

VETERANS AND MILITARY AFFAIRS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Peter C. Knudson

LONG TITLE

Committee Note:

The Veterans' and Military Affairs Commission recommended this bill.

Membership: 5 legislators 17 non-legislators

Legislative Vote: 4 voting for 0 voting against 1 absent

General Description:

This bill clarifies that terms for certain members of the commission begin on July 1 of the year of appointment and makes technical corrections.

Highlighted Provisions:

This bill:

- makes July 1 the appointment date for pro tempore members of the commission;
► clarifies that when a vacancy occurs, the appointment to fill the spot begins on July 1;
► specifies that if the time between appointment and July 1 is less than six months, the term starts anew on July 1; and
► makes technical corrections by removing the apostrophe from the word veterans throughout the code and other coordinating changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **23-19-14**, as last amended by Laws of Utah 2011, Chapters 297 and 366
- 31 **26-35a-103**, as last amended by Laws of Utah 2011, Chapter 366
- 32 **30-3-35**, as last amended by Laws of Utah 2017, Chapter 120
- 33 **35A-1-206**, as last amended by Laws of Utah 2017, Chapters 181, 223, and 382
- 34 **36-28-101**, as enacted by Laws of Utah 2014, Chapter 150
- 35 **36-28-102**, as last amended by Laws of Utah 2017, Chapter 90
- 36 **41-1a-418**, as last amended by Laws of Utah 2017, Chapters 107, 181, and 194
- 37 **41-1a-421**, as last amended by Laws of Utah 2016, Chapter 68
- 38 **41-1a-422**, as last amended by Laws of Utah 2017, Chapters 107, 194, and 383
- 39 **53-3-205**, as last amended by Laws of Utah 2016, Chapter 175
- 40 **53-3-804**, as last amended by Laws of Utah 2014, Chapters 85 and 252
- 41 **53-3-805**, as last amended by Laws of Utah 2014, Chapters 85 and 252
- 42 **53A-1-1019**, as enacted by Laws of Utah 2017, Chapter 278
- 43 **53A-3-427**, as last amended by Laws of Utah 2013, Chapter 214
- 44 **53B-8-107**, as last amended by Laws of Utah 2016, Chapter 230
- 45 **53B-8e-103**, as last amended by Laws of Utah 2013, Chapter 214
- 46 **53B-16-107**, as last amended by Laws of Utah 2017, Chapter 382
- 47 **58-17b-622**, as last amended by Laws of Utah 2013, Chapters 166 and 262
- 48 **58-24b-304**, as enacted by Laws of Utah 2009, Chapter 220
- 49 **59-2-1104 (Superseded 01/01/19)**, as last amended by Laws of Utah 2015, Chapter 261
- 50 **59-2-1104 (Effective 01/01/19)**, as last amended by Laws of Utah 2017, Chapter 189
- 51 **63B-18-301**, as last amended by Laws of Utah 2013, Chapter 214
- 52 **63G-1-301**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 53 **63G-1-401**, as last amended by Laws of Utah 2017, Chapters 15, 40, and 117
- 54 **63G-1-703**, as enacted by Laws of Utah 2013, Chapter 90
- 55 **63J-1-219**, as last amended by Laws of Utah 2016, Chapter 144
- 56 **67-19-6.7**, as last amended by Laws of Utah 2017, Chapter 463
- 57 **67-19-15**, as last amended by Laws of Utah 2017, Chapter 463
- 58 **67-22-2**, as last amended by Laws of Utah 2015, Chapter 470

59            **71-3-1**, as last amended by Laws of Utah 2002, Chapter 162  
60            **71-7-2**, as enacted by Laws of Utah 1961, Chapter 21  
61            **71-7-3**, as last amended by Laws of Utah 2015, Chapter 141  
62            **71-7-4**, as last amended by Laws of Utah 2016, Chapter 252  
63            **71-7-5**, as enacted by Laws of Utah 2013, Chapter 422  
64            **71-8-1**, as last amended by Laws of Utah 2015, Chapter 141  
65            **71-8-2**, as last amended by Laws of Utah 2016, Chapters 68, 230, and 252  
66            **71-8-3**, as last amended by Laws of Utah 2014, Chapter 91  
67            **71-8-4**, as last amended by Laws of Utah 2016, Chapter 230  
68            **71-8-5**, as last amended by Laws of Utah 2016, Chapter 230  
69            **71-8-6**, as enacted by Laws of Utah 2013, Chapter 308  
70            **71-8-7**, as enacted by Laws of Utah 2013, Chapter 308  
71            **71-9-1**, as last amended by Laws of Utah 2013, Chapter 214  
72            **71-9-2**, as last amended by Laws of Utah 2013, Chapter 214  
73            **71-10-2**, as last amended by Laws of Utah 2011, Chapter 366  
74            **71-11-1**, as last amended by Laws of Utah 2000, Chapter 134  
75            **71-11-2**, as last amended by Laws of Utah 2016, Chapter 230  
76            **71-11-3**, as last amended by Laws of Utah 2007, Chapter 173  
77            **71-11-4**, as last amended by Laws of Utah 2007, Chapter 173  
78            **71-11-5**, as last amended by Laws of Utah 2008, Chapter 382  
79            **71-11-7**, as last amended by Laws of Utah 2016, Chapter 252  
80            **71-11-8**, as last amended by Laws of Utah 2013, Chapter 400  
81            **71-12-101**, as enacted by Laws of Utah 2014, Chapter 91  
82            **71-12-102**, as last amended by Laws of Utah 2015, Chapter 141  
83            **71-12-103**, as enacted by Laws of Utah 2014, Chapter 91  
84            **71-13-102**, as enacted by Laws of Utah 2015, Chapter 123  
85            **71-13-105**, as enacted by Laws of Utah 2015, Chapter 123  
86            **72-4-201**, as renumbered and amended by Laws of Utah 1998, Chapter 270  
87            **72-4-203**, as renumbered and amended by Laws of Utah 1998, Chapter 270  
88            **78B-6-2003**, as enacted by Laws of Utah 2016, Chapter 385  
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90 *Be it enacted by the Legislature of the state of Utah:*

91 Section 1. Section **23-19-14** is amended to read:

92 **23-19-14. Persons residing in certain institutions authorized to fish without**  
93 **license.**

94 (1) The Division of Wildlife Resources shall permit a person to fish without a license  
95 if:

96 (a) (i) the person resides in:

97 (A) the Utah State Developmental Center in American Fork;

98 (B) the state hospital;

99 (C) a [~~veteran's~~] veterans hospital;

100 (D) a [~~veteran's~~] veterans nursing home;

101 (E) a mental health center;

102 (F) an intermediate care facility for people with an intellectual disability;

103 (G) a group home licensed by the Department of Human Services and operated under  
104 contract with the Division of Services for People with Disabilities;

105 (H) a group home or other community-based placement licensed by the Department of  
106 Human Services and operated under contract with the Division of Juvenile Justice Services;

107 (I) a private residential facility for at-risk youth licensed by the Department of Human  
108 Services; or

109 (J) another similar institution approved by the division; or

110 (ii) the person is a youth who participates in a work camp operated by the Division of  
111 Juvenile Justice Services;

112 (b) the person is properly supervised by a representative of the institution; and

113 (c) the institution obtains from the division a certificate of registration that specifies:

114 (i) the date and place where the person will fish; and

115 (ii) the name of the institution's representative who will supervise the person fishing.

116 (2) The institution shall apply for the certificate of registration at least 10 days before  
117 the fishing outing.

118 (3) (a) An institution that receives a certificate of registration authorizing at-risk youth  
119 to fish shall provide instruction to the youth on fishing laws and regulations.

120 (b) The division shall provide educational materials to the institution to assist it in

121 complying with Subsection (3)(a).

122 Section 2. Section **26-35a-103** is amended to read:

123 **26-35a-103. Definitions.**

124 As used in this chapter:

125 (1) (a) "Nursing care facility" means:

126 (i) a nursing care facility described in Subsection **26-21-2**(17);

127 (ii) beginning January 1, 2006, a designated swing bed in:

128 (A) a general acute hospital as defined in Subsection **26-21-2**(11); and

129 (B) a critical access hospital which meets the criteria of 42 U.S.C. Sec. 1395i-4(c)(2)

130 (1998); and

131 (iii) an intermediate care facility for people with an intellectual disability that is

132 licensed under Section **26-21-13.5**.

133 (b) "Nursing care facility" does not include:

134 (i) the Utah State Developmental Center;

135 (ii) the Utah State Hospital;

136 (iii) a general acute hospital, specialty hospital, or small health care facility as defined

137 in Section **26-21-2**; or

138 (iv) a Utah State [~~Veterans~~] Veterans Home.

139 (2) "Patient day" means each calendar day in which an individual patient is admitted to

140 the nursing care facility during a calendar month, even if on a temporary leave of absence from

141 the facility.

142 Section 3. Section **30-3-35** is amended to read:

143 **30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.**

144 (1) The parent-time schedule in this section applies to children 5 to 18 years of age.

145 (2) If the parties do not agree to a parent-time schedule, the following schedule shall be

146 considered the minimum parent-time to which the noncustodial parent and the child shall be

147 entitled.

148 (a) (i) (A) One weekday evening to be specified by the noncustodial parent or the court,

149 or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.;

150 (B) at the election of the noncustodial parent, one weekday from the time the child's

151 school is regularly dismissed until 8:30 p.m., unless the court directs the application of

152 Subsection (2)(a)(i); or

153 (C) at the election of the noncustodial parent, if school is not in session, one weekday  
154 from approximately 9 a.m., accommodating the custodial parent's work schedule, until 8:30  
155 p.m. if the noncustodial parent is available to be with the child, unless the court directs the  
156 application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

157 (ii) Once the election of the weekday for the weekday evening parent-time is made, it  
158 may not be changed except by mutual written agreement or court order.

159 (b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the  
160 decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

161 (B) at the election of the noncustodial parent, from the time the child's school is  
162 regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of  
163 Subsection (2)(b)(i)(A); or

164 (C) at the election of the noncustodial parent, if school is not in session, on Friday from  
165 approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on  
166 Sunday, if the noncustodial parent is available to be with the child unless the court directs the  
167 application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).

168 (ii) A step-parent, grandparent, or other responsible adult designated by the  
169 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the  
170 individual, and the parent will be with the child by 7 p.m.

171 (iii) An election should be made by the noncustodial parent at the time of entry of the  
172 divorce decree or court order, and may be changed by mutual agreement, court order, or by the  
173 noncustodial parent in the event of a change in the child's schedule.

174 (iv) Weekends include any "snow" days, teacher development days, or other days when  
175 school is not scheduled and which are contiguous to the weekend period.

176 (c) Holidays include any "snow" days, teacher development days after the children  
177 begin the school year, or other days when school is not scheduled, contiguous to the holiday  
178 period, and take precedence over the weekend parent-time. Changes may not be made to the  
179 regular rotation of the alternating weekend parent-time schedule, however:

180 (i) birthdays take precedence over holidays and extended parent-time, except Mother's  
181 Day and Father's Day; and

182 (ii) birthdays do not take precedence over uninterrupted parent-time if the parent

183 exercising uninterrupted time takes the child away from that parent's residence for the  
184 uninterrupted extended parent-time.

185 (d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall  
186 be responsible for the child's attendance at school for that school day.

187 (e) (i) If a holiday falls on a weekend or on a Friday or Monday and the total holiday  
188 period extends beyond that time so that the child is free from school and the parent is free from  
189 work, the noncustodial parent shall be entitled to this lengthier holiday period.

190 (ii) (A) At the election of the noncustodial parent, parent-time over a scheduled holiday  
191 weekend may begin from the time the child's school is regularly dismissed at the beginning of  
192 the holiday weekend until 7 p.m. on the last day of the holiday weekend; or

193 (B) at the election of the noncustodial parent, if school is not in session, parent-time  
194 over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the  
195 custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last  
196 day of the holiday weekend, if the noncustodial parent is available to be with the child unless  
197 the court directs the application of Subsection (2)(e)(ii)(A).

198 (iii) A step-parent, grandparent, or other responsible individual designated by the  
199 noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the  
200 individual, and the parent will be with the child by 7 p.m.

201 (iv) An election should be made by the noncustodial parent at the time of the divorce  
202 decree or court order, and may be changed by mutual agreement, court order, or by the  
203 noncustodial parent in the event of a change in the child's schedule.

204 (f) In years ending in an odd number, the noncustodial parent is entitled to the  
205 following holidays:

206 (i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m.  
207 until 9 p.m., at the discretion of the noncustodial parent, the noncustodial parent may take other  
208 siblings along for the birthday;

209 (ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless  
210 the holiday extends for a lengthier period of time to which the noncustodial parent is  
211 completely entitled;

212 (iii) subject to Subsection (2)(i), spring break beginning at 6 p.m. on the day school lets  
213 out for the holiday until 7 p.m. on the evening before school resumes;

214 (iv) July 4 beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6  
215 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

216 (v) Labor Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday  
217 extends for a lengthier period of time to which the noncustodial parent is completely entitled;

218 (vi) the fall school break, if applicable, commonly known as U.E.A. weekend  
219 beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a  
220 lengthier period of time to which the noncustodial parent is completely entitled;

221 (vii) ~~Veteran's~~ Veterans Day holiday beginning 6 p.m. the day before the holiday until  
222 7 p.m. on the holiday; and

223 (viii) the first portion of the Christmas school vacation as defined in Subsection  
224 [30-3-32\(3\)\(b\)](#) including Christmas Eve and Christmas Day, continuing until 1 p.m. on the day  
225 halfway through the holiday period, if there are an odd number of days for the holiday period,  
226 or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire  
227 holiday period is equally divided.

228 (g) In years ending in an even number, the noncustodial parent is entitled to the  
229 following holidays:

230 (i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m., at the discretion  
231 of the noncustodial parent, the noncustodial parent may take other siblings along for the  
232 birthday;

233 (ii) President's Day beginning at 6 p.m. on Friday until 7 p.m. on Monday unless the  
234 holiday extends for a lengthier period of time to which the noncustodial parent is completely  
235 entitled;

236 (iii) Memorial Day beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the  
237 holiday extends for a lengthier period of time to which the noncustodial parent is completely  
238 entitled;

239 (iv) July 24 beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later  
240 than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

241 (v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the  
242 holiday;

243 (vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the  
244 local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;



245 (vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and

246 (viii) the second portion of the Christmas school vacation as defined in Subsection  
247 30-3-32(3)(b), beginning 1 p.m. on the day halfway through the holiday period, if there are an  
248 odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for  
249 the holiday period, so long as the entire Christmas holiday period is equally divided.

250 (h) The custodial parent is entitled to the odd year holidays in even years and the even  
251 year holidays in odd years.

252 (i) If there is more than one child and the children's school schedules vary for purpose  
253 of a holiday, it is presumed that the children will remain together for the holiday period  
254 beginning the first evening all children's schools are let out for the holiday and ending the  
255 evening before any child returns to school.

256 (j) Father's Day shall be spent with the natural or adoptive father every year beginning  
257 at 9 a.m. until 7 p.m. on the holiday.

258 (k) Mother's Day shall be spent with the natural or adoptive mother every year  
259 beginning at 9 a.m. until 7 p.m. on the holiday.

260 (l) Extended parent-time with the noncustodial parent may be:

261 (i) up to four consecutive weeks when school is not in session at the option of the  
262 noncustodial parent, including weekends normally exercised by the noncustodial parent, but  
263 not holidays;

264 (ii) two weeks shall be uninterrupted time for the noncustodial parent; and

265 (iii) the remaining two weeks shall be subject to parent-time for the custodial parent for  
266 weekday parent-time but not weekends, except for a holiday to be exercised by the other  
267 parent.

268 (m) The custodial parent shall have an identical two-week period of uninterrupted time  
269 when school is not in session for purposes of vacation.

270 (n) Both parents shall provide notification of extended parent-time or vacation weeks  
271 with the child at least 30 days before the end of the child's school year to the other parent and if  
272 notification is not provided timely the complying parent may determine the schedule for  
273 extended parent-time for the noncomplying parent.

274 (o) Telephone contact shall be at reasonable hours and for a reasonable duration.

275 (p) Virtual parent-time, if the equipment is reasonably available and the parents reside

276 at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that  
277 if the parties cannot agree on whether the equipment is reasonably available, the court shall  
278 decide whether the equipment for virtual parent-time is reasonably available, taking into  
279 consideration:

- 280 (i) the best interests of the child;
- 281 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- 282 (iii) any other factors the court considers material.

283 (3) An election required to be made in accordance with this section by either parent  
284 concerning parent-time shall be made a part of the decree and made a part of the parent-time  
285 order.

286 (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended  
287 beyond the hours designated in Subsection (2)(g)(vi).

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

289 **35A-1-206. State Workforce Development Board -- Appointment -- Membership**  
290 **-- Terms of members -- Compensation.**

291 (1) There is created within the department the State Workforce Development Board in  
292 accordance with the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C.  
293 Sec. 3101 et seq.

294 (2) The board shall consist of the following 39 members:

- 295 (a) the governor or the governor's designee;
- 296 (b) one member of the Senate, appointed by the president of the Senate;
- 297 (c) one representative of the House of Representatives, appointed by the speaker of the  
298 House of Representatives;
- 299 (d) the executive director or the executive director's designee;
- 300 (e) the executive director of the Department of Human Services or the executive  
301 director's designee;
- 302 (f) the director of the Utah State Office of Rehabilitation or the director's designee;
- 303 (g) the state superintendent of public instruction or the superintendent's designee;
- 304 (h) the commissioner of higher education or the commissioner's designee;
- 305 (i) the Utah System of Technical Colleges commissioner of technical education or the  
306 commissioner of technical education's designee;

307 (j) the executive director of the Governor's Office of Economic Development or the  
308 executive director's designee;

309 (k) the executive director of the Department of [~~Veterans~~] Veterans and Military  
310 Affairs or the executive director's designee; and

311 (l) the following members appointed by the governor:

312 (i) 20 representatives of business in the state, selected among the following:

313 (A) owners of businesses, chief executive or operating officers of businesses, or other  
314 business executives or employers with policymaking or hiring authority;

315 (B) representatives of businesses, including small businesses, that provide employment  
316 opportunities that include high-quality, work-relevant training and development in in-demand  
317 industry sectors or occupations in the state; and

318 (C) representatives of businesses appointed from among individuals nominated by state  
319 business organizations or business trade associations;

320 (ii) six representatives of the workforce within the state, which:

321 (A) shall include at least two representatives of labor organizations who have been  
322 nominated by state labor federations;

323 (B) shall include at least one representative from a registered apprentice program;

324 (C) may include one or more representatives from a community-based organization  
325 that has demonstrated experience and expertise in addressing the employment, training, or  
326 educational needs of individuals with barriers to employment; and

327 (D) may include one or more representatives from an organization that has  
328 demonstrated experience and expertise in addressing the employment, training, or education  
329 needs of eligible youth, including organizations that serve out of school youth; and

330 (iii) two elected officials that represent a city or a county.

331 (3) (a) The governor shall appoint one of the appointed business representatives as  
332 chair of the board.

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

334 (4) (a) The governor shall ensure that members appointed to the board represent  
335 diverse geographic areas of the state, including urban, suburban, and rural areas.

336 (b) A member appointed by the governor shall serve a term of four years and may be  
337 reappointed to one additional term.

338 (c) A member shall continue to serve until the member's successor has been appointed  
339 and qualified.

340 (d) Except as provided in Subsection (4)(e), as terms of board members expire, the  
341 governor shall appoint each new member or reappointed member to a four-year term.

342 (e) Notwithstanding the requirements of Subsection (4)(d), the governor shall, at the  
343 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
344 board members are staggered so that approximately one half of the board is appointed every  
345 two years.

346 (f) When a vacancy occurs in the membership for any reason, the replacement shall be  
347 appointed for the unexpired term.

348 (g) The executive director shall terminate the term of any governor-appointed member  
349 of the board if the member leaves the position that qualified the member for the appointment.

350 (5) A majority of members constitutes a quorum for the transaction of business.

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

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

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

355 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
356 [63A-3-107](#).

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

359 (7) The department shall provide staff and administrative support to the board at the  
360 direction of the executive director.

361 (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec.  
362 3111, including:

363 (a) identifying opportunities to align initiatives in education, training, workforce  
364 development, and economic development;

365 (b) developing and implementing the state workforce services plan described in  
366 Section [35A-1-207](#);

367 (c) utilizing strategic partners to ensure the needs of industry are met, including the  
368 development of expanded strategies for partnerships for in-demand occupations and

369 understanding and adapting to economic changes;

370 (d) developing strategies for staff training;

371 (e) developing and improving employment centers; and

372 (f) performing other responsibilities within the scope of workforce services as

373 requested by:

374 (i) the Legislature;

375 (ii) the governor; or

376 (iii) the executive director.

377 Section 5. Section **36-28-101** is amended to read:

378 **36-28-101. Title.**

379 This chapter is known as the "[~~Veterans~~] Veterans and Military Affairs Commission."

380 Section 6. Section **36-28-102** is amended to read:

381 **36-28-102. Veterans and Military Affairs Commission -- Creation -- Membership**  
382 **-- Chairs -- Terms -- Per diem and expenses.**

383 (1) There is created the [~~Veterans~~] Veterans and Military Affairs Commission.

384 (2) The commission membership is composed of 19 permanent members, but may not  
385 exceed 24 members, and is as follows:

386 (a) five legislative members to be appointed as follows:

387 (i) three members from the House of Representatives, appointed by the speaker of the  
388 House of Representatives, no more than two of whom may be from the same political party;

389 and

390 (ii) two members from the Senate, appointed by the president of the Senate, no more  
391 than one of whom may be from the same political party;

392 (b) the executive director of the Department of [~~Veterans~~] Veterans and Military  
393 Affairs or the director's designee;

394 (c) the chair of the Utah [~~Veterans~~] Veterans Advisory Council;

395 (d) the executive director of the Department of Workforce Services or the director's  
396 designee;

397 (e) the executive director of the Department of Health or the director's designee;

398 (f) the executive director of the Department of Human Services or the director's  
399 designee;

400 (g) the adjutant general of the Utah National Guard or the adjutant general's designee;

401 (h) the Guard and Reserve Transition Assistance Advisor;

402 (i) a member of the Board of Regents or that member's designee;

403 (j) three representatives of veteran service organizations recommended by the Veterans

404 Advisory Council and confirmed by the commission;

405 (k) one member of the Executive Committee of the Utah Defense Alliance;

406 (l) one military affairs representative from a chamber of commerce member, appointed  
407 by the Utah State Chamber of Commerce; and

408 (m) a representative from the Veterans Health Administration.

409 (3) The commission may appoint by majority vote of the entire commission up to five  
410 pro tempore members, representing:

411 (a) state or local government agencies;

412 (b) interest groups concerned with veterans issues; or

413 (c) the general public.

414 (4) (a) The president of the Senate shall designate a member of the Senate appointed  
415 under Subsection (2)(a) as a cochair of the commission.

416 (b) The speaker of the House of Representatives shall designate a member of the House  
417 of Representatives appointed under Subsection (2)(a) as a cochair of the commission.

418 (5) A majority of the members of the commission shall constitute a quorum. The  
419 action of a majority of a quorum constitutes the action of the commission.

420 (6) The term for each pro tempore member appointed in accordance with Subsection  
421 (3) shall be two years from ~~[the date]~~ July 1 of the year of appointment. A pro tempore  
422 member may not serve more than three terms.

423 (7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was  
424 originally appointed. A person appointed to fill a vacancy under ~~[this section does not serve]~~  
425 Subsection (6) serves the remaining unexpired term of the member being replaced ~~[but begins~~  
426 ~~servng a new term]~~. If the remaining unexpired term is less than six months, the newly  
427 appointed member shall be reappointed on July 1. The time served until July 1 is not counted in  
428 the restriction set forth in Subsection (6).

429 (8) A member may not receive compensation or benefits for the member's service but  
430 may receive per diem and travel expenses in accordance with:

- 431 (a) Section 63A-3-106;  
432 (b) Section 63A-3-107; and  
433 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
434 63A-3-107.

435 Section 7. Section 41-1a-418 is amended to read:

436 **41-1a-418. Authorized special group license plates.**

437 (1) The division shall only issue special group license plates in accordance with this  
438 section through Section 41-1a-422 to a person who is specified under this section within the  
439 categories listed as follows:

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

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

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

443 (ii) former prisoner of war;

444 (iii) recipient of a Purple Heart;

445 (iv) disabled veteran;

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

447 (vi) recipient of a campaign or combat theater award determined by the Department of  
448 [~~Veterans~~] Veterans and Military Affairs;

449 (c) unique vehicle type special group license plates, as for historical, collectors value,  
450 or other unique vehicle type, which plates are issued for:

451 (i) a special interest vehicle;

452 (ii) a vintage vehicle;

453 (iii) a farm truck; or

454 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as  
455 defined in Section 59-13-102; or

456 (B) beginning on the effective date of rules made by the Department of Transportation  
457 authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle  
458 powered by clean fuel that meets the standards established by the Department of Transportation  
459 in rules authorized under Subsection 41-6a-702(5)(b);

460 (d) recognition special group license plates, which plates are issued for:

461 (i) a current member of the Legislature;

- 462 (ii) a current member of the United States Congress;
- 463 (iii) a current member of the National Guard;
- 464 (iv) a licensed amateur radio operator;
- 465 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 466 (vi) an emergency medical technician;
- 467 (vii) a current member of a search and rescue team; or
- 468 (viii) a current honorary consulate designated by the United States Department of  
469 State; or
- 470 (e) support special group license plates, as for a contributor to an institution or cause,  
471 which plates are issued for a contributor to:
  - 472 (i) an institution's scholastic scholarship fund;
  - 473 (ii) the Division of Wildlife Resources;
  - 474 (iii) the Department of [~~Veterans~~] Veterans and Military Affairs;
  - 475 (iv) the Division of Parks and Recreation;
  - 476 (v) the Department of Agriculture and Food;
  - 477 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
  - 478 (vii) the Boy Scouts of America;
  - 479 (viii) spay and neuter programs through No More Homeless Pets in Utah;
  - 480 (ix) the Boys and Girls Clubs of America;
  - 481 (x) Utah public education;
  - 482 (xi) programs that provide support to organizations that create affordable housing for  
483 those in severe need through the Division of Real Estate;
  - 484 (xii) the Department of Public Safety;
  - 485 (xiii) programs that support Zion National Park;
  - 486 (xiv) beginning on July 1, 2009, programs that provide support to firefighter  
487 organizations;
  - 488 (xv) programs that promote bicycle operation and safety awareness;
  - 489 (xvi) programs that conduct or support cancer research;
  - 490 (xvii) programs that create or support autism awareness;
  - 491 (xviii) programs that create or support humanitarian service and educational and  
492 cultural exchanges;



- 493 (xix) until September 30, 2017, programs that conduct or support prostate cancer  
494 awareness, screening, detection, or prevention;
- 495 (xx) programs that support and promote adoptions;
- 496 (xxi) programs that create or support civil rights education and awareness;
- 497 (xxii) programs that support issues affecting women and children through an  
498 organization affiliated with a national professional men's basketball organization;
- 499 (xxiii) programs that strengthen youth soccer, build communities, and promote  
500 environmental sustainability through an organization affiliated with a professional men's soccer  
501 organization;
- 502 (xxiv) programs that support children with heart disease;
- 503 (xxv) programs that support the operation and maintenance of the Utah Law  
504 Enforcement Memorial;
- 505 (xxvi) programs that provide assistance to children with cancer; or
- 506 (xxvii) programs that promote leadership and career development through agricultural  
507 education.
- 508 (2) (a) The division may not issue a new type of special group license plate or decal  
509 unless the division receives:
- 510 (i) (A) a private donation for the start-up fee established under Section [63J-1-504](#) for  
511 the production and administrative costs of providing the new special group license plates or  
512 decals; or
- 513 (B) a legislative appropriation for the start-up fee provided under Subsection  
514 (2)(a)(i)(A); and
- 515 (ii) beginning on January 1, 2012, and for the issuance of a support special group  
516 license plate authorized in Section [41-1a-422](#), at least 500 completed applications for the new  
517 type of support special group license plate or decal to be issued with all fees required under this  
518 part for the support special group license plate or decal issuance paid by each applicant.
- 519 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and  
520 hold applications for support special group license plates or decals authorized in Section  
521 [41-1a-422](#) on or after January 1, 2012, until it has received at least 500 applications.
- 522 (ii) Once a participating organization has received at least 500 applications, it shall  
523 submit the applications, along with the necessary fees, to the division for the division to begin

524 working on the design and issuance of the new type of support special group license plate or  
525 decal to be issued.

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

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

532 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle  
533 registration of a motor vehicle that has been issued a firefighter recognition special group  
534 license plate unless the applicant is a contributor as defined in Subsection  
535 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

541 (B) replace the firefighter recognition special group license plate with a new license  
542 plate.

543 (3) Beginning on July 1, 2011, if a support special group license plate or decal type  
544 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500  
545 license plates issued each year for a three consecutive year time period that begins on July 1,  
546 the division may not issue that type of support special group license plate or decal to a new  
547 applicant beginning on January 1 of the following calendar year after the three consecutive year  
548 time period for which that type of support special group license plate or decal has fewer than  
549 500 license plates issued each year.

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

552 (5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer  
553 support special group license plate.

554 (b) A registered owner of a vehicle that has been issued a prostate cancer support

555 special group license plate before October 1, 2017, may renew the owner's motor vehicle  
556 registration, with the contribution allocated as described in Section 41-1a-422.

557 Section 8. Section 41-1a-421 is amended to read:

558 **41-1a-421. Honor special group license plates -- Personal identity requirements.**

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

560 (i) survivor of the Japanese attack on Pearl Harbor license plate;

561 (ii) former prisoner of war license plate;

562 (iii) Purple Heart license plate;

563 (iv) disabled veteran license plate; or

564 (v) campaign or combat theater award license plate.

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

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

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

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

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

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

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

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

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

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

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

582 (5) A disabled veteran seeking a disabled veteran license plate shall request the  
583 Department of [Veterans] Veterans and Military Affairs to provide the verification required  
584 under Subsection (4).

585 (6) (a) An applicant for a gold star license plate shall submit written documentation

586 that the applicant is a recipient of a gold star award issued by the United States Secretary of  
587 Defense.

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

589 (i) a death certificate;

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

592 (iii) a casualty report;

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

595 (v) other documentation that verifies the applicant meets the requirements of  
596 Subsection (6)(a).

597 (7) An applicant for a campaign or combat theater award special group license plate  
598 shall:

599 (a) be a contributor in accordance with Subsections 41-1a-422(1)(a)(i)(B) and  
600 (1)(a)(ii)(A); and

601 (b) submit a form to the division obtained from the Department of [~~Veterans~~] Veterans  
602 and Military Affairs which verifies that the applicant qualifies for the campaign or combat  
603 theater award special group license plate requested.

604 (8) Each campaign or combat theater award special group license plate authorized by  
605 the Department of [~~Veterans~~] Veterans and Military Affairs shall be considered a new special  
606 group license plate and require the payment of the fees associated with newly authorized  
607 special group license plates.

608 Section 9. Section 41-1a-422 is amended to read:

609 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
610 **contribution collection procedures.**

611 (1) As used in this section:

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

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

615 (B) the Department of [~~Veterans~~] Veterans and Military Affairs for [~~veterans~~] veterans  
616 programs;

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

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

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

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

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

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

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

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

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

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

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

638 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support  
639 firefighter organizations;

640 (O) the Share the Road Bicycle Support Restricted Account created in Section  
641 72-2-127 to support bicycle operation and safety awareness programs;

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

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

646 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account  
647 created in Section 9-17-102 to support humanitarian service and educational and cultural

648 programs;

649 (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for  
650 programs that conduct or support prostate cancer awareness, screening, detection, or prevention  
651 until September 30, 2017, and beginning on October 1, 2017, upon renewal of a prostate cancer  
652 support special group license plate, to the Cancer Research Restricted Account created in  
653 Section 26-21a-302 to support cancer research programs;

654 (T) the Choose Life Adoption Support Restricted Account created in Section  
655 62A-4a-608 to support programs that promote adoption;

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

658 (V) the National Professional Men's Basketball Team Support of Women and Children  
659 Issues Restricted Account created in Section 62A-1-202;

660 (W) the Utah Law Enforcement Memorial Support Restricted Account created in  
661 Section 53-1-120;

662 (X) the Children with Cancer Support Restricted Account created in Section  
663 26-21a-304 for programs that provide assistance to children with cancer;

664 (Y) the National Professional Men's Soccer Team Support of Building Communities  
665 Restricted Account created in Section 9-19-102;

666 (Z) the Children with Heart Disease Support Restricted Account created in Section  
667 26-58-102;

668 (AA) the Utah Intracurricular Student Organization Support for Agricultural Education  
669 and Leadership Restricted Account created in Section 4-42-102; or

670 (BB) the Division of Wildlife Resources for the Support for State-Owned Shooting  
671 Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and  
672 operation and maintenance of existing, state-owned firearm shooting ranges.

673 (ii) (A) For a [~~veterans~~] veterans special group license plate, "contributor" means a  
674 person who has donated or in whose name at least a \$25 donation at the time of application and  
675 \$10 annual donation thereafter has been made.

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

678 (I) has donated or in whose name at least \$30 has been donated at the time of

679 application and annually after the time of application; and

680 (II) is a member of a trade organization for real estate licensees that has more than  
681 15,000 Utah members.

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

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

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

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

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

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

696 (G) For a Utah Law Enforcement Memorial Support special group license plate,  
697 "contributor" means a person who has donated or in whose name at least \$35 has been donated  
698 at the time of application and annually thereafter.

699 (b) "Institution" means a state institution of higher education as defined under Section  
700 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or  
701 national accrediting agency recognized by the United States Department of Education.

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

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

708 (i) the name of the contributor;

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

- 710 (iii) the date of the donation; and
- 711 (iv) an attestation that the donation was for a scholastic scholarship.
- 712 (c) The state auditor may audit each institution to verify that the money collected by the
- 713 institutions from contributors is used for scholastic scholarships.
- 714 (d) After an applicant has been issued collegiate license plates or renewal decals, the
- 715 commission shall charge the institution whose plate was issued, a fee determined in accordance
- 716 with Section [63J-1-504](#) for management and administrative expenses incurred in issuing and
- 717 renewing the collegiate license plates.
- 718 (e) If the contribution is made at the time of application, the contribution shall be
- 719 collected, treated, and deposited as provided under Subsection (3).
- 720 (3) (a) An applicant for original or renewal support special group license plates under
- 721 this section must be a contributor to the sponsoring organization associated with the license
- 722 plate.
- 723 (b) This contribution shall be:
- 724 (i) unless collected by the named institution under Subsection (2), collected by the
- 725 division;
- 726 (ii) considered a voluntary contribution for the funding of the activities specified under
- 727 this section and not a motor vehicle registration fee;
- 728 (iii) deposited into the appropriate account less actual administrative costs associated
- 729 with issuing the license plates; and
- 730 (iv) for a firefighter special group license plate, deposited into the appropriate account
- 731 less:
- 732 (A) the costs of reordering firefighter special group license plate decals; and
- 733 (B) the costs of replacing recognition special group license plates with new license
- 734 plates under Subsection [41-1a-1211](#)(13).
- 735 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to
- 736 registration or renewal of registration.
- 737 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
- 738 the division when issuing original:
- 739 (i) snowmobile license plates; or
- 740 (ii) conservation license plates.



741 (4) [~~Veterans~~] Veterans license plates shall display one of the symbols representing the  
742 Army, Navy, Air Force, Marines, Coast Guard, or American Legion.

743 Section 10. Section **53-3-205** is amended to read:

744 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**  
745 **Expiration dates of licenses and endorsements -- Information required -- Previous**  
746 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**  
747 **Fee required -- License agreement.**

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

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

751 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).

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

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

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

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

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

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

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

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

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

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

770 (b) both a commercial driver instruction permit and a temporary license permit for the  
771 license class held before the applicant submits the application if needed after the knowledge

772 test is passed; and

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

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

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

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

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

782 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued  
783 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test  
784 administered by the division if the out-of-state resident pays the fee provided in Subsection  
785 [53-3-105\(20\)\(b\)](#).

786 (ii) The division shall:

787 (A) electronically transmit skills test results for an out-of-state resident to the licensing  
788 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

789 (B) provide the out-of-state resident with documentary evidence upon successful  
790 completion of the skills test.

791 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license  
792 expires on the birth date of the applicant in the fifth year following the year the license  
793 certificate was issued.

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

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

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

801 (e) (i) A regular license certificate and any endorsement to the regular license  
802 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time

803 period the person is stationed outside of the state, is valid until 90 days after the person's orders  
804 have been terminated, the person has been discharged, or the person's assignment has been  
805 changed or terminated, unless:

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

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

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

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

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

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

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

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

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

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

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

828 (g) A driving privilege card issued or renewed under Section [53-3-207](#) expires on the  
829 birth date of the applicant in the first year following the year that the driving privilege card was  
830 issued or renewed.

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

834 Offender Registry.

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

837 (i) provide:

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

839 (B) the applicant's birth date;

840 (C) the applicant's gender;

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

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

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

844 Revenue Service for a person who:

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

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

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

848 (E) the applicant's Utah residence address as documented by a form or forms

849 acceptable under rules made by the division under Section 53-3-104, unless the application is

850 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

851 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person

852 is applying for a driving privilege card;

853 (ii) provide evidence of the applicant's lawful presence in the United States by

854 providing documentary evidence:

855 (A) that a person is:

856 (I) a United States citizen;

857 (II) a United States national; or

858 (III) a legal permanent resident alien; or

859 (B) of the applicant's:

860 (I) unexpired immigrant or nonimmigrant visa status for admission into the United

861 States;

862 (II) pending or approved application for asylum in the United States;

863 (III) admission into the United States as a refugee;

864 (IV) pending or approved application for temporary protected status in the United

- 865 States;
- 866 (V) approved deferred action status;
- 867 (VI) pending application for adjustment of status to legal permanent resident or  
868 conditional resident; or
- 869 (VII) conditional permanent resident alien status;
- 870 (iii) provide a description of the applicant;
- 871 (iv) state whether the applicant has previously been licensed to drive a motor vehicle  
872 and, if so, when and by what state or country;
- 873 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,  
874 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license  
875 application refused, and if so, the date of and reason for the suspension, cancellation,  
876 revocation, disqualification, denial, or refusal;
- 877 (vi) state whether the applicant intends to make an anatomical gift under Title 26,  
878 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 879 (vii) state whether the applicant is required to register as a sex offender in accordance  
880 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 881 (viii) state whether the applicant is a veteran of the United States military, provide  
882 verification that the applicant was granted an honorable or general discharge from the United  
883 States Armed Forces, and state whether the applicant does or does not authorize sharing the  
884 information with the [state] Department of [~~Veterans~~] Veterans and Military Affairs;
- 885 (ix) provide all other information the division requires; and
- 886 (x) sign the application which signature may include an electronic signature as defined  
887 in Section [46-4-102](#).
- 888 (b) Each applicant shall have a Utah residence address, unless the application is for a  
889 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
- 890 (c) Each applicant shall provide evidence of lawful presence in the United States in  
891 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 892 (d) The division shall maintain on its computerized records an applicant's:
- 893 (i) (A) Social Security number;
- 894 (B) temporary identification number (ITIN); or
- 895 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

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

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

900 (a) current license certificate;

901 (b) birth certificate;

902 (c) Selective Service registration; or

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

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

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

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

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

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

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

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

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

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

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

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

926 (12) An application for reinstatement of a license after the suspension, cancellation,

927 disqualification, denial, or revocation of a previous license shall be accompanied by the  
928 additional fee or fees specified in Section 53-3-105.

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

932 (14) A person who applies for an original license or renewal of a license agrees that the  
933 person's license is subject to any suspension or revocation authorized under this title or Title  
934 41, Motor Vehicles.

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

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

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

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

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

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

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

950 (a) loss;

951 (b) detriment; or

952 (c) injury.

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

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

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

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

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

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

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

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

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

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

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

977 (21) (a) A person who applies for an original motorcycle endorsement to a regular  
978 license certificate is exempt from the requirement to pass the knowledge and skills test to be  
979 eligible for the motorcycle endorsement if the person:

980 (i) is a resident of the state of Utah;

981 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed  
982 forces of the United States; or

983 (B) is an immediate family member or dependent of a person described in Subsection  
984 (21)(a)(ii)(A) and is residing outside of Utah;

985 (iii) has a digitized driver license photo on file with the division;

986 (iv) provides proof to the division of the successful completion of a certified  
987 Motorcycle Safety Foundation rider training course; and

988 (v) provides the necessary information and documentary evidence required under



989 Subsection (8).

990 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
991 division shall make rules:

992 (i) establishing the procedures for a person to obtain a motorcycle endorsement under  
993 this Subsection (21); and

994 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under  
995 this Subsection (21).

996 Section 11. Section **53-3-804** is amended to read:

997 **53-3-804. Application for identification card -- Required information -- Release**  
998 **of anatomical gift information -- Cancellation of identification card.**

999 (1) To apply for a regular identification card or limited-term identification card, the  
1000 applicant shall:

1001 (a) be a Utah resident;

1002 (b) have a Utah residence address; and

1003 (c) appear in person at any license examining station.

1004 (2) The applicant shall provide the following information to the division:

1005 (a) true and full legal name and Utah residence address;

1006 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or  
1007 other satisfactory evidence of birth, which shall be attached to the application;

1008 (c) (i) Social Security number; or

1009 (ii) written proof that the applicant is ineligible to receive a Social Security number;

1010 (d) place of birth;

1011 (e) height and weight;

1012 (f) color of eyes and hair;

1013 (g) signature;

1014 (h) photograph;

1015 (i) evidence of the applicant's lawful presence in the United States by providing  
1016 documentary evidence:

1017 (i) that a person is:

1018 (A) a United States citizen;

1019 (B) a United States national; or

- 1020 (C) a legal permanent resident alien; or
- 1021 (ii) of the applicant's:
- 1022 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
- 1023 States;
- 1024 (B) pending or approved application for asylum in the United States;
- 1025 (C) admission into the United States as a refugee;
- 1026 (D) pending or approved application for temporary protected status in the United
- 1027 States;
- 1028 (E) approved deferred action status;
- 1029 (F) pending application for adjustment of status to legal permanent resident or
- 1030 conditional resident; or
- 1031 (G) conditional permanent resident alien status;
- 1032 (j) an indication whether the applicant intends to make an anatomical gift under Title
- 1033 26, Chapter 28, Revised Uniform Anatomical Gift Act;
- 1034 (k) an indication whether the applicant is required to register as a sex offender in
- 1035 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
- 1036 (l) an indication whether the applicant is a veteran of the United States Armed Forces,
- 1037 verification that the applicant has received an honorable or general discharge from the United
- 1038 States Armed Forces, and an indication whether the applicant does or does not authorize
- 1039 sharing the information with the state Department of ~~Veterans~~ Veterans and Military Affairs.
- 1040 (3) The requirements of Section 53-3-234 apply to this section for each person, age 16
- 1041 and older, applying for an identification card. Refusal to consent to the release of information
- 1042 shall result in the denial of the identification card.
- 1043 (4) A person who knowingly fails to provide the information required under Subsection
- 1044 (2)(k) is guilty of a class A misdemeanor.
- 1045 (5) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold
- 1046 both an unexpired Utah license certificate and an unexpired Utah identification card.
- 1047 (b) On or after December 1, 2014, a person born on or after December 1, 1964:
- 1048 (i) may not hold both an unexpired Utah license certificate and an unexpired
- 1049 identification card; and
- 1050 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah

1051 identification card in the person's possession, shall be required to surrender either the unexpired  
1052 Utah license certificate or the unexpired Utah identification card.

1053 (c) If a person has not surrendered either the Utah license certificate or the Utah  
1054 identification card as required under this Subsection (5), the division shall cancel the Utah  
1055 identification card on December 1, 2014.

1056 (6) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold  
1057 both an unexpired Utah license certificate and an unexpired Utah identification card.

1058 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

1059 (i) may not hold both an unexpired Utah license certificate and an unexpired  
1060 identification card; and

1061 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah  
1062 identification card in the person's possession, shall be required to surrender either the unexpired  
1063 Utah license certificate or the unexpired Utah identification card.

1064 (c) If a person has not surrendered either the Utah license certificate or the Utah  
1065 identification card as required under this Subsection (6), the division shall cancel the Utah  
1066 identification card on December 1, 2017.

1067 Section 12. Section **53-3-805** is amended to read:

1068 **53-3-805. Identification card -- Contents -- Specifications.**

1069 (1) (a) The division shall issue an identification card that bears:

1070 (i) the distinguishing number assigned to the person by the division;

1071 (ii) the name, birth date, and Utah residence address of the person;

1072 (iii) a brief description of the person for the purpose of identification;

1073 (iv) a photograph of the person;

1074 (v) a photograph or other facsimile of the person's signature;

1075 (vi) an indication whether the person intends to make an anatomical gift under Title 26,  
1076 Chapter 28, Revised Uniform Anatomical Gift Act; and

1077 (vii) if the person states that the person is a veteran of the United States military on the  
1078 application for an identification card in accordance with Section [53-3-804](#) and provides  
1079 verification that the person received an honorable or general discharge from the United States  
1080 Armed Forces, an indication that the person is a United States military veteran for a regular  
1081 identification card or a limited-term identification card issued on or after July 1, 2011.

1082 (b) An identification card issued by the division may not bear the person's Social  
1083 Security number or place of birth.

1084 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and  
1085 alteration.

1086 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is  
1087 prescribed by the commissioner.

1088 (3) At the applicant's request, the card may include a statement that the applicant has a  
1089 special medical problem or allergies to certain drugs, for the purpose of medical treatment.

1090 (4) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated  
1091 by the applicant in accordance with division rule.

1092 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
1093 Management Act, the division may, upon request, release to an organ procurement  
1094 organization, as defined in Section 26-28-102, the names and addresses of all persons who  
1095 under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

1096 (ii) An organ procurement organization may use released information only to:

1097 (A) obtain additional information for an anatomical gift registry; and

1098 (B) inform applicants of anatomical gift options, procedures, and benefits.

1099 (5) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
1100 Management Act, the division may release to the Department of [~~Veterans~~] Veterans and  
1101 Military Affairs the names and addresses of all persons who indicate their status as a veteran  
1102 under Subsection 53-3-804(2)(l).

1103 (6) The division and its employees are not liable, as a result of false or inaccurate  
1104 information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

1105 (a) loss;

1106 (b) detriment; or

1107 (c) injury.

1108 (7) (a) The division may issue a temporary regular identification card to a person while  
1109 the person obtains the required documentation to establish verification of the information  
1110 described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

1111 (b) A temporary regular identification card issued under this Subsection (7) shall be  
1112 recognized and grant the person the same privileges as a regular identification card.

- 1113 (c) A temporary regular identification card issued under this Subsection (7) is invalid:  
1114 (i) when the person's regular identification card has been issued;  
1115 (ii) when, for good cause, an applicant's application for a regular identification card has  
1116 been refused; or  
1117 (iii) upon expiration of the temporary regular identification card.
- 1118 Section 13. Section **53A-1-1019** is amended to read:  
1119 **53A-1-1019. Creation of State Council on Military Children.**
- 1120 (1) There is established a State Council on Military Children, as required in Section  
1121 [53A-1-1008](#).
- 1122 (2) The members of the State Council on Military Children shall include:  
1123 (a) the state superintendent of public instruction;  
1124 (b) a superintendent of a school district with a high concentration of military children  
1125 appointed by the governor;  
1126 (c) a representative from a military installation, appointed by the governor;  
1127 (d) one member of the House of Representatives, appointed by the speaker of the  
1128 House;  
1129 (e) one member of the Senate, appointed by the president of the Senate;  
1130 (f) a representative from the Department of [~~Veterans~~] Veterans and Military Affairs,  
1131 appointed by the governor;  
1132 (g) a military family education liaison, appointed by the members listed in Subsections  
1133 (2)(a) through (f);  
1134 (h) the compact commissioner, appointed in accordance with Section [53A-1-1020](#); and  
1135 (i) other members as determined by the governor.
- 1136 (3) The State Council on Military Children shall carry out the duties established in  
1137 Section [53A-1-1008](#).
- 1138 (4) (a) A member who is not a legislator may not receive compensation or per diem.  
1139 (b) Compensation and expenses of a member who is a legislator are governed by  
1140 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 1141 Section 14. Section **53A-3-427** is amended to read:  
1142 **53A-3-427. Honorary high school diploma for certain veterans.**
- 1143 (1) A board of education of a school district may award an honorary high school

1144 diploma to a veteran, if the veteran:

1145 (a) left high school before graduating in order to serve in the armed forces of the  
1146 United States;

1147 (b) served in the armed forces of the United States during the period of World War II,  
1148 the Korean War, or the Vietnam War;

1149 (c) (i) was honorably discharged; or

1150 (ii) was released from active duty because of a service-related disability; and

1151 (d) (i) resides within the school district; or

1152 (ii) resided within the school district at the time of leaving high school to serve in the  
1153 armed forces of the United States.

1154 (2) To receive an honorary high school diploma, a veteran or immediate family  
1155 member or guardian of a veteran shall submit to a local school board:

1156 (a) a request for an honorary high school diploma; and

1157 (b) information required by the local school board to verify the veteran's eligibility for  
1158 an honorary high school diploma under Subsection (1).

1159 (3) At the request of a veteran, a veteran's immediate family member or guardian, or a  
1160 local school board, the Department of [~~Veterans~~] Veterans and Military Affairs shall certify  
1161 whether the veteran meets the requirements of Subsections (1)(b) and (c).

1162 Section 15. Section **53B-8-107** is amended to read:

1163 **53B-8-107. Military member surviving dependents -- Tuition waiver.**

1164 (1) As used in this section:

1165 (a) "Federal active duty" means serving under orders in accordance with United States  
1166 Code, Title 10 or Title 32, at any time on or after September 11, 2001.

1167 (b) "Qualifying deceased military member" means a person who:

1168 (i) was killed while serving on state or federal active duty, under orders of competent  
1169 authority and not as a result of the member's own misconduct; or

1170 (ii) dies of wounds or injuries received while serving on state or federal active duty,  
1171 under orders of competent authority and not as a result of the member's own misconduct; and

1172 (iii) was a member of the armed forces of the United States and a Utah resident;

1173 (iv) was a member of the reserve component of the armed forces on or after September  
1174 11, 2001, and a Utah resident; or

- 1175 (v) was a member of the Utah National Guard on or after September 11, 2001.
- 1176 (c) "State active duty" means serving in the Utah National Guard in any duty status  
1177 authorized by the governor under Title 39, Militias and Armories.
- 1178 (2) This section shall be known as the Scott B. Lundell Military Survivors' tuition  
1179 waiver.
- 1180 (3) A state institution of higher education shall waive undergraduate tuition for a  
1181 dependent of a qualifying deceased military member under the following conditions:
- 1182 (a) the dependent has been accepted by the institution in accordance with the  
1183 institution's admissions guidelines;
- 1184 (b) except as provided in Subsection (4), the dependent is a resident student as  
1185 determined under Section [53B-8-102](#);
- 1186 (c) the dependent may not have already completed a course of studies leading to an  
1187 undergraduate degree;
- 1188 (d) the dependent may only utilize the waiver for courses that are applicable toward the  
1189 degree or certificate requirements of the program in which the dependent is enrolled; and
- 1190 (e) the dependent may not be excluded from the waiver if the dependent has previously  
1191 taken courses at or has been awarded credit by a state institution of higher education.
- 1192 (4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military  
1193 member that was a member of the Utah National Guard is not required to be a resident student  
1194 as determined under Section [53B-8-102](#).
- 1195 (5) The tuition waiver in this section is applicable for undergraduate study only.
- 1196 (6) The Department of [~~Veterans~~] Veterans and Military Affairs, after consultation  
1197 with the adjutant general if necessary, shall certify to the institution that the dependent is a  
1198 surviving dependent eligible for the tuition waiver in accordance with this section.
- 1199 (7) The waiver in this section does not apply to fees, books, or housing expenses.
- 1200 (8) The State Board of Regents may request reimbursement from the Legislature for  
1201 costs incurred in providing the tuition waiver under this section.
- 1202 Section 16. Section **53B-8e-103** is amended to read:
- 1203 **53B-8e-103. Tuition waivers for Purple Heart recipients -- Qualifications --**  
1204 **Limitations.**
- 1205 (1) Beginning in the 2004-05 academic year, a state institution of higher education

1206 shall waive undergraduate tuition for each Purple Heart recipient who:

1207 (a) is admitted as a full-time, part-time, or summer school student in an undergraduate  
1208 program of study leading to a degree or certificate;

1209 (b) is a resident student of the state as determined under Section 53B-8-102; and

1210 (c) submits verification as provided in Subsection (3) that the student is a Purple Heart  
1211 recipient.

1212 (2) (a) Beginning in the 2008-09 academic year, a state institution of higher education  
1213 shall waive graduate tuition as provided in this Subsection (2) for each Purple Heart recipient  
1214 who:

1215 (i) is admitted as a full-time, part-time, or summer school student in a graduate  
1216 program of study leading to a degree;

1217 (ii) is a resident student of the state as determined under Section 53B-8-102; and

1218 (iii) submits verification as provided in Subsection (3) that the student is a Purple Heart  
1219 recipient.

1220 (b) To qualify for a graduate tuition waiver, a Purple Heart recipient shall apply for a  
1221 graduate program no later than 10 years from the day on which the Purple Heart recipient  
1222 completes an undergraduate degree.

1223 (c) The total amount of all graduate tuition waived for a Purple Heart recipient may not  
1224 exceed \$10,000.

1225 (d) A Purple Heart recipient may receive a graduate tuition waiver for a period of time  
1226 that does not exceed the lesser of:

1227 (i) the time it takes for the Purple Heart recipient to complete a graduate degree; or

1228 (ii) five years after the day on which the Purple Heart recipient is accepted to a  
1229 graduate program.

1230 (3) A Purple Heart recipient seeking a tuition waiver shall request the Department of  
1231 [~~Veterans~~] Veterans and Military Affairs to provide the verification required by Subsection  
1232 (1)(c). The Department of [~~Veterans~~] Veterans and Military Affairs shall provide the  
1233 verification upon obtaining evidence satisfactory to the division that the student is a Purple  
1234 Heart recipient.

1235 (4) The State Board of Regents may request reimbursement from the Legislature for  
1236 costs incurred in providing the tuition waiver under this section.



1237 Section 17. Section **53B-16-107** is amended to read:

1238 **53B-16-107. Credit for military service and training -- Notification --**

1239 **Transferability -- Reporting.**

1240 (1) As used in this section, "credit" includes proof of equivalent noncredit course  
1241 completion awarded by a technical college.

1242 (2) An institution of higher education listed in Section **53B-2-101** shall provide written  
1243 notification to each student applying for admission that the student is required to meet with a  
1244 college counselor in order to receive credit for military service and training as recommended by  
1245 a postsecondary accreditation agency or association designated by the board or the Utah System  
1246 of Technical Colleges Board of Trustees if:

1247 (a) credit for military service and training is requested by the student; and

1248 (b) the student has met with an advisor at an institution of higher education listed in  
1249 Section **53B-2-101** at which the student intends to enroll to discuss applicability of credit to  
1250 program requirements, possible financial aid implications, and other factors that may impact  
1251 attainment of the student's educational goals.

1252 (3) Upon transfer within the state system of higher education, a student may present a  
1253 transcript to the receiving institution of higher education for evaluation and to determine the  
1254 applicability of credit to the student's program of study, and the receiving institution of higher  
1255 education shall evaluate the credit to be transferred pursuant to Subsection (2).

1256 (4) The board and the Utah System of Technical Colleges Board of Trustees shall  
1257 annually report the number of credits awarded under this section by each institution of higher  
1258 education to the [~~Utah~~] Department of [~~Veterans~~] Veterans and Military Affairs.

1259 Section 18. Section **58-17b-622** is amended to read:

1260 **58-17b-622. Pharmacy benefit management services -- Auditing of pharmacy**  
1261 **records -- Appeals.**

1262 (1) For purposes of this section:

1263 (a) "Audit" means a review of the records of a pharmacy by or on behalf of an entity  
1264 that finances or reimburses the cost of health care services or pharmaceutical products.

1265 (b) "Entity" includes:

1266 (i) a pharmacy benefits manager or coordinator;

1267 (ii) a health benefit plan;

- 1268 (iii) a third party administrator as defined in Section 31A-1-301;
- 1269 (iv) a state agency; or
- 1270 (v) a company, group, or agent that represents, or is engaged by, one of the entities
- 1271 described in Subsections (1)(b)(i) through (iv).
- 1272 (c) "Fraud" means an intentional act of deception, misrepresentation, or concealment in
- 1273 order to gain something of value.
- 1274 (d) "Health benefit plan" means:
- 1275 (i) a health benefit plan as defined in Section 31A-1-301; or
- 1276 (ii) a health, dental, medical, Medicare supplement, or conversion program offered
- 1277 under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act.
- 1278 (2) (a) Except as provided in Subsection (2)(b), this section applies to:
- 1279 (i) a contract for the audit of a pharmacy entered into, amended, or renewed on or after
- 1280 July 1, 2012; and
- 1281 (ii) an entity that conducts an audit of the pharmacy records of a pharmacy licensed
- 1282 under this chapter.
- 1283 (b) This section does not apply to an audit of pharmacy records:
- 1284 (i) for a federally funded prescription drug program, including:
- 1285 (A) the state Medicaid program;
- 1286 (B) the Medicare Part D program;
- 1287 (C) a Department of Defense prescription drug program;
- 1288 (D) a [~~Veteran's~~] Veterans Affairs prescription drug program; or
- 1289 (ii) when fraud or other intentional and willful misrepresentation is alleged and the
- 1290 pharmacy audit entity has evidence that the pharmacy's actions reasonably indicate fraud or
- 1291 intentional and willful misrepresentation.
- 1292 (3) (a) An audit that involves clinical or professional judgment shall be conducted by
- 1293 or in consultation with a pharmacist who is employed by or working with the auditing entity
- 1294 and who is licensed in the state or another state.
- 1295 (b) If an audit is conducted on site at a pharmacy, the entity conducting the audit:
- 1296 (i) shall give the pharmacy 10 days advanced written notice of:
- 1297 (A) the audit; and
- 1298 (B) the range of prescription numbers or a date range included in the audit; and

1299 (ii) may not audit a pharmacy during the first five business days of the month, unless  
1300 the pharmacy agrees to the timing of the audit.

1301 (c) An entity may not audit claims:

1302 (i) submitted more than 18 months prior to the audit, unless:

1303 (A) required by federal law; or

1304 (B) the originating prescription is dated in the preceding six months; or

1305 (ii) that exceed 200 selected prescription claims.

1306 (4) (a) An entity may not:

1307 (i) include dispensing fees in the calculations of overpayments unless the prescription  
1308 is considered a misfill;

1309 (ii) recoup funds for prescription clerical or recordkeeping errors, including  
1310 typographical errors, scrivener's errors, and computer errors on a required document or record  
1311 unless the audit entity is alleging fraud or other intentional or willful misrepresentation and the  
1312 audit entity has evidence that the pharmacy's actions reasonably indicate fraud or intentional  
1313 and willful misrepresentation;

1314 (iii) recoup funds for refills dispensed in accordance with Section [58-17b-608.1](#), unless  
1315 the health benefit plan does not cover the prescription drug dispensed by the pharmacy; or

1316 (iv) collect any funds, charge-backs, or penalties until the audit and all appeals are  
1317 final, unless the audit entity is alleging fraud or other intentional or willful misrepresentation  
1318 and the audit entity has evidence that the pharmacy's actions reasonably indicate fraud or  
1319 intentional and willful misrepresentation.

1320 (b) Auditors shall only have access to previous audit reports on a particular pharmacy  
1321 if the previous audit was conducted by the same entity except as required for compliance with  
1322 state or federal law.

1323 (5) A pharmacy subject to an audit may use the following records to validate a claim  
1324 for a prescription, refill, or change in a prescription:

1325 (a) electronic or physical copies of records of a health care facility, or a health care  
1326 provider with prescribing authority; and

1327 (b) any prescription that complies with state law.

1328 (6) (a) An entity that audits a pharmacy shall provide the pharmacy with a preliminary  
1329 audit report, delivered to the pharmacy or its corporate office of record within 60 days after

1330 completion of the audit.

1331 (b) A pharmacy has 30 days following receipt of the preliminary audit report to  
1332 respond to questions, provide additional documentation, and comment on and clarify findings  
1333 of the audit. Receipt of the report shall be based on the postmark date or the date of a  
1334 computer transmission if transferred electronically.

1335 (7) If an audit results in the dispute or denial of a claim, the entity conducting the audit  
1336 shall allow the pharmacy to resubmit a claim using any commercially reasonable method,  
1337 including fax, mail, or electronic claims submission provided that the period of time when a  
1338 claim may be resubmitted has not expired under the rules of the plan sponsor.

1339 (8) (a) Within 120 days after the completion of the appeals process under Subsection  
1340 (9), a final audit report shall be delivered to the pharmacy or its corporate office of record.

1341 (b) The final audit report shall include a disclosure of any money recovered by the  
1342 entity that conducted the audit.

1343 (9) An entity that audits a pharmacy shall establish a written appeals process for  
1344 appealing a preliminary audit report and a final audit report, and shall provide the pharmacy  
1345 with notice of the written appeals process. If the pharmacy benefit manager's contract or  
1346 provider manual contains the information required by this Subsection (9), the requirement for  
1347 notice is met.

1348 Section 19. Section **58-24b-304** is amended to read:

1349 **58-24b-304. Exemptions from licensure.**

1350 (1) In addition to the exemptions from licensure described in Section [58-1-307](#), as  
1351 modified by Subsection [58-24b-302\(5\)](#), a person may engage in acts that constitute the practice  
1352 of physical therapy without a license issued under this chapter if:

1353 (a) the person is licensed under another law of the state to engage in acts that constitute  
1354 the practice of physical therapy if that person does not:

1355 (i) claim to be a physical therapist;

1356 (ii) claim to be a provider of any type of physical therapy that is outside of the scope of  
1357 practice of the license that is issued to the person; or

1358 (iii) engage in any acts that constitute the practice of physical therapy that are outside  
1359 of the scope of practice of the license that is issued to the person;

1360 (b) the person practices physical therapy, under federal law, in:

- 1361 (i) the United States armed services;
- 1362 (ii) the United States Public Health Service; or
- 1363 (iii) the [~~Veteran's~~] Veterans Administration;
- 1364 (c) the person is:
- 1365 (i) licensed as a physical therapist in:
- 1366 (A) a state, district, or territory of the United States, other than Utah; or
- 1367 (B) a country other than the United States; and
- 1368 (ii) (A) teaching, demonstrating, or providing physical therapy in connection with an
- 1369 educational seminar, if the person engages in this conduct in Utah no more than 60 days per
- 1370 calendar year;
- 1371 (B) practicing physical therapy directly related to the person's employment with, or
- 1372 contract with, an established athletic team, athletic organization, or performing arts company
- 1373 that plays, practices, competes, or performs in Utah no more than 60 days per calendar year; or
- 1374 (C) providing consultation by telecommunication to a physical therapist;
- 1375 (d) the person:
- 1376 (i) (A) is licensed as a physical therapist assistant under federal law; and
- 1377 (B) practices within the scope of practice authorized by federal law for a physical
- 1378 therapist assistant; or
- 1379 (ii) (A) is licensed as a physical therapist assistant in:
- 1380 (I) a state, district, or territory of the United States, other than Utah; or
- 1381 (II) a country other than the United States; and
- 1382 (B) (I) practices within the scope of practice authorized for a physical therapist
- 1383 assistant by the jurisdiction described in Subsection (1)(d)(ii)(A); and
- 1384 (II) within the limitations for the practice of physical therapy described in Subsection
- 1385 (1)(c)(ii); or
- 1386 (e) the person:
- 1387 (i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act;
- 1388 (ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical
- 1389 Practice Act; or
- 1390 (iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic
- 1391 Physician Practice Act.

1392 (2) A person who is exempted from licensure under Subsection (1)(b) may practice  
1393 animal physical therapy without a license under this section if the person:

- 1394 (a) is authorized to practice animal physical therapy under federal law; and
- 1395 (b) practices animal physical therapy within the scope of practice authorized by federal  
1396 law.

1397 (3) A person who is exempted from licensure under Subsection (1)(c) may practice  
1398 animal physical therapy without a license under this section if the person:

- 1399 (a) is authorized to practice animal physical therapy in:
  - 1400 (i) a state, district, or territory of the United States, other than Utah; or
  - 1401 (ii) a country other than the United States; and
- 1402 (b) practices animal physical therapy:
  - 1403 (i) within the scope of practice for the jurisdiction described in Subsection (3)(a) where  
1404 the person is authorized to practice animal physical therapy; and
  - 1405 (ii) within the limitations for the practice of physical therapy described in Subsection  
1406 (1)(c)(ii).

1407 Section 20. Section **59-2-1104 (Superseded 01/01/19)** is amended to read:

1408 **59-2-1104 (Superseded 01/01/19). Definitions -- Armed forces exemption --**  
1409 **Amount of armed forces exemption.**

1410 (1) As used in this section and Section [59-2-1105](#):

1411 (a) "Active component of the United States Armed Forces" is as defined in Section  
1412 [59-10-1027](#).

1413 (b) "Adjusted taxable value limit" means:

- 1414 (i) for the calendar year that begins on January 1, 2015, \$252,126; and
- 1415 (ii) for each calendar year after the calendar year described in Subsection (1)(b)(i), the  
1416 amount of the adjusted taxable value limit for the previous year, plus an amount calculated by  
1417 multiplying the amount of the adjusted taxable value limit for the previous year by the actual  
1418 percent change in the consumer price index during the previous calendar year.

1419 (c) "Claimant" means:

1420 (i) a veteran with a disability who files an application under Section [59-2-1105](#) for an  
1421 exemption under this section;

1422 (ii) the unmarried surviving spouse:

- 1423 (A) of a:
- 1424 (I) deceased veteran with a disability; or
- 1425 (II) veteran who was killed in action or died in the line of duty; and
- 1426 (B) who files an application under Section 59-2-1105 for an exemption under this
- 1427 section;
- 1428 (iii) a minor orphan:
- 1429 (A) of a:
- 1430 (I) deceased veteran with a disability; or
- 1431 (II) veteran who was killed in action or died in the line of duty; and
- 1432 (B) who files an application under Section 59-2-1105 for an exemption under this
- 1433 section; or
- 1434 (iv) a member of an active component of the United States Armed Forces or a reserve
- 1435 component of the United States Armed Forces who performed qualifying active duty military
- 1436 service.
- 1437 (d) "Consumer price index" is as described in Section 1(f)(4), Internal Revenue Code,
- 1438 and defined in Section 1(f)(5), Internal Revenue Code.
- 1439 (e) "Deceased veteran with a disability" means a deceased person who was a veteran
- 1440 with a disability at the time the person died.
- 1441 (f) "Military entity" means:
- 1442 (i) the ~~federal~~ United States Department of Veterans Affairs;
- 1443 (ii) an active component of the United States Armed Forces; or
- 1444 (iii) a reserve component of the United States Armed Forces.
- 1445 (g) "Property taxes due" means the taxes due on a claimant's property:
- 1446 (i) with respect to which a county grants an exemption under this section; and
- 1447 (ii) for the calendar year for which the county grants an exemption under this section.
- 1448 (h) "Property taxes paid" is an amount equal to the sum of:
- 1449 (i) the amount of the property taxes the claimant paid for the calendar year for which
- 1450 the claimant is applying for an exemption under this section; and
- 1451 (ii) the exemption the county grants for the calendar year described in Subsection
- 1452 (1)(h)(i).
- 1453 (i) "Qualifying active duty military service" means:

1454 (i) at least 200 days in a calendar year, regardless of whether consecutive, of active  
1455 duty military service outside the state in an active component of the United States Armed  
1456 Forces or a reserve component of the United States Armed Forces; or

1457 (ii) the completion of at least 200 consecutive days of active duty military service  
1458 outside the state:

1459 (A) in an active component of the United States Armed Forces or a reserve component  
1460 of the United States Armed Forces; and

1461 (B) that began in the prior year, if those days of active duty military service outside the  
1462 state in the prior year were not counted as qualifying active duty military service for purposes  
1463 of this section or Section 59-2-1105 in the prior year.

1464 (j) "Reserve component of the United States Armed Forces" is as defined in Section  
1465 59-10-1027.

1466 (k) "Residence" is as defined in Section 59-2-1202, except that a rented dwelling is not  
1467 considered to be a residence.

1468 (l) "Veteran who was killed in action or died in the line of duty" means a person who  
1469 was killed in action or died in the line of duty in an active component of the United States  
1470 Armed Forces or a reserve component of the United States Armed Forces, regardless of  
1471 whether that person had a disability at the time that person was killed in action or died in the  
1472 line of duty.

1473 (m) "Veteran with a disability" means a person with a disability who, during military  
1474 training or a military conflict, acquired a disability in the line of duty in an active component of  
1475 the United States Armed Forces or a reserve component of the United States Armed Forces, as  
1476 determined by a military entity.

1477 (2) (a) Subject to Subsection (2)(c), the amount of taxable value of the property  
1478 described in Subsection (2)(b) is exempt from taxation as calculated under Subsections (3)  
1479 through (6) if the property described in Subsection (2)(b) is owned by:

1480 (i) a veteran with a disability;

1481 (ii) the unmarried surviving spouse or a minor orphan of a:

1482 (A) deceased veteran with a disability; or

1483 (B) veteran who was killed in action or died in the line of duty; or

1484 (iii) a member of an active component of the United States Armed Forces or a reserve



1485 component of the United States Armed Forces who performed qualifying active duty military  
1486 service.

1487 (b) Subsection (2)(a) applies to the following property:

1488 (i) the claimant's primary residence;

1489 (ii) for a claimant described in Subsection (2)(a)(i) or (ii), tangible personal property

1490 that:

1491 (A) is held exclusively for personal use; and

1492 (B) is not used in a trade or business; or

1493 (iii) for a claimant described in Subsection (2)(a)(i) or (ii), a combination of  
1494 Subsections (2)(b)(i) and (ii).

1495 (c) For purposes of this section, property is considered to be the primary residence of a  
1496 person described in Subsection (2)(a)(i) or (iii) who does not reside in the residence if the  
1497 person:

1498 (i) does not reside in the residence because the person is admitted as an inpatient at a  
1499 health care facility as defined in Section [26-55-102](#); and

1500 (ii) otherwise meets the requirements of this section and Section [59-2-1105](#) to receive  
1501 an exemption under this section.

1502 (3) Except as provided in Subsection (4) or (5), the amount of taxable value of property  
1503 described in Subsection (2)(b) that is exempt under Subsection (2)(a) is:

1504 (a) as described in Subsection (6), if the property is owned by:

1505 (i) a veteran with a disability;

1506 (ii) the unmarried surviving spouse of a deceased veteran with a disability; or

1507 (iii) a minor orphan of a deceased veteran with a disability; or

1508 (b) equal to the total taxable value of the claimant's property described in Subsection

1509 (2)(b) if the property is owned by:

1510 (i) the unmarried surviving spouse of a veteran who was killed in action or died in the  
1511 line of duty;

1512 (ii) a minor orphan of a veteran who was killed in action or died in the line of duty; or

1513 (iii) a member of an active component of the United States Armed Forces or a reserve  
1514 component of the United States Armed Forces who performed qualifying active duty military  
1515 service.

1516 (4) (a) Subject to Subsections (4)(b) and (c), an exemption may not be allowed under  
1517 this section if the percentage of disability listed on the statement described in Subsection  
1518 59-2-1105(3)(a) is less than 10%.

1519 (b) Subsection (4)(a) does not apply to a claimant described in Subsection (2)(a)(iii).

1520 (c) A veteran with a disability is considered to have a 100% disability, regardless of the  
1521 percentage of disability listed on a statement described in Subsection 59-2-1105(3)(a), if the  
1522 United States Department of Veterans Affairs certifies the veteran in the classification of  
1523 individual unemployability.

1524 (5) A claimant who is the unmarried surviving spouse or minor orphan of a deceased  
1525 veteran with a disability may claim an exemption for the total value of the property described  
1526 in Subsection (2)(b) if:

1527 (a) the deceased veteran with a disability served in the military service of the United  
1528 States or the state prior to January 1, 1921; and

1529 (b) the percentage of disability listed on the statement described in Subsection  
1530 59-2-1105(3)(a) for the deceased veteran with a disability is 10% or more.

1531 (6) (a) Except as provided in Subsection (6)(b), the amount of the taxable value of the  
1532 property described in Subsection (2)(b) that is exempt under Subsection (3)(a) is equal to the  
1533 percentage of disability listed on the statement described in Subsection 59-2-1105(3)(a)  
1534 multiplied by the adjusted taxable value limit.

1535 (b) The amount of the taxable value of the property described in Subsection (2)(b) that  
1536 is exempt under Subsection (3)(a) may not be greater than the taxable value of the property  
1537 described in Subsection (2)(b).

1538 (7) For purposes of this section and Section 59-2-1105, a person who received an  
1539 honorable or general discharge from military service of an active component of the United  
1540 States Armed Forces or a reserve component of the United States Armed Forces:

1541 (a) is presumed to be a citizen of the United States; and

1542 (b) may not be required to provide additional proof of citizenship to establish that the  
1543 person is a citizen of the United States.

1544 (8) The Department of [~~Veterans~~] Veterans and Military Affairs created in Section  
1545 71-8-2 shall, through an informal hearing held in accordance with Title 63G, Chapter 4,  
1546 Administrative Procedures Act, resolve each dispute arising under this section concerning a

1547 veteran's status as a veteran with a disability.

1548 Section 21. Section **59-2-1104 (Effective 01/01/19)** is amended to read:

1549 **59-2-1104 (Effective 01/01/19). Definitions -- Armed forces exemption -- Amount**  
1550 **of armed forces exemption.**

1551 (1) As used in this section and Section [59-2-1105](#):

1552 (a) "Active component of the United States Armed Forces" means the same as that  
1553 term is defined in Section [59-10-1027](#).

1554 (b) "Adjusted taxable value limit" means:

1555 (i) for the calendar year that begins on January 1, 2015, \$252,126; and

1556 (ii) for each calendar year after the calendar year described in Subsection (1)(b)(i), the  
1557 amount of the adjusted taxable value limit for the previous year, plus an amount calculated by  
1558 multiplying the amount of the adjusted taxable value limit for the previous year by the actual  
1559 percent change in the consumer price index during the previous calendar year.

1560 (c) "Claimant" means:

1561 (i) a veteran with a disability who files an application under Section [59-2-1105](#) for an  
1562 exemption under this section;

1563 (ii) the unmarried surviving spouse:

1564 (A) of a:

1565 (I) deceased veteran with a disability; or

1566 (II) veteran who was killed in action or died in the line of duty; and

1567 (B) who files an application under Section [59-2-1105](#) for an exemption under this  
1568 section;

1569 (iii) a minor orphan:

1570 (A) of a:

1571 (I) deceased veteran with a disability; or

1572 (II) veteran who was killed in action or died in the line of duty; and

1573 (B) who files an application under Section [59-2-1105](#) for an exemption under this  
1574 section; or

1575 (iv) a member of an active component of the United States Armed Forces or a reserve  
1576 component of the United States Armed Forces who performed qualifying active duty military  
1577 service.

1578 (d) "Consumer price index" is as described in Section 1(f)(4), Internal Revenue Code,  
1579 and defined in Section 1(f)(5), Internal Revenue Code.

1580 (e) "Deceased veteran with a disability" means a deceased individual who was a  
1581 veteran with a disability at the time the individual died.

1582 (f) "Military entity" means:

1583 (i) the ~~[federal]~~ United States Department of Veterans Affairs;

1584 (ii) an active component of the United States Armed Forces; or

1585 (iii) a reserve component of the United States Armed Forces.

1586 (g) "Property taxes due" means the taxes due on a claimant's property:

1587 (i) with respect to which a county grants an exemption under this section; and

1588 (ii) for the calendar year for which the county grants an exemption under this section.

1589 (h) "Property taxes paid" is an amount equal to the sum of:

1590 (i) the amount of the property taxes the claimant paid for the calendar year for which  
1591 the claimant is applying for an exemption under this section; and

1592 (ii) the exemption the county grants for the calendar year described in Subsection  
1593 (1)(h)(i).

1594 (i) "Qualifying active duty military service" means at least 200 days, regardless of  
1595 whether consecutive, in any continuous 365-day period of active duty military service outside  
1596 the state in an active component of the United States Armed Forces or a reserve component of  
1597 the United States Armed Forces if the days of active duty military service:

1598 (i) were completed in the year before an individual applies for exemption under this  
1599 section in accordance with Section [59-2-1105](#); and

1600 (ii) have not previously been counted as qualifying active duty military service for  
1601 purposes of qualifying for an exemption under this section or applying for the exemption under  
1602 Section [59-2-1105](#).

1603 (j) "Reserve component of the United States Armed Forces" means the same as that  
1604 term is defined in Section [59-10-1027](#).

1605 (k) "Residence" means the same as that term is defined in Section [59-2-1202](#), except  
1606 that a rented dwelling is not considered to be a residence.

1607 (l) "Veteran who was killed in action or died in the line of duty" means an individual  
1608 who was killed in action or died in the line of duty in an active component of the United States

1609 Armed Forces or a reserve component of the United States Armed Forces, regardless of  
1610 whether that individual had a disability at the time that individual was killed in action or died  
1611 in the line of duty.

1612 (m) "Veteran with a disability" means an individual with a disability who, during  
1613 military training or a military conflict, acquired a disability in the line of duty in an active  
1614 component of the United States Armed Forces or a reserve component of the United States  
1615 Armed Forces, as determined by a military entity.

1616 (2) (a) Subject to Subsection (2)(c), the amount of taxable value of the property  
1617 described in Subsection (2)(b) is exempt from taxation as calculated under Subsections (3)  
1618 through (6) if the property described in Subsection (2)(b) is owned by:

1619 (i) a veteran with a disability;

1620 (ii) the unmarried surviving spouse or a minor orphan of a:

1621 (A) deceased veteran with a disability; or

1622 (B) veteran who was killed in action or died in the line of duty; or

1623 (iii) a member of an active component of the United States Armed Forces or a reserve  
1624 component of the United States Armed Forces who performed qualifying active duty military  
1625 service.

1626 (b) Subsection (2)(a) applies to the following property:

1627 (i) the claimant's primary residence;

1628 (ii) for a claimant described in Subsection (2)(a)(i) or (ii), tangible personal property

1629 that:

1630 (A) is held exclusively for personal use; and

1631 (B) is not used in a trade or business; or

1632 (iii) for a claimant described in Subsection (2)(a)(i) or (ii), a combination of

1633 Subsections (2)(b)(i) and (ii).

1634 (c) For purposes of this section, property is considered to be the primary residence of  
1635 an individual described in Subsection (2)(a)(i) or (iii) who does not reside in the residence if  
1636 the individual:

1637 (i) does not reside in the residence because the individual is admitted as an inpatient at  
1638 a health care facility as defined in Section 26-55-102; and

1639 (ii) otherwise meets the requirements of this section and Section 59-2-1105 to receive

1640 an exemption under this section.

1641 (3) Except as provided in Subsection (4) or (5), the amount of taxable value of property  
1642 described in Subsection (2)(b) that is exempt under Subsection (2)(a) is:

1643 (a) as described in Subsection (6), if the property is owned by:

1644 (i) a veteran with a disability;

1645 (ii) the unmarried surviving spouse of a deceased veteran with a disability; or

1646 (iii) a minor orphan of a deceased veteran with a disability; or

1647 (b) equal to the total taxable value of the claimant's property described in Subsection

1648 (2)(b) if the property is owned by:

1649 (i) the unmarried surviving spouse of a veteran who was killed in action or died in the  
1650 line of duty;

1651 (ii) a minor orphan of a veteran who was killed in action or died in the line of duty; or

1652 (iii) a member of an active component of the United States Armed Forces or a reserve  
1653 component of the United States Armed Forces who performed qualifying active duty military  
1654 service.

1655 (4) (a) Subject to Subsections (4)(b) and (c), an exemption may not be allowed under  
1656 this section if the percentage of disability listed on the statement described in Subsection  
1657 59-2-1105(3)(a) is less than 10%.

1658 (b) Subsection (4)(a) does not apply to a claimant described in Subsection (2)(a)(iii).

1659 (c) A veteran with a disability is considered to have a 100% disability, regardless of the  
1660 percentage of disability listed on a statement described in Subsection 59-2-1105(3)(a), if the  
1661 United States Department of Veterans Affairs certifies the veteran in the classification of  
1662 individual unemployability.

1663 (5) A claimant who is the unmarried surviving spouse or minor orphan of a deceased  
1664 veteran with a disability may claim an exemption for the total value of the property described  
1665 in Subsection (2)(b) if:

1666 (a) the deceased veteran with a disability served in the military service of the United  
1667 States or the state prior to January 1, 1921; and

1668 (b) the percentage of disability listed on the statement described in Subsection  
1669 59-2-1105(3)(a) for the deceased veteran with a disability is 10% or more.

1670 (6) (a) Except as provided in Subsection (6)(b), the amount of the taxable value of the

1671 property described in Subsection (2)(b) that is exempt under Subsection (3)(a) is equal to the  
1672 percentage of disability listed on the statement described in Subsection 59-2-1105(3)(a)  
1673 multiplied by the adjusted taxable value limit.

1674 (b) The amount of the taxable value of the property described in Subsection (2)(b) that  
1675 is exempt under Subsection (3)(a) may not be greater than the taxable value of the property  
1676 described in Subsection (2)(b).

1677 (7) For purposes of this section and Section 59-2-1105, an individual who received an  
1678 honorable or general discharge from military service of an active component of the United  
1679 States Armed Forces or a reserve component of the United States Armed Forces:

1680 (a) is presumed to be a citizen of the United States; and

1681 (b) may not be required to provide additional proof of citizenship to establish that the  
1682 individual is a citizen of the United States.

1683 (8) The Department of [~~Veterans~~] Veterans and Military Affairs created in Section  
1684 71-8-2 shall, through an informal hearing held in accordance with Title 63G, Chapter 4,  
1685 Administrative Procedures Act, resolve each dispute arising under this section concerning a  
1686 veteran's status as a veteran with a disability.

1687 Section 22. Section 63B-18-301 is amended to read:

1688 **63B-18-301. Authorizations to design and construct capital facilities using**  
1689 **institutional or agency funds.**

1690 (1) The Legislature intends that:

1691 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State  
1692 Building Board - Division of Facilities Construction and Management, use institutional funds  
1693 to plan and design an ambulatory care complex;

1694 (b) this authorization and the existence of plans and designs do not guarantee nor  
1695 improve the chances for legislative approval of the remainder of the building in any subsequent  
1696 year; and

1697 (c) no state funds be used for any portion of this planning and design.

1698 (2) The Legislature intends that:

1699 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State  
1700 Building Board - Division of Facilities Construction and Management, use \$64,445,000 in  
1701 donations to plan, design, and construct a replacement and expansion of the Eccles School of

1702 Business Building, with 135,000 new square feet;

1703 (b) no state funds be used for any portion of this project unless expressly appropriated  
1704 for this purpose or approved in a general obligation bond bill; and

1705 (c) the university may request state funds for operation and maintenance costs and  
1706 capital improvements to the extent that the university is able to demonstrate to the Board of  
1707 Regents that the facility meets approved academic and training purposes under Board of  
1708 Regents policy R710.

1709 (3) The Legislature intends that:

1710 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State  
1711 Building Board - Division of Facilities Construction and Management, use \$8,689,000 in  
1712 donations to plan, design, and construct a renovation of the Kennecott Building, with 19,400  
1713 new square feet;

1714 (b) no state funds be used for any portion of this project; and

1715 (c) the university may request state funds for operation and maintenance costs and  
1716 capital improvements to the extent that the university is able to demonstrate to the Board of  
1717 Regents that the facility meets approved academic and training purposes under Board of  
1718 Regents policy R710.

1719 (4) The Legislature intends that:

1720 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State  
1721 Building Board - Division of Facilities Construction and Management, use \$30,737,000 in  
1722 donations to plan, design, and construct a Sorenson Arts and Education Complex, with 85,400  
1723 new square feet;

1724 (b) no state funds be used for any portion of this project; and

1725 (c) the university may request state funds for operation and maintenance costs and  
1726 capital improvements to the extent that the university is able to demonstrate to the Board of  
1727 Regents that the facility meets approved academic and training purposes under Board of  
1728 Regents policy R710.

1729 (5) The Legislature intends that:

1730 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State  
1731 Building Board - Division of Facilities Construction and Management, use \$4,477,500 in  
1732 donations to plan, design, and construct a Meldrum Civil Engineering Building, with 11,800



1733 new square feet;

1734 (b) no state funds be used for any portion of this project; and

1735 (c) the university may request state funds for operation and maintenance costs and

1736 capital improvements to the extent that the university is able to demonstrate to the Board of

1737 Regents that the facility meets approved academic and training purposes under Board of

1738 Regents policy R710.

1739 (6) The Legislature intends that:

1740 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State

1741 Building Board - Division of Facilities Construction and Management, negotiate with a private

1742 developer to develop the Universe Project on land west of the university football stadium;

1743 (b) before entering into a contract with the developer, the university shall:

1744 (i) present the final contract terms to the Legislature's Executive Appropriations

1745 Committee;

1746 (ii) obtain the approval of the State Building Board; and

1747 (iii) the State Building Board may approve the agreement only if the university

1748 demonstrates that the contract terms will be a benefit to the state;

1749 (c) no state funds be used for any portion of this project; and

1750 (d) the university may request state funds for operation and maintenance costs and

1751 capital improvements to the extent that the university is able to demonstrate to the Board of

1752 Regents that the facility meets approved academic and training purposes under Board of

1753 Regents policy R710.

1754 (7) The Legislature intends that:

1755 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State

1756 Building Board - Division of Facilities Construction and Management, use \$2,650,000 in

1757 grants and institutional funds to plan, design, and construct a Business Resource Center, with

1758 12,000 new square feet;

1759 (b) no state funds be used for any portion of this project; and

1760 (c) the university may request state funds for operation and maintenance costs and

1761 capital improvements to the extent that the university is able to demonstrate to the Board of

1762 Regents that the facility meets approved academic and training purposes under Board of

1763 Regents policy R710.

1764 (8) The Legislature intends that:

1765 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State  
1766 Building Board - Division of Facilities Construction and Management, use \$1,200,000 in  
1767 donations and institutional funds to plan, design, and construct a track and field facility;

1768 (b) no state funds be used for any portion of this project; and

1769 (c) the university may request state funds for operation and maintenance costs and  
1770 capital improvements to the extent that the university is able to demonstrate to the Board of  
1771 Regents that the facility meets approved academic and training purposes under Board of  
1772 Regents policy R710.

1773 (9) The Legislature intends that:

1774 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State  
1775 Building Board - Division of Facilities Construction and Management, use \$600,000 in  
1776 institutional funds to plan, design, and construct intramural playing fields;

1777 (b) no state funds be used for any portion of this project; and

1778 (c) the university may request state funds for operation and maintenance costs and  
1779 capital improvements to the extent that the university is able to demonstrate to the Board of  
1780 Regents that the facility meets approved academic and training purposes under Board of  
1781 Regents policy R710.

1782 (10) The Legislature intends that:

1783 (a) Southern Utah University may, subject to requirements in Title 63A, Chapter 5,  
1784 State Building Board - Division of Facilities Construction and Management, use \$2,000,000 in  
1785 donations to plan, design, and construct a baseball and soccer complex upgrade;

1786 (b) no state funds be used for any portion of this project; and

1787 (c) the university may not request state funds for operation and maintenance costs or  
1788 capital improvements.

1789 (11) The Legislature intends that:

1790 (a) the Department of Natural Resources may, subject to requirements in Title 63A,  
1791 Chapter 5, State Building Board - Division of Facilities Construction and Management, use  
1792 \$3,000,000 in federal grants to plan, design, and construct an interagency fire dispatch center,  
1793 with 10,000 new square feet;

1794 (b) no state funds be used for any portion of this project; and

1795 (c) the department may not request state funds for operation and maintenance costs or  
1796 capital improvements.

1797 (12) The Legislature intends that:

1798 (a) the Department of Natural Resources may, subject to requirements in Title 63A,  
1799 Chapter 5, State Building Board - Division of Facilities Construction and Management, use  
1800 \$7,500,000 in federal grants to plan, design, and construct a curation facility in Vernal, with  
1801 21,000 new square feet;

1802 (b) no state funds be used for any portion of this project; and

1803 (c) the department may not request state funds for operation and maintenance costs or  
1804 capital improvements.

1805 (13) The Legislature intends that:

1806 (a) the Department of Natural Resources may, subject to requirements in Title 63A,  
1807 Chapter 5, State Building Board - Division of Facilities Construction and Management, use  
1808 \$650,000 in federal grants to plan, design, and construct an expansion to the seed warehouse at  
1809 the Great Basin Research Center, with 9,000 new square feet;

1810 (b) no state funds be used for any portion of this project unless expressly appropriated  
1811 for this purpose; and

1812 (c) the department may not request state funds for operation and maintenance costs or  
1813 capital improvements.

1814 (14) The Legislature intends that:

1815 (a) the Department of [~~Veterans~~] Veterans and Military Affairs may, subject to  
1816 requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities  
1817 Construction and Management, use \$3,500,000 in federal grants to plan, design, and construct  
1818 improvements at the [~~Veterans~~] Veterans Cemetery, with 15,000 new square feet;

1819 (b) no state funds be used for any portion of this project unless expressly appropriated  
1820 for this purpose; and

1821 (c) the department may not request state funds for operation and maintenance costs or  
1822 capital improvements.

1823 Section 23. Section **63G-1-301** is amended to read:

1824 **63G-1-301. Legal holidays -- Personal preference day -- Governor authorized to**  
1825 **declare additional days.**

- 1826 (1) (a) The following-named days are legal holidays in this state:
- 1827 (i) every Sunday;
- 1828 (ii) January 1, called New Year's Day;
- 1829 (iii) the third Monday of January, called Dr. Martin Luther King, Jr. Day;
- 1830 (iv) the third Monday of February, called Washington and Lincoln Day;
- 1831 (v) the last Monday of May, called Memorial Day;
- 1832 (vi) July 4, called Independence Day;
- 1833 (vii) July 24, called Pioneer Day;
- 1834 (viii) the first Monday of September, called Labor Day;
- 1835 (ix) the second Monday of October, called Columbus Day;
- 1836 (x) November 11, called [~~Veterans~~] Veterans Day;
- 1837 (xi) the fourth Thursday of November, called Thanksgiving Day;
- 1838 (xii) December 25, called Christmas; and
- 1839 (xiii) all days which may be set apart by the President of the United States, or the
- 1840 governor of this state by proclamation as days of fast or thanksgiving.
- 1841 (b) If any of the holidays under Subsection (1)(a), except the first mentioned, namely
- 1842 Sunday, falls on Sunday, then the following Monday shall be the holiday.
- 1843 (c) If any of the holidays under Subsection (1)(a) falls on Saturday the preceding Friday
- 1844 shall be the holiday.
- 1845 (d) Each employee may select one additional day, called Personal Preference Day, to
- 1846 be scheduled pursuant to rules adopted by the Department of Human Resource Management.
- 1847 (2) (a) Whenever in the governor's opinion extraordinary conditions exist justifying the
- 1848 action, the governor may:
- 1849 (i) declare, by proclamation, legal holidays in addition to those holidays under
- 1850 Subsection (1); and
- 1851 (ii) limit the holidays to certain classes of business and activities to be designated by
- 1852 the governor.
- 1853 (b) A holiday may not extend for a longer period than 60 consecutive days.
- 1854 (c) Any holiday may be renewed for one or more periods not exceeding 30 days each as
- 1855 the governor may consider necessary, and any holiday may, by like proclamation, be terminated
- 1856 before the expiration of the period for which it was declared.

- 1857 Section 24. Section **63G-1-401** is amended to read:
- 1858 **63G-1-401. Commemorative periods.**
- 1859 (1) The following days shall be commemorated annually:
- 1860 (a) Bill of Rights Day, on December 15;
- 1861 (b) Constitution Day, on September 17;
- 1862 (c) Yellow Ribbon Day, on the third Monday in May, in honor of men and women who
- 1863 are serving or have served in the United States Armed Forces around the world in defense of
- 1864 freedom;
- 1865 (d) POW/MIA Recognition Day, on the third Friday in September;
- 1866 (e) Indigenous People Day, on the Monday immediately preceding Thanksgiving;
- 1867 (f) Utah State Flag Day, on March 9;
- 1868 (g) Vietnam Veterans Recognition Day, on March 29;
- 1869 (h) Utah History Day at the Capitol, on the Friday immediately following the fourth
- 1870 Monday in January, to encourage citizens of the state, including students, to participate in
- 1871 activities that recognize Utah's history; and
- 1872 (i) Juneteenth Freedom Day, on the third Saturday in June, in honor of Union General
- 1873 Gordon Granger proclaiming the freedom of all slaves on June 19, 1865, in Galveston, Texas;
- 1874 (j) Arthrogyposis Multiplex Congenita Awareness Day, on June 30; and
- 1875 (k) Rachael Runyan/Missing and Exploited Children's Day, on August 26, the
- 1876 anniversary of the day three-year-old Rachael Runyan was kidnaped from a playground in
- 1877 Sunset, Utah, to:
- 1878 (i) encourage individuals to make child safety a priority;
- 1879 (ii) remember the importance of continued efforts to reunite missing children with their
- 1880 families; and
- 1881 (iii) honor Rachael Runyan and all Utah children who have been abducted or exploited.
- 1882 (2) The Department of [~~Veterans~~] Veterans and Military Affairs shall coordinate
- 1883 activities, special programs, and promotional information to heighten public awareness and
- 1884 involvement relating to Subsections (1)(c) and (d).
- 1885 (3) The month of October shall be commemorated annually as Italian-American
- 1886 Heritage Month.
- 1887 (4) The month of November shall be commemorated annually as American Indian

1888 Heritage Month.

1889 (5) The month of April shall be commemorated annually as Clean Out the Medicine  
1890 Cabinet Month to:

1891 (a) recognize the urgent need to make Utah homes and neighborhoods safe from  
1892 prescription medication abuse and poisonings by the proper home storage and disposal of  
1893 prescription and over-the-counter medications; and

1894 (b) educate citizens about the permanent medication disposal sites in Utah listed on  
1895 useonlyasdirected.org that allow disposal throughout the year.

1896 (6) The first full week of May shall be commemorated annually as State Water Week  
1897 to recognize the importance of water conservation, quality, and supply in the state.

1898 (7) The second Friday and Saturday in August shall be commemorated annually as  
1899 Utah Fallen Heroes Days to:

1900 (a) honor fallen heroes who, during service in the military or public safety, have  
1901 sacrificed their lives to protect the country and the citizens of the state; and

1902 (b) encourage political subdivisions to acknowledge and honor fallen heroes.

1903 (8) The third full week in August shall be commemorated annually as Drowsy Driving  
1904 Awareness Week to:

1905 (a) educate the public about the relationship between fatigue and driving performance;  
1906 and

1907 (b) encourage the Department of Public Safety and the Department of Transportation to  
1908 recognize and promote educational efforts on the dangers of drowsy driving.

1909 (9) The third full week of June shall be commemorated annually as Workplace Safety  
1910 Week to heighten public awareness regarding the importance of safety in the workplace.

1911 (10) The second full week of April shall be commemorated annually as Animal Care  
1912 and Control Appreciation Week to recognize and increase awareness within the community of  
1913 the services that animal care and control professionals provide.

1914 Section 25. Section **63G-1-703** is amended to read:

1915 **63G-1-703. Display of POW/MIA flag.**

1916 (1) In any place at the capitol hill complex where the United States flag is displayed  
1917 out of doors, the entity responsible for the display of the United States flag shall display the  
1918 POW/MIA flag, in the manner described in Subsection (2), from sunrise to sunset on the

1919 following days:

1920 (a) Armed Forces Day, the third Saturday in May;

1921 (b) Memorial Day, the last Monday in May;

1922 (c) Flag Day, June 14;

1923 (d) Independence Day, July 4;

1924 (e) [~~Veteran's~~] Veterans Day, November 11; and

1925 (f) National POW/MIA Recognition Day, the third Friday in September.

1926 (2) When displaying the POW/MIA flag under Subsection (1), the entity responsible to  
1927 display the flag shall fly or hang the POW/MIA flag as follows:

1928 (a) if the United States flag and the POW/MIA flag are attached to the same flag pole,  
1929 by placing the POW/MIA flag directly under the United States flag; or

1930 (b) if the United States flag and the POW/MIA flag are displayed near each other, but  
1931 not on the same flag pole, by placing the top of the POW/MIA flag below the top of the United  
1932 States flag.

1933 Section 26. Section **63J-1-219** is amended to read:

1934 **63J-1-219. Definitions -- Federal receipts reporting requirements.**

1935 (1) As used in this section:

1936 (a) (i) "Designated state agency" means the Department of Administrative Services, the  
1937 Department of Agriculture and Food, the Department of Alcoholic Beverage Control, the  
1938 Department of Commerce, the Department of Heritage and Arts, the Department of  
1939 Corrections, the Department of Environmental Quality, the Department of Financial  
1940 Institutions, the Department of Health, the Department of Human Resource Management, the  
1941 Department of Human Services, the Department of Insurance, the Department of Natural  
1942 Resources, the Department of Public Safety, the Department of Technology Services, the  
1943 Department of Transportation, the Department of [~~Veterans~~] Veterans and Military Affairs, the  
1944 Department of Workforce Services, the Labor Commission, the Office of Economic  
1945 Development, the Public Service Commission, the State Board of Regents, the State Board of  
1946 Education, the State Tax Commission, or the Utah National Guard.

1947 (ii) "Designated state agency" does not include the judicial branch, the legislative  
1948 branch, or an office or other entity within the judicial branch or the legislative branch.

1949 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.

1950 Sec. 7501, that is reported as part of a single audit.

1951 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

1952 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or

1953 before October 31, prepare a report that:

1954 (a) reports the aggregate value of federal receipts the designated state agency received

1955 for the preceding fiscal year;

1956 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the

1957 designated state agency for the preceding fiscal year;

1958 (c) calculates the percentage of the designated state agency's total budget for the

1959 preceding fiscal year that constitutes federal receipts that the designated state agency received

1960 for that fiscal year; and

1961 (d) develops plans for operating the designated state agency if there is a reduction of:

1962 (i) 5% or more in the federal receipts that the designated state agency receives; and

1963 (ii) 25% or more in the federal receipts that the designated state agency receives.

1964 (3) (a) The report required by Subsection (2) that the Board of Regents prepares shall

1965 include the information required by Subsections (2)(a) through (c) for each state institution of

1966 higher education listed in Section [53B-2-101](#).

1967 (b) The report required by Subsection (2) that the State Board of Education prepares

1968 shall include the information required by Subsections (2)(a) through (c) for each school district

1969 and each charter school within the public education system.

1970 (4) A designated state agency that prepares a report in accordance with Subsection (2)

1971 shall submit the report to the Division of Finance on or before November 1 of each year.

1972 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a

1973 report that:

1974 (i) compiles and summarizes the reports the Division of Finance receives in accordance

1975 with Subsection (4); and

1976 (ii) compares the aggregate value of federal receipts each designated state agency

1977 received for the previous fiscal year to the aggregate amount of federal funds appropriated by

1978 the Legislature to that designated state agency for that fiscal year.

1979 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),

1980 compile a list of designated state agencies that do not submit a report as required by this



1981 section.

1982 (6) The Division of Finance shall submit the report required by Subsection (5) to the  
1983 Executive Appropriations Committee on or before December 1 of each year.

1984 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive  
1985 Appropriations Committee shall place the report on the agenda for review and consideration at  
1986 the next Executive Appropriations Committee meeting.

1987 (8) When considering the report required by Subsection (5), the Executive  
1988 Appropriations Committee may elect to:

1989 (a) recommend that the Legislature reduce or eliminate appropriations for a designated  
1990 state agency;

1991 (b) take no action; or

1992 (c) take another action that a majority of the committee approves.

1993 Section 27. Section **67-19-6.7** is amended to read:

1994 **67-19-6.7. Overtime policies for state employees.**

1995 (1) As used in this section:

1996 (a) "Accrued overtime hours" means:

1997 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end  
1998 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt  
1999 state employee who accrued them; and

2000 (ii) for exempt employees, overtime hours earned during an overtime year.

2001 (b) "Appointed official" means:

2002 (i) each department executive director and deputy director, each division director, and  
2003 each member of a board or commission; and

2004 (ii) any other person employed by a department who is appointed by, or whose  
2005 appointment is required by law to be approved by, the governor and who:

2006 (A) is paid a salary by the state; and

2007 (B) who exercises managerial, policy-making, or advisory responsibility.

2008 (c) "Department" means the Department of Administrative Services, the Department of  
2009 Corrections, the Department of Financial Institutions, the Department of Alcoholic Beverage  
2010 Control, the Insurance Department, the Public Service Commission, the Labor Commission,  
2011 the Department of Agriculture and Food, the Department of Human Services, the Department

2012 of Natural Resources, the Department of Technology Services, the Department of  
2013 Transportation, the Department of Commerce, the Department of Workforce Services, the State  
2014 Tax Commission, the Department of Heritage and Arts, the Department of Health, the National  
2015 Guard, the Department of Environmental Quality, the Department of Public Safety, the  
2016 Department of Human Resource Management, the Commission on Criminal and Juvenile  
2017 Justice, all merit employees except attorneys in the Office of the Attorney General, merit  
2018 employees in the Office of the State Treasurer, merit employees in the Office of the State  
2019 Auditor, Department of [~~Veterans~~] Veterans and Military Affairs, and the Board of Pardons  
2020 and Parole.

2021 (d) "Elected official" means any person who is an employee of the state because the  
2022 person was elected by the registered voters of Utah to a position in state government.

2023 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair  
2024 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2025 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2026 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards  
2027 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of  
2028 compensation the nonexempt employee will receive for overtime.

2029 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by  
2030 the Department of Human Resource Management applying FLSA requirements.

2031 (i) "Overtime" means actual time worked in excess of the employee's defined work  
2032 period.

2033 (j) "Overtime year" means the year determined by a department under Subsection  
2034 (4)(b) at the end of which an exempt employee's accrued overtime lapses.

2035 (k) "State employee" means every person employed by a department who is not:

2036 (i) an appointed official;

2037 (ii) an elected official; or

2038 (iii) a member of a board or commission who is paid only for per diem or travel  
2039 expenses.

2040 (l) "Uniform annual date" means the date when an exempt employee's accrued  
2041 overtime lapses.

2042 (m) "Work period" means:

- 2043 (i) for all nonexempt employees, except law enforcement and hospital employees, a  
2044 consecutive seven day 24 hour work period of 40 hours;
- 2045 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and
- 2046 (iii) for nonexempt law enforcement and hospital employees, the period established by  
2047 each department by rule for those employees according to the requirements of the Fair Labor  
2048 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.
- 2049 (2) Each department shall compensate each state employee who works overtime by  
2050 complying with the requirements of this section.
- 2051 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each  
2052 nonexempt employee.
- 2053 (b) In the FLSA agreement, the nonexempt employee shall elect either to be  
2054 compensated for overtime by:
- 2055 (i) taking time off work at the rate of one and one-half hour off for each overtime hour  
2056 worked; or
- 2057 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per  
2058 hour that the state employee receives for nonovertime work.
- 2059 (c) Any nonexempt employee who elects to take time off under this Subsection (3)  
2060 shall be paid for any overtime worked in excess of the cap established by the Department of  
2061 Human Resource Management.
- 2062 (d) Before working any overtime, each nonexempt employee shall obtain authorization  
2063 to work overtime from the employee's immediate supervisor.
- 2064 (e) Each department shall:
- 2065 (i) for employees who elect to be compensated with time off for overtime, allow  
2066 overtime earned during a fiscal year to be accumulated; and
- 2067 (ii) for employees who elect to be paid for overtime worked, pay them for overtime  
2068 worked in the paycheck for the pay period in which the employee worked the overtime.
- 2069 (f) If the department pays a nonexempt employee for overtime, the department shall  
2070 charge that payment to the department's budget.
- 2071 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued  
2072 overtime hours for nonexempt employees and charge that total against the appropriate fund or  
2073 subfund.

2074 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall  
2075 compensate exempt employees who work overtime by granting them time off at the rate of one  
2076 hour off for each hour of overtime worked.

2077 (ii) The executive director of the Department of Human Resource Management may  
2078 grant limited exceptions to this requirement, where work circumstances dictate, by authorizing  
2079 a department to pay employees for overtime worked at the rate per hour that the employee  
2080 receives for nonovertime work, if the department has funds available.

2081 (b) (i) Each department shall:

2082 (A) establish in its written human resource policies a uniform annual date for each  
2083 division that is at the end of any pay period; and

2084 (B) communicate the uniform annual date to its employees.

2085 (ii) If any department fails to establish a uniform annual date as required by this  
2086 Subsection (4), the executive director of the Department of Human Resource Management, in  
2087 conjunction with the director of the Division of Finance, shall establish the date for that  
2088 department.

2089 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a  
2090 benefit, and is not a vested right.

2091 (ii) A court may not construe the overtime for exempt employees authorized by this  
2092 Subsection (4) as an entitlement, a benefit, or as a vested right.

2093 (d) At the end of the overtime year, upon transfer to another department at any time,  
2094 and upon termination, retirement, or other situations where the employee will not return to  
2095 work before the end of the overtime year:

2096 (i) any of an exempt employee's overtime that is more than the maximum established  
2097 by the Department of Human Resource Management rule lapses; and

2098 (ii) unless authorized by the executive director of the Department of Human Resource  
2099 Management under Subsection (4)(a)(ii), a department may not compensate the exempt  
2100 employee for that lapsed overtime by paying the employee for the overtime or by granting the  
2101 employee time off for the lapsed overtime.

2102 (e) Before working any overtime, each exempt employee shall obtain authorization to  
2103 work overtime from the exempt employee's immediate supervisor.

2104 (f) If the department pays an exempt employee for overtime under authorization from

2105 the executive director of the Department of Human Resource Management, the department  
2106 shall charge that payment to the department's budget in the pay period earned.

2107 (5) The Department of Human Resource Management shall:

2108 (a) ensure that the provisions of the FLSA and this section are implemented throughout  
2109 state government;

2110 (b) determine, for each state employee, whether that employee is exempt, nonexempt,  
2111 law enforcement, or has some other status under the FLSA;

2112 (c) in coordination with modifications to the systems operated by the Division of  
2113 Finance, make rules:

2114 (i) establishing procedures for recording overtime worked that comply with FLSA  
2115 requirements;

2116 (ii) establishing requirements governing overtime worked while traveling and  
2117 procedures for recording that overtime that comply with FLSA requirements;

2118 (iii) establishing requirements governing overtime worked if the employee is "on call"  
2119 and procedures for recording that overtime that comply with FLSA requirements;

2120 (iv) establishing requirements governing overtime worked while an employee is being  
2121 trained and procedures for recording that overtime that comply with FLSA requirements;

2122 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt  
2123 employee may accrue before a department is required to pay the employee for the overtime  
2124 worked;

2125 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an  
2126 exempt employee that do not lapse; and

2127 (vii) establishing procedures for adjudicating appeals of any FLSA determinations  
2128 made by the Department of Human Resource Management as required by this section;

2129 (d) monitor departments for compliance with the FLSA; and

2130 (e) recommend to the Legislature and the governor any statutory changes necessary  
2131 because of federal government action.

2132 (6) In coordination with the procedures for recording overtime worked established in  
2133 rule by the Department of Human Resource Management, the Division of Finance shall modify  
2134 its payroll and human resource systems to accommodate those procedures.

2135 (a) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,

2136 Administrative Procedures Act, Section 67-19-31, and Section 67-19a-301, any employee who  
2137 is aggrieved by the FLSA designation made by the Department of Human Resource  
2138 Management as required by this section may appeal that determination to the executive director  
2139 of the Department of Human Resource Management by following the procedures and  
2140 requirements established in Department of Human Resource Management rule.

2141 (b) Upon receipt of an appeal under this section, the executive director shall notify the  
2142 executive director of the employee's department that the appeal has been filed.

2143 (c) If the employee is aggrieved by the decision of the executive director of the  
2144 Department of Human Resource Management, the employee shall appeal that determination to  
2145 the Department of Labor, Wage and Hour Division, according to the procedures and  
2146 requirements of federal law.

2147 Section 28. Section 67-19-15 is amended to read:

2148 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**  
2149 **positions -- Coverage of career service provisions.**

2150 (1) Except as otherwise provided by law or by rules and regulations established for  
2151 federally aided programs, the following positions are exempt from the career service provisions  
2152 of this chapter and are designated under the following schedules:

2153 (a) schedule AA includes the governor, members of the Legislature, and all other  
2154 elected state officers;

2155 (b) schedule AB includes appointed executives and board or commission executives  
2156 enumerated in Section 67-22-2;

2157 (c) schedule AC includes all employees and officers in:

2158 (i) the office and at the residence of the governor;

2159 (ii) the Utah Science Technology and Research Initiative (USTAR);

2160 (iii) the Public Lands Policy Coordinating Council;

2161 (iv) the Office of the State Auditor; and

2162 (v) the Office of the State Treasurer;

2163 (d) schedule AD includes employees who:

2164 (i) are in a confidential relationship to an agency head or commissioner; and

2165 (ii) report directly to, and are supervised by, a department head, commissioner, or  
2166 deputy director of an agency or its equivalent;

- 2167 (e) schedule AE includes each employee of the State Board of Education that the State  
2168 Board of Education designates as exempt from the career service provisions of this chapter;
- 2169 (f) schedule AG includes employees in the Office of the Attorney General who are  
2170 under their own career service pay plan under Sections 67-5-7 through 67-5-13;
- 2171 (g) schedule AH includes:
- 2172 (i) teaching staff of all state institutions; and
- 2173 (ii) employees of the Utah Schools for the Deaf and the Blind who are:
- 2174 (A) educational interpreters as classified by the department; or
- 2175 (B) educators as defined by Section 53A-25b-102;
- 2176 (h) schedule AN includes employees of the Legislature;
- 2177 (i) schedule AO includes employees of the judiciary;
- 2178 (j) schedule AP includes all judges in the judiciary;
- 2179 (k) schedule AQ includes:
- 2180 (i) members of state and local boards and councils appointed by the governor and  
2181 governing bodies of agencies;
- 2182 (ii) a water commissioner appointed under Section 73-5-1;
- 2183 (iii) other local officials serving in an ex officio capacity; and
- 2184 (iv) officers, faculty, and other employees of state universities and other state  
2185 institutions of higher education;
- 2186 (l) schedule AR includes employees in positions that involve responsibility:
- 2187 (i) for determining policy;
- 2188 (ii) for determining the way in which a policy is carried out; or
- 2189 (iii) of a type not appropriate for career service, as determined by the agency head with  
2190 the concurrence of the executive director;
- 2191 (m) schedule AS includes any other employee:
- 2192 (i) whose appointment is required by statute to be career service exempt;
- 2193 (ii) whose agency is not subject to this chapter; or
- 2194 (iii) whose agency has authority to make rules regarding the performance,  
2195 compensation, and bonuses for its employees;
- 2196 (n) schedule AT includes employees of the Department of Technology Services,  
2197 designated as executive/professional positions by the executive director of the Department of

2198 Technology Services with the concurrence of the executive director;

2199 (o) schedule AU includes patients and inmates employed in state institutions;

2200 (p) employees of the Department of Workforce Services, designated as schedule AW:

2201 (i) who are temporary employees that are federally funded and are required to work

2202 under federally qualified merit principles as certified by the director; or

2203 (ii) for whom substantially all of their work is repetitive, measurable, or transaction

2204 based, and who voluntarily apply for and are accepted by the Department of Workforce

2205 Services to work in a pay for performance program designed by the Department of Workforce

2206 Services with the concurrence of the executive director; and

2207 (q) for employees in positions that are temporary, seasonal, time limited, funding

2208 limited, or variable hour in nature, under schedule codes and parameters established by the

2209 department by administrative rule.

2210 (2) The civil service shall consist of two schedules as follows:

2211 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).

2212 (ii) Removal from any appointive position under schedule A, unless otherwise

2213 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

2214 (b) Schedule B is the competitive career service schedule, consisting of:

2215 (i) all positions filled through competitive selection procedures as defined by the

2216 executive director; or

2217 (ii) positions filled through a department approved on-the-job examination intended to

2218 appoint a qualified person with a disability, or a veteran in accordance with Title 71, Chapter

2219 10, [~~Veteran's~~] Veterans Preference.

2220 (3) (a) The executive director, after consultation with the heads of concerned executive

2221 branch departments and agencies and with the approval of the governor, shall allocate positions

2222 to the appropriate schedules under this section.

2223 (b) Agency heads shall make requests and obtain approval from the executive director

2224 before changing the schedule assignment and tenure rights of any position.

2225 (c) Unless the executive director's decision is reversed by the governor, when the

2226 executive director denies an agency's request, the executive director's decision is final.

2227 (4) (a) Compensation for employees of the Legislature shall be established by the

2228 directors of the legislative offices in accordance with Section [36-12-7](#).



2229 (b) Compensation for employees of the judiciary shall be established by the state court  
2230 administrator in accordance with Section 78A-2-107.

2231 (c) Compensation for officers, faculty, and other employees of state universities and  
2232 institutions of higher education shall be established as provided in Title 53B, Chapter 1,  
2233 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of  
2234 Higher Education.

2235 (d) Unless otherwise provided by law, compensation for all other schedule A  
2236 employees shall be established by their appointing authorities, within ranges approved by, and  
2237 after consultation with the executive director of the Department of Human Resource  
2238 Management.

2239 (5) An employee who is in a position designated schedule AC and who holds career  
2240 service status on June 30, 2010, shall retain the career service status if the employee:

2241 (a) remains in the position that the employee is in on June 30, 2010; and

2242 (b) does not elect to convert to career service exempt status in accordance with a rule  
2243 made by the department.

2244 Section 29. Section 67-22-2 is amended to read:

2245 **67-22-2. Compensation -- Other state officers.**

2246 (1) As used in this section:

2247 (a) "Appointed executive" means the:

2248 (i) commissioner of the Department of Agriculture and Food;

2249 (ii) commissioner of the Insurance Department;

2250 (iii) commissioner of the Labor Commission;

2251 (iv) director, Department of Alcoholic Beverage Control;

2252 (v) commissioner of the Department of Financial Institutions;

2253 (vi) executive director, Department of Commerce;

2254 (vii) executive director, Commission on Criminal and Juvenile Justice;

2255 (viii) adjutant general;

2256 (ix) executive director, Department of Heritage and Arts;

2257 (x) executive director, Department of Corrections;

2258 (xi) commissioner, Department of Public Safety;

2259 (xii) executive director, Department of Natural Resources;

- 2260 (xiii) executive director, Governor's Office of Management and Budget;
- 2261 (xiv) executive director, Department of Administrative Services;
- 2262 (xv) executive director, Department of Human Resource Management;
- 2263 (xvi) executive director, Department of Environmental Quality;
- 2264 (xvii) director, Governor's Office of Economic Development;
- 2265 (xviii) executive director, Utah Science Technology and Research Governing
- 2266 Authority;
- 2267 (xix) executive director, Department of Workforce Services;
- 2268 (xx) executive director, Department of Health, Nonphysician;
- 2269 (xxi) executive director, Department of Human Services;
- 2270 (xxii) executive director, Department of Transportation;
- 2271 (xxiii) executive director, Department of Technology Services; and
- 2272 (xxiv) executive director, Department of [~~Veterans~~] Veterans and Military Affairs.
- 2273 (b) "Board or commission executive" means:
- 2274 (i) members, Board of Pardons and Parole;
- 2275 (ii) chair, State Tax Commission;
- 2276 (iii) commissioners, State Tax Commission;
- 2277 (iv) executive director, State Tax Commission;
- 2278 (v) chair, Public Service Commission; and
- 2279 (vi) commissioners, Public Service Commission.
- 2280 (c) "Deputy" means the person who acts as the appointed executive's second in
- 2281 command as determined by the Department of Human Resource Management.
- 2282 (2) (a) The executive director of the Department of Human Resource Management
- 2283 shall:
- 2284 (i) before October 31 of each year, recommend to the governor a compensation plan for
- 2285 the appointed executives and the board or commission executives; and
- 2286 (ii) base those recommendations on market salary studies conducted by the Department
- 2287 of Human Resource Management.
- 2288 (b) (i) The Department of Human Resource Management shall determine the salary
- 2289 range for the appointed executives by:
- 2290 (A) identifying the salary range assigned to the appointed executive's deputy;

2291 (B) designating the lowest minimum salary from those deputies' salary ranges as the  
2292 minimum salary for the appointed executives' salary range; and

2293 (C) designating 105% of the highest maximum salary range from those deputies' salary  
2294 ranges as the maximum salary for the appointed executives' salary range.

2295 (ii) If the deputy is a medical doctor, the Department of Human Resource Management  
2296 may not consider that deputy's salary range in designating the salary range for appointed  
2297 executives.

2298 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for  
2299 board or commission executives, the Department of Human Resource Management shall set  
2300 the maximum salary in the salary range for each of those positions at 90% of the salary for  
2301 district judges as established in the annual appropriation act under Section 67-8-2.

2302 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)  
2303 or (iii), the Department of Human Resource Management shall set the maximum salary in the  
2304 salary range for each of those positions at 100% of the salary for district judges as established  
2305 in the annual appropriation act under Section 67-8-2.

2306 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a  
2307 specific salary for each appointed executive within the range established under Subsection  
2308 (2)(b).

2309 (ii) If the executive director of the Department of Health is a physician, the governor  
2310 shall establish a salary within the highest physician salary range established by the Department  
2311 of Human Resource Management.

2312 (iii) The governor may provide salary increases for appointed executives within the  
2313 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

2314 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
2315 exempt positions.

2316 (c) The governor may develop standards and criteria for reviewing the appointed  
2317 executives.

2318 (4) Salaries for other Schedule A employees, as defined in Section 67-19-15, that are  
2319 not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial  
2320 Salary Act, shall be established as provided in Section 67-19-15.

2321 (5) (a) The Legislature fixes benefits for the appointed executives and the board or

2322 commission executives as follows:

2323 (i) the option of participating in a state retirement system established by Title 49, Utah  
2324 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered  
2325 by the State Retirement Office in accordance with the Internal Revenue Code and its  
2326 accompanying rules and regulations;

2327 (ii) health insurance;

2328 (iii) dental insurance;

2329 (iv) basic life insurance;

2330 (v) unemployment compensation;

2331 (vi) workers' compensation;

2332 (vii) required employer contribution to Social Security;

2333 (viii) long-term disability income insurance;

2334 (ix) the same additional state-paid life insurance available to other noncareer service  
2335 employees;

2336 (x) the same severance pay available to other noncareer service employees;

2337 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as  
2338 follows:

2339 (A) sick leave;

2340 (B) converted sick leave if accrued prior to January 1, 2014;

2341 (C) educational allowances;

2342 (D) holidays; and

2343 (E) annual leave except that annual leave shall be accrued at the maximum rate  
2344 provided to Schedule B state employees;

2345 (xii) the option to convert accumulated sick leave to cash or insurance benefits as  
2346 provided by law or rule upon resignation or retirement according to the same criteria and  
2347 procedures applied to Schedule B state employees;

2348 (xiii) the option to purchase additional life insurance at group insurance rates according  
2349 to the same criteria and procedures applied to Schedule B state employees; and

2350 (xiv) professional memberships if being a member of the professional organization is a  
2351 requirement of the position.

2352 (b) Each department shall pay the cost of additional state-paid life insurance for its

2353 executive director from its existing budget.

2354 (6) The Legislature fixes the following additional benefits:

2355 (a) for the executive director of the State Tax Commission a vehicle for official and  
2356 personal use;

2357 (b) for the executive director of the Department of Transportation a vehicle for official  
2358 and personal use;

2359 (c) for the executive director of the Department of Natural Resources a vehicle for  
2360 commute and official use;

2361 (d) for the commissioner of Public Safety:

2362 (i) an accidental death insurance policy if POST certified; and

2363 (ii) a public safety vehicle for official and personal use;

2364 (e) for the executive director of the Department of Corrections:

2365 (i) an accidental death insurance policy if POST certified; and

2366 (ii) a public safety vehicle for official and personal use;

2367 (f) for the adjutant general a vehicle for official and personal use; and

2368 (g) for each member of the Board of Pardons and Parole a vehicle for commute and  
2369 official use.

2370 Section 30. Section **71-3-1** is amended to read:

2371 **71-3-1. Use of armories by veterans organizations permitted.**

2372 Any federally chartered [~~veterans~~] veterans organization shall have the right to the free  
2373 use of armories owned or leased by the state; provided that the use does not interfere with the  
2374 use of the armories by the national guard or organized militia of this state.

2375 Section 31. Section **71-7-2** is amended to read:

2376 **71-7-2. Political subdivisions may provide proper burial sites.**

2377 For the purpose of giving effect to this act, cities, towns, counties or other political  
2378 subdivisions of the state of Utah may grant burial sites to chartered [~~veterans~~] veterans  
2379 organizations without financial consideration therefor, or may provide a proper site for the  
2380 burial of any persons covered by this act without financial consideration.

2381 Section 32. Section **71-7-3** is amended to read:

2382 **71-7-3. Development, operation, and maintenance of Utah Veterans Cemetery**  
2383 **and Memorial Park -- Responsibilities of Department of Veterans and Military Affairs --**

2384 **Costs -- Definition.**

2385 (1) The Department of [~~Veterans~~] Veterans and Military Affairs, in consultation with  
2386 the [~~Veterans~~] Veterans Memorial Park Board, shall develop, operate, and maintain a  
2387 [~~veterans~~] veterans cemetery and memorial park.

2388 (2) To help pay the costs of developing, constructing, operating, and maintaining a  
2389 [~~veterans~~] veterans cemetery and memorial park, the Department of [~~Veterans~~] Veterans and  
2390 Military Affairs may:

2391 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal  
2392 Funds Procedures Act, receive federal funds, and may receive state funds, contributions from  
2393 [~~veterans~~] veterans organizations, and other private donations; and

2394 (b) charge fees for at least the cost of the burial of [~~veterans' spouses~~] a veteran's  
2395 spouse and any other persons, whom the department and the [~~Veterans~~] Veterans Memorial  
2396 Park Board determines are eligible to be buried in a [~~veterans~~] veterans cemetery established  
2397 by the state.

2398 (3) "Veteran" has the same meaning as defined in Section [68-3-12.5](#).

2399 Section 33. Section **71-7-4** is amended to read:

2400 **71-7-4. Veterans Memorial Park Board -- Members -- Appointment -- Meetings --**  
2401 **Per diem and travel expenses.**

2402 (1) There is created a [~~Veterans~~] Veterans Memorial Park Board to serve as an  
2403 advisory body to the Department of [~~Veterans~~] Veterans and Military Affairs on matters  
2404 relating to the establishment and operation of a [~~veterans~~] veterans cemetery and memorial  
2405 park.

2406 (2) The board shall consist of the following five members:

2407 (a) one representative recommended by the state commander of the Veterans of  
2408 Foreign Wars;

2409 (b) one representative recommended by the state commander of the American Legion;

2410 (c) one representative recommended by the state commander of the Disabled American  
2411 Veterans;

2412 (d) the executive director of the Department of [~~Veterans~~] Veterans and Military  
2413 Affairs; and

2414 (e) one person not affiliated with any of the organizations referred to in this Subsection

2415 (2).

2416 (3) (a) Except as required by Subsection (3)(b), the executive director shall appoint  
2417 members in Subsections (2)(a), (b), (c), and (e) above for four-year terms. The executive  
2418 director shall make final appointments to the board by June 30 of any year in which  
2419 appointments are to be made under this chapter.

2420 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director shall,  
2421 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
2422 of board members are staggered so that approximately half of the board is appointed every two  
2423 years.

2424 (c) All members shall serve until their successors are appointed.

2425 (d) Members may not serve more than two consecutive terms.

2426 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
2427 appointed for the unexpired term in the same manner as the original appointment.

2428 (5) (a) The board shall select a chair annually from among its members at its first  
2429 meeting after July 1.

2430 (b) Three members of the board constitute a quorum to transact business.

2431 (c) The board shall meet at least quarterly on a regular date fixed by the board.

2432 (d) The chair or three members of the board may call additional meetings.

2433 (6) The board shall provide copies of all minutes to the Department of [~~Veterans~~]  
2434 Veterans and Military Affairs within 14 days of approval.

2435 (7) A member may not receive compensation or benefits for the member's service, but  
2436 may receive per diem and travel expenses in accordance with:

2437 (a) Section 63A-3-106;

2438 (b) Section 63A-3-107; and

2439 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2440 63A-3-107.

2441 Section 34. Section 71-7-5 is amended to read:

2442 **71-7-5. Veterans Remains Organization -- Funeral service establishments --**

2443 **Liability -- State agency -- Responsibilities.**

2444 (1) As used in this section:

2445 (a) "Remains facility" means the same as a funeral service establishment defined in

2446 Section 58-9-102.

2447 (b) "Status information" means a veteran or a veteran's dependent's name, date of birth,  
2448 place of birth, date of death, Social Security number, military service number, branch of  
2449 service, and military rank on date of death.

2450 (c) "Veterans Remains Organization" means an entity recognized and authorized by the  
2451 United States Veterans Administration and the National Personnel Records Center to verify  
2452 and inter the unclaimed cremated remains of United States military veterans or [veterans] a  
2453 veteran's dependents.

2454 (2) A veterans remains organization may contact a remains facility for the purpose of  
2455 identifying any unclaimed cremated remains of a military veteran or a veteran's dependent.

2456 (a) Upon contact with the remains facility, the organization shall:

2457 (i) provide identifying documentation to the remains facility; and

2458 (ii) with the permission of the remains facility, inventory any unclaimed cremated  
2459 remains in order to identify any remains of a veteran or a veteran's dependent.

2460 (b) The organization shall contact the National Personnel Records Center to determine  
2461 if any of the unclaimed cremated remains are:

2462 (i) a veteran's or a veteran's dependent's remains; and

2463 (ii) eligible for interment benefits.

2464 (c) The organization shall claim any unclaimed cremated remains from a remains  
2465 facility upon providing the facility with proof that the remains are those of a veteran or a  
2466 veteran's dependent and are eligible for interment benefits.

2467 (d) The organization shall make arrangements to inter the remains.

2468 (3) A remains facility:

2469 (a) may allow a veterans remains organization, upon presentation of identification, to  
2470 inventory unclaimed cremated remains;

2471 (b) shall provide all status information in the remains facility's possession to a veterans  
2472 remains organization;

2473 (c) shall release any unclaimed cremated remains to a veterans remains organization  
2474 upon presentation of documentation that the remains are of a veteran or a veteran's dependent  
2475 who is eligible for burial in a state or national cemetery; and

2476 (d) is not subject to civil liability for release of status information or release of the



2477 unclaimed cremated remains following the presentation of documentation indicating the  
 2478 remains are those of a veteran or a veteran's dependent and eligible for interment benefits.

2479 (4) The [~~Utah~~] Department of [~~Veterans~~] Veterans and Military Affairs shall, upon  
 2480 presentation of documentation that certain cremated remains in the possession of a veterans  
 2481 remains organization are those of a veteran or a veteran's dependent and eligible for interment  
 2482 benefits:

2483 (a) authorize the interment of the cremated remains in a state [~~veterans~~] veterans  
 2484 cemetery; and

2485 (b) provide assistance to the veterans remains organization in the interment process.

2486 Section 35. Section **71-8-1** is amended to read:

2487 **71-8-1. Definitions -- Veterans Affairs.**

2488 As used in this title:

2489 (1) "Contractor" means a person who is or may be awarded a government entity  
 2490 contract.

2491 (2) "Council" means the [~~Veterans~~] Veterans Advisory Council.

2492 (3) "Department" means the Department of [~~Veterans~~] Veterans and Military Affairs.

2493 (4) "Executive director" means the executive director of the Department of [~~Veterans~~]  
 2494 Veterans and Military Affairs.

2495 (5) "Government entity" means the state and any county, municipality, local district,  
 2496 special service district, and any other political subdivision or administrative unit of the state,  
 2497 including state institutions of education.

2498 (6) "Specialist" means a full-time employee of a government entity who is tasked with  
 2499 responding to, and assisting, veterans who are employed by the entity or come to the entity for  
 2500 assistance.

2501 (7) "Veteran" has the same meaning as defined in Section [68-3-12.5](#).

2502 Section 36. Section **71-8-2** is amended to read:

2503 **71-8-2. Department of Veterans and Military Affairs created -- Appointment of**  
 2504 **executive director -- Department responsibilities.**

2505 (1) There is created the Department of [~~Veterans~~] Veterans and Military Affairs.

2506 (2) The governor shall appoint an executive director for the department, after  
 2507 consultation with the [~~Veterans~~] Veterans Advisory Council, who is subject to Senate

2508 confirmation.

2509 (a) The executive director shall be an individual who:

2510 (i) has served on active duty in the armed forces for more than 180 consecutive days;

2511 (ii) was a member of a reserve component who served in a campaign or expedition for

2512 which a campaign medal has been authorized; or

2513 (iii) incurred an actual service-related injury or disability in the line of duty, whether or

2514 not that person completed 180 consecutive days of active duty; and

2515 (iv) was separated or retired under honorable conditions.

2516 (b) Any veteran or [~~veteran's~~] veterans group may submit names to the council for

2517 consideration.

2518 (3) The department shall:

2519 (a) conduct and supervise all veteran activities as provided in this title;

2520 (b) determine which campaign or combat theater awards are eligible for a special group  
2521 license plate in accordance with Section [41-1a-418](#);

2522 (c) verify that an applicant for a campaign or combat theater award special group  
2523 license plate is qualified to receive it;

2524 (d) provide an applicant that qualifies a form indicating the campaign or combat theater  
2525 award special group license plate for which the applicant qualifies; and

2526 (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
2527 Rulemaking Act, to carry out the provisions of this title.

2528 (4) Nothing in this chapter shall be construed as altering or preempting the provisions  
2529 of Title 39, Militia and Armories, as specifically related to the Utah National Guard.

2530 Section 37. Section **71-8-3** is amended to read:

2531 **71-8-3. Duties of executive director -- Services to veterans.**

2532 The executive director shall:

2533 (1) be responsible for the administration and the operation or support of the following  
2534 veteran-related operations:

2535 (a) Utah State [~~Veterans~~] Veterans Nursing Homes and Programs;

2536 (b) Utah State [~~Veterans~~] Veterans Cemetery and Memorial Park;

2537 (c) Title 71, Chapter 10, [~~Veteran's~~] Veterans Preference;

2538 (d) any locally or federally funded programs for homeless veterans within the state; and

- 2539 (e) any federally funded education services for veterans within the state;
- 2540 (2) maintain liaison with local, state, and federal [~~veterans~~] veterans agencies and with  
2541 Utah [~~veterans~~] veterans organizations;
- 2542 (3) provide current information so that veterans, their surviving spouses and family  
2543 members, and Utah [~~veterans~~] veterans organizations will be aware of benefits to which they  
2544 are, or may become, entitled;
- 2545 (4) reach out and assist veterans and their families in applying for benefits and  
2546 services;
- 2547 (5) develop and maintain a system for determining how many veterans are employed  
2548 by the various government entities within the state and keeping track of them;
- 2549 (6) cooperate with other state entities in the receipt of information to create and  
2550 maintain a record of veterans in Utah;
- 2551 (7) create and administer a [~~veterans~~] veterans assistance registry, with  
2552 recommendations from the council, that will provide contact information to the qualified  
2553 donors of materials and labor for certain qualified recipients;
- 2554 (8) prepare an annual report for presentation not later than November 30 of each year  
2555 to the Government Operations Interim Committee, which includes:
- 2556 (a) all services provided to veterans;
- 2557 (b) all services provided by third parties through the [~~Veterans~~] Veterans Assistance  
2558 Registry; and
- 2559 (c) the coordination of [~~veterans~~] veterans services by government entities with the  
2560 department;
- 2561 (9) advise the governor on matters pertaining to military affairs throughout Utah,  
2562 including active duty servicemembers, reserve duty servicemembers, and veterans;
- 2563 (10) identify military-related issues, challenges, and opportunities, and develop plans  
2564 for addressing them;
- 2565 (11) develop, coordinate, and maintain relationships with military leaders of Utah  
2566 military installations, including the Utah National Guard;
- 2567 (12) develop, coordinate, and maintain relationships with Utah's congressional  
2568 delegation and military staffers;
- 2569 (13) develop and maintain relationships with military-related organizations in Utah;

2570 (14) conduct forums and meetings with stakeholders to identify military issues and  
2571 challenges and to develop solutions to them; and

2572 (15) perform other related duties as requested by the governor.

2573 Section 38. Section **71-8-4** is amended to read:

2574 **71-8-4. Veterans Advisory Council -- Membership -- Duties and responsibilities --**  
2575 **Per diem and travel expenses.**

2576 (1) There is created a [~~Veterans~~] Veterans Advisory Council whose purpose is to  
2577 advise the executive director of the Department of [~~Veterans~~] Veterans and Military Affairs on  
2578 issues relating to veterans.

2579 (2) The council shall consist of the following 14 members:

2580 (a) 11 voting members to serve four-year terms:

2581 (i) seven veterans at large appointed by the governor;

2582 (ii) the commander or the commander's designee, whose terms shall last for as long as  
2583 they hold that office, from each of the following organizations:

2584 (A) Veterans of Foreign Wars;

2585 (B) American Legion; and

2586 (C) Disabled American Veterans; and

2587 (iii) a representative from the Office of the Governor; and

2588 (b) three nonvoting members:

2589 (i) the executive director of the Department of [~~Veterans~~] Veterans and Military  
2590 Affairs;

2591 (ii) the director of the VA Health Care System or his designee; and

2592 (iii) the director of the VA Benefits Administration Regional Office in Salt Lake City,  
2593 or his designee.

2594 (3) (a) Except as required by Subsection (3)(b), as terms of current council members  
2595 expire, the governor shall appoint each new or reappointed member to a four-year term  
2596 commencing on July 1.

2597 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
2598 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2599 council members are staggered so that approximately half of the members appointed by the  
2600 governor are appointed every two years.

- 2601 (4) When a vacancy occurs in the membership for any reason, the governor shall  
2602 appoint a replacement for the unexpired term within 60 days of receiving notice.
- 2603 (5) Members appointed by the governor may not serve more than three consecutive  
2604 terms.
- 2605 (6) (a) Any [~~veterans~~] veterans group or veteran may provide the executive director  
2606 with a list of recommendations for members on the council.
- 2607 (b) The executive director shall provide the governor with the list of recommendations  
2608 for members to be appointed to the council.
- 2609 (c) The governor shall make final appointments to the council by June 30 of any year in  
2610 which appointments are to be made under this chapter.
- 2611 (7) The council shall elect a chair and vice chair from among the council members  
2612 every two years. The chair and vice chair shall each be an individual who:
- 2613 (a) has served on active duty in the armed forces for more than 180 consecutive days;  
2614 (b) was a member of a reserve component who served in a campaign or expedition for  
2615 which a campaign medal has been authorized; or
- 2616 (c) incurred an actual service-related injury or disability in the line of duty, whether or  
2617 not that person completed 180 consecutive days of active duty; and
- 2618 (d) was separated or retired under honorable conditions.
- 2619 (8) (a) The council shall meet at least once every quarter.
- 2620 (b) The executive director of the Department of [~~Veterans~~] Veterans and Military  
2621 Affairs may convene additional meetings, as necessary.
- 2622 (9) The department shall provide staff to the council.
- 2623 (10) Six voting members are a quorum for the transaction of business.
- 2624 (11) The council shall:
- 2625 (a) solicit input concerning veterans issues from veterans' groups throughout the state;  
2626 (b) report issues received to the executive director of the Department of [~~Veterans~~]  
2627 Veterans and Military Affairs and make recommendations concerning them;
- 2628 (c) keep abreast of federal developments that affect veterans locally and advise the  
2629 executive director of them;
- 2630 (d) approve, by a majority vote, the use of money generated from [~~veterans~~] veterans  
2631 license plates under Section [41-1a-422](#) for [~~veterans~~] veterans programs; and

- 2632 (e) assist the director in developing guidelines and qualifications for:
- 2633 (i) participation by donors and recipients in the [~~veterans~~] Veterans Assistance
- 2634 Registry created in Section 71-12-101; and
- 2635 (ii) developing a process for providing contact information between qualified donors
- 2636 and recipients.
- 2637 (12) A member may not receive compensation or benefits for the member's service, but
- 2638 may receive per diem and travel expenses in accordance with:
- 2639 (a) Section 63A-3-106;
- 2640 (b) Section 63A-3-107; and
- 2641 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 2642 63A-3-107.
- 2643 Section 39. Section 71-8-5 is amended to read:
- 2644 **71-8-5. Veterans services coordinator qualifications -- Duties.**
- 2645 (1) The [~~veterans~~] veterans services coordinator shall:
- 2646 (a) be an individual who:
- 2647 (i) has served on active duty in the armed forces for more than 180 consecutive days;
- 2648 (ii) was a member of a reserve component who served in a campaign or expedition for
- 2649 which a campaign medal has been authorized; or
- 2650 (iii) incurred an actual service-related injury or disability in the line of duty, whether or
- 2651 not that person completed 180 consecutive days of active duty; and
- 2652 (iv) was separated or retired under honorable conditions;
- 2653 (b) have the education and experience in the use of computer technology, including
- 2654 databases, to collect, manage, and store information; and
- 2655 (c) have some education and experience in public relations.
- 2656 (2) The [~~veterans~~] veterans services coordinator shall be responsible to:
- 2657 (a) identify all government entities that provide services for veterans;
- 2658 (b) develop a process for coordination of [~~veterans~~] veterans services across all
- 2659 government entities; and
- 2660 (c) develop and provide training for [~~veterans~~] veterans affairs specialists on the
- 2661 coordination of [~~veterans~~] veterans services with the department.
- 2662 Section 40. Section 71-8-6 is amended to read:

2663 **71-8-6. Government entity participation.**

2664 (1) This section applies to:

2665 (a) the Department of Human Services;

2666 (b) the institutions of higher education listed in Section 53B-1-102;

2667 (c) the Division of Professional and Occupational Licensing;

2668 (d) the Department of Public Safety;

2669 (e) the Department of Workforce Services; and

2670 (f) the Department of Health.

2671 (2) Each entity in Subsection (1) shall:

2672 (a) assign a full-time employee, who preferably shall be a veteran, as a [~~veterans~~']

2673 veterans services specialist as part of their duties to coordinate the provision of veterans'

2674 services with the department; and

2675 (b) provide the department with nonprotected or nonprivate information about services  
2676 provided to veterans.

2677 (3) Each entity shall post on the entity's website:

2678 (a) all services available for veterans from the entity and the contact information for the

2679 [~~veterans~~'] veterans services specialist; and

2680 (b) a link to the department with the contact information for the [~~veterans~~'] veterans  
2681 services coordinator.

2682 Section 41. Section 71-8-7 is amended to read:

2683 **71-8-7. Government entity veterans affairs specialist -- Duties -- Training.**

2684 (1) Each government entity listed in Section 71-8-6 shall appoint or designate a

2685 full-time employee as a [~~veterans~~'] veterans affairs specialist.

2686 (2) The [~~veterans~~'] veterans affairs specialist shall:

2687 (a) coordinate the provision of [~~veterans~~'] veterans services by the government entity  
2688 with the department; and

2689 (b) attend annual training by the department on coordination processes including  
2690 providing nonprotected or nonprivate information to the department.

2691 Section 42. Section 71-9-1 is amended to read:

2692 **71-9-1. Contract to provide assistance to veterans and their widows and children.**

2693 The Department of [~~Veterans~~'] Veterans and Military Affairs is authorized to contract

2694 with the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars  
2695 of the United States, as organized in this state, to provide, especially in the outlying areas of the  
2696 state, assistance to veterans, their widows, and children as follows:

2697 (1) to disseminate information regarding all laws applicable to veterans, their widows,  
2698 and children in the preparation, presentation, and prosecution of claims against the United  
2699 States arising by reason of service in the military, naval, or air services;

2700 (2) to assist veterans, their widows, and children in the establishment of all rights and  
2701 the procurement of all benefits which may accrue to them under the laws of this state or of the  
2702 United States;

2703 (3) to cooperate with any and all agencies and instrumentalities of this state or of the  
2704 United States having to do with the employment or reemployment of veterans;

2705 (4) to cooperate with any and all agencies and instrumentalities of this state or of the  
2706 United States and make a representative and information available on a rotating basis in the  
2707 outlying areas of the state;

2708 (5) to assist veterans in obtaining such preference for employment as may be  
2709 authorized by the laws of this state or of the United States; and

2710 (6) to assist veterans, their widows, and children in obtaining emergency relief, and to  
2711 that end cooperate with such agencies and instrumentalities of this state or of the United States  
2712 as have been or may be established for the purpose of extending emergency relief.

2713 Section 43. Section **71-9-2** is amended to read:

2714 **71-9-2. Contracts subject to appropriation of funds.**

2715 Any contract entered into under Section **71-9-1** shall expressly state that it is subject to  
2716 the appropriation of sufficient funds by the Legislature to carry out its terms and that the  
2717 decision of the executive director of the Department of [~~Veterans~~] Veterans and Military  
2718 Affairs as to whether an appropriation is sufficient to carry out the terms of the contract is  
2719 conclusive.

2720 Section 44. Section **71-10-2** is amended to read:

2721 **71-10-2. Veterans preference.**

2722 (1) Each government entity shall grant a [~~veteran's~~] veterans preference upon initial  
2723 hiring to each preference eligible veteran or preference eligible spouse according to the  
2724 procedures and requirements of this chapter.



2725 (2) The personnel officer of any government entity shall add to the score of a  
2726 preference eligible who receives a passing score on an examination, or any rating or ranking  
2727 mechanism used in selecting an individual for any career service position with the government  
2728 entity:

2729 (a) 5% of the total possible score, if the preference eligible is a veteran;

2730 (b) 10% of the total possible score, if the preference eligible is a veteran with a  
2731 disability or a purple heart recipient; or

2732 (c) in the case of a preference eligible spouse, widow, or widower, the same percentage  
2733 the qualifying veteran is, or would have been, entitled to.

2734 (3) A preference eligible who applies for a position that does not require an  
2735 examination, or where examination results are other than a numeric score, shall be given  
2736 preference in interviewing and hiring for the position.

2737 Section 45. Section **71-11-1** is amended to read:

2738 **71-11-1. Title.**

2739 This chapter [~~shall be~~] is known as the "Utah [~~Veterans'~~] Veterans Nursing Home Act."

2740 Section 46. Section **71-11-2** is amended to read:

2741 **71-11-2. Definitions -- Utah Veterans Nursing Home Act.**

2742 As used in this chapter:

2743 (1) "Administrator" means a [~~Veterans'~~] Veterans Nursing Home Administrator  
2744 selected in accordance with Section 71-11-5.

2745 (2) "Board" means any [~~Veterans'~~] Veterans Nursing Home Advisory Board.

2746 (3) "Department" means the Department of [~~Veterans'~~] Veterans and Military Affairs  
2747 created in Section 71-8-2.

2748 (4) "Executive director" means the executive director of the Department of [~~Veterans'~~]  
2749 Veterans and Military Affairs.

2750 (5) "Home" means any Utah [~~Veterans'~~] Veterans Nursing Home.

2751 (6) "Veteran" means the same as that term is defined in Section 68-3-12.5.

2752 Section 47. Section **71-11-3** is amended to read:

2753 **71-11-3. Establishment and construction -- Compliance with federal**  
2754 **requirements.**

2755 (1) The department shall administer [~~veterans'~~] veterans nursing homes established by

2756 the Legislature.

2757 (2) Each home shall:

2758 (a) have at least an 80-bed capacity;

2759 (b) be designed and constructed consistent with the requirements for federal funding

2760 under 38 U.S.C. Sec. 8131 et seq.; and

2761 (c) be operated consistent with the requirements for per diem payments from the

2762 United States Department of Veterans Affairs under 38 U.S.C. Sec. 1741 et seq.

2763 Section 48. Section **71-11-4** is amended to read:

2764 **71-11-4. Administration by department.**

2765 The department shall supervise and operate each [~~veterans~~] veterans nursing home.

2766 Section 49. Section **71-11-5** is amended to read:

2767 **71-11-5. Operation of homes -- Rulemaking authority -- Selection of**

2768 **administrator.**

2769 (1) The department shall, subject to the approval of the executive director:

2770 (a) establish appropriate criteria for the admission and discharge of residents for each

2771 home, subject to the requirements in Section **71-11-6** and criteria set by the United States

2772 Department of [~~Veterans~~] Veterans Affairs;

2773 (b) establish a schedule of charges for each home in cases where residents have

2774 available resources;

2775 (c) establish standards for the operation of the homes not inconsistent with standards

2776 set by the United States Department of Veterans Affairs;

2777 (d) make rules to implement this chapter in accordance with Title 63G, Chapter 3, Utah

2778 Administrative Rulemaking Act; and

2779 (e) ensure that the homes are licensed in accordance with Title 26, Chapter 21, Health

2780 Care Facility Licensing and Inspection Act, and 38 U.S.C. Sec. 1742(a).

2781 (2) The department shall, after reviewing recommendations of the board, appoint an

2782 administrator for each home.

2783 Section 50. Section **71-11-7** is amended to read:

2784 **71-11-7. Veterans nursing home advisory boards.**

2785 (1) Each home shall have a nursing home advisory board to act as a liaison between the

2786 residents, members of the public, and the administration of the home.

2787 (2) Each board shall consist of at least seven, but no more than 11, members appointed  
2788 as follows by the executive director:

2789 (a) one appointee of the Resident Council of the specific [~~veterans~~<sup>d</sup>] veterans nursing  
2790 home;

2791 (b) three veterans from the geographic area in which the [~~veterans~~<sup>d</sup>] veterans nursing  
2792 home is located;

2793 (c) one medical professional experienced in veteran nursing home quality of care  
2794 issues;

2795 (d) three at-large members with an interest in the success of [~~veterans~~<sup>d</sup>] veterans  
2796 nursing homes; and

2797 (e) one member each from:

2798 (i) the American Legion;

2799 (ii) Disabled American Veterans; and

2800 (iii) the Veterans of Foreign Wars.

2801 (3) (a) (i) Members shall serve for four-year terms.

2802 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,  
2803 the executive director shall appoint each new or reappointed member to a four-year term  
2804 beginning on July 1.

2805 (b) The executive director shall, at the time of appointment or reappointment, adjust  
2806 the length of terms to ensure that the terms of board members are staggered so that  
2807 approximately half of the board is appointed every two years.

2808 (c) The executive director shall make final appointments to the board by June 30 of any  
2809 year in which appointments are to be made under this chapter.

2810 (4) Vacancies not including the Resident Council representative shall be filled by the  
2811 executive director within 60 days of receiving notice of a vacancy, but only for the unexpired  
2812 term of the vacated member.

2813 (5) Members may not serve more than two consecutive terms.

2814 (6) Each board shall elect a chair annually from among its members at its first meeting  
2815 after July 1.

2816 (7) Each board shall meet at least quarterly.

2817 (8) A majority of the members of the board present constitute a quorum for the

2818 transaction of business.

2819 (9) Each board shall provide copies of all minutes of each meeting to the Department  
2820 of [~~Veterans~~] Veterans and Military Affairs within 14 days of approval.

2821 (10) A member may not receive compensation or benefits for the member's service, but  
2822 may receive per diem and travel expenses in accordance with:

2823 (a) Section 63A-3-106;

2824 (b) Section 63A-3-107; and

2825 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2826 63A-3-107.

2827 Section 51. Section 71-11-8 is amended to read:

2828 **71-11-8. Utah Veterans Nursing Home Fund.**

2829 (1) There is created an expendable special revenue fund entitled the "Utah [~~Veterans~~]  
2830 Veterans Nursing Home Fund" to be administered by the department for the benefit of each  
2831 home and its residents.

2832 (2) All cash donations, gifts, or bequests shall be deposited in the fund and used  
2833 according to the wishes of the donor.

2834 (3) All funds received by the homes from federal or state agencies, individual  
2835 insurance reimbursement, or cash payments shall be deposited in the fund.

2836 (4) Funds received that are designated for a specific home shall be accounted for  
2837 separately within the fund.

2838 Section 52. Section 71-12-101 is amended to read:

2839 **71-12-101. Title.**

2840 This chapter is known as the "[~~Veterans~~] Veterans Assistance Registry."

2841 Section 53. Section 71-12-102 is amended to read:

2842 **71-12-102. Definitions -- Veterans Assistance Registry.**

2843 As used in this chapter:

2844 (1) "Council" means the [~~Veterans~~] Veterans Advisory Council as created in Section  
2845 71-8-4.

2846 (2) "Department" means the Department of [~~Veterans~~] Veterans and Military Affairs  
2847 as created in Section 71-8-2.

2848 (3) "Donor" means an individual or entity that provides material goods, services, or

2849 labor without charge to veterans in accordance with this chapter.

2850 (4) "Recipient" means a veteran as defined in Section 68-3-12.5, or a veteran's  
2851 dependent spouse and children.

2852 Section 54. Section 71-12-103 is amended to read:

2853 **71-12-103. Veterans Assistance Registry.**

2854 (1) There is created within the department a [~~Veterans~~] Veterans Assistance Registry.

2855 (2) The intent of the registry is to provide contact information to qualified donors of  
2856 material goods, services, and labor for qualified recipients in need of specific goods, services,  
2857 or labor.

2858 (3) The department shall, in consultation with the council:

2859 (a) create a database of donors and recipients;

2860 (b) develop an electronic link on the department's website to the database of donors  
2861 and recipients;

2862 (c) insure that information provided by donors and recipients is only used for the  
2863 intended purpose as specified in Subsection (2) and not made public;

2864 (d) provide instructions online for donors and recipients to use in registering for the  
2865 registry;

2866 (e) publicize through both local and nationwide [~~veterans~~] veterans service  
2867 organizations and the United States [~~Veterans' Administration~~] Department of Veterans Affairs  
2868 the availability of the registry; and

2869 (f) track usage of and report annually on the registry program in accordance with  
2870 Section 71-8-3.

2871 Section 55. Section 71-13-102 is amended to read:

2872 **71-13-102. Definitions -- Veterans Benefits Assistance Act.**

2873 As used in this chapter:

2874 (1) "Accredited" means a service organization representative, agent, or attorney to  
2875 whom authority has been granted by the VA to provide assistance to claimants in the  
2876 preparation, presentation, and prosecution of claims for VA benefits.

2877 (2) "Assistance" means an accredited individual providing claimant-specific  
2878 recommendations or preparing or submitting an application for VA benefits on behalf of a  
2879 claimant.

2880 (3) "Certify" means to submit in writing to a veteran or the veteran's dependents certain  
2881 disclosure forms provided by the department.

2882 (4) "Claimant" means a person who has filed or has expressed to a service organization  
2883 representative, agent, or attorney an intention to file a written application for determination of  
2884 entitlement to benefits provided under United States Code, Title 38, and implementing  
2885 directives.

2886 (5) "Department" means the [~~Utah~~] Department of [~~Veterans~~] Veterans and Military  
2887 Affairs.

2888 (6) "Executive director" means the executive director of the [~~Utah~~] Department of  
2889 [~~Veterans~~] Veterans and Military Affairs.

2890 (7) "Non-compliant referral" means referring a veteran's or a veteran's dependent's  
2891 original claim for veteran benefits for assistance to an individual who is in violation of the  
2892 provisions of this chapter.

2893 (8) "Referring entity" means an individual, business, or organization licensed in this  
2894 state who refers or assists a veteran or a veteran's dependents for assistance with an original  
2895 claim for veteran benefits.

2896 (9) "VA" means the United States Department of Veterans Affairs.

2897 (10) "VA benefits" means any payment, service, commodity, function, or status  
2898 entitlement which is determined under laws administered by the VA pertaining to veterans,  
2899 dependents, and survivors as well as other potential beneficiaries under United States Code,  
2900 Title 38.

2901 (11) "Veteran" includes all eligible dependents.

2902 Section 56. Section **71-13-105** is amended to read:

2903 **71-13-105. Department responsibilities -- Notification -- Assistance -- Complaints**  
2904 **-- Claimant responsibilities.**

2905 (1) The [~~Utah~~] Department of [~~Veterans~~] Veterans and Military Affairs shall notify in  
2906 writing each veteran for whom the department has contact information that any individual or  
2907 business offering to assist veterans in applying for benefits shall disclose in writing to the  
2908 veteran the following:

2909 (a) 38 C.F.R. 14.629 and 38 C.F.R. 14.630 require that any individual providing  
2910 assistance be accredited by the VA;

2911 (b) federal law restricts charging a veteran a fee for assisting in the initial application  
2912 for VA benefits; and

2913 (c) the department's website has a list with contact information of VA accredited claim  
2914 representatives.

2915 (2) Beginning July 1, 2015, and every three years after the department shall:

2916 (a) notify the Insurance Department regarding the federal law governing assistance for  
2917 VA benefits, and the Insurance Department shall notify all individual producers and  
2918 consultants licensed by the Insurance Department at the time of initial licensing and upon  
2919 license renewal of those same federal laws governing assistance for VA benefits;

2920 (b) contact the Utah State Bar regarding federal law governing legal assistance for  
2921 claimants applying for benefits and request that the association provide continuing legal  
2922 education on federal laws governing assistance; and

2923 (c) notify the Department of Health regarding federal law governing the assistance for  
2924 claimants applying for benefits, and the Department of Health shall notify all assisted living  
2925 and nursing care facilities of those federal laws.

2926 (3) The executive director may establish procedures for processing complaints related  
2927 to assistance regarding a claim for VA benefits.

2928 (4) For violations by accredited or non-accredited individuals who offer assistance with  
2929 VA benefits, the executive director may audit selected assisting individuals and referring  
2930 entities for compliance with this chapter and federal laws which govern the provision of  
2931 assistance to claimants.

2932 Section 57. Section **72-4-201** is amended to read:

2933 **72-4-201. I-15 designated as Veterans Memorial Highway.**

2934 (1) There is established the [~~Veterans~~] Veterans Memorial Highway composed of the  
2935 existing Interstate Highway 15 from the Utah-Idaho border to the Utah-Arizona border.

2936 (2) The department shall designate Interstate 15 as the "[~~Veterans~~] Veterans Memorial  
2937 Highway" on all future state highway maps.

2938 Section 58. Section **72-4-203** is amended to read:

2939 **72-4-203. Utah National Parks Highway.**

2940 (1) There is established the Utah National Parks Highway comprising the existing  
2941 highway from Route 89 at the Utah-Arizona border near Big Water westerly on Route 89 to

2942 Route 9 near Mount Carmel Junction then westerly on Route 9 to Route 17 near La Verkin then  
2943 northerly on Route 17 to Interstate Highway 15 then northerly on Interstate Highway 15  
2944 frontage roads, the [~~Veterans~~] Veterans Memorial Highway, to Route 14 near Cedar City then  
2945 southeasterly on Route 14 to Route 148 near Cedar Breaks National Monument then northerly  
2946 on Route 148 to Route 143 near the north end of Cedar Breaks National Monument then  
2947 northeasterly on Route 143 to Route 89 near Panguitch then southerly on Route 89 to Route 12  
2948 near Red Canyon then northeasterly on Route 12, the Clem Church Memorial Highway, to  
2949 Route 24 near Torrey then easterly on Route 24 to Route 95 near Hanksville then southeasterly  
2950 on Route 95, the Bicentennial Highway, to Route 191 near Blanding then northerly on Route  
2951 191 to the junction with Interstate Highway 70 near Crescent Junction.

2952 (2) In addition to other official designations, the Department of Transportation shall  
2953 designate and highlight the portions of the highways identified in Subsection (1) as the Utah  
2954 National Parks Highway on all future state highway maps.

2955 Section 59. Section **78B-6-2003** is amended to read:

2956 **78B-6-2003. Definitions.**

2957 As used in this part:

2958 (1) "Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite  
2959 asbestos, actinolite asbestos, asbestiform winchite, asbestiform richterite, asbestiform  
2960 amphibole minerals, and any of these minerals that have been chemically treated or altered,  
2961 including all minerals defined as asbestos in 29 C.F.R. Sec. 1910 at the time the asbestos action  
2962 is filed.

2963 (2) (a) "Asbestos action" means a claim for damages or other civil or equitable relief  
2964 presented in a civil action resulting from, based on, or related to:

2965 (i) the health effects of exposure to asbestos, including:

2966 (A) loss of consortium;

2967 (B) wrongful death;

2968 (C) mental or emotional injury;

2969 (D) risk or fear of disease or other injury; and

2970 (E) costs of medical monitoring or surveillance; and

2971 (ii) any other derivative claim made by or on behalf of a person exposed to asbestos or  
2972 a representative, spouse, parent, child, or other relative of that person.



2973 (b) "Asbestos action" does not include a claim for workers' compensation or [~~veterans~~]  
2974 veterans benefits.

2975 (3) "Asbestos trust" means a:

2976 (a) government-approved or court-approved trust that is intended to provide  
2977 compensation to claimants arising out of, based on, or related to the health effects of exposure  
2978 to asbestos or asbestos-containing products;

2979 (b) qualified settlement fund that is intended to provide compensation to claimants  
2980 arising out of, based on, or related to the health effects of exposure to asbestos or  
2981 asbestos-containing products;

2982 (c) compensation fund or claims facility created as a result of an administrative or legal  
2983 action that is intended to provide compensation to claimants arising out of, based on, or related  
2984 to the health effects of exposure to asbestos or asbestos-containing products;

2985 (d) court-approved bankruptcy that is intended to provide compensation to claimants  
2986 arising out of, based on, or related to the health effects of exposure to asbestos or  
2987 asbestos-containing products; or

2988 (e) plan of reorganization or trust pursuant to 11 U.S.C. Sec. 524(g) or 11 U.S.C. Sec.  
2989 1121(a) or other applicable provision of law that is intended to provide compensation to  
2990 claimants arising out of, based on, or related to the health effects of exposure to asbestos or  
2991 asbestos-containing products.

2992 (4) "Plaintiff" means:

2993 (a) the person bringing the asbestos action, including a personal representative if the  
2994 asbestos action is brought by an estate; or

2995 (b) a conservator or next friend if the asbestos action is brought on behalf of a minor or  
2996 legally incapacitated individual.

2997 (5) "Trust claims materials" means a final executed proof of claim and all other  
2998 documents and information related to a claim against an asbestos trust, including:

2999 (a) claims forms and supplementary materials;

3000 (b) affidavits;

3001 (c) depositions and trial testimony;

3002 (d) work history;

3003 (e) medical and health records;

- 3004 (f) documents reflecting the status of a claim against an asbestos trust; and  
3005 (g) all documents relating to the settlement of the trust claim if the trust claim has  
3006 settled.
- 3007 (6) "Trust governance documents" means all documents that relate to eligibility and  
3008 payment levels, including:
- 3009 (a) claims payment matrices; and  
3010 (b) trust distribution procedures or plans for reorganization for an asbestos trust.
- 3011 (7) "[~~Veterans~~] Veterans benefits" means a program for benefits in connection with  
3012 military service administered by the United States Department of Veterans [~~Administration~~]  
3013 Affairs under United States Code, Title 38, Veterans Benefits.
- 3014 (8) (a) "Workers' compensation" means a program administered by the United States or  
3015 a state to provide benefits, funded by a responsible employer or the employer's insurance  
3016 carrier, for occupational diseases or injuries or for disability or death caused by occupational  
3017 diseases or injuries.
- 3018 (b) "Workers' compensation" includes the Longshore and Harbor Workers'  
3019 Compensation Act, 33 U.S.C. Sec. 901 et seq., and Federal Employees' Compensation Act, 5  
3020 U.S.C. Sec. 8101 et seq.
- 3021 (c) "Workers' compensation" does not include the Federal Employers' Liability Act, 45  
3022 U.S.C. Sec. 51 et seq.