



UTAH STATE LEGISLATURE

DIGEST OF LEGISLATION

2004 GENERAL SESSION

of the 55th Legislature

**2004 Veto Override Session and
First and Second Special Sessions
of the 55th Legislature**

Utah State Legislature

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INTRODUCTION

This *Digest of Legislation* provides long titles of bills and resolutions enacted by the 55th Legislature in the 2004 General Session, 2004 Veto Override Session, and the 2003 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. Statistical summary data are also included.

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

If more detailed information is needed, please contact the Office of Legislative Research and General Counsel at (801) 538-1032.

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2004 GENERAL SESSION of the 55th Legislature

**Convened January 19, 2004
Adjourned March 3, 2004**

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PASSED LEGISLATION - 2004 GENERAL SESSION

HB 1 **Supplemental Appropriations Act** (*Ron Bigelow*)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2003 and ending June 30, 2004.

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language;
- ▶ amends previously approved internal service fund employment levels and capital acquisition amounts.

Effective March 23, 2004

Chapter 369, Laws of Utah 2004

The Governor vetoed Line Item 65

HB 2 **General Obligation Bonds Authorizations** (*Loraine T. Pace*)

This bill authorizes the issuance of general obligation bonds for certain capital facilities.

This bill:

- ▶ modifies the Bonding Code by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for capital facilities and for certain related facilities;
- ▶ specifies the use of the general obligation bond proceeds and the manner of issuance; and
- ▶ provides expressions of legislative intent.

Enacts 63B-13-101

Effective May 3, 2004

Chapter 310, Laws of Utah 2004

HB 3 **Supplemental Appropriations Act II** (*Ron Bigelow*)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2004 and ending June 30, 2005 and beginning July 1, 2003 and ending June 30, 2004.

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides funds for the bills with fiscal impact passed in the 2004 General Session;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language;
- ▶ amends previously approved internal service fund employment levels and capital acquisition amounts.

Effective May 3, 2004

Chapter 370, Laws of Utah 2004

The Governor vetoed Line Items 18, 30, 31, and 85

HB 4 **Technical Amendment - Polling Place Supplies** (*Karen W. Morgan*)

This bill corrects an erroneous cross-reference in the Election Code.

This bill:

- ▶ ensures that the cross-reference to voter information pamphlets is correct in the Election Code section governing polling place supplies.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-5-403

Effective May 3, 2004

Chapter 24, Laws of Utah 2004

HB 5 **Publication of Resolution or Notice** (*Eric K. Hutchings*)

This bill modifies the State Financing Consolidation Act.

This bill:

- ▶ makes a technical correction to make the sentence grammatically correct.

The original bill was recommended by the Government Operations Interim Committee

Amends 63-65-8.2

Effective May 3, 2004

Chapter 25, Laws of Utah 2004

HB 6 **Repeal of Utah Interstate Commission for Cooperation in Higher Education** (*Don E. Bush*)

This bill repeals an obsolete section in the Higher Education title.

This bill:

- ▶ repeals the Utah Interstate Commission for Cooperation in Higher Education.

The original bill was recommended by the Government Operations Interim Committee

Repeals 53B-4-102

Effective May 3, 2004

Chapter 26, Laws of Utah 2004

HB 8 **Unemployment Insurance Benefits - Social Security Benefits Offset** (*David N. Cox*)

This bill modifies the unemployment insurance benefits provision of the Employment Security Act.

This bill:

- ▶ reduces the offset of Social Security benefits against weekly unemployment compensation from 100% to 50%; and
- ▶ provides that the reduced offset operates for a three-year period.

The original bill was recommended by the Workforce Services and Community and Economic Development Interim Committee

Amends 35A-4-401

Effective May 3, 2004

Chapter 246, Laws of Utah 2004

HB 9 Absentee Ballot Amendments (*Douglas C. Aagard*)

This bill eliminates barriers to people voting by absentee ballot.

This bill:

- ▶ allows anyone to vote an absentee ballot either by mail or at the election officer's office;
- ▶ establishes requirements for making absentee ballot information available to the public;
- ▶ expands the ability of the county legislative body to administer an election in a voting precinct entirely by absentee ballot; and
- ▶ makes technical corrections.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-3-301, 20A-3-302, 20A-3-304, 20A-3-305; Enacts 20A-3-304.1

Effective May 3, 2004

Chapter 195, Laws of Utah 2004

HB 10 State Highway System Changes (*John Dougall*)

This bill modifies the Designation of State Highways Act to amend the master list of state highways.

This bill:

- ▶ deletes SR-308 near Kodachrome Basin State Park from the state highway system;
- ▶ removes a portion of SR-74 in Alpine from the state highway system;
- ▶ removes SR-295 in Orem, a driver testing range, from the state highway system; and
- ▶ renames SR-666 to SR-491.

The original bill was recommended by the Transportation Interim Committee

Amends 72-4-113, 72-4-135, 72-4-136, 72-4-137

Effective May 3, 2004

Chapter 27, Laws of Utah 2004

HB 11 Unused Sick Leave for State Employee Provisions (*David Clark*)

This bill modifies the Utah State Personnel Management Act by clarifying provisions for the use of unused sick leave for converted sick leave and for medical and life insurance benefits upon retirement of the employee.

This bill:

- ▶ clarifies that a retired employee may receive the same medical and life insurance benefits as an active member of the retirement system and may receive the same coverage (member, two person, or family) as the member had at the time of retirement; and
- ▶ clarifies other limitations of the programs.

The original bill was recommended by the Retirement and Independent Entities Interim Committee

Enacts 67-19-14.1, 67-19-14.2, 67-19-14.3; Repeals and Reenacts 67-19-14

Effective May 3, 2004

Chapter 28, Laws of Utah 2004

HB 13 Hazardous Waste and Nonhazardous Solid Waste Fee and Tax Amendments (*Eli H. Anderson*)

This bill modifies provisions relating to hazardous waste and treated hazardous waste disposal fees and a tax on hazardous waste facilities and nonhazardous solid waste facilities.

This bill:

- ▶ terminates a \$28 per ton fee on hazardous waste;
- ▶ reinstates a \$14 per ton fee on treated hazardous waste; and
- ▶ terminates a gross receipts tax on certain hazardous waste facilities and nonhazardous solid waste facilities.

The original bill was recommended by the Hazardous Waste Regulation and Tax Policy Task Force

Amends 19-6-118, 59-25-103

Effective May 3, 2004

Chapter 311, Laws of Utah 2004

HB 14 Repeal of Education Mandates (*Margaret Dayton*)

This bill repeals certain requirements relating to the State System of Public Education.

This bill:

- ▶ repeals the State Board of Education's responsibility to design and implement a state textbook plan;
- ▶ repeals school building utilization requirements; and
- ▶ makes technical corrections.

The original bill was recommended by the Education Interim Committee

Amends 53A-3-417; Repeals 53A-12-201.5, 53A-17a-142

Effective May 3, 2004

Chapter 171, Laws of Utah 2004

HB 15 Motor Vehicles Title and Registration Amendments (*Joseph G. Murray*)

This bill modifies the Motor Vehicles Act to amend registration renewal and certificate of title provisions.

This bill:

- ▶ provides that an application for registration renewal shall be accompanied by a certificate of emissions inspection;
- ▶ provides that the Motor Vehicle Division may deliver a certificate of title to the owner or lienholder electronically; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 41-1a-217, 41-1a-515

Effective May 3, 2004

Chapter 95, Laws of Utah 2004

HB 16 Life Insurance Law Amendments (*James A. Dunnigan*)

This bill modifies the Insurance Code to address life insurance provisions.

This bill:

- ▶ grants rulemaking authority;
- ▶ addresses eligible insured groups for group or blanket life insurance policies; and
- ▶ makes technical changes.

The original bill was recommended by the Business and Labor Interim Committee

Amends 31A-22-501; Enacts 31A-22-425

Effective May 3, 2004

Chapter 96, Laws of Utah 2004

HB 17 Captive Insurance Companies Act Amendments (*James A. Dunnigan*)

This bill modifies the Captive Insurance Companies Act.

This bill:

- ▶ amends definitions and references to defined terms;
- ▶ modifies provisions related to paying expenses or claims of a protected cell;
- ▶ clarifies rulemaking authority;
- ▶ authorizes the commissioner to issue orders related to captive insurance companies;
- ▶ modifies provisions related to permissive areas of insurance;
- ▶ modifies capital and free surplus requirements;
- ▶ addresses provisions related to incorporation;
- ▶ addresses when an alien insurer may be a party to a merger;
- ▶ modifies the requirements related to a sponsored captive insurance company;
- ▶ authorizes the commissioner to approve a sponsored captive insurance company insuring risks other than a participant's risks;
- ▶ provides for discounting of loss and loss adjustment expense reserves;
- ▶ modifies reporting requirements;
- ▶ addresses applicability of insurance laws to captive insurance companies;
- ▶ addresses incorporation of a captive reinsurance company;
- ▶ addresses requirements of a captive reinsurance company;
- ▶ provides for minimum capitalization or reserve requirements for a captive reinsurance company;
- ▶ proposes requirements for the management of assets of a captive reinsurance company; and
- ▶ makes technical changes.

The original bill was recommended by the Business and Labor Interim Committee

Amends 31A-37-102, 31A-37-104, 31A-37-106, 31A-37-202, 31A-37-204, 31A-37-205, 31A-37-301, 31A-37-306, 31A-37-402, 31A-37-403, 31A-37-501, 31A-37-504; Enacts 31A-37-404, 31A-37-601, 31A-37-602, 31A-37-603, 31A-37-604

Effective May 3, 2004

Chapter 312, Laws of Utah 2004

HB 18 Utah State Scenic Byway Committee (*John Dougall*)

This bill modifies the Transportation Code to enact state scenic byway designation provisions.

This bill:

- ▶ creates the Utah State Scenic Byway Committee;
- ▶ provides that the committee is responsible for state scenic byway designations and for administering a state scenic byway program;
- ▶ grants the Utah Department of Transportation rulemaking authority in consultation with the committee to establish rules:
 - for administering the scenic byway program;
 - specifying the criteria and process for byway designation and de-designation;
 - specifying the process for public hearings to be held in the area of proposed designation; and
 - identifying the highways within the state that are designated as scenic byways;
- ▶ requires the Utah Department of Transportation to designate state scenic byways on future state highway maps; and
- ▶ provides that a highway designated as a scenic byway is subject to federal outdoor advertising regulations.

The original bill was recommended by the Transportation Interim Committee

Enacts 72-4-301, 72-4-302, 72-4-303

Effective May 3, 2004

Chapter 172, Laws of Utah 2004

HB 19 Employment Support Act Amendments (*David N. Cox*)

This bill modifies the Employment Support Act by making technical, nonsubstantive changes and repealing outdated sections.

This bill:

- ▶ repeals outdated sections of the Employment Support Act related to assistance targets for the years 1998 through 2000, disclosure of income and property owned by applicants and clients in determining eligibility for a service or benefit, and an evaluation of the Social Capital Formation Act completed in 2001; and
- ▶ makes certain technical changes.

The original bill was recommended by the Workforce Services and Community and Economic Development Interim Committee

Amends 35A-3-302, 35A-3-304, 35A-3-306, 35A-3-308, 35A-3-309, 35A-3-310, 35A-3-313, 35A-3-401; Repeals 35A-3-107, 35A-3-314, 35A-3-509

Effective May 3, 2004

Chapter 29, Laws of Utah 2004

HB 20 Construction Bonding Statutes (*Michael T. Morley*)

This bill modifies provisions requiring preliminary notice in certain bond actions.

This bill:

- ▶ provides that in certain bond actions, including actions under state procurement, a preliminary notice is not required to be filed if a notice of commencement is not filed; and
- ▶ makes technical changes.

The original bill was recommended by the Business and Labor Interim Committee

Amends 14-1-20, 14-2-5, 63-56-38.1

Effective May 3, 2004

Chapter 30, Laws of Utah 2004

HB 21 Licensing - Insurance Law Amendments (*James A. Dunnigan*)

This bill modifies the Insurance Code to address provisions related to licensing.

This bill:

- ▶ modifies definitions;
- ▶ modifies provisions related to initial and renewal applications for licensure;
- ▶ modifies cross references;
- ▶ repeals certain reporting requirements for appointments in the state;
- ▶ requires a producer to have experience with property and casualty lines of authority to be eligible to add surplus lines of authority;
- ▶ modifies reporting requirements for agency designations;
- ▶ repeals the commissioner's authority to issue a single license to each licensed adjustor for a single fee;
- ▶ modifies time for retention of records;
- ▶ provides that certain records are private records; and
- ▶ makes technical changes, including changing the title of the Bail Bond Act.

The original bill was recommended by the Business and Labor Interim Committee

Amends 31A-23a-102, 31A-23a-104, 31A-23a-105, 31A-23a-111, 31A-23a-113, 31A-23a-115, 31A-23a-203, 31A-23a-302, 31A-26-209, 31A-26-306, 31A-35-101, 63-2-302, 77-20-10

Effective May 3, 2004

Chapter 173, Laws of Utah 2004

HB 22 Civic and Character Education in Schools (*LaVar Christensen*)

This bill provides legislative recognition that Civic and Character Education are fundamental elements of the public education system's core mission and constitutional responsibility and shall be taught in connection with regular school work.

This bill:

- ▶ provides definitions;
- ▶ provides legislative recognition of the fundamental civic purpose and constitutional responsibility of public education;
- ▶ requires Civic and Character Education to be taught through an integrated curriculum in connection with regular school work; and
- ▶ consolidates requirements for the teaching of Civic and Character Education.

Amends 53A-13-101; Enacts 53A-13-109

Effective May 3, 2004

Chapter 196, Laws of Utah 2004

HB 23 Joint Transportation Planning Amendments (*Rebecca D. Lockhart*)

This bill modifies the Transportation Code to amend the Department of Transportation administration provisions.

This bill:

- ▶ defines a metropolitan planning organization;
- ▶ requires the Department of Transportation to cooperate with metropolitan planning organizations for transportation planning and project programming;
- ▶ requires that the department cooperate with metropolitan planning organizations with contiguous boundaries, if those organizations have:
 - coordinated transportation plans and improvement programs; and
 - submitted joint comprehensive, integrated transportation plans to the department; and
- ▶ provides that the governor and local units of government may redesignate or realign metropolitan planning organizations if the governor and the affected local units of government jointly determine that metropolitan planning organizations have failed to cooperate and submit joint transportation plans.

The original bill was recommended by the Transportation Planning Task Force

Enacts 72-1-208.5

Effective May 3, 2004

Chapter 31, Laws of Utah 2004

HB 24 Motor Vehicles Code Revisions (*Joseph G. Murray*)

This bill modifies the Motor Vehicles Code by amending traffic rules and regulations provisions.

This bill:

- ▶ clarifies that a local authority traffic-control device shall conform to the standards on traffic-control devices adopted by the Department of Transportation;
- ▶ provides that a right turn is prohibited at a red arrow signal;
- ▶ requires an operator to yield to other traffic moving through the intersection in accordance with an official traffic-control signal;
- ▶ clarifies the meaning of pedestrian-control signals;
- ▶ provides that a left turn is permitted across a solid double yellow line indicating a two-direction, no-passing zone on a highway;
- ▶ provides that an operator of a vehicle may not:
 - enter into a two-way left turn lane more than 500 feet prior to making a left turn; or
 - travel in a two-way left turn lane more than 500 feet if the operator turned into the two-way left turn lane;
- ▶ prohibits an operator from traveling straight through an intersection in a two-way left turn lane; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 41-6-20, 41-6-22, 41-6-24, 41-6-25, 41-6-61, 41-6-63.30, 41-6-66, 41-6-67

Effective May 3, 2004

Chapter 174, Laws of Utah 2004

HB 25 **Governmental Internet Information Privacy Act** (*Wayne A. Harper*)

This bill modifies the Information Technology Act to enact the Governmental Internet Information Privacy Act.

This bill:

- ▶ enacts provisions governing privacy policies and the collection of personally identifiable information by a governmental entity; and
- ▶ enacts provisions regulating the posting of personally identifiable information on a court website.

The original bill was recommended by the Public Utilities and Technology Interim Committee

Enacts 63D-2-101, 63D-2-102, 63D-2-103, 63D-2-104

Effective May 3, 2004

Chapter 175, Laws of Utah 2004

HB 27 **Tax Commission Report - Federal Tax Law Changes** (*Wayne A. Harper*)

This bill modifies the Revenue and Taxation Code to require an annual report from the Utah State Tax Commission to the Revenue and Taxation Interim Committee.

This bill:

- ▶ requires the Utah State Tax Commission to annually report to the Revenue and Taxation Interim Committee on changes to the Internal Revenue Code and the potential impacts of those changes on state revenues.

Enacts 59-1-213

Effective May 3, 2004

Chapter 176, Laws of Utah 2004

HB 28 **Transportation Planning Task Force Reauthorization** (*Rebecca D. Lockhart*)

This bill reauthorizes, for one year, the Transportation Planning Task Force created in 2003.

This bill:

- ▶ establishes a legislative task force to study transportation needs and funding for the next 10 and 20-year time frame;
- ▶ establishes task force membership, duties, and salaries and designates staff for the task force;
- ▶ requires the task force to prepare a report; and
- ▶ requires the task force to report its findings to the Transportation Interim Committee on a specified date.
- ▶ This bill:
 - ▶ makes a one-time appropriation of \$17,000 from the General Fund for fiscal year 2003-04 to pay for task force expenses.
 - ▶ This bill is repealed November 30, 2004.

Effective May 3, 2004

Chapter 32, Laws of Utah 2004

HB 29 Utah Telehealth Commission Amendments (*Brad L. Dee*)

This bill changes the name of the Utah Telehealth Commission to the Utah Digital Health Service Commission to better reflect the role of the commission in the digitization of medicine.

This bill:

- ▶ amends the name of the Utah Telehealth Commission to the Utah Digital Health Service Commission.

The original bill was recommended by the Utah Technology Commission

Amends 26-9f-101, 26-9f-102, 26-9f-103, 63-55-226

Effective May 3, 2004

Chapter 33, Laws of Utah 2004

HB 30 Amendments to Administrative Services Rate Committee (*David Clark*)

This bill creates a Rate Committee to review the fees collected by internal service funds within the Department of Administrative Services.

This bill:

- ▶ moves the current rate committee from the Division of Information Technology Services to the general provisions of the Administrative Services Code;
- ▶ changes the membership of the Rate Committee;
- ▶ clarifies the duties of the Rate Committee; and
- ▶ clarifies the responsibilities of the divisions within the Department of Administrative Services to conduct a market analysis of fees charged by July 1, 2005, and periodically thereafter, and to submit the market analysis and proposed fee schedules to the Rate Committee.

The original bill was recommended by the Utah Technology Commission

Amends 63A-2-103, 63A-4-102, 63A-5-204, 63A-6-105, 63A-9-401; Enacts 63A-1-114

Effective May 3, 2004

Chapter 34, Laws of Utah 2004

HB 31 Information Technology Procurement Amendments (*David Clark*)

This bill requires the director of the Division of Information Technology Services to review information technology and telecommunications purchases for the division to determine if the purchase is practical, efficient, and economically beneficial to the state.

This bill:

- ▶ clarifies that the director of the Division of Information Technology Services must follow the State Procurement Code when making purchases;
- ▶ requires the director of the Division of Information Technology Services to conduct a business case analysis before purchasing certain information technology services or equipment, and to certify that the business case analysis was conducted;
- ▶ requires the state's chief procurement officer to develop policies to ensure that the director of the Division of Information Technology Services verifies that a business case analysis was conducted; and
- ▶ requires the executive director of the Department of Administrative Services to develop a policy requiring a business case analysis for certain information technology purchases and to report that policy to the Legislature.

The original bill was recommended by the Utah Technology Commission

Amends 63-56-9, 63-56-13, 63A-1-110, 63A-6-105

Effective May 3, 2004

Chapter 35, Laws of Utah 2004

HB 32 Lien Amendments (*Michael T. Morley*)

This bill modifies the title on liens to modify filing requirements and definitions.

This bill:

- ▶ amends the timing requirement for filing a notice of a claim for a lien;
- ▶ provides that the lien amount be included in a notice of claim;
- ▶ provides that substantial compliance with content requirements for a notice of claim is sufficient to hold and claim a lien;
- ▶ amends the timing requirements to file an action to enforce a lien;
- ▶ clarifies provisions related to preliminary notice and notice of commencement;
- ▶ amends the definition provisions of the Residence Lien Restriction and Lien Recovery Fund Act; and
- ▶ makes technical changes.

The original bill was recommended by the Business and Labor Interim Committee

Amends 38-1-7, 38-1-11, 38-1-27, 38-11-102

Effective May 3, 2004

Chapter 85, Laws of Utah 2004

HB 34 Unlawful Controlled Substances in Correctional Facilities (*LaVar Christensen*)

This bill amends a Department of Corrections provision, the Utah Controlled Substances Act, and the Criminal Code regarding bringing controlled substances into correctional facilities. This bill also provides a specific penalty for bringing tobacco products into a correctional facility for distribution.

This bill:

- ▶ requires the Department of Corrections to establish rules for advising persons visiting inmates at correctional facilities of prohibited items and of searches;
- ▶ provides for additional incarceration for a person violating controlled substances laws at a correctional facility; and
- ▶ increases the penalty from a class B misdemeanor to a class A misdemeanor for persons bringing tobacco products to a correctional facility in violation of state law.
- ▶ This bill provides an immediate effective date.

Amends 58-37-8, 64-13-17, 76-8-311.3

Effective March 15, 2004

Chapter 36, Laws of Utah 2004

HB 35 Requirements of Trustees of Trust Deeds (*David Clark*)

This bill modifies the qualification of a trustee.

This bill:

- ▶ eliminates the requirement that a trustee of a trust deed must reside in Utah; and
- ▶ eliminates the requirements that a trustee of a trust deed maintains a bona fide office in the state.

The original bill was recommended by the Business and Labor Interim Committee

Amends 57-1-21

Effective May 3, 2004

Chapter 177, Laws of Utah 2004

HB 36 Management, Enhancement, and Funding of 911 System (*Brad L. Dee*)

This bill imposes a fee on wireless and land-based telephones to create a statewide unified emergency 911 system capable of geographically locating a wireless telephone user's location in an emergency.

This bill:

- ▶ creates a 13 cent per month state fee on telephone services for unified statewide E-911 emergency services;
- ▶ provides for the administration, collection, and enforcement of telephone E-911 emergency fees by the State Tax Commission;
- ▶ deposits the telephone fees into a restricted account in the General Fund for unified statewide E-911 emergency services;
- ▶ repeals the advisory Utah 911 Committee in the Bureau of Communications in the Department of Public Safety;
- ▶ creates a new state Utah 911 Committee in the Department of Public Safety to develop state standards for the unified E-911 emergency system and to administer the fund;
- ▶ establishes criteria for the use of the fund to ensure implementation of land-based and wireless E-911;
- ▶ requires the Utah 911 Committee to report annually to the Executive Appropriations Committee;
- ▶ authorizes local governments to increase the local levy on telephone services for 911 emergency services from a maximum of 53 cents per month to a maximum of 65 cents per month;
- ▶ allows exchange carriers some cost recovery for implementing Phase I technology and collecting and administering the levy;
- ▶ reduces the 13 cent state E-911 emergency service fee in 2006 to eight cents;
- ▶ sunsets the state imposed fee on July 1, 2011; and
- ▶ makes technical changes.
- ▶ This bill appropriates for fiscal year 2004-05:
 - ▶ \$3.9 million from the Statewide Unified E-911 Emergency Service Fund to the Utah 911 Committee; and
 - ▶ \$250,000 from the Statewide Unified E-911 Emergency Service Fund to the Automated Geographic Reference Center in the Division of Information Technology Services.
- ▶ This bill takes effect May 3, 2004, except:
 - ▶ the effect of the local and state fee increase is delayed until July 1, 2004;
 - ▶ the amount of the state imposed fee is amended on July 1, 2006; and
 - ▶ the state imposed fee sunsets on July 1, 2011.

Amends 69-2-5; Enacts 53-10-601, 53-10-602, 53-10-603, 53-10-604, 53-10-605, 53-10-606, 63-55-269, 69-2-5.6, 69-2-5.6 (Effective 07/01/06); Repeals 53-10-503

Effective May 3, 2004

Chapter 313, Laws of Utah 2004

HB 37 **Sunset Reauthorizations** (*Greg J. Curtis*)

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2005 Annual General Session of the Utah Legislature.

This bill:

- ▶ reauthorizes state entities and programs that are scheduled to sunset before the 2005 Annual General Session.

The original bill was recommended by the Legislative Management Committee

Amends 63-55-209, 63-55-220, 63-55-226, 63-55-258, 63-55-263, 63-55-267.5, 63-55-277, 63-55-278, 63-55b-131, 63-55b-163

Effective May 3, 2004

Chapter 37, Laws of Utah 2004

HB 40 **Filling Midterm Vacancies in the Legislature** (*Craig A. Frank*)

This bill modifies provisions of the Election Code that govern the process for filling midterm vacancies in the Legislature.

This bill:

- ▶ requires each registered political party to establish procedures in its bylaws to fill a legislative vacancy; and
- ▶ makes other technical corrections.

Amends 20A-1-503, 20A-8-401

Effective May 3, 2004

Chapter 38, Laws of Utah 2004

HB 41 **Health Insurance Coverage for Dependents** (*Judy Ann Buffmire*)

This bill amends the Insurance Code and clarifies the duties of a Health Maintenance Organization when a court orders a noncustodial parent to provide health insurance.

This bill:

- ▶ requires a health maintenance organization to allow a child who lives outside the organization's service area to enroll in a health plan if the enrollee parent is ordered by a court to provide health insurance;
- ▶ requires a health maintenance organization to pay claims submitted by the out-of-area child in the same manner as the organization pays under a noncapitated arrangement; and
- ▶ provides certain circumstances in which a health maintenance organization does not have to allow the out-of-area child to enroll in the plan.

Enacts 31A-8-502

Effective May 3, 2004

Chapter 178, Laws of Utah 2004

HB 48 **Collection of Information by Department of Health** (*David L. Hogue*)

This bill amends the chronic disease monitoring provisions.

This bill:

- ▶ directs the Department of Health, beginning July 1, 2004, to monitor and detect incidences of lupus in the state.

Amends 26-5-3

Effective May 3, 2004

Chapter 197, Laws of Utah 2004

HB 49 Natural Gas Technician Certification (*Gordon E. Snow*)

This bill modifies provisions of the Utah Construction Trades Licensing Act.

This bill:

- ▶ modifies the definition of a combustion system;
- ▶ exempts from licensure a delivery person who replaces existing equipment with certain new gas appliances; and
- ▶ provides an exemption from certification requirements for an individual installing, repairing, or replacing a residential or commercial gas appliance or a combustion system when under the supervision of a certified natural gas technician or a person exempt from certification.

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

Effective May 3, 2004

Chapter 39, Laws of Utah 2004

HB 51 Nonresident User Fee for Off-highway Vehicle Users (*DeMar Bud Bowman*)

This bill modifies the Motor Vehicles Code to amend off-highway vehicle registration and nonresident user fees provisions.

This bill:

- ▶ amends the snowmobile nonresident user fee to include all off-highway vehicles;
- ▶ provides that all off-highway vehicles, not just snowmobiles, that are owned by nonresidents and are displaying a Utah off-highway vehicle user decal are exempt from registration;
- ▶ eliminates the off-highway vehicle registration exemption for nonresidents;
- ▶ requires a nonresident off-highway vehicle owner in the state to apply for a decal and provide evidence of nonresident status and ownership of the off-highway vehicle ;
- ▶ exempts nonresident owned off-highway vehicles used exclusively for the purposes of a scheduled competitive event or certain other events;
- ▶ provides that off-highway user fee revenues may be used for all off-highway vehicles, not just snowmobiles; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2004.

Amends 41-22-9, 41-22-35

Effective July 1, 2004

Chapter 314, Laws of Utah 2004

HB 52 Individual Deferred Annuities - Nonforfeiture Amendments (*James A. Dunnigan*)

This bill modifies the Insurance Code to address nonforfeiture law for individual deferred annuities.

This bill:

- ▶ modifies provisions to be included in the contract of annuity;
- ▶ provides for minimum values on the basis of whether the policy is issued before or on or after June 1, 2006;
- ▶ provides rulemaking authority; and
- ▶ makes technical changes.

Amends 31A-22-409

Effective May 3, 2004

Chapter 97, Laws of Utah 2004

HB 54 Videotape of Minors (*Wayne A. Harper*)

This bill sets specific requirements for interviewing children during investigations into abuse.

This bill:

- ▶ requires that all investigative interviews of children be videotaped or similarly recorded;
- ▶ requires that the child and interviewer be simultaneously recorded;
- ▶ requires that the recording be continuous and display time and date; and
- ▶ encourages a worker to audiotape all interviews that are not videotaped.
- ▶ This bill takes effect on July 1, 2004.

Enacts 62A-4a-414

Effective July 1, 2004

Chapter 315, Laws of Utah 2004

HB 55 School and Institutional Trust Land Amendments (*Michael E. Noel*)

This bill modifies provisions related to the sale, exchange, and lease of school and institutional trust lands.

This bill:

- ▶ allows the director of the School and Institutional Trust Lands Administration to execute patents for land sold or exchanged by the administration; and
- ▶ modifies criteria for the continuation of a mineral lease beyond the primary term of the lease.
- ▶ This bill provides an immediate effective date.

Amends 53C-2-405, 53C-4-102, 53C-4-301

Effective March 15, 2004

Chapter 40, Laws of Utah 2004

HB 56 Local Government Collection for Service Charges (*Steven R. Mascaro*)

This bill modifies provisions related to municipal and special and local district charges for water and sewer services.

This bill:

- ▶ prohibits special districts and local districts from:
 - refusing to furnish water or sewer service to property based on an arrearage from a previous owner, absent a valid lien; and
 - collecting from the current owner a previous owner's arrearage for water or sewer service provided to the property before the current owner's ownership, absent a valid lien;
- ▶ authorizes municipalities, special districts, and local districts providing sewer service to:
 - required a written application for service; and
 - discontinue providing service if the property owner fails to pay for the service;
- ▶ authorizes special districts and local districts to:
 - certify amounts owing for water or sewer service as a lien on the property of the customer who received the service, with certain limitations;
 - file a civil action to recover past due fees for water or sewer service and related charges and to offer not to file a civil action if the customer pays past due fees, collection costs, certain damages, and an attorney fee; and
 - impose collection costs on a customer who has not paid water or sewer service fees; and
- ▶ authorizes a municipality to discontinue sewer service to a property whose owner fails to pay for the service;
- ▶ prohibits a municipality from:
 - refusing sewer service to property based on an arrearage from a previous owner; and
 - collecting from the current owner a previous owner's arrearage for sewer service provided to the property before the current owner's ownership.

Amends 10-7-10.5, 10-8-38, 17A-2-310, 17A-2-416, 17A-2-1321; Enacts 17A-1-205, 17B-2-801, 17B-2-802, 17B-2-803, 17B-2-804, 17B-2-805; Repeals 17A-1-103, 17B-2-103

Effective May 3, 2004

Chapter 316, Laws of Utah 2004

HB 57 Amendments to Budgetary Procedures Act (*Jack A. Seitz*)

This bill clarifies accounting requirements for certain claims against the state.

This bill:

- ▶ prohibits certain medical assistance claims from being an expense or liability to the state unless they are received by a certain date.

Amends 63-38-8

Effective May 3, 2004

Chapter 179, Laws of Utah 2004

HB 58 **Trust Lands Administration** (*DeMar Bud Bowman*)

This bill provides an exemption from the Utah State Personnel Management Act for a certain position within the School and Institutional Trust Lands Administration.

This bill:

- ▶ exempts the position of associate director within the School and Institutional Trust Lands Administration from the career service and state pay plan provisions of the Utah State Personnel Management Act; and
- ▶ makes technical amendments.

Amends 53C-1-201

Effective May 3, 2004

Chapter 41, Laws of Utah 2004

HB 60 **Protection of Children in Foster Care** (*David Litvack*)

This bill modifies Division of Child and Family Services provisions.

This bill:

- ▶ gives the Department of Human Services access to provide a complete case history contained in the Management Information System for the purpose of licensing and monitoring foster parents;
- ▶ gives the Office of the Guardian Ad Litem access only to information about children and families where it has been appointed by a court to represent the interests of the children; and
- ▶ provides restrictions and outlines security required for information in the Management Information System.

Amends 62A-2-121, 62A-4a-116, 62A-4a-116.2

Effective May 3, 2004

Chapter 86, Laws of Utah 2004

HB 61 **Child Welfare Investigations** (*Mike Thompson*)

This bill amends the Child Welfare Services Code.

This bill:

- ▶ prohibits a state officer, peace officer, or child welfare worker from entering the home of a minor who is not under the jurisdiction of the court, except in specified circumstances; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2004.

Amends 62A-4a-202.1 (Effective 07/01/04)

Effective July 1, 2004

Chapter 180, Laws of Utah 2004

HB 62 Lien Recovery Fund Amendments (*R. Curt Webb*)

This bill modifies the Residence Lien Restriction and Lien Recovery Fund Act.

This bill:

- ▶ creates a certificate of compliance to be obtained by the owner of a residence when the owner has complied with provisions of the Residence Lien Restriction and Lien Recovery Fund Act and is seeking protection under the Act;
- ▶ establishes the Division of Occupational and Professional Licensing as the administrator of the certificate of compliance;
- ▶ broadens the definition of a contractor used in establishing that an owner has complied with provisions of the Residence Lien Restriction and Lien Recovery Fund Act and is seeking protection under the Act;
- ▶ delays judicial determination of the rights and responsibilities of an owner of a residence in a lien proceeding until the owner has time to establish compliance with the Residence Lien Restriction and Lien Recovery Fund Act;
- ▶ eliminates an outdated provision of the Residence Lien Restriction and Lien Recovery Fund Act requiring a study of the Lien Recovery Fund; and
- ▶ makes technical changes.

Amends 38-1-11, 38-11-102, 38-11-104, 38-11-105, 38-11-106, 38-11-107, 38-11-202, 38-11-203, 38-11-204; Enacts 38-11-110

Effective May 3, 2004

Chapter 42, Laws of Utah 2004

HB 64 Amendments to Local Option Sales Tax (*Sheryl L. Allen*)

This bill modifies Revenue and Taxation provisions related to a local option sales tax for funding recreational and zoological facilities and botanical, cultural, and zoological organizations.

This bill:

- ▶ extends to cities and towns in second class counties the authority to impose a sales tax for funding recreational and zoological facilities and botanical, cultural, and zoological organizations;
- ▶ extends from five to eight years the period for which the sales tax may be levied;
- ▶ requires each election for voter approval of the sales tax to take place at a regular general election or municipal general election; and
- ▶ limits a county from imposing a similar county option sales tax within municipalities that have already imposed the sales tax.
- ▶ This bill provides an effective date.

Amends 59-12-703 (Effective 07/01/04), 59-12-703 (Superseded 07/01/04), 59-12-1401, 59-12-1402 (Effective 07/01/04), 59-12-1402 (Superseded 07/01/04)

Effective May 3, 2004

Chapter 317, Laws of Utah 2004

HB 65 Tuition Waiver for Purple Heart Recipients (*Gregory H. Hughes*)

This bill modifies the State System of Higher Education Code by creating a tuition waiver.

This bill:

- ▶ requires state institutions of higher education to waive the tuition of a Utah resident admitted to an undergraduate program of study leading to a degree or certificate, if the student has received a Purple Heart award as a result of military service.
- ▶ This bill takes effect on July 1, 2004.

Enacts 53B-8e-101, 53B-8e-102, 53B-8e-103

Effective July 1, 2004

Chapter 181, Laws of Utah 2004

HB 66 State Spending and Debt Limitations Amendments (*Gregory H. Hughes*)

This bill modifies statutory appropriation limits and statutory debt limits.

This bill:

- ▶ modifies the formula for calculating the state appropriation limit and the state debt limit;
- ▶ eliminates a portion of the existing formula; and
- ▶ makes technical corrections.

Amends 63-38c-102, 63-38c-103, 63-38c-201, 63-38c-202, 63-38c-402

Effective May 3, 2004

Chapter 318, Laws of Utah 2004

HB 70 Geriatric Care Managers (*Rebecca D. Lockhart*)

This bill amends the Nurse Practice Act to certify licensed practical nurses who have additional training in long-term care nursing as geriatric care managers.

This bill:

- ▶ defines a geriatric care manager and the practice of geriatric care management;
- ▶ creates a pilot program for certification of geriatric care managers;
- ▶ specifies qualifications for geriatric care managers;
- ▶ amends provisions related to unlawful conduct to incorporate geriatric care managers;
- ▶ establishes standards for geriatric care manager training;
- ▶ sunsets the Geriatric Care Manager Pilot Program on July 1, 2007;
- ▶ requires a study of the necessity of registered health care assistants; and
- ▶ makes technical changes.

Amends 58-31b-102, 58-31b-201, 58-31b-301, 58-31b-302, 58-31b-303, 58-31b-304, 58-31b-307, 58-31b-401, 58-31b-501, 58-31b-502, 58-31b-601, 58-31b-701; Enacts 58-31b-301.5, 63-55b-158

Effective May 3, 2004

Chapter 247, Laws of Utah 2004

HB 71 Water Conservation Plans (*Judy Ann Buffmire*)

This bill amends certain provisions related to water conservation plans.

This bill:

- ▶ provides for publishing of a report identifying entities who do not have a current water conservation plan;
- ▶ requires that water conservation plans contain existing and proposed water conservation measures;
- ▶ requires that water conservation plans contain a description of the extent to which a retail provider will use certain measures to achieve its conservation goals;
- ▶ requires that water conservation plans contain a clearly stated water use reduction goal and implementation plan for each conservation measure, including a timeline for action and an evaluation process to measure progress; and
- ▶ requires that the Board of Water Resources' report be presented to the Natural Resources, Agriculture, and Environment Interim Committee at its November 2004 meeting.

Amends 73-10-32

Effective May 3, 2004

Chapter 43, Laws of Utah 2004

HB 72 Release of Claims on Behalf of a Minor (*John Dougall*)

This bill allows persons who receive funds on behalf of a minor to release the claim on the minor's behalf upon payment.

This bill:

- ▶ allows persons who receive money on a minor's behalf to release the payor from future claims.

Amends 75-5-102

Effective May 3, 2004

Chapter 198, Laws of Utah 2004

HB 73 Pattern of Unlawful Activity Act Amendments (*Ty McCartney*)

This bill modifies the definitions provision of the Pattern of Unlawful Activity Act in the Utah Criminal Code.

This bill:

- ▶ adds unemployment insurance fraud to the crimes included in the definition of unlawful activity in the Pattern of Unlawful Activity Act; and
- ▶ makes certain technical changes.

Amends 76-10-1602

Effective May 3, 2004

Chapter 319, Laws of Utah 2004

HB 74 Extension of Sales and Use Tax Exemption for Steel Industry (*Ben C. Ferry*)

This bill modifies the Sales and Use Tax Act to amend sales and use tax exemption provisions.

This bill:

- ▶ extends the sunset date by ten years for the sales and use tax exemption for sales or leases of rolls, rollers, refractory brick, electric motors, or other replacement parts used in the furnaces, mills, or ovens of certain steel mills.
- ▶ This bill takes effect on July 1, 2004.

Amends 59-12-104 (Effective 07/01/04)

Effective July 1, 2004

Chapter 320, Laws of Utah 2004

HB 75 Industrial Assistance Fund Amendments (*David Clark*)

This bill modifies and enacts provisions related to the Industrial Assistance Fund.

This bill:

- ▶ provides a definition for economic opportunities;
- ▶ provides that up to 20% of the monies in the Industrial Assistance Fund may be used for economic opportunities; and
- ▶ provides qualifications for entities seeking Industrial Assistance Fund monies for the financing of economic opportunities.

Amends 9-2-1202, 9-2-1203, 9-2-1204, 9-2-1205, 9-2-1205.5; Enacts 9-2-1205.8; Repeals 9-2-1206

Effective May 3, 2004

Chapter 182, Laws of Utah 2004

HB 78 School Land Trust Program Restricted Account (*David Clark*)

This bill creates a restricted account for the deposit of the earnings derived from the investment of the permanent State School Fund.

This bill:

- ▶ creates within the Uniform School Fund a restricted account that consists of:
 - interest and dividends derived from the investment of the permanent State School Fund; and
 - interest on the account monies; and
- ▶ provides for the use of monies in the restricted account.
- ▶ This bill takes effect on July 1, 2004.

Amends 53A-16-101, 53A-16-101.5, 53A-17a-131.17, 53A-17a-149

Effective July 1, 2004

Chapter 183, Laws of Utah 2004

HB 79 Right to Display Flag At Personal Residence (*Carl W. Duckworth*)

This bill modifies the Real Estate code to provide certain residents with the right to display the United States or Utah flag.

This bill:

- ▶ provides a right to display the United States or Utah flag to:
 - a renter of a residential rental unit;
 - a resident of a mobile home park; and
 - a condominium unit owner.

Enacts 57-24-101, 57-24-102

Effective May 3, 2004

Chapter 44, Laws of Utah 2004

HB 80 Wildlife License Agents - Penalties for Violations (*Bradley G. Last*)

This bill amends wildlife licensing agent provisions.

This bill:

- ▶ amends compensation provisions for wildlife licensing agents;
- ▶ prohibits wildlife licensing agents from failing to date a license, permit, or tag; and
- ▶ amends wildlife licensing agent penalty provisions.

Amends 23-19-15

Effective May 3, 2004

Chapter 87, Laws of Utah 2004

HB 81 Criminal Law Intent Amendment (*Ty McCartney*)

This bill amends the Criminal Code to provide that if an element of a criminal offense is the intentional causation of a result, and if the result of defendant's commission of the offense differs from the defendant's intent only because a different person or property was affected than the defendant intended, the requirement of intentional causation is met.

This bill:

- ▶ provides that if a criminal offense includes a requirement that the defendant intentionally acted to cause an intended result, then this requirement is met if the defendant's action differs from the intended result only in that the person or property affected differs from the person or property the defendant intended to commit the offense against.

Enacts 76-2-105

Effective May 3, 2004

Chapter 199, Laws of Utah 2004

HB 82 Virtual Visitation Amendments (*Douglas C. Aagard*)

This bill provides that, if available, reasonable virtual access be permitted and encouraged between children and a noncustodial parent.

This bill:

- ▶ defines virtual parent-time; and
- ▶ adds virtual parent-time to the parent-time guidelines and schedules.

Amends 30-3-32, 30-3-33, 30-3-35, 30-3-35.5

Effective May 3, 2004

Chapter 321, Laws of Utah 2004

HB 83 State Retirement - Funded Ratio (*Ann W. Hardy*)

This bill modifies the Utah State Retirement and Insurance Benefit Act by authorizing the maximum actuarial funded ratio of the retirement systems to reach 110%.

This bill:

- ▶ authorizes the actuarial funded ratio of the retirement systems to reach and be maintained at 110%; and
- ▶ prohibits contribution rate increases to attain an actuarial funded ratio greater than 100%.

Amends 49-11-301

Effective May 3, 2004

Chapter 322, Laws of Utah 2004

HB 85 Health Insurance Mandate Amendments (*Rebecca D. Lockhart*)

This bill amends the health insurance adoption indemnity law.

This bill:

- ▶ amends the adoption indemnity benefit to:
 - remove the requirement for the commissioner to review the adoption indemnity benefit every two years;
 - increase the adoption indemnity benefit to \$4,000; and
 - clarify that a single adoption benefit is payable to an insured adopting multiple children from one birth.

Amends 31A-22-610.1

Effective May 3, 2004

Chapter 98, Laws of Utah 2004

HB 86 Primary Care Network Amendments (*Kory M. Holdaway*)

This bill reduces the annual fee for the primary care network to \$25 per year for those people that fall below 50% of the federal poverty level.

This bill:

- ▶ reduces the annual fee an enrollee must pay for the primary care network to \$25 per year if the enrollee has an annual income that is below 50% of the federal poverty level.
- ▶ This bill takes effect on July 1, 2004.

Amends 26-18-3.5

Effective July 1, 2004

Chapter 323, Laws of Utah 2004

HB 88 State Land Use Management Plans (*Bradley T. Johnson*)

This bill modifies the duties of the state planning coordinator to require the state planning coordinator to consider certain findings when developing state policies, plans, and programs relating to federal lands and natural resources on federal lands.

This bill:

- ▶ establishes certain findings to be considered when developing state policies relating to federal lands and natural resources on federal lands; and
- ▶ establishes considerations for recognition of state and local interests in the federal land use management process.
- ▶ This bill provides a coordination clause.

Amends 63-38d-401

Effective May 3, 2004

Chapter 184, Laws of Utah 2004

HB 90 Access to Child Welfare Hearings (*Michael T. Morley*)

This bill amends the Judicial Code.

This bill:

- ▶ changes the date on which any person may be admitted to a child abuse, neglect, or dependency hearing in juvenile court from July 1, 2005 to July 1, 2004.

Amends 78-3a-115, 78-3a-115.1, 78-3a-116

Effective May 3, 2004

Chapter 324, Laws of Utah 2004

HB 92 Brucellosis Vaccination Amendments (*Bradley T. Johnson*)

This bill amends the brucellosis vaccination provision for livestock.

This bill:

- ▶ specifies certain cattle that are required to be vaccinated for brucellosis.

Amends 4-31-16.5

Effective May 3, 2004

Chapter 325, Laws of Utah 2004

HB 93 DNA Reimbursement Costs (*J. Stuart Adams*)

This bill provides an agency the option of recovering the cost for obtaining a DNA specimen from an offender by assessing the inmate's trust fund account for \$75.

This bill:

- ▶ allows agencies to recover the cost of obtaining a DNA specimen from an offender by collecting the funds from the inmate's county trust fund account; and
- ▶ allows the collecting agency to use a negative account balance to collect the funds.
- ▶ This bill provides an effective date.

Amends 53-10-404 (Effective 07/01/04), 53-10-404 (Superseded 07/01/04)

Effective March 19, 2004

Chapter 200, Laws of Utah 2004

HB 94 Health Insurance Pool (*Chad E. Bennion*)

This bill amends the Budgetary Procedures Act to provide guidance to the governor and the Legislature regarding factors to consider when preparing the budget to fund the Utah Comprehensive Health Insurance Pool.

This bill:

- ▶ amends the Budgetary Procedures Act to provide guidance to the governor and the Legislature regarding factors to consider when preparing the budget to fund the Utah Comprehensive Health Insurance Pool.
- ▶ This bill takes effect on July 1, 2004.

Amends 63-38-2 (Effective 07/01/04)

Effective July 1, 2004

Chapter 326, Laws of Utah 2004

HB 95 Clarification of Dependent Health Care Coverage Amendments (*Todd E. Kiser*)

This bill specifies that when a parent is required by court order to provide health insurance to a child who lives outside the insurer's service area, the child is subject to the out-of-service area contract terms of the insurance policy.

This bill:

- ▶ specifies that when a parent is required by court order to provide health insurance to a child who lives outside the insurer's service area, the child is subject to the out-of-service area contract terms of the insurance policy.
- ▶ This bill provides a coordination clause.

Amends 31A-22-610.5

Effective May 3, 2004

Chapter 185, Laws of Utah 2004

HB 96 Statute of Repose (*J. Stuart Adams*)

This bill reduces the statute of repose for real estate improvements from twelve to nine years.

This bill:

- ▶ changes the statute of repose for improvements on real property to nine years.

Amends 78-12-21.5

Effective May 3, 2004

Chapter 327, Laws of Utah 2004

HB 97 Protective Order Amendments (*Kory M. Holdaway*)

This bill makes changes in the process for filing for child protective orders.

This bill:

- ▶ allows for the transfer of child protection actions from the juvenile court to the district court;
- ▶ requires the clerk of the court to check for any other actions regarding the child:
 - within the courts;
 - within the Division of Child and Family Services; and
 - obtain any reports referred to in the petition as having been made by law enforcement; and
- ▶ reduces the time a respondent can petition for dismissal of the criminal portion of the order from three to two years.

Amends 62A-4a-116, 78-3-4, 78-3a-104, 78-3h-101, 78-3h-102, 78-3h-103, 78-3h-104, 78-3h-105

Effective May 3, 2004

Chapter 201, Laws of Utah 2004

HB 100 School Professional Development Days (*Bradley G. Last*)

This bill creates a pilot program to evaluate the effects on student academic achievement of reducing the school term for the purpose of conducting professional development for instructional staff.

This bill:

- ▶ creates a pilot program to evaluate the effects on student academic achievement of reducing the minimum school term established by the State Board of Education by up to 22 hours for the purpose of conducting professional development for instructional staff;
- ▶ requires a local school board to submit a plan to the State Board of Education to participate in the pilot program;
- ▶ allows the State Board of Education to determine the number of schools and school districts that may participate in the pilot program;
- ▶ requires the State Board of Education to report to the Education Interim Committee on the findings from the pilot program; and
- ▶ sunsets the pilot program on July 1, 2008.

Amends 63-55b-153; Enacts 53A-3-702

Effective May 3, 2004

Chapter 328, Laws of Utah 2004

HB 105 Continuing Education for Contractors (*J. Stuart Adams*)

This bill modifies provisions of the Utah Construction Trades Licensing Act.

This bill:

- ▶ provides that noncompliance with continuing education requirements for licensed contractors is unlawful conduct under the licensing act;
- ▶ provides for an exemption from the requirement; and
- ▶ provides for the issuance of a citation and other penalties.
- ▶ This bill takes effect on July 1, 2005.

Amends 58-55-501, 58-55-503

Effective July 1, 2005

Chapter 45, Laws of Utah 2004

HB 106 Health Insurance Act Amendments (*James A. Dunnigan*)

This bill amends accident and health insurance provisions related to premium grace periods and discontinuation of coverage in the individual and small employer market.

This bill:

- ▶ changes the grace period for nonpayment of premium to 15 days;
- ▶ clarifies coverage during a grace period;
- ▶ provides that if the Comprehensive Health Insurance Pool is dissolved or discontinued, or if enrollment is capped or suspended, a covered carrier:
 - may elect to discontinue offering new individual health benefit plans but then may not reenter the individual market for five years;
 - may continue to write business in the small employer market; and
 - may decline to accept individuals applying for individual enrollment, other than HIPAA eligible individuals;
- ▶ repeals the provision that links individual premium rates to the rates established by the Comprehensive Health Insurance Pool;
- ▶ amends preexisting conditions waiver provisions for the Comprehensive Health Insurance Pool;
- ▶ amends powers of the board; and
- ▶ makes technical amendments.
- ▶ This bill provides an immediate effective date.

Amends 31A-8-402.3, 31A-22-607, 31A-22-721, 31A-29-106, 31A-29-113, 31A-30-107, 31A-30-107.3, 31A-30-108; Repeals 31A-30-106.6

Effective March 23, 2004

Chapter 329, Laws of Utah 2004

HB 108 Insurance and Retirement for Charter School Employees (*Merlynn T. Newbold*)

This bill modifies the State System of Public Education Code and the Utah State Retirement and Insurance Benefit Act to amend employee benefit provisions for charter schools.

This bill:

- ▶ allows a charter school applying for sponsorship to make an election of nonparticipation in the state retirement systems for its employees at the time of the application as a charter school;
- ▶ provides a window for existing charter schools to make an election of nonparticipation in the state retirement systems for its employees;
- ▶ allows a charter school discretion to select and offer employee benefit plans; and
- ▶ makes technical corrections.
- ▶ This bill takes effect on July 1, 2004.

Amends 49-12-202, 49-13-202, 53A-1a-512, 53A-17a-125

Effective July 1, 2004

Chapter 330, Laws of Utah 2004

HB 111 Local Government Amendments (*Wayne A. Harper*)

This bill modifies provisions relating to municipal and county government.

This bill:

- ▶ reduces the number of copies of an ordinance, code, or book relating to building or safety standards, municipal functions, administration, control, or regulations that a city clerk is required to maintain from three to one;
- ▶ eliminates provisions that specify the type of governing body that a city or town must have;
- ▶ eliminates some optional forms of municipal government and related provisions and makes conforming changes;
- ▶ modifies optional forms of municipal government and makes conforming changes;
- ▶ narrows the application of municipal moderate income housing plan requirements to cities;
- ▶ modifies the definition of moderate income housing for purposes of moderate income housing plan provisions;
- ▶ changes a requirement to update a moderate income housing plan from annual to biennial;
- ▶ prohibits the awarding of damages in an action seeking enforcement or claiming a violation of moderate income housing provisions and limits the type of relief that may be granted; and
- ▶ makes technical changes.

Amends 10-2-112, 10-2-114, 10-2-303, 10-2-411, 10-3-101, 10-3-106, 10-3-205, 10-3-206, 10-3-504, 10-3-507, 10-3-711, 10-3-1203, 10-3-1208, 10-9-307, 17-27-307; Repeals 10-3-103, 10-3-104, 10-3-105, 10-3-203, 10-3-204, 10-3-401, 10-3-402, 10-3-1209

Effective May 3, 2004

Chapter 202, Laws of Utah 2004

HB 114 Money Management Act Amendments (*David Clark*)

This bill modifies the Money Management Act to allow the use of investment advisers by public treasurers.

This bill:

- ▶ defines the term “certified investment adviser” and establishes requirements and fees necessary to become a certified investment adviser;
- ▶ allows public treasurers to engage certified investment advisers to make security trades in their behalf;
- ▶ allows certified investment advisers to make trades with broker-dealers not on the Certified Dealer List;
- ▶ establishes enforcement mechanisms and other remedies for the violation of this chapter; and
- ▶ makes technical corrections.

Amends 51-7-3, 51-7-11, 51-7-18, 51-7-18.3; Enacts 51-7-11.5, 51-7-18.4, 51-7-22.4, 51-7-22.5, 51-7-24

Effective May 3, 2004

Chapter 248, Laws of Utah 2004

HB 116 Facilities with Regional Impact *(Ralph Becker)*

This bill modifies and enacts provisions relating to notice applicable to certain entities in first and second class counties.

This bill:

- ▶ modifies provisions relating to elements of a county or municipality's general plan;
- ▶ requires certain local government entities and certain public utilities to provide notice before preparing or amending a general, long-range, or capital facilities plan;
- ▶ requires certain entities to provide notice of an intent to acquire real property if its intended use is inconsistent with local planning or zoning, unless the entity has previously provided notice of the property's general location; and
- ▶ requires certain entities to provide post-acquisition notice of the acquisition of real property, under certain circumstances.

Amends 10-8-2, 10-9-301, 10-9-302, 11-36-201, 17-27-301, 17-27-302, 17-50-302; Enacts 10-9-301.5, 17-27-301.5, 17A-2-104, 17B-2-104, 53A-2-123, 54-3-27

Effective May 3, 2004

Chapter 99, Laws of Utah 2004

HB 119 Fencing Responsibilities with Greenbelt or Conservation Easement *(David Ure)*

This bill modifies agricultural fencing provisions to require a qualified adjoining landowner to pay 1/2 the cost of constructing and maintaining a fence under certain situations.

This bill:

- ▶ defines qualified landowner and qualified adjoining landowner as owners of land used for certain purposes that qualifies under Section 59-2-502 as land in agricultural use or land qualifying as conservation easement land for purposes of this section;
- ▶ requires qualified adjoining landowners to pay 1/2 the cost of a partition fence in certain situations;
- ▶ requires that fencing costs be reasonable, of the type commonly found in that area, and no more expensive than certain specified materials; and
- ▶ allows the qualified landowner to bring a civil action against the qualified adjoining landowner for noncompliance.

Enacts 4-26-5.1

Effective May 3, 2004

Chapter 331, Laws of Utah 2004

HB 120 Child Welfare Funding for In-home Services *(Mike Thompson)*

This bill amends Child and Family Services.

This bill:

- ▶ requires the Division of Child and Family Services to seek funding for in-home services to prevent the removal of children from their homes and promote the preservation of families.

Amends 62A-4a-202

Effective May 3, 2004

Chapter 100, Laws of Utah 2004

HB 121 Code of Criminal Procedure Amendments (*Jack A. Seitz*)

This bill amends the Code of Criminal Procedure regarding the conditions under which misdemeanor and infraction traffic violations may be compromised by amending procedures for pleas in abeyance. This bill also makes technical changes.

This bill:

- ▶ clarifies the conditions under which misdemeanor and infraction traffic violations may be compromised;
- ▶ allows the same surcharges to be imposed on fees paid as part of plea in abeyance agreements as are imposed on a fine for a criminal conviction; and
- ▶ makes technical changes.

Amends 77-2a-3; Enacts 77-2-4.2

Effective May 3, 2004

Chapter 203, Laws of Utah 2004

HB 122 Private Investigator Amendments (*Margaret Dayton*)

This bill modifies provisions dealing with licensed private investigators and their accessing private records.

This bill:

- ▶ limits access to protected motor vehicle and driver license records by a licensed private investigator by requiring the investigator to hold a valid agency or registrant license;
- ▶ provides that an apprentice private investigator may not directly obtain protected information from the Utah State Tax Commission Motor Vehicle Division or Driver License Division within the Department of Public Safety; and
- ▶ makes certain technical changes.

Amends 41-1a-116, 53-3-109, 53-9-108

Effective May 3, 2004

Chapter 332, Laws of Utah 2004

HB 123 Drug Lab Cleanup and Disclosure (*David Litvack*)

This bill provides procedures for local health departments regarding property contaminated by illegal drug operations.

This bill:

- ▶ requires law enforcement agencies to report contaminated property locations to the local health department;
- ▶ requires the local health departments to make these reports available to the public, as advisory information only;
- ▶ requires the local health department to notify the property owner of the report, and also to notify the county or municipality if the property owner is not taking action regarding the contamination;
- ▶ directs the state Department of Health to make rules that include certification standards regarding the decontamination of contaminated property;
- ▶ requires the Department of Environmental Quality to establish a certification program for decontamination specialists;
- ▶ requires clean-up of contamination and certification that a contaminated property has been cleaned up;
- ▶ establishes a program to certify specialists who provide evaluation, sampling, and clean-up of contaminated properties; and
- ▶ includes in the real estate definition of stigmatized property that is not subject to disclosure, contaminated property that has been decontaminated.

Amends 57-1-1; Enacts 19-6-901, 19-6-902, 19-6-903, 19-6-904, 19-6-905, 19-6-906

Effective May 3, 2004

Chapter 249, Laws of Utah 2004

HB 124 Small Claims Court Jurisdiction Amendments (*Stephen H. Urquhart*)

This bill modifies provisions related to small claims court.

This bill:

- ▶ increases the amount a claim can be in small claims court from \$5,000 to \$7,500;
- ▶ allows nonattorneys to represent parties without compensation; and
- ▶ makes technical changes.

Amends 78-6-1

Effective May 3, 2004

Chapter 204, Laws of Utah 2004

HB 125 County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Amendments (*Todd E. Kiser*)

This bill amends the Sales and Use Tax Act.

This bill:

- ▶ amends the definition of “recreational facility” to include a “cultural facility” and defines the term “cultural facility”; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2004.

Amends 59-12-702

Effective July 1, 2004

Chapter 186, Laws of Utah 2004

HB 126 Teacher Classifications *(Ron Bigelow)*

This bill modifies the State System of Public Education by distinguishing between teachers and associate teachers.

This bill:

- ▶ defines terms;
- ▶ requires school districts and schools to identify and distinguish between teachers and associate teachers; and
- ▶ requires schools to maintain lists of teachers and associate teachers which shall be available for review by any person upon request.

Enacts 53A-6-111

Effective May 3, 2004

Chapter 46, Laws of Utah 2004

HB 128 Amendments to Operating Under the Influence *(Dana C. Love)*

This bill modifies the Motor Vehicles Code, the Public Safety Code, and the Transportation Code to amend provisions relating to operating a vehicle or aircraft while under the influence.

This bill:

- ▶ provides that the illegal per se limit of blood or breath alcohol concentration is .05 for a driving under the influence conviction if a person:
 - is 21 years of age or older;
 - has a passenger under 16 years of age in the vehicle; and
 - has had a prior driving under the influence conviction;
- ▶ provides that chemical analysis of a person's oral fluids is an authorized chemical test under the implied consent provisions;
- ▶ requires the Commissioner of the Department of Public Safety to establish standards for the administration, interpretation, and training of chemical analysis of oral fluids;
- ▶ provides that a person is guilty of a class B misdemeanor if the person:
 - is driving while the person's license has been suspended, disqualified, or revoked for a driving under the influence violation; and
 - has any amount of alcohol in the person's body;
- ▶ provides sentencing requirements for driving on a license suspended for certain violations with any amount of alcohol in the body;
- ▶ provides that a driver license can be suspended for an additional period for driving on a license suspended for certain violations with any amount of alcohol in the body;
- ▶ requires the Commission on Criminal and Juvenile Justice to study child endangerment for driving under the influence violations and report to the Transportation Interim Committee on or before the November 2004 interim meeting; and
- ▶ makes technical changes.

Amends 41-6-44, 41-6-44.3, 41-6-44.10, 41-6-44.12, 53-3-220, 53-3-227, 72-10-502, 72-10-503, 76-10-528

Effective May 3, 2004

Chapter 205, Laws of Utah 2004

HB 131 Eminent Domain Amendments (*Ben C. Ferry*)

This bill modifies provisions relating to eminent domain.

This bill:

- ▶ authorizes shareholders in a mutual stock water company to appear and defend in a condemnation action involving the taking of the company or company property; and
- ▶ adds to the amount of damages to be assessed in a condemnation action:
 - the value of water delivery system facilities damaged or impaired by the condemnation of water rights or a water delivery system; and
 - the value of crops on land that is condemned.

Amends 78-34-7, 78-34-10

Effective May 3, 2004

Chapter 101, Laws of Utah 2004

HB 133 Property Tax - Veteran's Exemption (*Don E. Bush*)

This bill amends the veteran's exemption under the Property Tax Act.

This bill:

- ▶ provides that the unmarried surviving spouse or minor orphan of a veteran may be allowed a veteran's exemption regardless of whether the unmarried surviving spouse or minor orphan is the owner of the property as of January 1 of the year the exemption is claimed;
- ▶ provides definitions;
- ▶ expands the types of property for which a claimant may receive a veteran's exemption;
- ▶ modifies the procedures and requirements for claiming a veteran's exemption including:
 - extending the deadline for filing an application for a veteran's exemption under certain circumstances;
 - allowing an application for a veteran's exemption to be amended under certain circumstances and providing a due date for filing an amended application; and
 - modifying the documentation required to be included with an application for a veteran's exemption;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation to January 1, 2004.

Amends 59-2-1101, 59-2-1104, 59-2-1105

Effective May 3, 2004

Chapter 333, Laws of Utah 2004

HB 135 Notification of School District of Violent Offense by a Student (*M. Susan Lawrence*)

This bill requires law enforcement officers or agents taking a minor into custody or detention for violent crimes or weapons violations to notify the school district in which the minor resides or attends school.

This bill:

- ▶ requires law enforcement officers or agents to notify school district superintendents when a minor is taken into custody or detention for a violent crime or weapons violation;
- ▶ allows a school district to establish a process with a law enforcement agency for providing notice regarding detained minors;
- ▶ requires the notice to include, if available, the victim's name, if the victim resides in the same school district or attends the same school as the detained minor;
- ▶ classifies notice to superintendents as protected under the Government Records Access and Management Act and the Federal Family Educational Rights and Privacy Act;
- ▶ requires notification to the school district of the court's findings of the detention hearings in cases involving violent felonies or weapons offenses, including any no contact orders;
- ▶ requires adjudication notice to include, if available, the name of the victim; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 53A-11-1001, 53A-11-1002, 53A-11-1004, 78-3a-113 (Effective 07/01/04), 78-3a-114 (Effective 07/01/04), 78-3a-118 (Effective 07/01/04)

Effective July 1, 2004

Chapter 102, Laws of Utah 2004

HB 136 Electronic Filing of Preliminary Lien Documents (*Michael T. Morley*)

This bill modifies the Mechanics' Lien statute and enacts provisions for on-line filing of notices of commencement, preliminary notices, and notices of completion.

This bill:

- ▶ addresses preliminary notice requirements;
- ▶ addresses notice of claim requirements;
- ▶ requires the Division of Occupational and Professional Licensing to contract for the creation and maintenance of a construction notice registry;
- ▶ requires the notice registry to be accessible for filing and reviewing notices of commencement, preliminary notices, and notices of completion;
- ▶ provides for alternative filing;
- ▶ requires that electronic notification and hard-copy printing of electronic receipts be provided;
- ▶ requires the division to establish by rule the fees for filing;
- ▶ creates requirements for filing notices;
- ▶ requires the assignment to each construction project of a unique project number which identifies each construction project;
- ▶ provides requirements for the content of a notice of commencement;
- ▶ provides penalties for failure to file notices in a timely manner;
- ▶ provides penalties for abuse of the construction notice register;
- ▶ provides that the state is not liable;
- ▶ provides that construction notice does not impart notice for specified purposes;
- ▶ addresses applicability of sections on the basis of when a construction project is commenced;
- ▶ requires a sunset review by July 1, 2008; and
- ▶ makes technical changes.
- ▶ This bill provides a severability clause.
- ▶ This bill provides an effective date.
- ▶ This bill provides a coordination clause.

Amends 14-1-20, 14-2-5, 38-1-7, 63-56-38.1; Enacts 38-1-30, 38-1-31, 38-1-32, 38-1-33, 38-1-34, 38-1-35, 38-1-36, 38-1-37, 63-55-238; Repeals and Reenacts 38-1-27

Effective May 1, 2005

Chapter 250, Laws of Utah 2004

HB 138 Trespassing on State Park Lands (*Sheryl L. Allen*)

This bill establishes penalties for trespassing on state park land and allows the division to sue for treble damages in a civil lawsuit, which damages shall be deposited in the State Park Fees Restricted Account.

This bill:

- ▶ establishes penalties and civil damages for trespass on state park lands;
- ▶ establishes penalties and civil damages for other activities on state park lands such as using certain resources, grazing, or occupying land; and
- ▶ allows the Division of Parks and Recreation to sue for treble damages in a civil lawsuit, which damages shall be deposited in the State Park Fees Restricted Account.
- ▶ This bill takes effect on July 1, 2004.

Amends 63-11-66; Enacts 76-6-206.2

Effective July 1, 2004

Chapter 103, Laws of Utah 2004

HB 142 Audit Requirements for Political Subdivisions (*Ben C. Ferry*)

This bill modifies provisions relating to the state auditor's analysis of financial statements of political subdivisions, interlocal organizations, and other local entities.

This bill:

- ▶ codifies certain accounting term definitions;
- ▶ establishes four levels of accounting reports relating to political subdivisions, interlocal organizations, and other local entities;
- ▶ modifies the duties of the state auditor with regard to accounting reports;
- ▶ recodifies provisions of Title 51, Chapter 2 into a new chapter; and
- ▶ makes technical corrections.

Amends 10-5-123, 10-6-122, 17-36-39, 17-53-225, 53A-3-403, 53A-3-404; Enacts 51-2a-101, 51-2a-102, 51-2a-201, 51-2a-202, 51-2a-203, 51-2a-301, 51-2a-401, 51-2a-402, 51-2a-403; Repeals 51-2-1, 51-2-2, 51-2-3, 51-2-3.5, 51-2-4, 51-2-5, 51-2-6, 51-2-7, 51-2-8

Effective May 3, 2004

Chapter 206, Laws of Utah 2004

HB 145 Approval Required for Disposal of Radioactive Waste (*Stephen H. Urquhart*)

This bill requires legislative and gubernatorial approval before a radioactive waste facility may receive certain types or concentrations of radioactive waste and amends radioactive waste tax provisions.

This bill:

- ▶ defines terms related to the regulation of radioactive waste facilities;
- ▶ deletes certain outdated provisions relating to approval for radioactive waste facilities;
- ▶ amends certain approval requirements regarding radioactive waste facilities;
- ▶ requires the approval of the Legislature, governor, and local governing body responsible for planning and zoning before a radioactive waste facility may receive specified types or concentrations of radioactive wastes;
- ▶ modifies the gross receipts tax on certain types of mixed waste; and
- ▶ makes technical corrections.
- ▶ This bill provides an immediate effective date.

Amends 19-3-105, 59-24-103.5

Effective March 23, 2004

Chapter 334, Laws of Utah 2004

HB 146 County Cooperative Agreements with State for Fire Protection (*Craig W. Buttars*)

This bill modifies a provision relating to cooperative agreements between a county and the Division of Forestry, Fire, and State Lands relating to fire protection.

This bill:

- ▶ requires a county, in order to be eligible to enter into a cooperative agreement with the Division of Forestry, Fire, and State Lands relating to fire protection, to:
 - adopt a wildland fire ordinance;
 - require the county fire department or private provider to meet certain minimum standards; and
 - file a budget for fire suppression costs; and
- ▶ prevents counties that do not enter into a cooperative agreement with the division from being eligible for financial assistance from the division.

Amends 65A-8-6

Effective May 3, 2004

Chapter 47, Laws of Utah 2004

HB 147 Municipal Code Condemnation Amendments (*LaVar Christensen*)

This bill modifies a provision relating to a municipality's purchase, lease, or condemnation of water and waterworks systems.

This bill:

- ▶ establishes a presumption of the value of property in a condemnation proceeding involving the taking of water, a waterworks system, water supply, or connected property; and
- ▶ prohibits the section amended by this bill from being construed to allow a municipality to condemn a political subdivision or its property.

Amends 10-7-4

Effective May 3, 2004

Chapter 207, Laws of Utah 2004

HB 148 Optometry Amendments (*Bradley G. Last*)

This bill amends the Utah Optometry Practice Act.

This bill:

- ▶ amends definitions;
- ▶ amends provisions related to unlawful conduct; and
- ▶ amends provisions related to the sale of contact lenses by removing the prohibition against offering contact lenses as premiums.

Amends 58-16a-102, 58-16a-501, 58-16a-801

Effective May 3, 2004

Chapter 48, Laws of Utah 2004

HB 149 New Automobile Franchise Act (*Greg J. Curtis*)

This bill modifies the New Automobile Franchise Act to amend provisions relating to the issuance or relocation of a franchise.

This bill:

- ▶ requires a franchisor to provide certain documents with a notice that the franchisor intends to enter into a franchise or relocate a franchise within the relevant market area to the Utah Motor Vehicle Franchise Advisory Board and existing franchisees within the relevant market area except in certain circumstances; and
- ▶ makes technical changes.

Amends 13-14-302, 13-14-304

Effective May 3, 2004

Chapter 187, Laws of Utah 2004

HB 152 Charter School Governance (*Marda Dillree*)

This bill modifies the State System of Public Education Code to create a new entity to authorize charter schools and modify requirements imposed on charter schools.

This bill:

- ▶ creates the State Charter School Board consisting of seven members appointed by the governor;
- ▶ specifies the powers and duties of the State Charter School Board, including the power to:
 - authorize and promote the establishment of charter schools, subject to approval of the State Board of Education; and
 - hold charter schools accountable for their performance;
- ▶ provides for a staff director for the State Charter School Board appointed by the superintendent of public instruction, with the consent of the State Charter School Board;
- ▶ provides for the dissolution of charters with the State Board of Education and directs the State Charter School Board to grant charters to schools previously chartered by the State Board of Education;
- ▶ expands the purposes of charter schools;
- ▶ expands the provisions to be addressed in a school's charter;
- ▶ exempts charter schools from various state laws and rules of the State Board of Education;
- ▶ requires the State Charter School Board to study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt, and submit recommendations to the State Board of Education and the Education Interim Committee; and
- ▶ clarifies the duties of local school boards in authorizing charter schools.

Amends 53A-1a-502, 53A-1a-503, 53A-1a-505, 53A-1a-507, 53A-1a-508, 53A-1a-509, 53A-1a-510, 53A-1a-511, 53A-1a-512, 53A-1a-515, 53A-16-101.5, 63-55b-153; Enacts 53A-1a-501.3, 53A-1a-501.5, 53A-1a-501.6, 53A-1a-501.7, 53A-1a-501.8, 53A-1a-503.5; Repeals 53A-1a-516

Effective May 3, 2004

Chapter 251, Laws of Utah 2004

HB 153 Commercial Driver License Amendments (*Calvin G. Bird*)

This bill modifies the Public Safety Code to amend certain definitions for driver license provisions.

This bill:

- ▶ amends the definition of school bus to define it as a commercial motor vehicle used to transport school students to and from home and school or to and from school sponsored events;
- ▶ amends the definition of commercial motor vehicle to include a combination of motor vehicles; and
- ▶ makes technical changes.

Amends 53-3-102

Effective May 3, 2004

Chapter 335, Laws of Utah 2004

HB 157 Transportation Amendments (*John Dougall*)

This bill modifies the Utah Public Transit District Act, the Sales and Use Tax Act, and the Transportation Code to amend provisions relating to public transit districts and the Transportation Commission.

This bill:

- ▶ provides that a public transit district board of trustees representing a population of more than 200,000 people shall and a public transit district board of trustees representing a population of 200,000 people or fewer may have one nonvoting, ex officio member who is a commissioner on the Transportation Commission and is appointed by the Transportation Commission;
- ▶ provides that a public transit district board of trustees shall report, at least annually, to the Transportation Commission on short-term and long-range public transit plans;
- ▶ provides that a county, city, or town may impose a public transit tax of up to 1/4 of 1% rather than 1/4 of 1%;
- ▶ provides that the Transportation Commission duties include:
 - appointing one commissioner to serve as a nonvoting, ex officio member on the board of trustees of a transit district; and
 - reviewing, at least annually, the short-term and long-range public transit plans reported by a public transit district's board of trustees; and
- ▶ makes technical changes.
- ▶ This bill takes provides an effective date.

Amends 17A-2-1038, 17A-2-1039, 59-12-501 (Effective 07/01/04), 72-1-303

Effective May 3, 2004

Chapter 336, Laws of Utah 2004

HB 160 Mortgage Act Amendments (*Wayne A. Harper*)

This bill creates the "Utah High Cost Home Loan Act."

This bill:

- ▶ provides definitions;
- ▶ enacts provisions regarding prepayment penalties;
- ▶ places restrictions on financing of points and fees;
- ▶ places restrictions on the arbitration clause;
- ▶ prohibits single premium credit life insurance;
- ▶ places limitations on refinancing; and
- ▶ requires the lender to provide the borrower a full copy of all documents pertaining to the transaction.
- ▶ This bill appropriates:
- ▶ \$61,250 for fiscal year 2004-05 from the Commerce Service Fund to the Department of Commerce.

Enacts 61-2d-101, 61-2d-102, 61-2d-103, 61-2d-104, 61-2d-105, 61-2d-106, 61-2d-107, 61-2d-109, 61-2d-110, 61-2d-111, 61-2d-112, 61-2d-113, 61-2d-114, 70D-1-21

Effective May 3, 2004

Chapter 252, Laws of Utah 2004

HB 161 Law Enforcement Amendments (*Carol Spackman Moss*)

This bill updates public safety law references regarding federal homeland security agents and officers operating during the Olympics.

This bill:

- ▶ updates the reference to federal Customs Service agents to refer to Department of Homeland Security agents; and
- ▶ removes references to "federal Olympic officers" that are no longer applicable.

Amends 53-13-106

Effective May 3, 2004

Chapter 208, Laws of Utah 2004

HB 162 Municipal Election Amendments (*John Dougall*)

This bill authorizes certain third, fourth, and fifth class cities and towns to impose alternative requirements to be a candidate for municipal office and modifies provisions of the Utah Municipal Code relating to campaign finance disclosure requirements.

This bill:

- ▶ allows certain third, fourth, and fifth class cities and certain towns to require that candidates for municipal office file a nominating petition in addition to their declaration of candidacy in lieu of using the convention system;
- ▶ caps the number of signatures that those municipalities may require on the petition at 5% of registered voters;
- ▶ changes the signature requirements for nominating petitions in those third, fourth, and fifth class cities that have adopted that ordinance and in towns that have adopted that ordinance;
- ▶ repeals, reenacts, and modifies a provision relating to municipal campaign finance disclosure;
- ▶ eliminates certain exemptions from campaign finance disclosure provisions and makes the requirements applicable to candidates in all municipalities;
- ▶ modifies reporting requirements;
- ▶ requires the municipal clerk to notify candidates of disclosure requirements and that the candidate's name will be removed from the ballot if the candidate does not file the required report; and
- ▶ makes technical corrections.

Amends 20A-9-203; Repeals and Reenacts 10-3-208

Effective May 3, 2004

Chapter 209, Laws of Utah 2004

HB 164 Resident Tuition Status for National Guard Members (*Brad King*)

This bill modifies the State System of Higher Education Code by providing that a member of the Utah National Guard who performs active duty service shall be considered to maintain continuous Utah residency for resident student purposes.

This bill:

- ▶ provides that a member of the Utah National Guard who performs active duty service shall be considered to maintain continuous Utah residency for resident student purposes.
- ▶ This bill takes effect on July 1, 2004.

Amends 53B-8-102

Effective July 1, 2004

Chapter 337, Laws of Utah 2004

HB 165 Child Protection Registry (*Michael R. Styer*)

This bill enacts provisions within the Commerce and Trade Code related to a child protection registry.

This bill:

- ▶ defines terms;
- ▶ requires the Division of Consumer Protection to establish a registry of contact points for minors;
- ▶ prohibits a person from sending certain materials to a registered contact point; and
- ▶ provides criminal, administrative, and civil penalties.
- ▶ This bill takes effect on July 1, 2005.

Enacts 13-39-101, 13-39-102, 13-39-201, 13-39-202, 13-39-203, 13-39-301, 13-39-302, 13-39-303, 13-39-304

Effective July 1, 2005

Chapter 338, Laws of Utah 2004

HB 168 Individual Income Tax and Corporate Franchise and Income Tax Task Force (*Wayne A. Harper*)

This bill creates the Individual Income Tax and Corporate Franchise and Income Tax Task Force.

This bill:

- ▶ provides for the appointment of members and cochairs of the task force;
- ▶ provides procedures and requirements for the operation of the task force;
- ▶ provides for the payment of salaries and expenses of members of the task force who are legislators;
- ▶ provides for the payment of per diem and expenses for members of the task force who are not legislators;
- ▶ provides that the Office of Legislative Research and General Counsel shall provide staff support to the task force;
- ▶ prescribes the number of times the task force may meet;
- ▶ prescribes the issues that the task force shall study;
- ▶ authorizes issues that the task force may study;
- ▶ requires the task force to receive a report from the governor's tax advisors during the 2004 interim and consider the findings and recommendations of the governor's tax advisors in making the task force's recommendations; and
- ▶ requires the task force to present a final report to the Revenue and Taxation Interim Committee.
- ▶ This bill appropriates:
 - ▶ \$14,500 from the General Fund for fiscal year 2003-04 only, to fund the task force.
 - ▶ This bill is repealed on November 30, 2004.

Effective May 3, 2004

Chapter 339, Laws of Utah 2004

HB 169 Mail Theft Amendments (*Mike Thompson*)

This bill increases the penalty for theft of mail valued at less than \$300.

This bill:

- ▶ increases the penalty for theft of mail with a value less than \$300, or with value that cannot be ascertained, from a class B to a class A misdemeanor.

Amends 76-6-1003

Effective May 3, 2004

Chapter 340, Laws of Utah 2004

HB 171 Insurance Fraud Amendments (*James A. Ferrin*)

This bill modifies provisions related to insurance fraud.

This bill:

- ▶ modifies definitions;
- ▶ prohibits employing, using, or acting as a runner to engage in fraudulent acts;
- ▶ clarifies the treatment of certain funds as nonlapsing;
- ▶ provides for civil penalties;
- ▶ requires disclosure of fraudulent title insurance acts;
- ▶ addresses criminal conduct; and
- ▶ makes technical changes.

Amends 31A-31-102, 31A-31-103, 31A-31-108, 76-6-521, 76-10-1602, 77-23a-8; Enacts 31A-31-109, 31A-31-110; Repeals 31A-23a-411

Effective May 3, 2004

Chapter 104, Laws of Utah 2004

HB 172 Insurance Liquidation Law Amendments (*James A. Ferrin*)

This bill modifies the Insurance Code to address liquidation.

This bill:

- ▶ addresses the powers and duties of the liquidator;
- ▶ modifies the dollar amount for transactions a liquidator may engage in without the permission of the court;
- ▶ addresses a reinsurer's liability for paid claims;
- ▶ corrects a cross reference;
- ▶ places a dollar amount on which commutation and release agreements are reviewed by the court; and
- ▶ makes technical changes.

Amends 31A-27-314, 31A-27-326, 31A-27-327, 31A-27-330.6

Effective May 3, 2004

Chapter 105, Laws of Utah 2004

HB 174 Forensic Mental Health Amendments (*Jack A. Seitz*)

This bill amends provisions regarding the Utah forensic mental health facility.

This bill:

- ▶ includes persons who are undergoing competency evaluations as members of the facility population;
- ▶ includes persons ordered to commit themselves for treatment at the Utah State Hospital as a condition of probation or stay of sentence;
- ▶ deletes language giving the Department of Corrections security responsibility for the facility;
- ▶ specifies that security functions shall be directed by the executive director; and
- ▶ makes technical changes.

Amends 62A-15-902

Effective May 3, 2004

Chapter 49, Laws of Utah 2004

HB 178 Motor Vehicle Purchase Amendments (*Don E. Bush*)

This bill modifies the Motor Vehicles Code by amending purchaser's rights under the motor vehicle business regulation provisions.

This bill:

- ▶ changes the deadline for a purchaser to return a vehicle if the dealer has not transferred the title and registration in the new owner's name:
 - from 180 days after the date of purchase;
 - to any day prior to the time the dealer submits a certificate of title and all documents required to the Motor Vehicle Division; and
- ▶ makes technical changes.

Amends 41-3-403

Effective May 3, 2004

Chapter 210, Laws of Utah 2004

HB 179 Vulnerable Adult Abuse Amendments (*Patricia W. Jones*)

This bill modifies the Offenses Against the Person section of the Utah Criminal Code.

This bill:

- ▶ makes technical changes to provide consistency with other sections of the Utah Code.

Amends 76-5-111.1

Effective May 3, 2004

Chapter 50, Laws of Utah 2004

HB 180 Death Penalty Provisions (*Sheryl L. Allen*)

This bill repeals use of a firing squad as a means of carrying out the death penalty, except in specified situations.

This bill:

- ▶ repeals references to the use of a firing squad, unless execution by lethal injection is found to be unconstitutional.
- ▶ This bill provides revisor instructions.

Amends 76-2-404, 77-18-5.5, 77-19-6, 77-19-10

Effective May 3, 2004

Chapter 51, Laws of Utah 2004

HB 182 Construction Lien Amendments (*Stephen D. Clark*)

This bill modifies the Liens Code.

This bill:

- ▶ requires a 15 day advance written notice to the person or entity to whom the claimant supplied labor, materials, equipment, or services stating:
 - the amount of any claim; and
 - from whom it is due; and
- ▶ applies to liens filed on or after July 1, 2004.

Amends 38-1-11; Enacts 38-1-30

Effective May 3, 2004

Chapter 188, Laws of Utah 2004

HB 183 **Conditions for Release after Notice Regarding Arrest for Domestic Violence** (*Peggy Wallace*)

This bill modifies the Utah Code of Criminal Procedure regarding arrest for domestic violence.

This bill:

- ▶ creates a section dealing specifically with notification requirements for an alleged perpetrator of domestic violence; and
- ▶ makes technical changes.

Amends 77-36-2.5

Effective May 3, 2004

Chapter 341, Laws of Utah 2004

HB 184 **Voyeurism Amendments** (*Brent H. Goodfellow*)

This bill amends elements of the criminal offense of voyeurism.

This bill:

- ▶ clarifies the misdemeanor offense of voyeurism which is sometimes commonly referred to as a “peeping tom” offense, and which does not necessarily involve the use of an instrumentality such as a camera; and
- ▶ removes the element of the offense which required that the actor have intent to invade the privacy of the victim.
- ▶ This bill provides an immediate effective date.

Amends 76-9-702.7

Effective March 15, 2004

Chapter 52, Laws of Utah 2004

HB 186 **Evaluation and Counseling Prior to Termination Proceedings** (*Mike Thompson*)

This bill modifies sections of the Judicial Code dealing with Juvenile Court proceedings.

This bill:

- ▶ allows the juvenile court to appoint any qualified mental health therapist; and
- ▶ prohibits the juvenile court from excluding a mental health therapist because they have not followed the recommendations of the Division of Child and Family Services in another case.

Enacts 78-3a-321

Effective May 3, 2004

Chapter 189, Laws of Utah 2004

HB 187 **Viatical Settlement Act** (*James A. Dunnigan*)

This bill modifies the Viatical Settlements Act to address licensing and rulemaking provisions.

This bill:

- ▶ establishes additional criteria for licensure;
- ▶ provides additional rulemaking authority; and
- ▶ makes technical changes.

Amends 31A-36-104, 31A-36-119

Effective May 3, 2004

Chapter 106, Laws of Utah 2004

HB 188 Donation of Surplus Computers to Persons with a Disability (*Calvin G. Bird*)

This bill amends surplus property services.

This bill:

- ▶ authorizes the transfer of state surplus information technology equipment to nonprofit entities for distribution to persons with a disability.

Enacts 63A-9-808.1

Effective May 3, 2004

Chapter 342, Laws of Utah 2004

HB 189 Tobacco Compliance Amendments (*David L. Hogue*)

This bill amends the Model Tobacco Settlement Act and the Cigarette and Tobacco Tax and Licensing Act.

This bill:

- ▶ modifies escrow requirements for tobacco manufacturers who have not participated in the Master Settlement Agreement;
- ▶ authorizes the State Tax Commission to require that Qualified Escrow Fund deposits be made quarterly;
- ▶ requires a nonparticipating manufacturer to certify compliance with Qualified Escrow Fund requirements;
- ▶ modifies brand reporting requirements for tobacco manufacturers;
- ▶ authorizes the State Tax Commission to recover particular tobacco enforcement costs; and
- ▶ amends a definition within the Model Tobacco Settlement Act.
- ▶ This bill provides a severability clause.

Amends 59-14-408, 59-22-202, 59-22-203, 59-22-308

Effective May 3, 2004

Chapter 53, Laws of Utah 2004

HB 191 Corporate Franchise and Income Tax Amendments (*Gordon E. Snow*)

This bill amends the Corporate Franchise and Income Taxes chapter.

This bill:

- ▶ amends the definition of "nonresident shareholder" to repeal language providing that an organization exempt under Section 501, Internal Revenue Code, is a nonresident shareholder;
- ▶ amends the definition of "S corporation";
- ▶ repeals references to foreign sales corporations that have been repealed under federal law; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date
- ▶ .

Amends 59-7-101 (Contingently Effective 05/02/05), 59-7-101 (Contingently Superseded 05/02/05), 59-7-402; Repeals 59-7-106.5

Effective May 3, 2004

Chapter 54, Laws of Utah 2004

HB 192 **Repeal of Thrifts Settlement Financing Provisions** (*Greg J. Curtis*)

This bill modifies the Financial Institution title to address thrifts settlement financing.

This bill:

- ▶ repeals the Thrift Settlement Financing chapter.

Repeals 7-21-1, 7-21-2, 7-21-3, 7-21-4, 7-21-5, 7-21-6, 7-21-7, 7-21-8, 7-21-9, 7-21-10

Effective May 3, 2004

Chapter 343, Laws of Utah 2004

HB 193 **Commission on Criminal and Juvenile Justice** (*M. Susan Lawrence*)

This bill amends the membership of the Commission on Criminal and Juvenile Justice regarding the appointment of legislative members.

This bill:

- ▶ provides that the speaker of the House of Representatives and the president of the Senate each appoint the respective legislative member, rather than the governor.
- ▶ This bill provides an effective date.

Amends 63-25a-102 (Effective 07/01/04), 63-25a-102 (Superseded 07/01/04)

Effective May 3, 2004

Chapter 211, Laws of Utah 2004

HB 195 **Consumer Protection Amendments** (*Sheryl L. Allen*)

This bill modifies provisions of the Commerce and Trade Code dealing with the duties of the Division of Consumer Protection.

This bill:

- ▶ modifies certain definitions;
- ▶ deletes provisions that currently give the Division of Consumer Protection authority to regulate the misuse of personal identifying information;
- ▶ modifies provisions related to a deceptive act or practice by a supplier;
- ▶ modifies certain administrative fines imposed for violations of the Utah Consumer Sales Practices Act;
- ▶ modifies the definition of a credit services organization for purposes of the Credit Services Organizations Act;
- ▶ modifies the Charitable Solicitations Act to:
 - change certain requirements for an application for registration to enable electronic filing; and
 - exempt certain corporations from the act;
- ▶ modifies the definitions of a telephone solicitation and a telephone solicitor for purposes of the Telephone Fraud Prevention Act to be consistent with other statutes; and
- ▶ makes technical corrections.
- ▶ This bill provides an immediate effective date.

Amends 13-11-3, 13-11-4, 13-11-17, 13-21-2, 13-22-6, 13-22-8, 13-26-2; Repeals 13-11-4.5

Effective March 15, 2004

Chapter 55, Laws of Utah 2004

HB 197 **Limit on Child Welfare Recommendations and Rulings** (*Mike Thompson*)

This bill amends the Administrative Procedures Act and the Judicial Code.

This bill:

- ▶ limits factors that may be considered when an agency or court recommends or rules on the custody, placement, or other disposition alternative of a minor, or the termination of parental rights.

Enacts 63-46b-2.1, 78-7-46

Effective May 3, 2004

Chapter 344, Laws of Utah 2004

HB 198 **Child Welfare Court Reports** (*Mike Thompson*)

This bill amends the Judicial Code to create a disclosure requirement for information used in child welfare proceedings.

This bill:

- ▶ requires a party to a child welfare proceeding to share information with other parties within specified time frames; and
- ▶ creates an exception for pretrial and certain drug court hearings.

Amends 78-3a-116

Effective May 3, 2004

Chapter 190, Laws of Utah 2004

HB 199 **Disruption of Activities in or Near School Building** (*Carol Spackman Moss*)

This bill creates the offense of interfering with the peaceful activities of a school for kindergarten through 12th grade.

This bill:

- ▶ defines a school as a public or private K-12 school;
- ▶ creates the offense of disrupting school activities by conduct near the school and not leaving when requested by the school administrator; and
- ▶ provides for a class B misdemeanor penalty for the first and second offense, and a class A misdemeanor penalty for any subsequent offenses.

Enacts 76-8-1401, 76-8-1402

Effective May 3, 2004

Chapter 107, Laws of Utah 2004

HB 200 **Recognition of Foreign Adoptions** (*Wayne A. Harper*)

This bill establishes a section giving full faith and credit to an adoption order issued by a foreign country for an alien child.

This bill:

- ▶ recognizes an adoption order issued by a foreign country;
- ▶ provides that a petition for registration of a foreign adoption order may be combined with a petition for a name change; and
- ▶ requires the court to order the clerk of the court to file the order and file a certificate of birth.

Amends 26-2-28, 78-30-8.5; Enacts 78-30-8.6

Effective May 3, 2004

Chapter 56, Laws of Utah 2004

HB 201 Traffic Signal Preemption Device (*John Dougall*)

This bill modifies the Motor Vehicles Code to amend traffic provisions related to interfering with traffic-control devices.

This bill:

- ▶ defines “traffic signal preemption device”;
- ▶ prohibits a person from:
 - altering, damaging, or removing an official traffic-monitoring device;
 - knowingly using a traffic signal preemption device to interfere with the authorized operation or cycle of a traffic-control signal; or
 - operating a motor vehicle on a highway with a traffic signal preemption device in the vehicle;
- ▶ provides an exception for persons authorized by a highway authority or a railroad authority; and
- ▶ provides an affirmative defense if the traffic signal preemption device is inoperative.

Amends 41-6-28

Effective May 3, 2004

Chapter 57, Laws of Utah 2004

HB 202 Mail Order Tobacco Sales Amendments (*Eric K. Hutchings*)

This bill requires a cigarette retailer who sells cigarettes by mail order to require a postal authority or common carrier who delivers the cigarettes to verify the age of the person who accepts delivery of the mail order cigarettes in order to meet the requirement of a face-to-face exchange for the sale of tobacco products in the state.

This bill:

- ▶ requires a cigarette retailer who sells cigarettes by mail order to require a postal authority or common carrier who delivers the cigarettes to verify the age of the person who accepts delivery of the mail order cigarettes in order to meet the requirement of a face-to-face exchange for the sale of tobacco products in the state.

Amends 76-10-105.1

Effective May 3, 2004

Chapter 212, Laws of Utah 2004

HB 203 Special Group License Plate (*David L. Hogue*)

This bill modifies the Motor Vehicle Act to amend special group license plate provisions.

This bill:

- ▶ provides that a special group license plate symbol decal may not be reordered unless the Motor Vehicle Division receives a symbol decal reorder fee established by the division.

Amends 41-1a-419

Effective May 3, 2004

Chapter 58, Laws of Utah 2004

HB 204 Public Utilities Revisions (*Greg J. Curtis*)

This bill modifies provisions of the Public Utilities Code related to industrial electric infrastructure.

This bill:

- ▶ repeals the Industrial Electric Infrastructure Act.

Repeals 54-16-101, 54-16-102, 54-16-201, 54-16-202, 54-16-203, 54-16-301, 54-16-302

Effective May 3, 2004

Chapter 59, Laws of Utah 2004

HB 205 State Settlement Agreements Amendments (*Wayne A. Harper*)

This bill modifies provisions governing gubernatorial and legislative review and approval of state settlement agreements.

This bill:

- ▶ exempts contract claims settled by DFCM from gubernatorial and legislative review and approval; and
- ▶ makes technical corrections.

Amends 63-38b-101

Effective May 3, 2004

Chapter 60, Laws of Utah 2004

HB 206 Constitutional Defense Council Amendments (*Michael E. Noel*)

This bill modifies statutes governing the Constitutional Defense Council.

This bill:

- ▶ modifies membership on the council;
- ▶ authorizes the council to select a vice chair;
- ▶ modifies meeting requirements;
- ▶ establishes agenda requirements;
- ▶ makes other changes strengthening the authority and powers of the council;
- ▶ requires the council to include certain provisions in the R.S. 2477 plan; and
- ▶ requires the governor to provide council members with copies of documents relating to land use plans before submitting them to any federal land management agency.

Amends 63C-4-101, 63C-4-102, 63C-4-103, 63C-4-104

Effective May 3, 2004

Chapter 345, Laws of Utah 2004

HB 207 Health Insurance Amendments (*Rebecca D. Lockhart*)

This bill makes technical and clarifying changes requested by the Department of Insurance and repeals and reenacts provisions regarding health insurance conversion rights.

This bill:

- ▶ changes the date of the department's report to the Health and Human Services Interim Committee;
- ▶ grants rulemaking authority to the commissioner to interpret and implement out-of-area dependent coverage;
- ▶ permits an insured to submit an adverse benefit determination to independent review in certain circumstances;
- ▶ requires a certificate of creditable coverage for HIPAA compliance purposes;
- ▶ updates references to Operation Desert Storm to mobilization into the United States armed forces;
- ▶ changes the date on which a small employer carrier must file an actuarial certification from March 15 to April 1;
- ▶ enacts new sections regarding extension of employer group coverage and conversion coverage;
- ▶ repeals sections regarding:
 - conversion rights on termination of coverage;
 - conversion rules;
 - provisions in conversion policies;
 - conversion of health benefit plan;
 - conversion privileges upon retirement;
 - conversion privileges of spouse and child;
 - conversion when benefits differ;
 - converted policies delivered outside Utah; and
 - extension of benefits; and
- ▶ makes technical amendments.

Amends 31A-2-201, 31A-22-610.5, 31A-22-612, 31A-22-629, 31A-22-701, 31A-22-716, 31A-22-717, 31A-30-101, 31A-30-104, 31A-30-106; Enacts 31A-22-722, 31A-22-723; Repeals 31A-22-703, 31A-22-704, 31A-22-705, 31A-22-708, 31A-22-709, 31A-22-710, 31A-22-711, 31A-22-712, 31A-22-714

Effective May 3, 2004

Chapter 108, Laws of Utah 2004

HB 209 Licensing of Plumbing and Electrical Trades (*Stephen D. Clark*)

This bill modifies provisions of the Utah Construction Trades Licensing Act related to the Construction Services Commission.

This bill:

- ▶ modifies the functions of the Construction Services Commission to include making rules for examination requirements and the administration of examinations to licensee applicants;
- ▶ increases the commission's membership from seven to nine members; and
- ▶ makes certain technical changes.

Amends 58-55-103

Effective May 3, 2004

Chapter 61, Laws of Utah 2004

HB 210 Law Enforcement Employee Background Checks (*Lorraine T. Pace*)

This bill amends the Public Safety Code to allow background checks of all applicants for employment with a law enforcement agency; the current law limits background checks to peace officer applicants. This bill also requires that training academies provide applicant background information to law enforcement agencies and protects the academies from civil liability for disclosing the information to hiring law enforcement agencies.

This bill:

- ▶ allows law enforcement agencies to process background checks on anyone seeking employment with the agency;
- ▶ allows law enforcement agencies and training academies to request background information regarding an applicant from any training academy the applicant has attended; and
- ▶ protects law enforcement training academies from civil liability when the academy discloses information about an academy graduate to a hiring law enforcement agency.

Amends 53-14-101

Effective May 3, 2004

Chapter 62, Laws of Utah 2004

HB 211 Renewal of Fishing License (*J. Morgan Philpot*)

This bill amends fishing licensing provisions to allow for licenses that are issued for 365 days from the date of sale.

This bill:

- ▶ amends fishing licensing provisions to allow for licenses to be issued for 365 days from the date of sale; and
- ▶ allows persons under 14 years of age to fish without a license pursuant to rules, proclamations, and orders set forth by the Wildlife Board.
- ▶ This bill takes effect on December 1, 2005.

Amends 23-19-7, 23-19-21; Repeals 23-19-18

Effective December 1, 2005

Chapter 346, Laws of Utah 2004

HB 213 Changes to Investment Advisory Committee (*David Clark*)

This bill modifies provisions governing membership and meetings of the investment advisory committee for investment of permanent land grant trust funds.

This bill:

- ▶ adds a member appointed by the Board of Trustees of the School and Institutional Trust Lands Administration to the committee;
- ▶ requires that the investment advisory committee meet at least quarterly;
- ▶ requires the investment advisory committee to elect a chair and vice-chair; and
- ▶ makes technical corrections.

Amends 51-7-12

Effective May 3, 2004

Chapter 109, Laws of Utah 2004

HB 214 School and Institutional Trust Lands - Clarifying References to Rules and Policies (*James R. Gowans*)

This bill clarifies the School and Institutional Trust Lands Administration's authority to make administrative rules.

This bill:

- ▶ clarifies that the term "rule" or its derivations shall be used to describe actions taken by the School and Institutional Trust Lands Administration that meet the requirements for rulemaking.

The original bill was recommended by the Administrative Rules Review Committee

Amends 53C-1-201, 53C-1-303, 53C-2-201

Effective May 3, 2004

Chapter 63, Laws of Utah 2004

HB 215 Building Standards Amendments (*J. Stuart Adams*)

This bill modifies the Utah Uniform Building Standards Act.

This bill:

- ▶ requires the Division of Occupational and Professional Licensing to adopt certain construction codes for the state and its political subdivisions to follow under certain circumstances;
- ▶ repeals provisions related to the adoption of an energy conservation code by the State Building Board; and
- ▶ makes technical changes.

Amends 58-56-4; Repeals 63-9-45, 63-9-46, 63-9-47, 63-9-48, 63-9-49, 63-9-50, 63-9-51, 63-9-52

Effective May 3, 2004

Chapter 110, Laws of Utah 2004

HB 217 Changes to Division of Facilities and Construction Management Contract Procedures and Requirements (*Wayne A. Harper*)

This bill makes substantial changes to the Division of Facilities Construction and Management (DFCM) contracting procedures and requirements for construction contracts.

This bill:

- ▶ requires DFCM to prepare draft rules establishing a process for resolving claims made by contractors and subcontractors;
- ▶ suggests certain elements of that process that the rule may include;
- ▶ requires DFCM to submit the draft rules to the Government Operations Interim Committee for its review and comment; and
- ▶ makes technical corrections.

Amends 63A-5-205, 63A-5-208

Effective May 3, 2004

Chapter 347, Laws of Utah 2004

HB 218 Private Health Insurance - Waiver of Health Condition (*Chad E. Bennion*)

This bill amends the Individual, Small Employer Group Health Insurance Act to create condition-specific exclusion riders.

This bill:

- ▶ takes away the commissioner's rulemaking authority to designate the health conditions that may be excluded from health insurance coverage;
- ▶ establishes in statute the specific health conditions that may be excluded from health insurance coverage;
- ▶ expands what is excluded from coverage by excluding treatment and prescription drugs related to that specific condition; and
- ▶ provides that conditions related to cancer or a mastectomy may not be excluded from coverage.

Amends 31A-30-107.5

Effective May 3, 2004

Chapter 348, Laws of Utah 2004

HB 219 Construction Bond Amendments (*Michael T. Morley*)

This bill modifies provisions related to private contractors bonds.

This bill:

- ▶ provides definitions;
- ▶ makes the requirement that the owner obtain a bond from the contractor apply only to commercial contracts;
- ▶ increases the contract price amount to \$50,000 for requiring the owner to obtain a bond from the contractor;
- ▶ deletes exemption related to the Residence Lien Restriction and Lien Recovery Fund Act;
- ▶ addresses the award of attorneys' fees; and
- ▶ makes technical changes.

Amends 14-2-1, 14-2-2

Effective May 3, 2004

Chapter 111, Laws of Utah 2004

HB 220 Off-highway Vehicle Amendments (*Brent H. Goodfellow*)

This bill modifies the Motor Vehicles Code, the Judicial Code, and the School and Institutional Trust Lands Management Act to amend off-highway vehicle provisions.

This bill:

- ▶ increases maximum fees for off-highway vehicle registrations, duplicate certificates, and duplicate stickers;
- ▶ provides that a portion of the annual off-highway vehicle registration fee is deposited in the Lands Grant Management Fund for use by the Utah School and Institutional Trust Lands Administration for costs associated with off-highway vehicle use on trust lands;
- ▶ repeals the provision that the supervision, safety certificate, or motorcycle license provisions only apply to Utah residents;
- ▶ provides that an off-highway vehicle safety instructor may not have a conviction for a sexual offense against a minor or violent crime against a minor;
- ▶ requires district courts and justice courts to allocate a portion of a fine for a violation of the off-highway vehicle provisions to the Division of Parks and Recreation;
- ▶ repeals the Board of Parks and Recreation rulemaking provisions relating to registration; and
- ▶ makes technical changes.
- ▶ This bill takes effect July 1, 2004.
- ▶ This bill provides a coordination clause.

Amends 41-22-8, 41-22-19, 41-22-30, 41-22-32, 53C-3-101, 78-3-14.5, 78-5-116; Repeals 41-22-5

Effective July 1, 2004

Chapter 349, Laws of Utah 2004

HB 222 Robbery Amendments (*Craig A. Frank*)

This bill specifies that one of the elements of the offense of robbery is the intent to deprive the victim of personal property.

This bill:

- ▶ is in response to a recent Utah Supreme Court case stating that proof of a robbery offense requires proof of an intent to deprive, although this element is not stated in the current robbery statute; and
- ▶ amends the robbery statute to reflect this Utah Supreme Court case.

Amends 76-6-301

Effective May 3, 2004

Chapter 112, Laws of Utah 2004

HB 225 Provision for Emergency Medical Services (*Peggy Wallace*)

This bill modifies the Municipal Code and the Health Code by amending provisions related to emergency medical services provided by municipalities.

This bill:

- ▶ requires a municipality that intends to annex a geographic service area and provide emergency medical services to that area to certify to the Department of Health that the municipality can meet current emergency medical service levels;
- ▶ requires the Department of Health to amend a municipality's license for emergency medical services to include the annexed area after final approval of the annexation; and
- ▶ makes technical amendments.

Amends 10-2-425, 26-8a-414

Effective May 3, 2004

Chapter 350, Laws of Utah 2004

HB 226 Legislative Approval for Capital Projects (*David Ure*)

This bill clarifies approval requirements for capital development and capital improvement projects.

This bill:

- ▶ defines the term “state funds” in order to clarify which capital projects require legislative approval;
- ▶ clarifies the scope of existing exceptions to legislative approval requirements;
- ▶ exempts certain capital projects from legislative approval requirements; and
- ▶ makes technical corrections.

Amends 63A-5-104

Effective May 3, 2004

Chapter 351, Laws of Utah 2004

HB 229 Public Utility Easements (*R. Curt Webb*)

This bill modifies the Public Utilities Code to enact provisions related to public utility easements.

This bill:

- ▶ enacts provisions governing:
 - the use of a public utility easement;
 - the use of property on which a public utility easement is located; and
 - the recording of a subdivision plat that includes a public utility easement.

Amends 10-8-14.5; Enacts 54-3-27

Effective May 3, 2004

Chapter 64, Laws of Utah 2004

HB 231 Review and Approval of Federal Monies Received by the State (*Chad E. Bennion*)

This bill establishes procedures for review and approval of state agency efforts to obtain federal funds or participate in federal programs.

This bill:

- ▶ requires that the governor approve all requests for federal funds originating in executive branch agencies;
- ▶ requires the Judicial Council to approve all requests for federal funds originating in judicial branch agencies;
- ▶ requires that the Executive Appropriations Committee review and approve certain federal funds requests;
- ▶ requires that the Legislature review and approve certain federal funds requests;
- ▶ requires that the appropriations subcommittees and the Executive Appropriations Committee review certain federal funds requests;
- ▶ establishes remedies if state agencies fail to obtain appropriate approvals; and
- ▶ makes technical corrections.
- ▶ This bill provides an effective date.

Amends 9-1-205, 9-1-809, 9-4-202, 9-8-405, 30-3-38, 35A-5-102, 53A-24-114, 62A-1-112, 62A-3-104, 63-34-15, 63-34-17, 63-34-101, 63-38-2 (Effective 07/01/04), 63-38-2 (Superseded 07/01/04), 63-38d-301, 63-47-7, 65A-8-1.2, 71-7-3, 72-7-206, 72-7-207; Enacts 63-38-11.5, 63-38e-101, 63-38e-102, 63-38e-201, 63-38e-202, 63-38e-203, 63-38e-204; Repeals 63-40-1, 63-40-2, 63-40-3, 63-40-4, 63-40-5, 63-40-6, 63-40-7

Effective May 3, 2004

Chapter 352, Laws of Utah 2004

HB 232 Water Well Amendments (*Darin G. Peterson*)

This bill amends provisions related to water well drilling.

This bill:

- ▶ amends the definition of “well drilling”;
- ▶ amends well drilling licensing and construction provisions; and
- ▶ amends well drilling bonding provisions.

Amends 58-55-305, 73-3-24, 73-3-25

Effective May 3, 2004

Chapter 191, Laws of Utah 2004

HB 233 Grazing Permit Fee Amendments (*Eli H. Anderson*)

This bill amends provisions relating to grazing permit fees on school and institutional trust lands and the purposes for which those fees are used.

This bill:

- ▶ amends provisions relating to grazing permit fees to increase the fee per animal unit month (AUM); and
- ▶ allows the fees to be used for insect and disease infestations on school and institutional trust lands.

Amends 53C-5-104

Effective May 3, 2004

Chapter 253, Laws of Utah 2004

HB 234 Sunset Extension on Unauthorized Practice of Law (*Stephen H. Urquhart*)

This bill extends the repeal date on Section 78-9-101 for three years and repeals the section defining the practice of law.

This bill:

- ▶ changes the repeal date on Section 78-9-101 from 2004 to 2007; and
- ▶ repeals the definition of the practice of law.

Amends 63-55b-178; Repeals 78-9-102 (Effective 05/03/04)

Effective May 3, 2004

Chapter 65, Laws of Utah 2004

HB 235 Turkey Hunting Permits (*D. Gregg Buxton*)

This bill amends the Wildlife Code to allow for the taking of turkeys and provides for a permit fee.

This bill:

- ▶ allows a person 12 years or older to buy a permit to take turkeys; and
- ▶ provides for \$1 collected from the permit fee to be used for the hunter education program.

Amends 23-13-2; Enacts 23-19-22.6

Effective May 3, 2004

Chapter 66, Laws of Utah 2004

HB 237 Department of Corrections - Therapy Provider Qualifications (*Duane E. Bourdeaux*)

This bill amends the authority to approve mental health professionals for the evaluation of certain sex offenders. This bill also amends the evaluation process.

This bill:

- ▶ states that the evaluation to determine if a sex offender may be sentenced to probation in a residential treatment center be conducted prior to the sentencing of the defendant; and
- ▶ provides that the mental health professionals who conduct the evaluations are required to be approved by the Department of Corrections only, and removes the requirement that the Department of Human Services must also approve these professionals.

Amends 76-5-406.5

Effective May 3, 2004

Chapter 213, Laws of Utah 2004

HB 238 Workers' Compensation Access to Medical Records (*Jeff Alexander*)

This bill amends the Workers' Compensation Laws to clarify that the Labor Commission has rulemaking authority regarding a physician's disclosure of medical records relevant to an employee's industrial accident or occupational disease claim.

This bill:

- ▶ requires an injured employee and a physician to comply with commission rules regarding disclosure of medical records relevant to the employee's industrial accident or occupational disease; and
- ▶ makes technical changes.

Amends 34A-2-407

Effective May 3, 2004

Chapter 113, Laws of Utah 2004

HB 239 Sexually Explicit Business and Escort Service Tax (*Duane E. Bourdeaux*)

This bill enacts the Sexually Explicit Business and Escort Service Tax.

This bill:

- ▶ imposes a tax on transactions conducted by a sexually explicit business or escort service;
- ▶ provides for administration of the tax imposed by the bill; and
- ▶ dedicates the revenue generated by the tax imposed by the bill to a restricted special revenue fund for various treatment programs and task forces dealing with sex offenders.
- ▶ This bill takes effect on July 1, 2004.

Enacts 59-26-101, 59-26-102, 59-26-103, 59-26-104, 59-26-105, 59-26-106, 59-26-107, 59-26-108

Effective July 1, 2004

Chapter 214, Laws of Utah 2004

HB 240 Revenue and Taxation - Offenses and Penalties (*Ron Bigelow*)

This bill amends the Revenue and Taxation title and the Utah Criminal Code.

This bill:

- ▶ establishes offenses and provides penalties for persons who commit certain acts relating to the preparation or presentation of certain documents that will or could be used in connection with any material matter administered by the State Tax Commission;
- ▶ provides that the State Tax Commission may seek a court order to enjoin a person from engaging in conduct that is subject to the penalties;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.

Amends 59-1-401, 76-8-1101

Effective May 3, 2004

Chapter 67, Laws of Utah 2004

HB 241 Commitment for Mental Retardation (*Calvin G. Bird*)

This bill affects admission to a mental retardation facility.

This bill:

- ▶ repeals voluntary commitment of an adult with mental retardation to the Division of Services for People with Disabilities or a mental retardation facility or program;
- ▶ eliminates a discretionary delay of proceedings on a petition for reexamination of involuntary commitment;
- ▶ amends the duties of the Board of Services for People with Disabilities; and
- ▶ makes conforming amendments.

Amends 62A-5-105, 62A-5-301, 62A-5-302, 62A-5-309, 62A-5-311, 62A-5-312, 62A-5-315, 62A-5-317; Repeals 62A-5-303, 62A-5-306, 62A-5-307, 62A-5-314

Effective May 3, 2004

Chapter 114, Laws of Utah 2004

HB 242 Funds Consolidation Act - Deposit Amendments (*David Clark*)

This bill modifies statutes governing the deposit of state monies.

This bill:

- ▶ requires that state monies be deposited daily, if practicable, but no later than once every three banking days;
- ▶ authorizes an agency to obtain a variance from that requirement from the state treasurer; and
- ▶ makes technical corrections.

Amends 51-4-1

Effective May 3, 2004

Chapter 115, Laws of Utah 2004

HB 245 Insurance Law Revisions (*James A. Ferrin*)

This bill modifies the Insurance Code.

This bill:

- ▶ modifies definition provisions;
- ▶ addresses examination costs;
- ▶ addresses confidentiality and distribution of certain records or documents;
- ▶ corrects cross references;
- ▶ addresses extension of the deadline for filing fee payments for annual statements;
- ▶ addresses use of technical experts in evaluating mergers and acquisitions;
- ▶ prohibits certain activities related to Social Security numbers;
- ▶ addresses grounds for probation;
- ▶ addresses the deposit of funds by a licensee related to trust obligations for funds collected;
- ▶ modifies the Comprehensive Health Insurance Pool Act including:
 - defining terms;
 - expanding the board;
 - addressing eligibility;
 - addressing preexisting conditions;
 - addressing deductibles and copayments; and
 - repealing employee contribution provisions;
- ▶ enacts the Federal Health Care Tax Credit Program Act;
- ▶ provides a repeal date for the Federal Health Care Tax Credit Program Act; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.
- ▶ This bill provides revisor instructions.

Amends 31A-1-301, 31A-2-205, 31A-2-207, 31A-2-309, 31A-4-113, 31A-8-103, 31A-16-103, 31A-23a-112, 31A-23a-409, 31A-29-103, 31A-29-104, 31A-29-111, 31A-29-112, 31A-29-113, 31A-29-114, 31A-29-115, 31A-30-103, 31A-30-108, 63-55b-131; Enacts 31A-21-110, 31A-38-101, 31A-38-102, 31A-38-103, 31A-38-104; Repeals 31A-29-118

Effective May 3, 2004

Chapter 2, Laws of Utah 2004

HB 247 Task Force Studying Water Issues (*Michael R. Styler*)

This bill creates the Water Issues Task Force and provides for task force membership, purposes, and compensation.

This bill:

- ▶ creates the Water Issues Task Force;
- ▶ provides for membership of the task force and compensation for members;
- ▶ specifies duties and responsibilities of the task force; and
- ▶ specifies issues that the task force will review.
- ▶ This bill appropriates:
 - ▶ \$197,000 from the General Fund for fiscal year 2003-04 for a two-year task force.
- ▶ This bill is repealed November 30, 2005.

Effective May 3, 2004

Chapter 254, Laws of Utah 2004

HB 248 Disclosure of Higher Education Costs (*Ron Bigelow*)

This bill modifies the State System of Higher Education by requiring disclosure to students of certain dollar amounts relating to the full cost of instruction.

This bill:

- ▶ requires each institution within the state system of higher education to plainly disclose to its students the full cost of instruction, the portion of that amount collected from student tuition and fees, and the difference that is paid by state tax dollars and other monies.
- ▶ This bill takes effect on July 1, 2004.

Enacts 53B-7-105

Effective July 1, 2004

Chapter 116, Laws of Utah 2004

HB 249 Nursing Care Facility Medicaid Certification Amendments (*Rebecca D. Lockhart*)

This bill amends the procedure used by the Department of Health to certify nursing care facilities for Medicaid reimbursement.

This bill:

- ▶ defines terms;
- ▶ prohibits the department from certifying any additional beds for Medicaid reimbursement unless certain criteria are met;
- ▶ establishes the criteria for certifying additional beds for Medicaid reimbursement;
- ▶ provides an appeal process when the department rejects a request for additional Medicaid beds; and
- ▶ provides rulemaking authority.
- ▶ This bill takes effect on July 1, 2004.

Enacts 26-18-501, 26-18-502, 26-18-503, 26-18-504

Effective July 1, 2004

Chapter 215, Laws of Utah 2004

HB 250 Property and Casualty Insurance Law Amendments (*Todd E. Kiser*)

This bill modifies the Insurance Code related to property and casualty insurance.

This bill:

- ▶ addresses procedures for rate filings;
- ▶ expands prohibition of premium increases for certain claims or inquiries to personal lines insurance;
- ▶ modifies provisions related to uninsured and underinsured motorist coverage;
- ▶ addresses personal injury protection coverages and benefits;
- ▶ addresses title insurance producer's business; and
- ▶ makes technical changes.

Amends 31A-19a-203, 31A-19a-212, 31A-22-305, 31A-22-307, 31A-23a-406

Effective May 3, 2004

Chapter 117, Laws of Utah 2004

HB 252 Calculation of Property Tax Levies (*Merlynn T. Newbold*)

This bill amends the Property Tax Act.

This bill:

- ▶ provides definitions;
- ▶ modifies the calculations required to establish property tax levies for a taxing entity;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 59-2-913

Effective March 15, 2004

Chapter 68, Laws of Utah 2004

HB 253 Retirement Office Amendments (*Ann W. Hardy*)

This bill modifies the Utah State Retirement and Insurance Benefit Act provisions, including many technical or conforming amendments.

This bill:

- ▶ adds "Utah State Retirement Systems" as an alternative official name for the Utah State Retirement Office;
- ▶ provides that reemployment restrictions following retirement does not apply to appointive officers;
- ▶ amends the length of time a participating employer is required to maintain records needed for retirement purposes to the earliest of three years after the date of retirement or the date of death of the employee;
- ▶ amends the criteria for being unable to locate surviving beneficiaries in order to pay benefits to within 12 months of the date a reasonable attempt is made to locate the beneficiaries;
- ▶ allows a retiree in either the contributory or noncontributory system whose retirement date is on or after July 1, 1995, to make an irrevocable cancellation of lump-sum death benefits;
- ▶ requires a member in the contributory system who is transferred or reemployed to transfer to the noncontributory system if the new employer is a participating employer in the noncontributory system;
- ▶ provides that contribution rates for each participating employer in the public safety contributory system and the public safety noncontributory systems may be different based on the participating employers current funding status and actuarial experience;
- ▶ provides that employers that maintain a regularly constituted fire department are eligible to participate in the firefighters retirement system;
- ▶ provides that employees who have medical employee benefit plan coverage at the time of their retirement are eligible for future Medicare supplement coverage; and
- ▶ makes technical corrections.
- ▶ This bill takes effect on July 1, 2004.

Amends 49-11-201, 49-11-504, 49-11-602, 49-11-609, 49-11-612, 49-12-404, 49-13-205, 49-13-404, 49-14-301, 49-15-301, 49-16-201, 49-19-401, 49-19-402, 49-20-201, 49-20-401

Effective July 1, 2004

Chapter 118, Laws of Utah 2004

HB 255 Wildlife Restitution Amendments (*Roger E. Barrus*)

This bill amends provisions of the restitution section in the wildlife code.

This bill:

- ▶ amends provisions relating to the restitution value for cougars and threatened or endangered raptors.

Amends 23-20-4.5

Effective May 3, 2004

Chapter 119, Laws of Utah 2004

HB 256 Expansion of Economic Development Webpage (*Sheryl L. Allen*)

This bill amends the Uniform Electronic Transactions Act regarding electronic records in government agencies.

This bill:

- ▶ requires state agencies that offer direct assistance to the business community to participate in a one-stop state website;
- ▶ designates the state agencies that must participate; and
- ▶ describes some of the services that may be available on the website.

Amends 46-4-503

Effective May 3, 2004

Chapter 120, Laws of Utah 2004

HB 259 Special Needs Adoption - Preplacement Evaluations (*Ann W. Hardy*)

This bill modifies adoption provisions in the Judicial Code.

This bill:

- ▶ requires that the preplacement evaluation of a special needs child be conducted by the Department of Human Services or a licensed child placing agency contracted by the division to conduct preplacement evaluations; and
- ▶ requires the adoptive parent or parents to pay for any fee assessed by the evaluating agency.

Amends 78-30-3.5

Effective May 3, 2004

Chapter 121, Laws of Utah 2004

HB 260 Tobacco Fund Allocation Amendments (*Jack A. Seitz*)

This bill amends the percentage of tobacco settlement funds deposited in the restricted account and in the permanent state trust fund.

This bill:

- ▶ changes the percentage of tobacco revenue deposited into the Tobacco Settlement Restricted Account to 70% of the revenues received by the state from July 1, 2004 through July 1, 2006, and to 55% after July 1, 2006; and
- ▶ changes the percentage of tobacco revenue deposited into the state's permanent state trust fund to 30% of the revenue received by the state from July 1, 2004 until July 1, 2006, and to 45% after July 1, 2006.

Amends 63-97-201, 63-97-301

Effective May 3, 2004

Chapter 353, Laws of Utah 2004

HB 262 Penalties for Providing False or Misleading Information in Court (*Jeff Alexander*)

This bill provides a class B misdemeanor penalty for individuals providing false or misleading information to an officer of the court.

This bill:

- ▶ provides a class B misdemeanor penalty for persons, not under oath or affirmation, intentionally or knowingly providing false or misleading statements to officers of the court; and
- ▶ includes a definition of "officer of the court."

Enacts 76-8-504.6

Effective May 3, 2004

Chapter 354, Laws of Utah 2004

HB 263 State Retirement System Amendments (*Brad King*)

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending purchase of certain service credit provisions.

This bill:

- ▶ allows an option for the purchase of up to five years of service credit for members in the Public Employees' Contributory Retirement System;
- ▶ requires a minimum years of service credit purchase sufficient to allow the member to retire;
- ▶ requires the member to retire immediately after the purchase of service credit;
- ▶ provides that the service credit may be jointly purchased by the member who must pay at least 5% of the cost and the participating employer; and
- ▶ provides for certain eligibility requirements, purchase price for years of service, and a nondiscriminatory purchase policy adopted by the participating employer.

Enacts 49-12-409

Effective May 3, 2004

Chapter 216, Laws of Utah 2004

HB 265 Designation of Commemorative Days (*Don E. Bush*)

This bill creates a commemorative day for Utah men and women serving in the armed forces around the world, and adds Utah to the states commemorating a POW/MIA Recognition Day.

This bill:

- ▶ designates the third Monday in May as Yellow Ribbon Day;
- ▶ designates the third Friday in September as POW/MIA Recognition Day; and
- ▶ gives responsibility to the Division of Veterans Affairs to coordinate activities and promotion for Yellow Ribbon Day and POW/MIA Recognition Day.

Amends 63-13-5.6

Effective May 3, 2004

Chapter 355, Laws of Utah 2004

HB 268 Child Welfare Processes *(Mike Thompson)*

This bill amends Child and Family Services and the Judicial Code and creates the Office of Child Welfare Parental Defense.

This bill:

- ▶ amends the definition of “protective services”;
- ▶ requires the Division of Child and Family Services to accommodate the moral and religious beliefs, and culture, of those it serves;
- ▶ requires the Division of Child and Family Services to design treatment plans in a manner that minimizes disruption to the normal activities of the child’s family;
- ▶ makes corrections to the terms “unsubstantiated” and “substantiated”;
- ▶ expands interdisciplinary child protection team membership;
- ▶ requires notice to parents of their rights before conducting a child abuse or neglect investigation;
- ▶ expands who can serve as support persons;
- ▶ limits the types of identifying information that may be stricken from a record released by the Division of Child and Family Services;
- ▶ creates within the Department of Administrative Services the Office of Child Welfare Parental Defense;
- ▶ defines terms;
- ▶ appoints a director to the office;
- ▶ sets forth the duties, functions, and responsibilities of the office;
- ▶ outlines the qualifications, responsibilities, and standards for a contracted parental defense attorney;
- ▶ classifies records of a contracted parental defense attorney as protected and indicates that the records may not be released or made public upon subpoena, search warrant, discovery proceedings, or otherwise;
- ▶ provides for child welfare parental defense contracts;
- ▶ creates the Child Welfare Parental Defense Fund and specifies state and county obligations;
- ▶ imposes district court limits on any juvenile court using a parent’s disability as a basis for changing a custody award made in district court;
- ▶ modifies access to juvenile court proceedings;
- ▶ prohibits a juvenile court from using disability of a parent as a basis for removing a child from the custody of the parent;
- ▶ requires recording of unauthorized ex parte communications concerning an ongoing case between a judge and other parties to an abuse, neglect, or dependency proceeding;
- ▶ amends preferential placement provisions for children removed from their homes due to abuse, neglect, or dependency;
- ▶ addresses a court determining and defining responsibilities under a treatment plan;
- ▶ requires the Office of the Guardian Ad Litem to make an annual report to the Child Welfare Legislative Oversight Panel;
- ▶ addresses appointment of counsel; and
- ▶ makes conforming changes and technical corrections.
- ▶ This bill appropriates:
 - ▶ (\$239,000), as an ongoing appropriation, for fiscal year 2004-05 from the General Fund in the Department of Human Services Executive Director Operations -- Services Review; and
 - ▶ \$239,000, as an ongoing appropriation for fiscal year 2004-05 from the General Fund to the Child Welfare Parental Defense Fund.

- ▶ This bill takes effect on July 1, 2004.

Amends 30-3-10, 62A-4a-101, 62A-4a-205, 62A-4a-409, 62A-4a-412, 63A-1-109, 78-3a-105, 78-3a-115, 78-3a-301 (Effective 07/01/04), 78-3a-304.5, 78-3a-307, 78-3a-311, 78-3a-912, 78-3a-913; Enacts 62A-4a-120, 63A-11-101, 63A-11-102, 63A-11-103, 63A-11-104, 63A-11-105, 63A-11-106, 63A-11-107, 63A-11-108, 63A-11-201, 63A-11-202, 63A-11-203

Effective July 1, 2004

Chapter 356, Laws of Utah 2004

HB 270 **Residence Requirements for Driver License** (*Michael E. Noel*)

This bill modifies the Uniform Driver License Act to amend driver license provisions.

This bill:

- ▶ defines "resident" for purposes of issuing a driver license certificate or a commercial driver license certificate.

Amends 53-3-102

Effective May 3, 2004

Chapter 357, Laws of Utah 2004

HB 273 **Tax and Charge Amendments** (*Wayne A. Harper*)

This bill amends the Sales and Use Tax Act, provisions relating to a municipality's authority to levy a tax on taxable energy or a municipal telecommunications license tax, and provisions relating to a county's or municipality's authority to impose an emergency services telephone charge.

This bill:

- ▶ modifies the municipal energy sales and use tax and the municipal telecommunications license tax to coordinate those taxes with the Streamlined Sales and Use Tax Agreement and state and local sales and use taxes;
- ▶ amends tax penalty provisions including:
 - changing references to the term "vendor" to "seller";
 - clarifying that penalty provisions apply to a seller that fails to remit a tax, fee, or charge monthly; and
 - providing that a seller that fails to remit a tax, fee, or charge by electronic funds transfer is subject to penalties and may not retain the percentage of sales and use taxes that the seller could otherwise retain;
- ▶ provides, amends, and repeals state and local sales and use tax definitions;
- ▶ repeals obsolete language;
- ▶ provides that certain state sales and use tax revenues are required to be deposited into the Remote Sales Restricted Account;
- ▶ requires the Division of Finance to deposit any revenues in the Remote Sales Restricted Account as of July 1, 2004 into the General Fund;
- ▶ provides that the Remote Sales Restricted Account shall earn interest and that the interest shall be deposited into the account;
- ▶ modifies the sales and use tax exemption for prescription drugs;
- ▶ modifies the exempt sales that are required to be reported to the State Tax Commission;
- ▶ requires certain sellers that file a simplified electronic return with the commission to file a

report with the commission, provides the information to be contained in the report, provides a due date for filing the report, provides a penalty for failing to file the report, and authorizes the State Tax Commission to waive, reduce, or compromise the penalty under certain circumstances;

- ▶ amends provisions relating to the collection, remittance, and payment of a tax by a seller;
- ▶ addresses the duties of a certified service provider and a model 1 seller;
- ▶ addresses the sales and use tax liability of a seller or certified service provider that relies on State Tax Commission information or certain systems in collecting and remitting sales and use taxes;
- ▶ requires certain sellers to file returns with the State Tax Commission electronically and to remit a tax, fee, or charge to the State Tax Commission electronically;
- ▶ modifies the amount that a seller required to file a return and remit a tax, fee, or charge to the State Tax Commission monthly may retain;
- ▶ requires the State Tax Commission to make a calculation and make distributions of state and local sales and use tax revenues to local taxing jurisdictions under certain circumstances;
- ▶ provides the circumstances under which a seller that has collected state or local sales and use taxes that exceed the amount of state or local sales and use taxes the seller is required to collect is presumed to have a reasonable business practice;
- ▶ provides for monetary allowances for sellers registered under the Streamlined Sales and Use Tax Agreement;
- ▶ grants rulemaking authority to the State Tax Commission;
- ▶ amends provisions relating to determining the location of certain transactions;
- ▶ amends provisions relating to the imposition of taxes on certain accommodations and services;
- ▶ repeals references to certain tax names;
- ▶ amends provisions relating to the enactment, repeal, or change in the rate of a tax or charge;
- ▶ addresses procedures for administering, collecting, and enforcing state and local sales and use taxes;
- ▶ addresses when a tax rate change in the motor vehicle rental tax takes effect;
- ▶ modifies the local sales and use tax for highways and public transit systems to be in compliance with the Streamlined Sales and Use Tax Agreement and to coordinate that tax with other state and local sales and use taxes;
- ▶ modifies the emergency services telephone charge to coordinate with the Streamlined Sales and Use Tax Agreement and state and local sales and use taxes; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2004.

Amends 10-1-304 (Effective 07/01/04), 10-1-307 (Effective 07/01/04), 10-1-403, 10-1-405, 10-1-407, 10-1-408, 17-31-8, 59-1-302, 59-1-401, 59-12-102 (Effective 07/01/04), 59-12-103 (Effective 07/01/04), 59-12-103.2 (Effective 07/01/04), 59-12-104 (Effective 07/01/04), 59-12-105 (Effective 07/01/04), 59-12-107 (Effective 07/01/04), 59-12-107.1 (Effective 07/01/04), 59-12-107.2 (Effective 07/01/04), 59-12-108 (Effective 07/01/04), 59-12-110 (Effective 07/01/04), 59-12-110.1 (Effective 07/01/04), 59-12-205 (Effective 07/01/04), 59-12-207.1 (Effective 07/01/04), 59-12-207.3 (Effective 07/01/04), 59-12-207.5 (Effective 07/01/04), 59-12-208.1 (Effective 07/01/04), 59-12-301 (Effective 07/01/04), 59-12-302 (Effective 07/01/04), 59-12-352, 59-12-353, 59-12-354 (Effective 07/01/04), 59-12-355 (Effective 07/01/04), 59-12-356 (Effective 07/01/04), 59-12-402 (Effective 07/01/04), 59-12-403 (Effective 07/01/04), 59-12-404 (Effective 07/01/04), 59-12-501 (Effective 07/01/04), 59-12-502 (Effective 07/01/04), 59-12-504 (Effective 07/01/04), 59-12-505 (Effective 07/01/04), 59-12-603 (Effective 07/01/04), 59-12-604 (Effective 07/01/04), 59-12-703 (Effective 07/01/04), 59-12-706 (Effective 07/01/04), 59-12-802 (Effective 07/01/04), 59-12-804 (Effective 07/01/04), 59-12-806 (Effective 07/01/04), 59-12-807 (Effective 07/01/04), 59-12-1001 (Effective 07/01/04),

59-12-1002, 59-12-1003 (Effective 07/01/04), 59-12-1102 (Effective 07/01/04), 59-12-1103 (Effective 07/01/04), 59-12-1201, 59-12-1302 (Effective 07/01/04), 59-12-1303 (Effective 07/01/04), 59-12-1402 (Effective 07/01/04), 59-12-1404 (Effective 07/01/04), 59-12-1503, 69-2-5; Enacts 59-12-107.4, 59-12-107.5, 59-12-122, 59-12-303, 59-12-1504; Repeals 59-12-351

Effective July 1, 2004

Chapter 255, Laws of Utah 2004

HB 275 Adoption Amendments (*Ann W. Hardy*)

This bill amends provisions relating to adoption procedures and adoptive evaluations.

This bill:

- ▶ amends who may receive a criminal history report;
- ▶ expands which reports and information are confidential;
- ▶ authorizes an agency to provide an adoption report to certain other persons in connection with an adoption;
- ▶ changes the timeliness on conducting a preplacement adoptive evaluation;
- ▶ requires a person or agency conducting an adoption evaluation to provide the prospective adoptive parent with literature to assist them in connection with the adoption;
- ▶ amends the notice of adoption proceedings;
- ▶ requires a putative father's name to appear on a birth certificate before the relinquishment or consent for adoption;
- ▶ revises provisions for an unmarried, biological father to declare an interest in the child;
- ▶ makes explicit the biological father's rights when the child is conceived by conduct that would constitute a sexual offense;
- ▶ changes provisions regarding contested adoptions;
- ▶ changes time frames for consent or relinquishment in connection with a child placed for adoption;
- ▶ clarifies venue for adoption proceedings; and
- ▶ provides for allowance of interested persons to petition the court to determine the rights of other persons in connection with a child.

Amends 53-10-108, 62A-4a-412, 78-30-3.5, 78-30-4.13, 78-30-4.14, 78-30-4.16, 78-30-4.18, 78-30-4.19, 78-30-4.23, 78-30-4.24, 78-30-7

Effective May 3, 2004

Chapter 122, Laws of Utah 2004

HB 276 Adoption Law Revisions (*Rosalind J. McGee*)

This bill amends provisions regarding reporting requirements for child placing agencies.

This bill:

- ▶ requires a child placing agency to provide to the Office of Licensing within the Department of Human Services an accounting for:
 - fees and expenses in connection with private adoptions; and
 - the state of residence for the birth mother and the adoptive parent or parents.

Amends 78-30-15.5

Effective May 3, 2004

Chapter 192, Laws of Utah 2004

HB 279 Counterfeit Tobacco Products (*Eric K. Hutchings*)

This bill amends the Cigarette and Tobacco Tax and Licensing Act.

This bill:

- ▶ adds definitions;
- ▶ amends provisions related to place of business and license requirements;
- ▶ changes penalties for selling in violation of the chapter;
- ▶ provides for taxation of cigarettes purchased by nontribal members on Indian lands;
- ▶ amends stamping procedures; and
- ▶ amends provisions related to unstamped cigarettes.
- ▶ This bill takes effect on July 1, 2004.

Amends 59-14-102, 59-14-201, 59-14-202, 59-14-203, 59-14-204, 59-14-205, 59-14-209, 59-14-211, 59-14-213; Enacts 59-14-204.5, 59-14-207.5, 59-14-207.6

Effective July 1, 2004

Chapter 217, Laws of Utah 2004

HB 283 Department of Agriculture and Food Amendments (*David Ure*)

This bill modifies the Agriculture Code by amending provisions relating to weights and measures, registration fees, and the sale of raw milk.

This bill:

- ▶ amends conditions under which raw milk may be sold;
- ▶ requires food establishments and entities using weights and measures in commerce or trade to be registered by the Department of Agriculture and Food;
- ▶ enacts conditions for registration and allows the Department of Agriculture and Food to charge registration fees;
- ▶ designates fees as dedicated credits;
- ▶ designates information regarding food security assessments as a protected record under the Government Records Access and Management Act; and
- ▶ makes technical corrections.

Amends 4-3-14, 4-5-2, 4-5-3, 4-5-9, 4-9-1, 4-9-3, 4-9-4, 4-9-5, 4-9-5.2, 4-9-5.3, 4-9-5.4, 4-9-6, 4-9-12, 63-2-304; Enacts 4-9-15

Effective May 3, 2004

Chapter 358, Laws of Utah 2004

HB 289 Alcoholic Beverage Amendments Related to Minors (*Lorraine T. Pace*)

This bill modifies the Alcoholic Beverage Control Act to address unlawful acts by minors.

This bill:

- ▶ makes it unlawful for a minor to have any measurable blood, breath, or urine alcohol concentration;
- ▶ addresses consumption for medicinal or religious purposes; and
- ▶ makes technical changes.

Amends 32A-12-209, 78-57-102

Effective May 3, 2004

Chapter 218, Laws of Utah 2004

HB 292 Vehicle Franchise Amendments (*Bradley G. Last*)

This bill modifies the New Automobile Franchise Act and the Powersport Vehicle Franchise Act to amend vehicle franchise provisions.

This bill:

- ▶ provides that motorcycles, motor-driven cycles, and mopeds are covered under the Powersport Vehicle Franchise Act;
- ▶ provides that alternates for the Utah Motor Vehicle Franchise Advisory Board may be from any congressional district;
- ▶ changes the date that a franchisee must receive written notice of a chargeback levied by a franchisor for sales compensation or a sales incentive for the chargeback to be compensable;
- ▶ changes the number of alternates on the Powersport Vehicle Franchise Advisory Board and provides that they may be from any congressional district;
- ▶ provides that the establishment of a temporary additional place of business by a recreational vehicle franchisee or a powersport vehicle franchisee is considered the establishment of an additional dealership except in certain circumstances; and
- ▶ makes technical changes.

Amends 13-14-102, 13-14-103, 13-14-204, 13-14-302, 13-35-102, 13-35-103, 13-35-302

Effective May 3, 2004

Chapter 123, Laws of Utah 2004

HB 293 Repeal of National Guard Efficiency Boards (*James A. Ferrin*)

This bill eliminates National Guard efficiency boards.

This bill:

- ▶ eliminates provisions establishing and governing National Guard efficiency boards; and
- ▶ makes technical corrections.

Amends 39-1-58

Effective May 3, 2004

Chapter 359, Laws of Utah 2004

HB 294 Purchase of Firearms Amendments (*James A. Ferrin*)

This bill modifies provisions related to the purchase of firearms in the Utah Criminal code.

This bill:

- ▶ makes Utah law consistent with current federal law regarding the purchase of firearms; and
- ▶ provides, consistent with federal law, for only one photo identification rather than two as part of the criminal background check required prior to the purchase of a firearm.

Amends 76-10-524, 76-10-526

Effective May 3, 2004

Chapter 360, Laws of Utah 2004

HB 295 Issuance of Concealed Firearm Permits Amendments (*James A. Ferrin*)

This bill modifies provisions related to the application for and issuance of a concealed firearm permit.

This bill:

- ▶ modifies the type and amount of information an applicant is required to provide in order to receive a permit to carry a concealed firearm; and
- ▶ makes certain technical changes.

Amends 53-5-704, 53-5-706

Effective May 3, 2004

Chapter 361, Laws of Utah 2004

HB 301 Voter Registration Amendments (*Mike Thompson*)

This bill modifies requirements governing voter registration.

This bill:

- ▶ modifies the voter registration form and the driver license voter registration form to include a citizen affidavit and a notice of penalties for illegal registration;
- ▶ requires the county clerk to review the submitted voter registration forms and refer them to the county attorney if the clerk believes the applicant is seeking to register to vote illegally; and
- ▶ makes technical amendments.
- ▶ This bill takes effect on January 1, 2005.

Amends 20A-2-104, 20A-2-108, 20A-6-105 (Effective 05/01/04)

Effective January 1, 2005

Chapter 219, Laws of Utah 2004

HB 302 Voluntary Contribution Act Amendments (*Michael R. Styler*)

This bill modifies Labor Code and Election Code provisions relating to political activities by labor organizations.

This bill:

- ▶ allows labor organizations to make expenditures from sources other than a political fund, including union dues, to influence ballot propositions;
- ▶ allows a labor organization to use union dues to pay the cost of establishing and administering a political fund;
- ▶ allows a labor organization to use union dues to solicit contributions from its members to a political fund;
- ▶ clarifies that labor organizations may expend union dues to communicate with their members about political candidates or political issues; and
- ▶ makes technical corrections.
- ▶ This bill provides a severability clause.

Amends 20A-11-1402, 20A-11-1404, 34-32-1, 34-32-1.1, 34-32-4

Effective May 3, 2004

Chapter 220, Laws of Utah 2004

HB 303 Child Welfare Revisions (*Steven R. Mascaro*)

This bill amends Division of Child and Family Services child abuse, neglect, and dependency investigation requirements.

This bill:

- ▶ modifies the requirement to interview a child's parents or guardian;
- ▶ provides an exception to the unscheduled visit requirement under specified circumstances;
- ▶ makes corrections to the terms "unsubstantiated" and "substantiated"; and
- ▶ makes other technical corrections.

Amends 62A-4a-202.3

Effective May 3, 2004

Chapter 124, Laws of Utah 2004

HB 308 Vehicle Restraint System Amendments (*Craig A. Frank*)

This bill modifies the Motor Vehicles Code to amend airbag passive restraint system provisions.

This bill:

- ▶ clarifies that failure to repair an airbag passive restraint system applies only if the vehicle is being repaired for use on a highway;
- ▶ provides that notice to an owner of a vehicle about requirements to repair the airbag passive restraint system shall be made in a form approved by the Department of Public Safety;
- ▶ allows a person acting under a dismantling permit to render a motor vehicle's airbag passive restraint system inoperable; and
- ▶ makes technical changes.

Amends 41-6-145.5

Effective May 3, 2004

Chapter 362, Laws of Utah 2004

HB 312 Nonparticipating Tobacco Manufacturer's Fee (*David Ure*)

This bill modifies the Cigarette and Tobacco Tax and Licensing Act by imposing an equity assessment on nonparticipating manufacturer cigarettes.

This bill:

- ▶ defines terms;
- ▶ levies an equity assessment of 1.75 cents per cigarette on nonparticipating tobacco product manufacturers; and
- ▶ designates cigarettes in violation of this section as contraband goods.
- ▶ This bill takes effect on July 1, 2004.

Amends 59-14-213; Enacts 59-14-214

Effective July 1, 2004

Chapter 221, Laws of Utah 2004

HB 320 Transferability of Credits among Higher Education Institutions (*Bradley T. Johnson*)

This bill modifies the State System of Higher Education Code by requiring the State Board of Regents to provide a transfer and articulation system for the institutions of higher education.

This bill:

- ▶ requires the State Board of Regents to:
 - develop and maintain a transfer and articulation system;
 - maintain a common numbering system for general education and certain lower division courses; and
 - provide for credit by examinations;
- ▶ requires institutions of higher education to accept commonly numbered courses for program requirements; and
- ▶ requires the State Board of Regents to include compliance information in its annual report to the governor and the Legislature.

Enacts 53B-16-105

Effective May 3, 2004

Chapter 125, Laws of Utah 2004

HB 323 Spyware Regulation (*Stephen H. Urquhart*)

This bill enacts provisions within the Commerce and Trade Code relating to certain uses of spyware.

This bill:

- ▶ defines terms;
- ▶ prohibits spyware from delivering advertisements to a computer under certain circumstances;
- ▶ requires spyware to provide removal procedures;
- ▶ allows a website, trademark, or copyright owner to bring an action to enforce the requirements; and
- ▶ requires the Division of Consumer Protection to collect complaints.

Enacts 13-39-101, 13-39-102, 13-39-201, 13-39-301, 13-39-302, 13-39-401

Effective May 3, 2004

Chapter 363, Laws of Utah 2004

HB 325 Motor Vehicle Insurance Amendment (*Chad E. Bennion*)

This bill modifies the Insurance Code to amend provisions relating to motor vehicle insurance.

This bill:

- ▶ provides that an at-fault driver or an insurer issuing a motor vehicle insurance policy that covers an at-fault driver may not reduce compensation to an injured party based on the injured party not being covered by a policy of insurance that provides personal injury protection coverage.

Amends 31A-22-303

Effective May 3, 2004

Chapter 126, Laws of Utah 2004

HB 328 Revenue Bond and Capital Facilities Authorizations (*Lorraine T. Pace*)

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds, to enter lease-purchase agreements, or to build capital facilities using agency or institutional funds.

This bill:

- ▶ authorizes the issuance of revenue bonds by the State Building Ownership Authority and higher education institutions;
- ▶ authorizes certain state entities to enter into lease-purchase agreements; and
- ▶ authorizes other capital facility construction from agency or institutional funds.

Enacts 63B-13-201, 63B-13-202, 63B-13-301, 63B-13-401

Effective May 3, 2004

Chapter 364, Laws of Utah 2004

HB 330 Allocation of Tobacco Fund Amendments (*Darin G. Peterson*)

This bill amends the percentage of tobacco settlement funds deposited in the permanent state trust fund.

This bill:

- ▶ changes the percentage of tobacco revenue deposited into the Tobacco Settlement Restricted Account to 70% of the revenues received by the state from July 1, 2004 through July 1, 2006, and to 55% after July 1, 2006; and
- ▶ deposits 30% of the money received by the state from tobacco settlement money in fiscal year 2004-05 only into the state's General Fund Budget Reserve Account.
- ▶ This bill provides a coordination clause.

Amends 63-97-201, 63-97-301

Effective May 3, 2004

Chapter 365, Laws of Utah 2004

HB 332 Veterans Special Group License Plate Amendments (*Steven R. Mascaro*)

This bill modifies the Motor Vehicles Code by amending special group license plate provisions.

This bill:

- ▶ provides that a contributor to the Office of Veteran's Affairs shall make an annual donation of \$10 for a veterans' special group license plate after the initial \$25 donation required at the time of application; and
- ▶ makes technical changes.
- ▶ This bill takes effect on October 1, 2004.

Amends 41-1a-422

Effective October 1, 2004

Chapter 69, Laws of Utah 2004

HB 335 Penalty for Using Fake Identification (*Brent H. Goodfellow*)

This bill modifies the Alcoholic Beverage Control Act to amend provisions related to the unlawful use of certain forms of identification.

This bill:

- ▶ provides that it is a class A misdemeanor for a person to use certain forms of identification with false information to:
 - procure alcoholic beverages or products;
 - gain admittance to a place where alcoholic beverages or products are sold or consumed; or
 - obtain employment that may not be obtained by a minor; and
- ▶ makes technical changes.

Amends 32A-1-301

Effective May 3, 2004

Chapter 70, Laws of Utah 2004

HB 336 Claims on Real Property (*Gregory H. Hughes*)

This bill modifies provisions of the Judicial Code governing pending actions involving real property.

This bill:

- ▶ allows a notice of the pendency of an action involving real property to be released under certain circumstances; and
- ▶ allows, under certain circumstances, a person with an interest in real property that is the subject of a notice of the pendency of an action to recover damages, costs, and attorney fees.

Enacts 78-40-2.5

Effective May 3, 2004

Chapter 366, Laws of Utah 2004

HB 341 Children's Internet Protection Act (*Michael E. Noel*)

This bill modifies provisions of the Community and Economic Development Code related to a public library.

This bill:

- ▶ prohibits a public library from receiving state funds unless the library implements and enforces measures to filter Internet access to certain types of images;
- ▶ allows a public library to block materials that are not specified in this bill; and
- ▶ allows a public library to disable a filter under certain circumstances.

Amends 9-7-215, 9-7-216

Effective May 3, 2004

Chapter 193, Laws of Utah 2004

HB 343 Practice Permit Requirement Amendments (*Roger E. Barrus*)

This bill modifies the Public Safety Code and the State System of Public Education Code to amend the age limit for a practice permit to operate a motor vehicle.

This bill:

- ▶ changes the age limit for a student to obtain a practice permit from 15 years and nine months to 15 years and six months of age;
- ▶ increases the hours of required driving with a parent or guardian prior to obtaining a driver license;
- ▶ allows a school or school district that provides driver education to provide an opportunity for each pupil enrolled in that school or school district to be issued a practice permit when the pupil is 15 years and six months of age;
- ▶ allows a certified driver education teacher to issue a practice permit when the pupil is 15 years and six months of age; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2004.

Amends 53-3-205, 53-3-210, 53-3-211, 53A-13-201, 53A-13-208

Effective July 1, 2004

Chapter 222, Laws of Utah 2004

HB 347 State Highway Designation Changes (*Michael R. Styler*)

This bill modifies the Transportation Code by designating a state heritage area along certain highways.

This bill:

- ▶ designates a state heritage area along a portion of Highway 89 in Sanpete, Sevier, Wayne, Piute, Garfield, and Kane counties known as the Mormon Pioneer Heritage Area; and
- ▶ requires the Department of Transportation to designate the area on future highway maps.

Enacts 72-4-209

Effective May 3, 2004

Chapter 127, Laws of Utah 2004

HB 349 Department of Agriculture and Food Audit Requirements (*Craig W. Buttars*)

This bill removes the requirement that a licensed accountant who audits certain accounts be selected by the commissioner and approved by the state auditor and makes technical amendments.

This bill:

- ▶ deletes the requirement that a licensed accountant who audits certain accounts be selected by the commissioner and approved by the state auditor;
- ▶ amends provisions relating to the auditing of the Utah Dairy Commission's accounts so that the accountant performing the audit is selected by the commission rather than by the commissioner; and
- ▶ makes technical amendments.

Amends 4-21-5, 4-22-8, 4-23-8

Effective May 3, 2004

Chapter 128, Laws of Utah 2004

HB 357 Continuing Education for Real Estate Professionals (*J. Stuart Adams*)

This bill modifies provisions related to continuing education requirements for real estate licensees.

This bill:

- ▶ modifies provisions related to the renewal of an expired license;
- ▶ includes military service as one reason a person may be exempted from certain continuing education requirements; and
- ▶ makes technical changes.

Amends 61-2-9

Effective May 3, 2004

Chapter 129, Laws of Utah 2004

HB 358 Amendments to Access to Health Care Providers (*Brad L. Dee*)

This bill amends the Insurance Code provisions related to access to rural health care providers.

This bill:

- ▶ amends the definition of "independent hospitals" entitled to protection under the access to rural health care provider provisions of the insurance code.

Amends 31A-8-501

Effective May 3, 2004

Chapter 367, Laws of Utah 2004

HB 364 Profits from Sale of Crime Memorabilia (*Scott Daniels*)

This bill requires that profits gained from the sale of crime memorabilia shall be deposited in the Crime Victim Reparation Fund.

This bill:

- ▶ defines memorabilia as an item owned by a person convicted of a first degree or capital felony, if the item's value is enhanced by the nature of the offense;
- ▶ defines profit as the proceeds from the transaction of a crime memorabilia item which exceed the fair market value of the item;
- ▶ requires that a person selling or transferring memorabilia remit to the Crime Victim Reparation Fund the profit regarding the memorabilia; and
- ▶ provides that a person who fails to remit the profit is subject to a civil penalty of \$1,000 per item or three times the profit of the item, whichever is greater.

Enacts 78-61-101, 78-61-102

Effective May 3, 2004

Chapter 368, Laws of Utah 2004

HB 365 Disclosure of State Employees' Compensation and Benefits (*Ron Bigelow*)

This bill modifies the State Officers and Employees Code by requiring the Division of Finance to disclose certain dollar amounts relating to compensation and benefit costs to employees.

This bill:

- ▶ requires the Division of Finance to annually disclose to all state employees the costs of compensation and benefits that are paid by the state.
- ▶ This bill takes effect on July 1, 2004.

Enacts 67-19-42

Effective July 1, 2004

Chapter 130, Laws of Utah 2004

HB 370 Tourism Tax Advisory Board *(Todd E. Kiser)*

This bill modifies provisions relating to tourism tax advisory boards.

This bill:

- ▶ narrows the matters on which a tourism tax advisory board is required to advise the county legislative body in certain counties; and
- ▶ makes technical changes.

Amends 17-31-8

Effective May 3, 2004

Chapter 131, Laws of Utah 2004

HCR 1 Resolution Urging Open Space along Jordan River Trail *(Todd E. Kiser)*

This concurrent resolution of the Legislature and the Governor urges local government, state government, and private landowner action.

This resolution:

- ▶ urges local and state governmental entities and private landowners that own various portions of open space along the Jordan River between 12600 South and the Bangerter Highway to work together to assure that the land is preserved as open space.

Effective March 15, 2004

Laws of Utah 2004

HCR 2 Individuals with Disabilities Education Act Resolution *(Kory M. Holdaway)*

This concurrent resolution of the Legislature and the Governor requests a mandate for special education funding.

This resolution:

- ▶ urgently requests the United States Congress to make special education funding mandatory and fulfill its commitment to provide funding at the 40% level.

Effective March 12, 2004

Laws of Utah 2004

HCR 3 Resolution Urging Protection of United States from Weapons of Mass Destruction *(Chad E. Bennion)*

This concurrent resolution of the Legislature and the Governor urges Utah's congressional delegation to support the administration's efforts to protect the United States from weapons of mass destruction.

This resolution:

- ▶ urges the members of the United States Senate and the United States House of Representatives to support the Bush Administration's efforts to keep the United States and its allies safe from terrorists, dangerous authoritarian regimes, and weapons of mass destruction.

Effective March 15, 2004

Laws of Utah 2004

HCR 4 Resolution Encouraging Lifetime and Retirement Savings Accounts (*Chad E. Bennion*)

This concurrent resolution of the Legislature and the Governor urges Utah's congressional delegation to vote for lifetime and retirement savings accounts.

This resolution:

- ▶ urges the members of the United States Senate and the United States House of Representatives representing Utah to support and vote in favor of enacting lifetime and retirement savings accounts.

Effective March 23, 2004

Laws of Utah 2004

HCR 5 Resolution Urging Federal Tax Cuts to Be Made Permanent and a Reduction in the Federal Deficit (*Chad E. Bennion*)

This concurrent resolution of the Legislature and the Governor urges Utah's congressional delegation to vote to make Federal tax cuts permanent.

This resolution:

- ▶ urges the elected members of the United States Senate and the United States House of Representatives representing the state of Utah to support and vote in favor of making permanent the Federal tax cuts which are set to expire starting in 2005.

Effective March 23, 2004

Laws of Utah 2004

HCR 7 Resolution Recognizing Legislators Back to School Week (*Kory M. Holdaway*)

This concurrent resolution of the Legislature and the Governor expresses support for civic education and America's Legislators Back to School Week September 20-24, 2004.

This resolution:

- ▶ emphasizes the importance of legislators promoting greater understanding of the legislative process and building public trust and confidence in representative democracy via civic education;
- ▶ recognizes Utah's high level of participation in America's Legislators Back to School Week from students, teachers, and legislators during 2003; and
- ▶ urges increased support for and participation in America's Legislators Back to School Week, September 20-24, 2004.

Effective March 12, 2004

Laws of Utah 2004

HCR 10 Resolution Recognizing National Conference of State Legislatures Annual Meeting in Salt Lake City (*David L. Hogue*)

This concurrent resolution of the Legislature and the Governor recognizes the National Conference of State Legislatures annual meeting to be held July 19-23, 2004, in Salt Lake City.

This resolution:

- ▶ recognizes the National Conference of State Legislatures annual meeting to be held July 19-23, 2004, at the Salt Palace Convention Center in Salt Lake City.

Effective March 16, 2004

Laws of Utah 2004

HCR 11 Resolution on Higher Education Remedial Classes (*Marda Dillree*)

This concurrent resolution of the Legislature and Governor requests a review of and report on higher education remedial programs.

This resolution:

- ▶ requests the commissioner of higher education to review and evaluate all remedial programs and prepare an updated cost of these services;
- ▶ requests the Utah System of Higher Education, in collaboration with the State Board of Education, to better articulate the K-12 requirements of higher education institutions;
- ▶ requests the Utah System of Higher Education to identify and implement more cost-efficient remedial programs; and
- ▶ requests the commissioner of higher education to submit a report to the Education Interim Committee.

Effective March 16, 2004

Laws of Utah 2004

HCR 13 Western Legends Roundup Resolution (*Michael E. Noel*)

This concurrent resolution of the Legislature and the Governor recognizes August 24-29, 2004, as the Western Legends Roundup in Kanab, Utah.

This resolution:

- ▶ recognizes August 24-29, 2004, as the Western Legends Roundup in Kanab, Utah; and
- ▶ recognizes the state's western legends culture, the attention that the roundup brings to the state of Utah, and the efforts of many Kanab residents and volunteers.

Effective February 25, 2004

Laws of Utah 2004

HCR 14 Resolution Recognizing Dugway Proving Ground, Tooele Army Depot, Deseret Chemical Depot, Utah National Guard, and United States Military Reserves (*Eli H. Anderson*)

This concurrent resolution of the Legislature and the Governor recognizes the contributions of Dugway Proving Ground, Tooele Army Depot, Deseret Chemical Depot, the Utah National Guard, and the United States Military Reserve components stationed in Utah.

This resolution:

- ▶ recognizes Dugway Proving Ground, Tooele Army Depot, Deseret Chemical Depot, the Utah National Guard, and the United States Military Reserve components stationed in Utah for the outstanding service they have rendered to the citizens of the state of Utah.

Effective February 20, 2004

Laws of Utah 2004

HCR 15 Resolution Recognizing Military Appreciation Week (*J. Stuart Adams*)

This concurrent resolution of the Legislature and the Governor designates June 12-19, 2004 as Utah Military Appreciation Week and recognizes the contributions of the United States Military and its members to the state of Utah and its citizens.

This resolution:

- ▶ designates June 12-19, 2004 as Utah Military Appreciation Week in recognition of the United States Military presence in the state of Utah;
- ▶ recognizes military servicemen and women and their families who have served in Utah and throughout the world; and
- ▶ encourages communities throughout the state to schedule events and activities that recognize the contributions of the United States Military and its members.

Effective March 16, 2004

Laws of Utah 2004

HJR 2 Resolution of Legislative Support for Music and Other Fine Arts Programs in Public Schools *(Ron Bigelow)*

This joint resolution expresses support for fine arts programs in public schools.

This resolution:

- ▶ expresses support of music and other fine arts program funding in public schools; and
- ▶ encourages schools to make music and other fine arts programs available to students.

Effective February 5, 2004

Laws of Utah 2004

HJR 6 Resolution Amending Joint Rules Regarding Long Title *(Ben C. Ferry)*

This resolution amends joint rules regarding the form of a bill or resolution's long title.

This resolution:

- ▶ provides that long titles for bills and certain resolutions include a list of sections, legislative rules, or constitutional sections affected by the bill or resolution; and
- ▶ makes technical changes.
- ▶ This resolution provides an immediate effective date.

The original bill was recommended by the House Rules Committee / Senate Rules Committee

Amends JR-4.05, JR-4.06, JR-4.08, JR-4.11

Effective January 29, 2004

Laws of Utah 2004

HJR 7 Joint Rules Resolution - Resolutions Amendments *(Marda Dillree)*

This resolution amends rules governing resolutions.

This resolution:

- ▶ provides that, unless otherwise directed by the Legislature, a resolution takes effect on the day that the resolution receives final approval; and
- ▶ requires that the U.S. Senate majority leader, rather than the vice president, receive a copy of a resolution.
- ▶ This resolution takes effect upon approval by a constitutional majority vote of all members of the Senate and House of Representatives.

The original bill was recommended by the House Rules Committee / Senate Rules Committee

Amends JR-4.21, JR-4.39

Effective January 29, 2004

Laws of Utah 2004

HJR 9 Resolution Supporting Efforts to End Homelessness *(David Clark)*

This joint resolution of the Legislature expresses support for President Bush's Samaritan Initiative and recognizes the need for efforts to end homelessness in the state of Utah.

This resolution:

- ▶ expresses support for President Bush's Samaritan Initiative to end chronic homelessness;
- ▶ recognizes that funding for the Pamela Atkinson Homeless Trust Fund and the Olene Walker Housing Trust Fund is critical to efforts to end homelessness; and
- ▶ expresses support for the State Homeless Coordinating Committee and its efforts to facilitate interagency collaboration to end homelessness.

Effective February 27, 2004

Laws of Utah 2004

HJR 12 Resolution - Exception to Subscribing to Stock Prohibition (*Greg J. Curtis*)

This joint resolution proposes to amend the Utah Constitution to modify a provision relating to a prohibition against subscribing to stock.

This joint resolution proposes to amend the Utah Constitution to:

- ▶ provide that, except as provided by statute, the state or a public institution of post-secondary education may acquire an equity interest in a private business entity in exchange for certain intellectual property;
- ▶ modify a prohibition relating to lending credit and subscribing to stock or bonds; and
- ▶ make technical changes.
- ▶ This resolution directs the lieutenant governor to submit this proposal to voters.
- ▶ This resolution provides an effective date.

Amends A6 S29, A10 S5

Effective January 1, 2005

Laws of Utah 2004

HJR 13 Clog America Resolution (*Brent H. Goodfellow*)

This joint resolution of the Legislature recognizes the “Clog America” International Festival Ensemble.

This resolution:

- ▶ recognizes Utah’s “Clog America” International Festival Ensemble as Ambassadors of Peace and Friendship to the World.

Effective March 3, 2004

Laws of Utah 2004

HJR 16 Resolution Amending Rules of Civil Procedure - Judgment (*Greg J. Curtis*)

This joint resolution amends the Utah Rules of Civil Procedure by providing for a maximum supersedeas bond amount that may be required of an appellant.

This resolution:

- ▶ limits the appellate bond amount to \$25,000,000; and
- ▶ allows a judge to require an appellant to execute a bond in excess of the limit if the plaintiff, by a preponderance of the evidence, proves that the appellant, outside the normal course of business, is dissipating assets to avoid the payment of a judgment.
- ▶ This resolution provides an immediate effective date.

Amends Rule 62

Effective March 2, 2004

Laws of Utah 2004

HJR 17 Resolution Urging Action for Apparent Breaches of Utah's Enabling Act and Federal Constitution (*Michael E. Noel*)

This joint resolution of the Legislature urges the Utah Attorney General's Office to investigate apparent breaches of trust and constitutional violations.

This resolution:

- ▶ urges Utah's Attorney General to investigate apparent breaches of Utah's Enabling Act and the United States Constitution by the United States Senate and the United States House of Representatives and to report to the Legislature;
- ▶ urges Utah's Attorney General to look to all controlling and persuasive federal and state constitutional, statutory, and case authorities, including but not limited to Article I, Section 27 of the Utah Constitution, in order to develop arguments under existing law and, if necessary, develop nonfrivolous arguments for the extension, modification, or reversal of existing law or the establishment of new law;
- ▶ provides investigative considerations for use by the Attorney General in the conduct of the investigation; and
- ▶ urges the Utah Constitutional Defense Council to participate in the investigation.

Effective March 3, 2004

Laws of Utah 2004

HJR 20 Resolution Regarding Radiation Exposure Compensation Act (*Darin G. Peterson*)

This joint resolution of the Legislature urges that additional counties in Utah be added to the list of counties qualifying for Radiation Exposure Compensation Act (RECA) funds.

This resolution:

- ▶ urges the National Academies' Board on Radiation Effects Research to recommend that Box Elder, Cache, Rich, Weber, Morgan, Davis, Summit, Daggett, Salt Lake, Tooele, Wasatch, Duchesne, Uintah, Utah, Carbon, Juab, Grand, Emery, and Sanpete Counties be added to the list of counties whose citizens may qualify for Radiation Exposure Compensation Act (RECA) funds.

Effective March 3, 2004

Laws of Utah 2004

HJR 25 Joint Resolution on Marriage (*LaVar Christensen*)

This joint resolution of the Legislature proposes to amend the Utah Constitution to add a provision relating to marriage.

This resolution proposes to amend the Utah Constitution to:

- ▶ define marriage as only the union of a man and a woman; and
- ▶ provide that no other domestic union may be given equivalent legal effect.
- ▶ This resolution directs the lieutenant governor to submit this proposal to voters.
- ▶ This resolution provides an effective date.

Enacts A1 S29

Effective January 1, 2005

Laws of Utah 2004

HR 1 House Rules Resolution - Access to House Floor *(Ron Bigelow)*

This resolution amends House rules governing admittance to the House Floor.

This resolution:

- ▶ allows only House members, the governor, the lieutenant governor, legislative staff, and interns access to the House floor while the House is in session; and
- ▶ requires news media representatives to remain in news media area when the House is convened in session.
- ▶ This resolution takes effect on July 1, 2004.

Amends HR-33.01, HR-33.06

Effective July 1, 2004

Laws of Utah 2004

HR 4 House Rules Resolution - Amendments Governing Reading of Bills *(Margaret Dayton)*

This resolution modifies House rules governing the reading of bills.

This resolution:

- ▶ provides a motion to govern reading of bills.
- ▶ This resolution provides an immediate effective date.

The original bill was recommended by the House Rules Committee

Amends HR-27.16

Effective January 20, 2004

Laws of Utah 2004

HR 5 Resolution Urging Congress to Pass Social Security Retirement Account Legislation *(Michael T. Morley)*

This resolution of the House of Representatives urges Utah's congressional delegation to oppose payroll tax increases and cuts to Social Security.

This resolution:

- ▶ urges the members of the United States Senate and the United States House of Representatives representing the state of Utah to oppose increases in payroll taxes and cuts to Social Security benefits and support optional Social Security personal retirement accounts.

Effective February 12, 2004

Laws of Utah 2004

HR 6 Resolution Urging Congress to Pass Lifetime and Retirement Savings Account Legislation *(Michael T. Morley)*

This resolution of the House of Representatives urges Utah's congressional delegation to vote for lifetime and retirement savings accounts.

This resolution:

- ▶ urges the members of the United States Senate and the United States House of Representatives representing Utah to support and vote in favor of enacting lifetime and retirement savings accounts.

Effective February 12, 2004

Laws of Utah 2004

HR 7 Driving Under the Influence Resolution (*Dana C. Love*)

This resolution of the House of Representatives urges state and local law enforcement to arrange for blood alcohol content level tests for individuals suspected of driving under the influence.

This resolution:

- ▶ urges state and local law enforcement and prosecution agencies to review the established law regarding the use of required evidence collection in driving under the influence cases;
- ▶ urges state and local law enforcement and prosecution agencies to develop rules, policies, and procedures for DUI cases that are in balance with the rights of an individual under the Constitution of the United States; and
- ▶ urges state and local law enforcement and prosecution agencies to offer consistent statewide training to law enforcement officers and prosecutors.

Effective February 16, 2004

Laws of Utah 2004

HR 9 House Rules Resolution Reporting Requirements (*Chad E. Bennion*)

This resolution modifies provisions governing rules resolutions reviewed by the House Rules Committee.

This resolution:

- ▶ modifies existing language governing the House Rules Committee by allowing rules resolutions reviewed and approved by the committee to be reported directly to the House if the committee chooses to do so.
- ▶ This resolution provides an immediate effective date.

Amends HR-24.01

Effective February 9, 2004

Laws of Utah 2004

HR 11 Eligibility for Interscholastic Athletics Resolution (*Ann W. Hardy*)

This resolution of the House of Representatives urges the Utah State Board of Education to review and take action to resolve concerns regarding student transfers and athletic eligibility.

This resolution:

- ▶ urges the Utah State Board of Education to review, in consultation with the Utah High School Activities Association, issues related to student transfers and athletic eligibility and take action to resolve concerns regarding these processes.

Effective March 1, 2004

Laws of Utah 2004

SB 1 Appropriations Act (*Leonard M. Blackham*)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

This bill:

- ▶ provides base budgets for the use and support of certain state agencies;
- ▶ provides base budgets for other purposes as described;
- ▶ provides intent language;
- ▶ approves internal service fund employment levels and capital acquisition amounts;
- ▶ authorizes rates and fees.

Effective July 1, 2004

Chapter 256, Laws of Utah 2004

SB 3 **Minimum School Program Act Amendments** (*Howard A. Stephenson*)

This bill provides funding for the Minimum School Program.

This bill:

- ▶ establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2004-05 of \$1,698,739,911;
- ▶ establishes the value of the weighted pupil unit at \$2,182;
- ▶ appropriates \$27,288,900 to the State Board of Education for fiscal year 2004-05 for school building aid programs for school districts;
- ▶ makes one-time appropriations to the State Board of Education for fiscal year 2003-04 for distribution to charter schools and the Electronic High School;
- ▶ modifies the state guarantee under the voted leeway and board leeway programs;
- ▶ requires that a portion of per pupil funding for charter schools shall be used for funding school facilities;
- ▶ specifies the number of foreign exchange students that may be included in a school district's or charter school's membership and attendance count for the purpose of apportioning state monies;
- ▶ transfers the responsibility for approving exchange student agencies from the State Board of Education to local school boards and charter school governing boards;
- ▶ directs the State Board of Education to make rules providing for fees for adult education; and
- ▶ requires the State Board of Education to use a portion of nonlapsing balances for certain purposes.
- ▶ This bill appropriates from the Uniform School Fund:
 - ▶ \$1,726,028,811 for fiscal year 2004-05; and
 - ▶ \$891,000 for fiscal year 2003-04.
- ▶ This bill provides an effective date.

Amends 53A-1a-513, 53A-2-206, 53A-15-401, 53A-15-403, 53A-17a-103, 53A-17a-104, 53A-17a-131.17, 53A-17a-133, 53A-17a-134, 53A-17a-135, 53A-17a-148, 53A-17a-149, 53A-21-105

Effective July 1, 2004

Chapter 257, Laws of Utah 2004

SB 4 **Repeal of Cost-savings Suggestions Pilot Program** (*Beverly Ann Evans*)

This bill repeals the Cost-Savings Suggestions Pilot Program.

This bill:

- ▶ modifies the Utah State Personnel Management Act to repeal the Cost-Savings Suggestions Pilot Program.

The original bill was recommended by the Government Operations Interim Committee

Repeals 67-19-41

Effective May 3, 2004

Chapter 3, Laws of Utah 2004

SB 5 Employment Security Modifications (*Scott K. Jenkins*)

This bill modifies the benefits and eligibility provisions of the Employment Security Act and a related provision of the Utah Exemptions Act.

This bill:

- ▶ modifies the filing penalty for failure to provide timely quarterly wage information;
- ▶ provides a filing penalty for failure to make timely reimbursable employment and wage reports;
- ▶ removes an archaic provision regarding reimbursable employers paying premiums or expenditures in advance;
- ▶ makes a technical change to the definition of employer;
- ▶ modifies the fraud penalty and overpayment calculation provisions;
- ▶ provides, consistent with federal law, that unemployment benefits may not have creditor's claims deducted from them; and
- ▶ makes certain technical changes.
- ▶ This bill takes effect on July 1, 2004.

The original bill was recommended by the Workforce Services and Community and Economic Development Interim Committee

Amends 35A-4-305, 35A-4-309, 35A-4-310, 35A-4-405, 78-23-10

Effective July 1, 2004

Chapter 7, Laws of Utah 2004

SB 6 Refurbished Computers in Schools Program (*Howard A. Stephenson*)

This bill terminates a pilot program for the acquisition and refurbishing of donated computers to be used in the state's public schools.

This bill:

- ▶ eliminates requirements imposed upon the State Board of Education and Department of Corrections to administer the pilot program, including requirements to annually:
 - conduct a survey of computer needs in the state's school districts; and
 - make a progress report to the Education Interim Committee; and
- ▶ exempts school districts from certain procurement requirements when purchasing computers from, or contracting for the repair or refurbishing of computers with, the Utah Correctional Industries.

The original bill was recommended by the Education Interim Committee

Amends 53A-1-706; Repeals 53A-1-707

Effective May 3, 2004

Chapter 88, Laws of Utah 2004

SB 9 Property Rights Amendments (*Carlene M. Walker*)

This bill modifies provisions relating to rights and procedures in eminent domain proceedings and other disputes between a property owner and a governmental entity.

This bill:

- ▶ requires those intending to acquire property by eminent domain to negotiate with and provide a specified written explanation to the property owner beforehand;
- ▶ imposes relocation assistance requirements on nongovernmental persons and entities acquiring property by eminent domain;
- ▶ changes a requirement that displacing agencies enact relocation assistance rules to an authorization to do so and requires those that do not enact rules to comply with Department of Transportation rules on relocation assistance;
- ▶ modifies notice requirements for redevelopment agencies intending to exercise eminent domain;
- ▶ provides that an appraisal obtained by a governmental entity is not a protected record if the governmental entity has initiated negotiations to acquire a single family residence before using eminent domain;
- ▶ exempts takings law actions from specified governmental immunity procedural requirements;
- ▶ changes the title of the private property ombudsman to the property rights ombudsman;
- ▶ imposes reasonable time and reasonable notice requirements on those entering land for examination, survey, and other purposes when the land is subject to being acquired by eminent domain; and
- ▶ prohibits a defendant in an eminent domain action from having to respond to a motion for immediate occupancy before the time for answering the complaint expires, unless the court so orders.

The original bill was recommended by the Political Subdivisions Interim Committee

Amends 10-9-708, 10-9-1001, 17-27-708, 17-27-1001, 17B-4-1102, 57-12-3, 57-12-9, 63-2-304, 63-30-10.5, 63-34-13, 78-34-5, 78-34-9; Enacts 78-34-4.5

Effective May 3, 2004

Chapter 223, Laws of Utah 2004

SB 10 Amendments to Local Referendum Process (*John W. Hickman*)

This bill modifies the local referendum provisions of the Election Code by modifying the time line for challenging a local law.

This bill:

- ▶ increases the number of days from 35 to 45 for filing a referendum petition challenging a local law.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-7-601

Effective May 3, 2004

Chapter 258, Laws of Utah 2004

SB 11 Guidelines for Local Matching Dollars for Transportation Projects (*Carlene M. Walker*)

This bill requires the Transportation Commission to make rules adopting guidelines for partnering with counties and municipalities to help finance state highway improvement projects through local matching dollars.

This bill:

- ▶ requires the Transportation Commission, in consultation with representatives of local government, to make rules adopting guidelines that encourage partnering, help finance projects, and provide for:
 - consideration of factors relevant to a decision to make program adjustments;
 - a process for submitting, evaluating, and hearing partnering proposals; and
 - maintenance of a public record of each proposal from initial submission to final disposition; and
- ▶ requires the Transportation Commission to submit the proposed rules and any proposed amendment to the rules to a committee or task force prior to taking final action on the rules or any amendment to the rules.

The original bill was recommended by the Transportation Planning Task Force

Enacts 72-2-123

Effective May 3, 2004

Chapter 8, Laws of Utah 2004

SB 12 Transportation of Children for Parent-time (*Patrice M. Arent*)

This bill changes the requirement that the noncustodial parent be required to transport children for parent-time visits and leaves it to the discretion of the court.

This bill:

- ▶ removes the requirement that the noncustodial parent pick up and return a child for parent-time visits; and
- ▶ gives the court discretion to require both parents to participate in the transportation of a child for parent-time visits.

The original bill was recommended by the Judiciary Interim Committee

Amends 30-3-33

Effective May 3, 2004

Chapter 132, Laws of Utah 2004

SB 13 Resort Communities Tax Amendments (*Lyle W. Hillyard*)

This bill modifies the Resort Communities Tax part.

This bill:

- ▶ defines terms;
- ▶ requires a municipality to file with the State Tax Commission a form containing information regarding lodging capacity within the incorporated boundaries of the municipality;
- ▶ provides procedures and requirements for a municipality to file the form with the State Tax Commission;
- ▶ requires the State Tax Commission to provide written notice to a municipality if the municipality has a transient room capacity that is less than 66% of the municipality's permanent census population;
- ▶ provides procedures and requirements for the State Tax Commission to provide the written notice to a municipality;
- ▶ provides that a municipality that receives the written notice from the State Tax Commission may not impose a resort communities tax under certain circumstances; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

The original bill was recommended by the Revenue and Taxation Interim Committee

Amends 59-12-401 (Effective 07/01/04), 59-12-401 (Superseded 07/01/04), 59-12-402 (Effective 07/01/04), 59-12-402 (Superseded 07/01/04); Enacts 59-12-405

Effective May 3, 2004

Chapter 224, Laws of Utah 2004

SB 14 Insurance Code Exemption (*Gregory S. Bell*)

This bill exempts specified activities from the insurance code.

This bill:

- ▶ provides an exemption from the insurance code for death, accident, health, and disability benefits provided by an Internal Revenue Code Section 501(c)(3) organization to its volunteers under specified circumstances; and
- ▶ makes technical corrections.

Amends 31A-1-103

Effective May 3, 2004

Chapter 225, Laws of Utah 2004

SB 15 Carryover of Authorized Capital Outlay Amendments (*Beverly Ann Evans*)

This bill amends the Budgetary Procedures Act by lapsing an internal service fund agency's unused capital acquisition authority at the end of a fiscal year.

This bill:

- ▶ lapses an internal service fund agency's unused capital acquisition authority at the end of a fiscal year;
- ▶ provides for nonlapsing capital acquisition authority if certain requirements are met; and
- ▶ requires an annual report and review of accumulated nonlapsing capital outlay authority.
- ▶ This bill takes effect on July 1, 2004.

The original bill was recommended by the Utah Technology Commission

Enacts 63-38-8.2

Effective July 1, 2004

Chapter 226, Laws of Utah 2004

SB 16 Identity Theft Amendments (*Carlene M. Walker*)

This bill amends provisions of the Utah Criminal Code dealing with the penalty for identity fraud crimes and the location of a prosecution of an identity fraud crime.

This bill:

- ▶ establishes that the residence of the victim of identity theft in this state is sufficient to establish jurisdiction in this state;
- ▶ permits the prosecution of an identity theft in the county where the identity was stolen or used, or where the victim resides;
- ▶ allows prosecution in any county where the identity was stolen, used, or where the victim resides when the offense occurs in multiple jurisdictions; and
- ▶ establishes that the unauthorized possession of another person's identifying documents is a crime.

The original bill was recommended by the Utah Technology Commission

Amends 76-1-201, 76-1-202, 76-6-1102, 76-6-1103; Enacts 76-6-1105

Effective May 3, 2004

Chapter 227, Laws of Utah 2004

SB 18 Municipal Annexation Provisions in First Class Counties (*Patrice M. Arent*)

This bill modifies provisions of the Utah Municipal Code relating to municipal annexations in counties of the first class.

This bill:

- ▶ requires proponents of a proposed annexation of an area in a county of the first class to file with the proposed annexing municipality a notice of intent to file an annexation petition;
- ▶ requires the county to mail notice of the proposed annexation to each owner of real property within the area proposed for annexation and within 300 feet of the area proposed for annexation for an annexation in a county of the first class;
- ▶ requires the person or persons who file a notice of intent to pay the cost of the county's mailing notice to property owners;
- ▶ requires each annexation petition proposing to annex an area in a first class county to include a notice to petition signers;
- ▶ authorizes a signer of an annexation petition in a first class county to withdraw the signer's signature; and
- ▶ makes technical changes.

The original bill was recommended by the Political Subdivisions Interim Committee

Amends 10-2-403

Effective May 3, 2004

Chapter 259, Laws of Utah 2004

SB 19 Sales and Use Taxes - Exemption for Energy Related Equipment and Machinery (*Leonard M. Blackham*)

This bill amends the Sales and Use Tax Act to provide an exemption for certain energy related machinery or equipment.

This bill:

- ▶ provides definitions;
- ▶ provides an exemption for certain machinery or equipment used to make new or expanding renewable production facilities operational;
- ▶ provides an exemption for certain machinery or equipment used to make new or expanding waste energy facilities operational;
- ▶ provides an exemption for machinery or equipment installed on new or expanding facilities that produce fuel from biomass energy; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2004.

Amends 59-12-102 (Effective 07/01/04), 59-12-104 (Effective 07/01/04)

Effective July 1, 2004

Chapter 1, Laws of Utah 2004

SB 20 **Driving Under the Influence Amendments** (*Carlene M. Walker*)

This bill modifies the Motor Vehicles Code and the Code of Criminal Procedure by amending driving under the influence related provisions.

This bill:

- ▶ provides that an attorney with felony jurisdiction over the defendant must approve a plea of guilty or no contest to a possible felony DUI charge;
- ▶ amends the definition of conviction to:
 - include a violation by a person that knowingly and intentionally has any amount of a controlled substance in the person's body and operates a vehicle in a negligent manner causing serious bodily injury or death; and
 - provide that a plea which is held in abeyance is the equivalent of a conviction for purposes of enhancement of penalties for DUI offenses and for purposes of expungement;
- ▶ amends and redefines screening and assessment and provides that an assessment shall be ordered if found appropriate in a screening;
- ▶ provides that until June 30, 2006, a plea to a DUI charge may be held in abeyance only in certain circumstances;
- ▶ beginning on July 1, 2006, prohibits all pleas in abeyance for driving under the influence violations;
- ▶ provides sunset provisions;
- ▶ provides that a court may not expunge a person's record:
 - for a conviction of an automobile homicide or a felony DUI violation; or
 - within ten years for a felony violation by a person that knowingly and intentionally has any amount of a controlled substance in the person's body and operates a vehicle in a negligent manner causing serious bodily injury or death or for the equivalent of a misdemeanor DUI conviction;
- ▶ requires the Commission on Criminal and Juvenile Justice to study pleas in abeyance for driving under the influence violations and report to the Transportation Interim Committee; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 17-43-201, 41-6-43.8, 41-6-44, 62A-15-105, 76-5-207, 77-2a-3, 77-18-11, 77-18-12;
Enacts 63-55b-177, 77-2a-3.1

Effective May 3, 2004

Chapter 228, Laws of Utah 2004

SB 22 **Administrative Rules Reauthorization** (*Howard A. Stephenson*)

This bill requires legislative action regarding administrative rules.

This bill:

- ▶ reauthorizes all state agency administrative rules.
- ▶ This bill takes effect on May 1, 2004.

The original bill was recommended by the Administrative Rules Review Committee

Effective May 1, 2004

Chapter 71, Laws of Utah 2004

SB 23 Amendments to Municipal Government (*Thomas V. Hatch*)

This bill modifies provisions of the Utah Municipal Code relating to municipal officers and employees.

This bill:

- ▶ modifies the officers and employees of a municipality to whom certain provisions relating to the duration of employment and appeals from employment decisions apply;
- ▶ modifies the composition of an appeal board for employment decisions;
- ▶ modifies the process for appealing an action or decision of the appeal board;
- ▶ expands circumstances covered by provisions relating to limitations on taking negative employment action;
- ▶ requires rather than permits the appeal board to provide that an employee receive back salary if the board finds in favor of the employee; and
- ▶ makes technical changes.

Amends 10-3-1105, 10-3-1106

Effective May 3, 2004

Chapter 260, Laws of Utah 2004

SB 24 Marriage Recognition Policy (*D. Chris Butters*)

This bill states that the policy of this state is to only recognize as a marriage the union between a man and a woman.

This bill:

- ▶ creates a marriage recognition policy for the state; and
- ▶ adds the requirement that applicants for a marriage license be a man and a woman.
- ▶ This bill provides an immediate effective date.

Amends 30-1-4.5, 30-1-8; Enacts 30-1-4.1

Effective March 23, 2004

Chapter 261, Laws of Utah 2004

SB 26 Public Safety Retirees' Cost-of-living Increase (*D. Chris Butters*)

This bill modifies the Utah State Retirement and Insurance Benefit Act by creating a restricted account which may be used to fund an increase to the cost-of-living allowance of the Public Safety Retirement Systems.

This bill:

- ▶ creates the Public Safety Retirees' Cost-of-Living Increase Restricted Account within the General Fund;
- ▶ specified the uses of the restricted account monies;
- ▶ provides a formula that may require the Utah State Retirement Office to deposit certain premium tax revenues in the Public Safety Retirees' Cost-of-Living Increase Restricted Account;
- ▶ provides certain administrative powers to the Utah State Retirement Office; and
- ▶ transfers monies between restricted accounts.
- ▶ This bill appropriates:
 - ▶ \$1,100,000 from the Fire Academy Support Account for fiscal year 2004-05 only to the Public Safety Retirees' Cost-of-Living Increase Restricted Account.
- ▶ This bill takes effect on July 1, 2004.

Amends 49-16-301; Enacts 49-11-901, 49-11-902

Effective July 1, 2004

Chapter 262, Laws of Utah 2004

SB 27 Telephone and Facsimile Solicitation Act (*David L. Thomas*)

This bill modifies the Telephone and Facsimile Solicitation Act.

This bill:

- ▶ provides that the state no-call database applies only to unsolicited telephone calls;
- ▶ modifies the methods by which the Division of Consumer Protection establishes, maintains, and administers the state no-call database; and
- ▶ makes technical changes clarifying the persons and entities that are exempt from certain aspects of the chapter.

Amends 13-25a-103, 13-25a-108, 13-25a-109, 13-25a-111

Effective May 3, 2004

Chapter 263, Laws of Utah 2004

SB 29 Access to Rural Health Care Providers (*Leonard M. Blackham*)

This bill imposes penalties on a health maintenance organization that violates the access to rural health care providers statute and makes the Public Employees Health Plan subject to the access to rural health care providers statute.

This bill:

- ▶ imposes penalties on a health maintenance organization that violates the access to rural health care providers statute;
- ▶ gives the commissioner rulemaking authority to enforce the statute;
- ▶ makes the Public Employees Health Plan subject to the access to rural health care provider statute; and
- ▶ amends the definition of independent hospital to include a critical access hospital.
- ▶ This bill provides an effective date.

Amends 31A-8-501, 49-20-407

Effective May 3, 2004

Chapter 229, Laws of Utah 2004

SB 30 Medical Benefits Recovery Act Amendments (*Sheldon L. Killpack*)

This bill amends the Medical Benefits Recovery Act, the Workers' Compensation Act, and the Utah Uniform Probate Code to assist the Office of Recovery Services and Department of Health to recover on liens for medical assistance.

This bill:

- ▶ amends definitions;
- ▶ clarifies the Department of Health's recovery of medical assistance benefits by lien;
- ▶ amends notice provisions related to medical assistance recovery;
- ▶ clarifies the statute of limitations related to recovery from estates and trusts;
- ▶ requires a third party to notify the Department of Health of applicable insurance policy provisions relied upon by the third party to deny the department's claim or lien;
- ▶ provides for third party use and acceptance of electronic claims records;
- ▶ amends estate and trust recovery for medical assistance;
- ▶ subjects worker's compensation claims and benefits to recovery for medical assistance;
- ▶ amends provisions for notice to creditors to include the Office of Recovery Services on behalf of the Department of Health in certain circumstances;
- ▶ repeals the restriction on the release of medical billing information as preempted by federal privacy laws; and
- ▶ makes technical changes.

Amends 26-19-2, 26-19-5, 26-19-6, 26-19-8, 26-19-13.5, 34A-2-417, 34A-2-422, 75-7-308, 75-7-309; Enacts 26-19-9.5, 26-19-9.7; Repeals 26-19-18

Effective May 3, 2004

Chapter 72, Laws of Utah 2004

SB 32 Use of Asthma Medication by Pupils in School (*Patrice M. Arent*)

This bill directs a public school to permit a student to possess and self-administer inhaled asthma medication if certain requirements are met.

This bill:

- ▶ directs a public school to permit a student to possess and self-administer prescription or nonprescription, inhaled asthma medication if:
 - the student's parent or guardian provides written authorization and an acknowledgment that the student is responsible for, and capable of, self-administering the asthma medication; and
 - the student's health care provider provides a written statement indicating it is medically appropriate for the student to self-administer asthma medication and be in possession of asthma medication at all times; and
- ▶ requires the Utah Department of Health, in cooperation with the state superintendent of public instruction, to create forms for the parental and health care provider statements for the use by public schools.

Enacts 53A-11-602

Effective May 3, 2004

Chapter 4, Laws of Utah 2004

SB 33 Mobile Home Park Residency Act (*Ed P. Mayne*)

This bill modifies the Mobile Home Park Residency Act.

This bill:

- ▶ provides that a city, county, or municipality may regulate a mobile home park.

Enacts 57-16-17

Effective May 3, 2004

Chapter 133, Laws of Utah 2004

SB 34 Occupational Therapists Amendments (*Gene Davis*)

This bill modifies provisions on licensure of occupational therapists and occupational therapist assistants.

This bill:

- ▶ modifies the names of national accreditation and certification entities to reflect recent name changes made at the national level; and
- ▶ makes certain technical changes.

Amends 58-42a-302

Effective May 3, 2004

Chapter 9, Laws of Utah 2004

SB 38 Arson Offense Amendments (*Patrice M. Arent*)

This bill amends the offense of arson to include injury to a person as an element of the offense.

This bill:

- ▶ currently measures the degree of an arson offense by the value of property damage caused;
- ▶ provides that an arson offense can be based on serious bodily injury or endangerment of human life that is proximately caused by the fire or explosion; and
- ▶ clarifies that the injury or endangerment must involve a person who is not a participant in the offense.

Amends 76-6-102

Effective May 3, 2004

Chapter 134, Laws of Utah 2004

SB 40 Cesar Chavez Scholarship Program (*James M. Evans*)

This bill modifies a financial aid program for students who attend postsecondary education institutions in Utah.

This bill:

- ▶ creates the Cesar Chavez Scholarship Program within the Utah Centennial Opportunity Program for Education;
 - ▶ specifies qualifications for a Cesar Chavez Scholarship and the amount of the scholarship; and
 - ▶ makes technical amendments.
- This bill takes effect on July 1, 2004.

Amends 53B-13a-102, 53B-13a-104, 53B-13a-105; Enacts 53B-13a-106

Effective July 1, 2004

Chapter 10, Laws of Utah 2004

SB 42 Utah Exemption Code Amendments (*David L. Gladwell*)

This bill makes changes to the Utah Exemptions Act.

This bill:

- ▶ clarifies that a mobile home may be considered a primary residence under the homestead exemption; and
- ▶ states that funds rolled over from an exempt retirement fund into another exempt retirement fund are exempt in bankruptcy proceedings.

Amends 78-23-3, 78-23-5

Effective May 3, 2004

Chapter 135, Laws of Utah 2004

SB 43 Recreational Therapy Practice Amendments (*Gene Davis*)

This bill modifies provisions of the Recreational Therapy Practice Act.

This bill:

- ▶ provides a definition for assessment and modifies the definitions of practice recreational therapy, treatment plan, and unprofessional conduct;
- ▶ modifies licensing requirements for master therapeutic recreational specialists, therapeutic recreational specialists, and therapeutic recreational technicians;
- ▶ modifies the scope of practice of master therapeutic specialists and therapeutic recreational technicians;
- ▶ modifies the content of a recreational therapy treatment or intervention plan; and
- ▶ repeals exemptions from licensure to engage in the practice of recreational therapy.

Amends 58-40-2, 58-40-5, 58-40-6, 58-40-7, 63-55-258; Repeals 58-40-12

Effective May 3, 2004

Chapter 11, Laws of Utah 2004

SB 44 Child Care Centers Regulations (*Parley G. Hellewell*)

This bill amends the Department of Health's authority to impose certain regulations on day care providers.

This bill:

- ▶ amends the way in which the department calculates the minimum square footage required for a day care provider;
- ▶ phases-in compliance with playground equipment safety standards;
- ▶ permits the department to grant variances for group size limitations at a day care center as long as the center meets caregiver to child ratios; and
- ▶ provides that certain variances are transferrable.

Amends 26-39-104

Effective May 3, 2004

Chapter 136, Laws of Utah 2004

SB 46 Sunset Date Extension of Division of Oil, Gas and Mining (*Mike Dmitrich*)

This bill extends the Division of Oil, Gas and Mining remaining provision for an additional five years.

This bill:

- ▶ extends the Division of Oil, Gas and Mining remaining provision for an additional five-year period.

Amends 40-10-11 (Subsection (5) is Repealed 09/30/04), 40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/04), Section 26, Chapter 219, Laws of Utah 1994

Effective May 3, 2004

Chapter 230, Laws of Utah 2004

SB 47 **Uniform Trust Code** (*Lyle W. Hillyard*)

This bill makes substantial changes in Title 75, Chapter 7, Trust Administration to enact the Utah Uniform Trust Code.

This bill:

- ▶ creates the Utah Uniform Trust Code;
- ▶ provides a governing law for the administration of trusts in concert with other states who have adopted the uniform law; and
- ▶ provides some new terms and definitions.
- ▶ This bill takes effect on July 1, 2004.
- ▶ This bill provides a coordination clause.

Amends 7-5-7, 7-5-10, 7-5-14, 25-6-14, 49-11-303, 59-10-103, 75-1-201, 75-1-403, 75-2-1209, 75-3-703, 75-3-913, 75-5-417, 75-7-202; Enacts 75-7-102, 75-7-103, 75-7-104, 75-7-105, 75-7-106, 75-7-108, 75-7-109, 75-7-110, 75-7-111, 75-7-112, 75-7-412, 75-7-413, 75-7-414, 75-7-415, 75-7-416, 75-7-417, 75-7-502, 75-7-503, 75-7-504, 75-7-505, 75-7-506, 75-7-507, 75-7-604, 75-7-605, 75-7-606, 75-7-607, 75-7-701, 75-7-702, 75-7-703, 75-7-704, 75-7-705, 75-7-706, 75-7-707, 75-7-708, 75-7-709, 75-7-801, 75-7-802, 75-7-803, 75-7-804, 75-7-805, 75-7-806, 75-7-807, 75-7-808, 75-7-809, 75-7-810, 75-7-811, 75-7-812, 75-7-813, 75-7-814, 75-7-815, 75-7-816, 75-7-817, 75-7-901, 75-7-902, 75-7-903, 75-7-904, 75-7-905, 75-7-906, 75-7-907, 75-7-1001, 75-7-1002, 75-7-1003, 75-7-1004, 75-7-1005, 75-7-1006, 75-7-1007, 75-7-1008, 75-7-1009, 75-7-1010, 75-7-1011, 75-7-1012, 75-7-1013, 75-7-1101, 75-7-1102, 75-7-1103; Renumbers and Amends 75-7-208 to 75-7-107, 75-7-308 to 75-7-508, 75-7-309 to 75-7-509, 75-7-310 to 75-7-510, 75-7-311 to 75-7-511, 75-7-312 to 75-7-512, 75-7-313 to 75-7-513, 75-7-314 to 75-7-514, 75-7-315 to 75-7-515, 75-7-316 to 75-7-516, 75-7-317 to 75-7-517, 75-7-318 to 75-7-518, 75-7-319 to 75-7-519; Repeals 75-7-206, 75-7-207, 75-7-306, 75-7-307, 75-7-405.5; Repeals and Reenacts 75-7-101, 75-7-203, 75-7-205, 75-7-301, 75-7-302, 75-7-303, 75-7-304, 75-7-305, 75-7-401, 75-7-402, 75-7-403, 75-7-404, 75-7-405, 75-7-406, 75-7-407, 75-7-408, 75-7-409, 75-7-410, 75-7-411, 75-7-501

Effective July 1, 2004

Chapter 89, Laws of Utah 2004

SB 48 **Uniform Firearm Laws** (*Michael G. Waddoups*)

This bill modifies the State Affairs in General title in recognizing the need to provide uniform civil and criminal firearm laws throughout the state.

This bill:

- ▶ reflects current provisions in the Criminal Code that recognize the reservation of authority with the state to regulate firearms; and
- ▶ provides, in conjunction with current state criminal law, that a local authority or entity may not enact, establish, or enforce any ordinance, regulation, rule, or policy pertaining to firearms that inhibits or restricts the possession or use of firearms on either public or private property, unless specifically authorized by the Legislature by statute.

Enacts 63-98-101, 63-98-102

Effective May 3, 2004

Chapter 264, Laws of Utah 2004

SB 49 Competency to Be Executed - Amendments (*David L. Gladwell*)

This bill establishes procedures regarding addressing issues of incompetency that may arise after a defendant has been sentenced to death.

This bill:

- ▶ defines elements of incompetency to be executed, which include if the inmate is not aware of the punishment he is about to suffer or why he is to suffer it;
- ▶ provides a procedure for the Department of Corrections to give notice to the court if an inmate sentenced to death may be incompetent;
- ▶ provides the procedure for filing a petition requesting an inquiry into the inmate's competency to be executed;
- ▶ provides the process for an examination of the inmate;
- ▶ provides for a court hearing and determination;
- ▶ provides for treatment for the inmate;
- ▶ provides the scope of appropriate mental health treatment, including the use of psychoactive medication;
- ▶ provides that the Department of Corrections and the Department of Human Services pay for the competency examination of the inmate; and
- ▶ provides that the prosecution may appeal from a finding that an inmate is not competent to be executed.

Amends 77-18a-1, 77-19-8; Enacts 77-19-201, 77-19-203, 77-19-204, 77-19-205, 77-19-206; Renumbers and Amends 77-19-13 to 77-19-202

Effective May 3, 2004

Chapter 137, Laws of Utah 2004

SB 50 Rural Planning and Development (*Thomas V. Hatch*)

This bill creates a number of entities to address rural planning and development issues on a statewide, coordinated basis.

This bill:

- ▶ creates an Office of Rural Development within the Department of Community and Economic Development to help foster and support economic development for the benefit of rural counties and communities;
- ▶ creates a Rural Development Legislative Liaison Committee to serve as liaison between rural economic development and planning groups and state entities and recommend legislation, when appropriate, on the economic and planning interests of rural Utah;
- ▶ creates a Governor's Rural Partnership Board to develop and prepare an annual strategic plan to address rural economic development, planning, and leadership training challenges, opportunities, priorities, and objectives; and
- ▶ creates a Rural Coordinating Committee to coordinate efforts and resources and help implement the strategic plan on rural economic development, planning, and leadership training.

Enacts 9-16-101, 9-16-102, 9-16-103, 9-16-104, 9-16-105, 9-16-106, 36-25-101, 36-25-102, 36-25-103, 36-25-104, 63C-10-101, 63C-10-102, 63C-10-103, 63C-10-201, 63C-10-202

Effective May 3, 2004

Chapter 73, Laws of Utah 2004

SB 51 **Education Technology Support for Testing Initiative** (*Leonard M. Blackham*)

This bill creates a program to award grants to school districts and charter schools for the online delivery of summative tests required under U-PASS.

This bill:

- ▶ allows the State Board of Education to award grants to school districts and charter schools to implement a system for the online delivery of summative tests required under U-PASS (Utah Performance Assessment System for Students);
- ▶ provides that an online test delivery system shall:
 - be coordinated by the Utah State Office of Education;
 - ensure the reliability and security of U-PASS tests; and
 - be selected through collaboration between Utah State Office of Education and school district representatives with expertise in technology, assessment, and administration;
- ▶ specifies how grant monies may be used; and
- ▶ directs the State Board of Education to make rules.
- ▶ This bill appropriates:
- ▶ \$5,000,000 from the Uniform School Fund for fiscal year 2004-05 only to the State Board of Education.
- ▶ This bill takes effect on July 1, 2004.

Enacts 53A-1-708

Effective July 1, 2004

Chapter 265, Laws of Utah 2004

SB 52 **Insurance Amendments - Loss Histories and Inquiries** (*Thomas V. Hatch*)

This bill modifies the Insurance Code to address use of loss histories and inquiries for insurance purposes.

This bill:

- ▶ prohibits the use of certain losses in making adverse eligibility or rate decisions;
- ▶ prohibits use of inquiries for certain insurance purposes; and
- ▶ makes technical changes.

Amends 31A-19a-212, 31A-21-303; Enacts 31A-22-1308

Effective May 3, 2004

Chapter 266, Laws of Utah 2004

SB 53 **County and Municipal Zoning Regarding Billboards** (*Michael G. Waddoups*)

This bill modifies provisions relating to billboards and outdoor advertising structures.

This bill:

- ▶ modifies the county or municipal actions that constitute initiation of acquisition of a billboard by eminent domain;
- ▶ modifies the circumstances under which a county or municipality may remove a billboard without providing compensation;
- ▶ modifies the procedure a county or municipality must follow in order to be able to remove a billboard without providing compensation;
- ▶ requires counties and municipalities to allow billboards to be relocated under certain circumstances; and
- ▶ makes technical changes.

Amends 10-9-408, 17-27-407

Effective May 3, 2004

Chapter 138, Laws of Utah 2004

SB 55 Governmental Immunity Act of Utah (*Leonard M. Blackham*)

This bill enacts a new governmental immunity act.

This bill:

- ▶ defines the scope of liability and immunity of Utah's state and local governments and their employees;
- ▶ defines terms;
- ▶ establishes immunity from suit for injuries that result from the exercise of a government function;
- ▶ waives government immunity from suit for certain specific governmental functions and provides exceptions to certain of those waivers;
- ▶ establishes procedures for making claims against a government entity or employee when an alleged injury has occurred;
- ▶ establishes jurisdiction and venue requirements for actions against government entities and employees;
- ▶ defines certain procedures and requirements for legal actions brought under this chapter;
- ▶ establishes a process for submitting claims for payment to a government entity and authorizes certain options that government entities may use to pay claims;
- ▶ authorizes government entities to self-insure or purchase liability insurance for potential claims against the entity and establishes procedures and requirements for implementing those options;
- ▶ establishes limits on judgments against government entities or employees;
- ▶ addresses legal representation and settlement authority for claims against executive, legislative, and judicial entities and employees;
- ▶ establishes a process for defending employees generally when claims are asserted against them and defines the scope of that representation; and
- ▶ makes technical corrections.
- ▶ This bill provides a transition clause.
- ▶ This bill takes effect on July 1, 2004.
- ▶ This bill provides a coordination clause enacting Section
- ▶ 63-30d-203, if S.B. 9 passes and certain conditions are met.
- ▶ This bill provides a coordination clause amending Section 63-30d-401, if H.B. 111 passes.

Amends 7-2-9, 17-50-401, 17A-2-1830, 31A-1-301, 31A-2-306, 31A-12-107, 31A-22-305, 63-30a-3, 63-56-59, 76-6-513, 78-3a-113 (Effective 07/01/04), 78-3a-113 (Superseded 07/01/04), 78-3a-114 (Effective 07/01/04), 78-3a-114 (Superseded 07/01/04), 78-3a-118 (Effective 07/01/04), 78-3a-118 (Superseded 07/01/04), 78-17-3, 78-19-1; Enacts 63-30d-101, 63-30d-102, 63-30d-201, 63-30d-202, 63-30d-301, 63-30d-302, 63-30d-401, 63-30d-402, 63-30d-403, 63-30d-501, 63-30d-502, 63-30d-601, 63-30d-602, 63-30d-603, 63-30d-604, 63-30d-701, 63-30d-702, 63-30d-703, 63-30d-704, 63-30d-801, 63-30d-802, 63-30d-803, 63-30d-804, 63-30d-805, 63-30d-901, 63-30d-902, 63-30d-903, 63-30d-904; Repeals 63-30-1, 63-30-2, 63-30-3, 63-30-4, 63-30-5, 63-30-6, 63-30-7, 63-30-8, 63-30-9, 63-30-10, 63-30-10.5, 63-30-10.6, 63-30-11, 63-30-12, 63-30-13, 63-30-14, 63-30-15, 63-30-16, 63-30-17, 63-30-18, 63-30-19, 63-30-20, 63-30-22, 63-30-23, 63-30-24, 63-30-25, 63-30-26, 63-30-27, 63-30-28, 63-30-29.5, 63-30-31, 63-30-32, 63-30-33, 63-30-34, 63-30-35, 63-30-36, 63-30-37, 63-30-38, 78-60-101, 78-60-102, 78-60-103

Effective July 1, 2004

Chapter 267, Laws of Utah 2004

SB 58 Alcoholic Beverage Control Amendments (*John L. Valentine*)

This bill modifies the Alcoholic Beverage Control Act.

This bill:

- ▶ amends definition provisions;
- ▶ corrects language addressing powers and duties of the commission;
- ▶ addresses the appointment of the director;
- ▶ amends provisions related to wineries;
- ▶ modifies provisions related to restaurant liquor licensees including:
 - correcting language related to a patron serving wine from the bottle; and
 - modifying language related to hours of service by restaurant liquor licensees in cases of local elections;
- ▶ modifies provisions related to airport lounge liquor licenses including:
 - correcting language related to the commission revoking an airport lounge liquor license; and
 - correcting language related to a patron serving wine from the bottle;
- ▶ modifies the operational restrictions for a limited restaurant license;
- ▶ addresses the size of containers in which beer may be sold for on-premise consumption;
- ▶ modifies provisions related to on-premise banquet licensees including:
 - defining terms;
 - providing for governmental entities obtaining the license;
 - addressing operational restrictions applicable to room service; and
 - correcting language related to an attendee serving wine from the bottle;
- ▶ modifies provisions related to private clubs including:
 - providing for revocation of a private club license if the private club does not provide notice of change of ownership or other changes to the commission;
 - addressing membership procedures;
 - providing rulemaking authority to the commission;
 - requiring hosting of minors at a dance or concert hall if it is on the premises of a class D private club;
 - amending provisions related to when a dance or concert hall permit may be suspended or revoked; and
 - modifying language related to hours of service in cases of local elections and hours during which alcoholic beverages may be consumed;
- ▶ modifies provisions related to single event permits including providing for governmental entities obtaining the permit;
- ▶ modifies provisions related to brewery licenses including to whom a brewer may sell beer;
- ▶ modifies provisions related to local industry representatives including:
 - modifying limitations as to whom a license may be granted; and
 - modifying operational restrictions;
- ▶ modifies provisions related to on-premise beer retailer license including:
 - providing for a government entity to obtain the license; and
 - providing for when multiple licenses are required for a building or resort facility;
- ▶ modifies provisions related to on-premise beer retailer licenses including:
 - the manner by which beer can be sold; and

- the hours during which alcoholic beverages may be consumed;
- ▶ modifies provisions related to temporary special event beer permits including providing for a government entity to obtain the permit;
- ▶ modifies provisions related to beer wholesaling licenses including modifying to whom beer may be directly sold or distributed;
- ▶ modifies when there is an inference that an alcoholic beverage is an alcoholic beverage;
- ▶ corrects a reference to a brewer in the provision governing unlawful sale or furnishing;
- ▶ modifies the provision related to unlawful dispensing;
- ▶ modifies the provision related to disposition of liquor items shipped to the department;
- ▶ corrects a citation to federal regulations;
- ▶ addresses the tied house provisions including:
 - clarifying when samples are charged back to an industry member; and
 - modifying provisions related to visiting a state store or package agency; and
- ▶ makes technical changes including correcting cross references.

Amends 32A-1-105, 32A-1-107, 32A-1-108, 32A-3-106, 32A-4-106, 32A-4-202, 32A-4-206, 32A-4-303, 32A-4-307, 32A-4-401, 32A-4-402, 32A-4-406, 32A-5-102, 32A-5-107, 32A-7-101, 32A-7-102, 32A-7-106, 32A-8-401, 32A-8-503, 32A-8-505, 32A-10-202, 32A-10-206, 32A-10-302, 32A-10-306, 32A-11-101, 32A-11-102, 32A-11-106, 32A-11a-107, 32A-12-102, 32A-12-201, 32A-12-213, 32A-12-222, 32A-12-501, 32A-12-601, 32A-12-603, 41-6-44.20, 76-10-1506

Effective May 3, 2004

Chapter 268, Laws of Utah 2004

SB 62 **Stay of Execution Amendments** (*David L. Thomas*)

This bill amends the Code of Criminal Procedure by providing for a temporary stay of execution if the petitioner files for postconviction relief, representation of counsel, or if counsel enters an appearance to represent the petitioner under the Post-Conviction Remedies Act. Clarifies when temporary suspensions of execution end.

This bill:

- ▶ provides for a temporary stay of execution when, under the Post-Conviction Remedies Act:
 - a petitioner files for postconviction relief;
 - a petitioner files for representation of counsel; or
 - counsel enters an appearance to represent the person sentenced to death;
- ▶ provides for a temporary stay of execution when the person sentenced to death appears to be incompetent or pregnant;
- ▶ clarifies that a stay issued pursuant to the Post-Conviction Remedies Act ends when the appeal, automatic review, or action is concluded;
- ▶ clarifies that a request for counsel by an indigent defendant does not toll the statute of limitations for postconviction relief; and
- ▶ clarifies that stays of execution do not toll the statute of limitations for postconviction relief.

Amends 77-19-8, 78-35a-107

Effective May 3, 2004

Chapter 139, Laws of Utah 2004

SB 63 **Witness Tampering Amendments** (*D. Chris Buttars*)

This bill amends witness tampering provisions by creating the offense of retaliation against a witness, victim, or informant.

This bill:

- ▶ moves retaliation provisions from the witness tampering offense into a new section and provides elements of the offense of retaliation against a witness, victim, or informant;
- ▶ provides that the retaliation offense is a third degree felony; and
- ▶ provides that the retaliation offense does not merge with other offenses.

Amends 76-3-203.5, 76-8-306, 76-8-508, 76-10-1602, 77-23a-8; Enacts 76-8-508.3

Effective May 3, 2004

Chapter 140, Laws of Utah 2004

SB 65 **County Classification Amendments** (*Leonard M. Blackham*)

This bill modifies provisions relating to county classifications.

This bill:

- ▶ changes the ranges of population that define counties of the third through sixth class.

Amends 17-50-501

Effective May 3, 2004

Chapter 269, Laws of Utah 2004

SB 66 **Telecommunications Amendments** (*John W. Hickman*)

This bill modifies the Municipal Cable Television and Public Telecommunications Service Act.

This bill:

- ▶ requires a municipality or an interlocal entity under certain circumstances to comply with specified provisions of the Municipal Cable Television and Public Telecommunications Service Act; and
- ▶ modifies certain bonding requirements in the Municipal Cable Television and Public Telecommunications Service Act.

Amends 10-18-105, 10-18-302

Effective May 3, 2004

Chapter 270, Laws of Utah 2004

SB 67 **Designation of American Indian Heritage Month and an Indigenous People Day**
(*Beverly Ann Evans*)

This bill modifies state affairs in general to address commemorative days and months.

This bill:

- ▶ designates the Monday preceding Thanksgiving as Indigenous People Day;
- ▶ designates November as American Indian Heritage Month; and
- ▶ makes technical changes.

Amends 63-13-5.6

Effective May 3, 2004

Chapter 231, Laws of Utah 2004

SB 68 Prohibition of Public Funding for Abortion (*Curtis S. Bramble*)

This bill modifies the offenses against the family section of the Utah Criminal Code.

This bill:

- ▶ prohibits the state and political subdivisions from using public funds for the performance of an abortion; and
- ▶ provides a penalty for anyone who knowingly authorizes the use of public funds for an abortion.

Amends 76-7-324; Enacts 76-7-326

Effective May 3, 2004

Chapter 271, Laws of Utah 2004

SB 69 Partial Birth Abortion Amendments (*Curtis S. Bramble*)

This bill modifies sections of the Utah Criminal Code relating to partial birth abortion.

This bill:

- ▶ revises definitions;
- ▶ prohibits and makes criminal and civil penalties for a physician that performs a partial birth abortion;
- ▶ provides and sets limitations on remedies for a father or the maternal grandparents of the fetus;
- ▶ provides that a physician accused of an offense of performing a partial birth abortion is entitled to a hearing before the Physicians Licensing Board or Osteopathic Physician and Surgeon's Licensing Board to determine the necessity of the physician's conduct;
- ▶ providing for contingent continuance of prior law; and
- ▶ makes technical changes.

Amends 76-7-301, 76-7-310.5, 76-7-314; Enacts 76-7-326, 76-7-327, 76-7-328, 76-7-329, 76-7-330

Effective May 3, 2004

Chapter 272, Laws of Utah 2004

SB 70 Health Care Facility Licensing Exemption (*John W. Hickman*)

This bill amends the Health Care Facility Licensing and Inspection Act.

This bill:

- ▶ authorizes the Department of Health to exempt certain end-of-life health care facilities from the licensing and inspections of Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, by administrative rule.

Amends 26-21-7

Effective May 3, 2004

Chapter 141, Laws of Utah 2004

SB 72 Disposition of Fines for Registration Violations (*John W. Hickman*)

This bill modifies the Judicial Code by amending disposition of fines and fees provisions.

This bill:

- ▶ until July 1, 2007, requires district courts and justice courts to allocate 50% of the fine collected for a violation of the registration of vehicles after establishing residency provision to the state or local governmental entity which issued the citation to be used for law enforcement purposes and to allocate the remaining 50% of the fine as currently required.
- ▶ This bill takes effect July 1, 2004.

Amends 78-3-14.5, 78-5-116

Effective July 1, 2004

Chapter 273, Laws of Utah 2004

SB 73 Escape Amendments (*Thomas V. Hatch*)

This bill amends the criminal responsibility imposed upon specified persons who assist a person in escaping and makes technical amendments.

This bill:

- ▶ provides that a person is guilty of the second degree felony of escape if the person aids in the escape and is an employee or volunteer of specified government entities;
- ▶ defines the scope of activity considered to be an escape or attempted escape;
- ▶ repeals the current provision regarding aiding an escape, which specified elements of second and third degree offenses; and
- ▶ clarifies the spelling of trusty, as it refers to inmates placed on trusty status.
- ▶ This bill provides an immediate effective date.

Amends 31A-35-701, 64-13-14.6, 76-3-203.3, 76-8-309; Repeals 76-8-310

Effective March 23, 2004

Chapter 274, Laws of Utah 2004

SB 76 Revisions to Royalty on Brine Shrimp (*Thomas V. Hatch*)

This bill modifies the Brine Shrimp Royalty Act.

This bill:

- ▶ provides definitions;
- ▶ provides that a brine shrimp royalty of \$550,000 is due each taxable year;
- ▶ provides a calculation to determine the annual brine shrimp royalty rate;
- ▶ establishes procedures and requirements for assessing the brine shrimp royalty each year;
- ▶ grants rulemaking authority to the Utah State Tax Commission;
- ▶ changes the date that the brine shrimp royalty is due;
- ▶ requires the Revenue and Taxation Interim Committee to review the annual brine shrimp royalty amount at least once every five years; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.
- ▶ This bill provides for retrospective operation.

Amends 59-23-3, 59-23-4, 59-23-5

Effective March 22, 2004

Chapter 232, Laws of Utah 2004

SB 77 **Expansion of New Motor Vehicle Warranties** (*Patrice M. Arent*)

This bill modifies the New Motor Vehicles Warranties Act to include motorcycles as covered vehicles.

This bill:

- ▶ amends the definition of motor vehicles to include motorcycles designed primarily for use and operation on paved highways as motor vehicles covered under the New Motor Vehicles Warranties Act.

Amends 13-20-2

Effective May 3, 2004

Chapter 12, Laws of Utah 2004

SB 79 **Repeal of Child Welfare Worker Designations** (*Dan R. Eastman*)

This bill repeals provisions from Child and Family Services and Personnel Management.

This bill:

- ▶ repeals a provision authorizing the Division of Child and Family Services to certify child welfare social service workers and child welfare social workers for purposes of calculating benefits and salary ranges; and
- ▶ repeals a provision specifying how pay plans for certified child welfare workers are to be developed by the Department of Human Resource Management.

Repeals 62A-4a-107.1, 67-19-12.4

Effective May 3, 2004

Chapter 5, Laws of Utah 2004

SB 80 **Capital Punishment Amendments - Excluded Days** (*John L. Valentine*)

This bill amends time provisions regarding execution of the death penalty.

This bill:

- ▶ provides that executions may not be conducted on Sunday, Monday, or a legal holiday.

Amends 77-19-6, 77-19-9, 77-19-13

Effective May 3, 2004

Chapter 6, Laws of Utah 2004

SB 81 **Child and Family Services - Plea in Abeyance** (*Parley G. Hellewell*)

This bill amends child and family services provisions in the Utah Human Services Code.

This bill:

- ▶ makes a technical change that requires a court to enter a finding rather than make a determination.

Amends 62A-4a-116.5

Effective May 3, 2004

Chapter 74, Laws of Utah 2004

SB 82 Deposits into Uintah Basin Revitalization Fund *(Beverly Ann Evans)*

This bill modifies the provisions related to the Uintah Basin Revitalization Fund.

This bill:

- ▶ addresses when monies may be deposited into the Uintah Basin Revitalization Fund in relationship to imposing charges;
- ▶ extends the December 31, 2004, date attributable to interest on lands identified in Pub. L. No. 440, 62 Stat. 72 (1948);
- ▶ extends the December 31, 2006, date attributable to interests on lands conveyed to the Tribe under the Ute-Moab Land Restoration Act;
- ▶ increases the cap on deposits into the fund to \$3,000,000 per fiscal year; and
- ▶ makes technical changes.

Amends 9-10-108, 59-5-116

Effective May 3, 2004

Chapter 13, Laws of Utah 2004

SB 83 Uninsured Employers' Fund Amendments *(Ed P. Mayne)*

This bill modifies provisions related to the Uninsured Employers' Fund.

This bill:

- ▶ clarifies the monies deposited into the Uninsured Employers' Fund;
- ▶ clarifies application of the section to employers that are unable to cover workers' compensation liabilities;
- ▶ modifies the limitation of a three-year period for assessing self-insured employers; and
- ▶ makes technical changes.

Amends 34A-2-704

Effective May 3, 2004

Chapter 275, Laws of Utah 2004

SB 84 Party to Felony Offense Enhancement *(Michael G. Waddoups)*

This bill modifies the criminal penalty enhancement provision for certain felonies in the Utah Criminal Code.

This bill:

- ▶ provides for enhanced criminal penalties for a defendant who is a party to a felony offense in which a dangerous weapon was used in the commission or furtherance of the felony;
- ▶ provides that the trier of fact must find beyond a reasonable doubt that the defendant knew that the dangerous weapon was present; and
- ▶ makes certain technical changes.

Amends 23-20-4, 76-3-203.8

Effective May 3, 2004

Chapter 276, Laws of Utah 2004

SB 85 Political Activities of Public Entities Amendments *(David L. Thomas)*

This bill modifies provisions of the Political Activities of Public Entities Act.

This bill:

- ▶ clarifies the definition of "public entity" and "public official"; and
- ▶ provides that public officials who violate the act are guilty of a class B misdemeanor.

Amends 20A-11-1202; Enacts 20A-11-1204

Effective May 3, 2004

Chapter 142, Laws of Utah 2004

SB 86 **Mental Health Professional Practice Act Amendments** (*D. Chris Buttars*)

This bill amends the Mental Health Professional Practices Act to permit a social worker to receive an externship license and extends the time of an externship license for social workers, marriage and family therapists, and professional counselors from one year to three years.

This bill:

- ▶ amends the Mental Health Professional Practices Act to permit a social worker to receive an externship license and extends the time of an externship license for social workers, marriage and family therapists, and professional counselors from one year to three years.

Amends 58-60-117

Effective May 3, 2004

Chapter 143, Laws of Utah 2004

SB 87 **Driver License Certificate Amendments** (*Carlene M. Walker*)

This bill modifies the Uniform Driver License Act to amend driver license certificate, commercial driver license certificate, and identification card content provisions.

This bill:

- ▶ prohibits a driver license certificate, a commercial driver license certificate, or an identification card from bearing an applicant's Social Security number.

Amends 53-3-207, 53-3-411, 53-3-805

Effective May 3, 2004

Chapter 144, Laws of Utah 2004

SB 88 **Uniform Building Standards Act - Manufactured Housing Amendments** (*Lyle W. Hillyard*)

This bill amends the Occupations and Professions Code by amending installation standards for manufactured homes and creating penalties for violations.

This bill:

- ▶ requires general contractors who install manufactured homes to receive additional training;
- ▶ eliminates the current definition of "installation standard" for manufactured homes and requires the Division of Occupational and Professional Licensing to adopt a nationally recognized manufactured housing installation standard code;
- ▶ specifies the construction codes which the state and its political subdivisions shall follow;
- ▶ grants authority to the Division of Occupational and Professional Licensing to enforce manufactured housing installation standards and assess penalties for violations;
- ▶ adopts criminal penalties for violations of manufactured housing installation standards and assesses penalties for violations; and
- ▶ makes technical changes.

Amends 58-55-102, 58-56-3, 58-56-4, 58-56-12, 58-56-15, 70D-1-19

Effective May 3, 2004

Chapter 75, Laws of Utah 2004

SB 89 **Contractor Licensing Amendments** (*Parley G. Hellewell*)

This bill modifies the Construction Trades Licensing Act.

This bill:

- ▶ creates a requirement that a plumbing or electrical business maintains its license for a period of five years to satisfy the individual qualifier requirements.

Amends 58-55-304

Effective May 3, 2004

Chapter 14, Laws of Utah 2004

SB 91 **Emergency Medical Service Provider Amendments** (*Scott K. Jenkins*)

This bill amends the definition of political subdivision in the Utah Emergency Medical Services System Act.

This bill:

- ▶ amends the definition of political subdivision in the Utah Emergency Medical Services System Act; and
- ▶ makes technical amendments.
- ▶ This bill provides an immediate effective date.

Amends 26-8a-405.1, 26-8a-405.2

Effective March 23, 2004

Chapter 277, Laws of Utah 2004

SB 92 **Repeal of Unsolicited Commercial and Sexually Explicit Email Act** (*Patrice M. Arent*)

This bill modifies provisions of the Commerce and Trade Code dealing with unsolicited commercial and sexually explicit email.

This bill:

- ▶ repeals the Unsolicited Commercial and Sexually Explicit Email Act.

Repeals 13-36-101, 13-36-102, 13-36-103, 13-36-104, 13-36-105

Effective May 3, 2004

Chapter 278, Laws of Utah 2004

SB 93 **Telecommunications Annual Report Amendments** (*Beverly Ann Evans*)

This bill amends public telecommunications law.

This bill:

- ▶ amends the requirement for the Public Service Commission's annual report on the state of the telecommunications industry.

Amends 54-8b-2.5

Effective May 3, 2004

Chapter 279, Laws of Utah 2004

SB 94 **Mine Certification Requirements** (*Mike Dmitrich*)

This bill amends coal mining provisions relating to the number of board members on the panel and their per diem, and amends provisions relating to coal mine electrician certification.

This bill:

- ▶ reduces the number of members on the Coal Mine Certification Panel;
- ▶ amends per diem allowances;
- ▶ eliminates certain provisions for coal mine certification; and
- ▶ amends citizenship requirement provisions.

Amends 40-2-14, 40-2-15

Effective May 3, 2004

Chapter 233, Laws of Utah 2004

SB 96 Utah Occupational Safety and Health Act Amendments (*Ed P. Mayne*)

This bill modifies the Utah Occupational Safety and Health Act to address time lines for reporting.

This bill:

- ▶ modifies the time within which an employer shall provide notice of an occurrence;
- ▶ clarifies reference to compensable occupational disease; and
- ▶ makes technical changes.

Amends 34A-6-301

Effective May 3, 2004

Chapter 145, Laws of Utah 2004

SB 97 Certification Deadline for Political Parties (*Curtis S. Bramble*)

This bill modifies the Election Code by changing the date that the names of presidential candidates must be certified to the lieutenant governor.

This bill:

- ▶ amends the certification date for political parties to certify the names of their candidates for President and Vice President of the United States to the lieutenant governor.

Amends 20A-9-202, 20A-9-403

Effective May 3, 2004

Chapter 146, Laws of Utah 2004

SB 98 Fees for Electronic Processing of Certain Motor Vehicle Transactions (*Curtis S. Bramble*)

This bill modifies the Motor Vehicle Business Regulation Act to enact a fee for electronic payments provision.

This bill:

- ▶ provides that the Motor Vehicle Enforcement Division may collect a fee to cover the cost of electronic payments on certain transactions.

Enacts 41-3-604

Effective May 3, 2004

Chapter 147, Laws of Utah 2004

SB 104 Selection of Mental Health Therapist in Termination of Parental Rights
(*Parley G. Hellewell*)

This bill amends the Termination of Parental Rights Act.

This bill:

- ▶ specifies that the juvenile court may not refuse to appoint a mental health therapist because the therapist has not followed the recommendations of the Office of the Guardian Ad Litem in another case; and
- ▶ requires the juvenile court to give strong consideration to the wishes of the parent or guardian regarding the selection of a mental health therapist.

Amends 78-3a-415

Effective May 3, 2004

Chapter 76, Laws of Utah 2004

SB 107 Advanced Practice Registered Nurse Modifications *(Peter C. Knudson)*

This bill enacts the Advanced Practice Registered Nurse Compact and makes modifications to related provisions dealing with advanced practice registered nurses.

This bill:

- ▶ enacts a compact that ensures and encourages the cooperation of party states in the areas of APRN licensure/authority to practice and regulation, including promotion of uniform licensure requirements;
- ▶ provides, under the compact, for the recognition, limitation, and revoking of multistate advanced practice privileges;
- ▶ provides an application process, under the compact, for APRN licensure/authority to practice in a party state;
- ▶ provides, under the compact, for adverse action affecting the multistate advanced practice privilege;
- ▶ grants authority to the Division of Occupational and Professional Licensing, under the compact, to recover costs resulting from adverse actions taken against an APRN and issue cease and desist orders;
- ▶ provides, under the compact, for participation in a cooperative effort to create a coordinated licensure information system of all APRNs; and
- ▶ repeals licensure by endorsement as an advanced practice registered nurse.
- ▶ This bill takes effect on July 1, 2004.

Amends 58-31b-302; Enacts 58-31d-101, 58-31d-102, 58-31d-103; Repeals 58-31b-307

Effective July 1, 2004

Chapter 15, Laws of Utah 2004

SB 108 Revisor's Statute *(Lyle W. Hillyard)*

This bill modifies parts of the Utah Code to make technical corrections including wording, cross references, and numbering changes.

This bill:

- ▶ modifies parts of the Utah Code by making technical corrections including wording, cross referencing, and numbering changes.

The original bill was recommended by the House Rules Committee / Senate Rules Committee

Amends 9-4-505, 9-4-704, 10-2-405, 10-2-411, 10-3-103, 10-3-104, 10-3-105, 10-3-106, 10-6-151, 11-13-313, 11-36-402, 11-37-101, 11-40-101, 11-40-102, 13-25a-103, 17B-2-604, 20A-7-203, 20A-7-702, 20A-11-101, 31A-5-401.1, 31A-7-201, 31A-7-307, 31A-8-103, 31A-8-214, 31A-8-215, 31A-8-301, 31A-8-402.7, 31A-8-501, 31A-11-104, 31A-14-206, 31A-14-214, 31A-15-103, 31A-18-106, 31A-19a-403, 31A-21-404, 31A-22-101, 31A-22-303, 31A-22-315, 31A-22-400, 31A-22-701, 31A-22-802, 31A-22-808, 31A-23a-102, 31A-25-202, 31A-30-103, 32A-11a-108, 41-1a-120, 41-12a-306, 46-4-503, 53-3-102, 53B-2a-102, 54-8a-8.5, 57-8-38, 58-1-301, 58-37d-4, 58-46a-305, 58-55-103, 58-55-302, 58-63-102, 59-2-103, 59-7-605, 59-10-127, 59-12-1503, 61-1-4, 61-2-6, 63-2-301, 63-2-302, 63-34-13, 63-55-209, 63-55-210, 63-55-223, 63-55-241, 63-55-253, 63-55-263, 63-55-272, 63-55b-126, 63-55b-153, 63-55b-159, 63-55b-163, 63-55b-167, 63-55b-176, 63A-3-205, 63E-1-102, 64-13-6, 70C-6-101, 70C-6-203, 73-18c-307, 75-7-309, 76-7-301, 76-7-302, 77-13-6, 77-32-401.5, 78-3a-503 (Superseded 07/01/04), 78-11-22, 78-31b-6, 78-31b-8; Repeals 59-1-212

Effective May 3, 2004

Chapter 90, Laws of Utah 2004

SB 109 Individual Income Tax Contributions for Education (*David L. Thomas*)

This bill amends the Individual Income Tax Act.

This bill:

- ▶ for taxable years beginning on or after January 1, 2004, but beginning on or before December 31, 2006, authorizes a taxpayer to contribute \$1 or more to the Uniform School Fund on the taxpayer's individual income tax return;
- ▶ repeals obsolete language authorizing a taxpayer to contribute \$1 or more to an applied technology center or applied technology service center and authorizes the contribution to be made to a campus of the Utah College of Applied Technology; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation for taxable years beginning on or after January 1, 2004.

Amends 59-10-549

Effective May 3, 2004

Chapter 234, Laws of Utah 2004

SB 111 Mechanics' Liens Amendments (*Scott K. Jenkins*)

This bill modifies provisions of the Liens Code related to mechanics' liens.

This bill:

- ▶ enacts notice requirements related to an original contractor who receives a preliminary notice of a mechanics' lien.

Enacts 38-1-27.2

Effective May 3, 2004

Chapter 148, Laws of Utah 2004

SB 112 Uniform Anatomical Gift Act Amendments (*Karen Hale*)

This bill amends the Uniform Anatomical Gift Act to add eye and tissue banks to the list of anatomical gift options and to clarify requirements for notice to procurement organizations and consent for donations.

This bill:

- ▶ amends definitions;
- ▶ includes a restriction indicated on the Utah Donor Registry as a method in which an individual can refuse to make an anatomical gift;
- ▶ amends the list of anatomical gift options that must be included in the routine inquiry to include an eye bank and tissue bank;
- ▶ provides that an organ procurement organization must confirm in writing or verbally whether or not a patient is eligible to make an anatomical gift;
- ▶ permits a signature or verbal confirmation of consent to donate from the one having highest priority; and
- ▶ requires law enforcement who find an individual who is deceased to inform an organ procurement organization of the deceased next of kin, if known.

Amends 26-28-2, 26-28-3, 26-28-6

Effective May 3, 2004

Chapter 149, Laws of Utah 2004

SB 113 Administrative Procedures Act Amendments (*Lyle W. Hillyard*)

This bill modifies the scope and applicability provision of the Administrative Procedures Act.

This bill:

- ▶ modifies the exceptions provision to the applicability of the Administrative Procedures Act by including the issuance of a citation or assessment under several chapters of Title 58, Occupations and Professions as new exceptions; and
- ▶ makes certain technical changes.

Amends 63-46b-1

Effective May 3, 2004

Chapter 235, Laws of Utah 2004

SB 114 Amendments to Prescribing, Preparation, and Dispensing of Prescription Drugs (*Peter C. Knudson*)

This bill repeals the current Pharmacy Practice Act and enacts a new Pharmacy Practice Act.

This bill:

- ▶ amends the definition of unlawful and unprofessional conduct to include prescribing a drug or device without a diagnosis or a bona fide patient-practitioner relationship;
- ▶ enacts a new Pharmacy Practice Act and includes:
 - definitions;
 - administrative inspections;
 - board membership, qualifications, and terms;
 - license classifications for pharmacy facilities;
 - qualifications for licensure as a pharmacist;
 - qualifications for licensure as a pharmacy intern;
 - qualifications for licensure as a pharmacy technician;
 - qualifications for licensure as a pharmacy;
 - criminal background checks;
 - terms of license;
 - exemptions from licensure;
 - continuing education;
 - grounds for denial of licensure;
 - provisions related to unlawful and unprofessional conduct;
 - regulation of the practice of pharmacy operating standards; and
 - provisions related to incapacitated pharmacists;
- ▶ amends the sunset date of the Pharmacy Practice Act to July 1, 2014; and
- ▶ makes technical amendments.
- ▶ This bill takes effect on July 1, 2004.

Amends 16-11-2, 26-18-2.3, 26-18-101, 26-47-101, 48-2c-1502, 58-1-307, 58-1-501, 58-16a-102, 58-24a-105, 58-37-6, 58-37-7.5, 58-37c-19.5, 58-71-102, 58-71-801, 58-73-601, 63-55-258, 76-5-113, 76-8-311.3, 78-11-22.2, 78-14-3; Enacts 58-17b-101, 58-17b-102, 58-17b-103, 58-17b-201, 58-17b-301, 58-17b-302, 58-17b-303, 58-17b-304, 58-17b-305, 58-17b-306, 58-17b-307, 58-17b-308, 58-17b-309, 58-17b-310, 58-17b-401, 58-17b-501,

58-17b-502, 58-17b-503, 58-17b-504, 58-17b-505, 58-17b-506, 58-17b-601, 58-17b-602, 58-17b-603, 58-17b-604, 58-17b-605, 58-17b-606, 58-17b-607, 58-17b-608, 58-17b-609, 58-17b-610, 58-17b-611, 58-17b-612, 58-17b-613, 58-17b-614, 58-17b-615, 58-17b-616, 58-17b-617, 58-17b-618, 58-17b-619, 58-17b-620, 58-17b-621, 58-17b-701; Repeals 58-17a-101, 58-17a-102, 58-17a-103, 58-17a-201, 58-17a-301, 58-17a-302, 58-17a-304, 58-17a-305, 58-17a-401, 58-17a-402, 58-17a-501, 58-17a-502, 58-17a-502.5, 58-17a-503, 58-17a-601, 58-17a-602, 58-17a-603, 58-17a-604, 58-17a-605, 58-17a-606, 58-17a-607, 58-17a-608, 58-17a-609, 58-17a-610, 58-17a-611, 58-17a-612, 58-17a-613, 58-17a-614, 58-17a-615, 58-17a-616, 58-17a-617, 58-17a-618, 58-17a-619, 58-17a-620, 58-17a-701, 58-17a-801

Effective July 1, 2004

Chapter 280, Laws of Utah 2004

SB 118 **Judiciary Amendments** (*Lyle W. Hillyard*)

This bill changes the time for appeal of a small court's judgment and makes technical changes.

This bill:

- ▶ expands the time period to file an appeal in small claims court from ten days to 30;
- ▶ allows parties to stipulate to a change in venue and requires a decision of the judge; and
- ▶ clarifies the notice responsibilities in child welfare mediation.

Amends 78-1-2.2, 78-1-2.3, 78-6-10, 78-7-17.5, 78-13-9, 78-31b-7

Effective May 3, 2004

Chapter 150, Laws of Utah 2004

SB 119 **Prosecution Jurisdiction Amendment** (*Beverly Ann Evans*)

This bill provides additional procedures to facilitate determination of whether the state has jurisdiction over an offense.

This bill:

- ▶ clarifies procedures for challenging the state's jurisdiction to prosecute an offense;
- ▶ specifies burdens of proof and the level of proof required to demonstrate the state does or does not have jurisdiction; and
- ▶ clarifies additional facts that, if proven, would deprive the state of jurisdiction, including diplomatic immunity and occurrence of the offense on federal land.

Amends 76-1-201

Effective May 3, 2004

Chapter 151, Laws of Utah 2004

SB 120 **Residential Property Tax Exemption** (*David L. Thomas*)

This bill modifies the Property Tax Act to amend residential property tax provisions.

This bill:

- ▶ defines "household";
- ▶ grants rulemaking authority to the Utah State Tax Commission;
- ▶ provides that the residential property tax exemption is limited to one primary residence per household;
- ▶ addresses the application of the residential property tax exemption with respect to an owner of multiple residential properties located within the state; and
- ▶ makes technical changes.
- ▶ This bill takes effect on January 1, 2005.

Amends 59-2-102, 59-2-103

Effective January 1, 2005

Chapter 281, Laws of Utah 2004

SB 122 Payment of Claims on Deceased Settlor's Estate (*John L. Valentine*)

This bill corrects an inadvertent deletion made in a previous bill, and makes a technical correction.

This bill:

- ▶ reinserts language inadvertently deleted from this section that clarifies the priority for payment of claims on a deceased settlor's estate.

Amends 75-7-313

Effective May 3, 2004

Chapter 282, Laws of Utah 2004

SB 123 Court Reporter Amendments (*Lyle W. Hillyard*)

This bill amends provisions defining court reporter designations and professional standards. It clarifies the prohibition against conflict of interest, provides for the revocation of licensure for noncompliance, and makes technical changes.

This bill:

- ▶ changes the designation from "shorthand reporter" to "court reporter";
- ▶ adds new definitions of "voice reporting" and "voice writing";
- ▶ allows for a new designation of "C.V.R." for voice reporters;
- ▶ reiterates the impartiality of court reporters; and
- ▶ makes technical changes.

Amends 58-74-101, 58-74-102, 58-74-201, 58-74-301, 58-74-302, 58-74-501, 58-74-502, 78-56-102, 78-56-103, 78-56-104, 78-56-106

Effective May 3, 2004

Chapter 77, Laws of Utah 2004

SB 124 Prohibition on Sales and Use Tax Incentive Payments by a County or Municipality (*Sheldon L. Killpack*)

This bill amends the Cities, Counties, and Local Taxing Units title.

This bill:

- ▶ creates the Prohibition on Sales and Use Tax Incentive Payments Act;
- ▶ defines terms;
- ▶ prohibits a county or municipality from making a sales and use tax incentive payment under an agreement entered into on or after July 1, 2004; and
- ▶ prohibits a county or municipality from entering into an agreement on or after July 1, 2004, to make a sales and use tax incentive payment.
- ▶ This bill takes effect on July 1, 2004.

Enacts 11-41-101, 11-41-102, 11-41-103

Effective July 1, 2004

Chapter 283, Laws of Utah 2004

SB 125 Confidentiality of Drug Testing *(Paula F. Julander)*

This bill modifies the Labor Code to address provisions related to employer drug testing.

This bill:

- ▶ requires disclosure to the Division of Occupational and Professional Licensing of drug or alcohol test-related information concerning health care providers;
- ▶ explains when the Division of Occupational and Professional Licensing may use the information in an action;
- ▶ allows the Division of Occupational and Professional Licensing to examine the employer as a witness regarding the information; and
- ▶ makes technical changes.

Amends 34-38-13

Effective May 3, 2004

Chapter 152, Laws of Utah 2004

SB 128 Long-term Care Facilities Amendments *(Leonard M. Blackham)*

This bill enacts the Nursing Care Facility Assessment Act to improve the Medicaid reimbursement rate for care given to the elderly and the physically disabled in nursing care facilities.

This bill:

- ▶ designates the Department of Health as the collecting agent for the nursing care facility assessment; and
- ▶ enacts the Nursing Care Facility Assessment Act which includes:
 - definitions;
 - collection, remittance, and payment of the nursing care facility assessment;
 - penalties for nonpayment or underpayment of the assessment;
 - the creation of a restricted account; and
 - adjustments to the nursing care facility Medicaid reimbursement rate under certain circumstances.
- ▶ This bill takes effect on July 1, 2004.

Amends 26-1-30 (Effective 07/01/04); Enacts 26-35a-101, 26-35a-102, 26-35a-103, 26-35a-104, 26-35a-105, 26-35a-106, 26-35a-107

Effective July 1, 2004

Chapter 284, Laws of Utah 2004

SB 129 Community Associations (*Michael G. Waddoups*)

This bill modifies the Real Estate Code to enact the Community Association Act.

This bill:

- ▶ defines terms;
- ▶ enacts provisions governing the payment of common expenses and assessments of a community association;
- ▶ provides costs and attorney fees under certain circumstances;
- ▶ regulates liens and foreclosures related to assessments;
- ▶ regulates termination of utility services and use of recreational facilities within a community association;
- ▶ provides for future lease payments to be credited toward an assessment under certain circumstances;
- ▶ requires written assessment statements under certain circumstances; and
- ▶ regulates assessment payments by a lien holder.

Enacts 57-8a-101, 57-8a-102, 57-8a-103, 57-8a-201, 57-8a-202, 57-8a-203, 57-8a-204, 57-8a-205, 57-8a-206, 57-8a-207

Effective May 3, 2004

Chapter 153, Laws of Utah 2004

SB 131 Uniform Principal and Income Act (*Lyle W. Hillyard*)

This bill revises the Uniform Principal and Income Act enacted in 1979.

This bill:

- ▶ applies probate administration rules to revocable living trusts;
- ▶ provides for the allocation of net income from partnership interests under specific circumstances;
- ▶ allocates between principal and income the income from harvesting and selling timber;
- ▶ allocates between principal and income the receipts from derivatives, options, and asset-backed securities;
- ▶ deals with disbursements made because of environmental laws;
- ▶ specifically addresses deferred compensation in greater detail than the previous version;
- ▶ changes the percentage used to allocate amounts received from oil and gas; and
- ▶ eliminates the unproductive property rule for trusts other than marital deduction trusts.

Enacts 22-3-101, 22-3-102, 22-3-103, 22-3-104, 22-3-105, 22-3-106, 22-3-107, 22-3-201, 22-3-202, 22-3-301, 22-3-302, 22-3-303, 22-3-401, 22-3-402, 22-3-403, 22-3-404, 22-3-405, 22-3-406, 22-3-407, 22-3-408, 22-3-409, 22-3-410, 22-3-411, 22-3-412, 22-3-413, 22-3-414, 22-3-415, 22-3-501, 22-3-502, 22-3-503, 22-3-504, 22-3-505, 22-3-506, 22-3-601, 22-3-602, 22-3-603; Repeals 22-3-1, 22-3-2, 22-3-3, 22-3-4, 22-3-5, 22-3-6, 22-3-7, 22-3-8, 22-3-9, 22-3-10, 22-3-11, 22-3-12, 22-3-13, 22-3-14, 22-3-15, 22-3-16

Effective May 3, 2004

Chapter 285, Laws of Utah 2004

SB 132 Utah Construction Trades Licensing Act - Electrical Licensing Amendments
(*Scott K. Jenkins*)

This bill modifies provisions of the Utah Construction Trades Licensing Act related to the qualifications for licensure as a master electrician and journeyman electrician.

This bill:

- ▶ removes the eight years of practical experience option to qualify for licensure as a master electrician;
- ▶ increases the six years of practical experience option to eight years to qualify for licensure as a journeyman electrician; and
- ▶ provides a grandfather clause.

Amends 58-55-302

Effective May 3, 2004

Chapter 236, Laws of Utah 2004

SB 133 Bulk Delivery of Motor Fuel (*Howard A. Stephenson*)

This bill modifies the Motor and Special Fuel Tax Act to amend motor fuel tax exemption provisions.

This bill:

- ▶ repeals the minimum quantity purchase requirement by the United States government, this state, or political subdivisions of this state to qualify for a motor fuel tax exemption;
- ▶ grants rulemaking authority to the State Tax Commission to administer this tax exemption; and
- ▶ makes technical changes.

Amends 59-13-201

Effective May 3, 2004

Chapter 237, Laws of Utah 2004

SB 134 Governor's Commission for Women and Families (*Carlene M. Walker*)

This bill modifies the Governor's Commission for Women and Families.

This bill:

- ▶ modifies the name of the commission;
- ▶ provides for administrative support;
- ▶ reduces the size of the commission and provides for terms of appointment;
- ▶ simplifies the duties of the commission;
- ▶ repeals the responsibility of the commission to recommend staff to the governor;
- ▶ sunsets the commission in four years unless it is reauthorized; and
- ▶ makes technical changes.

Amends 63-47-1, 63-47-2, 63-47-3, 63-47-5, 63-47-7, 63-55-263; Repeals 63-47-6

Effective May 3, 2004

Chapter 238, Laws of Utah 2004

SB 135 Center for Multicultural Health (*James M. Evans*)

This bill amends the Health Code.

This bill:

- ▶ creates the Center for Multicultural Health within the Department of Health;
- ▶ specifies the center's duties;
- ▶ appropriates monies for the center; and
- ▶ requires annual reporting to the Legislature.
- ▶ This bill appropriates:
 - ▶ as an ongoing appropriation subject to future budget constraints, \$100,000 from the General Fund for fiscal year 2004-05 to the Department of Health to fund the Center for Multicultural Health.

Enacts 26-7-2

Effective May 3, 2004

Chapter 286, Laws of Utah 2004

SB 136 Uniform Interstate Family Support Act (*Lyle W. Hillyard*)

This bill makes amendments conforming the Uniform Interstate Family Support Act with other uniform laws and statutes and makes technical corrections.

This bill:

- ▶ adds definitions of "person" and "record" to the definition section;
- ▶ clarifies the duration of personal jurisdiction a state has over parties to an action;
- ▶ allows modifications to a support order to be made by the state controlling the order, even if the parties no longer reside in that state;
- ▶ authorizes an issuing tribunal to request that a tribunal of another state enforce its order;
- ▶ modifies the definition of state to include foreign countries;
- ▶ clarifies that the duration of a support order will be based on the initial controlling order;
- ▶ allows a party or witness residing in another state to be deposed or testify under penalty of perjury by telephone, audiovisual means, or other electronic means;
- ▶ clarifies procedures for when there are two or more support orders in existence; and
- ▶ clarifies who must receive notice when two or more support orders exist and a controlling order determination must be made.

Amends 78-45f-101, 78-45f-103, 78-45f-201, 78-45f-205, 78-45f-206, 78-45f-207, 78-45f-208, 78-45f-209, 78-45f-301, 78-45f-303, 78-45f-304, 78-45f-305, 78-45f-306, 78-45f-307, 78-45f-308, 78-45f-310, 78-45f-311, 78-45f-314, 78-45f-316, 78-45f-317, 78-45f-319, 78-45f-401, 78-45f-501, 78-45f-502, 78-45f-503, 78-45f-506, 78-45f-507, 78-45f-601, 78-45f-602, 78-45f-604, 78-45f-605, 78-45f-607, 78-45f-610, 78-45f-611, 78-45f-612, 78-45f-701, 78-45f-801, 78-45f-802, 78-45f-901; Enacts 78-45f-210, 78-45f-211, 78-45f-615; Repeals and Reenacts 78-45f-202, 78-45f-312

Effective May 3, 2004

Chapter 78, Laws of Utah 2004

SB 137 Interstate Compact for Adult Offender Supervision - Application Fee (*Karen Hale*)

This bill provides for an application process and fee for adult offenders who want to move out of state, but are still under the supervision of the Department of Corrections.

This bill:

- ▶ provides a process by which adult offenders under the supervision of the Department of Corrections may move to another state;
- ▶ allows the Department of Corrections to create an application for a transfer out of state;
- ▶ sets an application fee;
- ▶ creates a restricted account within the General Fund; and
- ▶ requires that the fee be deposited in the restricted account for the administration of the Interstate Compact.

Enacts 77-28c-104, 77-28c-105

Effective May 3, 2004

Chapter 239, Laws of Utah 2004

SB 138 Fishing and Hunting License Amendments (*David L. Gladwell*)

This bill amends age requirement provisions for obtaining certain fishing and hunting licenses.

This bill:

- ▶ allows 11-year-old persons to obtain a combination license to hunt small game and fish if their 12th birthday falls within the calendar year for which the license is issued;
- ▶ allows 11-year-old persons to obtain a cougar or bear hunting permit if their 12th birthday falls within the calendar year for which the hunting permit is issued;
- ▶ allows 11-year-old persons to obtain a small game hunting license if their 12th birthday falls within the calendar year for which the license is issued;
- ▶ allows a person 12 years of age or older, and in certain circumstances, 11-year-old persons, to obtain a turkey hunting permit; and
- ▶ provides that \$1 of each resident's turkey hunting fee be used for the hunters' education program.
- ▶ This bill provides a coordination clause.

Amends 23-19-17, 23-19-22.5, 23-19-25, 23-19-26; Enacts 23-19-22.6

Effective May 3, 2004

Chapter 287, Laws of Utah 2004

SB 139 Individual Income Tax - Nonresident Income Amendments (*Curtis S. Bramble*)

This bill amends the Individual Income Tax Act.

This bill:

- ▶ provides and modifies definitions;
- ▶ addresses the calculation of state individual income taxes imposed on a nonresident individual;
- ▶ provides that compensation a nonresident servicemember receives for military service is subtracted from income for purposes of calculating the nonresident servicemember's state individual income tax;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation for taxable years beginning on or after January 1, 2004.

Amends 59-10-116

Effective May 3, 2004

Chapter 79, Laws of Utah 2004

SB 141 **New Judge - Second District Court** (*Gregory S. Bell*)

This bill adds a new judge to the Second Judicial District.

This bill:

- ▶ adds one judge to the second judicial district; and
- ▶ makes technical, conforming amendments to account for earlier amendments.

Amends 78-1-2.2

Effective May 3, 2004

Chapter 288, Laws of Utah 2004

SB 142 **Validity of Marriage Licenses** (*Gene Davis*)

This bill provides that a marriage license issued in Utah may only be used in Utah.

This bill:

- ▶ clarifies that a marriage license issued by a county clerk within this state may only be used within this state; and
- ▶ makes technical changes.

Amends 30-1-7

Effective May 3, 2004

Chapter 289, Laws of Utah 2004

SB 143 **Criminal Offense Attempt Amendments** (*David L. Gladwell*)

This bill clarifies the elements of an attempt to commit an offense.

This bill:

- ▶ clarifies that an attempt to commit a crime includes situations where the defendant is aware that his actions are reasonably certain to cause a result that is an element of the offense; and
- ▶ clarifies that a defendant's conduct constitutes a substantial step toward committing a crime if the conduct strongly corroborates the defendant's awareness of his actions as described above.

Amends 76-4-101

Effective May 3, 2004

Chapter 154, Laws of Utah 2004

SB 144 **Corporations Sole Amendments** (*Lyle W. Hillyard*)

This bill modifies provisions of the Corporations Code related to corporations sole.

This bill:

- ▶ requires a corporation sole, when amending or restating its articles of incorporation, to:
 - provide a name, title, and street address of an incorporator; and
 - maintain an official representative;
- ▶ modifies certain requirements related to filings by a corporation sole;
- ▶ allows a corporation sole to maintain a registered office and registered agent;
- ▶ prohibits the formation of a new corporation sole after May 3, 2004; and
- ▶ makes technical changes.

Amends 16-7-5, 16-7-8, 16-7-9, 16-7-12, 16-7-14; Enacts 16-7-15, 16-7-16

Effective May 3, 2004

Chapter 16, Laws of Utah 2004

SB 145 County Surveyor Amendments (*Carlene M. Walker*)

This bill modifies county surveyor provisions.

This bill:

- ▶ establishes criminal penalties for failure to file the map of a survey with the county surveyor within 90 days;
- ▶ provides a definition of land surveyor; and
- ▶ clarifies that a land surveyor's professional license may be revoked for specified failures.

Amends 17-23-17

Effective May 3, 2004

Chapter 155, Laws of Utah 2004

SB 146 Olympic Law Revisions and Cleanup (*Beverly Ann Evans*)

This bill modifies multiple titles in the code to remove provisions that relate to the 2002 Winter Olympic Games but that are no longer relevant to the code.

This bill:

- ▶ deletes provisions related to the mayor appointing a commission, board, or committee of a public sports entity;
- ▶ deletes references to the State Olympic Officer, the State Olympic Public Safety Command, and Federal Olympic Officer;
- ▶ deletes citations to the State Olympic Coordination Act;
- ▶ deletes certain references to the Olympics;
- ▶ deletes Olympic related definitions from the Sales and Use Tax Act;
- ▶ deletes provisions in the Sales and Use Tax Act concerning admission or user fees relating to the Olympics;
- ▶ deletes provisions in the Sales and Use Tax Act concerning certain sales, uses, leases, or rentals related to the Olympics;
- ▶ deletes local tax provisions related to the Olympics;
- ▶ deletes provisions related to the motor vehicle rental tax that relates to the Olympics;
- ▶ repeals provisions related to the purchase of tangible assets used during the Olympics; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 10-3-1219, 49-13-203, 53-1-104, 53-13-106, 53-13-107, 58-1-307, 59-1-403 (Contingently Effective 05/02/05), 59-1-403 (Effective 07/01/04 Cont. Sup. 05/05), 59-12-102 (Effective 07/01/04), 59-12-103 (Effective 07/01/04), 59-12-104 (Effective 07/01/04), 59-12-105 (Effective 07/01/04), 59-12-301 (Effective 07/01/04), 59-12-352, 59-12-353, 59-12-603 (Effective 07/01/04), 59-12-1201, 63-55b-163, 67-22-2; Repeals 63-56-35.9

Effective July 1, 2004

Chapter 156, Laws of Utah 2004

SB 147 Condominium Amendments (*Michael G. Waddoups*)

This bill modifies the Condominium Ownership Act.

This bill:

- ▶ designates certain areas within a condominium as:
 - part of a unit;
 - common areas and facilities; or
 - limited common areas and facilities.

Enacts 57-8-7.2

Effective May 3, 2004

Chapter 290, Laws of Utah 2004

SB 149 **Pete Suazo Utah Athletic Commission Act Amendments** (*Ed P. Mayne*)

This bill modifies provisions of the Pete Suazo Utah Athletic Commission Act.

This bill modifies:

- ▶ certain definitions;
- ▶ provisions related to unarmed self-defense; and
- ▶ exemptions to the chapter.

Amends 13-33-102, 13-33-401, 13-33-506

Effective May 3, 2004

Chapter 17, Laws of Utah 2004

SB 150 **Judicial Confirmation Process Amendments** (*D. Chris Buttars*)

This bill modifies provisions relating to the information the Senate receives regarding gubernatorial judicial appointees.

This bill:

- ▶ requires the governor to provide the Senate Judicial Confirmation Committee with the same information provided the governor by the Judicial Nominating Commission;
- ▶ requires the governor to provide any letters received regarding the judicial appointee unless the letter directs that it may not be shared; and
- ▶ establishes that the Senate Judicial Confirmation Committee may classify records it receives from the governor as private in accordance with Section 63-3-302.

Amends 67-1-2

Effective May 3, 2004

Chapter 291, Laws of Utah 2004

SB 152 **Division of Community Development Name Change** (*Scott K. Jenkins*)

This bill modifies provisions related to the Division of Community Development.

This bill:

- ▶ changes the name of the Division of Community Development to the Division of Housing and Community Development; and
- ▶ makes certain technical changes.
- ▶ This bill provides an effective date.

Amends 9-1-810, 9-3-403, 9-4-102, 9-4-201, 9-4-1002, 9-4-1403, 9-10-101, 9-11-102, 9-14-101, 9-15-101, 35A-3-103, 35A-3-309, 59-12-902 (Effective 07/01/04), 59-12-902 (Superseded 07/01/04), 63-38d-502

Effective May 3, 2004

Chapter 18, Laws of Utah 2004

SB 154 School Building Legislative Task Force (*Howard A. Stephenson*)

This bill creates the School Building Legislative Task Force.

This bill:

- ▶ provides for membership of the task force and compensation of members;
- ▶ outlines the responsibilities and duties of the task force;
- ▶ provides for a final report to the Education Interim Committee; and
- ▶ provides for staffing the task force.
- ▶ This bill appropriates:
 - ▶ \$44,500 from the General Fund for fiscal year 2003-04 only, to fund the task force.
 - ▶ This bill is repealed on November 30, 2004.

Effective May 3, 2004

Chapter 292, Laws of Utah 2004

SB 155 County Mental Health Amendments (*Gene Davis*)

This bill amends provisions related to the Local Mental Health and Local Substance Abuse Authority.

This bill:

- ▶ adds a representative of the legislative body of each participating county to the advisory council;
- ▶ requires the county legislative body to approve the funding and service delivery plan for the local authority; and
- ▶ restricts use of public funds to purposes authorized in the mental health or substance abuse plan.

Amends 17-43-201, 17-43-203, 17-43-301, 17-43-303, 17-43-309, 62A-15-102

Effective May 3, 2004

Chapter 80, Laws of Utah 2004

SB 157 Authorization to Perform Marriages (*Carlene M. Walker*)

This bill clarifies those who are authorized to solemnize a marriage may not delegate or deputize other persons to solemnize a marriage.

This bill:

- ▶ prohibits persons authorized to solemnize a marriage from delegating or deputizing other persons to solemnize a marriage.

Amends 30-1-6

Effective May 3, 2004

Chapter 157, Laws of Utah 2004

SB 158 Criminal Offense Amendments (*Gregory S. Bell*)

This bill repeals the criminal provision of absconding and amends related provisions.

This bill:

- ▶ repeals the offense of absconding and amends criminal code and juvenile offender provisions affected by this repealer.
- ▶ This bill provides an effective date.

Amends 62A-7-106 (Effective 07/01/04), 62A-7-106 (Superseded 07/01/04), 76-8-306; Repeals 76-8-309.5

Effective March 22, 2004

Chapter 240, Laws of Utah 2004

SB 159 **Annexation of Public Land to Special and Local Districts** *(Mike Dmitrich)*

This bill modifies provisions relating to annexation to a local district or certain special districts.

This bill:

- ▶ allows the owner of publicly owned land, except the federal government, to petition for annexation to a local district or certain special districts when all the land within the area proposed for annexation is publicly owned.

Amends 17B-2-503

Effective May 3, 2004

Chapter 158, Laws of Utah 2004

SB 160 **Controlled Substances Act Amendments** *(Paula F. Julander)*

This bill repeals the requirement for practitioners to have a separate controlled substance license at each principal place of business, and amends prescription labeling requirements.

This bill:

- ▶ repeals the requirement for those licensed to prescribe and administer controlled substances listed in Schedules I through V to have a separate license at each principal place of business or professional practice; and
- ▶ removes the prescription label provision that required the pharmacist's personal name to be on the label.

Amends 58-37-2, 58-37-6, 58-37-7

Effective May 3, 2004

Chapter 241, Laws of Utah 2004

SB 161 **Judicial Conduct Commission** *(Michael G. Waddoups)*

This bill amends the Judicial Conduct Commission procedures to make conforming amendments to a recent Utah Supreme Court opinion.

This bill:

- ▶ prohibits the commission or its staff from initiating a complaint against a judge; and
- ▶ repeals the statutory authority of the Judicial Conduct Commission to issue private, informal orders of reprimand.

Amends 78-8-101, 78-8-107

Effective May 3, 2004

Chapter 293, Laws of Utah 2004

SB 162 Interstate Insurance Product Regulation - Compact (*John L. Valentine*)

This bill amends the Insurance Title to enact the Interstate Insurance Product Regulation Compact.

This bill:

- ▶ provides a purpose statement;
- ▶ provides definitions;
- ▶ establishes the Interstate Insurance Product Regulation Commission and venue for proceedings by or against the commission;
- ▶ establishes the powers of the commission;
- ▶ addresses the organization of the commission;
- ▶ addresses meetings and acts of the commission;
- ▶ provides for rulemaking by the commission including establishing uniform standards from which a state can opt out;
- ▶ addresses commission records and enforcement;
- ▶ provides for dispute resolution;
- ▶ provides for product filing and approval;
- ▶ provides for the review of commission decisions regarding filings;
- ▶ addresses the finances of the commission;
- ▶ provides for compacting states, effective date, and amendment;
- ▶ provides for withdrawal, default, and termination;
- ▶ provides for severability and construction of the compact; and
- ▶ addresses binding effect of the compact and other laws.
- ▶ This bill takes effect on May 3, 2004, except that the compact provides that it takes effect upon legislative enactment by two Compacting States and the Commission becomes effective for certain purposes only after 26 states are Compacting States or states representing greater than 40% of premium volume for life insurance, annuity, disability income, and long-term care insurance products enact the compact.

Enacts 31A-38-101

Effective May 3, 2004

Chapter 242, Laws of Utah 2004

SB 163 Property Tax - Confidentiality of Certain Information (*Howard A. Stephenson*)

This bill amends provisions of the Open and Public Meetings chapter and the Revenue and Taxation title relating to confidentiality of information.

This bill:

- ▶ amends and provides definitions;
- ▶ amends the purposes for which a meeting may be closed under the Open and Public Meetings chapter to include discussion by a county legislative body of commercial information;
- ▶ provides circumstances under which certain individuals may:
 - disclose information;
 - disclose commercial information; or
 - file a lien;
- ▶ modifies penalty provisions to provide that an officer or employee of the state or a county who violates the property tax confidentiality statute may only be dismissed from office and be disqualified from holding public office for a certain time period if that officer or employee is convicted of violating the property tax confidentiality statute;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 52-4-5, 59-1-404

Effective March 23, 2004

Chapter 294, Laws of Utah 2004

SB 166 Off-highway Vehicle Registration Provisions (*Thomas V. Hatch*)

This bill modifies the Motor Vehicles Code to amend off-highway vehicle registration provisions.

This bill:

- ▶ requires the Motor Vehicle Division to assign an off-highway vehicle registration number to each registered off-highway vehicle;
- ▶ requires the owner of an off-highway vehicle to affix and display the off-highway vehicle registration number assigned by the Motor Vehicle Division;
- ▶ provides requirements for readability and display of off-highway vehicle registration numbers and registration stickers;
- ▶ requires a registered off-highway vehicle to have a registration sticker that uniquely identifies the off-highway vehicle;
- ▶ requires replacement of lost or illegible off-highway vehicle registration stickers;
- ▶ prohibits a person from altering or defacing a registration sticker, registration card, permit, or off-highway vehicle registration number issued for an off-highway vehicle;
- ▶ requires the replacement of a lost, stolen, or illegible registration sticker issued for an off-highway vehicle;
- ▶ repeals provisions making a violation of off-highway vehicle related rules made by the Board of Parks and Recreation a class C misdemeanor;
- ▶ allows a county as well as a municipality to adopt ordinances for certain off-highway vehicle operators;
- ▶ clarifies provisions related to designating and posting areas and highways open to off-highway vehicle use; and
- ▶ makes technical changes.
- ▶ This bill takes effect on January 1, 2005.

Amends 41-22-3, 41-22-4, 41-22-7, 41-22-8, 41-22-10.5, 41-22-17; Enacts 41-22-3.1, 41-22-5.1

Effective January 1, 2005

Chapter 159, Laws of Utah 2004

SB 167 **Victim Restitution Amendments** (*Gregory S. Bell*)

This bill allows for pretrial orders to preserve property that might be necessary to satisfy an anticipated restitution order in the case of a conviction.

This bill:

- ▶ allows a prosecutor to ask the court to take action to preserve property that might be necessary to satisfy a restitution order;
- ▶ requires notice and opportunity for a hearing be given to persons having an interest in the property:
- ▶ allows notice and opportunity for a hearing to be waived under certain conditions; and
- ▶ limits the time period of the order.

Enacts 77-38a-601

Effective May 3, 2004

Chapter 160, Laws of Utah 2004

SB 168 **Driver License Related Amendments** (*Carlene M. Walker*)

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions related to driver licensing and the Driver License Division.

This bill:

- ▶ clarifies the suspension and revocation periods for denying, suspending, revoking, or disqualifying a driver's driving privileges in certain circumstances;
- ▶ amends notice and hearing requirements for Driver License Division denial, revocation, suspension, or disqualification hearings in certain circumstances;
- ▶ amends abstract requirements for courts to report violations to the Driver License Division;
- ▶ amends the definition of extension for a driver license renewal;
- ▶ provides that a driving record furnished by the Driver License Division may report on the driving record of a person for a period of ten years, instead of six;
- ▶ amends the definition of qualifying conviction for purposes of issuing no alcohol conditional licenses and qualifying conviction coded licenses;
- ▶ provides that the Driver License Division may issue, reinstate, or renew a driver license only in the form of a no alcohol conditional license to a person for a period of ten years, instead of six, following a second or subsequent qualifying driving under the influence conviction; and
- ▶ makes technical changes.

Amends 41-6-44, 41-6-44.10, 41-6-173, 53-3-102, 53-3-109, 53-3-219, 53-3-220, 53-3-223, 53-3-231, 53-3-232, 53-3-233, 53-3-418

Effective May 3, 2004

Chapter 161, Laws of Utah 2004

SB 170 Public Transit District Amendments (*James M. Evans*)

This bill modifies the Special Districts Code and the Utah Public Transit District Act to amend provisions relating to transit districts serving a population of more than 200,000 people.

This bill:

- ▶ requires transit districts serving a population of more than 200,000 people to send a copy of its tentative budget and notice of the time and place for its budget hearing to each of its constituent entities 30 days prior to final adoption;
- ▶ requires transit districts serving a population of more than 200,000 people to send a copy of its annual audit report within 30 days after its presentation to the board;
- ▶ provides procedures for reapportioning representation on the board of trustees following a decennial census;
- ▶ provides board members for transit districts serving a population of more than 200,000 people shall serve for two-year terms instead of three-year terms and for up to three consecutive terms instead of two consecutive terms;
- ▶ repeals a prohibition that an elected official may not serve on the board of trustees;
- ▶ allows board members to be recalled for any reason, not just for cause, and provides procedures for recalls and resignations of board members;
- ▶ requires the board to submit agendas, notices, and minutes of board meetings to each constituent entity within certain time frames;
- ▶ provides that a municipality or county is not prohibited from providing certain transportation services; and
- ▶ makes technical changes.
- ▶ This bill provides a coordination clause.

Amends 17A-1-502, 17A-1-503, 17A-2-1038, 17A-2-1051, 17A-2-1063; Enacts 17A-2-1060.1

Effective May 3, 2004

Chapter 295, Laws of Utah 2004

SB 171 Property Tax Treatment of Transportable Factory-Built Housing Units (*Curtis S. Bramble*)

This bill amends the Property Tax Act and the Mortgage Lending and Servicing Act.

This bill:

- ▶ amends and provides definitions;
- ▶ addresses the treatment of transportable factory-built housing units as personal property or real property for purposes of the Property Tax Act;
- ▶ provides that the treatment of transportable factory-built housing units for purposes of the Property Tax Act shall be determined without regard to the treatment of mobile homes or manufactured homes for purposes of the Mortgage Lending and Servicing Act;
- ▶ clarifies that the treatment of mobile homes or manufactured homes for purposes of the Mortgage Lending and Servicing Act shall be determined without regard to the treatment of transportable factory-built housing units for purposes of the Property Tax Act; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation to January 1, 2004.

Amends 59-2-102, 70D-1-20; Enacts 59-2-1501, 59-2-1502, 59-2-1503

Effective May 3, 2004

Chapter 243, Laws of Utah 2004

SB 173 Bail Bond Reinstatement Amendments (*Gregory S. Bell*)

This bill amends provisions regarding bond forfeiture if a defendant fails to appear for a court proceeding.

This bill:

- ▶ provides that if the defendant appears in court within seven days after missing a court appearance, the court may reinstate a forfeited bond without notice to the surety; and
- ▶ provides that if the defendant fails to appear within seven days after missing a court appearance, the court may not reinstate the bond without the consent of the surety.

Amends 77-20b-101

Effective May 3, 2004

Chapter 91, Laws of Utah 2004

SB 175 Protection of Private Lawfully Obtained Property (*D. Chris Buttars*)

This bill modifies the Utah Uniform Forfeiture Procedures Act regarding property owner interests, allocation of forfeiture proceeds, and reporting.

This bill:

- ▶ provides additional definitions;
- ▶ increases innocent owner protections;
- ▶ repeals the provision for depositing forfeiture proceeds in the Uniform School Fund;
- ▶ creates a restricted account for specified state forfeiture funds, and provides that funds in the account shall be appropriated to the Commission on Criminal and Juvenile Justice;
- ▶ specifies accountability standards in management of forfeited property and of the proceeds;
- ▶ specifies law enforcement purposes for which the proceeds may be used and those purposes for which the proceeds may not be used;
- ▶ specifies standards and procedures for allocation of the proceeds to law enforcement agencies by the Commission on Criminal and Juvenile Justice; and
- ▶ requires reporting by agencies and by the Commission on Criminal and Juvenile Justice.

Amends 24-1-2, 24-1-3, 24-1-4, 24-1-6, 24-1-7, 24-1-10, 24-1-11, 24-1-12, 24-1-14, 24-1-15;
Enacts 24-1-3.5, 24-1-17, 24-1-18, 24-1-19, 24-1-20; Repeals 24-1-16

Effective May 3, 2004

Chapter 296, Laws of Utah 2004

SB 176 Financial Institutions Amendments (*John L. Valentine*)

This bill modifies the Financial Institutions Act to permit certain financial institutions to be organized as limited liability companies, to provide for industrial banks, and to provide for a study.

This bill:

- ▶ provides the conditions under which specified financial institutions can be organized as or converted to a limited liability company;
- ▶ addresses application of corporate terminology to limited liability companies;
- ▶ changes references to industrial loan corporations to industrial banks;
- ▶ addresses formation and operation of industrial banks;
- ▶ provides grandfathering for nondepository industrial loan companies;
- ▶ provides for the study of whether specified financial institutions should be allowed to be organized as or convert to a limited liability company; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.
- ▶ This bill provides revisor instructions.

Amends 7-1-103, 7-1-201, 7-1-203, 7-1-207, 7-1-301, 7-1-324, 7-1-503, 7-1-701, 7-3-3, 7-8-3, 7-8-5, 7-8-7, 7-8-11, 7-8-12, 7-8-13, 7-8-14, 7-8-15, 7-8-16, 7-8-19, 7-8-20, 9-2-1923, 25-5-4, 31A-21-109, 67-4a-102, 75-6-101, Section 27, Chapter 327, Laws of Utah 2003, Section 27, Chapter 327, Laws of Utah 2003; Enacts 7-1-810, 7-8-21

Effective March 17, 2004

Chapter 92, Laws of Utah 2004

SB 177 Property Tax - Outdoor Advertising (*Michael G. Waddoups*)

This bill modifies the Property Tax Act to clarify the definition of personal property.

This bill:

- ▶ amends the definition of personal property to clarify that outdoor advertising structures are personal property; and
- ▶ makes technical changes.
- ▶ This bill provides for retrospective operation.

Amends 59-2-102

Effective May 3, 2004

Chapter 162, Laws of Utah 2004

SB 178 Mortgage Broker Amendments (*Michael G. Waddoups*)

This bill modifies the Utah Residential Mortgage Practices Act.

This bill:

- ▶ defines terms;
- ▶ enacts provisions related to records inspections conducted by the Division of Real Estate;
- ▶ modifies the duties of the Residential Mortgage Regulatory Commission;
- ▶ modifies the scope of the Utah Residential Mortgage Practices Act;
- ▶ allows an individual exempt from the chapter to voluntarily obtain a license;
- ▶ exempts certain individuals with an ownership interest in a licensed entity from the requirements of the chapter;
- ▶ establishes license categories of mortgage officer and principal lending manager, and enacts provisions related to those license categories;
- ▶ modifies certain provisions related to obtaining and revoking a license;
- ▶ enacts prelicensing education requirements;
- ▶ repeals provisions related to requirements for bonding, letter of credit, and deposit of assets;
- ▶ makes certain actions of the Residential Mortgage Regulatory Commission subject to the concurrence of the division;
- ▶ allows reciprocal licensure for applicants licensed in another state;
- ▶ enacts provisions related to activation and inactivation of a license;
- ▶ modifies certain operational restrictions;
- ▶ modifies the persons subject to an investigation by the Division of Real Estate;
- ▶ enacts provisions related to record retention requirements;
- ▶ enacts provisions governing civil actions;
- ▶ provides for the establishment and operation of the Residential Mortgage Loan Education, Research, and Recovery Fund to pay certain claims under this chapter;
- ▶ provides uses for excess monies in the Residential Mortgage Loan Education, Research, and Recovery Fund, including:
 - providing educational courses and materials;
 - contracting for research projects; and
 - funding salaries and training expenses for certain Division of Real Estate staff; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 61-2c-102, 61-2c-103, 61-2c-104 (Effective 07/01/04), 61-2c-104 (Superseded 07/01/04), 61-2c-105, 61-2c-106, 61-2c-201, 61-2c-202, 61-2c-203, 61-2c-205, 61-2c-301, 61-2c-302, 61-2c-401, 61-2c-402, 61-2c-403, 70D-1-10; Enacts 61-2c-206, 61-2c-207, 61-2c-208, 61-2c-404, 61-2c-501, 61-2c-502, 61-2c-503, 61-2c-504, 61-2c-505, 61-2c-506, 61-2c-507, 61-2c-508, 61-2c-509, 61-2c-510; Repeals 61-2c-204

Effective May 3, 2004

Chapter 297, Laws of Utah 2004**SB 179**
Expedited Appeals in Child Welfare Cases (*Lyle W. Hillyard*)

This bill amends provisions relating to appeals from juvenile court cases.

This bill:

- ▶ creates an expedited process for appeals from juvenile court orders;
- ▶ requires the notice of appeal to be signed by appellant's counsel and appellant, unless the appellant is a minor child or the state;
- ▶ provides that failure to timely sign a notice of appeal results in the dismissal of the appeal;
- ▶ requires the attorney general to represent the state in all appeals under this chapter;
- ▶ requires the court to notify the parties in open court of the requirements regarding filing an appeal;
- ▶ requires parties to an appeal to maintain regular contact with their counsel and keep all other parties and the appellate court informed of their whereabouts;
- ▶ requires the court to inform the parties' counsel of their obligation to represent their clients throughout the appellate process unless relieved of that obligation;
- ▶ repeals the minor and other parties' right to appeal if they were not represented by counsel; and
- ▶ makes technical changes.

Amends 78-3a-909, 78-3a-913, 78-45c-314

Effective May 3, 2004

Chapter 93, Laws of Utah 2004

SB 182 **Assistant Adjutant General Qualifications** (*Peter C. Knudson*)

This bill modifies the qualifications of the Assistant Adjutant General and the duties of the personnel officer.

This bill:

- ▶ allows the Assistant Adjutant General to appoint a former federally recognized commissioned officer as the personnel officer; and
- ▶ removes from the personnel officer's duties the obligation of serving as both the state recruiting officer and the state public relations officer.

Amends 39-1-18

Effective May 3, 2004

Chapter 81, Laws of Utah 2004

SB 183 **Local Governments - Authority for Design-build Construction** (*Howard A. Stephenson*)

This bill modifies provisions relating to local government building improvement and public works projects.

This bill:

- ▶ adds certain design-build projects as a type of building improvement or public works project that is subject to certain requirements relating to plans and specifications, cost estimates, and bid procedures; and
- ▶ allows a local government entity, with respect to certain design-build projects, to award a bid to a responsible bidder that offers design-build services rather than to the lowest responsive responsible bidder.

Amends 11-39-101, 11-39-103

Effective May 3, 2004

Chapter 94, Laws of Utah 2004

SB 184 Interlocal Cooperation Act Amendments (*Gregory S. Bell*)

This bill modifies the Interlocal Cooperation Act.

This bill:

- ▶ authorizes public agencies that are parties to an interlocal cooperation agreement to:
 - restrict their authority to issue permits or assess fees; and
 - exempt each other from permit and fee requirements; and
- ▶ provides that those provisions are subject to all remedies provided by law and agreement.

Amends 11-13-202

Effective May 3, 2004

Chapter 163, Laws of Utah 2004

SB 185 Public Education Amendments (*Thomas V. Hatch*)

This bill modifies the State System of Public Education Code and the Election Code relating to the governance of the public education system and the implementation of competency-based education.

This bill:

- ▶ modifies the membership and terms of the nominating and recruiting committee that selects candidates for membership on the State Board of Education;
- ▶ provides definitions;
- ▶ requires the State Board of Education to assist school districts and charter schools to develop and implement:
 - competency-based education; and
 - the use of gain scores;
- ▶ modifies educator licensing provisions;
- ▶ requires the State Board of Education to develop and use monetary and nonmonetary incentives, tools, and rewards;
- ▶ requires documentation verifying the qualifications of a person before a competency-based license to teach may be issued; and
- ▶ delays the implementation of new curriculum and graduation requirements.

Amends 20A-14-104, 53A-1-409, 53A-6-103, 53A-6-104.5, 53A-6-105, 53A-13-108

Effective May 3, 2004

Chapter 19, Laws of Utah 2004

SB 187 Water Conservancy Districts Trustees (*Howard A. Stephenson*)

This bill modifies Special Districts provisions relating to boards of trustees of water conservancy districts.

This bill:

- ▶ provides that for purposes of the selection of water conservancy district board of trustees nominees, a city located in multiple counties shall be considered to be in a single county.

Amends 17A-2-1409

Effective May 3, 2004

Chapter 20, Laws of Utah 2004

SB 190 Sales and Use Tax Exemption Relating to Film, Television, and Video
(Howard A. Stephenson)

This bill amends the Sales and Use Tax Act.

This bill:

- ▶ exempts from state and local sales and use taxes certain purchases, leases, or rentals of machinery or equipment by certain establishments relating to film, television, and video if those purchases, leases, or rentals are related to the production or postproduction of certain media;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2004.

Amends 59-12-102 (Effective 07/01/04), 59-12-104 (Effective 07/01/04)

Effective July 1, 2004

Chapter 298, Laws of Utah 2004

SB 191 Oil and Gas Related Taxes and Fees (Beverly Ann Evans)

This bill amends provisions related to fees and severance taxes imposed on oil and gas.

This bill:

- ▶ addresses how a fee on oil and gas is calculated;
- ▶ modifies definition provisions;
- ▶ addresses the imposition of the severance tax on oil and gas including:
 - how the severance tax is calculated;
 - severance tax rates;
 - the valuation of oil and gas for severance tax purposes; and
 - the filing of required statements;
- ▶ requires the State Tax Commission to conduct a study and report to the Revenue and Taxation Interim Committee and the Utah Tax Review Commission; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation to January 1, 2004.

Amends 40-6-14, 59-5-101, 59-5-102, 59-5-104; Enacts 59-5-103.1; Repeals 59-5-103

Effective May 3, 2004

Chapter 244, Laws of Utah 2004

SB 192 Loan Transactions Amendments (*Michael G. Waddoups*)

This bill creates the Pawnshop Transaction Information Act within the Department of Commerce. The bill establishes record keeping and reporting requirements for pawnbrokers and obligations of law enforcement agencies. This bill requires the creation of a statewide central database. This bill amends the Criminal Code regarding pawnbrokers. This bill also amends the Government Records Access and Management Act regarding reports pawnbrokers are required to provide to law enforcement agencies.

This bill:

- ▶ creates transaction reporting requirements for pawnbroker businesses to report to law enforcement agencies;
- ▶ requires that pawnbroker reporting be conducted electronically and provides exceptions for small pawnbroker businesses and for situations when there is a malfunction;
- ▶ establishes a deadline for pawnbrokers to be reporting electronically and imposes a daily civil penalty for failure to comply;
- ▶ requires that a central statewide database be established for reported transactions;
- ▶ specifies the information and identification, including a fingerprint, that a pawnbroker must require in conducting a transaction;
- ▶ requires that pawnbrokers keep registers of transactions;
- ▶ requires that theft victims and pawnbrokers cooperate with law enforcement investigations in order to recover stolen property;
- ▶ requires that the pawnbroker be given time to comply with upgrades to the central database;
- ▶ specifies the holding period for pawned articles and provides extensions for articles held for law enforcement investigations;
- ▶ imposes annual fees on pawnshops and participating law enforcement officers;
- ▶ requires that pawnbrokers and law enforcement officers participate in annual training;
- ▶ provides that violations of specified sections of the chapter are class C misdemeanors;
- ▶ provides that this chapter preempts any local government ordinances regarding pawnshop businesses if the ordinances are more restrictive than or not consistent with this chapter;
- ▶ provides that records provided to a law enforcement agency in compliance with this chapter are protected records under the Government Records Access and Management Act;
- ▶ creates a Pawnshop Advisory Board within the Department of Commerce;
- ▶ establishes a restricted account for civil penalties and fees imposed under this chapter and specifies uses of funds in the account, which includes training and the costs of the central database;
- ▶ amends the Criminal Code regarding the offense of receiving stolen property to exempt dealers in property who receive it for less than reasonable value from the presumption regarding possession of stolen property; and
- ▶ amends the Criminal Code to delete the value limitation regarding pawnbrokers' obligations to obtain information from individuals selling or delivering property to them.
- ▶ This bill provides an effective date.
- ▶ This bill provides a repeal date.

Amends 63-2-304, 76-6-408; Enacts 13-32a-101, 13-32a-102, 13-32a-103, 13-32a-104, 13-32a-105, 13-32a-106, 13-32a-107, 13-32a-108, 13-32a-109, 13-32a-110, 13-32a-111, 13-32a-112, 13-32a-113, 13-32a-114

Effective January 1, 2005

Chapter 299, Laws of Utah 2004

SB 195 Taxation of Multi-channel Video or Audio Service (*Michael G. Waddoups*)

This bill modifies the Sales and Use Tax Act to modify the transactions that are subject to sales and use tax and enacts the Multi-Channel Video or Audio Service Tax Act.

This bill:

- ▶ deletes certain definitions;
- ▶ defines terms;
- ▶ removes certain amounts paid or charged for multi-channel video or audio service from the sales and use tax base;
- ▶ imposes a state tax on amounts paid or charged for multi-channel video or audio service, including:
 - providing for the collection of the tax, assessments, audits, and imposition of penalties and interest by the State Tax Commission;
 - providing that the tax will be deposited into the General Fund;
 - enacting record keeping requirements for a multi-channel video or audio service provider; and
- ▶ granting rulemaking authority to the State Tax Commission;
- ▶ requires the Revenue and Taxation Interim Committee to conduct a study on amounts paid or charged for multi-channel video or audio service by a multi-channel video or audio service provider; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 59-12-102 (Effective 07/01/04), 59-12-103 (Effective 07/01/04), 59-12-103 (Superseded 07/01/04); Enacts 59-26-101, 59-26-102, 59-26-103, 59-26-104, 59-26-105, 59-26-106, 59-26-107, 59-26-108, 59-26-109, 59-26-110

Effective May 3, 2004

Chapter 300, Laws of Utah 2004

SB 196 Court Fee Adjustments (*David L. Gladwell*)

This bill adds a security surcharge to justice court convictions to fund security and technology in juvenile and justice courts.

This bill:

- ▶ adds juvenile court security to the contract responsibility for the state court administrator;
- ▶ imposes a \$32 security surcharge on criminal convictions and moving violations in justice courts;
- ▶ allows the justice court to retain 20% of the funds collected;
- ▶ distributes 62.5% of the remaining 80% of the funds to the counties in which the justice court which remitted the funds is located;
- ▶ distributes 25% of the remaining 80% of the funds to a restricted account for the Administrative Office of the Courts to use for security needs in juvenile courts; and
- ▶ creates a new restricted account for 12.5% of the remaining 80% of the funds for security and technology needs in justice courts.
- ▶ This bill appropriates to the Administrative Office of the Courts:
 - ▶ \$1,800,000 from the Court Security Account for fiscal year 2004-05 only; and
 - ▶ \$900,000 from the Justice Court Technology, Security, and Training Account for fiscal year 2004-05 only.

Amends 10-8-58, 17-22-5, 17-22-5.5, 17-22-27, 63-63c-102; Enacts 78-5-116.5, 78-5-116.7

Effective May 3, 2004

Chapter 301, Laws of Utah 2004

SB 199 Outsourcing State Jobs (*Leonard M. Blackham*)

This bill enacts provisions related to business development in rural Utah.

This bill:

- ▶ provides for a smart site program dedicated to the development of technology-based industry in rural Utah in which services that might otherwise be performed by state agencies are outsourced to a smart site enterprise;
- ▶ provides for administration of the program by the Department of Community and Economic Development; and
- ▶ provides incentives to state agencies that award technology-based contracts to smart site enterprises.
- ▶ This bill appropriates:
 - ▶ \$40,000 from the General Fund.
 - ▶ This bill takes effect on July 1, 2004.

Amends 9-2-404; Enacts 9-2-416

Effective July 1, 2004

Chapter 302, Laws of Utah 2004

SB 200 License and Certification Extension for Deployed National Guard Members
(*Peter C. Knudson*)

This bill extends the licenses or a certification of active members of the National Guard and members of a reserve component of the armed forces.

This bill:

- ▶ allows for a 90-day extension for certain licenses or a certification that expire while the National Guard member or reservist is on active duty; and
- ▶ exempts the National Guard member or reservist from meeting any continuing education or training requirements to obtain a renewal of a license that expired while the member of the National Guard or reservist was on active duty.

Enacts 39-1-64

Effective May 3, 2004

Chapter 82, Laws of Utah 2004

SB 201 Punitive Damages Amendments (*Lyle W. Hillyard*)

This bill makes changes concerning the division of punitive damage awards with the state.

This bill:

- ▶ requires that the state's portion of a punitive damage award be paid directly to the state by the judgment debtor;
- ▶ puts the state on the same footing as another judgment creditor when collecting punitive damages; and
- ▶ prescribes a priority and order for the payment of punitive damages.

Amends 78-18-1

Effective May 3, 2004

Chapter 164, Laws of Utah 2004

SB 202 Unemployment Insurance Amendments (*Howard A. Stephenson*)

This bill provides the manner in which an employer's unemployment insurance social contribution rate is to be calculated and the manner in which an employer's overall unemployment insurance contribution rate is to be determined.

This bill:

- ▶ provides the manner in which an employer's unemployment insurance social contribution rate is to be calculated on or after January 1, 2005, and sets the rate for the 2004 rate year;
- ▶ provides the manner in which an employer's overall unemployment insurance contribution rate is to be determined;
- ▶ sets the employee maximum weekly unemployment benefit amount at 62.5% of the insured average fiscal year weekly wage; and
- ▶ provides that monies received from the federal government under Section 903 of the Social Security Act, as amended, may not be considered in establishing the reserve factor for the purpose of determining employers' contribution rates.
- ▶ This bill provides an immediate effective date.
- ▶ This bill provides retrospective operation.

Amends 35A-4-303, 35A-4-401

Effective March 15, 2004

Chapter 21, Laws of Utah 2004

SB 204 Redevelopment Agency Changes (*David L. Thomas*)

This bill modifies the Redevelopment Agencies Act to address the combined incremental value.

This bill:

- ▶ modifies the definition of "combined incremental value" to exclude areas located within a federal military installation ordered closed by the Defense Base Realignment and Closure Commission; and
- ▶ makes technical changes.

Amends 17B-4-503

Effective May 3, 2004

Chapter 165, Laws of Utah 2004

SB 206 Property Tax Amendments (*Howard A. Stephenson*)

This bill modifies the Property Tax Act to change the definition of an improvement and designates certain personal property.

This bill:

- ▶ modifies the definition of an improvement for purposes of the Property Tax Act; and
- ▶ requires the Tax Commission to designate certain items as personal property for purposes of the Property Tax Act in accordance with Tax Commission rules in effect on January 1, 2004.
- ▶ This bill provides a coordination clause.

Amends 59-2-102; Enacts 59-2-107

Effective May 3, 2004

Chapter 303, Laws of Utah 2004

SB 214 Prohibition of Obesity Lawsuits (*Howard A. Stephenson*)

This bill enacts the Commonsense Consumption Act.

This bill:

- ▶ provides manufacturers, packers, distributors, carriers, holders, sellers, marketers, and advertisers of food with immunity from civil liability for obesity and weight gain claims;
- ▶ allows an exception for food that does not meet state or federal standards; and
- ▶ requires that any actions commenced plead with particularity the injury and the proximate cause.

Enacts 78-27d-101, 78-27d-102, 78-27d-103, 78-27d-104, 78-27d-105, 78-27d-106

Effective May 3, 2004

Chapter 194, Laws of Utah 2004

SB 215 County Powers Amendments (*David L. Gladwell*)

This bill modifies a provision relating to the powers of counties.

This bill:

- ▶ clarifies that a county's acquisition of real property by condemnation is as provided in general eminent domain statutory provisions;
- ▶ modifies a provision limiting how a provision regarding a county's condemnation authority may be construed; and
- ▶ provides that water rights that are not appurtenant to land are not real property subject to condemnation by a county.

Amends 17-50-302

Effective May 3, 2004

Chapter 166, Laws of Utah 2004

SB 219 Amendments to Justice Court Operations (*Ed P. Mayne*)

This bill allows municipal and county justice courts to operate four days per week with expanded hours.

This bill:

- ▶ allows municipal and county justice courts to be open to transact judicial business for no less than four days per week for at least 11 hours per day.

Amends 78-5-108

Effective May 3, 2004

Chapter 245, Laws of Utah 2004

SB 223 Transportation Construction Amendments (*Dan R. Eastman*)

This bill modifies the Utah Procurement Code and the Public Transit Districts Code to amend provisions related to the procurement of construction for transportation projects.

This bill:

- ▶ provides that public transit facilities and works construction contracts that exceed \$25,000 shall be let in accordance with the Utah Procurement Code;
- ▶ provides that the procurement of design-build transportation project contracts is an authorized source selection method for the selection of the Construction Manager/General Contractor;
- ▶ provides that a public transit district that has more than 200,000 people residing within its boundaries:
 - may award design-build transportation project contracts for any transportation project by following certain requirements; and
 - shall pass ordinances or a resolution establishing requirements for the procurement of design-build contracts; and
- ▶ makes technical changes.

Amends 17A-2-1016, 63-56-36, 63-56-36.1

Effective May 3, 2004

Chapter 167, Laws of Utah 2004

SB 224 Homeless Coordinating Committee (*Karen Hale*)

This bill expands the membership of the state's Homeless Coordinating Committee.

This bill:

- ▶ expands the membership of the Homeless Coordinating Committee to include the chair of the board of trustees of the Utah Housing Corporation and the executive director of the Department of Corrections or their designees.

Amends 9-4-801

Effective May 3, 2004

Chapter 22, Laws of Utah 2004

SB 225 Uninsured and Underinsured Motorist Coverage (*Dan R. Eastman*)

This bill modifies the Insurance Code to amend provisions relating to uninsured and underinsured motorist coverage.

This bill:

- ▶ defines "interpolicy stacking";
- ▶ provides that interpolicy stacking is prohibited except in certain circumstances; and
- ▶ makes technical changes.
- ▶ This bill provides for retroactive application.

Amends 31A-22-305

Effective May 3, 2004

Chapter 304, Laws of Utah 2004

SB 230 Reading Achievement Program (*James M. Evans*)

This bill creates the K-3 Reading Improvement Program.

This bill:

- ▶ provides definitions;
- ▶ creates the K-3 Reading Improvement Program to achieve the state's goals of having third graders reading at or above grade level;
- ▶ requires a school district or charter school to:
 - submit a reading proficiency improvement plan to qualify to use program monies; and
 - report on the expenditure of program monies;
- ▶ provides how program monies are to be allocated among qualifying school districts and charter schools;
- ▶ prohibits a school district or charter school from using program monies to supplant funds for existing programs;
- ▶ requires the State Board of Education to make rules to implement the program; and
- ▶ authorizes a local school board leeway to fund a school district's K-3 Reading Improvement Program.
- ▶ This bill appropriates from the Uniform School Fund to the State Board of Education for the K-3 Reading Improvement Program:
- ▶ \$2,500,000 for fiscal year 2004-05 only; and
- ▶ as an ongoing appropriation subject to future budget constraints, \$12,500,000 for fiscal year 2004-05.

Enacts 53A-17a-150, 53A-17a-151

Effective May 3, 2004

Chapter 305, Laws of Utah 2004

SB 231 Executive Compensation Amendments (*Michael G. Waddoups*)

This bill increases salaries and salary ranges for certain state officers and employees.

This bill:

- ▶ increases salaries for the governor, lieutenant governor, attorney general, state auditor, and state treasurer;
- ▶ increases salary ranges for certain identified state officers; and
- ▶ makes technical corrections.
- ▶ This bill takes effect on June 19, 2004.

Amends 67-22-1, 67-22-2

Effective June 19, 2004

Chapter 306, Laws of Utah 2004

SB 232 Standard of Care for Emergency Vehicle Drivers (*Leonard M. Blackham*)

This bill modifies the Motor Vehicles Code by amending provisions relating to the operation of an authorized emergency vehicle.

This bill:

- ▶ provides that the operator of an authorized emergency vehicle is not relieved of the duty to act as a reasonably prudent emergency vehicle operator in like circumstances; and
- ▶ makes technical changes.

Amends 41-6-14

Effective May 3, 2004

Chapter 168, Laws of Utah 2004

SB 233 **Airport Security Amendments** (*James M. Evans*)

This bill amends the penalties for possessing a firearm or dangerous weapon in secure airport areas.

This bill:

- ▶ provides that knowingly or intentionally possessing a firearm or dangerous weapon in a secure airport area is a class A misdemeanor.

Amends 76-10-529

Effective May 3, 2004

Chapter 169, Laws of Utah 2004

SB 234 **State Fair Park Leasing Agreements** (*James M. Evans*)

This bill provides for leases of the state fair park.

This bill:

- ▶ allows the Division of Facilities Construction and Management to lease the state fair park to the Utah State Fair Corporation for up to 50 years and provides for subleases of up to 50 years.

Amends 63A-5-306

Effective May 3, 2004

Chapter 170, Laws of Utah 2004

SB 237 **Pioneer and Community Heritage Amendments** (*Leonard M. Blackham*)

This bill establishes the Mormon Pioneer Heritage Center.

This bill:

- ▶ establishes the Mormon Pioneer Heritage Center in connection with Utah State University to coordinate interdepartmental research and extension efforts in recreation, heritage tourism, and agricultural extension services; and
- ▶ provides that the center may enter into cooperative contracts with the United States Departments of Agriculture and Interior, state, county and city officers, public and private organizations, and individuals to enhance Mormon pioneer heritage.

Enacts 53B-18-1001, 53B-18-1002

Effective May 3, 2004

Chapter 23, Laws of Utah 2004

SB 240 Motion Picture Task Force (*Ron Allen*)

This bill creates the Utah Motion Picture Task Force.

This bill:

- ▶ provides for the appointment of members and cochaIRS of the task force;
- ▶ provides procedures and requirements for the operation of the task force;
- ▶ provides for the payment of salaries and expenses of members of the task force who are legislators;
- ▶ provides for the payment of per diem and expenses for members of the task force who are not legislators;
- ▶ provides that the Office of Legislative Research and General Counsel shall provide staff support to the task force;
- ▶ provides duties for the task force;
- ▶ prescribes the number of times the task force may meet; and
- ▶ requires the task force to present a final report to the Revenue and Taxation and Workforce Services and Community and Economic Development Interim Committees.
- ▶ This bill appropriates:
- ▶ \$7,000 from the General Fund for fiscal year 2003-04 only, to fund the task force.

Effective May 3, 2004

Chapter 307, Laws of Utah 2004

SB 245 Medical Dispute Resolution Amendments (*Leonard M. Blackham*)

This bill amends provisions related to the resolution of medical malpractice disputes.

This bill:

- ▶ requires notice to a patient regarding:
 - the patient's right to legal counsel in any arbitration proceeding; and
 - an arbitration agreement may not apply to errors and omissions that occurred prior to the date of the arbitration agreement without a specific agreement from the patient;
- ▶ changes the time for rescinding an arbitration agreement from 30 days to ten days;
- ▶ clarifies that medical arbitration agreements are subject to the Uniform Arbitration Act;
- ▶ provides that a patient may require:
 - mandatory mediation before arbitration;
 - retention of jointly selected arbitrators for both the liability and damages part of arbitration when they are bifurcated; and
 - the filing of an arbitration award in district court; and
- ▶ prohibits a health care provider from denying health care to a patient on the sole basis that the patient refused to sign an arbitration agreement.

Amends 78-14-17

Effective May 3, 2004

Chapter 83, Laws of Utah 2004

SB 248 Transportation General Obligation Bond (*Dan R. Eastman*)

This bill authorizes the issuance of general obligation bonds to fund transportation projects.

This bill:

- ▶ modifies the Bonding Title by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for transportation projects;
- ▶ excludes those bonds from the statutory debt limit; and
- ▶ makes technical corrections.

Amends 63-38c-402, 63B-1-306; Enacts 63B-13-102

Effective May 3, 2004

Chapter 308, Laws of Utah 2004

SB 249 Defining Practice of Chiropractic Physician (*D. Chris Buttars*)

This bill clarifies that a chiropractic physician may practice acupuncture without being licensed under the Acupuncture Licensing Act.

This bill:

- ▶ clarifies that a chiropractic physician may practice acupuncture without being licensed under the Acupuncture Licensing Act; and
- ▶ requires a study during the 2004 interim.

Amends 58-72-304

Effective May 3, 2004

Chapter 309, Laws of Utah 2004

SB 250 Class Actions Relating to Taxes or Fees Administered by the State Tax Commission (*John L. Valentine*)

This bill addresses class actions that relate to a tax or fee administered by the State Tax Commission.

This bill:

- ▶ provides a definition;
- ▶ provides limitations on maintaining a class action that relates to a tax or fee administered by the State Tax Commission;
- ▶ establishes requirements for a person to be included as a member of a class in a class action;
- ▶ grants rulemaking authority to the State Tax Commission and requires the State Tax Commission to report to the Revenue and Taxation Interim Committee on the status of the rules;
- ▶ provides limitations on the amount that may be recovered by members of a class; and
- ▶ provides a severability clause.
- ▶ This bill provides an effective date.

Enacts 59-1-304

Effective March 16, 2004

Chapter 84, Laws of Utah 2004

SCR 1 Concurrent Resolution Approving Solid Waste Permit *(Thomas V. Hatch)*

This concurrent resolution of the Legislature and the Governor gives approval for the operation of a landfill to receive specified nonhazardous solid waste.

This resolution:

- ▶ addresses the proposed Solitude Landfill, that is owned by Green River Landfill, LLC and Landfill Investors, LLC, and that is located in the city of Green River, in Emery County;
- ▶ grants statutorily required approval of the operating plan, as approved by the Department of Environmental Quality, and allows the Solitude Landfill to operate as a Class V landfill and receive nonhazardous waste, including municipal waste, industrial waste, construction and demolition waste, and special wastes as enumerated;
- ▶ reiterates that the Solitude Landfill is required under state law to apply for and receive approval from the Department of Environmental Quality in order to receive an exemption from the daily cover requirement; and
- ▶ reiterates that the Solitude Landfill is required under state law to apply for and receive approval from the Department of Environmental Quality if the landfill desires to change a specified element of its waste stream.

The original bill was recommended by the Natural Resources, Agriculture, and Environment Interim Committee

Effective March 15, 2004

Laws of Utah 2004

SCR 2 Resolution Regarding Construction of Waste Facility *(Bill Wright)*

This concurrent resolution of the Legislature and the Governor gives approval for the construction and operation of a Class VI commercial landfill to receive construction and demolition waste. The landfill is to be operated by Peck Rock & Products, LLC.

This resolution:

- ▶ provides that the landfill is to be located west of Lehi and Saratoga Springs, in Utah County;
- ▶ provides that the proposed landfill is to accept construction and demolition waste as a Class VI landfill;
- ▶ provides that the site of the proposed landfill is the current site of mining operations and the landfill operation would fill the excavations created by the mining;
- ▶ provides that the landfill application has been approved by the Department of Environmental Quality; and
- ▶ provides legislative and gubernatorial approval as required by statute.

Effective March 16, 2004

Laws of Utah 2004

SCR 3 Resolution Supporting Hill Air Force Base *(David L. Thomas)*

This concurrent resolution of the Legislature and the Governor supports Hill Air Force Base.

This resolution:

- ▶ expresses support and gratitude for the contributions made by Hill Air Force Base and those who serve there to the nation's safety, the state's economy, and its nearby communities; and
- ▶ expresses support for the continued use, operation functions, and expansion of Hill Air Force Base in the future.

Effective February 20, 2004

Laws of Utah 2004

SCR 4 Resolution Recognizing 50th Anniversary of Landmark Case of Brown V. Board of Education (*James M. Evans*)

This concurrent resolution of the Legislature and the Governor recognizes the 50th Anniversary of the United States Supreme Court's Brown v. Board of Education decision.

This resolution:

- ▶ recognizes the historic Brown v. Board of Education decision which is considered one of the landmark U.S. Supreme Court decisions of the 20th century;
- ▶ designates May 17, 2004 as Brown v. Board of Education and Equality in Education Day in the state of Utah; and
- ▶ urges the Utah State Office of Education to provide model instructional materials to schools encouraging observation of the Brown v. Board of Education decision to help pupils understand the importance of tolerance, humanity, and equality of opportunity.

Effective March 16, 2004

Laws of Utah 2004

SJR 1 Resolution Reappointing Legislative Fiscal Analyst (*Peter C. Knudson*)

This joint resolution of the Legislature reappoints the Legislative Fiscal Analyst.

This resolution:

- ▶ reappoints John E. Massey as Legislative Fiscal Analyst for a six-year term.

The original bill was recommended by the Legislative Management Committee

Effective January 21, 2004

Laws of Utah 2004

SJR 2 Resolution Approving Compensation of In-session Employees (*Beverly Ann Evans*)

This joint resolution of the Legislature fixes the compensation for legislative in-session employees for 2004.

This resolution:

- ▶ fixes the compensation for legislative in-session employees for 2004.

Effective January 21, 2004

Laws of Utah 2004

SJR 4 Joint Rules Resolution - Fiscal Note Process Amendments (*Lyle W. Hillyard*)

This bill modifies joint rules governing when fiscal notes will be printed on bills.

This resolution:

- ▶ provides that fiscal notes will be printed on bills 24 hours after the fiscal note has been sent to the sponsor of the bill;
- ▶ provides that fiscal notes sent to a sponsor on Friday will not be printed on the bill until the following Monday; and
- ▶ provides options for a sponsor's disposition of fiscal notes.
- ▶ This resolution provides an immediate effective date.

Amends JR-4.22

Effective February 18, 2004

Laws of Utah 2004

SJR 5 Resolution Urging Congress to Address Citizen Children of Undocumented Parents
(Gene Davis)

This joint resolution of the Legislature urges the United States Congress to review and modify current immigration laws pertaining to United States Citizen children of undocumented parents.

This resolution:

- ▶ urges the United States Congress to review and modify United States Immigration law to minimize the circumstances under which United States Citizen children can be separated from their undocumented parents.

Effective February 19, 2004

Laws of Utah 2004

SJR 6 Resolution on Impeachment Authority *(John L. Valentine)*

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify provisions relating to impeachment.

This resolution proposes to amend the Utah Constitution to:

- ▶ modify a provision regarding officers subject to impeachment to eliminate an exception for justices of the peace;
- ▶ eliminate a provision limiting to expenses and mileage the compensation that legislators may receive for days beyond the number allowed for annual general or special sessions when trying cases of impeachment;
- ▶ clarify that the House may convene for the purpose of impeachment when not already in an annual general session;
- ▶ clarify that, upon impeachment by the House, the Senate shall, if not already convened in an annual general session, convene for the purpose of trying the impeachment; and
- ▶ make technical changes.
- ▶ This resolution directs the lieutenant governor to submit this proposal to voters.
- ▶ This resolution provides an effective date.

Amends A6 S16, A6 S17, A6 S18, A6 S19

Effective January 1, 2005

Laws of Utah 2004

SJR 7 Resolution Recognizing Sugar House Sesquicentennial *(Gene Davis)*

This joint resolution of the Legislature recognizes the 150th anniversary of the founding of Sugar House.

This resolution:

- ▶ recognizes the sesquicentennial of Sugar House; and
- ▶ designates April 23, 2004 as the Sesquicentennial Anniversary of Sugar House.

Effective February 17, 2004

Laws of Utah 2004

SJR 10 Master Study Resolution (*Michael G. Waddoups*)

This joint resolution of the Legislature gives the Legislative Management Committee items of study they may assign to the appropriate interim committee.

This resolution:

- ▶ gives the Legislative Management Committee items of study they may assign to the appropriate interim committee during the 2004 legislative interim;
- ▶ directs interim committees assigned these studies to study and make recommendations for legislative action to the 56th Legislature prior to the 2005 Annual General Session; and
- ▶ suggests in approving studies Legislative Management Committee give consideration to time of legislators and the budget and capacity of staff to respond.

Effective March 3, 2004

Laws of Utah 2004

SJR 11 Resolution Honoring O. William Asplund (*Lyle W. Hillyard*)

This joint resolution of the Legislature honors O. William Asplund, Assistant Director in the Office of Legislative Research and General Counsel, for his service to the state of Utah.

This resolution:

- ▶ honors O. William Asplund for his 28 years of service to the Utah Legislature; and
- ▶ recognizes O. William Asplund upon his retirement from the Office of Legislative Research and General Counsel and for his years of service as Assistant Director in that office.

Effective February 27, 2004

Laws of Utah 2004

SR 1 Senate Rules Resolution - Use of Postage (*Lyle W. Hillyard*)

This resolution enacts a postage allowance for members of the Senate.

This resolution:

- ▶ establishes a postage allowance of:
 - 20 first-class postage stamps at the beginning of each year; plus
 - up to five letters per day during each annual general session; and
 - up to ten letters per month during each interim; and
- ▶ authorizes the President, upon request from a Senator, to grant an additional postage allowance.
- ▶ This resolution provides an immediate effective date.

Enacts SR-20.09

Effective January 20, 2004

Laws of Utah 2004

SR 2 **Senate Rules Resolution - Technical Amendments** (*Lyle W. Hillyard*)

This resolution amends Senate rules to conform with current practice.

This resolution:

- ▶ modifies the role of the Senate Rules Committee and Secretary of the Senate;
- ▶ conforms other rules to current legislative practice; and
- ▶ provides a motion to govern reading of bills.
- ▶ This resolution provides an immediate effective date.

The original bill was recommended by the Senate Rules Committee

Amends SR-23.03, SR-23.14, SR-24.01, SR-24.12, SR-24.13, SR-24.19, SR-25.02, SR-25.05, SR-25.11, SR-25.12, SR-27.16, SR-35.01

Effective January 22, 2004

Laws of Utah 2004

SR 3 **Senate Rules Resolution - Fiscal Notes** (*Lyle W. Hillyard*)

This bill amends a Senate rule on fiscal notes.

This resolution:

- ▶ provides that when a bill is placed on the second reading calendar without a fiscal note that the bill will be circled until the fiscal note is received.
- ▶ This resolution provides an immediate effective date.

Amends SR-25.02

Effective January 27, 2004

Laws of Utah 2004

VETOED BILLS - 2004 GENERAL SESSION

H.B. 1 SUPPLEMENTAL APPROPRIATIONS ACT (Rep. Ron Bigelow)

General Description:

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2003 and ending June 30, 2004.

Highlighted Provisions:

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language;
- ▶ amends previously approved internal service fund employment levels and capital acquisition amounts.
- ▶ Monies Appropriated in this Bill:
 - ▶ This bill appropriates for fiscal year 2004:
 - ▶ (\$23,145,800) from the General Fund;
 - ▶ (\$1,215,600) from the Uniform School Fund;
 - ▶ \$69,072,900 from various sources as detailed herein.
 - ▶ Other Special Clauses:
 - ▶ This bill takes effect immediately.

"This is to inform you that on March 23, 2004, I vetoed line item 65 of appropriation in H.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, and have transmitted the bill to the Lieutenant Governor for filing.

Item 65 includes the intent language that "recommends the USOE to contract a review body that has satisfied the Interim Education Committee's RFP process." I am troubled by the legislature issuing an RFP and selecting a vendor in behalf of a state agency.

The founders of our nation rightly recognized the potential for one branch to seek to increase its authority at the expense of another. Human nature being what it is, the founders provided us with checks and balances. The success of our democracy depends on continuous, unbending allegiance to separation of powers and checks and balances. Because this line item in H.B. 1 takes a small step in the wrong direction, I feel compelled to veto.

I find it unfortunate that the appropriation to the Jean Massieu Charter school is a part of this line item. I hope that the Utah State Office of Education can find non-lapsing funds to assist this school in meeting its needs. However, I feel the separation of powers issue outweighs the appropriation of this money.

I am very supportive of competency-based education and pledge to continue efforts to make it a reality. However, the implementation of competency-based education is a responsibility of the executive branch within the policy guidelines established by the legislature."

H.B. 3 SUPPLEMENTAL APPROPRIATIONS ACT II (Rep. Ron Bigelow)

General Description:

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2004 and ending June 30, 2005 and beginning July 1, 2003 and ending June 30, 2004.

Highlighted Provisions:

- ▶ This bill:
- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides funds for the bills with fiscal impact passed in the 2004 General Session;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language;
- ▶ amends previously approved internal service fund employment levels and capital acquisition amounts.
- ▶ Monies Appropriated in this Bill:
- ▶ This bill appropriates for fiscal year 2005:
 - ▶ \$52,598,800 from the General Fund;
 - ▶ \$185,600 from the Uniform School Fund;
 - ▶ \$13,865,500 from income tax revenue;
 - ▶ \$195,565,300 from various sources as detailed herein.

This bill appropriates for fiscal year 2004:

- ▶ \$28,308,000 from the General Fund;
- ▶ \$1,000,000 from the Uniform School Fund;
- ▶ (\$23,200,000) from income tax revenue;
- ▶ \$329,400 from various sources as detailed herein.
- ▶ Other Special Clauses:
 - ▶ Section 1 of this bill takes effect on July 1, 2004. Section 2 of this bill takes effect on May 3, 2004.

"This is to inform you that on March 23, 2004, I vetoed the following line item appropriations in H.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II, and have transmitted the bill to the Lieutenant Governor for filing.

Item 18 To Department of Administrative Services - Purchasing

The Legislature intends that all departments and divisions, except for the division of Juvenile Justice Services, in state government be encouraged to contract with private non-state governmental entities to provide services to the citizens of the State of Utah. The Legislature further intends that a report be presented to the Executive Appropriation Committee in October 2004 on the extent that departments and divisions used private non-state governmental entities to provide services to the citizens of Utah. The Legislature also intends that the report describe (1) additional services that the departments and divisions reasonably believe could be delivered by private non-state governmental entities, and (2) which services cannot be delivered by private non-state governmental entities.

The scope of this language is very broad. It is unclear if the intent is to contract for program services, or go so far as to look at employee leasing as an alternative to hiring employees. The Division of Purchasing does not have the staff nor the resources to coordinate such a report without additional funding.

I agree that departments and divisions should constantly review their operations to identify cost savings and to promote efficiencies. The Privatization Board also exists to review services provided by the state that could be contracted with the private sector. If areas of concern exist, the Privatization Board should review them and make recommendations for change.

*Item 30 To Department of Commerce - Commerce General Regulation
From General Fund Restricted - Commerce Service Fund - Public Utilities
Regulatory Fund*

Schedule of Programs:

<i>Public Utilities</i>	<i>150,000</i>	
<i>Committee of Consumer Services</i>		<i>(150,000)</i>

The Legislature intends that the Division of Public Utilities use these funds to assess the impact of Public Service Commission decisions on Utah's business climate.

*Item 31 To Public Service Commission
From General Fund Restricted - Commerce Service Fund - Public Utilities
Regulatory Fund*

20,000

Schedule of Programs:

<i>Committee of Consumer Services</i>	<i>20,000</i>
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The Legislature intends that these funds be used to pay for the annual telecommunications report.

The offsets to these items were deleted with a floor amendment. This action makes the technical change to clean up these items.

*Item 85 To State Board of Education - State Office of Education
From Uniform School Fund, One-time*

1,000,000

Schedule of Programs:

<i>Student Achievement</i>	<i>1,000,000</i>
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It is the intent of the Legislature that the USOE use this one-time appropriation to contract with a private entity which meets the qualifications of the RFP approved by the Education Interim Committee. It is further the intent of the Legislature that this funding be used strictly to implement the proposal in the school districts, and not for software program development.

I am troubled by the legislature issuing a RFP and selecting a vendor in behalf of a state agency. The founders of our nation rightly recognized the potential for one branch to seek to increase its authority at the expense of another. Human nature being what it is, the founders provided us with checks and balances. The success of our democracy depends on continuous, unbending allegiance to separation of powers and checks and balances. Because this line item in H.B. 3 takes a small step in the wrong direction, I feel compelled to veto.

I am very supportive of competency-based education and pledge to continue efforts to make it a reality. However, the implementation of competency-based education is a responsibility of the executive branch with the policy guidelines established by the legislature.

While I am not vetoing "Item 82 To Department of Administrative Services - Finance Mandated" which calls for a legislative tuition tax credit study, I am not happy that this money is appropriated to an executive branch department. If the legislature chooses to conduct a study, it should appropriate the funds to the Legislative Fiscal Analyst's or Legislative Research and General Counsel's office. Money appropriated to the executive branch should not be mandated and controlled by the legislature. Again, this is a separation of powers issue."

HB 115 Carson Smith Special Needs Scholarships (J. Morgan Philpot)

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

This bill:

- ▶ specifies criteria for qualifying for a scholarship;
- ▶ specifies criteria for private schools to enroll scholarship students;
- ▶ specifies the amount, timing, and form of scholarship payments;
- ▶ requires the State Board of Education to make rules;
- ▶ gives the State Board of Education enforcement authority; and
- ▶ requires the Legislature to annually appropriate money from the General Fund for scholarship payments.
- ▶ This bill appropriates:
 - ▶ as an ongoing appropriation subject to future budget constraints, \$100,000 from the Uniform School Fund for fiscal year 2004-05 to the State Board of Education.

Amends 53A-3-410;Enacts 53A-1a-701, 53A-1a-702, 53A-1a-703, 53A-1a-704, 53A-1a-705, 53A-1a-706, 53A-1a-707, 53A-1a-708, 53A-1a-709, 53A-1a-710

Effective May 3, 2004

Laws of Utah 2004

"This is to inform you that on March 23, 2004, I decided, after careful consideration and study, to veto H.B. 115, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, and have transmitted it to the lieutenant governor for filing.

I am very sympathetic to the families of special needs children. I want to see that special needs children receive the educational assistance they need, and so I have left the \$1.4 million funding intact for the Legislature to re-authorize. I have asked the State School Board to set up a system to contract with special needs providers. This will accomplish the educational objectives of the bill for special needs children.

Unfortunately, H.B. 115 raises constitutional questions, federal law compliance and funding issues that I cannot allow to become law.

The attached legal analysis outlines two constitutional questions. First, the use of Uniform School Fund money for Utah State Board of Education (USBE) administration of the program appears to be a violation of Utah Const., Art. X, Sec. 5(4). Second, the bill places USBE as the oversight body for a program of private schools and private school students without designating the schools or programs as part of the public education system. This raises serious questions concerning the constitutional role and authority of the USBE.

Parents who place their child in a private school normally give up the rights and safeguards afforded them by the federal Individuals With Disabilities Education Act (IDEA). However, due to the extensive involvement of the USBE in the program created by HB 115, it is unclear to what extent IDEA rights and safeguards will apply to those students who receive a scholarship and attend a private school. Should it be determined that IDEA law does apply, multiple unanswered questions concerning administration and funding of the program are raised.

The bill creates a three year entitlement for a student when a scholarship is awarded. However, the bill provided only one-time funding for fiscal year 2005. Language in the bill states that, "The legislature shall annually appropriate money to the board from the General Fund to make scholarship payments." These provisions imply ongoing funding requirements for a future Legislature."

HB 140 Child and Family Services and Related Judicial Code Amendments (LaVar Christensen)

This bill amends child welfare provisions in Child and Family Services and the Judicial Code.

This bill:

- ▶ modifies definitions;
- ▶ exempts health care decisions of a mature minor from the definition of neglect;
- ▶ requires the legislative auditor general to complete an audit of child welfare cases to measure compliance by attorney guardians ad litem with their statutory duties;
- ▶ requires the Child Welfare Legislative Oversight Panel to study and make recommendations on specified child abuse, neglect, and dependency issues;
- ▶ requires the juvenile court to recognize the rights of parents and children and the limits placed on the Division of Child and Family Services;
- ▶ clarifies how a petition before a juvenile court may be dismissed at any stage of the court proceedings;
- ▶ makes amendments regarding appointment of a guardian ad litem;
- ▶ modifies reunification services provisions;
- ▶ requires the court to advise an attorney guardian ad litem of the attorney guardian ad litem's duties;
- ▶ requires an attorney guardian ad litem to timely communicate with the parents or guardian of a minor;
- ▶ prohibits an attorney guardian ad litem from making public statements about a child abuse, neglect, or dependency case; and
- ▶ makes technical corrections.
- ▶ This bill takes effect on July 1, 2004.

Amends 62A-4a-101, 62A-4a-118, 62A-4a-207, 78-3a-102, 78-3a-103, 78-3a-109, 78-3a-112, 78-3a-311, 78-3a-912, 78-7-45; Enacts 78-3a-103.5; Repeals 78-3a-305.1

Effective July 1, 2004

Laws of Utah 2004

"This is to inform you that on March 23, 2004, I decided, after careful consideration and study, to veto H.B. 140 S03, CHILD AND FAMILY SERVICES AND RELATED JUDICIAL CODE AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

While I appreciate the concerns and concepts expressed in H.B. 140, I believe the bill has several technical flaws and should be further developed before becoming law. Significant questions and confusions linger about some of the major policy changes made in this bill. For example, I am particularly concerned about the new provisions having to do with a "mature minor". If this bill becomes law, it risks opening the door for minors, contrary to their parents' wishes, to seek judicial approval for health care decisions such as access to abortion, contraceptives, or other treatments. Such a major policy change deserves full and thorough discussion in an open public hearing before being added to the laws of our state.

There are a number of other concerns as well. The Judicial Council has pointed out that the bill now creates conflicting language as to the timing and manner for a judge to appoint the guardian ad litem. Such confusion has the potential to delay important court processes. The Judicial Council has also stressed that the bill purports to define the ethical responsibilities of attorneys, a function that constitutionally belongs to the Supreme Court. Serious questions have also been raised as to provisions allowing one party to influence the legal representation of another party the way this bill does. In addition, H.B. 140 may create new costs for the Juvenile Court, but provides no funding to pay for them.

Given the importance of these issues relative to the child welfare system in Utah, I strongly encourage the legislature to grapple with these topics during the next few months through either

committees or its normal audit process. I appreciate Representative Christensen's efforts and concerns on these issues and pledge the full cooperation of the executive branch in seeking continuous improvement in the state's child welfare system."

HB 158 **Water Shares in a Municipal Water Company** (*Gregory H. Hughes*)

This bill modifies the definition of a water corporation for purposes of the Public Utilities Code.

This bill:

- ▶ provides that a mutual water company in a county of the first class is not a water corporation for purposes of the Public Utilities Code if the mutual water company operates:
 - under a commonality of interest; and
 - with equal ownership and control rights among all members.

Amends 54-2-1

Effective May 3, 2004

Laws of Utah 2004

"This is to inform you that on March 23, 2004, I vetoed H.B. 158, Water Shares in a Municipal Water Company, and have transmitted it to the lieutenant governor for filing.

There is no reasonable basis for a statute that only applies to mutual water companies operated in counties of the first class. This bill would have the effect of allowing an exemption from Public Service Commission regulation, mutual water companies in Salt Lake County and exposing all other mutual water companies in the rest of the state to regulation. The cost of this regulation both to the state and to the water companies is excessive for the benefit derived.

If the bill were to be signed, the Public Service Commission would likely forbear enforcement of the bill for one year until they could get clarifications from the Legislature because of the inequities and uncertainties that would be created.

The Public Service Commission does not have the resources to regulate all the mutual water companies outside of Salt Lake County."

HCR 6 **Resolution Opposing Internet Access Taxes** (*Chad E. Bennion*)

This concurrent resolution of the Legislature and the Governor urges Utah's congressional delegation to vote for an extension of the Internet tax moratorium.

This resolution:

- ▶ urges the members of the United States Senate and the United States House of Representatives representing the state of Utah to vote for a clean, permanent, and technologically neutral extension of the Internet tax moratorium.

Laws of Utah 2004

"This letter is to inform you that on March 23, 2004, I declined to concur on House Concurrent Resolution 6, and transmitted it to the Lieutenant Governor for filing.

The resolution calls for a permanent moratorium on internet access fees which is contrary to my position on this issue and the position of the National Governors' Association and most of the other state and local government associations of elected officials.

This resolution advocates that Congress pass legislation to permanently preempt the states' ability to tax and to choose their own economic policies.

The federal bill referenced in this resolution would change the definition of telecommunications and if enacted would damage the existing revenues of the state and local governments.

I will support a bill that would impose a temporary moratorium on internet access fees if the bill provides for a solution to the long-standing issue of collection of use tax by remote sellers.

The veto on SB 115 was overridden in a Veto Override Session on April 26, 2004. See page 219.

SB 115 Special Election Dates (*Curtis S. Bramble*)

This bill modifies provisions related to special elections.

This bill:

- ▶ requires local and statewide special elections to be held on either the first Tuesday after the first Monday in November or the fourth Tuesday in June; and
- ▶ makes technical changes.
- ▶ This bill takes effect on November 1, 2004.

Amends 10-3-1203, 11-14-4, 17-3-1, 17-52-202, 17-52-203.5, 20A-1-204, 53A-16-110

Effective November 1, 2004

Laws of Utah 2004

"This is to inform you that on March 23, 2004, I vetoed S.B. 115 SPECIAL ELECTION DATES, and have transmitted the bill to the Lieutenant Governor for filing.

The intention of Senate Bill 115 is to increase voter turn-out for special elections, which is commendable. General obligation bond elections dominated the discussion concerning this bill. However, the provisions of this bill extend beyond bond elections. It applies to any special election.

Limiting special elections to one date in both June and November severely limits the financial flexibility of local governments. It is conceivable that mid-year budget pressures could force a school district, for example, to seek a voted leeway to keep its budget in balance. Election dates in June are too late in the fiscal year and November dates may be too early in the fiscal year to realize the need for additional revenues. The only mid-year alternative is to cut teachers.

The state generally defers to locally elected governments as to matters particularly pertinent to the local community including locally levied taxes and bond issues. This bill attempts to come between these governments and their own citizens.

Just as the state dislikes federal mandates, we need to carefully consider the mandates we place on local governments. I believe this bill interjects the state's will on local governments and limits their ability to meet their own needs in a prudent manner."

The veto on SB 239 was overridden in a Veto Override Session on April 26, 2004. See page 219.

SB 239 Unfair Business Practices *(Mike Dmitrich)*

This bill enacts provisions within the Commerce and Trade Code related to unfair competition.

This bill:

- ▶ defines unfair competition; and
- ▶ provides a private right of action for a person injured by unfair competition.

Enacts 13-5a-101, 13-5a-102, 13-5a-103

Effective May 3, 2004

Laws of Utah 2004

"This is to inform you that on March 23, 2004, I vetoed S.B. 239 S03, Unfair Business Practices, and have transmitted it to the lieutenant governor for filing.

Senate Bill 239 introduces new terms that are not well-defined and could be used to initiate frivolous litigation. These new terms have not been adjudicated by the courts and could be used in ways opposite to the intent of the sponsor of the bill.

Utah enjoys a legal climate where business litigation is relatively predictable. This bill would cause uncertainty and complexity to our legal climate and could be a disincentive to internal business growth and the relocation of business to our state.

In order to preserve the predictability of the Utah legal climate I am vetoing this bill."

Utah Code Sections Affected for Bills Passed 2004 General Session

Legend: The action taken on each section 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 after May 3, 2004 and on our web site - <http://le.utah.gov>.

<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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4-5-2	A	HB 283		67	7-8-5	A	SB 176		131
4-5-3	A	HB 283		67	7-8-7	A	SB 176		131
4-5-9	A	HB 283		67	7-8-11	A	SB 176		131
4-9-1	A	HB 283		67	7-8-12	A	SB 176		131
4-9-3	A	HB 283		67	7-8-13	A	SB 176		131
4-9-4	A	HB 283		67	7-8-14	A	SB 176		131
4-9-5	A	HB 283		67	7-8-15	A	SB 176		131
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4-9-5.3	A	HB 283		67	7-8-19	A	SB 176		131
4-9-5.4	A	HB 283		67	7-8-20	A	SB 176		131
4-9-6	A	HB 283		67	7-8-21	E	SB 176		131
4-9-12	A	HB 283		67	7-21-1	R	HB 192		45
4-9-15	E	HB 283		67	7-21-2	R	HB 192		45
4-21-5	A	HB 349		74	7-21-3	R	HB 192		45
4-22-8	A	HB 349		74	7-21-4	R	HB 192		45
4-23-8	A	HB 349		74	7-21-5	R	HB 192		45
4-26-5.1	E	HB 119		28	7-21-6	R	HB 192		45
4-31-16.5	A	HB 92		23	7-21-7	R	HB 192		45
7-1-103	A	SB 176		131	7-21-8	R	HB 192		45
7-1-201	A	SB 176		131	7-21-9	R	HB 192		45
7-1-203	A	SB 176		131	7-21-10	R	HB 192		45
7-1-207	A	SB 176		131	9-1-205	A	HB 231		54
7-1-301	A	SB 176		131	9-1-809	A	HB 231		54
7-1-324	A	SB 176		131	9-1-810	A	SB 152		123
7-1-503	A	SB 176		131	9-2-404	A	SB 199		138
7-1-701	A	SB 176		131	9-2-416	E	SB 199		138
7-1-810	E	SB 176		131	9-2-1202	A	HB 75		20
7-2-9	A	SB 55		100	9-2-1203	A	HB 75		20
7-3-3	A	SB 176		131	9-2-1204	A	HB 75		20
7-5-7	A	SB 47		97	9-2-1205	A	HB 75		20
7-5-10	A	SB 47		97	9-2-1205.5	A	HB 75		20
7-5-14	A	SB 47		97	9-2-1205.8	E	HB 75		20

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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>
9-2-1206	R	HB 75		20	10-3-208	X	HB 162		39
9-2-1923	A	SB 176		131	10-3-401	R	HB 111		27
9-3-403	A	SB 152		123	10-3-402	R	HB 111		27
9-4-102	A	SB 152		123	10-3-504	A	HB 111		27
9-4-201	A	SB 152		123	10-3-507	A	HB 111		27
9-4-202	A	HB 231		54	10-3-711	A	HB 111		27
9-4-505	A	SB 108		111	10-3-1105	A	SB 23		92
9-4-704	A	SB 108		111	10-3-1106	A	SB 23		92
9-4-801	A	SB 224		141	10-3-1203	A	HB 111		27
9-4-1002	A	SB 152		123	10-3-1208	A	HB 111		27
9-4-1403	A	SB 152		123	10-3-1209	R	HB 111		27
9-7-215	A	HB 341		73	10-3-1219	A	SB 146		122
9-7-216	A	HB 341		73	10-5-123	A	HB 142		35
9-8-405	A	HB 231		54	10-6-122	A	HB 142		35
9-10-101	A	SB 152		123	10-6-151	A	SB 108		111
9-10-108	A	SB 82		107	10-7-4	A	HB 147		36
9-11-102	A	SB 152		123	10-7-10.5	A	HB 56		16
9-14-101	A	SB 152		123	10-8-2	A	HB 116		28
9-15-101	A	SB 152		123	10-8-14.5	A	HB 229		54
9-16-101	E	SB 50		98	10-8-38	A	HB 56		16
9-16-102	E	SB 50		98	10-8-58	A	SB 196		137
9-16-103	E	SB 50		98	10-9-301	A	HB 116		28
9-16-104	E	SB 50		98	10-9-301.5	E	HB 116		28
9-16-105	E	SB 50		98	10-9-302	A	HB 116		28
9-16-106	E	SB 50		98	10-9-307	A	HB 111		27
10-1-304	A	HB 273		65	10-9-408	A	SB 53		99
10-1-307	A	HB 273		65	10-9-708	A	SB 9		86
10-1-403	A	HB 273		65	10-9-1001	A	SB 9		86
10-1-405	A	HB 273		65	10-18-105	A	SB 66		103
10-1-407	A	HB 273		65	10-18-302	A	SB 66		103
10-1-408	A	HB 273		65	11-13-202	A	SB 184		134
10-2-112	A	HB 111		27	11-13-313	A	SB 108		111
10-2-114	A	HB 111		27	11-36-201	A	HB 116		28
10-2-303	A	HB 111		27	11-36-402	A	SB 108		111
10-2-403	A	SB 18		89	11-37-101	A	SB 108		111
10-2-405	A	SB 108		111	11-39-101	A	SB 183		133
10-2-411	A	HB 111		27	11-39-103	A	SB 183		133
		SB 108		111	11-40-101	A	SB 108		111
10-2-425	A	HB 225		53	11-40-102	A	SB 108		111
10-3-101	A	HB 111		27	11-41-101	E	SB 124		115
10-3-103	A	SB 108		111	11-41-102	E	SB 124		115
	R	HB 111		27	11-41-103	E	SB 124		115
10-3-104	A	SB 108		111	13-11-3	A	HB 195		45
	R	HB 111		27	13-11-4	A	HB 195		45
10-3-105	A	SB 108		111	13-11-4.5	R	HB 195		45
	R	HB 111		27	13-11-17	A	HB 195		45
10-3-106	A	HB 111		27	13-14-102	A	HB 292		68
		SB 108		111	13-14-103	A	HB 292		68
10-3-203	R	HB 111		27	13-14-204	A	HB 292		68
10-3-204	R	HB 111		27	13-14-302	A	HB 149		36
10-3-205	A	HB 111		27			HB 292		68
10-3-206	A	HB 111		27	13-14-304	A	HB 149		36

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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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13-21-2	A	HB 195		45	14-2-2	A	HB 219		52
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13-22-8	A	HB 195		45			HB 20		6
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13-25a-108	A	SB 27		93	16-7-9	A	SB 144		121
13-25a-109	A	SB 27		93	16-7-12	A	SB 144		121
13-25a-111	A	SB 27		93	16-7-14	A	SB 144		121
13-26-2	A	HB 195		45	16-7-15	E	SB 144		121
13-32a-101	E	SB 192		136	16-7-16	E	SB 144		121
13-32a-102	E	SB 192		136	16-11-2	A	SB 114		113
13-32a-103	E	SB 192		136	17-22-5	A	SB 196		137
13-32a-104	E	SB 192		136	17-22-5.5	A	SB 196		137
13-32a-105	E	SB 192		136	17-22-27	A	SB 196		137
13-32a-106	E	SB 192		136	17-23-17	A	SB 145		122
13-32a-107	E	SB 192		136	17-27-301	A	HB 116		28
13-32a-108	E	SB 192		136	17-27-301.5	E	HB 116		28
13-32a-109	E	SB 192		136	17-27-302	A	HB 116		28
13-32a-110	E	SB 192		136	17-27-307	A	HB 111		27
13-32a-111	E	SB 192		136	17-27-407	A	SB 53		99
13-32a-112	E	SB 192		136	17-27-708	A	SB 9		86
13-32a-113	E	SB 192		136	17-27-1001	A	SB 9		86
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13-33-102	A	SB 149		123			HB 370		76
13-33-401	A	SB 149		123	17-36-39	A	HB 142		35
13-33-506	A	SB 149		123	17-43-201	A	SB 155		124
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13-36-101	R	SB 92		109	17-43-303	A	SB 155		124
13-36-102	R	SB 92		109	17-43-309	A	SB 155		124
13-36-103	R	SB 92		109	17-50-302	A	HB 116		28
13-36-104	R	SB 92		109			SB 215		140
13-36-105	R	SB 92		109	17-50-401	A	SB 55		100
13-39-101	E	HB 165		40	17-50-501	A	SB 65		103
		HB 323		71	17-53-225	A	HB 142		35
13-39-102	E	HB 165		40	17A-1-103	R	HB 56		16
		HB 323		71	17A-1-205	E	HB 56		16
13-39-201	E	HB 165		40	17A-1-502	A	SB 170		129
		HB 323		71	17A-1-503	A	SB 170		129
13-39-202	E	HB 165		40	17A-2-104	E	HB 116		28
13-39-203	E	HB 165		40	17A-2-310	A	HB 56		16
13-39-301	E	HB 165		40	17A-2-416	A	HB 56		16
		HB 323		71	17A-2-1016	A	SB 223		141
13-39-302	E	HB 165		40	17A-2-1038	A	HB 157		38
		HB 323		71			SB 170		129
13-39-303	E	HB 165		40	17A-2-1039	A	HB 157		38
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		HB 20		6	17A-2-1321	A	HB 56		16

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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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17B-2-104	E	HB 116		28	22-3-12	R	SB 131		117
17B-2-503	A	SB 159		125	22-3-13	R	SB 131		117
17B-2-604	A	SB 108		111	22-3-14	R	SB 131		117
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17B-2-804	E	HB 56		16	22-3-102	E	SB 131		117
17B-2-805	E	HB 56		16	22-3-103	E	SB 131		117
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77-19-8	A	SB 49		98			SB 179		133
		SB 62		102	78-3h-101	A	HB 97		25
77-19-9	A	SB 80		106	78-3h-102	A	HB 97		25
77-19-10	A	HB 180		42	78-3h-103	A	HB 97		25
77-19-13	A	SB 80		106	78-3h-104	A	HB 97		25
	N	SB 49	77-19-202	98	78-3h-105	A	HB 97		25
77-19-201	E	SB 49		98	78-5-108	A	SB 219		140
77-19-203	E	SB 49		98	78-5-116	A	HB 220		53
77-19-204	E	SB 49		98			SB 72		105
77-19-205	E	SB 49		98	78-5-116.5	E	SB 196		137
77-19-206	E	SB 49		98	78-5-116.7	E	SB 196		137
77-20-10	A	HB 21		7	78-6-1	A	HB 124		30
77-20b-101	A	SB 173		130	78-6-10	A	SB 118		114
77-23a-8	A	HB 171		41	78-7-17.5	A	SB 118		114
		SB 63		103	78-7-46	E	HB 197		46
77-28c-104	E	SB 137		120	78-8-101	A	SB 161		125
77-28c-105	E	SB 137		120	78-8-107	A	SB 161		125
77-32-401.5	A	SB 108		111	78-9-102	R	HB 234		55
77-36-2.5	A	HB 183		43	78-11-22	A	SB 108		111
77-38a-601	E	SB 167		128	78-11-22.2	A	SB 114		113
78-1-2.2	A	SB 118		114	78-12-21.5	A	HB 96		24
		SB 141		121	78-13-9	A	SB 118		114
78-1-2.3	A	SB 118		114	78-14-3	A	SB 114		113
78-3-4	A	HB 97		25	78-14-17	A	SB 245		144
78-3-14.5	A	HB 220		53	78-17-3	A	SB 55		100
		SB 72		105	78-18-1	A	SB 201		138
78-3a-104	A	HB 97		25	78-19-1	A	SB 55		100
78-3a-105	A	HB 268		64	78-23-3	A	SB 42		95
78-3a-113	A	HB 135		33	78-23-5	A	SB 42		95
		SB 55		100	78-23-10	A	SB 5		85
78-3a-113	A	SB 55		100	78-27d-101	E	SB 214		140
78-3a-114	A	HB 135		33	78-27d-102	E	SB 214		140
		SB 55		100	78-27d-103	E	SB 214		140
78-3a-114	A	SB 55		100	78-27d-104	E	SB 214		140
78-3a-115	A	HB 268		64	78-27d-105	E	SB 214		140
		HB 90		23	78-27d-106	E	SB 214		140
78-3a-115.1	A	HB 90		23	78-30-3.5	A	HB 259		61
78-3a-116	A	HB 198		46			HB 275		66
		HB 90		23	78-30-4.13	A	HB 275		66
78-3a-118	A	HB 135		33	78-30-4.14	A	HB 275		66
		SB 55		100	78-30-4.16	A	HB 275		66
78-3a-118	A	SB 55		100	78-30-4.18	A	HB 275		66
78-3a-301	A	HB 268		64	78-30-4.19	A	HB 275		66
78-3a-304.5	A	HB 268		64	78-30-4.23	A	HB 275		66
78-3a-307	A	HB 268		64	78-30-4.24	A	HB 275		66
78-3a-311	A	HB 268		64	78-30-7	A	HB 275		66
78-3a-321	E	HB 186		43	78-30-8.5	A	HB 200		46
78-3a-415	A	SB 104		110	78-30-8.6	E	HB 200		46
78-3a-503	A	SB 108		111	78-30-15.5	A	HB 276		66
78-3a-909	A	SB 179		133	78-31b-6	A	SB 108		111
78-3a-912	A	HB 268		64	78-31b-7	A	SB 118		114
78-3a-913	A	HB 268		64	78-31b-8	A	SB 108		111

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78-34-5	A	SB 9		86	78-45f-611	A	SB 136		119
78-34-7	A	HB 131		32	78-45f-612	A	SB 136		119
78-34-9	A	SB 9		86	78-45f-615	E	SB 136		119
78-34-10	A	HB 131		32	78-45f-701	A	SB 136		119
78-35a-107	A	SB 62		102	78-45f-801	A	SB 136		119
78-40-2.5	E	HB 336		73	78-45f-802	A	SB 136		119
78-45c-314	A	SB 179		133	78-45f-901	A	SB 136		119
78-45f-101	A	SB 136		119	78-56-102	A	SB 123		115
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78-45f-207	A	SB 136		119	78-60-102	R	SB 55		100
78-45f-208	A	SB 136		119	78-60-103	R	SB 55		100
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78-45f-308	A	SB 136		119	JR-4.08	A	HJR 6		79
78-45f-310	A	SB 136		119	JR-4.11	A	HJR 6		79
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78-45f-316	A	SB 136		119	SR-20.09	E	SR 1		149
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78-45f-503	A	SB 136		119	SR-24.19	A	SR 2		150
78-45f-506	A	SB 136		119	SR-25.02	A	SR 2		150
78-45f-507	A	SB 136		119			SR 3		150
78-45f-601	A	SB 136		119	SR-25.05	A	SR 2		150
78-45f-602	A	SB 136		119	SR-25.11	A	SR 2		150
78-45f-604	A	SB 136		119	SR-25.12	A	SR 2		150
78-45f-605	A	SB 136		119	SR-27.16	A	SR 2		150
78-45f-607	A	SB 136		119	SR-35.01	A	SR 2		150

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INTRODUCED LEGISLATION 2004 GENERAL SESSION

HB 1	Supplemental Appropriations Act (<i>Ron Bigelow</i>)	Line Item Vetoed
HB 2	General Obligation Bonds Authorizations (<i>Loraine T. Pace</i>)	Passed
HB 3	Supplemental Appropriations Act II (<i>Ron Bigelow</i>)	Line Item Vetoed
HB 4	Technical Amendment - Polling Place Supplies (<i>Karen W. Morgan</i>)	Passed
HB 5	Publication of Resolution or Notice (<i>Eric K. Hutchings</i>)	Passed
HB 6	Repeal of Utah Interstate Commission for Cooperation in Higher Education (<i>Don E. Bush</i>)	Passed
HB 7	Marriage Preparation Education (<i>Rosalind J. McGee</i>)	Failed
HB 8	Unemployment Insurance Benefits - Social Security Benefits Offset (<i>David N. Cox</i>)	Passed
HB 9	Absentee Ballot Amendments (<i>Douglas C. Aagard</i>)	Passed
HB 10	State Highway System Changes (<i>John Dougall</i>)	Passed
HB 11	Unused Sick Leave for State Employee Provisions (<i>David Clark</i>)	Passed
HB 12	Requirements for Recording Certain Real Estate Documents (<i>David Clark</i>)	Failed
HB 13	Hazardous Waste and Nonhazardous Solid Waste Fee and Tax Amendments (<i>Eli H. Anderson</i>)	Passed
HB 14	Repeal of Education Mandates (<i>Margaret Dayton</i>)	Passed
HB 15	Motor Vehicles Title and Registration Amendments (<i>Joseph G. Murray</i>)	Passed
HB 16	Life Insurance Law Amendments (<i>James A. Dunnigan</i>)	Passed
HB 17	Captive Insurance Companies Act Amendments (<i>James A. Dunnigan</i>)	Passed
HB 18	Utah State Scenic Byway Committee (<i>John Dougall</i>)	Passed
HB 19	Employment Support Act Amendments (<i>David N. Cox</i>)	Passed
HB 20	Construction Bonding Statutes (<i>Michael T. Morley</i>)	Passed
HB 21	Licensing - Insurance Law Amendments (<i>James A. Dunnigan</i>)	Passed
HB 22	Civic and Character Education in Schools (<i>LaVar Christensen</i>)	Passed
HB 23	Joint Transportation Planning Amendments (<i>Rebecca D. Lockhart</i>)	Passed
HB 24	Motor Vehicles Code Revisions (<i>Joseph G. Murray</i>)	Passed
HB 25	Governmental Internet Information Privacy Act (<i>Wayne A. Harper</i>)	Passed
HB 26	Parent-time Schedule Amendments (<i>Scott Daniels</i>)	Failed
HB 27	Tax Commission Report - Federal Tax Law Changes (<i>Wayne A. Harper</i>)	Passed
HB 28	Transportation Planning Task Force Reauthorization (<i>Rebecca D. Lockhart</i>)	Passed
HB 29	Utah Telehealth Commission Amendments (<i>Brad L. Dee</i>)	Passed
HB 30	Amendments to Administrative Services Rate Committee (<i>David Clark</i>)	Passed
HB 31	Information Technology Procurement Amendments (<i>David Clark</i>)	Passed
HB 32	Lien Amendments (<i>Michael T. Morley</i>)	Passed
HB 33	Authorization to Close a Meeting (<i>Greg J. Curtis</i>)	Failed
HB 34	Unlawful Controlled Substances in Correctional Facilities (<i>LaVar Christensen</i>)	Passed
HB 35	Requirements of Trustees of Trust Deeds (<i>David Clark</i>)	Passed
HB 36	Management, Enhancement, and Funding of 911 System (<i>Brad L. Dee</i>)	Passed
HB 37	Sunset Reauthorizations (<i>Greg J. Curtis</i>)	Passed
HB 38	Sales and Use Tax - Repeal of Cable and Satellite Service (<i>Greg J. Curtis</i>)	Failed
HB 39	Special Functions Officers for the Division of Occupational and Professional Licensing (<i>J. Morgan Philpot</i>)	Failed
HB 40	Filling Midterm Vacancies in the Legislature (<i>Craig A. Frank</i>)	Passed

HB 41	Health Insurance Coverage for Dependents (<i>Judy Ann Buffmire</i>)	Passed
HB 42	Interest Rates on Judgments (<i>James A. Dunnigan</i>)	Failed
HB 43	No Child Left Behind Options (<i>Margaret Dayton</i>)	Failed
HB 44	Use of Public Education Monies (<i>Patricia W. Jones</i>)	Failed
HB 45	Individual Income Tax Amendments for Education Funding (<i>Patricia W. Jones</i>)	Failed
HB 46	Appropriation for School Districts Impacted by Fee Waivers (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 47	School Vending Machine Sales (<i>Patricia W. Jones</i>)	Failed
HB 48	Collection of Information by Department of Health (<i>David L. Hogue</i>)	Passed
HB 49	Natural Gas Technician Certification (<i>Gordon E. Snow</i>)	Passed
HB 50	Automobile Crime Prevention (<i>DeMar Bud Bowman</i>)	Failed
HB 51	Nonresident User Fee for Off-highway Vehicle Users (<i>DeMar Bud Bowman</i>)	Passed
HB 52	Individual Deferred Annuities - Nonforfeiture Amendments (<i>James A. Dunnigan</i>)	Passed
HB 53	Additional State Retirement Benefit (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 54	Videotape of Minors (<i>Wayne A. Harper</i>)	Passed
HB 55	School and Institutional Trust Land Amendments (<i>Michael E. Noel</i>)	Passed
HB 56	Local Government Collection for Service Charges (<i>Steven R. Mascaro</i>)	Passed
HB 57	Amendments to Budgetary Procedures Act (<i>Jack A. Seitz</i>)	Passed
HB 58	Trust Lands Administration (<i>DeMar Bud Bowman</i>)	Passed
HB 59	Lien for Homeowner Association Charges (<i>Steven R. Mascaro</i>)	Failed
HB 60	Protection of Children in Foster Care (<i>David Litvack</i>)	Passed
HB 61	Child Welfare Investigations (<i>Mike Thompson</i>)	Passed
HB 62	Lien Recovery Fund Amendments (<i>R. Curt Webb</i>)	Passed
HB 63	Identification of Stolen Firearms (<i>Judy Ann Buffmire</i>)	Failed
HB 64	Amendments to Local Option Sales Tax (<i>Sheryl L. Allen</i>)	Passed
HB 65	Tuition Waiver for Purple Heart Recipients (<i>Gregory H. Hughes</i>)	Passed
HB 66	State Spending and Debt Limitations Amendments (<i>Gregory H. Hughes</i>)	Passed
HB 67	Cultural Affairs Task Force (<i>Sheryl L. Allen</i>)	Failed
HB 68	Criminal Penalty Amendment (<i>David Litvack</i>)	Failed
HB 69	Pharmaceutical Cost Reduction Amendments (<i>Rosalind J. McGee</i>)	Failed
HB 70	Geriatric Care Managers (<i>Rebecca D. Lockhart</i>)	Passed
HB 71	Water Conservation Plans (<i>Judy Ann Buffmire</i>)	Passed
HB 72	Release of Claims on Behalf of a Minor (<i>John Dougall</i>)	Passed
HB 73	Pattern of Unlawful Activity Act Amendments (<i>Ty McCartney</i>)	Passed
HB 74	Extension of Sales and Use Tax Exemption for Steel Industry (<i>Ben C. Ferry</i>)	Passed
HB 75	Industrial Assistance Fund Amendments (<i>David Clark</i>)	Passed
HB 76	Mobile Home Park Residency Act Amendments (<i>Carl W. Duckworth</i>)	Failed
HB 77	Felony Assault Amendments (<i>Craig A. Frank</i>)	Failed
HB 78	School Land Trust Program Restricted Account (<i>David Clark</i>)	Passed
HB 79	Right to Display Flag At Personal Residence (<i>Carl W. Duckworth</i>)	Passed
HB 80	Wildlife License Agents - Penalties for Violations (<i>Bradley G. Last</i>)	Passed
HB 81	Criminal Law Intent Amendment (<i>Ty McCartney</i>)	Passed
HB 82	Virtual Visitation Amendments (<i>Douglas C. Aagard</i>)	Passed
HB 83	State Retirement - Funded Ratio (<i>Ann W. Hardy</i>)	Passed
HB 84	State School Board Candidates (<i>David N. Cox</i>)	Failed
HB 85	Health Insurance Mandate Amendments (<i>Rebecca D. Lockhart</i>)	Passed

HB 86	Primary Care Network Amendments (<i>Kory M. Holdaway</i>)	Passed
HB 87	Divorce and Custody Proceedings (<i>Jackie Biskupski</i>)	Failed
HB 88	State Land Use Management Plans (<i>Bradley T. Johnson</i>)	Passed
HB 89	Special Group License Plate Amendments (<i>Michael T. Morley</i>)	Failed
HB 90	Access to Child Welfare Hearings (<i>Michael T. Morley</i>)	Passed
HB 91	Utah Administrative Rulemaking Act Amendments (<i>Wayne A. Harper</i>)	Failed
HB 92	Brucellosis Vaccination Amendments (<i>Bradley T. Johnson</i>)	Passed
HB 93	DNA Reimbursement Costs (<i>J. Stuart Adams</i>)	Passed
HB 94	Health Insurance Pool (<i>Chad E. Bennion</i>)	Passed
HB 95	Clarification of Dependent Health Care Coverage Amendments (<i>Todd E. Kiser</i>)	Passed
HB 96	Statute of Repose (<i>J. Stuart Adams</i>)	Passed
HB 97	Protective Order Amendments (<i>Kory M. Holdaway</i>)	Passed
HB 98	Eligibility for Interscholastic Athletics (<i>Ann W. Hardy</i>)	Failed
HB 99	Common Interest Ownership Act (<i>David L. Hogue</i>)	Failed
HB 100	School Professional Development Days (<i>Bradley G. Last</i>)	Passed
HB 101	Mental Health Services Coordinator (<i>David L. Hogue</i>)	Failed
HB 102	Residential Mortgage Practices Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 103	Special District for Police Services (<i>Ty McCartney</i>)	Failed
HB 104	Filing and Perfecting of Water Rights (<i>Bradley T. Johnson</i>)	Failed
HB 105	Continuing Education for Contractors (<i>J. Stuart Adams</i>)	Passed
HB 106	Health Insurance Act Amendments (<i>James A. Dunnigan</i>)	Passed
HB 107	Appropriation to Meet Highly Qualified Teacher Standards (<i>Kory M. Holdaway</i>)	Failed
HB 108	Insurance and Retirement for Charter School Employees (<i>Merlynn T. Newbold</i>)	Passed
HB 109	Legal Presence Provisions (<i>Mike Thompson</i>)	Failed
HB 110	Educator Licensing Amendments (<i>David N. Cox</i>)	Failed
HB 111	Local Government Amendments (<i>Wayne A. Harper</i>)	Passed
HB 112	Enrollment Growth Program Amendments (<i>Bradley G. Last</i>)	Failed
HB 113	Nonresident Tuition Waiver for Job Corps Students (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 114	Money Management Act Amendments (<i>David Clark</i>)	Passed
HB 115	Carson Smith Special Needs Scholarships (<i>J. Morgan Philpot</i>)	Vetoed
HB 116	Facilities with Regional Impact (<i>Ralph Becker</i>)	Passed
HB 117	Individual Income Tax - Treatment of Certain Military Income (<i>Darin G. Peterson</i>)	Failed
HB 118	Brand Inspection Amendments (<i>David Ure</i>)	Failed
HB 119	Fencing Responsibilities with Greenbelt or Conservation Easement (<i>David Ure</i>)	Passed
HB 120	Child Welfare Funding for In-home Services (<i>Mike Thompson</i>)	Passed
HB 121	Code of Criminal Procedure Amendments (<i>Jack A. Seitz</i>)	Passed
HB 122	Private Investigator Amendments (<i>Margaret Dayton</i>)	Passed
HB 123	Drug Lab Cleanup and Disclosure (<i>David Litvack</i>)	Passed
HB 124	Small Claims Court Jurisdiction Amendments (<i>Stephen H. Urquhart</i>)	Passed
HB 125	County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Amendments (<i>Todd E. Kiser</i>)	Passed
HB 126	Teacher Classifications (<i>Ron Bigelow</i>)	Passed
HB 127	Certified Medication Aide (<i>Rebecca D. Lockhart</i>)	Failed
HB 128	Amendments to Operating Under the Influence (<i>Dana C. Love</i>)	Passed
HB 129	Child Protection Team Meetings (<i>Chad E. Bennion</i>)	Failed
HB 130	Kindergarten Assessment Requirements (<i>Karen W. Morgan</i>)	Failed

HB 131	Eminent Domain Amendments (<i>Ben C. Ferry</i>)	Passed
HB 132	Driver License Amendments (<i>David Ure</i>)	Failed
HB 133	Property Tax - Veteran's Exemption (<i>Don E. Bush</i>)	Passed
HB 134	Provision for Paramedics in Cities of Counties of the Second Class (<i>Ann W. Hardy</i>)	Failed
HB 135	Notification of School District of Violent Offense by a Student (<i>M. Susan Lawrence</i>)	Passed
HB 136	Electronic Filing of Preliminary Lien Documents (<i>Michael T. Morley</i>)	Passed
HB 137	Campaign Finance Disclosure in Municipal Elections (<i>John Dougall</i>)	Failed
HB 138	Trespassing on State Park Lands (<i>Sheryl L. Allen</i>)	Passed
HB 139	Evidence Amendments (<i>Joseph G. Murray</i>)	Failed
HB 140	Child and Family Services and Related Judicial Code Amendments (<i>LaVar Christensen</i>)	Vetoed
HB 141	Abortion Law Amendments (<i>J. Morgan Philpot</i>)	Failed
HB 142	Audit Requirements for Political Subdivisions (<i>Ben C. Ferry</i>)	Passed
HB 143	Special License Plates (<i>Carl W. Duckworth</i>)	Failed
HB 144	Special License Plate - Springville High Booster Club (<i>Calvin G. Bird</i>)	Failed
HB 145	Approval Required for Disposal of Radioactive Waste (<i>Stephen H. Urquhart</i>)	Passed
HB 146	County Cooperative Agreements with State for Fire Protection (<i>Craig W. Buttars</i>)	Passed
HB 147	Municipal Code Condemnation Amendments (<i>LaVar Christensen</i>)	Passed
HB 148	Optometry Amendments (<i>Bradley G. Last</i>)	Passed
HB 149	New Automobile Franchise Act (<i>Greg J. Curtis</i>)	Passed
HB 150	Workers' Compensation - Fire Department Employees (<i>Joseph G. Murray</i>)	Failed
HB 151	Protective Custody of Abused, Neglected, or Dependent Children (<i>Eric K. Hutchings</i>)	Failed
HB 152	Charter School Governance (<i>Marda Dillree</i>)	Passed
HB 153	Commercial Driver License Amendments (<i>Calvin G. Bird</i>)	Passed
HB 154	State and Local Government Planning (<i>Craig W. Buttars</i>)	Failed
HB 155	State Fair Amendments (<i>Craig W. Buttars</i>)	Failed
HB 156	Changes to State Government (<i>Katherine M. Bryson</i>)	Failed
HB 157	Transportation Amendments (<i>John Dougall</i>)	Passed
HB 158	Water Shares in a Municipal Water Company (<i>Gregory H. Hughes</i>)	Vetoed
HB 159	Economic Development (<i>Chad E. Bennion</i>)	Failed
HB 160	Mortgage Act Amendments (<i>Wayne A. Harper</i>)	Passed
HB 161	Law Enforcement Amendments (<i>Carol Spackman Moss</i>)	Passed
HB 162	Municipal Election Amendments (<i>John Dougall</i>)	Passed
HB 163	Residential Mortgage Practices - Employment Security Revisions (<i>Stephen H. Urquhart</i>)	Failed
HB 164	Resident Tuition Status for National Guard Members (<i>Brad King</i>)	Passed
HB 165	Child Protection Registry (<i>Michael R. Styler</i>)	Passed
HB 166	Concealed Firearm Permit Amendments (<i>David L. Hogue</i>)	Failed
HB 167	Public Service Commission - Regulation of Cable Companies (<i>David L. Hogue</i>)	Failed
HB 168	Individual Income Tax and Corporate Franchise and Income Tax Task Force (<i>Wayne A. Harper</i>)	Passed
HB 169	Mail Theft Amendments (<i>Mike Thompson</i>)	Passed
HB 170	Office of the Attorney General Responsibilities (<i>Katherine M. Bryson</i>)	Failed
HB 171	Insurance Fraud Amendments (<i>James A. Ferrin</i>)	Passed
HB 172	Insurance Liquidation Law Amendments (<i>James A. Ferrin</i>)	Passed
HB 173	Liability Insurance for Contractors - Monitoring System (<i>Michael T. Morley</i>)	Failed
HB 174	Forensic Mental Health Amendments (<i>Jack A. Seitz</i>)	Passed
HB 175	Process for Filling Midterm Vacancies in the Legislature (<i>Wayne A. Harper</i>)	Failed

HB 176	Child Restraint Safety Devices (<i>Carol Spackman Moss</i>)	Failed
HB 177	Interference with School Activities (<i>Bradley G. Last</i>)	Failed
HB 178	Motor Vehicle Purchase Amendments (<i>Don E. Bush</i>)	Passed
HB 179	Vulnerable Adult Abuse Amendments (<i>Patricia W. Jones</i>)	Passed
HB 180	Death Penalty Provisions (<i>Sheryl L. Allen</i>)	Passed
HB 181	Fluorine Cost Requirements (<i>Michael T. Morley</i>)	Failed
HB 182	Construction Lien Amendments (<i>Stephen D. Clark</i>)	Passed
HB 183	Conditions for Release after Notice Regarding Arrest for Domestic Violence (<i>Peggy Wallace</i>)	Passed
HB 184	Voyeurism Amendments (<i>Brent H. Goodfellow</i>)	Passed
HB 185	Law Enforcement - Reporting Hazardous Materials Relating to Controlled Substances (<i>Eric K. Hutchings</i>)	Failed
HB 186	Evaluation and Counseling Prior to Termination Proceedings (<i>Mike Thompson</i>)	Passed
HB 187	Viatical Settlement Act (<i>James A. Dunnigan</i>)	Passed
HB 188	Donation of Surplus Computers to Persons with a Disability (<i>Calvin G. Bird</i>)	Passed
HB 189	Tobacco Compliance Amendments (<i>David L. Hogue</i>)	Passed
HB 190	Restricting Wireless Telephone Use for School Bus Drivers (<i>Neal B. Hendrickson</i>)	Failed
HB 191	Corporate Franchise and Income Tax Amendments (<i>Gordon E. Snow</i>)	Passed
HB 192	Repeal of Thrifts Settlement Financing Provisions (<i>Greg J. Curtis</i>)	Passed
HB 193	Commission on Criminal and Juvenile Justice (<i>M. Susan Lawrence</i>)	Passed
HB 194	Commission on Criminal and Juvenile Justice Membership (<i>Rosalind J. McGee</i>)	Failed
HB 195	Consumer Protection Amendments (<i>Sheryl L. Allen</i>)	Passed
HB 196	Safety Inspection and Emission Amendments (<i>Wayne A. Harper</i>)	Failed
HB 197	Limit on Child Welfare Recommendations and Rulings (<i>Mike Thompson</i>)	Passed
HB 198	Child Welfare Court Reports (<i>Mike Thompson</i>)	Passed
HB 199	Disruption of Activities in or Near School Building (<i>Carol Spackman Moss</i>)	Passed
HB 200	Recognition of Foreign Adoptions (<i>Wayne A. Harper</i>)	Passed
HB 201	Traffic Signal Preemption Device (<i>John Dougall</i>)	Passed
HB 202	Mail Order Tobacco Sales Amendments (<i>Eric K. Hutchings</i>)	Passed
HB 203	Special Group License Plate (<i>David L. Hogue</i>)	Passed
HB 204	Public Utilities Revisions (<i>Greg J. Curtis</i>)	Passed
HB 205	State Settlement Agreements Amendments (<i>Wayne A. Harper</i>)	Passed
HB 206	Constitutional Defense Council Amendments (<i>Michael E. Noel</i>)	Passed
HB 207	Health Insurance Amendments (<i>Rebecca D. Lockhart</i>)	Passed
HB 208	Regulation of Motorized Scooters (<i>Brad L. Dee</i>)	Failed
HB 209	Licensing of Plumbing and Electrical Trades (<i>Stephen D. Clark</i>)	Passed
HB 210	Law Enforcement Employee Background Checks (<i>Loraine T. Pace</i>)	Passed
HB 211	Renewal of Fishing License (<i>J. Morgan Philpot</i>)	Passed
HB 212	Traffic Accident Response (<i>Eric K. Hutchings</i>)	Failed
HB 213	Changes to Investment Advisory Committee (<i>David Clark</i>)	Passed
HB 214	School and Institutional Trust Lands - Clarifying References to Rules and Policies (<i>James R. Gowans</i>)	Passed
HB 215	Building Standards Amendments (<i>J. Stuart Adams</i>)	Passed
HB 216	Internet Privacy Act (<i>Wayne A. Harper</i>)	Failed
HB 217	Changes to Division of Facilities and Construction Management Contract Procedures and Requirements (<i>Wayne A. Harper</i>)	Passed

HB 218	Private Health Insurance - Waiver of Health Condition (<i>Chad E. Bennion</i>)	Passed
HB 219	Construction Bond Amendments (<i>Michael T. Morley</i>)	Passed
HB 220	Off-highway Vehicle Amendments (<i>Brent H. Goodfellow</i>)	Passed
HB 221	Use of Credit Information for Insurance (<i>Peggy Wallace</i>)	Failed
HB 222	Robbery Amendments (<i>Craig A. Frank</i>)	Passed
HB 223	State School Board Candidate Selection Committees (<i>Karen W. Morgan</i>)	Failed
HB 224	Repeal of Public Education Amendments (<i>Judy Ann Buffmire</i>)	Failed
HB 225	Provision for Emergency Medical Services (<i>Peggy Wallace</i>)	Passed
HB 226	Legislative Approval for Capital Projects (<i>David Ure</i>)	Passed
HB 227	Midwife Certification Act (<i>Jackie Biskupski</i>)	Failed
HB 228	Sale, Exchange, or Donation of Real Property by State Agencies (<i>David Ure</i>)	Failed
HB 229	Public Utility Easements (<i>R. Curt Webb</i>)	Passed
HB 230	Property Tax Levy for Education (<i>Michael R. Styler</i>)	Failed
HB 231	Review and Approval of Federal Monies Received by the State (<i>Chad E. Bennion</i>)	Passed
HB 232	Water Well Amendments (<i>Darin G. Peterson</i>)	Passed
HB 233	Grazing Permit Fee Amendments (<i>Eli H. Anderson</i>)	Passed
HB 234	Sunset Extension on Unauthorized Practice of Law (<i>Stephen H. Urquhart</i>)	Passed
HB 235	Turkey Hunting Permits (<i>D. Gregg Buxton</i>)	Passed
HB 236	Families, Agencies, and Communities Together Amendments (<i>David Litvack</i>)	Failed
HB 237	Department of Corrections - Therapy Provider Qualifications (<i>Duane E. Bourdeaux</i>)	Passed
HB 238	Workers' Compensation Access to Medical Records (<i>Jeff Alexander</i>)	Passed
HB 239	Sexually Explicit Business and Escort Service Tax (<i>Duane E. Bourdeaux</i>)	Passed
HB 240	Revenue and Taxation - Offenses and Penalties (<i>Ron Bigelow</i>)	Passed
HB 241	Commitment for Mental Retardation (<i>Calvin G. Bird</i>)	Passed
HB 242	Funds Consolidation Act - Deposit Amendments (<i>David Clark</i>)	Passed
HB 243	Water Rights Task Force (<i>Michael R. Styler</i>)	Failed
HB 244	Amendments to Asset Testing for Medicaid (<i>David L. Hogue</i>)	Failed
HB 245	Insurance Law Revisions (<i>James A. Ferrin</i>)	Passed
HB 246	Prohibition of Cross Burning on Property (<i>Neil A. Hansen</i>)	Failed
HB 247	Task Force Studying Water Issues (<i>Michael R. Styler</i>)	Passed
HB 248	Disclosure of Higher Education Costs (<i>Ron Bigelow</i>)	Passed
HB 249	Nursing Care Facility Medicaid Certification Amendments (<i>Rebecca D. Lockhart</i>)	Passed
HB 250	Property and Casualty Insurance Law Amendments (<i>Todd E. Kiser</i>)	Passed
HB 251	Radio Frequency Identification - Right to Know Act (<i>David L. Hogue</i>)	Failed
HB 252	Calculation of Property Tax Levies (<i>Merlynn T. Newbold</i>)	Passed
HB 253	Retirement Office Amendments (<i>Ann W. Hardy</i>)	Passed
HB 254	Solid Waste Landfill Amendments (<i>D. Gregg Buxton</i>)	Failed
HB 255	Wildlife Restitution Amendments (<i>Roger E. Barrus</i>)	Passed
HB 256	Expansion of Economic Development Webpage (<i>Sheryl L. Allen</i>)	Passed
HB 257	Electro Shock Therapy Amendments (<i>Katherine M. Bryson</i>)	Failed
HB 258	Prohibiting Cell Phone Use for New Drivers (<i>Carol Spackman Moss</i>)	Failed
HB 259	Special Needs Adoption - Preplacement Evaluations (<i>Ann W. Hardy</i>)	Passed
HB 260	Tobacco Fund Allocation Amendments (<i>Jack A. Seitz</i>)	Passed
HB 261	Gift Certificates - Eliminating Expiration Date (<i>Ty McCartney</i>)	Failed
HB 262	Penalties for Providing False or Misleading Information in Court (<i>Jeff Alexander</i>)	Passed

HB 263	State Retirement System Amendments (<i>Brad King</i>)	Passed
HB 264	Improving Mental Health Services to the Deaf and Hard-of-hearing Task Force (<i>David L. Hogue</i>)	Failed
HB 265	Designation of Commemorative Days (<i>Don E. Bush</i>)	Passed
HB 266	Revisions to Child Welfare (<i>Wayne A. Harper</i>)	Failed
HB 267	Utah Pharmaceutical Insurance Program (<i>David L. Hogue</i>)	Failed
HB 268	Child Welfare Processes (<i>Mike Thompson</i>)	Passed
HB 269	Changing Statutory Presumption (<i>Chad E. Bennion</i>)	Failed
HB 270	Residence Requirements for Driver License (<i>Michael E. Noel</i>)	Passed
HB 271	Tuition Tax Credits (<i>James A. Ferrin</i>)	Failed
HB 272	Health Insurance Act - Rate Limitations (<i>James A. Dunnigan</i>)	Failed
HB 273	Tax and Charge Amendments (<i>Wayne A. Harper</i>)	Passed
HB 274	Municipal Weed Abatement (<i>Michael T. Morley</i>)	Failed
HB 275	Adoption Amendments (<i>Ann W. Hardy</i>)	Passed
HB 276	Adoption Law Revisions (<i>Rosalind J. McGee</i>)	Passed
HB 277	Insurance Amendments - Licensing for Sales of Annuities (<i>Merlynn T. Newbold</i>)	Failed
HB 278	Oversight of Mortgage Regulation (<i>J. Morgan Philpot</i>)	Failed
HB 279	Counterfeit Tobacco Products (<i>Eric K. Hutchings</i>)	Passed
HB 280	Respect Choice - Special Group License Plates (<i>Rosalind J. McGee</i>)	Failed
HB 281	Toxic Mold Disclosure (<i>David L. Hogue</i>)	Failed
HB 282	Utility Regulation (<i>Katherine M. Bryson</i>)	Failed
HB 283	Department of Agriculture and Food Amendments (<i>David Ure</i>)	Passed
HB 284	Special Group License Plate for Children At Risk (<i>LaVar Christensen</i>)	Failed
HB 285	Limits on Challenges to Moderate Income Housing Plans (<i>John Dougall</i>)	Failed
HB 286	State Railroad Museum License Plates (<i>Joseph G. Murray</i>)	Failed
HB 287	Government Records Access and Management Act Revisions (<i>Douglas C. Aagard</i>)	Failed
HB 288	Process for Submitting Opinion Question to Ballot (<i>Ralph Becker</i>)	Failed
HB 289	Alcoholic Beverage Amendments Related to Minors (<i>Loraine T. Pace</i>)	Passed
HB 290	State Employee Compensation Study Task Force (<i>Merlynn T. Newbold</i>)	Failed
HB 291	Safe Drinking Water Act Amendments (<i>Glenn A. Donnelson</i>)	Failed
HB 292	Vehicle Franchise Amendments (<i>Bradley G. Last</i>)	Passed
HB 293	Repeal of National Guard Efficiency Boards (<i>James A. Ferrin</i>)	Passed
HB 294	Purchase of Firearms Amendments (<i>James A. Ferrin</i>)	Passed
HB 295	Issuance of Concealed Firearm Permits Amendments (<i>James A. Ferrin</i>)	Passed
HB 296	Workers' Compensation Fund Task Force (<i>David Ure</i>)	Failed
HB 297	Use of Local Education Property Tax Revenues (<i>James A. Ferrin</i>)	Failed
HB 298	Residence Lien Recovery Fund Amendments (<i>Stephen D. Clark</i>)	Failed
HB 299	Teacher Accrual of Continuing Education Requirements (<i>Eric K. Hutchings</i>)	Failed
HB 300	Victim Reparations Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 301	Voter Registration Amendments (<i>Mike Thompson</i>)	Passed
HB 302	Voluntary Contribution Act Amendments (<i>Michael R. Styler</i>)	Passed
HB 303	Child Welfare Revisions (<i>Steven R. Mascaro</i>)	Passed
HB 304	Procurement Code Amendments - Recycling (<i>Ben C. Ferry</i>)	Failed
HB 305	State Government Revisions (<i>David Ure</i>)	Failed
HB 306	Property Tax Relief (<i>LaVar Christensen</i>)	Failed
HB 307	Oversight of High School Activities Association (<i>Duane E. Bourdeaux</i>)	Failed

HB 308	Vehicle Restraint System Amendments (<i>Craig A. Frank</i>)	Passed
HB 309	Process for Nonbinding Opinion Question to be Referred to Voters (<i>Steven R. Mascaro</i>)	Failed
HB 310	Child Support Amendments (<i>Katherine M. Bryson</i>)	Failed
HB 311	Redevelopment Agency Amendments (<i>J. Stuart Adams</i>)	Failed
HB 312	Nonparticipating Tobacco Manufacturer's Fee (<i>David Ure</i>)	Passed
HB 313	Redevelopment Agency Revisions (<i>James R. Gowans</i>)	Failed
HB 314	Consumer Protection Revisions (<i>John Dougall</i>)	Failed
HB 315	Local Option Sales and Use Tax Amendments (<i>John Dougall</i>)	Failed
HB 316	Recall Election Process (<i>David L. Hogue</i>)	Failed
HB 317	Study on Immigration Issues and Considerations (<i>David Litvack</i>)	Failed
HB 318	Uniform Statewide Fees for Certain Tangible Personal Property (<i>Chad E. Bennion</i>)	Failed
HB 319	Utah College of Applied Technology Lease Approval Requirements (<i>Loraine T. Pace</i>)	Failed
HB 320	Transferability of Credits among Higher Education Institutions (<i>Bradley T. Johnson</i>)	Passed
HB 321	Motor Vehicle Registration Revisions (<i>Chad E. Bennion</i>)	Failed
HB 322	Golf Carts Allowed on Certain Highways (<i>Carol Spackman Moss</i>)	Failed
HB 323	Spyware Regulation (<i>Stephen H. Urquhart</i>)	Passed
HB 324	Safe Drinking Water Act Amendment (<i>Bradley G. Last</i>)	Failed
HB 325	Motor Vehicle Insurance Amendment (<i>Chad E. Bennion</i>)	Passed
HB 326	Driving Under the Influence Penalties (<i>Dana C. Love</i>)	Failed
HB 327	Impounded Vehicles Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 328	Revenue Bond and Capital Facilities Authorizations (<i>Loraine T. Pace</i>)	Passed
HB 329	Income Tax Credit for Donations to School District Foundations (<i>Don E. Bush</i>)	Failed
HB 330	Allocation of Tobacco Fund Amendments (<i>Darin G. Peterson</i>)	Passed
HB 331	Choice in Health Care (<i>Katherine M. Bryson</i>)	Failed
HB 332	Veterans Special Group License Plate Amendments (<i>Steven R. Mascaro</i>)	Passed
HB 333	Signage on Highways (<i>Craig W. Buttars</i>)	Failed
HB 334	System of Care Pilot Program (<i>Michael E. Noel</i>)	Failed
HB 335	Penalty for Using Fake Identification (<i>Brent H. Goodfellow</i>)	Passed
HB 336	Claims on Real Property (<i>Gregory H. Hughes</i>)	Passed
HB 337	Public Service Commission - Consideration of Wireless Providers (<i>Stephen H. Urquhart</i>)	Failed
HB 338	Bottle Bill Amendments (<i>Ty McCartney</i>)	Failed
HB 339	Motor Vehicle Title Requirements (<i>Todd E. Kiser</i>)	Failed
HB 340	Clarification of Use of Acupuncture (<i>David Ure</i>)	Failed
HB 341	Children's Internet Protection Act (<i>Michael E. Noel</i>)	Passed
HB 342	Gun Show Background Check (<i>Scott Daniels</i>)	Failed
HB 343	Practice Permit Requirement Amendments (<i>Roger E. Barrus</i>)	Passed
HB 344	General Government Changes (<i>Brad King</i>)	Failed
HB 345	Earned Income Tax Credit (<i>Jackie Biskupski</i>)	Failed
HB 346	Individual Income Tax Contributions Amendments (<i>Steven R. Mascaro</i>)	Failed
HB 347	State Highway Designation Changes (<i>Michael R. Styler</i>)	Passed
HB 348	Privacy Amendments (<i>Mike Thompson</i>)	Failed
HB 349	Department of Agriculture and Food Audit Requirements (<i>Craig W. Buttars</i>)	Passed
HB 350	Consumer Access to Prescription Drug Pricing Data (<i>David Ure</i>)	Failed
HB 351	Task Force Studying Private Sector Approaches to Covering the Uninsured (<i>Steven R. Mascaro</i>)	Failed
HB 352	Inheritance Tax Act Amendments (<i>Brent H. Goodfellow</i>)	Failed

HB 353	Public Transportation District Board Amendments (<i>Greg J. Curtis</i>)	Failed
HB 354	Salvage Vehicle Amendments (<i>Greg J. Curtis</i>)	Failed
HB 355	Child Support Collections (<i>J. Morgan Philpot</i>)	Failed
HB 356	Halt Utah's Participation in Matrix (<i>J. Morgan Philpot</i>)	Failed
HB 357	Continuing Education for Real Estate Professionals (<i>J. Stuart Adams</i>)	Passed
HB 358	Amendments to Access to Health Care Providers (<i>Brad L. Dee</i>)	Passed
HB 359	Use of Mineral Lease Monies by Utah State Fair (<i>Craig W. Buttars</i>)	Failed
HB 360	Property Tax Exemption (<i>James A. Ferrin</i>)	Failed
HB 361	Adoption Agency Fees Task Force (<i>Scott Daniels</i>)	Failed
HB 362	Local Human Services Act (<i>Jack A. Seitz</i>)	Failed
HB 363	Government Efficiency and Effectiveness Review Committee (<i>Peggy Wallace</i>)	Failed
HB 364	Profits from Sale of Crime Memorabilia (<i>Scott Daniels</i>)	Passed
HB 365	Disclosure of State Employees' Compensation and Benefits (<i>Ron Bigelow</i>)	Passed
HB 366	Repeal of Exemption from Nonresident Tuition (<i>Glenn A. Donnelson</i>)	Failed
HB 367	Participation Allowed in State Employee Insurance System (<i>David Clark</i>)	Failed
HB 368	Task Force on Legislative Reform (<i>J. Morgan Philpot</i>)	Failed
HB 369	Utah Retirement Fund Investments (<i>Peggy Wallace</i>)	Failed
HB 370	Tourism Tax Advisory Board (<i>Todd E. Kiser</i>)	Passed
HCR 1	Resolution Urging Open Space along Jordan River Trail (<i>Todd E. Kiser</i>)	Passed
HCR 2	Individuals with Disabilities Education Act Resolution (<i>Kory M. Holdaway</i>)	Passed
HCR 3	Resolution Urging Protection of United States from Weapons of Mass Destruction (<i>Chad E. Bennion</i>)	Passed
HCR 4	Resolution Encouraging Lifetime and Retirement Savings Accounts (<i>Chad E. Bennion</i>)	Passed
HCR 5	Resolution Urging Federal Tax Cuts to Be Made Permanent and a Reduction in the Federal Deficit (<i>Chad E. Bennion</i>)	Passed
HCR 6	Resolution Opposing Internet Access Taxes (<i>Chad E. Bennion</i>)	Declined to Sign
HCR 7	Resolution Recognizing Legislators Back to School Week (<i>Kory M. Holdaway</i>)	Passed
HCR 8	Resolution Promoting Reading Readiness by Encouraging Utah Citizens to Read with a Child 20 Minutes a Day (<i>Karen W. Morgan</i>)	Failed
HCR 9	No Child Left Behind Resolution (<i>Kory M. Holdaway</i>)	Failed
HCR 10	Resolution Recognizing National Conference of State Legislatures Annual Meeting in Salt Lake City (<i>David L. Hogue</i>)	Passed
HCR 11	Resolution on Higher Education Remedial Classes (<i>Marda Dillree</i>)	Passed
HCR 12	Education Resolution (<i>Margaret Dayton</i>)	Failed
HCR 13	Western Legends Roundup Resolution (<i>Michael E. Noel</i>)	Passed
HCR 14	Resolution Recognizing Dugway Proving Ground, Tooele Army Depot, Deseret Chemical Depot, Utah National Guard, and United States Military Reserves (<i>Eli H. Anderson</i>)	Passed
HCR 15	Resolution Recognizing Military Appreciation Week (<i>J. Stuart Adams</i>)	Passed
HCR 16	Resolution Urging Retirement System Support of Economic Development (<i>Peggy Wallace</i>)	Failed
HJR 1	Resolution Amending Dates of Annual Legislative Session (<i>Steven R. Mascaro</i>)	Failed
HJR 2	Resolution of Legislative Support for Music and Other Fine Arts Programs in Public Schools (<i>Ron Bigelow</i>)	Passed
HJR 3	Resolution Urging Congress to Consider Withdrawing the United States from the United Nations (<i>Don E. Bush</i>)	Failed
HJR 4	Joint Rules Resolution - Appropriation Process Revisions (<i>Wayne A. Harper</i>)	Failed
HJR 5	Joint Rules Resolution - Appropriation Subcommittee Meetings (<i>Karen W. Morgan</i>)	Failed

HJR 6	Resolution Amending Joint Rules Regarding Long Title (<i>Ben C. Ferry</i>)	Passed
HJR 7	Joint Rules Resolution - Resolutions Amendments (<i>Marda Dillree</i>)	Passed
HJR 8	Resolution Authorizing the Legislature to Call Itself into Session (<i>Chad E. Bennion</i>)	Failed
HJR 9	Resolution Supporting Efforts to End Homelessness (<i>David Clark</i>)	Passed
HJR 10	Joint Resolution Reaffirming the State of Utah's Commitment to the Constitution and the Bill of Rights (<i>Sheryl L. Allen</i>)	Failed
HJR 11	Resolution Urging a Study on Statewide Uniform Fees Imposed on Motor Homes (<i>LaWanna Lou Shurtliff</i>)	Failed
HJR 12	Resolution - Exception to Subscribing to Stock Prohibition (<i>Greg J. Curtis</i>)	Passed
HJR 13	Clog America Resolution (<i>Brent H. Goodfellow</i>)	Passed
HJR 14	Resolution Providing for Recall of Elected Officials (<i>David L. Hogue</i>)	Failed
HJR 15	Joint Resolution - Submitting Bonding for Open Space to Voters (<i>Ralph Becker</i>)	Failed
HJR 16	Resolution Amending Rules of Civil Procedure - Judgment (<i>Greg J. Curtis</i>)	Passed
HJR 17	Resolution Urging Action for Apparent Breaches of Utah's Enabling Act and Federal Constitution (<i>Michael E. Noel</i>)	Passed
HJR 18	Resolution Referring Nonbinding Opinion Question on Education Funding to Voters (<i>Steven R. Mascaro</i>)	Failed
HJR 19	Resolution Urging Support of Federal Law Prohibiting Partial Birth Abortion (<i>Brad King</i>)	Failed
HJR 20	Resolution Regarding Radiation Exposure Compensation Act (<i>Darin G. Peterson</i>)	Passed
HJR 21	Resolution Demanding State's Participation in Matrix End Immediately (<i>J. Morgan Philpot</i>)	Failed
HJR 22	Joint Resolution Regarding No Child Left Behind (<i>Kory M. Holdaway</i>)	Failed
HJR 23	Resolution Urging Study of Incentives for Film Industry Production in Utah (<i>Sheryl L. Allen</i>)	Failed
HJR 24	Joint Resolution Regarding Roe v. Wade (<i>J. Morgan Philpot</i>)	Failed
HJR 25	Joint Resolution on Marriage (<i>LaVar Christensen</i>)	Passed
HJR 26	Resolution Providing Property Tax Exemption (<i>James A. Ferrin</i>)	Failed
HR 1	House Rules Resolution - Access to House Floor (<i>Ron Bigelow</i>)	Passed
HR 2	House Rules Resolution - Standing Committee Process Amendments (<i>Ralph Becker</i>)	Failed
HR 3	House Rules Resolution - Limit on Gifts (<i>Ralph Becker</i>)	Failed
HR 4	House Rules Resolution - Amendments Governing Reading of Bills (<i>Margaret Dayton</i>)	Passed
HR 5	Resolution Urging Congress to Pass Social Security Retirement Account Legislation (<i>Michael T. Morley</i>)	Passed
HR 6	Resolution Urging Congress to Pass Lifetime and Retirement Savings Account Legislation (<i>Michael T. Morley</i>)	Passed
HR 7	Driving Under the Influence Resolution (<i>Dana C. Love</i>)	Passed
HR 8	House Resolution Regarding No Child Left Behind (<i>Kory M. Holdaway</i>)	Failed
HR 9	House Rules Resolution Reporting Requirements (<i>Chad E. Bennion</i>)	Passed
HR 10	House Rules Resolution Requiring Political Caucuses to Be Open (<i>Scott Daniels</i>)	Failed
HR 11	Eligibility for Interscholastic Athletics Resolution (<i>Ann W. Hardy</i>)	Passed
SB 1	Appropriations Act (<i>Leonard M. Blackham</i>)	Passed
SB 3	Minimum School Program Act Amendments (<i>Howard A. Stephenson</i>)	Passed
SB 4	Repeal of Cost-savings Suggestions Pilot Program (<i>Beverly Ann Evans</i>)	Passed
SB 5	Employment Security Modifications (<i>Scott K. Jenkins</i>)	Passed
SB 6	Refurbished Computers in Schools Program (<i>Howard A. Stephenson</i>)	Passed
SB 7	Rail Corridor Provisions (<i>Gregory S. Bell</i>)	Failed
SB 8	Local Referendum Amendments (<i>Beverly Ann Evans</i>)	Failed

SB 9	Property Rights Amendments (<i>Carlene M. Walker</i>)	Passed
SB 10	Amendments to Local Referendum Process (<i>John W. Hickman</i>)	Passed
SB 11	Guidelines for Local Matching Dollars for Transportation Projects (<i>Carlene M. Walker</i>)	Passed
SB 12	Transportation of Children for Parent-time (<i>Patrice M. Arent</i>)	Passed
SB 13	Resort Communities Tax Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 14	Insurance Code Exemption (<i>Gregory S. Bell</i>)	Passed
SB 15	Carryover of Authorized Capital Outlay Amendments (<i>Beverly Ann Evans</i>)	Passed
SB 16	Identity Theft Amendments (<i>Carlene M. Walker</i>)	Passed
SB 17	Reauthorization of Energy Policy Task Force (<i>Leonard M. Blackham</i>)	Failed
SB 18	Municipal Annexation Provisions in First Class Counties (<i>Patrice M. Arent</i>)	Passed
SB 19	Sales and Use Taxes - Exemption for Energy Related Equipment and Machinery (<i>Leonard M. Blackham</i>)	Passed
SB 20	Driving Under the Influence Amendments (<i>Carlene M. Walker</i>)	Passed
SB 21	Drug Offenders Reform Act (<i>D. Chris Buttars</i>)	Failed
SB 22	Administrative Rules Reauthorization (<i>Howard A. Stephenson</i>)	Passed
SB 23	Amendments to Municipal Government (<i>Thomas V. Hatch</i>)	Passed
SB 24	Marriage Recognition Policy (<i>D. Chris Buttars</i>)	Passed
SB 25	Death Penalty Amendments (<i>Ron Allen</i>)	Failed
SB 26	Public Safety Retirees' Cost-of-living Increase (<i>D. Chris Buttars</i>)	Passed
SB 27	Telephone and Facsimile Solicitation Act (<i>David L. Thomas</i>)	Passed
SB 28	Home Inspection - Action Against Inspector (<i>Paula F. Julander</i>)	Failed
SB 29	Access to Rural Health Care Providers (<i>Leonard M. Blackham</i>)	Passed
SB 30	Medical Benefits Recovery Act Amendments (<i>Sheldon L. Killpack</i>)	Passed
SB 31	Sales and Use Tax Amendments (<i>Ed P. Mayne</i>)	Failed
SB 32	Use of Asthma Medication by Pupils in School (<i>Patrice M. Arent</i>)	Passed
SB 33	Mobile Home Park Residency Act (<i>Ed P. Mayne</i>)	Passed
SB 34	Occupational Therapists Amendments (<i>Gene Davis</i>)	Passed
SB 35	Pharmacist Technician Exemption (<i>Dan R. Eastman</i>)	Failed
SB 36	Prevention of Child Access to Firearms (<i>Paula F. Julander</i>)	Failed
SB 37	Deferred Deposit Lending Amendments (<i>Ron Allen</i>)	Failed
SB 38	Arson Offense Amendments (<i>Patrice M. Arent</i>)	Passed
SB 39	State and School Recognition of Cesar Chavez (<i>James M. Evans</i>)	Failed
SB 40	Cesar Chavez Scholarship Program (<i>James M. Evans</i>)	Passed
SB 41	Hate Crime Amendments (<i>James M. Evans</i>)	Failed
SB 42	Utah Exemption Code Amendments (<i>David L. Gladwell</i>)	Passed
SB 43	Recreational Therapy Practice Amendments (<i>Gene Davis</i>)	Passed
SB 44	Child Care Centers Regulations (<i>Parley G. Hellewell</i>)	Passed
SB 45	Uniform Parentage Act (<i>Lyle W. Hillyard</i>)	Failed
SB 46	Sunset Date Extension of Division of Oil, Gas and Mining (<i>Mike Dmitrich</i>)	Passed
SB 47	Uniform Trust Code (<i>Lyle W. Hillyard</i>)	Passed
SB 48	Uniform Firearm Laws (<i>Michael G. Waddoups</i>)	Passed
SB 49	Competency to Be Executed - Amendments (<i>David L. Gladwell</i>)	Passed
SB 50	Rural Planning and Development (<i>Thomas V. Hatch</i>)	Passed
SB 51	Education Technology Support for Testing Initiative (<i>Leonard M. Blackham</i>)	Passed
SB 52	Insurance Amendments - Loss Histories and Inquiries (<i>Thomas V. Hatch</i>)	Passed
SB 53	County and Municipal Zoning Regarding Billboards (<i>Michael G. Waddoups</i>)	Passed

SB 54	Restructuring Division of Child and Family Services (<i>Parley G. Hellewell</i>)	Failed
SB 55	Governmental Immunity Act of Utah (<i>Leonard M. Blackham</i>)	Passed
SB 56	Jury Trial for Termination of Parental Rights (<i>Bill Wright</i>)	Failed
SB 57	Corporate Accountability (<i>Ed P. Mayne</i>)	Failed
SB 58	Alcoholic Beverage Control Amendments (<i>John L. Valentine</i>)	Passed
SB 59	Revisions to State Government (<i>Peter C. Knudson</i>)	Failed
SB 60	Sports Development, Tourism Promotion, and Tourism, Recreation, Cultural, Convention, and Sports Facilities Tax Amendments (<i>Michael G. Waddoups</i>)	Failed
SB 61	Acceptance of Federally Funded Breakfast Program for Children (<i>Paula F. Julander</i>)	Failed
SB 62	Stay of Execution Amendments (<i>David L. Thomas</i>)	Passed
SB 63	Witness Tampering Amendments (<i>D. Chris Buttars</i>)	Passed
SB 64	Rural Health Care Initiative (<i>John W. Hickman</i>)	Failed
SB 65	County Classification Amendments (<i>Leonard M. Blackham</i>)	Passed
SB 66	Telecommunications Amendments (<i>John W. Hickman</i>)	Passed
SB 67	Designation of American Indian Heritage Month and an Indigenous People Day (<i>Beverly Ann Evans</i>)	Passed
SB 68	Prohibition of Public Funding for Abortion (<i>Curtis S. Bramble</i>)	Passed
SB 69	Partial Birth Abortion Amendments (<i>Curtis S. Bramble</i>)	Passed
SB 70	Health Care Facility Licensing Exemption (<i>John W. Hickman</i>)	Passed
SB 71	Safety Belt Enforcement (<i>Karen Hale</i>)	Failed
SB 72	Disposition of Fines for Registration Violations (<i>John W. Hickman</i>)	Passed
SB 73	Escape Amendments (<i>Thomas V. Hatch</i>)	Passed
SB 74	Aerospace and Aviation Development Zone Amendments (<i>Mike Dmitrich</i>)	Failed
SB 75	Consumer Credit Contracts (<i>Gregory S. Bell</i>)	Failed
SB 76	Revisions to Royalty on Brine Shrimp (<i>Thomas V. Hatch</i>)	Passed
SB 77	Expansion of New Motor Vehicle Warranties (<i>Patrice M. Arent</i>)	Passed
SB 78	Exemptions to Residential Property Tax (<i>Ed P. Mayne</i>)	Failed
SB 79	Repeal of Child Welfare Worker Designations (<i>Dan R. Eastman</i>)	Passed
SB 80	Capital Punishment Amendments - Excluded Days (<i>John L. Valentine</i>)	Passed
SB 81	Child and Family Services - Plea in Abeyance (<i>Parley G. Hellewell</i>)	Passed
SB 82	Deposits into Uintah Basin Revitalization Fund (<i>Beverly Ann Evans</i>)	Passed
SB 83	Uninsured Employers' Fund Amendments (<i>Ed P. Mayne</i>)	Passed
SB 84	Party to Felony Offense Enhancement (<i>Michael G. Waddoups</i>)	Passed
SB 85	Political Activities of Public Entities Amendments (<i>David L. Thomas</i>)	Passed
SB 86	Mental Health Professional Practice Act Amendments (<i>D. Chris Buttars</i>)	Passed
SB 87	Driver License Certificate Amendments (<i>Carlene M. Walker</i>)	Passed
SB 88	Uniform Building Standards Act - Manufactured Housing Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 89	Contractor Licensing Amendments (<i>Parley G. Hellewell</i>)	Passed
SB 90	Medical Neglect - Exclusion (<i>David L. Thomas</i>)	Failed
SB 91	Emergency Medical Service Provider Amendments (<i>Scott K. Jenkins</i>)	Passed
SB 92	Repeal of Unsolicited Commercial and Sexually Explicit Email Act (<i>Patrice M. Arent</i>)	Passed
SB 93	Telecommunications Annual Report Amendments (<i>Beverly Ann Evans</i>)	Passed
SB 94	Mine Certification Requirements (<i>Mike Dmitrich</i>)	Passed
SB 95	Issuing a Bad Check or Draft (<i>Parley G. Hellewell</i>)	Failed
SB 96	Utah Occupational Safety and Health Act Amendments (<i>Ed P. Mayne</i>)	Passed
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SB 98	Fees for Electronic Processing of Certain Motor Vehicle Transactions (<i>Curtis S. Bramble</i>) .	Passed
SB 99	Child and Family Services - Standard of Review (<i>Parley G. Hellewell</i>)	Failed
SB 100	Adoption Responsibilities - State Oversight (<i>Parley G. Hellewell</i>)	Failed
SB 101	Use of Education Revenues (<i>Thomas V. Hatch</i>)	Failed
SB 102	Journal of Notary Public Acts (<i>Peter C. Knudson</i>)	Failed
SB 103	Child Removal Amendments (<i>Parley G. Hellewell</i>)	Failed
SB 104	Selection of Mental Health Therapist in Termination of Parental Rights (<i>Parley G. Hellewell</i>)	Passed
SB 105	Abuse, Neglect, and Dependency Amendments (<i>Parley G. Hellewell</i>)	Failed
SB 106	Dishonored Checks - Motor Vehicle Repair Facilities (<i>D. Chris Buttars</i>)	Failed
SB 107	Advanced Practice Registered Nurse Modifications (<i>Peter C. Knudson</i>)	Passed
SB 108	Revisor's Statute (<i>Lyle W. Hillyard</i>)	Passed
SB 109	Individual Income Tax Contributions for Education (<i>David L. Thomas</i>)	Passed
SB 110	Construction Services Commission Amendments (<i>Scott K. Jenkins</i>)	Failed
SB 111	Mechanics' Liens Amendments (<i>Scott K. Jenkins</i>)	Passed
SB 112	Uniform Anatomical Gift Act Amendments (<i>Karen Hale</i>)	Passed
SB 113	Administrative Procedures Act Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 114	Amendments to Prescribing, Preparation, and Dispensing of Prescription Drugs (<i>Peter C. Knudson</i>)	Passed
SB 115	Special Election Dates (<i>Curtis S. Bramble</i>)	Veto Overridden
SB 116	County Recorder Amendments (<i>Thomas V. Hatch</i>)	Failed
SB 117	Medical Arbitration Agreement Amendments (<i>Parley G. Hellewell</i>)	Failed
SB 118	Judiciary Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 119	Prosecution Jurisdiction Amendment (<i>Beverly Ann Evans</i>)	Passed
SB 120	Residential Property Tax Exemption (<i>David L. Thomas</i>)	Passed
SB 121	Local Sales and Use Tax Distribution Task Force (<i>Gregory S. Bell</i>)	Failed
SB 122	Payment of Claims on Deceased Settlor's Estate (<i>John L. Valentine</i>)	Passed
SB 123	Court Reporter Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 124	Prohibition on Sales and Use Tax Incentive Payments by a County or Municipality (<i>Sheldon L. Killpack</i>)	Passed
SB 125	Confidentiality of Drug Testing (<i>Paula F. Julander</i>)	Passed
SB 126	Amendments to Warrants (<i>Parley G. Hellewell</i>)	Failed
SB 127	Safeguarding Personal Information (<i>Michael G. Waddoups</i>)	Failed
SB 128	Long-term Care Facilities Amendments (<i>Leonard M. Blackham</i>)	Passed
SB 129	Community Associations (<i>Michael G. Waddoups</i>)	Passed
SB 130	Restrictions on Use of Unmarked Police Vehicles (<i>John W. Hickman</i>)	Failed
SB 131	Uniform Principal and Income Act (<i>Lyle W. Hillyard</i>)	Passed
SB 132	Utah Construction Trades Licensing Act - Electrical Licensing Amendments (<i>Scott K. Jenkins</i>)	Passed
SB 133	Bulk Delivery of Motor Fuel (<i>Howard A. Stephenson</i>)	Passed
SB 134	Governor's Commission for Women and Families (<i>Carlene M. Walker</i>)	Passed
SB 135	Center for Multicultural Health (<i>James M. Evans</i>)	Passed
SB 136	Uniform Interstate Family Support Act (<i>Lyle W. Hillyard</i>)	Passed
SB 137	Interstate Compact for Adult Offender Supervision - Application Fee (<i>Karen Hale</i>)	Passed
SB 138	Fishing and Hunting License Amendments (<i>David L. Gladwell</i>)	Passed
SB 139	Individual Income Tax - Nonresident Income Amendments (<i>Curtis S. Bramble</i>)	Passed

SB 140	Human Services Licensing Amendments (<i>D. Chris Buttars</i>)	Failed
SB 141	New Judge - Second District Court (<i>Gregory S. Bell</i>)	Passed
SB 142	Validity of Marriage Licenses (<i>Gene Davis</i>)	Passed
SB 143	Criminal Offense Attempt Amendments (<i>David L. Gladwell</i>)	Passed
SB 144	Corporations Sole Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 145	County Surveyor Amendments (<i>Carlene M. Walker</i>)	Passed
SB 146	Olympic Law Revisions and Cleanup (<i>Beverly Ann Evans</i>)	Passed
SB 147	Condominium Amendments (<i>Michael G. Waddoups</i>)	Passed
SB 148	Transportation Corridor Preservation Amendments (<i>John W. Hickman</i>)	Failed
SB 149	Pete Suazo Utah Athletic Commission Act Amendments (<i>Ed P. Mayne</i>)	Passed
SB 150	Judicial Confirmation Process Amendments (<i>D. Chris Buttars</i>)	Passed
SB 151	Waste Water Amendments (<i>David L. Thomas</i>)	Failed
SB 152	Division of Community Development Name Change (<i>Scott K. Jenkins</i>)	Passed
SB 153	Local Government Boards of Examiners (<i>James M. Evans</i>)	Failed
SB 154	School Building Legislative Task Force (<i>Howard A. Stephenson</i>)	Passed
SB 155	County Mental Health Amendments (<i>Gene Davis</i>)	Passed
SB 156	Substitute Teachers Volunteer Program (<i>James M. Evans</i>)	Failed
SB 157	Authorization to Perform Marriages (<i>Carlene M. Walker</i>)	Passed
SB 158	Criminal Offense Amendments (<i>Gregory S. Bell</i>)	Passed
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SB 160	Controlled Substances Act Amendments (<i>Paula F. Julander</i>)	Passed
SB 161	Judicial Conduct Commission (<i>Michael G. Waddoups</i>)	Passed
SB 162	Interstate Insurance Product Regulation - Compact (<i>John L. Valentine</i>)	Passed
SB 163	Property Tax - Confidentiality of Certain Information (<i>Howard A. Stephenson</i>)	Passed
SB 164	Amendments to the Utah Comprehensive Health Insurance Pool (<i>Gene Davis</i>)	Failed
SB 165	Workers' Compensation Amendments (<i>Curtis S. Bramble</i>)	Failed
SB 166	Off-highway Vehicle Registration Provisions (<i>Thomas V. Hatch</i>)	Passed
SB 167	Victim Restitution Amendments (<i>Gregory S. Bell</i>)	Passed
SB 168	Driver License Related Amendments (<i>Carlene M. Walker</i>)	Passed
SB 169	Sales and Use Tax Agricultural Exemptions (<i>Ron Allen</i>)	Failed
SB 170	Public Transit District Amendments (<i>James M. Evans</i>)	Passed
SB 171	Property Tax Treatment of Transportable Factory-Built Housing Units (<i>Curtis S. Bramble</i>)	Passed
SB 172	Education Articulation Legislative Task Force (<i>Scott K. Jenkins</i>)	Failed
SB 173	Bail Bond Reinstatement Amendments (<i>Gregory S. Bell</i>)	Passed
SB 174	Adoption of Uniform Juvenile Compact (<i>David L. Gladwell</i>)	Failed
SB 175	Protection of Private Lawfully Obtained Property (<i>D. Chris Buttars</i>)	Passed
SB 176	Financial Institutions Amendments (<i>John L. Valentine</i>)	Passed
SB 177	Property Tax - Outdoor Advertising (<i>Michael G. Waddoups</i>)	Passed
SB 178	Mortgage Broker Amendments (<i>Michael G. Waddoups</i>)	Passed
SB 179	Expedited Appeals in Child Welfare Cases (<i>Lyle W. Hillyard</i>)	Passed
SB 180	Brownfield Properties - Amendments (<i>Bill Wright</i>)	Failed
SB 181	Federal Research Committee (<i>Gene Davis</i>)	Failed
SB 182	Assistant Adjutant General Qualifications (<i>Peter C. Knudson</i>)	Passed
SB 183	Local Governments - Authority for Design-build Construction (<i>Howard A. Stephenson</i>)	Passed
SB 184	Interlocal Cooperation Act Amendments (<i>Gregory S. Bell</i>)	Passed

SB 185	Public Education Amendments (<i>Thomas V. Hatch</i>)	Passed
SB 186	Notification of Court Action to Noncustodial Parent (<i>Howard A. Stephenson</i>)	Failed
SB 187	Water Conservancy Districts Trustees (<i>Howard A. Stephenson</i>)	Passed
SB 188	Compliance of Treatment Plan (<i>Parley G. Hellewell</i>)	Failed
SB 189	Nurse Practice Act Amendments (<i>Paula F. Julander</i>)	Failed
SB 190	Sales and Use Tax Exemption Relating to Film, Television, and Video (<i>Howard A. Stephenson</i>)	Passed
SB 191	Oil and Gas Related Taxes and Fees (<i>Beverly Ann Evans</i>)	Passed
SB 192	Loan Transactions Amendments (<i>Michael G. Waddoups</i>)	Passed
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SB 194	Plumbing Apprentice Amendments (<i>Parley G. Hellewell</i>)	Failed
SB 195	Taxation of Multi-channel Video or Audio Service (<i>Michael G. Waddoups</i>)	Passed
SB 196	Court Fee Adjustments (<i>David L. Gladwell</i>)	Passed
SB 197	Health Insurance - Contraceptive Equity Amendments (<i>Paula F. Julander</i>)	Failed
SB 198	Electric Generation Competitive Bid Amendments (<i>Curtis S. Bramble</i>)	Failed
SB 199	Outsourcing State Jobs (<i>Leonard M. Blackham</i>)	Passed
SB 200	License and Certification Extension for Deployed National Guard Members (<i>Peter C. Knudson</i>)	Passed
SB 201	Punitive Damages Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 202	Unemployment Insurance Amendments (<i>Howard A. Stephenson</i>)	Passed
SB 203	Benefits Amendments for Part-time State Employees (<i>Leonard M. Blackham</i>)	Failed
SB 204	Redevelopment Agency Changes (<i>David L. Thomas</i>)	Passed
SB 205	Certification of Crane Operators (<i>Gene Davis</i>)	Failed
SB 206	Property Tax Amendments (<i>Howard A. Stephenson</i>)	Passed
SB 207	Office of Museum Services Amendments (<i>Ron Allen</i>)	Failed
SB 208	Funding for Tourism (<i>Peter C. Knudson</i>)	Failed
SB 209	Limits on Pledging Sales and Use Tax Revenues for Bonds (<i>Howard A. Stephenson</i>)	Failed
SB 210	Motor Vehicle Insurance Enforcement Amendments (<i>Leonard M. Blackham</i>)	Failed
SB 211	Management of Guardians Ad Litem by Administrative Office of the Courts (<i>Thomas V. Hatch</i>)	Failed
SB 212	Indigent Defense Funds Amendments (<i>Leonard M. Blackham</i>)	Failed
SB 213	Motor Vehicles - Clean Air Discounts (<i>Gene Davis</i>)	Failed
SB 214	Prohibition of Obesity Lawsuits (<i>Howard A. Stephenson</i>)	Passed
SB 215	County Powers Amendments (<i>David L. Gladwell</i>)	Passed
SB 216	Health Provider Reimbursement Amendments (<i>Parley G. Hellewell</i>)	Failed
SB 217	State Road Designation (<i>John L. Valentine</i>)	Failed
SB 218	Law Enforcement Overtime Fund (<i>James M. Evans</i>)	Failed
SB 219	Amendments to Justice Court Operations (<i>Ed P. Mayne</i>)	Passed
SB 220	Safety Requirements for Public Water Systems (<i>Ed P. Mayne</i>)	Failed
SB 221	Maternity Health Care (<i>Ed P. Mayne</i>)	Failed
SB 222	Local Government Feasibility and Economic Impact Studies (<i>Scott K. Jenkins</i>)	Failed
SB 223	Transportation Construction Amendments (<i>Dan R. Eastman</i>)	Passed
SB 224	Homeless Coordinating Committee (<i>Karen Hale</i>)	Passed
SB 225	Uninsured and Underinsured Motorist Coverage (<i>Dan R. Eastman</i>)	Passed
SB 226	Health Care Malpractice - Dispute Resolution (<i>Ed P. Mayne</i>)	Failed
SB 227	Concealed Firearm Amendments (<i>Karen Hale</i>)	Failed

SB 228	Telecommunications Tax Amendments (<i>Curtis S. Bramble</i>)	Failed
SB 229	Task Force Study of Wildfires in Utah (<i>Beverly Ann Evans</i>)	Failed
SB 230	Reading Achievement Program (<i>James M. Evans</i>)	Passed
SB 231	Executive Compensation Amendments (<i>Michael G. Waddoups</i>)	Passed
SB 232	Standard of Care for Emergency Vehicle Drivers (<i>Leonard M. Blackham</i>)	Passed
SB 233	Airport Security Amendments (<i>James M. Evans</i>)	Passed
SB 234	State Fair Park Leasing Agreements (<i>James M. Evans</i>)	Passed
SB 235	Retirement for Airport Police (<i>Ron Allen</i>)	Failed
SB 236	Utah Public Officers' and Employees' Ethics Act Amendments (<i>D. Chris Buttars</i>)	Failed
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SB 238	Individual Income Tax - Earned Income Tax Credit (<i>Thomas V. Hatch</i>)	Failed
SB 239	Unfair Business Practices (<i>Mike Dmitrich</i>)	Veto Overridden
SB 240	Motion Picture Task Force (<i>Ron Allen</i>)	Passed
SB 241	Future Farmers of America Special License Plate (<i>Beverly Ann Evans</i>)	Failed
SB 242	Undocumented Workers Driver License Revisions (<i>John W. Hickman</i>)	Failed
SB 243	Hogle Zoo Special District (<i>David L. Gladwell</i>)	Failed
SB 244	Medicaid Amendments (<i>Paula F. Julander</i>)	Failed
SB 245	Medical Dispute Resolution Amendments (<i>Leonard M. Blackham</i>)	Passed
SB 246	Waste Amendments (<i>John L. Valentine</i>)	Failed
SB 247	State Government Amendments (<i>James M. Evans</i>)	Failed
SB 248	Transportation General Obligation Bond (<i>Dan R. Eastman</i>)	Passed
SB 249	Defining Practice of Chiropractic Physician (<i>D. Chris Buttars</i>)	Passed
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SCR 2	Resolution Regarding Construction of Waste Facility (<i>Bill Wright</i>)	Passed
SCR 3	Resolution Supporting Hill Air Force Base (<i>David L. Thomas</i>)	Passed
SCR 4	Resolution Recognizing 50th Anniversary of Landmark Case of <i>Brown V. Board of Education</i> (<i>James M. Evans</i>)	Passed
SCR 5	Scholarship and Education Programs Resolution (<i>Sheldon L. Killpack</i>)	Failed
SCR 6	Utah Athletic Foundation Resolution (<i>Beverly Ann Evans</i>)	Failed
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SJR 3	Resolution Urging State to Recognize Federal Law Prohibiting Partial Birth Abortion (<i>Ron Allen</i>)	Failed
SJR 4	Joint Rules Resolution - Fiscal Note Process Amendments (<i>Lyle W. Hillyard</i>)	Passed
SJR 5	Resolution Urging Congress to Address Citizen Children of Undocumented Parents (<i>Gene Davis</i>)	Passed
SJR 6	Resolution on Impeachment Authority (<i>John L. Valentine</i>)	Passed
SJR 7	Resolution Recognizing Sugar House Sesquicentennial (<i>Gene Davis</i>)	Passed
SJR 8	Utah Athletic Foundation Joint Resolution (<i>Beverly Ann Evans</i>)	Failed
SJR 9	Resolution on Ethnic Advisory Councils (<i>James M. Evans</i>)	Failed
SJR 10	Master Study Resolution (<i>Michael G. Waddoups</i>)	Passed
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Restricting Wireless Telephone Use for School Bus
Drivers - HB0190
Prohibiting Cell Phone Use for New Drivers - HB0258

TELEVISION

Sales and Use Tax - Repeal of Cable and Satellite
Service - HB0038
Public Service Commission - Regulation of Cable
Companies - HB0167
Resolution Urging Study of Incentives for Film Industry
Production in Utah - HJR023

TRANSPORTATION

Special Group License Plate Amendments - HB0089S01
Legal Presence Provisions - HB0109S01
Driver License Amendments - HB0132
Special License Plates - HB0143
Special License Plate - Springville High Booster Club -
HB0144
Child Restraint Safety Devices - HB0176
Restricting Wireless Telephone Use for School Bus
Drivers - HB0190
Safety Inspection and Emission Amendments - HB0196
Regulation of Motorized Scooters - HB0208
Traffic Accident Response - HB0212

Prohibiting Cell Phone Use for New Drivers - HB0258
 Changing Statutory Presumption - HB0269
 Respect Choice - Special Group License Plates - HB0280
 Special Group License Plate for Children At Risk -
 HB0284
 State Railroad Museum License Plates - HB0286
 Motor Vehicle Registration Revisions - HB0321S01
 Golf Carts Allowed on Certain Highways - HB0322
 Driving Under the Influence Penalties - HB0326
 Impounded Vehicles Amendments - HB0327
 Signage on Highways - HB0333
 Motor Vehicle Title Requirements - HB0339
 Public Transportation District Board Amendments -
 HB0353
 Salvage Vehicle Amendments - HB0354
 Resolution Urging a Study on Statewide Uniform Fees
 Imposed on Motor Homes - HJR011
 Safety Belt Enforcement - SB0071
 Restrictions on Use of Unmarked Police Vehicles -
 SB0130
 Transportation Corridor Preservation Amendments -
 SB0148
 Motor Vehicle Insurance Enforcement Amendments -
 SB0210
 Motor Vehicles - Clean Air Discounts - SB0213
 State Road Designation - SB0217
 Future Farmers of America Special License Plate -
 SB0241
 Undocumented Workers Driver License Revisions -
 SB0242

TRAVEL AND TOURISM

Sports Development, Tourism Promotion, and Tourism,
 Recreation, Cultural, Convention, and Sports Facilities
 Tax Amendments - SB0060S05
 Funding for Tourism - SB0208S01

UNIFORM FEES

Uniform Statewide Fees for Certain Tangible Personal
 Property - HB0318

UNIFORM LAWS

Common Interest Ownership Act - HB0099
 Uniform Parentage Act - SB0045S02

UTAH HIGHWAY PATROL

Restrictions on Use of Unmarked Police Vehicles -
 SB0130

UTAH MUNICIPAL CODE

Campaign Finance Disclosure in Municipal Elections -
 HB0137S01
 Municipal Weed Abatement - HB0274
 Rail Corridor Provisions - SB0007
 Local Government Boards of Examiners - SB0153
 Local Government Feasibility and Economic Impact
 Studies - SB0222S02

UTILITIES SITING

Utility Regulation - HB0282

VICTIMS' RIGHTS

Victim Reparations Amendments - HB0300

WATER AND IRRIGATION

Filing and Perfecting of Water Rights - HB0104
 Water Rights Task Force - HB0243
 Safety Requirements for Public Water Systems - SB0220

WATER QUALITY

Safe Drinking Water Act Amendments - HB0291
 Safe Drinking Water Act Amendment - HB0324
 Waste Water Amendments - SB0151S02
 Safety Requirements for Public Water Systems - SB0220

WEAPONS

Identification of Stolen Firearms - HB0063S01
 Concealed Firearm Permit Amendments - HB0166
 Gun Show Background Check - HB0342
 Prevention of Child Access to Firearms - SB0036
 Concealed Firearm Amendments - SB0227

WORKERS' COMPENSATION

Workers' Compensation Fund Task Force - HB0296
 Workers' Compensation Amendments - SB0165S02

WORKFORCE SERVICES CODE

Workers' Compensation - Fire Department Employees -
 HB0150
 Clarification of Use of Acupuncture - HB0340
 Construction Services Commission Amendments -
 SB0110

ZONING

Aerospace and Aviation Development Zone Amendments
 - SB0074

Statistical Summary of Legislation

2004 General Session

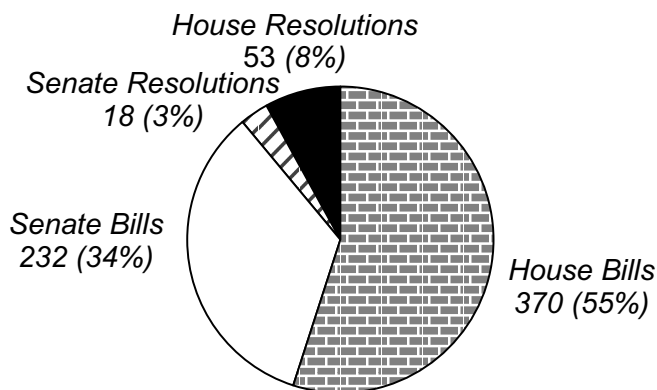
	House	Senate	Total
Total Bills and Resolutions Introduced	423	250	673
Total Bills and Resolutions Passed	242	177	419
Total Bills and Resolutions Enacted	238	175	413

Bills Introduced	370	232	602
Bills Passed	213	162	375
Bills Vetoed	4	2	6
Line Items Vetoed	2	0	2
Total Bills Enacted	209	160	369

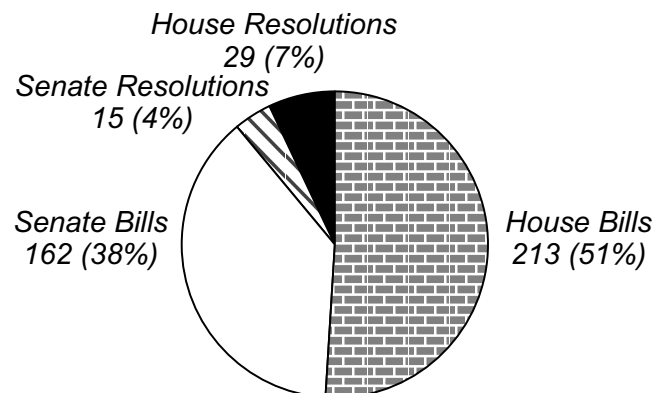
Joint Resolutions Introduced	26	10	36
Concurrent Resolutions Introduced	16	5	21
House & Senate Resolutions Introduced	11	3	14
Total Resolutions Introduced	53	18	71

Joint Resolutions Passed	10	8	18
Concurrent Resolutions Passed	12	4	16
House & Senate Resolutions Passed	7	3	10
Total Resolutions Passed	29	15	44

Introduced



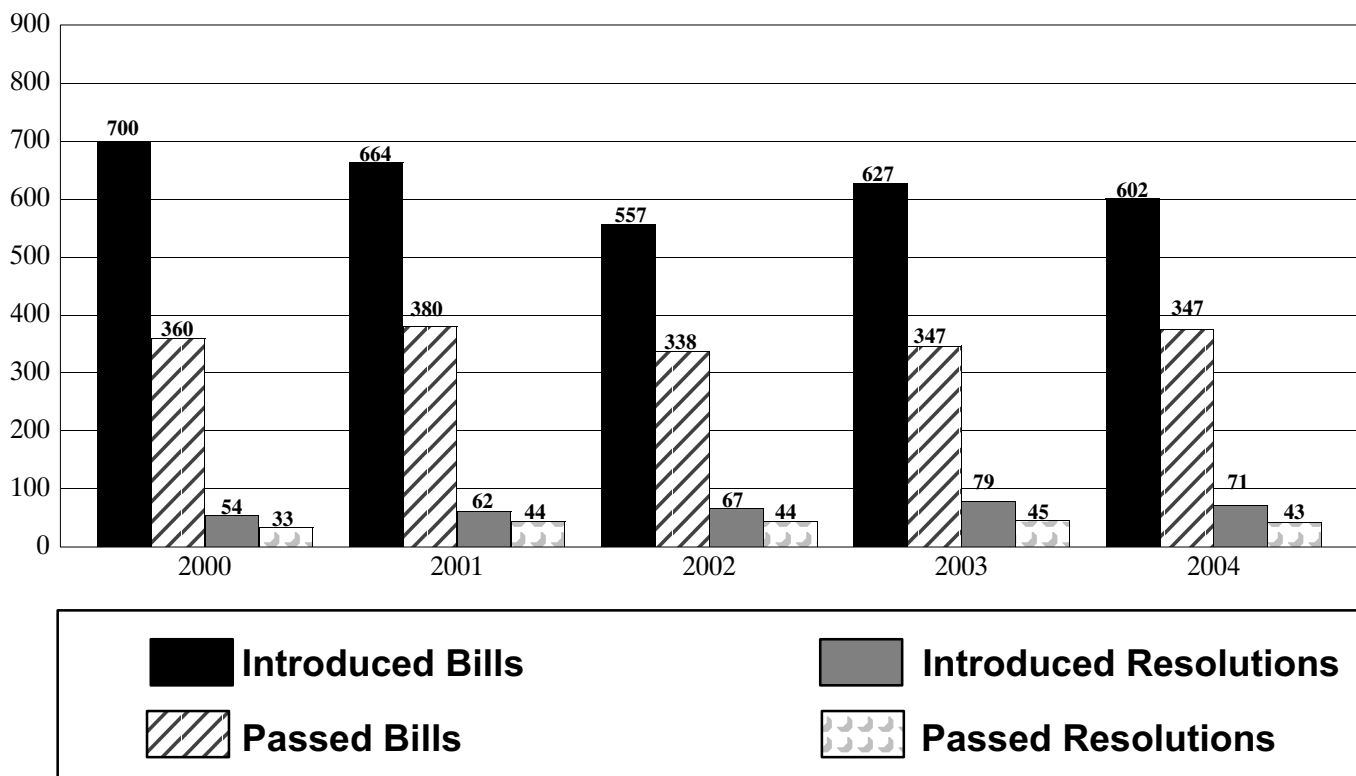
Passed



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Statistical Summary of General Sessions 2000-2004

	2000	2001	2002	2003	2004
Bills Introduced	700	664	557	627	602
Bills Passed	360	380	338	347	375
Percentage of Bills Passed	51%	57%	61%	55%	62%
Bills Vetoed	5	3	8	4	6
Vetoes Overridden	0	0	1	0	2
Joint Resolutions Introduced	31	31	46	40	36
Joint Resolutions Passed	15	23	27	21	18
Concurrent Resolutions Introduced	13	17	13	22	21
Concurrent Resolutions Passed	10	11	10	11	15
House & Senate Resolutions Introduced	10	14	8	17	14
House & Senate Resolutions Passed	8	10	7	13	10



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DIGEST OF LEGISLATION

2004 VETO OVERRIDE SESSION **of the 55th Legislature**

Convened and Adjourned April 26, 2004

Prepared by the
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2004 VETO OVERRIDE SESSION

The Utah State Legislature successfully voted to override the governor's vetos of Senate Bill 115, Special Election Dates, and Senate Bill 239, Unfair Business Practices, on April 26, 2004.

SB 115 **Special Election Dates** (*Curtis S. Bramble*)

This bill modifies provisions related to special elections.

This bill:

- ▶ requires local and statewide special elections to be held on either the first Tuesday after the first Monday in November or the fourth Tuesday in June; and
- ▶ makes technical changes.
- ▶ This bill takes effect on November 1, 2004.

Amends 10-3-1203, 11-14-4, 17-3-1, 17-52-202, 17-52-203.5, 20A-1-204, 53A-16-110

Effective November 1, 2004

Laws of Utah 2004

SB 239 **Unfair Business Practices** (*Mike Dmitrich*)

This bill enacts provisions within the Commerce and Trade Code related to unfair competition.

This bill:

- ▶ defines unfair competition; and
- ▶ provides a private right of action for a person injured by unfair competition.

Enacts 13-5a-101, 13-5a-102, 13-5a-103

Effective May 3, 2004

Laws of Utah 2004

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DIGEST OF LEGISLATION

2003 FIRST SPECIAL SESSION of the 55th Legislature

**Convened May 21, 2003
and Adjourned June 18, 2003**

*Prepared by the
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**PASSED LEGISLATION
2003 FIRST SPECIAL SESSION**

HB 1001 **Amendments to Master Bond Act** (*Ron Bigelow*) This act modifies the Master Bond Act by amending provisions governing the maturity dates of bonds. This act takes effect immediately.

Amends 63B-1a-101

Effective May 27, 2003

Chapter 1, Laws of Utah 2003, First Special Session

**SUBJECT INDEX OF PASSED LEGISLATION
2003 FIRST SPECIAL SESSION**

BONDS

Amendments to Master Bond Act - HB 1001 223

GOVERNMENT OPERATIONS (STATE ISSUES)

Amendments to Master Bond Act - HB 1001 223

Utah Code Sections Affected 2003 First Special Session

Legend: The action taken on each section is as follows:

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

<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>
63B-1a-101	A	HB 1001		223					

**INTRODUCED LEGISLATION
2003 FIRST SPECIAL SESSION**

HB 1001	Amendments to Master Bond Act (<i>Ron Bigelow</i>)	Passed
SB 1001	Year-end Transfer Between Funding Sources (<i>Leonard M. Blackham</i>)	Failed
SB 1002	Uniform School Fund Appropriation (<i>Leonard M. Blackham</i>)	Failed

**SUBJECT INDEX OF LEGISLATION NOT PASSED
2003 FIRST SPECIAL SESSION**

APPROPRIATIONS

Uniform School Fund Appropriation - SB1002

EDUCATION

Uniform School Fund Appropriation - SB1002

GOVERNMENT OPERATIONS (STATE ISSUES)

Year-end Transfer Between Funding Sources - SB1001

PUBLIC FUNDS AND ACCOUNTS

Year-end Transfer Between Funding Sources - SB1001

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DIGEST OF LEGISLATION

2003 SECOND SPECIAL SESSION of the 55th Legislature

Convened and Adjourned November 19, 2003

*Prepared by the
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PASSED LEGISLATION 2003 SECOND SPECIAL SESSION

HB 2001 Election Law Amendments (*Lorraine T. Pace*) This bill amends provisions governing voting precincts.

Amends 20A-5-303, 20A-5-601

Effective November 25, 2003

Chapter 1, Laws of Utah 2003, Second Special Session

HB 2002 Court Security Fund Amendments (*David L. Hogue*) This bill corrects a cross-reference that was inadvertently omitted from this section during the 2003 General Session.

Amends 78-7-35

Effective November 25, 2003

Chapter 2, Laws of Utah 2003, Second Special Session

HB 2003 Trust Law Amendments (*David Clark*) This bill makes changes in legislation passed during the 2003 General Session that allowed for the administration of trusts created outside Utah by trustees within Utah, and provided favorable tax provisions.

Amends 25-6-14, 59-10-103, 59-10-114, 59-10-201, 59-10-202, 75-2-205, 75-2-1207, 75-7-201, 75-7-202, 75-7-204, 75-7-208, 75-7-402; Enacts 75-2-1209, 75-7-405.5; Repeals 75-7-601, 75-7-602, 75-7-603

Effective December 31, 2003

Chapter 3, Laws of Utah 2003, Second Special Session

HB 2004 Utah Venture Capital Enhancement Act Amendments (*Peggy Wallace*) This bill modifies the Utah Venture Capital Enhancement Act.

Amends 9-2-1902, 9-2-1903, 9-2-1905, 9-2-1906, 9-2-1909, 9-2-1912, 9-2-1913, 9-2-1914

Effective November 25, 2003

Chapter 4, Laws of Utah 2003, Second Special Session

SB 2001 Alcoholic Beverage Amendments (*Michael G. Waddoups*) This bill modifies provisions related to the Alcoholic Beverage Enforcement and Treatment Restricted Account and appropriates monies.

Amends 59-15-109

Effective November 25, 2003

Chapter 5, Laws of Utah 2003, Second Special Session

SB 2003 Amendments to County Service Area for Extended Fire Protection (*David L. Thomas*) This bill modifies provisions relating to the creation of a county service area for fire protection, paramedic, and emergency services.

Amends 17B-2-214

Effective November 25, 2003

Chapter 6, Laws of Utah 2003, Second Special Session

SB 2004 **Property Tax - Confidentiality of Certain Information** (*Howard A. Stephenson*) This bill amends provisions of the Revenue and Taxation Code relating to confidentiality of information.

Amends 59-1-403, 59-1-403, 59-1-403; Enacts 59-1-404; Repeals 59-2-206

Effective November 25, 2003

Chapter 7, Laws of Utah 2003, Second Special Session

SUBJECT INDEX OF PASSED LEGISLATION 2003 SECOND SPECIAL SESSION

ALCOHOLIC BEVERAGE CONTROL

Alcoholic Beverage Amendments - SB 2001 231

APPROPRIATIONS

Alcoholic Beverage Amendments - SB 2001 231

BUSINESS

Alcoholic Beverage Amendments - SB 2001 231

BUSINESS AND ECONOMIC DEVELOPMENT

Utah Venture Capital Enhancement
Act Amendments - HB 2004 231

COMMUNITY AND ECONOMIC DEVELOPMENT

Utah Venture Capital Enhancement
Act Amendments - HB 2004 231

COUNTIES

Amendments to County Service Area for
Extended Fire Protection - SB 2003 231

COURT RULES

Court Security Fund Amendments - HB 2002 231

ELECTIONS

Election Law Amendments - HB 2001 231

FIRE PROTECTION

Amendments to County Service Area for
Extended Fire Protection - SB 2003 231

GOVERNMENT OPERATIONS (STATE ISSUES)

Election Law Amendments - HB 2001 231

JUDICIARY

Court Security Fund Amendments - HB 2002 231
Trust Law Amendments - HB 2003 231

POLITICAL SUBDIVISIONS (LOCAL ISSUES)

Amendments to County Service Area for Extended Fire
Protection - SB 2003 231

PROPERTY TAX

Property Tax - Confidentiality of
Certain Information - SB 2004 232

REVENUE AND TAXATION

Property Tax - Confidentiality of Certain
Information - SB 2004 232

TRUSTS

Trust Law Amendments - HB 2003 231

Utah Code Sections Affected 2003 Second Special Session

Legend: The action taken on each section is as follows:

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

<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>
9-2-1902	A	HB 2004		231	59-10-201	A	HB 2003		231
9-2-1903	A	HB 2004		231	59-10-202	A	HB 2003		231
9-2-1905	A	HB 2004		231	59-15-109	A	SB 2001		231
9-2-1906	A	HB 2004		231	75-2-205	A	HB 2003		231
9-2-1909	A	HB 2004		231	75-2-1207	A	HB 2003		231
9-2-1912	A	HB 2004		231	75-2-1209	E	HB 2003		231
9-2-1913	A	HB 2004		231	75-7-201	A	HB 2003		231
9-2-1914	A	HB 2004		231	75-7-202	A	HB 2003		231
17B-2-214	A	SB 2003		231	75-7-204	A	HB 2003		231
20A-5-303	A	HB 2001		231	75-7-208	A	HB 2003		231
20A-5-601	A	HB 2001		231	75-7-402	A	HB 2003		231
25-6-14	A	HB 2003		231	75-7-405.5	E	HB 2003		231
59-1-403	A	SB 2004		232	75-7-601	R	HB 2003		231
59-1-404	E	SB 2004		232	75-7-602	R	HB 2003		231
59-2-206	R	SB 2004		232	75-7-603	R	HB 2003		231
59-10-103	A	HB 2003		231	78-7-35	A	HB 2002		231
59-10-114	A	HB 2003		231					

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

INTRODUCED LEGISLATION 2003 SECOND SPECIAL SESSION

HB 2001	Election Law Amendments (<i>Loraine T. Pace</i>)	Passed
HB 2002	Court Security Fund Amendments (<i>David L. Hogue</i>)	Passed
HB 2003	Trust Law Amendments (<i>David Clark</i>)	Passed
HB 2004	Utah Venture Capital Enhancement Act Amendments (<i>Peggy Wallace</i>)	Passed
HB 2005	Candidates for State School Board Membership (<i>Karen W. Morgan</i>)	Failed
SB 2001	Alcoholic Beverage Amendments (<i>Michael G. Waddoups</i>)	Passed
SB 2002	State School Board Candidate Selection Process Amendments (<i>Thomas V. Hatch</i>)	Failed
SB 2003	Amendments to County Service Area for Extended Fire Protection (<i>David L. Thomas</i>)	Passed
SB 2004	Property Tax - Confidentiality of Certain Information (<i>Howard A. Stephenson</i>)	Passed
SB 2005	Selection Process for State School Board Candidates (<i>Karen Hale</i>)	Failed

**SUBJECT INDEX OF LEGISLATION NOT PASSED
2003 SECOND SPECIAL SESSION**

EDUCATION

Candidates for State School Board Membership - HB2005
State School Board Candidate Selection Process
Amendments - SB2002
Selection Process for State School Board Candidates -
SB2005

STATE BOARD OF EDUCATION

State School Board Candidate Selection Process
Amendments - SB2002