

1 **REVISOR'S TECHNICAL CORRECTIONS TO UTAH CODE**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Evan J. Vickers**

5 House Sponsor: Mike Schultz

7 **LONG TITLE**

8 **General Description:**

9 This bill makes technical changes to provisions of the Utah Code.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ modifies parts of the Utah Code to make technical corrections, including
13 eliminating or correcting references involving repealed provisions, eliminating
14 redundant or obsolete language, making minor wording changes, updating
15 cross-references, and correcting numbering and other errors.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **4-2-108**, as last amended by Laws of Utah 2021, Chapter 126

23 **4-18-302**, as enacted by Laws of Utah 2021, Chapter 178

24 **4-18-306**, as enacted by Laws of Utah 2021, Chapter 178

25 **13-23-4**, as last amended by Laws of Utah 2021, First Special Session, Chapter 9

26 **13-32a-106**, as last amended by Laws of Utah 2021, Chapter 66

27 **13-32a-109**, as last amended by Laws of Utah 2021, Chapter 66

28 **13-32a-116.5**, as last amended by Laws of Utah 2019, Chapter 309

29 **13-58-302**, as enacted by Laws of Utah 2021, Chapter 185

- 30 **17-27a-1103**, as enacted by Laws of Utah 2021, Chapter 244
- 31 **17-41-405**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355
- 32 **20A-7-307**, as last amended by Laws of Utah 2021, Chapter 140
- 33 **20A-7-607**, as last amended by Laws of Utah 2021, Chapters 80 and 140
- 34 **20A-20-203**, as last amended by Laws of Utah 2021, Chapter 345
- 35 **24-2-104**, as enacted by Laws of Utah 2021, Chapter 230
- 36 **24-3-101.5**, as enacted by Laws of Utah 2021, Chapter 230
- 37 **24-4-102**, as last amended by Laws of Utah 2021, Chapter 230
- 38 **24-4-118**, as last amended by Laws of Utah 2021, Chapter 230
- 39 **26-8a-413**, as last amended by Laws of Utah 2021, Chapter 265
- 40 **26-18-503**, as last amended by Laws of Utah 2021, Chapter 274
- 41 **26-62-304**, as last amended by Laws of Utah 2021, Chapter 348
- 42 **26-62-305**, as last amended by Laws of Utah 2021, Chapter 348
- 43 **53B-1-301**, as last amended by Laws of Utah 2021, Chapters 282, 351, 402, and 425
- 44 **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351
- 45 **53E-1-202**, as last amended by Laws of Utah 2021, Chapters 251 and 319
- 46 **57-13a-104**, as last amended by Laws of Utah 2021, Chapter 355
- 47 **58-31b-803**, as last amended by Laws of Utah 2021, Chapter 263
- 48 **58-83-301**, as enacted by Laws of Utah 2010, Chapter 180
- 49 **59-7-159**, as last amended by Laws of Utah 2021, Chapters 282 and 367
- 50 **59-7-614**, as last amended by Laws of Utah 2021, Chapters 280 and 374
- 51 **59-10-1113**, as enacted by Laws of Utah 2021, Chapter 374
- 52 **59-12-104.2**, as last amended by Laws of Utah 2016, Chapter 135
- 53 **62A-1-111**, as last amended by Laws of Utah 2021, Chapters 22 and 262
- 54 **62A-3-305**, as last amended by Laws of Utah 2021, Chapter 419
- 55 **62A-16-302**, as last amended by Laws of Utah 2021, Chapter 231
- 56 **63A-17-110**, as enacted by Laws of Utah 2021, Chapter 158
- 57 **63C-23-102**, as enacted by Laws of Utah 2021, Chapter 171

- 58 **63H-1-102**, as last amended by Laws of Utah 2021, Chapters 314, 414, and 415
- 59 **63H-1-201**, as last amended by Laws of Utah 2021, Chapter 414
- 60 **63H-1-202**, as last amended by Laws of Utah 2021, Chapter 414
- 61 **63H-1-301**, as last amended by Laws of Utah 2021, Chapter 414
- 62 **63I-1-210**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 18
- 63 **63I-1-253**, as last amended by Laws of Utah 2021, Chapters 14, 64, 106, 233, and 307
- 64 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
- 65 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
- 66 of Utah 2021, Chapter 382
- 67 **63I-2-210**, as last amended by Laws of Utah 2021, Chapter 363
- 68 **63I-2-253**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14
- 69 **63L-11-203**, as renumbered and amended by Laws of Utah 2021, Chapter 382
- 70 **63L-11-301**, as enacted by Laws of Utah 2021, Chapter 382
- 71 **63M-7-405**, as last amended by Laws of Utah 2021, Chapter 243
- 72 **63N-4-103**, as last amended by Laws of Utah 2021, Chapter 282
- 73 **63N-7-301**, as last amended by Laws of Utah 2020, Chapter 154
- 74 **63N-9-102**, as last amended by Laws of Utah 2021, Chapter 280
- 75 **67-3-12**, as last amended by Laws of Utah 2021, Chapter 398 and renumbered and
- 76 amended by Laws of Utah 2021, Chapter 84 and last amended by Coordination
- 77 Clause, Laws of Utah 2021, Chapter 398
- 78 **67-19a-101**, as last amended by Laws of Utah 2021, Chapter 344
- 79 **73-18c-201**, as last amended by Laws of Utah 2021, Chapter 280
- 80 **77-23c-102**, as last amended by Laws of Utah 2021, Chapter 42
- 81 **78B-3-106.5**, as last amended by Laws of Utah 2011, Chapter 50
- 82 **78B-9-301**, as last amended by Laws of Utah 2021, Chapter 46
- 83 **79-8-102**, as enacted by Laws of Utah 2021, Chapter 280
- 84 **79-8-106**, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 85 **80-4-307**, as renumbered and amended by Laws of Utah 2021, Chapter 261

86

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

88 Section 1. Section **4-2-108** is amended to read:

89 **4-2-108. Agricultural Advisory Board created -- Composition -- Responsibility --**
90 **Terms of office -- Compensation -- Executive committee.**

91 (1) There is created the Agricultural Advisory Board composed of the following 21
92 members:

93 (a) the dean of the College of Agriculture and Applied Science from Utah State
94 University; and

95 (b) the following appointed by the commissioner:

96 (i) two representatives of associations representing interests of farmers, selected from a
97 list of nominees submitted by at least two associations representing farmers;

98 (ii) a representative of an association representing cattlemen, selected from a list of
99 nominees submitted by at least one association representing cattlemen;

100 (iii) one representative of an association representing wool growers, selected from a list
101 of nominees submitted by at least one association representing wool growers;

102 (iv) one representative of an association representing dairies, selected from a list of
103 nominees submitted by at least one association representing dairies;

104 (v) one representative of an association representing pork producers, selected from a
105 list of nominees submitted by at least one association representing pork producers;

106 (vi) one representative of egg and poultry producers;

107 (vii) one representative of an association representing veterinarians, selected from a list
108 of nominees submitted by at least one association representing veterinarians;

109 (viii) one representative of an association representing livestock auctions, selected
110 from a list of nominees submitted by at least one association representing livestock auctions;

111 (ix) one representative of an association representing conservation districts, selected
112 from a list of nominees submitted by at least one association representing conservation
113 districts;

- 114 (x) one representative of the Utah horse industry;
- 115 (xi) one representative of the food processing industry;
- 116 (xii) one representative of the fruit and vegetable industry;
- 117 (xiii) one representative of the turkey industry;
- 118 (xiv) one representative of manufacturers of food supplements;
- 119 (xv) one representative of a consumer affairs group;
- 120 (xvi) one representative of urban and small farmers;
- 121 (xvii) one representative of an association representing elk breeders, selected from a
- 122 list of nominees submitted by at least one association representing elk breeders;
- 123 (xviii) one representative of an association representing beekeepers, selected from a list
- 124 of nominees submitted by at least one association representing beekeepers; and
- 125 (xix) one representative of fur breeders, selected from a list of nominees submitted by
- 126 at least one association representing fur breeders.
- 127 (2) The Agricultural Advisory Board shall:
- 128 (a) advise the commissioner regarding:
- 129 (i) the planning, implementation, and administration of the department's programs; and
- 130 (ii) the establishment of standards governing the care of livestock and poultry,
- 131 including consideration of:
- 132 (A) food safety;
- 133 (B) local availability and affordability of food; and
- 134 (C) acceptable practices for livestock and farm management; and
- 135 (b) adopt best management practices for sheep, swine, cattle, and poultry industries in
- 136 the state.
- 137 (3) The Agricultural Advisory Board may adopt best management practices for
- 138 domesticated elk, mink, apiaries, and other agricultural industries in the state.
- 139 (4) For purposes of this section, "best management practices" means practices used by
- 140 agriculture in the production of food and fiber that are commonly accepted practices, or that are
- 141 at least as effective as commonly accepted practices, and that:

- 142 (a) protect the environment;
- 143 (b) protect human health; and
- 144 (c) promote the financial viability of agricultural production.
- 145 (5) (a) Except as required by Subsection (1)(a) or (5)(b), members of the Agricultural
- 146 Advisory Board are appointed by the commissioner to four-year terms of office.
- 147 (b) Notwithstanding the requirements of Subsection (5)(a), the commissioner shall, at
- 148 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 149 board members are staggered so that approximately half of the board is appointed every two
- 150 years.
- 151 (c) A member may be removed at the discretion of the commissioner upon the request
- 152 of the group the member represents.
- 153 (d) When a vacancy occurs in the membership for any reason, the commissioner shall
- 154 appoint a replacement for the unexpired term.
- 155 (6) The Agricultural Advisory Board shall elect one member to serve as chair of the
- 156 Agricultural Advisory Board for a term of one year.
- 157 (7) (a) The Agricultural Advisory Board shall meet twice a year, but may meet more
- 158 often at the discretion of the chair.
- 159 (b) Attendance of 11 members at a duly called meeting of the Agricultural Advisory
- 160 Board constitutes a quorum for the transaction of official business.
- 161 (8) A member of the Agricultural Advisory Board may not receive compensation or
- 162 benefits for the member's service, but may receive per diem and travel expenses in accordance
- 163 with:
- 164 (a) Section [63A-3-106](#);
- 165 (b) Section [63A-3-107](#); and
- 166 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 167 [63A-3-107](#).
- 168 (9) (a) There is created an executive committee of the Agricultural Advisory Board
- 169 consisting of the following seven members selected from members of the Agricultural

170 Advisory Board:

- 171 (i) the two representatives appointed under Subsection (1)(b)(i);
- 172 (ii) the representative appointed under Subsection (1)(b)(ix); and
- 173 (iii) four members selected from the Agricultural Advisory Board as follows:
 - 174 (A) for the initial members of the executive committee, by the commissioner; and
 - 175 (B) after the initial members of the executive committee are selected, by the executive
 - 176 committee.

177 (b) (i) A member of the executive committee shall serve a term of four years on the
178 executive committee.

179 (ii) A member of the executive committee may serve for more than one term on the
180 executive committee.

181 (iii) When a vacancy occurs in the membership of the executive committee for any
182 reason, the replacement shall be selected in the same manner as under Subsection (9)(a) and for
183 the unexpired term.

184 (c) Four members of the executive committee constitute a quorum and an action of the
185 majority present when a quorum is present is action by the executive committee.

186 (d) The executive committee shall annually select a chair of the executive committee.

187 (e) The executive committee shall meet at least quarterly, except that the chair of the
188 executive committee may call the executive committee for additional meetings.

189 (f) The executive committee shall:

- 190 (i) recommend to the department fees to be imposed under this title;
- 191 (ii) accept public comment received under this title; and
- 192 (iii) carry out the responsibilities assigned to the executive committee by statute.

193 Section 2. Section **4-18-302** is amended to read:

194 **4-18-302. Definitions.**

195 As used in this part:

196 (1) "Agricultural producer" means a person engaged in the production of a product of
197 agriculture, as defined in Section [4-1-109](#).

198 (2) "Commission" means the Conservation Commission created in Section [4-18-104](#).

199 (3) "Commissioner" means the commissioner of agriculture and food or the
200 commissioner's designee.

201 (4) "Demonstration project" means an on- or off-farm or ranch project that incorporates
202 soil health practices and principles into soil management for the purposes of demonstrating soil
203 health practices and the resulting impacts to agricultural producers and others.

204 (5) (a) "Educational project" means a project that promotes knowledge about soil
205 health to eligible entities, consumers, policymakers, and others.

206 (b) "Educational project" includes the development of written or video-based materials
207 or in-person events, such as workshops, field days, or conferences.

208 (6) "Eligible entities" means public, governmental, and private entities, including:

209 (a) conservation districts;

210 (b) producers;

211 (c) groups of producers;

212 (d) producer groups;

213 (e) producer cooperatives;

214 (f) water conservancy districts;

215 (g) American Indian Tribes;

216 (h) nonprofit entities;

217 (i) academic or research institutions and subdivisions of these institutions;

218 (j) the United States or any corporation or agency created or designed by the United
219 States; or

220 (k) the state or any of the state's agencies or political subdivisions.

221 (7) "Environmental benefits" means benefits to natural and agricultural resources and
222 human health, including:

223 (a) improved air quality;

224 (b) surface or ground water quality and quantity;

225 (c) improved soil health, including nutrient cycling, soil fertility, or drought resilience;

- 226 (d) reductions in agricultural inputs;
- 227 (e) carbon sequestration or climate resilience;
- 228 (f) increased biodiversity; or
- 229 (g) improved nutritional quality of agricultural products.

230 (8) "Historically underserved producer" means a producer who qualifies as one of the
231 following:

- 232 (a) a beginning farmer or rancher, as defined in 7 U.S.C. Sec. 2279;
- 233 (b) a limited resource farmer or rancher, as described in 7 U.S.C. Sec. 9081;
- 234 (c) a socially disadvantaged farmer or rancher, as defined in 7 U.S.C. Sec. 2003; or
- 235 (d) a veteran farmer or rancher, as defined in 7 U.S.C. Sec. 1502.

236 (9) "Implementation project" means a project that provides incentives directly to
237 producers to implement on-farm or on-ranch soil health practices.

238 (10) "Incentives" means monetary incentives, including grants and loans, or
239 non-monetary incentives, including equipment, technical assistance, educational materials,
240 outreach, and market development assistance for market premiums or ecosystem services
241 markets.

242 (11) "Land manager" means a manager of land where agricultural activities occur,
243 including:

- 244 (a) a federal land manager;
- 245 (b) a lessee of federal, tribal, state, county, municipal, or private land where
246 agricultural activities occur; or
- 247 (c) others as the department may determine.

248 (12) "Landowner" means an owner of record of federal, tribal, state, county, municipal,
249 or private land where agricultural activities occur.

250 (13) "Program" means the Utah Soil Health Program created in Section [4-18-303](#).

251 (14) (a) "Research project" means a project that advances the scientific understanding
252 of how agricultural practices improve soil health, and related impacts, such as environmental
253 benefits, benefits to human health, including the nutritive composition of foods, or economic

254 impacts.

255 (b) "Research project" includes projects at experiment stations, on:

256 (i) lands owned by the United States or any corporation or agency created or designed
257 by the United States; [~~and~~]

258 (ii) lands owned by the state or any of the state's agencies or political subdivisions; or

259 (iii) private lands.

260 (15) "Soil health" means the continued capacity of soil to function as a vital living
261 ecosystem that sustains plants, animals, and humans.

262 (16) "Soil health activities" means implementation of soil health practices, research
263 projects, demonstration projects, or educational projects, or other activities the department
264 finds necessary or appropriate to promote soil health.

265 (17) "Soil Health Advisory Committee" means the committee created in Section
266 [4-18-306](#).

267 (18) "Soil health grant program" means the grant program authorized in Section
268 [4-18-304](#).

269 (19) "Soil health practices" means those practices that may contribute to soil health,
270 including:

271 (a) no-tillage;

272 (b) conservation tillage;

273 (c) crop rotations;

274 (d) intercropping;

275 (e) cover cropping;

276 (f) planned grazing;

277 (g) the application of soil amendments that add carbon or organic matter, including
278 biosolids, manure, compost, or biochar;

279 (h) revegetation; or

280 (i) other practices the department determines contribute or have the potential to
281 contribute to soil health.

282 (20) "Soil health principle" means a principle that promotes soil health and includes
283 maximizing soil cover, minimizing soil disturbance, maximizing biodiversity, maintaining a
284 continual live plant or root in the soil, or integrating livestock.

285 (21) "State soil health inventory and platform" means a tool, including a geospatial
286 inventory, documenting:

- 287 (a) the condition of agricultural soils;
- 288 (b) the implementation of soil health practices; or
- 289 (c) the environmental and economic impacts, including current and potential future
290 carbon holding capacity of soils, or other information the department considers appropriate.

291 (22) "Technical assistance organization" means a person, including an eligible entity,
292 who has demonstrated technical expertise in implementing soil health practices and soil health
293 principles, as determined by the department.

294 Section 3. Section **4-18-306** is amended to read:

295 **4-18-306. Soil Health Advisory Committee.**

- 296 (1) The Soil Health Advisory Committee is created under the commission.
- 297 (2) The Soil Health Advisory Committee shall assist the commission in administering
298 the program.
- 299 (3) The Soil Health Advisory Committee shall maintain no less than seven members
300 appointed by the commissioner.
- 301 (4) Soil Health Advisory Committee members shall include farmers, ranchers, or other
302 agricultural producers of diverse production systems, including diversity in size, product,
303 irrigated and dryland systems, and other production methods. Members may include:
 - 304 (a) an irrigated crop producer;
 - 305 (b) a dryland crop producer;
 - 306 (c) a dairyman or pasture producer;
 - 307 (d) a rancher;
 - 308 (e) a specialty crop or small farm producer;
 - 309 (f) a crop consultant;

310 (g) a tribal representative;

311 (h) a representative with expertise in soil health;

312 (i) a [~~board~~] committee member representative of the commission; or

313 (j) a Utah Association of Conservation Districts representative.

314 (5) At least two members of the Soil Health Advisory Committee shall be water users
315 who own, lease, or represent owners of adjudicated water rights used for agricultural purposes.

316 (6) Representation on the Soil Health Advisory Committee shall reflect the different
317 geographic areas and demographic diversity of the state, to the greatest extent possible.

318 (7) (a) The commissioner shall appoint members of the Soil Health Advisory
319 Committee for two year terms.

320 (b) Notwithstanding the requirements of Subsection (7)(a), the commissioner shall, at
321 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
322 Soil Health Advisory Committee members are staggered so that approximately half of the
323 committee is appointed every two years.

324 (c) An appointee to the Soil Health Advisory Committee may not serve more than two
325 full terms.

326 (8) A Soil Health Advisory Committee member shall hold office until the expiration of
327 the term for which the member is appointed or until a successor has been duly appointed.

328 (9) The commissioner may remove a member of the Soil Health Advisory Committee
329 for cause.

330 (10) The Soil Health Advisory Committee may invite a representative of the Utah
331 Association of Conservation Districts, the United States Department of Agriculture Natural
332 Resources Conservation Service, Utah State University faculty member, the Department of
333 Natural Resources, Division of Water Rights, and Division of Water Quality, to provide
334 technical expertise to the Soil Health Advisory Committee on an as needed basis.

335 (11) The department will provide staff to manage the Soil Advisory Health Committee.

336 (12) The Soil Health Advisory Committee shall make recommendations to the
337 commission concerning and assist in:

- 338 (a) setting program priorities;
- 339 (b) developing the development of guidelines for the implementation of the program,
- 340 including guidelines and recommendations for the qualifications of nonprofit entities to receive
- 341 grant money;
- 342 (c) soliciting input from similar stakeholders within each member's area of expertise
- 343 and region of the state and communicate the Soil Health Advisory Committee's
- 344 recommendations to the region and stakeholders represented by each member;
- 345 (d) soliciting input, in collaboration with the department, from underserved agricultural
- 346 producers;
- 347 (e) soliciting input from producers that reflect the different geographic areas and
- 348 demographic diversity of the state to the greatest extent possible;
- 349 (f) identifying key questions and areas of need to recommend for future research and
- 350 demonstration efforts;
- 351 (g) reviewing soil health grant proposals, including proposed budgets, proposed grant
- 352 outcomes, and the qualifications of any nonprofits applying for grants;
- 353 (h) creating a screening and ranking system for proposals and proposing funding
- 354 recommendations to the commission;
- 355 (i) reviewing agreements for cooperation or collaboration entered into by the
- 356 department pursuant to Subsection 4-18-305(1)(f) and making recommendations to the
- 357 commission for approval;
- 358 (j) reviewing and recommending soil health practices to ensure they support soil
- 359 health;
- 360 (k) evaluating the results and effectiveness of soil health activities and the program in
- 361 improving soil health; and
- 362 (l) recommending to the commission, ways to enhance statewide efforts to support
- 363 healthy soils throughout the state.
- 364 (13) The Soil Health Advisory Committee shall meet at least quarterly. Meetings shall
- 365 be conducted as required by Title 52, Chapter 4, Open and Public Meetings Act.

366 (14) A member may not receive compensation or benefits for the member's service, but
367 may receive per diem and travel expenses in accordance with:

368 (a) Section 63A-3-106;

369 (b) Section 63A-3-107; and

370 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
371 63A-3-107.

372 Section 4. Section 13-23-4 is amended to read:

373 **13-23-4. Rescission.**

374 (1) A consumer may rescind a contract for the purchase of a health spa service by
375 emailing or mailing written notice of the consumer's intent to rescind:

376 (a) to the email address or mailing address the health spa provided in the contract, as
377 described in Subsection [~~13-23-4(6)(b)~~] 13-23-3(6)(b); and

378 (b) (i) before midnight of the third business day after the day on which the consumer
379 and health spa execute the contract, as recorded by timestamp or postmark; or

380 (ii) if a consumer and health spa execute the contract when the consumer's primary
381 location is not fully operational and available for use, before midnight of the third business day
382 after the day on which the consumer's primary location becomes fully operational and available
383 for use, as recorded by timestamp or postmark.

384 (2) (a) A consumer who rescinds a contract under this section is entitled to a refund of
385 every payment the consumer made, less the reasonable value of any health spa service the
386 consumer actually received.

387 (b) The preparation and processing of the contract or another document is not a health
388 spa service that is deductible under Subsection (2)(a) from any refundable amount.

389 (c) In an enforcement action that the division initiates, a health spa has the burden of
390 proving that any value the health spa retains under Subsection (2)(a) is reasonable.

391 (3) The rescission of a contract under this section is effective upon the health spa's
392 receipt of written notice of the consumer's intent to rescind the contract.

393 Section 5. Section 13-32a-106 is amended to read:

394 **13-32a-106. Transaction information provided to the central database --**
395 **Protected information.**

396 (1) (a) Except as provided in Subsection 13-32a-104.6(4), a pawn or secondhand
397 business shall transmit electronically in a compatible format information required to be
398 recorded under Sections [~~13-32a-103;~~] 13-32a-104, 13-32a-104.5, and 13-32a-104.6 that is
399 capable of being transmitted electronically to the central database within 24 hours after
400 entering into the transaction.

401 (b) The division may specify by rule, made in accordance with Title 63G, Chapter 3,
402 Utah Administrative Rulemaking Act, the information capable of being transmitted
403 electronically under Subsection (1)(a).

404 (2) A pawn or secondhand business shall maintain tickets generated by the pawn or
405 secondhand business and shall maintain the tickets in a manner so that the tickets are available
406 to local law enforcement agencies as required by this chapter and as requested by any law
407 enforcement agency as part of an investigation or reasonable random inspection conducted
408 pursuant to this chapter.

409 (3) (a) If a pawn or secondhand business experiences a computer or electronic
410 malfunction that affects its ability to report transactions as required in Subsection (1), the pawn
411 or secondhand business shall immediately notify the division and the local law enforcement
412 agency of the malfunction.

413 (b) The pawn or secondhand business shall solve the malfunction within three business
414 days or notify the division and the local law enforcement agency under Subsection (4).

415 (4) If the computer or electronic malfunction under Subsection (3) cannot be solved
416 within three business days, the pawn or secondhand business shall notify the division and the
417 local law enforcement agency of the reasons for the delay and provide documentation from a
418 reputable computer maintenance company of the reasons why the computer or electronic
419 malfunction cannot be solved within three business days.

420 (5) A computer or electronic malfunction does not suspend the pawn or secondhand
421 business' obligation to comply with all other provisions of this chapter.

422 (6) During the malfunction under Subsections (3) and (4), the pawn or secondhand
423 business shall:

424 (a) arrange with the local law enforcement agency a mutually acceptable alternative
425 method by which the pawn or secondhand business provides the required information to the
426 local law enforcement agency; and

427 (b) a pawn or secondhand business shall maintain the tickets and other related
428 information required under this chapter in a written form.

429 (7) A pawn or secondhand business that violates the electronic transaction reporting
430 requirement of this section is subject to an administrative fine of \$50 per day if:

431 (a) the pawn or secondhand business is unable to submit the information electronically
432 due to a computer or electronic malfunction;

433 (b) the three business day period under Subsection (3) has expired; and

434 (c) the pawn or secondhand business has not provided documentation regarding its
435 inability to solve the malfunction as required under Subsection (4).

436 (8) A pawn or secondhand business is not responsible for a delay in transmission of
437 information that results from a malfunction in the central database.

438 (9) A violation of this section is a Class B misdemeanor and is also subject to civil
439 penalties under Section [13-32a-110](#).

440 Section 6. Section **13-32a-109** is amended to read:

441 **13-32a-109. Holding period for property -- Return of property -- Penalty.**

442 (1) (a) A pawnbroker may sell property pawned to the pawnbroker if:

443 (i) 15 calendar days have passed after the day on which the pawnbroker submits the
444 information and any required photograph to the central database;

445 (ii) the contract period between the pawnbroker and the pledgor expires; and

446 (iii) the pawnbroker has complied with Sections [~~13-32a-103~~], [13-32a-104](#)[;] and
447 [13-32a-106](#).

448 (b) If property, including scrap jewelry, is purchased by a pawn or secondhand
449 business, the pawn or secondhand business may sell the property if the pawn or secondhand

450 business has held the property for 15 calendar days after the day on which the pawn or
451 secondhand business submits the information to the central database, and complied with
452 Sections [~~13-32a-103~~], 13-32a-104, 13-32a-104.6, and 13-32a-106, except that the pawn or
453 secondhand business is not required to hold precious metals or numismatic items under this
454 Subsection (1)(b).

455 (c) (i) This Subsection (1) does not preclude a law enforcement agency from requiring
456 a pawn or secondhand business to hold property if necessary in the course of an investigation.

457 (ii) If the property is pawned, the law enforcement agency may require the property be
458 held beyond the terms of the contract between the pledgor and the pawnbroker.

459 (iii) If the property is sold to the pawn or secondhand business, the law enforcement
460 agency may require the property be held if the pawn or secondhand business has not sold the
461 article.

462 (d) If the law enforcement agency requesting a hold on property under this Subsection
463 (1) is not the local law enforcement agency, the requesting law enforcement agency shall notify
464 the local law enforcement agency of the request and also the pawn or secondhand business.

465 (2) If a law enforcement agency requires the pawn or secondhand business to hold
466 property as part of an investigation, the law enforcement agency shall provide to the pawn or
467 secondhand business a hold form issued by the law enforcement agency, that:

468 (a) states the active case number;

469 (b) confirms the date of the hold request and the property to be held; and

470 (c) facilitates the ability of the pawn or secondhand business to track the property when
471 the prosecution takes over the case.

472 (3) If property is not seized by a law enforcement agency that has placed a hold on the
473 property, the property shall remain in the custody of the pawn or secondhand business until
474 further disposition by the law enforcement agency, and as consistent with this chapter.

475 (4) The initial hold by a law enforcement agency is for a period of 90 days. If the
476 property is not seized by the law enforcement agency, the property shall remain in the custody
477 of the pawn or secondhand business and is subject to the hold unless exigent circumstances

478 require the property to be seized by the law enforcement agency.

479 (5) (a) A law enforcement agency may extend any hold for up to an additional 90 days
480 if circumstances require the extension.

481 (b) If there is an extension of a hold under Subsection (5)(a), the requesting law
482 enforcement agency shall notify the pawn or secondhand business that is subject to the hold
483 prior to the expiration of the initial 90 days.

484 (c) A law enforcement agency may not hold an item for more than the 180 days
485 allowed under Subsections (5)(a) and (b) without obtaining a court order authorizing the hold.

486 (6) A hold on property under Subsection (2) takes precedence over any request to claim
487 or purchase the property subject to the hold.

488 (7) If an original victim who has complied with Section [13-32a-115](#) has not been
489 identified and the hold or seizure of the property is terminated, the law enforcement agency
490 requiring the hold or seizure shall within 15 business days after the termination:

491 (a) notify the pawn or secondhand business in writing that the hold or seizure has been
492 terminated;

493 (b) return the property subject to the seizure to the pawn or secondhand business; or

494 (c) if the property is not returned to the pawn or secondhand business, advise the pawn
495 or secondhand business either in writing or electronically of the specific alternative disposition
496 of the property.

497 (8) (a) If the original victim who has complied with Section [13-32a-115](#) has been
498 identified and the hold or seizure of property is terminated, the law enforcement agency
499 requiring the hold or seizure shall:

500 (i) document the original victim who has positively identified the property; and

501 (ii) provide the documented information concerning the original victim to the
502 prosecuting agency to determine whether continued possession of the property is necessary for
503 purposes of prosecution, as provided in Section [24-3-103](#).

504 (b) If the prosecuting agency determines that continued possession of the property is
505 not necessary for purposes of prosecution, as provided in Section [24-3-103](#), the prosecuting

506 agency shall provide a written or electronic notification to the law enforcement agency that
507 authorizes the return of the property to an original victim who has complied with Section
508 [13-32a-115](#).

509 (c) (i) A law enforcement agency shall promptly provide notice to the pawn or
510 secondhand business of the authorized return of the property under this Subsection (8).

511 (ii) The notice shall identify the original victim, advise the pawn or secondhand
512 business that the original victim has identified the property, and direct the pawn or secondhand
513 business to release the property to the original victim at no cost to the original victim.

514 (iii) If the property was seized, the notice shall advise that the property will be returned
515 to the original victim within 15 days after the day on which the pawn or secondhand business
516 receives the notice, except as provided under Subsection (8)(d).

517 (d) The pawn or secondhand business shall release property under Subsection (8)(c)
518 unless within 15 days of receiving the notice the pawn or secondhand business complies with
519 Section [13-32a-116.5](#).

520 (9) If the law enforcement agency does not notify the pawn or secondhand business
521 that a hold on the property has expired, the pawn or secondhand business shall send a letter by
522 registered or certified mail to the law enforcement agency that ordered the hold and inform the
523 agency that the holding period has expired. The law enforcement agency shall respond within
524 30 days by:

525 (a) confirming that the hold period has expired and that the pawn or secondhand
526 business may manage the property as if acquired in the ordinary course of business; or

527 (b) providing written notice to the pawn or secondhand business that a court order has
528 continued the period of time for which the item shall be held.

529 (10) The written notice under Subsection (9)(b) is considered provided when:

530 (a) personally delivered to the pawn or secondhand business with a signed receipt of
531 delivery;

532 (b) delivered to the pawn or secondhand business by registered or certified mail; or

533 (c) delivered by any other means with the mutual assent of the law enforcement agency

534 and the pawn or secondhand business.

535 (11) If the law enforcement agency does not respond within 30 days under Subsection
536 (9), the pawn or secondhand business may manage the property as if acquired in the ordinary
537 course of business.

538 (12) A violation of this section is a class B misdemeanor and is also subject to civil
539 penalties under Section 13-32a-110.

540 Section 7. Section 13-32a-116.5 is amended to read:

541 **13-32a-116.5. Contested disposition of property - Procedure.**

542 (1) If a pawn or secondhand business receives notice from a law enforcement agency
543 under Section 13-32a-109 that property that is the subject of a hold or seizure shall be returned
544 to an identified original victim, the pawn or secondhand business may contest the
545 determination and seek a specific alternative disposition if within 15 business days after the day
546 on which the pawn or secondhand business receives the notice:

547 (a) the pawn or secondhand business gives notice to the identified original victim, by
548 certified mail, that the pawn or secondhand business contests the determination to return the
549 property to the original victim; and

550 (b) the pawn or secondhand business files a petition in a court having jurisdiction over
551 the matter to determine rightful ownership of the property as provided in Section 24-3-104.

552 (2) A pawn or secondhand business is guilty of a class B misdemeanor if the pawn or
553 secondhand business:

554 (a) holds or sells property in violation of a notification from a law enforcement agency
555 that the property is to be returned to an original victim; and

556 (b) the pawn or secondhand business does not comply with the requirements of this
557 section within the time periods specified.

558 Section 8. Section 13-58-302 is amended to read:

559 **13-58-302. Cure of default.**

560 (1) If a motorboat dealer defaults as described in Section 13-58-301, the manufacturer
561 or distributor who is part of the agreement shall:

- 562 (a) give the dealer written notice of the dealer's default; and
- 563 (b) allow the dealer to cure the default within the period described in Subsection (2).
- 564 (2) A motorboat dealer may cure a default no later than:
- 565 (a) 30 days after the day on which the dealer receives the notice described in
- 566 Subsection (1), if the dealer defaulted as described in Subsection 13-58-301(1)(b) or (2);
- 567 (b) 60 days after the day on which the dealer receives the notice described in
- 568 Subsection (1), if the dealer defaulted as described in Subsection 13-58-301(1)(a)~~[-(d), or (e)]~~;
- 569 and
- 570 (c) 160 days after the day on which the dealer receives the notice described in
- 571 Subsection (1), if the dealer defaulted as described in Subsection 13-58-301(1)(c).

572 Section 9. Section 17-27a-1103 is amended to read:

573 **17-27a-1103. County adoption of a county large concentrated animal feeding**
574 **operation land use ordinance.**

575 (1) (a) The legislative body of a county desiring to restrict siting of large concentrated
576 animal feeding operations shall adopt a county large concentrated animal feeding operation
577 land use ordinance in accordance with this part by no later than February 1, 2022.

578 (b) A county may consider an application to locate large concentrated animal feeding
579 operations in the county before the county adopts the county large concentrated animal feeding
580 operation land use ordinance under this part.

581 (2) A county large concentrated animal feeding operation land use ordinance described
582 in Subsection (1) shall:

583 (a) designate geographic areas of sufficient size to support large concentrated animal
584 feeding operations, including state trust lands described in Subsection 53C-1-103(8) and
585 private property within the county, including adopting a map described in Section
586 17-27a-1104;

587 (b) establish requirements and procedures for applying for a land use decision that
588 provides a reasonable opportunity to operate large concentrated animal feeding operations
589 within the geographic area described in Subsection (2)(a);

590 (c) disclose fees imposed to apply for the land use decision described in Subsection
591 (2)(b);

592 (d) disclose any requirements in addition to fees described in Subsection (2)(c) to be
593 imposed by the county; and

594 (e) provide for administrative remedies consistent with this chapter.

595 (3) (a) This part does not authorize a county to regulate the operation of large
596 concentrated animal feeding operations in any way that conflicts with state or federal statutes
597 or regulations.

598 (b) Nothing in this part supersedes or authorizes enactment of an ordinance that
599 infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection
600 Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.

601 Section 10. Section **17-41-405** is amended to read:

602 **17-41-405. Eminent domain restrictions.**

603 (1) A political subdivision having or exercising eminent domain powers may not
604 condemn for any purpose any land within an agriculture protection area that is being used for
605 agricultural production, land within an industrial protection area that is being put to an
606 industrial use, or land within a critical infrastructure materials protection area, unless the
607 political subdivision obtains approval, according to the procedures and requirements of this
608 section, from the applicable legislative body and the advisory board.

609 (2) Any condemnor wishing to condemn property within an agriculture protection area,
610 industrial protection area, or critical infrastructure materials protection area shall file a notice
611 of condemnation with the applicable legislative body and the relevant protection area's advisory
612 board at least 30 days before filing an eminent domain complaint.

613 (3) The applicable legislative body and the advisory board shall:

614 (a) hold a joint public hearing on the proposed condemnation at a location within the
615 county in which the relevant protection area is located; and

616 (b) post notice of the time, date, place, and purpose of the public hearing:

617 (i) on the Utah Public Notice Website created in Section [63A-16-601](#); and

618 (ii) in five conspicuous public places, designated by the applicable legislative body,
619 within or near the relevant protection area.

620 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or
621 liquid waste materials, the applicable legislative body and the advisory board may approve the
622 condemnation only if there is no reasonable and prudent alternative to the use of the land
623 within the agriculture protection area, industrial protection area, or critical infrastructure
624 materials protection area for the project.

625 (b) If the condemnation is for any other purpose, the applicable legislative body and the
626 advisory board may approve the condemnation only if:

627 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
628 preservation and enhancement of:

629 (A) agriculture within the agriculture protection area;

630 (B) the industrial use within the industrial protection area; or

631 (C) critical infrastructure materials operations within the critical infrastructure
632 materials protection area; or

633 (ii) there is no reasonable and prudent alternative to the use of the land within the
634 relevant protection area for the project.

635 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
636 legislative body and the advisory board shall approve or reject the proposed condemnation.

637 (b) If the applicable legislative body and the advisory board fail to act within the 60
638 days or such further time as the applicable legislative body establishes, the condemnation shall
639 be considered rejected.

640 (6) The applicable legislative body or the advisory board may request the county or
641 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
642 this section.

643 Section 11. Section **20A-7-307** is amended to read:

644 **20A-7-307. Evaluation by the lieutenant governor.**

645 (1) When the lieutenant governor receives a referendum packet from a county clerk, the

646 lieutenant governor shall record the number of the referendum packet received.

647 (2) (a) The county clerk shall:

648 (i) post the names and voter identification numbers described in Subsection
649 [20A-7-306](#)~~(3)~~(2)(c) on the lieutenant governor's website, in a conspicuous location
650 designated by the lieutenant governor, for at least 45 days; and

651 (ii) update on the lieutenant governor's website the number of signatures certified as of
652 the date of the update.

653 (b) The lieutenant governor:

654 (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient
655 or insufficient 106 days after the end of the legislative session at which the law passed; or

656 (ii) may declare the petition to be insufficient before the day described in Subsection
657 (2)(b)(i) if:

658 (A) the total of all valid signatures on timely and lawfully submitted signature packets
659 that have been certified by the county clerks, plus the number of signatures on timely and
660 lawfully submitted signature packets that have not yet been evaluated for certification, is less
661 than the number of names required under Section [20A-7-301](#); or

662 (B) a requirement of this part has not been met.

663 (c) If the total number of names certified under this Subsection (2) equals or exceeds
664 the number of names required under Section [20A-7-301](#), and the requirements of this part are
665 met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

666 (d) If the total number of names certified under this Subsection (2) does not equal or
667 exceed the number of names required under Section [20A-7-301](#) or a requirement of this part is
668 not met, the lieutenant governor shall mark upon the front of the petition the word
669 "insufficient."

670 (e) The lieutenant governor shall immediately notify any one of the sponsors of the
671 lieutenant governor's finding.

672 (f) After a petition is declared insufficient, a person may not submit additional
673 signatures to qualify the petition for the ballot.

674 (3) (a) If the lieutenant governor refuses to accept and file a referendum that a voter
675 believes is legally sufficient, the voter may, no later than 10 days after the day on which the
676 lieutenant governor declares the petition insufficient, apply to the appropriate court for an
677 extraordinary writ to compel the lieutenant governor to accept and file the referendum petition.

678 (b) If the court determines that the referendum petition is legally sufficient, the
679 lieutenant governor shall file the petition, with a verified copy of the judgment attached to the
680 referendum petition, as of the date on which the petition was originally offered for filing in the
681 lieutenant governor's office.

682 (c) If the court determines that a petition filed is not legally sufficient, the court may
683 enjoin the lieutenant governor and all other officers from certifying or printing the ballot title
684 and numbers of that measure on the official ballot.

685 (4) A petition determined to be sufficient in accordance with this section is qualified
686 for the ballot.

687 Section 12. Section **20A-7-607** is amended to read:

688 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**
689 **referendum.**

690 (1) When the local clerk receives a referendum packet from a county clerk, the local
691 clerk shall record the number of the referendum packet received.

692 (2) (a) The county clerk shall:

693 (i) post the names and voter identification numbers described in Subsection
694 [20A-7-606\(3\)\(c\)](#) on the lieutenant governor's website, in a conspicuous location designated by
695 the lieutenant governor, for at least 45 days; and

696 (ii) update on the local clerk's website the number of signatures certified as of the date
697 of the update.

698 (b) The local clerk:

699 (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient
700 or insufficient no later than 111 days after the day of the deadline, described in Subsection
701 [20A-7-606\(1\)](#), to submit a referendum packet to the county clerk; or

702 (ii) may declare the petition to be insufficient before the day described in Subsection
703 (2)(b)(i) if:

704 (A) the total of all valid signatures on timely and lawfully submitted signature packets
705 that have been certified by the county clerk, plus the number of signatures on timely and
706 lawfully submitted signature packets that have not yet been evaluated for certification, is less
707 than the number of names required under Section 20A-7-601; or

708 (B) a requirement of this part has not been met.

709 (c) If the total number of names certified under this Subsection (2) equals or exceeds
710 the number of names required under Section 20A-7-601, and the requirements of this part are
711 met, the local clerk shall mark upon the front of the petition the word "sufficient";

712 (d) If the total number of names certified under this Subsection (2) does not equal or
713 exceed the number of names required under Section 20A-7-601 or a requirement of this part is
714 not met, the local clerk shall mark upon the front of the petition the word "insufficient."

715 (e) The local clerk shall immediately notify any one of the sponsors of the local clerk's
716 finding.

717 (f) After a petition is declared insufficient, a person may not submit additional
718 signatures to qualify the petition for the ballot.

719 (3) (a) If the local clerk refuses to accept and file any referendum petition, any voter
720 may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days
721 after the refusal.

722 (b) If the court determines that the referendum petition is legally sufficient, the local
723 clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of
724 the date on which the petition was originally offered for filing in the local clerk's office.

725 (c) If the court determines that any petition filed is not legally sufficient, the court may
726 enjoin the local clerk and all other officers from:

727 (i) certifying or printing the ballot title and numbers of that measure on the official
728 ballot for the next election; or

729 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing,

730 or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.

731 (4) A petition determined to be sufficient in accordance with this section is qualified
732 for the ballot.

733 (5) (a) Except as provided in Subsection [~~(6)~~] (5)(b) or (c), if a referendum relates to
734 legislative action taken after April 15, the election officer may not place the referendum on an
735 election ballot until a primary election, a general election, or a special election the following
736 year.

737 (b) The election officer may place a referendum described in Subsection [~~(6)~~] (5)(a) on
738 the ballot for a special, primary, or general election held during the year that the legislative
739 action was taken if the following agree, in writing, on a timeline to place the referendum on
740 that ballot:

- 741 (i) the local clerk;
- 742 (ii) the county clerk; and
- 743 (iii) the attorney for the county or municipality that took the legislative action.

744 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
745 determines that the total number of certified names equals or exceeds the number of signatures
746 required in Section 20A-7-601, the election officer shall place the referendum on the election
747 ballot for:

- 748 (i) the next general election; or
- 749 (ii) another election, if the following agree, in writing, on a timeline to place the
750 referendum on that ballot:

- 751 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
- 752 (B) the local clerk;
- 753 (C) the county clerk; and
- 754 (D) the attorney for the county or municipality that took the legislative action.

755 Section 13. Section 20A-20-203 is amended to read:

756 **20A-20-203. Exemptions from and applicability of certain legal requirements --**
757 **Risk management -- Code of ethics.**

758 (1) The commission is exempt from:
759 (a) except as provided in Subsection (3), Title 63A, Utah Government Operations
760 Code;
761 (b) Title 63G, Chapter 4, Administrative Procedures Act; and
762 (c) Title 63A, Chapter 17, Utah State Personnel Management Act.
763 (2) (a) The commission shall adopt budgetary procedures, accounting, and personnel
764 and human resource policies substantially similar to those from which the commission is
765 exempt under Subsection (1).
766 (b) The commission is subject to:
767 (i) Title 52, Chapter 4, Open and Public Meetings Act;
768 (ii) [~~Title 63A, Chapter 1, Part 2,~~] Section 67-3-12 relating to the Utah [~~Public Finance~~
769 ~~Website~~] public finance website;
770 (iii) Title 63G, Chapter 2, Government Records Access and Management Act;
771 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and
772 (v) Title 63J, Chapter 1, Budgetary Procedures Act.
773 (3) Subject to the requirements of Subsection 63E-1-304(2), the commission may
774 participate in coverage under the Risk Management Fund created by Section 63A-4-201.
775 (4) (a) The commission may, by majority vote, adopt a code of ethics.
776 (b) The commission, and the commission's members and employees, shall comply with
777 a code of ethics adopted under Subsection (4)(a).
778 (c) The executive director of the commission shall report a commission member's
779 violation of a code of ethics adopted under Subsection (4)(a) to the appointing authority of the
780 commission member.
781 (d) (i) A violation of a code of ethics adopted under Subsection (4)(a) constitutes cause
782 to remove a member from the commission under Subsection 20A-20-201(3)(b).
783 (ii) An act or omission by a member of the commission need not constitute a violation
784 of a code of ethics adopted under Subsection (4)(a) to be grounds to remove a member of the
785 commission for cause.

786 Section 14. Section **24-2-104** is amended to read:

787 **24-2-104. Custody of seized property and contraband.**

788 (1) If a peace officer seizes property or contraband under Section **24-2-102**, the
789 property and contraband:

790 (a) is not recoverable by replevin; and

791 (b) is considered in the custody of the agency that employed the peace officer.

792 (2) An agency with custody of seized property shall:

793 (a) hold the property in safe custody until the property is released or disposed of in
794 accordance with this title; and

795 (b) maintain a record of the property, including:

796 (i) a detailed inventory of all property seized;

797 (ii) the name of the person from ~~whom~~ which the property was seized; and

798 (iii) the agency's case number.

799 (3) An agency may process property or contraband that is seized by a peace officer for
800 evidentiary or investigative purposes, including sampling or other preservation procedure,
801 before disposal or destruction.

802 (4) (a) Except as provided in Subsection (4)(b), no later than 30 days after the day on
803 which a peace officer seizes property in the form of cash or other readily negotiable
804 instruments under Section **24-2-102**, an agency shall deposit the property into a separate,
805 restricted, interest-bearing account maintained by the agency solely for the purpose of
806 managing and protecting the property from commingling, loss, or devaluation.

807 (b) A prosecuting attorney may authorize one or more written extensions of the 30-day
808 period under Subsection (4)(a) if the property needs to maintain the form in which the property
809 was seized for evidentiary purposes or other good cause.

810 (c) An agency shall:

811 (i) have written policies for the identification, tracking, management, and safekeeping
812 of seized property; and

813 (ii) shall have a written policy that prohibits the transfer, sale, or auction of seized

814 property to an employee of the agency.

815 Section 15. Section **24-3-101.5** is amended to read:

816 **24-3-101.5. Application of this chapter.**

817 The provisions of this chapter do not apply to property for which an agency has filed a
818 notice of intent to seek forfeiture under Section [~~23-4-103~~] [24-4-103](#).

819 Section 16. Section **24-4-102** is amended to read:

820 **24-4-102. Property subject to forfeiture.**

821 (1) Except as provided in Subsection (2), (3), or (4), an agency may seek to forfeit:

822 (a) seized property that was used to facilitate the commission of an offense that is a
823 violation of federal or state law; and

824 (b) seized proceeds.

825 (2) If seized property is used to facilitate an offense that is a violation of Section

826 [76-10-1204](#), [76-10-1205](#), [76-10-1206](#), or [76-10-1222](#), an agency may not forfeit the property if

827 the forfeiture would constitute a prior restraint on the exercise of an affected party's rights

828 under the First Amendment to the Constitution of the United States or Utah Constitution,

829 Article I, Section 15, or would otherwise unlawfully interfere with the exercise of the party's

830 rights under the First Amendment to the Constitution of the United States or Utah Constitution,

831 Article I, Section 15.

832 (3) If a motor vehicle is used in an offense that is a violation of Section [41-6a-502](#),

833 [41-6a-517](#), a local ordinance that complies with the requirements of Subsection [41-6a-510\(1\)](#),

834 Subsection [58-37-8\(2\)\(g\)](#), or Section [76-5-207](#), an agency may not seek forfeiture of the motor

835 vehicle, unless:

836 (a) the operator of the vehicle has previously been convicted of an offense committed
837 after May 12, 2009, that is:

838 (i) a felony driving under the influence violation under Section [41-6a-502](#);

839 (ii) a felony violation under Subsection [58-37-8\(2\)\(g\)](#); or

840 (iii) automobile homicide under Section [76-5-207](#); or

841 (b) the operator of the vehicle was driving on a denied, suspended, revoked, or

842 disqualified license and:

843 (i) the denial, suspension, revocation, or disqualification under Subsection (3)(b)(ii)

844 was imposed because of a violation under:

845 (A) Section 41-6a-502;

846 (B) Section 41-6a-517;

847 (C) a local ordinance that complies with the requirements of Subsection 41-6a-510(1);

848 (D) Section 41-6a-520;

849 (E) Subsection 58-37-8(2)(g);

850 (F) Section 76-5-207; or

851 (G) a criminal prohibition as a result of a plea bargain after having been originally

852 charged with violating one or more of the sections or ordinances described in Subsections

853 (3)(b)(i)(A) through (F); or

854 (ii) the denial, suspension, revocation, or disqualification described in Subsections

855 (3)(b)(i)(A) through (G):

856 (A) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension,
857 revocation, or disqualification; and

858 (B) the original denial, suspension, revocation, or disqualification was imposed
859 because of a violation described in Subsections (3)(b)(i)(A) through (G).

860 (4) If a peace officer seizes property incident to an arrest solely for possession of a

861 controlled substance under Subsection 58-37-8(2)(a)(i) but not Subsection [53-37-8]

862 58-37-8(2)(b)(i), an agency may not seek to forfeit the property that was seized in accordance
863 with the arrest.

864 Section 17. Section 24-4-118 is amended to read:

865 **24-4-118. Forfeiture reporting requirements.**

866 (1) An agency shall provide all reasonably available data described in Subsection (5):

867 (a) if transferring the forfeited property resulting from the final disposition of any civil
868 or criminal forfeiture matter to the commission as required under Subsection 24-4-115(5); or

869 (b) if the agency has been awarded an equitable share of property forfeited by the

870 federal government.

871 (2) The commission shall develop a standardized report format that each agency shall
872 use in reporting the data required under this section.

873 (3) The commission shall annually, on or before April 30, prepare a summary report of
874 the case data submitted by each agency under Subsection (1) during the prior calendar year.

875 (4) (a) If an agency does not comply with the reporting requirements under this section,
876 the commission shall contact the agency and request that the agency comply with the required
877 reporting provisions.

878 (b) If an agency fails to comply with the reporting requirements under this section
879 within 30 days after receiving the request to comply, the commission shall report the
880 noncompliance to the attorney general, the speaker of the House of Representatives, and the
881 president of the Senate.

882 (5) The data for any civil or criminal forfeiture matter for which final disposition has
883 been made under Subsection (1) shall include:

884 (a) the agency that conducted the seizure;

885 (b) the case number or other identification;

886 (c) the date or dates on which the seizure was conducted;

887 (d) the number of individuals having a known property interest in each seizure of
888 property;

889 (e) the type of property seized;

890 (f) the alleged offense that was the cause for seizure of the property;

891 (g) whether any criminal charges were filed regarding the alleged offense, and if so, the
892 final disposition of each charge, including the conviction, acquittal, or dismissal, or whether
893 action on a charge is pending;

894 (h) the type of enforcement action that resulted in the seizure, including an
895 enforcement stop, a search warrant, or an arrest warrant;

896 (i) whether the forfeiture procedure was civil or criminal;

897 (j) the value of the property seized, including currency and the estimated market value

898 of any tangible property;

899 (k) the final disposition of the matter, including whether final disposition was entered
900 by stipulation of the parties, including the amount of property returned to any claimant, by
901 default, by summary judgment, by jury award, or by guilty plea or verdict in a criminal
902 forfeiture;

903 (l) if the property was forfeited by the federal government, the amount of forfeited
904 money awarded to the agency;

905 (m) the agency's direct costs, expense of reporting under this section, and expenses for
906 obtaining and maintaining the seized property, as described in Subsection 24-4-115(3)(a);

907 (n) the legal costs and attorney fees paid to the prosecuting attorney, as described in
908 Subsection 24-4-115(3)(b); and

909 (o) if the property was transferred to a federal agency or any governmental entity not
910 created under and subject to state law:

911 (i) the date of the transfer;

912 (ii) the name of the federal agency or entity to which the property was transferred;

913 (iii) a reference to which reason under Subsection 24-2-106(3) justified the transfer;

914 (iv) the court or agency where the forfeiture case was heard;

915 (v) the date of the order of transfer of the property; and

916 (vi) the value of the property transferred to the federal agency, including currency and
917 the estimated market value of any tangible property.

918 (6) An agency shall annually on or before April 30 submit a report for the prior
919 calendar year to the commission that states:

920 (a) whether the agency received an award from the State Asset Forfeiture Grant
921 Program under Section 24-4-117 and, if so, the following information for each award:

922 (i) the amount of the award;

923 (ii) the date of the award;

924 (iii) how the award was used or is planned to be used; and

925 (iv) a statement signed by both the agency's executive officer or designee and by the

926 agency's legal counsel, that:

927 (A) the agency has complied with all inventory, policy, and reporting requirements
928 under Section [24-4-117](#); and

929 (B) all awards were used for crime reduction or law enforcement purposes as specified
930 in the application and that the awards were used only upon approval by the agency's legislative
931 body; and

932 (b) whether the agency received any property, money, or other things of value in
933 accordance with federal law as described in Subsection [~~24-2-106(6)~~] [24-2-105\(7\)](#) and, if so,
934 the following information for each piece of property, money, or other thing of value:

935 (i) the case number or other case identification;

936 (ii) the value of the award and the property, money, or other things of value received by
937 the agency;

938 (iii) the date of the award;

939 (iv) the identity of any federal agency involved in the forfeiture;

940 (v) how the awarded property has been used or is planned to be used; and

941 (vi) a statement signed by both the agency's executive officer or designee and by the
942 agency's legal counsel, that the agency has only used the award for crime reduction or law
943 enforcement purposes authorized under Section [24-4-117](#), and that the award was used only
944 upon approval by the agency's legislative body.

945 (7) (a) On or before July 1 of each year, the commission shall submit notice of the
946 annual reports in Subsection (3) and Subsection (6), in electronic format, to:

947 (i) the attorney general;

948 (ii) the speaker of the House of Representatives, for referral to any House standing or
949 interim committees with oversight over law enforcement and criminal justice;

950 (iii) the president of the Senate, for referral to any Senate standing or interim
951 committees with oversight over law enforcement and criminal justice; and

952 (iv) each law enforcement agency.

953 (b) The reports described in Subsection (3) and Subsection (6), as well as the

954 individual case data described in Subsection (1) for the previous calendar year, shall be
955 published on the Utah Open Government website at open.utah.gov on or before July 15 of each
956 year.

957 Section 18. Section **26-8a-413** is amended to read:

958 **26-8a-413. License renewals.**

959 (1) A licensed provider desiring to renew its license shall meet the renewal
960 requirements established by department rule.

961 (2) The department shall issue a renewal license for a ground ambulance provider or a
962 paramedic provider upon the licensee's application for a renewal and without a public hearing
963 if:

964 (a) the applicant was licensed under the provisions of Sections 26-8a-406 through
965 26-8a-409; and

966 (b) there has been:

967 (i) no change in controlling interest in the ownership of the licensee as defined in
968 Section 26-8a-415;

969 (ii) no serious, substantiated public complaints filed with the department against the
970 licensee during the term of the previous license;

971 (iii) no material or substantial change in the basis upon which the license was
972 originally granted;

973 (iv) no reasoned objection from the committee or the department; and

974 (v) no change to the license type.

975 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
976 provisions of Sections 26-8a-405.1 and 26-8a-405.2.

977 (ii) A provider may renew its license if the provisions of Subsections (1)~~], (2)(a)~~
978 ~~through (d),] and (2)~~ and this Subsection (3) are met.

979 (b) (i) The department shall issue a renewal license to a provider upon the provider's
980 application for renewal for one additional four-year term if the political subdivision certifies to
981 the department that the provider has met all of the specifications of the original bid.

982 (ii) If the political subdivision does not certify to the department that the provider has
983 met all of the specifications of the original bid, the department may not issue a renewal license
984 and the political subdivision shall enter into a public bid process under Sections 26-8a-405.1
985 and 26-8a-405.2.

986 (c) (i) The department shall issue an additional renewal license to a provider who has
987 already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if
988 the department and the political subdivision do not receive, prior to the expiration of the
989 provider's license, written notice from an approved applicant informing the political
990 subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic
991 service.

992 (ii) If the department and the political subdivision receive the notice in accordance with
993 Subsection (3)(c)(i), the department may not issue a renewal license and the political
994 subdivision shall enter into a public bid process under Sections 26-8a-405.1 and 26-8a-405.2.

995 (4) The department shall issue a renewal license for an air ambulance provider upon
996 the licensee's application for renewal and completion of the renewal requirements established
997 by department rule.

998 Section 19. Section 26-18-503 is amended to read:

999 **26-18-503. Authorization to renew, transfer, or increase Medicaid certified**
1000 **programs -- Reimbursement methodology.**

1001 (1) (a) The division may renew Medicaid certification of a certified program if the
1002 program, without lapse in service to Medicaid recipients, has its nursing care facility program
1003 certified by the division at the same physical facility as long as the licensed and certified bed
1004 capacity at the facility has not been expanded, unless the director has approved additional beds
1005 in accordance with Subsection (5).

1006 (b) The division may renew Medicaid certification of a nursing care facility program
1007 that is not currently certified if:

1008 (i) since the day on which the program last operated with Medicaid certification:

1009 (A) the physical facility where the program operated has functioned solely and

1010 continuously as a nursing care facility; and

1011 (B) the owner of the program has not, under this section or Section 26-18-505,
1012 transferred to another nursing care facility program the license for any of the Medicaid beds in
1013 the program; and

1014 (ii) except as provided in Subsection 26-18-502(4), the number of beds granted
1015 renewed Medicaid certification does not exceed the number of beds certified at the time the
1016 program last operated with Medicaid certification, excluding a period of time where the
1017 program operated with temporary certification under Subsection 26-18-504(3).

1018 (2) (a) The division may issue a Medicaid certification for a new nursing care facility
1019 program if a current owner of the Medicaid certified program transfers its ownership of the
1020 Medicaid certification to the new nursing care facility program and the new nursing care
1021 facility program meets all of the following conditions:

1022 (i) the new nursing care facility program operates at the same physical facility as the
1023 previous Medicaid certified program;

1024 (ii) the new nursing care facility program gives a written assurance to the director in
1025 accordance with Subsection (4);

1026 (iii) the new nursing care facility program receives the Medicaid certification within
1027 one year of the date the previously certified program ceased to provide medical assistance to a
1028 Medicaid recipient; and

1029 (iv) the licensed and certified bed capacity at the facility has not been expanded, unless
1030 the director has approved additional beds in accordance with Subsection (5).

1031 (b) A nursing care facility program that receives Medicaid certification under the
1032 provisions of Subsection (2)(a) does not assume the Medicaid liabilities of the previous nursing
1033 care facility program if the new nursing care facility program:

1034 (i) is not owned in whole or in part by the previous nursing care facility program; or

1035 (ii) is not a successor in interest of the previous nursing care facility program.

1036 (3) The division may issue a Medicaid certification to a nursing care facility program
1037 that was previously a certified program but now resides in a new or renovated physical facility

1038 if the nursing care facility program meets all of the following:

1039 (a) the nursing care facility program met all applicable requirements for Medicaid
1040 certification at the time of closure;

1041 (b) the new or renovated physical facility is in the same county or within a five-mile
1042 radius of the original physical facility;

1043 (c) the time between which the certified program ceased to operate in the original
1044 facility and will begin to operate in the new physical facility is not more than three years,
1045 unless:

1046 (i) an emergency is declared by the president of the United States or the governor,
1047 affecting the building or renovation of the physical facility;

1048 (ii) the director approves an exception to the three-year requirement for any nursing
1049 care facility program within the three-year requirement;

1050 (iii) the provider submits documentation supporting a request for an extension to the
1051 director that demonstrates a need for an extension; and

1052 (iv) the exception does not extend for more than two years beyond the three-year
1053 requirement;

1054 (d) if Subsection (3)(c) applies, the certified program notifies the department within 90
1055 days after ceasing operations in its original facility, of its intent to retain its Medicaid
1056 certification;

1057 (e) the provider gives written assurance to the director in accordance with Subsection
1058 (4) that no third party has a legitimate claim to operate a certified program at the previous
1059 physical facility; and

1060 (f) the bed capacity in the physical facility has not been expanded unless the director
1061 has approved additional beds in accordance with Subsection (5).

1062 (4) (a) The entity requesting Medicaid certification under Subsections (2) and (3) shall
1063 give written assurances satisfactory to the director or the director's designee that:

1064 (i) no third party has a legitimate claim to operate the certified program;

1065 (ii) the requesting entity agrees to defend and indemnify the department against any

1066 claims by a third party who may assert a right to operate the certified program; and
1067 (iii) if a third party is found, by final agency action of the department after exhaustion
1068 of all administrative and judicial appeal rights, to be entitled to operate a certified program at
1069 the physical facility the certified program shall voluntarily comply with Subsection (4)(b).

1070 (b) If a finding is made under the provisions of Subsection (4)(a)(iii):

1071 (i) the certified program shall immediately surrender its Medicaid certification and
1072 comply with division rules regarding billing for Medicaid and the provision of services to
1073 Medicaid patients; and

1074 (ii) the department shall transfer the surrendered Medicaid certification to the third
1075 party who prevailed under Subsection (4)(a)(iii).

1076 (5) (a) The director may approve additional nursing care facility programs for Medicaid
1077 certification, or additional beds for Medicaid certification within an existing nursing care
1078 facility program, if a nursing care facility or other interested party requests Medicaid
1079 certification for a nursing care facility program or additional beds within an existing nursing
1080 care facility program, and the nursing care facility program or other interested party complies
1081 with this section.

1082 (b) The nursing care facility or other interested party requesting Medicaid certification
1083 for a nursing care facility program or additional beds within an existing nursing care facility
1084 program under Subsection (5)(a) shall submit to the director:

1085 (i) proof of the following as reasonable evidence that bed capacity provided by
1086 Medicaid certified programs within the county or group of counties impacted by the requested
1087 additional Medicaid certification is insufficient:

1088 (A) nursing care facility occupancy levels for all existing and proposed facilities will
1089 be at least 90% for the next three years;

1090 (B) current nursing care facility occupancy is 90% or more; or

1091 (C) there is no other nursing care facility within a 35-mile radius of the nursing care
1092 facility requesting the additional certification; and

1093 (ii) an independent analysis demonstrating that at projected occupancy rates the nursing

1094 care facility's after-tax net income is sufficient for the facility to be financially viable.

1095 (c) Any request for additional beds as part of a renovation project are limited to the
1096 maximum number of beds allowed in Subsection (7).

1097 (d) The director shall determine whether to issue additional Medicaid certification by
1098 considering:

1099 (i) whether bed capacity provided by certified programs within the county or group of
1100 counties impacted by the requested additional Medicaid certification is insufficient, based on
1101 the information submitted to the director under Subsection (5)(b);

1102 (ii) whether the county or group of counties impacted by the requested additional
1103 Medicaid certification is underserved by specialized or unique services that would be provided
1104 by the nursing care facility;

1105 (iii) whether any Medicaid certified beds are subject to a claim by a previous certified
1106 program that may reopen under the provisions of Subsections (2) and (3);

1107 (iv) how additional bed capacity should be added to the long-term care delivery system
1108 to best meet the needs of Medicaid recipients; and

1109 (v) (A) whether the existing certified programs within the county or group of counties
1110 have provided services of sufficient quality to merit at least a two-star rating in the Medicare
1111 Five-Star Quality Rating System over the previous three-year period; and

1112 (B) information obtained under Subsection (9).

1113 (6) The department shall adopt administrative rules in accordance with Title 63G,
1114 Chapter 3, Utah Administrative Rulemaking Act, to adjust the Medicaid nursing care facility
1115 property reimbursement methodology to:

1116 (a) only pay that portion of the property component of rates, representing actual bed
1117 usage by Medicaid clients as a percentage of the greater of:

1118 (i) actual occupancy; or

1119 (ii) (A) for a nursing care facility other than a facility described in Subsection
1120 (6)(a)(ii)(B), 85% of total bed capacity; or

1121 (B) for a rural nursing care facility, 65% of total bed capacity; and

1122 (b) not allow for increases in reimbursement for property values without major
1123 renovation or replacement projects as defined by the department by rule.

1124 (7) (a) Except as provided in Subsection 26-18-502(3)(~~c~~), if a nursing care facility
1125 does not seek Medicaid certification for a bed under Subsections (1) through (6), the
1126 department shall, notwithstanding Subsections 26-18-504(3)(a) and (b), grant Medicaid
1127 certification for additional beds in an existing Medicaid certified nursing care facility that has
1128 90 or fewer licensed beds, including Medicaid certified beds, in the facility if:

1129 (i) the nursing care facility program was previously a certified program for all beds but
1130 now resides in a new facility or in a facility that underwent major renovations involving major
1131 structural changes, with 50% or greater facility square footage design changes, requiring review
1132 and approval by the department;

1133 (ii) the nursing care facility meets the quality of care regulations issued by CMS; and

1134 (iii) the total number of additional beds in the facility granted Medicaid certification
1135 under this section does not exceed 10% of the number of licensed beds in the facility.

1136 (b) The department may not revoke the Medicaid certification of a bed under this
1137 Subsection (7) as long as the provisions of Subsection (7)(a)(ii) are met.

1138 (8) (a) If a nursing care facility or other interested party indicates in its request for
1139 additional Medicaid certification under Subsection (5)(a) that the facility will offer specialized
1140 or unique services, but the facility does not offer those services after receiving additional
1141 Medicaid certification, the director shall revoke the additional Medicaid certification.

1142 (b) The nursing care facility program shall obtain Medicaid certification for any
1143 additional Medicaid beds approved under Subsection (5) or (7) within three years of the date of
1144 the director's approval, or the approval is void.

1145 (9) (a) If the director makes an initial determination that quality standards under
1146 Subsection (5)(d)(v) have not been met in a rural county or group of rural counties over the
1147 previous three-year period, the director shall, before approving certification of additional
1148 Medicaid beds in the rural county or group of counties:

1149 (i) notify the certified program that has not met the quality standards in Subsection

1150 (5)(d)(v) that the director intends to certify additional Medicaid beds under the provisions of
1151 Subsection (5)(d)(v); and

1152 (ii) consider additional information submitted to the director by the certified program
1153 in a rural county that has not met the quality standards under Subsection (5)(d)(v).

1154 (b) The notice under Subsection (9)(a) does not give the certified program that has not
1155 met the quality standards under Subsection (5)(d)(v), the right to legally challenge or appeal the
1156 director's decision to certify additional Medicaid beds under Subsection (5)(d)(v).

1157 Section 20. Section **26-62-304** is amended to read:

1158 **26-62-304. Hearing -- Evidence of criminal conviction.**

1159 (1) At a civil hearing conducted under Section [26-62-302](#), evidence of the final
1160 criminal conviction of a tobacco retailer for violation of Section [76-10-114](#) at the same location
1161 and within the same time period as the location and time period alleged in the civil hearing for
1162 violation of this chapter for sale of a tobacco product, an electronic cigarette product, or a
1163 nicotine product to an individual under 21 years old is prima facie evidence of a violation of
1164 this chapter.

1165 (2) If the tobacco retailer is convicted of violating Section [76-10-114](#), the enforcing
1166 agency:

1167 (a) shall assess an additional monetary penalty under this chapter for the same offense
1168 for which the conviction was obtained; and

1169 (b) shall revoke or suspend a permit in accordance with Section [26-62-305](#) [~~or~~
1170 [26-62-402](#)].

1171 Section 21. Section **26-62-305** is amended to read:

1172 **26-62-305. Penalties.**

1173 (1) (a) If an enforcing agency determines that a person has violated the terms of a
1174 permit issued under this chapter, the enforcing agency may impose the penalties described in
1175 this section.

1176 (b) If multiple violations are found in a single inspection by an enforcing agency or a
1177 single investigation by a law enforcement agency under Section [77-39-101](#), the enforcing

1178 agency shall treat the multiple violations as one single violation under Subsections (2), (3), and
1179 (4).

1180 (2) Except as provided in Subsections (3) and (4), if a violation is found in an
1181 investigation by a law enforcement agency under Section 77-39-101 or an inspection by an
1182 enforcing agency, the enforcing agency shall:

1183 (a) on a first violation at a retail location, impose a penalty of \$1,000;

1184 (b) on a second violation at the same retail location that occurs within one year of a
1185 previous violation, impose a penalty of \$1,500;

1186 (c) on a third violation at the same retail location that occurs within two years after two
1187 previous violations, impose:

1188 (i) a suspension of the permit for 30 consecutive business days within 60 days after the
1189 day on which the third violation occurs; or

1190 (ii) a penalty of \$2,000; and

1191 (d) on a fourth or subsequent violation within two years of three previous violations:

1192 (i) impose a penalty of \$2,000;

1193 (ii) revoke a permit of the retailer; and

1194 (iii) if applicable, recommend to a municipality or county that a retail tobacco specialty
1195 business license issued under Section 10-8-41.6 or 17-50-333 be suspended or revoked.

1196 (3) If a violation is found in an investigation of a general tobacco retailer by a law
1197 enforcement agency under Section 77-39-101 for the sale of a tobacco product, an electronic
1198 cigarette product, or a nicotine product to an individual under 21 years old and the violation is
1199 committed by the owner of the general tobacco retailer, the enforcing agency shall:

1200 (a) on a first violation, impose a fine of \$2,000 on the general tobacco retailer; and

1201 (b) on the second violation for the same general tobacco retailer within one year of the
1202 first violation:

1203 (i) impose a fine of \$5,000; and

1204 (ii) revoke the permit for the general tobacco retailer.

1205 (4) If a violation is found in an investigation of a retail tobacco specialty business by a

1206 law enforcement agency under Section 77-39-101 for the sale of a tobacco product, an
1207 electronic cigarette product, or a nicotine product to an individual under 21 years old, the
1208 enforcing agency shall:

1209 (a) on the first violation:

1210 (i) impose a fine of \$5,000; and

1211 (ii) immediately suspend the permit for 30 consecutive days; and

1212 (b) on the second violation at the same retail location within two years of the first
1213 violation:

1214 (i) impose a fine of \$10,000; and

1215 (ii) revoke the permit for the retail tobacco specialty business.

1216 (5) (a) Except when a transfer described in Subsection (6) occurs, a local health
1217 department may not issue a permit to:

1218 (i) a tobacco retailer for whom a permit is suspended or revoked under Subsection (2)
1219 or (3) [~~or Section 26-62-402~~]; or

1220 (ii) a tobacco retailer that has the same proprietor, director, corporate officer, partner,
1221 or other holder of significant interest as another tobacco retailer for whom a permit is
1222 suspended or revoked under Subsection (2), (3), or (4).

1223 (b) A person whose permit:

1224 (i) is suspended under this section may not apply for a new permit for any other
1225 tobacco retailer for a period of 12 months after the day on which an enforcing agency suspends
1226 the permit; and

1227 (ii) is revoked under this section may not apply for a new permit for any tobacco
1228 retailer for a period of 24 months after the day on which an enforcing agency revokes the
1229 permit.

1230 (6) Violations of this chapter, Section 10-8-41.6, or Section 17-50-333 that occur at a
1231 tobacco retailer location shall stay on the record for that tobacco retailer location unless:

1232 (a) the tobacco retailer is transferred to a new proprietor; and

1233 (b) the new proprietor provides documentation to the local health department that the

1234 new proprietor is acquiring the tobacco retailer in an arm's length transaction from the previous
1235 proprietor.

1236 Section 22. Section **53B-1-301** is amended to read:

1237 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
1238 **Subcommittee.**

1239 (1) In accordance with applicable provisions and Section [68-3-14](#), the following
1240 recurring reports are due to the Higher Education Appropriations Subcommittee:

1241 (a) the reports described in Sections [34A-2-202.5](#), [53B-30-206](#), and [59-9-102.5](#) by the
1242 Rocky Mountain Center for Occupational and Environmental Health;

1243 (b) the report described in Section [53B-7-101](#) by the board on recommended
1244 appropriations for higher education institutions, including the report described in Section
1245 [53B-8-104](#) by the board on the effects of offering nonresident partial tuition scholarships;

1246 (c) the report described in Section [53B-7-704](#) by the Department of Workforce
1247 Services and the Governor's Office of Economic Opportunity on targeted jobs;

1248 (d) the reports described in Section [53B-7-705](#) by the board on performance;

1249 (e) the report described in Section [53B-8-201](#) by the board on the Opportunity
1250 Scholarship Program;

1251 (f) the report described in Section [53B-8-303](#) by the board regarding Access Utah
1252 promise scholarships;

1253 (g) the report described in Section [53B-8d-104](#) by the Division of Child and Family
1254 Services on tuition waivers for wards of the state;

1255 (h) the report described in Section [53B-12-107](#) by the Utah Higher Education
1256 Assistance Authority;

1257 (i) the report described in Section [53B-13a-104](#) by the board on the Success Stipend
1258 Program;

1259 (j) the report described in Section [53B-17-201](#) by the University of Utah regarding the
1260 Miners' Hospital for Disabled Miners;

1261 (k) the report described in Section [53B-26-103](#) by the Governor's Office of Economic

1262 Opportunity on high demand technical jobs projected to support economic growth;

1263 (l) the report described in Section 53B-26-202 by the Medical Education Council on
1264 projected demand for nursing professionals; and

1265 (m) the report described in Section 53E-10-308 by the State Board of Education and
1266 board on student participation in the concurrent enrollment program.

1267 (2) In accordance with applicable provisions and Section 68-3-14, the following
1268 occasional reports are due to the Higher Education Appropriations Subcommittee:

1269 (a) upon request, the information described in Section 53B-8a-111 submitted by the
1270 Utah Educational Savings Plan;

1271 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to
1272 projected demand for nursing professionals; and

1273 (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board
1274 on the fire and rescue training program described in Section 53B-29-202[~~and~~].

1275 [~~(d) the reports described in Section 63C-19-202 by the Higher Education Strategic
1276 Planning Commission on the commission's progress.~~]

1277 (3) In accordance with applicable provisions, the Higher Education Appropriations
1278 Subcommittee shall complete the following:

1279 (a) as required by Section 53B-7-703, the review of performance funding described in
1280 Section 53B-7-703;

1281 (b) an appropriation recommendation described in Section 53B-26-103 to fund a
1282 proposal responding to workforce needs of a strategic industry cluster;

1283 (c) an appropriation recommendation described in Section 53B-26-202 to fund a
1284 proposal responding to projected demand for nursing professionals; and

1285 (d) review of the report described in Section 63B-10-301 by the University of Utah on
1286 the status of a bond and bond payments specified in Section 63B-10-301.

1287 Section 23. Section 53E-1-201 is amended to read:

1288 **53E-1-201. Reports to and action required of the Education Interim Committee.**

1289 (1) In accordance with applicable provisions and Section 68-3-14, the following

- 1290 recurring reports are due to the Education Interim Committee:
- 1291 (a) the report described in Section 9-22-109 by the STEM Action Center Board,
1292 including the information described in Section 9-22-113 on the status of the computer science
1293 initiative and Section 9-22-114 on the Computing Partnerships Grants Program;
- 1294 (b) the prioritized list of data research described in Section 35A-14-302 and the report
1295 on research described in Section 35A-14-304 by the Utah Data Research Center;
- 1296 (c) the report described in Section 35A-15-303 by the State Board of Education on
1297 preschool programs;
- 1298 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education
1299 on career and technical education issues and addressing workforce needs;
- 1300 (e) the annual report of the Utah Board of Higher Education described in Section
1301 53B-1-402;
- 1302 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education
1303 regarding activities related to campus safety;
- 1304 (g) the State Superintendent's Annual Report by the state board described in Section
1305 53E-1-203;
- 1306 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
1307 plan to improve student outcomes;
- 1308 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
1309 the Deaf and the Blind;
- 1310 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
1311 Actionable, and Dynamic Education director on research and other activities;
- 1312 (k) the report described in Section 53F-4-203 by the state board and the independent
1313 evaluator on an evaluation of early interactive reading software;
- 1314 (l) the report described in Section 53F-4-407 by the state board on UPSTART;
- 1315 (m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board
1316 related to grants for professional learning and grants for an elementary teacher preparation
1317 assessment; and

1318 (n) the report described in Section 53F-5-405 by the State Board of Education
1319 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
1320 for students who are low income.

1321 (2) In accordance with applicable provisions and Section 68-3-14, the following
1322 occasional reports are due to the Education Interim Committee:

1323 (a) the report described in Section 35A-15-303 by the School Readiness Board by
1324 November 30, 2020, on benchmarks for certain preschool programs;

1325 (b) the report described in Section 53B-28-402 by the Utah Board of Higher Education
1326 on or before the Education Interim Committee's November 2021 meeting;

1327 [~~(c) the reports described in Section 53E-3-520 by the state board regarding cost~~
1328 ~~centers and implementing activity based costing;~~]

1329 [~~(d)~~] (c) if required, the report described in Section 53E-4-309 by the state board
1330 explaining the reasons for changing the grade level specification for the administration of
1331 specific assessments;

1332 [~~(e)~~] (d) if required, the report described in Section 53E-5-210 by the state board of an
1333 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

1334 [~~(f)~~] (e) in 2022 and in 2023, on or before November 30, the report described in
1335 Subsection 53E-10-309(7) related to the PRIME pilot program;

1336 [~~(g)~~] (f) the report described in Section 53E-10-702 by Utah Leading through Effective,
1337 Actionable, and Dynamic Education;

1338 [~~(h)~~] (g) if required, the report described in Section 53F-2-513 by the state board
1339 evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in
1340 high poverty schools;

1341 [~~(i)~~] (h) upon request, the report described in Section 53F-5-207 by the state board on
1342 the Intergenerational Poverty Intervention Grants Program;

1343 [~~(j)~~] (i) the report described in Section 53F-5-210 by the state board on the Educational
1344 Improvement Opportunities Outside of the Regular School Day Grant Program;

1345 [~~(k)~~] (j) the report described in Section 53G-7-503 by the state board regarding fees

1346 that LEAs charge during the 2020-2021 school year;

1347 ~~[(†)]~~ (k) the reports described in Section 53G-11-304 by the state board regarding
1348 proposed rules and results related to educator exit surveys; and

1349 ~~[(m)]~~ (l) the report described in Section 62A-15-117 by the Division of Substance
1350 Abuse and Mental Health, the State Board of Education, and the Department of Health
1351 regarding recommendations related to Medicaid reimbursement for school-based health
1352 services~~[-and].~~

1353 ~~[(n)]~~ the reports described in Section 63C-19-202 by the Higher Education Strategic
1354 Planning Commission.]

1355 Section 24. Section 53E-1-202 is amended to read:

1356 **53E-1-202. Reports to and action required of the Public Education**
1357 **Appropriations Subcommittee.**

1358 (1) In accordance with applicable provisions and Section 68-3-14, the following
1359 recurring reports are due to the Public Education Appropriations Subcommittee:

1360 (a) the State Superintendent's Annual Report by the state board described in Section
1361 53E-1-203;

1362 (b) the report described in Section 53E-10-703 by the Utah Leading through Effective,
1363 Actionable, and Dynamic Education director on research and other activities; and

1364 (c) the report by the STEM Action Center Board described in Section 9-22-109,
1365 including the information described in Section 9-22-113 on the status of the computer science
1366 initiative.

1367 ~~[(2)]~~ The one-time report by the state board regarding cost centers and implementing
1368 activity based costing is due to the Public Education Appropriations Subcommittee in
1369 accordance with Section 53E-3-520.]

1370 ~~[(3)]~~ (2) In accordance with applicable provisions, the Public Education Appropriations
1371 Subcommittee shall complete the following:

1372 (a) the review described in Section ~~[53E-2-301]~~ 53F-2-301 of the WPU value rate; and

1373 (b) if required, the study described in Section 53F-4-304 of scholarship payments.

1374 Section 25. Section **57-13a-104** is amended to read:

1375 **57-13a-104. Abandonment of prescriptive easement for water conveyance.**

1376 (1) A holder of a prescriptive easement for a water conveyance established under
1377 Section **57-13a-102** may, in accordance with this section, abandon all or part of the easement.

1378 (2) A holder of a prescriptive easement for a water conveyance established under
1379 Section **57-13a-102** who seeks to abandon the easement or part of the easement shall:

1380 (a) in each county where the easement or part of the easement is located, file in the
1381 office of the county recorder a notice of intent to abandon the prescriptive easement that
1382 describes the easement or part of the easement to be abandoned;

1383 (b) post copies of the notice of intent to abandon the prescriptive easement in three
1384 public places located within the area generally served by the water conveyance that utilizes the
1385 easement;

1386 (c) mail a copy of the notice of intent to abandon the prescriptive easement to each
1387 municipal and county government where the easement or part of the easement is located;

1388 (d) post a copy of the notice of intent to abandon the prescriptive easement on the Utah
1389 Public Notice Website created in Section **63A-16-601**; and

1390 (e) after meeting the requirements of Subsections (2)(a), (b), (c), and (d) and at least 45
1391 days after the last day on which the holder of the easement posts the notice of intent to abandon
1392 the prescriptive easement in accordance with Subsection (2)(b), file in the office of the county
1393 recorder for each county where the easement or part of the easement is located a notice of
1394 abandonment that contains the same description required by Subsection (2)(a)[(†)].

1395 (3) (a) Upon completion of the requirements described in Subsection (2) by the holder
1396 of a prescriptive easement for a water conveyance established under Section **57-13a-102**:

1397 (i) all interest to the easement or part of the easement abandoned by the holder of the
1398 easement is extinguished; and

1399 (ii) subject to each legal right that exists as described in Subsection (3)(b), the owner of
1400 a servient estate whose land was encumbered by the easement or part of the easement
1401 abandoned may reclaim the land area occupied by the former easement or part of the easement

1402 and resume full utilization of the land without liability to the former holder of the easement.

1403 (b) Abandonment of a prescriptive easement under this section does not affect a legal
1404 right to have water delivered or discharged through the water conveyance and easement
1405 established by a person other than the holder of the easement who abandons an easement as
1406 provided in this section.

1407 Section 26. Section **58-31b-803** is amended to read:

1408 **58-31b-803. Limitations on prescriptive authority for advanced practice**
1409 **registered nurses.**

1410 (1) This section does not apply to an advanced practice registered nurse specializing as
1411 a certified registered nurse anesthetist under Subsection ~~58-31b-102(14)~~(11)(d).

1412 (2) Except as provided in Subsection (3), an advanced practice registered nurse may
1413 prescribe or administer a Schedule II controlled substance.

1414 (3) An advanced practice registered nurse described in Subsection (4) may not
1415 prescribe or administer a Schedule II controlled substance unless the advanced practice
1416 registered nurse:

1417 (a) receives a board certification from a nationally recognized organization;

1418 (b) completes at least 30 hours of instruction, or the equivalent number of credit hours,
1419 pertaining to advanced pharmacology during a graduate education program;

1420 (c) when obtaining licensure with the division, demonstrates completion of at least
1421 seven hours of continuing education pertaining to prescribing opioids; and

1422 (d) participates in a prescribing mentorship under which the advanced practice
1423 registered nurse:

1424 (i) is mentored by:

1425 (A) a physician licensed in accordance with this title; or

1426 (B) an advanced practice registered nurse who has been licensed at least three years; and

1427 (ii) periodically provides the mentor described in Subsection ~~(4)~~ (3)(d)(i) timesheets
1428 that, in total, demonstrate 1,000 hours of clinical experience.

1429 (4) Subsection (3) applies to an advanced practice registered nurse who:

- 1430 (a) is engaged in independent solo practice; and
- 1431 (b) (i) has been licensed as an advanced practice registered nurse for less than one year;
- 1432 or
- 1433 (ii) has less than 2,000 hours of experience practicing as a licensed advanced practice
- 1434 registered nurse.

1435 Section 27. Section **58-83-301** is amended to read:

1436 **58-83-301. Licensure required -- Issuance of licenses.**

1437 (1) Beginning July 1, 2010, and except as provided in Section **58-1-307**:

1438 (a) a physician licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68,
1439 Utah Osteopathic Medical Practice Act, shall be licensed under this chapter to engage in the
1440 delivery of online pharmaceutical services;

1441 (b) an online contract pharmacy shall be licensed under this chapter to engage in the
1442 delivery of online pharmaceutical services; and

1443 (c) an Internet facilitator shall be licensed under this chapter to engage in the delivery
1444 of online pharmaceutical services.

1445 (2) The division shall issue, to any person who qualifies under this chapter, a license:

1446 (a) to prescribe online;

1447 (b) to operate as an online contract pharmacy; or

1448 (c) to operate as an Internet facilitator.

1449 ~~[(3)(a) A license under this chapter is not required to engage in electronic prescribing~~
1450 ~~under Chapter 82, Electronic Prescribing Act; and]~~

1451 ~~[(b) nothing]~~ (3) Nothing in this chapter shall prohibit a physician licensed under
1452 Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act,
1453 from electronic prescribing or Internet prescribing as permitted by Chapter 67, Utah Medical
1454 Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act, or other law.

1455 Section 28. Section **59-7-159** is amended to read:

1456 **59-7-159. Review of credits allowed under this chapter.**

1457 (1) As used in this section, "committee" means the Revenue and Taxation Interim

1458 Committee.

1459 (2) (a) The committee shall review the tax credits described in this chapter as provided
1460 in Subsection (3) and make recommendations concerning whether the tax credits should be
1461 continued, modified, or repealed.

1462 (b) In conducting the review required under Subsection (2)(a), the committee shall:

1463 (i) schedule time on at least one committee agenda to conduct the review;

1464 (ii) invite state agencies, individuals, and organizations concerned with the tax credit
1465 under review to provide testimony;

1466 (iii) (A) invite the Governor's Office of Economic Opportunity to present a summary
1467 and analysis of the information for each tax credit regarding which the Governor's Office of
1468 Economic Opportunity is required to make a report under this chapter; and

1469 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and
1470 analysis of the information for each tax credit regarding which the Office of the Legislative
1471 Fiscal Analyst is required to make a report under this chapter;

1472 (iv) ensure that the committee's recommendations described in this section include an
1473 evaluation of:

1474 (A) the cost of the tax credit to the state;

1475 (B) the purpose and effectiveness of the tax credit; and

1476 (C) the extent to which the state benefits from the tax credit; and

1477 (v) undertake other review efforts as determined by the committee chairs or as
1478 otherwise required by law.

1479 (3) (a) On or before November 30, 2017, and every three years after 2017, the
1480 committee shall conduct the review required under Subsection (2) of the tax credits allowed
1481 under the following sections:

1482 (i) Section 59-7-601;

1483 (ii) Section 59-7-607;

1484 (iii) Section 59-7-612;

1485 (iv) Section 59-7-614.1; and

1486 (v) Section 59-7-614.5.

1487 (b) On or before November 30, 2018, and every three years after 2018, the committee
1488 shall conduct the review required under Subsection (2) of the tax credits allowed under the
1489 following sections:

1490 (i) Section 59-7-609;

1491 (ii) Section 59-7-614.2;

1492 (iii) Section 59-7-614.10;

1493 (iv) Section 59-7-619; and

1494 [~~(v) Section 59-7-620; and~~]

1495 [~~(vi)~~] (v) Section 59-7-624.

1496 (c) On or before November 30, 2019, and every three years after 2019, the committee
1497 shall conduct the review required under Subsection (2) of the tax credits allowed under the
1498 following sections:

1499 (i) Section 59-7-610;

1500 (ii) Section 59-7-614; and

1501 (iii) Section 59-7-614.7.

1502 (d) (i) In addition to the reviews described in this Subsection (3), the committee shall
1503 conduct a review of a tax credit described in this chapter that is enacted on or after January 1,
1504 2017.

1505 (ii) The committee shall complete a review described in this Subsection (3)(d) three
1506 years after the effective date of the tax credit and every three years after the initial review date.

1507 Section 29. Section 59-7-614 is amended to read:

1508 **59-7-614. Renewable energy systems tax credits -- Definitions -- Certification --**

1509 **Rulemaking authority.**

1510 (1) As used in this section:

1511 (a) (i) "Active solar system" means a system of equipment that is capable of:

1512 (A) collecting and converting incident solar radiation into thermal, mechanical, or
1513 electrical energy; and

- 1514 (B) transferring a form of energy described in Subsection (1)(a)(i)(A) by a separate
1515 apparatus to storage or to the point of use.
- 1516 (ii) "Active solar system" includes water heating, space heating or cooling, and
1517 electrical or mechanical energy generation.
- 1518 (b) "Biomass system" means a system of apparatus and equipment for use in:
1519 (i) converting material into biomass energy, as defined in Section 59-12-102; and
1520 (ii) transporting the biomass energy by separate apparatus to the point of use or storage.
- 1521 (c) "Commercial energy system" means a system that is:
1522 (i) (A) an active solar system;
1523 (B) a biomass system;
1524 (C) a direct use geothermal system;
1525 (D) a geothermal electricity system;
1526 (E) a geothermal heat pump system;
1527 (F) a hydroenergy system;
1528 (G) a passive solar system; or
1529 (H) a wind system;
1530 (ii) located in the state; and
1531 (iii) used:
1532 (A) to supply energy to a commercial unit; or
1533 (B) as a commercial enterprise.
- 1534 (d) "Commercial enterprise" means an entity, the purpose of which is to produce:
1535 (i) electrical, mechanical, or thermal energy for sale from a commercial energy system;
1536 or
1537 (ii) hydrogen for sale from a hydrogen production system.
- 1538 (e) (i) "Commercial unit" means a building or structure that an entity uses to transact
1539 business.
1540 (ii) Notwithstanding Subsection (1)(e)(i):
1541 (A) with respect to an active solar system used for agricultural water pumping or a

1542 wind system, each individual energy generating device is considered to be a commercial unit;
1543 or

1544 (B) if an energy system is the building or structure that an entity uses to transact
1545 business, a commercial unit is the complete energy system itself.

1546 (f) "Direct use geothermal system" means a system of apparatus and equipment that
1547 enables the direct use of geothermal energy to meet energy needs, including heating a building,
1548 an industrial process, and aquaculture.

1549 (g) "Geothermal electricity" means energy that is:

1550 (i) contained in heat that continuously flows outward from the earth; and

1551 (ii) used as a sole source of energy to produce electricity.

1552 (h) "Geothermal energy" means energy generated by heat that is contained in the earth.

1553 (i) "Geothermal heat pump system" means a system of apparatus and equipment that:

1554 (i) enables the use of thermal properties contained in the earth at temperatures well
1555 below 100 degrees Fahrenheit; and

1556 (ii) helps meet heating and cooling needs of a structure.

1557 (j) "Hydroenergy system" means a system of apparatus and equipment that is capable
1558 of:

1559 (i) intercepting and converting kinetic water energy into electrical or mechanical
1560 energy; and

1561 (ii) transferring this form of energy by separate apparatus to the point of use or storage.

1562 (k) "Hydrogen production system" means a system of apparatus and equipment, located
1563 in this state, that uses:

1564 (i) electricity from a renewable energy source to create hydrogen gas from water,
1565 regardless of whether the renewable energy source is at a separate facility or the same facility
1566 as the system of apparatus and equipment; or

1567 (ii) uses renewable natural gas to produce hydrogen gas.

1568 (l) "Office" means the Office of Energy Development created in Section [79-6-401](#).

1569 (m) (i) "Passive solar system" means a direct thermal system that utilizes the structure

1570 of a building and the structure's operable components to provide for collection, storage, and
1571 distribution of heating or cooling during the appropriate times of the year by utilizing the
1572 climate resources available at the site.

1573 (ii) "Passive solar system" includes those portions and components of a building that
1574 are expressly designed and required for the collection, storage, and distribution of solar energy.

1575 (n) "Photovoltaic system" means an active solar system that generates electricity from
1576 sunlight.

1577 (o) (i) "Principal recovery portion" means the portion of a lease payment that
1578 constitutes the cost a person incurs in acquiring a commercial energy system.

1579 (ii) "Principal recovery portion" does not include:

1580 (A) an interest charge; or

1581 (B) a maintenance expense.

1582 (p) "Renewable energy source" means the same as that term is defined in Section
1583 [54-17-601](#).

1584 (q) "Residential energy system" means the following used to supply energy to or for a
1585 residential unit:

1586 (i) an active solar system;

1587 (ii) a biomass system;

1588 (iii) a direct use geothermal system;

1589 (iv) a geothermal heat pump system;

1590 (v) a hydroenergy system;

1591 (vi) a passive solar system; or

1592 (vii) a wind system.

1593 (r) (i) "Residential unit" means a house, condominium, apartment, or similar dwelling
1594 unit that:

1595 (A) is located in the state; and

1596 (B) serves as a dwelling for a person, group of persons, or a family.

1597 (ii) "Residential unit" does not include property subject to a fee under:

1598 (A) Section 59-2-405;

1599 (B) Section 59-2-405.1;

1600 (C) Section 59-2-405.2;

1601 (D) Section 59-2-405.3; or

1602 (E) Section 72-10-110.5.

1603 (s) "Wind system" means a system of apparatus and equipment that is capable of:

1604 (i) intercepting and converting wind energy into mechanical or electrical energy; and

1605 (ii) transferring these forms of energy by a separate apparatus to the point of use, sale,
1606 or storage.

1607 (2) A taxpayer may claim an energy system tax credit as provided in this section
1608 against a tax due under this chapter for a taxable year.

1609 (3) (a) Subject to the other provisions of this Subsection (3), a taxpayer may claim a
1610 nonrefundable tax credit under this Subsection (3) with respect to a residential unit the taxpayer
1611 owns or uses if:

1612 (i) the taxpayer:

1613 (A) purchases and completes a residential energy system to supply all or part of the
1614 energy required for the residential unit; or

1615 (B) participates in the financing of a residential energy system to supply all or part of
1616 the energy required for the residential unit; and

1617 (ii) the taxpayer obtains a written certification from the office in accordance with
1618 Subsection (8).

1619 (b) (i) Subject to Subsections (3)(b)(ii) through (iv) and, as applicable, Subsection
1620 (3)(c) or (d), the tax credit is equal to 25% of the reasonable costs of each residential energy
1621 system installed with respect to each residential unit the taxpayer owns or uses.

1622 (ii) A tax credit under this Subsection (3) may include installation costs.

1623 (iii) A taxpayer may claim a tax credit under this Subsection (3) for the taxable year in
1624 which the residential energy system is completed and placed in service.

1625 (iv) If the amount of a tax credit under this Subsection (3) exceeds a taxpayer's tax

1626 liability under this chapter for a taxable year, the taxpayer may carry forward the amount of the
1627 tax credit exceeding the liability for a period that does not exceed the next four taxable years.

1628 (c) The total amount of tax credit a taxpayer may claim under this Subsection (3) for a
1629 residential energy system, other than a photovoltaic system, may not exceed \$2,000 per
1630 residential unit.

1631 (d) The total amount of tax credit a taxpayer may claim under this Subsection (3) for a
1632 photovoltaic system may not exceed:

1633 (i) for a system installed on or after January 1, 2018, but on or before December 31,
1634 2020, \$1,600;

1635 (ii) for a system installed on or after January 1, 2021, but on or before December 31,
1636 2021, \$1,200;

1637 (iii) for a system installed on or after January 1, 2022, but on or before December 31,
1638 2022, \$800;

1639 (iv) for a system installed on or after January 1, 2023, but on or before December 31,
1640 2023, \$400; and

1641 (v) for a system installed on or after January 1, 2024, \$0.

1642 (e) If a taxpayer sells a residential unit to another person before the taxpayer claims the
1643 tax credit under this Subsection (3):

1644 (i) the taxpayer may assign the tax credit to the other person; and

1645 (ii) (A) if the other person files a return under this chapter, the other person may claim
1646 the tax credit under this section as if the other person had met the requirements of this section
1647 to claim the tax credit; or

1648 (B) if the other person files a return under Chapter 10, Individual Income Tax Act, the
1649 other person may claim the tax credit under Section 59-10-1014 as if the other person had met
1650 the requirements of Section 59-10-1014 to claim the tax credit.

1651 (4) (a) Subject to the other provisions of this Subsection (4), a taxpayer may claim a
1652 refundable tax credit under this Subsection (4) with respect to a commercial energy system if:

1653 (i) the commercial energy system does not use:

1654 (A) wind, geothermal electricity, solar, or biomass equipment capable of producing a
1655 total of 660 or more kilowatts of electricity; or

1656 (B) solar equipment capable of producing 2,000 or more kilowatts of electricity;

1657 (ii) the taxpayer purchases or participates in the financing of the commercial energy
1658 system;

1659 (iii) (A) the commercial energy system supplies all or part of the energy required by
1660 commercial units owned or used by the taxpayer; or

1661 (B) the taxpayer sells all or part of the energy produced by the commercial energy
1662 system as a commercial enterprise;

1663 (iv) the taxpayer has not claimed and will not claim a tax credit under Subsection (7)
1664 for hydrogen production using electricity for which the taxpayer claims a tax credit under this
1665 Subsection (4); and

1666 (v) the taxpayer obtains a written certification from the office in accordance with
1667 Subsection (8).

1668 (b) (i) Subject to Subsections (4)(b)(ii) through (iv), the tax credit is equal to 10% of
1669 the reasonable costs of the commercial energy system.

1670 (ii) A tax credit under this Subsection (4) may include installation costs.

1671 (iii) A taxpayer is eligible to claim a tax credit under this Subsection (4) for the taxable
1672 year in which the commercial energy system is completed and placed in service.

1673 (iv) The total amount of tax credit a taxpayer may claim under this Subsection (4) may
1674 not exceed \$50,000 per commercial unit.

1675 (c) (i) Subject to Subsections (4)(c)(ii) and (iii), a taxpayer that is a lessee of a
1676 commercial energy system installed on a commercial unit may claim a tax credit under this
1677 Subsection (4) if the taxpayer confirms that the lessor irrevocably elects not to claim the tax
1678 credit.

1679 (ii) A taxpayer described in Subsection (4)(c)(i) may claim as a tax credit under this
1680 Subsection (4) only the principal recovery portion of the lease payments.

1681 (iii) A taxpayer described in Subsection (4)(c)(i) may claim a tax credit under this

1682 Subsection (4) for a period that does not exceed seven taxable years after the day on which the
1683 lease begins, as stated in the lease agreement.

1684 (5) (a) Subject to the other provisions of this Subsection (5), a taxpayer may claim a
1685 refundable tax credit under this Subsection (5) with respect to a commercial energy system if:

1686 (i) the commercial energy system uses wind, geothermal electricity, or biomass
1687 equipment capable of producing a total of 660 or more kilowatts of electricity;

1688 (ii) (A) the commercial energy system supplies all or part of the energy required by
1689 commercial units owned or used by the taxpayer; or

1690 (B) the taxpayer sells all or part of the energy produced by the commercial energy
1691 system as a commercial enterprise;

1692 (iii) the taxpayer has not claimed and will not claim a tax credit under Subsection (7)
1693 for hydrogen production using electricity for which the taxpayer claims a tax credit under this
1694 Subsection (5); and

1695 (iv) the taxpayer obtains a written certification from the office in accordance with
1696 Subsection (8).

1697 (b) (i) Subject to Subsection (5)(b)(ii), a tax credit under this Subsection (5) is equal to
1698 the product of:

1699 (A) 0.35 cents; and

1700 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

1701 (ii) A taxpayer is eligible to claim a tax credit under this Subsection (5) for production
1702 occurring during a period of 48 months beginning with the month in which the commercial
1703 energy system is placed in commercial service.

1704 (c) A taxpayer that is a lessee of a commercial energy system installed on a commercial
1705 unit may claim a tax credit under this Subsection (5) if the taxpayer confirms that the lessor
1706 irrevocably elects not to claim the tax credit.

1707 (6) (a) Subject to the other provisions of this Subsection (6), a taxpayer may claim a
1708 refundable tax credit as provided in this Subsection (6) if:

1709 (i) the taxpayer owns a commercial energy system that uses solar equipment capable of

1710 producing a total of 660 or more kilowatts of electricity;

1711 (ii) (A) the commercial energy system supplies all or part of the energy required by
1712 commercial units owned or used by the taxpayer; or

1713 (B) the taxpayer sells all or part of the energy produced by the commercial energy
1714 system as a commercial enterprise;

1715 (iii) the taxpayer does not claim a tax credit under Subsection (4) and has not claimed
1716 and will not claim a tax credit under Subsection (7) for hydrogen production using electricity
1717 for which a taxpayer claims a tax credit under this Subsection (6); and

1718 (iv) the taxpayer obtains a written certification from the office in accordance with
1719 Subsection (8).

1720 (b) (i) Subject to Subsection (6)(b)(ii), a tax credit under this Subsection (6) is equal to
1721 the product of:

1722 (A) 0.35 cents; and

1723 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

1724 (ii) A taxpayer is eligible to claim a tax credit under this Subsection (6) for production
1725 occurring during a period of 48 months beginning with the month in which the commercial
1726 energy system is placed in commercial service.

1727 (c) A taxpayer that is a lessee of a commercial energy system installed on a commercial
1728 unit may claim a tax credit under this Subsection (6) if the taxpayer confirms that the lessor
1729 irrevocably elects not to claim the tax credit.

1730 (7) (a) A taxpayer may claim a refundable tax credit as provided in this Subsection (7)
1731 if:

1732 (i) the taxpayer owns a hydrogen production system;

1733 (ii) the hydrogen production system is completed and placed in service on or after
1734 January 1, 2022;

1735 (iii) the taxpayer sells as a commercial enterprise, or supplies for the taxpayer's own
1736 use in commercial units, the hydrogen produced from the hydrogen production system;

1737 (iv) the taxpayer has not claimed and will not claim a tax credit under Subsection (4),

1738 (5), or (6) or Section 59-7-626 for electricity or hydrogen used to meet the requirements of this
1739 Subsection (7); and

1740 (v) the taxpayer obtains a written certification from the office in accordance with
1741 Subsection (8).

1742 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), a tax credit under this Subsection (7)
1743 is equal to the product of:

1744 (A) \$0.12; and

1745 (B) the number of kilograms of hydrogen produced during the taxable year.

1746 (ii) A taxpayer may not receive a tax credit under this Subsection (7) for more than
1747 5,600 metric tons of hydrogen per taxable year.

1748 (iii) A taxpayer is eligible to claim a tax credit under this Subsection (7) for production
1749 occurring during a period of 48 months beginning with the month in which the hydrogen
1750 production system is placed in commercial service.

1751 (8) (a) Before a taxpayer may claim a tax credit under this section, the taxpayer shall
1752 obtain a written certification from the office.

1753 (b) The office shall issue a taxpayer a written certification if the office determines that:

1754 (i) the taxpayer meets the requirements of this section to receive a tax credit; and

1755 (ii) the residential energy system, the commercial energy system, or the hydrogen
1756 production system with respect to which the taxpayer seeks to claim a tax credit:

1757 (A) has been completely installed;

1758 (B) is a viable system for saving or producing energy from renewable resources; and

1759 (C) is safe, reliable, efficient, and technically feasible to ensure that the residential
1760 energy system, the commercial energy system, or the hydrogen production system uses the
1761 state's renewable and nonrenewable energy resources in an appropriate and economic manner.

1762 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1763 office may make rules:

1764 (i) for determining whether a residential energy system, a commercial energy system,
1765 or a hydrogen production system meets the requirements of Subsection (8)(b)(ii); and

1766 (ii) for purposes of a tax credit under Subsection (3)[,] or (4), [~~or (6),~~] establishing the
1767 reasonable costs of a residential energy system or a commercial energy system, as an amount
1768 per unit of energy production.

1769 (d) A taxpayer that obtains a written certification from the office shall retain the
1770 certification for the same time period a person is required to keep books and records under
1771 Section [59-1-1406](#).

1772 (e) The office shall submit to the commission an electronic list that includes:

1773 (i) the name and identifying information of each taxpayer to which the office issues a
1774 written certification; and

1775 (ii) for each taxpayer:

1776 (A) the amount of the tax credit listed on the written certification; and

1777 (B) the date the renewable energy system was installed.

1778 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1779 commission may make rules to address the certification of a tax credit under this section.

1780 (10) A tax credit under this section is in addition to any tax credits provided under the
1781 laws or rules and regulations of the United States.

1782 Section 30. Section **59-10-1113** is amended to read:

1783 **59-10-1113. Refundable tax credit for nonrenewable hydrogen production**
1784 **system.**

1785 (1) As used in this section:

1786 (a) "Commercial enterprise" means the same as that term is defined in Section
1787 [59-7-626](#).

1788 (b) "Commercial unit" means the same as that term is defined in Section [59-7-626](#).

1789 (c) "Hydrogen production system" means the same as that term is defined in Section
1790 [59-7-626](#).

1791 (d) "Office" means the Office of Energy Development created in Section [79-6-401](#).

1792 (2) (a) A claimant, estate, or trust may claim a refundable credit under this section if:

1793 (i) the claimant, estate, or trust owns a hydrogen production system;

1794 (ii) the hydrogen production system is completed and placed in service on or after
1795 January 1, 2022;

1796 (iii) the claimant, estate, or trust sells as a commercial enterprise, or supplies for the
1797 claimant's, estate's, or trust's own use in commercial units, the hydrogen produced from the
1798 hydrogen production system;

1799 (iv) the claimant, estate, or trust has not claimed and will not claim a tax credit under
1800 Section 59-10-1106 for electricity used to meet the requirements of this section; and

1801 (v) the taxpayer obtains a written certification from the office in accordance with
1802 Subsection (3).

1803 (b) (i) Subject to Subsections (2)(b)(ii) and (iii), a tax credit under this section is equal
1804 to the product of:

1805 (A) \$0.12; and

1806 (B) the number of kilograms of hydrogen produced during the taxable year.

1807 (ii) A claimant, estate, or trust may not receive a tax credit under this section for more
1808 than 5,600 metric tons of hydrogen per taxable year.

1809 (iii) A claimant, estate, or trust is eligible to claim a tax credit under this section for
1810 production occurring during a period of 48 months beginning with the month in which the
1811 hydrogen production system is placed in commercial service.

1812 (3) (a) Before a claimant, estate, or trust may claim a tax credit under this section, the
1813 claimant, estate, or trust shall obtain a written certification from the office.

1814 (b) The office shall issue a claimant, estate, or trust a written certification if the office
1815 determines that:

1816 (i) the claimant, estate, or trust meets the requirements of this section to receive a tax
1817 credit; and

1818 (ii) the hydrogen production system with respect to which the claimant, estate, or trust
1819 seeks to claim a tax credit:

1820 (A) has been completely installed; and

1821 (B) is safe, reliable, efficient, and technically feasible to ensure that the hydrogen

1822 production system uses the state's nonrenewable energy resources in an appropriate and
1823 economic manner.

1824 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1825 office may make rules for determining whether a hydrogen production system meets the
1826 requirements of [~~this~~] Subsection (3)(b)(ii).

1827 (d) A claimant, estate, or trust that obtains a written certification from the office shall
1828 retain the certification for the same time period a person is required to keep books and records
1829 under Section 59-1-1406.

1830 (e) The office shall submit to the commission an electronic list that includes:

1831 (i) the name and identifying information of each claimant, estate, or trust to which the
1832 office issues a written certification; and

1833 (ii) for each claimant, estate, or trust:

1834 (A) the amount of the tax credit listed on the written certification; and

1835 (B) the date the hydrogen production system was installed.

1836 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1837 commission may make rules to address the certification of a tax credit under this section.

1838 (5) A tax credit under this section is in addition to any tax credits provided under the
1839 laws or rules and regulations of the United States.

1840 Section 31. Section 59-12-104.2 is amended to read:

1841 **59-12-104.2. Exemption for accommodations and services taxed by the Navajo**
1842 **Nation.**

1843 (1) As used in this section "tribal taxing area" means the geographical area that:

1844 (a) is subject to the taxing authority of the Navajo Nation; and

1845 (b) consists of:

1846 (i) notwithstanding the issuance of a patent, all land:

1847 (A) within the limits of an Indian reservation under the jurisdiction of the federal
1848 government; and

1849 (B) including any rights-of-way running through the reservation; and

1850 (ii) all Indian allotments the Indian titles to which have not been extinguished,
1851 including any rights-of-way running through an Indian allotment.

1852 (2) (a) Beginning July 1, 2001, amounts paid by or charged to a purchaser for
1853 accommodations and services described in Subsection 59-12-103(1)(i) are exempt from the tax
1854 imposed by Subsection 59-12-103(2)(a)(i)(A) or (2)[~~(d)~~](e)(i)(A)(I) to the extent permitted
1855 under Subsection (2)(b) if:

1856 (i) the accommodations and services described in Subsection 59-12-103(1)(i) are
1857 provided within:

1858 (A) the state; and

1859 (B) a tribal taxing area;

1860 (ii) the Navajo Nation imposes and collects a tax on the amounts paid by or charged to
1861 the purchaser for the accommodations and services described in Subsection 59-12-103(1)(i);

1862 (iii) the Navajo Nation imposes the tax described in Subsection (2)(a)(ii) without
1863 regard to whether or not the purchaser that pays or is charged for the accommodations and
1864 services is an enrolled member of the Navajo Nation; and

1865 (iv) the requirements of Subsection (4) are met.

1866 (b) If but for Subsection (2)(a) the amounts paid by or charged to a purchaser for
1867 accommodations and services described in Subsection (2)(a) are subject to a tax imposed by
1868 Subsection 59-12-103(2)(a)(i)(A) or (2)[~~(d)~~](e)(i)(A)(I):

1869 (i) the seller shall collect and pay to the state the difference described in Subsection (3)
1870 if that difference is greater than \$0; and

1871 (ii) a person may not require the state to provide a refund, a credit, or similar tax relief
1872 if the difference described in Subsection (3) is equal to or less than \$0.

1873 (3) The difference described in Subsection (2)(b) is equal to the difference between:

1874 (a) the amount of tax imposed by Subsection 59-12-103(2)(a)(i)(A) or
1875 (2)[~~(d)~~](e)(i)(A)(I) on the amounts paid by or charged to a purchaser for accommodations and
1876 services described in Subsection 59-12-103(1)(i); less

1877 (b) the tax imposed and collected by the Navajo Nation on the amounts paid by or

1878 charged to a purchaser for the accommodations and services described in Subsection
1879 59-12-103(1)(i).

1880 (4) (a) If, on or after July 1, 2001, the Navajo Nation changes the tax rate of a tax
1881 imposed on amounts paid by or charged to a purchaser for accommodations and services
1882 described in Subsection 59-12-103(1)(i), any change in the amount of the exemption under
1883 Subsection (2) as a result of the change in the tax rate is not effective until the first day of the
1884 calendar quarter after a 90-day period beginning on the date the commission receives notice
1885 meeting the requirements of Subsection (4)(b) from the Navajo Nation.

1886 (b) The notice described in Subsection (4)(a) shall state:

1887 (i) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
1888 amounts paid by or charged to a purchaser for accommodations and services described in
1889 Subsection 59-12-103(1)(i);

1890 (ii) the effective date of the rate change on the tax described in Subsection (4)(b)(i);
1891 and

1892 (iii) the new rate of the tax described in Subsection (4)(b)(i).

1893 Section 32. Section 62A-1-111 is amended to read:

1894 **62A-1-111. Department authority.**

1895 The department may, in addition to all other authority and responsibility granted to the
1896 department by law:

1897 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
1898 desirable for providing social services to the people of this state;

1899 (2) establish and manage client trust accounts in the department's institutions and
1900 community programs, at the request of the client or the client's legal guardian or representative,
1901 or in accordance with federal law;

1902 (3) purchase, as authorized or required by law, services that the department is
1903 responsible to provide for legally eligible persons;

1904 (4) conduct adjudicative proceedings for clients and providers in accordance with the
1905 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

- 1906 (5) establish eligibility standards for its programs, not inconsistent with state or federal
1907 law or regulations;
- 1908 (6) take necessary steps, including legal action, to recover money or the monetary value
1909 of services provided to a recipient who was not eligible;
- 1910 (7) set and collect fees for the department's services;
- 1911 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
1912 or limited by law;
- 1913 (9) acquire, manage, and dispose of any real or personal property needed or owned by
1914 the department, not inconsistent with state law;
- 1915 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
1916 the proceeds thereof, may be credited to the program designated by the donor, and may be used
1917 for the purposes requested by the donor, as long as the request conforms to state and federal
1918 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
1919 under guidelines established by the state treasurer;
- 1920 (11) accept and employ volunteer labor or services; the department is authorized to
1921 reimburse volunteers for necessary expenses, when the department considers that
1922 reimbursement to be appropriate;
- 1923 (12) carry out the responsibility assigned in the workforce services plan by the State
1924 Workforce Development Board;
- 1925 ~~[(13) carry out the responsibility assigned by Section 35A-8-602 with respect to~~
1926 ~~coordination of services for the homeless;]~~
- 1927 [(14)] (13) carry out the responsibility assigned by Section 62A-5a-105 with respect to
1928 coordination of services for students with a disability;
- 1929 [(15)] (14) provide training and educational opportunities for the department's staff;
- 1930 [(16)] (15) collect child support payments and any other money due to the department;
- 1931 [(17)] (16) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to
1932 parents whose child lives out of the home in a department licensed or certified setting;
- 1933 [(18)] (17) establish policy and procedures, within appropriations authorized by the

1934 Legislature, in cases where the Division of Child and Family Services or the Division of
1935 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah
1936 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not
1937 competent to proceed under Section 80-6-403; any policy and procedures shall include:

1938 (a) designation of interagency teams for each juvenile court district in the state;

1939 (b) delineation of assessment criteria and procedures;

1940 (c) minimum requirements, and timeframes, for the development and implementation
1941 of a collaborative service plan for each minor placed in department custody; and

1942 (d) provisions for submittal of the plan and periodic progress reports to the court;

1943 ~~[(19)]~~ (18) carry out the responsibilities assigned to the department by statute;

1944 ~~[(20)]~~ (19) examine and audit the expenditures of any public funds provided to local
1945 substance abuse authorities, local mental health authorities, local area agencies on aging, and
1946 any person, agency, or organization that contracts with or receives funds from those authorities
1947 or agencies. Those local authorities, area agencies, and any person or entity that contracts with
1948 or receives funds from those authorities or area agencies, shall provide the department with any
1949 information the department considers necessary. The department is further authorized to issue
1950 directives resulting from any examination or audit to local authorities, area agencies, and
1951 persons or entities that contract with or receive funds from those authorities with regard to any
1952 public funds. If the department determines that it is necessary to withhold funds from a local
1953 mental health authority or local substance abuse authority based on failure to comply with state
1954 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of
1955 services. For purposes of this Subsection (20) "public funds" means the same as that term is
1956 defined in Section 62A-15-102;

1957 ~~[(21)]~~ (20) pursuant to Subsection 62A-2-106(1)(d), accredit one or more agencies and
1958 persons to provide intercountry adoption services;

1959 ~~[(22)]~~ (21) within appropriations authorized by the Legislature, promote and develop a
1960 system of care and stabilization services:

1961 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

1962 (b) that encompasses the department, department contractors, and the divisions,
1963 offices, or institutions within the department, to:

1964 (i) navigate services, funding resources, and relationships to the benefit of the children
1965 and families whom the department serves;

1966 (ii) centralize department operations, including procurement and contracting;

1967 (iii) develop policies that govern business operations and that facilitate a system of care
1968 approach to service delivery;

1969 (iv) allocate resources that may be used for the children and families served by the
1970 department or the divisions, offices, or institutions within the department, subject to the
1971 restrictions in Section [63J-1-206](#);

1972 (v) create performance-based measures for the provision of services; and

1973 (vi) centralize other business operations, including data matching and sharing among
1974 the department's divisions, offices, and institutions;

1975 [~~23~~] (22) ensure that any training or certification required of a public official or
1976 public employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G,
1977 Chapter 22, State Training and Certification Requirements, if the training or certification is
1978 required:

1979 (a) under this title;

1980 (b) by the department; or

1981 (c) by an agency or division within the department; and

1982 [~~24~~] (23) reallocate unexpended funds as provided in Section [62A-1-111.6](#).

1983 Section 33. Section **62A-3-305** is amended to read:

1984 **62A-3-305. Reporting requirements -- Investigation -- Exceptions -- Immunity --**
1985 **Penalties -- Nonmedical healing.**

1986 (1) Except as provided in Subsection (4), if an individual has reason to believe that a
1987 vulnerable adult is, or has been, the subject of abuse, neglect, or exploitation, the individual
1988 shall immediately report the suspected abuse, neglect, or exploitation to Adult Protective
1989 Services or to the nearest peace officer or law enforcement agency.

1990 (2) (a) If a peace officer or a law enforcement agency receives a report under
1991 Subsection (1), the peace officer or the law enforcement agency shall immediately notify Adult
1992 Protective Services.

1993 (b) Adult Protective Services and the peace officer or the law enforcement agency shall
1994 coordinate, as appropriate, efforts to investigate the report under Subsection (1) and to provide
1995 protection to the vulnerable adult.

1996 (3) When a report under Subsection (1), or a subsequent investigation by Adult
1997 Protective Services, indicates that a criminal offense may have occurred against a vulnerable
1998 adult:

1999 (a) Adult Protective Services shall notify the nearest local law enforcement agency
2000 regarding the potential offense; and

2001 (b) the law enforcement agency shall initiate an investigation in cooperation with Adult
2002 Protective Services.

2003 (4) Subject to Subsection (5), the reporting requirement described in Subsection (1)
2004 does not apply to:

2005 (a) a member of the clergy, with regard to any confession made to the member of the
2006 clergy while functioning in the ministerial capacity of the member of the clergy and without the
2007 consent of the individual making the confession, if:

2008 (i) the perpetrator made the confession directly to the member of the clergy; and

2009 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound
2010 to maintain the confidentiality of that confession; or

2011 (b) an attorney, or an individual employed by the attorney, if knowledge of the
2012 suspected abuse, neglect, or exploitation of a vulnerable adult arises from the representation of
2013 a client, unless the attorney is permitted to reveal the suspected abuse, neglect, or exploitation
2014 of the vulnerable adult to prevent reasonably certain death or substantial bodily harm in
2015 accordance with Utah Rules of Professional Conduct, Rule 1.6.

2016 (5) (a) When a member of the clergy receives information about abuse, neglect, or
2017 exploitation of a vulnerable adult from any source other than confession of the perpetrator, the

2018 member of the clergy is required to report that information even though the member of the
2019 clergy may have also received information about abuse [~~or neglect~~], neglect, or exploitation
2020 from the confession of the perpetrator.

2021 (b) Exemption of the reporting requirement for an individual described in Subsection
2022 (4) does not exempt the individual from any other efforts required by law to prevent further
2023 abuse, neglect, or exploitation of a vulnerable adult by the perpetrator.

2024 (6) (a) As used in this Subsection (6), "physician" means an individual licensed to
2025 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical
2026 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

2027 (b) The physician-patient privilege does not:

2028 (i) excuse a physician from reporting suspected abuse, neglect, or exploitation of a
2029 vulnerable adult under Subsection (1); or

2030 (ii) constitute grounds for excluding evidence regarding a vulnerable adult's injuries, or
2031 the cause of the vulnerable adult's injuries, in any judicial or administrative proceeding
2032 resulting from a report under Subsection (1).

2033 (7) (a) An individual who in good faith makes a report under Subsection (1), or who
2034 otherwise notifies Adult Protective Services or a peace officer or law enforcement agency, is
2035 immune from civil and criminal liability in connection with the report or notification.

2036 (b) A covered provider or covered contractor, as defined in Section [26-21-201](#), that
2037 knowingly fails to report suspected abuse, neglect, or exploitation of a vulnerable adult to
2038 Adult Protective Services, or to the nearest peace officer or law enforcement agency, under
2039 Subsection (1), is subject to a private right of action and liability for the abuse, neglect, or
2040 exploitation of a vulnerable adult that is committed by the individual who was not reported to
2041 Adult Protective Services or to the nearest peace officer or law enforcement agency.

2042 (c) This Subsection (7) does not provide immunity with respect to acts or omissions of
2043 a governmental employee except as provided in Title 63G, Chapter 7, Governmental Immunity
2044 Act of Utah.

2045 (8) If Adult Protective Services has substantial grounds to believe that an individual

2046 has knowingly failed to report suspected abuse, neglect, or exploitation of a vulnerable adult in
2047 accordance with this section, Adult Protective Services shall file a complaint with:

2048 (a) the Division of Occupational and Professional Licensing if the individual is a health
2049 care provider, as defined in Section 62A-4a-404, or a mental health therapist, as defined in
2050 Section 58-60-102;

2051 (b) the appropriate law enforcement agency if the individual is a law enforcement
2052 officer, as defined in Section 53-13-103; and

2053 (c) the State Board of Education if the individual is an educator, as defined in Section
2054 53E-6-102.

2055 (9) (a) An individual is guilty of a class B misdemeanor if the individual willfully fails
2056 to report suspected abuse, neglect, or exploitation of a vulnerable adult to Adult Protective
2057 Services, or to the nearest peace officer or law enforcement agency under Subsection (1).

2058 (b) If an individual is convicted under Subsection (9)(a), the court may order the
2059 individual, in addition to any other sentence the court imposes, to:

2060 (i) complete community service hours; or

2061 (ii) complete a program on preventing abuse, neglect, and exploitation of vulnerable
2062 adults.

2063 (c) In determining whether it would be appropriate to charge an individual with a
2064 violation of Subsection (9)(a), the prosecuting attorney shall take into account whether a
2065 reasonable individual would not have reported suspected abuse, neglect, or exploitation of a
2066 vulnerable adult because reporting would have placed the individual in immediate danger of
2067 death or serious bodily injury.

2068 (d) Notwithstanding any contrary provision of law, a prosecuting attorney may not use
2069 an individual's violation of Subsection (9)(a) as the basis for charging the individual with
2070 another offense.

2071 (e) A prosecution for failure to report under Subsection (9)(a) shall be commenced
2072 within two years after the day on which the individual had knowledge of the suspected abuse,
2073 neglect, or exploitation and willfully failed to report.

2074 (10) Under circumstances not amounting to a violation of Section 76-8-508, an
2075 individual is guilty of a class B misdemeanor if the individual threatens, intimidates, or
2076 attempts to intimidate a vulnerable adult who is the subject of a report under Subsection (1),
2077 the individual who made the report under Subsection (1), a witness, or any other person
2078 cooperating with an investigation conducted in accordance with this chapter.

2079 (11) An adult is not considered abused, neglected, or a vulnerable adult for the reason
2080 that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of
2081 medical care.

2082 Section 34. Section 62A-16-302 is amended to read:

2083 **62A-16-302. Reporting to, and review by, legislative committees.**

2084 (1) The Office of Legislative Research and General Counsel shall provide a copy of the
2085 report described in Subsection 62A-16-301(1)(~~b~~)(c), and the responses described in
2086 Subsections 62A-16-301(2) and (4)(c) to the chairs of:

2087 (a) the Health and Human Services Interim Committee; or

2088 (b) if the qualified individual who is the subject of the report is an individual described
2089 in Subsection 62A-16-102(7)(c), (d), or (h), the Child Welfare Legislative Oversight Panel.

2090 (2) (a) The Health and Human Services Interim Committee may, in a closed meeting,
2091 review a report described in Subsection 62A-16-301(1)(b).

2092 (b) The Child Welfare Legislative Oversight Panel shall, in a closed meeting, review a
2093 report described in Subsection (1)(b).

2094 (3) (a) The Health and Human Services Interim Committee and the Child Welfare
2095 Legislative Oversight Panel may not interfere with, or make recommendations regarding, the
2096 resolution of a particular case.

2097 (b) The purpose of a review described in Subsection (2) is to assist a committee or
2098 panel described in Subsection (2) in determining whether to recommend a change in the law.

2099 (c) Any recommendation, described in Subsection (3)(b), by a committee or panel for a
2100 change in the law shall be made in an open meeting.

2101 (4) (a) On or before September 1 of each year, the department shall provide an

2102 executive summary of all formal review reports for the preceding state fiscal year to the Office
2103 of Legislative Research and General Counsel.

2104 (b) The Office of Legislative Research and General Counsel shall forward a copy of the
2105 executive summary described in Subsection (4)(a) to:

2106 (i) the Health and Human Services Interim Committee; and

2107 (ii) the Child Welfare Legislative Oversight Panel.

2108 (5) The executive summary described in Subsection (4):

2109 (a) may not include any names or identifying information;

2110 (b) shall include:

2111 (i) all recommendations regarding changes to the law that were made during the
2112 preceding fiscal year under Subsection 62A-16-204(6);

2113 (ii) all changes made, or in the process of being made, to a law, rule, policy, or
2114 procedure in response to a formal review that occurred during the preceding fiscal year;

2115 (iii) a description of the training that has been completed in response to a formal
2116 review that occurred during the preceding fiscal year;

2117 (iv) statistics for the preceding fiscal year regarding:

2118 (A) the number of qualified individuals and the type of deaths and near fatalities that
2119 are known to the department;

2120 (B) the number of formal reviews conducted;

2121 (C) the categories described in Subsection 62A-16-102[(2)](7) of qualified individuals;

2122 (D) the gender, age, race, and other significant categories of qualified individuals; and

2123 (E) the number of fatalities of qualified individuals known to the department that are
2124 identified as suicides; and

2125 (v) action taken by the Office of Licensing and the Bureau of Internal Review and
2126 Audits in response to the near fatality or the death of a qualified individual; and

2127 (c) is a public document.

2128 (6) The Division of Child and Family Services shall, to the extent required by the
2129 federal Child Abuse Prevention and Treatment Act, as amended, allow public disclosure of the

2130 findings or information relating to a case of child abuse or neglect that results in a child fatality
2131 or a near fatality.

2132 Section 35. Section **63A-17-110** is amended to read:

2133 **63A-17-110. State pay plans for DNR peace officers and wildland firefighters.**

2134 (1) As used in this section:

2135 (a) "DNR peace officer" means an employee of the Department of Natural Resources
2136 who is designated as a peace officer by law.

2137 (b) "Wildland firefighter" means an employee of the Division of Forestry, Fire, and
2138 State Lands who is:

- 2139 (i) trained in firefighter techniques; and
- 2140 (ii) assigned to a position of hazardous duty.

2141 (2) The director shall:

2142 (a) establish a specialized state pay plan for DNR peace officers and wildland
2143 firefighters that:

- 2144 (i) meets the requirements of Section [63A-17-307](#);
- 2145 (ii) distinguishes the salary range for each DNR peace officer and wildland firefighter
2146 classification;

2147 (iii) includes for each DNR peace officer and wildland firefighter classification:

- 2148 (A) the minimum qualifications; and
- 2149 (B) any training requirements; and
- 2150 (iv) provides standards for:

2151 (A) performance evaluation; and

2152 (B) promotion; and

2153 (b) include, in the plan described in Subsection [~~67-19-12(5)~~] [63A-17-307\(5\)](#),

2154 recommendations on funding and salary increases for DNR peace officers and wildland
2155 firefighters.

2156 Section 36. Section **63C-23-102** is amended to read:

2157 **63C-23-102. Definitions.**

2158 As used in this ~~[section]~~ chapter:

2159 (1) "Council" means the Education and Mental Health Coordinating Council created in
2160 Section [63C-23-201](#).

2161 (2) "Local education agency" or "LEA" means the same as that term is defined in
2162 Section [53E-1-102](#).

2163 (3) "Local mental health authority" means a local mental health authority described in
2164 Section [17-43-301](#).

2165 (4) "Local substance abuse authority" means a local substance abuse authority
2166 described in Section [17-43-201](#).

2167 Section 37. Section **63H-1-102** is amended to read:

2168 **63H-1-102. Definitions.**

2169 As used in this chapter:

2170 (1) "Authority" means the Military Installation Development Authority, created under
2171 Section [63H-1-201](#).

2172 (2) "Base taxable value" means:

2173 (a) for military land or other land that was exempt from a property tax at the time that a
2174 project area was created that included the military land or other land, a taxable value of zero; or

2175 (b) for private property that is included in a project area, the taxable value of the
2176 property within any portion of the project area, as designated by board resolution, from which
2177 the property tax allocation will be collected, as shown upon the assessment roll last equalized:

2178 (i) before the year in which the authority creates the project area; or

2179 (ii) before the year in which the project area plan is amended, for property added to a
2180 project area by an amendment to a project area plan.

2181 (3) "Board" means the governing body of the authority created under Section
2182 [63H-1-301](#).

2183 (4) (a) "Dedicated tax collections" means the property tax that remains after the
2184 authority is paid the property tax allocation the authority is entitled to receive under Subsection
2185 [63H-1-501](#)(1), for a property tax levied by:

- 2186 (i) a county, including a district the county has established under Subsection 17-34-3(2)
2187 to levy a property tax under Title 17, Chapter 34, Municipal-Type Services to Unincorporated
2188 Areas; or
- 2189 (ii) an included municipality.
- 2190 (b) "Dedicated tax collections" does not include a county additional property tax or
2191 multicounty assessing and collecting levy imposed in accordance with Section 59-2-1602.
- 2192 (5) "Develop" means to engage in development.
- 2193 (6) (a) "Development" means an activity occurring:
- 2194 (i) on land within a project area that is owned or operated by the military, the authority,
2195 another public entity, or a private entity; or
- 2196 (ii) on military land associated with a project area.
- 2197 (b) "Development" includes the demolition, construction, reconstruction, modification,
2198 expansion, maintenance, operation, or improvement of a building, facility, utility, landscape,
2199 parking lot, park, trail, or recreational amenity.
- 2200 (7) "Development project" means a project to develop land within a project area.
- 2201 (8) "Elected member" means a member of the authority board who:
- 2202 (a) is a mayor or member of a legislative body appointed under Subsection
2203 63H-1-302(2)(b); or
- 2204 (b) (i) is appointed to the authority board under Subsection 63H-1-302(2)(a) or (3); and
2205 (ii) concurrently serves in an elected state, county, or municipal office.
- 2206 (9) "Included municipality" means a municipality, some or all of which is included
2207 within a project area.
- 2208 (10) (a) "Military" means a branch of the armed forces of the United States, including
2209 the Utah National Guard.
- 2210 (b) "Military" includes, in relation to property, property that is occupied by the military
2211 and is owned by the government of the United States or the state.
- 2212 (11) "Military Installation Development Authority accommodations tax" or "MIDA
2213 accommodations tax" means the tax imposed under Section 63H-1-205.

2214 (12) "Military Installation Development Authority energy tax" or "MIDA energy tax"
2215 means the tax levied under Section [63H-1-204](#).

2216 (13) "Military land" means land or a facility, including leased land or a leased facility,
2217 that is part of or affiliated with a base, camp, post, station, yard, center, or installation under the
2218 jurisdiction of the United States Department of Defense, the United States Department of
2219 Veterans Affairs, or the Utah National Guard.

2220 (14) "Municipal energy tax" means a municipal energy sales and use tax under Title
2221 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act.

2222 (15) "Municipal services revenue" means revenue that the authority:

2223 (a) collects from the authority's:

2224 (i) levy of a municipal energy tax;

2225 (ii) levy of a MIDA energy tax;

2226 (iii) levy of a telecommunications tax;

2227 (iv) imposition of a transient room tax; and

2228 (v) imposition of a resort communities tax;

2229 (b) receives under Subsection [59-12-205\(2\)\(b\)\(ii\)](#); and

2230 (c) receives as dedicated tax collections.

2231 (16) "Municipal tax" means a municipal energy tax, MIDA energy tax, MIDA
2232 accommodations tax, telecommunications tax, transient room tax, or resort communities tax.

2233 (17) "Project area" means the land, including military land, whether consisting of a
2234 single contiguous area or multiple noncontiguous areas, described in a project area plan or draft
2235 project area plan, where the development project set forth in the project area plan or draft
2236 project area plan takes place or is proposed to take place.

2237 (18) "Project area budget" means a multiyear projection of annual or cumulative
2238 revenues and expenses and other fiscal matters pertaining to a project area that includes:

2239 (a) the base taxable value of property in the project area;

2240 (b) the projected property tax allocation expected to be generated within the project
2241 area;

2242 (c) the amount of the property tax allocation expected to be shared with other taxing
2243 entities;

2244 (d) the amount of the property tax allocation expected to be used to implement the
2245 project area plan, including the estimated amount of the property tax allocation to be used for
2246 land acquisition, public improvements, infrastructure improvements, and loans, grants, or other
2247 incentives to private and public entities;

2248 (e) the property tax allocation expected to be used to cover the cost of administering
2249 the project area plan;

2250 (f) if the property tax allocation is to be collected at different times or from different
2251 portions of the project area, or both:

2252 (i) (A) the tax identification numbers of the parcels from which the property tax
2253 allocation will be collected; or

2254 (B) a legal description of the portion of the project area from which the property tax
2255 allocation will be collected; and

2256 (ii) an estimate of when other portions of the project area will become subject to
2257 collection of the property tax allocation; and

2258 (g) for property that the authority owns or leases and expects to sell or sublease, the
2259 expected total cost of the property to the authority and the expected selling price or lease
2260 payments.

2261 (19) "Project area plan" means a written plan that, after the plan's effective date, guides
2262 and controls the development within a project area.

2263 (20) (a) "Property tax" includes a privilege tax imposed under Title 59, Chapter 4,
2264 Privilege Tax, except as described in Subsection (20)(b), and each levy on an ad valorem basis
2265 on tangible or intangible personal or real property.

2266 (b) "Property tax" does not include a privilege tax on the taxable value:

2267 (i) attributable to a portion of a facility leased to the military for a calendar year when:

2268 (A) a lessee of military land has constructed a facility on the military land that is part of
2269 a project area;

2270 (B) the lessee leases space in the facility to the military for the entire calendar year; and

2271 (C) the lease rate paid by the military for the space is \$1 or less for the entire calendar
2272 year, not including any common charges that are reimbursements for actual expenses; or

2273 (ii) of the following property owned by the authority, regardless of whether the
2274 authority enters into a long-term operating agreement with a privately owned entity under
2275 which the privately owned entity agrees to operate the property:

2276 (A) a hotel;

2277 (B) a hotel condominium unit in a condominium project, as defined in Section 57-8-3;

2278 and

2279 (C) a commercial condominium unit in a condominium project, as defined in Section
2280 57-8-3.

2281 (21) "Property tax allocation" means the difference between:

2282 (a) the amount of property tax revenues generated each tax year by all taxing entities
2283 from the area within a project area designated in the project area plan as the area from which
2284 the property tax allocation is to be collected, using the current assessed value of the property;
2285 and

2286 (b) the amount of property tax revenues that would be generated from that same area
2287 using the base taxable value of the property.

2288 (22) "Public entity" means:

2289 (a) the state, including each department or agency of the state; or

2290 (b) a political subdivision of the state, including the authority or a county, city, town,
2291 school district, local district, special service district, or interlocal cooperation entity~~[-including~~
2292 ~~the authority]~~.

2293 (23) (a) " Public infrastructure and improvements" means infrastructure,
2294 improvements, facilities, or buildings that:

2295 (i) benefit the public, the authority, the military, or military-related entities; and

2296 (ii) (A) are publicly owned by the military, the authority, a public infrastructure district
2297 under Title 17D, Chapter 4, Public Infrastructure District Act, or another public entity;

- 2298 (B) are owned by a utility; or
- 2299 (C) are publicly maintained or operated by the military, the authority, or another public
- 2300 entity.
- 2301 (b) "Public infrastructure and improvements" also means infrastructure, improvements,
- 2302 facilities, or buildings that:
- 2303 (i) are privately owned; and
- 2304 (ii) provide a substantial benefit, as determined by the board, to the development and
- 2305 operation of a project area.
- 2306 (c) "Public infrastructure and improvements" includes:
- 2307 (i) facilities, lines, or systems that harness geothermal energy or provide water, chilled
- 2308 water, steam, sewer, storm drainage, natural gas, electricity, or telecommunications;
- 2309 (ii) streets, roads, curb, gutter, sidewalk, walkways, tunnels, solid waste facilities,
- 2310 parking facilities, public transportation facilities, and parks, trails, and other recreational
- 2311 facilities;
- 2312 (iii) snowmaking equipment and related improvements that can also be used for water
- 2313 storage or fire suppression purposes; and
- 2314 (iv) a building and related improvements for occupancy by the public, the authority, the
- 2315 military, or military-related entities.
- 2316 (24) "Remaining municipal services revenue" means municipal services revenue that
- 2317 the authority has not:
- 2318 (a) spent during the authority's fiscal year for municipal services as provided in
- 2319 Subsection [63H-1-503\(1\)](#); or
- 2320 (b) redirected to use in accordance with Subsection [63H-1-502\(3\)](#).
- 2321 (25) "Resort communities tax" means a sales and use tax imposed under Section
- 2322 [59-12-401](#).
- 2323 (26) "Taxable value" means the value of property as shown on the last equalized
- 2324 assessment roll.
- 2325 (27) "Taxing entity":

2326 (a) means a public entity that levies a tax on property within a project area; and

2327 (b) does not include a public infrastructure district that the authority creates under Title
2328 17D, Chapter 4, Public Infrastructure District Act.

2329 (28) "Telecommunications tax" means a telecommunications license tax under Title
2330 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.

2331 (29) "Transient room tax" means a tax under Section 59-12-352.

2332 Section 38. Section 63H-1-201 is amended to read:

2333 **63H-1-201. Creation of military installation development authority -- Status and**
2334 **powers of authority -- Limitation.**

2335 (1) There is created a military installation development authority.

2336 (2) The authority is:

2337 (a) an independent, nonprofit, separate body corporate and politic, with perpetual
2338 succession and statewide jurisdiction, whose purpose is to facilitate the development of land
2339 within a project area or on military land associated with a project area;

2340 (b) a political subdivision of the state; and

2341 (c) a public corporation, as defined in Section 63E-1-102.

2342 (3) The authority may:

2343 (a) facilitate the development of land within one or more project areas, including the
2344 ongoing operation of facilities within a project area, or development of military land associated
2345 with a project area;

2346 (b) sue and be sued;

2347 (c) enter into contracts generally;

2348 (d) by itself or through a subsidiary, buy, obtain an option upon, or otherwise acquire
2349 any interest in real or personal property:

2350 (i) in a project area; or

2351 (ii) outside a project area for public infrastructure and improvements, if the board
2352 considers the purchase, option, or other interest acquisition to be necessary for fulfilling the
2353 authority's development objectives;

2354 (e) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
2355 personal property;

2356 (f) enter into a lease agreement on real or personal property, either as lessee or lessor:

2357 (i) in a project area; or

2358 (ii) outside a project area, if the board considers the lease to be necessary for fulfilling
2359 the authority's development objectives;

2360 (g) provide for the development of land within a project area or military land
2361 associated with the project area under one or more contracts;

2362 (h) exercise powers and perform functions under a contract, as authorized in the
2363 contract;

2364 (i) exercise exclusive police power within a project area to the same extent as though
2365 the authority were a municipality, including the collection of regulatory fees;

2366 (j) receive the property tax allocation and other taxes and fees as provided in this
2367 chapter;

2368 (k) accept financial or other assistance from any public or private source for the
2369 authority's activities, powers, and duties, and expend any funds so received for any of the
2370 purposes of this chapter;

2371 (l) borrow money, contract with, or accept financial or other assistance from the federal
2372 government, a public entity, or any other source for any of the purposes of this chapter and
2373 comply with any conditions of the loan, contract, or assistance;

2374 (m) issue bonds to finance the undertaking of any development objectives of the
2375 authority, including bonds under Title 11, Chapter 17, Utah Industrial Facilities and
2376 Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;

2377 (n) hire employees, including contract employees;

2378 (o) transact other business and exercise all other powers provided for in this chapter;

2379 (p) enter into a development agreement with a developer of land within a project area;

2380 (q) enter into an agreement with a political subdivision of the state under which the
2381 political subdivision provides one or more municipal services within a project area;

2382 (r) enter into an agreement with a private contractor to provide one or more municipal
2383 services within a project area;

2384 (s) provide for or finance an energy efficiency upgrade, a renewable energy system, or
2385 electric vehicle charging infrastructure as defined in Section 11-42a-102, in accordance with
2386 Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act;

2387 (t) exercise powers and perform functions that the authority is authorized by statute to
2388 exercise or perform;

2389 (u) enter into an agreement with the federal government or an agency of the federal
2390 government under which the federal government or agency:

2391 (i) provides law enforcement services only to military land within a project area; and

2392 (ii) may enter into a mutual aid or other cooperative agreement with a law enforcement
2393 agency of the state or a political subdivision of the state;

2394 (v) by itself or through a subsidiary, act as a facilitator under Title 63N, Chapter 13,
2395 Part 3, Facilitating Public-private Partnerships Act, to provide expertise and knowledge to
2396 another governmental entity interested in public-private partnerships;

2397 (w) enter into an intergovernmental support agreement under Title 10, U.S.C. Sec.
2398 2679 with the military to provide support services to the military in accordance with the
2399 agreement;

2400 (x) act as a developer, or assist a developer chosen by the military, to develop military
2401 land as part of an enhanced use lease under Title 10, U.S.C. Sec. 2667; and

2402 (y) develop public infrastructure and improvements.

2403 (4) The authority may not itself provide law enforcement service or fire protection
2404 service within a project area but may enter into an agreement for one or both of those services,
2405 as provided in Subsection (3)(q).

2406 (5) The authority shall provide support to a subsidiary that enters into an agreement
2407 under Subsection (3)(v) that the authority determines necessary for the subsidiary to fulfill the
2408 requirements of the agreement.

2409 (6) Because providing procurement, utility, construction, and other services for use by

2410 a military installation, including providing public infrastructure and improvements for use or
2411 occupancy by the military, are core functions of the authority and are typically provided by a
2412 local government for the local government's own needs or use, these services provided by the
2413 authority for the military under this chapter are considered to be for the authority's own needs
2414 and use.

2415 (7) A public infrastructure district created by the authority under Title ~~[17B]~~ 17D,
2416 Chapter ~~[2a, Part 12]~~ 4, Public Infrastructure District Act, is a subsidiary of the authority.

2417 Section 39. Section **63H-1-202** is amended to read:

2418 **63H-1-202. Applicability of other law.**

2419 (1) As used in this section:

2420 (a) "Subsidiary" means an authority subsidiary that is a public body as defined in
2421 Section 52-4-103.

2422 (b) "Subsidiary board" means the governing body of a subsidiary.

2423 (2) The authority or land within a project area is not subject to:

2424 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;

2425 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act;

2426 (c) ordinances or regulations of a county or municipality, including those relating to
2427 land use, health, business license, or franchise; or

2428 (d) the jurisdiction of a local district under Title 17B, Limited Purpose Local
2429 Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1,
2430 Special Service District Act.

2431 (3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107,
2432 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed
2433 by Title 63E, Independent Entities Code.

2434 (4) (a) The definitions in Section 57-8-3 apply to this Subsection (4).

2435 (b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership
2436 Act, or any other provision of law:

2437 (i) if the military is the owner of land in a project area on which a condominium project

2438 is constructed, the military is not required to sign, execute, or record a declaration of a
2439 condominium project; and

2440 (ii) if a condominium unit in a project area is owned by the military or owned by the
2441 authority and leased to the military for \$1 or less per calendar year, not including any common
2442 charges that are reimbursements for actual expenses:

2443 (A) the condominium unit is not subject to any liens under Title 57, Chapter 8,
2444 Condominium Ownership Act;

2445 (B) condominium unit owners within the same building or commercial condominium
2446 project may agree on any method of allocation and payment of common area expenses,
2447 regardless of the size or par value of each unit; and

2448 (C) the condominium project may not be dissolved without the consent of all the
2449 condominium unit owners.

2450 (5) Notwithstanding any other provision, when a law requires the consent of a local
2451 government, the authority is the consenting entity for a project area.

2452 (6) (a) A department, division, or other agency of the state and a political subdivision
2453 of the state shall cooperate with the authority to the fullest extent possible to provide whatever
2454 support, information, or other assistance the authority requests that is reasonably necessary to
2455 help the authority fulfill the authority's duties and responsibilities under this chapter.

2456 (b) Subsection (6)(a) does not apply to a political subdivision that does not have any of
2457 a project area located within the boundary of the political subdivision.

2458 (7) The authority and a subsidiary are subject to Title 52, Chapter 4, Open and Public
2459 Meetings Act, except that:

2460 (a) notwithstanding Section [~~54-2-104~~] 52-4-104, the timing and nature of training to
2461 authority board members or subsidiary board members on the requirements of Title 52, Chapter
2462 4, Open and Public Meetings Act, may be determined by:

2463 (i) the board chair, for the authority board; or

2464 (ii) the subsidiary board chair, for a subsidiary board;

2465 (b) authority staff may adopt a rule governing the use of electronic meetings under

2466 Section 52-4-207, if, under Subsection 63H-1-301(3), the board delegates to authority staff the
2467 power to adopt the rule; and

2468 (c) for an electronic meeting of the authority board or subsidiary board that otherwise
2469 complies with Section 52-4-207, the authority board or subsidiary board, respectively:

2470 (i) is not required to establish an anchor location; and

2471 (ii) may convene and conduct the meeting without the written determination otherwise
2472 required under Subsection 52-4-207(4).

2473 (8) The authority and a subsidiary are subject to Title 63G, Chapter 2, Government
2474 Records Access and Management Act, except that:

2475 (a) notwithstanding Section 63G-2-701:

2476 (i) the authority may establish an appeals board consisting of at least three members;

2477 (ii) an appeals board established under Subsection (8)(a)(i) shall include:

2478 (A) one of the authority board members appointed by the governor;

2479 (B) the authority board member appointed by the president of the Senate; and

2480 (C) the authority board member appointed by the speaker of the House of

2481 Representatives; and

2482 (iii) an appeal of a decision of an appeals board is to district court, as provided in

2483 Section 63G-2-404, except that the State Records Committee is not a party; and

2484 (b) a record created or retained by the authority or a subsidiary acting in the role of a
2485 facilitator under Subsection 63H-1-201(3)(v) is a protected record under Title 63G, Chapter 2,
2486 Government Records Access and Management Act.

2487 (9) The authority or a subsidiary acting in the role of a facilitator under Subsection
2488 63H-1-201(3)(v) is not prohibited from receiving a benefit from a public-private partnership
2489 that results from the facilitator's work as a facilitator.

2490 (10) (a) (i) A subsidiary created as a public infrastructure district under Title [17B]
2491 17D, Chapter [2a, Part 12] 4, Public Infrastructure District Act, may, subject to limitations of
2492 Title [17B] 17D, Chapter [2a, Part 12] 4, Public Infrastructure District Act, levy a property tax
2493 for the operations and maintenance of the public infrastructure district's financed infrastructure

2494 and related improvements, subject to a maximum rate of .015.

2495 (ii) A levy under Subsection (10)(a)(i) may be separate from a public infrastructure
2496 district property tax levy for a bond.

2497 (b) If a subsidiary created as a public infrastructure district issues a bond:

2498 (i) the subsidiary may:

2499 (A) delay the effective date of the property tax levy for the bond until after the period
2500 of capitalized interest payments; and

2501 (B) covenant with bondholders not to reduce or impair the property tax levy; and

2502 (ii) notwithstanding a provision to the contrary in Title ~~[17B]~~ 17D, Chapter ~~[2a, Part~~
2503 ~~12]~~ 4, Public Infrastructure District Act, the tax rate for the property tax levy for the bond may
2504 not exceed a rate that generates more revenue than required to pay the annual debt service of
2505 the bond plus administrative costs, subject to a maximum of .02.

2506 Section 40. Section **63H-1-301** is amended to read:

2507 **63H-1-301. Authority board -- Delegation of power.**

2508 (1) The authority shall be governed by a board which shall manage and conduct the
2509 business and affairs of the authority and shall determine all questions of authority policy.

2510 (2) All powers of the authority are exercised through the board.

2511 (3) The board may by resolution delegate powers to authority staff, including the power
2512 to adopt a rule governing the use of electronic meetings under Section ~~[54-2-207]~~ 52-4-207.

2513 Section 41. Section **63I-1-210** is amended to read:

2514 **63I-1-210. Repeal dates, Title 10.**

2515 ~~[Section 10-9a-526 is repealed December 31, 2020.]~~

2516 Section 42. Section **63I-1-253** is amended to read:

2517 **63I-1-253. Repeal dates, Titles 53 through 53G.**

2518 (1) Section ~~53-2a-105~~, which creates the Emergency Management Administration
2519 Council, is repealed July 1, 2022.

2520 (2) Sections ~~53-2a-1103~~ and ~~53-2a-1104~~, which create the Search and Rescue Advisory
2521 Board, are repealed July 1, 2022.

- 2522 (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
2523 July 1, 2023.
- 2524 (4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is
2525 repealed July 1, 2027.
- 2526 (5) Subsection 53-13-104(6)(a), regarding being 19 years old at certification, is
2527 repealed July 1, 2027.
- 2528 (6) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
2529 repealed July 1, 2024.
- 2530 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 2531 (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
2532 repealed January 1, 2025.
- 2533 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 2534 (10) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July
2535 1, 2025.
- 2536 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
2537 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
2538 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 2539 (12) Section 53E-3-515 is repealed January 1, 2023.
- 2540 (13) In relation to a standards review committee, on January 1, 2023:
- 2541 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
2542 recommendations of a standards review committee established under Section 53E-4-203" is
2543 repealed; and
- 2544 (b) Section 53E-4-203 is repealed.
- 2545 (14) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
2546 custody, are repealed July 1, 2027.
- 2547 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
2548 repealed July 1, 2022.
- 2549 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is

- 2550 repealed July 1, 2023.
- 2551 [~~(17)~~ Subsection ~~53E-8-204~~(4), which creates the advisory council for the Utah
- 2552 Schools for the Deaf and the Blind, is repealed July 1, 2021.]
- 2553 [~~(18)~~ (17) Section ~~53F-2-420~~, which creates the Intensive Services Special Education
- 2554 Pilot Program, is repealed July 1, 2024.
- 2555 [~~(19)~~ (18) Section ~~53F-5-203~~ is repealed July 1, 2024.
- 2556 [~~(20)~~ Section ~~53F-5-212~~ is repealed July 1, 2024.]
- 2557 [~~(21)~~ (19) Section ~~53F-5-213~~ is repealed July 1, 2023.
- 2558 [~~(22)~~ (20) Section ~~53F-5-214~~, in relation to a grant for professional learning, is
- 2559 repealed July 1, 2025.
- 2560 [~~(23)~~ (21) Section ~~53F-5-215~~, in relation to an elementary teacher preparation grant, is
- 2561 repealed July 1, 2025.
- 2562 [~~(24)~~ (22) Subsection ~~53F-9-203~~(7), which creates the Charter School Revolving
- 2563 Account Committee, is repealed July 1, 2024.
- 2564 [~~(25)~~ (23) Section ~~53F-9-501~~ is repealed January 1, 2023.
- 2565 [~~(26)~~ (24) Subsections ~~53G-4-608~~(2)(b) and (4)(b), related to the Utah Seismic Safety
- 2566 Commission, are repealed January 1, 2025.
- 2567 [~~(27)~~ (25) Subsection ~~53G-8-211~~(5), regarding referrals of a minor to court for a class
- 2568 C misdemeanor, is repealed July 1, 2022.
- 2569 Section 43. Section **63I-1-263** is amended to read:
- 2570 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 2571 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 2572 (a) Section [~~63A-16-102~~] 63A-18-102 is repealed;
- 2573 (b) Section [~~63A-16-201~~] 63A-18-201 is repealed; and
- 2574 (c) Section [~~63A-16-202~~] 63A-18-202 is repealed.
- 2575 (2) Subsection ~~63A-5b-405~~(5), relating to prioritizing and allocating capital
- 2576 improvement funding, is repealed July 1, 2024.
- 2577 (3) Section ~~63A-5b-1003~~, State Facility Energy Efficiency Fund, is repealed July 1,

- 2578 2023.
- 2579 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
2580 Committee, are repealed July 1, 2023.
- 2581 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
2582 1, 2028.
- 2583 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
2584 2025.
- 2585 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
2586 2024.
- 2587 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
2588 repealed July 1, 2023.
- 2589 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
2590 July 1, 2023.
- 2591 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
2592 repealed July 1, 2026.
- 2593 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed
2594 July 1, 2025.
- 2595 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
2596 Advisory Board, is repealed July 1, 2026.
- 2597 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
2598 2025.
- 2599 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
2600 2024.
- 2601 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2602 (16) Subsection [63J-1-602.1\(17\)](#), Nurse Home Visiting Restricted Account is repealed
2603 July 1, 2026.
- 2604 (17) (a) Subsection [63J-1-602.1\(61\)](#), relating to the Utah Statewide Radio System
2605 Restricted Account, is repealed July 1, 2022.

2606 (b) When repealing Subsection 63J-1-602.1(61), the Office of Legislative Research and
2607 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
2608 necessary changes to subsection numbering and cross references.

2609 (18) Subsection 63J-1-602.2(5), referring to dedicated credits to the Utah Marriage
2610 Commission, is repealed July 1, 2023.

2611 (19) Subsection 63J-1-602.2(6), referring to the Trip Reduction Program, is repealed
2612 July 1, 2022.

2613 (20) Subsection 63J-1-602.2(24), related to the Utah Seismic Safety Commission, is
2614 repealed January 1, 2025.

2615 (21) Title [~~63J~~] 63L, Chapter [~~4~~] 11, Part [~~5~~] 4, Resource Development Coordinating
2616 Committee, is repealed July 1, 2027.

2617 (22) In relation to the advisory committee created in Subsection 63L-11-305(3), on
2618 July 1, 2022:

2619 (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and

2620 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

2621 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
2622 January 1, 2023:

2623 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
2624 repealed;

2625 (b) Section 63M-7-305, the language that states "council" is replaced with
2626 "commission";

2627 (c) Subsection 63M-7-305(1) is repealed and replaced with:

2628 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

2629 (d) Subsection 63M-7-305(2) is repealed and replaced with:

2630 "(2) The commission shall:

2631 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
2632 Drug-Related Offenses Reform Act; and

2633 (b) coordinate the implementation of Section 77-18-104 and related provisions in

2634 Subsections ~~77-18-103~~(2)(c) and (d).".

2635 (24) The Crime Victim Reparations and Assistance Board, created in Section

2636 ~~63M-7-504~~, is repealed July 1, 2027.

2637 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July

2638 1, 2022.

2639 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

2640 [~~(27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating~~

2641 ~~Council, is repealed July 1, 2024.~~]

2642 [~~(28)~~ (27) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

2643 [~~(29)~~ (28) Section ~~63N-2-512~~, related to the Hotel Impact Mitigation Fund, is repealed

2644 July 1, 2028.

2645 [~~(30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed~~

2646 ~~January 1, 2021.~~]

2647 [~~(b) Section ~~59-9-107~~ regarding tax credits against premium taxes is repealed for~~

2648 ~~calendar years beginning on or after January 1, 2021.~~]

2649 [~~(c) Notwithstanding Subsection(30)(b), an entity may carry forward a tax credit in~~

2650 ~~accordance with Section ~~59-9-107~~ if:~~]

2651 [~~(i) the person is entitled to a tax credit under Section ~~59-9-107~~ on or before December~~

2652 ~~31, 2020; and]~~

2653 [~~(ii) the qualified equity investment that is the basis of the tax credit is certified under~~

2654 ~~Section ~~63N-2-603~~ on or before December 31, 2023.~~]

2655 [~~(31)~~ (29) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is

2656 repealed July 1, 2023.

2657 [~~(32)~~ (30) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed

2658 July 1, 2025.

2659 [~~(33)~~ (31) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant

2660 Program, is repealed January 1, 2028.

2661 Section 44. Section ~~63I-2-210~~ is amended to read:

2662 **63I-2-210. Repeal dates -- Title 10.**

2663 [~~Section 10-6-160.1 is repealed January 1, 2021.~~]

2664 Section 45. Section **63I-2-253** is amended to read:

2665 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

2666 (1) Section ~~53-1-106.1~~ is repealed January 1, 2022.

2667 (2) (a) Section ~~53-2a-217~~, regarding procurement during an epidemic or pandemic
2668 emergency, is repealed on December 31, 2021.

2669 (b) When repealing Section ~~53-2a-217~~, the Office of Legislative Research and General
2670 Counsel shall, in addition to the office's authority under Subsection ~~36-12-12(3)~~, make
2671 necessary changes to subsection numbering and cross references.

2672 [~~(3) Section 53-2a-219, in relation to termination of emergency powers pertaining to
2673 COVID-19, is repealed on July 1, 2021.~~]

2674 [~~(4)~~ (3) (a) Subsection ~~53B-2a-108(5)~~, regarding exceptions to the composition of a
2675 technical college board of trustees, is repealed July 1, 2022.

2676 (b) When repealing Subsection ~~53B-2a-108(5)~~, the Office of Legislative Research and
2677 General Counsel shall, in addition to its authority under Subsection ~~36-12-12(3)~~, make
2678 necessary changes to subsection numbering and cross references.

2679 [~~(5)~~ (4) Section ~~53B-6-105.7~~ is repealed July 1, 2024.

2680 [~~(6)~~ (5) (a) Subsection ~~53B-7-705(6)(b)(iii)(A)~~, the language that states "Except as
2681 provided in Subsection (6)(b)(iii)(B)," is repealed July 1, 2021.

2682 (b) Subsection ~~53B-7-705(6)(b)(iii)(B)~~, regarding comparing a technical college's
2683 change in performance with the technical college's average performance, is repealed July 1,
2684 2021.

2685 [~~(7)~~ (6) (a) Subsection ~~53B-7-707(3)(a)(ii)~~, the language that states "Except as
2686 provided in Subsection (3)(b)," is repealed July 1, 2021.

2687 (b) Subsection ~~53B-7-707(3)(b)~~, regarding performance data of a technical college
2688 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

2689 [~~(8)~~ (7) Section ~~53B-7-707~~ regarding performance metrics for technical colleges is

2690 repealed July 1, 2023.

2691 [~~(9)~~] (8) Section 53B-8-114 is repealed July 1, 2024.

2692 [~~(10)~~] (9) The following sections, regarding the Regents' scholarship program, are

2693 repealed on July 1, 2023:

2694 (a) Section 53B-8-202;

2695 (b) Section 53B-8-203;

2696 (c) Section 53B-8-204; and

2697 (d) Section 53B-8-205.

2698 [~~(11)~~] (10) Section 53B-10-101 is repealed on July 1, 2027.

2699 [~~(12)~~] (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,

2700 is repealed July 1, 2023.

2701 [~~(13)~~] (12) Section 53E-1-202.2, regarding a Public Education Appropriations

2702 Subcommittee evaluation and recommendations, is repealed January 1, 2024.

2703 [~~(14)~~] (13) Section 53E-3-520 is repealed July 1, 2021.

2704 [~~(15)~~] (14) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed

2705 July 1, 2024.

2706 [~~(16)~~] (15) In Subsections 53F-2-205(4) and (5), regarding the State Board of

2707 Education's duties if contributions from the minimum basic tax rate are overestimated or

2708 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,

2709 2023.

2710 [~~(17)~~] (16) Section 53F-2-209, regarding local education agency budgetary flexibility,

2711 is repealed July 1, 2024.

2712 [~~(18)~~] (17) Subsection 53F-2-301(1), relating to the years the section is not in effect, is

2713 repealed July 1, 2023.

2714 [~~(19)~~] (18) Section 53F-2-302.1, regarding the Enrollment Growth Contingency

2715 Program, is repealed July 1, 2023.

2716 [~~(20)~~] (19) Subsection 53F-2-314(4), relating to a one-time expenditure between the

2717 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

2718 [~~(21)~~] (20) Section 53F-2-418, regarding the Supplemental Educator COVID-19
2719 Stipend, is repealed January 1, 2022.

2720 [~~(22)~~] (21) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
2721 applicable" is repealed July 1, 2023.

2722 [~~(23)~~] (22) Section 53F-4-207 is repealed July 1, 2022.

2723 [~~(24)~~] (23) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for
2724 enrollment in kindergarten, is repealed July 1, 2022.

2725 [~~(25)~~] (24) In Subsection 53F-4-404(4)(c), the language that states "Except as provided
2726 in Subsection (4)(d)" is repealed July 1, 2022.

2727 [~~(26)~~] (25) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

2728 [~~(27)~~] (26) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
2729 applicable" is repealed July 1, 2023.

2730 [~~(28)~~] (27) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
2731 applicable" is repealed July 1, 2023.

2732 [~~(29)~~] (28) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
2733 applicable" is repealed July 1, 2023.

2734 [~~(30)~~] (29) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
2735 as applicable" is repealed July 1, 2023.

2736 [~~(31)~~] (30) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(6),
2737 related to the civics engagement pilot program, are repealed on July 1, 2023.

2738 [~~(32)~~] (31) On July 1, 2023, when making changes in this section, the Office of
2739 Legislative Research and General Counsel shall, in addition to the office's authority under
2740 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
2741 identified in this section are complete sentences and accurately reflect the office's perception of
2742 the Legislature's intent.

2743 Section 46. Section 63L-11-203 is amended to read:

2744 **63L-11-203. Resource management plan administration.**

2745 (1) The office shall consult with the Federalism Commission before expending funds

2746 appropriated by the Legislature for the implementation of this section.

2747 (2) To the extent that the Legislature appropriates sufficient funding, the office may
2748 procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah
2749 Procurement Code, to assist the office with the office's responsibilities described in Subsection
2750 (3).

2751 (3) The office shall:

2752 (a) assist each county with the creation of the county's resource management plan by:

2753 (i) consulting with the county on policy and legal issues related to the county's resource
2754 management plan; and

2755 (ii) helping the county ensure that the county's resource management plan meets the
2756 requirements of Subsection 17-27a-401(3);

2757 (b) promote quality standards among all counties' resource management plans; and

2758 (c) upon submission by a county, review and verify the county's:

2759 (i) estimated cost for creating a resource management plan; and

2760 (ii) actual cost for creating a resource management plan.

2761 (4) (a) A county shall cooperate with the office, or an entity procured by the office
2762 under Subsection (2), with regards to the office's responsibilities under Subsection (3).

2763 (b) To the extent that the Legislature appropriates sufficient funding, the office may, in
2764 accordance with Subsection (4)(c), provide funding to a county before the county completes a
2765 resource management plan.

2766 (c) The office may provide pre-completion funding described in Subsection (4)(b):

2767 (i) after:

2768 (A) the county submits an estimated cost for completing the resource management plan
2769 to the office; and

2770 (B) the office reviews and verifies the estimated cost in accordance with Subsection
2771 (3)(c)(i); and

2772 (ii) in an amount up to:

2773 (A) 50% of the estimated cost of completing the resource management plan, verified

2774 by the office; or
2775 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.
2776 (d) To the extent that the Legislature appropriates sufficient funding, the office shall
2777 provide funding to a county in the amount described in Subsection (4)(e) after:
2778 (i) a county's resource management plan:
2779 (A) meets the requirements described in Subsection 17-27a-401(3); and
2780 (B) is adopted under Subsection 17-27a-404(5)(d);
2781 (ii) the county submits the actual cost of completing the resource management plan to
2782 the office; and
2783 (iii) the office reviews and verifies the actual cost in accordance with Subsection
2784 (3)(c)(ii).
2785 (e) The office shall provide funding to a county under Subsection (4)(d) in an amount
2786 equal to the difference between:
2787 (i) the lesser of:
2788 (A) the actual cost of completing the resource management plan, verified by the office;
2789 or
2790 (B) \$50,000; and
2791 (ii) the amount of any pre-completion funding that the county received under
2792 Subsections (4)(b) and (c).
2793 (5) To the extent that the Legislature appropriates sufficient funding, after the deadline
2794 established in Subsection 17-27a-404(5)(d) for a county to adopt a resource management plan,
2795 the office shall:
2796 (a) obtain a copy of each county's resource management plan;
2797 (b) create a statewide resource management plan that:
2798 (i) meets the same requirements described in Subsection 17-27a-401(3); and
2799 (ii) to the extent reasonably possible, coordinates and is consistent with any resource
2800 management plan or land use plan established under Title 63J, Chapter 8, State of Utah
2801 Resource Management Plan for Federal Lands; and

2802 (c) submit a copy of the statewide resource management plan to the Federalism
2803 Commission for review.

2804 (6) Following review of the statewide resource management plan, the Federalism
2805 Commission shall prepare a concurrent resolution approving the statewide resource
2806 management plan for consideration during the 2018 General Session.

2807 (7) To the extent that the Legislature appropriates sufficient funding, the office shall
2808 provide legal support to a county that becomes involved in litigation with the federal
2809 government over the requirements of Subsection 17-27a-405(3).

2810 (8) After the statewide resource management plan is approved, as described in
2811 Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office
2812 shall monitor the implementation of the statewide resource management plan at the federal,
2813 state, and local levels.

2814 Section 47. Section **63L-11-301** is amended to read:

2815 **63L-11-301. Office duties relating to plans for the management of federal land.**

2816 (1) (a) In preparing or assisting in the preparation of plans, policies, programs, or
2817 processes related to the management or use of federal land or natural resources on federal land
2818 in the state, the office shall:

2819 (i) incorporate the plans, policies, programs, processes, and desired outcomes of the
2820 counties where the federal lands or natural resources are located, to the maximum extent
2821 consistent with state and federal law, subject to Subsection (1)(b);

2822 (ii) identify inconsistencies or conflicts between the plans, policies, programs,
2823 processes, and desired outcomes prepared under Subsection (1)(a)(i) and the plans, programs,
2824 processes, and desired outcomes of local government as early in the preparation process as
2825 possible, and seek resolution of the inconsistencies through meetings or other conflict
2826 resolution mechanisms involving the necessary and immediate parties to the inconsistency or
2827 conflict;

2828 (iii) present to the governor the nature and scope of any inconsistency or other conflict
2829 that is not resolved under the procedures in Subsection (1)(a)(~~ii~~)(ii) for the governor's decision

2830 about the position of the state concerning the inconsistency or conflict;

2831 (iv) develop, research, and use factual information, legal analysis, and statements of
2832 desired future condition for the state, or subregion of the state, as necessary to support the
2833 plans, policies, programs, processes, and desired outcomes of the state and the counties where
2834 the federal lands or natural resources are located;

2835 (v) establish and coordinate agreements between the state and federal land management
2836 agencies, federal natural resource management agencies, and federal natural resource
2837 regulatory agencies to facilitate state and local participation in the development, revision, and
2838 implementation of land use plans, guidelines, regulations, other instructional memoranda, or
2839 similar documents proposed or promulgated for lands and natural resources administered by
2840 federal agencies; and

2841 (vi) work in conjunction with political subdivisions to establish agreements with
2842 federal land management agencies, federal natural resource management agencies, and federal
2843 natural resource regulatory agencies to provide a process for state and local participation in the
2844 preparation of, or coordinated state and local response to, environmental impact analysis
2845 documents and similar documents prepared pursuant to law by state or federal agencies.

2846 (b) The requirement in Subsection (1)(a)(i) may not be interpreted to infringe upon the
2847 authority of the governor.

2848 (2) The office shall cooperate with and work in conjunction with appropriate state
2849 agencies and political subdivisions to develop policies, plans, programs, processes, and desired
2850 outcomes authorized by this section by coordinating the development of positions:

2851 (a) through the coordinating committee;

2852 (b) in conjunction with local government officials concerning general local government
2853 plans; and

2854 (c) by soliciting public comment through the coordinating committee.

2855 Section 48. Section **63M-7-405** is amended to read:

2856 **63M-7-405. Compensation of members -- Reports to the Legislature, the courts,**
2857 **and the governor -- Collateral consequences guide.**

2858 (1) (a) A member who is not a legislator may not receive compensation or benefits for
2859 the member's service, but may receive per diem and travel expenses as allowed in:

2860 (i) Section 63A-3-106;

2861 (ii) Section 63A-3-107; and

2862 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
2863 63A-3-107.

2864 (b) Compensation and expenses of a member who is a legislator are governed by
2865 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

2866 (2) (a) The commission shall submit to the Legislature, the courts, and the governor at
2867 least 60 days before the annual general session of the Legislature the commission's reports and
2868 recommendations for sentencing guidelines and supervision length guidelines and
2869 amendments.

2870 (b) The commission shall use existing data and resources from state criminal justice
2871 agencies.

2872 (c) The commission may employ professional assistance and other staff members as it
2873 considers necessary or desirable.

2874 (3) The commission shall assist and respond to questions from all three branches of
2875 government, but is part of the Commission on Criminal and Juvenile Justice for coordination
2876 on criminal and juvenile justice issues, budget, and administrative support.

2877 (4) (a) As used in this Subsection (4), "master offense list" means a document that
2878 contains all offenses that exist in statute and each offense's associated penalty.

2879 (b) No later than May 1, 2017, the commission shall create a master offense list.

2880 (c) No later than June 30 of each calendar year, the commission shall:

2881 (i) after the last day of the general legislative session, update the master offense list;

2882 and

2883 (ii) present the updated master offense list to the Law Enforcement and Criminal
2884 Justice Interim Committee.

2885 (5) As used in Subsection (6):

2886 (a) "Adjudication" means an adjudication, as that term is defined in Section
2887 ~~[78A-6-105]~~ 80-1-102, of an offense under Section ~~[78A-6-117]~~ 80-6-701.

2888 (b) "Civil disability" means a legal right or privilege that is revoked as a result of the
2889 individual's conviction or adjudication.

2890 (c) "Collateral consequence" means:

2891 (i) a discretionary disqualification; or

2892 (ii) a mandatory sanction.

2893 (d) "Conviction" means the same as that term is defined in Section 77-38b-102.

2894 (e) "Disadvantage" means any legal or regulatory restriction that:

2895 (i) is imposed on an individual as a result of the individual's conviction or adjudication;

2896 and

2897 (ii) is not a civil disability or a legal penalty.

2898 (f) "Discretionary disqualification" means a penalty, a civil disability, or a disadvantage
2899 that a court in a civil proceeding, or a federal, state, or local government agency or official,
2900 may impose on an individual as a result of the individual's adjudication or conviction for an
2901 offense regardless of whether the penalty, the civil disability, or the disadvantage is specifically
2902 designated as a penalty, a civil disability, or a disadvantage.

2903 (g) "Mandatory sanction" means a penalty, a civil disability, or a disadvantage that:

2904 (i) is imposed on an individual as a result of the individual's adjudication or conviction
2905 for an offense regardless of whether the penalty, the civil disability, or the disadvantage is
2906 specifically designated as a penalty, a civil disability, or a disadvantage; and

2907 (ii) is not included in the judgment for the adjudication or conviction.

2908 (h) "Offense" means a felony, a misdemeanor, an infraction, or an adjudication under
2909 the laws of this state, another state, or the United States.

2910 (i) "Penalty" means an administrative, civil, or criminal sanction imposed to punish the
2911 individual for the individual's conviction or adjudication.

2912 (6) (a) The commission shall:

2913 (i) identify any provision of state law, including the Utah Constitution, and any

2914 administrative rule that imposes a collateral consequence;

2915 (ii) prepare and compile a guide that contains all the provisions identified in

2916 Subsection (6)(a)(i) on or before October 1, 2022; and

2917 (iii) update the guide described in Subsection (6)(a)(ii) annually.

2918 (b) The commission shall state in the guide described in Subsection (6)(a) that:

2919 (i) the guide has not been enacted into law;

2920 (ii) the guide does not have the force of law;

2921 (iii) the guide is for informational purposes only;

2922 (iv) an error or omission in the guide, or in any reference in the guide:

2923 (A) has no effect on a plea, an adjudication, a conviction, a sentence, or a disposition;

2924 and

2925 (B) does not prevent a collateral consequence from being imposed;

2926 (v) any laws or regulations for a county, a municipality, another state, or the United

2927 States, imposing a collateral consequence are not included in the guide; and

2928 (vi) the guide does not include any provision of state law or any administrative rule

2929 imposing a collateral consequence that is enacted on or after March 31 of each year.

2930 (c) The commission shall:

2931 (i) place the statements described in Subsection (6)(b) in a prominent place at the

2932 beginning of the guide; and

2933 (ii) make the guide available to the public on the commission's website.

2934 (d) The commission shall:

2935 (i) present the updated guide described in Subsection (6)(a)(iii) annually to the Law

2936 Enforcement and Criminal Justice Interim Committee; and

2937 (ii) identify and recommend legislation on collateral consequences to the Law

2938 Enforcement and Criminal Justice Interim Committee.

2939 Section 49. Section **63N-4-103** is amended to read:

2940 **63N-4-103. Purpose of the Center for Rural Development.**

2941 The Center for Rural Development is established to:

2942 (1) foster and support economic development programs and activities for the benefit of
2943 rural counties and communities;

2944 (2) foster and support community, county, and resource management planning
2945 programs and activities for the benefit of rural counties and communities;

2946 (3) foster and support leadership training programs and activities for the benefit of:

2947 (a) rural leaders in both the public and private sectors;

2948 (b) economic development and planning personnel; and

2949 (c) rural government officials;

2950 (4) foster and support efforts to coordinate and focus the technical and other resources
2951 of appropriate institutions of higher education, local governments, private sector interests,
2952 associations, nonprofit organizations, federal agencies, and others, in ways that address the
2953 economic development, planning, and leadership challenges;

2954 (5) work to enhance the capacity of [~~GOED~~] the GO Utah office to address rural
2955 economic development, planning, and leadership training challenges and opportunities by
2956 establishing partnerships and positive working relationships with appropriate public and private
2957 sector entities, individuals, and institutions; and

2958 (6) foster government-to-government collaboration and good working relations
2959 between state and rural government regarding economic development and planning issues.

2960 Section 50. Section **63N-7-301** is amended to read:

2961 **63N-7-301. Tourism Marketing Performance Account.**

2962 (1) There is created within the General Fund a restricted account known as the Tourism
2963 Marketing Performance Account.

2964 (2) The account shall be administered by [~~GOED~~] the GO Utah office for the purposes
2965 listed in Subsection (5).

2966 (3) (a) The account shall earn interest.

2967 (b) All interest earned on account money shall be deposited into the account.

2968 (4) The account shall be funded by appropriations made to the account by the
2969 Legislature in accordance with this section.

2970 (5) The [~~executive~~] managing director of [~~GOED's~~] the GO Utah office's Office of
2971 Tourism shall use account money appropriated to [~~GOED~~] the GO Utah office to pay for the
2972 statewide advertising, marketing, and branding campaign for promotion of the state as
2973 conducted by [~~GOED~~] the GO Utah office.

2974 (6) (a) For each fiscal year beginning on or after July 1, 2007, [~~GOED~~] the GO Utah
2975 office shall annually allocate 10% of the account money appropriated to [~~GOED~~] the GO Utah
2976 office to a sports organization for advertising, marketing, branding, and promoting Utah in
2977 attracting sporting events into the state.

2978 (b) The sports organization shall:

2979 (i) provide an annual written report to [~~GOED~~] the GO Utah office that gives an
2980 accounting of the use of funds the sports organization receives under this Subsection (6); and

2981 (ii) promote the state and encourage economic growth in the state.

2982 (c) For purposes of this Subsection (6), "sports organization" means an organization
2983 that:

2984 (i) is exempt from federal income taxation in accordance with Section 501(c)(3),
2985 Internal Revenue Code;

2986 (ii) maintains its principal location in the state;

2987 (iii) has a minimum of 15 years experience in the state hosting, fostering, and attracting
2988 major summer and winter sporting events statewide; and

2989 (iv) was created to foster state, regional, national, and international sports competitions
2990 in the state, to drive the state's Olympic and sports legacy, including competitions related to
2991 Olympic sports, and to promote and encourage sports tourism throughout the state, including
2992 advertising, marketing, branding, and promoting the state for the purpose of attracting sporting
2993 events in the state.

2994 (7) Money deposited into the account shall include a legislative appropriation from the
2995 cumulative sales and use tax revenue increases described in Subsection (8), plus any additional
2996 appropriation made by the Legislature.

2997 (8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax

2998 revenues determined under this Subsection (8) shall be certified by the State Tax Commission
2999 as a set-aside for the account, and the State Tax Commission shall report the amount of the
3000 set-aside to the office, the Office of Legislative Fiscal Analyst, and the Division of Finance,
3001 which shall set aside the certified amount for appropriation to the account.

3002 (b) For fiscal years 2016 through 2019, the State Tax Commission shall calculate the
3003 set-aside under this Subsection (8) in each fiscal year by applying one of the following
3004 formulas: if the annual percentage change in the Consumer Price Index for All Urban
3005 Consumers, as published by the Bureau of Labor Statistics of the United States Department of
3006 Labor, for the fiscal year two years before the fiscal year in which the set-aside is to be made is:

3007 (i) greater than 3%, and if the annual percentage change in the state sales and use tax
3008 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal
3009 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two
3010 years before the fiscal year in which the set-aside is to be made is greater than the annual
3011 percentage change in the Consumer Price Index for the fiscal year two years before the fiscal
3012 year in which the set-aside is to be made, then the difference between the annual percentage
3013 change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented
3014 goods and services and the annual percentage change in the Consumer Price Index shall be
3015 multiplied by an amount equal to the state sales and use tax revenues attributable to the retail
3016 sales of tourist-oriented goods and services from the fiscal year three years before the fiscal
3017 year in which the set-aside is to be made; or

3018 (ii) 3% or less, and if the annual percentage change in the state sales and use tax
3019 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal
3020 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two
3021 years before the fiscal year in which the set-aside is to be made is greater than 3%, then the
3022 difference between the annual percentage change in the state sales and use tax revenues
3023 attributable to the retail sales of tourist-oriented goods and services and 3% shall be multiplied
3024 by an amount equal to the state sales and use tax revenues attributable to the retail sales of
3025 tourist-oriented goods and services from the fiscal year three years before the fiscal year in

3026 which the set-aside is to be made.

3027 (c) The total money appropriated to the account in a fiscal year under Subsections
3028 (8)(a) and (b) may not exceed the amount appropriated to the account in the preceding fiscal
3029 year by more than \$3,000,000.

3030 (d) As used in this Subsection (8), "state sales and use tax revenues" are revenues
3031 collected under Subsections 59-12-103(2)(a)(i)(A) and 59-12-103(2)(c)(i).

3032 (e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services"
3033 are calculated by adding the following percentages of sales from each business registered with
3034 the State Tax Commission under one of the following codes of the 2012 North American
3035 Industry Classification System of the federal Executive Office of the President, Office of
3036 Management and Budget:

3037 (i) 80% of the sales from each business under NAICS Codes:

3038 (A) 532111 Passenger Car Rental;

3039 (B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;

3040 (C) 5615 Travel Arrangement and Reservation Services;

3041 (D) 7211 Traveler Accommodation; and

3042 (E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;

3043 (ii) 25% of the sales from each business under NAICS Codes:

3044 (A) 51213 Motion Picture and Video Exhibition;

3045 (B) 532292 Recreational Goods Rental;

3046 (C) 711 Performing Arts, Spectator Sports, and Related Industries;

3047 (D) 712 Museums, Historical Sites, and Similar Institutions; and

3048 (E) 713 Amusement, Gambling, and Recreation Industries;

3049 (iii) 20% of the sales from each business under NAICS Code 722 Food Services and
3050 Drinking Places;

3051 (iv) 18% of the sales from each business under NAICS Codes:

3052 (A) 447 Gasoline Stations; and

3053 (B) 81293 Parking Lots and Garages;

3054 (v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair
3055 and Maintenance; and

3056 (vi) 5% of the sales from each business under NAICS Codes:

3057 (A) 445 Food and Beverage Stores;

3058 (B) 446 Health and Personal Care Stores;

3059 (C) 448 Clothing and Clothing Accessories Stores;

3060 (D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;

3061 (E) 452 General Merchandise Stores; and

3062 (F) 453 Miscellaneous Store Retailers.

3063 (9) (a) For each fiscal year, the office shall allocate 20% of the funds appropriated to
3064 the Tourism Marketing and Performance Account to the cooperative program described in this
3065 Subsection (9).

3066 (b) Money allocated to the cooperative program may be awarded to cities, counties,
3067 nonprofit destination marketing organizations, and similar public entities for the purpose of
3068 supplementing money committed by these entities for advertising and promoting sites and
3069 events in the state.

3070 (c) The office shall establish:

3071 (i) an application and approval process for an entity to receive a cooperative program
3072 award, including an application deadline;

3073 (ii) the criteria for awarding a cooperative program award, which shall emphasize
3074 attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in
3075 the state; and

3076 (iii) eligibility, advertising, timing, and reporting requirements of an entity that
3077 receives a cooperative program award.

3078 (d) Money allocated to the cooperative program that is not used in each fiscal year shall
3079 be returned to the Tourism Marketing Performance Account.

3080 Section 51. Section **63N-9-102** is amended to read:

3081 **63N-9-102. Definitions.**

3082 As used in this chapter:

3083 (1) "Accessible to the general public," in relation to the awarding of an infrastructure
3084 grant, means:

3085 (a) the public may use the infrastructure in accordance with federal and state
3086 regulations; and

3087 (b) no community or group retains exclusive rights to access the infrastructure.

3088 (2) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory
3089 Committee created in Section [79-8-105](#).

3090 (3) "Director" means the director of the Utah Office of Outdoor Recreation.

3091 [~~(4) "Executive director" means the executive director of GOED.~~]

3092 [~~(5)~~ (4) "Infrastructure grant" means an outdoor recreational infrastructure grant
3093 described in Section [63N-9-202](#).

3094 [~~(6)~~ (5) "Outdoor recreation office" means the Utah Office of Outdoor Recreation
3095 created in Section [63N-9-104](#).

3096 [~~(7)~~ (6) (a) "Recreational infrastructure project" means an undertaking to build or
3097 improve the approved facilities and installations needed for the public to access and enjoy the
3098 state's outdoors.

3099 (b) "Recreational infrastructure project" may include the:

3100 (i) establishment, construction, or renovation of a trail, trail infrastructure, or trail
3101 facilities;

3102 (ii) construction of a project for water-related outdoor recreational activities;

3103 (iii) development of a project for wildlife watching opportunities, including bird
3104 watching;

3105 (iv) development of a project that provides winter recreation amenities;

3106 (v) construction or improvement of a community park that has amenities for outdoor
3107 recreation; and

3108 (vi) construction or improvement of a naturalistic and accessible playground.

3109 [~~(8)~~ (7) (a) "Underserved or underprivileged community" means a group of people,

3110 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

3111 (b) "Underserved or underprivileged community" includes an economically
3112 disadvantaged community where in relation to awarding an infrastructure grant, the people of
3113 the community have limited access to or have demonstrated a low level of use of recreational
3114 infrastructure.

3115 Section 52. Section **67-3-12** is amended to read:

3116 **67-3-12. Utah Public Finance Website -- Establishment and administration --**
3117 **Records disclosure -- Exceptions.**

3118 (1) As used in this section:

3119 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same
3120 as that term is defined in Section [63E-1-102](#).

3121 (ii) "Independent entity" includes an entity that is part of an independent entity
3122 described in Subsection (1)(a)(i), if the entity is considered a component unit of the
3123 independent entity under the governmental accounting standards issued by the Governmental
3124 Accounting Standards Board.

3125 (iii) "Independent entity" does not include the Utah State Retirement Office created in
3126 Section [49-11-201](#).

3127 (b) "Local education agency" means a school district or charter school.

3128 (c) "Participating local entity" means:

3129 (i) a county;

3130 (ii) a municipality;

3131 (iii) a local district under Title 17B, Limited Purpose Local Government Entities -
3132 Local Districts;

3133 (iv) a special service district under Title 17D, Chapter 1, Special Service District Act;

3134 (v) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

3135 (vi) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District
3136 Act;

3137 (vii) except for a taxed interlocal entity as defined in Section [11-13-602](#):

- 3138 (A) an interlocal entity as defined in Section 11-13-103;
- 3139 (B) a joint or cooperative undertaking as defined in Section 11-13-103; or
- 3140 (C) any project, program, or undertaking entered into by interlocal agreement in
- 3141 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;
- 3142 (viii) except for a taxed interlocal entity as defined in Section 11-13-602, an entity that
- 3143 is part of an entity described in Subsections (1)(c)(i) through (vii), if the entity is considered a
- 3144 component unit of the entity described in Subsections (1)(c)(i) through (vii) under the
- 3145 governmental accounting standards issued by the Governmental Accounting Standards Board;
- 3146 or
- 3147 (ix) a conservation district under Title 17D, Chapter 3, Conservation District Act.
- 3148 (d) (i) "Participating state entity" means the state of Utah, including its executive,
- 3149 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,
- 3150 councils, committees, and institutions.
- 3151 (ii) "Participating state entity" includes an entity that is part of an entity described in
- 3152 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in
- 3153 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental
- 3154 Accounting Standards Board.
- 3155 (e) "Public finance website" or "website" means the website established by the state
- 3156 auditor in accordance with this section.
- 3157 (f) "Public financial information" means each record that is required under this section
- 3158 or by rule made by the Office of the State Auditor under Subsection (8) to be made available on
- 3159 the public finance website, a participating local entity's website, or an independent entity's
- 3160 website.
- 3161 (g) "Qualifying entity" means:
- 3162 (i) an independent entity;
- 3163 (ii) a participating local entity;
- 3164 (iii) a participating state entity;
- 3165 (iv) a local education agency;

- 3166 (v) a state institution of higher education as defined in Section [53B-3-102](#);
- 3167 (vi) the Utah Educational Savings Plan created in Section [~~58B-8a-103~~] [53B-8a-103](#);
- 3168 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);
- 3169 (viii) the School and Institutional Trust Lands Administration created in Section
- 3170 [53C-1-201](#);
- 3171 (ix) the Utah Capital Investment Corporation created in Section [63N-6-301](#); or
- 3172 (x) a URS-participating employer.
- 3173 (h) (i) "URS-participating employer" means an entity that:
- 3174 (A) is a participating entity, as that term is defined in Section [49-11-102](#); and
- 3175 (B) is not required to report public financial information under this section as a
- 3176 qualifying entity described in Subsections (1)(g)(i) through (ix).
- 3177 (ii) "URS-participating employer" does not include:
- 3178 (A) the Utah State Retirement Office created in Section [49-11-201](#); or
- 3179 (B) a withdrawing entity.
- 3180 (i) (i) "Withdrawing entity" means an entity that elects to withdraw from participation
- 3181 in a system or plan under Title 49, Chapter 11, Part 6, Procedures and Records.
- 3182 (ii) "Withdrawing entity" includes a withdrawing entity, as that term is defined in
- 3183 Sections [49-11-623](#) and [49-11-624](#).
- 3184 (2) The state auditor shall establish and maintain a public finance website in
- 3185 accordance with this section.
- 3186 (3) The website shall:
- 3187 (a) permit Utah taxpayers to:
- 3188 (i) view, understand, and track the use of taxpayer dollars by making public financial
- 3189 information available on the Internet for participating state entities, independent entities,
- 3190 participating local entities, and URS-participating employers, using the website; and
- 3191 (ii) link to websites administered by participating local entities, independent entities, or
- 3192 URS-participating employers that do not use the website for the purpose of providing public
- 3193 financial information as required by this section and by rule made under Subsection (8);

- 3194 (b) allow a person that has Internet access to use the website without paying a fee;
- 3195 (c) allow the public to search public financial information on the website;
- 3196 (d) provide access to financial reports, financial audits, budgets, or other financial
- 3197 documents that are used to allocate, appropriate, spend, and account for government funds, as
- 3198 may be established by rule made in accordance with Subsection (9);
- 3199 (e) have a unique and simplified website address;
- 3200 (f) be guided by the principles described in Subsection [63A-16-202\(2\)](#);
- 3201 (g) include other links, features, or functionality that will assist the public in obtaining
- 3202 and reviewing public financial information, as may be established by rule made under
- 3203 Subsection (9); and
- 3204 (h) include a link to school report cards published on the State Board of Education's
- 3205 website under Section [53E-5-211](#).
- 3206 (4) The state auditor shall:
- 3207 (a) establish and maintain the website, including the provision of equipment, resources,
- 3208 and personnel as necessary;
- 3209 (b) maintain an archive of all information posted to the website;
- 3210 (c) coordinate and process the receipt and posting of public financial information from
- 3211 participating state entities; and
- 3212 (d) coordinate and regulate the posting of public financial information by participating
- 3213 local entities and independent entities.
- 3214 (5) A qualifying entity shall permit the public to view the qualifying entity's public
- 3215 financial information by posting the public financial information to the public finance website
- 3216 in accordance with rules made under Subsection (9).
- 3217 (6) The content of the public financial information posted to the public finance website
- 3218 is the responsibility of the qualifying entity posting the public financial information.
- 3219 (7) A URS-participating employer shall provide employee compensation information
- 3220 for each fiscal year ending on or after June 30, 2022:
- 3221 (a) to the state auditor for posting on the Utah Public Finance Website; or

3222 (b) (i) through the URS-participating employer's own website; and
3223 (ii) via a link to the website described in Subsection (7)(b)(i), submitted to the state
3224 auditor for posting on the Utah Public Finance Website.

3225 (8) (a) A qualifying entity may not post financial information that is classified as
3226 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
3227 Management Act, to the public finance website.

3228 (b) An individual who negligently discloses financial information that is classified as
3229 private, protected, or controlled by Title 63G, Chapter 2, Government Records Access and
3230 Management Act, is not criminally or civilly liable for an improper disclosure of the financial
3231 information if the financial information is disclosed solely as a result of the preparation or
3232 publication of the website.

3233 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3234 Office of the State Auditor:

3235 (a) shall make rules to:

3236 (i) establish which records a qualifying entity is required to post to the public finance
3237 website; and

3238 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting
3239 public financial information on the public finance website; and

3240 (b) may make rules governing when a qualifying entity is required to disclose an
3241 expenditure made by a person under contract with the qualifying entity, including the form and
3242 content of the disclosure.

3243 (10) The rules made under Subsection (9) shall only require a URS-participating
3244 employer to provide employee compensation information for each fiscal year ending on or after
3245 June 30, 2022:

3246 (a) to the state auditor for posting on the public finance website; or

3247 (b) (i) through the URS-participating employer's own website; and

3248 (ii) via a link to the website described in Subsection (10)(b)(i), submitted to the state
3249 auditor for posting on the public finance website.

3250 Section 53. Section **67-19a-101** is amended to read:

3251 **67-19a-101. Definitions.**

3252 As used in this chapter:

3253 (1) "Abusive conduct" means the same as that term is defined in Section [67-26-102](#).

3254 (2) "Administrator" means the person appointed under Section [67-19a-201](#) to head the
3255 Career Service Review Office.

3256 (3) "Career service employee" means a person employed in career service as defined in
3257 Section [~~67-19-3~~] [63A-17-102](#).

3258 (4) "Division" means the Division of Human Resource Management.

3259 (5) "Employer" means the state of Utah and all supervisory personnel vested with the
3260 authority to implement and administer the policies of an agency.

3261 (6) "Excusable neglect" means harmless error, mistake, inadvertence, surprise, a failure
3262 to discover evidence that, through due diligence, could not have been discovered in time to
3263 meet the applicable time period, misrepresentation or misconduct by the employer, or any other
3264 reason justifying equitable relief.

3265 (7) "Grievance" means:

3266 (a) a complaint by a career service employee concerning any matter touching upon the
3267 relationship between the employee and the employer;

3268 (b) any dispute between a career service employee and the employer;

3269 (c) a complaint by a reporting employee that a public entity has engaged in retaliatory
3270 action against the reporting employee; and

3271 (d) a complaint that the employer subjected the employee to conditions that a
3272 reasonable person would consider intolerable, including abusive conduct.

3273 (8) "Office" means the Career Service Review Office created under Section
3274 [67-19a-201](#).

3275 (9) "Public entity" means the same as that term is defined in Section [67-21-2](#).

3276 (10) "Reporting employee" means an employee of a public entity who alleges that the
3277 public entity engaged in retaliatory action against the employee.

3278 (11) "Retaliatory action" means to do any of the following to an employee in violation
3279 of Section 67-21-3:

- 3280 (a) dismiss the employee;
- 3281 (b) reduce the employee's compensation;
- 3282 (c) fail to increase the employee's compensation by an amount that the employee is
3283 otherwise entitled to or was promised;
- 3284 (d) fail to promote the employee if the employee would have otherwise been promoted;

3285 or

- 3286 (e) threaten to take an action described in Subsections (11)(a) through (d).

3287 (12) "Supervisor" means the person:

- 3288 (a) to whom an employee reports; or
- 3289 (b) who assigns and oversees an employee's work.

3290 Section 54. Section **73-18c-201** is amended to read:

3291 **73-18c-201. Division to administer and enforce chapter -- Division may adopt**
3292 **rules.**

3293 (1) (a) The division shall administer this chapter.

3294 (b) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
3295 Classifications, may enforce this chapter ~~[in]~~ and the rules made under this chapter.

3296 (2) The division, after consultation with the commission, may adopt rules as necessary
3297 for the administration of this chapter in accordance with Title 63G, Chapter 3, Utah
3298 Administrative Rulemaking Act.

3299 Section 55. Section **77-23c-102** is amended to read:

3300 **77-23c-102. Electronic information or data privacy -- Warrant required for**
3301 **disclosure.**

3302 (1) (a) Except as provided in Subsection (2), for a criminal investigation or
3303 prosecution, a law enforcement agency may not obtain, without a search warrant issued by a
3304 court upon probable cause:

- 3305 (i) the location information, stored data, or transmitted data of an electronic device; or

3306 (ii) electronic information or data transmitted by the owner of the electronic
3307 information or data:

3308 (A) to a provider of a remote computing service; or
3309 (B) through a provider of an electronic communication service.

3310 (b) Except as provided in Subsection (1)(c), a law enforcement agency may not use,
3311 copy, or disclose, for any purpose, the location information, stored data, or transmitted data of
3312 an electronic device, or electronic information or data provided by a provider of a remote
3313 computing service or an electronic communication service, that:

3314 (i) is not the subject of the warrant; and
3315 (ii) is collected as part of an effort to obtain the location information, stored data, or
3316 transmitted data of an electronic device, or electronic information or data provided by a
3317 provider of a remote computing service or an electronic communication service that is the
3318 subject of the warrant in Subsection (1)(a).

3319 (c) A law enforcement agency may use, copy, or disclose the transmitted data of an
3320 electronic device used to communicate with the electronic device that is the subject of the
3321 warrant if the law enforcement agency reasonably believes that the transmitted data is
3322 necessary to achieve the objective of the warrant.

3323 (d) The electronic information or data described in Subsection (1)(b) shall be destroyed
3324 in an unrecoverable manner by the law enforcement agency as soon as reasonably possible after
3325 the electronic information or data is collected.

3326 (2) (a) A law enforcement agency may obtain location information without a warrant
3327 for an electronic device:

3328 (i) in accordance with Section [53-10-104.5](#);
3329 (ii) if the device is reported stolen by the owner;
3330 (iii) with the informed, affirmative consent of the owner or user of the electronic
3331 device;
3332 (iv) in accordance with a judicially recognized exception to warrant requirements;
3333 (v) if the owner has voluntarily and publicly disclosed the location information; or

3334 (vi) from a provider of a remote computing service or an electronic communications
3335 service if the provider voluntarily discloses the location information:

3336 (A) under a belief that an emergency exists involving an imminent risk to an individual
3337 of death, serious physical injury, sexual abuse, live-streamed sexual exploitation, kidnapping,
3338 or human trafficking; or

3339 (B) that is inadvertently discovered by the provider and appears to pertain to the
3340 commission of a felony, or of a misdemeanor involving physical violence, sexual abuse, or
3341 dishonesty.

3342 (b) A law enforcement agency may obtain stored data or transmitted data from an
3343 electronic device or electronic information or data transmitted by the owner of the electronic
3344 information or data to a provider of a remote computing service or through a provider of an
3345 electronic communication service, without a warrant:

3346 (i) with the informed consent of the owner of the electronic device or electronic
3347 information or data;

3348 (ii) in accordance with a judicially recognized exception to warrant requirements; or

3349 (iii) subject to Subsection [77-23e-102](2)(a)(vi)(B), from a provider of a remote
3350 computing service or an electronic communication service if the provider voluntarily discloses
3351 the stored or transmitted data as otherwise permitted under 18 U.S.C. Sec. 2702.

3352 (c) A prosecutor may obtain a judicial order as described in Section 77-22-2.5 for the
3353 purposes described in Section 77-22-2.5.

3354 (3) A provider of an electronic communication service or a remote computing service,
3355 the provider's officers, employees, or agents, or other specified persons may not be held liable
3356 for providing information, facilities, or assistance in good faith reliance on the terms of the
3357 warrant issued under this section or without a warrant in accordance with Subsection (2).

3358 (4) Nothing in this chapter:

3359 (a) limits or affects the disclosure of public records under Title 63G, Chapter 2,
3360 Government Records Access and Management Act;

3361 (b) affects the rights of an employer under Subsection 34-48-202(1)(e) or an

3362 administrative rule adopted under Section [~~63F-1-206~~] [63A-16-205](#); or

3363 (c) limits the ability of a law enforcement agency to receive or use information, without
3364 a warrant or subpoena, from the National Center for Missing and Exploited Children under 18
3365 U.S.C. Sec. 2258A.

3366 Section 56. Section **78B-3-106.5** is amended to read:

3367 **78B-3-106.5. Claims brought by presumptive personal representative.**

3368 (1) "Presumptive personal representative" means:

3369 (a) the spouse of the decedent not alleged to have contributed to the death of the
3370 decedent;

3371 (b) if no spouse exists, the spouse of the decedent is incapacitated, or if the spouse of
3372 the decedent is alleged to have contributed to the death of the decedent, then an adult child of
3373 the decedent not alleged to have contributed to the death of the decedent; or

3374 (c) if the spouse and all children of the decedent are incapacitated, or are alleged to
3375 have contributed to the death of the decedent, then a parent of the decedent.

3376 (2) (a) Forty-five days after the death of a person, including a minor, caused by the
3377 wrongful act or neglect of another, the presumptive personal representative may present to an
3378 insurer and resolve with the insurer a claim for policy limits up to \$25,000 for liability and
3379 uninsured motorist claims, \$10,000 for underinsured motorist claims, and execute any
3380 applicable release of liability upon presentation of an affidavit, properly notarized, stating that:

3381 (i) the person presenting the affidavit is the presumptive personal representative;

3382 (ii) 45 days have elapsed since the death of the decedent;

3383 (iii) no application or petition for the appointment of a personal representative is
3384 pending or has been granted in any jurisdiction; and

3385 (iv) notice of intent to resolve the claim has been sent to the last-known addresses of
3386 all heirs as defined by Section [~~78B-3-102~~ or] [78B-3-105](#).

3387 (b) Claims for personal injury protection benefits resulting from the death of an insured
3388 are exempt from the 45-day waiting requirement, but shall include all information required in
3389 Subsections (2)(a)(i), (iii), and (iv).

3390 (3) The presumptive personal representative's claim shall be on behalf of all heirs of
3391 the decedent as defined by Section [~~78B-3-102~~ or] 78B-3-105. The personal representative
3392 shall have the same duties toward other heirs as those duties provided in Sections 75-3-701
3393 through 75-3-720.

3394 (4) Any insurer and its insured paying a claim arising out of the wrongful death of a
3395 person, including a minor, including but not limited to claims for uninsured or underinsured
3396 motorist coverage as provided in Section 31A-22-305, to a presumptive personal representative
3397 upon presentation of an affidavit as described in Subsection (2) are discharged and released to
3398 the same extent as if the insurer and its insured dealt with a personal representative of the
3399 decedent. The insurer and its insured are not required to inquire into the truth of any statement
3400 in the affidavit.

3401 (5) Nothing in this section affects or prevents, to the limits of insurance protection
3402 only, any claim for first party benefits or a proceeding to establish the liability of a tortfeasor
3403 insured under any policy of insurance in addition to the policy under which the claim was
3404 presented and paid under Subsection (2).

3405 (6) If any heirs are minors, the presumptive personal representative may not distribute
3406 more than 50% of the proceeds of the settlement until the distribution has been approved by a
3407 court approved settlement in which a conservator is appointed for any minor heirs.

3408 Section 57. Section 78B-9-301 is amended to read:

3409 **78B-9-301. Postconviction testing of DNA -- Petition -- Sufficient allegations --**
3410 **Notification of victim.**

3411 (1) As used in this part:

3412 (a) "DNA" means deoxyribonucleic acid.

3413 (b) "Factually innocent" means the same as that term is defined in Section
3414 78B-9-401.5.

3415 (2) An individual convicted of a felony offense may at any time file a petition for
3416 postconviction DNA testing in the trial court that entered the judgment of conviction if the
3417 individual asserts factual innocence under oath and the petition alleges:

3418 (a) evidence has been obtained regarding the individual's case that is still in existence
3419 and is in a condition that allows DNA testing to be conducted;

3420 (b) the chain of custody is sufficient to establish that the evidence has not been altered
3421 in any material aspect;

3422 (c) the individual identifies the specific evidence to be tested and states a theory of
3423 defense, not inconsistent with theories previously asserted at trial, that the requested DNA
3424 testing would support;

3425 (d) the evidence was not previously subjected to DNA testing, or if the evidence was
3426 tested previously, the evidence was not subjected to the testing that is now requested, and the
3427 new testing may resolve an issue not resolved by the prior testing;

3428 (e) the proposed DNA testing is generally accepted as valid in the scientific field or is
3429 otherwise admissible under Utah law;

3430 (f) the evidence that is the subject of the request for testing:

3431 (i) has the potential to produce new, noncumulative evidence; and

3432 (ii) there is a reasonable probability that the defendant would not have been convicted
3433 or would have received a lesser sentence if the evidence had been presented at the original trial;
3434 and

3435 (g) the individual is aware of the consequences of filing the petition, including:

3436 (i) the consequences specified in Sections [78B-9-302](#) and [78B-9-304](#); and

3437 (ii) that the individual is waiving any statute of limitations in all jurisdictions as to any
3438 felony offense the individual has committed which is identified through DNA database
3439 comparison.

3440 (3) The petition under Subsection (2) shall comply with Utah Rules of Civil Procedure,
3441 Rule 65C, including providing the underlying criminal case number.

3442 (4) After a petition is filed under this section, prosecutors, law enforcement officers,
3443 and crime laboratory personnel have a duty to cooperate in preserving evidence and in
3444 determining the sufficiency of the chain of custody of the evidence which may be subject to
3445 DNA testing.

3446 (5) (a) (i) An individual who files a petition under this section shall serve notice upon
3447 the office of the prosecutor who obtained the conviction, and upon the Utah attorney general.

3448 (ii) The attorney general shall, within 30 days after receipt of service of a copy of the
3449 petition, or within any additional period of time the court allows, answer or otherwise respond
3450 to all proceedings initiated under this part.

3451 (b) After the attorney general responds under Subsection (5)(a), the petitioner has the
3452 right to reply to the response of the attorney general.

3453 (c) After the attorney general and the petitioner have filed a response and reply in
3454 compliance with Subsection (5)(b), the court shall order DNA testing if it finds by a
3455 preponderance of the evidence that all criteria of Subsection (2) have been met.

3456 (6) (a) If the court grants the petition for testing, the DNA test shall be performed by
3457 the Utah State Crime Laboratory within the Criminal Investigations and Technical Services
3458 Division created in Section 53-10-103, unless the individual establishes that the state crime
3459 laboratory has a conflict of interest or does not have the capability to perform the necessary
3460 testing.

3461 (b) If the court orders that the testing be conducted by any laboratory other than the
3462 state crime laboratory, the court shall require that the testing be performed:

3463 (i) under reasonable conditions designed to protect the state's interests in the integrity
3464 of the evidence; and

3465 (ii) according to accepted scientific standards and procedures.

3466 (7) (a) DNA testing under this section shall be paid for from funds appropriated to the
3467 Department of Public Safety under Subsection 53-10-407(4)(d)(ii) from the DNA Specimen
3468 Restricted Account created in Section 53-10-407 if:

3469 (i) the court ordered the DNA testing under this section;

3470 (ii) the Utah State Crime Laboratory within the Criminal Investigations and Technical
3471 Services Division has a conflict of interest or does not have the capability to perform the
3472 necessary testing; and

3473 (iii) the petitioner who has filed for postconviction DNA testing under Section

3474 78B-9-201 is serving a sentence of imprisonment and is indigent.

3475 (b) Under this Subsection (7), costs of DNA testing include costs that are necessary to
3476 transport the evidence, prepare samples for analysis, analyze the evidence, and prepare reports
3477 of findings.

3478 (8) If the individual is serving a sentence of imprisonment and is indigent, the state
3479 shall pay for the costs of the testing under this part, but if the result is not favorable to the
3480 individual, the court may order the ~~[person]~~ individual to reimburse the state for the costs of
3481 the testing, in accordance with Subsections 78B-9-302(4) and 78B-9-304(1)(b).

3482 (9) Any victim of the crime regarding which the individual petitions for DNA testing,
3483 who has elected to receive notice under Section 77-38-3 shall be notified by the state's attorney
3484 of any hearing regarding the petition and testing, even though the hearing is a civil proceeding.

3485 Section 58. Section 79-8-102 is amended to read:

3486 **79-8-102. Definitions.**

3487 As used in this chapter:

3488 (1) "Children," in relation to the awarding of a UCORE grant, means individuals who
3489 are six years old or older and 18 years old or younger.

3490 (2) "Director" means the director of the Division of Recreation.

3491 (3) "Division" means the Division of Recreation.

3492 (4) "Executive director" means the executive director of the Department of Natural
3493 Resources.

3494 (5) "UCORE grant" means a children's outdoor recreation and education grant
3495 described in Section ~~[79-8-402]~~ 79-8-302.

3496 (6) (a) "Underserved or underprivileged community" means a group of people,
3497 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

3498 (b) "Underserved or underprivileged community" includes an economically
3499 disadvantaged community where in relation to awarding a UCORE grant, the children of the
3500 community, including children with disabilities, have limited access to outdoor recreation or
3501 education programs.

3502 Section 59. Section **79-8-106** is amended to read:

3503 **79-8-106. Utah Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

3504 (1) There is created an expendable special revenue fund known as the "Outdoor
3505 Recreation Infrastructure Account," which[;]:

3506 (a) the outdoor recreation office shall use to fund the Outdoor Recreational
3507 Infrastructure Grant Program created in Section [63N-9-202](#); and

3508 (b) the division shall use to fund the Recreation Restoration Infrastructure Grant
3509 Program created in Section [79-8-202](#).

3510 (2) The account consists of:

3511 (a) distributions to the account under Section [59-28-103](#);

3512 (b) interest earned on the account;

3513 (c) appropriations made by the Legislature;

3514 (d) money from a cooperative agreement entered into with the United States

3515 Department of Agriculture or the United States Department of the Interior; and

3516 (e) private donations, grants, gifts, bequests, or money made available from any other
3517 source to implement this part.

3518 (3) The division shall, with the advice of the Utah Outdoor Recreation Grant Advisory
3519 Committee created in Section [79-8-105](#), administer the account.

3520 (4) (a) The cost of administering the account shall be paid from money in the account.

3521 (b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an
3522 amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from
3523 money in the account.

3524 (5) Interest accrued from investment of money in the account shall remain in the
3525 account.

3526 Section 60. Section **80-4-307** is amended to read:

3527 **80-4-307. Voluntary relinquishment -- Irrevocable.**

3528 (1) The individual consenting to termination of parental rights or voluntarily
3529 relinquishing parental rights shall sign or confirm the consent or relinquishment under oath

3530 before:

3531 (a) [~~before~~] a judge of any court that has jurisdiction over proceedings for termination
3532 of parental rights in this state or any other state, or a public officer appointed by that court for
3533 the purpose of taking consents or relinquishments; or

3534 (b) except as provided in Subsection (2), any person authorized to take consents or
3535 relinquishments under Subsections 78B-6-124(1) and (2).

3536 (2) Only the juvenile court is authorized to take consents or relinquishments from a
3537 parent who has any child who is in the custody of a state agency or who has a child who is
3538 otherwise under the jurisdiction of the juvenile court.

3539 (3) The court, appointed officer, or other authorized person shall certify to the best of
3540 that person's information and belief that the individual executing the consent or relinquishment
3541 has read and understands the consent or relinquishment and has signed the consent or
3542 relinquishment freely and voluntarily.

3543 (4) A voluntary relinquishment or consent for termination of parental rights is effective
3544 when the voluntary relinquishment or consent is signed and may not be revoked.

3545 (5) (a) The requirements and processes described in Section 80-4-104, Sections
3546 80-4-301 through 80-4-304, and Part 2, Petition for Termination of Parental Rights, do not
3547 apply to a voluntary relinquishment or consent for termination of parental rights.

3548 (b) When determining voluntary relinquishment or consent for termination of parental
3549 rights, the juvenile court need only find that the relinquishment or termination is in the child's
3550 best interest.

3551 (6) (a) There is a presumption that voluntary relinquishment or consent for termination
3552 of parental rights is not in the child's best interest where it appears to the juvenile court that the
3553 primary purpose for relinquishment or consent for termination is to avoid a financial support
3554 obligation.

3555 (b) The presumption described in Subsection (6)(a) may be rebutted if the juvenile
3556 court finds the relinquishment or consent to termination of parental rights will facilitate the
3557 establishment of stability and permanency for the child.

3558 (7) Upon granting a voluntary relinquishment the juvenile court may make orders
3559 relating to the child's care and welfare that the juvenile court considers to be in the child's best
3560 interest.