Statutorily Required Reports to the Business and Labor Interim Committee

Business and Labor Interim Committee
July 15, 2015

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Statutorily Required Reports
to the Business and Labor Interim Committee

Reports That Are New

Department of Administrative Services - Coordinator of Resource Stewardship

Authority: Section 63A-1-116

"63A-1-116. Appointment of coordinator of resource stewardship -- Duties of the coordinator of resource stewardship.

(1) The executive director of the department shall appoint a state coordinator of resource stewardship and establish the coordinator of resource stewardship's salary.

(2) The coordinator of resource stewardship shall report to the executive director or the executive director's designee.

(3) The coordinator of resource stewardship shall:

  (a) work with agencies to implement best practices and stewardship measures to improve air quality; and

  (b) make an annual report on best practices and stewardship efforts to improve air quality to the Business and Labor Interim Committee and Natural Resources, Agriculture, and Environment Interim Committee.

(4) Each agency will retain absolute discretion whether or not to incorporate any of the practices or measures suggested by the coordinator."

Utah Motor Vehicle Franchise Advisory Board

Authority: Section 13-14-310

"13-14-310. Reporting requirement.

By November 30 of each year, the advisory board shall submit an annual report to the Business and Labor Interim Committee that, for the 12 months before the day on which the report is submitted, describes:

(1) the number of applications for a new or relocated dealership that the advisory board received; and

(2) for each application described in Subsection (1):

  (a) the number of protests that the advisory board received;

  (b) whether the advisory board conducted a hearing;

  (c) if the advisory board conducted a hearing, the disposition of the hearing; and

  (d) the basis for any disposition described in Subsection (2)(c)."

Sichuan Province Partnership New Entity

(The newly created entity related to the Sichuan Province Partnership, with the assistance of GOED and World Trade Center Utah)

Authority: 2015 General Session S.B. 2, New Fiscal Year Supplemental Appropriations Act, intent language

"The Legislature intends that $240,000 of the one-time appropriation in Administration be used for the

Sichuan Province Partnership. The Legislature intends: (1) this appropriation is nonlapsing; (2) GOED ensure that this appropriation is spent to create and organize a legal entity to promote business, education, and investment between Utah and Sichuan, China; (3) GOED may delegate the task of creating and organizing the entity to the World Trade Center Utah; (4) in creating and organizing the entity, GOED shall consult with the World Trade Center Utah, the co-chairs of the Business and Labor Interim Committee, and the co-chairs of Utah International Relations and Trade Commission; (5) GOED may only release monies to the entity after it is legally created; and (6) the new entity, with the assistance of GOED and World Trade Center Utah shall: (a) report to the Business and Labor Interim Committee, and the Utah International Relations and Trade Commission by October 31, 2015; (b) provide an accounting of the expenditure of this appropriation; and (c) provide proposed legislation to that committee and commission to formally create, or authorize the creation of, the entity in statute."

Abuse-deterrent Opioid Analgesic Drug Products

(Public Employees' Benefit and Insurance Program regarding abuse-deterrent opioid analgesic drug products)

Authority: Section 49-20-412

"49-20-412. Study of abuse-deterrent opioid analgesic drug products.

(1) As used in this section:

(a) "Abuse-deterrent opioid analgesic drug product" means an opioid analgesic drug product with labeling approved by the Food and Drug Administration indicating that the product has properties that are expected to reduce abuse of the product.

(b) "Opioid analgesic drug product" means a product in the opioid analgesic drug class that is prescribed to treat moderate to severe pain, regardless of whether the drug is combined with other substances in a single product or dosage form.

(2) For purposes of the report required by Subsection (3), the program shall study available information regarding the barriers to and the efficacy of the use of abuse-deterrent opioid analgesic drug products.

(3) The program shall report to the Business and Labor Interim Committee and the Health and Human Services Interim Committee by no later than the respective committee's November 2015 interim committee meeting regarding the study required by Subsection (2)."

Reports That Are a Fundamental Part of an Approval Process

Uniform Building Code Commission

Authority: Subsections 15A-1-204(3) and (4)

(3) (a) The commission shall by no later than November 30 of each year recommend to the Business and Labor Interim Committee whether the Legislature should:
- (i) amend or repeal one or more provisions of a State Construction Code; or
- (ii) in a year of a regularly scheduled update of a nationally recognized code, adopt a construction code with any modifications.

(b) The commission may recommend legislative action related to the State Construction Code:
- (i) on its own initiative;
- (ii) upon the recommendation of the division; or
- (iii) upon the receipt of a request by one of the following that the commission recommend legislative action related to the State Construction Code:
  - (A) a local regulator;
  - (B) a state regulator;
  - (C) a state agency involved with the construction and design of a building;
  - (D) the Construction Services Commission;
  - (E) the Electrician Licensing Board;
  - (F) the Plumbers Licensing Board; or
  - (G) a recognized construction-related association.

(4) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session that, if passed by the Legislature, would:
- (a) adopt a new State Construction Code in its entirety; or
- (b) amend or repeal one or more provisions of the State Construction Code.

Utah Fire Prevention Board

Authority: Subsections 15A-1-403(3) and (4)

"(3) (a) The board shall, by no later than November 30 of each year, recommend to the Business and Labor Interim Committee whether the Legislature should:
- (i) amend or repeal one or more provisions of the State Fire Code; or
- (ii) in a year of a regularly scheduled update of a nationally recognized fire code, adopt with any modifications the nationally recognized fire code.

(b) The board may recommend legislative action related to the State Fire Code:
- (i) on its own initiative; or
- (ii) upon the receipt of a request by a city, county, or fire protection district that the board recommend legislative action related to the State Fire Code.

(c) Within 45 days after receipt of a request under Subsection (3)(b), the board shall direct the division to convene an informal hearing concerning the request.

(d) The board shall conduct a hearing under this section in accordance with the rules of the board.

(e) The board shall decide whether to include in the report required under Subsection (3)(a) whether to recommend the legislative action raised by a request.

(f) Within 15 days following the completion of a hearing of the board under this Subsection (3), the board shall direct the division to notify the entity that made the request of the board's decision regarding the request. The division shall provide the notice:
    (i) in writing; and
    (ii) in a form prescribed by the board.

(4) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session that, if passed by the Legislature, would:
(a) adopt a new State Fire Code in its entirety; or
(b) amend or repeal one or more provisions of the State Fire Code."

Reports That Are Triggered by an Event

Uniform Building Code Commission - an emergency amendment to State Construction Code

Authority: Subsection 15A-1-204(5)

"(5) (a) Notwithstanding Subsection (3), the commission may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if the commission determines that waiting for legislative action in the next general legislative session would:

(i) cause an imminent peril to the public health, safety, or welfare; or

(ii) place a person in violation of federal or other state law.

(b) If the commission amends the State Construction Code in accordance with this Subsection (5), the commission shall file with the division:

(i) the text of the amendment to the State Construction Code; and

(ii) an analysis that includes the specific reasons and justifications for the commission's findings.

(c) If the State Construction Code is amended under this Subsection (5), the division shall:

(i) publish the amendment to the State Construction Code in accordance with Section 15A-1-205; and

(ii) notify the Business and Labor Interim Committee of the amendment to the State Construction Code, including a copy of the commission's analysis described in Subsection (5)(b).

(d) If not formally adopted by the Legislature at its next annual general session, an amendment to the State Construction Code under this Subsection (5) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment."

Utah Fire Prevention Board - an emergency amendment to the State Fire Code

Authority: Subsection 15A-1-403(5)

"(5) (a) Notwithstanding Subsection (3), the board may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend a State Fire Code if the board determines that waiting for legislative action in the next general legislative session would:

(i) cause an imminent peril to the public health, safety, or welfare; or

(ii) place a person in violation of federal or other state law.

(b) If the board amends a State Fire Code in accordance with this Subsection (5), the board shall:

(i) publish the State Fire Code with the amendment; and

(ii) notify the Business and Labor Interim Committee of the adoption, including a copy of an analysis by the board identifying specific reasons and justifications for its findings.

(c) If not formally adopted by the Legislature at its next annual general session, an amendment to a State Fire Code adopted under this Subsection (5) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment."

Implementation of the Patient Protection and Affordable Care Act

(A department or agency of the state before implementation of the Patient Protection and Affordable Care Act)

Authority: Section 63N-11-106

"63N-11-106. Reporting on federal health reform -- Prohibition of individual mandate.

(1) The Legislature finds that:
- (a) the state has embarked on a rigorous process of implementing a strategic plan for health system reform under Section 63N-11-105;
- (b) the health system reform efforts for the state were developed to address the unique circumstances within Utah and to provide solutions that work for Utah;
- (c) Utah is a leader in the nation for health system reform which includes:
  - (i) developing and using health data to control costs and quality; and
  - (ii) creating a defined contribution insurance market to increase options for employers and employees; and
- (d) the federal government proposals for health system reform:
  - (i) infringe on state powers;
  - (ii) impose a uniform solution to a problem that requires different responses in different states;
  - (iii) threaten the progress Utah has made towards health system reform; and
  - (iv) infringe on the rights of citizens of this state to provide for their own health care by:
    - (A) requiring a person to enroll in a third party payment system;
    - (B) imposing fines, penalties, and taxes on a person who chooses to pay directly for health care rather than use a third party payer;
    - (C) imposing fines, penalties, and taxes on an employer that does not meet federal standards for providing health care benefits for employees; and
    - (D) threatening private health care systems with competing government supported health care systems.

(2) (a) For purposes of this section:
  - (i) "Implementation" includes adopting or changing an administrative rule, applying for or spending federal grant money, issuing a request for proposal to carry out a requirement of PPACA, entering into a memorandum of understanding with the federal government regarding a provision of PPACA, or amending the state Medicaid plan.
  - (ii) "PPACA" has the same meaning as defined in Section 31A-1-301.
- (b) A department or agency of the state may not implement any part of PPACA unless, prior to implementation, the department or agency reports in writing, and, if practicable, in person if requested, to the Legislature's Business and Labor Interim Committee, the Health Reform Task Force, or the legislative Executive Appropriations Committee in accordance with Subsection (2)(d).
- (c) The Legislature may pass legislation specifically authorizing or prohibiting the state's compliance with, or participation in provisions of PPACA.
- (d) The report required under Subsection (2)(b) shall include:
  - (i) the specific federal statute or regulation that requires the state to implement a provision of PPACA;
  - (ii) whether PPACA has any state waiver or options;

(iii) exactly what PPACA requires the state to do, and how it would be implemented;
(iv) who in the state will be impacted by adopting the federal reform provision, or not adopting the federal reform provision;
(v) what is the cost to the state or citizens of the state to implement the federal reform provision;
(vi) the consequences to the state if the state does not comply with PPACA;
(vii) the impact, if any, of the PPACA requirements regarding:
(A) the state's protection of a health care provider's refusal to perform an abortion on religious or moral grounds as provided in Section 76-7-306; and
(B) abortion insurance coverage restrictions provided in Section 31A-22-726.

(3) (a) The state shall not require an individual in the state to obtain or maintain health insurance as defined in PPACA, regardless of whether the individual has or is eligible for health insurance coverage under any policy or program provided by or through the individual's employer or a plan sponsored by the state or federal government.
(b) The provisions of this title may not be used to facilitate the federal PPACA individual mandate or to hold an individual in this state liable for any penalty, assessment, fee, or fine as a result of the individual's failure to procure or obtain health insurance coverage.
(c) This section does not apply to an individual who voluntarily applies for coverage under a state administered program pursuant to Title XIX or Title XXI of the Social Security Act."

Insurance Department - agreements related to non-admitted insurance taxes

Authority: Section 31A-3-305

"31A-3-305. Agreement related to nonadmitted insurance taxes.

(1) As used in this section:
(a) "Agreement" means a cooperative agreement, reciprocal agreement, or compact with one or more other states.
(b) (i) "Home state," except as provided in Subsections (1)(b)(ii) and (iii), with respect to an insured, means:
(A) the state in which the insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or
(B) if 100% of the insured risk is located out of the state described in Subsection (1)(b)(i)(A), the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.
(ii) If more than one insured from an affiliated group are named insureds on a single nonadmitted insurance contract, "home state" means the home state determined under Subsection (1)(b)(i) of the member of the affiliated group that has the largest percentage of premium attributed to it under the nonadmitted insurance contract.
(iii) (A) When a group policyholder pays 100% of the premium from its own money, "home state" means the home state determined under Subsection (1)(b)(i) of the group policy holder.
(B) When a group policyholder does not pay 100% of the premium from its own money, "home state" means the home state determined under Subsection (1)(b)(i) of the group member.
(c) "Principal place of business," for purposes of determining the home state of an insured,

means:

(i) the state where the insured maintains its headquarters and where the insured's high-level officers direct, control, and coordinate the business activities;

(ii) if the insured's high-level officers direct, control, and coordinate the business activities in more than one state, the state in which the greatest percentage of the insured's taxable premium for that insurance contract is allocated; or

(iii) if the insured maintains its headquarters or the insured's high-level officers direct, control, and coordinate the business activities outside any state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(d) "Principal residence," with respect to determining the home state of an insured, means:

(i) the state where the insured resides for the greatest number of days during a calendar year; or

(ii) if the insured's principal residence is located outside any state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(2) The commissioner may enter into an agreement to:

(a) facilitate the collection, allocation, and disbursement of premium taxes attributable to the placement of nonadmitted insurance;

(b) provide for uniform methods of allocation and reporting among nonadmitted insurance risk classifications; and

(c) share information among states relating to nonadmitted insurance premium taxes.

(3) If the commissioner enters into an agreement under Subsection (2), the following apply:

(a) In addition to the full amount of gross premiums charged by the insurer for the insurance, a surplus lines producer shall collect and pay to the commissioner a sum based on the total gross premiums charged, less any return premiums, for surplus lines insurance provided by the surplus lines producer.

(b) When surplus lines insurance covers property, risks, or exposures located or to be performed in and out of this state, the sum payable is calculated as follows:

(i) calculate an amount equal to the applicable tax rates under this part on that portion of the gross premiums allocated to this state pursuant to the agreement;

(ii) add to the amount under Subsection (3)(b)(i) an amount equal to the portion of the premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks, or exposures located or to be performed outside of this state pursuant to the agreement; and

(iii) subtract from the amount under Subsection (3)(b)(ii) the amount of gross premiums allocated to this state and returned to the insured.

(c) The tax on any portion of the premium unearned at termination of insurance having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines producer. A surplus lines producer may not absorb or rebate, for any reason, any part of the tax.

(4) The commissioner may participate in a clearinghouse established through an agreement described in Subsection (2) for the purpose of collecting or disbursing to reciprocal states any money collected pursuant to Subsection (3) applicable to properties, risks, or exposures located or to be performed outside of this state. To the extent that other states where portions of the properties, risks, or exposures reside have failed to enter into an agreement with this state, the

state shall retain the net premium tax collected.

(5) The commissioner may adopt an allocation schedule included in an agreement described in Subsection (2) for the purpose of allocating risk and computing the tax due on the portion of premium attributable to each risk classification and to each state where properties, risks, or exposures reside.

(6) The commissioner may apply the definition of "home state" in Subsection (1) when implementing an agreement described in Subsection (2).

(7) The commissioner shall report to the Business and Labor Interim Committee regarding the nature and status of any agreement into which the commissioner enters under Subsection (2).

Report That Is Given to Committee Only If Requested

Utah Science Technology and Research Governing Authority

Authority: Section 63M-2-401

"63M-2-401. Reporting requirements.

(1) By October 1 of each year, the USTAR governing authority shall submit to the governor; the Legislature; the Business, Economic Development, and Labor Appropriations Subcommittee; and the Economic Development and Workforce Services Interim Committee an annual written report of the operations, activities, programs, and services of the governing authority and the USTAR initiative for the preceding fiscal year.

(2) For each project, operation, activity, program, or service related to the USTAR initiative or overseen or funded through the USTAR governing authority, the annual report shall include:

- (a) a description of the project, operation, activity, program, or service;
- (b) data selected and used by the governing authority to measure progress, performance, and scope of the project, operation, activity, program, or service, including summary data;
- (c) a clear description of the methodology for any data in the report that includes an estimation;
- (d) the amount and source of all USTAR initiative funding, including:
  - (i) funding from legislative appropriations;
  - (ii) funding procured outside of legislative appropriations, including a separate accounting of grants or investments contributing to research teams and other activities of the USTAR initiative from the federal government, private entities, or other sources, and an explanation of the extent to which:
    - (A) outside funding was contingent on or leveraged by legislative appropriations; and
    - (B) outside funding would continue if legislative appropriations were discontinued;
  - (iii) commercialization revenue, including a separate accounting of:
    - (A) realized commercialization revenue;
    - (B) unrealized commercialization revenue; and
    - (C) commercialization revenue going to other parties attributable to USTAR initiative funding;
  - (iv) lease revenue from each building in which the USTAR governing authority holds title; and
  - (v) the amount of money deposited with the state treasurer for deposit into the sinking fund created under Section 63B-1a-301 for debt service on the bonds issued to fund planning, design, and construction of the research buildings;
- (e) all expenses of the USTAR initiative, including:
  - (i) operational expenses;
  - (ii) for each employee receiving compensation from USTAR initiative funding, compensation information, including:
    - (A) salary expenses, benefit expenses, and travel expenses;
    - (B) information for each research team employee and each employee of the TOIP that receives compensation directly or indirectly through USTAR

initiative funding; and

(C) information regarding compensation for each employee from sources other than USTAR initiative funding, including grants and compensation from a university or private entity;

(iii) for each research team, salary expenses, benefit expenses, travel expenses, and operations and maintenance expenses;

(iv) operational and maintenance expenses for each building in which the USTAR governing authority holds title;

(v) operational and maintenance expenses paid for by USTAR initiative funding for each location that has an established TOIP; and

(vi) each grant or other incentive given as a result of the USTAR initiative, including grants or incentives awarded through the TOIP;

(f) the number of jobs and the corresponding salary ranges created by the USTAR initiative, including the number of jobs where the employee is expected to be employed for at least one year and earns at least 125% of the prevailing wage of the county where the employee works;

(g) the name of each business entity receiving a grant or other incentive as a result of the USTAR initiative, including the outreach program;

(h) a list of business entities that have hired employees as a result of the USTAR initiative;

(i) the tax revenue generated as a result of the USTAR initiative, with actual revenue generated clearly separated from potential revenue;

(j) a list of intellectual property assets, including patents, generated by research teams as a result of the USTAR initiative, including a reasonable estimate of the USTAR initiative's percentage share of potential commercialization revenue that may be realized from those assets;

(k) a description of any agreements entered into regarding private equity investment in the USTAR initiative;

(l) beginning with data from the fiscal year beginning July 1, 2013, historical data from previous years for comparison with the annual data reported under this Subsection (2);

(m) goals, challenges, and achievements related to the project, operation, activity, program, or service;

(n) relevant federal and state statutory references and requirements;

(o) contact information of officials knowledgeable and responsible for each project, operation, activity, program, or service;

(p) other information determined by the USTAR governing authority that:

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

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

(q) the written economic development objectives required under Subsection 63M-2-302(1)(e) and a description of any progress or challenges in meeting the objectives; and

(r) the audit report described in Section 63M-2-402.

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

(4) The governing authority shall:

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

(b) make the annual report and previous annual reports accessible to the public by placing a link to the reports on the USTAR initiative's website.

(5) In addition to the annual written report described in this section:

(a) upon the request of a committee, the USTAR governing authority shall provide information and progress reports to the Economic Development and Workforce Services Interim Committee; the Business and Labor Interim Committee; and the Business, Economic Development, and Labor Appropriations Subcommittee; and

(b) on or before October 1, 2019, and every five years after October 1, 2019, the USTAR governing authority shall include with the annual report described in this section a written analysis and recommendations concerning the usefulness of the information required in the annual report and the ongoing effectiveness of the USTAR initiative, including whether:

(i) the reporting requirements are effective at measuring the performance of the USTAR initiative;

(ii) the reporting requirements should be modified; and

(iii) the USTAR initiative is beneficial to the state and should continue."

Reports Not Grouped in above Categories

Department of Insurance -- Workers' Compensation Insurance Report

Authority: Section 31A-22-1013

"31A-22-1013. Department report on workers' compensation.

The department shall report annually to the Business and Labor Interim Committee by no later than its October interim meeting on the following:

(1) the cost and availability of workers' compensation insurance coverage in Utah;

(2) the results of the monitoring provided for in Section 31A-22-1012;

(3) the size of the residual market as a percentage of the overall workers' compensation insurance market in Utah;

(4) which workers' compensation insurers in the state are the top 10 that held the largest market shares of Utah's workers' compensation insurance market during the three calendar years preceding the report; and

(5) any recommendations of the department to the Legislature to improve the cost and availability of workers' compensation to Utah businesses."

Labor Commission -- Workers' Compensation -- Information Regarding Hearings to Review the Decision of an Employer or Insurance Carrier

(Labor Commission - Number of applications for and dispositions of hearings to review the decision of an employer or insurance carrier regarding a compensable industrial accident or occupational disease)

Authority: Section 34A-2-801

"34A-2-801. Initiating adjudicative proceedings -- Procedure for review of administrative action.

(1) (a) To contest an action of the employee's employer or its insurance carrier concerning a compensable industrial accident or occupational disease alleged by the employee or a dependent any of the following shall file an application for hearing with the Division of Adjudication:

(i) the employee;

(ii) a representative of the employee, the qualifications of whom are defined in rule by the commission; or

(iii) a dependent as described in Section 34A-2-403.

(b) To appeal the imposition of a penalty or other administrative act imposed by the division on the employer or its insurance carrier for failure to comply with this chapter or Chapter 3, Utah Occupational Disease Act, any of the following shall file an application for hearing with the Division of Adjudication:

(i) the employer;

(ii) the insurance carrier; or

(iii) a representative of either the employer or the insurance carrier, the qualifications of whom are defined in rule by the commission.

(c) A person providing goods or services described in Subsections 34A-2-407(11) and 34A-3-108(12) may file an application for hearing in accordance with Section 34A-2-407 or 34A-3-108.

(d) An attorney may file an application for hearing in accordance with Section 34A-1-309.

(2) (a) Unless all parties agree to the assignment in writing, the Division of Adjudication may not assign the same administrative law judge to hear a claim under this section by an injured

employee if the administrative law judge previously heard a claim by the same injured employee for a different injury or occupational disease.

(b) Unless all parties agree to the appointment in writing, an administrative law judge may not appoint the same medical panel or individual panel member to evaluate a claim by an injured employee if the medical panel or individual panel member previously evaluated a claim by the same injured employee for a different injury or occupational disease.

(3) Unless a party in interest appeals the decision of an administrative law judge in accordance with Subsection (4), the decision of an administrative law judge on an application for hearing filed under Subsection (1) is a final order of the commission 30 days after the day on which the decision is issued. An administrative law judge shall issue a decision by no later than 60 days from the day on which the hearing is held under this part unless:

(a) the parties agree to a longer period of time; or

(b) a decision within the 60-day period is impracticable.

(4) (a) A party in interest may appeal the decision of an administrative law judge by filing a motion for review with the Division of Adjudication within 30 days of the date the decision is issued.

(b) Unless a party in interest to the appeal requests under Subsection (4)(c) that the appeal be heard by the Appeals Board, the commissioner shall hear the review.

(c) A party in interest may request that an appeal be heard by the Appeals Board by filing the request with the Division of Adjudication:

(i) as part of the motion for review; or

(ii) if requested by a party in interest who did not file a motion for review, within 20 days of the day on which the motion for review is filed with the Division of Adjudication.

(d) A case appealed to the Appeals Board shall be decided by the majority vote of the Appeals Board.

(5) The Division of Adjudication shall maintain a record on appeal, including an appeal docket showing the receipt and disposition of the appeals on review.

(6) Upon appeal, the commissioner or Appeals Board shall make its decision in accordance with Section 34A-1-303. The commissioner or Appeals Board shall issue a decision under this part by no later than 90 days from the day on which the motion for review is filed unless:

(a) the parties agree to a longer period of time; or

(b) a decision within the 90-day period is impracticable.

(7) The commissioner or Appeals Board shall promptly notify the parties to a proceeding before it of its decision, including its findings and conclusions.

(8) (a) Subject to Subsection (8)(b), the decision of the commissioner or Appeals Board is final unless within 30 days after the date the decision is issued further appeal is initiated under the provisions of this section or Title 63G, Chapter 4, Administrative Procedures Act.

(b) In the case of an award of permanent total disability benefits under Section 34A-2-413, the decision of the commissioner or Appeals Board is a final order of the commission unless set aside by the court of appeals.

(9) (a) Within 30 days after the day on which the decision of the commissioner or Appeals Board is issued, an aggrieved party may secure judicial review by commencing an action in the court of appeals against the commissioner or Appeals Board for the review of the

decision of the commissioner or Appeals Board.

(b) In an action filed under Subsection (9)(a):

(i) any other party to the proceeding before the commissioner or Appeals Board shall be made a party; and

(ii) the commission shall be made a party.

(c) A party claiming to be aggrieved may seek judicial review only if the party exhausts the party's remedies before the commission as provided by this section.

(d) At the request of the court of appeals, the commission shall certify and file with the court all documents and papers and a transcript of all testimony taken in the matter together with the decision of the commissioner or Appeals Board.

(10) (a) The commission shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to facilitate timely completion of administrative actions under this part.

(b) The commission shall monitor the time from filing of an application for a hearing to issuance of a final order of the commission for cases brought under this part.

(c) The commission shall annually report to the Business and Labor Interim Committee:

(i) the number of cases for which an application for hearing is filed under this part in the previous calendar year;

(ii) the number of cases described in Subsection (10)(c)(i) for which the decision of the administrative law judge was not issued within the 60-day period required by Subsection (3);

(iii) the number of cases described in Subsection (10)(c)(i) that are appealed to the commissioner or Appeals Board for which the decision of the commissioner or Appeals Board was not issued within the 90-day period required by Subsection (6);

(iv) the number of cases described in Subsection (10)(c)(i) for which a final order of the commission is issued within 18 months of the day on which the application for hearing is filed;

(v) the number of cases for which a final order of the commission is not issued within 18 months of the day on which the application for a hearing is filed; and

(vi) the reasons the cases described in Subsection (10)(c)(v) were not resolved within 18 months of the day on which the application for a hearing is filed."

Worker Classification Coordinated Enforcement Council

Authority: Section 34-47-202

"34-47-202. Duties and powers of the council.

(1) The council shall meet at least quarterly with the attorney general or a designee of the attorney general to coordinate regulatory and law enforcement efforts related to misclassification.

(2) (a) The council shall report by no later than November 30 of each year to:

(i) the governor; and

(ii) the Business and Labor Interim Committee.

(b) The report required by this Subsection (2) shall include:

(i) the nature and extent of misclassification in this state;

(ii) the results of regulatory and law enforcement efforts related to the council;

(iii) the status of sharing information by member agencies; and

(iv) recommended legislative changes, if any.

(c) As part of the report required by this Subsection (2), the chairs of the Business and Labor Interim Committee shall provide an opportunity to the following to report to the Business and Labor Interim Committee on the effectiveness of the council:
(i) the attorney general; and
(ii) each member agency.

(3) The council may study:
(a) how to reduce costs to the state resulting from misclassification;
(b) how to extend outreach and education efforts regarding the nature and requirements of classifying an individual;
(c) how to promote efficient and effective information sharing amongst the member agencies; and
(d) the need, if any, to create by statute a database or other method to facilitate sharing of information related to misclassification.

(4) A member agency shall cooperate with the commission and council to provide information related to misclassification to the extent that:
(a) the information is public information; or
(b) providing the information is otherwise permitted by law other than this chapter.

(5) (a) A record provided to the commission or council under this chapter is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, unless otherwise classified as private or controlled under Title 63G, Chapter 2, Government Records Access and Management Act.
(b) Notwithstanding Subsection (5)(a), the commission or council may disclose the record to the extent:
(i) necessary to take an administrative action by a member agency;
(ii) necessary to prosecute a criminal act; or
(iii) that the record is:
(A) obtainable from a source other than the member agency that provides the record to the commission or council; or
(B) public information or permitted to be disclosed by a law other than this chapter."

Utah Capital Investment Corporation in consultation with the Utah Capital Investment Board

Authority: Section 63N-6-301

"63N-6-301. Utah Capital Investment Corporation -- Powers and purposes.

(1) (a) There is created an independent quasi-public nonprofit corporation known as the Utah Capital Investment Corporation.
(b) The corporation:
(i) may exercise all powers conferred on independent corporations under Section 63E-2-106;
(ii) is subject to the prohibited participation provisions of Section 63E-2-107; and
(iii) is subject to the other provisions of Title 63E, Chapter 2, Independent Corporations Act, except as otherwise provided in this part.
(c) The corporation shall file with the Division of Corporations and Commercial Code:
(i) articles of incorporation; and
(ii) any amendment to its articles of incorporation.

(d) In addition to the articles of incorporation, the corporation may adopt bylaws and operational policies that are consistent with this chapter.

(e) Except as otherwise provided in this part, this part does not exempt the corporation from the requirements under state law which apply to other corporations organized under Title 63E, Chapter 2, Independent Corporations Act.

(2) The purposes of the corporation are to:

(a) organize the Utah fund of funds;

(b) select an investment fund allocation manager to make venture capital and private equity fund investments by the Utah fund of funds;

(c) negotiate the terms of a contract with the investment fund allocation manager;

(d) execute the contract with the selected investment fund manager on behalf of the Utah fund of funds;

(e) receive funds paid by designated investors for the issuance of certificates by the board for private investment in the Utah fund of funds;

(f) receive investment returns from the Utah fund of funds; and

(g) establish the redemption reserve to be used by the corporation to redeem certificates.

(3) The corporation may not:

(a) exercise governmental functions;

(b) have members;

(c) pledge the credit or taxing power of the state or any political subdivision of the state; or

(d) make its debts payable out of any money except money of the corporation.

(4) The obligations of the corporation are not obligations of the state or any political subdivision of the state within the meaning of any constitutional or statutory debt limitations, but are obligations of the corporation payable solely and only from the corporation's funds.

(5) The corporation may:

(a) engage consultants and legal counsel;

(b) expend funds;

(c) invest funds;

(d) issue debt and equity, and borrow funds;

(e) enter into contracts;

(f) insure against loss;

(g) hire employees; and

(h) perform any other act necessary to carry out its purposes.

(6) (a) The corporation shall, in consultation with the board, publish on or before September 1 an annual report of the activities conducted by the Utah fund of funds and submit the report to the governor; the Business, Economic Development, and Labor Appropriations Subcommittee; the Business and Labor Interim Committee; and the Retirement and Independent Entities Interim Committee.

(b) The annual report shall:

(i) be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature;

(ii) include a copy of the audit of the Utah fund of funds described in Section 63N-6-405;

(iii) include a detailed balance sheet, revenue and expenses statement, and cash flow statement;

(iv) include detailed information regarding new fund commitments made during the

year, including the amount of money committed;

(v) include the net rate of return of the Utah fund of funds from the inception of the Utah fund of funds, after accounting for all expenses, including administrative and financing costs;

(vi) include detailed information regarding:

(A) realized gains from investments and any realized losses; and

(B) unrealized gains and any unrealized losses based on the net present value of ongoing investments;

(vii) include detailed information regarding all yearly expenditures, including:

(A) administrative, operating, and financing costs;

(B) aggregate compensation information for full- and part-time employees, including benefit and travel expenses; and

(C) expenses related to the allocation manager;

(viii) include detailed information regarding all funding sources for administrative, operations, and financing expenses, including expenses charged by or to the Utah fund of funds, including management and placement fees;

(ix) review the progress of the investment fund allocation manager in implementing its investment plan and provide a general description of the investment plan;

(x) for each individual fund that the Utah fund of funds is invested in that represents at least 5% of the net assets of the Utah fund of funds, include the name of the fund, the total value of the fund, the fair market value of the Utah fund of funds' investment in the fund, and the percentage of the total value of the fund held by the Utah fund of funds;

(xi) include the number of companies in Utah where an investment was made from a fund that the Utah fund of funds is invested in, and provide an aggregate count of new full-time employees in the state added by all companies where investments were made by funds that the Utah fund of funds is invested in;

(xii) include an aggregate total value for all funds the Utah fund of funds is invested in, and an aggregate total amount of money invested in the state by the funds the Utah fund of funds is invested in;

(xiii) describe any redemption or transfer of a certificate issued under this part;

(xiv) include actual and estimated potential appropriations the Legislature will be required to provide as a result of redeemed certificates or tax credits during the following five years;

(xv) include an evaluation of the state's progress in accomplishing the purposes stated in Section 63N-6-102; and

(xvi) be directly accessible to the public via a link from the main page of the Utah fund of fund's website.

(c) The annual report may not identify a specific designated investor who has redeemed or transferred a certificate.

Occupational and Professional Licensure Review Committee

Authority: Section 36-23-106

"36-23-106. Duties -- Reporting.

(1) The committee shall:

(a) for each application submitted in accordance with Section 36-23-105, conduct a sunrise

review in accordance with Section 36-23-107 before November 1:

(i) of the year in which the application is submitted, if the application is submitted on or before July 1; or

(ii) of the year following the year in which the application is submitted, if the application is submitted after July 1;

(b) (i) conduct a sunset review for all statutes regarding a licensed occupation or profession under Title 58, Occupations and Professions, that are scheduled for termination under Section 63I-1-258;

(ii) conduct a sunset review under this Subsection (1)(b) before November 1 of the year prior to the last general session of the Legislature that is scheduled to meet before the scheduled termination date; and

(iii) conduct a review or study regarding any other occupational or professional licensure matter referred to the committee by the Legislature, the Legislative Management Committee, or other legislative committee.

(2) The committee shall submit an annual written report before November 1 to:

(a) the Legislative Management Committee; and

(b) the Business and Labor Interim Committee.

(3) The written report required by Subsection (2) shall include:

(a) all findings and recommendations made by the committee in the calendar year; and

(b) a summary report of each review or study conducted by the committee stating:

(i) whether the review or study included a review of specific proposed or existing statutory language;

(ii) action taken by the committee as a result of the review or study; and

(iii) a record of the vote for each action taken by the committee."