

1                   **UTAH COMMISSION ON SERVICE AND VOLUNTEERISM**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Jim Bird**

5                                   Senate Sponsor: Aaron Osmond

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7   **LONG TITLE**

8   **Committee Note:**

9                   The Economic Development and Workforce Services Interim Committee recommended  
10 this bill.

11 **General Description:**

12                   This bill modifies the Commission on National and Community Service Act by  
13 changing the name, membership, officers, and duties of the Utah Commission on  
14 Volunteers.

15 **Highlighted Provisions:**

16                   This bill:

- 17                   ▶ changes the name of the Utah Commission on Volunteers to the Utah Commission  
18 on Service and Volunteerism;
- 19                   ▶ modifies the membership and size of the commission;
- 20                   ▶ describes the duties of the commission and its officers; and
- 21                   ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23                   None

24 **Other Special Clauses:**

25                   None

26 **Utah Code Sections Affected:**

27 AMENDS:



- 28 9-1-802, as last amended by Laws of Utah 1996, Chapter 242
- 29 9-1-803, as last amended by Laws of Utah 2010, Chapter 286
- 30 9-1-805, as enacted by Laws of Utah 1994, Chapter 119
- 31 9-1-806, as enacted by Laws of Utah 1994, Chapter 119
- 32 9-1-808, as enacted by Laws of Utah 1994, Chapter 119
- 33 9-1-809, as last amended by Laws of Utah 2009, Chapter 59
- 34 9-1-810, as last amended by Laws of Utah 2012, Chapter 212

35 REPEALS AND REENACTS:

36 9-1-811, as enacted by Laws of Utah 1994, Chapter 119

37 REPEALS:

38 9-1-807, as enacted by Laws of Utah 1994, Chapter 119



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

41 Section 1. Section 9-1-802 is amended to read:

42 **9-1-802. Definitions.**

43 (1) "Act" means the National Community and Service Trust Act of 1993, 42 U.S.C.  
44 12501 et seq.

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

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

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

50 **9-1-803. Creation -- Members -- Appointment -- Terms -- Vacancies -- Per diem**  
51 **and expenses.**

52 (1) There is created the Utah Commission on [~~Volunteers~~] Service and Volunteerism  
53 consisting of [~~the following 25~~] ~~H~~→ [17] 19 ←~~H~~ voting members[:] and one nonvoting member.

54 (2) The ~~H~~→ [17] 19 ←~~H~~ voting members of the commission are:

55 (a) the lieutenant governor;

56 ~~H~~→ [f] (b) **the commissioner of higher education or the commissioner's designee;** [j]←~~H~~

57 [~~c~~] ~~H~~→ [~~b~~] c ←~~H~~ the state superintendent of public instruction or the superintendent's  
57a designee;

58 ~~H~~→ [~~c~~] d ←~~H~~ the executive director of the Department of Heritage and Arts or the  
58a executive

59 director's designee;

60 ~~Ĥ~~→ [(d)] e ←Ĥ nine members appointed by the governor as follows:

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

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

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

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

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

69 (vi) a representative of business;

70 (vii) an individual between the ages of 16 and 25 who [~~is a participant or supervisor~~]  
71 participates in a volunteer or service program;

72 (viii) a representative of a national service program; and

73 (ix) a representative of the [~~corporation as a nonvoting, ex officio member~~] volunteer  
74 sector; and

75 ~~Ĥ~~→ [(e)] f ←Ĥ [+3] ~~Ĥ~~→ [~~five~~] six ←Ĥ members appointed by the governor from  
75a among the following groups:

76 (i) local educators;

77 (ii) experts in the delivery of human, educational, cultural, environmental, or public  
78 safety services to communities and individuals;

79 (iii) representatives of Native American tribes;

80 (iv) representatives of organizations that assist out-of-school youth or other at-risk  
81 youth; [~~and~~] or

82 (v) representatives of entities that receive assistance under the Domestic Volunteer  
83 Service Act of 1973, 42 U.S.C. 4950 et seq.

84 (3) The nonvoting member of the commission is the state representative of the  
85 corporation.

86 [(2)] (4) (a) In appointing persons to serve on the commission, the governor shall  
87 ensure that:

88 (i) no more than [+3] ~~Ĥ~~→ [~~nine~~] 10 ←Ĥ voting members of the commission are members  
88a of the same

89 political party; and

90 (ii) no more than [~~six~~] ~~H~~→ **[four] five** ←~~H~~ voting members of the commission are state  
 90a government  
 91 employees.

92 (b) In appointing persons to serve on the commission, the governor shall strive for  
 93 balance on the commission according to race, ethnicity, age, gender, and disability  
 94 characteristics.

95 [~~(3)~~] (5) (a) Except as required by Subsection [~~(3)~~] (5)(b), as terms of current  
 96 commission members expire, the governor shall appoint each new member or reappointed  
 97 member to a three-year term.

98 (b) Notwithstanding the requirements of Subsection [~~(3)~~] (5)(a), the governor shall, at  
 99 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 100 commission members are staggered so that approximately one-third of the commission is  
 101 appointed every year.

102 [~~(4)~~] (6) When a vacancy occurs in the membership [~~for any reason~~], the replacement  
 103 shall be appointed for the unexpired term.

104 [~~(5)~~] (7) A member appointed by the governor may not serve more than two  
 105 consecutive terms.

106 [~~(6)~~] (8) A member may not receive compensation or benefits for the member's service,  
 107 but may receive per diem and travel expenses in accordance with:

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

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

110 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 111 63A-3-107.

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

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

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

115 **9-1-805. Election of officers.**

116 [~~The officers of the commission shall be chair, vice chair, secretary, and treasurer. All~~  
 117 ~~officers shall be elected by the voting commission members from among the members of the~~  
 118 ~~commission and] (1) The voting members of the commission shall elect a chair and a  
 119 vice-chair from among the voting members of the commission.~~

120 (2) The chair and vice-chair shall serve for a term of one year. [~~Vacancies in any office~~

121 ~~shall be filled with an election by the commission for the remainder of the unexpired term.]~~

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

123 **9-1-806. Officers' duties.**

124 (1) The chair shall:

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

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

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

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

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

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

131 (2) The vice-chair shall:

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

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

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

135 ~~[(e)]~~ (d) perform other duties as delegated by the commission.

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

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

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

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

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

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

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

144 **9-1-808. Meetings -- Quorum.**

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

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

149 ~~[(2)]~~ (3) A commission quorum is a simple majority of the voting members.

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

151 **9-1-809. Commission duties.**

- 152 (1) The commission shall~~[- in the performance of its tasks and functions]:~~  
153 [~~(a) ensure that its funding decisions meet all federal and state statutory requirements;~~]  
154 [~~(b) recommend innovative, creative, statewide service programs to increase volunteer~~  
155 ~~participation in all age groups and community-based problem-solving among diverse~~  
156 ~~participants;]~~  
157 [~~(c) develop and implement a centralized, organized system of obtaining information~~  
158 ~~and technical support concerning volunteerism and community service recruitment, projects,~~  
159 ~~training methods, materials, and activities throughout the state and share the information and~~  
160 ~~support upon request;]~~  
161 [~~(d) promote strong interagency collaboration as an avenue for maximizing resources~~  
162 ~~and providing that model on the state level;]~~  
163 [~~(e) provide public recognition and support of individual volunteer efforts and~~  
164 ~~successful or promising private sector initiatives and public/private partnerships that address~~  
165 ~~community needs;]~~  
166 (a) assist in the selection, development, and oversight of programs funded and  
167 established by the act;  
168 (b) pursue opportunities for sustainable and high-impact community service;  
169 (c) develop and annually update a three-year community service plan for the state,  
170 including the establishment of state priorities; and  
171 ~~[(f)]~~ (d) stimulate increased community awareness of the impact of volunteer [services]  
172 service in the state[;].  
173 [~~(g) utilize local, state, and, subject to Title 63J, Chapter 5, Federal Funds Procedures~~  
174 ~~Act, federal resources to reinforce, expand, and initiate quality service programs;]~~  
175 [~~(h) assist in the planning and implementation of volunteer programs;]~~  
176 [~~(i) serve as the state's liaison and voice to appropriate national and state organizations~~  
177 ~~that support its mission;]~~  
178 [~~(j) develop a three-year comprehensive state and community service plan and establish~~  
179 ~~state priorities;]~~  
180 [~~(k) preselect programs and prepare applications to the corporation pursuant to the act;]~~  
181 [~~(l) administer the grants program and oversee and monitor the performance and~~  
182 ~~progress of funded programs;]~~

183 ~~[(m) implement comprehensive, nonduplicative evaluation and monitoring systems;]~~

184 ~~[(n) provide technical assistance to local nonprofit organizations and other entities;]~~

185 ~~[(o) assist in the development of programs established in the act;]~~

186 ~~[(p) develop mechanisms for recruitment and placement of people interested in~~

187 ~~participating in national service programs;]~~

188 ~~[(q) assist in the provision of health care and child care benefits to participants under~~

189 ~~the act;]~~

190 ~~[(r) make priority program recommendations to the corporation;]~~

191 ~~[(s) coordinate its activities with the activities of other state agencies that administer~~

192 ~~federal block grants; and]~~

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

194 ~~[(2) The commission may not directly operate or run a national service program~~

195 ~~receiving financial assistance, in any form, from the corporation.]~~

196 ~~[(3)]~~ (2) (a) The commission may, subject to Title 63J, Chapter 5, Federal Funds

197 Procedures Act, receive and accept federal funds, and may receive and accept private gifts,

198 donations, or funds from any source.

199 (b) ~~[All money]~~ Money received under this Subsection (2) shall be deposited with the

200 state and shall be ~~[continuously]~~ available to the commission to carry out the purposes of this

201 part.

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

203 **9-1-810. Reporting and administration.**

204 ~~[(1) The Department of Heritage and Arts shall provide necessary administrative and~~

205 ~~staff support services to the commission.]~~

206 ~~[(2)]~~ (1) The commission shall report to the office of the lieutenant governor.

207 (2) The Department of Heritage and Arts shall provide administrative and staff support

208 services to the commission.

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

210 **9-1-811. Rulemaking.**

211 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

212 Department of Heritage and Arts may make rules to:

213 (1) implement this part; and

214           (2) ensure the commission complies with the act and related federal requirements.  
215           Section 9. **Repealer.**  
216           This bill repeals:  
217           Section **9-1-807, Subcommittees.**

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**Legislative Review Note**  
as of **10-22-12 11:04 AM**

**Office of Legislative Research and General Counsel**