

STATE TRAINING AND CERTIFICATION REQUIREMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill enacts requirements related to certain training and certification required of public officials, employees, and volunteers.

Highlighted Provisions:

This bill:

- ▶ requires that certain training and certification required of public officials, employees, and volunteers be presented or available in an online web-based format, unless certain exceptions apply; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-2-103, as renumbered and amended by Laws of Utah 2017, Chapter 345

9-1-201, as last amended by Laws of Utah 2017, Chapter 48

11-13-225, as enacted by Laws of Utah 2015, Chapter 265

13-1-2, as last amended by Laws of Utah 2017, Chapter 139

17B-1-312, as last amended by Laws of Utah 2017, Chapter 70



- 28 **19-1-201**, as last amended by Laws of Utah 2015, Chapters 441 and 453
- 29 **26-1-30**, as last amended by Laws of Utah 2015, Chapter 73
- 30 **31A-2-201**, as last amended by Laws of Utah 2010, Chapter 68
- 31 **32B-2-207**, as last amended by Laws of Utah 2012, Chapter 365
- 32 **34A-6-109**, as renumbered and amended by Laws of Utah 1997, Chapter 375
- 33 **35A-1-104**, as last amended by Laws of Utah 2016, Chapters 133, 296, and 296
- 34 **41-6a-303**, as last amended by Laws of Utah 2010, Chapter 299
- 35 **52-4-104**, as enacted by Laws of Utah 2006, Chapter 263
- 36 **53-1-106**, as last amended by Laws of Utah 2013, Chapter 295
- 37 **53A-1-401**, as last amended by Laws of Utah 2016, Chapter 232
- 38 **53B-1-103**, as last amended by Laws of Utah 2017, Chapter 382
- 39 **53D-1-303**, as enacted by Laws of Utah 2014, Chapter 426
- 40 **59-2-702**, as last amended by Laws of Utah 2001, Chapter 214
- 41 **59-2-1001**, as last amended by Laws of Utah 2013, Chapter 180
- 42 **62A-1-111**, as last amended by Laws of Utah 2017, Chapter 331
- 43 **63F-1-104**, as last amended by Laws of Utah 2017, Chapter 238
- 44 **63G-6a-303**, as repealed and reenacted by Laws of Utah 2016, Chapter 355
- 45 **64-13-6**, as last amended by Laws of Utah 2016, Chapter 243
- 46 **67-3-1**, as last amended by Laws of Utah 2017, Chapter 11
- 47 **67-5-1**, as last amended by Laws of Utah 2017, Chapters 295 and 387
- 48 **67-5a-1**, as last amended by Laws of Utah 2001, Chapter 131
- 49 **67-5b-102**, as last amended by Laws of Utah 2016, Chapter 290
- 50 **67-19-6**, as last amended by Laws of Utah 2015, Chapter 175
- 51 **67-19e-110**, as enacted by Laws of Utah 2016, Chapter 237
- 52 **71-8-2**, as last amended by Laws of Utah 2016, Chapters 68, 230, and 252
- 53 **72-1-201**, as last amended by Laws of Utah 2016, Chapter 137
- 54 **76-9-907**, as enacted by Laws of Utah 2009, Chapter 86
- 55 **78A-2-107**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 56 **78B-6-204**, as last amended by Laws of Utah 2011, Chapter 51
- 57 **79-2-202**, as renumbered and amended by Laws of Utah 2009, Chapter 344

58 ENACTS:

- 59 **7-1-212**, Utah Code Annotated 1953
- 60 **10-1-204**, Utah Code Annotated 1953
- 61 **17-50-108**, Utah Code Annotated 1953
- 62 **63A-1-117**, Utah Code Annotated 1953
- 63 **63G-22-101**, Utah Code Annotated 1953
- 64 **63G-22-102**, Utah Code Annotated 1953
- 65 **63G-22-103**, Utah Code Annotated 1953



66

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

68 Section 1. Section **4-2-103** is amended to read:

69 **4-2-103. Functions, powers, and duties of department -- Fees for services --**
 70 **Marketing orders -- Procedure -- Purchasing and auditing.**

71 (1) The department shall:

72 (a) inquire into and promote the interests and products of agriculture and allied
 73 industries;

74 (b) promote methods for increasing the production and facilitating the distribution of
 75 the agricultural products of the state;

76 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases
 77 among livestock and the means for their prevention and cure; and

78 (ii) initiate, implement, and administer plans and programs to prevent the spread of
 79 diseases among livestock;

80 (d) encourage experiments designed to determine the best means and methods for the
 81 control of diseases among domestic and wild animals;

82 (e) issue marketing orders for any designated agricultural product to:

83 (i) promote orderly market conditions for any product;

84 (ii) give the producer a fair return on the producer's investment at the marketplace; and

85 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
 86 commodities;

87 (f) administer and enforce all laws assigned to the department by the Legislature;

88 (g) establish standards and grades for agricultural products and fix and collect
 89 reasonable fees for services performed by the department in conjunction with the grading of

90 agricultural products;

91 (h) establish operational standards for any establishment that manufactures, processes,
92 produces, distributes, stores, sells, or offers for sale any agricultural product;

93 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
94 rules necessary for the effective administration of the agricultural laws of the state;

95 (j) when necessary, make investigations, subpoena witnesses and records, conduct
96 hearings, issue orders, and make recommendations concerning all matters related to
97 agriculture;

98 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
99 private or public place that may become infested or infected with harmful insects, plant
100 diseases, noxious or poisonous weeds, or other agricultural pests;

101 (ii) establish and enforce quarantines;

102 (iii) issue and enforce orders and rules for the control and eradication of pests,
103 wherever they may exist within the state; and

104 (iv) perform other duties relating to plants and plant products considered advisable and
105 not contrary to law;

106 (l) inspect apiaries for diseases inimical to bees and beekeeping;

107 (m) take charge of any agricultural exhibit within the state, if considered necessary by
108 the department, and award premiums at that exhibit;

109 (n) assist the Conservation Commission in the administration of Title 4, Chapter 18,
110 Conservation Commission Act, and administer and disburse any funds available to assist
111 conservation districts in the state in the conservation of the state's soil and water resources;

112 (o) participate in the United States Department of Agriculture certified agricultural
113 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

114 (p) promote and support the multiple use of public lands; ~~and~~

115 (q) ensure that any training or certification required of a public official or public
116 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
117 22, State Training and Certification Requirements, if the training or certification is required:

118 (i) under this title;

119 (ii) by the department; or

120 (iii) by an agency or division within the department; and

121 [~~(q)~~] (r) perform any additional functions, powers, and duties provided by law.
122 (2) The department, by following the procedures and requirements of Section
123 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.
124 (3) (a) No marketing order issued under Subsection (1)(e) shall take effect until:
125 (i) the department gives notice of the proposed order to the producers and handlers of
126 the affected product;
127 (ii) the commissioner conducts a hearing on the proposed order; and
128 (iii) at least 50% of the registered producers and handlers of the affected products vote
129 in favor of the proposed order.
130 (b) (i) The department may establish boards of control to administer marketing orders
131 and the proceeds derived from any order.
132 (ii) A board of control shall:
133 (A) ensure that all proceeds are placed in an account in the board of control's name in a
134 depository institution; and
135 (B) ensure that the account is annually audited by an accountant approved by the
136 commissioner.
137 (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be
138 deposited into the General Fund as dedicated credits for the grain grading program.
139 (5) In fulfilling its duties in this chapter, the department may:
140 (a) purchase, as authorized or required by law, services that the department is
141 responsible to provide for legally eligible persons;
142 (b) take necessary steps, including legal action, to recover money or the monetary value
143 of services provided to a recipient who is not eligible;
144 (c) examine and audit the expenditures of any public funds provided to a local
145 authority, agency, or organization that contracts with or receives funds from those authorities or
146 agencies; and
147 (d) accept and administer grants from the federal government and from other sources,
148 public or private.
149 Section 2. Section 7-1-212 is enacted to read:
150 **7-1-212. Compliance with training and certification requirements.**
151 The department shall ensure that any training or certification required of a public

152 official or public employee, as those terms are defined in Section 63G-22-102, complies with
153 Title 63G, Chapter 22, State Training and Certification Requirements, if the training or
154 certification is required:

- 155 (1) under this title;
- 156 (2) by the department; or
- 157 (3) by an agency or division within the department.

158 Section 3. Section **9-1-201** is amended to read:

159 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

- 160 (1) There is created the Department of Heritage and Arts.
- 161 (2) The department shall:
 - 162 (a) be responsible for preserving and promoting the heritage of the state, the arts in the
 - 163 state, and cultural development within the state;
 - 164 (b) perform heritage, arts, and cultural development planning for the state;
 - 165 (c) coordinate the program plans of the various divisions within the department;
 - 166 (d) administer and coordinate all state or federal grant programs which are, or become,
 - 167 available for heritage, arts, and cultural development;
 - 168 (e) administer any other programs over which the department is given administrative
 - 169 supervision by the governor;
 - 170 (f) submit an annual written report to the governor and the Legislature as described in
 - 171 Section **9-1-208**; ~~and~~
 - 172 (g) ensure that any training or certification required of a public official or public
 - 173 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
 - 174 22, State Training and Certification Requirements, if the training or certification is required:
 - 175 (i) under this title;
 - 176 (ii) by the department; or
 - 177 (iii) by an agency or division within the department; and
 - 178 ~~(g)~~ (h) perform any other duties as provided by the Legislature.
 - 179 (3) The department may solicit and accept contributions of money, services, and
 - 180 facilities from any other sources, public or private, but may not use those contributions for
 - 181 publicizing the exclusive interest of the donor.
 - 182 (4) Money received under Subsection (3) shall be deposited in the General Fund as

183 restricted revenues of the department.

184 (5) (a) For a pass-through funding grant of \$25,000 or more, the department shall make
185 quarterly disbursements to the pass-through funding grant recipient, contingent upon the
186 department receiving a quarterly progress report from the pass-through funding grant recipient.

187 (b) The department shall:

188 (i) provide the pass-through funding grant recipient with a progress report form for the
189 reporting purposes described in Subsection (5)(a); and

190 (ii) include reporting requirement instructions with the form.

191 Section 4. Section **10-1-204** is enacted to read:

192 **10-1-204. Training requirements.**

193 A municipality shall ensure that any training that the municipality requires of a
194 municipal officer or employee complies with Title 63G, Chapter 22, State Training and
195 Certification Requirements.

196 Section 5. Section **11-13-225** is amended to read:

197 **11-13-225. Establishment of interlocal entity personnel system.**

198 (1) An interlocal entity shall establish a system of personnel administration for the
199 interlocal entity as provided in this section.

200 (2) The interlocal entity shall administer the system described in Subsection (1) in a
201 manner that will effectively provide for:

202 (a) recruiting, selecting, and advancing employees on the basis of the employee's
203 relative ability, knowledge, and skills, including open consideration of qualified applicants for
204 initial appointment;

205 (b) equitable and adequate compensation;

206 (c) employee training as needed to assure high-quality performance;

207 (d) (i) retaining an employee on the basis of the adequacy of the employee's
208 performance; and

209 (ii) separation of an employee whose inadequate performance cannot be corrected;

210 (e) fair treatment of an applicant or employee in all aspects of personnel administration
211 without regard to race, color, religion, sex, national origin, political affiliation, age, or
212 disability, and with proper regard for the applicant's or employee's privacy and constitutional
213 rights; and

214 (f) a formal procedure for processing the appeals and grievances of an employee
215 without discrimination, coercion, restraint, or reprisal.

216 (3) An interlocal entity shall ensure that any employee training described in Subsection
217 (2)(c) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

218 Section 6. Section 13-1-2 is amended to read:

219 **13-1-2. Creation and functions of department -- Divisions created -- Fees --**
220 **Commerce Service Account.**

221 (1) (a) There is created the Department of Commerce.

222 (b) The department shall:

223 (i) execute and administer state laws regulating business activities and occupations
224 affecting the public interest[-]; and

225 (ii) ensure that any training or certification required of a public official or public
226 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
227 22, State Training and Certification Requirements, if the training or certification is required:

228 (A) under this title;

229 (B) by the department; or

230 (C) by an agency or division within the department.

231 (2) Within the department the following divisions are created:

232 (a) the Division of Occupational and Professional Licensing;

233 (b) the Division of Real Estate;

234 (c) the Division of Securities;

235 (d) the Division of Public Utilities;

236 (e) the Division of Consumer Protection; and

237 (f) the Division of Corporations and Commercial Code.

238 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of
239 fees assessed for services provided by the department by following the procedures and
240 requirements of Section 63J-1-504.

241 (b) The department shall submit each fee established in this manner to the Legislature
242 for its approval as part of the department's annual appropriations request.

243 (c) (i) There is created a restricted account within the General Fund known as the
244 "Commerce Service Account."

245 (ii) The restricted account created in Subsection (3)(c)(i) consists of fees collected by
246 each division and by the department.

247 (iii) The undesignated account balance may not exceed \$1,000,000 at the end of each
248 fiscal year.

249 (iv) At the end of each fiscal year, the director of the Division of Finance shall transfer
250 into the General Fund any undesignated funds in the account that exceed the amount necessary
251 to maintain the undesignated account balance at \$1,000,000.

252 (d) The department may not charge or collect a fee or expend money from the
253 restricted account without approval by the Legislature.

254 Section 7. Section 17-50-108 is enacted to read:

255 **17-50-108. Training requirements.**

256 A county shall ensure that any training that the county requires of a county officer or
257 employee complies with Title 63G, Chapter 22, State Training and Certification Requirements.

258 Section 8. Section 17B-1-312 is amended to read:

259 **17B-1-312. Training for board members.**

260 (1) (a) Each member of a board of trustees of a local district shall, within one year after
261 taking office, complete the training described in Subsection (2).

262 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a local
263 district takes office each time the member is elected or appointed to a new term, including an
264 appointment to fill a midterm vacancy in accordance with Subsection 17B-1-303(5) or (6).

265 (2) In conjunction with the Utah Association of Special Districts, the state auditor
266 shall:

267 (a) develop a training curriculum for the members of local district boards; ~~and~~

268 (b) with the assistance of other state offices and departments the state auditor considers
269 appropriate and at times and locations established by the state auditor, carry out the training of
270 members of local district boards[-]; and

271 (c) ensure that any training required under this Subsection (2) complies with Title 63G,
272 Chapter 22, State Training and Certification Requirements.

273 (3) (a) A local district board of trustees may compensate each member of the board for
274 each day of training described in Subsection (2) that the member completes, in accordance with
275 Section 11-55-103.

276 (b) The compensation authorized under Subsection (3)(a) is in addition to all other
277 amounts of compensation and expense reimbursement authorized under this chapter.

278 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board
279 member more than once per year.

280 (4) The state auditor shall issue a certificate of completion to each board member that
281 completes the training described in Subsection (2).

282 Section 9. Section **19-1-201** is amended to read:

283 **19-1-201. Powers and duties of department -- Rulemaking authority --**

284 **Committee.**

285 (1) The department shall:

286 (a) enter into cooperative agreements with the Department of Health to delineate
287 specific responsibilities to assure that assessment and management of risk to human health
288 from the environment are properly administered;

289 (b) consult with the Department of Health and enter into cooperative agreements, as
290 needed, to ensure efficient use of resources and effective response to potential health and safety
291 threats from the environment, and to prevent gaps in protection from potential risks from the
292 environment to specific individuals or population groups;

293 (c) coordinate implementation of environmental programs to maximize efficient use of
294 resources by developing, in consultation with local health departments, a Comprehensive
295 Environmental Service Delivery Plan that:

296 (i) recognizes that the department and local health departments are the foundation for
297 providing environmental health programs in the state;

298 (ii) delineates the responsibilities of the department and each local health department
299 for the efficient delivery of environmental programs using federal, state, and local authorities,
300 responsibilities, and resources;

301 (iii) provides for the delegation of authority and pass through of funding to local health
302 departments for environmental programs, to the extent allowed by applicable law, identified in
303 the plan, and requested by the local health department; and

304 (iv) is reviewed and updated annually; [~~and~~]

305 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
306 Rulemaking Act, as follows:

- 307 (i) for a board created in Section 19-1-106, rules regarding:
308 (A) board meeting attendance; and
309 (B) conflicts of interest procedures; and
310 (ii) procedural rules that govern:
311 (A) an adjudicative proceeding, consistent with Section 19-1-301; and
312 (B) a special adjudicative proceeding, consistent with Section 19-1-301.5[-]; and
313 (e) ensure that any training or certification required of a public official or public
314 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
315 22, State Training and Certification Requirements, if the training or certification is required:
316 (i) under this title;
317 (ii) by the department; or
318 (iii) by an agency or division within the department.
319 (2) The department shall establish a committee that consists of:
320 (a) the executive director or the executive director's designee;
321 (b) two representatives of the department appointed by the executive director; and
322 (c) three representatives of local health departments appointed by a group of all the
323 local health departments in the state.
324 (3) The committee established in Subsection (2) shall:
325 (a) review the allocation of environmental quality resources between the department
326 and the local health departments;
327 (b) evaluate department policies that affect local health departments;
328 (c) consider policy changes proposed by the department or by local health departments;
329 (d) coordinate the implementation of environmental quality programs to maximize
330 environmental quality resources; and
331 (e) review each department application for any grant from the federal government that
332 affects a local health department before the department submits the application.
333 (4) The committee shall create bylaws to govern the committee's operations.
334 (5) The department may:
335 (a) investigate matters affecting the environment;
336 (b) investigate and control matters affecting the public health when caused by
337 environmental hazards;

338 (c) prepare, publish, and disseminate information to inform the public concerning
339 issues involving environmental quality;

340 (d) establish and operate programs, as authorized by this title, necessary for protection
341 of the environment and public health from environmental hazards;

342 (e) use local health departments in the delivery of environmental health programs to
343 the extent provided by law;

344 (f) enter into contracts with local health departments or others to meet responsibilities
345 established under this title;

346 (g) acquire real and personal property by purchase, gift, devise, and other lawful
347 means;

348 (h) prepare and submit to the governor a proposed budget to be included in the budget
349 submitted by the governor to the Legislature;

350 (i) (i) establish a schedule of fees that may be assessed for actions and services of the
351 department according to the procedures and requirements of Section 63J-1-504; and

352 (ii) in accordance with Section 63J-1-504, all fees shall be reasonable, fair, and reflect
353 the cost of services provided;

354 (j) prescribe by rule reasonable requirements not inconsistent with law relating to
355 environmental quality for local health departments;

356 (k) perform the administrative functions of the boards established by Section 19-1-106,
357 including the acceptance and administration of grants from the federal government and from
358 other sources, public or private, to carry out the board's functions;

359 (l) upon the request of any board or a division director, provide professional, technical,
360 and clerical staff and field and laboratory services, the extent of which are limited by the funds
361 available to the department for the staff and services; and

362 (m) establish a supplementary fee, not subject to Section 63J-1-504, to provide service
363 that the person paying the fee agrees by contract to be charged for the service in order to
364 efficiently utilize department resources, protect department permitting processes, address
365 extraordinary or unanticipated stress on permitting processes, or make use of specialized
366 expertise.

367 (6) In providing service under Subsection (5)(m), the department may not provide
368 service in a manner that impairs any other person's service from the department.

369 Section 10. Section **26-1-30** is amended to read:

370 **26-1-30. Powers and duties of department.**

371 The department shall exercise the following powers and duties, in addition to other
372 powers and duties established in this chapter:

373 (1) enter into cooperative agreements with the Department of Environmental Quality to
374 delineate specific responsibilities to assure that assessment and management of risk to human
375 health from the environment are properly administered;

376 (2) consult with the Department of Environmental Quality and enter into cooperative
377 agreements, as needed, to ensure efficient use of resources and effective response to potential
378 health and safety threats from the environment, and to prevent gaps in protection from potential
379 risks from the environment to specific individuals or population groups;

380 (3) promote and protect the health and wellness of the people within the state;

381 (4) establish, maintain, and enforce rules necessary or desirable to carry out the
382 provisions and purposes of this title to promote and protect the public health or to prevent
383 disease and illness;

384 (5) investigate and control the causes of epidemic, infectious, communicable, and other
385 diseases affecting the public health;

386 (6) provide for the detection, reporting, prevention, and control of communicable,
387 infectious, acute, chronic, or any other disease or health hazard which the department considers
388 to be dangerous, important, or likely to affect the public health;

389 (7) collect and report information on causes of injury, sickness, death, and disability
390 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
391 the state;

392 (8) collect, prepare, publish, and disseminate information to inform the public
393 concerning the health and wellness of the population, specific hazards, and risks that may affect
394 the health and wellness of the population and specific activities which may promote and protect
395 the health and wellness of the population;

396 (9) establish and operate programs necessary or desirable for the promotion or
397 protection of the public health and the control of disease or which may be necessary to
398 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
399 programs may not be established if adequate programs exist in the private sector;

400 (10) establish, maintain, and enforce isolation and quarantine, and for this purpose
401 only, exercise physical control over property and individuals as the department finds necessary
402 for the protection of the public health;

403 (11) close theaters, schools, and other public places and forbid gatherings of people
404 when necessary to protect the public health;

405 (12) abate nuisances when necessary to eliminate sources of filth and infectious and
406 communicable diseases affecting the public health;

407 (13) make necessary sanitary and health investigations and inspections in cooperation
408 with local health departments as to any matters affecting the public health;

409 (14) establish laboratory services necessary to support public health programs and
410 medical services in the state;

411 (15) establish and enforce standards for laboratory services which are provided by any
412 laboratory in the state when the purpose of the services is to protect the public health;

413 (16) cooperate with the Labor Commission to conduct studies of occupational health
414 hazards and occupational diseases arising in and out of employment in industry, and make
415 recommendations for elimination or reduction of the hazards;

416 (17) cooperate with the local health departments, the Department of Corrections, the
417 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
418 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
419 convicted sexual offenders, and any victims of a sexual offense;

420 (18) investigate the causes of maternal and infant mortality;

421 (19) establish, maintain, and enforce a procedure requiring the blood of adult
422 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
423 presence and concentration of alcohol;

424 (20) provide the Commissioner of Public Safety with monthly statistics reflecting the
425 results of the examinations provided for in Subsection (19) and provide safeguards so that
426 information derived from the examinations is not used for a purpose other than the compilation
427 of statistics authorized in this Subsection (20);

428 (21) establish qualifications for individuals permitted to draw blood pursuant to
429 Subsection [41-6a-523\(1\)\(a\)\(vi\)](#), [53-10-405\(2\)\(a\)\(vi\)](#), or [72-10-502\(5\)\(a\)\(vi\)](#), and to issue
430 permits to individuals it finds qualified, which permits may be terminated or revoked by the

431 department;

432 (22) establish a uniform public health program throughout the state which includes
433 continuous service, employment of qualified employees, and a basic program of disease
434 control, vital and health statistics, sanitation, public health nursing, and other preventive health
435 programs necessary or desirable for the protection of public health;

436 (23) adopt rules and enforce minimum sanitary standards for the operation and
437 maintenance of:

438 (a) orphanages;

439 (b) boarding homes;

440 (c) summer camps for children;

441 (d) lodging houses;

442 (e) hotels;

443 (f) restaurants and all other places where food is handled for commercial purposes,
444 sold, or served to the public;

445 (g) tourist and trailer camps;

446 (h) service stations;

447 (i) public conveyances and stations;

448 (j) public and private schools;

449 (k) factories;

450 (l) private sanatoria;

451 (m) barber shops;

452 (n) beauty shops;

453 (o) physician offices;

454 (p) dentist offices;

455 (q) workshops;

456 (r) industrial, labor, or construction camps;

457 (s) recreational resorts and camps;

458 (t) swimming pools, public baths, and bathing beaches;

459 (u) state, county, or municipal institutions, including hospitals and other buildings,
460 centers, and places used for public gatherings; and

461 (v) any other facilities in public buildings or on public grounds;

- 462 (24) conduct health planning for the state;
- 463 (25) monitor the costs of health care in the state and foster price competition in the
- 464 health care delivery system;
- 465 (26) adopt rules for the licensure of health facilities within the state pursuant to Title
- 466 26, Chapter 21, Health Care Facility Licensing and Inspection Act;
- 467 (27) license the provision of child care;
- 468 (28) accept contributions to and administer the funds contained in the Organ Donation
- 469 Contribution Fund created in Section [26-18b-101](#);
- 470 (29) serve as the collecting agent, on behalf of the state, for the nursing care facility
- 471 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
- 472 and adopt rules for the enforcement and administration of the nursing facility assessment
- 473 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;
- 474 (30) establish methods or measures for health care providers, public health entities, and
- 475 health care insurers to coordinate among themselves to verify the identity of the individuals
- 476 they serve; [~~and~~]
- 477 (31) (a) designate Alzheimer's disease and related dementia as a public health issue
- 478 and, within budgetary limitations, implement a state plan for Alzheimer's disease and related
- 479 dementia by incorporating the plan into the department's strategic planning and budgetary
- 480 process; and
- 481 (b) coordinate with other state agencies and other organizations to implement the state
- 482 plan for Alzheimer's disease and related dementia[-]; and
- 483 (32) ensure that any training or certification required of a public official or public
- 484 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
- 485 22, State Training and Certification Requirements, if the training or certification is required:
- 486 (a) under this title;
- 487 (b) by the department; or
- 488 (c) by an agency or division within the department.
- 489 Section 11. Section **31A-2-201** is amended to read:
- 490 **31A-2-201. General duties and powers.**
- 491 (1) The commissioner shall administer and enforce this title.
- 492 (2) The commissioner has all powers specifically granted, and all further powers that

493 are reasonable and necessary to enable the commissioner to perform the duties imposed by this
494 title.

495 (3) (a) The commissioner may make rules to implement the provisions of this title
496 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative
497 Rulemaking Act.

498 (b) In addition to the notice requirements of Section [63G-3-301](#), the commissioner
499 shall provide notice under Section [31A-2-303](#) of hearings concerning insurance department
500 rules.

501 (4) (a) The commissioner shall issue prohibitory, mandatory, and other orders as
502 necessary to secure compliance with this title. An order by the commissioner is not effective
503 unless the order:

504 (i) is in writing; and

505 (ii) is signed by the commissioner or under the commissioner's authority.

506 (b) On request of any person who would be affected by an order under Subsection
507 (4)(a), the commissioner may issue a declaratory order to clarify the person's rights or duties.

508 (5) (a) The commissioner may hold informal adjudicative proceedings and public
509 meetings, for the purpose of:

510 (i) investigation;

511 (ii) ascertainment of public sentiment; or

512 (iii) informing the public.

513 (b) An effective rule or order may not result from informal hearings and meetings
514 unless the requirement of a hearing under this section is satisfied.

515 (6) The commissioner shall inquire into violations of this title and may conduct any
516 examinations and investigations of insurance matters, in addition to examinations and
517 investigations expressly authorized, that the commissioner considers proper to determine:

518 (a) whether or not any person has violated any provision of this title; or

519 (b) to secure information useful in the lawful administration of this title.

520 (7) The commissioner shall ensure that any training or certification required of a public
521 official or public employee, as those terms are defined in Section [63G-22-102](#), complies with
522 Title 63G, Chapter 22, State Training and Certification Requirements, if the training or
523 certification is required:

- 524 (a) under this title;
- 525 (b) by the department; or
- 526 (c) by an agency or division within the department.

527 Section 12. Section **32B-2-207** is amended to read:

528 **32B-2-207. Department employees -- Requirements.**

529 (1) "Upper management" means the director, a deputy director, or other Schedule AD,
530 AR, or AS employee of the department, as defined in Section [67-19-15](#), except for the director
531 of internal audits and auditors hired by the director of internal audits under Section
532 [32B-2-302.5](#).

533 (2) (a) Subject to this title, including the requirements of Chapter 1, Part 3,
534 Qualifications and Background, the director may prescribe the qualifications of a department
535 employee.

536 (b) The director may hire an employee who is upper management only with the
537 approval of four commissioners voting in an open meeting.

538 (c) Except as provided in Section [32B-1-303](#), the executive director may dismiss an
539 employee who is upper management after consultation with the chair of the commission.

540 (3) (a) A person who seeks employment with the department shall file with the
541 department an application under oath or affirmation in a form prescribed by the commission.

542 (b) Upon receiving an application, the department shall determine whether the
543 individual is:

- 544 (i) of good moral character; and
- 545 (ii) qualified for the position sought.

546 (c) The department shall select an individual for employment or advancement with the
547 department in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

548 (4) The following are not considered a department employee:

- 549 (a) a package agent;
- 550 (b) a licensee;
- 551 (c) a staff member of a package agent; or
- 552 (d) staff of a licensee.

553 (5) The department may not employ a minor to:

- 554 (a) work in:

555 (i) a state store; or
556 (ii) a department warehouse; or
557 (b) engage in an activity involving the handling of an alcoholic product.
558 (6) The department shall ensure that any training or certification required of a public
559 official or public employee, as those terms are defined in Section 63G-22-102, complies with
560 Title 63G, Chapter 22, State Training and Certification Requirements, if the training or
561 certification is required:

- 562 (a) under this title;
- 563 (b) by the department; or
- 564 (c) by an agency or division within the department.

565 Section 13. Section **34A-6-109** is amended to read:

566 **34A-6-109. Educational and training programs.**

567 (1) The division, after consultation with other appropriate agencies, shall conduct,
568 directly or by assistance:

- 569 (a) educational programs to provide an adequate supply of qualified personnel to carry
570 out the purpose of this chapter; and
- 571 (b) informational programs on the importance of adequate safety and health equipment.

572 (2) (a) The division is authorized to conduct, directly or by assistance, training for
573 personnel engaged in work related to its responsibilities under this chapter.

574 (b) The division shall ensure that any training described in Subsection (2)(a) complies
575 with Title 63G, Chapter 22, State Training and Certification Requirements.

576 (3) The division shall:

- 577 (a) establish and supervise programs for the education and training of employers and
578 employees for recognition, avoidance, and prevention of unsafe or unhealthful working
579 conditions;
- 580 (b) consult and advise employers and employees about effective means for prevention
581 of any work-related injury or occupational disease; and
- 582 (c) provide safety and health workplace surveys.

583 Section 14. Section **35A-1-104** is amended to read:

584 **35A-1-104. Department authority.**

585 Within all other authority or responsibility granted to it by law, the department may:

- 586 (1) adopt rules when authorized by this title, in accordance with the procedures of Title
587 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 588 (2) purchase, as authorized or required by law, services that the department is
589 responsible to provide for legally eligible persons;
- 590 (3) conduct adjudicative proceedings in accordance with the procedures of Title 63G,
591 Chapter 4, Administrative Procedures Act;
- 592 (4) establish eligibility standards for its programs, not inconsistent with state or federal
593 law or regulations;
- 594 (5) take necessary steps, including legal action, to recover money or the monetary value
595 of services provided to a recipient who is not eligible;
- 596 (6) administer oaths, certify to official acts, issue subpoenas to compel witnesses and
597 the production of books, accounts, documents, and other records necessary as evidence;
- 598 (7) acquire, manage, and dispose of any real or personal property needed or owned by
599 the department, not inconsistent with state law;
- 600 (8) receive gifts, grants, devises, and donations or their proceeds, crediting the program
601 designated by the donor, and using the gift, grant, devise, or donation for the purposes
602 requested by the donor, as long as the request conforms to state and federal policy;
- 603 (9) accept and employ volunteer labor or services;
- 604 (10) reimburse volunteers for necessary expenses, when the department considers that
605 reimbursement to be appropriate;
- 606 (11) carry out the responsibility assigned by the State Workforce Services Plan
607 developed by the State Workforce Development Board;
- 608 (12) (a) provide training and educational opportunities for [~~its~~] the department's staff;
609 and
- 610 (b) ensure that any training or educational opportunity described in Subsection (12)(a)
611 complies with Title 63G, Chapter 22, State Training and Certification Requirements;
- 612 (13) examine and audit the expenditures of any public funds provided to a local
613 authority, agency, or organization that contracts with or receives funds from those authorities or
614 agencies;
- 615 (14) accept and administer grants from the federal government and from other sources,
616 public or private;

617 (15) employ and determine the compensation of clerical, legal, technical, investigative,
618 and other employees necessary to carry out its policymaking, regulatory, and enforcement
619 powers, rights, duties, and responsibilities under this title;

620 (16) establish and conduct free employment agencies, and bring together employers
621 seeking employees and working people seeking employment, and make known the
622 opportunities for employment in this state;

623 (17) collect, collate, and publish statistical and other information relating to employees,
624 employers, employments, and places of employment, and other statistics as it considers proper;

625 (18) encourage the expansion and use of apprenticeship programs meeting state or
626 federal standards for apprenticeship programs;

627 (19) develop processes to ensure that the department responds to the full range of
628 employee and employer clients;

629 (20) carry out the responsibilities assigned to it by statute; and

630 (21) administer the Safety Net Initiative as described in Section [35A-3-802](#).

631 Section 15. Section **41-6a-303** is amended to read:

632 **41-6a-303. Definition of reduced speed school zone -- Operation of warning lights**
633 **-- School crossing guard requirements -- Responsibility provisions -- Rulemaking**
634 **authority.**

635 (1) As used in this section "reduced speed school zone" means a designated length of a
636 highway extending from a school zone speed limit sign with warning lights operating to an end
637 school zone sign.

638 (2) The Department of Transportation for state highways and local highway authorities
639 for highways under their jurisdiction:

640 (a) shall establish reduced speed school zones at elementary schools after written
641 assurance by a local highway authority that the local highway authority complies with
642 Subsections (3) and (4); and

643 (b) may establish reduced speed school zones for secondary schools at the request of
644 the local highway authority.

645 (3) For all reduced speed school zones on highways, including state highways within
646 the jurisdictional boundaries of a local highway authority, the local highway authority shall:

647 (a) (i) provide shuttle service across highways for school children; or

648 (ii) provide, train, and supervise school crossing guards in accordance with this
649 section;

650 (b) provide for the:

651 (i) operation of reduced speed school zones, including providing power to warning
652 lights and turning on and off the warning lights as required under Subsections (4) and (5); and

653 (ii) maintenance of reduced speed school zones except on state highways as provided
654 in Section [41-6a-302](#); and

655 (c) notify the Department of Transportation of reduced speed school zones on state
656 highways that are in need of maintenance.

657 (4) While children are going to or leaving school during opening and closing hours all
658 reduced speed school zones shall have:

659 (a) the warning lights operating on each school zone speed limit sign; and

660 (b) a school crossing guard present if the reduced speed school zone is for an
661 elementary school.

662 (5) The warning lights on a school zone speed limit sign may not be operating except
663 as provided under Subsection (4).

664 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
665 the Department of Transportation shall make rules establishing criteria and specifications for
666 the:

667 (i) establishment, location, and operation of school crosswalks, school zones, and
668 reduced speed school zones;

669 (ii) training, use, and supervision of school crossing guards at elementary schools and
670 secondary schools; and

671 (iii) content and implementation of child access routing plans under Section
672 [53A-3-402](#).

673 (b) If a school crosswalk is established at a signalized intersection in accordance with
674 the requirements of this section, a local highway authority may reduce the speed limit at the
675 signalized intersection to 20 miles per hour for a highway under its jurisdiction.

676 (7) Each local highway authority shall pay for providing, training, and supervising
677 school crossing guards in accordance with this section.

678 (8) Each local highway authority shall ensure that any training described in this section

679 complies with Title 63G, Chapter 22, State Training and Certification Requirements.

680 Section 16. Section **52-4-104** is amended to read:

681 **52-4-104. Training.**

682 (1) The presiding officer of the public body shall ensure that the members of the public
683 body are provided with annual training on the requirements of this chapter.

684 (2) The presiding officer shall ensure that any training described in Subsection (1)
685 complies with Title 63G, Chapter 22, State Training and Certification Requirements.

686 Section 17. Section **53-1-106** is amended to read:

687 **53-1-106. Department duties -- Powers.**

688 (1) In addition to the responsibilities contained in this title, the department shall:

689 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
690 Code, including:

691 (i) setting performance standards for towing companies to be used by the department,
692 as required by Section [41-6a-1406](#); and

693 (ii) advising the Department of Transportation regarding the safe design and operation
694 of school buses, as required by Section [41-6a-1304](#);

695 (b) make rules to establish and clarify standards pertaining to the curriculum and
696 teaching methods of a motor vehicle accident prevention course under Section [31A-19a-211](#);

697 (c) aid in enforcement efforts to combat drug trafficking;

698 (d) meet with the Department of Technology Services to formulate contracts, establish
699 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

700 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
701 Victims of Crime in conducting research or monitoring victims' programs, as required by
702 Section [63M-7-505](#);

703 (f) develop sexual assault exam protocol standards in conjunction with the Utah
704 Hospital Association;

705 (g) engage in emergency planning activities, including preparation of policy and
706 procedure and rulemaking necessary for implementation of the federal Emergency Planning
707 and Community Right to Know Act of 1986, as required by Section [53-2a-702](#); ~~and~~

708 (h) implement the provisions of Section [53-2a-402](#), the Emergency Management
709 Assistance Compact~~[-];~~ and

710 (i) ensure that any training or certification required of a public official or public
711 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
712 22, State Training and Certification Requirements, if the training or certification is required:

- 713 (i) under this title;
- 714 (ii) by the department; or
- 715 (iii) by an agency or division within the department.

716 (2) (a) The department may establish a schedule of fees as required or allowed in this
717 title for services provided by the department.

718 (b) The fees shall be established in accordance with Section 63J-1-504.

719 (3) The department may establish or contract for the establishment of an Organ
720 Procurement Donor Registry in accordance with Section 26-28-120.

721 Section 18. Section 53A-1-401 is amended to read:

722 **53A-1-401. Powers of State Board of Education -- Adoption of rules --**
723 **Enforcement -- Attorney.**

724 (1) As used in this section:

725 (a) "Board" means the State Board of Education.

726 (b) "Education entity" means:

727 (i) an entity that receives a distribution of state funds through a grant program managed
728 by the board under this title;

729 (ii) an entity that enters into a contract with the board to provide an educational good or
730 service;

731 (iii) a school district; or

732 (iv) a charter school.

733 (c) "Educational good or service" means a good or service that is required or regulated
734 under:

735 (i) this title; or

736 (ii) a rule authorized under this title.

737 (d) "Local education agency" or "LEA" means:

738 (i) a school district;

739 (ii) a charter school; or

740 (iii) the Utah Schools for the Deaf and the Blind.

741 (2) (a) The State Board of Education has general control and supervision of the state's
742 public education system.

743 (b) "General control and supervision" as used in Utah Constitution, Article X, Section
744 3, means directed to the whole system.

745 (3) The board may not govern, manage, or operate school districts, institutions, and
746 programs, unless granted that authority by statute.

747 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
748 the board may make rules to execute the board's duties and responsibilities under the Utah
749 Constitution and state law.

750 (b) The board may delegate the board's statutory duties and responsibilities to board
751 employees.

752 (5) (a) The board may sell any interest it holds in real property upon a finding by the
753 board that the property interest is surplus.

754 (b) The board may use the money it receives from a sale under Subsection (5)(a) for
755 capital improvements, equipment, or materials, but not for personnel or ongoing costs.

756 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency
757 or institution administered by the board, the money may only be used for purposes related to
758 the agency or institution.

759 (d) The board shall advise the Legislature of any sale under Subsection (5)(a) and
760 related matters during the next following session of the Legislature.

761 (6) The board shall develop policies and procedures related to federal educational
762 programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National
763 Education Programs Act.

764 (7) On or before December 31, 2010, the State Board of Education shall review
765 mandates or requirements provided for in board rule to determine whether certain mandates or
766 requirements could be waived to remove funding pressures on public schools on a temporary
767 basis.

768 (8) (a) If an education entity violates this title or rules authorized under this title, the
769 board may, in accordance with the rules described in Subsection (8)(c):

770 (i) require the education entity to enter into a corrective action agreement with the
771 board;

772 (ii) temporarily or permanently withhold state funds from the education entity;
773 (iii) require the education entity to pay a penalty; or
774 (iv) require the education entity to reimburse specified state funds to the board.
775 (b) Except for temporarily withheld funds, if the board collects state funds under
776 Subsection (8)(a), the board shall pay the funds into the Uniform School Fund.
777 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
778 board shall make rules:
779 (i) that require notice and an opportunity to be heard for an education entity affected by
780 a board action described in Subsection (8)(a); and
781 (ii) to administer this Subsection (8).
782 (d) The board shall report criminal conduct of an education entity to the district
783 attorney of the county where the education entity is located.
784 (9) The board may audit the use of state funds by an education entity that receives
785 those state funds as a distribution from the board.
786 (10) The board may require, by rule made in accordance with Title 63G, Chapter 3,
787 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party contractor for
788 an educational good or service, the LEA shall require in the contract that the third party
789 contractor shall provide, upon request of the LEA, information necessary for the LEA to verify
790 that the educational good or service complies with:
791 (a) this title; and
792 (b) board rule authorized under this title.
793 (11) (a) The board may appoint an attorney to provide legal advice to the board and
794 coordinate legal affairs for the board and the board's employees.
795 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
796 Attorney General.
797 (c) An attorney described in Subsection (11)(a) may not:
798 (i) conduct litigation;
799 (ii) settle claims covered by the Risk Management Fund created in Section [63A-4-201](#);
800 or
801 (iii) issue formal legal opinions.
802 (12) The board shall ensure that any training or certification that an employee of the

803 public education system is required to complete under this title or by rule complies with Title
804 63G, Chapter 22, State Training and Certification Requirements.

805 Section 19. Section **53B-1-103** is amended to read:

806 **53B-1-103. Establishment of State Board of Regents -- Powers, duties, and**
807 **authority.**

808 (1) There is established a State Board of Regents.

809 (2) (a) Except as provided in Subsection (2)(b), the board shall control, manage, and
810 supervise the institutions of higher education designated in Section **53B-1-102** in a manner
811 consistent with the policy and purpose of this title and the specific powers and responsibilities
812 granted to the board.

813 (b) The board may only exercise powers relating to the Utah System of Technical
814 Colleges Board of Trustees, the Utah System of Technical Colleges, or a technical college that
815 are specifically provided in this title.

816 (3) The board shall, for the Utah System of Higher Education:

817 (a) provide strategic leadership and link system capacity to the economy and workforce
818 needs;

819 (b) enhance the impact and efficiency of the system;

820 (c) establish measurable goals and metrics and delineate the expected contributions of
821 individual institutions of higher education toward these goals;

822 (d) evaluate presidents based on institutional performance;

823 (e) delegate to presidents the authority to manage the presidents' institutions of higher
824 education;

825 (f) administer statewide functions including system data collection and reporting;

826 (g) establish unified budget, finance, and capital funding priorities and practices; and

827 (h) provide system leadership on issues that have a system-wide impact, including:

828 (i) statewide college access and college preparedness initiatives;

829 (ii) learning opportunities drawn from multiple campuses or online learning options,
830 including new modes of delivery of content at multiple locations;

831 (iii) degree program requirement guidelines including credit hour limits, articulation
832 agreements, and transfer across institutions;

833 (iv) alignment of general education requirements across institutions of higher

834 education;

835 (v) incorporation of evidence-based practices that increase college completion; and

836 (vi) monitoring of workforce needs, with an emphasis on credentials that build upon
837 one another.

838 (4) The board shall coordinate and support articulation agreements between the Utah
839 System of Technical Colleges or a technical college and other institutions of higher education.

840 (5) The board shall prepare and submit an annual report detailing the board's progress
841 and recommendations on career and technical education issues and addressing workforce needs
842 to the governor and to the Legislature's Education Interim Committee by October 31 of each
843 year, which shall include information detailing:

844 (a) how the career and technical education needs of secondary students are being met
845 by institutions of higher education described in Subsection 53B-1-102(1)(a), including the
846 access secondary students have to programs offered by Salt Lake Community College's School
847 of Applied Technology, Snow College, and Utah State University Eastern;

848 (b) how the emphasis on high demand, high wage, and high skill jobs in business and
849 industry is being provided;

850 (c) performance outcomes, including:

851 (i) entered employment;

852 (ii) job retention; and

853 (iii) earnings;

854 (d) an analysis of workforce needs and efforts to meet workforce needs; and

855 (e) student tuition and fees.

856 (6) The board may modify the name of an institution described in Subsection
857 53B-1-102(1)(a) to reflect the role and general course of study of the institution.

858 (7) The board may not conduct a feasibility study or perform another act relating to
859 merging a technical college with another institution of higher education.

860 (8) This section does not affect the power and authority vested in the State Board of
861 Education to apply for, accept, and manage federal appropriations for the establishment and
862 maintenance of career and technical education.

863 (9) The board shall ensure that any training or certification that an employee of the
864 higher education system is required to complete under this title or by board rule complies with

865 Title 63G, Chapter 22, State Training and Certification Requirements.

866 Section 20. Section **53D-1-303** is amended to read:

867 **53D-1-303. Board authority and duties.**

868 (1) The board has broad policymaking authority over the office and the trust fund.

869 (2) (a) The board shall establish policies for the management of:

870 (i) the office, including:

871 (A) an investment management code of conduct and associated compliance policy;

872 (B) a policy for the strategic allocation of trust fund assets;

873 (C) a soft dollar policy; and

874 (D) a policy articulating the board's investment philosophy for trust fund assets; and

875 (ii) the trust fund.

876 (b) Policies that the board adopts shall:

877 (i) be consistent with the enabling act, the Utah Constitution, and other applicable state

878 law;

879 (ii) reflect undivided loyalty to the beneficiaries consistent with fiduciary duties;

880 (iii) be designed to prudently optimize trust fund returns and increase the value of the

881 trust fund, consistent with the balancing of short-term and long-term interests, so that the

882 fiduciary duty of intergenerational equity is met;

883 (iv) be designed to maintain the integrity of the trust fund and prevent the

884 misapplication of money in the trust fund;

885 (v) enable the board to oversee the activities of the office; and

886 (vi) otherwise be in accordance with standard trust principles as provided by state law.

887 (3) The board shall:

888 (a) establish a conflict of interest policy for the office and board members;

889 (b) establish policies governing the evaluation, selection, and monitoring of

890 independent custodial arrangements;

891 (c) ensure that the office is managed according to law;

892 (d) establish bylaws to govern the board;

893 (e) establish the compensation of the director;

894 (f) annually examine the compensation and performance of the director as part of the

895 board's budget review process;

896 (g) annually report the director's compensation to the Legislature; and
897 (h) (i) adopt policies to provide for annual training of board members regarding their
898 duties and responsibilities[-]; and

899 (ii) ensure that any training described in Subsection (3)(h)(i) complies with Title 63G,
900 Chapter 22, State Training and Certification Requirements.

901 (4) The board may:

902 (a) after conferring with the director:

903 (i) hire one or more consultants to advise the board, director, or office on issues
904 affecting the management of the trust fund; and

905 (ii) pay compensation to any consultant hired under Subsection (4)(a)(i), subject to
906 budgetary constraints; and

907 (b) submit to the director a written question or set of questions concerning policies and
908 practices affecting the management of the trust fund.

909 Section 21. Section **59-2-702** is amended to read:

910 **59-2-702. Education and training of appraisers -- Continuing education for**
911 **appraisers and county assessors.**

912 (1) The commission shall conduct, at its own expense, a program of education and
913 training of appraisal personnel preparatory to the examination of applicants for appraisers' and
914 assessors' certification or licensure required by Section [59-2-701](#).

915 (2) To ensure that the assessment of property will be performed in a professional
916 manner by competent personnel, meeting specified professional qualifications, the commission
917 shall conduct a continuing program of in-service education and training for county assessors
918 and property appraisers in the principles and practices of assessment and appraisal of property.
919 For this purpose the commission may cooperate with educational institutions, local, regional,
920 state, or national assessors' organizations, and with other appropriate professional
921 organizations. The commission may reimburse the participation expenses incurred by
922 assessors and other employees of the state or its subdivisions whose attendance at in-service
923 training programs is approved by the commission.

924 (3) The commission shall ensure that any training or continuing education required
925 under this section complies with Title 63G, Chapter 22, State Training and Certification
926 Requirements.

927 Section 22. Section **59-2-1001** is amended to read:

928 **59-2-1001. County board of equalization -- Public hearings -- Hearing officers --**
929 **Notice of decision -- Rulemaking.**

930 (1) The county legislative body is the county board of equalization and the county
931 auditor is the clerk of the county board of equalization.

932 (2) The county board of equalization shall adjust and equalize the valuation and
933 assessment of the real and personal property within the county, subject to regulation and
934 control by the commission, as prescribed by law. The county board of equalization shall meet
935 and hold public hearings each year to examine the assessment roll and equalize the assessment
936 of property in the county, including the assessment for general taxes of all taxing entities
937 located in the county.

938 (3) (a) Except as provided in Subsection (3)(d), a county board of equalization may:

939 (i) appoint an appraiser licensed in accordance with Title 61, Chapter 2g, Real Estate
940 Appraiser Licensing and Certification Act, as a hearing officer for the purpose of examining an
941 applicant or a witness; or

942 (ii) appoint an individual who is not licensed in accordance with Title 61, Chapter 2g,
943 Real Estate Appraiser Licensing and Certification Act, as a hearing officer for the purpose of
944 examining an applicant or a witness if the county board of equalization determines that the
945 individual has competency relevant to the work of a hearing officer, including competency in:

946 (A) real estate;

947 (B) finance;

948 (C) economics;

949 (D) public administration; or

950 (E) law.

951 (b) Except as provided in Subsection (3)(d), beginning on January 1, 2014, a county
952 board of equalization may only allow an individual to serve as a hearing officer for the
953 purposes of examining an applicant or a witness if the individual has completed a course the
954 commission:

955 (i) develops in accordance with Subsection (3)(c)(i); or

956 (ii) approves in accordance with Subsection (3)(c)(ii).

957 (c) (i) On or before January 1, 2014, the commission shall develop a hearing officer

958 training course that includes training in property valuation and administrative law.

959 (ii) In addition to the course the commission develops in accordance with Subsection
960 (3)(c)(i), the commission may approve a hearing officer training course provided by a county or
961 a private entity if the course includes training in property valuation and administrative law.

962 (iii) The commission shall ensure that any training described in this Subsection (3)(c)
963 complies with Title 63G, Chapter 22, State Training and Certification Requirements.

964 (d) A county board of equalization may not appoint a person employed by an assessor's
965 office as a hearing officer.

966 (e) A hearing officer shall transmit the hearing officer's findings to the board, where a
967 quorum shall be required for final action upon any application for exemption, deferral,
968 reduction, or abatement.

969 (4) The clerk of the board of equalization shall notify the taxpayer, in writing, of any
970 decision of the board. The decision shall include any adjustment in the amount of taxes due on
971 the property resulting from a change in the taxable value and shall be considered the corrected
972 tax notice.

973 (5) During the session of the board, the assessor or any deputy whose testimony is
974 needed shall be present and may make any statement or introduce and examine witnesses on
975 questions before the board.

976 (6) The county board of equalization may make and enforce any rule which is
977 consistent with statute or commission rule and necessary for the government of the board, the
978 preservation of order, and the transaction of business.

979 Section 23. Section **62A-1-111** is amended to read:

980 **62A-1-111. Department authority.**

981 The department may, in addition to all other authority and responsibility granted to the
982 department by law:

983 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
984 desirable for providing social services to the people of this state;

985 (2) establish and manage client trust accounts in the department's institutions and
986 community programs, at the request of the client or the client's legal guardian or representative,
987 or in accordance with federal law;

988 (3) purchase, as authorized or required by law, services that the department is

989 responsible to provide for legally eligible persons;

990 (4) conduct adjudicative proceedings for clients and providers in accordance with the
991 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

992 (5) establish eligibility standards for its programs, not inconsistent with state or federal
993 law or regulations;

994 (6) take necessary steps, including legal action, to recover money or the monetary value
995 of services provided to a recipient who was not eligible;

996 (7) set and collect fees for its services;

997 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
998 or limited by law;

999 (9) acquire, manage, and dispose of any real or personal property needed or owned by
1000 the department, not inconsistent with state law;

1001 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
1002 the proceeds thereof, may be credited to the program designated by the donor, and may be used
1003 for the purposes requested by the donor, as long as the request conforms to state and federal
1004 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
1005 under guidelines established by the state treasurer;

1006 (11) accept and employ volunteer labor or services; the department is authorized to
1007 reimburse volunteers for necessary expenses, when the department considers that
1008 reimbursement to be appropriate;

1009 (12) carry out the responsibility assigned in the workforce services plan by the State
1010 Workforce Development Board;

1011 (13) carry out the responsibility assigned by Section [35A-8-602](#) with respect to
1012 coordination of services for the homeless;

1013 (14) carry out the responsibility assigned by Section [62A-5a-105](#) with respect to
1014 coordination of services for students with a disability;

1015 (15) provide training and educational opportunities for its staff;

1016 (16) collect child support payments and any other money due to the department;

1017 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
1018 whose child lives out of the home in a department licensed or certified setting;

1019 (18) establish policy and procedures, within appropriations authorized by the

1020 Legislature, in cases where the department is given custody of a minor by the juvenile court
1021 under Section 78A-6-117 or ordered to prepare an attainment plan for a minor found not
1022 competent to proceed under Section 78A-6-1301; any policy and procedures shall include:

- 1023 (a) designation of interagency teams for each juvenile court district in the state;
- 1024 (b) delineation of assessment criteria and procedures;
- 1025 (c) minimum requirements, and timeframes, for the development and implementation
1026 of a collaborative service plan for each minor placed in department custody; and
- 1027 (d) provisions for submittal of the plan and periodic progress reports to the court;

1028 (19) carry out the responsibilities assigned to it by statute;

1029 (20) examine and audit the expenditures of any public funds provided to local
1030 substance abuse authorities, local mental health authorities, local area agencies on aging, and
1031 any person, agency, or organization that contracts with or receives funds from those authorities
1032 or agencies. Those local authorities, area agencies, and any person or entity that contracts with
1033 or receives funds from those authorities or area agencies, shall provide the department with any
1034 information the department considers necessary. The department is further authorized to issue
1035 directives resulting from any examination or audit to local authorities, area agencies, and
1036 persons or entities that contract with or receive funds from those authorities with regard to any
1037 public funds. If the department determines that it is necessary to withhold funds from a local
1038 mental health authority or local substance abuse authority based on failure to comply with state
1039 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of
1040 services. For purposes of this Subsection (20) "public funds" means the same as that term is
1041 defined in Section 62A-15-102;

- 1042 (21) pursuant to Subsection 62A-2-106(1)(d), accredit one or more agencies and
1043 persons to provide intercountry adoption services; [and]
- 1044 (22) within appropriations authorized by the Legislature, promote and develop a
1045 system of care, as defined in Section 62A-1-104:

- 1046 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
- 1047 (b) that encompasses the department, department contractors, and the divisions,
1048 offices, or institutions within the department, to:

- 1049 (i) navigate services, funding resources, and relationships to the benefit of the children
1050 and families whom the department serves;

- 1051 (ii) centralize department operations, including procurement and contracting;
- 1052 (iii) develop policies that govern business operations and that facilitate a system of care
- 1053 approach to service delivery;
- 1054 (iv) allocate resources that may be used for the children and families served by the
- 1055 department or the divisions, offices, or institutions within the department, subject to the
- 1056 restrictions in Section [63J-1-206](#);
- 1057 (v) create performance-based measures for the provision of services; and
- 1058 (vi) centralize other business operations, including data matching and sharing among
- 1059 the department's divisions, offices, and institutions[-]; and
- 1060 (23) ensure that any training or certification required of a public official or public
- 1061 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
- 1062 22, State Training and Certification Requirements, if the training or certification is required:
- 1063 (a) under this title;
- 1064 (b) by the department; or
- 1065 (c) by an agency or division within the department.

Section 24. Section **63A-1-117** is enacted to read:

63A-1-117. Training and certification requirements.

The department shall ensure that any training or certification required of a public official or public employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

- (1) under this title;
- (2) by the department; or
- (3) by an agency or division within the department.

Section 25. Section **63F-1-104** is amended to read:

63F-1-104. Purposes.

The department shall:

(1) lead state executive branch agency efforts to establish and reengineer the state's information technology architecture with the goal of coordinating central and individual agency information technology in a manner that:

- (a) ensures compliance with the executive branch agency strategic plan; and

1082 (b) ensures that cost-effective, efficient information and communication systems and
1083 resources are being used by agencies to:

- 1084 (i) reduce data, hardware, and software redundancy;
- 1085 (ii) improve system interoperability and data accessibility between agencies; and
- 1086 (iii) meet the agency's and user's business and service needs;

1087 (2) coordinate an executive branch strategic plan for all agencies;

1088 (3) develop and implement processes to replicate information technology best practices
1089 and standards throughout the executive branch;

1090 (4) at least once every odd-numbered year:

- 1091 (a) evaluate the adequacy of the department's and the executive branch agencies' data
1092 and information technology system security standards through an independent third party
1093 assessment; and
- 1094 (b) communicate the results of the independent third party assessment to the
1095 appropriate executive branch agencies and to the president of the Senate and the speaker of the
1096 House of Representatives;

1097 (5) oversee the expanded use and implementation of project and contract management
1098 principles as they relate to information technology projects within the executive branch;

1099 (6) serve as general contractor between the state's information technology users and
1100 private sector providers of information technology products and services;

1101 (7) work toward building stronger partnering relationships with providers;

1102 (8) develop service level agreements with executive branch departments and agencies
1103 to ensure quality products and services are delivered on schedule and within budget;

1104 (9) develop standards for application development including a standard methodology
1105 and cost-benefit analysis that all agencies shall utilize for application development activities;

1106 (10) determine and implement statewide efforts to standardize data elements;

1107 (11) develop systems and methodologies to review, evaluate, and prioritize existing
1108 information technology projects within the executive branch and report to the governor and the
1109 Public Utilities, Energy, and Technology Interim Committee on a semiannual basis regarding
1110 the status of information technology projects; ~~and~~

1111 (12) assist the Governor's Office of Management and Budget with the development of
1112 information technology budgets for agencies[-]; and

1113 (13) ensure that any training or certification required of a public official or public
1114 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
1115 22, State Training and Certification Requirements, if the training or certification is required:

- 1116 (a) under this title;
- 1117 (b) by the department; or
- 1118 (c) by an agency or division within the department.

1119 Section 26. Section **63G-6a-303** is amended to read:

1120 **63G-6a-303. Duties and authority of chief procurement officer.**

1121 (1) The chief procurement officer:

- 1122 (a) is the director of the division;
 - 1123 (b) serves as the central procurement officer of the state;
 - 1124 (c) serves as a voting member of the board; and
 - 1125 (d) serves as the protest officer for a protest relating to a procurement of an executive
- 1126 branch procurement unit without independent procurement authority or a state cooperative
- 1127 contract procurement, unless the chief procurement officer designates another to serve as
- 1128 protest officer, as authorized in this chapter.

1129 (2) Except as otherwise provided in this chapter, the chief procurement officer shall:

- 1130 (a) develop procurement policies and procedures supporting ethical procurement
- 1131 practices, fair and open competition among vendors, and transparency within the state's
- 1132 procurement process;
- 1133 (b) administer the state's cooperative purchasing program, including state cooperative
- 1134 contracts and associated administrative fees;
- 1135 (c) enter into an agreement with a public entity for services provided by the division, if
- 1136 the agreement is in the best interest of the state;
- 1137 (d) ensure the division's compliance with any applicable law, rule, or policy, including
- 1138 a law, rule, or policy applicable to the division's role as an issuing procurement unit or
- 1139 conducting procurement unit, or as the state's central procurement organization;
- 1140 (e) manage the division's electronic procurement system;
- 1141 (f) oversee the recruitment, training, career development, certification requirements,
- 1142 and performance evaluation of the division's procurement personnel;
- 1143 (g) make procurement training available to procurement units and persons who do

1144 business with procurement units;

1145 (h) provide exemplary customer service and continually improve the division's
1146 procurement operations; [~~and~~]

1147 (i) exercise all other authority, fulfill all other duties and responsibilities, and perform
1148 all other functions authorized under this chapter[~~;~~]; and

1149 (j) ensure that any training described in this Subsection (2) complies with Title 63G,
1150 Chapter 22, State Training and Certification Requirements.

1151 (3) With respect to a procurement or contract over which the chief procurement officer
1152 has authority under this chapter, the chief procurement officer, except as otherwise provided in
1153 this chapter:

1154 (a) shall:

1155 (i) manage and supervise a procurement to ensure to the extent practicable that
1156 taxpayers receive the best value;

1157 (ii) prepare and issue standard specifications for procurement items;

1158 (iii) review contracts, coordinate contract compliance, conduct contract audits, and
1159 approve change orders;

1160 (iv) in accordance with Section 63F-1-205, coordinate with the Department of
1161 Technology Services, created in Section 63F-1-103, with respect to the procurement of
1162 information technology services by an executive branch procurement unit;

1163 (v) correct, amend, or cancel a procurement at any stage of the procurement process if
1164 the procurement is out of compliance with this chapter or a board rule;

1165 (vi) after consultation with the attorney general's office, correct, amend, or cancel a
1166 contract at any time during the term of the contract if:

1167 (A) the contract is out of compliance with this chapter or a board rule; and

1168 (B) the chief procurement officer determines that correcting, amending, or canceling
1169 the contract is in the best interest of the state; and

1170 (vii) make a reasonable attempt to resolve a contract dispute, in coordination with the
1171 attorney general's office; and

1172 (b) may:

1173 (i) delegate limited purchasing authority to a state agency, with appropriate oversight
1174 and control to ensure compliance with this chapter;

- 1175 (ii) delegate duties and authority to an employee of the division, as the chief
1176 procurement officer considers appropriate;
- 1177 (iii) negotiate and settle contract overcharges, undercharges, and claims, in accordance
1178 with the law and after consultation with the attorney general's office;
- 1179 (iv) authorize a procurement unit to make a procurement pursuant to a regional
1180 solicitation, as defined in Subsection 63G-6a-2105[(2)](7), even if the procurement item is also
1181 offered under a state cooperative contract, if the chief procurement officer determines that the
1182 procurement pursuant to a regional solicitation is in the best interest of the acquiring
1183 procurement unit; and
- 1184 (v) remove an individual from the procurement process or contract administration for:
- 1185 (A) having a conflict of interest or the appearance of a conflict of interest with a person
1186 responding to a solicitation or with a contractor;
- 1187 (B) having a bias or the appearance of bias for or against a person responding to a
1188 solicitation or for or against a contractor;
- 1189 (C) making an inconsistent or unexplainable score for a solicitation response;
- 1190 (D) having inappropriate contact or communication with a person responding to a
1191 solicitation;
- 1192 (E) socializing inappropriately with a person responding to a solicitation or with a
1193 contractor;
- 1194 (F) engaging in any other action or having any other association that causes the chief
1195 procurement officer to conclude that the individual cannot fairly evaluate a solicitation
1196 response or administer a contract; or
- 1197 (G) any other violation of a law, rule, or policy.
- 1198 (4) The chief procurement officer may not delegate to an individual outside the
1199 division the chief procurement officer's authority over a procurement described in Subsection
1200 (3)(a)(iv).
- 1201 (5) The chief procurement officer has final authority to determine whether an executive
1202 branch procurement unit's anticipated expenditure of public funds, anticipated agreement to
1203 expend public funds, or provision of a benefit constitutes a procurement that is subject to this
1204 chapter.
- 1205 (6) Except as otherwise provided in this chapter, the chief procurement officer shall

1206 review, monitor, and audit the procurement activities and delegated procurement authority of
 1207 an executive branch procurement unit without independent procurement authority to ensure
 1208 compliance with this chapter, rules made by the applicable rulemaking authority, and division
 1209 policies.

1210 Section 27. Section **63G-22-101** is enacted to read:

1211 **CHAPTER 22. STATE TRAINING AND CERTIFICATION REQUIREMENTS**

1212 **63G-22-101. Title.**

1213 This chapter is known as "State Training and Certification Requirements."

1214 Section 28. Section **63G-22-102** is enacted to read:

1215 **63G-22-102. Definitions.**

1216 As used in this chapter:

1217 (1) "Political subdivision" means:

1218 (a) a county;

1219 (b) a municipality, as defined in Section [10-1-104](#);

1220 (c) a local district;

1221 (d) a special service district;

1222 (e) an interlocal entity, as defined in Section [11-13-103](#);

1223 (f) a community reinvestment agency;

1224 (g) a local building authority; or

1225 (h) a conservation district.

1226 (2) ~~H~~→ (a) ←~~H~~ "Public employee" means any individual employed by or volunteering

1226a for a state

1227 agency or a political subdivision who is not a public official.

1227a ~~H~~→ (b) "Public employee" does not include an individual employed by or volunteering for

1227b a taxed interlocal entity. ←~~H~~

1228 (3) ~~H~~→ (a) ←~~H~~ "Public official" means:

1229 ~~H~~→ [~~(a)~~] (i) ←~~H~~ an appointed official or an elected official as those terms are

1229a defined in Section

1230 [67-19-6.7](#); or

1231 ~~H~~→ [~~(b)~~] (ii) ←~~H~~ an individual elected or appointed to a county office, municipal office,

1231a school board

1232 or school district office, local district office, or special service district office.

1232a ~~H~~→ (b) "Public official" does not include an appointed or elected official of a taxed

1232b interlocal entity. ←~~H~~

1233 (4) "State agency" means a department, division, board, council, committee, institution,

1234 office, bureau, or other similar administrative unit of the executive branch of state government.

1234a ~~H~~→ (5) "Taxed interlocal entity" means the same as that term is defined in

1234b Section [11-13-602](#). ←~~H~~

1235 Section 29. Section **63G-22-103** is enacted to read:

1236 **63G-22-103. State training and certification requirements.**

1237 Each state agency or political subdivision ~~shall ensure~~ that provides any
 1237a training or certification
 1238 that ~~the~~ any state agency or political subdivision requires a public employee or public
 1238a official to
 1239 complete ~~is presented~~ shall present the training or make the training
 1239a available in an online web-based format, which may include a live
 1240 webinar, unless:
 1241 (1) the training or certification :
 1241a (i) includes a physical or interactive component that , in the reasonable
 1241b determination of the agency or political subdivision, the attendee can
 1242 only ~~be completed~~ complete in person; or
 1242a ~~it~~ (ii) takes place over consecutive full-day sessions; or
 1243 (2) no required attendee will travel more than 50 miles from the attendee's primary
 1244 residence or place of employment, whichever is closer to the training site, to attend
 1244a the training.

1245 Section 30. Section 64-13-6 is amended to read:

1246 **64-13-6. Department duties.**

1247 (1) The department shall:

1248 (a) protect the public through institutional care and confinement, and supervision in the
 1249 community of offenders where appropriate;

1250 (b) implement court-ordered punishment of offenders;

1251 (c) provide program opportunities for offenders;

1252 (d) provide treatment for sex offenders who are found to be treatable based upon
 1253 criteria developed by the department;

1254 (e) provide the results of ongoing assessment of sex offenders and objective diagnostic
 1255 testing to sentencing and release authorities;

1256 (f) manage programs that take into account the needs and interests of victims, where
 1257 reasonable;

1258 (g) supervise probationers and parolees as directed by statute and implemented by the
 1259 courts and the Board of Pardons and Parole;

1260 (h) subject to Subsection (2), investigate criminal conduct involving offenders
 1261 incarcerated in a state correctional facility;

1262 (i) cooperate and exchange information with other state, local, and federal law
 1263 enforcement agencies to achieve greater success in prevention and detection of crime and
 1264 apprehension of criminals;

1265 (j) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
 1266 Offender Supervision; ~~and~~

1267

(k) establish a case action plan for each offender as follows:

1268 (i) if an offender is to be supervised in the community, the case action plan shall be
1269 established for the offender not more than 90 days after supervision by the department begins;
1270 and

1271 (ii) if the offender is committed to the custody of the department, the case action plan
1272 shall be established for the offender not more than 120 days after the commitment[-]; and

1273 (1) ensure that any training or certification required of a public official or public
1274 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
1275 22, State Training and Certification Requirements, if the training or certification is required:

1276 (i) under this title;

1277 (ii) by the department; or

1278 (iii) by an agency or division within the department.

1279 (2) The department may in the course of supervising probationers and parolees:

1280 (a) impose graduated sanctions, as established by the Utah Sentencing Commission
1281 under Subsection 63M-7-404(6), for an individual's violation of one or more terms of the
1282 probation or parole; and

1283 (b) upon approval by the court or the Board of Pardons and Parole, impose as a
1284 sanction for an individual's violation of the terms of probation or parole a period of
1285 incarceration of not more than three consecutive days and not more than a total of five days
1286 within a period of 30 days.

1287 (3) (a) By following the procedures in Subsection (3)(b), the department may
1288 investigate the following occurrences at state correctional facilities:

1289 (i) criminal conduct of departmental employees;

1290 (ii) felony crimes resulting in serious bodily injury;

1291 (iii) death of any person; or

1292 (iv) aggravated kidnaping.

1293 (b) Prior to investigating any occurrence specified in Subsection (3)(a), the department
1294 shall:

1295 (i) notify the sheriff or other appropriate law enforcement agency promptly after
1296 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has
1297 occurred; and

1298 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to

1299 conduct an investigation involving an occurrence specified in Subsection (3)(a).

1300 (4) Upon request, the department shall provide copies of investigative reports of
1301 criminal conduct to the sheriff or other appropriate law enforcement agencies.

1302 (5) The Department of Corrections shall collect accounts receivable ordered by the
1303 district court as a result of prosecution for a criminal offense according to the requirements and
1304 during the time periods established in Subsection 77-18-1(9).

1305 Section 31. Section 67-3-1 is amended to read:

1306 **67-3-1. Functions and duties.**

1307 (1) (a) The state auditor is the auditor of public accounts and is independent of any
1308 executive or administrative officers of the state.

1309 (b) The state auditor is not limited in the selection of personnel or in the determination
1310 of the reasonable and necessary expenses of the state auditor's office.

1311 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
1312 financial statements showing:

1313 (a) the condition of the state's finances;

1314 (b) the revenues received or accrued;

1315 (c) expenditures paid or accrued;

1316 (d) the amount of unexpended or unencumbered balances of the appropriations to the
1317 agencies, departments, divisions, commissions, and institutions; and

1318 (e) the cash balances of the funds in the custody of the state treasurer.

1319 (3) (a) The state auditor shall:

1320 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
1321 any department of state government or any independent agency or public corporation as the law
1322 requires, as the auditor determines is necessary, or upon request of the governor or the
1323 Legislature;

1324 (ii) perform the audits in accordance with generally accepted auditing standards and
1325 other auditing procedures as promulgated by recognized authoritative bodies;

1326 (iii) as the auditor determines is necessary, conduct the audits to determine:

1327 (A) honesty and integrity in fiscal affairs;

1328 (B) accuracy and reliability of financial statements;

1329 (C) effectiveness and adequacy of financial controls; and

1330 (D) compliance with the law.

1331 (b) If any state entity receives federal funding, the state auditor shall ensure that the
1332 audit is performed in accordance with federal audit requirements.

1333 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
1334 appropriation to the state auditor from the General Fund.

1335 (ii) If an appropriation is not provided, or if the federal government does not
1336 specifically provide for payment of audit costs, the costs of the federal compliance portions of
1337 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
1338 bears to the total federal funds received by the state.

1339 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
1340 funds passed through the state to local governments and to reflect any reduction in audit time
1341 obtained through the use of internal auditors working under the direction of the state auditor.

1342 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
1343 financial audits, and as the auditor determines is necessary, conduct performance and special
1344 purpose audits, examinations, and reviews of any entity that receives public funds, including a
1345 determination of any or all of the following:

1346 (i) the honesty and integrity of all its fiscal affairs;

1347 (ii) whether or not its administrators have faithfully complied with legislative intent;

1348 (iii) whether or not its operations have been conducted in an efficient, effective, and
1349 cost-efficient manner;

1350 (iv) whether or not its programs have been effective in accomplishing the intended
1351 objectives; and

1352 (v) whether or not its management, control, and information systems are adequate,
1353 effective, and secure.

1354 (b) The auditor may not conduct performance and special purpose audits,
1355 examinations, and reviews of any entity that receives public funds if the entity:

1356 (i) has an elected auditor; and

1357 (ii) has, within the entity's last budget year, had its financial statements or performance
1358 formally reviewed by another outside auditor.

1359 (5) The state auditor shall administer any oath or affirmation necessary to the
1360 performance of the duties of the auditor's office, and may subpoena witnesses and documents,

1361 whether electronic or otherwise, and examine into any matter that the auditor considers
1362 necessary.

1363 (6) The state auditor may require all persons who have had the disposition or
1364 management of any property of this state or its political subdivisions to submit statements
1365 regarding it at the time and in the form that the auditor requires.

1366 (7) The state auditor shall:

1367 (a) except where otherwise provided by law, institute suits in Salt Lake County in
1368 relation to the assessment, collection, and payment of its revenues against:

1369 (i) persons who by any means have become entrusted with public money or property
1370 and have failed to pay over or deliver the money or property; and

1371 (ii) all debtors of the state;

1372 (b) collect and pay into the state treasury all fees received by the state auditor;

1373 (c) perform the duties of a member of all boards of which the state auditor is a member
1374 by the constitution or laws of the state, and any other duties that are prescribed by the
1375 constitution and by law;

1376 (d) stop the payment of the salary of any state official or state employee who:

1377 (i) refuses to settle accounts or provide required statements about the custody and
1378 disposition of public funds or other state property;

1379 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
1380 board or department head with respect to the manner of keeping prescribed accounts or funds;
1381 or

1382 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
1383 official's or employee's attention;

1384 (e) establish accounting systems, methods, and forms for public accounts in all taxing
1385 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

1386 (f) superintend the contractual auditing of all state accounts;

1387 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
1388 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that
1389 officials and employees in those taxing units comply with state laws and procedures in the
1390 budgeting, expenditures, and financial reporting of public funds; and

1391 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,

1392 if necessary, to ensure that officials and employees in the county comply with Section
1393 59-2-303.1.

1394 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds
1395 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal
1396 written notice of noncompliance from the auditor and has been given 60 days to make the
1397 specified corrections.

1398 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
1399 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state
1400 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the
1401 state auditor:

1402 (i) shall provide a recommended timeline for corrective actions; and

1403 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the
1404 state; and

1405 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
1406 account of a financial institution by filing an action in district court requesting an order of the
1407 court to prohibit a financial institution from providing the fee-assessing unit access to an
1408 account.

1409 (c) The state auditor shall remove a limitation on accessing funds under Subsection
1410 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and
1411 financial reporting of public funds.

1412 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
1413 state law, the state auditor:

1414 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
1415 comply;

1416 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
1417 state; and

1418 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
1419 account of a financial institution by:

1420 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that
1421 the institution prohibit access to the account; or

1422 (B) filing an action in district court requesting an order of the court to prohibit a

1423 financial institution from providing the taxing or fee-assessing unit access to an account.

1424 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state
1425 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection
1426 (8)(d).

1427 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
1428 received formal written notice of noncompliance from the auditor and has been given 60 days
1429 to make the specified corrections.

1430 (10) Notwithstanding Subsection (7)(g), (7)(h), (8)(b), or (8)(d) the state auditor:

1431 (a) shall authorize a disbursement by a state or local taxing or fee-assessing unit if the
1432 disbursement is necessary to:

1433 (i) avoid a major disruption in the operations of the state or local taxing or
1434 fee-assessing unit; or

1435 (ii) meet debt service obligations; and

1436 (b) may authorize a disbursement by a state or local taxing or fee-assessing unit as the
1437 state auditor determines is appropriate.

1438 (11) (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to
1439 take temporary custody of public funds if an action is necessary to protect public funds from
1440 being improperly diverted from their intended public purpose.

1441 (b) If the state auditor seeks relief under Subsection (11)(a):

1442 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
1443 and

1444 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a
1445 court orders the public funds to be protected from improper diversion from their public
1446 purpose.

1447 (12) The state auditor shall:

1448 (a) establish audit guidelines and procedures for audits of local mental health and
1449 substance abuse authorities and their contract providers, conducted pursuant to Title 17,
1450 Chapter 43, Part 2, Local Substance Abuse Authorities, ~~and~~ Title 17, Chapter 43, Part 3, Local
1451 Mental Health Authorities, Title 51, Chapter 2a, Accounting Reports from Political
1452 Subdivisions, Interlocal Organizations, and Other Local Entities Act, and Title 62A, Chapter
1453 15, Substance Abuse and Mental Health Act; and

1454 (b) ensure that those guidelines and procedures provide assurances to the state that:
1455 (i) state and federal funds appropriated to local mental health authorities are used for
1456 mental health purposes;

1457 (ii) a private provider under an annual or otherwise ongoing contract to provide
1458 comprehensive mental health programs or services for a local mental health authority is in
1459 compliance with state and local contract requirements, and state and federal law;

1460 (iii) state and federal funds appropriated to local substance abuse authorities are used
1461 for substance abuse programs and services; and

1462 (iv) a private provider under an annual or otherwise ongoing contract to provide
1463 comprehensive substance abuse programs or services for a local substance abuse authority is in
1464 compliance with state and local contract requirements, and state and federal law.

1465 (13) The state auditor may, in accordance with the auditor's responsibilities for political
1466 subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political
1467 Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or
1468 investigations of any political subdivision that are necessary to determine honesty and integrity
1469 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of
1470 financial controls and compliance with the law.

1471 (14) (a) The state auditor may not audit work that the state auditor performed before
1472 becoming state auditor.

1473 (b) If the state auditor has previously been a responsible official in state government
1474 whose work has not yet been audited, the Legislature shall:

1475 (i) designate how that work shall be audited; and

1476 (ii) provide additional funding for those audits, if necessary.

1477 (15) The state auditor shall:

1478 (a) with the assistance, advice, and recommendations of an advisory committee
1479 appointed by the state auditor from among local district boards of trustees, officers, and
1480 employees and special service district boards, officers, and employees:

1481 (i) prepare a Uniform Accounting Manual for Local Districts that:

1482 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
1483 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -
1484 Local Districts, and special service districts under Title 17D, Chapter 1, Special Service

1485 District Act;

1486 (B) conforms with generally accepted accounting principles; and

1487 (C) prescribes reasonable exceptions and modifications for smaller districts to the

1488 uniform system of accounting, budgeting, and reporting;

1489 (ii) maintain the manual under this Subsection (15)(a) so that it continues to reflect

1490 generally accepted accounting principles;

1491 (iii) conduct a continuing review and modification of procedures in order to improve

1492 them;

1493 (iv) prepare and supply each district with suitable budget and reporting forms; and

1494 (v) (A) prepare instructional materials, conduct training programs, and render other

1495 services considered necessary to assist local districts and special service districts in

1496 implementing the uniform accounting, budgeting, and reporting procedures; and

1497 (B) ensure that any training described in Subsection (15)(a)(v)(A) complies with Title

1498 63G, Chapter 22, State Training and Certification Requirements; and

1499 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices

1500 and experiences of specific local districts and special service districts selected by the state

1501 auditor and make the information available to all districts.

1502 (16) (a) The following records in the custody or control of the state auditor are

1503 protected records under Title 63G, Chapter 2, Government Records Access and Management

1504 Act:

1505 (i) records that would disclose information relating to allegations of personal

1506 misconduct, gross mismanagement, or illegal activity of a past or present governmental

1507 employee if the information or allegation cannot be corroborated by the state auditor through

1508 other documents or evidence, and the records relating to the allegation are not relied upon by

1509 the state auditor in preparing a final audit report;

1510 (ii) records and audit workpapers to the extent they would disclose the identity of a

1511 person who during the course of an audit, communicated the existence of any waste of public

1512 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation

1513 adopted under the laws of this state, a political subdivision of the state, or any recognized entity

1514 of the United States, if the information was disclosed on the condition that the identity of the

1515 person be protected;

1516 (iii) before an audit is completed and the final audit report is released, records or drafts
1517 circulated to a person who is not an employee or head of a governmental entity for their
1518 response or information;

1519 (iv) records that would disclose an outline or part of any audit survey plans or audit
1520 program; and

1521 (v) requests for audits, if disclosure would risk circumvention of an audit.

1522 (b) The provisions of Subsections (16)(a)(i), (ii), and (iii) do not prohibit the disclosure
1523 of records or information that relate to a violation of the law by a governmental entity or
1524 employee to a government prosecutor or peace officer.

1525 (c) The provisions of this Subsection (16) do not limit the authority otherwise given to
1526 the state auditor to classify a document as public, private, controlled, or protected under Title
1527 63G, Chapter 2, Government Records Access and Management Act.

1528 (d) (i) As used in this Subsection (16)(d), "record dispute" means a dispute between the
1529 state auditor and the subject of an audit performed by the state auditor as to whether the state
1530 auditor may release a record, as defined in Section 63G-2-103, to the public that the state
1531 auditor gained access to in the course of the state auditor's audit but which the subject of the
1532 audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records
1533 Access and Management Act.

1534 (ii) The state auditor may submit a record dispute to the State Records Committee,
1535 created in Section 63G-2-501, for a determination of whether the state auditor may, in
1536 conjunction with the state auditor's release of an audit report, release to the public the record
1537 that is the subject of the record dispute.

1538 (iii) The state auditor or the subject of the audit may seek judicial review of a State
1539 Records Committee determination under Subsection (16)(d)(ii), as provided in Section
1540 63G-2-404.

1541 (17) If the state auditor conducts an audit of an entity that the state auditor has
1542 previously audited and finds that the entity has not implemented a recommendation made by
1543 the state auditor in a previous audit, the state auditor shall notify the Legislative Management
1544 Committee through its audit subcommittee that the entity has not implemented that
1545 recommendation.

1546 Section 32. Section 67-5-1 is amended to read:

1547 **67-5-1. General duties.**

1548 The attorney general shall:

1549 (1) perform all duties in a manner consistent with the attorney-client relationship under
1550 Section 67-5-17;

1551 (2) except as provided in Sections 10-3-928 and 17-18a-403, attend the Supreme Court
1552 and the Court of Appeals of this state, and all courts of the United States, and prosecute or
1553 defend all causes to which the state or any officer, board, or commission of the state in an
1554 official capacity is a party, and take charge, as attorney, of all civil legal matters in which the
1555 state is interested;

1556 (3) after judgment on any cause referred to in Subsection (2), direct the issuance of
1557 process as necessary to execute the judgment;

1558 (4) account for, and pay over to the proper officer, all money that comes into the
1559 attorney general's possession that belongs to the state;

1560 (5) keep a file of all cases in which the attorney general is required to appear, including
1561 any documents and papers showing the court in which the cases have been instituted and tried,
1562 and whether they are civil or criminal, and:

1563 (a) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to
1564 judgment, a memorandum of the judgment and of any process issued if satisfied, and if not
1565 satisfied, documentation of the return of the sheriff;

1566 (b) if criminal, the nature of the crime, the mode of prosecution, the stage of
1567 proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the
1568 execution, if the sentence has been executed, and, if not executed, the reason for the delay or
1569 prevention; and

1570 (c) deliver this information to the attorney general's successor in office;

1571 (6) exercise supervisory powers over the district and county attorneys of the state in all
1572 matters pertaining to the duties of their offices, and from time to time require of them reports of
1573 the condition of public business entrusted to their charge;

1574 (7) give the attorney general's opinion in writing and without fee to the Legislature or
1575 either house and to any state officer, board, or commission, and to any county attorney or
1576 district attorney, when required, upon any question of law relating to their respective offices;

1577 (8) when required by the public service or directed by the governor, assist any county,

- 1578 district, or city attorney in the discharge of county, district, or city attorney's duties;
- 1579 (9) purchase in the name of the state, under the direction of the state Board of
1580 Examiners, any property offered for sale under execution issued upon judgments in favor of or
1581 for the use of the state, and enter satisfaction in whole or in part of the judgments as the
1582 consideration of the purchases;
- 1583 (10) when the property of a judgment debtor in any judgment mentioned in Subsection
1584 (9) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance
1585 taking precedence of the judgment in favor of the state, redeem the property, under the
1586 direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and
1587 pay all money necessary for the redemption, upon the order of the state Board of Examiners,
1588 out of any money appropriated for these purposes;
- 1589 (11) when in the attorney general's opinion it is necessary for the collection or
1590 enforcement of any judgment, institute and prosecute on behalf of the state any action or
1591 proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment
1592 debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of
1593 Examiners, out of any money not otherwise appropriated;
- 1594 (12) discharge the duties of a member of all official boards of which the attorney
1595 general is or may be made a member by the Utah Constitution or by the laws of the state, and
1596 other duties prescribed by law;
- 1597 (13) institute and prosecute proper proceedings in any court of the state or of the
1598 United States to restrain and enjoin corporations organized under the laws of this or any other
1599 state or territory from acting illegally or in excess of their corporate powers or contrary to
1600 public policy, and in proper cases forfeit their corporate franchises, dissolve the corporations,
1601 and wind up their affairs;
- 1602 (14) institute investigations for the recovery of all real or personal property that may
1603 have escheated or should escheat to the state, and for that purpose, subpoena any persons
1604 before any of the district courts to answer inquiries and render accounts concerning any
1605 property, examine all books and papers of any corporations, and when any real or personal
1606 property is discovered that should escheat to the state, institute suit in the district court of the
1607 county where the property is situated for its recovery, and escheat that property to the state;
- 1608 (15) administer the Children's Justice Center as a program to be implemented in

1609 various counties pursuant to Sections 67-5b-101 through 67-5b-107;

1610 (16) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a,
1611 Constitutional and Federalism Defense Act;

1612 (17) pursue any appropriate legal action to implement the state's public lands policy
1613 established in Section 63C-4a-103;

1614 (18) investigate and prosecute violations of all applicable state laws relating to fraud in
1615 connection with the state Medicaid program and any other medical assistance program
1616 administered by the state, including violations of Title 26, Chapter 20, Utah False Claims Act;

1617 (19) investigate and prosecute complaints of abuse, neglect, or exploitation of patients
1618 at:

1619 (a) health care facilities that receive payments under the state Medicaid program; and

1620 (b) board and care facilities, as defined in the federal Social Security Act, 42 U.S.C.
1621 Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and care facility;

1622 (20) (a) report at least twice per year to the Legislative Management Committee on any
1623 pending or anticipated lawsuits, other than eminent domain lawsuits, that might:

1624 (i) cost the state more than \$500,000; or

1625 (ii) require the state to take legally binding action that would cost more than \$500,000
1626 to implement; and

1627 (b) if the meeting is closed, include an estimate of the state's potential financial or other
1628 legal exposure in that report;

1629 (21) (a) submit a written report to the committees described in Subsection (21)(b) that
1630 summarizes the status and progress of any lawsuits that challenge the constitutionality of state
1631 law that were pending at the time the attorney general submitted the attorney general's last
1632 report under this Subsection (21), including any:

1633 (i) settlements reached;

1634 (ii) consent decrees entered; or

1635 (iii) judgments issued; and

1636 (b) at least 30 days before the Legislature's May and November interim meetings,
1637 submit the report described in Subsection (21)(a) to:

1638 (i) the Legislative Management Committee;

1639 (ii) the Judiciary Interim Committee; and

- 1640 (iii) the Law Enforcement and Criminal Justice Interim Committee;
- 1641 (22) if the attorney general operates the Office of the Attorney General or any portion
- 1642 of the Office of the Attorney General as an internal service fund agency in accordance with
- 1643 Section 67-5-4, submit to the rate committee established in Section 67-5-34:
- 1644 (a) a proposed rate and fee schedule in accordance with Subsection 67-5-34(4); and
- 1645 (b) any other information or analysis requested by the rate committee; [~~and~~]
- 1646 (23) before the end of each calendar year, create an annual performance report for the
- 1647 Office of the Attorney General and post the report on the attorney general's website[-]; and
- 1648 (24) ensure that any training required under this chapter complies with Title 63G,
- 1649 Chapter 22, State Training and Certification Requirements.
- 1650 Section 33. Section **67-5a-1** is amended to read:
- 1651 **67-5a-1. Utah Prosecution Council -- Duties -- Membership.**
- 1652 (1) There is created within the Office of the Attorney General the Utah Prosecution
- 1653 Council, referred to as the council in this chapter.
- 1654 (2) The council shall:
- 1655 (a) (i) provide training and continuing legal education for state and local prosecutors;
- 1656 and
- 1657 (ii) ensure that any training or continuing legal education described in Subsection
- 1658 (2)(a)(i) complies with Title 63G, Chapter 22, State Training and Certification Requirements;
- 1659 (b) provide assistance to local prosecutors; and
- 1660 (c) as funds are available and as are budgeted for this purpose, provide reimbursement
- 1661 for unusual expenses related to prosecution for violations of state laws.
- 1662 (3) The council shall be composed of 10 members, selected as follows:
- 1663 (a) the attorney general or a designated representative;
- 1664 (b) the commissioner of public safety or a designated representative;
- 1665 (c) four currently serving county or district attorneys designated by the county or
- 1666 district attorneys' section of the Utah Association of Counties; a county or district attorney's
- 1667 term expires when a successor is designated by the county or district attorneys' section or when
- 1668 he is no longer serving as a county attorney or district attorney, whichever occurs first;
- 1669 (d) two city prosecutors designated by the Utah Municipal Attorneys Association; a
- 1670 city prosecutor's term expires when a successor is designated by the association or when he is

1671 no longer employed as a city prosecutor, whichever occurs first;

1672 (e) the chair of the Board of Directors of the Statewide Association of Public Attorneys
1673 of Utah; and

1674 (f) the chair of the governing board of the Utah Prosecutorial Assistants Association.

1675 Section 34. Section **67-5b-102** is amended to read:

1676 **67-5b-102. Children's Justice Center -- Duties of center.**

1677 (1) (a) There is established a program, known as the Children's Justice Center Program,
1678 that provides a comprehensive, multidisciplinary, intergovernmental response to child abuse
1679 victims in a facility known as a Children's Justice Center.

1680 (b) The attorney general shall administer the program.

1681 (c) The attorney general shall:

1682 (i) allocate the funds appropriated by a line item pursuant to Section [67-5b-103](#);

1683 (ii) administer applications for state and federal grants and subgrants;

1684 (iii) staff the Advisory Board on Children's Justice;

1685 (iv) assist in the development of new centers;

1686 (v) coordinate services between centers;

1687 (vi) contract with counties and other entities for the provision of services;

1688 (vii) (A) provide training, technical assistance, and evaluation to centers; and

1689 (B) ensure that any training described in Subsection (1)(c)(vii)(A) complies with Title
1690 63G, Chapter 22, State Training and Certification Requirements; and

1691 (viii) provide other services to comply with established minimum practice standards as
1692 required to maintain the state's and centers' eligibility for grants and subgrants.

1693 (2) (a) The attorney general shall establish Children's Justice Centers, satellite offices,
1694 or multidisciplinary teams in Beaver County, Box Elder County, Cache County, Carbon
1695 County, Davis County, Duchesne County, Emery County, Grand County, Iron County, Kane
1696 County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit County,
1697 Tooele County, Uintah County, Utah County, Wasatch County, Washington County, and
1698 Weber County.

1699 (b) The attorney general may establish other centers, satellites, or multidisciplinary
1700 teams within a county and in other counties of the state.

1701 (3) The attorney general and each center shall:

1702 (a) coordinate the activities of the public agencies involved in the investigation and
1703 prosecution of child abuse cases and the delivery of services to child abuse victims and child
1704 abuse victims' families;

1705 (b) provide a neutral, child-friendly program, where interviews are conducted and
1706 services are provided to facilitate the effective and appropriate disposition of child abuse cases
1707 in juvenile, civil, and criminal court proceedings;

1708 (c) facilitate a process for interviews of child abuse victims to be conducted in a
1709 professional and neutral manner;

1710 (d) obtain reliable and admissible information that can be used effectively in child
1711 abuse cases in the state;

1712 (e) maintain a multidisciplinary team that includes representatives of public agencies
1713 involved in the investigation and prosecution of child abuse cases and in the delivery of
1714 services to child abuse victims and child abuse victims' families;

1715 (f) hold regularly scheduled case reviews with the multidisciplinary team;

1716 (g) coordinate and track:

1717 (i) investigation of the alleged offense; and

1718 (ii) preparation of prosecution;

1719 (h) maintain a working protocol that addresses the center's procedures for conducting
1720 forensic interviews and case reviews, and for ensuring a child abuse victim's access to medical
1721 and mental health services;

1722 (i) maintain a system to track the status of cases and the provision of services to child
1723 abuse victims and child abuse victims' families;

1724 (j) provide training for professionals involved in the investigation and prosecution of
1725 child abuse cases and in the provision of related treatment and services;

1726 (k) enhance community understanding of child abuse cases; and

1727 (l) provide as many services as possible that are required for the thorough and effective
1728 investigation of child abuse cases.

1729 (4) To assist a center in fulfilling the requirements and statewide purposes as provided
1730 in Subsection (3), each center may obtain access to any relevant juvenile court legal records
1731 and adult court legal records, unless sealed by the court.

1732 Section 35. Section **67-19-6** is amended to read:

- 1733 **67-19-6. Responsibilities of the executive director.**
1734 (1) The executive director shall:
1735 (a) develop, implement, and administer a statewide program of human resource
1736 management that will:
1737 (i) aid in the efficient execution of public policy;
1738 (ii) foster careers in public service for qualified employees; and
1739 (iii) render assistance to state agencies in performing their missions;
1740 (b) design and administer the state pay plan;
1741 (c) design and administer the state classification system and procedures for determining
1742 schedule assignments;
1743 (d) design and administer the state recruitment and selection system;
1744 (e) administer agency human resource practices and ensure compliance with federal
1745 law, state law, and state human resource rules, including equal employment opportunity;
1746 (f) consult with agencies on decisions concerning employee corrective action and
1747 discipline;
1748 (g) maintain central personnel records;
1749 (h) perform those functions necessary to implement this chapter unless otherwise
1750 assigned or prohibited;
1751 (i) perform duties assigned by the governor or statute;
1752 (j) adopt rules for human resource management according to the procedures of Title
1753 63G, Chapter 3, Utah Administrative Rulemaking Act;
1754 (k) establish and maintain a management information system that will furnish the
1755 governor, the Legislature, and agencies with current information on authorized positions,
1756 payroll, and related matters concerning state human resources;
1757 (l) conduct research and planning activities to:
1758 (i) determine and prepare for future state human resource needs;
1759 (ii) develop methods for improving public human resource management; and
1760 (iii) propose needed policy changes to the governor;
1761 (m) study the character, causes, and extent of discrimination in state employment and
1762 develop plans for its elimination through programs consistent with federal and state laws
1763 governing equal employment opportunity in employment;

1764 (n) when requested by counties, municipalities, and other political subdivisions of the
1765 state, provide technical service and advice on human resource management at a charge
1766 determined by the executive director;

1767 (o) establish compensation policies and procedures for early voluntary retirement;

1768 (p) confer with the heads of other agencies about human resource policies and
1769 procedures;

1770 (q) submit an annual report to the governor and the Legislature; and

1771 (r) assist with the development of a vacant position report required under Subsection
1772 [63J-1-201\(2\)\(b\)\(vi\)](#).

1773 (2) (a) After consultation with the governor and the heads of other agencies, the
1774 executive director shall establish and coordinate statewide training programs, including and
1775 subject to available funding, the development of manager and supervisor training.

1776 (b) The programs developed under this Subsection (2) shall have application to more
1777 than one agency.

1778 (c) The department may not establish training programs that train employees to
1779 perform highly specialized or technical jobs and tasks.

1780 (d) The department shall ensure that any training program described in this Subsection
1781 (2) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

1782 (3) (a) (i) The department may collect fees for training as authorized by this Subsection
1783 (3).

1784 (ii) Training funded from General Fund appropriations shall be treated as a separate
1785 program within the department budget.

1786 (iii) All money received from fees under this section will be accounted for by the
1787 department as a separate user driven training program.

1788 (iv) The user training program includes the costs of developing, procuring, and
1789 presenting training and development programs, and other associated costs for these programs.

1790 (b) (i) Funds remaining at the end of the fiscal year in the user training program are
1791 nonlapsing.

1792 (ii) Each year, as part of the appropriations process, the Legislature shall review the
1793 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require
1794 the department to lapse a portion of the funds.

1795 Section 36. Section **67-19e-110** is amended to read:

1796 **67-19e-110. Required training.**

1797 (1) Each year that an administrative law judge receives a performance evaluation
1798 conducted by the department under this chapter, the administrative law judge shall complete
1799 the procedural fairness training program described in this section.

1800 (2) The department shall establish a procedural fairness training program that includes
1801 training on how an administrative law judge's actions and behavior influence others'
1802 perceptions of the fairness of the adjudicative process.

1803 (3) The procedural fairness training program shall include discussion of the following
1804 elements of procedural fairness:

1805 (a) neutrality, including:

1806 (i) consistent and equal treatment of the individuals who appear before the
1807 administrative law judge;

1808 (ii) concern for the individual needs of the individuals who appear before the
1809 administrative law judge; and

1810 (iii) unhurried and careful deliberation;

1811 (b) respectful treatment of others; and

1812 (c) providing individuals a voice and opportunity to be heard.

1813 (4) The department may contract with a public or private person to develop or provide
1814 the procedural fairness training program.

1815 (5) The department shall ensure that the procedural fairness training program complies
1816 with Title 63G, Chapter 22, State Training and Certification Requirements.

1817 Section 37. Section **71-8-2** is amended to read:

1818 **71-8-2. Department of Veterans' and Military Affairs created -- Appointment of**
1819 **executive director -- Department responsibilities.**

1820 (1) There is created the Department of Veterans' and Military Affairs.

1821 (2) The governor shall appoint an executive director for the department, after
1822 consultation with the Veterans' Advisory Council, who is subject to Senate confirmation.

1823 (a) The executive director shall be an individual who:

1824 (i) has served on active duty in the armed forces for more than 180 consecutive days;

1825 (ii) was a member of a reserve component who served in a campaign or expedition for

- 1826 which a campaign medal has been authorized; or
- 1827 (iii) incurred an actual service-related injury or disability in the line of duty, whether or
- 1828 not that person completed 180 consecutive days of active duty; and
- 1829 (iv) was separated or retired under honorable conditions.
- 1830 (b) Any veteran or veteran's group may submit names to the council for consideration.
- 1831 (3) The department shall:
- 1832 (a) conduct and supervise all veteran activities as provided in this title;
- 1833 (b) determine which campaign or combat theater awards are eligible for a special group
- 1834 license plate in accordance with Section [41-1a-418](#);
- 1835 (c) verify that an applicant for a campaign or combat theater award special group
- 1836 license plate is qualified to receive it;
- 1837 (d) provide an applicant that qualifies a form indicating the campaign or combat theater
- 1838 award special group license plate for which the applicant qualifies; ~~and~~
- 1839 (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 1840 Rulemaking Act, to carry out the provisions of this title[-]; and
- 1841 (f) ensure that any training or certification required of a public official or public
- 1842 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
- 1843 22, State Training and Certification Requirements, if the training or certification is required:
- 1844 (i) under this title;
- 1845 (ii) by the department; or
- 1846 (iii) by an agency or division within the department.
- 1847 (4) Nothing in this chapter shall be construed as altering or preempting the provisions
- 1848 of Title 39, Militia and Armories, as specifically related to the Utah National Guard.
- 1849 Section 38. Section **72-1-201** is amended to read:
- 1850 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
- 1851 **rights, and responsibilities.**
- 1852 (1) There is created the Department of Transportation which shall:
- 1853 (a) have the general responsibility for planning, research, design, construction,
- 1854 maintenance, security, and safety of state transportation systems;
- 1855 (b) provide administration for state transportation systems and programs;
- 1856 (c) implement the transportation policies of the state;

1857 (d) plan, develop, construct, and maintain state transportation systems that are safe,
1858 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
1859 industry;

1860 (e) establish standards and procedures regarding the technical details of administration
1861 of the state transportation systems as established by statute and administrative rule;

1862 (f) advise the governor and the Legislature about state transportation systems needs;

1863 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
1864 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
1865 rights-of-way;

1866 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1867 make policy and rules for the administration of the department, state transportation systems,
1868 and programs; ~~and~~

1869 (i) annually report to the Transportation Interim Committee, by November 30 of each
1870 year, as to the:

1871 (i) operation, maintenance, condition, and safety needs for highways; and

1872 (ii) condition, safety, and mobility of the state transportation system jointly with the
1873 Transportation Commission~~[-]; and~~

1874 (j) ensure that any training or certification required of a public official or public
1875 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
1876 22, State Training and Certification Requirements, if the training or certification is required:

1877 (i) under this title;

1878 (ii) by the department; or

1879 (iii) by an agency or division within the department.

1880 (2) (a) The department shall exercise reasonable care in designing, constructing, and
1881 maintaining a state highway in a reasonably safe condition for travel.

1882 (b) Nothing in this section shall be construed as:

1883 (i) creating a private right of action; or

1884 (ii) expanding or changing the department's common law duty as described in
1885 Subsection (2)(a) for liability purposes.

1886 Section 39. Section **76-9-907** is amended to read:

1887 **76-9-907. Training for participating law enforcement officers.**

- 1888 The sheriff or chief of police implementing this part shall ensure that:
- 1889 (1) all officers charged with enforcing this part successfully complete appropriate
- 1890 training on identification of gang members and criminal street gangs[-]; and
- 1891 (2) any training described in this section complies with Title 63G, Chapter 22, State
- 1892 Training and Certification Requirements.
- 1893 Section 40. Section **78A-2-107** is amended to read:
- 1894 **78A-2-107. Court administrator -- Powers, duties, and responsibilities.**
- 1895 Under the general supervision of the presiding officer of the Judicial Council, and
- 1896 within the policies established by the council, the administrator shall:
- 1897 (1) organize and administer all of the nonjudicial activities of the courts;
- 1898 (2) assign, supervise, and direct the work of the nonjudicial officers of the courts;
- 1899 (3) implement the standards, policies, and rules established by the council;
- 1900 (4) formulate and administer a system of personnel administration, including in-service
- 1901 training programs;
- 1902 (5) prepare and administer the state judicial budget, fiscal, accounting, and
- 1903 procurement activities for the operation of the courts of record, and assist justices' courts in
- 1904 their budgetary, fiscal, and accounting procedures;
- 1905 (6) conduct studies of the business of the courts, including the preparation of
- 1906 recommendations and reports relating to them;
- 1907 (7) develop uniform procedures for the management of court business, including the
- 1908 management of court calendars;
- 1909 (8) maintain liaison with the governmental and other public and private groups having
- 1910 an interest in the administration of the courts;
- 1911 (9) establish uniform policy concerning vacations and sick leave for judges and
- 1912 nonjudicial officers of the courts;
- 1913 (10) establish uniform hours for court sessions throughout the state and may, with the
- 1914 consent of the presiding officer of the Judicial Council, call and appoint justices or judges of
- 1915 courts of record to serve temporarily as Court of Appeals, district court, or juvenile court
- 1916 judges and set reasonable compensation for their services;
- 1917 (11) when necessary for administrative reasons, change the county for trial of any case
- 1918 if no party to the litigation files timely objections to this change;

1919 (12) (a) organize and administer a program of continuing education for judges and
 1920 support staff, including training for justice court judges; and

1921 (b) ensure that any training or continuing education described in Subsection (12)(a)
 1922 complies with Title 63G, Chapter 22, State Training and Certification Requirements;

1923 (13) provide for an annual meeting for each level of the courts of record, and the
 1924 annual judicial conference; and

1925 (14) perform other duties as assigned by the presiding officer of the council.

1926 Section 41. Section **78B-6-204** is amended to read:

1927 **78B-6-204. Dispute Resolution Programs -- Director -- Duties -- Report.**

1928 (1) Within the Administrative Office of the Courts, there shall be a director of Dispute
 1929 Resolution Programs, appointed by the state court administrator.

1930 (2) The director shall be an employee of the Administrative Office of the Courts and
 1931 shall be responsible for the administration of all court-annexed Dispute Resolution Programs.
 1932 The director shall have duties, powers, and responsibilities as the Judicial Council may
 1933 determine. The qualifications for employment of the director shall be based on training and
 1934 experience in the management, principles, and purposes of alternative dispute resolution
 1935 procedures.

1936 (3) In order to implement the purposes of this part, the Administrative Office of the
 1937 Courts may employ or contract with ADR providers or ADR organizations on a case-by-case
 1938 basis, on a service basis, or on a program basis. [~~ADR providers and organizations shall be~~
 1939 ~~subject to the rules and fees set by the Judicial Council.~~]

1940 (4) The Administrative Office of the Courts shall:

1941 (a) establish programs for training ADR providers and orienting attorneys and their
 1942 clients to ADR programs and procedures[-]; and

1943 (b) ensure that any training described in Subsection (4)(a) complies with Title 63G,
 1944 Chapter 22, State Training and Certification Requirements.

1945 (5) ADR providers and organizations are subject to the rules and fees set by the
 1946 Judicial Council.

1947 [~~(4)~~] (6) An ADR provider is immune from all liability when conducting proceedings
 1948 under the rules of the Judicial Council and the provisions of this part, except for wrongful
 1949 disclosure of confidential information, to the same extent as a judge of the courts in this state.

1950 [~~(5)~~] (7) (a) The director shall report annually to the Supreme Court, the Judicial
 1951 Council, the governor, and the Utah State Bar on the operation of the Dispute Resolution
 1952 Programs.

1953 (b) The director shall provide the report to the Judiciary Interim Committee, if
 1954 requested by the committee.

1955 (c) Copies of the report shall be available to the public at the Administrative Office of
 1956 the Courts.

1957 (d) The report shall include:

1958 (i) identification of participating judicial districts and the methods of alternative
 1959 dispute resolution that are available in those districts;

1960 (ii) the number and types of disputes received;

1961 (iii) the methods of alternative dispute resolution to which the disputes were referred;

1962 (iv) the course of the referral;

1963 (v) the status of cases referred to alternative dispute resolution or the disposition of
 1964 these disputes; and

1965 (vi) any problems encountered in the administration of the program and the
 1966 recommendations of the director as to the continuation or modification of any program.

1967 (e) Nothing may be included in a report which would impair the privacy or
 1968 confidentiality of any specific ADR proceeding.

1969 Section 42. Section **79-2-202** is amended to read:

1970 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**
 1971 **Responsibilities.**

1972 (1) (a) The chief administrative officer of the department is an executive director
 1973 appointed by the governor with the consent of the Senate.

1974 (b) The executive director may be removed at the will of the governor.

1975 (c) The executive director shall receive a salary established by the governor within the
 1976 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1977 (2) The executive director shall:

1978 (a) administer and supervise the department and provide for coordination and
 1979 cooperation among the boards, divisions, councils, and committees of the department;

1980 (b) approve the budget of each board and division;

1981 (c) participate in regulatory proceedings as appropriate for the functions and duties of
1982 the department;

1983 (d) report at the end of each fiscal year to the governor on department, board, and
1984 division activities; [~~and~~]

1985 (e) ensure that any training or certification required of a public official or public
1986 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
1987 22, State Training and Certification Requirements, if the training or certification is required:

1988 (i) under this title;

1989 (ii) by the department; or

1990 (iii) by an agency or division within the department; and

1991 [~~e~~] (f) perform other duties as provided by statute.

1992 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
1993 Funds Procedures Act, the executive director, may accept an executive or legislative provision
1994 that is enacted by the federal government, whereby the state may participate in the distribution,
1995 disbursement, or administration of a fund or service from the federal government for purposes
1996 consistent with the powers and duties of the department.

1997 (4) (a) The executive director, in cooperation with the governmental entities having
1998 policymaking authority regarding natural resources, may engage in studies and comprehensive
1999 planning for the development and conservation of the state's natural resources.

2000 (b) The executive director shall submit any plan to the governor for review and
2001 approval.

Legislative Review Note
Office of Legislative Research and General Counsel