

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Abortion

HB 90 Abortion Law Amendments

Ray, P.

This bill amends portions of the Utah Criminal Code relating to abortion.

- removes an unconstitutional provision requiring that all abortions performed 90 days or more after the commencement of a pregnancy be performed in a hospital;
- defines the term "viable";
- provides that an abortion may only be performed in this state if:
 - the unborn child is not viable; or
 - the unborn child is viable, if the abortion is necessary to avert the death of the woman on whom the abortion is performed, the abortion is necessary to avert a serious risk of substantial and irreversible impairment of a major bodily function of the woman, two physicians who practice maternal fetal medicine concur, in writing, that the fetus has a defect that is uniformly diagnosable and uniformly lethal, or the woman is pregnant as a result of rape, rape of a child, or incest;
- provides that a violation of the provisions in the preceding paragraph constitute the second degree felony offense of "killing an unborn child";
- provides that a woman who seeks to have, or obtains, an abortion for herself is not criminally liable;
- makes technical changes; and
- enacts an uncodified severability clause.

HB 222 Unborn Child Pain Prevention Act

Wimmer, C.

This bill amends provisions of the Utah Criminal Code relating to abortion.

- requires that at least 24 hours before a physician performs an abortion of an unborn child who is at least 20 weeks gestational age, the woman on whom the abortion is performed shall, except when a medical emergency exists and there is not adequate time to comply with the requirements of this bill, be informed:
 - that, upon the woman's request, an anesthetic or analgesic will be administered to the unborn child, through the woman, to eliminate or alleviate organic pain to the unborn child; and
 - of any medical risks to the woman associated with the anesthetic or analgesic;
- provides that a person providing the information described in the preceding paragraph is not prohibited from informing the woman of the person's own opinion regarding the administration of an anesthetic or analgesic to alleviate fetal pain;
- requires the Department of Health to produce a brochure that:
 - subject to certain exceptions, is to be provided to a woman seeking an abortion of an unborn child who is at least 20 weeks gestational age; and
 - includes information relating to the ability of an unborn child to experience pain during an abortion procedure and the methods of alleviating or eliminating that pain;
- provides that a physician who performs an abortion of an unborn child who is at least 20 weeks gestational age shall administer an anesthetic or analgesic to the unborn child if the woman having the abortion consents to the administration of the anesthetic or analgesic, unless a medical emergency exists and there is not adequate time to comply with the requirements of this bill; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Alcoholic Beverage Control

SB 187 Alcohol Amendments

Valentine, J.

This bill modifies the Alcoholic Beverage Control Act.

- amends definitional provisions;
- removes requirements related to state labels and markings;
- prohibits tampering with a package of an alcoholic beverage;
- addresses the nature of an adjudicative proceeding as a civil action including the burden of proof and the general applicability of mens rea requirements;
- makes procedural clarifications for administrative actions;
- provides for electronic verification of proof of age by certain club licensees;
- removes restrictions related to election days;
- addresses quotas;
- addresses proximity for a restaurant liquor or limited restaurant license;
- addresses dispensing, storage, and bar structures for a restaurant;
- changes the insurance and liability limits related to dramshop;
- modifies the definition of a "convention center" and provides for limited grandfathering;
- creates a resort license including:
 - defining terms;
 - providing for licensing, including the creation of sublicenses;
 - establishing a resort spa sublicense;
 - imposing operational requirements for a resort license;
 - addressing the application of operational requirements to a sublicense;
 - providing for enforcement with relation to a resort license or a sublicense;
 - addressing the application of the Nuisance Licensee Act to a resort license or sublicense;
 - providing for the enforcement of criminal penalties; and
 - expanding protections for employees to encompass employees of a resort licensee;
- establishes requirements for renting or leasing a club license premises;
- clarifies the application of criminal procedures, principles, and penalties;
- addresses training requirements for law enforcement officers;
- expands licenses subject to protections for employees who exercise judgment;
- provides for a study of penalties related to minors; and
- makes technical and conforming changes.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Appropriations

SB 2 New Fiscal Year Appropriations Act

Hillyard, L.

New Fiscal Year Appropriations Act

- 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 3 Appropriations 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, 2008 and ending June 30, 2009 and beginning July 1, 2009 and ending June 30, 2010.

- 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 funds for the bills with fiscal impact passed in the 2009 General Session;
- provides budget increases and decreases for other purposes as described;
- approves capital acquisition amounts for internal service funds;
- authorizes rates and fees;
- provides intent language.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Business

HB 78 Utah Uniform Securities Act Modifications

Bird, J.

This bill modifies the Utah Uniform Securities Act to create the Securities Commission, outline its powers and duties, and make other substantive changes.

- creates the Securities Commission;
- outlines the powers and duties of the Securities Commission, including modifying the powers and duties of the Division of Securities and its director;
- modifies definitions including the definition of a security;
- addresses disciplinary proceedings;
- addresses language related to licensing;
- addresses requirements related to associations between licensed and unlicensed persons;
- requires the identification of a principal or designated official;
- expands the scope of criminal pleas considered to determine if disciplinary action or licensing restrictions should be taken;
- addresses disciplinary action or licensing restrictions for entities that are materially the same;
- addresses civil actions that could result in disciplinary action;
- repeals registration by notification;
- modifies the automatic effectiveness related to registration;
- updates language related to means of providing notices;
- addresses provisions related to an issuer agent;
- modifies provisions related to exemptions and registration of securities;
- modifies remedies available for enforcement;
- modifies provisions related to private causes of action;
- provides that prosecutors may bring criminal proceedings without referral from the division;
- deletes outdated language including references to repealed federal law; and
- makes technical and conforming changes.

HB 170 Insurance and Life Settlement Amendments

Dunnigan, J.

This bill modifies the Insurance Code and in particular the Viatical Settlements Act to change its terminology to Life Settlements Act and to make other substantive changes.

- addresses insurable interest;
- modifies the terminology related to a viatical settlement to terminology related to a life settlement;
- modifies definitions;
- defines "stranger-originated life insurance" and prohibits activities related to stranger-originated life insurance;
- prohibits a life settlement from requiring that the life settlement be construed according to the laws of another jurisdiction;
- prohibits a life settlement from removing jurisdiction from state courts;
- modifies requirements to obtain a life settlement provider license;
- expands the grounds for when a commissioner may refuse to issue, suspend, revoke, or refuse to renew a life settlement producer or provider license;
- modifies language related to reporting;
- addresses verification of coverage;
- modifies provisions related to rescission of a life settlement;
- addresses establishing when the requirements of a life settlement are met;
- modifies the process for holding the proceeds of a life settlement;
- modifies prohibited acts;
- modifies what constitutes fraud;
- modifies requirements related to reporting fraud and immunity for reporting fraud;
- limits imposition of criminal penalties on an owner; and
- makes technical and conforming amendments.

SB 41 Siting of High Voltage Power Line Act

Knudson, P.

This bill requires a public utility to give notice before constructing a high voltage power line.

- requires a public utility to notify an affected entity and affected landowner when applying for a land use permit to construct a high voltage power line;
- requires a public utility to conduct public workshops and distribute information to the public on the proposed high voltage power line;
- authorizes a public utility or local government to appeal a high voltage power line route to the Utility Facility Review Board; and
- makes technical corrections.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

SB 208 Utah Public Notice Website Amendments

Urquhart, S.

This bill amends provisions of the Utah Public Notice Website.

- amends provisions of the Utah Public Notice Website to include posting legal notices; and
- makes technical corrections.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Economic Development

HB 430 Economic Development Incentives for Alternative Energy Projects

Garn, K.

This bill enacts the Renewable Energy Development Act within the Governor's Office of Economic Development.

- provides for the creation of renewable energy development zones by the Governor's Office of Economic Development and provides definitions related to renewable energy development zones and renewable energy development projects undertaken within those zones;
- provides for an economic development tax credit to business entities upon meeting standards set by the Governor's Office of Economic Development that are based on requirements established in the act;
- provides for the issuance of a renewable energy development tax credit certificate by the office, with certain restrictions and conditions, such as specifying the maximum amount of tax credit a business entity may earn over the life of a renewable energy project;
- provides that a renewable energy project must include direct investment within the boundaries of a zone, must bring new incremental jobs to the state, must include significant capital investment or the creation of high paying jobs or significant purchases from Utah vendors and providers, and must generate new state revenues;
- requires the business entity to submit to audits for verification of a claimed tax credit;
- provides for certification by the office of a business entity's eligibility for a claimed tax credit; and
- requires for an annual report to the Legislature and the Utah Tax Review Commission on the success of the renewable energy development project tax incentive program.

SB 14 Financial Incentives for Motion Picture Productions

Hillyard, L.

This bill modifies provisions of the Motion Picture Incentive Fund and enacts additional statutes related to the process and criteria for granting economic incentives to motion picture companies for new state-approved productions.

- modifies statutes governing the Governor's Office of Economic Development's procedures and criteria for granting economic incentives to motion picture companies for the production of motion pictures, television series, and made-for-television movies within the state;
- provides for motion picture incentives in the form of cash rebate incentives for small budget productions and refundable tax credits for larger budget productions;
- provides for definitions related to the determination and calculation of certain motion picture incentives;
- provides for standards in determining the awarding of an incentive;
- provides for certain restrictions in the issuance of motion picture tax credit certificates;
- provides for reports to the Revenue and Taxation and Workforce Services and Community and Economic Development Interim Committees and the Utah Tax Review Commission and details the content of those reports; and
- makes certain technical changes.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Education

HB 2 Minimum School Program Budget Amendments

Newbold, M.

This bill provides funding for the Minimum School Program.

- establishes a ceiling for the state contribution to the Minimum School Program for fiscal year 2009-10 of \$2,138,232,586;
- appropriates \$22,499,700 to the State Board of Education for fiscal year 2009-10 for school building aid programs for school districts;
- modifies the funding of charter schools;
- modifies the district administrative cost formula;
- makes one-time appropriations for fiscal year 2009-10; and
- makes one-time appropriations for fiscal year 2008-09.

HB 15 Career and Technical Education Amendments

Bigelow, R.

This bill modifies provisions relating to career and technical education, including governance structures.

- modifies terminology, definitions, and other provisions relating to career and technical education;
- modifies the governance structure for post-secondary career and technical education;
- modifies the nonvoting membership of the State Board of Education;
- modifies the membership of the State Board of Regents;
- modifies the membership, appointment procedures, and duties of the Utah College of Applied Technology's Board of Trustees;
- restructures the Salt Lake/Tooele Campus of the Utah College of Applied Technology as follows:
 - establishes a School of Applied Technology at Salt Lake Community College;
 - transfers the Salt Lake portion of the Salt Lake/Tooele Applied Technology College to Salt Lake Community College's School of Applied Technology; and
 - retains the Tooele portion of the campus as the Tooele Campus of the Utah College of Applied Technology;
- creates a career and technical education board of directors at Salt Lake Community College and specifies its membership and duties;
- modifies career and technical education reporting provisions;
- prohibits the State Board of Regents from conducting a feasibility study or performing another act relating to merging Utah College of Applied Technology institutions with another institution of higher education;
 - prohibits UCAT personnel from conducting a feasibility study or performing another act related to offering a degree or awarding credit;
 - requires legislative appropriations for career and technical education programs at Salt Lake Community College, Snow College, and the College of Eastern Utah to be made as separate line items; and
 - makes technical corrections.

HB 296 Schools for the Deaf and Blind Amendments

Sumsion, K.

This bill recodifies the Utah Schools for the Deaf and the Blind, including modifying provisions regarding its employees and a student's eligibility for services.

- defines terms;
- creates the Utah Schools for the Deaf and the Blind as a single public school agency and a public corporation;
- allows the Utah Schools for the Deaf and the Blind to serve as the designated local education agency (LEA) for a student;
- clarifies that the Utah Schools for the Deaf and the Blind, with certain exceptions, is subject to state laws applicable to public schools and state government agencies;
- provides that the State Board of Education is the governing board of the Utah Schools for the Deaf and the Blind;
- directs the State Board of Education to appoint:
 - a superintendent for the Utah Schools for the Deaf and the Blind; and
 - members of the Advisory Council for the Utah Schools for the Deaf and the Blind;
- directs the superintendent to appoint, subject to approval by the State Board of Education:
 - an associate superintendent to administer the Utah School for the Deaf; and
 - an associate superintendent to administer the Utah School for the Blind;
- establishes the power and duties of the superintendent and the advisory council;
- establishes eligibility criteria for services of the Utah Schools for the Deaf and the Blind;
- specifies educational program, assessment, and reporting requirements;
- provides that certain educators employed by the Utah Schools for the Deaf and the Blind are exempt from classified service, state pay plan, and career service provisions of the Utah Personnel Management Act and rules of the Department of Human Resource Management;
- requires the State Board of Education to make rules to establish and specify procedures for the operation of the Utah State Instructional Materials Accessibility Center; and
- makes technical amendments.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

SB 100 Financial and Economic Literacy Education Amendments

Jones, P.

This bill requires a public school to provide certain financial and economic literacy information to the parents or guardians of kindergarten students.

- requires a public school to provide the following to the parents or guardians of a kindergarten student:
 - a financial and economic literacy passport; and
 - information about higher education savings options, including information about opening a Utah Educational Savings Plan account; and
- makes technical corrections.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

Energy

SB 76 Energy Amendments

Bramble, C.

This bill creates the Utah Generated Renewable Energy Electricity Network Authority as an independent state agency.

- modifies provisions related to independent entities;
- enacts the Utah Generated Renewable Energy Electricity Network Authority Act, including:
 - creating the authority as an independent state agency;
 - defining terms;
 - providing for approval of qualifying transmission projects;
 - addressing powers and duties, including rulemaking authority;
 - authorizing bonding by the authority;
 - addressing annual budgets;
 - addressing audits;
 - providing a process related to dissolution; and
 - creating a board; and
- makes technical and conforming amendments.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Ethics

HB 345 Elected Officials - Restrictions on Lobbying

Dee, B.

- This bill enacts the Lobbying Restrictions Act, which places restrictions on certain elected officers' ability to act as a lobbyist after leaving office.
- enacts the Lobbying Restrictions Act, which prohibits certain elected government officials from acting as a lobbyist for one year after leaving office; and
 - requires the lieutenant governor to disapprove an application for a lobbyist license when the applicant does not meet the eligibility requirements.

HB 346 Campaign and Financial Reporting Requirements Amendments

Dee, B.

- This bill addresses the reporting of contributions and public service assistance for various candidates for office and officeholders.
- defines terms;
 - addresses the reporting of in-kind contributions;
 - requires contributions and public service assistance to be reported within 30 days of the day on which they are received;
 - requires contributions and public service assistance that are made in the form of a negotiable instrument or check to be negotiated before the filing deadline for, and included on, interim reports; and
 - makes technical changes.

HJR 14 Joint Rules Resolution - Ethics Training Course Provisions

Fowlke, L.

- This joint resolution of the Legislature enacts a provision for the development and completion of an ethics training course for Legislators. This resolution:
- requires the Office of Legislative Research and General Counsel to develop and maintain an ethics training course for members of the Legislature;
 - requires that training materials and exercises be available on the Internet to legislators and to the public;
 - provides that the course be designed to assist legislators in understanding and complying with current ethical and campaign finance requirements;
 - requires that provisions be included to verify when a legislator has successfully completed training exercises; and
 - requires that legislators complete the course annually or as directed by the Legislative Management Committee.

SB 156 Gifts and Meal Provisions for Public Officials

Bell, G.

- This bill addresses the provision and reporting of gifts and meals to public officials.
- addresses the definition of "tangible personal property";
 - includes admission to various events in the definition of "gift";
 - requires reporting of meals costing more than \$25 provided to a public official under certain circumstances; and
 - makes technical changes.

SB 162 Use of Campaign Funds Amendments

Valentine, J.

- This bill prohibits the use of campaign and officeholder funds for a purpose that would result in the funds' recognition as taxable income under federal tax law.
- prohibits the use of campaign and officeholder funds for a purpose that would result in the candidate or officeholder recognizing the funds as taxable income under federal tax law; and
 - makes technical changes.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

Family

HB 198 Marriage License Fee Amendments

Johnson, C.

This bill modifies a provision relating to marriage license fees.

- requires county clerks to collect an additional \$10 for a marriage license fee and to transmit that amount to the Division of Child and Family Services for use in the operation of shelters for victims of domestic violence.

HB 401 Custody and Parent-time Amendments for Service Members

Cosgrove, T.

This bill provides direction for custody and parent-time issues when a service member is away temporarily.

- defines terms;
- provides for notice when a service member is deployed, mobilized, or ordered to temporary duty;
- gives a noncustodial parent "first choice" when a service member must be away;
- provides for the delegation of parent-time to a close family member in the noncustodial parent's absence;
- requires support to follow the child; and
- prohibits a court from depriving a service member of custody who is deployed, mobilized, or ordered to temporary duty.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Government Operations (State Issues)

HB 32 Amendments to Agency Rulemaking Regarding Criminal Penalties

Ferry, B.

This bill modifies various statutory provisions regarding rulemaking authority by repealing statutory provisions that authorize certain state agencies to determine by administrative rule what conduct constitutes a criminal penalty and amends a provision regarding wildlife resources.

- repeals certain statutory grants of administrative rulemaking authority to the Department of Health, the Department of Insurance, the Labor Commission, and the Department of Natural Resources that determine what conduct constitutes a criminal penalty;
- addresses rulemaking as needed to maintain state primacy of federal programs and as relates to federal penalties that are equal to or greater than state penalties;
- amends the limitations on specified uses of Division of Wildlife Resources lands that are being placed in statutes; and
- makes technical changes.

HB 126 Voter Identification for Elections

Daw, B.

This bill requires that a voter present identification before being allowed to vote.

- requires identification of voters and eliminates certain forms of identification as valid voter identification;
- requires valid voter identification be presented before a voter may vote;
- provides for a fee waiver for an application for an identification card by certain indigent applicants;
- allows the Driver License Division to seek certain information from the Tax Commission to verify a person's indigency;
- changes or eliminates various provisions addressing the language in voter registration forms, the need for valid voter identification, and the definition of "legally entitled to vote"; and
- makes technical changes.

HJR 29 Legislative Direction to the Public Employees' Benefit and Insurance Program

Dee, B.

This resolution directs the Public Employees' Benefit and Insurance Program on the medical coverage premium share and increase costs issues for state employees. This resolution:

- directs PEHP and the Department of Human Resource Management to change the current employer premium share for HMO medical coverage to 95% employer and 5% employee and adjust other plans proportionately; and
- directs PEHP and the executive director of the Department of Human Resource Management to formulate benefits for Fiscal Year 2009-10 to cover any remaining health care cost increases.

SB 26 Open and Public Meetings Act - Meeting Record

Knudson, P.

This bill modifies the Open and Public Meetings Act by amending provisions related to minutes and a recording of an open meeting.

- clarifies that the minutes of a meeting must include information requested to be added by a member only if that information was part of the proceedings of the meeting;
- provides specific circumstances as to when the written minutes of an open meeting become a public record;
- requires a public body to establish and implement procedures for approval of written minutes;
- requires that a recording of an open meeting must be available to the public for listening within three business days after the meeting;
- repeals a requirement that a recording must be converted to written minutes within a reasonable time upon request;
- provides that a meeting recording is not required for site visits or traveling tour or for certain small local districts; and
- makes technical changes.

SB 126 State Personnel Management Act Amendments

Liljenquist, D.

This bill eliminates the reappointment register from which certain career service employees must be rehired.

- eliminates the reappointment register for:
 - a career service employee appointed to an exempt position who is not retained by the appointing authority; and
 - a career service employee separated in a reduction in force;
- allows for preferential consideration for a career service employee separated in a reduction in force who applies for another career service position;
- removes from the remedies available to the Career Service Review Board the ability to place an employee on the reappointment register; and
- makes technical changes.

SB 260 Housing Relief Restricted Special Revenue Fund

Jenkins, S.

This bill creates the Housing Relief Restricted Special Revenue Fund and provides for grants to be made from the fund for homebuyers purchasing a newly constructed residence.

- provides that the Utah Housing Corporation administer grants to the buyers of a newly constructed residence;
- requires the state treasurer to fund grants made to buyers of newly constructed residences; and
- creates the Housing Relief Restricted Special Revenue Fund, from which grant monies will be paid.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Health

HB 128 Electronic Prescribing Act

Menlove, R.

This bill enacts the Electronic Prescribing Act within Title 58, Occupations and Professions.

- defines terms;
- requires a practitioner to provide each existing patient of the practitioner with the option to participate in electronic prescribing, if the practitioner prescribes a drug or device for the patient on or after July 1, 2012;
- provides that a practitioner may not issue a prescription through electronic prescribing for a drug or device that the practitioner is prohibited by federal law or federal rule from issuing through electronic prescribing;
- requires a pharmacy to accept and comply with an electronic prescription that is transmitted in accordance with the requirements of this section and rules made by the Division of Occupational and Professional Licensing; and
- grants rulemaking authority to the Division of Occupational and Professional Licensing to:
 - enforce the provisions of this bill;
 - ensure that electronic prescribing is done in a secure manner, consistent with industry standards;
 - ensure that each patient is fully informed of the patient's rights, restrictions, and obligations pertaining to electronic prescribing; and
 - grant a hardship exemption to a pharmacy or a practitioner, to the extent that the requirements of this bill would impose an extreme financial hardship on the pharmacy or the practitioner.

HB 132 Sexual Assault Victim Protocols

Biskupski, J.

This bill enacts Sexual Assault Victim Protocols within the Utah Health Code.

- defines terms;
- requires a designated facility to provide to a victim of sexual assault with:
 - information regarding emergency contraception; and
 - emergency contraception, upon request by the victim;
- requires a designated facility to:
 - maintain a protocol, prepared by a physician, for the administration of emergency contraception at the designated facility to a victim of sexual assault; and
 - develop and implement a written policy to ensure that a person is present at the facility, or on-call, who has authority and training to comply with the requirements of this bill;
- requires a physician who is not at a designated facility to:
 - provide a victim of sexual assault with information regarding emergency contraception; and
 - provide the victim of sexual assault with emergency contraception, upon her request, or inform her of the nearest location where she may obtain emergency contraception;
- grants rulemaking authority to the Department of Health; and
- provides for the enforcement of the provisions of this bill by the Department of Health.

HB 165 Health Reform - Administrative Simplification

Newbold, M.

This bill modifies the Health Code and the Insurance Code to provide standards for the exchange of information between health care providers, health care insurers, and patients regarding payment for services.

- amends the timing of the requirement that a hospital sends an itemized bill to a patient;
- creates a systemwide, broad based demonstration project between health care payers and health care providers for innovating the payment and delivery of health care in the state;
- establishes a committee to study and develop a more efficient coordination of benefits process;
- requires health benefit plans to issue to enrollees a printed card containing health plan information;
- requires an insurer to provide access to information sufficient for a health care provider to determine the compensation or payment terms for health care services;
- requires the Insurance Department to convene a group of providers and payers to establish standards for the electronic exchange of health plan information using card swipe technology which is compatible with national electronic standards;
- prohibits an insurer from requiring less than one business day's notice of an emergency in-patient hospital admission; and
- amends the period of time in which an insurer can recover an amount paid to a health care provider when the insurer determines the payment was incorrect.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

HB 188 Health System Reform - Insurance Market

Clark, D.

This bill amends the Insurance Code and the Governor's Office of Economic Development Code to expand access to the health insurance market, increase market flexibility, and provide greater transparency in the health insurance market.

- prohibits balanced billing by certain health care providers in certain circumstances;
- revises the basic benefit plan used for consumer comparison of health benefit products;
- requires the Insurance Department to include in its annual market report a summary of the types of plans sold through the Internet portal, including market penetration of mandate lite products;
- allows insurers to offer lower cost health insurance products that do not include certain state mandates in the individual market, the small employer group market, and in the conversion market;
- creates the Utah NetCare Plan, a low cost health benefit plan as an alternative to current federal COBRA, state mini-COBRA, and conversion products;
- requires health insurance brokers and producers to disclose their commissions and compensation to their customers prior to selling a health benefit plan;
- modifies the number and type of products an insurer must offer in the small employer group market and the individual market;
- establishes a defined contribution arrangement market available on the Internet portal, which:
 - beginning January 1, 2010, is available to small employer groups;
 - offers a range of health benefit plan choices to an employer's eligible employees;
 - beginning January 1, 2012, is available to eligible large employer groups; and
 - beginning January 1, 2012, will offer a wider range of choices of health benefit plans to employees;
- establishes a board within the Insurance Department that is given the responsibility to develop a risk adjustment mechanism that will apportion risk among the insurers participating in the Internet portal defined contribution market to protect insurers from adverse risk selection;
- requires insurers who offer health benefit plans on the Internet portal to provide greater transparency and disclose information about the plan benefits, provider networks, wellness programs, claim payment practices, and solvency ratings;
- establishes a process for a consumer to compare health plan features on the Internet portal and to enroll in a health benefit plan from the Internet portal;
- requires the Office of Consumer Health Services to convene insurers and health care providers to monitor and report to the Health Reform Task Force and to the Business and Labor Interim Committee regarding progress towards expanding access to the defined contribution market, greater choice in the market, and payment reform demonstration projects;
- establishes limited rulemaking authority for the Office of Consumer Health Services to:
 - assist employers and insurance carriers with interacting with the Internet portal; and
 - facilitate the receipt and payment of health plan premium payments from multiple sources;
- authorizes the Office of Consumer Health Services to establish a fee to cover the transaction cost associated with the Internet portal functions such as sending and processing an application or processing multiple premium payment sources; and
- re-authorizes the Health Reform Task Force for one year.

HB 331 Health Reform - Health Insurance Coverage in State Contracts

Dunnigan, J.

This bill requires certain state entities to require a contractor who contracts with the state entity to offer the contractor's employees qualified health insurance coverage during the duration of the contract if the contract is over a certain amount, and if the contract is a construction or design contract.

- defines the following terms:
 - "employee";
 - "qualified health insurance coverage"; and
 - "subcontractor";
- requires the following state entities to require a contractor who contracts with the state entity to offer qualified health insurance coverage to the contractor's eligible employees and the employee's dependents if the contract amount is above a certain amount:
 - the Department of Environmental Quality;
 - the Capitol Preservation Board;
 - the Department of Natural Resources;
 - the Division of Facilities Construction and Management;
 - the Utah Department of Transportation; and
 - public transit districts;
- establishes enforcement and penalties for a contractor who does not maintain an offer of qualified health insurance coverage for employees during the duration of the contract;
- deposits any penalties collected into the Medicaid Restricted Account; and
- applies to construction or design contracts entered into on or after July 1, 2009.

SB 79 Health Reform - Medical Malpractice Amendments

Knudson, P.

This bill amends the standard of proof necessary for a malpractice claim in an emergency room.

- defines terms;
- establishes a standard of proof of clear and convincing evidence for malpractice actions based on emergency care received in an emergency room; and
- sunsets the clear and convincing standard of proof on July 1, 2013.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

Immigration

HB 64 Deterring Illegal Immigration

Dee, B.

This bill authorizes the Office of the Attorney General to administer and coordinate the operation of a multi-agency strike force to combat violent and other major crimes within the state associated with illegal immigration and human trafficking.

- authorizes the Office of the Attorney General to administer and coordinate the operations of a multi-agency strike force to deal with major crimes committed within the state related to illegal immigration and human trafficking;
- provides for voluntary participation in the strike force by officers of U.S. Immigration and Customs Enforcement and state and local law enforcement personnel to more effectively utilize their combined skills, expertise, and resources;
- provides that the strike force shall focus its efforts on detecting, investigating, deterring, and eradicating violent and other major criminal activity within the state related to illegal immigration and human trafficking;
- provides for a Fraudulent Documents Identification Unit; and
- requires an annual report.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

Judicial Code

HB 138 Expungement of Records Amendments

Fisher, Julie

This bill requires the division to issue an expedited certificate of eligibility for expungement to people who are acquitted of a crime at trial, provided that the person meets all other conditions for an expungement, and the bill allows the state to petition a court to open an expunged record if a person is charged with a new crime.

- requires the division to issue an expedited certificate of eligibility to a petitioner who has been acquitted of a crime at trial; and
- allows the state to petition the court to open expunged records, upon a showing of good cause, and allows relevant records previously expunged to be used in an investigation and trial of the new charges.

HB 195 Utah Uniform Probate Code - Trust Amendments

Lockhart, R.

This bill expands the definition of "trust" in the Uniform Probate Code to include health savings accounts.

- expands the definition of "trust" in the Uniform Probate Code to include health savings accounts as defined by the Internal Revenue Code.

SB 182 Criminal Restitution Amendments

Bramble, C.

This bill extends the expiration date of criminal restitution orders indefinitely.

- provides that there is no statute of limitations on criminal restitution orders;
- provides that the victim shall be entitled to recover collection fees if the defendant fails to obey a court order for payment of restitution;
- provides that payment in full of a restitution order includes the payment of any applicable collection fees, attorney fees, and interest; and
- provides that the expiration date of criminal restitution orders applies to all restitution judgments that are not paid in full on or before May 12, 2009.

SB 271 Judicial Conduct Commission Amendments

Davis, G.

This bill amends the confidentiality requirements of the Judicial Conduct Commission.

- allows the Senate Judicial Confirmation Committee to review relevant complaints, papers, testimony, and records of the Judicial Conduct Commission for the purpose of determining a nominee's fitness for judicial office.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Law Enforcement and Criminal Justice

HB 14 Material Harmful to Minors Amendments

Allen, S.

This bill modifies the Criminal Code regarding the offenses of distribution of pornographic material and material harmful to minors.

- provides the following penalties for minors that distribute pornographic material or deal in material harmful to a minor:
 - persons 16 or 17 years of age are guilty of a class A misdemeanor; and
 - persons younger than 16 years of age are guilty of a class B misdemeanor;
- provides that a person 18 years of age or older who solicits a person younger than 18 to distribute pornographic material or deal in material harmful to a minor is guilty of a third degree felony and is subject to specified penalties; and
- provides that if a person younger than 18 years of age has previously committed the offense of dealing in material harmful to minors, the person is guilty of a third degree felony for each subsequent offense.

HB 37 Violent Offenses Amendments

Seelig, J.

This bill modifies provisions of the Criminal Code, including a felony committed with other persons, aggravated murder, predicate criminal gang offenses, and the offense of felony discharge of a firearm.

- amends the enhanced penalty for committing a first degree felony with other persons by imposing five more years imprisonment in addition to the statutory minimum term of imprisonment for the felony;
- amends the elements of aggravated murder to include felony discharge of a firearm;
- amends the definition of predicate gang offenses that constitute criminal gang activity in defined circumstances to include retail theft;
- adds the offense of retail theft to the offenses subject to an enhanced penalty if committed with two or more persons; and
- amends the offense of felony discharge of a firearm to include situations that constitute criminal homicide or attempted criminal homicide.

HB 100 Department of Corrections - Tracking and Reimbursement of Individual Prisoner Costs

Wimmer, C.

This bill modifies provisions in the Criminal Code and the State Institutions Code to require offenders who receive medical, dental, and postsecondary educational services, while in prison, to reimburse the state for a portion of the costs of the services received.

- requires the Utah Department of Corrections to jointly develop and implement a recidivism reduction plan with the State Board of Regents and the State Board of Education;
- requires the department to make a report to the Education and Law Enforcement and Criminal Justice Interim Committees on the recidivism reduction plan before October 1, 2010;
- provides a specified copayment by an inmate receiving hospital, medical, dental, and prescription medication services through the department;
- requires an inmate with assets exceeding \$200,000 to pay for the inmate's medical and dental care and provides a cap for the costs;
- specifies that the department provides medical treatment if an inmate is unable to pay for the treatment because of inadequate financial resources;
- requires an inmate participating in postsecondary education through the department to pay or reimburse the department for 50% of the costs of tuition;
- requires the department to coordinate a deferred postsecondary education tuition repayment program with the Office of State Debt Collection to provide a participating inmate:
 - a reasonable time frame to make payments, beginning no later than two years after termination of the inmate's parole; and
 - a reasonable payment amount to allow an inmate to reimburse the tuition obligation incurred while under the supervision of the department;
- provides that tuition costs not paid by the inmate at the time of participating in postsecondary education will be paid from the Prison Telephone Surcharge Account;
- provides that of the amounts collected by the Office of State Debt Collection:
 - 10% may be used by the Office of State Debt Collection for purposes of operating the deferred payment program; and
 - all other funds collected as repayment for postsecondary tuition costs will be deposited into the Prison Telephone Surcharge Account to be used by the department for education and training programs for inmates;
- directs that ongoing funds provided to the State Board of Regent's Prison Recidivism Program in fiscal year 2009-10 shall be transferred to the Prison Telephone Surcharge Account for the purpose of inmate postsecondary education and training;
- requires the department to turn over to the Office of State Debt Collection any unpaid tuition debt at the time the offender is released from parole; and
- specifies that only inmates lawfully present in the United States may participate in the postsecondary educational program offered through the department.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

- HB 163 Property Transaction Amendments Lockhart, R.
This bill modifies the Secondhand Merchandise Transaction Information Act by providing that scrap and secondary metals dealers are exempt from the act and providing transaction and record keeping provisions regarding precious metals and coins.
- amends the definition of a secondhand business to provide an exemption for regulated metal dealers;
 - requires reporting to the database of certain transactions by coin dealers;
 - modifies the Pawnbroker and Secondhand Merchandise Advisory Board to include a coin dealer representative;
 - provides definitions related to the coin dealer business;
 - provides a criminal penalty for unauthorized release of database information;
 - provides that neither coin dealers nor pawnbrokers are required to hold precious metals or coins as defined; and
 - changes the hold period for pawnbrokers and secondhand dealers from ten days to 15 days.
- SB 11 Incest Amendments Stowell, D.
This bill amends the Criminal Code regarding the offense of incest.
- amends the definition of the crime of incest; and
 - increases the statute of limitations for prosecution from four to eight years, and requires the crime be reported within four years after it occurs.
- SB 16 Prohibited Gang Activity Greiner, J.
This bill amends the Criminal Code by creating the offense of failure to disperse from loitering in a public place by groups that include gang members.
- provides that a peace officer may order a group to disperse if the group includes persons an officer reasonably believes to be gang members and is in an area where loitering of groups that include gang members is prohibited by the local law enforcement agency;
 - requires that the officer warn the group that failure to disperse is subject to arrest;
 - requires municipal and county legislative bodies to designate areas in their jurisdictions where police officers may require groups that include gang members to disperse;
 - provides that failure to disperse upon the order of an officer is a class B misdemeanor, and a subsequent failure to disperse is a class B misdemeanor subject to a fine of \$100;
 - provides that if, after being ordered to disperse, a member of the group loiters again within specified times and at specified places, the person is guilty of a class B misdemeanor and is subject to a fine of \$100;
 - requires that officers receive training to ensure protection of the constitutional right of collective advocacy;
 - requires that officers receive training on identification of gang members and criminal street gangs; and
 - provides definitions.
- SB 28 Prohibited Activities of Gang Offenders Greiner, J.
This bill modifies the Criminal Code regarding prohibitions imposed on persons convicted of a criminal gang-related offense.
- provides that a person convicted of a crime for which the sentence is enhanced due to the offense being gang-related may not possess a dangerous weapon, ammunition, or a facsimile of a firearm for five years and that a violation is a class A misdemeanor; and
 - provides that any greater penalty under another section of the Criminal Code that restricts the possession of a dangerous weapon to a greater degree supersedes the restrictions of this provision.
- SB 98 Motor Fuel Theft Penalties Greiner, J.
This bill modifies the Criminal Code and the Public Safety Code regarding theft of motor vehicle fuel when a motor vehicle is used in the commission of the offense.
- creates the separate theft offense of theft of motor vehicle fuel from a retail business if the fuel is removed with the intent to deprive the business of the fuel without full payment;
 - provides that, in addition to the penalties for theft in Section 76-6-412, the person's driver license may be suspended for a conviction of theft of motor vehicle fuel for not more than 90 days; and
 - requires that the Driver License Division suspend a person's driver license upon receiving notice from a court that the person has been convicted of a theft offense under Section 76-6-404.7.
- SB 118 Parental Responsibility for Juvenile Criminal Gang Offense Costs Greiner, J.
This bill modifies the Juvenile Court Act to increase a parent's financial responsibility for a minor's criminal street gang offense costs.
- requires a parent or guardian who has legal custody of a minor to be liable for damages, including graffiti damages, sustained to property not to exceed \$5,000 in costs when the minor participates in criminal activity that causes property damage and is done:
 - for the benefit of, at the direction of, or in association with any criminal street gang; or
 - to gain recognition, acceptance, membership, or increased status with a criminal street gang.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

Natural Resources

HB 92 Requirement to Wear Hunter Orange Amendments

Sandstrom, S.

This bill amends a provision in the Wildlife Resources Code regarding the requirement to wear hunter orange.

- exempts a person from the requirement to wear hunter orange while using certain types of hunting permits.

HB 240 Wanton Destruction of Livestock

Menlove, R.

This bill establishes penalties for the wanton destruction of livestock.

- defines terms;
- allows a licensed veterinarian to euthanize certain animals under certain circumstances;
- modifies requirements for reporting estrays;
- authorizes the Division of Wildlife Resources to capture or cause the death of certain animals under certain circumstances;
- establishes penalties for the wanton destruction of livestock; and
- provides for the seizure and disposition of property used in the wanton destruction of livestock.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Political Subdivisions (Local Issues)

SB 73 Unincorporated Areas Amendments

Mayne, K.

This bill modifies provisions relating to unincorporated areas of counties.

- modifies the municipal annexation process with respect to a proposed annexation of an area included within a township to include a process for withdrawal of the area from the township;
- prohibits the filing of an annexation petition if the area proposed to be annexed is within a proposed township;
- repeals a provision prohibiting a municipality from denying, under certain circumstances, a petition proposing the annexation of an area located in a county of the first class;
- modifies the process for establishing a township and the authority of a county legislative body with respect to the establishment of a township;
- repeals obsolete language;
- provides a process for withdrawing an area from a township;
- provides a process for dissolving a township;
- repeals a provision limiting annexations of territory in a township; and
- repeals a provision repealing in 2010 a provision that prohibits an annexation by a municipality in a county of the first class under certain circumstances.

SB 131 Law Enforcement Service in Local Districts and Interlocal Entities

Jenkins, S.

This bill modifies provisions relating to law enforcement services in local districts and interlocal entities.

- replaces "extended police protection" with "law enforcement service" in the list of services that a local district may be created to provide;
- eliminates the requirement to submit the creation of a local district to voters for their approval if the local district is created to provide law enforcement service;
- requires counties and municipalities participating in a police local district to reduce their certified tax rate to offset a tax levied by the district;
- modifies who appoints one member of a merit system commission for a county in which a police local district or police interlocal entity is created;
- expands an exception as to how the board of trustees of a service area is to be constituted to include a service area created to provide law enforcement service;
- modifies a provision relating to the duties of a sheriff in a first class county that enters into an interlocal agreement for law enforcement services and expands it to apply to all counties;
- requires interlocal agreements between a county and one or more municipalities for law enforcement service to require the service to be provided by or under the direction of the county sheriff;
- provides that a sheriff is the chief law enforcement officer of a local district or interlocal entity created to provide law enforcement service and is subject to the direction of the local district board or interlocal entity governing body as provided by agreement;
- expands certain local district annexation and withdrawal provisions to apply to specified local districts that provide law enforcement service; and
- repeals a provision relating to a first class county entering an interlocal agreement for law enforcement service.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Retirement

SB 139 Employer Election Retirement Amendments

Bramble, C.

This bill modifies the Utah State Retirement and Insurance Benefit Act by adding a conversion window for certain employees to elect to participate in the Public Employees' Noncontributory Retirement System and by extending the date by which certain participating employers may elect to provide an enhanced maximum annual cost-of-living adjustment for certain public safety retirees.

- adds a six-month window for employers of an entity created under the Interlocal Cooperation Act to elect to participate in the Public Employees' Noncontributory Retirement System;
- provides election and notice procedures for the retirement system conversion election;
- allows employees of the eligible entity six-months to elect to participate in the Public Employees' Noncontributory Retirement System;
- extends the deadline that a participating employer may elect to provide a maximum 4% COLA instead of a maximum 2.5% COLA to its eligible public safety retirees from December 1, 2009 to December 1, 2012; and
- makes technical changes.

SB 145 Public Safety Retirees Death Benefit Revisions

Greiner, J.

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending death benefit provisions for the public safety and judges contributory and noncontributory retirement systems.

- allows a public safety retiree to choose a death benefit of 75% instead of 65% of the retiree's allowance to be paid to the surviving spouse in exchange for an actuarially reduced retirement allowance;
- provides that the public safety retiree must make the choice at the time of retirement;
- allows a 12-month window for certain public safety retirees to elect an increased spousal death benefit paid through a reduction in the retiree's allowance;
- requires the Retirement Board to make rules to administer the optional spousal death benefit; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Revenue and Taxation

HB 157 Property Tax Assessment Amendments

Harper, W.

This bill amends the appraiser licensing requirements for certain county assessors and provisions in the Property Tax Act relating to the Multicounty Assessing and Collecting Levy.

- amends the licensing requirements for first, second, and third class county assessors to require those county assessors to be state licensed or state certified appraisers prior to taking office as a county assessor;
- requires second through sixth class counties to levy an additional .000010 per dollar of taxable value for its Multicounty Assessing and Collection Levy;
- requires certain revenue from the Property Tax Valuation Agency Fund to be disbursed to the Multicounty Appraisal Trust;
- decreases the county additional property tax for certain second and third class counties;
- provides a method to determine the amount of revenue to be transferred from the Property Tax Valuation Agency Fund to the Multicounty Appraisal Trust;
- provides that the Multicounty Appraisal Trust oversee the distributions of revenue from the revenue received from the Property Tax Valuation Agency Fund;
- defines terms; and
- makes technical changes.

HB 378 Circuit Breaker Amendments

Cosgrove, T.

This bill amends the Property Tax Act to amend the household income qualifying limits of some claimants applying for certain property tax relief programs.

- for taxable year 2009, decreases a claimant's household income by \$1,000 for a dependent that the claimant is eligible to claim on the claimant's federal taxes for purposes of qualifying for a homeowner's credit for a maximum household income decrease of \$1,000;
- for taxable year 2009, decreases a claimant's household income by \$1,000 for a dependent that the claimant is eligible to claim on the claimant's federal taxes for purposes of qualifying for a renter's credit for a maximum household income decrease of \$1,000; and
- makes technical changes.

SB 23 Income Taxation of Pass-through Entities and Pass-through Entity Taxpayers

Niederhauser, W.

This bill amends the Corporate Franchise and Income Taxes chapter and the Individual Income Tax Act to address the income taxation of a pass-through entity and a taxpayer to whom income, gain, loss, deduction, or credit of the pass-through entity is passed through.

- provides that corporate franchise and income taxes are imposed on an S corporation through the taxable year beginning on or after January 1, 2012, but beginning on or before December 31, 2012;
- repeals provisions governing the taxation of a limited liability company;
- addresses the income taxation of a taxpayer to whom income, gain, loss, deduction, or credit of a pass-through entity is passed through;
- expands withholding requirements to provide that a pass-through entity, including a general partnership, limited partnership, limited liability partnership, limited liability company, or an S corporation, is required to pay or withhold a tax on behalf of a resident or nonresident business entity or a nonresident individual;
- provides exceptions to the withholding requirements;
- provides withholding procedures;
- addresses return filing requirements for a pass-through entity or a taxpayer to whom income, gain, loss, deduction, or credit of a pass-through entity is passed through;
- addresses the characterization of items of income, gain, loss, deduction, or credit for purposes of state income taxation of a taxpayer to whom income, gain, loss, deduction, or credit of a pass-through entity is passed through;
- addresses the determination of a taxpayer's share of certain additions to income, deductions from income, or adjustments to income required by state statute;
- addresses a refundable tax credit for a taxpayer to whom income, gain, loss, deduction, or credit of a pass-through entity is passed through; and
- makes technical changes.

SB 65 Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions

Stowell, D.

This bill amends the Property Tax Act to address property tax notice, public hearing, and resolution requirements.

- defines terms;
- modifies property tax notice, public hearing, and resolution requirements if a taxing entity seeks to levy a tax rate that exceeds the certified tax rate;
- addresses exceptions to the property tax notice requirements; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

SB 108 Tax Commission Administration, Collection, and Enforcement Amendments

Niederhauser, W.

This bill modifies provisions related to the administration, collection, and enforcement of certain taxes, fees, and charges by the State Tax Commission.

- addresses the administration, collection, and enforcement of certain taxes, fees, and charges by the State Tax Commission;
- defines terms;
- addresses penalties and interest on a tax, fee, or charge;
- addresses the procedure for obtaining a redetermination of a deficiency;
- addresses general collection procedures by the State Tax Commission;
- addresses mailing procedures for the State Tax Commission or a person required to mail certain documents to the State Tax Commission;
- addresses record retention requirements for a person subject to a tax, fee, or charge;
- enacts provisions related to the assessment, collection, and refund of a tax, fee, or charge, including:
 - providing general collection authority;
 - providing exceptions to the provisions;
 - allowing for the State Tax Commission to make rules establishing collection procedures;
 - addressing notice requirements for the State Tax Commission;
 - providing for an objection to a notice of deficiency;
 - requiring the State Tax Commission to estimate a tax, fee, or charge, if a person fails to file a return;
 - addressing mathematical errors;
 - addressing assessments of a tax, fee, or charge;
 - providing for recomputation of amounts due;
 - addressing actions for the collection of a tax, fee, or charge;
 - addressing the time period for assessing a tax, fee, or charge;
 - addressing credits and refunds;
 - addressing notice and demand for an unpaid liability;
 - addressing notices to a third party relating to a delinquency in the payment of a liability;
 - addressing a lien related to the payment of a liability;
 - addressing a notice of a lien;
 - addressing a warrant;
 - addressing a levy for an unpaid liability;
 - addressing a transferee obligated for the payment of a liability of a person that originally owes the liability;
 - addressing burden of proof;
 - addressing statutes of limitations;
 - addressing venue; and
 - addressing miscellaneous provisions;
- addresses overpayments, credits, and refunds in relation to certain taxes;
- addresses State Tax Commission rulemaking authority;
- addresses limitations on assessment and collections in relation to income taxes;
- addresses powers and duties of the State Tax Commission;
- addresses State Tax Commission collection, administration, and enforcement authority in relation to the emergency services telephone charge to fund the Utah Poison Control Center; and
- makes technical changes.

SB 186 Amendments to State Tax Commission Penalty Provisions

Stephenson, H.

This bill amends the Penalties, Interest, and Confidentiality of Information part relating to penalties imposed by the State Tax Commission.

- defines terms;
- addresses penalties relating to a tax, fee, or charge:
 - before the activation of the State Tax Commission's GenTax system; and
 - after the activation of the State Tax Commission's GenTax system;
- addresses the due date for filing a return if the person filing the return is allowed an extension of time for filing the return;
- reduces a penalty from 2% to .5% for failure to pay certain income taxes with respect to which an extension of time is allowed for filing a return;
- addresses the taxes, fees, or charges to which certain penalties apply; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

Transportation

HB 290 Prohibition of Wireless Communication Device Use in a Motor Vehicle

Clark, S.

This bill modifies the Motor Vehicles Code, the Uniform Driver License Act, and the Criminal Code by amending provisions relating to the use of a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle.

- prohibits a person from using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway in this state;
- provides exceptions to the handheld wireless communication device prohibition;
- provides penalties for violating the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle;
- provides that criminal homicide is automobile homicide if a person operates a moving vehicle in a negligent or criminally negligent manner causing the death of another and was using a handheld wireless communication device for text messaging or electronic mail communication at the time of operation;
- provides penalties for automobile homicide in certain circumstances;
- provides that a judge may order that a person's driver license be suspended for three months upon conviction for a violation of the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle;
- requires the Driver License Division to immediately revoke, deny, suspend, or disqualify a person's license upon receiving a record of the person's conviction of automobile homicide while using a handheld wireless communication device for text messaging or electronic mail communication; and
- makes technical changes.

HB 371 Transportation Governance

Harper, W.

This bill modifies the Transportation Code by amending provisions relating to transportation governance.

- provides definitions;
- reduces the number of members on a public transit district board of trustees if more than 200,000 people reside within the boundaries of the public transit district;
- extends the terms of certain public transit district board members from two to four years;
- provides restrictions on appointment and officer selections for locally elected public officials serving on a public transit district board of trustees;
- provides transition provisions for existing public transit district board members whose positions are eliminated by reducing the number of members on certain public transit district boards of trustees;
- authorizes a public transit district to require certain persons to obtain a criminal background check;
- provides that information obtained by a public transit district from a criminal background check may only be used for certain purposes;
- provides that a person is ineligible for certain employment with a public transit district if the person has been convicted of certain offenses;
- requires the Department of Transportation to annually report to an appropriate legislative committee as designated by Legislative Management Committee the transfers that need to be made between all transportation-related funds to maintain the highway funding program as prioritized by the Transportation Commission;
- provides that Transportation Commissioners shall be selected on a nonpartisan basis;
- provides that for Transportation Commission appointments made on or after July 1, 2009, the selection of commissioners shall be:
 - four commissioners with one of the commissioners selected from each of the regions established by the Department of Transportation; and
 - three commissioners selected from the state at large;
- provides that the Transportation Commission shall annually report to a committee designated by the Legislative Management Committee a prioritized list of the new transportation capacity projects in the state transportation system and the funding levels available for those projects and the unfunded highway construction and maintenance needs within the state;
- provides that the committee designated by the Legislative Management Committee shall review the list reported by the Transportation Commission and make a recommendation to the Legislature on the amount of additional funding to allocate transportation and the source of revenue for the additional funding allocation;
- provides that the Department of Transportation may not delay a new transportation capacity project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the Transportation Commission due to an unavoidable shortfall in revenues unless the project delays are prioritized and approved by the Transportation Commission;
- provides that the Transportation Commission shall prioritize and approve any new transportation capacity project delays for projects that were funded by the Legislature in an appropriations act due to an unavoidable shortfall in revenues;
- provides that the Department of Transportation may not delay a Critical Highway Needs Fund project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the Transportation Commission or that general obligation proceeds have been issued for in the current fiscal year due to an unavoidable shortfall in revenues unless the project delays are prioritized and approved by the Transportation Commission;
- provides that the Transportation Commission shall prioritize and approve any Critical Highway Needs Fund project delays due to an unavoidable shortfall in revenues for a project:
 - that was funded by the Legislature in an appropriations act; or
 - that general obligation bond proceeds were issued for in the current fiscal year; and
- makes technical changes.

HB 392 Natural Gas for Vehicles

Ipson, D.

This bill amends the Public Service Commission's powers to authorize a natural gas vehicle rate that is less than full cost of service.

- amends the Public Service Commission's powers to authorize a natural gas vehicle rate that is less than full cost of service.

SELECTED HIGHLIGHTS of the 2009 General Session

This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official. Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.

SB 40 Lawful Presence Verification for Issuance of a Driver License or Identification Card

Bramble, C.

This bill modifies provisions of the Uniform Driver License Act.

- provides definitions;
- defines and creates a limited-term license certificate, limited-term CDL, and limited-term identification card;
- provides that an applicant for a license certificate, limited-term license certificate, commercial driver license, limited-term CDL, identification card, or limited-term identification card shall provide evidence of lawful presence in the United States;
- provides that an applicant for a license certificate, limited-term license certificate, commercial driver license, limited-term CDL, identification card, or limited-term identification card shall provide documentary evidence of the applicant's valid Social Security number or other acceptable documentation approved by the division;
- provides that an applicant for a driver license, CDL, or identification card shall be granted a limited-term license certificate, limited-term CDL, or limited-term identification card if the applicant's evidence of lawful presence in the United States is established by certain documents;
- grants the Driver License Division rulemaking authority to establish:
 - rules specifying the acceptable documents for evidence of a valid Social Security number and establishing proof of citizenship in the United States; and
 - procedures for the storage and maintenance of the information provided by an applicant for a driver license, CDL, or identification card;
- repeals the Driver License Division's authority to issue a nonresident CDL to a resident of a foreign jurisdiction in certain circumstances; and
- makes certain technical changes.

SB 239 Transportation Revisions

Killpack, S.

This bill enacts and amends provisions relating to transportation funding.

- increases certain motor vehicle registration fees by \$20;
- provides that \$20 of certain motor vehicle registration fees shall be deposited in the Transportation Investment Fund of 2005;
- 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 general obligation bonds from certain debt limitation provisions;
- requires the Department of Transportation and the Transportation Commission to report the amount of bonds needed to fund certain projects in the next fiscal year to the Executive Appropriations Committee of the Legislature before the bonds may be issued; and
- makes technical changes.

SB 272 Driver License Sanctions and Sentencing Requirements for Driving Under the Influence and Alcohol Related Offenses

Jenkins, S.

This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by amending driver license sanction requirements.

- increases the driver license suspension periods for certain driving under the influence offenses committed on or after July 1, 2009:
 - from a period of 90 days to 120 days for a person 21 years of age or older on the date of arrest who has violated certain driving under the influence or alcohol related offenses for the first time;
 - from a period of one year to two years for a person 21 years of age or older on the date of arrest who has violated certain driving under the influence or alcohol related offenses two or more times;
 - from a period of 24 months to a period of 36 months for a person who is 21 years of age or older, who refuses to submit to a chemical test, and who has a previous license sanction for certain alcohol related offenses;
 - from a period of 90 days to until the person is 21 years of age or for a period of 120 days, whichever is longer, for a person under 21 years of age on the date of arrest who has violated certain driving under the influence provisions for the first time;
 - from a period of one year to until the person is 21 years of age or for a period of two years, whichever is longer, for a person under 21 years of age on the date of arrest who has violated certain driving under the influence provisions two or more times;
 - from a period of 18 months to until the person is 21 years of age or for a period of 18 months, whichever is longer, for a person who is under 21 years of age and who refuses to submit to a chemical test; and
 - from a period of 24 months to until the person is 21 years of age or for a period of 36 months, whichever is longer, for a person who is under 21 years of age who refuses to submit to a chemical test, and who has a previous license sanction for certain alcohol related offenses;
- provides that a person is an interlock restricted driver if the person, within the last 18 months, has been convicted of a driving under the influence violation;
- requires a court to order a minor's driver license suspended for a period of one year if the minor violates certain alcohol related offenses for the first time and the violation was committed on or after July 1, 2009;
- provides that a court may reduce a minor's license suspension for certain alcohol related offenses if the violation is the minor's first violation and the minor completes an educational series;
- requires a court to order a minor's driver license suspended for a period of two years for a second or subsequent violation of certain alcohol related offenses and the violation was committed on or after July 1, 2009;
- provides that for a second or subsequent violation of certain alcohol related offenses, a court shall order a minor to participate in an educational series and may order a minor to participate in a screening; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

Weapons

SB 78 Protection of Constitutionally Guaranteed Activities in Certain Private Venues

Madsen, M.

This bill modifies Title 34, Labor in General, by enacting Title 34, Chapter 45, Protection of Activities in Private Vehicles.

- provides definitions;
- prohibits certain persons from creating or enforcing a policy that prohibits the storage of firearms in a motor vehicle parked on property owned, leased, or otherwise controlled by the person if:
 - the individual storing the firearm is legally entitled to possess and transport the firearm;
 - the vehicle is locked, or the firearm is in a locked container; and
 - the firearm is not in plain view;
- provides exceptions for persons with secured lots under certain circumstances;
- prohibits certain persons from creating or enforcing a policy that prohibits the display or possession of items in or on a vehicle parked on property owned, leased, or otherwise controlled by the person if the policy results in a substantial burden on the free exercise of religion;
- provides protections from civil liability in relation to occurrences that result from, are connected with, or are incidental to the use of a firearm that is properly stored or transported in a motor vehicle in association with this chapter;
- permits an individual to bring a civil action to enforce the requirements of this chapter;
- permits a court to grant injunctive relief, declaratory relief, damages, costs, and attorney fees in association with a suit brought to enforce the requirements of this chapter;
- provides exceptions;
- permits the attorney general to bring an action to enforce the chapter and to request damages on behalf of any individual that has suffered loss due to a violation of this chapter;
- makes certain documents filed with the attorney general private records; and
- makes technical changes.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*

Workers' Compensation

SB 15 Workers' Compensation Premium Assessment and Related Funding

Mayne, K.

This bill modifies provisions concerning funding related to workers' compensation and workplace safety programs through the workers' compensation premium assessments.

- requires a report of the workers' compensation advisory council and Labor Commission;
- creates the Industrial Accident Restricted Account;
- modifies the purposes for which monies may be appropriated from and other aspects of the Workplace Safety Account;
- names the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program;
- caps the amount that may be appropriated under the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program;
- requires study and reporting;
- addresses premium assessments;
- provides for the repeal of the Industrial Accident Restricted Account; and
- makes technical and conforming changes.

SELECTED HIGHLIGHTS of the 2009 General Session

*This draft document, prepared by the Office of Legislative Research and General Counsel, will be updated as legislation becomes official.
Please refer to the Utah State Legislature Web site (<http://le.utah.gov>) for detailed information on these bills.*