

**Representative Kera Birkeland** proposes the following substitute bill:

**CITIZEN EMPOWERMENT TASK FORCE**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kera Birkeland**

Senate Sponsor: Daniel McCay

---

---

**LONG TITLE**

**General Description:**

This bill creates the Citizen Empowerment Task Force.

**Highlighted Provisions:**

This bill:

- ▶ creates the Citizen Empowerment Task Force to study ways of removing barriers for a citizen to exercise the citizen's due process rights in relation to noncriminal administrative or court action taken against the citizen by a government entity;
- ▶ describes the membership of the task force;
- ▶ addresses compensation for serving on the task force;
- ▶ requires the task force to make a report and provide recommendations; and
- ▶ repeals the task force on December 31, 2023.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-2-236**, as last amended by Laws of Utah 2022, Chapters 97, 141, 363, 437, and 458



26 ENACTS:

27 36-29-401, Utah Code Annotated 1953

---

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

30 Section 1. Section **36-29-401** is enacted to read:

31 **Part 4. Citizen Empowerment Task Force**

32 **36-29-401. Citizen Empowerment Task Force -- Creation -- Purpose --**

33 **Membership -- Compensation -- Staff -- Reporting.**

34 (1) As used in this section, "task force" means the Citizen Empowerment Task Force  
 35 created in Subsection (2).

36 (2) There is created the Citizen Empowerment Task Force to study ways of removing  
 37 barriers for a citizen to exercise the citizen's due process rights in relation to noncriminal  
 38 administrative or court action taken against the citizen by a government entity.

39 (3) The task force comprises ~~five~~ **seven** members, as follows:

40 (a) three members of the House of Representatives, appointed by the speaker of the  
 41 House or Representatives, no more than two of whom may be from the same political party;

42 (b) one member of the Senate, appointed by the president of the Senate; ~~and~~ **and**

43 (c) the attorney general, or a designee of the attorney general ~~;~~ **;**

43a **(d) one member of the Utah League of Cities and Towns; and**

43b **(e) one member of the Utah Association of Counties.** ~~and~~

44 (4) (a) The speaker of the House of Representatives shall appoint one of the members  
 45 described in Subsection (3)(a) as the chair of the task force.

46 (b) A vacancy in a position on the task force described in Subsection (3)(a) or (b) shall  
 47 be filled by the appointing authority for the vacant position.

48 (c) Three members of the task force constitute a quorum of the task force.

49 (d) The action of a majority of a quorum present constitutes the action of the task force.

50 (5) Salaries and expenses of the members of the task force who are legislators shall be  
 51 paid in accordance with:

52 (a) Section 36-2-2; and

53 (b) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

54 (6) A member of the task force who is not a legislator may not receive compensation or  
 55 benefits for the member's service, but may receive per diem and travel expenses in accordance  
 56 with:

- 57           (a) Section 63A-3-106;  
58           (b) Section 63A-3-107; and  
59           (c) rules made by the Division of Finance under Section 63A-3-106 and Section  
60 63A-3-107.
- 61           (7) The Office of Legislative Research and General Counsel shall provide staff support  
62 to the task force.
- 63           (8) The task force shall study:
- 64           (a) the types of noncriminal administrative and court actions that are most often  
65 brought against citizens by an entity of the state or a political subdivision of the state;  
66           (b) barriers to a citizen's ability to exercise the citizen's due process rights to defend  
67 against an action described in Subsection (8)(a), including barriers caused by:
- 68           (i) an imbalance between the power and resources of the government entity and the  
69 power and resources of the citizen;
- 70           (ii) financial barriers;  
71           (iii) time constraints;  
72           (iv) differences in knowledge and experience; and  
73           (v) other barriers; and
- 74           (c) methods of reducing the barriers described in Subsection (8)(b), including:
- 75           (i) providing education, advice, and other assistance to a citizen seeking to challenge  
76 government action;
- 77           (ii) disincentives for government overreach, including:
- 78           (A) the potential award of attorney fees in favor of a prevailing citizen;  
79           (B) disciplinary action against a government official, when warranted; and  
80           (C) other disincentives;
- 81           (iii) providing less-expensive alternatives to court action;  
82           (iv) providing less-expensive access to the courts; and  
83           (v) other methods.
- 84           (9) In studying the items described in Subsection (8), the task force shall consider:
- 85           (a) approaches currently used in other states; and  
86           (b) new and innovative approaches.
- 87           (10) The task force shall, at or before the 2023 November interim meeting of the

88 Government Operations Interim Committee, report to the committee on:

89 (a) the results of the study described in Subsection (8); and

90 (b) recommendations on actions that should be taken, or legislation that should be

91 considered, to remove barriers for a citizen to exercise the citizen's due process rights in

92 relation to noncriminal administrative or court action taken against the citizen by a government

93 entity.

94 Section 2. Section **63I-2-236** is amended to read:

95 **63I-2-236. Repeal dates: Title 36.**

96 (1) Section [36-12-8.2](#) is repealed July 1, 2023.

97 (2) Section [36-29-107.5](#) is repealed on November 30, 2023.

98 (3) Section [36-29-109](#) is repealed on November 30, 2027.

99 (4) Section [36-29-110](#) is repealed on November 30, 2024.

100 (5) Section [36-29-111](#) is repealed April 30, 2023.

101 (6) The following sections regarding the State Flag Task Force are repealed on January  
102 1, 2024:

103 (a) Section [36-29-201](#);

104 (b) Section [36-29-202](#); and

105 (c) Section [36-29-203](#).

106 (7) Title 36, Chapter 29, Part 3, Mental Illness Psychotherapy Drug Task Force, is  
107 repealed December 31, 2023.

108 (8) Title 36, Chapter 29, Part 4, Citizen Empowerment Task Force, is repealed  
109 December 31, 2023.