559 receives a cooperative program award.

3560 (d) Money allocated to the cooperative program that is not used in each fiscal year shall
3561 be returned to the Tourism Marketing Performance Account.

3562 Section 88. Section **67-1-2.5** is amended to read:

3563 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

3564 (1) As used in this section:

3565 (a) "Administrator" means the boards and commissions administrator designated under
3566 Subsection (2).

3567 (b) "Executive board" means any executive branch board, commission, council,
3568 committee, working group, task force, study group, advisory group, or other body;

3569 (i) with a defined limited membership;

3570 (ii) that is created [~~to operate for more than six months~~] by the constitution, by statute,
3571 by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state
3572 treasurer or by the head of a department, division, or other administrative subunit of the
3573 executive branch of state government[-]; and

3574 (iii) that is created to operate for more than six months.

3575 (2) (a) Before September 1 of the calendar year following the year in which the
3576 Legislature creates a new executive board, the governor shall:

3577 (i) review the executive board to evaluate:

3578 (A) whether the executive board accomplishes a substantial governmental interest; and

3579 (B) whether it is necessary for the executive board to remain in statute;

3580 (ii) in the governor's review under Subsection (2)(a)(i), consider:

3581 (A) the funding required for the executive board;

3582 (B) the staffing resources required for the executive board;

3583 (C) the time members of the executive board are required to commit to serve on the
3584 executive board; and

3585 (D) whether the responsibilities of the executive board could reasonably be
3586 accomplished through an existing entity or without statutory direction; and

3587 (iii) submit a report to the Government Operations Interim Committee recommending
3588 that the Legislature:

3589 (A) repeal the executive board;

3590 (B) add a sunset provision or future repeal date to the executive board;

3591 (C) make other changes to make the executive board more efficient; or

3592 (D) make no changes to the executive board.

3593 (b) In conducting the evaluation and making the report described in Subsection (2)(a),
3594 the governor shall give deference to:

3595 (i) reducing the size of government; and

3596 (ii) making governmental programs more efficient and effective.

3597 (c) Upon receipt of a report from the governor under Subsection (2)(a)(iii), the
3598 Government Operations Interim Committee shall vote on whether to address the
3599 recommendations made by the governor in the report and prepare legislation accordingly.

3600 (3) (a) The governor shall designate a board and commissions administrator from the
3601 governor's staff to maintain a computerized database containing information about all
3602 executive boards.

3603 (b) The administrator shall ensure that the database contains:

3604 (i) the name of each executive board;

3605 (ii) the current statutory or constitutional authority for the creation of the executive
3606 board;

3607 (iii) the sunset date on which each executive board's statutory authority expires;

3608 (iv) the state officer or department and division of state government under whose
3609 jurisdiction the executive board operates or with which the executive board is affiliated, if any;

3610 (v) the name, address, gender, telephone number, and county of each individual
3611 currently serving on the executive board, along with a notation of all vacant or unfilled
3612 positions;

3613 (vi) the title of the position held by the person who appointed each member of the
3614 executive board;

3615 (vii) the length of the term to which each member of the executive board was
3616 appointed and the month and year that each executive board member's term expires;

3617 (viii) whether or not members appointed to the executive board require consent of the
3618 Senate;

3619 (ix) the organization, interest group, profession, local government entity, or geographic
3620 area that an individual appointed to an executive board represents, if any;

3621 (x) the party affiliation of an individual appointed to an executive board, if the statute
3622 or executive order creating the position requires representation from political parties;

3623 (xi) whether each executive board is a policy board or an advisory board;

- 3624 (xii) whether the executive board has or exercises rulemaking authority; and
3625 (xiii) any compensation and expense reimbursement that members of the executive
3626 board are authorized to receive.
- 3627 (4) The administrator shall ~~[place the following on the]~~ ensure the governor's website
3628 includes:
- 3629 (a) the information contained in the database;
3630 (b) a portal, accessible on each executive board's web page within the governor's
3631 website, through which a member of the public may provide input on:
- 3632 (i) an individual appointed to serve on the executive board; or
3633 (ii) a sitting member of the executive board;
3634 ~~[(b)]~~ (c) each report the administrator receives under Subsection (5); and
3635 ~~[(c)]~~ (d) the summary report described in Subsection (6).
- 3636 (5) (a) Before August 1 of each year, each executive board shall prepare and submit to
3637 the administrator an annual report that includes:
- 3638 (i) the name of the executive board;
3639 (ii) a description of the executive board's official function and purpose;
3640 (iii) a description of the actual work performed and actions taken by the executive
3641 board ~~[since the last report the executive board submitted to the administrator under this~~
3642 ~~Subsection (5)]~~ in the last fiscal year;
3643 ~~[(iv) a description of actions taken by the executive board since the last report the~~
3644 ~~executive board submitted to the administrator under this Subsection (5);]~~
3645 ~~[(v)]~~ (iv) recommendations on whether any statutory, rule, or other changes are needed
3646 to make the executive board more effective; and
3647 ~~[(vi)]~~ (v) an indication of whether the executive board should continue to exist.
- 3648 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
3649 to the governor's website before September 1 of each year.
- 3650 (c) An executive board is not required to submit a report under this Subsection (5) if
3651 the executive board:
- 3652 (i) is also a legislative board under Section 36-12-22; and
3653 (ii) submits a report under Section 36-12-22.
- 3654 (6) (a) The administrator shall prepare~~[-publish, and distribute]~~ an annual report by

3655 September 1 of each year that includes:

3656 ~~[(i) as of August 1 of that year:]~~

3657 ~~[(A)]~~ (i) as of July 1 of that year, the total number of executive boards that exist in the
3658 state;

3659 ~~[(B) the name of each of those executive boards and the state officer or department and~~
3660 ~~division of state government under whose jurisdiction the executive board operates or with~~
3661 ~~which the executive board is affiliated, if any;]~~

3662 ~~[(C) for each state officer and each department and division, the total number of~~
3663 ~~executive boards under the jurisdiction of or affiliated with that officer, department, and~~
3664 ~~division;]~~

3665 ~~[(D) the total number of members for each of those executive boards;]~~

3666 ~~[(E) whether or not some or all of the members of each of those executive boards are~~
3667 ~~approved by the Senate;]~~

3668 ~~[(F) whether each board is a policymaking board or an advisory board and the total~~
3669 ~~number of policy boards and the total number of advisory boards; and]~~

3670 ~~[(G) the compensation, if any, paid to the members of each of those executive boards;~~
3671 ~~and]~~

3672 (ii) a summary of the reports submitted to the administrator under Subsection (5),
3673 including:

3674 (A) a list of each executive board that submitted a report under Subsection (5);

3675 (B) a list of each executive board that did not submit a report under Subsection (5);

3676 (C) an indication of any recommendations made under Subsection (5)(a)~~[(v)]~~(iv); and

3677 (D) a list of any executive boards that indicated under Subsection (5)(a)~~[(vi)]~~(v) that
3678 the executive board should no longer exist[-]; and

3679 (iii) a list of each executive board, identified and reported by the Division of Archives
3680 and Record Services under Subsection 63F-1-701(6)(b), that did not post a notice of a public
3681 meeting on the public notice website during the previous fiscal year.

3682 (b) The administrator shall coordinate with the Office of Legislative Research and
3683 General Counsel to jointly distribute copies of the report described in Subsection (6)(a) and
3684 copies of the report described in Subsection 36-12-22(3)(a) to:

3685 ~~[(i) the governor;]~~

3686 ~~[(ii)]~~ (i) the president of the Senate;
 3687 ~~[(iii)]~~ (ii) the speaker of the House; and
 3688 ~~[(iv)]~~ the Office of Legislative Research and General Counsel;
 3689 ~~[(v)]~~ (iii) the Government Operations Interim Committee~~;~~ and].
 3690 ~~[(vi)]~~ any other persons who request a copy of the annual report.
 3691 ~~[(c)]~~ Each year, the Government Operations Interim Committee shall prepare legislation
 3692 making any changes the committee determines are suitable with respect to the report the
 3693 committee receives under Subsection (6)(b), including:

3694 ~~[(i)]~~ repealing an executive board that is no longer functional or necessary; and
 3695 ~~[(ii)]~~ making appropriate changes to make an executive board more effective.

3696 Section 89. Section **67-1-9** is amended to read:

3697 **67-1-9. Governor's residence -- Sources of funds.**

3698 (1) The ~~[Kearns' mansion shall be]~~ Thomas Kearns Mansion is the official residence of
 3699 the governor.

3700 (2) The building board may apply for, accept, and expend funds from federal and other
 3701 sources ~~[for carrying out the purposes of Section 67-1-8.1 and this section]~~ to provide for the
 3702 use, operation, maintenance, repair, rehabilitation, alteration, and restoration of the Thomas
 3703 Kearns Mansion, the Carriage House Building adjacent to the Thomas Kearns Mansion, and
 3704 the grounds and landscaping surrounding the Thomas Kearns Mansion and the Carriage House
 3705 Building.

3706 Section 90. Section **71-7-3** is amended to read:

3707 **71-7-3. Development, operation, and maintenance of Utah Veterans Cemetery**
 3708 **and Memorial Park -- Responsibilities of Department of Veterans and Military Affairs --**
 3709 **Costs -- Definition.**

3710 (1) The Department of Veterans and Military Affairs~~;~~ ~~[in consultation with the~~
 3711 ~~Veterans Memorial Park Board;]~~ shall develop, operate, and maintain a veterans cemetery and
 3712 memorial park.

3713 (2) To help pay the costs of developing, constructing, operating, and maintaining a
 3714 veterans cemetery and memorial park, the Department of Veterans and Military Affairs may:

3715 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal
 3716 Funds Procedures Act, receive federal funds, and may receive state funds, contributions from

3717 veterans organizations, and other private donations; and
3718 (b) charge fees for at least the cost of the burial of a veteran's spouse and any other
3719 persons, whom the department [~~and the Veterans Memorial Park Board~~] determines are eligible
3720 to be buried in a veterans cemetery established by the state.

3721 (3) "Veteran" has the same meaning as defined in Section 68-3-12.5.

3722 Section 91. **Repealer.**

3723 This bill repeals:

3724 Section 4-30-103, **Livestock Market Committee created -- Composition -- Terms --**
3725 **Removal -- Compensation -- Duties.**

3726 Section 9-6-801, **Title.**

3727 Section 9-6-802, **Definitions.**

3728 Section 9-6-803, **Arts and Culture Business Alliance -- Creation -- Members --**
3729 **Vacancies.**

3730 Section 9-6-804, **Alliance duties.**

3731 Section 9-6-805, **Staff support -- Rulemaking.**

3732 Section 9-7-301, **Board of control.**

3733 Section 13-35-103, **Utah Powersport Vehicle Franchise Advisory Board -- Creation**
3734 **-- Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of**
3735 **interest.**

3736 Section 23-14-2.8, **Private Aquaculture Advisory Council.**

3737 Section 26-39-202, **Members serve without pay -- Reimbursement for expenses.**

3738 Section 26-50-202, **Traumatic Brain Injury Advisory Committee -- Membership --**
3739 **Time limit.**

3740 Section 36-12-20, **Development of proposed energy producer states' agreement --**
3741 **Membership selection -- Agreements -- Goals -- Meetings -- Reports.**

3742 Section 38-11-104, **Board.**

3743 Section 41-3-106, **Board -- Creation and composition -- Appointment, terms,**
3744 **compensation, and expenses of members -- Meetings -- Quorum -- Powers and duties --**
3745 **Officers' election and duties -- Voting.**

3746 Section 53-3-908, **Advisory committee.**

3747 Section 58-46a-201, **Board.**

- 3748 Section **58-64-201**, **Board.**
- 3749 Section **63A-9-301**, **Motor Vehicle Review Committee -- Composition.**
- 3750 Section **63A-9-302**, **Committee duties.**
- 3751 Section **63C-19-101**, **Title.**
- 3752 Section **63C-19-102**, **Definitions.**
- 3753 Section **63C-19-201**, **Higher Education Strategic Planning Commission --**
- 3754 **Membership -- Quorum and voting requirements -- Compensation -- Staff support.**
- 3755 Section **63C-19-202**, **Commission powers and duties -- Strategic plan -- Consultant**
- 3756 **-- Reports.**
- 3757 Section **63M-3-101**, **Title.**
- 3758 Section **63M-3-102**, **Legislative findings -- Purpose of act.**
- 3759 Section **63M-3-103**, **Definitions.**
- 3760 Section **63M-3-201**, **Contract for pilot plant -- Contents -- Financing --**
- 3761 **Termination of contract.**
- 3762 Section **63M-3-202**, **Intellectual properties discovered or developed -- Ownership --**
- 3763 **Patenting -- Licensing.**
- 3764 Section **67-1-8.1**, **Executive Residence Commission -- Recommendations as to use,**
- 3765 **maintenance, and operation of executive residence.**
- 3766 Section **71-7-4**, **Veterans Memorial Park Board -- Members -- Appointment --**
- 3767 **Meetings -- Per diem and travel expenses.**