

1 **STATE TRAINING AND CERTIFICATION REQUIREMENTS**

2 **AMENDMENTS**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ken Ivory**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies requirements related to required training and certification.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires that certain required training and certification be available in an online
14 web-based format, unless the training or certification includes a physical component
15 that can only be completed in person; and

16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **4-2-2**, as last amended by Laws of Utah 2011, Chapter 383

24 **9-1-201**, as last amended by Laws of Utah 2014, Chapter 371

25 **11-13-225**, as enacted by Laws of Utah 2015, Chapter 265

26 **13-1-2**, as last amended by Laws of Utah 2010, Chapter 278

27 **17B-1-312**, as last amended by Laws of Utah 2016, Chapter 273



- 28 **19-1-201**, as last amended by Laws of Utah 2015, Chapters 441 and 453
- 29 **26-1-30**, as last amended by Laws of Utah 2015, Chapter 73
- 30 **31A-2-201**, as last amended by Laws of Utah 2010, Chapter 68
- 31 **32B-2-207**, as last amended by Laws of Utah 2012, Chapter 365
- 32 **34A-6-109**, as renumbered and amended by Laws of Utah 1997, Chapter 375
- 33 **35A-1-104**, as last amended by Laws of Utah 2016, Chapters 133 and 296
- 34 **41-6a-303**, as last amended by Laws of Utah 2010, Chapter 299
- 35 **52-4-104**, as enacted by Laws of Utah 2006, Chapter 263
- 36 **53-1-106**, as last amended by Laws of Utah 2013, Chapter 295
- 37 **53A-1-603**, as last amended by Laws of Utah 2016, Chapters 203 and 221
- 38 **53B-1-103**, as last amended by Laws of Utah 2016, Chapter 236
- 39 **53D-1-303**, as enacted by Laws of Utah 2014, Chapter 426
- 40 **59-2-702**, as last amended by Laws of Utah 2001, Chapter 214
- 41 **59-2-1001**, as last amended by Laws of Utah 2013, Chapter 180
- 42 **62A-1-111**, as last amended by Laws of Utah 2016, Chapter 296
- 43 **63F-1-104**, as last amended by Laws of Utah 2016, Chapter 13
- 44 **63G-6a-303**, as repealed and reenacted by Laws of Utah 2016, Chapter 355
- 45 **64-13-6**, as last amended by Laws of Utah 2016, Chapter 243
- 46 **67-3-1**, as last amended by Laws of Utah 2015, Chapter 174
- 47 **67-5-1**, as last amended by Laws of Utah 2016, Chapter 120
- 48 **67-5a-1**, as last amended by Laws of Utah 2001, Chapter 131
- 49 **67-5b-102**, as last amended by Laws of Utah 2016, Chapter 290
- 50 **67-19-6**, as last amended by Laws of Utah 2015, Chapter 175
- 51 **67-19e-110**, as enacted by Laws of Utah 2016, Chapter 237
- 52 **71-8-2**, as last amended by Laws of Utah 2016, Chapters 68, 230, and 252
- 53 **72-1-201**, as last amended by Laws of Utah 2016, Chapter 137
- 54 **76-9-907**, as enacted by Laws of Utah 2009, Chapter 86
- 55 **78A-2-107**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 56 **78B-6-204**, as last amended by Laws of Utah 2011, Chapter 51
- 57 **79-2-202**, as renumbered and amended by Laws of Utah 2009, Chapter 344

58 ENACTS:

- 59 7-1-212, Utah Code Annotated 1953
- 60 10-1-204, Utah Code Annotated 1953
- 61 17-50-108, Utah Code Annotated 1953
- 62 63A-1-117, Utah Code Annotated 1953
- 63 63G-21-101, Utah Code Annotated 1953
- 64 63G-21-102, Utah Code Annotated 1953
- 65 63G-21-103, Utah Code Annotated 1953



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

68 Section 1. Section 4-2-2 is amended to read:

69 **4-2-2. Functions, powers, and duties of department -- Fees for services --**

70 **Marketing orders -- Procedure.**

71 (1) The department shall:

72 (a) inquire into and promote the interests and products of agriculture and its allied
73 industries;

74 (b) promote methods for increasing the production and facilitating the distribution of
75 the agricultural products of the state;

76 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases
77 among livestock and the means for their prevention and cure; and

78 (ii) initiate, implement, and administer plans and programs to prevent the spread of
79 diseases among livestock;

80 (d) encourage experiments designed to determine the best means and methods for the
81 control of diseases among domestic and wild animals;

82 (e) issue marketing orders for any designated agricultural product to:

83 (i) promote orderly market conditions for any product;

84 (ii) give the producer a fair return on the producer's investment at the marketplace; and

85 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
86 commodities;

87 (f) administer and enforce all laws assigned to the department by the Legislature;

88 (g) establish standards and grades for agricultural products and fix and collect
89 reasonable fees for services performed by the department in conjunction with the grading of

90 agricultural products;

91 (h) establish operational standards for any establishment that manufactures, processes,
92 produces, distributes, stores, sells, or offers for sale any agricultural product;

93 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
94 rules necessary for the effective administration of the agricultural laws of the state;

95 (j) when necessary, make investigations, subpoena witnesses and records, conduct
96 hearings, issue orders, and make recommendations concerning all matters related to
97 agriculture;

98 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
99 private or public place that may become infested or infected with harmful insects, plant
100 diseases, noxious or poisonous weeds, or other agricultural pests;

101 (ii) establish and enforce quarantines;

102 (iii) issue and enforce orders and rules for the control and eradication of pests,
103 wherever they may exist within the state; and

104 (iv) perform other duties relating to plants and plant products considered advisable and
105 not contrary to law;

106 (l) inspect apiaries for diseases inimical to bees and beekeeping;

107 (m) take charge of any agricultural exhibit within the state, if considered necessary by
108 the department, and award premiums at that exhibit;

109 (n) assist the Conservation Commission in the administration of Title 4, Chapter 18,
110 Conservation Commission Act, and administer and disburse any funds available to assist
111 conservation districts in the state in the conservation of the state's soil and water resources;

112 (o) participate in the United States Department of Agriculture certified agricultural
113 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

114 (p) promote and support the multiple use of public lands; ~~and~~

115 (q) ensure that any training or certification complies with Title 63G, Chapter 21, State
116 Training and Certification Requirements, if the training or certification is required:

117 (i) under this title;

118 (ii) by the department; or

119 (iii) by an agency or division within the department; and

120 ~~[(q)]~~ (r) perform any additional functions, powers, and duties provided by law.

121 (2) The department, by following the procedures and requirements of Section
122 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.

123 (3) (a) No marketing order issued under Subsection (1)(e) shall take effect until:

124 (i) the department gives notice of the proposed order to the producers and handlers of
125 the affected product;

126 (ii) the commissioner conducts a hearing on the proposed order; and

127 (iii) at least 50% of the registered producers and handlers of the affected products vote
128 in favor of the proposed order.

129 (b) (i) The department may establish boards of control to administer marketing orders
130 and the proceeds derived from any order.

131 (ii) The board of control shall:

132 (A) ensure that all proceeds are placed in an account in the board of control's name in a
133 depository institution; and

134 (B) ensure that the account is annually audited by an accountant approved by the
135 commissioner.

136 (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be
137 deposited in the General Fund as dedicated credits for the grain grading program.

138 Section 2. Section 7-1-212 is enacted to read:

139 **7-1-212. Compliance with training and certification requirements.**

140 The department shall ensure that any training or certification complies with Title 63G,
141 Chapter 21, State Training and Certification Requirements, if the training or certification is
142 required:

143 (1) under this title;

144 (2) by the department; or

145 (3) by an agency or division within the department.

146 Section 3. Section 9-1-201 is amended to read:

147 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

148 (1) There is created the Department of Heritage and Arts.

149 (2) The department shall:

150 (a) be responsible for preserving and promoting the heritage of the state, the arts in the
151 state, and cultural development within the state;

- 152 (b) perform heritage, arts, and cultural development planning for the state;
- 153 (c) coordinate the program plans of the various divisions within the department;
- 154 (d) administer and coordinate all state or federal grant programs which are, or become,
155 available for heritage, arts, and cultural development;
- 156 (e) administer any other programs over which the department is given administrative
157 supervision by the governor;
- 158 (f) submit an annual written report to the governor and the Legislature as described in
159 Section 9-1-208; ~~and~~
- 160 (g) ensure that any training or certification complies with Title 63G, Chapter 21, State
161 Training and Certification Requirements, if the training or certification is required:
 - 162 (i) under this title;
 - 163 (ii) by the department; or
 - 164 (iii) by an agency or division within the department; and
 - 165 ~~(g)~~ (h) perform any other duties as provided by the Legislature.
- 166 (3) The department may solicit and accept contributions of money, services, and
167 facilities from any other sources, public or private, but may not use those contributions for
168 publicizing the exclusive interest of the donor.

169 (4) Money received under Subsection (3) shall be deposited in the General Fund as
170 restricted revenues of the department.

171 Section 4. Section 10-1-204 is enacted to read:

172 **10-1-204. Training requirements.**

173 A municipality shall ensure that any training that the municipality requires a municipal
174 officer or employee to complete is available in an online web-based format, unless the training
175 includes a physical component that can only be completed in person.

176 Section 5. Section 11-13-225 is amended to read:

177 **11-13-225. Establishment of interlocal entity personnel system.**

178 (1) An interlocal entity shall establish a system of personnel administration for the
179 interlocal entity as provided in this section.

180 (2) The interlocal entity shall administer the system described in Subsection (1) in a
181 manner that will effectively provide for:

- 182 (a) recruiting, selecting, and advancing employees on the basis of the employee's

183 relative ability, knowledge, and skills, including open consideration of qualified applicants for
184 initial appointment;

185 (b) equitable and adequate compensation;

186 (c) employee training as needed to assure high-quality performance;

187 (d) (i) retaining an employee on the basis of the adequacy of the employee's
188 performance; and

189 (ii) separation of an employee whose inadequate performance cannot be corrected;

190 (e) fair treatment of an applicant or employee in all aspects of personnel administration
191 without regard to race, color, religion, sex, national origin, political affiliation, age, or
192 disability, and with proper regard for the applicant's or employee's privacy and constitutional
193 rights; and

194 (f) a formal procedure for processing the appeals and grievances of an employee
195 without discrimination, coercion, restraint, or reprisal.

196 (3) An interlocal entity shall ensure that any employee training described in Subsection
197 (2)(c) is available in an online web-based format, unless the training includes a physical
198 component that can only be completed in person.

199 Section 6. Section 13-1-2 is amended to read:

200 **13-1-2. Creation and functions of department -- Divisions created -- Fees --**
201 **Commerce Service Account.**

202 (1) (a) There is created the Department of Commerce.

203 (b) The department shall:

204 (i) execute and administer state laws regulating business activities and occupations
205 affecting the public interest[-]; and

206 (ii) ensure that any training or certification complies with Title 63G, Chapter 21, State
207 Training and Certification Requirements, if the training or certification is required:

208 (A) under this title;

209 (B) by the department; or

210 (C) by an agency or division within the department.

211 (2) Within the department the following divisions are created:

212 (a) the Division of Occupational and Professional Licensing;

213 (b) the Division of Real Estate;

- 214 (c) the Division of Securities;
215 (d) the Division of Public Utilities;
216 (e) the Division of Consumer Protection; and
217 (f) the Division of Corporations and Commercial Code.

218 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of
219 fees assessed for services provided by the department by following the procedures and
220 requirements of Section 63J-1-504.

221 (b) The department shall submit each fee established in this manner to the Legislature
222 for its approval as part of the department's annual appropriations request.

223 (c) (i) There is created a restricted account within the General Fund known as the
224 "Commerce Service Account."

225 (ii) The restricted account created in Subsection (3)(c)(i) consists of fees collected by
226 each division and by the department.

227 (iii) At the end of each fiscal year, the director of the Division of Finance shall transfer
228 into the General Fund any fee collections that are greater than the legislative appropriations
229 from the Commerce Service Account for that year.

230 (d) The department may not charge or collect a fee or expend money from the
231 restricted account without approval by the Legislature.

232 Section 7. Section 17-50-108 is enacted to read:

233 **17-50-108. Training requirements.**

234 A county shall ensure that any training that the county requires a county officer or
235 employee to complete is available in an online web-based format, unless the training includes a
236 physical component that can only be completed in person.

237 Section 8. Section 17B-1-312 is amended to read:

238 **17B-1-312. Training for board members.**

239 (1) (a) Each member of a board of trustees of a local district shall, within one year after
240 taking office, complete the training described in Subsection (2).

241 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a local
242 district takes office each time the member is elected or appointed to a new term, including an
243 appointment to fill a midterm vacancy in accordance with Subsection 17B-1-303(5) or (6).

244 (2) In conjunction with the Utah Association of Special Districts, the state auditor

245 shall:

246 (a) develop a training curriculum for the members of local district boards; [~~and~~]

247 (b) with the assistance of other state offices and departments the state auditor considers

248 appropriate and at times and locations established by the state auditor, carry out the training of

249 members of local district boards[-]; and

250 (c) ensure that any training required under this Subsection (2) is available in an online

251 web-based format, unless the training includes a physical component that can only be

252 completed in person.

253 (3) (a) A local district board of trustees may compensate each member of the board up
254 to \$100 per day for each day of training described in Subsection (2) that the member completes.

255 (b) The per diem amount authorized under Subsection (3)(a) is in addition to all other
256 amounts of compensation and expense reimbursement authorized under this chapter.

257 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board
258 member more than once per year.

259 (4) The state auditor shall issue a certificate of completion to each board member that
260 completes the training described in Subsection (2).

261 Section 9. Section **19-1-201** is amended to read:

262 **19-1-201. Powers and duties of department -- Rulemaking authority --**

263 **Committee.**

264 (1) The department shall:

265 (a) enter into cooperative agreements with the Department of Health to delineate
266 specific responsibilities to assure that assessment and management of risk to human health
267 from the environment are properly administered;

268 (b) consult with the Department of Health and enter into cooperative agreements, as
269 needed, to ensure efficient use of resources and effective response to potential health and safety
270 threats from the environment, and to prevent gaps in protection from potential risks from the
271 environment to specific individuals or population groups;

272 (c) coordinate implementation of environmental programs to maximize efficient use of
273 resources by developing, in consultation with local health departments, a Comprehensive
274 Environmental Service Delivery Plan that:

275 (i) recognizes that the department and local health departments are the foundation for

- 276 providing environmental health programs in the state;
- 277 (ii) delineates the responsibilities of the department and each local health department
278 for the efficient delivery of environmental programs using federal, state, and local authorities,
279 responsibilities, and resources;
- 280 (iii) provides for the delegation of authority and pass through of funding to local health
281 departments for environmental programs, to the extent allowed by applicable law, identified in
282 the plan, and requested by the local health department; and
- 283 (iv) is reviewed and updated annually; [~~and~~]
- 284 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
285 Rulemaking Act, as follows:
- 286 (i) for a board created in Section 19-1-106, rules regarding:
287 (A) board meeting attendance; and
288 (B) conflicts of interest procedures; and
- 289 (ii) procedural rules that govern:
290 (A) an adjudicative proceeding, consistent with Section 19-1-301; and
291 (B) a special adjudicative proceeding, consistent with Section 19-1-301.5[:]; and
292 (e) ensure that any training or certification complies with Title 63G, Chapter 21, State
293 Training and Certification Requirements, if the training or certification is required:
- 294 (i) under this title;
295 (ii) by the department; or
296 (iii) by an agency or division within the department.
- 297 (2) The department shall establish a committee that consists of:
298 (a) the executive director or the executive director's designee;
299 (b) two representatives of the department appointed by the executive director; and
300 (c) three representatives of local health departments appointed by a group of all the
301 local health departments in the state.
- 302 (3) The committee established in Subsection (2) shall:
303 (a) review the allocation of environmental quality resources between the department
304 and the local health departments;
305 (b) evaluate department policies that affect local health departments;
306 (c) consider policy changes proposed by the department or by local health departments;

- 307 (d) coordinate the implementation of environmental quality programs to maximize
308 environmental quality resources; and
- 309 (e) review each department application for any grant from the federal government that
310 affects a local health department before the department submits the application.
- 311 (4) The committee shall create bylaws to govern the committee's operations.
- 312 (5) The department may:
- 313 (a) investigate matters affecting the environment;
- 314 (b) investigate and control matters affecting the public health when caused by
315 environmental hazards;
- 316 (c) prepare, publish, and disseminate information to inform the public concerning
317 issues involving environmental quality;
- 318 (d) establish and operate programs, as authorized by this title, necessary for protection
319 of the environment and public health from environmental hazards;
- 320 (e) use local health departments in the delivery of environmental health programs to
321 the extent provided by law;
- 322 (f) enter into contracts with local health departments or others to meet responsibilities
323 established under this title;
- 324 (g) acquire real and personal property by purchase, gift, devise, and other lawful
325 means;
- 326 (h) prepare and submit to the governor a proposed budget to be included in the budget
327 submitted by the governor to the Legislature;
- 328 (i) (i) establish a schedule of fees that may be assessed for actions and services of the
329 department according to the procedures and requirements of Section 63J-1-504; and
- 330 (ii) in accordance with Section 63J-1-504, all fees shall be reasonable, fair, and reflect
331 the cost of services provided;
- 332 (j) prescribe by rule reasonable requirements not inconsistent with law relating to
333 environmental quality for local health departments;
- 334 (k) perform the administrative functions of the boards established by Section 19-1-106,
335 including the acceptance and administration of grants from the federal government and from
336 other sources, public or private, to carry out the board's functions;
- 337 (l) upon the request of any board or a division director, provide professional, technical,

338 and clerical staff and field and laboratory services, the extent of which are limited by the funds
339 available to the department for the staff and services; and

340 (m) establish a supplementary fee, not subject to Section 63J-1-504, to provide service
341 that the person paying the fee agrees by contract to be charged for the service in order to
342 efficiently utilize department resources, protect department permitting processes, address
343 extraordinary or unanticipated stress on permitting processes, or make use of specialized
344 expertise.

345 (6) In providing service under Subsection (5)(m), the department may not provide
346 service in a manner that impairs any other person's service from the department.

347 Section 10. Section 26-1-30 is amended to read:

348 **26-1-30. Powers and duties of department.**

349 The department shall exercise the following powers and duties, in addition to other
350 powers and duties established in this chapter:

351 (1) enter into cooperative agreements with the Department of Environmental Quality to
352 delineate specific responsibilities to assure that assessment and management of risk to human
353 health from the environment are properly administered;

354 (2) consult with the Department of Environmental Quality and enter into cooperative
355 agreements, as needed, to ensure efficient use of resources and effective response to potential
356 health and safety threats from the environment, and to prevent gaps in protection from potential
357 risks from the environment to specific individuals or population groups;

358 (3) promote and protect the health and wellness of the people within the state;

359 (4) establish, maintain, and enforce rules necessary or desirable to carry out the
360 provisions and purposes of this title to promote and protect the public health or to prevent
361 disease and illness;

362 (5) investigate and control the causes of epidemic, infectious, communicable, and other
363 diseases affecting the public health;

364 (6) provide for the detection, reporting, prevention, and control of communicable,
365 infectious, acute, chronic, or any other disease or health hazard which the department considers
366 to be dangerous, important, or likely to affect the public health;

367 (7) collect and report information on causes of injury, sickness, death, and disability
368 and the risk factors that contribute to the causes of injury, sickness, death, and disability within

369 the state;

370 (8) collect, prepare, publish, and disseminate information to inform the public
371 concerning the health and wellness of the population, specific hazards, and risks that may affect
372 the health and wellness of the population and specific activities which may promote and protect
373 the health and wellness of the population;

374 (9) establish and operate programs necessary or desirable for the promotion or
375 protection of the public health and the control of disease or which may be necessary to
376 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
377 programs may not be established if adequate programs exist in the private sector;

378 (10) establish, maintain, and enforce isolation and quarantine, and for this purpose
379 only, exercise physical control over property and individuals as the department finds necessary
380 for the protection of the public health;

381 (11) close theaters, schools, and other public places and forbid gatherings of people
382 when necessary to protect the public health;

383 (12) abate nuisances when necessary to eliminate sources of filth and infectious and
384 communicable diseases affecting the public health;

385 (13) make necessary sanitary and health investigations and inspections in cooperation
386 with local health departments as to any matters affecting the public health;

387 (14) establish laboratory services necessary to support public health programs and
388 medical services in the state;

389 (15) establish and enforce standards for laboratory services which are provided by any
390 laboratory in the state when the purpose of the services is to protect the public health;

391 (16) cooperate with the Labor Commission to conduct studies of occupational health
392 hazards and occupational diseases arising in and out of employment in industry, and make
393 recommendations for elimination or reduction of the hazards;

394 (17) cooperate with the local health departments, the Department of Corrections, the
395 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
396 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
397 convicted sexual offenders, and any victims of a sexual offense;

398 (18) investigate the causes of maternal and infant mortality;

399 (19) establish, maintain, and enforce a procedure requiring the blood of adult

400 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
401 presence and concentration of alcohol;

402 (20) provide the Commissioner of Public Safety with monthly statistics reflecting the
403 results of the examinations provided for in Subsection (19) and provide safeguards so that
404 information derived from the examinations is not used for a purpose other than the compilation
405 of statistics authorized in this Subsection (20);

406 (21) establish qualifications for individuals permitted to draw blood pursuant to
407 Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), or 72-10-502(5)(a)(vi), and to issue
408 permits to individuals it finds qualified, which permits may be terminated or revoked by the
409 department;

410 (22) establish a uniform public health program throughout the state which includes
411 continuous service, employment of qualified employees, and a basic program of disease
412 control, vital and health statistics, sanitation, public health nursing, and other preventive health
413 programs necessary or desirable for the protection of public health;

414 (23) adopt rules and enforce minimum sanitary standards for the operation and
415 maintenance of:

- 416 (a) orphanages;
- 417 (b) boarding homes;
- 418 (c) summer camps for children;
- 419 (d) lodging houses;
- 420 (e) hotels;
- 421 (f) restaurants and all other places where food is handled for commercial purposes,
422 sold, or served to the public;
- 423 (g) tourist and trailer camps;
- 424 (h) service stations;
- 425 (i) public conveyances and stations;
- 426 (j) public and private schools;
- 427 (k) factories;
- 428 (l) private sanatoria;
- 429 (m) barber shops;
- 430 (n) beauty shops;

- 431 (o) physician offices;
- 432 (p) dentist offices;
- 433 (q) workshops;
- 434 (r) industrial, labor, or construction camps;
- 435 (s) recreational resorts and camps;
- 436 (t) swimming pools, public baths, and bathing beaches;
- 437 (u) state, county, or municipal institutions, including hospitals and other buildings,
- 438 centers, and places used for public gatherings; and
- 439 (v) any other facilities in public buildings or on public grounds;
- 440 (24) conduct health planning for the state;
- 441 (25) monitor the costs of health care in the state and foster price competition in the
- 442 health care delivery system;
- 443 (26) adopt rules for the licensure of health facilities within the state pursuant to Title
- 444 26, Chapter 21, Health Care Facility Licensing and Inspection Act;
- 445 (27) license the provision of child care;
- 446 (28) accept contributions to and administer the funds contained in the Organ Donation
- 447 Contribution Fund created in Section [26-18b-101](#);
- 448 (29) serve as the collecting agent, on behalf of the state, for the nursing care facility
- 449 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
- 450 and adopt rules for the enforcement and administration of the nursing facility assessment
- 451 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;
- 452 (30) establish methods or measures for health care providers, public health entities, and
- 453 health care insurers to coordinate among themselves to verify the identity of the individuals
- 454 they serve; [~~and~~]
- 455 (31) (a) designate Alzheimer's disease and related dementia as a public health issue
- 456 and, within budgetary limitations, implement a state plan for Alzheimer's disease and related
- 457 dementia by incorporating the plan into the department's strategic planning and budgetary
- 458 process; and
- 459 (b) coordinate with other state agencies and other organizations to implement the state
- 460 plan for Alzheimer's disease and related dementia[~~;~~]; and
- 461 (32) ensure that any training or certification complies with Title 63G, Chapter 21, State

462 Training and Certification Requirements, if the training or certification is required:

463 (a) under this title;

464 (b) by the department; or

465 (c) by an agency or division within the department.

466 Section 11. Section **31A-2-201** is amended to read:

467 **31A-2-201. General duties and powers.**

468 (1) The commissioner shall administer and enforce this title.

469 (2) The commissioner has all powers specifically granted, and all further powers that
470 are reasonable and necessary to enable the commissioner to perform the duties imposed by this
471 title.

472 (3) (a) The commissioner may make rules to implement the provisions of this title
473 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative
474 Rulemaking Act.

475 (b) In addition to the notice requirements of Section **63G-3-301**, the commissioner
476 shall provide notice under Section **31A-2-303** of hearings concerning insurance department
477 rules.

478 (4) (a) The commissioner shall issue prohibitory, mandatory, and other orders as
479 necessary to secure compliance with this title. An order by the commissioner is not effective
480 unless the order:

481 (i) is in writing; and

482 (ii) is signed by the commissioner or under the commissioner's authority.

483 (b) On request of any person who would be affected by an order under Subsection
484 (4)(a), the commissioner may issue a declaratory order to clarify the person's rights or duties.

485 (5) (a) The commissioner may hold informal adjudicative proceedings and public
486 meetings, for the purpose of:

487 (i) investigation;

488 (ii) ascertainment of public sentiment; or

489 (iii) informing the public.

490 (b) An effective rule or order may not result from informal hearings and meetings
491 unless the requirement of a hearing under this section is satisfied.

492 (6) The commissioner shall inquire into violations of this title and may conduct any

493 examinations and investigations of insurance matters, in addition to examinations and
494 investigations expressly authorized, that the commissioner considers proper to determine:

495 (a) whether or not any person has violated any provision of this title; or

496 (b) to secure information useful in the lawful administration of this title.

497 (7) The commissioner shall ensure that any training or certification complies with Title
498 63G, Chapter 21, State Training and Certification Requirements, if the training or certification
499 is required:

500 (a) under this title;

501 (b) by the department; or

502 (c) by an agency or division within the department.

503 Section 12. Section **32B-2-207** is amended to read:

504 **32B-2-207. Department employees -- Requirements.**

505 (1) "Upper management" means the director, a deputy director, or other Schedule AD,
506 AR, or AS employee of the department, as defined in Section [67-19-15](#), except for the director
507 of internal audits and auditors hired by the director of internal audits under Section
508 [32B-2-302.5](#).

509 (2) (a) Subject to this title, including the requirements of Chapter 1, Part 3,
510 Qualifications and Background, the director may prescribe the qualifications of a department
511 employee.

512 (b) The director may hire an employee who is upper management only with the
513 approval of four commissioners voting in an open meeting.

514 (c) Except as provided in Section [32B-1-303](#), the executive director may dismiss an
515 employee who is upper management after consultation with the chair of the commission.

516 (3) (a) A person who seeks employment with the department shall file with the
517 department an application under oath or affirmation in a form prescribed by the commission.

518 (b) Upon receiving an application, the department shall determine whether the
519 individual is:

520 (i) of good moral character; and

521 (ii) qualified for the position sought.

522 (c) The department shall select an individual for employment or advancement with the
523 department in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

- 524 (4) The following are not considered a department employee:
- 525 (a) a package agent;
- 526 (b) a licensee;
- 527 (c) a staff member of a package agent; or
- 528 (d) staff of a licensee.
- 529 (5) The department may not employ a minor to:
- 530 (a) work in:
- 531 (i) a state store; or
- 532 (ii) a department warehouse; or
- 533 (b) engage in an activity involving the handling of an alcoholic product.
- 534 (6) The department shall ensure that any training or certification complies with Title
- 535 63G, Chapter 21, State Training and Certification Requirements, if the training or certification
- 536 is required:
- 537 (a) under this title;
- 538 (b) by the department; or
- 539 (c) by an agency or division within the department.
- 540 Section 13. Section **34A-6-109** is amended to read:
- 541 **34A-6-109. Educational and training programs.**
- 542 (1) The division, after consultation with other appropriate agencies, shall conduct,
- 543 directly or by assistance:
- 544 (a) educational programs to provide an adequate supply of qualified personnel to carry
- 545 out the purpose of this chapter; and
- 546 (b) informational programs on the importance of adequate safety and health equipment.
- 547 (2) (a) The division is authorized to conduct, directly or by assistance, training for
- 548 personnel engaged in work related to its responsibilities under this chapter.
- 549 (b) The division shall ensure that any training described in Subsection (2)(a) is
- 550 available in an online web-based format, unless the training includes a physical component that
- 551 can only be completed in person.
- 552 (3) The division shall:
- 553 (a) establish and supervise programs for the education and training of employers and
- 554 employees for recognition, avoidance, and prevention of unsafe or unhealthful working

555 conditions;

556 (b) consult and advise employers and employees about effective means for prevention
557 of any work-related injury or occupational disease; and

558 (c) provide safety and health workplace surveys.

559 Section 14. Section **35A-1-104** is amended to read:

560 **35A-1-104. Department authority.**

561 Within all other authority or responsibility granted to it by law, the department may:

562 (1) adopt rules when authorized by this title, in accordance with the procedures of Title
563 63G, Chapter 3, Utah Administrative Rulemaking Act;

564 (2) purchase, as authorized or required by law, services that the department is
565 responsible to provide for legally eligible persons;

566 (3) conduct adjudicative proceedings in accordance with the procedures of Title 63G,
567 Chapter 4, Administrative Procedures Act;

568 (4) establish eligibility standards for its programs, not inconsistent with state or federal
569 law or regulations;

570 (5) take necessary steps, including legal action, to recover money or the monetary value
571 of services provided to a recipient who is not eligible;

572 (6) administer oaths, certify to official acts, issue subpoenas to compel witnesses and
573 the production of books, accounts, documents, and other records necessary as evidence;

574 (7) acquire, manage, and dispose of any real or personal property needed or owned by
575 the department, not inconsistent with state law;

576 (8) receive gifts, grants, devises, and donations or their proceeds, crediting the program
577 designated by the donor, and using the gift, grant, devise, or donation for the purposes
578 requested by the donor, as long as the request conforms to state and federal policy;

579 (9) accept and employ volunteer labor or services;

580 (10) reimburse volunteers for necessary expenses, when the department considers that
581 reimbursement to be appropriate;

582 (11) carry out the responsibility assigned by the State Workforce Services Plan
583 developed by the State Workforce Development Board;

584 (12) (a) provide training and educational opportunities for ~~[its]~~ the department's staff;

585 and

586 **(b) ensure that any training or educational opportunity described in Subsection (12)(a)**
587 **complies with Title 63G, Chapter 21, State Training and Certification Requirements;**

588 (13) examine and audit the expenditures of any public funds provided to a local
589 authority, agency, or organization that contracts with or receives funds from those authorities or
590 agencies;

591 (14) accept and administer grants from the federal government and from other sources,
592 public or private;

593 (15) employ and determine the compensation of clerical, legal, technical, investigative,
594 and other employees necessary to carry out its policymaking, regulatory, and enforcement
595 powers, rights, duties, and responsibilities under this title;

596 (16) establish and conduct free employment agencies, and bring together employers
597 seeking employees and working people seeking employment, and make known the
598 opportunities for employment in this state;

599 (17) collect, collate, and publish statistical and other information relating to employees,
600 employers, employments, and places of employment, and other statistics as it considers proper;

601 (18) encourage the expansion and use of apprenticeship programs meeting state or
602 federal standards for apprenticeship programs;

603 (19) develop processes to ensure that the department responds to the full range of
604 employee and employer clients;

605 (20) carry out the responsibilities assigned to it by statute; and

606 (21) administer the Safety Net Initiative as described in Section [35A-3-802](#).

607 Section 15. Section **41-6a-303** is amended to read:

608 **41-6a-303. Definition of reduced speed school zone -- Operation of warning lights**
609 **-- School crossing guard requirements -- Responsibility provisions -- Rulemaking**
610 **authority.**

611 (1) As used in this section "reduced speed school zone" means a designated length of a
612 highway extending from a school zone speed limit sign with warning lights operating to an end
613 school zone sign.

614 (2) The Department of Transportation for state highways and local highway authorities
615 for highways under their jurisdiction:

616 (a) shall establish reduced speed school zones at elementary schools after written

617 assurance by a local highway authority that the local highway authority complies with
618 Subsections (3) and (4); and
619 (b) may establish reduced speed school zones for secondary schools at the request of
620 the local highway authority.
621 (3) For all reduced speed school zones on highways, including state highways within
622 the jurisdictional boundaries of a local highway authority, the local highway authority shall:
623 (a) (i) provide shuttle service across highways for school children; or
624 (ii) provide, train, and supervise school crossing guards in accordance with this
625 section;
626 (b) provide for the:
627 (i) operation of reduced speed school zones, including providing power to warning
628 lights and turning on and off the warning lights as required under Subsections (4) and (5); and
629 (ii) maintenance of reduced speed school zones except on state highways as provided
630 in Section [41-6a-302](#); and
631 (c) notify the Department of Transportation of reduced speed school zones on state
632 highways that are in need of maintenance.
633 (4) While children are going to or leaving school during opening and closing hours all
634 reduced speed school zones shall have:
635 (a) the warning lights operating on each school zone speed limit sign; and
636 (b) a school crossing guard present if the reduced speed school zone is for an
637 elementary school.
638 (5) The warning lights on a school zone speed limit sign may not be operating except
639 as provided under Subsection (4).
640 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
641 the Department of Transportation shall make rules establishing criteria and specifications for
642 the:
643 (i) establishment, location, and operation of school crosswalks, school zones, and
644 reduced speed school zones;
645 (ii) training, use, and supervision of school crossing guards at elementary schools and
646 secondary schools; and
647 (iii) content and implementation of child access routing plans under Section

648 53A-3-402.

649 (b) If a school crosswalk is established at a signalized intersection in accordance with
650 the requirements of this section, a local highway authority may reduce the speed limit at the
651 signalized intersection to 20 miles per hour for a highway under its jurisdiction.

652 (7) Each local highway authority shall pay for providing, training, and supervising
653 school crossing guards in accordance with this section.

654 (8) Each local highway authority shall ensure that any training described in this section
655 is available in an online web-based format, unless the training includes a physical component
656 that can only be completed in person.

657 Section 16. Section **52-4-104** is amended to read:

658 **52-4-104. Training.**

659 (1) The presiding officer of the public body shall ensure that the members of the public
660 body are provided with annual training on the requirements of this chapter.

661 (2) The presiding officer shall ensure that any training described in Subsection (1) is
662 available in an online web-based format, unless the training includes a physical component that
663 can only be completed in person.

664 Section 17. Section **53-1-106** is amended to read:

665 **53-1-106. Department duties -- Powers.**

666 (1) In addition to the responsibilities contained in this title, the department shall:

667 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
668 Code, including:

669 (i) setting performance standards for towing companies to be used by the department,
670 as required by Section [41-6a-1406](#); and

671 (ii) advising the Department of Transportation regarding the safe design and operation
672 of school buses, as required by Section [41-6a-1304](#);

673 (b) make rules to establish and clarify standards pertaining to the curriculum and
674 teaching methods of a motor vehicle accident prevention course under Section [31A-19a-211](#);

675 (c) aid in enforcement efforts to combat drug trafficking;

676 (d) meet with the Department of Technology Services to formulate contracts, establish
677 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

678 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for

679 Victims of Crime in conducting research or monitoring victims' programs, as required by
680 Section 63M-7-505;

681 (f) develop sexual assault exam protocol standards in conjunction with the Utah
682 Hospital Association;

683 (g) engage in emergency planning activities, including preparation of policy and
684 procedure and rulemaking necessary for implementation of the federal Emergency Planning
685 and Community Right to Know Act of 1986, as required by Section 53-2a-702; [~~and~~]

686 (h) implement the provisions of Section 53-2a-402, the Emergency Management
687 Assistance Compact[?]; and

688 (i) ensure that any training or certification complies with Title 63G, Chapter 21, State
689 Training and Certification Requirements, if the training or certification is required:

690 (i) under this title;

691 (ii) by the department; or

692 (iii) by an agency or division within the department.

693 (2) (a) The department may establish a schedule of fees as required or allowed in this
694 title for services provided by the department.

695 (b) The fees shall be established in accordance with Section 63J-1-504.

696 (3) The department may establish or contract for the establishment of an Organ
697 Procurement Donor Registry in accordance with Section 26-28-120.

698 Section 18. Section 53A-1-603 is amended to read:

699 **53A-1-603. Duties of State Board of Education.**

700 (1) The State Board of Education shall:

701 (a) require a school district or charter school to implement the Utah Performance
702 Assessment System for Students;

703 (b) require the state superintendent of public instruction to submit and recommend
704 criterion-referenced achievement tests or online computer adaptive tests, college readiness
705 assessments, an online writing assessment for grades 5 and 8, and a test for students in grade 3
706 to measure reading grade level to the board for approval and adoption and distribution to a
707 school district or charter school by the state superintendent;

708 (c) develop an assessment method to uniformly measure statewide performance, school
709 district performance, and school performance of students in grades 3 through 12 in mastering

710 basic academic subjects; and

711 (d) provide for the state to participate in the National Assessment of Educational
712 Progress state-by-state comparison testing program.

713 (2) Except as provided in Subsection (9) and Subsection 53A-1-611(4), under
714 U-PASS, the State Board of Education shall annually require a school district or charter school
715 to administer:

716 (a) as determined by the State Board of Education, statewide criterion-referenced tests
717 or online computer adaptive tests in grades 3 through 12 and courses in basic academic subjects
718 of the core standards for Utah public schools;

719 (b) an online writing assessment to all students in grades 5 and 8;

720 (c) college readiness assessments as detailed in Section 53A-1-611; and

721 (d) a test to all students in grade 3 to measure reading grade level.

722 (3) The State Board of Education shall annually require a school district or charter
723 school to administer a computer adaptive assessment system that is:

724 (a) adopted by the State Board of Education; and

725 (b) aligned to the core standards for Utah public schools.

726 (4) The board shall adopt rules for the conduct and administration of U-PASS to
727 include the following:

728 (a) the computation of student performance based on information that is disaggregated
729 with respect to race, ethnicity, gender, limited English proficiency, and those students who
730 qualify for free or reduced price school lunch;

731 (b) security features to maintain the integrity of the system, which may include
732 statewide uniform testing dates, multiple test forms, and test administration protocols;

733 (c) the exemption of student test scores, by exemption category, such as limited
734 English proficiency, mobility, and students with disabilities, with the percent or number of
735 student test scores exempted being publicly reported at a district level;

736 (d) compiling of criterion-referenced, online computer adaptive, and online writing test
737 scores and test score averages at the classroom level to allow for:

738 (i) an annual review of those scores by parents of students and professional and other
739 appropriate staff at the classroom level at the earliest point in time;

740 (ii) the assessment of year-to-year student progress in specific classes, courses, and

741 subjects; and

742 (iii) a teacher to review, prior to the beginning of a new school year, test scores from
743 the previous school year of students who have been assigned to the teacher's class for the new
744 school year;

745 (e) allowing a school district or charter school to have its tests administered and scored
746 electronically to accelerate the review of test scores and their usefulness to parents and
747 educators under Subsection (4)(d), without violating the integrity of U-PASS; and

748 (f) providing that scores on the tests and assessments required under Subsection (2)(a)
749 and Subsection (3) may not be considered in determining:

750 (i) a student's academic grade for the appropriate course; or

751 (ii) whether a student may advance to the next grade level.

752 (5) (a) A school district or charter school may administer an online writing assessment
753 to students in grade 11.

754 (b) The State Board of Education may award a grant to a school district or charter
755 school to pay for an online writing assessment and instruction program that may be used to
756 assess the writing of students in grade 11.

757 (6) The State Board of Education shall make rules:

758 (a) establishing procedures for applying for and awarding money for computer adaptive
759 tests;

760 (b) specifying how money for computer adaptive tests shall be allocated among school
761 districts and charter schools that qualify to receive the money; and

762 (c) requiring reporting of the expenditure of money awarded for computer adaptive
763 testing and evidence that the money was used to implement computer adaptive testing.

764 (7) The State Board of Education shall ensure that computer adaptive tests are
765 administered in compliance with the requirements of Chapter 1, Part 14, Student Data
766 Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act.

767 (8) (a) The State Board of Education shall establish a committee consisting of 15
768 parents of Utah public education students to review all computer adaptive test questions.

769 (b) The committee established in Subsection (8)(a) shall include the following parent
770 members:

771 (i) five members appointed by the chair of the State Board of Education;

772 (ii) five members appointed by the speaker of the House of Representatives; and
773 (iii) five members appointed by the president of the Senate.
774 (c) The State Board of Education shall provide staff support to the parent committee.
775 (d) The term of office of each member appointed in Subsection (8)(b) is four years.
776 (e) The chair of the State Board of Education, the speaker of the House of
777 Representatives, and the president of the Senate shall adjust the length of terms to stagger the
778 terms of committee members so that approximately 1/2 of the committee members are
779 appointed every two years.

780 (f) No member may receive compensation or benefits for the member's service on the
781 committee.

782 (9) Beginning with the 2016-17 school year, for all students in grade 11, a school
783 district or charter school may waive the obligation to administer a test required under
784 Subsection (2)(a).

785 (10) (a) School districts and charter schools shall require each licensed employee to
786 complete two hours of professional development on youth suicide prevention within their
787 license cycle in accordance with Section [53A-6-104](#).

788 (b) The State Board of Education shall develop or adopt sample materials to be used by
789 a school district or charter school for professional development training on youth suicide
790 prevention.

791 (c) The training required by this Subsection (10) shall be incorporated into professional
792 development training required by rule in accordance with Section [53A-6-104](#).

793 (11) The State Board of Education shall ensure that any training or certification that an
794 employee of the public education system is required to complete under this title or by rule is
795 available in an online web-based format, unless the training or certification includes a physical
796 component that can only be completed in person.

797 Section 19. Section **53B-1-103** is amended to read:

798 **53B-1-103. Establishment of State Board of Regents -- Powers and authority.**

799 (1) There is established a State Board of Regents.

800 (2) (a) Except as provided in Subsection (2)(b), the board is vested with the control,
801 management, and supervision of the institutions of higher education designated in Section
802 [53B-1-102](#) in a manner consistent with the policy and purpose of this title and the specific

803 powers and responsibilities granted to it.

804 (b) The board may only exercise powers relating to the Utah College of Applied
805 Technology and applied technology colleges within the Utah College of Applied Technology
806 that are specifically provided in this title.

807 (c) The board shall coordinate and support articulation agreements between the Utah
808 College of Applied Technology or applied technology colleges within the Utah College of
809 Applied Technology and other institutions of higher education.

810 (d) The board shall prepare and submit an annual report detailing its progress and
811 recommendations on career and technical education issues to the governor and to the
812 Legislature's Education Interim Committee by October 31 of each year, which shall include
813 information detailing:

814 (i) how the career and technical education needs of secondary students are being met
815 by institutions of higher education other than applied technology colleges within the Utah
816 College of Applied Technology, including what access secondary students have to programs
817 offered by Salt Lake Community College's School of Applied Technology, Snow College, and
818 Utah State University Eastern;

819 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and
820 industry is being provided;

821 (iii) performance outcomes, including:

822 (A) entered employment;

823 (B) job retention; and

824 (C) earnings; and

825 (iv) student tuition and fees.

826 (e) Except for the Utah College of Applied Technology, the board may modify the
827 name of an institution under its control and management, as designated in Section [53B-1-102](#),
828 to reflect the role and general course of study of the institution.

829 (f) The board may not conduct a feasibility study or perform another act relating to
830 merging any of the following institutions with another institution of higher education:

831 (i) Bridgerland Applied Technology College;

832 (ii) Ogden-Weber Applied Technology College;

833 (iii) Davis Applied Technology College;

- 834 (iv) Tooele Applied Technology College;
835 (v) Mountainland Applied Technology College;
836 (vi) Uintah Basin Applied Technology College;
837 (vii) Southwest Applied Technology College; and
838 (viii) Dixie Applied Technology College.

839 (3) This section does not affect the power and authority vested in the State Board of
840 Education to apply for, accept, and manage federal appropriations for the establishment and
841 maintenance of career and technical education.

842 (4) The board shall conduct a study regarding the feasibility of providing a veterans'
843 walk-in center or services at each state institution of higher education. The study shall include:

844 (a) an implementation plan for providing a walk-in center or services at each institution
845 of higher education;

846 (b) criteria, based upon the size of the institution, to determine whether the institution
847 should be required to provide a walk-in center or services;

848 (c) responsibilities of the walk-in center or services;

849 (d) a notification process about the walk-in center or services to veterans upon their
850 application for admission;

851 (e) the possibility of staffing a veterans walk-in center or services with veterans,
852 including through work-study positions to be filled by veterans;

853 (f) annual reports from each walk-in center and services to the board which includes
854 summary information of veterans served; and

855 (g) funding requirements for a veterans walk-in center and services.

856 (5) Presentation of the study, including the implementation plan with funding and other
857 recommendations, shall be made to a legislative committee, commission, or task force upon
858 request no later than the October 2014 interim meeting.

859 (6) The board shall ensure that any training or certification that an employee of the
860 higher education system is required to complete under this title or by board rule is available in
861 an online web-based format, unless the training or certification includes a physical component
862 that can only be completed in person.

863 Section 20. Section **53D-1-303** is amended to read:

864 **53D-1-303. Board authority and duties.**

- 865 (1) The board has broad policymaking authority over the office and the trust fund.
- 866 (2) (a) The board shall establish policies for the management of:
- 867 (i) the office, including:
- 868 (A) an investment management code of conduct and associated compliance policy;
- 869 (B) a policy for the strategic allocation of trust fund assets;
- 870 (C) a soft dollar policy; and
- 871 (D) a policy articulating the board's investment philosophy for trust fund assets; and
- 872 (ii) the trust fund.
- 873 (b) Policies that the board adopts shall:
- 874 (i) be consistent with the enabling act, the Utah Constitution, and other applicable state
- 875 law;
- 876 (ii) reflect undivided loyalty to the beneficiaries consistent with fiduciary duties;
- 877 (iii) be designed to prudently optimize trust fund returns and increase the value of the
- 878 trust fund, consistent with the balancing of short-term and long-term interests, so that the
- 879 fiduciary duty of intergenerational equity is met;
- 880 (iv) be designed to maintain the integrity of the trust fund and prevent the
- 881 misapplication of money in the trust fund;
- 882 (v) enable the board to oversee the activities of the office; and
- 883 (vi) otherwise be in accordance with standard trust principles as provided by state law.
- 884 (3) The board shall:
- 885 (a) establish a conflict of interest policy for the office and board members;
- 886 (b) establish policies governing the evaluation, selection, and monitoring of
- 887 independent custodial arrangements;
- 888 (c) ensure that the office is managed according to law;
- 889 (d) establish bylaws to govern the board;
- 890 (e) establish the compensation of the director;
- 891 (f) annually examine the compensation and performance of the director as part of the
- 892 board's budget review process;
- 893 (g) annually report the director's compensation to the Legislature; and
- 894 (h) (i) adopt policies to provide for annual training of board members regarding their
- 895 duties and responsibilities[-]; and

896 (ii) ensure that any training described in Subsection (3)(h)(i) is available in an online
897 web-based format, unless the training includes a physical component that can only be
898 completed in person.

899 (4) The board may:

900 (a) after conferring with the director:

901 (i) hire one or more consultants to advise the board, director, or office on issues
902 affecting the management of the trust fund; and

903 (ii) pay compensation to any consultant hired under Subsection (4)(a)(i), subject to
904 budgetary constraints; and

905 (b) submit to the director a written question or set of questions concerning policies and
906 practices affecting the management of the trust fund.

907 Section 21. Section **59-2-702** is amended to read:

908 **59-2-702. Education and training of appraisers -- Continuing education for**
909 **appraisers and county assessors.**

910 (1) The commission shall conduct, at its own expense, a program of education and
911 training of appraisal personnel preparatory to the examination of applicants for appraisers' and
912 assessors' certification or licensure required by Section [59-2-701](#).

913 (2) To ensure that the assessment of property will be performed in a professional
914 manner by competent personnel, meeting specified professional qualifications, the commission
915 shall conduct a continuing program of in-service education and training for county assessors
916 and property appraisers in the principles and practices of assessment and appraisal of property.
917 For this purpose the commission may cooperate with educational institutions, local, regional,
918 state, or national assessors' organizations, and with other appropriate professional
919 organizations. The commission may reimburse the participation expenses incurred by
920 assessors and other employees of the state or its subdivisions whose attendance at in-service
921 training programs is approved by the commission.

922 (3) The commission shall ensure that any training or continuing education required
923 under this section is available in an online web-based format, unless the training includes a
924 physical component that can only be completed in person.

925 Section 22. Section **59-2-1001** is amended to read:

926 **59-2-1001. County board of equalization -- Public hearings -- Hearing officers --**

927 **Notice of decision -- Rulemaking.**

928 (1) The county legislative body is the county board of equalization and the county
929 auditor is the clerk of the county board of equalization.

930 (2) The county board of equalization shall adjust and equalize the valuation and
931 assessment of the real and personal property within the county, subject to regulation and
932 control by the commission, as prescribed by law. The county board of equalization shall meet
933 and hold public hearings each year to examine the assessment roll and equalize the assessment
934 of property in the county, including the assessment for general taxes of all taxing entities
935 located in the county.

936 (3) (a) Except as provided in Subsection (3)(d), a county board of equalization may:

937 (i) appoint an appraiser licensed in accordance with Title 61, Chapter 2g, Real Estate
938 Appraiser Licensing and Certification Act, as a hearing officer for the purpose of examining an
939 applicant or a witness; or

940 (ii) appoint an individual who is not licensed in accordance with Title 61, Chapter 2g,
941 Real Estate Appraiser Licensing and Certification Act, as a hearing officer for the purpose of
942 examining an applicant or a witness if the county board of equalization determines that the
943 individual has competency relevant to the work of a hearing officer, including competency in:

944 (A) real estate;

945 (B) finance;

946 (C) economics;

947 (D) public administration; or

948 (E) law.

949 (b) Except as provided in Subsection (3)(d), beginning on January 1, 2014, a county
950 board of equalization may only allow an individual to serve as a hearing officer for the
951 purposes of examining an applicant or a witness if the individual has completed a course the
952 commission:

953 (i) develops in accordance with Subsection (3)(c)(i); or

954 (ii) approves in accordance with Subsection (3)(c)(ii).

955 (c) (i) On or before January 1, 2014, the commission shall develop a hearing officer
956 training course that includes training in property valuation and administrative law.

957 (ii) In addition to the course the commission develops in accordance with Subsection

958 (3)(c)(i), the commission may approve a hearing officer training course provided by a county or
959 a private entity if the course includes training in property valuation and administrative law.

960 (iii) The commission shall ensure that any training described in this Subsection (3)(c)
961 is available in an online web-based format, unless the training includes a physical component
962 that can only be completed in person.

963 (d) A county board of equalization may not appoint a person employed by an assessor's
964 office as a hearing officer.

965 (e) A hearing officer shall transmit the hearing officer's findings to the board, where a
966 quorum shall be required for final action upon any application for exemption, deferral,
967 reduction, or abatement.

968 (4) The clerk of the board of equalization shall notify the taxpayer, in writing, of any
969 decision of the board. The decision shall include any adjustment in the amount of taxes due on
970 the property resulting from a change in the taxable value and shall be considered the corrected
971 tax notice.

972 (5) During the session of the board, the assessor or any deputy whose testimony is
973 needed shall be present and may make any statement or introduce and examine witnesses on
974 questions before the board.

975 (6) The county board of equalization may make and enforce any rule which is
976 consistent with statute or commission rule and necessary for the government of the board, the
977 preservation of order, and the transaction of business.

978 Section 23. Section **62A-1-111** is amended to read:

979 **62A-1-111. Department authority.**

980 The department may, in addition to all other authority and responsibility granted to it by
981 law:

982 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
983 desirable for providing social services to the people of this state;

984 (2) establish and manage client trust accounts in the department's institutions and
985 community programs, at the request of the client or the client's legal guardian or representative,
986 or in accordance with federal law;

987 (3) purchase, as authorized or required by law, services that the department is
988 responsible to provide for legally eligible persons;

- 989 (4) conduct adjudicative proceedings for clients and providers in accordance with the
990 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 991 (5) establish eligibility standards for its programs, not inconsistent with state or federal
992 law or regulations;
- 993 (6) take necessary steps, including legal action, to recover money or the monetary value
994 of services provided to a recipient who was not eligible;
- 995 (7) set and collect fees for its services;
- 996 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
997 or limited by law;
- 998 (9) acquire, manage, and dispose of any real or personal property needed or owned by
999 the department, not inconsistent with state law;
- 1000 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
1001 the proceeds thereof, may be credited to the program designated by the donor, and may be used
1002 for the purposes requested by the donor, as long as the request conforms to state and federal
1003 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
1004 under guidelines established by the state treasurer;
- 1005 (11) accept and employ volunteer labor or services; the department is authorized to
1006 reimburse volunteers for necessary expenses, when the department considers that
1007 reimbursement to be appropriate;
- 1008 (12) carry out the responsibility assigned in the workforce services plan by the State
1009 Workforce Development Board;
- 1010 (13) carry out the responsibility assigned by Section [35A-8-602](#) with respect to
1011 coordination of services for the homeless;
- 1012 (14) carry out the responsibility assigned by Section [62A-5a-105](#) with respect to
1013 coordination of services for students with a disability;
- 1014 (15) provide training and educational opportunities for its staff;
- 1015 (16) collect child support payments and any other money due to the department;
- 1016 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
1017 whose child lives out of the home in a department licensed or certified setting;
- 1018 (18) establish policy and procedures, within appropriations authorized by the
1019 Legislature, in cases where the department is given custody of a minor by the juvenile court

1020 pursuant to Section 78A-6-117 or ordered to prepare an attainment plan for a minor found not
1021 competent to proceed pursuant to Section 78A-6-1301; any policy and procedures shall
1022 include:

1023 (a) designation of interagency teams for each juvenile court district in the state;

1024 (b) delineation of assessment criteria and procedures;

1025 (c) minimum requirements, and timeframes, for the development and implementation
1026 of a collaborative service plan for each minor placed in department custody; and

1027 (d) provisions for submittal of the plan and periodic progress reports to the court;

1028 (19) carry out the responsibilities assigned to it by statute;

1029 (20) examine and audit the expenditures of any public funds provided to local

1030 substance abuse authorities, local mental health authorities, local area agencies on aging, and

1031 any person, agency, or organization that contracts with or receives funds from those authorities

1032 or agencies. Those local authorities, area agencies, and any person or entity that contracts with

1033 or receives funds from those authorities or area agencies, shall provide the department with any

1034 information the department considers necessary. The department is further authorized to issue

1035 directives resulting from any examination or audit to local authorities, area agencies, and

1036 persons or entities that contract with or receive funds from those authorities with regard to any

1037 public funds. If the department determines that it is necessary to withhold funds from a local

1038 mental health authority or local substance abuse authority based on failure to comply with state

1039 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of

1040 services. For purposes of this Subsection (20) "public funds" means the same as that term is

1041 defined in Section 62A-15-102;

1042 (21) pursuant to Subsection 62A-2-106(1)(d), accredit one or more agencies and

1043 persons to provide intercountry adoption services; ~~and~~

1044 (22) within appropriations authorized by the Legislature, promote and develop a

1045 system of care, as defined in Section 62A-1-104, within the department and with contractors

1046 that provide services to the department or any of the department's divisions[-]; and

1047 (23) ensure that any training or certification complies with Title 63G, Chapter 21, State

1048 Training and Certification Requirements, if the training or certification is required:

1049 (a) under this title;

1050 (b) by the department; or

1051 (c) by an agency or division within the department.

1052 Section 24. Section **63A-1-117** is enacted to read:

1053 **63A-1-117. Training and certification requirements.**

1054 The department shall ensure that any training or certification complies with Title 63G,
1055 Chapter 21, State Training and Certification Requirements, if the training or certification is
1056 required:

1057 (1) under this title;

1058 (2) by the department; or

1059 (3) by an agency or division within the department.

1060 Section 25. Section **63F-1-104** is amended to read:

1061 **63F-1-104. Duties.**

1062 The department shall:

1063 (1) lead state executive branch agency efforts to reengineer the state's information
1064 technology architecture with the goal of coordinating central and individual agency information
1065 technology in a manner that:

1066 (a) ensures compliance with the executive branch agency strategic plan; and

1067 (b) ensures that cost-effective, efficient information and communication systems and
1068 resources are being used by agencies to:

1069 (i) reduce data, hardware, and software redundancy;

1070 (ii) improve system interoperability and data accessibility between agencies; and

1071 (iii) meet the agency's and user's business and service needs;

1072 (2) coordinate an executive branch strategic plan for all agencies;

1073 (3) each year, in coordination with the governor's office, convene a group of public and
1074 private sector information technology and data security experts to identify best practices from
1075 agencies and other public and private sector entities, including best practices for data and
1076 information technology system security standards;

1077 (4) develop and implement processes to replicate information technology best practices
1078 and standards identified in Subsection (3), throughout the executive branch;

1079 (5) by July 1, 2015, and at least once every two years thereafter:

1080 (a) evaluate the adequacy of the department's and the executive branch agencies' data
1081 and information technology system security standards through an independent third party

1082 assessment; and

1083 (b) communicate the results of the independent third party assessment to the
1084 appropriate executive branch agencies and to the president of the Senate and the speaker of the
1085 House of Representatives;

1086 (6) oversee the expanded use and implementation of project and contract management
1087 principles as they relate to information technology projects within the executive branch;

1088 (7) serve as general contractor between the state's information technology users and
1089 private sector providers of information technology products and services;

1090 (8) work toward building stronger partnering relationships with providers;

1091 (9) develop service level agreements with executive branch departments and agencies
1092 to ensure quality products and services are delivered on schedule and within budget;

1093 (10) develop standards for application development including a standard methodology
1094 and cost-benefit analysis that all agencies shall utilize for application development activities;

1095 (11) determine and implement statewide efforts to standardize data elements and
1096 determine data ownership assignments among executive branch agencies;

1097 (12) develop systems and methodologies to review, evaluate, and prioritize existing
1098 information technology projects within the executive branch and report to the governor and the
1099 Public Utilities, Energy, and Technology Interim Committee on a semiannual basis regarding
1100 the status of information technology projects; [~~and~~]

1101 (13) assist the Governor's Office of Management and Budget with the development of
1102 information technology budgets for agencies[-]; and

1103 (14) ensure that any training or certification complies with Title 63G, Chapter 21, State
1104 Training and Certification Requirements, if the training or certification is required:

1105 (a) under this title;

1106 (b) by the department; or

1107 (c) by an agency or division within the department.

1108 Section 26. Section **63G-6a-303** is amended to read:

1109 **63G-6a-303. Duties and authority of chief procurement officer.**

1110 (1) The chief procurement officer:

1111 (a) is the director of the division;

1112 (b) serves as the central procurement officer of the state;

- 1113 (c) serves as a voting member of the board; and
- 1114 (d) serves as the protest officer for a protest relating to a procurement of an executive
1115 branch procurement unit without independent procurement authority or a state cooperative
1116 contract procurement, unless the chief procurement officer designates another to serve as
1117 protest officer, as authorized in this chapter.
- 1118 (2) Except as otherwise provided in this chapter, the chief procurement officer shall:
- 1119 (a) develop procurement policies and procedures supporting ethical procurement
1120 practices, fair and open competition among vendors, and transparency within the state's
1121 procurement process;
- 1122 (b) administer the state's cooperative purchasing program, including state cooperative
1123 contracts and associated administrative fees;
- 1124 (c) enter into an agreement with a public entity for services provided by the division, if
1125 the agreement is in the best interest of the state;
- 1126 (d) ensure the division's compliance with any applicable law, rule, or policy, including
1127 a law, rule, or policy applicable to the division's role as an issuing procurement unit or
1128 conducting procurement unit, or as the state's central procurement organization;
- 1129 (e) manage the division's electronic procurement system;
- 1130 (f) oversee the recruitment, training, career development, certification requirements,
1131 and performance evaluation of the division's procurement personnel;
- 1132 (g) make procurement training available to procurement units and persons who do
1133 business with procurement units;
- 1134 (h) provide exemplary customer service and continually improve the division's
1135 procurement operations; ~~and~~
- 1136 (i) exercise all other authority, fulfill all other duties and responsibilities, and perform
1137 all other functions authorized under this chapter[-]; and
- 1138 (j) ensure that any training described in this Subsection (2) is available in an online
1139 web-based format, unless the training includes a physical component that can only be
1140 completed in person.
- 1141 (3) With respect to a procurement or contract over which the chief procurement officer
1142 has authority under this chapter, the chief procurement officer, except as otherwise provided in
1143 this chapter:

- 1144 (a) shall:
- 1145 (i) manage and supervise a procurement to ensure to the extent practicable that
- 1146 taxpayers receive the best value;
- 1147 (ii) prepare and issue standard specifications for procurement items;
- 1148 (iii) review contracts, coordinate contract compliance, conduct contract audits, and
- 1149 approve change orders;
- 1150 (iv) in accordance with Section 63F-1-205, coordinate with the Department of
- 1151 Technology Services, created in Section 63F-1-103, with respect to the procurement of
- 1152 information technology services by an executive branch procurement unit;
- 1153 (v) correct, amend, or cancel a procurement at any stage of the procurement process if
- 1154 the procurement is out of compliance with this chapter or a board rule;
- 1155 (vi) after consultation with the attorney general's office, correct, amend, or cancel a
- 1156 contract at any time during the term of the contract if:
- 1157 (A) the contract is out of compliance with this chapter or a board rule; and
- 1158 (B) the chief procurement officer determines that correcting, amending, or canceling
- 1159 the contract is in the best interest of the state; and
- 1160 (vii) make a reasonable attempt to resolve a contract dispute, in coordination with the
- 1161 attorney general's office; and
- 1162 (b) may:
- 1163 (i) delegate limited purchasing authority to a state agency, with appropriate oversight
- 1164 and control to ensure compliance with this chapter;
- 1165 (ii) delegate duties and authority to an employee of the division, as the chief
- 1166 procurement officer considers appropriate;
- 1167 (iii) negotiate and settle contract overcharges, undercharges, and claims, in accordance
- 1168 with the law and after consultation with the attorney general's office;
- 1169 (iv) authorize a procurement unit to make a procurement pursuant to a regional
- 1170 solicitation, as defined in Subsection 63G-6a-2105~~(2)~~(7), even if the procurement item is also
- 1171 offered under a state cooperative contract, if the chief procurement officer determines that the
- 1172 procurement pursuant to a regional solicitation is in the best interest of the acquiring
- 1173 procurement unit; and
- 1174 (v) remove an individual from the procurement process or contract administration for:

1175 (A) having a conflict of interest or the appearance of a conflict of interest with a person
1176 responding to a solicitation or with a contractor;

1177 (B) having a bias or the appearance of bias for or against a person responding to a
1178 solicitation or for or against a contractor;

1179 (C) making an inconsistent or unexplainable score for a solicitation response;

1180 (D) having inappropriate contact or communication with a person responding to a
1181 solicitation;

1182 (E) socializing inappropriately with a person responding to a solicitation or with a
1183 contractor;

1184 (F) engaging in any other action or having any other association that causes the chief
1185 procurement officer to conclude that the individual cannot fairly evaluate a solicitation
1186 response or administer a contract; or

1187 (G) any other violation of a law, rule, or policy.

1188 (4) The chief procurement officer may not delegate to an individual outside the
1189 division the chief procurement officer's authority over a procurement described in Subsection
1190 (3)(a)(iv).

1191 (5) The chief procurement officer has final authority to determine whether an executive
1192 branch procurement unit's anticipated expenditure of public funds, anticipated agreement to
1193 expend public funds, or provision of a benefit constitutes a procurement that is subject to this
1194 chapter.

1195 (6) Except as otherwise provided in this chapter, the chief procurement officer shall
1196 review, monitor, and audit the procurement activities and delegated procurement authority of
1197 an executive branch procurement unit without independent procurement authority to ensure
1198 compliance with this chapter, rules made by the applicable rulemaking authority, and division
1199 policies.

1200 Section 27. Section **63G-21-101** is enacted to read:

1201 **CHAPTER 21. STATE TRAINING AND CERTIFICATION REQUIREMENTS**

1202 **63G-21-101. Title.**

1203 This chapter is known as "State Training and Certification Requirements."

1204 Section 28. Section **63G-21-102** is enacted to read:

1205 **63G-21-102. Definitions.**

1206 As used in this chapter:

1207 (1) "Political subdivision" means:

1208 (a) a county;

1209 (b) a municipality, as defined in Section [10-1-104](#);

1210 (c) a local district;

1211 (d) a special service district;

1212 (e) an interlocal entity, as defined in Section [11-13-103](#);

1213 (f) a community reinvestment agency;

1214 (g) a local building authority; or

1215 (h) a conservation district.

1216 (2) "Public employee" means any individual employed by a state agency or a political
1217 subdivision who is not a public official.

1218 (3) "Public official" means:

1219 (a) an appointed official or an elected official as those terms are defined in Section
1220 [67-19-6.7](#); or

1221 (b) an individual elected or appointed to a county office, municipal office, school board
1222 or school district office, local district office, or special service district office.

1223 (4) "State agency" means a department, division, board, council, committee, institution,
1224 office, bureau, or other similar administrative unit of the executive branch of state government.

1225 Section 29. Section **63G-21-103** is enacted to read:

1226 **63G-21-103. State training and certification requirements.**

1227 Each state agency shall ensure that any training or certification that a public employee
1228 or public official is required to complete by law or state agency rule is available in an online
1229 web-based format, unless the training or certification includes a physical component that can
1230 only be completed in person.

1231 Section 30. Section **64-13-6** is amended to read:

1232 **64-13-6. Department duties.**

1233 (1) The department shall:

1234 (a) protect the public through institutional care and confinement, and supervision in the
1235 community of offenders where appropriate;

1236 (b) implement court-ordered punishment of offenders;

- 1237 (c) provide program opportunities for offenders;
- 1238 (d) provide treatment for sex offenders who are found to be treatable based upon
1239 criteria developed by the department;
- 1240 (e) provide the results of ongoing assessment of sex offenders and objective diagnostic
1241 testing to sentencing and release authorities;
- 1242 (f) manage programs that take into account the needs and interests of victims, where
1243 reasonable;
- 1244 (g) supervise probationers and parolees as directed by statute and implemented by the
1245 courts and the Board of Pardons and Parole;
- 1246 (h) subject to Subsection (2), investigate criminal conduct involving offenders
1247 incarcerated in a state correctional facility;
- 1248 (i) cooperate and exchange information with other state, local, and federal law
1249 enforcement agencies to achieve greater success in prevention and detection of crime and
1250 apprehension of criminals;
- 1251 (j) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
1252 Offender Supervision; ~~and~~
- 1253 (k) establish a case action plan for each offender as follows:
- 1254 (i) if an offender is to be supervised in the community, the case action plan shall be
1255 established for the offender not more than 90 days after supervision by the department begins;
1256 and
- 1257 (ii) if the offender is committed to the custody of the department, the case action plan
1258 shall be established for the offender not more than 120 days after the commitment[-]; and
- 1259 (l) ensure that any training or certification complies with Title 63G, Chapter 21, State
1260 Training and Certification Requirements, if the training or certification is required:
- 1261 (i) under this title;
- 1262 (ii) by the department; or
- 1263 (iii) by an agency or division within the department.
- 1264 (2) The department may in the course of supervising probationers and parolees:
- 1265 (a) impose graduated sanctions, as established by the Utah Sentencing Commission
1266 under Subsection 63M-7-404(6), for an individual's violation of one or more terms of the
1267 probation or parole; and

1268 (b) upon approval by the court or the Board of Pardons and Parole, impose as a
1269 sanction for an individual's violation of the terms of probation or parole a period of
1270 incarceration of not more than three consecutive days and not more than a total of five days
1271 within a period of 30 days.

1272 (3) (a) By following the procedures in Subsection (3)(b), the department may
1273 investigate the following occurrences at state correctional facilities:

- 1274 (i) criminal conduct of departmental employees;
- 1275 (ii) felony crimes resulting in serious bodily injury;
- 1276 (iii) death of any person; or
- 1277 (iv) aggravated kidnaping.

1278 (b) Prior to investigating any occurrence specified in Subsection (3)(a), the department
1279 shall:

1280 (i) notify the sheriff or other appropriate law enforcement agency promptly after
1281 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has
1282 occurred; and

1283 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to
1284 conduct an investigation involving an occurrence specified in Subsection (3)(a).

1285 (4) Upon request, the department shall provide copies of investigative reports of
1286 criminal conduct to the sheriff or other appropriate law enforcement agencies.

1287 (5) The Department of Corrections shall collect accounts receivable ordered by the
1288 district court as a result of prosecution for a criminal offense according to the requirements and
1289 during the time periods established in Subsection 77-18-1(9).

1290 Section 31. Section 67-3-1 is amended to read:

1291 **67-3-1. Functions and duties.**

1292 (1) (a) The state auditor is the auditor of public accounts and is independent of any
1293 executive or administrative officers of the state.

1294 (b) The state auditor is not limited in the selection of personnel or in the determination
1295 of the reasonable and necessary expenses of the state auditor's office.

1296 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
1297 financial statements showing:

- 1298 (a) the condition of the state's finances;

- 1299 (b) the revenues received or accrued;
- 1300 (c) expenditures paid or accrued;
- 1301 (d) the amount of unexpended or unencumbered balances of the appropriations to the
1302 agencies, departments, divisions, commissions, and institutions; and
- 1303 (e) the cash balances of the funds in the custody of the state treasurer.
- 1304 (3) (a) The state auditor shall:
- 1305 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
1306 any department of state government or any independent agency or public corporation as the law
1307 requires, as the auditor determines is necessary, or upon request of the governor or the
1308 Legislature;
- 1309 (ii) perform the audits in accordance with generally accepted auditing standards and
1310 other auditing procedures as promulgated by recognized authoritative bodies;
- 1311 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 1312 (A) honesty and integrity in fiscal affairs;
- 1313 (B) accuracy and reliability of financial statements;
- 1314 (C) effectiveness and adequacy of financial controls; and
- 1315 (D) compliance with the law.
- 1316 (b) If any state entity receives federal funding, the state auditor shall ensure that the
1317 audit is performed in accordance with federal audit requirements.
- 1318 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
1319 appropriation to the state auditor from the General Fund.
- 1320 (ii) If an appropriation is not provided, or if the federal government does not
1321 specifically provide for payment of audit costs, the costs of the federal compliance portions of
1322 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
1323 bears to the total federal funds received by the state.
- 1324 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
1325 funds passed through the state to local governments and to reflect any reduction in audit time
1326 obtained through the use of internal auditors working under the direction of the state auditor.
- 1327 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
1328 financial audits, and as the auditor determines is necessary, conduct performance and special
1329 purpose audits, examinations, and reviews of any entity that receives public funds, including a

1330 determination of any or all of the following:

1331 (i) the honesty and integrity of all its fiscal affairs;

1332 (ii) whether or not its administrators have faithfully complied with legislative intent;

1333 (iii) whether or not its operations have been conducted in an efficient, effective, and

1334 cost-efficient manner;

1335 (iv) whether or not its programs have been effective in accomplishing the intended

1336 objectives; and

1337 (v) whether or not its management, control, and information systems are adequate,

1338 effective, and secure.

1339 (b) The auditor may not conduct performance and special purpose audits,

1340 examinations, and reviews of any entity that receives public funds if the entity:

1341 (i) has an elected auditor; and

1342 (ii) has, within the entity's last budget year, had its financial statements or performance

1343 formally reviewed by another outside auditor.

1344 (5) The state auditor shall administer any oath or affirmation necessary to the

1345 performance of the duties of the auditor's office, and may subpoena witnesses and documents,

1346 whether electronic or otherwise, and examine into any matter that the auditor considers

1347 necessary.

1348 (6) The state auditor may require all persons who have had the disposition or

1349 management of any property of this state or its political subdivisions to submit statements

1350 regarding it at the time and in the form that the auditor requires.

1351 (7) The state auditor shall:

1352 (a) except where otherwise provided by law, institute suits in Salt Lake County in

1353 relation to the assessment, collection, and payment of its revenues against:

1354 (i) persons who by any means have become entrusted with public money or property

1355 and have failed to pay over or deliver the money or property; and

1356 (ii) all debtors of the state;

1357 (b) collect and pay into the state treasury all fees received by the state auditor;

1358 (c) perform the duties of a member of all boards of which the state auditor is a member

1359 by the constitution or laws of the state, and any other duties that are prescribed by the

1360 constitution and by law;

- 1361 (d) stop the payment of the salary of any state official or state employee who:
- 1362 (i) refuses to settle accounts or provide required statements about the custody and
- 1363 disposition of public funds or other state property;
- 1364 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
- 1365 board or department head with respect to the manner of keeping prescribed accounts or funds;
- 1366 or
- 1367 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
- 1368 official's or employee's attention;
- 1369 (e) establish accounting systems, methods, and forms for public accounts in all taxing
- 1370 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 1371 (f) superintend the contractual auditing of all state accounts;
- 1372 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
- 1373 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that
- 1374 officials and employees in those taxing units comply with state laws and procedures in the
- 1375 budgeting, expenditures, and financial reporting of public funds; and
- 1376 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
- 1377 if necessary, to ensure that officials and employees in the county comply with Section
- 1378 [59-2-303.1](#).
- 1379 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds
- 1380 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal
- 1381 written notice of noncompliance from the auditor and has been given 60 days to make the
- 1382 specified corrections.
- 1383 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
- 1384 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state
- 1385 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the
- 1386 state auditor:
- 1387 (i) shall provide a recommended timeline for corrective actions; and
- 1388 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the
- 1389 state; and
- 1390 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
- 1391 account of a financial institution by filing an action in district court requesting an order of the

1392 court to prohibit a financial institution from providing the fee-assessing unit access to an
1393 account.

1394 (c) The state auditor shall remove a limitation on accessing funds under Subsection
1395 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and
1396 financial reporting of public funds.

1397 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
1398 state law, the state auditor:

1399 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
1400 comply;

1401 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
1402 state; and

1403 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
1404 account of a financial institution by:

1405 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that
1406 the institution prohibit access to the account; or

1407 (B) filing an action in district court requesting an order of the court to prohibit a
1408 financial institution from providing the taxing or fee-assessing unit access to an account.

1409 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state
1410 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection
1411 (8)(d).

1412 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
1413 received formal written notice of noncompliance from the auditor and has been given 60 days
1414 to make the specified corrections.

1415 (10) Notwithstanding Subsection (7)(g), (7)(h), (8)(b), or (8)(d) the state auditor:

1416 (a) shall authorize a disbursement by a state or local taxing or fee-assessing unit if the
1417 disbursement is necessary to:

1418 (i) avoid a major disruption in the operations of the state or local taxing or
1419 fee-assessing unit; or

1420 (ii) meet debt service obligations; and

1421 (b) may authorize a disbursement by a state or local taxing or fee-assessing unit as the
1422 state auditor determines is appropriate.

1423 (11) The state auditor shall:

1424 (a) establish audit guidelines and procedures for audits of local mental health and
1425 substance abuse authorities and their contract providers, conducted pursuant to Title 17,
1426 Chapter 43, Part 2, Local Substance Abuse Authorities, and Title 17, Chapter 43, Part 3, Local
1427 Mental Health Authorities, Title 51, Chapter 2a, Accounting Reports from Political
1428 Subdivisions, Interlocal Organizations, and Other Local Entities Act, and Title 62A, Chapter
1429 15, Substance Abuse and Mental Health Act; and

1430 (b) ensure that those guidelines and procedures provide assurances to the state that:

1431 (i) state and federal funds appropriated to local mental health authorities are used for
1432 mental health purposes;

1433 (ii) a private provider under an annual or otherwise ongoing contract to provide
1434 comprehensive mental health programs or services for a local mental health authority is in
1435 compliance with state and local contract requirements, and state and federal law;

1436 (iii) state and federal funds appropriated to local substance abuse authorities are used
1437 for substance abuse programs and services; and

1438 (iv) a private provider under an annual or otherwise ongoing contract to provide
1439 comprehensive substance abuse programs or services for a local substance abuse authority is in
1440 compliance with state and local contract requirements, and state and federal law.

1441 (12) The state auditor may, in accordance with the auditor's responsibilities for political
1442 subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political
1443 Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or
1444 investigations of any political subdivision that are necessary to determine honesty and integrity
1445 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of
1446 financial controls and compliance with the law.

1447 (13) (a) The state auditor may not audit work that the state auditor performed before
1448 becoming state auditor.

1449 (b) If the state auditor has previously been a responsible official in state government
1450 whose work has not yet been audited, the Legislature shall:

1451 (i) designate how that work shall be audited; and

1452 (ii) provide additional funding for those audits, if necessary.

1453 (14) The state auditor shall:

1454 (a) with the assistance, advice, and recommendations of an advisory committee
1455 appointed by the state auditor from among local district boards of trustees, officers, and
1456 employees and special service district boards, officers, and employees:

1457 (i) prepare a Uniform Accounting Manual for Local Districts that:

1458 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
1459 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -
1460 Local Districts, and special service districts under Title 17D, Chapter 1, Special Service
1461 District Act;

1462 (B) conforms with generally accepted accounting principles; and

1463 (C) prescribes reasonable exceptions and modifications for smaller districts to the
1464 uniform system of accounting, budgeting, and reporting;

1465 (ii) maintain the manual under Subsection (14)(a) so that it continues to reflect
1466 generally accepted accounting principles;

1467 (iii) conduct a continuing review and modification of procedures in order to improve
1468 them;

1469 (iv) prepare and supply each district with suitable budget and reporting forms; and

1470 (v) (A) prepare instructional materials, conduct training programs, and render other
1471 services considered necessary to assist local districts and special service districts in
1472 implementing the uniform accounting, budgeting, and reporting procedures; and

1473 (B) ensure that any training described in Subsection (14)(a)(v)(A) is available in an
1474 online web-based format, unless the training includes a physical component that can only be
1475 completed in person; and

1476 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
1477 and experiences of specific local districts and special service districts selected by the state
1478 auditor and make the information available to all districts.

1479 (15) (a) The following records in the custody or control of the state auditor are
1480 protected records under Title 63G, Chapter 2, Government Records Access and Management
1481 Act:

1482 (i) records that would disclose information relating to allegations of personal
1483 misconduct, gross mismanagement, or illegal activity of a past or present governmental
1484 employee if the information or allegation cannot be corroborated by the state auditor through

1485 other documents or evidence, and the records relating to the allegation are not relied upon by
1486 the state auditor in preparing a final audit report;

1487 (ii) records and audit workpapers to the extent they would disclose the identity of a
1488 person who during the course of an audit, communicated the existence of any waste of public
1489 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation
1490 adopted under the laws of this state, a political subdivision of the state, or any recognized entity
1491 of the United States, if the information was disclosed on the condition that the identity of the
1492 person be protected;

1493 (iii) before an audit is completed and the final audit report is released, records or drafts
1494 circulated to a person who is not an employee or head of a governmental entity for their
1495 response or information;

1496 (iv) records that would disclose an outline or part of any audit survey plans or audit
1497 program; and

1498 (v) requests for audits, if disclosure would risk circumvention of an audit.

1499 (b) The provisions of Subsections (15)(a)(i), (ii), and (iii) do not prohibit the disclosure
1500 of records or information that relate to a violation of the law by a governmental entity or
1501 employee to a government prosecutor or peace officer.

1502 (c) The provisions of this Subsection (15) do not limit the authority otherwise given to
1503 the state auditor to classify a document as public, private, controlled, or protected under Title
1504 63G, Chapter 2, Government Records Access and Management Act.

1505 (d) (i) As used in this Subsection (15)(d), "record dispute" means a dispute between the
1506 state auditor and the subject of an audit performed by the state auditor as to whether the state
1507 auditor may release a record, as defined in Section [63G-2-103](#), to the public that the state
1508 auditor gained access to in the course of the state auditor's audit but which the subject of the
1509 audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records
1510 Access and Management Act.

1511 (ii) The state auditor may submit a record dispute to the State Records Committee,
1512 created in Section [63G-2-501](#), for a determination of whether the state auditor may, in
1513 conjunction with the state auditor's release of an audit report, release to the public the record
1514 that is the subject of the record dispute.

1515 (iii) The state auditor or the subject of the audit may seek judicial review of a State

1516 Records Committee determination under Subsection (15)(d)(ii), as provided in Section
1517 [63G-2-404](#).

1518 (16) If the state auditor conducts an audit of an entity that the state auditor has
1519 previously audited and finds that the entity has not implemented a recommendation made by
1520 the state auditor in a previous audit, the state auditor shall notify the Legislative Management
1521 Committee through its audit subcommittee that the entity has not implemented that
1522 recommendation.

1523 Section 32. Section **67-5-1** is amended to read:

1524 **67-5-1. General duties.**

1525 The attorney general shall:

1526 (1) perform all duties in a manner consistent with the attorney-client relationship under
1527 Section [67-5-17](#);

1528 (2) except as provided in Sections [10-3-928](#) and [17-18a-403](#), attend the Supreme Court
1529 and the Court of Appeals of this state, and all courts of the United States, and prosecute or
1530 defend all causes to which the state or any officer, board, or commission of the state in an
1531 official capacity is a party, and take charge, as attorney, of all civil legal matters in which the
1532 state is interested;

1533 (3) after judgment on any cause referred to in Subsection (2), direct the issuance of
1534 process as necessary to execute the judgment;

1535 (4) account for, and pay over to the proper officer, all money that comes into the
1536 attorney general's possession that belongs to the state;

1537 (5) keep a file of all cases in which the attorney general is required to appear, including
1538 any documents and papers showing the court in which the cases have been instituted and tried,
1539 and whether they are civil or criminal, and:

1540 (a) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to
1541 judgment, a memorandum of the judgment and of any process issued if satisfied, and if not
1542 satisfied, documentation of the return of the sheriff;

1543 (b) if criminal, the nature of the crime, the mode of prosecution, the stage of
1544 proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the
1545 execution, if the sentence has been executed, and, if not executed, the reason for the delay or
1546 prevention; and

- 1547 (c) deliver this information to the attorney general's successor in office;
- 1548 (6) exercise supervisory powers over the district and county attorneys of the state in all
1549 matters pertaining to the duties of their offices, and from time to time require of them reports of
1550 the condition of public business entrusted to their charge;
- 1551 (7) give the attorney general's opinion in writing and without fee to the Legislature or
1552 either house and to any state officer, board, or commission, and to any county attorney or
1553 district attorney, when required, upon any question of law relating to their respective offices;
- 1554 (8) when required by the public service or directed by the governor, assist any county,
1555 district, or city attorney in the discharge of county, district, or city attorney's duties;
- 1556 (9) purchase in the name of the state, under the direction of the state Board of
1557 Examiners, any property offered for sale under execution issued upon judgments in favor of or
1558 for the use of the state, and enter satisfaction in whole or in part of the judgments as the
1559 consideration of the purchases;
- 1560 (10) when the property of a judgment debtor in any judgment mentioned in Subsection
1561 (9) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance
1562 taking precedence of the judgment in favor of the state, redeem the property, under the
1563 direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and
1564 pay all money necessary for the redemption, upon the order of the state Board of Examiners,
1565 out of any money appropriated for these purposes;
- 1566 (11) when in the attorney general's opinion it is necessary for the collection or
1567 enforcement of any judgment, institute and prosecute on behalf of the state any action or
1568 proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment
1569 debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of
1570 Examiners, out of any money not otherwise appropriated;
- 1571 (12) discharge the duties of a member of all official boards of which the attorney
1572 general is or may be made a member by the Utah Constitution or by the laws of the state, and
1573 other duties prescribed by law;
- 1574 (13) institute and prosecute proper proceedings in any court of the state or of the
1575 United States to restrain and enjoin corporations organized under the laws of this or any other
1576 state or territory from acting illegally or in excess of their corporate powers or contrary to
1577 public policy, and in proper cases forfeit their corporate franchises, dissolve the corporations,

1578 and wind up their affairs;

1579 (14) institute investigations for the recovery of all real or personal property that may
1580 have escheated or should escheat to the state, and for that purpose, subpoena any persons
1581 before any of the district courts to answer inquiries and render accounts concerning any
1582 property, examine all books and papers of any corporations, and when any real or personal
1583 property is discovered that should escheat to the state, institute suit in the district court of the
1584 county where the property is situated for its recovery, and escheat that property to the state;

1585 (15) administer the Children's Justice Center as a program to be implemented in
1586 various counties pursuant to Sections [67-5b-101](#) through [67-5b-107](#);

1587 (16) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a,
1588 Constitutional and Federalism Defense Act;

1589 (17) pursue any appropriate legal action to implement the state's public lands policy
1590 established in Section [63C-4a-103](#);

1591 (18) investigate and prosecute violations of all applicable state laws relating to fraud in
1592 connection with the state Medicaid program and any other medical assistance program
1593 administered by the state, including violations of Title 26, Chapter 20, Utah False Claims Act;

1594 (19) investigate and prosecute complaints of abuse, neglect, or exploitation of patients
1595 at:

1596 (a) health care facilities that receive payments under the state Medicaid program; and

1597 (b) board and care facilities, as defined in the federal Social Security Act, 42 U.S.C.
1598 Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and care facility;

1599 (20) (a) report at least twice per year to the Legislative Management Committee on any
1600 pending or anticipated lawsuits, other than eminent domain lawsuits, that might:

1601 (i) cost the state more than \$500,000; or

1602 (ii) require the state to take legally binding action that would cost more than \$500,000
1603 to implement; and

1604 (b) if the meeting is closed, include an estimate of the state's potential financial or other
1605 legal exposure in that report; [~~and~~]

1606 (21) if the attorney general operates the Office of the Attorney General or any portion
1607 of the Office of the Attorney General as an internal service fund agency in accordance with
1608 Section [67-5-4](#), submit to the rate committee established in Section [67-5-34](#):

1609 (a) a proposed rate and fee schedule in accordance with Subsection [67-5-34\(4\)](#); and

1610 (b) any other information or analysis requested by the rate committee[-]; and

1611 (22) ensure that any training required under this chapter is available in an online

1612 web-based format, unless the training includes a physical component that can only be

1613 completed in person.

1614 Section 33. Section **67-5a-1** is amended to read:

1615 **67-5a-1. Utah Prosecution Council -- Duties -- Membership.**

1616 (1) There is created within the Office of the Attorney General the Utah Prosecution

1617 Council, referred to as the council in this chapter.

1618 (2) The council shall:

1619 (a) (i) provide training and continuing legal education for state and local prosecutors;

1620 and

1621 (ii) ensure that any training or continuing legal education described in Subsection

1622 (2)(a)(i) is available in an online web-based format, unless the training or continuing legal

1623 education includes a physical component that can only be completed in person;

1624 (b) provide assistance to local prosecutors; and

1625 (c) as funds are available and as are budgeted for this purpose, provide reimbursement

1626 for unusual expenses related to prosecution for violations of state laws.

1627 (3) The council shall be composed of 10 members, selected as follows:

1628 (a) the attorney general or a designated representative;

1629 (b) the commissioner of public safety or a designated representative;

1630 (c) four currently serving county or district attorneys designated by the county or

1631 district attorneys' section of the Utah Association of Counties; a county or district attorney's

1632 term expires when a successor is designated by the county or district attorneys' section or when

1633 he is no longer serving as a county attorney or district attorney, whichever occurs first;

1634 (d) two city prosecutors designated by the Utah Municipal Attorneys Association; a

1635 city prosecutor's term expires when a successor is designated by the association or when he is

1636 no longer employed as a city prosecutor, whichever occurs first;

1637 (e) the chair of the Board of Directors of the Statewide Association of Public Attorneys

1638 of Utah; and

1639 (f) the chair of the governing board of the Utah Prosecutorial Assistants Association.

1640 Section 34. Section **67-5b-102** is amended to read:

1641 **67-5b-102. Children's Justice Center -- Duties of center.**

1642 (1) (a) There is established a program, known as the Children's Justice Center Program,
1643 that provides a comprehensive, multidisciplinary, intergovernmental response to child abuse
1644 victims in a facility known as a Children's Justice Center.

1645 (b) The attorney general shall administer the program.

1646 (c) The attorney general shall:

1647 (i) allocate the funds appropriated by a line item pursuant to Section [67-5b-103](#);

1648 (ii) administer applications for state and federal grants and subgrants;

1649 (iii) staff the Advisory Board on Children's Justice;

1650 (iv) assist in the development of new centers;

1651 (v) coordinate services between centers;

1652 (vi) contract with counties and other entities for the provision of services;

1653 (vii) (A) provide training, technical assistance, and evaluation to centers; and

1654 (B) ensure that any training described in Subsection (1)(c)(vii)(A) is available in an
1655 online web-based format, unless the training includes a physical component that can only be
1656 completed in person; and

1657 (viii) provide other services to comply with established minimum practice standards as
1658 required to maintain the state's and centers' eligibility for grants and subgrants.

1659 (2) (a) The attorney general shall establish Children's Justice Centers, satellite offices,
1660 or multidisciplinary teams in Beaver County, Box Elder County, Cache County, Carbon
1661 County, Davis County, Duchesne County, Emery County, Grand County, Iron County, Kane
1662 County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit County,
1663 Tooele County, Uintah County, Utah County, Wasatch County, Washington County, and
1664 Weber County.

1665 (b) The attorney general may establish other centers, satellites, or multidisciplinary
1666 teams within a county and in other counties of the state.

1667 (3) The attorney general and each center shall:

1668 (a) coordinate the activities of the public agencies involved in the investigation and
1669 prosecution of child abuse cases and the delivery of services to child abuse victims and child
1670 abuse victims' families;

1671 (b) provide a neutral, child-friendly program, where interviews are conducted and
1672 services are provided to facilitate the effective and appropriate disposition of child abuse cases
1673 in juvenile, civil, and criminal court proceedings;

1674 (c) facilitate a process for interviews of child abuse victims to be conducted in a
1675 professional and neutral manner;

1676 (d) obtain reliable and admissible information that can be used effectively in child
1677 abuse cases in the state;

1678 (e) maintain a multidisciplinary team that includes representatives of public agencies
1679 involved in the investigation and prosecution of child abuse cases and in the delivery of
1680 services to child abuse victims and child abuse victims' families;

1681 (f) hold regularly scheduled case reviews with the multidisciplinary team;

1682 (g) coordinate and track:

1683 (i) investigation of the alleged offense; and

1684 (ii) preparation of prosecution;

1685 (h) maintain a working protocol that addresses the center's procedures for conducting
1686 forensic interviews and case reviews, and for ensuring a child abuse victim's access to medical
1687 and mental health services;

1688 (i) maintain a system to track the status of cases and the provision of services to child
1689 abuse victims and child abuse victims' families;

1690 (j) provide training for professionals involved in the investigation and prosecution of
1691 child abuse cases and in the provision of related treatment and services;

1692 (k) enhance community understanding of child abuse cases; and

1693 (l) provide as many services as possible that are required for the thorough and effective
1694 investigation of child abuse cases.

1695 (4) To assist a center in fulfilling the requirements and statewide purposes as provided
1696 in Subsection (3), each center may obtain access to any relevant juvenile court legal records
1697 and adult court legal records, unless sealed by the court.

1698 Section 35. Section **67-19-6** is amended to read:

1699 **67-19-6. Responsibilities of the executive director.**

1700 (1) The executive director shall:

1701 (a) develop, implement, and administer a statewide program of human resource

1702 management that will:

1703 (i) aid in the efficient execution of public policy;

1704 (ii) foster careers in public service for qualified employees; and

1705 (iii) render assistance to state agencies in performing their missions;

1706 (b) design and administer the state pay plan;

1707 (c) design and administer the state classification system and procedures for determining

1708 schedule assignments;

1709 (d) design and administer the state recruitment and selection system;

1710 (e) administer agency human resource practices and ensure compliance with federal

1711 law, state law, and state human resource rules, including equal employment opportunity;

1712 (f) consult with agencies on decisions concerning employee corrective action and

1713 discipline;

1714 (g) maintain central personnel records;

1715 (h) perform those functions necessary to implement this chapter unless otherwise

1716 assigned or prohibited;

1717 (i) perform duties assigned by the governor or statute;

1718 (j) adopt rules for human resource management according to the procedures of Title

1719 63G, Chapter 3, Utah Administrative Rulemaking Act;

1720 (k) establish and maintain a management information system that will furnish the

1721 governor, the Legislature, and agencies with current information on authorized positions,

1722 payroll, and related matters concerning state human resources;

1723 (l) conduct research and planning activities to:

1724 (i) determine and prepare for future state human resource needs;

1725 (ii) develop methods for improving public human resource management; and

1726 (iii) propose needed policy changes to the governor;

1727 (m) study the character, causes, and extent of discrimination in state employment and

1728 develop plans for its elimination through programs consistent with federal and state laws

1729 governing equal employment opportunity in employment;

1730 (n) when requested by counties, municipalities, and other political subdivisions of the

1731 state, provide technical service and advice on human resource management at a charge

1732 determined by the executive director;

1733 (o) establish compensation policies and procedures for early voluntary retirement;

1734 (p) confer with the heads of other agencies about human resource policies and

1735 procedures;

1736 (q) submit an annual report to the governor and the Legislature; and

1737 (r) assist with the development of a vacant position report required under Subsection

1738 [63J-1-201\(2\)\(b\)\(vi\)](#).

1739 (2) (a) After consultation with the governor and the heads of other agencies, the

1740 executive director shall establish and coordinate statewide training programs, including and

1741 subject to available funding, the development of manager and supervisor training.

1742 (b) The programs developed under this Subsection (2) shall have application to more

1743 than one agency.

1744 (c) The department may not establish training programs that train employees to

1745 perform highly specialized or technical jobs and tasks.

1746 (d) The department shall ensure that any training program described in this Subsection

1747 (2) complies with Title 63G, Chapter 21, State Training and Certification Requirements.

1748 (3) (a) (i) The department may collect fees for training as authorized by this Subsection

1749 (3).

1750 (ii) Training funded from General Fund appropriations shall be treated as a separate

1751 program within the department budget.

1752 (iii) All money received from fees under this section will be accounted for by the

1753 department as a separate user driven training program.

1754 (iv) The user training program includes the costs of developing, procuring, and

1755 presenting training and development programs, and other associated costs for these programs.

1756 (b) (i) Funds remaining at the end of the fiscal year in the user training program are

1757 nonlapsing.

1758 (ii) Each year, as part of the appropriations process, the Legislature shall review the

1759 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require

1760 the department to lapse a portion of the funds.

1761 Section 36. Section **67-19e-110** is amended to read:

1762 **67-19e-110. Required training.**

1763 (1) Each year that an administrative law judge receives a performance evaluation

1764 conducted by the department under this chapter, the administrative law judge shall complete
1765 the procedural fairness training program described in this section.

1766 (2) The department shall establish a procedural fairness training program that includes
1767 training on how an administrative law judge's actions and behavior influence others'
1768 perceptions of the fairness of the adjudicative process.

1769 (3) The procedural fairness training program shall include discussion of the following
1770 elements of procedural fairness:

1771 (a) neutrality, including:

1772 (i) consistent and equal treatment of the individuals who appear before the
1773 administrative law judge;

1774 (ii) concern for the individual needs of the individuals who appear before the
1775 administrative law judge; and

1776 (iii) unhurried and careful deliberation;

1777 (b) respectful treatment of others; and

1778 (c) providing individuals a voice and opportunity to be heard.

1779 (4) The department may contract with a public or private person to develop or provide
1780 the procedural fairness training program.

1781 (5) The department shall ensure that the procedural fairness training program is
1782 available in an online web-based format, unless the procedural fairness training program
1783 includes a physical component that can only be completed in person.

1784 Section 37. Section 71-8-2 is amended to read:

1785 **71-8-2. Department of Veterans' and Military Affairs created -- Appointment of**
1786 **executive director -- Department responsibilities.**

1787 (1) There is created the Department of Veterans' and Military Affairs.

1788 (2) The governor shall appoint an executive director for the department, after
1789 consultation with the Veterans' Advisory Council, who is subject to Senate confirmation.

1790 (a) The executive director shall be an individual who:

1791 (i) has served on active duty in the armed forces for more than 180 consecutive days;

1792 (ii) was a member of a reserve component who served in a campaign or expedition for
1793 which a campaign medal has been authorized; or

1794 (iii) incurred an actual service-related injury or disability in the line of duty, whether or

1795 not that person completed 180 consecutive days of active duty; and
1796 (iv) was separated or retired under honorable conditions.
1797 (b) Any veteran or veteran's group may submit names to the council for consideration.
1798 (3) The department shall:
1799 (a) conduct and supervise all veteran activities as provided in this title;
1800 (b) determine which campaign or combat theater awards are eligible for a special group
1801 license plate in accordance with Section [41-1a-418](#);
1802 (c) verify that an applicant for a campaign or combat theater award special group
1803 license plate is qualified to receive it;
1804 (d) provide an applicant that qualifies a form indicating the campaign or combat theater
1805 award special group license plate for which the applicant qualifies; ~~and~~
1806 (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
1807 Rulemaking Act, to carry out the provisions of this title~~[-];~~ and
1808 (f) ensure that any training or certification complies with Title 63G, Chapter 21, State
1809 Training and Certification Requirements, if the training or certification is required:
1810 (i) under this title;
1811 (ii) by the department; or
1812 (iii) by an agency or division within the department.
1813 (4) Nothing in this chapter shall be construed as altering or preempting the provisions
1814 of Title 39, Militia and Armories, as specifically related to the Utah National Guard.
1815 Section 38. Section **72-1-201** is amended to read:
1816 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
1817 **rights, and responsibilities.**
1818 (1) There is created the Department of Transportation which shall:
1819 (a) have the general responsibility for planning, research, design, construction,
1820 maintenance, security, and safety of state transportation systems;
1821 (b) provide administration for state transportation systems and programs;
1822 (c) implement the transportation policies of the state;
1823 (d) plan, develop, construct, and maintain state transportation systems that are safe,
1824 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
1825 industry;

1826 (e) establish standards and procedures regarding the technical details of administration
1827 of the state transportation systems as established by statute and administrative rule;

1828 (f) advise the governor and the Legislature about state transportation systems needs;

1829 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
1830 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
1831 rights-of-way;

1832 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1833 make policy and rules for the administration of the department, state transportation systems,
1834 and programs; ~~and~~

1835 (i) annually report to the Transportation Interim Committee, by November 30 of each
1836 year, as to the:

1837 (i) operation, maintenance, condition, and safety needs for highways; and

1838 (ii) condition, safety, and mobility of the state transportation system jointly with the
1839 Transportation Commission~~[-]; and~~

1840 (j) ensure that any training or certification complies with Title 63G, Chapter 21, State
1841 Training and Certification Requirements, if the training or certification is required:

1842 (i) under this title;

1843 (ii) by the department; or

1844 (iii) by an agency or division within the department.

1845 (2) (a) The department shall exercise reasonable care in designing, constructing, and
1846 maintaining a state highway in a reasonably safe condition for travel.

1847 (b) Nothing in this section shall be construed as:

1848 (i) creating a private right of action; or

1849 (ii) expanding or changing the department's common law duty as described in
1850 Subsection (2)(a) for liability purposes.

1851 Section 39. Section **76-9-907** is amended to read:

1852 **76-9-907. Training for participating law enforcement officers.**

1853 The sheriff or chief of police implementing this part shall ensure that:

1854 (1) all officers charged with enforcing this part successfully complete appropriate
1855 training on identification of gang members and criminal street gangs[-]; and

1856 (2) any training described in this section is available in an online web-based format,

1857 unless the training includes a physical component that can only be completed in person.

1858 Section 40. Section **78A-2-107** is amended to read:

1859 **78A-2-107. Court administrator -- Powers, duties, and responsibilities.**

1860 Under the general supervision of the presiding officer of the Judicial Council, and
1861 within the policies established by the council, the administrator shall:

1862 (1) organize and administer all of the nonjudicial activities of the courts;

1863 (2) assign, supervise, and direct the work of the nonjudicial officers of the courts;

1864 (3) implement the standards, policies, and rules established by the council;

1865 (4) formulate and administer a system of personnel administration, including in-service
1866 training programs;

1867 (5) prepare and administer the state judicial budget, fiscal, accounting, and
1868 procurement activities for the operation of the courts of record, and assist justices' courts in
1869 their budgetary, fiscal, and accounting procedures;

1870 (6) conduct studies of the business of the courts, including the preparation of
1871 recommendations and reports relating to them;

1872 (7) develop uniform procedures for the management of court business, including the
1873 management of court calendars;

1874 (8) maintain liaison with the governmental and other public and private groups having
1875 an interest in the administration of the courts;

1876 (9) establish uniform policy concerning vacations and sick leave for judges and
1877 nonjudicial officers of the courts;

1878 (10) establish uniform hours for court sessions throughout the state and may, with the
1879 consent of the presiding officer of the Judicial Council, call and appoint justices or judges of
1880 courts of record to serve temporarily as Court of Appeals, district court, or juvenile court
1881 judges and set reasonable compensation for their services;

1882 (11) when necessary for administrative reasons, change the county for trial of any case
1883 if no party to the litigation files timely objections to this change;

1884 (12) (a) organize and administer a program of continuing education for judges and
1885 support staff, including training for justice court judges; and

1886 (b) ensure that any training or continuing education described in Subsection (12)(a) is
1887 available in an online web-based format, unless the training or continuing education includes a

1888 physical component that can only be completed in person;

1889 (13) provide for an annual meeting for each level of the courts of record, and the
1890 annual judicial conference; and

1891 (14) perform other duties as assigned by the presiding officer of the council.

1892 Section 41. Section **78B-6-204** is amended to read:

1893 **78B-6-204. Dispute Resolution Programs -- Director -- Duties -- Report.**

1894 (1) Within the Administrative Office of the Courts, there shall be a director of Dispute
1895 Resolution Programs, appointed by the state court administrator.

1896 (2) The director shall be an employee of the Administrative Office of the Courts and
1897 shall be responsible for the administration of all court-annexed Dispute Resolution Programs.
1898 The director shall have duties, powers, and responsibilities as the Judicial Council may
1899 determine. The qualifications for employment of the director shall be based on training and
1900 experience in the management, principles, and purposes of alternative dispute resolution
1901 procedures.

1902 (3) In order to implement the purposes of this part, the Administrative Office of the
1903 Courts may employ or contract with ADR providers or ADR organizations on a case-by-case
1904 basis, on a service basis, or on a program basis. [~~ADR providers and organizations shall be~~
1905 ~~subject to the rules and fees set by the Judicial Council.~~]

1906 (4) The Administrative Office of the Courts shall:

1907 (a) establish programs for training ADR providers and orienting attorneys and their
1908 clients to ADR programs and procedures[-]; and

1909 (b) ensure that any training described in Subsection (4)(a) is available in an online
1910 web-based format, unless the training includes a physical component that can only be
1911 completed in person.

1912 (5) ADR providers and organizations are subject to the rules and fees set by the
1913 Judicial Council.

1914 [~~(4)~~] (6) An ADR provider is immune from all liability when conducting proceedings
1915 under the rules of the Judicial Council and the provisions of this part, except for wrongful
1916 disclosure of confidential information, to the same extent as a judge of the courts in this state.

1917 [~~(5)~~] (7) (a) The director shall report annually to the Supreme Court, the Judicial
1918 Council, the governor, and the Utah State Bar on the operation of the Dispute Resolution

1919 Programs.

1920 (b) The director shall provide the report to the Judiciary Interim Committee, if
1921 requested by the committee.

1922 (c) Copies of the report shall be available to the public at the Administrative Office of
1923 the Courts.

1924 (d) The report shall include:

1925 (i) identification of participating judicial districts and the methods of alternative
1926 dispute resolution that are available in those districts;

1927 (ii) the number and types of disputes received;

1928 (iii) the methods of alternative dispute resolution to which the disputes were referred;

1929 (iv) the course of the referral;

1930 (v) the status of cases referred to alternative dispute resolution or the disposition of
1931 these disputes; and

1932 (vi) any problems encountered in the administration of the program and the
1933 recommendations of the director as to the continuation or modification of any program.

1934 (e) Nothing may be included in a report which would impair the privacy or
1935 confidentiality of any specific ADR proceeding.

1936 Section 42. Section **79-2-202** is amended to read:

1937 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**
1938 **Responsibilities.**

1939 (1) (a) The chief administrative officer of the department is an executive director
1940 appointed by the governor with the consent of the Senate.

1941 (b) The executive director may be removed at the will of the governor.

1942 (c) The executive director shall receive a salary established by the governor within the
1943 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1944 (2) The executive director shall:

1945 (a) administer and supervise the department and provide for coordination and
1946 cooperation among the boards, divisions, councils, and committees of the department;

1947 (b) approve the budget of each board and division;

1948 (c) participate in regulatory proceedings as appropriate for the functions and duties of
1949 the department;

1950 (d) report at the end of each fiscal year to the governor on department, board, and
1951 division activities; [~~and~~]

1952 (e) ensure that any training or certification complies with Title 63G, Chapter 21, State
1953 Training and Certification Requirements, if the training or certification is required:

1954 (i) under this title;

1955 (ii) by the department; or

1956 (iii) by an agency or division within the department; and

1957 [~~e~~] (f) perform other duties as provided by statute.

1958 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
1959 Funds Procedures Act, the executive director, may accept an executive or legislative provision
1960 that is enacted by the federal government, whereby the state may participate in the distribution,
1961 disbursement, or administration of a fund or service from the federal government for purposes
1962 consistent with the powers and duties of the department.

1963 (4) (a) The executive director, in cooperation with the governmental entities having
1964 policymaking authority regarding natural resources, may engage in studies and comprehensive
1965 planning for the development and conservation of the state's natural resources.

1966 (b) The executive director shall submit any plan to the governor for review and
1967 approval.

Legislative Review Note
Office of Legislative Research and General Counsel