

# Selected Highlights of the 2004 General Session

prepared by the Office of Legislative Research and General Counsel

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## AGRICULTURE, ENVIRONMENT, AND NATURAL RESOURCES

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### **H.B. 71**      **Water Conservation Plans** (Rep. J. Buffmire)

This bill amends certain provisions related to water conservation plans.

This bill:

- ▶ provides for publishing of a report identifying entities who do not have a current water conservation plan;
- ▶ requires that water conservation plans contain existing and proposed water conservation measures;
- ▶ requires that water conservation plans contain a description of the extent to which a retail provider will use certain measures to achieve its conservation goals;
- ▶ requires that water conservation plans contain a clearly stated water use reduction goal and implementation plan for each conservation measure, including a timeline for action and an evaluation process to measure progress; and
- ▶ requires that the Board of Water Resources' report be presented to the Natural Resources, Agriculture, and Environment Interim Committee at its November 2004 meeting.

### **H.B. 88**      **State Land Use Management Plans** (Rep. B. Johnson)

This bill modifies the duties of the state planning coordinator to require the state planning coordinator to consider certain findings 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 on federal lands; and
- ▶ establishes considerations for recognition of state and local interests in the federal land use management process.

### **H.B. 123**      **Drug Lab Cleanup and Disclosure** (Rep. D. Litvack)

This bill provides procedures for local health departments regarding property contaminated by illegal drug operations.

This bill:

- ▶ requires law enforcement agencies to report contaminated property locations to the local health department;
- ▶ requires the local health departments to make these reports available to the public, as advisory information only;
- ▶ requires the local health department to notify the property owner of the report, and also to notify the county or municipality if the property owner is not taking action regarding the contamination;
- ▶ directs the state Department of Health to make rules that include certification

- ▶ standards regarding the decontamination of contaminated property;
- ▶ requires the Department of Environmental Quality to establish a certification program for decontamination specialists;
- ▶ requires clean-up of contamination and certification that a contaminated property has been cleaned up;
- ▶ establishes a program to certify specialists who provide evaluation, sampling, and clean-up of contaminated properties; and
- ▶ includes in the real estate definition of stigmatized property that is not subject to disclosure contaminated property that has been decontaminated.

**H.B. 145      *Approval Required for Disposal of Radioactive Waste (Rep. S. Urquhart)***

This bill requires legislative and gubernatorial approval before a radioactive waste facility may receive certain types or concentrations of radioactive waste and amends radioactive waste tax provisions.

This bill:

- ▶ defines terms related to the regulation of radioactive waste facilities;
- ▶ deletes certain outdated provisions relating to approval for radioactive waste facilities;
- ▶ amends certain approval requirements regarding radioactive waste facilities;
- ▶ requires the approval of the Legislature, governor, and local governing body responsible for planning and zoning before a radioactive waste facility may receive specified types or concentrations of radioactive wastes;
- ▶ modifies the gross receipts tax on certain types of mixed waste; and
- ▶ makes technical corrections.

**H.B. 283      *Department of Agriculture and Food Amendments (Rep. D. Ure)***

This bill modifies the Agriculture Code by amending provisions relating to weights and measures, registration fees, and the sale of raw milk.

This bill:

- ▶ amends conditions under which raw milk may be sold;
- ▶ requires food establishments and entities using weights and measures in commerce or trade to be registered by the Department of Agriculture and Food;
- ▶ enacts conditions for registration and allows the Department of Agriculture and Food to charge registration fees;
- ▶ designates fees as dedicated credits;
- ▶ designates information regarding food security assessments as a protected record under the Government Records Access and Management Act; and
- ▶ makes technical corrections.

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**APPROPRIATIONS**

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**H.B. 1      *Supplemental Appropriations Act (Rep. R. Bigelow)***

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2003 and ending June 30, 2004.

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;
- ▶ amends previously approved internal service fund employment levels and capital

**H.B. 2      *General Obligation Bonds Authorizations (Rep. L. Pace)***

This bill authorizes the issuance of general obligation bonds for certain capital facilities.

This bill:

- ▶ modifies the Bonding Code by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for capital facilities and for certain related facilities;
- ▶ specifies the use of the general obligation bond proceeds and the manner of issuance; and
- ▶ provides expressions of legislative intent.

**H.B. 3      *Supplemental Appropriations Act II (Rep. R. Bigelow)***

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2004 and ending June 30, 2005 and beginning July 1, 2003 and ending June 30, 2004.

**S.B. 1      *Appropriations Act (Sen. L. Blackham)***

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

This bill:

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

**S.B. 3      *Minimum School Program Act Amendments (Sen. H. Stephenson)***

This bill provides funding for the Minimum School Program.

This bill:

- ▶ establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2004-05 of \$1,698,739,911;
- ▶ establishes the value of the weighted pupil unit at \$2,182;
- ▶ appropriates \$27,288,900 to the State Board of Education for fiscal year 2004-05 for school building aid programs for school districts;
- ▶ makes one-time appropriations to the State Board of Education for fiscal year 2003-04 for distribution to charter schools and the Electronic High School;
- ▶ modifies the state guarantee under the voted leeway and board leeway programs;
- ▶ requires that a portion of per pupil funding for charter schools shall be used for funding school facilities;
- ▶ specifies the number of foreign exchange students that may be included in a school district's or charter school's membership and attendance count for the purpose of apportioning state monies;

- ▶ transfers the responsibility for approving exchange student agencies from the State Board of Education to local school boards and charter school governing boards;
- ▶ directs the State Board of Education to make rules providing for fees for adult education; and
- ▶ requires the State Board of Education to use a portion of nonlapsing balances for certain purposes.

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**BUSINESS, LABOR, AND ECONOMIC DEVELOPMENT**

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**H.B. 75**      ***Industrial Assistance Fund Amendments*** (Rep. D. Clark)

This bill modifies and enacts provisions related to the Industrial Assistance Fund.

This bill:

- ▶ provides a definition for economic opportunities;
- ▶ provides that up to 20% of the monies in the Industrial Assistance Fund may be used for economic opportunities; and
- ▶ provides qualifications for entities seeking Industrial Assistance Fund monies for the financing of economic opportunities.

**S.B. 50**      ***Rural Planning and Development*** (Sen. T. Hatch)

This bill creates a number of entities to address rural planning and development issues on a statewide, coordinated basis.

This bill:

- ▶ creates an Office of Rural Development within the Department of Community and Economic Development to help foster and support economic development for the benefit of rural counties and communities;
- ▶ creates a Rural Development Legislative Liaison Committee to serve as liaison between rural economic development and planning groups and state entities and recommend legislation, when appropriate, on the economic and planning interests of rural Utah;
- ▶ creates a Governor's Rural Partnership Board to develop and prepare an annual strategic plan to address rural economic development, planning, and leadership training challenges, opportunities, priorities, and objectives; and
- ▶ creates a Rural Coordinating Committee to coordinate efforts and resources and help implement the strategic plan on rural economic development, planning, and leadership training.

**S.B. 107**      ***Advanced Practice Registered Nurse Modifications*** (Sen. P. Knudson)

This bill enacts the Advanced Practice Registered Nurse Compact and makes modifications to related provisions dealing with advanced practice registered nurses.

This bill:

- ▶ enacts a compact that ensures and encourages the cooperation of party states in the areas of APRN licensure/authority to practice and regulation, including promotion of uniform licensure requirements;
- ▶ provides, under the compact, for the recognition, limitation, and revoking of multistate advanced practice privileges;
- ▶ provides an application process, under the compact, for APRN licensure/authority to practice in a party state;

- ▶ provides, under the compact, for adverse action affecting the multistate advanced practice privilege;
- ▶ grants authority to the Division of Occupational and Professional Licensing, under the compact, to recover costs resulting from adverse actions taken against an APRN and issue cease and desist orders;
- ▶ provides, under the compact, for participation in a cooperative effort to create a coordinated licensure information system of all APRNs; and
- ▶ repeals licensure by endorsement as an advanced practice registered nurse.

**S.B. 132      *Utah Construction Trades Licensing Act - Electrical Licensing Amendments* (Sen. S. Jenkins)**

This bill modifies provisions of the Utah Construction Trades Licensing Act related to the qualifications for licensure as a master electrician and journeyman electrician.

This bill:

- ▶ removes the eight years of practical experience option to qualify for licensure as a master electrician;
- ▶ increases the six years of practical experience option to eight years to qualify for licensure as a journeyman electrician; and
- ▶ provides a grandfather clause.

**S.B. 199      *Outsourcing State Jobs* (Sen. L. Blackham)**

This bill enacts provisions related to business development in rural Utah.

This bill:

- ▶ provides for a smart site program dedicated to the development of technology-based industry in rural Utah in which services that might otherwise be performed by state agencies are outsourced to a smart site enterprise;
- ▶ provides for administration of the program by the Department of Community and Economic Development; and
- ▶ provides incentives to state agencies that award technology-based contracts to smart site enterprises.

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**CONSTITUTION**

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**H.J.R. 12      *Resolution - Exception to Subscribing to Stock Prohibition* (Rep. G. Curtis)**

This joint resolution proposes to amend the Utah Constitution to modify a provision relating to a prohibition against subscribing to stock.

This joint resolution proposes to amend the Utah Constitution to:

- ▶ provide that the state or a public institution of post-secondary education may acquire an equity interest in a private business entity in exchange for certain intellectual property;
- ▶ modify a prohibition relating to lending credit and subscribing to stock or bonds; and
- ▶ make technical changes.

**H.J.R. 25      *Joint Resolution on Marriage* (Rep. L. Christensen)**

This joint resolution of the Legislature proposes to amend the Utah Constitution to add a provision relating to marriage.

This resolution proposes to amend the Utah Constitution to:

- ▶ define marriage as only the union of a man and a woman; and
- ▶ provide that no other domestic status or union is valid or recognized or may be authorized, sanctioned, or given equivalent legal effect.

**S.J.R. 6      *Resolution on Impeachment Authority (Sen. J. Valentine)***

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify provisions relating to impeachment.

This resolution proposes to amend the Utah Constitution to:

- ▶ modify a provision regarding officers subject to impeachment to make justices of the peace subject to impeachment;
- ▶ eliminate a provision limiting to expenses and mileage the compensation that legislators may receive for days beyond the number allowed for annual general or special sessions when trying cases of impeachment;
- ▶ clarify that the House may convene for the purpose of impeachment when not already in an annual general session or a session convened by the governor;
- ▶ clarify that, upon impeachment by the House, the Senate shall, if not already convened in an annual general session, convene for the purpose of trying the impeachment; and
- ▶ make technical changes.

**EDUCATION**

**H.B. 152      *Charter School Governance (Rep. M. Dillree)***

This bill modifies the State System of Public Education Code to create a new entity to authorize charter schools and modify requirements imposed on charter schools.

This bill:

- ▶ creates the State Charter School Board consisting of seven members appointed by the governor;
- ▶ specifies the powers and duties of the State Charter School Board, including the power to:
  - authorize and promote the establishment of charter schools, subject to approval of the State Board of Education; and
  - hold charter schools accountable for their performance;
- ▶ provides for a staff director for the State Charter School Board appointed by the superintendent of public instruction, with the consent of the State Charter School Board;
- ▶ provides for the dissolution of charters with the State Board of Education and directs the State Charter School Board to grant charters to schools previously chartered by the State Board of Education;
- ▶ expands the purposes of charter schools;
- ▶ expands the provisions to be addressed in a school's charter;
- ▶ exempts charter schools from various state laws and rules of the State Board of Education;
- ▶ requires the State Charter School Board to study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt, and submit recommendations to the State Board of Education and the Education Interim Committee; and
- ▶ clarifies the duties of local school boards in authorizing charter schools.

**S.B. 32**      ***Use of Asthma Medication by Pupils in School*** (Sen. P. Arent)

This bill directs a public school to permit a student to possess and self-administer inhaled asthma medication if certain requirements are met.

This bill:

- ▶ directs a public school to permit a student to possess and self-administer prescription or nonprescription, inhaled asthma medication if:
  - the student's parent or guardian provides written authorization and an acknowledgment that the student is responsible for, and capable of, self-administering the asthma medication; and
  - the student's health care provider provides a written statement indicating it is medically appropriate for the student to self-administer asthma medication and be in possession of asthma medication at all times; and
- ▶ requires the Utah Department of Health, in cooperation with the state superintendent of public instruction, to create forms for the parental and health care provider statements for the use by public schools.

**S.B. 40**      ***Cesar Chavez Scholarship Program*** (Sen. J. Evans)

This bill modifies a financial aid program for students who attend postsecondary education institutions in Utah.

This bill:

- ▶ creates the Cesar Chavez Scholarship Program within the Utah Centennial Opportunity Program for Education;
- ▶ specifies qualifications for a Cesar Chavez Scholarship and the amount of the scholarship;
- ▶ appropriates money for the Cesar Chavez Scholarship Program; and
- ▶ makes technical amendments.

**S.B. 51**      ***Education Technology Support for Testing Initiative*** (Sen. L. Blackham)

This bill creates a program to award grants to school districts and charter schools for the online delivery of summative tests required under U-PASS.

This bill:

- ▶ allows the State Board of Education to award grants to school districts and charter schools to implement a system for the online delivery of summative tests required under U-PASS (Utah Performance Assessment System for Students);
- ▶ provides that an online test delivery system shall:
  - be coordinated by the Utah State Office of Education;
  - ensure the reliability and security of U-PASS tests; and
  - be selected through collaboration between Utah State Office of Education and school district representatives with expertise in technology, assessment, and administration;
- ▶ specifies how grant monies may be used; and
- ▶ directs the State Board of Education to make rules.

**S.B. 185**      ***Public Education Amendments*** (Sen. T. Hatch)

This bill modifies the State System of Public Education Code and the Election Code relating to the governance of the public education system and the implementation of competency-based education.

This bill:

- ▶ modifies the membership and terms of the nominating and recruiting committee that selects candidates for membership on the State Board of Education;
- ▶ provides definitions;
- ▶ requires the State Board of Education to assist school districts and charter schools to develop and implement:
  - competency-based education; and
  - the use of gain scores;
- ▶ modifies educator licensing provisions;
- ▶ requires the State Board of Education to develop and use monetary and nonmonetary incentives, tools, and rewards;
- ▶ requires documentation verifying the qualifications of a person before a competency-based license to teach may be issued; and
- ▶ delays the implementation of new curriculum and graduation requirements.

**S.B. 230**      ***Reading Achievement Program (Sen. J. Evans)***

This bill creates the K-3 Reading Improvement Program.

This bill:

- ▶ provides definitions;
- ▶ creates the K-3 Reading Improvement Program to achieve the state's goals of having third graders reading at or above grade level;
- ▶ requires a school district or charter school to:
  - submit a reading proficiency improvement plan to qualify to use program monies; and
  - report on the expenditure of program monies;
- ▶ provides how program monies are to be allocated among qualifying school districts and charter schools;
- ▶ prohibits a school district or charter school from using program monies to supplant funds for existing programs;
- ▶ requires the State Board of Education to make rules to implement the program; and
- ▶ authorizes a local school board leeway to fund a school district's K-3 Reading Improvement Program.

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**ELECTIONS**

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**H.B. 9**      ***Absentee Ballot Amendments (Rep. D. Aagard)***

This bill eliminates barriers to people voting by absentee ballot.

This bill:

- ▶ allows anyone to vote an absentee ballot either by mail or at the election officer's office;
- ▶ establishes requirements for making absentee ballot information available to the public;
- ▶ expands the ability of the county legislative body to administer an election in a voting precinct entirely by absentee ballot; and
- ▶ makes technical corrections.



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**HEALTH AND HUMAN SERVICES**

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**H.B. 36      *Management, Enhancement, and Funding of 911 System* (Rep. B. Dee)**

This bill imposes a fee on wireless and land-based telephones to create a statewide unified emergency 911 system capable of geographically locating a wireless telephone user's location in an emergency.

This bill:

- ▶ creates a 13 cent per month state fee on telephone services for unified statewide E-911 emergency services;
- ▶ provides for the administration, collection, and enforcement of telephone E-911 emergency fees by the State Tax Commission;
- ▶ deposits the telephone fees into a restricted account in the General Fund for unified statewide E-911 emergency services;
- ▶ repeals the advisory Utah 911 Committee in the Bureau of Communications in the Department of Public Safety;
- ▶ creates a new state Utah 911 Committee in the Department of Public Safety to develop state standards for the unified E-911 emergency system and to administer the fund;
- ▶ establishes criteria for the use of the fund to ensure implementation of land-based and wireless E-911;
- ▶ requires the Utah 911 Committee to report annually to the Executive Appropriations Committee;
- ▶ authorizes local governments to increase the local levy on telephone services for 911 emergency services from a maximum of 53 cents per month to a maximum of 65 cents per month;
- ▶ allows exchange carriers some cost recovery for implementing Phase I technology and collecting and administering the levy;
- ▶ reduces the 13 cent state E-911 emergency service fee in 2006 to eight cents;
- ▶ sunsets the state imposed fee on July 1, 2011; and
- ▶ makes technical changes.

**H.B. 60      *Protection of Children in Foster Care* (Rep. D. Litvack)**

This bill modifies Division of Child and Family Services provisions.

This bill:

- ▶ gives the Department of Human Services access to provide a complete case history contained in the Management Information System for the purpose of licensing and monitoring foster parents;
- ▶ gives the Office of the Guardian Ad Litem access only to information about children and families where it has been appointed by a court to represent the interests of the children; and
- ▶ provides restrictions and outlines security required for information in the Management Information System.

**H.B. 179      *Vulnerable Adult Abuse Amendments* (Rep. P. Jones)**

This bill modifies the Offenses Against the Person section of the Utah Criminal Code.

This bill:

- ▶ makes technical changes to provide consistency with other sections of the Utah Code.

**H.B. 218**      **Private Health Insurance - Waiver of Health Condition** (Rep. C. Bennion)

This bill amends the Individual, Small Employer Group Health Insurance Act to create condition-specific exclusion riders.

This bill:

- ▶ takes away the commissioner's rulemaking authority to designate the health conditions that may be excluded from health insurance coverage;
- ▶ establishes in statute the specific health conditions that may be excluded from health insurance coverage;
- ▶ expands what is excluded from coverage by excluding treatment and prescription drugs related to that specific condition; and
- ▶ provides that conditions related to cancer or a mastectomy may not be excluded from coverage.

**H.B. 268**      **Child Welfare Processes** (Rep. M. Thompson)

This bill amends Child and Family Services and the Judicial Code and creates the Office of Child Welfare Parental Defense.

This bill:

- ▶ amends the definition of "protective services";
- ▶ requires notice to parents of their statutory and constitutional rights before conducting a child abuse, neglect, or dependency investigation;
- ▶ sets forth definitions;
- ▶ creates within the Department of Administrative Services the Office of Child Welfare Parental Defense;
- ▶ appoints a director to have supervision, direction, and control over the office;
- ▶ sets forth the duties, functions, and responsibilities of the division;
- ▶ outlines the qualifications, responsibilities, and standards for a parental defense attorney;
- ▶ classifies records of a contracted parental defense attorney as protected and indicates that the records may not be released or made public upon subpoena, search warrant, discovery proceedings, or otherwise;
- ▶ creates the Child Welfare Parental Defense Fund;
- ▶ makes technical corrections to the terms "unsubstantiated" and "substantiated";
- ▶ prohibits a juvenile court from using disability of a parent as a basis for removing a child from the custody of the parent;
- ▶ imposes district court limits on any juvenile court using a parent's disability as a basis for changing a custody award made in district court;
- ▶ expands interdisciplinary child protection team membership;
- ▶ amends preferential placement provisions for children removed from their homes due to abuse, neglect, or dependency;
- ▶ requires the Division of Child and Family Services to accommodate and honor the moral and religious beliefs of those it serves;
- ▶ requires the Division of Child and Family Services to design treatment plans in a manner that minimizes disruption to the normal activities of the child's family;
- ▶ modifies access to juvenile court proceedings;
- ▶ limits the types of identifying information that may be stricken from a record released by the Division of Child and Family Services to specified individuals;
- ▶ requires the Office of the Guardian Ad Litem to make an annual report to the Child Welfare Legislative Oversight Panel;

- ▶ requires recording of unauthorized ex parte communications concerning an ongoing case between a judge and other parties to an abuse, neglect, or dependency proceeding; and
- ▶ makes conforming changes and technical corrections.

**S.B. 68**      ***Prohibition of Public Funding for Abortion*** (Sen. C. Bramble)

This bill modifies the offenses against the family section of the Utah Criminal Code.

This bill:

- ▶ prohibits the state and political subdivisions from using public funds for the performance of an abortion; and
- ▶ provides a penalty for anyone who knowingly authorizes the use of public funds for an abortion.

**S.B. 69**      ***Partial Birth Abortion Amendments*** (Sen. C. Bramble)

This bill modifies sections of the Utah Criminal Code relating to partial birth abortion.

This bill:

- ▶ revises definitions;
- ▶ prohibits and makes criminal and civil penalties for a physician that performs a partial birth abortion;
- ▶ provides and sets limitations on remedies for a father or the maternal grandparents of the fetus;
- ▶ provides that a physician accused of an offense of performing a partial birth abortion is entitled to a hearing before the Physicians Licensing Board or Osteopathic Physician and Surgeon's Licensing Board to determine the necessity of the physician's conduct;
- ▶ providing for contingent continuance of prior law; and
- ▶ makes technical changes.

**S.B. 112**      ***Uniform Anatomical Gift Act Amendments*** (Sen. K. Hale)

This bill amends the Uniform Anatomical Gift Act to add eye and tissue banks to the list of anatomical gift options and to clarify requirements for notice to procurement organizations and consent for donations.

This bill:

- ▶ amends definitions;
- ▶ includes a restriction indicated on the Utah Donor Registry as a method in which an individual can refuse to make an anatomical gift;
- ▶ amends the list of anatomical gift options that must be included in the routine inquiry to include an eye bank and tissue bank;
- ▶ provides that an organ procurement organization must confirm in writing or verbally whether or not a patient is eligible to make an anatomical gift;
- ▶ permits a signature or verbal confirmation of consent to donate from the one having highest priority; and
- ▶ requires law enforcement who find an individual who is deceased to inform an organ procurement organization of the deceased next of kin, if known.

**S.B. 128**      ***Long-term Care Facilities Amendments*** (Sen. L. Blackham)

This bill enacts the Nursing Care Facility Assessment Act to improve the Medicaid reimbursement rate for care given to the elderly and the physically disabled in nursing

care facilities.

This bill:

- ▶ designates the Department of Health as the collecting agent for the nursing care facility assessment; and
- ▶ enacts the Nursing Care Facility Assessment Act which includes:
  - definitions;
  - collection, remittance, and payment of the nursing care facility assessment;
  - penalties for nonpayment or underpayment of the assessment;
  - the creation of a restricted account; and
  - adjustments to the nursing care facility Medicaid reimbursement rate under certain circumstances.

**S.B. 245      *Medical Dispute Resolution Amendments* (Sen. L. Blackham)**

This bill amends provisions related to the resolution of medical malpractice disputes.

This bill:

- ▶ requires notice to a patient regarding:
  - the patient's right to legal counsel in any arbitration proceeding; and
  - an arbitration agreement may not apply to errors and omissions that occurred prior to the date of the arbitration agreement without a specific agreement from the patient;
- ▶ changes the time for rescinding an arbitration agreement from 30 days to ten days;
- ▶ clarifies that medical arbitration agreements are subject to the Uniform Arbitration Act;
- ▶ provides that a patient may require:
  - mandatory mediation before arbitration;
  - retention of jointly selected arbitrators for both the liability and damages part of arbitration when they are bifurcated; and
  - the filing of an arbitration award in district court; and
- ▶ prohibits a health care provider from denying health care to a patient on the sole basis that the patient refused to sign an arbitration agreement.

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**INFORMATION TECHNOLOGY**

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**H.B. 25      *Governmental Internet Information Privacy Act* (Rep. W. Harper)**

This bill modifies the Information Technology Act to enact the Governmental Internet Information Privacy Act.

This bill:

- ▶ enacts provisions governing privacy policies and the collection of personally identifiable information by a governmental entity; and
- ▶ enacts provisions regulating the posting of personally identifiable information on a court website.

**H.B. 323      *Spyware Regulation* (Rep. S. Urquhart)**

This bill enacts provisions within the Commerce and Trade Code relating to certain uses of spyware.

This bill:

- ▶ defines terms;
- ▶ prohibits spyware from delivering advertisements to a computer under certain circumstances;
- ▶ requires spyware to provide removal procedures;
- ▶ allows a website, trademark, or copyright owner to bring an action to enforce the requirements; and
- ▶ requires the Division of Consumer Protection to collect complaints.

**S.B. 66      *Telecommunications Amendments (Sen. J. Hickman)***

This bill modifies the Municipal Cable Television and Public Telecommunications Service Act.

**JUDICIARY**

**S.B. 24      *Marriage Recognition Policy (Sen. D. C. Buttars)***

This bill states that the policy of this state is to only recognize as a marriage the union between a man and a woman.

This bill:

- ▶ creates a marriage recognition policy for the state; and
- ▶ adds the requirement that applicants for a marriage license be a man and a woman.

**S.B. 167      *Victim Restitution Amendments (Sen. G. Bell)***

This bill allows for pretrial orders to preserve property that might be necessary to satisfy an anticipated restitution order in the case of a conviction.

This bill:

- ▶ allows a prosecutor to ask the court to take action to preserve property that might be necessary to satisfy a restitution order;
- ▶ requires notice and opportunity for a hearing be given to persons having an interest in the property;
- ▶ allows notice and opportunity for a hearing to be waived under certain conditions; and
- ▶ limits the time period of the order.

**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**H.B. 180      *Death Penalty Provisions (Rep. S. Allen)***

This bill repeals use of a firing squad as a means of carrying out the death penalty, except in specified situations.

This bill:

- ▶ repeals references to the use of a firing squad, unless execution by lethal injection is found to be unconstitutional.

**S.B. 84      *Party to Felony Offense Enhancement (Sen. M. Waddoups)***

This bill modifies the criminal penalty enhancement provision for certain felonies in the Utah Criminal Code.

This bill:

- ▶ provides for enhanced criminal penalties for a defendant who is a party to a

felony offense in which a dangerous weapon was used in the commission or furtherance of the felony;

- ▶ provides that the trier of fact must find beyond a reasonable doubt that the defendant knew that the dangerous weapon was present; and
- ▶ makes certain technical changes.

**S.B. 175**      ***Protection of Private Lawfully Obtained Property (Sen. D. C. Buttars)***

This bill modifies the Utah Uniform Forfeiture Procedures Act regarding property owner interests, allocation of forfeiture proceeds, and reporting.

This bill:

- ▶ provides additional definitions;
- ▶ increases innocent owner protections;
- ▶ repeals the provision for depositing forfeiture proceeds in the Uniform School fund;
- ▶ creates a restricted account for specified state forfeiture funds, and provides that funds in the account shall be appropriated to the Commission on Criminal and Juvenile Justice;
- ▶ specifies accountability standards in management of forfeited property and of the proceeds;
- ▶ specifies law enforcement purposes for which the proceeds may be used and those purposes for which the proceeds may not be used;
- ▶ specifies standards and procedures for allocation of the proceeds to law enforcement agencies by the Commission on Criminal and Juvenile Justice; and
- ▶ requires reporting by agencies and by the Commission on Criminal and Juvenile Justice.

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**RETIREMENT**

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**H.B. 263**      ***State Retirement System Amendments (Rep. B. King)***

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending purchase of certain service credit provisions.

This bill:

- ▶ allows an option for the purchase of up to five years of service credit for members in the Public Employees' Contributory Retirement System;
- ▶ requires a minimum years of service credit purchase sufficient to allow the member to retire;
- ▶ requires the member to retire immediately after the purchase of service credit;
- ▶ provides that the service credit may be jointly purchased by the member who must pay at least 5% of the cost and the participating employer; and
- ▶ provides for certain eligibility requirements, purchase price for years of service, and a nondiscriminatory purchase policy adopted by the participating employer.

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**REVENUE AND TAXATION**

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**H.B. 273**      ***Tax and Charge Amendments (Rep. W. Harper)***

This bill amends the Sales and Use Tax Act, provisions relating to a municipality's authority to levy a tax on taxable energy for a telecommunications provider, and provisions relating to a county's or municipality's authority to impose an emergency

services telephone charge.

This bill:

- ▶ modifies the municipal energy sales and use tax and the municipal telecommunications license tax to coordinate those taxes with the Streamlined Sales and Use Tax Agreement and state and local sales and use taxes;
- ▶ amends tax penalty provisions including:
  - changing references to the term "vendor" to "seller";
  - clarifying that penalty provisions apply to a seller that fails to remit a tax, fee, or charge monthly; and
  - providing that a seller that fails to remit a tax, fee, or charge by electronic funds transfer is subject to penalties and may not retain the percentage of sales and use taxes that the seller could otherwise retain;
- ▶ provides, amends, and repeals state and local sales and use tax definitions;
- ▶ repeals obsolete language;
- ▶ provides that certain state sales and use tax revenues be deposited into the Remote Sales Restricted Account;
- ▶ repeals language requiring the Division of Finance to deposit any revenues in the Remote Sales Restricted Account into the General Fund;
- ▶ provides that the Remote Sales Restricted Account shall earn interest and that the interest shall be deposited into the account;
- ▶ modifies the sales and use tax exemption for prescription drugs;
- ▶ modifies the exempt sales that are required to be reported to the State Tax Commission;
- ▶ requires certain sellers that file a simplified electronic return with the commission to file a report with the commission, provides the information to be contained in the report, provides a due date for filing the report, provides a penalty for failing to file the report, and authorizes the Utah State Tax Commission to waive, reduce, or compromise the penalty under certain circumstances;
- ▶ amends provisions relating to the collection, remittance, and payment of a tax by a seller;
- ▶ addresses the duties of a certified service provider and a model 1 seller;
- ▶ addresses the sales and use tax liability of a seller or certified service provider that relies on a Utah State Tax Commission database or certain software in collecting and remitting sales and use taxes;
- ▶ requires certain sellers to file returns with the Utah State Tax Commission electronically and to remit a tax, fee, or charge to the Utah State Tax Commission electronically;
- ▶ modifies the amount that a seller required to file a return and remit a tax, fee, or charge to the Utah State Tax Commission monthly may retain;
- ▶ requires the Utah State Tax Commission to make a calculation and make distributions of state and local sales and use tax revenues to local taxing jurisdictions under certain circumstances;
- ▶ provides the circumstances under which a seller that has collected state or local sales and use taxes that exceed the amount of state or local sales and use taxes the seller is required to collect is presumed to have a reasonable business practice;
- ▶ provides for monetary allowance for sellers registered under the Streamlined Sales and Use Tax Agreement;

- ▶ grants rulemaking authority to the Utah State Tax Commission;
- ▶ amends provisions relating to determining the location of certain transactions;
- ▶ amends provisions addressing when a seller or certified service provider that relies on a Utah State Tax Commission database or certain software is not liable for failing to collect state and local sales and use taxes;
- ▶ amends provisions relating to the imposition of taxes on certain accommodations and services;
- ▶ amends provisions relating to the enactment, repeal, or change in the rate of a tax or charge;
- ▶ addresses procedures for administering, collecting, and enforcing state and local sales and use taxes;
- ▶ addresses when a tax rate change in the motor vehicle rental tax takes effect;
- ▶ modifies the local sales and use tax for highways and public transit systems to be in compliance with the Streamlined Sales and Use Tax Agreement and to coordinate that tax with other state and local sales and use taxes;
- ▶ modifies the emergency services telephone charge to coordinate with the Streamlined Sales and Use Tax Agreement and state and local sales and use taxes; and
- ▶ makes technical changes.

**S.B. 19      *Sales and Use Taxes - Exemption for Energy Related Equipment and Machinery* (Sen. L. Blackham)**

This bill amends the Sales and Use Tax Act to provide an exemption for certain energy related machinery or equipment.

This bill:

- ▶ provides definitions;
- ▶ provides an exemption for certain machinery or equipment used to make new or expanding renewable production facilities operational;
- ▶ provides an exemption for certain machinery or equipment used to make new or expanding waste energy facilities operational;
- ▶ provides an exemption for machinery or equipment installed on new or expanding facilities that produce fuel from biomass energy; and
- ▶ makes technical changes.

**S.B. 124      *Prohibition on Sales and Use Tax Incentive Payments by a County or Municipality* (Sen. S. Killpack)**

This bill amends the Cities, Counties, and Local Taxing Units title.

This bill:

- ▶ creates the Prohibition on Sales and Use Tax Incentive Payments Act;
- ▶ defines terms;
- ▶ prohibits a county or municipality from making a sales and use tax incentive payment under an agreement entered into on or after July 1, 2004; and
- ▶ prohibits a county or municipality from entering into an agreement on or after July 1, 2004, to make a sales and use tax incentive payment.

**S.B. 163      *Property Tax - Confidentiality of Certain Information* (Sen. H. Stephenson)**

This bill amends provisions of the Open and Public Meetings chapter and the Revenue and Taxation title relating to confidentiality of information.



This bill:

- ▶ amends and provides definitions;
- ▶ amends the purposes for which a meeting may be closed under the Open and Public Meetings chapter to include discussion of commercial information;
- ▶ provides circumstances under which certain individuals may:
  - disclose information;
  - disclose commercial information; or
  - file a lien;
- ▶ modifies penalty provisions to provide that an officer or employee of the state or a county who violates the property tax confidentiality statute may only be dismissed from office and be disqualified from holding public office for a certain time period if that officer or employee is convicted of violating the property tax confidentiality statute; and
- ▶ makes technical changes.

**S.B. 191**      ***Oil and Gas Related Taxes and Fees*** (Sen. B. Evans)

This bill amends provisions related to fees and severance taxes imposed on oil and gas.

This bill:

- ▶ addresses how a fee on oil and gas is calculated;
- ▶ modifies definition provisions;
- ▶ addresses the imposition of the severance tax on oil and gas including:
  - how the severance tax is calculated;
  - severance tax rates;
  - the valuation of oil and gas for severance tax purposes; and
  - the filing of required statements; and
- ▶ requires the State Tax Commission to conduct a study and report to the Revenue and Taxation Interim Committee and the Utah Tax Review Commission.

**S.B. 250**      ***Class Actions Relating to Taxes or Fees Administered by the State Tax Commission*** (Sen. J. Valentine)

This bill addresses class actions that relate to a tax or fee administered by the State Tax Commission.

This bill:

- ▶ provides a definition;
- ▶ provides limitations on maintaining a class action that relates to a tax or fee administered by the State Tax Commission;
- ▶ establishes requirements for a person to be included as a member of a class in a class action;
- ▶ provides limitations on the amount that may be recovered by members of a class; and
- ▶ provides a severability clause.

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**STATE AND LOCAL AFFAIRS**

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**H.B. 64**      ***Amendments to Local Option Sales Tax*** (Rep. S. Allen)

This bill modifies Revenue and Taxation provisions related to a local option sales tax for funding recreational and zoological facilities and botanical, cultural, and zoological

organizations.

This bill:

- ▶ extends to cities and towns in second class counties the authority to impose a sales tax for funding recreational and zoological facilities and botanical, cultural, and zoological organizations;
- ▶ extends from five to eight years the period for which the sales tax may be levied;
- ▶ requires each election for voter approval of the sales tax to take place at a regular general election or municipal general election; and
- ▶ limits a county from imposing a similar county option sales tax within municipalities that have already imposed the sales tax.

**H.B. 116**      ***Facilities with Regional Impact*** (Rep. R. Becker)

This bill modifies and enacts provisions relating to notice and land use dispute resolution applicable to certain entities in first and second class counties.

This bill:

- ▶ modifies provisions relating to elements of a county or municipality's general plan;
- ▶ requires certain local government entities and certain public utilities to provide notice before preparing or amending a general, long-range, or capital facilities plan;
- ▶ requires certain entities to provide notice of an intent to acquire real property if its intended use is inconsistent with local planning or zoning, unless the entity has previously provided notice of the property's general location; and
- ▶ requires certain entities to provide post-acquisition notice of the acquisition of real property, under certain circumstances.

**H.B. 231**      ***Review and Approval of Federal Monies Received by the State*** (Rep. C. Bennion)

This bill establishes procedures for review and approval of state agency efforts to obtain federal funds or participate in federal programs.

This bill:

- ▶ requires that the governor approve all requests for federal funds originating in executive branch agencies;
- ▶ requires the Judicial Council to approve all requests for federal funds originating in judicial branch agencies;
- ▶ requires that the Executive Appropriations Committee review and approve certain federal funds requests;
- ▶ requires that the Legislature review and approve certain federal funds requests;
- ▶ requires that the appropriations subcommittees and the Executive Appropriations Committee review certain federal funds requests;
- ▶ establishes remedies if state agencies fail to obtain appropriate approvals; and
- ▶ makes technical corrections.

**S.B. 9**      ***Property Rights Amendments*** (Sen. C. Walker)

This bill modifies provisions relating to rights and procedures in eminent domain proceedings and other disputes between a property owner and a governmental entity.

This bill:

- ▶ requires those intending to acquire property by eminent domain to negotiate with

- ▶ and provide a specified written explanation to the property owner beforehand;
- ▶ imposes relocation assistance requirements on nongovernmental persons and entities acquiring property by eminent domain;
- ▶ changes a requirement that displacing agencies enact relocation assistance rules to an authorization to do so and requires those that do not enact rules to comply with Department of Transportation rules on relocation assistance;
- ▶ modifies notice requirements for redevelopment agencies intending to exercise eminent domain;
- ▶ provides that an appraisal obtained by a governmental entity is not a protected record if the governmental entity has initiated negotiations to acquire a single family residence before using eminent domain;
- ▶ exempts takings law actions from specified governmental immunity procedural requirements;
- ▶ changes the title of the private property ombudsman to the property rights ombudsman;
- ▶ imposes reasonable time and reasonable notice requirements on those entering land for examination, survey, and other purposes when the land is subject to being acquired by eminent domain; and
- ▶ prohibits a defendant in an eminent domain action from having to respond to a motion for immediate occupancy before the time for answering the complaint expires, unless the court so orders.

**S.B. 18      *Municipal Annexation Provisions in First Class Counties* (Sen. P. Arent)**

This bill modifies provisions of the Utah Municipal Code relating to municipal annexations in counties of the first class.

This bill:

- ▶ requires proponents of a proposed annexation of an area in a county of the first class to file with the proposed annexing municipality a notice of intent to file an annexation petition;
- ▶ requires the county to mail notice of the proposed annexation to each owner of real property within the area proposed for annexation and within 300 feet of the area proposed for annexation for an annexation in a county of the first class;
- ▶ requires the person or persons who file a notice of intent to pay the cost of the county's mailing notice to property owners;
- ▶ requires each annexation petition proposing to annex an area in a first class county to include a notice to petition signers;
- ▶ authorizes a signer of an annexation petition in a first class county to withdraw the signer's signature; and
- ▶ makes technical changes.

**S.B. 48      *Uniform Firearm Laws* (Sen. M. Waddoups)**

This bill modifies the State Affairs in General title in recognizing the need to provide uniform civil and criminal firearm laws throughout the state.

This bill:

- ▶ reflects current provisions in the Criminal Code that recognize the reservation of authority with the state to regulate firearms; and
- ▶ provides, in conjunction with current state criminal law, that a local authority or entity may not enact, establish, or enforce any ordinance, regulation, rule, or

policy pertaining to firearms that inhibits or restricts the possession or use of firearms on either public or private property, unless specifically authorized by the Legislature by statute.

**S.B. 55**      ***Governmental Immunity Act of Utah*** (Sen. L. Blackham)

This bill enacts a new governmental immunity act.

This bill:

- ▶ defines the scope of liability and immunity of Utah's state and local governments and their employees;
- ▶ defines terms;
- ▶ establishes immunity from suit for injuries that result from the exercise of a government function;
- ▶ waives government immunity from suit for certain specific governmental functions and provides exceptions to certain of those waivers;
- ▶ establishes procedures for making claims against a government entity or employee when an alleged injury has occurred;
- ▶ establishes jurisdiction and venue requirements for actions against government entities and employees;
- ▶ defines certain procedures and requirements for legal actions brought under this chapter;
- ▶ establishes a process for submitting claims for payment to a government entity and authorizes certain options that government entities may use to pay claims;
- ▶ authorizes government entities to self-insure or purchase liability insurance for potential claims against the entity and establishes procedures and requirements for implementing those options;
- ▶ establishes limits on judgments against government entities or employees;
- ▶ addresses legal representation and settlement authority for claims against executive, legislative, and judicial entities and employees;
- ▶ establishes a process for defending employees generally when claims are asserted against them and defines the scope of that representation; and
- ▶ makes technical corrections.

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**TASK FORCES**

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**H.B. 28**      ***Transportation Planning Task Force Reauthorization*** (Rep. R. Lockhart)

This bill reauthorizes, for one year, the Transportation Planning Task Force created in 2003.

This bill:

- ▶ establishes a legislative task force to study transportation needs and funding for the next 10 and 20-year time frame;
- ▶ establishes task force membership, duties, and salaries and designates staff for the task force;
- ▶ requires the task force to prepare a report; and
- ▶ requires the task force to report its findings to the Transportation Interim Committee on a specified date.

**H.B. 168**      ***Individual Income Tax and Corporate Franchise and Income Tax Task Force*** (Rep. W. Harper)

This bill creates the Individual Income Tax and Corporate Franchise and Income Tax 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 number of times the task force may meet;
- ▶ prescribes the issues that the task force shall study;
- ▶ authorizes issues that the task force may study; and
- ▶ requires the task force to present a final report to the Revenue and Taxation Interim Committee.

**H.B. 247**      ***Task Force Studying Water Issues*** (Rep. M. Styer)

This bill creates the Water Issues Task Force and provides for task force membership, purposes, and compensation.

This bill:

- ▶ creates the Water Issues Task Force;
- ▶ provides for membership of the task force and compensation for members;
- ▶ specifies duties and responsibilities of the task force; and
- ▶ specifies issues that the task force will review.

**S.B. 154**      ***School Building Legislative Task Force*** (Sen. H. Stephenson)

This bill creates the School Building Legislative Task Force.

This bill:

- ▶ provides for membership of the task force and compensation of members;
- ▶ outlines the responsibilities and duties of the task force;
- ▶ provides for a final report to the Education Interim Committee; and
- ▶ provides for staffing the task force.

**S.B. 240**      ***Motion Picture Task Force*** (Sen. R. Allen)

This bill creates the Utah Motion Picture 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;
- ▶ provides duties for the task force;

- ▶ prescribes the number of times the task force may meet; and
- ▶ requires the task force to present a final report to the Revenue and Taxation and Workforce Services and Community and Economic Development Interim Committees.

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## TRANSPORTATION

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**H.B. 128**      ***Amendments to Operating Under the Influence (Rep. D. Love)***

This bill modifies the Motor Vehicles Code, the Public Safety Code, and the Transportation Code to amend provisions relating to operating a vehicle or aircraft while under the influence.

This bill:

- ▶ provides that the illegal per se limit of blood or breath alcohol concentration is .05 for a driving under the influence conviction if a person:
  - is 21 years of age or older;
  - has a passenger under 16 years of age in the vehicle; and
  - has had a prior driving under the influence conviction;
- ▶ provides that chemical analysis of a person's oral fluids is an authorized chemical test under the implied consent provisions;
- ▶ requires the commissioner of the Department of Public Safety to establish standards for the administration, interpretation, and training of chemical analysis of oral fluids;
- ▶ provides that a person is guilty of a class B misdemeanor if the person:
  - is driving while the person's license has been suspended, disqualified, or revoked for a driving under the influence violation; and
  - has any amount of alcohol in the person's body;
- ▶ provides sentencing requirements for driving on a license suspended for certain violations with any amount of alcohol in the body;
- ▶ provides that a driver license can be suspended for an additional period for driving on a license suspended for certain violations with any amount of alcohol in the body;
- ▶ requires the Commission on Criminal and Juvenile Justice to study child endangerment for driving under the influence violations and report to the Transportation Interim Committee on or before the November 2004 interim meeting; and
- ▶ makes technical changes.

**S.B. 20**      ***Driving Under the Influence Amendments (Sen. C. Walker)***

This bill modifies the Motor Vehicles Code and the Code of Criminal Procedure by amending driving under the influence related provisions.

This bill:

- ▶ provides that an attorney with felony jurisdiction over the defendant must approve a plea of guilty or no contest to a possible felony DUI charge;
- ▶ amends the definition of conviction to:
  - include a violation by a person that knowingly and intentionally has any amount of a controlled substance in the person's body and operates a vehicle in a negligent manner causing serious bodily injury or death; and
  - provide that a plea which is held in abeyance is the equivalent of a

- conviction for purposes of enhancement of penalties for DUI offenses and for purposes of expungement;
- ▶ amends and redefines screening and assessment and provides that an assessment shall be ordered if found appropriate in a screening;
- ▶ provides that until June 30, 2006, a plea to a DUI charge may be held in abeyance only in certain circumstances;
- ▶ beginning on July 1, 2006, prohibits all pleas in abeyance for driving under the influence violations;
- ▶ provides sunset provisions;
- ▶ provides that a court may not expunge a person's record:
  - for a conviction of an automobile homicide or a felony DUI violation; or
  - within ten years for a felony violation by a person that knowingly and intentionally has any amount of a controlled substance in the person's body and operates a vehicle in a negligent manner causing serious bodily injury or death or for the equivalent of a misdemeanor DUI conviction;
- ▶ requires the Commission on Criminal and Juvenile Justice to study pleas in abeyance for driving under the influence violations and report to the Transportation Interim Committee; and
- ▶ makes technical changes.

**S.B. 166      *Off-highway Vehicle Registration Provisions (Sen. T. Hatch)***

This bill modifies the Motor Vehicles Code to amend off-highway vehicle registration provisions.

This bill:

- ▶ requires the Motor Vehicle Division to assign an off-highway vehicle registration number to each registered off-highway vehicle;
- ▶ requires the owner of an off-highway vehicle to affix and display the off-highway vehicle registration number assigned by the Motor Vehicle Division;
- ▶ provides requirements for readability and display of off-highway vehicle registration numbers and registration stickers;
- ▶ requires a registered off-highway vehicle to have a registration sticker that uniquely identifies the off-highway vehicle;
- ▶ requires replacement of lost or illegible off-highway vehicle registration stickers;
- ▶ prohibits a person from altering or defacing a registration sticker, registration card, permit, or off-highway vehicle registration number issued for an off-highway vehicle;
- ▶ requires the replacement of a lost, stolen, or illegible registration sticker issued for an off-highway vehicle;
- ▶ repeals provisions making a violation of off-highway vehicle related rules made by the Board of Parks and Recreation a class C misdemeanor;
- ▶ allows a county as well as a municipality to adopt ordinances for certain off-highway vehicle operators;
- ▶ clarifies provisions related to designating and posting areas and highways open to off-highway vehicle use; and
- ▶ makes technical changes.

**S.B. 170**      **Public Transit District Amendments** (Sen. J. Evans)

This bill modifies the Special Districts Code and the Utah Public Transit District Act to amend provisions relating to transit districts serving a population of more than 200,000 people.

This bill:

- ▶ requires transit districts serving a population of more than 200,000 people to send a copy of its tentative budget and notice of the time and place for its budget hearing to each of its constituent entities 30 days prior to final adoption;
- ▶ requires transit districts serving a population of more than 200,000 people to send a copy of its annual audit report within 30 days after its presentation to the board;
- ▶ provides procedures for reapportioning representation on the board of trustees following a decennial census;
- ▶ provides board members for transit districts serving a population of more than 200,000 people shall serve for two-year terms instead of three-year terms and for up to three consecutive terms instead of two consecutive terms;
- ▶ repeals a prohibition that an elected official may not serve on the board of trustees;
- ▶ allows board members to be recalled for any reason, not just for cause, and provides procedures for recalls and resignations of board members;
- ▶ requires the board to submit agendas, notices, and minutes of board meetings to each constituent entity within certain time frames;
- ▶ provides that a municipality or county is not prohibited from providing certain transportation services; and
- ▶ makes technical changes.

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**WORKFORCE SERVICES**

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**H.B. 8**      **Unemployment Insurance Benefits - Social Security Benefits Offset** (Rep. D. Cox)

This bill modifies the unemployment insurance benefits provision of the Employment Security Act.

This bill:

- ▶ reduces the offset of Social Security benefits against weekly unemployment compensation from 100% to 50%; and
- ▶ provides that the reduced offset operates for a three-year period.

**S.B. 202**      **Unemployment Insurance Amendments** (Sen. H. Stephenson)

This bill provides the manner in which an employer's unemployment insurance social contribution rate is to be calculated and the manner in which an employer's overall unemployment insurance contribution rate is to be determined.

This bill:

- ▶ provides the manner in which an employer's unemployment insurance social contribution rate is to be calculated on or after January 1, 2005, and sets the rate for the 2004 rate year;
- ▶ provides the manner in which an employer's overall unemployment insurance contribution rate is to be determined;
- ▶ sets the employee maximum weekly unemployment benefit amount at 62.5% of



- ▶ the insured average fiscal year weekly wage; and provides that monies received from the federal government under Section 903 of the Social Security Act, as amended, may not be considered in establishing the reserve factor for the purpose of determining employers' contribution rates.