

Bills Passed During the 2006 Legislative Session Affecting State or Local Government

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STATE GOVERNMENT *

Election Law

H.B. 13 Common Polling Places Amendments (Rep. D. Aagard)

This bill modifies the Election Code to allow additional use of common polling places.

This bill:

- ▶ increases from 1,000 to 1,250 the maximum number of active voters allowed for a voting precinct;
- ▶ expands the use of common polling places for two or more voting precincts to any election and any county;
- ▶ repeals the restrictions that:
 - the total population of voters authorized to vote at the common polling place may not exceed 4,000 active voters;
 - in primary elections, the county legislative body may combine voting precincts; and
 - one set of election judges may be used for the combined precincts if the ballots for each of the combined precincts are identical;
- ▶ requires each county to have at least two polling places in the county on the date of the election; and
- ▶ requires each common polling place to have at least one voting device that is accessible for individuals with disabilities.

H.B. 15 Early Voting (Rep. D. Aagard)

This bill amends the Election Code to permit in-person early voting prior to the date of the election.

This bill:

- ▶ permits registered voters to participate in early voting during the 14-day period immediately prior to election day;
- ▶ provides that time periods related to replacement of candidates be based on the date of commencement of voting rather than on election day;
- ▶ provides that candidate vacancies must be filled 30 days prior to election day;
- ▶ provides that voter registration for an election ends 30 days before the date of the election with the exception of satellite registration, in-person registration at the office of the county clerk, and registration for military personnel and overseas citizens voting by absentee ballot;
- ▶ provides that voters who register using satellite registration or who register at the office of the county clerk less than 30 days before a pending election are entitled to vote on election day but not by using early voting;
- ▶ provides that voters must provide valid voter identification at the time of voting if they choose to vote:
 - by early voting on a date before the date of the election; or
 - by in-person absentee ballot;
- ▶ modifies the Utah Election Registration Form to provide notice that voters must provide valid voter identification in order to vote during the early voting period;

* If a bill affects both state and local government, it is included in this section headed "State Government."

- ▶ provides definitions of documents that are acceptable as valid voter identification;
- ▶ provides that party affiliation may not be changed during the period beginning after the voter registration deadline for a regular primary election and continuing through the date of the regular primary election;
- ▶ modifies language relating to processing of voter registration forms to comply with the 30-day voter registration deadline;
- ▶ modifies the dates for satellite voter registration to comply with the 30-day voter registration deadline;
- ▶ modifies the dates provided in the voter registration notice to comply with the 30-day voter registration deadline;
- ▶ clarifies absentee ballot filing deadlines for overseas and military voters;
- ▶ modifies the application due date for overseas absentee voters to match the existing deadline for other absentee votes;
- ▶ requires poll workers to record the type of identification provided by the voter at the time of voting in all cases where a provisional ballot is issued;
- ▶ requires poll workers to issue a voter a provisional ballot when the poll worker determines that the voter has not presented sufficient identification;
- ▶ provides for the hours and locations of early voting;
- ▶ requires that at least 10% of the voting devices at each early voting polling place be accessible for individuals with disabilities;
- ▶ provides requirements for posting notice of early voting hours and locations;
- ▶ modifies the format of the official register to accommodate identification requirements;
- ▶ requires the poll worker to update voting history records during early voting;
- ▶ requires write-in candidates to file a declaration of candidacy no later than 30 days before the date of the election; and
- ▶ defines terms.

H.B. 67 Military and Overseas Citizens Absentee Voter Amendments (Rep. S. Urquhart)

This bill modifies the Election Code by amending provisions for registration and voting by certain military and overseas citizen voters.

This bill:

- ▶ allows military and overseas voters who are currently deployed in hostile fire zones or areas where mail service is reliable to register, obtain an absentee ballot, and vote through electronic transmission;
- ▶ provides definitions for the federal postcard application form and hostile fire zones;
- ▶ requires the eligible voters to file the federal postcard application form no later than 20 days before the day of the election;
- ▶ provides procedures for the electronic transmission and receipt of forms and ballots by the county clerks; and
- ▶ requires the eligible voters to waive their right to a secret ballot and to affirm that they are currently deployed in a hostile fire zone or other area where the mail service is unreliable.

H.B. 348 Election Code - Electronic Voting Procedures and Requirements (Rep. D. Aagard)

This bill modifies the Election Code to update existing procedures and definitions and to comply with electronic voting equipment requirements.

This bill:

- ▶ provides and modifies definitions;
- ▶ removes references requiring the official record to be a printed book;
- ▶ removes the requirement to create a posting list;
- ▶ provides for voting procedures when using machine-readable ballot sheets;
- ▶ provides for voting procedures when using electronic ballots;
- ▶ provides ballot formatting requirements for straight party ticket selections and write-in candidates;

- ▶ requires a voter to mark a box or select the name of a write-in candidate in order for a write-in vote to be recorded;
- ▶ modifies formatting requirements for paper ballots to require that all paper ballots contain a check box next to the name of write-in candidates;
- ▶ provides that watchers shall be permitted to observe testing of voting devices and equipment;
- ▶ provides that one or more poll workers shall deliver election returns to the counting center;
- ▶ provides that poll workers delivering election returns shall be paid reasonable compensation for mileage for a round trip rather than a designated sum per mile one way;
- ▶ permits electronic transmission of unofficial poll results to counting centers if security measures are taken;
- ▶ modifies the date for delivery of election returns so returns are always available before the state canvass;
- ▶ modifies formatting and content requirements for the official register;
- ▶ modifies ballot delivery time lines;
- ▶ requires election officials to correct or post notice of errors discovered in electronic ballots at each voting booth;
- ▶ requires election officials to provide paper ballots and ballot sheets in an amount sufficient to meet voting needs during an election;
- ▶ provides procedures for delivery of voting equipment to polling places and requires that receipts be issued when voting devices are delivered to poll workers;
- ▶ requires that voting devices be repaired or substituted if voting devices contain incorrect ballot information, are not functioning properly, appear to have been tampered with, or other similar circumstances;
- ▶ permits the election officer to determine the time that poll workers arrive at the polling place;
- ▶ permits the election officer to designate which poll workers will act as election judges and to designate a presiding judge;
- ▶ removes a requirement that election returns must be returned to the election officer by two persons of a different political party;
- ▶ provides a criminal penalty for intentionally or knowingly damaging, modifying, tampering with, or destroying voting devices or equipment;
- ▶ provides ballot formatting requirements and ballot preparation procedures for machine-readable ballot sheets; and
- ▶ provides ballot formatting requirements and ballot preparation procedures for electronic ballots.

S.B. 10 Provisional Ballot Amendments (Sen. P. Hellewell)

This bill amends the provisional ballot requirements under the Election Code.

This bill:

- ▶ provides that a voter whose identity or right to vote is challenged shall be issued a provisional ballot and be permitted to vote;
- ▶ removes the procedure requiring an affidavit to be signed in order to obtain a ballot when a voter's identity or right to vote is challenged;
- ▶ removes criminal penalties associated with the affidavit requirement; and
- ▶ provides a criminal penalty for knowingly providing false information when voting using a provisional ballot.

S.B. 11 Election Code Revisions (Sen. P. Hellewell)

This bill amends the Election Code and related provisions to correct technical errors and clarify existing law.

This bill:

- ▶ removes obsolete terms;
- ▶ corrects cross-references;
- ▶ clarifies what information election judges should enter on defective ballot envelopes; and
- ▶ clarifies that certain election filing deadlines should be extended when the deadline falls on a weekend.

1st Sub. S.B. 47 Restoration of Voting Rights Amendments (Sen. B. Goodfellow)

This bill modifies provisions of the Election Code relating to restoration of voting rights.

This bill:

- ▶ provides that the restoration of a convicted felon's right to vote applies to felony convictions in any court of the United States; and
- ▶ provides for the restoration of a convicted felon's right to hold office under certain circumstances.

2nd Sub. S.B. 55 Election Reform (Sen. L. A. Mansell)

This bill modifies the Election Code to provide the option to file a pledge of fair campaign practices and to establish criminal penalties related to issuing false information or improper contributions during campaigns.

This bill:

- ▶ provides that each candidate for public office in the state be presented with a pledge of fair campaign practices;
- ▶ provides that a candidate may voluntarily elect to sign and file the pledge;
- ▶ provides that the pledge is a public document and shall be maintained by the filing officer for a defined period after the election ends;
- ▶ requires political action committees and political issues committees to file a yearly statement of organization;
- ▶ requires political action committees and political issues committees to designate and disclose the names of two officers having primary decision-making authority;
- ▶ requires a political action committee or political issues committee to notify the lieutenant governor of a change in a primary officer;
- ▶ provides a criminal penalty for:
 - providing false information on a statement of organization for a political action committee or political issues committee or on a notice of change of officer; or
 - accepting a contribution from certain business entities that have failed to register with the lieutenant governor's office; and
- ▶ requires business entities that are created just before a general election to file a statement of organization with the lieutenant governor's office before making political contributions.

S.B. 60 Western States Presidential Primary (Sen. P. Knudson)

This bill modifies provisions of the Election Code to permit the Western States Presidential Primary to be held on the first Tuesday in February in a presidential election year.

This bill:

- ▶ changes the date for the Western States Presidential Primary election in Utah to the first Tuesday in February in a presidential election year;
- ▶ modifies dates for canvassing votes cast in a Western States Primary;
- ▶ modifies the dates for voter registration prior to a Western States Presidential Primary; and
- ▶ modifies the date for filing a declaration of candidacy for a Western States Presidential Primary.

GRAMA

H.B. 12 Amendments to Government Records Access and Management Act (Rep. D. Aagard)

This bill makes amendments to the treatment of records under the Government Records Access and Management Act.

This bill:

- ▶ modifies the definition of records subject to the act to exclude a personal note or personal communication prepared or received by an employee or officer of a governmental entity in the employee's or officer's private capacity;
- ▶ provides that internal communications that are part of the deliberative process in connection with the preparation of legislation between members of a legislative body or the legislative body's staff are protected records;
- ▶ requires that governmental entities give notice to persons who are providing private or controlled information as to how the information is currently used and shared;
- ▶ clarifies that certain government entities shall submit records retention schedules for approval by the State Records Committee;
- ▶ provides that government entities that do not submit retention schedules for approval shall be governed by the model retention schedule maintained by the state archivist;
- ▶ clarifies that the Legislature may set its own retention schedules and records management, notice, and amendment policies; and
- ▶ clarifies that the judiciary may set its own retention schedules and records management policies.

1st Sub. H.B. 28 Access and Fee Amendments to Government Records Access and Management Act (Rep. D. Aagard)

This bill modifies the Government Records Access and Management Act by amending certain provisions related to protected records and manipulation of certain records.

This bill:

- ▶ provides that, in certain circumstances, an individual's home address, home telephone number, or personal mobile phone number is a protected record, if:
 - the information is required to be provided in order to comply with a law; and
 - by complying with the law and due to the nature of the law the subject of the record has a reasonable expectation that this information will be protected;
- ▶ allows the disclosure of an individual's home address or phone numbers that are otherwise protected if:
 - the head of the governmental entity determines that the disclosure is mutually beneficial to the subject of the record, the governmental entity, and to the public by serving a public purpose related to public safety or consumer protection; and
 - the person who receives the record from the governmental entity agrees not to use or allow its use for advertising or solicitation purposes;
- ▶ provides that in response to a request, a governmental entity is not required to:
 - compile, format, manipulate, package, summarize, or tailor information;
 - provide a record in a particular format, medium, or program; or
 - fulfill a person's records request if the information requested is accessible in the same physical form and content in a public publication produced by the governmental entity and if the governmental entity provides the requester with the publication and specifies where the record may be found in the publication;
- ▶ allows rather than requires a governmental entity to provide a record in a particular form if the governmental entity determines it is able to do so without unreasonably interfering with its duties;
- ▶ allows contractors and private providers to receive private, controlled, or protected records under certain circumstances; and
- ▶ provides that improper use of a record is a class B misdemeanor.

H.B. 117 Grama Records Committee Appeal (Rep. C. Moss)

This bill modifies the Government Records Access and Management Act relating to scheduling of hearings before the state records committee.

This bill:

- ▶ extends the time for the records committee to schedule and provide notice of a hearing;
- ▶ expands the time period during which hearings can be scheduled before the records committee; and
- ▶ extends the time for the records committee to issue a signed order from a hearing.

1st Sub. H.B. 258 Government Records Access and Management Act - Public Records (Rep. B. Ferry)

This bill modifies the Government Records Access and Management Act by amending provisions related to access to certain information for government employees or officers.

This bill:

- ▶ amends definitions to provide that certain telephone numbers or similar codes are not classified as records; and
- ▶ defines business address, business email address, and business telephone number at which the public may contact an employer or officer of the governmental entity for purposes of what constitutes a public record.

1st Sub. H.B. 188 Government Records Access and Management Act Revisions (Rep. C. Frank)

This bill modifies the definition of a record and amends the duties of each chief administrative officer of a governmental entity under the Government Records Access and Management Act.

This bill:

- ▶ provides that certain mobile telephone numbers or similar codes are not records required to be produced in response to a GRAMA request if the governmental entity provides another telephone number in response to the request; and
- ▶ requires the chief administrative officer of a governmental entity to ensure that all officers and employees that receive or process records requests under the act receive training on the procedures and requirements of the act.

1st Sub. S.B. 190 Shared Government Records Amendments (Sen. M. Dmitrich)

This bill modifies the Government Records Access and Management Act by amending provisions for requesting records from certain governmental entities that receive the record as a shared record.

This bill:

- ▶ provides that a person making a request for a record shall submit the request to the governmental entity that prepared, owns, or retains the record; and
- ▶ provides that a governmental entity that has received a record as a shared record from another governmental entity for auditing purposes may not provide the record; and
- ▶ provides that if a governmental entity is prohibited from providing certain records, it shall deny the records request and inform the person making the request that records requests must be submitted to the governmental entity that prepares, owns, or retains the record.

Open Meetings Law

2nd Sub. H.B. 14 Open Meetings Law Amendments (Rep. W. Harper)

This bill modifies the provisions of the Open and Public Meetings Act.

This bill:

- ▶ provides certain definitions;
- ▶ clarifies that a workshop or an executive session of a public body in which a quorum is present is an open meeting unless closed in accordance with the act;
- ▶ requires certain workshops or executive sessions to be held at the location where the

public body is holding the regularly scheduled public meeting and provides certain exceptions;

- ▶ requires that all closed meetings be recorded;
- ▶ requires that the reason or reasons for holding the closed meeting and the location of a closed meeting be publically announced and entered in the minutes of the open meeting at which the closed meeting is approved;
- ▶ requires that public bodies provide annual training on the requirements of the Open and Public Meetings Act to the members of a public body;
- ▶ requires that the attorney general's office provide public bodies with at least yearly notice of any material changes to the requirements for the conduct of meetings under the act; and
- ▶ provides penalties for violating closed meeting provisions.

3rd Sub. H.B. 16 Revisions to Open and Public Meetings Law (Rep. G. Donnelson)

This bill modifies the Open and Public Meetings Act by amending certain provisions.

This bill:

- ▶ defines "recording" to mean an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting;
- ▶ encourages public bodies to use electronic means to:
 - provide public notice to media agencies that make a periodic written request to receive them; and
 - post public notice of its meetings on the internet;
- ▶ requires public notices with agendas to provide reasonable specificity to notify the public as to the topics to be considered at the meeting;
- ▶ prohibits a public body from considering topics that are not posted with the public notice and provides certain exceptions;
- ▶ requires both written minutes and a recording to be kept of all open meetings, with certain exceptions; and
- ▶ provides that written minutes shall be the official record of action taken at an open meeting.

S.B. 9 Open and Public Meetings Act Revisions (Sen. P. Hellewell)

This bill recodifies and amends the Open and Public Meetings Act.

This bill:

- ▶ updates statutory language to conform to current legislative styles;
- ▶ renumbers sections; and
- ▶ moves some provisions to different or new sections.

S.B. 12 Electronic Meeting Amendment (Sen. L. Hillyard)

This bill modifies the Open and Public Meeting Act by amending certain electronic meeting provisions.

This bill:

- ▶ requires a public body to adopt a resolution, rule, or ordinance governing the use of electronic meetings prior to holding an electronic meeting; and
- ▶ allows the resolution, rule, or ordinance adopted by the public body to:
 - prohibit or limit electronic meetings based on budget or logistical constraints;
 - require a quorum of the public body to be present at a single anchor location for the meeting and vote to approve establishment of an electronic meeting;
 - require a request for a electronic meeting to be made by a member of a public body up to three days prior to the meeting;
 - restrict the number of separate connections for members of the public body that are allowed for an electronic meeting; or
 - establish other procedures, limitations, or conditions governing electronic meetings not in conflict with certain statutes.

Miscellaneous

H.B. 41 Preservation of and Access to State Publications (Rep. M. Noel)

This bill modifies provisions of the State Library Division within the Department of Community and Culture related to its duties and responsibilities for providing access to and preserving state publications.

This bill:

- ▶ requires the State Library Division to establish, operate, and maintain a digital library of state publications;
- ▶ requires state agencies and political subdivisions to deposit digital copies of their publications with the division;
- ▶ provides that state agencies may not remove state publications from public access unless digital copies of the publications have been deposited with the division; and
- ▶ eliminates distinctions between complete and selective depository libraries.

H.B. 80 Energy Savings in State Buildings (Rep. F. Hunsaker)

This bill modifies a portion of the Quality Growth Act and statutes governing the State Building Energy Efficiency Program, the State Building Board, and the Division of Facilities Construction and Management.

This bill:

- ▶ modifies definitions;
- ▶ eliminates the requirement for state agencies to place 50% of net energy savings in the LeRay McAllister Critical Land Conservation Fund;
- ▶ provides that the Division of Facilities Construction and Management shall develop and administer the State Building Energy Efficiency Program;
- ▶ requires the Division of Facilities Construction and Management to:
 - develop incentives to encourage state entities to conserve energy and reduce energy costs;
 - procure energy efficient products where practicable;
 - analyze energy consumption by state agencies;
 - establish an advisory group to assist with development and implementation of the program; and
 - provide a yearly energy savings report to the governor in addition to the Legislature;
- ▶ requires state government entities to appoint a staff member to coordinate and report on energy saving efforts;
- ▶ reduces the maximum term for energy savings agreements entered into by state agencies, modifies terms in the definition of energy savings agreement, and requires the agency to obtain the preapproval of the governor and to notify the Office of Legislative Fiscal Analyst before entering into an agreement;
- ▶ provides that DFCM may establish energy savings design procedures for improvements to existing state facilities;
- ▶ permits the State Building Board to require an entity that benefits from a capital improvement project to repay the capital improvement funds from savings resulting from the project;
- ▶ modifies provisions related to the State Building Board's rulemaking in relation to life cycle cost-effectiveness of state facilities; and
- ▶ provides that life-cycle effectiveness shall be determined using the most prudent cost of owning and operating a facility.

1st Sub. H.B. 87 Use of Disaster Loan Funds (Rep. D. Clark)

This bill modifies the disaster loan program by changing financial terms.

This bill:

- ▶ requires that new promissory notes be issued to refinance any promissory notes issued by the program that are unpaid as of their due date;
- ▶ requires that the new promissory notes be issued:

- for the principal balance of the outstanding promissory notes;
- with a due date two years from the date that the original promissory note was due; and
- at no interest;
- ▶ changes the loan program by requiring two-year loans instead of one-year loans; and
- ▶ provides that notes issued, based on monies appropriated for disaster loans as of May 1, 2005, are due on or before June 30, 2007.

3rd Sub. H.B. 109 Sales and Use Tax - Food and Food Ingredients (Rep. M. Newbold)

This bill amends the Sales and Use Tax Act relating to food and food ingredients.

This bill:

- ▶ defines terms;
- ▶ reduces the state sales and use tax rate imposed on food and food ingredients under certain circumstances;
- ▶ addresses the state sales and use tax rate imposed:
 - on a bundled transaction involving food and food ingredients; or
 - if a seller sells food and food ingredients and prepared food at the same location;
- ▶ addresses the amount that a business location that collects and remits sales and use taxes monthly may retain as a seller discount; and
- ▶ makes technical changes.

H.B. 123 Disaster Response and Recovery Act (Rep. J. S. Adams)

This bill modifies statutes related to disaster response and recovery and establishes a criminal penalty for failing to comply with orders issued in relation to a disaster or state of emergency.

This bill:

- ▶ provides definitions;
- ▶ provides that the chief executive officer of each political subdivision, rather than the governing body of the political subdivision, shall have primary authority to provide rules and orders during an emergency or local disaster;
- ▶ provides the chief executive officer with certain powers and authority to act;
- ▶ provides for the issuance of orders of evacuation;
- ▶ provides a listing of emergency interim successors for political subdivision officers;
- ▶ provides that emergency orders, rules, and regulations that are issued by a political subdivision or an agency of a political subdivision shall be filed at the office of the clerk of the political subdivision; and
- ▶ provides a criminal penalty for persons who fail to comply with an order to evacuate or other emergency order after having received notice of the order.

H.B. 269 Human Resource Management Amendments (Rep. D. Clark)

This bill modifies the Utah State Retirement and Insurance Benefit Act, the Utah Administrative Services Code, and the Utah State Personnel Management Act to amend certain provisions related to the Department of Human Resource Management.

This bill:

- ▶ changes the Division of Human Resource Management to the Department of Human Resource Management and the title of its director to executive director;
- ▶ allows an employee in the Public Safety Retirement System who is reassigned to the Department of Technology Services or to the Department of Human Resource Management to remain in the same retirement system;
- ▶ adds certain definitions to the Utah State Personnel Management Act;
- ▶ removes a requirement that:
 - the governor approve agreements on the establishment of field offices; and
 - an agency head must be consulted prior to establishing a field office;
- ▶ revises and clarifies certain powers and duties of the Department of Human Resource Management relating to the provision of human resource functions to executive branch entities and entities that subscribe to services;

- ▶ allows the Department of Human Resource Management to operate as an internal service fund agency for the human resource functions the department provides to executive branch entities and entities that subscribe to services rendered by the listed divisions;
- ▶ creates a rate committee and provides procedures for the approval by the rate committee of rate changes for services provided by the department; and
- ▶ clarifies that state officers accrue annual leave at the maximum rate provided to Schedule B state employees.

S.B. 20 Repeal of Utah Digital Signature Act (Sen. L. Hillyard)

This bill modifies the Notarization and Authentication of Documents and Digital Signatures Title by repealing the Utah Digital Signatures Act.

This bill:

- ▶ repeals the Utah Digital Signatures Act and makes conforming amendments;
- ▶ modifies definitions; and
- ▶ removes references to acknowledgments using digital signatures under the Utah Digital Signatures Act.

S.B. 59 Purchasing from People with Disabilities Amendments (Sen. S. Killpack)

This bill modifies the Utah Procurement Code by amending requirements for certain government agencies for purchasing from persons with disabilities.

This bill:

- ▶ provides certain definitions;
- ▶ creates the Purchasing from Persons with Disabilities Advisory Board to facilitate a public procurement unit's procurement of goods and services from community rehabilitation programs by:
 - identifying goods and services currently available from community rehabilitation programs;
 - approving prices for goods and services;
 - developing, maintaining, and approving a preferred procurement contract list; and
 - reviewing, awarding, and renewing bids received by a community rehabilitation program for specified contracts for the purchase of goods and services;
- ▶ allows the board to designate a central not-for-profit association, appoint its members, and establish guidelines for its duties;
- ▶ requires each public procurement unit to purchase goods and services produced by a community rehabilitation program under the preferred procurement contract list approved by the board under certain conditions; and
- ▶ establishes a \$5 million annual cap in total amount of contracts for the purchase of goods and services produced by a community rehabilitation program under the preferred procurement contract list.

1st Sub. S.B. 75 U Star Initiative (Sen. L. A. Mansell)

This bill establishes a process for a Utah Science Technology and Research Initiative, authorizes the issuance of general obligation bonds for the construction of research buildings at Utah State University and the University of Utah, and appropriates monies for construction, administration, and operations.

This bill:

- ▶ defines the intended scope of the Utah Science Technology and Research Project, including:
 - construction of research buildings at Utah State University and the University of Utah;
 - the creation of a technology outreach program delivered at strategic locations around Utah;
 - the funding of research teams to conduct science and technology research; and
 - requirements governing how revenues generated from the project will be allocated between the state, Utah State University, and the University of Utah;
- ▶ creates the Utah Science Technology and Research Governing Authority, defines its membership and its powers and duties;

- ▶ creates the Utah Science Technology and Research Governing Authority Advisory Council and defines its membership and its powers and duties;
- ▶ authorizes the Utah Science Technology and Research Governing Authority to hold title to its property;
- ▶ modifies the Bonding Code by authorizing the issuance and sale of \$111,100,000 in general obligation bonds by the State Bonding Commission for construction of a Bio Innovations Research Institute at Utah State University and a Neuroscience and Biomedical Technology Research Building at the University of Utah;
- ▶ specifies the use of the general obligation bond proceeds and the manner of issuance;
- ▶ provides expressions of legislative intent; and
- ▶ establishes a salary range for the executive director of the Utah Science Technology and Research Governing Authority.

1st Sub. S.B. 88 Disclosure of Driver License Records (Sen. M. Madsen)

This bill modifies the Uniform Driver License Act to amend disclosure of driving record provisions.

This bill:

- ▶ allows the Driver License Division to disclose portions of a driving record to an insurer or a designee of an insurer for purposes of assessing the driving risk of drivers covered by the insurer;
- ▶ requires the disclosure to include certain information to identify drivers with reportable moving traffic violations which resulted from the operation of a motor vehicle;
- ▶ requires the disclosure to be made under a contract with the insurer or its designee that specifies the criteria for searching and compiling the driving records being requested, the frequency of the disclosures, and the format of the disclosures, which may be in bulk electronic form; and
- ▶ requires the contract to include a reasonable charge for the driving record disclosures.

2nd Sub. S.B. 113 Governmental Immunity Limits (Sen. H. Stephenson)

This bill modifies provisions under the Governmental Immunity Act of Utah and provisions related to the Board of Examiners.

This bill:

- ▶ defines terms;
- ▶ permits the Board of Examiners to review claims against certain political subdivisions of the state;
- ▶ requires that certain unpaid or unsettled claims against certain political subdivisions be presented to the Board of Examiners; and
- ▶ raises the limitation for damages awardable against a governmental entity for multiple claims and sets a cap for the total amount awardable for multiple claims in a single occurrence.

S.B. 117 Eminent Domain Amendments (Sen. H. Stephenson)

This bill modifies provisions related to eminent domain.

This bill:

- ▶ expands the public uses for which eminent domain may be used to include bicycle paths and sidewalks adjacent to paved roads;
- ▶ narrows the public uses for which local governments may acquire roads, streets, or alleys by eminent domain;
- ▶ provides that the roads, streets, or alleys that local governments may acquire by eminent domain do not include trails, paths, or other ways for walking, hiking, bicycling, equestrian use, or other recreational uses;
- ▶ requires the taking of property by a political subdivision to be approved by the governing body of the political subdivision;
- ▶ requires the governing body of a political subdivision intending to take property by eminent domain to provide written notice to property owners of each public meeting to approve the taking and allow property owners the right to be heard regarding the proposed taking;

- ▶ modifies the duty to negotiate with a property owner and the duty to notify the property owner of certain rights and limitations with respect to an anticipated eminent domain action; and
- ▶ clarifies that those duties apply to each person seeking to acquire property involving the potential use of eminent domain if the property cannot be acquired in a voluntary transaction.

S.B. 132 Surplus Property Amendments (Sen. P. Knudson)

This bill modifies the Administrative Services Code to amend certain rulemaking authority of the Division of Fleet Operations.

This bill:

- ▶ defines personal handheld electronic device;
- ▶ provides an exception for rulemaking authority giving priority to state and local agencies on the purchase of certain surplus property; and
- ▶ allows the Division of Fleet Operations to make rules to provide for the sale of personal handheld electronic devices to certain users upon a change in employment status.

S.B. 189 Constitutional Revision Commission Amendments (Sen. P. Knudson)

This bill modifies provisions relating to the Utah Constitutional Revision Commission.

This bill:

- ▶ renumbers and amends provisions relating to the Utah Constitutional Revision Commission;
- ▶ reduces commission membership by one member;
- ▶ permits the commission to invite testimony from the governor, state agencies, members of the Utah Legislature, and responsible members of the public;
- ▶ clarifies provisions relating to the appointment of members to fill vacancies;
- ▶ provides that a person appointed to fill a vacancy begins serving a new term;
- ▶ modifies a provision relating to commission recommendations to the Legislature; and
- ▶ repeals a provision concerning staggering the terms of commission members in 1977 and a provision relating to commission reports.

S.B. 220 Tie Bids - Preference for In-state Commodities (Sen. D. Peterson)

This bill modifies the Utah Procurement Code to enact procedures for resolving tie bids.

This bill:

- ▶ provides definitions;
 - ▶ establishes statutory procedures for resolving tie bids under the Utah Procurement Code;
- ▶ requires that tie bids for contracts for the provision of commodities other than services or construction be awarded to a provider of state products if all other tied bidders are providers of out-of-state products and other conditions are met;
- ▶ permits the procurement officer to select one of several methods to make an award of a tie bid if the preference for a single provider of state products does not apply; and
- ▶ requires a state public procurement unit to keep a record of all tie bids and to provide a copy of the record to the attorney general for bids over a certain amount.

LOCAL GOVERNMENT

Counties

H.B. 29 Township Amendments (Rep. L. Christensen)

This bill modifies provisions relating to townships.

This bill:

- ▶ modifies the criteria that an unincorporated area is required to meet in order to be designated as a township so that an area declared to be a census designated place by the United States Census Bureau meets township requirements as an alternative to meeting other requirements relating to population or land area and value.

1st Sub. H.B. 57 County Officers Amendments (Rep. R. Menlove)

This bill modifies provisions relating to county officers.

This bill:

- ▶ extends a date by which counties must comply with a requirement to separate county offices that are prohibited from being consolidated; and
- ▶ authorizes counties that have adopted an ordinance separating county offices that are prohibited from consolidation to repeal that ordinance and requiring the publication of notice under certain circumstances.

1st Sub. S.B. 50 Jail Funding Amendments (Sen. D. Thomas)

This bill modifies code provisions regarding state reimbursement to county correctional facilities.

This bill:

- ▶ amends the definition of "core inmate incarceration costs" regarding state reimbursement of counties for housing prison inmates by including capital infrastructure depreciation.

S.B. 99 County Recorder Amendments (Sen. D. Thomas)

This bill modifies provisions relating to counties.

This bill:

- ▶ provides that a county recorder does not violate the law by placing certain information on a document;
- ▶ modifies provisions related to county recorder fees;
- ▶ requires a person's typed or printed name on a recorded document to appear just beneath the person's signature; and
- ▶ modifies a provision related to termination of a joint tenancy, tenancy by the entirety, life estate, or determinable or conditional interest to require an affidavit to be recorded in the county recorder's office in order to terminate the interest.

S.B. 100 County Officer Amendments (Sen. D. Thomas)

This bill modifies provisions relating to counties.

This bill:

- ▶ expands the duties of a county assessor that may be reassigned to the treasurer;
- ▶ clarifies that persons elected to fill a vacancy in a county office serve for the remainder of the unexpired term;
- ▶ changes the time frame for imposing a penalty for failure to appear and testify when requested by the county assessor from 30 days after the taxpayer's receipt of a certified notice to 30 days after mailing the notice; and
- ▶ requires the county assessor to impose a fee for certified mailing expenses associated with a notice to a property owner.

S.B. 101 County Assistance to Nonprofit Entities (Sen. D. Thomas)

This bill modifies provisions relating to counties' authority to provide services or assistance to or waive fees from nonprofit entities.

This bill:

- ▶ requires counties to receive fair and adequate consideration for services or assistance provided to or fees waived on behalf of a nonprofit entity, and defines what that consideration may be.

1st Sub. H.B. 274 Removal of County or Prosecution District Officer Amendments (Rep. S. Wyatt)

This bill modifies provisions relating to county or prosecution district officers.

This bill:

- ▶ provides that a county or prosecution district officer charged with a felony arising from official conduct is entitled to return to office if the charges are dismissed or the officer is

- acquitted but shall be removed from office if the officer is convicted of a felony or attempt to commit a felony arising from conduct related to the officer's official duties;
- ▶ provides that a conviction or plea of guilty or nolo contendere to a felony charge arising from official conduct constitutes malfeasance in office;
- ▶ provides that the removal process resulting from a conviction does not replace another statutory removal process; and
- ▶ eliminates a provision calling for county legislative body supervision of a person employed to discharge temporarily the duties of an officer on administrative leave.

S.B. 246 County Director of Personnel Management Amendments (Sen. T. Hatch)

This bill modifies provisions of the County Personnel Management Act.

This bill:

- ▶ modifies provisions relating to the selection of a county director of personnel management;
- ▶ provides an alternative method of selecting a county director of personnel management;
- ▶ authorizes a county executive to choose to appoint a director of personnel management, with the advice and consent of the county legislative body; and
- ▶ provides that the position of a director of personnel management chosen under the alternative method is a merit exempt position and that the director may be terminated by the county executive with the consent of the county legislative body.

S.B. 249 County Government Amendments (Sen. D. Peterson)

This bill modifies provisions relating to counties.

This bill:

- ▶ modifies provisions relating to a county legislative body's appointment of an attorney to represent the county legislative body;
- ▶ clarifies the form of government under which a county must be operating in order for the county executive in that county to appoint an attorney to represent the county executive;
- ▶ expands the scope of representation of an attorney appointed by a county legislative body to represent the county legislative body; and
- ▶ provides that an attorney appointed by a county legislative body to represent the county legislative body serves at the pleasure of the county legislative body and may not perform county or district attorney functions, with exceptions.

Land Use

1st Sub. H.B. 132 Local Land Use Requirements (Rep. M. Morley)

This bill modifies provisions relating to local government land use and impact fees.

This bill:

- ▶ adds a definition for "land use permit";
- ▶ prohibits counties and municipalities from imposing a requirement on a holder of a land use permit unless that requirement is in the permit, the documents on which the permit is based, statute, or local ordinance;
- ▶ modifies the requirements to which a land use application must conform to entitle the applicant to approval; and
- ▶ prohibits counties and municipalities from withholding issuance of a certificate of occupancy because of an applicant's failure to comply with certain unexpressed requirements.

2nd Sub. H.B. 172 Local Land Use Provisions Relating to Schools (Rep. J. Ferrin)

This bill modifies county and municipal land use provisions applicable to schools and charter schools.

This bill:

- ▶ prohibits counties and municipalities from requiring school districts and charter schools to participate in the cost of a study on the impact of a school on certain roads and sidewalks;

- ▶ clarifies that the standards that a county and municipality are authorized to impose on a charter school must be objective and not subjective;
- ▶ provides that the only basis on which a county or municipality may deny or withhold approval of a charter school's land use application is the failure to comply with those objective standards;
- ▶ clarifies that a charter school's obligation to comply with applicable building and safety codes is not affected by the provision on denial or withholding approval of a charter school;
- ▶ establishes a procedure for a charter school to obtain a certificate authorizing permanent occupancy of a school from the state superintendent of public instruction or an authorized school district official;
- ▶ requires a school district and a charter school to provide on a monthly basis copies of inspection certificates to the state superintendent of public instruction if the school district or charter school uses an independent building inspector;
- ▶ provides that a certificate authorizing permanent occupancy of a school building from the state superintendent of public instruction or authorized school district official satisfies any county or municipal requirements for inspection or a certificate of occupancy; and
- ▶ authorizes the state superintendent of public instruction to charge a fee for an inspection required to issue a certificate authorizing permanent occupancy.

H.B. 241 Industrial Protection Act (Rep. R. Menlove)

This bill authorizes the establishment of industrial protection areas.

This bill:

- ▶ modifies provisions applicable to agriculture protection areas to allow industrial areas to follow the same procedures for becoming an industrial protection area and, once formed, to have the same legal protections as an agriculture protection area; and
- ▶ modifies notice provisions applicable to proposed agriculture protection areas and industrial protection areas.

1st Sub. S.B. 127 Vacating or Changing a Subdivision Plat (Sen. P. Knudson)

This bill modifies county and municipal provisions relating to land use and development.

This bill:

- ▶ modifies the definition of "subdivision" to exclude recorded agreements between owners of adjoining subdivided properties adjusting their mutual boundary;
- ▶ modifies the conditions upon which a land use authority is required to approve an exchange of title;
- ▶ modifies the process for vacating or altering a street or alley described in a subdivision plat;
- ▶ eliminates a requirement that a public hearing be held under certain circumstances;
- ▶ authorizes a land use authority to consider an owner's land use application to join two or more contiguous, residential lots;
- ▶ eliminates a requirement for notice before planning commission consideration for a petition that lacks the consent of all property owners;
- ▶ requires a conveyance of title to be recorded after an exchange of title is approved;
- ▶ eliminates a provision requiring land use authority consideration of a petition to vacate or change a plat within a certain time;
- ▶ modifies the method for expressing approval of a vacation, alteration, or amendment of a subdivision plat;
- ▶ requires a land use authority to make a recommendation concerning a request to vacate or alter a street or alley; and
- ▶ requires the chief executive officer to hold a public hearing concerning a request to vacate or alter a street or alley and to determine whether good cause exists for the vacation or alteration.

1st Sub. S.B. 267 Changes to Local Government Provisions (Sen. L. A. Mansell)

This bill modifies provisions related to counties, municipalities, and special districts.

This bill:

- ▶ modifies the definition of "affected entity";
- ▶ expands requirements imposed on counties and municipalities with respect to notice and information to be provided to applicants submitting a land use application;
- ▶ allows an applicant to waive a county's or municipality's failure to comply with certain requirements;
- ▶ requires counties and municipalities to process and render a decision on land use applications with reasonable diligence;
- ▶ expands the definition of "public safety facility" for impact fee purposes to include certain fire suppression equipment;
- ▶ provides that a local political subdivision may impose an impact fee for a public safety facility that is a fire suppression vehicle in commercial areas only;
- ▶ modifies annual financial report requirements for counties, municipalities, and special districts with respect to impact fees; and
- ▶ imposes requirements and limitations on counties and municipalities in calculating an impact fee.

**Redevelopment Agencies
(soon to be called Community Development and Renewal Agencies)**

2nd Sub. S.B. 196 Revisions to Redevelopment Agency Provisions (Sen. C. Bramble)

This bill modifies and reorganizes provisions relating to redevelopment agencies.

This bill:

- ▶ rewrites and reorganizes redevelopment agency provisions and repeals and amends existing provisions, repeals some provisions, and enacts some provisions;
- ▶ changes terminology from redevelopment agency to community development and renewal agency and from redevelopment to urban renewal;
- ▶ eliminates education housing development as one of the types of projects that an agency may undertake;
- ▶ authorizes agencies to undertake community development;
- ▶ modifies some definitions and adds new definitions that are applicable to community development and renewal agencies;
- ▶ provides that actions taken under community development and renewal statutory provisions are not subject to land use statutory provisions;
- ▶ authorizes an agency to change its name;
- ▶ authorizes a county, city, or town to authorize an agency to conduct activities in a project area that includes an area within the boundaries of the county, city, or town;
- ▶ eliminates a notice requirement before a public entity may become obligated to make required improvements in connection with a project area plan;
- ▶ clarifies that a public entity's grant or contribution of funds to an agency is not subject to provisions relating to municipal appropriations and acquisitions and disposals of property;
- ▶ modifies publication of notice requirements relating to the sale or other disposition of agency property;
- ▶ authorizes agencies to receive and use sales tax from other taxing entities, in addition to tax increment;
- ▶ authorizes an agency undertaking a community development project to negotiate with other taxing entities and to receive tax increment and sales tax revenues from those other entities as those other entities agree;
- ▶ modifies the applicability of a requirement to create a taxing entity committee so that it applies only to urban renewal and economic development projects;
- ▶ modifies the number of taxing entity committee members needed for the committee to take action;

- ▶ authorizes an agency to call a meeting of the taxing entity committee and imposes requirements on the notice that must be sent to do so;
- ▶ prohibits a taxing entity committee from voting on a proposed urban renewal or economic development budget or budget amendment at the first meeting to consider the budget or amendment unless all members present consent;
- ▶ prohibits a second meeting on a budget or budget amendment from being within a certain number of days after the first meeting;
- ▶ requires a taxing entity committee to meet annually;
- ▶ replaces the county assessor with the county auditor in a provision requiring a written report to the taxing entity committee;
- ▶ enacts language allowing additional tax increment to be used under a pre-July 1, 1993 project area plan for a convention center or sports complex if construction of the center or complex has begun before June 30, 2002;
- ▶ provides that an agency may, in a budget adopted after the effective date of this bill, provide for the agency to be paid any amount of tax increment and for any period of time, subject to taxing entity committee approval;
- ▶ modifies limitations on the use of tax increment involving the development of retail sales;
- ▶ provides for the permissible uses of sales tax received by an agency;
- ▶ modifies a prohibition against using tax increment for a stadium or arena;
- ▶ modifies a provision allowing an agency to pay agency funds to other taxing entities to allow a taxing entity to withhold its portion of tax increment used to pay other taxing entities if the agency does not pay all taxing entities proportionally equal amounts;
- ▶ requires the value of property with respect to which a taxing entity receives taxes or increased taxes for the first time to be counted as new growth;
- ▶ repeals provisions relating to relocation plans for families and persons displaced from a project area;
- ▶ shortens the time for a person to contest a project area plan or budget;
- ▶ eliminates a provision prohibiting implementation of a project area plan after three years unless the plan is readopted;
- ▶ modifies provisions relating to a challenge of a finding of blight;
- ▶ modifies provisions relating to an amendment of a project area plan;
- ▶ narrows a provision prohibiting the adoption of a budget that exceeds certain limits to apply to only urban renewal projects;
- ▶ modifies a provision relating to the waiver of a requirement that a percentage of tax increment funds be used for housing;
- ▶ modifies a provision defining blight;
- ▶ modifies the requirements applicable to a blight study;
- ▶ modifies the standards that apply to a district court review of a finding of blight;
- ▶ modifies the hearings required for an urban renewal and economic development project;
- ▶ modifies the class of property owners to which notice is required to be given;
- ▶ modifies provisions relating to notice that an agency is required to provide;
- ▶ establishes separate provisions for urban renewal, economic development, and community development with respect to plan adoption, requirements, and amendments;
- ▶ repeals provisions relating to property owner participation in development in a project area;
- ▶ repeals a provision limiting the size of a project area;
- ▶ repeals a provision requiring the preparation of a statement of property owner rights; and
- ▶ repeals a provision prohibiting an agency from acquiring property on which an existing building is to be continued on its present site and in its present form unless certain conditions are met.

S.B. 245 *Redevelopment Agency Amendments (Sen. C. Bramble)*

This bill modifies provisions relating to redevelopment agencies.

This bill:

- ▶ adds a definition of "inactive industrial site";

- ▶ modifies requirements applicable to a project area plan;
- ▶ modifies a provision imposing a size restriction on project areas to make an exception for areas that include an inactive industrial site;
- ▶ excludes inactive industrial sites from the calculation of combined incremental value for purposes of a provision prohibiting the adoption of a project area plan if a limit on combined incremental value is exceeded; and
- ▶ makes the presence of an inactive industrial site in a project area an alternative to finding blight for purposes of a redevelopment project.

Special Districts

1st Sub. H.B. 6 Utility Improvement Districts Revisions (Rep. D. Ure)

This bill modifies provisions related to improvement districts for the conversion of overhead utilities to underground.

This bill:

- ▶ modifies provisions related to how an assessment on property for the underground conversion of overhead utilities is to be calculated;
- ▶ modifies the requirements for notice of a proposed improvement district and assessment;
- ▶ modifies provisions relating to the underground conversion of overhead utilities to include:
 - a requirement that the governing body provide notice to property owners that underground service is available and of the requirement to convert the owner's existing electric and communications facilities to underground;
 - the consequence of an owner's failure to convert overhead facilities to underground; and
 - the assessment of costs and expenses of the conversion against the property;
- ▶ modifies a provision relating to notice of the levy of an assessment for converting overhead utility facilities to underground;
- ▶ modifies the type of easement that is created upon the failure to convert overhead utility facilities within the required time; and
- ▶ provides that a construction easement terminates once the conversion of overhead utility facilities to underground is completed.

2nd Sub. H.B. 44 Local Government Amendments (Rep. B. Dee)

This bill modifies provisions relating to local governments.

This bill:

- ▶ expands the reach of the Local Government Bonding Act so that the act applies to additional independent special districts and to local districts;
- ▶ modifies definitions in the Local Government Bonding Act;
- ▶ adds to the Local Government Bonding Act a provision that:
 - authorizes a local political subdivision to require bonds to recite that they comply with applicable law; and
 - makes bonds incontestible if they contain that recital;
- ▶ modifies provisions that validates bonds and tax anticipation obligations and proceedings relating to them;
- ▶ adds a provision authorizing a newly created local political subdivision to issue tax and revenue anticipation notes or bonds;
- ▶ adds to the Local Government Bonding Act a provision that makes bonds legal investments for various funds, allows funds to be invested in or loaned upon the security of local political subdivision bonds, and allows bonds of a local political subdivision to be used as security for the faithful performance on execution of a court or private trust or other act;
- ▶ expands the reach of a provision under which an independent special district may be conclusively presumed to have been lawfully created and existing to apply to all independent special districts rather than those created after May 4, 1999;

- ▶ modifies the bonding authority of cemetery maintenance districts;
- ▶ modifies county service area provisions related to bonding;
- ▶ authorizes mosquito abatement districts to issue notes and bonds, subject to a debt limit;
- ▶ modifies provisions applicable to administrative control boards of special service districts;
- ▶ eliminates independent special districts provisions made redundant and superfluous because of changes in this bill to the Local Government Bonding Act; and
- ▶ modifies provisions relating to the issuance of bonds by a municipal building authority.

S.B. 111 Water Conservancy District Amendments (Sen. T. Hatch)

This bill modifies provisions related to tax levies imposed by water conservancy districts.

This bill:

- ▶ modifies the time that triggers a water conservancy district's ability to impose a higher tax levy; and
- ▶ modifies a provision that allows a water conservancy district to increase its tax rate so that it applies to districts that contain land located within the Lower Colorado River Basin instead of just districts served by water apportioned by the Colorado River Compact to the Lower Basin.

Taxation

3rd Sub. H.B. 55 Property Tax - Circuit Breaker Qualifying Limits (Rep. W. Harper)

This bill increases the homeowner's credit amounts and increases the household income qualifying limits for both the homeowner's credit and the renter's credit.

This bill:

- ▶ modifies the definition of a claimant to increase the age at which a claimant may qualify for a homeowner's or renter's credit;
- ▶ increases the homeowner credit amounts that a claimant may claim;
- ▶ increases the household income qualifying limits for the homeowner's credit; and
- ▶ increases the household income qualifying limits for the renter's credit.

2nd Sub. H.B. 309 Municipal Energy Sales and Use Tax Amendments (Rep. G. Hughes)

This bill modifies provisions of the Municipal Energy Sales and Use Tax Act.

This bill:

- ▶ enacts definitions;
- ▶ enacts provisions relating to a reduction in the municipal energy sales and use tax on the sale or use of natural gas;
- ▶ requires a reduction in the amount of the natural gas portion of the municipal energy sales and use tax revenues paid to municipalities in December 2006 and December 2007 in an amount equal to the amount by which sales tax revenues exceed the amount of the previous year's revenues plus 10%;
- ▶ requires gas suppliers to reduce the municipal energy sales and use tax rate in December 2006 and December 2007 to offset the reduction in the natural gas portion of the municipal energy sales and use tax revenues to municipalities; and
- ▶ enacts provisions related to the process for accomplishing those reductions.

2nd Sub. H.B. 338 Property Tax Exemption for Business Personal Property (Rep. J. Dougall)

This bill amends the Property Tax Act relating to exemptions for certain personal property from assessment and taxation.

This bill:

- ▶ exempts certain personal property of a taxpayer if the tangible personal property has a total value of \$3,500 or less;
- ▶ gives the State Tax Commission rulemaking authority; and
- ▶ makes technical changes.

2nd Sub. H.J.R. 1 Resolution Regarding Property Tax on Personal Property (Rep. J. Dougall)

This joint resolution of the Legislature proposes to amend the Utah Constitution to revise provisions relating to the taxation of personal property.

This resolution proposes to amend the Utah Constitution to:

- ▶ authorize the Legislature to provide a property tax exemption for tangible personal property that would generate an inconsequential amount of revenue.

1st Sub. S.B. 35 Local Option Sales and Use Tax Distribution Amendments (Sen. G. Bell)

This bill amends the Local Sales and Use Tax Act to address distributions of sales and use tax revenues to counties, cities, and towns.

This bill:

- ▶ provides definitions; and
- ▶ addresses the minimum amount of sales and use tax certain counties, cities, or towns shall receive for purposes of the 1% local option sales and use tax.

Miscellaneous

H.B. 207 Inherent Risks of Participating in Recreational Activities on Property Owned by Local Government (Rep. D. Bowman)

This bill amends a provision relating to the inherent risks of participating in recreational activities on property owned by a county or municipality.

This bill:

- ▶ adds ice skating and fishing to the definition of recreational activities in a provision prohibiting a person from making a claim for a personal injury or property damage resulting from the inherent risks of participating in the recreational activity on property owned by a county or municipality;
- ▶ expands the definition of recreational activities; and
- ▶ extends to independent special districts the protection from liability that counties and municipalities have for claims resulting from inherent risks of certain recreational activities.

H.B. 250 Local Governments Restrictions on Limiting Certain Fees (Rep. G. Hughes)

This bill modifies a provision relating to local government control on rents.

This bill:

- ▶ prohibits counties, cities, and towns from imposing controls on fees on private residential property.

H.B. 383 Vehicles Used for Agricultural Purposes (Rep. K. Gibson)

This bill enacts provisions relating to the use of implements of husbandry.

This bill:

- ▶ provides that counties and municipalities may not prohibit or punish the tracking of dirt, mud, or other debris onto roads resulting from the operation of implements of husbandry if the operation is consistent with accepted agricultural practices.

H.B. 423 Limitation on Local Highway Authorities (Rep. W. Harper)

This bill modifies the Motor Vehicles Code by prohibiting a local highway authority from enacting certain provisions.

This bill:

- ▶ provides that a local highway authority may not prohibit or restrict the use of a cellular phone by the operator or passenger of a motor vehicle.

1st Sub. H.B. 446 Surplus Lands Amendments (Rep. M. Walker)

This bill enacts provisions relating to the sale and purchase of school district surplus lands.

This bill:

- ▶ enacts provisions allowing certain counties and municipalities to purchase lands declared to be surplus by a school district;
- ▶ establishes a process for the purchase of those surplus lands;
- ▶ requires that surplus lands purchased as provided in this bill shall be used only for certain purposes;
- ▶ requires school districts that sell surplus property under this bill to place the sale proceeds in a capital facilities fund to be used only for capital facilities or bond debt reduction; and
- ▶ authorizes the original seller of surplus land to reacquire the land if the acquiring entity later declares the land to be surplus property.

1st Sub. S.B. 35 Local Option Sales and Use Tax Distribution Amendments (Sen. G. Bell)

This bill amends the Local Sales and Use Tax Act to address distributions of sales and use tax revenues to counties, cities, and towns.

This bill:

- ▶ provides definitions; and
- ▶ addresses the minimum amount of sales and use tax certain counties, cities, or towns shall receive for purposes of the 1% local option sales and use tax.

S.B. 229 Civil Service Commissions (Sen. S. Jenkins)

This bill modifies a provision relating to municipal civil service commissions.

This bill:

- ▶ eliminates a prohibition against the dissolution of a civil service commission by a city that established the commission before a certain date and authorizes the dissolution.