

- 28 **26-30-2**, as last amended by Chapter 38, Laws of Utah 1989
- 29 **26-30-3**, as enacted by Chapter 126, Laws of Utah 1981
- 30 **31A-22-611**, as enacted by Chapter 242, Laws of Utah 1985
- 31 **34-38-14**, as last amended by Chapter 375, Laws of Utah 1997
- 32 **34-40-104**, as last amended by Chapter 375, Laws of Utah 1997
- 33 **49-1-103**, as last amended by Chapter 288, Laws of Utah 1995
- 34 **49-5-103**, as last amended by Chapter 31, Laws of Utah 1997
- 35 **53A-1-402**, as enacted by Chapter 2, Laws of Utah 1988
- 36 **53A-9-103**, as enacted by Chapter 2, Laws of Utah 1988
- 37 **53A-11-203**, as enacted by Chapter 2, Laws of Utah 1988
- 38 **53A-17a-106**, as renumbered and amended by Chapter 72, Laws of Utah 1991
- 39 **53A-17a-127**, as last amended by Chapter 332, Laws of Utah 1999
- 40 **53A-20-103**, as enacted by Chapter 2, Laws of Utah 1988
- 41 **55-5-5**, as enacted by Chapter 174, Laws of Utah 1971
- 42 **59-10-108**, as last amended by Chapter 183, Laws of Utah 1990
- 43 **62A-1-111**, as last amended by Chapter 106, Laws of Utah 1999
- 44 **62A-4a-105**, as last amended by Chapters 274 and 370, Laws of Utah 1998
- 45 **63B-5-201**, as enacted by Chapter 335, Laws of Utah 1996
- 46 **75-5-316**, as last amended by Chapter 161, Laws of Utah 1997
- 47 **78-11-23**, as enacted by Chapter 167, Laws of Utah 1983

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

49 Section 1. Section **9-4-602** is amended to read:

50 **9-4-602. Definitions.**

51 As used in this part:

52 (1) "Area of operation" means:

53 (a) in the case of an authority of a city, the city, except that the area of operation of an
54 authority of any city does not include any area which lies within the territorial boundaries of some
55 other city; or

56 (b) in the case of an authority of a county, all of the county for which it is created except,
57 that a county authority may not undertake any project within the boundaries of any city unless a
58 resolution has been adopted by the governing body of the city (and by any authority which shall

59 have been theretofore established and authorized to exercise its powers in the city) declaring that
60 there is need for the county authority to exercise its powers within that city.

61 (2) "Blighted area" means any area where dwellings predominate which, by reason of
62 dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary
63 facilities or any combination of these factors, are detrimental to safety, health, and morals.

64 (3) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations
65 issued by an authority pursuant to this part.

66 (4) "City" means any city or town in the state.

67 (5) "Clerk" means the city clerk or the county clerk, or the officer charged with the duties
68 customarily imposed on such clerk.

69 (6) "County" means any county in the state.

70 (7) "Elderly" means a person who meets the age, disability, or other conditions established
71 by regulation of the authority.

72 (8) "Federal government" includes the United States of America, the Department of
73 Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise,
74 of the United States.

75 (9) "Governing body" means, in the case of a city, the council or other body of the city in
76 which is vested legislative authority customarily imposed on the city council, and in the case of
77 a county, the board of county commissioners.

78 ~~[(H)]~~ (10) "Housing authority" or "authority" means any public body corporate and politic
79 created by this part.

80 ~~[(H2)]~~ (11) (a) "Housing project" or "project" means any work or undertaking, on
81 contiguous or noncontiguous sites to:

82 (i) demolish, clear, or remove buildings from any blighted area;

83 (ii) provide or assist in providing decent, safe, and sanitary urban or rural dwellings,
84 apartments, or other living accommodations for persons of medium and low income by any
85 suitable methods, including but not limited to rental, sale of individual units in single or
86 multifamily structures under conventional condominium, cooperative sales contract,
87 lease-purchase agreement, loans, or subsidizing of rentals or charges; or

88 (iii) accomplish a combination of the foregoing.

89 (b) "Housing project" includes:

90 (i) buildings, land, equipment, facilities, and other real or personal property for necessary,
91 convenient, or desirable appurtenances;

92 (ii) streets, sewers, water service, utilities, parks, site preparation and landscaping;

93 (iii) facilities for administrative, community, health, recreational, welfare, or other
94 purposes;

95 (iv) the planning of the buildings and other improvements;

96 (v) the acquisition of property or any interest therein; the demolition of existing structures;

97 (vi) the construction, reconstruction, rehabilitation, alteration, or repair of the
98 improvements and all other work in connection with them; and

99 (vii) all other real and personal property and all tangible or intangible assets held or used
100 in connection with the housing project.

101 [~~(13)~~] (12) "Major disaster" means any flood, drought, fire, hurricane, earthquake, storm,
102 or other catastrophe which in the determination of the governing body is of sufficient severity and
103 magnitude to warrant the use of available resources of the federal, state, and local governments to
104 alleviate the damage, hardship, or suffering caused.

105 [~~(14)~~] (13) "Mayor" means the mayor of the city or the officer charged with the duties
106 customarily imposed on the mayor or executive head of a city.

107 [~~(15)~~] (14) "Obligee of an authority" or "obligee" includes any bondholder, agent or trustee
108 for any bondholder, any lessor demising to the authority used in connection with a project, any
109 assignee or assignees of the lessor's interest in whole or in part, and the federal government when
110 it is a party to any contract with the authority.

111 [~~(16)~~] (15) "Persons of medium and low income" mean persons or families who, as
112 determined by the authority undertaking a project, cannot afford to pay the amounts at which
113 private enterprise, unaided by appropriate assistance, is providing a substantial supply of decent,
114 safe and sanitary housing.

115 [~~(10) "Handicapped"~~] (16) "Person with a disability" means a person whose functioning
116 is substantially impaired, as determined in accordance with regulations established by the
117 authority.

118 (17) "Public body" means any city, county or municipal corporation, commission, district,
119 authority, agency, subdivision, or other body of any of the foregoing.

120 (18) "Real property" includes all lands, improvements, and fixtures on them, property of

121 any nature appurtenant to them or used in connection with them, and every estate, interest, and
122 right, legal or equitable, including terms for years.

123 Section 2. Section **9-4-614** is amended to read:

124 **9-4-614. Preference for the elderly and persons with a disability.**

125 (1) For the purpose of increasing the supply of low-rent housing and related facilities for
126 medium and low income elderly and [~~handicapped persons of~~] medium and low income persons
127 with a disability, an authority may exercise any of its powers under this part in projects involving
128 dwelling accommodations designed specifically for these persons. [~~In respect to~~]

129 (2) For dwelling units in any projects suitable to the needs of the elderly or [~~handicapped~~]
130 persons with a disability, special preference may be extended in admission to those dwelling units
131 to these persons of medium and low income.

132 Section 3. Section **9-4-801** is amended to read:

133 **9-4-801. Creation.**

134 (1) There is created the Homeless Coordinating Committee.

135 (2) (a) The committee shall consist of the state planning coordinator, the state
136 superintendent of public instruction, and the executive directors of the Department of Human
137 Services, the Department of Community and Economic Development, the Department of
138 Workforce Services, and the Department of Health, or their designees.

139 (b) The governor shall appoint the chair from among these members.

140 (3) The governor may also appoint representatives of local governments, local housing
141 authorities, local law enforcement agencies, and of federal and private agencies and organizations
142 concerned with the homeless, mentally ill, elderly, single-parent families, substance abusers, and
143 [~~the handicapped~~] persons with a disability to be members of the committee.

144 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
145 expire, the governor shall appoint each new member or reappointed member to a four-year term.

146 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time
147 of appointment or reappointment, adjust the length of terms to ensure that the terms of committee
148 members are staggered so that approximately half of the committee is appointed every two years.

149 (c) A person appointed under this Subsection (4) may not be appointed to serve more than
150 three consecutive terms.

151 (5) When a vacancy occurs in the membership for any reason, the replacement shall be

152 appointed for the unexpired term.

153 (6) (a) (i) Members who are not government employees shall receive no compensation or
154 benefits for their services, but may receive per diem and expenses incurred in the performance of
155 the member's official duties at the rates established by the Division of Finance under Sections
156 63A-3-106 and 63A-3-107.

157 (ii) Members may decline to receive per diem and expenses for their service.

158 (b) (i) State government officer and employee members who do not receive salary, per
159 diem, or expenses from their agency for their service may receive per diem and expenses incurred
160 in the performance of their official duties from the committee at the rates established by the
161 Division of Finance under Sections 63A-3-106 and 63A-3-107.

162 (ii) State government officer and employee members may decline to receive per diem and
163 expenses for their service.

164 (c) (i) Local government members who do not receive salary, per diem, or expenses from
165 the entity that they represent for their service may receive per diem and expenses incurred in the
166 performance of their official duties at the rates established by the Division of Finance under
167 Sections 63A-3-106 and 63A-3-107.

168 (ii) Local government members may decline to receive per diem and expenses for their
169 service.

170 Section 4. Section **9-4-802** is amended to read:

171 **9-4-802. Purposes of Homeless Coordinating Committee -- Uses of Homeless Trust**
172 **Account.**

173 (1) (a) The Homeless Coordinating Committee shall work to ensure that services provided
174 to the homeless by state agencies, local governments, and private organizations are provided in a
175 cost-effective manner.

176 (b) Programs funded by the committee shall emphasize emergency housing and
177 self-sufficiency, including placement in meaningful employment or occupational training activities
178 and, where needed, special services to meet the unique needs of the homeless who are mentally
179 ill and those who are in families with children.

180 (c) The committee may also fund treatment programs to ameliorate the effects of substance
181 abuse or a [handicap] disability.

182 (2) The committee designated in Subsection 9-4-801(2) [is responsible for awarding] shall:

183 (a) award contracts funded by the Homeless Trust Account~~[- The committee shall award~~
 184 contracts] with the advice and input of those designated in Subsection 9-4-801(3)~~[- and shall];~~

185 (b) consider need, diversity of geographic location, coordination with or enhancement of
 186 existing services, and the extensive use of volunteers~~[- Priority]; and~~

187 (c) give priority for funding [shall be given] to programs that serve the homeless who are
 188 mentally ill and who are in families with children.

189 (3) (a) In any fiscal year, no more than 80% of the funds in the Homeless Trust Account
 190 may be allocated to organizations that provide services only in Salt Lake, Davis, Weber, and Utah
 191 Counties.

192 (b) The committee may:

193 (i) expend up to 3% of its annual appropriation for administrative costs associated with
 194 the allocation of funds from the Homeless Trust Account~~[- The committee may]; and~~

195 (ii) pay for the initial costs of the State Tax Commission in implementing Section
 196 59-10-530.5 ~~[out of]~~ from the Homeless Trust Account.

197 (4) (a) The committee may not expend, except as provided in Subsection (4)(b), an amount
 198 equal to the greater of \$50,000 or 20% of the amount donated to the Homeless Trust Account
 199 during fiscal year 1988-89.

200 (b) ~~[The]~~ If there are decreases in contributions to the fund, the committee may expend
 201 funds held in reserve to provide program stability ~~[in the event of decreases in contributions to the~~
 202 ~~fund]~~, but the committee shall reimburse the amounts of those expenditures to the reserve fund ~~[the~~
 203 ~~amount of any such expenditure]~~.

204 (5) The committee shall make an annual report to the Economic Development and Human
 205 Resources Appropriations Subcommittee regarding the programs and services funded by
 206 contributions to the Homeless Trust Account.

207 Section 5. Section **9-7-205** is amended to read:

208 **9-7-205. Duties of board and director.**

209 (1) The board shall:

210 (a) promote, develop, and organize a state library and make provisions for its housing;

211 (b) promote and develop library services throughout the state in cooperation with any and
 212 all other state or municipal libraries, schools, or other agencies wherever practical;

213 (c) promote the establishment of district, regional, or multicounty libraries as conditions

214 within particular areas of the state may require;

215 (d) supervise the books and materials of the state library and require careful and complete
216 records of the condition and affairs of the state library to be kept;

217 (e) establish policies for the administration of the division and for the control, distribution,
218 and lending of books and materials to those libraries, institutions, groups, or individuals entitled
219 to them under this chapter;

220 (f) serve as the agency of the state for the administration of any state or federal funds
221 which may be appropriated to further library development within the state;

222 (g) aid and provide general advisory assistance in the development of statewide school
223 library service and encourage contractual and cooperative relations between school and public
224 libraries;

225 (h) give assistance, advice, and counsel to all tax-supported libraries of any type within
226 the state and to all communities or persons proposing to establish them and conduct courses and
227 institutes on the approved methods of operation, selection of books, or other activities necessary
228 to the proper administration of a library;

229 (i) furnish or contract for the furnishing of library or information service to state officials,
230 state departments, or any groups that in the opinion of the director warrant the furnishing of those
231 services, particularly through the facilities of traveling libraries to those parts of the state otherwise
232 inadequately supplied by libraries;

233 (j) where sufficient need exists and if the director considers it advisable, establish and
234 maintain special departments in the state library to provide services for the blind [~~and physically~~
235 ~~handicapped~~], visually impaired, persons with a physical disability, and professional, occupational,
236 and other groups;

237 (k) administer a depository library program by collecting state publications, and providing
238 a bibliographic information system;

239 (l) require that information and statistics necessary to the work of the state library be
240 collected, and that findings and reports be published;

241 (m) make any report concerning the activities of the state library to the governor as he may
242 require; and

243 (n) develop standards for public libraries.

244 (2) The director shall, under the policy direction of the board, carry out the responsibilities

245 under Subsection (1).

246 Section 6. Section **10-9-104** is amended to read:

247 **10-9-104. Stricter requirements.**

248 (1) Except as provided in Subsection (2), municipalities may enact ordinances imposing
249 stricter requirements or higher standards than are required by this chapter.

250 (2) A municipality may not impose stricter requirements or higher standards than are
251 required by:

252 (a) Section 10-9-106;

253 (b) Section 10-9-106.5;

254 (c) Part 5, Residential Facilities for Elderly [~~Persons~~]; and

255 (d) Part 6, Residential Facilities for [~~Handicapped~~] Persons with a Disability.

256 Section 7. Section **11-17-1.5** is amended to read:

257 **11-17-1.5. Purpose of chapter.**

258 (1) The purposes of this chapter are to stimulate the economic growth of the state [~~of~~
259 ~~Utah~~], to promote employment and achieve greater industrial development in the state [~~of Utah~~],
260 to maintain or enlarge domestic or foreign markets for Utah industrial products, to authorize
261 municipalities and counties in the state to facilitate capital formation, finance, acquire, own, lease,
262 or sell projects for the purpose of reducing, abating, or preventing pollution and to protect and
263 promote the health, welfare, and safety of the citizens of the state and to improve local health and
264 the general welfare by inducing corporations, persons, or entities engaged in health care services,
265 including hospitals, nursing homes, extended care facilities, facilities for the care of [~~physically~~
266 ~~and mentally handicapped~~] persons with a physical or mental disability, and administrative and
267 support facilities, to locate, relocate, modernize, or expand in this state and to assist in the
268 formation of investment capital with respect thereto. The Legislature hereby finds and declares
269 that the acquisition or financing, or both, of projects under the Utah Industrial Facilities and
270 Development Act and the issuance of bonds under it constitutes a proper public purpose.

271 (2) It is declared that the policy of the state [~~of Utah~~] is to encourage the development of
272 free enterprise and entrepreneurship for the purpose of the expansion of employment opportunities
273 and economic development. It is found and declared that there exists in the state [~~of Utah~~] an
274 inadequate amount of locally managed, pooled venture capital in the private sector available to
275 invest in early stage businesses having high growth potential and which can provide jobs for Utah

276 citizens. It is found that such venture capital is required for healthy economic development of
277 sectors of the economy having high growth and employment potential. It is further found that the
278 public economic development purposes of the state and its counties and municipalities can be
279 fostered by the sale of industrial revenue bonds for the purpose of providing funding for locally
280 managed, pooled new venture and economic development funds in accordance with the provisions
281 of this act. It is found and declared that in order to assure adequate investment of private capital
282 for such uses, cooperation between private enterprise and state and local government is necessary
283 and in the public interest and that the facilitation of such capital accumulation is the appropriate
284 activity of the counties and municipalities of this state and also of the Utah Division of Business
285 and Economic Development, a division of the Utah Department of Community and Economic
286 Development.

287 It is found that venture capital funds historically, because of the more intensive nature of
288 their relationship with companies in which they invest, tend to concentrate their investments within
289 a relatively close geographical area to their headquarters location.

290 It is found and declared that investors in economic development or new venture investment
291 funds require for the overall security of their investments reasonable diversification of investment
292 portfolios and that, in the course of such diversification, investments are often syndicated or jointly
293 made among several financial institutions or funds. It is expressly found and declared that an
294 economic development or new venture investment fund must from time to time for its optimal
295 profitability and efficiency (which are important for the security and profit of bond purchasers
296 providing funds therefor) cooperate with others who may be located outside [~~the state of~~] Utah or
297 the county or municipality where [~~such~~] the fund is headquartered in the making of investments
298 and that [~~such~~] the fund must be free in the interests of reciprocal relationships with other financial
299 institutions and diversification of risks to invest from time to time in enterprises which are located
300 outside [~~the state of~~] Utah or [~~such~~] the counties or municipalities. It is specifically found that
301 such activity by a locally-managed fund, funded in whole or in part with the proceeds of bonds
302 sold pursuant to this chapter, is within the public purposes of the state [~~of Utah~~] and any county
303 or municipality offering [~~such~~] the bonds, provided that [~~such~~] the fund locates within the state [~~of~~
304 Utah] or [~~such~~] the county or municipality its headquarters where its actual investment decisions
305 and management functions occur and limits the aggregate amount of its investments in companies
306 located outside the state [~~of Utah~~] to an amount which in the aggregate does not exceed the

307 aggregate amount of investments made by institutions and funds located outside the state [of Utah]
308 in Utah companies, which said locally managed fund has sponsored or in which it has invested and
309 which it has brought to the attention of investors outside the state [of Utah].

310 Section 8. Section **11-17-2** is amended to read:

311 **11-17-2. Definitions.**

312 As used in this chapter:

313 (1) "Bonds" means bonds, notes, or other evidences of indebtedness.

314 (2) "Finance" or "financing" includes the issuing of bonds by a municipality, county, or
315 state university for the purpose of using a portion, or all or substantially all of the proceeds to pay
316 for or to reimburse the user or its designee for the costs of the acquisition of facilities of a project,
317 or to create funds for the project itself where appropriate, whether these costs are incurred by the
318 municipality, the county, the state university, the user, or a designee of the user. If title to or in
319 these facilities at all times remains in the user, the bonds of the municipality or county shall be
320 secured by a pledge of one or more notes, debentures, bonds, other secured or unsecured debt
321 obligations of the user, or such sinking fund or other arrangement as in the judgment of the
322 governing body is appropriate for the purpose of assuring repayment of the bond obligations to
323 investors in accordance with their terms.

324 (3) "Governing body" means the board or body in which the general legislative powers of
325 the municipality or county are vested. In the case of state universities to which this chapter
326 applies, "governing body" means the board or body having the control and supervision of the
327 University of Utah and Utah State University and, with reference to a nonprofit corporation or
328 foundation created by and operating under the auspices of a state university, the board of directors
329 or board of trustees of that corporation or foundation.

330 (4) "Industrial park" means land, including all necessary rights, appurtenances, easements,
331 and franchises relating to it, acquired and developed by any municipality, county, or state
332 university for the establishment and location of a series of sites for plants and other buildings for
333 industrial, distribution, and wholesale use. There may be included as part of the development of
334 the land for any industrial park under this chapter the acquisition and provision of water, sewerage,
335 drainage, street, road, sidewalk, curb, gutter, street lighting, electrical distribution, railroad, or
336 docking facilities, or any combination of them, but only to the extent that these facilities are
337 incidental to the use of the land as an industrial park.

338 (5) "Mortgage" means a mortgage, trust deed, or other security device.

339 (6) "Municipality" means any incorporated city or town in the state, including cities or
340 towns operating under home rule charters.

341 (7) "Pollution" means any form of environmental pollution including, but not limited to,
342 water pollution, air pollution, pollution caused by solid waste disposal, thermal pollution, radiation
343 contamination, or noise pollution.

344 (8) "Project" means:

345 (a) any industrial park, land, interest in land, building, structure, facility, system, fixture,
346 improvement, appurtenance, machinery, equipment, or any combination of them, whether or not
347 in existence or under construction:

348 (i) ~~[which]~~ that is suitable for industrial, manufacturing, warehousing, research, business,
349 and professional office building facilities, commercial, shopping services, food, lodging, low
350 income rental housing, recreational, or any other business purposes;

351 (ii) ~~[which]~~ that is suitable to provide services to the general public;

352 (iii) ~~[which]~~ that is suitable for use by any corporation, person, or entity engaged in health
353 care services, including hospitals, nursing homes, extended care facilities, facilities for the care of
354 ~~[physically and mentally handicapped]~~ persons with a physical or mental disability, and
355 administrative and support facilities; or

356 (iv) which is suitable for use by a state university for the purpose of aiding in the
357 accomplishment of its authorized academic, scientific, engineering, technical, and economic
358 development functions, but "project" does not include any property, real, personal, or mixed, for
359 the purpose of the construction, reconstruction, improvement, or maintenance of a public utility
360 as defined in Section 54-2-1, except aircraft carriers as defined in Title 54, Chapter 2, and except
361 as provided in Subsection (8)(b);

362 (b) any land, interest in land, building, structure, facility, system, fixture, improvement,
363 appurtenance, machinery, equipment, or any combination of them, used by any individual,
364 partnership, firm, company, corporation, public utility, association, trust, estate, political
365 subdivision, state agency, or any other legal entity, or its legal representative, agent, or assigns, for
366 the reduction, abatement, or prevention of pollution, including, but not limited to, the removal or
367 treatment of any substance in process material, if that material would cause pollution if used
368 without the removal or treatment;

369 (c) facilities, machinery, or equipment, the manufacturing and financing of which will
370 maintain or enlarge domestic or foreign markets for Utah industrial products; or

371 (d) any economic development or new venture investment fund to be raised other than
372 from:

373 (i) municipal or county general fund moneys;

374 (ii) moneys raised pursuant to the taxing power of any county or municipality; or

375 (iii) moneys raised against the general credit of any county or municipality.

376 (9) "State university" means the University of Utah and Utah State University and includes
377 any nonprofit corporation or foundation created by and operating under their authority.

378 (10) "User" means the person, whether natural or corporate, who will occupy, operate,
379 maintain, and employ the facilities of, or manage and administer a project after the financing,
380 acquisition, or construction of it, whether as owner, manager, purchaser, lessee, or otherwise.

381 Section 9. Section **17-27-104** is amended to read:

382 **17-27-104. Stricter requirements.**

383 (1) Except as provided in Subsection (2), counties may enact ordinances imposing stricter
384 requirements or higher standards than are required by this chapter.

385 (2) A county may not impose stricter requirements or higher standards than are required
386 by:

387 (a) Section 17-27-105;

388 (b) Section 17-27-105.5;

389 (c) Part 5, Residential Facilities for Elderly [Persons]; and

390 (d) Part 6, Residential Facilities for [Handicapped] Persons with a Disability.

391 Section 10. Section **17-28-2.6** is amended to read:

392 **17-28-2.6. Merit principles.**

393 The County Fire Civil Service System shall be established and administered in a manner
394 that will provide for the effective implementation of the following merit principles:

395 (1) recruiting, selecting, and advancing employees on the basis of their relative ability,
396 knowledge, and skills, including open consideration of qualified applicants for initial appointment;

397 (2) provision of equitable and adequate job classification and compensation systems,
398 including pay and benefits programs;

399 (3) training of employees as needed to assure high-quality performance;

400 (4) retention of employees on the basis of the adequacy of their performance and
401 separation of employees whose inadequate performance cannot be corrected;

402 (5) fair treatment of applicants and employees in all aspects of personal administration
403 without regard to race, color, religion, sex, national origin, political affiliation, age, or [handicap]
404 disability, and with proper regard for their privacy and constitutional rights as citizens;

405 (6) provision of information to employees regarding their political rights and prohibited
406 practices under the Hatch Act; and

407 (7) provision of a formal procedure for processing the appeals and grievances of
408 employees without discrimination, coercion, restraint, or reprisal.

409 Section 11. Section **17-33-3** is amended to read:

410 **17-33-3. Merit principles.**

411 It is the policy of this state that each county may establish a personnel system administered
412 in a manner that will provide for the effective implementation of the following merit principles:

413 (1) recruiting, selecting, and advancing employees on the basis of their relative ability,
414 knowledge, and skills, including open consideration of qualified applicants for initial appointment;

415 (2) provision of equitable and adequate compensation;

416 (3) training of employees as needed to assure high-quality performance;

417 (4) retention of employees on the basis of the adequacy of their performance, and
418 separation of employees whose inadequate performance cannot be corrected;

419 (5) fair treatment of applicants and employees in all aspects of personnel administration
420 without regard to race, color, religion, sex, national origin, political affiliation, age, or [handicap]
421 disability, and with proper regard for their privacy and constitutional rights as citizens;

422 (6) provision of information to employees regarding their political rights and prohibited
423 practices under the Hatch Act; and

424 (7) provision of a formal procedure for processing the appeals and grievances of
425 employees without discrimination, coercion, restraint, or reprisal.

426 Section 12. Section **17-33-5** is amended to read:

427 **17-33-5. Office of personnel management -- Director -- Appointment and**
428 **responsibilities -- Personnel rules.**

429 (1) (a) Each county legislative body shall:

430 (i) create an office of personnel management, administered by a director of personnel

431 management; and

432 (ii) ensure that the director is a person with proven experience in personnel management.

433 (b) (i) Beginning July 1, 1993, the county legislative body shall appoint a director of
434 personnel management to serve a four-year term.

435 (ii) At the expiration of any four-year term, the county legislative body may reappoint that
436 director to another four-year term or may appoint a new director.

437 (iii) If the position of director of personnel management becomes vacant for any reason
438 before the four-year term expires, the county legislative body shall appoint a person to complete
439 the unexpired term by following the procedures and requirements of this section.

440 (c) The career service council shall:

441 (i) advertise and recruit for the director position in the same manner as for merit positions;

442 (ii) select three names from a register; and

443 (iii) submit those names as recommendations to the county legislative body.

444 (d) The county legislative body shall select a person to serve as director of the office of
445 personnel management from the names submitted to it by the career service council.

446 (2) The director of personnel management shall:

447 (a) encourage and exercise leadership in the development of expertise in personnel
448 administration within the several departments, offices, and agencies in the county service and make
449 available the facilities of the office of personnel management to this end;

450 (b) advise the county legislative and executive bodies on the use of human resources;

451 (c) develop and implement programs for the improvement of employee effectiveness, such
452 as training, safety, health, counseling, and welfare;

453 (d) investigate periodically the operation and effect of this law and of the policies made
454 under it and report findings and recommendations to the county legislative body;

455 (e) establish and maintain records of all employees in the county service, setting forth as
456 to each employee class, title, pay or status, and other relevant data;

457 (f) make an annual report to the county legislative body regarding the work of the
458 department; and

459 (g) apply and carry out this law and the policies under it and perform any other lawful acts
460 that are necessary to carry out the provisions of this law.

461 (3) (a) (i) The director shall issue personnel rules for the county.

462 (ii) The county legislative body may approve, amend, or reject those rules before they are
463 implemented.

464 (b) The rules shall provide for:

465 (i) recruiting efforts to be planned and carried out in a manner that assures open
466 competition, with special emphasis to be placed on recruiting efforts to attract minorities, women,
467 [handicapped] persons with a disability, or other groups that are substantially underrepresented in
468 the county work force to help assure they will be among the candidates from whom appointments
469 are made;

470 (ii) the establishment of job related minimum requirements wherever practical, which all
471 successful candidates shall be required to meet in order to be eligible for consideration for
472 appointment or promotion;

473 (iii) selection procedures that include consideration of the relative merit of each applicant
474 for employment, a job related method of determining the eligibility or ineligibility of each
475 applicant, and a valid, reliable, and objective system of ranking eligibles according to their
476 qualifications and merit;

477 (iv) certification procedures that insure equitable consideration of an appropriate number
478 of the most qualified eligibles based on the ranking system;

479 (v) appointments to positions in the career service by selection from the most qualified
480 eligibles certified on eligible lists established in accordance with Subsections (3)(b)(iii) and (iv);

481 (vi) noncompetitive appointments in the occasional instance where there is evidence that
482 open or limited competition is not practical, such as for unskilled positions for which there are no
483 minimum job requirements;

484 (vii) limitation of competitions at the discretion of the director for appropriate positions
485 to facilitate employment of qualified applicants with a substantial physical or mental impairment,
486 or other groups protected by Title VII of the Civil Rights Act;

487 (viii) permanent appointment for entry to the career service which shall be contingent upon
488 satisfactory performance by the employee during a period of six months, with the probationary
489 period extendable for a period not to exceed six months for good cause, but with the condition that
490 the probationary employee may appeal directly to the council any undue prolongation of the period
491 designed to thwart merit principles;

492 (ix) temporary, provisional, or other noncareer service appointments, which may not be

493 used as a way of defeating the purpose of the career service and may not exceed 90 days, with the
494 period extendable for a period not to exceed an additional 90 days for good cause;

495 (x) lists of eligibles normally to be used, if available, for filling temporary positions, and
496 short term emergency appointments to be made without regard to the other provisions of law to
497 provide for maintenance of essential services in an emergency situation where normal procedures
498 are not practical, these emergency appointments not to exceed 90 days, with that period extendable
499 for a period not to exceed an additional 90 days for good cause;

500 (xi) promotion and career ladder advancement of employees to higher level positions and
501 assurance that all persons promoted are qualified for the position;

502 (xii) recognition of the equivalency of other merit processes by waiving, at the discretion
503 of the director, the open competitive examination for placement in the career service positions who
504 were originally selected through a competitive examination process in another governmental entity,
505 the individual in those cases, to serve a probationary period;

506 (xiii) preparation, maintenance, and revision of a position classification plan for all
507 positions in the career service, based upon similarity of duties performed and responsibilities
508 assumed, so that the same qualifications may reasonably be required for, and the same schedule
509 of pay may be equitably applied to, all positions in the same class, the compensation plan, in order
510 to maintain a high quality public work force, to take into account the responsibility and difficulty
511 of the work, the comparative pay and benefits needed to compete in the labor market and to stay
512 in proper alignment with other similar governmental units, and other factors;

513 (xiv) keeping records of performance on all employees in the career service and requiring
514 consideration of performance records in determining salary increases, any benefits for meritorious
515 service, promotions, the order of layoffs and reinstatements, demotions, discharges, and transfers;

516 (xv) establishment of a plan governing layoffs resulting from lack of funds or work,
517 abolition of positions, or material changes in duties or organization, and governing reemployment
518 of persons so laid off, taking into account with regard to layoffs and reemployment the relative
519 ability, seniority, and merit of each employee;

520 (xvi) establishment of a plan for resolving employee grievances and complaints with final
521 and binding decisions;

522 (xvii) establishment of disciplinary measures such as suspension, demotion in rank or
523 grade, or discharge, such measures to provide for presentation of charges, hearing rights, and

- 524 appeals for all permanent employees in the career service to the career service council;
- 525 (xviii) establishment of a procedure for employee development and improvement of poor
- 526 performance;
- 527 (xix) establishment of hours of work, holidays, and attendance requirements in various
- 528 classes of positions in the career service;
- 529 (xx) establishment and publicizing of fringe benefits such as insurance, retirement, and
- 530 leave programs; and
- 531 (xxi) any other requirements not inconsistent with this law that are proper for its
- 532 enforcement.

533 Section 13. Section **20A-3-105** is amended to read:

534 **20A-3-105. Marking and depositing ballots.**

535 (1) (a) If paper ballots are used, the voter, upon receipt of the ballot, shall go to a voting

536 booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the

537 name of each candidate of the voter's choice for each office to be filled.

538 (b) A mark is not required opposite the name of a write-in candidate.

539 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the

540 appropriate square with a mark opposite the answer the voter intends to make.

541 (d) The voter shall fold the ballot before leaving the booth so its contents are concealed

542 and the stub can be removed.

543 (2) (a) (i) If ballot cards are used, the voter shall insert the ballot card into the voting

544 device and mark the ballot card according to the instructions provided on the device.

545 (ii) If the voter is issued a ballot card with a long stub without a secrecy envelope, the voter

546 shall record any write-in votes on the long stub.

547 (iii) If the voter is issued a ballot card with a secrecy envelope, the voter shall record any

548 write-in votes on the secrecy envelope.

549 (b) After the voter has marked the ballot card, the voter shall either:

550 (i) place the ballot card inside the secrecy envelope, if one is provided; or

551 (ii) fold the long stub over the face of the ballot card to maintain the secrecy of the vote

552 if the voter is issued a ballot card with a long stub without a secrecy envelope.

553 (3) (a) After preparation of the ballot, the voter shall:

554 (i) leave the voting booth; and

- 555 (ii) announce his name to the election judge in charge of the ballot box.
- 556 (b) The election judge in charge of the ballot box shall:
- 557 (i) clearly and audibly announce the name of the voter and the number on the stub of the
558 voter's ballot;
- 559 (ii) if the stub number on the ballot corresponds with the number previously recorded in
560 the official register, and bears the initials of the election judge, remove the stub from the ballot;
561 and
- 562 (iii) return the ballot to the voter.
- 563 (c) The voter shall, in full view of the election judges, cast his vote by depositing the ballot
564 in the ballot box.
- 565 (d) (i) The election judge may not accept a ballot from which the stub has been detached.
- 566 (ii) The election judge shall treat a ballot from which the stub has been detached as a
567 spoiled ballot and shall provide the voter with a new ballot and dispose of the spoiled ballot as
568 provided in Section 20A-3-107.
- 569 (4) A voter voting a paper ballot in a regular primary election shall, after marking the
570 ballot:
- 571 (a) (i) detach the part of the paper ballot containing the names of the candidates of the
572 party he has voted from the remainder of the paper ballot;
- 573 (ii) fold that portion of the paper ballot so that its face is concealed; and
- 574 (iii) deposit it in the ballot box; and
- 575 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of the
576 parties that the elector did not vote; and
- 577 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.
- 578 (5) (a) Each voter shall mark and deposit the ballot without delay and leave the voting area
579 after voting.
- 580 (b) A voter may not:
- 581 (i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;
- 582 (ii) remain within the voting area more than ten minutes; or
- 583 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
584 voters are waiting to occupy them.
- 585 (6) If the official register shows any voter as having voted, that voter may not reenter the

586 voting area during that election unless that voter is an election official or watcher.

587 (7) The election judges may not allow more than four voters more than the number of
588 voting booths into the voting area at one time unless those excess voters are election officials,
589 watchers, or are assisting [~~handicapped~~] voters with a disability.

590 Section 14. Section **26-10-1** is amended to read:

591 **26-10-1. Definitions.**

592 As used in this chapter:

593 (1) "Maternal and child health services" means:

594 (a) the provision of educational, preventative, diagnostic, and treatment services, including
595 medical care, hospitalization, and other institutional care and aftercare, appliances, and facilitating
596 services directed toward reducing infant mortality and improving the health of mothers and
597 children provided, however, that nothing in this section shall be construed to allow any agency of
598 the state to interfere with the rights of the parent of an unmarried minor in decisions about the
599 providing of health information or services;

600 (b) the development, strengthening, and improvement of standards and techniques relating
601 to [~~such~~] the services and care;

602 (c) the training of personnel engaged in the provision, development, strengthening, or
603 improvement of [~~such~~] the services and care; and

604 (d) necessary administrative services connected with Subsections (1)(a), (b), and (c) [~~of~~
605 this subsection].

606 (2) "Crippled children's services" means:

607 (a) the early location of crippled children, provided that any program of prenatal diagnosis
608 for the purpose of detecting the possible disease or [~~handicaps~~] disabilities of an unborn child will
609 not be used for screening, but rather will be utilized only when there are medical or genetic
610 indications which warrant diagnosis;

611 (b) the provision for [~~such~~] the children of preventive, diagnosis, and treatment services,
612 including medical care, hospitalization, and other institutional care and aftercare, appliances, and
613 facilitating services directed toward the diagnosis of the condition of [~~such~~] the children or toward
614 the restoration of [~~such~~] the children to maximum physical and mental health;

615 (c) the development, strengthening, and improvement of standards and techniques relating
616 to [~~such~~] the services and care;

617 (d) the training of personnel engaged in the provision, development, strengthening, or
618 improvement of [such] the services and care; and

619 (e) necessary administrative services connected with Subsections (2)(a), (b), and (c) [of
620 this subsection].

621 Section 15. Section **26-29-1** is amended to read:

622 **CHAPTER 29. ELIMINATION OF ARCHITECTURAL BARRIERS FOR PERSONS**
623 **WITH A DISABILITY**

624 **26-29-1. Buildings and facilities to which chapter applies -- Standards available to**
625 **interested parties -- Building board staff to advise, review, and approve plans when possible.**

626 (1) (a) The standards in this chapter [shall] apply to all buildings and facilities used by the
627 public [which] that are constructed or remodeled in whole or in part by the use of state funds, or
628 the funds of any political subdivision of the state.

629 (b) All [such] of those buildings and facilities constructed in Utah after May 12, 1981,
630 shall conform to the standard prescribed in this chapter except buildings [or], facilities, or portions
631 [thereof] of them, not intended for public use, including[, but not limited to,]:

632 (i) caretaker dwellings[,];

633 (ii) service buildings[,]; and

634 (iii) heating plants[, constructed in this state after the effective date of this act shall
635 conform to each of the standards prescribed herein].

636 (2) [~~These standards shall be adhered to in those buildings and facilities under construction~~
637 ~~on the effective date of this act, unless the authority responsible for the construction shall~~
638 ~~determine that the construction has reached a state where compliance is impractical.~~] This chapter
639 [shall apply] applies to temporary or emergency construction as well as permanent buildings.

640 (3) [~~These~~] (a) The standards [shall be adhered to in] established in this chapter apply to
641 the remodeling or alteration of any existing building or facility within the jurisdictions set forth
642 in this chapter where [such] the remodeling or alteration will affect an area of the building or
643 facility in which there are architectural barriers for [~~the physically handicapped~~] persons with a
644 physical disability.

645 (b) If the remodeling involves less than 50% of the space of the building or facility, only
646 the areas being remodeled need comply with the standards.

647 (c) If remodeling involves 50% or more of the space of the building or facility, the entire

648 building or facility shall be brought into compliance with the standards [~~provided in this act~~].

649 (4) (a) All individuals and organizations are encouraged to apply the standards prescribed
650 [~~herein~~] in this chapter to all buildings used by the public, but [~~which may be~~] that are financed
651 from other than public funds. [~~To this end the~~]

652 (b) The State Building Board shall:

653 (i) make the standards [~~of~~] established by this chapter available to interested individuals
654 and organizations; and [~~shall,~~]

655 (ii) upon request and to the extent possible, make available the services of the building
656 board staff to advise, review, and approve plans and specifications [~~with respect to meeting~~] in
657 order to comply with the standards of this chapter.

658 Section 16. Section **26-29-2** is amended to read:

659 **26-29-2. Purpose of chapter.**

660 (1) This chapter is concerned with nonambulatory disabilities, semiambulatory disabilities,
661 sight disabilities, hearing disabilities, disabilities of incoordination, and aging.

662 (2) It is intended to make all buildings and facilities covered by this chapter accessible to,
663 and functional for, [~~the physically handicapped~~] persons with a physical disability.

664 Section 17. Section **26-29-3** is amended to read:

665 **26-29-3. Basis for standards.**

666 The standards of this chapter [~~shall be~~] are the current edition of planning and design
667 criteria to prevent architectural barriers for the aged and [~~the physically handicapped~~] persons with
668 a physical disability, as promulgated by the State Building Board.

669 Section 18. Section **26-30-1** is amended to read:

670 **26-30-1. Physically disabled persons' rights and privileges.**

671 (1) The blind, visually [~~handicapped~~] impaired, hearing impaired, or otherwise physically
672 disabled person has the same rights and privileges in the use of highways, streets, sidewalks,
673 walkways, public buildings, public facilities, and other public areas as able-bodied persons.

674 (2) The blind, visually [~~handicapped~~] impaired, hearing impaired, or otherwise physically
675 disabled person has equal rights to accommodations, advantages, and facilities offered by common
676 carriers, including air carriers, railroad carriers, motor buses, motor vehicles, water carriers, and
677 all other modes of public conveyance in this state.

678 (3) The blind, visually [~~handicapped~~] impaired, hearing impaired, or otherwise physically

679 disabled person has equal rights to accommodations, advantages, and facilities offered by hotels,
680 motels, lodges, and all other places of public accommodation in this state, and to places of
681 amusement or resort to which the public is invited.

682 (4) (a) The blind, visually [~~handicapped~~] impaired, hearing impaired, or otherwise
683 physically disabled person has equal rights and access to public and private housing
684 accommodations offered for rent, lease, or other compensation in this state.

685 (b) This chapter does not require a person renting, leasing, or selling private housing or
686 real property to modify [~~his~~] the housing or property in order to accommodate a blind, visually
687 [~~disabled~~] impaired, hearing impaired, or otherwise physically disabled person, or to provide a
688 higher degree of care for that person than for a person who is not physically disabled. [~~However,~~
689 a]

690 (c) A person renting, leasing, or selling private housing or real property to a blind, visually
691 [~~disabled~~] impaired, hearing impaired, or otherwise physically disabled person, shall comply with
692 the provisions of Section 26-30-2, regarding the right of those persons to be accompanied by a
693 guide or service dog specially trained for that purpose.

694 Section 19. Section **26-30-2** is amended to read:

695 **26-30-2. Right to be accompanied by guide or service dog or dog in training.**

696 (1) (a) The blind, visually [~~handicapped~~] impaired, hearing impaired, or otherwise
697 physically disabled person has the right to be accompanied by a guide or service dog, specially
698 trained for that purpose, in any of the places specified in Section 26-30-1 without additional charge
699 for the guide or service dog.

700 (b) This section does not prohibit an owner or lessor of private housing accommodations
701 from charging a reasonable deposit as security for any damage or wear and tear that might be
702 caused by the dog. [~~However, an~~]

703 (c) An owner or lessor of private housing accommodations may not, in any manner,
704 discriminate against a blind, visually [~~handicapped~~] impaired, hearing impaired, or otherwise
705 physically disabled person on the basis of [~~his~~] the person's possession of a guide or service dog
706 specially trained for that purpose.

707 (2) A person, whether or not [~~he~~] the person is blind, visually [~~handicapped~~] impaired,
708 hearing impaired, or otherwise physically disabled, has the right to be accompanied by a pup or
709 dog that is in training to become a guide or service dog in any of the places specified in Section

710 26-30-1 without additional charge for the dog.

711 (3) A blind, visually [handicapped] impaired, hearing impaired, or otherwise physically
712 disabled person is liable for any loss or damage caused or inflicted to the premises by his guide or
713 service dog.

714 (4) Persons accompanied by a specially trained guide or service dog, or by a pup or dog
715 that is in training to become a guide or service dog, may first be required to identify the dog by
716 exhibiting the dog's laminated identification card or other form of identification, before these
717 provisions apply.

718 Section 20. Section **26-30-3** is amended to read:

719 **26-30-3. Policy of state to employ blind and disabled.**

720 It is the policy of this state that the blind, visually [handicapped] impaired, and otherwise
721 physically disabled shall be employed in the state service, the service of the political subdivisions
722 of the state, in the public schools, and in all other employment supported in whole or in part by
723 public funds on the same terms and conditions as the able-bodied, unless it is shown that the
724 particular disability prevents the performance of the work involved.

725 Section 21. Section **31A-22-611** is amended to read:

726 **31A-22-611. Policy extension for children with a disability.**

727 (1) Every disability insurance policy or contract that provides that coverage of a dependent
728 child of a person insured under the policy shall:

729 (a) terminate upon reaching a limiting age as specified in the policy~~[-, shall]; and~~

730 (b) also provide that the age limitation does not terminate the coverage of a dependent
731 child while the child is and continues to be both:

732 ~~[(a)]~~ (i) incapable of self-sustaining employment because of mental retardation or physical
733 [handicap] disability; and

734 ~~[(b)]~~ (ii) chiefly dependent upon the person insured under the policy for support and
735 maintenance.

736 (2) The insurer may require proof of the incapacity and dependency be furnished by the
737 person insured under the policy within 30 days of the date the child attains the limiting age, and
738 at any time thereafter, except that the insurer may not require proof more often than annually after
739 the two-year period immediately following attainment of the limiting age by the child.

740 Section 22. Section **34-38-14** is amended to read:

741 **34-38-14. Employee not "disabled."**

742 An employee or prospective employee whose drug or alcohol test results are verified or
743 confirmed as positive in accordance with the provisions of this chapter may not, [by virtue]
744 because of those results alone, be defined as a person with a ["handicap"] "disability" for purposes
745 of Title 34A, Chapter 5, Utah Antidiscrimination Act.

746 Section 23. Section **34-40-104** is amended to read:

747 **34-40-104. Exemptions.**

748 (1) The minimum wage established in this chapter does not apply to:

749 (a) any employee who is entitled to a minimum wage as provided in 29 U.S.C. Sec. 201
750 et seq., the Fair Labor Standards Act of 1938, as amended;

751 (b) outside sales persons;

752 (c) an employee who is a member of the employer's immediate family;

753 (d) companionship service for persons who, because of age or infirmity, are unable to care
754 for themselves;

755 (e) casual and domestic employees as defined by the commission;

756 (f) seasonal employees of nonprofit camping programs, religious or recreation programs,
757 and nonprofit educational and charitable organizations registered under Title 13, Chapter 22,
758 Charitable Solicitations Act;

759 (g) an individual employed by the United States of America;

760 (h) any prisoner employed through the penal system;

761 (i) any employee employed in agriculture if the employee:

762 (i) is principally engaged in the range production of livestock;

763 (ii) is employed as a harvest laborer and is paid on a piece rate basis in an operation that
764 has been and is generally recognized by custom as having been paid on a piece rate basis in the
765 region of employment;

766 (iii) was employed in agriculture less than 13 weeks during the preceding calendar year;

767 or

768 (iv) is a retired or semiretired person performing part-time or incidental work as a
769 condition of the employee's residence on a farm or ranch;

770 (j) registered apprentices or students employed by the educational institution in which they
771 are enrolled; or

772 (k) any seasonal hourly employee employed by a seasonal amusement establishment with
773 permanent structures and facilities if the other direct monetary compensation from tips, incentives,
774 commissions, end-of-season bonus, or other forms of pay is sufficient to cause the average hourly
775 rate of total compensation for the season of seasonal hourly employees who continue to work to
776 the end of the operating season to equal the applicable minimum wage if the seasonal amusement
777 establishment:

778 (i) does not operate for more than seven months in any calendar year; or
779 (ii) during the preceding calendar year its average receipts for any six months of such year
780 were not more than 33-1/3% of its average receipts for the other six months of such year.

781 (2) (a) [~~Handicapped individuals~~] Persons with a disability whose earnings or productive
782 capacities are impaired by age, physical or mental deficiencies, or injury may be employed at
783 wages that are lower than the minimum wage, provided the wage is related to the employee's
784 productivity.

785 (b) The commission may establish and regulate the wages paid or wage scales for [~~the~~
786 ~~handicapped individuals~~] persons with a disability.

787 (3) The commission may establish or may set a lesser minimum wage for learners not to
788 exceed the first 160 hours of employment.

789 (4) Employees tipped may be paid not less than 55% of the minimum wage when the
790 balance received from tips, either directly or by pooling of tip receipts, is sufficient to bring the
791 employee to the minimum wage. Employees shall retain all tips except to the extent that they
792 participate in a bona fide tip pooling or sharing arrangement with other tipped employees. The
793 commission may by rule provide for a greater tip allowance, in conjunction with its review of the
794 minimum wage, under Section 34-40-103.

795 Section 24. Section **49-1-103** is amended to read:

796 **49-1-103. Definitions.**

797 As used in this title:

798 (1) "Accumulated contributions" means the sum of the contributions made by or on behalf
799 of a member and standing to the credit of the member's individual account, including regular
800 interest where allowed by law.

801 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis
802 of mortality tables adopted by the board, including regular interest.

803 (3) "Actuarial interest rate" means the interest rate adopted by the board upon the
804 recommendation of the actuary and upon which the funding of retirement system costs and benefits
805 are computed.

806 (4) "Administrator" means the executive director of the board.

807 (5) "Agency" means:

808 (a) a department, division, agency, office, authority, commission, board, institution, or
809 hospital of the state;

810 (b) a county, municipality, school district, or special district;

811 (c) a state college or university; or

812 (d) any other individual employing unit that participates in a system administered by the
813 board.

814 (6) "Allowance" means the pension plus the annuity, including any cost of living or other
815 authorized adjustments to the pension and annuity.

816 (7) "Annuity" means annual payments for life derived from contributions made by the
817 employee.

818 (8) "Beneficiary" means any person entitled to receive a retirement allowance or other
819 benefit provided by this title.

820 (9) "Board" or "retirement board" means the Utah State Retirement Board established
821 under this title.

822 (10) "Contributions" means the contributions by the employer and the member, if any, into
823 a retirement fund.

824 (11) "Current service" means covered service rendered after the effective date of each
825 system.

826 (12) "Department" means any department, office, board, commission, instrumentality, or
827 other agency of the state.

828 (13) "Dependent beneficiary" means a spouse, child, or children under 21 years of age, a
829 [~~physically or mentally handicapped~~] child or children with a physical or mental disability,
830 regardless of age, or a parent, or person, regardless of age or relationship, who is or are financially
831 dependent upon the member. The dependency of a person other than a spouse or child shall be
832 proved by written verified documents acceptable to the board or by a copy of the member's state
833 income tax return for the last reportable year listing the person as a dependent. All documents are

834 subject to review and approval of the administrator.

835 (14) "Employer" or "employing unit" means any department, educational institution,
836 political subdivision, organization, or agency financed in whole or in part by public funds for
837 which any employee or member performs services subject to this title.

838 (15) "Inactive member" means a member who has received no compensation for a period
839 longer than four months.

840 (16) (a) "Member" means any person included in the membership of any retirement system
841 administered by the board.

842 (b) A person is considered to be a member if he has contributions on deposit with the
843 retirement system or with the terminated system. "Member" also includes leased employees within
844 the meaning of Section 414(n)(2) of the federal Internal Revenue Code. If leased employees
845 constitute less than 20% of the employer's work force that is not highly compensated within the
846 meaning of Section 414(n)(5)(c)(ii) , Internal Revenue Code, "member" does not include leased
847 employees covered by a plan described in Section 414(n)(5) of the federal Internal Revenue Code.

848 (17) "Office" or "retirement office" means the Utah State Retirement Office.

849 (18) "Participating employer" or "participating employing unit" means any employer or
850 employing unit participating in the system whose employees are members of the system.

851 (19) "Payroll" means a register, warrant, or any other document upon which all persons
852 receiving salary payments are listed.

853 (20) "Pension" means annual payments for life derived from contributions made by
854 employers.

855 (21) "Political subdivision" means any political subdivision of the state, including cities,
856 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally
857 separate and distinct from the state and only if its employees are not by virtue of their relationship
858 to the entity, employees of the state or one of its departments.

859 (a) The term includes special districts or authorities created by the Legislature or by local
860 governments including mosquito abatement districts, sewer or water districts, water associations
861 and companies, libraries, and any entity arising out of a consolidation agreement between political
862 subdivisions.

863 (b) The term includes the retirement office.

864 (c) The term does not include a project entity created under Title 11, Chapter 13, Interlocal

865 Cooperation Act.

866 (22) "Prior service" means service rendered prior to the effective date of each system.

867 (23) "Refund" means a return of contributions to a terminating member.

868 (24) "Regular interest" means interest compounded annually at a rate adopted by the board
869 in accordance with this title.

870 (25) "Retirant" means a retired member who is receiving retirement benefits.

871 (26) "Retirement" means withdrawal from active service with a retirement allowance
872 granted under this title.

873 (27) "Service" or "covered service" means service used in the computation of benefits.

874 Section 25. Section **49-5-103** is amended to read:

875 **49-5-103. Definitions.**

876 As used in this chapter:

877 (1) (a) "Compensation," "salary," or "wages" means the total amount of payments which
878 are currently includable in gross income made by an employer to an employee for services
879 rendered to the employer as base income. Base income shall be determined prior to any salary
880 deductions or reductions for any salary deferral or pretax benefit programs authorized by federal
881 law, for the position covered under the retirement system.

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

883 (c) "Compensation" does not include:

884 (i) overtime;

885 (ii) sick pay incentives;

886 (iii) retirement pay incentives;

887 (iv) remuneration paid in kind such as a residence, use of equipment, uniforms, or travel
888 allowances;

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

890 (vi) all contributions made by an employer under this plan or under any other employee
891 benefit plan maintained by an employer for the benefit of a participant.

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

894 (2) (a) "Disability" means a physical or mental condition which, in the judgment of the
895 board, is total and presumably permanent, prevents a member from fulfilling the responsibilities

896 of the member's assignment, and prevents the member from performing satisfactorily in some other
897 assignment of the same general class.

898 (b) The determination of disability is based upon medical and other evidence satisfactory
899 to the board.

900 (3) "Employer" or "employing unit" means any regularly constituted fire department of a
901 political subdivision for which any employee or member performs services subject to this chapter.

902 (4) "Final average salary" means the amount computed by averaging the highest three years
903 of annual compensation preceding retirement, but not including overtime or lump-sum or special
904 salary adjustments received instead of uniform or other allowances or expenses or other payments
905 made covering accumulated leave.

906 (a) Except as provided in Subsection (4)(b), the percentage increase in any one of the years
907 used may not exceed the previous year's salary by more than 10% plus a cost-of-living adjustment
908 equal to the decrease in the purchasing power of the dollar during the previous year, as measured
909 by the Consumer Price Index prepared by the United States Bureau of Labor Statistics.

910 (b) In cases where the employing unit provides acceptable documentation to the board the
911 limitation in Subsection (4)(a) may be exceeded if:

912 (i) the member has transferred from another employing unit; or
913 (ii) the member has been promoted to a new position.

914 (5) "Firefighter service" means full-time paid service rendered as an individual or as a
915 member of a group of firefighters regularly assigned to a regularly constituted fire department.

916 (6) "Full-time service" means 2,080 hours per year.

917 (7) "Inactive member" means a member who has received no compensation for a period
918 of longer than four months.

919 (8) "Line-of-duty death or disability" means a death or any physical or mental disability
920 resulting from external force, violence, or disease occasioned by an act of duty as a firefighter and
921 includes for a paid firefighter, after five years of credited service, any death or disability resulting
922 from heart disease, lung disease, or respiratory tract, but if a firefighter ceases to be a contributing
923 member because of personal illness or service-connected disability, neither of which is related to
924 heart or lung disease nor the respiratory tract for a period of six months or more and then again
925 becomes a contributing member, the provision relating to death or disability resulting from heart,
926 lung, or respiratory disease does not apply until the member again becomes a contributing member

927 for a period of not less than two years or unless clear and precise evidence is presented that the
928 heart, lung, or respiratory disease was, in fact, occasioned in the line-of-duty.

929 (9) (a) "Member" means any person included in the membership of the retirement system.

930 (b) A person is a member if the person has contributions on deposit with the retirement
931 system.

932 (c) A person hired on or after July 1, 1971, in a fire department, who is assigned directly
933 to a clerical position, and because of lack of training in fire fighting techniques, is not subject to
934 reassignment into positions of hazardous duty, is not eligible for membership in this system.

935 (i) The person in a clerical position shall become a contributing member of the appropriate
936 retirement system.

937 (ii) The required employer contributions shall be paid by the fire department.

938 (iii) This membership exclusion may not be interpreted to prohibit the assignment of a
939 [handicapped] disabled or partially disabled firefighter to that position.

940 (iv) If Subsection (9)(c)(iii) applies, the firefighter retains status as a contributing member
941 of this system and continues to accrue service credits while so employed.

942 (10) "Regularly constituted fire department" means a fire department which employs a
943 full-time fire chief and promulgates rules.

944 (11) (a) "Service" or "covered service" means firefighter service rendered an employer for
945 compensation which is included in computations relating to membership status or benefit rights
946 under this chapter.

947 (b) A retirement allowance or other benefit may not be granted under this system that is
948 based upon the same service for retirement benefits under some other retirement system
949 administered by the board.

950 (12) (a) "Volunteer firefighter" means any individual that is not regularly employed as a
951 firefighter, but who is on the rolls of a regularly constituted fire department.

952 (b) An individual that volunteers assistance but is not a regularly enrolled firefighter is not
953 a volunteer firefighter.

954 (c) Service as a volunteer firefighter is not creditable towards qualifying for a service
955 retirement allowance.

956 (13) "Years of service" or "service years" means the number of periods consisting of 12
957 full months as determined by the board, whether consecutive or not, during which an employee

958 performed services for an employer or received full-time pay while on sick leave, including any
959 time the employee was absent in the service of the United States.

960 Section 26. Section **53A-1-402** is amended to read:

961 **53A-1-402. Board to establish minimum standards for public schools.**

962 (1) The State Board of Education shall establish rules and minimum standards for the
963 public schools, to include:

964 (a) the qualification and certification of educators and ancillary personnel who provide
965 direct student services, required school administrative and supervisory services, and evaluation of
966 instructional personnel;

967 (b) access to programs, attendance, competency levels, graduation requirements, discipline
968 and control, and health and safety requirements;

969 (c) school accreditation, the academic year, alternative and pilot programs, curriculum and
970 instruction requirements, school libraries, and services to [~~the handicapped~~] persons with a
971 disability and other special groups;

972 (d) requirements for school design, general educational specifications, school sites, and
973 building accessibility;

974 (e) state reimbursed bus routes, bus safety and operational requirements, and other
975 transportation needs; and

976 (f) school productivity and cost-effectiveness measures, the minimum school program,
977 school building aid, school lunch, driver education, federal programs, school budget formats, and
978 financial, statistical, and student accounting requirements.

979 (2) The board shall determine whether the minimum standards have been met, and that
980 required reports are properly submitted.

981 (3) The board may apply for, receive, administer, and distribute to eligible applicants funds
982 made available through programs of the federal government.

983 Section 27. Section **53A-9-103** is amended to read:

984 **53A-9-103. Authorized components.**

985 Career ladders may include the following components:

986 (1) A career ladder may have an extended contract year for teachers, providing for
987 additional paid nonteaching days beyond the regular school year for curriculum development,
988 inservice training, preparation, and related activities. School boards may approve individual

989 exceptions to the extended year contract.

990 (2) It may have, at the option of the local school board, an extended contract year for
991 teachers, providing for additional paid workdays beyond the regular school year for teaching
992 assignments in summer school, remedial, [~~handicapped~~] disabled, specialized, vocational, gifted
993 and talented, and adult education programs.

994 (3) It may have a fair and consistent procedure for selecting teachers who will be given
995 additional responsibilities. The selection procedure shall incorporate clearly stated job descriptions
996 and qualifications for each level on the career ladder.

997 (4) (a) It may have a program of differentiated staffing that provides additional
998 compensation and, as appropriate, additional extensions of the contract year, for those who assume
999 additional instruction-related responsibilities such as:

1000 [~~(a)~~] (i) assisting students and beginning teachers;

1001 [~~(b)~~] (ii) curriculum and lesson plan development;

1002 [~~(c)~~] (iii) helping established teachers improve their teaching skills;

1003 [~~(d)~~] (iv) volunteer training;

1004 [~~(e)~~] (v) planning[-];

1005 (vi) facilities and productivity improvements; and

1006 [~~(f)~~] (vii) educational assignments directed at establishing positive relationships with the
1007 community, businesses, and parents.

1008 (b) Administrative and extracurricular activities are not considered additional
1009 instruction-related activities under this Subsection (4).

1010 (5) It may have a well-defined program of evaluation and guidance for beginning teachers,
1011 designed to assist those teachers during provisional years of teaching to acquire and demonstrate
1012 the skills required of capable, successful teachers. Continuation in teaching from year to year shall
1013 be contingent upon satisfactory teaching performance.

1014 (6) It may have a clear and concise explanation of the evaluation system components,
1015 including the respective roles of parents, teachers, administrators, and the school board in the
1016 development of the evaluation system. The system shall provide for frequent, comprehensive
1017 evaluations of teachers with less than three years' teaching experience, and periodic evaluations
1018 of other teachers.

1019 (7) Advancement on the career ladder program is contingent upon effective teaching

1020 performance, evidence of which may include formal evaluation and assessment of student
1021 progress. Student progress shall play a significant role in teacher evaluation. Other criteria may
1022 include formal preparation and successful teaching experience.

1023 (8) It may include an assessment of implementation costs.

1024 (9) It may have a plan for periodic review of the career ladder including the makeup of the
1025 reviewing entity, procedures to be followed during review, and the time schedule for the review.

1026 Section 28. Section **53A-11-203** is amended to read:

1027 **53A-11-203. Vision screening.**

1028 (1) A child under seven years of age entering school for the first time in this state must
1029 present the following to the school:

1030 (a) a certificate signed by a licensed physician, optometrist, or other licensed health
1031 professional approved by the division, stating that the child has received vision screening to
1032 determine the presence of amblyopia or other visual defects. As used in this section, "division"
1033 means the Division of Services for the Blind and Visually [Handicapped] Impaired, State Office
1034 of Education; or

1035 (b) a written statement signed by at least one parent or legal guardian of the child that the
1036 screening violates the personal beliefs of the parent or legal guardian.

1037 (2) The division shall provide vision screening report forms to persons approved by the
1038 division to conduct the screening.

1039 (3) Each school district may conduct free vision screening clinics for children aged 3-1/2
1040 to seven.

1041 (4) The division shall maintain a central register of children, aged 3-1/2 to seven, who fail
1042 vision screening and who are referred for follow-up treatment. The register shall include the name
1043 of the child, age or birthdate, address, cause for referral, and follow-up results. Each school district
1044 shall report referral follow-up results to the division.

1045 (5) The division shall coordinate and supervise the training of persons who serve as vision
1046 screeners.

1047 (6) A licensed health professional providing vision care to private patients may not
1048 participate as a screener in free vision screening programs provided by school districts.

1049 (7) The Department of Health shall, by rule, set standards and procedures for vision
1050 screening required by this chapter, and shall provide the division with copies of rules, standards,

1051 instructions, and test charts necessary for conducting vision screening.

1052 (8) The division shall supervise screening, referral, and follow-up required by this chapter.

1053 Section 29. Section **53A-17a-106** is amended to read:

1054 **53A-17a-106. Determination of weighted pupil units.**

1055 The number of weighted pupil units in the minimum school program for each year is the
1056 total of the units for each school district determined as follows:

1057 (1) The number of units is computed by adding the average daily membership of all pupils
1058 of the district attending schools, other than kindergarten and self-contained classes for

1059 [handicapped] children with a disability.

1060 (2) The number of units is computed by adding the average daily membership of all pupils
1061 of the district enrolled in kindergarten and multiplying the total by .55.

1062 (a) In those districts that do not elect to hold kindergarten for a full nine-month term, the
1063 local school board may approve a shorter term of nine weeks' duration.

1064 (b) Upon board approval, the number of pupils in average daily membership at the
1065 short-term kindergarten shall be counted for the purpose of determining the number of units
1066 allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding
1067 nine weeks, compared to the total number of days schools are held in that district in the regular
1068 school year.

1069 (3) (a) The State Board of Education shall use prior year plus growth to determine average
1070 daily membership in distributing monies under the minimum school program where the
1071 distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.

1072 (b) Under prior year plus growth, kindergarten through grade 12 average daily membership
1073 for the current year is based on the actual kindergarten through grade 12 average daily membership
1074 for the previous year plus an estimated percentage growth factor.

1075 (c) The growth factor is the percentage increase in total average daily membership on the
1076 first school day of October in the current year as compared to the total average daily membership
1077 on the first school day of October of the previous year.

1078 Section 30. Section **53A-17a-127** is amended to read:

1079 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus routes**
1080 **-- Additional local tax.**

1081 (1) A student eligible for state-supported transportation means:

1082 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles from
1083 school;

1084 (b) a student enrolled in grades seven through 12 who lives at least two miles from school;
1085 and

1086 (c) a student enrolled in a special program offered by a school district and approved by the
1087 State Board of Education for trainable, motor, multiple-disabled, or other students with severe
1088 disabilities who are incapable of walking to school or where it is unsafe for students to walk
1089 because of their [~~handicapping~~] disabling condition, without reference to distance from school.

1090 (2) If a school district implements double sessions as an alternative to new building
1091 construction, with the approval of the State Board of Education, those affected elementary school
1092 students residing less than 1-1/2 miles from school may be transported one way to or from school
1093 because of safety factors relating to darkness or other hazardous conditions as determined by the
1094 local school board.

1095 (3) (a) The State Office of Education shall distribute transportation monies to school
1096 districts based on three factors:

1097 (i) an allowance per mile for approved bus routes;

1098 (ii) an allowance per hour for approved bus routes; and

1099 (iii) an annual allowance for equipment and overhead costs based on approved bus routes
1100 and the age of the equipment.

1101 (b) In order for a bus to be considered for the equipment allowance, it must meet federal
1102 and state regulations and standards for school buses.

1103 (c) The State Office of Education shall annually review the allowance per mile, the
1104 allowance per hour, and the annual equipment and overhead allowance and adjust the allowance
1105 to reflect current economic conditions.

1106 (4) (a) Approved bus routes for funding purposes shall be determined on fall data collected
1107 by October 1.

1108 (b) Approved route funding shall be determined on the basis of the most efficient and
1109 economic routes.

1110 (5) A Transportation Advisory Committee with representation from local school
1111 superintendents, business officials, school district transportation supervisors, and the State Office
1112 of Education shall serve as a review committee for addressing school transportation needs,

1113 including recommended approved bus routes.

1114 (6) (a) A local school board may provide for the transportation of students who are not
1115 eligible under Subsection (1), regardless of the distance from school, from:

1116 (i) general funds of the district; and

1117 (ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.

1118 (b) A local school board may use revenue from the tax to pay for transporting participating
1119 students to interscholastic activities, night activities, and educational field trips approved by the
1120 board and for the replacement of school buses.

1121 (c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002, the
1122 state may contribute an amount not to exceed 85% of the state average cost per mile, contingent
1123 upon the Legislature appropriating funds for a state contribution.

1124 (ii) The State Office of Education shall distribute the state contribution according to rules
1125 enacted by the State Board of Education.

1126 (d) (i) The amount of state guarantee money to which a school district would otherwise
1127 be entitled to under Subsection (6)(c) may not be reduced for the sole reason that the district's levy
1128 is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant
1129 to changes in property valuation.

1130 (ii) Subsection (6)(d)(i) applies for a period of two years following the change in the
1131 certified tax rate.

1132 (7) There is appropriated for the fiscal year beginning July 1, 1999, \$225,000 to the state
1133 board as the state's contribution under Subsection (6)(c)(i).

1134 Section 31. Section **53A-20-103** is amended to read:

1135 **53A-20-103. Planning, design, and construction of public school buildings -- Duties**
1136 **of State Board of Education.**

1137 The State Board of Education has the following duties:

1138 (1) It shall adopt codes to govern the preparation of plans and specifications for public
1139 school buildings. The codes shall include minimum standards for:

1140 (a) construction, heating, ventilation, sanitation, lighting, plumbing, structural safety,
1141 protection from fire, panic, and other dangers;

1142 (b) promotion of the safety, health, and comfort of the occupants; and

1143 (c) providing functional adaptability, including suitable facilities for [handicapped;]

1144 persons with a disability.

1145 (2) It shall require local school boards to maintain a current inventory of school plant
1146 facilities in conformance with rules established by the board.

1147 (3) It shall establish planning procedures for school districts to determine the need for
1148 school plant facilities. The procedures shall include definitions of methods, criteria, and other
1149 pertinent information necessary to determine the type, size, location, and cost of school plant
1150 facilities eligible for state financial participation.

1151 (4) It shall require local school boards to prepare and maintain surveys of school plant
1152 capital outlay needs. The surveys shall include immediate and long-range school plant capital
1153 outlay needs in accordance with planning procedures established by the state board and space
1154 utilization studies, enrollment projections, district and attendance area organization, class size,
1155 conditions of present facilities, financial structure of the district, and other necessary information.

1156 (5) It shall prepare a guide for use by school districts in formulating educational
1157 specifications for individual building projects.

1158 (6) It shall recommend minimum requirements for contracts and agreements between
1159 architects and engineers and local school boards. As a condition of the contract or agreement, the
1160 state board shall require the use of independent licensed consulting engineers for engineering
1161 design work.

1162 (7) It shall recommend minimum requirements for advertising, bidding, and contractual
1163 procedures for school plant construction.

1164 (8) It shall provide school districts with findings regarding school designs, including
1165 flexibility of design and modular planning, new methods of construction, and new material.

1166 (9) It shall prepare an annual school plant capital outlay report of all school districts,
1167 including tabulations of facilities available, number and size of projects completed and under
1168 construction, and additional facilities required.

1169 Section 32. Section **55-5-5** is amended to read:

1170 **55-5-5. State policy -- Construction of provisions.**

1171 It is the policy of this state to provide maximum opportunities for training blind or visually
1172 [handicapped] impaired persons, helping them to become self-supporting and demonstrating their
1173 capabilities. This act shall be construed to carry out this policy.

1174 Section 33. Section **59-10-108** is amended to read:

1175 **59-10-108. Credit for cash contributions to sheltered workshops.**

1176 (1) For tax years beginning January 1, 1983, and thereafter, in computing the tax due the
1177 state of Utah pursuant to Section 59-10-104, there shall be a tax credit allowed for cash
1178 contributions made within the taxable year to nonprofit rehabilitation sheltered workshop facilities
1179 for ~~[the handicapped]~~ persons with a disability operating in Utah ~~[which]~~ that are certified by the
1180 Department of Human Services as a qualifying facility.

1181 (2) The allowable credit is an amount equal to 50% of the aggregate amount of the cash
1182 contributions to the qualifying rehabilitation facilities, but ~~[in no case shall]~~ the allowed credit may
1183 not exceed \$200.

1184 (3) The amount of contribution claimed as a tax credit ~~[pursuant to]~~ under this section may
1185 not also be claimed as a charitable deduction in determining net taxable income.

1186 Section 34. Section **62A-1-111** is amended to read:

1187 **62A-1-111. Department authority.**

1188 The department ~~[has authority]~~ may, in addition to all other authority and responsibility
1189 granted to it by law~~[, to]~~:

1190 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
1191 desirable for providing social services to the people of this state;

1192 (2) establish and manage client trust accounts in the department's institutions and
1193 community programs, at the request of the client or his legal guardian or representative, or in
1194 accordance with federal law;

1195 (3) purchase, as authorized or required by law, services that the department is responsible
1196 to provide for legally eligible persons;

1197 (4) conduct adjudicative proceedings for clients and providers in accordance with the
1198 procedures of Title 63, Chapter 46b, Administrative Procedures Act;

1199 (5) establish eligibility standards for its programs, not inconsistent with state or federal law
1200 or regulations;

1201 (6) take necessary steps, including legal action, to recover money or the monetary value
1202 of services provided to a recipient who was not eligible;

1203 (7) set and collect fees for its services;

1204 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
1205 limited by law;

1206 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
1207 department, not inconsistent with state law;

1208 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
1209 proceeds thereof, may be credited to the program designated by the donor, and may be used for the
1210 purposes requested by the donor, as long as the request conforms to state and federal policy; all
1211 donated funds shall be considered private, nonlapsing funds and may be invested under guidelines
1212 established by the state treasurer;

1213 (11) accept and employ volunteer labor or services; the department is authorized to
1214 reimburse volunteers for necessary expenses, when the department considers that reimbursement
1215 to be appropriate;

1216 (12) carry out the responsibility assigned in the Workforce Services Plan by the State
1217 Council on Workforce Services;

1218 (13) carry out the responsibility assigned by Section 9-4-802 with respect to coordination
1219 of services for the homeless;

1220 (14) carry out the responsibility assigned by Section 62A-5a-105 with respect to
1221 coordination of services for [handicapped] students with a disability;

1222 (15) provide training and educational opportunities for its staff;

1223 (16) collect child support payments and any other monies due to the department;

1224 (17) apply the provisions of Title 78, Chapter 45, Uniform Civil Liability for Support Act,
1225 to parents whose child lives out of the home in a department licensed or certified setting;

1226 (18) establish policy and procedures in cases where the department is given custody of a
1227 minor by the juvenile court pursuant to Section 78-3a-118; any policy and procedures shall
1228 include:

1229 (a) designation of interagency teams for each juvenile court district in the state;

1230 (b) delineation of assessment criteria and procedures;

1231 (c) minimum requirements, and timeframes, for the development and implementation of
1232 a collaborative service plan for each minor placed in department custody; and

1233 (d) provisions for submittal of the plan and periodic progress reports to the court;

1234 (19) carry out the responsibilities assigned to it by statute; and

1235 (20) examine and audit the expenditures of any public funds provided to local substance
1236 abuse authorities, local mental health authorities, local area agencies on aging, and any person,

1237 agency, or organization that contracts with or receives funds from those authorities or agencies.
1238 Those local authorities, area agencies, and any person or entity that contracts with or receives funds
1239 from those authorities or area agencies, shall provide the department with any information the
1240 department considers necessary. The department is further authorized to issue directives resulting
1241 from any examination or audit to local authorities, area agencies, and persons or entities that
1242 contract with or receive funds from those authorities with regard to any public funds. If the
1243 department determines that it is necessary to withhold funds from a local mental health authority
1244 or local substance abuse authority based on failure to comply with state or federal law, policy, or
1245 contract provisions, it may take steps necessary to ensure continuity of services. For purposes of
1246 this Subsection (20) "public funds" means the same as that term is defined in Sections 62A-8-101
1247 and 62A-12-101.

1248 Section 35. Section **62A-4a-105** is amended to read:

1249 **62A-4a-105. Division responsibilities.**

1250 The division shall:

1251 (1) administer services to children and families, including child welfare services, youth
1252 services, domestic violence services, and all other responsibilities that the Legislature or the
1253 executive director may assign to the division;

1254 (2) establish standards for all contract providers of out-of-home care for children and
1255 families;

1256 (3) cooperate with the federal government in the administration of child welfare, youth
1257 services, and domestic violence programs and other human service activities assigned by the
1258 department;

1259 (4) provide for the compilation of relevant information, statistics, and reports on child and
1260 family service matters in the state;

1261 (5) prepare and submit to the department, the governor, and the Legislature reports of the
1262 operation and administration of the division in accordance with the requirements of Sections
1263 62A-4a-117 and 62A-4a-118;

1264 (6) promote and enforce state and federal laws enacted for the protection of abused,
1265 neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in
1266 accordance with the requirements of this chapter, unless administration is expressly vested in
1267 another division or department of the state. In carrying out the provisions of this subsection, the

1268 division shall cooperate with the juvenile courts, the Division of Youth Corrections, and with all
1269 public and private licensed child welfare agencies and institutions to develop and administer a
1270 broad range of services and supports. The division shall take the initiative in all matters involving
1271 the protection of abused or neglected children if adequate provisions have not been made or are
1272 not likely to be made, and shall make expenditures necessary for the care and protection of those
1273 children, within the division's budget;

1274 (7) provide substitute care for dependent, abused, neglected, and delinquent children,
1275 establish standards for substitute care facilities, and approve those facilities;

1276 (8) provide financial support to persons adopting [~~physically handicapped, mentally~~
1277 ~~handicapped,]~~ a child or children with a physical or mental disability, or older, or other
1278 hard-to-place children who, immediately prior to adoption, were legal wards of the state. The
1279 financial support provided under this Subsection (8) may not exceed the amounts the division
1280 would provide for the child as a legal ward of the state;

1281 (9) cooperate with the Division of Employment Development in the Department of
1282 Workforce Services in meeting social and economic needs of individuals eligible for public
1283 assistance;

1284 (10) conduct court-ordered home evaluations for the district and juvenile courts with
1285 regard to child custody issues. The court shall order either or both parties to reimburse the division
1286 for the cost of that evaluation, in accordance with the community rate for that service or with the
1287 department's fee schedule rate;

1288 (11) provide noncustodial and in-home preventive services, designed to prevent family
1289 breakup, family preservation services, and reunification services to families whose children are in
1290 substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a,
1291 Juvenile Courts;

1292 (12) provide protective supervision of a family, upon court order, in an effort to eliminate
1293 abuse or neglect of a child in that family;

1294 (13) establish programs pursuant to Section 62A-4a-250, and provide services to runaway
1295 and ungovernable children and their families;

1296 (14) provide shelter care in accordance with the requirements of this chapter and Title 78,
1297 Chapter 3a, Juvenile Courts;

1298 (15) provide social studies and reports for the juvenile court in accordance with Section

1299 78-3a-505;

1300 (16) arrange for and provide training for staff and providers involved in the administration
1301 and delivery of services offered by the division in accordance with this chapter;

1302 (17) provide domestic violence services in accordance with the requirements of federal
1303 law, and establish standards for all direct or contract providers of domestic violence services.

1304 Within appropriations from the Legislature, the division shall provide or contract for a variety of
1305 domestic violence services and treatment methods;

1306 (18) ensure regular, periodic publication, including electronic publication, regarding the
1307 number of children in the custody of the division who have a permanency goal of adoption, or for
1308 whom a final plan of termination of parental rights has been approved, pursuant to Section
1309 78-3a-312, and promote adoption of those children;

1310 (19) provide protective services to victims of domestic violence, as defined in Section
1311 77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78,
1312 Chapter 3a, Part 3;

1313 (20) have authority to contract with a private, nonprofit organization to recruit and train
1314 foster care families and child welfare volunteers in accordance with Section 62A-4a-107.5; and

1315 (21) perform such other duties and functions as required by law.

1316 Section 36. Section **63B-5-201** is amended to read:

1317 **63B-5-201. Legislative intent statements.**

1318 (1) If the United State Department of Defense has not provided matching funds to
1319 construct the National Guard Armory in Orem by December 31, 1997, the Division of Facilities
1320 Construction and Management shall transfer any funds received from issuance of a General
1321 Obligation Bond for benefit of the Orem Armory to the Provo Armory for capital improvements.

1322 (2) It is the intent of the Legislature that the University of Utah use institutional funds to
1323 plan, design, and construct:

1324 (a) the Health Science East parking structure under the supervision of the director of the
1325 Division of Facilities Construction and Management unless supervisory authority is delegated by
1326 the director;

1327 (b) the Health Science Office Building under the supervision of the director of the Division
1328 of Facilities Construction and Management unless supervisory authority is delegated by the
1329 director; and

1330 (c) the new Student Housing/Olympic Athletes Village under the supervision of the
1331 director of the Division of Facilities Construction and Management unless supervisory authority
1332 is delegated by the director.

1333 (3) It is the intent of the Legislature that Utah State University use institutional funds to
1334 plan, design, and construct a multipurpose facility under the supervision of the director of the
1335 Division of Facilities Construction and Management unless supervisory authority is delegated by
1336 the director.

1337 (4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal
1338 funding to plan, design, and construct a sample library facility under the supervision of the director
1339 of the Division of Facilities Construction and Management unless supervisory authority is
1340 delegated by the director.

1341 (5) (a) If legislation introduced in the 1996 General Session to fund the Wasatch State Park
1342 Club House does not pass, the State Building Ownership Authority, under authority of Title 63,
1343 Chapter 9a, State Building Ownership [Authority] Act, may issue or execute obligations, or enter
1344 into or arrange for a lease purchase agreement in which participation interests may be created, to
1345 provide up to \$1,500,000 for the remodel and expansion of the clubhouse at Wasatch Mountain
1346 State Park for the Division of Parks and Recreation, together with additional amounts necessary
1347 to:

- 1348 (i) pay costs of issuance;
1349 (ii) pay capitalized interest; and
1350 (iii) fund any debt service reserve requirements.

1351 (b) The State Building Ownership Authority shall work cooperatively with the Division
1352 of Parks and Recreation to seek out the most cost effective and prudent lease purchase plan
1353 available.

1354 (6) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1355 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1356 arrange for a lease purchase agreement in which participation interests may be created, to provide
1357 up to \$835,300 for the construction of a liquor store in the Snyderville area, together with
1358 additional amounts necessary to:

- 1359 (i) pay costs of issuance;
1360 (ii) pay capitalized interest; and

1361 (iii) fund any debt service reserve requirements.

1362 (b) The State Building Ownership Authority shall work cooperatively with the Department
1363 of Alcoholic Beverage Control to seek out the most cost effective and prudent lease purchase plan
1364 available.

1365 (7) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1366 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1367 arrange for a lease purchase agreement in which participation interests may be created, to provide
1368 up to \$15,000,000 for the construction of the Huntsman Cancer Institute, together with additional
1369 amounts necessary to:

1370 (i) pay costs of issuance;

1371 (ii) pay capitalized interest; and

1372 (iii) fund any debt service reserve requirements.

1373 (b) The State Building Ownership Authority shall work cooperatively with the University
1374 of Utah to seek out the most cost effective and prudent lease purchase plan available.

1375 (c) It is the intent of the Legislature that the University of Utah lease land to the State
1376 Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

1377 (8) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1378 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1379 arrange for a lease purchase agreement in which participation interests may be created, to provide
1380 up to \$857,600 for the construction of an addition to the Human Services facility in Vernal, Utah
1381 together with additional amounts necessary to:

1382 (i) pay costs of issuance;

1383 (ii) pay capitalized interest; and

1384 (iii) fund any debt service reserve requirements.

1385 (b) The State Building Ownership Authority shall work cooperatively with the Department
1386 of Human Services to seek out the most cost effective and prudent lease purchase plan available.

1387 (9) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1388 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1389 arrange for a lease purchase agreement in which participation interests may be created, to provide
1390 up to \$3,470,200 for the construction of the Student Services Center, at the College of Eastern
1391 Utah, together with additional amounts necessary to:

- 1392 (i) pay costs of issuance;
- 1393 (ii) pay capitalized interest; and
- 1394 (iii) fund any debt service reserve requirements.

1395 (b) The State Building Ownership Authority shall work cooperatively with the College of
1396 Eastern Utah to seek out the most cost effective and prudent lease purchase plan available.

1397 (10) (a) Notwithstanding anything to the contrary in Title 53B, Chapter 21, Revenue
1398 Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations, the
1399 State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue bonds or
1400 other evidences of indebtedness of Dixie College to borrow money on the credit of the income and
1401 revenues, including legislative appropriations, of Dixie College, to finance the acquisition of the
1402 Dixie Center.

1403 (b) (i) The bonds or other evidences of indebtedness authorized by this section shall be
1404 issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and
1405 in amounts that the board, by resolution, determines are reasonable and necessary and may not
1406 exceed \$6,000,000 together with additional amounts necessary to:

- 1407 (A) pay cost of issuance;
- 1408 (B) pay capitalized interest; and
- 1409 (C) fund any debt service reserve requirements.

1410 (ii) To the extent that future legislative appropriations will be required to provide for
1411 payment of debt service in full, the board shall ensure that the revenue bonds are issued containing
1412 a clause that provides for payment from future legislative appropriations that are legally available
1413 for that purpose.

1414 (11) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1415 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1416 arrange for a lease purchase agreement in which participation interests may be created, to provide
1417 up to \$10,479,000 for the construction of a facility for the Courts - Davis County Regional
1418 Expansion, together with additional amounts necessary to:

- 1419 (i) pay costs of issuance;
- 1420 (ii) pay capitalized interest; and
- 1421 (iii) fund any debt service reserve requirements.

1422 (b) The State Building Ownership Authority shall work cooperatively with the Office of

1423 the Court Administrator to seek out the most cost effective and prudent lease purchase plan
1424 available.

1425 (12) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1426 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1427 arrange for a lease purchase agreement in which participation interests may be created, to provide
1428 up to \$4,200,000 for the purchase and remodel of the Washington County Courthouse, together
1429 with additional amounts necessary to:

- 1430 (i) pay costs of issuance;
- 1431 (ii) pay capitalized interest; and
- 1432 (iii) fund any debt service reserve requirements.

1433 (b) The State Building Ownership Authority shall work cooperatively with the Office of
1434 the Court Administrator to seek out the most cost effective and prudent lease purchase plan
1435 available.

1436 (13) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1437 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1438 arrange for a lease purchase agreement in which participation interests may be created, to provide
1439 up to \$14,299,700 for the construction of a facility for the State Library and the Division of
1440 Services for the Blind and Visually [Handicapped] Impaired, together with additional amounts
1441 necessary to:

- 1442 (i) pay costs of issuance;
- 1443 (ii) pay capitalized interest; and
- 1444 (iii) fund any debt service reserve requirements.

1445 (b) The State Building Ownership Authority shall work cooperatively with the Office of
1446 Education and the Department of Community and Economic Development to seek out the most
1447 cost effective and prudent lease purchase plan available.

1448 Section 37. Section **75-5-316** is amended to read:

1449 **75-5-316. Expedited guardianship proceedings.**

1450 (1) (a) With regard to persons who are residents of the Utah State Developmental Center,
1451 the expedited process provided by this section may be applied to obtain a limited guardianship.

1452 (b) For purposes of this section:

- 1453 (i) "Limited guardianship" means a guardianship solely for the purpose of granting consent

1454 for medical care and for participation in approval of the ward's individualized program plan.

1455 (ii) "Ward" means a resident of the Utah State Developmental Center who is the subject
1456 of guardianship proceedings under this section.

1457 (2) Any person interested in the incapacitated person's welfare may file a petition for a
1458 finding of incapacity and appointment of a guardian. That person may seek the limited
1459 guardianship pro se, using the forms described in this section. Any fee for filing a petition for a
1460 limited guardianship shall be waived if the guardian is proceeding under this section.

1461 (3) Upon filing a petition for limited guardianship under this section, the court shall set
1462 a date for hearing.

1463 (4) The ward has the right to be present at the hearing and to see and hear all evidence
1464 relating to his condition.

1465 (5) At that hearing the court shall review the affidavit of the superintendent of the Utah
1466 State Developmental Center, described in Subsection (11), and determine whether notice has been
1467 given to the appropriate persons described in Subsection (6).

1468 (6) If the proposed guardian is not a parent or relative of the ward, personal notice shall
1469 be given to the ward's spouse, parents, and any adult children of the ward. Personal notice shall
1470 also be given to such other persons as the court may direct.

1471 (7) The court may, in its discretion, appoint a guardian ad litem to represent the ward in
1472 the hearing, and may request independent evaluation by a physician appointed by the court. The
1473 physician shall submit his findings to the court in writing.

1474 (8) The court may grant the petition for a limited guardianship and sign the Order of
1475 Appointment if the court finds that:

1476 (a) the appropriate parties have been given notice;

1477 (b) the ward is incapacitated, based on the affidavit of the superintendent of the Utah State
1478 Developmental Center and any affidavit or testimony of persons entitled to receive notice or
1479 requested to present evidence under this section; and

1480 (c) it is necessary and desirable to establish the guardianship.

1481 (9) Venue for these expedited guardianship proceedings shall be the same as that described
1482 in Section 75-5-302.

1483 (10) A petition for a limited guardianship shall include the following information:

1484 (a) the interest of the petitioner;

- 1485 (b) the name, age, residence, and address of the ward;
- 1486 (c) verification that the ward is a resident of the Utah State Developmental Center;
- 1487 (d) the name and address of the nearest relative of the ward; and
- 1488 (e) the reason for appointment of guardianship.
- 1489 (11) The petitioner shall also provide the court with an affidavit of the superintendent of
- 1490 the Utah State Developmental Center that includes the following information:
- 1491 (a) that the ward is a resident of the Utah State Developmental Center;
- 1492 (b) the date on which the ward was originally admitted to the Utah State Developmental
- 1493 Center;
- 1494 (c) the diagnosis of the ward, including a description of [~~his handicapping~~] the ward's
- 1495 disabling condition, the level of retardation, and any medical or physical conditions;
- 1496 (d) that the Utah State Developmental Center is certified as an Intermediate Care Facility
- 1497 for the Mentally Retarded under Title XIX of the Social Security Act;
- 1498 (e) that because of that certification, the Utah State Developmental Center receives
- 1499 financial participation from the United States Government for its operation and maintenance costs;
- 1500 and
- 1501 (f) that federal regulations under Title XIX require the ward to have a guardian appointed
- 1502 for the sole purpose of giving consent for medical and dental care and of participation in and
- 1503 approval of the ward's individual program plan.
- 1504 (12) If the court finds that, under the requirements of this section the proposed limited
- 1505 guardian should be appointed, it shall enter an order establishing that limited guardianship in
- 1506 substantially the following form:
- 1507 The court finds that:
- 1508 (a) appointment of a limited guardianship for (named ward) is necessary and desirable as
- 1509 a means of providing continuing care and supervision and to ensure his welfare;
- 1510 (b) the ward is incapacitated;
- 1511 (c) (named guardian) is appointed as the limited guardian of (named ward); and
- 1512 (d) the guardianship is a limited guardianship solely for the purpose of:
- 1513 (i) granting permission for medical and dental care on behalf of the ward; and
- 1514 (ii) participation in the development and approval of the ward's individual program plan.
- 1515 (13) Appointment of guardianship under this section places no additional responsibility

1516 or liability on the guardian with regard to the ward. The limited guardianship is solely for consent
1517 for medical care and approval of the ward's individualized program plan, and shall not be
1518 construed to increase or create liability or responsibility for the guardian.

1519 Section 38. Section **78-11-23** is amended to read:

1520 **78-11-23. Right to life -- State policy.**

1521 The Legislature finds and declares that it is the public policy of this state to encourage all
1522 persons to respect the right to life of all other persons, regardless of age, development, condition,
1523 or dependency, including all [handicapped] persons with a disability, and all unborn persons.

Legislative Review Note

as of 1-12-00 1:47 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel