

2017 UBA LEGISLATIVE TRACKING

Bill	Short Title	Prime Sponsor	Position	Comments	Result
H.B. 11	State Boards and Commissions Amendments	Thurston, N.	M	This bill removes the political party affiliation requirement for certain boards and commissions; and makes technical and conforming changes.	✓
H.B. 13	Uniform Fiduciary Access to Digital Assets Act	Snow, V. L.		This bill defines terms; specifies who has access to the digital assets of an incapacitated or deceased person; sets out responsibilities for agents and fiduciaries with access to a person's digital assets; and provides for the responsibilities of the custodian of a digital asset upon request of an agent or fiduciary.	✓
H.B. 19	Civil Asset Forfeiture Reform Amendments	Greene, B.	A	This bill modifies the elements of qualifying as an innocent owner regarding property subject to forfeiture; requires a direct nexus of the property to a specific alleged criminal exchange or transaction, in order for the property to be forfeited; modifies the definition of proceeds that are from an offense giving rise to a forfeiture; requires the prosecutor to bring an action for civil forfeiture in a timely manner; modifies the process for a claimant to bring an action to claim forfeited property; provides that any person may assert an interest in seized property or file an answer to a forfeiture complaint without posting bond; provides that the hardship provisions include use of funds to allow an individual to obtain a legal defense in the forfeiture proceeding or the related criminal proceeding and assets of a legitimate business; provides that prejudgment interest shall be awarded, in addition to the current postjudgment interest; removes the cap of 20% of the value of the property subject to forfeiture when awarding legal costs and attorney fees; modifies the obligations of a claimant regarding illegal use of the property subject to forfeiture; modifies the allocation of the proceeds from asset forfeiture to provide for: • victim restitution; and • reimbursement of direct costs by the prosecuting agency and the law enforcement agencies involved in the case; and provides that if the defendant is acquitted of the criminal charge subsequent to the civil forfeiture proceeding, the forfeited assets shall be returned and the defendant shall be reimbursed for interest and costs as listed.	✗
H.B. 23	Income Tax Credit Modifications	Peterson, J.		This bill phases out the individual income tax credit for certain residential renewable energy systems; and amends the maximum individual	✓

				income tax credit for certain residential renewable energy systems.	
H.B. 36	Affordable Housing Amendments	Edwards, R.	S	This bill defines terms; creates the Economic Revitalization and Investment Fund; establishes requirements for the distribution of money from the fund; modifies state low-income housing tax credit provisions; and makes technical and conforming changes.	✓
H.B. 41	Utah Revised Business Corporation Act Modifications	Peterson, V.		This bill amends the provision addressing general standards of conduct for directors and officers; enacts provisions related to business combinations; and makes technical changes.	✓
H.B. 44	Department of Financial Institutions Related Amendments	Peterson, V.	S	This bill modifies definitions; permits the delegation of powers and duties under certain circumstances; changes the supervisor of trust to the supervisor of holding companies; modifies restrictions on acquisition of institutions and holding companies; and makes technical changes.	✓
H.B. 79	Private Attorney General Doctrine	Greene, B.		This bill repeals a provision that disavows the private attorney general doctrine.	✗
H.B. 81	Post-employment Restrictive Covenant Amendments	Greene, B.		This bill outlines the scope of the chapter; addresses consideration and termination of employment as they relate to post-employment restrictive covenants; modifies remedy provisions; restricts the time for bringing an action to enforce post-employment restrictive covenants; and makes technical changes.	✗
H.B. 106	Utah Uniform Securities Act Amendments	Hall, C.		This bill clarifies the calculation of damages for certain violations of the Utah Uniform.	✓
H.B. 112	Firearms Amendments	Perry, L.		This bill provides that a business owner who allows a person with a concealed carry permit to carry a firearm onto the owner's property is not civilly or criminally liable under certain circumstances; and provides an exemption for a person, 21 years of age or older who may lawfully possess a firearm, from certain criminal provisions related to the carrying of a concealed firearm.	✗
H.B. 128	Health Care Debt Collection Amendments	Webb, R. C.		This bill defines terms; modifies the circumstances under which a health care provider may make a report to a credit bureau, use the services of a collection agency, or use a nonroutine billing or notification method against an insured; provides a private right of action against a health care provider who fails to comply with the provisions of this bill; addresses administrative penalties for a health care provider who fails to comply with the provisions of this bill; and makes technical and conforming changes.	✓

H.B. 153	Uninsured and Underinsured Motorist Coverage Amendments	Kennedy, M.	N	This bill disallows a person from rejecting uninsured and underinsured motorist coverage if that person: • employs an employee; and • the employee drives a vehicle insured by the employer; and makes technical changes.	✗
H.B. 196	Division of Real Estate Amendments	Froerer, G.	M	This bill defines terms; changes the citation period following the occurrence of a violation; exempts a loan processor or loan underwriter who is not a mortgage loan originator when employed by, and acting on behalf of, a person or entity licensed under this chapter; modifies quarterly reporting requirements; permits the division to interview a witness; permits the commission of powers and duties under certain circumstances; provides licensing standards and practice requirements for a branch broker, property management sales agent, and dual broker; and makes technical changes.	✓
H.B. 224	Specie Legal Tender Amendments	Ivory, K.		This bill provides definitions; authorizes the public treasurer to invest public funds in specie legal tender; grants the State Money Management Council rulemaking authority to make rules governing quality criteria for a commercial specie repository; requires the Federal Funds Commission to study certain issues relating to specie legal tender; and makes technical and conforming changes.	✗
H.B. 268	Money Management Act Amendments	Knotwell, J.		This bill amends definitions; specifies the term to final maturity for certain deposits or investments that are invested by a public agency insurance mutual; authorizes the state treasurer, county, city, and town treasurers, the clerk or treasurer of each school district, and other public treasurers to procure crime or theft insurance; modifies political party requirements for members of the State Money Management Council; provides that the State Money Management Council may authorize an exception to certain maturity dates in certain circumstances; and makes technical and conforming changes.	✓
H.B. 377	Tax Revisions	McCay, D.		This bill addresses the apportionment of business income to the state for purposes of income taxes by requiring all taxpayers, for certain taxable years, to use only the sales factor to calculate the fraction for apportioning business income to the state; and makes technical and conforming changes.	✗
H.B. 430	Dishonored Instruments Amendments	Snow, V. L.		This bill clarifies the action that initiates a civil action against an issuer of a dishonored check.	✓

H.C.R. 006	Concurrent Resolution Supporting the Re-empowerment of the States Amendment	Nelson, M.	S	This resolution asserts that federalism is an integral part of the American democratic system and is essential to the vitality of the Union; and supports the Re-Empowerment of the States Amendment.	✓
S.B. 31	Protection of Law Enforcement Officers' Personal Information	Ipson, D. L.		This bill provides criminal penalties for posting on the Internet a law enforcement officer's address and phone numbers, or posting the same information regarding an officer's spouse and children; prohibits the solicitation or sale of the officer's private information and provides for civil damages and the cost of attorney fees; and provides definitions, including a definition of "personal information."	✓
S.B. 58	Uniform Voidable Transactions Act	Hillyard, L.		This bill changes the name of the Uniform Fraudulent Transfer Act to the Uniform Voidable Transactions Act; makes changes consistent with the 2014 version of the Uniform Fraudulent Transfer Act; modifies and defines terms; removes provisions relating to limited liability companies; modifies provisions relating to the determination of insolvency; enacts provisions relating to the burden of proof; modifies provisions relating to the transfer and recovery of assets; enacts a governing law provision; addresses the bill's applicability to a series organization; enacts transitional language; addresses the applicability of the Relation to Electronic Signatures in Global and National Commerce Act; and makes technical and conforming changes.	✓
S.B. 63	Nonprofit Corporation Amendments - Water Companies	Dayton, M.	S	This bill modifies definitions; states that ownership of shares in a water company is transferrable, unless otherwise provided in the articles of incorporation or bylaws; authorizes a water company to purchase the shares of a shareholder who is delinquent in payment of shareholder assessments; states that a shareholder in a water company has an equitable, beneficial interest in the use of the water supply of the water company, proportionate to the shareholder's shares, which interest is in the nature of real property; clarifies the process for distribution to a shareholder of a water company; and makes technical changes.	✓

S.B. 70	Asset Forfeiture Transparency Amendments	Stephenson, H.		This bill in addition to current reporting requirements, requires that law enforcement agencies reporting on a forfeiture action shall include: • information on related criminal charges; • the value of seized property; • the agency's share of property received from a federal forfeiture case; • the agency's costs incurred for storage of storing seized property; and • the legal costs incurred by the prosecuting attorney; and amends the list of information to be provided regarding a forfeiture, and requires that the information be reported by a law enforcement agency, when: • transferring disposition of property resulting from a forfeiture matter to the Commission on Criminal and Juvenile Justice; and • the law enforcement agency has been awarded any share of property forfeited by the federal government.	✓
S.B. 87	Civil Asset Forfeiture Revisions	Thatcher, D.	A	This bill amends specified definitions; amends provisions regarding the determination that property is subject to forfeiture; amends civil forfeiture procedures to provide for seized currency to be returned to the claimant in specified circumstances; provides that when property valued at less than \$10,000 is seized, the property shall be returned to the claimant; provides that when property is determined to be subject to forfeiture, and the claimant is then acquitted of the offense giving rise to the forfeiture, the property shall be returned; and facilitates the return of seized property to an innocent owner.	✓
S.B. 99	Consumer Protection Action Amendments	Hemmert, D.		This bill provides that the attorney general may, in an action to enforce the Protection of Personal Information Act or the Consumer Credit Protection Act, enter into a confidentiality agreement under certain circumstances; provides for the content of a confidentiality agreement entered into by the attorney general pursuant to the Protection of Personal Information Act or the Consumer Credit Protection Act; provides that, in an action to enforce the Protection of Personal Information Act or the Consumer Credit Protection Act, a court may issue a confidentiality order; and provides for the handling of confidential information obtained by the attorney general related to an enforcement action under the Protection of Personal Information Act or the Consumer Credit Protection Act.	✓
S.B. 101	Sales and Use Tax Modifications	Harper, W.		This bill defines terms; addresses the circumstances under which a person may be required to collect and remit sales and use taxes	✗

				to the State Tax Commission; provides for expedited judicial review; makes technical and conforming changes; and contains a severability clause.	
S.B. 109	Small Employer Retirement Program	Weiler, T.	S	This bill addresses permissible diversion of wages; creates nonrefundable tax credits for employer participation in certain retirement plans; enacts the Utah Voluntary Employee Retirement Accounts Program, including: <ul style="list-style-type: none"> • defining terms; • requiring liberal construction and compliance with federal and state law; • directing the state treasurer to create the program; • providing for the administration of the program, including authorizing contracts with one or more providers of services; • providing for receipt of grants, gifts, or money to address the costs of the program; • addressing education about the program; • requiring certain information to be provided; • addressing confidentiality of information; • providing for participation by small nongovernmental employers or employees of nongovernmental employers; • requiring annual notification related to participation; and • requiring reports to participating employees and participating employers; and makes technical changes. 	✓
S.B. 110	Sales Tax Collection Amendments	Bramble, C.		This bill defines terms; addresses the circumstances under which a seller may be required to collect and remit sales and use tax to the State Tax Commission; provides a legal process for determining the application of certain sales and use tax collection obligations; repeals a requirement that certain sales and use tax revenue be deposited into a restricted account; repeals the provision allowing a seller that voluntarily collects and remits sales and use tax to retain 18% of collections; makes technical and conforming changes; and contains a severability clause.	✗

S.B. 175	Uniform Unclaimed Property Act	Hillyard, L.	O	This bill provides and amends definitions; repeals and reenacts the Revised Uniform Unclaimed Property Act; amends and enacts provisions addressing the standards for determining when property is abandoned or unclaimed; amends and enacts provisions addressing the procedures for reporting and submitting abandoned or unclaimed property; amends and enacts provisions addressing the disposition of abandoned or unclaimed property in the administrator's custody; amends and enacts provisions addressing procedures and requirements for claiming ownership of abandoned or unclaimed property; amends and enacts provisions addressing the duties of a holder of abandoned or unclaimed property; amends and enacts provisions addressing the enforcement of the responsibilities and requirements for abandoned or unclaimed property; enacts provisions addressing the confidentiality and security of abandoned or unclaimed property reports and information; and makes technical and conforming changes.	✓
S.B. 229	Sales Factor Weighted Tax Modifications	Harper, W.		This bill defines terms; describes how a taxpayer determines whether greater than 50% of the taxpayer's economic activities are classified within particular NAICS codes; requires that a taxpayer that determines that the taxpayer is a sales factor weighted taxpayer for a taxable year beginning on or after January 1, 2017, remain a sales factor weighted taxpayer for subsequent taxable years; requires that a taxpayer that determines that the taxpayer is an optional sales factor weighted taxpayer and apportions business income using the single sales factor method for a taxable year beginning on or after January 1, 2017, shall become a sales factor weighted taxpayer for subsequent taxable years; and addresses the timing for a taxpayer to determine if the taxpayer is an optional sales factor weighted taxpayer.	✗
S.B. 273	Energy Development Amendments	Adams, J. S.		This bill defines terms; enacts the Commercial Property Assessed Clean Energy Act or C-PACE Act; repeals provisions related to energy assessments from the Assessment Area Act; limits the availability of judicial recourse to challenge or enjoin certain assessments and bonds; creates the C-PACE district; requires the Office of Energy Development (OED) to administer and direct the actions of the C-PACE district; allows OED to delegate OED's authority over the C-PACE district to a third party, subject to certain contractual provisions; provides for a local governing body to adopt an energy assessment resolution or ordinance to designate an energy assessment area	✓

				<p>and levy an energy assessment upon private property where the property owner consents to the assessment; allows a local entity to levy an assessment against government land under certain circumstances; allows a property owner to pay an energy assessment in installments; provides for the creation of an assessment fund and limits the use and investment of money in the fund; describes the characteristics of an energy assessment lien; allows a local entity to assign an energy assessment lien to a third-party lender to provide financing for certain improvements, subject to certain contractual provisions; provides for the enforcement of an energy assessment lien, including for delinquent assessment payments; provides for the release and discharge of an assessed property and an energy assessment area; allows a local entity to issue an energy assessment bond and a refunding assessment bond; limits the liability and obligation of a local entity issuing an energy assessment bond; provides for the reduction of assessments after the issuance of a refunding assessment bond; subjects a refunding assessment bond that a local entity has already issued to the provisions of this bill; adds funds that OED collects for directing and administering the C-PACE district to the list of nonlapsing funds and accounts in the Budgetary Procedures Act; enacts a sunset date, subject to review, for the nonlapsing status of OED's funds; allows OED to charge fees for the performance of OED's duties; and makes technical and conforming changes.</p>	
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Tracking Key

✓ = Passed ✗ = Failed A = Amend M = Monitoring N = Neutral O = Oppose S = Support