

VETERANS' AFFAIRS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill renames the Department of Veterans' Affairs, modifies the process for selecting the executive director of the Department of Veterans' Affairs, modifies the duties of the executive director, and increases the number of members on the Veterans' Advisory Council.

Highlighted Provisions:

This bill:

- ▶ changes the name of the Department of Veterans' Affairs to the Department of Veterans' and Military Affairs;
- ▶ modifies the process for selecting the executive director of the Department of Veterans' and Military Affairs;
- ▶ increases the number of members of the Veterans' Advisory Council; and
- ▶ adds additional duties for the executive director.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-418, as last amended by Laws of Utah 2012, Chapter 332



- 28 **41-1a-421**, as last amended by Laws of Utah 2008, Chapter 181
- 29 **41-1a-422**, as last amended by Laws of Utah 2012, Chapter 332
- 30 **53-3-205**, as last amended by Laws of Utah 2012, Chapters 145, 176, 177, and 335
- 31 **53-3-804**, as last amended by Laws of Utah 2012, Chapters 145 and 335
- 32 **53-3-805**, as last amended by Laws of Utah 2011, Chapter 152
- 33 **53A-1-1002**, as enacted by Laws of Utah 2010, Chapter 395
- 34 **53A-3-427**, as enacted by Laws of Utah 2008, Chapter 312
- 35 **53B-8-107**, as last amended by Laws of Utah 2011, Chapter 406
- 36 **53B-8e-103**, as last amended by Laws of Utah 2008, Chapter 185
- 37 **59-2-1104**, as last amended by Laws of Utah 2012, Chapter 92
- 38 **63B-18-301**, as enacted by Laws of Utah 2009, Chapter 134
- 39 **63G-1-401**, as last amended by Laws of Utah 2012, Chapter 89
- 40 **63J-1-219**, as last amended by Laws of Utah 2012, Chapter 212
- 41 **67-19-6.7**, as last amended by Laws of Utah 2012, Chapter 212
- 42 **67-22-2**, as last amended by Laws of Utah 2012, Chapters 212 and 369
- 43 **71-7-3**, as last amended by Laws of Utah 2008, Chapter 382
- 44 **71-7-4**, as last amended by Laws of Utah 2010, Chapter 286
- 45 **71-8-1**, as last amended by Laws of Utah 2007, Chapters 173 and 329
- 46 **71-8-2**, as last amended by Laws of Utah 2008, Chapter 382
- 47 **71-8-3**, as last amended by Laws of Utah 2007, Chapter 173
- 48 **71-8-4**, as last amended by Laws of Utah 2010, Chapter 286
- 49 **71-9-1**, as last amended by Laws of Utah 2007, Chapter 173
- 50 **71-9-2**, as last amended by Laws of Utah 2007, Chapter 173
- 51 **71-11-2**, as last amended by Laws of Utah 2011, Chapter 366
- 52 **71-11-7**, as last amended by Laws of Utah 2010, Chapter 286



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

55 Section 1. Section **41-1a-418** is amended to read:

56 **41-1a-418. Authorized special group license plates.**

57 (1) The division shall only issue special group license plates in accordance with this
58 section through Section 41-1a-422 to a person who is specified under this section within the

59 categories listed as follows:

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

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

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

63 (ii) former prisoner of war;

64 (iii) recipient of a Purple Heart;

65 (iv) disabled veteran; or

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

67 (c) unique vehicle type special group license plates, as for historical, collectors value,

68 or other unique vehicle type, which plates are issued for:

69 (i) a special interest vehicle;

70 (ii) a vintage vehicle;

71 (iii) a farm truck; or

72 (iv) (A) until Subsection (1)(c)(iv)(B) or (5) applies, a vehicle powered by clean fuel as

73 defined in Section 59-13-102; or

74 (B) beginning on the effective date of rules made by the Department of Transportation

75 authorized under Subsection 41-6a-702(5)(b) and until Subsection (5) applies, a vehicle

76 powered by clean fuel that meets the standards established by the Department of Transportation

77 in rules authorized under Subsection 41-6a-702(5)(b);

78 (d) recognition special group license plates, as in a public official or an emergency

79 service giver, which plates are issued for a:

80 (i) current member of the Legislature;

81 (ii) current member of the United States Congress;

82 (iii) current member of the National Guard;

83 (iv) licensed amateur radio operator;

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

85 (vi) emergency medical technician;

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

87 (viii) current honorary consulate designated by the United States Department of State;

88 and

89 (e) support special group license plates, as for a contributor to an institution or cause,

90 which plates are issued for a contributor to:

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

92 (ii) the Division of Wildlife Resources;

93 (iii) the Department of Veterans' and Military Affairs;

94 (iv) the Division of Parks and Recreation;

95 (v) the Department of Agriculture and Food;

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

97 (vii) the Boy Scouts of America;

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

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

100 (x) Utah public education;

101 (xi) programs that provide support to organizations that create affordable housing for

102 those in severe need through the Division of Real Estate;

103 (xii) the Department of Public Safety;

104 (xiii) programs that support Zion National Park;

105 (xiv) beginning on July 1, 2009, programs that provide support to firefighter

106 organizations;

107 (xv) programs that promote bicycle operation and safety awareness;

108 (xvi) programs that conduct or support cancer research;

109 (xvii) programs that create or support autism awareness;

110 (xviii) programs that create or support humanitarian service and educational and

111 cultural exchanges;

112 (xix) programs that conduct or support prostate cancer awareness, screening, detection,

113 or prevention;

114 (xx) programs that support and promote adoptions; or

115 (xxi) programs that create or support civil rights education and awareness.

116 (2) (a) The division may not issue a new type of special group license plate unless the

117 division receives:

118 (i) (A) a start-up fee established under Section 63J-1-504 for production and

119 administrative costs for providing the new special group license plates; or

120 (B) a legislative appropriation for the start-up fee provided under Subsection

121 (2)(a)(i)(A); and

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

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

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

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

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

139 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
140 registration of a motor vehicle that has been issued a firefighter recognition special group
141 license plate unless the applicant is a contributor as defined in Subsection
142 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

143 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
144 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
145 registration shall:

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

148 (B) replace the firefighter recognition special group license plate with a new license
149 plate.

150 (3) (a) Beginning on July 1, 2011, if a support special group license plate type
151 authorized in Section 41-1a-422 and issued prior to January 1, 2012, has less than 500 license

152 plates issued each year for a three consecutive year time period that begins on July 1, the
153 division may not issue that type of support special group license plate to a new applicant
154 beginning on January 1 of the following calendar year after the three consecutive year period
155 for which that type of support special group license plate has less than 500 license plates issued
156 each year.

157 (b) If the division is required to stop the issuance of a type of support special group
158 license plate authorized in Section 41-1a-422 under this Subsection (3), the division shall
159 report to the Transportation Interim Committee that the division will stop the issuance on or
160 before the November interim meeting of the year in which the commission determines to stop
161 the issuance of that type of support special group license plate.

162 (4) (a) Beginning on July 1, 2011, if a support special group license plate type
163 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has less than 500
164 license plates issued each year for a three consecutive year time period that begins on July 1,
165 the division may not issue that type of support special group license plate to a new applicant
166 beginning on January 1 of the following calendar year after the three consecutive year time
167 period for which that type of support special group license plate has less than 500 license plates
168 issued each year.

169 (b) If the division is required to stop the issuance of a type of support special group
170 license plate authorized in Section 41-1a-422 under this Subsection (4), the division shall
171 report to the Transportation Interim Committee that the division will stop the issuance on or
172 before the November interim meeting of the year in which the commission determines to stop
173 the issuance of that type of support special group license plate.

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

176 Section 2. Section **41-1a-421** is amended to read:

177 **41-1a-421. Honor special group license plates -- Personal identity requirements.**

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

- 179 (i) survivor of the Japanese attack on Pearl Harbor license plate;
- 180 (ii) former prisoner of war license plate;
- 181 (iii) Purple Heart license plate; or
- 182 (iv) disabled veteran license plate.

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

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

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

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

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

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

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

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

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

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

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

200 (5) A disabled veteran seeking a disabled veteran license plate shall request the
201 Department of Veterans' and Military Affairs to provide the verification required under
202 Subsection (4).

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

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

207 (i) a death certificate;

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

210 (iii) a casualty report;

211 (iv) a telegram from the United States Secretary of Defense or one of the branches of
212 the United States armed forces; or

213 (v) other documentation that verifies the applicant meets the requirements of

214 Subsection (6)(a).

215 Section 3. Section **41-1a-422** is amended to read:

216 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
217 **contribution collection procedures.**

218 (1) As used in this section:

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

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

222 (B) the Department of Veterans' and Military Affairs for veterans' programs;

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

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

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

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

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

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

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

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

237 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
238 assist people who have severe housing needs;

239 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
240 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
241 Safety employees;

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

244 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support

245 firefighter organizations;

246 (O) the Share the Road Bicycle Support Restricted Account created in Section
247 72-2-127 to support bicycle operation and safety awareness programs;

248 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
249 cancer research programs;

250 (Q) Autism Awareness Restricted Account created in Section 53A-1-304 to support
251 autism awareness programs;

252 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
253 created in Section 9-17-102 to support humanitarian service and educational and cultural
254 programs;

255 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for
256 programs that conduct or support prostate cancer awareness, screening, detection, or
257 prevention;

258 (T) the Choose Life Adoption Support Restricted Account created in Section
259 62A-4a-608 to support programs that promote adoption; or

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

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

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

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

269 (II) is a member of a trade organization for real estate licensees that has more than
270 15,000 Utah members.

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

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

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

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

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

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

285 (b) "Institution" means a state institution of higher education as defined under Section
286 53B-3-102 or a private institution of higher education in the state accredited by a regional or
287 national accrediting agency recognized by the United States Department of Education.

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

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

294 (i) the name of the contributor;

295 (ii) the institution to which a donation was made;

296 (iii) the date of the donation; and

297 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

306 (3) (a) An applicant for original or renewal support special group license plates under

307 this section must be a contributor to the sponsoring organization associated with the license
308 plate.

309 (b) This contribution shall be:

310 (i) unless collected by the named institution under Subsection (2), collected by the
311 division;

312 (ii) considered a voluntary contribution for the funding of the activities specified under
313 this section and not a motor vehicle registration fee;

314 (iii) deposited into the appropriate account less actual administrative costs associated
315 with issuing the license plates; and

316 (iv) for a firefighter special group license plate, deposited into the appropriate account
317 less:

318 (A) the costs of reordering firefighter special group license plate decals; and

319 (B) the costs of replacing recognition special group license plates with new license
320 plates under Subsection 41-1a-1211(13).

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

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

325 (i) snowmobile license plates; or

326 (ii) conservation license plates.

327 (4) Veterans' license plates shall display one of the symbols representing the Army,
328 Navy, Air Force, Marines, Coast Guard, or American Legion.

329 Section 4. Section **53-3-205** is amended to read:

330 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**

331 **Expiration dates of licenses and endorsements -- Information required -- Previous**

332 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**

333 **Fee required -- License agreement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

356 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
357 and

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

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

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

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

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

367 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
368 expires on the birth date of the applicant in the fifth year following the year the license

369 certificate was issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

400 stay.

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

404 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
405 birth date of the applicant in the first year following the year that the driving privilege card was
406 issued or renewed.

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

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

413 (i) provide:

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

415 (B) the applicant's birth date;

416 (C) the applicant's gender;

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

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

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

420 Revenue Service for a person who:

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

422 (Bb) is applying for a driving privilege card; or

423 (IV) other documentary evidence approved by the division;

424 (E) the applicant's Utah residence address as documented by a form or forms
425 acceptable under rules made by the division under Section 53-3-104, unless the application is
426 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

427 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is
428 applying for a driving privilege card;

429 (ii) provide evidence of the applicant's lawful presence in the United States by
430 providing documentary evidence:

- 431 (A) that a person is:
- 432 (I) a United States citizen;
- 433 (II) a United States national; or
- 434 (III) a legal permanent resident alien; or
- 435 (B) of the applicant's:
- 436 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
- 437 States;
- 438 (II) pending or approved application for asylum in the United States;
- 439 (III) admission into the United States as a refugee;
- 440 (IV) pending or approved application for temporary protected status in the United
- 441 States;
- 442 (V) approved deferred action status;
- 443 (VI) pending application for adjustment of status to legal permanent resident or
- 444 conditional resident; or
- 445 (VII) conditional permanent resident alien status;
- 446 (iii) provide a description of the applicant;
- 447 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
- 448 and, if so, when and by what state or country;
- 449 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
- 450 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
- 451 application refused, and if so, the date of and reason for the suspension, cancellation,
- 452 revocation, disqualification, denial, or refusal;
- 453 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
- 454 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 455 (vii) state whether the applicant is required to register as a sex offender in accordance
- 456 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 457 (viii) state whether the applicant is a veteran of the United States military, provide
- 458 verification that the applicant was honorably discharged from the United States military, and
- 459 state whether the applicant does or does not authorize sharing the information with the state
- 460 Department of Veterans' and Military Affairs;
- 461 (ix) provide all other information the division requires; and

462 (x) sign the application which signature may include an electronic signature as defined
463 in Section 46-4-102.

464 (b) Each applicant shall have a Utah residence address, unless the application is for a
465 temporary CDL issued under Subsection 53-3-407(2)(b).

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

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

469 (i) (A) Social Security number;

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

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

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

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

476 (a) current license certificate;

477 (b) birth certificate;

478 (c) Selective Service registration; or

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

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

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

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

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

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

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

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

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

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

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

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

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

505 (13) A person who has an appointment with the division for testing and fails to keep
506 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
507 under Section 53-3-105.

508 (14) A person who applies for an original license or renewal of a license agrees that the
509 person's license is subject to any suspension or revocation authorized under this title or Title
510 41, Motor Vehicles.

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

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

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

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

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

520 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
521 Management Act, the division may release to the Department of Veterans' and Military Affairs
522 the names and addresses of all persons who indicate their status as a veteran under Subsection
523 (8)(a)(viii).

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

- 526 (a) loss;
- 527 (b) detriment; or
- 528 (c) injury.

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

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

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

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

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

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

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

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

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

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

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

553 Section 5. Section **53-3-804** is amended to read:

554 **53-3-804. Application for identification card -- Required information -- Release**

555 **of anatomical gift information -- Cancellation of identification card.**

556 (1) To apply for an identification card or limited-term identification card, the applicant
557 shall:

558 (a) be a Utah resident;

559 (b) have a Utah residence address; and

560 (c) appear in person at any license examining station.

561 (2) The applicant shall provide the following information to the division:

562 (a) true and full legal name and Utah residence address;

563 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or
564 other satisfactory evidence of birth, which shall be attached to the application;

565 (c) (i) Social Security number; or

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

567 (d) place of birth;

568 (e) height and weight;

569 (f) color of eyes and hair;

570 (g) signature;

571 (h) photograph;

572 (i) evidence of the applicant's lawful presence in the United States by providing
573 documentary evidence:

574 (i) that a person is:

575 (A) a United States citizen;

576 (B) a United States national; or

577 (C) a legal permanent resident alien; or

578 (ii) of the applicant's:

579 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
580 States;

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

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

583 (D) pending or approved application for temporary protected status in the United
584 States;

585 (E) approved deferred action status;

- 586 (F) pending application for adjustment of status to legal permanent resident or
587 conditional resident; or
- 588 (G) conditional permanent resident alien status;
- 589 (j) an indication whether the applicant intends to make an anatomical gift under Title
590 26, Chapter 28, Revised Uniform Anatomical Gift Act;
- 591 (k) an indication whether the applicant is required to register as a sex offender in
592 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
- 593 (l) an indication whether the applicant is a veteran of the United States military,
594 verification that the applicant has been honorably discharged from the United States military,
595 and an indication whether the applicant does or does not authorize sharing the information with
596 the state Department of Veterans' and Military Affairs.
- 597 (3) The requirements of Section 53-3-234 apply to this section for each person, age 16
598 and older, applying for an identification card. Refusal to consent to the release of information
599 shall result in the denial of the identification card.
- 600 (4) A person who knowingly fails to provide the information required under Subsection
601 (2)(k) is guilty of a class A misdemeanor.
- 602 (5) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold
603 both an unexpired Utah license certificate and an unexpired Utah identification card.
- 604 (b) On or after December 1, 2014, a person born on or after December 1, 1964:
- 605 (i) may not hold both an unexpired Utah license certificate and an unexpired
606 identification card; and
- 607 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
608 identification card in the person's possession, shall be required to surrender either the unexpired
609 Utah license certificate or the unexpired Utah identification card.
- 610 (c) If a person has not surrendered either the Utah license certificate or the Utah
611 identification card as required under this Subsection (5), the division shall cancel the Utah
612 identification card on December 1, 2014.
- 613 (6) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
614 both an unexpired Utah license certificate and an unexpired Utah identification card.
- 615 (b) On or after December 1, 2017, a person born prior to December 1, 1964:
- 616 (i) may not hold both an unexpired Utah license certificate and an unexpired

617 identification card; and

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

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

624 Section 6. Section **53-3-805** is amended to read:

625 **53-3-805. Identification card -- Contents -- Specifications.**

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

627 (i) the distinguishing number assigned to the person by the division;

628 (ii) the name, birth date, and Utah residence address of the person;

629 (iii) a brief description of the person for the purpose of identification;

630 (iv) a photograph of the person;

631 (v) a photograph or other facsimile of the person's signature;

632 (vi) an indication whether the person intends to make an anatomical gift under Title 26,
633 Chapter 28, Revised Uniform Anatomical Gift Act; and

634 (vii) if the person states that the person is a veteran of the United States military on the
635 application for an identification card in accordance with Section 53-3-804 and provides
636 verification that the person was honorably discharged from the United States military, an
637 indication that the person is a United States military veteran for a regular identification card or
638 a limited-term identification card issued on or after July 1, 2011.

639 (b) An identification card issued by the division may not bear the person's Social
640 Security number or place of birth.

641 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
642 alteration.

643 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
644 prescribed by the commissioner.

645 (3) At the applicant's request, the card may include a statement that the applicant has a
646 special medical problem or allergies to certain drugs, for the purpose of medical treatment.

647 (4) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated

648 by the applicant in accordance with division rule.

649 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
650 Management Act, the division may, upon request, release to an organ procurement
651 organization, as defined in Section 26-28-102, the names and addresses of all persons who
652 under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

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

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

655 (B) inform applicants of anatomical gift options, procedures, and benefits.

656 (5) Notwithstanding Title 63G, Chapter 2, Government Records Access and
657 Management Act, the division may release to the Department of Veterans' and Military Affairs
658 the names and addresses of all persons who indicate their status as a veteran under Subsection
659 53-3-804(2)(l).

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

662 (a) loss;

663 (b) detriment; or

664 (c) injury.

665 Section 7. Section **53A-1-1002** is amended to read:

666 **53A-1-1002. Creation of State Council on Military Children.**

667 (1) There is established a State Council on Military Children, as required in Article
668 VIII of Section 53A-1-1001.

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

670 (a) the state superintendent of public instruction;

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

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

674 (d) one member of the House of Representatives, appointed by the speaker of the
675 House;

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

677 (f) a representative from the Department of Veterans' and Military Affairs, appointed
678 by the governor;

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

681 (h) the compact commissioner, appointed in accordance with Section 53A-1-1003; and
682 (i) other members as determined by the governor.

683 (3) The State Council on Military Children shall carry out the duties established in
684 Section 53A-1-1001.

685 (4) Members may not receive compensation or per diem.
686 Section 8. Section **53A-3-427** is amended to read:

687 **53A-3-427. Honorary high school diploma for certain veterans.**

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

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

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

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

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

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

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

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

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

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

704 (3) At the request of a veteran, a veteran's immediate family member or guardian, or a
705 local school board, the Department of Veterans' and Military Affairs shall certify whether the
706 veteran meets the requirements of Subsections (1)(b) and (c).

707 Section 9. Section **53B-8-107** is amended to read:

708 **53B-8-107. Military member surviving dependents -- Tuition waiver.**

709 (1) As used in this section, "qualifying deceased military member" means a person:

710 (a) who:
711 (i) is killed while serving on state or federal active duty, under orders of competent
712 authority and not as a result of the member's own misconduct; or
713 (ii) dies of wounds or injuries received while serving on state or federal active duty,
714 under orders of competent authority and not as a result of the member's own misconduct; and
715 (b) who:
716 (i) is a member of the armed forces of the United States and a Utah resident;
717 (ii) is a member of the reserve component of the armed forces on or after September
718 11, 2001, and a Utah resident; or
719 (iii) is a member of the Utah National Guard on or after September 11, 2001.
720 (2) This section shall be known as the Scott B. Lundell Military Survivors' tuition
721 waiver.
722 (3) A state institution of higher education shall waive undergraduate tuition for a
723 dependent of a qualifying deceased military member under the following conditions:
724 (a) the dependent has been accepted by the institution in accordance with the
725 institution's admissions guidelines;
726 (b) except as provided in Subsection (4), the dependent is a resident student as
727 determined under Section 53B-8-102;
728 (c) the dependent may not have already completed a course of studies leading to an
729 undergraduate degree;
730 (d) the dependent may only utilize the waiver for courses that are applicable toward the
731 degree or certificate requirements of the program in which the dependent is enrolled; and
732 (e) the dependent may not be excluded from the waiver if the dependent has previously
733 taken courses at or has been awarded credit by a state institution of higher education.
734 (4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military
735 member that was a member of the Utah National Guard is not required to be a resident student
736 as determined under Section 53B-8-102.
737 (5) The tuition waiver in this section is applicable for undergraduate study only.
738 (6) The Department of Veterans' and Military Affairs, after consultation with the
739 adjutant general if necessary, shall certify to the institution that the dependent is a surviving
740 dependent eligible for the tuition waiver in accordance with this section.

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

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

744 Section 10. Section **53B-8e-103** is amended to read:

745 **53B-8e-103. Tuition waivers for Purple Heart recipients -- Qualifications --**
746 **Limitations.**

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

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

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

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

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

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

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

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

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

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

767 (d) A Purple Heart recipient may receive a graduate tuition waiver for a period of time
768 that does not exceed the lesser of:

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

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

772 (3) A Purple Heart recipient seeking a tuition waiver shall request the Department of
773 Veterans' and Military Affairs to provide the verification required by Subsection (1)(c). The
774 Department of Veterans' and Military Affairs shall provide the verification upon obtaining
775 evidence satisfactory to the division that the student is a Purple Heart recipient.

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

778 Section 11. Section **59-2-1104** is amended to read:

779 **59-2-1104. Definitions -- Armed Forces exemption -- Amount of Armed Forces**
780 **exemption.**

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

782 (a) "Active component of the United States Armed Forces" is as defined in Section
783 59-10-1027.

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

785 (i) for the year 2005, \$200,000; and

786 (ii) for each year after 2005, the amount of the adjusted taxable value limit for the
787 previous year, plus an amount calculated by multiplying the amount of the adjusted taxable
788 value limit for the previous year by the actual percent change in the Consumer Price Index
789 during the previous calendar year.

790 (c) "Claimant" means:

791 (i) a veteran with a disability who files an application under Section 59-2-1105 for a
792 veteran's exemption;

793 (ii) the unmarried surviving spouse:

794 (A) of a:

795 (I) deceased veteran with a disability; or

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

797 (B) who files an application under Section 59-2-1105 for a veteran's exemption;

798 (iii) a minor orphan:

799 (A) of a:

800 (I) deceased veteran with a disability; or

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

802 (B) who files an application under Section 59-2-1105 for a veteran's exemption; or

803 (iv) a member of an active component of the United States Armed Forces or a reserve
804 component of the United States Armed Forces who performed qualifying active duty military
805 service.

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

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

810 (f) "Military entity" means:

811 (i) the federal Department of Veterans Affairs;

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

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

814 (g) "Qualifying active duty military service" means:

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

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

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

822 (B) that began in the prior year, if those days of active duty military service outside the
823 state in the prior year were not counted as qualifying active duty military service for purposes
824 of this section or Section 59-2-1105 in the prior year.

825 (h) "Reserve component of the United States Armed Forces" is as defined in Section
826 59-10-1027.

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

829 (j) "Veteran who was killed in action or died in the line of duty" means a person who
830 was killed in action or died in the line of duty in an active component of the United States
831 Armed Forces or a reserve component of the United States Armed Forces, regardless of
832 whether that person had a disability at the time that person was killed in action or died in the
833 line of duty.

834 (k) "Veteran with a disability" means a person with a disability who, during military
835 training or a military conflict, acquired a disability in the line of duty in an active component of
836 the United States Armed Forces or a reserve component of the United States Armed Forces.

837 (l) "Veteran's exemption" means a property tax exemption provided for in Subsection
838 (2).

839 (2) (a) The amount of taxable value of the property described in Subsection (2)(b) is
840 exempt from taxation as calculated under Subsections (2)(c) through (e) if the property
841 described in Subsection (2)(b) is owned by:

842 (i) a veteran with a disability;

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

844 (A) deceased veteran with a disability; or

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

846 (iii) a member of an active component of the United States Armed Forces or a reserve
847 component of the United States Armed Forces who performed qualifying active duty military
848 service.

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

850 (i) the claimant's primary residence;

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

852 that:

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

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

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

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

857 (c) Except as provided in Subsection (2)(d) or (e), the amount of taxable value of
858 property described in Subsection (2)(b) that is exempt under Subsection (2)(a) is:

859 (i) as described in Subsection (2)(f), if the property is owned by:

860 (A) a veteran with a disability;

861 (B) the unmarried surviving spouse of a deceased veteran with a disability; or

862 (C) a minor orphan of a deceased veteran with a disability; or

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

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

865 (A) the unmarried surviving spouse of a veteran who was killed in action or died in the
866 line of duty;

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

868 (C) a member of an active component of the United States Armed Forces or a reserve
869 component of the United States Armed Forces who performed qualifying active duty military
870 service.

871 (d) (i) Notwithstanding Subsection (2)(c)(i) and subject to Subsection (2)(d)(ii), a
872 veteran's exemption except for a claimant described in Subsection (2)(a)(iii) may not be
873 allowed under this Subsection (2) if the percentage of disability listed on the certificate
874 described in Subsection 59-2-1105(3)(a) is less than 10%.

875 (ii) A veteran with a disability is considered to have a 100% disability, regardless of
876 the percentage of disability listed on a certificate described in Subsection 59-2-1105(3)(a), if
877 the United States Department of Veterans Affairs certifies the veteran in the classification of
878 individual unemployability.

879 (e) Notwithstanding Subsection (2)(c)(i), a claimant who is the unmarried surviving
880 spouse or minor orphan of a deceased veteran with a disability may claim an exemption for the
881 total value of the property described in Subsection (2)(b) if:

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

884 (ii) the percentage of disability listed on the certificate described in Subsection
885 59-2-1105(3)(a) for the deceased veteran with a disability is 10% or more.

886 (f) Except as provided in Subsection (2)(g), the amount of the taxable value of the
887 property described in Subsection (2)(b) that is exempt under Subsection (2)(c)(i) is equal to the
888 percentage of disability listed on the certificate described in Subsection 59-2-1105(3)(a)
889 multiplied by the adjusted taxable value limit.

890 (g) Notwithstanding Subsection (2)(f), the amount of the taxable value of the property
891 described in Subsection (2)(b) that is exempt under Subsection (2)(c)(i) may not be greater than
892 the taxable value of the property described in Subsection (2)(b).

893 (h) For purposes of this section and Section 59-2-1105, a person who is honorably
894 discharged from military service of an active component of the United States Armed Forces or
895 a reserve component of the United States Armed Forces:

896 (i) is presumed to be a citizen of the United States; and
897 (ii) may not be required to provide additional proof of citizenship to establish that the
898 person is a citizen of the United States.

899 (3) The Department of Veterans' and Military Affairs created in Section 71-8-2 shall,
900 through an informal hearing held in accordance with Title 63G, Chapter 4, Administrative
901 Procedures Act, resolve each dispute arising under this section concerning a veteran's status as
902 a veteran with a disability.

903 Section 12. Section **63B-18-301** is amended to read:

904 **63B-18-301. Authorizations to design and construct capital facilities using**
905 **institutional or agency funds.**

906 (1) The Legislature intends that:

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

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

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

914 (2) The Legislature intends that:

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

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

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

925 (3) The Legislature intends that:

926 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State

927 Building Board - Division of Facilities Construction and Management, use \$8,689,000 in
928 donations to plan, design, and construct a renovation of the Kennecott Building, with 19,400
929 new square feet;

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

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

935 (4) The Legislature intends that:

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

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

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

945 (5) The Legislature intends that:

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

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

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

955 (6) The Legislature intends that:

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

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

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

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

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

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

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

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

970 (7) The Legislature intends that:

971 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State
972 Building Board - Division of Facilities Construction and Management, use \$2,650,000 in
973 grants and institutional funds to plan, design, and construct a Business Resource Center, with
974 12,000 new square feet;

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

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

980 (8) The Legislature intends that:

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

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

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

989 (9) The Legislature intends that:

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

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

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

998 (10) The Legislature intends that:

999 (a) Southern Utah University may, subject to requirements in Title 63A, Chapter 5,
1000 State Building Board - Division of Facilities Construction and Management, use \$2,000,000 in
1001 donations to plan, design, and construct a baseball and soccer complex upgrade;

1002 (b) no state funds be used for any portion of this project; and

1003 (c) the university may not request state funds for operation and maintenance costs or
1004 capital improvements.

1005 (11) The Legislature intends that:

1006 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
1007 Chapter 5, State Building Board - Division of Facilities Construction and Management, use
1008 \$3,000,000 in federal grants to plan, design, and construct an interagency fire dispatch center,
1009 with 10,000 new square feet;

1010 (b) no state funds be used for any portion of this project; and

1011 (c) the department may not request state funds for operation and maintenance costs or
1012 capital improvements.

1013 (12) The Legislature intends that:

1014 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
1015 Chapter 5, State Building Board - Division of Facilities Construction and Management, use
1016 \$7,500,000 in federal grants to plan, design, and construct a curation facility in Vernal, with
1017 21,000 new square feet;

1018 (b) no state funds be used for any portion of this project; and

1019 (c) the department may not request state funds for operation and maintenance costs or

1020 capital improvements.

1021 (13) The Legislature intends that:

1022 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
1023 Chapter 5, State Building Board - Division of Facilities Construction and Management, use
1024 \$650,000 in federal grants to plan, design, and construct an expansion to the seed warehouse at
1025 the Great Basin Research Center, with 9,000 new square feet;

1026 (b) no state funds be used for any portion of this project unless expressly appropriated
1027 for this purpose; and

1028 (c) the department may not request state funds for operation and maintenance costs or
1029 capital improvements.

1030 (14) The Legislature intends that:

1031 (a) the Department of Veterans' and Military Affairs may, subject to requirements in
1032 Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and
1033 Management, use \$3,500,000 in federal grants to plan, design, and construct improvements at
1034 the Veterans' Cemetery, with 15,000 new square feet;

1035 (b) no state funds be used for any portion of this project unless expressly appropriated
1036 for this purpose; and

1037 (c) the department may not request state funds for operation and maintenance costs or
1038 capital improvements.

1039 Section 13. Section **63G-1-401** is amended to read:

1040 **63G-1-401. Commemorative periods.**

1041 (1) The following days shall be commemorated yearly:

1042 (a) Bill of Rights Day, on December 15;

1043 (b) Constitution Day, on September 17;

1044 (c) Yellow Ribbon Day, on the third Monday in May, in honor of men and women who
1045 are serving or have served in the U.S. armed forces around the world in defense of freedom;

1046 (d) POW/MIA Recognition Day, on the third Friday in September;

1047 (e) Indigenous People Day, the Monday immediately preceding Thanksgiving; and

1048 (f) Utah State Flag Day, on March 9.

1049 (2) The Department of Veterans' and Military Affairs shall coordinate activities, special
1050 programs, and promotional information to heighten public awareness and involvement relating

1051 to Subsections (1)(c) and (d).

1052 (3) The month of October shall be commemorated yearly as Italian-American Heritage
1053 Month.

1054 (4) The month of November shall be commemorated yearly as American Indian
1055 Heritage Month.

1056 (5) The month of April shall be commemorated yearly as Clean Out the Medicine
1057 Cabinet Month to recognize the urgent need to make Utah homes and neighborhoods safe from
1058 prescription medication abuse and poisonings by the proper home storage and disposal of
1059 prescription and over-the-counter medications, and to educate citizens about the permanent
1060 medication disposal sites in Utah listed on useonlyasdirected.org that allow disposal throughout
1061 the year.

1062 (6) The first full week of May shall be commemorated yearly as State Water Week to
1063 recognize the importance of water conservation, quality, and supply in the state.

1064 (7) The second Friday and Saturday in August shall be commemorated yearly as Utah
1065 Fallen Heroes Days to:

1066 (a) honor fallen heroes who, during service in the military or public safety, have
1067 sacrificed their lives to protect the country and the citizens of the state; and

1068 (b) encourage political subdivisions to acknowledge and honor fallen heroes.

1069 Section 14. Section **63J-1-219** is amended to read:

1070 **63J-1-219. Definitions -- Federal receipts reporting requirements.**

1071 (1) As used in this section:

1072 (a) (i) "Designated state agency" means the Department of Administrative Services, the
1073 Department of Agriculture and Food, the Department of Alcoholic Beverage Control, the
1074 Department of Commerce, the Department of Heritage and Arts, the Department of
1075 Corrections, the Department of Environmental Quality, the Department of Financial
1076 Institutions, the Department of Health, the Department of Human Resource Management, the
1077 Department of Human Services, the Department of Insurance, the Department of Natural
1078 Resources, the Department of Public Safety, the Department of Technology Services, the
1079 Department of Transportation, the Department of Veterans' and Military Affairs, the
1080 Department of Workforce Services, the Labor Commission, the Office of Economic
1081 Development, the Public Service Commission, the State Board of Regents, the State Office of

1082 Education, the State Tax Commission, or the Utah National Guard.

1083 (ii) "Designated state agency" does not include the judicial branch, the legislative
1084 branch, or an office or other entity within the judicial branch or the legislative branch.

1085 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
1086 Sec. 7501, that is reported as part of a single audit.

1087 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

1088 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or
1089 before October 31, prepare a report that:

1090 (a) reports the aggregate value of federal receipts the designated state agency received
1091 for the preceding fiscal year;

1092 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the
1093 designated state agency for the preceding fiscal year;

1094 (c) calculates the percentage of the designated state agency's total budget for the
1095 preceding fiscal year that constitutes federal receipts that the designated state agency received
1096 for that fiscal year; and

1097 (d) develops plans for operating the designated state agency if there is a reduction of:

1098 (i) 5% or more in the federal receipts that the designated state agency receives; and

1099 (ii) 25% or more in the federal receipts that the designated state agency receives.

1100 (3) (a) The report required by Subsection (2) that the Board of Regents prepares shall
1101 include the information required by Subsections (2)(a) through (c) for each state institution of
1102 higher education listed in Section 53B-2-101.

1103 (b) The report required by Subsection (2) that the State Office of Education prepares
1104 shall include the information required by Subsections (2)(a) through (c) for each school district
1105 and each charter school within the public education system.

1106 (4) A designated state agency that prepares a report in accordance with Subsection (2)
1107 shall submit the report to the Division of Finance on or before November 1 of each year.

1108 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a
1109 report that:

1110 (i) compiles and summarizes the reports the Division of Finance receives in accordance
1111 with Subsection (4); and

1112 (ii) compares the aggregate value of federal receipts each designated state agency

1113 received for the previous fiscal year to the aggregate amount of federal funds appropriated by
1114 the Legislature to that designated state agency for that fiscal year.

1115 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),
1116 compile a list of designated state agencies that do not submit a report as required by this
1117 section.

1118 (6) The Division of Finance shall submit the report required by Subsection (5) to the
1119 Executive Appropriations Committee on or before December 1 of each year.

1120 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive
1121 Appropriations Committee shall place the report on the agenda for review and consideration at
1122 the next Executive Appropriations Committee meeting.

1123 (8) When considering the report required by Subsection (5), the Executive
1124 Appropriations Committee may elect to:

1125 (a) recommend that the Legislature reduce or eliminate appropriations for a designated
1126 state agency;

1127 (b) take no action; or

1128 (c) take another action that a majority of the committee approves.

1129 Section 15. Section **67-19-6.7** is amended to read:

1130 **67-19-6.7. Overtime policies for state employees.**

1131 (1) As used in this section:

1132 (a) "Accrued overtime hours" means:

1133 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end
1134 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt
1135 state employee who accrued them; and

1136 (ii) for exempt employees, overtime hours earned during an overtime year.

1137 (b) "Appointed official" means:

1138 (i) each department executive director and deputy director, each division director, and
1139 each member of a board or commission; and

1140 (ii) any other person employed by a department who is appointed by, or whose
1141 appointment is required by law to be approved by, the governor and who:

1142 (A) is paid a salary by the state; and

1143 (B) who exercises managerial, policy-making, or advisory responsibility.

1144 (c) "Department" means the Department of Administrative Services, the Department of
1145 Corrections, the Department of Financial Institutions, the Department of Alcoholic Beverage
1146 Control, the Insurance Department, the Public Service Commission, the Labor Commission,
1147 the Department of Agriculture and Food, the Department of Human Services, the State Board
1148 of Education, the Department of Natural Resources, the Department of Technology Services,
1149 the Department of Transportation, the Department of Commerce, the Department of Workforce
1150 Services, the State Tax Commission, the Department of Heritage and Arts, the Department of
1151 Health, the National Guard, the Department of Environmental Quality, the Department of
1152 Public Safety, the Department of Human Resource Management, the Commission on Criminal
1153 and Juvenile Justice, all merit employees except attorneys in the Office of the Attorney
1154 General, merit employees in the Office of the State Treasurer, merit employees in the Office of
1155 the State Auditor, Department of Veterans' and Military Affairs, and the Board of Pardons and
1156 Parole.

1157 (d) "Elected official" means any person who is an employee of the state because the
1158 person was elected by the registered voters of Utah to a position in state government.

1159 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair
1160 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

1161 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

1162 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards
1163 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of
1164 compensation the nonexempt employee will receive for overtime.

1165 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by
1166 the Department of Human Resource Management applying FLSA requirements.

1167 (i) "Overtime" means actual time worked in excess of the employee's defined work
1168 period.

1169 (j) "Overtime year" means the year determined by a department under Subsection
1170 (4)(b) at the end of which an exempt employee's accrued overtime lapses.

1171 (k) "State employee" means every person employed by a department who is not:

1172 (i) an appointed official;

1173 (ii) an elected official;

1174 (iii) a member of a board or commission who is paid only for per diem or travel

1175 expenses; or

1176 (iv) employed on a contractual basis at the State Office of Education.

1177 (l) "Uniform annual date" means the date when an exempt employee's accrued
1178 overtime lapses.

1179 (m) "Work period" means:

1180 (i) for all nonexempt employees, except law enforcement and hospital employees, a
1181 consecutive seven day 24 hour work period of 40 hours;

1182 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and

1183 (iii) for nonexempt law enforcement and hospital employees, the period established by
1184 each department by rule for those employees according to the requirements of the Fair Labor
1185 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

1186 (2) Each department shall compensate each state employee who works overtime by
1187 complying with the requirements of this section.

1188 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each
1189 nonexempt employee.

1190 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
1191 compensated for overtime by:

1192 (i) taking time off work at the rate of one and one-half hour off for each overtime hour
1193 worked; or

1194 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per
1195 hour that the state employee receives for nonovertime work.

1196 (c) Any nonexempt employee who elects to take time off under this Subsection (3)
1197 shall be paid for any overtime worked in excess of the cap established by the Department of
1198 Human Resource Management.

1199 (d) Before working any overtime, each nonexempt employee shall obtain authorization
1200 to work overtime from the employee's immediate supervisor.

1201 (e) Each department shall:

1202 (i) for employees who elect to be compensated with time off for overtime, allow
1203 overtime earned during a fiscal year to be accumulated; and

1204 (ii) for employees who elect to be paid for overtime worked, pay them for overtime
1205 worked in the paycheck for the pay period in which the employee worked the overtime.

1206 (f) If the department pays a nonexempt employee for overtime, the department shall
1207 charge that payment to the department's budget.

1208 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
1209 overtime hours for nonexempt employees and charge that total against the appropriate fund or
1210 subfund.

1211 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall
1212 compensate exempt employees who work overtime by granting them time off at the rate of one
1213 hour off for each hour of overtime worked.

1214 (ii) The executive director of the Department of Human Resource Management may
1215 grant limited exceptions to this requirement, where work circumstances dictate, by authorizing
1216 a department to pay employees for overtime worked at the rate per hour that the employee
1217 receives for nonovertime work, if the department has funds available.

1218 (b) (i) Each department shall:

1219 (A) establish in its written human resource policies a uniform annual date for each
1220 division that is at the end of any pay period; and

1221 (B) communicate the uniform annual date to its employees.

1222 (ii) If any department fails to establish a uniform annual date as required by this
1223 Subsection (4), the executive director of the Department of Human Resource Management, in
1224 conjunction with the director of the Division of Finance, shall establish the date for that
1225 department.

1226 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a
1227 benefit, and is not a vested right.

1228 (ii) A court may not construe the overtime for exempt employees authorized by this
1229 Subsection (4) as an entitlement, a benefit, or as a vested right.

1230 (d) At the end of the overtime year, upon transfer to another department at any time,
1231 and upon termination, retirement, or other situations where the employee will not return to
1232 work before the end of the overtime year:

1233 (i) any of an exempt employee's overtime that is more than the maximum established
1234 by the Department of Human Resource Management rule lapses; and

1235 (ii) unless authorized by the executive director of the Department of Human Resource
1236 Management under Subsection (4)(a)(ii), a department may not compensate the exempt

1237 employee for that lapsed overtime by paying the employee for the overtime or by granting the
1238 employee time off for the lapsed overtime.

1239 (e) Before working any overtime, each exempt employee shall obtain authorization to
1240 work overtime from the exempt employee's immediate supervisor.

1241 (f) If the department pays an exempt employee for overtime under authorization from
1242 the executive director of the Department of Human Resource Management, the department
1243 shall charge that payment to the department's budget in the pay period earned.

1244 (5) The Department of Human Resource Management shall:

1245 (a) ensure that the provisions of the FLSA and this section are implemented throughout
1246 state government;

1247 (b) determine, for each state employee, whether that employee is exempt, nonexempt,
1248 law enforcement, or has some other status under the FLSA;

1249 (c) in coordination with modifications to the systems operated by the Division of
1250 Finance, make rules:

1251 (i) establishing procedures for recording overtime worked that comply with FLSA
1252 requirements;

1253 (ii) establishing requirements governing overtime worked while traveling and
1254 procedures for recording that overtime that comply with FLSA requirements;

1255 (iii) establishing requirements governing overtime worked if the employee is "on call"
1256 and procedures for recording that overtime that comply with FLSA requirements;

1257 (iv) establishing requirements governing overtime worked while an employee is being
1258 trained and procedures for recording that overtime that comply with FLSA requirements;

1259 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt
1260 employee may accrue before a department is required to pay the employee for the overtime
1261 worked;

1262 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
1263 exempt employee that do not lapse; and

1264 (vii) establishing procedures for adjudicating appeals of any FLSA determinations
1265 made by the Department of Human Resource Management as required by this section;

1266 (d) monitor departments for compliance with the FLSA; and

1267 (e) recommend to the Legislature and the governor any statutory changes necessary

1268 because of federal government action.

1269 (6) In coordination with the procedures for recording overtime worked established in
1270 rule by the Department of Human Resource Management, the Division of Finance shall modify
1271 its payroll and human resource systems to accommodate those procedures.

1272 (a) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
1273 Administrative Procedures Act, Section 67-19-31, and Section 67-19a-301, any employee who
1274 is aggrieved by the FLSA designation made by the Department of Human Resource
1275 Management as required by this section may appeal that determination to the executive director
1276 of the Department of Human Resource Management by following the procedures and
1277 requirements established in Department of Human Resource Management rule.

1278 (b) Upon receipt of an appeal under this section, the executive director shall notify the
1279 executive director of the employee's department that the appeal has been filed.

1280 (c) If the employee is aggrieved by the decision of the executive director of the
1281 Department of Human Resource Management, the employee shall appeal that determination to
1282 the Department of Labor, Wage and Hour Division, according to the procedures and
1283 requirements of federal law.

1284 Section 16. Section **67-22-2** is amended to read:

1285 **67-22-2. Compensation -- Other state officers.**

1286 (1) As used in this section:

1287 (a) "Appointed executive" means the:

1288 (i) Commissioner of the Department of Agriculture and Food;

1289 (ii) Commissioner of the Insurance Department;

1290 (iii) Commissioner of the Labor Commission;

1291 (iv) Director, Department of Alcoholic Beverage Control;

1292 (v) Commissioner of the Department of Financial Institutions;

1293 (vi) Executive Director, Department of Commerce;

1294 (vii) Executive Director, Commission on Criminal and Juvenile Justice;

1295 (viii) Adjutant General;

1296 (ix) Executive Director, Department of Heritage and Arts;

1297 (x) Executive Director, Department of Corrections;

1298 (xi) Commissioner, Department of Public Safety;

- 1299 (xii) Executive Director, Department of Natural Resources;
- 1300 (xiii) Director, Governor's Office of Planning and Budget;
- 1301 (xiv) Executive Director, Department of Administrative Services;
- 1302 (xv) Executive Director, Department of Human Resource Management;
- 1303 (xvi) Executive Director, Department of Environmental Quality;
- 1304 (xvii) Director, Governor's Office of Economic Development;
- 1305 (xviii) Executive Director, Utah Science Technology and Research Governing
- 1306 Authority;
- 1307 (xix) Executive Director, Department of Workforce Services;
- 1308 (xx) Executive Director, Department of Health, Nonphysician;
- 1309 (xxi) Executive Director, Department of Human Services;
- 1310 (xxii) Executive Director, Department of Transportation;
- 1311 (xxiii) Executive Director, Department of Technology Services; and
- 1312 (xxiv) Executive Director, Department of ~~Veterans~~ Veterans' and Military Affairs.

1313 (b) "Board or commission executive" means:

- 1314 (i) Members, Board of Pardons and Parole;
- 1315 (ii) Chair, State Tax Commission;
- 1316 (iii) Commissioners, State Tax Commission;
- 1317 (iv) Executive Director, State Tax Commission;
- 1318 (v) Chair, Public Service Commission; and
- 1319 (vi) Commissioners, Public Service Commission.

1320 (c) "Deputy" means the person who acts as the appointed executive's second in
1321 command as determined by the Department of Human Resource Management.

1322 (2) (a) The executive director of the Department of Human Resource Management
1323 shall:

- 1324 (i) before October 31 of each year, recommend to the governor a compensation plan for
1325 the appointed executives and the board or commission executives; and
- 1326 (ii) base those recommendations on market salary studies conducted by the Department
1327 of Human Resource Management.

1328 (b) (i) The Department of Human Resource Management shall determine the salary
1329 range for the appointed executives by:

- 1330 (A) identifying the salary range assigned to the appointed executive's deputy;
- 1331 (B) designating the lowest minimum salary from those deputies' salary ranges as the
1332 minimum salary for the appointed executives' salary range; and
- 1333 (C) designating 105% of the highest maximum salary range from those deputies' salary
1334 ranges as the maximum salary for the appointed executives' salary range.
- 1335 (ii) If the deputy is a medical doctor, the Department of Human Resource Management
1336 may not consider that deputy's salary range in designating the salary range for appointed
1337 executives.
- 1338 (c) In establishing the salary ranges for board or commission executives, the
1339 Department of Human Resource Management shall set the maximum salary in the salary range
1340 for each of those positions at 90% of the salary for district judges as established in the annual
1341 appropriation act under Section 67-8-2.
- 1342 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
1343 specific salary for each appointed executive within the range established under Subsection
1344 (2)(b).
- 1345 (ii) If the executive director of the Department of Health is a physician, the governor
1346 shall establish a salary within the highest physician salary range established by the Department
1347 of Human Resource Management.
- 1348 (iii) The governor may provide salary increases for appointed executives within the
1349 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).
- 1350 (b) The governor shall apply the same overtime regulations applicable to other FLSA
1351 exempt positions.
- 1352 (c) The governor may develop standards and criteria for reviewing the appointed
1353 executives.
- 1354 (4) Salaries for other Schedule A employees, as defined in Section 67-19-15, that are
1355 not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
1356 Salary Act, shall be established as provided in Section 67-19-15.
- 1357 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
1358 commission executives as follows:
- 1359 (i) the option of participating in a state retirement system established by Title 49, Utah
1360 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered

1361 by the State Retirement Office in accordance with the Internal Revenue Code and its
1362 accompanying rules and regulations;

- 1363 (ii) health insurance;
- 1364 (iii) dental insurance;
- 1365 (iv) basic life insurance;
- 1366 (v) unemployment compensation;
- 1367 (vi) workers' compensation;
- 1368 (vii) required employer contribution to Social Security;
- 1369 (viii) long-term disability income insurance;
- 1370 (ix) the same additional state-paid life insurance available to other noncareer service
1371 employees;
- 1372 (x) the same severance pay available to other noncareer service employees;
- 1373 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
1374 follows:

- 1375 (A) sick leave;
- 1376 (B) converted sick leave if accrued prior to January 1, 2014;
- 1377 (C) educational allowances;
- 1378 (D) holidays; and
- 1379 (E) annual leave except that annual leave shall be accrued at the maximum rate
1380 provided to Schedule B state employees;
- 1381 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
1382 provided by law or rule upon resignation or retirement according to the same criteria and
1383 procedures applied to Schedule B state employees;
- 1384 (xiii) the option to purchase additional life insurance at group insurance rates according
1385 to the same criteria and procedures applied to Schedule B state employees; and
- 1386 (xiv) professional memberships if being a member of the professional organization is a
1387 requirement of the position.

- 1388 (b) Each department shall pay the cost of additional state-paid life insurance for its
1389 executive director from its existing budget.
- 1390 (6) The Legislature fixes the following additional benefits:
- 1391 (a) for the executive director of the State Tax Commission a vehicle for official and

1392 personal use;

1393 (b) for the executive director of the Department of Transportation a vehicle for official
1394 and personal use;

1395 (c) for the executive director of the Department of Natural Resources a vehicle for
1396 commute and official use;

1397 (d) for the Commissioner of Public Safety:

1398 (i) an accidental death insurance policy if POST certified; and

1399 (ii) a public safety vehicle for official and personal use;

1400 (e) for the executive director of the Department of Corrections:

1401 (i) an accidental death insurance policy if POST certified; and

1402 (ii) a public safety vehicle for official and personal use;

1403 (f) for the Adjutant General a vehicle for official and personal use; and

1404 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
1405 official use.

1406 Section 17. Section **71-7-3** is amended to read:

1407 **71-7-3. Development, operation, and maintenance of Utah Veterans' Cemetery**
1408 **and Memorial Park -- Responsibilities of Department of Veterans' and Military Affairs --**
1409 **Costs -- Definition.**

1410 (1) The Department of Veterans' and Military Affairs, in consultation with the
1411 Veterans' Memorial Park Board, shall develop, operate, and maintain a veterans' cemetery and
1412 memorial park.

1413 (2) To help pay the costs of developing, constructing, operating, and maintaining a
1414 veterans' cemetery and memorial park, the Department of Veterans' and Military Affairs may:

1415 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal
1416 Funds Procedures, receive federal funds, and may receive state funds, contributions from
1417 veterans' organizations, and other private donations; and

1418 (b) charge fees for at least the cost of the burial of veterans' spouses and other persons,
1419 whom the department and the Veterans' Memorial Park Board determines are eligible to be
1420 buried in a veterans' cemetery established by the state.

1421 (3) As used in this chapter, "veteran" has the same meaning as in Section 71-8-1.

1422 Section 18. Section **71-7-4** is amended to read:

1423 **71-7-4. Veterans' Memorial Park Board -- Members -- Appointment -- Meetings**
1424 **-- Per diem and travel expenses.**

1425 (1) There is created a Veterans' Memorial Park Board to serve as an advisory body to
1426 the Department of Veterans' and Military Affairs on matters relating to the establishment and
1427 operation of a veterans' cemetery and memorial park.

1428 (2) The board shall consist of the following five members:

1429 (a) one representative recommended by the state commander of the Veterans of
1430 Foreign Wars;

1431 (b) one representative recommended by the state commander of the American Legion;

1432 (c) one representative recommended by the state commander of the Disabled American
1433 Veterans;

1434 (d) the director of the Department of Veterans' and Military Affairs; and

1435 (e) one person not affiliated with any of the organizations referred to in this Subsection
1436 (2).

1437 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint members in
1438 Subsections (2)(a), (b), (c), and (e) above for four-year terms. The governor shall make final
1439 appointments to the board by June 30 of any year in which appointments are to be made under
1440 this chapter.

1441 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1442 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1443 board members are staggered so that approximately half of the board is appointed every two
1444 years.

1445 (c) All members shall serve until their successors are appointed.

1446 (d) Members may not serve more than two consecutive terms.

1447 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
1448 appointed for the unexpired term in the same manner as the original appointment.

1449 (5) (a) The board shall select a chair annually from among its members at its first
1450 meeting after July 1.

1451 (b) Three members of the board constitute a quorum to transact business.

1452 (c) The board shall meet at least quarterly on a regular date fixed by the board.

1453 (d) The chair or three members of the board may call additional meetings.

1454 (6) The board shall provide copies of all minutes and an annual report of its activities
1455 by June 30 of each year to the Veterans' Advisory Council created in Section 71-8-4.

1456 (7) A member may not receive compensation or benefits for the member's service, but
1457 may receive per diem and travel expenses in accordance with:

1458 (a) Section 63A-3-106;

1459 (b) Section 63A-3-107; and

1460 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1461 63A-3-107.

1462 Section 19. Section **71-8-1** is amended to read:

1463 **71-8-1. Definitions.**

1464 As used in this chapter:

1465 (1) "Council" means the Veterans' Advisory Council.

1466 (2) "Department" means the Department of Veterans' and Military Affairs.

1467 (3) "Executive director" means the executive director of the Department of Veterans'
1468 Affairs.

1469 (4) "Government entity" means the state and any county, municipality, local district,
1470 special service district, and any other political subdivision or administrative unit of the state,
1471 including state institutions of education.

1472 (5) "Veteran" means:

1473 (a) an individual who has served on active duty in the armed forces for at least 180
1474 consecutive days or was a member of a reserve component, and who has been separated or
1475 retired under honorable conditions; or

1476 (b) any individual incurring an actual service-related injury or disability in the line of
1477 duty whether or not that person completed 180 days of active duty.

1478 Section 20. Section **71-8-2** is amended to read:

1479 **71-8-2. Department of Veterans' and Military Affairs created -- Appointment of**
1480 **executive director -- Department responsibilities.**

1481 (1) There is created the Department of Veterans' and Military Affairs.

1482 (2) The governor shall appoint an executive director for the department, after
1483 consultation with the Veterans' Advisory Council, who is subject to Senate confirmation~~[, from~~
1484 ~~a list of qualified veterans provided by the Veterans' Advisory Council].~~

- 1485 (a) The executive director shall be a veteran.
- 1486 **(b)** Any veteran or veteran's group may submit names to the council for consideration.
- 1487 (3) The department shall:
- 1488 (a) conduct and supervise all veteran activities as provided in this title; and
- 1489 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 1490 Rulemaking Act, to carry out the provisions of this title.
- 1491 Section 21. Section **71-8-3** is amended to read:
- 1492 **71-8-3. Duties of executive director -- Services to veterans.**
- 1493 The executive director shall:
- 1494 (1) be responsible for the administration and the operation or support of the following
- 1495 veteran-related operations:
- 1496 (a) Utah State Veterans' Nursing Homes and Programs;
- 1497 (b) Utah State Veterans' Cemetery and Memorial Park;
- 1498 (c) Title 71, Chapter 10, Veteran's Preference;
- 1499 (d) any locally or federally funded programs for homeless veterans within the state; and
- 1500 (e) any federally funded education services for veterans within the state;
- 1501 (2) maintain liaison with local, state, and federal veterans' agencies and with Utah
- 1502 veterans' organizations;
- 1503 (3) provide current information so that veterans, their surviving spouses and family
- 1504 members, and Utah veterans' organizations will be aware of benefits to which they are, or may
- 1505 become, entitled;
- 1506 (4) reach out and assist veterans and their families in applying for benefits and
- 1507 services;
- 1508 (5) develop and maintain a system for determining how many veterans are employed
- 1509 by the various government entities within the state and keeping track of them; [~~and~~]
- 1510 (6) cooperate with other state entities in the receipt of information to create and
- 1511 maintain a record of veterans in Utah[-];
- 1512 (7) advise the governor on matters pertaining to military affairs throughout Utah,
- 1513 including active duty servicemembers, reserve duty servicemembers, and veterans;
- 1514 (8) identify military-related issues, challenges, and opportunities, and develop plans for
- 1515 addressing them;

1516 (9) develop, coordinate, and maintain relationships with military leaders of Utah
 1517 military installations, including the Utah National Guard;

1518 (10) develop, coordinate, and maintain relationships with Utah's congressional
 1519 delegation and military staffers;

1520 (11) develop and maintain relationships with military-related organizations in Utah;

1521 (12) conduct forums and meetings with stakeholders to identify military issues and
 1522 challenges and to develop solutions to them; and

1523 (13) perform other related duties as requested by the governor.

1524 Section 22. Section **71-8-4** is amended to read:

1525 **71-8-4. Veterans' Advisory Council -- Membership -- Duties and responsibilities**
 1526 **-- Per diem and travel expenses.**

1527 (1) There is created a Veterans' Advisory Council whose purpose is to advise the
 1528 executive director of the Department of Veterans' and Military Affairs on issues relating to
 1529 veterans.

1530 (2) The council shall consist of [~~11 voting members and one nonvoting member,~~
 1531 ~~designated as follows]~~ the following 14 members:

1532 (a) [~~five members appointed by the governor]~~ 11 voting members to serve four-year
 1533 terms:

1534 (i) [~~four]~~ seven veterans at large appointed by the governor; [~~and]~~

1535 (ii) the commander or the commander's designee, whose terms shall last for as long as
 1536 they hold that office, from each of the following organizations:

1537 (A) Veterans of Foreign Wars;

1538 (B) American Legion; and

1539 (C) Disabled American Veterans; and

1540 (iii) a representative from the Office of the Governor; and

1541 (b) three nonvoting members:

1542 (i) the executive director of the Department of Veterans' and Military Affairs;

1543 [~~(ii) a representative from the Office of the Governor;~~]

1544 [~~(b)~~] (ii) the director of the VA Health Care System or his designee; and

1545 [~~(c)~~] (iii) the director of the VA Benefits Administration Regional Office in Salt Lake
 1546 City, or his designee[;].

1547 ~~[(d) a representative from the Veterans' Memorial Park Board for the duration of his~~
1548 ~~appointment to the board;]~~

1549 ~~[(e) the commanders or their designees of the three largest veterans service~~
1550 ~~organizations in the state, whose terms shall last as long as they hold the required office; and]~~

1551 ~~[(f) the executive director shall be a nonvoting member of the council.]~~

1552 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
1553 expire, the governor shall appoint each new or reappointed member to a four-year term
1554 commencing on July 1.

1555 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
1556 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1557 council members are staggered so that approximately half of the members appointed by the
1558 governor are appointed every two years.

1559 (4) When a vacancy occurs in the membership for any reason, the governor shall
1560 appoint a replacement for the unexpired term within 60 days of receiving notice.

1561 (5) Members appointed by the governor may not serve more than ~~[two]~~ three
1562 consecutive terms.

1563 (6) (a) Any veterans' group or veteran may provide the executive director with a list of
1564 recommendations for members on the council.

1565 (b) The executive director shall provide the governor with the list of recommendations
1566 for members to be appointed to the council.

1567 (c) The governor shall make final appointments to the council by June 30 of any year in
1568 which appointments are to be made under this chapter.

1569 (7) The council shall elect a chair and vice chair from among ~~[its]~~ the council members
1570 every two years. The chair and vice chair shall be ~~[a veteran]~~ veterans.

1571 (8) (a) The council shall meet at least once every quarter.

1572 (b) The executive director of the Department of Veterans' and Military Affairs may
1573 convene additional meetings, as necessary.

1574 (9) The department shall provide staff to the council.

1575 (10) Six voting members are a quorum for the transaction of business.

1576 (11) The council shall:

1577 (a) solicit input concerning veterans issues from veterans' groups throughout the state;

1578 (b) report issues received to the executive director of the Department of Veterans' and
1579 Military Affairs and make recommendations concerning them;

1580 (c) keep abreast of federal developments that affect veterans locally and advise the
1581 executive director of them; and

1582 (d) approve, by a majority vote, the use of money generated from veterans' license
1583 plates under Section 41-1a-422 for veterans' programs.

1584 (12) A member may not receive compensation or benefits for the member's service, but
1585 may receive per diem and travel expenses in accordance with:

1586 (a) Section 63A-3-106;

1587 (b) Section 63A-3-107; and

1588 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1589 63A-3-107.

1590 Section 23. Section **71-9-1** is amended to read:

1591 **71-9-1. Contract to provide assistance to veterans and their widows and children.**

1592 The Department of Veterans' and Military Affairs is authorized to contract with the
1593 American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars of the
1594 United States, as organized in this state, to provide, especially in the outlying areas of the state,
1595 assistance to veterans, their widows, and children as follows:

1596 (1) to disseminate information regarding all laws applicable to veterans, their widows,
1597 and children in the preparation, presentation, and prosecution of claims against the United
1598 States arising by reason of service in the military, naval, or air services;

1599 (2) to assist veterans, their widows, and children in the establishment of all rights and
1600 the procurement of all benefits which may accrue to them under the laws of this state or of the
1601 United States;

1602 (3) to cooperate with any and all agencies and instrumentalities of this state or of the
1603 United States having to do with the employment or reemployment of veterans;

1604 (4) to cooperate with any and all agencies and instrumentalities of this state or of the
1605 United States and make a representative and information available on a rotating basis in the
1606 outlying areas of the state;

1607 (5) to assist veterans in obtaining such preference for employment as may be
1608 authorized by the laws of this state or of the United States; and

1609 (6) to assist veterans, their widows, and children in obtaining emergency relief, and to
1610 that end cooperate with such agencies and instrumentalities of this state or of the United States
1611 as have been or may be established for the purpose of extending emergency relief.

1612 Section 24. Section **71-9-2** is amended to read:

1613 **71-9-2. Contracts subject to appropriation of funds.**

1614 Any contract entered into under Section 71-9-1 shall expressly state that it is subject to
1615 the appropriation of sufficient funds by the Legislature to carry out its terms and that the
1616 decision of the executive director of the Department of Veterans' and Military Affairs as to
1617 whether an appropriation is sufficient to carry out the terms of the contract is conclusive.

1618 Section 25. Section **71-11-2** is amended to read:

1619 **71-11-2. Definitions.**

1620 As used in this chapter:

1621 (1) "Administrator" means a Veterans' Nursing Home Administrator selected in
1622 accordance with Section 71-11-5.

1623 (2) "Board" means any Veterans' Nursing Home Advisory Board.

1624 (3) "Department" means the Department of Veterans' and Military Affairs created in
1625 Section 71-8-2.

1626 (4) "Executive director" means the executive director of the Department of Veterans'
1627 and Military Affairs.

1628 (5) "Home" means any Utah Veterans' Nursing Home.

1629 (6) "Veteran" is as defined in Subsection 71-10-1(4).

1630 Section 26. Section **71-11-7** is amended to read:

1631 **71-11-7. Veterans' Nursing Home Advisory Boards.**

1632 (1) (a) Each home shall have a Veterans' Nursing Home Advisory Board to act as a
1633 liaison between the residents, members of the public, and the administration of the home.

1634 (b) The board shall interview candidates for the position of nursing home administrator
1635 and make a recommendation to the department.

1636 (2) Each board shall consist of the following seven members:

1637 (a) one resident of the home appointed by the governor;

1638 (b) two members of the Veterans' Advisory Council, designated by the governor, one
1639 of which shall specifically be designated as the board's representative to the council;

1640 (c) one veteran from the area in which the home is located appointed by the governor;

1641 (d) one representative from the VA Health Care System, appointed by its director;

1642 (e) one representative from the Department of Health, appointed by its executive

1643 director; and

1644 (f) one representative from the United States Department of Veterans Affairs regional

1645 office.

1646 (3) (a) (i) Members shall serve for four-year terms.

1647 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,

1648 the governor shall appoint each new or reappointed member to a four-year term beginning on

1649 July 1.

1650 (b) The governor shall, at the time of appointment or reappointment, adjust the length

1651 of terms to ensure that the terms of board members are staggered so that approximately half of

1652 the board is appointed every two years.

1653 (c) The governor shall make final appointments to the board by June 30 of any year in

1654 which appointments are to be made under this chapter.

1655 (4) Vacancies shall be filled by the governor within 60 days of receiving notice of a

1656 vacancy, but only for the unexpired term of the vacated member.

1657 (5) (a) Except as provided in Subsection (5)(b), members may not serve more than two

1658 consecutive terms.

1659 (b) Members appointed by the VA Health Care System and the United States

1660 Department of Veterans Affairs are exempt from the term limit requirement.

1661 (6) Each board shall elect a chair annually from among its members at its first meeting

1662 after July 1.

1663 (7) Each board shall meet at least quarterly.

1664 (8) Four members of the board constitute a quorum for the transaction of business.

1665 (9) Each board shall provide copies of all minutes and an annual report of its activities

1666 by June 30 of each year to the executive director of the Department of Veterans' and Military

1667 Affairs, and the Veterans' Advisory Council.

1668 (10) A member may not receive compensation or benefits for the member's service, but

1669 may receive per diem and travel expenses in accordance with:

1670 (a) Section 63A-3-106;

1671 (b) Section 63A-3-107; and
1672 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1673 63A-3-107.

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