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**STATE LEGAL DISPUTE AMENDMENTS**  
2024 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Brady Brammer**  
Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to state legal actions.

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides revisor instructions.

**Utah Code Sections Affected:**

AMENDS:

- 63G-2-103**, as last amended by Laws of Utah 2023, Chapters 16, 173, 231, and 516
- 63G-10-301**, as last amended by Laws of Utah 2023, Chapter 535

28        **63G-10-302**, as last amended by Laws of Utah 2023, Chapter 535  
 29        **63G-10-303**, as last amended by Laws of Utah 2023, Chapter 535  
 30        **63G-10-501**, as last amended by Laws of Utah 2021, Chapters 33, 344  
 31        **63G-10-503**, as last amended by Laws of Utah 2023, Chapter 535  
 32        **63I-2-263**, as last amended by Laws of Utah 2023, Chapters 33, 139, 212, 354, and 530  
 33        **67-5-17**, as enacted by Laws of Utah 2000, Chapter 212

34 ENACTS:

35        **63G-31-401.1**, Utah Code Annotated 1953

36 REPEALS AND REENACTS:

37        **63G-10-103**, as renumbered and amended by Laws of Utah 2008, Chapter 382

38

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

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

41        **63G-2-103 . Definitions.**

42        As used in this chapter:

43        (1) "Audit" means:

- 44            (a) a systematic examination of financial, management, program, and related records for  
 45            the purpose of determining the fair presentation of financial statements, adequacy of  
 46            internal controls, or compliance with laws and regulations; or  
 47            (b) a systematic examination of program procedures and operations for the purpose of  
 48            determining their effectiveness, economy, efficiency, and compliance with statutes  
 49            and regulations.

50        (2) "Chronological logs" mean the regular and customary summary records of law  
 51        enforcement agencies and other public safety agencies that show:

- 52            (a) the time and general nature of police, fire, and paramedic calls made to the agency;  
 53            and  
 54            (b) any arrests or jail bookings made by the agency.

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

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

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

- 62 (ii) any associated documentation and source material that explain how to operate the  
63 computer program.
- 64 (b) "Computer program" does not mean:
- 65 (i) the original data, including numbers, text, voice, graphics, and images;  
66 (ii) analysis, compilation, and other manipulated forms of the original data produced  
67 by use of the program; or  
68 (iii) the mathematical or statistical formulas, excluding the underlying mathematical  
69 algorithms contained in the program, that would be used if the manipulated forms  
70 of the original data were to be produced manually.
- 71 (5) (a) "Contractor" means:
- 72 (i) any person who contracts with a governmental entity to provide goods or services  
73 directly to a governmental entity; or  
74 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 75 (b) "Contractor" does not mean a private provider.
- 76 (6) "Controlled record" means a record containing data on individuals that is controlled as  
77 provided by Section 63G-2-304.
- 78 (7) "Designation," "designate," and their derivative forms mean indicating, based on a  
79 governmental entity's familiarity with a record series or based on a governmental entity's  
80 review of a reasonable sample of a record series, the primary classification that a  
81 majority of records in a record series would be given if classified and the classification  
82 that other records typically present in the record series would be given if classified.
- 83 (8) "Elected official" means each person elected to a state office, county office, municipal  
84 office, school board or school district office, special district office, or special service  
85 district office, but does not include judges.
- 86 (9) "Explosive" means a chemical compound, device, or mixture:
- 87 (a) commonly used or intended for the purpose of producing an explosion; and  
88 (b) that contains oxidizing or combustive units or other ingredients in proportions,  
89 quantities, or packing so that:
- 90 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the  
91 compound or mixture may cause a sudden generation of highly heated gases; and  
92 (ii) the resultant gaseous pressures are capable of:
- 93 (A) producing destructive effects on contiguous objects; or  
94 (B) causing death or serious bodily injury.
- 95 (10) "Government audit agency" means any governmental entity that conducts an audit.

- 96 (11) (a) "Governmental entity" means:
- 97 (i) executive department agencies of the state, the offices of the governor, lieutenant  
98 governor, state auditor, attorney general, and state treasurer, the Board of Pardons  
99 and Parole, the Board of Examiners, the National Guard, the Career Service  
100 Review Office, the State Board of Education, the Utah Board of Higher  
101 Education, and the State Archives;
- 102 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal  
103 Analyst, Office of Legislative Research and General Counsel, the Legislature, and  
104 legislative committees, except any political party, group, caucus, or rules or sifting  
105 committee of the Legislature;
- 106 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar  
107 administrative units in the judicial branch;
- 108 (iv) any state-funded institution of higher education or public education; or
- 109 (v) any political subdivision of the state, but, if a political subdivision has adopted an  
110 ordinance or a policy relating to information practices pursuant to Section  
111 63G-2-701, this chapter shall apply to the political subdivision to the extent  
112 specified in Section 63G-2-701 or as specified in any other section of this chapter  
113 that specifically refers to political subdivisions.
- 114 (b) "Governmental entity" also means:
- 115 (i) every office, agency, board, bureau, committee, department, advisory board, or  
116 commission of an entity listed in Subsection (11)(a) that is funded or established  
117 by the government to carry out the public's business;
- 118 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative  
119 undertaking;
- 120 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- 121 (iv) an association as defined in Section 53G-7-1101;
- 122 (v) the Utah Independent Redistricting Commission; and
- 123 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or  
124 more law enforcement officers, as defined in Section 53-13-103.
- 125 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in  
126 Section 53B-8a-103.
- 127 (12) "Gross compensation" means every form of remuneration payable for a given period to  
128 an individual for services provided including salaries, commissions, vacation pay,  
129 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and

- 130 any similar benefit received from the individual's employer.
- 131 (13) "Individual" means a human being.
- 132 (14) (a) "Initial contact report" means an initial written or recorded report, however  
133 titled, prepared by peace officers engaged in public patrol or response duties  
134 describing official actions initially taken in response to either a public complaint  
135 about or the discovery of an apparent violation of law, which report may describe:
- 136 (i) the date, time, location, and nature of the complaint, the incident, or offense;
  - 137 (ii) names of victims;
  - 138 (iii) the nature or general scope of the agency's initial actions taken in response to the  
139 incident;
  - 140 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
  - 141 (v) the name, address, and other identifying information about any person arrested or  
142 charged in connection with the incident; or
  - 143 (vi) the identity of the public safety personnel, except undercover personnel, or  
144 prosecuting attorney involved in responding to the initial incident.
- 145 (b) Initial contact reports do not include follow-up or investigative reports prepared after  
146 the initial contact report. However, if the information specified in Subsection (14)(a)  
147 appears in follow-up or investigative reports, it may only be treated confidentially if  
148 it is private, controlled, protected, or exempt from disclosure under Subsection  
149 63G-2-201(3)(b).
- 150 (c) Initial contact reports do not include accident reports, as that term is described in  
151 Title 41, Chapter 6a, Part 4, Accident Responsibilities.
- 152 (15) "Legislative body" means the Legislature.
- 153 (16) "Notice of compliance" means a statement confirming that a governmental entity has  
154 complied with an order of the State Records Committee.
- 155 (17) "Person" means:
- 156 (a) an individual;
  - 157 (b) a nonprofit or profit corporation;
  - 158 (c) a partnership;
  - 159 (d) a sole proprietorship;
  - 160 (e) other type of business organization; or
  - 161 (f) any combination acting in concert with one another.
- 162 (18) "Personal identifying information" means the same as that term is defined in Section  
163 63A-12-100.5.

- 164 (19) "Privacy annotation" means the same as that term is defined in Section 63A-12-100.5.
- 165 (20) "Private provider" means any person who contracts with a governmental entity to  
166 provide services directly to the public.
- 167 (21) "Private record" means a record containing data on individuals that is private as  
168 provided by Section 63G-2-302.
- 169 (22) "Protected record" means a record that is classified protected as provided by Section  
170 63G-2-305.
- 171 (23) "Public record" means a record that is not private, controlled, or protected and that is  
172 not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 173 (24) "Reasonable search" means a search that is:
- 174 (a) reasonable in scope and intensity; and
- 175 (b) not unreasonably burdensome for the government entity.
- 176 (25) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,  
177 card, tape, recording, electronic data, or other documentary material regardless of  
178 physical form or characteristics:
- 179 (i) that is prepared, owned, received, or retained by a governmental entity or political  
180 subdivision; and
- 181 (ii) where all of the information in the original is reproducible by photocopy or other  
182 mechanical or electronic means.
- 183 (b) "Record" does not mean:
- 184 (i) a personal note or personal communication prepared or received by an employee  
185 or officer of a governmental entity:
- 186 (A) in a capacity other than the employee's or officer's governmental capacity; or
- 187 (B) that is unrelated to the conduct of the public's business;
- 188 (ii) a temporary draft or similar material prepared for the originator's personal use or  
189 prepared by the originator for the personal use of an individual for whom the  
190 originator is working;
- 191 (iii) material that is legally owned by an individual in the individual's private capacity;
- 192 (iv) material to which access is limited by the laws of copyright or patent unless the  
193 copyright or patent is owned by a governmental entity or political subdivision;
- 194 (v) proprietary software;
- 195 (vi) junk mail or a commercial publication received by a governmental entity or an  
196 official or employee of a governmental entity;
- 197 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections

- 198 of a library open to the public;
- 199 (viii) material that is cataloged, indexed, or inventoried and contained in the  
200 collections of a library open to the public, regardless of physical form or  
201 characteristics of the material;
- 202 (ix) a daily calendar or other personal note prepared by the originator for the  
203 originator's personal use or for the personal use of an individual for whom the  
204 originator is working;
- 205 (x) a computer program that is developed or purchased by or for any governmental  
206 entity for its own use;
- 207 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 208 (A) a member of the judiciary;
- 209 (B) an administrative law judge;
- 210 (C) a member of the Board of Pardons and Parole; or
- 211 (D) a member of any other body, other than an association or appeals panel as  
212 defined in Section 53G-7-1101, charged by law with performing a  
213 quasi-judicial function;
- 214 (xii) a telephone number or similar code used to access a mobile communication  
215 device that is used by an employee or officer of a governmental entity, provided  
216 that the employee or officer of the governmental entity has designated at least one  
217 business telephone number that is a public record as provided in Section  
218 63G-2-301;
- 219 (xiii) information provided by the Public Employees' Benefit and Insurance Program,  
220 created in Section 49-20-103, to a county to enable the county to calculate the  
221 amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 222 (xiv) information that an owner of unimproved property provides to a local entity as  
223 provided in Section 11-42-205;
- 224 (xv) a video or audio recording of an interview, or a transcript of the video or audio  
225 recording, that is conducted at a Children's Justice Center established under  
226 Section 67-5b-102;
- 227 (xvi) child sexual abuse material, as defined by Section 76-5b-103;
- 228 (xvii) before final disposition of an ethics complaint occurs, a video or audio  
229 recording of the closed portion of a meeting or hearing of:
- 230 (A) a Senate or House Ethics Committee;
- 231 (B) the Independent Legislative Ethics Commission;

- 232 (C) the Independent Executive Branch Ethics Commission, created in Section  
 233 63A-14-202; or
- 234 (D) the Political Subdivisions Ethics Review Commission established in Section  
 235 63A-15-201; ~~[or]~~
- 236 (xviii) confidential communication described in Section 58-60-102, 58-61-102, or [  
 237 ~~58-61-702.~~] 58-61-702; or
- 238 (xix) any item described in Subsection (25)(a) that is:
- 239 (A) described in Subsection 63G-2-305(17), (18), or (23)(b); and
- 240 (B) shared between any of the following entities:
- 241 (I) the Division of Risk Management;
- 242 (II) the Office of the Attorney General;
- 243 (III) the governor's office; or
- 244 (IV) the Legislature.
- 245 (26) "Record series" means a group of records that may be treated as a unit for purposes of  
 246 designation, description, management, or disposition.
- 247 (27) "Records officer" means the individual appointed by the chief administrative officer of  
 248 each governmental entity, or the political subdivision to work with state archives in the  
 249 care, maintenance, scheduling, designation, classification, disposal, and preservation of  
 250 records.
- 251 (28) "Schedule," "scheduling," and their derivative forms mean the process of specifying  
 252 the length of time each record series should be retained by a governmental entity for  
 253 administrative, legal, fiscal, or historical purposes and when each record series should be  
 254 transferred to the state archives or destroyed.
- 255 (29) "Sponsored research" means research, training, and other sponsored activities as  
 256 defined by the federal Executive Office of the President, Office of Management and  
 257 Budget:
- 258 (a) conducted:
- 259 (i) by an institution within the state system of higher education defined in Section  
 260 53B-1-102; and
- 261 (ii) through an office responsible for sponsored projects or programs; and
- 262 (b) funded or otherwise supported by an external:
- 263 (i) person that is not created or controlled by the institution within the state system of  
 264 higher education; or
- 265 (ii) federal, state, or local governmental entity.



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

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

269 (32) "State Records Committee" means the State Records Committee created in Section  
270 63G-2-501.

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

274 Section 2. Section **63G-10-103** is repealed and reenacted to read:

275 **63G-10-103 . Notice of voidableness of settlement agreements.**

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

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

283 (b) Information and documents shared under this section are governed by Subsection  
284 67-5-17(6).

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

286 **63G-10-301 . Cost evaluation of action settlement agreements.**

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

292 (2) The Legislative Management Committee may:

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

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

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

298 **63G-10-302 . Governor to approve action settlement agreements.**

299 (1) Before legally binding the state by executing an action settlement agreement that might

300 cost government entities more than \$250,000 to implement, inclusive of the cost of the  
301 required action and any required monetary payment, an agency shall submit the  
302 proposed settlement agreement, including all terms material to the settlement, to the  
303 governor for the governor's approval or rejection.

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

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

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

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

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

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

318 **63G-10-303 . Legislative review and approval of action settlement agreements.**

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

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

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

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

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

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

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

- 334 (2) (a) Before legally binding the state by executing an action settlement agreement that  
 335 might cost government entities more than \$2,000,000 to implement, an agency shall:  
 336 (i) submit the proposed action settlement agreement, including all terms that are  
 337 material to the settlement, to the governor for the governor's approval or rejection  
 338 as required by Section 63G-10-302; and  
 339 (ii) if the governor approves the action settlement agreement, submit the action  
 340 settlement agreement to the Legislature for its approval in an annual general  
 341 session or a special session.
- 342 (b) (i) If the Legislature approves the action settlement agreement, the agency may  
 343 execute the agreement.  
 344 (ii) If the Legislature rejects the action settlement agreement, the agency may not  
 345 execute the agreement.
- 346 (c) If an agency executes an action settlement agreement without obtaining the  
 347 Legislature's approval under this Subsection (2):  
 348 (i) the governor may issue an executive order declaring the action settlement  
 349 agreement void; or  
 350 (ii) the Legislature may pass a joint resolution declaring the action settlement  
 351 agreement void.

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

353 **63G-10-501 . Definitions.**

354 As used in this part:

- 355 (1) "Executive director" means the individual appointed under Section 63A-1-105 as the  
 356 executive director of the Department of Government Operations, created in Section  
 357 63A-1-104.
- 358 (2) "Risk management fund" means the fund created in Section 63A-4-201.
- 359 (3) "Risk manager" means the state risk manager appointed under Section 63A-4-101.5.
- 360 (4) "Settlement amount" means the total cost to implement:  
 361 (a) an action settlement as defined in Section 63G-10-102, including the cost of the  
 362 required action and any required monetary payment; or  
 363 (b) a financial settlement as defined in Section 63G-10-102.

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

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

- 367 (1) The risk manager may compromise and settle any claim for which the risk management

- 368 fund may be liable:
- 369 (a) if the settlement amount is \$500,000 or less, on the risk manager's own authority;
- 370 (b) if the settlement amount is more than \$500,000 but not more than \$1,000,000, upon
- 371 the approval of the attorney general, or the attorney general's representative, and the
- 372 executive director;
- 373 (c) if the settlement amount is more than \$1,000,000 but not more than \$1,500,000, upon
- 374 the governor's approval after receiving approval under Subsection (1)(b);
- 375 (d) if the settlement amount is more than \$1,500,000 but not more than \$2,000,000,
- 376 upon the Legislative Management Committee's approval after receiving approval
- 377 under Subsections (1)(b) and (c); and
- 378 (e) if the settlement amount is more than \$2,000,000, upon the Legislature's approval
- 379 after receiving approval under Subsections (1)(b), (c), and (d).
- 380 (2) When seeking approval from a person under Subsection (1), the risk manager shall
- 381 provide the person a list of each material term in the proposed settlement agreement.
- 382 ~~[(2)]~~ (3) (a) The risk manager shall, upon initiation of negotiations that the risk manager
- 383 reasonably believes to have the potential to lead to a settlement requiring approval
- 384 under Subsection (1)(d) or (e):
- 385 (i) notify the Legislature's general counsel that negotiations have commenced;
- 386 (ii) continue to keep the Legislature's general counsel informed of material
- 387 developments in the negotiation process; and
- 388 (iii) permit the Legislature's general counsel to attend negotiations.
- 389 (b) The information that the risk manager shall provide to the Legislature's general
- 390 counsel under Subsection ~~[(2)(a)]~~ (3)(a) includes:
- 391 (i) the nature of the claim that is the subject of the settlement negotiations;
- 392 (ii) the known facts that support the claim and the known facts that controvert the
- 393 claim; and
- 394 (iii) the risk manager's assessment of the potential liability under the claim.
- 395 (c) A document, paper, electronic data, communication, or other material that the risk
- 396 manager provides to legislative general counsel in the discharge of the risk manager's
- 397 responsibility under this Subsection ~~[(2)]~~ (3) may not be considered to be a record, as
- 398 defined in Section 63G-2-103.
- 399 (d) Information provided by the risk manager to legislative general counsel under
- 400 Subsection ~~[(2)(a)]~~ (3)(a) and a communication between the risk manager and
- 401 legislative general counsel under Subsection ~~[(2)(a)]~~ (3)(a) shall be considered to be

402 evidence that is subject to Rule 408 of the Utah Rules of Evidence to the fullest  
403 extent possible.

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

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

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

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

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

416 **63G-31-401.1 . Government entity noncompliance.**

417 (1) The state auditor shall:

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

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

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

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

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

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

428 (ii) for a state entity as defined in Section 67-4-2, the Legislative Management  
429 Committee.

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

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

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

435 (b) A political subdivision or charter school may seek judicial review of a fine that the

436 attorney general imposes under this section to determine whether the fine is clearly  
437 erroneous.

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

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

441 **63I-2-263 . Repeal dates: Title 63A to Title 63N.**

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

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

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

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

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

449 [~~5~~] (6) Section 63H-7a-303 is repealed July 1, 2024.

450 [~~6~~] (7) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety  
451 communications network, is repealed July 1, 2033.

452 [~~7~~] (8) Subsection 63J-1-602.2(45), which lists appropriations to the State Tax  
453 Commission for property tax deferral reimbursements, is repealed July 1, 2027.

454 [~~8~~] (9) Subsection 63N-2-213(12)(a), relating to claiming a tax credit in the same taxable  
455 year as the targeted business income tax credit, is repealed December 31, 2024.

456 [~~9~~] (10) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an  
457 Enterprise Zone, is repealed December 31, 2024.

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

459 **67-5-17 . Attorney-client relationship.**

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

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

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

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

- 470 (d) jointly by agreement, establish protocols with the officer to facilitate  
471 communications and working relationships with the officer or agencies under the  
472 officer's supervision.
- 473 (2) Nothing in Subsection (1) modifies or supercedes any independent legal authority  
474 granted specifically by statute to the attorney general.
- 475 (3) When the attorney general institutes or maintains a civil enforcement action on behalf of  
476 the state of Utah that is not covered under Subsection (1), the attorney general shall:
- 477 (a) fully advise the governor, as the officer in whom the executive authority of the state  
478 is vested, before instituting the action, entering into a settlement or consent decree, or  
479 taking an appeal; and
- 480 (b) keep the governor reasonably informed about the status of the matter and promptly  
481 comply with reasonable requests for information.
- 482 (4) In a civil action not covered under Subsection (1) or (3), the attorney general shall:
- 483 (a) keep the governor reasonably informed about the status of the matter and promptly  
484 comply with reasonable requests for information;
- 485 (b) explain the matter to the extent reasonably necessary to enable the governor to make  
486 informed decisions regarding the representation; and
- 487 (c) abide by the governor's decisions concerning the objectives of the representation and  
488 consult with the governor as to the means by which they are to be pursued.
- 489 (5) The governor may appear in any civil legal action involving the state and appoint legal  
490 counsel to advise or appear on behalf of the governor. The court shall allow the  
491 governor's appearance.
- 492 (6) (a) As used in this section, "cooperative state litigation" means:
- 493 (i) an anticipated or pending settlement that may require approval by the Legislature  
494 or the Legislative Management Committee in accordance with Title 63G, Chapter  
495 10, State Settlement Agreements Act; or
- 496 (ii) anticipated or pending litigation in which:
- 497 (A) a party challenges the constitutionality of a state law; or
- 498 (B) the state challenges a federal law or regulation.
- 499 (b) When the Office of the Attorney General discusses or shares with persons within the  
500 legislative branch documents or information related to cooperative state litigation, the  
501 sharing is in furtherance of matters of common interest between the represented  
502 parties.

503 Section 11. **Effective date.**

504 This bill takes effect on May 1, 2024.

505 Section 12. **Revisor instructions.**

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