

## SELECTED HIGHLIGHTS of the 2010 General Session

*This document was prepared by the Office of Legislative Research and General Counsel.  
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

### Appropriations

HB 2 Fiscal Year 2010 and Fiscal Year 2011 Supplemental Appropriations

Bigelow, R.

This bill supplements or reduces appropriations previously provided for the use and support of state government for the fiscal years beginning July 1, 2009 and ending June 30, 2010 and beginning July 1, 2010 and ending June 30, 2011.

- provides appropriations for the use and support of certain state agencies;
- provides appropriations for the use and support of certain institutions of higher education;
- provides appropriations for other purposes as described;
- provides intent language;
- approves employment levels for internal service funds;
- approves capital acquisition amounts for internal service funds;
- authorizes rates and fees.

HB 3 Appropriations Adjustments

Bigelow, R.

This bill supplements or reduces appropriations previously provided for the use and support of state government for the fiscal years beginning July 1, 2009 and ending June 30, 2010 and beginning July 1, 2010 and ending June 30, 2011.

- provides budget increases and decreases for the use and support of certain state agencies;
- provides budget increases and decreases for the use and support of certain institutions of higher education;
- provides funds for the bills with fiscal impact passed in the 2010 General Session;
- provides budget increases and decreases for other purposes as described;
- approves capital acquisition amounts for internal service funds;
- authorizes rates and fees;
- provides intent language.

SB 1 State Agency and Higher Education Base Budget

Hillyard, L.

State Agency and Higher Education Base Budget

- provides appropriations for the use and support of certain state agencies;
- provides appropriations for the use and support of certain institutions of higher education;
- provides appropriations for other purposes as described;
- approves employment levels for internal service funds;
- approves capital acquisition amounts for internal service funds.

SB 3 Current Fiscal Year Supplemental Appropriations

Hillyard, L.

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

- provides budget increases and decreases for the use and support of certain state agencies;
- provides budget increases and decreases for the use and support of certain institutions of higher education;
- provides budget increases and decreases for other purposes as described.

SB 282 Capital Facilities Appropriations

Bramble, C.

This bill appropriates money for capital facilities.

- appropriates money for capital facilities.

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### **Bonds**

#### HB 5 Revenue Bond and Capital Facilities Authorizations

Clark, S.

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds, to build capital facilities using agency, institutional, or donated funds, to sell, lease, or dispose of property, or to use donations to prepare preliminary proposals.

- authorizes the issuance of revenue bonds by the State Board of Regents;
- authorizes other capital facility design and construction to be funded from agency, institutional, or donated funds;
- authorizes the University of Utah to use donations to prepare preliminary plans for a dental school, subject to certain restrictions; and
- authorizes the sale, lease, or disposal of certain state real property and certain interests in real property.

#### SB 280 2010 General Obligation Bond Authorization

Hillyard, L.

This bill authorizes the issuance of general obligation bonds for certain capital facilities and modifies the terms for issuing bonds on existing capital improvement projects.

- modifies existing language and dollar amounts on authorized costs and authorization caps to comply with current language and funding practices;
- removes the prerequisites for issuing and selling general obligation bonds for the Utah State University Agricultural Science Classroom Building capital facility project;
- modifies the bonding code by authorizing the issuance and sale of general obligation bonds by the State Building Commission for capital facilities;
- specifies the use of the general obligation bond proceeds and the manner of issuance; and
- provides expressions of legislative intent.

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### Business

- HB 45            State Construction Code Adoption Morley, M.  
This bill adopts the State Construction Code in accordance with the Utah Uniform Building Standards Act.  
• includes general provisions; and  
• adopts the State Construction Code.
- HB 181            Condominium Association Common Expenses Moss, C.  
This bill modifies a provision of the Condominium Ownership Act relating to common expenses.  
• includes rules adopted by the condominium association management committee among the documents that may authorize the management committee to terminate certain services of an owner who has failed to pay an assessment.
- HB 183            Construction and Fire Code Related Amendments Morley, M.  
This bill modifies the Utah Fire Prevention and Safety Act and Utah Uniform Building Standards Act to address the process for adopting and modifying a state construction code or state fire code.  
• clarifies the enforcement of the state fire code;  
• addresses the adoption and amendment process for a state fire code;  
• addresses local authority to adopt fire code standards;  
• provides for the creation of a joint peer advisory committee;  
• addresses the adoption and amendment process for a state construction code;  
• provides for funding of education related to codes being considered; and  
• makes technical and conforming changes.
- HB 208            Disposition of the Remains of a Deceased Military Service Member Seelig, J.  
This bill amends a provision of the Funeral Services Licensing Act dealing with the disposition of the remains of deceased persons.  
• provides that a person designated in a federal Record of Emergency Data, DD Form 93 or subsequent form by a service member while serving in a branch of the United States Armed Forces as defined in 10 U.S.C. Sec. 1481 is a first priority person in determining the disposition of the remains of the military service member upon the service member's death; and  
• makes certain technical changes.
- HB 308            State Fire Code Adoption Kiser, T.  
This bill adopts the State Fire Code in accordance with the Utah Fire Prevention and Safety Act.  
• includes general provisions; and  
• adopts the State Fire Code.
- SB 11            Utah State-made Firearms Protection Act Dayton, M.  
This bill addresses the manufacture of firearms within the state for in-state use.  
• addresses the legal status of a firearm manufactured in the state for use within the state;  
• defines terms;  
• provides that a firearm or one of various firearm-related items manufactured in the state for in-state use is not subject to federal firearms laws and regulations;  
• exempts from in-state manufacturing some firearms and ammunition; and  
• requires certain markings on a firearm manufactured in the state for use within the state.
- SB 161            Real Property Transfer Fee Amendments Madsen, M.  
This bill enacts a provision relating to fees associated with the transfer of real property.  
• declares certain covenants, restrictions, agreements, and other instruments and documents that obligate a future buyer or seller to make a payment upon the transfer of real property to be void and unenforceable;  
• provides for reinvestment fee covenants by common interest associations;  
• requires a notice to be filed for a prior transfer fee covenant and for reinvestment fee covenants; and  
• provides limits on the enforcement of a reinvestment fee covenant.

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SB 167 Alcoholic Beverage Control Act Recodification

Valentine, J.

This bill recodifies the Alcoholic Beverage Control Act and updates language related to the regulation of an alcoholic product.

- repeals Title 32A, Alcoholic Beverage Control Act, and replaces it with Title 32B, Alcoholic Beverage Control Act, including:
  - modifying terminology and inconsistency in use of terms;
  - removing outdated language;
  - addressing a business license and written consent;
  - clarifying that disciplinary action can be taken if certain actions are taken with a record required to be made or maintained under the title;
  - removing requirements related to posting bonds;
  - permitting a commissioner to serve until a successor is appointed with the consent of the Senate;
  - addressing commission duties including that the commission by rule may establish different types of package agencies;
  - clarifying the posting of bonds related to a package agency;
  - clarifying penalties that may be imposed by the commission against a person subject to administrative action;
  - addressing department duties, including when the department may make a claim against a bond;
  - clarifying the department's authority to require purchases to be made in cash by persons who have payed with a dishonored check;
  - clarifying when a violation of commission rules is not a criminal offense;
  - clarifying that if an applicant for a license or permit is a government entity, it may be exempted from certain requirements;
  - renaming certain licenses and permits;
  - removing certain price and posting requirements for an event permit; and
  - removing the health care facility use permit; and
- makes technical and conforming amendments.

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### **Economic Development**

HB 24 Economic Development Incentives Act Amendments

Wallis, C. B.

This bill modifies provisions of the Economic Development Incentives Act related to significant capital investment and requirements for receiving a tax credit under the act.

- defines "significant capital investment" for purposes of the Economic Development Incentives Act to be an amount of at least \$10,000,000 to purchase a capital asset or fixed asset; and
- requires an applicant for a tax credit under the act to provide the Governor's Office of Economic Development with documentation that it has satisfied the performance benchmarks required under the act, including significant capital investment, the creation of high paying jobs, significant purchases from Utah vendors or providers, or any combination of these economic factors.

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### Education

#### HB 166 Reductions to Education Mandates

Dougall, J.

This bill amends provisions related to public school funding, administration, and reporting requirements.

- exempts school districts and charter schools from the requirement to administer the tenth grade basic skills competency test for two years;
- requires the State Board of Education to prepare and present a pilot program to replace the tenth grade basic skills competency test with computer adaptive testing and administration of the ACT exam for two years;
- modifies the requirements to obtain a basic high school diploma for two years;
- exempts a local school board from the requirement to develop and administer certain activity disclosure statements for two years;
- exempts a school district from certain requirements related to the disposal of textbooks for two years;
- exempts a local school board from the requirement to prepare and present an annual presentation on adoption for two years;
- exempts a school district from certain requirements related to an independent evaluation of the purchasing of instructional materials for two years;
- eliminates the requirement to administer criterion-referenced tests for students in the second grade;
- exempts the State Board of Education and public schools from complying with certain school performance reporting requirements for two years;
- requires the State Board of Education to review mandates or requirements in board rule to determine if certain mandates could be temporarily waived;
- amends provisions related to the transportation levy; and
- makes technical changes.

#### HB 295 Expanded Uses of School District Property Tax Revenue

Sumsion, K.

This bill amends provisions related to certain uses of school district property tax revenue.

- allows local school boards to use revenue collected from certain capital property tax levies for certain general fund purposes for fiscal years 2010-11 and 2011-12;
- requires a local school board to notify taxpayers of certain uses of property tax revenue; and
- makes technical changes.

#### SB 16 Utah Performance Assessment System for Students (u-pass) Amendments

Stephenson, H.

This bill modifies the Utah Performance Assessment System for Students (U-PASS) by allowing the use of online computer adaptive tests, extending a pilot assessment system, and eliminating certain tests.

- provides for the statewide assessment of students in grades 2-12 in basic skills courses using criterion-referenced tests or online computer adaptive tests, as determined by the State Board of Education;
- allows the State Board of Education to exempt a school district or charter school from one or more of the Utah Performance Assessment System for Students (U-PASS) testing requirements if the school district or charter school pilots an assessment system that incorporates certain assessments;
- eliminates a cap on the number of school districts and charter schools that may participate in a pilot assessment system;
- extends the pilot assessment systems through July 1, 2015;
- eliminates the requirement to administer a statewide norm-referenced test in grades 3, 5, and 8; and
- makes technical amendments.

#### SB 69 College of Eastern Utah Affiliation with Utah State University

Hinkins, D.

This bill establishes Utah State University-College of Eastern Utah as a comprehensive regional college of Utah State University.

- allows a comprehensive regional college to participate in the Public Employees' Benefit and Insurance Program's risk pools;
- changes the composition of Utah State University's Board of Trustees;
- changes the name of the College of Eastern Utah to Utah State University-College of Eastern Utah and establishes it as a comprehensive regional college of Utah State University, and includes provisions for:
  - campus locations;
  - a chancellor;
  - a regional advisory council; and
  - legal succession; and
- makes technical changes.

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SB 175 School District Capital Outlay Equalization Amendments

McAdams, B.

This bill amends provisions related to public education financing and certain school property tax provisions.

- allows local school boards to use revenue collected from certain capital property tax levies for certain general fund purposes for fiscal years 2010-11 and 2011-12;
- requires a local school board to notify taxpayers of certain uses of property tax revenue;
- requires a school district in a county of the first class that receives property tax revenue from a capital outlay levy equalization program to report to the Education Interim Committee each year;
- requires the Education Interim Committee to consider reports of receiving school districts when determining whether to reauthorize certain capital outlay levy equalization programs during a sunset review;
- sunsets certain capital outlay levy equalization programs at the end of 2016; and
- makes technical changes.

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### Ethics

HB 124 Campaign Funds Expenditure Restrictions Cosgrove, T.

This bill modifies the Campaign and Financial Reporting Requirements by amending provisions related to personal use of campaign monies.

- defines "personal use expenditure" and provides a list of authorized and prohibited uses of campaign funds;
- provides for enforcement and assessment of administrative penalties by the lieutenant governor;
- prohibits a candidate or an officeholder from using campaign contributions for a personal use expenditure; and
- makes technical changes.

HB 267 Lobbyist Disclosure and Regulation Act Amendments Garn, K.

This bill amends the Lobbyist Disclosure and Regulation Act related to an expenditure by a lobbyist, principal, or government officer for the benefit of a public official.

- requires the disclosure of an expenditure or aggregate daily expenditure greater than \$10;
- prohibits a lobbyist, principal, or government officer from making an expenditure greater than \$10, except for food, a beverage, travel, lodging, or attendance at a meeting or activity;
- repeals and amends definitions, including the definition of expenditure to exclude certain items or items under certain circumstances;
- amends the information a lobbyist files when registering;
- changes a lobbyist's filing fee from \$25 to \$100;
- requires a person to file a report electronically by the close of regular office hours;
- repeals a section establishing different reporting schedules; and
- makes technical changes.

HB 270 Financial Disclosure and Conflict of Interest Amendments Hughes, G.

This bill modifies and enacts provisions of the Utah Code that relate to financial disclosures and the declaration of conflicts of interest by certain public officeholders and candidates.

- requires candidates for the following offices to file a financial disclosure at the time of filing a declaration of candidacy:
  - governor, lieutenant governor, state auditor, state treasurer, and attorney general;
  - the Legislature; and
  - the State Board of Education;
- prohibits a filing officer from accepting a declaration of candidacy unless a financial disclosure has been filed;
- provides procedures and requirements for filing financial disclosures;
- requires a candidate's financial disclosure to be made publicly available:
  - at the filing officer's place of business; and
  - on the Statewide Electronic Voter Information Website administered by the lieutenant governor;
- modifies provisions of the criminal statute that regulates failure to disclose conflicts of interest;
- provides and modifies definitions;
- requires the following officeholders to file a financial disclosure at specified times:
  - governor, lieutenant governor, state auditor, state treasurer, and attorney general;
  - members of the Legislature; and
  - members of the State Board of Education;
- specifies what information the financial disclosure must contain;
- provides a criminal penalty if a regulated officeholder engages in an official action that constitutes a conflict of interest if:
  - the conflict of interest has not been provided on the financial disclosure; and
  - the officeholder fails to publicly declare a conflict of interest at the time of the action;
- requires conflicts of interest that are declared at the time of the action to be recorded on official records;
- requires blank financial disclosure forms to be available for regulated officeholders and the public;
- requires financial disclosures that are filed by officeholders to be made available:
  - on the Internet;
  - at the lieutenant governor's office, for executive branch officeholders; and
  - at the offices for the Senate or House of Representatives, for legislators; and
- makes technical changes.



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### HJR 14 Joint Rules Resolution on Financial Disclosures

Hughes, G.

This resolution modifies provisions of the Legislative Joint Rules relating to the declaration and disclosure of conflicts of interest and filing financial disclosures. This resolution:

- modifies and creates definitions;
- requires each legislator to file a financial disclosure form;
- provides filing deadlines and requirements for the form;
- specifies the content of the form;
- requires the form to be made available on the Internet and in legislative offices; and
- makes technical changes.

### HJR 15 Joint Resolution on Legislative Ethics Commission

Clark, D.

This joint resolution of the Legislature proposes to amend the Utah Constitution to establish a legislative ethics commission. This resolution proposes to amend the Utah Constitution to:

- establish a legislative ethics commission and define its authority; and
- authorize the Legislature to provide by rule for complaint filing procedures and requirements, for the qualifications, appointment, and terms of commission members, and for commission duties, powers, operations, and procedures.

### SB 136 Open and Public Meetings Revisions Related to Review of Ethics Complaints

Valentine, J.

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

- authorizes the Independent Legislative Ethics Commission to convene a closed meeting without first commencing an open meeting and voting to close the meeting if:
  - the purpose of the meeting is to conduct business relating to the receipt or review of an ethics complaint; and
  - it provides advance public notice of the closed meeting;
- provides that an ethics committee of the Legislature may close a meeting by a majority vote of the members present if the committee is meeting for the purpose of reviewing an ethics complaint and the meeting is closed for the purpose of:
  - conducting deliberations to reach a decision on an ethics complaint; or
  - seeking legal advice on legal, evidentiary, or procedural matters; and
- makes technical changes.

### SB 138 Grama Revisions Related to Review of Ethics Complaints

Valentine, J.

This bill modifies provisions of the Government Records Access and Management Act that relate to classification of records associated with the review of legislative ethics complaints.

- provides private status to certain records of the Independent Legislative Ethics Commission;
- requires the commission's summary data report to be public;
- provides that only records related to review of ethics complaints may be classified as private by a legislative ethics committee, unless those documents are classified as public under legislative rule; and
- makes technical changes.

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SJR 3 Joint Resolution on Ethics Complaint Procedures

Valentine, J.

This bill modifies the joint legislative rules that govern the receipt and review of an ethics complaint against a legislator. This resolution:

- establishes an Independent Legislative Ethics Commission;
- establishes membership for the commission;
- provides qualifications for membership;
- provides term periods and replacement procedures for a member of the commission;
- provides for the resignation, removal, or recusal of a member of the commission;
- provides per diem for commission members;
- provides procedures for calling a meeting of the commission;
- requires the commission to prepare a public summary data report on an annual basis and requires that the report be submitted to a committee of the Legislature;
- provides for an independent staff to assist the commission;
- specifies the grounds upon which an ethics complaint may be filed against a legislator;
- provides certain time and jurisdiction limitations on filing an ethics complaint;
- establishes a general outline of hearing procedures for reviewing an ethics complaint;
- provides the chair of the commission or an ethics committee with the authority to direct proceedings and make rulings;
- permits a majority of the commission or committee to overrule certain decisions of the chair;
- provides subpoena powers to the commission and committees;
- provides procedures for issuing a subpoena;
- defines actions that constitute contempt of the Legislature in relation to procedures established under these rules;
- provides procedures for enforcing findings of contempt of the Legislature;
- provides general procedures for the examination of a witness;
- establishes permitted and restricted communications by commission and committee members during the period that an ethics complaint is under review;
- establishes rules that govern the payment of attorney fees and costs;
- establishes conduct requirements for an attorney appearing before the commission or a committee;
- provides procedures for filing an ethics complaint, including:
  - who may file a complaint;
  - restrictions on dates for filing a complaint;
  - the form of the complaint; and
  - information required to be included in the complaint;
- prohibits any person from disclosing the existence or contents of an ethics complaint while the commission is reviewing the complaint with certain exceptions;
- requires a complaint to be filed with the Senate or House Ethics Committee;
- changes the title of an ethics committee cochair to vice chair;
- modifies provisions for the recusal of an ethics committee member;
- requires the chair and vice chair of the committee to review the complaint for technical compliance with filing rules;
- requires a new complaint to be filed if the original complaint fails to meet filing requirements;
- requires the chair and vice chair of an ethics committee to forward a complaint that meets the filing requirements to the Independent Legislative Ethics Commission;
- provides that the commission shall conduct the original review of each ethics complaint;
- provides that commission meetings and hearings shall be closed to the public;
- permits the commission or an ethics committee to dismiss allegations that have previously been heard by the commission or an ethics committee;
- provides procedures for the commission to schedule a meeting to review an ethics complaint;
- permits the accused legislator, referred to as the respondent, to file a response to the complaint;
- establishes procedures and requirements for filing a response;
- permits the commission to hold meetings on preliminary matters in relation to a complaint before holding the formal review of the complaint;
- provides that the scope of the committee's authority is limited to review of those allegations contained in the complaint;
- provides procedures for the commission's review of the complaint;
- permits the commission to consult on certain issues with commission staff outside of the presence of parties and their counsel;
- prohibits third party recording of commission meetings, except under limited circumstances;
- requires that all portions of the commission's meetings be recorded;
- provides procedures for storing a record of commission meetings;
- provides that recordings and records of commission meetings are to be classified as private records under the Government Records Access and Management Act;
- provides procedures for the commission's deliberations when reviewing an ethics complaint;
- provides standards of evidence and voting procedures to be used by the commission in determining whether each allegation in a complaint is proved or not proved;
- requires the commission to dismiss allegations that are not found to be proved;

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- if one or more allegation is found to be proved, requires the commission to:
  - refer the proved allegations to the Senate Ethics Committee or the House Ethics Committee; and
  - prepare a recommendation, a modified complaint, and a modified response for public release and submission to the ethics committee for review;
- provides procedures for the ethics committee's review of allegations submitted by the commission;
- provides that committee meetings for review of the allegations submitted by the commission are subject to the Open and Public Meetings Act;
- permits the committee to close the meeting for discussion of certain matters;
- prohibits third party recording of committee meetings, except under limited circumstances;
- requires that all portions of the committee's meetings be recorded;
- provides procedures for storing a record of committee meetings;
- provides procedures for the committee's deliberations;
- provides standards of evidence and voting procedures to be used by a committee in determining whether each allegation referred to the committee by the commission is proved or not proved;
- requires a committee to dismiss allegations that are not found to be proved;
- requires a committee to publicly issue a finding and order on the allegations;
- if one or more allegation is found to be proved, requires the committee to:
  - vote on a recommended consequence for the violation, including censure, expulsion, or denial of any of the respondent's rights or privileges; and
  - refer the finding and order to the membership of the House or Senate; and
- makes technical changes.

SJR 19 Joint Rules Resolution on Ethics Complaints

Valentine, J.

This bill modifies provisions of the joint legislative rules that govern the receipt and review of ethics complaints. This resolution:

- provides procedures for the submission and technical review of legislative ethics complaints and their compliance with form and content requirements;
- provides that allegations that have been previously heard by the commission or an ethics committee may be dismissed by the Independent Legislative Ethics Commission at the time of the chair's initial review of the complaint for technical compliance or during review of the complaint by the commission;
- requires that ethics complaints be filed with the Independent Legislative Ethics Commission rather than the chair and vice-chair of the Senate or House legislative ethics committee; and
- provides that the chair of the Independent Legislative Ethics Commission performs the review of an ethics complaint for technical compliance rather than the chair and vice-chair of the Senate or House legislative ethics committee;
- requires the chair of the commission to provide notice of a filing of an ethics complaint to the Speaker of the House of Representatives or the President of the Senate and to the chair and vice-chair of the House or Senate legislative ethics committee, but requires that the filing remain confidential until publicly disclosed by the commission; and
- makes technical changes.

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### Government Operations (State Issues)

HB 140 Human Resource Management Amendments

Dee, B.

This bill modifies the Utah State Personnel Management Act by amending state employee compensation pay plan provisions and employee grievance procedures and by replacing the Career Service Review Board.

- amends certain definitions;
- amends vacant position report provisions for the Department of Human Resource Management's executive director;
- repeals a requirement that an agency obtain field office approval for appointments to vacant positions;
- adds the attorney general or designee to the human resource management rate committee;
- requires that costs incurred by the attorney general to defend state employee grievances be submitted to the rate committee in the proposed fee schedule;
- repeals steps within pay ranges for state career service employees in the state employee compensation plans;
- repeals provisions requiring the most recently earned sick leave to be used first;
- provides that continuing medical and life insurance benefits provided at the time of retirement:
  - may not be suspended or deferred for future use; and
  - continues in effect until exhausted;
- prohibits an employer participating in certain benefit programs from providing certain benefits to a person reemployed after retirement;
- amends and consolidates classification schedules for state employees;
- amends provisions for salary increases based on employee longevity and promotion;
- replaces the Career Service Review Board with the Career Service Review Office and provides that the office is the final administrative body to review certain employee grievances;
- provides for the appointment, qualifications, powers, and duties of the administrator of the office;
- provides that the administrator has rulemaking authority;
- amends employee grievance procedures;
- amends the burden of proof for certain grievances;
- prohibits an employee from making certain dispositive motions and certain motions for discovery in a formal adjudicative proceeding on a grievance; and
- makes technical changes.

HB 324 Public Lands Litigation

Sumsion, K.

This bill amends and enacts provisions related to actions filed by the attorney general on property possessed by the federal government and the appropriation of funds for those actions.

- appropriates money from the Land Exchange Distribution Account to the Constitutional Defense Restricted Account for legal services and just compensation for property taken;
- directs the attorney general to file certain eminent domain or quiet title actions on property possessed by the federal government;
- authorizes the attorney general to file an action to enforce a section of the Utah Enabling Act; and
- makes technical changes.

SB 119 Special Elections Modifications

Stephenson, H.

This bill provides certain limitations on local special elections called by a local political subdivision.

- prohibits a local political subdivision from holding a local special election for a bond, levy, leeway, or sales tax issue without at least two-thirds of all members of the local legislative body calling the local special election; and
- makes technical changes.

SB 275 Removing Signature from Initiative and Referendum Petition

Stephenson, H.

This bill modifies the Election Code by amending provisions related to removing signatures from a statewide initiative and referendum petition.

- repeals the requirement that a voter must submit a notarized statement to the county clerk to have the voter's signature removed from a statewide initiative or referendum petition;
- provides that to remove a voter's name from a statewide initiative or referendum petition, a voter shall sign a statement requesting removal, which includes the voter's address and identification information;
- requires a county clerk to deliver to the lieutenant governor a voter statement requesting removal of a voter's name from a statewide initiative or referendum petition;
- provides that the lieutenant governor, instead of the county clerk, remove the name of a voter who requests removal from a statewide initiative or referendum petition;
- provides that the lieutenant governor does not count a name removed from the petition; and
- makes technical changes.

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### Health

HB 121            Emergency Medical Services Act Transport Amendments

Hughes, G.

This bill amends provisions related to licensing of non-911 transport services in the Utah Emergency Medical Services System Act.

- defines terms;
- provides that when the Department of Health finds that a complaint against a non-911 provider has merit, the Department of Health shall issue a notice of meritorious finding to the political subdivision in which the non-911 provider is operating;
- permits a political subdivision that receives the notice of meritorious finding to determine appropriate corrective actions, which may include issuing a request for proposal for non-911 services;
- requires the Department of Health to issue the request for proposal for non-911 services if the political subdivision intends to respond to a request for proposal; and
- makes technical and conforming amendments.

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HB 294 Health System Reform Amendments

Clark, D.

This bill amends provisions related to health system reform for the insurance market, health care providers, the Health Code, and the Office of Consumer Health Services.

- provides access to the Department of Health's all payer database, for limited purposes, to the Insurance Department's health care delivery and health care payment reform demonstration project, and for the risk adjusting mechanism of the defined contribution insurance market;
- authorizes the all payer database to analyze the data it collects to provide consumer awareness of costs and transparency in the health care market including:
  - reports on geographic variances in medical costs; and
  - cost increases for health care;
- clarifies the restrictions and protections for identifiable health information;
- requires health care facilities to post prices for patients;
- consolidates statutory language requiring insurance department reports concerning the health insurance market;
- makes technical and clarifying amendments to the price and value comparison of health benefit plans;
- amends the amount of excess fees from the department that will be treated as free revenue;
- requires the insurance commissioner to convene a group to develop a method of comparing health insurers' claims denial, and other information that would help a consumer compare the value of health plans, and requires an administrative rule to implement the transparency reports;
  - instructs the Insurance Department to continue its work with the Office of Consumer Health Services and the Department of Health to develop additional demonstration projects for health care delivery and payment reform and to apply for available grants to implement and expand the demonstration projects;
  - makes a technical amendment to the health plans an insurer may offer after July 1, 2012;
- requires the Insurance Department to:
  - convene a group to simplify the uniform health insurance application and decrease the number of questions; and
  - develop a uniform waiver of coverage form;
- amends group and blanket conversion coverage related to NetCare;
- creates ongoing monthly enrollment for employers in the defined contribution market and makes conforming amendments;
- allows a pilot program for a limited number of large employer groups to enter the defined contribution market by January 1, 2011;
- requires an insurer in the defined contribution market to offer a choice of health benefit plans that vary as follows:
  - the basic benefit plan;
  - one plan that has an actuarial value that is at least 15% higher than the actuarial value of the basic benefit plan;
  - one plan that is a federally qualified high deductible plan that has the highest deductible that qualifies as a federally qualified high deductible plan;
  - one plan that is a federally qualified high deductible plan with an individual deductible of \$2,500 and a deductible of \$5,000 for two or more people; and
  - the carrier's five most popular health benefit plans;
- allows an insurer in the defined contribution market to offer:
  - any other health benefit plan that has a greater actuarial value than the actuarial value of the basic benefit plan; and
  - any other health benefit plan that has an actuarial value that is no lower than the actuarial value of the \$2,500 federally qualified high deductible plan;
- gives carriers the option to participate in the defined contribution market on the Health Insurance Exchange by offering defined contribution products or defined benefit products on the exchange;
- provides that a carrier that does not choose to participate in the Health Insurance Exchange by January 1, 2011, may not participate in the exchange until January 1, 2013;
- allows small employers the choice of selecting insurance products in the Health Insurance Exchange or in the traditional market outside of the exchange;
- permits a carrier to offer defined benefit products in the traditional market outside of the Health Insurance Exchange if the carrier uses the same rating and underwriting practices in the defined benefit market and the Health Insurance Exchange so that rating practices do not favor one market over the other market;
- prohibits insurers in the defined contribution market from treating renewing groups as new business, subject to premium rate increases, based on the employer's move from the traditional market into a defined benefit or defined contribution plan in the Health Insurance Exchange;
- creates a procedure for a producer to be appointed as a producer for the defined contribution market;
- requires an insurer to obtain the Insurance Department's approval to use a class of businesses for underwriting purposes;
- effective January 1, 2011, modifies underwriting and rating practices in the small group market, in and out of the Health Insurance Exchange by:
  - standardizing age bands and slopes;
  - standardizing family tiers;
  - removing gender from case characteristics;
  - removing group size and industry classification from case characteristics;
- makes amendments to the defined contribution risk adjuster to incorporate large groups into the risk adjuster;
- effective January 1, 2013, imposes a risk adjuster mechanism on the small group market inside and outside of the Health Insurance Exchange;
- requires health care providers to give consumers information about prices;
- requires the Health Insurance Exchange to:
  - create an advisory board of appointed producers and consumers;
  - establish the electronic standards for delivering the uniform health insurance application; and
  - appoint an independent actuary to monitor the risk and underwriting practices of small employer group carriers to ensure that the carriers are using the same rating practices inside the Health

## SELECTED HIGHLIGHTS of the 2010 General Session

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Insurance Exchange and in the traditional insurance market;

- clarifies the type of information that an insurer must submit to the Health Insurance Exchange and to the Insurance Department; and
- re-authorizes the Health System Reform Task Force for one year.

### HB 462 Criminal Homicide and Abortion Revisions

Wimmer, C.

This bill amends provisions of the Utah Criminal Code to describe the difference between abortion and criminal homicide of an unborn child and to remove prohibitions against prosecution of a woman for killing an unborn child or committing criminal homicide of an unborn child.

- provides that, for aggravated murder, the aggravating factor of the victim being under the age of 14 years does not apply to the homicide of an unborn child;
- provides that a person is not guilty of criminal homicide of an unborn child if the sole reason for the death of the unborn child is that the person refused to consent to medical treatment or a cesarean section or failed to follow medical advice;
- provides that a woman is not guilty of criminal homicide of her own unborn child if the death of her unborn child:
  - is caused by a criminally negligent or reckless act of the woman; and
  - is not caused by an intentional or knowing act of the woman;
- defines terms, including amending the definition of abortion to relate only to a medical procedure carried out by a physician, or through a substance used under the direction of a physician, with the consent of the woman on whom the abortion is performed;
- describes the difference between abortion and criminal homicide of an unborn child;
- removes prohibitions against prosecution of a woman for killing an unborn child or committing criminal homicide of an unborn child;
- clarifies that a woman is not criminally liable for seeking to obtain, or obtaining, an abortion that is permitted by law; and
- makes technical changes.

### SB 145 Medical Malpractice Amendments

Adams, J. S.

This bill amends the Utah Health Care Malpractice Act.

- amends the cap on non-economic damages that may be awarded in a malpractice action;
- requires an affidavit of merit from a health care professional to proceed with an action if the pre-litigation panel makes a finding of non-meritorious; and
- limits the liability of a health care provider, in certain circumstances, for the acts or omissions of an ostensible agent.

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### Judicial Code

#### HB 21 Expungement Revisions

Fisher, Julie

This bill creates a new chapter known as the Utah Expungement Act.

- creates a specific definition of expunge;
- sets out the steps a petitioner must take to obtain an expungement;
- specifies what cannot be expunged;
- allows the Bureau of Criminal Identification to charge application and issuance fees for a certificate of eligibility for expungement;
- provides for notice of a petition for expungement to be given to the prosecutor, victim, and, in the court's discretion, the Division of Adult Probation and Parole;
- allows the bureau to deny a petitioner a certificate of eligibility if the petitioner provides false or misleading information on an application;
- requires the bureau to expedite the eligibility process for a person who is acquitted;
- provides rulemaking authority to the Department of Public Safety for the expungement process;
- changes how agencies handle expunged records; and
- makes technical corrections.

#### HB 143 Eminent Domain Authority

Herrod, C.

This bill authorizes the state to exercise eminent domain authority on property possessed by the federal government unless the property was acquired by the federal government with the consent of the Legislature and in accordance with the United States Constitution Article I, Section 8, Clause 17.

- authorizes the state to exercise eminent domain authority on property possessed by the federal government unless the property was acquired by the federal government with the consent of the Legislature and in accordance with the United States Constitution Article I, Section 8, Clause 17.

#### HB 249 Emancipation Amendments

Fowlke, L.

This bill allows a court to dismiss a petition for emancipation if it is insufficient or incomplete.

- provides that the court shall review a petition for emancipation for completeness and whether the petitioner meets the age requirement before setting a hearing;
- allows the court to dismiss a petition without setting a hearing if it is incomplete or insufficient on its face; and
- removes the requirement that a guardian ad litem be appointed in every case.

#### HB 284 Uniform Collaborative Law Act

Fowlke, L.

This bill creates the Utah Uniform Collaborative Law Act.

- establishes minimum requirements for collaborative law participation agreements, including written agreements, description of the matter submitted to a collaborative law process, and designation of collaborative lawyers;
- requires that the collaborative law process be voluntary;
- specifies when and how a collaborative law process begins and is terminated;
- creates a stay of proceedings when parties sign a participation agreement to attempt to resolve a matter related to a proceeding pending before a tribunal while allowing the tribunal to ask for periodic status reports;
- creates an exception to the stay of proceedings for a collaborative law process for emergency orders to protect health, safety, welfare, or interests of a party, a family member, or a dependent;
- authorizes courts to approve settlements arising out of a collaborative law process;
- codifies the disqualification requirement of collaborative lawyers if a collaborative law process terminates;
- defines the scope of the disqualification requirement to both the matter specified in the collaborative law participation agreement and to matters related to the collaborative matter;
- extends the disqualification requirement to lawyers in a law firm with which the collaborative lawyer is associated;
- requires parties to a collaborative law participation agreement to voluntarily disclose relevant information during the collaborative law process without formal discovery requests and update information previously disclosed that has materially changed;
- acknowledges that standards of professional responsibility and child abuse reporting for lawyers and other professionals are not changed by their participation in a collaborative law process;
- requires that lawyers disclose and discuss the material risks and benefits of a collaborative law process to help insure parties enter into collaborative law participation agreements with informed consent;
- creates an obligation on collaborative lawyers to screen clients for domestic violence and, if present, to participate in a collaborative law process only if the victim consents and the lawyer is reasonably confident that the victim will be safe; and
- authorizes parties to reach an agreement on the scope of confidentiality of their collaborative law communications.

#### SB 140 Juvenile Detention Amendments

Greiner, J.

This bill clarifies the jurisdiction of the district court and juvenile detention requirements.

- clarifies the detention requirement for minors charged in district court under certain circumstances; and
- makes technical changes.



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SB 232      Judicial Administration Amendments

Jenkins, S.

This bill creates a procedure to implement a judicial hiring freeze.

- allows a judicial hiring freeze to be implemented during a General Fund deficit for the juvenile court, district court, appellate court, or any combination of these courts; and
- specifies that a judicial hiring freeze shall be established for a specified period of time.

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### Law Enforcement and Criminal Justice

HB 19 Post Conviction Remedies Amendments

McCliff, K.

This bill modifies the Judicial Code to clarify a statutory limitation on claims for relief under the Post-Conviction Remedies Act.

- amends a section of the Post-Conviction Remedies Act which lists grounds upon which relief may not be claimed and also lists an exception if there was a failure to timely raise the ground for relief due to ineffective counsel, by including in this section an amendment that directly states that the exemption relating to ineffective counsel is the only ground for relief under that section; and
- makes this amendment with the purpose that it function in conjunction with a rule recently adopted by the Utah Supreme Court.

HB 146 Law Enforcement by Federal Land Management Agency

Noel, M.

This bill modifies the Public Safety Code regarding functions of federal officers within Utah.

- defines federally managed land;
- defines federal employee as a person who works for an agency that manages federal land;
- defines federal agency as an agency that manages federal land;
- provides that unless specified under Utah law, federal employees may only exercise law enforcement authority authorized by federal statute and consistent with the United States Constitution;
- provides that Utah does not recognize federal agency authority beyond that necessary to manage, use, and protect federally managed lands;
- provides that Utah does not authorize federal enforcement action or prosecution based on Utah law by federal agencies, as defined in this bill, except as authorized by agreement with the appropriate state or local law enforcement agency;
- authorizes state and local law enforcement agencies to assist in enforcing federal law on federally managed lands by authorized contract;
- provides that agreements with a federal agency, as defined in this bill, may not be for longer than two years;
- provides that state and local law enforcement agencies may not allow federal agencies to use state or local resources without the written consent of the appropriate responsible official of the state or local law enforcement agency; and
- requires the county sheriff to review the activities of any federal enforcement agency within the county and report to the county attorney.

HB 201 State Fire Marshal Modifications

Menlove, R.

This bill modifies the Utah Fire Prevention and Safety Act in the Public Safety Code to regulate the storage, sale, and distribution of novelty lighters that have a shape resembling or imitating a toy or object other than a lighter.

- authorizes the Utah Fire Prevention Board to adopt administrative rules to:
  - identify lighters or classes or types of lighters that are commonly referred to as novelty lighters; and
  - provide for review of a decision of the State Fire Marshal Division regarding these lighters;
- requires the state fire marshal to maintain and make available to the public a list of novelty lighters;
- prohibits the sale, distribution, or possession of novelty lighters for the purpose of selling or distributing the novelty lighters within the state;
- authorizes the state fire marshal, a representative of the state fire marshal, a local fire enforcement official, and a law enforcement agency to seize and destroy certain novelty lighters;
- provides civil penalties and authorizes the state fire marshal to assess a civil penalty on an importer, wholesaler, seller, or distributor of the novelty lighters;
- grants the state fire marshal, a representative of the state fire marshal, or a local fire enforcement official authority to inspect facilities and business records pertaining to the importing, distribution, sale, or storage of lighters; and
- allows the state attorney general to bring an action at the request of the state fire marshal to:
  - prevent or end a violation;
  - recover civil penalties;
  - obtain access for inspections; or
  - recover attorney fees and other enforcement costs.

HB 207 Protection of Property Amendment

Wimmer, C.

This bill modifies the Criminal Code regarding the offense of use of force in defense of property.

- amends the provision regarding justified use of force in defense of property to provide that the court may consider, in determining reasonableness:
  - extent of damage;
  - previous damage;
  - prior threats of injury or damage; and
  - prior pattern of abuse or violence.

HB 277 Overdose Reporting Amendments

Johnson, C.

This bill provides a mitigating circumstance for certain alcohol offenses when reporting an alcohol consumption-related emergency.

- provides that a person younger than 21 years of age who is in violation of an alcohol possession or consumption law, and who in the same incident reports to law enforcement a person who is physically endangered by the consumption of alcohol, may be considered by the sentencing court for a mitigation of the sentence due to having reported the endangered person.

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SB 67 Public Safety Services Crossing State Borders

Hillyard, L.

This bill recognizes a mutual aid agreement regarding emergency responders who cross state borders in response to an emergency.

- establishes recognition of a mutual aid agreement established between states regarding emergency responders who cross state borders in response to an emergency;
- provides definitions;
- establishes terms for the filing of claims and the limits of recovery against an emergency responder who crosses the border between Utah and Idaho as part of providing an emergency response;
- provides legislative findings on public policy regarding emergency responder mutual aid, including damage caps; and
- takes effect when Idaho enacts reciprocal legislation.

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### Natural Resources

HB 60 Water Conveyance Facilities Safety Act

Hunsaker, F.

This bill addresses management plans for water conveyance facilities.

- defines terms;
- requires certain water conveyance facilities to have a promptly adopted management plan as a condition of receiving state money;
- establishes the requirements for a management plan;
- requires the sharing of certain information with municipalities and counties;
- authorizes the division to provide information and technical resources;
- addresses providing information to the board or division;
- provides that a management plan is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act;
- requires a report by the board;
- addresses scope of the section;
- addresses the introduction of certain information into evidence; and
- makes technical and conforming amendments.

HB 141 Recreational Use of Public Water on Private Property

McCliff, K.

This bill addresses public use of public waters on public and private property.

- makes legislative declarations concerning constitutional protections for private property and related matters;
- provides liability protection for owners of private property beneath or adjacent to public waters;
- defines terms;
- recognizes a limited recreational floating right on public water;
- outlines circumstances under which the public may acquire recreational access to public water on private property;
- provides a process for the declaration of the right to certain public recreational access based on historical adverse use;
- provides for injunctions;
- addresses the chapter's effect on other uses of public waters;
- requires a person using a public access area to remove refuse and personal property;
- addresses fences across public water; and
- makes technical and conforming amendments.

HB 343 Great Salt Lake Advisory Council

Ferry, B.

This bill enacts the Great Salt Lake Advisory Council Act to create the Great Salt Lake Advisory Council and address related issues.

- defines terms;
- creates the Great Salt Lake Advisory Council;
- requires designated departments to provide staffing; and
- outlines the duties of the council.

SB 32 Rainwater Harvesting

Jenkins, S.

This bill provides for the collection and use of precipitation without obtaining a water right under certain conditions.

- provides for the collection and use of precipitation without obtaining a water right under certain conditions; and
- makes technical corrections.

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### Political Subdivisions (Local Issues)

HB 169 Refinery Amendments

Edwards, R.

This bill authorizes a legislative body considering a zoning change or a land use authority considering a land use application to consult with a refinery before adopting the zoning change or approving the land use application.

- authorizes a legislative body considering a zoning change or a land use authority considering a land use application to consult with a refinery before adopting the zoning change or approving the land use application.

SB 20 Local District Amendments

Stowell, D.

This bill allows the creation of a local district to develop and execute a groundwater management plan in cooperation with the state engineer.

- permits a local district to acquire groundwater rights;
- allows the creation of a local district for the development and execution of a groundwater management plan in cooperation with and approved by the state engineer;
- provides that a groundwater management plan described in the preceding paragraph may include the banking of groundwater rights by a local district in a critical management area following the adoption of a groundwater management plan by the state engineer;
- exempts the creation of a local district for the development and execution of a groundwater management plan from the election requirement; and
- makes technical corrections.

SB 172 Local District Taxing Authority Amendments

Bramble, C.

This bill amends provisions relating to the taxing authority of local districts.

- defines terms;
- amends provisions relating to services that a local district may provide;
- prohibits local districts that do not have elected boards from levying and collecting a property tax in certain circumstances;
- amends provisions relating to a metropolitan water district board of trustees;
- prohibits, with certain exceptions, a metropolitan water district board of trustees from collecting a property tax;
- amends provisions relating to a water conservancy district board of trustees;
- prohibits, with certain exceptions, a water conservancy district board of trustees from collecting a property tax; and
- makes technical corrections.

SB 222 Fee Exemptions

Goodfellow, B.

This bill authorizes, in certain circumstances, a local district to provide a credit for a fee charged by the local district.

- authorizes, in certain circumstances, a local district to provide a credit for a fee charged by the local district.

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### Public Utilities

#### HB 145 Renewable Energy Financing Provisions

Last, B.

This bill addresses provisions related to net metering programs and public utilities.

- excludes from the definition of a "public utility" an independent energy producer that provides service to a customer on the real property where an independent power production facility is located under certain circumstances;
- changes definitions to provide that a facility used to supply energy for a specific customer may qualify as a customer generation system under Title 54, Chapter 15, Net Metering of Electricity;
- provides for actions by the Public Service Commission; and
- makes technical changes.

#### HB 192 Renewable Energy - Methane Gas

Watkins, C.

This bill addresses the treatment of electrical energy derived from certain methane gas as a renewable energy source under Title 10, Chapter 19, Municipal Electric Utility Carbon Emission Reduction Act, and Title 54, Chapter 17, Energy Resource Procurement Act.

- provides that electrical energy derived from methane gas from certain coal mine facilities is among the types of waste gases considered as a renewable energy source under Title 10, Chapter 19, Municipal Electric Utility Carbon Emission Reduction Act, and Title 54, Chapter 17, Energy Resource Procurement Act; and
- makes technical changes.

#### HB 228 Renewable Energy Source Amendments

Barrus, R.

This bill includes energy derived from municipal solid waste as a renewable energy source for purposes of Title 10, Chapter 19, Municipal Electric Utility Carbon Emission Reduction Act, and Title 54, Chapter 17, Energy Resource Procurement Act.

- changes the definition of "renewable energy source" in Title 10, Chapter 19, Municipal Electric Utility Carbon Emission Reduction Act, and Title 54, Chapter 17, Energy Resource Procurement Act, to include energy derived from municipal solid waste; and
- makes technical changes.

#### SB 26 Utah E-commerce Integrity Act

Urquhart, S.

This bill contains prohibitions and other provisions concerning Internet-related conduct, including phishing, pharming, spyware, and cybersquatting.

- defines terms;
- prohibits a person from facilitating certain types of fraud and injury through use of electronic communications;
- allows for the removal of domain names and online content by an Internet registrar or Internet service provider under certain circumstances;
- prohibits contrary laws enacted by a political subdivision of the state;
- forbids the use of various types of software, commonly called spyware, if used for certain purposes;
- provides exceptions from spyware provisions for various types of communications and interactions, including authorized diagnostics;
- prohibits the registration of domain names under certain circumstances, commonly referred to as cybersquatting;
- provides civil penalties for a violation of cybersquatting provisions; and
- makes technical changes.

#### SB 104 Renewable Energy Modifications

Urquhart, S.

This bill includes certain compressed air energy storage technology as a renewable energy source under Title 10, Chapter 19, Municipal Electric Utility Carbon Emission Reduction Act, and Title 54, Chapter 17, Energy Resource Procurement Act.

- includes certain compressed air energy storage technology as a renewable energy source under Title 10, Chapter 19, Municipal Electric Utility Carbon Emission Reduction Act, and Title 54, Chapter 17, Energy Resource Procurement Act; and
- makes technical changes.

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### Retirement

SB 43 Post-retirement Employment Amendments

Liljenquist, D.

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions related to a retiree who returns to work for a participating employer, and the restrictions on the maximum retirement allowance certain employees can accrue.

- defines certain terms;
- repeals a requirement that a participating employer who hires a retiree contribute the same percentage of a retiree's salary that the participating employer would have been required to contribute if the retiree were an active member of the retirement system;
- provides that a participating employer who hires a retiree before July 1, 2010 may not contribute an amount that exceeds the normal cost rate to a qualified defined contribution plan;
- provides that a retiree from the Utah State Retirement System who returns to work with a participating employer on or after July 1, 2010, is returned to active member status to earn additional service credit if the retiree is reemployed within one year from retirement;
- provides that a retiree who returns to work with a participating employer after a year from the date of retirement may elect to either:
  - receive a retirement allowance and forfeit any retirement contribution related to the reemployment; or
  - cancel the retiree's retirement allowance and earn additional service credit for the period of reemployment;
- requires a participating employer to pay the amortization rate to the retirement system that would have covered the retiree who is:
  - reemployed after July 1, 2010; and
  - receiving a retirement allowance;
- repeals the maximum allowance that a member may receive for a member who initially retires on or after July 1, 2010, in the following systems:
  - the Public Safety Contributory Retirement System;
  - the Public Safety Noncontributory Retirement System;
  - the Firefighters' Retirement System;
  - the Judges' Contributory Retirement System; and
  - the Judges' Noncontributory Retirement System;
- prevents the Commissioner of Public Safety, an elected or appointed sheriff, or a chief of police from retiring in place on or after July 1, 2010; and
- makes technical changes.

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SB 63 New Public Employees' Tier II Contributory Retirement Act

Liljenquist, D.

This bill modifies the Utah State Retirement and Insurance Benefit Act to provide for modified retirement benefits for new public employees and new public safety and firefighter employees.

- defines terms;
- requires that the Retirement Office report when the funded status of the trust fund reaches 100% funded and requires the Retirement and Independent Entities Committee to study employee compensation and benefits;
- provides for a "Tier I" system or plan for which an employee is eligible to participate if the employee initially enters regular full-time employment before July 1, 2011;
- creates a "Tier II" retirement system and plan for which an employee is eligible to participate, if the employee initially enters regular full-time employment on or after July 1, 2011, and which includes a:
  - New Public Employees' Tier II Hybrid Retirement System;
  - New Public Employees' Tier II Defined Contribution Plan;
  - New Public Safety and Firefighter Tier II Hybrid Retirement System; and
  - New Public Safety and Firefighter Tier II Defined Contribution Plan;
- provides that all new public employees including public safety, firefighters, governors, and legislators may only participate in a Tier II retirement system or plan;
- provides that new employees may choose between the Tier II hybrid retirement system or the Tier II Defined Contribution (DC) plan except governors and legislators are only eligible for the Tier II DC plan;
- provides that the retirement benefits for public employees who elect the Tier II hybrid retirement system include:
  - full retirement benefits after 35 years of service credit;
  - 2.5% cost-of-living adjustments on the retirement allowance;
  - a 1.5% multiplier for each year of service;
  - a 401(k) employer contribution;
  - a death benefit; and
  - a disability benefit;
- provides that the participating employer shall contribute for public employees Tier II employees the percentage of the employee's compensation equal to the corresponding Tier I system amortization rate plus 10%;
- provides that the total public employees' Tier II contribution credited specifically on behalf of a Tier II employee is 10% of the employee's salary;
- provides that the retirement benefits for the public safety and firefighter employees who elect the Tier II hybrid retirement system include:
  - full retirement benefits after 25 years of service credit;
  - 2.5% cost-of-living adjustments on the retirement allowance;
  - a 1.5% multiplier for each year of service;
  - a 401(k) employer contribution;
  - a death benefit;
  - a line of duty death benefit; and
  - a disability benefit;
- provides that the participating employer shall contribute for public safety and firefighter Tier II employees the percentage of the employee's compensation equal to the corresponding Tier I system amortization rate plus 12%;
- provides that the total Tier II contribution credited specifically on behalf of a public safety and firefighter Tier II employee is 12% of the employee's salary;
- closes for employees who initially enter employment beginning on or after July 1, 2011, the:
  - Public Employees' Contributory Retirement System;
  - Public Employees' Noncontributory Retirement System;
  - Public Safety Contributory Retirement System;
  - Public Safety Noncontributory Retirement System;
  - Firefighters' Retirement System; and
  - Utah Governors' and Legislators' Retirement System;
- provides for certain exclusions from membership in the Tier II DC plan; and
- makes technical changes.



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### Revenue and Taxation

#### HB 196 Tobacco Tax Revisions

Ray, P.

This bill amends the Cigarette and Tobacco Tax Act by increasing the tax rates on the sale, use, storage, or distribution of cigarettes in the state and the sale, use, or storage of tobacco products in the state for the 2010-11 state fiscal year, and by providing a calculation by which those tax rates will either remain the same, or increase, every third fiscal year after the 2010-11 state fiscal year.

- increases the tax rate for the sale, use, storage, or distribution of cigarettes in the state and for the sale, use, or storage of tobacco products in the state, for the 2010-11 state fiscal year, as follows:
  - for cigarettes weighing not more than three pounds per thousand cigarettes, from 3.475 cents per cigarette to 8.5 cents per cigarette;
  - for cigarettes weighing in excess of three pounds per thousand cigarettes, from 4.075 cents per cigarette to 9.963 cents per cigarette;
  - for tobacco products, except moist snuff, from 35% to 86% of the manufacturer's sale price; and
  - for moist snuff, from \$.75 to \$1.83 per ounce;
- sets the tax rate for the sale, use, storage, or distribution of cigarettes in the state and for the sale, use, or storage of tobacco products in the state, for each third year after the 2010-11 state fiscal year, as follows:
  - for cigarettes weighing not more than three pounds per thousand cigarettes, at the greater of the rate for the preceding state fiscal year or one-half of one cent above the national average, excluding certain tobacco producing states;
  - for cigarettes weighing in excess of three pounds per thousand cigarettes, at a rate that is 1.172 times higher than the rate described in the preceding paragraph;
  - for tobacco products, except moist snuff, the greater of the rate for the preceding state fiscal year and a percentage rate that is modified by the percentage change in the rate for cigarettes weighing not more than three pounds per thousand cigarettes; and
  - for moist snuff, the greater of the tax rate for the preceding state fiscal year and an amount that is modified by the percentage change described in the preceding paragraph;
- allocates money from funds generated by the tax increase described in this bill;
- levies a transitional inventory tax on cigarettes and tobacco products subject to the tax increase described in this bill; and
- makes technical changes.

#### HB 259 Property Tax Amendments

Harper, W.

This bill modifies provisions relating to property tax.

- moves the authority to fill a vacancy in the office of county assessor from the county executive to the county legislative body;
- modifies the time at which certain qualifications for a county assessor in a county of the first, second, or third class are determined;
- expands a requirement to conduct an annual update of property values using a mass appraisal system so that the requirement applies to assessors in counties of the third, fourth, fifth, and sixth class in addition to county assessors in first and second class counties;
- modifies the distribution of certain funds from the multicounty assessing and collecting levy;
- modifies a provision relating to a property tax notice that the county auditor is required to provide;
- modifies the time within which a taxpayer may file an appeal relating to the value of personal property;
- prohibits a person from claiming a homestead exemption for property acquired as a result of criminal activity; and
- modifies provisions relating to the multicounty assessing and collecting levy.

#### HJR 2 Joint Resolution on Property Tax Exemption for Water Facilities

Painter, P.

This joint resolution of the Legislature proposes to amend the Utah Constitution to enact a property tax exemption related to certain property associated with water. This resolution proposes to amend the Utah Constitution to:

- enact a property tax exemption for:
  - certain property owned by a nonprofit entity and used within the State to irrigate land, provide domestic water, or provide water to a public water supplier;
  - land occupied by certain exempt facilities if the land is owned by the nonprofit entity that owns the facilities; and
  - land adjacent to those facilities if the land is owned by the nonprofit entity that owns the facilities and is reasonably necessary for the maintenance or for otherwise supporting the operation of the facilities.

## SELECTED HIGHLIGHTS of the 2010 General Session

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### SB 30 Local Option Sales and Use Taxes for Transportation Act

Niederhauser, W.

This bill amends the Sales and Use Tax Act to address local option sales and use taxes for transportation.

- enacts the Local Option Sales and Use Taxes for Transportation Act;
- defines terms;
- repeals certain local option sales and use taxes for transportation and enacts certain local option sales and use taxes for transportation;
- addresses the authority to impose a local option sales and use tax for transportation;
- addresses the transactions that may be subject to taxation and the tax rates at which those transactions may be subject to taxation;
- addresses the determination of the location of a transaction for sales and use tax purposes;
- addresses the administration, collection, and enforcement of a local option sales and use tax for transportation;
- addresses the transfer or transmission of revenues collected from a local option sales and use tax for transportation;
- addresses the State Tax Commission's authority to retain a percentage of revenues collected from a local option sales and use tax for transportation, the deposit of those revenues into the Sales and Use Tax Administrative Fees Account, and the expenditure of those revenues;
- addresses legislative body and voter approval requirements for a local option sales and use tax for transportation;
- addresses the enactment, repeal, or change in the rate of a local option sales and use tax for transportation;
- addresses a seller's or certified service provider's failure to collect a local option sales and use tax for transportation if the seller or certified service provider relies on certain State Tax Commission information;
- addresses a seller's or certified service provider's failure to collect a local option sales and use tax for transportation if the seller or certified service provider relies on certain software certified by the State Tax Commission;
- addresses the circumstances under which a purchaser is relieved from a penalty or is not liable for a tax or interest;
- provides transition provisions;
- addresses the imposition of local option sales and use taxes for transportation including the purposes for which revenues collected from the taxes may be expended; and
- makes technical and conforming changes.

### SB 165 Allocation and Apportionment of Income and Deduction of a Net Loss

Niederhauser, W.

This bill amends the Revenue and Taxation title to address the allocation and apportionment of income and the deduction of a net loss by an acquired corporation.

- amends provisions in the Multistate Tax Compact governing allocation and apportionment of income;
- defines terms;
- addresses the apportionment of business income to the state;
- addresses the time period during which a taxpayer's determination to use a certain formula to apportion business income to the state is in effect;
- addresses the amount of net loss a corporation that is acquired by a unitary group may deduct; and
- makes technical and conforming changes.

### SB 259 Amendments to Tobacco Tax

Christensen, A.

This bill amends provisions of the Cigarette and Tobacco Tax Act.

- removes a provision relating to the allocation of funds that remain in the Cigarette Tax Restricted Account at the end of the fiscal year; and
- makes technical changes.

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### Transportation

#### HB 234 Opting Out of the Real Id Act

Sandstrom, S.

This bill modifies the Uniform Driver License Act by amending provisions relating to the federal REAL ID Act of 2005.

- provides legislative findings regarding the federal REAL ID Act of 2005;
- prohibits the state from participating in the implementation of the REAL ID Act of 2005;
- prohibits the Driver License Division from implementing the provisions of the REAL ID Act of 2005;
- requires the Driver License Division to report to the governor any attempts to implement the provisions of the REAL ID Act of 2005; and
- provides that the Driver License Division may comply with provisions of the REAL ID Act that are already:
  - adopted by administrative rule; or
  - authorized under this code.

#### SB 70 Motor Vehicle Liability Amendments - Minor Drivers

Urquhart, S.

This bill modifies the Uniform Driver License Act by amending provisions relating to liability imposed for damages caused by a minor operating a motor vehicle.

- provides that if owner's or operator's security is in effect in certain amounts, the owner of the motor vehicle or the person who gave or furnished the motor vehicle to the minor is not subject to the joint and several liability imposed;
- provides that certain limitations on liability do not prohibit a cause of action for any direct negligence on the part of the person furnishing the motor vehicle to the minor; and
- makes technical changes.

#### SB 272 Amendments to Transportation Provisions

Stevenson, J.

This bill modifies provisions relating to Public Transit Districts.

- provides definitions;
  - provides that a public transit district may:
    - establish, finance, participate as a limited partner or member in a development with limited liabilities, construct, improve, maintain, or operate a transit-oriented development or transit-supportive development; and
    - assist in a transit-oriented development or transit-supportive development in connection with the economic development of areas in proximity to a right-of-way, rail line, station, platform, switchyard, terminal, or parking lot;
  - provides that a public transit district may only assist in the economic development of certain areas in certain ways and on no more than five transit-oriented developments or transit-supportive developments;
  - provides that a public transit district may not invest in a transit-oriented development or a transit-supportive development as a limited partner or other limited liability unless certain circumstances apply;
  - provides that a current board member of a public transit district may not have any interest in certain transactions engaged in by the public transit district;
  - increases the number of members on the board of trustees of a public transit district with more than 200,000 people residing within the boundaries of the public transit district and amends apportionment provisions relating to the board of trustees;
  - authorizes a board of trustees to appoint a chief executive officer in place of or in addition to a general manager and allows the board of trustees to allocate duties between the general manager and the chief executive officer;
  - repeals certain public notice requirements relating to a public transit district bidding certain construction projects;
  - amends provisions relating to criminal background checks for public transit district employees;
  - exempts a public transit pass issued by a public transit district from the requirement that a document may only be issued to a United States Citizen, a national, or a legal permanent resident alien;
- and
- makes technical changes.

## SELECTED HIGHLIGHTS of the 2010 General Session

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### Uniform Probate Code

SB 121 Utah Uniform Probate Code Amendments

Valentine, J.

This bill allows a personal representative to be appointed for the purpose of representing a deceased person in any proceeding to establish liability when the deceased person was protected by liability insurance and makes changes to accommodate the repeal of the Federal Estate Tax.

- removes a three-year limitation to appoint a personal representative when the deceased person was protected by liability insurance; and
- creates a stopgap provision to alleviate difficulties caused by the repeal of the Federal Estate Tax for taxable transfers occurring during 2010.

## SELECTED HIGHLIGHTS of the 2010 General Session

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### Workforce Services Code

HB 18 Unemployment Insurance Amendments

Mascaro, S.

This bill modifies provisions of the Employment Security Act related to unemployment insurance benefits.

- makes modifications to the definition of base period for purposes related to qualifying for unemployment insurance benefits; and
- requires an annual report by the division on the impact of these modifications.

HB 43 Unemployment Compensation Amendments

Mascaro, S.

This bill modifies provisions in the Employment Security Act regarding the computation of individual weekly benefits for those whose benefit year begins after the termination of Pub. L. No. 111-5, Sec. 2002 as amended and the offset of Social Security benefits against the weekly benefit amount of unemployment compensation an individual is eligible to receive under the Act.

- provides that Social Security benefits may not be offset against unemployment compensation weekly benefits under the Employment Security Act with respect to an individual whose benefit year begins after the termination of Pub. L. No. 111-5, Sec. 2002 as amended;
- provides for the computation of weekly unemployment benefits for those whose benefit year begins after the termination of Pub. L. No. 111-5, Sec. 2002 as amended; and
- makes certain technical changes.

**SELECTED HIGHLIGHTS of the 2010 General Session**

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