

SELECTED HIGHLIGHTS of the 2017 General Session

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Agriculture

HB 315 Aquaculture Amendments

Froerer, G.

This bill modifies provisions regarding aquaculture.

This bill:

- modifies definitions;
- creates the Private Aquaculture Advisory Council;
- states that the Department of Agriculture and Food shall consider the recommendations of the Private Aquaculture Advisory Council when adopting rules;
- modifies the documentation requirements for a transfer or shipment of live aquatic animals;
- states that the Division of Wildlife Resources may authorize:
 - an aquaculture facility, public aquaculture facility, or fee fishing facility upon a natural lake or reservoir constructed on a natural stream channel under certain circumstances; and
 - a private fish pond on a natural lake or reservoir constructed on a natural stream channel under certain circumstances; and
- makes technical changes.

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Alcoholic Beverage Control

HB 442 Alcohol Amendments

Wilson, B.

This bill modifies provisions related to the regulation of alcoholic beverages.

This bill:

- defines terms;
- modifies the name of certain retail licenses;
- provides that a local authority may issue a business license to a retail licensee only if the licensee is lawfully present in the United States;
- provides that a licensee or permittee may only engage in behavior expressly allowed by Title 32B, Alcoholic Beverage Control Act, or local ordinance;
- requires the Department of Alcoholic Beverage Control and the Alcoholic Beverage Control Commission to implement and enforce the provisions of Title 32B, Alcoholic Beverage Control Act, in accordance with its express language and stated policy purpose;
- reduces the permissible proximity of a restaurant licensee to a community location;
- removes the commission's authority to grant a variance to the proximity requirements;
- modifies the calculation of the money from the sale of a bottle or individual portion of wine by a retail licensee or sublicensee in determining the percentage of gross receipts from the sale of food or an alcoholic product;
- requires electronic age verification of certain individuals who procure an alcoholic product in a dispensing area in a restaurant;
- modifies the application requirements for approval of the label and packaging of a malted beverage;
- modifies the labeling and packaging requirements for certain malted beverages;
- reduces and modifies the membership of the Alcoholic Beverage Control Advisory Board;
- provides that every three years the Legislature's general counsel shall:
 - conduct a review of each rule made by the commission for compliance with current statute; and
 - prepare and submit a report to the president of the Senate and the speaker of the House of Representatives;
- upon prioritization by the Audit Subcommittee, provides that the Office of the Legislative Auditor General may:
 - review a current practice of the commission or department for compliance with current statute; and
 - prepare and submit a report to the Audit Subcommittee;
- increases the mark-up on alcoholic beverages;
- requires a presiding officer to consider any aggravating circumstances or mitigating circumstances when imposing a fine;
- provides that each retail licensee shall submit a responsible alcohol service plan to the department upon application for or renewal of a retail license;
- prohibits more than one type of retail license for the same room, unless the licenses are a combination of two or more of the following:
 - a restaurant license;
 - an on-premise beer retailer license that is not a tavern; and
 - an on-premise banquet license or reception center license;
- states that a retail licensee may provide wine service for a bottled wine carried onto the licensed premises or purchased at the licensed premises;
- requires the department to develop the following training programs:
 - a training program for retail managers;
 - a training program for off-premise retail managers; and
 - a training program for an individual who commits a violation related to service to an intoxicated individual or a minor;
- enacts a process for the Department of Public Safety to track violations of each retail licensee involving the sale of an alcoholic product to a minor;
- establishes a flat renewal fee for a full-service restaurant licensee;
- provides that beginning on July 1, 2017, and no later than July 1, 2018, a restaurant licensee that does not have a grandfathered bar structure shall designate a dispensing area within which:
 - the restaurant licensee may store and dispense alcoholic product at a dispensing structure;
 - an individual 21 years of age or older may consume food and beverages; and
 - except under certain circumstances, a minor may not be present;
- removes grandfathered bar structures beginning on July 1, 2022;
- extends the hours during which a restaurant licensee may sell, offer for sale, or furnish an alcoholic product on a weekend or a state or federal legal holiday;
- provides that a restaurant licensee may sell, offer for sale, or furnish an alcoholic product to a patron only if:
 - the patron is seated in a dispensing area and furnished no more than one portion or an alcoholic product while waiting for a seat in the dining area where the patron intends to order and consume food; or
 - the patron is seated at a table, counter, or dispensing structure, and the patron intends to order and consume food in the same location where the patron is seated;
- provides that a restaurant licensee may not transfer, dispense, or serve an alcoholic product from a movable cart;
- addresses the retention of certain records for restaurant licensees;
- requires a restaurant licensee or a bar licensee to display a sign that states whether the licensee is a restaurant or a bar;
- prohibits the commission from issuing or renewing a dining club license on or after July 1, 2017;

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- provides that effective July 1, 2018, each dining club licensee converts to a full-service restaurant licensee or a bar licensee;
- provides a phased transition for a dining club licensee that converts to a full-service restaurant licensee;
- beginning July 1, 2018, establishes an off-premise beer retailer state license, including an application process, fees, and renewal procedures;
- provides that an off-premise beer retailer shall display beer in no more than two locations that are separate from any nonalcoholic beverage;
- addresses notification to the department if an off-premise beer retailer changes ownership;
- modifies and repeals certain provisions related to local authority enforcement of off-premise beer retailers to correspond with the state enforcement mechanisms available under the off-premise beer retailer state license;
- creates the Underage Drinking Prevention Program that consists of a school-based prevention presentation for students in grade 8 and grade 10;
- requires each local education agency to offer the Underage Drinking Prevention Program each school year to each student in grade 8 and grade 10;
- creates the Underage Drinking Prevention Program Advisory Council to provide input to the State Board of Education in administering the Underage Drinking Prevention Program;
- provides that the State Board of Education shall qualify one or more providers to provide the Underage Drinking Prevention Program;
- creates the Underage Drinking Prevention Program Restricted Account, funded by:
 - money from the markup on alcoholic beverages;
 - appropriations made by the Legislature; and
 - interest earned on money in the account;
- provides that the State Board of Education may use money in the Underage Drinking Prevention Program Restricted Account for the Underage Drinking Prevention Program; and
- makes technical and conforming changes.

SB 155 Alcohol Beverage Control Budget Amendments

Mayne, K.

This bill modifies provisions related to the budget of the Department of Alcoholic Beverage Control.

This bill:

- defines terms;
- addresses the department's base budget;
- provides for use of specific funds for specified purposes; and
- makes technical changes.

SB 279 Alcohol Modifications

Stevenson, J.

This bill modifies provisions related to alcohol regulation.

This bill:

- defines terms;
- reduces the permissible proximity of a restaurant licensee to a community location;
- repeals the Alcoholic Beverage Control Commission's authority to grant a variance to a proximity requirement;
- addresses the effect of a previously approved variance to a proximity requirement;
- provides that a licensee may continue to operate, regardless of whether a person establishes a community location closer to the licensee than is otherwise permissible; and
- makes technical changes.

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Bonds

SB 9 Revenue Bond and Capital Facilities Amendments

Harper, W.

This bill authorizes certain state agencies and institutions to issue revenue bonds and amends provisions relating to capital facilities.

This bill:

- defines terms;
- provides for the appointment of a director of the State Building Board;
- modifies the State Building Board's rulemaking authority;
- exempts facility programming from certain appropriations requirements;
- authorizes the State Building Ownership Authority to issue revenue bonds as follows:
 - up to \$5,451,800 for constructing a southwest Salt Lake County liquor store; and
 - up to \$5,451,800 for constructing a Farmington liquor store; and
- authorizes the Board of Regents to issue revenue bonds as follows:
 - up to \$8,250,000 for constructing an expansion of the University Guest House at the University of Utah;
 - up to \$4,700,000 for constructing an expansion of the Legend Solar Stadium at Dixie State University; and
 - up to \$190,000,000 for constructing the Medical Education and Discovery Complex and Rehabilitation Hospital at the University of Utah; and
 - up to \$16,000,000 for constructing the Human Performance Center at Dixie State University;
- authorizes the Dixie Applied Technology College to enter into a lease-purchase agreement to provide up to \$9,505,300 for the Industrial Building for the Dixie Applied Technology College; and
- makes technical and conforming changes.

Controlled Substances

HB 50 Opioid Prescribing Regulations

Ward, R.

This bill amends the Division of Occupational and Professional Licensing Act related to the prescribing of certain controlled substances.

This bill:

- limits the number of days for which an opiate may be prescribed for certain individuals;
- removes an outdated provision from the Utah Controlled Substances Act related to opiate prescribing; and
- amends provisions of the Controlled Substance Database Act related to provider use of the database.

HB 66 Opiate Overdose Response Act Amendments

Moss, C.

This bill amends civil liability in the Opiate Overdose Response Act.

This bill:

- identifies the persons who are not civilly liable when administering an opiate antagonist under certain circumstances;
- permits an overdose outreach provider to furnish an opiate antagonist to another overdose outreach provider; and
- makes technical changes.

HB 146 Partial Filling of a Schedule II Controlled Substance Prescription

Barlow, S.

This bill addresses the partial filling of prescriptions for Schedule II controlled substances.

This bill:

- provides definitions;
- requires that the partial filling of a Schedule II controlled substance prescription for certain patients must be made in accordance with federal law and rules made by the Division of Occupational and Professional Licensing; and
- requires rulemaking.

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SB 220 Student Assessment and School Accountability Amendments

Millner, A.

This bill amends and enacts provisions related to assessments and accountability in the public education system.

This bill:

- defines terms;
- repeals outdated references to the Utah Performance Assessment System for Students or "U-PASS";
- amends provisions related to the administration of statewide assessments;
- enacts provisions related to a high school assessment;
- repeals and reenacts provisions related to:
 - State Board of Education duties related to assessments; and
 - standards assessments;
- amends other provisions related to assessments;
- establishes a school accountability system;
- enacts provisions related to the school accountability system, including provisions related to:
 - the indicators and calculation of points used to determine a school's rating under the school accountability system;
 - required rulemaking by the board; and
 - required reports;
- repeals and reenacts, for technical purposes, provisions related to youth suicide prevention training; and
- makes technical and conforming changes.

Elections

HB 204 Presidential Primary Amendments

Arent, P.

This bill requires that the state hold a presidential primary election every four years.

This bill:

- requires the Legislature to fund a presidential primary election; and
- permits a political party to participate in a presidential primary election.

SB 152 Municipal Mayoral Term Amendments

Iwamoto, J.

This bill allows certain cities to set an alternative election schedule to fill the office of city mayor.

This bill:

- allows certain cities to set an alternative election schedule to fill the office of city mayor; and
- makes technical changes.

Electronic Information

SB 194 Utah Data Research Center Act

Anderegg, J.

This bill enacts provisions related to data research.

This bill:

- defines terms;
- establishes the Utah Data Research Center as a program within the Workforce Research and Analysis Division within the Department of Workforce Services;
- requires the State Board of Education, the State Board of Regents, the Utah College of Applied Technology, the Department of Workforce Services, and the Department of Health to contribute data to a data research program used by the Utah Data Research Center;
- directs the director of the Workforce Research and Analysis Division to hire data scientists, data technology experts, and data security experts; and
- directs the Utah Data Research Center to:
 - establish or contract with a private entity or with another state government entity for the creation of a data research program that contains de-identified data from participating state entities;
 - accept requests from a state government official or a member of the public for a data research request using the data from the data research program;
 - create a prioritized list of data research requests for the state;
 - create an online data visualization portal;
 - use the fees the center collects for data research requests to cover the center's costs; and
 - report annually to the Education Interim Committee.

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Energy

SB 273 Energy Development Amendments

Adams, J. S.

This bill enacts the Commercial Property Assessed Clean Energy Act or C-PACE Act.

This bill:

- defines terms;
- enacts the Commercial Property Assessed Clean Energy Act or C-PACE Act;
- repeals provisions related to energy assessments from the Assessment Area Act;
- limits the availability of judicial recourse to challenge or enjoin certain assessments and bonds;
- creates the C-PACE district;
- requires the Office of Energy Development (OED) to administer and direct the actions of the C-PACE district;
- allows OED to delegate OED's authority over the C-PACE district to a third party, subject to certain contractual provisions;
- provides for a local governing body to adopt an energy assessment resolution or ordinance to designate an energy assessment area and levy an energy assessment upon private property where the property owner consents to the assessment;
- allows a local entity to levy an assessment against government land under certain circumstances;
- allows a property owner to pay an energy assessment in installments;
- provides for the creation of an assessment fund and limits the use and investment of money in the fund;
- describes the characteristics of an energy assessment lien;
- allows a local entity to assign an energy assessment lien to a third-party lender to provide financing for certain improvements, subject to certain contractual provisions;
- provides for the enforcement of an energy assessment lien, including for delinquent assessment payments;
- provides for the release and discharge of an assessed property and an energy assessment area;
- allows a local entity to issue an energy assessment bond and a refunding assessment bond;
- limits the liability and obligation of a local entity issuing an energy assessment bond;
- provides for the reduction of assessments after the issuance of a refunding assessment bond;
- subjects a refunding assessment bond that a local entity has already issued to the provisions of this bill;
- adds funds that OED collects for directing and administering the C-PACE district to the list of nonlapsing funds and accounts in the Budgetary Procedures Act;
- enacts a sunset date, subject to review, for the nonlapsing status of OED's funds;
- allows OED to charge fees for the performance of OED's duties; and
- makes technical and conforming changes.

Environmental Quality

HB 115 Solid Waste Revisions

McKell, M.

This bill modifies regulations in regard to nonhazardous solid waste.

This bill:

- defines terms;
- modifies definitions;
- states that no person may own, construct, modify, or operate any facility or site for the purpose of transferring, treating, or disposing of nonhazardous solid waste without first submitting and receiving the approval of the director for an operation plan for that facility or site;
- provides that certain waste entering Utah from other states for disposal or treatment be treated according to standards provided in Utah law;
- modifies fee structures for nonhazardous solid waste streams; and
- makes technical changes.

HB 183 Emissions Settlement Amendments

Hawkes, T.

This bill enacts the Environmental Mitigation and Response Act and modifies vehicle registration requirements.

This bill:

- establishes the Environmental Mitigation and Response Act, including establishing an expendable special revenue fund;
- states that the director of the Department of Environmental Quality may administer the expendable special revenue fund;
- states that, in certain circumstances, vehicle registration may not be denied on the basis of:
 - a defeat device; or
 - an Environmental Protection Agency-approved modification; and
- makes technical changes.

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Federalism

HJR 17 Joint Resolution to Restore the Division of Governmental Responsibilities Between the National Government and the States Ivory, K.

This joint resolution of the Legislature urges the President of the United States and Congress to recognize state authority and take action to restore power to the states.

This resolution:

- calls upon the President of the United States to reenact President Ronald Reagan's Executive Order 12612 and to create a national commission on federalism;
- urges Congress to pass and adhere to the Enumerated Powers Act;
- urges Congress to pass the Regulations from the Executive in Need of Scrutiny Act;
- urges Congress to pass the Intergenerational Financial Obligations Reform Act;
- urges Congress to direct the Government Accountability Office to conduct an audit of federal programs, rules, regulations, and laws that have federalism implications;
- demands that all branches of the federal government refrain from any activity that limits the policymaking discretion of the states; and
- encourages other states to join with the state of Utah in documenting issues of federal overreach.

Government Purchasing

HB 460 Capitol Development Projects Bonding Amendments Froerer, G.

This bill modifies provisions relating to the issuance of bonds for the prison project.

This bill:

- increases the authorization for the issuance and extends the maximum maturity date of bonds for the prison project; and
- makes technical changes.

SB 133 Procurement Process Amendments Mayne, K.

This bill modifies provisions relating to the procurement process.

This bill:

- requires a request for proposals for a construction project to require offerors to include in a proposal the offeror's safety plan for the company and for the specific site; and
- requires the evaluation criteria of a request for proposals for a construction project to include the existence and quality of an offeror's safety plan for the company and for the specific site.

Health

HB 308 Public Health and Schools Thurston, N.

This bill requires the Department of Health to create an online education module regarding certain preventable diseases.

This bill:

- defines terms;
- requires the Department of Health to:
 - create an online education module regarding certain preventable diseases; and
 - create a new vaccination exemption form;
- amends the Utah Health Code regarding student vaccinations and records of student vaccinations;
- subject to certain exceptions, continues the requirement that a student receive certain vaccinations in order to attend school;
- requires the renewal of a student's vaccination exemption under certain conditions;
- allows for the vaccination exemption form to be completed online in conjunction with the education module;
- continues the practice of preventing a local education agency from receiving weighted pupil unit money for a student who does not comply with vaccination requirements;
- addresses policies and procedures relating to vaccinations, recordkeeping, and disease outbreaks; and
- makes technical changes.

HB 346 Suicide Prevention Programs Eliason, S.

This bill amends and enacts provisions relating to suicide prevention programs.

This bill:

- establishes reporting requirements;
- creates a position in the Department of Health; and
- provides for grant awards for suicide prevention programs.

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Health Care

HB 128 Health Care Debt Collection Amendments

Webb, R. C.

This bill modifies and enacts provisions related to health care claims practices.

This bill:

- defines terms;
- modifies the circumstances under which a health care provider may make a report to a credit bureau or use the services of a collection agency against an insured;
- addresses administrative penalties for a health care provider who fails to comply with the provisions of this bill; and
- makes technical and conforming changes.

HB 154 Telehealth Amendments

Ivory, K.

This bill amends the Medical Assistance Act, the Public Employees' Benefit and Insurance Program Act, and the Insurance Code to provide coverage, and coverage transparency, for certain telehealth services.

This bill:

- defines terms;
- amends the Medical Assistance Act regarding reimbursement for telemedicine services;
- amends the Insurance Code to require insurer transparency regarding telehealth reimbursement;
- amends the Public Employees' Benefit and Insurance Program Act (PEHP) regarding reimbursement for telemedicine services;
- requires the Department of Health and PEHP to report to a legislative interim committee and a task force regarding telehealth services;
- requires a legislative study;
- describes responsibilities of a provider offering telehealth services; and
- amends the Electronic Prescribing Act to restrict certain prescriptions in conjunction with telehealth services.

HB 435 Health Care Patient Privacy Amendments

Gibson, F.

This bill amends provisions related to the use of body worn cameras by law enforcement in health care settings.

This bill:

- amends the Government Records Access and Management Act to classify an audio or video recording created by a body worn camera in a health care setting as a protected record under the Government Records Access and Management Act; and
- amends Title 77, Chapter 7a, Law Enforcement Use of Body-Worn Cameras, to:
 - require certain notice to a health care provider if a body worn camera is activated in a health care setting; and
 - prohibits the activation of a body worn camera in a health care setting unless the body worn camera is activated for a law enforcement encounter.

SB 95 Air Ambulance Amendments

Harper, W.

This bill amends air ambulance provisions in the Utah Health Code.

This bill:

- requires the Department of Health to establish an Air Ambulance Committee;
- establishes the membership of the Air Ambulance Committee;
- establishes the duties of the Air Ambulance Committee;
- sunsets the Air Ambulance Committee on July 1, 2019;
- authorizes the State Emergency Medical Services Committee to coordinate with the Health Data Committee to report air ambulance charges in the state;
- specifies the data that should be reported;
- requires the publication of certain data regarding air ambulance charges; and
- amends the duties of the Health Data Committee to assist the State Emergency Medical Services Committee with the reporting of the air ambulance charge data.

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Higher Education

SB 35 Veterans Tuition Gap Program Act Amendments Escamilla, L.

This bill amends access to the Veterans Tuition Gap Program.

This bill:

- amends the federal programs to which the Veterans Tuition Gap Program (the program) relates;
- amends the institutions of higher education in which a qualifying veteran using the program must be enrolled;
- removes the requirement that a qualifying veteran using the program qualify for a federal program; and
- makes technical changes.

SB 117 Higher Education Performance Funding Millner, A.

This bill amends and enacts provisions related to performance funding for higher education institutions and applied technology colleges.

This bill:

- defines terms;
- amends the powers and duties of the Utah College of Applied Technology Board of Trustees to include responsibilities related to a model to determine performance;
- creates a restricted account;
- requires that, up to a limit, certain individual income tax revenue be deposited in the restricted account;
- restricts the use of money in the restricted account to performance funding for higher education institutions and applied technology colleges;
- requires the Department of Workforce Services to estimate the amount of growth, over a baseline amount, in individual income tax revenue generated by targeted jobs;
- directs the Legislature to determine appropriations from the restricted account for higher education institutions and applied technology colleges based on performance;
- requires the State Board of Regents and the Utah College of Applied Technology Board of Trustees to:
 - develop models for measuring the performance of higher education institutions and applied technology colleges; and
 - report annually to the Higher Education Appropriations Subcommittee on the performance of higher education institutions and applied technology colleges;
- provides for the Office of the Legislative Auditor General to conduct an audit, subject to prioritization of the Audit Subcommittee; and
- makes technical and conforming changes.

Homeless Persons

HB 441 Housing and Homeless Reform Initiative Amendments Gibson, F.

This bill modifies provisions related to homelessness and homeless shelters.

This bill:

- modifies the ordinances and other regulations that a municipality may enforce for a homeless shelter;
- modifies the requirements for the Homeless Coordinating Committee and the Housing and Community Development Division to award grants or contracts related to a facility that will provide shelter or other services to the homeless; and
- makes technical changes.

Housing

HB 36 Affordable Housing Amendments Edwards, R.

This bill modifies provisions related to housing and community development.

This bill:

- defines terms;
- creates the Economic Revitalization and Investment Fund;
- establishes requirements for the distribution of money from the fund;
- modifies state low-income housing tax credit provisions; and
- makes technical and conforming changes.

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Human Services

HB 141 Unborn Child Protection Amendments

Stratton, K.

This bill amends the information that is required to be given to ensure that a woman gives informed consent before the performance of an abortion procedure.

This bill:

- requires specified medical personnel to inform a woman seeking an abortion of the options and consequences of aborting a medication-induced abortion; and
- requires the Department of Health to include in its published, printed materials an explanation of the options and consequences of aborting a medication-induced abortion.

SB 266 Division of Child and Family Services Appeals

Henderson, D.

This bill amends provisions relating to the maintenance of division reports.

This bill:

- establishes time frames for the expungement of a division report;
- requires the division to make rules regarding expungement of a division report; and
- makes technical changes.

Job Training

HB 240 Employability to Careers Program

Schultz, M.

This bill creates the Employability to Careers Program within the Governor's Office of Management and Budget.

This bill:

- defines terms;
- creates a restricted account called the Employability to Careers Program Restricted Account;
- creates the Employability to Careers Program Board within the Governor's Office of Management and Budget;
- authorizes the board to enter into a results-based contract with a fiscal intermediary;
- requires the Governor's Office of Management and Budget to staff the board;
- describes the components of an education, employability training, and workforce placement program that may be funded by money from the restricted account;
- authorizes the board to obtain the services of a programmatic intermediary to assist the board with validating the feasibility of entering into a results-based contract;
- requires an independent evaluation of the performance outcomes of the Employability to Careers Program; and
- authorizes payments from the restricted account to the fiscal intermediary if certain benchmarks are met by a service provider.

Judiciary

HB 191 Judiciary Related Amendments

Snow, V. L.

This bill modifies provisions related to the judiciary.

This bill:

- addresses judicial candidacy;
- modifies provisions related to when the commission shall allow a judge to appear before the commission;
- provides for reconsideration if the Utah Supreme Court issues a public sanction of a judge before the voter information pamphlet is published;
- modifies survey requirements;
- addresses confidentiality and anonymity of survey responses;
- modifies minimum performance standards;
- addresses intercept surveys for justice court judges administered by the commission; and
- makes technical amendments.

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HB 239 Juvenile Justice Amendments

Snow, V. L.

This bill modifies provisions related to juvenile justice.

This bill:

- addresses duties of prosecutors;
- modifies adjudications of minors under the Alcoholic Beverage Control Act;
- amends provisions related to sanctions and driver licenses;
- addresses education of certain persons under 21 years of age;
- amends provisions related to powers and duties of local school boards, charter school governing boards, school districts, or public school administrators;
- addresses reporting of certain conduct;
- addresses public school discipline policies;
- modifies provisions related to rules addressing prohibited conduct;
- enacts an approach to disciplinary actions related to students;
- amends provisions related to disruptive student behavior;
- addresses contracts between LEAs and law enforcement for school resource officer services;
- modifies provisions related to controlled substances and prohibited acts;
- modifies sentencing requirements for minors and drug paraphernalia and controlled substances;
- repeals language regarding programs and procedures for minors committed to the custody of the Division of Child and Family Services;
- amends provisions related to in-home services;
- amends definition provisions;
- addresses expenditure of money by the Department of Human Services;
- modifies provisions related to the Division of Juvenile Justice Services;
- modifies provisions related to restitution by a youth offender;
- addresses location of detention facilities and services;
- addresses commitment;
- modifies provisions related to the Youth Parole Authority;
- addresses discharge of youth offender;
- addresses youth services for prevention and early intervention;
- addresses community-based programs;
- modifies provisions related to the Commission on Criminal and Juvenile Justice;
- amends provisions related to minors and intoxication;
- amends provisions related to the buying and possession of a cigar, cigarette, electronic cigarette, or tobacco;
- addresses the jurisdiction of the juvenile court;
- enacts language regarding warrants;
- addresses when a minor may be taken into custody;
- addresses summons;
- repeals language regarding bench warrants;
- modifies provisions related minors being taken into custody or detention or alternatives;
- addresses when the attorney general represents the Division of Child and Family Services;
- modifies provisions related to the adjudication in juvenile courts;
- addresses a judgment, decree, or order and the rights and responsibilities of agency or individual granted custody, probation, or protective supervision;
- addresses fines, fees, and restitution;
- enacts provisions related to case planning and appropriate responses;
- enacts provisions related to detention risk assessment tool;
- amends provisions related to prosecutors and review of case;
- modifies the citation procedure;
- addresses a minor held in detention;
- modifies suspension of driver license;
- modifies jurisdiction of district court;
- modifies enforcement of contempt or a fine, fee, or restitution;
- addresses youth court;
- addresses jurisdiction of courts; and
- makes technical and conforming amendments.

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SB 185 Cause of Action for Minors Injured by Pornography Weiler, T.

This bill amends the Judicial Code to provide for a cause of action for minors injured by pornography.

This bill:

- enacts definitions;
- provides exemptions;
- establishes liability;
- provides a safe harbor; and
- addresses damages and class actions.

SB 193 Judicial Performance Evaluation Commission Modifications Weiler, T.

This bill modifies provisions related to judicial performance.

This bill:

- addresses appointments to the commission;
- requires a certain number of members to vote on recommendations to retain or not retain a judge;
- amends provisions related to judicial performance evaluations;
- addresses judicial performance surveys;
- amends provisions related to publication of judicial performance evaluations; and
- makes technical changes.

Landlord - Tenant

HB 178 Good Landlord Amendments King, Brian S.

This bill modifies provisions related to disproportionate rental fees.

This bill:

- prohibits a municipality from requiring a residential landlord to deny tenancy to an individual based on the individual's criminal history.

Law Enforcement and Criminal Justice

HB 123 Juvenile Offenses Amendments Roberts, M.

This bill makes changes to juvenile sex offenses when both juveniles are under 18 years of age.

This bill:

- creates a new provision for unlawful adolescent sexual activity between persons under 18 years of age;
- creates penalties; and
- makes technical and conforming corrections.

HB 149 Child Abuse Offender Registry Owens, D.

This bill creates the Child Abuse Offender Registry to be administered by the Department of Corrections.

This bill:

- creates the Child Abuse Offender Registry;
- requires persons convicted of felony child abuse, child endangerment, and human trafficking to register;
- specifies requirements for registration;
- sets penalties for failure to register; and
- places the registry within the Department of Corrections.

SELECTED HIGHLIGHTS of the 2017 General Session

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HB 200 Sexual Assault Kit Processing Amendments

Romero, A.

This bill modifies provisions of the criminal code regarding the testing of sexual assault kits.

This bill:

- requires that all sexual assault kits, except for those classified as restricted kits, be tested to obtain DNA profiles;
- provides that testing of a sexual assault kit be completed within a specified amount of time;
- provides the process by which sexual assault kits shall be stored and transmitted for testing;
- provides that a sexual assault kit shall be classified as a restricted kit if the victim chooses not to interview with law enforcement about the sexual assault or sexual abuse;
- provides the guidelines and process for the retention and disposal of sexual assault kits;
- requires medical personnel who conduct sexual assault examinations to inform each victim of specified rights, available treatments, and services;
- authorizes the Department of Public Safety to develop and implement a statewide sexual assault kit tracking system;
- requires the Department of Public Safety and the Utah Prosecution Council to develop and offer training to law enforcement officers on responding to cases of sexual assault or sexual abuse;
- requires the Peace Officers Standards and Training division to provide training to persons seeking certification as a peace officer on sexual assault and sexual abuse;
- provides rulemaking authority for the Department of Public Safety to implement the tracking system, establish the timelines for processing sexual assault kits, and the submission of information for each sexual assault kit; and
- requires the Department of Public Safety to report to the Law Enforcement and Criminal Justice Interim Committee each year regarding the processing of sexual assault kits.

HB 208 Jail Release Orders Amendments

Ivory, K.

This bill modifies provisions related to jail release agreements and jail release court orders.

This bill:

- defines terms;
- modifies the conditions under which an arresting law enforcement agency may release an individual arrested for certain offenses against a child or vulnerable adult or sexual assault; and
- makes technical and conforming changes.

SB 71 Criminal Accounts Receivable Amendments

Thatcher, D.

This bill makes changes in the monitoring and collection of criminal judgment accounts receivable.

This bill:

- defines terms;
- specifies when criminal judgment accounts receivable may be assigned to the Office of State Debt Collection;
- allows the court to modify amounts and payment schedules in order to avoid a default;
- provides that the court may hold a delinquent or defaulting defendant in contempt;
- outlines possible consequences for a delinquent or defaulting defendant; and
- makes technical and conforming amendments.

SB 87 Civil Asset Forfeiture Revisions

Thatcher, D.

This bill modifies the Forfeiture and Disposition of Property Act regarding forfeiture and the claiming of property.

This bill:

- amends specified definitions;
- amends provisions regarding the determination that property is subject to forfeiture;
- amends civil forfeiture procedures to provide for seized currency to be returned to the claimant in specified circumstances;
- provides that when property valued at less than \$10,000 is seized, the property shall be returned to the claimant;
- provides that when property is determined to be subject to forfeiture, and the claimant is then acquitted of the offense giving rise to the forfeiture, the property shall be returned; and
- facilitates the return of seized property to an innocent owner.

SELECTED HIGHLIGHTS of the 2017 General Session

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Political Subdivisions (Local Issues)

HB 232 Land Use Amendments

Schultz, M.

This bill modifies county and municipal land use provisions.

This bill:

- enacts and modifies definitions applicable to county and municipal land use provisions;
- addresses a provision relating to the imposition of stricter requirements or higher standards than required by state law;
- enacts a provision directing a land use authority on how to interpret and apply land use regulations and specifying the nature of a land use authority's land use decision;
- addresses provisions relating to the preparation, recommendation, and enactment of land use regulations;
- addresses a provision relating to the authority to adopt and amend land use regulations; and
- addresses provisions relating to appeals of land use decisions.

HB 399 Governmental Immunity Amendments

Snow, V. L.

This bill modifies provisions relating to governmental immunity.

This bill:

- provides that governmental immunity is preserved for an injury arising out of or in connection with, or resulting from, certain conduct or conditions even if immunity would otherwise be waived;
- enacts language specifying the relationship between an injury and certain conduct or conditions in determining whether immunity applies;
- allows a claimant to begin an action after the applicable time limit if a previous timely action failed or was dismissed, other than on the merits, and other conditions are met; and
- modifies language relating to a plaintiff's undertaking in an action against a governmental entity.

SB 250 Food Truck Licensing and Regulation

Henderson, D.

This bill enacts the Food Truck Licensing and Regulation Act to address local regulation of food trucks.

This bill:

- defines terms;
- prevents a political subdivision from requiring multiple business licenses, permits, or fees for a food truck to operate in more than one location within the political subdivision;
- requires a political subdivision to grant a business license to a food truck operator who presents certain safety certificates and a business license from another political subdivision;
- requires that fees for a business license or a health department food truck permit not generate revenue but only reimburse the political subdivision or local health department for the cost of regulation;
- requires a political subdivision conducting a fire safety inspection of a food truck to ensure compliance with certain standards set by the Utah Fire Prevention Board;
- requires reciprocity between local health departments regarding health department food truck permits and political subdivisions regarding fire safety inspections;
- establishes when a business license or event permit is required for a food truck event;
- prevents a political subdivision from imposing certain requirements or prohibitions on the operation of a food truck;
- requires the Utah Fire Prevention Board to establish criteria for the fire safety inspection of a food truck; and
- makes technical and conforming changes.

Public Lands

HB 407 Utah Public Land Management Act Amendments

Noel, M.

This bill modifies provisions in the Utah Public Land Management Act.

This bill:

- states that public land shall be managed, as much as possible, to promote multiple uses of the land, including hunting;
- describes the process to sell or exchange a parcel of public land;
- states that a county sheriff is the primary law enforcement authority on public land;
- creates the prospective Department of Land Management;
- describes the procedure to select the director of the Department of Land Management; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2017 General Session

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Public Safety

HB 155 Driving Under the Influence and Public Safety Revisions

Thurston, N.

This bill amends provisions related to driving under the influence.

This bill:

- reduces the blood alcohol content limit for driving under the influence;
- reduces the blood alcohol content limit in relation to certain criminal offenses;
- defines "novice learner driver";
- defines "novice licensed driver";
- modifies the definition of "alcohol restricted driver" to include a novice learner driver and a novice licensed driver; and
- makes technical changes.

Public Utilities

SB 130 Universal Service Fund Amendments

Hinkins, D.

This bill amends provisions related to the Universal Public Telecommunications Service Support Fund.

This bill:

- provides that a telecommunications provider that establishes and maintains a network capable of providing access lines, connections, or wholesale broadband Internet access service may qualify for payments from the Universal Public Telecommunications Service Support Fund for use in carrier of last resort areas;
- requires each access line or connection provider in the state to contribute to the Universal Public Telecommunications Service Support Fund;
- requires the Public Service Commission to develop a method for calculating the amount of each contribution charge assessed to an access line or connection provider;
- combines a surcharge and funding for administering the hearing and speech impaired program with the Universal Public Telecommunications Service Support Fund and surcharge;
- provides for a depreciation method and rate-of-return for a carrier of last resort that receives support from the Universal Public Telecommunications Service Support Fund;
- provides that a wireless telecommunications provider is eligible for a distribution from the Universal Public Telecommunications Service Support Fund for providing lifeline service under certain circumstances; and
- defines terms.

Retirement

HB 165 Higher Education Retirement Amendments

Westwood, J.

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions relating to higher education retirement participation.

This bill:

- provides definitions;
- provides that the Board of Directors of each applied technology college, rather than the State Board of Regents, shall designate the public or private retirement systems, organizations, or companies that a regular full-time employee of each applied technology college is eligible to participate in under certain retirement systems or plans; and
- makes technical and conforming changes.

SB 109 Small Employer Retirement Program

Weiler, T.

This bill enacts provisions relating to tax credits for small employers.

This bill:

- defines terms; and
- establishes an income tax credit for certain small employers that offer employees access to a qualified retirement plan.

Revenue and Taxation

HB 23 Income Tax Credit Modifications

Peterson, J.

This bill amends the individual income tax credit for certain residential renewable energy systems.

This bill:

- phases out the individual income tax credit for certain residential renewable energy systems; and
- amends the maximum individual income tax credit for certain residential renewable energy systems.

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SB 197 Refinery Sales and Use Tax Exemption Amendments

Adams, J. S.

This bill modifies provisions relating to a sales and use tax exemption for certain refineries.

This bill:

- provides definitions;
- provides a sales and use tax exemption for amounts paid or charged for a purchase or lease of machinery, equipment, normal operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or supplies by a refiner;
- provides that beginning on a certain date, a refiner that seeks to be eligible for the sales and use tax exemption shall annually report certain information to the Office of Energy Development;
- requires the Office of Energy Development to annually certify that the refiner is eligible for the sales and use tax exemption if the refiner's refinery that is located within the state meets certain fuel standards;
- grants the Office of Energy Development rulemaking authority to administer the certification requirements; and
- makes technical and conforming changes.

SB 276 Transportation Funding Modifications

Van Tassell, K.

This bill modifies the Motor and Special Fuel Tax Act by amending motor and special fuel tax provisions.

This bill:

- requires the State Tax Commission to annually reduce the amount of a deposit of sales and use tax revenue to the Transportation Investment Fund of 2005 in certain circumstances;
- amends provisions governing the calculation of the statewide average rack price of a gallon of motor fuel for purposes of determining the motor and special fuel tax rate;
- requires the Division of Finance to annually transfer a certain amount of revenue from the Transportation Fund to the Transportation Investment Fund of 2005; and
- makes technical and conforming changes.

State Officers and Employees

HB 156 State Job Application Process

Hollins, S.

This bill modifies general labor provisions.

This bill:

- defines terms;
- provides that a public employer may not require an applicant to disclose a past criminal conviction before an initial interview for employment; and
- provides exemptions for certain public employers.

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Telecommunications

SB 198 Utah Communications Authority Amendments

Harper, W.

This bill amends provisions related to providing 911 emergency service.

This bill:

- defines terms;
- repeals a 911 emergency service charge;
- modifies the composition of the Utah Communications Authority Board;
- modifies the duties of the Utah Communications Authority;
- creates regional advisory committees that report to the Utah Communications Authority Board;
- creates an operations advisory committee;
- repeals certain provisions that gave the Utah Communications Authority bonding authority;
- imposes certain charges on each access line within the state, and provides for the collection of the charges and the distribution of the proceeds of the charges;
- directs the State Tax Commission to distribute the proceeds of a 911 emergency service charge to public safety answering points within the state according to a formula based on a public safety answering point's proportion of total 911 emergency communications;
- provides that a public agency may not establish a new public safety answering point after a certain day;
- directs the State Tax Commission to report on access line providers that are delinquent in paying emergency service charges;
- requires the Utah Communications Authority to meet with stakeholders to identify existing communications sites and develop a plan for the public safety communications network;
- provides future repeal dates;
- provides future effective dates;
- designates appropriations from certain restricted accounts as nonlapsing;
- repeals certain advisory committees within the Utah Communications Authority;
- requires a county to conduct an audit of the county's emergency services under certain circumstances; and
- delegates, to the executive director of the Utah Communications Authority, certain duties formerly assigned to divisions within the Utah Communications Authority.

Tourism

SB 264 Outdoor Recreation Grant Program

Okerlund, R.

This bill creates the State Transient Room Tax Act and modifies provisions related to the Utah Office of Outdoor Recreation.

This bill:

- defines terms;
- imposes a state transient room tax on accommodations and related services;
- creates the Outdoor Recreation Infrastructure Account and the Hospitality and Tourism Management Education Account;
- distributes the revenues the state collects from the state transient room tax to:
 - the Outdoor Recreation Infrastructure Account to implement the Outdoor Recreational Infrastructure Grant Program; and
 - the Hospitality and Tourism Management Education Account to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program; and
- establishes the Utah Outdoor Recreation Grant Advisory Committee.

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Transportation

SB 111 Unmanned Aircraft Amendments

Harper, W.

This bill modifies and establishes provisions related to unmanned aircraft.

This bill:

- defines terms;
- reorganizes existing code related to unmanned aircraft;
- preempts local laws related to unmanned aircraft;
- exempts unmanned aircraft from registration with the state of Utah;
- enacts provisions related to operation of unmanned aircraft by law enforcement, including:
 - data collection, reporting, retention, and use;
 - use of an unmanned aircraft for law enforcement operations; and
 - use of data obtained by an unmanned aircraft operated by a civilian;
- establishes certain safety requirements and limitations for the operation of an unmanned aircraft;
- prohibits use of an unmanned aircraft equipped with a weapon;
- prohibits a person from:
 - committing trespass with an unmanned aircraft;
 - committing a privacy violation with an unmanned aircraft; or
 - committing voyeurism with an unmanned aircraft;
- establishes criminal penalties; and
- makes technical changes

SB 159 Helmet Requirement Amendments

Shiozawa, B.

This bill raises the age at which an individual can legally operate certain vehicles on a highway without a helmet.

This bill:

- increases the age, from 18 to 21, under which an individual must wear protective headgear to operate certain vehicles on a highway; and
- makes technical changes.

SB 174 Public Transit and Transportation Governance Amendments

Harper, W.

This bill amends the governance of certain public transit districts, restricts powers of some public transit districts, and creates a task force.

This bill:

- amends provisions relating to the authority of a public service district that serves a population over 200,000 people to develop transit oriented developments;
- requires a public transit district that serves a population over 200,000 people to have a citizens' advisory board, an office of constituent services, and an office of coordinated mobility;
- creates the Transportation Governance and Funding Task Force;
- provides an automatic repeal date for the task force; and
- makes technical changes.

SB 277 Highway General Obligation Bonds Authorization

Harper, W.

This bill enacts and amends provisions relating to transportation funding.

This bill:

- authorizes the issuance of general obligation bonds to pay for certain state highway construction or reconstruction projects;
- authorizes the issuance of general obligation bonds to pay for certain state or local highway construction or reconstruction projects, transportation facilities, or multimodal transportation projects in a county of the first class;
- specifies the use of general obligation bond proceeds and the manner of issuance;
- exempts certain general obligation bonds from certain debt limitation provisions;
- requires the Department of Transportation and the Transportation Commission to report the amount of bonds needed to fund certain projects in the next fiscal year to the Executive Appropriations Committee of the Legislature before the bonds may be issued; and
- makes technical changes.

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Unclaimed Property

SB 175 Uniform Unclaimed Property Act

Hillyard, L.

This bill modifies the Unclaimed Property Act.

This bill:

- provides and amends definitions;
- repeals and reenacts the Revised Uniform Unclaimed Property Act;
- amends and enacts provisions addressing the standards for determining when property is abandoned or unclaimed;
- amends and enacts provisions addressing the procedures for reporting and submitting abandoned or unclaimed property;
- amends and enacts provisions addressing the disposition of abandoned or unclaimed property in the administrator's custody;
- amends and enacts provisions addressing procedures and requirements for claiming ownership of abandoned or unclaimed property;
- amends and enacts provisions addressing the duties of a holder of abandoned or unclaimed property;
- amends and enacts provisions addressing the enforcement of the responsibilities and requirements for abandoned or unclaimed property;
- enacts provisions addressing the confidentiality and security of abandoned or unclaimed property reports and information; and
- makes technical and conforming changes.

Veterans Affairs

HB 258 Veterans Tax Amendments

Peterson, V.

This bill amends a property tax exemption for certain members of the military.

This bill:

- amends the definition of qualifying active duty military service to modify the time period during which a military member shall complete active duty military service to be eligible for a property tax exemption;
- modifies the application requirements for claiming the qualifying active duty military service property tax exemption; and
- makes technical changes.

HCR 2 Concurrent Resolution Recognizing the United States and Utah's Participation in World War I

Handy, S.

This resolution recognizes the United States' and Utah's participation in World War I and urges the Utah Department of Veterans and Military Affairs to establish the Utah World War I Centennial Commission.

This resolution:

- recognizes the centennial commemoration of World War I, which spanned from July 28, 1914, to November 11, 1918;
- urges the Governor, through the Utah Department of Veterans and Military Affairs and in coordination with the Utah Department of Heritage and Arts, to establish a Utah World War I Centennial Commission, modeled after the United States World War I Centennial Commission; and
- urges the future commission to develop a statewide awareness campaign to recognize the following:
 - the history of the war, including the causes, the reason for entry into the war by the United States, and the role of the United States military in the war;
 - the impact of the war on geopolitics through today;
 - the impact of the war on America's and Utah's society and culture -- including science, the arts, and the humanities -- to encompass immigrants, minority populations, and women;
 - the technological changes the war brought to transportation, industry, communication, and agriculture;
 - the search for peace up to, during, and after the war;
 - the World War I monuments and memorials scattered throughout the state; and
 - those who served and those who gave the ultimate sacrifice.

HCR 20 Concurrent Resolution Recognizing Those Who Served and Sacrificed During the Cold War

Greene, B.

This concurrent resolution of the Legislature and the Governor commends the members of the Armed Forces and civilian personnel serving from the state of Utah who contributed to the historic victory in the Cold War and encourages appropriate recognitions for their service.

This resolution:

- commends the members of the Armed Forces and civilian personnel serving from the state of Utah who contributed to the historic victory in the Cold War and expresses gratitude and appreciation for their service and sacrifices that made victory possible; and
- encourages the Veterans' and Military Affairs Commission to explore and advance appropriate commemorative and recognition initiatives for Cold War service.

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SB 10 Veterans' and Military Affairs Commission Amendments

Knudson, P.

This bill adds a representative of the Veterans Health Administration to the commission and removes the sunset date.

This bill:

- adds a representative of the Veterans Health Administration to the membership of the commission;
- removes the sunset date for the commission; and
- makes technical corrections.

Water and Irrigation

SB 63 Nonprofit Corporation Amendments - Water Companies

Dayton, M.

This bill modifies the Utah Revised Nonprofit Corporation Act to permit the transfer of water shares, in certain circumstances, and clarifies the rights of a shareholder in a water company.

This bill:

- modifies definitions;
- states that ownership of shares in a water company is transferrable, unless otherwise provided in the articles of incorporation or bylaws;
- authorizes a water company to purchase the shares of a shareholder who is delinquent in payment of shareholder assessments;
- states that a shareholder in a water company has an equitable, beneficial interest in the use of the water supply of the water company, proportionate to the shareholder's shares, which is a real property interest;
- clarifies the process for distribution to a shareholder of a water company; and
- makes technical changes.

Weapons

HB 198 Concealed Carry Amendments

Lisonbee, K.

This bill establishes a provisional permit to carry a concealed firearm for eligible individuals under 21 years of age.

This bill:

- establishes a provisional permit to carry a concealed firearm;
- stipulates that individuals must be at least 18 years of age, but no more than 20 years of age, to obtain the permit;
- stipulates that the holder of a provisional permit issued by the state must meet eligibility requirements, including minimum age requirements, to carry a concealed firearm in another state; and
- prohibits a provisional permit holder from carrying a concealed firearm on or about an elementary or secondary school premises.