

Selected Highlights of the 2005 General Session

prepared by the Office of Legislative Research and General Counsel
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Agriculture

H.B. 29 State Engineer's Powers and Duties Amendments

(David Clark)

This bill amends the powers and duties provisions of the state engineer.

This bill:

- >specifies rule making authority of the state engineer consistent with provisions of this title; and
- >clarifies provisions relating to suits in court, to also include the prevention of theft of water.

H.B. 38 Water Law - Criminal Penalties Amendments

(Ben C. Ferry)

This bill modifies the criminal penalties for violations of various provisions of Title 73, Water and Irrigation, and Title 76, Chapter 10, Offenses against Public Health, Safety, Welfare, and Morals.

This bill:

- >removes criminal penalties from certain provisions requiring report to the state engineer;
- >clarifies applicable standards of criminal intent for violations;
- >provides for graduated criminal penalties for violations of various criminal provisions pertaining to the regulation and distribution of water; and
- >makes technical changes.

H.B. 157 Water Enforcement Procedures and Penalties

(David Ure)

This bill modifies the state engineer's enforcement and penalty processes.

This bill:

- >exempts certain enforcement proceedings conducted by the state engineer from Title 63, Chapter 46b, Administrative Procedures Act;
- >authorizes the state engineer to issue cease and desist orders and notices of violation to violators of various provisions of Title 73, Water and Irrigation;
- >establishes an enforcement process for resolving cease and desist orders and notices of violation;

- >requires the state engineer to make any rules necessary for enforcing cease and desist orders and notices of violation;
- >authorizes the state engineer to sue to enforce orders;
- >establishes administrative penalties for violations of various provisions of Title 73, Water and Irrigation;
- >requires the state engineer to consider certain factors before imposing administrative penalties;
- >provides for the replacement of water ordered to be replaced in enforcement proceedings;
- >allows the collection of costs and fees by the prevailing party in certain civil actions; and
- >makes technical changes.

Appropriations

H.B. 1 Annual Appropriations Act

(Ron Bigelow)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

This bill:

- >provides base budgets for the use and support of certain state agencies;
- >provides base budgets for other purposes as described;
- >provides compensation increases for state employees;
- >provides intent language;
- >approves internal service fund employment levels and capital acquisition amounts;
- >authorizes rates and fees.

H.B. 287 Revenue Bonds and Capital Facilities Authorizations

(D. Gregg Buxton)

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds, to enter lease-purchase agreements, or to build capital facilities using agency or institutional funds.

This bill:

- >authorizes the issuance of revenue bonds by the State Building Ownership Authority and higher education institutions;
- >authorizes certain state entities to enter into lease-purchase agreements; and
- >authorizes other capital facility construction from agency or institutional funds.

H.B. 301 Supplemental Appropriations III

(Ron Bigelow)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

This bill:

- >provides budget increases and decreases for the use and support of certain state agencies;
- >provides budget increases and decreases for other purposes as described;
- >provides intent language.

S.B. 1 Supplemental Appropriations Act

(Lyle W. Hillyard)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

This bill:

- >provides budget increases and decreases for the use and support of certain state agencies;
- >provides budget increases and decreases for other purposes as described;
- >provides intent language.

S.B. 3 Supplemental Appropriations Act II

(Lyle W. Hillyard)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2005 and ending June 30, 2006 and beginning July 1, 2004 and ending June 30, 2005.

This bill:

- >provides budget increases and decreases for the use and support of certain state agencies;
- >provides funds for the bills with fiscal impact passed in the 2005 General Session;
- >provides budget increases and decreases for other purposes as described;
- >provides intent language;
- >amends previously approved internal service fund employment levels and capital acquisition amounts.

Business and Economic Development

H.B. 11 Economic Development Incentives

(Brad L. Dee)

This bill creates new provisions related to business development within the Department of Community and Economic Development by establishing an Economic Development Incentives Act.

This bill:

- >provides tax incremental financial incentives to attract new commercial projects in economic development zones;
- >provides definitions related to the creation of economic development zones and tax incentives for establishing new commercial projects in those zones;
- >provides requirements for the establishment of economic development zones;
- >allows the Department of Community and Economic Development to enter into agreements providing for partial rebates of new state revenues generated by new commercial projects within an economic development zone;
- >provides qualification criteria for partial rebates and establishes payment procedures;
- >provides that projects qualifying for partial rebates under the Economic Development Incentives Act are ineligible for additional financial assistance from the Industrial Assistance Fund; and
- >provides for a report to the Legislature's Workforce Services and Community and Economic Development Interim Committee on the success of the program and its economic impact on the state.

H.B. 25 Direct-entry Midwife Act

(Jackie Biskupski)

This bill modifies the Occupations and Professions Code by enacting the Direct-entry Midwife Act and makes related changes to the Health Care Providers Immunity from Liability Act.

This bill:

- »provides for licensing of Direct-entry midwives by the Division of Occupational and Professional Licensing;
- »provides for definitions relating to the practice of Direct-entry midwifery;
- »creates the Licensed Direct-entry Midwife Board and sets forth its membership and duties;
- »requires the division to establish a Licensed Direct-entry Midwife Formulary Committee and a licensed Direct-entry midwife formulary to define which prescription drugs can be obtained and administered by licensed Direct-entry midwives and to provide guidelines for their use;
- »provides for disciplinary action, including administrative penalties, against licensed Direct-entry midwives;
- »defines and provides penalties for unlawful and unprofessional conduct;
- »sets standards for consultation with, collaboration with, referral to, and transfer to other health care providers and sets standards for liability under those circumstances; and
- »brings licensed Direct-entry midwives within the scope of the Health Care Providers Immunity From Liability Act.

S.B. 7 Funding for Tourism

(Scott K. Jenkins)

This bill modifies provisions relating to tourism advertising, marketing, and branding.

This bill:

- >modifies the duties, membership, and powers of the Board of Travel Development within the Division of Travel Development;
- >modifies provisions of the Tourism Marketing Performance Fund to establish a budget base and provide a set-aside of a percentage of the increase in tourism-generated tax revenue as a funding source for increased tourism promotion;
- >provides for the creation and funding of a Cooperative Program with cities, counties, and nonprofit destination marketing organizations to advertise and promote tourism;
- >provides for sunset review of the Board of Travel Development; and
- >makes certain technical changes.

S.B. 18 Regulating Proprietary Postsecondary Schools

(Dan R. Eastman)

This bill modifies the Utah Postsecondary Proprietary School Act.

This bill:

- >modifies provisions related to what constitutes a prohibited act;
- >clarifies rulemaking authority;
- >adds to the list of exemptions education providers certified by the Division of Real Estate;
- >authorizes the division to conduct audits;
- >addresses registration statements, exemptions, and certificates of registration;
- >modifies the information that must be made available to applicants and the division;
- >provides for additional penalties;
- >addresses denial, suspension, or revocation of a certificate for registration including conducting criminal background checks; and
- >makes technical changes.

S.B. 40 Regulation of Title Insurance Industry

(Thomas V. Hatch)

This bill enacts the Title and Escrow Commission Act and makes conforming amendments.

This bill:

- >defines terms;
- >enacts the Title and Escrow Commission Act which creates the commission and sets out the duties of the commission and the commissioner;
- >addresses special provisions related to rate standards and rating methods for title insurance insurers, agencies, and producers;
- >requires the concurrence of the commission for licensing in the title insurance line of authority including adjusters;
- >authorizes the commission to make rules creating different categories of the title insurance lines of authority with the concurrence of the commissioner;
- >addresses special requirements for title insurance producers;
- >authorizes the commission to make rules related to unfair practices;
- >provides that a title insurance producer shall comply with rules adopted by the commission that govern escrows;
- >authorizes the commission, after consulting with the commissioner, to set the assessment on title insurance agencies or insurers;
- >addresses provisions related to controlled business;
- >authorizes the commission by rule to recognize other independent adjuster or public adjuster license classifications related to title insurance and to create license classifications that grant only part of the authority arising under a license class; and
- >makes technical changes.

S.B. 48 Insurance Cancellation and Nonrenewal Restrictions

(Patrice M. Arent)

This bill modifies the Insurance Code governing termination or nonrenewal of insurance policies by insurers.

This bill:

- >clarifies references to motor vehicle insurance;
- >prohibits cancellation or nonrenewal of certain insurance policies based solely upon:
 - a claim from an accident that is not the insured's fault for motor vehicle insurance subject to certain conditions;
 - a single speeding ticket not in excess of ten miles per hour over the speed limit for motor vehicle insurance subject to certain conditions; or
 - a claim due to damage from specified natural causes subject to certain conditions; and
- >makes technical changes.

S.B. 52 Price Controls During Emergencies Act

(Patrice M. Arent)

This bill enacts the Price Controls During Emergencies Act.

This bill:

- >defines terms;
- >prohibits a person from charging an excessive price for a good or service if a state of emergency exists;
- >permits a person to increase the price of a good or service during a state of emergency if costs rise;
- >requires the Division of Consumer Protection to enforce the act;
- >allows the division to impose and enforce fines;
- >allows the division to collect costs and attorney fees if the division prevails in an action;
- >requires money collected by the division to be deposited into the Consumer Protection Education and Training Fund; and
- >makes technical changes.

S.B. 141 Military Installation Partnerships

(Sheldon L. Killpack)

This bill establishes a program that supports economic development on military installations throughout the state.

This bill:

- >provides that the Department of Community and Economic Development, through its executive director, may receive and distribute monies for military installation projects that have a strong probability of increasing the expansion and development of a military installation in the state, thereby providing significant economic benefits to the state;
- >provides qualification requirements for the distribution of monies to designated recipients; and
- >provides for monitoring of the use of monies distributed under the program and an annual report to legislative committees.

Education

H.B. 249 Carson Smith Special Needs Scholarships

(Merlynn T. Newbold)

This bill creates a program to award scholarships to students with disabilities who attend a private school.

This bill:

- >specifies criteria for qualifying for a scholarship;
- >specifies criteria for private schools to enroll scholarship students;
- >specifies the amount, timing, and form of scholarship payments;
- >requires the State Board of Education to make rules;
- >gives the State Board of Education enforcement authority; and
- >requires the Legislature to annually appropriate money from the General Fund for scholarship payments.

S.B. 178 Charter School Amendments

(Howard A. Stephenson)

This bill modifies the Utah Charter Schools Act regarding the authorization, oversight, and termination of charter schools.

This bill:

- »removes the cap on the number of charter schools that the State Charter School Board may authorize;
- »removes a time limitation imposed on the State Charter School Board for approving or denying a charter school application;
- »prohibits charter schools from being denied due to certain impacts on public schools;
- »allows charter schools to give additional enrollment preferences;
- »modifies the content requirements for a charter school's charter;
- »allows a chartering entity to take certain actions if a charter school fails to remedy deficiencies within an established timeline, including:
 - removing a school director or finance officer;
 - removing governing board members;
 - appointing an interim director or mentor to work with the charter school; or
 - terminating the charter school;
- »provides for the appeal of a chartering entity's decision to terminate a charter school to the State Board of Education, and provides that the State Board of Education's action is final action subject to judicial review;
- »allows a private management company to operate a charter school, if the school is terminated during a school year;
- »provides that State Board of Education rules governing licensing of administrative and supervisory personnel do not apply to charter schools; and
- »makes technical amendments.

Elections

H.B. 142 Issues Submitted to Voters

(Gregory H. Hughes)

This bill modifies statewide and local initiative requirements and other ballot measures initiated by citizen petition by requiring fiscal impact estimates and by authorizing the repeal or amendment of laws when final estimated costs exceed initial cost estimates by a certain amount.

This bill:

- >requires that statewide initiative petitions approved for signature circulation receive an initial fiscal impact review by the Governor's Office of Planning and Budget;
- >requires that local initiative petitions and fluoride petitions approved for signature circulation receive an initial fiscal impact review by the local budget officer;
- >establishes a procedure for judicial review of contested initial fiscal impact statements;
- >requires that the initial fiscal impact estimate be shown on each petition signature sheet;
- >clarifies that public meetings on statewide initiative petitions be held only after issuance of the initial fiscal impact estimate;
- >requires that petitions for adding fluorine to public water supplies comply with the procedures and requirements for local initiatives;
- >requires that voter information pamphlets include the initial fiscal impact estimate issued for each statewide or local initiative;
- >requires that the initial fiscal impact estimate appear on the ballot for all statewide and local initiatives;
- >requires that a final fiscal impact statement be issued by the Governor's Office of Planning and Budget, or by the local budget officer for local initiatives or for petitions to add or remove fluorine, for each initiative that is approved by the voters;
- >when the final fiscal impact statement for a statewide or local initiative exceeds the initial fiscal impact estimate by 15% or more, authorizes the Legislature, or the local legislative body in the case of a local initiative, to repeal the law, amend the law, or inform the voters that they may bring a new initiative to repeal the law enacted by passage of the initiative; and
- >when there is a petition to obtain voter approval to add fluorine to a water system, and the final cost estimate for adding fluorine exceeds the initial fiscal impact estimate by 15% or more, authorizes the governing body having jurisdiction over the water system to cease efforts to add fluorine to the water, to submit the matter for a new vote, or to inform the voters that they may bring a new petition to repeal the decision to add fluorine to the water.

Environment

S.B. 24 Waste Amendments

(Curtis S. Bramble)

This bill modifies the Environmental Quality Code and the Radioactive Waste Tax Act to amend provisions relating to waste.

This bill:

- >prohibits any entity in the state from accepting class B or C low-level radioactive waste or radioactive waste having a higher radionuclide concentration than allowed under existing licenses;
- >directs the Utah member of the Northwest low-level waste compact committee not to bring to the compact committee for approval and to vote against any arrangement with persons outside the compact area to access a Utah facility for storage, treatment, incineration, or disposal of certain low-level radioactive wastes;
- >requires the Solid and Hazardous Waste Control Board to review and report to the Legislature every five years:
 - the adequacy of the amount of financial assurance required for closure and postclosure care of a commercial hazardous waste treatment, storage, or disposal facility;
 - whether funds or financial assurance are necessary for perpetual care and maintenance of a commercial hazardous waste treatment, storage, or disposal facility and the adequacy of those funds or financial assurance, if found necessary; and
 - the adequacy of any funds or financial assurance required to cover certain costs;
- >expands the scope of the Radiation Control Board's review of the Radioactive Waste Perpetual Care and Maintenance Fund to include:
 - a review of the adequacy of the fund to cover certain costs; and
 - a review of the amount of financial assurance required for closure and postclosure of a commercial radioactive waste treatment or disposal facility;
- >increases the penalty amount per day for violating a provision of the Solid and Hazardous Waste Act;
- >provides that the owner or operator of certain waste facilities, rather than the generator, is liable for certain fees;
- >clarifies that fees for certain waste shall be determined by multiplying the fee amount by the waste volume or curie calculated to the first decimal place;
- >clarifies that certain wastes are subject to only one fee if multiple fees apply;
- >requires the owner or operator of a facility receiving waste containing PCBs to submit a form with the disposal fees and requires the Department of Environmental Quality to make rules specifying the information required in the form;
- >imposes gross receipts taxes on mixed waste disposal received from certain governmental entity or agent contracts; and
- >makes technical changes.

Government Operations (State Issues)

H.B. 264 State Land Use Management Plans Amendments

(Michael E. Noel)

This bill modifies the duties of the state planning coordinator to require the state planning coordinator to consider certain findings and policy considerations when developing state policies, plans, and programs relating to federal lands and natural resources on federal lands.

This bill:

- >establishes certain findings to be considered when developing state policies relating to federal lands and natural resources located on federal lands;
- >establishes considerations for recognition of state and local interests in the federal land use management process;
- >establishes planning policies related to:
 - managing for the sustainability and health of the renewable resources such as water, timber, forage, recreation, and wildlife;
 - managing public land for wilderness considerations;
 - allocation of grazing animal unit months;
 - transportation to and across federal land;
 - management of river segments;
 - designation of areas of critical environmental concern; and
 - creation of roadless or unroaded areas on federal lands;
- >requires that the state planning coordinator work in conjunction with state agencies and political subdivisions when developing policies, plans, and programs;
- >requires that the state planning coordinator uphold and promote the policies, plans, programs, and desired outcomes of the state and counties where federal lands are located; and
- >makes technical changes.

H.B. 318 Community and Economic Development Restructuring

(Craig W. Buttars)

This bill restructures the Department of Community and Economic Development by transferring the responsibility for economic development and tourism at the state level to a new entity within the governor's office, the Governor's Office of Economic Development.

This bill:

>restructures the Department of Community and Economic Development by transferring the responsibilities of the Division of Business and Economic Development and the Division of Travel Development to a newly created Governor's Office of Economic Development;

>transfers from the current Department of Community and Economic Development to the Governor's Office of Economic Development the duty and responsibility to administer the following established programs:

- the Enterprise Zone Act;
- Targeted Business Income Tax Credits within an Enterprise Zone;
- Centers of Excellence;
- Shared Foreign Sales Corporations;
- the Industrial Assistance Fund;
- the Recycling Market Development Zone Act;
- the Utah Venture Capital Enhancement Act;
- Aerospace and Aviation Development Zones;
- the Tourism Performance Marketing Fund;
- the Waste Tire Recycling Industry Assistance Loan Program;
- the Utah Pioneers Communities Program; and
- the Rural Development Act;

>provides for management and administration of the Governor's Office of Economic Development by a director appointed by the governor with compensation being set by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and provides the director with authority similar to that of the executive director of the current Department of Community and Economic Development in matters related to economic development and tourism, including establishing the office in any fashion considered appropriate by the director;

>renames the Department of Community and Economic Development as the Department of Community and Culture, and provides the department with responsibility for community and cultural development within the state and the coordination of state and local programs related to community and cultural development;

>changes the Board of Business and Economic Development to an advisory board while renaming the Board of Travel Development to the Board of Tourism Development and keeping it an advisory board;

>removes the rulemaking authority of entities absorbed into the Governor's Office of Economic Development;

>repeals the position of the Director of the Division of Business and Economic Development, the Fusion/Energy Technology Act, and the Community Economic Development Project Fund and distribution process for fund moneys;

>eliminates the Tourism Marketing Performance Fund Committee and the Utah Tourism Industry Coalition which nominated members to the Tourism Marketing Performance Fund Committee;

>transfers to the Governor's Office of Economic Development all the powers and limitations of a municipality;

>transfers to the Governor's Office of Economic Development oversight over special service district guaranteed bonds;

>transfers to the director of the Governor's Office of Economic Development membership on the Hazardous Waste Facilities Authority and the State Council on Workforce Services;

>provides a representative from the Governor's Office of Economic Development to serve on the Resource Development Coordinating Committee;

>transfers to the director in the Governor's Office of Economic Development authority to appear before the Public Service Commission regarding the economic impact of any matter;

>transfers to the Governor's Office of Economic Development oversight over the Economic Incentive Restricted Account;

>transfers to the Governor's Office of Economic Development the responsibility to provide staff to the Utah Technology Industry Council and its steering committee;

>provides that employees of the Department of Community and Culture and the Governor's Office

of Economic Development whose positions are designated as schedule AM are not considered "state employees" by the Department of Human Resource Management and are exempt from classified service and career service provisions;

- >transfers to the Governor's Office of Economic Development responsibility for input on road-building programs in scenic centers of the state;

- >transfers to the Governor's Office of Economic Development membership on the Utah State Scenic Byway Committee;

- >provides that the Department of Transportation may consult with the Governor's Office of Economic Development in erecting, administering, and maintaining informational signs on the interstate or primary road system;

- >makes employing unit names available to the Governor's Office of Economic Development;

- >transfers to the Governor's Office of Economic Development authority to give input to the Transportation Commission in selecting license plate slogans for the state;

- >transfers to the Governor's Office of Economic Development the responsibility to serve as managing partner for the website known as Business.utah.gov;

- >provides that the executive director of the Department of Community and Culture shall designate three qualified interim successors in case of emergency;

- >makes conforming changes to boards and programs throughout the Utah Code which refer to the Department of Community and Economic Development or its executive director by replacing those references with the new titles and designations of entities and positions created in this bill; and

- >makes technical changes.

**H.B. 319 Expansion of Department of Administrative
Services Oversight to Include Human
Resource Management**

(D. Gregg Buxton)

This bill modifies provisions of the Personnel Management Act to change the Department of Human Resource Management to a division under the Department of Administrative Services.

This bill:

- >provides that the Department of Human Resource Management shall be changed to a division within the Department of Administrative Services;
- >changes the name of the Department of Human Resource Management to the Division of Human Resource Management;
- >provides that the Division of Human Resource Management shall be administered by a director appointed by the governor with the consent of the Senate;
- >provides that the director shall be accountable to the executive director of the Department of Administrative Services;
- >removes the director's discretion to appoint division directors and program managers;
- >provides that the director of the Division of Human Resource Management shall be responsible for administering the human resource program for the state and for all departments;
- >provides that policies set by the Division of Human Resource Management shall take precedence over conflicting policies and practices;
- >eliminates the Utah Quality Service Award program;
- >terminates existing procedures for performing human resource services for various departments and permits the Division of Human Resource Management to establish field offices in departments;
- >eliminates the ability for departments to provide certain human resource management functions;
- >provides a listing of required provisions for agreements governing field offices in departments;
- >provides for allocation of the cost of department facilities, equipment, and supplies that are used by a division field office;
- >requires the director of the Division of Human Resource Management to submit an annual budget request for the approval of the governor and the Legislature;
- >provides the director of the Division of Human Resource Management with responsibility to design and administer the state recruitment and selection system;
- >changes the date for submission of market comparability adjustments to coincide with the date that the compensation package recommendation is due; and
- >makes technical changes.

S.B. 106 Utah Religious Land Use Act

(David L. Thomas)

This bill restricts government entities from applying land use regulations that impose a substantial burden on a person's free exercise of religion.

This bill:

- >restricts government entities from applying or enacting land use regulations that impose a substantial burden on a person's free exercise of religion unless certain exemptions apply;
- >permits government to impose land use regulations that substantially burden a person's free exercise of religion only where the government can show that the land use regulation is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest;
- >authorizes a person to seek injunctive or declaratory relief if government fails to remedy a substantial burden imposed on religious expression by a land use regulation;
- >permits a person to use the defense that a governmental entity's action creates a substantial burden on the free exercise of religion in judicial and administrative hearings;
- >requires persons claiming that a land use regulation substantially burdens their free exercise of religion to file a notice of claim with the governmental entity;
- >provides government entities with the opportunity to remedy the substantial burden before being subject to injunction or declaratory relief; and
- >waives governmental immunity for cases brought to enforce or obtain remedies for violation of this chapter.

S.B. 199 Office of Energy - Oversight

(Thomas V. Hatch)

This bill eliminates the Utah Energy Office, moves the Clean Fuels Vehicle program and fund from the Department of Natural Resources to the Department of Environmental Quality, and transfers authority for certain federally-related programs and the Renewable Energy Tax Credit to the Utah Geological Survey.

This bill:

- >eliminates the Utah Energy Office;
- >moves the Clean Fuels Vehicle program and fund from the Department of Natural Resources to the Department of Environmental Quality;
- >transfers authority for certain federally-related programs and the Renewable Energy Tax Credit to the Utah Geological Survey; and
- >makes technical amendments.

S.B. 239 Public Lands Policy Coordination

(Thomas V. Hatch)

This bill creates the Public Lands Policy Coordinating Office and the Public Lands Policy Coordinating Council.

This bill:

- >creates the Public Lands Policy Coordinating Office and the Public Lands Policy Coordinating Council;
- >provides for the appointment of an office coordinator to administer the office;
- >establishes the duties of the office and coordinator;
- >establishes the membership of the council;
- >establishes the duties of the council;
- >allows the Legislature to appropriate monies from the Constitutional Defense Restricted Account to the office and to the council; and
- >provides definitions.

Health

H.B. 33 Assistance for People with Bleeding Disorders (David Litvack)

This bill amends the Comprehensive Health Insurance Pool act to create a pilot program, establishes a grant process in the Department of Health for assistance to people with bleeding disorders, and creates an ongoing appropriation for fiscal year 2005-06 of \$250,000 from the General Fund to a bleeding disorders assistance grant program in the Department of Health.

This bill:

- >creates a five-year pilot program within the Comprehensive Health Insurance Pool Act for disease and pharmaceutical management of bleeding disorders;
- >permits enrollees in the pilot program to participate in a federal 340B discounted drug pricing program;
- >requires the Comprehensive Health Insurance Pool to report on its claims experience and pharmaceutical costs under the pilot program;
- >permits the Comprehensive Health Insurance Pool to terminate the pilot program under certain circumstances;
- >establishes a grant program within the Department of Health for assistance to people with bleeding disorders; and
- >makes technical corrections.

H.B. 62 Amendments to Intermediate Care Facilities for Mentally Retarded (Rebecca D. Lockhart)

This bill amends the Nursing Care Facility Assessment Act to include intermediate care facilities for the mentally retarded.

This bill:

- >amends the definition of nursing care facility to include:
 - intermediate care facilities for the mentally retarded; and
 - beginning January 1, 2006, designated swing beds;
- >clarifies the rulemaking authority of the department in setting the uniform rate for intermediate care facilities for the mentally retarded; and
- >makes conforming amendments in the definitions for health care facilities.

H.B. 114 Children's Health Care Coverage Amendments (David L. Hogue)

This bill amends the permanent state trust fund for tobacco settlement monies and the Tobacco Settlement Restricted Account to increase funding for the Children's Health Insurance Program.

This bill:

- >increases the amount annually appropriated from the Tobacco Settlement Restricted Account to the Department of Health for the Children's Health Insurance Program from \$7,000,000 to \$10,300,000; and
- >modifies the distribution of tobacco settlement monies between the Tobacco Settlement Restricted Account and the permanent state trust fund created by Utah Constitution Article XXII, Section 4.

S.B. 19 Disease Testing of Individuals Exposed to Blood Borne Pathogens (Patrice M. Arent)

This bill amends and repeals certain provisions in the Health Code, the Judicial Code, and the Labor Code regarding disease testing for blood borne pathogens.

This bill:

- >repeals provisions in the Health Code regarding workplace testing for exposure to blood pathogens;
- >moves provisions from the Health Code to the Labor Code regarding worker's compensation presumption for emergency medical services providers;
- >amends provisions in the Judicial Code regarding court-ordered disease testing for at risk public safety officers;
- >adds Hepatitis C to the definition of disease for purposes of disease testing and the presumptions for workers' compensation; and
- >makes technical amendments.

S.B. 74 Medical Reserve Corps

(Lyle W. Hillyard)

This bill authorizes the local departments of health to create and activate a medical reserve corps during times of an emergency or national disaster.

This bill:

- >authorizes the local department of health to organize, activate, and supervise a medical reserve corps during a time of declared public health emergency or disaster;
- >amends the Occupational and Professional Practices Act to permit retired health care professionals and out-of-state health care professionals to serve in a medical reserve corps during a time of disaster or emergency; and
- >clarifies that the Good Samaritan laws apply to health care professionals who volunteer during a declared emergency or disaster.

S.B. 83 Medical Decisions of a Parent or Guardian

(David L. Thomas)

This bill modifies provisions of Child and Family Services, the Utah Criminal Code, and the Judicial Code regarding child abuse and neglect. This bill also modifies the Judicial Code regarding malpractice actions against health care providers.

This bill:

- >modifies provisions of Child and Family Services to provide that:
 - a health care decision made by a child's parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
 - a parent or guardian has the right to a second health care opinion;
- >modifies the Licensing Information System portion of Child and Family Services to provide that:
 - a health care decision made by a child's parent or guardian does not constitute severe child abuse or neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
 - a parent or guardian retains the right to a second health care opinion;
- >provides that a parent or guardian is not guilty of child abuse for selecting a treatment option for the medical condition of the parent's or guardian's child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child;
- >provides that a parent or guardian is not guilty of abuse or neglect of a disabled child for selecting a treatment option for the medical condition of the parent's or guardian's disabled child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child;
- >modifies the definition of a neglected child under the Juvenile Court Act of 1996 to provide that a health care decision made by a child's parent or guardian does not constitute neglect unless the state or other party to the proceeding can show, by clear and convincing evidence, that the decision was not reasonable and informed;
- >modifies the Juvenile Court Act of 1996 to provide that a parent or guardian has the right to a second health care opinion;
- >modifies the Termination of Parental Rights Act to provide that:
 - a health care decision made by a child's parent does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
 - a parent has the right to a second health care opinion;
- >modifies the Judicial Code to provide that a malpractice action may not be brought against a health care provider on the basis of the consequences resulting from the refusal of a child's parent or guardian to consent to health care recommended by the health care provider when the parent or guardian is provided with sufficient information to make an informed decision and the consent of the parent or guardian is required by law;
- >clarifies the scope of the malpractice action provision contained in this bill;
- >enacts an uncodified expression of legislative intent; and
- >makes technical changes.

S.B. 119 Rural Medical Residency Training Programs

(Peter C. Knudson)

This bill amends the Medical Education Program to create and fund a rural medical residency training program and facilitates identification and tracking of workforce distribution.

This bill:

- >defines terms;
- >instructs the Medical Education Council to develop a pilot program for rural medical residency training subject to appropriations from the Legislature;
- >sunsetts the pilot program on July 1, 2015; and
- >authorizes the Utah Medical Education Council to access the Division of Workforce Services database to identify changes in medical and health care workforce numbers and distribution.

S.B. 212 Child Care Investigations

(Parley G. Hellewell)

This bill amends the Utah Child Care Licensing Act and the Government Records Access and Management Act.

This bill:

- >provides definitions;
- >creates a process for the Department of Health to follow when responding to a complaint about child care;
- >limits disclosure of the name of a confidential complainant;
- >limits the disclosure of identifying information related to a child care complaint that the department is unable to substantiate;
- >specifies the classification of child care investigation records under the Government Records Access and Management Act in the case where the department is unable to substantiate a complaint, and limits the manner in which those records may be disclosed;
- >specifies that any record related to a complaint by an anonymous complainant is a protected record and limits the manner in which it may be disclosed; and
- >amends the list of items in the Government Records Access and Management Act designated as protected records.

Human Services

H.B. 59 Domestic Violence Enhancement

(Carol Spackman Moss)

This bill amends the section of the Cohabitant Abuse Procedures Act that provides for an enhanced offense and penalty for a subsequent domestic violence offense.

This bill:

- >defines terms;
- >provides an enhancement for a domestic violence offense that:
 - is committed within five years after a conviction for a qualifying domestic violence offense; or
 - a person is convicted of within five years after a conviction for a qualifying domestic violence offense;
- >clarifies that a plea of guilty or no contest that is held in abeyance is the equivalent of a conviction for purposes of enhancing a subsequent domestic violence offense and penalty, regardless of whether the offense pled to is reduced or dismissed after the plea is held in abeyance; and
- >makes technical changes.

H.B. 165 Utah Commission on Aging

(Patricia W. Jones)

This bill creates the Utah Commission on Aging.

This bill:

- >defines terms;
- >provides, under the Legislative Oversight and Sunset Act, that the Utah Commission on Aging, created by this bill, will be repealed on July 1, 2007;
- >creates the Utah Commission on Aging and lists the purposes, duties, and powers of the commission;
- >establishes membership of the commission;
- >creates the position of executive director of the commission and lists the executive director's duties;
- >requires that an annual report of the commission's accomplishments be submitted to the governor and the Executive Appropriations Committee of the Legislature;
- >provides for the appointment of a chair and for the conduct of the commission's meetings;
- >provides that members of the commission serve without pay, but are entitled to a per diem and reimbursement of expenses;
- >provides that, for the fiscal years 2005-06 and 2006-07, the Department of Human Services shall:
 - pay the salary of the executive director of the Utah Commission on Aging out of the department's existing budget; and
 - provide staff support to the executive director and the commission; and
- >makes technical changes.

S.B. 107 Licensure and Regulation of Programs and Facilities

(Thomas V. Hatch)

This bill amends the licensing provisions of Title 62A, Chapter 2, Licensure of Programs and Facilities, and related provisions.

This bill:

- >modifies and enacts defined terms;
- >amends the responsibilities and rulemaking duties of the Office of Licensing;
- >lists grounds for refusing to renew a license;
- >provides requirements for a human services program to obtain approval of educational service and funding plans;
- >imposes requirements for licensing and for making rules regarding the licensing of residential treatment programs;
- >requires applicants for a license to operate a residential treatment program to provide a description of the program and notice of intent to operate a residential treatment program to the governing body of the city or county where the program intends to operate;
- >provides that a local government may request that the office designate a local government employee as a certified local inspector;
- >describes the powers of, and restrictions on, a certified local inspector;
- >describes the responsibilities of a local government relating to a certified local inspector;
- >provides that records received by the Office of Licensing through reports and inspections shall be classified in accordance with the Government Records and Access Management Act;
- >provides that Title 62A, Chapter 2, Licensure of Programs and Facilities, does not apply to boarding schools or certain licensed mental health professionals;
- >provides that the Office of Licensing may place conditions on licenses;
- >lists standards for determining whether to reissue a revoked license;
- >provides that a revoked license may not be reissued until at least one year after final notice of the revocation is served;
- >provides that a license may be suspended for up to one year;
- >provides that full faith and credit be extended to an Indian tribe's licensure of tribal foster homes;
- >permits records to be copied during administrative inspections;
- >provides standards for:
 - conducting and reviewing background checks; and
 - granting persons direct access to children and vulnerable adults;
- >provides that substance abuse treatment programs that provide services to adults only, are not required to submit identifying information to the Office of Licensing for criminal background checks;
- >provides the Department of Human Services with access to records to conduct background checks;
- >provides that the Department of Human Services may inform a local government that a certified local inspector applicant is listed in those records;
- >provides that a person who is a representative of private residential treatment facilities shall be included on the Board of Child and Family Services; and
- >makes technical changes.

Judiciary

H.B. 4 Divorce Mediation Program

(Ben C. Ferry)

This bill creates a domestic mediation program for divorce actions.

This bill:

- >creates a mediation program for divorce actions;
- >makes the mediation program mandatory; and
- >allows parties to be excused for good cause.

S.B. 10 Liability Reform Act Amendments

(Gregory S. Bell)

This bill specifies conditions for allocating fault to nonparties in a lawsuit.

This bill:

- >provides for a reasonable time to designate nonparties to whom fault may be allocated;
- >requires that a party who makes a request to the court to allocate fault to nonparties to provide specific information about the nonparties; and
- >allows the court to deny the request if specific provisions are not complied with.

S.B. 14 Uniform Parentage Act

(Lyle W. Hillyard)

This bill enacts the Utah Uniform Parentage Act.

This bill:

- >sets out guidelines for determining and declaring paternity;
- >provides mechanisms for registering paternity;
- >sets specific guidelines for surrogacy and assisted reproduction arrangements;
- >provides conditions under which genetic testing may be requested or required;
- >provides direction for state offices concerning adjudication of parentage and the filing and issuance of birth certificates;
- >sets penalties for unauthorized release of information; and
- >sets responsibilities for all parties when the parentage of a child is in question.

S.B. 91 Interstate Juvenile Compact

(Lyle W. Hillyard)

This bill enacts the Interstate Compact for Juveniles.

This bill:

- >repeals and reenacts the Interstate Compact for Juveniles;
- >establishes a compact operating authority to administer ongoing compact activity;
- >provides for gubernatorial appointment of representatives on a national governing commission;
- >provides rulemaking authority to the governing commission;
- >provides for the collection of standardized information and information sharing systems;
- >creates sanctions to support essential compact operations;
- >allows for the coordination and cooperation with other interstate compacts; and
- > provides for an effective date upon enactment by 35 states.

Law Enforcement and Criminal Justice

H.B. 132 Internet Crimes Against Children

(Tim M. Cosgrove)

This bill describes the state attorney general's participation in multijurisdictional and multidisciplinary work to prevent and prosecute Internet sexual crimes against children. This bill also authorizes the attorney general to provide Internet educational programs to parents, educators, and others involved with children to promote awareness of and prevention of Internet crimes against children.

This bill:

- >provides that the attorney general is participating in the Internet Crimes Against Children Task Force, which is a statewide multiagency task force that investigates, prevents, and prosecutes Internet sexual exploitation offenses against children; and

- >authorizes the attorney general, to the extent legislative funding is provided, to prepare and present appropriate programs and informational materials to children, parents, educators, school resource officers, parent-teacher organizations, and libraries to help children use the Internet safely and to help adults be aware of Internet risks to children.

S.B. 47 Wrongful Lien Offenses

(Beverly Ann Evans)

This bill amends the Criminal Code and Title 38, Liens, to provide for filing civil injunctions against wrongful liens made against a person's interest in real or personal property. The bill establishes felony penalties for making a wrongful lien. The bill also makes a felony offense of fraudulent handling of recordable writings.

This bill:

- >defines civil wrongful lien;
- >establishes felony penalties for making a wrongful lien and increased penalties for subsequent violations;

- >establishes felony penalties for the fraudulent handling of recordable writings, which includes falsifying or destroying a will, deed, lien, or other similar writing;

- >allows an individual to petition for an ex parte injunction against the person making the wrongful lien, which prohibits the maker of the lien from making further liens against the petitioner without specific permission of the court;

- >provides that the ex parte injunction nullifies the wrongful lien and gives the person making the wrongful lien the right to a hearing regarding the nullification;

- >provides that if the maker of the lien does not respond, or if there is a hearing and the court determines that the lien is wrongful, the lien is nullified and the lien injunction stays in effect for three years unless the petitioner requests that the injunction be dissolved earlier;

- >provides for attorney fees in actions regarding the wrongful lien and injunction; and

- >makes cross reference changes in accordance with the provisions of this bill.

S.B. 177 Increase Statute of Limitations on Rape

(Ed Mayne)

This bill amends the Criminal Code statute of limitations to allow prosecution for rape and other listed sexual offenses within eight years after the offense is committed under specified circumstances.

This bill:

- >increases the statute of limitations for rape, object rape, forcible sodomy, forcible sexual abuse, and aggravated sexual assault from four years to eight years if the offense is reported to law enforcement within four years after the offense is committed.

Political Subdivisions (Local Issues)

H.B. 40 Sunset of Township Provision

(M. Susan Lawrence)

This bill modifies a sunset provision relating to the annexation of territory within a township and enacts legislative intent language.

This bill:

- >extends to 2010 a sunset provision relating to a provision requiring voter or property owner approval of a municipality's annexation of territory located in a township unless the entire area of the township is annexed; and
- >enacts legislative intent language regarding the sunset of a township provision and regarding townships in first class counties.

H.B. 240 Disaster Loan Program

(Ron Bigelow)

This bill establishes a disaster loan program.

This bill:

- >authorizes the Division of Emergency Services and Homeland Security to make loans to counties that are affected by disasters;
- >establishes loan requirements; and
- >establishes a mechanism for requesting the loan and for other political subdivisions within the county to participate in the loan program.

S.B. 60 Local Land Use Development and Management Amendments

(Gregory S. Bell)

This bill modifies county and municipal land use, development, and management provisions.

This bill:

- >reorganizes and modifies county and municipal land use, development, and management provisions;
- >includes the protection of access to sunlight for solar energy devices in the statement of the purposes of county and municipal land use provisions;
- >modifies provisions giving counties and municipalities general authority over land use matters;
- >modifies existing and adds new definitions;
- >modifies notice provisions related to land use applications, the preparation of a general plan and amendments, land use ordinances, and subdivisions;
- >modifies provisions related to planning commission appointment and powers;
- >modifies provisions related to the preparation, adoption, content, and effect of a general plan;
- >modifies provisions related to the preparation, adoption, and content of land use ordinances;
- >enacts a provision relating to the imposition of exactions;
- >enacts provisions related to land use approval standards and the rights that vest with approval;
- >modifies provisions related to the preparation, enactment, and content of subdivision ordinances;
- >modifies provisions related to subdivision plats;
- >provides that a transfer of land by a void plat is voidable;
- >modifies a provision relating to exemptions from plat requirements;
- >authorizes counties and municipalities to designate a land use authority to decide certain land use matters;
- >requires counties and municipalities to designate an appeal authority to handle appeals of certain land use matters;
- >enacts provisions relating to procedures and standards applicable to appeals before the appeal authority;
- >modifies provisions relating to appeals to the district court;
- >repeals provisions relating to a board of adjustment;
- >repeals provisions relating to vacating a street or alley;
- >repeals a provision relating to planning commission organization and procedures; and
- >makes technical changes.

S.B. 184 Redevelopment Agency Amendments

(Curtis S. Bramble)

This bill modifies provisions of the Redevelopment Agencies Act.

This bill:

- >prohibits a redevelopment agency from adopting a project area plan for certain redevelopment project from July 1, 2005 through June 30, 2006 unless a blight study has been commissioned and completed by certain dates;
- >eliminates a requirement for approval from affected taxing entities and the taxing entity committee for project area plan amendments that provide for tax increment to be paid for a longer period of time than allowed under the adopted project area plan;
- >requires an agency's finding of blight to be approved by the taxing entity committee;
- >shifts the authority to appoint one of the two taxing entity committee representatives in counties of the first class from the county executive to the county legislative body;
- >prohibits a redevelopment agency from using eminent domain to acquire property, except when acquiring property from an agency board member or officer;
- >modifies a date by which construction of a recreational or cultural facility must begin in order for an agency to be paid additional tax increment for the facility;
- >eliminates provisions authorizing additional tax increment to be paid to an agency to pay for a convention center or sports complex, cable television and public telecommunications service, an I-15 interchange, and the relocation of an agriculture related business;
- >prohibits an amendment to a project area plan that increases the size of the project area;
- >prohibits an amendment to a project area budget that lengthens the time that tax increment is to be paid to an agency;
- >prohibits tax increment under a post-June 30, 1993 project area plan from being paid to an agency for more than 25 years, eliminating taxing entity committee consent as a basis for allowing an agency to be paid tax increment for more than 25 years;
- >modifies a provision regarding limitations on the applicability of provisions in the Redevelopment Agencies Act;
- >eliminates a provision that defines incidental or subordinate development of retail sales to include the development of retail sales of goods from a convention center or sports complex facilities;
- >prohibits agencies from receiving or using tax increment during a certain period if the tax increment is attributable to property devoted to the development of retail sales of goods in an economic development or education housing development project area;
- >eliminates a provision that allows a city of the first or second class to use tax increment from one project area in another project area to pay for a convention center or sports complex; and
- >prohibits an agency from using tax increment to pay for a stadium or arena.

Public Utilities

S.B. 26 Public Utilities Amendments

(Gregory S. Bell)

This bill modifies the Public Utilities Title to address public utility issues including enacting the Energy Resource Procurement Act.

This bill:

- >addresses prudence;
- >addresses certificates of convenience and necessity;
- >enacts the Energy Resource Procurement Act;
- >defines terms;
- >grants the commission rulemaking authority;
- >establishes requirements for a solicitation process for a significant energy resource of an affected electrical utility;
- >provides for the review of action plans under an affected electrical utility's integrated resource plan;
- >provides for the approval of a significant energy resource decision;
- >provides for cost recovery of an approved significant energy resource decision;
- >addresses orders to proceed implementing a significant energy resource decision;
- >permits an energy utility to request approval of a resource decision;
- >provides for cost recovery of an approved resource decision;
- >addresses orders to proceed implementing a resource decision; and
- >makes technical changes.

S.B. 108 Telecommunications Revisions

(Curtis S. Bramble)

This bill amends and repeals portions of Title 54, Public Utilities, relevant to pricing and competition by telecommunications corporations.

This bill:

- >defines terms;
- >exempts certain activities of telecommunications corporations from compliance with rate schedules;
- >exempts certain activities of telecommunications corporations from prohibitions on rate or service preferences;
- >expands pricing flexibility for certain telecommunications corporations and services;
- >addresses the methods of filing price lists;
- >eliminates the requirement that a telecommunications corporation petition the Public Service Commission for pricing flexibility;
- >requires an incumbent telephone corporation to provide basic residential service throughout its service area;
- >requires an incumbent telephone corporation to maintain basic residential service rates at July 1, 2004 levels, except under certain circumstances;
- >allows the Public Service Commission to review basic residential service by an incumbent and others;
- >allows the Public Service Commission to exempt an incumbent telephone corporation from basic residential service provisions if comparable services exist at comparable prices;
- >provides for certain disclosures of competitive contracts;
- >allows small incumbent telephone corporations to petition the Public Service Commission for regulation by price, rather than traditional rate of return regulation;
- >allows the Public Service Commission to exempt small incumbent telephone corporations from certain pricing provisions under certain circumstances;
- >allows the Public Service Commission to adjust rates for telephone corporations not subject to price regulation; and
- >makes technical changes.

Resolutions

H.J.R. 1 Joint Resolution Related to Financial Institutions

(Jeff Alexander)

This resolution affirms certain actions taken by the Legislature and urges congressional action regarding financial institutions.

S.C.R. 5 Resolution Approving Settlement of Lawsuit

(Peter C. Knudson)

This concurrent resolution of the Legislature and the Governor gives approval to the Utah Department of Transportation to enter into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Retirement

H.B. 213 Unused Sick Leave At Retirement Amendments

(David Clark)

This bill modifies the Utah State Personnel Management Act by amending unused sick leave at retirement provisions.

This bill:

- >provides that no additional converted sick leave can be added after January 1, 2014;
- >provides that after December 31, 2005, new sick leave hours may not be accumulated for future use under the current Unused Sick Leave Retirement Option Program;
- >provides a five-year phase out of:
 - the guaranteed continuing medical and life insurance benefits for retiring employees; and
 - the 480 hour reduction of unused sick leave;
- >changes the name of the current program to Unused Sick Leave Retirement Option Program I;
- >deletes the provision allowing "up to" 25% of unused sick leave under program I which may be cashed out upon retirement to requiring 25% of unused sick leave received as a contribution into a 401k defined contribution plan upon retirement;
- >creates the Unused Sick Leave Retirement Program II for sick leave hours accumulated on or after January 1, 2006, which provides:
 - 25% of unused sick leave, upon retirement, shall be received as a contribution into a 401k defined contribution plan; and
 - participation in a benefit plan that provides for reimbursement for medical expenses using the remainder of unused sick leave hours at the employee's rate of pay at the time of retirement but not less than the average rate of pay as for employees who retired in the same state retirement system during the previous calendar year;
- >allows employees to make a one-time election to transfer unused sick leave hours to the new program beginning January 1, 2011;
- >the Division of Finance must develop and maintain a system of accounting for sick leave as necessary to implement these programs;
- >the Utah State Retirement Systems must develop and maintain a program to provide a benefit plan that provides for reimbursement for medical expenses; and
- >makes technical changes.

Revenue and Taxation

H.B. 53 Tax Treatment of Personal Property

(LaWanna Lou Shurtliff)

This bill amends the Motor Vehicles Act, the Property Tax Act, the Corporate Franchise and Income Taxes chapter, and the Individual Income Tax Act to address the property tax treatment of motor homes.

This bill:

- >defines terms;
- >specifies the uniform fees that are received by a city library fund;
- >reduces uniform statewide fees on motor homes required to be registered with the state to a rate of:
 - 1.25% of the value of a motor home, beginning January 1, 2006; and
 - 1% of the value of a motor home, beginning January 1, 2008;
- >provides for the collection of uniform statewide fees;
- >provides that the uniform statewide fees on motor homes shall be assessed at the same time and in the same manner as ad valorem personal property taxes;
- >addresses the appeals process for personal property;
- >provides that for purposes of the corporate franchise and income tax credits and individual income tax credits for renewable energy systems, a residential unit does not include motor homes subject to uniform statewide fees;
- >grants rulemaking authority to the State Tax Commission; and
- >makes technical changes.

H.B. 78 Corporate Franchise and Income Tax Amendments

(Wayne A. Harper)

This bill amends the Corporate Franchise and Income Taxes chapter relating to the minimum tax, tax rates, and apportionment of income.

This bill:

- >for taxable years beginning on or after January 1, 2006, allows a taxpayer to elect to calculate the apportionment of business income on the basis of a fraction that increases the weighting of the sales factor;
- >provides that a taxpayer making such an election may not revoke the election for a period of five taxable years;
- >grants rulemaking authority to the State Tax Commission;
- >addresses the State Tax Commission's authority to make adjustments in the accounting, allocation, or apportionment of income; and
- >makes technical changes.

H.B. 96 Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels

(Fred R. Hunsaker)

This bill modifies the Traffic Rules and Regulations chapter, the Corporate Franchise and Income Tax chapter, the Individual Income Tax Act, the Special Fuel part, the Clean Fuels Conversion Program Act, and the Repeal Dates part relating to clean fuels and vehicles using clean fuels.

This bill:

- >provides the circumstances under which a vehicle may travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants;
- >extends for a period of five taxable years certain individual income tax and corporate franchise and income tax credits relating to vehicles using clean fuels;
- >provides that a taxpayer may not claim a tax credit with respect to an electric-hybrid vehicle;
- >extends until December 31, 2010, a surcharge on clean special fuel tax certificates;
- >provides that the Department of Natural Resources may not make a loan or grant under the Clean Fuels Conversion Program Act with respect to an electric-hybrid vehicle;
- >extends a repeal date until December 31, 2010, for allowing certain vehicles to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants; and
- >makes technical changes.

H.B. 107 Amendments to Taxes, Fees, or Charges

(Wayne A. Harper)

This bill amends the Revenue and Taxation title, the Repeal Dates part, and enacts uncodified material.

This bill:

- >provides legislative intent regarding the implementation of certain provisions enacted during the 2003 General Session, 2004 General Session, and 2004 Third Special Session, relating to taxes, fees, and charges;
- >addresses amnesty for sellers relating to certain taxes, fees, or charges;
- >provides a repeal date for the legislative intent language;
- >requires the Revenue and Taxation Interim Committee to conduct a study; and
- >makes technical changes.

H.B. 170 Extension of Utah Low-income Housing Tax Credits

(Stephen D. Clark)

This bill amends the Corporate Franchise and Income Taxes chapter and the Individual Income Tax Act relating to the Utah low-income housing tax credits.

This bill:

- >extends for a ten-year period the amount of aggregate annual tax credit for low-income housing that the Utah Housing Corporation may allocate under the corporate franchise and income taxes and the individual income tax.

H.B. 324 Taxable Value Adjustment for Property Damaged by a Natural Disaster

(Bradley G. Last)

This bill amends the Property Tax Act to provide a tax adjustment for property damaged by a natural disaster.

This bill:

- >defines terms;
- >grants rulemaking authority to the State Tax Commission;
- >provides a property tax adjustment for property damaged by a natural disaster, if the damage causes a decrease in taxable value of at least 30%;
- >establishes application and hearing procedures for a county board of equalization to determine whether the owner of property is entitled to the tax adjustment provided in this bill; and
- >provides for an appeal of a decision rendered by a county board of equalization regarding the tax adjustment provided in this bill.

S.B. 13 Individual Income Tax Subtraction for Certain Military Income

(Howard A. Stephenson)

This bill amends the Individual Income Tax Act relating to a subtraction for certain military income.

This bill:

- >provides and amends definitions;
- >amends a subtraction for certain military income; and
- >makes technical changes.

S.B. 23 Property Tax Treatment of Tangible Personal Property

(Curtis S. Bramble)

This bill amends the Motor Vehicles title, the Property Tax Act, the Corporate Franchise and Income Taxes chapter, and the Individual Income Tax Act to address the property tax treatment of tangible personal property.

This bill:

- >defines terms;
- >addresses the uniform fees that are required to be received by a city library fund;
- >imposes uniform statewide fees on certain tangible personal property required to be registered with the state;
- >provides procedures for measuring the length of a vessel for purposes of imposing uniform statewide fees on vessels;
- >provides for the collection of the uniform statewide fees;
- >provides that the uniform statewide fees shall be imposed at the time of registration and renewal of registration;
- >addresses the appeals process for personal property;
- >provides that for purposes of the corporate franchise and income tax credits and individual income tax credits for renewable energy systems a residential unit does not include property subject to the uniform statewide fees;
- >grants rulemaking authority to the State Tax Commission; and
- >makes technical changes.

S.B. 127 Tax, Fee, or Charge Amendments

(Lyle W. Hillyard)

This bill modifies the Municipal Telecommunications License Tax Act and the Sales and Use Tax Act relating to taxes, fees, or charges.

This bill:

- >addresses the procedures for the State Tax Commission to administer, collect, and enforce certain taxes;
- >provides and modifies definitions;
- >modifies the transactions that are subject to sales and use taxes;
- >provides sales and use tax exemptions for:
 - amounts paid to a purchaser as a rebate from the manufacturer of a new vehicle for purchasing the new vehicle; and
 - sales of certain tangible personal property to persons within the state if that tangible personal property is subsequently shipped outside the state and incorporated pursuant to contract into and becomes a part of real property located outside of this state;
- >grants rulemaking authority to the State Tax Commission;
- >addresses criminal acts relating to refusing to make a return, making a false or fraudulent return or false statement on a return, evading the payment of a tax, or aiding or abetting an attempt to evade the payment of a tax;
- >addresses amnesty relating to a tax, fee, or charge;
- >addresses the payment of a monetary allowance to a seller that is registered under the Streamlined Sales and Use Tax Agreement or a certified service provider that is designated to be a seller's agent;
- >addresses the distribution of certain sales and use tax revenues to counties, cities, and towns; and
- >makes technical changes.

S.B. 164 Individual Income Tax - Tax Credit for Live Organ Donation Expenses

(Karen Hale)

This bill modifies the Individual Income Tax Act to provide a nonrefundable individual income tax credit.

This bill:

- >provides definitions;
- >provides a nonrefundable individual income tax credit for live organ donation expenses incurred during the taxable year for which a live organ donation occurs;
- >grants rulemaking authority to the State Tax Commission; and
- >makes technical changes.

S.B. 170 State Tax Commission Collection and Licensing Practices

(Curtis S. Bramble)

This bill modifies the Revenue and Taxation title to address State Tax Commission collection and licensing practices.

This bill:

- >provides that certain penalty provisions apply with respect to:
 - a tax under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
 - a tax under Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act; and
 - a tax under Title 59, Chapter 12, Sales and Use Tax Act, except for the tax refund for qualified emergency food agencies;
- >requires certain persons to be licensed by the State Tax Commission;
- >provides procedures and requirements for licensing by the State Tax Commission;
- >addresses bonding requirements for certain persons; and
- >makes technical changes.

Task Force / Committees

H.B. 57 Tourism Task Force

(David Ure)

This bill creates the Tourism Task Force.

This bill:

- >creates the Tourism Task Force;
- >provides for the duties of the task force; and
- >requires a report from the task force.

H.B. 75 Government Records Access and Management Task Force

(Douglas C. Aagard)

This bill creates the Government Records Access and Management Task Force.

This bill:

- >creates the Government Records Access and Management Task Force;
- >sets forth the duties of the task force; and
- >requires the task force report to the Public Utilities and Technology Interim Committee and the Government Operations Interim Committee.

S.B. 25 Transportation Amendments and Highway Jurisdictional Transfer Task Force

(Carlene M. Walker)

This bill modifies the Utah Municipal Code, the Cities, Counties, and Local Taxing Units Code, the Counties Code, the Motor Vehicles Code, the Transportation Code, and the Judicial Code to amend provisions relating to transportation and creates the Highway Jurisdictional Transfer Task Force.

This bill:

- >provides definitions;
- >expands written notice requirements of a local political subdivision's intent to prepare a capital facilities plan to include notice to the Utah Department of Transportation and a public transit district if the local political subdivision is within the public transit district boundaries;
- >requires municipalities and counties to notify the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments of proposed zoning designation changes, plat considerations, general plan changes, and annexations that impact state and regional transportation systems;
- >provides that notification for proposed changes is required for projects:
 - adjacent to state highways;
 - in other areas that have potential traffic increases of 3,000 Average Daily Traffic or peak hour traffic of more than 500 vehicles per hour;
- >allows a municipality's or county's general plan recommendations from the planning commission to include comments from the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments concerning the impacts on state and regional transportation systems;
- >provides that a person who operates a vehicle in a tollway without paying the toll is guilty of a class C misdemeanor;
- >provides that funds in the Tollway Restricted Account may be used for enforcement of a tollway;
- >provides that the Department of Transportation may designate, with the approval of the Transportation Commission:
 - highways as tollways on new state highways or additional capacity lanes as toll lanes on existing state highways; and
 - high occupancy toll lanes on existing state highways;
- >provides that the Department of Transportation shall make rules establishing standards and specifications for automatic tolling;
- >provides that the Transportation Commission may provide funds for tollways;
- >provides that revenues received from tolls shall be deposited in the Tollway Restricted Account;
- >requires the executive director of the Department of Transportation to develop strategic initiatives for the department;
- >requires the executive director to report the strategic initiatives to the Transportation Commission;
- >requires the department to make rules establishing the strategic initiatives of the department;
- >requires the Transportation Commission, in consultation with the department, to develop a written prioritization process for the selection of new transportation capacity projects;
- >requires the commission to hold public hearings on the written prioritization process;
- >requires the commission, in consultation with the department, to make rules establishing the written prioritization process for new transportation capacity projects;
- >requires the commission to submit the rules to the Legislature prior to adopting them;
- >requires the commission to:
 - prioritize and fund new transportation capacity projects pursuant to the written prioritization process;
 - hold public hearings on the prioritization of projects; and
 - make available upon request the ranking used for any projects prioritized;
- >requires the executive director or the executive director's designee to report annually to the governor and the Legislature on projects prioritized by the commission;
- >amends provisions establishing criteria for state highways;
- >provides that a state highway shall meet the criteria provided and requires highway authorities to cooperate to match the criteria with designated state highways;
- >requires the Department of Transportation to make rules:
 - defining and designating regionally significant arterial highways; and
 - establishing an access management policy consistent with the functional classification of roadways;
- >establishes a task force to study highway jurisdictional transfers;

- >establishes task force membership, duties, and salaries and designates staff for the task force;
- >requires the task force to prepare a report;
- >requires the Department of Transportation and other organizations to prepare a list of highways that should be added or deleted from the state highway system and provide other data to the task force;
- >requires the task force to report its findings to the Transportation Interim Committee on a specified date; and
- >makes technical changes.

S.B. 61 Privately Owned Health Care Organization Task Force (Michael G. Waddoups)

This bill creates the Privately Owned Health Care Organization Task Force.

This bill:

- >establishes a legislative task force to study:
 - market penetration, geographic distribution, and contracting arrangements of integrated health care systems in the health insurance and health care markets in the state;
 - the impact of divestiture of integrated health care systems in the health care market in the state;
 - state policies that promote fair and appropriate competition in the health care market, including the adequacy and application of antitrust provisions to health care organizations;
 - business and financial practices of health care organizations and how they may impede or enhance a fair and competitive health care market place and impact consumers;
 - the tax exempt status of nonprofit health care organizations;
 - the statutory definition of charitable care;
 - the contracting practices of health care organizations that promote cost-effective health care;
 - the need for consumer protections from health care provider conflicts of interest; and
 - the impact of proliferation of medical technology and facilities; and
- >provides an exception to the Open and Public Meetings Act which permits the task force to close a meeting for the purpose of a discussing a record which is a trade secret or contains commercial information and is designated as a protected record under the Government Records Access and Management Act.

S.B. 153 Tax Reform Task Force (Curtis S. Bramble)

This bill creates the Tax Reform Task Force.

This bill:

- €provides for the appointment of members and cochairs of the task force;
- €provides procedures and requirements for the operation of the task force;
- €provides for the payment of salaries and expenses of members of the task force who are legislators;
- €provides for the payment of per diem and expenses for members of the task force who are not legislators;
- €provides that the Office of Legislative Research and General Counsel shall provide staff support to the task force;
- €prescribes the scope of the task force's study; and
- €requires the task force to make reports to the Revenue and Taxation Interim Committee.

Technology

H.B. 109 Information Technology Governance Amendments

(David Clark)

This bill consolidates information technology services and governance in the executive branch of state government into one department.

This bill:

- >phases out the existing information technology governance structure in the executive branch of state government over a one-year period;

- >creates the Department of Technology Services which includes:

- an executive director, who serves as the chief information officer;

- the Division of Enterprise Technology;

- the Division of Integrated Technology including the Automated Geographic Reference Center;

and

- the Division of Agency Services;

- >funds the department through an internal service fund;

- >maintains merit status for employees whose functions are transferred to the department, and requires nonmerit status for an employee who is hired for a new position with the department;

- >defines terms;

- >establishes the purpose and duties of the department;

- >creates an advisory board to the department and defines its duties;

- >requires an annual executive branch strategic technology plan;

- >requires annual agency information technology plans;

- >requires the approval of certain technology procurement by the chief information officer;

- >gives rulemaking authority to the executive director of the department;

- >requires the chief information officer to coordinate the development of technology between executive branch agencies;

- >authorizes the chief information officer to delegate functions of the department to an agency under certain conditions;

- >authorizes the chief information officer to assign department staff to work in-house for an executive branch agency;

- >establishes a rate committee;

- >requires executive branch agencies to subscribe to services of the department and permits other branches and public and higher education to subscribe to services of the department;

- >establishes the duties of the Division of Enterprise Technology;

- >establishes the duties of the Division of Integrated Technology;

- >transfers the Automated Geographic Reference Center to the department;

- >establishes the duties of the Division of Agency Services;

- >establishes the process and authority for the transition of the technology assets and functions in the executive branch of government into the Department of Technology Services;

- >repeals the Division of Information Technology Services on July 1, 2006;

- >amends state officers compensation to add the director of the department; and

- >makes conforming and technical amendments.

Transportation

H.B. 49 Bicycle Safety Provisions

(Rosalind J. McGee)

This bill modifies the Motor Vehicles Code by enacting a provision related to operating a motor vehicle near a bicycle.

This bill:

prohibits an operator of a motor vehicle from knowingly, intentionally, or recklessly operating a motor vehicle within three feet of a moving bicycle, unless the operator of the motor vehicle operates the motor vehicle within a reasonable and safe distance of the bicycle.

S.B. 5 Traffic Code Recodification and Revisions

(Sheldon L. Killpack)

This bill recodifies the Traffic Code.

This bill:

- >updates statutory language to conform to current legislative styles;
- >renumbers sections and organizes parts; and
- >makes technical changes.

S.B. 8 Local Corridor Preservation Funding

(Sheldon L. Killpack)

This bill modifies the Transportation Code and Motor Vehicles Code by creating the Local Transportation Corridor Preservation Fund and establishing a revenue source and an approval process for preservation projects for certain county and municipal governments.

This bill:

- >allows a county legislative body to impose up to a \$20 local option transportation corridor preservation fee on motor vehicle registrations and renewals of registration;
- >requires that revenues from the fee be:
 - deposited in the Local Transportation Corridor Preservation Fund; and
 - allocated for each county based on the total revenue received from the fee;
- >defines council of governments and metropolitan planning organizations;
- >allows fund monies to be used by counties that are not within a metropolitan planning organization for countywide transportation planning with certain limitations;
- >provides that monies from the fee are a grant to each county provided that the state is not charged for any asset purchased with the monies;
- >provides that unless otherwise provided by written agreement, the highway authority that holds the deed to the property is responsible for maintenance of the property and that transfer of ownership of property acquired shall be done with a written agreement;
- >provides that fund monies may be used to pay maintenance costs of properties acquired limited to a total of 5% of the purchase price of the property;
- >requires the department to develop and implement a program to educate highway authorities on the objectives, application process, use, and responsibilities of the fund monies;
- >requires the department to develop a model transportation corridor property acquisition policy or ordinance that meets federal requirements;
- >requires the department to authorize the expenditure of fund monies after determining that the expenditure is being made in accordance with certain provisions from applications by a highway authority and endorsed by the council of governments;
- >allows a council of governments to establish prioritization and application procedures for use of the monies allocated to each county;
- >requires all fund monies to be prioritized by each highway authority and council of governments based on certain provisions;
- >prohibits a highway authority from applying for fund monies unless the highway authority has:
 - a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements unless the highway authority has a written agreement with the department for acquisition of property; and
 - an access management policy or ordinance in effect that meets certain requirements; and
- >makes technical changes.

S.B. 42 Alcohol Restricted Drivers

(Carlene M. Walker)

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions related to certain persons operating a vehicle with any measurable or detectable amount of alcohol in the person's body.

This bill:

- >changes the restricted blood alcohol content level for certain persons and changes the violation from a driving under the influence violation to an alcohol restricted driver violation;
- >defines certain persons as alcohol restricted drivers;
- >provides that it is a class B misdemeanor for an alcohol restricted driver to drive a vehicle with any measurable or detectable amount of alcohol in the person's body;
- >requires a peace officer to warn a person that has been placed under arrest for refusing to submit to a chemical test for alcohol or drugs that a refusal to submit to a chemical test for alcohol or drugs may result in a five or ten-year prohibition of the person driving with any measurable or detectable amount of alcohol in the person's body;
- >provides that a peace officer may impound a vehicle for certain violations;
- >prohibits the Driver License Division from issuing, reinstating, or renewing a driver license in the form of a no alcohol conditional license beginning on July 1, 2005;
- >repeals provisions regarding:
 - no alcohol conditional licenses beginning on July 1, 2015; and
 - coded licenses beginning on July 1, 2005; and
- >makes technical changes.

S.B. 227 Public Safety Driving Privilege and Identification Card Amendments

(Curtis S. Bramble)

This bill modifies the Public Safety Code by amending driver license and identification card provisions.

This bill:

- >requires the Driver License Division to make rules for acceptable documentation of an applicant's identity, Utah residency, Utah residence address, proof of legal presence, and proof of citizenship;
- >prohibits the Driver License Division from issuing a driver license, driving privilege card, or identification card to a person who is not a Utah resident;
- >defines driving privilege card as the evidence of the privilege granted to drive a motor vehicle;
- >requires the Driver License Division to:
 - only issue a driving privilege card to a person who did not use a Social Security number to obtain a driving privilege; and
 - distinguish a driving privilege card from a license certificate by:
 - use a format, color, font, or other means to clearly distinguish the driving privilege card from other driver licenses; and
 - clearly display on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION";
- >prohibits a governmental entity from accepting a driving privilege card as proof of personal identification;
- >repeals, as a substitute for a Social Security number, the use of a temporary identification number (ITIN) issued by the Internal Revenue Service for purposes of obtaining an identification card issued by the Driver License Division;
- >provides that a driver license certificate expires on the person's next birthday after July 1, 2005 if:
 - the driver license was obtained without using a Social Security number; and
 - the driver license certificate or driving privilege card is not distinguished in certain ways by the division;
- >provides that a driving privilege card expires on the birth date of the applicant each year;
- >provides that an identification card that was obtained without using a Social Security number expires on July 1, 2005; and
- >make technical changes.

Workforce Services Code

H.B. 10 Employment Security Act Amendments

(David N. Cox)

This bill modifies the Employment Security Act as related to employer unemployment experience ratings.

This bill:

- >conforms state law to newly enacted federal law aimed at prohibiting state unemployment tax avoidance;

- >defines taxable wages and unemployment experience for purposes related to an employer's overall basic contribution rate, including the acquisition of the unemployment experience of another employer;

- >provides for assignment of rates and unemployment experience transfers upon the transfer or acquisition of a trade or business;

- >provides penalties for a person who violates or attempts to violate provisions related to determining the assignment of a contribution rate; and

- >provides that a violation may be prosecuted for unemployment insurance fraud.