

Representative Norman K Thurston proposes the following substitute bill:

OFFICE OF REHABILITATION SERVICES AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill modifies the State Office of Rehabilitation Act and related provisions.

Highlighted Provisions:

This bill:

▶ moves the Utah State Office of Rehabilitation from the State Board of Education to the Department of Workforce Services;

▶ consolidates the functions of the Division of Disability Determination Services, the Division of Rehabilitation Services, the Division of Services for the Blind and Visually Impaired, and the Division of Services to the Deaf and Hard of Hearing within the Utah State Office of Rehabilitation;

▶ requires the Department of Workforce Services to create a written transition plan;

▶ creates an Office of Rehabilitation Transition Restricted Account; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates:

▶ To the Department of Workforce Services -- Utah State Office of Rehabilitation, as an ongoing appropriation:

- from General Fund Restricted -- Office of Rehabilitation Transition Restricted



- 26 Account, \$26,385,100;
- 27 • from Federal Funds, \$62,656,000;
- 28 • from Dedicated Credits Revenue, \$985,600.
- 29 ▶ To State Board of Education -- Utah State Office of Rehabilitation, as a one-time
- 30 appropriation:
- 31 • from General Fund Restricted -- Office of Rehabilitation Transition Restricted
- 32 Account, \$26,385,100.
- 33 ▶ To General Fund Restricted -- Office of Rehabilitation Transition Restricted
- 34 Account, as a one-time appropriation:
- 35 • from General Fund, \$21,385,100;
- 36 • from Beginning Nonlapsing Appropriation Balances, \$5,000,000.

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 42 **34A-2-413.5**, as enacted by Laws of Utah 2014, Chapter 286
- 43 **35A-1-202**, as last amended by Laws of Utah 2012, Chapter 212
- 44 **35A-1-206**, as last amended by Laws of Utah 2014, Chapters 371 and 387
- 45 **53A-1-403.5**, as last amended by Laws of Utah 2012, Chapter 23
- 46 **53A-1a-501.7**, as last amended by Laws of Utah 2008, Chapter 319
- 47 **53A-11-203**, as last amended by Laws of Utah 2015, Chapter 126
- 48 **54-8b-10**, as last amended by Laws of Utah 2012, Chapter 347
- 49 **55-5-2**, as last amended by Laws of Utah 2011, Chapter 297
- 50 **55-5-7**, as last amended by Laws of Utah 1997, Chapter 10
- 51 **55-5-8**, as last amended by Laws of Utah 1996, Chapter 37
- 52 **55-5a-2**, as last amended by Laws of Utah 1996, Chapter 37
- 53 **55-5a-3**, as last amended by Laws of Utah 1996, Chapter 37
- 54 **55-5a-4**, as last amended by Laws of Utah 1979, Chapter 191
- 55 **55-5a-5**, as last amended by Laws of Utah 1979, Chapter 191
- 56 **62A-5a-102**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8

- 57 [62A-5a-103](#), as last amended by Laws of Utah 2010, Chapter 286
- 58 [62A-5a-105](#), as last amended by Laws of Utah 1996, Chapter 179
- 59 [63B-19-201](#), as enacted by Laws of Utah 2010, Chapter 100
- 60 [63G-6a-805](#), as last amended by Laws of Utah 2013, Chapter 445
- 61 [63I-2-253](#), as last amended by Laws of Utah 2015, Chapters 258, 418, and 456
- 62 [63J-1-601](#), as last amended by Laws of Utah 2015, Chapter 239
- 63 [63J-1-602.3](#), as last amended by Laws of Utah 2014, Chapters 189 and 304
- 64 [78B-1-203](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 65 [78B-1-206](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 66 [78B-1-208](#), as renumbered and amended by Laws of Utah 2008, Chapter 3

67 ENACTS:

- 68 [35A-13-201](#), Utah Code Annotated 1953
- 69 [35A-13-301](#), Utah Code Annotated 1953
- 70 [35A-13-401](#), Utah Code Annotated 1953
- 71 [35A-13-501](#), Utah Code Annotated 1953
- 72 [53A-24-601](#), Utah Code Annotated 1953
- 73 [53A-24-602](#), Utah Code Annotated 1953

74 RENUMBERS AND AMENDS:

- 75 [35A-13-101](#), (Renumbered from 53A-24-101, as repealed and reenacted by Laws of
- 76 Utah 1988, Chapter 83)
- 77 [35A-13-102](#), (Renumbered from 53A-24-102, as last amended by Laws of Utah 2001,
- 78 First Special Session, Chapter 5)
- 79 [35A-13-103](#), (Renumbered from 53A-24-103, as last amended by Laws of Utah 2001,
- 80 First Special Session, Chapter 5)
- 81 [35A-13-104](#), (Renumbered from 53A-24-104, as repealed and reenacted by Laws of
- 82 Utah 1988, Chapter 83)
- 83 [35A-13-105](#), (Renumbered from 53A-24-106, as repealed and reenacted by Laws of
- 84 Utah 1988, Chapter 83)
- 85 [35A-13-106](#), (Renumbered from 53A-24-107, as repealed and reenacted by Laws of
- 86 Utah 1988, Chapter 83)
- 87 [35A-13-107](#), (Renumbered from 53A-24-108, as repealed and reenacted by Laws of

88 Utah 1988, Chapter 83)
89 [35A-13-108](#), (Renumbered from 53A-24-109, as last amended by Laws of Utah 1996,
90 Chapter 37)
91 [35A-13-109](#), (Renumbered from 53A-24-110, as last amended by Laws of Utah 1996,
92 Chapter 37)
93 [35A-13-202](#), (Renumbered from 53A-24-105, as last amended by Laws of Utah 2011,
94 Chapter 303)
95 [35A-13-203](#), (Renumbered from 53A-24-106.5, as enacted by Laws of Utah 2011,
96 Chapter 169)
97 [35A-13-302](#), (Renumbered from 53A-24-114, as last amended by Laws of Utah 2008,
98 Chapter 382)
99 [35A-13-303](#), (Renumbered from 53A-24-205, as last amended by Laws of Utah 1996,
100 Chapter 37)
101 [35A-13-402](#), (Renumbered from 53A-24-304, as last amended by Laws of Utah 1996,
102 Chapter 37)
103 [35A-13-403](#), (Renumbered from 53A-24-305, as last amended by Laws of Utah 1996,
104 Chapter 37)
105 [35A-13-502](#), (Renumbered from 53A-24-404, as last amended by Laws of Utah 1990,
106 Chapter 78)
107 [35A-13-503](#), (Renumbered from 53A-24-405, as last amended by Laws of Utah 1990,
108 Chapter 78)
109 [35A-13-601](#), (Renumbered from 53A-26a-101, as enacted by Laws of Utah 1994,
110 Chapter 306)
111 [35A-13-602](#), (Renumbered from 53A-26a-102, as last amended by Laws of Utah 2013,
112 Chapter 385)
113 [35A-13-603](#), (Renumbered from 53A-26a-201, as enacted by Laws of Utah 1994,
114 Chapter 306)
115 [35A-13-604](#), (Renumbered from 53A-26a-202, as enacted by Laws of Utah 1994,
116 Chapter 306)
117 [35A-13-605](#), (Renumbered from 53A-26a-301, as last amended by Laws of Utah 2013,
118 Chapter 385)

119 **35A-13-606**, (Renumbered from 53A-26a-302, as last amended by Laws of Utah 2009,
120 Chapter 183)

121 **35A-13-607**, (Renumbered from 53A-26a-303, as enacted by Laws of Utah 1994,
122 Chapter 306)

123 **35A-13-608**, (Renumbered from 53A-26a-304, as enacted by Laws of Utah 1994,
124 Chapter 306)

125 **35A-13-609**, (Renumbered from 53A-26a-305, as last amended by Laws of Utah 2013,
126 Chapter 385)

127 **35A-13-610**, (Renumbered from 53A-26a-401, as enacted by Laws of Utah 1994,
128 Chapter 306)

129 **35A-13-611**, (Renumbered from 53A-26a-501, as enacted by Laws of Utah 1994,
130 Chapter 306)

131 **35A-13-612**, (Renumbered from 53A-26a-502, as enacted by Laws of Utah 1994,
132 Chapter 306)

133 **35A-13-613**, (Renumbered from 53A-26a-503, as enacted by Laws of Utah 1994,
134 Chapter 306)

135 REPEALS:

136 **53A-15-205**, as last amended by Laws of Utah 2013, Chapter 167

137 **53A-24-110.5**, as last amended by Laws of Utah 1998, Chapter 403

138 **53A-24-110.7**, as last amended by Laws of Utah 2001, Chapter 328

139 **53A-24-201**, as enacted by Laws of Utah 1988, Chapter 83

140 **53A-24-202**, as enacted by Laws of Utah 1988, Chapter 83

141 **53A-24-203**, as enacted by Laws of Utah 1988, Chapter 83

142 **53A-24-204**, as last amended by Laws of Utah 1996, Chapter 37

143 **53A-24-301**, as last amended by Laws of Utah 1996, Chapter 37

144 **53A-24-302**, as last amended by Laws of Utah 1996, Chapter 37

145 **53A-24-303**, as last amended by Laws of Utah 1996, Chapter 37

146 **53A-24-401**, as enacted by Laws of Utah 1988, Chapter 83

147 **53A-24-402**, as last amended by Laws of Utah 1990, Chapter 78

148 **53A-24-403**, as last amended by Laws of Utah 1990, Chapter 78

149 **53A-24-501**, as enacted by Laws of Utah 1988, Chapter 83

150 [53A-24-502](#), as last amended by Laws of Utah 1993, Chapter 4

151 [53A-24-503](#), as last amended by Laws of Utah 1993, Chapter 4

152

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

154 Section 1. Section **20A-14-103** is amended to read:

155 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
156 **-- Avoiding conflicts of interest.**

157 (1) (a) Unless otherwise provided by law, each State Board of Education member
158 elected from a State Board of Education District at the 2010 general election shall:

159 (i) serve out the term of office for which that member was elected; and

160 (ii) represent the realigned district if the member resides in that district.

161 (b) At the general election to be held in 2012, a State Board of Education member
162 elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected
163 to serve a term of office of four years.

164 (c) In order to ensure that the terms of approximately half of the State Board of
165 Education members expire every two years:

166 (i) at the general election to be held in 2012, the State Board of Education member
167 elected from State Board of Education District 1 shall be elected to serve a term of office of
168 two years; and

169 (ii) at the general election to be held in 2014, the State Board of Education member
170 elected from State Board of Education District 1 shall be elected to serve a term of office of
171 four years.

172 (2) (a) A person seeking election to the State Board of Education shall have been a
173 resident of the State Board of Education district in which the person is seeking election for at
174 least one year as of the date of the election.

175 (b) A person who has resided within the State Board of Education district, as the
176 boundaries of the district exist on the date of the election, for one year immediately preceding
177 the date of the election shall be considered to have met the requirements of this Subsection (2).

178 (3) A State Board of Education member shall:

179 (a) be and remain a registered voter in the State Board of Education district from which
180 the member was elected or appointed; and

181 (b) maintain the member's primary residence within the State Board of Education
182 district from which the member was elected or appointed during the member's term of office.

183 (4) A State Board of Education member may not, during the member's term of office,
184 also serve as an employee of:

- 185 (a) the State Board of Education; or
- 186 (b) the Utah State Office of Education[~~or~~].
- 187 [~~(c) the Utah State Office of Rehabilitation.~~]

188 Section 2. Section **34A-2-413.5** is amended to read:

189 **34A-2-413.5. Injured worker reemployment.**

190 (1) As used in this section:

191 (a) (i) "Gainful employment" means employment that:

- 192 (A) is reasonably attainable in view of an industrial injury or occupational disease; and
- 193 (B) offers to an injured worker, as reasonably feasible, an opportunity for earnings.

194 (ii) Factors considered in determining gainful employment include an injured worker's:

- 195 (A) education;
- 196 (B) experience; and
- 197 (C) physical and mental impairment and condition.

198 (b) "Initial written report" means a report described in Subsection (5).

199 (c) "Injured worker" means an employee who sustains an industrial injury or
200 occupational disease for which benefits are provided under this chapter or Chapter 3, Utah
201 Occupational Disease Act.

202 (d) "Injured worker with a disability" means an injured worker who:

203 (i) because of the injury or disease that is the basis of the employee being an injured
204 worker:

205 (A) is or will be unable to return to work in the injured worker's usual and customary
206 occupation; or

207 (B) is unable to perform work for which the injured worker has previous training and
208 experience; and

209 (ii) reasonably can be expected to attain gainful employment after an evaluation
210 provided for in accordance with this section.

211 (e) "Parties" means:

- 212 (i) an injured worker with a disability;
- 213 (ii) the employer of the injured worker with a disability;
- 214 (iii) the employer's workers' compensation insurance carrier; and
- 215 (iv) a rehabilitation or reemployment professional for the employer or the employer's
- 216 workers' compensation insurance carrier.
- 217 (f) "Reemployment plan" means a written:
- 218 (i) description or rationale for the manner and means by which it is proposed an injured
- 219 worker with a disability may return to gainful employment; and
- 220 (ii) definition of the voluntary responsibilities of:
- 221 (A) the injured worker with a disability;
- 222 (B) the employer; and
- 223 (C) one or more other parties involved with the implementation of the reemployment
- 224 plan.
- 225 (2) (a) This section applies only to an industrial injury or occupational disease that
- 226 occurs on or after July 1, 1990.
- 227 (b) This section is intended to promote and monitor the state's and the employer's
- 228 capacity to assist the injured worker in returning to the workforce by evaluating the
- 229 effectiveness of the voluntary efforts of employers under this section.
- 230 (3) This section does not affect the duties of the Utah State Office of Rehabilitation
- 231 created in Section [35A-1-202](#).
- 232 (4) The commission may provide for the administration of this section by rule in
- 233 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 234 (5) An employer or the employer's workers' compensation insurance carrier may
- 235 voluntarily prepare an initial written report assessing an injured worker's need or lack of need
- 236 for vocational assistance in reemployment if:
- 237 (a) it appears that the injured worker is or will be an injured worker with a disability; or
- 238 (b) the period of the injured worker's temporary total disability compensation period
- 239 exceeds 90 days.
- 240 (6) (a) Subject to Subsection (6)(b), an employer or the employer's workers'
- 241 compensation insurance carrier may serve the initial written report, if one has been prepared,
- 242 on the injured worker.

243 (b) If an employer or the employer's workers' compensation insurance carrier serves an
244 initial written report on an injured worker, the employer or the employer's workers'
245 compensation insurance carrier shall comply with Subsection (6)(a) by no later than 30 days
246 after the earlier of the day on which:

- 247 (i) it appears that the injured worker is or will be an injured worker with a disability; or
- 248 (ii) the 90-day period described in Subsection (5)(b) ends.

249 (7) With the initial written report, if one is prepared and used in the determination
250 process, an employer or the employer's workers' compensation insurance carrier shall provide
251 an injured worker information regarding reemployment.

252 (8) Subject to the other provisions of this section, if an injured worker is an injured
253 worker with a disability, the employer or the employer's workers' compensation insurance
254 carrier may, within 10 days after the day on which the employer or workers' compensation
255 insurance carrier serves the initial written report on the injured worker, refer the injured worker
256 with a disability to:

- 257 (a) the Utah State Office of Rehabilitation; or
- 258 (b) at the employer's or workers' compensation insurance carrier's option, a private
259 rehabilitation or reemployment service.

260 (9) An employer or the employer's workers' compensation insurance carrier shall make
261 the referral required by Subsection (8) for the purpose of:

- 262 (a) providing an evaluation; and
- 263 (b) developing a reemployment plan.

264 (10) The objective of reemployment is to return an injured worker with a disability to
265 gainful employment in the following order of employment priority:

- 266 (a) same job, same employer;
- 267 (b) modified job, same employer;
- 268 (c) same job, new employer;
- 269 (d) modified job, new employer;
- 270 (e) new job, new employer; or
- 271 (f) retraining in a new occupation.

272 (11) Nothing in this section or its application is intended to:

- 273 (a) modify or in any way affect an existing employee-employer relationship; or

274 (b) provide an employee with a guarantee or right to employment or continued
275 employment with an employer.

276 (12) A rehabilitation counselor to whom a referral is made under Subsection (8) shall
277 have the same or comparable qualifications as those established by the Utah State Office of
278 Rehabilitation for personnel assigned to rehabilitation and evaluation duties.

279 Section 3. Section **35A-1-202** is amended to read:

280 **35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,**
281 **Child Care Advisory Committee, and economic service areas.**

282 (1) There is created within the department the following divisions:

283 (a) the Employment Development Division to administer the development and
284 implementation of employment assistance programs that are:

285 (i) related to the operations of the department; and

286 (ii) consistent with federal and state law;

287 (b) to administer those services that are not delivered through the economic service
288 areas:

289 (i) the Workforce Development and Information Division; and

290 (ii) the Unemployment Insurance Division;

291 (c) the Division of Adjudication to adjudicate claims or actions in accordance with this
292 title; ~~and~~

293 (d) the Housing and Community Development Division, which is described in Sections
294 [35A-8-201](#) and [35A-8-202](#)~~[-]~~; and

295 (e) the Utah State Office of Rehabilitation, which is described in Section [35A-13-103](#).

296 (2) In addition to the divisions created under Subsection (1), within the department are
297 the following:

298 (a) the Workforce Appeals Board created in Section [35A-1-205](#);

299 (b) the State Council on Workforce Services created in Section [35A-1-206](#);

300 (c) the Employment Advisory Council created in Section [35A-4-502](#);

301 (d) the Child Care Advisory Committee created in Section [35A-3-205](#); and

302 (e) the economic service areas created in accordance with Chapter 2, Economic Service
303 Areas.

304 Section 4. Section **35A-1-206** is amended to read:

305 **35A-1-206. State Council on Workforce Services -- Appointment -- Membership**
306 **-- Terms of members -- Compensation.**

307 (1) There is created a State Council on Workforce Services that shall:

308 (a) perform the activities described in Subsection (8);

309 (b) advise on issues requested by the department and the Legislature; and

310 (c) make recommendations to the department regarding:

311 (i) the implementation of Chapter 2, Economic Service Areas, Chapter 3, Employment
312 Support Act, and Chapter 5, Training and Workforce Improvement Act; and

313 (ii) the coordination of apprenticeship training.

314 (2) (a) The council shall consist of the following voting members:

315 (i) a private sector representative from each economic service area as designated by the
316 economic service area director;

317 (ii) the superintendent of public instruction or the superintendent's designee;

318 (iii) the commissioner of higher education or the commissioner's designee; and

319 (iv) the following members appointed by the governor in consultation with the
320 executive director:

321 (A) four representatives of small employers as defined by rule by the department;

322 (B) four representatives of large employers as defined by rule by the department;

323 (C) four representatives of employees or employee organizations, including at least one
324 representative from nominees suggested by public employees organizations;

325 (D) two representatives of the clients served under this title including
326 community-based organizations;

327 (E) a representative of veterans in the state;

328 (F) the [~~executive~~] director of the Utah State Office of Rehabilitation; and

329 (G) the Applied Technology College president.

330 (b) The following shall serve as nonvoting ex officio members of the council:

331 (i) the executive director or the executive director's designee;

332 (ii) a legislator appointed by the governor from nominations of the speaker of the
333 House of Representatives and president of the Senate;

334 (iii) the executive director of the Department of Human Services;

335 (iv) the director of the Governor's Office of Economic Development or the director's

336 designee; and

337 (v) the executive director of the Department of Health.

338 (3) (a) The governor shall appoint one nongovernmental member from the council as
339 the chair of the council.

340 (b) The chair shall serve at the pleasure of the governor.

341 (4) (a) A member appointed by the governor shall serve a term of four years and may
342 be reappointed to one additional term.

343 (b) A member shall continue to serve until the member's successor has been appointed
344 and qualified.

345 (c) Except as provided in Subsection (4)(d), as terms of council members expire, the
346 governor shall appoint each new member or reappointed member to a four-year term.

347 (d) Notwithstanding the requirements of Subsection (4)(c), the governor shall, at the
348 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
349 council members are staggered so that approximately one half of the council is appointed every
350 two years.

351 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
352 appointed for the unexpired term.

353 (5) A majority of the voting members constitutes a quorum for the transaction of
354 business.

355 (6) (a) A member who is not a legislator may not receive compensation or benefits for
356 the member's service, but may receive per diem and travel expenses as allowed in:

357 (i) Section [63A-3-106](#);

358 (ii) Section [63A-3-107](#); and

359 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
360 [63A-3-107](#).

361 (b) Compensation and expenses of a member who is a legislator are governed by
362 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

363 (7) The department shall provide staff and administrative support to the council at the
364 direction of the executive director.

365 (8) The council shall:

366 (a) develop a state workforce services plan in accordance with Section [35A-1-207](#);

- 367 (b) review economic service area plans to certify consistency with state policy
- 368 guidelines;
- 369 (c) improve the understanding and visibility of state workforce services efforts through
- 370 external and internal marketing strategies;
- 371 (d) include in the annual written report described in Section 35A-1-109, information
- 372 and accomplishments related to the activities of the department;
- 373 (e) issue other studies, reports, or documents the council considers advisable that are
- 374 not required under Subsection (8)(d);
- 375 (f) coordinate the planning and delivery of workforce development services with public
- 376 education, higher education, vocational rehabilitation, and human services; and
- 377 (g) perform other responsibilities within the scope of workforce services as requested
- 378 by:
- 379 (i) the Legislature;
- 380 (ii) the governor; or
- 381 (iii) the executive director.

382 Section 5. Section 35A-13-101, which is renumbered from Section 53A-24-101 is

383 renumbered and amended to read:

384 **CHAPTER 13. UTAH STATE OFFICE OF REHABILITATION ACT**

385 **Part 1. General Provisions**

386 ~~[53A-24-101].~~ **35A-13-101. Title.**

387 (1) This chapter is known as the "Utah State Office of Rehabilitation Act."

388 (2) This part is known as "General Provisions."

389 Section 6. Section 35A-13-102, which is renumbered from Section 53A-24-102 is

390 renumbered and amended to read:

391 ~~[53A-24-102].~~ **35A-13-102. Definitions.**

392 As used in this chapter:

393 ~~[(1) "Board" means the State Board of Education. (2) "DDDS" means the Division of~~

394 ~~Disability Determination Services. (3)]~~

395 (1) "Blind" means an individual:

396 (a) whose central visual acuity does not exceed 20/200 in the better eye with correcting

397 lenses; or

398 (b) whose visual acuity is accompanied by a limit to the field of vision in the better eye
399 to such a degree that its widest diameter subtends to an angle of no greater than 20 degrees.

400 (2) "Deaf" means an individual with a diagnosed auditory deficit that renders the
401 individual unable to comprehend spoken language through audition only, even with medical
402 intervention or amplification, and that results in functional limitations in one or more areas of
403 daily living.

404 (3) "Director" means the director of the Utah State Office of Rehabilitation.

405 (4) "Disability" means a physical or mental condition which materially limits,
406 contributes to limiting, or, if not corrected, will probably result in materially limiting an
407 individual's activities or functioning.

408 ~~[(4) "DRS" means the Division of Rehabilitation Services. (5) "DSBVI" means the~~
409 ~~Division of Services for the Blind and Visually Impaired. (6) "DSDHH" means the Division of~~
410 ~~Services to the Deaf and Hard of Hearing. (7)]~~

411 (5) "Eligible individual" means an individual determined to be eligible to receive
412 services under laws or rules governing eligibility for the program in question.

413 ~~[(8) "Executive director" means the executive director of the Utah State Office of~~
414 ~~Rehabilitation.]~~

415 (6) "Hard of hearing" means an individual with a diagnosed auditory deficit ranging
416 from mild to profound that results in functional limitations in one or more areas of daily living.

417 ~~[(9)]~~ (7) "Independent living rehabilitation services" means goods and services
418 reasonably necessary to enable an individual with a severe disability to maintain or increase
419 functional independence.

420 (8) "Office" means the Utah State Office of Rehabilitation created in Section
421 [35A-1-202](#).

422 (9) "Visually impaired" means an individual with a diagnosed impairment of visual
423 function that if not corrected constitutes a material limitation to normal activities or
424 functioning.

425 ~~[(10) "Office" means the Utah State Office of Rehabilitation.]~~

426 ~~[(11)]~~ (10) "Vocational rehabilitation services" means goods and services reasonably
427 necessary to enable an individual with a disability to obtain and retain employment.

428 Section 7. Section **35A-13-103**, which is renumbered from Section 53A-24-103 is

429 renumbered and amended to read:

430 ~~[53A-24-103].~~ **35A-13-103. Office authority.**

431 (1) ~~[There is created the Utah State Office of Rehabilitation]~~ The Utah State Office of
432 Rehabilitation created in Section 35A-1-202 is under the ~~[policy]~~ direction of the ~~[State Board~~
433 ~~of Education]~~ department and under the direction and general supervision of the
434 ~~[superintendent of public instruction]~~ executive director.

435 (2) The ~~[board]~~ department is the sole state agency designated to administer the state
436 plans for vocational rehabilitation and independent living rehabilitation programs.

437 (3) The office is the state unit designated to carry out the state plans and other duties
438 assigned by law or the ~~[board]~~ department.

439 Section 8. Section **35A-13-104**, which is renumbered from Section 53A-24-104 is
440 renumbered and amended to read:

441 ~~[53A-24-104].~~ **35A-13-104. Appointment of director -- Administration of**
442 **the office.**

443 (1) The executive ~~[officer of the board]~~ director of the department shall appoint the
444 ~~[executive]~~ director of the ~~[office with the approval of the board]~~ office.

445 (2) The ~~[executive]~~ director shall administer the office in accordance with the direction
446 of the executive ~~[officer of the board, policies of the board,]~~ director and applicable state and
447 federal laws and regulations.

448 Section 9. Section **35A-13-105**, which is renumbered from Section 53A-24-106 is
449 renumbered and amended to read:

450 ~~[53A-24-106].~~ **35A-13-105. Public funding of vocational rehabilitation and**
451 **independent living rehabilitation services.**

452 (1) Public funding of vocational rehabilitation and independent living rehabilitation
453 services provided under this chapter may only be provided to eligible individuals who are
454 found to require financial assistance with respect to those services.

455 (2) The ~~[executive]~~ director ~~[may]~~ shall establish priorities for use in determining
456 services to be provided to eligible individuals under this chapter if the demand for services
457 exceeds available funds.

458 (3) Rights established under this chapter are not transferable or assignable.

459 Section 10. Section **35A-13-106**, which is renumbered from Section 53A-24-107 is

460 renumbered and amended to read:

461 ~~[53A-24-107].~~ 35A-13-106. **Personally identifiable information --**

462 **Nondisclosure -- Penalty.**

463 (1) Personally identifiable information obtained by the office, its employees, or agents
464 concerning individuals applying for or receiving services under this chapter may not be
465 disclosed without the prior written consent of the individual or the individual's legal
466 representative, except as required for administration of programs or services under this chapter,
467 or as otherwise authorized by law.

468 (2) Unauthorized disclosure of personally identifiable information obtained under this
469 chapter, or use of such information for unauthorized purposes, is a class B misdemeanor.

470 Section 11. Section 35A-13-107, which is renumbered from Section 53A-24-108 is
471 renumbered and amended to read:

472 ~~[53A-24-108].~~ 35A-13-107. **Acceptance and use of gifts -- Not subject to**
473 **appropriation.**

474 (1) The [~~executive~~] director may, with the approval of the [~~board~~] executive director,
475 accept and use [~~gifts~~] a gift to the office made unconditionally by will or otherwise for carrying
476 out the purposes of this chapter.

477 (2) [~~Gifts~~] A gift to the office made under conditions that the [~~board~~] executive director
478 finds to be consistent with this chapter may be accepted and used in accordance with the
479 conditions of the gift.

480 (3) [~~Gifts are~~] A gift to the office as described in this section is not subject to
481 appropriation by the Legislature.

482 Section 12. Section 35A-13-108, which is renumbered from Section 53A-24-109 is
483 renumbered and amended to read:

484 ~~[53A-24-109].~~ 35A-13-108. **Delegation of duties and responsibilities of the**
485 **office.**

486 The [~~executive~~] director may, in accordance with applicable law and regulations and
487 with the consent of the executive [~~officer of the board,~~] director, organize the office and
488 delegate duties and responsibilities of [~~the office to one or more of its divisions~~] the office's
489 employees to enable the office to better serve [~~individuals'~~] individuals with disabilities and to
490 increase the efficiency and effectiveness of operations.

491 Section 13. Section **35A-13-109**, which is renumbered from Section 53A-24-110 is
 492 renumbered and amended to read:

493 ~~[53A-24-110].~~ **35A-13-109. Office duties to individuals with disabilities.**
 494 In administering this chapter, the office:

495 (1) ~~[It is the intent of the Legislature that all activities of the office and its subordinate~~
 496 ~~components be conducted in such a manner]~~ shall ensure that ~~[persons]~~ individuals with
 497 disabilities ~~[will be]~~ are assisted, so far as reasonably possible, to take their rightful place in
 498 open society as independent and self-supporting individuals[-]; and

499 (2) ~~[Neither the office nor any of its parts may]~~ may not assist or support any activity
 500 that ~~[will result]~~ results in unnecessary continuation of a dependent or isolated state or
 501 unnecessarily ~~[separate persons]~~ separates individuals with disabilities from open society.

502 Section 14. Section **35A-13-201** is enacted to read:

503 **Part 2. Office Responsibilities**

504 **35A-13-201. Title.**

505 This part is known as "Office Responsibilities."

506 Section 15. Section **35A-13-202**, which is renumbered from Section 53A-24-105 is
 507 renumbered and amended to read:

508 ~~[53A-24-105].~~ **35A-13-202. Functions of the office.**

509 The office may:

510 (1) apply for, receive, administer, and distribute funds made available through
 511 programs of federal ~~[or]~~, state, or local governments;

512 (2) cooperate with federal ~~[or]~~, state, or local governmental entities to administer
 513 programs and program funds;

514 (3) contract or cooperate with public or private entities or individuals;

515 (4) ~~[if]~~ as designated by the responsible authority, and with the approval of the ~~[board]~~
 516 department, perform any functions or services for the federal or state government that relate to
 517 individuals with disabilities;

518 (5) establish subordinate administrative units necessary to increase efficiency and
 519 improve the delivery of services to individuals with disabilities;

520 (6) establish and operate community service centers, rehabilitation facilities, and
 521 workshops, and make grants to public and nonprofit organizations for those purposes;

522 (7) determine eligibility for, and the nature and scope of, services to be provided under
523 the state plan for vocational rehabilitation or other programs administered by the office;

524 (8) assist individuals with severe disabilities to establish and operate vending machine
525 services and other small businesses, and perform services authorized under Title 55, Chapter 5,
526 Blind Persons Operating Vending Stands - Food Services, and Title 55, Chapter 5a, Blind
527 Products Sales;

528 (9) furnish materials, tools, equipment, initial stocks and supplies, and occupational
529 licenses needed by rehabilitation facilities, workshops, and small businesses established under
530 this chapter, and develop and execute marketing plans for materials produced by those
531 operations;

532 (10) place money received by the office [~~or a subordinate unit~~] through sale of products
533 or services as authorized under this chapter into a fund managed by the office and used to
534 support additional training, production, and sales activities;

535 (11) conduct studies and investigations, give demonstrations and make reports, and
536 provide training and instruction related to the work of the office;

537 (12) establish and maintain research fellowships and traineeships, including necessary
538 stipends and allowances for those receiving training and instruction;

539 (13) institute and supervise programs to encourage the conservation of sight and
540 hearing and assist in overcoming and preventing disabling conditions;

541 (14) provide diagnostic, placement, vocational rehabilitation, training, adjustment, and
542 independent living services; and

543 (15) do all other things necessary to carry out assignments made by law or the [~~board~~]
544 department in assisting and rehabilitating [~~persons~~] individuals with disabilities.

545 Section 16. Section ~~35A-13-203~~, which is renumbered from Section 53A-24-106.5 is
546 renumbered and amended to read:

547 [~~53A-24-106.5~~]. 35A-13-203. Employment first emphasis on the provision of
548 services.

549 (1) When providing services to [~~a person~~] an individual with a disability under this
550 chapter, the office shall, within funds appropriated by the Legislature and in accordance with
551 the requirements of federal and state law, give priority to providing services that assist the
552 [~~person~~] individual in obtaining and retaining meaningful and gainful employment that enables

553 the ~~[person]~~ individual to:

- 554 (a) purchase goods and services;
 555 (b) establish self-sufficiency; and
 556 (c) exercise economic control of the ~~[person's]~~ individual's life.

557 (2) The office shall develop a written plan to implement the policy described in
 558 Subsection (1) that includes:

- 559 (a) assessing the strengths and needs of ~~[a person]~~ an individual with a disability;
 560 (b) customizing strength-based approaches to obtaining employment;
 561 (c) setting expectations, providing appropriate services toward, and recognizing
 562 success in:

- 563 (i) integrated employment in the workplace at competitive wages and benefits; and
 564 (ii) self-employment;
 565 (d) developing partnerships with potential employers;
 566 (e) providing appropriate employment training opportunities;
 567 (f) coordinating services with other government agencies and community resources
 568 ~~[included in the Workforce Investment System];~~

569 (g) to the extent possible, eliminating practices and policies that interfere with the
 570 policy described in Subsection (1); and

571 (h) arranging for alternative work experience leading to competitive, integrated
 572 employment, including work-based training, volunteer work, and internships.

573 (3) The office shall, on an annual basis:

- 574 (a) set goals to implement the policy described in Subsection (1) and the plan described
 575 in Subsection (2);
 576 (b) determine whether the goals for the previous year have been met; and
 577 (c) modify the plan described in Subsection (2) as needed.

578 Section 17. Section **35A-13-301** is enacted to read:

579 **Part 3. Governor's Committee on Employment of People with Disabilities**

580 **35A-13-301. Title.**

581 This part is known as "Governor's Committee on Employment of People with
 582 Disabilities."

583 Section 18. Section **35A-13-302**, which is renumbered from Section 53A-24-114 is

584 renumbered and amended to read:

585 ~~[53A-24-114].~~ 35A-13-302. **Governor's Committee on Employment of**
586 **People with Disabilities.**

587 ~~[(1) There is created the Governor's Committee on Employment of People with~~
588 ~~Disabilities.]~~

589 ~~[(2) (a) The State Board of Education shall appoint at least 12 members to the~~
590 ~~committee.]~~

591 ~~[(b) The State Board of Education shall ensure that the committee includes members~~
592 ~~from the public and private sectors who represent:]~~

593 ~~[(i) business and industry;]~~

594 ~~[(ii) individuals with disabilities and their advocates;]~~

595 ~~[(iii) job training and placement;]~~

596 ~~[(iv) administrative subunits of the state, such as the Department of Human Resource~~
597 ~~Management, the Department of Workforce Services, Public Education, Higher Education, and~~
598 ~~the Department of Human Services;]~~

599 ~~[(v) labor;]~~

600 ~~[(vi) veterans;]~~

601 ~~[(vii) medical;]~~

602 ~~[(viii) health;]~~

603 ~~[(ix) insurance;]~~

604 ~~[(x) media; and]~~

605 ~~[(xi) the general public.]~~

606 (1) There is created the Governor's Committee on Employment of People with
607 Disabilities, composed of the following 15 members:

608 (a) the director of the office;

609 (b) the state superintendent of public instruction or the superintendent's designee;

610 (c) the commissioner of higher education or the commissioner's designee;

611 (d) the executive director of the Department of Human Resource Management or the
612 executive director's designee;

613 (e) the executive director of the Department of Human Services or the executive
614 director's designee;

615 (f) the executive director of the Department of Health or the executive director's
 616 designee; and

617 (g) the following nine members appointed by the governor:

618 (i) a representative of individuals who are blind or visually impaired;

619 (ii) a representative of individuals who are deaf or hard of hearing;

620 (iii) a representative of individuals who have disabilities;

621 (iv) three representatives of business or industry;

622 (v) a representative experienced in job training and placement;

623 (vi) a representative of veterans; and

624 (vii) a representative experienced in medical, health, or insurance professions.

625 ~~[(e)]~~ (2) (a) (i) Except as provided in Subsection (2)~~[(e)]~~(a)(ii), the [State Board of
 626 Education] governor shall appoint the committee members described in Subsection (1)(g) to
 627 serve four-year terms.

628 (ii) In making the initial appointments to the committee, the [State Board of Education]
 629 governor shall appoint approximately 1/2 of the members to two-year terms and 1/2 of the
 630 members to four-year terms.

631 ~~[(d)]~~ (b) Committee members shall serve until their successors are appointed and
 632 qualified.

633 ~~[(e)]~~ (c) The [State Board of Education] governor shall fill any vacancy that occurs on
 634 the committee for any reason by appointing a person according to the procedures of this section
 635 for the unexpired term of the vacated member.

636 ~~[(f) The State Board of Education shall select a chair from the membership.]~~

637 (d) The director of the office shall serve as chair of the committee.

638 ~~[(g)]~~ (e) Seven members of the committee are a quorum for the transaction of business.

639 (3) (a) The committee shall:

640 (i) promote employment opportunities for individuals with disabilities;

641 (ii) serve as the designated state liaison to the President's Committee on Employment
 642 of People with Disabilities;

643 (iii) provide training and technical assistance to employers in implementing the
 644 Americans with Disabilities Act;

645 (iv) develop and disseminate appropriate information through workshops, meetings,

646 and other requests in response to needs to employers and others regarding employment of
647 individuals with disabilities;

648 (v) establish contacts with various community representatives to identify and resolve
649 barriers to full participation in employment and community life;

650 (vi) formally recognize exemplary contributions in the areas of employment, job
651 placement, training, rehabilitation, support services, medicine, media or public relations, and
652 personal achievements made by individuals with disabilities;

653 (vii) advise, encourage, and motivate individuals with disabilities who are preparing
654 for or seeking employment to reach their full potential as qualified employees;

655 (viii) advocate for policies and practices that promote full and equal rights for
656 individuals with disabilities;

657 (ix) advise the [~~State Board of Education~~] office, the department, and the governor on
658 issues that affect employment and other requests for information on disability issues; and

659 (x) prepare an annual report on the progress, accomplishments, and future goals of the
660 committee and present the report to the [~~State Board of Education and the governor, and~~]
661 department for inclusion in the department's annual report described in Section 35A-1-109.

662 [~~(xi) establish and maintain a cooperative liaison between the governor's office, the~~
663 ~~executive director of the committee, and the executive director of the Utah State Office of~~
664 ~~Rehabilitation to fulfill the committee's purpose.]~~

665 (b) The committee may, by following the procedures and requirements of Title 63J,
666 Chapter 5, Federal Funds Procedures Act, receive and accept federal funds, and may receive
667 and accept state funds, private gifts, donations, and funds from any source to carry out its
668 purposes.

669 (4) The [~~director of the State Office of Rehabilitation shall appoint a person to~~] office
670 shall staff the committee.

671 Section 19. Section **35A-13-303**, which is renumbered from Section 53A-24-205 is
672 renumbered and amended to read:

673 ~~[53A-24-205].~~ **35A-13-303. State rehabilitation advisory council.**

674 (1) The [~~board~~] department shall appoint [~~an advisory council~~] a state rehabilitation
675 advisory council to advise the [~~office, DRS, and, as appropriate, the board~~] office and the
676 department concerning the [~~need~~] needs of individuals with disabilities and the [~~activities of~~

677 ~~DRS regarding~~ provision of vocational rehabilitation services.

678 (2) A majority of the membership of the advisory council shall consist of individuals
679 with disabilities.

680 [~~(3) Members may be reimbursed for authorized actual and necessary expenses~~
681 ~~incurred by them in the performance of their official duties.~~]

682 (3) A member of the council may not receive compensation or benefits for the
683 member's service, but may receive per diem and travel expenses in accordance with:

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

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

686 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
687 63A-3-107.

688 Section 20. Section **35A-13-401** is enacted to read:

689 **Part 4. Services for the Blind and Visually Impaired**
690 **35A-13-401. Title.**

691 This part is known as "Services for the Blind and Visually Impaired."

692 Section 21. Section **35A-13-402**, which is renumbered from Section 53A-24-304 is
693 renumbered and amended to read:

694 [~~53A-24-304~~]. **35A-13-402. Office responsibilities.**

695 [~~DSBVI~~] In providing assistance to the blind and visually impaired, the office may:

696 (1) provide:

697 (a) a business enterprise program;

698 (b) [~~sheltered~~] workshops, employment, and training; and

699 (c) vocational rehabilitation, training and adjustment, sight conservation, prevention of
700 blindness, low vision lens, and recreational services for individuals who are blind or have
701 visual impairments;

702 (2) assist public education officials in the discharge of their duties towards children
703 who are blind or have visual impairments, and perform services related to vision screening
704 under Section **53A-11-203**;

705 (3) maintain a register of individuals who are blind or have visual impairments,
706 including such facts as the [~~board~~] office considers necessary for proper planning,
707 administration, and operations, but protecting against unwarranted invasions of privacy;

708 (4) establish and operate community service centers, rehabilitation facilities, and
709 workshops; and

710 (5) perform other duties assigned by the director or the executive director [~~or the~~
711 ~~board~~].

712 Section 22. Section **35A-13-403**, which is renumbered from Section 53A-24-305 is
713 renumbered and amended to read:

714 ~~[53A-24-305]~~. **35A-13-403. Appointment of advisory council.**

715 (1) The [~~board~~] department shall appoint an advisory council to advise and assist the
716 [~~office, DSBVI, and, as appropriate, the board~~] office and the department in matters relating to
717 the needs of and provision of services to individuals who are blind or have visual impairments
718 [~~and the activities of DSBVI~~].

719 (2) At least one-third of the members of the council shall be individuals who are blind
720 or have visual impairments.

721 [~~(3) Members may be reimbursed for authorized actual and necessary expenses~~
722 ~~incurred by them in the performance of their official duties.~~]

723 (3) A member of the council may not receive compensation or benefits for the
724 member's service, but may receive per diem and travel expenses in accordance with:

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

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

727 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
728 63A-3-107.

729 Section 23. Section **35A-13-501** is enacted to read:

730 **Part 5. Services for the Deaf and Hard of Hearing**

731 **35A-13-501. Title.**

732 This part is known as "Services for the Deaf and Hard of Hearing."

733 Section 24. Section **35A-13-502**, which is renumbered from Section 53A-24-404 is
734 renumbered and amended to read:

735 ~~[53A-24-404]~~. **35A-13-502. Office responsibilities.**

736 [~~DSDDHH~~] In providing assistance to the deaf and hard of hearing, the office may:

737 (1) provide training and adjustment services for adults [~~with hearing impairments~~] who
738 are deaf or hard of hearing;

739 (2) assist public education officials in the discharge of their duties towards children
740 [~~with hearing impairments~~] who are deaf or hard of hearing;

741 (3) maintain a register of qualified interpreters;

742 (4) provide training in the use of telecommunication devices for the deaf, and install
743 and maintain those devices;

744 (5) operate community centers for individuals [~~with hearing impairments~~] who are deaf
745 or hard of hearing; and

746 (6) perform other duties assigned by the director or the executive director [~~or the~~
747 ~~board~~].

748 Section 25. Section **35A-13-503**, which is renumbered from Section 53A-24-405 is
749 renumbered and amended to read:

750 ~~[53A-24-405].~~ **35A-13-503. Appointment of advisory council.**

751 (1) The [~~board~~] department shall appoint an advisory council to advise and assist the
752 [~~office, DSDHH, and, as appropriate, the board~~] office and the department in matters relating
753 to the needs of and provision of services to individuals [~~with hearing impairments and the~~
754 ~~activities of DSDHH~~] who are deaf or hard of hearing.

755 (2) At least one-third of the members of the council shall be individuals [~~with hearing~~
756 ~~impairments~~] who are deaf or hard of hearing.

757 [~~(3) Members may be reimbursed for authorized actual and necessary expenses~~
758 ~~incurred by them in the performance of their official duties.~~]

759 (3) A member of the council may not receive compensation or benefits for the
760 member's service, but may receive per diem and travel expenses in accordance with:

761 (a) Section [63A-3-106](#);

762 (b) Section [63A-3-107](#); and

763 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
764 [63A-3-107](#).

765 Section 26. Section **35A-13-601**, which is renumbered from Section 53A-26a-101 is
766 renumbered and amended to read:

767 **Part 6. Interpreter Services for the Deaf and Hard of Hearing Act**

768 ~~[53A-26a-101].~~ **35A-13-601. Title.**

769 (1) This [~~chapter~~] part is known as the "Interpreter Services for the [~~Hearing Impaired~~

770 Act] Deaf and Hard of Hearing Act."

771 (2) All rules made under this part shall be made in accordance with Title 63G, Chapter
772 3, Utah Administrative Rulemaking Act.

773 Section 27. Section **35A-13-602**, which is renumbered from Section 53A-26a-102 is
774 renumbered and amended to read:

775 ~~[53A-26a-102].~~ **35A-13-602. Definitions.**

776 As used in this [chapter] part:

777 (1) "Advisory board" or "board" means the Interpreters Certification Board created in
778 Section ~~[53A-26a-201]~~ 35A-13-603.

779 (2) "Certified interpreter" means ~~[a person]~~ an individual who is certified as meeting
780 the certification requirements of this [chapter] part.

781 ~~[(3) "Hearing impaired" means a hearing loss which:]~~

782 ~~[(a) necessitates the visual acquisition of language; or]~~

783 ~~[(b) adversely affects the acquisition of language but which does not preclude the~~
784 ~~auditory acquisition of language.]~~

785 ~~[(4)]~~ (3) "Interpreter services" means services that facilitate effective communication
786 between a hearing ~~[person and a person]~~ individual and an individual who is ~~[hearing impaired~~
787 ~~as defined by Subsection (3);]~~ deaf or hard of hearing through American Sign Language or a
788 language system or code that is modeled after American Sign Language, in whole or in part, or
789 is in any way derived from American Sign Language.

790 Section 28. Section **35A-13-603**, which is renumbered from Section 53A-26a-201 is
791 renumbered and amended to read:

792 ~~[53A-26a-201].~~ **35A-13-603. Board.**

793 (1) There is created to assist the ~~[State Board of Education]~~ director of the office the
794 Interpreters Certification Board consisting of the following 11 members:

795 (a) a designee of the director ~~[of the Division of Services to the Deaf and Hard of~~
796 ~~Hearing (DSDHH) in the Utah State Office of Rehabilitation];~~

797 (b) a designee of the State Board of Regents;

798 (c) a designee of the State Board of Education;

799 (d) four professional interpreters, recommended by the director ~~[of DSDHH];~~ and

800 (e) four ~~[persons who are hearing impaired]~~ individuals who are deaf or hard of

801 hearing, recommended by the director [~~of DSDHH~~].

802 (2) (a) The [~~State Board of Education~~] director shall make all appointments to the
803 board.

804 (b) In making [~~its~~] appointments under Subsections (1)(d) and (e), the [~~State Board of~~
805 ~~Education~~] director shall give consideration to recommendations by certified interpreters [~~for~~
806 ~~the hearing impaired~~] and members of the [~~hearing impaired~~] deaf and hard of hearing
807 community.

808 (3) (a) Board members shall serve three-year terms, except that for the initial terms of
809 board members, three shall serve one-year terms, four shall serve two-year terms, and four shall
810 serve three-year terms.

811 (b) [~~A person~~] An individual may not serve more than two three-year consecutive
812 terms.

813 (c) If a vacancy occurs on the board for [~~any other~~] a reason other than the expiration of
814 a term, the [~~State Board of Education~~] director shall appoint a replacement for the remainder of
815 the term [~~pursuant to~~] in accordance with Subsections (1) and (2).

816 (4) The [~~State Board of Education~~] director may remove [~~any~~] a board member for
817 cause, which [~~shall~~] may include misconduct, incompetence, or neglect of duty.

818 (5) The board shall [~~elect~~] annually elect a chair and vice chair from among its
819 members.

820 (6) The board shall meet as often as necessary to accomplish the purposes of this
821 [~~chapter~~] part, but not less than quarterly.

822 [~~(7) Board members shall receive compensation for actual and necessary expenses in~~
823 ~~connection with their service on the board, but shall not receive a per diem.~~]

824 (7) A member of the board may not receive compensation or benefits for the member's
825 service, but may receive travel expenses in accordance with:

826 (a) Section 63A-3-107; and

827 (b) rules made by the Division of Finance in accordance with Section 63A-3-107.

828 Section 29. Section **35A-13-604**, which is renumbered from Section 53A-26a-202 is
829 renumbered and amended to read:

830 [~~53A-26a-202~~]. **35A-13-604. Powers and duties of the board.**

831 (1) The board shall function as an advisory board to the [~~State Board of Education~~]

832 director and under the director's direction [~~of the State Board of Education~~] shall perform the
833 following duties concerning the certification of interpreters:

834 [~~(a) recommend to the state board~~]

835 (a) make recommendations to the director regarding:

836 (i) appropriate rules;

837 [~~(b) recommend to the state board~~]

838 (ii) policy and budgetary matters;

839 [~~(c) recommend to the state board a]~~

840 (iii) the appropriate passing score for applicant examinations; and

841 (iv) standards of supervision for individuals in training to become certified interpreters;

842 [~~(d)~~] (b) screen applicants for certification and [recommend] make written

843 recommendations to the director regarding certification, renewal, reinstatement, and

844 recertification actions [to the state board in writing]; and

845 [~~(e) recommend standards of supervision for persons in training to become certified~~
846 ~~interpreters; and]~~

847 [~~(f)~~] (c) act as the presiding officer in conducting hearings associated with adjudicative

848 proceedings and in issuing recommended orders [when so] as designated by the [State Board of
849 Education] director.

850 (2) The [~~State Board of Education~~] director, with the collaboration and assistance of
851 the advisory board, shall:

852 (a) prescribe certification qualifications;

853 (b) prescribe rules governing applications for certification;

854 (c) provide for a fair and impartial method [~~of~~] for the examination of applicants;

855 (d) define unprofessional conduct, by rule, to supplement the definition under this
856 [~~chapter~~] part; and

857 (e) establish conditions for reinstatement and renewal of certification.

858 (3) (a) The advisory board shall designate one of its members on a permanent or
859 rotating basis to:

860 (i) assist the [~~state board~~] director in reviewing complaints involving the unlawful or
861 unprofessional conduct of a certified interpreter; and

862 (ii) advise the [~~state board in its investigation of these~~] director when investigating

863 complaints.

864 (b) An advisory board member who has, under Subsection (3)(a), reviewed or
 865 investigated a complaint [~~or advised in its investigation~~] is disqualified from participating with
 866 the advisory board [~~when it~~] if the board serves as a presiding officer of an administrative
 867 proceeding concerning the complaint.

868 Section 30. Section **35A-13-605**, which is renumbered from Section 53A-26a-301 is
 869 renumbered and amended to read:

870 ~~[53A-26a-301].~~ **35A-13-605. Certification required -- Classes of certification.**

871 (1) Except as specifically provided in Section [~~53A-26a-305~~] 35A-13-609, an
 872 individual is required to be certified as a certified interpreter if that individual provides
 873 interpreter services and a state or federal law requires the interpreter to be certified or qualified.

874 (2) The [~~State Board of Education~~] director shall issue a certification to [~~any person~~] an
 875 individual who qualifies under this chapter in classifications determined by the [~~board~~] director
 876 based upon recommendations from the advisory board.

877 Section 31. Section **35A-13-606**, which is renumbered from Section 53A-26a-302 is
 878 renumbered and amended to read:

879 ~~[53A-26a-302].~~ **35A-13-606. Qualifications for certification.**

880 Each applicant for certification under this [~~chapter~~] part shall:

881 (1) submit an application in a form prescribed by the [~~State Board of Education~~]
 882 director;

883 (2) pay a fee determined by the [~~State Board of Education~~] director under Section
 884 63J-1-504 to help offset the costs of implementing this [~~chapter~~] part for the administration of
 885 examinations for certification and for the issuance of certificates;

886 (3) be of good moral character; and

887 (4) comply with any other qualifications for certification established by the [~~State~~
 888 ~~Board of Education pursuant to Subsection 53A-26a-202(2)~~] director in accordance with
 889 Subsection 35A-13-604(2).

890 Section 32. Section **35A-13-607**, which is renumbered from Section 53A-26a-303 is
 891 renumbered and amended to read:

892 ~~[53A-26a-303].~~ **35A-13-607. Certification term -- Expiration -- Renewal.**

893 (1) (a) The [~~State Board of Education~~] director shall issue each certificate under this

894 [~~chapter~~] part in accordance with a three-year renewal cycle established by rule.

895 (b) The [~~State Board of Education~~] director may by rule extend or shorten a renewal
896 cycle by as much as one year to stagger the renewal cycles it administers.

897 (2) At the time of renewal, the certified interpreter must show satisfactory evidence of
898 compliance with renewal conditions established by the [~~State Board of Education pursuant to~~
899 ~~Subsection 53A-26a-202(2)~~] director in accordance with Subsection 35A-13-604(2).

900 (3) Each certificate automatically expires on the expiration date shown on the
901 certificate unless the certified interpreter renews it in accordance with the conditions prescribed
902 by the [~~State Board of Education for renewal~~] director.

903 Section 33. Section **35A-13-608**, which is renumbered from Section 53A-26a-304 is
904 renumbered and amended to read:

905 ~~[53A-26a-304]~~. **35A-13-608. Continuing education.**

906 (1) (a) As a condition for renewal of certification, each certified interpreter shall,
907 during each three-year certification cycle or other cycle defined by rule, complete a number of
908 hours of qualified continuing professional education in accordance with standards defined by
909 rule.

910 (b) The [~~State Board of Education~~] director shall determine the number of hours based
911 upon recommendations from the advisory board.

912 (2) If the renewal cycle is extended or shortened under Section [~~53A-26a-303~~]
913 35A-13-607, the continuing education hours determined for renewal under Subsection (1) shall
914 be increased or decreased proportionately.

915 Section 34. Section **35A-13-609**, which is renumbered from Section 53A-26a-305 is
916 renumbered and amended to read:

917 ~~[53A-26a-305]~~. **35A-13-609. Exemptions from certification -- Temporary or**
918 **restricted certification.**

919 (1) The following individuals may engage in the practice of a certified interpreter,
920 subject to the stated circumstances and limitations, without being certified under this chapter:

921 (a) an individual serving in or employed by the Armed Forces of the United States, the
922 United States Public Health Service, the United States Department of Veterans Affairs, or other
923 federal [~~agencies while~~] agency and who is engaged in activities regulated under this [~~chapter~~
924 part as a part of the individual's service or employment with that federal agency, if the [~~person~~]

925 individual holds a valid certificate or license to provide interpreter services issued by [~~any~~
926 ~~other~~] another state or jurisdiction recognized by the [~~State Board of Education~~] director;

927 (b) a student engaged in providing interpreter services while in training in a recognized
928 school approved by the [~~State Board of Education~~] director to the extent the student's activities
929 are supervised by qualified faculty, staff, or a designee, and the services are a defined part of
930 the training program;

931 (c) an individual engaged in an internship, residency, apprenticeship, or on-the-job
932 training program approved by the [~~State Board of Education~~] director while under the
933 supervision of a qualified [~~persons~~] individual;

934 (d) an individual residing in another state and certified or licensed to provide
935 interpreter services in that state, who is called in for a consultation by an individual certified to
936 provide interpreter services in this state, and the services provided are limited to that
937 consultation;

938 (e) an individual who is invited by a recognized school, association, or other body
939 approved by the [~~State Board of Education~~] director to conduct a lecture, clinic, or
940 demonstration on interpreter services, if the individual does not establish a place of business or
941 regularly engage in the practice of providing interpreter services in this state;

942 (f) an individual licensed in another state or country who is in this state temporarily to
943 attend to the needs of an athletic team or group, except that the individual may only attend to
944 the needs of the team or group [~~, including all~~] and individuals who travel with the team or
945 group, [~~except as a spectator~~] not including spectators; or

946 (g) an individual who is providing interpreter services for a religious entity, to the
947 extent that the religious entity is specifically exempted from liability under federal law.

948 (2) (a) An individual temporarily in this state who is exempted from certification under
949 Subsection (1) shall comply with each requirement of the jurisdiction from which the
950 individual derives authority to [~~practice~~] provide interpreter services.

951 (b) Violation of any limitation imposed by this section is grounds for removal of
952 exempt status, denial of certification, or another disciplinary proceeding.

953 (3) (a) Upon the declaration of a national, state, or local emergency, the [~~State Board of~~
954 ~~Education~~] director, in collaboration with the advisory board, may suspend the requirements for
955 permanent or temporary certification of [~~persons~~] individuals who are certified or licensed in

956 another state.

957 (b) Individuals exempt under Subsection (3)(a) shall be exempt from certification for
958 the duration of the emergency while engaged in providing interpreter services for which they
959 are certified or licensed in the other state.

960 (4) The [~~State Board of Education~~] director, after consulting with the advisory board,
961 may adopt rules for the issuance of temporary or restricted certifications if their issuance is
962 necessary to or justified by:

963 (a) a lack of necessary available interpretive services in any area or community of the
964 state, if the lack of services might be reasonably considered to materially jeopardize
965 compliance with state or federal law; or

966 (b) a need to first observe an applicant for certification in a monitored or supervised
967 practice of providing interpretive services before a decision is made by the board either to grant
968 or deny the applicant a regular certification.

969 Section 35. Section **35A-13-610**, which is renumbered from Section 53A-26a-401 is
970 renumbered and amended to read:

971 ~~[53A-26a-401]~~. **35A-13-610. Grounds for denial of certification --**

972 **Disciplinary proceedings.**

973 (1) The [~~State Board of Education~~] director shall refuse to issue a certificate to an
974 applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or
975 otherwise act upon the certificate of a certified interpreter who does not meet the qualifications
976 for certification under this [~~chapter~~] part.

977 (2) The [~~State Board of Education~~] director may refuse to issue a certificate to an
978 applicant, refuse to renew a certificate, revoke, suspend, restrict, or place on probation the
979 certificate of a certified interpreter, issue a public or private reprimand to a certified interpreter,
980 and issue a cease and desist order in any of the following [~~cases~~] circumstances:

981 (a) the applicant or certified interpreter has engaged in unprofessional conduct as
982 defined in this [~~chapter~~] part or by rule under this [~~chapter~~] part;

983 (b) the applicant or certified interpreter has engaged in unlawful conduct as defined in
984 this [~~chapter~~] part;

985 (c) the applicant or certified interpreter has been determined to be mentally
986 incompetent for any reason by a court of competent jurisdiction; or

987 (d) the applicant or certified interpreter is unable to provide interpretive services with
 988 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,
 989 chemicals, or any other type of material, or as a result of any other mental or physical
 990 condition, when the individual's condition demonstrates a threat or potential threat to ~~[the]~~
 991 public health, safety, or welfare.

992 (3) An individual whose certificate has been suspended, revoked, or restricted under
 993 Subsection (1) may apply for reinstatement at reasonable intervals and upon compliance with
 994 conditions imposed by the ~~[State Board of Education]~~ director.

995 (4) The ~~[State Board of Education]~~ director may issue cease and desist orders:

996 (a) to a certified interpreter or applicant who ~~[may be disciplined]~~ is subject to
 997 discipline under Subsection (1);

998 (b) to ~~[any person]~~ an individual who engages or represents ~~[himself to be]~~ that the
 999 individual is engaged in the profession of a certified interpreter; and

1000 (c) to ~~[any person]~~ an individual who otherwise violates this ~~[chapter or any rules~~
 1001 ~~adopted under this chapter]~~ part or rules adopted under this part.

1002 Section 36. Section **35A-13-611**, which is renumbered from Section 53A-26a-501 is
 1003 renumbered and amended to read:

1004 ~~[53A-26a-501]~~. **35A-13-611. Unlawful conduct.**

1005 "Unlawful conduct" means conduct by ~~[any person]~~ an individual that is defined as
 1006 unlawful under this part and includes:

1007 (1) practicing or engaging in, representing oneself to be practicing or engaging in, or
 1008 attempting to practice or engage in the profession of a certified interpreter if the ~~[person]~~
 1009 individual is:

1010 (a) not certified to do so ~~[or]~~ and is not exempted from certification under this chapter;
 1011 or

1012 (b) restricted from doing so by a restricted, suspended, revoked, temporary,
 1013 probationary, or inactive certification;

1014 (2) impersonating another certified interpreter or practicing as a certified interpreter
 1015 under a false or assumed name, except as permitted by law;

1016 (3) knowingly employing ~~[any other person]~~ an individual to practice or engage in or
 1017 attempt to practice or engage in the profession of a certified interpreter, if the employee is not

1018 certified to do so under this chapter;

1019 (4) knowingly permitting the [~~person's~~] individual's authority to engage in the
1020 profession of a certified interpreter to be used by another individual, except as permitted by
1021 law; or

1022 (5) applying for [~~or~~] certification under this part, obtaining certification under this part,
1023 or otherwise dealing with the [~~State Board of Education~~] director through the use of fraud,
1024 forgery, or intentional deception, misrepresentation, misstatement, or omission.

1025 Section 37. Section ~~35A-13-612~~, which is renumbered from Section 53A-26a-502 is
1026 renumbered and amended to read:

1027 ~~[53A-26a-502]~~. 35A-13-612. Unprofessional conduct.

1028 "Unprofessional conduct" means conduct by a certified interpreter that is defined as
1029 unprofessional conduct under this [~~chapter~~] part or under any rules adopted under this [~~chapter~~]
1030 part and includes:

1031 (1) violating, or aiding or abetting [~~any other person to violate~~] an individual in
1032 violating, any provision of this [~~chapter or rule~~] part, rule adopted under this part, or order
1033 regulating certified interpreters;

1034 (2) violating, or aiding or abetting [~~any other person to violate~~] an individual in
1035 violating, any generally accepted professional or ethical standard applicable to the profession of
1036 a certified interpreter; or

1037 (3) physically, mentally, or sexually abusing or exploiting [~~any person~~] an individual
1038 through conduct connected with a certified interpreter's practice under this [~~chapter~~] part.

1039 Section 38. Section ~~35A-13-613~~, which is renumbered from Section 53A-26a-503 is
1040 renumbered and amended to read:

1041 ~~[53A-26a-503]~~. 35A-13-613. Penalty for unlawful conduct.

1042 [~~Any person~~] An individual who violates Section [~~53A-26a-501~~] 35A-13-610 is guilty
1043 of a class B misdemeanor.

1044 Section 39. Section ~~53A-1-403.5~~ is amended to read:

1045 **53A-1-403.5. Education of persons in custody of the Utah Department of**
1046 **Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration**
1047 **among state agencies.**

1048 (1) The State Board of Education and the Utah Department of Corrections, subject to

1049 legislative appropriation, are responsible for the education of persons in the custody of the Utah
1050 Department of Corrections.

1051 (2) (a) To fulfill the responsibility under Subsection (1), the State Board of Education
1052 and the Utah Department of Corrections shall, where feasible, contract with appropriate private
1053 or public agencies to provide educational and related administrative services. Contracts for
1054 postsecondary education and training shall be under Subsection (2)(b).

1055 (b) (i) The contract under Subsection (2)(a) to provide postsecondary education and
1056 training shall be with a community college if the correctional facility is located within the
1057 service region of a community college, except under Subsection (2)(b)(ii).

1058 (ii) If the community college under Subsection (2)(b)(i) declines to provide the
1059 education and training or cannot meet reasonable contractual terms for providing the education
1060 and training as specified by the Utah Department of Corrections, postsecondary education and
1061 training under Subsection (2)(a) may be procured through other appropriate private or public
1062 agencies.

1063 (3) (a) As its corrections education program, the State Board of Education and the Utah
1064 Department of Corrections shall develop and implement a recidivism reduction plan, including
1065 the following components:

- 1066 (i) inmate assessment;
- 1067 (ii) cognitive problem-solving skills;
- 1068 (iii) basic literacy skills;
- 1069 (iv) career skills;
- 1070 (v) job placement;
- 1071 (vi) postrelease tracking and support;
- 1072 (vii) research and evaluation;
- 1073 (viii) family involvement and support; and
- 1074 (ix) multiagency collaboration.

1075 (b) The plan shall be developed and implemented through the State Office of
1076 Education and the Utah Department of Corrections in collaboration with the following entities:

- 1077 (i) the State Board of Regents;
- 1078 (ii) the Utah College of Applied Technology Board of Trustees;
- 1079 (iii) local boards of education;

- 1080 (iv) the Department of Workforce Services;
- 1081 (v) the Department of Human Services;
- 1082 (vi) the Board of Pardons and Parole;
- 1083 (vii) the Utah State Office of Rehabilitation; and
- 1084 (viii) the Governor's Office.

1085 (4) By July 1, 2014, and every three years thereafter, the Utah Department of
1086 Corrections shall make a report to the Education Interim Committee and the Judiciary, Law
1087 Enforcement, and Criminal Justice Interim Committee evaluating the impact of corrections
1088 education programs on recidivism.

1089 Section 40. Section **53A-1a-501.7** is amended to read:

1090 **53A-1a-501.7. State Charter School Board -- Staff director -- Facilities.**

1091 (1) (a) The State Charter School Board, with the consent of the superintendent of
1092 public instruction, shall appoint a staff director for the State Charter School Board.

1093 (b) The State Charter School Board shall have authority to remove the staff director
1094 with the consent of the superintendent of public instruction.

1095 (c) The position of staff director is exempt from the career service provisions of Title
1096 67, Chapter 19, Utah State Personnel Management Act.

1097 (2) The superintendent of public instruction shall provide space for staff of the State
1098 Charter School Board in facilities occupied by the Utah State Office of Education, with costs
1099 charged for the facilities equal to those charged other sections and divisions within the Utah
1100 State Office of Education [~~and Utah State Office of Rehabilitation~~].

1101 Section 41. Section **53A-11-203** is amended to read:

1102 **53A-11-203. Vision screening.**

1103 (1) As used in this section:

1104 (a) [~~"Division"~~] "Office" means the [~~Division of Services for the Blind and Visually~~
1105 ~~Impaired created under Section [53A-24-302](#)~~] Utah State Office of Rehabilitation created in
1106 Section [35A-1-202](#).

1107 (b) "Qualifying child" means a child who is at least 3-1/2 years old, but is less than
1108 nine years old.

1109 (2) A child under nine years old entering school for the first time in this state must
1110 present the following to the school:

1111 (a) a certificate signed by a licensed physician, optometrist, or other licensed health
1112 professional approved by the [~~division~~] office, stating that the child has received vision
1113 screening to determine the presence of amblyopia or other visual defects; or

1114 (b) a written statement signed by at least one parent or legal guardian of the child that
1115 the screening violates the personal beliefs of the parent or legal guardian.

1116 (3) (a) The [~~division~~] office:

1117 (i) shall provide vision screening report forms to a person approved by the [~~division~~]
1118 office to conduct a free vision screening for a qualifying child;

1119 (ii) may work with health care professionals, teachers, and vision screeners to develop
1120 protocols that may be used by a parent, teacher, or vision screener to help identify a child who
1121 may have conditions that are not detected in a vision screening, such as problems with eye
1122 focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence
1123 insufficiency; and

1124 (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language
1125 regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice
1126 required by Subsection (3)(b).

1127 (b) The report forms shall include the following information for a parent or guardian:
1128 "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye
1129 doctor."

1130 (4) A school district or charter school may conduct free vision screening clinics for a
1131 qualifying child.

1132 (5) (a) The [~~division~~] office shall maintain a central register of qualifying children who
1133 fail vision screening and who are referred for follow-up treatment.

1134 (b) The register described in Subsection (5)(a) shall include the name of the child, age
1135 or birthdate, address, cause for referral, and follow-up results.

1136 (c) A school district or charter school shall report to the [~~division~~] office referral
1137 follow-up results for a qualifying child.

1138 (6) (a) A school district or charter school shall ensure that a volunteer who serves as a
1139 vision screener for a free vision screening clinic for a qualifying child:

1140 (i) is a school nurse;

1141 (ii) holds a certificate issued by the [~~division~~] office under Subsection (6)(b)(ii); or

1142 (iii) is directly supervised by an individual described in Subsection (6)(a)(i) or (ii).

1143 (b) The ~~[division]~~ office shall:

1144 (i) provide vision screening training to a volunteer seeking a certificate described in
1145 Subsection (6)(b)(ii), using curriculum established by the ~~[division]~~ office; and

1146 (ii) issue a certificate to a volunteer who successfully completes the vision screening
1147 training described in Subsection (6)(b)(i).

1148 (c) An individual described in Subsection (6)(a) is not liable for damages that result
1149 from acts or omissions related to the vision screening, unless the acts or omissions are willful
1150 or grossly negligent.

1151 (7) (a) Except as provided in Subsection (7)(b), a licensed health professional
1152 providing vision care to private patients may not participate as a screener in a free vision
1153 screening program provided by a school district.

1154 (b) A school district or charter school may:

1155 (i) allow a licensed health professional who provides vision care to private patients to
1156 participate as a screener in a free vision screening program for a child 3-1/2 years old or older;

1157 (ii) establish guidelines to administer a free vision screening program described in
1158 Subsection (7)(b)(i); and

1159 (iii) establish penalties for a violation of the requirements of Subsection (7)(c).

1160 (c) A licensed health professional or other person who participates as a screener in a
1161 free vision screening program described in Subsection (7)(b):

1162 (i) may not market, advertise, or promote the licensed health professional's business in
1163 connection with providing the free screening at the school; and

1164 (ii) shall provide the child's results of the free vision screening on a form produced by
1165 the school or school district, which:

1166 (A) may not include contact information other than the name of the licensed health
1167 professional; and

1168 (B) shall include a statement: "vision screening is not a substitute for a complete eye
1169 exam and vision evaluation by an eye doctor."

1170 (d) A school district or charter school may provide information to a parent or guardian
1171 of the availability of follow up vision services for a student.

1172 (8) The Department of Health shall:

1173 (a) by rule, set standards and procedures for vision screening required by this chapter,
 1174 which shall include a process for notifying the parent or guardian of a child who fails a vision
 1175 screening or is identified as needing follow-up care; and

1176 (b) provide the [~~division~~] office with copies of rules, standards, instructions, and test
 1177 charts necessary for conducting vision screening.

1178 (9) The [~~division~~] office shall supervise screening, referral, and follow-up required by
 1179 this chapter.

1180 Section 42. Section **53A-24-601** is enacted to read:

1181 **Part 6. Transition Plan for the Utah State Office of Rehabilitation**

1182 **53A-24-601. Transition plan.**

1183 (1) On or before June 1, 2016, the Department of Workforce Services and the Utah
 1184 State Office of Rehabilitation shall develop a written transition plan for moving the Utah State
 1185 Office of Rehabilitation from the State Board of Education to the Department of Workforce
 1186 Services on October 1, 2016, that describes:

1187 (a) the tasks that need to be completed before the move on October 1, 2016, including
 1188 a description of:

1189 (i) which employees, by job title and classification, will transition to the Utah State
 1190 Office of Rehabilitation under the Department of Workforce Services from the State Board of
 1191 Education and the expected transition dates;

1192 (ii) office space and infrastructure requirements related to the transition;

1193 (iii) any work site location changes for transitioning employees;

1194 (iv) the transition of service delivery sites;

1195 (v) amendments needed to existing contracts;

1196 (vi) the provision of directions and information to Utah State Office of Rehabilitation
 1197 clients regarding where services will be provided and the hours services will be provided;

1198 (vii) procedures for the transfer and reconciliation of budgeting and funding of the
 1199 Utah State Office of Rehabilitation as the office transitions from the State Board of Education
 1200 to the Department of Workforce Services; and

1201 (viii) the transition of technology services to the Utah State Office of Rehabilitation;

1202 (b) the tasks that need to be completed during the year after the move on October 1,
 1203 2016; and

1204 (c) how the transition to the Department of Workforce Services will be funded,
1205 including details of:
1206 (i) how expenses associated with the transition will be managed;
1207 (ii) how funding for services provided by the Utah State Office of Rehabilitation will
1208 be managed between the State Board of Education and the Department of Workforce Services
1209 to ensure services will be provided by the Utah State Office of Rehabilitation without
1210 interruption; and

1211 (iii) how federal funds will be used by or transferred between the State Board of
1212 Education and the Department of Workforce Services to ensure services will be provided by
1213 the Utah State Office of Rehabilitation without interruption.

1214 (2) The written transition plan shall:

1215 (a) contain a timeline for the completion of the tasks described in Subsection (1)(a);

1216 (b) be updated at least every two weeks until the transition is complete;

1217 (c) describe how information will be provided to Utah Office of Rehabilitation clients
1218 regarding any changes to where services will be provided and the hours services will be
1219 provided;

1220 (d) be provided to the:

1221 (i) State Board of Education and the superintendent of public instruction;

1222 (ii) Division of Finance;

1223 (iii) Utah State Office of Rehabilitation; and

1224 (iv) Department of Technology Services; and

1225 (e) be made available to transitioning or potentially transitioning employees.

1226 (3) The Department of Workforce Services and the Utah State Office of Rehabilitation
1227 shall publish information on their websites for Utah State Office of Rehabilitation clients and
1228 employees that provides a full overview of the written transition plan and how the move will
1229 affect client services offered by the Utah State Office of Rehabilitation, including regularly
1230 updated:

1231 (a) information regarding the location where services are provided and the hours
1232 services are provided; and

1233 (b) contact information so that clients can contact transitioning employees and obtain
1234 information regarding client services.

1235 (4) The Department of Workforce Services and the State Board of Education may enter
1236 into a memorandum of understanding of how costs and responsibilities will be shared to:

1237 (a) ensure that services provided under agreements with the federal government are
1238 fulfilled;

1239 (b) ensure that commitments made by the State Board of Education with respect to the
1240 Utah State Office of Rehabilitation are met;

1241 (c) provide ongoing or shared services as needed, including the provision of payments
1242 to the State Board of Education from the Department of Workforce Services; and

1243 (d) ensure that money from the Office of Rehabilitation Transition Restricted Account,
1244 created in Section 53A-24-602, is used appropriately by the Department of Workforce Services
1245 and the State Board of Education.

1246 Section 43. Section 53A-24-602 is enacted to read:

1247 **53A-24-602. Office of Rehabilitation Transition Restricted Account.**

1248 (1) There is created a restricted account within the General Fund known as the "Office
1249 of Rehabilitation Transition Restricted Account."

1250 (2) The restricted account shall consist of appropriations made by the Legislature.

1251 (3) Subject to appropriation, the Utah State Office of Rehabilitation, the Department of
1252 Workforce Services, and the State Board of Education may spend money from the restricted
1253 account to pay for commitments related to and services provided by the Utah State Office of
1254 Rehabilitation, including expenses related to moving the Utah State Office of Rehabilitation
1255 from the State Board of Education to the Department of Workforce Services.

1256 Section 44. Section 54-8b-10 is amended to read:

1257 **54-8b-10. Imposing a surcharge to provide hearing and speech impaired persons**
1258 **with telecommunication devices -- Definitions -- Procedures for establishing program --**
1259 **Surcharge -- Administration and disposition of surcharge money.**

1260 (1) As used in this section:

1261 (a) "Certified deaf or severely hearing or speech impaired person" means any state
1262 resident who:

1263 (i) is so certified by:

1264 (A) a licensed physician;

1265 (B) an otolaryngologist;

1266 (C) a speech language pathologist;

1267 (D) an audiologist; or

1268 (E) a qualified state agency; and

1269 (ii) qualifies for assistance under any low income public assistance program

1270 administered by a state agency.

1271 (b) "Certified interpreter" means a person who is a certified interpreter under Title

1272 [~~53A, Chapter 26a, Interpreter Services for the Hearing Impaired Act~~] 35A, Chapter 13, Part 6,

1273 Interpreter Services for the Deaf and Hard of Hearing Act.

1274 (c) (i) "Telecommunication device" means any mechanical adaptation device that
1275 enables a deaf or severely hearing or speech impaired person to use the telephone.

1276 (ii) "Telecommunication device" includes:

1277 (A) telecommunication devices for the deaf (TDD);

1278 (B) telephone amplifiers;

1279 (C) telephone signal devices;

1280 (D) artificial larynxes; and

1281 (E) adaptive equipment for TDD keyboard access.

1282 (2) The commission shall hold hearings to establish a program whereby a certified deaf
1283 or severely hearing or speech impaired customer of a telecommunications corporation that
1284 provides service through a local exchange or of a wireless telecommunications provider may
1285 obtain a telecommunication device capable of serving the customer at no charge to the
1286 customer beyond the rate for basic service.

1287 (3) (a) The program described in Subsection (2) shall provide a dual party relay system
1288 using third party intervention to connect a certified deaf or severely hearing or speech impaired
1289 person with a normal hearing person by way of telecommunication devices designed for that
1290 purpose.

1291 (b) The commission may, by rule, establish the type of telecommunications device to
1292 be provided to ensure functional equivalence.

1293 (4) (a) The commission shall impose a surcharge on each residential and business
1294 access line of each customer of local-exchange telephone service in this state, and each
1295 residential and business telephone number of each customer of mobile telephone service in this
1296 state, not including a telephone number used exclusively to transfer data to and from a mobile

1297 device, which shall be collected by the telecommunications corporation providing public
1298 telecommunications service to the customer, to cover the costs of:

1299 (i) the program described in Subsection (2); and

1300 (ii) payments made under Subsection (5).

1301 (b) The commission shall establish by rule the amount to be charged under this section,
1302 provided that:

1303 (i) the surcharge does not exceed 20 cents per month for each residential and business
1304 access line for local-exchange telephone service, and for each residential and business
1305 telephone number for mobile telephone service, not including a telephone number used
1306 exclusively to transfer data to and from a mobile device; and

1307 (ii) if the surcharge is related to a mobile telecommunications service, the surcharge
1308 may be imposed, billed, and collected only to the extent permitted by the Mobile
1309 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

1310 (c) The telecommunications corporation shall collect the surcharge from its customers
1311 and transfer the money collected to the commission under rules adopted by the commission.

1312 (d) The surcharge shall be separately identified on each bill to a customer.

1313 (5) (a) Money collected from the surcharge imposed under Subsection (4) shall be
1314 deposited in the state treasury as dedicated credits to be administered as determined by the
1315 commission.

1316 (b) These dedicated credits may be used only:

1317 (i) for the purchase, maintenance, repair, and distribution of telecommunication
1318 devices;

1319 (ii) for the acquisition, operation, maintenance, and repair of a dual party relay system;

1320 (iii) to reimburse telephone corporations for the expenses incurred in collecting and
1321 transferring to the commission the surcharge imposed by the commission;

1322 (iv) for the general administration of the program;

1323 (v) to train persons in the use of telecommunications devices; and

1324 (vi) by the commission to contract, in compliance with Title 63G, Chapter 6a, Utah
1325 Procurement Code, with:

1326 (A) an institution within the state system of higher education listed in Section
1327 [53B-1-102](#) for a program approved by the Board of Regents that trains persons to qualify as

1328 certified interpreters; or

1329 (B) the [~~Division of Services to the Deaf and Hard of Hearing~~] Utah State Office of
1330 Rehabilitation created in Section 35A-1-202 for a program that trains persons to qualify as
1331 certified interpreters.

1332 (c) (i) The commission shall make rules under Title 63G, Chapter 3, Utah
1333 Administrative Rulemaking Act, for the administration of money under Subsection (5)(b)(vi).

1334 (ii) In the initial rulemaking to determine the administration of money under
1335 Subsection (5)(b)(vi), the commission shall give notice and hold a public hearing.

1336 (d) Money received by the commission under Subsection (4) is nonlapsing.

1337 (6) (a) The telephone surcharge need not be collected by a telecommunications
1338 corporation if the amount collected would be less than the actual administrative costs of the
1339 collection.

1340 (b) If Subsection (6)(a) applies, the telecommunications corporation shall submit to the
1341 commission, in lieu of the revenue from the surcharge collection, a breakdown of the
1342 anticipated costs and the expected revenue from the collection, showing that the costs exceed
1343 the revenue.

1344 (7) The commission shall solicit the advice, counsel, and physical assistance of
1345 severely hearing or speech impaired persons and the organizations serving them in the design
1346 and implementation of the program.

1347 Section 45. Section **55-5-2** is amended to read:

1348 **55-5-2. Licensing agency -- Duties of the Utah State Office of Rehabilitation.**

1349 (1) The [~~Division of Services for the Blind and Visually Impaired;~~] Utah State Office
1350 of Rehabilitation created in Section 35A-1-202 is designated as the licensing agency for the
1351 purpose of carrying out this chapter.

1352 (2) The [~~Division of Services for the Blind and Visually Impaired;~~] Utah State Office
1353 of Rehabilitation shall:

1354 (a) take necessary steps to carry out the provisions of this chapter;

1355 (b) with the approval of the custodian having charge of the building, park or other
1356 property in which the vending stand or other enterprise is to be located, select a location for
1357 such stand or enterprise and the type of equipment to be provided;

1358 (c) construct and equip stands where blind persons may be trained under the

1359 supervision of the [~~Division of Services for the Blind and Visually Impaired~~] Utah State Office
1360 of Rehabilitation to carry on a business as a vending stand operator;

1361 (d) provide adequate supervision of each person licensed to operate vending stands or
1362 other enterprises to ensure efficient and orderly management; and

1363 (e) make rules necessary for the proper operation of vending stands or other
1364 enterprises.

1365 Section 46. Section ~~55-5-7~~ is amended to read:

1366 **55-5-7. Agencies to negotiate for food service with the Utah State Office of**
1367 **Rehabilitation -- Existing contracts.**

1368 (1) A governmental agency [~~which~~] that proposes to operate or continue a food service
1369 in a public office building shall first attempt in good faith to make an agreement with the
1370 [~~Division of Services for the Blind and Visually Impaired~~] Utah State Office of Rehabilitation
1371 created in Section 35A-1-202 to operate the food service without payment of rent.

1372 (2) The governmental agency may not offer or grant to any other party a contract or
1373 concession to operate the food service unless the governmental agency determines in good faith
1374 that the [~~Division of Services for the Blind and Visually Impaired~~] Utah State Office of
1375 Rehabilitation is not willing to or cannot satisfactorily provide the food service.

1376 (3) This act may not impair any valid contract existing on the effective date of this act,
1377 and does not preclude renegotiation of a valid contract on the same terms and with the same
1378 parties.

1379 Section 47. Section ~~55-5-8~~ is amended to read:

1380 **55-5-8. Food service in exempt buildings.**

1381 With respect to all state, county, and municipal buildings [~~which~~] that are not subject to
1382 Section ~~55-5-7~~, the governmental agency in charge of the building shall consider allowing the
1383 [~~Division of Services for the Blind and Visually Impaired~~] the Utah State Office of
1384 Rehabilitation created in Section 35A-1-202 to operate any existing or proposed food service in
1385 the building, and shall discuss the operation with the division under Section [~~53A-24-304~~]
1386 35A-13-402 upon its request.

1387 Section 48. Section ~~55-5a-2~~ is amended to read:

1388 **55-5a-2. Definitions.**

1389 As used in this [~~act~~] chapter:

1390 (1) "Blind" means an individual, or class of individuals, whose central acuity does not
 1391 exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than
 1392 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its
 1393 widest diameter subtends an angle of no greater than 20 degrees.

1394 [~~(2) "Division" means the Division of Services for the Blind and Visually Impaired.~~]

1395 [~~(3)~~] (2) "Direct labor" means work required for preparation, processing^[-] and
 1396 packing, other than supervision, administration, inspection [~~and~~], or shipping.

1397 (3) "Office" means the Utah State Office of Rehabilitation created in Section

1398 [35A-1-202](#).

1399 Section 49. Section **55-5a-3** is amended to read:

1400 **55-5a-3. Permit required to sell blind-made products or services or to make sales**
 1401 **to help the blind and visually impaired.**

1402 (1) A person, group of persons₂ or organization may not^[-] by any means, sell, transfer₂
 1403 or otherwise dispose of goods, articles, or products to the public in this state [~~which~~] that are
 1404 labeled as made by the blind or sold as products of the blind without first securing a permit in
 1405 writing from the office for each person selling or soliciting the sale of those goods, articles, or
 1406 products [~~from the Division of Services for the Blind and Visually Impaired~~].

1407 (2) A person, group of persons, or organization may not conduct or engage in any
 1408 business [~~whatsoever~~] in this state, if the word "blind" is used to designate its product's origin
 1409 or manufacture or if it is used in such a manner as to indicate the services, goods, articles, or
 1410 products that it provides are blind-made or provide help for the blind or visually impaired,
 1411 unless a written permit is obtained from the [~~division~~] office to do so.

1412 (3) A person, group of persons, or organization may not conduct any of the activities
 1413 designated in this section using a name, trade name, logo, or other identifying mark or name
 1414 [~~which~~] that implies that the person, group of persons, or organization using the name is
 1415 affiliated with or sponsored by the state or any of its agencies or subdivisions, when the person,
 1416 group of persons, or organization is not sponsored or supported by the state or one of its
 1417 agencies or subdivisions.

1418 Section 50. Section **55-5a-4** is amended to read:

1419 **55-5a-4. Issuance of permits -- Eligibility -- Fee -- Local license or permit.**

1420 (1) The [~~division~~] office may adopt rules and regulations, prescribe procedures, adopt

1421 forms and applications, review applications for permits, and issue permits as required by
1422 Section 55-5a-3 subject to the following:

1423 (a) A product shall be considered "blind-made" if 75% or more of the direct labor
1424 hours required for its manufacture are provided by the blind.

1425 (b) A person or organization shall be considered to be selling blind-made products if
1426 60% or more of the wholesale cost of the seller's average inventory of products is blind-made
1427 and the seller clearly differentiates by the use of labels or other markings between blind-made
1428 products and other products.

1429 (c) Individuals or businesses are conducting sales by the blind if 75% or more of the
1430 direct labor hours in packaging, marketing, soliciting and making sales are provided by the
1431 blind.

1432 (d) Upon receipt of appropriate documentation indicating qualification of a person or
1433 organization seeking a license under this act, the [~~division~~] office shall issue permits for any
1434 one[;] or [~~a~~] combination of the following:

1435 (i) sale of products manufactured by the blind[;];

1436 (ii) sale of blind-made products by the blind[~~, and~~]; or

1437 (iii) sale by the blind of products not made by the blind.

1438 (e) No permit shall be issued by the [~~division~~] office if the business name, trade name,
1439 or logo of the organization seeking the permit is similar to the name of or in any way implies
1440 an affiliation with or support of the state or one of its agencies or subdivisions if the
1441 organization is not so affiliated.

1442 (2) A fee of not more than \$5 shall be charged for the issuance and renewal of each
1443 permit [~~which~~] that shall be valid for a period of one year unless earlier revoked for good cause
1444 shown.

1445 (3) No political subdivision of this state shall issue [~~any~~] a license or permit
1446 [~~whatsoever~~] to sell blind-made goods, articles, or products unless the person applying for that
1447 license or permit has first obtained a valid permit issued by the [~~division~~] office.

1448 Section 51. Section 55-5a-5 is amended to read:

1449 **55-5a-5. Application for permit -- Investigation -- Exception -- Appeal of denial.**

1450 (1) The [~~division~~] office shall investigate each application for a permit to [~~assure~~]
1451 ensure that the person, group of persons, or organization is actually engaged in the manufacture

1452 or distribution of goods, articles, or products made by blind persons within the meaning of this
1453 act. [~~The division~~]

1454 (2) Notwithstanding Subsection (1), the office may issue permits without
1455 investigation[~~, however,~~] to nonresident persons, groups of persons, or organizations upon
1456 proof that they are recognized and approved by the state in which they reside as authorized to
1457 sell such goods, articles, or products pursuant to a law of that state imposing requirements
1458 substantially similar to those prescribed [~~pursuant to~~] by this act.

1459 (3) Anyone denied a permit may appeal the decision of the [division to the state
1460 superintendent of public instruction or his] office to the executive director of the Department of
1461 Workforce Services or the executive director's designated agent.

1462 Section 52. Section **62A-5a-102** is amended to read:

1463 **62A-5a-102. Definitions.**

1464 As used in this chapter:

1465 (1) "Council" means the Coordinating Council for Persons with Disabilities.

1466 (2) "State agencies" means:

1467 (a) the Division of Services for People with Disabilities and the Division of Substance
1468 Abuse and Mental Health, within the Department of Human Services;

1469 (b) the Division of Health Care Financing within the Department of Health;

1470 (c) family health services programs established under Title 26, Chapter 10, Family
1471 Health Services, operated by the Department of Health;

1472 (d) the Utah State Office of Rehabilitation created in Section [35A-1-202](#); and

1473 (e) special education programs operated by the State Office of Education and local
1474 school districts under Title 53A, Chapter 15, Part 3, Education of Children with Disabilities.

1475 Section 53. Section **62A-5a-103** is amended to read:

1476 **62A-5a-103. Coordinating Council for Persons with Disabilities -- Creation --**
1477 **Membership -- Expenses.**

1478 (1) There is created the Coordinating Council for Persons with Disabilities.

1479 (2) The council shall consist of:

1480 (a) the director of the Division of Services for People with Disabilities within the
1481 Department of Human Services, or [~~his~~] the director's designee;

1482 (b) the director of family health services programs, appointed under Section [26-10-3](#),

1483 or ~~his~~ the director's designee;

1484 (c) the ~~executive~~ director of the Utah State Office of Rehabilitation created in Section
1485 35A-1-202, or ~~his~~ the director's designee;

1486 (d) the state director of special education, or ~~his~~ the director's designee;

1487 (e) the director of the Division of Health Care Financing within the Department of
1488 Health, or ~~his~~ the director's designee;

1489 (f) the director of the Division of Substance Abuse and Mental Health within the
1490 Department of Human Services, or ~~his~~ the director's designee;

1491 (g) the superintendent of Schools for the Deaf and the Blind, or ~~his~~ the
1492 superintendent's designee; and

1493 (h) a person with a disability, a family member of a person with a disability, or an
1494 advocate for persons with disabilities, appointed by the members listed in Subsections (2)(a)
1495 through (g).

1496 (3) (a) The council shall annually elect a chair from its membership.

1497 (b) Five members of the council are a quorum.

1498 (4) A member may not receive compensation or benefits for the member's service, but
1499 may receive per diem and travel expenses in accordance with:

1500 (a) Section 63A-3-106;

1501 (b) Section 63A-3-107; and

1502 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1503 63A-3-107.

1504 Section 54. Section **62A-5a-105** is amended to read:

1505 **62A-5a-105. Coordination of services for school-age children.**

1506 (1) Within appropriations authorized by the Legislature, the state director of special
1507 education, the ~~executive~~ director of the Utah State Office of Rehabilitation created in Section
1508 35A-1-202, the executive director of the Department of Human Services, and the family health
1509 services director within the Department of Health, or their designees, and the affected local
1510 school district shall cooperatively develop a single coordinated education program, treatment
1511 services, and individual and family supports for students entitled to a free appropriate
1512 education under Title 53A, Chapter 15, Part 3, Education of Children with Disabilities, who
1513 also require services from the Department of Human Services, the Department of Health, or the

1514 Utah State Office of Rehabilitation.

1515 (2) Distribution of costs for services and supports described in Subsection (1) shall be
1516 determined through a process established by the State Board of Education, the Department of
1517 Human Services, and the Department of Health.

1518 Section 55. Section **63B-19-201** is amended to read:

1519 **63B-19-201. Authorizations to design and construct capital facilities using**
1520 **institutional or agency funds.**

1521 (1) The Legislature intends that:

1522 (a) Southern Utah University may, subject to the requirements of Title 63A, Chapter 5,
1523 State Building Board - Division of Facilities Construction and Management, use \$10,000,000
1524 in donations and the revenue bond authorized in Subsection [63B-19-102\(6\)](#) to plan, design, and
1525 construct a Southern Utah Museum of Arts, with 28,000 new square feet;

1526 (b) no state funds be used for any portion of this project; and

1527 (c) the university may not request state funds for operation and maintenance costs or
1528 capital improvements.

1529 (2) The Legislature intends that:

1530 (a) the University of Utah may, subject to the requirements of Title 63A, Chapter 5,
1531 State Building Board - Division of Facilities Construction and Management, use \$17,878,000
1532 in donations, federal funds, and institutional funds to plan, design, and construct an addition to
1533 the Henry Eyring Building, with 40,915 new square feet;

1534 (b) no state funds be used for any portion of this project; and

1535 (c) the university may not request state funds for operation and maintenance costs or
1536 capital improvements.

1537 (3) The Legislature intends that:

1538 (a) Utah State University may, subject to the requirements of Title 63A, Chapter 5,
1539 State Building Board - Division of Facilities Construction and Management, use \$3,000,000 in
1540 donations to plan, design, and construct a Botanical Center classroom building, with 7,900 new
1541 square feet;

1542 (b) no state funds be used for any portion of this project; and

1543 (c) the university may not request state funds for operation and maintenance costs or
1544 capital improvements.

1545 (4) The Legislature intends that:

1546 (a) [~~the Division of Services for the Blind and Visually Impaired in~~] the Utah State
1547 Office of Rehabilitation created in Section 35A-1-202 may, subject to the requirements of Title
1548 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management,
1549 use \$1,497,000 in federal grants to plan, design, and construct a residential facility for the
1550 blind, with 8,000 new square feet;

1551 (b) no state funds be used for any portion of this project; and

1552 (c) the division may not request state funds for operation and maintenance costs or
1553 capital improvements.

1554 (5) The Legislature intends that:

1555 (a) the Department of Public Safety may, subject to the requirements of Title 63A,
1556 Chapter 5, State Building Board - Division of Facilities Construction and Management, use
1557 \$3,294,000 of nonlapsing balances within the driver license line item in the Department of
1558 Public Safety budget in fiscal year 2010 to plan, design, and construct an Ogden driver license
1559 building with 10,500 new square feet;

1560 (b) no state funds be used for any portion of this project; and

1561 (c) the department may not request state funds for operation and maintenance costs or
1562 capital improvements.

1563 (6) The Legislature intends that:

1564 (a) the University of Utah may use donations to prepare preliminary plans for a dental
1565 school building;

1566 (b) no state funds be used for any portion of the planning; and

1567 (c) the University of Utah may not design or construct a dental school building unless
1568 and until the Legislature authorizes:

1569 (i) the design and construction of a dental school building;

1570 (ii) the University to pursue the establishment of a dental school program; and

1571 (iii) the appropriation of funds at a level sufficient to fund a dental school program at
1572 the University of Utah.

1573 Section 56. Section **63G-6a-805** is amended to read:

1574 **63G-6a-805. Purchase from community rehabilitation programs.**

1575 (1) As used in this section:

1576 (a) "Advisory board" means the Purchasing from Persons with Disabilities Advisory
1577 Board created under this section.

1578 (b) "Central not-for-profit association" means a group of experts designated by the
1579 advisory board to do the following, under guidelines established by the advisory board:

1580 (i) assist the advisory board with its functions; and

1581 (ii) facilitate the implementation of advisory board policies.

1582 (c) (i) "Community rehabilitation program" means a program that is operated primarily
1583 for the purpose of the employment and training of persons with a disability by a government
1584 agency or qualified nonprofit organization which is an income tax exempt organization under
1585 26 U.S.C. Sec. 501(c)(3) of the Internal Revenue Code.

1586 (ii) A community rehabilitation program:

1587 (A) maintains an employment ratio of at least 75% of the program employees under the
1588 procurement contract in question have severe disabilities;

1589 (B) (I) complies with any applicable occupational health and safety standards
1590 prescribed by the United States Department of Labor; or

1591 (II) is a supported employment program approved by the Utah State Office of
1592 Rehabilitation created in Section 35A-1-202;

1593 (C) has its principal place of business in Utah;

1594 (D) produces any good provided under this section in Utah; and

1595 (E) provides any service that is provided by individuals with a majority of whom
1596 domiciled in Utah.

1597 (d) "Person with a disability" means a person with any disability as defined by and
1598 covered under the Americans with Disabilities Act of 1990, 42 U.S.C. 12102.

1599 (2) There is created within the division the Purchasing from Persons with Disabilities
1600 Advisory Board.

1601 (3) The advisory board shall consist of three members, as follows:

1602 (a) the director of the division or the director's designee;

1603 (b) the ~~[executive]~~ director of the Utah State Office of Rehabilitation~~[-created under~~
1604 ~~Section 53A-24-103]~~; or the ~~[executive]~~ director's designee; and

1605 (c) a representative of the private business community who shall be appointed to a
1606 three-year term by the governor with the advice and consent of the Senate.

1607 (4) The advisory board shall meet, as needed, to facilitate the procurement of goods
1608 and services from community rehabilitation programs by a procurement unit under this chapter
1609 by:

1610 (a) identifying goods and services that are available from community rehabilitation
1611 programs in accordance with the requirements of Subsection (7);

1612 (b) approving prices in accordance with Subsection (7)(c) for goods and services that
1613 are identified under Subsection (4)(a);

1614 (c) developing, maintaining, and approving a preferred procurement contract list of
1615 goods and services identified and priced under Subsections (4)(a) and (b);

1616 (d) reviewing bids received by a community rehabilitation program; and

1617 (e) awarding and renewing specified contracts for set contract times, without
1618 competitive bidding, for the purchase of goods and services under Subsection (7).

1619 (5) The provisions of Subsections (4) and (7)(a) are an exception to the procurement
1620 provisions under this chapter.

1621 (6) (a) The advisory board may designate a central not-for-profit association, appoint
1622 its members, and establish guidelines for its duties.

1623 (b) The designated central not-for-profit association serves at the pleasure of the
1624 advisory board. The central not-for-profit association or its individual members may be
1625 removed by the advisory board at any time by a majority vote of the advisory board.

1626 (c) Subject to the advisory board guidelines and discretion, a designated central
1627 not-for-profit association may be assigned to perform the following duties:

1628 (i) identify qualified community rehabilitation programs and the goods and services
1629 that they provide or have the potential to provide;

1630 (ii) help ensure that goods and services are provided at reasonable quality and delivery
1631 levels;

1632 (iii) recommend pricing for goods and services;

1633 (iv) review bids and recommend the award of contracts under the advisory board's
1634 direction;

1635 (v) collect and report program data to the advisory board and to the division; and

1636 (vi) other duties specified by the advisory board.

1637 (7) Except as provided under Subsection (9), notwithstanding any provision of this

1638 chapter to the contrary, each procurement unit shall purchase goods and services produced by a
1639 community rehabilitation program using the preferred procurement contract list approved under
1640 Subsection (4)(c) if:

1641 (a) the good or service offered for sale by a community rehabilitation program
1642 reasonably conforms to the needs and specifications of the procurement unit;

1643 (b) the community rehabilitation program can supply the good or service within a
1644 reasonable time; and

1645 (c) the price of the good or service is reasonably competitive with the cost of procuring
1646 the good or service from another source.

1647 (8) Each community rehabilitation program:

1648 (a) may submit a bid to the advisory board at any time and not necessarily in response
1649 to an invitation for bids; and

1650 (b) shall certify on any bid it submits to the advisory board or to a procurement unit
1651 under this section that it is claiming a preference under this section.

1652 (9) During a fiscal year, the requirement for a procurement unit to purchase goods and
1653 services produced by a community rehabilitation program under the preferred procurement list
1654 under Subsection (7) does not apply if the division determines that the total amount of
1655 procurement contracts with community rehabilitation programs has reached \$5 million for that
1656 fiscal year.

1657 (10) In the case of conflict between a purchase under this section and a purchase under
1658 Section [63G-6a-804](#), this section prevails.

1659 Section 57. Section **63I-2-253** is amended to read:

1660 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

1661 (1) Section [53A-1-403.5](#) is repealed July 1, 2017.

1662 (2) Subsection [53A-1-410\(5\)](#) is repealed July 1, 2015.

1663 (3) Section [53A-1-411](#) is repealed July 1, 2017.

1664 (4) Section [53A-1a-513.5](#) is repealed July 1, 2017.

1665 (5) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

1666 (6) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is
1667 repealed July 1, 2017.

1668 (7) Sections [53A-24-601](#) and [53A-24-602](#) are repealed January 1, 2018.

1669 Section 58. Section **63J-1-601** is amended to read:

1670 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
1671 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
1672 **accounts and funds -- Institutions of higher education to report unexpended balances.**

1673 (1) As used in this section, "transaction control number" means the unique numerical
1674 identifier established by the Department of Health to track each medical claim and indicates the
1675 date on which the claim is entered.

1676 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
1677 shall close out to the proper fund or account all remaining unexpended and unencumbered
1678 balances of appropriations made by the Legislature, except:

1679 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

1680 (i) enterprise funds;

1681 (ii) internal service funds;

1682 (iii) trust and agency funds;

1683 (iv) capital projects funds;

1684 (v) discrete component unit funds;

1685 (vi) debt service funds; and

1686 (vii) permanent funds;

1687 (b) those revenue collections, appropriations from a fund or account, or appropriations
1688 to a program that are designated as nonlapsing under Sections [63J-1-602.1](#) through
1689 [63J-1-602.5](#);

1690 (c) expendable special revenue funds, unless specifically directed to close out the fund
1691 in the fund's enabling legislation;

1692 (d) acquisition and development funds appropriated to the Division of Parks and
1693 Recreation;

1694 (e) funds encumbered to pay purchase orders issued prior to May 1 for capital
1695 equipment if delivery is expected before June 30; and

1696 (f) unexpended and unencumbered balances of appropriations that meet the
1697 requirements of Section [63J-1-603](#).

1698 (3) (a) Liabilities and related expenses for goods and services received on or before
1699 June 30 shall be recognized as expenses due and payable from appropriations made prior to

1700 June 30.

1701 (b) The liability and related expense shall be recognized within time periods
1702 established by the Division of Finance but shall be recognized not later than August 31.

1703 (c) Liabilities and expenses not so recognized may be paid from regular departmental
1704 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and
1705 unencumbered balances of appropriations for the years in which the obligation was incurred.

1706 (d) No amounts may be transferred from an item of appropriation of any department,
1707 institution, or agency into the Capital Projects Fund or any other fund without the prior express
1708 approval of the Legislature.

1709 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
1710 Chapter 18, Medical Assistance Act:

1711 (i) is not a liability or an expense to the state for budgetary purposes, unless the
1712 Division of Health Care Financing receives the claim within the time periods established by the
1713 Division of Finance under Subsection (3)(b); and

1714 (ii) is not subject to Subsection (3)(c).

1715 (b) The transaction control number that the Division of Health Care Financing records
1716 on each claim invoice is the date of receipt.

1717 (5) (a) For purposes of this chapter, a claim processed in accordance with Title [~~53A~~]
1718 35A, Chapter [~~24~~] 13, Utah State Office of Rehabilitation Act:

1719 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah
1720 State Office of Rehabilitation receives the claim within the time periods established by the
1721 Division of Finance under Subsection (3)(b); and

1722 (ii) is not subject to Subsection (3)(c).

1723 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
1724 date on which the Utah State Office of Rehabilitation receives the claim invoice.

1725 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this
1726 section.

1727 (6) Any balance from an appropriation to a state institution of higher education that
1728 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
1729 the September 1 following the close of the fiscal year.

1730 Section 59. Section **63J-1-602.3** is amended to read:

- 1731 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**
- 1732 (1) Funding for the Search and Rescue Financial Assistance Program, as provided in
1733 Section [53-2a-1102](#).
- 1734 (2) Appropriations made to the Division of Emergency Management from the State
1735 Disaster Recovery Restricted Account, as provided in Section [53-2a-603](#).
- 1736 (3) Appropriations made to the Department of Public Safety from the Department of
1737 Public Safety Restricted Account, as provided in Section [53-3-106](#).
- 1738 (4) Appropriations to the Motorcycle Rider Education Program, as provided in Section
1739 [53-3-905](#).
- 1740 (5) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account
1741 created in Section [53-8-303](#).
- 1742 (6) Appropriations from the DNA Specimen Restricted Account created in Section
1743 [53-10-407](#).
- 1744 (7) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 1745 (8) The School Readiness Restricted Account created in Section [53A-1b-104](#).
- 1746 (9) Appropriations to the State Board of Education, as provided in Section
1747 [53A-17a-105](#).
- 1748 (10) Money received by the Utah State Office of Rehabilitation for the sale of certain
1749 products or services, as provided in Section [~~[53A-24-105](#)~~] [35A-13-202](#).
- 1750 (11) Certain funds appropriated from the General Fund to the State Board of Regents
1751 for teacher preparation programs, as provided in Section [53B-6-104](#).
- 1752 (12) Funding for the Medical Education Program administered by the Medical
1753 Education Council, as provided in Section [53B-24-202](#).
- 1754 (13) A certain portion of money collected for administrative costs under the School
1755 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 1756 (14) Certain surcharges on residential and business telephone numbers imposed by the
1757 Public Service Commission, as provided in Section [54-8b-10](#).
- 1758 (15) Certain fines collected by the Division of Occupational and Professional Licensing
1759 for violation of unlawful or unprofessional conduct that are used for education and enforcement
1760 purposes, as provided in Section [58-17b-505](#).
- 1761 (16) Certain fines collected by the Division of Occupational and Professional Licensing

1762 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
1763 Section [58-63-103](#).

1764 (17) Appropriations from the Relative Value Study Restricted Account created in
1765 Section [59-9-105](#).

1766 (18) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
1767 Section 60. Section **78B-1-203** is amended to read:

1768 **78B-1-203. Effectiveness of interpreter determined.**

1769 (1) Before appointing an interpreter, the appointing authority shall make a preliminary
1770 determination, on the basis of the proficiency level established by the Utah [~~division of~~
1771 ~~rehabilitation services~~] State Office of Rehabilitation created in Section [35A-1-202](#) and on the
1772 basis of the hearing-impaired person's testimony, that the interpreter is able to accurately
1773 communicate with and translate information to and from the hearing-impaired person involved.

1774 (2) If the interpreter is not able to provide effective communication with the
1775 hearing-impaired person, the appointing authority shall appoint another qualified interpreter.

1776 Section 61. Section **78B-1-206** is amended to read:

1777 **78B-1-206. List of qualified interpreters -- Use -- Appointment of another.**

1778 (1) The Utah [~~division of rehabilitation services~~] State Office of Rehabilitation created
1779 in Section [35A-1-202](#) shall establish, maintain, update, and distribute a list of qualified
1780 interpreters.

1781 (2) (a) When an interpreter is required under this part, the appointing authority shall
1782 use one of the interpreters on the list provided by the Utah [~~division of rehabilitation services~~]
1783 State Office of Rehabilitation.

1784 (b) If none of the listed interpreters are available or are able to provide effective
1785 interpreting with the particular hearing-impaired person, then the appointing authority shall
1786 appoint another qualified interpreter who is able to accurately and simultaneously communicate
1787 with and translate information to and from the particular hearing-impaired person involved.

1788 Section 62. Section **78B-1-208** is amended to read:

1789 **78B-1-208. Compensation of interpreter.**

1790 (1) An interpreter appointed under this part is entitled to a reasonable fee for his or her
1791 services, including waiting time and reimbursement for necessary travel and subsistence
1792 expenses.

1793 (2) The fee shall be based on a fee schedule for interpreters recommended by the
1794 [~~division of rehabilitation services~~] Utah State Office of Rehabilitation created in Section
1795 35A-1-202 or on prevailing market rates.

1796 (3) Reimbursement for necessary travel and subsistence expenses shall be at rates
1797 provided by law for state employees generally.

1798 (4) Compensation for interpreter services shall be paid by the appointing authority if
1799 the interpreter is not otherwise compensated for those services.

1800 Section 63. **Repealer.**

1801 This bill repeals:

1802 Section **53A-15-205, Disability Determination Services Advisory Council --**

1803 **Membership -- Duties -- Requirements for DDDS.**

1804 Section **53A-24-110.5, Assistive Technology Advisory Council -- Membership --**

1805 **Duties.**

1806 Section **53A-24-110.7, Appropriation for assistive technology devices and services.**

1807 Section **53A-24-201, Definition.**

1808 Section **53A-24-202, Creation.**

1809 Section **53A-24-203, Appointment of division director -- Administration.**

1810 Section **53A-24-204, Division responsibilities.**

1811 Section **53A-24-301, Definitions.**

1812 Section **53A-24-302, Creation.**

1813 Section **53A-24-303, Appointment of division director -- Administration.**

1814 Section **53A-24-401, Definitions.**

1815 Section **53A-24-402, Creation.**

1816 Section **53A-24-403, Appointment of administrator for the division.**

1817 Section **53A-24-501, Creation.**

1818 Section **53A-24-502, Appointment of administrator for the division.**

1819 Section **53A-24-503, Division responsibilities.**

1820 Section 64. **Appropriation -- Operating and capital budgets.**

1821 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
1822 the fiscal year beginning July 1, 2016, and ending June 20, 2017, the following sums of money
1823 are appropriated from resources not otherwise appropriated, or reduced from amounts

1824 previously appropriated, out of the funds or accounts indicated. These sums of money are in
 1825 addition to amounts previously appropriated for fiscal year 2017.

1826 Item 1: To Department of Workforce Services -- Utah State Office of Rehabilitation

1827 From General Fund \$21,385,100

1828 From General Fund, one-time (\$21,385,100)

1829 From General Fund Restricted -- Office of Rehabilitation

1830 Transition Restricted Account \$26,385,100

1831 From Federal Funds \$62,656,000

1832 From Dedicated Credits Revenue \$985,600

1833 Schedule of Programs:

1834 Executive Director \$2,965,300

1835 Blind and Visually Impaired \$6,109,700

1836 Rehabilitation Services \$46,461,800

1837 Disability Determination \$15,655,600

1838 Deaf and Hard of Hearing \$2,988,600

1839 Aspire Grant \$10,845,700

1840 The Legislature intends that the Department of Workforce Services may spend up to the
 1841 amount appropriated in this item from the General Fund Restricted -- Office of Rehabilitation
 1842 Transition Restricted Account for fiscal year 2017, but that expenditures from the account in
 1843 this item of appropriation plus expenditures from the account at the State Board of Education
 1844 may not exceed the total amount available in the account.

1845 Item 2: To State Board of Education -- Utah State Office of Rehabilitation

1846 From General Fund (\$273,700)

1847 From Education Fund (\$21,111,400)

1848 From General Fund Restricted -- Office of Rehabilitation

1849 Transition Restricted Account \$26,385,100

1850 Schedule of Programs:

1851 Vocational Rehabilitation \$5,000,000

1852 The Legislature intends that the State Board of Education may spend up to the amount
 1853 appropriated in this item from the General Fund Restricted -- Office of Rehabilitation
 1854 Transition Restricted Account for fiscal year 2017, but that expenditures from the account in

1855 this item of appropriation plus expenditures from the account at the Department of Workforce
 1856 Services may not exceed the total amount available in the account.

1857 **Section 65. Appropriation -- Restricted fund and account transfers.**

1858 The Legislature authorizes the Division of Finance to transfer the following amounts
 1859 among the following funds or accounts as indicated. Expenditures and outlays from the
 1860 recipient funds must be authorized elsewhere in an appropriations act.

1861 Item 3: To General Fund Restricted -- Office of Rehabilitation Transition

1862 Restricted Account

1863 From General Fund, one-time \$21,385,100

1864 From Beginning Nonlapsing Appropriation Balances \$5,000,000

1865 Schedule of Programs:

1866 Genera Fund Restricted -- Office of Rehabilitation

1867 Transition Restricted Account \$26,385,100

1868 The Legislature intends that the fiscal year 2016 ending balances at the Utah State
 1869 Office of Rehabilitation within the State Board of Education not lapse and the Division of
 1870 Finance transfer those balances into the General Fund Restricted -- Office of Rehabilitation
 1871 Transition Restricted Account at the close of fiscal year 2016.

1872 **Section 66. Effective date.**

1873 (1) Except as provided in Subsections (2) and (3), this bill takes effect on October 1,
 1874 2016.

1875 (2) If approved by two-thirds of all the members elected to each house, amendments to
 1876 Section 53A-24-601 and Section 53A-24-602 in this bill take effect upon approval by the
 1877 governor, or the day following the constitutional time limit of Utah Constitution, Article VII,
 1878 Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

1879 (3) Uncodified Section 64, Appropriation -- Operating and capital budgets, and Section
 1880 65, Appropriation -- Restricted fund and account transfers, in this bill take effect on July 1,
 1881 2016.