

- 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 **41-1a-408**, as last amended by Chapters 27 and 40, Laws of Utah 2000
- 34 **49-1-103**, as last amended by Chapter 288, Laws of Utah 1995
- 35 **49-5-103**, as last amended by Chapter 31, Laws of Utah 1997
- 36 **53A-1-402**, as enacted by Chapter 2, Laws of Utah 1988
- 37 **53A-9-103**, as enacted by Chapter 2, Laws of Utah 1988
- 38 **53A-11-203**, as enacted by Chapter 2, Laws of Utah 1988
- 39 **53A-17a-106**, as renumbered and amended by Chapter 72, Laws of Utah 1991
- 40 **53A-17a-127**, as last amended by Chapter 332, Laws of Utah 1999
- 41 **53A-20-103**, as enacted by Chapter 2, Laws of Utah 1988
- 42 **53A-25-206**, as enacted by Chapter 2, Laws of Utah 1988
- 43 **55-5-5**, as enacted by Chapter 174, Laws of Utah 1971
- 44 **59-10-108**, as last amended by Chapter 183, Laws of Utah 1990
- 45 **62A-1-111**, as last amended by Chapter 106, Laws of Utah 1999
- 46 **62A-4a-105**, as last amended by Chapters 274 and 370, Laws of Utah 1998
- 47 **63B-5-201**, as enacted by Chapter 335, Laws of Utah 1996
- 48 **75-5-316**, as last amended by Chapter 161, Laws of Utah 1997
- 49 **78-11-23**, as enacted by Chapter 167, Laws of Utah 1983

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

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

52 **9-4-602. Definitions.**

53 As used in this part:

54 (1) "Area of operation" means:

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

58 (b) in the case of an authority of a county, all of the county for which it is created except,

59 that a county authority may not undertake any project within the boundaries of any city unless a
60 resolution has been adopted by the governing body of the city (and by any authority which shall
61 have been theretofore established and authorized to exercise its powers in the city) declaring that
62 there is need for the county authority to exercise its powers within that city.

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

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

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

69 (5) "Clerk" means the city clerk or the county clerk, or the officer charged with the duties
70 customarily imposed on [~~such~~] the clerk.

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

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

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

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

80 [~~(10)~~] (10) "Housing authority" or "authority" means any public body corporate and politic
81 created by this part.

82 [~~(11)~~] (11) (a) "Housing project" or "project" means any work or undertaking, on
83 contiguous or noncontiguous sites to:

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

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

90 (iii) accomplish a combination of the foregoing.

91 (b) "Housing project" includes:

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

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

95 (iii) facilities for administrative, community, health, recreational, welfare, or other
96 purposes;

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

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

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

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

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

107 [~~(14)~~] (13) "Mayor" means the mayor of the city or the officer charged with the duties
108 customarily imposed on the mayor or executive head of a city.

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

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

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

120 (17) "Public body" means any city, county or municipal corporation, commission, district,

121 authority, agency, subdivision, or other body of any of the foregoing.

122 (18) "Real property" includes all lands, improvements, and fixtures on them, property of
123 any nature appurtenant to them or used in connection with them, and every estate, interest, and
124 right, legal or equitable, including terms for years.

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

126 **9-4-614. Preference for elderly and persons with a disability.**

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

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

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

135 **9-4-801. Creation.**

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

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

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

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

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

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

151 (c) A person appointed under this Subsection (4) may not be appointed to serve more than

152 three consecutive terms.

153 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
154 appointed for the unexpired term.

155 (6) (a) (i) Members who are not government employees shall receive no compensation or
156 benefits for their services, but may receive per diem and expenses incurred in the performance of
157 the member's official duties at the rates established by the Division of Finance under Sections
158 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

173 **9-4-802. Purposes of Homeless Coordinating Committee -- Uses of Homeless Trust**
174 **Account.**

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

178 (b) Programs funded by the committee shall emphasize emergency housing and
179 self-sufficiency, including placement in meaningful employment or occupational training activities
180 and, where needed, special services to meet the unique needs of the homeless who have families
181 with children, or who are mentally ill, disabled, or suffer from other serious challenges to
182 employment and self-sufficiency.

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

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

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

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

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

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

195 (b) The committee may:

196 (i) expend up to 3% of its annual appropriation for administrative costs associated with
197 the allocation of funds from the Homeless Trust Account, and up to 2% of its annual appropriation
198 for marketing the Homeless Trust Account and soliciting donations to the Homeless Trust
199 Account[~~. The committee may~~]; and

200 (ii) pay for the initial costs of the State Tax Commission in implementing Section
201 59-10-530.5 [~~out of~~] from the Homeless Trust Account.

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

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

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

212 (6) The moneys in the Homeless Trust Account shall be invested by the state treasurer
213 according to the procedures and requirements of Title 51, Chapter 7, State Money Management

214 Act, except that all interest or other earnings derived from the fund moneys shall be deposited in
215 the fund.

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

217 **9-7-205. Duties of board and director.**

218 (1) The board shall:

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

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

222 (c) promote the establishment of district, regional, or multicounty libraries as conditions
223 within particular areas of the state may require;

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

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

229 (f) serve as the agency of the state for the administration of any state or federal funds
230 [~~which~~] that may be appropriated to further library development within the state;

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

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

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

242 (j) where sufficient need exists and if the director considers it advisable, establish and
243 maintain special departments in the state library to provide services for the blind [~~and physically~~
244 ~~handicapped~~], visually impaired, persons with disabilities, and professional, occupational, and

245 other groups;

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

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

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

252 (n) develop standards for public libraries.

253 (2) The director shall, under the policy direction of the board, carry out the responsibilities
254 under Subsection (1).

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

256 **10-9-104. Stricter requirements.**

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

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

261 (a) Section 10-9-106;

262 (b) Section 10-9-106.5;

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

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

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

266 **11-17-1.5. Purpose of chapter.**

267 (1) The purposes of this chapter are to stimulate the economic growth of the state [~~of~~
268 ~~Utah~~], to promote employment and achieve greater industrial development in the state [~~of Utah~~],
269 to maintain or enlarge domestic or foreign markets for Utah industrial products, to authorize
270 municipalities and counties in the state to facilitate capital formation, finance, acquire, own, lease,
271 or sell projects for the purpose of reducing, abating, or preventing pollution and to protect and
272 promote the health, welfare, and safety of the citizens of the state and to improve local health and
273 the general welfare by inducing corporations, persons, or entities engaged in health care services,
274 including hospitals, nursing homes, extended care facilities, facilities for the care of [~~physically~~
275 ~~and mentally handicapped~~] persons with a physical or mental disability, and administrative and

276 support facilities, to locate, relocate, modernize, or expand in this state and to assist in the
277 formation of investment capital with respect thereto. The Legislature hereby finds and declares
278 that the acquisition or financing, or both, of projects under the Utah Industrial Facilities and
279 Development Act and the issuance of bonds under it constitutes a proper public purpose.

280 (2) It is declared that the policy of the state [~~of Utah~~] is to encourage the development of
281 free enterprise and entrepreneurship for the purpose of the expansion of employment opportunities
282 and economic development. It is found and declared that there exists in the state [~~of Utah~~] an
283 inadequate amount of locally managed, pooled venture capital in the private sector available to
284 invest in early stage businesses having high growth potential and [~~which~~] that can provide jobs for
285 Utah citizens. It is found that [~~such~~] venture capital is required for healthy economic development
286 of sectors of the economy having high growth and employment potential. It is further found that
287 the public economic development purposes of the state and its counties and municipalities can be
288 fostered by the sale of industrial revenue bonds for the purpose of providing funding for locally
289 managed, pooled new venture and economic development funds in accordance with the provisions
290 of this act. It is found and declared that in order to assure adequate investment of private capital
291 for [~~such~~] these uses, cooperation between private enterprise and state and local government is
292 necessary and in the public interest and that the facilitation of [~~such~~] capital accumulation is the
293 appropriate activity of the counties and municipalities of this state and also of the Utah Division
294 of Business and Economic Development, a division of the Utah Department of Community and
295 Economic Development.

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

299 It is found and declared that investors in economic development or new venture investment
300 funds require for the overall security of their investments reasonable diversification of investment
301 portfolios and that, in the course of [~~such~~] this diversification, investments are often syndicated
302 or jointly made among several financial institutions or funds. It is expressly found and declared
303 that an economic development or new venture investment fund must from time to time for its
304 optimal profitability and efficiency (which are important for the security and profit of bond
305 purchasers providing funds therefor) cooperate with others who may be located outside the state
306 of Utah or the county or municipality where [~~such~~] the fund is headquartered in the making of

307 investments and that ~~[such]~~ the fund must be free in the interests of reciprocal relationships with
308 other financial institutions and diversification of risks to invest from time to time in enterprises
309 ~~[which]~~ that are located outside ~~[the state]~~ of Utah or ~~[such]~~ the counties or municipalities. It is
310 specifically found that such activity by a locally managed fund, funded in whole or in part with the
311 proceeds of bonds sold ~~[pursuant to]~~ under this chapter, is within the public purposes of the state
312 ~~[of Utah]~~ and any county or municipality offering ~~[such]~~ the bonds, provided that ~~[such]~~ the fund
313 locates within the state of Utah or ~~[such]~~ the county or municipality its headquarters where its
314 actual investment decisions and management functions occur and limits the aggregate amount of
315 its investments in companies located outside ~~[the state]~~ of Utah to an amount ~~[which]~~ that in the
316 aggregate does not exceed the aggregate amount of investments made by institutions and funds
317 located outside ~~[the state]~~ of Utah in Utah companies, ~~[which said]~~ that the locally managed fund
318 has sponsored or in which it has invested and ~~[which]~~ that it has brought to the attention of
319 investors outside ~~[the state]~~ of Utah.

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

321 **11-17-2. Definitions.**

322 As used in this chapter:

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

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

334 (3) "Governing body" means the board or body ~~[in which]~~ that the general legislative
335 powers of the municipality or county are vested. In the case of state universities to which this
336 chapter applies, "governing body" means the board or body having the control and supervision of
337 the University of Utah and Utah State University and, with reference to a nonprofit corporation or

338 foundation created by and operating under the auspices of a state university, the board of directors
339 or board of trustees of that corporation or foundation.

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

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

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

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

354 (8) "Project" means:

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

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

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

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

366 (iv) [~~which~~] that is suitable for use by a state university for the purpose of aiding in the
367 accomplishment of its authorized academic, scientific, engineering, technical, and economic
368 development functions, but "project" does not include any property, real, personal, or mixed, for

369 the purpose of the construction, reconstruction, improvement, or maintenance of a public utility
370 as defined in Section 54-2-1, [~~except aircraft carriers as defined in Title 54,~~] Chapter 2, and except
371 as provided in Subsection (8)(b);

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

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

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

383 (i) municipal or county general fund moneys;

384 (ii) moneys raised [~~pursuant to~~] under the taxing power of any county or municipality; or

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

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

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

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

392 **17-27-104. Stricter requirements.**

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

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

397 (a) Section 17-27-105;

398 (b) Section 17-27-105.5;

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

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

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

402 **17-28-2.6. Merit principles.**

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

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

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

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

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

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

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

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

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

420 **17-33-3. Merit principles.**

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

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

425 (2) provision of equitable and adequate compensation;

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

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

429 (5) fair treatment of applicants and employees in all aspects of personnel administration
430 without regard to race, color, religion, sex, national origin, political affiliation, age, or [handicap]

431 disability, and with proper regard for their privacy and constitutional rights as citizens;

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

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

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

437 **17-33-5. Office of personnel management -- Director -- Appointment and**
438 **responsibilities -- Personnel rules.**

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

440 (i) create an office of personnel management, administered by a director of personnel
441 management; and

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

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

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

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

450 (c) The career service council shall:

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

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

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

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

456 (2) The director of personnel management shall:

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

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

461 (c) develop and implement programs for the improvement of employee effectiveness, such

462 as training, safety, health, counseling, and welfare;

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

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

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

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

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

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

474 (b) The rules shall provide for:

475 (i) recruiting efforts to be planned and carried out in a manner that assures open
476 competition, with special emphasis to be placed on recruiting efforts to attract minorities, women,
477 ~~handicapped~~ persons with a disability, or other groups that are substantially underrepresented in
478 the county work force to help assure they will be among the candidates from whom appointments
479 are made;

480 (ii) the establishment of job-related minimum requirements wherever practical, ~~which~~
481 that all successful candidates shall be required to meet in order to be eligible for consideration for
482 appointment or promotion;

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

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

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

491 (vi) noncompetitive appointments in the occasional instance where there is evidence that
492 open or limited competition is not practical, such as for unskilled positions ~~for which there are~~

493 that have no minimum job requirements;

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

497 (viii) permanent appointment for entry to the career service [~~which~~] that shall be
498 contingent upon satisfactory performance by the employee during a period of six months, with the
499 probationary period extendable for a period not to exceed six months for good cause, but with the
500 condition that the probationary employee may appeal directly to the council any undue
501 prolongation of the period designed to thwart merit principles;

502 (ix) temporary, provisional, or other noncareer service appointments, which may not be
503 used as a way of defeating the purpose of the career service and may not exceed 90 days, with the
504 period extendable for a period not to exceed an additional 90 days for good cause;

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

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

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

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

523 (xiv) keeping records of performance on all employees in the career service and requiring

524 consideration of performance records in determining salary increases, any benefits for meritorious
525 service, promotions, the order of layoffs and reinstatements, demotions, discharges, and transfers;

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

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

532 (xvii) establishment of disciplinary measures such as suspension, demotion in rank or
533 grade, or discharge, [~~such~~] measures to provide for presentation of charges, hearing rights, and
534 appeals for all permanent employees in the career service to the career service council;

535 (xviii) establishment of a procedure for employee development and improvement of poor
536 performance;

537 (xix) establishment of hours of work, holidays, and attendance requirements in various
538 classes of positions in the career service;

539 (xx) establishment and publicizing of fringe benefits such as insurance, retirement, and
540 leave programs; and

541 (xxi) any other requirements not inconsistent with this law that are proper for its
542 enforcement.

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

544 **20A-3-105. Marking and depositing ballots.**

545 (1) (a) If paper ballots are used, the voter, upon receipt of the ballot, shall go to a voting
546 booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the
547 name of each candidate of the voter's choice for each office to be filled.

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

549 (c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the
550 appropriate square with a mark opposite the answer the voter intends to make.

551 (d) The voter shall fold the ballot before leaving the booth so its contents are concealed
552 and the stub can be removed.

553 (2) (a) (i) If ballot cards are used, the voter shall insert the ballot card into the voting
554 device and mark the ballot card according to the instructions provided on the device.

555 (ii) If the voter is issued a ballot card with a long stub without a secrecy envelope, the voter
556 shall record any write-in votes on the long stub.

557 (iii) If the voter is issued a ballot card with a secrecy envelope, the voter shall record any
558 write-in votes on the secrecy envelope.

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

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

561 (ii) fold the long stub over the face of the ballot card to maintain the secrecy of the vote
562 if the voter is issued a ballot card with a long stub without a secrecy envelope.

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

564 (i) leave the voting booth; and

565 (ii) announce his name to the election judge in charge of the ballot box.

566 (b) The election judge in charge of the ballot box shall:

567 (i) clearly and audibly announce the name of the voter and the number on the stub of the
568 voter's ballot;

569 (ii) if the stub number on the ballot corresponds with the number previously recorded in
570 the official register, and bears the initials of the election judge, remove the stub from the ballot;
571 and

572 (iii) return the ballot to the voter.

573 (c) The voter shall, in full view of the election judges, cast his vote by depositing the ballot
574 in the ballot box.

575 (d) (i) The election judge may not accept a ballot from which the stub has been detached.

576 (ii) The election judge shall treat a ballot from which the stub has been detached as a
577 spoiled ballot and shall provide the voter with a new ballot and dispose of the spoiled ballot as
578 provided in Section 20A-3-107.

579 (4) A voter voting a paper ballot in a regular primary election shall, after marking the
580 ballot:

581 (a) (i) detach the part of the paper ballot containing the names of the candidates of the
582 party he has voted from the remainder of the paper ballot;

583 (ii) fold that portion of the paper ballot so that its face is concealed; and

584 (iii) deposit it in the ballot box; and

585 (b) (i) fold the remainder of the paper ballot, containing the names of the candidates of the

586 parties that the elector did not vote; and

587 (ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.

588 (5) (a) Each voter shall mark and deposit the ballot without delay and leave the voting area
589 after voting.

590 (b) A voter may not:

591 (i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;

592 (ii) remain within the voting area more than ten minutes; or

593 (iii) occupy a voting booth for more than five minutes if all booths are in use and other
594 voters are waiting to occupy them.

595 (6) If the official register shows any voter as having voted, that voter may not reenter the
596 voting area during that election unless that voter is an election official or watcher.

597 (7) The election judges may not allow more than four voters more than the number of
598 voting booths into the voting area at one time unless those excess voters are:

599 (a) election officials[;];

600 (b) watchers[;]; or [are]

601 (c) assisting [~~handicapped~~] voters with a disability.

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

603 **26-10-1. Definitions.**

604 As used in this chapter:

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

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

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

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

616 (d) necessary administrative services connected with Subsections (1)(a), (b), and (c) [~~of~~

617 ~~this subsection~~].

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

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

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

627 (c) the development, strengthening, and improvement of standards and techniques relating
628 to such services and care;

629 (d) the training of personnel engaged in the provision, development, strengthening, or
630 improvement of such services and care; and

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

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

634 **CHAPTER 29. ELIMINATION OF ARCHITECTURAL BARRIERS FOR PERSONS**
635 **WITH A DISABILITY**

636 **26-29-1. Buildings and facilities to which chapter applies -- Standards available to**
637 **interested parties -- Building board staff to advise, review, and approve plans when possible.**

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

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

644 (i) caretaker dwellings~~[-];~~;

645 (ii) service buildings~~[-];~~; and

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

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

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

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

659 (c) If remodeling involves 50% or more of the space of the building or facility, the entire
660 building or facility shall be brought into compliance with the standards [~~provided in this act~~].

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

664 (b) The State Building Board shall:

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

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

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

671 **26-29-2. Purpose of chapter.**

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

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

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

677 **26-29-3. Basis for standards.**

678 The standards of this chapter [~~shall be~~] are the current edition of planning and design

679 criteria to prevent architectural barriers for the aged and [~~the physically handicapped~~] persons with
680 a physical disability, as promulgated by the State Building Board.

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

682 **26-30-1. Physically disabled persons' rights and privileges.**

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

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

690 (3) The blind, visually [~~handicapped~~] impaired, hearing impaired, or otherwise physically
691 disabled person has equal rights to accommodations, advantages, and facilities offered by hotels,
692 motels, lodges, and all other places of public accommodation in this state, and to places of
693 amusement or resort to which the public is invited.

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

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

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

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

707 **26-30-2. Right to be accompanied by guide or service dog or dog in training.**

708 (1) (a) The blind, visually [~~handicapped~~] impaired, hearing impaired, or otherwise
709 physically disabled person has the right to be accompanied by a guide or service dog, specially

710 trained for that purpose, in any of the places specified in Section 26-30-1 without additional charge
711 for the guide or service dog.

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

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

719 (2) A person, whether or not [~~he~~] the person is blind, visually [~~handicapped~~] impaired,
720 hearing impaired, or otherwise physically disabled, has the right to be accompanied by a pup or
721 dog that is in training to become a guide or service dog in any of the places specified in Section
722 26-30-1 without additional charge for the dog.

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

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

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

731 **26-30-3. Policy of state to employ blind and disabled.**

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

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

738 **31A-22-611. Policy extension for children with a disability.**

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

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

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

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

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

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

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

753 **34-38-14. Employee not "disabled."**

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

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

759 **34-40-104. Exemptions.**

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

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

763 (b) outside sales persons;

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

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

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

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

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

- 772 (h) any prisoner employed through the penal system;
- 773 (i) any employee employed in agriculture if the employee:
- 774 (i) is principally engaged in the range production of livestock;
- 775 (ii) is employed as a harvest laborer and is paid on a piece rate basis in an operation that
- 776 has been and is generally recognized by custom as having been paid on a piece rate basis in the
- 777 region of employment;
- 778 (iii) was employed in agriculture less than 13 weeks during the preceding calendar year;
- 779 or
- 780 (iv) is a retired or semiretired person performing part-time or incidental work as a
- 781 condition of the employee's residence on a farm or ranch;
- 782 (j) registered apprentices or students employed by the educational institution in which they
- 783 are enrolled; or
- 784 (k) any seasonal hourly employee employed by a seasonal amusement establishment with
- 785 permanent structures and facilities if the other direct monetary compensation from tips, incentives,
- 786 commissions, end-of-season bonus, or other forms of pay is sufficient to cause the average hourly
- 787 rate of total compensation for the season of seasonal hourly employees who continue to work to
- 788 the end of the operating season to equal the applicable minimum wage if the seasonal amusement
- 789 establishment:
- 790 (i) does not operate for more than seven months in any calendar year; or
- 791 (ii) during the preceding calendar year its average receipts for any six months of ~~[such]~~ that
- 792 year were not more than 33-1/3% of its average receipts for the other six months of ~~[such]~~ that
- 793 year.
- 794 (2) ~~(a) [Handicapped individuals]~~ Persons with a disability whose earnings or productive
- 795 capacities are impaired by age, physical or mental deficiencies, or injury may be employed at
- 796 wages that are lower than the minimum wage, provided the wage is related to the employee's
- 797 productivity.
- 798 ~~(b)~~ The commission may establish and regulate the wages paid or wage scales for [the
- 799 ~~handicapped individuals]~~ persons with a disability.
- 800 (3) The commission may establish or may set a lesser minimum wage for learners not to
- 801 exceed the first 160 hours of employment.
- 802 (4) Employees tipped may be paid not less than 55% of the minimum wage when the

803 balance received from tips, either directly or by pooling of tip receipts, is sufficient to bring the
804 employee to the minimum wage. Employees shall retain all tips except to the extent that they
805 participate in a bona fide tip pooling or sharing arrangement with other tipped employees. The
806 commission may by rule provide for a greater tip allowance, in conjunction with its review of the
807 minimum wage, under Section 34-40-103.

808 Section 24. Section **41-1a-408** is amended to read:

809 **41-1a-408. Special group plates -- Design -- Application -- Issuance.**

810 (1) As used in this section:

811 (a) "Boy Scouts of America license plates" means the special group license plates issued
812 under this section to a contributor to the Boy Scouts of America.

813 (b) "Children's issues license plates" means the special group license plates issued under
814 this section to a contributor to the Guardian Ad Litem Services Account and the Children's
815 Museum of Utah.

816 (c) "Collegiate license plates" means the special group license plates issued under this
817 section to a contributor to an institution after payment of the appropriate fees.

818 (d) (i) "Contributor" means a person who has donated or in whose name at least \$25 has
819 been donated to:

820 (A) a scholastic scholarship fund of a single institution;

821 (B) the Office of Veterans' Affairs in the Department of Community and Economic
822 Development for veterans' programs;

823 (C) the Division of Wildlife Resources for conservation of wildlife and the enhancement,
824 preservation, protection, access, and management of wildlife habitat;

825 (D) the Department of Agriculture and Food for the benefit of soil conservation districts;

826 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;

827 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
828 the donation evenly divided between the two; or

829 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council
830 as specified by the contributor.

831 (ii) Except as provided under Subsection (13), the donation must be made in the 12 months
832 prior to registration or renewal of registration.

833 (e) "Institution" means a state institution of higher education or a private institution of

834 higher education in the state accredited by a regional or national accrediting agency recognized by
835 the United States Department of Education.

836 (f) "Snowmobile license plates" means the special group license plates issued under this
837 section to a contributor to the Division of Parks and Recreation after payment of the appropriate
838 fees.

839 (g) "Soil conservation license plates" means the special group license plates issued under
840 this section to a contributor to the Department of Agriculture and Food after payment of the
841 appropriate fees.

842 (h) "State institution of higher education" has the same meaning as provided in Section
843 53B-3-102.

844 (i) "Veterans' license plates" means the special group license plates issued under this
845 section to a contributor to the Office of Veterans' Affairs after payment of the appropriate fees.

846 (j) "Wildlife license plates" means the special group license plates issued under this section
847 to a contributor to the Division of Wildlife Resources after payment of the appropriate fees.

848 (2) (a) The design and maximum number of numerals or characters on special group
849 license plates shall be determined by the division in accordance with the criteria in Subsection
850 (2)(b).

851 (b) Except for Olympic special group license plates, each special group license plate shall
852 display:

853 (i) the word Utah;

854 (ii) the name or identifying slogan of the special group;

855 (iii) a symbol not exceeding two positions in size representing the special group; and

856 (iv) the combination of letters, numbers, or both uniquely identifying the registered
857 vehicle.

858 (3) (a) The division shall, after consultation with a representative designated by the special
859 group, specify the word or words comprising the special group name and the symbol to be
860 displayed upon the special group license plates.

861 (b) Collegiate, veterans', children's issues, snowmobile, soil conservation, Boy Scouts of
862 America, and wildlife license plates may not be redesigned under this section more frequently than
863 every five years.

864 (c) Veterans' license plates shall display one of the symbols representing the Army, Navy,

865 Air Force, Marines, or Coast Guard.

866 (4) Subject to Subsections (10) and (12), the division shall only issue special group license
867 plates to a person who is:

868 (a) a current member of the Legislature;

869 (b) a current member of the United States Congress;

870 (c) a survivor of the Japanese attack on Pearl Harbor;

871 (d) a former prisoner of war;

872 (e) a recipient of a Purple Heart, as provided in Section 41-1a-409;

873 (f) a current member of the National Guard;

874 (g) a person with a disability or the registered owner of a vehicle that an organization uses
875 primarily for the transportation of persons with disabilities that limit or impair the ability to walk;

876 (h) a contributor to an institution's scholastic scholarship fund;

877 (i) a contributor to the Division of Wildlife Resources;

878 (j) a contributor to the Office of Veterans' Affairs;

879 (k) licensing a special interest vehicle;

880 (l) licensing a vintage vehicle;

881 (m) a licensed amateur radio operator;

882 (n) registering a farm truck;

883 (o) a currently employed, volunteer, or retired firefighter;

884 (p) a contributor to the Division of Parks and Recreation;

885 (q) a contributor to the Department of Agriculture and Food;

886 (r) a contributor to the Guardian Ad Litem Services Account and the Children's Museum
887 of Utah;

888 (s) a contributor to the Boy Scouts of America; or

889 (t) an emergency medical technician.

890 (5) (a) A vehicle displaying a survivor of the Japanese attack on Pearl Harbor license plate
891 decal, a former prisoner of war license plate decal, or a Purple Heart license plate decal shall be
892 titled in the name of the veteran or the veteran and spouse.

893 (b) Upon the death of the veteran, the surviving spouse may, upon application to the
894 division, retain the special group license plate decal so long as the surviving spouse remains
895 unmarried.

896 (c) The division shall require the surviving spouse to make a sworn statement that the
897 surviving spouse is unmarried before renewing the registration under this section.

898 (6) (a) (i) In accordance with rules made under Subsection (12), the division shall issue
899 a person with a disability special group license plate, temporary removable windshield placard, or
900 a removable windshield placard to:

901 (A) a qualifying person with a disability; or

902 (B) an organization that uses a vehicle registered in the applicant's name primarily for the
903 transportation of persons with disabilities that limit or impair the ability to walk.

904 (ii) The division shall issue a person with a disability special group license plate or a
905 removable windshield placard to a person with a permanent disability.

906 (iii) The issuance of a person with a disability special group license plate does not preclude
907 the issuance to the same applicant of a removable windshield placard.

908 (iv) The division shall issue on request one additional placard to a person with a person
909 with a disability special group license plate, temporary removable windshield placard, or a
910 removable windshield placard.

911 (b) The temporary removable windshield placard or removable windshield placard shall
912 be hung from the front windshield rearview mirror when the vehicle is parked in a parking space
913 reserved for persons with disabilities so that it is visible from the front and rear of the vehicle.

914 (7) (a) An applicant for original or renewal collegiate license plates must be a contributor
915 to the institution named in the application and present the original contribution verification form
916 or make a contribution to the division at the time of application.

917 (b) An institution with a special group license plate shall issue to a contributor a
918 verification form designed by the commission containing:

919 (i) the name of the contributor;

920 (ii) the institution to which a donation was made;

921 (iii) the date of the donation; and

922 (iv) an attestation that the donation was for a scholastic scholarship.

923 (c) The state auditor may audit each institution to verify that the moneys collected by the
924 institutions from contributors are used for scholastic scholarships.

925 (d) After an applicant has been issued collegiate license plates or renewal decals, the
926 commission shall charge the institution whose plate was issued, a fee determined in accordance

927 with Section 63-38-3.2 for management and administrative expenses incurred in issuing and
928 renewing the collegiate license plates.

929 (e) If the contribution is made at the time of application, the contribution shall be:

930 (i) collected by the division;

931 (ii) treated as a voluntary contribution for the named institution's scholastic scholarship
932 fund and not as a motor vehicle registration fee; and

933 (iii) deposited with the named institution, less actual production and administrative costs
934 associated with making and issuing collegiate license plates.

935 (8) (a) An applicant for original or renewal wildlife license plates must be a contributor
936 to the Division of Wildlife Resources.

937 (b) This contribution shall be:

938 (i) collected by the division;

939 (ii) treated as a voluntary contribution for the funding of wildlife activities and not as a
940 motor vehicle registration fee; and

941 (iii) deposited into the Wildlife Resources Account created in Section 23-14-13, less actual
942 production and administrative costs associated with making and issuing wildlife license plates.

943 (9) The division shall issue Olympic special group license plates.

944 (10) (a) An organization that makes a significant contribution to the state may request the
945 commission to authorize special group license plates for the organization if the organization
946 collects a minimum of 500 applications with the fees required under Section 41-1a-1211.

947 (b) If the commission approves the request, the division shall design a license plate in
948 accordance with Subsections (2) and (3).

949 (c) If the commission rejects the request, the organization shall refund all fees to the
950 applicants.

951 (11) Any person who meets the criteria established under this part for issuance of special
952 group license plates may make application in the same manner provided in Sections 41-1a-410 and
953 41-1a-411 for personalized special group license plates.

954 (12) (a) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah
955 Administrative Rulemaking Act, to:

956 (i) establish qualifying criteria for persons to receive, renew, or surrender special group
957 license plates, a temporary removable windshield placard, or a removable windshield placard;

958 (ii) establish the maximum number of numerals or characters for special group license
959 plates; and

960 (iii) require all temporary removable windshield placards and removable windshield
961 placards to include:

962 (A) an identification number;

963 (B) an expiration date not to exceed six months for a temporary removable windshield
964 placard and two years for a removable windshield placard; and

965 (C) the seal or other identifying mark of the division.

966 (b) The qualifying criteria under Subsection (12)(a) for a person with a disability special
967 group license plate, temporary removable windshield placard, or removable windshield placard
968 shall include a requirement that an initial application of a person with a disability be accompanied
969 by the certification of a licensed physician:

970 (i) that the applicant meets the definition of a person with a disability that limits or impairs
971 the ability to walk as defined in the federal Uniform System for ~~[Handicapped]~~ Parking for Persons
972 with Disabilities, [58 Fed. Reg. 10, 328 (1991)] 23 C.F.R. Ch. 11, Subch. B, Pt. 1235.2 (1991);
973 and

974 (ii) containing the period of time that the physician determines the applicant will have the
975 disability, not to exceed six months in the case of a temporary disability.

976 (13) (a) The division may issue original veterans' license plates.

977 (b) An applicant for original veterans' license plates must be at least a one-time contributor
978 to the Office of Veterans' Affairs.

979 (c) This contribution shall be:

980 (i) collected by the division;

981 (ii) treated as a voluntary contribution for the Office of Veterans' Affairs and not as a
982 motor vehicle registration fee; and

983 (iii) transferred to the Office of Veterans' Affairs at least monthly, less actual production
984 and administrative costs associated with making and issuing veterans' license plates.

985 (14) (a) The division may issue original snowmobile license plates if the Division of Parks
986 and Recreation provides a one-time contribution of at least \$9,000 to the division from restricted
987 revenue in the Off-Highway Vehicle Account in the General Fund to cover startup materials and
988 programming costs.

989 (b) An applicant for original snowmobile license plates must be a contributor to the
990 Division of Parks and Recreation.

991 (c) This contribution shall be:

992 (i) collected by the division;

993 (ii) treated as a voluntary contribution for the Division of Parks and Recreation for the
994 benefit of snowmobile programs and not as a motor vehicle registration fee; and

995 (iii) transferred to the Division of Parks and Recreation at least monthly, less actual
996 production and administrative costs associated with making and issuing snowmobile license plates.

997 (15) (a) (i) The division may issue original soil conservation license plates if soil
998 conservation districts provide a one-time contribution of at least \$9,000 to the division to cover
999 startup materials and programming costs.

1000 (ii) The contribution described in Subsection (15)(a)(i) may be from private funds
1001 available to soil conservation districts.

1002 (b) An applicant for original soil conservation license plates must be a contributor to the
1003 Department of Agriculture and Food.

1004 (c) This contribution shall be:

1005 (i) collected by the division;

1006 (ii) treated as a voluntary contribution for the Department of Agriculture and Food for the
1007 benefit of soil conservation districts and not as a motor vehicle registration fee; and

1008 (iii) transferred to the Department of Agriculture and Food at least monthly, less actual
1009 production and administrative costs associated with making and issuing soil conservation license
1010 plates.

1011 (16) (a) (i) The division may issue original children's issues license plates if the Office of
1012 the Guardian Ad Litem Director and the Children's Museum of Utah each provide a one-time
1013 contribution of at least \$4,500 to the division to cover startup materials and programming costs.

1014 (ii) The contribution described in Subsection (16)(a)(i) from the Office of the Guardian
1015 Ad Litem Director shall be from private funds not normally available to the Office of the Guardian
1016 Ad Litem Director.

1017 (b) An applicant for original or renewal children's issues license plates must be a
1018 contributor to the Guardian Ad Litem Services Account and the Children's Museum of Utah.

1019 (c) This contribution shall be:

- 1020 (i) collected by the division;
- 1021 (ii) treated as a voluntary contribution for the Guardian Ad Litem Services Account and
1022 the Children's Museum of Utah and not as a motor vehicle registration fee; and
- 1023 (iii) transferred to the Guardian Ad Litem Services Account and the Children's Museum
1024 of Utah at least monthly, less actual production and administrative costs associated with making
1025 and issuing children's issues license plates.

1026 (17) A current member of the Legislature may select the Olympic license plate as the
1027 legislator's special group license plate. The legislator shall pay the special fees for the Olympic
1028 license plate, as provided in Section 41-1a-417 and Subsection 41-1a-1211(12).

1029 (18) (a) Beginning January 1, 2001, the division may issue original Boy Scouts of America
1030 license plates if the Boy Scouts of America provides a one-time contribution of at least \$9,000 to
1031 the division to cover startup materials and programming costs.

1032 (b) An applicant for original or renewal Boy Scouts of America license plates must be a
1033 contributor to the Boy Scouts of America.

1034 (c) This contribution shall be:

- 1035 (i) collected by the division;
- 1036 (ii) treated as a voluntary contribution for the Boy Scouts of America and not as a motor
1037 vehicle registration fee; and
- 1038 (iii) transferred to the Boy Scouts of America at least monthly, less actual production and
1039 administrative costs associated with making and issuing Boy Scouts of America license plates.

1040 Section 25. Section **49-1-103** is amended to read:

1041 **49-1-103. Definitions.**

1042 As used in this title:

- 1043 (1) "Accumulated contributions" means the sum of the contributions made by or on behalf
1044 of a member and standing to the credit of the member's individual account, including regular
1045 interest where allowed by law.
- 1046 (2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis
1047 of mortality tables adopted by the board, including regular interest.
- 1048 (3) "Actuarial interest rate" means the interest rate adopted by the board upon the
1049 recommendation of the actuary and upon which the funding of retirement system costs and benefits
1050 are computed.

- 1051 (4) "Administrator" means the executive director of the board.
- 1052 (5) "Agency" means:
- 1053 (a) a department, division, agency, office, authority, commission, board, institution, or
- 1054 hospital of the state;
- 1055 (b) a county, municipality, school district, or special district;
- 1056 (c) a state college or university; or
- 1057 (d) any other individual employing unit that participates in a system administered by the
- 1058 board.
- 1059 (6) "Allowance" means the pension plus the annuity, including any cost of living or other
- 1060 authorized adjustments to the pension and annuity.
- 1061 (7) "Annuity" means annual payments for life derived from contributions made by the
- 1062 employee.
- 1063 (8) "Beneficiary" means any person entitled to receive a retirement allowance or other
- 1064 benefit provided by this title.
- 1065 (9) "Board" or "retirement board" means the Utah State Retirement Board established
- 1066 under this title.
- 1067 (10) "Contributions" means the contributions by the employer and the member, if any, into
- 1068 a retirement fund.
- 1069 (11) "Current service" means covered service rendered after the effective date of each
- 1070 system.
- 1071 (12) "Department" means any department, office, board, commission, instrumentality, or
- 1072 other agency of the state.
- 1073 (13) "Dependent beneficiary" means a spouse, child, or children under 21 years of age, a
- 1074 ~~[physically or mentally handicapped]~~ child or children with a physical or mental disability,
- 1075 regardless of age, or a parent, or person, regardless of age or relationship, who is or are financially
- 1076 dependent upon the member. The dependency of a person other than a spouse or child shall be
- 1077 proved by written verified documents acceptable to the board or by a copy of the member's state
- 1078 income tax return for the last reportable year listing the person as a dependent. All documents are
- 1079 subject to review and approval of the administrator.
- 1080 (14) "Employer" or "employing unit" means any department, educational institution,
- 1081 political subdivision, organization, or agency financed in whole or in part by public funds for

1082 which any employee or member performs services subject to this title.

1083 (15) "Inactive member" means a member who has received no compensation for a period
1084 longer than four months.

1085 (16) (a) "Member" means any person included in the membership of any retirement system
1086 administered by the board.

1087 (b) A person is considered to be a member if he has contributions on deposit with the
1088 retirement system or with the terminated system. "Member" also includes leased employees within
1089 the meaning of Section 414(n)(2) of the federal Internal Revenue Code. If leased employees
1090 constitute less than 20% of the employer's work force that is not highly compensated within the
1091 meaning of Section 414(n)(5)(c)(ii) , Internal Revenue Code, "member" does not include leased
1092 employees covered by a plan described in Section 414(n)(5) of the federal Internal Revenue Code.

1093 (17) "Office" or "retirement office" means the Utah State Retirement Office.

1094 (18) "Participating employer" or "participating employing unit" means any employer or
1095 employing unit participating in the system whose employees are members of the system.

1096 (19) "Payroll" means a register, warrant, or any other document upon which all persons
1097 receiving salary payments are listed.

1098 (20) "Pension" means annual payments for life derived from contributions made by
1099 employers.

1100 (21) "Political subdivision" means any political subdivision of the state, including cities,
1101 towns, counties, and school districts, but only if the subdivision is a juristic entity that is legally
1102 separate and distinct from the state and only if its employees are not by virtue of their relationship
1103 to the entity, employees of the state or one of its departments.

1104 (a) The term includes special districts or authorities created by the Legislature or by local
1105 governments including mosquito abatement districts, sewer or water districts, water associations
1106 and companies, libraries, and any entity arising out of a consolidation agreement between political
1107 subdivisions.

1108 (b) The term includes the retirement office.

1109 (c) The term does not include a project entity created under Title 11, Chapter 13, Interlocal
1110 Cooperation Act.

1111 (22) "Prior service" means service rendered prior to the effective date of each system.

1112 (23) "Refund" means a return of contributions to a terminating member.

1113 (24) "Regular interest" means interest compounded annually at a rate adopted by the board
1114 in accordance with this title.

1115 (25) "Retirant" means a retired member who is receiving retirement benefits.

1116 (26) "Retirement" means withdrawal from active service with a retirement allowance
1117 granted under this title.

1118 (27) "Service" or "covered service" means service used in the computation of benefits.

1119 Section 26. Section **49-5-103** is amended to read:

1120 **49-5-103. Definitions.**

1121 As used in this chapter:

1122 (1) (a) "Compensation," "salary," or "wages" means the total amount of payments [~~which~~]
1123 that are currently includable in gross income made by an employer to an employee for services
1124 rendered to the employer as base income. Base income shall be determined prior to any salary
1125 deductions or reductions for any salary deferral or pretax benefit programs authorized by federal
1126 law, for the position covered under the retirement system.

1127 (b) "Compensation" includes performance-based bonuses and cost-of-living adjustments.

1128 (c) "Compensation" does not include:

1129 (i) overtime;

1130 (ii) sick pay incentives;

1131 (iii) retirement pay incentives;

1132 (iv) remuneration paid in kind such as a residence, use of equipment, uniforms, or travel
1133 allowances;

1134 (v) a lump-sum payment or special payments covering accumulated leave; and

1135 (vi) all contributions made by an employer under this plan or under any other employee
1136 benefit plan maintained by an employer for the benefit of a participant.

1137 (d) "Compensation" for purposes of this chapter may not exceed the amount allowed under
1138 Internal Revenue Code Section 401(a)(17).

1139 (2) (a) "Disability" means a physical or mental condition [~~which~~] that, in the judgment of
1140 the board, is total and presumably permanent, prevents a member from fulfilling the
1141 responsibilities of the member's assignment, and prevents the member from performing
1142 satisfactorily in some other assignment of the same general class.

1143 (b) The determination of disability is based upon medical and other evidence satisfactory

1144 to the board.

1145 (3) "Employer" or "employing unit" means any regularly constituted fire department of a
1146 political subdivision for which any employee or member performs services subject to this chapter.

1147 (4) "Final average salary" means the amount computed by averaging the highest three years
1148 of annual compensation preceding retirement, but not including overtime or lump-sum or special
1149 salary adjustments received instead of uniform or other allowances or expenses or other payments
1150 made covering accumulated leave.

1151 (a) Except as provided in Subsection (4)(b), the percentage increase in any one of the years
1152 used may not exceed the previous year's salary by more than 10% plus a cost-of-living adjustment
1153 equal to the decrease in the purchasing power of the dollar during the previous year, as measured
1154 by the Consumer Price Index prepared by the United States Bureau of Labor Statistics.

1155 (b) In cases where the employing unit provides acceptable documentation to the board the
1156 limitation in Subsection (4)(a) may be exceeded if:

1157 (i) the member has transferred from another employing unit; or

1158 (ii) the member has been promoted to a new position.

1159 (5) "Firefighter service" means full-time paid service rendered as an individual or as a
1160 member of a group of firefighters regularly assigned to a regularly constituted fire department.

1161 (6) "Full-time service" means 2,080 hours per year.

1162 (7) "Inactive member" means a member who has received no compensation for a period
1163 of longer than four months.

1164 (8) "Line-of-duty death or disability" means a death or any physical or mental disability
1165 resulting from external force, violence, or disease occasioned by an act of duty as a firefighter and
1166 includes for a paid firefighter, after five years of credited service, any death or disability resulting
1167 from heart disease, lung disease, or respiratory tract, but if a firefighter ceases to be a contributing
1168 member because of personal illness or service-connected disability, neither of which is related to
1169 heart or lung disease nor the respiratory tract for a period of six months or more and then again
1170 becomes a contributing member, the provision relating to death or disability resulting from heart,
1171 lung, or respiratory disease does not apply until the member again becomes a contributing member
1172 for a period of not less than two years or unless clear and precise evidence is presented that the
1173 heart, lung, or respiratory disease was, in fact, occasioned in the line-of-duty.

1174 (9) (a) "Member" means any person included in the membership of the retirement system.

1175 (b) A person is a member if the person has contributions on deposit with the retirement
1176 system.

1177 (c) A person hired on or after July 1, 1971, in a fire department, who is assigned directly
1178 to a clerical position, and because of lack of training in fire fighting techniques, is not subject to
1179 reassignment into positions of hazardous duty, is not eligible for membership in this system.

1180 (i) The person in a clerical position shall become a contributing member of the appropriate
1181 retirement system.

1182 (ii) The required employer contributions shall be paid by the fire department.

1183 (iii) This membership exclusion may not be interpreted to prohibit the assignment of a
1184 [~~handicapped~~] disabled or partially disabled firefighter to that position.

1185 (iv) If Subsection (9)(c)(iii) applies, the firefighter retains status as a contributing member
1186 of this system and continues to accrue service credits while so employed.

1187 (10) "Regularly constituted fire department" means a fire department [~~which~~] that employs
1188 a full-time fire chief and promulgates rules.

1189 (11) (a) "Service" or "covered service" means firefighter service rendered an employer for
1190 compensation [~~which is~~] included in computations relating to membership status or benefit rights
1191 under this chapter.

1192 (b) A retirement allowance or other benefit may not be granted under this system that is
1193 based upon the same service for retirement benefits under some other retirement system
1194 administered by the board.

1195 (12) (a) "Volunteer firefighter" means any individual that is not regularly employed as a
1196 firefighter, but who is on the rolls of a regularly constituted fire department.

1197 (b) An individual that volunteers assistance but is not a regularly enrolled firefighter is not
1198 a volunteer firefighter.

1199 (c) Service as a volunteer firefighter is not creditable towards qualifying for a service
1200 retirement allowance.

1201 (13) "Years of service" or "service years" means the number of periods consisting of 12
1202 full months as determined by the board, whether consecutive or not, during which an employee
1203 performed services for an employer or received full-time pay while on sick leave, including any
1204 time the employee was absent in the service of the United States.

1205 Section 27. Section **53A-1-402** is amended to read:

1206 **53A-1-402. Board to establish minimum standards for public schools.**

1207 (1) The State Board of Education shall establish rules and minimum standards for the
1208 public schools, to include:

1209 (a) the qualification and certification of educators and ancillary personnel who provide
1210 direct student services, required school administrative and supervisory services, and evaluation of
1211 instructional personnel;

1212 (b) access to programs, attendance, competency levels, graduation requirements, discipline
1213 and control, and health and safety requirements;

1214 (c) school accreditation, the academic year, alternative and pilot programs, curriculum and
1215 instruction requirements, school libraries, and services to [~~the handicapped~~] persons with a
1216 disability and other special groups;

1217 (d) requirements for school design, general educational specifications, school sites, and
1218 building accessibility;

1219 (e) state reimbursed bus routes, bus safety and operational requirements, and other
1220 transportation needs; and

1221 (f) school productivity and cost effectiveness measures, the minimum school program,
1222 school building aid, school lunch, driver education, federal programs, school budget formats, and
1223 financial, statistical, and student accounting requirements.

1224 (2) The board shall determine whether the minimum standards have been met, and that
1225 required reports are properly submitted.

1226 (3) The board may apply for, receive, administer, and distribute to eligible applicants funds
1227 made available through programs of the federal government.

1228 Section 28. Section **53A-9-103** is amended to read:

1229 **53A-9-103. Authorized components.**

1230 Career ladders may include the following components:

1231 (1) A career ladder may have an extended contract year for teachers, providing for
1232 additional paid nonteaching days beyond the regular school year for curriculum development,
1233 inservice training, preparation, and related activities. School boards may approve individual
1234 exceptions to the extended year contract.

1235 (2) It may have, at the option of the local school board, an extended contract year for
1236 teachers, providing for additional paid workdays beyond the regular school year for teaching

1237 assignments in summer school, remedial, [~~handicapped~~] disabled, specialized, vocational, gifted
1238 and talented, and adult education programs.

1239 (3) It may have a fair and consistent procedure for selecting teachers who will be given
1240 additional responsibilities. The selection procedure shall incorporate clearly stated job descriptions
1241 and qualifications for each level on the career ladder.

1242 (4) (a) It may have a program of differentiated staffing that provides additional
1243 compensation and, as appropriate, additional extensions of the contract year, for those who assume
1244 additional instruction-related responsibilities such as:

1245 [~~(a)~~] (i) assisting students and beginning teachers;

1246 [~~(b)~~] (ii) curriculum and lesson plan development;

1247 [~~(c)~~] (iii) helping established teachers improve their teaching skills;

1248 [~~(d)~~] (iv) volunteer training;

1249 [~~(e)~~] (v) planning[;];

1250 (vi) facilities and productivity improvements; and

1251 [~~(f)~~] (vii) educational assignments directed at establishing positive relationships with the
1252 community, businesses, and parents.

1253 (b) Administrative and extracurricular activities are not considered additional
1254 instruction-related activities under this Subsection (4).

1255 (5) It may have a well defined program of evaluation and guidance for beginning teachers,
1256 designed to assist those teachers during provisional years of teaching to acquire and demonstrate
1257 the skills required of capable, successful teachers. Continuation in teaching from year to year shall
1258 be contingent upon satisfactory teaching performance.

1259 (6) It may have a clear and concise explanation of the evaluation system components,
1260 including the respective roles of parents, teachers, administrators, and the school board in the
1261 development of the evaluation system. The system shall provide for frequent, comprehensive
1262 evaluations of teachers with less than three years' teaching experience, and periodic evaluations
1263 of other teachers.

1264 (7) Advancement on the career ladder program is contingent upon effective teaching
1265 performance, evidence of which may include formal evaluation and assessment of student
1266 progress. Student progress shall play a significant role in teacher evaluation. Other criteria may
1267 include formal preparation and successful teaching experience.

1268 (8) It may include an assessment of implementation costs.

1269 (9) It may have a plan for periodic review of the career ladder including the makeup of the
1270 reviewing entity, procedures to be followed during review, and the time schedule for the review.

1271 Section 29. Section **53A-11-203** is amended to read:

1272 **53A-11-203. Vision screening.**

1273 (1) A child under seven years of age entering school for the first time in this state must
1274 present the following to the school:

1275 (a) a certificate signed by a licensed physician, optometrist, or other licensed health
1276 professional approved by the division, stating that the child has received vision screening to
1277 determine the presence of amblyopia or other visual defects. As used in this section, "division"
1278 means the Division of Services for the Blind and Visually [Handicapped] Impaired, State Office
1279 of Education; or

1280 (b) a written statement signed by at least one parent or legal guardian of the child that the
1281 screening violates the personal beliefs of the parent or legal guardian.

1282 (2) The division shall provide vision screening report forms to persons approved by the
1283 division to conduct the screening.

1284 (3) Each school district may conduct free vision screening clinics for children aged 3-1/2
1285 to seven.

1286 (4) The division shall maintain a central register of children, aged 3-1/2 to seven, who fail
1287 vision screening and who are referred for follow-up treatment. The register shall include the name
1288 of the child, age or birthdate, address, cause for referral, and follow-up results. Each school district
1289 shall report referral follow-up results to the division.

1290 (5) The division shall coordinate and supervise the training of persons who serve as vision
1291 screeners.

1292 (6) A licensed health professional providing vision care to private patients may not
1293 participate as a screener in free vision screening programs provided by school districts.

1294 (7) The Department of Health shall, by rule, set standards and procedures for vision
1295 screening required by this chapter, and shall provide the division with copies of rules, standards,
1296 instructions, and test charts necessary for conducting vision screening.

1297 (8) The division shall supervise screening, referral, and follow-up required by this chapter.

1298 Section 30. Section **53A-17a-106** is amended to read:

1299 **53A-17a-106. Determination of weighted pupil units.**

1300 The number of weighted pupil units in the minimum school program for each year is the
1301 total of the units for each school district determined as follows:

1302 (1) The number of units is computed by adding the average daily membership of all pupils
1303 of the district attending schools, other than kindergarten and self-contained classes for
1304 [handicapped] children with a disability.

1305 (2) The number of units is computed by adding the average daily membership of all pupils
1306 of the district enrolled in kindergarten and multiplying the total by .55.

1307 (a) In those districts that do not elect to hold kindergarten for a full nine-month term, the
1308 local school board may approve a shorter term of nine weeks' duration.

1309 (b) Upon board approval, the number of pupils in average daily membership at the
1310 short-term kindergarten shall be counted for the purpose of determining the number of units
1311 allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding
1312 nine weeks, compared to the total number of days schools are held in that district in the regular
1313 school year.

1314 (3) (a) The State Board of Education shall use prior year plus growth to determine average
1315 daily membership in distributing monies under the minimum school program where the
1316 distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.

1317 (b) Under prior year plus growth, kindergarten through grade 12 average daily membership
1318 for the current year is based on the actual kindergarten through grade 12 average daily membership
1319 for the previous year plus an estimated percentage growth factor.

1320 (c) The growth factor is the percentage increase in total average daily membership on the
1321 first school day of October in the current year as compared to the total average daily membership
1322 on the first school day of October of the previous year.

1323 Section 31. Section **53A-17a-127** is amended to read:

1324 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus routes**
1325 **-- Additional local tax.**

1326 (1) A student eligible for state-supported transportation means:

1327 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles from
1328 school;

1329 (b) a student enrolled in grades seven through 12 who lives at least two miles from school;

1330 and

1331 (c) a student enrolled in a special program offered by a school district and approved by the
1332 State Board of Education for trainable, motor, multiple-disabled, or other students with severe
1333 disabilities who are incapable of walking to school or where it is unsafe for students to walk
1334 because of their [~~handicapping~~] disabling condition, without reference to distance from school.

1335 (2) If a school district implements double sessions as an alternative to new building
1336 construction, with the approval of the State Board of Education, those affected elementary school
1337 students residing less than 1-1/2 miles from school may be transported one way to or from school
1338 because of safety factors relating to darkness or other hazardous conditions as determined by the
1339 local school board.

1340 (3) (a) The State Office of Education shall distribute transportation monies to school
1341 districts based on three factors:

1342 (i) an allowance per mile for approved bus routes;

1343 (ii) an allowance per hour for approved bus routes; and

1344 (iii) an annual allowance for equipment and overhead costs based on approved bus routes
1345 and the age of the equipment.

1346 (b) In order for a bus to be considered for the equipment allowance, it must meet federal
1347 and state regulations and standards for school buses.

1348 (c) The State Office of Education shall annually review the allowance per mile, the
1349 allowance per hour, and the annual equipment and overhead allowance and adjust the allowance
1350 to reflect current economic conditions.

1351 (4) (a) Approved bus routes for funding purposes shall be determined on fall data collected
1352 by October 1.

1353 (b) Approved route funding shall be determined on the basis of the most efficient and
1354 economic routes.

1355 (5) A Transportation Advisory Committee with representation from local school
1356 superintendents, business officials, school district transportation supervisors, and the State Office
1357 of Education shall serve as a review committee for addressing school transportation needs,
1358 including recommended approved bus routes.

1359 (6) (a) A local school board may provide for the transportation of students who are not
1360 eligible under Subsection (1), regardless of the distance from school, from:

- 1361 (i) general funds of the district; and
- 1362 (ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.
- 1363 (b) A local school board may use revenue from the tax to pay for transporting participating
- 1364 students to interscholastic activities, night activities, and educational field trips approved by the
- 1365 board and for the replacement of school buses.
- 1366 (c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002, the
- 1367 state may contribute an amount not to exceed 85% of the state average cost per mile, contingent
- 1368 upon the Legislature appropriating funds for a state contribution.
- 1369 (ii) The State Office of Education shall distribute the state contribution according to rules
- 1370 enacted by the State Board of Education.
- 1371 (d) (i) The amount of state guarantee money to which a school district would otherwise
- 1372 be entitled to under Subsection (6)(c) may not be reduced for the sole reason that the district's levy
- 1373 is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 [~~pursuant~~
- 1374 due to changes in property valuation.
- 1375 (ii) Subsection (6)(d)(i) applies for a period of two years following the change in the
- 1376 certified tax rate.
- 1377 (7) There is appropriated for the fiscal year beginning July 1, 1999, \$225,000 to the state
- 1378 board as the state's contribution under Subsection (6)(c)(i).
- 1379 Section 32. Section **53A-20-103** is amended to read:
- 1380 **53A-20-103. Planning, design, and construction of public school buildings -- Duties**
- 1381 **of State Board of Education.**
- 1382 The State Board of Education has the following duties:
- 1383 (1) It shall adopt codes to govern the preparation of plans and specifications for public
- 1384 school buildings. The codes shall include minimum standards for:
- 1385 (a) construction, heating, ventilation, sanitation, lighting, plumbing, structural safety,
- 1386 protection from fire, panic, and other dangers;
- 1387 (b) promotion of the safety, health, and comfort of the occupants; and
- 1388 (c) providing functional adaptability including suitable facilities for [~~handicapped;~~
- 1389 persons with a disability.
- 1390 (2) It shall require local school boards to maintain a current inventory of school plant
- 1391 facilities in conformance with rules established by the board.

1392 (3) It shall establish planning procedures for school districts to determine the need for
1393 school plant facilities. The procedures shall include definitions of methods, criteria, and other
1394 pertinent information necessary to determine the type, size, location, and cost of school plant
1395 facilities eligible for state financial participation.

1396 (4) It shall require local school boards to prepare and maintain surveys of school plant
1397 capital outlay needs. The surveys shall include immediate and long-range school plant capital
1398 outlay needs in accordance with planning procedures established by the state board and space
1399 utilization studies, enrollment projections, district and attendance area organization, class size,
1400 conditions of present facilities, financial structure of the district, and other necessary information.

1401 (5) It shall prepare a guide for use by school districts in formulating educational
1402 specifications for individual building projects.

1403 (6) It shall recommend minimum requirements for contracts and agreements between
1404 architects and engineers and local school boards. As a condition of the contract or agreement, the
1405 state board shall require the use of independent licensed consulting engineers for engineering
1406 design work.

1407 (7) It shall recommend minimum requirements for advertising, bidding, and contractual
1408 procedures for school plant construction.

1409 (8) It shall provide school districts with findings regarding school designs, including
1410 flexibility of design and modular planning, new methods of construction, and new material.

1411 (9) It shall prepare an annual school plant capital outlay report of all school districts,
1412 including tabulations of facilities available, number and size of projects completed and under
1413 construction, and additional facilities required.

1414 Section 33. Section **53A-25-206** is amended to read:

1415 **53A-25-206. Instruction of adults with visual impairments.**

1416 Persons over 21 who are capable of receiving beneficial instruction, but are incapable
1417 [~~because of blindness or defective sight~~] of receiving adequate instruction in other public schools
1418 because of impaired vision, may, in the discretion of the board of trustees, be admitted to the
1419 school.

1420 Section 34. Section **55-5-5** is amended to read:

1421 **55-5-5. State policy -- Construction of provisions.**

1422 It is the policy of this state to provide maximum opportunities for training blind or visually

1423 [~~handicapped~~] impaired persons, helping them to become self-supporting and demonstrating their
1424 capabilities. This act shall be construed to carry out this policy.

1425 Section 35. Section **59-10-108** is amended to read:

1426 **59-10-108. Credit for cash contributions to sheltered workshops.**

1427 (1) For tax years beginning January 1, 1983, and thereafter, in computing the tax due the
1428 state [~~of Utah pursuant to~~] under Section 59-10-104 there shall be a tax credit allowed for cash
1429 contributions made within the taxable year to nonprofit rehabilitation sheltered workshop facilities
1430 for [~~the handicapped~~] persons with a disability operating in Utah [~~which~~] that are certified by the
1431 Department of Human Services as a qualifying facility.

1432 (2) The allowable credit is an amount equal to 50% of the aggregate amount of the cash
1433 contributions to the qualifying rehabilitation facilities, but [~~in no case shall~~] the allowed credit may
1434 not exceed \$200.

1435 (3) The amount of contribution claimed as a tax credit [~~pursuant to~~] under this section may
1436 not also be claimed as a charitable deduction in determining net taxable income.

1437 Section 36. Section **62A-1-111** is amended to read:

1438 **62A-1-111. Department authority.**

1439 The department [~~has authority~~] may, in addition to all other authority and responsibility
1440 granted to it by law[~~, to~~]:

1441 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
1442 desirable for providing social services to the people of this state;

1443 (2) establish and manage client trust accounts in the department's institutions and
1444 community programs, at the request of the client or his legal guardian or representative, or in
1445 accordance with federal law;

1446 (3) purchase, as authorized or required by law, services that the department is responsible
1447 to provide for legally eligible persons;

1448 (4) conduct adjudicative proceedings for clients and providers in accordance with the
1449 procedures of Title 63, Chapter 46b, Administrative Procedures Act;

1450 (5) establish eligibility standards for its programs, not inconsistent with state or federal law
1451 or regulations;

1452 (6) take necessary steps, including legal action, to recover money or the monetary value
1453 of services provided to a recipient who was not eligible;

- 1454 (7) set and collect fees for its services;
- 1455 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
1456 limited by law;
- 1457 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
1458 department, not inconsistent with state law;
- 1459 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
1460 proceeds thereof, may be credited to the program designated by the donor, and may be used for the
1461 purposes requested by the donor, as long as the request conforms to state and federal policy; all
1462 donated funds shall be considered private, nonlapsing funds and may be invested under guidelines
1463 established by the state treasurer;
- 1464 (11) accept and employ volunteer labor or services; the department is authorized to
1465 reimburse volunteers for necessary expenses, when the department considers that reimbursement
1466 to be appropriate;
- 1467 (12) carry out the responsibility assigned in the Workforce Services Plan by the State
1468 Council on Workforce Services;
- 1469 (13) carry out the responsibility assigned by Section 9-4-802 with respect to coordination
1470 of services for the homeless;
- 1471 (14) carry out the responsibility assigned by Section 62A-5a-105 with respect to
1472 coordination of services for [~~handicapped~~] students with a disability;
- 1473 (15) provide training and educational opportunities for its staff;
- 1474 (16) collect child support payments and any other monies due to the department;
- 1475 (17) apply the provisions of Title 78, Chapter 45, Uniform Civil Liability for Support Act,
1476 to parents whose child lives out of the home in a department licensed or certified setting;
- 1477 (18) establish policy and procedures in cases where the department is given custody of a
1478 minor by the juvenile court pursuant to Section 78-3a-118; any policy and procedures shall
1479 include:
- 1480 (a) designation of interagency teams for each juvenile court district in the state;
- 1481 (b) delineation of assessment criteria and procedures;
- 1482 (c) minimum requirements, and timeframes, for the development and implementation of
1483 a collaborative service plan for each minor placed in department custody; and
- 1484 (d) provisions for submittal of the plan and periodic progress reports to the court;

1485 (19) carry out the responsibilities assigned to it by statute; and

1486 (20) examine and audit the expenditures of any public funds provided to local substance
1487 abuse authorities, local mental health authorities, local area agencies on aging, and any person,
1488 agency, or organization that contracts with or receives funds from those authorities or agencies.
1489 Those local authorities, area agencies, and any person or entity that contracts with or receives funds
1490 from those authorities or area agencies, shall provide the department with any information the
1491 department considers necessary. The department is further authorized to issue directives resulting
1492 from any examination or audit to local authorities, area agencies, and persons or entities that
1493 contract with or receive funds from those authorities with regard to any public funds. If the
1494 department determines that it is necessary to withhold funds from a local mental health authority
1495 or local substance abuse authority based on failure to comply with state or federal law, policy, or
1496 contract provisions, it may take steps necessary to ensure continuity of services. For purposes of
1497 this Subsection (20) "public funds" means the same as that term is defined in Sections 62A-8-101
1498 and 62A-12-101.

1499 Section 37. Section **62A-4a-105** is amended to read:

1500 **62A-4a-105. Division responsibilities.**

1501 The division shall:

1502 (1) administer services to children and families, including child welfare services, youth
1503 services, domestic violence services, and all other responsibilities that the Legislature or the
1504 executive director may assign to the division;

1505 (2) establish standards for all contract providers of out-of-home care for children and
1506 families;

1507 (3) cooperate with the federal government in the administration of child welfare, youth
1508 services, and domestic violence programs and other human service activities assigned by the
1509 department;

1510 (4) provide for the compilation of relevant information, statistics, and reports on child and
1511 family service matters in the state;

1512 (5) prepare and submit to the department, the governor, and the Legislature reports of the
1513 operation and administration of the division in accordance with the requirements of Sections
1514 62A-4a-117 and 62A-4a-118;

1515 (6) promote and enforce state and federal laws enacted for the protection of abused,

1516 neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in
1517 accordance with the requirements of this chapter, unless administration is expressly vested in
1518 another division or department of the state. In carrying out the provisions of this subsection, the
1519 division shall cooperate with the juvenile courts, the Division of Youth Corrections, and with all
1520 public and private licensed child welfare agencies and institutions to develop and administer a
1521 broad range of services and supports. The division shall take the initiative in all matters involving
1522 the protection of abused or neglected children if adequate provisions have not been made or are
1523 not likely to be made, and shall make expenditures necessary for the care and protection of those
1524 children, within the division's budget;

1525 (7) provide substitute care for dependent, abused, neglected, and delinquent children,
1526 establish standards for substitute care facilities, and approve those facilities;

1527 (8) provide financial support to persons adopting [~~physically handicapped, mentally~~
1528 ~~handicapped,]~~ a child or children with a physical or mental disability, or older, or other
1529 hard-to-place children who, immediately prior to adoption, were legal wards of the state. The
1530 financial support provided under this Subsection (8) may not exceed the amounts the division
1531 would provide for the child as a legal ward of the state;

1532 (9) cooperate with the Division of Employment Development in the Department of
1533 Workforce Services in meeting social and economic needs of individuals eligible for public
1534 assistance;

1535 (10) conduct court-ordered home evaluations for the district and juvenile courts with
1536 regard to child custody issues. The court shall order either or both parties to reimburse the division
1537 for the cost of that evaluation, in accordance with the community rate for that service or with the
1538 department's fee schedule rate;

1539 (11) provide noncustodial and in-home preventive services, designed to prevent family
1540 breakup, family preservation services, and reunification services to families whose children are in
1541 substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a,
1542 Juvenile Courts;

1543 (12) provide protective supervision of a family, upon court order, in an effort to eliminate
1544 abuse or neglect of a child in that family;

1545 (13) establish programs pursuant to Section 62A-4a-250, and provide services to runaway
1546 and ungovernable children and their families;

1547 (14) provide shelter care in accordance with the requirements of this chapter and Title 78,
1548 Chapter 3a, Juvenile Courts;

1549 (15) provide social studies and reports for the juvenile court in accordance with Section
1550 78-3a-505;

1551 (16) arrange for and provide training for staff and providers involved in the administration
1552 and delivery of services offered by the division in accordance with this chapter;

1553 (17) provide domestic violence services in accordance with the requirements of federal
1554 law, and establish standards for all direct or contract providers of domestic violence services.
1555 Within appropriations from the Legislature, the division shall provide or contract for a variety of
1556 domestic violence services and treatment methods;

1557 (18) ensure regular, periodic publication, including electronic publication, regarding the
1558 number of children in the custody of the division who have a permanency goal of adoption, or for
1559 whom a final plan of termination of parental rights has been approved, pursuant to Section
1560 78-3a-312, and promote adoption of those children;

1561 (19) provide protective services to victims of domestic violence, as defined in Section
1562 77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78,
1563 Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings;

1564 (20) have authority to contract with a private, nonprofit organization to recruit and train
1565 foster care families and child welfare volunteers in accordance with Section 62A-4a-107.5; and

1566 (21) perform [~~such~~] other duties and functions as required by law.

1567 Section 38. Section **63B-5-201** is amended to read:

1568 **63B-5-201. Legislative intent statements.**

1569 (1) If the United State Department of Defense has not provided matching funds to
1570 construct the National Guard Armory in Orem by December 31, 1997, the Division of Facilities
1571 Construction and Management shall transfer any funds received from issuance of a General
1572 Obligation Bond for benefit of the Orem Armory to the Provo Armory for capital improvements.

1573 (2) It is the intent of the Legislature that the University of Utah use institutional funds to
1574 plan, design, and construct:

1575 (a) the Health Science East parking structure under the supervision of the director of the
1576 Division of Facilities Construction and Management unless supervisory authority is delegated by
1577 the director;

1578 (b) the Health Science Office Building under the supervision of the director of the Division
1579 of Facilities Construction and Management unless supervisory authority is delegated by the
1580 director; and

1581 (c) the new Student Housing/Olympic Athletes Village under the supervision of the
1582 director of the Division of Facilities Construction and Management unless supervisory authority
1583 is delegated by the director.

1584 (3) It is the intent of the Legislature that Utah State University use institutional funds to
1585 plan, design, and construct a multipurpose facility under the supervision of the director of the
1586 Division of Facilities Construction and Management unless supervisory authority is delegated by
1587 the director.

1588 (4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal
1589 funding to plan, design, and construct a sample library facility under the supervision of the director
1590 of the Division of Facilities Construction and Management unless supervisory authority is
1591 delegated by the director.

1592 (5) (a) If legislation introduced in the 1996 General Session to fund the Wasatch State Park
1593 Club House does not pass, the State Building Ownership Authority, under authority of Title 63,
1594 Chapter 9a, State Building Ownership [~~Authority~~] Act, may issue or execute obligations, or enter
1595 into or arrange for a lease purchase agreement in which participation interests may be created, to
1596 provide up to \$1,500,000 for the remodel and expansion of the clubhouse at Wasatch Mountain
1597 State Park for the Division of Parks and Recreation, together with additional amounts necessary
1598 to:

- 1599 (i) pay costs of issuance;
1600 (ii) pay capitalized interest; and
1601 (iii) fund any debt service reserve requirements.

1602 (b) The State Building Ownership Authority shall work cooperatively with the Division
1603 of Parks and Recreation to seek out the most cost effective and prudent lease purchase plan
1604 available.

1605 (6) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1606 State Building Ownership [~~Authority~~] Act, may issue or execute obligations, or enter into or
1607 arrange for a lease purchase agreement in which participation interests may be created, to provide
1608 up to \$835,300 for the construction of a liquor store in the Snyderville area, together with

1609 additional amounts necessary to:

- 1610 (i) pay costs of issuance;
- 1611 (ii) pay capitalized interest; and
- 1612 (iii) fund any debt service reserve requirements.

1613 (b) The State Building Ownership Authority shall work cooperatively with the Department
1614 of Alcoholic Beverage Control to seek out the most cost effective and prudent lease purchase plan
1615 available.

1616 (7) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1617 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1618 arrange for a lease purchase agreement in which participation interests may be created, to provide
1619 up to \$15,000,000 for the construction of the Huntsman Cancer Institute, together with additional
1620 amounts necessary to:

- 1621 (i) pay costs of issuance;
- 1622 (ii) pay capitalized interest; and
- 1623 (iii) fund any debt service reserve requirements.

1624 (b) The State Building Ownership Authority shall work cooperatively with the University
1625 of Utah to seek out the most cost effective and prudent lease purchase plan available.

1626 (c) It is the intent of the Legislature that the University of Utah lease land to the State
1627 Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

1628 (8) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1629 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1630 arrange for a lease purchase agreement in which participation interests may be created, to provide
1631 up to \$857,600 for the construction of an addition to the Human Services facility in Vernal, Utah
1632 together with additional amounts necessary to:

- 1633 (i) pay costs of issuance;
- 1634 (ii) pay capitalized interest; and
- 1635 (iii) fund any debt service reserve requirements.

1636 (b) The State Building Ownership Authority shall work cooperatively with the Department
1637 of Human Services to seek out the most cost effective and prudent lease purchase plan available.

1638 (9) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1639 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or

1640 arrange for a lease purchase agreement in which participation interests may be created, to provide
1641 up to \$3,470,200 for the construction of the Student Services Center, at the College of Eastern
1642 Utah, together with additional amounts necessary to:

- 1643 (i) pay costs of issuance;
- 1644 (ii) pay capitalized interest; and
- 1645 (iii) fund any debt service reserve requirements.

1646 (b) The State Building Ownership Authority shall work cooperatively with the College of
1647 Eastern Utah to seek out the most cost effective and prudent lease purchase plan available.

1648 (10) (a) Notwithstanding anything to the contrary in Title 53B, Chapter 21, Revenue
1649 Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations, the
1650 State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue bonds or
1651 other evidences of indebtedness of Dixie College to borrow money on the credit of the income and
1652 revenues, including legislative appropriations, of Dixie College, to finance the acquisition of the
1653 Dixie Center.

1654 (b) (i) The bonds or other evidences of indebtedness authorized by this section shall be
1655 issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and
1656 in amounts that the board, by resolution, determines are reasonable and necessary and may not
1657 exceed \$6,000,000 together with additional amounts necessary to:

- 1658 (A) pay cost of issuance;
- 1659 (B) pay capitalized interest; and
- 1660 (C) fund any debt service reserve requirements.

1661 (ii) To the extent that future legislative appropriations will be required to provide for
1662 payment of debt service in full, the board shall ensure that the revenue bonds are issued containing
1663 a clause that provides for payment from future legislative appropriations that are legally available
1664 for that purpose.

1665 (11) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1666 State Building Ownership [Authority] Act, may issue or execute obligations, or enter into or
1667 arrange for a lease purchase agreement in which participation interests may be created, to provide
1668 up to \$10,479,000 for the construction of a facility for the Courts - Davis County Regional
1669 Expansion, together with additional amounts necessary to:

- 1670 (i) pay costs of issuance;

1671 (ii) pay capitalized interest; and

1672 (iii) fund any debt service reserve requirements.

1673 (b) The State Building Ownership Authority shall work cooperatively with the Office of
1674 the Court Administrator to seek out the most cost effective and prudent lease purchase plan
1675 available.

1676 (12) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1677 State Building Ownership [~~Authority~~] Act, may issue or execute obligations, or enter into or
1678 arrange for a lease purchase agreement in which participation interests may be created, to provide
1679 up to \$4,200,000 for the purchase and remodel of the Washington County Courthouse, together
1680 with additional amounts necessary to:

1681 (i) pay costs of issuance;

1682 (ii) pay capitalized interest; and

1683 (iii) fund any debt service reserve requirements.

1684 (b) The State Building Ownership Authority shall work cooperatively with the Office of
1685 the Court Administrator to seek out the most cost effective and prudent lease purchase plan
1686 available.

1687 (13) (a) The State Building Ownership Authority, under authority of Title 63, Chapter 9a,
1688 State Building Ownership [~~Authority~~] Act, may issue or execute obligations, or enter into or
1689 arrange for a lease purchase agreement in which participation interests may be created, to provide
1690 up to \$14,299,700 for the construction of a facility for the State Library and the Division of
1691 Services for the Blind and Visually [Handicapped] Impaired, together with additional amounts
1692 necessary to:

1693 (i) pay costs of issuance;

1694 (ii) pay capitalized interest; and

1695 (iii) fund any debt service reserve requirements.

1696 (b) The State Building Ownership Authority shall work cooperatively with the Office of
1697 Education and the Department of Community and Economic Development to seek out the most
1698 cost effective and prudent lease purchase plan available.

1699 Section 39. Section **75-5-316** is amended to read:

1700 **75-5-316. Expedited guardianship proceedings.**

1701 (1) (a) With regard to persons who are residents of the Utah State Developmental Center,

1702 the expedited process provided by this section may be applied to obtain a limited guardianship.

1703 (b) For purposes of this section:

1704 (i) "Limited guardianship" means a guardianship solely for the purpose of granting consent
1705 for medical care and for participation in approval of the ward's individualized program plan.

1706 (ii) "Ward" means a resident of the Utah State Developmental Center who is the subject
1707 of guardianship proceedings under this section.

1708 (2) Any person interested in the incapacitated person's welfare may file a petition for a
1709 finding of incapacity and appointment of a guardian. That person may seek the limited
1710 guardianship pro se, using the forms described in this section. Any fee for filing a petition for a
1711 limited guardianship shall be waived if the guardian is proceeding under this section.

1712 (3) Upon filing a petition for limited guardianship under this section, the court shall set
1713 a date for hearing.

1714 (4) The ward has the right to be present at the hearing and to see and hear all evidence
1715 relating to his condition.

1716 (5) At that hearing the court shall review the affidavit of the superintendent of the Utah
1717 State Developmental Center, described in Subsection (11), and determine whether notice has been
1718 given to the appropriate persons described in Subsection (6).

1719 (6) If the proposed guardian is not a parent or relative of the ward, personal notice shall
1720 be given to the ward's spouse, parents, and any adult children of the ward. Personal notice shall
1721 also be given to [such] other persons as the court may direct.

1722 (7) The court may, in its discretion, appoint a guardian ad litem to represent the ward in
1723 the hearing, and may request independent evaluation by a physician appointed by the court. The
1724 physician shall submit his findings to the court in writing.

1725 (8) The court may grant the petition for a limited guardianship and sign the Order of
1726 Appointment if the court finds that:

1727 (a) the appropriate parties have been given notice;

1728 (b) the ward is incapacitated, based on the affidavit of the superintendent of the Utah State
1729 Developmental Center and any affidavit or testimony of persons entitled to receive notice or
1730 requested to present evidence under this section; and

1731 (c) it is necessary and desirable to establish the guardianship.

1732 (9) Venue for these expedited guardianship proceedings shall be the same as that described

1733 in Section 75-5-302.

1734 (10) A petition for a limited guardianship shall include the following information:

1735 (a) the interest of the petitioner;

1736 (b) the name, age, residence, and address of the ward;

1737 (c) verification that the ward is a resident of the Utah State Developmental Center;

1738 (d) the name and address of the nearest relative of the ward; and

1739 (e) the reason for appointment of guardianship.

1740 (11) The petitioner shall also provide the court with an affidavit of the superintendent of

1741 the Utah State Developmental Center that includes the following information:

1742 (a) that the ward is a resident of the Utah State Developmental Center;

1743 (b) the date ~~[on which]~~ the ward was originally admitted to the Utah State Developmental
1744 Center;

1745 (c) the diagnosis of the ward, including a description of ~~[his handicapping]~~ the ward's
1746 disabling condition, the level of retardation, and any medical or physical conditions;

1747 (d) that the Utah State Developmental Center is certified as an Intermediate Care Facility
1748 for the Mentally Retarded under Title XIX of the Social Security Act;

1749 (e) that because of that certification, the Utah State Developmental Center receives
1750 financial participation from the United States Government for its operation and maintenance costs;
1751 and

1752 (f) that federal regulations under Title XIX require the ward to have a guardian appointed
1753 for the sole purpose of giving consent for medical and dental care and of participation in and
1754 approval of the ward's individual program plan.

1755 (12) If the court finds that, under the requirements of this section the proposed limited
1756 guardian should be appointed, it shall enter an order establishing that limited guardianship in
1757 substantially the following form:

1758 The court finds that:

1759 (a) appointment of a limited guardianship for (named ward) is necessary and desirable as
1760 a means of providing continuing care and supervision and to ensure his welfare;

1761 (b) the ward is incapacitated;

1762 (c) (named guardian) is appointed as the limited guardian of (named ward); and

1763 (d) the guardianship is a limited guardianship solely for the purpose of:

1764 (i) granting permission for medical and dental care on behalf of the ward; and
1765 (ii) participation in the development and approval of the ward's individual program plan.
1766 (13) Appointment of guardianship under this section places no additional responsibility
1767 or liability on the guardian with regard to the ward. The limited guardianship is solely for consent
1768 for medical care and approval of the ward's individualized program plan, and shall not be
1769 construed to increase or create liability or responsibility for the guardian.

1770 Section 40. Section **78-11-23** is amended to read:

1771 **78-11-23. Right to life -- State policy.**

1772 The Legislature finds and declares that it is the public policy of this state to encourage all
1773 persons to respect the right to life of all other persons, regardless of age, development, condition
1774 or dependency, including all ~~handicapped~~ persons with a disability and all unborn persons.

Legislative Review Note

as of 12-21-00 7:32 AM

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

Office of Legislative Research and General Counsel