1	BOARDS AND COMMISSIONS AMENDMENTS
2	2013 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Peter C. Knudson
5	House Sponsor: Kraig Powell
6 7	LONG TITLE
8	Committee Note:
9	The Government Operations Interim Committee recommended this bill.
10	General Description:
11	This bill repeals certain boards and commissions \$→ and repeals the Utah Commission on
11a	<u>Immigration and Migration Act</u> $\leftarrow \hat{S}$ .
12	Highlighted Provisions:
13	This bill:
14	repeals the:
15	<ul> <li>Municipal Government Fiscal Committee;</li> </ul>
16	<ul> <li>Citizens and County Officials Advisory Committee;</li> </ul>
17	<ul> <li>Antidiscrimination and Labor Advisory Council;</li> </ul>
18	<ul> <li>Occupational Safety and Health Advisory Council;</li> </ul>
19	Ĥ→ [——• advisory committee to the Motorcycle Rider Education Program;] ←Ĥ
20	<ul> <li>Utah Pioneer Communities Advisory Board;</li> </ul>
21	<ul> <li>Forestry, Fire, and State Lands Advisory Council;</li> </ul>
22	<ul> <li>Controlled Substance Precursor Advisory Board;</li> </ul>
23	Ĥ→ [——• Environmental Health Scientist Board;] ←Ĥ
24	<ul> <li>Families, Agencies, and Communities Together (FACT) Steering Committee;</li> </ul>
25	• Families, Agencies, and Communities Together (FACT) State Council; <b>\$→</b> and <b>←\$</b>
25a	\$→ • Utah Commission on Immigration and Migration Act; ←\$
26	• Job Enhancement Committee Ŝ→ [; and] .
27	• Radiologic Technologist Licensing Board;] ←Ŝ



S.B. 28 12-12-12 11:05 AM

28	<ul> <li>requires the state auditor to establish and conduct a continuing review of suggested</li> </ul>
29	measurements and procedures for program performance budgeting and reporting;
30	and
31	<ul> <li>makes technical and conforming amendments.</li> </ul>
32	Money Appropriated in this Bill:
33	None
34	Other Special Clauses:
35	This bill provides effective dates.
36	<b>Utah Code Sections Affected:</b>
37	AMENDS:
38	10-6-154, as last amended by Laws of Utah 2003, Chapter 292
39	17-36-4, as last amended by Laws of Utah 1996, Chapter 212
40	<b>34A-1-202</b> , as last amended by Laws of Utah 2009, Chapter 174
41	<b>34A-6-103</b> , as last amended by Laws of Utah 2011, Chapter 413
42	<b>34A-6-202</b> , as last amended by Laws of Utah 2011, Chapter 297
43	<b>35A-3-207</b> , as last amended by Laws of Utah 2008, Chapter 382
44	<b>53A-1a-601</b> , as last amended by Laws of Utah 2011, Chapter 342
45	Ĥ→ [-58-20a-102, as last amended by Laws of Utah 1997, Chapter 10
46	58-20a-302, as last amended by Laws of Utah 2009, Chapter 183] ←Ĥ
47	58-37c-3, as last amended by Laws of Utah 2008, Chapter 382
48	58-37c-8, as last amended by Laws of Utah 2010, Chapter 240
49	58-37c-11, as last amended by Laws of Utah 1999, Chapter 21
50	58-37c-19, as last amended by Laws of Utah 2000, Chapter 1
51	<b>58-37c-19.5</b> , as last amended by Laws of Utah 2004, Chapter 280
52	<b>58-37c-19.7</b> , as enacted by Laws of Utah 2000, Chapter 272
53	<b>58-37c-19.9</b> , as enacted by Laws of Utah 2000, Chapter 272
54	58-37c-20, as last amended by Laws of Utah 2007, Chapter 358
55	58-37d-3, as last amended by Laws of Utah 2003, Chapter 115
56	\$→ [ 58-54-102, as renumbered and amended by Laws of Utah 2011, Chapter 61
57	58-54-302, as last amended by Laws of Utah 2012, Chapter 369] ←Ŝ
58	62A-5a-104, as last amended by Laws of Utah 2008, Chapter 382

- 2 -

12-12-12 11:05 AM S.B. 28

59	63I-1-263 (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapters 126,
60	206, 347, 369, and 395
61	63J-1-201, as last amended by Laws of Utah 2012, Chapters 242 and 341
62	65A-1-1, as last amended by Laws of Utah 2012, Chapter 361
63	65A-1-4, as last amended by Laws of Utah 2009, Chapter 344
64	65A-1-9, as repealed and reenacted by Laws of Utah 1994, Chapter 294
65	79-2-201, as renumbered and amended by Laws of Utah 2009, Chapter 344
66	REPEALS:
67	10-6-153, as last amended by Laws of Utah 2010, Chapter 286
68	17-36-5, as last amended by Laws of Utah 2010, Chapters 286 and 324
69	34A-5-105, as last amended by Laws of Utah 2010, Chapter 286
70	34A-6-106, as last amended by Laws of Utah 2010, Chapter 286
71	Ĥ→ [-53-3-908, as last amended by Laws of Utah 2010, Chapters 286 and 324] ←Ĥ
72	53A-1a-602, as last amended by Laws of Utah 2010, Chapter 286
73	Ĥ⇒ [ <del>-58-20a-201, as enacted by Laws of Utah 1995, Chapter 95</del> ] ←Ĥ
74	58-37c-4, as last amended by Laws of Utah 1993, Chapter 297
75	\$→ [—58-54-201, as renumbered and amended by Laws of Utah 2011, Chapter 61] ←\$
75a	$\hat{S} \rightarrow \underline{63G-13-101}$ , as enacted by Laws of Utah 2011, Chapter 19
75b	63G-13-102, as enacted by Laws of Utah 2011, Chapter 19
75c	63G-13-201, as last amended by Laws of Utah 2012, Chapter 212
75d	63G-13-202, as enacted by Laws of Utah 2011, Chapter 19
75e	63G-13-203, as enacted by Laws of Utah 2011, Chapter 19
75f	63G-13-301, as enacted by Laws of Utah 2011, Chapter 19
75g	63G-13-302, as enacted by Laws of Utah 2011, Chapter 19
75h	63G-13-303, as enacted by Laws of Utah 2011, Chapter 19
75i	63G-13-304, as enacted by Laws of Utah 2011, Chapter 19 ←\$
76	63M-1-1501, as renumbered and amended by Laws of Utah 2008, Chapter 382
77	63M-1-1502, as last amended by Laws of Utah 2010, Chapter 218
78	63M-1-1503, as last amended by Laws of Utah 2012, Chapter 212
79	63M-1-1504, as renumbered and amended by Laws of Utah 2008, Chapter 382
80	63M-1-1505, as renumbered and amended by Laws of Utah 2008, Chapter 382
81	63M-9-101, as renumbered and amended by Laws of Utah 2008, Chapter 382

462 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails 463 to complete the authorized classes or program or to teach in the state system of public 464 education in the areas identified in Subsection (2) for four years after obtaining the master's 465 degree, the endorsement, or graduate education. 466 (4) An individual teaching in the public schools under a letter of authorization may 467 participate in the cash award program if: 468 (a) the individual has taught under the letter of authorization for at least one year in the 469 areas referred to in Subsection (2); and 470 (b) the application made under Subsection (3)(a) is based in large part upon the 471 individual receiving a superior evaluation as a classroom teacher. 472 (5) (a) The program may provide for the expenditure of up to \$1,000,000 of available 473 money, if at least an equal amount of matching money becomes available, to provide 474 professional development training to superintendents, administrators, and principals in the 475 effective use of technology in public schools. 476 (b) An award granted under this Subsection (5) shall be made in accordance with 477 criteria developed and adopted by the [Job Enhancement Committee created in Section 478 53A-1a-602] State Board of Education and in accordance with Title 63G, Chapter 3, Utah 479 Administrative Rulemaking Act. 480 (c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may 481 be expended, regardless of the matching money being available. 482 Ĥ→ [Section 8. Section 58-20a-102 is amended to read: 483 58-20a-102. **Definitions.** 484 In addition to the definitions in Section 58-1-102, as used in this chapter: 485 [(1) "Board" means the Environmental Health Scientist Board created in Section 486 <del>58-20a-201.]</del> 487 [(2)] (1) "General supervision" means the supervising environmental health scientist is available for immediate voice communication with the person he or she is supervising. 488 489 [(3)] (2) "Practice of environmental health science" means: (a) the enforcement of, the issuance of permits required by, or the inspection for the 490

purpose of enforcing state and local public health laws in the following areas:

(i) air quality; ←Ĥ

491 492

493	Ĥ <b>→</b>	(ii) food quality;
494		(iii) solid, hazardous, and toxic substances disposal;
495		(iv) consumer product safety;
496		(v) housing;
497		(vi) noise control;
498		(vii) radiation protection;
499		(viii) water quality;
500		(ix) vector control;
501		(x) drinking water quality;
502		(xi) milk sanitation;
503		(xii) rabies control;
504		(xiii) public health nuisances;
505		(xiv) indoor clean air regulations;
506		(xv) institutional and residential sanitation; or
507		(xvi) recreational facilities sanitation; or
508		(b) representing oneself in any manner as, or using the titles "environmental health
509	scient	ist," "environmental health scientist-in-training," or "registered sanitarian."
510		[(4)] (3) "Unlawful conduct" is as defined in Section 58-1-501.
511		[(5)] (4) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-20a-501
512	and a	s may be further defined by division rule.
513		Section 9. Section 58-20a-302 is amended to read:
514		58-20a-302. Qualifications for licensure.
515		(1) Except as provided in Subsection (2), an applicant for licensure as an
516	enviro	onmental health scientist shall:
517		(a) submit an application in a form prescribed by the division;
518		(b) pay a fee determined by the department under Section 63J-1-504;
519		(c) be of good moral character;
520		(d) hold a bachelor's degree from an accredited program in a university or college,
521	which	degree includes completion of specific coursework as defined by rule;
522		(e) pass an examination as determined by division rule [in collaboration with the
523	<del>board</del>	<del>]; and</del> ←Ĥ

324	1) pass the Ctan Law and Kules Examination for Environmental Health Scientists
525	administered by the division.
<b>526</b>	(2) An applicant for licensure who is currently actively engaged in the practice of
527	environmental health science in Utah on July 1, 1995, and has been practicing in Utah for at
528	least three consecutive months immediately prior to July 1, 1995, shall:
529	(a) submit an application in a form prescribed by the division;
530	(b) pay a fee determined by the department under Section 63J-1-504;
531	(c) be of good moral character;
532	(d) hold a bachelor's degree from an accredited program in a university or college,
533	which degree includes completion of specific coursework as defined by rule;
534	(e) pass the Utah Law and Rules Examination for Environmental Health Scientists
535	administered by the division; and
536	(f) submit an affidavit from the applicant's immediate supervisor in the applicant's
537	employment, attesting to the applicant's competence to practice environmental health science.
538	(3) An applicant for licensure as an environmental health scientist-in-training shall:
539	(a) submit an application in a form prescribed by the division;
540	(b) pay a fee determined by the department under Section 63J-1-504;
541	(c) be of good moral character;
542	(d) hold a bachelor's degree from an accredited program in a university or college,
543	which degree includes completion of specific coursework as defined by rule;
544	(e) pass the Utah Law and Rules Examination for Environmental Health Scientists
545	administered by the division; and
546	(f) present evidence acceptable to the division [and the board] that the applicant, when
547	licensed, will practice as an environmental health scientist-in-training only under the general
548	supervision of a supervising environmental health scientist licensed under this chapter.] • Ĥ
549	Section 10. Section <b>58-37c-3</b> is amended to read:
550	58-37c-3. Definitions.
551	In addition to the definitions in Section 58-1-102, as used in this chapter:
552	[(1) "Board" means the Controlled Substance Precursor Advisory Board created in
553	<del>Section 58-37c-4.</del> ]
554	[ <del>(2)</del> ] (1) "Controlled substance precursor" includes a chemical reagent and means any

12-12-12 11:05 AM S.B. 28

- (v) illegal manufacture of specified controlled substances; or
- (vi) distribution or disposal of chemicals, equipment, supplies, or products used in or produced by the illegal manufacture of specified controlled substances.
- (c) "Controlled substance precursor" means those chemicals designated in Title 58, Chapter 37c, <u>Utah</u> Controlled Substance Precursor Act, except those substances designated in Subsections 58-37c-3[(2)](1)(kk) and (ll).
- (d) "Disposal" means the abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous or dangerous material into or on any property, land or water so that the material may enter the environment, be emitted into the air, or discharged into any waters, including groundwater.
- (e) "Hazardous or dangerous material" means any substance which because of its quantity, concentration, physical characteristics, or chemical characteristics may cause or significantly contribute to an increase in mortality, an increase in serious illness, or may pose a substantial present or potential future hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise improperly managed.
- (f) "Illegal manufacture of specified controlled substances" means in violation of Title 58, Chapter 37, Utah Controlled Substances Act, the:
- (i) compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing for the purpose of producing methamphetamine, other amphetamine compounds as listed in Schedule I of the Utah Controlled Substances Act, phencyclidine, narcotic analgesic analogs as listed in Schedule I of the Utah Controlled Substances Act, lysergic acid diethylamide, or mescaline;
  - (ii) conversion of cocaine or methamphetamine to their base forms; or
- (iii) extraction, concentration, or synthesis of marijuana as that drug is defined in Section 58-37-2.
- (2) Unless otherwise specified, the definitions in Section 58-37-2 also apply to this chapter.
  - \$→ [Section 19. Section 58-54-102 is amended to read:
- 924 <u>58-54-102. Definitions.</u>

- 925 In addition to the definition in Section 58-1-102, as used in this chapter:
- 926 [(1) "Board" means the Radiologic Technologist Licensing Board established under←Ŝ

S-tims chapter.
[(2)] (1) "General supervision" means the supervising radiologist is available to
provide immediate communication with the supervised person and is aware of the procedure
before it is performed.
[(3)] (2) "Indirect supervision" means the supervising radiologist:
(a) has given either written or verbal instructions to the person being supervised;
(b) is present in the facility in which the person being supervised is providing services;
and
(c) is available to provide immediate face-to-face communications with the person
being supervised.
[(4)] (3) "Practice of radiologic technology" means using radiation from a radioactive
substance, radiology equipment, or any other source, in amounts beyond normal background
levels, for diagnostic or therapeutic purposes on humans.
[(5)] (4) "Practice of radiologist assistant" means the performance of non-invasive and
minimally invasive radiological procedures:
(a) delegated to a radiologist assistant by a radiologist; and
(b) performed under the indirect supervision of a radiologist.
[(6)] (5) "Radiologic technologist" means a person licensed under this chapter to
engage in the practice of radiologic technology under the general supervision of a radiologist or
radiology practitioner including the administration of parenteral contrast media, radionuclides,
and other medications incidental to radiology procedures provided the administrations are
under the direct supervision of a qualified physician and the technologist is currently certified
in cardiopulmonary resuscitation (CPR) and appropriate patient care procedures.
[(7)] (6) "Radiologist" means a physician certified by the American Board of
Radiology, the American Osteopathic Board of Radiology, the British Royal College of
Radiology, or the Canadian College of Physicians and Surgeons.
[(8)] (7) "Radiologist assistant" means a person licensed under this chapter to engage
in the practice of a radiologist assistant.
[(9)] (8) "Radiology equipment" means any medical radiation device that emits
ionizing or nonionizing radiation or detects that radiation for the purpose or intended purpose
of: <b>←Ŝ</b>

- 31 -

958	\$→(a) diagnosing disease or other medical conditions in humans; or
959	(b) treating, curing, mitigating, or preventing disease in humans.
960	[(10)] (9) "Radiology practical technician" means a person licensed under this chapter
961	to engage in a practice of radiologic technology performing limited diagnostic radiology
962	procedures:
963	(a) as defined and permitted by rule in accordance with Title 63G, Chapter 3, Utah
964	Administrative Rulemaking Act; and
965	(b) under the supervision of a radiologist or radiology practitioner.
966	[(11)] (10) "Radiology practitioner" means any person or individual licensed in this
967	state as a physician and surgeon, osteopathic physician, podiatric physician, chiropractic
968	physician, dentist, dental hygienist, or a physician's assistant, nurse practitioner, or nurse
969	specialist practicing under the supervision of an approved supervising physician and in
970	accordance with an approved protocol and utilization plan.
971	[(12)] (11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-54-501.
972	[(13)] (12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-54-501
973	and as may be further defined by administrative rule adopted by the division.
974	Section 20. Section 58-54-302 is amended to read:
975	58-54-302. Requirements for licensure.
976	(1) Each applicant for licensure as a radiologic technologist, radiology assistant, or
977	radiology practical technician shall:
978	(a) submit an application in a form prescribed by the division [in collaboration with the
979	<del>board];</del>
980	(b) pay a fee as determined by the department pursuant to Section 63J-1-504; and
981	(c) be of good moral character.
982	(2) Each applicant for licensure as a radiologic technologist shall, in addition to the
983	requirements of Subsection (1):
984	(a) be a graduate of an accredited educational program in radiologic technology or
985	certified by the American Registry of Radiologic Technologists or any equivalent educational
986	program approved by the division [in collaboration with the board]; and
987	(b) have passed an examination approved by the division [in collaboration with the
988	<del>board].←Ŝ</del>

S.B. 28 12-12-12 11:05 AM

989	\$→(3) Each applicant for licensure as a radiology practical technician shall, in addition to
990	the requirements of Subsection (1), have passed a basic examination and one or more specialty
991	examinations that are competency based, using a task analysis of the scope of practice of
992	radiology practical technicians in the state. The basic examination and the specialty
993	examination shall be approved by the division [in collaboration with the board and the
994	licensing board of the profession within which the radiology practical technician will be
995	<del>practicing].</del>
996	(4) The division shall provide for administration of the radiology practical technician
997	examination not less than monthly at offices designated by the division and located:
998	(a) in Salt Lake City; and
999	(b) within each local health department jurisdictional area.
1000	(5) (a) Except as provided in Subsection (5)(b), each applicant for licensure as a
1001	radiologist assistant shall:
1002	(i) meet the requirements of Subsections (1) and (2);
1003	(ii) have a Bachelor of Science degree; and
1004	(iii) be certified as:
1005	(A) a radiologist assistant by the American Registry of Radiologic Technologists; or
1006	(B) a radiology practitioner assistant by the Certification Board of Radiology
1007	Practitioner Assistants.
1008	(b) An individual who meets the requirements of Subsections (5)(a)(i) and (iii), but not
1009	Subsection (5)(a)(ii), may be licensed as a radiologist assistant under this chapter until May 31,
1010	2013, at which time, the individual must have completed the Bachelor of Science degree in
1011	order to retain the license of radiologist assistant.] ←Ŝ
1012	Section 21. Section <b>62A-5a-104</b> is amended to read:
1013	62A-5a-104. Powers of council.
1014	(1) The council has authority, after local or individual efforts have failed[, including,
1015	with regard to persons under 22 years of age, actions by local interagency councils established
1016	under Section 63M-9-301], to:
1017	(a) coordinate the appropriate transition of persons with disabilities who receive
1018	services and support from one state agency to receive services and support from another state
1019	agency;

S.B. 28 12-12-12 11:05 AM

1299	[(m)] (1) Division of Wildlife Resources, created in Section 23-14-1;
1300	[(n)] (m) Utah Geological Survey, created in Section 79-3-201;
1301	[(o)] (n) Heritage Trees Advisory Committee, created in Section 65A-8-306;
1302	[ <del>(p)</del> ] <u>(o)</u> Recreational Trails Advisory Council, authorized by Section 79-5-201;
1303	[ <del>(q)</del> ] (p) Boating Advisory Council, authorized by Section 73-18-3.5;
1304	[(r)] (q) Wildlife Board Nominating Committee, created in Section 23-14-2.5; and
1305	[(s)] (r) Wildlife Regional Advisory Councils, created in Section 23-14-2.6.
1306	Section 28. Repealer.
1307	This bill repeals:
1308	Section 10-6-153, Municipal government fiscal committee created Members
1309	Terms Vacancies Recommendations.
1310	Section 17-36-5, Creation of Citizens and County Officials Advisory Committee.
1311	Section 34A-5-105, Antidiscrimination and Labor Advisory Council
1312	Membership Appointment Term Powers and duties Chair.
1313	Section 34A-6-106, Occupational Safety and Health Advisory Council
1314	Appointment.
1315	Section 53-3-908, Advisory committee.
1316	Section 53A-1a-602, Job Enhancement Committee Composition Duties
1317	Appropriation.
1318	$\hat{\mathbf{H}} \Rightarrow [Section 58-20a-201, Board.] \leftarrow \hat{\mathbf{H}}$
1319	Section 58-37c-4, Board.
1320	Ŝ→ [Section 58-54-201, Board created Membership Duties.] ←Ŝ
1320a	\$→ Section 63G-13-101, Title.
1320b	Section 63G-13-102, Definitions.
1320c	Section 63G-13-201, Creation of commission.
1320d	Section 63G-13-202, General powers and duties of the commission.
1320e	Section 63G-13-203, Collaboration on integration of immigrants.
1320f	Section 63G-13-301, Migrant Worker Visa Pilot Project.
1320g	Section 63G-13-302, Requirements for pilot project and pilot project memorandum of
1320h	understanding.
1320i	Section 63G-13-303, Commission advisory group to conduct study Commission to
1320j	<u>prepare recommendations.</u> ←Ŝ

12-12-12 11:05 AM S.B. 28

1320k	<u>\$→Section 63G-13-304, Expansion to similar pilot projects.</u> ←\$
1321	Section 63M-1-1501, Title.
1322	Section 63M-1-1502, Definitions.
1323	Section 63M-1-1503, Advisory board.
1324	Section 63M-1-1504, Advisory board duties.
1325	Section 63M-1-1505, Criteria for participation Report.
1326	Section 63M-9-101, Title.
1327	Section 63M-9-102, Purpose of chapter.
1328	Section 63M-9-103, Definitions.
1329	Section 63M-9-104, Relationship to political subdivisions.