

SELECTED HIGHLIGHTS of the 2012 General Session

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Agriculture

HB 187 Agricultural Operation Interference

Mathis, J.

This bill establishes the crime of agricultural operation interference.

- defines "agricultural operation";
- provides that a person is guilty of agricultural operation interference if the person:
 - records an image of, or sound from, an agricultural operation under certain circumstances;
 - obtains access to an agricultural operation under false pretenses; or
 - obtains employment at an agricultural operation under certain circumstances with the intent to record an image of, or sound from, the agricultural operation; and
- establishes penalties.

SB 245 Mule Deer Protection Act

Okerlund, R.

This bill enacts the Mule Deer Protection Act.

- enacts Title 23, Chapter 30, Mule Deer Protection Act;
- creates the Mule Deer Protection Account;
- grants rulemaking authority to the Division of Wildlife Resources to establish programs that reduce and control the coyote population generally and in areas where mule deer predation occurs;
- requires the Division of Wildlife Resources to:
 - administer programs that reduce and control the coyote population; and
 - coordinate with government entities and state entities in administering programs that reduce and control the coyote population;
- permits the Division of Wildlife Resources to contract with a vendor to reduce and control the coyote population in areas where mule deer predation occurs; and
- permits the Division of Wildlife Resources to prepare and distribute training materials related to mule deer protection.

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Business

HB 29 Insurance Amendments

Dunnigan, J.

This bill modifies the Insurance Code to make various changes related to the regulation of insurance.

- modifies definition provisions;
- addresses annual report to policyholders;
- addresses catastrophic coverage of mental health conditions;
- amends provisions related to adverse benefit determination review process;
- addresses when uniform waiver of coverage forms may be combined or modified;
- provides for the establishment of surplus lines producers;
- modifies provisions related to inducements;
- addresses the regulation of customer service representatives;
- modifies definitions related to insurance marketing and licensing;
- addresses sharing of commissions;
- addresses what constitutes administrative action taken against a person that is to be reported to the commissioner;
- clarifies when a line of authority no longer remains in force for a person;
- addresses references to the federal Violent Crime Control and Law Enforcement Act;
- requires a person who wants to reinstate a voluntarily surrendered license to comply with continuing education requirements;
- addresses special requirements for variable contracts lines of authority;
- addresses disbursements from certain trust accounts;
- modifies language regarding trust obligation for certain money;
- addresses payments of claims by administrator;
- addresses commissioner's administrative actions;
- grants rulemaking authority to the commissioner regarding model regulations related to determining hazardous financial condition of an insurer;
- changes dates related to coverage under a pool policy;
- addresses education requirements related to bail bond licensing;
- addresses filing of forms by bail bond surety companies and surety insurers;
- deletes definition of basic benefit plan;
- addresses health benefit plan choices;
- grants immunity related to good faith communications between insurers or employees of insurers;
- increases assessments paid by insurers to fund costs and expenses incurred by the Department of Insurance in the administration, investigation, and enforcement of provisions related to insurance fraud;
- addresses reporting by the board of directors of the Utah Defined Contribution Risk Adjuster; and
- makes technical and conforming amendments.

HB 354 Alcoholic Beverage Amendments

Wilcox, R.

This bill modifies the Alcoholic Beverage Control Act, the Public Safety Code, and revenue and taxation provisions to address the tracking of the effects of the abuse of alcoholic products and collection and use of certain markups and taxes.

- creates the Markup Holding Fund;
- provides for the remittance of a markup to the State Tax Commission;
- creates a committee to establish a process to collect information related to abuse of alcoholic products;
- addresses certain reporting requirements related to the beer tax; and
- makes technical and conforming amendments.

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SB 66 Alcoholic Beverage Control Related Amendments

Valentine, J.

This bill modifies the Alcoholic Beverage Control Act, the Open and Public Meetings Act, and oversight provisions, to address the regulation of alcoholic products.

- changes the Alcoholic Beverage Control Commission to a seven member commission and makes related changes;
- addresses removal of commission members and chair;
- creates subcommittees of the commission;
- clarifies that the commission's policy authority is to be consistent with the policy established by the Legislature by statute;
- provides for appointment and termination of the director;
- addresses appointment of interim director;
- imposes terms on the length of time a director serves;
- provides for the hiring and firing of upper management only with the approval of the commission;
- addresses prohibited interests, relationships, and actions;
- creates the Alcoholic Beverage Control Advisory Board;
- addresses application of Utah Procurement Code;
- addresses audits;
- provides for internal audits division;
- addresses requirements for package agency agreements;
- requires a hearing by a hearing examiner of a department recommendation to not renew a license;
- modifies operational requirements for a reception center;
- addresses provisions related to the transfer of retail licenses;
- authorizes the director to issue or deny issuance of certain permits with the approval of the Compliance, Licensing, and Enforcement Subcommittee, and subject to revocation or issuance by the Commission;
- addresses notification of an event to law enforcement;
- requires the director to issue monthly reports to the commission of the director's activities relative to permits;
- allows certain permittees to change the location of where to store, sell, offer for sale, furnish, or allow consumption with the approval of the director and the Compliance, Licensing, and Enforcement Subcommittee;
- removes purposes for which the commission may hold a closed meeting; and
- makes technical and conforming amendments.

SB 91 Utah Uniform Securities Act Amendments and Civil Actions

McAdams, B.

This bill modifies the Utah Uniform Securities Act to address damage awards in civil actions.

- creates a negligence standard for when treble damages may be awarded if the violation involves fraud and an investment by a person over whom the violator exercised undue influence; and
- makes technical and conforming amendments.

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Child Custody \ Parent-Time

HB 107 Joint Custody Modifications

Froerer, G.

This bill creates a rebuttable presumption for joint custody in a divorce or separation action.

- creates a rebuttable presumption for joint custody in a divorce or separation action;
- provides that the presumption for joint custody may be rebutted by circumstances, including domestic violence;
- sets conditions for the court to consider in modifying a joint custody order;
- requires that parents participate in dispute resolution proceedings; and
- requires the court to make specific findings when modifying or terminating a joint custody order.

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Code of Criminal Procedure

HB 129 Defense of Property and Person

Painter, P.

This bill clarifies the statute regarding civil liability for defending against criminal activity.

- clarifies that a person is justified in defending their home and family against criminal activity and may not be liable for civil damages for injury or damage occurring while doing so.

SB 201 Expungement Amendments

Bramble, C.

This bill expands the eligibility for expungement of records to include most traffic offenses.

- allows most traffic offenses to be expunged without limit;
- amends the conditions under which a person may qualify for a certificate of eligibility for an expungement; and
- provides that traffic offenses are not included in determining if a person is eligible for future certificates of eligibility and expungement.

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Community and Culture

HB 139 Department of Community and Culture Amendments

Harper, W.

This bill modifies the Community and Culture Development Code and the Utah Workforce Services Code by renaming the Department of Community and Culture the Department of Heritage and Arts and by moving the Division of Housing and Community Development to the Department of Workforce Services.

- defines terms;
- changes the name of the Department of Community and Culture to the Department of Heritage and Arts;
- provides that the Department of Heritage and Arts is managed by an executive director and describes certain powers of the executive director;
- clarifies the responsibilities of the director of the Department of Heritage and Arts' Division of Arts and Museums and of certain boards that are part of the division;
- moves the Division of Housing and Community Development from the Department of Community and Culture to the Department of Workforce Services;
- changes the name of the Division of Housing and Community Development to the Housing and Community Development Division;
- modifies the powers and duties of the Housing and Community Development Division;
- creates an advisory council to advise the Department of Workforce Services during the transition of moving the Division of Housing and Community Development from the Department of Community and Culture; and
- makes technical changes.

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Education

HB 15 Statewide Adaptive Testing

Hughes, G.

This bill modifies the Utah Performance Assessment System for Students (U-PASS), including requiring school districts and charter schools to administer computer adaptive tests aligned with Utah's common core.

- requires school districts and charter schools to administer computer adaptive tests aligned with Utah's common core beginning with the 2014-15 school year;
- eliminates an assessment system pilot program;
- requires the State Board of Education to make rules for:
 - applying for and awarding money for computer adaptive tests;
 - allocating money for computer adaptive tests to school districts and charter schools who qualify for the money; and
 - reporting the expenditure of money for computer adaptive tests;
- requires the State Board of Education to establish a parent committee of 15 members to review computer adaptive test questions appointed as follows:
 - five members appointed by the chair of the State Board of Education;
 - five members appointed by the speaker of the House of Representatives; and
 - five members appointed by the president of the Senate; and
- makes technical amendments.

HB 115 Peer Assistance and Review Pilot Program

Moss, C.

This bill appropriates money for school districts to pilot programs that utilize peer assistance and review in evaluating certain teachers.

- defines terms;
- creates the Peer Assistance and Review Pilot Program (PAR Program) to evaluate and support certain teachers;
- provides that money appropriated to the State Board of Education for the pilot program shall be used to award grants to school districts on a competitive basis to design and implement the PAR Program;
- directs the State Board of Education to make rules and report to the Education Interim Committee; and
- repeals the Peer Assistance and Review Pilot Program on July 1, 2017.

SB 64 Public Education Employment Reform

Osmond, A.

This bill modifies provisions related to the employment of public education personnel.

- reorganizes provisions regarding:
 - the status and termination of school district employees; and
 - educator evaluations;
- creates the Public Education Human Resource Management Act;
- directs the State Board of Education to make rules requiring the performance of school district employees to be evaluated annually, with exceptions;
- requires data on school district educator ratings to be publicly reported;
- prescribes procedures for the nonrenewal or termination of a career employee's contract for unsatisfactory performance;
- restricts the transfer of a public education employee with unsatisfactory performance;
- directs the State Board of Education to make rules requiring a school district's employee compensation system to be aligned with the district's annual evaluation system;
- requires the salary of certain school or district administrators to be contingent on an evaluation; and
- makes technical amendments.

SB 81 Paraeducator Funding

Mayne, K.

This bill provides funding to hire paraeducators at certain schools.

- provides funding for Title 1 school improvement schools to hire paraeducators to assist in teaching; and
- requires the State Board of Education to report on funding expenditures.

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SB 152 Charter School Financing

Valentine, J.

This bill amends provisions regarding the financing of charter schools, establishes the Charter School Credit Enhancement Program, and establishes the Charter School Reserve Account.

- prohibits a chartering entity from terminating the charter of a qualifying charter school with outstanding bonds issued pursuant to the Charter School Credit Enhancement Program without mutual agreement of the Utah Charter School Finance Authority and the chartering entity;
- changes the name of the State Charter School Finance Authority to the Utah Charter School Finance Authority;
- establishes the Charter School Credit Enhancement Program;
- requires the Utah Charter School Finance Authority to establish criteria for a charter school to be designated as a qualifying charter school for purposes of issuing bonds pursuant to the Charter School Credit Enhancement Program;
- creates the Charter School Reserve Account;
- sets Charter School Reserve Account contribution requirements for qualifying charter schools;
- requires the Utah Charter School Finance Authority to notify the governor of a shortfall in a qualifying charter school's debt service reserve fund if the qualifying charter school has outstanding bonds issued pursuant to the Charter School Credit Enhancement Program;
- requires the governor to notify the Legislature, and request the Legislature to appropriate money to cover a shortfall of a qualifying charter school's debt service reserve fund;
- limits the amount of bonds that may be issued under the Charter School Credit Enhancement Program;
- defines terms; and
- makes technical changes.

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Energy

SB 12 Energy Amendments

Madsen, M.

This bill enacts provisions within the Energy Resource Procurement Act.

- enacts provisions relating to renewable energy facilities;
- authorizes an electric corporation to enter into a contract to supply electric service from one or more renewable energy facilities, under certain circumstances; and
- requires Public Service Commission approval of contracts for electric service from renewable energy facilities.

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Environmental Quality

SB 21 Department of Environmental Quality Boards Revisions

Dayton, M.

This bill changes the composition of each board created under Title 19, Environmental Quality Code, requires specific qualifications for a board member, subjects a board member to certain requirements, transfers some powers and duties from the boards to the executive director or division directors, and gives rulemaking authority to the department.

- gives rulemaking authority to the Department of Environmental Quality to create attendance standards and conflicts of interest procedures for board members and to make procedural rules for adjudicative proceedings;
- changes the composition of each board created under Title 19, Environmental Quality Code;
- provides a transition to the new composition of each board created under Title 19, Environmental Quality Code;
- establishes qualifications for board members;
- requires board members to comply with attendance standards and conflict of interest procedures;
- provides for the executive director of the Department of Environmental Quality to take final dispositive action on an adjudicative proceeding under Title 19, Environmental Quality Code;
- transfers powers and duties from a board to a division director;
- provides for certain division boards to approve enforcement settlements negotiated by a division director that exceed \$25,000; and
- makes technical changes.

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Government Operations (State Issues)

HB 119 Study on Signing Petitions Online

Chavez-Houck, R.

This bill requires the lieutenant governor to conduct a study regarding a registered voter signing a petition regulated by Title 20A, Election Code, on the Internet.

- defines terms;
- requires the lieutenant governor to conduct a study regarding a registered voter signing on the Internet a petition to:
 - qualify a ballot proposition for the ballot;
 - organize and register a political party; or
 - qualify a candidate for the ballot; and
- requires the lieutenant governor to submit the study and recommendations, if any, to the Government Operations Interim Committee.

HB 172 Vote by Mail Amendments

Eliason, S.

This bill amends and enacts provisions relating to voting by mail.

- requires the lieutenant governor, with the participation of county clerks and other election officers, to study how to administer an election by mail with the option of voting in person at early voting or an election day voting center;
- repeals a section specific to voting by mail in certain districts;
- authorizes an election officer to administer an election entirely by mail; and
- makes technical changes.

HB 253 Voter Registration Amendments

Powell, K.

This bill amends provisions in Title 20A, Election Code, relating to voter registration.

- requires the removal of a voter from the official register:
 - upon notification that a voter has subsequently registered to vote in another state; and
 - upon notice of a criminal conviction that prohibits a person from voting;
- requires the county clerk to send a notice to a voter who fails to vote in two consecutive regular general elections; and
- makes technical changes.

SB 18 Government Records Access and Management Act - Voter Registration Records

Dayton, M.

This bill amends the Government Records Access and Management Act to address provisions relating to an email address on a voter registration record.

- amends the requirement of the lieutenant governor and county clerks to make certain records available for public inspection;
- classifies a voter's email address on a voter registration record as a private record; and
- makes technical changes.

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SB 153 Procurement Amendments

Niederhauser, W.

This bill recodifies and amends the Utah Procurement Code.

- defines terms;
- describes requirements and procedures relating to procurements and procurement processes by public entities;
- describes the applicability of the Utah Procurement Code;
- grants rulemaking authority;
- describes the duties and powers of the Division of Purchasing and General Services;
- provides for exemptions from certain provisions of the Utah Procurement Code;
- describes the duties and powers of the Utah State Procurement Policy Board and the procurement advisory councils;
- describes the duties and powers of the chief procurement officer;
- provides for exceptions to procurement process requirements;
- addresses cancellations, rejections, and debarment;
- addresses reciprocal preferences and purchases from community rehabilitation programs;
- describes the duties and powers of the Purchasing from Persons with Disabilities Advisory Board;
- describes bid security and bond requirements;
- describes requirements relating to contracts and change orders;
- describes requirements relating to construction procurement and contracts;
- describes requirements relating to architect-engineer services;
- describes procedures, requirements, and limitations relating to controversies, protests, appeals, and judicial action;
- addresses the retention of records;
- addresses interaction between public procurement units;
- establishes ethical practice provisions relating to procurements;
- amends existing, and enacts new, criminal provisions and penalties relating to procurements; and
- makes technical changes.

SB 177 Government Records Access and Management Act Amendments

Bramble, C.

This bill amends provisions of the Public Records Management Act and the Government Records Access and Management Act by providing for the training of records officers, creating the position of a government records ombudsman, and amending provisions relating to the disclosure or protection of records.

- defines terms;
- requires the Division of Archives and Records Service (division) to provide an online training course that is required to be successfully completed by records officers on an annual basis;
- grants rulemaking authority to the division;
- creates the position, and describes the duties of, the government records ombudsman;
- provides that a record shall be disclosed when the public interest in disclosure is equal to or greater than the interests in nondisclosure;
- amends protected records provisions relating to the attorney client privilege, attorney work product, and records prepared for or in anticipation of litigation or other proceedings;
- requires a person who files an appeal with the records committee to serve a copy of the appeal on the government entity to which the appeal relates;
- extends, to seven days, the deadline for the records committee to issue an order on a petition;
- establishes evidentiary standards for release of certain enforcement and litigation records;
- creates a good faith defense to criminal provisions relating to the release or use of government records; and
- makes technical changes.

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Health

HB 46 Electronic Personal Medical Records

Menlove, R.

This bill facilitates the enrollment of Medicaid beneficiaries, Children's Health Insurance Program enrollees, and state employees and their dependents into the electronic exchange of clinical health records.

- amends the duties of the state Medicaid plan to enroll Medicaid beneficiaries in the electronic exchange of clinical health records unless the individual opts out;
- amends the duties of the Children's Health Insurance Program to enroll the members of the Children's Health Insurance Program in the electronic exchange of clinical health records unless the individual opts out;
- amends the duties of the Public Employees Health Program to enroll state employees and their dependents in the electronic exchange of clinical health records unless the individual opts out; and
- provides notice to individuals regarding the enrollment in the electronic exchange of clinical health records and the option to opt out of enrollment at any time.

HB 55 Health Care Associated Infections

Draxler, J.

This bill amends the Utah Communicable Disease Control Act by requiring certain health care facilities to share with the Department of Health data that the facility is required to report under federal law regarding health care associated infections and requiring the Department of Health to release a public report on health care associated infections.

- defines terms;
- requires an ambulatory surgical facility, a general acute hospital, an end stage renal disease facility, and a specialty hospital to share with the Department of Health data on health care associated infections that the facility submits to the National Healthcare Safety Network in the Centers for Disease Control and Prevention pursuant to requirements of the Center for Medicare and Medicaid Services;
- requires the Department of Health to prepare and publicly disclose a report on health care associated infection rates;
- establishes a protocol for the creation of the report;
- permits the report of health care associated infections to include data that compares and identifies facilities;
- states that the report may not be used as evidence in a criminal, civil, or administrative proceeding; and
- makes technical changes.

HB 144 Health System Reform Amendments

Dunnigan, J.

This bill amends provisions in the Health Code and Insurance Code related to the state's strategic plan for health system reform.

- amends provisions related to simplified Medicaid enrollment;
- requires the Department of Health to seek federal approval to expand eligibility of the Utah Premium Partnership program;
- clarifies the role of the All Payer Claims Database and the Utah Health Exchange related to prospective and retrospective risk adjusting;
- makes technical amendments to the Health Department's reports that compare quality measures;
- authorizes an actuarial analysis of providing coverage options to individuals from 133% to 200% of the federal poverty level through a basic health plan beginning in 2014;
- amends provisions related to the benchmark plan for the dental program in the Children's Health Insurance Program;
- prohibits an insurer from denying coverage for a covered service based on a diagnosis of autism unless the claim is directly related to autism;
- allows dental and vision policies to be offered on the health insurance exchange if the insurance department adopts rules in consultation with the Health System Reform Task Force which permit vision and dental plans on the exchange;
- amends health insurance producer disclosure requirements;
- allows an insurer to provide a premium discount to an employer group or an employee based on participation in a wellness program in the large and small group market;
- establishes the Legislature as the entity to determine the benchmark for an essential health benefit plan for the state;
- clarifies the fees that may be charged for the use of the call center for the Utah Health Exchange;
- reauthorizes the Defined Contribution Risk Adjuster Act until July 1, 2013;
- repeals provisions that require the state to implement multipayer demonstration projects;
- reauthorizes the Health System Reform Task Force; and
- makes technical amendments.

HB 245 Amendment to Definition of Smoking in Utah Indoor Clean Air Act

Last, B.

This bill amends definitions in the Utah Indoor Clean Air Act and phases in the application of the amended definitions.

- amends the definition of smoking to include e-cigarettes and heated tobacco products;
- defines e-cigarette;
- phases in the application of the amended definition of smoking as it applies to the use of e-cigarettes in a retail establishment that sells e-cigarettes;
- phases in the application of the definition of smoking as it applies to certain places of public access that allow the use of a hookah; and
- sunsets the phase in of the application of the amended definition of smoking on July 1, 2017.

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HB 272 Pilot Program for Autism Spectrum Disorders Services

Menlove, R.

This bill creates a pilot program for autism spectrum disorders services in the Medicaid program; for the private sector, non-Medicaid population through the Autism Treatment Account; and for certain children of state employees administered by Public Employees' Benefit and Insurance Program Act.

- provides a funding mechanism for the autism Medicaid waiver;
- directs the state Medicaid program to develop a Medicaid waiver to provide proven effective services for children between the ages of two to six with autism spectrum disorder;
- requires the department to convene a public process to develop the Medicaid waiver;
- requires the department to include services for children located in rural and underserved areas of the state;
- requires the department to measure the cost and the effectiveness of the treatments and services for autism spectrum disorders;
- requires the department to report to the Legislative Health and Human Services Interim Committee by November 30, 2013;
- amends provisions of the Autism Treatment Account to:
 - update terminology used for autism treatment options;
 - amend the uses of the account to focus on evaluation and treatment of children between the ages of two to six years old with autism spectrum disorders;
 - work with telehealth services to reach children in rural and underserved areas of the state; and
 - create a mechanism to identify children qualified for services, provide and pay for services for children, and evaluate effectiveness of treatments; and
- establishes a pilot program for autism treatment services for certain children of state employees administered by the Public Employees' Benefit and Insurance Program.

HB 437 Public Employee Health Care Benefits

Daw, B.

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending high deductible health plan insurance program provisions.

- clarifies that health insurance benefits provided to employees do not constitute a continuing obligation;
- requires the Public Employee Health Plan to provide training on changing coverages to the high deductible plan with a health savings account, including coordination of benefits with other insurances;
- requires PEHP to coordinate annual open enrollment with the Department of Human Resource Management;
- establishes procedures for calculating annual employer contribution amounts for the employer paid health savings account contributions;
- requires the state to offer continuing high deductible health plan coverage under certain circumstances after the employee has exhausted Federal COBRA coverage; and
- makes technical changes.

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Human Services

HB 14 Civil Commitment Amendments

Daw, B.

This bill amends Title 62A, Chapter 15, Substance Abuse and Mental Health Act, by including harmful sexual conduct as grounds for a civil commitment.

- defines the term "harmful sexual conduct";
- amends the definition of "substantial danger";
- amends the process for civil commitment; and
- makes technical changes.

HB 319 Provision of Information to Parents of Children in State Custody

Watkins, C.

This bill modifies Title 62A, Chapter 4a, Child and Family Services, by requiring the Division of Child and Family Services to provide a parent of a child in state custody with information about the parent's rights.

- requires the Division of Child and Family Services to prepare a pamphlet for distribution to a parent of a child in state custody explaining:
 - the parent's rights, including the right to contact an attorney;
 - the name and contact information of an individual at the division who can answer the parent's questions;
 - resources available to the parent; and
 - any other information the division considers necessary;
- requires the division to provide the pamphlet described above to a parent whenever a child is removed from a home, school, or taken into protective custody; and
- makes technical changes.

HB 357 Guardian Ad Litem Amendments

Christensen, L.

This bill modifies provisions of Title 78A, Chapter 2, Judicial Administration, Title 78B, Chapter 7, Protective Orders, and Title 78B, Chapter 15, Utah Uniform Parentage Act, by amending the procedures for appointing a guardian ad litem to represent a minor.

- repeals provisions relating to the appointment of a guardian ad litem from the Office of Guardian ad Litem in a district court case;
- states the public policy in favor of a guardian ad litem balancing parental rights with the best interest of a child;
- describes the procedure for the appointment of a private attorney guardian ad litem to district court cases;
- requires the court to limit a private attorney guardian ad litem's representation to specific issues within a case, to the extent possible;
- provides a procedure for terminating a private attorney guardian ad litem's appointment;
- describes the duties of a private attorney guardian ad litem;
- authorizes the Office of Guardian ad Litem to establish, by rule, the system for appointing and paying a private attorney guardian ad litem;
- states that, if it appears from a petition for a protective order that domestic violence or abuse has occurred, a court may appoint a private attorney guardian ad litem;
- authorizes the court to appoint a private attorney guardian ad litem for a child who is the subject of a petition for protective order;
- authorizes the court to appoint a private attorney guardian ad litem for district court cases and the Office of Guardian ad Litem for juvenile cases; and
- makes technical changes.

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Insurance

SB 129 Unemployment Insurance Modifications

Bramble, C.

This bill modifies the Employment Security Act by reducing the maximum unemployment insurance contribution rate for an employer beginning in calendar year 2012 and capping the social unemployment insurance contribution rate for all employers for calendar year 2012 only.

- reduces the maximum unemployment insurance contribution rate for an employer from 9% plus the social contribution rate to 7% plus the social contribution rate beginning in calendar year 2012;
- caps the social unemployment insurance contribution rate for all employers at .4% for calendar year 2012 only;
- provides that if the reserve fund is insolvent, the reserve factor is 2.0 until the reserve fund becomes solvent;
- allows the Unemployment Insurance Division to accept an offer of compromise from an employer or claimant to reduce past due debt under certain circumstances;
- requires the Unemployment Insurance Division to make rules allowing for an offer of compromise; and
- makes technical changes.

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Judicial Administration

HB 204 Expedited Jury Trial Act Amendments

King, B.

This bill removes specific language to prevent confusion.

- removes confusing language regarding a case in which a jury might return a "no cause" verdict.

SB 235 Clarification of Stalking Injunctions and Protective Orders

Weiler, T.

This bill allows a court with a petition for a stalking injunction to take into consideration any minor children the parties may have.

- allows a court to consider the defendant's parental rights when issuing a stalking injunction; and
- makes technical corrections.

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Law Enforcement and Criminal Justice

HB 33 Fireworks Amendments

Dunnigan, J.

This bill modifies the Fire Prevention and Fireworks Act regarding the allowable times to discharge fireworks.

- modifies the times during which fireworks may be sold and discharged.

HB 96 Prohibition of Sale or Use of Certain Software Programs

Arent, P.

This bill modifies the Criminal Code by prohibiting the use, purchase, installation, transfer, or sale of any automated sales suppression device or phantomware.

- provides definitions, including defining automated sales suppression device and phantomware;
- prohibits a person from knowingly selling, purchasing, installing, transferring, using, or possessing any automated sales suppression device or phantomware;
- provides that the penalty for a first offense is a third degree felony and any subsequent offense is a second degree felony; and
- provides an additional penalty of a fine not to exceed twice the amount of the applicable taxes that would otherwise be due for any person convicted of violating these provisions.

HB 108 Internet Gambling

Sandstrom, S.

This bill modifies the Criminal Code regarding the definition of gambling.

- defines Internet gambling;
- clarifies that gambling, which is prohibited in Utah, includes any form of Internet gambling;
- provides that any person who knowingly transmits, receives, or relays any form of Internet or online gambling into or within this state is guilty of a class A misdemeanor;
- provides that if any federal law authorizes Internet gambling in the states, this state shall opt out of allowing Internet gambling by the procedure provided in the federal law; and
- provides an exemption for an Internet service provider or hosting company, a provider of public telecommunications services, and an Internet advertising service that is routing or providing connections without selecting the material.

HB 182 Signage Honoring Fallen Highway Patrol Officers

Wilson, B.

This bill modifies the Transportation Code by authorizing the Utah Department of Transportation to erect memorial signs to honor Utah Highway Patrol officers who have been killed in the line of duty.

- authorizes the Utah Department of Transportation to erect memorial signs, honoring fallen Utah Highway Patrol officers;
- provides that the memorial signs will comply with the Manual on Uniform Traffic Control Devices for Streets and Highways; and
- provides that the memorial signs may be funded by voluntary contributions or funds appropriated by the Legislature.

SELECTED HIGHLIGHTS of the 2012 General Session

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Military Services

SB 282 Credit for Veteran Training

Weiler, T.

This bill allows a veteran to receive a commercial driver license under specified conditions.

- allows a veteran to receive a commercial driver license if the veteran:
 - meets the qualifications for the license;
 - for at least two years prior to applying, worked in a military unit which required the skills necessary for the license; and
 - was honorably discharged.

SELECTED HIGHLIGHTS of the 2012 General Session

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Natural Resources

HB 86 Posting of Trespass

Mathis, J.

This bill makes it a class B misdemeanor for a person to take wildlife or engage in wildlife activities on private land if the person has notice to not enter or remain on the land.

- modifies the definition of "properly posted";
- makes it a class B misdemeanor for a person to take wildlife or engage in wildlife activities on private land if the person has notice to not enter or remain on the land; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2012 General Session

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Political Subdivisions (Local Issues)

HB 216 Political Subdivision Residential Rental Amendments

Sumsion, K.

This bill enacts language related to a municipal regulation of a residential rental unit.

- defines terms;
- enacts language related to a disproportionate rental fee charged by a municipality;
- prohibits a municipality from making certain requirements of a landlord;
- enacts language related to a good landlord program; and
- makes technical corrections.

SB 42 Limitation on Action to Recover Deficiency Following Short Sale

Niederhauser, W.

This bill enacts a provision establishing a time limit for an action to recover a deficiency following a specified sale of residential real property.

- bars an action to recover a deficiency following a short sale of single-family residential property unless the action is commenced no later than three months after the short sale.

SB 180 Political Subdivision Ethics Amendments

Bramble, C.

This bill enacts language related to a political subdivision officer or employee ethics violation.

- authorizes a municipality to establish a municipal ethics commission;
- enacts general provisions;
- defines terms;
- authorizes a political subdivision to establish an ethics commission within the political subdivision or by interlocal agreement;
- enacts provisions related to the Political Subdivisions Ethics Review Commission (Commission);
- enacts provisions related to general powers and procedures;
- enacts provisions related to a hearing on an ethics complaint;
- enacts provisions related to an ethics complaint;
- enacts provisions related to a review of an ethics complaint for compliance;
- enacts provisions related to the commission's preliminary review and review of an ethics violation;
- authorizes a county to establish a county ethics commission;
- amends provisions related to a closed public meeting;
- amends provisions related to a private record;
- removes a county from the authority of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
- enacts language related to filing a complaint for a violation of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and
- makes technical corrections.

SELECTED HIGHLIGHTS of the 2012 General Session

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Resolutions

HJR 3 Joint Resolution on Federal Transfer of Public Lands

Barrus, R.

This joint resolution of the Legislature demands that the federal government extinguish title to Utah's public lands and transfer title to those lands to the state of Utah. This resolution:

- demands that the federal government transfer title of the public lands within Utah's borders directly to the state of Utah;
- urges the United States Congress to engage in good faith communication, cooperation, coordination, and consultation with the state of Utah regarding the transfer of title of public lands directly to the state of Utah;
- declares that the Legislature, upon transfer of title of the public lands directly to the state of Utah, intends to affirmatively cede the national park lands to the federal government, under Article I, Section 8, Clause 17 of the United States Constitution, on condition that the lands permanently remain national park lands and that they not be sold, transferred, or conveyed to any party other than the state of Utah;
- declares that, upon transfer of the public lands directly to the state of Utah, the Legislature intends to affirmatively cede to the federal government all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964;
- calls for the creation of a Utah Public Lands Commission to review and manage multiple use of the public lands, including access, open space, and sustainable yield of the abundant resources, and to determine, through a public process, the extent to which public land may be sold, if any; and
- urges, to the extent that the Public Lands Commission determines through a public process that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for public education and 95% of the net proceeds should be paid to the federal government to pay down the national debt.

SJR 8 Joint Resolution on Property Tax Exemption for Military Personnel

Robles, L.

This joint resolution of the Legislature proposes to amend the Utah Constitution to allow for a property tax exemption for certain military personnel and spouse. This resolution proposes to amend the Utah Constitution to:

- provide that the primary residence of a person who is ordered to federal active duty may be exempt from property tax.

SELECTED HIGHLIGHTS of the 2012 General Session

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Retirement

HB 256 Retirement Modifications

Ipson, D.

This bill modifies the Utah State Retirement and Insurance Benefit Act.

- amends definitions;
- provides that "initially entering" employment includes employees that move from a position not covered under a Utah Retirement System to a position that is covered;
- clarifies post retirement employment provisions for a retiree who returns to work within one year or who elects to earn additional service credit;
- provides that a domestic relations court order must be received within 12 months of the death of the member;
- repeals language related to presentment by a policyholder;
- amends the definition of regular full-time employee to provide that the minimum earnings required for an elective or appointive officer to be eligible for a retirement benefit under the Tier I Public Employees' Systems is based on a monthly rate, not just the first month in office;
- clarifies that an employer must be a participating employer whether or not the employer has applied for admission to the system;
- allows the executive director of the Department of Corrections to be excluded from the Public Safety Contributory Retirement System, the Public Safety Noncontributory Retirement System, and the Tier I Public Safety Noncontributory Retirement System;
- clarifies that only Tier II governors and legislators and their spouses, not all Tier II public employees, may be eligible for the governors' and legislative paid-up group health coverage;
- clarifies that Tier II firefighters, including volunteer firefighters, are covered under the URS long-term disability program;
- provides that long-term disability claims must be made within six months, rather than one year, from the employee's date of disability;
- requires an employee receiving monthly disability benefits to provide certain information and documentation requested by the office;
- provides that monthly disability benefits are reduced for payments made for sick leave, annual leave, or similar payments;
- clarifies participation requirements for employers in the Tier II systems;
- allows certain at-will employees to be exempt from the vesting requirement for the defined contribution plan in the Tier II Public Employees' Retirement System;
- allows certain public safety service employees to be exempt from the vesting requirement for the defined contribution plan in the New Public Safety and Firefighter Tier II Contributory Retirement System;
- clarifies who a participating employer must cover under the Tier II Public Safety and Firefighters Systems; and
- makes technical changes.

HB 512 Rural County Health Care Special Service District Retirement Grant Program

Ipson, D.

This bill creates and funds a grant program for retirement liabilities for rural county health care special service districts.

- defines terms;
- establishes a grant application process; and
- directs the Department of Health to award grants to qualified applicants.

SELECTED HIGHLIGHTS of the 2012 General Session

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Revenue and Taxation

HB 387 Property Tax Modifications

Dougall, J.

This bill makes changes to the property taxation of personal property.

- defines terms;
- modifies the property taxation of certain personal property; and
- makes technical and conforming changes.

SB 27 Amendments to Revenue and Taxation Title

Stephenson, H.

This bill amends provisions in the Revenue and Taxation title to address certain issues related to the Utah Supreme Court case Ivory Homes v. Utah State Tax Commission.

- amends definitions;
- amends the circumstances under which a person who pays a tax, fee, or charge liability may receive a credit or refund;
- addresses the construction of a statute involving a tax, fee, or charge by the State Tax Commission or a court;
- addresses the taxability of a transaction consisting of taxable and nontaxable property, products, or services;
- addresses sales and use tax refund procedures; and
- makes technical and conforming changes.

SB 65 Alternative Energy Development Tax Incentives

Adams, J. S.

This bill addresses provisions related to alternative energy development tax incentives.

- repeals the Alternative Energy Development Act;
- enacts the Alternative Energy Development Tax Credit Act related to alternative energy development tax credits;
- enacts the Alternative Energy Manufacturing Tax Credit Act related to alternative energy manufacturing tax credits;
- repeals provisions related to alternative energy development tax credits in economic development tax credit provisions;
- defines terms;
- modifies and expands alternative energy sales and use tax exemptions;
- extends the time period for claiming certain sales and use tax exemptions related to alternative energy;□
- requires the Office of Energy Development to administer the alternative energy development tax credits;
- requires the Governor's Office of Economic Development to administer the alternative energy manufacturing tax credits; and
- makes technical and conforming changes.

SB 116 Armed Forces Property Tax Exemption

Robles, L.

This bill expands a property tax exemption related to military members.

- defines terms and modifies definitions;
- expands a property tax exemption related to military members to include certain members of the armed forces who performed qualifying active duty military service; and
- makes technical and conforming changes.

SELECTED HIGHLIGHTS of the 2012 General Session

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Task Force / Committees

HB 28 Economic Development Task Force

Wilson, B.

This bill creates the Economic Development Task Force.

- creates and provides for the membership of the Economic Development Task Force;
- provides for salary and expenses of task force members; and
- provides for task force duties, meetings, and reports.

HB 162 Veterans Reintegration Task Force

Cosgrove, T.

This bill creates the Veterans Reintegration Task Force.

- creates the Veterans Reintegration Task Force composed of 15 members;
- requires the task force to study difficulties encountered by returning service members after deployments and create a statewide action plan for assisting with reintegration into communities;
- charges the task force with creating a statewide action plan for collaborating, assisting, and coordinating with reintegration into communities; and
- requires that the task force report to the Government Operations and Political Subdivisions Interim Committee.

SELECTED HIGHLIGHTS of the 2012 General Session

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Transportation

HB 21 Driver License Emergency Contact Database

Poulson, M.

This bill modifies the Uniform Driver License Act by creating an emergency contact database for driver license and identification card holders.

- requires the Driver License Division to create an emergency contact database for license certificate and identification card holders;
- provides that a law enforcement officer may share information contained in the emergency contact database with other public safety workers on the scene of a motor vehicle accident or other emergency situation;
- provides that a person holding a license certificate or identification card may provide the Driver License Division the names, addresses, and telephone numbers of no more than two emergency contact persons;
- requires the Driver License Division to make rules establishing the procedures to implement the emergency contact database;
- provides that if a person is involved in a motor vehicle accident or other emergency situation and is unable to communicate with the contact person or persons specified in the database, a law enforcement officer shall make a good faith effort to notify the contact person or persons of the situation;
- provides that information in the database shall only be used for contact purposes and may not be used for criminal investigation purposes; and
- specifies that the Driver License Division, a law enforcement officer, or a law enforcement agency that employs a law enforcement officer does not incur liability in connection with the use of the emergency contact database in certain circumstances.

HB 173 Transportation Funding Modifications

Dee, B.

This bill modifies provisions relating to transportation funding.

- provides that county option sales and use tax revenues for transportation may be used for a project that is a collector road in a county of the second class in certain circumstances;
- reduces the amount of bonds that may be issued to pay for the costs of construction, reconstruction, renovations, or improvements to certain highway projects;
- provides that a portion of certain bond proceeds shall be provided to the Department of Transportation to pay for, or to provide funds to, a municipality or county to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to certain highways;
- provides that debt service and bond issuance costs for certain bonds that have been issued shall be paid by the Transportation Investment Fund of 2005 and the County of the First Class State Highways Fund; and
- makes technical changes.

HB 298 Motor Vehicle Safety Inspection Amendments

Dougall, J.

This bill modifies provisions relating to motor vehicle safety inspections.

- provides that if a title of a used motor vehicle is being transferred, a safety inspection issued for the motor vehicle during the previous 11 months may be used to satisfy the safety inspection requirement;
- reduces the frequency of the requirement that an owner of certain vehicles is required to obtain a safety inspection certificate prior to registering the vehicle;
- increases the registration fee for motor vehicles and motorcycles to offset the reduced revenues from the repeal of the safety inspection certificate fee;
- provides that a portion of the revenues from the increased motor vehicle and motorcycle registration fees shall be:
 - deposited in the Public Safety Restricted Account; and
 - used to pay a portion of the costs to employ highway patrol officers to police or patrol the highways within this state; and
- makes conforming changes.

SB 25 Driver License and Identification Card Amendments

Van Tassell, K.

This bill modifies the Traffic Code and the Uniform Driver License Act by amending provisions relating to driver license and identification cards.

- prohibits a person from holding both an unexpired Utah license certificate and an unexpired Utah identification card;
- provides that if certain persons hold an unexpired Utah license certificate and an unexpired Utah identification card, the person shall surrender either the Utah license certificate or the Utah identification card within certain time frames, or the Driver License Division shall cancel the person's Utah identification card;
- provides that certain limited-term license certificates or identification cards expire on the date of issuance in the first year following the year that the limited-term license certificate or identification card was issued;
- authorizes the Driver License Division to extend certain license certificates by electronic means or other means determined by the division; and
- makes technical changes.

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Workforce Services Code

HB 155 Drug Screening for Temporary Assistance for Needy Families Recipients

Wilson, B.

This bill modifies the Employment Support Act by requiring an applicant who otherwise qualifies for cash assistance under Utah's Family Employment Program to complete a written drug screening questionnaire and meet other requirements in order to receive cash assistance under the program.

- requires a parent who otherwise qualifies for cash assistance under Utah's Family Employment Program to complete a written questionnaire designed to determine the likelihood of the parent having a substance use disorder;
- requires an applicant to submit to a drug test if the written questionnaire indicates a reasonable likelihood that the applicant has a substance use disorder;
- requires an applicant who tests positive for a controlled substance to enter into and follow an employment plan that includes the following to continue to receive cash assistance under the Family Employment Program:
 - receiving treatment for a substance use disorder; and
 - testing negative on follow-up drug tests for a controlled substance;
- provides that refusing to take a drug test, failing a drug test, not entering into an employment plan, or failing to successfully follow an employment plan's substance use disorder treatment requirements, makes an applicant ineligible for cash assistance under the Family Employment Program and for reapplication for cash assistance:
 - for 90 days after a first occurrence within one year; or
 - for one year after a second occurrence within one year; and
- makes technical changes.

HB 263 Unemployment Benefits for Military Spouse

Hemingway, L.

This bill modifies the Employment Security Act by expanding unemployment benefits eligibility for military spouses under certain circumstances.

- provides that the Unemployment Division will not charge benefit costs to an employer for an employee who receives unemployment benefits after voluntarily leaving employment to follow a spouse because of a spouse's military assignment;
- authorizes unemployment benefits for a claimant who voluntarily leaves employment to follow a spouse to a new location if:
 - the claimant's spouse is a member of the United States armed forces and the claimant's spouse has been relocated by a military assignment on active duty;
 - it is impractical for the claimant to commute to the previous work from the new locality; and
 - the claimant otherwise meets and follows the eligibility and reporting requirements of the Unemployment Division; and
- makes technical changes.

SB 37 Intergenerational Poverty Provisions

Reid, S.

This bill modifies the Utah Workforce Services Code by enacting the Intergenerational Poverty Mitigation Act to monitor data related to intergenerational poverty.

- defines terms; and
- requires the Department of Workforce Services to establish and maintain a system to track intergenerational poverty related data to identify at-risk children and other groups, identify trends, and to assist case workers, social scientists, and government officials in the study and development of plans and programs to help individuals and families break the cycle of poverty.

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