

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

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike Schultz**

5 Senate Sponsor: Evan J. Vickers

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- 13 • eliminating or correcting references involving repealed provisions;
 - 14 • eliminating redundant or obsolete language;
 - 15 • making minor wording changes;
 - 16 • updating cross-references; and
 - 17 • correcting numbering and other errors.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **10-2-419**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

25 **10-9a-536**, as enacted by Laws of Utah 2022, Chapter 230

26 **11-42b-103**, as enacted by Laws of Utah 2022, Chapter 376

27 **11-59-202**, as last amended by Laws of Utah 2022, Chapters 207, 237

28 **17-27a-532**, as enacted by Laws of Utah 2022, Chapter 230

29 **17B-1-212**, as last amended by Laws of Utah 2022, Chapter 381

30 **17D-4-301**, as last amended by Laws of Utah 2022, Chapter 207
31 **19-2-104**, as last amended by Laws of Utah 2020, Chapter 354
32 **26-69-201**, as enacted by Laws of Utah 2022, Chapter 224
33 **26-69-402**, as renumbered and amended by Laws of Utah 2022, Chapter 224
34 **31A-22-657**, as enacted by Laws of Utah 2022, Chapter 198
35 **49-14-201**, as last amended by Laws of Utah 2022, Chapter 171
36 **49-16-102**, as last amended by Laws of Utah 2022, Chapter 171
37 **49-16-701**, as last amended by Laws of Utah 2011, Chapter 439
38 **49-23-601**, as last amended by Laws of Utah 2012, Chapter 298
39 **51-7-2**, as last amended by Laws of Utah 2022, Chapters 186, 298
40 **52-4-103**, as last amended by Laws of Utah 2022, Chapter 422
41 **57-8a-231**, as enacted by Laws of Utah 2022, Chapter 230
42 **58-60-112**, as last amended by Laws of Utah 2022, Chapter 212
43 **58-70b-302**, as enacted by Laws of Utah 2022, Chapter 284
44 **62A-2-101**, as last amended by Laws of Utah 2022, Chapters 334, 468
45 **63C-25-101**, as enacted by Laws of Utah 2022, Chapter 207 and last amended by
46 Coordination Clause, Laws of Utah 2022, Chapter 207
47 **63I-1-236**, as last amended by Laws of Utah 2022, Chapters 175, 247
48 **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
49 249, 274, 296, 313, 361, 362, 417, 419, and 472
50 **63I-1-267**, as last amended by Laws of Utah 2022, Chapter 246
51 **63I-2-217**, as last amended by Laws of Utah 2022, Chapter 123
52 **63I-2-226**, as last amended by Laws of Utah 2022, Chapters 255, 365
53 **63I-2-263**, as last amended by Laws of Utah 2022, Chapters 63, 209, 240, 242, 264,
54 354, and 435
55 **63I-2-267**, as last amended by Laws of Utah 2021, Chapter 345
56 **63I-2-279**, as last amended by Laws of Utah 2022, Chapter 68
57 **63J-1-602.2**, as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236,

58 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 154
 59 **63N-6-103**, as last amended by Laws of Utah 2022, Chapter 298
 60 **71-8-2**, as last amended by Laws of Utah 2020, Chapter 409
 61 **75-2a-103**, as last amended by Laws of Utah 2022, Chapter 277
 62 **76-10-1602**, as last amended by Laws of Utah 2022, Chapters 181, 185
 63 **78A-7-202**, as last amended by Laws of Utah 2022, Chapter 276
 64 **78B-3-416**, as last amended by Laws of Utah 2022, Chapters 212, 356
 65 **78B-3-450**, as enacted by Laws of Utah 2022, Chapter 366
 66 **78B-3-454**, as enacted by Laws of Utah 2022, Chapter 366
 67 **78B-6-850**, as enacted by Laws of Utah 2022, Chapter 372
 68 **78B-7-1003**, as enacted by Laws of Utah 2022, Chapter 270
 69 **80-2-501**, as renumbered and amended by Laws of Utah 2022, Chapter 334
 70 **80-2-503**, as enacted by Laws of Utah 2022, Chapter 334
 71 **80-4-502**, as renumbered and amended by Laws of Utah 2022, Chapter 334
 72 **80-5-202**, as last amended by Laws of Utah 2022, Chapters 132, 203
 73 **80-6-802**, as last amended by Laws of Utah 2022, Chapter 155

74 RENUMBERS AND AMENDS:

75 **9-23-203**, (Renumbered from 63N-10-202, as renumbered and amended by Laws of
 76 Utah 2015, Chapter 283)

77 REPEALS:

78 **62A-4a-210**, as enacted by Laws of Utah 2014, Chapter 67
 79 **62A-4a-211**, as enacted by Laws of Utah 2014, Chapter 67



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

82 Section 1. Section **9-23-203**, which is renumbered from Section 63N-10-202 is
 83 renumbered and amended to read:

84 ~~**63N-10-202**~~. **9-23-203. Commission powers and duties.**

85 (1) The commission shall:

- 86 (a) purchase and use a seal;
- 87 (b) adopt rules for the administration of this chapter in accordance with Title 63G,
88 Chapter 3, Utah Administrative Rulemaking Act;
- 89 (c) prepare all forms of contracts between sponsors, licensees, promoters, and
90 contestants; and
- 91 (d) hold hearings relating to matters under its jurisdiction, including violations of this
92 chapter or rules made under this chapter.

93 (2) The commission may subpoena witnesses, take evidence, and require the
94 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,
95 or other information relevant to an investigation if the commission or its designee considers it
96 necessary.

97 Section 2. Section **10-2-419** is amended to read:

98 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

99 (1) The legislative bodies of two or more municipalities having common boundaries
100 may adjust their common boundaries as provided in this section.

101 (2) The legislative body of each municipality intending to adjust a boundary that is
102 common with another municipality shall:

103 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
104 common boundary; and

105 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
106 adoption of the resolution under Subsection (2)(a).

107 (3) A legislative body described in Subsection (2) shall provide notice of a public
108 hearing described in Subsection (2)(b):

109 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
110 and at least one additional notice per 2,000 population of the municipality, in places within the
111 municipality that are most likely to give notice to residents of the municipality, subject to a
112 maximum of 10 notices; or

113 (ii) at least three weeks before the day of the public hearing, by mailing notice to each

114 residence in the municipality;

115 (b) by posting notice on the Utah Public Notice Website, created in Section
116 [63A-16-601](#), for three weeks before the day of the public hearing;

117 (c) if the proposed boundary adjustment may cause any part of real property owned by
118 the state to be within the geographic boundary of a different local governmental entity than
119 before the adjustment, by providing written notice, at least 50 days before the day of the public
120 hearing, to:

121 (i) the title holder of any state-owned real property described in this Subsection [~~(3)(d)~~]
122 (3)(c); and

123 (ii) the Utah State Developmental Center Board, created under Section [62A-5-202.5](#), if
124 any state-owned real property described in this Subsection [~~(3)(d)~~] (3)(c) is associated with the
125 Utah State Developmental Center; and

126 (d) if the municipality has a website, by posting notice on the municipality's website for
127 three weeks before the day of the public hearing.

128 (4) The notice described in Subsection (3) shall:

129 (a) state that the municipal legislative body has adopted a resolution indicating the
130 municipal legislative body's intent to adjust a boundary that the municipality has in common
131 with another municipality;

132 (b) describe the area proposed to be adjusted;

133 (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

134 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
135 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written
136 protest to the adjustment is filed by:

137 (i) an owner of private real property that:

138 (A) is located within the area proposed for adjustment;

139 (B) covers at least 25% of the total private land area within the area proposed for
140 adjustment; and

141 (C) is equal in value to at least 15% of the value of all private real property within the

142 area proposed for adjustment; or

143 (ii) a title holder of state-owned real property described in Subsection [~~(3)(d)~~] (3)(c);

144 (e) state that the area that is the subject of the boundary adjustment will, because of the
145 boundary adjustment, be automatically annexed to a local district providing fire protection,
146 paramedic, and emergency services or a local district providing law enforcement service, as the
147 case may be, as provided in Section 17B-1-416, if:

148 (i) the municipality to which the area is being added because of the boundary
149 adjustment is entirely within the boundaries of a local district:

150 (A) that provides fire protection, paramedic, and emergency services or law
151 enforcement service, respectively; and

152 (B) in the creation of which an election was not required because of Subsection
153 17B-1-214(3)(c); and

154 (ii) the municipality from which the area is being taken because of the boundary
155 adjustment is not within the boundaries of the local district; and

156 (f) state that the area proposed for annexation to the municipality will be automatically
157 withdrawn from a local district providing fire protection, paramedic, and emergency services,
158 as provided in Subsection 17B-1-502(2), if:

159 (i) the municipality to which the area is being added because of the boundary
160 adjustment is not within the boundaries of a local district:

161 (A) that provides fire protection, paramedic, and emergency services; and

162 (B) in the creation of which an election was not required because of Subsection
163 17B-1-214(3)(c); and

164 (ii) the municipality from which the area is being taken because of the boundary
165 adjustment is entirely within the boundaries of the local district.

166 (5) Upon conclusion of the public hearing described in Subsection (2)(b), the
167 municipal legislative body may adopt an ordinance approving the adjustment of the common
168 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
169 adjustment is filed with the city recorder or town clerk by a person described in Subsection

170 (3)(c)(i) or (ii).

171 (6) The municipal legislative body shall comply with the requirements of Section
172 10-2-425 as if the boundary adjustment were an annexation.

173 (7) (a) An ordinance adopted under Subsection (5) becomes effective when each
174 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
175 (5).

176 (b) The effective date of a boundary adjustment under this section is governed by
177 Section 10-2-425.

178 Section 3. Section 10-9a-536 is amended to read:

179 **10-9a-536. Water wise landscaping.**

180 (1) As used in this section:

181 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
182 grasses.

183 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
184 loose and applied to the soil.

185 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
186 through a nozzle.

187 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
188 exposed leaf area of a plant or group of plants at full maturity.

189 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
190 exposed leaf area of a tree or trees.

191 (e) "Water wise landscaping" means any or all of the following:

192 (i) installation of plant materials suited to the microclimate and soil conditions that
193 can:

194 (A) remain healthy with minimal irrigation once established; or

195 (B) be maintained without the use of overhead spray irrigation;

196 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
197 and water application; or

- 198 (iii) use of other landscape design features that:
- 199 (A) minimize the need of the landscape for supplemental water from irrigation; or
- 200 (B) reduce the landscape area dedicated to lawn or turf.
- 201 (2) A municipality may not enact or enforce an ordinance, resolution, or policy that
- 202 prohibits, or has the effect of prohibiting, a property owner from incorporating water wise
- 203 landscaping on the property owner's property.
- 204 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality
- 205 from requiring a property owner to:
- 206 (i) comply with a site plan review or other review process before installing water wise
- 207 landscaping;
- 208 (ii) maintain plant material in a healthy condition; and
- 209 (iii) follow specific water wise landscaping design requirements adopted by the
- 210 municipality, including a requirement that:
- 211 (A) restricts or clarifies the use of mulches considered detrimental to municipal
- 212 operations;
- 213 (B) imposes minimum or maximum vegetative coverage standards; or
- 214 (C) restricts or prohibits the use of specific plant materials.
- 215 (b) A municipality may not require a property owner to install or keep in place lawn or
- 216 turf in an area with a width less than eight feet.

217 Section 4. Section **11-42b-103** is amended to read:

218 **11-42b-103. Petition to designate assessment area -- Requirements --**

219 **Management plan contents.**

- 220 (1) The process for a specified county to designate an assessment area is initiated by
- 221 the filing of a petition with the legislative body of the specified county.
- 222 (2) A petition under Subsection (1) shall:
- 223 (a) include a proposed management plan that:
- 224 (i) describes:
- 225 (A) the boundaries and duration of the proposed assessment area;

- 226 (B) each benefitted property proposed to be assessed;
- 227 (C) the total estimated amount of assessment to be levied against all benefitted
- 228 properties for each year an assessment is levied;
- 229 (D) the method by which the proposed assessment is calculated;
- 230 (E) the beneficial activities to be paid by assessments for each year an assessment is
- 231 levied;
- 232 (F) the total estimated amount of assessment to be expended on beneficial activities for
- 233 each year an assessment is levied;
- 234 (G) the proposed source or sources of financing, including the proposed method and
- 235 basis of levying the assessment in sufficient detail to allow each owner of benefitted property
- 236 to calculate the amount of the assessment to be levied against the owner's benefitted property;
- 237 (H) any proposed benefit zones as described in Subsection 11-42b-102(2)(b)(ii); and
- 238 (I) the interest, penalties, and costs or other requirements of the proposed assessment;
- 239 (ii) establishes procedures for collecting the proposed assessment;
- 240 (iii) requires the legislative body to contract with a third party administrator to
- 241 implement the proposed beneficial activities within the assessment area; and
- 242 (iv) includes a statement regarding the right of a benefitted property to impose a
- 243 surcharge on guests of the benefitted property as provided in Subsection 11-42b-102(4); and
- 244 (b) be signed by a qualified number of owners.

245 Section 5. Section **11-59-202** is amended to read:

246 **11-59-202. Authority powers.**

- 247 (1) The authority may:
- 248 (a) as provided in this chapter, plan, manage, and implement the development of the
- 249 point of the mountain state land, including the ongoing operation of facilities on the point of
- 250 the mountain state land;
- 251 (b) undertake, or engage a consultant to undertake, any study, effort, or activity the
- 252 board considers appropriate to assist or inform the board about any aspect of the proposed
- 253 development of the point of the mountain state land, including the best development model and

254 financial projections relevant to the authority's efforts to fulfill its duties and responsibilities
255 under this section and Section 11-59-203;

256 (c) sue and be sued;

257 (d) enter into contracts generally, including a contract for the sharing of records under
258 Section 63G-2-206;

259 (e) buy, obtain an option upon, or otherwise acquire any interest in real or personal
260 property, as necessary to accomplish the duties and responsibilities of the authority, including
261 an interest in real property, apart from point of the mountain state land, or personal property,
262 outside point of the mountain state land, for publicly owned infrastructure and improvements,
263 if the board considers the purchase, option, or other interest acquisition to be necessary for
264 fulfilling the authority's development objectives;

265 (f) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
266 personal property;

267 (g) enter into a lease agreement on real or personal property, either as lessee or lessor;

268 (h) provide for the development of the point of the mountain state land under one or
269 more contracts, including the development of publicly owned infrastructure and improvements
270 and other infrastructure and improvements on or related to the point of the mountain state land;

271 (i) exercise powers and perform functions under a contract, as authorized in the
272 contract;

273 (j) accept financial or other assistance from any public or private source for the
274 authority's activities, powers, and duties, and expend any funds so received for any of the
275 purposes of this chapter;

276 (k) borrow money, contract with, or accept financial or other assistance from the
277 federal government, a public entity, or any other source for any of the purposes of this chapter
278 and comply with any conditions of the loan, contract, or assistance;

279 (l) subject to Subsection (2), issue bonds to finance the undertaking of any
280 development objectives of the authority, including bonds under Title 11, Chapter 17, Utah
281 Industrial Facilities and Development Act, and bonds under Title 11, Chapter 42, Assessment

- 282 Area Act;
- 283 (m) hire employees, including contract employees, in addition to or in place of staff
284 provided under Section 11-59-304;
- 285 (n) transact other business and exercise all other powers provided for in this chapter;
- 286 (o) enter into a development agreement with a developer of some or all of the point of
287 the mountain state land;
- 288 (p) provide for or finance an energy efficiency upgrade, a renewable energy system, or
289 electric vehicle charging infrastructure as defined in Section 11-42a-102, in accordance with
290 Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act;
- 291 (q) exercise powers and perform functions that the authority is authorized by statute to
292 exercise or perform;
- 293 (r) enter into one or more interlocal agreements under Title 11, Chapter 13, Interlocal
294 Cooperation Act, with one or more local government entities for the delivery of services to the
295 point of the mountain state land;
- 296 (s) enter into an agreement with the federal government or an agency of the federal
297 government, as the board considers necessary or advisable, to enable or assist the authority to
298 exercise its powers or fulfill its duties and responsibilities under this chapter;
- 299 (t) provide funding for the development of publicly owned infrastructure and
300 improvements or other infrastructure and improvements on or related to the point of the
301 mountain state land; and
- 302 (u) impose impact fees under Title 11, Chapter 36a, Impact Fees Act, and other fees
303 related to development activities.
- 304 (2) The authority may not issue bonds under this part unless the board first:
- 305 (a) adopts a parameters resolution for the bonds that sets forth:
- 306 (i) the maximum:
- 307 (A) amount of bonds;
- 308 (B) term; and
- 309 (C) interest rate; and

- 310 (ii) the expected security for the bonds; and
- 311 (b) submits the parameters resolution for review and recommendation to the State
- 312 Finance Review Commission created in Section ~~[63C-25-101]~~ 63C-25-201.
- 313 (3) No later than 60 days after the closing day of any bonds, the authority shall report
- 314 the bonds issuance, including the amount of the bonds, terms, interest rate, and security, to:
- 315 (a) the Executive Appropriations Committee; and
- 316 (b) the State Finance Review Commission created in Section 63C-25-201.
- 317 Section 6. Section **17-27a-532** is amended to read:
- 318 **17-27a-532. Water wise landscaping.**
- 319 (1) As used in this section:
- 320 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
- 321 grasses.
- 322 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
- 323 loose and applied to the soil.
- 324 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
- 325 through a nozzle.
- 326 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
- 327 exposed leaf area of a plant or group of plants at full maturity.
- 328 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
- 329 exposed leaf area of a tree or trees.
- 330 (e) "Water wise landscaping" means any or all of the following:
- 331 (i) installation of plant materials suited to the microclimate and soil conditions that
- 332 can:
- 333 (A) remain healthy with minimal irrigation once established; or
- 334 (B) be maintained without the use of overhead spray irrigation;
- 335 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
- 336 and water application; or
- 337 (iii) the use of other landscape design features that:

338 (A) minimize the need of the landscape for supplemental water from irrigation; or

339 (B) reduce the landscape area dedicated to lawn or turf.

340 (2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits,
341 or has the effect of prohibiting, a property owner from incorporating water wise landscaping on
342 the property owner's property.

343 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from
344 requiring a property owner to:

345 (i) comply with a site plan review or other review process before installing water wise
346 landscaping;

347 (ii) maintain plant material in a healthy condition; and

348 (iii) follow specific water wise landscaping design requirements adopted by the county,
349 including a requirement that:

350 (A) restricts or clarifies the use of mulches considered detrimental to county
351 operations;

352 (B) imposes minimum or maximum vegetative coverage standards; or

353 (C) restricts or prohibits the use of specific plant materials.

354 (b) A county may not require a property owner to install or keep in place lawn or turf in
355 an area with a width less than eight feet.

356 Section 7. Section **17B-1-212** is amended to read:

357 **17B-1-212. Resolution indicating whether the requested service will be provided.**

358 (1) (a) Within 60 days after the last hearing required under Section **17B-1-210**
359 concerning a request, the legislative body of each county whose unincorporated area includes
360 and the legislative body of each municipality whose boundaries include any part of the
361 proposed local district shall adopt a resolution indicating whether the county or municipality
362 will provide to the area of the proposed local district within its boundaries the service proposed
363 to be provided by the proposed local district.

364 (b) If a county or municipality adopts a resolution indicating that the county or
365 municipality will provide the service proposed to be provided by the proposed local district

366 under Subsection (1)(a), the resolution shall include a reasonable timeline for the county or
367 municipality to begin providing the service.

368 (2) If the legislative body of a county or municipality fails to adopt a resolution within
369 the time provided under Subsection (1), the county or municipal legislative body shall be
370 considered to have declined to provide the service requested and to have consented to the
371 creation of the local district.

372 (3) If the county or municipality adopts a resolution under Subsection (1) indicating
373 that it will provide the requested service but does not, within 120 days after the adoption of that
374 resolution, take substantial measures to provide the requested service, the county or municipal
375 legislative body shall be considered to have declined to provide the requested service.

376 (4) Each county or municipality that adopts a resolution under Subsection (1)
377 indicating that it will provide the requested service:

378 (a) shall diligently proceed to take all measures necessary to provide the service; and

379 (b) if the county or municipality fails to timely provide the requested service, the
380 county or municipality will be considered to have declined to provide the service and the
381 creation of the local district may proceed accordingly.

382 Section 8. Section **17D-4-301** is amended to read:

383 **17D-4-301. Public infrastructure district bonds.**

384 (1) (a) Subject to Subsection (1)(b), a public infrastructure district may issue negotiable
385 bonds for the purposes described in Section **17D-4-203**, as provided in, as applicable:

386 (i) Title 11, Chapter 14, Local Government Bonding Act;

387 (ii) Title 11, Chapter 27, Utah Refunding Bond Act;

388 (iii) Title 11, Chapter 42, Assessment Area Act; and

389 (iv) this section.

390 (b) A public infrastructure district created by a bonding political subdivision, as
391 defined in Section **63C-25-101**, may not issue bonds under this part unless the board first:

392 (i) adopts a parameters resolution for the bonds that sets forth:

393 (A) the maximum:

- 394 (I) amount of bonds;
- 395 (II) term; and
- 396 (III) interest rate; and
- 397 (B) the expected security for the bonds; and
- 398 (ii) submits the parameters resolution for review and recommendation to the State
- 399 Finance Review Commission created in Section [63C-25-201](#).
- 400 (2) A public infrastructure district bond:
- 401 (a) shall mature within 40 years of the date of issuance; and
- 402 (b) may not be secured by any improvement or facility paid for by the public
- 403 infrastructure district.
- 404 (3) (a) A public infrastructure district may issue a limited tax bond, in the same manner
- 405 as a general obligation bond:
- 406 (i) with the consent of 100% of surface property owners within the boundaries of the
- 407 public infrastructure district and 100% of the registered voters, if any, within the boundaries of
- 408 the proposed public infrastructure district; or
- 409 (ii) upon approval of a majority of the registered voters within the boundaries of the
- 410 public infrastructure district voting in an election held for that purpose under Title 11, Chapter
- 411 14, Local Government Bonding Act.
- 412 (b) A limited tax bond described in Subsection (3)(a):
- 413 (i) is not subject to the limitation on a general obligation bond described in Subsection
- 414 [17B-1-1102\(4\)\(a\)\(xii\)](#); and
- 415 (ii) is subject to a limitation, if any, on the principal amount of indebtedness as
- 416 described in the governing document.
- 417 (c) Unless limited tax bonds are initially purchased exclusively by one or more
- 418 qualified institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, the public
- 419 infrastructure district may only issue limited tax bonds in denominations of not less than
- 420 \$500,000, and in integral multiples above \$500,000 of not less than \$1,000 each.
- 421 (d) (i) Without any further election or consent of property owners or registered voters,

422 a public infrastructure district may convert a limited tax bond described in Subsection (3)(a) to
423 a general obligation bond if the principal amount of the related limited tax bond together with
424 the principal amount of other related outstanding general obligation bonds of the public
425 infrastructure district does not exceed 15% of the fair market value of taxable property in the
426 public infrastructure district securing the general obligation bonds, determined by:

427 (A) an appraisal from an appraiser who is a member of the Appraisal Institute that is
428 addressed to the public infrastructure district or a financial institution; or

429 (B) the most recent market value of the property from the assessor of the county in
430 which the property is located.

431 (ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is
432 sufficient to meet any statutory or constitutional election requirement necessary for the
433 issuance of the limited tax bond and any general obligation bond to be issued in place of the
434 limited tax bond upon meeting the requirements of this Subsection (3)(d).

435 (iii) A general obligation bond resulting from a conversion of a limited tax bond under
436 this Subsection (3)(d) is not subject to the limitation on general obligation bonds described in
437 Subsection 17B-1-1102(4)(a)(xii).

438 (e) A public infrastructure district that levies a property tax for payment of debt service
439 on a limited tax bond issued under this section is not required to comply with the notice and
440 hearing requirements of Section 59-2-919 unless the rate exceeds the rate established in:

441 (i) Section 17D-4-303, except as provided in Subsection (8);

442 (ii) the governing document; or

443 (iii) the documents relating to the issuance of the limited tax bond.

444 (4) There is no limitation on the duration of revenues that a public infrastructure
445 district may receive to cover any shortfall in the payment of principal of and interest on a bond
446 that the public infrastructure district issues.

447 (5) A public infrastructure district is not a municipal corporation for purposes of the
448 debt limitation of Utah Constitution, Article XIV, Section 4.

449 (6) The board may, by resolution, delegate to one or more officers of the public

450 infrastructure district the authority to:

451 (a) in accordance and within the parameters set forth in a resolution adopted in
452 accordance with Section 11-14-302, approve the final interest rate, price, principal amount,
453 maturity, redemption features, and other terms of the bond;

454 (b) approve and execute any document relating to the issuance of a bond; and

455 (c) approve any contract related to the acquisition and construction of the
456 improvements, facilities, or property to be financed with a bond.

457 (7) (a) Any person may contest the legality of the issuance of a public infrastructure
458 district bond or any provisions for the security and payment of the bond for a period of 30 days
459 after:

460 (i) publication of the resolution authorizing the bond; or

461 (ii) publication of a notice of bond containing substantially the items required under
462 Subsection 11-14-316(2).

463 (b) After the 30-day period described in Subsection (7)(a), no person may bring a
464 lawsuit or other proceeding contesting the regularity, formality, or legality of the bond for any
465 reason.

466 (8) (a) In the event of any statutory change in the methodology of assessment or
467 collection of property taxes in a manner that reduces the amounts which are devoted or pledged
468 to the repayment of limited tax bonds, a public infrastructure district may charge a rate
469 sufficient to receive the amount of property taxes or assessment the public infrastructure
470 district would have received before the statutory change in order to pay the debt service on
471 outstanding limited tax bonds.

472 (b) The rate increase described in Subsection (8)(a) may exceed the limit described in
473 Section 17D-4-303.

474 (c) The public infrastructure district may charge the rate increase described in
475 Subsection (8)(a) until the bonds, including any associated refunding bonds, or other securities,
476 together with applicable interest, are fully met and discharged.

477 (9) No later than 60 days after the closing of any bonds by a public infrastructure

478 district created by a bonding political subdivision, as defined in Section [63C-25-101](#), the public
479 infrastructure district shall report the bond issuance, including the amount of the bonds, terms,
480 interest rate, and security, to:

- 481 (a) the Executive Appropriations Committee; and
- 482 (b) the State Finance Review Commission created in Section [~~63C-25-101~~]
483 [63C-25-201](#).

484 Section 9. Section **19-2-104** is amended to read:

485 **19-2-104. Powers of board.**

486 (1) The board may make rules in accordance with Title 63G, Chapter 3, Utah
487 Administrative Rulemaking Act:

488 (a) regarding the control, abatement, and prevention of air pollution from all sources
489 and the establishment of the maximum quantity of air pollutants that may be emitted by an air
490 pollutant source;

491 (b) establishing air quality standards;

492 (c) requiring persons engaged in operations that result in air pollution to:

493 (i) install, maintain, and use emission monitoring devices, as the board finds necessary;

494 (ii) file periodic reports containing information relating to the rate, period of emission,
495 and composition of the air pollutant; and

496 (iii) provide access to records relating to emissions which cause or contribute to air
497 pollution;

498 (d) (i) implementing:

499 (A) Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency

500 Response, 15 U.S.C. 2601 et seq.;

501 (B) 40 C.F.R. Part 763, Asbestos; and

502 (C) 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants,

503 Subpart M, National Emission Standard for Asbestos; and

504 (ii) reviewing and approving asbestos management plans submitted by local education
505 agencies under the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency

506 Response, 15 U.S.C. 2601 et seq.;

507 (e) establishing a requirement for a diesel emission opacity inspection and maintenance
508 program for diesel-powered motor vehicles;

509 (f) implementing an operating permit program as required by and in conformity with
510 Titles IV and V of the federal Clean Air Act Amendments of 1990;

511 (g) establishing requirements for county emissions inspection and maintenance
512 programs after obtaining agreement from the counties that would be affected by the
513 requirements;

514 (h) with the approval of the governor, implementing in air quality nonattainment areas
515 employer-based trip reduction programs applicable to businesses having more than 100
516 employees at a single location and applicable to federal, state, and local governments to the
517 extent necessary to attain and maintain ambient air quality standards consistent with the state
518 implementation plan and federal requirements under the standards set forth in Subsection (2);

519 (i) implementing lead-based paint training, certification, and performance requirements
520 in accordance with 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter IV --
521 Lead Exposure Reduction, Sections 402 and 406; and

522 (j) to implement the requirements of Section [19-2-107.5](#).

523 (2) When implementing Subsection (1)(h) the board shall take into consideration:

524 (a) the impact of the business on overall air quality; and

525 (b) the need of the business to use automobiles in order to carry out its business
526 purposes.

527 (3) (a) The board may:

528 (i) hold a hearing that is not an adjudicative proceeding relating to any aspect of, or
529 matter in, the administration of this chapter;

530 (ii) recommend that the director:

531 (A) issue orders necessary to enforce the provisions of this chapter;

532 (B) enforce the orders by appropriate administrative and judicial proceedings;

533 (C) institute judicial proceedings to secure compliance with this chapter; or

534 (D) advise, consult, contract, and cooperate with other agencies of the state, local
535 governments, industries, other states, interstate or interlocal agencies, the federal government,
536 or interested persons or groups; and

537 (iii) establish certification requirements for asbestos project monitors, which shall
538 provide for experience-based certification of a person who:

539 (A) receives relevant asbestos training, as defined by rule; and

540 (B) has acquired a minimum of 1,000 hours of asbestos project monitoring related
541 work experience.

542 (b) The board shall:

543 (i) to ensure compliance with applicable statutes and regulations:

544 (A) review a settlement negotiated by the director in accordance with Subsection
545 [19-2-107\(2\)\(b\)\(viii\)](#) that requires a civil penalty of \$25,000 or more; and

546 (B) approve or disapprove the settlement;

547 (ii) encourage voluntary cooperation by persons and affected groups to achieve the
548 purposes of this chapter;

549 (iii) meet the requirements of federal air pollution laws;

550 (iv) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
551 Rulemaking Act, establish work practice and certification requirements for persons who:

552 (A) contract for hire to conduct demolition, renovation, salvage, encapsulation work
553 involving friable asbestos-containing materials, or asbestos inspections if:

554 (I) the contract work is done on a site other than a residential property with four or
555 fewer units; or

556 (II) the contract work is done on a residential property with four or fewer units where a
557 tested sample contained greater than 1% of asbestos;

558 (B) conduct work described in Subsection (3)(b)(iv)(A) in areas to which the general
559 public has unrestrained access or in school buildings that are subject to the federal Asbestos
560 Hazard Emergency Response Act of 1986;

561 (C) conduct asbestos inspections in facilities subject to 15 U.S.C. 2601 et seq., Toxic

562 Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; or
563 (D) conduct lead-based paint inspections in facilities subject to 15 U.S.C. 2601 et seq.,
564 Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction;

565 (v) establish certification requirements for a person required under 15 U.S.C. 2601 et
566 seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, to
567 be accredited as an inspector, management planner, abatement project designer, asbestos
568 abatement contractor and supervisor, or an asbestos abatement worker;

569 (vi) establish certification requirements for a person required under 15 U.S.C. 2601 et
570 seq., Toxic Control Act, Subchapter IV - Lead Exposure Reduction, to be accredited as an
571 inspector, risk assessor, supervisor, project designer, abatement worker, renovator, or dust
572 sampling technician; and

573 (vii) assist the State Board of Education in adopting school bus idling reduction
574 standards and implementing an idling reduction program in accordance with Section
575 [41-6a-1308](#).

576 (4) A rule adopted under this chapter shall be consistent with provisions of federal
577 laws, if any, relating to control of motor vehicles or motor vehicle emissions.

578 (5) Nothing in this chapter authorizes the board to require installation of or payment for
579 any monitoring equipment by the owner or operator of a source if the owner or operator has
580 installed or is operating monitoring equipment that is equivalent to equipment which the board
581 would require under this section.

582 (6) (a) The board may not require testing for asbestos or related materials on a
583 residential property with four or fewer units, unless:

- 584 (i) the property's construction was completed before January 1, 1981; or
- 585 (ii) the testing is for:

586 (A) a sprayed-on or painted on ceiling treatment that contained or may contain asbestos
587 fiber;

588 (B) asbestos cement siding or roofing materials;

589 (C) resilient flooring products including vinyl asbestos tile, sheet vinyl products,

590 resilient flooring backing material, whether attached or unattached, and mastic;

591 (D) thermal-system insulation or tape on a duct or furnace; or

592 (E) vermiculite type insulation materials.

593 (b) A residential property with four or fewer units is subject to an abatement rule made
594 under Subsection (1) or (3)(b)(iv) if:

595 (i) a sample from the property is tested for asbestos; and

596 (ii) the sample contains asbestos measuring greater than 1%.

597 (7) The board may not issue, amend, renew, modify, revoke, or terminate any of the
598 following that are subject to the authority granted to the director under Section 19-2-107 or
599 19-2-108:

600 (a) a permit;

601 (b) a license;

602 (c) a registration;

603 (d) a certification; or

604 (e) another administrative authorization made by the director.

605 (8) A board member may not speak or act for the board unless the board member is
606 authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

607 (9) Notwithstanding Subsection (7), the board may exercise all authority granted to the
608 board by a federally enforceable state implementation plan.

609 Section 10. Section **26-69-201** is amended to read:

610 **26-69-201. Utah Health Workforce Advisory Council creation and membership.**

611 (1) There is created within the department the Utah Health Workforce Advisory
612 Council.

613 (2) The council shall be comprised of at least 14 but not more than 19 members.

614 (3) The following are members of the council:

615 (a) the executive director or that individual's designee;

616 (b) the executive director of the Department of Workforce Services or that individual's
617 designee;

618 (c) the commissioner of higher education of the Utah System of Higher Education or
619 that individual's designee;

620 (d) the state superintendent of the State Board of Education or that individual's
621 designee;

622 (e) the executive director of the Department of Commerce or that individual's designee;

623 (f) the director of the Division of Multicultural Affairs or that individual's designee;

624 (g) the director of the Utah Substance Use and Mental Health Advisory Council or that
625 individual's designee;

626 (h) the chair of the Utah Indian Health Advisory Board; and

627 (i) the chair of the Utah Medical Education Council created in Section 26-69-402.

628 (4) The executive director shall appoint at least five but not more than ten additional
629 members that represent diverse perspectives regarding Utah's health workforce.

630 (5) (a) A member appointed by the executive director under Subsection (4) shall serve
631 a four-year term.

632 (b) Notwithstanding Subsection (5)(a) for the initial appointments of members
633 described in Subsection (4) the executive director shall appoint at least three but not more than
634 five members to a two-year appointment to ensure that approximately half of the members
635 appointed by the executive director rotate every two years.

636 (6) The executive director or the executive director's designee shall chair the council.

637 Section 11. Section 26-69-402 is amended to read:

638 **26-69-402. Utah Medical Education Council.**

639 (1) (a) There is created the Utah Medical Education Council, which is a subcommittee
640 of the Utah Health Workforce Advisory Council.

641 (b) The membership of UMEC shall consist of the following appointed by the
642 governor:

643 (i) the dean of the school of medicine at the University of Utah;

644 (ii) an individual who represents graduate medical education at the University of Utah;

645 (iii) an individual from each institution, other than the University of Utah, that

646 sponsors an accredited clinical education program;

647 (iv) an individual from the health care insurance industry; and

648 (v) (A) three members of the general public who are not employed by or affiliated with

649 any institution that offers, sponsors, or finances health care or medical education; and

650 (B) if the number of individuals appointed under Subsection (1)(b)(iii) is more than

651 two, the governor may appoint an additional member of the public under this Subsection

652 (1)(b)(v) for each individual the governor appoints under Subsection (1)(b)(iii) beyond two.

653 (2) Except as provided in Subsections (1)(b)(i) and (ii), no two [~~council~~] UMEC

654 members may be employed by or affiliated with the same:

655 (a) institution of higher education;

656 (b) state agency outside of higher education; or

657 (c) private entity.

658 (3) The dean of the school of medicine at the University of Utah:

659 (a) shall chair UMEC;

660 (b) may not be counted in determining the existence of a quorum; and

661 (c) may only cast a vote on a matter before the council if the vote of the other council

662 members results in a tied vote.

663 (4) UMEC shall annually elect a vice chair from UMEC's members.

664 (5) (a) Consistent with Subsection (6)(b), a majority of the members constitute a

665 quorum.

666 (b) The action of a majority of a quorum is the action of UMEC.

667 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year

668 terms of office.

669 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial

670 appointment, adjust the length of terms to ensure that the terms of [~~council~~] UMEC members

671 are staggered so that approximately half of the members are appointed every two years.

672 (c) If a vacancy occurs in the membership for any reason, the replacement shall be

673 appointed by the governor for the unexpired term in the same manner as the original

674 appointment was made.

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

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

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

679 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
680 63A-3-107.

681 (8) The council shall provide staff for UMEC.

682 Section 12. Section 31A-22-657 is amended to read:

683 **31A-22-657. Application of health insurance mandates.**

684 (1) As used in this section:

685 (a) "Cost-sharing mandate" means a statutory requirement limiting a cost-sharing
686 requirement.

687 ~~[(a)]~~ (b) "Cost-sharing requirement" means a copayment, coinsurance, or deductible
688 required by or on behalf of an enrollee in order to receive a benefit under a qualified
689 high-deductible health plan.

690 ~~[(b)]~~ (c) "Health savings account" means the same as that term is defined in 26 U.S.C.
691 Sec. 223(d)(1).

692 ~~[(c)]~~ (d) "Qualified high-deductible health plan" means a high-deductible health plan as
693 defined in 26 U.S.C. Sec. 223(c)(2)(A) that is used in conjunction with a health savings
694 account.

695 ~~[(d)]~~ "~~Cost-sharing mandate~~" means a statutory requirement limiting a cost-sharing
696 ~~requirement.~~

697 (2) (a) Except as provided in Subsection (2)(b), if under federal law, a cost-sharing
698 mandate would result in an enrollee becoming ineligible for a health savings account, the
699 cost-sharing mandate applies only to the enrollee's qualified high-deductible health plan after
700 the enrollee satisfies the enrollee's health plan deductible.

701 (b) Subsection (2)(a) does not apply to an item or service that is preventive care under

702 26 U.S.C. Sec. 223(c)(2)(C).

703 Section 13. Section **49-14-201** is amended to read:

704 **49-14-201. System membership -- Eligibility.**

705 (1) Except as provided in Section **49-15-201**, a public safety service employee of a
706 participating employer participating in this system is eligible for service credit in this system at
707 the earliest of:

708 (a) July 1, 1969, if the public safety service employee was employed by the
709 participating employer on July 1, 1969, and the participating employer was participating in this
710 system on that date;

711 (b) the date the participating employer begins participating in this system if the public
712 safety service employee was employed by the participating employer on that date; or

713 (c) the date the public safety service employee is employed by the participating
714 employer and is eligible to perform public safety service, except that a public safety service
715 employee initially entering employment with a participating employer on or after July 1, 2011,
716 who does not have service credit accrued before July 1, 2011, in a Tier I system or plan
717 administered by the board, may not participate in this system.

718 (2) (a) (i) A participating employer that has public safety service and firefighter service
719 employees that require cross-training and duty shall enroll those dual purpose employees in the
720 system in which the greatest amount of time is actually worked.

721 (ii) The employees shall either be full-time public safety service or full-time firefighter
722 service employees of the participating employer.

723 (b) (i) Before transferring a dual purpose employee from one system to another, the
724 participating employer shall receive written permission from the office.

725 (ii) The office may request documentation to verify the appropriateness of the transfer.

726 (3) The board may combine or segregate the actuarial experience of participating
727 employers in this system for the purpose of setting contribution rates.

728 (4) (a) (i) Each participating employer participating in this system shall annually
729 submit to the office a schedule indicating the positions to be covered under this system in

730 accordance with this chapter.

731 (ii) The office may require documentation to justify the inclusion of any position under
732 this system.

733 (b) If there is a dispute between the office and a participating employer or employee
734 over any position to be covered, the disputed position shall be submitted to the Peace Officer
735 Standards and Training Council established under Section 53-6-106 for determination.

736 (c) (i) The Peace Officer Standards and Training Council's authority to decide
737 eligibility for public safety service credit is limited to claims for coverage under this system for
738 time periods after July 1, 1989.

739 (ii) A decision of the Peace Officer Standards and Training Council may not be applied
740 to service credit earned in another system before July 1, 1989.

741 (iii) Except as provided under Subsection (4)(c)(iv), a decision of the Peace Officer
742 Standards and Training Council granting a position coverage under this system may only be
743 applied prospectively from the date of that decision.

744 (iv) A decision of the Peace Officer Standards and Training Council granting a position
745 coverage under this system may be applied retroactively only if:

746 (A) the participating employer covered other similarly situated positions under this
747 system during the time period in question; and

748 (B) the position otherwise meets all eligibility requirements for receiving service credit
749 in this system during the period for which service credit is to be granted.

750 (5) The Peace Officer Standards and Training Council may use a subcommittee to
751 provide a recommendation to the council in determining disputes between the office and a
752 participating employer or employee over a position to be covered under this system.

753 (6) The Peace Officer Standards and Training Council shall comply with Title 63G,
754 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

755 (7) A public safety service employee who is transferred or promoted to an
756 administration position requiring the performance of duties that consist primarily of
757 management or supervision of public safety service employees shall continue to earn public

758 safety service credit in this system during the period in which the employee remains employed
759 in the same department.

760 (8) An employee of the Department of Corrections shall continue to earn public safety
761 service credit in this system if:

762 (a) the employee's position is no longer covered under this system for new employees
763 hired on or after July 1, 2015; and

764 (b) the employee:

765 (i) remains employed by the Department of Corrections;

766 (ii) meets the eligibility requirements of this system;

767 (iii) was hired into a position covered by this system before July 1, 2015; and

768 (iv) has not had a break in service on or after July 1, 2015.

769 (9) An employee who is reassigned to the Division of Technology Services or to the
770 Division of Human Resource Management, and who was a member of this system, is entitled
771 to remain a member of this system.

772 (10) (a) To determine that a position is covered under this system, the office and, if a
773 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the
774 position requires the employee to:

775 (i) except for a dispatcher, place the employee's life or personal safety at risk; and

776 (ii) complete training as provided in Section [53-6-303](#), [53-13-103](#), [53-13-104](#), or
777 [53-13-105](#).

778 (b) If a position satisfies the requirements of Subsection (10)(a), the office and the
779 Peace Officer Standards and Training Council shall consider whether or not the position
780 requires the employee to:

781 (i) perform duties that consist primarily of actively preventing or detecting crime and
782 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;

783 (ii) perform duties that consist primarily of providing community protection; and

784 (iii) respond to situations involving threats to public safety and make emergency
785 decisions affecting the lives and health of others.

786 (11) If a subcommittee is used to recommend the determination of disputes to the
787 Peace Officer Standards and Training Council, the subcommittee shall comply with the
788 requirements of Subsection (10) in making the subcommittee's recommendation.

789 (12) A final order of the Peace Officer Standards and Training Council regarding a
790 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative
791 Procedures Act.

792 (13) Except as provided under Subsection (14), if a participating employer's public
793 safety service employees are not covered by this system or under Chapter 15, Public Safety
794 Noncontributory Retirement Act, as of January 1, 1998, those public safety service employees
795 who may otherwise qualify for membership in this system shall, at the discretion of the
796 participating employer, remain in their current retirement system.

797 (14) (a) A public safety service employee employed by an airport police department,
798 which elects to cover the airport police department's public safety service employees under the
799 Public Safety Noncontributory Retirement System under Subsection (13), may elect to remain
800 in the public safety service employee's current retirement system.

801 (b) The public safety service employee's election to remain in the current retirement
802 system under Subsection (14)(a):

803 (i) shall be made at the time the employer elects to move the employer's public safety
804 service employees to a public safety retirement system;

805 (ii) documented by written notice to the participating employer; and

806 (iii) is irrevocable.

807 (15) (a) Subject to Subsection (16), beginning July 1, 2015, a public safety service
808 employee who is a dispatcher employed by:

809 (i) the state shall be eligible for service credit in this system; and

810 (ii) a participating employer other than the state shall be eligible for service credit in
811 this system if the dispatcher's participating employer elects to cover the participating
812 employer's dispatchers under this system.

813 (b) A participating employer's election to cover the participating employer's dispatchers

814 under this system under Subsection (15)(a)(ii) is irrevocable and shall be documented by a
815 resolution adopted by the governing body of the participating employer in accordance with
816 rules made by the office.

817 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution
818 of a participating employer under Subsection (15)(b), is not eligible for service credit in this
819 system.

820 (16) Notwithstanding any other provision of this section, a person initially entering
821 employment with a participating employer on or after July 1, 2011, who does not have service
822 credit accrued before July 1, 2011, in a Tier I system or plan administered by the board, may
823 not participate in this system.

824 Section 14. Section **49-16-102** is amended to read:

825 **49-16-102. Definitions.**

826 As used in this chapter:

827 (1) (a) "Compensation" means the total amount of payments that are includable as
828 gross income received by a firefighter service employee as base income for the regularly
829 scheduled work period. The participating employer shall establish the regularly scheduled
830 work period. Base income shall be determined prior to the deduction of member contributions
831 or any amounts the firefighter service employee authorizes to be deducted for salary deferral or
832 other benefits authorized by federal law.

833 (b) "Compensation" includes performance-based bonuses and cost-of-living
834 adjustments.

835 (c) "Compensation" does not include:

836 (i) overtime;

837 (ii) sick pay incentives;

838 (iii) retirement pay incentives;

839 (iv) remuneration paid in kind such as a residence, use of equipment, uniforms, travel,
840 or similar payments;

841 (v) a lump-sum payment or special payments covering accumulated leave; and

842 (vi) all contributions made by a participating employer under this system or under any
843 other employee benefit system or plan maintained by a participating employer for the benefit of
844 a member or participant.

845 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed
846 under Section 401(a)(17), Internal Revenue Code.

847 (2) (a) "Disability" means the complete inability, due to objective medical impairment,
848 whether physical or mental, to perform firefighter service.

849 (b) "Disability" does not include the inability to meet an employer's required standards
850 or tests relating to fitness, physical ability, or agility that is not a result of a disability as defined
851 under Subsection (2)(a).

852 (3) (a) "Final average salary" means the amount calculated by averaging the highest
853 three years of annual compensation preceding retirement subject to Subsections (3)(b), (c), and
854 (d).

855 (b) Except as provided in Subsection (3)(c), the percentage increase in annual
856 compensation in any one of the years used may not exceed the previous year's compensation by
857 more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power
858 of the dollar during the previous year, as measured by a United States Bureau of Labor
859 Statistics Consumer Price Index average as determined by the board.

860 (c) In cases where the participating employer provides acceptable documentation to the
861 office the limitation in Subsection [~~(3)(a)~~] (3)(b) may be exceeded if:

- 862 (i) the member has transferred from another agency; or
- 863 (ii) the member has been promoted to a new position.

864 (d) The annual compensation used to calculate final average salary shall be based on a
865 period, as determined by the board, consistent with the period used to determine years of
866 service credit in accordance with Subsection (13).

867 (4) (a) "Firefighter service" means employment normally requiring an average of 2,080
868 hours of regularly scheduled employment per year rendered by a member who is:

- 869 (i) a firefighter service employee trained in firefighter techniques and assigned to a

870 position of hazardous duty with a regularly constituted fire department; or

871 (ii) the state fire marshal appointed under Section 53-7-103 or a deputy state fire
872 marshal.

873 (b) "Firefighter service" does not include secretarial staff or other similar employees.

874 (5) (a) "Firefighter service employee" means an employee of a participating employer
875 who provides firefighter service under this chapter.

876 (b) "Firefighter service employee" does not include an employee of a regularly
877 constituted fire department who does not perform firefighter service.

878 (6) (a) "Line-of-duty death or disability" means a death or disability resulting from:

879 (i) external force, violence, or disease directly resulting from firefighter service; or

880 (ii) strenuous activity, including a heart attack or stroke, that occurs during strenuous
881 training or another strenuous activity required as an act of duty as a firefighter service
882 employee.

883 (b) "Line-of-duty death or disability" does not include a death or disability that:

884 (i) occurs during an activity that is required as an act of duty as a firefighter service
885 employee if the activity is not a strenuous activity, including an activity that is clerical,
886 administrative, or of a nonmanual nature;

887 (ii) occurs during the commission of a crime committed by the employee;

888 (iii) occurs when the employee's intoxication or use of alcohol or drugs, whether
889 prescribed or nonprescribed, contributes to the employee's death or disability; or

890 (iv) occurs in a manner other than as described in Subsection (6)(a).

891 (c) "Line-of-duty death or disability" includes the death or disability of a paid
892 firefighter resulting from heart disease, lung disease, or a respiratory tract condition if the paid
893 firefighter has five years of firefighter service credit.

894 (7) "Objective medical impairment" means an impairment resulting from an injury or
895 illness that is diagnosed by a physician or physician assistant and that is based on accepted
896 objective medical tests or findings rather than subjective complaints.

897 (8) "Participating employer" means an employer that meets the participation

898 requirements of Section 49-16-201.

899 (9) "Regularly constituted fire department" means a fire department that employs a fire
900 chief who performs firefighter service for at least 2,080 hours of regularly scheduled paid
901 employment per year.

902 (10) (a) "Strenuous activity" means engagement involving a difficult, stressful, or
903 vigorous fire suppression, rescue, hazardous material response, emergency medical service,
904 physical law enforcement, prison security, disaster relief, or other emergency response activity.

905 (b) "Strenuous activity" includes participating in a participating employer sanctioned
906 and funded training exercise that involves difficult, stressful, or vigorous physical activity.

907 (11) "System" means the Firefighters' Retirement System created under this chapter.

908 (12) (a) "Volunteer firefighter" means any individual who is not regularly employed as
909 a firefighter service employee, but who:

910 (i) has been trained in firefighter techniques and skills;

911 (ii) continues to receive regular firefighter training; and

912 (iii) is on the rolls of a legally organized volunteer fire department that provides
913 ongoing training and serves a political subdivision of the state.

914 (b) "Volunteer firefighter" does not include an individual who volunteers assistance but
915 does not meet the requirements of Subsection (12)(a).

916 (13) "Years of service credit" means the number of periods, each to consist of 12 full
917 months as determined by the board, whether consecutive or not, during which a firefighter
918 service employee was employed by a participating employer or received full-time pay while on
919 sick leave, including any time the firefighter service employee was absent in the service of the
920 United States on military duty.

921 Section 15. Section 49-16-701 is amended to read:

922 **49-16-701. Volunteer firefighters eligible for line-of-duty death and disability**
923 **benefits in Division A -- Computation of benefit.**

924 (1) A volunteer firefighter is only eligible for line-of-duty death and line-of-duty
925 disability benefits provided for firefighters enrolled in Division A, subject to Sections

926 [49-16-602](#) and [49-16-603](#).

927 (2) The lowest monthly compensation of firefighters of a city of the first class in this
928 state at the time of death or disability shall be considered to be the final average monthly salary
929 of a volunteer firefighter for purposes of computing these benefits.

930 (3) Each volunteer fire department shall maintain a current roll of all volunteer
931 firefighters which meet the requirements of Subsection [~~49-16-102(11)~~] [49-16-102\(12\)](#) to
932 determine eligibility for this benefit.

933 Section 16. Section **49-23-601** is amended to read:

934 **49-23-601. Long-term disability coverage.**

935 (1) A participating employer shall cover a public safety service employee who initially
936 enters employment on or after July 1, 2011, under Chapter 21, Public Employees' Long-Term
937 Disability Act, or a substantially similar long-term disability program.

938 (2) (a) A participating employer shall cover a firefighter employee who initially enters
939 employment on or after July 1, 2011, under Chapter 21, Public Employees' Long-Term
940 Disability Act.

941 (b) In accordance with this section, a participating employer shall provide long-term
942 disability benefit coverage for a volunteer firefighter as provided under Section [49-16-701](#).

943 (c) The office shall ensure that the cost of the long-term disability benefit coverage
944 provided under Subsections (2)(a) and (b) is funded with revenue received under Section
945 [49-11-901.5](#).

946 Section 17. Section **51-7-2** is amended to read:

947 **51-7-2. Exemptions from chapter.**

948 The following funds are exempt from this chapter:

949 (1) funds invested in accordance with the participating employees' designation or
950 direction pursuant to a public employees' deferred compensation plan established and operated
951 in compliance with Section 457 of the Internal Revenue Code of 1986, as amended;

952 (2) funds of the Utah State Retirement Board;

953 (3) funds of the Utah Housing Corporation;

954 (4) endowment funds of higher education institutions, including funds of the Higher
955 Education Student Success Endowment, created in Section [~~53B-7-801~~] 53B-7-802;

956 (5) permanent and other land grant trust funds established pursuant to the Utah
957 Enabling Act and the Utah Constitution;

958 (6) the State Post-Retirement Benefits Trust Fund;

959 (7) the funds of the Utah Educational Savings Plan;

960 (8) funds of the permanent state trust fund created by and operated under Utah
961 Constitution, Article XXII, Section 4;

962 (9) the funds in the Navajo Trust Fund;

963 (10) the funds in the Radioactive Waste Perpetual Care and Maintenance Account;

964 (11) the funds in the Employers' Reinsurance Fund;

965 (12) the funds in the Uninsured Employers' Fund;

966 (13) the Utah State Developmental Center Long-Term Sustainability Fund, created in
967 Section 62A-5-206.7;

968 (14) the funds in the Risk Management Fund created in Section 63A-4-201; and

969 (15) the Utah fund of funds created in Section 63N-6-401.

970 Section 18. Section **52-4-103** is amended to read:

971 **52-4-103. Definitions.**

972 As used in this chapter:

973 (1) "Anchor location" means the physical location from which:

974 (a) an electronic meeting originates; or

975 (b) the participants are connected.

976 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by
977 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake
978 City.

979 (3) (a) "Convening" means the calling together of a public body by a person authorized
980 to do so for the express purpose of discussing or acting upon a subject over which that public
981 body has jurisdiction or advisory power.

982 (b) "Convening" does not include the initiation of a routine conversation between
983 members of a board of trustees of a large public transit district if the members involved in the
984 conversation do not, during the conversation, take a tentative or final vote on the matter that is
985 the subject of the conversation.

986 (4) "Electronic meeting" means a public meeting convened or conducted by means of a
987 conference using electronic communications.

988 (5) "Electronic message" means a communication transmitted electronically, including:

989 (a) electronic mail;

990 (b) instant messaging;

991 (c) electronic chat;

992 (d) text messaging, as that term is defined in Section 76-4-401; or

993 (e) any other method that conveys a message or facilitates communication
994 electronically.

995 (6) (a) "Meeting" means the convening of a public body or a specified body, with a
996 quorum present, including a workshop or an executive session, whether in person or by means
997 of electronic communications, for the purpose of discussing, receiving comments from the
998 public about, or acting upon a matter over which the public body or ~~[specific]~~ specified body
999 has jurisdiction or advisory power.

1000 (b) "Meeting" does not mean:

1001 (i) a chance gathering or social gathering;

1002 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
1003 accordance with Section 59-1-405; or

1004 (iii) a convening of a three-member board of trustees of a large public transit district as
1005 defined in Section 17B-2a-802 if:

1006 (A) the board members do not, during the conversation, take a tentative or final vote on
1007 the matter that is the subject of the conversation; or

1008 (B) the conversation pertains only to day-to-day management and operation of the
1009 public transit district.

1010 (c) "Meeting" does not mean the convening of a public body that has both legislative
1011 and executive responsibilities if:

1012 (i) no public funds are appropriated for expenditure during the time the public body is
1013 convened; and

1014 (ii) the public body is convened solely for the discussion or implementation of
1015 administrative or operational matters:

1016 (A) for which no formal action by the public body is required; or

1017 (B) that would not come before the public body for discussion or action.

1018 (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
1019 public statements of each member of the public body who is participating in a meeting.

1020 (8) "Participate" means the ability to communicate with all of the members of a public
1021 body, either verbally or electronically, so that each member of the public body can hear or
1022 observe the communication.

1023 (9) (a) "Public body" means:

1024 (i) any administrative, advisory, executive, or legislative body of the state or its
1025 political subdivisions that:

1026 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

1027 (B) consists of two or more persons;

1028 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

1029 (D) is vested with the authority to make decisions regarding the public's business; or

1030 (ii) any administrative, advisory, executive, or policymaking body of an association, as
1031 that term is defined in Section [53G-7-1101](#), that:

1032 (A) consists of two or more persons;

1033 (B) expends, disburses, or is supported in whole or in part by dues paid by a public

1034 school or whose employees participate in a benefit or program described in Title 49, Utah State
1035 Retirement and Insurance Benefit Act; and

1036 (C) is vested with authority to make decisions regarding the participation of a public
1037 school or student in an interscholastic activity, as that term is defined in Section [53G-7-1101](#).

- 1038 (b) "Public body" includes:
- 1039 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in
- 1040 Section 11-13-103;
- 1041 (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102;
- 1042 (iii) the Utah Independent Redistricting Commission; and
- 1043 (iv) a project entity, as that term is defined in Section 11-13-103.
- 1044 (c) "Public body" does not include:
- 1045 (i) a political party, a political group, or a political caucus;
- 1046 (ii) a conference committee, a rules committee, or a sifting committee of the
- 1047 Legislature;
- 1048 (iii) a school community council or charter trust land council, as that term is defined in
- 1049 Section 53G-7-1203;
- 1050 (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602, if the taxed
- 1051 interlocal entity is not a project entity; or
- 1052 (v) the following Legislative Management subcommittees, which are established in
- 1053 Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to
- 1054 recommend for employment, except that the meeting in which a subcommittee votes to
- 1055 recommend that a candidate be employed shall be subject to the provisions of this act:
- 1056 (A) the Research and General Counsel Subcommittee;
- 1057 (B) the Budget Subcommittee; and
- 1058 (C) the Audit Subcommittee.
- 1059 (10) "Public statement" means a statement made in the ordinary course of business of
- 1060 the public body with the intent that all other members of the public body receive it.
- 1061 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless
- 1062 otherwise defined by applicable law.
- 1063 (b) "Quorum" does not include a meeting of two elected officials by themselves when
- 1064 no action, either formal or informal, is taken.
- 1065 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a

1066 meeting that can be used to review the proceedings of the meeting.

1067 (13) "Specified body":

1068 (a) means an administrative, advisory, executive, or legislative body that:

1069 (i) is not a public body;

1070 (ii) consists of three or more members; and

1071 (iii) includes at least one member who is:

1072 (A) a legislator; and

1073 (B) officially appointed to the body by the president of the Senate, speaker of the

1074 House of Representatives, or governor; and

1075 (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).

1076 (14) "Transmit" means to send, convey, or communicate an electronic message by
1077 electronic means.

1078 Section 19. Section **57-8a-231** is amended to read:

1079 **57-8a-231. Water wise landscaping.**

1080 (1) As used in this section:

1081 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
1082 grasses.

1083 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
1084 loose and applied to the soil.

1085 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
1086 through a nozzle.

1087 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
1088 exposed leaf area of a plant or group of plants at full maturity.

1089 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
1090 exposed leaf area of a tree or trees.

1091 (e) "Water wise landscaping" means any or all of the following:

1092 (i) installation of plant materials suited to the microclimate and soil conditions that
1093 can:

1094 (A) remain healthy with minimal irrigation once established; or
1095 (B) be maintained without the use of overhead spray irrigation;
1096 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
1097 and water application; or
1098 (iii) the use of other landscape design features that:
1099 (A) minimize the need of the landscape for supplemental water from irrigation; or
1100 (B) reduce the landscape area dedicated to lawn or turf.
1101 (2) An association may not enact or enforce a governing document that prohibits, or
1102 has the effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise
1103 landscaping on the property owner's property.
1104 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association
1105 from requiring a property owner to:
1106 (i) comply with a site plan review or other review process before installing water wise
1107 landscaping;
1108 (ii) maintain plant material in a healthy condition; and
1109 (iii) follow specific water wise landscaping design requirements adopted by the
1110 association including a requirement that:
1111 (A) restricts or clarifies the use of mulches considered detrimental to the association's
1112 operations;
1113 (B) imposes minimum or maximum vegetative coverage; or
1114 (C) restricts or prohibits the use of specific plant materials.
1115 (b) An association may not require a property owner to install or keep in place lawn or
1116 turf in an area with a width less than eight feet.
1117 Section 20. Section **58-60-112** is amended to read:
1118 **58-60-112. Reporting of unprofessional or unlawful conduct -- Immunity from**
1119 **liability -- Reporting conduct of court-appointed therapist.**
1120 (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section
1121 **58-60-102** by a person licensed under this chapter or an individual not licensed under this

1122 chapter and engaged in acts or practices regulated under this chapter, that results in disciplinary
1123 action by a licensed health care facility, professional practice group, or professional society, or
1124 that results in a significant adverse impact upon the public health, safety, or welfare, the
1125 following shall report the conduct in writing to the division within 10 days after learning of the
1126 disciplinary action or the conduct unless the individual or person knows it has been reported:

1127 (a) a licensed health care facility or organization in which an individual licensed under
1128 this chapter engages in practice;

1129 (b) an individual licensed under this chapter; and

1130 (c) a professional society or organization whose membership is individuals licensed
1131 under this chapter and which has the authority to discipline or expel a member for acts of
1132 unprofessional or unlawful conduct.

1133 (2) Any individual reporting acts of unprofessional or unlawful conduct by an
1134 individual licensed under this chapter is immune from liability arising out of the disclosure to
1135 the extent the individual furnishes the information in good faith and without malice.

1136 (3) (a) As [~~defined~~] used in this Subsection (3):

1137 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
1138 provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.

1139 (ii) "Domestic case" means a proceeding under:

1140 (A) Title 30, Chapter 3, Divorce;

1141 (B) Title 30, Chapter 4, Separate Maintenance;

1142 (C) Title 30, Chapter 5, Grandparents;

1143 (D) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents

1144 Act;

1145 (E) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

1146 (F) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement

1147 Act; or

1148 (G) Title 78B, Chapter 15, Utah Uniform Parentage Act.

1149 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the

1150 domestic case may not file a report against the court-appointed therapist for unlawful or
1151 unprofessional conduct during the pendency of the domestic case, unless:

1152 (i) the party has requested that the court release the court-appointed therapist from the
1153 appointment; and

1154 (ii) the court finds good cause to release the court-appointed therapist from the
1155 appointment.

1156 Section 21. Section **58-70b-302** is amended to read:

1157 **58-70b-302. Qualifications for licensure.**

1158 Each applicant for licensure as an anesthesiologist assistant under this chapter shall:

1159 (1) submit an application on a form established by the division;

1160 (2) pay a fee determined by the division under Section [63J-1-504](#);

1161 (3) provide satisfactory documentation of having graduated from a program certified by
1162 the Commission on Accreditation of Allied Health Education Programs or the commission's
1163 successor organization;

1164 (4) within 12 months of completing the training under Subsection (3), pass the
1165 certification exam offered by the National Commission for Certification of Anesthesiologist
1166 Assistants; and

1167 (5) have the certification described in Subsection (4) at the time of the application and
1168 maintain the certification throughout the term of the license.

1169 Section 22. Section **62A-2-101** is amended to read:

1170 **62A-2-101. Definitions.**

1171 As used in this chapter:

1172 (1) "Adoption services" means the same as that term is defined in Section [80-2-801](#).

1173 (2) "Adult day care" means nonresidential care and supervision:

1174 (a) for three or more adults for at least four but less than 24 hours a day; and

1175 (b) that meets the needs of functionally impaired adults through a comprehensive
1176 program that provides a variety of health, social, recreational, and related support services in a
1177 protective setting.

1178 (3) "Applicant" means a person that applies for an initial license or a license renewal
1179 under this chapter.

1180 (4) (a) "Associated with the licensee" means that an individual is:

1181 (i) affiliated with a licensee as an owner, director, member of the governing body,
1182 employee, agent, provider of care, department contractor, or volunteer; or

1183 (ii) applying to become affiliated with a licensee in a capacity described in Subsection
1184 (4)(a)(i).

1185 (b) "Associated with the licensee" does not include:

1186 (i) service on the following bodies, unless that service includes direct access to a child
1187 or a vulnerable adult:

1188 (A) a local mental health authority described in Section 17-43-301;

1189 (B) a local substance abuse authority described in Section 17-43-201; or

1190 (C) a board of an organization operating under a contract to provide mental health or
1191 substance abuse programs, or services for the local mental health authority or substance abuse
1192 authority; or

1193 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised
1194 at all times.

1195 (5) (a) "Boarding school" means a private school that:

1196 (i) uses a regionally accredited education program;

1197 (ii) provides a residence to the school's students:

1198 (A) for the purpose of enabling the school's students to attend classes at the school; and

1199 (B) as an ancillary service to educating the students at the school;

1200 (iii) has the primary purpose of providing the school's students with an education, as
1201 defined in Subsection (5)(b)(i); and

1202 (iv) (A) does not provide the treatment or services described in Subsection (38)(a); or

1203 (B) provides the treatment or services described in Subsection (38)(a) on a limited
1204 basis, as described in Subsection (5)(b)(ii).

1205 (b) (i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for

1206 one or more of grades kindergarten through 12th grade.

1207 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment or
1208 services described in Subsection (38)(a) on a limited basis if:

1209 (A) the treatment or services described in Subsection (38)(a) are provided only as an
1210 incidental service to a student; and

1211 (B) the school does not:

1212 (I) specifically solicit a student for the purpose of providing the treatment or services
1213 described in Subsection (38)(a); or

1214 (II) have a primary purpose of providing the treatment or services described in
1215 Subsection (38)(a).

1216 (c) "Boarding school" does not include a therapeutic school.

1217 (6) "Child" means an individual under 18 years old.

1218 (7) "Child placing" means receiving, accepting, or providing custody or care for any
1219 child, temporarily or permanently, for the purpose of:

1220 (a) finding a person to adopt the child;

1221 (b) placing the child in a home for adoption; or

1222 (c) foster home placement.

1223 (8) "Child-placing agency" means a person that engages in child placing.

1224 (9) "Client" means an individual who receives or has received services from a licensee.

1225 (10) (a) "Congregate care program" means any of the following that provide services to
1226 a child:

1227 (i) an outdoor youth program;

1228 (ii) a residential support program;

1229 (iii) a residential treatment program; or

1230 (iv) a therapeutic school.

1231 (b) "Congregate care program" does not include a human services program that:

1232 (i) is licensed to serve adults; and

1233 (ii) is approved by the office to service a child for a limited time.

- 1234 (11) "Day treatment" means specialized treatment that is provided to:
- 1235 (a) a client less than 24 hours a day; and
- 1236 (b) four or more persons who:
- 1237 (i) are unrelated to the owner or provider; and
- 1238 (ii) have emotional, psychological, developmental, physical, or behavioral
- 1239 dysfunctions, impairments, or chemical dependencies.
- 1240 (12) "Department" means the Department of Human Services.
- 1241 (13) "Department contractor" means an individual who:
- 1242 (a) provides services under a contract with the department; and
- 1243 (b) due to the contract with the department, has or will likely have direct access to a
- 1244 child or vulnerable adult.
- 1245 (14) "Direct access" means that an individual has, or likely will have:
- 1246 (a) contact with or access to a child or vulnerable adult that provides the individual
- 1247 with an opportunity for personal communication or touch; or
- 1248 (b) an opportunity to view medical, financial, or other confidential personal identifying
- 1249 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 1250 (15) "Directly supervised" means that an individual is being supervised under the
- 1251 uninterrupted visual and auditory surveillance of another individual who has a current
- 1252 background screening approval issued by the office.
- 1253 (16) "Director" means the director of the office.
- 1254 (17) "Domestic violence" means the same as that term is defined in Section [77-36-1](#).
- 1255 (18) "Domestic violence treatment program" means a nonresidential program designed
- 1256 to provide psychological treatment and educational services to perpetrators and victims of
- 1257 domestic violence.
- 1258 (19) "Elder adult" means a person 65 years old or older.
- 1259 (20) "Executive director" means the executive director of the department.
- 1260 (21) "Foster home" means a residence that is licensed or certified by the office for the
- 1261 full-time substitute care of a child.

- 1262 (22) "Health benefit plan" means the same as that term is defined in Section
1263 [31A-1-301](#).
- 1264 (23) "Health care provider" means the same as that term is defined in Section
1265 [78B-3-403](#).
- 1266 (24) "Health insurer" means the same as that term is defined in Section [~~31A-22-615.5~~]
1267 [31A-22-634](#).
- 1268 (25) (a) "Human services program" means:
- 1269 (i) a foster home;
 - 1270 (ii) a therapeutic school;
 - 1271 (iii) a youth program;
 - 1272 (iv) an outdoor youth program;
 - 1273 (v) a residential treatment program;
 - 1274 (vi) a residential support program;
 - 1275 (vii) a resource family home;
 - 1276 (viii) a recovery residence; or
 - 1277 (ix) a facility or program that provides:
 - 1278 (A) adult day care;
 - 1279 (B) day treatment;
 - 1280 (C) outpatient treatment;
 - 1281 (D) domestic violence treatment;
 - 1282 (E) child-placing services;
 - 1283 (F) social detoxification; or
 - 1284 (G) any other human services that are required by contract with the department to be
1285 licensed with the department.
- 1286 (b) "Human services program" does not include:
- 1287 (i) a boarding school; or
 - 1288 (ii) a residential, vocational and life skills program, as defined in Section [13-53-102](#).
- 1289 (26) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

- 1290 (27) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 1291 (28) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 1292 (29) "Intermediate secure treatment" means 24-hour specialized residential treatment or
1293 care for an individual who:
- 1294 (a) cannot live independently or in a less restrictive environment; and
- 1295 (b) requires, without the individual's consent or control, the use of locked doors to care
1296 for the individual.
- 1297 (30) "Licensee" means an individual or a human services program licensed by the
1298 office.
- 1299 (31) "Local government" means a city, town, metro township, or county.
- 1300 (32) "Minor" means child.
- 1301 (33) "Office" means the Office of Licensing within the Department of Human Services.
- 1302 (34) "Outdoor youth program" means a program that provides:
- 1303 (a) services to a child that has:
- 1304 (i) a chemical dependency; or
- 1305 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
1306 physical, or behavioral;
- 1307 (b) a 24-hour outdoor group living environment; and
- 1308 (c) (i) regular therapy, including group, individual, or supportive family therapy; or
- 1309 (ii) informal therapy or similar services, including wilderness therapy, adventure
1310 therapy, or outdoor behavioral healthcare.
- 1311 (35) "Outpatient treatment" means individual, family, or group therapy or counseling
1312 designed to improve and enhance social or psychological functioning for those whose physical
1313 and emotional status allows them to continue functioning in their usual living environment.
- 1314 (36) "Practice group" or "group practice" means two or more health care providers
1315 legally organized as a partnership, professional corporation, or similar association, for which:
- 1316 (a) substantially all of the services of the health care providers who are members of the
1317 group are provided through the group and are billed in the name of the group and amounts

1318 received are treated as receipts of the group; and

1319 (b) the overhead expenses of and the income from the practice are distributed in
1320 accordance with methods previously determined by members of the group.

1321 (37) "Private-placement child" means a child whose parent or guardian enters into a
1322 contract with a congregate care program for the child to receive services.

1323 (38) (a) "Recovery residence" means a home, residence, or facility that meets at least
1324 two of the following requirements:

1325 (i) provides a supervised living environment for individuals recovering from a
1326 substance use disorder;

1327 (ii) provides a living environment in which more than half of the individuals in the
1328 residence are recovering from a substance use disorder;

1329 (iii) provides or arranges for residents to receive services related to their recovery from
1330 a substance use disorder, either on or off site;

1331 (iv) is held out as a living environment in which individuals recovering from substance
1332 abuse disorders live together to encourage continued sobriety; or

1333 (v) (A) receives public funding; or

1334 (B) is run as a business venture, either for-profit or not-for-profit.

1335 (b) "Recovery residence" does not mean:

1336 (i) a residential treatment program;

1337 (ii) residential support program; or

1338 (iii) a home, residence, or facility, in which:

1339 (A) residents, by their majority vote, establish, implement, and enforce policies

1340 governing the living environment, including the manner in which applications for residence are
1341 approved and the manner in which residents are expelled;

1342 (B) residents equitably share rent and housing-related expenses; and

1343 (C) a landlord, owner, or operator does not receive compensation, other than fair
1344 market rental income, for establishing, implementing, or enforcing policies governing the
1345 living environment.

1346 (39) "Regular business hours" means:

1347 (a) the hours during which services of any kind are provided to a client; or

1348 (b) the hours during which a client is present at the facility of a licensee.

1349 (40) (a) "Residential support program" means a program that arranges for or provides
1350 the necessities of life as a protective service to individuals or families who have a disability or
1351 who are experiencing a dislocation or emergency that prevents them from providing these
1352 services for themselves or their families.

1353 (b) "Residential support program" includes a program that provides a supervised living
1354 environment for individuals with dysfunctions or impairments that are:

1355 (i) emotional;

1356 (ii) psychological;

1357 (iii) developmental; or

1358 (iv) behavioral.

1359 (c) Treatment is not a necessary component of a residential support program.

1360 (d) "Residential support program" does not include:

1361 (i) a recovery residence; or

1362 (ii) a program that provides residential services that are performed:

1363 (A) exclusively under contract with the department and provided to individuals through
1364 the Division of Services for People with Disabilities; or

1365 (B) in a facility that serves fewer than four individuals.

1366 (41) (a) "Residential treatment" means a 24-hour group living environment for four or
1367 more individuals unrelated to the owner or provider that offers room or board and specialized
1368 treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation
1369 services for persons with emotional, psychological, developmental, or behavioral dysfunctions,
1370 impairments, or chemical dependencies.

1371 (b) "Residential treatment" does not include a:

1372 (i) boarding school;

1373 (ii) foster home; or

- 1374 (iii) recovery residence.
- 1375 (42) "Residential treatment program" means a program or facility that provides:
- 1376 (a) residential treatment; or
- 1377 (b) intermediate secure treatment.
- 1378 (43) "Seclusion" means the involuntary confinement of an individual in a room or an
- 1379 area:
- 1380 (a) away from the individual's peers; and
- 1381 (b) in a manner that physically prevents the individual from leaving the room or area.
- 1382 (44) "Social detoxification" means short-term residential services for persons who are
- 1383 experiencing or have recently experienced drug or alcohol intoxication, that are provided
- 1384 outside of a health care facility licensed under Title 26, Chapter 21, Health Care Facility
- 1385 Licensing and Inspection Act, and that include:
- 1386 (a) room and board for persons who are unrelated to the owner or manager of the
- 1387 facility;
- 1388 (b) specialized rehabilitation to acquire sobriety; and
- 1389 (c) aftercare services.
- 1390 (45) "Substance abuse disorder" or "substance use disorder" mean the same as
- 1391 "substance use disorder" is defined in Section [62A-15-1202](#).
- 1392 (46) "Substance abuse treatment program" or "substance use disorder treatment
- 1393 program" means a program:
- 1394 (a) designed to provide:
- 1395 (i) specialized drug or alcohol treatment;
- 1396 (ii) rehabilitation; or
- 1397 (iii) habilitation services; and
- 1398 (b) that provides the treatment or services described in Subsection (46)(a) to persons
- 1399 with:
- 1400 (i) a diagnosed substance use disorder; or
- 1401 (ii) chemical dependency disorder.

- 1402 (47) "Therapeutic school" means a residential group living facility:
- 1403 (a) for four or more individuals that are not related to:
- 1404 (i) the owner of the facility; or
- 1405 (ii) the primary service provider of the facility;
- 1406 (b) that serves students who have a history of failing to function:
- 1407 (i) at home;
- 1408 (ii) in a public school; or
- 1409 (iii) in a nonresidential private school; and
- 1410 (c) that offers:
- 1411 (i) room and board; and
- 1412 (ii) an academic education integrated with:
- 1413 (A) specialized structure and supervision; or
- 1414 (B) services or treatment related to:
- 1415 (I) a disability;
- 1416 (II) emotional development;
- 1417 (III) behavioral development;
- 1418 (IV) familial development; or
- 1419 (V) social development.
- 1420 (48) "Unrelated persons" means persons other than parents, legal guardians,
- 1421 grandparents, brothers, sisters, uncles, or aunts.
- 1422 (49) "Vulnerable adult" means an elder adult or an adult who has a temporary or
- 1423 permanent mental or physical impairment that substantially affects the person's ability to:
- 1424 (a) provide personal protection;
- 1425 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 1426 (c) obtain services necessary for health, safety, or welfare;
- 1427 (d) carry out the activities of daily living;
- 1428 (e) manage the adult's own resources; or
- 1429 (f) comprehend the nature and consequences of remaining in a situation of abuse,

1430 neglect, or exploitation.

1431 (50) (a) "Youth program" means a program designed to provide behavioral, substance
1432 abuse, or mental health services to minors that:

1433 (i) serves adjudicated or nonadjudicated youth;

1434 (ii) charges a fee for its services;

1435 (iii) may provide host homes or other arrangements for overnight accommodation of
1436 the youth;

1437 (iv) may provide all or part of its services in the outdoors;

1438 (v) may limit or censor access to parents or guardians; and

1439 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
1440 minor's own free will.

1441 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
1442 Scouts, 4-H, and other such organizations.

1443 (51) (a) "Youth transportation company" means any person that transports a child for
1444 payment to or from a congregate care program in Utah.

1445 (b) "Youth transportation company" does not include:

1446 (i) a relative of the child;

1447 (ii) a state agency; or

1448 (iii) a congregate care program's employee who transports the child from the
1449 congregate care program that employs the employee and returns the child to the same
1450 congregate care program.

1451 Section 23. Section **63C-25-101** is amended to read:

1452 **63C-25-101. Definitions.**

1453 As used in this chapter:

1454 (1) "Authority" means the same as that term is defined in Section [63B-1-303](#).

1455 (2) "Bond" means the same as that term is defined in Section [63B-1-101](#).

1456 (3) "Bonding political subdivision" means:

1457 (a) the Utah Inland Port Authority, created in Section [11-58-201](#);

- 1458 (b) the Military Installation Development Authority, created in Section [63H-1-201](#);
- 1459 (c) the Point of the Mountain State Land Authority, created in Section [11-59-201](#); or
- 1460 (d) the Utah Lake Authority, created in Section [11-65-201](#).
- 1461 (4) "Commission" means the State Finance Review Commission created in Section
- 1462 [63C-25-201](#).
- 1463 (5) "Concessionaire" means a person who:
- 1464 (a) operates, finances, maintains, or constructs a government facility under a contract
- 1465 with a bonding political subdivision; and
- 1466 (b) is not a bonding political subdivision.
- 1467 (6) "Creating entity" means the same as that term is defined in Section [17D-4-102](#).
- 1468 (7) "Government facility" means infrastructure, improvements, or a building that:
- 1469 (a) costs more than \$5,000,000 to construct; and
- 1470 (b) has a useful life greater than five years.
- 1471 (8) "Large public transit district" means the same as that term is defined in Section
- 1472 [17B-2a-802](#).
- 1473 (9) "Loan entity" means the board, person, unit, or agency with legal responsibility for
- 1474 making a loan from a revolving loan fund.
- 1475 (10) "Obligation" means the same as that term is defined in Section [63B-1-303](#).
- 1476 (11) "Parameters resolution" means a resolution of a bonding political subdivision, or
- 1477 public infrastructure district created by a bonding political subdivision, that sets forth for
- 1478 proposed bonds:
- 1479 (a) the maximum:
- 1480 (i) amount of bonds;
- 1481 (ii) term; and
- 1482 (iii) interest rate; and
- 1483 (b) the expected security for the bonds.
- 1484 (12) "Public infrastructure district" means a public infrastructure district created under
- 1485 Title 17D, Chapter 4, Public Infrastructure District Act.

- 1486 (13) "Public-private partnership" means a contract:
- 1487 (a) between a bonding political subdivision and a concessionaire for the operation,
- 1488 finance, maintenance, or construction of a government facility;
- 1489 (b) that authorizes the concessionaire to operate the government facility for a term of
- 1490 five years or longer, including any extension of the contract; and
- 1491 (c) in which all or some of the annual source of payment to the concessionaire comes
- 1492 from state funds provided to the bonding political subdivision.
- 1493 (14) "Revolving loan fund" means:
- 1494 (a) the Water Resources Conservation and Development Fund, created in Section
- 1495 [73-10-24](#);
- 1496 (b) the Water Resources Construction Fund, created in Section [73-10-8](#);
- 1497 (c) the Water Resources Cities Water Loan Fund, created in Section [73-10-22](#);
- 1498 (d) the Clean Fuel Conversion Funds, created in [~~Title 19, Chapter 1, Part 4, Clean~~
- 1499 ~~Fuels and Vehicle Technology Program Act~~] Title 19, Chapter 1, Part 4, Clean Fuels and
- 1500 Emission Reduction Technology Program Act;
- 1501 (e) the Water Development Security Fund and its subaccounts, created in Section
- 1502 [73-10c-5](#);
- 1503 (f) the Agriculture Resource Development Fund, created in Section [4-18-106](#);
- 1504 (g) the Utah Rural Rehabilitation Fund, created in Section [4-19-105](#);
- 1505 (h) the Permanent Community Impact Fund, created in Section [35A-8-303](#);
- 1506 (i) the Petroleum Storage Tank Fund, created in Section [19-6-409](#);
- 1507 (j) the School Building Revolving Account, created in Section [53F-9-206](#);
- 1508 (k) the State Infrastructure Bank Fund, created in Section [72-2-202](#);
- 1509 (l) the Uintah Basin Revitalization Fund, created in Section [35A-8-1602](#);
- 1510 (m) the Navajo Revitalization Fund, created in Section [35A-8-1704](#);
- 1511 (n) the Energy Efficiency Fund, created in Section [11-45-201](#);
- 1512 (o) the Brownfields Fund, created in Section [19-8-120](#);
- 1513 (p) the following enterprise revolving loan funds created in Section [63A-3-402](#):

1514 (i) the inland port infrastructure revolving loan fund;
1515 (ii) the point of the mountain infrastructure revolving loan fund; or
1516 (iii) the military development infrastructure revolving loan fund; and
1517 (q) any other revolving loan fund created in statute where the borrower from the
1518 revolving loan fund is a public non-profit entity or political subdivision, including a fund listed
1519 in Section 63A-3-205, from which a loan entity is authorized to make a loan.

1520 (15) (a) "State funds" means an appropriation by the Legislature identified as coming
1521 from the General Fund or Education Fund.

1522 (b) "State funds" does not include:

1523 (i) a revolving loan fund; or

1524 (ii) revenues received by a bonding political subdivision from:

1525 (A) a tax levied by the bonding political subdivision;

1526 (B) a fee assessed by the bonding political subdivision; or

1527 (C) operation of the bonding political subdivision's government facility.

1528 Section 24. Section 63I-1-236 is amended to read:

1529 **63I-1-236. Repeal dates: Title 36.**

1530 (1) Title 36, Chapter 17, Legislative Process Committee, is repealed January 1, 2028.

1531 (2) Section 36-12-20 is repealed June 30, 2023.

1532 (3) Title 36, Chapter 28, Veterans and Military Affairs Commission, is repealed
1533 January 1, 2025.

1534 (4) Section 36-29-108, Criminal Code Evaluation Task Force, is repealed July 1, 2023.

1535 [~~(5) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight Committee,~~
1536 ~~is repealed January 1, 2022.~~]

1537 Section 25. Section 63I-1-263 is amended to read:

1538 **63I-1-263. Repeal dates: Titles 63A to 63N.**

1539 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
1540 improvement funding, is repealed July 1, 2024.

1541 (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,

- 1542 2023.
- 1543 (3) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
1544 Committee, are repealed July 1, 2023.
- 1545 (4) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 1546 (a) Section [63A-18-102](#) is repealed;
- 1547 (b) Section [63A-18-201](#) is repealed; and
- 1548 (c) Section [63A-18-202](#) is repealed.
- 1549 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
1550 1, 2028.
- 1551 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
1552 2025.
- 1553 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
1554 2024.
- 1555 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
1556 repealed July 1, 2023.
- 1557 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
1558 July 1, 2023.
- 1559 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
1560 repealed July 1, 2026.
- 1561 (11) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 1562 (12) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 1563 (13) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
1564 Advisory Board, is repealed July 1, 2026.
- 1565 (14) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
1566 2028.
- 1567 (15) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
1568 2024.
- 1569 (16) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

1570 [~~(17)~~ Subsection ~~63J-1-602.1~~(17), relating to the Nurse Home Visiting Restricted
1571 Account, is repealed July 1, 2026.]

1572 [~~(18)~~ (17) Subsection ~~63J-1-602.2~~(6), referring to dedicated credits to the Utah
1573 Marriage Commission, is repealed July 1, 2023.

1574 [~~(19)~~ Subsection ~~63J-1-602.2~~(7), referring to the Trip Reduction Program, is repealed
1575 July 1, 2022.]

1576 [~~(20)~~ (18) Subsection ~~63J-1-602.2~~(26), related to the Utah Seismic Safety
1577 Commission, is repealed January 1, 2025.

1578 [~~(21)~~ (19) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
1579 Committee, is repealed July 1, 2027.

1580 [~~(22)~~ (20) In relation to the Utah Substance Use and Mental Health Advisory Council,
1581 on January 1, 2033:

1582 (a) Sections ~~63M-7-301~~, ~~63M-7-302~~, ~~63M-7-303~~, ~~63M-7-304~~, and ~~63M-7-306~~ are
1583 repealed;

1584 (b) Section ~~63M-7-305~~, the language that states "council" is replaced with
1585 "commission";

1586 (c) Subsection ~~63M-7-305~~(1)(a) is repealed and replaced with:
1587 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

1588 (d) Subsection ~~63M-7-305~~(2) is repealed and replaced with:
1589 "(2) The commission shall:

1590 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
1591 Drug-Related Offenses Reform Act; and

1592 (b) coordinate the implementation of Section ~~77-18-104~~ and related provisions in
1593 Subsections ~~77-18-103~~(2)(c) and (d).".

1594 [~~(23)~~ (21) The Crime Victim Reparations and Assistance Board, created in Section
1595 ~~63M-7-504~~, is repealed July 1, 2027.

1596 [~~(24)~~ (22) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
1597 2026.

1598 [~~(25)~~] (23) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
1599 repealed January 1, 2025.

1600 [~~(26)~~] (24) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

1601 [~~(27)~~] (25) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
1602 July 1, 2028.

1603 [~~(28)~~] (26) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
1604 repealed July 1, 2027.

1605 [~~(29)~~] (27) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
1606 Program, is repealed July 1, 2025.

1607 [~~(30)~~] (28) In relation to the Rural Employment Expansion Program, on July 1, 2023:

1608 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
1609 and

1610 (b) Subsection [63N-4-805](#)(5)(b), referring to the Rural Employment Expansion
1611 Program, is repealed.

1612 [~~(31)~~] (29) In relation to the Board of Tourism Development, on July 1, 2025:

1613 (a) Subsection [63N-2-511](#)(1)(b), which defines "tourism board," is repealed;

1614 (b) Subsections [63N-2-511](#)(3)(a) and (5), the language that states "tourism board" is
1615 repealed and replaced with "Utah Office of Tourism";

1616 (c) Subsection [63N-7-101](#)(1), which defines "board," is repealed;

1617 (d) Subsection [63N-7-102](#)(3)(c), which requires the Utah Office of Tourism to receive
1618 approval from the Board of Tourism Development, is repealed; and

1619 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

1620 [~~(32)~~] (30) Subsection [63N-8-103](#)(3)(c), which allows the Governor's Office of
1621 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
1622 is repealed on July 1, 2024.

1623 Section 26. Section **63I-1-267** is amended to read:

1624 **63I-1-267. Repeal dates: Title 67.**

1625 (1) Section [67-1-8.1](#), which creates the Executive Residence Commission, is repealed

1626 July 1, 2027.

1627 (2) Section 67-1-15 is repealed December 31, 2027.

1628 (3) Section 67-3-11 is repealed July 1, 2024.

1629 (4) Title 67, Chapter 5a, Utah Prosecution Council, is repealed July 1, 2027.

1630 [~~5~~] Section ~~67-5b-105~~, which creates local advisory boards for the Children's Justice
 1631 Center Program, is repealed July 1, 2021.]

1632 Section 27. Section 63I-2-217 is amended to read:

1633 **63I-2-217. Repeal dates: Title 17.**

1634 [~~1~~] Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed

1635 January 1, 2022. (2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties
 1636 to initiate a change of form of government process by July 1, 2018, is repealed.

1637 [~~3~~] On June 1, 2022:]

1638 [~~a~~] Section 17-52a-104 is repealed;]

1639 [~~b~~] in Subsection 17-52a-301(3)(a), the language that states "or under a provision
 1640 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and]

1641 [~~c~~] Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.]

1642 Section 28. Section 63I-2-226 is amended to read:

1643 **63I-2-226. Repeal dates: Title 26 through 26B.**

1644 [~~1~~] Subsection 26-2-12.6(3), relating to the report for birth certificate fees, is repealed
 1645 December 31, 2022.]

1646 [~~2~~] (1) Subsection 26-7-8(3) is repealed January 1, 2027.

1647 [~~3~~] (2) Section 26-8a-107 is repealed July 1, 2024.

1648 [~~4~~] Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.]

1649 [~~5~~] (3) Section 26-8a-211 is repealed July 1, 2023.

1650 [~~6~~] (4) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
 1651 26-8a-602(1)(a) is amended to read:

1652 "(a) provide the patient or the patient's representative with the following information
 1653 before contacting an air medical transport provider:

1654 (i) which health insurers in the state the air medical transport provider contracts with;

1655 (ii) if sufficient data is available, the average charge for air medical transport services

1656 for a patient who is uninsured or out of network; and

1657 (iii) whether the air medical transport provider balance bills a patient for any charge not

1658 paid by the patient's health insurer; and".

1659 [~~(7) Subsection 26-18-2.4(3)(c) is repealed January 1, 2023.~~]

1660 [~~(8) Subsection 26-18-411(8), related to reporting on the health coverage improvement~~
1661 ~~program, is repealed January 1, 2023.~~]

1662 [~~(9)~~ (5) Subsection 26-18-420(5), related to reporting on coverage for in vitro
1663 fertilization and genetic testing, is repealed July 1, 2030.

1664 [~~(10)~~ (6) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
1665 26-21-32(1)(a) is amended to read:

1666 "(a) provide the patient or the patient's representative with the following information
1667 before contacting an air medical transport provider:

1668 (i) which health insurers in the state the air medical transport provider contracts with;

1669 (ii) if sufficient data is available, the average charge for air medical transport services

1670 for a patient who is uninsured or out of network; and

1671 (iii) whether the air medical transport provider balance bills a patient for any charge not
1672 paid by the patient's health insurer; and".

1673 [~~(11) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.~~]

1674 [~~(12)~~ (7) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
1675 Program, is repealed July 1, 2027.

1676 [~~(13) Subsection 26-61-202(4)(b) is repealed January 1, 2022.~~]

1677 [~~(14) Subsection 26-61-202(5) is repealed January 1, 2022.~~]

1678 [~~(15)~~ (8) Subsection 26B-1-204(2)(f), relating to the Air Ambulance Committee, is
1679 repealed July 1, 2024.

1680 Section 29. Section **63I-2-263** is amended to read:

1681 **63I-2-263. Repeal dates: Title 63A to Title 63N.**

- 1682 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services
 1683 Procurement Advisory Council is repealed July 1, 2025.
- 1684 (2) Section [63A-17-303](#) is repealed July 1, 2023.
 1685 [~~(3) Subsection [63A-17-304](#)(1)(c) is repealed July 1, 2022.~~]
- 1686 (3) Section [63A-17-806](#) is repealed June 30, 2023.
- 1687 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
 1688 Commission is repealed July 1, 2023.
- 1689 (5) Section [63G-1-502](#) is repealed July 1, 2022.
- 1690 (6) The following sections regarding the World War II Memorial Commission are
 1691 repealed July 1, 2022:
- 1692 (a) Section [63G-1-801](#);
 1693 (b) Section [63G-1-802](#);
 1694 (c) Section [63G-1-803](#); and
 1695 (d) Section [63G-1-804](#).
- 1696 (7) Title 63H, Chapter 5, Utah State Railroad Museum Authority, is repealed on July 1,
 1697 2022.
- 1698 (8) Section [63H-7a-303](#) is repealed July 1, 2024.
- 1699 (9) Subsection [63H-7a-403](#)(2)(b), regarding the charge to maintain the public safety
 1700 communications network, is repealed July 1, 2033.
- 1701 (10) Subsection [63J-1-602.2](#)(44), which lists appropriations to the State Tax
 1702 Commission for property tax deferral reimbursements, is repealed July 1, 2027.
- 1703 (11) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed January 1, 2023.
- 1704 (12) Section [63M-7-217](#) is repealed July 1, 2022.
- 1705 (13) Subsection [63N-2-213](#)(12)(a), relating to claiming a tax credit in the same taxable
 1706 year as the targeted business income tax credit, is repealed December 31, 2024.
- 1707 (14) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an
 1708 Enterprise Zone, is repealed December 31, 2024.
- 1709 Section 30. Section [63I-2-267](#) is amended to read:

1710 **63I-2-267. Repeal dates: Title 67.**
1711 [Section ~~63A-17-806~~ is repealed June 30, 2023.]
1712 Section 31. Section **63I-2-279** is amended to read:
1713 **63I-2-279. Repeal dates: Title 79.**
1714 [(+) Section ~~79-2-206~~, Transition, is repealed July 1, 2024.
1715 [(2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program
1716 Act, is repealed January 1, 2022.]
1717 Section 32. Section **63J-1-602.2** is amended to read:
1718 **63J-1-602.2. List of nonlapsing appropriations to programs.**
1719 Appropriations made to the following programs are nonlapsing:
1720 (1) The Legislature and the Legislature's committees.
1721 (2) The State Board of Education, including all appropriations to agencies, line items,
1722 and programs under the jurisdiction of the State Board of Education, in accordance with
1723 Section ~~53F-9-103~~.
1724 (3) The Percent-for-Art Program created in Section ~~9-6-404~~.
1725 (4) The LeRay McAllister Critical Land Conservation Program created in Section
1726 4-46- 301.
1727 (5) The Utah Lake Authority created in Section ~~11-65-201~~.
1728 (6) Dedicated credits accrued to the Utah Marriage Commission as provided under
1729 Subsection ~~17-16-21(2)(d)(ii)~~.
1730 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
1731 the Pelican Management Act, as provided in Section ~~23-21a-6~~.
1732 (8) The Emergency Medical Services Grant Program in Section ~~26-8a-207~~.
1733 (9) The primary care grant program created in Section ~~26-10b-102~~.
1734 (10) Sanctions collected as dedicated credits from Medicaid providers under
1735 Subsection ~~26-18-3(7)~~.
1736 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
1737 ~~26-46-102~~.

- 1738 (12) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- 1739 (13) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
- 1740 (14) The Utah Medical Education Council for the:
- 1741 (a) administration of the Utah Medical Education Program created in Section
- 1742 26-69-403;
- 1743 (b) provision of medical residency grants described in Section 26-69-407; and
- 1744 (c) provision of the forensic psychiatric fellowship grant described in Section
- 1745 26-69-408.
- 1746 (15) Funds that the Department of Alcoholic Beverage Services retains in accordance
- 1747 with Subsection 32B-2-301(8)(a) or (b).
- 1748 (16) The General Assistance program administered by the Department of Workforce
- 1749 Services, as provided in Section 35A-3-401.
- 1750 (17) The Utah National Guard, created in [~~Title 39, Militia and Armories~~] Title 39A,
- 1751 National Guard and Militia Act.
- 1752 (18) The State Tax Commission under Section 41-1a-1201 for the:
- 1753 (a) purchase and distribution of license plates and decals; and
- 1754 (b) administration and enforcement of motor vehicle registration requirements.
- 1755 (19) The Search and Rescue Financial Assistance Program, as provided in Section
- 1756 53-2a-1102.
- 1757 (20) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 1758 (21) The Utah Board of Higher Education for teacher preparation programs, as
- 1759 provided in Section 53B-6-104.
- 1760 (22) Innovation grants under Section 53G-10-608, except as provided in Subsection
- 1761 53G-10-608(6).
- 1762 (23) The Division of Services for People with Disabilities, as provided in Section
- 1763 62A-5-102.
- 1764 (24) The Division of Fleet Operations for the purpose of upgrading underground
- 1765 storage tanks under Section 63A-9-401.

- 1766 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 1767 (26) The Division of Technology Services for technology innovation as provided under
1768 Section [63A-16-903](#).
- 1769 (27) The Office of Administrative Rules for publishing, as provided in Section
1770 [63G-3-402](#).
- 1771 (28) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
1772 Colorado River Authority of Utah Act.
- 1773 (29) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
1774 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1775 (30) The Governor's Office of Economic Opportunity's Rural Employment Expansion
1776 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 1777 (31) Programs for the Jordan River Recreation Area as described in Section [65A-2-8](#).
- 1778 (32) The Division of Human Resource Management user training program, as provided
1779 in Section [63A-17-106](#).
- 1780 (33) A public safety answering point's emergency telecommunications service fund, as
1781 provided in Section [69-2-301](#).
- 1782 (34) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 1783 (35) The money appropriated from the Navajo Water Rights Negotiation Account to
1784 the Division of Water Rights, created in Section [73-2-1.1](#), for purposes of participating in a
1785 settlement of federal reserved water right claims.
- 1786 (36) The Judicial Council for compensation for special prosecutors, as provided in
1787 Section [77-10a-19](#).
- 1788 (37) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 1789 (38) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 1790 (39) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 1791 (40) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and
1792 [78B-6-144.5](#).
- 1793 (41) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent

1794 Defense Commission.

1795 (42) The program established by the Division of Facilities Construction and
1796 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation
1797 and pay lease payments for the use and occupancy of buildings owned by the Division of
1798 Facilities Construction and Management.

1799 (43) The State Tax Commission for reimbursing counties for deferred property taxes in
1800 accordance with Section [59-2-1802](#).

1801 Section 33. Section **63N-6-103** is amended to read:

1802 **63N-6-103. Definitions.**

1803 As used in this ~~[part]~~ chapter:

1804 (1) "Board" means the board of directors of the corporation.

1805 (2) "Corporation" means the Utah Capital Investment Corporation created under
1806 Section [63N-6-301](#).

1807 (3) "Restricted account" means the Utah Capital Investment Restricted Account created
1808 in Section [63N-6-204](#).

1809 (4) "Utah fund of funds" means a limited liability company established under Section
1810 [63N-6-401](#).

1811 Section 34. Section **71-8-2** is amended to read:

1812 **71-8-2. Department of Veterans and Military Affairs created -- Appointment of**
1813 **executive director -- Department responsibilities.**

1814 (1) There is created the Department of Veterans and Military Affairs.

1815 (2) The governor shall appoint an executive director for the department, after
1816 consultation with the Veterans Advisory Council, who is subject to Senate confirmation.

1817 (a) The executive director shall be an individual who:

1818 (i) has served on active duty in the armed forces for more than 180 consecutive days;

1819 (ii) was a member of a reserve component who served in a campaign or expedition for
1820 which a campaign medal has been authorized; or

1821 (iii) incurred an actual service-related injury or disability in the line of duty, whether or

1822 not that person completed 180 consecutive days of active duty; and
1823 (iv) was separated or retired under honorable conditions.
1824 (b) Any veteran or veterans group may submit names to the council for consideration.
1825 (3) The department shall:
1826 (a) conduct and supervise all veteran activities as provided in this title;
1827 (b) determine which campaign or combat theater awards are eligible for a special group
1828 license plate in accordance with Section [41-1a-418](#);
1829 (c) verify that an applicant for a campaign or combat theater award special group
1830 license plate is qualified to receive it;
1831 (d) provide an applicant that qualifies a form indicating the campaign or combat theater
1832 award special group license plate for which the applicant qualifies;
1833 (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
1834 Rulemaking Act, to carry out the provisions of this title; and
1835 (f) ensure that any training or certification required of a public official or public
1836 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
1837 22, State Training and Certification Requirements, if the training or certification is required:
1838 (i) under this title;
1839 (ii) by the department; or
1840 (iii) by an agency or division within the department.
1841 (4) (a) The department may award grants for the purpose of supporting veteran and
1842 military outreach, employment, education, healthcare, homelessness prevention, and
1843 recognition events.
1844 (b) The department may award a grant described in Subsection (4)(a) to:
1845 (i) an institution of higher education listed in Section [53B-1-102](#);
1846 (ii) a nonprofit organization involved in veterans or military-related activities; or
1847 (iii) a political subdivision of the state.
1848 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1849 department shall make rules for the administration of grants, including establishing:

- 1850 (i) the form and process for submitting an application to the department;
- 1851 (ii) the method and criteria for selecting a grant recipient;
- 1852 (iii) the method and formula for determining a grant amount; and
- 1853 (iv) the reporting requirements of a grant recipient.
- 1854 (d) A grant may be awarded by the department only after consultation with the
- 1855 Veterans Advisory Council.
- 1856 (5) Nothing in this chapter shall be construed as altering or preempting the provisions
- 1857 of [~~Title 39, Militia and Armories~~] Title 39A, National Guard and Militia Act, as specifically
- 1858 related to the Utah National Guard.

1859 Section 35. Section **75-2a-103** is amended to read:

1860 **75-2a-103. Definitions.**

1861 As used in this chapter:

- 1862 (1) "Adult" means an individual who is:
 - 1863 (a) at least 18 years [~~of age~~] old; or
 - 1864 (b) an emancipated minor.
- 1865 (2) "Advance health care directive":
 - 1866 (a) includes:
 - 1867 (i) a designation of an agent to make health care decisions for an adult when the adult
 - 1868 cannot make or communicate health care decisions; or
 - 1869 (ii) an expression of preferences about health care decisions;
 - 1870 (b) may take one of the following forms:
 - 1871 (i) a written document, voluntarily executed by an adult in accordance with the
 - 1872 requirements of this chapter; or
 - 1873 (ii) a witnessed oral statement, made in accordance with the requirements of this
 - 1874 chapter; and
 - 1875 (c) does not include a POLST order.
 - 1876 (3) "Agent" means an adult designated in an advance health care directive to make
 - 1877 health care decisions for the declarant.

- 1878 (4) "APRN" means an individual who is:
- 1879 (a) certified or licensed as an advance practice registered nurse under Subsection
- 1880 [58-31b-301](#)(2)(e);
- 1881 (b) an independent practitioner;
- 1882 (c) acting under a consultation and referral plan with a physician; and
- 1883 (d) acting within the scope of practice for that individual, as provided by law, rule, and
- 1884 specialized certification and training in that individual's area of practice.
- 1885 (5) "Best interest" means that the benefits to the person resulting from a treatment
- 1886 outweigh the burdens to the person resulting from the treatment, taking into account:
- 1887 (a) the effect of the treatment on the physical, emotional, and cognitive functions of the
- 1888 person;
- 1889 (b) the degree of physical pain or discomfort caused to the person by the treatment or
- 1890 the withholding or withdrawal of treatment;
- 1891 (c) the degree to which the person's medical condition, the treatment, or the
- 1892 withholding or withdrawal of treatment, result in a severe and continuing impairment of the
- 1893 dignity of the person by subjecting the person to humiliation and dependency;
- 1894 (d) the effect of the treatment on the life expectancy of the person;
- 1895 (e) the prognosis of the person for recovery with and without the treatment;
- 1896 (f) the risks, side effects, and benefits of the treatment, or the withholding or
- 1897 withdrawal of treatment; and
- 1898 (g) the religious beliefs and basic values of the person receiving treatment, to the extent
- 1899 these may assist the decision maker in determining the best interest.
- 1900 (6) "Capacity to appoint an agent" means that the adult understands the consequences
- 1901 of appointing a particular person as agent.
- 1902 (7) "Declarant" means an adult who has completed and signed or directed the signing
- 1903 of an advance health care directive.
- 1904 (8) "Default surrogate" means the adult who may make decisions for an individual
- 1905 when either:

- 1906 (a) an agent or guardian has not been appointed; or
1907 (b) an agent is not able, available, or willing to make decisions for an adult.
1908 (9) "Emergency medical services provider" means a person that is licensed, designated,
1909 or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System Act.
1910 (10) "Generally accepted health care standards":
1911 (a) is defined only for the purpose of:
1912 (i) this chapter and does not define the standard of care for any other purpose under
1913 Utah law; and
1914 (ii) enabling health care providers to interpret the statutory form set forth in Section
1915 [75-2a-117](#); and
1916 (b) means the standard of care that justifies a provider in declining to provide life
1917 sustaining care because the proposed life sustaining care:
1918 (i) will not prevent or reduce the deterioration in the health or functional status of an
1919 individual;
1920 (ii) will not prevent the impending death of an individual; or
1921 (iii) will impose more burden on the individual than any expected benefit to the
1922 ~~[person]~~ individual.
1923 (11) "Health care" means any care, treatment, service, or procedure to improve,
1924 maintain, diagnose, or otherwise affect an individual's physical or mental condition.
1925 (12) "Health care decision":
1926 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that
1927 is communicated to a health care provider;
1928 (b) includes:
1929 (i) selection and discharge of a health care provider and a health care facility;
1930 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,
1931 and orders not to resuscitate; and
1932 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and
1933 all other forms of health care; and

1934 (c) does not include decisions about an adult's financial affairs or social interactions
1935 other than as indirectly affected by the health care decision.

1936 (13) "Health care decision making capacity" means an adult's ability to make an
1937 informed decision about receiving or refusing health care, including:

1938 (a) the ability to understand the nature, extent, or probable consequences of health
1939 status and health care alternatives;

1940 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and
1941 alternatives of accepting or rejecting health care; and

1942 (c) the ability to communicate a decision.

1943 (14) "Health care facility" means:

1944 (a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility
1945 Licensing and Inspection Act; and

1946 (b) private offices of physicians, dentists, and other health care providers licensed to
1947 provide health care under Title 58, Occupations and Professions.

1948 (15) "Health care provider" means the same as that term is defined in Section
1949 [78B-3-403](#), except that "health care provider" does not include an emergency medical services
1950 provider.

1951 (16) (a) "Life sustaining care" means any medical intervention, including procedures,
1952 administration of medication, or use of a medical device, that maintains life by sustaining,
1953 restoring, or supplanting a vital function.

1954 (b) "Life sustaining care" does not include care provided for the purpose of keeping an
1955 individual comfortable.

1956 (17) "Minor" means an individual who:

1957 (a) is under 18 years old; and

1958 (b) is not an emancipated minor.

1959 (18) "Physician" means a physician and surgeon or osteopathic surgeon licensed under
1960 Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical
1961 Practice Act.

1962 (19) "Physician assistant" means an individual licensed as a physician assistant under
1963 Title 58, Chapter 70a, Utah Physician Assistant Act.

1964 (20) "POLST order" means an order, on a form designated by the Department of Health
1965 under Section 75-2a-106, that gives direction to health care providers, health care facilities, and
1966 emergency medical services providers regarding the specific health care decisions of the
1967 individual to whom the order relates.

1968 (21) "Reasonably available" means:

1969 (a) readily able to be contacted without undue effort; and

1970 (b) willing and able to act in a timely manner considering the urgency of the
1971 circumstances.

1972 (22) "Substituted judgment" means the standard to be applied by a surrogate when
1973 making a health care decision for an adult who previously had the capacity to make health care
1974 decisions, which requires the surrogate to consider:

1975 (a) specific preferences expressed by the adult:

1976 (i) when the adult had the capacity to make health care decisions; and

1977 (ii) at the time the decision is being made;

1978 (b) the surrogate's understanding of the adult's health care preferences;

1979 (c) the surrogate's understanding of what the adult would have wanted under the
1980 circumstances; and

1981 (d) to the extent that the preferences described in Subsections (22)(a) through (c) are
1982 unknown, the best interest of the adult.

1983 (23) "Surrogate" means a health care decision maker who is:

1984 (a) an appointed agent;

1985 (b) a default surrogate under the provisions of Section 75-2a-108; or

1986 (c) a guardian.

1987 Section 36. Section 76-10-1602 is amended to read:

1988 **76-10-1602. Definitions.**

1989 As used in this part:

1990 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
1991 business trust, association, or other legal entity, and any union or group of individuals
1992 associated in fact although not a legal entity, and includes illicit as well as licit entities.

1993 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
1994 commission of at least three episodes of unlawful activity, which episodes are not isolated, but
1995 have the same or similar purposes, results, participants, victims, or methods of commission, or
1996 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall
1997 demonstrate continuing unlawful conduct and be related either to each other or to the
1998 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have
1999 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful
2000 activity as defined by this part shall have occurred within five years of the commission of the
2001 next preceding act alleged as part of the pattern.

2002 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
2003 interest in property, including state, county, and local governmental entities.

2004 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,
2005 command, encourage, or intentionally aid another person to engage in conduct which would
2006 constitute any offense described by the following crimes or categories of crimes, or to attempt
2007 or conspire to engage in an act which would constitute any of those offenses, regardless of
2008 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor
2009 or a felony:

2010 (a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized
2011 Recording Practices Act;

2012 (b) any act prohibited by the criminal provisions of Title 19, Environmental Quality
2013 Code, Sections [19-1-101](#) through [19-7-109](#);

2014 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary
2015 purpose of sale, trade, or other pecuniary gain, in violation of Title 23, Wildlife Resources
2016 Code of Utah, or Section [23-20-4](#);

2017 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Title

- 2018 26, Chapter 20, Utah False Claims Act, Sections 26-20-1 through 26-20-12;
- 2019 (e) any act prohibited by the criminal provisions of Title 32B, Chapter 4, Criminal
- 2020 Offenses and Procedure Act;
- 2021 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform
- 2022 Land Sales Practices Act;
- 2023 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah
- 2024 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,
- 2025 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,
- 2026 Clandestine Drug Lab Act;
- 2027 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
- 2028 Securities Act;
- 2029 (i) any act prohibited by the criminal provisions of Title 63G, Chapter 6a, Utah
- 2030 Procurement Code;
- 2031 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;
- 2032 (k) a threat of terrorism, Section 76-5-107.3;
- 2033 (l) a criminal homicide offense, as described in Section 76-5-201;
- 2034 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
- 2035 (n) human trafficking, human trafficking of a child, human smuggling, or aggravated
- 2036 human trafficking, Sections 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-309, and
- 2037 76-5-310;
- 2038 (o) sexual exploitation of a minor or aggravated sexual exploitation of a minor,
- 2039 Sections 76-5b-201 and 76-5b-201.1;
- 2040 (p) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
- 2041 (q) causing a catastrophe, Section 76-6-105;
- 2042 (r) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 2043 (s) burglary of a vehicle, Section 76-6-204;
- 2044 (t) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 2045 (u) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;

- 2046 (v) theft, Section 76-6-404;
- 2047 (w) theft by deception, Section 76-6-405;
- 2048 (x) theft by extortion, Section 76-6-406;
- 2049 (y) receiving stolen property, Section 76-6-408;
- 2050 (z) theft of services, Section 76-6-409;
- 2051 (aa) forgery, Section 76-6-501;
- 2052 (bb) fraudulent use of a credit card, Sections 76-6-506.2, 76-6-506.3, 76-6-506.5, and
- 2053 76-6-506.6;
- 2054 (cc) deceptive business practices, Section 76-6-507;
- 2055 (dd) bribery or receiving bribe by person in the business of selection, appraisal, or
- 2056 criticism of goods, Section 76-6-508;
- 2057 (ee) bribery of a labor official, Section 76-6-509;
- 2058 (ff) defrauding creditors, Section 76-6-511;
- 2059 (gg) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 2060 (hh) unlawful dealing with property by fiduciary, Section 76-6-513;
- 2061 (ii) bribery or threat to influence contest, Section 76-6-514;
- 2062 (jj) making a false credit report, Section 76-6-517;
- 2063 (kk) criminal simulation, Section 76-6-518;
- 2064 (ll) criminal usury, Section 76-6-520;
- 2065 (mm) fraudulent insurance act, Section 76-6-521;
- 2066 (nn) retail theft, Section 76-6-602;
- 2067 (oo) computer crimes, Section 76-6-703;
- 2068 (pp) identity fraud, Section 76-6-1102;
- 2069 (qq) mortgage fraud, Section 76-6-1203;
- 2070 (rr) sale of a child, Section 76-7-203;
- 2071 (ss) bribery to influence official or political actions, Section 76-8-103;
- 2072 (tt) threats to influence official or political action, Section 76-8-104;
- 2073 (uu) receiving bribe or bribery by public servant, Section 76-8-105;

- 2074 (vv) receiving bribe or bribery for endorsement of person as public servant, Section
- 2075 76-8-106;
- 2076 (ww) official misconduct, Sections 76-8-201 and 76-8-202;
- 2077 (xx) obstruction of justice, Section 76-8-306;
- 2078 (yy) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
- 2079 (zz) false or inconsistent material statements, Section 76-8-502;
- 2080 (aaa) false or inconsistent statements, Section 76-8-503;
- 2081 (bbb) written false statements, Section 76-8-504;
- 2082 (ccc) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 2083 (ddd) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 2084 (eee) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 2085 (fff) tampering with evidence, Section 76-8-510.5;
- 2086 (ggg) falsification or alteration of government record, Section 76-8-511, if the record is
- 2087 a record described in Title 20A, Election Code[;] or Title 36, Chapter 11, Lobbyist Disclosure
- 2088 and Regulation Act[; ~~or Title 36, Chapter 11a, Local Government and Board of Education~~
- 2089 ~~Lobbyist Disclosure and Regulation Act~~];
- 2090 (hhh) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or
- 2091 76-8-1205;
- 2092 (iii) unemployment insurance fraud, Section 76-8-1301;
- 2093 (jjj) intentionally or knowingly causing one animal to fight with another, Subsection
- 2094 76-9-301(2)(d) or (e), or Section 76-9-301.1;
- 2095 (kkk) possession, use, or removal of explosives, chemical, or incendiary devices or
- 2096 parts, Section 76-10-306;
- 2097 (lll) delivery to common carrier, mailing, or placement on premises of an incendiary
- 2098 device, Section 76-10-307;
- 2099 (mmm) possession of a deadly weapon with intent to assault, Section 76-10-507;
- 2100 (nnn) unlawful marking of pistol or revolver, Section 76-10-521;
- 2101 (ooo) alteration of number or mark on pistol or revolver, Section 76-10-522;

2102 (ppp) forging or counterfeiting trademarks, trade name, or trade device, Section
2103 76-10-1002;
2104 (qqq) selling goods under counterfeited trademark, trade name, or trade devices,
2105 Section 76-10-1003;
2106 (rrr) sales in containers bearing registered trademark of substituted articles, Section
2107 76-10-1004;
2108 (sss) selling or dealing with article bearing registered trademark or service mark with
2109 intent to defraud, Section 76-10-1006;
2110 (ttt) gambling, Section 76-10-1102;
2111 (uuu) gambling fraud, Section 76-10-1103;
2112 (vvv) gambling promotion, Section 76-10-1104;
2113 (www) possessing a gambling device or record, Section 76-10-1105;
2114 (xxx) confidence game, Section 76-10-1109;
2115 (yyy) distributing pornographic material, Section 76-10-1204;
2116 (zzz) inducing acceptance of pornographic material, Section 76-10-1205;
2117 (aaaa) dealing in harmful material to a minor, Section 76-10-1206;
2118 (bbbb) distribution of pornographic films, Section 76-10-1222;
2119 (cccc) indecent public displays, Section 76-10-1228;
2120 (dddd) prostitution, Section 76-10-1302;
2121 (eeee) aiding prostitution, Section 76-10-1304;
2122 (ffff) exploiting prostitution, Section 76-10-1305;
2123 (gggg) aggravated exploitation of prostitution, Section 76-10-1306;
2124 (hhhh) communications fraud, Section 76-10-1801;
2125 (iiii) any act prohibited by the criminal provisions of Part 19, Money Laundering and
2126 Currency Transaction Reporting Act;
2127 (jjjj) vehicle compartment for contraband, Section 76-10-2801;
2128 (kkkk) any act prohibited by the criminal provisions of the laws governing taxation in
2129 this state; and

2130 (Illl) any act illegal under the laws of the United States and enumerated in 18 U.S.C.
2131 Sec. 1961(1)(B), (C), and (D).

2132 Section 37. Section **78A-7-202** is amended to read:

2133 **78A-7-202. Justice court judges to be appointed -- Procedure.**

2134 (1) As used in this section:

2135 (a) "Local government executive" means:

2136 (i) for a county:

2137 (A) the chair of the county commission in a county operating under the county
2138 commission or expanded county commission form of county government;

2139 (B) the county executive in a county operating under the county executive-council form
2140 of county government; and

2141 (C) the county manager in a county operating under the council-manager form of
2142 county government;

2143 (ii) for a city or town:

2144 (A) the mayor of the city or town; or

2145 (B) the city manager, in the council-manager form of government described in
2146 Subsection **10-3b-103(7)**; and

2147 (iii) for a metro township, the chair of the metro township council.

2148 (b) "Local legislative body" means:

2149 (i) for a county, the county commission or county council; and

2150 (ii) for a city or town, the council of the city or town.

2151 (2) (a) There is created in each county a county justice court nominating commission to
2152 review applicants and make recommendations to the appointing authority for a justice court
2153 position.

2154 (b) The commission shall be convened when a new justice court judge position is
2155 created or when a vacancy in an existing court occurs for a justice court located within the
2156 county.

2157 (c) Membership of the justice court nominating commission shall be as follows:

- 2158 (i) one member appointed by:
- 2159 (A) the county commission if the county has a county commission form of
- 2160 government; or
- 2161 (B) the county executive if the county has an executive-council form of government;
- 2162 (ii) one member appointed by the municipalities in the counties as follows:
- 2163 (A) if the county has only one municipality, appointment shall be made by the
- 2164 governing authority of that municipality; or
- 2165 (B) if the county has more than one municipality, appointment shall be made by a
- 2166 municipal selection committee composed of the mayors of each municipality and the chairs of
- 2167 each metro township in the county;
- 2168 (iii) one member appointed by the county bar association; and
- 2169 (iv) two members appointed by the governing authority of the jurisdiction where the
- 2170 judicial office is located.
- 2171 (d) (i) If there is no county bar association, the member in Subsection (2)(c)(iii) shall
- 2172 be appointed by the regional bar association.
- 2173 (ii) If no regional bar association exists, the state bar association shall make the
- 2174 appointment.
- 2175 (e) Members appointed under Subsections (2)(c)(i) and (ii) may not be the appointing
- 2176 authority or an elected official of a county or municipality.
- 2177 (f) (i) Except as provided in Subsection [~~(2)(d)(ii)~~] (2)(f)(ii), the nominating
- 2178 commission shall submit at least three names to the appointing authority of the jurisdiction
- 2179 expected to be served by the judge.
- 2180 (ii) If there are fewer than three applicants for a justice court vacancy, the nominating
- 2181 commission shall submit all qualified applicants to the appointing authority of the jurisdiction
- 2182 expected to be served by the judge.
- 2183 (iii) The local government executive shall appoint a judge from the list submitted and
- 2184 the appointment ratified by the local legislative body.
- 2185 (g) (i) The state court administrator shall provide staff to the commission.

2186 (ii) The Judicial Council shall establish rules and procedures for the conduct of the
2187 commission.

2188 (3) (a) A judicial vacancy for a justice court shall be announced:

2189 (i) as an employment opportunity on the Utah Courts' website;

2190 (ii) in an email to the members of the Utah State Bar; and

2191 (iii) on the Utah Public Notice Website, created in Section [63A-16-601](#).

2192 (b) A judicial vacancy for a justice court may also be advertised through other
2193 appropriate means.

2194 (4) Selection of candidates shall be based on compliance with the requirements for
2195 office and competence to serve as a judge.

2196 (5) (a) Once selected, every prospective justice court judge shall attend an orientation
2197 seminar conducted under the direction of the Judicial Council.

2198 (b) Upon completion of the orientation seminar described in Subsection (5)(a), the
2199 Judicial Council shall certify the justice court judge as qualified to hold office.

2200 (6) (a) The selection of a person to fill the office of justice court judge is effective upon
2201 certification of the judge by the Judicial Council.

2202 (b) A justice court judge may not perform judicial duties until certified by the Judicial
2203 Council.

2204 Section 38. Section **78B-3-416** is amended to read:

2205 **78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of**
2206 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**
2207 **fees.**

2208 (1) (a) The division shall provide a hearing panel in alleged medical liability cases
2209 against health care providers as defined in Section [78B-3-403](#), except dentists or dental care
2210 providers.

2211 (b) (i) The division shall establish procedures for prelitigation consideration of medical
2212 liability claims for damages arising out of the provision of or alleged failure to provide health
2213 care.

2214 (ii) The division may establish rules necessary to administer the process and
2215 procedures related to prelitigation hearings and the conduct of prelitigation hearings in
2216 accordance with Sections 78B-3-416 through 78B-3-420.

2217 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter
2218 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing
2219 litigation.

2220 (d) Proceedings conducted under authority of this section are confidential, privileged,
2221 and immune from civil process.

2222 (e) The division may not provide more than one hearing panel for each alleged medical
2223 liability case against a health care provider.

2224 (2) (a) The party initiating a medical liability action shall file a request for prelitigation
2225 panel review with the division within 60 days after the service of a statutory notice of intent to
2226 commence action under Section 78B-3-412.

2227 (b) The request shall include a copy of the notice of intent to commence action. The
2228 request shall be mailed to all health care providers named in the notice and request.

2229 (3) (a) As ~~defined~~ used in this Subsection (3):

2230 (i) "Court-appointed therapist" means a mental health therapist ordered by a court to
2231 provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.

2232 (ii) "Domestic case" means a proceeding under:

2233 (A) Title 30, Chapter 3, Divorce;

2234 (B) Title 30, Chapter 4, Separate Maintenance;

2235 (C) Title 30, Chapter 5, Grandparents;

2236 (D) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents

2237 Act;

2238 (E) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;

2239 (F) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement

2240 Act; or

2241 (G) Title 78B, Chapter 15, Utah Uniform Parentage Act.

2242 (iii) "Mental health therapist" means the same as that term is defined in Section
2243 58-60-102.

2244 (b) If a court appoints a court-appointed therapist in a domestic case, a party to the
2245 domestic case may not file a request for a prelitigation panel review for a malpractice action
2246 against the court-appointed therapist during the pendency of the domestic case, unless:

2247 (i) the party has requested that the court release the court-appointed therapist from
2248 appointment; and

2249 (ii) the court finds good cause to release the court-appointed therapist from the
2250 appointment.

2251 (c) If a party is prohibited from filing a request for a prelitigation panel review under
2252 Subsection (3)(b), the applicable statute of limitations tolls until the earlier of:

2253 (i) the court releasing the court-appointed therapist from appointment as described in
2254 Subsection (3)(b); or

2255 (ii) the court entering a final order in the domestic case.

2256 (4) (a) The filing of a request for prelitigation panel review under this section tolls the
2257 applicable statute of limitations until the later of:

2258 (i) 60 days following the division's issuance of:

2259 (A) an opinion by the prelitigation panel; or

2260 (B) a certificate of compliance under Section 78B-3-418; or

2261 (ii) the expiration of the time for holding a hearing under Subsection (4)(b)(ii).

2262 (b) The division shall:

2263 (i) send any opinion issued by the panel to all parties by regular mail; and

2264 (ii) complete a prelitigation hearing under this section within:

2265 (A) 180 days after the filing of the request for prelitigation panel review; or

2266 (B) any longer period as agreed upon in writing by all parties to the review.

2267 (c) If the prelitigation hearing has not been completed within the time limits
2268 established in Subsection (4)(b)(ii), the claimant shall:

2269 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or

2270 (ii) file an affidavit with the division within 180 days of the request for pre-litigation
2271 review, in accordance with Subsection (4)(d), alleging that the respondent has failed to
2272 reasonably cooperate in scheduling the hearing.

2273 (d) If the claimant files an affidavit under Subsection (4)(c)(ii):

2274 (i) within 15 days of the filing of the affidavit under Subsection (4)(c)(ii), the division
2275 shall determine whether either the respondent or the claimant failed to reasonably cooperate in
2276 the scheduling of a pre-litigation hearing; and

2277 (ii) (A) if the determination is that the respondent failed to reasonably cooperate in the
2278 scheduling of a hearing, and the claimant did not fail to reasonably cooperate, the division
2279 shall, issue a certificate of compliance for the claimant in accordance with Section 78B-3-418;
2280 or

2281 (B) if the division makes a determination other than the determination in Subsection
2282 (4)(d)(ii)(A), the claimant shall file an affidavit of merit in accordance with Section 78B-3-423,
2283 within 30 days of the determination of the division under this Subsection (4).

2284 (e) (i) The claimant and any respondent may agree by written stipulation that no useful
2285 purpose would be served by convening a prelitigation panel under this section.

2286 (ii) When the stipulation is filed with the division, the division shall within 10 days
2287 after receipt issue a certificate of compliance under Section 78B-3-418, as it concerns the
2288 stipulating respondent, and stating that the claimant has complied with all conditions precedent
2289 to the commencement of litigation regarding the claim.

2290 (5) The division shall provide for and appoint an appropriate panel or panels to hear
2291 complaints of medical liability and damages, made by or on behalf of any patient who is an
2292 alleged victim of medical liability. The panels are composed of:

2293 (a) one member who is a resident lawyer currently licensed and in good standing to
2294 practice law in this state and who shall serve as chairman of the panel, who is appointed by the
2295 division from among qualified individuals who have registered with the division indicating a
2296 willingness to serve as panel members, and a willingness to comply with the rules of
2297 professional conduct governing lawyers in the state, and who has completed division training

2298 regarding conduct of panel hearings;

2299 (b) (i) one or more members who are licensed health care providers listed under
2300 Section 78B-3-403, who are practicing and knowledgeable in the same specialty as the
2301 proposed defendant, and who are appointed by the division in accordance with Subsection (6);

2302 or

2303 (ii) in claims against only a health care facility or the facility's employees, one member
2304 who is an individual currently serving in a health care facility administration position directly
2305 related to health care facility operations or conduct that includes responsibility for the area of
2306 practice that is the subject of the liability claim, and who is appointed by the division; and

2307 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care
2308 provider, and who is a responsible citizen of the state, selected and appointed by the division
2309 from among individuals who have completed division training with respect to panel hearings.

2310 (6) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing
2311 under a license issued by the state, is obligated as a condition of holding that license to
2312 participate as a member of a medical liability prelitigation panel at reasonable times, places,
2313 and intervals, upon issuance, with advance notice given in a reasonable time frame, by the
2314 division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

2315 (b) A licensee may be excused from appearance and participation as a panel member
2316 upon the division finding participation by the licensee will create an unreasonable burden or
2317 hardship upon the licensee.

2318 (c) A licensee whom the division finds failed to appear and participate as a panel
2319 member when so ordered, without adequate explanation or justification and without being
2320 excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000.

2321 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and
2322 participate as a panel member when so ordered, without adequate explanation or justification
2323 and without being excused for cause by the division, may be assessed an administrative fine not
2324 to exceed \$5,000, and is guilty of unprofessional conduct.

2325 (e) All fines collected under Subsections (6)(c) and (d) shall be deposited into the

2326 Physicians Education Fund created in Section 58-67a-1.

2327 (f) The director of the division may collect a fine that is not paid by:

2328 (i) referring the matter to a collection agency; or

2329 (ii) bringing an action in the district court of the county where the person against whom
2330 the penalty is imposed resides or in the county where the office of the director is located.

2331 (g) A county attorney or the attorney general of the state shall provide legal assistance
2332 and advice to the director in an action to collect a fine.

2333 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an
2334 action brought by the division to collect a fine.

2335 (7) Each person selected as a panel member shall certify, under oath, that he has no
2336 bias or conflict of interest with respect to any matter under consideration.

2337 (8) A member of the prelitigation hearing panel may not receive compensation or
2338 benefits for the member's service, but may receive per diem and travel expenses in accordance
2339 with:

2340 (a) Section 63A-3-106;

2341 (b) Section 63A-3-107; and

2342 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2343 63A-3-107.

2344 (9) (a) In addition to the actual cost of administering the licensure of health care
2345 providers, the division may set license fees of health care providers within the limits
2346 established by law equal to their proportionate costs of administering prelitigation panels.

2347 (b) The claimant bears none of the costs of administering the prelitigation panel except
2348 under Section 78B-3-420.

2349 Section 39. Section 78B-3-450 is amended to read:

2350 **78B-3-450. Definitions.**

2351 As used in this part:

2352 (1) "Adverse event" means an injury or suspected injury that is associated with a health
2353 care process rather than an underlying condition of a patient or a disease.

- 2354 (2) "Affected party" means:
- 2355 (a) a patient; and
- 2356 (b) any representative of a patient.
- 2357 (3) "Communication" means any written or oral communication created for or during a
- 2358 medical candor process.
- 2359 (4) "Governmental entity" means the same as that term is defined in Section
- 2360 [63G-7-102](#).
- 2361 (5) "Health care" means the same as that term is defined in Section [78B-3-403](#).
- 2362 (6) "Health care provider" means the same as that term is defined in Section
- 2363 [78B-3-403](#).
- 2364 (7) "Malpractice action against a health care provider" means the same as that term is
- 2365 defined in Section [78B-3-403](#).
- 2366 (8) "Medical candor process" means the process described in Section [78B-3-451](#).
- 2367 (9) "Patient" means the same as that term is defined in Section [78B-3-403](#).
- 2368 (10) "Public employee" means the same as the term "employee" as defined in Section
- 2369 [63G-7-102](#).
- 2370 (11) (a) Except as provided in Subsection (11)(c), "representative" means the same as
- 2371 that term is defined in Section [78B-3-403](#).
- 2372 (b) "Representative" includes:
- 2373 (i) a parent of a child regardless of whether the parent is the custodial or noncustodial
- 2374 parent;
- 2375 (ii) a legal guardian of a child;
- 2376 (iii) a person designated to make decisions on behalf of a patient under a power of
- 2377 attorney, an advanced health care directive, or a similar legal document;
- 2378 (iv) a default surrogate as defined in Section [75-2a-108](#); and
- 2379 (v) if the patient is deceased, the personal representative of the patient's estate or the
- 2380 patient's heirs as defined in Sections [75-1-201](#) and [78B-3-105](#).
- 2381 (c) "Representative" does not include a parent of a child if the parent's parental rights

2382 have been terminated by a court.

2383 (12) "State" means the same as that term is defined in Section [63G-7-102](#).

2384 Section 40. Section **78B-3-454** is amended to read:

2385 **78B-3-454. Confidentiality and effect of medical candor process -- Recording of**
2386 **medical candor process -- Exception for deidentified information or data.**

2387 (1) Except as provided in Subsections (2), (3), and (4), all communications, materials,
2388 and information in any form specifically created for or during a medical candor process,
2389 including the findings or conclusions of the investigation and any offer of compensation, are
2390 confidential and privileged in any administrative, judicial, or arbitration proceeding.

2391 (2) Any communication, material, or information in any form that is made or provided
2392 in the ordinary course of business, including a medical record or a business record, that is
2393 otherwise discoverable or admissible and is not specifically created for or during a medical
2394 candor process is not privileged by the use or disclosure of the communication, material, or
2395 information during a medical candor process.

2396 (3) (a) Any information that is required to be documented in a patient's medical record
2397 under state or federal law is not privileged by the use or disclosure of the information during a
2398 medical candor process.

2399 (b) Information described in Subsection (3)(a) does not include an individual's mental
2400 impressions, conclusions, or opinions that are formed outside the course and scope of the
2401 patient's care and treatment and are used or disclosed in a medical candor process.

2402 (4) (a) Any communication, material, or information in any form that is provided to an
2403 affected party before the affected party's written agreement to participate in a medical candor
2404 process is not privileged by the use or disclosure of the communication, material, or
2405 information during a medical candor process.

2406 (b) Any communication, material, or information described in Subsection (4)(a) does
2407 not include a written notice described in Section [78B-3-452](#).

2408 (5) A communication or offer of compensation made in preparation for or during a
2409 medical candor process does not constitute an admission of liability.

2410 (6) Nothing in this part alters or limits the confidential, privileged, or protected nature
2411 of communications, information, memoranda, work product, documents, and other materials
2412 under other provisions of law.

2413 (7) (a) Notwithstanding Section 77-23a-4, a party to a medical candor process may not
2414 record any communication without the mutual consent of all parties to the medical candor
2415 process.

2416 (b) A recording made without mutual consent of all parties to the medical candor
2417 process may not be used for any purpose.

2418 (8) (a) Notwithstanding any other provision of law, any communication, material, or
2419 information created for or during a medical candor process:

2420 (i) is not subject to reporting requirements by a health care provider; and

2421 (ii) does not create a reporting requirement for a health care provider.

2422 (b) If there are reporting requirements independent of, and supported by, information or
2423 evidence other than any communication, material, or information created for or during a
2424 medical candor process, the reporting shall proceed as if there were no communication,
2425 material, or information created for or during the medical candor process.

2426 (c) This Subsection (8) does not release an individual or a health care provider from
2427 complying with a reporting requirement.

2428 (9) (a) A health care provider that participates in a medical candor process may provide
2429 deidentified information or data about the adverse [~~incident~~] event to an agency, company, or
2430 organization for the purpose of research, education, patient safety, quality of care, or
2431 performance improvement.

2432 (b) Disclosure of deidentified information or data under Subsection (9)(a):

2433 (i) does not constitute a waiver of a privilege or protection of any communication,
2434 material, or information created for or during a medical candor process as provided in this
2435 section or any other provision of law; and

2436 (ii) is not a violation of the confidentiality requirements of this section.

2437 Section 41. Section 78B-6-850 is amended to read:

2438 **78B-6-850. Definitions.**

2439 As used in this part:

2440 (1) "Agency" means a state, county, or local government entity that generates or
2441 maintains records relating to an unlawful detainer action.

2442 (2) "Eviction" means a cause of action for unlawful detainer under Part 8, Forcible
2443 Entry and Detainer.

2444 (3) "Expunge" means to seal or otherwise restrict access to records held by a court or
2445 an agency.

2446 (4) "Petitioner" means any person petitioning for expungement of an eviction under
2447 this ~~[section]~~ part.

2448 (5) (a) "Tenant screening agency" means a person that, for a fee, dues, or on a
2449 cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling
2450 or evaluating information for the purpose of furnishing a tenant screening report.

2451 (b) "Tenant screening agency" does not include an owner as defined in Section
2452 [78B-6-801](#).

2453 (6) "Tenant screening report" means any written, oral, or other communication
2454 prepared by a tenant screening agency that includes information about an individual's rental
2455 history for the purpose of serving as a factor in establishing the individual's eligibility for
2456 housing.

2457 (7) "Unlawful detainer" means the same as that term is defined in Section [78B-6-801](#).
2458 Section 42. Section **78B-7-1003** is amended to read:

2459 **78B-7-1003. Requirements for expungement of protective order or stalking**
2460 **injunction.**

2461 (1) (a) An individual against whom a civil order is sought may petition the court to
2462 expunge records of the civil order.

2463 (b) A petition under Subsection (1) shall be filed in accordance with the Utah Rules of
2464 Civil Procedure.

2465 (2) (a) The petitioner shall provide notice to the individual ~~[whom]~~ who filed the civil

2466 order against the petitioner in accordance with Rule 4 of the Utah Rules of Civil Procedure.

2467 (b) The individual who filed the civil order against the petitioner:

2468 (i) may file a written objection with the court within 30 days after the day on which the
2469 petition is received by the individual; and

2470 (ii) if the individual files a written objection, provide a copy of the written objection to
2471 the petitioner.

2472 (c) If the court receives a written objection to the petition for expungement of a civil
2473 order, the court shall:

2474 (i) set a date for a hearing on the petition;

2475 (ii) provide notice at least 30 days before the day on which the hearing is held to:

2476 (A) all parties of the civil order; and

2477 (B) any other person or agency that the court has reason to believe may have relevant
2478 information related to the expungement of the civil order.

2479 (d) The petitioner may respond, in writing, to any written objection within 14 days after
2480 the day on which the written objection is received by the court.

2481 (3) If no written objection is received within 60 days from the day on which the
2482 petition for expungement is filed under Subsection (1), the court may grant the expungement in
2483 accordance with Subsection (4) without a hearing.

2484 (4) A court may expunge an ex parte civil protective order or an ex parte civil stalking
2485 injunction if:

2486 (a) the ex parte civil protective order or the ex parte civil stalking injunction was issued
2487 but:

2488 (i) the ex parte civil protective order or the ex parte civil stalking injunction is
2489 dismissed, dissolved, or expired upon a hearing by the court;

2490 (ii) the court did not issue a civil protective order or a civil stalking injunction on the
2491 same circumstances for which the ex parte civil protective order or the ex parte civil stalking
2492 injunction was issued;

2493 (iii) at least 30 days have passed from the day on which the ex parte civil protective

2494 order or the ex parte civil stalking injunction was issued;

2495 (iv) the petitioner has not been arrested, charged, or convicted for violating the ex parte

2496 civil protective order or ex parte civil stalking injunction; and

2497 (v) there are no criminal proceedings pending against the petitioner in the state; or

2498 (b) (i) the individual who filed the ex parte civil protective order or the ex parte civil

2499 stalking injunction failed to appear for the hearing on the ex parte civil protective order or ex

2500 parte civil stalking injunction;

2501 (ii) at least 30 days have passed from the day on which the hearing on the ex parte civil

2502 protective order or the ex parte civil stalking injunction was set to occur, including any

2503 continuance, postponement, or rescheduling of the hearing;

2504 (iii) the petitioner has not been arrested, charged, or convicted for violating the ex parte

2505 civil protective order or ex parte civil stalking injunction; and

2506 (iv) there are no criminal proceedings pending against the petitioner in the state.

2507 (5) A court may expunge a civil protective order or a civil stalking injunction if:

2508 (a) the civil protective order or the civil stalking injunction has been dismissed,

2509 dissolved, vacated, or expired;

2510 (b) three years have passed from the day on which the civil protective order or the civil

2511 stalking injunction is dismissed, dissolved, vacated, or expired;

2512 (c) the petitioner has not been arrested, charged, or convicted for violating the civil

2513 protective order or the civil stalking injunction; and

2514 (d) there are no criminal proceedings pending against the petitioner in the state.

2515 Section 43. Section **80-2-501** is amended to read:

2516 **80-2-501. Children's Account.**

2517 (1) There is created a restricted account within the General Fund known as the

2518 "Children's Account."

2519 (2) The account shall be funded by:

2520 (a) appropriations to the account by the Legislature;

2521 (b) revenues received under Section [26-2-12.5](#); and

2522 (c) transfers, grants, gifts, bequests, or any money made available from any source for
2523 the abuse and neglect prevention programs described in [~~Subsection 80-2-503(3)~~] Section
2524 80-2-503.

2525 (3) The Legislature shall appropriate money in the account to the division.

2526 (4) (a) The director shall consult with the executive director of the department before
2527 using the funds in the account as described in this section.

2528 (b) Except as provided in Subsection (5), the account may be used only to implement
2529 prevention programs described in Section 80-2-503, and may only be allocated to an entity that
2530 provides a one-to-one match, comprising a match from the community of at least 50% in cash
2531 and up to 50% in in-kind donations, which is 25% of the total funding received from the
2532 account.

2533 (5) Upon recommendation of the executive director of the department and the council,
2534 the division may reduce or waive the match requirements described in Subsection (4) for an
2535 entity, if the division determines that imposing the requirements would prohibit or limit the
2536 provision of services needed in a particular geographic area.

2537 Section 44. Section **80-2-503** is amended to read:

2538 **80-2-503. Division contracts for prevention and treatment of child abuse and**
2539 **neglect -- Requirements -- Public hearing -- Funding provided by contractor.**

2540 (1) (a) The Legislature finds that there is a need to assist private and public agencies in
2541 identifying and establishing community-based education, service, and treatment programs to
2542 prevent the occurrence and recurrence of abuse and neglect.

2543 (b) It is the purpose of this section to provide a means to increase prevention and
2544 treatment programs designed to reduce the occurrence or recurrence of child abuse and neglect.

2545 (2) The division shall contract with public or private nonprofit organizations, agencies,
2546 or schools, or with qualified individuals to establish voluntary community-based educational
2547 and service programs designed to reduce or prevent the occurrence or recurrence of abuse and
2548 neglect.

2549 (3) (a) A program that the division contracts with under this section shall provide

2550 voluntary primary abuse and neglect prevention, and voluntary or court-ordered treatment
2551 services.

2552 (b) A program described in Subsection (3)(a) includes:

2553 (i) a program related to prenatal care, perinatal bonding, child growth and
2554 development, basic child care, care of children with special needs, and coping with family
2555 stress;

2556 (ii) a program related to crisis care, aid to parents, abuse counseling, support groups for
2557 abusive or potentially abusive parents and abusive parents' children, and early identification of
2558 families where the potential for abuse and neglect exists;

2559 (iii) a program clearly designed to prevent the occurrence or recurrence of abuse,
2560 neglect, sexual abuse, sexual exploitation, or medical or educational neglect;

2561 (iv) a program that the division and council consider potentially effective in reducing
2562 the incidence of family problems leading to abuse or neglect; and

2563 (v) a program designed to establish and assist community resources that prevent abuse
2564 and neglect.

2565 (4) The division shall:

2566 (a) consult with appropriate state agencies, commissions, and boards to help determine
2567 the probable effectiveness, fiscal soundness, and need for proposed education and service
2568 programs for the prevention and treatment of abuse and neglect;

2569 (b) develop policies to determine whether a program will be discontinued or receive
2570 continuous funding;

2571 (c) facilitate the exchange of information between and among groups concerned with
2572 families and children;

2573 (d) establish flexible fees and fee schedules based on the recipient's ability to pay for
2574 part or all of the costs of service received;

2575 (e) before awarding a contract for an abuse or neglect prevention or treatment program
2576 or service:

2577 (i) conduct a public hearing to receive public comment on the program or service and

2578 ensure the council conducted a public hearing on the program or service in accordance with
2579 Subsection (6);

2580 (ii) if the program or service is intended for presentation in public schools, receive
2581 evidence that the program or service is approved by the local board of education of each school
2582 district that will be utilizing the program or service, or under the direction of the local board of
2583 education, the state superintendent; and

2584 (iii) consider need, diversity of geographic locations, the program's or services'
2585 coordination with or enhancement of existing services, and the program's or services' extensive
2586 use of volunteers;

2587 (f) award a contract under this section for services to prevent abuse and neglect on the
2588 basis of probability of success, based in part on sound research data; and

2589 (g) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
2590 Rulemaking Act, as necessary to carry out the purposes of this section.

2591 (5) The division may:

2592 (a) require that 25% of the funding for a program contracted for under this section be
2593 provided by the contractor operating the program; and

2594 (b) consider a contribution of materials, supplies, or physical facilities as all or part of
2595 the funding provided by the contractor under Subsection (5)(a).

2596 (6) The council shall conduct a public hearing to receive public comment on the
2597 program or service before the division may enter into a contract under this section.

2598 (7) A contract entered into under this section shall contain a provision for the
2599 evaluation of services provided under the contract.

2600 (8) Contract funds awarded under this section for the treatment of victims of abuse or
2601 neglect are not a collateral source as defined in Section [63M-7-502](#).

2602 Section 45. Section **80-4-502** is amended to read:

2603 **80-4-502. Safe relinquishment of a newborn child -- Termination of parental**
2604 **rights -- Affirmative defense.**

2605 (1) (a) A parent or a parent's designee may safely relinquish a newborn child at a

2606 hospital in accordance with this part and retain complete anonymity, so long as the newborn
2607 child has not been subject to abuse or neglect.

2608 (b) Safe relinquishment of a newborn child who has not otherwise been subject to
2609 abuse or neglect shall not, in and of itself, constitute neglect, and the newborn child may not be
2610 considered a neglected child so long as the relinquishment is carried out in substantial
2611 compliance with this part.

2612 (2) (a) Personnel employed by a hospital shall accept a newborn child who is
2613 relinquished under this part, and may presume that the individual relinquishing is the newborn
2614 child's parent or the parent's designee.

2615 (b) The person receiving the newborn child may request information regarding the
2616 parent and newborn child's medical histories, and identifying information regarding the
2617 nonrelinquishing parent of the newborn child.

2618 (c) If the newborn child's parent or the parent's designee provides the person receiving
2619 the newborn child with any of the information described in Subsection (2)(b) or any other
2620 personal items, the person shall provide the information or personal items to the division.

2621 (d) Personnel employed by the hospital shall:

2622 (i) provide any necessary medical care to the newborn child;

2623 (ii) notify the division of receipt of the newborn child as soon as possible, but no later
2624 than 24 hours after receipt of the newborn child; and

2625 (iii) prepare a birth certificate or foundling birth certificate if parentage is unknown for
2626 the newborn child and file the certificate with the Office of Vital Records and Statistics within
2627 the Department of Health.

2628 (e) A hospital and personnel employed by a hospital are immune from any civil or
2629 criminal liability arising from accepting a newborn child if the personnel employed by the
2630 hospital substantially comply with the provisions of this part and medical treatment is
2631 administered according to standard medical practice.

2632 (3) The division shall assume care and protective custody of the newborn child
2633 immediately upon notice from the hospital.

2634 (4) So long as the division determines there is no abuse or neglect of the newborn
2635 child, neither the newborn child nor the child's parents are subject to:

2636 (a) the investigation provisions contained in Section 80-2-701; or

2637 (b) the provisions of Chapter 3, Abuse, Neglect, and Dependency Proceedings.

2638 (5) (a) Unless identifying information relating to the nonrelinquishing parent of the
2639 newborn child is provided, the division shall:

2640 (i) work with local law enforcement and the Bureau of Criminal Identification within
2641 the Department of Public Safety in an effort to ensure that the newborn child has not been
2642 identified as a missing child;

2643 (ii) immediately place or contract for placement of the newborn child in a potential
2644 adoptive home and, within 10 days after the day on which the child is received, file a petition
2645 for termination of parental rights in accordance with this chapter;

2646 (iii) direct the Office of Vital Records and Statistics within the Department of Health to
2647 conduct a search for:

2648 (A) a birth certificate for the newborn child; and

2649 (B) unmarried biological fathers in the registry maintained by the Office of Vital
2650 Records and Statistics in accordance with Title 78B, Chapter 15, Part 4, Registry; and

2651 (iv) provide notice to each potential father identified on the registry described in
2652 Subsection (5)(a)(iii) in accordance with Title 78B, Chapter 15, Part 4, Registry.

2653 (b) (i) If no individual has affirmatively identified himself or herself within two weeks
2654 after the day on which notice under Subsection (5)(a)(iv) is complete and established paternity
2655 by scientific testing within as expeditious a time frame as practicable, a hearing on the petition
2656 for termination of parental rights shall be scheduled and notice provided in accordance with
2657 this chapter.

2658 (ii) If a nonrelinquishing parent is not identified, relinquishment of a newborn child
2659 under this part is considered grounds for termination of parental rights of both the relinquishing
2660 and nonrelinquishing parents under Section 80-4-301.

2661 (6) If at any time before the day on which the newborn child is adopted, the juvenile

2662 court finds it is in the best interest of the newborn child, the court shall deny the petition for
2663 termination of parental rights.

2664 (7) The division shall provide for, or contract with a child-placing agency to provide
2665 for expeditious adoption of the newborn child.

2666 (8) So long as the individual relinquishing a newborn child is the newborn child's
2667 parent or designee, and there is no abuse or neglect, safe relinquishment of a newborn child in
2668 substantial compliance with this part is an affirmative defense to any potential criminal liability
2669 for abandonment or neglect relating to the relinquishment.

2670 Section 46. Section **80-5-202** is amended to read:

2671 **80-5-202. Division rulemaking authority -- Reports on sexual assault.**

2672 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2673 division shall make rules to:

2674 (a) establish standards for the admission of a minor to detention;

2675 (b) describe good behavior for which credit may be earned under Subsection
2676 [80-6-704\(4\)](#);

2677 (c) establish a formula, in consultation with the Office of the Legislative Fiscal
2678 Analyst, to calculate savings from General Fund appropriations under 2017 Laws of Utah,
2679 Chapter 330, resulting from the reduction in out-of-home placements for juvenile offenders
2680 with the division;

2681 (d) establish policies and procedures regarding sexual assaults that occur in detention
2682 and secure care facilities; and

2683 (e) establish the qualifications and conditions for services provided by the division
2684 under Section [80-6-809](#).

2685 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2686 division may make rules:

2687 (a) that govern the operation of prevention and early intervention programs, youth
2688 service programs, juvenile receiving centers, and other programs described in Section
2689 [80-5-401](#); and

- 2690 (b) that govern the operation of detention and secure care facilities.
- 2691 (3) A rule made by the division under Subsection (1)(a):
- 2692 (a) may not permit secure detention based solely on the existence of multiple status
- 2693 offenses, misdemeanors, or infractions arising out of a single criminal episode; and
- 2694 (b) shall prioritize use of home detention for a minor who might otherwise be held in
- 2695 secure detention.
- 2696 (4) The rules described in Subsection (1)(d) shall:
- 2697 (a) require education and training, including:
- 2698 (i) providing to minors detained in secure care and detention facilities, at intake and
- 2699 periodically, easy-to-understand information, which is developed and approved by the division,
- 2700 on sexual assault prevention, treatment, reporting, and counseling in consultation with
- 2701 community groups with expertise in sexual assault prevention, treatment, reporting, and
- 2702 counseling; and
- 2703 (ii) providing training specific to sexual assault to division mental health professionals
- 2704 and all division employees who have direct contact with minors regarding treatment and
- 2705 methods of prevention and investigation;
- 2706 (b) require reporting of any incident of sexual assault, including:
- 2707 (i) ensuring the confidentiality of sexual assault reports from minors and the protection
- 2708 of minors who report sexual assault; and
- 2709 (ii) prohibiting retaliation and disincentives for reporting sexual assault;
- 2710 (c) require safety and care for minors who report sexual assault, including:
- 2711 (i) providing, in situations in which there is reason to believe that a sexual assault has
- 2712 occurred, reasonable and appropriate measures to ensure the minor's safety by separating the
- 2713 minor from the minor's assailant, if known;
- 2714 (ii) providing acute trauma care for minors who report sexual assault, including
- 2715 treatment of injuries, HIV prophylaxis measures, and testing for sexually transmitted
- 2716 infections;
- 2717 (iii) providing confidential mental health counseling for minors who report sexual

2718 assault, including:

2719 (A) access to outside community groups or victim advocates that have expertise in
2720 sexual assault counseling; and

2721 (B) enabling confidential communication between minors and community groups and
2722 victim advocates; and

2723 (iv) monitoring minors who report sexual assault for suicidal impulses, post-traumatic
2724 stress disorder, depression, and other mental health consequences resulting from the sexual
2725 assault;

2726 (d) require staff reporting of sexual assault and staff discipline for failure to report or
2727 for violating sexual assault policies, including:

2728 (i) requiring all division employees to report any knowledge, suspicion, or information
2729 regarding an incident of sexual assault to the director or the director's designee;

2730 (ii) requiring disciplinary action for a division employee who fails to report as required;
2731 and

2732 (iii) requiring division employees to be subject to disciplinary sanctions up to and
2733 including termination for violating agency sexual assault policies, with termination the
2734 presumptive disciplinary sanction for division employees who have engaged in sexual assault,
2735 consistent with constitutional due process protections and state personnel laws and rules;

2736 (e) require that any report of an incident of sexual assault be referred to the Division of
2737 Child and Family Services or a law enforcement agency with jurisdiction over the detention or
2738 secure care facility in which the alleged sexual assault occurred; and

2739 (f) require data collection and reporting of all incidents of sexual assault from each
2740 detention and secure care facility.

2741 (5) The division shall annually report the data described in Section (4)(f) to the Law
2742 Enforcement and Criminal Justice Interim Committee.

2743 Section 47. Section **80-6-802** is amended to read:

2744 **80-6-802. Commitment to secure care -- Rights of individuals in secure care.**

2745 (1) If a youth offender is ordered to secure care under Section **80-6-705**, the youth

2746 offender shall remain in secure care until the youth offender is:

2747 (a) 21 years old;

2748 (b) paroled; or

2749 (c) discharged.

2750 (2) If a serious youth offender is ordered to secure care under Section 80-6-705, the
2751 serious youth offender shall remain in secure care until the serious youth offender is:

2752 (a) 25 years old;

2753 (b) paroled; or

2754 (c) discharged.

2755 (3) (a) Subject to Subsection (3)(b), a juvenile offender in secure care, or an individual
2756 housed in a secure care facility under Section 80-6-507, has the right to:

2757 (i) phone the juvenile offender's or individual's parent, guardian, or [an] attorney; and

2758 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or
2759 custodian.

2760 (b) The division may:

2761 (i) establish a schedule for which a juvenile offender, or an individual housed in a
2762 secure care facility under Section 80-6-507, may visit or phone a person described in
2763 Subsection (3)(a);

2764 (ii) allow a juvenile offender, or an individual housed in a secure care facility under
2765 Section 80-6-507, to visit or call persons described in Subsection (3)(a) in special
2766 circumstances;

2767 (iii) limit the number and length of calls and visits for a juvenile offender, or an
2768 individual housed in a secure care facility under Section 80-6-507, to persons described in
2769 Subsection (3)(a) on account of scheduling, facility, or personnel constraints; or

2770 (iv) limit the juvenile offender's or individual's rights under Subsection (3)(a) if a
2771 compelling reason exists to limit the juvenile offender's or individual's rights.

2772 (c) A juvenile offender in secure care, or an individual housed in a secure care facility
2773 under Section 80-6-507, shall be advised of the rights described in Subsection (3)(a).

2774 Section 48. **Repealer.**

2775 This bill repeals:

2776 Section **62A-4a-210, Definitions.**

2777 Section **62A-4a-211, Division responsibilities -- Normalizing lives of children.**