

1 **UTAH COMMISSION ON SERVICE AND VOLUNTEERISM**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill modifies the Commission on National and Community Service Act by
8 changing the name, membership, officers, and duties of the Utah Commission on
9 Volunteers.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ changes the name of the Utah Commission on Volunteers to the Utah Commission
- 13 on Service and Volunteerism;
- 14 ▶ modifies the membership and size of the commission;
- 15 ▶ describes the duties of the commission and its officers; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **9-1-802**, as last amended by Laws of Utah 1996, Chapter 242

24 **9-1-803**, as last amended by Laws of Utah 2010, Chapter 286

25 **9-1-805**, as enacted by Laws of Utah 1994, Chapter 119

26 **9-1-806**, as enacted by Laws of Utah 1994, Chapter 119

27 **9-1-808**, as enacted by Laws of Utah 1994, Chapter 119

28 **9-1-809**, as last amended by Laws of Utah 2009, Chapter 59

29 **9-1-810**, as last amended by Laws of Utah 2012, Chapter 212

30 **REPEALS AND REENACTS:**

31 **9-1-811**, as enacted by Laws of Utah 1994, Chapter 119

32 **REPEALS:**

33 **9-1-807**, as enacted by Laws of Utah 1994, Chapter 119

34

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

36 Section 1. Section **9-1-802** is amended to read:

37 **9-1-802. Definitions.**

38 (1) "Act" means the National Community and Service Trust Act of 1993, 42 U.S.C.
39 12501 et seq.

40 (2) "Commission" means the Utah Commission on [~~Volunteers~~] Service and
41 Volunteerism created in Section 9-1-803.

42 (3) "Corporation" means the Corporation for National and Community Service
43 described in the act.

44 Section 2. Section **9-1-803** is amended to read:

45 **9-1-803. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem**
46 **and expenses.**

47 (1) There is created the Utah Commission on [~~Volunteers~~] Service and Volunteerism
48 consisting of [~~the following 25~~] 17 voting members[:] and one nonvoting member.

49 (2) The 17 voting members of the commission are:

50 (a) the lieutenant governor;

51 [~~(b) the commissioner of higher education or the commissioner's designee;~~]

52 [~~(c)~~] (b) the state superintendent of public instruction or the superintendent's designee;

53 (c) the executive director of the Department of Heritage and Arts or the executive
54 director's designee;

55 (d) nine members appointed by the governor as follows:

56 (i) an individual with expertise in the educational, training, and developmental needs of
57 youth, particularly disadvantaged youth;

58 (ii) an individual with experience in promoting the involvement of older adults in
59 [~~service and volunteerism~~] volunteer service;

60 (iii) a representative of a community-based [~~agencies or community-based~~
61 ~~organizations~~] agency or organization within the state;

62 (iv) a representative of [~~local governments in the state~~] local government;

63 (v) a representative of a local labor [~~organizations~~] organization in the state;

- 64 (vi) a representative of business;
- 65 (vii) an individual between the ages of 16 and 25 who ~~[is a participant or supervisor]~~
66 participates in a volunteer or service program;
- 67 (viii) a representative of a national service program; and
- 68 (ix) a representative of the ~~[corporation as a nonvoting, ex officio member]~~ volunteer
69 sector; and
- 70 (e) ~~[13]~~ five members appointed by the governor from among the following groups:
- 71 (i) local educators;
- 72 (ii) experts in the delivery of human, educational, cultural, environmental, or public
73 safety services to communities and individuals;
- 74 (iii) representatives of Native American tribes;
- 75 (iv) representatives of organizations that assist out-of-school youth or other at-risk
76 youth; ~~[and]~~ or
- 77 (v) representatives of entities that receive assistance under the Domestic Volunteer
78 Service Act of 1973, 42 U.S.C. 4950 et seq.
- 79 (3) The nonvoting member of the commission is the state representative of the
80 corporation.
- 81 ~~[(2)]~~ (4) (a) In appointing persons to serve on the commission, the governor shall
82 ensure that:
- 83 (i) no more than ~~[13]~~ nine voting members of the commission are members of the same
84 political party; and
- 85 (ii) no more than ~~[six]~~ four voting members of the commission are state government
86 employees.
- 87 (b) In appointing persons to serve on the commission, the governor shall strive for
88 balance on the commission according to race, ethnicity, age, gender, and disability
89 characteristics.
- 90 ~~[(3)]~~ (5) (a) Except as required by Subsection ~~[(3)]~~ (5)(b), as terms of current
91 commission members expire, the governor shall appoint each new member or reappointed
92 member to a three-year term.
- 93 (b) Notwithstanding the requirements of Subsection ~~[(3)]~~ (5)(a), the governor shall, at
94 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of

95 commission members are staggered so that approximately one-third of the commission is
96 appointed every year.

97 ~~[(4)]~~ (6) When a vacancy occurs in the membership ~~[for any reason]~~, the replacement
98 shall be appointed for the unexpired term.

99 ~~[(5)]~~ (7) A member appointed by the governor may not serve more than two
100 consecutive terms.

101 ~~[(6)]~~ (8) A member may not receive compensation or benefits for the member's service,
102 but may receive per diem and travel expenses in accordance with:

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

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

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

107 ~~[(7)(a) The lieutenant governor is the chair of the commission.]~~

108 ~~[(b) The commission shall select a vice chair from among its members.]~~

109 Section 3. Section **9-1-805** is amended to read:

110 **9-1-805. Election of officers.**

111 ~~[The officers of the commission shall be chair, vice chair, secretary, and treasurer. All~~
112 ~~officers shall be elected by the voting commission members from among the members of the~~
113 ~~commission and]~~ (1) The voting members of the commission shall elect a chair and a
114 vice-chair from among the voting members of the commission.

115 (2) The chair and vice-chair shall serve for a term of one year. [Vacancies in any office
116 ~~shall be filled with an election by the voting members of the commission for the remainder of~~
117 ~~the unexpired term.]~~

118 Section 4. Section **9-1-806** is amended to read:

119 **9-1-806. Officers' duties.**

120 (1) The chair shall:

121 (a) preside at ~~[all]~~ meetings of the commission; and

122 ~~[(b) appoint all subcommittee chairs;]~~

123 ~~[(c) assist all chairs in the planning of subcommittee activities;]~~

124 ~~[(d) supervise all chairs as to the management of subcommittee plans;]~~

125 ~~[(e)]~~ (b) authorize and execute the ~~[wishes]~~ actions of the commission~~[, and]~~.

126 ~~[(f) serve as an ex officio member of all subcommittees.]~~

127 (2) The vice-chair shall:

128 (a) assist the chair~~[, and, in the absence of the chair, perform those duties];~~

129 (b) if the chair is absent, perform the duties of the chair;

130 ~~[(b)]~~ (c) accept special assignments from the chair; and

131 ~~[(c)]~~ (d) perform other duties as delegated by the commission.

132 ~~[(3) The secretary shall:]~~

133 ~~[(a) keep an updated list of names, addresses, and telephone numbers of all~~
134 ~~commission and subcommittee members; and]~~

135 ~~[(b) keep a record of attendance at meetings.]~~

136 ~~[(4) The treasurer shall:]~~

137 ~~[(a) oversee the preparation of all funding applications; and]~~

138 ~~[(b) report on finances to the commission at each meeting.]~~

139 Section 5. Section **9-1-808** is amended to read:

140 **9-1-808. Meetings -- Quorum.**

141 (1) The commission shall meet at least quarterly. ~~[Any]~~

142 (2) A voting member of the commission ~~[member]~~ who fails to attend at least 75% of
143 called meetings in ~~[any]~~ a calendar year ~~[shall be]~~ is automatically removed from the
144 commission.

145 ~~[(2)]~~ (3) A commission quorum is a simple majority of the voting members.

146 Section 6. Section **9-1-809** is amended to read:

147 **9-1-809. Commission duties.**

148 (1) The commission shall~~[, in the performance of its tasks and functions]:~~

149 ~~[(a) ensure that its funding decisions meet all federal and state statutory requirements;]~~

150 ~~[(b) recommend innovative, creative, statewide service programs to increase volunteer~~
151 ~~participation in all age groups and community-based problem-solving among diverse~~
152 ~~participants;]~~

153 ~~[(c) develop and implement a centralized, organized system of obtaining information~~
154 ~~and technical support concerning volunteerism and community service recruitment, projects,~~
155 ~~training methods, materials, and activities throughout the state and share the information and~~
156 ~~support upon request;]~~

- 157 ~~[(d) promote strong interagency collaboration as an avenue for maximizing resources~~
158 ~~and providing that model on the state level;]~~
- 159 ~~[(e) provide public recognition and support of individual volunteer efforts and~~
160 ~~successful or promising private sector initiatives and public/private partnerships that address~~
161 ~~community needs;]~~
- 162 (a) assist in the selection, development, and oversight of programs funded and
163 established by the act;
- 164 (b) pursue opportunities for sustainable and high-impact community service;
- 165 (c) develop and annually update a three-year community service plan for the state,
166 including the establishment of state priorities; and
- 167 ~~[(f)] (d) stimulate increased community awareness of the impact of volunteer [services]~~
168 ~~service in the state[;].~~
- 169 ~~[(g) utilize local, state, and, subject to Title 63J, Chapter 5, Federal Funds Procedures~~
170 ~~Act, federal resources to reinforce, expand, and initiate quality service programs;]~~
- 171 ~~[(h) assist in the planning and implementation of volunteer programs;]~~
- 172 ~~[(i) serve as the state's liaison and voice to appropriate national and state organizations~~
173 ~~that support its mission;]~~
- 174 ~~[(j) develop a three-year comprehensive state and community service plan and establish~~
175 ~~state priorities;]~~
- 176 ~~[(k) preselect programs and prepare applications to the corporation pursuant to the act;]~~
- 177 ~~[(l) administer the grants program and oversee and monitor the performance and~~
178 ~~progress of funded programs;]~~
- 179 ~~[(m) implement comprehensive, nonduplicative evaluation and monitoring systems;]~~
- 180 ~~[(n) provide technical assistance to local nonprofit organizations and other entities;]~~
- 181 ~~[(o) assist in the development of programs established in the act;]~~
- 182 ~~[(p) develop mechanisms for recruitment and placement of people interested in~~
183 ~~participating in national service programs;]~~
- 184 ~~[(q) assist in the provision of health care and child care benefits to participants under~~
185 ~~the act;]~~
- 186 ~~[(r) make priority program recommendations to the corporation;]~~
- 187 ~~[(s) coordinate its activities with the activities of other state agencies that administer~~

188 ~~federal block grants; and]~~

189 ~~[(t) coordinate its activities with the activities of other volunteer service programs.]~~

190 ~~[(2) The commission may not directly operate or run a national service program~~
191 ~~receiving financial assistance, in any form, from the corporation.]~~

192 ~~[(3)]~~ (2) (a) The commission may, subject to Title 63J, Chapter 5, Federal Funds
193 Procedures Act, receive and accept federal funds, and may receive and accept private gifts,
194 donations, or funds from any source.

195 (b) ~~[All money]~~ Money received under this Subsection (2) shall be deposited with the
196 state and shall be ~~[continuously]~~ available to the commission to carry out the purposes of this
197 part.

198 Section 7. Section **9-1-810** is amended to read:

199 **9-1-810. Reporting and administration.**

200 ~~[(1) The Department of Heritage and Arts shall provide necessary administrative and~~
201 ~~staff support services to the commission.]~~

202 ~~[(2)]~~ (1) The commission shall report to the office of the lieutenant governor.

203 (2) The Department of Heritage and Arts shall provide administrative and staff support
204 services to the commission.

205 Section 8. Section **9-1-811** is repealed and reenacted to read:

206 **9-1-811. Rulemaking.**

207 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
208 Department of Heritage and Arts may make rules to:

209 (1) implement this part; and

210 (2) ensure the commission complies with the act and related federal requirements.

211 Section 9. **Repealer.**

212 This bill repeals:

213 Section **9-1-807, Subcommittees.**