

Executive Document

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Governor, Administration: Rescinding Prior Executive Orders, Utah Exec. Order No. 2016-1

Issued: January 29, 2016

EXECUTIVE ORDER

Rescinding Prior Executive Orders

WHEREAS, as Governor of the Great State of Utah, I am endowed with the constitutional and statutory authority to direct the business of the state of Utah; and

WHEREAS, in times of emergency, to conduct the business of the state, protect its citizens, and direct the actions of executive employees and agencies a Governor may issue executive orders; and

WHEREAS, each Governor of this state has made great contributions to effective governance and addressing the critical issues and challenges of their time through executive orders; and

WHEREAS, many prior executive orders have completed their purpose, become unnecessary, or have been replaced by subsequent orders or state and federal laws;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by the authority vested in me by the Constitution and laws of the State, do hereby rescind the following executive orders:

(1) Executive Order issued February 23, 1977, by Governor Matheson, directing the Utah Department of Development Services to establish a liaison between the Division of Industrial Promotion and the Minority Economic Coalition of Utah and to serve as the Utah Office of Minority Economic Business Enterprise. This order is rescinded because a subsequent order, Executive Order 2013-07 created the Utah Multicultural Affairs Office and Utah Multicultural Commission, and fulfills the same purposes;

(2) Executive Order issued April 18, 1977, by Governor Matheson, creating the Utah Advisory Council on Family Planning Services as an advisory body to the State Division of Health. This order is rescinded because Utah Code sections 63-40-1 through 63-40-7, upon which the order was based, were repealed by Laws of Utah 2004, Chapter 352, Section 28, effective May 3, 2004;

(3) Executive Order issued March 28, 1978, by Governor Matheson, establishing the "Governor's Committee on Employment of the Handicapped" created to promote and to encourage employment of disabled individualist and vocational, economic, and social opportunities. This order is rescinded because

Utah's 2012 Employment First statute, Utah Code 62A-5-103.3, fulfills the same purpose;

(4) Executive Order issued June 19, 1978, by Governor Matheson, creating the Motor Vehicle Carrier Advisory Committee to study the motor carrier industry and recommend changes to the Department of Transportation. This order is rescinded because the Motor Carrier Advisory Board created by Utah Code 72-9-201 fulfills the same purpose;

(5) Executive Order issued February 22, 1979, by Governor Matheson, creating the Environmental Coordinating Committee. This order is rescinded because a subsequent Executive Order on June 29, 1981, "Dissolving the Environmental Coordinating Committee," and the Resource Development Coordinating Committee, created by Utah Code Title 63J Chapter 4 Part 5, fulfills the same purposes;

(6) Executive Order issued May 4, 1979, by Governor Matheson, proclaiming a code of fair practices to govern Executive Branch agencies. This order is rescinded because a subsequent executive order issued by Governor Bangerter on July 25, 1986, "Proclaiming the Code of Fair Practices to be the governing policy throughout every department of the executive branch of government of the state," fulfills the same purpose;

(7) Executive Order issued August 15, 1979, by Governor Matheson, creating the State Economic Opportunity Office within the Department of Community and Economic Development to develop solutions to issues related to poverty. This order is rescinded because of the creation of the State Community Services Office in Utah Code Title 35A Chapter 8 Part 10;

(8) Executive Order issued October 16, 1979, by Governor Matheson, creating a Community Development Division within the Department of Community and Economic Development to provide financial and technical assistance to the communities of the state. This order is rescinded because the purpose of the order was fulfilled by Utah Code Section 35A-1-202(d), which created the Housing and Community Development Division;

(9) Executive Order issued December 11, 1979, by Governor Matheson, creating the Office of the Handicapped within the Department of Social Services. This order is rescinded because Utah Code 62A-5-102(1) created the Division of Services for People with Disabilities, which acquired the responsibilities addressed in the order.

(10) Executive Order issued January 22, 1980, by Governor Matheson, creating the Utah Transportation Environmental Council under the direction of the Utah Highways Environmental Advisory Committee. This order is rescinded because the purpose of this order has been fulfilled through various state and federal laws passed in the last 35 years;

(11) Executive Order issued January 26, 1980, by Governor Matheson, designating the National Association of State Budget Officers as the agency in charge of the study and research of state budgeting. This order is rescinded because the order was ceremonial and its purpose has been fulfilled;

(12) Executive Order issued April 15, 1980, by Governor Matheson, increasing the membership of the Motor Vehicle Carrier Advisory Committee. This order

is rescinded because of the creation of the Motor Carrier Advisory Board in Utah Code 72-9-201;

(13) Executive Order issued April 26, 1980, by Governor Matheson, establishing the Advisory Committee on Consumer Affairs to investigate and to understand the relationship between retail trade associations and consumer groups in the state. This order is rescinded because its purpose was fulfilled on October 15, 1980, when the final report contemplated by the order was completed;

(14) Executive Order issued April 30, 1980, by Governor Matheson, creating the Human Resources Coordinating Committee as an interagency and interdisciplinary committee to address social, economic, and health needs of future generations of Utahns. This order is rescinded because the statutes referenced in the order have been changed and the purposes of the order are now fulfilled by state agencies;

(15) Executive Order issued August 12, 1980, by Governor Matheson, creating the Rural Development Council as an intergovernmental committee responsible for the development of rural goals in the areas of housing, health, water and sewer, education, income maintenance, social services, job creation, economic development, energy, transportation, communications, public facilities, and natural resources. This order is rescinded because the order specifies the Council was to function for eighteen months. Additionally, the Governor's Rural Partnership Board created by Utah Code 63C-10-102 fulfills the same purpose;

(16) Executive Order issued April 20, 1981, by Governor Matheson, creating the Governor's Small Business Advisory Council. This order is rescinded because an Executive Order issued by Governor Bangerter on February 3, 1986, "Establishing the Utah Advisory Council on Small Business," fulfilled the same purpose;

(17) Executive Order issued May 15, 1981, by Governor Matheson, creating a State Cash Management Committee within the executive branch to analyze the current cash flow practices within the state. This order is rescinded because current practices involving the Division of Finance, the Treasurer's Office, and the Governor's Office of Management and Budget address the same cash flow practices;

(18) Executive Order issued February 25, 1982, by Governor Matheson, ordering the Department of Administrative Services, through the State Building Board, to develop procedures and methods for the naming of public facilities after Utahns who have provided significant service to their fellow citizens. This order is rescinded because Building Board Administrative Rule, R23-10, authorized by Utah Code 63A-5-103(1) (e) fulfills the same purpose;

(19) Executive Order issued May 18, 1982, by Governor Matheson, merging the Division of Manufactured Housing and Recreational Vehicles with the Division of Contractors in order to obtain efficient use of personnel, facilities, and costs. This order is rescinded because statutory provisions restructuring agencies addressing manufactured housing and recreational vehicles and contractors have fulfilled the charges of the order;

(20) Executive Order issued July 14, 1982, by Governor Matheson,

establishing the Utah Resource for Genetic and Epidemiologic Research as a resource for the collection, storage, study, and dissemination of data and medical information. This order is rescinded because a subsequent executive order issued by Governor Bangerter on February 20, 1986 "Creating the Resource for Genetic and Epidemiologic Research," fulfilled the same purpose. Additionally, Utah Code 63-2-85.3 repealed by the Laws of Utah 1991, Chapter 259 in House Bill 246 repealed the authority cited in the order;

(21) Executive Order issued February 14, 1983, by Governor Matheson, developing an emergency plan with assistance from the Department of Public Safety and the Division of Facilities Construction and Management to preserve the life and safety of workers in each state facility during emergency situations. This order is rescinded because a subsequent order issued by Governor Huntsman on May 1, 2006, Executive Order 2006-02, "State Agency Participation in Comprehensive Preparedness Initiative," fulfilled a similar purpose;

(22) Executive Order issued March 8, 1983, by Governor Matheson, creating a State Advisory Committee for Risk Management to provide unbiased expertise for the evaluation of insurance and risk management-related matters. This order is rescinded because the Division of Risk Management has developed an advisory committee consisting of contributors to the State Risk Pool to fulfill the same purpose;

(23) Executive Order issued May 20, 1983, by Governor Matheson, creating the Utah State Occupational Information Coordinating Committee as required by Section 125 of the Job Training Partnership Act of 1982. This order is rescinded because a subsequent order issued by Governor Leavitt on May 3, 1994, creating the Utah State Occupational Information Coordinating Committee, fulfilled the same purposes;

(24) Executive Order issued June 6, 1983, by Governor Matheson, dissolving the Utah Transportation Environmental Council. This order is rescinded because the purpose of this order has been supplanted by numerous environmental laws enacted and amended over the last 32 years;

(25) Executive Order issued September 21, 1984, by Governor Matheson, establishing a formula for the allocation of the State Ceiling as defined and required by the Tax Reform Act of 1984. This order is rescinded because Utah Code 63N-5-101 codifies the same process;

(26) Executive Order issued December 14, 1984, by Governor Matheson, establishing the Aid to Families with Dependent Children Intern Program to assist single heads-of-households to become self-sufficient. This order is rescinded because a subsequent order issued by Governor Bangerter on October 25, 1985, "Establishing the Aid To Families with Dependent Children Intern 8 Program," amended the program;

(27) Executive Order issued December 31, 1984, by Governor Matheson, reestablishing a formula for the allocation of the State Ceiling according the Tax Reform Act of 1984 and amending the order of September 21, 1984. This order is rescinded because Utah Code 63N-5-101 codifies the same process;

(28) Executive Order issued January 11, 1985, by Governor Bangerter, reestablishing a formula for the allocation of the State Ceiling according the

Tax Reform Act of 1984, amending the order of December 31, 1984. This order is rescinded because Utah Code 63N-5-101 codifies the same process;

(29) Executive Order issued February 5, 1985, by Governor Bangerter, reestablishing a formula for the allocation of the State Ceiling according the Tax Reform Act of 1984, amending the order of January 11, 1985. This order is rescinded because Utah Code 63N-5-101 codifies the same process;

(30) Executive Order issued March 21, 1985, by Governor Bangerter, reestablishing a formula for the allocation of the State Ceiling according the Tax Reform Act of 1984, amending the order of February 5, 1985. This order is rescinded because Utah Code 63N-5-101 codifies the same process;

(31) Executive Order issued May 15, 1985, by Governor Bangerter, designating the Utah State Occupational Information Coordinating Committee as required by the Job Training Partnership Act of 1982. This order is rescinded because a subsequent order issued by Governor Leavitt on May 3, 1994 created a superseding committee;

(32) Executive Order issued September 27, 1985, by Governor Bangerter, establishing a Governor's Advisory Council on Intergovernmental Affairs to advise the Governor, executive agencies and the Legislature on matters pertaining to the operation of local governments in the state. This order is rescinded because Laws of Utah 2003, Chapter 36, Senate bill 67 codified this order. The codifying statute was later repealed and the functions of the council were assumed by the University of Utah Center for Public Policy and Administration;

(33) Executive Order issued November 4, 1985, by Governor Bangerter, establishing a Governor's Council on Veterans' Issues to promote the understanding of veterans' issues and to communicate the concerns of veterans to the Governor. This order is rescinded because Utah Code 71-8-4 codified the purpose of the order with the formal creation of the Veterans Advisory Council;

(34) Executive Order issued January 29, 1986, by Governor Bangerter, establishing the Utah State Committee on Geographic Names to work with the United States Board of Geographic Names and to review all geographic name changes. This order is rescinded because the Committee was replaced by a subsequent order issued by Governor Huntsman on December 15, 2005, Executive Order 2005-022, "Creating the Utah Committee on Geographic Names";

(35) Executive Order issued February 3, 1986, by Governor Bangerter, establishing the Utah Advisory Council on Small Business to serve as an advocate for the Utah small business community with state government and to act in an advisory capacity to the Business Development Subcommittee of the Utah Board of Business and Economic Development. This order is rescinded because the Laws of Utah 1988, Chapter 78, Senate Bill 163, created the Small Business Advisory Council. Utah Code 63-55-209, sunset this Council in 1999;

(36) Executive Order issued April 7, 1986, by Governor Bangerter, establishing a formula for the allocation of the Unified Volume Cap. This order is rescinded because Utah Code 63M-1-3001 codified the same process;

- (37) Executive Order issued September 2, 1986, by Governor Bangerter, establishing the Housing Development Advisory Council within the Department of Community and Economic Development to develop and recommend innovative mechanisms and programs to encourage public and private sector cooperation in housing development activities. This order is rescinded because Utah Code 35A-8-503 created the Olene Walker Housing Loan Fund Board to accomplish a similar purpose;
- (38) Executive Order issued May 11, 1987, by Governor Bangerter, designating the Utah Housing Finance Agency as the agency with the responsibility to determine and announce the state housing credit ceiling for each calendar year. This order is rescinded because Utah Code 35A-8-725 designated the Utah Housing Corporation as the agency with this responsibility;
- (39) Executive Order issued June 30, 1988, by Governor Bangerter, creating the State Lands Grazing Advisory Council. This order is rescinded because the Division of State Lands and Forestry was substantially restructured in 1994 in conjunction with the creation of the School and Institutional Trust Lands Administration and the Division of Forestry, Fire and State Lands. This restructuring fulfilled the purpose of this council;
- (40) Executive Order issued April 20, 1989, by Governor Bangerter, creating a Governor's Council on Veterans Issues. This order is rescinded because Utah Code 71-8-4 created the Veterans Advisory Council to fulfill the same purpose;
- (41) Executive Order issued October 31, 1989, by Governor Bangerter, creating the Governor's Council on Juvenile Sex Offenders. This order is rescinded because the Board of Juvenile Justice the Utah Commission on Criminal and Juvenile Justice, and the Utah Sentence Commission all have oversight of this policy area;
- (42) Executive Order issued January 7, 1994, by Governor Leavitt, creating the Utah Commission on National and Community Service. This order is rescinded because Utah Code 9-1-8 created the Utah Commission on Service and Volunteerism, which has been given responsibility for the same functions;
- (43) Executive Order issued May 3, 1994, by Governor Leavitt, Creating the Utah State Occupational Information Coordinating Committee. This order is rescinded because Executive Order 2014-10 issued on December 10, 2014 creating the "Utah Futures Steering Committee," replaced this function;
- (44) Executive Order issued June 6, 1996, by Governor Leavitt, establishing the Utah Wireless Interagency Network. This order is rescinded because Utah Communications Authority, created by Utah Code Title 63H, Chapter 7, has responsibility for managing the statewide radio network;
- (45) Executive Order issued May 27, 1998 by Governor Leavitt, creating the Council of Economic Advisors. This bill is rescinded because the Governor's Office of Economic Development created by Utah Code Title 63N, has assumed these functions;
- (46) Executive Order issued June 23, 1999, by Governor Leavitt, establishing a State Building Energy Efficiency Program. This order is rescinded because Utah Code Title 63A-5-701 codified the purpose of this order;

(47) Executive Order issued November 9, 2001, by Governor Leavitt, establishing the Homeland Security Task Force. This order is rescinded because the State Information and Analysis Center now performs these functions;

(48) Executive Order issued November 1, 2003, by Governor Leavitt, creating An Outdoor Recreation Economic Ecosystem Task Force. This order is rescinded because Executive Order 2005-12, issued June 10, 2005 by Governor Huntsman replaced the function of this order;

(49) Executive Order 2005-12 issued June 10, 2005, by Governor Huntsman, creating the Outdoor Recreation Economic Ecosystem Task Force. This order is rescinded because Utah Code Title 63N Chapter 9 codifies the Outdoor Recreation Office, which absorbed the functions of the Task Force;

(50) Executive Order 2007-02 issued March 8, 2007, by Governor Huntsman, creating the Utah State Interoperability Executive Committee. This order is rescinded because Utah Communications Authority, created by Utah Code Title 63H, Chapter 7, created the Office of the Statewide Interoperability Coordinator;

(51) Executive Order 2008-01 issued February 8, 2008, by Governor Huntsman, creating the Public Health Emergency Preparedness Advisory Committee. This order is rescinded because requirements surrounding grant funding have put in place a substantively equivalent process;

(52) Executive Order 2010-02, issued January 2, 2010, establishing a "System For Allocating Volume Cap For Recovery Zone Bonds in the State Consistent With the Provisions of the United States Internal Revenue Code of 1986." This order is rescinded because the Recovery Zone Bond Program expired in December of 2010.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah on this, the 29th day of January 2016.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2016/01/EO

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