

Selected Highlights of the 2006 General Session

prepared by the Office of Legislative Research and General Counsel
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Appropriations

H.B. 1 Current Fiscal Year Supplemental Appropriations Act (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 the use and support of certain institutions of higher education;
- >provides budget increases and decreases for other purposes as described;
- >provides intent language.

H.B. 3 Appropriation Adjustments (Ron Bigelow)

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, 2006 and ending June 30, 2007.

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 2006 General Session;
- >provides budget increases and decreases for other purposes as described;
- >provides intent language.

H.B. 4 State Agency and Higher Education Compensation Amendments (Ron Bigelow)

This bill supplements or reduces appropriations previously provided for the use and operation of state government by making certain adjustments to compensation for state and higher education employees for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

This bill:

- >provides budget increases and decreases for the compensation of state employees not including school district personnel;
- >provides for a 2.5% cost of living allowance for state employees, judges, elected officials, and higher education employees not including school district personnel;
- >provides for an additional 1% cost of living allowance for state employees in exchange for changes in health insurance benefits equivalent to the cost of a 0.5% cost of living allowance;
- >provides for an additional 0.5% cost of living allowance for judges and elected officials in exchange for changes in health insurance benefits;
- >provides for a 2.5% cost of living allowance for local providers;
- >provides for an increase in the premiums charged for state and higher education employee health benefits;
- >provides for an increase in the cost of retirement for state and higher education employees not including school district personnel;
- >provides for changes in the rates charged state agencies to cover termination costs and post retirement benefit costs;

S.B. 1 State Agency and Higher Education Base Budget Appropriations (Lyle W. Hillyard)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

This bill:

- >provides appropriations for the use and support of certain state agencies;
- >provides appropriations for use and support of certain institutions of higher education;
- >provides appropriations for other purposes as described;
- >approves for internal service funds employment levels and capital acquisition amounts.

**S.B. 4 New Fiscal Year 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, 2006 and ending June 30, 2007.

This bill:

- >provides appropriations for the use and support of certain state agencies;
- >provides appropriations for the use and support of certain institutions of higher education;
- >provides appropriations for other purposes as described;
- >provides intent language;
- >approves employment levels for internal service funds;
- >approves capital acquisition amounts for internal service funds;
- >authorizes rates and fees.

Bonds

S.B. 75 U Star Initiative

(L. Alma Mansell)

This bill establishes a process for a Utah Science Technology and Research Initiative, authorizes the issuance of general obligation bonds for the construction of research buildings at Utah State University and the University of Utah, and appropriates monies for construction, administration, and operations.

This bill:

- >defines the intended scope of the Utah Science Technology and Research Project, including:
 - construction of research buildings at Utah State University and the University of Utah;
 - the creation of a technology outreach program delivered at strategic locations around Utah;
 - the funding of research teams to conduct science and technology research; and
 - requirements governing how revenues generated from the project will be allocated between the state, Utah State University, and the University of Utah;
- >creates the Utah Science Technology and Research Governing Authority, defines its membership and its powers and duties;
- >creates the Utah Science Technology and Research Governing Authority Advisory Council and defines its membership and its powers and duties;
- >authorizes the Utah Science Technology and Research Governing Authority to hold title to its property;
- >modifies the Bonding Code by authorizing the issuance and sale of \$111,100,000 in general obligation bonds by the State Bonding Commission for construction of a Bio Innovations Research Institute at Utah State University and a Neuroscience and Biomedical Technology Research Building at the University of Utah;
- >specifies the use of the general obligation bond proceeds and the manner of issuance;
- >provides expressions of legislative intent; and
- >establishes a salary range for the executive director of the Utah Science Technology and Research Governing Authority.

S.B. 236 Revenue Bond and Capital Facilities Authorizations and General Obligation Bond Authorization Amendments

(John W. Hickman)

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds or to build capital facilities using agency or institutional funds and amends certain prior authorizations.

This bill:

- >authorizes the issuance of revenue bonds by the State Building Ownership Authority and the State Board of Regents;
- >authorizes other capital facility construction from agency or institutional funds;
- >modifies existing general obligation bond authorizations; and
- >modifies certain prior authorizations for revenue bonds and capital facility construction.

Business

H.B. 9 Workers' Compensation Studies Including Coverage of Firefighters and Drug Officers (Joseph G. Murray)

This bill modifies the Utah Labor Code to provide for a study of the medical causality between exposure of firefighters and drug officers and certain diseases.

This bill:

- >provides for use of monies in the Workplace Safety Account to study certain workers' compensation issues;
- >provides for the study of certain workers' compensation issues; and
- >makes technical changes.

H.B. 72 Workers' Compensation for the State (Gordon E. Snow)

This bill amends the Insurance Code, the Utah Labor Code, and the Utah Administrative Services Code to address workers' compensation coverage for the state.

This bill:

- >addresses the makeup of the Workers' Compensation Fund's board of directors;
- >beginning July 1, 2007, deletes the requirement that state entities pay the Workers' Compensation Fund for workers' compensation coverage;
- >beginning July 1, 2007, establishes requirements for the state to secure the payment of workers' compensation benefits for its employees;
- >addresses duties of the risk manager;
- >addresses the application to the state of certain statutes applicable to self-insured employers; and
- >makes conforming amendments and technical changes.

S.B. 58 Alcoholic Beverage Amendments - Eliminating Alcohol Sales to Youth (Peter C. Knudson)

This bill modifies the Alcoholic Beverage Control Act and related statutes to address state policy in funding the Alcoholic Beverage Enforcement and Treatment Restricted Account and issues relating to preventing the sale of alcohol to minors.

This bill:

- >amends definitions;
- >clarifies the statewide public purpose of appropriations from the Alcoholic Beverage Enforcement and Treatment Restricted Account and the licenses considered in calculation formulas under from that account;
- >modifies provisions related to alcohol training and education seminars including:
 - training for persons who sell or directly supervise the sale of beer for an off-premise beer retailer that sells beer for off-premise consumption; and
 - penalties if certain individuals fail to complete an alcohol training and education seminar;
- >imposes requirements on off-premise beer retailers;
- >requires the creation of a tracking system for violations related to the sale of alcoholic beverages to a minor;
- >addresses penalties related to the sale of alcoholic beverages to a minor;
- >modifies the duties of certain state agencies;
- >modifies provisions related to the investigation of the sales of alcohol or tobacco to underaged individuals; and
- >makes technical changes.

S.B. 71 Consumer Credit Protection (Carlene M. Walker)

This bill addresses consumer credit protections.

This bill:

- >defines terms;
- >allows a consumer to place a security freeze on the consumer's credit report;
- >outlines the method for placing and removing a security freeze;
- >provides exceptions;
- >prohibits the release of a credit report that is subject to a security freeze, except in certain instances;
- >allows certain fees to be charged in connection with a security freeze;
- >governs changes to a credit report that is subject to a security freeze;
- >prohibits some uses of a consumer's personal information; and
- >provides for enforcement.

Community, Culture, and Economic Development

H.B. 40 Expenditures for Tourism, Recreation, Cultural, and Convention Facilities and Activities

(J. Stuart Adams)

This bill modifies provisions related to revenue sources and expenditures for tourism, recreation, cultural, and convention facilities and activities.

This bill:

- >requires an audit of and report on the use of tourism, recreation, cultural, and convention facilities tax funds imposed by the legislative body of a county;
- >modifies provisions related to the composition and duties of county tourism tax advisory boards;
- >provides that the report on the use of transient room tax funds and tourism, recreation, cultural, and convention facilities tax funds shall include a breakdown of expenditures of the tax funds into designated categories;
- >provides that a copy of the report shall be forwarded to the Governor's Office of Economic Development, the county's tourism tax advisory board, and the Office of the Legislative Fiscal Analyst; and
- >makes certain technical changes.

Driver License

H.B. 158 Sex Offender Amendments

(Brad L. Dee)

This bill modifies the Uniform Driver License Act, Utah Criminal Code, and the Code of Criminal Procedure by amending provisions related to sex offenders.

This bill:

- >amends definitions;
- >provides that a driver license or identification card expires on the birth date of the applicant in the first year following the date that the driver license or identification card was issued if the person is required to register as a sex offender;
- >provides that an applicant for a driver license or identification card shall indicate on the application whether the applicant is required to register as a sex offender;
- >provides that if a person is currently required to register as a sex offender and the person has applied for and received a driver license or identification card:
 - the person's driver license or identification card expires on the person's next birth date beginning on July 1, 2006;
 - the person shall surrender the person's driver license or identification card on or before the person's next birth date beginning on July 1, 2006; and
 - the person may apply for a driver license or identification card with a one-year expiration date;
- >provides that if a person is convicted of a registerable sex offense after the person has applied for a driver license or identification card, the person:
 - shall surrender the person's driver license or identification card on the person's next birth date following conviction; and
 - may apply for a driver license or identification card with a one-year expiration date;
- >requires the Driver License Division to keep on its computerized records the applicant's indication whether the applicant is required to register as a sex offender;
- >provides that it is a class A misdemeanor if a person knowingly fails to comply with the driver license or identification card indication or license surrender provisions for registered sex offenders;
- >prohibits the Driver License Division from granting an extension for a license certificate issued with a one-year expiration date to someone required to register as a sex offender;
- >prohibits sex offenders from obtaining a reduction of the offender's conviction while registration requirements exist;
- >provides that a sex offender convicted in any other state or by the United States government shall register with the Department of Corrections within ten days after entering the state;
- >provides that a sex offender shall register with the Department of Corrections within five days of every change of the sex offender's place of habitation or vehicle or education information;
- >requires an agency in the state that registers certain sex offenders to notify the offender of the duty to comply with the driver license or identification surrender and application provisions;
- >requires any person who is required to register in another state or by the United States to register with the state if the person is in the state for ten days;
- >changes the annual registration period during which certain sex offenders shall register;
- >extends the registration requirements for certain offenses from ten years to lifetime;
- >amends the penalty for failing to register for certain sex offenders;
- >extends notification requirements to offenders working in all educational institutions;
- >repeals a provision that prohibits members of the public from publicizing the sex offender registry information;
- >requires the state to maintain the registry on the Internet and index it by surname and postal codes; and
- >makes technical changes.

Economic Development

H.B. 131 Economic Development Incentives

(Brad L. Dee)

This bill repeals a provision of the Economic Development Incentives Act related to not qualifying for financial assistance from the Industrial Assistance Fund.

This bill:

>repeals the provision in the Economic Development Incentives Act that precludes a project qualified to receive partial rebates of new state revenues generated by the project under the Act from receiving additional financial assistance from the Industrial Assistance Fund.

Education

H.B. 77 School District Boundaries

(David N. Cox)

This bill modifies procedures related to the creation of a new school district.

This bill:

- >allows the governing body of certain cities and counties to submit for voter approval a proposal to establish a new school district;
- >imposes requirements for the filing and processing of a petition or request to create a new school district;
- >requires the county legislative body to make district boundary changes when voters approve a new school district;
- >provides for transfer of property and indebtedness of affected districts consistent with procedures for other types of school district boundary changes;
- >provides for certain treatment of transferred employees of affected districts; and
- >makes technical changes.

H.B. 151 Adjustments in Funding for Concurrent Enrollment

(Margaret Dayton)

This bill adjusts partial tuition for concurrent enrollment courses and modifies the distribution of the annual appropriation for accelerated learning programs.

This bill:

- >authorizes a student to be charged a per credit hour partial tuition for concurrent enrollment higher education courses offered in public schools; and
- >makes technical corrections.

H.B. 181 Education Reform

(Stephen H. Urquhart)

This bill provides stipends for supplemental instruction to students who have not passed the Utah Basic Skills Competency Test, funding to implement proposals to improve mathematics achievement test scores in grades four through six, and modifications to the Utah Orderly School Termination Procedures Act.

This bill:

- >specifies eligibility requirements for students to receive a stipend for basic skills education;
- >establishes stipend amounts;
- >requires basic skills providers to accept students for instruction on a first come/first served basis;
- >allows a basic skills provider to charge a stipend recipient an additional amount above the stipend amount;
- >provides that a basic skills provider shall receive payment in the amount of the stipend if the stipend recipient passes the subtest for which the basic skills provider provided instruction;
- >requires the State Board of Education to administer the Basic Skills Education Stipend Program and make rules;
- >requires the Legislature to annually appropriate money from the General Fund for stipends for basic skills education;
- >directs the State Board of Education to issue a request for proposals from school districts and charter schools to improve mathematics achievement test scores of students in grades four through six;
- >requires the proposals to use professional development, incentive bonuses, or a combination of both, as a strategy to improve mathematics achievement test scores;
- >requires the State Board of Education to:
 - give priority to Title I schools in awarding funding to implement proposals; and
 - report to the Education Interim Committee on the implementation of proposals to improve mathematics achievement test scores;
- >specifies procedures for the termination or discontinuation of a career employees's contract; and
- >appropriates money for stipends for basic skills education and to implement proposals to improve mathematics achievement test scores of students in grades four through six.

H.B. 218 Schools for the Deaf and Blind Salary Adjustment

(Karen W. Morgan)

This bill modifies provisions pertaining to salary adjustments for staff of the Utah Schools for the Deaf and the Blind.

This bill:

>directs the State Board of Education to include in its annual budget request for the Utah Schools for the Deaf and the Blind an amount of money sufficient to implement salary adjustments, as required by law, including money to fund step and lane changes.

H.B. 226 Kindergarten Readiness

(LaWanna Lou Shurtliff)

This bill modifies the recommended time to provide the assessment of reading and numeric skills given to potential kindergarten students.

This bill:

>modifies the recommended time to provide the assessment of reading and numeric skills given to potential kindergarten students; and
>makes technical corrections.

H.B. 294 Creation of Education Fund

(Jeff Alexander)

This bill creates an Education Fund to account for certain revenues.

This bill:

>creates an Education Fund to receive all revenues from taxes on intangible property or from a tax on income; and
>makes technical corrections.

S.B. 5 Amendments to the Minimum School Program Budget

(Howard A. Stephenson)

This bill provides funding for the Minimum School Program.

This bill:

>creates a cap on the number of charter schools that the State Charter School Board may authorize to begin operations in the 2007-08 school year;
>modifies provisions governing the inclusion of foreign exchange students for the purpose of apportioning state monies;
>establishes the value of the weighted pupil unit at \$2,417;
>establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2006-07 of \$2,032,219,545;
>authorizes the State Board of Education to use nonlapsing balances to restore special education funding;
>makes one-time appropriations for fiscal year 2006-07 for:
•pupil transportation;
•library books and supplies;
•the Enrollment Growth Program;
•charter schools;
•classroom supplies; and
•a charter school study.

S.B. 8 Care of Students with Diabetes in School

(Patrice M. Arent)

This bill directs a public school to train school personnel who volunteer to be trained in the administration of glucagon in an emergency and permits a student to possess or possess and self-administer diabetes medication, when requested by parents.

This bill:

- >provides definitions;
- >requires a public school, when requested by parents, to train school personnel who volunteer to be trained in the administration of glucagon in an emergency;
- >establishes requirements for the training;
- >provides trained school personnel with:
 - authority to administer glucagon in an emergency; and
 - immunity from liability;
- >exempts the administration of glucagon from other statutes;
- >requires the Department of Health, in cooperation with the state superintendent of public instruction, to create certain forms; and
- >directs a public school to permit a student to possess or possess and self-administer diabetes medication under certain conditions.

Elections

H.B. 15 Early Voting

(Douglas C. Aagard)

This bill amends the Election Code to permit in-person early voting prior to the date of the election.

This bill:

- >permits registered voters to participate in early voting during the 14-day period immediately prior to election day;
- >provides that time periods related to replacement of candidates be based on the date of commencement of voting rather than on election day;
- >provides that candidate vacancies must be filled 30 days prior to election day;
- >provides that voter registration for an election ends 30 days before the date of the election with the exception of satellite registration, in-person registration at the office of the county clerk, and registration for military personnel and overseas citizens voting by absentee ballot;
- >provides that voters who register using satellite registration or who register at the office of the county clerk less than 30 days before a pending election are entitled to vote on election day but not by using early voting;
- >provides that voters must provide valid voter identification at the time of voting if they choose to vote:
 - by early voting on a date before the date of the election; or
 - by in-person absentee ballot;
- >modifies the Utah Election Registration Form to provide notice that voters must provide valid voter identification in order to vote during the early voting period;
- >provides definitions of documents that are acceptable as valid voter identification;
- >provides that party affiliation may not be changed during the period beginning after the voter registration deadline for a regular primary election and continuing through the date of the regular primary election;
- >modifies language relating to processing of voter registration forms to comply with the 30-day voter registration deadline;
- >modifies the dates for satellite voter registration to comply with the 30-day voter registration deadline;
- >modifies the dates provided in the voter registration notice to comply with the 30-day voter registration deadline;
- >clarifies absentee ballot filing deadlines for overseas and military voters;
- >modifies the application due date for overseas absentee voters to match the existing deadline for other absentee votes;
- >requires poll workers to record the type of identification provided by the voter at the time of voting in all cases where a provisional ballot is issued;
- >requires poll workers to issue a voter a provisional ballot when the poll worker determines that the voter has not presented sufficient identification;
- >provides for the hours and locations of early voting;
- >requires that at least 10% of the voting devices at each early voting polling place be accessible for individuals with disabilities;
- >provides requirements for posting notice of early voting hours and locations;
- >modifies the format of the official register to accommodate identification requirements;
- >requires the poll worker to update voting history records during early voting;
- >requires write-in candidates to file a declaration of candidacy no later than 30 days before the date of the election;
- >defines terms; and
- >makes technical corrections.

H.B. 348 Election Code - Electronic Voting Procedures and Requirements

(Douglas C. Aagard)

This bill modifies the Election Code to update existing procedures and definitions and to comply with electronic voting equipment requirements.

This bill:

- >provides and modifies definitions;
 - >removes references requiring the official record to be a printed book;
 - >removes the requirement to create a posting list;
 - >provides for voting procedures when using machine-readable ballot sheets;
 - >provides for voting procedures when using electronic ballots;
 - >provides ballot formatting requirements for straight party ticket selections and write-in candidates;
 - >requires a voter to mark a box or select the name of a write-in candidate in order for a write-in vote to be recorded;
 - >modifies formatting requirements for paper ballots to require that all paper ballots contain a check box next to the name of write-in candidates;
 - >provides that watchers shall be permitted to observe testing of voting devices and equipment;
 - >provides that one or more poll workers shall deliver election returns to the counting center;
 - >provides that poll workers delivering election returns shall be paid reasonable compensation for mileage for a round trip rather than a designated sum per mile one way;
 - >permits electronic transmission of unofficial poll results to counting centers if security measures are taken;
 - >modifies the date for delivery of election returns so returns are always available before the state canvass;
 - >modifies formatting and content requirements for the official register;
 - >modifies ballot delivery timelines;
 - >requires election officials to correct or post notice of errors discovered in electronic ballots at each voting booth;
 - >requires election officials to provide paper ballots and ballot sheets in an amount sufficient to meet voting needs during an election;
 - >provides procedures for delivery of voting equipment to polling places and requires that receipts be issued when voting devices are delivered to poll workers;
 - >requires that voting devices be repaired or substituted if voting devices contain incorrect ballot information, are not functioning properly, appear to have been tampered with, or other similar circumstances;
 - >permits the election officer to determine the time that poll workers arrive at the polling place;
 - >permits the election officer to designate which poll workers will act as election judges and to designate a presiding judge;
 - >removes a requirement that election returns must be returned to the election officer by two persons of a different political party;
 - >provides a criminal penalty for intentionally or knowingly damaging, modifying, tampering with, or destroying voting devices or equipment;
 - >provides ballot formatting requirements and ballot preparation procedures for machine-readable ballot sheets;
 - >provides ballot formatting requirements and ballot preparation procedures for electronic ballots;
- and
- >makes technical changes.

S.B. 47 Restoration of Voting Rights Amendments

(Brent H. Goodfellow)

This bill modifies provisions of the Election Code relating to restoration of voting rights.

This bill:

- >provides that the restoration of a convicted felon's right to vote applies to felony convictions in any court of the United States; and
- >provides for the restoration of a convicted felon's right to hold office under certain circumstances.

Energy

H.B. 46 Energy Policy Amendments

(Roger E. Barrus)

This bill establishes the position of governor's energy advisor and an energy policy.

This bill:

- >defines terms;
- >establishes the position of governor's energy advisor;
- >outlines the governor's energy advisor's powers and duties;
- >requires the governor's energy advisor to submit certain reports;
- >declares the state's energy policy; and
- >requires legislative committees to review and propose updates to the energy policy annually.

Environment

H.B. 138 Mercury Switch Removal Act

(Ronda Rudd Menlove)

This bill provides for the removal and collection of mercury switches from vehicles.

This bill:

- >defines terms;
- >requires manufacturers of vehicles sold in the state to:
 - submit a plan for the removal and collection of mercury switches;
 - pay for the costs of removing and collecting mercury switches; and
 - submit an annual report to the Solid and Hazardous Waste Control Board;
- >specifies plan contents;
- >authorizes the Solid and Hazardous Waste Control Board to:
 - make rules; and
 - enforce the part; and
- >authorizes the Solid and Hazardous Waste Control Board's executive secretary to:
 - establish a fee for the review and approval of the plan;
 - review and disapprove or approve a plan; and
 - initiate administrative action to compel compliance with the part.

S.B. 70 Process for Approval of Waste Disposal Amendments

(Howard A. Stephenson)

This bill modifies legislative and gubernatorial approval requirements for the disposal of certain wastes.

This bill:

- >modifies the legislative and gubernatorial approval requirements for the disposal of certain commercial radioactive wastes, hazardous wastes, and nonhazardous solid wastes;
- >requires that legislative approval be provided by statute;
- >provides that gubernatorial approval is given if the statute giving legislative approval is not vetoed; and
- >provides that gubernatorial approval is not required if the governor vetoes the statute giving legislative approval and the veto is overridden.

Family

H.B. 27 Divorce Education Amendments

(Lorie D. Fowlke)

This bill allows the court to require unmarried parents to attend a course designed to educate and sensitize parents to the needs of their child or children.

This bill:

- >permits the court to require unmarried parents who are involved in a custody or parent-time proceeding to attend an educational course to sensitize both parents to the needs of their child or children.

Government Operations (State Issues)

H.B. 12 Amendments to Government Records Access and Management Act

(Douglas C. Aagard)

This bill makes amendments to the treatment of records under the Government Records Access and Management Act.

This bill:

- >modifies the definition of records subject to the act to exclude a personal note or personal communication prepared or received by an employee or officer of a governmental entity in the employee's or officer's private capacity;
- >provides that internal communications that are part of the deliberative process in connection with the preparation of legislation between members of a legislative body or the legislative body's staff are protected records;
- >requires that governmental entities give notice to persons who are providing private or controlled information as to how the information is currently used and shared;
- >clarifies that certain government entities shall submit records retention schedules for approval by the State Records Committee;
- >provides that government entities that do not submit retention schedules for approval shall be governed by the model retention schedule maintained by the state archivist;
- >clarifies that the Legislature may set its own retention schedules and records management, notice, and amendment policies;
- >clarifies that the judiciary may set its own retention schedules and records management policies; and
- >makes technical changes.

H.B. 14 Open Meetings Law Amendments

(Wayne A. Harper)

This bill modifies the provisions of the Open and Public Meetings Act.

This bill:

- >provides certain definitions;
- >clarifies that a workshop or an executive session of a public body in which a quorum is present is an open meeting unless closed in accordance with the act;
- >requires certain workshops or executive sessions to be held at the location where the public body is holding the regularly scheduled public meeting and provides certain exceptions;
- >requires that all closed meetings be recorded;
- >requires that the reason or reasons for holding the closed meeting and the location of a closed meeting be publically announced and entered in the minutes of the open meeting at which the closed meeting is approved;
- >requires that public bodies provide annual training on the requirements of the Open and Public Meetings Act to the members of a public body;
- >requires that the attorney general's office provide public bodies with at least yearly notice of any material changes to the requirements for the conduct of meetings under the act;
- >provides penalties for violating closed meeting provisions; and
- >makes technical changes and grammatical corrections.

H.B. 16 Revisions to Open and Public Meetings Law

(Glenn A. Donnelson)

This bill modifies the Open and Public Meetings Act by amending certain provisions.

This bill:

- >defines "recording" to mean an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting;
- >encourages public bodies to use electronic means to:
 - provide public notice to media agencies that make a periodic written request to receive them;
- and
 - post public notice of its meetings on the internet;
- >requires public notices with agendas to provide reasonable specificity to notify the public as to the topics to be considered at the meeting;
- >prohibits a public body from considering topics that are not posted with the public notice and provides certain exceptions;
- >requires both written minutes and a recording to be kept of all open meetings, with certain exceptions;
- >provides that written minutes shall be the official record of action taken at an open meeting; and
- >makes technical changes.

H.B. 28 Access and Fee Amendments to Government Records Access and Management Act (Douglas C. Aagard)

This bill modifies the Government Records Access and Management Act by amending certain provisions related to protected records and manipulation of certain records.

This bill:

- >provides that, in certain circumstances, an individual's home address, home telephone number, or personal mobile phone number is a protected record, if:
 - the information is required to be provided in order to comply with a law; and
 - by complying with the law and due to the nature of the law the subject of the record has a reasonable expectation that this information will be protected;
- >allows the disclosure of an individual's home address or phone numbers that are otherwise protected if:
 - the head of the governmental entity determines that the disclosure is mutually beneficial to the subject of the record, the governmental entity, and to the public by serving a public purpose related to public safety or consumer protection; and
 - the person who receives the record from the governmental entity agrees not to use or allow its use for advertising or solicitation purposes;
- >provides that in response to a request, a governmental entity is not required to:
 - compile, format, manipulate, package, summarize, or tailor information;
 - provide a record in a particular format, medium, or program; or
 - fulfill a person's records request if the information requested is accessible in the same physical form and content in a public publication produced by the governmental entity and if the governmental entity provides the requester with the publication and specifies where the record may be found in the publication;
- >allows rather than requires a governmental entity to provide a record in a particular form if the governmental entity determines it is able to do so without unreasonably interfering with its duties;
- >allows contractors and private providers to receive private, controlled, or protected records under certain circumstances;
- >provides that improper use of a record is a class B misdemeanor; and
- >makes technical changes.

H.B. 152 Navajo Trust Fund Amendments (Brad King)

This bill modifies provisions related to the Navajo Trust Fund.

This bill:

- >permits persons to serve on the Dineh Committee and receive benefits from expenditures of the Navajo Trust Fund if certain conditions are met; and
- >makes technical changes.

S.B. 9 Open and Public Meetings Act Revisions (Parley G. Hellewell)

This bill recodifies and amends the Open and Public Meetings Act.

This bill:

- >updates statutory language to conform to current legislative styles;
- >renumbers sections;
- >moves some provisions to different or new sections; and
- >makes technical changes.

Health

H.B. 129 Public Health Amendments

(Bradley G. Last)

This bill amends the Communicable Diseases, Treatment, Isolation, and Quarantine Procedures of the Health Code to provide procedures for responding to group exposures to communicable diseases and public health threats.

This bill:

- >amends definitions;
- >gives the Department of Health administrative rulemaking authority;
- >authorizes the department to:
 - issue a temporary order of restriction based on medically accepted guidelines; and
 - issue a verbal order of restriction in an emergency for up to 24 hours;
- >requires orders of restriction to use the least intrusive option and the shortest period of time;
- >specifies the required notice and rights for individuals subject to an order of restriction;
- >requires judicial review of an order of restriction when consent to the order of restriction is not obtained;
- >requires law enforcement to assist with enforcement of an order of restriction;
- >requires health care professionals and health facilities to provide medical records relevant to the orders of restriction to the department and establishes reasonable charges for the records; and
- >makes technical amendments, including using consistent terms.

S.B. 19 Amendments to Indoor Clean Air Act

(Michael G. Waddoups)

This bill amends the Indoor Clean Air Act.

This bill:

- >amends the definition of "place of public access" in which smoking is prohibited to:
 - include child care not subject to licensure or certification;
 - remove an exclusion for certain smoking by adults at private schools or educational facilities;
 - include certain social, fraternal, or religious organization buildings;
 - include certain facilities rented or leased for private functions;
 - include certain workplaces; and
 - include private clubs;
- >removes the exceptions from the Indoor Clean Air Act for:
 - certain social, fraternal, or religious organization buildings;
 - certain facilities rented or leased for private functions;
 - workplace smoking areas; and
 - taverns and private clubs, according to specified dates;
- >provides a repeal date for provisions for adjoining private clubs and public places; and
- >makes technical changes.

Human Services

H.B. 21 Child Welfare Revisions

(Wayne A. Harper)

This bill amends provisions of the Utah Human Services Code and the Judicial Court Act of 1996 related to child welfare.

This bill:

- >describes conduct that does not constitute abuse under the child and family services chapter of the Utah Human Services Code;
- >removes services to unwed parents from the list of services provided by the Division of Child and Family Services;
- >describes the training that must be completed by a child welfare caseworker;
- >removes reporting requirements relating to a repealed pilot program;
- >defines the rights and responsibilities of a parent;
- >addresses the provision of family preservation and reunification services by the Division of Child and Family Services;
- >modifies the content of, and the requirements related to, the notice provided when a child is taken into protective custody;
- >provides that an investigation by the Division of Child and Family Services shall include an unscheduled visit to the child's home, unless there is a reasonable basis to believe that the abuser is not the child's parent and does not have access to the child;
- >recognizes the impact upon a child when the child is removed from the child's home;
- >requires the Division of Child and Family Services to attempt to resolve a disagreement with a child's parent regarding a child and family plan and to inform the court if the disagreement is not resolved;
- >addresses the contents of a child and family plan;
- >requires documentation of the grounds for:
 - taking a child into protective custody; and
 - providing medical care or treatment to a child in protective custody;
- >describes the information that must be given to a parent before interviewing a child who has not been removed from the child's home;
- >expands the list of support persons that may attend an interview of a child;
- >provides defenses to the crime of child abuse;
- >deletes provisions relating to family unity conferences;
- >describes the circumstances under which a court may order medical examination, treatment, or care of a minor;
- >addresses procedures and standards relating to shelter hearings;
- >modifies provisions relating to the grounds under which a child may be retained in protective custody;
- >requires that a finding that a parent is incapable, due to a mental illness, of utilizing reunification services, must be based on competent evidence from at least two medical or mental health professionals who are not associates; and
- >makes technical changes.

H.B. 85 Abortion by a Minor - Parental Notification and Consent

(Kerry W. Gibson)

This bill amends the Utah Criminal Code, the Utah Human Services Code, and the Utah Health Care Malpractice Act to require parental consent and notification for abortions performed upon minors, subject to certain exceptions.

This bill:

- >defines terms;
- >provides that a written report of incest or abuse made in connection with a minor seeking an abortion may not disclose that the minor obtained or considered an abortion;
- >requires that at least 24 hours before a physician performs an abortion on a minor, the physician shall notify a parent or guardian of the minor that the minor intends to have an abortion, unless:
 - a medical emergency exists;
 - the physician reports that the parent or guardian abused the minor or caused the minor's pregnancy by engaging in incest with the minor; or
 - the parent or guardian has not assumed responsibility for the minor's care and upbringing;
- >provides that, in a medical emergency, except when it is necessary to immediately perform an abortion, the physician shall notify a parent or guardian of the minor, as early as possible before the abortion, that the minor intends to have an abortion;
- >removes the requirement that a physician notify the spouse of a married woman that she intends to obtain an abortion;
- >requires that a minor obtain parental consent before obtaining an abortion unless:
 - the minor obtains the right, by court order, to consent to an abortion without parental consent; or
 - a medical emergency exists;
- >provides that a minor may petition a court to determine whether a minor should be granted the right to consent to an abortion without parental consent;
- >provides that the proceedings described above are closed to the public;
- >provides that a court shall order that a minor may consent to an abortion without parental consent only if the court finds by a preponderance of the evidence that:
 - the minor is mature and capable of giving informed consent to the abortion and has given her informed consent; or
 - an abortion would be in the minor's best interest;
- >grants rulemaking authority to the Judicial Council to:
 - administer the proceedings described in this bill;
 - provide for an appeal of a decision described in the preceding paragraph;
 - ensure the confidentiality of proceedings described in this bill and the records relating to the proceedings; and
 - establish procedures to expedite the hearing and appeal proceedings described in this bill;
- >amends the Utah Health Care Malpractice Act and related provisions to conform to the consent requirements of this bill; and
- >makes technical changes.

S.B. 7 Child Protection Amendments

(Gregory S. Bell)

This bill amends child protection and protective custody provisions of the Child and Family Services chapter of the Utah Human Services Code and the Juvenile Courts chapter of the Judicial Code.

This bill:

- >describes the circumstances and procedures under which a child may be taken into protective custody;
- >describes the circumstances under which a warrant to take a child into protective custody may be issued without first giving the child's parent or guardian notice and an opportunity to be heard;
- >provides an expedited shelter hearing process to determine whether a child should be taken into protective custody;
- >describes the notice requirements relating to an expedited shelter hearing;
- >defines the term "petition";
- >consolidates existing code provisions relating to the expedited filing of a petition and expedited pretrial and adjudication hearings;
- >provides notice requirements for shelter hearings; and
- >makes technical changes.

Judiciary

H.B. 30 Emancipation of a Minor

(Rosalind J. McGee)

This bill creates a procedure by which a minor 16 years of age or older may petition the juvenile court for a declaration of emancipation.

This bill:

- >creates a procedure for a minor to petition the court for emancipation;
- >provides criteria for a court in determining whether to emancipate a minor;
- >provides definitions;
- >sets out rights and responsibilities of an emancipated minor; and
- >provides a filing fee of \$50 for an emancipation petition.

Labor

H.B. 150 Workers' Compensation Revisions

(Michael T. Morley)

This bill modifies provisions related to the Workers' Compensation Act and the Utah Occupational Disease Act.

This bill:

- >addresses when an employer of a contractor, subcontractor, or their employees is protected by the exclusive remedy of workers' compensation;
- >defines terms related to managed health care programs and provides for consistent use of terms;
- >expands the persons with whom and purposes for which contracts may be made in a managed health care workers' compensation setting;
- >addresses workplace accident and injury reduction programs;
- >expands requirements for a workers' compensation carrier's designated agent;
- >gives the commission the exclusive jurisdiction and authority to determine the reasonableness and to adjudicate the collection of certain amounts related to workers' compensation benefits;
- >addresses treatment of hospital services for purposes of workers' compensation;
- >addresses reporting requirements;
- >addresses contracts with providers of health services relating to the pricing of goods and services;
- >clarifies burden of proof in permanent total disability claims;
- >addresses who may file an application for a hearing;
- >deletes out-of-date language;
- >makes technical changes; and
- > provides for legislative intent.

Law Enforcement and Criminal Justice

H.B. 102 Sentencing for First Degree Felony Murder

(Lorie D. Fowlke)

This bill modifies the Criminal Code regarding predicate offenses referred to in defining first degree murder, provides that the minimum prison term for first degree murder is 15 years, and establishes a defendant's "position of trust" as an aggravating factor in sentencing murder offenses.

This bill:

>adds the offense of felony discharge of a weapon or firearm from a vehicle to the list of predicate offenses, the commission of which in the course of committing a homicide is an element of first degree felony murder;

>amends the sentence for first degree murder to increase the minimum term from five years to 15 years; and

>adds as an aggravating factor, when determining imprisonment for specified homicide offenses, that the defendant held a position of trust in relation to the victim.

H.B. 125 State Long-term Care for Inmates

(Jackie Biskupski)

This bill modifies the chapter titled "Department of Corrections -- State Prison" to require the department to provide notice to any health care facilities where offenders may become residents.

This bill:

>provides definitions; and

>provides that if an inmate is given an early release, pardon, or parole due to a chronic or terminal illness, and is then subsequently to be admitted as a resident of a health care facility due to that illness, the department shall provide written notice to the administrator of the facility prior to the offender's admission:

- advising of the offender's conviction and status with the department;
- stating that the administrator shall provide this information to residents or their guardians and staff ten days prior to admission of the offender; and
- notify future residents or their guardians of current resident offenders.

S.B. 50 Jail Funding Amendments

(David L. Thomas)

This bill modifies code provisions regarding state reimbursement to county correctional facilities.

This bill:

>amends the definition of "core inmate incarceration costs" regarding state reimbursement of counties for housing prison inmates by including capital infrastructure depreciation.

S.B. 52 Antiphishing Provisions

(Patrice M. Arent)

This bill modifies the Criminal Code regarding communications fraud penalties.

This bill:

>provides that when an act of communications fraud involves obtaining sensitive personal identifying information, the offense is a second degree felony and the penalty is not based on the value involved.

S.B. 167 Juvenile Offenses - Diversion Amendment

(Patrice M. Arent)

This bill modifies the Code of Criminal Procedure regarding diversion for juvenile offenders.

This bill:

>provides that in specified situations involving sexual activity between two persons younger than 16, the court may use the sentencing option of diversion.

S.B. 185 Drug Offender Reform Act Amendments

(Sheldon L. Killpack)

This bill modifies the assessment provisions of the Drug Offender Reform Pilot Study.

This bill:

>amends the Drug Offender Reform Pilot Study to require screening and assessment for all felony offenders within the jurisdiction of the pilot project, rather than only those felony offenders convicted of a violation of the Controlled Substance Act.

Mines and Mining

S.B. 40 Mine Safety and Certificate Amendments

(Mike Dmitrich)

This bill amends provisions relating to the Labor Commission's authority to issue certificates for coal and other hydrocarbon mining.

This bill:

- >adds provisions regarding mine electrician certificates;
- >allows the commission to issue certificates for all hydrocarbon mining, in addition to coal mining;
- and
- >makes technical changes.

Occupations and Professions

S.B. 92 Certification of Crane Operators

(Gene Davis)

This bill modifies the Construction Trades Licensing Chapter of the Occupations and Professions Title by requiring the certification of crane operators.

This bill:

- >provides for definitions related to the certification of crane operators;
- >provides for an exemption from certification;
- >requires an individual to be certified as a crane operator in order to operate a crane on commercial construction, demolition, or excavation projects; and
- >provides a penalty for unlawful conduct in operating a crane.

Political Subdivisions (Local Issues)

H.B. 29 Township Amendments

(LaVar Christensen)

This bill modifies provisions relating to townships.

This bill:

- >modifies the criteria that an unincorporated area is required to meet in order to be designated as a township so that an area declared to be a census designated place by the United States Census Bureau meets township requirements as an alternative to meeting other requirements relating to population or land area and value; and
- >makes technical changes.

H.B. 44 Local Government Amendments

(Brad L. Dee)

This bill modifies provisions relating to local governments.

This bill:

- >expands the reach of the Local Government Bonding Act so that the act applies to additional independent special districts and to local districts;
- >modifies definitions in the Local Government Bonding Act;
- >adds to the Local Government Bonding Act a provision that:
 - authorizes a local political subdivision to require bonds to recite that they comply with applicable law; and
 - makes bonds incontestible if they contain that recital;
- >modifies provisions that validates bonds and tax anticipation obligations and proceedings relating to them;
- >adds a provision authorizing a newly created local political subdivision to issue tax and revenue anticipation notes or bonds;
- >adds to the Local Government Bonding Act a provision that makes bonds legal investments for various funds, allows funds to be invested in or loaned upon the security of local political subdivision bonds, and allows bonds of a local political subdivision to be used as security for the faithful performance on execution of a court or private trust or other act;
- >expands the reach of a provision under which an independent special district may be conclusively presumed to have been lawfully created and existing to apply to all independent special districts rather than those created after May 4, 1999;
- >modifies the bonding authority of cemetery maintenance districts;
- >modifies county service area provisions related to bonding;
- >authorizes mosquito abatement districts to issue notes and bonds, subject to a debt limit;
- >modifies provisions applicable to administrative control boards of special service districts;
- >eliminates independent special districts provisions made redundant and superfluous because of changes in this bill to the Local Government Bonding Act;
- >modifies provisions relating to the issuance of bonds by a municipal building authority; and
- >makes technical changes.

H.B. 309 Municipal Energy Sales and Use Tax Amendments

(Gregory H. Hughes)

This bill modifies provisions of the Municipal Energy Sales and Use Tax Act.

This bill:

- >enacts definitions;
- >enacts provisions relating to a reduction in the municipal energy sales and use tax on the sale or use of natural gas;
- >requires a reduction in the amount of the natural gas portion of the municipal energy sales and use tax revenues paid to municipalities in December 2006 and December 2007 in an amount equal to the amount by which sales tax revenues exceed the amount of the previous year's revenues plus 10%;
- >requires gas suppliers to reduce the municipal energy sales and use tax rate in December 2006 and December 2007 to offset the reduction in the natural gas portion of the municipal energy sales and use tax revenues to municipalities; and
- >enacts provisions related to the process for accomplishing those reductions.

S.B. 117 Eminent Domain Amendments

(Howard A. Stephenson)

This bill modifies provisions related to eminent domain.

This bill:

- >expands the public uses for which eminent domain may be used to include bicycle paths and sidewalks adjacent to paved roads;
- >narrows the public uses for which local governments may acquire roads, streets, or alleys by eminent domain;
- >provides that the roads, streets, or alleys that local governments may acquire by eminent domain do not include trails, paths, or other ways for walking, hiking, bicycling, equestrian use, or other recreational uses;
- >requires the taking of property by a political subdivision to be approved by the governing body of the political subdivision;
- >requires the governing body of a political subdivision intending to take property by eminent domain to provide written notice to property owners of each public meeting to approve the taking and allow property owners the right to be heard regarding the proposed taking;
- >modifies the duty to negotiate with a property owner and the duty to notify the property owner of certain rights and limitations with respect to an anticipated eminent domain action; and
- >clarifies that those duties apply to each person seeking to acquire property involving the potential use of eminent domain if the property cannot be acquired in a voluntary transaction.

S.B. 196 Revisions to Redevelopment Agency Provisions

(Curtis S. Bramble)

This bill modifies and reorganizes provisions relating to redevelopment agencies.

This bill:

- >rewrites and reorganizes redevelopment agency provisions and repeals and amends existing provisions, repeals some provisions, and enacts some provisions;
- >changes terminology from redevelopment agency to community development and renewal agency and from redevelopment to urban renewal;
- >eliminates education housing development as one of the types of projects that an agency may undertake;
- >authorizes agencies to undertake community development;
- >modifies some definitions and adds new definitions that are applicable to community development and renewal agencies;
- >provides that actions taken under community development and renewal statutory provisions are not subject to land use statutory provisions;
- >authorizes an agency to change its name;
- >authorizes a county, city, or town to authorize an agency to conduct activities in a project area that includes an area within the boundaries of the county, city, or town;
- >eliminates a notice requirement before a public entity may become obligated to make required improvements in connection with a project area plan;
- >clarifies that a public entity's grant or contribution of funds to an agency is not subject to provisions relating to municipal appropriations and acquisitions and disposals of property;
- >modifies publication of notice requirements relating to the sale or other disposition of agency property;
- >authorizes agencies to receive and use sales tax from other taxing entities, in addition to tax increment;
- >authorizes an agency undertaking a community development project to negotiate with other taxing entities and to receive tax increment and sales tax revenues from those other entities as those other entities agree;
- >modifies the applicability of a requirement to create a taxing entity committee so that it applies only to urban renewal and economic development projects;
- >modifies the number of taxing entity committee members needed for the committee to take action;
- >authorizes an agency to call a meeting of the taxing entity committee and imposes requirements on the notice that must be sent to do so;
- >prohibits a taxing entity committee from voting on a proposed urban renewal or economic development budget or budget amendment at the first meeting to consider the budget or amendment unless all members present consent;
- >prohibits a second meeting on a budget or budget amendment from being within a certain number of days after the first meeting;
- >requires a taxing entity committee to meet annually;
- >replaces the county assessor with the county auditor in a provision requiring a written report to the taxing entity committee;
- >enacts language allowing additional tax increment to be used under a pre-July 1, 1993 project area plan for a convention center or sports complex if construction of the center or complex has begun before June 30, 2002;
- >provides that an agency may, in a budget adopted after the effective date of this bill, provide for the agency to be paid any amount of tax increment and for any period of time, subject to taxing entity committee approval;
- >modifies limitations on the use of tax increment involving the development of retail sales;
- >provides for the permissible uses of sales tax received by an agency;
- >modifies a prohibition against using tax increment for a stadium or arena;
- >modifies a provision allowing an agency to pay agency funds to other taxing entities to allow a taxing entity to withhold its portion of tax increment used to pay other taxing entities if the agency does not pay all taxing entities proportionally equal amounts;
- >requires the value of property with respect to which a taxing entity receives taxes or increased taxes for the first time to be counted as new growth;
- >repeals provisions relating to relocation plans for families and persons displaced from a project

area;

- >shortens the time for a person to contest a project area plan or budget;
- >eliminates a provision prohibiting implementation of a project area plan after three years unless the plan is readopted;
- >modifies provisions relating to a challenge of a finding of blight;

€modifies provisions relating to an amendment of a project area plan;

€narrows a provision prohibiting the adoption of a budget that exceeds certain limits to apply to only urban renewal projects;

€modifies a provision relating to the waiver of a requirement that a percentage of tax increment funds be used for housing;

€modifies a provision defining blight;

€modifies the requirements applicable to a blight study;

€modifies the standards that apply to a district court review of a finding of blight;

€modifies the hearings required for an urban renewal and economic development project;

€modifies the class of property owners to which notice is required to be given;

€modifies provisions relating to notice that an agency is required to provide;

€establishes separate provisions for urban renewal, economic development, and community development with respect to plan adoption, requirements, and amendments;

€repeals provisions relating to property owner participation in development in a project area;

€repeals a provision limiting the size of a project area;

€repeals a provision requiring the preparation of a statement of property owner rights;

€repeals a provision prohibiting an agency from acquiring property on which an existing building is to be continued on its present site and in its present form unless certain conditions are met; and

€ makes technical changes.

Resolutions

H.J.R. 3 Joint Rules Resolution - Base Budget Process (Ron Bigelow)

This rules resolution defines "base budget" and establishes a process and deadlines for preparing, reviewing, and adopting base budget bills.

This resolution:

- >defines the term "base budget";
- >requires the Executive Appropriations Committee to adopt base budgets in its pre-session December meeting; and
- >requires any base budget bills to be available for legislator review at the time the Legislature convenes on the first day of the session and be passed by close of business on the tenth day but not before the third day of the session.

S.C.R. 1 Resolution Encouraging School Boards to Adopt Policy Prohibiting Bullying (Patrice M. Arent)

This concurrent resolution of the Legislature and the Governor encourages concerned parents, individuals, and organizations to review and assist in the adoption of policies prohibiting bullying.

This resolution:

- >expresses concern regarding the impact of bullying, harassment, and intimidation in the state's public schools;
- >acknowledges the many schools across the state that are already engaged in efforts to prevent bullying;
- >requests that educators, parents, and concerned individuals and organizations establish a definition of bullying and a system for reporting and responding to school-related bullying incidents;
- >encourages the formation of a statewide coalition to produce a cohesive approach to target bullying behavior; and
- >calls on educators, parents, and concerned individuals and organizations to develop a system that identifies and assists victims of bullying and assists faculty and students in seeking safer schools and a more positive learning environment.

Resolutions, Constitutional

H.J.R. 1 Resolution Regarding Property Tax on Personal Property

(John Dougall)

This joint resolution of the Legislature proposes to amend the Utah Constitution to revise provisions relating to the taxation of personal property.

This resolution proposes to amend the Utah Constitution to:

>authorize the Legislature to provide a property tax exemption for tangible personal property that would generate an inconsequential amount of revenue.

Retirement

H.B. 76 High Deductible Health Plan Option for Public Employees

(Bradley M. Daw)

This bill modifies the Public Employees' Benefit and Insurance Program Act by amending provisions of the health plans offered by the program.

This bill:

>requires the Public Employees' Benefit and Insurance Program (PEHP) to offer a high deductible health plan with a federally qualified health savings account;

>prohibits the program from allowing an employee to change from the high deductible health plan to another health plan more frequently than every three years; and

>requires the high deductible health plan to include a health savings account for each covered individual with certain contributions made by the employer and optional contributions made by the employee.

Revenue and Taxation

H.B. 109 Sales and Use Tax - Food and Food Ingredients

(Merlynn T. Newbold)

This bill amends the Sales and Use Tax Act relating to food and food ingredients.

This bill:

- >defines terms;
- >reduces the state sales and use tax rate imposed on food and food ingredients under certain circumstances;
- >addresses the state sales and use tax rate imposed:
 - on a bundled transaction involving food and food ingredients; or
 - if a seller sells food and food ingredients and prepared food at the same location;
- >addresses the amount that a business location that collects and remits sales and use taxes monthly may retain as a seller discount; and
- >makes technical changes.

S.B. 35 Local Option Sales and Use Tax Distribution Amendments

(Gregory S. Bell)

This bill amends the Local Sales and Use Tax Act to address distributions of sales and use tax revenues to counties, cities, and towns.

This bill:

- >provides definitions;
- >addresses the minimum amount of sales and use tax certain counties, cities, or towns shall receive for purposes of the 1% local option sales and use tax; and
- >makes technical changes.

S.B. 37 Income Tax - Taxation of Individuals, Estates, and Trusts

(Lyle W. Hillyard)

This bill amends the Revenue and Taxation title and the State Affairs in General title relating to the income taxation of individuals, estates, and trusts.

This bill:

- >provides and modifies definitions;
- >modifies the additions to and subtractions from federal taxable income of a resident or nonresident individual;
- >modifies the adjustments to state taxable income for purposes of individual income taxes;
- >addresses the calculation of state taxable income of a resident or nonresident estate or trust;
- >modifies the additions to and subtractions from federal taxable income of a resident or nonresident estate or trust;
- >modifies the adjustments to state taxable income for purposes of income taxes on estates and trusts;
- >modifies the fiduciary adjustments for purposes of income taxes on estates and trusts;
- >creates the Nonrefundable Tax Credit Act and renumbers and amends as part of this Act the nonrefundable income tax credits authorized under the Individual Income Tax Act;
- >creates the Refundable Tax Credit Act and renumbers and amends as part of this Act the refundable income tax credits authorized under the Individual Income Tax Act;
- >addresses which of the nonrefundable and refundable income tax credits an estate or trust may claim;
- >repeals obsolete language; and
- >makes technical changes.

S.B. 233 Sales and Use Tax Revisions

(Curtis S. Bramble)

This bill amends the Sales and Use Tax Act and provisions relating to sales and use taxation.

This bill:

- >amends, enacts, and repeals provisions relating to determining the location of a transaction for sales and use tax purposes;
- >requires the appointment of delegates to enter into multistate discussions relating to the Streamlined Sales and Use Tax Agreement and report to the Legislature;
- >addresses the collection and remittance of sales and use taxes by a seller that does not have sufficient contacts with the state to be required to collect and remit sales and use taxes to the state;
- >addresses the effective date of certain tax rate increases, repeals, or tax rate changes;
- >establishes which state sales and use taxes shall be deposited into the General Fund;
- >modifies and repeals provisions allowing the State Tax Commission to issue a direct pay permit to a seller;
- >addresses the distribution of certain sales and use taxes to counties, cities, and towns;
- >addresses the deposit of revenues into the Remote Sales Restricted Account;
- >modifies provisions relating to a credit for a repossessed motor vehicle that is resold;
- >modifies reporting requirements to the State Tax Commission and related penalty provisions;
- >repeals the authority for the State Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and repeals related provisions;
- >repeals provisions relating to sellers and certified service providers including provisions relating to:
 - a certified service providers liability;
 - a seller of certified service providers reliance on State Tax Commission information or certain systems; or
 - monetary allowances;
- >repeals provisions relating to amnesty;
- >repeals requirements that certain returns be filed electronically;
- >repeals tax collection, remittance, and reporting requirements for certain sellers;
- >repeals provisions relating to a deduction for bad debt;
- >repeals provisions establishing what constitutes a reasonable business practice for purposes of a seller collecting sales and use taxes that exceed the amount the seller is required to collect;
- >repeals obsolete language; and
- >makes technical changes.

Sales and Use Tax

H.B. 47 Sales Tax Diversion for Water Projects and Water Financing

(David Ure)

This bill amends the Sales and Use Tax Act to address the expenditure of certain state sales and use tax revenues.

This bill:

- >requires that certain state sales and use tax revenues be transferred to the Water Resources Conservation and Development Fund and used by the Division of Water Resources for preconstruction costs for certain water projects;
- >requires that certain state sales and use tax revenues be transferred as dedicated credits to and used by the Division of Water Rights for hiring staff;
- >requires that certain state sales and use tax revenues be transferred as dedicated credits to and used by the Department of Natural Resources for watershed rehabilitation or restoration;
- >requires that certain state sales and use tax revenues be transferred as dedicated credits to and used by the Department of Water Resources for cloud seeding;
- >addresses the treatment of unexpended funds; and
- >makes technical changes.

Task Force / Committees

H.B. 357 Water Issues Task Force

(David Ure)

This bill creates the Water Issues Task Force.

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.

Transportation

H.B. 112 Transportation Investment Act

(Rebecca D. Lockhart)

This bill modifies the Sales and Use Tax Act and the Transportation Code by increasing funding for transportation.

This bill:

- >provides that a portion of the sales and use tax revenue shall be deposited annually into the Centennial Highway Fund Restricted Account;
- >provides that the portion of the sales and use tax revenue that is deposited annually into the Centennial Highway Fund Restricted Account shall be deposited annually in the Transportation Investment Fund of 2005 when the highway general obligation bonds have been paid off and the highway projects completed that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account;
- >authorizes the Transportation Investment Fund of 2005 monies to be used for certain purposes; and
- >makes technical changes.

S.B. 18 Driving Under the Influence Amendments

(Carlene M. Walker)

This bill modifies the Motor Vehicles Code, the State Affairs in General Code, the Criminal Code, and the Code of Criminal Procedure by amending provisions related to driving under the influence violations.

This bill:

- >provides and amends definitions;
- >prohibits an interlock restricted driver from operating or being in actual physical control of a vehicle without an ignition interlock system;
- >provides penalties for operation without an ignition interlock system;
- >provides an affirmative defense for an ignition interlock system violation;
- >repeals the requirement that a person's driver license be coded if the person is required to use an ignition interlock system;
- >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 may result in a three-year prohibition of driving without an ignition interlock device;
- >provides that a peace officer shall impound a vehicle if the peace officer cites a person for an ignition interlock system violation;
- >extends the repeal of restrictions on pleas to driving under the influence violations from June 30, 2006 to June 30, 2008;
- >repeals the provision that prohibits a plea in abeyance to a driving under the influence violation beginning on July 1, 2006;
- >prohibits a plea in abeyance to a driving under the influence violation beginning on July 1, 2008;
- >amends restrictions on pleas to driving under the influence violations; and
- >makes technical changes.

S.B. 80 Public-private Partnerships for Tollway Facilities

(Sheldon L. Killpack)

This bill modifies the Revenue and Taxation Code, Utah Procurement Code, and the Transportation Code by amending provisions relating to public-private partnerships for tollway facilities.

This bill:

- >provides definitions;
- >exempts from the privilege tax the use or possession of public property as a tollway by a private entity pursuant to a tollway development agreement;
- >provides a procurement procedure for soliciting tollway development agreement proposals;
- >redesignates the Tollway Restricted Account within the Transportation Fund as a restricted special revenue fund;
- >authorizes the Department of Transportation, with approval of the Transportation Commission, to enter into public-private partnerships for tollway facilities;
- >requires the department and the commission to make rules establishing minimum guidelines for tollway development agreement proposals;
- >authorizes the department and the commission to accept solicited and unsolicited proposals for public-private partnerships for tollway facilities;
- >requires the department and the commission to make rules establishing procedures for accepting unsolicited proposals;
- >requires the department to engage outside counsel and consultants to provide the state advice on developing rules and guidelines for public-private partnerships and on evaluating the risks of a tollway development agreement proposal;
- >provides that toll rates on a tollway that is the subject of a tollway development agreement shall be established in the tollway development agreement;
- >requires the Transportation Commission to make rules setting any increases of tolls that are greater than the increases provided in a tollway development agreement;
- >requires the department to submit a tollway development agreement proposal or amendments or modifications to a tollway development agreement proposal to the Transportation Commission for approval prior to entering into the tollway development agreement;
- >requires the department to report to the Legislature on the status and progress of a tollway; and
- >makes technical changes.

S.B. 193 Speed Contest or Exhibition Amendments

(Karen Hale)

This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by amending provisions relating to engaging in a speed contest or an exhibition of speed.

This bill:

- >requires a peace officer that arrests or cites an operator of a vehicle for violating the speed contest or exhibition of speed provision to seize and impound the vehicle with certain exceptions;
- >provides that if a vehicle is impounded and removed, the registered owner shall follow certain procedures and pay an administrative impound fee to have the vehicle released;
- >provides that a person who violates the speed contest or exhibition of speed provision is guilty of a class B misdemeanor;
- >requires the Driver License Division to suspend a person's driver license if the person violates the speed contest or exhibition of speed provision for a period of 60 days for a first offense and 90 days for a second offense;
- >requires a court to forward the report of a speed contest or exhibition of speed conviction to the Driver License Division; and
- >makes technical changes.

Water and Irrigation

H.B. 45 Bear River Development Act

(J. Stuart Adams)

This bill amends the Bear River Development Act to allow funds to be spent on preconstruction activities even though certain construction funding requirements have not been met and to make developed water available to Cache County.

This bill:

- >defines preconstruction costs;
- >authorizes the expenditure of funds on preconstruction costs;
- >authorizes water to be made available to Cache County;
- >limits the amount of water made available to Cache County; and
- >makes technical changes.

H.B. 228 Groundwater Management Plan

(David Ure)

This bill authorizes the state engineer to create a groundwater management plan.

This bill:

- >authorizes the state engineer to create a groundwater management plan for any groundwater basin or aquifer;
- >allows conjunctive management of hydrologically connected ground and surface water;
- >describes the purpose and effect of a groundwater management plan;
- >outlines the requirements for creating a groundwater management plan;
- >eliminates a provision addressing administration of groundwater rights; and
- >makes technical changes.

S.B. 27 Lake Powell Pipeline Development Act

(Thomas V. Hatch)

This bill authorizes the Board of Water Resources to build the Lake Powell Pipeline project.

This bill:

- >enacts the Lake Powell Pipeline Development Act;
- >defines terms;
- >authorizes the Board of Water Resources to:
 - make rules;
 - build the Lake Powell Pipeline project; and
 - contract for the sale of developed water and operation of the project;
- >creates the Project Management Committee;
- >authorizes the building of hydroelectric generating works;
- >authorizes the water districts to use, exchange, or sell developed water; and
- >establishes an enterprise fund for the operation and maintenance of the project.

Workforce Services Code

H.B. 18 Unemployment Compensation - Social Security Offset

(David N. Cox)

This bill modifies employment security provisions of the Utah Workforce Services Code related to unemployment benefits and eligibility.

This bill:

- >extends the Social Security benefits offset of 50% against an individual's weekly unemployment benefit amount through the benefit year ending on or before July 1, 2011;
- >provides that the Department of Workforce Services shall fund the Social Security offset costs from federal Reed Act moneys; and
- >makes certain technical changes.