

**Senator Ann Millner** proposes the following substitute bill:

**TALENT READY UTAH AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Rebecca P. Edwards

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**LONG TITLE**

**General Description:**

This bill creates the Talent Ready Utah Center within the Governor's Office of Economic Development (GOED).

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Talent Ready Utah Center within GOED;
- ▶ creates the Talent Ready Utah Board within GOED;
- ▶ describes the duties of the center and the board; and
- ▶ requires that the Department of Workforce Services, the Governor's Office of

Economic Development, and the Governor's Office of Management and Budget provide in their annual reports data and metrics that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement, as determined by the executive directors of the three departments or offices named above.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2019:

- ▶ to the Governor's Office of Economic Development -- Talent Ready Utah Center as



26 a one-time appropriation:

- 27 • from the General Fund, One-time, \$75,000;
- 28 ▶ to the Governor's Office of Economic Development -- Talent Ready Utah Center as

29 an ongoing appropriation:

- 30 • from the General Fund, \$250,000; and
- 31 ▶ to the Department of Workforce Services -- Administration as a one-time

32 appropriation:

- 33 • from the General Fund, \$75,000.

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **35A-1-109**, as enacted by Laws of Utah 2014, Chapter 371
- 39 **35A-1-201**, as last amended by Laws of Utah 2014, Chapter 371
- 40 **63I-2-235**, as last amended by Laws of Utah 2017, Chapter 420
- 41 **63J-4-301**, as last amended by Laws of Utah 2013, Chapter 310
- 42 **63J-4-708**, as enacted by Laws of Utah 2017, Chapter 253
- 43 **63N-1-203**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 44 **63N-1-301**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 45 **63N-12-202**, as last amended by Laws of Utah 2017, Chapters 219 and 353

46 ENACTS:

- 47 **35A-1-110**, Utah Code Annotated 1953
- 48 **63N-12-501**, Utah Code Annotated 1953
- 49 **63N-12-502**, Utah Code Annotated 1953
- 50 **63N-12-503**, Utah Code Annotated 1953
- 51 **63N-12-504**, Utah Code Annotated 1953



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

54 Section 1. Section **35A-1-109** is amended to read:

55 **35A-1-109. Annual report -- Content -- Format.**

56 (1) The department shall prepare and submit to the governor and the Legislature, by

57 October 1 of each year, an annual written report of the operations, activities, programs, and  
58 services of the department, including its divisions, offices, boards, commissions, councils, and  
59 committees, for the preceding fiscal year.

60 (2) For each operation, activity, program, or service provided by the department, the  
61 annual report shall include:

62 (a) a description of the operation, activity, program, or service;

63 (b) data and metrics:

64 (i) selected and used by the department to measure progress, performance,  
65 effectiveness, and scope of the operation, activity, program, or service, including summary  
66 data; and

67 (ii) that are consistent and comparable for each state operation, activity, program, or  
68 service that primarily involves employment training or placement as determined by the  
69 executive directors of the department, the Governor's Office of Economic Development, and  
70 the Governor's Office of Management and Budget;

71 (c) budget data, including the amount and source of funding, expenses, and allocation  
72 of full-time employees for the operation, activity, program, or service;

73 (d) historical data from previous years for comparison with data reported under  
74 Subsections (2)(b) and (c);

75 (e) goals, challenges, and achievements related to the operation, activity, program, or  
76 service;

77 (f) relevant federal and state statutory references and requirements;

78 (g) contact information of officials knowledgeable and responsible for each operation,  
79 activity, program, or service; and

80 (h) other information determined by the department that:

81 (i) may be needed, useful, or of historical significance; or

82 (ii) promotes accountability and transparency for each operation, activity, program, or  
83 service with the public and elected officials.

84 (3) The annual report shall be designed to provide clear, accurate, and accessible  
85 information to the public, the governor, and the Legislature.

86 (4) The department shall:

87 (a) submit the annual report in accordance with Section 68-3-14; [~~and~~]

88 (b) make the annual report, and previous annual reports, accessible to the public by  
89 placing a link to the reports on the department's website[-]; and

90 (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready  
91 Utah Board created in Section 63N-12-503.

92 Section 2. Section 35A-1-110 is enacted to read:

93 **35A-1-110. Employment training and placement metrics.**

94 Before September 1, 2018, the department shall identify data and develop metrics to  
95 measure the progress, performance, effectiveness, and scope of any state operation, activity,  
96 program, or service that primarily involves employment training or placement to be reported  
97 under Sections 35A-1-109, 63J-4-708, and 63N-1-301.

98 Section 3. Section 35A-1-201 is amended to read:

99 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**  
100 **Qualifications -- Responsibilities -- Deputy directors.**

101 (1) (a) The chief administrative officer of the department is the executive director, who  
102 is appointed by the governor with the consent of the Senate.

103 (b) The executive director serves at the pleasure of the governor.

104 (c) The executive director shall receive a salary established by the governor within the  
105 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

106 (d) The executive director shall be experienced in administration, management, and  
107 coordination of complex organizations.

108 (2) The executive director shall:

109 (a) administer and supervise the department in compliance with Title 67, Chapter 19,  
110 Utah State Personnel Management Act;

111 (b) supervise and coordinate between the economic service areas and directors created  
112 under Chapter 2, Economic Service Areas;

113 (c) coordinate policies and program activities conducted through the divisions and  
114 economic service areas of the department;

115 (d) approve the proposed budget of each division, the Workforce Appeals Board, and  
116 each economic service area within the department;

117 (e) approve all applications for federal grants or assistance in support of any  
118 department program; [~~and~~]

119 (f) coordinate with the executive directors of the Governor's Office of Economic  
120 Development and the Governor's Office of Management and Budget to review data and metrics  
121 to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

122 ~~(f)~~ (g) fulfill such other duties as assigned by the Legislature or as assigned by the  
123 governor that are not inconsistent with this title.

124 (3) The executive director may appoint deputy or assistant directors to assist the  
125 executive director in carrying out the department's responsibilities.

126 (4) The executive director shall at least annually provide for the sharing of information  
127 between the advisory councils established under this title.

128 Section 4. Section **63I-2-235** is amended to read:

129 **63I-2-235. Repeal dates -- Title 35A.**

130 (1) Section 35A-1-110 is repealed July 1, 2019.

131 ~~(1)~~ (2) Section 35A-3-208 is repealed July 1, 2019.

132 ~~(2)~~ (3) Subsection 35A-8-604(6) is repealed October 1, 2020.

133 Section 5. Section **63J-4-301** is amended to read:

134 **63J-4-301. Duties of the executive director and office.**

135 (1) The executive director and the office shall:

136 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary  
137 Procedures Act;

138 (b) under the direct supervision of the governor, assist the governor in the preparation  
139 of the governor's budget recommendations;

140 (c) advise the governor with regard to approval or revision of agency work programs as  
141 specified in Section 63J-1-209;

142 (d) establish benchmarking practices for measuring operational costs, quality of  
143 service, and effectiveness across all state agencies and programs;

144 (e) assist agencies with the development of an operational plan that uses continuous  
145 improvement tools and operational metrics to increase statewide capacity and improve  
146 interagency integration;

147 (f) review and assess agency budget requests and expenditures using a clear set of goals  
148 and measures;

149 (g) develop and maintain enterprise portfolio and electronic information systems to

150 select and oversee the execution of projects, ensure a return on investment, and trace and report  
151 performance metrics; [~~and~~]

152 (h) coordinate with the executive directors of the Department of Workforce Services  
153 and the Governor's Office of Economic Development to review data and metrics to be reported  
154 to the Legislature as described in Subsection [63J-4-708\(2\)\(d\)](#); and

155 [~~h~~] (i) perform other duties and responsibilities as assigned by the governor.

156 (2) (a) The executive director of the Governor's Office of Management and Budget or  
157 the executive director's designee is the Federal Assistance Management Officer.

158 (b) In acting as the Federal Assistance Management Officer, the executive director or  
159 designee shall:

160 (i) study the administration and effect of federal assistance programs in the state and  
161 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and  
162 the Executive Appropriations Committee, of alternative recommended methods and procedures  
163 for the administration of these programs;

164 (ii) assist in the coordination of federal assistance programs that involve or are  
165 administered by more than one state agency; and

166 (iii) analyze and advise on applications for new federal assistance programs submitted  
167 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

168 Section 6. Section **63J-4-708** is amended to read:

169 **63J-4-708. Reporting.**

170 (1) On or before October 1, the board shall provide an annual written report to the  
171 Social Services Appropriations Subcommittee [~~and~~], the Economic Development and  
172 Workforce Services Interim Committee, and the Talent Ready Utah Board created in Section  
173 [63N-12-503](#).

174 (2) The written report shall include:

175 (a) information regarding the fiscal intermediary, the programmatic intermediary, the  
176 eligible program provider, and the independent evaluator that have been selected;

177 (b) the results of the feasibility analysis conducted in accordance with Section  
178 [63J-4-706](#);

179 (c) information regarding how many eligible participants have been served by the  
180 education, employability training, and workforce placement program;

181 (d) data and metrics:

182 (i) used to measure the progress, performance, effectiveness, and scope of the  
183 Employability to Careers Program, including summary data; and

184 (ii) that are consistent and comparable for each state operation, activity, program, or  
185 service that primarily involves employment training or placement as determined by the  
186 executive directors of the office, the Department of Workforce Services, and the Governor's  
187 Office of Economic Development;

188 [~~(d)~~] (e) a description of program expenses, including what payments have been made  
189 to the intermediary and the cost to the state for each successful eligible participant outcome;  
190 and

191 [~~(e)~~] (f) recommendations to the Legislature on any potential improvements to the  
192 Employability to Careers Program, including whether the program should continue to receive  
193 funding from the state.

194 Section 7. Section **63N-1-203** is amended to read:

195 **63N-1-203. Powers and duties of executive director.**

196 (1) Unless otherwise expressly provided by statute, the executive director may organize  
197 the office in any appropriate manner, including the appointment of deputy directors of the  
198 office.

199 (2) The executive director may consolidate personnel and service functions for  
200 efficiency and economy in the office.

201 (3) The executive director, with the approval of the governor:

202 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal  
203 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

204 (b) may enter into a lawful contract or agreement with another state, a chamber of  
205 commerce organization, a service club, or a private entity; and

206 (c) shall annually prepare and submit to the governor a budget of the office's financial  
207 requirements.

208 (4) With the governor's approval, if a federal program requires the expenditure of state  
209 funds as a condition for the state to participate in a fund, property, or service, the executive  
210 director may expend necessary funds from money provided by the Legislature for the use of the  
211 office.

212 (5) The executive director shall coordinate with the executive directors of the  
213 Department of Workforce Services and the Governor's Office of Management and Budget to  
214 review data and metrics to be reported to the Legislature as described in Subsection  
215 63N-1-301(2)(b).

216 Section 8. Section **63N-1-301** is amended to read:

217 **63N-1-301. Annual report -- Content -- Format.**

218 (1) The office shall prepare and submit to the governor and the Legislature, by October  
219 1 of each year, an annual written report of the operations, activities, programs, and services of  
220 the office, including the divisions, sections, boards, commissions, councils, and committees  
221 established under this title, for the preceding fiscal year.

222 (2) For each operation, activity, program, or service provided by the office, the annual  
223 report shall include:

224 (a) a description of the operation, activity, program, or service;

225 (b) data and metrics:

226 (i) selected and used by the office to measure progress, performance, effectiveness, and  
227 scope of the operation, activity, program, or service, including summary data; and

228 (ii) that are consistent and comparable for each state operation, activity, program, or  
229 service that primarily involves employment training or placement as determined by the  
230 executive directors of the office, the Department of Workforce Services, and the Governor's  
231 Office of Management and Budget;

232 (c) budget data, including the amount and source of funding, expenses, and allocation  
233 of full-time employees for the operation, activity, program, or service;

234 (d) historical data from previous years for comparison with data reported under  
235 Subsections (2)(b) and (c);

236 (e) goals, challenges, and achievements related to the operation, activity, program, or  
237 service;

238 (f) relevant federal and state statutory references and requirements;

239 (g) contact information of officials knowledgeable and responsible for each operation,  
240 activity, program, or service; and

241 (h) other information determined by the office that:

242 (i) may be needed, useful, or of historical significance; or



243 (ii) promotes accountability and transparency for each operation, activity, program, or  
244 service with the public and elected officials.

245 (3) The annual report shall be designed to provide clear, accurate, and accessible  
246 information to the public, the governor, and the Legislature.

247 (4) The office shall:

248 (a) submit the annual report in accordance with Section 68-3-14; ~~and~~

249 (b) make the annual report, and previous annual reports, accessible to the public by  
250 placing a link to the reports on the office's website[-]; and

251 (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready  
252 Utah Board created in Section 63N-12-503.

253 Section 9. Section 63N-12-202 is amended to read:

254 **63N-12-202. Definitions.**

255 As used in this part:

256 (1) "Board" means the STEM Action Center Board created in Section 63N-12-203.

257 (2) "Computing partnerships" means a set of skills, knowledge, and aptitudes used in  
258 computer science, information technology, or computer engineering courses and career options.

259 (3) "Director" means the director appointed by the board to oversee the administration  
260 of the STEM Action Center.

261 (4) "Educator" means the same as that term is defined in Section 53A-6-103.

262 (5) "Foundation" means a foundation established as described in Subsections  
263 63N-12-204(3) and (4).

264 (6) "Fund" means the STEM Action Center Foundation Fund created in Section  
265 63N-12-204.5.

266 (7) "Grant program" means the Computing Partnerships Grants program created in this  
267 part.

268 (8) "High quality professional development" means professional development that  
269 meets high quality standards developed by the State Board of Education.

270 (9) "Institution of higher education" means an institution listed in Section 53B-1-102.

271 (10) "K-16" means kindergarten through grade 12 and post-secondary education  
272 programs.

273 (11) "Office" means the Governor's Office of Economic Development.

274 (12) "Provider" means a provider selected on behalf of the board by the staff of the  
275 board and the staff of the State Board of Education:

276 (a) through a request for proposals process; or

277 (b) through a direct award or sole source procurement process for a pilot described in  
278 Section [63N-12-206](#).

279 (13) "Review committee" means the committee established under Section [63N-12-214](#).

280 (14) "Stacked credentials" means credentials that:

281 (a) an individual can build upon to access an advanced job or higher wage;

282 (b) are part of a career pathway system;

283 (c) provide a pathway culminating in the equivalent of an associate's or bachelor's  
284 degree;

285 (d) facilitate multiple exit and entry points; and

286 (e) recognize sub-goals or momentum points.

287 (15) "STEM" means science, technology, engineering, and mathematics.

288 (16) "STEM Action Center" means the center described in Section [63N-12-205](#).

289 (17) "Talent Ready Utah" means ~~[a partnership between the Governor's Office of  
290 Economic Development, the Governor's Education Advisor, the Department of Workforce  
291 Services, the Utah State Board of Education, the Utah System of Higher Education,  
292 representatives of post-secondary technical education, industry partners, and the Utah STEM  
293 Action Center]~~ the Talent Ready Utah Center created in Section [63N-12-502](#).

294 Section 10. Section [63N-12-501](#) is enacted to read:

295 **Part 5. Talent Ready Utah Center**

296 **[63N-12-501](#). Definitions.**

297 As used in this part:

298 (1) "Center" means the Talent Ready Utah Center created in Section [63N-12-502](#).

299 (2) "Talent ready board" means the Talent Ready Utah Board created in Section  
300 [63N-12-503](#).

301 (3) "Workforce programs" means education or industry programs that facilitate training  
302 the state's workforce to meet industry demand.

303 Section 11. Section [63N-12-502](#) is enacted to read:

304 **[63N-12-502](#). Talent Ready Utah Center.**

- 305 (1) There is created within GOED the Talent Ready Utah Center.
- 306 (2) The executive director shall appoint a director of the center.
- 307 (3) The director of the center may appoint staff with the approval of the executive
- 308 director.
- 309 (4) The center shall coordinate with the talent ready board to:
- 310 (a) further education and industry alignment in the state;
- 311 (b) coordinate the development of new education programs that align with industry
- 312 demand;
- 313 (c) coordinate or partner with other state agencies to administer grant programs;
- 314 (d) promote the inclusion of industry partners in education;
- 315 (e) provide outreach and information to employers regarding workforce programs and
- 316 initiatives;
- 317 (f) develop and analyze stackable credential programs;
- 318 (g) determine efficiencies among workforce providers;
- 319 (h) map available workforce programs focusing on programs that successfully create
- 320 high-paying jobs; and
- 321 (i) support initiatives of the talent ready board.

322 Section 12. Section **63N-12-503** is enacted to read:

323 **63N-12-503. Talent Ready Utah Board.**

- 324 (1) There is created within GOED the Talent Ready Utah Board composed of the
- 325 following 13 members:
- 326 (a) the state superintendent of public instruction or the superintendent's designee;
- 327 (b) the commissioner of higher education or the commissioner of higher education's
- 328 designee;
- 329 (c) the commissioner of technical education or the commissioner of technical
- 330 education's designee;
- 331 (d) the executive director of the Department of Workforce Services or the executive
- 332 director of the department's designee;
- 333 (e) the executive director of GOED or the executive director's designee;
- 334 (f) the governor's education advisor or the advisor's designee;
- 335 (g) one member of the Senate, appointed by the president of the Senate;

- 336 (h) one member of the House of Representatives, appointed by the speaker of the  
337 House of Representatives;
- 338 (i) the president of the Salt Lake Chamber or the president's designee;  
339 (j) three representatives of private industry chosen by the talent ready board; and  
340 (k) a representative of the technology industry chosen by the talent ready board.
- 341 (2) The talent ready board shall select a chair and vice chair from among the members  
342 of the talent ready board.
- 343 (3) The talent ready board shall meet at least quarterly.
- 344 (4) Attendance of a majority of the members of the talent ready board constitutes a  
345 quorum for the transaction of official talent ready board business.
- 346 (5) Formal action by the talent ready board requires the majority vote of a quorum.
- 347 (6) A member of the talent ready board:
- 348 (a) may not receive compensation or benefits for the member's service; and  
349 (b) who is not a legislator may receive per diem and travel expenses in accordance  
350 with:
- 351 (i) Section [63A-3-106](#);  
352 (ii) Section [63A-3-107](#); and  
353 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
354 [63A-3-107](#).
- 355 (7) The talent ready board shall:
- 356 (a) (i) review and develop metrics to measure the progress, performance, effectiveness,  
357 and scope of any state operation, activity, program, or service that primarily involves  
358 employment training or placement; and
- 359 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and  
360 comparable for each state operation, activity, program, or service that primarily involves  
361 employment training or placement;
- 362 (b) make recommendations to the center regarding how to better align training and  
363 education in the state with industry demand;
- 364 (c) make recommendations to the center regarding how to better align technical  
365 education with current and future workforce needs; and
- 366 (d) coordinate with the center to meet the responsibilities described in Subsection

367 [63N-12-502\(4\)](#).

368 Section 13. Section **63N-12-504** is enacted to read:

369 **63N-12-504. Reporting.**

370 The center shall prepare an annual report describing the center's operations and  
371 recommendations for inclusion in GOED's annual written report described in Section  
372 [63N-1-301](#).

373 Section 14. **Appropriation.**

374 The following sums of money are appropriated for the fiscal year beginning July 1,  
375 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for  
376 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
377 Act, the Legislature appropriates the following sums of money from the funds or accounts  
378 indicated for the use and support of the government of the state of Utah.

379 ITEM 1

380 To Governor's Office of Economic Development -- Talent Ready Utah Center

381 From General Fund, One-time \$75,000

382 From General Fund \$250,000

383 Schedule of Programs:

384 Talent Ready Utah Center \$325,000

385 ITEM 2

386 To Workforce Services -- Administration

387 From General Fund, One-time \$75,000

388 Schedule of Programs:

389 Administration \$75,000