

VETERANS AND MILITARY AFFAIRS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill clarifies that terms for certain members of the commission begin on July 1 of the year of appointment and makes technical corrections.

Highlighted Provisions:

This bill:

- ▶ makes July 1 the appointment date for pro tempore members of the commission;
- ▶ clarifies that when a vacancy occurs, the appointment to fill the spot begins on July 1;
- ▶ specifies that if the time between appointment and July 1 is less than six months, the term starts anew on July 1; and
- ▶ makes technical corrections by removing the apostrophe from the word veterans throughout the code and other coordinating changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-19-14, as last amended by Laws of Utah 2011, Chapters 297 and 366

26-35a-103, as last amended by Laws of Utah 2011, Chapter 366

30-3-35, as last amended by Laws of Utah 2017, Chapter 120

35A-1-206, as last amended by Laws of Utah 2017, Chapters 181, 223, and 382

- 30 **36-28-101**, as enacted by Laws of Utah 2014, Chapter 150
- 31 **36-28-102**, as last amended by Laws of Utah 2017, Chapter 90
- 32 **41-1a-418**, as last amended by Laws of Utah 2017, Chapters 107, 181, and 194
- 33 **41-1a-421**, as last amended by Laws of Utah 2016, Chapter 68
- 34 **41-1a-422**, as last amended by Laws of Utah 2017, Chapters 107, 194, and 383
- 35 **53-3-205**, as last amended by Laws of Utah 2016, Chapter 175
- 36 **53-3-804**, as last amended by Laws of Utah 2014, Chapters 85 and 252
- 37 **53-3-805**, as last amended by Laws of Utah 2014, Chapters 85 and 252
- 38 **53B-8-107**, as last amended by Laws of Utah 2016, Chapter 230
- 39 **53B-8e-103**, as last amended by Laws of Utah 2013, Chapter 214
- 40 **53B-16-107**, as last amended by Laws of Utah 2017, Chapter 382
- 41 **53E-3-920**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 42 **53G-7-214**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 43 **58-17b-622**, as last amended by Laws of Utah 2013, Chapters 166 and 262
- 44 **58-24b-304**, as enacted by Laws of Utah 2009, Chapter 220
- 45 **59-2-1104 (Superseded 01/01/19)**, as last amended by Laws of Utah 2015, Chapter 261
- 46 **59-2-1104 (Effective 01/01/19)**, as last amended by Laws of Utah 2017, Chapter 189
- 47 **63B-18-301**, as last amended by Laws of Utah 2013, Chapter 214
- 48 **63G-1-301**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 49 **63G-1-401**, as last amended by Laws of Utah 2017, Chapters 15, 40, and 117
- 50 **63G-1-703**, as enacted by Laws of Utah 2013, Chapter 90
- 51 **63J-1-219**, as last amended by Laws of Utah 2016, Chapter 144
- 52 **67-19-6.7**, as last amended by Laws of Utah 2017, Chapter 463
- 53 **67-19-15**, as last amended by Laws of Utah 2017, Chapter 463
- 54 **67-22-2**, as last amended by Laws of Utah 2015, Chapter 470
- 55 **71-3-1**, as last amended by Laws of Utah 2002, Chapter 162
- 56 **71-7-2**, as enacted by Laws of Utah 1961, Chapter 21
- 57 **71-7-3**, as last amended by Laws of Utah 2015, Chapter 141

- 58 **71-7-4**, as last amended by Laws of Utah 2016, Chapter 252
- 59 **71-7-5**, as enacted by Laws of Utah 2013, Chapter 422
- 60 **71-8-1**, as last amended by Laws of Utah 2015, Chapter 141
- 61 **71-8-2**, as last amended by Laws of Utah 2016, Chapters 68, 230, and 252
- 62 **71-8-3**, as last amended by Laws of Utah 2014, Chapter 91
- 63 **71-8-4**, as last amended by Laws of Utah 2016, Chapter 230
- 64 **71-8-5**, as last amended by Laws of Utah 2016, Chapter 230
- 65 **71-8-6**, as enacted by Laws of Utah 2013, Chapter 308
- 66 **71-8-7**, as enacted by Laws of Utah 2013, Chapter 308
- 67 **71-9-1**, as last amended by Laws of Utah 2013, Chapter 214
- 68 **71-9-2**, as last amended by Laws of Utah 2013, Chapter 214
- 69 **71-10-2**, as last amended by Laws of Utah 2011, Chapter 366
- 70 **71-11-1**, as last amended by Laws of Utah 2000, Chapter 134
- 71 **71-11-2**, as last amended by Laws of Utah 2016, Chapter 230
- 72 **71-11-3**, as last amended by Laws of Utah 2007, Chapter 173
- 73 **71-11-4**, as last amended by Laws of Utah 2007, Chapter 173
- 74 **71-11-5**, as last amended by Laws of Utah 2008, Chapter 382
- 75 **71-11-7**, as last amended by Laws of Utah 2016, Chapter 252
- 76 **71-11-8**, as last amended by Laws of Utah 2013, Chapter 400
- 77 **71-12-101**, as enacted by Laws of Utah 2014, Chapter 91
- 78 **71-12-102**, as last amended by Laws of Utah 2015, Chapter 141
- 79 **71-12-103**, as enacted by Laws of Utah 2014, Chapter 91
- 80 **71-13-102**, as enacted by Laws of Utah 2015, Chapter 123
- 81 **71-13-105**, as enacted by Laws of Utah 2015, Chapter 123
- 82 **72-4-201**, as renumbered and amended by Laws of Utah 1998, Chapter 270
- 83 **72-4-203**, as renumbered and amended by Laws of Utah 1998, Chapter 270
- 84 **78B-6-2003**, as enacted by Laws of Utah 2016, Chapter 385

85

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

87 Section 1. Section **23-19-14** is amended to read:

88 **23-19-14. Persons residing in certain institutions authorized to fish without**
89 **license.**

90 (1) The Division of Wildlife Resources shall permit a person to fish without a license
91 if:

92 (a) (i) the person resides in:

93 (A) the Utah State Developmental Center in American Fork;

94 (B) the state hospital;

95 (C) a [~~veteran's~~] veterans hospital;

96 (D) a [~~veteran's~~] veterans nursing home;

97 (E) a mental health center;

98 (F) an intermediate care facility for people with an intellectual disability;

99 (G) a group home licensed by the Department of Human Services and operated under
100 contract with the Division of Services for People with Disabilities;

101 (H) a group home or other community-based placement licensed by the Department of
102 Human Services and operated under contract with the Division of Juvenile Justice Services;

103 (I) a private residential facility for at-risk youth licensed by the Department of Human
104 Services; or

105 (J) another similar institution approved by the division; or

106 (ii) the person is a youth who participates in a work camp operated by the Division of
107 Juvenile Justice Services;

108 (b) the person is properly supervised by a representative of the institution; and

109 (c) the institution obtains from the division a certificate of registration that specifies:

110 (i) the date and place where the person will fish; and

111 (ii) the name of the institution's representative who will supervise the person fishing.

112 (2) The institution shall apply for the certificate of registration at least 10 days before
113 the fishing outing.

114 (3) (a) An institution that receives a certificate of registration authorizing at-risk youth
115 to fish shall provide instruction to the youth on fishing laws and regulations.

116 (b) The division shall provide educational materials to the institution to assist it in
117 complying with Subsection (3)(a).

118 Section 2. Section **26-35a-103** is amended to read:

119 **26-35a-103. Definitions.**

120 As used in this chapter:

121 (1) (a) "Nursing care facility" means:

122 (i) a nursing care facility described in Subsection 26-21-2(17);

123 (ii) beginning January 1, 2006, a designated swing bed in:

124 (A) a general acute hospital as defined in Subsection 26-21-2(11); and

125 (B) a critical access hospital which meets the criteria of 42 U.S.C. Sec. 1395i-4(c)(2)
126 (1998); and

127 (iii) an intermediate care facility for people with an intellectual disability that is
128 licensed under Section 26-21-13.5.

129 (b) "Nursing care facility" does not include:

130 (i) the Utah State Developmental Center;

131 (ii) the Utah State Hospital;

132 (iii) a general acute hospital, specialty hospital, or small health care facility as defined
133 in Section 26-21-2; or

134 (iv) a Utah State [~~Veterans~~] Veterans Home.

135 (2) "Patient day" means each calendar day in which an individual patient is admitted to
136 the nursing care facility during a calendar month, even if on a temporary leave of absence from
137 the facility.

138 Section 3. Section **30-3-35** is amended to read:

139 **30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

140 (1) The parent-time schedule in this section applies to children 5 to 18 years of age.

141 (2) If the parties do not agree to a parent-time schedule, the following schedule shall be

142 considered the minimum parent-time to which the noncustodial parent and the child shall be
143 entitled.

144 (a) (i) (A) One weekday evening to be specified by the noncustodial parent or the court,
145 or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.;

146 (B) at the election of the noncustodial parent, one weekday from the time the child's
147 school is regularly dismissed until 8:30 p.m., unless the court directs the application of
148 Subsection (2)(a)(i); or

149 (C) at the election of the noncustodial parent, if school is not in session, one weekday
150 from approximately 9 a.m., accommodating the custodial parent's work schedule, until 8:30
151 p.m. if the noncustodial parent is available to be with the child, unless the court directs the
152 application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

153 (ii) Once the election of the weekday for the weekday evening parent-time is made, it
154 may not be changed except by mutual written agreement or court order.

155 (b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the
156 decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

157 (B) at the election of the noncustodial parent, from the time the child's school is
158 regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of
159 Subsection (2)(b)(i)(A); or

160 (C) at the election of the noncustodial parent, if school is not in session, on Friday from
161 approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on
162 Sunday, if the noncustodial parent is available to be with the child unless the court directs the
163 application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).

164 (ii) A step-parent, grandparent, or other responsible adult designated by the
165 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the
166 individual, and the parent will be with the child by 7 p.m.

167 (iii) An election should be made by the noncustodial parent at the time of entry of the
168 divorce decree or court order, and may be changed by mutual agreement, court order, or by the
169 noncustodial parent in the event of a change in the child's schedule.

170 (iv) Weekends include any "snow" days, teacher development days, or other days when
171 school is not scheduled and which are contiguous to the weekend period.

172 (c) Holidays include any "snow" days, teacher development days after the children
173 begin the school year, or other days when school is not scheduled, contiguous to the holiday
174 period, and take precedence over the weekend parent-time. Changes may not be made to the
175 regular rotation of the alternating weekend parent-time schedule, however:

176 (i) birthdays take precedence over holidays and extended parent-time, except Mother's
177 Day and Father's Day; and

178 (ii) birthdays do not take precedence over uninterrupted parent-time if the parent
179 exercising uninterrupted time takes the child away from that parent's residence for the
180 uninterrupted extended parent-time.

181 (d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall
182 be responsible for the child's attendance at school for that school day.

183 (e) (i) If a holiday falls on a weekend or on a Friday or Monday and the total holiday
184 period extends beyond that time so that the child is free from school and the parent is free from
185 work, the noncustodial parent shall be entitled to this lengthier holiday period.

186 (ii) (A) At the election of the noncustodial parent, parent-time over a scheduled holiday
187 weekend may begin from the time the child's school is regularly dismissed at the beginning of
188 the holiday weekend until 7 p.m. on the last day of the holiday weekend; or

189 (B) at the election of the noncustodial parent, if school is not in session, parent-time
190 over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the
191 custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last
192 day of the holiday weekend, if the noncustodial parent is available to be with the child unless
193 the court directs the application of Subsection (2)(e)(ii)(A).

194 (iii) A step-parent, grandparent, or other responsible individual designated by the
195 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the
196 individual, and the parent will be with the child by 7 p.m.

197 (iv) An election should be made by the noncustodial parent at the time of the divorce

198 decree or court order, and may be changed by mutual agreement, court order, or by the
199 noncustodial parent in the event of a change in the child's schedule.

200 (f) In years ending in an odd number, the noncustodial parent is entitled to the
201 following holidays:

202 (i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m.
203 until 9 p.m., at the discretion of the noncustodial parent, the noncustodial parent may take other
204 siblings along for the birthday;

205 (ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless
206 the holiday extends for a lengthier period of time to which the noncustodial parent is
207 completely entitled;

208 (iii) subject to Subsection (2)(i), spring break beginning at 6 p.m. on the day school lets
209 out for the holiday until 7 p.m. on the evening before school resumes;

210 (iv) July 4 beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6
211 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

212 (v) Labor Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday
213 extends for a lengthier period of time to which the noncustodial parent is completely entitled;

214 (vi) the fall school break, if applicable, commonly known as U.E.A. weekend
215 beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a
216 lengthier period of time to which the noncustodial parent is completely entitled;

217 (vii) ~~Veteran's~~ Veterans Day holiday beginning 6 p.m. the day before the holiday until
218 7 p.m. on the holiday; and

219 (viii) the first portion of the Christmas school vacation as defined in Subsection
220 30-3-32(3)(b) including Christmas Eve and Christmas Day, continuing until 1 p.m. on the day
221 halfway through the holiday period, if there are an odd number of days for the holiday period,
222 or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire
223 holiday period is equally divided.

224 (g) In years ending in an even number, the noncustodial parent is entitled to the
225 following holidays:

226 (i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m., at the discretion
227 of the noncustodial parent, the noncustodial parent may take other siblings along for the
228 birthday;

229 (ii) President's Day beginning at 6 p.m. on Friday until 7 p.m. on Monday unless the
230 holiday extends for a lengthier period of time to which the noncustodial parent is completely
231 entitled;

232 (iii) Memorial Day beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the
233 holiday extends for a lengthier period of time to which the noncustodial parent is completely
234 entitled;

235 (iv) July 24 beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later
236 than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

237 (v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the
238 holiday;

239 (vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the
240 local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;

241 (vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and

242 (viii) the second portion of the Christmas school vacation as defined in Subsection
243 [30-3-32\(3\)\(b\)](#), beginning 1 p.m. on the day halfway through the holiday period, if there are an
244 odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for
245 the holiday period, so long as the entire Christmas holiday period is equally divided.

246 (h) The custodial parent is entitled to the odd year holidays in even years and the even
247 year holidays in odd years.

248 (i) If there is more than one child and the children's school schedules vary for purpose
249 of a holiday, it is presumed that the children will remain together for the holiday period
250 beginning the first evening all children's schools are let out for the holiday and ending the
251 evening before any child returns to school.

252 (j) Father's Day shall be spent with the natural or adoptive father every year beginning
253 at 9 a.m. until 7 p.m. on the holiday.

254 (k) Mother's Day shall be spent with the natural or adoptive mother every year
255 beginning at 9 a.m. until 7 p.m. on the holiday.

256 (l) Extended parent-time with the noncustodial parent may be:

257 (i) up to four consecutive weeks when school is not in session at the option of the
258 noncustodial parent, including weekends normally exercised by the noncustodial parent, but
259 not holidays;

260 (ii) two weeks shall be uninterrupted time for the noncustodial parent; and

261 (iii) the remaining two weeks shall be subject to parent-time for the custodial parent for
262 weekday parent-time but not weekends, except for a holiday to be exercised by the other
263 parent.

264 (m) The custodial parent shall have an identical two-week period of uninterrupted time
265 when school is not in session for purposes of vacation.

266 (n) Both parents shall provide notification of extended parent-time or vacation weeks
267 with the child at least 30 days before the end of the child's school year to the other parent and if
268 notification is not provided timely the complying parent may determine the schedule for
269 extended parent-time for the noncomplying parent.

270 (o) Telephone contact shall be at reasonable hours and for a reasonable duration.

271 (p) Virtual parent-time, if the equipment is reasonably available and the parents reside
272 at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that
273 if the parties cannot agree on whether the equipment is reasonably available, the court shall
274 decide whether the equipment for virtual parent-time is reasonably available, taking into
275 consideration:

276 (i) the best interests of the child;

277 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

278 (iii) any other factors the court considers material.

279 (3) An election required to be made in accordance with this section by either parent
280 concerning parent-time shall be made a part of the decree and made a part of the parent-time
281 order.

282 (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended
283 beyond the hours designated in Subsection (2)(g)(vi).

284 Section 4. Section 35A-1-206 is amended to read:

285 **35A-1-206. State Workforce Development Board -- Appointment -- Membership**
286 **-- Terms of members -- Compensation.**

287 (1) There is created within the department the State Workforce Development Board in
288 accordance with the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C.
289 Sec. 3101 et seq.

290 (2) The board shall consist of the following 39 members:

291 (a) the governor or the governor's designee;

292 (b) one member of the Senate, appointed by the president of the Senate;

293 (c) one representative of the House of Representatives, appointed by the speaker of the
294 House of Representatives;

295 (d) the executive director or the executive director's designee;

296 (e) the executive director of the Department of Human Services or the executive
297 director's designee;

298 (f) the director of the Utah State Office of Rehabilitation or the director's designee;

299 (g) the state superintendent of public instruction or the superintendent's designee;

300 (h) the commissioner of higher education or the commissioner's designee;

301 (i) the Utah System of Technical Colleges commissioner of technical education or the
302 commissioner of technical education's designee;

303 (j) the executive director of the Governor's Office of Economic Development or the
304 executive director's designee;

305 (k) the executive director of the Department of [~~Veterans~~] Veterans and Military
306 Affairs or the executive director's designee; and

307 (l) the following members appointed by the governor:

308 (i) 20 representatives of business in the state, selected among the following:

309 (A) owners of businesses, chief executive or operating officers of businesses, or other

310 business executives or employers with policymaking or hiring authority;

311 (B) representatives of businesses, including small businesses, that provide employment
312 opportunities that include high-quality, work-relevant training and development in in-demand
313 industry sectors or occupations in the state; and

314 (C) representatives of businesses appointed from among individuals nominated by state
315 business organizations or business trade associations;

316 (ii) six representatives of the workforce within the state, which:

317 (A) shall include at least two representatives of labor organizations who have been
318 nominated by state labor federations;

319 (B) shall include at least one representative from a registered apprentice program;

320 (C) may include one or more representatives from a community-based organization
321 that has demonstrated experience and expertise in addressing the employment, training, or
322 educational needs of individuals with barriers to employment; and

323 (D) may include one or more representatives from an organization that has
324 demonstrated experience and expertise in addressing the employment, training, or education
325 needs of eligible youth, including organizations that serve out of school youth; and

326 (iii) two elected officials that represent a city or a county.

327 (3) (a) The governor shall appoint one of the appointed business representatives as
328 chair of the board.

329 (b) The chair shall serve at the pleasure of the governor.

330 (4) (a) The governor shall ensure that members appointed to the board represent
331 diverse geographic areas of the state, including urban, suburban, and rural areas.

332 (b) A member appointed by the governor shall serve a term of four years and may be
333 reappointed to one additional term.

334 (c) A member shall continue to serve until the member's successor has been appointed
335 and qualified.

336 (d) Except as provided in Subsection (4)(e), as terms of board members expire, the
337 governor shall appoint each new member or reappointed member to a four-year term.

338 (e) Notwithstanding the requirements of Subsection (4)(d), the governor shall, at the
339 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
340 board members are staggered so that approximately one half of the board is appointed every
341 two years.

342 (f) When a vacancy occurs in the membership for any reason, the replacement shall be
343 appointed for the unexpired term.

344 (g) The executive director shall terminate the term of any governor-appointed member
345 of the board if the member leaves the position that qualified the member for the appointment.

346 (5) A majority of members constitutes a quorum for the transaction of business.

347 (6) (a) A member of the board who is not a legislator may not receive compensation or
348 benefits for the member's service, but may receive per diem and travel expenses as allowed in:

349 (i) Section 63A-3-106;

350 (ii) Section 63A-3-107; and

351 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
352 63A-3-107.

353 (b) Compensation and expenses of a member who is a legislator are governed by
354 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

355 (7) The department shall provide staff and administrative support to the board at the
356 direction of the executive director.

357 (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec.
358 3111, including:

359 (a) identifying opportunities to align initiatives in education, training, workforce
360 development, and economic development;

361 (b) developing and implementing the state workforce services plan described in
362 Section 35A-1-207;

363 (c) utilizing strategic partners to ensure the needs of industry are met, including the
364 development of expanded strategies for partnerships for in-demand occupations and
365 understanding and adapting to economic changes;

366 (d) developing strategies for staff training;
367 (e) developing and improving employment centers; and
368 (f) performing other responsibilities within the scope of workforce services as
369 requested by:

- 370 (i) the Legislature;
- 371 (ii) the governor; or
- 372 (iii) the executive director.

373 Section 5. Section **36-28-101** is amended to read:

374 **36-28-101. Title.**

375 This chapter is known as the "[~~Veterans~~] Veterans and Military Affairs Commission."

376 Section 6. Section **36-28-102** is amended to read:

377 **36-28-102. Veterans and Military Affairs Commission -- Creation -- Membership**
378 **-- Chairs -- Terms -- Per diem and expenses.**

379 (1) There is created the [~~Veterans~~] Veterans and Military Affairs Commission.

380 (2) The commission membership is composed of 19 permanent members, but may not
381 exceed 24 members, and is as follows:

382 (a) five legislative members to be appointed as follows:

383 (i) three members from the House of Representatives, appointed by the speaker of the
384 House of Representatives, no more than two of whom may be from the same political party;
385 and

386 (ii) two members from the Senate, appointed by the president of the Senate, no more
387 than one of whom may be from the same political party;

388 (b) the executive director of the Department of [~~Veterans~~] Veterans and Military
389 Affairs or the director's designee;

390 (c) the chair of the Utah [~~Veterans~~] Veterans Advisory Council;

391 (d) the executive director of the Department of Workforce Services or the director's
392 designee;

393 (e) the executive director of the Department of Health or the director's designee;

- 394 (f) the executive director of the Department of Human Services or the director's
395 designee;
- 396 (g) the adjutant general of the Utah National Guard or the adjutant general's designee;
- 397 (h) the Guard and Reserve Transition Assistance Advisor;
- 398 (i) a member of the Board of Regents or that member's designee;
- 399 (j) three representatives of veteran service organizations recommended by the Veterans
400 Advisory Council and confirmed by the commission;
- 401 (k) one member of the Executive Committee of the Utah Defense Alliance;
- 402 (l) one military affairs representative from a chamber of commerce member, appointed
403 by the Utah State Chamber of Commerce; and
- 404 (m) a representative from the Veterans Health Administration.
- 405 (3) The commission may appoint by majority vote of the entire commission up to five
406 pro tempore members, representing:
- 407 (a) state or local government agencies;
- 408 (b) interest groups concerned with veterans issues; or
- 409 (c) the general public.
- 410 (4) (a) The president of the Senate shall designate a member of the Senate appointed
411 under Subsection (2)(a) as a cochair of the commission.
- 412 (b) The speaker of the House of Representatives shall designate a member of the House
413 of Representatives appointed under Subsection (2)(a) as a cochair of the commission.
- 414 (5) A majority of the members of the commission shall constitute a quorum. The
415 action of a majority of a quorum constitutes the action of the commission.
- 416 (6) The term for each pro tempore member appointed in accordance with Subsection
417 (3) shall be two years from ~~[the date]~~ July 1 of the year of appointment. A pro tempore
418 member may not serve more than three terms.
- 419 (7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was
420 originally appointed. A person appointed to fill a vacancy under ~~[this section does not serve]~~
421 Subsection (6) serves the remaining unexpired term of the member being replaced ~~[but begins~~

422 ~~servicing a new term~~]. If the remaining unexpired term is less than six months, the newly
423 appointed member shall be reappointed on July 1. The time served until July 1 is not counted in
424 the restriction set forth in Subsection (6).

425 (8) A member may not receive compensation or benefits for the member's service but
426 may receive per diem and travel expenses in accordance with:

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

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

429 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
430 63A-3-107.

431 Section 7. Section 41-1a-418 is amended to read:

432 **41-1a-418. Authorized special group license plates.**

433 (1) The division shall only issue special group license plates in accordance with this
434 section through Section 41-1a-422 to a person who is specified under this section within the
435 categories listed as follows:

436 (a) disability special group license plates issued in accordance with Section 41-1a-420;

437 (b) honor special group license plates, as in a war hero, which plates are issued for a:

438 (i) survivor of the Japanese attack on Pearl Harbor;

439 (ii) former prisoner of war;

440 (iii) recipient of a Purple Heart;

441 (iv) disabled veteran;

442 (v) recipient of a gold star award issued by the United States Secretary of Defense; or

443 (vi) recipient of a campaign or combat theater award determined by the Department of
444 ~~[Veterans]~~ Veterans and Military Affairs;

445 (c) unique vehicle type special group license plates, as for historical, collectors value,
446 or other unique vehicle type, which plates are issued for:

447 (i) a special interest vehicle;

448 (ii) a vintage vehicle;

449 (iii) a farm truck; or

450 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
451 defined in Section 59-13-102; or

452 (B) beginning on the effective date of rules made by the Department of Transportation
453 authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle
454 powered by clean fuel that meets the standards established by the Department of Transportation
455 in rules authorized under Subsection 41-6a-702(5)(b);

456 (d) recognition special group license plates, which plates are issued for:

457 (i) a current member of the Legislature;

458 (ii) a current member of the United States Congress;

459 (iii) a current member of the National Guard;

460 (iv) a licensed amateur radio operator;

461 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;

462 (vi) an emergency medical technician;

463 (vii) a current member of a search and rescue team; or

464 (viii) a current honorary consulate designated by the United States Department of
465 State; or

466 (e) support special group license plates, as for a contributor to an institution or cause,
467 which plates are issued for a contributor to:

468 (i) an institution's scholastic scholarship fund;

469 (ii) the Division of Wildlife Resources;

470 (iii) the Department of [~~Veterans~~] Veterans and Military Affairs;

471 (iv) the Division of Parks and Recreation;

472 (v) the Department of Agriculture and Food;

473 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

474 (vii) the Boy Scouts of America;

475 (viii) spay and neuter programs through No More Homeless Pets in Utah;

476 (ix) the Boys and Girls Clubs of America;

477 (x) Utah public education;

- 478 (xi) programs that provide support to organizations that create affordable housing for
479 those in severe need through the Division of Real Estate;
- 480 (xii) the Department of Public Safety;
- 481 (xiii) programs that support Zion National Park;
- 482 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
483 organizations;
- 484 (xv) programs that promote bicycle operation and safety awareness;
- 485 (xvi) programs that conduct or support cancer research;
- 486 (xvii) programs that create or support autism awareness;
- 487 (xviii) programs that create or support humanitarian service and educational and
488 cultural exchanges;
- 489 (xix) until September 30, 2017, programs that conduct or support prostate cancer
490 awareness, screening, detection, or prevention;
- 491 (xx) programs that support and promote adoptions;
- 492 (xxi) programs that create or support civil rights education and awareness;
- 493 (xxii) programs that support issues affecting women and children through an
494 organization affiliated with a national professional men's basketball organization;
- 495 (xxiii) programs that strengthen youth soccer, build communities, and promote
496 environmental sustainability through an organization affiliated with a professional men's soccer
497 organization;
- 498 (xxiv) programs that support children with heart disease;
- 499 (xxv) programs that support the operation and maintenance of the Utah Law
500 Enforcement Memorial;
- 501 (xxvi) programs that provide assistance to children with cancer; or
- 502 (xxvii) programs that promote leadership and career development through agricultural
503 education.
- 504 (2) (a) The division may not issue a new type of special group license plate or decal
505 unless the division receives:

506 (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for
507 the production and administrative costs of providing the new special group license plates or
508 decals; or

509 (B) a legislative appropriation for the start-up fee provided under Subsection
510 (2)(a)(i)(A); and

511 (ii) beginning on January 1, 2012, and for the issuance of a support special group
512 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new
513 type of support special group license plate or decal to be issued with all fees required under this
514 part for the support special group license plate or decal issuance paid by each applicant.

515 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
516 hold applications for support special group license plates or decals authorized in Section
517 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

518 (ii) Once a participating organization has received at least 500 applications, it shall
519 submit the applications, along with the necessary fees, to the division for the division to begin
520 working on the design and issuance of the new type of support special group license plate or
521 decal to be issued.

522 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design
523 of a new support special group license plate or decal authorized in Section 41-1a-422 until the
524 applications and fees required under this Subsection (2) have been received by the division.

525 (iv) The division shall begin issuance of a new support special group license plate or
526 decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months
527 after receiving the applications and fees required under this Subsection (2).

528 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
529 registration of a motor vehicle that has been issued a firefighter recognition special group
530 license plate unless the applicant is a contributor as defined in Subsection
531 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

532 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
533 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle

534 registration shall:

535 (A) be a contributor to the Firefighter Support Restricted Account as required under
536 Subsection (2)(c)(i); or

537 (B) replace the firefighter recognition special group license plate with a new license
538 plate.

539 (3) Beginning on July 1, 2011, if a support special group license plate or decal type
540 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
541 license plates issued each year for a three consecutive year time period that begins on July 1,
542 the division may not issue that type of support special group license plate or decal to a new
543 applicant beginning on January 1 of the following calendar year after the three consecutive year
544 time period for which that type of support special group license plate or decal has fewer than
545 500 license plates issued each year.

546 (4) Beginning on July 1, 2011, the division may not issue to an applicant a unique
547 vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

548 (5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer
549 support special group license plate.

550 (b) A registered owner of a vehicle that has been issued a prostate cancer support
551 special group license plate before October 1, 2017, may renew the owner's motor vehicle
552 registration, with the contribution allocated as described in Section 41-1a-422.

553 Section 8. Section **41-1a-421** is amended to read:

554 **41-1a-421. Honor special group license plates -- Personal identity requirements.**

555 (1) (a) The requirements of this Subsection (1) apply to a vehicle displaying a:

556 (i) survivor of the Japanese attack on Pearl Harbor license plate;

557 (ii) former prisoner of war license plate;

558 (iii) Purple Heart license plate;

559 (iv) disabled veteran license plate; or

560 (v) campaign or combat theater award license plate.

561 (b) The vehicle shall be titled in the name of the veteran or the veteran and spouse.

562 (c) Upon the death of the veteran, the surviving spouse may, upon application to the
563 division, retain the special group license plate decal so long as the surviving spouse remains
564 unmarried.

565 (d) The division shall require the surviving spouse to make a sworn statement that the
566 surviving spouse is unmarried before renewing the registration under this section.

567 (2) Proper evidence of a Purple Heart is either:

568 (a) a membership card in the Military Order of the Purple Heart; or

569 (b) an original or certificate in lieu of the applicant's military discharge form, DD-214,
570 issued by the National Personnel Records Center.

571 (3) The Purple Heart license plates shall bear:

572 (a) the words "Purple Heart" at the bottom of the plate;

573 (b) a logo substantially depicting a Purple Heart award; and

574 (c) the letter and number combinations assigned by the division.

575 (4) Proper evidence that a person is a disabled veteran is a written document issued by
576 a military entity certifying that the person is disabled as a result of service in a branch of the
577 United States Military.

578 (5) A disabled veteran seeking a disabled veteran license plate shall request the
579 Department of [~~Veterans~~] Veterans and Military Affairs to provide the verification required
580 under Subsection (4).

581 (6) (a) An applicant for a gold star license plate shall submit written documentation
582 that the applicant is a recipient of a gold star award issued by the United States Secretary of
583 Defense.

584 (b) Written documentation under Subsection (6)(a) may include any of the following:

585 (i) a death certificate;

586 (ii) documentation showing classification of death as listed by the United States
587 Secretary of Defense;

588 (iii) a casualty report;

589 (iv) a telegram from the United States Secretary of Defense or one of the branches of

590 the United States armed forces; or

591 (v) other documentation that verifies the applicant meets the requirements of
592 Subsection (6)(a).

593 (7) An applicant for a campaign or combat theater award special group license plate
594 shall:

595 (a) be a contributor in accordance with Subsections 41-1a-422(1)(a)(i)(B) and
596 (1)(a)(ii)(A); and

597 (b) submit a form to the division obtained from the Department of [~~Veterans~~] Veterans
598 and Military Affairs which verifies that the applicant qualifies for the campaign or combat
599 theater award special group license plate requested.

600 (8) Each campaign or combat theater award special group license plate authorized by
601 the Department of [~~Veterans~~] Veterans and Military Affairs shall be considered a new special
602 group license plate and require the payment of the fees associated with newly authorized
603 special group license plates.

604 Section 9. Section 41-1a-422 is amended to read:

605 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
606 **contribution collection procedures.**

607 (1) As used in this section:

608 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who
609 has donated or in whose name at least \$25 has been donated to:

610 (A) a scholastic scholarship fund of a single named institution;

611 (B) the Department of [~~Veterans~~] Veterans and Military Affairs for [~~veterans~~] veterans
612 programs;

613 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
614 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
615 access, and management of wildlife habitat;

616 (D) the Department of Agriculture and Food for the benefit of conservation districts;

617 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;

618 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
619 the donation evenly divided between the two;

620 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
621 council as specified by the contributor;

622 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
623 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

624 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
625 development programs;

626 (J) the Utah Association of Public School Foundations to support public education;

627 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to
628 assist people who have severe housing needs;

629 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)
630 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
631 Safety employees;

632 (M) the Division of Parks and Recreation for distribution to organizations that provide
633 support for Zion National Park;

634 (N) the Firefighter Support Restricted Account created in Section [53-7-109](#) to support
635 firefighter organizations;

636 (O) the Share the Road Bicycle Support Restricted Account created in Section
637 [72-2-127](#) to support bicycle operation and safety awareness programs;

638 (P) the Cancer Research Restricted Account created in Section [26-21a-302](#) to support
639 cancer research programs;

640 (Q) Autism Awareness Restricted Account created in Section [53A-1-304](#) to support
641 autism awareness programs;

642 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
643 created in Section [9-17-102](#) to support humanitarian service and educational and cultural
644 programs;

645 (S) Prostate Cancer Support Restricted Account created in Section [26-21a-303](#) for

646 programs that conduct or support prostate cancer awareness, screening, detection, or prevention
647 until September 30, 2017, and beginning on October 1, 2017, upon renewal of a prostate cancer
648 support special group license plate, to the Cancer Research Restricted Account created in
649 Section 26-21a-302 to support cancer research programs;

650 (T) the Choose Life Adoption Support Restricted Account created in Section
651 62A-4a-608 to support programs that promote adoption;

652 (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in
653 Section 9-18-102;

654 (V) the National Professional Men's Basketball Team Support of Women and Children
655 Issues Restricted Account created in Section 62A-1-202;

656 (W) the Utah Law Enforcement Memorial Support Restricted Account created in
657 Section 53-1-120;

658 (X) the Children with Cancer Support Restricted Account created in Section
659 26-21a-304 for programs that provide assistance to children with cancer;

660 (Y) the National Professional Men's Soccer Team Support of Building Communities
661 Restricted Account created in Section 9-19-102;

662 (Z) the Children with Heart Disease Support Restricted Account created in Section
663 26-58-102;

664 (AA) the Utah Intracurricular Student Organization Support for Agricultural Education
665 and Leadership Restricted Account created in Section 4-42-102; or

666 (BB) the Division of Wildlife Resources for the Support for State-Owned Shooting
667 Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and
668 operation and maintenance of existing, state-owned firearm shooting ranges.

669 (ii) (A) For a [~~veterans~~] veterans special group license plate, "contributor" means a
670 person who has donated or in whose name at least a \$25 donation at the time of application and
671 \$10 annual donation thereafter has been made.

672 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
673 person who:

674 (I) has donated or in whose name at least \$30 has been donated at the time of
675 application and annually after the time of application; and

676 (II) is a member of a trade organization for real estate licensees that has more than
677 15,000 Utah members.

678 (C) For an Honoring Heroes special group license plate, "contributor" means a person
679 who has donated or in whose name at least \$35 has been donated at the time of application and
680 annually thereafter.

681 (D) For a firefighter support special group license plate, "contributor" means a person
682 who:

683 (I) has donated or in whose name at least \$15 has been donated at the time of
684 application and annually after the time of application; and

685 (II) is a currently employed, volunteer, or retired firefighter.

686 (E) For a cancer research special group license plate, "contributor" means a person who
687 has donated or in whose name at least \$35 has been donated at the time of application and
688 annually after the time of application.

689 (F) For a Martin Luther King, Jr. Civil Rights Support special group license plate,
690 "contributor" means a person who has donated or in whose name at least \$35 has been donated
691 at the time of application and annually thereafter.

692 (G) For a Utah Law Enforcement Memorial Support special group license plate,
693 "contributor" means a person who has donated or in whose name at least \$35 has been donated
694 at the time of application and annually thereafter.

695 (b) "Institution" means a state institution of higher education as defined under Section
696 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
697 national accrediting agency recognized by the United States Department of Education.

698 (2) (a) An applicant for original or renewal collegiate special group license plates under
699 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
700 present the original contribution verification form under Subsection (2)(b) or make a
701 contribution to the division at the time of application under Subsection (3).

702 (b) An institution with a support special group license plate shall issue to a contributor
703 a verification form designed by the commission containing:

- 704 (i) the name of the contributor;
- 705 (ii) the institution to which a donation was made;
- 706 (iii) the date of the donation; and
- 707 (iv) an attestation that the donation was for a scholastic scholarship.

708 (c) The state auditor may audit each institution to verify that the money collected by the
709 institutions from contributors is used for scholastic scholarships.

710 (d) After an applicant has been issued collegiate license plates or renewal decals, the
711 commission shall charge the institution whose plate was issued, a fee determined in accordance
712 with Section [63J-1-504](#) for management and administrative expenses incurred in issuing and
713 renewing the collegiate license plates.

714 (e) If the contribution is made at the time of application, the contribution shall be
715 collected, treated, and deposited as provided under Subsection (3).

716 (3) (a) An applicant for original or renewal support special group license plates under
717 this section must be a contributor to the sponsoring organization associated with the license
718 plate.

719 (b) This contribution shall be:

- 720 (i) unless collected by the named institution under Subsection (2), collected by the
721 division;
- 722 (ii) considered a voluntary contribution for the funding of the activities specified under
723 this section and not a motor vehicle registration fee;
- 724 (iii) deposited into the appropriate account less actual administrative costs associated
725 with issuing the license plates; and
- 726 (iv) for a firefighter special group license plate, deposited into the appropriate account
727 less:

- 728 (A) the costs of reordering firefighter special group license plate decals; and
- 729 (B) the costs of replacing recognition special group license plates with new license

730 plates under Subsection 41-1a-1211(13).

731 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to
732 registration or renewal of registration.

733 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
734 the division when issuing original:

735 (i) snowmobile license plates; or

736 (ii) conservation license plates.

737 (4) [~~Veterans~~] Veterans license plates shall display one of the symbols representing the
738 Army, Navy, Air Force, Marines, Coast Guard, or American Legion.

739 Section 10. Section 53-3-205 is amended to read:

740 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
741 **Expiration dates of licenses and endorsements -- Information required -- Previous**
742 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
743 **Fee required -- License agreement.**

744 (1) An application for any original license, provisional license, or endorsement shall
745 be:

746 (a) made upon a form furnished by the division; and

747 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

748 (2) An application and fee for an original provisional class D license or an original
749 class D license entitle the applicant to:

750 (a) not more than three attempts to pass both the knowledge and the skills tests for a
751 class D license within six months of the date of the application;

752 (b) a learner permit if needed pending completion of the application and testing
753 process; and

754 (c) an original class D license and license certificate after all tests are passed and
755 requirements are completed.

756 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
757 applicant to:

758 (a) not more than three attempts to pass both the knowledge and skills tests within six
759 months of the date of the application;

760 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

761 (c) a motorcycle or taxicab endorsement when all tests are passed.

762 (4) An application and fees for a commercial class A, B, or C license entitle the
763 applicant to:

764 (a) not more than two attempts to pass a knowledge test and not more than two
765 attempts to pass a skills test within six months of the date of the application;

766 (b) both a commercial driver instruction permit and a temporary license permit for the
767 license class held before the applicant submits the application if needed after the knowledge
768 test is passed; and

769 (c) an original commercial class A, B, or C license and license certificate when all
770 applicable tests are passed.

771 (5) An application and fee for a CDL endorsement entitle the applicant to:

772 (a) not more than two attempts to pass a knowledge test and not more than two
773 attempts to pass a skills test within six months of the date of the application; and

774 (b) a CDL endorsement when all tests are passed.

775 (6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
776 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
777 two additional times within the six months for the fee provided in Section [53-3-105](#).

778 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
779 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
780 administered by the division if the out-of-state resident pays the fee provided in Subsection
781 [53-3-105\(20\)\(b\)](#).

782 (ii) The division shall:

783 (A) electronically transmit skills test results for an out-of-state resident to the licensing
784 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

785 (B) provide the out-of-state resident with documentary evidence upon successful

786 completion of the skills test.

787 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
788 expires on the birth date of the applicant in the fifth year following the year the license
789 certificate was issued.

790 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
791 to a license expires on the birth date of the licensee in the fifth year following the expiration
792 date of the license certificate renewed or extended.

793 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
794 the same date as the last license certificate issued.

795 (d) An endorsement to a license expires on the same date as the license certificate
796 regardless of the date the endorsement was granted.

797 (e) (i) A regular license certificate and any endorsement to the regular license
798 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time
799 period the person is stationed outside of the state, is valid until 90 days after the person's orders
800 have been terminated, the person has been discharged, or the person's assignment has been
801 changed or terminated, unless:

802 (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by
803 the division; or

804 (B) the licensee updates the information or photograph on the license certificate.

805 (ii) The provisions in Subsection (7)(e)(i) apply to a person:

806 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
807 the United States;

808 (B) who is an immediate family member or dependent of a person described in
809 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

810 (C) who is a civilian employee of the United States State Department or United States
811 Department of Defense and is stationed outside of the United States; or

812 (D) who is an immediate family member or dependent of a person described in
813 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

814 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a
815 renewal to a limited-term license certificate expires:

816 (A) on the expiration date of the period of time of the individual's authorized stay in
817 the United States or on the date provided under this Subsection (7), whichever is sooner; or

818 (B) on the date of issuance in the first year following the year that the limited-term
819 license certificate was issued if there is no definite end to the individual's period of authorized
820 stay.

821 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
822 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
823 year following the year that the limited-term license certificate was issued.

824 (g) A driving privilege card issued or renewed under Section [53-3-207](#) expires on the
825 birth date of the applicant in the first year following the year that the driving privilege card was
826 issued or renewed.

827 (h) An original license or a renewal to an original license expires on the birth date of
828 the applicant in the first year following the year that the license was issued if the applicant is
829 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap
830 Offender Registry.

831 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
832 Procedures Act, for requests for agency action, each applicant shall:

833 (i) provide:

834 (A) the applicant's full legal name;

835 (B) the applicant's birth date;

836 (C) the applicant's gender;

837 (D) (I) documentary evidence of the applicant's valid Social Security number;

838 (II) written proof that the applicant is ineligible to receive a Social Security number;

839 (III) the applicant's temporary identification number (ITIN) issued by the Internal

840 Revenue Service for a person who:

841 (Aa) does not qualify for a Social Security number; and

- 842 (Bb) is applying for a driving privilege card; or
- 843 (IV) other documentary evidence approved by the division;
- 844 (E) the applicant's Utah residence address as documented by a form or forms
- 845 acceptable under rules made by the division under Section 53-3-104, unless the application is
- 846 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
- 847 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
- 848 is applying for a driving privilege card;
- 849 (ii) provide evidence of the applicant's lawful presence in the United States by
- 850 providing documentary evidence:
- 851 (A) that a person is:
- 852 (I) a United States citizen;
- 853 (II) a United States national; or
- 854 (III) a legal permanent resident alien; or
- 855 (B) of the applicant's:
- 856 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
- 857 States;
- 858 (II) pending or approved application for asylum in the United States;
- 859 (III) admission into the United States as a refugee;
- 860 (IV) pending or approved application for temporary protected status in the United
- 861 States;
- 862 (V) approved deferred action status;
- 863 (VI) pending application for adjustment of status to legal permanent resident or
- 864 conditional resident; or
- 865 (VII) conditional permanent resident alien status;
- 866 (iii) provide a description of the applicant;
- 867 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
- 868 and, if so, when and by what state or country;
- 869 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,

870 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
871 application refused, and if so, the date of and reason for the suspension, cancellation,
872 revocation, disqualification, denial, or refusal;

873 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
874 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

875 (vii) state whether the applicant is required to register as a sex offender in accordance
876 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

877 (viii) state whether the applicant is a veteran of the United States military, provide
878 verification that the applicant was granted an honorable or general discharge from the United
879 States Armed Forces, and state whether the applicant does or does not authorize sharing the
880 information with the [state] Department of [~~Veterans~~] Veterans and Military Affairs;

881 (ix) provide all other information the division requires; and

882 (x) sign the application which signature may include an electronic signature as defined
883 in Section [46-4-102](#).

884 (b) Each applicant shall have a Utah residence address, unless the application is for a
885 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).

886 (c) Each applicant shall provide evidence of lawful presence in the United States in
887 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

888 (d) The division shall maintain on its computerized records an applicant's:

889 (i) (A) Social Security number;

890 (B) temporary identification number (ITIN); or

891 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

892 (ii) indication whether the applicant is required to register as a sex offender in
893 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

894 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
895 by at least one of the following means:

896 (a) current license certificate;

897 (b) birth certificate;

898 (c) Selective Service registration; or

899 (d) other proof, including church records, family Bible notations, school records, or
900 other evidence considered acceptable by the division.

901 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
902 higher class than what the applicant originally was issued:

903 (i) the license application shall be treated as an original application; and

904 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

905 (b) An applicant that receives a downgraded license in a lower license class during an
906 existing license cycle that has not expired:

907 (i) may be issued a duplicate license with a lower license classification for the
908 remainder of the existing license cycle; and

909 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
910 duplicate license is issued under Subsection (10)(b)(i).

911 (c) An applicant who has received a downgraded license in a lower license class under
912 Subsection (10)(b):

913 (i) may, when eligible, receive a duplicate license in the highest class previously issued
914 during a license cycle that has not expired for the remainder of the existing license cycle; and

915 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
916 duplicate license is issued under Subsection (10)(c)(i).

917 (11) (a) When an application is received from a person previously licensed in another
918 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
919 other state.

920 (b) When received, the driver's record becomes part of the driver's record in this state
921 with the same effect as though entered originally on the driver's record in this state.

922 (12) An application for reinstatement of a license after the suspension, cancellation,
923 disqualification, denial, or revocation of a previous license shall be accompanied by the
924 additional fee or fees specified in Section 53-3-105.

925 (13) A person who has an appointment with the division for testing and fails to keep

926 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
927 under Section 53-3-105.

928 (14) A person who applies for an original license or renewal of a license agrees that the
929 person's license is subject to any suspension or revocation authorized under this title or Title
930 41, Motor Vehicles.

931 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by
932 the licensee in accordance with division rule.

933 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
934 Management Act, the division may, upon request, release to an organ procurement
935 organization, as defined in Section 26-28-102, the names and addresses of all persons who
936 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

937 (ii) An organ procurement organization may use released information only to:

938 (A) obtain additional information for an anatomical gift registry; and

939 (B) inform licensees of anatomical gift options, procedures, and benefits.

940 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
941 Management Act, the division may release to the Department of [~~Veterans~~] Veterans and
942 Military Affairs the names and addresses of all persons who indicate their status as a veteran
943 under Subsection (8)(a)(viii).

944 (17) The division and its employees are not liable, as a result of false or inaccurate
945 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

946 (a) loss;

947 (b) detriment; or

948 (c) injury.

949 (18) A person who knowingly fails to provide the information required under
950 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

951 (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may
952 hold both an unexpired Utah license certificate and an unexpired Utah identification card.

953 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

954 (i) may not hold both an unexpired Utah license certificate and an unexpired
955 identification card; and

956 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
957 identification card in the person's possession, shall be required to surrender either the unexpired
958 Utah license certificate or the unexpired Utah identification card.

959 (c) If a person has not surrendered either the Utah license certificate or the Utah
960 identification card as required under this Subsection (19), the division shall cancel the Utah
961 identification card on December 1, 2014.

962 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
963 both an unexpired Utah license certificate and an unexpired Utah identification card.

964 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

965 (i) may not hold both an unexpired Utah license certificate and an unexpired
966 identification card; and

967 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
968 identification card in the person's possession, shall be required to surrender either the unexpired
969 Utah license certificate or the unexpired Utah identification card.

970 (c) If a person has not surrendered either the Utah license certificate or the Utah
971 identification card as required under this Subsection (20), the division shall cancel the Utah
972 identification card on December 1, 2017.

973 (21) (a) A person who applies for an original motorcycle endorsement to a regular
974 license certificate is exempt from the requirement to pass the knowledge and skills test to be
975 eligible for the motorcycle endorsement if the person:

976 (i) is a resident of the state of Utah;

977 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
978 forces of the United States; or

979 (B) is an immediate family member or dependent of a person described in Subsection
980 (21)(a)(ii)(A) and is residing outside of Utah;

981 (iii) has a digitized driver license photo on file with the division;

- 982 (iv) provides proof to the division of the successful completion of a certified
983 Motorcycle Safety Foundation rider training course; and
- 984 (v) provides the necessary information and documentary evidence required under
985 Subsection (8).
- 986 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
987 division shall make rules:
- 988 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
989 this Subsection (21); and
- 990 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
991 this Subsection (21).

992 Section 11. Section **53-3-804** is amended to read:

993 **53-3-804. Application for identification card -- Required information -- Release**
994 **of anatomical gift information -- Cancellation of identification card.**

- 995 (1) To apply for a regular identification card or limited-term identification card, the
996 applicant shall:
- 997 (a) be a Utah resident;
- 998 (b) have a Utah residence address; and
- 999 (c) appear in person at any license examining station.
- 1000 (2) The applicant shall provide the following information to the division:
- 1001 (a) true and full legal name and Utah residence address;
- 1002 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or
1003 other satisfactory evidence of birth, which shall be attached to the application;
- 1004 (c) (i) Social Security number; or
- 1005 (ii) written proof that the applicant is ineligible to receive a Social Security number;
- 1006 (d) place of birth;
- 1007 (e) height and weight;
- 1008 (f) color of eyes and hair;
- 1009 (g) signature;

1010 (h) photograph;

1011 (i) evidence of the applicant's lawful presence in the United States by providing

1012 documentary evidence:

1013 (i) that a person is:

1014 (A) a United States citizen;

1015 (B) a United States national; or

1016 (C) a legal permanent resident alien; or

1017 (ii) of the applicant's:

1018 (A) unexpired immigrant or nonimmigrant visa status for admission into the United

1019 States;

1020 (B) pending or approved application for asylum in the United States;

1021 (C) admission into the United States as a refugee;

1022 (D) pending or approved application for temporary protected status in the United

1023 States;

1024 (E) approved deferred action status;

1025 (F) pending application for adjustment of status to legal permanent resident or

1026 conditional resident; or

1027 (G) conditional permanent resident alien status;

1028 (j) an indication whether the applicant intends to make an anatomical gift under Title

1029 26, Chapter 28, Revised Uniform Anatomical Gift Act;

1030 (k) an indication whether the applicant is required to register as a sex offender in

1031 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and

1032 (l) an indication whether the applicant is a veteran of the United States Armed Forces,

1033 verification that the applicant has received an honorable or general discharge from the United

1034 States Armed Forces, and an indication whether the applicant does or does not authorize

1035 sharing the information with the state Department of [~~Veterans~~] Veterans and Military Affairs.

1036 (3) The requirements of Section 53-3-234 apply to this section for each person, age 16

1037 and older, applying for an identification card. Refusal to consent to the release of information

1038 shall result in the denial of the identification card.

1039 (4) A person who knowingly fails to provide the information required under Subsection
1040 (2)(k) is guilty of a class A misdemeanor.

1041 (5) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold
1042 both an unexpired Utah license certificate and an unexpired Utah identification card.

1043 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

1044 (i) may not hold both an unexpired Utah license certificate and an unexpired
1045 identification card; and

1046 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
1047 identification card in the person's possession, shall be required to surrender either the unexpired
1048 Utah license certificate or the unexpired Utah identification card.

1049 (c) If a person has not surrendered either the Utah license certificate or the Utah
1050 identification card as required under this Subsection (5), the division shall cancel the Utah
1051 identification card on December 1, 2014.

1052 (6) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
1053 both an unexpired Utah license certificate and an unexpired Utah identification card.

1054 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

1055 (i) may not hold both an unexpired Utah license certificate and an unexpired
1056 identification card; and

1057 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
1058 identification card in the person's possession, shall be required to surrender either the unexpired
1059 Utah license certificate or the unexpired Utah identification card.

1060 (c) If a person has not surrendered either the Utah license certificate or the Utah
1061 identification card as required under this Subsection (6), the division shall cancel the Utah
1062 identification card on December 1, 2017.

1063 Section 12. Section **53-3-805** is amended to read:

1064 **53-3-805. Identification card -- Contents -- Specifications.**

1065 (1) (a) The division shall issue an identification card that bears:

- 1066 (i) the distinguishing number assigned to the person by the division;
1067 (ii) the name, birth date, and Utah residence address of the person;
1068 (iii) a brief description of the person for the purpose of identification;
1069 (iv) a photograph of the person;
1070 (v) a photograph or other facsimile of the person's signature;
1071 (vi) an indication whether the person intends to make an anatomical gift under Title 26,
1072 Chapter 28, Revised Uniform Anatomical Gift Act; and
1073 (vii) if the person states that the person is a veteran of the United States military on the
1074 application for an identification card in accordance with Section 53-3-804 and provides
1075 verification that the person received an honorable or general discharge from the United States
1076 Armed Forces, an indication that the person is a United States military veteran for a regular
1077 identification card or a limited-term identification card issued on or after July 1, 2011.
- 1078 (b) An identification card issued by the division may not bear the person's Social
1079 Security number or place of birth.
- 1080 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
1081 alteration.
- 1082 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
1083 prescribed by the commissioner.
- 1084 (3) At the applicant's request, the card may include a statement that the applicant has a
1085 special medical problem or allergies to certain drugs, for the purpose of medical treatment.
- 1086 (4) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated
1087 by the applicant in accordance with division rule.
- 1088 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
1089 Management Act, the division may, upon request, release to an organ procurement
1090 organization, as defined in Section 26-28-102, the names and addresses of all persons who
1091 under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.
- 1092 (ii) An organ procurement organization may use released information only to:
1093 (A) obtain additional information for an anatomical gift registry; and

1094 (B) inform applicants of anatomical gift options, procedures, and benefits.
1095 (5) Notwithstanding Title 63G, Chapter 2, Government Records Access and
1096 Management Act, the division may release to the Department of [~~Veterans~~] Veterans and
1097 Military Affairs the names and addresses of all persons who indicate their status as a veteran
1098 under Subsection 53-3-804(2)(l).

1099 (6) The division and its employees are not liable, as a result of false or inaccurate
1100 information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

- 1101 (a) loss;
- 1102 (b) detriment; or
- 1103 (c) injury.

1104 (7) (a) The division may issue a temporary regular identification card to a person while
1105 the person obtains the required documentation to establish verification of the information
1106 described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

1107 (b) A temporary regular identification card issued under this Subsection (7) shall be
1108 recognized and grant the person the same privileges as a regular identification card.

1109 (c) A temporary regular identification card issued under this Subsection (7) is invalid:

- 1110 (i) when the person's regular identification card has been issued;
- 1111 (ii) when, for good cause, an applicant's application for a regular identification card has
1112 been refused; or
- 1113 (iii) upon expiration of the temporary regular identification card.

1114 Section 13. Section **53B-8-107** is amended to read:

1115 **53B-8-107. Military member surviving dependents -- Tuition waiver.**

1116 (1) As used in this section:

1117 (a) "Federal active duty" means serving under orders in accordance with United States
1118 Code, Title 10 or Title 32, at any time on or after September 11, 2001.

1119 (b) "Qualifying deceased military member" means a person who:

- 1120 (i) was killed while serving on state or federal active duty, under orders of competent
1121 authority and not as a result of the member's own misconduct; or

1122 (ii) dies of wounds or injuries received while serving on state or federal active duty,
1123 under orders of competent authority and not as a result of the member's own misconduct; and

1124 (iii) was a member of the armed forces of the United States and a Utah resident;

1125 (iv) was a member of the reserve component of the armed forces on or after September
1126 11, 2001, and a Utah resident; or

1127 (v) was a member of the Utah National Guard on or after September 11, 2001.

1128 (c) "State active duty" means serving in the Utah National Guard in any duty status
1129 authorized by the governor under Title 39, Militias and Armories.

1130 (2) This section shall be known as the Scott B. Lundell Military Survivors' tuition
1131 waiver.

1132 (3) A state institution of higher education shall waive undergraduate tuition for a
1133 dependent of a qualifying deceased military member under the following conditions:

1134 (a) the dependent has been accepted by the institution in accordance with the
1135 institution's admissions guidelines;

1136 (b) except as provided in Subsection (4), the dependent is a resident student as
1137 determined under Section [53B-8-102](#);

1138 (c) the dependent may not have already completed a course of studies leading to an
1139 undergraduate degree;

1140 (d) the dependent may only utilize the waiver for courses that are applicable toward the
1141 degree or certificate requirements of the program in which the dependent is enrolled; and

1142 (e) the dependent may not be excluded from the waiver if the dependent has previously
1143 taken courses at or has been awarded credit by a state institution of higher education.

1144 (4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military
1145 member that was a member of the Utah National Guard is not required to be a resident student
1146 as determined under Section [53B-8-102](#).

1147 (5) The tuition waiver in this section is applicable for undergraduate study only.

1148 (6) The Department of [~~Veterans~~] Veterans and Military Affairs, after consultation
1149 with the adjutant general if necessary, shall certify to the institution that the dependent is a

1150 surviving dependent eligible for the tuition waiver in accordance with this section.

1151 (7) The waiver in this section does not apply to fees, books, or housing expenses.

1152 (8) The State Board of Regents may request reimbursement from the Legislature for
1153 costs incurred in providing the tuition waiver under this section.

1154 Section 14. Section **53B-8e-103** is amended to read:

1155 **53B-8e-103. Tuition waivers for Purple Heart recipients -- Qualifications --**
1156 **Limitations.**

1157 (1) Beginning in the 2004-05 academic year, a state institution of higher education
1158 shall waive undergraduate tuition for each Purple Heart recipient who:

1159 (a) is admitted as a full-time, part-time, or summer school student in an undergraduate
1160 program of study leading to a degree or certificate;

1161 (b) is a resident student of the state as determined under Section [53B-8-102](#); and

1162 (c) submits verification as provided in Subsection (3) that the student is a Purple Heart
1163 recipient.

1164 (2) (a) Beginning in the 2008-09 academic year, a state institution of higher education
1165 shall waive graduate tuition as provided in this Subsection (2) for each Purple Heart recipient
1166 who:

1167 (i) is admitted as a full-time, part-time, or summer school student in a graduate
1168 program of study leading to a degree;

1169 (ii) is a resident student of the state as determined under Section [53B-8-102](#); and

1170 (iii) submits verification as provided in Subsection (3) that the student is a Purple Heart
1171 recipient.

1172 (b) To qualify for a graduate tuition waiver, a Purple Heart recipient shall apply for a
1173 graduate program no later than 10 years from the day on which the Purple Heart recipient
1174 completes an undergraduate degree.

1175 (c) The total amount of all graduate tuition waived for a Purple Heart recipient may not
1176 exceed \$10,000.

1177 (d) A Purple Heart recipient may receive a graduate tuition waiver for a period of time

1178 that does not exceed the lesser of:

1179 (i) the time it takes for the Purple Heart recipient to complete a graduate degree; or

1180 (ii) five years after the day on which the Purple Heart recipient is accepted to a
1181 graduate program.

1182 (3) A Purple Heart recipient seeking a tuition waiver shall request the Department of
1183 [~~Veterans~~] Veterans and Military Affairs to provide the verification required by Subsection
1184 (1)(c). The Department of [~~Veterans~~] Veterans and Military Affairs shall provide the
1185 verification upon obtaining evidence satisfactory to the division that the student is a Purple
1186 Heart recipient.

1187 (4) The State Board of Regents may request reimbursement from the Legislature for
1188 costs incurred in providing the tuition waiver under this section.

1189 Section 15. Section **53B-16-107** is amended to read:

1190 **53B-16-107. Credit for military service and training -- Notification --**

1191 **Transferability -- Reporting.**

1192 (1) As used in this section, "credit" includes proof of equivalent noncredit course
1193 completion awarded by a technical college.

1194 (2) An institution of higher education listed in Section **53B-2-101** shall provide written
1195 notification to each student applying for admission that the student is required to meet with a
1196 college counselor in order to receive credit for military service and training as recommended by
1197 a postsecondary accreditation agency or association designated by the board or the Utah System
1198 of Technical Colleges Board of Trustees if:

1199 (a) credit for military service and training is requested by the student; and

1200 (b) the student has met with an advisor at an institution of higher education listed in
1201 Section **53B-2-101** at which the student intends to enroll to discuss applicability of credit to
1202 program requirements, possible financial aid implications, and other factors that may impact
1203 attainment of the student's educational goals.

1204 (3) Upon transfer within the state system of higher education, a student may present a
1205 transcript to the receiving institution of higher education for evaluation and to determine the

1206 applicability of credit to the student's program of study, and the receiving institution of higher
1207 education shall evaluate the credit to be transferred pursuant to Subsection (2).

1208 (4) The board and the Utah System of Technical Colleges Board of Trustees shall
1209 annually report the number of credits awarded under this section by each institution of higher
1210 education to the [~~Utah~~] Department of [~~Veterans~~] Veterans and Military Affairs.

1211 Section 16. Section **53E-3-920** is amended to read:

1212 **53E-3-920. Creation of State Council on Military Children.**

1213 (1) There is established a State Council on Military Children, as required in Section
1214 [53E-3-909](#).

1215 (2) The members of the State Council on Military Children shall include:

1216 (a) the state superintendent of public instruction;

1217 (b) a superintendent of a school district with a high concentration of military children
1218 appointed by the governor;

1219 (c) a representative from a military installation, appointed by the governor;

1220 (d) one member of the House of Representatives, appointed by the speaker of the
1221 House;

1222 (e) one member of the Senate, appointed by the president of the Senate;

1223 (f) a representative from the Department of [~~Veterans~~] Veterans and Military Affairs,
1224 appointed by the governor;

1225 (g) a military family education liaison, appointed by the members listed in Subsections
1226 (2)(a) through (f);

1227 (h) the compact commissioner, appointed in accordance with Section [53E-3-921](#); and

1228 (i) other members as determined by the governor.

1229 (3) The State Council on Military Children shall carry out the duties established in
1230 Section [53E-3-909](#).

1231 (4) (a) A member who is not a legislator may not receive compensation or per diem.

1232 (b) Compensation and expenses of a member who is a legislator are governed by
1233 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

1234 Section 17. Section **53G-7-214** is amended to read:

1235 **53G-7-214. Honorary high school diploma for certain veterans.**

1236 (1) A board of education of a school district may award an honorary high school
1237 diploma to a veteran, if the veteran:

1238 (a) left high school before graduating in order to serve in the armed forces of the
1239 United States;

1240 (b) served in the armed forces of the United States during the period of World War II,
1241 the Korean War, or the Vietnam War;

1242 (c) (i) was honorably discharged; or

1243 (ii) was released from active duty because of a service-related disability; and

1244 (d) (i) resides within the school district; or

1245 (ii) resided within the school district at the time of leaving high school to serve in the
1246 armed forces of the United States.

1247 (2) To receive an honorary high school diploma, a veteran or immediate family
1248 member or guardian of a veteran shall submit to a local school board:

1249 (a) a request for an honorary high school diploma; and

1250 (b) information required by the local school board to verify the veteran's eligibility for
1251 an honorary high school diploma under Subsection (1).

1252 (3) At the request of a veteran, a veteran's immediate family member or guardian, or a
1253 local school board, the Department of [~~Veterans~~] Veterans and Military Affairs shall certify
1254 whether the veteran meets the requirements of Subsections (1)(b) and (c).

1255 Section 18. Section **58-17b-622** is amended to read:

1256 **58-17b-622. Pharmacy benefit management services -- Auditing of pharmacy**
1257 **records -- Appeals.**

1258 (1) For purposes of this section:

1259 (a) "Audit" means a review of the records of a pharmacy by or on behalf of an entity
1260 that finances or reimburses the cost of health care services or pharmaceutical products.

1261 (b) "Entity" includes:

- 1262 (i) a pharmacy benefits manager or coordinator;
- 1263 (ii) a health benefit plan;
- 1264 (iii) a third party administrator as defined in Section 31A-1-301;
- 1265 (iv) a state agency; or
- 1266 (v) a company, group, or agent that represents, or is engaged by, one of the entities
- 1267 described in Subsections (1)(b)(i) through (iv).
- 1268 (c) "Fraud" means an intentional act of deception, misrepresentation, or concealment in
- 1269 order to gain something of value.
- 1270 (d) "Health benefit plan" means:
- 1271 (i) a health benefit plan as defined in Section 31A-1-301; or
- 1272 (ii) a health, dental, medical, Medicare supplement, or conversion program offered
- 1273 under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act.
- 1274 (2) (a) Except as provided in Subsection (2)(b), this section applies to:
- 1275 (i) a contract for the audit of a pharmacy entered into, amended, or renewed on or after
- 1276 July 1, 2012; and
- 1277 (ii) an entity that conducts an audit of the pharmacy records of a pharmacy licensed
- 1278 under this chapter.
- 1279 (b) This section does not apply to an audit of pharmacy records:
- 1280 (i) for a federally funded prescription drug program, including:
- 1281 (A) the state Medicaid program;
- 1282 (B) the Medicare Part D program;
- 1283 (C) a Department of Defense prescription drug program;
- 1284 (D) a [~~Veteran's~~] Veterans Affairs prescription drug program; or
- 1285 (ii) when fraud or other intentional and willful misrepresentation is alleged and the
- 1286 pharmacy audit entity has evidence that the pharmacy's actions reasonably indicate fraud or
- 1287 intentional and willful misrepresentation.
- 1288 (3) (a) An audit that involves clinical or professional judgment shall be conducted by
- 1289 or in consultation with a pharmacist who is employed by or working with the auditing entity

1290 and who is licensed in the state or another state.

1291 (b) If an audit is conducted on site at a pharmacy, the entity conducting the audit:

1292 (i) shall give the pharmacy 10 days advanced written notice of:

1293 (A) the audit; and

1294 (B) the range of prescription numbers or a date range included in the audit; and

1295 (ii) may not audit a pharmacy during the first five business days of the month, unless

1296 the pharmacy agrees to the timing of the audit.

1297 (c) An entity may not audit claims:

1298 (i) submitted more than 18 months prior to the audit, unless:

1299 (A) required by federal law; or

1300 (B) the originating prescription is dated in the preceding six months; or

1301 (ii) that exceed 200 selected prescription claims.

1302 (4) (a) An entity may not:

1303 (i) include dispensing fees in the calculations of overpayments unless the prescription

1304 is considered a misfill;

1305 (ii) recoup funds for prescription clerical or recordkeeping errors, including

1306 typographical errors, scrivener's errors, and computer errors on a required document or record

1307 unless the audit entity is alleging fraud or other intentional or willful misrepresentation and the

1308 audit entity has evidence that the pharmacy's actions reasonably indicate fraud or intentional

1309 and willful misrepresentation;

1310 (iii) recoup funds for refills dispensed in accordance with Section [58-17b-608.1](#), unless

1311 the health benefit plan does not cover the prescription drug dispensed by the pharmacy; or

1312 (iv) collect any funds, charge-backs, or penalties until the audit and all appeals are

1313 final, unless the audit entity is alleging fraud or other intentional or willful misrepresentation

1314 and the audit entity has evidence that the pharmacy's actions reasonably indicate fraud or

1315 intentional and willful misrepresentation.

1316 (b) Auditors shall only have access to previous audit reports on a particular pharmacy

1317 if the previous audit was conducted by the same entity except as required for compliance with

1318 state or federal law.

1319 (5) A pharmacy subject to an audit may use the following records to validate a claim
1320 for a prescription, refill, or change in a prescription:

1321 (a) electronic or physical copies of records of a health care facility, or a health care
1322 provider with prescribing authority; and

1323 (b) any prescription that complies with state law.

1324 (6) (a) An entity that audits a pharmacy shall provide the pharmacy with a preliminary
1325 audit report, delivered to the pharmacy or its corporate office of record within 60 days after
1326 completion of the audit.

1327 (b) A pharmacy has 30 days following receipt of the preliminary audit report to
1328 respond to questions, provide additional documentation, and comment on and clarify findings
1329 of the audit. Receipt of the report shall be based on the postmark date or the date of a
1330 computer transmission if transferred electronically.

1331 (7) If an audit results in the dispute or denial of a claim, the entity conducting the audit
1332 shall allow the pharmacy to resubmit a claim using any commercially reasonable method,
1333 including fax, mail, or electronic claims submission provided that the period of time when a
1334 claim may be resubmitted has not expired under the rules of the plan sponsor.

1335 (8) (a) Within 120 days after the completion of the appeals process under Subsection
1336 (9), a final audit report shall be delivered to the pharmacy or its corporate office of record.

1337 (b) The final audit report shall include a disclosure of any money recovered by the
1338 entity that conducted the audit.

1339 (9) An entity that audits a pharmacy shall establish a written appeals process for
1340 appealing a preliminary audit report and a final audit report, and shall provide the pharmacy
1341 with notice of the written appeals process. If the pharmacy benefit manager's contract or
1342 provider manual contains the information required by this Subsection (9), the requirement for
1343 notice is met.

1344 Section 19. Section **58-24b-304** is amended to read:

1345 **58-24b-304. Exemptions from licensure.**

1346 (1) In addition to the exemptions from licensure described in Section 58-1-307, as
1347 modified by Subsection 58-24b-302(5), a person may engage in acts that constitute the practice
1348 of physical therapy without a license issued under this chapter if:

1349 (a) the person is licensed under another law of the state to engage in acts that constitute
1350 the practice of physical therapy if that person does not:

1351 (i) claim to be a physical therapist;

1352 (ii) claim to be a provider of any type of physical therapy that is outside of the scope of
1353 practice of the license that is issued to the person; or

1354 (iii) engage in any acts that constitute the practice of physical therapy that are outside
1355 of the scope of practice of the license that is issued to the person;

1356 (b) the person practices physical therapy, under federal law, in:

1357 (i) the United States armed services;

1358 (ii) the United States Public Health Service; or

1359 (iii) the ~~Veteran's~~ Veterans Administration;

1360 (c) the person is:

1361 (i) licensed as a physical therapist in:

1362 (A) a state, district, or territory of the United States, other than Utah; or

1363 (B) a country other than the United States; and

1364 (ii) (A) teaching, demonstrating, or providing physical therapy in connection with an
1365 educational seminar, if the person engages in this conduct in Utah no more than 60 days per
1366 calendar year;

1367 (B) practicing physical therapy directly related to the person's employment with, or
1368 contract with, an established athletic team, athletic organization, or performing arts company
1369 that plays, practices, competes, or performs in Utah no more than 60 days per calendar year; or

1370 (C) providing consultation by telecommunication to a physical therapist;

1371 (d) the person:

1372 (i) (A) is licensed as a physical therapist assistant under federal law; and

1373 (B) practices within the scope of practice authorized by federal law for a physical

1374 therapist assistant; or

1375 (ii) (A) is licensed as a physical therapist assistant in:

1376 (I) a state, district, or territory of the United States, other than Utah; or

1377 (II) a country other than the United States; and

1378 (B) (I) practices within the scope of practice authorized for a physical therapist

1379 assistant by the jurisdiction described in Subsection (1)(d)(ii)(A); and

1380 (II) within the limitations for the practice of physical therapy described in Subsection

1381 (1)(c)(ii); or

1382 (e) the person:

1383 (i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act;

1384 (ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical

1385 Practice Act; or

1386 (iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic

1387 Physician Practice Act.

1388 (2) A person who is exempted from licensure under Subsection (1)(b) may practice

1389 animal physical therapy without a license under this section if the person:

1390 (a) is authorized to practice animal physical therapy under federal law; and

1391 (b) practices animal physical therapy within the scope of practice authorized by federal

1392 law.

1393 (3) A person who is exempted from licensure under Subsection (1)(c) may practice

1394 animal physical therapy without a license under this section if the person:

1395 (a) is authorized to practice animal physical therapy in:

1396 (i) a state, district, or territory of the United States, other than Utah; or

1397 (ii) a country other than the United States; and

1398 (b) practices animal physical therapy:

1399 (i) within the scope of practice for the jurisdiction described in Subsection (3)(a) where

1400 the person is authorized to practice animal physical therapy; and

1401 (ii) within the limitations for the practice of physical therapy described in Subsection

1402 (1)(c)(ii).

1403 Section 20. Section **59-2-1104 (Superseded 01/01/19)** is amended to read:

1404 **59-2-1104 (Superseded 01/01/19). Definitions -- Armed forces exemption --**

1405 **Amount of armed forces exemption.**

1406 (1) As used in this section and Section **59-2-1105**:

1407 (a) "Active component of the United States Armed Forces" is as defined in Section

1408 **59-10-1027**.

1409 (b) "Adjusted taxable value limit" means:

1410 (i) for the calendar year that begins on January 1, 2015, \$252,126; and

1411 (ii) for each calendar year after the calendar year described in Subsection (1)(b)(i), the
1412 amount of the adjusted taxable value limit for the previous year, plus an amount calculated by
1413 multiplying the amount of the adjusted taxable value limit for the previous year by the actual
1414 percent change in the consumer price index during the previous calendar year.

1415 (c) "Claimant" means:

1416 (i) a veteran with a disability who files an application under Section **59-2-1105** for an
1417 exemption under this section;

1418 (ii) the unmarried surviving spouse:

1419 (A) of a:

1420 (I) deceased veteran with a disability; or

1421 (II) veteran who was killed in action or died in the line of duty; and

1422 (B) who files an application under Section **59-2-1105** for an exemption under this
1423 section;

1424 (iii) a minor orphan:

1425 (A) of a:

1426 (I) deceased veteran with a disability; or

1427 (II) veteran who was killed in action or died in the line of duty; and

1428 (B) who files an application under Section **59-2-1105** for an exemption under this
1429 section; or

1430 (iv) a member of an active component of the United States Armed Forces or a reserve
1431 component of the United States Armed Forces who performed qualifying active duty military
1432 service.

1433 (d) "Consumer price index" is as described in Section 1(f)(4), Internal Revenue Code,
1434 and defined in Section 1(f)(5), Internal Revenue Code.

1435 (e) "Deceased veteran with a disability" means a deceased person who was a veteran
1436 with a disability at the time the person died.

1437 (f) "Military entity" means:

1438 (i) the [~~federal~~] United States Department of Veterans Affairs;

1439 (ii) an active component of the United States Armed Forces; or

1440 (iii) a reserve component of the United States Armed Forces.

1441 (g) "Property taxes due" means the taxes due on a claimant's property:

1442 (i) with respect to which a county grants an exemption under this section; and

1443 (ii) for the calendar year for which the county grants an exemption under this section.

1444 (h) "Property taxes paid" is an amount equal to the sum of:

1445 (i) the amount of the property taxes the claimant paid for the calendar year for which
1446 the claimant is applying for an exemption under this section; and

1447 (ii) the exemption the county grants for the calendar year described in Subsection
1448 (1)(h)(i).

1449 (i) "Qualifying active duty military service" means:

1450 (i) at least 200 days in a calendar year, regardless of whether consecutive, of active
1451 duty military service outside the state in an active component of the United States Armed
1452 Forces or a reserve component of the United States Armed Forces; or

1453 (ii) the completion of at least 200 consecutive days of active duty military service
1454 outside the state:

1455 (A) in an active component of the United States Armed Forces or a reserve component
1456 of the United States Armed Forces; and

1457 (B) that began in the prior year, if those days of active duty military service outside the

1458 state in the prior year were not counted as qualifying active duty military service for purposes
1459 of this section or Section 59-2-1105 in the prior year.

1460 (j) "Reserve component of the United States Armed Forces" is as defined in Section
1461 59-10-1027.

1462 (k) "Residence" is as defined in Section 59-2-1202, except that a rented dwelling is not
1463 considered to be a residence.

1464 (l) "Veteran who was killed in action or died in the line of duty" means a person who
1465 was killed in action or died in the line of duty in an active component of the United States
1466 Armed Forces or a reserve component of the United States Armed Forces, regardless of
1467 whether that person had a disability at the time that person was killed in action or died in the
1468 line of duty.

1469 (m) "Veteran with a disability" means a person with a disability who, during military
1470 training or a military conflict, acquired a disability in the line of duty in an active component of
1471 the United States Armed Forces or a reserve component of the United States Armed Forces, as
1472 determined by a military entity.

1473 (2) (a) Subject to Subsection (2)(c), the amount of taxable value of the property
1474 described in Subsection (2)(b) is exempt from taxation as calculated under Subsections (3)
1475 through (6) if the property described in Subsection (2)(b) is owned by:

1476 (i) a veteran with a disability;

1477 (ii) the unmarried surviving spouse or a minor orphan of a:

1478 (A) deceased veteran with a disability; or

1479 (B) veteran who was killed in action or died in the line of duty; or

1480 (iii) a member of an active component of the United States Armed Forces or a reserve
1481 component of the United States Armed Forces who performed qualifying active duty military
1482 service.

1483 (b) Subsection (2)(a) applies to the following property:

1484 (i) the claimant's primary residence;

1485 (ii) for a claimant described in Subsection (2)(a)(i) or (ii), tangible personal property

1486 that:

1487 (A) is held exclusively for personal use; and

1488 (B) is not used in a trade or business; or

1489 (iii) for a claimant described in Subsection (2)(a)(i) or (ii), a combination of

1490 Subsections (2)(b)(i) and (ii).

1491 (c) For purposes of this section, property is considered to be the primary residence of a

1492 person described in Subsection (2)(a)(i) or (iii) who does not reside in the residence if the

1493 person:

1494 (i) does not reside in the residence because the person is admitted as an inpatient at a
1495 health care facility as defined in Section 26-55-102; and

1496 (ii) otherwise meets the requirements of this section and Section 59-2-1105 to receive
1497 an exemption under this section.

1498 (3) Except as provided in Subsection (4) or (5), the amount of taxable value of property
1499 described in Subsection (2)(b) that is exempt under Subsection (2)(a) is:

1500 (a) as described in Subsection (6), if the property is owned by:

1501 (i) a veteran with a disability;

1502 (ii) the unmarried surviving spouse of a deceased veteran with a disability; or

1503 (iii) a minor orphan of a deceased veteran with a disability; or

1504 (b) equal to the total taxable value of the claimant's property described in Subsection

1505 (2)(b) if the property is owned by:

1506 (i) the unmarried surviving spouse of a veteran who was killed in action or died in the
1507 line of duty;

1508 (ii) a minor orphan of a veteran who was killed in action or died in the line of duty; or

1509 (iii) a member of an active component of the United States Armed Forces or a reserve
1510 component of the United States Armed Forces who performed qualifying active duty military
1511 service.

1512 (4) (a) Subject to Subsections (4)(b) and (c), an exemption may not be allowed under
1513 this section if the percentage of disability listed on the statement described in Subsection

1514 59-2-1105(3)(a) is less than 10%.

1515 (b) Subsection (4)(a) does not apply to a claimant described in Subsection (2)(a)(iii).

1516 (c) A veteran with a disability is considered to have a 100% disability, regardless of the
1517 percentage of disability listed on a statement described in Subsection 59-2-1105(3)(a), if the
1518 United States Department of Veterans Affairs certifies the veteran in the classification of
1519 individual unemployability.

1520 (5) A claimant who is the unmarried surviving spouse or minor orphan of a deceased
1521 veteran with a disability may claim an exemption for the total value of the property described
1522 in Subsection (2)(b) if:

1523 (a) the deceased veteran with a disability served in the military service of the United
1524 States or the state prior to January 1, 1921; and

1525 (b) the percentage of disability listed on the statement described in Subsection
1526 59-2-1105(3)(a) for the deceased veteran with a disability is 10% or more.

1527 (6) (a) Except as provided in Subsection (6)(b), the amount of the taxable value of the
1528 property described in Subsection (2)(b) that is exempt under Subsection (3)(a) is equal to the
1529 percentage of disability listed on the statement described in Subsection 59-2-1105(3)(a)
1530 multiplied by the adjusted taxable value limit.

1531 (b) The amount of the taxable value of the property described in Subsection (2)(b) that
1532 is exempt under Subsection (3)(a) may not be greater than the taxable value of the property
1533 described in Subsection (2)(b).

1534 (7) For purposes of this section and Section 59-2-1105, a person who received an
1535 honorable or general discharge from military service of an active component of the United
1536 States Armed Forces or a reserve component of the United States Armed Forces:

1537 (a) is presumed to be a citizen of the United States; and

1538 (b) may not be required to provide additional proof of citizenship to establish that the
1539 person is a citizen of the United States.

1540 (8) The Department of [~~Veterans~~] Veterans and Military Affairs created in Section
1541 71-8-2 shall, through an informal hearing held in accordance with Title 63G, Chapter 4,

1542 Administrative Procedures Act, resolve each dispute arising under this section concerning a
1543 veteran's status as a veteran with a disability.

1544 Section 21. Section **59-2-1104 (Effective 01/01/19)** is amended to read:

1545 **59-2-1104 (Effective 01/01/19). Definitions -- Armed forces exemption -- Amount**
1546 **of armed forces exemption.**

1547 (1) As used in this section and Section **59-2-1105**:

1548 (a) "Active component of the United States Armed Forces" means the same as that
1549 term is defined in Section **59-10-1027**.

1550 (b) "Adjusted taxable value limit" means:

1551 (i) for the calendar year that begins on January 1, 2015, \$252,126; and

1552 (ii) for each calendar year after the calendar year described in Subsection (1)(b)(i), the
1553 amount of the adjusted taxable value limit for the previous year, plus an amount calculated by
1554 multiplying the amount of the adjusted taxable value limit for the previous year by the actual
1555 percent change in the consumer price index during the previous calendar year.

1556 (c) "Claimant" means:

1557 (i) a veteran with a disability who files an application under Section **59-2-1105** for an
1558 exemption under this section;

1559 (ii) the unmarried surviving spouse:

1560 (A) of a:

1561 (I) deceased veteran with a disability; or

1562 (II) veteran who was killed in action or died in the line of duty; and

1563 (B) who files an application under Section **59-2-1105** for an exemption under this
1564 section;

1565 (iii) a minor orphan:

1566 (A) of a:

1567 (I) deceased veteran with a disability; or

1568 (II) veteran who was killed in action or died in the line of duty; and

1569 (B) who files an application under Section **59-2-1105** for an exemption under this

1570 section; or

1571 (iv) a member of an active component of the United States Armed Forces or a reserve
1572 component of the United States Armed Forces who performed qualifying active duty military
1573 service.

1574 (d) "Consumer price index" is as described in Section 1(f)(4), Internal Revenue Code,
1575 and defined in Section 1(f)(5), Internal Revenue Code.

1576 (e) "Deceased veteran with a disability" means a deceased individual who was a
1577 veteran with a disability at the time the individual died.

1578 (f) "Military entity" means:

1579 (i) the ~~federal~~ United States Department of Veterans Affairs;

1580 (ii) an active component of the United States Armed Forces; or

1581 (iii) a reserve component of the United States Armed Forces.

1582 (g) "Property taxes due" means the taxes due on a claimant's property:

1583 (i) with respect to which a county grants an exemption under this section; and

1584 (ii) for the calendar year for which the county grants an exemption under this section.

1585 (h) "Property taxes paid" is an amount equal to the sum of:

1586 (i) the amount of the property taxes the claimant paid for the calendar year for which
1587 the claimant is applying for an exemption under this section; and

1588 (ii) the exemption the county grants for the calendar year described in Subsection
1589 (1)(h)(i).

1590 (i) "Qualifying active duty military service" means at least 200 days, regardless of
1591 whether consecutive, in any continuous 365-day period of active duty military service outside
1592 the state in an active component of the United States Armed Forces or a reserve component of
1593 the United States Armed Forces if the days of active duty military service:

1594 (i) were completed in the year before an individual applies for exemption under this
1595 section in accordance with Section [59-2-1105](#); and

1596 (ii) have not previously been counted as qualifying active duty military service for
1597 purposes of qualifying for an exemption under this section or applying for the exemption under

1598 Section 59-2-1105.

1599 (j) "Reserve component of the United States Armed Forces" means the same as that
1600 term is defined in Section 59-10-1027.

1601 (k) "Residence" means the same as that term is defined in Section 59-2-1202, except
1602 that a rented dwelling is not considered to be a residence.

1603 (l) "Veteran who was killed in action or died in the line of duty" means an individual
1604 who was killed in action or died in the line of duty in an active component of the United States
1605 Armed Forces or a reserve component of the United States Armed Forces, regardless of
1606 whether that individual had a disability at the time that individual was killed in action or died
1607 in the line of duty.

1608 (m) "Veteran with a disability" means an individual with a disability who, during
1609 military training or a military conflict, acquired a disability in the line of duty in an active
1610 component of the United States Armed Forces or a reserve component of the United States
1611 Armed Forces, as determined by a military entity.

1612 (2) (a) Subject to Subsection (2)(c), the amount of taxable value of the property
1613 described in Subsection (2)(b) is exempt from taxation as calculated under Subsections (3)
1614 through (6) if the property described in Subsection (2)(b) is owned by:

1615 (i) a veteran with a disability;

1616 (ii) the unmarried surviving spouse or a minor orphan of a:

1617 (A) deceased veteran with a disability; or

1618 (B) veteran who was killed in action or died in the line of duty; or

1619 (iii) a member of an active component of the United States Armed Forces or a reserve
1620 component of the United States Armed Forces who performed qualifying active duty military
1621 service.

1622 (b) Subsection (2)(a) applies to the following property:

1623 (i) the claimant's primary residence;

1624 (ii) for a claimant described in Subsection (2)(a)(i) or (ii), tangible personal property

1625 that:

1626 (A) is held exclusively for personal use; and
1627 (B) is not used in a trade or business; or
1628 (iii) for a claimant described in Subsection (2)(a)(i) or (ii), a combination of
1629 Subsections (2)(b)(i) and (ii).

1630 (c) For purposes of this section, property is considered to be the primary residence of
1631 an individual described in Subsection (2)(a)(i) or (iii) who does not reside in the residence if
1632 the individual:

1633 (i) does not reside in the residence because the individual is admitted as an inpatient at
1634 a health care facility as defined in Section 26-55-102; and
1635 (ii) otherwise meets the requirements of this section and Section 59-2-1105 to receive
1636 an exemption under this section.

1637 (3) Except as provided in Subsection (4) or (5), the amount of taxable value of property
1638 described in Subsection (2)(b) that is exempt under Subsection (2)(a) is:

1639 (a) as described in Subsection (6), if the property is owned by:

1640 (i) a veteran with a disability;
1641 (ii) the unmarried surviving spouse of a deceased veteran with a disability; or
1642 (iii) a minor orphan of a deceased veteran with a disability; or
1643 (b) equal to the total taxable value of the claimant's property described in Subsection
1644 (2)(b) if the property is owned by:

1645 (i) the unmarried surviving spouse of a veteran who was killed in action or died in the
1646 line of duty;
1647 (ii) a minor orphan of a veteran who was killed in action or died in the line of duty; or
1648 (iii) a member of an active component of the United States Armed Forces or a reserve
1649 component of the United States Armed Forces who performed qualifying active duty military
1650 service.

1651 (4) (a) Subject to Subsections (4)(b) and (c), an exemption may not be allowed under
1652 this section if the percentage of disability listed on the statement described in Subsection
1653 59-2-1105(3)(a) is less than 10%.

1654 (b) Subsection (4)(a) does not apply to a claimant described in Subsection (2)(a)(iii).

1655 (c) A veteran with a disability is considered to have a 100% disability, regardless of the
1656 percentage of disability listed on a statement described in Subsection 59-2-1105(3)(a), if the
1657 United States Department of Veterans Affairs certifies the veteran in the classification of
1658 individual unemployability.

1659 (5) A claimant who is the unmarried surviving spouse or minor orphan of a deceased
1660 veteran with a disability may claim an exemption for the total value of the property described
1661 in Subsection (2)(b) if:

1662 (a) the deceased veteran with a disability served in the military service of the United
1663 States or the state prior to January 1, 1921; and

1664 (b) the percentage of disability listed on the statement described in Subsection
1665 59-2-1105(3)(a) for the deceased veteran with a disability is 10% or more.

1666 (6) (a) Except as provided in Subsection (6)(b), the amount of the taxable value of the
1667 property described in Subsection (2)(b) that is exempt under Subsection (3)(a) is equal to the
1668 percentage of disability listed on the statement described in Subsection 59-2-1105(3)(a)
1669 multiplied by the adjusted taxable value limit.

1670 (b) The amount of the taxable value of the property described in Subsection (2)(b) that
1671 is exempt under Subsection (3)(a) may not be greater than the taxable value of the property
1672 described in Subsection (2)(b).

1673 (7) For purposes of this section and Section 59-2-1105, an individual who received an
1674 honorable or general discharge from military service of an active component of the United
1675 States Armed Forces or a reserve component of the United States Armed Forces:

1676 (a) is presumed to be a citizen of the United States; and

1677 (b) may not be required to provide additional proof of citizenship to establish that the
1678 individual is a citizen of the United States.

1679 (8) The Department of [~~Veterans~~] Veterans and Military Affairs created in Section
1680 71-8-2 shall, through an informal hearing held in accordance with Title 63G, Chapter 4,
1681 Administrative Procedures Act, resolve each dispute arising under this section concerning a

1682 veteran's status as a veteran with a disability.

1683 Section 22. Section **63B-18-301** is amended to read:

1684 **63B-18-301. Authorizations to design and construct capital facilities using**
1685 **institutional or agency funds.**

1686 (1) The Legislature intends that:

1687 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State
1688 Building Board - Division of Facilities Construction and Management, use institutional funds
1689 to plan and design an ambulatory care complex;

1690 (b) this authorization and the existence of plans and designs do not guarantee nor
1691 improve the chances for legislative approval of the remainder of the building in any subsequent
1692 year; and

1693 (c) no state funds be used for any portion of this planning and design.

1694 (2) The Legislature intends that:

1695 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State
1696 Building Board - Division of Facilities Construction and Management, use \$64,445,000 in
1697 donations to plan, design, and construct a replacement and expansion of the Eccles School of
1698 Business Building, with 135,000 new square feet;

1699 (b) no state funds be used for any portion of this project unless expressly appropriated
1700 for this purpose or approved in a general obligation bond bill; and

1701 (c) the university may request state funds for operation and maintenance costs and
1702 capital improvements to the extent that the university is able to demonstrate to the Board of
1703 Regents that the facility meets approved academic and training purposes under Board of
1704 Regents policy R710.

1705 (3) The Legislature intends that:

1706 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State
1707 Building Board - Division of Facilities Construction and Management, use \$8,689,000 in
1708 donations to plan, design, and construct a renovation of the Kennecott Building, with 19,400
1709 new square feet;

1710 (b) no state funds be used for any portion of this project; and

1711 (c) the university may request state funds for operation and maintenance costs and
1712 capital improvements to the extent that the university is able to demonstrate to the Board of
1713 Regents that the facility meets approved academic and training purposes under Board of
1714 Regents policy R710.

1715 (4) The Legislature intends that:

1716 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State
1717 Building Board - Division of Facilities Construction and Management, use \$30,737,000 in
1718 donations to plan, design, and construct a Sorenson Arts and Education Complex, with 85,400
1719 new square feet;

1720 (b) no state funds be used for any portion of this project; and

1721 (c) the university may request state funds for operation and maintenance costs and
1722 capital improvements to the extent that the university is able to demonstrate to the Board of
1723 Regents that the facility meets approved academic and training purposes under Board of
1724 Regents policy R710.

1725 (5) The Legislature intends that:

1726 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State
1727 Building Board - Division of Facilities Construction and Management, use \$4,477,500 in
1728 donations to plan, design, and construct a Meldrum Civil Engineering Building, with 11,800
1729 new square feet;

1730 (b) no state funds be used for any portion of this project; and

1731 (c) the university may request state funds for operation and maintenance costs and
1732 capital improvements to the extent that the university is able to demonstrate to the Board of
1733 Regents that the facility meets approved academic and training purposes under Board of
1734 Regents policy R710.

1735 (6) The Legislature intends that:

1736 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State
1737 Building Board - Division of Facilities Construction and Management, negotiate with a private

1738 developer to develop the Universe Project on land west of the university football stadium;

1739 (b) before entering into a contract with the developer, the university shall:

1740 (i) present the final contract terms to the Legislature's Executive Appropriations
1741 Committee;

1742 (ii) obtain the approval of the State Building Board; and

1743 (iii) the State Building Board may approve the agreement only if the university
1744 demonstrates that the contract terms will be a benefit to the state;

1745 (c) no state funds be used for any portion of this project; and

1746 (d) the university may request state funds for operation and maintenance costs and
1747 capital improvements to the extent that the university is able to demonstrate to the Board of
1748 Regents that the facility meets approved academic and training purposes under Board of
1749 Regents policy R710.

1750 (7) The Legislature intends that:

1751 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State
1752 Building Board - Division of Facilities Construction and Management, use \$2,650,000 in
1753 grants and institutional funds to plan, design, and construct a Business Resource Center, with
1754 12,000 new square feet;

1755 (b) no state funds be used for any portion of this project; and

1756 (c) the university may request state funds for operation and maintenance costs and
1757 capital improvements to the extent that the university is able to demonstrate to the Board of
1758 Regents that the facility meets approved academic and training purposes under Board of
1759 Regents policy R710.

1760 (8) The Legislature intends that:

1761 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State
1762 Building Board - Division of Facilities Construction and Management, use \$1,200,000 in
1763 donations and institutional funds to plan, design, and construct a track and field facility;

1764 (b) no state funds be used for any portion of this project; and

1765 (c) the university may request state funds for operation and maintenance costs and

1766 capital improvements to the extent that the university is able to demonstrate to the Board of
1767 Regents that the facility meets approved academic and training purposes under Board of
1768 Regents policy R710.

1769 (9) The Legislature intends that:

1770 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State
1771 Building Board - Division of Facilities Construction and Management, use \$600,000 in
1772 institutional funds to plan, design, and construct intramural playing fields;

1773 (b) no state funds be used for any portion of this project; and

1774 (c) the university may request state funds for operation and maintenance costs and
1775 capital improvements to the extent that the university is able to demonstrate to the Board of
1776 Regents that the facility meets approved academic and training purposes under Board of
1777 Regents policy R710.

1778 (10) The Legislature intends that:

1779 (a) Southern Utah University may, subject to requirements in Title 63A, Chapter 5,
1780 State Building Board - Division of Facilities Construction and Management, use \$2,000,000 in
1781 donations to plan, design, and construct a baseball and soccer complex upgrade;

1782 (b) no state funds be used for any portion of this project; and

1783 (c) the university may not request state funds for operation and maintenance costs or
1784 capital improvements.

1785 (11) The Legislature intends that:

1786 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
1787 Chapter 5, State Building Board - Division of Facilities Construction and Management, use
1788 \$3,000,000 in federal grants to plan, design, and construct an interagency fire dispatch center,
1789 with 10,000 new square feet;

1790 (b) no state funds be used for any portion of this project; and

1791 (c) the department may not request state funds for operation and maintenance costs or
1792 capital improvements.

1793 (12) The Legislature intends that:

1794 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
1795 Chapter 5, State Building Board - Division of Facilities Construction and Management, use
1796 \$7,500,000 in federal grants to plan, design, and construct a curation facility in Vernal, with
1797 21,000 new square feet;

1798 (b) no state funds be used for any portion of this project; and

1799 (c) the department may not request state funds for operation and maintenance costs or
1800 capital improvements.

1801 (13) The Legislature intends that:

1802 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
1803 Chapter 5, State Building Board - Division of Facilities Construction and Management, use
1804 \$650,000 in federal grants to plan, design, and construct an expansion to the seed warehouse at
1805 the Great Basin Research Center, with 9,000 new square feet;

1806 (b) no state funds be used for any portion of this project unless expressly appropriated
1807 for this purpose; and

1808 (c) the department may not request state funds for operation and maintenance costs or
1809 capital improvements.

1810 (14) The Legislature intends that:

1811 (a) the Department of [~~Veterans~~] Veterans and Military Affairs may, subject to
1812 requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities
1813 Construction and Management, use \$3,500,000 in federal grants to plan, design, and construct
1814 improvements at the [~~Veterans~~] Veterans Cemetery, with 15,000 new square feet;

1815 (b) no state funds be used for any portion of this project unless expressly appropriated
1816 for this purpose; and

1817 (c) the department may not request state funds for operation and maintenance costs or
1818 capital improvements.

1819 Section 23. Section **63G-1-301** is amended to read:

1820 **63G-1-301. Legal holidays -- Personal preference day -- Governor authorized to**
1821 **declare additional days.**

- 1822 (1) (a) The following-named days are legal holidays in this state:
- 1823 (i) every Sunday;
- 1824 (ii) January 1, called New Year's Day;
- 1825 (iii) the third Monday of January, called Dr. Martin Luther King, Jr. Day;
- 1826 (iv) the third Monday of February, called Washington and Lincoln Day;
- 1827 (v) the last Monday of May, called Memorial Day;
- 1828 (vi) July 4, called Independence Day;
- 1829 (vii) July 24, called Pioneer Day;
- 1830 (viii) the first Monday of September, called Labor Day;
- 1831 (ix) the second Monday of October, called Columbus Day;
- 1832 (x) November 11, called [~~Veterans~~] Veterans Day;
- 1833 (xi) the fourth Thursday of November, called Thanksgiving Day;
- 1834 (xii) December 25, called Christmas; and
- 1835 (xiii) all days which may be set apart by the President of the United States, or the
- 1836 governor of this state by proclamation as days of fast or thanksgiving.
- 1837 (b) If any of the holidays under Subsection (1)(a), except the first mentioned, namely
- 1838 Sunday, falls on Sunday, then the following Monday shall be the holiday.
- 1839 (c) If any of the holidays under Subsection (1)(a) falls on Saturday the preceding Friday
- 1840 shall be the holiday.
- 1841 (d) Each employee may select one additional day, called Personal Preference Day, to
- 1842 be scheduled pursuant to rules adopted by the Department of Human Resource Management.
- 1843 (2) (a) Whenever in the governor's opinion extraordinary conditions exist justifying the
- 1844 action, the governor may:
- 1845 (i) declare, by proclamation, legal holidays in addition to those holidays under
- 1846 Subsection (1); and
- 1847 (ii) limit the holidays to certain classes of business and activities to be designated by
- 1848 the governor.
- 1849 (b) A holiday may not extend for a longer period than 60 consecutive days.

1850 (c) Any holiday may be renewed for one or more periods not exceeding 30 days each as
1851 the governor may consider necessary, and any holiday may, by like proclamation, be terminated
1852 before the expiration of the period for which it was declared.

1853 Section 24. Section **63G-1-401** is amended to read:

1854 **63G-1-401. Commemorative periods.**

1855 (1) The following days shall be commemorated annually:

1856 (a) Bill of Rights Day, on December 15;

1857 (b) Constitution Day, on September 17;

1858 (c) Yellow Ribbon Day, on the third Monday in May, in honor of men and women who
1859 are serving or have served in the United States Armed Forces around the world in defense of
1860 freedom;

1861 (d) POW/MIA Recognition Day, on the third Friday in September;

1862 (e) Indigenous People Day, on the Monday immediately preceding Thanksgiving;

1863 (f) Utah State Flag Day, on March 9;

1864 (g) Vietnam Veterans Recognition Day, on March 29;

1865 (h) Utah History Day at the Capitol, on the Friday immediately following the fourth
1866 Monday in January, to encourage citizens of the state, including students, to participate in
1867 activities that recognize Utah's history; and

1868 (i) Juneteenth Freedom Day, on the third Saturday in June, in honor of Union General
1869 Gordon Granger proclaiming the freedom of all slaves on June 19, 1865, in Galveston, Texas;

1870 (j) Arthrogyrosis Multiplex Congenita Awareness Day, on June 30; and

1871 (k) Rachael Runyan/Missing and Exploited Children's Day, on August 26, the
1872 anniversary of the day three-year-old Rachael Runyan was kidnaped from a playground in
1873 Sunset, Utah, to:

1874 (i) encourage individuals to make child safety a priority;

1875 (ii) remember the importance of continued efforts to reunite missing children with their
1876 families; and

1877 (iii) honor Rachael Runyan and all Utah children who have been abducted or exploited.

1878 (2) The Department of [~~Veterans~~] Veterans and Military Affairs shall coordinate
1879 activities, special programs, and promotional information to heighten public awareness and
1880 involvement relating to Subsections (1)(c) and (d).

1881 (3) The month of October shall be commemorated annually as Italian-American
1882 Heritage Month.

1883 (4) The month of November shall be commemorated annually as American Indian
1884 Heritage Month.

1885 (5) The month of April shall be commemorated annually as Clean Out the Medicine
1886 Cabinet Month to:

1887 (a) recognize the urgent need to make Utah homes and neighborhoods safe from
1888 prescription medication abuse and poisonings by the proper home storage and disposal of
1889 prescription and over-the-counter medications; and

1890 (b) educate citizens about the permanent medication disposal sites in Utah listed on
1891 useonlyasdirected.org that allow disposal throughout the year.

1892 (6) The first full week of May shall be commemorated annually as State Water Week
1893 to recognize the importance of water conservation, quality, and supply in the state.

1894 (7) The second Friday and Saturday in August shall be commemorated annually as
1895 Utah Fallen Heroes Days to:

1896 (a) honor fallen heroes who, during service in the military or public safety, have
1897 sacrificed their lives to protect the country and the citizens of the state; and

1898 (b) encourage political subdivisions to acknowledge and honor fallen heroes.

1899 (8) The third full week in August shall be commemorated annually as Drowsy Driving
1900 Awareness Week to:

1901 (a) educate the public about the relationship between fatigue and driving performance;
1902 and

1903 (b) encourage the Department of Public Safety and the Department of Transportation to
1904 recognize and promote educational efforts on the dangers of drowsy driving.

1905 (9) The third full week of June shall be commemorated annually as Workplace Safety

1906 Week to heighten public awareness regarding the importance of safety in the workplace.

1907 (10) The second full week of April shall be commemorated annually as Animal Care
1908 and Control Appreciation Week to recognize and increase awareness within the community of
1909 the services that animal care and control professionals provide.

1910 Section 25. Section **63G-1-703** is amended to read:

1911 **63G-1-703. Display of POW/MIA flag.**

1912 (1) In any place at the capitol hill complex where the United States flag is displayed
1913 out of doors, the entity responsible for the display of the United States flag shall display the
1914 POW/MIA flag, in the manner described in Subsection (2), from sunrise to sunset on the
1915 following days:

1916 (a) Armed Forces Day, the third Saturday in May;

1917 (b) Memorial Day, the last Monday in May;

1918 (c) Flag Day, June 14;

1919 (d) Independence Day, July 4;

1920 (e) [~~Veteran's~~] Veterans Day, November 11; and

1921 (f) National POW/MIA Recognition Day, the third Friday in September.

1922 (2) When displaying the POW/MIA flag under Subsection (1), the entity responsible to
1923 display the flag shall fly or hang the POW/MIA flag as follows:

1924 (a) if the United States flag and the POW/MIA flag are attached to the same flag pole,
1925 by placing the POW/MIA flag directly under the United States flag; or

1926 (b) if the United States flag and the POW/MIA flag are displayed near each other, but
1927 not on the same flag pole, by placing the top of the POW/MIA flag below the top of the United
1928 States flag.

1929 Section 26. Section **63J-1-219** is amended to read:

1930 **63J-1-219. Definitions -- Federal receipts reporting requirements.**

1931 (1) As used in this section:

1932 (a) (i) "Designated state agency" means the Department of Administrative Services, the
1933 Department of Agriculture and Food, the Department of Alcoholic Beverage Control, the

1934 Department of Commerce, the Department of Heritage and Arts, the Department of
1935 Corrections, the Department of Environmental Quality, the Department of Financial
1936 Institutions, the Department of Health, the Department of Human Resource Management, the
1937 Department of Human Services, the Department of Insurance, the Department of Natural
1938 Resources, the Department of Public Safety, the Department of Technology Services, the
1939 Department of Transportation, the Department of [~~Veterans~~] Veterans and Military Affairs, the
1940 Department of Workforce Services, the Labor Commission, the Office of Economic
1941 Development, the Public Service Commission, the State Board of Regents, the State Board of
1942 Education, the State Tax Commission, or the Utah National Guard.

1943 (ii) "Designated state agency" does not include the judicial branch, the legislative
1944 branch, or an office or other entity within the judicial branch or the legislative branch.

1945 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
1946 Sec. 7501, that is reported as part of a single audit.

1947 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

1948 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or
1949 before October 31, prepare a report that:

1950 (a) reports the aggregate value of federal receipts the designated state agency received
1951 for the preceding fiscal year;

1952 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the
1953 designated state agency for the preceding fiscal year;

1954 (c) calculates the percentage of the designated state agency's total budget for the
1955 preceding fiscal year that constitutes federal receipts that the designated state agency received
1956 for that fiscal year; and

1957 (d) develops plans for operating the designated state agency if there is a reduction of:

1958 (i) 5% or more in the federal receipts that the designated state agency receives; and

1959 (ii) 25% or more in the federal receipts that the designated state agency receives.

1960 (3) (a) The report required by Subsection (2) that the Board of Regents prepares shall
1961 include the information required by Subsections (2)(a) through (c) for each state institution of

1962 higher education listed in Section [53B-2-101](#).

1963 (b) The report required by Subsection (2) that the State Board of Education prepares
1964 shall include the information required by Subsections (2)(a) through (c) for each school district
1965 and each charter school within the public education system.

1966 (4) A designated state agency that prepares a report in accordance with Subsection (2)
1967 shall submit the report to the Division of Finance on or before November 1 of each year.

1968 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a
1969 report that:

1970 (i) compiles and summarizes the reports the Division of Finance receives in accordance
1971 with Subsection (4); and

1972 (ii) compares the aggregate value of federal receipts each designated state agency
1973 received for the previous fiscal year to the aggregate amount of federal funds appropriated by
1974 the Legislature to that designated state agency for that fiscal year.

1975 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),
1976 compile a list of designated state agencies that do not submit a report as required by this
1977 section.

1978 (6) The Division of Finance shall submit the report required by Subsection (5) to the
1979 Executive Appropriations Committee on or before December 1 of each year.

1980 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive
1981 Appropriations Committee shall place the report on the agenda for review and consideration at
1982 the next Executive Appropriations Committee meeting.

1983 (8) When considering the report required by Subsection (5), the Executive
1984 Appropriations Committee may elect to:

1985 (a) recommend that the Legislature reduce or eliminate appropriations for a designated
1986 state agency;

1987 (b) take no action; or

1988 (c) take another action that a majority of the committee approves.

1989 Section 27. Section ~~67-19-6.7~~ is amended to read:

1990 **67-19-6.7. Overtime policies for state employees.**

1991 (1) As used in this section:

1992 (a) "Accrued overtime hours" means:

1993 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end

1994 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt

1995 state employee who accrued them; and

1996 (ii) for exempt employees, overtime hours earned during an overtime year.

1997 (b) "Appointed official" means:

1998 (i) each department executive director and deputy director, each division director, and

1999 each member of a board or commission; and

2000 (ii) any other person employed by a department who is appointed by, or whose

2001 appointment is required by law to be approved by, the governor and who:

2002 (A) is paid a salary by the state; and

2003 (B) who exercises managerial, policy-making, or advisory responsibility.

2004 (c) "Department" means the Department of Administrative Services, the Department of

2005 Corrections, the Department of Financial Institutions, the Department of Alcoholic Beverage

2006 Control, the Insurance Department, the Public Service Commission, the Labor Commission,

2007 the Department of Agriculture and Food, the Department of Human Services, the Department

2008 of Natural Resources, the Department of Technology Services, the Department of

2009 Transportation, the Department of Commerce, the Department of Workforce Services, the State

2010 Tax Commission, the Department of Heritage and Arts, the Department of Health, the National

2011 Guard, the Department of Environmental Quality, the Department of Public Safety, the

2012 Department of Human Resource Management, the Commission on Criminal and Juvenile

2013 Justice, all merit employees except attorneys in the Office of the Attorney General, merit

2014 employees in the Office of the State Treasurer, merit employees in the Office of the State

2015 Auditor, Department of [~~Veterans~~] Veterans and Military Affairs, and the Board of Pardons

2016 and Parole.

2017 (d) "Elected official" means any person who is an employee of the state because the

2018 person was elected by the registered voters of Utah to a position in state government.

2019 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair
2020 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2021 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2022 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards
2023 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of
2024 compensation the nonexempt employee will receive for overtime.

2025 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by
2026 the Department of Human Resource Management applying FLSA requirements.

2027 (i) "Overtime" means actual time worked in excess of the employee's defined work
2028 period.

2029 (j) "Overtime year" means the year determined by a department under Subsection
2030 (4)(b) at the end of which an exempt employee's accrued overtime lapses.

2031 (k) "State employee" means every person employed by a department who is not:

2032 (i) an appointed official;

2033 (ii) an elected official; or

2034 (iii) a member of a board or commission who is paid only for per diem or travel
2035 expenses.

2036 (l) "Uniform annual date" means the date when an exempt employee's accrued
2037 overtime lapses.

2038 (m) "Work period" means:

2039 (i) for all nonexempt employees, except law enforcement and hospital employees, a
2040 consecutive seven day 24 hour work period of 40 hours;

2041 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and

2042 (iii) for nonexempt law enforcement and hospital employees, the period established by
2043 each department by rule for those employees according to the requirements of the Fair Labor
2044 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2045 (2) Each department shall compensate each state employee who works overtime by

2046 complying with the requirements of this section.

2047 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each
2048 nonexempt employee.

2049 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
2050 compensated for overtime by:

2051 (i) taking time off work at the rate of one and one-half hour off for each overtime hour
2052 worked; or

2053 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per
2054 hour that the state employee receives for nonovertime work.

2055 (c) Any nonexempt employee who elects to take time off under this Subsection (3)
2056 shall be paid for any overtime worked in excess of the cap established by the Department of
2057 Human Resource Management.

2058 (d) Before working any overtime, each nonexempt employee shall obtain authorization
2059 to work overtime from the employee's immediate supervisor.

2060 (e) Each department shall:

2061 (i) for employees who elect to be compensated with time off for overtime, allow
2062 overtime earned during a fiscal year to be accumulated; and

2063 (ii) for employees who elect to be paid for overtime worked, pay them for overtime
2064 worked in the paycheck for the pay period in which the employee worked the overtime.

2065 (f) If the department pays a nonexempt employee for overtime, the department shall
2066 charge that payment to the department's budget.

2067 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
2068 overtime hours for nonexempt employees and charge that total against the appropriate fund or
2069 subfund.

2070 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall
2071 compensate exempt employees who work overtime by granting them time off at the rate of one
2072 hour off for each hour of overtime worked.

2073 (ii) The executive director of the Department of Human Resource Management may

2074 grant limited exceptions to this requirement, where work circumstances dictate, by authorizing
2075 a department to pay employees for overtime worked at the rate per hour that the employee
2076 receives for nonovertime work, if the department has funds available.

2077 (b) (i) Each department shall:

2078 (A) establish in its written human resource policies a uniform annual date for each
2079 division that is at the end of any pay period; and

2080 (B) communicate the uniform annual date to its employees.

2081 (ii) If any department fails to establish a uniform annual date as required by this
2082 Subsection (4), the executive director of the Department of Human Resource Management, in
2083 conjunction with the director of the Division of Finance, shall establish the date for that
2084 department.

2085 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a
2086 benefit, and is not a vested right.

2087 (ii) A court may not construe the overtime for exempt employees authorized by this
2088 Subsection (4) as an entitlement, a benefit, or as a vested right.

2089 (d) At the end of the overtime year, upon transfer to another department at any time,
2090 and upon termination, retirement, or other situations where the employee will not return to
2091 work before the end of the overtime year:

2092 (i) any of an exempt employee's overtime that is more than the maximum established
2093 by the Department of Human Resource Management rule lapses; and

2094 (ii) unless authorized by the executive director of the Department of Human Resource
2095 Management under Subsection (4)(a)(ii), a department may not compensate the exempt
2096 employee for that lapsed overtime by paying the employee for the overtime or by granting the
2097 employee time off for the lapsed overtime.

2098 (e) Before working any overtime, each exempt employee shall obtain authorization to
2099 work overtime from the exempt employee's immediate supervisor.

2100 (f) If the department pays an exempt employee for overtime under authorization from
2101 the executive director of the Department of Human Resource Management, the department

2102 shall charge that payment to the department's budget in the pay period earned.

2103 (5) The Department of Human Resource Management shall:

2104 (a) ensure that the provisions of the FLSA and this section are implemented throughout
2105 state government;

2106 (b) determine, for each state employee, whether that employee is exempt, nonexempt,
2107 law enforcement, or has some other status under the FLSA;

2108 (c) in coordination with modifications to the systems operated by the Division of
2109 Finance, make rules:

2110 (i) establishing procedures for recording overtime worked that comply with FLSA
2111 requirements;

2112 (ii) establishing requirements governing overtime worked while traveling and
2113 procedures for recording that overtime that comply with FLSA requirements;

2114 (iii) establishing requirements governing overtime worked if the employee is "on call"
2115 and procedures for recording that overtime that comply with FLSA requirements;

2116 (iv) establishing requirements governing overtime worked while an employee is being
2117 trained and procedures for recording that overtime that comply with FLSA requirements;

2118 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt
2119 employee may accrue before a department is required to pay the employee for the overtime
2120 worked;

2121 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
2122 exempt employee that do not lapse; and

2123 (vii) establishing procedures for adjudicating appeals of any FLSA determinations
2124 made by the Department of Human Resource Management as required by this section;

2125 (d) monitor departments for compliance with the FLSA; and

2126 (e) recommend to the Legislature and the governor any statutory changes necessary
2127 because of federal government action.

2128 (6) In coordination with the procedures for recording overtime worked established in
2129 rule by the Department of Human Resource Management, the Division of Finance shall modify

2130 its payroll and human resource systems to accommodate those procedures.

2131 (a) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
2132 Administrative Procedures Act, Section 67-19-31, and Section 67-19a-301, any employee who
2133 is aggrieved by the FLSA designation made by the Department of Human Resource
2134 Management as required by this section may appeal that determination to the executive director
2135 of the Department of Human Resource Management by following the procedures and
2136 requirements established in Department of Human Resource Management rule.

2137 (b) Upon receipt of an appeal under this section, the executive director shall notify the
2138 executive director of the employee's department that the appeal has been filed.

2139 (c) If the employee is aggrieved by the decision of the executive director of the
2140 Department of Human Resource Management, the employee shall appeal that determination to
2141 the Department of Labor, Wage and Hour Division, according to the procedures and
2142 requirements of federal law.

2143 Section 28. Section 67-19-15 is amended to read:

2144 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**
2145 **positions -- Coverage of career service provisions.**

2146 (1) Except as otherwise provided by law or by rules and regulations established for
2147 federally aided programs, the following positions are exempt from the career service provisions
2148 of this chapter and are designated under the following schedules:

2149 (a) schedule AA includes the governor, members of the Legislature, and all other
2150 elected state officers;

2151 (b) schedule AB includes appointed executives and board or commission executives
2152 enumerated in Section 67-22-2;

2153 (c) schedule AC includes all employees and officers in:

2154 (i) the office and at the residence of the governor;

2155 (ii) the Utah Science Technology and Research Initiative (USTAR);

2156 (iii) the Public Lands Policy Coordinating Council;

2157 (iv) the Office of the State Auditor; and

- 2158 (v) the Office of the State Treasurer;
- 2159 (d) schedule AD includes employees who:
 - 2160 (i) are in a confidential relationship to an agency head or commissioner; and
 - 2161 (ii) report directly to, and are supervised by, a department head, commissioner, or
 - 2162 deputy director of an agency or its equivalent;
- 2163 (e) schedule AE includes each employee of the State Board of Education that the State
- 2164 Board of Education designates as exempt from the career service provisions of this chapter;
- 2165 (f) schedule AG includes employees in the Office of the Attorney General who are
- 2166 under their own career service pay plan under Sections [67-5-7](#) through [67-5-13](#);
- 2167 (g) schedule AH includes:
 - 2168 (i) teaching staff of all state institutions; and
 - 2169 (ii) employees of the Utah Schools for the Deaf and the Blind who are:
 - 2170 (A) educational interpreters as classified by the department; or
 - 2171 (B) educators as defined by Section [53A-25b-102](#);
 - 2172 (h) schedule AN includes employees of the Legislature;
 - 2173 (i) schedule AO includes employees of the judiciary;
 - 2174 (j) schedule AP includes all judges in the judiciary;
 - 2175 (k) schedule AQ includes:
 - 2176 (i) members of state and local boards and councils appointed by the governor and
 - 2177 governing bodies of agencies;
 - 2178 (ii) a water commissioner appointed under Section [73-5-1](#);
 - 2179 (iii) other local officials serving in an ex officio capacity; and
 - 2180 (iv) officers, faculty, and other employees of state universities and other state
 - 2181 institutions of higher education;
 - 2182 (l) schedule AR includes employees in positions that involve responsibility:
 - 2183 (i) for determining policy;
 - 2184 (ii) for determining the way in which a policy is carried out; or
 - 2185 (iii) of a type not appropriate for career service, as determined by the agency head with

2186 the concurrence of the executive director;

2187 (m) schedule AS includes any other employee:

2188 (i) whose appointment is required by statute to be career service exempt;

2189 (ii) whose agency is not subject to this chapter; or

2190 (iii) whose agency has authority to make rules regarding the performance,

2191 compensation, and bonuses for its employees;

2192 (n) schedule AT includes employees of the Department of Technology Services,

2193 designated as executive/professional positions by the executive director of the Department of

2194 Technology Services with the concurrence of the executive director;

2195 (o) schedule AU includes patients and inmates employed in state institutions;

2196 (p) employees of the Department of Workforce Services, designated as schedule AW:

2197 (i) who are temporary employees that are federally funded and are required to work

2198 under federally qualified merit principles as certified by the director; or

2199 (ii) for whom substantially all of their work is repetitive, measurable, or transaction

2200 based, and who voluntarily apply for and are accepted by the Department of Workforce

2201 Services to work in a pay for performance program designed by the Department of Workforce

2202 Services with the concurrence of the executive director; and

2203 (q) for employees in positions that are temporary, seasonal, time limited, funding

2204 limited, or variable hour in nature, under schedule codes and parameters established by the

2205 department by administrative rule.

2206 (2) The civil service shall consist of two schedules as follows:

2207 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).

2208 (ii) Removal from any appointive position under schedule A, unless otherwise

2209 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

2210 (b) Schedule B is the competitive career service schedule, consisting of:

2211 (i) all positions filled through competitive selection procedures as defined by the

2212 executive director; or

2213 (ii) positions filled through a department approved on-the-job examination intended to

2214 appoint a qualified person with a disability, or a veteran in accordance with Title 71, Chapter
2215 10, [~~Veteran's~~] Veterans Preference.

2216 (3) (a) The executive director, after consultation with the heads of concerned executive
2217 branch departments and agencies and with the approval of the governor, shall allocate positions
2218 to the appropriate schedules under this section.

2219 (b) Agency heads shall make requests and obtain approval from the executive director
2220 before changing the schedule assignment and tenure rights of any position.

2221 (c) Unless the executive director's decision is reversed by the governor, when the
2222 executive director denies an agency's request, the executive director's decision is final.

2223 (4) (a) Compensation for employees of the Legislature shall be established by the
2224 directors of the legislative offices in accordance with Section 36-12-7.

2225 (b) Compensation for employees of the judiciary shall be established by the state court
2226 administrator in accordance with Section 78A-2-107.

2227 (c) Compensation for officers, faculty, and other employees of state universities and
2228 institutions of higher education shall be established as provided in Title 53B, Chapter 1,
2229 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of
2230 Higher Education.

2231 (d) Unless otherwise provided by law, compensation for all other schedule A
2232 employees shall be established by their appointing authorities, within ranges approved by, and
2233 after consultation with the executive director of the Department of Human Resource
2234 Management.

2235 (5) An employee who is in a position designated schedule AC and who holds career
2236 service status on June 30, 2010, shall retain the career service status if the employee:

2237 (a) remains in the position that the employee is in on June 30, 2010; and

2238 (b) does not elect to convert to career service exempt status in accordance with a rule
2239 made by the department.

2240 Section 29. Section 67-22-2 is amended to read:

2241 **67-22-2. Compensation -- Other state officers.**

- 2242 (1) As used in this section:
- 2243 (a) "Appointed executive" means the:
- 2244 (i) commissioner of the Department of Agriculture and Food;
- 2245 (ii) commissioner of the Insurance Department;
- 2246 (iii) commissioner of the Labor Commission;
- 2247 (iv) director, Department of Alcoholic Beverage Control;
- 2248 (v) commissioner of the Department of Financial Institutions;
- 2249 (vi) executive director, Department of Commerce;
- 2250 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 2251 (viii) adjutant general;
- 2252 (ix) executive director, Department of Heritage and Arts;
- 2253 (x) executive director, Department of Corrections;
- 2254 (xi) commissioner, Department of Public Safety;
- 2255 (xii) executive director, Department of Natural Resources;
- 2256 (xiii) executive director, Governor's Office of Management and Budget;
- 2257 (xiv) executive director, Department of Administrative Services;
- 2258 (xv) executive director, Department of Human Resource Management;
- 2259 (xvi) executive director, Department of Environmental Quality;
- 2260 (xvii) director, Governor's Office of Economic Development;
- 2261 (xviii) executive director, Utah Science Technology and Research Governing
- 2262 Authority;
- 2263 (xix) executive director, Department of Workforce Services;
- 2264 (xx) executive director, Department of Health, Nonphysician;
- 2265 (xxi) executive director, Department of Human Services;
- 2266 (xxii) executive director, Department of Transportation;
- 2267 (xxiii) executive director, Department of Technology Services; and
- 2268 (xxiv) executive director, Department of [~~Veterans~~] Veterans and Military Affairs.
- 2269 (b) "Board or commission executive" means:

2270 (i) members, Board of Pardons and Parole;
2271 (ii) chair, State Tax Commission;
2272 (iii) commissioners, State Tax Commission;
2273 (iv) executive director, State Tax Commission;
2274 (v) chair, Public Service Commission; and
2275 (vi) commissioners, Public Service Commission.
2276 (c) "Deputy" means the person who acts as the appointed executive's second in
2277 command as determined by the Department of Human Resource Management.
2278 (2) (a) The executive director of the Department of Human Resource Management
2279 shall:
2280 (i) before October 31 of each year, recommend to the governor a compensation plan for
2281 the appointed executives and the board or commission executives; and
2282 (ii) base those recommendations on market salary studies conducted by the Department
2283 of Human Resource Management.
2284 (b) (i) The Department of Human Resource Management shall determine the salary
2285 range for the appointed executives by:
2286 (A) identifying the salary range assigned to the appointed executive's deputy;
2287 (B) designating the lowest minimum salary from those deputies' salary ranges as the
2288 minimum salary for the appointed executives' salary range; and
2289 (C) designating 105% of the highest maximum salary range from those deputies' salary
2290 ranges as the maximum salary for the appointed executives' salary range.
2291 (ii) If the deputy is a medical doctor, the Department of Human Resource Management
2292 may not consider that deputy's salary range in designating the salary range for appointed
2293 executives.
2294 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
2295 board or commission executives, the Department of Human Resource Management shall set
2296 the maximum salary in the salary range for each of those positions at 90% of the salary for
2297 district judges as established in the annual appropriation act under Section 67-8-2.

2298 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
2299 or (iii), the Department of Human Resource Management shall set the maximum salary in the
2300 salary range for each of those positions at 100% of the salary for district judges as established
2301 in the annual appropriation act under Section 67-8-2.

2302 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
2303 specific salary for each appointed executive within the range established under Subsection
2304 (2)(b).

2305 (ii) If the executive director of the Department of Health is a physician, the governor
2306 shall establish a salary within the highest physician salary range established by the Department
2307 of Human Resource Management.

2308 (iii) The governor may provide salary increases for appointed executives within the
2309 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

2310 (b) The governor shall apply the same overtime regulations applicable to other FLSA
2311 exempt positions.

2312 (c) The governor may develop standards and criteria for reviewing the appointed
2313 executives.

2314 (4) Salaries for other Schedule A employees, as defined in Section 67-19-15, that are
2315 not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
2316 Salary Act, shall be established as provided in Section 67-19-15.

2317 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
2318 commission executives as follows:

2319 (i) the option of participating in a state retirement system established by Title 49, Utah
2320 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
2321 by the State Retirement Office in accordance with the Internal Revenue Code and its
2322 accompanying rules and regulations;

2323 (ii) health insurance;

2324 (iii) dental insurance;

2325 (iv) basic life insurance;

- 2326 (v) unemployment compensation;
- 2327 (vi) workers' compensation;
- 2328 (vii) required employer contribution to Social Security;
- 2329 (viii) long-term disability income insurance;
- 2330 (ix) the same additional state-paid life insurance available to other noncareer service
- 2331 employees;
- 2332 (x) the same severance pay available to other noncareer service employees;
- 2333 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
- 2334 follows:
- 2335 (A) sick leave;
- 2336 (B) converted sick leave if accrued prior to January 1, 2014;
- 2337 (C) educational allowances;
- 2338 (D) holidays; and
- 2339 (E) annual leave except that annual leave shall be accrued at the maximum rate
- 2340 provided to Schedule B state employees;
- 2341 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
- 2342 provided by law or rule upon resignation or retirement according to the same criteria and
- 2343 procedures applied to Schedule B state employees;
- 2344 (xiii) the option to purchase additional life insurance at group insurance rates according
- 2345 to the same criteria and procedures applied to Schedule B state employees; and
- 2346 (xiv) professional memberships if being a member of the professional organization is a
- 2347 requirement of the position.
- 2348 (b) Each department shall pay the cost of additional state-paid life insurance for its
- 2349 executive director from its existing budget.
- 2350 (6) The Legislature fixes the following additional benefits:
- 2351 (a) for the executive director of the State Tax Commission a vehicle for official and
- 2352 personal use;
- 2353 (b) for the executive director of the Department of Transportation a vehicle for official

2354 and personal use;

2355 (c) for the executive director of the Department of Natural Resources a vehicle for
2356 commute and official use;

2357 (d) for the commissioner of Public Safety:

2358 (i) an accidental death insurance policy if POST certified; and

2359 (ii) a public safety vehicle for official and personal use;

2360 (e) for the executive director of the Department of Corrections:

2361 (i) an accidental death insurance policy if POST certified; and

2362 (ii) a public safety vehicle for official and personal use;

2363 (f) for the adjutant general a vehicle for official and personal use; and

2364 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
2365 official use.

2366 Section 30. Section **71-3-1** is amended to read:

2367 **71-3-1. Use of armories by veterans organizations permitted.**

2368 Any federally chartered [~~veterans~~] veterans organization shall have the right to the free
2369 use of armories owned or leased by the state; provided that the use does not interfere with the
2370 use of the armories by the national guard or organized militia of this state.

2371 Section 31. Section **71-7-2** is amended to read:

2372 **71-7-2. Political subdivisions may provide proper burial sites.**

2373 For the purpose of giving effect to this act, cities, towns, counties or other political
2374 subdivisions of the state of Utah may grant burial sites to chartered [~~veterans~~] veterans
2375 organizations without financial consideration therefor, or may provide a proper site for the
2376 burial of any persons covered by this act without financial consideration.

2377 Section 32. Section **71-7-3** is amended to read:

2378 **71-7-3. Development, operation, and maintenance of Utah Veterans Cemetery**
2379 **and Memorial Park -- Responsibilities of Department of Veterans and Military Affairs --**
2380 **Costs -- Definition.**

2381 (1) The Department of [~~Veterans~~] Veterans and Military Affairs, in consultation with

2382 the [Veterans^d] Veterans Memorial Park Board, shall develop, operate, and maintain a
2383 [veterans^d] veterans cemetery and memorial park.

2384 (2) To help pay the costs of developing, constructing, operating, and maintaining a
2385 [veterans^d] veterans cemetery and memorial park, the Department of [Veterans^d] Veterans and
2386 Military Affairs may:

2387 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal
2388 Funds Procedures Act, receive federal funds, and may receive state funds, contributions from
2389 [veterans^d] veterans organizations, and other private donations; and

2390 (b) charge fees for at least the cost of the burial of [veterans^d-spouses] a veteran's
2391 spouse and any other persons, whom the department and the [Veterans^d] Veterans Memorial
2392 Park Board determines are eligible to be buried in a [veterans^d] veterans cemetery established
2393 by the state.

2394 (3) "Veteran" has the same meaning as defined in Section [68-3-12.5](#).

2395 Section 33. Section **71-7-4** is amended to read:

2396 **71-7-4. Veterans Memorial Park Board -- Members -- Appointment -- Meetings --**
2397 **Per diem and travel expenses.**

2398 (1) There is created a [Veterans^d] Veterans Memorial Park Board to serve as an
2399 advisory body to the Department of [Veterans^d] Veterans and Military Affairs on matters
2400 relating to the establishment and operation of a [veterans^d] veterans cemetery and memorial
2401 park.

2402 (2) The board shall consist of the following five members:

2403 (a) one representative recommended by the state commander of the Veterans of
2404 Foreign Wars;

2405 (b) one representative recommended by the state commander of the American Legion;

2406 (c) one representative recommended by the state commander of the Disabled American
2407 Veterans;

2408 (d) the executive director of the Department of [Veterans^d] Veterans and Military
2409 Affairs; and

2410 (e) one person not affiliated with any of the organizations referred to in this Subsection
 2411 (2).

2412 (3) (a) Except as required by Subsection (3)(b), the executive director shall appoint
 2413 members in Subsections (2)(a), (b), (c), and (e) above for four-year terms. The executive
 2414 director shall make final appointments to the board by June 30 of any year in which
 2415 appointments are to be made under this chapter.

2416 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director shall,
 2417 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
 2418 of board members are staggered so that approximately half of the board is appointed every two
 2419 years.

2420 (c) All members shall serve until their successors are appointed.

2421 (d) Members may not serve more than two consecutive terms.

2422 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
 2423 appointed for the unexpired term in the same manner as the original appointment.

2424 (5) (a) The board shall select a chair annually from among its members at its first
 2425 meeting after July 1.

2426 (b) Three members of the board constitute a quorum to transact business.

2427 (c) The board shall meet at least quarterly on a regular date fixed by the board.

2428 (d) The chair or three members of the board may call additional meetings.

2429 (6) The board shall provide copies of all minutes to the Department of [~~Veterans~~]
 2430 Veterans and Military Affairs within 14 days of approval.

2431 (7) A member may not receive compensation or benefits for the member's service, but
 2432 may receive per diem and travel expenses in accordance with:

2433 (a) Section [63A-3-106](#);

2434 (b) Section [63A-3-107](#); and

2435 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
 2436 [63A-3-107](#).

2437 Section 34. Section **71-7-5** is amended to read:

2438 **71-7-5. Veterans Remains Organization -- Funeral service establishments --**
2439 **Liability -- State agency -- Responsibilities.**

2440 (1) As used in this section:

2441 (a) "Remains facility" means the same as a funeral service establishment defined in
2442 Section [58-9-102](#).

2443 (b) "Status information" means a veteran or a veteran's dependent's name, date of birth,
2444 place of birth, date of death, Social Security number, military service number, branch of
2445 service, and military rank on date of death.

2446 (c) "Veterans Remains Organization" means an entity recognized and authorized by the
2447 United States Veterans Administration and the National Personnel Records Center to verify
2448 and inter the unclaimed cremated remains of United States military veterans or [~~veterans~~] a
2449 veteran's dependents.

2450 (2) A veterans remains organization may contact a remains facility for the purpose of
2451 identifying any unclaimed cremated remains of a military veteran or a veteran's dependent.

2452 (a) Upon contact with the remains facility, the organization shall:

2453 (i) provide identifying documentation to the remains facility; and

2454 (ii) with the permission of the remains facility, inventory any unclaimed cremated
2455 remains in order to identify any remains of a veteran or a veteran's dependent.

2456 (b) The organization shall contact the National Personnel Records Center to determine
2457 if any of the unclaimed cremated remains are:

2458 (i) a veteran's or a veteran's dependent's remains; and

2459 (ii) eligible for interment benefits.

2460 (c) The organization shall claim any unclaimed cremated remains from a remains
2461 facility upon providing the facility with proof that the remains are those of a veteran or a
2462 veteran's dependent and are eligible for interment benefits.

2463 (d) The organization shall make arrangements to inter the remains.

2464 (3) A remains facility:

2465 (a) may allow a veterans remains organization, upon presentation of identification, to

2466 inventory unclaimed cremated remains;

2467 (b) shall provide all status information in the remains facility's possession to a veterans
2468 remains organization;

2469 (c) shall release any unclaimed cremated remains to a veterans remains organization
2470 upon presentation of documentation that the remains are of a veteran or a veteran's dependent
2471 who is eligible for burial in a state or national cemetery; and

2472 (d) is not subject to civil liability for release of status information or release of the
2473 unclaimed cremated remains following the presentation of documentation indicating the
2474 remains are those of a veteran or a veteran's dependent and eligible for interment benefits.

2475 (4) The [~~Utah~~] Department of [~~Veterans~~] Veterans and Military Affairs shall, upon
2476 presentation of documentation that certain cremated remains in the possession of a veterans
2477 remains organization are those of a veteran or a veteran's dependent and eligible for interment
2478 benefits:

2479 (a) authorize the interment of the cremated remains in a state [~~veterans~~] veterans
2480 cemetery; and

2481 (b) provide assistance to the veterans remains organization in the interment process.

2482 Section 35. Section **71-8-1** is amended to read:

2483 **71-8-1. Definitions -- Veterans Affairs.**

2484 As used in this title:

2485 (1) "Contractor" means a person who is or may be awarded a government entity
2486 contract.

2487 (2) "Council" means the [~~Veterans~~] Veterans Advisory Council.

2488 (3) "Department" means the Department of [~~Veterans~~] Veterans and Military Affairs.

2489 (4) "Executive director" means the executive director of the Department of [~~Veterans~~]
2490 Veterans and Military Affairs.

2491 (5) "Government entity" means the state and any county, municipality, local district,
2492 special service district, and any other political subdivision or administrative unit of the state,
2493 including state institutions of education.

2494 (6) "Specialist" means a full-time employee of a government entity who is tasked with
2495 responding to, and assisting, veterans who are employed by the entity or come to the entity for
2496 assistance.

2497 (7) "Veteran" has the same meaning as defined in Section 68-3-12.5.

2498 Section 36. Section 71-8-2 is amended to read:

2499 **71-8-2. Department of Veterans and Military Affairs created -- Appointment of**
2500 **executive director -- Department responsibilities.**

2501 (1) There is created the Department of [~~Veterans~~] Veterans and Military Affairs.

2502 (2) The governor shall appoint an executive director for the department, after
2503 consultation with the [~~Veterans~~] Veterans Advisory Council, who is subject to Senate
2504 confirmation.

2505 (a) The executive director shall be an individual who:

2506 (i) has served on active duty in the armed forces for more than 180 consecutive days;

2507 (ii) was a member of a reserve component who served in a campaign or expedition for
2508 which a campaign medal has been authorized; or

2509 (iii) incurred an actual service-related injury or disability in the line of duty, whether or
2510 not that person completed 180 consecutive days of active duty; and

2511 (iv) was separated or retired under honorable conditions.

2512 (b) Any veteran or [~~veteran's~~] veterans group may submit names to the council for
2513 consideration.

2514 (3) The department shall:

2515 (a) conduct and supervise all veteran activities as provided in this title;

2516 (b) determine which campaign or combat theater awards are eligible for a special group
2517 license plate in accordance with Section 41-1a-418;

2518 (c) verify that an applicant for a campaign or combat theater award special group
2519 license plate is qualified to receive it;

2520 (d) provide an applicant that qualifies a form indicating the campaign or combat theater
2521 award special group license plate for which the applicant qualifies; and

2522 (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
2523 Rulemaking Act, to carry out the provisions of this title.

2524 (4) Nothing in this chapter shall be construed as altering or preempting the provisions
2525 of Title 39, Militia and Armories, as specifically related to the Utah National Guard.

2526 Section 37. Section **71-8-3** is amended to read:

2527 **71-8-3. Duties of executive director -- Services to veterans.**

2528 The executive director shall:

2529 (1) be responsible for the administration and the operation or support of the following
2530 veteran-related operations:

2531 (a) Utah State [~~Veterans~~^d] Veterans Nursing Homes and Programs;

2532 (b) Utah State [~~Veterans~~^d] Veterans Cemetery and Memorial Park;

2533 (c) Title 71, Chapter 10, [~~Veteran's~~^d] Veterans Preference;

2534 (d) any locally or federally funded programs for homeless veterans within the state; and

2535 (e) any federally funded education services for veterans within the state;

2536 (2) maintain liaison with local, state, and federal [~~veterans~~^d] veterans agencies and with
2537 Utah [~~veterans~~^d] veterans organizations;

2538 (3) provide current information so that veterans, their surviving spouses and family
2539 members, and Utah [~~veterans~~^d] veterans organizations will be aware of benefits to which they
2540 are, or may become, entitled;

2541 (4) reach out and assist veterans and their families in applying for benefits and
2542 services;

2543 (5) develop and maintain a system for determining how many veterans are employed
2544 by the various government entities within the state and keeping track of them;

2545 (6) cooperate with other state entities in the receipt of information to create and
2546 maintain a record of veterans in Utah;

2547 (7) create and administer a [~~veterans~~^d] veterans assistance registry, with
2548 recommendations from the council, that will provide contact information to the qualified
2549 donors of materials and labor for certain qualified recipients;

2550 (8) prepare an annual report for presentation not later than November 30 of each year
2551 to the Government Operations Interim Committee, which includes:

2552 (a) all services provided to veterans;

2553 (b) all services provided by third parties through the [~~Veterans~~] Veterans Assistance
2554 Registry; and

2555 (c) the coordination of [~~veterans~~] veterans services by government entities with the
2556 department;

2557 (9) advise the governor on matters pertaining to military affairs throughout Utah,
2558 including active duty servicemembers, reserve duty servicemembers, and veterans;

2559 (10) identify military-related issues, challenges, and opportunities, and develop plans
2560 for addressing them;

2561 (11) develop, coordinate, and maintain relationships with military leaders of Utah
2562 military installations, including the Utah National Guard;

2563 (12) develop, coordinate, and maintain relationships with Utah's congressional
2564 delegation and military staffers;

2565 (13) develop and maintain relationships with military-related organizations in Utah;

2566 (14) conduct forums and meetings with stakeholders to identify military issues and
2567 challenges and to develop solutions to them; and

2568 (15) perform other related duties as requested by the governor.

2569 Section 38. Section **71-8-4** is amended to read:

2570 **71-8-4. Veterans Advisory Council -- Membership -- Duties and responsibilities --**
2571 **Per diem and travel expenses.**

2572 (1) There is created a [~~Veterans~~] Veterans Advisory Council whose purpose is to
2573 advise the executive director of the Department of [~~Veterans~~] Veterans and Military Affairs on
2574 issues relating to veterans.

2575 (2) The council shall consist of the following 14 members:

2576 (a) 11 voting members to serve four-year terms:

2577 (i) seven veterans at large appointed by the governor;

2578 (ii) the commander or the commander's designee, whose terms shall last for as long as
2579 they hold that office, from each of the following organizations:

2580 (A) Veterans of Foreign Wars;

2581 (B) American Legion; and

2582 (C) Disabled American Veterans; and

2583 (iii) a representative from the Office of the Governor; and

2584 (b) three nonvoting members:

2585 (i) the executive director of the Department of [~~Veterans~~] Veterans and Military
2586 Affairs;

2587 (ii) the director of the VA Health Care System or his designee; and

2588 (iii) the director of the VA Benefits Administration Regional Office in Salt Lake City,
2589 or his designee.

2590 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
2591 expire, the governor shall appoint each new or reappointed member to a four-year term
2592 commencing on July 1.

2593 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
2594 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2595 council members are staggered so that approximately half of the members appointed by the
2596 governor are appointed every two years.

2597 (4) When a vacancy occurs in the membership for any reason, the governor shall
2598 appoint a replacement for the unexpired term within 60 days of receiving notice.

2599 (5) Members appointed by the governor may not serve more than three consecutive
2600 terms.

2601 (6) (a) Any [~~veterans~~] veterans group or veteran may provide the executive director
2602 with a list of recommendations for members on the council.

2603 (b) The executive director shall provide the governor with the list of recommendations
2604 for members to be appointed to the council.

2605 (c) The governor shall make final appointments to the council by June 30 of any year in

2606 which appointments are to be made under this chapter.

2607 (7) The council shall elect a chair and vice chair from among the council members
2608 every two years. The chair and vice chair shall each be an individual who:

2609 (a) has served on active duty in the armed forces for more than 180 consecutive days;

2610 (b) was a member of a reserve component who served in a campaign or expedition for
2611 which a campaign medal has been authorized; or

2612 (c) incurred an actual service-related injury or disability in the line of duty, whether or
2613 not that person completed 180 consecutive days of active duty; and

2614 (d) was separated or retired under honorable conditions.

2615 (8) (a) The council shall meet at least once every quarter.

2616 (b) The executive director of the Department of [~~Veterans~~] Veterans and Military
2617 Affairs may convene additional meetings, as necessary.

2618 (9) The department shall provide staff to the council.

2619 (10) Six voting members are a quorum for the transaction of business.

2620 (11) The council shall:

2621 (a) solicit input concerning veterans issues from veterans' groups throughout the state;

2622 (b) report issues received to the executive director of the Department of [~~Veterans~~]
2623 Veterans and Military Affairs and make recommendations concerning them;

2624 (c) keep abreast of federal developments that affect veterans locally and advise the
2625 executive director of them;

2626 (d) approve, by a majority vote, the use of money generated from [~~veterans~~] veterans
2627 license plates under Section [41-1a-422](#) for [~~veterans~~] veterans programs; and

2628 (e) assist the director in developing guidelines and qualifications for:

2629 (i) participation by donors and recipients in the [~~Veterans~~] Veterans Assistance
2630 Registry created in Section [71-12-101](#); and

2631 (ii) developing a process for providing contact information between qualified donors
2632 and recipients.

2633 (12) A member may not receive compensation or benefits for the member's service, but

2634 may receive per diem and travel expenses in accordance with:

2635 (a) Section 63A-3-106;

2636 (b) Section 63A-3-107; and

2637 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2638 63A-3-107.

2639 Section 39. Section 71-8-5 is amended to read:

2640 **71-8-5. Veterans services coordinator qualifications -- Duties.**

2641 (1) The [~~veterans~~^d] veterans services coordinator shall:

2642 (a) be an individual who:

2643 (i) has served on active duty in the armed forces for more than 180 consecutive days;

2644 (ii) was a member of a reserve component who served in a campaign or expedition for
2645 which a campaign medal has been authorized; or

2646 (iii) incurred an actual service-related injury or disability in the line of duty, whether or
2647 not that person completed 180 consecutive days of active duty; and

2648 (iv) was separated or retired under honorable conditions;

2649 (b) have the education and experience in the use of computer technology, including
2650 databases, to collect, manage, and store information; and

2651 (c) have some education and experience in public relations.

2652 (2) The [~~veterans~~^d] veterans services coordinator shall be responsible to:

2653 (a) identify all government entities that provide services for veterans;

2654 (b) develop a process for coordination of [~~veterans~~^d] veterans services across all
2655 government entities; and

2656 (c) develop and provide training for [~~veterans~~^d] veterans affairs specialists on the
2657 coordination of [~~veterans~~^d] veterans services with the department.

2658 Section 40. Section 71-8-6 is amended to read:

2659 **71-8-6. Government entity participation.**

2660 (1) This section applies to:

2661 (a) the Department of Human Services;

- 2662 (b) the institutions of higher education listed in Section 53B-1-102;
- 2663 (c) the Division of Professional and Occupational Licensing;
- 2664 (d) the Department of Public Safety;
- 2665 (e) the Department of Workforce Services; and
- 2666 (f) the Department of Health.

2667 (2) Each entity in Subsection (1) shall:

2668 (a) assign a full-time employee, who preferably shall be a veteran, as a [~~veterans~~']
2669 veterans services specialist as part of their duties to coordinate the provision of veterans'
2670 services with the department; and

2671 (b) provide the department with nonprotected or nonprivate information about services
2672 provided to veterans.

2673 (3) Each entity shall post on the entity's website:

2674 (a) all services available for veterans from the entity and the contact information for the
2675 [~~veterans~~'] veterans services specialist; and

2676 (b) a link to the department with the contact information for the [~~veterans~~'] veterans
2677 services coordinator.

2678 Section 41. Section 71-8-7 is amended to read:

2679 **71-8-7. Government entity veterans affairs specialist -- Duties -- Training.**

2680 (1) Each government entity listed in Section 71-8-6 shall appoint or designate a
2681 full-time employee as a [~~veterans~~'] veterans affairs specialist.

2682 (2) The [~~veterans~~'] veterans affairs specialist shall:

2683 (a) coordinate the provision of [~~veterans~~'] veterans services by the government entity
2684 with the department; and

2685 (b) attend annual training by the department on coordination processes including
2686 providing nonprotected or nonprivate information to the department.

2687 Section 42. Section 71-9-1 is amended to read:

2688 **71-9-1. Contract to provide assistance to veterans and their widows and children.**

2689 The Department of [~~Veterans~~'] Veterans and Military Affairs is authorized to contract

2690 with the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars
2691 of the United States, as organized in this state, to provide, especially in the outlying areas of the
2692 state, assistance to veterans, their widows, and children as follows:

2693 (1) to disseminate information regarding all laws applicable to veterans, their widows,
2694 and children in the preparation, presentation, and prosecution of claims against the United
2695 States arising by reason of service in the military, naval, or air services;

2696 (2) to assist veterans, their widows, and children in the establishment of all rights and
2697 the procurement of all benefits which may accrue to them under the laws of this state or of the
2698 United States;

2699 (3) to cooperate with any and all agencies and instrumentalities of this state or of the
2700 United States having to do with the employment or reemployment of veterans;

2701 (4) to cooperate with any and all agencies and instrumentalities of this state or of the
2702 United States and make a representative and information available on a rotating basis in the
2703 outlying areas of the state;

2704 (5) to assist veterans in obtaining such preference for employment as may be
2705 authorized by the laws of this state or of the United States; and

2706 (6) to assist veterans, their widows, and children in obtaining emergency relief, and to
2707 that end cooperate with such agencies and instrumentalities of this state or of the United States
2708 as have been or may be established for the purpose of extending emergency relief.

2709 Section 43. Section **71-9-2** is amended to read:

2710 **71-9-2. Contracts subject to appropriation of funds.**

2711 Any contract entered into under Section **71-9-1** shall expressly state that it is subject to
2712 the appropriation of sufficient funds by the Legislature to carry out its terms and that the
2713 decision of the executive director of the Department of [~~Veterans~~] Veterans and Military
2714 Affairs as to whether an appropriation is sufficient to carry out the terms of the contract is
2715 conclusive.

2716 Section 44. Section **71-10-2** is amended to read:

2717 **71-10-2. Veterans preference.**

2718 (1) Each government entity shall grant a [~~veteran's~~] veterans preference upon initial
2719 hiring to each preference eligible veteran or preference eligible spouse according to the
2720 procedures and requirements of this chapter.

2721 (2) The personnel officer of any government entity shall add to the score of a
2722 preference eligible who receives a passing score on an examination, or any rating or ranking
2723 mechanism used in selecting an individual for any career service position with the government
2724 entity:

2725 (a) 5% of the total possible score, if the preference eligible is a veteran;

2726 (b) 10% of the total possible score, if the preference eligible is a veteran with a
2727 disability or a purple heart recipient; or

2728 (c) in the case of a preference eligible spouse, widow, or widower, the same percentage
2729 the qualifying veteran is, or would have been, entitled to.

2730 (3) A preference eligible who applies for a position that does not require an
2731 examination, or where examination results are other than a numeric score, shall be given
2732 preference in interviewing and hiring for the position.

2733 Section 45. Section **71-11-1** is amended to read:

2734 **71-11-1. Title.**

2735 This chapter [~~shall be~~] is known as the "Utah [~~Veterans'~~] Veterans Nursing Home Act."

2736 Section 46. Section **71-11-2** is amended to read:

2737 **71-11-2. Definitions -- Utah Veterans Nursing Home Act.**

2738 As used in this chapter:

2739 (1) "Administrator" means a [~~Veterans'~~] Veterans Nursing Home Administrator
2740 selected in accordance with Section [71-11-5](#).

2741 (2) "Board" means any [~~Veterans'~~] Veterans Nursing Home Advisory Board.

2742 (3) "Department" means the Department of [~~Veterans'~~] Veterans and Military Affairs
2743 created in Section [71-8-2](#).

2744 (4) "Executive director" means the executive director of the Department of [~~Veterans'~~]
2745 Veterans and Military Affairs.

2746 (5) "Home" means any Utah [~~Veterans~~] Veterans Nursing Home.

2747 (6) "Veteran" means the same as that term is defined in Section 68-3-12.5.

2748 Section 47. Section **71-11-3** is amended to read:

2749 **71-11-3. Establishment and construction -- Compliance with federal**
2750 **requirements.**

2751 (1) The department shall administer [~~veterans~~] veterans nursing homes established by
2752 the Legislature.

2753 (2) Each home shall:

2754 (a) have at least an 80-bed capacity;

2755 (b) be designed and constructed consistent with the requirements for federal funding
2756 under 38 U.S.C. Sec. 8131 et seq.; and

2757 (c) be operated consistent with the requirements for per diem payments from the
2758 United States Department of Veterans Affairs under 38 U.S.C. Sec. 1741 et seq.

2759 Section 48. Section **71-11-4** is amended to read:

2760 **71-11-4. Administration by department.**

2761 The department shall supervise and operate each [~~veterans~~] veterans nursing home.

2762 Section 49. Section **71-11-5** is amended to read:

2763 **71-11-5. Operation of homes -- Rulemaking authority -- Selection of**
2764 **administrator.**

2765 (1) The department shall, subject to the approval of the executive director:

2766 (a) establish appropriate criteria for the admission and discharge of residents for each
2767 home, subject to the requirements in Section 71-11-6 and criteria set by the United States
2768 Department of [~~Veterans~~] Veterans Affairs;

2769 (b) establish a schedule of charges for each home in cases where residents have
2770 available resources;

2771 (c) establish standards for the operation of the homes not inconsistent with standards
2772 set by the United States Department of Veterans Affairs;

2773 (d) make rules to implement this chapter in accordance with Title 63G, Chapter 3, Utah

2774 Administrative Rulemaking Act; and

2775 (e) ensure that the homes are licensed in accordance with Title 26, Chapter 21, Health
2776 Care Facility Licensing and Inspection Act, and 38 U.S.C. Sec. 1742(a).

2777 (2) The department shall, after reviewing recommendations of the board, appoint an
2778 administrator for each home.

2779 Section 50. Section **71-11-7** is amended to read:

2780 **71-11-7. Veterans nursing home advisory boards.**

2781 (1) Each home shall have a nursing home advisory board to act as a liaison between the
2782 residents, members of the public, and the administration of the home.

2783 (2) Each board shall consist of at least seven, but no more than 11, members appointed
2784 as follows by the executive director:

2785 (a) one appointee of the Resident Council of the specific [~~veterans~~^d] veterans nursing
2786 home;

2787 (b) three veterans from the geographic area in which the [~~veterans~~^d] veterans nursing
2788 home is located;

2789 (c) one medical professional experienced in veteran nursing home quality of care
2790 issues;

2791 (d) three at-large members with an interest in the success of [~~veterans~~^d] veterans
2792 nursing homes; and

2793 (e) one member each from:

2794 (i) the American Legion;

2795 (ii) Disabled American Veterans; and

2796 (iii) the Veterans of Foreign Wars.

2797 (3) (a) (i) Members shall serve for four-year terms.

2798 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,
2799 the executive director shall appoint each new or reappointed member to a four-year term
2800 beginning on July 1.

2801 (b) The executive director shall, at the time of appointment or reappointment, adjust

2802 the length of terms to ensure that the terms of board members are staggered so that
2803 approximately half of the board is appointed every two years.

2804 (c) The executive director shall make final appointments to the board by June 30 of any
2805 year in which appointments are to be made under this chapter.

2806 (4) Vacancies not including the Resident Council representative shall be filled by the
2807 executive director within 60 days of receiving notice of a vacancy, but only for the unexpired
2808 term of the vacated member.

2809 (5) Members may not serve more than two consecutive terms.

2810 (6) Each board shall elect a chair annually from among its members at its first meeting
2811 after July 1.

2812 (7) Each board shall meet at least quarterly.

2813 (8) A majority of the members of the board present constitute a quorum for the
2814 transaction of business.

2815 (9) Each board shall provide copies of all minutes of each meeting to the Department
2816 of [~~Veterans~~] Veterans and Military Affairs within 14 days of approval.

2817 (10) A member may not receive compensation or benefits for the member's service, but
2818 may receive per diem and travel expenses in accordance with:

2819 (a) Section [63A-3-106](#);

2820 (b) Section [63A-3-107](#); and

2821 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2822 [63A-3-107](#).

2823 Section 51. Section **71-11-8** is amended to read:

2824 **71-11-8. Utah Veterans Nursing Home Fund.**

2825 (1) There is created an expendable special revenue fund entitled the "Utah [~~Veterans~~]
2826 Veterans Nursing Home Fund" to be administered by the department for the benefit of each
2827 home and its residents.

2828 (2) All cash donations, gifts, or bequests shall be deposited in the fund and used
2829 according to the wishes of the donor.

2830 (3) All funds received by the homes from federal or state agencies, individual
2831 insurance reimbursement, or cash payments shall be deposited in the fund.

2832 (4) Funds received that are designated for a specific home shall be accounted for
2833 separately within the fund.

2834 Section 52. Section **71-12-101** is amended to read:

2835 **71-12-101. Title.**

2836 This chapter is known as the "[Veterans] Veterans Assistance Registry."

2837 Section 53. Section **71-12-102** is amended to read:

2838 **71-12-102. Definitions -- Veterans Assistance Registry.**

2839 As used in this chapter:

2840 (1) "Council" means the [Veterans] Veterans Advisory Council as created in Section
2841 [71-8-4](#).

2842 (2) "Department" means the Department of [Veterans] Veterans and Military Affairs
2843 as created in Section [71-8-2](#).

2844 (3) "Donor" means an individual or entity that provides material goods, services, or
2845 labor without charge to veterans in accordance with this chapter.

2846 (4) "Recipient" means a veteran as defined in Section [68-3-12.5](#), or a veteran's
2847 dependent spouse and children.

2848 Section 54. Section **71-12-103** is amended to read:

2849 **71-12-103. Veterans Assistance Registry.**

2850 (1) There is created within the department a [Veterans] Veterans Assistance Registry.

2851 (2) The intent of the registry is to provide contact information to qualified donors of
2852 material goods, services, and labor for qualified recipients in need of specific goods, services,
2853 or labor.

2854 (3) The department shall, in consultation with the council:

2855 (a) create a database of donors and recipients;

2856 (b) develop an electronic link on the department's website to the database of donors
2857 and recipients;

2858 (c) insure that information provided by donors and recipients is only used for the
2859 intended purpose as specified in Subsection (2) and not made public;

2860 (d) provide instructions online for donors and recipients to use in registering for the
2861 registry;

2862 (e) publicize through both local and nationwide [~~veterans~~] veterans service
2863 organizations and the United States [~~Veterans Administration~~] Department of Veterans Affairs
2864 the availability of the registry; and

2865 (f) track usage of and report annually on the registry program in accordance with
2866 Section 71-8-3.

2867 Section 55. Section **71-13-102** is amended to read:

2868 **71-13-102. Definitions -- Veterans Benefits Assistance Act.**

2869 As used in this chapter:

2870 (1) "Accredited" means a service organization representative, agent, or attorney to
2871 whom authority has been granted by the VA to provide assistance to claimants in the
2872 preparation, presentation, and prosecution of claims for VA benefits.

2873 (2) "Assistance" means an accredited individual providing claimant-specific
2874 recommendations or preparing or submitting an application for VA benefits on behalf of a
2875 claimant.

2876 (3) "Certify" means to submit in writing to a veteran or the veteran's dependents certain
2877 disclosure forms provided by the department.

2878 (4) "Claimant" means a person who has filed or has expressed to a service organization
2879 representative, agent, or attorney an intention to file a written application for determination of
2880 entitlement to benefits provided under United States Code, Title 38, and implementing
2881 directives.

2882 (5) "Department" means the [~~Utah~~] Department of [~~Veterans~~] Veterans and Military
2883 Affairs.

2884 (6) "Executive director" means the executive director of the [~~Utah~~] Department of
2885 [~~Veterans~~] Veterans and Military Affairs.

2886 (7) "Non-compliant referral" means referring a veteran's or a veteran's dependent's
2887 original claim for veteran benefits for assistance to an individual who is in violation of the
2888 provisions of this chapter.

2889 (8) "Referring entity" means an individual, business, or organization licensed in this
2890 state who refers or assists a veteran or a veteran's dependents for assistance with an original
2891 claim for veteran benefits.

2892 (9) "VA" means the United States Department of Veterans Affairs.

2893 (10) "VA benefits" means any payment, service, commodity, function, or status
2894 entitlement which is determined under laws administered by the VA pertaining to veterans,
2895 dependents, and survivors as well as other potential beneficiaries under United States Code,
2896 Title 38.

2897 (11) "Veteran" includes all eligible dependents.

2898 Section 56. Section **71-13-105** is amended to read:

2899 **71-13-105. Department responsibilities -- Notification -- Assistance -- Complaints**
2900 **-- Claimant responsibilities.**

2901 (1) The [~~Utah~~] Department of [~~Veterans~~] Veterans and Military Affairs shall notify in
2902 writing each veteran for whom the department has contact information that any individual or
2903 business offering to assist veterans in applying for benefits shall disclose in writing to the
2904 veteran the following:

2905 (a) 38 C.F.R. 14.629 and 38 C.F.R. 14.630 require that any individual providing
2906 assistance be accredited by the VA;

2907 (b) federal law restricts charging a veteran a fee for assisting in the initial application
2908 for VA benefits; and

2909 (c) the department's website has a list with contact information of VA accredited claim
2910 representatives.

2911 (2) Beginning July 1, 2015, and every three years after the department shall:

2912 (a) notify the Insurance Department regarding the federal law governing assistance for
2913 VA benefits, and the Insurance Department shall notify all individual producers and

2914 consultants licensed by the Insurance Department at the time of initial licensing and upon
2915 license renewal of those same federal laws governing assistance for VA benefits;

2916 (b) contact the Utah State Bar regarding federal law governing legal assistance for
2917 claimants applying for benefits and request that the association provide continuing legal
2918 education on federal laws governing assistance; and

2919 (c) notify the Department of Health regarding federal law governing the assistance for
2920 claimants applying for benefits, and the Department of Health shall notify all assisted living
2921 and nursing care facilities of those federal laws.

2922 (3) The executive director may establish procedures for processing complaints related
2923 to assistance regarding a claim for VA benefits.

2924 (4) For violations by accredited or non-accredited individuals who offer assistance with
2925 VA benefits, the executive director may audit selected assisting individuals and referring
2926 entities for compliance with this chapter and federal laws which govern the provision of
2927 assistance to claimants.

2928 Section 57. Section **72-4-201** is amended to read:

2929 **72-4-201. I-15 designated as Veterans Memorial Highway.**

2930 (1) There is established the [~~Veterans~~^d] Veterans Memorial Highway composed of the
2931 existing Interstate Highway 15 from the Utah-Idaho border to the Utah-Arizona border.

2932 (2) The department shall designate Interstate 15 as the "[~~Veterans~~^d] Veterans Memorial
2933 Highway" on all future state highway maps.

2934 Section 58. Section **72-4-203** is amended to read:

2935 **72-4-203. Utah National Parks Highway.**

2936 (1) There is established the Utah National Parks Highway comprising the existing
2937 highway from Route 89 at the Utah-Arizona border near Big Water westerly on Route 89 to
2938 Route 9 near Mount Carmel Junction then westerly on Route 9 to Route 17 near La Verkin then
2939 northerly on Route 17 to Interstate Highway 15 then northerly on Interstate Highway 15
2940 frontage roads, the [~~Veterans~~^d] Veterans Memorial Highway, to Route 14 near Cedar City then
2941 southeasterly on Route 14 to Route 148 near Cedar Breaks National Monument then northerly

2942 on Route 148 to Route 143 near the north end of Cedar Breaks National Monument then
2943 northeasterly on Route 143 to Route 89 near Panguitch then southerly on Route 89 to Route 12
2944 near Red Canyon then northeasterly on Route 12, the Clem Church Memorial Highway, to
2945 Route 24 near Torrey then easterly on Route 24 to Route 95 near Hanksville then southeasterly
2946 on Route 95, the Bicentennial Highway, to Route 191 near Blanding then northerly on Route
2947 191 to the junction with Interstate Highway 70 near Crescent Junction.

2948 (2) In addition to other official designations, the Department of Transportation shall
2949 designate and highlight the portions of the highways identified in Subsection (1) as the Utah
2950 National Parks Highway on all future state highway maps.

2951 Section 59. Section **78B-6-2003** is amended to read:

2952 **78B-6-2003. Definitions.**

2953 As used in this part:

2954 (1) "Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite
2955 asbestos, actinolite asbestos, asbestiform winchite, asbestiform richterite, asbestiform
2956 amphibole minerals, and any of these minerals that have been chemically treated or altered,
2957 including all minerals defined as asbestos in 29 C.F.R. Sec. 1910 at the time the asbestos action
2958 is filed.

2959 (2) (a) "Asbestos action" means a claim for damages or other civil or equitable relief
2960 presented in a civil action resulting from, based on, or related to:

2961 (i) the health effects of exposure to asbestos, including:

2962 (A) loss of consortium;

2963 (B) wrongful death;

2964 (C) mental or emotional injury;

2965 (D) risk or fear of disease or other injury; and

2966 (E) costs of medical monitoring or surveillance; and

2967 (ii) any other derivative claim made by or on behalf of a person exposed to asbestos or
2968 a representative, spouse, parent, child, or other relative of that person.

2969 (b) "Asbestos action" does not include a claim for workers' compensation or [veterans']

2970 veterans benefits.

2971 (3) "Asbestos trust" means a:

2972 (a) government-approved or court-approved trust that is intended to provide
2973 compensation to claimants arising out of, based on, or related to the health effects of exposure
2974 to asbestos or asbestos-containing products;

2975 (b) qualified settlement fund that is intended to provide compensation to claimants
2976 arising out of, based on, or related to the health effects of exposure to asbestos or
2977 asbestos-containing products;

2978 (c) compensation fund or claims facility created as a result of an administrative or legal
2979 action that is intended to provide compensation to claimants arising out of, based on, or related
2980 to the health effects of exposure to asbestos or asbestos-containing products;

2981 (d) court-approved bankruptcy that is intended to provide compensation to claimants
2982 arising out of, based on, or related to the health effects of exposure to asbestos or
2983 asbestos-containing products; or

2984 (e) plan of reorganization or trust pursuant to 11 U.S.C. Sec. 524(g) or 11 U.S.C. Sec.
2985 1121(a) or other applicable provision of law that is intended to provide compensation to
2986 claimants arising out of, based on, or related to the health effects of exposure to asbestos or
2987 asbestos-containing products.

2988 (4) "Plaintiff" means:

2989 (a) the person bringing the asbestos action, including a personal representative if the
2990 asbestos action is brought by an estate; or

2991 (b) a conservator or next friend if the asbestos action is brought on behalf of a minor or
2992 legally incapacitated individual.

2993 (5) "Trust claims materials" means a final executed proof of claim and all other
2994 documents and information related to a claim against an asbestos trust, including:

2995 (a) claims forms and supplementary materials;

2996 (b) affidavits;

2997 (c) depositions and trial testimony;

- 2998 (d) work history;
- 2999 (e) medical and health records;
- 3000 (f) documents reflecting the status of a claim against an asbestos trust; and
- 3001 (g) all documents relating to the settlement of the trust claim if the trust claim has
- 3002 settled.
- 3003 (6) "Trust governance documents" means all documents that relate to eligibility and
- 3004 payment levels, including:
- 3005 (a) claims payment matrices; and
- 3006 (b) trust distribution procedures or plans for reorganization for an asbestos trust.
- 3007 (7) "~~Veterans~~ Veterans benefits" means a program for benefits in connection with
- 3008 military service administered by the United States Department of Veterans [~~Administration~~]
- 3009 Affairs under United States Code, Title 38, Veterans Benefits.
- 3010 (8) (a) "Workers' compensation" means a program administered by the United States or
- 3011 a state to provide benefits, funded by a responsible employer or the employer's insurance
- 3012 carrier, for occupational diseases or injuries or for disability or death caused by occupational
- 3013 diseases or injuries.
- 3014 (b) "Workers' compensation" includes the Longshore and Harbor Workers'
- 3015 Compensation Act, 33 U.S.C. Sec. 901 et seq., and Federal Employees' Compensation Act, 5
- 3016 U.S.C. Sec. 8101 et seq.
- 3017 (c) "Workers' compensation" does not include the Federal Employers' Liability Act, 45
- 3018 U.S.C. Sec. 51 et seq.