

SELECTED HIGHLIGHTS of the 2016 General Session

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Business

HB 251 Post-employment Restrictions Amendments

Schultz, M.

This bill enacts provisions related to post-employment restrictive covenants.

This bill:

- enacts the Post-Employment Restrictions Act, including:
 - defining terms;
 - addressing post-employment restrictive covenants;
 - addressing exceptions; and
 - addressing remedies.

HB 323 Continuing Care Retirement Community Amendments

Tanner, E.

This bill enacts provisions related to continuing care providers.

This bill:

- includes a continuing care provider within the jurisdiction of the Insurance Department;
- authorizes the commissioner to create a continuing care advisory committee;
- provides operating requirements for a continuing care provider;
- requires a continuing care provider to register with the Insurance Department;
- provides form and content requirements for a continuing care contract;
- requires a continuing care provider to make certain disclosures;
- provides requirements for a successor to a continuing care provider's assets;
- grants rulemaking and enforcement authority to the Insurance Department;
- imposes criminal and civil penalties; and
- creates a private right of action.

SB 76 Workers' Compensation for Volunteers

Mayne, K.

This bill modifies the Workers' Compensation Act to address volunteers.

This bill:

- defines terms;
- provides that volunteers are not employees for purposes of workers' compensation unless the nongovernment entity for which the volunteer provides services elects to cover the volunteer with workers' compensation coverage;
- clarifies the application of the exclusive remedy;
- provides how disability compensation is to be determined;
- addresses how premiums are calculated;
- addresses affect of the failure or refusal of a nongovernment entity to elect workers' compensation coverage for volunteers;
- addresses insurance obtained by a volunteer; and
- addresses notice to volunteers.

SB 117 Commercial Interior Design Certification Modifications

Escamilla, L.

This bill modifies the Division of Occupational and Professional Licensing Act.

This bill:

- defines terms;
- creates a state certification for the practice of commercial interior design;
- describes the practice of commercial interior design;
- describes the requirements to obtain state certification as a state certified commercial interior designer; and
- provides a sunset date.

SB 185 Labor Remedy Amendments

Iwamoto, J.

This bill amends provisions related to discriminatory employment practices.

This bill:

- amends a definition;
- provides that a person who is subject to discrimination in matters of compensation may receive a remedy in an additional amount equal to the back pay amount already available; and
- requires the Division of Antidiscrimination and Labor to report to the Business and Labor Interim Committee annually regarding discrimination in matters of compensation.

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SB 217 Alcoholic Beverage Control Act Licensing Amendments

Stevenson, J.

This bill modifies provisions related to the issuance of alcoholic beverage licenses.

This bill:

- amends definition provisions;
- modifies the powers and duties of the commission;
- amends operational requirements for package agencies held by hotel licensees;
- applies provisions related to inferences and presumptions to hotel licensees;
- amends provisions related to unlawful bringing onto premises for consumption to include hotel licensees;
- modifies provisions related to operating without a license to include hotel licensees;
- addresses the commission's power to issue a club license;
- enacts the Hotel License Act, including:
 - defining terms;
 - outlining the hotel licensing process;
 - providing for operational requirements; and
 - providing for enforcement; and
- makes technical changes.

Construction and Fire Codes

HB 316 Building Code Review and Adoption Amendments

Wilson, B.

This bill amends provisions related to the State Construction Code.

This bill:

- modifies the process by which the Legislature adopts new versions of the State Construction Code and the State Fire Code;
- addresses the ability of state and local entities to adopt a rule or ordinance that is different from the State Construction Code or the State Fire Code;
- adopts, with amendments:
 - the 2015 International Building Code;
 - the 2015 International Residential Code;
 - the 2015 International Plumbing Code;
 - the 2015 International Mechanical Code;
 - the 2015 International Fuel Gas Code;
 - the 2014 National Electric Code;
 - the 2015 International Energy Conservation Code; and
 - the 2015 International Existing Building Code;
- updates provisions to coordinate with the newly adopted international codes;
- amends provisions related to the amount of fireworks a person may store in a building equipped with an approved sprinkler system;
- amends provisions related to carbon monoxide alarm installation;
- amends provisions related to supplying toilet facilities during building construction;
- provides an alternative means of complying with the International Energy Conservation Code;
- amends provisions related to air duct leakage testing;
- modifies the amount of allowed air duct leakage;
- modifies energy rating index compliance requirements;
- modifies installation requirements for potable water supply protection;
- modifies electrical wiring requirements for a basement, garage, or accessory building;
- deletes a requirement in the International Plumbing Code that trenching parallel to a footing or wall not extend into the bearing plane of the footing or wall;
- deletes an International Plumbing Code requirement for installation of a temperature limiting device in a footbath, pedicure bath, or head shampoo sink;
- deletes an International Plumbing Code requirement for multiple-compartment sinks that discharge independently to a waste receptor;
- provides an alternative method for storm drain installation;
- provides for the use of a gray water recycling system in a single family residential area;
- provides an alternative compliance method related to embedded joints;
- provides an alternative method for installing an overcurrent device;
- provides emission requirements for certain natural gas-fired water heaters; and
- amends provisions to coordinate with newly adopted codes and related Utah Code sections.

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Controlled Substances

HB 149 Death Reporting and Investigation Information Regarding Controlled Substances

Daw, B.

This bill provides for the notification of a practitioner when the medical examiner determines that a death resulted from poisoning or overdose involving a controlled substance that the practitioner may have prescribed to the decedent.

This bill:

- requires the medical examiner to provide a report to the Division of Occupational and Professional Licensing (DOPL) when the medical examiner determines that a death resulted from poisoning or overdose involving a prescribed controlled substance;
- requires that, when DOPL receives a report described in the preceding paragraph, DOPL shall notify each practitioner who may have written a prescription for the controlled substance involved in the poisoning or overdose;
- allows probation and parole officers to obtain information in the controlled substance database without a warrant;
- allows the division to provide information to law enforcement officers engaged in specified types of investigations; and
- makes technical changes.

HB 192 Opiate Overdose Response Act -- Pilot Program and Other Amendments

McKell, M.

This bill renames the Emergency Administration of Opiate Antagonist Act as the Opiate Overdose Response Act, amends the act, and makes related amendments.

This bill:

- renames the Emergency Administration of Opiate Antagonist Act as the Opiate Overdose Response Act;
- amends definitions;
- amends liability provisions;
- creates the Opiate Overdose Outreach Pilot Program within the Department of Health;
- specifies how money appropriated for the program may be used;
- authorizes the department to make grants through the program to persons that are in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event;
- specifies how grants may be used;
- requires annual reporting by grantees;
- requires rulemaking by the department;
- requires annual reporting on the program by the department;
- designates program funding as nonlapsing; and
- makes technical changes.

HB 238 Opiate Overdose Response Act -- Overdose Outreach Providers and Other Amendments

Moss, C.

This bill renames the Emergency Administration of Opiate Antagonist Act as the Opiate Overdose Response Act, amends the act, and makes related amendments.

This bill:

- renames the Emergency Administration of Opiate Antagonist Act as the Opiate Overdose Response Act;
- amends definitions;
- amends civil liability provisions;
- authorizes an overdose outreach provider to furnish an opiate antagonist without civil liability;
- requires an overdose outreach provider to furnish instruction on how to recognize and respond appropriately to an opiate-related drug overdose event;
- exempts an overdose outreach provider from licensure under the Pharmacy Practice Act;
- specifies that the prescribing or dispensing of an opiate antagonist by a dentist is not unprofessional or unlawful conduct; and
- makes technical changes.

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HB 239 Access to Opioid Prescription Information via Practitioner Data Management Systems

McKell, M.

This bill amends the Controlled Substance Database Act.

This bill:

- defines terms;
- requires the Division of Occupational and Professional Licensing within the Department of Commerce to make opioid prescription data information in its controlled substance database accessible to an opioid prescriber or pharmacist via the prescriber's or pharmacist's electronic data system;
- limits access to and use of the information by an electronic data system, a prescriber, or a pharmacist in accordance with rules established by the division;
- requires rulemaking by the division;
- requires the division to periodically audit use of the information; and
- amends Controlled Substance Database Act penalty provisions.

HB 240 Opiate Overdose Response Act -- Standing Orders and Other Amendments

Eliason, S.

This bill renames the Emergency Administration of Opiate Antagonist Act as the Opiate Overdose Response Act, amends the act, and makes related amendments.

This bill:

- renames the Emergency Administration of Opiate Antagonist Act as the Opiate Overdose Response Act;
- amends definitions;
- authorizes the use of a standing prescription drug order issued by a physician to dispense an opioid antagonist; and
- makes technical and clarifying changes.

HCR 4 Concurrent Resolution Declaring Drug Overdose Deaths to Be a Public Health Emergency

Moss, C.

This concurrent resolution of the Legislature and the Governor declares drug overdose deaths in Utah to be a public health emergency and strongly urges Utah's Department of Health, Department of Human Services, and Department of Public Safety to immediately direct resources to address this crisis.

This resolution:

- emphasizes the importance of the lives of all people living in Utah;
- recognizes Utah's high rates of overdose death compared to most states in the country; and
- strongly urges Utah's Department of Health, Department of Human Services, and Department of Public Safety to recognize this public health crisis and direct resources to reduce the number of overdose deaths in Utah.

SCR 11 Concurrent Resolution Urging the Rescheduling of Marijuana

Shiozawa, B.

This concurrent resolution of the Legislature and the Governor urges Congress to reclassify marijuana as a Schedule II drug and encourages researchers to investigate the benefits of medical marijuana.

This resolution:

- notes that marijuana is currently classified as a Schedule I drug under the United States Controlled Substances Act;
- notes that the current classification of marijuana has led to a lack of research on the potential medical benefits of marijuana;
- urges Congress and the federal government to reclassify marijuana as a Schedule II drug;
- encourages researchers to investigate the benefits of medical marijuana; and
- encourages researchers to report their findings to the legislative interim committees of Business and Labor, Economic Development, and Health and Human Services, or other groups as appropriate or feasible.

Economic Development

HB 31 Enterprise Zone Amendments

Sandall, S.

This bill amends provisions related to the Enterprise Zone Act.

This bill:

- defines terms;
- modifies the population requirements for a county or a municipality to qualify for designation as an enterprise zone;
- modifies the requirements to receive an enterprise zone tax credit, including requirements related to obtaining a tax credit certificate from the Governor's Office of Economic Development (GOED);
- grants certain rulemaking authority to GOED related to enterprise zone tax credit certificates;
- modifies GOED's reporting requirements related to enterprise zone tax credits; and
- makes technical changes.

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HB 52 Office of Outdoor Recreation Amendments Arent, P.

This bill modifies provisions related to the Utah Office of Outdoor Recreation.

This bill:

- defines terms;
- creates the Outdoor Recreational Infrastructure Grant Program;
- describes the requirements and purposes of the program;
- grants rulemaking authority to the Utah Office of Outdoor Recreation; and
- makes technical changes.

SB 166 Utah Science, Technology, and Research Modifications Millner, A.

This bill modifies provisions related to the Utah Science Technology and Research Initiative.

This bill:

- rewrites provisions relating to the Utah Science and Technology Research Initiative (USTAR), its governing authority, and funding and other support provided by USTAR;
- modifies the powers and duties of the USTAR governing authority;
- modifies reporting requirements;
- modifies provisions related to USTAR researchers and USTAR buildings;
- modifies provisions related to an audit of USTAR's annual report;
- repeals provisions relating to a technology outreach innovation program and an advisory council;
- makes appropriations to USTAR nonlapsing; and
- makes technical and conforming changes.

Education

HB 201 Student Testing Amendments Poulson, M.

This bill amends provisions related to the evaluation of educators and administrators.

This bill:

- places restrictions on the use of end-of-level assessment scores for the evaluation and compensation of certain employees; and
- makes technical and conforming changes.

HB 254 Resident Student Tuition Amendments Poulson, M.

This bill amends provisions regarding resident student tuition for military servicemembers and their immediate family members.

This bill:

- amends definitions; and
- requires an institution of higher education to grant resident student status for tuition purposes to military servicemembers, and their immediate family members, who maintain domicile in Utah.

HB 277 Personalized Learning and Teaching Amendments Knotwell, J.

This bill creates the Digital Teaching and Learning Grant Program.

This bill:

- enacts Title 53A, Chapter 1, Part 14, Digital Teaching and Learning Grant Program, including provisions related to the following:
 - definitions;
 - the digital teaching and learning master plan;
 - readiness assessments;
 - State Board of Education duties and LEA plan requirements;
 - implementation assessments and board interventions; and
 - procurement;
- sunsets the Smart School Technology Program;
- repeals language related to a whole-school one-to-one mobile device technology deployment plan; and
- makes technical and conforming corrections.

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- SB 38 School Funding Amendments Stephenson, H.
This bill amends provisions related to school district property taxes and charter school funding.
This bill:
- amends the definition of "district local property tax revenues" to include school district revenues expended for recreational facilities and revenues received from certain state guarantees;
 - defines terms;
 - amends provisions that require a school district to allocate a certain portion of school district tax revenues for charter schools;
 - amends charter school facility expenditures provisions;
 - amends provisions related to the board local levy;
 - creates a levy for charter school funding;
 - provides for the distribution of revenues from the levy for charter school funding;
 - establishes the Charter School Levy Account;
 - requires certain notice on the charter school funding levy; and • makes technical corrections.
- SB 67 Partnerships for Student Success Millner, A.
This bill amends and enacts provisions regarding partnerships focused on student success.
This bill:
- creates the Partnerships for Student Success Grant Program (program);
 - provides requirements for the program, including requiring the State Board of Education to administer the program; and
 - coordinates the program with existing programs.
- SB 101 High Quality School Readiness Program Expansion Millner, A.
This bill expands access to high quality school readiness programs for eligible students.
This bill:
- defines terms;
 - requires the Department of Workforce Services to determine eligibility for an Intergenerational Poverty Scholarship;
 - creates the Student Access to High Quality School Readiness Programs Grant Program to expand access to high quality school readiness programs for eligible students;
 - provides for the State Board of Education to administer a home-based technology school readiness program for eligible students;
 - creates the Intergenerational Poverty School Readiness Scholarship Program;
 - establishes early childhood education training;
 - requires the State Board of Education to contract with an independent evaluator to conduct an ongoing evaluation of the effectiveness of high quality school readiness programs; and
 - makes technical and conforming changes.
- SCR 19 Concurrent Resolution on Education Adams, J. S.
This resolution honors the limits of federal power related to education as set forth in the Tenth Amendment to the United States Constitution.
This resolution:
- declares that parents should have decision making authority over primary and secondary education in the state;
 - notes that the Tenth Amendment to the United States Constitution limits the authority of the federal government to those powers enumerated in the Constitution, which do not include education;
 - urges the United States Congress to end all current and prohibit any further interference with state decisions regarding education by the United States Department of Education; and
 - demands the prohibition of federal programs that incentivize states to adopt certain academic standards or that require states to pass specific education legislation in order to maintain federal funding.

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Elections

HB 48 Election Law Amendments

McCay, D.

This bill amends provisions relating to election law.

This bill:

- removes the requirement that a qualified political party permit unaffiliated voters to participate in a primary for the qualified political party;
- removes a political party's ability to replace a candidate who is disqualified for failure to file a financial disclosure;
- requires an election official to provide a grace period when a candidate fails to file certain financial reports, before disqualifying the candidate;
- modifies provisions relating to when an unaffiliated candidate is required to file a financial report;
- modifies the deadline for filing a financial report;
- establishes a deadline by which an individual who wishes to become a candidate for the State Board of Education or a local school board shall submit a declaration of candidacy; and
- makes technical and conforming changes.

SB 78 State Board of Education Candidate Selection

Millner, A.

This bill amends provisions of the Election Code relating to the election of State Board of Education members.

This bill:

- repeals provisions relating to the Nominating and Recruiting Committee for the office of State Board of Education member;
- for the 2016 election year only, provides that candidates for the office of State Board of Education member participate in a nonpartisan primary election to narrow the number of candidates who participate in the general election;
- beginning with the 2018 election year:
 - provides that members of the State Board of Education are elected through partisan election; and
 - modifies the reporting requirements of candidates for, and officeholders on, the State Board of Education; and
- makes technical and conforming changes.

Energy

HB 244 Independent Energy Producer Amendments

Gibson, F.

This bill amends provisions related to an independent energy producer.

This bill:

- exempts, from regulation by the Public Service Commission as a public utility, under certain conditions, an independent energy producer that provides energy to a residential customer participating in a net metering program in an area served by an electrical corporation with more than 200,000 retail customers in the state;
- provides that an agreement between an independent energy producer and a customer shall contain certain provisions; and
- provides that a public utility is obligated to serve a customer in the public utility's service area that is partially served by an independent energy producer.

SB 102 High Cost Infrastructure Tax Credit Amendments

Okerlund, R.

This bill modifies provisions related to tax credits for infrastructure development.

This bill:

- modifies the composition of the Utah Energy Infrastructure Authority Board; and
- authorizes the Office of Energy Development to make rules to implement the high cost infrastructure tax credit program and to establish criteria for an infrastructure cost-burdened entity to qualify for a tax credit.

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SB 115 Sustainable Transportation and Energy Plan Act

Adams, J. S.

This bill amends provisions related to a public utility providing electrical service.

This bill:

- defines terms;
- allows the Public Service Commission to authorize a large-scale electric utility to implement tariffs to provide funding for a sustainable transportation and energy pilot program;
- allows an electrical corporation to recover 100% of the electrical corporation's prudently incurred costs in an energy balancing account;
- allows a large-scale electric utility to establish innovative electric efficiency technology programs;
- allows a large-scale electric utility to provide an incentive for:
 - a generation facility to curtail electricity generation to improve air quality; and
 - creation of an electric vehicle infrastructure;
- provides that the commission may authorize a large-scale electric utility to implement:
 - a clean coal program; and
 - other utility programs;
- provides a repeal date;
- enacts a provision related to withdrawal of notice to transfer electric service; and
- allows the commission to implement a conservation, efficiency, or technology program if the program is cost-effective and in the public interest.

Environmental Quality

HJR 20 Joint Resolution Approving Class V Landfill

Perry, L.

This resolution gives approval for the construction and operation of a Class V commercial nonhazardous solid waste landfill.

This resolution:

- describes the proposed Promontory Point Landfill;
- enumerates the types of nonhazardous solid waste to be received by the landfill;
- states that the operation plan for the landfill will be submitted to the director of the Division of Waste Management and Radiation Control for approval; and
- grants provisional approval for the construction and operation of a Class V commercial nonhazardous solid waste landfill.

SB 49 Statute of Limitations on Environmental Code Violations

Escamilla, L.

This bill extends the statute of limitations for a violation of Title 19, Environmental Quality Code.

This bill:

- states that the statute of limitations for a violation of the Environmental Quality Code is two years; and
- makes technical changes.

SB 186 Air Quality Incentives

Bramble, C.

This bill authorizes the use of funds from the Industrial Assistance Account to help a company purchase and install air quality control technology.

This bill:

- defines terms;
- describes the requirements for an entity located in the nonattainment area to qualify for financial assistance for expenses related to the purchase and installation of best available control technology for air quality; and
- makes technical changes.

Government Operations (State Issues)

HB 322 State Building Designation

Duckworth, S.

This bill modifies provisions governing the State Capitol Preservation Board by instructing the board to designate a name for the House Building on capitol hill.

This bill:

- instructs the State Capitol Preservation Board to name the House Building on capitol hill the "Rebecca D. Lockhart House Building."

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SB 173 State Fair Park Revisions

Van Tassell, K.

This bill amends provisions related to the Utah State Fair Corporation.

This bill:

- defines terms;
- amends the powers and duties of the Utah State Fair Corporation;
- modifies the membership of the board of directors of the Utah State Fair Corporation;
- allows the board of directors of the Utah State Fair Corporation to create one or more subcommittees;
- creates the State Fair Park Committee;
- provides that the Utah State Fair Corporation shall operate and maintain the state fair park;
- provides that a person who executes a development agreement with the Utah State Fair Corporation shall pay a tax equivalent payment;
- authorizes the Utah State Fair Corporation to issue revenue bonds;
- repeals provisions related to the leasing of the state fair park; and
- makes technical and conforming changes.

Health

HB 124 Monitoring Equipment in a Care Facility

Hawkes, T.

This bill adds provisions to the Health Care Facility Licensing and Inspection Act related to monitoring devices installed in assisted living facilities.

This bill:

- allows a resident of an assisted living facility to install a video or audio monitoring device in the resident's room under certain conditions;
- prohibits an assisted living facility from denying an individual admission to the facility or discharging a resident from the facility solely because the individual or resident wants to operate or install a monitoring device in the individual's or resident's room; and
- provides certain liability protections related to operating or installing a monitoring device in a resident's room.

HB 245 Local Health Department Amendments

Dee, B.

This bill provides a county governing body the option to combine the local health department with the local mental health authority and the local substance abuse authority.

This bill:

- amends definitions;
- provides a county the option to create a united local health department, which combines the local health department with the local substance abuse authority and the local mental health authority;
- permits multiple counties to join together in an interlocal agreement to form a multicounty united local health department;
- requires a united local health department to coordinate the duties of a local health department, a local mental health authority, and a local substance abuse authority;
- provides that the governing body of a county may select the executive director of a united local health department;
- amends the types of funds that may be established and maintained by a united local health department; and
- makes technical amendments.

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HB 437 Health Care Revisions

Dunnigan, J.

This bill implements a health coverage improvement program through Medicaid waiver authority granted to states before the federal Patient Protection and Affordable Care Act, and establishes a funding mechanism for the waiver program.

This bill:

- authorizes a preferred drug list for psychotropic drugs with an override for dispense as written;
- establishes targets for savings from the preferred drug list;
- authorizes the Department of Health to apply for waivers from federal law necessary to implement a health coverage improvement program in Medicaid;
- distinguishes the health coverage improvement program from Medicaid expansion under the Affordable Care Act;
- defines terms;
- describes the Medicaid waiver request;
- permits a waiver enrollee to maintain Medicaid coverage for 12 months;
- provides eligibility criteria;
- amends the county matching funds for enrollees in the health coverage improvement program;
- expands Medicaid eligibility for adults with dependent children;
- requires the Department of Health to apply for a waiver for the existing Medicaid population and the enrollees in the health coverage improvement program to allow substance abuse treatment at facilities with no bed capacity limits;
- enhances the efficiency of Medicaid enrollment for adults released from incarceration;
- establishes an inpatient private hospital assessment to fund the Medicaid waiver;
- establishes a mandatory intergovernmental transfer of funds from the state teaching hospital and certain other government owned hospitals to fund the Medicaid waiver;
- authorizes the Public Employees' Benefit and Insurance Program to provide services for drugs and devices for certain individuals at the request of a procurement unit; and
- requires the Department of Health to study methods to increase coverage to uninsured low income adults with children and to maximize the use of employer sponsored coverage.

SB 39 Medicaid Coverage for Adult Dental Services

Urquhart, S.

This bill directs the Department of Health to seek federal waivers authorizing the Medicaid program to provide dental services to blind or disabled adults already eligible for Medicaid.

This bill:

- requires the Department of Health to request waivers from federal law necessary for the Medicaid program to provide dental services to blind or disabled adults already eligible for Medicaid;
- specifies that within Salt Lake County dental services shall be provided to the extent possible through the University of Utah School of Dentistry;
- requires the University of Utah School of Dentistry to annually transfer funds to the Medicaid program to cover the non-federal share of the cost of providing dental services through the school;
- specifies an implementation deadline; and
- requires indefinite cessation of dental services if the federal share of the cost of providing the services falls below 65%.

SB 234 Protecting Unborn Children Amendments

Bramble, C.

This bill modifies sections of the Utah Criminal Code related to adoption.

This bill:

- amends informed consent requirements for abortion;
- amends provisions related to the Department of Health's requirements for publishing printed materials; and
- requires a physician who performs an abortion of an unborn child who is at least 20 weeks gestational age to administer an anesthetic or analgesic to eliminate or alleviate organic pain to the unborn child.

Homeless Persons

HB 436 Housing and Homeless Reform Initiative

Gibson, F.

This bill modifies provisions related to housing and community development.

This bill:

- creates a restricted account called the Homeless to Housing Reform Restricted Account;
- describes the responsibilities of the Homeless Coordinating Committee and the Housing and Community Development Division in awarding grants or contracts using money from the account;
- adds members to the Homeless Coordinating Committee; and
- makes technical changes.

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Human Services

HB 259 Substance Abuse Treatment Fraud

Hutchings, E.

This bill enacts and amends provisions in the Utah Human Services Code related to substance abuse treatment fraud.

This bill:

- amends the definition "recovery residence" in the Licensure of Programs and Facilities chapter of the Utah Human Services Code;
- amends provisions related to violations, penalties, and liability of human services programs;
- requires the Office of Licensing, Department of Human Services (office), to make rules establishing:
 - what constitutes an "outpatient treatment program";
 - a procedure requiring a licensee to provide an insurer the licensee's records related to any services or supplies billed to the insurer; and
 - a protocol for the office to investigate and process complaints about licensees;
- directs the office to electronically post notices of agency action on the office's website; and
- directs the Division of Substance Abuse and Mental Health, Department of Human Services, to make rules to develop minimum standards for licensed public and private providers of substance abuse and mental health programs.

SB 82 Child Welfare Modifications

Harper, W.

This bill amends and enacts provisions concerning child and family services.

This bill:

- amends the name of the Child Abuse Advisory Council to the Child Welfare Improvement Council;
- requires child welfare caseworkers within the Division of Child and Family Services (the division) to use evidence-informed or evidence-based safety and risk assessments to guide decisions concerning a child throughout a child protection investigation or proceeding;
- requires a juvenile court to consider the division's safety and risk assessments to determine whether a child should be removed from the custody of the child's parent or guardian;
- modifies the division's requirements for completing background checks before placing a child in emergency placement;
- requires the division, through contract with the Department of Health, to establish and operate a psychotropic medication oversight pilot program for children in foster care to ensure that foster children are being prescribed psychotropic medication consistent with their needs;
- provides for sunset review of the psychotropic medication oversight pilot program before it is repealed July 1, 2019;
- modifies the Utah Criminal Code regarding the offenses of human trafficking and human trafficking of a child;
- provides that a juvenile court may order another planned permanent living arrangement for a minor 16 years old or older under certain circumstances; and
- makes technical and conforming changes.

SB 172 Utah State Developmental Center Amendments

Dayton, M.

This bill enacts and amends provisions related to the Utah State Developmental Center.

This bill:

- creates a Utah State Developmental Center Board;
- directs the Utah State Developmental Center Board to:
 - administer the Utah State Developmental Center Miscellaneous Donation Fund;
 - administer the Utah State Developmental Center Land Fund; and
 - approve the sale, lease, or other disposition of real property or water rights associated with the Utah State Developmental Center; and
- moves the Utah State Developmental Center Land Fund from the Division of Facilities Construction and Management to the Utah State Developmental Center Board.

Indian Affairs

SB 14 American Indian and Alaskan Native Amendments

Van Tassell, K.

This bill amends provisions related to the state system of public education and American Indians and Alaskan Natives.

This bill:

- amends duties of the Native American Legislative Liaison Committee;
- defines terms;
- creates a pilot program to fund stipend, recruitment, and retention of teachers who teach in American Indian and Alaskan Native concentrated schools;
- requires reporting and meetings to be held;
- provides a sunset date; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2016 General Session

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SCR 3 Concurrent Resolution Supporting American Indian and Alaskan Native Education State Plan Van Tassell, K.

This concurrent resolution supports the creation of an American Indian and Alaskan Native Education State Plan.

This resolution:

- supports eliminating the achievement gap for American Indian and Alaskan Native students;
- outlines the need for a state plan;
- provides for the state plan; and
- provides for distribution of the resolution.

Judiciary

HB 74 Uniform Power of Attorney Act Snow, V. L.

This bill enacts the Uniform Power of Attorney Act.

This bill:

- defines terms;
- creates a framework to create a durable power of attorney;
- sets requirements for execution and termination;
- specifies the duties of an agent once the agent accepts appointment;
- provides for judicial review;
- describes the different types of grants of authority; and
- suggests a standardized form for powers of attorney.

SB 155 Indigent Defense Weiler, T.

This bill creates the Utah Indigent Defense Commission.

This bill:

- defines terms;
- creates the Utah Indigent Defense Commission and describes the commission's membership;
- gives the commission authority to collect data from local indigent criminal defense authorities for the purpose of studying the provision of indigent criminal defense services statewide;
- requires the commission to study the indigent criminal defense system statewide and report to the Legislature on its findings, including recommendations to improve the system;
- authorizes the commission to assist local jurisdictions to meet minimum standards of effective representation by:
 - establishing advisory caseload principles and guidelines for defense services providers; and
 - reviewing contracts and interlocal agreements with defense services providers and providing recommendations for contract design;
- establishes a restricted account to provide financial assistance to indigent criminal defense systems;
- conditions grants received from the account on indigent criminal defense systems maintaining current funding levels for indigent criminal defense services;
- allows juvenile courts to appoint counsel for an indigent private party in parental termination cases; and
- makes technical and conforming changes.

Law Enforcement and Criminal Justice

HB 206 Human Trafficking Safe Harbor Amendments Romero, A.

This bill modifies the Utah Criminal Code and Juvenile Court Act regarding a child subjected to prostitution or human trafficking.

This bill:

- requires the Division of Child and Family Services to provide services to a child who is engaged in prostitution or sexual solicitation and has been referred to the division;
- provides that any child engaged in prostitution or sexual solicitation may not be subject to delinquency proceedings; and
- amends the definition of abuse in the Juvenile Court Act to include human trafficking of a child for sexual exploitation.

HB 300 Body-worn Cameras for Law Enforcement Officers McCay, D.

This bill modifies the Utah Code of Criminal Procedure to address the use of body-worn cameras by law enforcement officers.

This bill provides:

- that a law enforcement agency that uses body-worn cameras worn by law enforcement officers shall have a written policy governing the use of body-worn cameras that meets or exceeds the minimum guidelines provided;
- minimum guidelines for the activation or use of body-worn cameras; and
- the prohibited uses of body-worn cameras by law enforcement officers.

SELECTED HIGHLIGHTS of the 2016 General Session

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Natural Resources

HB 276 Utah Public Land Management Act

Noel, M.

This bill enacts the Utah Public Land Management Act.

This bill:

- defines terms;
- makes findings;
- requires the director of the Division of Oil, Gas, and Mining to make a report to the Commission for the Stewardship of Public Lands;
- establishes duties for the director of the Department of Natural Resources and the commissioner of the Department of Agriculture and Food;
- authorizes fees;
- establishes the:
 - Public Land Protection Fund;
 - Public Land Management Fund;
 - Timber Fund; and
 - Grazing Land Fund;
- establishes a procedure to issue a right-of-way or use authorization on public land;
- creates the Division of Land Management within the Department of Natural Resources;
- creates the Public Land Management Advisory Board;
- requires reports to the Legislature; and
- makes technical changes.

SB 122 Wildland Fire Policy Updates

Vickers, E.

This bill modifies procedures surrounding the management of wildland fire.

This bill:

- defines terms;
- requires a municipality to abate uncontrolled wildfire on private or municipality-owned land within its boundaries, under certain circumstances;
- authorizes a municipality, county, or certain special districts to enter into a cooperative agreement with the Division of Forestry, Fire, and State Lands;
- states that a city, town, county, or special district that enters into a cooperative agreement may be eligible to have the costs of catastrophic wildland fire suppression paid by the state;
- states that a city, town, county, or special district that does not enter into a cooperative agreement shall be responsible for wildland fire suppression costs within its jurisdiction;
- describes the requirements to enter into a cooperative agreement; and
- makes technical changes.

SB 212 Wildland Fire Suppression Fund

Vickers, E.

This bill modifies the Wildland Fire Suppression Fund.

This bill:

- creates a source of funding for the Wildland Fire Suppression Fund;
- modifies the structure of the Wildland Fire Suppression Fund; and
- makes technical changes.

Political Subdivisions (Local Issues)

HB 17 Assessment Area Foreclosure Amendments

Webb, R. C.

This bill amends foreclosure provisions in the Assessment Area Act.

This bill:

- modifies the methods by which a local entity may enforce an assessment lien; and
- makes technical and conforming changes.

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SB 151 Community Development and Renewal Agencies Act Revisions

Harper, W.

This bill amends provisions related to community development and renewal agencies.

This bill:

- defines terms;
- beginning May 10, 2016:
 - provides a process for a community to create a community reinvestment agency;
 - allows an agency to create a community reinvestment project area; and
 - prohibits an agency from creating an urban renewal project area, an economic development project area, or a community development project area;
- amends the required contents of an agency's annual report;
- for an agency that creates a community reinvestment project area:
 - provides for the agency to fund a community reinvestment project area with tax increment or sales and use tax revenue that is subject to an interlocal agreement;
 - requires the agency to conduct a blight study, make a blight determination, and create a taxing entity committee if the agency plans to acquire property within a community reinvestment area by eminent domain;
 - requires the agency to allocate a percentage of project area funds for housing;
 - prohibits an agency from adopting a proposed community reinvestment project area plan if 51% of the property owners within the proposed community reinvestment project area object to the plan; and
 - requires the agency to adopt a community reinvestment project area budget;
- authorizes, under certain circumstances, an agency to acquire by eminent domain property that the property owner fails to develop in accordance with a project area plan;
- provides the option for an agency to give the agency's housing allocation to a county housing authority;
- provides a process by which an agency may dissolve a project area;
- clarifies how a project area's incremental value is factored into the new growth calculation; and
- makes technical and conforming changes.

SB 164 Local Government Modifications

Henderson, D.

This bill modifies provisions relating to local governments.

This bill:

- removes the requirement for the Office of the State Auditor to provide certain budget forms;
- requires a town, city, county, interlocal entity, or local district to appropriate a percentage of fund revenue toward deficit fund balances;
- requires a town to prepare certain financial reports;
- clarifies the due date for budget adoption for a city undergoing truth in taxation;
- removes obsolete language related to city auditor bookkeeping duties;
- repeals the requirement for an independent audit of a county's transient room tax and tourism, recreation, cultural, convention, and airport facilities tax;
- modifies the contents of a property tax notice;
- provides that a taxpayer who pays less than the full amount of the items listed on the taxpayer's property tax notice may direct how the county treasurer allocates the partial payment between the amounts due; and
- makes technical and conforming changes.

Retirement

SB 19 Phased Retirement

Weiler, T.

This bill modifies the Utah State Retirement and Insurance Benefit Act by enacting phased retirement provisions.

This bill:

- defines terms;
- allows a participating employer to participate in phased retirement for a retiree who has not completed the one-year employment separation requirement;
- requires a participating employer that offers phased retirement to establish written policies and enter into a written agreement with the retiree;
- provides for retiree eligibility for phased retirement and establishes restrictions;
- provides for participating employer and retiree reporting;
- provides penalties;
- allows the Legislature to make changes to the program;
- allows the Utah State Retirement Board to make related rules;
- provides for a sunset of the phased retirement provisions; and
- makes technical changes.

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Revenue and Taxation

HB 25 Property Tax Changes

McCay, D.

This bill amends provisions related to property tax.

This bill:

- defines terms;
- modifies the calculation of certain property tax rates;
- repeals obsolete language; and
- makes technical and conforming changes.

HB 237 Income Tax Contribution for Clean Air

Arent, P.

This bill modifies provisions relating to the Individual Income Tax Contribution Act.

This bill:

- creates the Clean Air Fund;
- allows a resident or nonresident individual who files an individual income tax return to designate on the resident or nonresident individual's income tax return a contribution to the Clean Air Fund;
- establishes criteria for the distribution of funds from the Clean Air Fund; and
- makes technical and conforming changes.

SCR 2 Concurrent Resolution in Support of Sales and Use Tax Transactional Equity

Harper, W.

This concurrent resolution of the Legislature and the Governor urges the United States Congress to pass the Remote Transactions Parity Act of 2015, H.R. 2775, legislation for fair, uniform, simplified, and constitutional collection and remittance of state and local sales and use taxes by both in-state and remote sellers.

This resolution:

- urges Congress to pass, without delay, the Remote Transactions Parity Act of 2015, H.R. 2775, for the fair, uniform, simplified, and constitutional collection of state and local sales and use taxes due; and
- affirms that, through passage of the legislation, Congress will:
 - foster consistent standards for in-state and remote sellers who are obligated to collect state and local sales and use taxes, providing equal, consistent, and fair treatment among traditional brick-and-mortar retailers, brick-and-click retailers, catalogue retailers, and Internet-only retailers; and
 - require similarly situated purchasers to pay the same sales and use tax rates, regardless of which type of retailer they make their purchases from and regardless of where that retailer is located.

Technology

HB 241 Computer Abuse and Data Recovery Act

Chavez-Houck, R.

This bill enacts provisions related to unauthorized access to information technology.

This bill:

- provides civil penalties for an individual who, without authorization from a protected computer's owner:
 - obtains information from the protected computer;
 - causes the transmission of a program, code, or command to the protected computer; or
 - traffics in a technological access barrier that could be used to access the protected computer;
- defines terms; and
- provides that the prevailing party in a civil action under this act is entitled to attorney fees.

Transportation

HB 183 County Option Sales and Use Tax for Highways and Public Transit Amendments

Draxler, J.

This bill modifies the Sales and Use Tax Act by amending provisions relating to the county option sales and use tax for highways and public transit.

This bill:

- amends the distribution of revenue collected from the local option sales and use tax for highways and public transit; and
- makes technical and conforming changes.

SELECTED HIGHLIGHTS of the 2016 General Session

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SB 64 Special Group License Plate Modifications Escamilla, L.

This bill authorizes a National Professional Men's Soccer Team Support of Building Communities support special group license plate.

This bill:

- creates a National Professional Men's Soccer Team Support of Building Communities support special group license plate for certain organizations that strengthen youth soccer, build communities, and promote environmental sustainability;
- requires applicants for the plate to make a \$25 annual donation to the National Professional Men's Soccer Team Support of Building Communities Restricted Account;
- creates the National Professional Men's Soccer Team Support of Building Communities Restricted Account;
- requires the Department of Heritage and Arts to distribute the funds in the National Professional Men's Soccer Team Support of Building Communities Restricted Account to certain organizations that strengthen youth soccer, build communities, and promote environmental sustainability; and
- makes technical changes.

Veterans' Affairs

HB 98 National Guard Death Benefit Amendments Ray, P.

This bill provides for a death gratuity for the next of kin of a National Guard member who dies while on state active duty.

This bill:

- provides for a \$100,000 death gratuity for the next-of-kin of a National Guard member who dies while on state active duty.

SB 18 Workforce Services Job Listings Amendments Knudson, P.

This bill requires local education agencies to advertise job openings on the state website.

This bill:

- requires local education agencies to provide a list of job openings to the Utah Department of Workforce Services; and
- amends the definition of a governmental entity to include local education agencies as defined Section 53A-30-102.

Water and Irrigation

HB 305 Water Rights and Resources Amendments Briscoe, J.

This bill deals with the accuracy of water use data.

This bill:

- instructs the Drinking Water Board to require a certified water operator of a public water supplier, or professional engineer performing the duties of an operator, to verify the accuracy of water use and supply data submitted to the Division of Drinking Water;
- authorizes the Division of Water Rights to collect and validate water use data; and
- makes technical changes.

HCR 1 Concurrent Resolution on Waters of the United States Noel, M.

This concurrent resolution of the Legislature and the Governor expresses support to Attorney General Sean Reyes in seeking to vacate a federal rule defining "waters of the United States."

This resolution:

- expresses disapproval of the expansion of the term "waters of the United States" to include ephemeral drainages, dry washes, gullies, coulees, and arroyos, which only move water after rain; and
- expresses support for Attorney General Sean Reyes in seeking to vacate this expansive rule.

SB 80 Infrastructure Funding Amendments Adams, J. S.

This bill modifies provisions relating to infrastructure funding.

This bill:

- modifies state sales and use tax earmarks;
- 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.

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Workforce Services

HB 325 Office of Rehabilitation Services Amendments

Thurston, N.

This bill modifies the State Office of Rehabilitation Act and related provisions.

This bill:

- moves the Utah State Office of Rehabilitation from the State Board of Education to the Department of Workforce Services;
- modifies provisions related to the Governor's Committee on Employment of People with Disabilities, including that the governor appoint certain members of the committee;
- describes duties of the Utah State Office of Rehabilitation that may not be delegated to other state government entities;
- modifies provisions related to certified interpreters;
- modifies references to individuals who are hard of hearing;
- requires the Department of Workforce Services and the Utah State Office of Rehabilitation to create a written transition plan;
- creates an Office of Rehabilitation Transition Restricted Account; and
- makes technical and conforming changes.