

SELECTED HIGHLIGHTS of the 2007 General Session

prepared by the Office of Legislative Research and General Counsel

Thursday, March 01, 2007

Administrative Rules and Procedures

HB 327 State Agency Timely Adoption of Administrative Rules

Clark, D.

This bill requires state agencies to submit administrative rules required by law to the Division of Administrative Rules for publishing within six months of the passage of the law and requires state agencies who do not meet the deadline to show cause.

- requires state agencies to submit to the Division of Administrative Rules for publishing any rules required by statute within 180 days of the effective date of the statute; and
- requires state agencies that do not meet the deadline for publishing required rules to appear before the legislative Administrative Rules Review Committee to provide reasons for the delay.

Adoption

HB 51 Adoption Amendments

Allen, S.

This bill amends the Adoption chapter of the Judicial Code and related provisions.

- defines terms;
- modifies the background check requirements with regard to a prospective adoptive parent who is not a resident of Utah;
- modifies and clarifies requirements necessary for an unmarried biological father to preserve his right to notice and consent for an adoption;
- modifies requirements relating to notice of an adoption proceeding;
- describes the circumstances under which an adoption may or may not be contested;
- expands and describes provisions relating to who may take consents or relinquishments for adoption;
- provides for, and describes, the jurisdiction of a district court to terminate parental rights under certain circumstances;
- describes the grounds upon which a district court may terminate parental rights;
- describes when a birth parent's parental rights and duties are dissolved in relation to a child who is to be adopted;
- provides that a court may, for good cause, order a final decree of adoption earlier than the six month and one year requirements currently provided for by law; and
- makes technical changes.

Agriculture

HB 311 Utah Dairy Act Amendments

Gibson, K.

This bill amends the Utah Dairy Act to allow the sale of raw milk under certain conditions.

- defines terms;
- prohibits cow-share programs; and
- allows a producer to sell raw milk at a self-owned retail store if certain requirements are met.

Appropriations

HB 150 New Fiscal Year Supplemental Appropriations Act

Bigelow, R.

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

- 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.

SB 1 Current Fiscal Year Supplemental Appropriations Act

Hillyard, L.

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.

- 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.

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SB 3 Appropriation Adjustments

Hillyard, L.

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2006 and ending June 30, 2007 and beginning July 1, 2007 and ending June 30, 2008.

- 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 2007 General Session;
- provides budget increases and decreases for other purposes as described;
- provides intent language;

SB 228 State Agency and Higher Education Compensation Amendments

Hillyard, L.

This bill supplements or reduces appropriations previously provided for the use and operation of state government. The bill funds compensation changes for state and higher education employees for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

- provides budget increases and decreases for the compensation of state employees not including school district personnel;
- provides for a 3.5% cost of living allowance for state and higher education employees not including judges and school district personnel;
- provides for a 1.5% discretionary salary increase for state and higher education employees not including school district personnel;
- provides for a 10% cost of living allowance for judges;
- provides funding for certain market comparability increases;
- provides funding for an increase in the premiums charged for state and higher education employee health benefits;
- provides funding for an increase in the cost of retirement for certain employees;
- provides funding for an increase in the rates charged to cover accrued leave payments;
- adjusts funding for changes in the cost of unemployment compensation insurance;
- provides funding for a 6% cost of living increase for certain local contract service providers.

Building Codes

HB 135 Utah Uniform Building Standards Act Amendments

Wiley, L.

This bill modifies provisions of the Utah Uniform Building Standards Act related to unlawful and unprofessional conduct by building inspectors and factory built housing dealers and provides penalties for that conduct, to include the issuing of citations to violators by the Division of Occupational and Professional Licensing.

- defines unlawful and unprofessional conduct for purposes of the Utah Uniform Building Standards Act, specifically as related to building inspectors and factory built housing set-up contractors;
- provides the Division of Occupational and Professional Licensing with authority to issue citations to persons who violate the unlawful conduct provisions of the Utah Uniform Building Standards Act;
- provides grounds for the immediate suspension of a licensee's license by the division to include the issuance of a citation for violations of unlawful conduct;
- provides that the division may issue cease and desist orders and assess fines for violating the unlawful conduct provisions of the Utah Uniform Building Standards Act; and
- provides a procedure for the collection of unpaid fines.

Business

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HB 340 Insurer Receivership Act

Dunnigan, J.

This bill modifies the Insurance Code by repealing existing insurer rehabilitation and liquidation provisions and enacting the Insurer Receivership Act.

- repeals most provisions of Title 31A, Chapter 27, Insurers Rehabilitation and Liquidation, and enacts Title 31A, Chapter 27a, Insurer Receivership Act;
- renumbers and amends provisions related to administrative actions;
- provides general provisions relating to:
 - definitions;
 - persons covered;
 - court proceedings, including jurisdiction, venue, notice and hearings, orders, and statutes of limitations;
 - exemptions from fees;
 - actions by and against a receiver, providing immunity and indemnification, and the possession and control of an insurer's records by a receiver;
 - financial obligations, including approval and payment of expenses and financial reporting;
 - reporting;
 - the affect of delinquency proceedings commenced before April 30, 2007; and
 - severability;
- provides procedures governing delinquency proceedings, including:
 - commencing delinquency proceedings, expedited trials, decisions, and appeals;
 - finding grounds for rehabilitation or liquidation, and the entry and effect of an order of rehabilitation or liquidation; and
 - preserving the confidentiality of the proceedings;
- provides provisions governing the rehabilitation of an insurer, including:
 - issuing rehabilitation orders;
 - establishing the powers and duties of the rehabilitator;
 - filing of rehabilitation plans;
 - terminating rehabilitation; and
 - requiring coordination with guaranty associations to assist in the orderly transition to rehabilitation or liquidation;
- establishes provisions for liquidation of an insurer, including:
 - establishing the power of the liquidator;
 - providing notice requirements;
 - addressing liquidation orders;
 - addressing continuance of coverage; and
 - providing for the sale or dissolution of the corporate entity;
- addresses asset recovery, including:
 - turning over assets;
 - recovering from affiliates;
 - addressing unauthorized postpetition transfers;
 - addressing voidable preferences and liens;
 - addressing avoidance of property title transfers;
 - addressing fraudulent transfers and obligations;
 - addressing liability of transferees;
 - providing for setoffs;
 - providing for assessment of assets;
 - addressing a reinsurer's liability;
 - addressing life and health reinsurance;
 - recovering of premiums owed; and
 - requiring in certain circumstances reinsurance recoverable trust;
- establishes claim procedures relating to:
 - filing, proof, and allowance of claims;
 - claims under occurrence policies, surety bonds, and surety undertakings;
 - allowance of contingent and unliquidated claims;
 - provisions for third party claims, disputed claims, codebtors, and secured creditors' claims; and
 - qualified financial contracts;
- provides for distribution of assets, including priority for distribution, early distribution, and partial and final distribution;
- establishes discharge and termination of delinquency and liquidations proceedings;
- establishes provisions relating to interstate relations; and
- makes technical and confirming changes.

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SB 16 Lending Registration Acts

Mayne, E.

This bill modifies the Check Cashing Registration Act and the Title Lending Registration Act.

- addresses dishonored instrument remedies available to a check casher;
- provides for an administrative fine under certain circumstances related to the failure to be registered under the registration acts;
- expands requirements for contracts of loans under the registration acts;
- adds to the operational requirements of lenders under the registration acts, including requirements for rolling over a deferred deposit loan;
- addresses timing of examinations;
- addresses enforcement, including providing for the imposition of administrative fines in general; and
- makes technical changes.

SB 199 Division of Real Estate and Title Insurance Related Amendments

Killpack, S.

This bill modifies the Title and Escrow Commission Act, provisions related to the Division of Real Estate, and related statutes.

- requires disclosure of certain business interests by members of the Title and Escrow Commission;
- requires notice to the Real Estate Commission with regard to rules made by the Title and Escrow Commission;
- addresses limitations on conducting title insurance business when licensed by the Department of Insurance and the Division of Real Estate;
- modifies reserve fund requirements for title insurance producers and agencies;
- authorizes the Utah Housing Opportunity special group license plate to support organizations that create affordable housing for those in severe need;
- requires applicants for the plate to:
 - contribute \$30 annually to the Utah Housing Opportunity Restricted Account; and
 - be a member of a trade organization for real estate licensees that has more than 15,000 Utah members;
- creates the Utah Housing Opportunity Restricted Account;
- addresses when the Real Estate Commission may hold administrative hearings related to violations of the real estate chapter;
- provides an exemption from licensure for certain Department of Transportation employees;
- provides an exemption from licensure for certain municipal employees;
- provides for revocation of certain licenses or certificates held by a dual licensed title licensee;
- addresses appointment of industry members on the Real Estate Commission;
- addresses relicensing when a real estate license is revoked;
- requires fingerprints and criminal background checks for out-of-state applicants for a real estate broker license;
- requires a 12-month waiting period for a mortgage and real estate license applicant to reapply if the first license is automatically revoked for failing to disclose a criminal history;
- addresses when a branch or associate broker may fill out settlement documents;
- permits investigation of and administrative action against unlicensed persons acting in the capacity of a person required to be licensed as a real estate agent or broker, real estate appraiser, or mortgage officer;
 - includes failing to respond to requests by the division in an investigation to be grounds for administrative or disciplinary action;
 - addresses powers of the division related to investigations;
 - addresses disciplinary proceedings including:
 - modifying administrative sanctions available to the Real Estate Commission, Appraisal Board, and Mortgage Commission, such as providing for education requirements, monetary civil penalties, cease and desist orders, and combinations of sanctions; and
 - allowing a civil penalty to be imposed as part of an administrative hearing for a cease and desist order;
- provides that investigations of fraud under the real estate chapter may be funded from the Real Estate Education, Research, and Recovery Fund;
- clarifies that an active mortgage license requires affiliation with an active principal lending manager;
- clarifies that civil penalties from violations of the mortgage chapter are paid into the Residential Mortgage Loan Education, Research, and Recovery Fund;
- provides that investigations of fraud under the mortgage chapter may be funded from the Residential Mortgage Loan Education, Research, and Recovery Fund;
- deletes out-dated language; and
- makes technical changes and conforming amendments.

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SB 205 Alcoholic Beverage Control Amendments

Knudson, P.

This bill modifies the Alcoholic Beverage Control Act.

- provides for severability;
- modifies and adds definitions;
- addresses terms of commissioners;
- addresses appointment and removal of the director;
- adjusts markups by the department and diverts a portion of certain gross sales revenues to the school lunch program;
- repeals the wine and liquor tax;
- addresses purchases of alcoholic beverages by the department;
- addresses disciplinary proceedings and judicial review of those proceedings;
- addresses standards for attire, conduct, and entertainment on premises of licensees and permittees;
- addresses minors including:
 - addressing hiring minors;
 - addressing admitting minors onto premises; and
 - addressing unlawful acts by minors;
- addresses operational restrictions of certain licensees and permittees including on-premise beer retailer and those holding a permit for industrial or manufacturing use;
- addresses alcohol-related compliance check investigations;
- provides for suspension of driving privileges;
- addresses advertising;
- removes redundant or out-of-date language; and
- makes technical and conforming amendments.

Capitol Hill

HB 317 Capitol Hill Complex - Legislative Space

Harper, W.

This bill amends the Legislative Code to outline those areas of Capitol hill that are defined as legislative space.

- amends the Legislative Code to outline those areas of Capitol hill that are defined as legislative space;
- amends certain definitions;
- defines legislative space in the State Capitol, Senate Building, and House Building;
- provides exceptions as to Legislative Management Committee's jurisdiction over the legislative area; and
- makes technical changes.

Charter Schools

HB 164 Charter School Amendments

Bigelow, R.

This bill modifies provisions relating to charter schools.

- provides definitions;
- modifies charter school application and authorization provisions;
- modifies certain requirements for charter schools, including those relating to charter school assets and school closures;
- modifies charter school funding provisions;
- regulates certain transactions and relationships relating to charter schools;
- requires the State Board of Education and the State Charter School Board to develop a joint proposal and submit the proposal to the Executive Appropriations Committee;
- makes a nonlapsing appropriation; and
- makes technical corrections.

HB 318 Charter School Facilities Financing Act

Urquhart, S.

This bill creates the State Charter School Financing Authority to provide financing for charter school facilities.

- creates the State Charter School Financing Authority;
- defines the authority's powers and duties, including the power to issue obligations under the Utah Industrial Facilities and Development Act; and
- provides that obligations issued by the authority do not constitute a debt, moral obligation, or liability of the state or any political subdivision of the state.

Child Support

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HB 15 Driver License Privilege Suspension for Failure to Pay Child Support

Fisher, Julie

This bill amends the Utah Human Services Code and the Public Safety Code to establish a procedure for the Office of Recovery Services to order an administrative suspension of a person's driving privileges when the person is in arrears on a child support obligation.

- defines terms;
- establishes a procedure for the Office of Recovery Services, within the Department of Human Services, to order, and the Driver License Division, within the Department of Public Safety, to recognize and impose, a suspension of a person's driving privileges when the person is at least 60 days in arrears on a child support obligation;
- requires that the Driver License Division, upon application, issue a temporary limited driver license to a person whose driver license is suspended under this bill if the person needs a driver license for employment, education, or child visitation;
- provides that a suspension imposed under this bill will remain in effect until the Office of Recovery Services rescinds the order of suspension;
- provides that the suspension of a person's driving privileges under this bill will not be included in the person's driving record after the order of suspension is rescinded;
- requires the Driver License Division to disclose to the Office of Recovery Services the name and identifying information of each person to whom a license has been issued or whose driving privileges have been suspended, revoked, or reinstated;
- provides that the information received by the Office of Recovery Services under the preceding paragraph is subject to the Government Records Access and Management Act;
- describes the circumstances under which an order to suspend a person's driving privileges may not be made, or under which an order to suspend a person's driving privileges will be rescinded;
- provides that, if the office seeks a driver license suspension of a person who is not delinquent, the office shall refund any noncustodial parent income withholding fee that was collected during the alleged delinquency, unless the person is otherwise in arrears on a child support obligation;
- grants rulemaking authority to the Office of Recovery Services;
- requires the Office of Recovery Services to provide notice of an order, or the rescinding of an order, suspending a person's driving privileges, to the person to whom the suspension applies and to the Driver License Division;
 - describes the contents of the notice described in the preceding paragraph; and
 - makes technical changes.

SB 23 Child Support Guidelines

Bell, G.

This bill modifies child support guidelines and related issues.

- provides for a phase in of new child support tables;
- repeals the existing tables as of January 1, 2010;
- modifies definition provisions including defining "temporary" as a period of time projected to be less than 12 months;
- addresses deviations from child support guidelines;
- addresses when adjustments to ordered support are to be made;
- directs the use of a portion of child support under specific circumstances;
- addresses the determination of income;
- addresses calculation of obligations;
- requires the use of the same table when adjusting child support amounts due to certain changes related to a child;
- requires the use of the existing tables under specific circumstances;
- recalculates and updates the child support tables;
- clarifies obligation for certain medical expenses;
- addresses obligation for child care expenses;
- addresses claim of tax exemption; and
- makes technical corrections.

Children

HB 86 Penalties for Sexual Offenses and Kidnapping

Wimmer, C.

This bill amends provisions of the Utah Criminal Code relating to penalties for sexual offenses and child kidnapping.

- defines terms;
- increases the base penalties for certain sexual offenses and child kidnapping;
- provides for greater penalties for certain sexual offenses and child kidnapping when the defendant causes serious bodily injury to another during the course of the commission of the offense;
- provides that a person who commits certain sexual offenses after previously being convicted of a grievous sexual offense shall be sentenced to life imprisonment without parole;
- describes the order of precedence of certain sentencing enhancements;
- modifies or replaces existing sentencing enhancements;
- expands the list of crimes for which probation, suspension of sentence, reduction of the category of offense, or hospitalization may not be granted; and
- makes technical changes.

Commerce and Trade

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HB 59 Utah International Trade Commission

Allen, S.

This bill extends the sunset date for the Utah International Trade Commission.

- extends the sunset date for the Utah International Trade Commission; and
- extends the sunset date for a provision related to the Utah International Trade Commission.

Community and Culture Development

HB 125 Centers of Excellence Amendments

Daw, B.

This bill modifies the Centers of Excellence Act by creating a commercialization grant component to more readily link companies with college and university researchers in transitioning their research developed technologies into industry.

- modifies the recognized purposes of the Centers of Excellence Act to include facilitating the transition of research generated technologies from the state's colleges and universities into industry to grow and expand the state's economy;
- provides that, in addition to state colleges and universities, Centers of Excellence grants may be awarded to companies that are working in partnership with colleges and universities and their researchers to transition their research generated technologies into industry for economic development;
- provides that a repayment by a college or university of grant proceeds or a portion of grant proceeds shall come only from the proceeds of a license established between the company and the college or university, or in the case of a company that receives a grant, from the proceeds of the license to that company; and
- provides that the Governor's Office of Economic Development may enter into work agreements with business team consultants, who would assist colleges and universities in facilitating the transition of technology into industry.

SB 10 Industrial Assistance Fund Amendments - Rural Fast Track Program

Hickman, J.

This bill modifies provisions of the Industrial Assistance Fund by creating a Rural Fast Track Program as a component of the fund to help provide an efficient way for small companies in rural Utah to receive incentives for creating high paying jobs in the rural areas of the state and to further promote business and economic development in rural Utah.

- creates the Rural Fast Track Program as a funded component of the economically disadvantaged rural areas designation within the Industrial Assistance Fund to provide a financial incentive for small companies in rural Utah that create high paying jobs;
- provides that 20% of the money in the Industrial Assistance Fund shall be used to fund the program and for a reallocation of money not used in the program by the end of the third quarter of any given fiscal year;
- provides for an application procedure, qualification criteria, and an approval process;
- provides criteria on which awards are based for the creation of new incremental high paying jobs in rural Utah; and
- provides for quarterly reports to the Board of Business and Economic Development and annual reports to the Legislature on awards made under the program.

Department of Workforce Services

SB 15 Workforce Services - Reporting Misuse of Personal Identifying Information

Walker, C.

This bill modifies the Employment Security Act by allowing the Department of Workforce Services to disclose to an individual and law enforcement agencies responsible for investigating identity fraud the suspected misuse of the individual's personal identifying information.

- provides that the Department of Workforce Services may disclose to an individual the suspected misuse of the individual's personal identifying information;
- provides that the suspected misuse may also be reported to appropriate law enforcement agencies responsible for investigating identity fraud violations;
- provides that the suspected use of personal identifying information includes a Social Security number under which wages are being reported by two or more individuals or that of an individual under the age of 16 with reported wages exceeding \$1,000 for a single reporting quarter; and
- reduces from a class A to a class C misdemeanor a violation of the disclosure provisions of Section 35A-4-312.

Driver License

HB 52 Driver License Fee Amendments

Daw, B.

This bill modifies the Uniform Driver License Act by increasing selected driver license fees.

- increases selected driver license fees; and
- creates a separate identification card application fee for a person with a disability.

Driving Under the Influence (DUI)

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SB 4 Driving Under the Influence Amendments

Walker, C.

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions related to driving under the influence.

- clarifies the application of the ten-year look back period for felony driving under the influence violations;
- amends the definition of alcohol restricted driver;
- provides that a court shall order an ignition interlock system as a condition of probation for an alcohol restricted driver violation or describe why the order would not be appropriate;
- increases the fee for a license reinstatement application for an alcohol or drug-related offense;
- increases the administrative fee for license reinstatement after an alcohol or drug-related offense and increases the amount of revenue generated by the administrative fee that is deposited in the State Laboratory Drug Testing restricted account;
- provides that the Driver License Division shall deny, suspend, disqualify, or revoke a person's license for certain violations;
- requires the Driver License Division to reinstate a person's license if the person's charges for certain violations are reduced or dismissed within the suspension period;
- requires the Driver License Division to immediately revoke, deny, suspend, or disqualify a person's driver license upon receiving record of a person's conviction for operating a vehicle without an ignition interlock system if the person is an interlock restricted driver; and
- makes technical changes.

Education

HB 1 State Agency and Higher Education Base Budget Appropriations

Bigelow, R.

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, and appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

- 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;
- approves employment levels for internal service funds;
- approves capital acquisition amounts for internal service funds.

HB 148 Education Vouchers

Urquhart, S.

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

- specifies criteria for qualifying for a scholarship;
- specifies criteria for private schools to enroll scholarship students;
- specifies the amount, timing, and form of scholarship payments;
- requires the State Board of Education to make rules;
- gives the State Board of Education enforcement authority;
- requires the Legislature to annually appropriate money from the General Fund for scholarship payments; and
- allows a school district to retain in enrollment a student that transfers to a private school for a period of five years, with a deduction equal to the average scholarship amount.

HB 155 Student Achievement Assessment Amendments

Newbold, M.

This bill modifies U-PASS (Utah Performance Assessment System for Students) and requirements for reading achievement plans and the reporting of students' reading grade level.

- modifies U-PASS by:
 - expanding the basic skill courses tested to include intermediate algebra;
 - eliminating criterion-referenced testing in grade 1;
 - eliminating norm-referenced testing in grade 11; and
 - adding a reading test in grade 3;
- modifies assessment, intervention, and reporting elements of schools' reading achievement plans for students in kindergarten through grade 3; and
- modifies reporting requirements regarding U-PASS test results.

HB 174 Education Voucher Amendments

Last, B.

This bill modifies a program to award scholarships to students to attend a private school.

- modifies criteria for qualifying for a scholarship;
- modifies criteria for private schools to enroll scholarship students;
- modifies provisions relating to the State Board of Education; and
- modifies the review by the legislative auditor general.

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HB 202 Medical Recommendations for Children

Morley, M.

This bill prohibits school personnel from making certain medical recommendations for a student, including the use of psychotropic medications, and prohibits consideration of a petition for removal of a child, and removal of a child from parental custody based on a parent's refusal to consent to the administration of psychotropic medications.

- prohibits school personnel from making certain medical recommendations for a student, including the use of psychotropic medications;
- prohibits the removal of a child from parental custody based on a parent's refusal to consent to the administration of psychotropic medications; and
- prohibits the consideration of a petition for removal of a child from parental custody based on a parent's refusal to consent to the administration of psychotropic medications.

HB 236 Student Clubs Amendments

Tilton, A.

This bill modifies the State System of Public Education Code's regulation of curricular and noncurricular clubs.

- provides definitions;
- provides requirements and procedures for the authorization of curricular and noncurricular clubs;
- regulates the use of school buildings by authorized clubs;
- provides for faculty oversight of authorized clubs;
- provides requirements for club membership, including parental consent;
- requires the investigation of complaints, provides school options for violations, and establishes appeals procedures;
- allows additional rulemaking by the State Board of Education and provides additional rulemaking authority for local school governing boards;
- provides severability; and
- makes technical corrections.

HB 364 Public School Textbook Evaluation

Froerer, G.

This bill establishes requirements related to public education instructional materials.

- prohibits a school district from purchasing certain instructional materials unless the materials have been evaluated by an independent party for alignment with the core curriculum;
- requires that the alignment evaluation be made available on a website at no charge; and
- exempts charter schools from the evaluation requirements.

HB 382 Amendments to Education Funding

Dee, B.

This bill provides salary increases and bonuses for educators and bonuses for classified personnel employed by school districts, charter schools, and the Utah Schools for the Deaf and the Blind.

- directs the Legislature, subject to future budget constraints, to appropriate money for educator salary adjustments;
- defines "educator";
- provides that the salary adjustment shall be the same for each full-time-equivalent educator position;
- provides that only educators who have had a satisfactory or better evaluation are eligible for salary adjustments;
- authorizes the State Board of Education to make rules as necessary to administer the salary adjustment;
- provides bonuses for educators and classified personnel employed by school districts, charter schools, and the Utah Schools for the Deaf and the Blind; and
- modifies provisions relating to the adjustment of salaries for nonadministrative licensed staff of the Utah Schools for the Deaf and the Blind.

SB 49 Optional Extended-day Kindergarten

Hillyard, L.

This bill establishes a voluntary extended-day kindergarten program, with certain funding priorities.

- establishes a program, administered by the State Board of Education, through which school districts and charter schools may provide voluntary extended-day kindergarten;
- establishes program requirements and funding priorities;
- requires districts to report certain information on the use of program monies and on the program's outcomes to the State Board of Education;
- requires the Superintendent of Public Instruction to report to the Education Interim Committee on the program;
- provides for review of and a sunset date for the program; and
- makes certain appropriations nonlapsing.

SB 80 Education Reform - Critical Languages Program

Stephenson, H.

This bill modifies the State System of Education Code by establishing a critical languages program.

- establishes the Critical Languages Program; and
- authorizes a pilot program.

Elections

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HB 223 Voter Information Website

Harper, W.

This bill modifies the Election Code and the Lieutenant Governor Chapter by establishing the Statewide Electronic Voter Information Website Program administered by the lieutenant governor.

- establishes the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks;
- requires the lieutenant governor to develop and implement a website that includes all information currently provided in the voter information pamphlet and to include information on local races, candidates, and ballot propositions;
- requires local election officials to submit information to the lieutenant governor for each ballot label under the election official's direct responsibility so the information may be placed on the website;
- provides certain deadlines for submitting the election information;
- provides for the lieutenant governor's review of submitted information;
- requires certain frequently asked voter questions and answers to be included on the website;
- provides a deadline for the website to be ready for use;
- allows the expansion of the information to include other elections;
- requires the filing clerk to inform qualified candidates of the program;
- amends the duties of the lieutenant governor to provide election information to the public by providing it on the Internet; and
- makes technical changes.

HB 347 Municipal Election Law Provisions

Aagard, D.

This bill modifies provisions of the Election Code.

- makes technical amendments;
- modifies definitions;
- moves the date of the municipal primary election from October to September;
- modifies provisions governing the days and hours of poll operation for early voting in local special elections, municipal primary elections, and municipal general elections;
- provides that use of machines that provide disability access is not required for early voting in local special elections, municipal primary elections, and municipal elections;
- permits municipalities to combine up to four voting precincts into a single precinct for voting purposes in municipal elections;
- provides that the use of electronic voting machines is not required for municipal primary elections or municipal general elections;
- permits poll workers who are assigned to a voting precinct during a municipal election to reside within the county, rather than within the precinct they are assigned to; and
- adjusts the deadline for filing declarations of candidacy and nomination petitions for municipal elections.

SB 211 Election Law Changes

Stephenson, H.

This bill amends provisions of the Election Code to extend provisional ballot eligibility to persons registered anywhere within the state instead of within the county and to replace satellite registration with an extended registration period.

- removes unused definitions;
- eliminates satellite registration;
- provides that voters who register in person at the office of the county clerk after the voter registration deadline but at least 15 days before the date of the election may vote on the day of the election, but not during early voting;
- permits a provisional ballot to be counted if the person voting was registered to vote anywhere in the state instead of just in the county where the provisional ballot was cast, provided that other, existing voting requirements are met;
- modifies provisional ballot envelope language; and
- makes technical changes.

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SB 241 Election Law Modifications

Knudson, P.

This bill modifies provisions in the Election Code.

- permits the election officer to process and count absentee ballots prior to the date of the canvass, provided that the election officer does not release the results of the count until the time of the canvass;
- requires each election officer to publicly release the results of all absentee ballots counted as of the date of the election;
- requires each election officer to publicly release, on the date after the election:
 - the number of absentee ballots received by the election officer as of that time; and
 - the number of provisional ballots that were cast in the election within the election officer's jurisdiction;
- permits the election officer, during the period between the election and the date of the canvass, to publicly update the number of absentee ballots that the election officer has received;
- requires the lieutenant governor to certify the name of each candidate as it appears on the candidate's declaration of candidacy;
- prohibits the amendment or modification of a declaration of candidacy or nomination petition after the last date established for filing a declaration of candidacy;
- requires election officers that accept declarations of candidacy to inform the candidate that the candidate's name will appear on the ballot as it appears on the declaration of candidacy;
- moves the last day to declare candidacy for the Western States Presidential Primary from January 15 to October 15 of the previous year;
- amends language relating to the election of members of Congress; and
- makes technical changes.

Energy

HB 351 Revolving Loan Fund for Certain Energy Efficient Projects

Barrus, R.

This bill creates a revolving loan fund for use by school districts to improve energy efficiency in school district buildings.

- establishes a revolving loan fund to fund energy efficiency projects in buildings in local school districts;
- establishes the revenue and use of the fund;
- authorizes the Board of Utah Geologic Survey to make rules establishing eligibility and prioritization criteria for disbursing monies from the fund;
- grants the board other powers and directions regarding making loans from the fund; and
- adds the new fund to the list of revolving loan funds for which the Division of Finance exercises some oversight and jurisdiction.

Environment

SB 155 Waste Amendments

Peterson, D.

This bill exempts certain radioactive waste disposal facilities from certain approval and siting requirements.

- exempts a radioactive waste disposal facility license in effect on or before December 31, 2006 from local government planning and zoning approval, legislative and gubernatorial approval, and certain siting requirements; and
- exempts an amendment to or renewal of a radioactive waste disposal facility license in effect on or before December 31, 2006 from local government planning and zoning approval, legislative and gubernatorial approval, and certain siting requirements unless the amendment or renewal would authorize waste disposal at a different geographic location.

Government Operations (State Issues)

HB 222 Open and Public Meetings - Electronic Notice

Dougall, J.

This bill modifies the Open and Public Meetings Act to amend provisions related to electronic notice of public meetings and to establish a Utah Public Notice Website.

- modifies notice requirements in the Interlocal Cooperation Act to ensure compliance with notice provisions of the Open and Public Meetings Act;
- requires a public body to provide public notice of its meetings on the Utah Public Notice Website;
- provides exceptions for posting notice on the Utah Public Notice Website by a municipality or a district that has a budget of less than \$1 million;
- prohibits a court from voiding a final action of a public body due to a technology failure affecting posting public notice on the Internet under certain circumstances;
- amends the duties of the Division of Archives and Records Service;
- authorizes the Division of Archives and Records Service, with the technical assistance of the Department of Technology Services, to establish and maintain the Utah Public Notice Website;
- provides requirements for the website;
- provides that responsibility for the content of notices posted and the timing of notices posted is the responsibility of the public body posting the notice; and
- makes technical changes.

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SB 246 Government Law Changes

Killpack, S.

This bill modifies provisions in the Lobbyist Disclosure and Regulation Act, the Utah Public Officers' and Employees' Ethics Act, and the campaign finance requirements of the Election Code.

- requires that officeholders file annual campaign finance summary reports;
- provides and modifies definitions;
- removes reporting exemptions from certain travel, lodging, and meal expense reimbursements;
- clarifies disclosure requirements for public officials, elected officials of local governments, and certain state employees under the Lobbyist Disclosure and Regulation Act;
- requires that financial expenditure reports be filed on a quarterly schedule;
- requires the report due on January 10 to list total expenditures for the previous year;
- permits financial reports to be filed electronically, consistent with current practice;
- requires that lobbyists file quarterly expense reports even when no expenses have been made;
- requires that lobbyists and principals be subject to reporting requirements until they cease lobbying;
- requires a lobbyist, principal, government officer, or member of a lobbyist group to disclose a recipient's name, the amount of the benefit conferred on each recipient, and other information for the following:
 - reimbursement or payment for travel or lodging costs;
 - the cost of admission to a professional or collegiate sporting event;
 - the cost of tangible personal property, if the aggregate daily expenditures made for the recipient are more than \$10;
 - the cost of food and beverage, if the aggregate daily expenditures made for the recipient are valued at more than \$50; and
 - the cost of any other expenditure, if the aggregate daily expenditures made for the recipient are more than \$50;
- provides that other reportable expenditures are reported by public official type, rather than by name;
- establishes conflict of interest standards for lobbyists;
- modifies a provision in the Public Officers' and Employees' Ethics Act; and
- makes technical changes.

Health

HB 56 Emergency Administration of Epinephrine

Kiser, T.

This bill amends the Emergency Injection for Anaphylactic Reaction Act to authorize the administration of epinephrine auto-injectors in an emergency by a person designated to receive training by the Department of Health.

- amends definitions;
- requires the Department of Health to approve training programs for the use and storage of epinephrine auto-injectors in an emergency;
- authorizes the Department of Health, as funding is available, to conduct educational programs to train people in the use and storage of epinephrine auto-injectors;
- establishes a standard for when a person has a need for training in the use of epinephrine auto-injectors;
- authorizes a person trained in the use and storage of epinephrine auto-injectors to obtain a prescription for the epinephrine auto-injector from a physician, pharmacist, or other person authorized to prescribe or sell drugs; and
- authorizes the Department of Health to adopt administrative rules.

SB 52 Health Regulations for Public Indoor Tanning Beds

Jones, P.

This bill amends the Health Code to authorize the Department of Health to regulate public tanning facilities.

- defines terms;
- authorizes local health departments to issue permits for tanning facilities; and
- requires a person younger than 18 to obtain parental consent before using a tanning facility.

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SB 75 Advance Health Care Directive Act

Christensen, A.

This bill repeals the Personal Choice and Living Will Act and enacts the Advance Health Care Directive Act.

- establishes legislative intent;
- defines terms;
- gives preference to current health care decisions;
- creates a presumption that an individual has capacity to make health care decisions and appoint an agent;
- establishes:
 - powers of a health care agent;
 - surrogate decision makers when an agent is not available;
 - scope of surrogate powers;
 - priority of decision makers; and
 - powers of court-appointed guardians;
- coordinates the role of agents and surrogates as personal representatives of an individual;
- provides for the revocation of a health care directive;
- requires notice to health care providers of a health care directive or the appointment of an agent;
- establishes the duties of a health care provider and a health care facility regarding implementing a health care directive;
- creates a presumption of validity of health care directives;
- creates a presumptive statutory form for health care directives;
- prohibits the illegal destruction or forgery of a health care directive;
- prohibits a life or health insurer from:
 - denying benefits under a policy because an individual signed an advance health care directive which authorizes the withdrawal of life support; or
 - requiring an individual to create a health care directive in order to be insured; and
- provides for reciprocity for health care directives or similar documents from other states.

Health Care

HB 114 Prisoner Long-term Health Care

Biskupski, J.

This bill modifies the chapter "Department of Corrections - State Prison" to require certain actions by a corrections department or agency and by a nursing care facility or assisted living facility administrator to which an offender is released from prison or parole.

- provides definitions;
- provides that if an inmate is given an early release, pardon, or parole due to a chronic or terminal illness and is admitted as a resident of a nursing or assisted living facility, the department or another state's agency placing the offender shall provide:
 - notice to the facility administrator, no later than 15 days prior to the offender's admission as a resident of a facility and also provide contact information;
 - information to the public on the Utah Department of Corrections' website, and upon request, regarding the offenders placed in health care facilities, including the name and address of the facility where the offenders reside, and the date the offenders were placed at the facility; and
 - a training program for employees who work in facilities where offenders reside;
- requires the nursing or assisted living facility administrator to provide staff trained by the Department of Corrections in the safe management of offenders; and
- provides a penalty for failure to provide:
 - notice to other facility residents; and
 - employees trained in the safe management of offenders.

Higher Education

HB 196 Higher Education Criminal Background Checks

Menlove, R.

This bill requires the State Board of Regents to adopt a policy providing for criminal background checks of certain prospective and existing employees of higher education institutions.

- directs the State Board of Regents to adopt a policy requiring:
 - an applicant for a position in a higher education institution that involves significant contact with a minor or a position that is security sensitive to submit to a criminal background check as a condition of employment; and
 - an existing employee of a higher education institution to submit to a criminal background check, where reasonable cause exists;
- authorizes higher education institutions to request the Utah Bureau of Criminal Identification to conduct criminal background checks;
- addresses the payment of the costs of criminal background checks; and
- requires notice of criminal background checks to prospective and existing employees and an opportunity for review of information obtained through a criminal background check.

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Law Enforcement and Criminal Justice

HB 31 Driver License or Identification Card Requirement for Sex Offenders

Ray, P.

This bill modifies the Uniform Driver License Act regarding identification cards to provide that a person required to register as a sex offender must maintain a current identification card if the person does not have a driver license.

- requires that sex offenders subject to registration must keep a current state identification card if the offenders do not have a driver license;
- provides that no extension of an identification card beyond the statutory expiration date may be granted for sex offenders subject to registration; and
- establishes a class A misdemeanor penalty for sex offenders subject to registration who fail to maintain an identification card if they do not have a driver license.

HB 93 Capital Offenses Amendments

Ray, P.

This bill modifies the Criminal Code regarding the elements of aggravated murder as related to the homicide of a child.

- provides that the commission or attempt to commit specified offenses, including sexual offenses, against a child as a part of the commission of the homicide constitutes aggravated murder, whether or not the specified offenses were committed intentionally or knowingly.

HB 274 Violent Crime in Presence of a Child

Fisher, Janice

This bill modifies the Criminal Code regarding aggravating factors to be considered by the judge or the Board of Pardons and Parole.

- provides that the sentencing judge or the Board of Pardons and Parole shall consider the defendant's commission of a violent offense in the presence of a child 14 years of age or younger as an aggravating factor and clarifies that this provision does not affect any other provision regarding judicial discretion; and
- provides definitions.

SB 44 Scrap Metal Transactions

Greiner, J.

This bill modifies the Criminal Code and requires identification and related procedures for the sale of specified metals and imposes penalties for participating in transactions involving these metals without providing appropriate identification.

- defines "regulated metals";
- specifies identification that must be provided in order to sell regulated metals to dealers;
- requires that dealers post a sign advising sellers that they must provide identification in compliance with state law;
- requires that dealers keep a written or electronic log of identification and sales for three years;
- requires authorization from a governmental entity in order to sell certain regulated metals such as manhole covers;
- requires authorization of the owner in order to sell specified regulated metals that are defined as "suspect metals," such as copper and grave site vases;
- requires that dealers segregate and label regulated metals that they purchase;
- requires that dealers hold regulated metals for three days and allows a law enforcement agency to place a hold up to 60 days if the agency believes the metal is stolen;
- provides that violation of these requirements by the dealer or the seller is a class B misdemeanor; and
- repeals the current identification and records requirements for dealers in junk other than regulated metals.

SB 50 Drug Offenders Reform Act

Buttars, D. C.

This bill modifies provisions of the Utah Substance Abuse and Anti-Violence Coordinating Council and the Code of Criminal Procedure to implement provisions relating to screening, assessment, and substance abuse treatment for offenders. These provisions are referred to as the Drug Offender Reform Act.

- requires the Utah Substance Abuse and Anti-Violence Coordinating Council to coordinate and evaluate the implementation of the screening and assessment program;
- requires that on and after July 1, 2007, offenders convicted of any felony offense participate in the screening and assessment process; and
- requires that the results of any screening and assessment of an offender be provided to the court prior to sentencing.

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SB 112 Methamphetamine Precursor Access Amendments

Buttars, D. C.

This bill modifies the Utah Controlled Substance Precursor Act regarding the quantity of products containing ephedrine, pseudoephedrine, or phenylpropanolamine that may be sold or possessed at one time, and requires that retail distributors limit customers' access to these products. This bill requires retail distributors to keep a log of purchasers of these products. This bill also imposes a specified penalty for offenses related to clandestine drug laboratories.

- reduces the amount of products containing ephedrine, pseudoephedrine, or phenylpropanolamine that may be possessed at one time from 12 grams to 9 grams;
- provides that products containing ephedrine, pseudoephedrine, or phenylpropanolamine may not be sold as over-the-counter medications and requires:
 - that any of these products sold in one day, regardless of the number of transactions, may not contain more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine;
 - that any of these products sold by mobile retail vendors within 30 days, regardless of the number of transactions, may not contain more than 7.5 grams of ephedrine, pseudoephedrine, or phenylpropanolamine;
 - that the retailer keep the products in an area not accessible to customers, such as in a locked cabinet;
 - that the purchaser provide identification that includes a photo and birth date;
 - that the purchaser write into the log his name, address, date of birth, and time of transaction; and
 - that the seller verify the information provided by the purchaser and enter the brand name and quantity of the product; and
 - that the retailer keep a log of the transactions, including the date, identification of the purchaser, and the product purchased, for not less than two years;
- provides that any violation of these provisions is a class B misdemeanor, and that subsequent violations are class A misdemeanors; and
- provides that specified offenses involving clandestine drug laboratories, which are second degree felonies, are punishable by the specified penalty of imprisonment for an indeterminate term of not less than 3 years nor more than 15 years.

Legislative Affairs

HB 473 Revenue Bond and Capital Facilities Authorizations

Buxton, D. G.

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds, build capital facilities using agency or institutional funds, or acquire or exchange property.

- 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;
- authorizes the acquisition or exchange of certain higher education property;
- approves the sale of a state building and directs the use of the sale proceeds;
- approves the purchase of a building and directs its use; and
- directs that the Division of Facilities Construction and Management enter into a lease with the new owner of the sold building to allow the building's current tenants to continue to occupy it until alternatives become available.

Natural Resources

HB 67 Age Amendments for Hunting Big Game

Oda, C.

This bill changes the age requirement for hunting big game.

- changes the age requirement to hunt big game from 14 to 12;
- prohibits a person under the age of 14 from obtaining certain permits; and
- makes technical changes.

SB 161 Hunting and Fishing License Amendments

Christensen, A.

This bill amends provisions relating to hunting and fishing licenses and permits.

- alters the combination license to allow a licensee to:
 - fish;
 - hunt small game; and
 - apply for or obtain a big game, cougar, bear, or turkey hunting permit;
- changes how certain fees may be used;
- changes the name of the small game license to a hunting license;
- creates a hunting license that allows the licensee to:
 - hunt small game; and
 - apply for or obtain a big game, cougar, bear, or turkey hunting permit;
- requires a person 12 years of age or older to have a fishing license;
- requires a person to have a hunting license before applying for a big game, cougar, bear, or turkey hunting permit; and
- makes technical changes.

Pharmacies

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SB 42 Preferred Prescription Drug List

Christensen, A.

This bill amends the Medical Assistance Act of the Health Code.

- amends provisions related to the Medicaid drug program;
- deletes language related to the department study of drug programs in 2003 and the department report to the Executive Appropriations Committee in 2003;
- permits the department to develop a Medicaid drug program that may include placing some drugs on a preferred drug list; and
- requires the department to report on any drug program by August 2008.

Political Subdivisions (Local Issues)

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HB 65 Special and Local Districts Amendments

Dee, B.

This bill modifies provisions relating to special districts and local districts.

- substantially rewrites, reorganizes, and renumbers provisions related to independent special districts and dependent special districts known as county improvement districts and municipal improvement districts;
- consolidates and standardizes provisions relating to district authority, including taxing, bonding, and eminent domain authority, district boards of trustees, actions contesting a district resolution or other action, local district validation proceedings, and other matters, and repeals redundant or inconsistent provisions;
- changes terminology applicable to entities previously known as independent special districts, except special service districts, so that they will be known as local districts;
- changes terminology applicable to what have previously been known as county improvement districts and municipal improvement districts so that they will be known as assessment areas;
- expands the entities that are authorized to designate assessment areas from counties and municipalities to include local districts and special service districts;
- authorizes the creation of a new type of limited purposes local government entity known as a basic local district and provides for its authority and the makeup of its board of trustees;
- authorizes the creation of a local district by another local district whose boundaries completely encompass the proposed local district if the proposed local district is being created to provide one or more components of the same service that the initiating local district is authorized to provide;
- extends eminent domain authority to cemetery maintenance districts and standardizes language related to the eminent domain authority of all local districts that have eminent domain authority;
- authorizes local districts to acquire, lease, or construct and operate electrical generation, transmission, and distribution facilities if the facilities are to harness energy that results inherently from the district's operations, the primary purpose of the facilities is incidental to the district's primary operations, and the operation of the facilities will not hinder or interfere with the district's primary operations;
- modifies the types of services that local districts may provide;
- eliminates a redundant provision regarding the circumstances under which a local district is conclusively presumed to be incorporated;
- modifies a provision prohibiting board of trustees members from being employed by the local district and provides an exception for remote districts;
- authorizes a local district's board of trustees to determine the district's fiscal year;
- authorizes local districts to combine a notice and hearing related to the district's budget with the notice and hearing on a proposed fee increase;
- authorizes local districts to charge on a single bill for multiple commodities, services, or facilities the district provides and to suspend furnishing the commodity, service, or facility for a customer's failure to pay;
- authorizes local districts to certify delinquent fees or charges to the county treasurer and so that they become a lien on the customer's property;
- increases the debt limit of a former regional service area from 5% to 12% of the taxable value of taxable property in the service area;
- increases the debt limit of a cemetery maintenance district from .0001 to .004 of the taxable value of taxable property in the district;
- increases the debt limit of a mosquito abatement district from .0001 to .0004 of the taxable value of taxable property in the district;
- modifies the calculation of the debt limit of a drainage district from \$1.50 per acre to .002 of the taxable value of taxable property in the district;
- establishes a debt limit for basic local districts;
- modifies the basis for calculating the debt limit of some districts from taxable value to fair market value;
- allows a municipality within an improvement district to elect not to appoint a member to the board of trustees and participate instead in the election of board members;
- provides an exception to a residency requirement for board of trustees members in a district with a specified percentage of seasonally occupied homes;
- eliminates county legislative body approval as a requirement for a drainage district to levy a property tax;
- expands the authority of drainage districts to incur debt and authorizes them to incur long-term debt;
- modifies a provision relating to fire protection districts boards of trustees;
- authorizes mosquito abatement districts to establish a reserve fund for extraordinary abatement measures;
- authorizes local districts to allow another political subdivision to use surplus capacity or have an ownership interest in district facilities for monetary, nonmonetary, or no consideration;
- authorizes local districts to allow another political subdivision or a public or private property owner to use the surface of land on which the district has a right-of-way, for monetary, nonmonetary, or no consideration;
- validates existing fire protection district boards of trustees;
- modifies provisions relating to the board of trustees of a metropolitan water district;
- modifies the area within which a mosquito abatement district may provide service;
- eliminates a public transit district provision relating to labor dispute arbitration;
- transforms a former regional service area into a service area and makes the former regional service area subject to provisions applicable to service area;
- rewrites and modifies powers of water conservancy districts and other political subdivisions to enter into agreements related to water and water works;
- rewrites and consolidates provisions relating to different classes of water conservancy district assessments;
- authorizes a local government entity to finance operation and maintenance costs of improvements through an assessment area;
- authorizes a local government entity to add additional property to a designated assessment area under certain circumstances;
- authorizes a local government entity to issue bond anticipation notes with respect to anticipated bonds secured by property in an assessment area;
- authorizes the levy of assessments in an assessment area by zones;
- modifies provisions related to a board of equalization with respect to assessments levied in an assessment area;
- authorizes a local government entity to designate a trustee for purposes of foreclosing a lien after a delinquency;
- modifies provisions relating to a guaranty fund and reserve fund for paying obligations relating to an assessment area;
- allows property owners to waive requirements applicable to the designation of an assessment area and the levying of an assessment in an assessment area; and

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- makes technical and conforming changes.

HB 103 Statewide Mutual Aid Act

Oda, C.

This bill enacts provisions related to a statewide mutual aid system among political subdivisions of the state.

- establishes a statewide mutual aid system among participating political subdivisions that provide public safety service;
- defines terms;
- establishes a statewide mutual aid committee, provides for its membership, terms, and procedures, and prohibits compensation for its members;
- allows a county, municipality, or public safety special district or interlocal entity to withdraw from the statewide mutual aid system;
- provides for the duties of participating political subdivisions;
- establishes a process for a participating political subdivision to request assistance from another participating political subdivision;
- provides for reimbursement to be paid to a responding political subdivision;
- establishes rules applicable to personnel who respond to a request for assistance; and
- enacts a severability provision.

HB 365 Eminent Domain Authority of Community Development and Renewal Agencies

Urquhart, S.

This bill modifies provisions relating to community development and renewal agencies.

- authorizes community development and renewal agencies to acquire property by eminent domain in an urban renewal project area under certain circumstances and in an earlier established project area if, under prior law, the agency made a finding of blight and other conditions are met;
- conditions an agency's authority to acquire by eminent domain single-family owner occupied residential property or commercial property on the owner's consent or on a petition by other property owners and a 2/3 vote of the agency board;
- modifies requirements for notice of a blight hearing;
- imposes prerequisites on community development and renewal agencies before they may acquire property by eminent domain;
- authorizes a property owner to bring a civil action against a community development and renewal agency for the agency's violation of a requirement to provide a written declaration;
- requires an agency to keep a record of its good faith negotiations with the property owner; and
- authorizes a court to award court costs, attorney fees, relocation expenses, and compensation for damage to fixtures or other personal property.

Public Service Commission

SB 156 Public Service Commission - Equipment Distribution Program

Goodfellow, B.

This bill allows the Public Service Commission to determine what telecommunications devices will be distributed to a hearing impaired person.

- allows the Public Service Commission to determine by rule what telecommunications devices will be distributed to a hearing impaired person;
- allows distribution of telecommunications devices to customers of wireless telecommunications providers; and
- makes technical changes.

Resolutions

HJR 1 Joint Resolution Regarding Action on Groundwater in Snake Valley

Wheeler, R.

This joint resolution of the Legislature expresses to the Governor the will of the Legislature regarding the division of the aquifer shared with Nevada.

HJR 11 Joint Rules Resolution - Recodification and Revisions

Urquhart, S.

This bill recodifies and makes certain changes to the Legislature's Joint Rules.

SCR 5 Resolution Opposing Divine Strake

Davis, G.

This concurrent resolution of the Legislature and the Governor expresses opposition to the Divine Strake explosive test to be conducted in Nevada in 2007.

Resolutions, Constitutional

HJR 4 Resolution Revising Executive Officer Succession Provisions

Urquhart, S.

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify provisions relating to succession in the offices of Governor and Lieutenant Governor.

SJR 12 Resolution Amending Utah Constitution

Valentine, J.

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify provisions relating to annual general sessions of the Legislature. This resolution proposes to amend the Utah Constitution to:

- change the beginning of annual general sessions of the Legislature from the third Monday in January to the first Tuesday after the third Monday in January; and
- excludes federal holidays in the calculation of the 45-day period for annual general sessions.

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Retirement

- HB 7 State Post-retirement Benefits Trust Fund Grover, K.
This bill establishes a trust fund to accumulate monies to pay post-retirement benefits.
• creates a trust fund to pay for post-retirement benefits;
• creates a board of trustees to act as the trustee of the trust;
• establishes investment criteria for the state treasurer in investing the trust assets; and
• directs the Division of Finance to transfer certain monies into the fund.
- HB 260 Post Retirement Employment Donnelson, G.
This bill modifies the Utah State Retirement and Insurance Benefit Act by amending reemployment restrictions for certain retirees.
• defines "agency" to clarify the applicability of reemployment restrictions for certain retirees; and
• makes technical changes.
- HB 337 Local Government Post-employment Benefit Trust Funds Amendments Grover, K.
This bill modifies the State Money Management Act by amending provisions related to local government other post-employment benefits trust funds.
• provides that local government other post-employment benefits trust funds are exempt from the requirements to invest monies in certain assets;
• defines certain terms;
• requires all local government other post-employment benefits trust fund monies in the custody of a public treasurer to be established in a separate trust fund;
• requires monies in a local government OPEB trust fund to be deposited or invested in certain types of assets that meet certain criteria;
• provides that the state treasurer may develop and offer a variety of asset allocation options for monies in an OPEB trust fund and review the options for efficiency as needed;
• allows the state treasurer to charge an administrative fee for cost incurred in the management of local government OPEB funds within an asset allocation option; and
• makes technical changes.

Revenue and Taxation

- HB 36 Income Tax Additions, Subtractions, and Credits for Higher Education Savings Hunsaker, F.
This bill amends the Higher Education Savings Incentive Program chapter, the Corporate Franchise and Income Taxes chapter, and the Individual Income Tax Act relating the program for higher education savings, additions to and subtractions from income for higher education savings, and to provide a tax credit for higher education savings.
• provides and modifies definitions;
• addresses the taxation of the Utah Educational Savings Plan Trust and its income;
• addresses the maximum amount of a qualified investment in the Utah Educational Savings Plan Trust that a person, estate, or trust may:
 subtract from income; or
 use as the basis for claiming a tax credit;
• modifies and clarifies the amount of a qualified investment in the Utah Educational Savings Plan Trust that a corporation or a resident or nonresident individual may subtract from income;
• modifies an addition to income for a corporation or a resident or nonresident individual who is an account owner under the Utah Educational Savings Plan Trust for amounts not expended for higher education costs under certain circumstances;
• provides that a resident or nonresident estate or trust may subtract certain qualified investments in the Utah Educational Savings Plan Trust from income;
• requires a resident or nonresident estate or trust that is an account owner under the Utah Educational Savings Plan Trust to add to income amounts not expended for higher education costs under certain circumstances;
• allows a tax credit under the Single Rate Individual Income Tax Act for qualified investments in the Utah Educational Savings Plan Trust; and
• makes technical changes.
- HB 102 Land and Water Reinvestment Clark, D.
This bill appropriates \$2,000,000 each to the LeRay McAllister Critical Land Conservation Fund, the Rangeland Improvement Fund, and the Department of Natural Resources to fund land and water projects.
• appropriates \$2,000,000 to the Department of Natural Resources for watershed rehabilitation;
• appropriates \$2,000,000 to fund the LeRay McAllister Critical Land Conservation Fund; and
• appropriates \$2,000,000 to fund the Rangeland Improvement Fund.

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SB 18 Use of Severance Tax Revenues

Hillyard, L.

This bill appropriates \$20,000,000 to the Severance Tax Holding Account and creates two restricted accounts.

- creates the Infrastructure and Economic Diversification Investment Account;
- creates the Severance Tax Holding Account;
- appropriates \$20,000,000 to the Severance Tax Holding Account;
- provides that monies in the Severance Tax Holding Account be transferred to the permanent state trust fund under certain circumstances;
- provides that certain earnings are credited to the Infrastructure and Economic Diversification Investment Account; and
- makes technical changes.

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SB 223 Tax Amendments

Niederhauer, W.

This bill amends the Revenue and Taxation title and the Rural Health Services chapter.

- modifies the membership of the Utah Tax Review Commission to include the chairs of the Revenue and Taxation Interim Committee;
- repeals a repeal date for tax credits for research activities in the state;
- increases the percentage of expenses or payments that serve as the basis for calculating tax credits for research activities in the state;
- provides a nonrefundable tax credit equal to 5% of a taxpayer's qualified research expenses for the current taxable year in addition to other tax credits for research activities in the state allowed under current statute;
- provides that the tax credits for qualified research expenses may not be carried forward;
- requires a review of the tax credits for research activities in the state by the Utah Tax Review Commission;
- extends the availability of the renewable energy tax credit;
- provides for the Utah Tax Review Commission to review the renewable energy tax credit;
- expands the renewable energy tax credit to include some geothermal sources;
- makes the renewable energy tax credit on commercial energy systems a refundable tax credit;
- changes the calculation of the tax credit for commercial energy systems;
- removes language reimbursing the Uniform School Fund for renewable energy tax credits taken;
- provides that a tax under the Individual Income Tax Act that is imposed on the basis of graduated brackets and rates may not be imposed for taxable years beginning on or after January 1, 2008;
- provides and modifies definitions;
- reduces the single rate individual income tax rate from 5.35% to 5%;
- enacts a nonrefundable tax credit under the Single Rate Individual Income Tax Act allowed on the basis of:
 - the deductions a person claims; and
 - personal exemptions;
- enacts a nonrefundable retirement tax credit under the Single Rate Individual Income Tax Act;
- phases out the above nonrefundable tax credits under the Single Rate Individual Income Tax Act at certain income levels;
- requires the apportionment of the above nonrefundable tax credits under the Single Rate Individual Income Tax Act for a nonresident individual or part-year resident individual;
- modifies the definition of "prosthetic device," the sale of which is exempt from sales and use taxation, to include a dental prosthesis;
- reduces the state sales and use tax rate from 4.75% to 4.65%;
- reduces the state sales and use tax rate imposed on food and food ingredients, except with respect to certain bundled transactions;
- provides a sales and use tax exemption for certain machinery, equipment, or repair or replacement parts purchased or leased by certain establishments relating to mining that are listed under the North American Industry Classification System;
- modifies State Tax Commission rulemaking authority;
- authorizes certain counties, cities, or towns to increase certain tax rates from .25% to .30% and exempts those tax rate increases from voter approval requirements;
- provides that food and food ingredients are not subject to certain local sales and use taxes, except with respect to certain bundled transactions;
- addresses State Tax Commission notice requirements to enact, repeal, or change the tax rate of certain local sales and use taxes;
- creates a restricted special revenue fund to distribute monies to fund rural health care facilities and services that are impacted by providing that food and food ingredients are not generally subject to local sales and use taxes for rural health care facilities and services, including:
 - addressing the distribution and expenditure of fund revenues; and
 - providing that unexpended monies remaining in the fund at the end of a fiscal year lapse into the General Fund;
- requires the State Tax Commission to provide data to the executive director of the Department of Health;
- increases the maximum tax rate for the resort communities local sales and use tax from 1% to 1.1%; and
- provides a nonrefundable tax credit under the Multi-Channel Video or Audio Service Tax Act for a multi-channel video or audio service provider;
- requires a multi-channel video or audio service provider to pass through an amount equal to the tax credit to purchasers located within the state;
- provides that a tax on amounts paid or charged for multi-channel video or audio service may not be reduced as a result of the amount a multi-channel video or audio service provider passes through to its customers within the state;
- requires a Revenue and Taxation Interim Committee study on repealing the state individual income tax imposed on the basis of graduated brackets and rates; and
- makes technical changes.

State Affairs in General

SELECTED HIGHLIGHTS of the 2007 General Session

prepared by the Office of Legislative Research and General Counsel

Thursday, March 01, 2007

HB 46 Disaster Recovery Funding

Oda, C.

This bill modifies provisions related to funding state and local government recovery efforts in cases of declared disasters.

- addresses emergency expenditures by local governments;
- transitions current loan programs for disasters to the Disaster Recovery Funding Act;
- modifies the duties of the Division of Emergency Services and Homeland Security;
- enacts the Disaster Recovery Funding Act including:
 - enacting definitions;
 - creating the State Disaster Recovery Restricted Account;
 - directing the division to address state emergency disaster services;
 - authorizing local governments to create local disaster funds; and
 - requiring reporting;
- addresses the governor's powers in cases of emergency;
- provides for deposits into the state disaster recovery funds;
- coordinates the state disaster recovery fund with funds outside the act;
- addresses limitations on spending; and
- makes technical and conforming amendments.

Sunset Legislation

SB 31 Sunset Review and Reauthorizations

Bramble, C.

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2008 Annual General Session of the Utah Legislature.

- reauthorizes certain named state entities and programs that are scheduled to sunset before the 2008 Annual General Session; and
- makes technical changes.

Task Force / Committees

SB 30 Creation of New School District Amendments

Walker, C.

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

- adds a vote to elect school district board members resulting from the creation of a new school district to the list of special elections that a local political subdivision may call;
- adds a definition relating to the creation of a new school district;
- provides a process for certifying the creation of a new school district and establishes the date that the new district is created;
- clarifies the duties of a new district and the district from which the new district was created with respect to providing educational services;
- makes exceptions to requirements applicable to a proposal by interlocal agreement participants to create a new school district where the proposal would otherwise geographically isolate an area within a municipality that is served by a separate school district;
- provides for the election of school district board members of a new school district and of the school district from which the new district was created, and provides for the terms of those members;
- establishes a process for allocating the property of an existing school district between a newly created district and the school district from which it was created, including:
 - transition teams to represent the new district and the district from which the new district was created; and
 - a requirement that disputes about the allocation of property be decided by binding arbitration;
- shifts from the board of a new school district to the board of the district from which the new district was created the responsibility to continue to levy a tax on property in the new district to pay the new district's proportionate share of bonds issued before the new district was created;
- prohibits a school district board from issuing bonds approved but not issued before the creation of a new district under certain circumstances;
- authorizes a mayor or the mayor's designee of a municipality that is partly or entirely within the boundaries of a school district to attend and participate in school board meetings;
- requires local school boards to give notice of board meetings to the mayor or the mayor's designee of each municipality that is partly or entirely within the boundaries of the school district; and
- makes technical, conforming, and clarifying changes.

SB 41 Local Issues Amendments

Walker, C.

This bill modifies a provision relating to a form of municipal government and creates the Local Issues Task Force.

- prohibits the establishment of a manager form of municipal government until May 5, 2008;
- requires the repeal of an ordinance establishing a manager form of government if adopted on or after January 1, 2007; and
- creates the Local Issues Task Force, providing for membership and compensation of members and duties of the task force and requiring a report to the Political Subdivisions Interim Committee.

SELECTED HIGHLIGHTS of the 2007 General Session

prepared by the Office of Legislative Research and General Counsel

Thursday, March 01, 2007

SB 221 Judicial Selection Procedures and Retention Election Task Force

Buttars, D. C.

This bill creates the Judicial Retention Election Task Force.

- designates four members of the Senate, appointed by the president of the Senate;
- designates seven members of the House of Representatives, appointed by the speaker of the House; and
- designates three judges appointed by the president of the Senate and speaker of the House, in consultation with the Utah Judicial Council;
- authorizes a task force to review and make recommendations to the Judicial Council and the Legislature on issues related to the judicial selection procedures, the manner of judicial retention elections, and the information provided to the public regarding a judge's judicial performance.

Tobacco

HB 273 Indoor Smoking Amendments

Oda, C.

This bill amends the Indoor Clean Air Act.

- permits smoking in class B fraternal organizations until January 1, 2009 if:
 - the class B club is licensed prior to May 15, 2006; and
 - there are no children allowed in the class B club; and
- amends provisions for class D clubs and taverns that were licensed prior to May 15, 2006, to permit those clubs that have a change in ownership after May 15, 2006 to retain their smoking status until January 1, 2009.

SB 200 Reduced Cigarette Ignition Propensity

Mayne, E.

This bill enacts The Reduced Cigarette Ignition Propensity and Firefighters Protection Act within the Utah Fire Prevention and Safety Act of the Public Safety Code.

- defines terms;
- creates test methods and performance standards for cigarettes;
- requires certification and product marking to ensure compliance with the act;
- creates a Reduced Cigarette Ignition Propensity and Firefighter Protection Enforcement restricted account within the General Fund;
- requires marking of cigarette packages;
- establishes penalties for violations of the act;
- gives the state fire marshal and the State Tax Commission enforcement powers;
- gives the attorney general and the state fire marshal the power to inspect records;
- clarifies application to sales outside of the state;
- establishes state preemption of local ordinances; and
- provides that the state law is preempted by any subsequent federal law that may preempt state law.

Transportation

HB 158 Amendments to Transportation Provisions

Harper, W.

This bill amends provisions relating to transportation.

- provides definitions;
- renames the Public Transportation System Tax Highway Fund as the County of the First Class State Highway Projects Fund and requires fund monies to be used to pay debt service and bond issuance costs for certain general obligation bonds;
- provides that the following shall be deposited in the County of the First Class State Highway Projects Fund:
 - a portion of the local corridor preservation fee imposed in a county of the first class; and
 - a portion of the Public Transit Tax revenue in a county of the first class;
- authorizes issuance of \$100,000,000 general obligation bonds to pay all or part of the cost of acquiring rights-of-way and constructing a highway construction project within the Mountain View Corridor;
- exempts the general obligation bonds from certain debt limitation provisions;
- authorizes the Department of Transportation to spend revenues deposited in the Transportation Corridor Preservation Revolving Loan Fund on administrative costs for transportation corridor preservation;
- restricts the use of the Local Transportation Corridor Preservation Fund revenue to preserve highway corridors that are rights-of-way for certain highways;
- provides that local revenues from a county of the first class that are deposited in the County of the First Class State Highway Projects shall be considered a local matching contribution; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2007 General Session

prepared by the Office of Legislative Research and General Counsel

Thursday, March 01, 2007

HB 314 Transportation Funding Revisions

Lockhart, R.

This bill amends provisions relating to funding for transportation.

- creates the Critical Highway Needs Fund;
- requires the Division of Finance to annually deposit \$90,000,000 of certain sales and use tax revenue into the Critical Highway Needs Fund;
- authorizes the issuance of general obligation bonds to pay for certain state highway construction or reconstruction projects;
- specifies the use of general obligation bond proceeds and the manner of issuance;
- exempts certain transportation transfers or appropriations from certain appropriations limit provisions;
- exempts the general obligation bonds from certain debt limitation provisions;
- requires the Division of Finance to transfer funds from the Centennial Highway Fund Restricted Account into the Transportation Investment Fund of 2005 if the fund monies are not required to pay certain costs for highway projects in the Centennial Highway Program in the current fiscal year;
- requires the Department of Transportation to establish and the Transportation Commission to prioritize a list of highway construction or reconstruction projects based on certain criteria using monies deposited into the Critical Highway Needs Fund and the bond proceeds authorized;
- requires the Department of Transportation and the Transportation Commission to report the list of prioritized projects and the amount of bonds needed to fund the projects in the next fiscal year to the Executive Appropriations Committee of the Legislature before the bonds may be issued;
- requires the Division of Finance to transfer the Critical Highway Needs Fund revenue source and any existing fund balance to the Transportation Investment Fund of 2005 when certain general obligation bonds are paid off and certain projects completed;
- requires the Division of Finance to:
 - monitor certain general obligation bonds; and
 - report on the status of the bonds to Executive Appropriations Committee upon request;
- requires the Department of Transportation to:
 - monitor certain highway projects;
 - report on the status of the projects to the Executive Appropriations Committee upon request;
- requires the Department of Transportation to establish a finance plan and scope of work for the construction of Interstate 15 in Utah County and report to the Executive Appropriations Committee of the Legislature prior to November 30, 2007; and
- makes technical changes.

HB 383 Amendments to Transportation Funding Provisions

Lockhart, R.

This bill modifies the Sales and Use Tax Act and the Transportation Fund by amending provisions relating to transportation funding.

- reallocates the 1/16% sales and use tax revenue dedication for class B and class C roads, corridor preservation, and the State Park Access Highways Improvement Program to the Transportation Fund;
- changes the percentage of the Transportation Fund revenue that is deposited in the class B and class C roads account from 25% to 30%;
- excludes certain sales and use tax revenue from the calculation of the appropriation of revenue from the Transportation Fund to the class B and class C roads account;
- amends certain reapportionment provisions for the distribution of the class B and class C roads account;
- provides that the department shall commit funds for certain state park access highway projects; and
- makes technical changes.

Utah Municipal Code

HB 69 County and Municipal Land Use Provisions Regarding Schools

Wiley, L.

This bill modifies county and municipal land use provisions relating to schools.

- adds additional building inspections to a list of requirements that a county and municipality may not impose on school districts or charter schools;
- modifies the criteria for an improvement project for which a county and municipality may not require a school district or charter school to pay an impact fee;
- clarifies that a school district building inspector that a school district or charter school may use is, for the school district, the school district's inspector or, for the charter school, the building inspector from the district in which the charter school is located; and
- makes technical changes.