



OFFICE OF LEGISLATIVE RESEARCH
AND GENERAL COUNSEL
STATE OF UTAH

DIGEST OF LEGISLATION

ENACTED IN THE

2002 GENERAL SESSION **By the 54th Legislature**

Convened January 21, 2002

Adjourned March 6, 2002

2001 FIRST SPECIAL SESSION

Convened and Adjourned June 20, 2001

2001 SECOND SPECIAL SESSION

Convened September 25, 2001

Adjourned October 1, 2001

INTRODUCTION

The *Digest of Legislation* summarizes bills and resolutions enacted by the 54th Legislature in the 2002 General Session, and the 2001 First and Second Special Sessions. The digest lists the sponsor, sections of the Utah Code affected, effective date, session law chapter number for each bill enacted, and whether the bill was studied and approved by an interim committee (in italics). Bills vetoed by the governor are also identified, summarized, and presented with the governor's veto message. Bills and resolutions not passed are indexed by subject and also listed numerically. Statistical summary data and a staff listing of the Office of Legislative Research and General Counsel are found at the end of the digest.

An electronic version of this year's publication, the complete bill text, a subject index, and a sponsor index for all bills introduced each session can be found on our web site - <http://www.le.state.ut.us>.

If more detailed information is needed, you may contact the Office of Legislative Research and General Counsel.

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2002 GENERAL SESSION
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*Prepared by the
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Summaries by Utah Code Titles

Title 4 -- UTAH AGRICULTURAL CODE

HB 21 **Electronic Government Services Amendments - Agriculture** (*Richard M. Siddoway*) This act facilitates the use of information technology by the Department of Agriculture in conducting the state's business. Specifically, the department is now allowed to use electronic communications in addition to paper-based methods in certain circumstances, such as applications for licenses. (*Public Utilities and Technology Interim Committee*)

Amends 4-11-4, 4-22-8, 4-33-8

Effective May 6, 2002 2002 Utah Laws 9

HB 83 **Impounded Livestock - Sale by County** (*Thomas V. Hatch*) This act amends the time period within which certain trespassing animals must be claimed prior to the sale of that animal and to provide for the possession, sale, and disposition of impounded livestock by the county. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 4-25-8; Enacts 4-25-14

Effective May 6, 2002 2002 Utah Laws 126

HB 113 **Insect Control on Federal Lands** (*Stephen H. Urquhart*) This act modifies the Agriculture Code to allow the commissioner of agriculture to declare an insect infestation emergency on federal lands and direct emergency measures to alleviate the situation.

Amends 4-35-4

Effective May 6, 2002 2002 Utah Laws 132

Title 7 -- FINANCIAL INSTITUTIONS ACT

HB 291 **Obligations Related to Mortgage Loan Reserve Accounts** (*John E. Swallow*) This act exempts loans made, modified, or renewed after May 6, 2002 from certain obligations related to reserve accounts.

Amends 7-17-4

Effective May 6, 2002 2002 Utah Laws 264

HB 307 **Treatment of Dishonored Checks** (*Chad E. Bennion*) This act amends the liability of an issuer of a dishonored check if a check holder seeks to collect on the dishonored check.

Amends 7-15-1

Effective May 6, 2002 2002 Utah Laws 170

Title 8 -- CEMETERIES

HB 75 **Cemetery Maintenance District Amendments** (*Eli H. Anderson*) This act renames the municipal cemeteries chapter and adds cemetery maintenance districts to the scope of the chapter. The act repeals the criminal penalty provisions and updates the language of the chapter. (*Political Subdivisions Interim Committee*)

Amends 8-5-1, 8-5-2, 8-5-3, 8-5-5, 8-5-6, 8-5-7, 8-5-8; Repeals 8-3-4

Effective May 6, 2002 2002 Utah Laws 123

Title 9 -- COMMUNITY AND ECONOMIC DEVELOPMENT

- HB 34** **Tourism Amendments** (*Sheryl L. Allen*) This act provides a one-year exception to the industry growth requirement for a \$2,000,000 appropriation to the Tourism Marketing Performance Fund and encourages the Division of Travel Development to conduct surveys on tourism promotion activities throughout the state.

Amends 9-2-1703.5, 9-3-204, 59-12-301

Effective March 26, 2002

2002 Utah Laws 207

Title 10 -- UTAH MUNICIPAL CODE

- HB 27** **Technical Corrections to Municipal Code** (*David N. Cox*) This act makes a technical correction relating to capital budgets. (*Political Subdivisions Interim Committee*)

Amends 10-6-135

Effective May 6, 2002

2002 Utah Laws 12

- HB 93** **Municipal Annexation Amendments** (*Darin G. Peterson*) This act amends the time in which a municipality must act on an annexation petition. (*Political Subdivisions Interim Committee*)

Amends 10-2-405

Effective May 6, 2002

2002 Utah Laws 29

- HB 126** **Annexations Involving Townships** (*Carl W. Duckworth*) This act requires that municipal annexations in first class counties involving townships either include the entire township or be approved by a majority of the voters or property owners. The act provides a sunset date.

Enacts 10-2-427, 63-55b-110

Effective May 6, 2002

2002 Utah Laws 224

- HB 166** **Public Review of Municipal Appropriations and Resources** (*Roger E. Barrus*) The act sets standards and requires studies and hearings for certain municipal appropriations.

Amends 10-8-2

Effective May 6, 2002

2002 Utah Laws 233

- HB 334** **County and Municipal Campaign Finance Amendments** (*Trisha S. Beck*) This act provides for the disqualification of a candidate for failure to file required reports. The act provides for a private right of action and an award of costs and attorney's fees for violation of campaign financial disclosure requirements.

Amends 10-3-208, 17-16-6.5

Effective May 6, 2002

2002 Utah Laws 272

- SB 104** **Sale of Municipal Power Systems** (*John W. Hickman*) This act clarifies the provisions relating to a municipality's sale or lease of its electric power system. The act authorizes the municipal legislative body to accept or reject a bid and to add or subtract from the appraised value of the power system. The act also clarifies the authority of a municipal legislative body in the process of selling or leasing a municipal power system and modifies that process.

Amends 10-7-15, 10-7-16, 10-7-17, 10-7-18

Effective May 6, 2002

2002 Utah Laws 90

Title 11 -- CITIES, COUNTIES, AND LOCAL TAXING UNITS

- HB 184** **Impact Fees Act Amendments** (*Glenn L. Way*) This act includes private water companies in the scope of the act under certain circumstances.

Amends 11-36-102, 11-36-201; Enacts 11-36-501

Effective May 6, 2002

2002 Utah Laws 239

- SB 29** **Interlocal Cooperation Act and Electric Power Facilities Amendments** (*Leonard M. Blackham*) This act authorizes the creation of new political subdivisions of the state by Utah public agencies and out-of-state public agencies to participate in the undertaking and financing of electric generation facilities adjacent to an existing generation and transmission project or to conduct other activities relating to the generation, transmission, management, and distribution of electricity. The act authorizes an existing Utah interlocal entity to reorganize with out-of-state public agencies as an electric interlocal entity and provides for the powers and duties of the new interlocal entities, modifies powers for existing interlocal entities, and provides for additional powers. The act also clarifies the taxes, fees, and exemptions relating to public agencies under certain circumstances and modifies existing definitions, adds new definitions, and makes conforming and technical changes.

Amends 9-4-305, 9-4-306, 54-4-25, 59-2-1101, 59-4-101, 59-7-102, 59-8-103, 59-8-104, 59-12-104, 63-2-304; Enacts 11-13-204, 11-13-301, 54-9-101; Renumbers and Amends 11-13-1 to 11-13-101, 11-13-2 to 11-13-102, 11-13-3 to 11-13-103, 11-13-4 to 11-13-201, 11-13-5 to 11-13-202, 11-13-5.5 to 11-13-203, 11-13-5.6 to 11-13-205, 11-13-6 to 11-13-206, 11-13-7 to 11-13-207, 11-13-8 to 11-13-208, 11-13-10 to 11-13-209, 11-13-11 to 11-13-210, 11-13-13 to 11-13-211, 11-13-14 to 11-13-212, 11-13-15 to 11-13-213, 11-13-16 to 11-13-214, 11-13-16.5 to 11-13-215, 11-13-17 to 11-13-216, 11-13-18 to 11-13-217, 11-13-19 to 11-13-218, 11-13-20 to 11-13-219, 11-13-22 to 11-13-220, 11-13-23 to 11-13-221, 11-13-24 to 11-13-222, 11-13-25 to 11-13-302, 11-13-26 to 11-13-303, 11-13-27 to 11-13-304, 11-13-28 to 11-13-305, 11-13-29 to 11-13-306, 11-13-30 to 11-13-307, 11-13-31 to 11-13-308, 11-13-32 to 11-13-309, 11-13-33 to 11-13-310, 11-13-34 to 11-13-311, 11-13-35 to 11-13-312, 11-13-36 to 11-13-313, 11-13-37 to 11-13-223, 54-9-1.5 to 54-9-102, 54-9-2 to 54-9-103, 54-9-3 to 54-9-104, 54-9-4 to 54-9-105, 54-9-5 to 54-9-106, 54-9-6 to 54-9-107; Repeals 11-13-9, 11-13-12, 54-9-1

Effective May 6, 2002

2002 Utah Laws 286

- SB 41** **Advisory Council on Intergovernmental Relations Amendments** (*Millie M. Peterson*) This act amends the requirements for a quorum of the council to be one half of the members currently appointed. (*Political Subdivisions Interim Committee*)

Amends 11-33-3

Effective May 6, 2002

2002 Utah Laws 67

Title 13 -- COMMERCE AND TRADE

- HB 64** **Consumer Protection Amendments** (*Afton B. Bradshaw*) This act amends the definition of "unsolicited telephone call," modifies the bonding requirements for those making telephone solicitations, and amends the provision for investigations of identity theft violations.

Amends 13-25a-102, 13-26-3, 76-6-1102, 76-6-1103

Effective May 6, 2002

2002 Utah Laws 122

- HB 80** **Unsolicited Commercial Email** (*Patrice M. Arent*) This act enacts provisions regarding the sending of certain types of commercial email. Those provisions include prohibiting unsolicited commercial email where a prior relationship did not exist. Commercial email providers must also indicate in the email subject line that it is an advertisement and provide information to the recipient on how to unsubscribe. In addition, the act provides for a cause of action in favor of those who receive an unsolicited commercial email that violates those requirements and provides a defense to an action.

Enacts 13-34-101, 13-34-102, 13-34-103, 13-34-104

Effective May 6, 2002

2002 Utah Laws 125

- HB 111** **State Responsibility for Regulation of Postsecondary Proprietary Schools** (*Afton B. Bradshaw*) This act transfers the responsibility for registering and regulating postsecondary proprietary schools from the State Board of Regents to the Division of Consumer Protection.

Amends 13-2-1, 16-6a-401, 16-10a-401, 16-11-16, 42-2-6.6, 48-2a-102, 48-2c-106; Enacts 13-34-101, 13-34-102, 13-34-103, 13-34-104, 13-34-105, 13-34-106, 13-34-107, 13-34-108, 13-34-109, 13-34-110, 13-34-111, 13-34-112, 13-34-113, 13-34-114, 13-34-201; Repeals 53B-5-101, 53B-5-102, 53B-5-103, 53B-5-104, 53B-5-105, 53B-5-106, 53B-5-107, 53B-5-108, 53B-5-109, 53B-5-110, 53B-5-111, 53B-5-112, 53B-5-113, 53B-5-114, 53B-5-201

Effective July 1, 2002

2002 Utah Laws 222

- HB 143** **Restrictions on Sexually Explicit Email** (*Bradley A. Winn*) This act imposes certain notification requirements upon any person who sends unsolicited sexually explicit email. Those notification requirements include the term "ADV:ADULT" in the subject line of an email and the contact information necessary to be removed from any future mailings. The act provides for a cause of action in favor of those who receive an unsolicited sexually explicit email that violates those requirements and provides a criminal penalty.

Enacts 13-34-101, 13-34-102, 13-34-103, 13-34-104, 13-34-105

Effective May 6, 2002

2002 Utah Laws 229

HB 167 Powersport Vehicle Franchise Act (*Greg J. Curtis*) This act defines “powersport vehicle” to include all-terrain type I and type II vehicles, snowmobiles, off-highway motorcycles, and personal watercraft. The act creates the Utah Powersport Advisory Board and outlines the powers and duties of the board to make recommendations on the administration and enforcement of the franchise act and to conduct rulemaking and adjudicative proceedings. The act specifies the duties of a franchiser and a franchisee for selling powersport vehicles and creates restrictions on establishment, relocation, and termination of powersport vehicle franchises.

Enacts 13-34-101, 13-34-102, 13-34-103, 13-34-104, 13-34-105, 13-34-106, 13-34-107, 13-34-201, 13-34-202, 13-34-203, 13-34-204, 13-34-205, 13-34-301, 13-34-302, 13-34-303, 13-34-304, 13-34-305, 13-34-306, 13-34-307

Effective May 6, 2002

2002 Utah Laws 234

SB 42 New Automobile Franchise Act Amendments (*Dan R. Eastman*) This act adds and amends definitions, expands the list of prohibited acts by a franchisor or an affiliate of the franchisor, and clarifies the compensation structure for advisory board members.

Amends 13-14-102, 13-14-103, 13-14-201, 13-14-203

Effective May 6, 2002

2002 Utah Laws 68

SB 108 Pete Suazo Professional Athletic Commission Amendments (*Ed P. Mayne*) This act reinstates a percentage license fee on broadcast revenues and modifies the percentage license fee on admission revenues. The act provides for a portion of license fees received from professional boxing contests or exhibitions to be deposited in the General Fund as a dedicated credit to be used by the commission to award grants to organizations which promote amateur boxing in the state. The act expands the commission’s rulemaking authority to provide a process for the application and awarding of grants and authorizes the commission to exempt from the payment of license fees one contest or exhibition per year. (*Business and Labor Interim Committee*)

Amends 13-33-304

Effective May 6, 2002

2002 Utah Laws 304

Title 16 -- CORPORATIONS

SB 176 Utah Revised Nonprofit Corporation Act Amendments (*Lyle W. Hillyard*) This act addresses provisions related to private foundations and issues related to members and directors. The act addresses penalty provisions and interrogatories by the Division of Corporations and Commercial Code. The act also corrects cross references and references to nonprofit domestic and foreign corporations, modifies the Utah Revised Nonprofit Corporation Act, and amends definitions.

Amends 16-6a-102, 16-6a-107, 16-6a-116, 16-6a-202, 16-6a-401, 16-6a-501, 16-6a-503, 16-6a-603, 16-6a-706, 16-6a-707, 16-6a-816, 16-6a-824, 16-6a-825, 16-6a-907, 16-6a-1105, 16-6a-1411, 16-6a-1412, 16-6a-1502, 16-6a-1506, 16-6a-1507, 16-6a-1606, 16-6a-1609, 31A-5-101, 42-2-6.6; Enacts 16-6a-1610

Effective May 6, 2002

2002 Utah Laws 197

Title 17 -- COUNTIES

HB 26 **Technical Corrections to County Code** (*David N. Cox*) This act makes a technical correction relating to investigations by the county legislative body. (*Political Subdivisions Interim Committee*)

Amends 17-53-106

Effective May 6, 2002

2002 Utah Laws 11

HB 254 **Firemen's Civil Service Council Amendments** (*J. Morgan Philpot*) This act shifts appointment power and oversight of the council from the county legislative body to the county executive body.

Amends 17-28-1, 17-28-2, 17-28-3, 17-28-6, 17-28-14

Effective May 6, 2002

2002 Utah Laws 158

HB 330 **Use of County General Fund Expenses** (*Eric K. Hutchings*) This act allows counties of the first class to provide fire, paramedic, and police protection services in specific unincorporated areas designated as general purpose recreational areas and to fund those services from the county general fund.

Amends 17-34-1, 17-34-3

Effective May 6, 2002

2002 Utah Laws 173

SB 65 **County Law Revisions** (*David L. Gladwell*) This act clarifies references to county legislative bodies. The act amends provisions relating to the recording of subdivision plats, amends the procedures for adjusting and recording boundaries between adjacent parcels, and amends the reporting date for county recorders to provide copies of ownership plats to the county assessor. The act repeals the requirements that assessors return plats to the recorder, repeals the requirement that the assessor maintain separate plat books, and amends procedures relating to the abandonment of public roads.

Amends 10-9-806, 10-9-808, 17-21-22, 17-27-806, 17-27-808, 17-27-811, 17A-3-602, 17A-3-701, 19-4-111, 57-3-101, 59-2-906.3, 70A-9a-520, 72-5-105; Repeals 17-21-23, 59-2-312

Effective May 6, 2002

2002 Utah Laws 291

SB 80 **Adjustments of County Boundaries** (*Carlene M. Walker*) This act provides a procedure for adjacent counties to make minor adjustments to their shared boundary by joint resolution of the county legislative bodies. The act repeals the description of county boundaries and makes the Lieutenant Governor's office responsible for maintaining the official county boundaries.

Amends 17-2-6; Enacts 17-2-13, 17-50-104; Renumbers and Amends 17-50-204 to 17-50-105; Repeals 17-50-201, 17-50-202, 17-50-203, 17-50-205, 17-50-206, 17-50-207, 17-50-208, 17-50-209, 17-50-210, 17-50-211, 17-50-212, 17-50-213, 17-50-214, 17-50-215, 17-50-216, 17-50-217, 17-50-218, 17-50-219, 17-50-220, 17-50-221, 17-50-222, 17-50-223, 17-50-224, 17-50-225, 17-50-226, 17-50-227, 17-50-228, 17-50-229, 17-50-230, 17-50-231, 17-50-232, 17-50-233

Effective January 1, 2003

2002 Utah Laws 294

SB 82 **County Personnel Management Act Amendments** (*Beverly Ann Evans*) This act raises the threshold for an optional exemption from 130 to 200 employees. The act modifies the employee classification for the optional exemption and amends career service exemptions.

Amends 17-33-1, 17-33-8

Effective May 6, 2002 2002 Utah Laws 83

SB 94 **Agricultural Protection Act Amendments** (*Leonard M. Blackham*) This act extends the sound agricultural practices defense to criminal actions for public nuisance. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 17-41-403, 76-10-803

Effective May 6, 2002 2002 Utah Laws 183

SB 129 **Planetarium Board of Directors Amendments** (*Gene Davis*) This act moves the power to contract for planetarium facilities and equipment and the power to appoint the planetarium board from the county legislative body to the county executive.

Amends 17-37-2, 17-37-4, 17-37-7

Effective May 6, 2002 2002 Utah Laws 95

Title 17A -- SPECIAL DISTRICTS

HB 48 **Local Substance Abuse Authority Amendments** (*Paul Ray*) This act expands the duties of local substance abuse authorities to include services to people convicted of driving under the influence and authorizes the use of proceeds from DUI penalties to fund those services. (*Health and Human Services Interim Committee*)

Amends 17A-3-701

Effective May 6, 2002 2002 Utah Laws 18

HB 212 **Special Service District Amendments** (*Eli H. Anderson*) This act expands the scope of services that special service districts may provide to include animal shelter and control.

Amends 17A-2-1304

Effective May 6, 2002 2002 Utah Laws 243

SB 20 **Bonding Authority for Irrigation Districts** (*David L. Gladwell*) This act repeals existing provisions relating to bonding authority of irrigation districts and enacts new bonding provisions, provides for definitions, provides for the assessment of use charges in place of annual assessments or taxes, and provides for the collection of delinquent use charges. (*Political Subdivisions Interim Committee*)

Amends 17A-2-711, 17A-2-712, 17A-2-718, 17A-2-721, 17A-2-722, 17A-2-723, 17A-2-724, 17A-2-726, 17A-2-754, 17A-2-755, 17A-2-756, 17A-2-761; Enacts 17A-2-701.1, 17A-2-701.2, 17A-2-701.5, 17A-2-717.5, 17A-2-719.5; Repeals 17A-2-701, 17A-2-714, 17A-2-715, 17A-2-716, 17A-2-717, 17A-2-719, 17A-2-720, 17A-2-725, 17A-2-727, 17A-2-768

Effective May 6, 2002 2002 Utah Laws 285

- SB 116** **Local Government Variable Rate Bonding Authority** (*D. Chris Buttars*) This act modifies provisions relating to County Improvement Districts and Municipal Improvement Districts. The act provides authority to use variable rate bonds to encourage community improvements, affordable housing, and commercial/industrial developments. (*Revenue and Taxation Interim Committee*)

Amends 17A-3-210, 17A-3-220, 17A-3-227, 17A-3-228, 17A-3-310, 17A-3-320, 17A-3-328, 17A-3-329

Effective May 6, 2002

2002 Utah Laws 92

Title 17B -- LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES

- HB 24** **Revisions to Redevelopment Agency Laws** (*Wayne A. Harper*) This act resolves internal inconsistencies and makes related changes within the redevelopment agencies code relating to plan hearings, survey areas, owner participation, relocation plan requirements, time limits for use of tax increment, benefit analysis, and publication requirements. The act amends the requirements for blight findings when expanding a redevelopment project. (*Political Subdivisions Interim Committee*)

Amends 17B-4-102, 17B-4-201, 17B-4-302, 17B-4-402, 17B-4-403, 17B-4-406, 17B-4-407, 17B-4-411, 17B-4-603, 17B-4-702, 17B-4-703, 17B-4-705, 17B-4-802, 17B-4-1001, 17B-4-1002, 17B-4-1004, 17B-4-1007, 17B-4-1010

Effective May 6, 2002

2002 Utah Laws 205

- HB 137** **Limited Purpose Local Government Agencies Amendments** (*Darin G. Peterson*) This act allows a taxing entity committee in fifth and sixth class counties to waive the 20 percent housing allowance requirement for economic development area budgets adopted on or after May 1, 2002, if the economic development project area consists of vacant ground without housing units.

Amends 17B-4-504

Effective May 6, 2002

2002 Utah Laws 139

- HB 193** **Redevelopment Agencies Notice Requirements** (*Martin R. Stephens*) This act eliminates the requirement for copies of a redevelopment agency's annual budget and report to be filed with the Legislature. (*Political Subdivisions Interim Committee*)

Amends 17B-4-1301, 17B-4-1303

Effective May 6, 2002

2002 Utah Laws 37

- SB 18** **Uniform Withdrawal Procedures for Special Districts** (*David L. Gladwell*) This act repeals existing procedures for withdrawals from special or local districts and creates a uniform procedure for withdrawal. The act provides for definitions, establishes the requirements for petitions for withdrawal from a local district, creates a streamlined process for unopposed withdrawals, and provides a process for the certification of petitions and for notice and public hearings. The act provides a process for a local district and a municipality to jointly adjust the boundaries of a local district, sets out the criteria for a local district board to approve or reject a proposed withdrawal and outlines the procedures for allocating assets and liabilities upon withdrawal. The act provides for the continuation of tax levies in withdrawn areas and other protections for local district bonds. The act allows for judicial review of the decision of the local district board. (*Political Subdivisions Interim Committee*)

Amends 17A-2-101.3, 17A-2-301, 17A-2-405, 17A-2-418; Enacts 17B-2-601, 17B-2-602, 17B-2-603, 17B-2-604, 17B-2-605, 17B-2-606, 17B-2-607, 17B-2-608, 17B-2-609, 17B-2-610, 17B-2-611; Repeals 17A-2-334, 17A-2-335, 17A-2-336, 17A-2-337, 17A-2-338, 17A-2-340, 17A-2-740, 17A-2-741, 17A-2-742, 17A-2-743, 17A-2-744, 17A-2-842, 17A-2-1049, 17A-2-1438, 17A-2-1450, 17A-2-1451, 17A-2-1452, 17A-2-1453, 17A-2-1454, 17A-2-1809, 17A-2-1810, 17A-2-1811, 17A-2-1812, 17A-2-1813, 17A-2-1814

Effective May 6, 2002

2002 Utah Laws 284

Title 19 -- ENVIRONMENTAL QUALITY CODE

- HB 15** **Repeal of Environmental Quality Coordinating Committee** (*Ron Bigelow*) This act repeals the Environmental Quality Coordinating Committee. (*Government Operations Interim Committee*)

Repeals 19-1-107

Effective May 6, 2002

2002 Utah Laws 105

- HB 42** **Fluoridation of Public Water Systems in an Emergency** (*A. Lamont Tyler*) This act allows a public water system that supplies both fluoridated and nonfluoridated water to different municipalities or counties to provide fluoridated water in a short-term emergency to a municipality or county that has not approved fluoridation if prompt notice is given to the affected area where feasible. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Enacts 19-4-111.2

Effective May 6, 2002

2002 Utah Laws 15

- HB 43** **Access to Fluoridated Water** (*David L. Hogue*) This act allows a public water system, of which its entire inventory is fluoridated, to supply water to a business or residence in an adjacent municipality or county that has not approved fluoridation if the owner or resident requests the water, no reasonable alternative for obtaining water exists, and another owner's or resident's water is not affected. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Enacts 19-4-111.1

Effective May 6, 2002

2002 Utah Laws 16

- SB 88** **Environmental Self-evaluation Act Amendments** (*Bill Wright*) This act extends the time period from 10 to 21 days that an entity, subject to the Environmental Quality Code, can avoid civil penalties by making a written disclosure after discovering a violation of an environmental law. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 19-7-109

Effective May 6, 2002

2002 Utah Laws 181

- SB 89** **Safe Drinking Water Act - Administrative Procedure Amendments** (*Bill Wright*) This act allows the Drinking Water Board to issue and enforce orders by administrative and judicial proceedings to secure compliance with the Safe Drinking Water Act. The act allows the board to hold hearings, compel attendance of witnesses, produce documents and other evidence, administer oaths, and appoint hearing officers. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 19-4-104

Effective May 6, 2002

2002 Utah Laws 295

- SB 96** **Uranium Mill Tailings Oversight** (*Bill Wright*) This act authorizes the Department of Environmental Quality to regulate uranium recovery and certain related operations. The act imposes on these operations a fee with specified contingencies. The act also increases the size of the Radiation Control Board by two members.

Amends 19-1-108, 19-3-103, 19-3-104

Effective May 6, 2002

2002 Utah Laws 297

Title 20A -- ELECTION CODE

- HB 32** **Overseas and Military Voters Amendments** (*Don E. Bush*) This act modifies mailing requirements for overseas and military voting ballots to allow the submittal of a self-executing affidavit. (*Government Operations Interim Committee*)

Amends 20A-3-408

Effective May 6, 2002

2002 Utah Laws 112

- HB 33** **Certification and Testing of Voting Equipment** (*Craig W. Buttars*) This act requires election officers to ensure that voting equipment meets Federal Voting Systems Standards established by the Federal Election Commission and that the equipment is certified to meet those standards by an Independent Testing Authority approved by the National Association of State Election Directors. (*Government Operations Interim Committee*)

Amends 20A-5-302; Enacts 20A-5-402.5

Effective May 6, 2002

2002 Utah Laws 113

HB 86 **Publication Notice of Constitutional Amendments** (*Patrice M. Arent*) This act modifies Election Code provisions governing publication requirements for constitutional amendments submitted to voters to clarify that these publication requirements are in addition to the Voter Information Pamphlet and that the publication be not more than 60 or less than 10 days before the regular general election. (*Government Operations Interim Committee*)

Amends 20A-7-103

Effective May 6, 2002

2002 Utah Laws 127

HB 115 **Technical Changes to Election Law** (*Loraine T. Pace*) This act modifies provisions of the Election Code governing prohibited activities at polling places, the duties of boards of canvassers generally and in conjunction with recounts, recount procedures, the duties of the lieutenant governor as chief election officer, and signature requirements for local initiative petitions. The act expands the scope for participation in the Department of Defense's Internet voting pilot project and repeals the repeal date of January 1, 2003 for that section.

Amends 20A-3-501, 20A-4-303, 20A-4-401, 20A-6-103, 20A-7-507, 67-1a-2; Repeals 67-1a-9, SECTION 2, CHAPTER 57, LAWS OF UTAH 1998

Effective May 6, 2002

2002 Utah Laws 133

HB 127 **County Ballot Questions** (*Craig W. Buttars*) This act authorizes counties to submit a ballot question to the voters regarding raising taxes to preserve agricultural land. The act provides a repeal date of January 1, 2003.

Amends 63-55b-120; Enacts 20A-1-205

Effective May 6, 2002

2002 Utah Laws 136

HB 131 **Reporting of Data to the Automated Geographic Reference Center** (*Loraine T. Pace*) This act requires state and local entities to provide the Automated Geographic Reference Center with any changes to the boundaries of political subdivisions. Specifically, the act requires the lieutenant governor to submit to the center copies of governor proclamations relating to the creation or annexation of counties and copies of certifications relating to changes in Congressional, school, Senate, and House districts. The act also requires counties to submit information to the center relating to the establishment, division, abolition, or change of voting precincts. The State Tax Commission must also submit to the center information it receives from local government entities relating to changes in local government boundaries.

Amends 17-2-4, 17-2-9, 17-3-3, 20A-5-303, 20A-13-104, 20A-14-102.2, 36-1-105, 36-1-204, 63A-6-203

Effective May 6, 2002

2002 Utah Laws 225

HB 284 **Election Law Amendments - Disabled Voters** (*Richard M. Siddoway*) This act provides access to voting for people with a disability. The act requires the physical inspection of all polling places as of May 15, 2003, to ensure access by people with a disability, requires that any issues concerning inaccessibility to polling places by people with a disability reported to the county clerk on or after May 15, 2002, shall be forwarded to the Office of the Lieutenant Governor and within three months of the complaint, be remedied by the county clerk at the particular location or the county clerk shall designate an alternative accessible location.

Amends 20A-3-304, 20A-3-305, 20A-5-403

Effective May 15, 2002

2002 Utah Laws 167

- SB 35** **Voter Residence Where Lot Is Divided by County Boundary Line** (*Carlene M. Walker*) This act provides for the determination of residency for voting and candidacy purposes when a person's residence is divided by a county boundary line. (*Political Subdivisions Interim Committee*)

Amends 20A-2-105

Effective March 15, 2002

2002 Utah Laws 64

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- SB 36** **Provisional Ballot** (*John W. Hickman*) This act modifies the Election Code by establishing a procedure for certain persons to vote a provisional ballot in Utah elections when the person's name is not listed on the official register at the polling place or their legal right to vote is challenged. The act also changes the date for the local board of canvassers to meet. (*Government Operations Interim Committee*)

Amends 20A-1-102, 20A-2-307, 20A-3-101, 20A-3-104, 20A-3-105, 20A-4-101, 20A-4-102, 20A-4-103, 20A-4-104, 20A-4-106, 20A-4-301, 20A-9-806, 20A-9-808; Enacts 20A-3-105.5, 20A-4-107, 20A-6-105

Effective May 6, 2002

2002 Utah Laws 177

Title 23 -- WILDLIFE RESOURCES CODE OF UTAH

- HB 81** **Youth Fishing License Amendments** (*Fred J. Fife*) This act allows the Wildlife Board to establish criteria in their rules and regulations allowing youths under 14 to fish without a license in certain situations. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 23-19-18

Effective May 6, 2002

2002 Utah Laws 215

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- HB 164** **Wildlife Remediation on Private Property** (*Michael R. Styler*) This act amends provisions relating to big game animal damage to cultivated crops, forage, fences, or irrigation equipment on private land. The act requires the owner to provide the Division of Wildlife Resources with reasonable access to the owner's property to alleviate depredation, and provides remedial action considerations for the Division of Wildlife Resources. The act provides a time limit, after notification of the Division of Wildlife Resources, within which the owner may kill big game animals. The act also amends compensation provisions for damage caused by big game animals.

Amends 23-16-3, 23-16-3.5, 23-16-4

Effective May 6, 2002

2002 Utah Laws 232

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- HB 223** **Hunting License Fee Refund** (*Michael R. Styler*) This act allows armed forces, public health, or public safety organization members, in certain situations, to receive a hunting or fishing license, certificate, tag, or permit fee refund, or an opportunity to draw a permit in a future draw. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Enacts 23-19-38.2

Effective May 6, 2002

2002 Utah Laws 245

- SB 46** **Indian Affairs Related Amendments** (*Beverly Ann Evans*) This act modifies the process for review of agreements with Indian tribes related to hunting, fishing, or trapping right claims.
- Amends 23-13-12.5
- Effective May 6, 2002
- 2002 Utah Laws 70
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Title 26 -- UTAH HEALTH CODE

- HB 9** **Repeal of Medical Examiner Committee** (*Neil A. Hansen*) This act repeals the Medical Examiner Committee and makes other conforming corrections. (*Government Operations Interim Committee*)
- Amends 26-4-2; Repeals 26-4-3
- Effective May 6, 2002
- 2002 Utah Laws 102
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- HB 56** **Genetic Privacy and Discrimination** (*Paul Ray*) This act prohibits employers from using private genetic information for hiring and promotion purposes, places restrictions on health insurers' use of private genetic information, provides a private right of action for violations after June 30, 2003, and authorizes the attorney general to enforce the act. (*Health and Human Services Interim Committee*)
- Enacts 26-45-101, 26-45-102, 26-45-103, 26-45-104, 26-45-105, 26-45-106, 31A-22-1601, 31A-22-1602, 34A-11-101, 34A-11-102
- Effective January 1, 2003
- 2002 Utah Laws 120
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- HB 231** **Public Health Authority Amendments** (*Sheryl L. Allen*) This act creates the Detection of Public Health Emergencies Act. The act requires health care providers to report to the Department of Health when they suspect that an individual has been exposed to or harbors an illness or condition resulting from bioterrorism, an epidemic or pandemic disease, or other highly fatal infectious agent and authorizes the Department of Health to investigate the report. The act authorizes a health care provider to report certain emergency illnesses and health conditions, specifies the manner and content of reports, and provides for limited sharing of information as necessary to abate a public health emergency. The act provides for enforcement and includes a sunset date.
- Amends 63-55-226; Enacts 26-23b-101, 26-23b-102, 26-23b-103, 26-23b-104, 26-23b-105, 26-23b-106, 26-23b-107, 26-23b-108, 26-23b-109, 26-23b-110
- Effective May 6, 2002
- 2002 Utah Laws 155
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- SB 15** **Organ Donation Checkoff** (*Karen Hale*) This act allows a voluntary \$1 contribution to promote and support organ donation from an applicant for renewal of a motor vehicle registration or driver license. This act creates the Organ Donation Contribution Account and allows the Department of Health to administer the account. The Department of Health selects and distributes monies to qualified organizations for the purposes of promoting organ donation, maintaining a statewide organ donor registry, and providing donor awareness education.
- Amends 26-1-30; Enacts 26-18b-101, 41-1a-230.5, 53-3-214.7
- Effective July 1, 2002
- 2002 Utah Laws 55
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- SB 45** **Birth Certificate for Stillborn Child** (*Ron Allen*) This act requires the state registrar of vital statistics to offer a "certificate of birth resulting in stillbirth" to parents of a stillborn child. The act defines terms and permits the delayed registration of a stillbirth in accordance with department rules. (*Health and Human Services Interim Committee*)

Enacts 26-2-14.1, 26-2-14.2

Effective May 6, 2002

2002 Utah Laws 69

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- SB 113** **Health Care Workforce Loan Repayment Assistance** (*Peter C. Knudson*) This act replaces three financial assistance programs--the Physicians and Physician Assistants Grant and Scholarship Program, the Nurse Education Financial Assistance Program, and the Special Population Health Care Provider Financial Assistance Program--with a new Utah Health Care Workforce Financial Assistance Program. The act specifies the duties of the Department of Health in administering the new program and creates a committee to advise the department on the development and modification of rules for the program. The act provides for continuity between the old programs and the new program and provides a repeal date.

Amends 26-1-7, 63-55b-126; Enacts 26-45-101, 26-45-102, 26-45-103, 26-45-104; Repeals 26-9-201, 26-9-202, 26-9-203, 26-9-204, 26-9-205, 26-9-206, 26-9-207, 26-9-208, 26-9-209, 26-9-210, 26-9-211, 26-9-212, 26-9-213, 26-9d-1, 26-9d-2, 26-9d-3, 26-9d-4, 26-9d-5, 26-9d-6, 26-9d-7, 26-9d-8, 26-9d-9, 26-9d-10, 26-9e-1, 26-9e-2, 26-9e-3, 26-9e-4, 26-9e-5, 26-9e-6, 26-9e-7, 26-9e-8, 26-9e-9, 26-9e-10, 26-9e-11

Effective March 26, 2002

2002 Utah Laws 307

Title 26A -- LOCAL HEALTH AUTHORITIES

- HB 241** **County Health Departments - Operational Structure** (*Kevin S. Garn*) This act eliminates the requirement for municipalities to join with counties in the creation and maintenance of local health departments, requires county governments to create health departments to serve incorporated and unincorporated areas, permits contiguous counties to form a health department through an interlocal agreement, amends provisions related to the boards, powers, and duties of local health departments, and amends provisions related to the costs of local health departments and the use of local health department funds. The act requires local health departments to conform to the new requirements by June 30, 2003.

Amends 10-7-3, 17-50-313, 19-6-803, 26A-1-102, 26A-1-103, 26A-1-105, 26A-1-106, 26A-1-108, 26A-1-109, 26A-1-110, 26A-1-111, 26A-1-112, 26A-1-113, 26A-1-114, 26A-1-115, 26A-1-117, 26A-1-118, 26A-1-119, 26A-1-120, 26A-1-121, 26A-1-122; Enacts 26A-1-125; Repeals 26A-1-104, 26A-1-107

Effective May 6, 2002

2002 Utah Laws 249

Title 30 -- HUSBAND AND WIFE

- HB 196** **Divorce and Parent-time Revisions** (*Chad E. Bennion*) This act provides for a minimum visitation schedule when a parent relocates, either by leaving the state or by putting more than 150 miles between a noncustodial parent and a child. It also requires that the Office of Recovery Services verify information received concerning nonpayment of support before acting on a possibly unfounded allegation.

Amends 30-3-37, 62A-11-104

Effective May 6, 2002

2002 Utah Laws 147

- SB 87** **Visitation Rights of Grandparents** (*Terry R. Spencer*) This act clarifies that grandparents may intervene in pending proceedings involving custody and visitation issues, applies to all grandparent visitation actions a presumption in favor of the parent's decision, describes how that presumption can be overcome, permits courts to take into account the grandchild's desires regarding visitation, and establishes a standard for modification of an existing visitation order.

Amends 30-5-1, 30-5-2

Effective May 6, 2002

2002 Utah Laws 85

- SB 106** **Divorce - Children's Testimony Limited** (*Terry R. Spencer*) This act modifies the circumstances under which children may testify in a divorce and establishes that the desire of a child 16 years of age and older shall be given additional weight by the court when determining custody.

Amends 30-3-10

Effective May 6, 2002

2002 Utah Laws 302

Title 31A -- INSURANCE CODE

- HB 38** **Repeal of Health Benefit Plan Committee** (*Don E. Bush*) This act repeals the Health Benefit Plan Committee and makes conforming statutory changes. (*Government Operations Interim Committee*)

Amends 31A-22-613.5, 31A-30-103

Effective May 6, 2002

2002 Utah Laws 114

- HB 105** **Health Insurance Mandates Program** (*Rebecca D. Lockhart*) This act provides that any legislation enacted affecting health insurance coverage, benefits, or providers also applies to the state's health insurance program.

Enacts 31A-22-605.5, 49-8-406

Effective July 1, 2002

2002 Utah Laws 220

- HB 110** **Motor Vehicle Insurance and Credit Information** (*Peggy Wallace*) This act regulates the use of certain credit information in making insurance decisions related to motor vehicle insurance. The act prohibits with exceptions insurers that issue motor vehicle related insurance policies from using certain credit information for determining renewal, nonrenewal, termination, eligibility, underwriting, or rating in relation to motor vehicle insurance policies. The act allows insurers under certain circumstances to consider credit information for initial underwriting and to provide a reduction in rates paid by insureds.

Enacts 31A-22-320

Effective May 6, 2002

2002 Utah Laws 221

HB 122 Health Insurance Benefit Design (*Rebecca D. Lockhart*) This act permits an insurance carrier to offer accident and health insurance policies with less or different coverage than the basic benefit package, the minimum standards required by the commissioner of insurance, and any other health insurance mandate required by state law when the Department of Health offers similar coverage as part of a Medicaid waiver. The act requires the Department of Health and the Insurance Commissioner to report to the Legislature on the implementation of the waiver and policies in the public and private sectors and on partnerships between the public and private sectors to increase access to health insurance.

Enacts 31A-22-633

Effective May 6, 2002

2002 Utah Laws 1

HB 276 Assessment on Title Insurers and Title Insurance Agencies (*Thomas V. Hatch*) This act modifies the amount that can be assessed under the Insurance Code on title insurers and title insurance agencies.

Amends 31A-23-315

Effective July 1, 2002

2002 Utah Laws 260

SB 48 Public Agency Insurance Mutual Amendments (*John W. Hickman*) This act generally exempts from the scope of the Insurance Code public agency insurance mutuals. The act also addresses taxation of and assessments imposed on public agency insurance mutuals and the ability of public agency insurance mutuals to provide workers' compensation and health insurance.

Amends 31A-1-103, 31A-1-301, 31A-2-214, 31A-5-202, 31A-7-201, 31A-12-107, 31A-20-108, 31A-22-502, 31A-25-205, 34A-2-201.5, 34A-2-202, 34A-2-704, 59-9-101, 59-9-101.3, 59-9-103; Repeals 31A-5-214, 31A-5-215

Effective July 1, 2002

2002 Utah Laws 71

SB 119 Workers' Compensation Insurance Related Amendments (*L. Steven Poulton*) This act amends the provisions related to reporting liabilities for assessments for workers' compensation insurance. The act also amends provisions related to the Workers' Compensation Fund.

Amends 31A-17-402, 31A-33-106

Effective May 6, 2002

2002 Utah Laws 186

SB 120 Motor Vehicle Insurance Coverage - Arbitration Requirements (*Michael G. Waddoups*) This act allows related parties in the same household to resolve an insurance claim by submitting to binding arbitration. The act provides for the selection and payment of arbitrators and provides procedures for making an award. Prior to an award, the existence, but not the amount of applicable liability insurance, may be disclosed and the amount of the award, if over the liability policy limits, must be adjusted to the policy limits.

Amends 31A-22-303

Effective May 6, 2002

2002 Utah Laws 187

SB 122 Insurance Law Amendments (*L. Steven Poulton*) This act addresses issues that apply to insurers in general and regulation in specific areas. The act makes a number of changes including addressing disclosure of examination reports; addressing fees; amending waiver of retaliatory requirements; addressing withdrawal from a line of insurance; addressing selection and removal of directors and officers of mutual insurers; addressing required minimum capital of certain insurers, deposits, and permanent surplus; addressing cancellation, termination, nonrenewal, or changes in certain insurance coverage; addressing reporting requirements for point of service or point of sales products; addressing computation for minimum standards for annuities; addressing the scope of the Utah Rate Regulation Act; addressing what constitutes an insurable interest; addressing when information can be incorporated by reference; addressing requirements for certificates of group insurance policies; addressing provisions related to the regulation of life and accident and health insurance; addressing insurance marketing and licensing, including requirements for title insurance; addressing the regulation of third party administrators and insurance adjustors; addressing rehabilitation and liquidation of insurers; modifying requirements for the account maintained by the Utah Property and Casualty Health Insurance Guaranty Association; and addressing the Individual and Small Employer Health Insurance Act.

Amends 31A-1-103, 31A-1-301, 31A-2-204, 31A-2-215, 31A-2-216, 31A-3-103, 31A-3-401, 31A-4-107, 31A-4-115, 31A-4-116, 31A-5-405, 31A-5-409, 31A-5-410, 31A-8-101, 31A-8-103, 31A-8-205, 31A-8-209, 31A-8-211, 31A-8-401, 31A-8-407, 31A-8-408, 31A-17-505, 31A-17-506, 31A-19a-101, 31A-19a-209, 31A-21-104, 31A-21-106, 31A-21-311, 31A-22-400, 31A-22-402, 31A-22-403, 31A-22-404, 31A-22-405, 31A-22-409, 31A-22-522, 31A-22-602, 31A-22-617, 31A-22-624, 31A-22-625, 31A-22-629, 31A-22-703, 31A-22-705, 31A-22-708, 31A-22-714, 31A-23-102, 31A-23-204, 31A-23-206, 31A-23-211, 31A-23-216, 31A-23-302, 31A-23-307, 31A-23-308, 31A-23-503, 31A-23-601, 31A-25-205, 31A-26-202, 31A-26-202, 31A-26-206, 31A-26-213, 31A-26-301.6, 31A-27-102, 31A-27-103, 31A-27-305, 31A-27-311.5, 31A-27-315, 31A-27-317, 31A-27-332, 31A-27-337, 31A-27-340, 31A-27-341, 31A-28-203, 31A-28-205, 31A-28-207, 31A-28-208, 31A-28-222, 31A-29-113, 31A-30-101, 31A-30-103, 31A-30-104, 31A-30-106, 31A-30-106.7, 31A-30-107, 31A-30-108, 31A-30-110, 31A-30-111, 59-9-105, 63-55-231; Enacts 31A-3-104, 31A-8-402.3, 31A-8-402.5, 31A-8-402.7, 31A-22-721, 31A-30-107.1, 31A-30-107.3, 31A-30-107.5, 31A-30-114; Repeals 31A-8-402, 31A-15-206, 31A-22-720

Effective May 6, 2002

2002 Utah Laws 308

SB 124 Timely Payments of Insurance Claims (*John L. Valentine*) This act amends the scope of claims that are subject to requirements for timely payments.

Amends 31A-26-301

Effective May 6, 2002

2002 Utah Laws 309

Title 32A -- ALCOHOLIC BEVERAGE CONTROL ACT

HB 257 Proof of Age Under the Alcoholic Beverage Code (*Duane E. Bourdeaux*) This act addresses the use of identification under the Alcoholic Beverage Code including unlawful transfer or use, presentation of proof of age or other identifying forms, and reliance on proof of age or other identifying forms.

Amends 32A-1-105, 32A-1-301, 32A-1-302, 32A-1-303, 32A-1-304, 32A-12-221

Effective May 6, 2002

2002 Utah Laws 161

- SB 13** **Alcoholic Beverage Service - Warning Required** (*Carlene M. Walker*) This act changes the contents of warnings required to be posted by licensees and others governed by the Alcoholic Beverage Control Act to read "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah." (*Transportation Interim Committee*)

Amends 32A-1-107, 32A-2-103, 32A-3-106, 32A-4-106, 32A-4-206, 32A-5-107, 32A-6-202, 32A-10-206

Effective May 6, 2002

2002 Utah Laws 282

- SB 30** **Funding Formula for Alcohol Related Activities of Local Governments** (*Michael G. Waddoups*) This act modifies the requirement that the Legislature appropriate monies to be used by counties and municipalities for specified purposes related to alcohol. The act also modifies how the monies are distributed and provides a mechanism to suspend payments if it is found that a municipality or county is not using the monies for the specified purposes. (*Business and Labor Interim Committee*)

Amends 32A-1-115

Effective May 6, 2002

2002 Utah Laws 287

- SB 95** **Unincorporated County Amendments** (*Ron Allen*) This act amends the limitations on the Alcoholic Beverage Control Commission's power to grant licenses in unincorporated county areas. (*Political Subdivisions Interim Committee*)

Amends 32A-4-101, 32A-10-201

Effective May 6, 2002

2002 Utah Laws 87

Title 34A -- UTAH LABOR CODE

- HB 11** **Utah Occupational Safety and Health Advisory Council Amendments** (*Don E. Bush*) This act modifies provisions governing meeting requirements for the Utah Occupational Safety and Health Advisory Council.

Amends 34A-6-106

Effective May 6, 2002

2002 Utah Laws 104

- SB 107** **Utah Labor Commission Amendments** (*Ed P. Mayne*) This act makes the appointment of a medical panel in occupational disease cases permissive. (*Business and Labor Interim Committee*)

Amends 34A-2-601

Effective May 6, 2002

2002 Utah Laws 303

Title 35A -- UTAH WORKFORCE SERVICES CODE

- SB 23** **Workforce Services Amendments** (*Beverly Ann Evans*) This act authorizes the Department of Workforce Services to administer oaths, certify to official acts, and issue subpoenas. The act changes the definition of consortium of counties and the membership of regional councils on workforce services. (*Workforce Services and Community and Economic Development Interim Committee*)

Amends 35A-1-102, 35A-1-104, 35A-2-103, 35A-3-111, 35A-3-306

Effective May 6, 2002

2002 Utah Laws 58

Title 36 -- LEGISLATURE

HB 62 **Legislative Area of State Capitol** (*Martin R. Stephens*) This act makes the Legislative Management Committee responsible for the legislative area of the state capitol. (*Government Operations Interim Committee*)

Amends 36-5-1

Effective March 18, 2002

2002 Utah Laws 121

HB 199 **Interim Committee Membership** (*Martin R. Stephens*) This act clarifies how members of interim committees are appointed. (*Government Operations Interim Committee*)

Amends 36-12-3

Effective May 6, 2002

2002 Utah Laws 39

SB 38 **Legislative Committee Names Revisions** (*Peter C. Knudson*) This act changes references to interim committees to reflect the current committee structure. The act also makes technical corrections to interim committee names.

Amends 9-2-1603, 9-4-708, 9-4-1204, 9-7-217, 31A-2-217, 36-12-5, 70C-8-102

Effective May 6, 2002

2002 Utah Laws 65

SB 149 **Ethics Amendments** (*L. Steven Poulton*) This act modifies the Election Code and the Lobbyist Disclosure and Regulation Act to require certain reports to be made available on the Internet within a specified time. The act modifies certain reporting requirements and modifies lobbyist financial reporting requirements to govern situations where multiple lobbyists split expenditures and where a single lobbyist splits expenditures between multiple clients.

Amends 20A-11-1002, 36-11-106, 36-11-201

Effective May 6, 2002

2002 Utah Laws 317

Title 38 -- LIENS

HB 234 **Mechanics' Lien Amendments** (*Kevin S. Garn*) This act makes a conforming amendment to legislation enacted in the 2001 General Session. (*Business and Labor Interim Committee*)

Amends 38-1-28

Effective May 6, 2002

2002 Utah Laws 44

Title 39 -- MILITIA AND ARMORIES

SB 8 **Repeal of National Guard Advisory Board** (*Millie M. Peterson*) This act repeals the National Guard Advisory Board. (*Government Operations Interim Committee*)

Repeals 39-1-61

Effective May 6, 2002

2002 Utah Laws 53

Title 40 -- MINES AND MINING

- SB 72** **Coal Mining and Reclamation Amendments** (*Mike Dmitrich*) This act modifies the Mines and Mining Code to provide that the Division of Oil, Gas and Mining pay certain costs relating to the filing of a surface coal mining and reclamation application and plan. This act provides for the reimbursement of certain costs from the coal operator to the division.

Amends 40-10-10

Effective May 6, 2002

2002 Utah Laws 179

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- SB 159** **Environmental Compliance for Minerals Regulatory Program** (*Peter C. Knudson*) This act amends the definitional section in the Mines and Mining Code, imposes a violations and civil penalties system in the minerals regulatory program, and establishes a five-year statute of limitations for this program.

Amends 40-8-4, 40-8-8, 40-8-9; Enacts 40-8-9.1

Effective May 6, 2002

2002 Utah Laws 194

Title 41 -- MOTOR VEHICLES

- HB 4** **Motorboating and Boating Under the Influence Provisions** (*Loraine T. Pace*) This act combines driving under the influence provisions with boating under the influence provisions, including driver licensing sanctions for boating under the influence violations. The act prohibits a motorboat driver from drinking or having an open container in a motorboat but exempts passengers from those requirements. The administrative impound fee after a DUI (driving under the influence) in a motorboat is increased from \$25 to \$200, the same as for motor vehicles. The act also provides for vessel navigation and steering laws and establishes penalties.

Amends 41-6-43.5, 41-6-44.20, 41-6-44.30, 41-6-102.5, 53-3-102, 53-3-218, 53-3-221, 53-3-231, 53-3-232, 73-18-12, 73-18-15.2, 78-3a-104, 78-18-1; Enacts 73-18-15.5; Repeals 73-18-12.1, 73-18-12.2, 73-18-12.3, 73-18-12.4, 73-18-12.5, 73-18-12.6, 73-18-12.7, 73-18-12.8; Repeals and Reenacts 73-18-15.1

Effective July 1, 2002

2002 Utah Laws 200

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- HB 16** **Blood and Breath Alcohol Testing** (*Paul Ray*) This act amends the method of proving the elements of DUI-related offenses by repealing a requirement that a test must be given within two hours of the alleged driving. The act allows a subsequent test that shows a violation at the time of the test to be considered an offense. This change is made in sections relating to driving under the influence, commercial driver licensing, automobile homicide, flying under the influence, and boating under the influence. (*Transportation Interim Committee*)

Amends 41-6-44, 41-6-44.5, 41-6-44.12, 53-3-418, 72-10-501, 72-10-504, 73-18-12.2, 73-18-12.4, 76-5-207

Effective May 6, 2002

2002 Utah Laws 106

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- HB 17** **Multiple Driving Under the Influence Offenses** (*A. Lamont Tyler*) This act clarifies the types of convictions that are considered prior convictions by a court in a DUI case and in a driver license suspension proceeding. A conviction for driving with drugs, driving with a combination of alcohol and drugs, or any DUI-related offense that has been reduced by a court qualifies as a prior conviction in any subsequent DUI case. (*Transportation Interim Committee*)

Amends 41-6-44, 41-6-44.6

Effective May 6, 2002

2002 Utah Laws 8

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- HB 18** **Court Records of Driving Under the Influence Cases** (*A. Lamont Tyler*) This act requires state courts to collect and maintain data on DUI cases to allow sentencing and enhancement decisions to be made in accordance with current DUI and reckless driving laws. The Administrative Office of the Courts is required to report on the data collection to the Judiciary and the Transportation Interim Committees before July 31, 2002. (*Transportation Interim Committee*)
- Enacts 41-6-43.7
- Effective May 6, 2002
- 2002 Utah Laws 203
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- HB 29** **Child Restraint Violations** (*Carol Spackman Moss*) This act allows a reduction of the fine for a child restraint violation if the person submits proof of acquisition of a child restraint device. The act repeals the provision which allowed for a dismissal of a first violation of a child restraint law by showing acquisition of a child restraint device. (*Transportation Interim Committee*)
- Amends 41-6-185
- Effective May 6, 2002
- 2002 Utah Laws 109
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- HB 31** **License Plate Requirements** (*Brad King*) This act repeals the requirement to have a county decal as one of the registration decals on vehicle license plates. (*Transportation Interim Committee*)
- Amends 41-1a-402, 41-1a-407; Repeals 41-1a-406
- Effective May 6, 2002
- 2002 Utah Laws 111
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- HB 74** **Safety Inspections Regarding Window Tinting** (*DeMar Bud Bowman*) This act repeals light transmittance requirements on any vehicle window that is behind the driver. Nontransparent material may be used on the top edge of a windshield but may not extend down lower than four inches or to the AS-1 line, whichever is lower. (*Transportation Interim Committee*)
- Amends 41-6-149
- Effective May 6, 2002
- 2002 Utah Laws 25
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- HB 118** **Special License Plates for Search and Rescue Teams** (*Ben C. Ferry*) This act allows special group license plates for current members of a search and rescue team and requires an applicant to pay an additional \$5 fee for an original set of license plates. The act exempts an applicant for renewal of search and rescue team special group license plates from a \$10 annual renewal fee.
- Amends 41-1a-408, 41-1a-1211
- Effective October 1, 2002
- 2002 Utah Laws 223
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- HB 171** **Low-speed Electric Vehicles on Certain Highways** (*Don E. Bush*) This act defines a low-speed vehicle and considers it a motor vehicle. The act exempts a low-speed vehicle from emissions inspections and establishes different equipment standards for low-speed vehicles. A low-speed vehicle must have a slow-moving vehicle identification emblem when operated on a highway. This act restricts the use of slow-moving vehicles to highways with a posted speed limit of 35 miles per hour or less and allows a highway authority to impose additional restrictions.
- Amends 41-6-1; Enacts 41-6-117.6
- Effective October 1, 2002
- 2002 Utah Laws 34
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HB 197 **Off-highway Vehicle Amendments** (*Brent H. Goodfellow*) This act expands the width from 50 to 52 inches in the definition of an all-terrain type I vehicle. Any required headgear must be properly fastened and have a U.S. Department of Transportation safety rating designed for motorized vehicles. The act increases the maximum gross weight of wheeled vehicles allowed on designated snowmobile trails from 700 to 800 pounds. The operator of an all-terrain type I vehicle, with a current off-highway implement of husbandry sticker, is exempt from operating requirements for being under supervision, having a safety certificate, or possessing a driver license. The act increases the reimbursement allowed to volunteer off-highway safety instructors from \$3 to \$6 for each student who receives the training and takes the tests. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 41-22-2, 41-22-10.7, 41-22-10.8, 41-22-12.1, 41-22-30, 41-22-33

Effective May 6, 2002

2002 Utah Laws 148

HB 198 **Manual on Uniform Traffic Control Devices for Streets** (*Kory M. Holdaway*) This act requires the Department of Transportation to adopt a manual correlating to the most recent edition, instead of the 1988 edition, of the Manual on Uniform Traffic Control Devices for Streets and Highways. (*Transportation Interim Committee*)

Amends 41-6-20

Effective May 6, 2002

2002 Utah Laws 38

HB 235 **Emergency Vehicle Amendments** (*Paul Ray*) This act requires the operator of a vehicle approaching a stationary emergency vehicle that is displaying flashing red, red and white, or red and blue lights to reduce speed, provide as much space as practical and, if practical, move out of the adjacent lane. An operator of a vehicle that is approaching a stationary tow truck or a highway maintenance vehicle that is displaying flashing amber lights is also required to reduce speed and provide as much space as practical to the stationary vehicle. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 41-6-76

Effective May 6, 2002

2002 Utah Laws 45

HB 281 **Regulation of Personal Motorized Mobility Devices** (*Greg J. Curtis*) This act defines a personal motorized mobility device and subjects it to the same provisions as a bicycle, moped, or motor-driven cycle, except for driver licensing requirements, entitlement to full use of a lane, seating position, lights, horn, and mirror requirements. A person under age 16 must be under direct supervision of the person's parent or guardian when operating a personal motorized mobility device. A personal motorized mobility device may not be operated on a highway of four or more lanes or on a highway posted greater than 35 miles per hour. The Commissioner of Public Safety must make rules that establish approved headgear for a personal motorized mobility device. A personal motorized mobility device is exempt from insurance requirements.

Amends 41-1a-202, 41-6-1, 41-6-90.5, 41-6-107.8, 41-12a-301

Effective May 6, 2002

2002 Utah Laws 165

HB 337 **Veterans Service Organizations Special License Plates** (*Steven R. Mascaro*) This act allows American Legion Veterans to obtain special group license plates for one-time contributors to the Office of Veterans' Affairs.

Amends 41-1a-408

Effective October 1, 2002

2002 Utah Laws 274

- SB 6** **Application for Vehicle Title Amendments** (*Dan R. Eastman*) This act changes “each person” to “a person” recorded as an owner on a vehicle certificate of title who must sign an application for a certificate of title. (*Business and Labor Interim Committee*)

Amends 41-1a-512

Effective May 6, 2002

2002 Utah Laws 51

- SB 9** **Amendments to Driving Under the Influence** (*Carlene M. Walker*) This act increases the required compensatory-service hours for first time DUI offenders from 24 to 48 hours. The act also requires supervised probation whenever probation is ordered for a felony DUI offender. (*Transportation Interim Committee*)

Amends 41-6-44

Effective May 6, 2002

2002 Utah Laws 54

- SB 21** **Motor Vehicle Registration Amendments** (*David H. Steele*) This act allows a court to require proof of proper motor vehicle registration as part of any sentence for a charge of improper motor vehicle registration. (*Transportation Interim Committee*)

Amends 41-1a-1303, 41-1a-1307

Effective May 6, 2002

2002 Utah Laws 56

- SB 52** **Left Lane Restriction Amendments** (*Dan R. Eastman*) This act specifies that current left lane restrictions, related to a vehicle over 12,001 pounds and to a vehicle pulling a trailer or semitrailer, apply only on highways that are part of the interstate system. The act also clarifies language in left lane restriction statutes. (*Transportation Interim Committee*)

Amends 41-6-53.5, 41-6-55

Effective May 6, 2002

2002 Utah Laws 74

- SB 173** **Motor Vehicle Registration for Fleets** (*Dan R. Eastman*) This act allows safety inspections for motor vehicles that are part of a vehicle fleet of 101 vehicles or more to have the safety inspection within 11 months of vehicle registration renewal instead of within two months.

Amends 41-1a-205

Effective March 15, 2002

2002 Utah Laws 100

Title 48 -- PARTNERSHIP

- SB 146** **Business Entity Amendments** (*John L. Valentine*) This act addresses issues related to registered agents and business addresses, provides for conversion of corporations to or from domestic limited liability companies, and amends provisions of the Utah Revised Limited Liability Company Act.

Amends 48-2a-104, 48-2a-202, 48-2c-108, 48-2c-110, 48-2c-401, 48-2c-408, 48-2c-602, 48-2c-707, 48-2c-801, 48-2c-804, 48-2c-1103, 48-2c-1207; Enacts 16-6a-1008.7, 16-10a-1008.7, 48-2a-202.5

Effective May 6, 2002

2002 Utah Laws 193

Title 49 -- UTAH STATE RETIREMENT AND INSURANCE BENEFIT ACT

HB 230 Retirement of Public Safety Officials (*Ron Bigelow*) This act opens a six-month conversion window for appointed chiefs of police to change to the Public Safety Noncontributory Retirement System from July 1, 2002 to December 31, 2002. The act allows an appointed chief of police, who is eligible to retire, to draw retirement benefits, and to continue in the appointed office.

Amends 49-4a-205, 49-4a-206

Effective July 1, 2002

2002 Utah Laws 247

HB 250 Retirement Law Recodification (*Ron Bigelow*) This act recodifies Title 49, Utah State Retirement Act, and changes its name to the Utah State Retirement and Insurance Benefit Act. The act renumbers all sections of the title and moves the chapters to begin with chapter 11 instead of chapter one.

Amends 31A-22-703, 35A-4-502, 51-7-4, 53-6-107, 53-7-105, 53-13-108, 53A-17a-125, 63-95-102, 63-95-202, 63E-1-102, 63E-1-202, 67-8-3, 67-20-7, 67-22-1, 67-22-2, 78-7-35; Enacts 49-11-603, 49-11-604, 49-11-605, 49-11-606, 49-11-620, 49-11-802, 49-12-302, 49-13-302, 49-14-505, 49-15-505, 49-16-203, 49-16-505, 49-16-506, 49-17-403, 49-19-102, 49-19-402, 49-19-403, 49-19-404, 49-20-403; Renumbers and Amends 49-1-101 to 49-11-101, 49-1-102 to 49-11-103, 49-1-103 to 49-11-102, 49-1-201 to 49-11-201, 49-1-202 to 49-11-202, 49-1-203 to 49-11-203, 49-1-204 to 49-11-204, 49-1-301 to 49-11-301, 49-1-302 to 49-11-302, 49-1-303 to 49-11-303, 49-1-304 to 49-11-304, 49-1-305 to 49-11-305, 49-1-401 to 49-11-401, 49-1-402 to 49-11-402, 49-1-403 to 49-11-618, 49-1-404 to 49-11-404, 49-1-405 to 49-11-619, 49-1-406 to 49-11-405, 49-1-407 to 49-11-403, 49-1-502 to 49-11-501, 49-1-503 to 49-11-502, 49-1-504 to 49-11-503, 49-1-505 to 49-11-504, 49-1-601 to 49-11-601, 49-1-602 to 49-11-602, 49-1-603 to 49-11-607, 49-1-604 to 49-11-608, 49-1-606 to 49-11-609, 49-1-607 to 49-11-610, 49-1-608 to 49-11-611, 49-1-609 to 49-11-612, 49-1-610 to 49-11-613, 49-1-611 to 49-11-801, 49-1-613 to 49-11-614, 49-1-614 to 49-11-615, 49-1-615 to 49-11-616, 49-1-616 to 49-11-617, 49-1-701 to 49-11-701, 49-2-101 to 49-12-101, 49-2-103 to 49-12-102, 49-2-201 to 49-12-103, 49-2-202 to 49-12-104, 49-2-203 to 49-12-201, 49-2-204 to 49-12-202, 49-2-205 to 49-12-203, 49-2-206 to 49-12-204, 49-2-301 to 49-12-301, 49-2-401 to 49-12-401, 49-2-402 to 49-12-402, 49-2-404 to 49-12-403, 49-2-405 to 49-12-404, 49-2-406 to 49-12-405, 49-2-409 to 49-12-406, 49-2-503 to 49-12-601, 49-2-601 to 49-12-407, 49-2-602 to 49-12-408, 49-2-701 to 49-12-501, 49-2-802 to 49-12-701, 49-3-101 to 49-13-101, 49-3-103 to 49-13-102, 49-3-201 to 49-13-103, 49-3-202 to 49-13-104, 49-3-203 to 49-13-201, 49-3-204 to 49-13-202, 49-3-205 to 49-13-205, 49-3-206 to 49-13-203, 49-3-207 to 49-13-204, 49-3-301 to 49-13-301, 49-3-302 to 49-13-303, 49-3-401 to 49-13-401, 49-3-402 to 49-13-402, 49-3-404 to 49-13-403, 49-3-405 to 49-13-404, 49-3-406 to 49-13-405, 49-3-409 to 49-13-406, 49-3-410 to 49-13-408, 49-3-601 to 49-13-407, 49-3-701 to 49-13-501, 49-3-802 to 49-13-701, 49-4-101 to 49-14-101, 49-4-103 to 49-14-102, 49-4-201 to 49-14-103, 49-4-202 to 49-14-104, 49-4-203 to 49-14-201, 49-4-204 to 49-14-202, 49-4-205 to 49-14-203, 49-4-301 to 49-14-301, 49-4-401 to 49-14-401, 49-4-402 to 49-14-402, 49-4-601 to 49-14-403, 49-4-701 to 49-14-501, 49-4-702 to 49-14-502, 49-4-703 to 49-14-503, 49-4-704 to 49-14-504, 49-4a-101 to 49-15-101, 49-4a-103 to 49-15-102, 49-4a-201 to 49-15-103, 49-4a-202 to 49-15-104, 49-4a-203 to 49-15-201, 49-4a-204 to 49-15-202, 49-4a-205 to 49-15-204, 49-4a-206 to 49-15-203, 49-4a-301 to 49-15-301, 49-4a-401 to 49-15-401, 49-4a-402 to 49-15-402, 49-4a-601 to 49-15-403, 49-4a-701 to 49-15-501, 49-4a-702 to 49-15-502, 49-4a-703 to 49-15-503, 49-4a-704 to 49-15-504, 49-5-101 to 49-16-101, 49-5-103 to 49-16-102, 49-5-201 to 49-16-103, 49-5-202 to 49-16-104, 49-5-203 to 49-16-201, 49-5-204 to 49-16-202, 49-5-301 to 49-16-301, 49-5-401 to 49-16-401, 49-5-402 to 49-16-402, 49-5-501 to 49-16-601, 49-5-502 to 49-16-602, 49-5-503 to 49-16-603, 49-5-601 to 49-16-403, 49-5-701 to 49-16-501, 49-5-702 to 49-16-502, 49-5-703 to 49-16-503, 49-5-704 to 49-16-504, 49-5-802 to 49-16-701, 49-6-101 to 49-17-101, 49-6-103 to 49-17-102, 49-6-201 to 49-17-103, 49-6-202 to 49-17-104, 49-6-203 to 49-17-201, 49-6-301 to 49-17-301, 49-6-401 to 49-17-401, 49-6-402 to 49-17-402, 49-6-404 to 49-17-404, 49-6-601 to 49-17-405, 49-6-701 to

49-17-501, 49-6-702 to 49-17-502, 49-6-801 to 49-17-701, 49-6a-101 to 49-18-101, 49-6a-103 to 49-18-102, 49-6a-201 to 49-18-103, 49-6a-202 to 49-18-104, 49-6a-203 to 49-18-201, 49-6a-301 to 49-18-301, 49-6a-401 to 49-18-401, 49-6a-402 to 49-18-402, 49-6a-501 to 49-18-403, 49-6a-601 to 49-18-501, 49-6a-602 to 49-18-502, 49-6a-701 to 49-18-701, 49-7-101 to 49-19-101, 49-7-201 to 49-19-103, 49-7-202 to 49-19-104, 49-7-203 to 49-19-201, 49-7-301 to 49-19-301, 49-7-401 to 49-19-401, 49-7-403 to 49-19-501, 49-8-101 to 49-20-101, 49-8-102 to 49-20-105, 49-8-103 to 49-20-102, 49-8-201 to 49-20-103, 49-8-202 to 49-20-104, 49-8-203 to 49-20-201, 49-8-204 to 49-20-202, 49-8-301 to 49-20-301, 49-8-401 to 49-20-401, 49-8-402 to 49-20-402, 49-8-403 to 49-20-404, 49-8-404 to 49-20-405, 49-8-405 to 49-20-406, 49-9-101 to 49-21-101, 49-9-102 to 49-21-105, 49-9-103 to 49-21-102, 49-9-201 to 49-21-103, 49-9-202 to 49-21-104, 49-9-203 to 49-21-201, 49-9-301 to 49-21-301, 49-9-401 to 49-21-401, 49-9-402 to 49-21-402, 49-9-403 to 49-21-403, 49-9-404 to 49-21-404, 49-9-405 to 49-21-405, 49-9-407 to 49-21-406, 49-9-409 to 49-21-407 ; Repeals 49-1-501, 49-1-605, 49-1-612, 49-1-617, 49-2-102, 49-2-403, 49-2-501, 49-2-702, 49-3-102, 49-3-403, 49-3-501, 49-3-702, 49-4-102, 49-4-403, 49-4a-102, 49-4a-403, 49-5-102, 49-5-403, 49-5-602, 49-6-102, 49-6-602, 49-6a-102, 49-7-102, 49-7-402, 49-7-404, 49-9-302, 49-9-406, 49-9-408, 49-10-303

Effective March 26, 2002

2002 Utah Laws 250

Title 51 -- PUBLIC FUNDS AND ACCOUNTS

HB 10 **Repeal of Investment Advisory Committee** (*Bradley A. Winn*) This act eliminates the Investment Advisory Committee. (*Government Operations Interim Committee*)

Amends 51-7-12.5

Effective May 6, 2002

2002 Utah Laws 103

HB 177 **Annual Report on State School Fund** (*James A. Ferrin*) This act requires the state treasurer to prepare an annual report on the State School Fund.

Enacts 51-7-9.5

Effective July 1, 2002

2002 Utah Laws 237

Title 52 -- PUBLIC OFFICERS

SB 128 **Open and Public Meetings Revisions** (*Gene Davis*) This act amends provisions regarding open and public meetings to include digital and tape recordings as acceptable methods of recording a meeting.

Amends 52-4-7

Effective May 6, 2002

2002 Utah Laws 311

Title 53 -- PUBLIC SAFETY CODE

HB 6 **Public Safety Bureau Name Change** (*DeMar Bud Bowman*) This act changes the name of the Criminal Investigations Bureau to the State Bureau of Investigation to more accurately reflect the purpose of the bureau. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 32A-1-303, 53-1-104, 53-10-301, 63-25a-204

Effective May 6, 2002

2002 Utah Laws 5

HB 40 **Public Safety - Division Name Change** (*DeMar Bud Bowman*) This act changes the name of the Division of Comprehensive Emergency Management to the Division of Emergency Services and Homeland Security. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 19-3-112, 53-1-104, 53-2-101, 53-2-102, 53-2-103, 53-2-104, 53-2-108, 53-12-201, 63-5-4, 63-5a-8, 63-5b-102, 63-5b-301, 63-28a-3, 63C-6-101, 63C-6-104

Effective May 6, 2002

2002 Utah Laws 14

HB 101 **Racial Profiling** (*Duane E. Bourdeaux*) This act provides for race information to be included on the driver license application and the state identification card application. The act requires the Department of Public Safety to establish a database to monitor traffic and pedestrian stops by peace officers and provides the Commission on Criminal and Juvenile Justice access to the information for evaluation. The act also requires law enforcement agencies in the state to establish, on or before January 1, 2003, written policies prohibiting unconstitutional traffic enforcement. The act provides a repeal date of July 1, 2007 for certain sections of the act.

Amends 10-3-913, 10-3-918, 17-22-2, 53-1-106, 53-1-108, 53-3-205, 53-3-804, 53-8-104, 63-55b-153

Effective July 1, 2002

2002 Utah Laws 219

HB 154 **Expansion of DNA Database** (*Glenn L. Way*) This act expands the number of offenses for which a DNA specimen may be collected for the state criminal identification data base and includes saliva as an acceptable DNA specimen in addition to blood. The act also requires that DNA specimens be obtained from juveniles who have been convicted of felony offenses. The act provides that the collection of the offender's payment of a fee for collection of the specimen is second in priority to victim restitution. The act also creates the DNA Specimen Restricted Account and specifies funding sources and uses of the account.

Amends 17-22-2, 17-22-2.5, 53-10-403, 53-10-404, 53-10-405, 53-10-406, 62A-7-104, 64-13-21, 64-13-23, 64-13-30, 77-38a-404, 78-3a-118; Enacts 53-10-403.5, 53-10-406.5

Effective July 1, 2002

2002 Utah Laws 140

HB 172 **Vehicle Safety Inspection Amendments** (*Wayne A. Harper*) This act amends the frequency of required vehicle safety inspections from every two years for vehicles less than five years old to every two years for vehicles that are less than eight years old. The act amends the frequency of required emissions inspections to the extent allowed under the federally approved state implementation plan for air quality to require emissions inspections every two years for vehicles that are less than six years old. The act increases the maximum fee for a safety inspection from \$9 to \$15 for a vehicle, from \$5 to \$7 for a motorcycle, and from \$12 to \$20 for a four-wheel drive vehicle. The act increases the fee for the safety inspection certificates from \$1.50 to \$2 and dedicates \$.25 of the increase to the Utah Highway Patrol. The act requires the Utah Highway Patrol to make rules establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship for high school students.

Amends 41-6-163.6, 53-8-204, 53-8-205, 53-8-206

Effective January 1, 2003

2002 Utah Laws 143

HB 187 **Driver License Fraud Amendments** (*Kory M. Holdaway*) This act repeals provisions for making, displaying, or possessing a fictitious driver license certificate, which are currently class C misdemeanors, and allows these offenses to be prosecuted under general forgery offenses which carry a higher penalty. The act makes the offense of improper use of an identification card parallel to the offense of improper use of a driver license certificate. (*Transportation Interim Committee*)

Amends 53-3-229, 53-3-810

Effective May 6, 2002

2002 Utah Laws 146

HB 313 **Utah 911 Committee** (*Ty McCartney*) This act creates within the Bureau of Communications of the Department of Public Safety a Utah 911 Committee. The act requires that the committee make recommendations to the Law Enforcement and Criminal Justice Interim Committee by November 2002 regarding 911 fees and the coordination of the statewide 911 system.

Enacts 53-10-503

Effective May 6, 2002

2002 Utah Laws 269

SB 62 **Tax Commission Criminal Investigators Designation as Special Function Officers** (*Curtis S. Bramble*) This act authorizes the State Tax Commission to employ up to eight criminal tax investigators.

Amends 53-13-105, 59-1-206

Effective May 6, 2002

2002 Utah Laws 79

Title 53A -- STATE SYSTEM OF PUBLIC EDUCATION

HB 5 **School Uniform Amendments** (*Karen W. Morgan*) This act eliminates a student's ability to opt out of participating in a school uniform program after an election has taken place unless a principal finds extenuating circumstances. (*Education Interim Committee*)

Amends 53A-15-602

Effective May 6, 2002

2002 Utah Laws 201

HB 46 **Annual Reports Given to the Legislature** (*Marda Dillree*) This act eliminates or amends requirements to submit reports to the Legislature. The act eliminates or reduces the number of reports the State Board of Education is required to make on a recidivism reduction plan, statewide testing timelines, reading achievement, kindergarten assessments, a reading specialist scholarship program, textbook needs and spending, and highly impacted schools. The act eliminates reporting of volunteer hours in the school performance report; sets a date for reports from the Job Enhancement Committee and Families, Agencies, and Communities Together Council; removes the Education Interim Committee from the list of recipients of reports from the Disability Determination Services Advisory Council and board of directors of the Utah Educational Savings Plan Trust; and consolidates reports of the Technology Initiative Advisory Board and Board of Regents relating to the Engineering and Computer Science Initiative. (*Education Interim Committee*)

Amends 53A-1-403.5, 53A-1-603, 53A-1-606.5, 53A-1-801, 53A-1a-602, 53A-3-402.11, 53A-3-424, 53A-3-602.5, 53A-11-904, 53A-12-201.5, 53A-15-205, 53A-15-701, 53B-6-105.5, 53B-6-105.9, 53B-8b-109, 63-75-7; Repeals 53A-1a-109

Effective May 6, 2002

2002 Utah Laws 210

HB 79 **School Display of Motto of the United States** (*Richard M. Siddoway*) This act requires the display of "In God we trust," the motto of the United States, in one or more prominent places within each school building.

Amends 53A-13-101.4

Effective May 6, 2002

2002 Utah Laws 124

HB 207 **Licenses for Educators** (*Sheryl L. Allen*) This act extends the period of time an educator may retain a level 1 license. (*Education Interim Committee*)

Amends 53A-6-104

Effective May 6, 2002

2002 Utah Laws 41

HB 221 **State Board of Education Rules and Reports** (*Margaret Dayton*) This act eliminates requirements imposed on the State Board of Education to make certain rules and to report certain information. The act eliminates the requirement that the State Board of Education establish rules and minimum standards governing health, safety, and school building design, siting, and accessibility. The act eliminates redundant requirements imposed on the State Board of Education to adopt rules to promote quality, efficiency, and productivity in the public education system. The act eliminates the requirement that school districts use cost savings derived from board productivity measures to fund education reform programs. The act eliminates the requirement that certain data about high school activities be included in a report of the state superintendent of public instruction and the State Board of Education's school performance report. (*Education Interim Committee*)

Amends 53A-1-301, 53A-1-401, 53A-1-402, 53A-3-602.5

Effective May 6, 2002

2002 Utah Laws 244

HB 253 **Rural Schools - Equity in Education** (*Bradley T. Johnson*) This act allows the State Board of Education to award scholarships to teachers in necessarily existent small schools or small school districts to obtain endorsements or master's degrees. The act directs the State Board of Education to make rules to administer the scholarship program and provides an ongoing appropriation of \$150,000 from the Uniform School Fund for fiscal year 2002-03 to the State Board of Education for the scholarship program.

Amends 53A-6-103; Enacts 53A-6-701, 53A-6-702

Effective July 1, 2002

2002 Utah Laws 253

HB 262 **Student Education Plans** (*Merlynn T. Newbold*) This act eliminates certain requirements pertaining to the preparation and implementation of student education plans and student education/occupation plans.

Amends 53A-1a-106, 53A-1a-107, 53A-3-402.9, 53A-15-101, 53A-15-103

Effective May 6, 2002

2002 Utah Laws 254

HB 274 **Supplemental Minimum School Program Act Amendments** (*Marda Dillree*) This act modifies the state contributions for the support of public schools in fiscal year 2001-02. The act modifies a hold harmless program for school districts impacted by block grants.

Amends 53A-17a-120, 53A-17a-121, 53A-17a-123, 53A-17a-131.9, 53A-17a-131.19, 53A-21-105; Repeals and Reenacts 53A-17a-131.16

Effective March 26, 2002

2002 Utah Laws 258

HB 275 **State Board of Education Budget Authority** (*Marda Dillree*) This act authorizes the State Board of Education to reallocate designated appropriations between line items for the 2001-02 fiscal year.

Enacts 53A-1-408

Effective March 26, 2002

2002 Utah Laws 259

SB 3 **Minimum School Program Act Amendments** (*Howard A. Stephenson*) This act funds the Minimum School Program. The act provides a ceiling for the state contribution for the operation and maintenance portion of the minimum school program not to exceed \$1,586,482,794. The act establishes the value of the weighted pupil unit at \$2,132, establishes block grants and distribution formulas, and provides a \$28,358,000 appropriation for school building aid.

Amends 53A-3-701, 53A-13-107, 53A-17a-103, 53A-17a-104, 53A-17a-111, 53A-17a-112, 53A-17a-113, 53A-17a-114, 53A-17a-116, 53A-17a-119, 53A-17a-120, 53A-17a-121, 53A-17a-123, 53A-17a-124, 53A-17a-124.5, 53A-17a-125, 53A-17a-126, 53A-17a-131.2, 53A-17a-131.9, 53A-17a-131.13, 53A-17a-131.15, 53A-17a-131.17, 53A-17a-131.19, 53A-17a-132, 53A-17a-133, 53A-17a-135, 53A-17a-146, 53A-21-105; Enacts 53A-17a-123.5, 53A-17a-148; Repeals 53A-17a-113.5, 53A-17a-117, 53A-17a-131.4

Effective July 1, 2002

2002 Utah Laws 279

SB 81 **Education of Persons with a Disability** (*Ed P. Mayne*) This act modifies the availability of education services for disabled students to the beginning of the school's winter holiday or the end of the school year depending on when the student turns 22, if the student has not graduated from high school with a regular diploma.

Amends 53A-15-301, 53A-15-303

Effective July 1, 2002

2002 Utah Laws 82

SB 99 **Core Curriculum Amendments** (*David L. Gladwell*) This act requires the State Board of Education to consult with teachers and parents in establishing the core curriculum and to align the core curriculum and tests administered under U-PASS (Utah Performance Assessment System for Students) with each other. The act directs the State Board of Education to recommend instructional materials for use in public schools and allows each school to select instructional materials and teaching methods it considers most appropriate to meet core curriculum objectives.

Amends 53A-1-402.6, 53A-12-204, 53A-13-101, 53A-14-101, 53A-14-102, 53A-17a-121, 53A-25a-105

Effective May 6, 2002

2002 Utah Laws 299

- SB 105** **Repeal of Education Mandates and Programs** (*Howard A. Stephenson*) This act eliminates certain categorical spending programs and mandates on school districts. The act repeals provisions regarding the distribution and expenditure of educational technology monies for use by school districts and colleges of education, including matching funds requirements. The act eliminates the Technology Initiative Project Office and the requirement imposed upon school districts and colleges of education to prepare an educational technology plan. The act eliminates the Utah Educational Network's (UEN's) responsibility to coordinate certain educational technology programs. The act repeals the duty of the State Board of Education to approve career ladder plans but directs the board to require school districts to report how career ladder monies are spent. The act eliminates certain duties of the State Board of Education and superintendent of public instruction regarding the planning, design, and construction of school buildings. The act eliminates a program that provides state funds to match private funds raised by school districts to enhance educational excellence, a developmental program for the implementation of an extended school year, the Schools for the 21st Century Program, and the School Nursing Services Incentive Program. The act eliminates requirements applicable to the funding and establishment of alternative middle schools. The act eliminates the requirement that each local school board implement a program that provides district employees an opportunity to make anonymous suggestions to the board. (*Education Interim Committee*)

Amends 53-7-103, 53A-1-706, 53A-1-707, 53A-2-103, 53A-3-422, 53A-3-701, 53A-9-102, 53A-11-204, 53A-20-103, 53B-17-104, 63-55b-153; Enacts 53A-9-106; Repeals 53A-1-701, 53A-1-702, 53A-1-704, 53A-1-705, 53A-1a-401, 53A-1a-402, 53A-1a-403, 53A-1a-404, 53A-3-418, 53A-4-201, 53A-4-202, 53A-4-203, 53A-4-204, 53A-9-105, 53A-11-909, 53A-15-103, 53A-20-102

Effective July 1, 2002

2002 Utah Laws 301

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- SB 132** **Education Association Leave** (*Bill Wright*) This act provides a definition of association leave and requires a school district to adopt a policy that governs paid and unpaid association leave before they may be used by a school district employee. The act specifies the procedures and controls that must be contained in a school district's paid association leave policy.

Enacts 53A-3-425

Effective May 6, 2002

2002 Utah Laws 312

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- SB 138** **Charter Schools Amendments** (*Howard A. Stephenson*) This act increases the number of charter schools that may be sponsored by the State Board of Education. The act clarifies the State Board of Education's oversight responsibilities for charter schools. The act requires the State Board of Education, through the superintendent of public instruction, to provide technical support to charter schools and persons seeking to establish charter schools.

Amends 53A-1a-502, 53A-1a-505, 53A-1a-508, 53A-1a-509, 53A-1a-510, 53A-1a-513, 53A-1a-515; Enacts 53A-1a-516

Effective May 6, 2002

2002 Utah Laws 313

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- SB 156** **School Emergency Response Plans for Sports Injuries** (*John L. Valentine*) This act allows each local board to adopt an emergency response plan for the treatment of sports-related injuries and provides for implementation of the emergency response plan in each secondary school that has a sports program.

Amends 53A-3-402

Effective May 6, 2002

2002 Utah Laws 322

SB 167 School Community Councils (*Bill Wright*) This act specifies the duties, powers, and membership of a school community council and establishes a process for the selection of council members. The act amends provisions relating to school improvement plans and the School LAND Trust Program.

Amends 53A-1-402.6, 53A-1-606.5, 53A-1a-108, 53A-3-402, 53A-3-701, 53A-16-101.5; Enacts 53A-1a-108.5

Effective July 1, 2002

2002 Utah Laws 324

SB 181 Higher Education Technology Amendments (*Lyle W. Hillyard*) This act authorizes a portion of the monies in the Public Education Job Enhancement Program to be used for the technology training of school administrators. The act also authorizes those monies to be expended, regardless of the availability of matching monies.

Amends 53A-1a-601

Effective May 6, 2002

2002 Utah Laws 198

Title 53B -- STATE SYSTEM OF HIGHER EDUCATION

HB 52 Higher Education Savings Incentive Program Amendments (*Katherine M. Bryson*) This act modifies provisions relating to Higher Education Savings Incentive Programs, including refund provisions. (*Revenue and Taxation Interim Committee*)

Amends 53B-8a-108, 53B-8a-109, 59-7-105, 59-7-106, 59-10-114

Effective May 6, 2002

2002 Utah Laws 211

HB 144 Exemption from Nonresident Tuition (*David Ure*) This act allows a student who meets certain requirements to be exempt from paying nonresident tuition at institutions of higher education.

Enacts 53B-8-106

Effective July 1, 2002

2002 Utah Laws 230

HB 206 New Century Scholarship Program Amendments (*Afton B. Bradshaw*) This act extends the time period for completing a baccalaureate degree under the New Century Scholarship program. (*Education Interim Committee*)

Amends 53B-8-105

Effective May 6, 2002

2002 Utah Laws 150

HB 331 Nonresident Tuition for Higher Education (*Jeff Alexander*) This act amends the definition of a resident student for tuition purposes.

Amends 53B-8-102

Effective May 6, 2002

2002 Utah Laws 271

- SB 142 Higher Education Budget Authority** (*Lyle W. Hillyard*) This act authorizes the presidents of the institutions of higher education and the State Board of Regents to reallocate designated appropriations between line items for the fiscal year 2001-02.

Enacts 53B-2-107

Effective March 26, 2002

2002 Utah Laws 315

Title 53C -- SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT

- SB 66 Revenues from Federal Land Exchange Parcels** (*Mike Dmitrich*) This act amends the percentage of revenues distributed to certain accounts and funds from rentals and royalties received from the lease of minerals on acquired lands and the lease of acquired mineral interests. The act also lowers the ceiling on the amount of monies collected that can be used to pay for administrative costs.

Amends 53C-3-202

Effective May 6, 2002

2002 Utah Laws 292

Title 54 -- PUBLIC UTILITIES

- HB 7 Net Metering of Electricity** (*Gordon E. Snow*) This act requires electrical corporations to make a net metering program available by which their customers may install an inverter-controlled energy generation system to produce electricity for their own use and to supply excess electricity back to the electrical corporation. Electrical corporations are required to offset charges for electricity by the amount of electricity supplied by a customer and to give the customer a credit for electricity generated that exceeds the amount supplied by the electrical corporation. The customer's generation system is required to meet certain safety and other requirements. The act also prohibits the electrical corporation from imposing additional charges or fees to customers participating in a net metering program unless authorized. (*Public Utilities and Technology Interim Committee*)

Enacts 54-15-101, 54-15-102, 54-15-103, 54-15-104, 54-15-105, 54-15-106

Effective May 6, 2002

2002 Utah Laws 6

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- SB 152 Electric Energy Efficiency and Conservation Tariff** (*Leonard M. Blackham*) This act establishes a process for the Public Service Commission's approval of a tariff to pay for activities or programs designed to promote electric energy efficiency, conservation, or more efficient management of electric energy loads. The act also provides for a hearing on the proposed tariff and authorizes the commission to allow a customer credit against tariff charges for implementing energy efficiency measures.

Amends 54-7-12; Enacts 54-7-12.8

Effective May 6, 2002

2002 Utah Laws 319

Title 57 -- REAL ESTATE

- HB 44 Trust Deeds Amendments** (*David Clark*) This act modifies qualifications and duties of trustees of trust deeds. The act prohibits certain actions by trustees, addresses requirements for the sale of property, addresses delivery of trust deeds, and requires detailed accounting in certain circumstances.

Amends 57-1-21, 57-1-21.5, 57-1-22, 57-1-25, 57-1-26, 57-1-28; Enacts 57-1-31.5

Effective May 6, 2002

2002 Utah Laws 209

HB 202 **Reconveyance of Trust Deed or Release of Mortgage** (*Thomas V. Hatch*) This act eliminates the requirement that a title insurer or title agent wait 30 days after payment in full of an obligation secured by a trust deed or mortgage to give to the beneficiary, mortgagee, or loan servicer a notice of intent to release or reconvey. (*Business and Labor Interim Committee*)

Amends 57-1-39, 57-1-40

Effective May 6, 2002

2002 Utah Laws 40

HB 263 **Mobile Home Park Residency Act Amendments** (*Wayne A. Harper*) This act requires disclosure by a mobile home park of certain rights and protections of residents, requires a copy of the Mobile Home Park Residency Act to be posted in a conspicuous place in a mobile home park, requires a mobile home park management to meet with park residents to discuss any proposal to reduce or restrict park amenities and to discuss disputed occurrences of noncompliance with rules, adds a grace period for nonpayment of rent, fees, and service charges, modifies provisions regarding the promulgation of rules by a mobile home park, and delays the permitted effective date of certain park rules.

Amends 57-16-3, 57-16-4, 57-16-5, 57-16-7; Enacts 57-16-4.1

Effective May 6, 2002

2002 Utah Laws 255

SB 103 **Termination of Joint Tenancy in Real Property** (*Lyle W. Hillyard*) This act clarifies that a joint tenancy in real estate is converted to a tenancy in common by a joint tenant making a bona fide conveyance of the joint tenant's interest in the property to himself or another. The act also includes intent language and provides for retrospective operation.

Amends 57-1-5

Effective May 6, 2002

2002 Utah Laws 89

SB 115 **Mobile Home Park Residency Technical Revisions** (*Dan R. Eastman*) This act makes technical revisions to the Mobile Home Park Residency Act.

Amends 57-16-13

Effective May 6, 2002

2002 Utah Laws 91

Title 58 -- OCCUPATIONS AND PROFESSIONS

HB 63 **Licensing Amendments Regarding Background Checks** (*Afton B. Bradshaw*) This act provides the Division of Occupational and Professional Licensing direct access to the Bureau of Criminal Identification records for the purpose of screening licensure applicants' criminal background history as required by law. (*Business and Labor Interim Committee*)

Enacts 58-1-301.5

Effective March 26, 2002

2002 Utah Laws 214

HB 96 **Licensure of Geologists** (*Ralph Becker*) This act requires the licensure of individuals practicing geology before the public and defines the practice of geology before the public. The act creates the Professional Geologist Licensing Board and sets forth its membership and duties. The act sets forth the qualifications for licensure, defines unlawful and unprofessional conduct, creates an education and enforcement fund, provides for citation authority and administrative penalties, and provides for exemptions from licensure. The act also provides for the use of seals by professional geologists and delineates the circumstances under which they are to be used.

Enacts 58-77-101, 58-77-102, 58-77-103, 58-77-201, 58-77-301, 58-77-302, 58-77-303, 58-77-304, 58-77-401, 58-77-501, 58-77-502, 58-77-601, 58-77-602, 58-77-603

Effective May 6, 2002

2002 Utah Laws 218

HB 128 **Controlled Substances Act Amendments** (*Eli H. Anderson*) This act provides that up to three prescriptions for the same Schedule II controlled substance medication may be issued at the same time. The act sets forth specific procedures for issuing more than one prescription for a Schedule II medication at the same time, including requiring certain dispensing dates on the prescriptions. The act also provides that all prescriptions for Schedule II medications may only be filled within 30 days after the prescription issue date or dispensing date.

Amends 58-37-6

Effective May 6, 2002

2002 Utah Laws 137

HB 133 **Natural Gas Technician Certification** (*Gordon E. Snow*) This act provides that a person that installs or repairs a residential or commercial natural gas appliance or a combustion system must become certified, with some exceptions. The act modifies certain exemptions from licensure, adds and modifies definitions, and modifies unlawful conduct penalty provisions.

Amends 58-55-102, 58-55-305, 58-55-308, 58-55-503

Effective May 6, 2002

2002 Utah Laws 33

HB 205 **Construction Services Commission** (*Stephen D. Clark*) This act creates the Construction Services Commission within the Division of Occupational and Professional Licensing; provides that the commission serve as a policy board for the construction trades; sets forth the duties of the commission; specifies the qualifications, terms, and manner of appointment of commission members; describes adjudicative proceedings; and modifies the individual qualifier requirements.

Amends 58-1-202, 58-1-203, 58-55-102, 58-55-201, 58-55-302, 58-55-304, 58-55-305, 58-55-306, 58-55-307, 58-55-308, 58-55-503; Enacts 58-55-103

Effective July 1, 2002

2002 Utah Laws 241

HB 266 **Hearing Instrument Specialist Amendments** (*Afton B. Bradshaw*) This act amends licensing provisions and definitions of "unprofessional conduct" for hearing instrument specialists.

Amends 58-46a-302, 58-46a-306, 58-46a-501; Enacts 58-46a-302.5

Effective July 1, 2002

2002 Utah Laws 50

HB 279 Professional Employer Organization Licensing Act Amendments (*Greg J. Curtis*) This act amends the financial filing requirements for professional employer organizations. The act provides that employees of professional employer organizations are not exempt from applicable licensure laws. The act provides standards for health benefit plans offered by professional employer organizations. The act amends the procedure for refusing to renew the license of a professional employer organization. The act amends the definition of unprofessional conduct.

Amends 58-59-102, 58-59-302, 58-59-303, 58-59-308, 58-59-401, 58-59-402, 58-59-501, 58-59-502; Enacts 58-59-309, 58-59-310; Repeals and Reenacts 58-59-306

Effective March 26, 2002 2002 Utah Laws 261

SB 50 Utah Medical Practice Act Amendments (*D. Edgar Allen*) This act permits an individual enrolled in a foreign medical school to be eligible for licensure in this state as a physician or surgeon if the individual complies with requirements designated as the "fifth pathway." (*Health and Human Services Interim Committee*)

Enacts 58-67-302.5

Effective May 6, 2002 2002 Utah Laws 73

SB 51 Nurse Practice Act Amendments (*Paula F. Julander*) This act incorporates the provisions of the Health Care Assistant Registration Act into the Nurse Practice Act, repeals the Health Care Assistant Registration Act, amends the membership of the Board of Nursing, amends license classifications and definitions in the Nurse Practice Act, requires all licensees or registered individuals under the Nurse Practice Act to submit to criminal background checks, and provides for limited exemptions from registration for health care assistants. (*Health and Human Services Interim Committee*)

Amends 58-31b-102, 58-31b-201, 58-31b-202, 58-31b-301, 58-31b-302, 58-31b-308, 58-31b-401, 58-31b-402, 58-31b-501, 58-31b-503, 58-31b-701, 58-31b-702; Enacts 58-31b-308.5; Repeals 58-62-101, 58-62-102, 58-62-201, 58-62-301, 58-62-302, 58-62-303, 58-62-304, 58-62-305, 58-62-401, 58-62-501, 58-62-601, 58-62-602, 58-62-603

Effective May 6, 2002 2002 Utah Laws 290

SB 55 Amendments to Utah Uniform Building Standards Act (*Parley G. Hellewell*) This act clarifies and modifies the circumstances in which political subdivisions are required to follow codes adopted by the Division of Occupational and Professional Licensing, in collaboration with the Uniform Building Code Commission. The act gives the division authority, in collaboration with the commission, to approve certain other codes without adopting them. The act gives political subdivisions discretion to adopt a dangerous building code or rehabilitation code if the applicable code is one approved by the division.

Amends 58-56-3, 58-56-4, 58-56-5, 58-56-6, 58-56-7, 58-56-8, 58-56-9

Effective May 6, 2002 2002 Utah Laws 75

SB 86 Funding of the Controlled Substances Database (*John L. Valentine*) This act allows for funding of the controlled substances database through the Commerce Service Fund and provides for civil penalties to be deposited into the Commerce Service Fund. (*Judiciary Interim Committee*)

Amends 58-37-7.5

Effective May 6, 2002 2002 Utah Laws 84

- SB 100** **Pharmacist Licensing Amendments** (*Peter C. Knudson*) This act amends the definition of practice of pharmacy to include counseling regarding drug interactions with food, nutrients, and supplements.
- Amends 58-17a-102, 58-17a-502
- Effective May 6, 2002 2002 Utah Laws 184
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- SB 109** **Licensing of Genetic Counselors Technical Amendments** (*Paula F. Julander*) This act permits genetic counselors to be licensed after completing the equivalent of a masters or doctoral degree if the equivalent is approved by the Division of Occupational and Professional Licensing. (*Business and Labor Interim Committee*)
- Amends 58-75-302
- Effective May 6, 2002 2002 Utah Laws 305
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Title 59 -- REVENUE AND TAXATION

- HB 19** **Election Campaign Fund Checkoff Amendments** (*Craig W. Buttars*) This act requires the State Treasurer to disburse the portion of the Election Campaign Fund designated to a political party to that party with a list disclosing, for each county, the total amount designated by taxpayers in that county. (*Government Operations Interim Committee*)
- Amends 59-10-548
- Effective May 6, 2002 2002 Utah Laws 107
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- HB 51** **Sales and Use Tax Modifications** (*Wayne A. Harper*) This act amends the Sales and Use Tax Act to exempt from sales and use taxes the sales of certain parts. It clarifies when sales of amounts paid or charged for services for repairs or renovations of tangible personal property or to install tangible personal property in connection with other tangible personal property are exempt from the sales and use tax.
- Amends 59-12-102, 59-12-103, 59-12-104
- Effective July 1, 2002 2002 Utah Laws 117
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- HB 84** **Property Tax Assessments - Effect of Conservation Easement** (*Ralph Becker*) This act requires a county assessor to include as part of a property tax assessment any effects a conservation easement may have on the fair market value of the property. (*Revenue and Taxation Interim Committee*)
- Enacts 59-2-301.1
- Effective January 1, 2003 2002 Utah Laws 27
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- HB 88** **Sales and Use Tax - Agricultural Exemption** (*Eli H. Anderson*) This act exempts from sales and use taxes certain parts or services relating to the exemption for certain sales of tangible personal property used or consumed primarily and directly in farming operations. (*Revenue and Taxation Interim Committee*)
- Amends 59-12-104
- Effective July 1, 2002 2002 Utah Laws 217
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HB 91 **Mineral Production Tax Withholding Amendments** (*Gordon E. Snow*) This act provides that certain organizations exempt from state corporate franchise or income taxes are exempt from mineral production tax withholding. (*Revenue and Taxation Interim Committee*)

Amends 59-6-102

Effective July 1, 2002

2002 Utah Laws 28

HB 94 **Special Fuel Tax Amendments** (*Ben C. Ferry*) This act exempts a user of special fuel from reporting requirements if the tax has already been paid and if verifying records are kept or if the tax is paid under the International Fuel Tax Agreement. The act allows the State Tax Commission to require an applicant or renewal applicant for a special fuel permit to certify qualification for an exemption and to certify whether the applicant has facilities for bulk storage. (*Revenue and Taxation Interim Committee*)

Amends 59-13-303, 59-13-305

Effective January 1, 2003

2002 Utah Laws 128

HB 95 **Property Taxes - Notice of Delinquency** (*Marda Dillree*) This act changes the requirements for a county to provide a notice of delinquency in the payment of property taxes. (*Revenue and Taxation Interim Committee*)

Amends 59-2-1332.5

Effective May 6, 2002

2002 Utah Laws 30

HB 119 **Assessment of Property Subject to a Minimum Parcel Size** (*Joseph G. Murray*) This act requires a county assessor to include as part of a property tax assessment involving a parcel of property subject to a minimum parcel size, as defined by the act, the effect the minimum parcel size may have on the fair market value of the parcel of property. It further provides that a county assessor may include, as part of a property tax assessment, any other factor affecting the fair market value of the property.

Enacts 59-2-301.1

Effective January 1, 2003

2002 Utah Laws 134

HB 129 **Sales and Use Taxes - Exemption for Certain Sales of Electricity** (*LaWanna Lou Shurtliff*) This act exempts from taxation certain sales of electricity generated by certain renewable resources.

Amends 10-1-304, 59-12-104

Effective July 1, 2002

2002 Utah Laws 138

HB 155 **Property Taxes - Farmland Assessment Act** (*Thomas V. Hatch*) This act clarifies when land qualifies under the Farmland Assessment Act or is withdrawn from the Act, modifies provisions related to the rollback tax, establishes the process for applying for assessment under the Farmland Assessment Act, modifies provisions related to one-time payments in lieu of the rollback tax, and establishes qualifications for assessment under the Farmland Assessment Act if land is located in more than one county.

Amends 59-2-502, 59-2-503, 59-2-504, 59-2-505, 59-2-506, 59-2-508, 59-2-509, 59-2-511, 59-2-512; Enacts 59-2-506.5

Effective January 1, 2003

2002 Utah Laws 141

HB 182 Tax Review Commission Amendments (*Chad E. Bennion*) This act repeals obsolete language relating to the duties of the Tax Review Commission and makes technical changes.

Amends 59-1-903

Effective May 6, 2002

2002 Utah Laws 144

HB 185 Reauthorization of Individual Income Tax Credit - Tutoring Disabled Dependents (*Judy Ann Buffmire*) This act reauthorizes tutoring tax credits for disabled dependents for an additional seven years.

Amends 59-10-130

Effective May 6, 2002

2002 Utah Laws 145

HB 201 Property Tax - Judgment Levy (*Wayne A. Harper*) This act increases the amount of a taxing entity's share of a judgment or order that is required to impose a judgment levy. The act provides that refunds for which a judgment levy is imposed that are less than \$5,000 are required to be paid by a taxing entity to a taxpayer within 60 days after the date the refunds are ordered to be paid. (*Revenue and Taxation Interim Committee*)

Amends 59-2-102, 59-2-1328, 59-2-1330

Effective January 1, 2003

2002 Utah Laws 240

HB 238 Cigarette and Tobacco Tax Amendments (*Carl R. Saunders*) This act increases the rates of tax levied on cigarettes and specifies how a portion of any increase in cigarette tax revenues will be used.

Amends 59-14-204

Effective May 6, 2002

2002 Utah Laws 248

HB 249 Sales and Use Tax - Location of Transactions (*Wayne A. Harper*) This act changes the requirements for determining the location of where certain public utility transactions occur and addresses reporting requirements. (*Revenue and Taxation Interim Committee*)

Amends 59-12-207

Effective January 1, 2003

2002 Utah Laws 157

HB 305 Property Tax Amendments (*Wayne A. Harper*) This act amends the Property Tax Act to address when applications, statements, or other filings are required for an exemption from taxation or a reduction in value.

Amends 59-2-1101, 59-2-1102; Enacts 59-2-103.5

Effective January 1, 2003

2002 Utah Laws 169

HB 352 Revisions to General Government - Tobacco Amendments (*David L. Hogue*) This act amends compliance provisions related to the Master Settlement Agreement between states and tobacco product manufacturers. The act prohibits stamping of products out of compliance with certification requirements. The act amends confidentiality requirements, penalties for dealing with prohibited cigarettes, the definition of "contraband goods," and the reporting of manufacturers' names.

Amends 59-1-403, 59-14-211, 59-14-213, 59-14-407; Enacts 59-14-408

Effective May 6, 2002

2002 Utah Laws 175

SB 7 Cigarette Tax Stamp and Contraband Amendments (*D. Edgar Allen*) This act amends confidentiality restrictions, prohibits a person licensed to sell cigarettes in the state from selling cigarettes of a tobacco product manufacturer who is not in compliance with the Master Settlement Agreement escrow requirements, changes tobacco escrow reporting from annual to quarterly, imposes penalties for failure to file reports, and amends the definition of "contraband goods." (*Health and Human Services Interim Committee*)

Amends 59-1-403, 59-14-210, 59-14-213, 59-14-407; Repeals 59-14-207

Effective May 6, 2002

2002 Utah Laws 52

SB 28 Tax Credits - Removal of Tax Credit from Tax Form and Prohibition on Claiming or Carrying Forward Tax Credit (*Curtis S. Bramble*) This act requires the State Tax Commission under certain circumstances to remove a tax credit from a tax return, to prohibit a person filing a tax return from claiming or carrying forward a tax credit under certain circumstances, and to require the State Tax Commission to make reports under certain circumstances to the Revenue and Taxation Interim Committee and certain state agencies. (*Revenue and Taxation Interim Committee*)

Enacts 59-7-615, 59-10-135

Effective May 6, 2002

2002 Utah Laws 62

SB 57 Corporate Franchise and Income Taxes - Treatment of Certain Cooperatives (*John L. Valentine*) This act defines terms and amends the exemption from state corporate franchise and income taxes for certain cooperatives.

Amends 59-7-101, 59-7-102, 59-7-402

Effective March 15, 2002

2002 Utah Laws 76

SB 59 Sales and Use Tax - Taxation of Amounts Paid to a Telephone Service Provider or Telegraph Corporation (*Curtis S. Bramble*) This act amends definitions and addresses the applicability of the sales and use tax to amounts paid to telephone service providers or telegraph corporations.

Amends 59-12-102, 59-12-103

Effective July 1, 2002

2002 Utah Laws 77

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- SB 144** **Sales and Use Tax - Definition of Regularly Rented** (*Michael G. Waddoups*) This act amends the definition of “regularly rented.”

Amends 59-12-102

Effective July 1, 2002

2002 Utah Laws 192

- SB 153** **Taxes or Charges on Telecommunications Service** (*Curtis S. Bramble*) This act amends the Utah Municipal Code, the Public Utilities Code, the Revenue and Taxation Code, and the Telegraphic and Telephonic Transactions Code to provide definitions and bring certain laws into compliance with the federal Mobile Telecommunications Sourcing Act.

Amends 54-8b-2, 54-8b-15, 59-12-102, 59-12-103, 59-12-207, 69-2-2, 69-2-5, 69-2-5.5

Effective July 1, 2002

2002 Utah Laws 320

- SB 169** **Property Tax Modifications** (*Curtis S. Bramble*) This act amends provisions relating to payments to a taxpayer, including the payment of interest and penalties, if the taxpayer’s taxes on the property are reduced. It also addresses the payment of penalties and interest by a taxpayer objecting to the assessment of property assessed by the State Tax Commission, increases the amount of a taxing entity’s share of a final and unappealable judgment or order that is required to impose a judgment levy, provides that a payment to a taxpayer for which a judgment levy is imposed that is less than \$5,000 is required to be paid by a taxing entity to the taxpayer within 60 days after the taxpayer obtains a final and unappealable judgment or order requiring the payment, and addresses the recovery by a county from the state or a taxing entity other than the county of a portion of a payment to a taxpayer.

Amends 59-2-102, 59-2-1328, 59-2-1330

Effective January 1, 2003

2002 Utah Laws 196

- SB 195** **Sales and Use Tax Amendments** (*John W. Hickman*) This act modifies the Sales and Use Tax Act to expand the uses of a sales and use tax that may be imposed by a city or town for certain highway purposes to include funding a system for public transit and creates an exemption from the requirement that a city or town obtain voter approval to impose the tax.

Amends 59-12-1001, 59-12-1002

Effective July 1, 2002

2002 Utah Laws 101

- SB 200** **Statutory Revisions for State Funding Adjustments** (*Leonard M. Blackham*) This act increases certain court fees and amends the Sales and Use Tax Act for fiscal years 2001-02 and 2002-03 and changes the accounts into which certain state sales and use tax revenues are deposited.

Amends 59-12-103, 78-7-35, 78-31b-9

Effective May 6, 2002

2002 Utah Laws 329

Title 61 -- SECURITIES DIVISION - REAL ESTATE DIVISION

HB 23 **Mortgage Practices Act Revisions** (*Gerry A. Adair*) This act replaces terms, deletes expired provisions and simplifies others, clarifies standards for reinstatement of the registration of an individual or entity whose registration has been revoked, clarifies the Division of Real Estate's rulemaking authority, makes it discretionary for the director of the division to file suit against violators who do not seek an adjudicative hearing or against whom a permanent cease and desist order has been issued in agency action, and clarifies an exemption under the Mortgage Lending and Servicing Act that references the Utah Residential Mortgages Practice Act. (*Business and Labor Interim Committee*)

Amends 61-2c-102, 61-2c-103, 61-2c-104, 61-2c-105, 61-2c-106, 61-2c-201, 61-2c-202, 61-2c-203, 61-2c-204, 61-2c-205, 61-2c-301, 61-2c-302, 61-2c-401, 61-2c-402, 61-2c-403, 70D-1-10

Effective May 6, 2002

2002 Utah Laws 204

Title 62A -- UTAH HUMAN SERVICES CODE

HB 25 **Adult Protective Services Amendments** (*Patricia W. Jones*) This act repeals and reenacts Part 3, Abuse, Neglect, or Exploitation of Disabled Adult, of the Human Services Code and amends the Utah Criminal Code. The act revises, clarifies, and adds definitions; sets forth the purposes, powers, and duties of Adult Protective Services; modifies the mandatory reporting law; adds penalties for obstructing investigations and threatening or intimidating reporters, victims, or witnesses; clarifies who may have access to reports and information in the possession of Adult Protective Services; provides that a vulnerable adult victim of exploitation has a private right of action against the perpetrator; clarifies provisions regarding petitions that can be filed in district court by Adult Protective Services in behalf of vulnerable adults; clarifies that information and records related to investigations by Adult Protective Services are protected records; and modifies provisions describing the crimes of abuse or exploitation of a vulnerable adult.

Amends 62A-3-311.1, 63-2-304, 76-5-111; Enacts 62A-3-313, 62A-3-314, 62A-3-315, 62A-3-316, 62A-3-317, 62A-3-318, 62A-3-319, 62A-3-320, 62A-3-321; Repeals and Reenacts 62A-3-301, 62A-3-302, 62A-3-303, 62A-3-304, 62A-3-305, 62A-3-306, 62A-3-307, 62A-3-308, 62A-3-309, 62A-3-311, 62A-3-312

Effective May 6, 2002

2002 Utah Laws 108

HB 181 **Allocation of State Hospital Beds** (*Jack A. Seitz*) This act reduces the number of psychiatric and geriatric beds at the state hospital allocated to local mental health authorities. The act sunsets the reduced number on June 30, 2002 and requires the department to increase the number of beds allocated during fiscal year 2003 as funding permits.

Amends 62A-12-209.5

Effective March 26, 2002

2002 Utah Laws 238

HB 204 **Responsibility of Attorney General to Represent Division of Child and Family Services** (*Matt Throckmorton*) This act clarifies the attorney general's role relating to the protection and custody of abused, neglected, or dependent minors. (*Health and Environment Interim Committee*)

Amends 62A-4a-113

Effective May 6, 2002

2002 Utah Laws 149

- HB 225** **Mental Health Professional Financial Assistance Grants - Technical Amendments** (*Judy Ann Buffmire*) This act make technical amendments to the definition of “mental health therapist” within the Mental Health Therapist Grant and Scholarship Program to coordinate with changes made to the Mental Health Therapist Licensing Act during the 2001 General Session. (*Health and Human Services Interim Committee*)

Amends 62A-13-102

Effective May 6, 2002

2002 Utah Laws 43

- HB 295** **Taking Minor into Protective Custody Without Warrant** (*Thomas V. Hatch*) This act provides that a state officer, peace officer, or child welfare worker may not remove a minor from the minor’s home or school or take the minor into protective custody without a warrant or court order unless a parent or guardian consents, or there is probable cause to believe that one or more enumerated circumstances exist. The act also allows a juvenile court judge to authorize a child protective services worker to execute a warrant and amends and clarifies the grounds for a court ordering that a minor be removed from the minor’s home or otherwise taken into protective custody, after the filing of a petition alleging abuse, neglect, or dependency.

Amends 62A-4a-202.1, 62A-4a-202.3, 62A-4a-209, 62A-4a-409, 78-3a-106, 78-3a-301, 78-3a-306

Effective July 1, 2002

2002 Utah Laws 265

- HB 310** **Mobility Assistance Fund** (*Eric K. Hutchings*) This act allows an applicant for renewal of a driver license to make a voluntary \$1 contribution for public transportation assistance for seniors or people with disabilities. The act creates the Out and About Homebound Transportation Assistance Fund and requires the Division of Aging Services in the Department of Human Services to administer the account and select and distribute monies to qualified organizations for the purpose of providing public transportation to aging persons, high risk adults, or people with disabilities.

Amends 62A-3-104; Enacts 53-3-214.7, 62A-3-110

Effective July 1, 2002

2002 Utah Laws 268

- HB 339** **Division of Services for People with Disabilities** (*Rebecca D. Lockhart*) This act modifies the duties of the Board of Services for People with Disabilities.

Amends 62A-5-105

Effective May 6, 2002

2002 Utah Laws 275

- SB 12** **Transfer of Youth Services Oversight** (*D. Chris Buttars*) This act changes oversight of the youth services programs from the Division of Child and Family Services to the Division of Youth Corrections. The act also provides a definition of youth services and guidelines for providing youth services programs. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 62A-4a-101, 62A-4a-102, 62A-4a-103, 62A-4a-105, 62A-7-101, 62A-7-104; Enacts 62A-7-125

Effective July 1, 2002

2002 Utah Laws 281

SB 17 **DCFS Management Information System Amendments** (*D. Chris Buttars*) This act adds definitions of various terms used in the Management Information System and Licensing Information System provisions. The act reorganizes and clarifies statutes governing the Division of Child and Family Services' Management Information System. The act provides that when the division makes a supported finding of certain types of severe child abuse or neglect, that finding is referred to juvenile court or a notice is personally served upon the alleged perpetrator. The act provides that in certain circumstances the alleged perpetrator has the right to either consent to entry of the alleged perpetrator's name on the Licensing Information System or to petition for a hearing before a juvenile court judge. The act provides that the juvenile court will make a finding of substantiated, unsubstantiated, or without merit and provide a copy of its determination to the division. The act provides that the division remove information from the Licensing Information System after a juvenile court makes a finding. The act clarifies the right of judicial review of final agency action. The act provides an opportunity for certain persons to petition the juvenile court to remove their names from the Licensing Information System. The act provides that certain juvenile court records and related appellate court records are accessible for licensing purposes. The act clarifies that information contained in the Management Information System and Licensing Information System is protected. The act also expands the jurisdiction of the juvenile court.

Amends 26-21-9.5, 26-39-105.5, 62A-1-118, 62A-2-121, 62A-4a-101, 62A-4a-116, 62A-4a-116.5, 62A-4a-202.7, 62A-4a-412, 63-2-304, 78-3a-103, 78-3a-104; Enacts 62A-4a-116.1, 62A-4a-116.2, 62A-4a-116.3, 62A-4a-116.4, 62A-4a-116.6, 78-3a-320

Effective May 6, 2002

2002 Utah Laws 283

SB 24 **Release of Custodial or Noncustodial Parent's Address** (*D. Edgar Allen*) This act modifies the procedures under which the Office of Recovery Services may release location information to the other party or the other party's legal counsel. (*Judiciary Interim Committee*)

Amends 62A-11-304.4

Effective May 6, 2002

2002 Utah Laws 59

SB 25 **Office of Recovery Services Amendments** (*D. Edgar Allen*) This act establishes that any person applying for child support services be required to attest to the truthfulness of the information provided on the application and that all applicants be informed that providing false information may lead to prosecution, case closure, or both. (*Judiciary Interim Committee*)

Amends 62A-11-304.2; Enacts 62A-11-303.5

Effective May 6, 2002

2002 Utah Laws 60

SB 97 **Forensic Mental Health Coordinating Council** (*Karen Hale*) This act changes the name of the Mental Health and Corrections Advisory Coordinating Council, modifies the composition of the council, expands the purposes of the council, and moves some existing provisions into a new section of the code. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 62A-12-204.5, 62A-12-209, 77-16a-204; Enacts 62A-12-204.6

Effective May 6, 2002

2002 Utah Laws 88

- SB 101** **Criminal Background Checks for Licensed Providers of Human Services** (*Leonard M. Blackham*) This act adds new defined terms and modifies others, excludes individuals serving on certain governing bodies and boards from the requirement of criminal background checks, modifies licensing requirements of human services licensees and persons associated with a licensee, amends criminal background check provisions, requires that the Department of Human Services and the Human Services Licensing Board conduct a comprehensive review of criminal and court records and related circumstances in connection with certain convictions found in a search, and clarifies and modifies the process for challenging a decision by the department not to approve a person to have direct access in a licensee program serving children or vulnerable adults.

Amends 62A-2-101, 62A-2-120, 62A-2-121; Enacts 62A-2-122; Repeals 62A-4a-413

Effective May 6, 2002

2002 Utah Laws 300

- SB 110** **Child Placement Determinations** (*Dan R. Eastman*) This act changes the permanency plan requirements regarding long-term foster care for a child who is three years of age or younger, expands the grounds for removal of a foster child from the home of the foster parents without first providing a hearing to the foster parents, modifies fingerprinting requirements for household members in a foster home, allows the juvenile court to consider preplacement preferences and other requirements described in the Indian Child Welfare Act, and clarifies when a juvenile court may order a planned permanent living arrangement other than adoption, reunification, guardianship, and kinship placement for a child in the custody of the Division of Child and Family Services, in accordance with the requirements of federal law. (*Health and Human Services Interim Committee*)

Amends 62A-4a-205, 62A-4a-206, 62A-4a-209, 78-3a-312, 78-3a-315

Effective May 6, 2002

2002 Utah Laws 306

Title 63 -- STATE AFFAIRS IN GENERAL

- HB 14** **Repeal of State Advisory Planning Committee** (*Peggy Wallace*) This act repeals the State Advisory Planning Committee. (*Government Operations Interim Committee*)

Repeals 63-28-5

Effective May 6, 2002

2002 Utah Laws 4

- HB 28** **Governmental Immunity Amendments** (*Wayne A. Harper*) This act clarifies that there is no immunity to a governmental employee except as provided in the Utah Governmental Immunity Act, clarifies the exception to employee immunity for driving under the influence of alcohol, and provides an exception to the immunity of a governmental employee for perjury. (*Health and Human Services Interim Committee*)

Amends 62A-4a-410, 63-30-4, 63-30-36

Effective May 6, 2002

2002 Utah Laws 206

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- HB 41** **Utah Substance Abuse and Anti-violence Coordinating Council Amendments** (*Neal B. Hendrickson*) This act eliminates certain committees of the Utah Substance Abuse and Anti-Violence Coordinating Council and modifies provisions governing the council. The act allows certain members of the Council to be represented by designees and allows the council to establish subcommittees as needed. (*Government Operations Interim Committee*)
- Amends 63-25a-201, 63-25a-202, 63-25a-203, 63-25a-205, 63-25a-207; Repeals 63-25a-204, 63-25a-206
- Effective May 6, 2002 2002 Utah Laws 115
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- HB 47** **Extension of Sunset Dates on Office of Court Administrator and Alternative Dispute Resolution** (*Glenn L. Way*) This act extends the sunset dates on the Office of Court Administrator and the Alternative Dispute Resolution Act to July 1, 2003.
- Amends 63-55-278
- Effective May 6, 2002 2002 Utah Laws 116
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- HB 53** **Technical Amendments to Tobacco Settlement Trust Fund** (*Karen W. Morgan*) This act makes retrospective technical amendments to the distribution of the tobacco settlement funds necessary to comply with Utah Constitution Article XXII, Section 4. (*Health and Human Services Interim Committee*)
- Amends 63-97-301
- Effective March 18, 2002 2002 Utah Laws 118
-
- HB 54** **Tobacco Amendments** (*Carl R. Saunders*) This act removes the limit on the amount of money that may be spent enforcing the prohibition of tobacco sales to minors. (*Health and Human Services Interim Committee*)
- Amends 63-97-401
- Effective May 6, 2002 2002 Utah Laws 119
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- HB 145** **Utah Energy Office Amendments** (*Stephen H. Urquhart*) This act creates the Utah Energy Office within the Department of Natural Resources. The act moves certain energy-related programs, including the Clean Fuels Vehicle program and fund, from the Department of Community and Economic Development to the Department of Natural Resources, to be administered by the Utah Energy Office.
- Amends 9-1-201, 59-7-605, 59-10-127, 63-34-5; Enacts 63-34-101, 63-34-201, 63-34-202, 63-34-203, 63-34-204; Repeals 9-1-702, 9-1-703, 9-1-706
- Effective May 6, 2002 2002 Utah Laws 231
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- HB 162** **Use of Bear River Bird Refuge Settlement Monies** (*Ben C. Ferry*) This act creates two restricted accounts: the Wetlands Protection Restricted Account and the Recreational Trails and Streams Enhancement and Protection Restricted Account which are to be funded by payments resulting from a 2002 Settlement Agreement between the United States Department of Interior through the Fish and Wildlife Service and the state through the Department of Natural Resources. The act provides for use of these monies.
- Amends 63-34-5; Enacts 63-34-3.2, 63-34-3.3
- Effective December 12, 2012 2002 Utah Laws 142
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HB 173 Amendments to Settlement Agreements Requirements (*Margaret Dayton*) This act differentiates between purely financial settlement agreements and those requiring state action, and requires gubernatorial and legislative approval for certain settlement agreements requiring state action. This act authorizes the governor or the Legislature to void settlement agreements lacking proper approval. This act requires the attorney general to report the state's potential financial and legal exposure to the Legislative Management Committee.

Amends 63-38b-101, 63-38b-102, 67-5-1; Enacts 63-38b-301, 63-38b-302, 63-38b-303; Renumbers and Amends 63-38b-103 to 63-38b-201, 63-38b-104 to 63-38b-202, 63-38b-105 to 63-38b-401

Effective May 6, 2002

2002 Utah Laws 235

HB 214 Extension of Sunset on Telehealth Commission (*David L. Hogue*) This act changes the Utah Telehealth Commission sunset date to July 1, 2005. (*Health and Human Services Interim Committee*)

Amends 63-55-226

Effective May 6, 2002

2002 Utah Laws 152

HB 246 Sunset Act Reauthorizations (*Steven R. Mascaro*) This act reauthorizes certain state entities and programs that would otherwise sunset before the 2003 Annual General Session of the Utah Legislature.

Amends 63-55-219, 63-55-258, 63-55-263, 63-55b-153, 63-55b-163, 63-55b-178

Effective May 6, 2002

2002 Utah Laws 49

HB 255 Utah Housing Corporation Amendments (*Ron Bigelow*) This act makes conforming amendments to change the name of the Utah Housing Finance Agency to the Utah Housing Corporation. (*Quasi-Governmental Entities Interim Committee*)

Amends 9-4-503, 9-4-706, 9-4-1203, 10-9-307, 11-37-101, 17-27-307, 35A-3-103, 35A-3-309, 51-5-4.5, 51-7-2, 51-7-4, 59-7-607, 59-10-129, 61-2c-105, 63-5b-102, 63-38-9.5, 63-38a-102, 63-55-209, 63-56-5, 63-95-102, 63-95-203, 63A-1-113, 63E-1-102, 63E-1-203

Effective May 6, 2002

2002 Utah Laws 159

HB 264 Funds Consolidation, Budget Procedures, and Fund Reclassification Amendments (*Ron Bigelow*) This act modifies the accounting classifications of certain funds to comply with generally accepted accounting principles and changes the names of certain funds to correspond with their new classifications. This act also creates a new type of fund, "Restricted Special Revenue Fund," within the Special Revenue Funds major fund type because of changes in generally accepted accounting principles. This act also designates certain existing special revenue funds as restricted special revenue funds.

Amends 4-21-3, 9-6-502, 9-7-203, 9-7-206, 9-8-702, 9-10-102, 9-11-104, 9-14-102, 9-15-102, 11-38-301, 13-2-8, 19-6-307, 19-6-405.7, 19-6-409, 19-6-803, 19-6-804, 19-6-807, 19-6-808, 19-6-811, 19-6-813, 19-6-815, 19-6-816, 19-6-817, 19-6-821, 19-6-824, 26-10-2.5, 35A-3-206, 38-11-201, 40-6-19, 40-10-25.1, 51-5-4, 51-5-7, 53-6-213, 53C-5-104, 54-8b-15, 58-3a-103, 58-11a-103, 58-22-103, 58-53-103, 58-67a-1, 59-10-548, 61-1-18.7, 61-2a-3, 62A-8-103, 62A-12-102, 62A-12-204, 63-25a-402, 63-25a-405, 63-25a-406, 63-25a-407, 63-25a-411, 63-25a-414, 63-25a-419, 63-25a-428, 63-38-8, 63-63a-4, 63-73-21, 63C-9-502, 65A-8-6.1, 67-4a-405, 67-5a-8, 71-11-8, 71-11-9, 73-5-1.5, 76-10-922, 77-32-502, 77-32-601, 77-32-701, 78-14-12

Effective July 1, 2002

2002 Utah Laws 256

HB 269 **Water Commissioner Assessment Amendments** (*David Ure*) This act exempts the collection of water commissioner assessments, fees, and delinquencies from the requirements of the Utah Administrative Procedures Act.

Amends 63-46b-1

Effective May 6, 2002

2002 Utah Laws 163

HB 289 **Independent Entity Privatization Amendments** (*Martin R. Stephens*) This act allows a lobbyist, or an entity in which a lobbyist holds a business interest, to receive the assets of a quasi-governmental entity or an independent entity derived from funds in a loan program under certain conditions. The funds must not be provided by the State, separate records must be maintained for the use of the funds, the funds must be used for the purposes provided in an agreement with the entity that provided the initial funding, and the funds must be transferred to and become the obligation of an interested party of the entity or an entity in which an interested party holds an interest.

Amends 63-95-401, 63E-1-402

Effective March 26, 2002

2002 Utah Laws 262

SB 10 **Revisions to Senate Advise and Consent Powers** (*Ron Allen*) This act makes uniform the language in the Utah Code governing Senate advise and consent powers. This act conforms specific statutory conflicts relating to the governor's appointment powers with general provisions governing the governor's appointment powers. (*Government Operations Interim Committee*)

Amends 4-2-3, 4-18-4, 7-1-202, 7-1-203, 9-1-204, 9-2-203, 9-3-202, 9-4-304, 9-4-503, 9-4-904, 9-4-1104, 9-6-204, 9-8-204, 9-14-103, 9-15-103, 11-38-201, 13-1-3, 17A-2-1409, 17A-2-1704, 19-1-104, 19-2-103, 19-3-103, 19-4-103, 19-5-103, 19-6-103, 23-14-2, 26-1-8, 26-33a-103, 31A-2-102, 31A-29-104, 31A-33-106, 34-20-3, 34A-1-201, 34A-1-205, 35A-1-201, 40-6-4, 49-1-202, 51-7-16, 53-1-107, 53-2-108, 53B-1-104, 53C-1-202, 54-1-1.5, 54-1-1.6, 54-10-2, 59-1-206, 61-1-18.5, 61-2b-7, 62A-1-107, 62A-1-108, 62A-4a-102, 62A-7-109, 62A-13-103, 63-2-501, 63-5-4, 63-11-14, 63-25a-103, 63-25a-404, 63-34-4, 63-34-5, 63-88-103, 63-88-107, 63A-1-105, 63A-7-104, 63A-10-103, 63C-9-201, 63D-1-301, 64-13-3, 64-13-4.1, 67-1-1.5, 67-1-2.5, 67-1-3, 67-1a-2, 67-19-5, 68-4-6, 72-1-202, 72-1-301, 72-7-109, 73-10-2, 77-27-2, 78-8-102

Effective May 6, 2002

2002 Utah Laws 176

SB 34 **Private Records Amendments** (*David H. Steele*) This act revises the Government Records Access and Management Act by expanding records designated as private to include certain records in an electronic database for state online applications. The act also clarifies the effect of a governmental entity's receipt of a record that contains the same information as an already held record with a different classification.

Amends 63-2-206, 63-2-206, 63-2-302, 63-2-302

Effective May 6, 2002

2002 Utah Laws 63

SB 47 **Procurement Code Amendments** (*David L. Gladwell*) This act redefines terms and establishes more precisely the relief a protesting offeror or bidder may obtain from the state. (*Government Operations Interim Committee*)

Amends 63-56-5, 63-56-47, 63-56-59

Effective May 6, 2002

2002 Utah Laws 178

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- SB 61** **Government Records Access and Management - Records Related to Explosives** (*Bill Wright*) This act provides that certain records related to explosives may be classified as protected.

Amends 63-2-103, 63-2-304

Effective May 6, 2002

2002 Utah Laws 78

- SB 68** **Utah Procurement Code Amendments** (*Mike Dmitrich*) This act amends the Utah Procurement Code to designate that the chief procurement officer or the head of the purchasing agency responsible for carrying out a construction project of both state and local procurement units may not require a person or entity who is bidding for or who has been awarded a construction contract to obtain a bond from a specific insurance or surety company, producer, agent, or broker. A person who violates this act is guilty of an infraction.

Amends 63-56-2, 63-56-37, 63-56-38

Effective May 6, 2002

2002 Utah Laws 80

- SB 93** **Classification of Certain Legislative Records** (*Peter C. Knudson*) This act amends the Government Records Access and Management Act to enlarge the protections afforded a request for a legislative audit. (*Government Operations Interim Committee*)

Amends 63-2-304

Effective March 15, 2002

2002 Utah Laws 86

- SB 114** **Revisor's Statute** (*Michael G. Waddoups*) This act modifies parts of the Utah Code to make technical corrections including wording, cross references, and numbering changes.

Amends 9-3-310, 9-4-602, 9-4-703, 13-14a-6, 16-11-2, 17-15-27, 17-18-2, 17-53-106, 17B-4-102, 17B-4-504, 17B-4-505, 17B-4-506, 17B-4-1010, 23-20-1, 24-1-1, 24-1-7, 24-1-8, 24-1-10, 24-1-15, 24-1-16, 26-28-6, 31A-8-207, 31A-15-103, 31A-23-202, 31A-23-202, 31A-28-101, 32A-13-103, 41-6-13.7, 41-6-44.10, 48-2c-1502, 53-3-223, 53-3-231, 58-37-13, 58-37a-6, 58-37c-15, 58-37d-7, 58-71-601, 59-14-207, 63-2-903, 63-46a-11, 63-55-272, 63-56-36, 67-19-39, 67-20-6, 67-20-7, 72-9-501, 76-3-501, 76-10-1107, 76-10-1603.5, 76-10-1908, 77-38a-302, 78-30-7; Repeals 53-7-108

Effective May 6, 2002

2002 Utah Laws 185

- SB 135** **Tobacco Settlement Restricted Account** (*David H. Steele*) This act clarifies the amount to be appropriated from the Tobacco Settlement Restricted Account to the Department of Health for alcohol, tobacco, and other drug programs in the event funds in dispute for attorneys fees related to the Master Settlement Agreement with tobacco manufacturers become available for appropriation from the account.

Amends 63-97-201

Effective March 15, 2002

2002 Utah Laws 96

- SB 136** **State Vegetable and Historic State Vegetable** (*Bill Wright*) This act designates the Spanish sweet onion as the state vegetable and the sugar beet as the historic state vegetable.

Amends 63-13-5.5

Effective May 6, 2002

2002 Utah Laws 189

- SB 137** **Government Records Access & Management Act - Technical Revisions** (*Alicia L. Suazo*) This act modifies the Government Records Access and Management Act and references to that act to make technical revisions.
- Amends 31A-31-104, 53-5-708, 63-2-301, 63-2-301, 63-2-903, 77-38-3, 78-2a-6
- Effective May 6, 2002 2002 Utah Laws 97
-

- SB 143** **Private Records Amendments Under Government Records Access and Management Act** (*Michael G. Waddoups*) This act modifies provisions relating to employee records, specifically employees who may be at risk if certain information is disclosed. The act repeals conflicting provisions enacted in 2001. The substantive provisions of this act take effect July 1, 2003, while the repealers take effect July 1, 2002.
- Amends 17-21-17, 17-21-19, 63-2-201, 63-2-301, 63-2-302, 63-2-803; Enacts 63-2-302.5
- Effective July 1, 2003 2002 Utah Laws 191
-

- SB 154** **Debt Service and Rainy Day Fund Amendments** (*Parley G. Hellewell*) This act requires that monies appropriated from the Budget Reserve Account be replaced from surpluses that occur in subsequent years and by authorizing the Division of Finance to hold back monies for debt service.
- Amends 63-38-2.5
- Effective May 6, 2002 2002 Utah Laws 321
-

Title 63A -- UTAH ADMINISTRATIVE SERVICES CODE

- HB 8** **Repeal of Local Government Information Technology Review Committee** (*Neal B. Hendrickson*) This act eliminates requirements to establish a Local Government Information Technology Review Committee. (*Government Operations Interim Committee*)
- Amends 63A-6-105
- Effective May 6, 2002 2002 Utah Laws 202
-

- HB 124** **Debt Collection Amendments** (*Sheryl L. Allen*) This act defines the parameters in which the Office of State Debt Collection may use information obtained through access to private, controlled, or protected records.
- Amends 63A-8-101, 63A-8-201, 63A-8-301, 76-3-201.1, 78-7-33
- Effective May 6, 2002 2002 Utah Laws 135
-

- HB 132** **Sale of State Lands At Developmental Center** (*Margaret Dayton*) This act modifies the sale of State Development Center lands by requiring legislative approval before the lands may be sold.
- Amends 63A-5-220
- Effective May 6, 2002 2002 Utah Laws 226
-

Title 63B -- BONDS

HB 2 **2002 General Obligation Bond and Capital Facilities Authorizations** (*Gerry A. Adair*) This act modifies the Bonding Code by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for capital facilities. The act specifies the use of the bond proceeds and the manner of issuance. The act imposes and abates a property tax and creates a sinking fund. The act approves the issuance of certain obligations by the State Building Ownership Authority, authorizes other capital facility expenditures, repeals authorization for abandoned projects, and makes technical corrections.

Amends 63B-6-102; Enacts 63B-11-101, 63B-11-102, 63B-11-103, 63B-11-104, 63B-11-105, 63B-11-106, 63B-11-107, 63B-11-108, 63B-11-109, 63B-11-110, 63B-11-111, 63B-11-112, 63B-11-113, 63B-11-114, 63B-11-115, 63B-11-116, 63B-11-117, 63B-11-401, 63B-11-402

Effective May 6, 2002

2002 Utah Laws 199

HB 252 **General Obligation Bonds for Engineering Buildings** (*Gerry A. Adair*) This act modifies provisions governing capital facilities authorizations for engineering buildings at Utah State University and the University of Utah and enacts provisions authorizing the issuance of general obligation bonds for capital facilities, buildings, and related facilities. The act specifies the use of bond proceeds and the manner of issuance, imposes and abates a property tax, and creates sinking funds.

Amends 63B-10-401; Enacts 63B-11-101, 63B-11-102, 63B-11-103, 63B-11-104, 63B-11-105, 63B-11-106, 63B-11-107, 63B-11-108, 63B-11-109, 63B-11-110, 63B-11-111, 63B-11-112, 63B-11-113, 63B-11-114, 63B-11-115, 63B-11-116, 63B-11-117

Effective May 6, 2002

2002 Utah Laws 252

HB 296 **2002 Special Highway General Obligation Bonds** (*Wayne A. Harper*) This act authorizes issuance of Utah general obligation bonds and bond anticipation notes by the State Bonding Commission to accelerate funding and construction of certain highways and related facilities in Salt Lake County. The act defines the process and requirements for issuing the bonds and notes and specifies the use of the proceeds. The act imposes a statewide property tax and abates it, creates a sinking fund to pay debt service on the bonds, and exempts bonds issued from statutory debt limitation requirements.

Amends 63-9a-6, 63-38c-402; Enacts 63B-11-301, 63B-11-302, 63B-11-303, 63B-11-304, 63B-11-305, 63B-11-306, 63B-11-307, 63B-11-308, 63B-11-309, 63B-11-310, 63B-11-311, 63B-11-312, 63B-11-313, 63B-11-314, 63B-11-315, 63B-11-316, 63B-11-317, 63B-11-401, 63B-11-402, 63B-11-403, 63B-11-404

Effective May 6, 2002

2002 Utah Laws 266

SB 2 **Funding for Highways** (*John W. Hickman*) This act modifies the Bonding Code by authorizing the issuance and sale of general obligation bonds and bond anticipation notes by the State Bonding Commission for certain highways and related facilities. The act specifies the use of the bond proceeds and the manner of issuance. The act also imposes and abates a property tax and creates a sinking fund.

Enacts 63B-11-201, 63B-11-202, 63B-11-203, 63B-11-204, 63B-11-205, 63B-11-206, 63B-11-207, 63B-11-208, 63B-11-209, 63B-11-210, 63B-11-211, 63B-11-212, 63B-11-213, 63B-11-214, 63B-11-215, 63B-11-216, 63B-11-217, 63B-11-301, 63B-11-302, 63B-11-303, 63B-11-304

Effective May 6, 2002

2002 Utah Laws 278

Title 63C -- STATE COMMISSIONS AND COUNCILS CODE

- HB 256** **Constitutional Defense Council Amendments** (*Stephen H. Urquhart*) This act includes the attorney general as a member of the Constitutional Defense Council. The act also redefines certain duties of the council.

Amends 63C-4-101, 63C-4-102

Effective May 6, 2002

2002 Utah Laws 160

- HB 311** **State Capitol Preservation Board - Chair** (*Gerry A. Adair*) This act modifies provisions governing the State Capitol Preservation Board to allow the governor to be represented by a designee and provides that the lieutenant governor chairs the board in the absence of the governor.

Amends 63C-9-201, 63C-9-202

Effective May 6, 2002

2002 Utah Laws 171

Title 64 -- STATE INSTITUTIONS

- HB 319** **Jail Reimbursement Amendments** (*Greg J. Curtis*) This act separates the funding for jail reimbursement from the funding for jail contracting and sets the rate for jail reimbursement at 70 percent. The act provides that additional county and state representatives participate in the yearly negotiation of the daily rate of jail reimbursement and jail contracting. The act also provides a three-year sunset date for the mandatory reimbursement rate of 70 percent.

Amends 64-13c-201, 64-13c-301, 64-13c-302, 64-13c-303; Enacts 63-55b-164

Effective May 6, 2002

2002 Utah Laws 270

Title 67 -- STATE OFFICERS AND EMPLOYEES

- HB 13** **Repeal of Human Resource Advisory Committee** (*DeMar Bud Bowman*) This act repeals the Human Resource Advisory Committee, makes conforming changes consistent with the repeal of the committee, and modifies provisions governing position classification grievances.

Amends 67-19-3, 67-19-31; Repeals 67-19-6.5

Effective May 6, 2002

2002 Utah Laws 7

- HB 107** **Obscenity and Pornography Complaints Ombudsman Duties** (*Wayne A. Harper*) This act amends the duties of the Obscenity and Pornography Complaints Ombudsman to include drafting model ordinances; assisting political subdivisions in drafting rules, regulations, and policies; and making recommendations for the enforcement of those rules, regulations, and policies. The act also requires the Obscenity and Pornography Complaints Ombudsman and the Office of the Attorney General to coordinate with the county, district, or city attorney within whose jurisdiction an investigation by the Obscenity and Pornography Complaints Ombudsman will take place. (*Government Operations Interim Committee*)

Amends 10-3-928, 17-18-1, 17-18-1.5, 17-18-1.7, 67-5-1, 67-5-18

Effective May 6, 2002

2002 Utah Laws 130

HB 176 **Leave of Absence for Disabled Employees** (*Chad E. Bennion*) This act modifies the Utah State Personnel Management Act by expanding the pool of employees eligible for leave of absence benefits when the employee is injured in the line of duty.

Amends 67-19-27

Effective May 6, 2002

2002 Utah Laws 236

HB 192 **Workers' Compensation Benefits for Volunteer Safety Officers** (*Neil A. Hansen*) This act requires certain supervising agencies to provide both medical and workers' compensation benefits for volunteer safety officers which includes peace officers and firefighters.

Amends 67-20-2, 67-20-3, 67-20-7

Effective May 6, 2002

2002 Utah Laws 36

HB 208 **Federal Government Acquisition of Real Property in the State** (*Bradley T. Johnson*) This act requires the attorney general to pursue any appropriate legal action to implement the State's established public lands policy.

Amends 67-5-1

Effective May 6, 2002

2002 Utah Laws 242

SB 125 **Organ Donor Leave for State Employees** (*Karen Hale*) This act allows a state employee who serves as bone marrow donor to be granted up to seven days of paid leave of absence to recover from the donation. The act allows a State employee who serves as a human organ donor to be granted up to 30 days of paid leave of absence to recover from the donation.

Enacts 67-19-14.5

Effective July 1, 2002

2002 Utah Laws 310

SB 162 **Department of Human Resource Management - Report of Funded Vacant Positions** (*Leonard M. Blackham*) This act requires the director of the Department of Human Resource Management to develop a procedure by which state agencies will identify funded vacant positions and report all funded employee positions in each state agency that have been vacant for 180 consecutive days during the 18-month period prior to July 1 of each year.

Amends 67-19-6

Effective May 6, 2002

2002 Utah Laws 195

Title 70 -- TRADEMARKS AND TRADE NAMES

- SB 150** **Registration and Protection of Trademarks and Service Marks** (*Lyle W. Hillyard*) This act recodifies Utah's law regarding the registration and protection of trademarks and service marks. Issues addressed include addressing the statute's relationship to federal law and common law; establishing the authority and responsibilities of the Division of Corporations and Commercial Code; stating the requirements for registration of marks; providing for the assignment of, changes to, renewal of, and cancellation of marks; providing for recording of other instruments that relate to marks; addressing classification of goods and services; establishing liability for fraudulent registration, infringement, and injury to business reputation; establishing remedies; designating the forums for cancellation actions regarding registration and the requirements for service on out-of-state registrants; and addressing the act's application to pending litigation.

Amends 42-2-9; Enacts 70-3a-101, 70-3a-102, 70-3a-103, 70-3a-104, 70-3a-201, 70-3a-202, 70-3a-203, 70-3a-301, 70-3a-302, 70-3a-303, 70-3a-304, 70-3a-305, 70-3a-306, 70-3a-307, 70-3a-308, 70-3a-401, 70-3a-402, 70-3a-403, 70-3a-404, 70-3a-405; Repeals 70-3-1, 70-3-2, 70-3-3, 70-3-4, 70-3-5, 70-3-6, 70-3-7, 70-3-8, 70-3-9, 70-3-10, 70-3-11, 70-3-12, 70-3-13, 70-3-14, 70-3-15, 70-3-16, 70-3-17

Effective May 6, 2002

2002 Utah Laws 318

Title 71 -- VETERANS

- HB 259** **Use of State Armories** (*Cindy Beshear*) This act allows any federally chartered veterans' organization free use of armories as long as the use does not interfere with use by the National Guard.

Amends 71-3-1

Effective May 6, 2002

2002 Utah Laws 162

Title 72 -- TRANSPORTATION CODE

- HB 22** **Electronic Government Services Amendments - Transportation** (*Richard M. Siddoway*) This act facilitates the use of electronic communications in addition to paper-based methods under certain circumstances, such as providing notice of meetings. (*Public Utilities and Technology Interim Committee*)

Amends 72-1-302

Effective May 6, 2002

2002 Utah Laws 10

- HB 30** **Master State Highway Amendments** (*Joseph G. Murray*) This act affects seven state highways by realigning, transferring, adding, or deleting sections of highways on the state highway system. The net decrease to the state highway system is 3.35 miles. (*Transportation Interim Committee*)

Amends 72-4-112, 72-4-116, 72-4-119, 72-4-128, 72-4-133, 72-4-134

Effective May 6, 2002

2002 Utah Laws 110

- HB 65** **State Park Access Highways Amendments** (*DeMar Bud Bowman*) This act makes changes to the designated access roads leading to the Fremont Indian State Park and designates an access road leading to the Iron Mission State Park (Old Iron Town Historic Site). (*Transportation Interim Committee*)

Amends 72-3-203, 72-3-204

Effective May 6, 2002

2002 Utah Laws 21

HB 210 **Recreational Vehicle - Length and Width Amendments** (*Don E. Bush*) This act exempts appurtenances from vehicle width and length limitations if the appurtenances are attached to the sides or rear of a noncommercial recreational vehicle and extend no more than six inches. (*Transportation Interim Committee*)

Amends 72-7-402

Effective May 6, 2002

2002 Utah Laws 151

HB 217 **Designation of Memorial Highway** (*David Ure*) This act designates Route 224 from Kimball Junction to Park City as the Tenth Mountain Division Memorial Highway and requires the Department of Transportation to make the designation on all future state highway maps.

Enacts 72-4-201.5

Effective May 6, 2002

2002 Utah Laws 153

HB 218 **Over Weight Vehicle Amendments** (*Thomas V. Hatch*) This act exempts from vehicle size, weight, and load limitations, highway construction and maintenance equipment temporarily being operated between a material site and a highway maintenance or construction project if the section of any highway being used is not located within a county of the first or second class and if authorized by the highway authorities over each highway being used. The distance between the sites may not exceed ten miles and the operator must carry written verification of the authorization in the vehicle. (*Transportation Interim Committee*)

Amends 72-7-401

Effective May 6, 2002

2002 Utah Laws 154

HB 273 **Designation of I-80** (*Don E. Bush*) This act adds the designation the "Purple Heart Trail" to I-80 which currently carries the designation of the Dwight D. Eisenhower Highway. The act requires the Department of Transportation to make the designation on future state highway maps.

Enacts 72-4-207

Effective May 6, 2002

2002 Utah Laws 164

SB 39 **Highway Designation** (*Peter C. Knudson*) This act designates a section of Route 89 from the Box Elder/Weber county line to Brigham City as the Utah Fruitway and requires the Department of Transportation to make the designation on future state highway maps. (*Transportation Interim Committee*)

Enacts 72-4-206

Effective May 6, 2002

2002 Utah Laws 66

- SB 98** **Outdoor Advertising Amendments** (*Michael G. Waddoups*) This act repeals a requirement that an outdoor advertising sign may be closer than 500 feet from the beginning of pavement widening of an interchange if the sign is at least 500 feet but not more than 2,640 feet from an intersecting highway. The act allows any outdoor advertising sign that is obstructed by an aesthetic improvement made by an agency of the State or obstructed by a directional signal or other improvements to be adjusted for height to make it clearly visible from the main-travel way of the highway or to be relocated within 500 feet of its prior location in a commercial or industrial zone subject to existing sign spacing requirements.

Amends 72-7-505, 72-7-510.5

Effective March 26, 2002

2002 Utah Laws 298

- SB 145** **Outdoor Advertising Sign Proximity to Utility Lines** (*Terry R. Spencer*) Amends the Outdoor Advertising provisions by requiring counties and municipalities to accommodate a move of an outdoor advertising structure that is being relocated to meet the distance requirements from high voltage overhead lines.

Enacts 72-7-516

Effective March 26, 2002

2002 Utah Laws 316

- SB 160** **Aeronautics Construction Revolving Loan Fund** (*John W. Hickman*) This act creates the Aeronautics Construction Revolving Loan Fund within the Transportation Fund for construction, major reconstruction, major renovation, or property acquisition of airports and airport runways for state, county, and municipal airports. The act provides for application, approval, and repayment of loan funds and provides for rulemaking by the Transportation Commission.

Enacts 72-2-122

Effective July 1, 2002

2002 Utah Laws 98

Title 73 -- WATER AND IRRIGATION

- HB 57** **Forfeited Water Right Allocation** (*Darin G. Peterson*) This act allows a water company to allocate water rights lost by forfeiture. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Enacts 73-1-4.5

Effective May 6, 2002

2002 Utah Laws 19

- HB 58** **Water Forfeiture Amendments** (*Michael R. Styer*) This act amends provisions relating to the abandonment and forfeiture of water. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 73-1-4

Effective May 6, 2002

2002 Utah Laws 20

HB 340 **Division of Water Rights Funding and Notification Amendments** (*Michael R. Styler*) This act provides that fees collected by the state engineer shall be deposited in the General Fund as a dedicated credit to be used by the Division of Water Rights to meet publication of notice requirements under Title 73.

Amends 73-2-14

Effective May 6, 2002

2002 Utah Laws 276

SB 37 **Mutual Water Company Change Applications** (*Leonard M. Blackham*) This act allows a shareholder in a water company to request a change in point of diversion, place of use, or purpose of use of water represented by the shareholder's stock in the water company. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Enacts 73-3-3.5

Effective May 6, 2002

2002 Utah Laws 289

SB 90 **Drinking Water Board Loan and Grant Amendments** (*Bill Wright*) This act allows the Drinking Water Board to make loans or grants to political subdivisions for planning for drinking water projects. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 73-10c-4

Effective May 6, 2002

2002 Utah Laws 296

SB 92 **Bear River Development Projects** (*Michael G. Waddoups*) This act amends the list of potential Bear River development projects that the Division of Water Resources may develop. References to the Honeyville and Barrens projects are deleted from, and the Washakie project is added to, the list of potential projects on the Bear River. (*Natural Resources, Agriculture, and Environment Interim Committee*)

Amends 73-26-104, 73-26-301

Effective May 6, 2002

2002 Utah Laws 182

Title 75 -- UTAH UNIFORM PROBATE CODE

HB 138 **Rights of Creditors Against Trust Property** (*Merlynn T. Newbold*) This act establishes that creditors of a grantor of an inter vivos revocable trust may be limited to three months for the presentation of claims against the grantor's estate after his death, and establishes guidelines for the notice and presentation of claims.

Enacts 75-7-308, 75-7-309, 75-7-310, 75-7-311, 75-7-312, 75-7-313, 75-7-314, 75-7-315, 75-7-316, 75-7-317, 75-7-318, 75-7-319

Effective May 6, 2002

2002 Utah Laws 227

SB 117 **Trust Amendments** (*John L. Valentine*) This act addresses certain circumstances when a trustee may take action based on investment direction or with the consent or approval of another person, and the duties and liability of a person that gives investment directions or whose consent or approval is required for investment actions.

Amends 75-7-302, 75-7-403

Effective May 6, 2002

2002 Utah Laws 93

Title 76 -- UTAH CRIMINAL CODE

HB 39 Statute of Limitations Amendments (*Katherine M. Bryson*) This act provides that felony child abuse homicide of the second degree, aggravated kidnapping, and child kidnapping are not subject to statutes of limitations for prosecution.

Amends 76-1-301, 76-1-301.5

Effective May 6, 2002

2002 Utah Laws 208

HB 45 Prisoner Escape Amendment (*Karen W. Morgan*) This act clarifies that the criminal offense of a prisoner leaving official custody without authorization includes situations where a prisoner obtains authorization by means of fraud or deceit. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 76-8-309

Effective May 6, 2002

2002 Utah Laws 17

HB 55 Underage Possession of Tobacco Amendments (*Carl R. Saunders*) This act increases the minimum fine for underage possession of tobacco and makes participation in a tobacco education program mandatory. (*Health and Human Services Interim Committee*)

Amends 76-10-105, 78-3a-502

Effective May 6, 2002

2002 Utah Laws 212

HB 72 Penalty for Misuse of Lawful Substances (*David L. Hogue*) This act establishes the offense and penalty regarding abuse of nitrous oxide, which is commonly known as laughing gas. The act also includes the offense of providing psychotoxic chemical solvents for illegal purposes. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 76-10-107; Enacts 76-10-107.5

Effective May 6, 2002

2002 Utah Laws 23

HB 73 Capital Felony Sentencing Procedures (*Gordon E. Snow*) This act provides procedures to determine if sentences for more than one conviction are to be consecutive or concurrent when one of the convictions is for life with or without parole. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 76-3-207

Effective May 6, 2002

2002 Utah Laws 24

HB 77 Criminal Sentencing - Mitigation Amendments (*David L. Hogue*) This act includes mental retardation as a mitigating factor to be considered when determining whether to impose the death penalty for a capital felony offense. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 76-3-207

Effective May 6, 2002

2002 Utah Laws 26

- HB 99** **Consecutive Sentencing** (*Ty McCartney*) This act provides procedures and considerations for the court to apply when determining whether a defendant convicted of more than one felony offense is to serve the terms consecutively or concurrently. The act requires the Board of Pardons and Parole to send sentencing commitments that do not state if multiple terms are to be served concurrently or consecutively back to the judge for clarification. The act also provides that when a defendant currently serving a term for a prior felony is sentenced to a concurrent term for a subsequent felony, the longer of the two remaining sentences is the period of time to be served.

Amends 76-3-401

Effective July 1, 2002

2002 Utah Laws 129

- HB 100** **Criminal Code Definition Amendment** (*Gerry A. Adair*) This act clarifies a definition contained in the offense of commercial terrorism in response to a federal court ruling. (*Judiciary Interim Committee*)

Amends 76-10-2401, 76-10-2402

Effective May 6, 2002

2002 Utah Laws 31

- HB 125** **Endangerment of Child or Elder Person with Controlled Substance or Precursor** (*Trisha S. Beck*) This act clarifies the offense of exposing children and the elderly to controlled substances or chemical substances intended to be used to manufacture controlled substances. The act also provides an affirmative defense for administering a controlled substance in accordance with the prescription.

Amends 76-5-112.5

Effective May 6, 2002

2002 Utah Laws 32

- HB 224** **Giving False Information to Police Officer** (*Karen W. Morgan*) This act creates the offense of leading a peace officer to believe that a person is another actual person by giving the name or identification of another person. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 76-8-507

Effective May 6, 2002

2002 Utah Laws 42

- HB 236** **Indecent Public Display Amendments** (*Peggy Wallace*) This act defines the type of indecent public displays that do not have serious value for minors and clarifies the offense of distributing indecent material to minors.

Amends 76-10-1227, 76-10-1228

Effective May 6, 2002

2002 Utah Laws 46

HB 283 Antiterrorism Amendments (*Paul Ray*) This act creates offenses and penalties regarding terrorism by the use of weapons of mass destruction, including prohibiting a hoax that refers to weapons of mass destruction. The act requires the defendant to pay for costs incurred by government or businesses in responding to these offenses. The act also exempts records of governmental security measures and practices from the Government Records Access and Management Act.

Amends 76-3-203.3, 76-5-107, 76-5-202, 76-6-105, 76-6-106, 76-6-1002, 76-8-419, 76-9-105, 76-9-202, 76-10-204, 76-10-306, 76-10-1602, 77-23a-8; Enacts 63-2-106, 76-10-402, 76-10-403, 76-10-404, 76-10-405, 76-10-2601; Repeals and Reenacts 76-10-401

Effective May 6, 2002

2002 Utah Laws 166

HB 336 Use of Force, Including Deadly Force, in Defense of Property (*Mike Thompson*) This act allows the use of deadly force by a person on his own property, if the person is acting to defend another person on the property from a threat of violence. The act provides the elements of situations when deadly force is justified. The act also provides a civil and criminal presumption regarding actions based on a reasonable fear.

Enacts 76-2-407

Effective May 6, 2002

2002 Utah Laws 273

SB 11 Prohibiting Intimacy with Youth Receiving State Services (*Paula F. Julander*) This act creates offenses and penalties regarding custodial sexual relations and custodial sexual misconduct with youth who are receiving state services. These offenses address inappropriate acts committed by persons employed by the Department of Human Services, the juvenile court, or private contractors of these agencies. The act also specifies the defense of compulsion. (*Law Enforcement and Criminal Justice Interim Committee*)

Enacts 76-5-413

Effective July 1, 2002

2002 Utah Laws 280

SB 22 Attempted Murder Amendments (*David L. Gladwell*) This act provides that the offense of attempting to commit certain first degree felonies is also a first degree felony, and that the indeterminate term for these attempted first degree felonies is not less than three years, but may be for life. (*Judiciary Interim Committee*)

Amends 76-4-102

Effective May 6, 2002

2002 Utah Laws 57

SB 76 Domestic Violence in Presence of Child Amendments (*David H. Steele*) This act provides that a person is guilty of child abuse if the person commits an act of domestic violence in the presence of a child. The act eliminates the requirement that there be one or more prior occasions of acts of domestic violence in the presence of a child before a person is guilty of child abuse, clarifies that a charge of child abuse arising from domestic violence in the presence of a child is separate and distinct from a charge of domestic violence where the victim is the cohabitant, and adds domestic violence in the presence of a child to the list of acts constituting domestic violence.

Amends 76-5-109.1, 77-36-1

Effective May 6, 2002

2002 Utah Laws 81

- SB 164** **Secure Facilities Amendments** (*David L. Gladwell*) This act allows the State Board of Regents to authorize institutions of higher education to establish no more than one hearing room at each institution as a secure area wherein they may prohibit or control any firearm, ammunition, dangerous weapon, or explosive.

Amends 53B-3-103, 76-8-311.1, 76-10-523.5

Effective March 26, 2002

2002 Utah Laws 323

- SB 178** **Protecting the Unborn Child** (*L. Steven Poulton*) This act specifies that a person may be found guilty of criminal homicide for the killing of an unborn child at any stage of its development.

Amends 76-5-201

Effective May 6, 2002

2002 Utah Laws 327

- SB 191** **Law Enforcement Revolving Account** (*Peter C. Knudson*) This act creates the Attorney General Litigation Fund, specifies the funds that are to go into the account from state or federal antitrust or criminal actions, and specifies the purposes for which the state attorney general may use the funds. The act also repeals the Antitrust Revolving Account and transfers any funds in that account to the new Attorney General Litigation Fund.

Amends 76-10-922

Effective July 1, 2002

2002 Utah Laws 328

Title 77 -- UTAH CODE OF CRIMINAL PROCEDURE

- HB 190** **Criminal Restitution Amendments** (*Sheryl L. Allen*) This act amends and repeals provisions that were affected or duplicated with the enactment of the Crime Victims Restitution Act in 2001. (*Law Enforcement and Criminal Justice Interim Committee*)

Amends 59-10-529, 63-25a-403, 63-25a-411, 76-3-201, 77-2a-3, 77-7-5, 77-18-1, 77-18-6, 77-27-5, 77-27-6, 77-32a-1, 77-37-3, 77-38a-302, 77-38a-501; Repeals 76-3-201.2

Effective May 6, 2002

2002 Utah Laws 35

- HB 237** **Spouse Abuse Amendments** (*Gerry A. Adair*) This act requires that domestic violence offenders be required to attend and satisfactorily complete a domestic violence treatment program as part of their sentence, unless the court finds that there is no licensed program reasonably available or that the treatment or therapy is not necessary. (*Health and Human Services Interim Committee*)

Amends 77-36-5

Effective May 6, 2002

2002 Utah Laws 47

- HB 245** **Amendments to Sex Offender Registry** (*Afton B. Bradshaw*) This act provides procedures to track a sex offender's enrollment or employment at an institution of higher education.

Amends 77-27-21.5

Effective May 6, 2002

2002 Utah Laws 48

HB 290 **Affidavit of Impecuniosity Amendments** (*John E. Swallow*) This act makes it a class B misdemeanor to make false statements on an affidavit of impecuniosity and requires indigent defendants to inform the court of any changes in circumstances that affect their indigency.

Amends 77-32-202

Effective May 6, 2002 2002 Utah Laws 263

HB 303 **Expungement of Driving Under the Influence Convictions** (*A. Lamont Tyler*) This act extends from six to ten years the period of time that a conviction for an alcohol or drug-related driving offense is not eligible for expungement.

Amends 77-18-12

Effective May 6, 2002 2002 Utah Laws 267

SB 27 **Amendments to Guilty and Mentally Ill** (*David L. Gladwell*) This act creates a new plea of "guilty and mentally ill at the time of the offense" and establishes standards for jury instructions on mental defenses. (*Judiciary Interim Committee*)

Amends 77-13-1, 77-16a-102, 77-16a-103, 77-16a-201; Repeals 77-16-1, 77-16-2, 77-16-3, 77-16-4, 77-16-5

Effective May 6, 2002 2002 Utah Laws 61

Title 78 -- JUDICIAL CODE

HB 35 **Expungement of Juvenile Records** (*Scott Daniels*) This act allows the expungement of a juvenile record if the petitioner is over 18 years of age, has completed all court requirements, and does not have an adult criminal record. The act also requires the notification of victims and allows for expungement of nonjudicial closures. (*Judiciary Interim Committee*)

Amends 53-10-108, 78-3a-905

Effective May 6, 2002 2002 Utah Laws 13

HB 66 **Judiciary Amendments** (*Patrice M. Arent*) This act allows the state to recoup expenses for the extradition of a minor from another state and allows interest on trust funds that are earned in courts not of record to go to the county or municipality.

Amends 78-3a-118, 78-27-4, 78-46-7

Effective May 6, 2002 2002 Utah Laws 22

HB 82 **Storage of Firearms on Facilities with Secure Areas** (*John E. Swallow*) This act requires a courthouse or courtroom established as a secure area to have firearms storage for lawfully carried firearms.

Amends 78-7-6

Effective May 6, 2002 2002 Utah Laws 216

HB 112 Health Care Malpractice Act Amendments (*Kevin S. Garn*) This act amends the definition of "health care provider" and "health care facility" to clarify the types of health care facilities included in the act.

Amends 78-14-3

Effective May 6, 2002

2002 Utah Laws 131

HB 226 Termination of Parental Rights Amendments (*Matt Throckmorton*) This act amends the grounds for the termination of parental rights; provides that a court may not terminate parental rights for failure of a parent to complete the requirements of a treatment plan; requires a juvenile court to make certain findings regarding a treatment plan and reunification services; and provides that in certain cases in which the court has directed the Division of Child and Family Services to provide unification services, the court must find that the division made reasonable efforts to provide those services before the court may terminate the parent's rights.

Amends 62A-4a-802, 78-3a-311, 78-3a-407; Enacts 78-3a-311.5

Effective May 6, 2002

2002 Utah Laws 246

HB 233 Mitigation of Damages in Condemnation Proceedings (*Greg J. Curtis*) This act requires a court or jury in a property condemnation case to consider a plaintiff's reduction in the amount of property taken or the mitigation of damages to the property after the date of the service of the summons when calculating damages.

Amends 78-34-11

Effective May 6, 2002

2002 Utah Laws 156

HB 270 Mental Health Practitioner in Parental Rights Action (*Mike Thompson*) This act provides that when a mental health practitioner is to be appointed in a parental rights action the juvenile court may appoint any mental health therapist which the court finds to be qualified, and may not refuse to appoint a mental health therapist for the reason that therapist's recommendations in another case have not followed the recommendations of the Division of Child and Family Services.

Enacts 78-3a-415

Effective May 6, 2002

2002 Utah Laws 257

HB 300 Amendments to Guardian Ad Litem Statutes (*Matt Throckmorton*) This act clarifies that the guardian ad litem director serves at the pleasure of the Judicial Council, clarifies the duties of an attorney guardian ad litem, eliminates some duties of an attorney guardian ad litem, and eliminates the right and requirement of attorneys guardian ad litem to provide a report and recommendations to the court.

Amends 78-3a-312, 78-3a-350, 78-3a-911, 78-3a-912, 78-7-9, 78-7-45

Effective July 1, 2002

2002 Utah Laws 168

SB 26 Serious Youth Offender Amendments (*Lyle W. Hillyard*) This act modifies the Judicial Code by providing that certain offenses committed by a minor within a secure facility are not subject to district court jurisdiction, and clarifying when jurisdiction over a minor is retained under the Serious Youth Offender provisions. (*Judiciary Interim Committee*)

Amends 78-3a-601, 78-3a-602, 78-3a-603

Effective February 27, 2002

2002 Utah Laws 3

SB 49 **Utah Exemption Act Amendments** (*David L. Gladwell*) This act provides that the allowance for an exempt vehicle is not limited to a vehicle used for business or professional purposes.

Amends 78-23-8

Effective May 6, 2002

2002 Utah Laws 72

SB 74 **Criminal Action - Defense to Civil Action for Damages** (*Parley G. Hellewell*) This act provides that the next-of-kin or heirs of a person prohibited from bringing a civil action under certain circumstances are also prohibited from bringing a civil action under the same circumstances.

Amends 78-11-27

Effective May 6, 2002

2002 Utah Laws 180

SB 123 **Venue for Consumer Transactions** (*John L. Valentine*) This act provides guidelines for where an action to enforce contract actions may be brought depending on whether or not it pertains to real property.

Repeals and Reenacts 78-13-4

Effective March 15, 2002

2002 Utah Laws 94

SB 130 **Youth Court Amendments** (*David L. Gladwell*) This act extends the definition of youth to persons 18 years of age that are still attending high school and provides that Youth Court may exercise authority over juveniles under the jurisdiction of the Juvenile Court provided the youth is not charged with an offense that is a violation of law.

Amends 78-57-102, 78-57-103

Effective May 6, 2002

2002 Utah Laws 188

SB 140 **Reallocation of Judges** (*John W. Hickman*) This act allows the reallocation of two judges from the Third District Court to the Fifth District and Third District Juvenile Court.

Amends 78-1-2.2, 78-1-2.3

Effective July 1, 2002

2002 Utah Laws 190

SB 141 **Punitive Damage Awards** (*Lyle W. Hillyard*) This act requires that the state treasurer and attorney general be notified of a jury verdict or judge's order awarding punitive damages and that the notification also be given when a judgment is entered awarding punitive damages. The act also clarifies that a reduction for attorneys' fees and costs shall be offset by any court award of attorneys' fees and costs, and be based on fees and costs that are actual and reasonable.

Amends 78-18-1; Enacts 78-18-1.5

Effective May 6, 2002

2002 Utah Laws 314

SB 163 **Structured Settlement Agreements** (*Lyle W. Hillyard*) This act enacts the Structured Settlement Protection Act which provides guidelines for transferring structured settlements, requires notice and hearing requirements, and provides for agreements to be approved by a court.

Amends 70A-9a-109; Enacts 78-59-101, 78-59-102, 78-59-103, 78-59-104, 78-59-105, 78-59-106, 78-59-107, 78-59-108

Effective May 6, 2002

2002 Utah Laws 99

SB 171 **Uniform Arbitration Act** (*Lyle W. Hillyard*) This act enacts the Utah Uniform Arbitration Act. The act addresses the effect of an agreement to arbitrate and the ability to waive provisions. The act also provides for the application of judicial relief and the validity of an agreement to arbitrate, a motion to compel or state arbitration, and provisional remedies. The act addresses the limitations of arbitration and the consolidation of separate arbitration proceedings. It provides for the appointment of arbitrators and addresses arbitrators' duties and responsibilities. The act provides for an arbitration process and addresses judicial enforcement of preaward rulings by arbitrators, award, and change of award by arbitrator. In addition, the act provides for confirmation of award, validating award, and judgment on award. It provides for remedies, fees, and expenditures of arbitrators and addresses jurisdiction, venue, and appeals. The act conforms to the Electronic Signatures in Global and National Commerce Act.

Amends 78-31b-5; Enacts 78-31a-101, 78-31a-102, 78-31a-103, 78-31a-104, 78-31a-105, 78-31a-106, 78-31a-107, 78-31a-108, 78-31a-109, 78-31a-110, 78-31a-111, 78-31a-112, 78-31a-113, 78-31a-114, 78-31a-115, 78-31a-116, 78-31a-117, 78-31a-118, 78-31a-119, 78-31a-120, 78-31a-121, 78-31a-122, 78-31a-123, 78-31a-124, 78-31a-125, 78-31a-126, 78-31a-127, 78-31a-128, 78-31a-129, 78-31a-130, 78-31a-131; Repeals 78-31a-1, 78-31a-2, 78-31a-3, 78-31a-4, 78-31a-5, 78-31a-6, 78-31a-7, 78-31a-8, 78-31a-9, 78-31a-10, 78-31a-11, 78-31a-12, 78-31a-13, 78-31a-14, 78-31a-15, 78-31a-16, 78-31a-17, 78-31a-18, 78-31a-19, 78-31a-20

Effective May 15, 2003

2002 Utah Laws 326

Title 79 -- UNCODIFIED

HB 61 **Funds Consolidation** (*Jeff Alexander*) This act repeals certain funds established in statute and directs the Division of Finance to close out balances in those and other funds to the General Fund. (*Revenue and Taxation Interim Committee*)

Repeals 35A-3-315, 53B-7-401, 53B-7-402, 53B-7-403, 65A-9-4

Effective May 6, 2002

2002 Utah Laws 213

HB 351 **Election Process Amendments** (*Greg J. Curtis*) This act modifies the effective date of S.B. 2003, 2001 Second Special Session, by directing that the four member Congressional redistricting plan enacted in that bill will take effect on a date established in a joint resolution of the Legislature.

Amends SECTION 3, CHAPTER 7, LAWS OF UTAH 2001, 2SS

Effective March 18, 2002

2002 Utah Laws 174

SB 170 **Reauthorization of Administrative Rules** (*Howard A. Stephenson*) This act reauthorizes all state agency administrative rules except those enumerated.

Effective May 1, 2002

2002 Utah Laws 325

APPROPRIATIONS

HB 1 **Supplemental Appropriations Act** (*Jeff Alexander*) This act funds appropriations and reductions for the operation of state government for the fiscal year beginning July 1, 2001 and ending June 30, 2002. The act provides budget increases and decreases for the use and support of certain state departments and agencies of state government and for other purposes as provided in this act.

Effective February 15, 2002

2002 Utah Laws 2

HB 3 **Supplemental Appropriations II** (*Jeff Alexander*) This act funds appropriations and reductions for the support of state government for the fiscal years beginning July 1, 2002 and ending June 30, 2003 and beginning July 1, 2001 and ending June 30, 2002. The act provides budget increases and decreases for the use and support of certain state departments and agencies of state government. The act provides appropriate funds for the bills with fiscal impact passed in the 2002 General Session and for other purposes as provided in this act. The act provides intent language governing expenditures and approves fees.

Effective March 26, 2002

2002 Utah Laws 330

SB 1 **Appropriations Act** (*Leonard M. Blackham*) This act funds appropriations and reductions for the support of state government for the fiscal year beginning July 1, 2002 and ending June 30, 2003. The act provides intent language governing expenditures and approves fees.

Effective July 1, 2002

2002 Utah Laws 277

RESOLUTIONS

HCR 2 **Resolution Supporting Businesses** (*Greg J. Curtis*) This concurrent resolution of the Legislature and the Governor expresses support for Utah businesses that provide stable jobs and create a healthy Utah economy. The resolution also recognizes the importance of considering the impact of laws and rules on the Utah business community.

Effective March 15, 2002

2002 Utah Laws

HCR 3 **Resolution Honoring Service of Pamela Atkinson** (*Martin R. Stephens*) This concurrent resolution of the Legislature and the Governor honors the contributions of Pamela Atkinson, former vice president for Mission Services at Intermountain Health Care, to the less fortunate citizens of Utah and recognizes her example of selfless services to others.

Effective March 15, 2002

2002 Utah Laws

HCR 4 **Resolution Recognizing Contributions of Congressman James V. Hansen** (*Marda Dillree*) This concurrent resolution of the Legislature and the Governor recognizes the outstanding contributions of Congressman James V. Hansen to the citizens of Utah. The resolution recognizes his 40 years of service to the state, including 22 years in the United States House of Representatives.

Effective March 15, 2002

2002 Utah Laws

- HCR 5** **Resolution Recognizing Military, President, and Congress' Role in War on Terrorism** (*John E. Swallow*) This concurrent resolution of the Legislature and the Governor recognizes the exemplary efforts of United States military personnel, the President of the United States, and Congress on behalf of the citizens of the United States in the war on terrorism, and expresses gratitude for their service.

Effective March 15, 2002

2002 Utah Laws

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- HCR 6** **Resolution Welcoming the World to Utah - 2002 Olympic Winter Games** (*Ben C. Ferry*) This concurrent resolution of the Legislature and the Governor welcomes the world to Utah and to the 2002 Olympic Winter Games and extends best wishes to all who come to participate in, to attend, to assist in the presentation and administration of the Games, and to enjoy world class athletic competition.

Effective March 15, 2002

2002 Utah Laws

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- HCR 7** **Resolution Approving Landfill for Construction and Demolition Debris** (*Thomas V. Hatch*) This concurrent resolution of the Legislature and the Governor gives approval for the operation of a Class V landfill to receive only construction and demolition waste. The landfill is known as the Lost Creek Landfill and it will be located near Circleville in Garfield County. The resolution follows the approval to operate the landfill granted by the Department of Environmental Quality.

Effective March 18, 2002

2002 Utah Laws

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- HCR 8** **Resolution Honoring Gold and Blue Star Mothers** (*J. Morgan Philpot*) This concurrent resolution of the Legislature and the Governor recognizes the members of American Gold Star Mothers, Incorporated, and Blue Star Mothers of America, Incorporated, for their sacrifices and for their patriotic support of the United States. The resolution also encourages members of the immediate families of individuals serving in the armed forces to display the Blue Star Service Banner during the period in which the armed forces are engaged in the war on terrorism.

Effective March 26, 2002

2002 Utah Laws

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- HCR 10** **Resolution Recognizing Utah Shakespearean Festival Distinguished Service Award** (*DeMar Bud Bowman*) This concurrent resolution of the Legislature and the Governor recognizes the Utah Shakespearean Festival for receiving the National Governors Association Award for Distinguished Service to the Arts for 2001. The resolution also expresses gratitude to those whose tireless efforts bring quality and professionalism to the festival.

Effective March 26, 2002

2002 Utah Laws

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- HJR 1** **Resolution Reappointing Legislative Auditor General** (*Martin R. Stephens*) This joint resolution of the Legislature approves the reappointment of Mr. Wayne L. Welsh as legislative auditor general. (*Government Operations Interim Committee*)

Effective February 1, 2002

2002 Utah Laws

HJR 2 Rules Resolution - Committee Notes on Bills (*Ron Bigelow*) This joint resolution of the Legislature revises joint rules by more precisely defining which committees qualify to have their recommendations printed on bills as committee notes and how those recommendations are printed. (*Government Operations Interim Committee*)

Amends JR-4.22

Effective January 31, 2002

2002 Utah Laws

HJR 4 Resolution Encouraging Cultural Competency in the Delivery of Health Care (*Judy Ann Buffmire*) This joint resolution of the Legislature encourages the Utah Department of Health to identify and promote culturally competent health care to Utah's diverse populations. (*Health and Human Services Interim Committee*)

Effective March 5, 2002

2002 Utah Laws

HJR 5 Resolution Calling for Support of the Principles of the Alliance for Unity (*Ron Bigelow*) This joint resolution of the Legislature expresses support for the principles espoused by Utah's Alliance for Unity. The resolution urges an increase in respect and understanding of differences among Utahns and a greater determination to cross boundaries of culture, religion, and ethnicity to better understand and befriend one another. (*Workforce Services and Community and Economic Development Interim Committee*)

Effective February 27, 2002

2002 Utah Laws

HJR 7 Joint Rules Resolution - Appropriations Subcommittee Names (*Neal B. Hendrickson*) This resolution modifies joint rules by amending the name of an appropriations subcommittee to include the National Guard.

Amends JR-3.02

Effective February 28, 2002

2002 Utah Laws

HJR 9 Joint Resolution - Rejecting Recommended Salary Increase for Legislators (*Glenn L. Way*) This joint resolution of the Legislature rejects the salary recommendations of the Legislative Compensation Commission that would, except for this joint resolution, take effect on January 1, 2003. (*Government Operations Interim Committee*)

Effective February 26, 2002

2002 Utah Laws

HJR 11 Resolution Requiring Public Notice Prior to Special Sessions (*Stephen H. Urquhart*) This joint resolution of the Legislature proposes amending the Utah Constitution to require advance notice of legislative business in a special session, with exceptions involving declared emergencies or with two-thirds of all members elected to each house. The joint resolution directs the lieutenant governor to submit this proposal to voters.

Amends ARTICLE VII, Section 6

Effective January 1, 2003

2002 Utah Laws

HJR 14 **Joint Resolution - Debt Limits for Political Subdivisions** (*Wayne A. Harper*) This joint resolution of the Legislature proposes amending the Utah Constitution language relating to additional debt limit for a certain class of municipalities. The joint resolution clarifies the measurement of the debt limit for counties and how the value of taxable property is to be determined for purposes of the county debt limit. The joint resolution also makes technical changes, directs the lieutenant governor to submit this proposal to voters. (*Political Subdivisions Interim Committee*)

Amends ARTICLE XIV, Sections 3 and 4

Effective January 1, 2003

2002 Utah Laws

HJR 15 **Resolution Promoting Financial Literacy for Utah Students** (*David L. Hogue*) This joint resolution of the Legislature urges Utah public school districts to ensure that school curriculums promote financial literacy among students. (*Education Interim Committee*)

Effective February 27, 2002

2002 Utah Laws

HJR 17 **Resolution Closing Court Facility** (*Chad E. Bennion*) This Joint Resolution of the Legislature approves the closure of the district court within the municipal boundaries of Murray City, Utah.

Effective March 5, 2002

2002 Utah Laws

HJR 22 **Resolution Opposing Increased Violence in Sports Against Sports Officials** (*David L. Hogue*) This joint resolution of the Legislature strongly urges school and recreational sports officials, parents, and participants to work together to curb the escalating incidences of violence against sports officials.

Effective March 6, 2002

2002 Utah Laws

HJR 24 **Resolution Honoring Princess Aisha Bint Al Hussein** (*Sheryl L. Allen*) This joint resolution of the Legislature honors Princess Aisha Bint Al Hussein, a Colonel in the Special Forces, for her many personal accomplishments and for her role in supporting women's rights on behalf of the women of Jordan, and welcomes her to Utah.

Effective February 28, 2002

2002 Utah Laws

HJR 25 **Resolution on Utah Athletic Foundation** (*David Ure*) This resolution authorizes the Utah Athletic Foundation to alter its investment restrictions for money received by the foundation for maintaining and managing its venues and authorizing amendments to the foundation's articles and bylaws relating to the structure and governance of the board of directors and performance audits of the foundation.

Effective March 6, 2002

2002 Utah Laws

HJR 26 **Resolution Promoting Cooperative Regulatory Environment and Economic Development in Utah** (*Chad E. Bennion*) This joint resolution of the Legislature urges Utah state agencies and the Utah business community to work together to develop strategies that balance the need for regulatory protections with the needs faced by the business community in its role in strengthening the economy of the state.

Effective March 6, 2002

2002 Utah Laws

HJR 27 **Resolution Authorizing Bear River Migratory Bird Refuge Settlement** (*Ben C. Ferry*) This joint resolution of the Legislature approves the settlement agreement to be reached between the state of Utah, through the Department of Natural Resources, and the United States Department of the Interior, through the Fish and Wildlife Service, regarding the disposition of lands in question within the boundaries of the Bear River Migratory Bird Refuge, if certain conditions are met.

Effective March 6, 2002

2002 Utah Laws

HJR 30 **Resolution to Expand the Government Property Tax Exemption** (*David Clark*) This joint resolution of the Legislature proposes amending the Utah Constitution to add a property tax exemption for property not owned but under the control of the state or a political subdivision. The joint resolution also directs the lieutenant governor to submit the proposal to voters.

Amends ARTICLE XIII, Section 2

Effective January 1, 2003

2002 Utah Laws

HR 1 **Resolution Changing House Committee Names** (*Eric K. Hutchings*) This resolution modifies House Rules changing standing committee names to bring them into compliance with the current committee structure. (*Government Operations Interim Committee*)

Amends HR-24.05

Effective January 21, 2002

2002 Utah Laws

HR 2 **House Rules Resolution - Process Revisions** (*Wayne A. Harper*) This resolution modifies House Rules to explicitly allow the House Rules Committee to hold a bill. The act also provides standards and requirements for the motion to lift a bill from the House Rules Committee or a standing committee and provides that during the last three days of the annual general session a motion to lift a bill from committee requires a two-thirds vote.

Amends HR-24.01; Enacts HR-27.17

Effective January 21, 2002

2002 Utah Laws

HR 3 **House Rules Amendments Resolution** (*Thomas V. Hatch*) This resolution modifies House Rules eliminating the requirement of standing committee review for the executive compensation act.

Amends HR-23.13

Effective January 21, 2002

2002 Utah Laws

SCR 2 **Resolution Urging Vegetation Management Practices on BLM Ground** (*Leonard M. Blackham*) This concurrent resolution of the Legislature and the Governor urges the Federal Bureau of Land Management to allow broad-based vegetation management practices on Bureau of Land Management lands.

Effective March 18, 2002

2002 Utah Laws

- SCR 3** **Concurrent Resolution Recognizing the Salt Lake Olympic Organizing Committee, Mitt Romney, Olympic Volunteers, and Public Safety** (*Beverly Ann Evans*) This resolution of the Legislature and the Governor expresses deep gratitude to the Salt Lake Olympic Organizing Committee, its President, Mitt Romney, and Olympic volunteers and public safety personnel for their invaluable contribution to the overwhelming success of the 2002 Olympic Winter Games.

Effective March 18, 2002

2002 Utah Laws

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- SJR 1** **Resolution Encouraging Research and Development Grants for Clean Coal Alternatives** (*Mike Dmitrich*) This joint resolution urges the United States Department of Energy to encourage Congress to provide grants for the research and development of clean coal technology. (*Public Utilities and Technology Interim Committee*)

Effective February 4, 2002

2002 Utah Laws

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- SJR 2** **Resolution on Investment of State School Fund and Uniform School Fund** (*Lyle W. Hillyard*) This joint resolution proposes amending the Education Article of the Utah Constitution. The joint resolution eliminates a requirement that a portion of interest earnings from the State School Fund, equal to the rate of inflation, be retained in the fund and also eliminates related language. The joint resolution also expands what may be expended to support the public education system and directs the lieutenant governor to submit this proposal to voters.

Amends ARTICLE X, Section 5

Effective January 1, 2003

2002 Utah Laws

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- SJR 4** **Joint Resolution on Changes to County Boundaries** (*Carlene M. Walker*) This joint resolution of the Legislature proposes to amend the Utah Constitution by allowing counties sharing a common boundary to make a minor adjustment to the boundary. The joint resolution also modifies the class of those who are required to vote for a county annexation and requires a majority of those required to vote approve a county annexation that is not a minor boundary adjustment. The joint resolution also directs the lieutenant governor to submit the proposal to voters.

Amends ARTICLE XI, Section 3

Effective January 1, 2003

2002 Utah Laws

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- SJR 6** **Joint Resolution Urging a Study of Certain Exemptions** (*Michael G. Waddoups*) This joint resolution of the Legislature urges the Tax Review Commission to conduct a two-year study of certain tax exemptions and requests the Commission to make annual reports to the Revenue and Taxation Interim Committee.

Effective February 27, 2002

2002 Utah Laws

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- SJR 7** **Resolution on Compensation of In-session Employees** (*Beverly Ann Evans*) This joint resolution of the Legislature establishes the compensation for legislative in-Session employees for 2002. (*Government Operations Interim Committee*)

Effective January 30, 2002

2002 Utah Laws

SJR 9 **Joint and Interim Rules Revisions Resolution** (*Michael G. Waddoups*) This joint resolution modifies certain Joint and Interim Rules. This joint resolution modifies interim committee responsibilities relating to legislative audits, clarifies the germaneness rule, modifies rules relating to reservation of bill numbers to include the Executive Compensation bill, and modifies rules governing legislative expenses during the recess for the 2002 Salt Lake City Olympic games.

Amends IR-3.01, JR-4.18, JR-4.40, JR-15.02

Effective February 6, 2002

2002 Utah Laws

SJR 10 **Resolution Amending Revenue and Taxation Provisions of Utah Constitution** (*John L. Valentine*) This joint resolution of the Legislature proposes amending the Revenue and Taxation Article of the Utah Constitution for the purpose of modernizing the makeup of County Boards of Equalization. The joint resolution also clarifies and reorganizes provisions relating to revenue and taxation and directs the lieutenant governor to submit the proposal to voters.

Amends ARTICLE XIII, Section 1; Enacts ARTICLE XIII, Sections 4 and 7, ARTICLE XXII, Section 5; Repeals ARTICLE XIII, Sections 9, 10, 11, 12, 13, and 14; Repeals and Reenacts ARTICLE XIII, Sections 2, 3, 5, 6, and 8

Effective January 1, 2003

2002 Utah Laws

SJR 11 **Resolution Supporting America's Domestic Steel Industry** (*Ed P. Mayne*) This joint resolution of the Legislature expresses support for emergency measures needed to save the American steel industry.

Effective March 5, 2002

2002 Utah Laws

SJR 12 **Resolution Urging Federal Government Review of Alternatives for Atlas Mill Tailings** (*Mike Dmitrich*) This joint resolution of the Legislature urges the federal government to evaluate all legitimate relocation alternatives for the Atlas Minerals Corporation Moab uranium mill tailings.

Effective March 4, 2002

2002 Utah Laws

SJR 15 **Master Study Resolution** (*L. Steven Poulton*) This joint resolution of the Legislature directs the Legislative Management Committee to assign items of study to the appropriate interim committee. The resolution requests a report to the Legislature prior to the 2003 Annual General Session.

Effective March 6, 2002

2002 Utah Laws

SJR 16 **Resolution Recognizing Public Safety Workers for Olympics** (*Al Mansell*) This joint resolution of the Legislature recognizes the service and sacrifices of the public safety and security personnel whose many hours of labor ensured the safety and security of athletes and spectators at the 2002 Olympic Winter Games. The resolution also recognizes the efforts of Robert L. Flowers, Commander of the Utah Olympic Public Safety Command, for his effectiveness in organizing and coordinating the efforts of local, state, and federal public safety personnel.

Effective March 6, 2002

2002 Utah Laws

- SR 1** **Resolution Changing Senate Committee Names** (*Peter C. Knudson*) This resolution modifies the Senate Rules changing standing committee names to bring them into compliance with the current interim structure.

Amends SR-24.05

Effective January 1, 2003

2002 Utah Laws

- SR 2** **Senate Rules Amendments Resolution** (*Michael G. Waddoups*) This resolution modifies Senate Rules eliminating the requirement of standing committee review for the executive compensation act.

Amends SR-23.13

Effective January 29, 2002

2002 Utah Laws

- SR 3** **Resolution Recognizing Discover Navajo - People of the Fourth World Day** (*Mike Dmitrich*) This resolution of the Senate designates February 14, 2002, as Discover Navajo - People of the Fourth World Day during the 2002 Olympic Winter Games in Salt Lake City, Utah.

Effective February 7, 2002

2002 Utah Laws

- SR 4** **Resolution on Adult Lifelong Learning and Literacy** (*David H. Steele*) This resolution of the Senate designates the second week of September 2002 as Adult Lifelong Learning and Literacy week in the state of Utah. The resolution recognizes and encourages Utah adults in their efforts to pursue lifelong learning and to promote literacy and expresses support for financial efforts aimed at aiding adults in their quest for literacy.

Effective March 6, 2002

2002 Utah Laws

TASK FORCES

- HB 140** **Competition in Telecommunications Industry Legislative Task Force** (*Kevin S. Garn*) This act establishes a legislative task force to study whether competition in the telecommunications industry has met the purposes of Utah's Telecommunications Act of 1995 and the Federal Telecommunications Act of 1996. The act specifies task force membership, duties, salaries and designates staff for the task force. The task force is also required to prepare a report for presentation to the Public Utilities and Technology Interim Committee by the end of November 2002.

Effective May 6, 2002

2002 Utah Laws 228

- HB 251** **Funding of State and County Health and Human Services Legislative Task Force** (*Jack A. Seitz*) This act creates the Funding of State and County Health and Human Services Legislative Task Force, specifies membership and duties of the task force, and appropriates \$24,500 from the General Fund for fiscal year 2002-03 to fund the task force until November 30, 2002.

Effective May 6, 2002

2002 Utah Laws 251

- HB 317 Legislative Task Force Amendments** (*Craig W. Buttars*) This act repeals the Government Revenue and Tax System Task Force and creates the Agricultural Sustainability Task Force. The act provides for the Agricultural Sustainability Task Force membership, task force chairs, compensation of task force members, the task force meeting schedule, staff support, task force duties and responsibilities, and task force reporting requirements. The act requires the task force to follow interim rules. This act redirects the balance of the money appropriated for the Government Revenue and Tax System Task Force to be used for the Agricultural Sustainability Task Force. This act is repealed November 30, 2002.

Amends SECTION 4, CHAPTER 282, LAWS OF UTAH 2001

Effective May 6, 2002

2002 Utah Laws 172

- SB 33 Access to Health Care and Coverage Task Force** (*Peter C. Knudson*) This act creates the Access to Health Care and Coverage Task Force, specifies membership, responsibilities, and reporting dates for the task force, and appropriates \$37,000 from the General Fund for fiscal year 2001-02 to fund the task force until November 30, 2002. (*Health and Human Services Interim Committee*)

Effective May 6, 2002

2002 Utah Laws 288

- SB 77 Task Force on Involuntary Commitment of the Mentally Ill** (*Leonard M. Blackham*) This act creates the Task Force on Involuntary Commitment of the Mentally Ill; specifies membership, duties, and reporting requirements for the task force; and appropriates \$39,500 from the General Fund for fiscal year 2002-03 to fund the task force through November 30, 2002.

Effective May 6, 2002

2002 Utah Laws 293

VETOED

- HB 123 Medical Recommendations for Children** (*Katherine M. Bryson*) This act prohibits school personnel from making certain medical recommendations for a child, including the use of psychotropic drugs. This act provides that the Division of Child and Family Services may not initiate an investigation or remove a minor from the custody of his parent on the basis of the refusal of the parent to consent to the administration of a psychotropic drug to a child or to consent to certain treatments or evaluations of the child.

Amends 78-3a-301; Enacts 53A-11-602

Governor's Veto Message

"This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto H.B. 123, MEDICAL RECOMMENDATIONS FOR CHILDREN, and have transmitted it to the Lieutenant Governor for filing.

This bill limits the communication that can take place between parents and teachers regarding a child's behavior. Specifically, it prohibits a teacher from recommending psychiatric or psychological evaluations or treatments.

The unauthorized practice of medicine is already prohibited and is a matter of well-settled law. This bill does nothing to enhance the protection of the public. The need for the restrictions imposed in this bill is based on anecdotal case histories. No system can guarantee perfect outcomes. Human judgment is constantly at play in decision making, including what advice teachers give to parents. Ultimately, if a teacher makes a serious mistake in judgment, someone

else's human judgment must intervene to correct it. I do not believe that the Legislature is equipped in this case to offer its own clinical judgment.

Affected state agencies have expressed a willingness to work within the new restrictions, but I see the bill as an inappropriate hindrance to communication between parent and teacher."

HB 136 **Judicial Conduct Commission Amendments** (*Katherine M. Bryson*) This act adds to the composition of the commission one member of the Utah Court of Appeals and replaces three Utah State Bar Commissioners with two lawyers appointed by the Utah Supreme Court. It adds the requirement to decide whether certain information alleging misconduct should be investigated and requires the commission to immediately refer an allegation involving criminal conduct to the Utah Supreme Court. It also establishes an eight year term limit on commission members, provides that the burden of proof shall be a preponderance of the evidence, and requires that certain information shall be included in the record when the commission sends any order to the Supreme Court for review. The act also reiterates the Supreme Court's constitutional power to modify any order of the commission, and also requires that the Supreme Court provide a detailed written summary of judicial misconduct for publication in the Voter Information Pamphlet.

Amends 20A-7-702, 78-8-101, 78-8-102, 78-8-104, 78-8-107

"This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto H.B. 136, JUDICIAL CONDUCT COMMISSION AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

This bill alters the configuration and terms of members of the Judicial Conduct Commission and, additionally, makes procedural changes. The bill calls for a significant change to a system that has served the citizens of Utah well. It alters an important balance between accountability and independence and appears to be directed to a problem whose existence is not compelling. Of special concern is a provision in the bill that allows the commission to initiate its own complaints against judges. Because the bill undermines the independence of the judiciary, I feel compelled to veto."

HB 152 **Oil and Gas Severance Tax - Board, Restricted Account, and Use of Revenues** (*Jack A. Seitz*) This act creates within the Division of Community Development the Oil and Gas Severance Tax Board. It establishes procedures and requirements for the operation of the Board and prescribes the powers and duties of the Board. The act also creates the Oil and Gas Severance Tax Restricted Account, specifies the revenues to be deposited into the Account, and prescribes the purposes for which those revenues may be expended.

Amends 59-5-115; Enacts 9-16-101, 9-16-102, 9-16-103, 9-16-104, 9-16-105, 59-5-120

"This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto H.B. 152, OIL AND GAS SEVERANCE TAX-BOARD, RESTRICTED ACCOUNT AND USE OF REVENUES, and have transmitted it to the Lieutenant Governor for filing.

House Bill 152 gives all state General Fund oil and gas severance tax over \$34 million in calendar year 2003 to a grant program for counties. Thereafter, all such tax revenues over \$32 million are given to the grant program for each subsequent year.

This earmarking changes the nature of a general revenue source of the state to a specific restricted purpose. Oil and gas tax revenues are sovereign assets of state. This bill reverses the long-held premise that tax revenue from oil and gas are sovereign assets of the state, to be used for the benefit of all, to pay for such general fund expenses as prisons, higher education, and health and human services.

The counties are political subdivisions of the state created by the Legislature. They do not hold sovereign rights to the land and minerals within their boundaries. Among other sources of revenue, the counties receive money from oil and gas activities in the form of property tax on wells, drilling equipment, and other facilities. The property tax for calendar year 2000 was \$15 million for the eleven counties in question."

HB 248 **Classification of State Employees for Insurance Purposes** (*Jack A. Seitz*) This act requires the Group Insurance Division to move employees of local health departments, local mental health and substance abuse authorities, Children's Justice Centers, and similar entity employees into the insurance risk pool with State employees instead of the risk pool with political subdivisions.
Amends 49-8-204

"This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto H.B. 248, CLASSIFICATION OF STATE EMPLOYEES FOR INSURANCE PURPOSES, and have transmitted it to the Lieutenant Governor for filing.

House Bill 248 allows local health departments, local mental health authorities, local substance abuse authorities, area agencies on aging and the children's justice centers to join the state employee's health insurance risk pool. The theory behind the bill was that these entities will save on their health insurance costs because they will join a larger risk pool. They would then be able to expend their services with the savings.

However, since the legislative session, more information has come to light. First, language in the bill requires participation in the state employee risk pool if the entity is covered by PEHP. Individual pools such as the UBHN-Utah Behavior Health Network (for mental health authorities) would be dissolved and the county health departments would be carved out of county health coverage. Those agencies would be forced to join the state employee risk pool or find private insurance coverage.

Second, the experience rating for the UBHN group is higher than that of state employees and this would cause a premium increase for the state employees to absorb the higher costs of a at least \$1.5 million annually.

Third, there will be an equity problem for the counties. Their health department employees will have the state employee health benefit package while their other employees will have the county health benefit package.

Finally, it seems probable that this bill could have the effect of taking business away from the private health insurance market.

For these reasons, I have decided to veto H.B. 248 and recommend that the Legislature consider the bill's provisions in their Access to Health Care and Coverage Task Force."

HB 287 **Constitutional Rights of State Employees** (*Mike Thompson*) This act prohibits the Board of Child and Family Services and state agencies from requiring a person to relinquish any right given under the United States Constitution or the Utah Constitution in order to obtain or maintain foster parent status or state employment.

Amends 62A-4a-102, 67-19-4

"This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto H.B. 287, CONSTITUTIONAL RIGHTS OF STATE EMPLOYEES, and have transmitted it to the Lieutenant Governor for filing.

House Bill 287, appears to protect constitutional rights of state employees and foster parents. However, that which is constitutional behavior may not be permissible in the workplace, and this bill's potential for unintended consequences is serious. For example, the bill prohibits screening out, failing to hire or promote, disciplining, or dismissing a person as an employee or foster parent who:

- *uses hate speech on the job;*
- *uses offensive language;*
- *dresses unprofessionally;*
- *criticizes the employer on political grounds, which could be especially detrimental to elected officials, who could no longer make political loyalty a basis for employment decisions;*
- *decorates a public school classroom with pornography that, though offensive, does not rise to the level of constitutionally prohibited obscenity;*
- *violates judicial and professional ethics rules, such as a judge engaging in political activities;*

- *discloses details of confidential material, as in the case of a state-employed National Guard intelligence officer who chooses to speak openly of security operations; and*
- *any other number of behaviors that could be considered detrimental to the workplace but are constitutionally protected exercises of free speech, right of assembly, and the like.*

Many negative or inappropriate behaviors may be protected under the constitution, but they are not without consequence in the workplace. This bill could raise basic employee grievances to constitutional levels in a nearly unlimited fashion. Problems now being resolved by administrators might have to go to court, at significant expense and burden to the parties, if this bill becomes law.

An employee or foster parent whose rights are in actuality violated already has recourse to the courts. I respect and revere constitutional rights and support the courts role in evaluating and upholding them, but I cannot support this bill because of its potential for unintended consequences.”

HB 297 Retirement Office Amendments (Ron Bigelow) This act requires a member to have at least five years of service credit in the State Retirement System and to meet federal eligibility requirements in order to purchase the “up to five years retirement service credit” that is not otherwise purchasable. The act provides for the withdrawal of independent corporations from the State Retirement System and provides withdrawal procedures. The act allows an employee and an employee’s spouse who are both eligible for Medicare to purchase Medicare supplemental insurance for both at the rate of one-month’s coverage for each day of the employee’s unused sick leave.

Amends 49-3-410, 67-19-14; Enacts 49-11-621

“This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto H.B. 297, RETIREMENT OFFICE AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

House Bill 297 allows a retired employee who has unused sick leave at age 65 to use one day of sick leave to purchase one month of Medicare Supplemental insurance for both the retiree and the spouse. Current law requires two days of sick leave - one day for the retiree and one day for the spouse. The bill doubles the value of one day of unused sick leave.

The fiscal note on the bill was presumed to be under \$50,000. However, calculations by Group Insurance estimate the cost to the \$128,000 in the first year, and escalating to \$680,000 in five years. Testimony on the bill indicated that the premiums would be paid for through a restricted fund. While this is true, the restricted fund is merely an accounting vehicle. Agency budgets would be charged for the costs. In addition, these costs would reduce the compensation package for current state employees for the benefit of spouses of retired employees.”

HB 342 Recovery of Administrative Fee for Damages Sustained to a Rental Motor Vehicle (Greg J. Curtis) This act allows the collection of an administrative fee that vehicle rental companies may charge to offset the expenses incurred for collecting and resolving a damage claim on a rental vehicle. The act adds the administrative fee and any diminution in value to the definition of damage to a rental vehicle. The administrative fees are set at \$50 for estimated damage to the rental vehicle of \$250 or less and up to \$250 for estimated damage exceeding \$2,501.

Amends 31A-22-311; Enacts 31A-22-312.5

“This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto H.B. 342, RECOVERY OF ADMINISTRATIVE FEE FOR DAMAGES SUSTAINED TO A RENTAL MOTOR VEHICLE, and have transmitted it to the Lieutenant Governor for filing.

This bill creates an administrative fee purported to “offset expenses incurred in administering the collection and resolution of a claim.” The fee is graduated (from \$50.00 to \$250.00) based on

the estimated damage to the rental vehicle.

Consumer protection laws are generally applied to create level playing fields. This bill appears to unfairly infringe with a consumer's right to contract and sets administrative fees which are arbitrary and are not based on the actual damage to a vehicle."

SB 183 **Costs Assessed for Wrongfully Enjoining a State Project** (*Terry R. Spencer*) This act allows an entity or person to bring an action in state court to recover damages from a work stoppage caused by another person or entity bringing suit in court to stop a construction project.

Enacts 78-11-28

"This is to inform you that on March 26, 2002, I decided, after careful consideration and study, to veto S.B. 183, COSTS ASSESSED FOR WRONGFULLY ENJOINING A STATE PROJECT, and have transmitted it to the Lieutenant Governor for filing.

This bill was motivated by the lawsuit attempting to stop construction of the Legacy Parkway. The Legacy Parkway was approved by the federal government after a lengthy, arduous, and, in my view, fair process. Once the project was approved, and in reliance upon the integrity of the process, the state funded the project, a contract was executed, and construction began. Subsequently, opponents of the project commenced litigation against the Army Corps of Engineers. The net impact of the lawsuit is simply delay - costing taxpayers in excess of \$100,000 a day - for a project which will ultimately be built without significant alteration from the original plan.

Senate Bill 183 attempts to cause those who "improperly disrupt" public projects to pay for the cost of delay if they do not ultimately prevail in court. However, the bill is too broad in its potential application. It can be invoked even in projects that are merely approved by the state or are subject to state administered permits. One private citizen could seek recovery against another private citizen, so long as a state approval or permit is involved. It could apply to state-permitted private water diversions, waste facilities, and many other projects. Public projects are usually by nature expensive. The risk of exposure to the private citizen who disagrees with the project may be so overwhelming under this law that there is no adequate check on government, and the citizen is effectively restrained from having access to the courts.

It is fundamental to our democracy that citizens be able to take complaints to court. Government is not always right."

Utah Code Sections Affected for Bills Passed

Legend for Utah Code Sections Affected for Bills Passed

The action taken on each section in "Sections Affected for Bills Passed" list is as follows:

A	Amended
E	Enacted
R	Repealed
X	Repealed and Reenacted
N	Renumbered and Amended

Duplicate and incorrect section cites are currently being technically renumbered by the Office of Legislative Research and General Counsel and will appear in a separate publication available from our office after May 1, 2002 and on our web site - <http://www.le.state.ut.us>.

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
4-2-3	A	SB 10		47	9-4-305	A	SB 29		3
4-11-4	A	HB 21		1	9-4-306	A	SB 29		3
4-18-4	A	SB 10		47	9-4-503	A	HB 255		46
4-21-3	A	HB 264		46			SB 10		47
4-22-8	A	HB 21		1	9-4-602	A	SB 114		48
4-25-8	A	HB 83		1	9-4-703	A	SB 114		48
4-25-14	E	HB 83		1	9-4-706	A	HB 255		46
4-33-8	A	HB 21		1	9-4-708	A	SB 38		19
4-35-4	A	HB 113		1	9-4-904	A	SB 10		47
7-1-202	A	SB 10		47	9-4-1104	A	SB 10		47
7-1-203	A	SB 10		47	9-4-1203	A	HB 255		46
7-15-1	A	HB 307		1	9-4-1204	A	SB 38		19
7-17-4	A	HB 291		1	9-6-204	A	SB 10		47
8-3-4	R	HB 75		1	9-6-502	A	HB 264		46
8-5-1	A	HB 75		1	9-7-203	A	HB 264		46
8-5-2	A	HB 75		1	9-7-206	A	HB 264		46
8-5-3	A	HB 75		1	9-7-217	A	SB 38		19
8-5-5	A	HB 75		1	9-8-204	A	SB 10		47
8-5-6	A	HB 75		1	9-8-702	A	HB 264		46
8-5-7	A	HB 75		1	9-10-102	A	HB 264		46
8-5-8	A	HB 75		1	9-11-104	A	HB 264		46
9-1-201	A	HB 145		45	9-14-102	A	HB 264		46
9-1-204	A	SB 10		47	9-14-103	A	SB 10		47
9-1-702	R	HB 145		45	9-15-102	A	HB 264		46
9-1-703	R	HB 145		45	9-15-103	A	SB 10		47
9-1-706	R	HB 145		45	10-1-304	A	HB 129		37
9-2-203	A	SB 10		47	10-2-405	A	HB 93		2
9-2-1603	A	SB 38		19	10-2-427	E	HB 126		2
9-2-1703.5	A	HB 34		2	10-3-208	A	HB 334		2
9-3-202	A	SB 10		47	10-3-913	A	HB 101		26
9-3-204	A	HB 34		2	10-3-918	A	HB 101		26
9-3-310	A	SB 114		48	10-3-928	A	HB 107		51
9-4-304	A	SB 10		47	10-6-135	A	HB 27		2

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<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
10-7-3	A	HB 241		14	11-36-201	A	HB 184		3
10-7-15	A	SB 104		3	11-36-501	E	HB 184		3
10-7-16	A	SB 104		3	11-37-101	A	HB 255		46
10-7-17	A	SB 104		3	11-38-201	A	SB 10		47
10-7-18	A	SB 104		3	11-38-301	A	HB 264		46
10-8-2	A	HB 166		2	13-1-3	A	SB 10		47
10-9-307	A	HB 255		46	13-2-1	A	HB 111		4
10-9-806	A	SB 65		6	13-2-8	A	HB 264		46
10-9-808	A	SB 65		6	13-14-102	A	SB 42		5
11-13-1	N	SB 29	11-13-101	3	13-14-103	A	SB 42		5
11-13-2	N	SB 29	11-13-102	3	13-14-201	A	SB 42		5
11-13-3	N	SB 29	11-13-103	3	13-14-203	A	SB 42		5
11-13-4	N	SB 29	11-13-201	3	13-14a-6	A	SB 114		48
11-13-5	N	SB 29	11-13-202	3	13-25a-102	A	HB 64		4
11-13-5.5	N	SB 29	11-13-203	3	13-26-3	A	HB 64		4
11-13-5.6	N	SB 29	11-13-205	3	13-33-304	A	SB 108		5
11-13-6	N	SB 29	11-13-206	3	13-34-101	E	HB 111		4
11-13-7	N	SB 29	11-13-207	3			HB 143		4
11-13-8	N	SB 29	11-13-208	3			HB 167		5
11-13-9	R	SB 29		3			HB 80		4
11-13-10	N	SB 29	11-13-209	3	13-34-102	E	HB 111		4
11-13-11	N	SB 29	11-13-210	3			HB 143		4
11-13-12	R	SB 29		3			HB 167		5
11-13-13	N	SB 29	11-13-211	3			HB 80		4
11-13-14	N	SB 29	11-13-212	3	13-34-103	E	HB 111		4
11-13-15	N	SB 29	11-13-213	3			HB 143		4
11-13-16	N	SB 29	11-13-214	3			HB 167		5
11-13-16.5	N	SB 29	11-13-215	3			HB 80		4
11-13-17	N	SB 29	11-13-216	3	13-34-104	E	HB 111		4
11-13-18	N	SB 29	11-13-217	3			HB 143		4
11-13-19	N	SB 29	11-13-218	3			HB 167		5
11-13-20	N	SB 29	11-13-219	3			HB 80		4
11-13-22	N	SB 29	11-13-220	3	13-34-105	E	HB 111		4
11-13-23	N	SB 29	11-13-221	3			HB 143		4
11-13-24	N	SB 29	11-13-222	3			HB 167		5
11-13-25	N	SB 29	11-13-302	3	13-34-106	E	HB 111		4
11-13-26	N	SB 29	11-13-303	3			HB 167		5
11-13-27	N	SB 29	11-13-304	3	13-34-107	E	HB 111		4
11-13-28	N	SB 29	11-13-305	3			HB 167		5
11-13-29	N	SB 29	11-13-306	3	13-34-108	E	HB 111		4
11-13-30	N	SB 29	11-13-307	3	13-34-109	E	HB 111		4
11-13-31	N	SB 29	11-13-308	3	13-34-110	E	HB 111		4
11-13-32	N	SB 29	11-13-309	3	13-34-111	E	HB 111		4
11-13-33	N	SB 29	11-13-310	3	13-34-112	E	HB 111		4
11-13-34	N	SB 29	11-13-311	3	13-34-113	E	HB 111		4
11-13-35	N	SB 29	11-13-312	3	13-34-114	E	HB 111		4
11-13-36	N	SB 29	11-13-313	3	13-34-201	E	HB 111		4
11-13-37	N	SB 29	11-13-223	3			HB 167		5
11-13-204	E	SB 29		3	13-34-202	E	HB 167		5
11-13-301	E	SB 29		3	13-34-203	E	HB 167		5
11-33-3	A	SB 41		3	13-34-204	E	HB 167		5
11-36-102	A	HB 184		3	13-34-205	E	HB 167		5

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13-34-301	E	HB 167		5			HB 154		26
13-34-302	E	HB 167		5	17-22-2.5	A	HB 154		26
13-34-303	E	HB 167		5	17-27-307	A	HB 255		46
13-34-304	E	HB 167		5	17-27-806	A	SB 65		6
13-34-305	E	HB 167		5	17-27-808	A	SB 65		6
13-34-306	E	HB 167		5	17-27-811	A	SB 65		6
13-34-307	E	HB 167		5	17-28-1	A	HB 254		6
16-6a-102	A	SB 176		5	17-28-2	A	HB 254		6
16-6a-107	A	SB 176		5	17-28-3	A	HB 254		6
16-6a-116	A	SB 176		5	17-28-6	A	HB 254		6
16-6a-202	A	SB 176		5	17-28-14	A	HB 254		6
16-6a-401	A	HB 111		4	17-33-1	A	SB 82		7
		SB 176		5	17-33-8	A	SB 82		7
16-6a-501	A	SB 176		5	17-34-1	A	HB 330		6
16-6a-503	A	SB 176		5	17-34-3	A	HB 330		6
16-6a-603	A	SB 176		5	17-37-2	A	SB 129		7
16-6a-706	A	SB 176		5	17-37-4	A	SB 129		7
16-6a-707	A	SB 176		5	17-37-7	A	SB 129		7
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16-6a-824	A	SB 176		5	17-50-104	E	SB 80		6
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16-6a-1610	E	SB 176		5	17-50-212	R	SB 80		6
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17-2-4	A	HB 131		11	17-50-217	R	SB 80		6
17-2-6	A	SB 80		6	17-50-218	R	SB 80		6
17-2-9	A	HB 131		11	17-50-219	R	SB 80		6
17-2-13	E	SB 80		6	17-50-220	R	SB 80		6
17-3-3	A	HB 131		11	17-50-221	R	SB 80		6
17-15-27	A	SB 114		48	17-50-222	R	SB 80		6
17-16-6.5	A	HB 334		2	17-50-223	R	SB 80		6
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17-21-22	A	SB 65		6	17-50-230	R	SB 80		6
17-21-23	R	SB 65		6	17-50-231	R	SB 80		6
17-22-2	A	HB 101		26	17-50-232	R	SB 80		6

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<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
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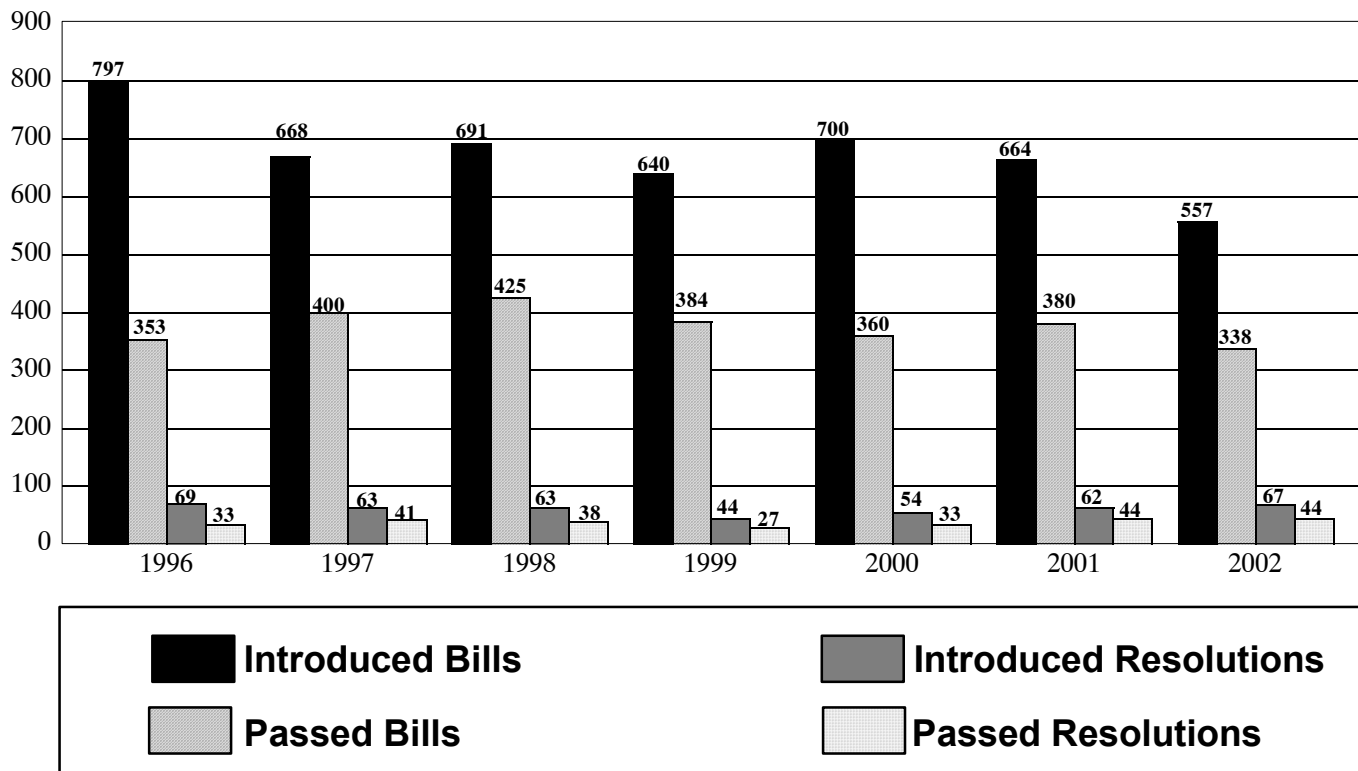
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Statistical Summary of General Sessions 1996-2002

	1996	1997	1998	1999	2000	2001	2002
Bills Introduced	797	668	691	640	700	664	557
Bills Passed	353	400	425	384	360	380	338
Bills Vetoed	5	6	7	5	5	3	8
Vetoes Overridden	0	0	0	0	0	0	0
Joint Resolutions Introduced	45	37	37	25	31	31	46
Joint Resolutions Passed	17	23	17	12	15	23	27
Concurrent Resolutions Introduced	17	14	19	10	13	17	13
Concurrent Resolutions Passed	11	9	15	7	10	11	10
House & Senate Resolutions Introduced	7	12	7	9	10	14	8
House & Senate Resolutions Passed	5	9	6	8	8	10	7



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Summary of Actions on Legislation

2002 General Session

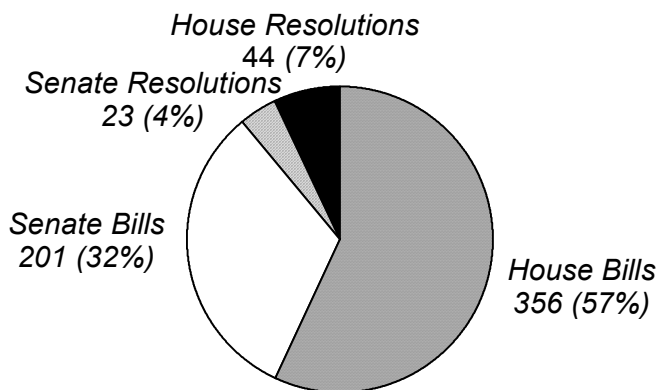
	House	Senate	Total
Total Bills and Resolutions Introduced	400	224	624
Total Bills and Resolutions Passed	236	146	382
Total Bills and Resolutions Enacted	229	145	374

Bills Introduced	356	201	557
Bills Passed	209	129	338
Bills Vetoed	7	1	8
Line Items Vetoed	1	0	1
Total Bills Enacted	202	128	330

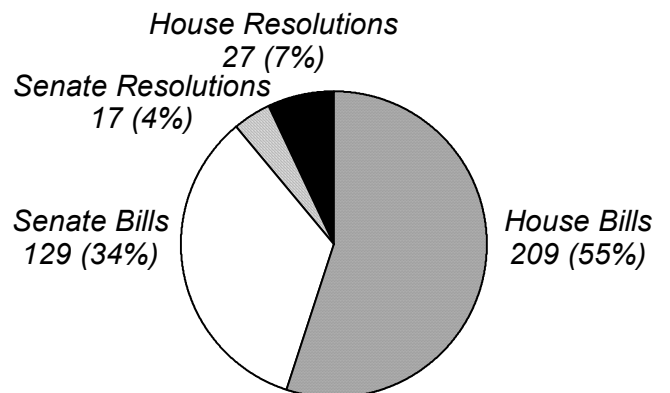
Joint Resolutions Introduced	30	16	46
Concurrent Resolutions Introduced	10	3	13
House & Senate Resolutions Introduced	4	4	8
Total Resolutions Introduced	44	23	67

Joint Resolutions Passed	16	11	27
Concurrent Resolutions Passed	8	2	10
House & Senate Resolutions Passed	3	4	7
Total Resolutions Passed	27	17	44

Introduced



Passed



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DIGEST OF LEGISLATION

ENACTED IN THE

2001 FIRST SPECIAL SESSION

By the 54th Legislature

Convened and Adjourned June 20, 2001

Prepared by the
Office of Legislative Research and General Counsel
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Summaries by Utah Code Titles

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- SB 1005** **Utah Revised Nonprofit Corporation Act Amendments** (*Lyle W. Hillyard*) This act addresses issues related to a quorum of a nonprofit corporation and taking action by written ballot. The act addresses issues related to transition between the old and revised law. Portions of the act have retrospective operation to April 30, 2001. (*Business and Labor Interim Committee*)

Amends 16-6a-709, 16-6a-714, 16-6a-1704

Effective July 5, 2001

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Title 41 -- MOTOR VEHICLES

- SB 1004** **Registration and Taxation of Vehicles for Sports Events** (*John W. Hickman*) This act addresses the issuance of temporary permits or temporary sports event registration certificates by the Motor Vehicle Enforcement Division or a motor vehicle dealer, and addresses the suspension or revocation of the authority of a motor vehicle dealer to issue a temporary permit or a temporary sports event registration certificate. The act requires the Motor Vehicle Enforcement Division to impose fees for issuing a temporary permit or a temporary sports event registration certificate, and provides that the fees may be used as dedicated credits toward the costs of the division. The act subjects a motor vehicle issued a temporary sports event registration certificate to a \$5 uniform fee in lieu of property taxes, addresses the imposition of property taxes and uniform fees on tangible personal property, and provides a sales and use tax exemption for the lease or use of a motor vehicle issued a temporary sports event registration certificate. (*Revenue and Taxation Interim Committee*)

Amends 41-1a-202, 41-3-304, 59-2-405, 59-2-405.1, 59-12-104; Enacts 41-3-306, 41-3-603

Effective August 20, 2001

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Title 53A -- STATE SYSTEM OF PUBLIC EDUCATION

- SB 1001** **Notification by School or Family Services to Noncustodial Parent of Child's Discipline or Removal** (*Parley G. Hellewell*) This act requires a peace officer, case worker, or school to inform a custodial and noncustodial parent when a minor is taken into protective custody or suspended or expelled from school.

Amends 53A-11-903, 62A-4a-202.2

Effective August 20, 2001

2002 Utah Laws 10

Title 53B -- STATE SYSTEM OF HIGHER EDUCATION

HB 1003 Applied Technology Education Governance (*Ron Bigelow*) This act establishes a new applied technology education governance structure for Utah. The act creates the Utah College of Applied Technology and regional applied technology colleges in Utah, establishes their governance structure, and defines their powers and duties. The act defines the governing authority of the State Board of Regents with respect to the Utah College of Applied Technology and its regional applied technology colleges. The act creates the Utah College of Applied Technology Board of Trustees, establishes its membership and meeting requirements, and defines its powers and duties. The act establishes regional applied technology college boards, establishes their membership and meeting requirements, and defines their powers and duties. The act establishes the offices of the president of the Utah College of Applied Technology and the regional presidents and defines their appointments, powers, and duties. The act repeals the State Board for Applied Technology and transfers most of its duties and responsibilities to the State Board of Education. The act makes technical and conforming changes to other sections of the Utah Code to make those sections consistent with the substantive provisions of this act. The act establishes funding guidelines governing future legislative appropriations. The act transfers appropriations relating to the Utah College of Applied Technology and its regional applied technology colleges. The act repeals superseded sections.

Amends 53A-1-101, 53A-1-402, 53A-8-102, 53A-15-202, 53A-15-205, 53A-17a-113, 53A-17a-116, 53A-24-102, 53A-24-103, 53B-1-102, 53B-1-103, 53B-1-104, 53B-2-104, 53B-2-106, 53B-6-101, 53B-8-105, 53B-16-102, 53B-16-205; Enacts 53B-1-101.5, 53B-2a-101, 53B-2a-102, 53B-2a-103, 53B-2a-104, 53B-2a-105, 53B-2a-106, 53B-2a-107, 53B-2a-108, 53B-2a-109, 53B-2a-110, 53B-2a-111, 53B-2a-112; Repeals 53A-1-501, 53A-1-502, 53A-15-201, 53A-15-202.5, 53A-15-203

Effective September 1, 2001

2002 Utah Laws 5

Title 59 -- REVENUE AND TAXATION

HB 1005 Individual Income Tax and Corporate Franchise and Income Tax - Renewable Energy Systems Tax Credits (*John E. Swallow*) This act reinstates tax credits for renewable energy systems for taxable years beginning on or after January 1, 2001, but beginning on or before December 31, 2006, repeals the requirement that an individual taxpayer must be a resident of the state to claim a credit. The act requires the Public Utilities and Technology Interim Committee to study the tax credits. The act has retrospective operation for taxable years beginning on or after January 1, 2001.

Amends 63-55b-159; Enacts 59-7-614, 59-10-134

Effective August 20, 2001

2002 Utah Laws 6

HB 1006 Individual Income Tax - Addition of Interest to Federal Taxable Income (*Greg J. Curtis*) This act provides that for taxable years beginning on or after January 1, 2003, interest on certain bonds, notes, and other indebtedness of other states or the District of Columbia is subject to state individual income taxation.

Amends 59-10-114

Effective August 20, 2001

2002 Utah Laws 7

HB 1008 Individual Income Tax - 2001 Federal Rate Bracket Benefit (*Matt Throckmorton*) This act provides that a federal individual income tax credit or advance refund amount allowed as a result of the 2001 federal rate bracket benefit is not subject to state individual income taxation. The act has retrospective operation for taxable years beginning on or after January 1, 2001. (*Revenue and Taxation Interim Committee*)

Amends 59-10-114

Effective August 20, 2001

2002 Utah Laws 9

SB 1003 Taxes on Rentals of Public Sleeping Accommodations (*John L. Valentine*) This act requires that certain public sleeping accommodations must be regularly rented for a time period of less than 30 consecutive days to be subject to certain taxes within the Sales and Use Tax Act, and provides definitions.

Amends 59-12-102, 59-12-103, 59-12-301, 59-12-351, 59-12-603; Repeals 17-31-4

Effective July 1, 2001

2002 Utah Laws 11

Title 63 -- STATE AFFAIRS IN GENERAL

HB 1007 Private Records Under Government Records Access and Management Act (*Cindy Beshear*) This act authorizes government employees to give written notice of their status as government employees to other governmental entities in order to ensure that those entities classify personal information about government employees as "private." The act corrects cross-references contained in other sections of statute. The act removes any liability for damages that a government entity or government employee may have if they negligently disclose certain private records. The act repeals the predecessor bill passed in the 2001 Annual General Session and replaces it with amendments as described above. The act also provides instructions for preparing the Utah Code database.

Amends 26-1-17.5, 31A-23-202, 31A-25-202, 31A-26-202, 58-1-301, 61-1-4, 61-2-6, 63-2-202, 63-2-206, 63-2-301, 63-2-302, 63-2-803, 76-10-1311

Effective July 1, 2002

2002 Utah Laws 8

Title 75 -- UTAH UNIFORM PROBATE CODE

SB 1006 Uniform Probate Code - Power of Attorney Amendments (*John L. Valentine*) This act provides that a person holding a power of attorney for a disabled principal may be held accountable by the principal's heirs. (*Judiciary Interim Committee*)

Amends 75-5-501

Effective July 5, 2001

2002 Utah Laws 14

Title 76 -- UTAH CRIMINAL CODE

HB 1002 Criminal Law Amendments (*Afton B. Bradshaw*) This act makes technical corrections and gives the Board of Pardons and Parole discretion regarding the appointment of alienists for the examination of certain offenders.

Amends 76-5-205, 76-6-202, 77-27-7, 77-27-21.5, 78-5-120

Effective July 5, 2001

2002 Utah Laws 4

Title 79 -- UNCODIFIED

- HB 1004 Department of Commerce - Fee Approval** (*Jeff Alexander*) This act approves fees levied by the Department of Commerce that were approved by the Commerce and Revenue Appropriations Subcommittee during the 2001 Annual General Session but that, through clerical error, were not included in the Appropriations Act for approval by the entire Legislature.

Effective June 22, 2001

2002 Utah Laws 1

- HB 1009 Passenger Limitations for Young Drivers - Prospective Application** (*Jeff Alexander*) This act modifies the effective date of passenger limitations for young drivers enacted in S.B. 48 during the 2001 General Session. The passenger limitations apply only to a person whose driver license is issued on or after July 1, 2001.

Effective July 1, 2001

2002 Utah Laws 2

RESOLUTIONS

- HCR 101 Resolution Approving Waste Disposal** (*David Ure*) This concurrent resolution of the Legislature and the Governor gives approval for the operation of a landfill in Cedar Valley in Utah County, to receive exclusively construction and demolition waste. The resolution follows approval to operate the landfill previously granted by the Department of Environmental Quality.

Effective July 5, 2001

2002 Utah Laws

- SJR 101 Resolution Approving Settlement for Private Prison** (*David L. Gladwell*) This joint resolution of the Legislature approves the legal settlement reached between the Utah Department of Corrections and Cornell Corrections Corporation and their subcontractors VCBO Architects and Hogan Construction.

Effective June 20, 2001

2002 Utah Laws

- SJR 102 Resolution Approving Tobacco Lawsuit Settlement** (*David H. Steele*) This joint resolution of the Legislature approves the settlement agreement between the state of Utah and the law firms of Bendinger, Crockett, Peterson and Casey and Ness, Motley, Loadholt, Richardson and Poole.

Effective June 20, 2001

2002 Utah Laws

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SB1002	Unauthorized Practice of Law Prohibited	Spencer, T.

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The action taken on each section in "Sections Affected for Bills Passed" list is as follows:

A	Amended
E	Enacted
R	Repealed
X	Repealed and Reenacted
N	Renumbered and Amended

Duplicate and incorrect section cites are currently being technically renumbered by the Office of Legislative Research and General Counsel and will appear in a separate publication available from our office after May 1, 2002 and on our web site - <http://www.le.state.ut.us>.

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**DIGEST OF LEGISLATION
ENACTED IN THE**

**2001 SECOND SPECIAL SESSION
By the 54th Legislature**

**Convened September 25, 2001
Adjourned October 1, 2001**

*Prepared by the
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Summaries by Utah Code Titles

Title 10 -- UTAH MUNICIPAL CODE

- HB 2006** **Classification of Cities and Towns** (*Wayne A. Harper*) This act provides for the reduction in classification of a municipality, at the request of the municipality, where a census or census estimate shows that the population of a city or town has fallen below the threshold level.

Amends 10-2-302

Effective October 11, 2001

2002 Utah Laws 4

Title 13 -- COMMERCE AND TRADE

- SB 2006** **Pete Suazo Utah Athletic Commission** (*Ed P. Mayne*) This act renames the Utah Professional Athletic Commission Act in honor of Pete Suazo. The act also repeals the gross receipts tax on broadcast revenues and the ticket fee for funding amateur boxing. The act removes professional wrestling from the jurisdiction of the commission.

Amends 13-33-101, 13-33-102, 13-33-201, 13-33-304, 13-33-502; Repeals 13-33-501

Effective December 1, 2001

2002 Utah Laws 9

Title 20A -- ELECTION CODE

- HB 2002** **State Board of Education Redistricting Plan** (*Gerry A. Adair*) This act modifies statutory provisions governing State Board of Education districts. The act eliminates current boundaries and establishes new boundaries. The act establishes election dates for each district to ensure that state board terms are staggered. The act establishes certain maps as the legal boundaries of state board districts and establishes procedures for addressing omissions and uncertain boundaries. The act takes effect January 1, 2002 for purposes of nominating and electing members of the State Board of Education and January 1, 2003 for all other purposes.

Enacts 20A-14-102.1, 20A-14-102.2; Repeals and Reenacts 20A-14-101, 20A-14-102, 20A-14-103

Effective January 1, 2002

2002 Utah Laws 2

- SB 2002** **Congressional Three Member Plan** (*Michael G. Waddoups*) This act eliminates current United States Congressional district boundaries and establishes new boundaries. The act establishes certain maps as the legal boundaries of Congressional districts and establishes procedures for addressing omissions and uncertain boundaries. This act takes effect January 1, 2002 for purposes of nominating and electing representatives to the Congress of the United States and January 1, 2003 for all other purposes.

Enacts 20A-13-104; Repeals and Reenacts 20A-13-101, 20A-13-102, 20A-13-103

Effective January 1, 2002

2002 Utah Laws 6

Title 34A -- UTAH LABOR CODE

- SB 2007 Workers' Compensation Amendments for Out-of-state Public Safety Officers During the Olympics** (*Beverly Ann Evans*) This act modifies the Olympic Law Enforcement and Public Safety Workers' Compensation Act. The act modifies the definition of without pay in relation to public safety volunteers. The act provides that public safety volunteers are considered government employees for liability protection and indemnification purposes. The act provides for the coordination of benefits from in-state and out-of-state workers' compensation insurance for public safety volunteers from another state.

Amends 34A-10-102, 34A-10-301, 34A-10-302; Enacts 34A-10-304

Effective October 11, 2001

2002 Utah Laws 10

Title 36 -- LEGISLATURE

- HB 2001 House of Representatives Redistricting Plan** (*Gerry A. Adair*) This act modifies statutory provisions governing Utah House of Representatives districts. The act eliminates current boundaries and establishes new boundaries, and establishes certain maps as the legal boundaries of House districts and establishes procedures for addressing omissions and uncertain boundaries. The act takes effect on January 1, 2002 for purposes of nominating and electing members of the Utah House of Representatives and on January 1, 2003 for all other purposes.

Enacts 36-1-201, 36-1-202, 36-1-203, 36-1-204; Repeals 36-1-4, 36-1-5

Effective January 1, 2002

2002 Utah Laws 1

- SB 2001 Senate Redistricting Plan** (*Michael G. Waddoups*) This act eliminates current Senate district boundaries and establishes new boundaries. The act establishes election dates for each district to ensure that Senate terms are staggered. The act establishes certain maps as the legal boundaries of Senate districts and establishes procedures for addressing omissions and uncertain boundaries. The act takes effect on January 1, 2002 for purposes of nominating and electing certain members of the Utah State Senate and on January 1, 2003 for all other purposes.

Enacts 36-1-101, 36-1-102, 36-1-103, 36-1-104, 36-1-105; Repeals 36-1-1, 36-1-2, 36-1-3

Effective January 1, 2002

2002 Utah Laws 5

Title 53 -- PUBLIC SAFETY CODE

- SB 2008 Peace Officer Status During Olympics** (*Lyle W. Hillyard*) This act creates a peace officer classification for Federal Olympic Officers. The act defines Federal Olympic Officers and grants them full-spectrum peace officer authority in the state during the limited time period of the 2002 Olympic Winter Games and the 2002 Paralympic Winter Games. The act also grants authority to out-of-state peace officers working in the state under the Olympic Public Safety Command.

Amends 53-13-106, 53-13-107

Effective October 11, 2001

2002 Utah Laws 11

Title 63B -- BONDS

- SB 2005** **2001 Revenue Bond Authorizations Amendment** (*Beverly Ann Evans*) This act amends the revenue bond authority of the State Building Ownership Authority and modifies previously adopted intent language.

Amends 63B-10-301

Effective October 11, 2001

2002 Utah Laws 8

Title 79 -- UNCODIFIED

- HB 2003** **Unauthorized Practice of Law Amendments** (*Stephen H. Urquhart*) This act creates legislative findings on the accessibility of legal services within the state of Utah and adds a new section to the Judicial Code pertaining to the unauthorized practice of law by persons not licensed in this state. This act is repealed on May 1, 2002.

Enacts 63-55b-178, 78-9-101

Effective October 11, 2001

2002 Utah Laws 3

- SB 2003** **Congressional Four Member Plan** (*Michael G. Waddoups*) This act eliminates current United States Congressional district boundaries and establishes new boundaries. The act establishes certain maps as the legal boundaries of Congressional districts. The act takes effect upon certification from the Clerk of the United States House of Representatives that Utah is entitled to a fourth Congressional seat. The act provides a legislative intent statement and a coordination clause.

Repeals and Reenacts 20A-13-101

Effective

2002 Utah Laws 7

RESOLUTIONS

- HCR 201** **Resolution of Remembrance and Recognition of the Attack on America** (*Ben C. Ferry*) This concurrent resolution of the Legislature and the Governor expresses deep sorrow and condolences to the Wahlstrom family, to all other Utah families, and to all families in the United States who lost loved ones in the September 11, 2001 terrorist attacks; to the police, firefighters, and rescue workers killed in the attacks; and to the citizens of New York, Virginia, and Pennsylvania. The resolution condemns the actions of the terrorists involved in these hideous acts against innocent people and expresses support for the President of the United States, congressional leaders, and leaders throughout the world in their efforts to eliminate the threat of terrorism in the United States and throughout the world. The resolution also pledges the full cooperation and support of the state of Utah in welcoming the world to the 2002 Winter Olympic Games to foster freedom and peace in an environment that is safe and personifies the Olympic Spirit.

Effective October 11, 2001

2002 Utah Laws

HCR 202 Resolution Condemning Retaliation Against Islamic and Arab Communities (*David Litvack*) This concurrent resolution of the Legislature and the Governor condemns acts of bigotry targeting Muslims and Arabs in the wake of the attacks of September 11, 2001. The resolution urges all citizens to help put an end to these acts of racism. The resolution urges that the citizens of Utah and the nation stand together to seek justice but to avoid assessing unwarranted blame.

Effective October 11, 2001

2002 Utah Laws

HCR 203 Resolution Urging the Harvesting of Infested Stands of Timber (*Bradley T. Johnson*) This concurrent resolution encourages the United States Secretary of Agriculture, the Chair of the Council on Environmental Quality, the Chief of the Forest Service, and Utah's Congressional Delegation to expedite the harvesting of dead stand timber located on lands managed by the United States Forest Service.

Effective October 11, 2001

2002 Utah Laws

SCR 201 Resolution Recognizing Contributions of Senator Pete Suazo (*Mike Dmitrich*) This concurrent resolution of the Legislature and the Governor recognizes the contributions of Senator Pete Suazo to his community, minorities in Utah, and the entire state. The resolution also honors his skill and tireless efforts as an advocate for his constituents and for his commitment to the youth of Utah.

Effective October 11, 2001

2002 Utah Laws

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Utah Code Sections Affected for Bills Passed Second Special Session

Legend for Utah Code Sections Affected for Bills Passed

The action taken on each section in "Sections Affected for Bills Passed" list is as follows:

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Miller, Joy L. - Committee Secretary
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Ripley, Lorraine K. - Document Technician
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Steinagel, Mark B. - Information Consultant
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