

HB0386S01 compared with HB0386

~~text~~ shows text that was in HB0386 but was deleted in HB0386S01.

text shows text that was not in HB0386 but was inserted into HB0386S01.

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Representative Douglas R. Welton proposes the following substitute bill:

EDUCATION INNOVATION PROGRAM

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions relating to an innovation program for public education.

Highlighted Provisions:

This bill:

- ▶ establishes a process for submitting an application and receiving LEA governing board approval for an innovation program;
- ▶ provides for the features of an innovation program, including alternative curriculum and alternative class schedule;
- ▶ specifies requirements for an innovation program application, including parental consent for student participation;
- ▶ provides a process for LEA governing board approval of an innovation program application;

HB0386S01 compared with HB0386

- ▶ allows for a grant for additional costs related to an innovation program;
- ▶ provides for a review and assessment of the performance of an innovation program;
and
- ▶ provides for the repeal of innovation program provisions.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- to the State Board of Education -- Contracted Initiatives and Grants, from the Education Fund, one-time, \$2,500,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-10-703, as last amended by Laws of Utah 2020, Chapter 408

63I-1-253, as last amended by Laws of Utah 2021, Chapters 14, 64, 106, 233, and 307

63I-1-263, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196, 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 382

63J-1-602.2, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and 424

ENACTS:

53G-10-601, Utah Code Annotated 1953

53G-10-602, Utah Code Annotated 1953

53G-10-603, Utah Code Annotated 1953

53G-10-604, Utah Code Annotated 1953

53G-10-605, Utah Code Annotated 1953

53G-10-606, Utah Code Annotated 1953

53G-10-607, Utah Code Annotated 1953

53G-10-608, Utah Code Annotated 1953

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

Section 1. Section **53E-10-703** is amended to read:

HB0386S01 compared with HB0386

53E-10-703. ULEAD director -- Qualification and employment -- Duties --

Reporting -- Annual conference.

- (1) The ULEAD director shall:
 - (a) (i) hold a doctorate degree in education or an equivalent degree; and
 - (ii) have demonstrated experience in research and dissemination of best practices in education; and
 - (b) (i) be a full-time employee; and
 - (ii) report to the state superintendent.
- (2) The state superintendent shall:
 - (a) evaluate the director's performance annually;
 - (b) report on the director's performance to the selection committee; and
 - (c) provide space for the director and the director's staff.
- (3) The director may hire staff, using only money specifically appropriated to ULEAD.
- (4) The director shall perform the following duties and functions:
 - (a) gather current research on innovative and effective practices in K-12 education for use by policymakers and practitioners;
 - (b) facilitate collaboration between LEAs, higher education researchers, and practitioners by:
 - (i) sharing innovative and effective practices shown to improve student learning;
 - (ii) identifying experts in specific areas of practice; and
 - (iii) maintaining a research clearinghouse and directory of researchers; and
 - (c) analyze barriers to replication or adaptation of innovative and successful practices studied by ULEAD or contributed to the ULEAD research clearinghouse.
- (5) The director shall:
 - (a) prioritize reports and other research based on recommendations of the steering committee in accordance with Subsection 53E-10-707(5), and after consulting with individuals described in Subsection 53E-10-707(6);
 - (b) identify Utah LEAs, or schools outside the public school system, that are:
 - (i) innovative in specific areas of practice; and
 - (ii) more effective or efficient than comparable LEAs in improving student learning;
 - (c) establish criteria for innovative practice reports to be performed by participating

HB0386S01 compared with HB0386

institutions and included in the research clearinghouse, including report templates;

(d) arrange with participating institutions to generate innovative practice reports on effective and innovative K-12 education practices; and

(e) (i) disseminate each innovative practice report to LEAs; and

(ii) publish innovative practice reports on the ULEAD website.

(6) In an innovative practice report, a participating institution shall:

(a) include or reference a review of research regarding the practice in which the subject LEA has demonstrated success;

(b) identify through academically acceptable, evidence-based research methods the causes of the LEA's successful practice;

(c) identify opportunities for LEAs to adopt or customize innovative or best practices;

(d) address limitations to successful replication or adaptation of the successful practice by other LEAs, which may include barriers arising from federal or state law, state or LEA policy, socioeconomic conditions, or funding limitations;

(e) include practical templates for successful replication and adaptation of successful practices, following criteria established by the director;

(f) identify experts in the successful practice that is the subject of the innovative practice report, including teachers or administrators at the subject LEA; and

(g) include:

(i) an executive summary describing the innovative practice report; and

(ii) a video component or other elements designed to ensure that an innovative practice report is readily understandable by practitioners.

(7) (a) The director may, if requested by an LEA leader or policymaker, conduct an evidence-based review of a possible innovation in an area of practice.

(b) The director shall:

(i) review the performance of an innovation program, as defined in Section 53G-10-601, to determine the extent to which the learning and performance of students in an opportunity class, as defined in Section 53G-10-601, met the criteria established in the innovation program; and

(ii) report on the director's findings under Subsection (7)(b)(i):

(A) to the LEA governing board that approved the innovation program; and

HB0386S01 compared with HB0386

(B) within 30 days after the completion of the school year during which the opportunity class was functioning.

(8) The director may also accept innovative practice reports from trained practitioners that meet the criteria set by the director.

(9) The director or a participating institution, to enable successful replication or adaption of successful practices, may recommend to:

(a) the Legislature, amendments to state law; or

(b) the state board, revisions to state board rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or policy.

(10) The director shall:

(a) report on the activities of ULEAD annually to the state board; and

(b) provide reports or other information to the state board upon state board request.

(11) The director shall:

(a) prepare an annual report on ULEAD research and other activities;

(b) submit the report in accordance with Section 53E-1-201 and 53E-1-202;

(c) publish the annual report on the ULEAD website; and

(d) disseminate the report to LEAs through electronic channels.

(12) The director shall facilitate and conduct an annual conference on successful and innovative K-12 education practices, featuring:

(a) Utah education leaders; and

(b) practitioners and researchers, chosen by the director, to discuss the subjects of LEA and other ULEAD activities, or other innovative and successful education practices.

Section 2. Section **53G-10-601** is enacted to read:

Part 6. Education Innovation Program

53G-10-601. Definitions.

As used in this part:

(1) "Alternative classroom schedule" means a classroom schedule that is different than the schedule followed by other classrooms in the applicable school or LEA.

(2) "Alternative curriculum" means curriculum in one or more subject areas that is based on standards that are different than the ~~standard state-board approved or required~~ standards:

HB0386S01 compared with HB0386

(a) adopted by the state board; and

(b) applicable to the regular curriculum offered in the subject area or areas in the applicable school or LEA.

(3) "Applicable school or LEA" means the school or LEA in which an innovation program is proposed or implemented.

(4) "Innovation grant" means a grant of money under Section 53G-10-608 to pay for some or all innovation program costs.

(5) "Innovation program" means a program establishing an alternative classroom schedule or an alternative curriculum, or both.

(6) "Innovation program application" means an application:

(a) proposing the implementation of an innovation program; and

(b) submitted under Section 53G-10-603 to the LEA governing board for the LEA in which the innovation program is proposed.

(7) "Innovation program costs" means costs occasioned by an innovation program that exceed costs of a class that is not subject to an innovation program.

(8) "K-12" means kindergarten through grade 12.

(9) "Opportunity class" means a school class within the public education system that implements an innovation program.

(10) "Participating student" means a K-12 student who participates in an opportunity class under an approved innovation program.

Section 3. Section **53G-10-602** is enacted to read:

53G-10-602. Establishment of innovation program -- LEA governing board approval -- Parental consent required.

(1) An innovation program may be established for a K-12 class as provided in this part if the innovation program is approved by the LEA governing board for the LEA in which the proposed innovation program is to be implemented.

(2) A public school teacher may submit an innovation program application to the LEA governing board for the LEA of the class or school in which the teacher proposes to implement an innovation program.

(3) Before submitting an innovation program application, the public school teacher intending to submit the innovation program application shall obtain the written consent

HB0386S01 compared with HB0386

described in Section 53G-10-603 signed by parents of at least 20 prospective participating students.

(4) An innovation program application shall be submitted no less than 90 days before the beginning of student registration for the school year for which the innovation program is proposed.

(5) (a) An LEA governing board shall approve or deny an innovation program application within 60 days after the application is submitted.

(b) An LEA governing board may approve an innovation program application subject to modifications or additional terms that the LEA governing board determines appropriate.

(6) An innovation program may be renewed for another school year if:

(a) the teacher in the opportunity class requests renewal;

(b) the teacher submits with the renewal request the written consent described in Section 53G-10-603 signed by parents of at least 20 prospective participating students; and

(c) the LEA governing board approves the renewal.

Section 4. Section **53G-10-603** is enacted to read:

53G-10-603. Parental consent for student participating in opportunity class.

(1) A parent of a K-12 student may give the parent's consent for the student to participate in an opportunity class by submitting the parent's written and signed consent, as described in Subsection (2), to the public school teacher who proposes to submit an innovation program application.

(2) (a) A public school teacher who intends to submit an innovation program application shall provide a consent form to a parent of a prospective participating student.

(b) A form by which a parent consents to the enrollment of the parent's child in an opportunity class shall contain:

(i) the name and a summary of the credentials of each teacher and other staff member who will be teaching or working in the opportunity class;

(ii) an explanation that the opportunity class is experimental in nature and may not receive approval to continue beyond the school year for which the innovation program is approved;

(iii) a description of the alternative curriculum and alternative classroom schedule, as applicable, that the innovation program application intends to seek approval for;

HB0386S01 compared with HB0386

(iv) a description of how, when, and where the opportunity class instruction will take place and whether the instruction will include in-person, virtual, or hybrid components;

(v) if the innovation application intends to include a proposed alternative curriculum, a description of:

(A) the alternative curriculum and the instructional materials to be used in the opportunity class; and

(B) the outcomes the opportunity class using the alternative curriculum is designed to achieve; and

(vi) a statement accompanying the parent's signature indicating that the parent has read the explanation of the opportunity class contained in the consent form and understands the experimental nature of the opportunity class.

Section 5. Section **53G-10-604** is enacted to read:

53G-10-604. Innovation program application -- Requirements.

(1) An innovation program application shall include:

(a) the name and a summary of the credentials of each teacher and other staff member who will be teaching or working in the opportunity class;

(b) the name of each student whose parent has submitted a consent form consenting to the student becoming a participating student;

(c) a description of the alternative curriculum and alternative classroom schedule, as applicable, that the innovation program application seeks approval for;

(d) a description of how, when, and where the opportunity class instruction will take place and whether the instruction will include in-person, virtual, or hybrid components;

(e) any other innovative curriculum or classroom schedule adjustments intended to be incorporated into the opportunity class to enhance the learning, performance, and educational experience of participating students;

(f) criteria for measuring student learning and performance;

(g) an explanation of the assessment of the innovation program as provided in Section 53G-10-607;

(h) if the innovation application includes a proposed alternative curriculum, a description of:

(i) the alternative curriculum and the instructional materials to be used in the

HB0386S01 compared with HB0386

opportunity class; and

(ii) the outcomes the opportunity class using the alternative curriculum is designed to achieve;

(i) any additional funding needed to cover innovation program costs; and

(j) participating students' proposed access to or use of the transportation services, playground facilities, cafeteria facilities, after-school or extra-curricular activities, special education services, and other facilities, activities, or services normally provided by the applicable school or LEA.

(2) An innovation program application that proposes an alternative curriculum may include a proposal for a different curriculum or an innovative delivery of curriculum.

(3) An innovation program application that proposes an alternative classroom schedule may include a proposal for a different classroom schedule that includes options for:

(a) different requirements for in-person, virtual, or hybrid instruction; and

(b) different provisions for length of student attendance at in-person, virtual, or hybrid instruction.

(4) An innovation program application may include a request for an innovation grant.

Section 6. Section **53G-10-605** is enacted to read:

53G-10-605. Alternative curriculum and alternative classroom schedule provisions.

(1) An alternative curriculum in an elementary school shall include English, mathematics, science, or history and social science.

(2) If requested in an innovation program application that the LEA governing board approves, a school in which an opportunity class is proposed to be located shall provide the opportunity class with a classroom and other equipment and facilities normally provided to a class within the school.

(3) A teacher in an opportunity class may make adjustments to the curriculum or classroom schedule described in the approved innovation program as implementation of the innovation program reveals the need or advisability of making adjustments to better meet the needs of students or to better achieve the goals and objectives of the innovation program.

(4) A student may become a participating student in an opportunity class after the beginning of a school year during a standard class change period if:

HB0386S01 compared with HB0386

(a) the innovation program allows the addition of a participating student during the school year;

(b) the student's parent consents as provided in Section 53G-10-603; and

(c) the teacher of the opportunity class consents.

Section 7. Section **53G-10-606** is enacted to read:

53G-10-606. Provisions applicable to participating students, staff in an opportunity class, innovation programs, and LEAs.

(1) A participating student may use a transportation service offered to students who are not participating students if:

(a) the participating student uses the transportation service on the same basis and at the same times as the transportation service is offered to students who are not participating students; or

(b) the innovation program provides for:

(i) the participating student's use of the transportation service; and

(ii) payment of the additional cost of the transportation service attributable to the participating student's use of the transportation service.

(2) A participating student:

(a) shall be enrolled in the LEA where the opportunity class is operating; and

(b) is counted as any other student who is not a participating student for purposes of calculating educational funding apportioned to the LEA.

(3) (a) A participating student is subject to a state assessment, as defined in Section 53E-4-301, to the same extent as a student who is not a participating student.

(b) The results of state assessment taken by participating students may not be included in assessment results for the school or LEA unless the test results are required to be included in the school or LEA assessment results by:

(i) the approved innovation program; or

(ii) applicable law.

(4) A teacher or other staff member who teaches or works in an opportunity class:

(a) is an employee of the LEA where the opportunity class is located; and

(b) shall receive compensation and other benefits available generally to an individual employed in a comparable position in the LEA.

HB0386S01 compared with HB0386

(5) An opportunity class shall comply with:

(a) provisions of the approved innovation program; and

(b) all applicable federal, state, and local laws prohibiting discrimination or governing the safety of students and teachers.

(6) An LEA:

(a) shall apportion education funds for instructional use of participating students in an amount substantially similar to funds apportioned for instructional use of comparable students who are not participating students; and

(b) is responsible to provide to participating students only the services described in the approved innovation program.

Section 8. Section **53G-10-607** is enacted to read:

53G-10-607. Assessment of innovation program.

A teacher in an opportunity class shall:

(1) monitor the extent to which participating student learning and performance are consistent with the criteria established in the innovation program;

(2) report the results under Subsection (1) to the LEA governing board, as provided in the approved innovation program; and

(3) cooperate with and provide participating student learning and performance data to the director of ULEAD, as defined in Section 53E-10-701, as the director performs the director's duties under Subsection 53E-10-703(7)(b).

Section 9. Section **53G-10-608** is enacted to read:

53G-10-608. Innovation grants.

(1) An LEA governing board may approve a grant of up to \$5,000 per opportunity class for the school year if:

(a) a request for an innovation grant is included in the innovation application; and

(b) the LEA governing board determines that the grant is needed to:

(i) cover innovation program costs; and

(ii) help fulfill the goals and purposes of the opportunity class.

(2) If an LEA governing board approves a request for an innovation grant, the LEA governing board shall send the state board written notice of the approval and the name of the teacher who submitted the request for the innovation grant.

HB0386S01 compared with HB0386

(3) (a) (i) Upon receipt of the written notice and authorization under Subsection (2), the state board shall, subject to Subsection (3)(b), disburse the amount of the approved innovation grant to the LEA governing board.

(ii) The LEA governing board shall distribute the money to the teacher of the opportunity class to cover innovation program costs.

(b) (i) Except as provided in Subsection (3)(b)(iii), the maximum amount of money that the state board may distribute for approved innovation grants is \$500,000 per school year.

(ii) If the state board receives a written notice and authorization under Subsection (2) after already distributing \$500,000 for the school year, the state board shall notify the LEA governing board that the grant money has been expended for the school year and that the state board cannot distribute money for the approved innovation grant.

(iii) If the state board distributes less than \$500,000 for approved innovation grants for a school year, the difference between \$500,000 and the amount distributed shall be rolled over and included in the money available for distribution for approved innovation grants for the following school year.

(4) The state board shall keep and account for all money appropriated for innovation grants separate from other state board funds.

(5) A teacher receiving an innovation grant under this section may not use the money from the grant for any purpose other than for innovation program costs.

(6) Any innovation grant money appropriated to the state board by the Legislature that the state board has not distributed as provided in this section by June 30, 2027 shall lapse to the Education Fund.

Section 10. Section **63I-1-253** is amended to read:

63I-1-253. Repeal dates, Titles 53 through 53G.

(1) Section 53-2a-105, which creates the Emergency Management Administration Council, is repealed July 1, 2022.

(2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory Board, are repealed July 1, 2022.

(3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, 2023.

(4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is

HB0386S01 compared with HB0386

repealed July 1, 2027.

(5) Subsection 53-13-104(6)(a), regarding being 19 years old at certification, is repealed July 1, 2027.

(6) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is repealed July 1, 2024.

(7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

(8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is repealed January 1, 2025.

(9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

(10) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July 1, 2025.

(11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.

(12) Section 53E-3-515 is repealed January 1, 2023.

(13) In relation to a standards review committee, on January 1, 2023:

(a) in Subsection 53E-4-202(8), the language "by a standards review committee and the recommendations of a standards review committee established under Section 53E-4-203" is repealed; and

(b) Section 53E-4-203 is repealed.

(14) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in custody, are repealed July 1, 2027.

(15) Section 53E-4-402, which creates the State Instructional Materials Commission, is repealed July 1, 2022.

(16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2023.

(17) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools for the Deaf and the Blind, is repealed July 1, 2021.

(18) Section 53F-2-420, which creates the Intensive Services Special Education Pilot Program, is repealed July 1, 2024.

(19) Section 53F-5-203 is repealed July 1, 2024.

HB0386S01 compared with HB0386

(20) Section 53F-5-212 is repealed July 1, 2024.

(21) Section 53F-5-213 is repealed July 1, 2023.

(22) Section 53F-5-214, in relation to a grant for professional learning, is repealed July 1, 2025.

(23) Section 53F-5-215, in relation to an elementary teacher preparation grant, is repealed July 1, 2025.

(24) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

(25) Section 53F-9-501 is repealed January 1, 2023.

(26) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

(27) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class C misdemeanor, is repealed July 1, 2022.

(28) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1, 2027.

Section 11. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Section 63A-16-102 is repealed;

(b) Section 63A-16-201 is repealed; and

(c) Section 63A-16-202 is repealed.

(2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

HB0386S01 compared with HB0386

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.

(11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed July 1, 2025.

(12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.

(13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

(14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.

(15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

(16) Subsection 63J-1-602.1(17), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

(17) (a) Subsection 63J-1-602.1(61), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(61), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(18) Subsection 63J-1-602.2(5), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

(19) Subsection 63J-1-602.2(6), referring to the Trip Reduction Program, is repealed July 1, 2022.

(20) Subsection 63J-1-602.2[(24)](25), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

(21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is

HB0386S01 compared with HB0386

repealed July 1, 2027.

(22) In relation to the advisory committee created in Subsection 63L-11-305(3), on July 1, 2022:

- (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and
- (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

(23) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-104 and related provisions in Subsections 77-18-103(2)(c) and (d)."

(24) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

(25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.

(26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

(27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, 2024.

(28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

(29) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July 1, 2028.

(30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

HB0386S01 compared with HB0386

(b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection(30)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

(i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63N-2-603 on or before December 31, 2023.

(31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

(32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1, 2025.

(33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2028.

Section 12. Section **63J-1-602.2** is amended to read:

63J-1-602.2. List of nonlapsing appropriations to programs.

Appropriations made to the following programs are nonlapsing:

- (1) The Legislature and the Legislature's committees.
- (2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section 53F-9-103.
- (3) The Percent-for-Art Program created in Section 9-6-404.
- (4) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.
- (5) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-16-21(2)(d)(ii).
- (6) The Trip Reduction Program created in Section 19-2a-104.
- (7) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.
- (8) The emergency medical services grant program in Section 26-8a-207.
- (9) The primary care grant program created in Section 26-10b-102.

HB0386S01 compared with HB0386

(10) Sanctions collected as dedicated credits from Medicaid provider under Subsection 26-18-3(7).

(11) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.

(12) The Rural Physician Loan Repayment Program created in Section 26-46a-103.

(13) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

(14) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection 32B-2-301 (9)(a) or (b).

(15) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.

(16) The Utah National Guard, created in Title 39, Militia and Armories.

(17) The State Tax Commission under Section 41-1a-1201 for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

(18) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

(19) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

(20) The Utah Board of Higher Education for teacher preparation programs, as provided in Section 53B-6-104.

(21) The Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.

(22) Innovation grants under Section 53G-10-608, except as provided in Subsection 53G-10-608(6).

~~[(22)]~~ (23) The Division of Services for People with Disabilities, as provided in Section 62A-5-102.

~~[(23)]~~ (24) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.

~~[(24)]~~ (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

~~[(25)]~~ (26) Appropriations to the Division of Technology Services for technology innovation as provided under Section 63A-16-903.

~~[(26)]~~ (27) The Office of Administrative Rules for publishing, as provided in Section

HB0386S01 compared with HB0386

63G-3-402.

~~[(27)]~~ (28) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado River Authority of Utah Act.

~~[(28)]~~ (29) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

~~[(29)]~~ (30) Appropriations to fund the Governor's Office of Economic Opportunity's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

~~[(30)]~~ (31) Appropriations to fund programs for the Jordan River Recreation Area as described in Section 65A-2-8.

~~[(31)]~~ (32) The Division of Human Resource Management user training program, as provided in Section 63A-17-106.

~~[(32)]~~ (33) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.

~~[(33)]~~ (34) The Traffic Noise Abatement Program created in Section 72-6-112.

~~[(34)]~~ (35) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a settlement of federal reserved water right claims.

~~[(35)]~~ (36) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.

~~[(36)]~~ (37) A state rehabilitative employment program, as provided in Section 78A-6-210.

~~[(37)]~~ (38) The Utah Geological Survey, as provided in Section 79-3-401.

~~[(38)]~~ (39) The Bonneville Shoreline Trail Program created under Section 79-5-503.

~~[(39)]~~ (40) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(40)]~~ (41) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

~~[(41)]~~ (42) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of

HB0386S01 compared with HB0386

Facilities Construction and Management.

Section 13. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2022 and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To State Board of Education -- Contracted Initiatives and Grants

<u>From Education Fund, One-time</u>	<u>\$2,500,000</u>
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Schedule of Programs:

<u>Education Innovation Program</u>	<u>\$2,500,000</u>
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The Legislature intends that the money appropriated to the State Board of Education be used and distributed as provided in Title 53G, Chapter 10, Part 6, Education Innovation Program.