

BOARDS AND COMMISSIONS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Kraig Powell

LONG TITLE

General Description:

This bill repeals certain boards and commissions and repeals the Utah Commission on Immigration and Migration Act.

Highlighted Provisions:

This bill:

▶ repeals the:

- Municipal Government Fiscal Committee;
- Citizens and County Officials Advisory Committee;
- Antidiscrimination and Labor Advisory Council;
- Occupational Safety and Health Advisory Council;
- Utah Pioneer Communities Advisory Board;
- Forestry, Fire, and State Lands Advisory Council;
- Controlled Substance Precursor Advisory Board;
- Families, Agencies, and Communities Together (FACT) Steering Committee;
- Families, Agencies, and Communities Together (FACT) State Council;
- Utah Commission on Immigration and Migration Act; and
- Job Enhancement Committee;

▶ requires the state auditor to establish and conduct a continuing review of suggested measurements and procedures for program performance budgeting and reporting;

and

▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

30 None

31 **Other Special Clauses:**

32 This bill provides effective dates.

33 **Utah Code Sections Affected:**

34 **AMENDS:**

35 **10-6-154**, as last amended by Laws of Utah 2003, Chapter 292

36 **17-36-4**, as last amended by Laws of Utah 1996, Chapter 212

37 **34A-1-202**, as last amended by Laws of Utah 2009, Chapter 174

38 **34A-6-103**, as last amended by Laws of Utah 2011, Chapter 413

39 **34A-6-202**, as last amended by Laws of Utah 2011, Chapter 297

40 **35A-3-207**, as last amended by Laws of Utah 2008, Chapter 382

41 **53A-1a-601**, as last amended by Laws of Utah 2011, Chapter 342

42 **58-37c-3**, as last amended by Laws of Utah 2008, Chapter 382

43 **58-37c-8**, as last amended by Laws of Utah 2010, Chapter 240

44 **58-37c-11**, as last amended by Laws of Utah 1999, Chapter 21

45 **58-37c-19**, as last amended by Laws of Utah 2000, Chapter 1

46 **58-37c-19.5**, as last amended by Laws of Utah 2004, Chapter 280

47 **58-37c-19.7**, as enacted by Laws of Utah 2000, Chapter 272

48 **58-37c-19.9**, as enacted by Laws of Utah 2000, Chapter 272

49 **58-37c-20**, as last amended by Laws of Utah 2007, Chapter 358

50 **58-37d-3**, as last amended by Laws of Utah 2003, Chapter 115

51 **62A-5a-104**, as last amended by Laws of Utah 2008, Chapter 382

52 **63I-1-263 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapters 126,
53 206, 347, 369, and 395

54 **63J-1-201**, as last amended by Laws of Utah 2012, Chapters 242 and 341

55 **65A-1-1**, as last amended by Laws of Utah 2012, Chapter 361

56 **65A-1-4**, as last amended by Laws of Utah 2009, Chapter 344

57 **65A-1-9**, as repealed and reenacted by Laws of Utah 1994, Chapter 294

58 **79-2-201**, as renumbered and amended by Laws of Utah 2009, Chapter 344

59 REPEALS:

60 **10-6-153**, as last amended by Laws of Utah 2010, Chapter 286

61 **17-36-5**, as last amended by Laws of Utah 2010, Chapters 286 and 324

62 **34A-5-105**, as last amended by Laws of Utah 2010, Chapter 286

63 **34A-6-106**, as last amended by Laws of Utah 2010, Chapter 286

64 **53A-1a-602**, as last amended by Laws of Utah 2010, Chapter 286

65 **58-37c-4**, as last amended by Laws of Utah 1993, Chapter 297

66 **63G-13-101**, as enacted by Laws of Utah 2011, Chapter 19

67 **63G-13-102**, as enacted by Laws of Utah 2011, Chapter 19

68 **63G-13-201**, as last amended by Laws of Utah 2012, Chapter 212

69 **63G-13-202**, as enacted by Laws of Utah 2011, Chapter 19

70 **63G-13-301**, as enacted by Laws of Utah 2011, Chapter 19

71 **63G-13-302**, as enacted by Laws of Utah 2011, Chapter 19

72 **63G-13-303**, as enacted by Laws of Utah 2011, Chapter 19

73 **63G-13-304**, as enacted by Laws of Utah 2011, Chapter 19

74 **63M-1-1501**, as renumbered and amended by Laws of Utah 2008, Chapter 382

75 **63M-1-1502**, as last amended by Laws of Utah 2010, Chapter 218

76 **63M-1-1503**, as last amended by Laws of Utah 2012, Chapter 212

77 **63M-1-1504**, as renumbered and amended by Laws of Utah 2008, Chapter 382

78 **63M-1-1505**, as renumbered and amended by Laws of Utah 2008, Chapter 382

79 **63M-9-101**, as renumbered and amended by Laws of Utah 2008, Chapter 382

80 **63M-9-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382

81 **63M-9-103**, as last amended by Laws of Utah 2011, Chapter 366

82 **63M-9-104**, as renumbered and amended by Laws of Utah 2008, Chapter 382

83 **63M-9-201**, as last amended by Laws of Utah 2010, Chapter 286

84 **63M-9-202**, as last amended by Laws of Utah 2010, Chapter 286

85 **63M-9-203**, as renumbered and amended by Laws of Utah 2008, Chapter 382

86 **63M-9-301**, as last amended by Laws of Utah 2010, Chapter 324

87 **63M-9-401**, as last amended by Laws of Utah 2008, Chapter 3 and renumbered and
88 amended by Laws of Utah 2008, Chapter 382

89 **63M-9-402**, as renumbered and amended by Laws of Utah 2008, Chapter 382

90 **63M-9-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382

91 **65A-1-2**, as last amended by Laws of Utah 2009, Chapter 344

92 **65A-1-3**, as last amended by Laws of Utah 2010, Chapter 286

93

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

95 Section 1. Section **10-6-154** is amended to read:

96 **10-6-154. Duties of state auditor -- Adoption and expansion of uniform system.**

97 (1) The state auditor [~~with the assistance, advice, and recommendations of the~~
98 ~~municipal government fiscal committee~~] shall:

99 (a) prescribe uniform accounting and reporting procedures for cities, in conformity
100 with generally accepted accounting principles;

101 (b) conduct a continuing review and modification of such procedures to improve them;

102 (c) prepare and supply each city with suitable budget and reporting forms; and

103 (d) prepare instructional materials, conduct training programs and render other services
104 deemed necessary to assist cities in implementing the uniform accounting, budgeting and
105 reporting procedures.

106 (2) The Uniform Accounting Manual for Utah Cities shall prescribe reasonable
107 exceptions and modifications for fourth and fifth class cities to the uniform system of
108 accounting, budgeting, and reporting.

109 (3) The [~~advisory committee~~] state auditor shall establish and conduct a continuing
110 review of suggested measurements and procedures for program and performance budgeting and
111 reporting which may be evaluated on a statewide basis.

112 (4) Cities may expand the uniform accounting and reporting procedures to better serve
113 their needs; however, no deviations from or alterations to the basic prescribed classification

114 systems for the identity of funds and accounts shall be made.

115 Section 2. Section **17-36-4** is amended to read:

116 **17-36-4. State auditor -- Duties.**

117 (1) The state auditor~~[, with the assistance, advice, and recommendation of the advisory~~
118 ~~committee,]~~ shall:

- 119 (a) prescribe a uniform system of fiscal procedures for the several counties;
- 120 (b) conduct a constant review and modification of such procedures to improve them;
- 121 (c) prepare and supply each county budget officer with suitable budget forms; and
- 122 (d) prepare instructional materials, conduct training programs, and render other
123 services deemed necessary to assist counties in implementing the uniform system.

124 (2) The uniform system of procedure may include reasonable exceptions and
125 modifications applicable to counties with a population of 25,000 or less, such population to be
126 determined by the Utah Population Work Committee. Counties may expand the uniform
127 system to serve better their needs. Deviations from or alterations to the basic prescribed
128 classification system for the identity of funds and accounts should not be made.

129 Section 3. Section **34A-1-202** is amended to read:

130 **34A-1-202. Divisions and office -- Creation -- Duties -- Labor Relations Board,**
131 **Appeals Board, councils, and panel.**

132 (1) There is created within the commission the following divisions and office:

- 133 (a) the Division of Industrial Accidents that shall administer the regulatory
134 requirements of this title concerning industrial accidents and occupational disease;
- 135 (b) the Division of Occupational Safety and Health that shall administer the regulatory
136 requirements of Chapter 6, Utah Occupational Safety and Health Act;
- 137 (c) the Division of Boiler and Elevator Safety that shall administer the regulatory
138 requirements of Chapter 7, Safety;
- 139 (d) the Division of Antidiscrimination and Labor that shall administer the regulatory
140 requirements of:
 - 141 (i) Title 34, Labor in General, when specified by statute;

- 142 (ii) Chapter 5, Utah Antidiscrimination Act;
- 143 (iii) this title, when specified by statute; and
- 144 (iv) Title 57, Chapter 21, Utah Fair Housing Act;
- 145 (e) the Division of Adjudication that shall adjudicate claims or actions brought under
- 146 this title; and
- 147 (f) the Utah Office of Coal Mine Safety created in Section 40-2-201.

148 (2) In addition to the divisions created under this section, within the commission are
 149 the following:

- 150 (a) the Labor Relations Board created in Section 34-20-3;
- 151 (b) the Appeals Board created in Section 34A-1-205;
- 152 (c) the following program advisory councils:
 - 153 (i) the workers' compensation advisory council created in Section 34A-2-107;
 - 154 [~~(ii) the antidiscrimination and labor advisory council created in Section 34A-5-105;~~]
 - 155 [~~(iii) the occupational safety and health advisory council created in Section~~
 - 156 ~~34A-6-106;~~]
 - 157 [~~(iv)~~] (ii) the Mine Safety Technical Advisory Council created in Section 40-2-203;
 - 158 and
 - 159 [~~(v)~~] (iii) the Coal Miner Certification Panel created in Section 40-2-204.

160 (3) In addition to the responsibilities described in this section, the commissioner may
 161 assign to a division a responsibility granted to the commission by law.

162 Section 4. Section **34A-6-103** is amended to read:

163 **34A-6-103. Definitions -- Unincorporated entities.**

- 164 (1) As used in this chapter:
 - 165 (a) "Administrator" means the director of the Division of Occupational Safety and
 - 166 Health.
 - 167 (b) "Amendment" means such modification or change in a code, standard, rule, or
 - 168 order intended for universal or general application.
 - 169 (c) "Commission" means the Labor Commission.

170 [~~(d)~~] "~~Council~~" means the Utah Occupational Safety and Health Advisory Council.]

171 [~~(e)~~] (d) "Division" means the Division of Occupational Safety and Health.

172 [~~(f)~~] (e) "Employee" includes any person suffered or permitted to work by an employer.

173 [~~(g)~~] (f) "Employer" means:

174 (i) the state;

175 (ii) a county, city, town, and school district in the state; and

176 (iii) a person, including a public utility, having one or more workers or operatives

177 regularly employed in the same business, or in or about the same establishment, under any

178 contract of hire.

179 [~~(h)~~] (g) "Hearing" means a proceeding conducted by the commission.

180 [~~(i)~~] (h) "Imminent danger" means a danger exists which reasonably could be expected

181 to cause an occupational disease, death, or serious physical harm immediately, or before the

182 danger could be eliminated through enforcement procedures under this chapter.

183 [~~(j)~~] (i) "National consensus standard" means any occupational safety and health

184 standard or modification:

185 (i) adopted by a nationally recognized standards-producing organization under

186 procedures where it can be determined by the administrator and division that persons interested

187 and affected by the standard have reached substantial agreement on its adoption;

188 (ii) formulated in a manner which affords an opportunity for diverse views to be

189 considered; and

190 (iii) designated as such a standard by the Secretary of the United States Department of

191 Labor.

192 [~~(k)~~] (j) "Person" means the general public, one or more individuals, partnerships,

193 associations, corporations, legal representatives, trustees, receivers, and the state and its

194 political subdivisions.

195 [~~(l)~~] (k) "Publish" means publication in accordance with Title 63G, Chapter 3, Utah

196 Administrative Rulemaking Act.

197 [~~(m)~~] (l) "Secretary" means the Secretary of the United States Department of Labor.

198 ~~[(m)]~~ (m) "Standard" means an occupational health and safety standard or group of
199 standards which requires conditions, or the adoption or use of one or more practices, means,
200 methods, operations, or processes, reasonably necessary to provide safety and healthful
201 employment and places of employment.

202 ~~[(n)]~~ (n) "Unincorporated entity" means an entity organized or doing business in the
203 state that is not:

- 204 (i) an individual;
- 205 (ii) a corporation; or
- 206 (iii) publicly traded.

207 ~~[(o)]~~ (o) "Variance" means a special, limited modification or change in the code or
208 standard applicable to the particular establishment of the employer or person petitioning for the
209 modification or change.

210 ~~[(p)]~~ (p) "Workplace" means any place of employment.

211 (2) (a) For purposes of this chapter, an unincorporated entity that is required to be
212 licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act, is presumed to
213 be the employer of each individual who, directly or indirectly, holds an ownership interest in
214 the unincorporated entity.

215 (b) Pursuant to rules made by the commission in accordance with Title 63G, Chapter 3,
216 Utah Administrative Rulemaking Act, an unincorporated entity may rebut the presumption
217 under Subsection (2)(a) for an individual by establishing by clear and convincing evidence that
218 the individual:

- 219 (i) is an active manager of the unincorporated entity;
- 220 (ii) directly or indirectly holds at least an 8% ownership interest in the unincorporated
221 entity; or
- 222 (iii) is not subject to supervision or control in the performance of work by:
 - 223 (A) the unincorporated entity; or
 - 224 (B) a person with whom the unincorporated entity contracts.
- 225 (c) As part of the rules made under Subsection (2)(b), the commission may define:

- 226 (i) "active manager";
- 227 (ii) "directly or indirectly holds at least an 8% ownership interest"; and
- 228 (iii) "subject to supervision or control in the performance of work."

229 Section 5. Section 34A-6-202 is amended to read:

230 **34A-6-202. Standards -- Procedure for issuance, modification, or revocation by**
 231 **division -- Emergency temporary standard -- Variances from standards -- Statement of**
 232 **reasons for administrator's actions -- Judicial review -- Priority for establishing**
 233 **standards.**

234 (1) (a) The division, as soon as practicable, shall issue as standards any national
 235 consensus standard, any adopted federal standard, or any adopted Utah standard, unless it
 236 determines that issuance of the standard would not result in improved safety or health.

237 (b) All codes, standards, and rules adopted under Subsection (1)(a) shall take effect 30
 238 days after publication unless otherwise specified.

239 (c) If any conflict exists between standards, the division shall issue the standard that
 240 assures the greatest protection of safety or health for affected employees.

241 (2) The division may issue, modify, or revoke any standard as follows:

242 ~~[(a) (i) Whenever the administrator determines upon the basis of information submitted~~
 243 ~~in writing by an interested person, a representative of any organization of employers or~~
 244 ~~employees, a nationally recognized standards-producing organization, the Department of~~
 245 ~~Health, or a state agency or political subdivision, or on information developed by the division~~
 246 ~~or otherwise available, that a rule should be promulgated to promote the objectives of this~~
 247 ~~chapter, the administrator may request recommendations from the advisory council.]~~

248 ~~[(ii) The administrator shall provide the advisory council with proposals, together with~~
 249 ~~all pertinent factual information developed by the division, or otherwise available, including~~
 250 ~~the results of research, demonstrations, and experiments.]~~

251 ~~[(iii) The advisory council shall submit to the administrator its recommendations~~
 252 ~~regarding the rule to be promulgated within a period as prescribed by the administrator.]~~

253 ~~[(b)]~~ (a) The division shall publish a proposed rule issuing, modifying, or revoking an

254 occupational safety or health standard and shall afford interested parties an opportunity to
255 submit written data or comments as prescribed by Title 63G, Chapter 3, Utah Administrative
256 Rulemaking Act. When the administrator determines that a rule should be issued, the division
257 shall publish the proposed rule after the [~~submission of the advisory council's recommendations~~
258 ~~or the~~] expiration of the period prescribed by the administrator for submission.

259 [~~(e)~~] (b) The administrator, in issuing standards for toxic materials or harmful physical
260 agents under this subsection, shall set the standard which most adequately assures, to the extent
261 feasible, on the basis of the best available evidence, that no employee will suffer material
262 impairment of health or functional capacity even if the employee has regular exposure to the
263 hazard during an employee's working life. Development of standards under this subsection
264 shall be based upon research, demonstrations, experiments, and other information deemed
265 appropriate. In addition to the attainment of the highest degree of health and safety protection
266 for the employee, other considerations shall be the latest available scientific data in the field,
267 the feasibility of the standards, and experience under this and other health and safety laws.
268 Whenever practicable, the standard shall be expressed in terms of objective criteria and of the
269 performance desired.

270 [~~(d)~~] (c) (i) Any employer may apply to the administrator for a temporary order
271 granting a variance from a standard issued under this section. Temporary orders shall be
272 granted only if the employer:

273 (A) files an application which meets the requirements of Subsection (2)[~~(d)~~](c)(iv);

274 (B) establishes that the employer is unable to comply with a standard by its effective
275 date because of unavailability of professional or technical personnel or of materials and
276 equipment needed for compliance with the standard or because necessary construction or
277 alteration of facilities cannot be completed by the effective date;

278 (C) establishes that the employer is taking all available steps to safeguard the
279 employer's employees against hazards; and

280 (D) establishes that the employer has an effective program for compliance as quickly as
281 practicable.

282 (ii) Any temporary order shall prescribe the practices, means, methods, operations, and
283 processes which the employer shall adopt and use while the order is in effect and state in detail
284 the employer's program for compliance with the standard. A temporary order may be granted
285 only after notice to employees and an opportunity for a public hearing; provided, that the
286 administrator may issue one interim order effective until a decision is made after public
287 hearing.

288 (iii) A temporary order may not be in effect longer than the period reasonably required
289 by the employer to achieve compliance. In no case shall the period of a temporary order
290 exceed one year.

291 (iv) An application for a temporary order under Subsection (2)~~(d)~~(c) shall contain:

292 (A) a specification of the standard or part from which the employer seeks a variance;

293 (B) a representation by the employer, supported by representations from qualified
294 persons having first-hand knowledge of the facts represented, that the employer is unable to
295 comply with the standard or some part of the standard;

296 (C) a detailed statement of the reasons the employer is unable to comply;

297 (D) a statement of the measures taken and anticipated with specific dates, to protect
298 employees against the hazard;

299 (E) a statement of when the employer expects to comply with the standard and what
300 measures the employer has taken and those anticipated, giving specific dates for compliance;
301 and

302 (F) a certification that the employer has informed the employer's employees of the
303 application by:

304 (I) giving a copy to their authorized representative;

305 (II) posting a statement giving a summary of the application and specifying where a
306 copy may be examined at the place or places where notices to employees are normally posted;
307 and

308 (III) by other appropriate means.

309 (v) The certification required under Subsection (2)~~(d)~~(c)(iv) shall contain a

310 description of how employees have been informed.

311 (vi) The information to employees required under Subsection (2)~~(f)~~(c)(v) shall
312 inform the employees of their right to petition the division for a hearing.

313 (vii) The administrator is authorized to grant a variance from any standard or some part
314 of the standard when the administrator determines that it is necessary to permit an employer to
315 participate in a research and development project approved by the administrator to demonstrate
316 or validate new and improved techniques to safeguard the health or safety of workers.

317 ~~(e)~~ (d) (i) Any standard issued under this subsection shall prescribe the use of labels
318 or other forms of warning necessary to ensure that employees are apprised of all hazards,
319 relevant symptoms and emergency treatment, and proper conditions and precautions of safe use
320 or exposure. When appropriate, a standard shall prescribe suitable protective equipment and
321 control or technological procedures for use in connection with such hazards and provide for
322 monitoring or measuring employee exposure at such locations and intervals, and in a manner
323 necessary for the protection of employees. In addition, any such standard shall prescribe the
324 type and frequency of medical examinations or other tests which shall be made available by the
325 employer, or at the employer's cost, to employees exposed to hazards in order to most
326 effectively determine whether the health of employees is adversely affected by exposure. If
327 medical examinations are in the nature of research as determined by the division, the
328 examinations may be furnished at division expense. The results of such examinations or tests
329 shall be furnished only to the division; and, at the request of the employee, to the employee's
330 physician.

331 (ii) The administrator may by rule make appropriate modifications in requirements for
332 the use of labels or other forms of warning, monitoring or measuring, and medical
333 examinations warranted by experience, information, or medical or technological developments
334 acquired subsequent to the promulgation of the relevant standard.

335 ~~(f)~~ (e) Whenever a rule issued by the administrator differs substantially from an
336 existing national consensus standard, the division shall publish a statement of the reasons why
337 the rule as adopted will better effectuate the purposes of this chapter than the national

338 consensus standard.

339 ~~(g)~~ (f) Whenever a rule, standard, or national consensus standard is modified by the
340 secretary so as to make less restrictive the federal Williams-Steiger Occupational Safety and
341 Health Act of 1970, the less restrictive modification shall be immediately applicable to this
342 chapter and shall be immediately implemented by the division.

343 (3) (a) The administrator shall provide an emergency temporary standard to take
344 immediate effect upon publication if the administrator determines that:

345 (i) employees are exposed to grave danger from exposure to substances or agents
346 determined to be toxic or physically harmful or from new hazards; and

347 (ii) that the standard is necessary to protect employees from danger.

348 (b) An emergency standard shall be effective until superseded by a standard issued in
349 accordance with the procedures prescribed in Subsection (3)(c).

350 (c) Upon publication of an emergency standard the division shall commence a
351 proceeding in accordance with Subsection (2) and the standard as published shall serve as a
352 proposed rule for the proceedings. The division shall issue a standard under Subsection (3) no
353 later than 120 days after publication of the emergency standard.

354 (4) (a) Any affected employer may apply to the division for a rule or order for a
355 variance from a standard issued under this section. Affected employees shall be given notice of
356 each application and may participate in a hearing. The administrator shall issue a rule or order
357 if the administrator determines on the record, after opportunity for an inspection where
358 appropriate and a hearing, that the proponent of the variance has demonstrated by a
359 preponderance of the evidence that the conditions, practices, means, methods, operations, or
360 processes used or proposed to be used by an employer will provide employment and a
361 workplace to the employer's employees that are as safe and healthful as those which would
362 prevail if the employer complied with the standard.

363 (b) The rule or order issued under Subsection (4)(a) shall prescribe the conditions the
364 employer must maintain, and the practices, means, methods, operations and processes that the
365 employer must adopt and use to the extent they differ from the standard in question.

366 (c) A rule or order issued under Subsection (4)(a) may be modified or revoked upon
367 application by an employer, employees, or by the administrator on its own motion, in the
368 manner prescribed for its issuance under Subsection (4) at any time after six months from its
369 issuance.

370 (5) The administrator shall include a statement of reasons for the administrator's
371 actions when the administrator:

372 (a) issues any code, standard, rule, or order;

373 (b) grants any exemption or extension of time; or

374 (c) compromises, mitigates, or settles any penalty assessed under this chapter.

375 (6) Any person adversely affected by a standard issued under this section, at any time
376 prior to 60 days after a standard is issued, may file a petition challenging its validity with the
377 district court having jurisdiction for judicial review. A copy of the petition shall be served
378 upon the division by the petitioner. The filing of a petition may not, unless otherwise ordered
379 by the court, operate as a stay of the standard. The determinations of the division shall be
380 conclusive if supported by substantial evidence on the record as a whole.

381 (7) In determining the priority for establishing standards under this section, the division
382 shall give due regard to the urgency of the need for mandatory safety and health standards for
383 particular industries, trades, crafts, occupations, businesses, workplaces or work environments.
384 The administrator shall also give due regard to the recommendations of the Department of
385 Health about the need for mandatory standards in determining the priority for establishing the
386 standards.

387 Section 6. Section **35A-3-207** is amended to read:

388 **35A-3-207. Community-based prevention programs.**

389 (1) As used in this section:

390 (a) "political subdivision" means a town, city, county, or school district;

391 (b) "qualified sponsor" means a:

392 (i) political subdivision;

393 (ii) community nonprofit, religious, or charitable organization;

394 (iii) regional or statewide nonprofit organization; or
395 (iv) private for profit or nonprofit child care organization with experience and expertise
396 in operating community-based prevention programs described in Subsection (2) and that are
397 licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities.

398 (2) Within appropriations from the Legislature, the department may provide grants to
399 qualified sponsors for community-based prevention programs that:

- 400 (a) support parents in their primary care giving role to children;
- 401 (b) provide positive alternatives to idleness for school-aged children when school is not
402 in session; and

403 (c) support other community-based prevention programs.

404 (3) In awarding grants under this section, the department shall:

- 405 (a) request proposals for funding from potential qualified sponsors; and
- 406 (b) comply with the requirements of Subsection (4).

407 (4) In awarding these grants, the department shall ensure that each dollar of funds from
408 political subdivisions or private funds is matched for each dollar received from the department.
409 The value of in-kind contributions such as materials, supplies, paid labor, volunteer labor, and
410 the incremental increase in building maintenance and operation expenses incurred attributable
411 to the prevention program may be considered in meeting this match requirement.

412 (5) In awarding a grant under this section, the department shall consider:

413 (a) the cash portion of the proposed match in relation to the financial resources of the
414 qualified sponsor; and

415 (b) the extent to which the qualified sponsor has:

416 (i) consulted and collaborated with parents of children who are likely to participate,
417 local parent-teacher organizations, and other parent organizations~~[-and the appropriate local~~
418 ~~interagency council established under Section 63M-9-301];~~

419 (ii) identified at risk factors that will be ameliorated through the proposed prevention
420 program;

421 (iii) identified protective factors and developmental assets that will be supported and

422 strengthened through the proposed prevention program; and

423 (iv) the financial support of parents and the organizations specified in Subsection
424 (5)(b)(i).

425 (6) At least 50 percent of the grants awarded under this section shall be awarded to
426 organizations described in Subsection (1)(b)(iv).

427 (7) No federal funds shall be used as matching funds under this act.

428 Section 7. Section **53A-1a-601** is amended to read:

429 **53A-1a-601. Job enhancements for mathematics, science, technology, and special**
430 **education training.**

431 (1) As used in this part, "special education teacher" includes occupational therapist.

432 (2) The Public Education Job Enhancement Program is established to attract, train, and
433 retain highly qualified:

434 (a) secondary teachers with expertise in mathematics, physics, chemistry, physical
435 science, learning technology, or information technology;

436 (b) special education teachers; and

437 (c) teachers in grades four through six with mathematics endorsements.

438 (3) The program shall provide for the following:

439 (a) application by a school district superintendent or the principal of a school on behalf
440 of a qualified teacher;

441 (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's
442 degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be
443 given to selected public school teachers on a competitive basis:

444 (i) whose applications are approved under Subsection 53A-1a-602(4); and

445 (ii) who teach in the state's public education system for four years in the areas
446 identified in Subsection (2);

447 (c) (i) as to the cash awards under Subsection (3)(b), payment of the award in two
448 installments, with an initial payment of up to \$10,000 at the beginning of the term and up to
449 \$10,000 at the conclusion of the term;

450 (ii) repayment of a portion of the initial payment by the teacher if the teacher fails to
451 complete two years of the four-year teaching term in the areas identified in Subsection (2) as
452 provided by rule of the State Board of Education in accordance with Title 63G, Chapter 3, Utah
453 Administrative Rulemaking Act, unless waived for good cause by the ~~[Job Enhancement~~
454 ~~Committee created in Section 53A-1a-602]~~ State Board of Education; and

455 (iii) nonpayment of the second installment if the teacher fails to complete the four-year
456 teaching term; and

457 (d) (i) as to the scholarships awarded under Subsection (3)(b), provision for the
458 providing institution to certify adequate performance in obtaining the master's degree,
459 endorsement, or graduate education in order for the teacher to maintain the scholarship; and

460 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails
461 to complete the authorized classes or program or to teach in the state system of public
462 education in the areas identified in Subsection (2) for four years after obtaining the master's
463 degree, the endorsement, or graduate education.

464 (4) An individual teaching in the public schools under a letter of authorization may
465 participate in the cash award program if:

466 (a) the individual has taught under the letter of authorization for at least one year in the
467 areas referred to in Subsection (2); and

468 (b) the application made under Subsection (3)(a) is based in large part upon the
469 individual receiving a superior evaluation as a classroom teacher.

470 (5) (a) The program may provide for the expenditure of up to \$1,000,000 of available
471 money, if at least an equal amount of matching money becomes available, to provide
472 professional development training to superintendents, administrators, and principals in the
473 effective use of technology in public schools.

474 (b) An award granted under this Subsection (5) shall be made in accordance with
475 criteria developed and adopted by the ~~[Job Enhancement Committee created in Section~~
476 ~~53A-1a-602]~~ State Board of Education and in accordance with Title 63G, Chapter 3, Utah
477 Administrative Rulemaking Act.

478 (c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may
479 be expended, regardless of the matching money being available.

480 Section 8. Section **58-37c-3** is amended to read:

481 **58-37c-3. Definitions.**

482 In addition to the definitions in Section 58-1-102, as used in this chapter:

483 [~~(1) "Board" means the Controlled Substance Precursor Advisory Board created in~~
484 ~~Section 58-37c-4.~~]

485 [~~(2)~~ (1) "Controlled substance precursor" includes a chemical reagent and means any
486 of the following:

- 487 (a) Phenyl-2-propanone;
- 488 (b) Methylamine;
- 489 (c) Ethylamine;
- 490 (d) D-lysergic acid;
- 491 (e) Ergotamine and its salts;
- 492 (f) Diethyl malonate;
- 493 (g) Malonic acid;
- 494 (h) Ethyl malonate;
- 495 (i) Barbituric acid;
- 496 (j) Piperidine and its salts;
- 497 (k) N-acetylanthranilic acid and its salts;
- 498 (l) Pyrrolidine;
- 499 (m) Phenylacetic acid and its salts;
- 500 (n) Anthranilic acid and its salts;
- 501 (o) Morpholine;
- 502 (p) Ephedrine;
- 503 (q) Pseudoephedrine;
- 504 (r) Norpseudoephedrine;
- 505 (s) Phenylpropanolamine;

- 506 (t) Benzyl cyanide;
- 507 (u) Ergonovine and its salts;
- 508 (v) 3,4-Methylenedioxyphenyl-2-propanone;
- 509 (w) propionic anhydride;
- 510 (x) Insosafrole;
- 511 (y) Safrole;
- 512 (z) Piperonal;
- 513 (aa) N-Methylephedrine;
- 514 (bb) N-ethylephedrine;
- 515 (cc) N-methylpseudoephedrine;
- 516 (dd) N-ethylpseudoephedrine;
- 517 (ee) Hydriotic acid;
- 518 (ff) gamma butyrolactone (GBL), including butyrolactone, 1,2 butanolide,
- 519 2-oxanolone, tetrahydro-2-furanone, dihydro-2(3H)-furanone, and tetramethylene glycol, but
- 520 not including gamma aminobutric acid (GABA);
- 521 (gg) 1,4 butanediol;
- 522 (hh) any salt, isomer, or salt of an isomer of the chemicals listed in Subsections (2)(a)
- 523 through (gg);
- 524 (ii) Crystal iodine;
- 525 (jj) Iodine at concentrations greater than 1.5% by weight in a solution or matrix;
- 526 (kk) Red phosphorous, except as provided in Section 58-37c-19.7;
- 527 (ll) anhydrous ammonia, except as provided in Section 58-37c-19.9;
- 528 (mm) any controlled substance precursor listed under the provisions of the Federal
- 529 Controlled Substances Act which is designated by the director under the emergency listing
- 530 provisions set forth in Section 58-37c-14; and
- 531 (nn) any chemical which is designated by the director under the emergency listing
- 532 provisions set forth in Section 58-37c-14.
- 533 [~~(3)~~] (2) "Deliver," "delivery," "transfer," or "furnish" means the actual, constructive,

534 or attempted transfer of a controlled substance precursor.

535 ~~[(4)]~~ (3) "Matrix" means something, as a substance, in which something else
536 originates, develops, or is contained.

537 ~~[(5)]~~ (4) "Person" means any individual, group of individuals, proprietorship,
538 partnership, joint venture, corporation, or organization of any type or kind.

539 ~~[(6)]~~ (5) "Practitioner" means a physician, dentist, podiatric physician, veterinarian,
540 pharmacist, scientific investigator, pharmacy, hospital, pharmaceutical manufacturer, or other
541 person licensed, registered, or otherwise permitted to distribute, dispense, conduct research
542 with respect to, administer, or use in teaching, or chemical analysis a controlled substance in
543 the course of professional practice or research in this state.

544 ~~[(7)]~~ (6) (a) "Regulated distributor" means a person within the state who provides,
545 sells, furnishes, transfers, or otherwise supplies a listed controlled substance precursor
546 chemical in a regulated transaction.

547 (b) "Regulated distributor" does not include any person excluded from regulation under
548 this chapter.

549 ~~[(8)]~~ (7) (a) "Regulated purchaser" means any person within the state who receives a
550 listed controlled substance precursor chemical in a regulated transaction.

551 (b) "Regulated purchaser" does not include any person excluded from regulation under
552 this chapter.

553 ~~[(9)]~~ (8) "Regulated transaction" means any actual, constructive or attempted:

554 (a) transfer, distribution, delivery, or furnishing by a person within the state to another
555 person within or outside of the state of a threshold amount of a listed precursor chemical; or

556 (b) purchase or acquisition by any means by a person within the state from another
557 person within or outside the state of a threshold amount of a listed precursor chemical.

558 ~~[(10)]~~ (9) "Retail distributor" means a grocery store, general merchandise store, drug
559 store, or other entity or person whose activities as a distributor are limited almost exclusively to
560 sales for personal use:

561 (a) in both number of sales and volume of sales; and

562 (b) either directly to walk-in customers or in face-to-face transactions by direct sales.

563 [~~(11)~~] (10) "Threshold amount of a listed precursor chemical" means any amount of a
564 controlled substance precursor or a specified amount of a controlled substance precursor in a
565 matrix; however, the division may exempt from the provisions of this chapter a specific
566 controlled substance precursor in a specific amount and in certain types of transactions which
567 provisions for exemption shall be defined by the division by rule adopted pursuant to Title
568 63G, Chapter 3, Utah Administrative Rulemaking Act.

569 [~~(12)~~] (11) "Unlawful conduct" as defined in Section 58-1-501 includes knowingly and
570 intentionally:

571 (a) engaging in a regulated transaction without first being appropriately licensed or
572 exempted from licensure under this chapter;

573 (b) acting as a regulated distributor and selling, transferring, or in any other way
574 conveying a controlled substance precursor to a person within the state who is not appropriately
575 licensed or exempted from licensure as a regulated purchaser, or selling, transferring, or
576 otherwise conveying a controlled substance precursor to a person outside of the state and
577 failing to report the transaction as required;

578 (c) acting as a regulated purchaser and purchasing or in any other way obtaining a
579 controlled substance precursor from a person within the state who is not a licensed regulated
580 distributor, or purchasing or otherwise obtaining a controlled substance precursor from a
581 person outside of the state and failing to report the transaction as required;

582 (d) engaging in a regulated transaction and failing to submit reports and keep required
583 records of inventories required under the provisions of this chapter or rules adopted pursuant to
584 this chapter;

585 (e) making any false statement in any application for license, in any record to be kept,
586 or on any report submitted as required under this chapter;

587 (f) with the intent of causing the evasion of the recordkeeping or reporting
588 requirements of this chapter and rules related to this chapter, receiving or distributing any listed
589 controlled substance precursor chemical in any manner designed so that the making of records

590 or filing of reports required under this chapter is not required;

591 (g) failing to take immediate steps to comply with licensure, reporting, or
592 recordkeeping requirements of this chapter because of lack of knowledge of those
593 requirements, upon becoming informed of the requirements;

594 (h) presenting false or fraudulent identification where or when receiving or purchasing
595 a listed controlled substance precursor chemical;

596 (i) creating a chemical mixture for the purpose of evading any licensure, reporting or
597 recordkeeping requirement of this chapter or rules related to this chapter, or receiving a
598 chemical mixture created for that purpose;

599 (j) if the person is at least 18 years of age, employing, hiring, using, persuading,
600 inducing, enticing, or coercing another person under 18 years of age to violate any provision of
601 this chapter, or assisting in avoiding detection or apprehension for any violation of this chapter
602 by any federal, state, or local law enforcement official; and

603 (k) obtaining or attempting to obtain or to possess any controlled substance precursor
604 or any combination of controlled substance precursors knowing or having a reasonable cause to
605 believe that the controlled substance precursor is intended to be used in the unlawful
606 manufacture of any controlled substance.

607 ~~[(13)]~~ (12) "Unprofessional conduct" as defined in Section 58-1-102 and as may be
608 further defined by rule includes the following:

609 (a) violation of any provision of this chapter, the Controlled Substance Act of this state
610 or any other state, or the Federal Controlled Substance Act; and

611 (b) refusing to allow agents or representatives of the division or authorized law
612 enforcement personnel to inspect inventories or controlled substance precursors or records or
613 reports relating to purchases and sales or distribution of controlled substance precursors as such
614 records and reports are required under this chapter.

615 Section 9. Section **58-37c-8** is amended to read:

616 **58-37c-8. License -- Exceptions from licensure or regulation.**

617 (1) Any person engaged in a regulated transaction under this chapter shall hold a

618 controlled substance precursor license issued under Section 58-37c-7, unless excepted from
619 licensure under this chapter.

620 (2) The division shall:

621 (a) establish the form of application for a license, the requirements for licensure, and
622 fees for initial licensure and renewal; and

623 (b) identify required information to be contained in the application as a condition of
624 licensure.

625 (3) A practitioner who holds a Utah Controlled Substance License and a Controlled
626 Substance Registration issued by the Drug Enforcement Administration of the U.S.

627 Government is excepted from licensure under this chapter.

628 (4) Any purchase, sale, transfer, furnishing, or receipt of any drug intended for lawful
629 use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other
630 animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or
631 phenylpropanolamine, if the drug is lawfully purchased, sold, transferred, or furnished as an
632 over-the-counter medication without prescription pursuant to the federal Food, Drug and
633 Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations adopted under that act, are excepted
634 from licensure, reporting, and recordkeeping under this chapter, except that products
635 containing ephedrine, pseudoephedrine, or phenylpropanolamine are subject to Section
636 58-37c-20.5.

637 (5) Any purchase, sale, transfer, receipt, or manufacture of any dietary supplement,
638 vitamins, minerals, herbs, or other similar substances, including concentrates or extracts, which
639 are not otherwise prohibited by law, and which may contain naturally occurring amounts of
640 chemicals or substances listed in this chapter, or in rules adopted pursuant to Title 63G,
641 Chapter 3, Utah Administrative Rulemaking Act, are exempt from licensure under this chapter.

642 (6) A purchaser of two ounces or less of crystal iodine in a single transaction is not
643 required to be licensed as a regulated purchaser if the transaction complies with Section
644 58-37c-18.

645 (7) Any purchase, sale, transfer, receipt, or manufacture of any product that contains

646 any precursor chemical listed in Subsection 58-37c-3[(2)](1)(ff) or (gg) and that is not intended
647 for human consumption is exempt from licensure or regulation and is not subject to criminal
648 penalties under this chapter.

649 Section 10. Section **58-37c-11** is amended to read:

650 **58-37c-11. Penalty for unlawful conduct.**

651 (1) Any person who violates the unlawful conduct provision defined in Subsections
652 58-37c-3[(+2)](11)(a) through (j) is guilty of a class A misdemeanor.

653 (2) Any person who violates the unlawful conduct provisions defined in Subsection
654 58-37c-3[(+2)](11)(k) is guilty of a second degree felony.

655 Section 11. Section **58-37c-19** is amended to read:

656 **58-37c-19. Possession or sale of crystal iodine.**

657 (1) Any person licensed to engage in a regulated transaction is guilty of a class B
658 misdemeanor who, under circumstances not amounting to a violation of Subsection
659 58-37d-4(1)(c), offers to sell, sells, or distributes more than two ounces of crystal iodine to
660 another person who is:

661 (a) not licensed as a regulated purchaser of crystal iodine;

662 (b) not excepted from licensure; or

663 (c) not excepted under Subsection (3).

664 (2) Any person who is not licensed to engage in regulated transactions and not
665 excepted from licensure is guilty of a class A misdemeanor who, under circumstances not
666 amounting to a violation of Subsection 58-37c-3[(+2)](11)(k) or Subsection 58-37d-4(1)(a):

667 (a) possesses more than two ounces of crystal iodine; or

668 (b) offers to sell, sells, or distributes crystal iodine to another.

669 (3) Subsection (2)(a) does not apply to:

670 (a) a chemistry laboratory maintained by:

671 (i) a public or private regularly established secondary school; or

672 (ii) a public or private institution of higher education that is accredited by a regional or
673 national accrediting agency recognized by the United States Department of Education;

674 (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice
675 Act; or

676 (c) a general acute hospital.

677 Section 12. Section **58-37c-19.5** is amended to read:

678 **58-37c-19.5. Iodine solution greater than 1.5% -- Prescription or permit required**
679 **-- Penalties.**

680 (1) As used in this section, "iodine matrix" means iodine at concentrations greater than
681 1.5% by weight in a matrix or solution.

682 (2) A person may offer to sell, sell, or distribute an iodine matrix only:

683 (a) as a prescription drug, pursuant to a prescription issued by a veterinarian or
684 physician licensed within the state; or

685 (b) to a person who is actively engaged in the legal practice of animal husbandry of
686 livestock, as defined in Section 4-1-8.

687 (3) Prescriptions issued under this section:

688 (a) shall provide for a specified number of refills;

689 (b) may be issued by electronic means, in accordance with Title 58, Chapter 17b,
690 Pharmacy Practice Act; and

691 (c) may be filled by a person other than the veterinarian or physician issuing the
692 prescription.

693 (4) A retailer offering iodine matrix for sale:

694 (a) shall store the iodine matrix so that the public does not have access to the iodine
695 matrix without the direct assistance or intervention of a retail employee;

696 (b) shall keep a record, which may consist of sales receipts, of each person purchasing
697 iodine matrix; and

698 (c) may, if necessary to ascertain the identity of the purchaser, ask for proof of
699 identification from the purchaser.

700 (5) A person engaging in a regulated transaction under Subsection (2) is guilty of a
701 class B misdemeanor if the person, under circumstances not amounting to a violation of

702 Subsection 58-37d-4(1)(c), offers to sell, sells, or distributes an iodine matrix to a person who:

703 (a) does not present a prescription or is not engaged in animal husbandry, as required
704 under Subsection (2); or

705 (b) is not excepted under Subsection (7).

706 (6) A person is guilty of a class A misdemeanor who, under circumstances not
707 amounting to a violation of Subsection 58-37c-3~~(12)~~(11)(k) or 58-37d-4(1)(a):

708 (a) possesses an iodine matrix without proof of obtaining the solution in compliance
709 with Subsection (2); or

710 (b) offers to sell, sells, or distributes an iodine matrix in violation of Subsection (2).

711 (7) Subsection (6)(a) does not apply to:

712 (a) a chemistry or chemistry-related laboratory maintained by:

713 (i) a public or private regularly established secondary school; or

714 (ii) a public or private institution of higher education that is accredited by a regional or
715 national accrediting agency recognized by the United States Department of Education;

716 (b) a veterinarian licensed to practice under Title 58, Chapter 28, Veterinary Practice
717 Act;

718 (c) a general acute hospital; or

719 (d) a veterinarian, physician, pharmacist, retail distributor, wholesaler, manufacturer,
720 warehouseman, or common carrier, or an agent of any of these persons who possesses an
721 iodine matrix in the regular course of lawful business activities.

722 Section 13. Section **58-37c-19.7** is amended to read:

723 **58-37c-19.7. Red phosphorus is a precursor -- Affirmative defense.**

724 (1) A person is guilty of a class A misdemeanor who is not licensed to engage in a
725 regulated transaction and is not excepted from licensure who, under circumstances not
726 amounting to a violation of Subsection 58-37c-3~~(12)~~(11)(k) or 58-37d-4(1)(a), possesses any
727 amount of red phosphorus.

728 (2) It is an affirmative defense to a charge under Subsection (1) that the person in
729 possession of red phosphorus:

730 (a) is conducting a licensed business which involves red phosphorus in the
731 manufacture of any of the following:

732 (i) the striking surface used for lighting matches, which is sometimes referred to as the
733 striker plate;

734 (ii) flame retardant in polymers; or

735 (iii) fireworks, for which the person or entity possesses a federal license to manufacture
736 explosives as required under 27 CFR Chapter 1, Part 55, Commerce in Explosives; or

737 (b) (i) is a wholesaler, manufacturer, warehouseman, or common carrier handling red
738 phosphorus, or is an agent of any of these persons; and

739 (ii) possesses the substances in the regular course of lawful business activities.

740 (3) (a) The defendant shall provide written notice of intent to claim an affirmative
741 defense under this section as soon as practicable, but not later than 10 days prior to trial. The
742 court may waive the notice requirement in the interest of justice for good cause shown, if the
743 prosecutor is not unfairly prejudiced by the lack of timely notice.

744 (b) The notice shall include the specifics of the affirmative defense.

745 (c) The defendant shall establish the affirmative defense by a preponderance of the
746 evidence. If the defense is established, it is a complete defense to the charges.

747 (4) Subsection (1) does not apply to:

748 (a) a chemistry or chemistry-related laboratory maintained by:

749 (i) a public or private regularly established secondary school; or

750 (ii) a public or private institution of higher education that is accredited by a regional or
751 national accrediting agency recognized by the United States Department of Education; or

752 (b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or
753 an agent of any of these persons who possesses red phosphorus in the regular course of lawful
754 business activities.

755 Section 14. Section **58-37c-19.9** is amended to read:

756 **58-37c-19.9. Anhydrous ammonia is a precursor -- Requirements regarding**
757 **purposes and containers.**

758 (1) A person is guilty of a class A misdemeanor who is not licensed to engage in a
759 regulated transaction and is not excepted from licensure or exempted under Subsection (2), and
760 who possesses any amount of anhydrous ammonia under circumstances not amounting to a
761 violation of Subsection 58-37c-3~~(+2)~~(11)(k) or 58-37d-4(1)(a).

762 (2) A person who possesses anhydrous ammonia has an affirmative defense to a charge
763 under Subsection (1) if the person is:

764 (a) directly involved in or actively operating land in agricultural use as defined in
765 Section 59-2-502;

766 (b) a retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or
767 an agent of any of these persons, who possesses anhydrous ammonia in the regular course of
768 lawful business activities;

769 (c) directly involved in or actively operating a business or other lawful activity
770 providing or using anhydrous ammonia for refrigeration applications; or

771 (d) directly involved in or actively operating a lawful business enterprise, including an
772 industrial enterprise, that uses anhydrous ammonia in the regular course of its business
773 activities.

774 Section 15. Section **58-37c-20** is amended to read:

775 **58-37c-20. Possession of ephedrine, pseudoephedrine, or phenylpropanolamine --**
776 **Penalties.**

777 (1) Any person is guilty of a class A misdemeanor:

778 (a) who is not licensed to engage in regulated transactions and is not excepted from
779 licensure; and

780 (b) who, under circumstances not amounting to a violation of Subsection
781 58-37c-3~~(+2)~~(11)(k) or Subsection 58-37d-4(1)(a), possesses more than 9 grams of ephedrine,
782 pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a
783 combination of any of these substances.

784 (2) It is an affirmative defense to a charge under Subsection (1) that the person in
785 possession of ephedrine, pseudoephedrine, phenylpropanolamine, or a combination of these

786 two substances:

787 (a) (i) is a physician, pharmacist, retail distributor, wholesaler, manufacturer,
788 warehouseman, or common carrier, or an agent of any of these persons; and

789 (ii) possesses the substances in the regular course of lawful business activities; or

790 (b) possesses the substance pursuant to a valid prescription as defined in Section
791 58-37-2.

792 (3) (a) The defendant shall provide written notice of intent to claim an affirmative
793 defense under this section as soon as practicable, but not later than 10 days prior to trial. The
794 court may waive the notice requirement in the interest of justice for good cause shown, if the
795 prosecutor is not unfairly prejudiced by the lack of timely notice.

796 (b) The notice shall include the specifics of the asserted defense.

797 (c) The defendant shall establish the affirmative defense by a preponderance of the
798 evidence. If the defense is established, it is a complete defense to the charges.

799 (4) This section does not apply to dietary supplements, herbs, or other natural products,
800 including concentrates or extracts, which:

801 (a) are not otherwise prohibited by law; and

802 (b) may contain naturally occurring ephedrine, ephedrine alkaloids, or
803 pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these
804 substances, that:

805 (i) are contained in a matrix of organic material; and

806 (ii) do not exceed 15% of the total weight of the natural product.

807 Section 16. Section **58-37d-3** is amended to read:

808 **58-37d-3. Definitions.**

809 (1) As used in this chapter:

810 (a) "Booby trap" means any concealed or camouflaged device designed to cause bodily
811 injury when triggered by any action of a person making contact with the device. This term
812 includes guns, ammunition, or explosive devices attached to trip wires or other triggering
813 mechanisms, sharpened stakes, nails, spikes, electrical devices, lines or wires with hooks

814 attached, and devices for the production of toxic fumes or gases.

815 (b) "Clandestine laboratory operation" means the:

816 (i) purchase or procurement of chemicals, supplies, equipment, or laboratory location
817 for the illegal manufacture of specified controlled substances;

818 (ii) transportation or arranging for the transportation of chemicals, supplies, or
819 equipment for the illegal manufacture of specified controlled substances;

820 (iii) setting up of equipment or supplies in preparation for the illegal manufacture of
821 specified controlled substances;

822 (iv) activity of compounding, synthesis, concentration, purification, separation,
823 extraction, or other physical or chemical processing of any substance, including a controlled
824 substance precursor, or the packaging, repackaging, labeling, or relabeling of a container
825 holding a substance that is a product of any of these activities, when the substance is to be used
826 for the illegal manufacture of specified controlled substances;

827 (v) illegal manufacture of specified controlled substances; or

828 (vi) distribution or disposal of chemicals, equipment, supplies, or products used in or
829 produced by the illegal manufacture of specified controlled substances.

830 (c) "Controlled substance precursor" means those chemicals designated in Title 58,
831 Chapter 37c, Utah Controlled Substance Precursor Act, except those substances designated in
832 Subsections 58-37c-3~~(2)~~(1)(kk) and (ll).

833 (d) "Disposal" means the abandonment, discharge, deposit, injection, dumping,
834 spilling, leaking, or placing of any hazardous or dangerous material into or on any property,
835 land or water so that the material may enter the environment, be emitted into the air, or
836 discharged into any waters, including groundwater.

837 (e) "Hazardous or dangerous material" means any substance which because of its
838 quantity, concentration, physical characteristics, or chemical characteristics may cause or
839 significantly contribute to an increase in mortality, an increase in serious illness, or may pose a
840 substantial present or potential future hazard to human health or the environment when
841 improperly treated, stored, transported, disposed of, or otherwise improperly managed.

842 (f) "Illegal manufacture of specified controlled substances" means in violation of Title
843 58, Chapter 37, Utah Controlled Substances Act, the:

844 (i) compounding, synthesis, concentration, purification, separation, extraction, or other
845 physical or chemical processing for the purpose of producing methamphetamine, other
846 amphetamine compounds as listed in Schedule I of the Utah Controlled Substances Act,
847 phencyclidine, narcotic analgesic analogs as listed in Schedule I of the Utah Controlled
848 Substances Act, lysergic acid diethylamide, or mescaline;

849 (ii) conversion of cocaine or methamphetamine to their base forms; or

850 (iii) extraction, concentration, or synthesis of marijuana as that drug is defined in
851 Section 58-37-2.

852 (2) Unless otherwise specified, the definitions in Section 58-37-2 also apply to this
853 chapter.

854 Section 17. Section **62A-5a-104** is amended to read:

855 **62A-5a-104. Powers of council.**

856 (1) The council has authority, after local or individual efforts have failed~~[, including,~~
857 ~~with regard to persons under 22 years of age, actions by local interagency councils established~~
858 ~~under Section 63M-9-301]~~, to:

859 (a) coordinate the appropriate transition of persons with disabilities who receive
860 services and support from one state agency to receive services and support from another state
861 agency;

862 (b) coordinate policies governing the provision of services and support for persons
863 with disabilities by state agencies; and

864 (c) consider issues regarding eligibility for services and support and, where possible,
865 develop uniform eligibility standards for state agencies.

866 (2) The council may receive appropriations from the Legislature to purchase services
867 and supports for persons with disabilities as the council deems appropriate.

868 Section 18. Section **63I-1-263 (Effective 05/01/13)** is amended to read:

869 **63I-1-263 (Effective 05/01/13). Repeal dates, Titles 63A to 63M.**

870 (1) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage to
871 any public school district which chooses to participate, is repealed July 1, 2016.

872 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

873 (3) Section 63C-8-106, rural residency training program, is repealed July 1, 2015.

874 (4) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is
875 repealed July 1, 2014.

876 (5) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to award a
877 contract for a design-build transportation project in certain circumstances, is repealed July 1,
878 2015.

879 (6) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
880 2020.

881 (7) The Resource Development Coordinating Committee, created in Section
882 63J-4-501, is repealed July 1, 2015.

883 (8) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

884 (9) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is
885 repealed January 1, 2021.

886 (b) Subject to Subsection (9)(c), Sections 59-7-610 and 59-10-1007 regarding tax
887 credits for certain persons in recycling market development zones, are repealed for taxable
888 years beginning on or after January 1, 2021.

889 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

890 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
891 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

892 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
893 the expenditure is made on or after January 1, 2021.

894 (d) Notwithstanding Subsections (9)(b) and (c), a person may carry forward a tax credit
895 in accordance with Section 59-7-610 or 59-10-1007 if:

896 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

897 (ii) (A) for the purchase price of machinery or equipment described in Section

898 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
899 2020; or

900 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
901 expenditure is made on or before December 31, 2020.

902 (10) (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.

903 (b) (i) The Legislature shall, before reauthorizing the Health Care Compact:

904 (A) direct the Health System Reform Task Force to evaluate the issues listed in
905 Subsection (10)(b)(ii), and by January 1, 2013 develop and recommend criteria for the
906 Legislature to use to negotiate the terms of the Health Care Compact; and

907 (B) prior to July 1, 2014, seek amendments to the Health Care Compact among the
908 member states that the Legislature determines are appropriate after considering the
909 recommendations of the Health System Reform Task Force.

910 (ii) The Health System Reform Task Force shall evaluate and develop criteria for the
911 Legislature regarding:

912 (A) the impact of the Supreme Court ruling on the Affordable Care Act;

913 (B) whether Utah is likely to be required to implement any part of the Affordable Care
914 Act prior to negotiating the compact with the federal government, such as Medicaid expansion
915 in 2014;

916 (C) whether the compact's current funding formula, based on adjusted 2010 state
917 expenditures, is the best formula for Utah and other state compact members to use for
918 establishing the block grants from the federal government;

919 (D) whether the compact's calculation of current year inflation adjustment factor,
920 without consideration of the regional medical inflation rate in the current year, is adequate to
921 protect the state from increased costs associated with administering a state based Medicaid and
922 a state based Medicare program;

923 (E) whether the state has the flexibility it needs under the compact to implement and
924 fund state based initiatives, or whether the compact requires uniformity across member states
925 that does not benefit Utah;

926 (F) whether the state has the option under the compact to refuse to take over the federal
927 Medicare program;

928 (G) whether a state based Medicare program would provide better benefits to the
929 elderly and disabled citizens of the state than a federally run Medicare program;

930 (H) whether the state has the infrastructure necessary to implement and administer a
931 better state based Medicare program;

932 (I) whether the compact appropriately delegates policy decisions between the
933 legislative and executive branches of government regarding the development and
934 implementation of the compact with other states and the federal government; and

935 (J) the impact on public health activities, including communicable disease surveillance
936 and epidemiology.

937 (11) The Crime Victim Reparations and Assistance Board, created in Section
938 63M-7-504, is repealed July 1, 2017.

939 [~~(12) Title 63M, Chapter 9, Families, Agencies, and Communities Together for~~
940 ~~Children and Youth At Risk Act, is repealed July 1, 2016;~~]

941 [~~(13)~~ (12) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
942 2017.

943 Section 19. Section **63J-1-201** is amended to read:

944 **63J-1-201. Governor's proposed budget to Legislature -- Contents -- Preparation**
945 **-- Appropriations based on current tax laws and not to exceed estimated revenues.**

946 (1) The governor shall deliver, not later than 30 days before the date the Legislature
947 convenes in the annual general session, a confidential draft copy of the governor's proposed
948 budget recommendations to the Office of the Legislative Fiscal Analyst according to the
949 requirements of this section.

950 (2) (a) When submitting a proposed budget, the governor shall, within the first three
951 days of the annual general session of the Legislature, submit to the presiding officer of each
952 house of the Legislature:

953 (i) a proposed budget for the ensuing fiscal year;

954 (ii) a schedule for all of the proposed changes to appropriations in the proposed budget,
955 with each change clearly itemized and classified; and

956 (iii) as applicable, a document showing proposed changes in estimated revenues that
957 are based on changes in state tax laws or rates.

958 (b) The proposed budget shall include:

959 (i) a projection of the total estimated revenues and appropriations for the next fiscal
960 year;

961 (ii) the source of changes to all direct, indirect, and in-kind matching funds for all
962 federal grants or assistance programs included in the budget;

963 (iii) a plan of proposed changes to appropriations and estimated revenues for the next
964 fiscal year that is based upon the current fiscal year state tax laws and rates;

965 (iv) an itemized estimate of the proposed changes to appropriations for:

966 (A) the Legislative Department as certified to the governor by the president of the
967 Senate and the speaker of the House;

968 (B) the Executive Department;

969 (C) the Judicial Department as certified to the governor by the state court
970 administrator;

971 (D) changes to salaries payable by the state under the Utah Constitution or under law
972 for lease agreements planned for the next fiscal year; and

973 (E) all other changes to ongoing or one-time appropriations, including dedicated
974 credits, restricted funds, nonlapsing balances, grants, and federal funds;

975 (v) for each line item, the average annual dollar amount of staff funding associated
976 with all positions that were vacant during the last fiscal year;

977 (vi) deficits or anticipated deficits;

978 (vii) the recommendations for each state agency for new full-time employees for the
979 next fiscal year, which shall also be provided to the State Building Board as required by
980 Subsection 63A-5-103(2);

981 (viii) any explanation that the governor may desire to make as to the important features

982 of the budget and any suggestion as to methods for the reduction of expenditures or increase of
983 the state's revenue; and

984 (ix) information detailing certain fee increases as required by Section 63J-1-504.

985 (3) For the purpose of preparing and reporting the proposed budget:

986 (a) The governor shall require the proper state officials, including all public and higher
987 education officials, all heads of executive and administrative departments and state institutions,
988 bureaus, boards, commissions, and agencies expending or supervising the expenditure of the
989 state money, and all institutions applying for state money and appropriations, to provide
990 itemized estimates of changes in revenues and appropriations.

991 (b) The governor may require the persons and entities subject to Subsection (3)(a) to
992 provide other information under these guidelines and at times as the governor may direct,
993 which may include a requirement for program productivity and performance measures, where
994 appropriate, with emphasis on outcome indicators.

995 (c) The governor may require representatives of public and higher education, state
996 departments and institutions, and other institutions or individuals applying for state
997 appropriations to attend budget meetings.

998 (4) In submitting the budgets for the Departments of Health and Human Services and
999 the Office of the Attorney General, the governor shall consider a separate recommendation in
1000 the governor's budget for changes in funds to be contracted to:

1001 (a) local mental health authorities under Section 62A-15-110;

1002 (b) local substance abuse authorities under Section 62A-15-110;

1003 (c) area agencies under Section 62A-3-104.2;

1004 (d) programs administered directly by and for operation of the Divisions of Substance
1005 Abuse and Mental Health and Aging and Adult Services;

1006 (e) local health departments under Title 26A, Chapter 1, Local Health Departments;

1007 and

1008 (f) counties for the operation of Children's Justice Centers under Section 67-5b-102.

1009 (5) (a) In making budget recommendations, the governor shall consider an amount

1010 sufficient to grant the following entities the same percentage increase for wages and benefits
1011 that the governor includes in the governor's budget for persons employed by the state:

1012 (i) local health departments, local mental health authorities, local substance abuse
1013 authorities, and area agencies;

1014 (ii) local conservation districts and Utah Association of Conservation District
1015 employees, as related to the budget for the Department of Agriculture; and

1016 (iii) employees of corporations that provide direct services under contract with:

1017 (A) the Utah State Office of Rehabilitation and the Division of Services for People
1018 with Disabilities;

1019 (B) the Division of Child and Family Services; and

1020 (C) the Division of Juvenile Justice Services within the Department of Human
1021 Services.

1022 (b) If the governor does not include in the governor's budget an amount sufficient to
1023 grant an increase for any entity described in Subsection (5)(a), the governor shall include a
1024 message to the Legislature regarding the governor's reason for not including that amount.

1025 ~~[(6)(a) The Families, Agencies, and Communities Together Council may propose a~~
1026 ~~budget recommendation to the governor for collaborative service delivery systems operated~~
1027 ~~under Section 63M-9-402, as provided under Subsection 63M-9-201(4)(e).]~~

1028 ~~[(b) The Legislature may, through a specific program schedule, designate funds~~
1029 ~~appropriated for collaborative service delivery systems operated under Section 63M-9-402.]~~

1030 ~~[(7)]~~ (6) The governor shall include in the governor's budget the state's portion of the
1031 budget for the Utah Communications Agency Network established in Title 63C, Chapter 7,
1032 Utah Communications Agency Network Act.

1033 ~~[(8)]~~ (7) (a) The governor shall include a separate recommendation in the governor's
1034 budget for funds to maintain the operation and administration of the Utah Comprehensive
1035 Health Insurance Pool. In making the recommendation, the governor may consider:

1036 (i) actuarial analysis of growth or decline in enrollment projected over a period of at
1037 least three years;

1038 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period
1039 of at least three years;

1040 (iii) the annual Medical Care Consumer Price Index;

1041 (iv) the annual base budget for the pool established by the Business, Economic
1042 Development, and Labor Appropriations Subcommittee for each fiscal year;

1043 (v) the growth or decline in insurance premium taxes and fees collected by the State
1044 Tax Commission and the Insurance Department; and

1045 (vi) the availability of surplus General Fund revenue under Section 63J-1-312 and
1046 Subsection 59-14-204(5).

1047 (b) In considering the factors in Subsections [~~(8)~~] (7)(a)(i), (ii), and (iii), the governor
1048 may consider the actuarial data and projections prepared for the board of the Utah
1049 Comprehensive Health Insurance Pool as it develops the governor's financial statements and
1050 projections for each fiscal year.

1051 [~~(9)~~] (8) (a) In submitting the budget for the Department of Public Safety, the governor
1052 shall include a separate recommendation in the governor's budget for maintaining a sufficient
1053 number of alcohol-related law enforcement officers to maintain the enforcement ratio equal to
1054 or below the number specified in Subsection 32B-1-201(2).

1055 (b) If the governor does not include in the governor's budget an amount sufficient to
1056 maintain the number of alcohol-related law enforcement officers described in Subsection [~~(9)~~]
1057 (8)(a), the governor shall include a message to the Legislature regarding the governor's reason
1058 for not including that amount.

1059 [~~(10)~~] (9) (a) The governor may revise all estimates, except those relating to the
1060 Legislative Department, the Judicial Department, and those providing for the payment of
1061 principal and interest to the state debt and for the salaries and expenditures specified by the
1062 Utah Constitution or under the laws of the state.

1063 (b) The estimate for the Judicial Department, as certified by the state court
1064 administrator, shall also be included in the budget without revision, but the governor may make
1065 separate recommendations on the estimate.

1066 [(11)] (10) The total appropriations requested for expenditures authorized by the
1067 budget may not exceed the estimated revenues from taxes, fees, and all other sources for the
1068 next ensuing fiscal year.

1069 [(12)] (11) If any item of the budget as enacted is held invalid upon any ground, the
1070 invalidity does not affect the budget itself or any other item in it.

1071 Section 20. Section **65A-1-1** is amended to read:

1072 **TITLE 65A. DIVISION OF FORESTRY, FIRE, AND STATE LANDS**

1073 **65A-1-1. Definitions.**

1074 As used in this title:

1075 [(1) "Advisory council" or "council" means the Forestry, Fire, and State Lands
1076 Advisory Council.]

1077 [(2)] (1) "Division" means the Division of Forestry, Fire, and State Lands.

1078 [(3)] (2) "Multiple use" means the management of various surface and subsurface
1079 resources in a manner that will best meet the present and future needs of the people of this
1080 state.

1081 [(4)] (3) "Public trust assets" means those lands and resources, including sovereign
1082 lands, administered by the division.

1083 [(5)] (4) "Sovereign lands" means those lands lying below the ordinary high water
1084 mark of navigable bodies of water at the date of statehood and owned by the state by virtue of
1085 its sovereignty.

1086 [(6)] (5) "State lands" means all lands administered by the division.

1087 [(7)] (6) "Sustained yield" means the achievement and maintenance of high level
1088 annual or periodic output of the various renewable resources of land without impairment of the
1089 productivity of the land.

1090 [(8)] (7) "Wildland" means an area where:

1091 (a) development is essentially non-existent, except for roads, railroads, powerlines, or
1092 similar transportation facilities; and

1093 (b) structures, if any, are widely scattered.

1094 [~~(9)~~] (8) "Wildland fire" means a fire that consumes:

1095 (a) wildland; or

1096 (b) wildland-urban interface, as defined in Section 65A-8a-102.

1097 Section 21. Section **65A-1-4** is amended to read:

1098 **65A-1-4. Division of Forestry, Fire, and State Lands -- Creation -- Power and**
1099 **authority.**

1100 (1) (a) The Division of Forestry, Fire, and State Lands is created within the Department
1101 of Natural Resources under the administration and general supervision of the executive director
1102 of the department.

1103 (b) The division is the executive authority for the management of sovereign lands, and
1104 the state's mineral estates on lands other than school and institutional trust lands, and shall
1105 provide for forestry and fire control activities as required in Section 65A-8-101.

1106 (2) The division shall adopt rules under Title 63G, Chapter 3, Utah Administrative
1107 Rulemaking Act, necessary to fulfill the purposes of this title.

1108 (3) The director of the Division of Forestry, Fire, and State Lands is the executive and
1109 administrative head of the division and shall be a person experienced in administration and
1110 management of natural resources.

1111 [~~(4) The director shall inform the council:~~]

1112 [~~(a) in an annual meeting of the division's plans, policies, and budget; and]~~

1113 [~~(b) of policy changes and developing conflicts:]~~]

1114 [~~(5) The director shall give the council an opportunity to advise on the changes and~~
1115 ~~conflicts:]~~

1116 [~~(6)~~] (4) (a) An aggrieved party to a final action by the director may appeal that action
1117 to the executive director of the Department of Natural Resources within 20 days after the
1118 action.

1119 (b) The executive director shall rule on the director's action within 20 days after receipt
1120 of the appeal.

1121 Section 22. Section **65A-1-9** is amended to read:

1122 **65A-1-9. Application of Public Officers' and Employees' Ethics Act.**
 1123 ~~[Council members and employees]~~ Employees and agents of the division are subject to
 1124 Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
 1125 Section 23. Section **79-2-201** is amended to read:
 1126 **79-2-201. Department of Natural Resources created.**
 1127 (1) There is created the Department of Natural Resources.
 1128 (2) The department comprises the following:
 1129 (a) Board of Water Resources, created in Section 73-10-1.5;
 1130 ~~[(b) Forestry, Fire, and State Lands Advisory Council, created in Section 65A-1-2;]~~
 1131 ~~[(c)]~~ (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
 1132 ~~[(d)]~~ (c) Board of Parks and Recreation, created in Section 79-4-301;
 1133 ~~[(e)]~~ (d) Wildlife Board, created in Section 23-14-2;
 1134 ~~[(f)]~~ (e) Board of the Utah Geological Survey, created in Section 79-3-301;
 1135 ~~[(g)]~~ (f) Water Development Coordinating Council, created in Section 73-10c-3;
 1136 ~~[(h)]~~ (g) Division of Water Rights, created in Section 73-2-1.1;
 1137 ~~[(i)]~~ (h) Division of Water Resources, created in Section 73-10-18;
 1138 ~~[(j)]~~ (i) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
 1139 ~~[(k)]~~ (j) Division of Oil, Gas, and Mining, created in Section 40-6-15;
 1140 ~~[(l)]~~ (k) Division of Parks and Recreation, created in Section 79-4-201;
 1141 ~~[(m)]~~ (l) Division of Wildlife Resources, created in Section 23-14-1;
 1142 ~~[(n)]~~ (m) Utah Geological Survey, created in Section 79-3-201;
 1143 ~~[(o)]~~ (n) Heritage Trees Advisory Committee, created in Section 65A-8-306;
 1144 ~~[(p)]~~ (o) Recreational Trails Advisory Council, authorized by Section 79-5-201;
 1145 ~~[(q)]~~ (p) Boating Advisory Council, authorized by Section 73-18-3.5;
 1146 ~~[(r)]~~ (q) Wildlife Board Nominating Committee, created in Section 23-14-2.5; and
 1147 ~~[(s)]~~ (r) Wildlife Regional Advisory Councils, created in Section 23-14-2.6.
 1148 Section 24. **Repealer.**
 1149 This bill repeals:

- 1150 Section **10-6-153, Municipal government fiscal committee created -- Members --**
1151 **Terms -- Vacancies -- Recommendations.**
- 1152 Section **17-36-5, Creation of Citizens and County Officials Advisory Committee.**
- 1153 Section **34A-5-105, Antidiscrimination and Labor Advisory Council --**
1154 **Membership -- Appointment -- Term -- Powers and duties -- Chair.**
- 1155 Section **34A-6-106, Occupational Safety and Health Advisory Council --**
1156 **Appointment.**
- 1157 Section **53A-1a-602, Job Enhancement Committee -- Composition -- Duties --**
1158 **Appropriation.**
- 1159 Section **58-37c-4, Board.**
- 1160 Section **63G-13-101, Title.**
- 1161 Section **63G-13-102, Definitions.**
- 1162 Section **63G-13-201, Creation of commission.**
- 1163 Section **63G-13-202, General powers and duties of the commission.**
- 1164 Section **63G-13-301, Migrant Worker Visa Pilot Project.**
- 1165 Section **63G-13-302, Requirements for pilot project and pilot project**
1166 **memorandum of understanding.**
- 1167 Section **63G-13-303, Commission advisory group to conduct study -- Commission**
1168 **to prepare recommendations.**
- 1169 Section **63G-13-304, Expansion to similar pilot projects.**
- 1170 Section **63M-1-1501, Title.**
- 1171 Section **63M-1-1502, Definitions.**
- 1172 Section **63M-1-1503, Advisory board.**
- 1173 Section **63M-1-1504, Advisory board duties.**
- 1174 Section **63M-1-1505, Criteria for participation -- Report.**
- 1175 Section **63M-9-101, Title.**
- 1176 Section **63M-9-102, Purpose of chapter.**
- 1177 Section **63M-9-103, Definitions.**

1178 Section **63M-9-104, Relationship to political subdivisions.**

1179 Section **63M-9-201, Families, Agencies, and Communities Together State Council**

1180 **-- Composition -- Duties -- Interagency case management team.**

1181 Section **63M-9-202, Steering committee -- Membership -- Duties.**

1182 Section **63M-9-203, Staffing.**

1183 Section **63M-9-301, Local interagency council -- Composition -- Duties.**

1184 Section **63M-9-401, Prevention and early intervention programs -- Applicants --**

1185 **Selection process.**

1186 Section **63M-9-402, Plans for collaborative service delivery systems.**

1187 Section **63M-9-501, Evaluation of programs -- Report to legislative interim**

1188 **committee.**

1189 Section **65A-1-2, Forestry, Fire, and State Lands Advisory Council -- Creation --**

1190 **Responsibilities.**

1191 Section **65A-1-3, Forestry, Fire, and State Lands Advisory Council -- Membership**

1192 **-- Chair -- Terms -- Quorum -- Per diem and travel expenses -- Duties.**

1193 Section 25. **Effective date.**

1194 (1) Except as provided in Subsection (2), this bill takes effect on May 14, 2013.

1195 (2) If approved by two-thirds of all members elected to each house, the amendments to

1196 Section 63I-1-263 (Effective 05/01/13) take effect on May 1, 2013.