

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 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

43 (c) the attorney general, or a designee of the attorney general.

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.