

SELECTED HIGHLIGHTS of the 2008 General Session

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Alcoholic Beverage Control

SB 165 Alcoholic Beverage Single Event Permits

McCoy, S.

This bill modifies the Alcoholic Beverage Control Act to address single event permits.

- allows for single event permits of differing lengths of time;
- addresses the number of single event permits that may be issued to the same person in a calendar year;
- addresses the application for a single event permit;
- provides for a transition; and
- makes technical changes.

SB 211 Alcoholic Beverage Control Amendments

Bramble, C.

This bill modifies the Alcoholic Beverage Control Act.

- modifies definition provisions;
- addresses presentation of proof of age;
- enacts the Malted Beverage Act, including:
 - providing for the treatment of a flavored malt beverage as a liquor;
 - addressing approval of the label and packaging of a malt beverage; and
 - providing transition protections;
- enacts provisions related to criminal background checks;
- addresses proximity restrictions;
- addresses markups;
- adjusts quota requirements for licenses;
- addresses the dispensing of spirituous liquor;
- addresses the amount of spirituous liquor that may be before a patron or attendee;
- prohibits conduct related to controlled substances and drug paraphernalia;
- modifies requirements related to price lists and private clubs;
- establishes requirements related to the display of beer;
- expands provisions prohibiting operation without a license or permit; and
- makes technical and conforming amendments.

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Appropriations

HB 2 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, 2008 and ending June 30, 2009.

- 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.

HB 3 Appropriations Adjustments

Bigelow, R.

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2007 and ending June 30, 2008 and beginning July 1, 2008 and ending June 30, 2009.

- 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 2008 General Session;
- provides budget increases and decreases for other purposes as described;
- provides intent language;

HB 4 State Agency and Higher Education Compensation Amendments

Bigelow, R.

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, 2008 and ending June 30, 2009.

- provides budget increases and decreases for the compensation of state and higher education employees not including school district personnel;
- provides for a 3% cost of living allowance for state and higher education employees not including school district personnel;
- provides for an additional 2% cost of living allowance for state employees not including school district personnel contingent upon changes in health benefit plans;
- adjusts funding for changes in health plans offered to state employees not including school district personnel contingent upon such changes;
- provides funding for a 9.9% increase in the premiums charged for higher education employee health benefits;
- provides funding for an increase in the cost of retirement for certain employees;
- adjusts funding for changes in the cost of Workers' Compensation;
- provides funding for a 3% contract increase for certain contract service providers.

HB 129 Appropriation for Construction of a Veterans' Nursing Home in Ogden

Dee, B.

This bill appropriates \$19.7 million dollars for design and construction of a Veterans' Nursing Home in Ogden.

- appropriates \$19.7 million dollars for design and construction of a Veterans' Nursing Home in Ogden;
- expresses legislative intent to not fund design or construction of any future veterans' nursing homes until the state is reimbursed by the federal government for its share of the cost of the Ogden Veterans' Nursing Home; and
- repeals an authorization to issue a general obligation bond to partially fund construction of a Veterans' Nursing Home in Ogden.

SB 1 State Agency and Higher Education Base Budget Appropriations

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, 2007 and ending June 30, 2008, and appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

- 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.

SB 3 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, 2007 and ending June 30, 2008.

- 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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Business

HB 37 Utah Business Resource Centers Act

Clark, D.

This bill provides for the establishment and administration of business resource centers by the Governor's Office of Economic Development.

- enacts the Utah Business Resource Centers Act;
- creates a partnership between the Governor's Office of Economic Development and state institutions of higher education to establish business resource centers;
- specifies that the primary functions of a business resource center are to coordinate economic development activities in a geographical area of the state and to measure economic impact;
- provides for the composition and administration of the business resource centers;
- provides duties and responsibilities for the centers; and
- creates the Utah Business Resource Centers Advisory Board.

HB 159 Professional Employer Organization Licensing Act

Dunnigan, J.

This bill modifies provisions related to the Insurance Code and Occupations and Professions to change the regulation of professional employer organizations from registration under the Division of Occupations and Professional Licensing to licensure under the Insurance Department.

- repeals the Professional Employer Organization Registration Act;
- enacts the Professional Employer Organization Licensing Act, including:
 - defining terms;
 - addressing the duties of the Insurance Department, including rulemaking;
 - providing for confidentiality of certain information;
 - outlining enforceable rights and obligations in a coemployment relationship;
 - discussing covered employees;
 - outlining rights and obligations affected or unaffected by the act;
 - establishing financial requirements;
 - addressing issues such as insurance, taxation, benefit plans, workers' compensation, unemployment compensation insurance, and employment related economic incentives;
 - imposing licensing requirements and procedures, including grandfathering; and
 - providing for enforcement; and
- makes technical and conforming amendments.

HB 384 Employee Obligations Related to Workers' Compensation

Morley, M.

This bill modifies the Workers' Compensation Act to address an employee's duties related to workers' compensation.

- defines terms;
- addresses reductions in disability compensation under certain circumstances;
- provides for adjudication;
- addresses application of certain provisions to a local governmental entity or state institution of higher education;
- addresses the scope of the provisions;
- provides for rulemaking;
- addresses incarceration or unlawful employment related to permanent total disabilities; and
- makes technical changes.

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SB 69 Uniform Limited Cooperative Association Act

Hillyard, L.

This bill enacts the Uniform Limited Cooperative Association Act.

- defines terms;
- addresses the nature, purpose, and duration of a limited cooperative association;
- outlines the relationship of the act to other law;
- provides for the adoption of various provisions governing a limited cooperative association;
- addresses voting within a limited cooperative association;
- details the nature of membership in a limited cooperative association;
- provides for meetings of a limited cooperative association;
- addresses marketing contracts between the limited cooperative association and another person;
- outlines the qualifications, election, service, and removal of a director;
- addresses liability and indemnification of a director;
- establishes requirements concerning contributions, allocations, and distributions to and by a limited cooperative association;
- provides for the dissociation of a member of a limited cooperative association;
- addresses dissolution of a limited cooperative association;
- allows a derivative action by a member of a limited cooperative association;
- provides for a foreign cooperative to do business in Utah;
- addresses the disposition of assets by a limited cooperative association;
- provides for the conversion to and from a limited cooperative association;
- addresses the merger of a limited cooperative association and another entity; and
- makes technical changes.

Child Care

HB 73 Child Care Providers

Morgan, K.

This bill provides a screening process for the Department of Workforce Services to verify qualifications of certain child care providers by requiring criminal background checks.

- provides that criminal backgrounds checks shall be performed on:
 - child care providers who are not required by current law to undergo a check through the Department of Health, Bureau of Child Care Licensing, and are not a license exempt child care center or program; and
 - individuals who reside in the premises where the child care is provided;
- provides for a waiver of the fingerprint submission requirement under certain circumstances;
- allows the Utah Division of Criminal Investigation and Technical Services to give the Department of Workforce Services access to the division's data base to determine if a child care provider has been convicted of a crime;
- provides the department with access to juvenile court records for purposes of a criminal background check of certain child care providers and individuals who reside where the child care is provided;
- provides that a child care provider may not allow an individual who has been convicted of a felony or certain misdemeanors to:
 - provide subsidized child care; or
 - reside at the premises where subsidized child care is provided;
- requires the child care provider to pay for any costs of a background check
- provides that a person who commits a severe type of child abuse or neglect shall be disqualified from receiving state funds as a child care provider; and
- allows individuals designated by the Department of Workforce Services and approved by the Department of Human Services to have access to the Division of Child and Family Services' Licensing Information System for the purpose of checking the background of child care providers.

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Economic Development

SB 11 Utah Venture Capital Enhancement Act Amendments

Jenkins, S.

This bill modifies provisions of the Utah Venture Capital Enhancement Act related to the ability of the Utah Capital Investment Corporation to receive loans and issue debt obligations on behalf of the Utah fund of funds and the amount of aggregate outstanding contingent tax credit certificates that can be issued by the Utah Capital Investment Board.

- modifies definitions in the Utah Venture Capital Enhancement Act;
- authorizes the Utah Capital Investment Corporation to receive loans and issue debt obligation on behalf of the Utah fund of funds;
- increases the ceiling on the amount of aggregate outstanding contingent tax credit certificates that can be issued by the Utah Capital Investment Board from \$100,000,000 to \$300,000,000;
- increases the ceiling on the redemption reserve from \$100,000,000 to \$300,000,000;
- exempts the corporation from certain statutes governing state agencies; and
- makes certain technical changes.

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Education

HB 68 Educator Relicensure Initiative

Menlove, R.

This bill creates a procedure to reinstate the license of an educator whose license has expired.

- provides for the reinstatement of an educator's license subject to:
 - payment of a licensing fee;
 - successful completion of a criminal background check; and
 - verification that the applicant's previous license had not been revoked, suspended, or surrendered; and
- requires the principal of a school at which an educator whose license is reinstated is employed to provide information and training to assist the educator in performing the educator's assigned position.

HB 349 Open Enrollment Revisions

Fisher, Julie

This bill modifies provisions allowing students to attend public schools other than their school of residence.

- provides for an early and a late enrollment period during which a student may apply for enrollment in a school that is not the student's school of residence;
- establishes different open enrollment thresholds, below which a school is open for enrollment of nonresident students, for the early and late enrollment periods;
- modifies standards for accepting or rejecting an application for enrollment; and
- requires local school boards to post data on the school district's website regarding school capacity and applications for enrollment of nonresident students.

SB 2 Minimum School Program Budget Amendments

Stephenson, H.

This bill provides funding for the Minimum School Program and other education programs.

- establishes the value of the weighted pupil unit at \$2,577;
- establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2008-09 of \$2,497,012,086;
- modifies provisions related to the funding of charter schools;
- modifies requirements regarding instructional materials;
- authorizes the use of appropriations for accelerated learning programs for International Baccalaureate programs;
- modifies the positions that qualify for educator salary adjustments and increases the salary adjustments for those positions;
- establishes and funds the following ongoing programs:
 - a pilot project using a home-based educational technology program to develop school readiness skills of preschool children;
 - a financial and economic literacy passport to track student mastery of certain concepts;
 - the Teacher Salary Supplement Program to provide a salary supplement to an eligible teacher;
 - stipends for special educators for additional days of work;
 - an optional grant program to provide an extended year for math and science teachers through the creation of Utah Science Technology and Research Centers;
 - the High-ability Student Initiative Program to provide resources for educators to enhance the academic growth of high-ability students;
 - the English Language Learner Family Literacy Centers Program; and
 - career and technical education online assessment;
- makes one-time appropriations for fiscal year 2008-09 for:
 - pupil transportation to and from school;
 - the Beverley Taylor Sorenson Elementary Arts Learning Program to provide grants to integrate arts teaching and learning into selected schools; and
 - classroom supplies;
- provides a repeal date for certain pilot programs;
- makes nonlapsing appropriations; and
- makes technical corrections.

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SB 48 Equalization of School Capital Outlay Funding

Eastman, D.

This bill amends the Public Education Capital Outlay Act and the Property Tax Act to modify school capital outlay funding.

- defines terms;
- requires certain divided school districts to impose a capital outlay levy at a specified rate and allocates the revenue generated under the capital outlay levy to school districts located within the qualifying divided school district;
- changes the allocation methodology for the Capital Outlay Foundation Program;
- appropriates funding to the State Board of Education for the Capital Outlay Foundation Program and the Capital Outlay Enrollment Growth Program;
- requires each school district in a county of the first class to levy a capital outlay levy at a specified rate and allocates the revenue generated under the capital outlay levy to school districts located in the county of the first class;
- amends truth in taxation notice and hearing requirements for school districts imposing the mandatory portion of the capital outlay levy;
- amends the calculation of the certified tax rate with respect to the capital outlay levy; and
- makes technical corrections.

SB 162 Federal Education Agreement Requirements

Dayton, M.

This bill requires gubernatorial and legislative approval for certain federal education agreements that implement federal programs.

- provides definitions;
- requires gubernatorial, Legislative Management Committee, or legislative approval for certain federal education agreements that implement federal programs; and
- authorizes the governor or the Legislature to void federal education agreements lacking proper approval.

SB 180 Regents' Scholarship Program

Hillyard, L.

This bill establishes the Regents' Scholarship Program to award merit scholarships to students who complete a rigorous core course of study in high school.

- modifies New Century Scholarship provisions;
- establishes the Regents' Scholarship Program, including:
 - a base scholarship and supplemental scholarship awards; and
 - scholarship qualifications, amounts, and procedures;
- establishes a Regents' Diploma Endorsement;
- requires the State Board of Regents to make certain policies; and
- makes certain appropriations nonlapsing.

SB 281 Use of Minimum School Program Nonlapsing Balances

Stephenson, H.

This bill requires the State Board of Education to allocate certain Minimum School Program nonlapsing balances.

- requires the State Board of Education to allocate Minimum School Program nonlapsing balances to provide:
 - one-time signing bonuses for new educators; and
 - one-time performance-based compensation; and
- makes technical corrections.

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Elections

HB 29 Election Law - Financial Reporting

Daw, B.

This bill modifies election financial reporting provisions in the Election Code, the Municipal Code, and Title 17, Counties.

- requires municipalities and counties to make campaign finance disclosure statements that are filed by candidates for elective office available for public copying and inspection no later than the working day following the date of filing;
- requires municipalities and counties to either:
 - post an electronic copy or the contents of the disclosure statement on the municipality's or county's website and provide the link to the lieutenant governor's office; or
 - submit a copy of the statement for posting on the lieutenant governor's campaign finance disclosure website;
- expands the regulation of political issues committees to include committees that receive contributions or make expenditures in relation to local ballot issues, instead of only statewide ballot issues;
- expands the regulation of political action committees to include committees that receive contributions or make expenditures to influence the election of a candidate for county or municipal office;
- clarifies definitions;
- requires the lieutenant governor to make campaign finance disclosure statements available for public copying and inspection no later than the working day following the date of filing;
- provides a statutory requirement for the lieutenant governor to post campaign finance disclosure statements on the Internet;
- requires the lieutenant governor to post each campaign finance statement that is provided by a municipality or a county on its website; and
- makes technical changes.

HB 126 Election Law - Ballot Proposition Amendments

Johnson, C.

This bill modifies ballot proposition numbering requirements under the Election Code.

- modifies definitions;
- requires that the certified ballot titles of ballot propositions or ballot questions be submitted to the election officer before a set time before each election;
- requires that proposed constitutional amendments appearing on a ballot be identified by a letter of the alphabet;
- provides that bond issues on the ballot are identified by a title as provided according to procedures in Title 11, Chapter 14, Local Government Bonding Act;
- requires that all state and local ballot propositions, including opinion questions, state and local initiatives, state and local referendums, and other ballot issues appearing on the ballot, be identified by a unique number assigned by the lieutenant governor;
- provides that numbers for ballot propositions be assigned by the lieutenant governor in the order that each number request is received;
- provides procedures for determining whether similar ballot issues should be assigned the same number;
- eliminates duplicate references; and
- makes technical changes.

HB 238 Campaign Finance Filing Requirements

Hughes, G.

This bill modifies the Election Code, the Utah Municipal Code, and provisions related to counties in order to amend certain requirements for compliance with election-related financial reporting provisions.

- requires strict compliance for filing deadlines when a petition is brought to the district court regarding compliance with campaign and judicial retention election finance reporting provisions;
- requires the election filing officer to provide each person that files a valid declaration of candidacy with a copy of current campaign financial disclosure laws and to inform the person that failure to comply will result in disqualification as a candidate and removal of the person's name from the ballot;
- requires the person filing, in the declaration of candidacy, to promise to file all financial disclosure reports as required by law and to acknowledge that failure to do so will result in the person's disqualification for the office and removal of the person's name from the ballot; and
- makes technical changes.

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Energy

HB 198 State Agency Energy Efficiency

Hunsaker, F.

This bill enacts and amends provisions relating to state agency energy efficiency.

- requires the Legislature, subject to future budget constraints, to retain energy savings in a state agency's appropriation;
- creates a revolving loan fund to lend monies to state agencies to finance energy efficiency measures;
- establishes a sunset date for certain provisions of the bill; and
- makes technical corrections.

SB 202 Energy Resource and Carbon Emission Reduction Initiative

Bramble, C.

This bill provides that an electrical corporation or municipal electric utility maintain a percentage of electricity sold in the form of renewable energy resources and makes other changes concerning the acquisition of energy resources.

- addresses independent and qualifying power producers;
- addresses the application of Title 54, Chapter 17, Energy Resource Procurement Act, to certain renewable energy resources;
- defines terms;
- provides that 20% of an electrical corporation's or municipal electric utility's adjusted retail electric sales beginning in the year 2025 come from qualifying electricity, including renewable energy resources, if cost effective;
- provides for the issuance and recognition of a renewable energy certificate for certain electrical generation and actions by an energy user;
- requires plans and reports concerning an electrical corporation's or municipal electric utility's progress in acquiring qualifying electricity;
- addresses cost recovery for certain energy resources;
- requires certain state agencies to make rules concerning carbon capture and geological storage of captured carbon emissions; and
- makes technical changes.

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Government Operations (State Issues)

- HB 5 Revenue Bond, Capital Facility, and Property Acquisition Authorizations Garn, K.
This bill authorizes certain state agencies and higher education institutions to issue revenue bonds, build capital facilities using agency or institutional funds, transfer capital facilities monies between 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 to be funded from agency or institutional funds;
 - authorizes the transfer of certain higher education capital facilities monies from one fund to another; and
 - authorizes the acquisition or exchange of certain state property.
- HB 63 Recodification of Title 63 State Affairs in General Aagard, D.
This bill modifies Title 63, State Affairs in General, by recodifying and renumbering the content of the title to other parts of the code.
- renumbers and moves almost all chapters in Title 63 to different or new titles, chapters, and parts of the code;
 - creates new titles into which many chapters of Title 63 are renumbered and moved;
 - renumbers and moves several other chapters to related titles of the code;
 - amends cross-references to coincide with renumbering of sections;
 - repeals certain redundant provisions; and
 - makes technical changes.
- SB 4 General Obligation Bond Authorization Jenkins, S.
This bill authorizes the issuance of general obligation bonds for certain capital facilities and repeals obsolete authorizations.
- modifies the bonding code by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for capital facilities;
 - specifies the use of the general obligation bond proceeds and the manner of issuance;
 - repeals obsolete general obligation bond issuance authorizations; and
 - provides expressions of legislative intent.
- SB 5 Executive Compensation Revisions Bramble, C.
This bill increases compensation for the state's constitutional officers and adds two positions to the list of appointed executives.
- increases compensation for the governor, lieutenant governor, attorney general, state treasurer, and state auditor;
 - provides that the state auditor's salary is 95% of the governor's salary;
 - adds the executive directors of the Department of Veterans Affairs and the Utah Sports Authority to the list of appointed executives whose salary is governed by the appointed executives' compensation plan; and
 - makes technical corrections.
- SB 112 Legislative Space in the Capitol Bramble, C.
This bill amends the provisions regarding legislative space in the State Capitol.
- amends provisions regarding legislative space in the State Capitol.
- SB 144 Parameters on Governor's Ability to Enter Agreements Binding the State Jenkins, S.
This bill requires legislative approval of certain interstate agreements.
- provides definitions;
 - requires legislative approval of certain interstate agreements entered into on or after May 5, 2008; and
 - provides certain exceptions.
- SB 225 Gubernatorial and Legislative Space in the Capitol Bramble, C.
This bill amends and enacts provisions regarding the governor's and the Legislature's space in the State Capitol.
- amends and enacts provisions regarding the governor's space in the State Capitol;
 - amends provisions relating to legislative space to make conforming changes;
 - amends provisions relating to the shared governor area and legislative area;
 - amends and enacts provisions regarding sharing certain governor area with the State Capitol Preservation Board; and
 - makes technical amendments.

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Health

HB 47 Standards for Electronic Exchange of Clinical Health Information

Menlove, R.

This bill adds to the duties of the Department of Health.

- authorizes the Department of Health to adopt standards for the electronic exchange of clinical health information;
- defines terms;
- authorizes the department to require individuals who elect to participate in an electronic exchange of clinical health information to use the standards adopted by the department;
- requires the department to report to the Legislature's Health and Human Services Interim Committee concerning the adoption of the standards for the electronic exchange of clinical health information; and
- coordinates rulemaking authority between the Department of Health and the Insurance Department.

HB 133 Health System Reform

Clark, D.

This bill requires the Department of Health, the Insurance Department, and the Governor's Office of Economic Development to work with the Legislature to develop the state's strategic plan for health system reform.

- directs the Department of Health to work with the Insurance Department, the Department of Workforce Services, the Governor's Office of Economic Development, and the Legislature to develop a state strategic plan for health system reform;
 - requires the Insurance Department to participate in the development of the state's strategic plan for health system reform;
 - requires the Insurance Department to:
 - work with insurers to develop standards for health insurance applications and compatible electronic systems;
 - facilitate a private sector method of collection of premium payments from multiple sources; and
 - encourage health insurers to develop health insurance products that meet certain criteria;
 - changes the threshold at which an individual qualifies for the state's Comprehensive Health Insurance Pool;
 - changes the eligibility for the individual market so that:
 - if Utah's Premium Partnership for Health Insurance may be used to help purchase an individual policy, an insurer may not deny coverage based on the individual's use of a premium subsidy;
- and
- eligibility for Utah's Premium Partnership for Health Insurance is a qualifying event for coverage under an employer plan;
 - requires the Department of Workforce Services to participate in the development of the strategic plan for health system reform;
 - enacts the "Health System Reform Act" which:
 - requires the Governor's Office of Economic Development to serve as the coordinating entity to work with the executive branch agencies, and to report to and assist the Legislature with the state's strategic plan for health system reform; and
 - describes the state's strategic plan for health system reform and the time line for implementing the strategic plan; and
 - establishes the Health System Reform Legislative Task Force to develop and implement the state's strategic plan for health system reform.

HB 326 Children's Health Insurance Program - Open Enrollment

Curtis, G.

This bill amends the Utah Children's Health Insurance Act.

- makes technical drafting amendments;
- requires the Department of Health to keep enrollment in the Children's Health Insurance Program open so that an eligible child who applies for coverage under the Children's Health Insurance Program can enroll in the program; and
- designates the appropriations to the Utah Children's Health Insurance Program as non-lapsing appropriations.

HB 445 Nursing Home Amendments

Newbold, M.

This bill amends the Long-term Care Facility Medicaid Certification part of the Medical Assistance chapter of the Health Code.

- permits a Medicaid nursing care facility program to transfer or sell a license for a Medicaid bed to another entity;
- establishes certain requirements that must be met to transfer a license for a Medicaid bed; and
- reduces the total number of licensed Medicaid beds in the state by applying a conversion factor to the licenses for Medicaid certified beds that are transferred.

SB 66 Uniform Emergency Volunteer Health Practitioners Act

Hillyard, L.

This bill enacts provisions governing licensed practitioners from outside of the state who come to Utah to provide health and veterinary services in response to declared emergencies in Utah.

- defines terms;
- provides for the registration and regulation of volunteer health practitioners from outside of Utah;
- authorizes Utah to regulate, direct, and restrict the scope and extent of services provided by volunteer health practitioners;
- provides limitations on the civil liability exposure of volunteer health practitioners; and
- allows volunteer health practitioners who suffer injury or death while providing services the option to elect workers' compensation benefits as an exclusive remedy.

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Human Services

HB 36 Child Welfare Amendments

Harper, W.

This bill amends background check and child placement provisions in the Utah Human Services Code and the Juvenile Court Act of 1996.

- defines terms;
- provides that the requirement that a child in state custody may not be placed with a prospective foster or adoptive parent until the Department of Human Services conducts a comprehensive background check, does not prohibit the Division of Child and Family Services or a court placing the child with a noncustodial parent, or with a relative, pending further investigation of the appropriateness of the placement;
- provides exceptions to certain background check requirements if the exceptions are permitted by federal law or rule;
- modifies background check requirements for prospective foster or adoptive placements;
- clarifies the rulemaking authority of the Office of Licensing, within the Department of Human Services;
- provides that priority shall be given for placing a child with a noncustodial parent, relative, or friend, over placing the child in a shelter;
- modifies provisions relating to the placement and custody of a child who has been removed from the custody of the child's parents;
- provides that, in order to be considered a "willing relative or friend" for purposes of determining placement of a child following a shelter care hearing, the friend or relative must be willing to cooperate with the child's permanency goal;
- describes the limited background check or investigation that must be completed before a child in state custody is placed with a noncustodial parent or relative; and
- makes technical changes.

Immigration

SB 81 Illegal Immigration

Hickman, J.

This bill deals with provisions related to the immigration status of individuals within the state.

- requires a county sheriff to make a reasonable effort to determine the citizenship status of a person confined to a county jail for a period of time and to verify the immigration status of a confined foreign national, and makes it a rebuttable presumption, for the purpose of determining the grant or issuance of a bond, that a person verified by the sheriff's efforts as a foreign national not lawfully admitted into the United States is at risk of flight;
- provides that the Alcoholic Beverage Control Commission may not grant a restaurant liquor license or private club license to a person who is not lawfully present in the United States;
- provides for the creation and issuance of identification documents and requires that those identification documents issued by public entities go only to United States citizens, nationals, or legal permanent resident aliens with certain exceptions;
- provides for exceptions to the issuance of identification documents by public entities based on valid documentation of certain approved or pending immigration status and places time period restrictions on the length of validity of the documents;
- requires public employers to register with and use a Status Verification System to verify the federal authorization status of a new employee;
- beginning July 1, 2009, provides that a public employer may not enter into a contract for the physical performance of services within the state with a contractor unless the contractor registers and participates in the Status Verification System to verify the work eligibility status of the contractor's new employees;
- provides that it is unlawful to discharge a lawful employee while retaining an unauthorized alien in the same job category;
- requires an agency or political subdivision of the state to verify the lawful presence in the United States of an individual who has applied for a state or local public benefit, as defined by federal law, or a federal public benefit that is administered by the agency or the political subdivision and provides for exceptions;
- requires an applicant for a state or local public benefit to certify the applicant's lawful presence in the United States, and provides penalties for making a false, fictitious, or fraudulent statement or representation in the certification;
- provides, subject to the availability of funding, for the establishment of a Fraudulent Documents Identification Unit by the attorney general for the primary purpose of investigating, apprehending, and prosecuting individuals who participate in the sale or distribution of fraudulent identification documents created and prepared for individuals who are unlawfully residing within the state;
- requires the attorney general to negotiate a Memorandum of Understanding with the United States Department of Justice or the United States Department of Homeland Security for the enforcement of federal immigration and customs laws within the state by state and local law enforcement personnel;
- prohibits a unit of local government from enacting an ordinance or policy that limits or prohibits a law enforcement officer or government employee from communicating or cooperating with federal officials regarding the immigration status of a person within the state; and
- makes it a class A misdemeanor for a person to:
 - transport into this state or for a distance of 100 miles within the state an alien for commercial advantage or private financial gain, knowing that the alien is in the United States in violation of federal law, in furtherance of the illegal presence in the United States; or
 - conceal, harbor, or shelter from detection an alien, in a place within this state for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law.

SELECTED HIGHLIGHTS of the 2008 General Session

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Indian Affairs

HB 352 Amendments Related to Monies Derived from Navajo Nation Reservation Lands in Utah

Clark, D.

This bill modifies provisions related to the repealed Navajo Trust Fund and the Navajo Revitalization Fund Act to provide for a transition until Congress designates a new recipient of Utah Navajo royalties.

- addresses definitions;
- modifies the structure of the revitalization fund board;
- modifies a matching requirement related to powers and activities of the board;
- provides for a transition process until Congress designates a new recipient of Utah Navajo royalties, including imposing one or more obligations on the governor, state auditor, state treasurer, and divisions of the Department of Administrative Services;
- clarifies the revitalization fund's exemption from legislative approval for a capital development project; and
- makes technical and conforming amendments.

HCR 4 Concurrent Resolution Encouraging Congressional Action to Designate a New Recipient of Royalties from Navajo Reservation Lands in Utah

Clark, D.

This concurrent resolution addresses the removal of the state as the recipient of certain oil and gas royalties from the San Juan County portion of the Navajo reservation.

SELECTED HIGHLIGHTS of the 2008 General Session

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Judicial Code

HB 78 Title 78 Recodification and Revision

Biskupski, J.

This bill is a Recodification, Revision, and Renumber of Title 78, Utah Code Annotated, 1953.

- creates new two new titles within the Utah Code;
- Title 78A - Judiciary and Judicial Administration, which includes:
 - Chapter 1: Judiciary;
 - Chapter 2: Administration;
 - Chapter 3: Supreme Court;
 - Chapter 4: Court of Appeals;
 - Chapter 5: District Court;
 - Chapter 6: Juvenile Court;
 - Chapter 7: Justice Court;
 - Chapter 8: Small Claims Court;
 - Chapter 9: Attorneys;
 - Chapter 10: Judicial Selection Act; and
 - Chapter 11: Judicial Conduct Commission;
- Title 78B - Judicial Code, which includes:
 - Chapter 1: Juries and Witnesses;
 - Chapter 2: Statutes of Limitations;
 - Chapter 3: Actions and Venue;
 - Chapter 4: Limitations on Liability;
 - Chapter 5: Procedure and Evidence;
 - Chapter 6: Particular Proceedings;
 - Chapter 7: Protective Orders;
 - Chapter 8: Miscellaneous;
 - Chapter 9: Post-Conviction Remedies Act;
 - Chapter 10: Utah Uniform Mediation Act;
 - Chapter 11: Utah Uniform Arbitration Act;
 - Chapter 12: Utah Child Support Act;
 - Chapter 13: Utah Uniform Child Custody Jurisdiction and Enforcement Act;
 - Chapter 14: Uniform Interstate Family Support Act;
 - Chapter 15: Utah Uniform Parentage Act; and
 - Chapter 16: Utah Uniform Child Abduction Prevention Act; and
- makes other technical and stylistic changes.

HB 92 Garnishment Amendments

Draxler, J.

This bill allows a person who is wrongfully served with a writ of garnishment to recover from the plaintiff.

- allows a person wrongfully served with a writ of garnishment to ask the court for redress from the plaintiff in an amount up to \$1,000; and
- provides guidelines for the court to determine whether the plaintiff was diligent in determining the identity and location of the judgment debtor.

SB 72 Justice Court Amendments

Hillyard, L.

This bill modifies the selection and retention of justice court judges, and makes other changes.

- provides for a performance evaluation and retention process for all justice court judges;
- amends the jurisdiction of the district court;
- specifies compensation for justice court judges; and
- creates a county-wide judicial nominating commission to fill vacancies in justice courts.

SB 277 Post-conviction Remedies Act Revisions

Bell, G.

This bill amends the Post-Conviction Remedies Act.

- establishes procedures and requirements for post-conviction actions by a person convicted of a criminal offense.

SELECTED HIGHLIGHTS of the 2008 General Session

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Law Enforcement and Criminal Justice

HB 19 Assault on a Peace Officer Penalty Amendments

Ray, P.

This bill modifies the Criminal Code regarding assault on a peace officer.

- increases the penalty for committing a second or subsequent assault against a peace officer from a class A misdemeanor to a third degree felony;
- provides that the section amended in this bill does not affect the exercise of constitutional rights, including the right of free speech and the right of assembly; and
- provides a definition of "peace officer."

HB 30 Vehicle Concealing Illegal Items

Ray, P.

This bill modifies the Criminal Code to provide that altering a vehicle to facilitate concealing an illegal item is a criminal offense.

- provides that modifying any vehicle to facilitate the illegal transportation, concealment, or storage of contraband is a third degree felony; and
- provides that possession of a vehicle modified to facilitate concealing contraband, with the intent to conceal or transport contraband, is a class A misdemeanor.

HB 256 Criminal Penalties Amendments - Including Jessica's Law

Wimmer, C.

This bill amends penalty provisions of the Utah Criminal Code.

- makes it a first degree felony to engage in criminal solicitation to commit, or attempt to commit, a felony punishable by imprisonment for life without parole;
- makes it a first degree felony, punishable by imprisonment for not less than three years and which may be for life, to engage in criminal solicitation to commit, or attempt to commit, murder, child kidnapping, and certain sexual offenses;
- makes it a first degree felony, punishable by imprisonment of not less than 15 years and which may be for life, to engage in criminal solicitation to commit, or attempt to commit, rape of a child, object rape of a child, or sodomy on a child;
- provides that a court may impose a lesser term of imprisonment than the term of imprisonment described in the preceding paragraph if the court finds that a lesser term of imprisonment is in the interests of justice and states the reasons for this finding on the record;
- increases the minimum term of imprisonment for rape of a child, object rape of a child, or sodomy on a child, to 25 years and which may be for life;
- removes the authority of a court to impose a lesser sentence than the minimum term of imprisonment for rape of a child, object rape of a child, or sodomy on a child; and
- makes technical changes.

HB 339 Human Trafficking Amendments

Herrod, C.

This bill criminalizes human trafficking and human smuggling.

- criminalizes human smuggling for profit or commercial purposes;
- criminalizes human trafficking for forced labor and for sexual exploitation;
- distinguishes between human trafficking and aggravated human trafficking; and
- distinguishes between human smuggling and aggravated human smuggling.

HB 492 Sex Offender Notification and Registration

Ray, P.

This bill modifies the Criminal Code and the Code of Criminal Procedure regarding the registration of sex offenders and the content of the sex offender registry.

- defines "offender" to include both sex offender and kidnap offender as each is defined in the bill;
- provides a definition of jurisdictions, including the federal government and Indian Country;
- requires nonresident sex offenders subject to registration to register in Utah if the offender is in Utah for ten or more days during a year;
- provides that sex offenders shall serve on parole the maximum time of the offender's sentence, unless the Board of Pardons reduces the period of parole;
- requires nonresident sex offenders to register in Utah as required in the state of conviction, if that state requires more frequent registration;
- requires offenders to report changes of residence, work, education institution, vehicle, and other information within three business days rather than five days;
- requires offenders to register every six months, rather than every year as is currently required;
- provides that an offender who does not register as required shall register for an additional year for each registration violation;
- adds aggravated kidnapping as a lifetime registration offense;
- exempts child kidnapping as an offense subject to registration if the offender is the natural parent of the child;
- requires that the offender register information regarding:
 - any secondary residence, as well as the primary residence;
 - not only the vehicle used, but any vehicle owned or regularly used, and also any vehicle, aircraft, or watercraft that is required to be registered in any jurisdiction;
 - telephone numbers, Internet identifiers, passport information, immigration documents if the offender is an alien, and all professional licenses held by the offender; and
 - employment and volunteer locations;
- requires that the offender register the offender's Social Security number; and
- clarifies the difference between offender information that is available to law enforcement and information that is available to the public on the Sex Offender Notification and Registration website and specifies the offender information that is to be provided on the website.

SELECTED HIGHLIGHTS of the 2008 General Session

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- SB 16 Exoneration and Innocence Assistance Bell, G.
- This bill modifies provisions regarding postconviction DNA testing and creates a process for postconviction claims of factual innocence, and for financial assistance if the petitioner is found to be factually innocent.
- tolls the statute of limitations during a postconviction:
 - petition for DNA testing for exoneration; or
 - petition claiming factual innocence;
 - changes the current reference term "actually innocent" to "factually innocent" regarding postconviction DNA testing;
 - establishes a process for a postconviction petition and hearing to determine factual innocence regarding a felony conviction, including:
 - defining factual innocence;
 - grounds for filing a petition;
 - grounds for presentation of evidence that may be considered by the court, including newly discovered evidence;
 - right of the victims to attend the hearing; and
 - appointment of pro bono counsel;
 - provides that a petitioner who is convicted of a felony and is imprisoned, and is then found to be factually innocent, is entitled to financial assistance from the state for the period of imprisonment;
 - provides that the financial assistance amount shall be the monetary equivalent of the average annual wage for a single wage earner in Utah for each year of imprisonment, for a maximum of 15 years of imprisonment; and
 - provides that a petitioner found to be factually innocent shall receive two years' financial assistance in a lump sum, and the balance shall be paid out quarterly to the person from the Commission on Criminal and Juvenile Justice beginning no later than one year after the legislative appropriation of the funds is made and ending no later than ten years after the appropriation is made.
- SB 65 Soliciting Gang Members Prohibited Greiner, J.
- This bill amends the Criminal Code regarding criminal actions concerning a street gang's involvement with minors.
- defines a criminal street gang;
 - creates the criminal offenses of intimidating a minor to:
 - join a criminal street gang; or
 - leave a criminal street gang;
 - provides that it is an offense for a person affiliated with a criminal street gang to intimidate a minor to commit any misdemeanor criminal offense; and
 - provides an increased penalty for repeatedly recruiting a minor into a gang.
- SB 134 Mortgage Fraud Act Killpack, S.
- This bill modifies the Utah Criminal Code relating to offenses against property and creating an offense of mortgage fraud.
- establishes penalties for certain conduct governed by the Real Estate Appraiser Licensing and Certification Act and the Utah Residential Mortgage Practices Act;
 - requires the attorney general to hire a mortgage fraud prosecutor;
 - enacts the Mortgage Fraud Act including:
 - creating the crime of mortgage fraud;
 - establishing penalties; and
 - providing definitions; and
 - includes mortgage fraud as an illegal activity under the Pattern of Illegal Activity Act.
- SB 297 Animal Torture and Cruelty Amendments Christensen, A.
- This bill amends provisions of the Utah Criminal Code relating to animal cruelty.
- defines terms;
 - removes conflicting animal cruelty provisions related to hazing;
 - clarifies and describes conduct that is a violation of the cruelty to animal provisions of the Utah Criminal Code;
 - provides that a veterinarian is immune from civil liability for reporting, in good faith, an incident of cruelty to an animal;
 - makes it a third degree felony to intentionally or knowingly torture a companion animal; and
 - makes technical changes.

SELECTED HIGHLIGHTS of the 2008 General Session

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Mines and Mining

SB 224 Coal Mine Safety Act

Dmitrich, M.

This bill modifies provisions related to mines and mining to enact the Coal Mine Safety Act.

- defines terms;
- establishes the scope and administration of the chapter;
- addresses rulemaking;
- creates the Utah Office of Coal Mine Safety;
- provides for the appointment of the director;
- creates the Mine Safety Technical Advisory Council and establishes its duties;
- establishes the commission's and office's duties related to safety conditions;
- addresses the reporting of safety conditions in coal mines;
- requires annual reports on safety by the commission, office, and council;
- provides for the commission by rule to require certification and recertification of other coal mine occupations including the certification of a new coal miner; and
- makes technical and conforming amendments.

SELECTED HIGHLIGHTS of the 2008 General Session

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Natural Resources

HB 51 Water Right Amendments

Painter, P.

This bill protects specific entities from forfeiting a water right because of nonuse.

- defines terms;
- changes the nonuse period of a water right from five to seven years;
- clarifies the forfeiture procedure and the distribution of water after a forfeiture;
- allows a shareholder to file a nonuse application;
- protects a water right from forfeiture if:
 - a public water supplier holds the water for the reasonable future water requirements of the public and in some cases, receives approval of a change application;
 - the land where the water is used is under a fallowing program;
 - water is not available because of distribution based on priority date;
 - the water is stored in an aquifer;
 - a storage water right is not used in certain circumstances; and
 - another water source is available for the beneficial use;
- establishes how the reasonable future water requirements of the public are determined;
- describes how a community water system's projected service area is determined;
- changes the requirements for a nonuse application;
- clarifies the effect of a nonuse application;
- allows an applicant to file a subsequent nonuse application;
- authorizes the state engineer to use fees to hire staff; and
- makes technical changes.

SB 89 Mitigation of Invasive Species

Stowell, D.

This bill enacts provisions relating to the mitigation of invasive species.

- authorizes the Department of Agriculture and Food, after consulting with the Department of Natural Resources and the Conservation Commission to:
 - enter into a cooperative agreement with an agency or landowner to prevent wildland fire through land restoration;
 - expend monies and give grants from the Invasive Species Mitigation Fund; and
 - make rules; and
- creates the Invasive Species Mitigation Fund, a restricted special revenue account.

SB 238 Aquatic Invasive Species Interdiction Act

Greiner, J.

This bill amends and enacts provisions relating to the interdiction of invasive species.

- defines terms;
- prohibits the possession, release, or transportation of a Dreissena mussel;
- prohibits the transporting of a conveyance or equipment that has been in an infested water without decontaminating the conveyance or equipment;
- requires a person who violates the chapter to reimburse the state's costs;
- establishes criminal penalties;
- authorizes the Division of Wildlife Resources to:
 - stop, detain, inspect, impound, or quarantine a vehicle or vessel that may contain a Dreissena mussel;
 - conduct an administrative checkpoint;
 - order a person to decontaminate a vessel or vehicle; and
 - inspect, restrict access to, or close a water body, facility, or water supply system;
- prohibits the Division of Wildlife Resources from closing or quarantining a water supply system if a plan is implemented;
- requires the Division of Wildlife Resources to consult with an operator of a water body, facility, or water supply system;
- requires a water supply system to:
 - cooperate with the Division of Wildlife Resources; and
 - implement a plan if infected with the Dreissena mussel;
- requires a person to report the discovery of a Dreissena mussel to the Division of Wildlife Resources; • authorizes the Wildlife Board to make rules; and
- authorizes the division, a peace officer, or a port-of-entry agent to stop a driver at a port-of-entry to check for invasive aquatic wildlife species.

SELECTED HIGHLIGHTS of the 2008 General Session

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Political Subdivisions (Local Issues)

SB 20 Municipal Government Amendments

Walker, C.

This bill modifies provisions of the Utah Municipal Code.

- rewrites and reorganizes provisions relating to forms of municipal government and municipal administration;
- repeals provisions relating to forms of municipal government that have been rewritten or made obsolete by the rewritten provisions;
- clarifies the forms of government under which a municipality may operate;
- clarifies provisions relating to the council-mayor, six-member council, and five-member council forms of municipal government;
- specifies that an election on a proposed change in the form of municipal government occur on a municipal general election or regular general election date;
- requires municipalities to operate under a council-mayor, six-member council, or five-member council form of government, except those currently operating under a specified council-manager form;
- requires municipalities operating under the former council-manager form of government to continue to operate under that form of government, subject to a future potential change to another form; and
- makes technical and conforming changes.

SB 47 Limited Purpose Local Government Entities Revisions

Stowell, D.

This bill modifies provisions relating to limited purpose local government entities.

- repeals and reenacts, rewrites, clarifies, and modifies provisions related to special service districts, municipal building authorities, and conservation districts;
- expands the entities authorized to create a building authority to include local districts and special service districts;
- repeals provisions related to parking and business improvement districts, special road districts, and historic districts;
- reenacts historic preservation authority for counties and municipalities;
- modifies assessment area provisions to preserve authority eliminated through the repeal of parking and business improvement district provisions;
- requires the type of local district proposed to be created to be specified in the petition or resolution proposing the creation of a local district;
- clarifies that a local district board of trustees member must be a registered voter at the location of the member's residence;
- modifies a provision authorizing a local district to agree to the use of its land or land over which it has a right-of-way;
- provides that a previously created local district authorized to provide fire protection service is also authorized to provide paramedic and emergency service;
- allows an agent or officer of an owner of land to qualify as a board of trustees member of certain local districts with seasonally occupied homes;
- specifies who may administer an oath of office to a local district board of trustees member and requires an oath to be filed with the local district clerk;
- modifies a provision relating to the relationship between a local district election and a municipal general election;
- exempts local district and special service district elections from early voting provisions;
- eliminates a requirement that a water conservancy district publish notice of a board vacancy;
- reduces the percentage of property owners or voters required to protest the creation of a special service district or the addition of new territory or a new service to the special service district;
- eliminates a provision stating that a federal employee protection act applies to public transit district leases and other agreements;
- makes a provision allowing a service area to establish divisions for electing some or all elected board members to apply to all local districts rather than just service areas;
- increases the number of services that a local district may provide from two to four;
- expands the group of service areas that have a higher allowable tax rate to include service areas in second class counties, if the service area provides fire protection, paramedic, and emergency services;
- eliminates a cap on the number of local district board of trustees members allowed, and makes conforming changes;
- authorizes animal control officers of special service districts to issue misdemeanor and infraction citations;
- limits the area that an improvement district for electric service may include and requires that type of district to have applied for and received approval of a certification before a certain date;
- authorizes a special service district to provide service outside its boundary;
- modifies the type of correctional facilities and services that a special service district is authorized to provide;
- authorizes a special service district in a county of the first class to provide extended police protection;
- eliminates a cap on the number of special service district administrative control board members allowed;
- modifies the qualifications of an administrative control board member;
- clarifies that a provision relating to the imposition and increasing of local district fees does not apply to impact fees;
- modifies a provision relating to the oath of office of local district board members;
- clarifies that a voter at an election of a local district board member must be a registered voter within the district;
- authorizes a local district board to pay local district board members a specified compensation for training every year rather than every two years;
- modifies the authority of a conservation district;
- modifies the date by which a conservation district's annual report is to be submitted to the commission; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2008 General Session

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SB 299 Revision to Local Government

Bell, G.

This bill enacts provisions relating to county and municipal authority.

- enacts provisions authorizing counties and municipalities to enact an ordinance making benefits generally available to employees, their dependents, and an unmarried employee's financially dependent or interdependent adult designee;
- authorizes counties and municipalities to create a registry for adult relationships of financial dependence or interdependence;
- prohibits a county or municipal registry from giving legal status or effect to a domestic partnership, civil union, or other domestic cohabitation relationship other than marriage;
- provides other restrictions on an ordinance to make benefits generally available and on a registry created by a county or municipality; and
- declares void any ordinance or other action that is inconsistent with this bill.

Real Estate

HB 48 Mobile Home Owners' Rights

Riesen, P.

This bill addresses the provision of notice to a resident of a mobile home park before the resident may be required to vacate the park because of a change in land use or condemnation.

- requires nine months notice before a lease may be terminated or a resident may be forced to vacate a mobile home park because of a change in land use or condemnation;
- addresses the provision of notice of certain governmental proceedings surrounding a change in land use or condemnation;
- addresses the provision of notice to a resident who is not a resident of the mobile home park at the time notice is initially given of a change in land use or condemnation;
- provides that rent may not increase during the period between the provision of notice of a change in land use or condemnation and the day on which the resident is required to vacate the mobile home park;
- forbids ordinances by a town, city, or county concerning the closure of a mobile home park because of a change in land use or condemnation; and
- makes technical changes.

Retirement

HB 202 Employee Benefit Amendments

Dougall, J.

This bill modifies the Utah State Retirement and Insurance Benefit Act by allowing the transfer of certain members' defined benefit balance to a defined contribution plan, by adding certain employees who may elect to be excluded from membership in the public employees retirement systems.

- defines certain terms;
- allows certain elected state officials and certain appointed executives and senior staff to elect to have the members' defined benefit balance transferred from the defined benefit system or plan to a defined contribution plan;
- allows certain employees to be excluded, upon written request, from future coverage under the Public Employees' Contributory Retirement System and the Public Employees' Noncontributory Retirement System, including employees of the Commission on Criminal and Juvenile Justice, employees of the governor's offices, and employees of the state treasurer and state auditor; and
- makes technical changes.

SB 19 Enhanced Public Safety Retirement Systems Cola Option

Walker, C.

This bill modifies the Utah State Retirement and Insurance Benefit Act by allowing participating employers to provide an enhanced maximum annual cost-of-living adjustment for certain public safety retirees.

- repeals the Public Safety Retirees' Cost-of-Living Increase Restricted Account and deposits its balance and future revenue into the public safety trust funds to fund a portion of the increase in the maximum annual cost-of-living adjustment for public safety retirees;
- for purposes of determining contribution rates, provides for additional subdivisions of the Public Safety Contributory Retirement System and the Public Safety Noncontributory Retirement System to allow for different maximum annual cost-of-living adjustments;
- provides a maximum annual cost-of-living adjustment of 4% for state agency public safety members and retirees in lieu of the current 2.5%;
- allows other participating employers the option to offer a maximum annual cost-of-living adjustment of 4% for public safety members and retirees in lieu of the current 2.5%;
- allows a participating employer to make a one-time election to offer the enhanced cost-of-living adjustment, if made within a certain period of time;
- provides certain eligibility requirements for covered employees and retirees to receive the increased benefit;
- provides for procedures and rules to make the election and have the enhanced cost-of-living adjustment to become effective;
- provides that the enhanced cost-of-living adjustment may not be applied to a retirement allowance already received; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2008 General Session

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Revenue and Taxation

HB 52 Research Activities Tax Credits Amendments

Dougall, J.

This bill amends the Corporate Franchise and Income Taxes chapter and the Individual Income Tax Act to address tax credits for research activities.

- modifies tax credit percentages;
- addresses the taxable year for which certain tax credits for research activities may be claimed;
- addresses Utah Tax Review Commission study requirements for the tax credits; and
- makes technical changes.

HB 54 Property Tax Assessment Revisions

Harper, W.

This bill amends provisions in the Property Tax Act relating to the real property appraisal requirements for county assessors.

- defines terms;
- requires a county assessor of a first or second class county to use a computer assisted mass appraisal system to conduct its annual update of property values;
- requires a county assessor to maintain a record of the last property review date for each parcel of real property located within the county assessor's county on the county's computer system;
- requires a county assessor to prepare a five-year plan to comply with the statutory property review requirements;
- requires a county assessor to create and update a database with sales and property characteristic information;
- requires a county assessor to include the last property review date for a parcel of property on the property owner's tax notice;
- provides a penalty if a county assessor fails to comply with statutory property review requirements;
- requires a county assessor to report certain information to the Tax Commission;
- requires the Tax Commission to report certain information to the Revenue and Taxation Interim Committee; and
- makes technical changes.

HB 77 Personal Property Tax Amendments

Dougall, J.

This bill amends the Property Tax Act and the chapter relating to the collection of certain personal property taxes and the calculation of the certified tax rate.

- defines terms;
- amends the time period within which a county assessor or treasurer is required to deposit its collections of personal property tax revenue with the state treasurer or a qualified depository for the credit of the state;
- creates a depreciation schedule for certain classes of taxable tangible personal property;
- allows a person to elect to designate certain taxable tangible personal property as "expensed personal property" for valuation and taxing purposes;
- starting January 1, 2010, requires the Tax Commission to develop a depreciation schedule for short life expensed personal property;
- prohibits a county from requiring a person to itemize the person's expensed personal property;
- amends the date within which a person is required to file a statement with the county assessor's office listing the person's real and personal property;
- eliminates the certified mailing requirement for a county assessor when the county assessor notifies a personal property taxpayer that the personal property taxpayer's signed statement is past due;
- amends the formula for the calculation of the certified tax rate;
- requires the portions of the certified tax rate calculation that relate to personal property values to be based on the prior year's personal property values;
- amends the exemption amount for certain personal property;
- exempts certain personal property with a residual value of 15% or less from taxation;
- amends the time period within which a personal property tax or uniform fee is due; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2008 General Session

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HB 206 Tax Amendments

Harper, W.

This bill amends the Sales and Use Tax Act and related provisions.

- addresses definitions;
- addresses the administration, collection, and enforcement of taxes, fees, or charges administered by the State Tax Commission;
- addresses the State Tax Commission authority to provide information contained in a return, report, related schedule, or other document to the governing board of the Streamlined Sales and Use Tax Agreement or certain other taxing officials;
- authorizes the state to become a party to the Streamlined Sales and Use Tax Agreement and addresses the authority of the State Tax Commission relating to the state becoming a party to the Streamlined Sales and Use Tax Agreement;
- addresses the appointment of delegates to the governing board of the Streamlined Sales and Use Tax Agreement;
- addresses transactions that are subject to state and local sales and use taxation;
- addresses tax rates that apply to specified transactions;
- addresses the enactment, repeal, or change in the rate of state and local sales and use taxes;
- repeals the distribution of certain local taxes collected by a remote seller to counties, cities, and towns;
- repeals the requirement to deposit certain state sales and use tax revenues into the Remote Sales Restricted Account;
- addresses state and local sales and use tax exemptions;
- addresses the Utah Tax Review Commission's requirement to study the state's sales and use tax system;
- addresses provisions relating to an exemption certificate;
- addresses the collection and remittance of sales and use taxes by a seller that is registered under the Streamlined Sales and Use Tax Agreement;
- addresses provisions relating to a direct payment permit;
- addresses the collection, remittance, and payment of taxes on direct mail;
- addresses certified service provider liability relating to state and local sales and use taxes;
- addresses seller or certified service provider reliance on State Tax Commission information or certain systems with respect to state and local sales and use taxes;
- addresses certified service provider or model 2 seller reliance on State Tax Commission certified software with respect to state and local sales and use taxes;
- addresses a purchaser's relief from liability for a tax, penalty, or interest;
- addresses return filing requirements;
- addresses seller discounts;
- addresses overpayments of sales and use taxes;
- addresses amnesty for a seller;
- addresses a monetary allowance under the Streamlined Sales and Use Tax Agreement;
- addresses the sourcing of sales and use transactions;
- addresses provisions relating to funding for 911 emergency telecommunications service;
- addresses provisions relating to the emergency services telecommunications charge to fund the Poison Control Center;
- addresses provisions relating to the emergency services telecommunications charge to fund the statewide unified E-911 service;
- grants rulemaking authority to the State Tax Commission; and
- makes technical changes.

HB 304 Sales and Use Tax Revenues for Qualified Emergency Food Agencies

Wiley, L.

This bill amends the State Community Services Act and the Sales and Use Tax Act relating to qualified emergency food agencies.

- modifies the duties of the State Community Services Office relating to qualified emergency food agencies;
- creates the Qualified Emergency Food Agencies Fund;
- dedicates certain state sales and use tax revenues to be distributed by the State Community Services Office to qualified emergency food agencies;
- establishes procedures and requirements for making or receiving a distribution of those state sales and use tax revenues;
- repeals a sales tax refund for qualified emergency food agencies; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2008 General Session

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Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

HB 359 Tax Changes

Dougall, J.

This bill amends the Corporate Franchise and Income Taxes chapter, the Individual Income Tax Act, the Sales and Use Tax Act, the Transportation Code, and related provisions to address the income taxation of individuals, estates, and trusts, including real estate investment trusts, a change in a state sales and use tax rate, a sales and use tax exemption, and the expenditure of certain state sales and use tax revenues.

- defines terms;
- addresses the income taxation of a real estate investment trust or income from a real estate investment trust;
- repeals provisions imposing an individual income tax on the basis of graduated brackets and rates;
- provides that an individual income tax is imposed on the basis of a single tax rate, including:
 - modifying and repealing definitions;
 - modifying additions to, subtractions from, and adjustments to adjusted gross income;
 - addressing the taxation of a nonresident individual or part-year resident individual; and
 - addressing provisions relating to the determination and reporting of income tax liability and information;
- addresses the apportionment of business income for purposes of the individual income tax;
- modifies the income taxation of estates and trusts, including:
 - providing definitions;
 - providing that the tax is calculated on the basis of unadjusted income;□□
 - modifying additions to, subtractions from, and adjustments to unadjusted income;
 - addressing the taxation of a nonresident estate or trust; and
 - addressing provisions relating to the determination and reporting of income tax liability and information;
- addresses the taxation of pass-through entities, including:
 - providing definitions;□and
 - renumbering and amending provisions relating to pass-through entities;
- renumbers and amends provisions relating to tax credits, including tax credits for:
 - a taxpayer;
 - an investment in the Utah Educational Savings Plan Trust; or
 - retirement income;
- provides nonrefundable tax credits for:
 - a trust or estate;
 - a contribution to a medical care savings account;
 - capital gain transactions;
 - certain amounts paid for insurance under a health benefit plan; or
 - certain solar projects;
- requires the Utah Tax Review Commission to study the solar projects tax credits;
- provides that a person may not claim a nonrefundable renewable energy systems tax credit for certain purchases for which the person claims a tax credit for certain solar projects;
- modifies the refundable renewable energy tax credit to clarify that an estate or trust may claim the tax credit;□
- addresses the apportionment of tax credits;□
- addresses the following relating to a medical care savings account:
 - taxation;
 - penalties; and
 - interest;
- amends provisions relating to the taxation of an investment in the Utah Educational Savings Plan Trust;
- renumbers and amends the individual income tax contribution provisions;
- addresses the administration of income tax contributions;
- grants rulemaking authority to:
 - the State Tax Commission; and
 - the Insurance Department;
- increases a state sales and use tax rate from 4.65% to 4.70%;
- provides that a .025% tax rate on certain sales and use transactions shall be deposited into the Critical Highway Needs Fund and the Transportation Investment Fund of 2005;
- provides that a .025% tax rate on certain sales and use transactions shall be deposited into the Transportation Fund to be expended to address chokepoints in construction management;
- extends the expiration date for certain sales and use tax exemptions;
- provides a sales and use tax exemption for sales of fuel to a common carrier that is a railroad for use in a locomotive engine;
- provides that state sales and use tax revenues deposited into the Transportation Fund are not appropriated into the class B and class C roads account;
- modifies the statutes creating the Transportation Investment Fund of 2005 and the Critical Highway Needs Fund to address the sources of revenue that may be deposited into the funds; and

SELECTED HIGHLIGHTS of the 2008 General Session

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- makes technical changes.

SB 245 Funding Relating to Airports, Highways, and Public Transit

Bramble, C.

This bill amends the Motor Vehicles Code, the Sales and Use Tax Act, and the Transportation Code relating to the local option highway construction and transportation corridor preservation fee, a local sales and use tax to fund tourism, recreation, cultural, convention, and airport facilities, a local sales and use tax to fund certain airport, highway, or public transit projects or services, a state sales and use tax, and financing of certain fixed guideways with certain airport revenue.

- addresses an audit relating to the local sales and use tax to fund tourism, recreation, cultural, convention, and airport facilities;
- reallocates a portion of the revenue received from the local option highway construction and transportation corridor preservation fee imposed in a county of the first class from the County of the First Class State Highway Projects Fund to the legislative body of a city of the first class located within a county of the first class that has an international airport with a United States customs office within its boundaries;
- addresses amounts a seller may retain as a seller discount;
- repeals a purpose statement;
- provides part titles;
- defines terms;
- provides that a county legislative body may expend certain local sales and use tax revenues for an airport facility in addition to other purposes allowed by statute;
- addresses provisions relating to ordinances and bonding for purposes of the local sales and use tax to fund tourism, recreation, cultural, convention, and airport facilities;
- authorizes a county of the second class to impose a local option sales and use tax to fund certain airport, highway, or public transit projects or services;
- addresses the procedures and requirements for imposing the local option sales and use tax to fund certain airport, highway, or public transit projects or services, including providing that the sales and use tax is an agreement sales and use tax;
- imposes a state sales and use tax under certain circumstances;
- addresses the procedures and requirements for imposing the state sales and use tax, including providing that:
 - the sales and use tax is an agreement sales and use tax; and
 - the revenues are distributed to certain public transit districts;
- modifies the sources of funding for the Local Transportation Corridor Preservation Fund;
- creates a special revenue fund known as the County of the Second Class State Highway Projects Fund, including:
 - addressing funding of the fund; and
 - addressing the purposes for which fund monies may be expended;
- provides that an airport operator may not use airport revenue to contribute to constructing, equipping, maintaining, or operating a fixed guideway; and
- makes technical changes.

Task Force / Committees

SB 239 Office of the Attorney General - Safety Net Initiative

Bramble, C.

This bill modifies provisions in the Attorney General chapter and establishes the Safety Net Initiative and task force within the Office of the Attorney General.

- authorizes the attorney general to employ investigators, prosecutors, and necessary support staff to administer special duties assigned to the attorney general;
- provides definitions;
- creates the Safety Net Initiative within the Office of the Attorney General to facilitate communication and coordinate efforts to provide services to men, women, and children who may be subject to crimes including domestic violence, sexual abuse, or maltreatment in certain communities;
- establishes the Safety Net Initiative Task Force;
- permits the attorney general to hire support staff to administer the Safety Net Initiative and task force; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2008 General Session

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Transportation

SB 15 Driving Under the Influence Amendments

Walker, C.

This bill amends provisions relating to driving under the influence.

- amends definitions;
- enacts an impaired driving plea;
- provides that a plea to a driving under the influence violation for an offense committed on or after July 1, 2008 may be entered as an impaired driving conviction in certain circumstances;
- provides that an impaired driving violation is a class B misdemeanor;
- provides requirements for a court entering a conviction of impaired driving in certain circumstances;
- requires the court to notify the Driver License Division of an impaired driving conviction;
- provides sentencing requirements for impaired driving convictions;
- provides that certain plea requirements when the prosecution agrees to a plea of guilty or no contest to an alcohol or drug-related reckless charge in satisfaction or substitute of an original charge of driving under the influence only apply to an offense committed before July 1, 2008;
- clarifies that certain license reinstatement provisions only apply to a certain 90 day suspension period imposed by the Driver License Division;
- increases the administrative impound fee for a driving under the influence violation impound; and
- makes technical changes.

SB 283 Transportation Funding Amendments

Killpack, S.

This bill amends provisions relating to the Critical Highway Needs Fund.

- increases the amount of bonds authorized to \$1,200,000,000 for highway construction and reconstruction projects prioritized through the Critical Highway Needs Fund;
- requires the Transportation Commission to give priority consideration to projects that meet certain criteria when prioritizing projects for funds available in the Critical Highway Needs Fund;
- increases the expenditure cap for projects prioritized through the Critical Highway Needs Fund;
- clarifies that the expenditure cap for projects prioritized through the Critical Highway Needs Fund applies only to bond proceeds; and
- makes technical changes.

SCR 6 Concurrent Resolution on the Reconstruction of Interstate 15

Valentine, J.

This concurrent resolution of the Legislature and the Governor recognizes the Department of Transportation's finance plan for the reconstruction of Interstate 15 and directs the Department of Transportation to begin on the reconstruction of Interstate 15. This resolution:

- recognizes that the reconstruction of Interstate 15 is currently the highest priority under the Transportation Commission's written prioritization process for new transportation capacity projects;
- recognizes that the Department of Transportation's finance plan for the reconstruction of Interstate 15 requires a commitment of future issuance of general obligation bonds and a commitment of funds available in the Transportation Investment Fund of 2005 beginning in fiscal year 2007-08; and
- directs the Department of Transportation to:
 - begin on the reconstruction of Interstate 15 from the interchange at US-6 to the American Fork Main Street interchange; and
 - report to the Legislature during the 2009 General Session on the construction options for Interstate 15 from the American Fork Main Street interchange to 12300 South in Salt Lake County.