Utah State Legislature

DIGEST OF LEGISLATION

2005 GENERAL SESSION

of the 56th Legislature

2004 Third and Fourth Special Sessions
of the 55th Legislature

2005 First Special Session
of the 56th Legislature
INTRODUCTION

This Digest of Legislation provides long titles of bills and resolutions enacted by the 56th Legislature in the 2005 General Session, 2004 Third and Fourth Special Sessions, and 2005 First Special Session. 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 online at 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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of the 56th Legislature

Convened January 17, 2005
Adjourned March 2, 2005

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PASSED LEGISLATION - 2005 GENERAL SESSION

HB 1  Annual Appropriations Act (Ron Bigelow)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

This bill:
► provides base budgets for the use and support of certain state agencies;
► provides base budgets for other purposes as described;
► provides compensation increases for state employees;
► provides intent language;
► approves internal service fund employment levels and capital acquisition amounts;
► authorizes rates and fees.

This bill appropriates for fiscal year 2006:
► $1,952,996,400 from the General Fund;
► $102,658,300 from the Uniform School Fund;
► $125,695,000 from income tax revenue;
► $4,334,205,300 from various sources as detailed herein.

This bill takes effect July 1, 2005.

Effective July 1, 2005

Chapter 8, Laws of Utah 2005

HB 3  Minimum School Program Act Amendments (Gordon E. Snow)

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 2005-06 of $1,783,631,186;
► establishes the value of the weighted pupil unit at $2,258;
► appropriates $27,288,900 to the State Board of Education for fiscal year 2005-06 for school building aid programs for school districts;
► directs the state superintendent to include certain expenditure data in an annual report to the governor and the Legislature; and
► imposes a deadline for the authorization of a charter school in order to qualify for certain state funds.

This bill appropriates for fiscal year 2005-06:
► $1,773,711,186 from the Uniform School Fund; and
► $9,920,000 from the Interest and Dividends Account.

This bill provides an effective date.


Effective July 1, 2005

Chapter 9, Laws of Utah 2005
HB 4  **Divorce Mediation Program** *(Ben C. Ferry)*

This bill creates a domestic mediation program for divorce actions.

This bill:
- creates a mediation program for divorce actions;
- makes the mediation program mandatory; and
- allows parties to be excused for good cause.

*The original bill was recommended by the Judiciary Interim Committee*

Enacts 30-3-39

Effective May 2, 2005  Chapter 271, Laws of Utah 2005

HB 5  **Person with a Disability Motorcycle Parking** *(Todd E. Kiser)*

This bill modifies the Motor Vehicles Code to authorize the use of person with a disability parking placards to allow assistance to persons with a disability parking a motorcycle.

This bill:
- provides that a disability special group license plate, temporary removable windshield placard, or removable windshield placard may be used to allow one motorcycle to share a parking space reserved for persons with a disability if the additional motorcycle rider assists the person with a disability who is parking a motorcycle; and
- makes technical changes.

*The original bill was recommended by the Transportation Interim Committee*

Amends 41-1a-420

Effective May 2, 2005  Chapter 207, Laws of Utah 2005

HB 6  **Master Highway Designation Amendments** *(Joseph G. Murray)*

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

This bill:
- redesignates a portion of SR-89 in Draper;
- creates SR-222 from a portion of SR-224 in Midway;
- removes a portion of SR-235 near Pleasant View and provides a new alignment of a portion of SR-134 in Weber County;
- creates SR-162 from a portion of SR-163 and SR-262 in San Juan County; and
- makes technical changes.

*The original bill was recommended by the Transportation Interim Committee*

Amends 72-4-114, 72-4-119, 72-4-122, 72-4-128, 72-4-129, 72-4-132

Effective May 2, 2005  Chapter 21, Laws of Utah 2005
HB 7  Individual Income Tax - Contributions for Education *(Sheryl L. Allen)*

This bill modifies the Individual Income Tax Act relating to individual income tax contributions for education.

This bill:
- repeals language designating certain individual income tax contributions to higher education because the contributions failed to generate $30,000 per year for three consecutive taxable years and the State Tax Commission was required by statute to remove the designation for the contribution from tax returns and not collect the contribution from individuals;
- repeals language designating certain individual income tax contributions to a chapter of the Utah Public Education Foundation because the Utah Public Education Foundation is no longer in existence;
- authorizes an individual income tax contribution to be made to a school district if the school district has not established a foundation;
- provides that if a person making a contribution to a school district foundation does not designate a particular school district foundation to receive the contribution, the contribution shall be made to the Utah State Office of Education to be distributed to one or more associations of foundations;
- provides that if a person making a contribution to a school district does not designate a particular school district to receive the contribution, the contribution shall be made to the Utah State Office of Education; and
- makes technical changes.

This bill has retrospective operation for taxable years beginning on or after January 1, 2005.

*The original bill was recommended by the Revenue and Taxation Interim Committee*

Amends 59-10-549, 59-10-551

Effective May 2, 2005  Chapter 208, Laws of Utah 2005

HB 8  Child Protection Team Meetings *(Aaron Tilton)*

This bill amends Child and Family Services provisions regarding child protection team meetings.

This bill:
- extends the child protection team meeting deadline for certain protective supervision cases;
- addresses what a team may do at the meeting; and
- makes technical changes.

*The original bill was recommended by the Health and Human Services Interim Committee / Child Welfare Legislative Oversight Panel*

Amends 62A-4a-202.8

Effective May 2, 2005  Chapter 22, Laws of Utah 2005
HB 9  Sales and Use Tax - Agricultural Exemption Vehicle Limitation (Ronda Rudd Menlove)

This bill amends a sales and use tax exemption relating to agriculture.

This bill:

- amends a sales and use tax exemption relating to certain tangible personal property used in agriculture to provide that a vehicle is not included under the exemption if the vehicle is required to be registered by the laws of this state during the period ending two years after the date of the vehicle’s purchase; and
- makes technical changes.

This bill takes effect on July 1, 2005.

The original bill was recommended by the Revenue and Taxation Interim Committee / Tax Review Commission

Amends 59-12-104

Effective July 1, 2005 Chapter 209, Laws of Utah 2005

HB 10  Employment Security Act Amendments (David N. Cox)

This bill modifies the Employment Security Act as related to employer unemployment experience ratings.

This bill:

- conforms state law to newly enacted federal law aimed at prohibiting state unemployment tax avoidance;
- defines taxable wages and unemployment experience for purposes related to an employer’s overall basic contribution rate, including the acquisition of the unemployment experience of another employer;
- provides for assignment of rates and unemployment experience transfers upon the transfer or acquisition of a trade or business;
- provides penalties for a person who violates or attempts to violate provisions related to determining the assignment of a contribution rate; and
- provides that a violation may be prosecuted for unemployment insurance fraud.

This bill provides an immediate effective date.

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

Amends 35A-4-204, 35A-4-208, 35A-4-301, 35A-4-303; Repeals and Reenacts 35A-4-304

Effective March 1, 2005 Chapter 12, Laws of Utah 2005
HB 11  Economic Development Incentives *(Brad L. Dee)*

This bill creates new provisions related to business development within the Department of Community and Economic Development by establishing an Economic Development Incentives Act.

This bill:
* provides tax incremental financial incentives to attract new commercial projects in economic development zones;
* provides definitions related to the creation of economic development zones and tax incentives for establishing new commercial projects in those zones;
* provides requirements for the establishment of economic development zones;
* allows the Department of Community and Economic Development to enter into agreements providing for partial rebates of new state revenues generated by new commercial projects within an economic development zone;
* provides qualification criteria for partial rebates and establishes payment procedures;
* provides that projects qualifying for partial rebates under the Economic Development Incentives Act are ineligible for additional financial assistance from the Industrial Assistance Fund; and
* provides for a report to the Legislature’s Workforce Services and Community and Economic Development Interim Committee on the success of the program and its economic impact on the state.

*The original bill was recommended by the Workforce Services and Community and Economic Development Interim Committee / Utah Technology Commission*

Amends 9−2−2009; Enacts 9−2−2201, 9−2−2202, 9−2−2203, 9−2−2204, 9−2−2205, 9−2−2206, 9−2−2207

Effective May 2, 2005  Chapter 272, Laws of Utah 2005

HB 12  Health Care Assistants *(Rebecca D. Lockhart)*

This bill repeals provisions related to health care assistants.

This bill:
* repeals provisions in the Nurse Practice Act that requires the registration of health care assistants by the Division of Occupational and Professional Licensing;
* makes technical amendments; and
* makes conforming amendments in the Human Services Code.

*The original bill was recommended by the Health and Human Services Interim Committee*

Amends 58−31b−102, 58−31b−201, 58−31b−301, 58−31b−302, 58−31b−308, 58−31b−401, 58−31b−501, 58−31b−702, 58−31d−103, 62A−3−311.1; Repeals 58−31b−308.5

Effective May 2, 2005  Chapter 50, Laws of Utah 2005

HB 13  Occupational and Professional Licensing Sunset Amendment *(Rebecca D. Lockhart)*

This bill amends the Legislative Oversight and Sunset Act.

This bill:
* eliminates repeal dates for the licensure of certain occupations and professions by the Division of Occupational and Professional Licensing.

*The original bill was recommended by the Health and Human Services Interim Committee*

Amends 63−55−258

Effective May 2, 2005  Chapter 51, Laws of Utah 2005
HB 14  Bond Election Process Amendments  (Fred R. Hunsaker)

This bill modifies provisions related to bond elections.

This bill:

- changes the dates by which a legislative body must approve bond election resolutions and bond proposition language to be used at the election in order to meet ballot preparation and mailing requirements;
- implements provisional ballot procedures for challenged ballots in bond elections;
- provides that bond elections comply with the general voter registration and voting procedures contained in the Election Code;
- modifies election administration and canvassing procedures for bond elections to provide consistency with general election procedures;
- provides that county clerks, municipal clerks, clerks or chief executive officers of special districts, and business administrators or superintendents of school districts may act as election officers to conduct and administer bond elections, and to supervise and administer certain bond and voted leeway elections;
- permits an election officer to appoint or employ agents to assist with conducting and administering bond elections;
- provides that election officers in bond elections shall conduct their procedures at the direction of the municipality calling the election;
- clarifies procedures for challenging bond elections and for publishing requirements for notice of bond elections by newspaper;
- removes procedures for mailing of notice of bond elections by postcard;
- modifies the Election Code to provide consistent procedures for recounts of bond election results and challenges to bond elections; and
- changes the name of the "Utah Municipal Bond Act" to "Local Government Bonding Act" to provide consistency in the definition of words commonly used in the Utah Code;
- renumbers Title 14, Chapter 11, "Local Government Bonding Act"; and
- makes technical changes.

The original bill was recommended by the Government Operations Interim Committee


Effective May 2, 2005  Chapter 105, Laws of Utah 2005
HB 15  **Repeal of State Debt Collection Advisory Board** *(Douglas C. Aagard)*

This bill repeals the Advisory Board to the Office of State Debt Collection.

This bill:
- repeals the Advisory Board to the Office of State Debt Collection.

*The original bill was recommended by the Government Operations Interim Committee*

Amends 63A-8-101, 63A-8-201, 63A-8-203; Repeals 63A-8-202

Effective May 2, 2005  Chapter 23, Laws of Utah 2005

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HB 16  **Repeal of Vehicle Equipment Safety Commission** *(Neal B. Hendrickson)*

This bill repeals the Vehicle Equipment Safety Commission.

This bill:
- repeals the Vehicle Equipment Safety Commission; and
- makes technical changes.

*The original bill was recommended by the Government Operations Interim Committee*


Effective May 2, 2005  Chapter 24, Laws of Utah 2005

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HB 17  **Motion Picture Incentive Fund** *(Sheryl L. Allen)*

This bill creates a restricted account known as the Motion Picture Incentive Fund to provide incentives to motion picture companies that produce motion pictures, television series, or made-for-television movies within the state.

This bill:
- creates a restricted account within the General Fund known as the Motion Picture Incentive Fund, which shall be used to provide incentives for within-the-state production of television series, made-for-television movies, and motion pictures;
- provides for administration of the fund by the executive director of the Department of Community and Economic Development or the director’s designee under the direction of the Board of Business and Economic Development;
- provides for the executive director to determine the structure, amount, and nature of the incentive given to a motion picture company, subject to ratification by the board;
- provides conditions upon which incentives may be granted; and
- provides for an annual report to legislative committees on the economic impact of the incentive awards program.

This bill appropriates:
- as an ongoing appropriation subject to future budget constraints, $1,000,000 from the General Fund for fiscal year 2005-06 to the Motion Picture Incentive Fund.

This bill takes effect on July 1, 2005.

Enacts 9-2-2101, 9-2-2102, 9-2-2103, 9-2-2104, 9-2-2105

Effective July 1, 2005  Chapter 210, Laws of Utah 2005
HB 19  **Procurement Code Renumbering** *(Ron Bigelow)*

This bill renumbers the Utah Procurement Code.

This bill:

- renumbers the Utah Procurement Code to comply with current numbering practices; and
- makes technical changes.

*The original bill was recommended by the Government Operations Interim Committee*

Amends 7-1-323, 10-3-1304, 10-3-1305, 10-7-87, 11-37-101, 11-39-107, 14-1-18, 17-15-24, 17-16a-4, 17A-1-801, 17A-2-328, 26-8a-405.2, 26A-1-108.7, 53A-20-101, 63A-5-208, 63B-2-102, 63B-3-102, 63B-4-102, 63B-5-102, 63B-6-402, 63B-7-102, 63B-7-402, 63B-8-102, 63B-8-402, 63B-9-103, 63B-11-202, 67-16-4, 67-16-5, 67-16-5.3, 67-16-6, 72-6-107, 73-10-27; Renumbers and Amends 63-56-1 to 63-56-101, 63-56-2 to 63-56-102, 63-56-3 to 63-56-103, 63-56-4 to 63-56-104, 63-56-5 to 63-56-105, 63-56-6 to 63-56-201, 63-56-7 to 63-56-202, 63-56-8 to 63-56-203, 63-56-9 to 63-56-204, 63-56-10 to 63-56-205, 63-56-11 to 63-56-206, 63-56-13 to 63-56-207, 63-56-14 to 63-56-208, 63-56-15 to 63-56-209, 63-56-16 to 63-56-301, 63-56-17 to 63-56-302, 63-56-19 to 63-56-303, 63-56-20 to 63-56-401, 63-56-20.1 to 63-56-402, 63-56-20.3 to 63-56-403, 63-56-20.5 to 63-56-404, 63-56-20.6 to 63-56-405, 63-56-20.7 to 63-56-406, 63-56-20.8 to 63-56-407, 63-56-21 to 63-56-408, 63-56-22 to 63-56-409, 63-56-23 to 63-56-410, 63-56-24 to 63-56-411, 63-56-25 to 63-56-412, 63-56-26 to 63-56-413, 63-56-27 to 63-56-414, 63-56-28 to 63-56-415, 63-56-29 to 63-56-416, 63-56-30 to 63-56-417, 63-56-31 to 63-56-418, 63-56-32 to 63-56-419, 63-56-33 to 63-56-420, 63-56-34 to 63-56-421, 63-56-35.5 to 63-56-422, 63-56-35.6 to 63-56-423, 63-56-35.7 to 63-56-424, 63-56-35.8 to 63-56-425, 63-56-36 to 63-56-501, 63-56-36.1 to 63-56-502, 63-56-37 to 63-56-503, 63-56-38 to 63-56-504, 63-56-38.1 (Effective 05/01/05) to 63-56-505 (Effective 05/01/05), 63-56-39 to 63-56-506, 63-56-40 to 63-56-601, 63-56-41 to 63-56-602, 63-56-42 to 63-56-701, 63-56-43 to 63-56-702, 63-56-43.1 to 63-56-703, 63-56-44 to 63-56-704, 63-56-44.5 to 63-56-705, 63-56-45 to 63-56-801, 63-56-46 to 63-56-802, 63-56-47 to 63-56-803, 63-56-48 to 63-56-804, 63-56-49 to 63-56-805, 63-56-50 to 63-56-806, 63-56-51 to 63-56-807, 63-56-52 to 63-56-808, 63-56-53 to 63-56-809, 63-56-54 to 63-56-810, 63-56-55 to 63-56-811, 63-56-56 to 63-56-812, 63-56-57 to 63-56-813, 63-56-58 to 63-56-814, 63-56-59 to 63-56-815, 63-56-60 to 63-56-816, 63-56-61 to 63-56-817, 63-56-62 to 63-56-818, 63-56-63 to 63-56-819, 63-56-64 to 63-56-820, 63-56-65 to 63-56-901, 63-56-66 to 63-56-902, 63-56-67 to 63-56-903, 63-56-68 to 63-56-904, 63-56-69 to 63-56-905, 63-56-70 to 63-56-906, 63-56-71 to 63-56-907, 63-56-72 to 63-56-1001, 63-56-73 to 63-56-1002

Effective May 2, 2005  
Chapter 25, Laws of Utah 2005

HB 20  **Calling Local Special Elections for Sales and Use Tax Purposes** *(Stephen D. Clark)*

This bill amends the Election Code to address calling local special elections for sales and use tax purposes.

This bill:

- addresses the power of a local political subdivision to call a local special election for a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act; and
- makes technical changes.

*The original bill was recommended by the Revenue and Taxation Interim Committee*

Amends 20A-1-203

Effective May 2, 2005  
Chapter 211, Laws of Utah 2005
HB 22  **Intercountry Adoption Accreditation** *(Rosalind J. McGee)*

This bill authorizes the Office of Licensing, within the Department of Human Services, to accredit agencies and persons to provide intercountry adoption services involving countries that are parties to the Hague Convention on Protection of Children and Co-operation in Respect to Intercountry Adoption.

This bill:

- provides that the Office of Licensing, within the Department of Human Services, shall:
  - accredit agencies and persons to provide intercountry adoption services, pursuant to the Intercountry Adoption Act of 2000 and its implementing regulations; and
  - make rules to implement the accreditation of agencies and persons to provide intercountry adoption services; and
- makes technical changes.

*The original bill was recommended by the Judiciary Interim Committee*

Amends 62A-1-111, 62A-2-106

Effective May 2, 2005  Chapter 212, Laws of Utah 2005

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HB 23  **Department of Workforce Services - Work Experience and Training Programs** *(David N. Cox)*

This bill modifies the Utah Workforce Services Code in relation to customers who are directed to participate in work experience or training programs funded by the Department of Workforce Services.

This bill:

- provides that a customer who participates in a work experience or training program funded by the Department of Workforce Services is considered to be a volunteer government worker of the department for the purpose of receiving workers’ compensation medical benefits; and
- provides that receipt of those benefits is the exclusive remedy for all injuries and occupational diseases incurred as a volunteer government worker of the department.

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

Enacts 35A-1-108

Effective May 2, 2005  Chapter 52, Laws of Utah 2005
HB 24  **Traffic Code Amendments (James A. Dunnigan)**

This bill modifies the Motor Vehicles Code by amending traffic provisions related to the exchange of insurance information, stopping at a sidewalk, lighting requirements for slow-moving vehicles, aftermarket modifications to large vehicles, and nontransparent material on rear side windows.

This bill:
- requires the operator of a vehicle to provide insurance provider information to persons involved in an accident;
- allows the operator of a vehicle to provide accident information to an investigating peace officer in lieu of providing the information to persons involved in the accident;
- repeals certain tail lamp and head lamp exceptions for motor vehicles operated at 20 miles per hour or less;
- applies aftermarket limitations to adjustments to frame height, wheelbase, and bumper height to all vehicles not just vehicles with a gross vehicle weight rating of 15,000 pounds or less;
- clarifies that rear side windows may have nontransparent material on them; and
- makes technical changes.

Amends 41-6a-401, 41-6a-1629, 41-6a-1632, 41-6a-1635; Renumbers and Amends 41-6-100 to 41-6a-907; Repeals 41-6a-1615

Effective May 2, 2005  Chapter 26, Laws of Utah 2005

HB 25  **Direct-entry Midwife Act (Jackie Biskupsli)**

This bill modifies the Occupations and Professions Code by enacting the Direct-entry Midwife Act and makes related changes to the Health Care Providers Immunity from Liability Act.

This bill:
- provides for licensing of Direct-entry midwives by the Division of Occupational and Professional Licensing;
- provides for definitions relating to the practice of Direct-entry midwifery;
- creates the Licensed Direct-entry Midwife Board and sets forth its membership and duties;
- requires the division to establish a Licensed Direct-entry Midwife Formulary Committee and a licensed Direct-entry midwife formulary to define which prescription drugs can be obtained and administered by licensed Direct-entry midwives and to provide guidelines for their use;
- provides for disciplinary action, including administrative penalties, against licensed Direct-entry midwives;
- defines and provides penalties for unlawful and unprofessional conduct;
- sets standards for consultation with, collaboration with, referral to, and transfer to other health care providers and sets standards for liability under those circumstances; and
- brings licensed Direct-entry midwives within the scope of the Health Care Providers Immunity From Liability Act.

*The original bill was recommended by the Health and Human Services Interim Committee*


Effective May 2, 2005  Chapter 299, Laws of Utah 2005
HB 26  **Conveyances of Property (J. Stuart Adams)**

This bill modifies the Real Estate title to address conveyances of property including providing for special warranty deeds.

This bill:
- clarifies application of after-acquired property;
- provides for special warranty deeds; and
- makes technical changes.

_The original bill was recommended by the Business and Labor Interim Committee_

Amends 57-1-10; Enacts 57-1-12.5

Effective May 2, 2005  Chapter 213, Laws of Utah 2005

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HB 28  **Juvenile Justice Recodification and Revisions (Douglas C. Aagard)**

This bill recodifies Title 62A, Chapter 7, Juvenile Justice Services, to reflect the duties and functions of the Division of Juvenile Justice Services.

This bill:
- reorganizes, by amendments, repeal, and renumber and reenactment, provisions of the chapter into parts within the chapter that set forth the division’s functions and duties in an accessible order;
- clarifies functions of the division and of the Youth Parole Authority;
- clarifies that the criminal offense of damaging a jail or other confinement facility applies also to juvenile detention facilities; and
- makes technical corrections and amends cross references as required by the reordering of the chapter provisions and also makes stylistic corrections.

This bill provides an immediate effective date.


Effective March 1, 2005  Chapter 13, Laws of Utah 2005

---

HB 29  **State Engineer’s Powers and Duties Amendments (David Clark)**

This bill amends the powers and duties provisions of the state engineer.

This bill:
- specifies rule making authority of the state engineer consistent with provisions of this title; and
- clarifies provisions relating to suits in court, to also include the prevention of theft of water.

_The original bill was recommended by the Natural Resources, Agriculture, and Environment Interim Committee / Water Issues Task Force_

Amends 73-2-1

Effective May 2, 2005  Chapter 165, Laws of Utah 2005
**HB 30**  **Consumer Sales Practices Act Amendments** *(Todd E. Kiser)*

This bill amends the Consumer Sales Practices Act to make a deceptive sales practice certain uses of an unsolicited check.

This bill:
- makes a deceptive sale, act, or practice the use of an unsolicited check or negotiable instrument that, when cashed, creates a contract for the sale of a product or service; and
- makes technical changes.

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

Amends 13-11-4

Effective May 2, 2005

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**HB 33**  **Assistance for People with Bleeding Disorders** *(David Litvack)*

This bill amends the Comprehensive Health Insurance Pool act to create a pilot program, establishes a grant process in the Department of Health for assistance to people with bleeding disorders, and creates an ongoing appropriation for fiscal year 2005-06 of $250,000 from the General Fund to a bleeding disorders assistance grant program in the Department of Health.

This bill:
- creates a five-year pilot program within the Comprehensive Health Insurance Pool Act for disease and pharmaceutical management of bleeding disorders;
- permits enrollees in the pilot program to participate in a federal 340B discounted drug pricing program;
- requires the Comprehensive Health Insurance Pool to report on its claims experience and pharmaceutical costs under the pilot program;
- permits the Comprehensive Health Insurance Pool to terminate the pilot program under certain circumstances;
- establishes a grant program within the Department of Health for assistance to people with bleeding disorders; and
- makes technical corrections.

This bill creates an ongoing appropriation of $250,000 from the General Fund to the Department of Health, for the 2005-06 fiscal year, for a grant program to assist people with bleeding disorders.

This bill provides revisor instructions.

*The original bill was recommended by the Health and Human Services Interim Committee*

Enacts 26-47-100, 26-47-103, 31A-29-113.5; Renumbers and Amends 26-47-101 to 26-47-102

Effective May 2, 2005

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**HB 34  Emergency Related Amendments (Sheryl L. Allen)**

This bill modifies the State Affairs and Public Safety titles to address emergency issues including energy emergencies.

This bill:

- defines and modifies terms;
- changes the requirement that the Office of Energy prepare an energy emergency plan to a requirement that the Division of Emergency Services and Homeland Security coordinate the development of an energy emergency plan;
- modifies duties of the Division of Emergency Services and Homeland Security;
- establishes the requirements for an energy emergency plan;
- makes certain emergency related records protected records;
- modifies the process for the governor issuing a proclamation declaring a state of emergency related to energy; and
- makes technical changes.

*The original bill was recommended by the Public Utilities and Technology Interim Committee / Energy Policy Task Force*

Amends 53−2−102, 53−2−104, 63−2−304, 63−34−101, 63−53a−6; Enacts 53−2−110

Effective May 2, 2005

Chapter 214, Laws of Utah 2005

**HB 36  Charter School Construction Amendments (James A. Ferrin)**

This bill modifies provisions relating to the construction of charter schools.

This bill:

- exempts charter schools from certain municipal land use regulations;
- exempts charter schools from certain county land use regulations;
- provides certain land use regulation authority over charter schools for municipalities and counties;
- allows the termination of the nonconforming status of charter school property when the property ceases to be used for charter school purposes;
- requires charter schools to provide local governments of intent to purchase a school site or construct a school building; and
- makes technical corrections.

This bill provides an immediate effective date.

Amends 10−9−103, 10−9−106, 10−9−408, 17−27−103, 17−27−105, 17−27−407, 53A−20−104, 53A−20−104.5, 53A−20−108

Effective February 17, 2005

Chapter 7, Laws of Utah 2005

**HB 37  Administrative Rules Reauthorization (David Ure)**

This bill requires legislative action regarding administrative rules.

This bill:

- reauthorizes all state agency administrative rules.

This bill takes effect on May 1, 2005.

*The original bill was recommended by the Administrative Rules Review Committee*

Effective May 1, 2005

Chapter 274, Laws of Utah 2005
HB 38  Water Law - Criminal Penalties Amendments (Ben C. Ferry)

This bill modifies the criminal penalties for violations of various provisions of Title 73, Water and Irrigation, and Title 76, Chapter 10, Offenses against Public Health, Safety, Welfare, and Morals.

This bill:
- removes criminal penalties from certain provisions requiring reports to the state engineer;
- clarifies applicable standards of criminal intent for violations;
- provides for graduated criminal penalties for violations of various criminal provisions pertaining to the regulation and distribution of water; and
- makes technical changes.

Amends 73-1-14, 73-1-15, 73-2-20, 73-3-3, 73-3-22, 73-3-26, 73-3-29, 73-5-8, 73-5-9, 76-10-201, 76-10-202, 76-10-203; Enacts 73-2-27

Effective May 2, 2005  Chapter 215, Laws of Utah 2005

HB 40  Sunset of Township Provision (M. Susan Lawrence)

This bill modifies a sunset provision relating to the annexation of territory within a township and enacts legislative intent language.

This bill:
- extends to 2010 a sunset provision relating to a provision requiring voter or property owner approval of a municipality’s annexation of territory located in a township unless the entire area of the township is annexed; and
- enacts legislative intent language regarding the sunset of a township provision and regarding townships in first class counties.

Amends 63-55b-110

Effective May 2, 2005  Chapter 28, Laws of Utah 2005

HB 42  Medical Recommendations for Children (Michael T. Morley)

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

This bill:
- prohibits school personnel from making certain medical recommendations for a minor, including the use of psychotropic drugs;
- prohibits the removal of a minor from parental custody based on a parent’s refusal to consent to the administration of psychotropic drugs; and
- prohibits the consideration of a petition for removal of a minor from parental custody based on a parent’s refusal to consent to the administration of psychotropic drugs.

Amends 78-3a-301, 78-3a-305; Enacts 53A-11-603

Effective May 2, 2005  Laws of Utah 2005
HB 43  **School Land Trust Program Funding Amendments** *(Stephen H. Urquhart)*

This bill modifies the use of interest and dividends from the investment of monies in the permanent State School Fund.

This bill:

- increases the cap on the amount of interest and dividends earned on the permanent State School Fund that may be appropriated for the School LAND Trust Program; and
- eliminates a requirement that a portion of interest and dividends earned on the permanent State School Fund be used for teachers’ classroom supplies.

This bill takes effect on July 1, 2005.

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

Effective July 1, 2005  
Chapter 166, Laws of Utah 2005

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HB 45  **Property Affected by Access Interruption** *(Gregory H. Hughes)*

This bill amends the Property Tax Act to provide tax relief for property that sustains a decrease in fair market value caused by access interruption.

This bill:

- defines terms;
- grants rulemaking authority to the State Tax Commission;
- provides property tax relief for the portion of a calendar year during which property is subjected to a decrease in fair market value caused by access interruption;
- establishes application and hearing procedures for a county board of equalization to determine whether the owner of property is entitled to the tax relief provided in this bill; and
- provides for an appeal of a decision rendered by a county board of equalization regarding the tax relief provided in this bill.

Enacts 59-2-1004.5

Effective May 2, 2005  
Chapter 53, Laws of Utah 2005

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HB 47  **New Automobile Franchise Act Amendments** *(Stephen H. Urquhart)*

This bill adds to the list of prohibited acts in the New Automobile Franchise Act.

This bill:

- defines terms;
- addresses requirements for a franchisor’s taking or controlling of a franchisee’s funds;
- prohibits a franchisor from conditioning preferential status on the sale of certain products if the franchisor receives a financial benefit from the franchisee’s sale of that product; and
- makes technical changes.

Amends 13-14-102, 13-14-201

Effective May 2, 2005  
Chapter 167, Laws of Utah 2005
HB 49  Bicycle Safety Provisions  *(Rosalind J. McGee)*

This bill modifies the Motor Vehicles Code by enacting a provision related to operating a motor vehicle near a bicycle.

This bill:

- prohibits an operator of a motor vehicle from knowingly, intentionally, or recklessly operating a motor vehicle within three feet of a moving bicycle, unless the operator of the motor vehicle operates the motor vehicle within a reasonable and safe distance of the bicycle.

This bill appropriates $20,000 from the General Fund to the Utah Highway Patrol for a public education campaign to promote bicycle safety.

Enacts 41-6a-706.5

Effective May 2, 2005  Chapter 216, Laws of Utah 2005

HB 51  Electronic Payments to Local Government Entities  *(Joseph G. Murray)*

This bill enacts provisions related to the acceptance of electronic payments by local government entities.

This bill:

- authorizes counties, municipalities, and independent special districts to accept electronic payments and to charge an electronic payment fee.

Enacts 10-8-85.6, 17-15-28, 17A-2-105

Effective May 2, 2005  Chapter 29, Laws of Utah 2005

HB 52  Fire Prevention Amendments  *(Joseph G. Murray)*

This bill amends the provisions regarding exemptions from licensure related to construction trade services.

This bill:

- requires that installation, repair, or replacement of a water-based fire protection system as a building improvement must be provided by a licensed contractor, even if the value of the improvement is less than $1,000.

Amends 58-55-305

Effective May 2, 2005  Chapter 54, Laws of Utah 2005
HB 53  Tax Treatment of Personal Property *(LaWanna Lou Shurtliff)*

This bill amends the Motor Vehicles Act, the Property Tax Act, the Corporate Franchise and Income Taxes chapter, and the Individual Income Tax Act to address the property tax treatment of motor homes.

This bill:

- defines terms;
- specifies the uniform fees that are received by a city library fund;
- reduces uniform statewide fees on motor homes required to be registered with the state to a rate of:
  - 1.25% of the value of a motor home, beginning January 1, 2006; and
  - 1% of the value of a motor home, beginning January 1, 2008;
- provides for the collection of uniform statewide fees;
- provides that the uniform statewide fees on motor homes shall be assessed at the same time and in the same manner as ad valorem personal property taxes;
- addresses the appeals process for personal property;
- provides that for purposes of the corporate franchise and income tax credits and individual income tax credits for renewable energy systems, a residential unit does not include motor homes subject to uniform statewide fees;
- grants rulemaking authority to the State Tax Commission; and
- makes technical changes.

This bill takes effect on January 1, 2006.


Effective January 1, 2006  Chapter 217, Laws of Utah 2005

HB 54  Criminal Appeal Amendments *(Scott L Wyatt)*

This bill clarifies the appeal process in certain criminal and juvenile cases.

This bill:

- clarifies that the following appeals are a matter of right for the defendant:
  - denial of bail;
  - final judgment of conviction; or
  - orders made after judgment that affect the defendant’s rights;
- clarifies that the following appeals are a matter of right for the prosecutor:
  - pretrial dismissal of felony charge when evidence has been suppressed;
  - an order granting a motion to withdraw a plea;
  - an order arresting judgment or granting a motion for merger;
  - an order of dismissal based on double jeopardy; or
  - an order holding a statute invalid; and
- creates guidelines for appeals from serious youth offender and certification proceedings.

Amends 77-18a-1; Enacts 78-3a-604

Effective May 2, 2005  Chapter 106, Laws of Utah 2005
**HB 55**  
**Drug Offense Penalty Enhancements** *(Brad L. Dee)*

This bill amends controlled substances laws to provide increased penalties for possession offenses committed subsequent to an offense involving distribution or manufacturing of a controlled substance.

This bill:
- provides that a first offense involving unlawful possession of a controlled substance is to be sentenced with the increased penalty for a second offense if the defendant has previously committed an offense involving unlawful distribution or manufacturing of a controlled substance.

Amends 58-37-8

Effective May 2, 2005  
Chapter 30, Laws of Utah 2005

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**HB 57**  
**Tourism Task Force** *(David Ure)*

This bill creates the Tourism Task Force.

This bill:
- creates the Tourism Task Force;
- provides for the duties of the task force; and
- requires a report from the task force.

This bill appropriates:
- $6,000 to the Senate; and
- $8,400 to the House of Representatives.

This bill is repealed November 30, 2005.

Effective May 2, 2005  
Chapter 218, Laws of Utah 2005

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**HB 59**  
**Domestic Violence Enhancement** *(Carol Spackman Moss)*

This bill amends the section of the Cohabitant Abuse Procedures Act that provides for an enhanced offense and penalty for a subsequent domestic violence offense.

This bill:
- defines terms;
- provides an enhancement for a domestic violence offense that:
  - is committed within five years after a conviction for a qualifying domestic violence offense; or
  - a person is convicted of within five years after a conviction for a qualifying domestic violence offense;
- clarifies that a plea of guilty or no contest that is held in abeyance is the equivalent of a conviction for purposes of enhancing a subsequent domestic violence offense and penalty, regardless of whether the offense pled to is reduced or dismissed after the plea is held in abeyance; and
- makes technical changes.

Amends 77-36-1.1

Effective May 2, 2005  
Chapter 55, Laws of Utah 2005
HB 60  **Insurance Licensing Amendments** *(James A. Dunnigan)*

This bill modifies the Insurance Code to address licensing.

This bill:
- modifies the limited lines of authority for a limited license producer license type;
- addresses lapsing and surrendering of a license;
- deletes the requirement that an insurer maintain certain information with the department related to the appointment or removal of producers and agents;
- addresses continuing education requirements;
- addresses timing of motion to set aside judgment or notice of an application for extraordinary writ;
- addresses failure to pay bail bond forfeiture and grounds for suspension and revocation of a bail bond surety license; and
- makes technical changes.


Effective May 2, 2005  Chapter 219, Laws of Utah 2005

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HB 62  **Amendments to Intermediate Care Facilities for Mentally Retarded** *(Rebecca D. Lockhart)*

This bill amends the Nursing Care Facility Assessment Act to include intermediate care facilities for the mentally retarded.

This bill:
- amends the definition of nursing care facility to include:
  - intermediate care facilities for the mentally retarded; and
  - beginning January 1, 2006, designated swing beds;
- clarifies the rulemaking authority of the department in setting the uniform rate for intermediate care facilities for the mentally retarded; and
- makes conforming amendments in the definitions for health care facilities.

This bill takes effect on July 1, 2005.

Amends 26-21-2, 26-35a-103; Enacts 26-35a-108

Effective July 1, 2005  Chapter 31, Laws of Utah 2005
**HB 64  Criminal Background Checks for Personal Care Attendants (Fred R. Hunsaker)**

This bill amends the Human Services Code and the Judicial Code to provide for a criminal background check of a personal care attendant who receives public funds for the personal care attendant’s services.

This bill:
- defines terms;
- provides the Department of Human Services with access to records to determine whether a personal care attendant is listed in the:
  - Licensing Information System of the Division of Child and Family Services;
  - juvenile court records as having a substantiated finding of severe child abuse or neglect; or
  - statewide database of the Division of Aging and Adult Services as having a substantiated finding of abuse, neglect, or exploitation of a vulnerable adult;
- provides that the Department of Human Services may inform a client, or the client’s agent, of the status of a personal care attendant in the records described above;
- prohibits the Division of Aging and Adult Services and an area agency on aging from disbursing public funds to a personal care attendant, unless the personal care attendant successfully completes a background check;
- requires the Office of Licensing in the Department of Human Services to conduct a background check of a personal care attendant who desires to receive public funds; and
- makes technical changes.

This bill provides coordination clauses.


Effective May 2, 2005  
Chapter 107, Laws of Utah 2005
HB 65  Driver License and Commercial Driver License Amendments  (DeMar Bud Bowman)

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

This bill:

► adds operating or being in actual physical control of a motor vehicle while the person’s driving privilege is suspended due to an alcohol related offense to the offenses for which the Driver License Division shall immediately take action on a driver license;

► provides that it is a class B misdemeanor for a person who drives a motor vehicle while the person’s driving privilege is denied or suspended as a result of not obtaining a conditional driver license;

► clarifies that the look back period for a no alcohol conditional license issued to a person who has a qualifying conviction is from the date of arrest for the offense not the date of the conviction;

► defines imminent hazard and allows the Driver License Division to suspend, without a hearing, the CDL of a driver who poses an imminent hazard;

► adds driving a commercial motor vehicle without the proper CDL license and endorsements or possession of a proper license certificate to the definitions of serious traffic offenses;

► allows a defense to a charge of not having a license certificate in the driver’s immediate possession while operating a commercial vehicle if the person charged produces in court a CDL or CDIP license certificate issued to the person and valid at the time of the citation or arrest;

► allows a certified CDL examiner to accompany a CDIP holder who is operating a commercial motor vehicle for the purpose of a CDL examination;

► requires an applicant for a CDL or a CDIP to provide a complete list of all states in which the applicant was issued a driver license in the previous ten years;

► requires a person who holds a hazardous materials endorsement on a CDL to meet the security threat assessment standards of the federal Transportation Security Administration;

► amends CDL provisions to allow certain offenses committed while operating any motor vehicle instead of only a commercial vehicle to disqualify the license of a CDL holder;

► adds operating a commercial motor vehicle in a negligent manner causing the death of another to the list of first offenses for which a CDL is disqualified for not less than one year;

► allows the division to immediately suspend or disqualify the CDL of a driver without a hearing or receiving a record of the driver’s conviction when the division has reason to believe that there was cheating on any part of a CDL examination;

► requires a court to notify the Driver License Division of a person’s conviction for discharging a firearm from a vehicle; and

► makes technical changes.

This bill takes effect on July 1, 2005.

Amends 53-3-220, 53-3-227, 53-3-232, 53-3-233, 53-3-402, 53-3-404, 53-3-408, 53-3-410, 53-3-412, 53-3-413, 53-3-414, 76-10-508

Effective July 1, 2005  Chapter 220, Laws of Utah 2005
HB 66  Naturopathic Physician Amendments (James A. Ferrin)

This bill modifies provisions of the Naturopathic Physician Practice Act related to qualifications for licensure and financial interests of a licensee.

This bill:
- provides that an applicant seeking licensure as a naturopathic physician by endorsement shall pass examination requirements established by the division which the applicant has not passed in connection with licensure in another jurisdiction and which are available to the applicant to take without requiring additional professional education; and
- allows licensed naturopathic physicians to sell homeopathic remedies or dietary supplements from their offices.

This bill provides an immediate effective date.

Amends 58-71-302, 58-71-801

Effective March 8, 2005  Chapter 17, Laws of Utah 2005

HB 67  Abandoned Vehicles Amendments (James R. Gowans)

This bill modifies the Motor Vehicles Code to amend provisions related to abandoned vehicles.

This bill:
- allows the Motor Vehicle Division to authorize certain public garages, impound lots, or impound yards to conduct the sale of seized vehicles, vessels, and outboard motors;
- requires the Motor Vehicle Division to provide notice to the registered owner and lienholder of the vehicle, vessel, or outboard motor that is removed or impounded that the vehicle, vessel, or outboard motor will be sold if, within 30 days from the date of the removal or impoundment, the owner fails to make a claim for release of the vehicle, vessel, or outboard motor; and
- makes technical changes.

Amends 41-1a-1101, 41-1a-1103, 41-1a-1104, 41-6a-1406

Effective May 2, 2005  Chapter 56, Laws of Utah 2005

HB 68  Motor Vehicle Enforcement Division Amendments (Paul Ray)

This bill modifies the Motor Vehicle Business Regulation Act by increasing certain temporary permit and certificate fees and requiring the fee increase to be used for certain purposes.

This bill:
- increases the fee for a temporary permit or a temporary sports event registration certificate by 75 cents;
- requires that the fee increase be used for increased enforcement of the Motor Vehicle Business Regulation Act;
- authorizes the administrator of the Motor Vehicle Enforcement Division to contract with a public prosecutor for increased prosecution; and
- makes technical changes.

This bill takes effect on July 1, 2005.

Amends 41-3-105, 41-3-603

Effective July 1, 2005  Chapter 57, Laws of Utah 2005
HB 69  **Federal Health Care Tax Credit Program Act (Curtis Oda)**

This bill modifies provisions related to the Federal Health Care Tax Credit Program Act.

This bill:
- deletes the date terminating authorization for the Department of Workforce Services relating to the federal health coverage tax credit program;
- deletes the requirement that the Department of Workforce Services prepare legislation;
- deletes the repeal date for the Federal Health Care Tax Credit Program Act; and
- makes technical changes.

Amends 31A-38-104, 63-55b-131

Effective May 2, 2005  Chapter 221, Laws of Utah 2005

HB 70  **Health Discount Program Consumer Protection Act (James A. Dunnigan)**

This bill enacts the Health Discount Program Consumer Protection Act in the Insurance Code to regulate the offer and marketing of health discount programs.

This bill:
- defines terms;
- describes the general scope and purposes of the act;
- requires a license to operate a health discount program unless the operator is already a licensed insurer in the state, and designates the term of the license;
- requires:
  - operators of health discount programs to disclose certain information to the commissioner prior to offering discount programs in the state;
  - disclosure of terms to enrollees prior to accepting money from the enrollees;
  - certain record keeping by operators of health discount programs; and
  - notice to the commissioner when certain information changes;
- creates certain advertising restrictions and requirements;
- makes health discount program operators subject to the provisions of:
  - Chapter 15, Unauthorized Insurers, Surplus Lines, and Risk Retention Groups; and
  - Chapter 31, Insurance Fraud Act; and
- enacts a provision in Chapter 31, Insurance Fraud Act, to designate certain intentional acts a felony.

This bill takes effect on September 1, 2005.


Effective September 1, 2005  Chapter 58, Laws of Utah 2005
HB 71  Licensing of Estheticians and Nail Technicians *(Julie Fisher)*

This bill modifies provisions of the Occupations and Professions Code related to the licensing of estheticians and nail technicians.

This bill:
- removes archaic work experience grandfathering provisions dealing with the licensing of estheticians, master estheticians, and nail technicians;
- modifies the length of apprenticeship programs for estheticians, master estheticians, and nail technicians;
- increases the curriculum requirement for nail technology schools from 200 to 300 hours;
- increases from 250 to 375 the number of hours of training required for an approved nail technician apprenticeship;
- expands the unlawful conduct provision that applies to nail technicians to include the use of methyl methacrylate by a nail technician on a client; and
- provides the Division of Occupational and Professional Licensing with authority to issue citations to nail technicians who use methyl methacrylate on their clients.

This bill takes effect on December 31, 2005.


Effective December 31, 2005  Chapter 222, Laws of Utah 2005

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HB 74  Tuition Program for Students Seeking Teacher Licensure in Disability or Special Education *(Ronda Rudd Menlove)*

This bill modifies the Terrel H. Bell Teaching Incentive Loans program.

This bill:
- modifies the eligibility of students for the Terrel H. Bell Teaching Incentive Loans program;
- directs the State Board of Education’s prioritization of critical areas of need for teaching expertise within the state; and
- makes technical corrections.

Amends 53B-10-101, 53B-10-102

Effective May 2, 2005  Chapter 223, Laws of Utah 2005

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HB 75  Government Records Access and Management Task Force *(Douglas C. Aagard)*

This bill creates the Government Records Access and Management Task Force.

This bill:
- creates the Government Records Access and Management Task Force;
- sets forth the duties of the task force; and
- requires the task force report to the Public Utilities and Technology Interim Committee and the Government Operations Interim Committee.

This bill appropriates:
- $6,000 to the Senate; and $8,400 to the House of Representatives.

This bill is repealed November 30, 2005.

Effective May 2, 2005  Chapter 224, Laws of Utah 2005
HB 76  Habitual Violent Offenders Amendments *(Paul Ray)*

This bill provides specific references to offenses to be included in the definition of a violent felony under the Criminal Code.

This bill:

- adds listed offenses to the definition of a violent felony, including:
  - mayhem;
  - stalking;
  - terroristic threat; and
  - child abuse;
- removes requirement that proof of defendant's conduct as a habitual violent offender be provided at the preliminary hearing or at the trial as an element of the offense; and
- amends provisions regarding notice to the defendant that the defendant is subject to punishment as a habitual violent offender.

This bill provides an immediate effective date.

Amends 76-1-302, 76-3-203.5

Effective March 11, 2005  Chapter 59, Laws of Utah 2005

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HB 78  Corporate Franchise and Income Tax Amendments *(Wayne A. Harper)*

This bill amends the Corporate Franchise and Income Taxes chapter relating to the apportionment of income.

This bill:

- for taxable years beginning on or after January 1, 2006, allows a taxpayer to elect to calculate the apportionment of business income on the basis of a fraction that increases the weighting of the sales factor;
- provides that a taxpayer making such an election may not revoke the election for a period of five taxable years;
- grants rulemaking authority to the State Tax Commission;
- addresses the State Tax Commission's authority to make adjustments in the accounting, allocation, or apportionment of income; and
- makes technical changes.

This bill takes effect for taxable years beginning on or after January 1, 2006.

Amends 59-7-311, 59-7-320, 59-7-401, 59-7-801

Effective January 1, 2006  Chapter 225, Laws of Utah 2005
HB 79  Provision of Services for People with Disabilities *(Rebecca D. Lockhart)*

This bill amends the Human Services Code and the Judicial Code to provide for a criminal background check of a direct service worker whose services are paid for with public funds. This bill modifies the responsibilities and authority of the Division of Services for People with Disabilities.

This bill:

- defines terms;
- provides the Department of Human Services with access to records to determine whether a direct service worker is listed in the:
  - Licensing Information System of the Division of Child and Family Services;
  - juvenile court records as having a substantiated finding of severe child abuse or neglect; or
  - statewide database of the Division of Aging and Adult Services as having a substantiated finding of abuse, neglect, or exploitation of a vulnerable adult;
- provides that the Department of Human Services may inform a direct service worker, or the direct service worker’s employer, of the status of a direct service worker in the records described above;
- amends the responsibilities and authority of the Division of Services for People with Disabilities;
- grants rulemaking authority to the Division of Services for People with Disabilities;
- subject to certain exceptions, prohibits the Division of Services for People with Disabilities from disbursing public funds to pay for the services of a direct service worker, unless the direct service worker successfully completes a background check;
- requires the Office of Licensing in the Department of Human Services to conduct a background check of a direct service worker before the Division of Services for People with Disabilities may disburse public funds to pay for the services of the direct service worker; and
- makes technical changes.

This bill provides a coordination clause.


Effective May 2, 2005  Chapter 60, Laws of Utah 2005

HB 80  Services for People with Disabilities *(Rebecca D. Lockhart)*

This bill amends the portion of the Utah Human Services Code relating to services for people with disabilities and amends related provisions.

This bill:

- defines terms;
- removes all references to the obsolete voucher system for obtaining services;
- describes when a person is eligible to receive services from the Division of Services for People with Disabilities;
- establishes principles to be followed by the division when providing services to families who care for family members with disabilities; and
- makes technical changes.


Effective May 2, 2005  Chapter 61, Laws of Utah 2005
HB 83  **Weights and Measures Amendments (David Ure)**

This bill amends provisions relating to the inspection and testing of weights and measures used by commercial establishments.

This bill:
- allows weights and measures to be inspected and tested by inspectors registered by the Department of Agriculture and Food.

This bill takes effect on January 1, 2006.

Amends 4-9-15  
Effective January 1, 2006  
Chapter 226, Laws of Utah 2005

HB 86  **Utah College of Applied Technology Amendments (Ron Bigelow)**

This bill modifies provisions relating to the Utah College of Applied Technology.

This bill:
- allows Utah College of Applied Technology courses to fulfill high school graduation requirements, subject to State Board of Education approval;
- repeals the authority for the Utah College of Applied Technology to offer a high school diploma;
- establishes the Utah College of Applied Technology as a body politic and corporate;
- requires the president and board of trustees of the Utah College of Applied Technology to maintain a central administration office;
- modifies the campus president appointment process;
- authorizes campuses to enter into lease-purchase agreements, subject to certain approvals; and
- makes technical corrections.

Effective May 2, 2005  
Chapter 227, Laws of Utah 2005

HB 87  **Claims Against a County (Stephen D. Clark)**

This bill modifies provisions related to claims against counties.

This bill:
- requires counties to prepare and provide to claimants and potential claimants a written explanation of how to submit a claim and the county’s claims handling process.

Amends 17-50-401  
Effective May 2, 2005  
Chapter 228, Laws of Utah 2005

HB 89  **Presumption of Responsibility for Abuse or Neglect (LaVar Christensen)**

This bill repeals the presumption of responsibility relating to abuse or neglect of a minor.

This bill:
- amends the Judicial Code by repealing the presumption that a person who has direct and exclusive care and control of a minor at the time the minor is abused is responsible for the abuse or neglect.

Repeals 78-3a-305.1  
Effective May 2, 2005  
Chapter 300, Laws of Utah 2005
HB 90 Search and Rescue Advisory Board - Amendments *(J. Stuart Adams)*

This bill amends the membership of the Search and Rescue Advisory Board in the Department of Public Safety so that the expiration of terms of membership are staggered. The bill also allows members to serve more than two successive terms.

This bill:
- provides that appointments and reappointments of the three board members designated by the Utah Sheriff’s Association shall for one time only be for two years rather than the usual four years, to stagger the expiration dates of members’ terms; and
- amends provisions which currently limit reappointment to two years to allow unlimited reappointments of members.

Amends 53-2-108

Effective May 2, 2005 Chapter 62, Laws of Utah 2005

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HB 91 License Plate for Disabled Veterans *(Ron Bigelow)*

This bill modifies the Motor Vehicles Code by authorizing a disabled veteran special group license plate.

This bill:
- authorizes the Motor Vehicle Division to issue a disabled veteran special group license plate;
- provides that a disabled veteran or veteran’s spouse in certain circumstances is eligible for a disabled veteran special group license plate;
- provides evidence requirements for a disabled veteran special group license plate; and
- makes technical changes.

This bill takes effect October 1, 2005.

Amends 41-1a-418, 41-1a-421

Effective October 1, 2005 Chapter 63, Laws of Utah 2005

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HB 93 Emission Inspection Amendments *(Kerry W. Gibson)*

This bill modifies the Motor Vehicles Code by amending certain vehicle emissions inspection requirements.

This bill:
- allows a county legislative body to require college students and employees who park on a college or university campus a motor vehicle that is not registered in a county subject to emissions inspections to provide proof of compliance with an emissions inspection; and
- makes technical changes.

Amends 41-6a-1642

Effective May 2, 2005 Chapter 229, Laws of Utah 2005
HB 96  Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels (Fred R. Hunsaker)

This bill modifies the Traffic Code chapter, the Corporate Franchise and Income Tax chapter, the Individual Income Tax Act, the Special Fuel part, the Clean Fuels Conversion Program Act, and the Repeal Dates part relating to clean fuels and vehicles using clean fuels.

This bill:

- provides the circumstances under which a vehicle may travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants;
- grants rulemaking authority to the Department of Transportation;
- extends for a period of five taxable years certain individual income tax and corporate franchise and income tax credits relating to vehicles using clean fuels;
- for taxable years beginning on or after January 1, 2006, provides that a taxpayer may not claim a tax credit with respect to an electric-hybrid vehicle;
- extends until December 31, 2010, a surcharge on clean special fuel tax certificates;
- provides that the Department of Natural Resources may not make a loan or grant under the Clean Fuels Conversion Program Act with respect to an electric-hybrid vehicle;
- extends a repeal date until December 31, 2010, for allowing certain vehicles to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants; and
- makes technical changes.

This bill provides an effective date.

Amends 41-6a-702, 59-7-605, 59-10-127, 59-13-304, 63-34-202, 63-34-203, 63-55-241

Effective May 2, 2005  Chapter 108, Laws of Utah 2005

HB 98  Offenses Committed Against Correctional and Peace Officers (Curtis Oda)

This bill amends the Criminal Code regarding offenses committed by prisoners to include the offense of propelling any object or substance at a correctional or law enforcement officer. This bill also provides increased penalties if the substance is a bodily substance that contacts the officer’s face.

This bill:

- clarifies that law enforcement officers are included in the provisions of the section, in addition to correctional officers; and
- provides that a prisoner’s act of propelling any object or substance at an officer is a class A misdemeanor, except that the offense is a third degree felony if the substance comes into contact with any portion of the officer’s face or an open wound; and
  - the substance is blood, urine, or fecal material; or
  - the substance is saliva and the prisoner is infected with HIV or hepatitis.

Amends 76-5-102.6

Effective May 2, 2005  Chapter 230, Laws of Utah 2005
HB 102 Higher Education Savings Incentive Program Amendments (Scott L Wyatt)

This bill modifies the Utah System of Higher Education Code and the Revenue and Taxation Code regarding the Utah Educational Savings Plan Trust, an investment plan used to pay for higher education costs.

This bill:
- defines terms;
- allows moneys in the Utah Educational Savings Plan Trust to be invested in mutual funds;
- allows the board of directors of the Utah Educational Savings Plan Trust to hire:
  - investment advisors with certain qualifications;
  - an administrator to perform recordkeeping functions; and
  - a custodian for the safekeeping of trust assets;
- reestablishes the maximum amount of investments that may be subtracted from an individual’s federal taxable income for each beneficiary;
- clarifies that beneficiaries shall be designated before age 19 to qualify to deduct investments from federal taxable income;
- requires that benefits be paid by a certain time;
- requires each account agreement to clearly state that there are no guarantees regarding moneys in the trust;
- requires each account agreement to provide that:
  - neither a contributor nor a beneficiary may direct the investment of any contributions or earnings on contributions;
  - money in the trust may not be used as security on a loan;
  - an account owner may not borrow from the trust; and
  - the program administrator may amend the agreement to maintain the trust as a qualified tuition program under federal law;
- allows transfers from the program fund to the administrative fund to pay for operating costs as included in the budget approved by the board of directors of the Utah Educational Savings Plan Trust;
- discontinues the allocation of a pro rata share of interest income from the endowment fund to all account owners;
- allows interest income on the endowment fund to be used to enhance the savings of low income account owners, in accordance with rules of the board of directors of the Utah Educational Savings Plan Trust;
- allows the original principal in the endowment fund to be transferred to the administrative fund upon approval by the board of directors of the Utah Educational Savings Plan Trust;
- provides for the disbursement of account moneys and the levy of an administrative refund fee when an account is cancelled;
- conforms the Revenue and Taxation Code with federal tax law regarding tuition programs;
- eliminates the Utah Supplemental Educational Savings Plan Trust; and
- makes technical changes.

This bill provides an immediate effective date.


Effective March 16, 2005 Chapter 109, Laws of Utah 2005
**HB 103  Student Housing Built by Higher Education Institutions** *(Stephen D. Clark)*

This bill enacts provisions relating to student housing built by institutions of higher education.

This bill:
- requires the director of the Division of Facilities Construction and Management and public and private institutions of higher education to provide notice to local government before constructing student housing next to residential property; and
- provides for a public hearing about the proposed construction.


Effective May 2, 2005  
Chapter 231, Laws of Utah 2005

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**HB 104  Spyware Control Act Revisions** *(Stephen H. Urquhart)*

This bill amends the Spyware Control Act.

This bill:
- defines terms;
- prohibits certain uses of pop-up advertisements;
- prohibits the purchase of pop-up advertisements that violate the chapter if the purchaser has actual notice of the violation;
- provides for the permissive removal of certain software; and
- defines the scope of actions and penalties authorized by the chapter.


Effective May 2, 2005  
Chapter 168, Laws of Utah 2005
HB 105  Construction Filing Amendments (Michael T. Morley)

This bill makes changes to mechanics’ liens.

This bill:
- addresses exemptions from preliminary notice requirements;
- addresses final completion of an original contract;
- addresses certificates of compliance;
- defines terms;
- clarifies how the State Construction Registry is to be indexed;
- requires the division to comply with Title 63, Chapter 38, Budgetary Procedures Act, when setting fees for the database;
- provides that actions in connection with a filing to the database are not adjudications within the meaning of Title 63, Chapter 46b, Administrative Procedures Act;
- clarifies that the division is not responsible for monitoring the timeliness of filings;
- establishes provisions for addressing delinquency of payment of a filing fee for a filing to the database;
- allows the division to make rules establishing the form of submission of an alternate filing;
- provides that the archiving of a notice filed with the database may occur no earlier than the later of:
  - one year after the filing of a notice of completion;
  - two years after the last filing activity if no notice of completion is filed; or
  - one year after a filing is cancelled;
- provides that data submitted to the database by a governmental entity is classified under Title 63, Chapter 2, Government Records Access and Management Act, by the division;
- clarifies the required content of a notice of commencement filed for a project where no building permit is required;
- provides that a person requesting a notice of filings for a project is responsible for the accuracy of an e-mail address, mailing address, or the telefax number to which notice is requested to be sent;
- provides that a designated agent need only send the notice to the provided e-mail address, mailing address, or telefax number, whether or not the notice is actually received;
- modifies the time within which a subcontractor or supplier must file a preliminary notice;
- clarifies that a preliminary notice filed for one construction project applies to all labor, service, equipment, and material for that construction project;
- addresses requirements for a qualified beneficiary’s recovery from the Residence Lien Recovery Fund; and
- makes technical changes.

This bill provides retrospective operation.

Amends 14-1-20 (Superseded 05/01/05), 14-2-5 (Superseded 05/01/05), 38-1-7 (Effective 05/01/05), 38-1-11, 38-1-27 (Effective 05/01/05), 38-1-30, 38-1-31 (Effective 05/01/05), 38-1-32 (Effective 05/01/05), 38-1-33 (Effective 05/01/05), 38-1-37 (Effective 05/01/05), 38-11-204, 63-56-38.1 (Superseded 05/01/05); Repeals 38-1-38

Effective May 2, 2005  Chapter 64, Laws of Utah 2005
HB 107  Amendments to Taxes, Fees, or Charges *(Wayne A. Harper)*

This bill amends the Revenue and Taxation title, the Repeal Dates part, and enacts uncodified material.

This bill:
- provides legislative intent regarding the implementation of certain provisions enacted during the 2003 General Session, 2004 General Session, and 2004 Third Special Session, relating to taxes, fees, and charges;
- addresses amnesty for sellers relating to certain taxes, fees, or charges;
- provides a repeal date for the legislative intent language;
- requires the Revenue and Taxation Interim Committee and the State Tax Commission to conduct a study; and
- makes technical changes.

This bill takes effect on July 1, 2005. This bill provides a coordination clause.

Amends 59-1-1201, 59-12-121, 63-55-259

Effective July 1, 2005  Chapter 232, Laws of Utah 2005

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HB 109  Information Technology Governance Amendments *(David Clark)*

This bill consolidates information technology services and governance in the executive branch of state government into one department.

This bill:
- phases out the existing information technology governance structure in the executive branch of state government over a one-year period;
- creates the Department of Technology Services which includes:
  - an executive director, who serves as the chief information officer;
  - the Division of Enterprise Technology;
  - the Division of Integrated Technology including the Automated Geographic Reference Center; and
  - the Division of Agency Services;
- funds the department through an internal service fund;
- maintains merit status for employees whose functions are transferred to the department, and requires nonmerit status for an employee who is hired for a new position with the department;
- defines terms;
- establishes the purpose and duties of the department;
- creates an advisory board to the department and defines its duties;
- requires an annual executive branch strategic technology plan;
- requires annual agency information technology plans;
- requires the approval of certain technology procurement by the chief information officer;
- gives rulemaking authority to the executive director of the department;
- requires the chief information officer to coordinate the development of technology between executive branch agencies;
- authorizes the chief information officer to delegate functions of the department to an agency
under certain conditions;

- authorizes the chief information officer to assign department staff to work in-house for an executive branch agency;
- establishes a rate committee;
- requires executive branch agencies to subscribe to services of the department and permits other branches and public and higher education to subscribe to services of the department;
- establishes the duties of the Division of Enterprise Technology;
- establishes the duties of the Division of Integrated Technology;
- transfers the Automated Geographic Reference Center to the department;
- establishes the duties of the Division of Agency Services;
- establishes the process and authority for the transition of the technology assets and functions in the executive branch of government into the Department of Technology Services;
- repeals the Division of Information Technology Services on July 1, 2006;
- amends state officers compensation to add the director of the department; and
- makes conforming and technical amendments.

This bill provides an effective date. This bill provides revisor instructions. This bill provides a coordination clause.

Amends 10-9-301.5, 11-36-201, 17-27-301.5, 17A-2-104, 17B-2-104, 20A-5-303, 20A-13-104, 20A-14-102.2, 36-1-105, 36-1-204, 46-3-601, 46-3-602, 46-4-501, 46-4-503, 53-1-106, 53-10-601, 53-10-605, 53A-2-123, 54-3-28, 63-55b-163, 63-56-9, 63A-1-108, 63A-1-109, 63A-1-114, 63A-6-101.5, 63A-6-103, 63A-6-105, 63D-1a-102, 67-1-14, 67-19-15, 67-22-2, 72-5-304; Enacts 63F-1-101, 63F-1-102, 63F-1-103, 63F-1-104, 63F-1-105, 63F-1-106, 63F-1-107, 63F-1-201, 63F-1-202, 63F-1-203, 63F-1-204, 63F-1-205, 63F-1-206, 63F-1-207, 63F-1-208, 63F-1-209, 63F-1-301, 63F-1-302, 63F-1-303, 63F-1-401, 63F-1-402, 63F-1-403, 63F-1-404, 63F-1-501, 63F-1-502, 63F-1-503, 63F-1-504, 63F-1-505, 63F-1-601, 63F-1-602, 63F-1-603, 63F-1-604; Renumbers and Amends 63A-6-202 to 63F-1-506, 63A-6-203 to 63F-1-508, 63A-6-204 to 63F-1-509, 63D-1a-307 to 63A-6-108; Repeals 63A-6-201, 63D-1a-301, 63D-1a-302, 63D-1a-303, 63D-1a-304, 63D-1a-305, 63D-1a-306, 63D-1a-308, 63D-1a-309

Effective July 1, 2005

Chapter 169, Laws of Utah 2005
HB 113  Government Boundary Changes  (Kory M. Holdaway)

This bill modifies provisions relating to the processes and requirements for notifying certain entities when a boundary of a local government entity is changed.

This bill:

- modifies the processes and requirements for notifying certain entities when a governmental boundary is created, modified, or dissolved for a county, municipality, special district, local district, redevelopment agency, local school district, or an entity created by interlocal agreement;
- standardizes the flow of information for entity boundary changes to be through the lieutenant governor and then the lieutenant governor notifies entities needing boundary change information;
- expands the list of entities notified under certain circumstances to include the Automated Geographic Reference Center, State Tax Commission, state auditor, county recorder, county surveyor, county auditor, and county attorney;
- modifies the requirements for preparing and processing documents describing boundaries, including maps and plats;
- establishes a process for boundary creation, modification, or dissolution in certain cases;
- modifies the number of days in which documents relating to a boundary creation, modification, or dissolution must be filed;
- creates a surveyor position within the Automated Geographic Reference Center, Division of Information Technology Services with the following duties:
  - provide technical support to the lieutenant governor in evaluating boundary creation or boundary changes;
  - assist the State Tax Commission in processing and quality assurance of boundary descriptions or maps into digital format;
  - coordinate with county recorders and surveyors to create a statewide parcel layer; and
  - facilitate and integrate the collection efforts of local government and federal agencies for data collection to densify and enhance the statewide Public Land Survey System reference network in the State Geographic Information Database;
- requires the State Geographic Information Database to include an accurate representation of all civil subdivision boundaries of the state;
- requires the lieutenant governor under certain circumstances to certify boundary creations, modifications, and dissolutions;
- requires the lieutenant governor to keep, index, maintain, and make available to the public documents related to the creation, modification, and dissolving of boundaries; and
- makes technical corrections.

This bill provides a coordination clause.


Effective May 2, 2005

Chapter 233, Laws of Utah 2005
HB 114  **Children’s Health Care Coverage Amendments** *(David L. Hogue)*

This bill amends the permanent state trust fund for tobacco settlement monies and the Tobacco Settlement Restricted Account to increase funding for the Children’s Health Insurance Program.

This bill:
- increases the amount annually appropriated from the Tobacco Settlement Restricted Account to the Department of Health for the Children’s Health Insurance Program from $7,000,000 to $10,300,000; and
- modifies the distribution of tobacco settlement monies between the Tobacco Settlement Restricted Account and the permanent state trust fund created by Utah Constitution Article XXII, Section 4.

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

Effective May 2, 2005  Chapter 275, Laws of Utah 2005

HB 116  **Private Activity Bond Amendments** *(David Clark)*

This bill modifies provisions related to private activity bonds administered within the Department of Community and Economic Development.

This bill:
- increases the membership of the Private Activity Bond Review Board from 10 to 11 by adding the director of the Division of Business and Economic Development as an ex officio member;
- recognizes the Division of Community Development as an issuing authority entitled to issue bonds from the Small Issue Bond Account;
- authorizes the division to promote and assist businesses in applying for and qualifying for private activity bonds; and
- makes certain technical changes.

This bill provides an immediate effective date.

Amends 9-4-202, 9-4-503, 9-4-508

Effective March 17, 2005  Chapter 170, Laws of Utah 2005

HB 121  **Property Exempt from Execution** *(James A. Dunnigan)*

This bill modifies the Judicial Code to include additional benefits and contracts as exempt from judgment execution, and makes technical changes.

This bill:
- adds the following to the list of property exempt from judgment execution:
  - alimony and separate maintenance payments;
  - life insurance benefits;
  - proceeds of unmatured life insurance contracts owned by the individual, unless pledged or used as collateral; and
  - disability plan payments with specific criteria; and
- allows for the exemption of the traceable proceeds from the execution of a judgment on any of the property listed above for one year under specific circumstances.

Amends 78-23-5, 78-23-9; Repeals 78-23-6, 78-23-7

Effective May 2, 2005  Chapter 234, Laws of Utah 2005
HB 124  Enrollment Growth Program Amendments *(Bradley G. Last)*

This bill modifies the funding formula for a program that provides money to school districts for school building construction.

This bill:
- defines terms, including "yield per ADM";
- removes the requirement that a school district be a recipient of monies distributed under the Capital Outlay Foundation Program to qualify for monies under the Enrollment Growth Program; and
- requires school districts to have a tax yield below a certain amount to qualify for monies under the Enrollment Growth Program.

This bill takes effect on July 1, 2005.

Amends 53A-21-103.5

Effective July 1, 2005  Chapter 171, Laws of Utah 2005

HB 128  Compensation of Executive Officers *(LaVar Christensen)*

This bill establishes a salary for the attorney general on July 1, 2005.

This bill:
- provides that the attorney general’s salary on July 1, 2005 is 95% of the governor’s salary.

Amends 67-22-1

Effective May 2, 2005  Chapter 276, Laws of Utah 2005

HB 132  Internet Crimes Against Children *(Tim M. Cosgrove)*

This bill describes the state attorney general’s participation in multijurisdictional and multidisciplinary work to prevent and prosecute Internet sexual crimes against children. This bill also authorizes the attorney general to provide Internet educational programs to parents, educators, and others involved with children to promote awareness of and prevention of Internet crimes against children.

This bill:
- provides that the attorney general is participating in the Internet Crimes Against Children Task Force, which is a statewide multiagency task force that investigates, prevents, and prosecutes Internet sexual exploitation offenses against children; and
- authorizes the attorney general, to the extent legislative funding is provided, to prepare and present appropriate programs and informational materials to children, parents, educators, school resource officers, parent-teacher organizations, and libraries to help children use the Internet safely and to help adults be aware of Internet risks to children.

Enacts 67-5-19

Effective May 2, 2005  Chapter 277, Laws of Utah 2005
HB 136  Charter School Enrollment (James A. Ferrin)

This bill allows a charter school with more applicants than enrollment capacity to give enrollment preference based on a student’s proximity to the school.

This bill:
- allows a charter school to give enrollment preference to students living within a two-mile radius of the school or within the municipality in which the charter school is located.

Amends 53A-1a-506

Effective May 2, 2005  Chapter 301, Laws of Utah 2005

HB 138  Nonresident Tuition for Higher Education Amendments (M. Susan Lawrence)

This bill amends the definition of a resident student for tuition purposes within the state system of higher education.

This bill:
- provides an alternate means for a student to become a resident student for tuition purposes within the state system of higher education by maintaining continuous Utah residency status for three years.

Amends 53B-8-102

Effective May 2, 2005  Chapter 235, Laws of Utah 2005

HB 139  Local School Board Amendments (Margaret Dayton)

This bill provides for the replacement of a local school board president or vice president and establishes board quorum requirements.

This bill:
- provides that when a vacancy occurs in the office of president or vice president of a local school board for any reason, a replacement shall be elected for the unexpired term; and
- requires attendance of a simple majority of the board members to constitute a quorum for the transaction of official business.

Amends 53A-3-201

Effective May 2, 2005  Chapter 172, Laws of Utah 2005
HB 142 **Issues Submitted to Voters** *(Gregory H. Hughes)*

This bill modifies statewide and local initiative requirements and other ballot measures initiated by citizen petition by requiring fiscal impact estimates and by authorizing the repeal or amendment of laws when final estimated costs exceed initial cost estimates by a certain amount.

This bill:

- establishes uniform standards for determining whether a signer’s signature on a local initiative petition is valid or not;
- provides for placement of birth date information on initiative petitions;
- requires that statewide initiative petitions approved for signature circulation receive an initial fiscal impact review by the Governor’s Office of Planning and Budget;
- requires that local initiative petitions approved for signature circulation receive an initial fiscal impact review by the local budget officer;
- establishes a procedure for judicial review of contested initial fiscal impact statements;
- requires that the initial fiscal impact estimate be shown on each petition signature sheet;
- clarifies that public meetings on statewide initiative petitions be held only after issuance of the initial fiscal impact estimate;
- requires that voter information pamphlets include the initial fiscal impact estimate issued for each statewide or local initiative;
- requires that the initial fiscal impact estimate appear on the ballot for all statewide and local initiatives;
- requires that a final fiscal impact statement be issued by the Governor’s Office of Planning and Budget, or by the local budget officer for local initiatives, for each initiative that is approved by the voters; and
- when the final fiscal impact statement for a statewide or local initiative exceeds the initial fiscal impact estimate by 25% or more, authorizes the Legislature, or the local legislative body in the case of a local initiative, to repeal the law, amend the law, or inform the voters that they may bring a new initiative to repeal the law enacted by passage of the initiative.


Effective May 2, 2005

Chapter 236, Laws of Utah 2005

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HB 143 **National Guard Amendments** *(Eric K. Hutchings)*

This bill creates a joint forces headquarters under the command of the adjutant general, authorizes the appointment of a deputy commander, and makes technical corrections.

This bill:

- creates a joint forces headquarters within the Utah National Guard under the command of the adjutant general;
- authorizes the appointment of a deputy commander of the joint forces headquarters; and
- sets commissioning, grade, and length of service requirements for the deputy commander.

Amends 39-1-2, 39-1-4, 39-1-18, 39-1-24

Effective May 2, 2005

Chapter 65, Laws of Utah 2005
HB 145  Amendments to Hearing and Speech Impaired Telecommunications Program
(Brent H. Goodfellow)

This bill expands the permissive uses of dedicated credits for provision of telecommunications devices and services to hearing and speech impaired persons.

This bill:
▶ defines terms;
▶ expands the permitted uses of a dedicated credit funded by a telephone surcharge for services to the deaf, hard of hearing, and severely speech impaired to include contracting with programs that train persons to serve as certified interpreters; and
▶ makes technical changes.

Amends 54-8b-10

Effective May 2, 2005 Chapter 278, Laws of Utah 2005
HB 147  Property Tax Exemption for Veterans  (Gregory H. Hughes)

This bill amends provisions of the Property Tax Act regarding the property tax exemption relating to a disabled veteran, a veteran who is killed in action or dies in the line of duty, and an unmarried surviving spouse or minor orphan of a disabled veteran or a veteran who was killed in action or died in the line of duty.

This bill:
- limits the property that is eligible for the exemption described in this bill to either or both of the following:
  - the claimant’s primary residence; or
  - tangible personal property that is held exclusively for personal use and is not used in a trade or business;
- increases the limitation on the property tax exemption relating to disabled veterans and veterans who are killed in action or die in the line of duty from $82,500 to:
  - for 2005, $200,000; and
  - for each year after 2005, $200,000 plus an amount calculated by multiplying the amount of the limitation for the previous year by the actual percent change in the Consumer Price Index during the previous calendar year;
- provides that the property tax exemption relating to a disabled veteran with a service related disability of 10% or more is equal to the greater of:
  - the percentage of the service related disability multiplied by the limitation described previously; or
  - if the veteran served in the military prior to January 1, 1921, 100% of the value of the property entitled to the exemption;
- provides that the property tax exemption relating to a veteran who is killed in action or dies in the line of duty, or that veteran’s unmarried surviving spouse or minor orphan, is equal to 100% of the value of the property entitled to the exemption;
- provides that the property tax exemption relating to disabled veterans may not exceed the total value of the property entitled to the exemption; and
- makes technical changes.

This bill provides retrospective operation.

Amends 59-2-1104

Effective May 2, 2005  Chapter 237, Laws of Utah 2005

HB 149  Vehicle Identification Number Inspectors  (Craig A. Frank)

This bill modifies the Motor Vehicle Act by amending provisions related to vehicle identification number inspectors.

This bill:
- provides that licensed new and used motor vehicle dealers and new and used motorcycle, off-highway vehicle, and small trailer dealers are qualified vehicle identification number inspectors; and
- makes technical changes.

Amends 41-1a-802

Effective May 2, 2005  Chapter 32, Laws of Utah 2005
HB 150 **Water Rights Fees** *(James R. Gowans)*

This bill allows the state engineer to charge fees to certain public entities in certain situations.

This bill:
- allows the state engineer to charge fees to certain public entities in certain situations.

Amends 63-38-3.3

Effective May 2, 2005 Chapter 66, Laws of Utah 2005

HB 154 **School and Institutional Trust Lands Amendments** *(Eric K. Hutchings)*

This bill modifies the School and Institutional Trust Lands Management Act by authorizing certain information to be required of providers.

This bill:
- provides definitions;
- authorizes the School and Institutional Trust Lands Administration to require providers to furnish certain information; and
- makes technical corrections.

Amends 53C-2-102

Effective May 2, 2005 Chapter 67, Laws of Utah 2005

HB 155 **Agricultural Coop Amendments** *(Craig W. Buttars)*

This bill clarifies the rights of withdrawing members from Agricultural Cooperative Associations to claim or receive assets.

This bill:
- clarifies the rights of withdrawing members from Agricultural Cooperative Associations.

Amends 3-1-11

Effective May 2, 2005 Chapter 110, Laws of Utah 2005

HB 156 **Dairy Promotion Act Amendments** *(David Ure)*

This bill eliminates the option to request a transfer of the assessment for dairy products to the National Dairy Board.

This bill:
- eliminates the option to request a transfer of the assessment for dairy products to the National Dairy Board.

Amends 4-22-7

Effective May 2, 2005 Chapter 173, Laws of Utah 2005
HB 157  Water Enforcement Procedures and Penalties (David Ure)

This bill modifies the state engineer’s enforcement and penalty processes.

This bill:
- exempts certain enforcement proceedings conducted by the state engineer from Title 63, Chapter 46b, Administrative Procedures Act;
- authorizes the state engineer to issue cease and desist orders and notices of violation to violators of various provisions of Title 73, Water and Irrigation;
- establishes an enforcement process for resolving cease and desist orders and notices of violation;
- requires the state engineer to make any rules necessary for enforcing cease and desist orders and notices of violation;
- authorizes the state engineer to sue to enforce orders;
- establishes administrative penalties for violations of various provisions of Title 73, Water and Irrigation;
- requires the state engineer to consider certain factors before imposing administrative penalties;
- provides for the replacement of water ordered to be replaced in enforcement proceedings;
- allows the collection of costs and fees by the prevailing party in certain civil actions; and
- makes technical changes.

Amends 63-46b-1, 73-2-1.5; Enacts 73-2-25, 73-2-26, 73-2-27

Effective May 2, 2005  Chapter 33, Laws of Utah 2005

HB 159  Motor Assisted Scooter and Mini-motorcycle Amendments (Brad L. Dee)

This bill modifies the Motor Vehicles Code to amend provisions relating to certain motorized scooters and personal mobility devices.

This bill:
- defines "direct supervision" and "mini-motorcycle";
- amends the definition of motor assisted scooter to include similar devices that are equipped with a seat for the operator to sit or straddle while operating the device;
- amends the age from under 16 to under 15 of persons that may not operate a personal motorized mobility device or a motor assisted scooter using the motor unless the person is under the direct supervision of the person’s parent or guardian;
- prohibits a person under eight years of age from operating a motor assisted scooter on public property;
- prohibits a person operating a motor assisted scooter from carrying more persons than it was designed to carry;
- prohibits a person from operating a personal motorized mobility device or a motor assisted scooter that has been mechanically altered from the original manufacturer’s design;
- prohibits an owner from giving a person permission to operate a personal motorized mobility device, a motor assisted scooter, or a mini-motorcycle in violation of certain provisions;
- prohibits a person from operating a mini-motorcycle on any public property, highway, path, or sidewalk unless the mini-motorcycle is registered for highway use and the operator is licensed to operate a motorcycle; and
- makes technical changes.

Amends 41-6a-102, 41-6a-1115, 41-6a-1116; Enacts 41-6a-1117

Effective May 2, 2005  Chapter 111, Laws of Utah 2005
HB 160  Wildlife License Agents Amendments *(Julie Fisher)*

This bill allows the Division of Wildlife Resources to specify the date and manner that wildlife license agents report sales and submit fees.

This bill:

- allows the Division of Wildlife Resources to specify the date and manner that wildlife license agents report sales and submit fees.

Amends 23-19-15

Effective May 2, 2005  Chapter 68, Laws of Utah 2005

HB 162  Municipal Abatement of Weeds and Other Neglected Items on Property *(Michael T. Morley)*

This bill modifies provisions relating to municipalities and the process of abating weeds and other neglected items on property

This bill:

- increases from 20 to 30 days the amount of time a property owner has to pay the municipal treasurer for costs incurred in cleaning up the property owner’s property;
- changes from registered mail to certified mail the method by which a demand letter is mailed to the property owner;
- provides for the recovery of administrative costs related to the abatement of neglected weeds, garbage, refuse, objects, or structure; and
- changes the deadline by which the city inspector must provide the county treasurer documents related to the cleanup of a property owner’s property.

Amends 10-11-3

Effective May 2, 2005  Chapter 69, Laws of Utah 2005

HB 164  Repeal of Utah Personal Introduction Services Protection Act *(Sheryl L. Allen)*

This bill repeals the Utah Personal Introduction Services Protection Act.

This bill:

- amends Utah Code Section 13-2-1 to reflect the repeal of Title 13, Chapter 30, Utah Personal Introduction Services Protection Act; and
- repeals Utah Code Sections 13-30-101 through 13-30-114, the Utah Personal Introduction Services Protection Act.


Effective May 2, 2005  Chapter 70, Laws of Utah 2005
HB 165  Utah Commission on Aging *(Patricia W. Jones)*

This bill creates the Utah Commission on Aging.

This bill:

- defines terms;
- provides, under the Legislative Oversight and Sunset Act, that the Utah Commission on Aging, created by this bill, will be repealed on July 1, 2007;
- creates the Utah Commission on Aging and lists the purposes, duties, and powers of the commission;
- establishes membership of the commission;
- creates the position of executive director of the commission and lists the executive director’s duties;
- requires that an annual report of the commission’s accomplishments be submitted to the governor and the Executive Appropriations Committee of the Legislature;
- provides for the appointment of a chair and for the conduct of the commission’s meetings;
- provides that members of the commission serve without pay, but are entitled to a per diem and reimbursement of expenses;
- provides that, for the fiscal years 2005-06 and 2006-07, the Department of Human Services shall:
  - pay the salary of the executive director of the Utah Commission on Aging out of the department’s existing budget; and
  - provide staff support to the executive director and the commission; and
- makes technical changes.


Effective May 2, 2005  Chapter 279, Laws of Utah 2005

HB 168  Cooperative Wildlife Management Unit Amendments *(James R. Gowans)*

This bill amends provisions relating to cooperative wildlife management units to allow the taking of turkey.

This bill:

- amends provisions relating to cooperative wildlife management units to allow the taking of turkey.

Amends 23-23-2, 23-23-3, 23-23-7

Effective May 2, 2005  Chapter 112, Laws of Utah 2005

HB 170  Extension of Utah Low-income Housing Tax Credits *(Stephen D. Clark)*

This bill amends the Corporate Franchise and Income Taxes chapter and the Individual Income Tax Act relating to the Utah low-income housing tax credits.

This bill:

- extends for a ten-year period the amount of aggregate annual tax credit for low-income housing that the Utah Housing Corporation may allocate under the corporate franchise and income taxes and the individual income tax.

Amends 59-7-607, 59-10-129

Effective May 2, 2005  Chapter 113, Laws of Utah 2005
HB 171  Calculation of Mining Severance Tax on Beryllium  (Richard W. Wheeler)

This bill amends the Mining Severance Tax part relating to the taxation of beryllium.

This bill:
- modifies the calculation of taxable value for purposes of imposing the mining severance tax on beryllium; and
- makes technical changes.

This bill has retrospective operation to January 1, 2005.

Amends 59-5-203

Effective May 2, 2005  Chapter 238, Laws of Utah 2005

HB 173  State Employee Amendments  (Ann W. Hardy)

This bill modifies the Utah State Personnel Management Act to amend salary survey and line of duty death benefits provisions.

This bill:
- amends provisions for obtaining salary information for comparable unusual positions requiring recruitment from surrounding states to other states;
- requires the director of the Department of Human Resource Management to obtain compensation survey information from the Division of Workforce Information and Payment Services;
- requires the Department of Human Resource Management to acquire and protect the needed records in compliance with the records provisions of the Utah Work Force Services Code;
- amends unused sick leave benefits for the surviving family of an employee who dies in the line of duty to:
  - repeal the dental benefit;
  - repeal the five-year maximum coverage provision; and
  - provide the same group health coverage that previously covered the surviving family; and
- makes technical changes.

Amends 67-19-12, 67-19-14.3

Effective May 2, 2005  Chapter 114, Laws of Utah 2005
HB 176  **Revisor’s Statute (Rebecca D. Lockhart)**

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.


Effective May 2, 2005  Chapter 71, Laws of Utah 2005

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HB 177  **Wildlife License Refund Amendments (Margaret Dayton)**

This bill amends wildlife license refund provisions to provide for a refund if a person becomes ill or suffers an injury that precludes that person from being able to participate in the activity for which the license, certificate, or permit was issued.

This bill:
- amends wildlife license refund provisions to provide for a refund if a person becomes ill or suffers an injury that precludes that person from being able to participate in the activity for which the license, certificate, or permit was issued.

Amends 23-19-38

Effective May 2, 2005  Chapter 115, Laws of Utah 2005

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HB 179  **Utah Venture Capital Enhancement Act Amendments (Peggy Wallace)**

This bill modifies provisions of the Utah Venture Capital Enhancement Act.

This bill:
- modifies the purpose provision of the act by emphasizing the protection of state interests by limiting the manner in which contingent tax credits are issued, registered, transferred, claimed as an offset, and redeemed;
- provides that a contingent tax credit shall be claimed as a refundable credit;
- provides that the State Tax Commission develop a system that will verify the validity of any claimed contingent tax credit under the act; and
- exempts the Utah Capital Investment Corporation and its board of directors from the requirement to report fund performance of venture firms and private equity firms.

This bill provides an immediate effective date.


Effective March 1, 2005  Chapter 14, Laws of Utah 2005
HB 180  Retirement Office Amendments (Ann W. Hardy)

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

This bill:
- defines "exempt employee" to mean an employee working for a participating employer but who is not eligible for service credit and for whom a participating employer is not required to pay contributions;
- requires a member to retire from the system which most recently covered the member;
- allows a member to purchase service credit from employment covered by a Teachers Insurance and Annuity Association of America retirement plan if the member forfeits any retirement benefit from that plan for the period of credit to be purchased;
- repeals an exemption from restrictions on reemployment after retirement for appointed officers;
- requires beneficiary designations to be signed by the member and filed with the office to be binding;
- provides that any dispute regarding a benefit, right, obligation, or employment right under the Utah State Retirement and Insurance Benefit Act is subject to the administrative hearing process;
- provides that an employee is not considered "terminated" simply because a participating employer's legal structure is changed and allows the board to adopt rules to implement this provision;
- clarifies provisions for positions eligible for exemption;
- clarifies that only the spouse married to the member immediately prior to the death of covered employee is eligible for certain death benefits;
- clarifies that future service credit in a particular retirement system may only be purchased by members retiring from that system;
- amends the definition of "volunteer firefighter" to include a person who is trained and continues to be trained as a firefighter;
- provides that a fire chief shall comply with reemployment after retirement provisions;
- requires each volunteer fire department to maintain a current roll of all volunteer firefighters who meet the definition of a volunteer firefighter;
- provides that the monthly long-term disability benefits offset is consistent with the amount received from Social Security benefits and terminates no later than the date the eligible employee receives a reduced allowance;
- transfers the funding of health insurance coverage for persons with a disability from the long-term disability program to the Public Employees' Benefit and Insurance Program; and
- makes technical corrections.


Effective May 2, 2005

Chapter 116, Laws of Utah 2005
HB 181 Duplicate Wildlife Licensing Amendments *(Margaret Dayton)*

This bill allows the Wildlife Board to set rules regarding duplicate licenses, permits, tags, or certificates of registration.

This bill:
- allows the Wildlife Board to set rules regarding duplicate licenses, permits, tags, or certificates of registration.

Amends 23-19-10

Effective May 2, 2005

Chapter 117, Laws of Utah 2005

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HB 182 Historical Livestock Trails *(Bradley T. Johnson)*

This bill addresses historical livestock trails.

This bill:
- provides a defense for an owner of livestock whose livestock damages property abutting an historical livestock trail that is not fenced;
- enacts provisions allowing a prescriptive easement for an historical livestock trail; and
- makes technical changes.

Amends 4-25-8; Enacts 57-13b-101, 57-13b-102, 57-13b-201

Effective May 2, 2005

Chapter 118, Laws of Utah 2005

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HB 183 Verification of Eligibility for Fee Waivers *(Wayne A. Harper)*

This bill requires the State Board of Education to make rules requiring a parent or guardian of a student applying for a fee waiver to provide verification of the student’s eligibility to receive the fee waiver.

This bill:
- requires the State Board of Education to make rules:
  - requiring a parent or guardian of a student applying for a fee waiver to provide documentation and certification verifying the student’s eligibility for a fee waiver; and
  - specifying the acceptable forms of documentation to verify eligibility for a fee waiver, which shall include income tax returns or current pay stubs.

Amends 53A-12-103

Effective May 2, 2005

Chapter 119, Laws of Utah 2005

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HB 184 Crime Victims - Change of Locks on Rental Property *(LaWanna Lou Shurtliff)*

This bill amends the Utah Fit Premises Act to provide crime victims the right to have the lock to a residential rental unit changed at the renter’s expense.

This bill:
- enacts a provision allowing a renter who is a victim of one of a list of certain crimes to require the owner to install a new lock at the renter’s expense.

Enacts 57-22-5.1

Effective May 2, 2005

Chapter 120, Laws of Utah 2005
HB 185  Utah Computer Crimes Act Amendments  *(Bradley M. Daw)*

This bill amends the Utah Computer Crimes Act.

This bill:
- amends the definition of “computer network” in the Utah Computer Crimes Act to include wireless networks;
- amends the definition of “computer” in the Utah Computer Crimes Act;
- clarifies prohibited conduct under the Utah Computer Crimes Act; and
- makes technical changes.

Amends 76-6-702, 76-6-703

Effective May 2, 2005

Chapter 72, Laws of Utah 2005

HB 186  Consumer Protection Amendments  *(Sheryl L. Allen)*

This bill modifies provisions of the Commerce and Trade Code administered by the Division of Consumer Protection.

This bill:
- allows the Consumer Protection Education and Training Fund to earn interest;
- increases the amount that may remain in the Consumer Protection Education and Training Fund at the end of the fiscal year;
- requires a supplier to honor a warranty;
- requires that an organization be exempt or register before making a charitable solicitation that originates in Utah, is received in Utah, or is made through business operations in Utah;
- modifies the definition of a health spa for purposes of the Health Spa Services Protection Act;
- provides for payment of a fee by a health spa for failing to properly file a registration application or renewal;
- clarifies that a health spa shall calculate its surety requirement based on all the spa’s unexpired contracts;
- modifies the maximum distance from the original location to which a health spa may relocate in order to be exempt from certain requirements;
- allows the Division of Consumer Protection to pursue administrative orders and fines for violations of the Health Spa Services Protection Act;
- increases the maximum administrative fine in the Telephone and Facsimile Solicitation Act to $2,500;
- removes a criminal penalty from the Telephone and Facsimile Solicitation Act;
- prohibits a telephone solicitation to a person who has requested not to receive calls from that telephone solicitor;
- modifies exemptions within the Telephone and Facsimile Solicitation Act;
- modifies definitions within the Telephone Fraud Prevention Act;
- requires a telephone soliciting business to register if the business makes telephone solicitations that originate in Utah, or are received in Utah, or if the business conducts business operations in Utah;
- modifies penalties under the Telephone Fraud Prevention Act;
- requires a telephone solicitor to orally advise a buyer of the buyer’s recision rights; and
- makes technical changes.

This bill provides an immediate effective date.


Effective March 8, 2005

Chapter 18, Laws of Utah 2005
HB 188  Public Education Job Enhancement Program  (Bradley T. Johnson)

This bill modifies and appropriates money for the Public Education Job Enhancement Program.

This bill:
- modifies applicant eligibility requirements and committee membership for the Public Education Job Enhancement Program;
- appropriates money for the Public Education Job Enhancement Program; and
- provides that the money shall be used for:
  - signing bonuses to attract new teachers with certain expertise; or
  - scholarships for teachers to cover tuition costs for a master's degree, endorsement, or graduate education in certain areas.

This bill appropriates from the Uniform School Fund to the State Board of Education for the Public Education Job Enhancement Program:
- $2,500,000 for fiscal year 2005-06 only; and
- as an ongoing appropriation subject to future budget constraints, $2,500,000 for fiscal year 2005-06.

Amends 53A-1a-601, 53A-1a-602

Effective May 2, 2005

HB 190  Individual Income Tax - Electronic Filing Requirements  (Stephen D. Clark)

This bill modifies the Individual Income Tax Act relating to filing returns.

This bill:
- defines terms;
- requires an income tax return preparer to file returns required to be filed under the Individual Income Tax Act using scan technology or by electronic means under certain circumstances;
- provides exceptions to the requirement to file returns using scan technology or by electronic means; and
- grants rulemaking authority to the State Tax Commission.

This bill has retrospective operation to January 1, 2005.

Enacts 59-10-514.1

Effective May 2, 2005
HB 191  Captive Insurance Law Amendments (James A. Dunnigan)

This bill amends the Insurance Code by modifying provisions related to captive insurance companies.

This bill:
- eliminates the premium tax on a policy or contract written by a captive insurance company and replaces it with a fee that is paid annually by a captive insurance company to obtain or renew a certificate of authority;
- requires the Insurance Commissioner to set the fee in accordance with statute and after considering whether the fee amount is competitive with those in other states;
- creates a dedicated credit funded by the fees received by the department from captive insurance companies;
- designates how monies from the dedicated credit shall be used by the department; and
- makes technical changes.

This bill has retrospective operation to January 1, 2005.

Amends 31A-3-304
Effective May 2, 2005 Chapter 122, Laws of Utah 2005

HB 195  Insurance Law Amendments (James A. Dunnigan)

This bill modifies various provisions related to the Insurance Code.

This bill:
- addresses general powers and duties of the commissioner;
- requires insurers to pay taxes required by Title 59, Revenue and Taxation, to the State Tax Commission;
- corrects citations;
- increases from three to five years the amount of time that insurers must maintain certain records;
- addresses termination of insurance policies by insurers;
- addresses reporting requirements;
- addresses unfair marketing practices;
- extends the sunset date for comparison tables;
- repeals a provision related to transitioning prior licensees; and
- makes technical changes.

Amends 31A-2-201, 31A-5-211, 31A-8-201, 31A-8-301, 31A-21-201, 31A-21-303, 31A-22-633, 31A-23a-402, 63-55-231; Enacts 31A-3-205; Repeals 31A-8-302
Effective May 2, 2005 Chapter 123, Laws of Utah 2005

HB 198  Naturopathic Formulary Peer Committee Amendments (James A. Ferrin)

This bill modifies the composition of the naturopathic formulary advisory peer committee.

This bill:
- changes the composition of the naturopathic formulary advisory peer committee by increasing from one to three the number of naturopathic physicians on the committee who are not members of the licensing board; and
- eliminates the two board positions currently filled by licensed physicians and surgeons.

Amends 58-71-202
Effective May 2, 2005 Chapter 73, Laws of Utah 2005
HB 200  Insurance Law Revisions (James A. Dunnigan)

This bill modifies various provisions of the Insurance Code.

This bill:

► corrects citations;
► clarifies the monetary considerations for a surplus lines insurance policy that are subject to the surplus lines insurance tax;
► eliminates the requirement that providers of service contracts pay a fee when they file certain notices with the department;
► addresses coverages for motor vehicle insurance;
► addresses specific requirements for title insurance producers;
► addresses a title insurance producer performing the functions of escrow;
► addresses a title insurance producer business;
► addresses final closing documents; and
► makes technical changes.

Amends 31A-3-101, 31A-3-301, 31A-6a-103, 31A-22-302, 31A-23a-203, 31A-23a-204, 31A-23a-406

Effective May 2, 2005

Chapter 124, Laws of Utah 2005

HB 201  Life Insurance and Annuities Law Amendments (James A. Dunnigan)

This bill modifies Insurance Code provisions dealing with life insurance and annuities.

This bill:

► addresses provisions of the standard nonforfeiture law for individual deferred annuities;
► makes permissive a requirement that the commissioner make rules to establish standards for materials used in the solicitation or sale of life insurance;
► requires each life insurance policy or annuity contract to contain a description on its cover page and explains what must be included in the description;
► requires insurers to maintain records that affect the legal effect of a life insurance policy, annuity contract, or certificate of life insurance, for the policy term plus five years;
► creates and defines an employer group category and exempts the groups' life insurance policies from certain requirements;
► exempts credit union groups and creditor groups that insure debtors from requirements that they notify their members of conversion rights and information; and
► makes technical changes.


Effective May 2, 2005

Chapter 125, Laws of Utah 2005

HB 203  Agricultural Advisory Board (Michael E. Noel)

This bill adds the "Utah Pork Producer's Association" representative to the Agricultural Advisory Board.

This bill:

► adds the "Utah Pork Producer's Association" representative to the Agricultural Advisory Board.

Amends 4-2-7

Effective May 2, 2005

Chapter 175, Laws of Utah 2005
HB 206  **Charter School Reporting** *(Carol Spackman Moss)*

This bill allows annual reporting of charter school innovative practices.

This bill:
- allows charter schools to annually report innovative practices to the Charter School Board.

Enacts 53A-1a-507.1

Effective May 2, 2005  Chapter 74, Laws of Utah 2005

HB 208  **Unclaimed Property Amendments** *(Paul Ray)*

This bill clarifies the disposition of property that comes into the possession of peace officers.

This bill:
- adds intangible property to the definition of property;
- requires that the agency make a diligent effort to return property no longer needed to its lawful owner as soon as possible;
- allows a person whose property has been seized as evidence to petition the court for its return; and
- allows the court to determine disposition of property after giving notice to the prosecutor.

Amends 77-24-1, 77-24-1.5, 77-24-2, 77-24-4, 77-24-5, 77-24a-1, 77-24a-5

Effective May 2, 2005  Chapter 126, Laws of Utah 2005

HB 212  **Traffic Violations by Diplomats** *(David L. Hogue)*

This bill modifies the Motor Vehicles Code by enacting provisions related to traffic violations by diplomats.

This bill:
- defines diplomat to mean an individual who has a driver license issued by the United States Department of State or who claims certain diplomatic immunities or privileges for moving traffic violations or operating a motor vehicle while committing certain other serious criminal offenses;
- requires a law enforcement officer who has probable cause to believe that a diplomat has committed a moving traffic violation or certain other criminal offenses while operating a motor vehicle to:
  - contact the United States Department of State to verify the driver’s status and immunity;
  - record all relevant information from any driver license or identification card; and
  - forward all citations, reports, or other charging documentation to the Department of Public Safety within five working days after the date the officer stops the driver;
- requires the Department of Public Safety to file each document and send a copy to the Bureau of Diplomatic Security, Office of Foreign Missions, of the United States Department of State; and
- provides that this bill does not prohibit or limit the application of any law to a criminal or motor vehicle violation by a diplomat.

Enacts 41-6a-1901

Effective May 2, 2005  Chapter 127, Laws of Utah 2005
**HB 213**  Unused Sick Leave At Retirement Amendments *(David Clark)*

This bill modifies the Utah State Personnel Management Act by amending unused sick leave at retirement provisions.

This bill:
- provides that no additional converted sick leave can be added after January 1, 2014;
- provides that after December 31, 2005, new sick leave hours may not be accumulated for future use under the current Unused Sick Leave Retirement Option Program;
- provides a five-year phase out of:
  - the guaranteed continuing medical and life insurance benefits for retiring employees; and
  - the 480 hour reduction of unused sick leave;
- changes the name of the current program to Unused Sick Leave Retirement Option Program I;
- deletes the provision allowing “up to” 25% of unused sick leave under program I which may be cashed out upon retirement to requiring 25% of unused sick leave received as a contribution into a 401k defined contribution plan upon retirement;
- creates the Unused Sick Leave Retirement Program II for sick leave hours accumulated on or after January 1, 2006, which provides:
  - 25% of unused sick leave, upon retirement, shall be received as a contribution into a 401k defined contribution plan; and
  - participation in a benefit plan that provides for reimbursement for medical expenses using the remainder of unused sick leave hours at the employee’s rate of pay at the time of retirement but not less than the average rate of pay as for employees who retired in the same state retirement system during the previous calendar year;
- allows employees to make a one-time election to transfer unused sick leave hours to the new program beginning January 1, 2011;
- the Division of Finance must develop and maintain a system of accounting for sick leave as necessary to implement these programs;
- the Utah State Retirement Systems must develop and maintain a program to provide a benefit plan that provides for reimbursement for medical expenses; and
- makes technical changes.

This bill takes effect on January 1, 2006.


Effective January 1, 2006 Chapter 15, Laws of Utah 2005

**HB 215**  Property Tracking Amendments *(Paul Ray)*

This bill amends the Criminal Code to clarify that individuals other than law enforcement officers may attach mobile tracking devices to their own property.

This bill:
- provides that any person, whether or not a law enforcement officer, is entitled to install and use a mobile tracking device on any property belonging to or under the lawful control of that person.

Amends 77-23a-15.5

Effective May 2, 2005 Chapter 75, Laws of Utah 2005
HB 216  Global Positioning Reference Network (Kory M. Holdaway)

This bill enacts provisions relating to the creation of the Statewide Global Positioning Reference Network.

This bill:
- creates the Statewide Global Positioning Reference Network to improve the quality of geographic information system data and the productivity, efficiency, and cost-effectiveness of government services;
- requires the Automated Geographic Reference Center within the Division of Information Technology Services to administer the network;
- creates an advisory committee to advise the center on implementation and maintenance of the network; and
- requires the Division of Information Technology Services to make rules providing for operating policies and procedures for the network.

This bill appropriates:
- $375,000 for fiscal year 2004-05 only, for hardware, software, construction materials, and labor to implement, expand, and maintain the network.

Amends 63A-6-201; Enacts 63A-6-205

Effective May 2, 2005  Chapter 76, Laws of Utah 2005

HB 217  Public Safety Retirement - Exemption of Certain Employees (David Clark)

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending Public Safety Retirement Systems coverage exemptions.

This bill:
- allows an eligible Commissioner of Public Safety to retire from the Public Safety Contributory Retirement System or the Public Safety Noncontributory Retirement System, receive a retirement allowance, and continue in the appointed position; and
- makes technical changes.

Amends 49-14-203, 49-15-203

Effective May 2, 2005  Chapter 176, Laws of Utah 2005

HB 218  Second District Juvenile Judge (J. Stuart Adams)

This bill adds one juvenile judge to the second judicial district.

This bill:
- increases the number of juvenile judges in the second judicial district to six.

Amends 78-1-2.3

Effective May 2, 2005  Chapter 77, Laws of Utah 2005
**HB 221  Electronic Communication Harassment (John Dougall)**

This bill amends the current law regarding telephone harassment to include other forms of electronic communication harassment.

This bill:
- defines electronic communication;
- creates the offense of committing acts of communication harassment by electronic means, in addition to by telephone, with the intent to annoy or alarm a recipient, including the acts of:
  - repeatedly attempting to contact a recipient via electronic means after having been told to not contact the recipient; and
  - jamming or disrupting a recipient’s electronic communication device; and
- clarifies that these provisions do not create any civil cause of action based on electronic communications made for legitimate business purposes.

Amends 76-9-201

Effective May 2, 2005  Chapter 128, Laws of Utah 2005

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**HB 222  Pilot Program Repeal Clean-up (Ross I. Romero)**

This bill repeals sanctions for a pilot program no longer in existence.

This bill:
- repeals the sanctions for a pilot program that no longer exists; and
- makes technical cross-reference changes.

Amends 30-3-5, 30-5-2, 78-32-12.1; Repeals 78-32-12.2

Effective May 2, 2005  Chapter 129, Laws of Utah 2005
HB 223  Amendments to Driver License and Identification Cards (Curtis Oda)

This bill modifies the Public Safety Code by amending driver license and identification card provisions.

This bill:

- requires the Driver License Division to make rules for acceptable documentation of an applicant's identity, Utah residence address, proof of legal presence, and proof of citizenship of a country other than the United States;
- provides that for purposes of obtaining a driver license or identification card issued by the Driver License Division, as a substitute for a Social Security number or a temporary identification number (ITIN), an applicant may provide proof that the applicant:
  - is a citizen of another country;
  - does not qualify for a Social Security number; and
  - is legally present in the United States, as authorized under federal law;
- provides that an applicant must show documentation of a Utah residence address in a form acceptable under rules made by the division in order to obtain a driver license or identification card;
- provides that an original license or a renewal to an original license or an identification card obtained without using a Social Security number or ITIN expires on the date of the expiration of the applicant's foreign visa, permit, or other document granting legal presence in the United States or on the normal expiration date whichever is sooner;
- changes the period an identification card is valid and reduces the time that it may be extended from ten to five years;
- prohibits the Driver License Division from granting an extension to a driver license or identification card for an applicant that did not provide a Social Security number or ITIN to obtain a driver license or identification card; and
- makes technical changes.

This bill takes effect on July 1, 2005. This bill provides a coordination clause.

Amends 53−3−104, 53−3−205, 53−3−214, 53−3−804, 53−3−807

Effective July 1, 2005  Chapter 34, Laws of Utah 2005

HB 224  Permanent Community Impact Fund - Board Membership (John G. Mathis)

This bill modifies the membership of the Permanent Community Impact Fund Board.

This bill:

- removes representatives of the Utah State Board of Education and the Utah State Board of Regents from the Permanent Community Impact Fund Board; and
- provides representation on the Permanent Community Impact Board from the two counties producing the most mineral lease monies over the previous four-year period as determined by the Department of Community and Economic Development.

Amends 9−4−304

Effective May 2, 2005  Chapter 130, Laws of Utah 2005
HB 226  Government Records Access and Management Act Requirements Regarding Animal Identification Program *(Craig W. Buttars)*

This bill modifies the Government Records Access and Management Act to classify Department of Agriculture and Food records relating to the National Animal Identification System or state programs for the identification, tracing, or control of livestock diseases as protected records.

This bill:
- modifies the Government Records Access and Management Act to provide protected record classification to Department of Agriculture and Food records relating to:
  - the National Animal Identification System; and
  - state programs providing for the identification, tracing, or control of livestock diseases.

Amends 63-2-304

Effective May 2, 2005  Chapter 131, Laws of Utah 2005

HB 230  Recycling of Waste Tires *(David Ure)*

This bill modifies provisions of the Waste Tire Recycling Act related to the use of waste tires.

This bill:
- provides that a recycler may receive:
  - $90 as partial reimbursement for each ton of waste tires converted to crumb rubber;
  - $75 as partial reimbursement for each ton of waste tires recycled other than as crumb rubber; and
  - $45 as partial reimbursement for each ton of chipped tires used for a beneficial use;
- provides that the owner or operator of a landfill may receive reimbursement of $30 per ton of tires placed in a landfill; and
- makes certain technical changes.

Amends 19-6-809, 19-6-812

Effective May 2, 2005  Chapter 132, Laws of Utah 2005

HB 233  Adoption Law Revisions *(Rosalind J. McGee)*

This bill amends provisions relating to reporting requirements for child placing agencies.

This bill:
- requires that the state of residence of the birth mother be included in the affidavit submitted to the court prior to finalization of an adoption; and
- makes technical changes.

Amends 78-30-15.5

Effective May 2, 2005  Chapter 133, Laws of Utah 2005
HB 234  Telephone Surcharge for Education and Training Programs At Prison
(Brent H. Goodfellow)

This bill creates a restricted account within the General Fund.

This bill:

- creates a restricted account within the General Fund called the Prison Telephone Surcharge Account;
- beginning July 1, 2006, deposits money generated from surcharges on pay telephones located at state correctional facilities into the account; and
- specifies that the money in the restricted account may be appropriated by the Legislature for prison training and education programs.

This bill appropriates:

- $100,000 from the General Fund to the the Prison Telephone Surcharge Account for fiscal year 2005-06 only; and
- $100,000 from the Prison Telephone Surcharge Account to the Board of Regents for fiscal year 2005-06 only.

This bill has an effective date of July 1, 2005.

Enacts 64-13-42

Effective July 1, 2005  Chapter 302, Laws of Utah 2005
HB 235  Insurance Arbitration Amendments (Stephen H. Urquhart)

This bill modifies the Insurance Code by amending provisions related to using arbitration for third party motor vehicle accident claims.

This bill:
- authorizes a person injured in a motor vehicle accident to use arbitration to resolve a third party claim if the claimant has:
  - previously and timely commenced the claim in a district court; and
  - filed the notice to submit the claim to arbitration while the claim is still pending in district court and before the plaintiff’s initial disclosures have been filed;
- provides procedures for resolving the third party claim through arbitration;
- provides that an arbitration award may not exceed $25,000;
- provides that an arbitration award issued by a single arbitrator or an arbitration panel shall be the final resolution of all claims unless either party files a notice for a trial de novo within 20 days of service of the arbitration award;
- provides that if a plaintiff, as the moving party in a trial de novo, does not receive a verdict that is at least $5,000 and is at least 20% greater than the arbitration award, the plaintiff is responsible for the nonmoving party’s costs;
- provides that if a defendant, as the moving party in a trial de novo, does not receive a verdict that is at least 20% less than the arbitration award, the defendant is responsible for the nonmoving party’s costs;
- provides that if a plaintiff, as the moving party in a trial de novo after an arbitration award, the verdict at trial may not exceed $40,000;
- provides that if a plaintiff demands a trial de novo after an arbitration award, the verdict at trial may not exceed $25,000;
- provides that arbitration awards shall bear postjudgment interest; and
- provides that an interim committee designated by the Legislative Management Committee study the results of implementing arbitration in third party motor vehicle accident claims.

Enacts 31A-22-321

Effective May 2, 2005  Chapter 177, Laws of Utah 2005
HB 236  Health Insurance Law Amendments *(James A. Dunnigan)*

This bill amends provisions of the Insurance Code related to accident and health insurance policies and the Comprehensive Health Insurance Pool Act.

This bill:

► adds and amends Insurance Code definitions;
► eliminates a prohibition on requiring health maintenance organizations and limited health plans to provide conversion policies to persons residing outside their service areas;
► amends preexisting condition provisions for accident and health insurance policies;
► amends incontestability provisions for accident and health insurance policies;
► amends the definition of "Medicare Supplement Policy";
► amends the types of adverse benefit determinations which may be submitted for an independent review;
► amends the application of group accident and health policy conversion requirements;
► amends notice of the right to an individual conversion policy;
► amends Comprehensive Health Insurance Pool Act definitions, pool administrator provisions, eligibility requirements, and preexisting condition provisions; and
► makes technical changes.


Effective May 2, 2005

Chapter 78, Laws of Utah 2005

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HB 240  Disaster Loan Program *(Ron Bigelow)*

This bill establishes a disaster loan program.

This bill:

► authorizes the Division of Emergency Services and Homeland Security to make loans to counties that are affected by disasters;
► establishes loan requirements; and
► establishes a mechanism for requesting the loan and for other political subdivisions within the county to participate in the loan program.

This bill appropriates $25,000,000 from the General Fund to the Division of Emergency Services and Homeland Security for fiscal year 2004-05 only to fund the loan program.

This bill provides an immediate effective date.

Enacts 53-2-102.5

Effective February 2, 2005

Chapter 1, Laws of Utah 2005
HB 243  Repeal of Geriatric Care Manager  (Rebecca D. Lockhart)

This bill amends the Nurse Practices Act to repeal provisions related to Geriatric Care Managers.

This bill:

► removes the reference to geriatric care managers in the following areas of the Nurse Practices Act:
  • definitions;
  • qualifications for licensure;
  • qualifications for admission to examinations;
  • unprofessional conduct; and
  • minimum standards for nursing programs; and
► repeals the pilot program for geriatric care managers.


Effective May 2, 2005  Chapter 134, Laws of Utah 2005

HB 247  Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer  (Eric K. Hutchings)

This bill amends the Cigarettes and Tobacco Products part to create a tax credit or refund.

This bill:

► provides definitions;
► allows a credit or refund for a tax paid on certain cigarettes or tobacco products that are destroyed or returned to the manufacturer;
► provides procedures and requirements for the State Tax Commission to grant the credit or refund;
► addresses the payment of interest on the credit or refund; and
► grants rulemaking authority to the State Tax Commission.

This bill takes effect on July 1, 2005.

Amends 59-14-303; Enacts 59-14-409

Effective July 1, 2005  Chapter 135, Laws of Utah 2005
HB 249  **Carson Smith Special Needs Scholarships** *(Merlynn T. Newbold)*

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 General Fund for fiscal year 2005-06 to the State Board of Education.


Effective May 2, 2005  Chapter 35, Laws of Utah 2005

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HB 250  **Capitol Complex Space** *(Jeff Alexander)*

This bill establishes most of the House Building and certain parking spaces as the legislative area subject to the control of the Legislative Management Committee.

This bill:
- designates, with certain exceptions, the House Building and certain parking spaces as the legislative area;
- clarifies the scope of the Capitol Preservation Board’s responsibilities;
- clarifies the Legislative Management Committee’s responsibilities for the legislative area; and
- makes technical corrections.

Amends 36-5-1, 63C-9-301

Effective May 2, 2005  Chapter 280, Laws of Utah 2005
HB 255  Investment of Higher Education Institution Endowment Funds (David Clark)

This bill makes higher education institution endowment funds subject to investment restrictions contained in the Uniform Management of Institutions Act and removes higher education institution endowment funds from investment restrictions contained in the State Money Management Act.

This bill:
- exempts higher education institution endowment funds from the State Money Management Act; and
- amends the Uniform Management of Institutions Act to provide that:
  - members of a higher education institution’s board of trustees are liable for investment losses only if they are grossly negligent or engage in willful misconduct;
  - a higher education institution may transfer investment responsibilities for an endowment fund to a manager;
  - the Board of Regents must establish default guideline and asset allocation requirements for investment of endowment funds;
  - the board of trustees of a higher education institution may adopt policies governing investment of its endowment funds and provides the minimum requirements for those policies;
  - the Board of Regents must approve a higher education institutions endowment fund investment policy;
  - each higher education institution must report endowment fund investment information monthly to the Board of Regents;
  - the state auditor may audit the investment program of any higher education institution; and
  - the Board of Regents must file annual reports to the governor and Legislature summarizing endowment investments by higher education institutions.

Amends 13-29-2, 13-29-5, 13-29-7, 51-7-2, 51-7-3, 51-7-4, 51-7-11, 51-7-13; Enacts 13-29-9, 13-29-10

Effective May 2, 2005  Chapter 178, Laws of Utah 2005

HB 256  Local Government Authority (Ann W. Hardy)

This bill modifies certain local government provisions related to local government authority.

This bill:
- authorizes municipalities to:
  - furnish necessary local public services;
  - purchase, hire, construct, own, maintain and operate, or lease, local public utilities; and
  - acquire by eminent domain or other means property that is inside or outside the municipality and that is necessary for those purposes, subject to certain restrictions;
- authorizes certain commercial project entities to acquire property by eminent domain;
- excludes water rights from the property that certain project entities may acquire by eminent domain;
- requires municipalities and commercial project entities that acquire certain property by eminent domain to provide property rights ombudsman materials on eminent domain to the property owner;
- limits the exercise of eminent domain by the state, counties, and municipalities for public transit purposes to property within their boundaries; and
- enacts legislative intent language.

Amends 10-8-2, 17A-2-1016; Enacts 11-13-314

Effective May 2, 2005  Chapter 136, Laws of Utah 2005
HB 259  Adoption Amendments (Ann W. Hardy)

This bill makes changes to the procedures, rights, and requirements of the chapter of the Judicial Code relating to adoption.

This bill:
- defines terms;
- describes the rights and duties of a parent and a guardian with respect to a minor for whom a guardian is appointed;
- provides that the payment of certain adoption related expenses does not constitute the crime of sale of a child;
- provides that before a parent consents to the adoption of the parent’s child or relinquishes the parent’s child to a child-placing agency, the parent has the right to participate in counseling at the expense of the adoptive parents or the child-placing agency;
- describes the persons who are entitled to notice of adoption proceedings;
- describes the persons from whom consent for adoption or relinquishment of a child for adoption is required;
- provides that a person’s relinquishment of a child for adoption may not be considered as evidence that custody of the child should not be awarded to the person;
- provides that a minor has the power to relinquish the minor’s child for adoption; and
- makes technical changes.

Amends 75-5-209, 76-7-203, 78-30-1.1, 78-30-4.12, 78-30-4.13, 78-30-4.14, 78-30-4.16, 78-30-4.21; Enacts 78-30-3.3; Repeals 78-30-4.11

Effective May 2, 2005  Chapter 137, Laws of Utah 2005
HB 260  Amendments Related to Pornographic and Harmful Materials  (John Dougall)

This bill addresses pornographic materials and material harmful to minors.

This bill:
► requires the Division of Consumer Protection to make public service announcements;
► requires the attorney general to establish and maintain a database, called the adult content registry, of certain Internet sites containing material harmful to minors;
► defines terms;
► subjects a person dealing in material harmful to minors to criminal liability for certain distributions of material harmful to minors if the person negligently or recklessly fails to determine the proper age of a minor;
► increases criminal penalties for distributing and inducing acceptance of pornographic materials;
► requires a service provider to prevent certain access to Internet material harmful to minors, if requested by the consumer;
► requires the Division of Consumer Protection to test the effectiveness of a service provider’s procedures to block material harmful to minors at least annually;
► requires a service provider, under certain circumstances, to block material on the adult content registry;
► requires Internet content providers that create or host data in Utah to properly rate the data;
► allows the attorney general to seek a civil fine against a service provider that fails to properly block material harmful to minors;
► provides criminal penalties for certain violations of the provisions requiring a service provider to block material harmful to minors;
► provides a criminal penalty for a content provider’s failure to properly rate content; and
► makes technical changes.

This bill appropriates:
► $100,000 from the General Fund to the Division of Consumer Protection, for fiscal year 2005-06 only, for public service announcements;
► $50,000 from the General Fund to the Division of Consumer Protection, for fiscal year 2005-06 only, to conduct a research project; and
► $100,000 from the General Fund to the attorney general, for fiscal year 2005-06 only, to establish the adult content registry.

This bill provides an effective date.

Amends  76-10-1204,  76-10-1205,  76-10-1206; Enacts  13-2-9,  67-5-19,  76-10-1230, 76-10-1231, 76-10-1232, 76-10-1233

Effective March 21, 2005  Chapter 281, Laws of Utah 2005
HB 264  State Land Use Management Plans Amendments (Michael E. Noel)

This bill modifies the duties of the state planning coordinator to require the state planning coordinator to consider certain findings and policy considerations 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 located on federal lands;
- establishes considerations for recognition of state and local interests in the federal land use management process;
- establishes planning policies related to:
  - managing for the sustainability and health of the renewable resources such as water, timber, forage, recreation, and wildlife;
  - managing public land for wilderness considerations;
  - allocation of grazing animal unit months;
  - transportation to and across federal land;
  - management of river segments;
  - designation of areas of critical environmental concern; and
  - creation of roadless or unroaded areas on federal lands;
- requires that the state planning coordinator work in conjunction with state agencies and political subdivisions when developing policies, plans, and programs;
- requires that the state planning coordinator uphold and promote the policies, plans, programs, and desired outcomes of the state and counties where federal lands are located; and
- makes technical changes.

Amends 63−38d−401

Effective May 2, 2005  Chapter 179, Laws of Utah 2005

HB 266  Changes to Quality Growth Commission (Craig W. Buttars)

This bill modifies provisions related to the Quality Growth Commission.

This bill:
- designates the director of the Department of Natural Resources and the commissioner of the Department of Agriculture and Food as commission members;
- modifies the composition of the commission; and
- requires the commission to report to the Legislative Management Committee before making certain loans or grants of money from the LeRay McAllister Critical Land Conservation Fund.

Amends 11−38−201, 11−38−302

Effective May 2, 2005  Chapter 138, Laws of Utah 2005
HB 268  **Drug Utilization Review Committee Amendments** *(Rebecca D. Lockhart)*

This bill amends the Health Code to require public notice and comment period for hearings held by the Drug Utilization Review Board.

This bill:
- requires 30 days advance public notice of a hearing held by the Drug Utilization Review Board; and
- requires the board to consider comments submitted by interested parties.

Amends 26-18-105

Effective May 2, 2005  Chapter 139, Laws of Utah 2005

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HB 273  **Real Estate and Mechanics Liens - Security Alternatives** *(Michael T. Morley)*

This bill addresses provisions related to the substitution of alternate security for certain liens.

This bill:
- addresses the recording of a notice of release of lien and substitution of alternate security;
- addresses the amount of the bond required for a substitution of alternate security;
- clarifies that a notice of release of lien and substitution of alternate security remains in effect when a lien is amended if the bond amount remains at the appropriate amount; and
- makes technical changes.

Amends 38-1-28

Effective May 2, 2005  Chapter 140, Laws of Utah 2005
HB 275  Business Entity Amendments (Ross I. Romero)

This bill modifies provisions addressing business entities under the Utah Revised Business Corporation Act, Utah Revised Uniform Limited Partnership Act, and Utah Revised Limited Liability Company Act.

This bill:
► clarifies definitions in the Utah Revised Business Corporation Act;
► clarifies notice requirements in the Utah Revised Business Corporation Act;
► addresses who may be a registered agent under the Utah Revised Uniform Limited Partnership Act;
► addresses the duration of a limited partnership under the Utah Revised Uniform Limited Partnership Act;
► modifies provisions of the Utah Revised Limited Liability Company Act, including provisions:
  • defining terms;
  • addressing limitations on a company’s articles of organization and operating agreement;
  • addressing the effect of certain filings as to third persons, members, and managers;
  • addressing powers of a company;
  • related to annual reports;
  • related to organization of a company under the act;
  • related to the duration of a company;
  • related to amending articles of organization;
  • related to an initial operating agreement of a company;
  • related to membership of a company;
  • related to management by members of a company;
  • related to the calculation of a member’s profits interest;
  • related to management by managers;
  • related to duties of managers and members;
  • related to capital accounts;
  • related to the rights of a creditor or a member;
  • related to dissolution of a company; and
  • related to company conversion; and
► makes technical changes.


Effective May 2, 2005

Chapter 141, Laws of Utah 2005
**HB 276  Division of Criminal Investigation and Technical Services Amendments** *(Curtis Oda)*

This bill modifies provisions related to the issuance of a concealed firearm permit by the Division of Criminal Investigations and Technical Services or its designated agent.

This bill:
- provides that a concealed firearm permit shall be issued by the Division of Criminal Investigations and Technical Services or its designated agent within 60 days after receiving an application, unless during that period a determination is made that the applicant is not of good character; and
- makes conforming changes regarding the issuance of a temporary concealed firearm permit.

Amends 53-5-702, 53-5-704, 53-5-705

Effective May 2, 2005  Chapter 282, Laws of Utah 2005

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**HB 279  Clinical Counselor - Title Change** *(Lorie D. Fowlke)*

This bill modifies provisions of the Professional Counselor Licensing Act related to professional counselors and certified professional counselor interns.

This bill:
- changes the designation of individuals licensed under the act from licensed professional counselor to licensed clinical counselor and from certified professional counselor intern to certified clinical counselor; and
- makes name conforming changes to the title of the act and the title of the licensing board.


Effective May 2, 2005  Laws of Utah 2005

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**HB 280  Joint Custody Amendments** *(LaVar Christensen)*

This bill modifies joint custody options.

This bill:
- changes the reference of "decree" to "order";
- allows the court to order joint legal custody or joint physical custody if one or both of the parents have filed a parenting plan in accordance with Section 30-3-10.8; and
- requires a parent seeking to modify any type of shared parenting plan to submit a proposed parenting plan with the petition.

Amends 30-3-10.2, 30-3-10.4, 30-3-10.7

Effective May 2, 2005  Chapter 142, Laws of Utah 2005

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**HB 283  Real Estate Amendments** *(Gordon E. Snow)*

This bill modifies Real Estate provisions to address business license fees of political subdivisions.

This bill:
- restricts the imposition of a business license fee on a real estate license to circumstances where the principal broker maintains a place of business within the jurisdiction of a political subdivision; and
- makes technical changes.

Amends 61-2-9

Effective May 2, 2005  Chapter 239, Laws of Utah 2005
HB 287  **Revenue Bonds and Capital Facilities Authorizations (D. Gregg Buxton)**

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-14-101, 63B-14-102, 63B-14-201, 63B-14-301

Effective May 2, 2005  Chapter 180, Laws of Utah 2005

HB 297  **Aggravated Murder Amendments (Scott L Wyatt)**

This bill amends the Criminal Code regarding the elements of aggravated murder, a capital felony, to include cases when the defendant abuses or desecrates the body of the murder victim. The bill provides that a murder is aggravated murder if the defendant has previously committed murder or attempted murder. The bill also amends the definition of abuse or desecration of a dead human body.

This bill:
- provides that a murder is aggravated murder if the murder was committed during a criminal episode in which the defendant abused or desecrated the body of the dead victim;
- provides that a murder is aggravated murder if the defendant had previously committed or been convicted of aggravated murder, attempted aggravated murder, murder, attempted murder, or any offense in another state that would be one of these listed offenses if committed in Utah;
- amends current Utah law, which requires a conviction of the above offenses in order for the murder to be aggravated murder, to also include commission of the above offenses;
- provides that a murder is aggravated murder if the defendant dismembers, mutilates, or disfigures the victim’s body, whether before or after death, indicating the defendant’s depravity of mind; and
- amends the Criminal Code definition of abuse or desecration of a dead human body regarding sexual abuse of a victim’s body.

Amends 76-5-202, 76-9-704

Effective May 2, 2005  Chapter 143, Laws of Utah 2005

HB 299  **Motor Vehicle Business Licensing Amendments (Paul Ray)**

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions related to the denial, suspension, or revocation of certain licenses.

This bill:
- provides that reasonable cause to suspend certain licenses issued under the Motor Vehicle Business Regulation Act includes:
  - a violation of any state or federal law involving fraud; and
  - a violation of any state or federal law involving a registerable sex offense; and
- makes technical changes.

Amends 41-3-209

Effective May 2, 2005  Chapter 144, Laws of Utah 2005

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HB 301  Supplemental Appropriations III *(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, 2005 and ending June 30, 2006.

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.

This bill appropriates for fiscal year 2006:
- $55,646,300 from the General Fund;
- $29,365,000 from the Uniform School Fund;
- $124,262,500 from income tax revenue;
- $28,430,100 from various sources as detailed herein.

This bill takes effect July 1, 2005.

Effective July 1, 2005  Chapter 303, Laws of Utah 2005

HB 308  Archeological Resources Amendments *(Bradley T. Johnson)*

This bill provides for an analysis of proposed undertakings on lands owned or controlled by the state.

This bill:
- declares that historical preservation must be kept in balance with other uses of state land and natural resources which benefit the citizens of Utah;
- provides for an analysis of proposed undertakings on lands owned or controlled by the state or its subdivisions and lists the individuals who are to take part in the analysis; and
- directs the Legislature’s Natural Resources, Agriculture, and Environment Interim Committee to perform a study and make a recommendation.

Amends 9-8-301, 9-8-404

Effective May 2, 2005  Chapter 145, Laws of Utah 2005

HB 309  Municipal Budget Amendments *(Mark W. Walker)*

This bill modifies the Uniform Fiscal Procedures Act for Utah Cities.

This bill:
- modifies the timetable for filing a new city’s tentative budget.

This bill has retrospective operation to November 1, 2004.

Amends 10-6-111

Effective May 2, 2005  Chapter 146, Laws of Utah 2005
HB 311   **Controlled Substance Law Amendments** *(Brad L. Dee)*

This bill provides a definition of the term “consumption” as it relates to possession of a controlled substance.

This bill:

- defines consumption of a controlled substance as having any measurable amount of a controlled substance in a person’s body and clarifies that controlled substance does not include the metabolite of a controlled substance; and
- provides that a person who is found to be driving with any measurable controlled substance in the body is subject to conviction and sentencing under the relevant DUI law and controlled substance law.

Amends 41-6a-517, 58-37-2

Effective May 2, 2005  Chapter 283, Laws of Utah 2005

HB 313   **Economic Development Initiative for Higher Education** *(Kory M. Holdaway)*

This bill enacts provisions related to economic development initiatives established at higher education institutions.

This bill:

- establishes a Jobs Now Economic Development Initiative within the state system of higher education to promote workforce preparation programs that meet critical needs and shortages throughout the state; and
- provides a distribution process for moneys received under the initiative to institutions within the state system of higher education, including the Utah College of Applied Technology.

This bill takes effect on July 1, 2005.

Enacts 53B-6-106

Effective July 1, 2005  Chapter 147, Laws of Utah 2005

HB 318   **Community and Economic Development Restructuring** *(Craig W. Buttars)*

This bill restructures the Department of Community and Economic Development by transferring the responsibility for economic development and tourism at the state level to a new entity within the governor’s office, the Governor’s Office of Economic Development.

This bill:

- restructures the Department of Community and Economic Development by transferring the responsibilities of the Division of Business and Economic Development and the Division of Travel Development to a newly created Governor’s Office of Economic Development;
- transfers from the current Department of Community and Economic Development to the Governor’s Office of Economic Development the duty and responsibility to administer the following established programs:
  - the Enterprise Zone Act;
  - Targeted Business Income Tax Credits within an Enterprise Zone;
  - Centers of Excellence;
• Shared Foreign Sales Corporations;
• the Industrial Assistance Fund;
• the Recycling Market Development Zone Act;
• the Utah Venture Capital Enhancement Act;
• Aerospace and Aviation Development Zones;
• the Tourism Performance Marketing Fund;
• the Waste Tire Recycling Industry Assistance Loan Program;
• the Utah Pioneers Communities Program; and
• the Rural Development Act;
▶ provides for management and administration of the Governor’s Office of Economic Development by a director appointed by the governor with compensation being set by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and provides the director with authority similar to that of the executive director of the current Department of Community and Economic Development in matters related to economic development and tourism, including establishing the office in any fashion considered appropriate by the director;
▶ renames the Department of Community and Economic Development as the Department of Community and Culture, and provides the department with responsibility for community and cultural development within the state and the coordination of state and local programs related to community and cultural development;
▶ changes the Board of Business and Economic Development to an advisory board while renaming the Board of Travel Development to the Board of Tourism Development and keeping it an advisory board;
▶ removes the rulemaking authority of entities absorbed into the Governor’s Office of Economic Development;
▶ repeals the position of the Director of the Division of Business and Economic Development, the Fusion/Energy Technology Act, and the Community Economic Development Project Fund and distribution process for fund moneys;
▶ eliminates the Tourism Marketing Performance Fund Committee and the Utah Tourism Industry Coalition which nominated members to the Tourism Marketing Performance Fund Committee;
▶ transfers to the Governor’s Office of Economic Development all the powers and limitations of a municipality;
▶ transfers to the Governor’s Office of Economic Development oversight over special service district guaranteed bonds;
▶ transfers to the director of the Governor’s Office of Economic Development membership on the Hazardous Waste Facilities Authority and the State Council on Workforce Services;
▶ provides a representative from the Governor’s Office of Economic Development to serve on the Resource Development Coordinating Committee;
▶ transfers to the director in the Governor’s Office of Economic Development authority to appear before the Public Service Commission regarding the economic impact of any matter;
▶ transfers to the Governor’s Office of Economic Development oversight over the Economic Incentive Restricted Account;
▶ transfers to the Governor’s Office of Economic Development the responsibility to provide staff to the Utah Technology Industry Council and its steering committee;
▶ provides that employees of the Department of Community and Culture and the Governor’s Office of Economic Development whose positions are designated as schedule AM are not considered “state employees” for the purpose of overtime policies by the Department of Human Resource Management and are exempt from classified service and career service provisions;
transfers to the Governor’s Office of Economic Development responsibility for input on road-building programs in scenic centers of the state;

transfers to the Governor’s Office of Economic Development membership on the Utah State Scenic Byway Committee;

provides that the Department of Transportation may consult with the Governor’s Office of Economic Development in erecting, administering, and maintaining informational signs on the interstate or primary road system;

makes employing unit names available to the Governor’s Office of Economic Development;

transfers to the Governor’s Office of Economic Development authority to give input to the Transportation Commission in selecting license plate slogans for the state;

transfers to the Governor’s Office of Economic Development the responsibility to serve as managing partner for the website known as Business.utah.gov;

provides that the executive director of the Department of Community and Culture shall designate three qualified interim successors in case of emergency;

makes conforming changes to boards and programs throughout the Utah Code which refer to the Department of Community and Economic Development or its executive director by replacing those references with the new titles and designations of entities and positions created in this bill; and

makes technical changes.

This bill takes effect on July 1, 2005. This bill provides coordination clauses.

HB 319 Expansion of Department of Administrative Services Oversight to Include Human Resource Management (D. Gregg Buxton)

This bill modifies provisions of the Personnel Management Act to change the Department of Human Resource Management to a division under the Department of Administrative Services.

This bill:

- provides that the Department of Human Resource Management shall be changed to a division within the Department of Administrative Services;
- changes the name of the Department of Human Resource Management to the Division of Human Resource Management;
- provides that the Division of Human Resource Management shall be administered by a director appointed by the governor with the consent of the Senate;
- provides that the director shall be accountable to the executive director of the Department of Administrative Services;
- removes the director's discretion to appoint division directors and program managers;
- provides that the director of the Division of Human Resource Management shall be responsible for administering the human resource program for the state and for all departments;
- provides that policies set by the Division of Human Resource Management shall take precedence over conflicting policies and practices;
- eliminates the Utah Quality Service Award program;
- terminates existing procedures for performing human resource services for various departments and permits the Division of Human Resource Management to establish field offices in departments;
- eliminates the ability for departments to provide certain human resource management functions;
- provides a listing of required provisions for agreements governing field offices in departments;
- provides for allocation of the cost of department facilities, equipment, and supplies that are used by a division field office;
- requires the director of the Division of Human Resource Management to submit an annual budget request for the approval of the governor and the Legislature;
- provides the director of the Division of Human Resource Management with responsibility to design and administer the state recruitment and selection system;
changes the date for submission of market comparability adjustments to coincide with the
date that the compensation package recommendation is due; and
makes technical changes.

This bill takes effect on July 1, 2006.

Amends 13-1a-3, 35A-1-205, 49-20-401, 53-6-104, 53A-24-114, 53C-1-201, 54-1-6, 54-4a-3,

Effective July 1, 2006

HB 324 Taxable Value Adjustment for Property Damaged by a Natural Disaster (Bradley G. Last)

This bill amends the Property Tax Act to provide a valuation adjustment for property damaged by
a natural disaster.

This bill:
- provides that, before completing and delivering the assessment book to the county auditor,
the assessor shall adjust the assessment of property in the assessment book to reflect an
adjustment in the taxable value of any property damaged by natural disaster if the adjustment
is made by the county board of equalization on or before May 15;
- defines terms;
- grants rulemaking authority to the State Tax Commission;
- provides a property valuation adjustment for property damaged by a natural disaster, if the
damage causes a decrease in taxable value of at least 30%;
- establishes application and hearing procedures for a county board of equalization to
determine whether the owner of property is entitled to the tax adjustment provided in this bill;
and
- provides for an appeal of a decision rendered by a county board of equalization regarding the
valuation adjustment provided in this bill.

This bill provides retrospective operation.

Amends 59-2-311; Enacts 59-2-1004.5

Effective May 2, 2005
HB 338  Child and Family Welfare Revisions (LaVar Christensen)

This bill amends provisions of the Utah Human Services Code and the Judicial Code relating to child welfare and the rights of parents.

This bill:
► describes the rights of parents and the obligations of the state with regard to children and the protection of children;
► provides that prior to an adjudication of unfitness, government action in relation to parents and their children may not exceed the least restrictive means or alternatives available to accomplish a compelling state interest;
► requires that the state juvenile court:
  • act in the best interests of a minor in all cases; and
  • preserve and strengthen family ties;
► provides that the appointment of an attorney guardian ad litem for a minor shall be based on findings that establish the necessity for the appointment; and
► makes technical changes.

Amends 62A-4a-201, 78-3a-102, 78-3a-912

Effective May 2, 2005  Chapter 304, Laws of Utah 2005

HB 348  Employment Agency Revisions (J. Stuart Adams)

This bill increases penalties under Title 34, Chapter 29, Employment Agencies.

This bill:
► allows a person to recover two times the amount of money paid to an employment agency as a commission in advance;
► increases the allowable penalty for other violations of Title 34, Chapter 29, Employment Agencies; and
► makes technical changes.

Amends 34-29-8, 34-29-15

Effective May 2, 2005  Chapter 149, Laws of Utah 2005

HB 349  Money Management Act Amendments (David Clark)

This bill modifies a criminal provision in the State Money Management Act.

This bill:
► amends the State Money Management Act to provide that a certified investment adviser’s violation of rules and orders under the act must be intentional in order for a criminal penalty to apply.

Amends 51-7-22.4

Effective May 2, 2005  Chapter 183, Laws of Utah 2005
HB 380 Amendments to Local Districts (Karen W. Morgan)
This bill modifies provisions relating to the withdrawal of an area from a local district.
This bill:
► provides for an area in a local district that provides fire protection, paramedic, and emergency services and is located in a first class county to be automatically withdrawn from the local district by the incorporation of a municipality whose boundaries include the area if the municipality approves the withdrawal; and
► requires notice and lieutenant governor certification of the withdrawal.
Amends 17B-2-601, 17B-2-610
Effective May 2, 2005 Chapter 36, Laws of Utah 2005

HB 382 Supplemental Minimum School Program Finance Act (Gordon E. Snow)
This bill provides funding for the Minimum School Program.
This bill:
► establishes the value of the weighted pupil unit at $2,280;
► establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2005-06 of $1,795,446,575;
► modifies the funding formula for the Enrollment Growth Program;
► makes one-time appropriations to the State Board of Education for fiscal year 2004-05 for:
  • the Electronic High School; and
  • youth in custody programs; and
► makes one-time appropriations to the State Board of Education for fiscal year 2005-06 for:
  • teachers’ supplies and materials;
  • online testing;
  • the Enrollment Growth Program; and
  • the Public Education Job Enhancement Program.
This bill appropriates:
► as an ongoing appropriation, $1,795,446,575 for fiscal year 2005-06; and
► $13,721,000 in one-time appropriations.
This bill provides an effective date. This bill provides a coordination clause with H.B. 3. This bill provides a coordination clause with H.B. 249.
Amends 53A-17a-103, 53A-17a-104, 53A-17a-148, 53A-21-103.5
Effective July 1, 2005 Chapter 184, Laws of Utah 2005

HCR 1 Resolution Promoting Moderately Sized Schools (David N. Cox)
This concurrent resolution of the Legislature and the Governor encourages more moderately sized, simple, community-based neighborhood schools.
This resolution:
► encourages local school boards, to the extent feasible, to build more moderately sized, simple, community-based neighborhood schools; and
► urges the State Office of Education to foster research on innovative ways to create smaller schools.
Effective March 1, 2005 Laws of Utah 2005
HCR 2  **Cowboy Hall of Fame Resolution (LaWanna Lou Shurtliff)**

This resolution recognizes the Ogden Pioneer Heritage Foundation’s efforts to establish the Utah Cowboy Hall of Fame in Ogden.

This resolution:

- recognizes the efforts of the Ogden Pioneer Heritage Foundation to establish the Utah Cowboy Hall of Fame in Ogden to honor and interpret the history of Native Americans, cowboys, ranching, rodeo, and the western lifestyle of Utah for the benefit of future generations.

Effective March 1, 2005  
Laws of Utah 2005

HCR 3  **Resolution Regarding Washington County Waste Facility (Bradley G. Last)**

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 known as the Purgatory Landfill and is to be operated by ONP, LLC.

This resolution:

- provides that the landfill is to be located south of Washington City in Washington County, Utah;
- provides that the proposed landfill is to accept construction and demolition waste as a Class VI landfill and that the landfill will place an emphasis in its operations on recycling materials it receives;
- provides that the landfill application is currently in the statutorily required approval process through the Department of Environmental Quality and that this process will likely not conclude prior to the end of this 2005 General Session;
- provides that the required local government approval of the proposed facility has been granted; and
- provides that the legislative and gubernatorial approval required by statute and as stated in this resolution will only take effect after the end of this 2005 General Session if the granting of approval by the Department of Environmental Quality takes place on or before July 1, 2005.

Effective March 22, 2005  
Laws of Utah 2005

HCR 5  **Resolution Honoring Utah Military Service Personnel (Fred R. Hunsaker)**

This concurrent resolution of the Legislature and the Governor honors Utah National Guard members serving in Iraq and Afghanistan.

This resolution:

- honors Utah National Guard members for their service in Iraq and Afghanistan; and
- recognizes the many efforts of Utah National Guard members in helping to strengthen and rebuild communities in Iraq and Afghanistan.

Effective March 1, 2005  
Laws of Utah 2005
HCR 6  Resolution Recognizing Utah’s Legislators Back to School Program *(Margaret Dayton)*

This concurrent resolution of the Legislature and the Governor expresses support for civic education and Utah’s Legislators Back to School Program.

This resolution:
- emphasizes the importance of legislators promoting greater understanding of the legislative process and building public trust and confidence in representative democracy through civic education;
- recognizes Utah’s high level of participation in the National Conference of State Legislatures’ Legislators Back to School Week from students, teachers, and legislators during 2004; and
- urges increased support for and participation in Utah’s Legislators Back to School Program during the 2005-2006 school year.

Effective March 1, 2005  Laws of Utah 2005

HCR 7  Concurrent Resolution Opposing Nuclear Testing *(Michael E. Noel)*

This concurrent resolution of the Legislature and the Governor strongly urges the Federal Government not to resume nuclear testing at its Nevada Test Site.

This resolution:
- recalls the devastation caused to the health of thousands of citizens by previous nuclear testing at the Federal Government’s Nevada Test Site; and
- strongly urges the Federal Government not to resume nuclear testing at its Nevada Test Site.

Effective March 17, 2005  Laws of Utah 2005

HCR 8  Resolution Recognizing Utah Manufacturers Association *(Jeff Alexander)*

This concurrent resolution of the Legislature and the Governor recognizes the 100th Anniversary of the Utah Manufacturers Association.

This resolution:
- recognizes 2005 as the Centennial Year of the Utah Manufacturers Association and congratulates the association, and all manufacturers, for 100 years of service to Utah; and
- urges all citizens of the state to join in the celebration and dedicate themselves to a stronger economic society based on the Free Enterprise System.

Effective March 1, 2005  Laws of Utah 2005

HCR 9  Resolution Honoring Outgoing USU President Kermit L. Hall *(Fred R. Hunsaker)*

This concurrent resolution of the Legislature and the Governor expresses appreciation to outgoing Utah State University President Kermit L. Hall.

This resolution:
- expresses appreciation to outgoing Utah State University President Kermit L. Hall for his years of service to the students, faculty, and staff of the university and for his commitment to excellence.

Effective February 17, 2005  Laws of Utah 2005
HCR 10  Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area  
(Brad King)

This concurrent resolution of the Legislature and the Governor honors Waldo Wilcox for 
preserving the Range Creek area so that its archeological sites can be studied and preserved for 
the benefit of future generations.

This resolution:
► honors Waldo Wilcox for his tireless efforts to protect the archeological sites on his former 
property along Range Creek for the benefit of future generations; and
► recognizes Waldo Wilcox’s determination to preserve the state’s history and to pave the way 
for major advancements in the understanding of early cultures in Utah.

Effective March 8, 2005  
Laws of Utah 2005

HCR 11  Resolution Honoring the University of Utah Football Team  
(Jeff Alexander)

This concurrent resolution of the Legislature and the Governor recognizes the success of the 
University of Utah’s 2004 Championship Football Team and its coaching staff.

This resolution:
► recognizes the extraordinary performance of the 2004 University of Utah Football Team and 
coaching staff for a perfect 12-0 season, including their second consecutive Mountain West 
Conference Championship, their convincing victory in the 2005 Fiesta Bowl, and their 
individual and team recognitions, including their top five national ranking; and
► expresses gratitude to the University of Utah Football Team for the positive image it has 
projected for the state.

Effective March 11, 2005  
Laws of Utah 2005

HJR 1  Joint Resolution Related to Financial Institutions  
(Jeff Alexander)

This resolution affirms certain actions taken by the Legislature and urges congressional action 
regarding financial institutions.

This resolution:
► urges Congress to examine the rulings of the National Credit Union Administration and take 
appropriate action;
► urges Congress to recognize and affirm the authority of states and local governments to 
determine whether federally chartered credit unions may be taxed the same as state 
chartered credit unions;
► urges Congress to provide a principled, fair, and equitable tax structure for financial 
institutions that allows the state to determine what state and local taxes shall apply to 
financial institutions;
► requests that if Congress elects to retain the current tax structure for financial institutions 
unchanged, it provide Utah and other states with a reasoned explanation;
► requests that Congress in determining monies provided to the state by the federal 
government take into account revenues that may be lost to the state as a result of federal tax 
policy and regulations related to financial institutions;
► urges Congress to fully and carefully consider the principles, policies, circumstances, and 
conditions identified and referenced in this resolution and promptly act; and
► provides for the distribution of the resolution.

The original bill was recommended by the Financial Institutions Task Force

Effective February 21, 2005  
Laws of Utah 2005
HJR 3  Resolution Regarding Federal No Child Left Behind (Kory M. Holdaway)

This resolution recognizes Utah’s commitment to competency-measured education and the state’s leadership role in providing quality education for its citizens.

This resolution:
► recognizes that the Utah Performance Assessment System for Students (U-PASS) should be the basis for assessing and monitoring Utah’s students and schools;
► recognizes that in order to increase student achievement, Utah should utilize competency-measured education and student growth measurements as described in U-PASS and Utah State Senate Bill 154, 2003 General Session;
► recognizes that the state should control its public education budget and allocate money according to Utah’s priorities and needs, driven by decision-making of local school boards; and
► recognizes that until certain federal actions are taken, Utah should utilize its own proven system of student accountability and reassert its historic leadership role in providing a quality public education for the citizens of Utah.

Effective February 25, 2005  

Laws of Utah 2005

HJR 6  Resolution Approving Compensation of In-session Employees (Merlynn T. Newbold)

This joint resolution of the Legislature fixes the compensation for legislative in-session employees for 2005.

This resolution:
► fixes the compensation for legislative in-session employees for 2005.

Effective January 27, 2005  

Laws of Utah 2005

HJR 8  Joint Rules Resolution - Use of Legislative Seals (Rebecca D. Lockhart)

This joint rules resolution provides guidelines for using legislative seals.

This resolution:
► authorizes legislators to use the legislative seals on materials for official legislative business;
► prohibits the use of legislative seals in campaign materials and when a person’s legislative service ends;
► authorizes the Senate and House to provide a member, upon request, a copy of the Senate or House seal; and
► requires legislators, in using legislative seals, to protect the reputation and integrity of the legislative institution.

This resolution provides an immediate effective date.

*The original bill was recommended by the Joint House and Senate Rules Committee*

Enacts JR-12.02

Effective January 27, 2005  

Laws of Utah 2005
HJR 9  Resolution Amending Joint Rules Regarding Conflicts of Interest (John Dougall)

This bill conforms legislative rules governing conflict of interest to statutes governing conflicts of interest.

This resolution:
► provides notice in rule of statutory requirements with criminal penalties that govern legislator conflict of interest.

The original bill was recommended by the Joint House and Senate Rules Committee

Amends JR−16.03

Effective January 27, 2005  Laws of Utah 2005

HJR 10  Joint Rules Resolution - Amendments in Context (Rebecca D. Lockhart)

This joint resolution amends provisions regarding the appearance of adopted amendments in the Senate and House of Representatives.

This resolution:
► amends provisions allowing a change in the type of markers indicating the beginning and ending of adopted Senate and House amendments.

This joint resolution provides an immediate effective date.

The original bill was recommended by the Joint House and Senate Rules Committee

Amends JR-4.17

Effective January 27, 2005  Laws of Utah 2005

HJR 11  Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies (Patricia W. Jones)

This joint resolution of the Legislature urges the development of wellness policies to reduce obesity in children and adolescents.

This resolution:
► urges that schools, school districts, health care providers, community-based organizations, businesses, and families work to establish comprehensive wellness policies to help prevent and reduce the prevalence of overweight children and adolescents.

Effective February 21, 2005  Laws of Utah 2005
HJR 15  
**Resolution Regarding United States Trade Negotiations (Sheryl L. Allen)**

This joint resolution of the Legislature urges the United States Trade Representative to maintain the regulatory authority of states and to consult with representatives of state and local governments and industry regarding trade issues.

This resolution:
- urges the United States Trade Representative (USTR), negotiating with other nations, to preserve the responsibility of states to maintain and develop their own regulatory structures;
- urges the USTR to take further steps to enhance the level of consultation during negotiations on any trade commitments under the World Trade Organization’s General Agreement on Trade in Services (GATS);
- commends the USTR staff for its willingness to learn about the potential impacts of GATS rules on state and local regulation of the energy sector;
- urges the USTR to disclose, as appropriate, public requests from the United States for GATS commitments from other nations;
- urges the USTR to give prior notice of the next United States offer or counter offer for GATS commitments, so that state and local governments have time to discuss its potential impact; and
- urges the USTR to participate in public discussions of trade policy and energy.

Effective February 22, 2005

Laws of Utah 2005

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HJR 17  
**Resolution Honoring Celebration of Marriage Week (Lorie D. Fowlke)**

This joint resolution of the Legislature designates February 7−14, 2005 as Marriage Week in the state of Utah.

This resolution:
- designates February 7−14, 2005 as Marriage Week in the state of Utah; and
- encourages all Utahns to reflect on the importance of strengthening the institution of marriage.

Effective February 28, 2005

Laws of Utah 2005

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HJR 19  
**Joint Resolution Urging Health Care for Utah’s Indigent and Needy Uninsured (Lorie D. Fowlke)**

This joint resolution of the Legislature urges that public comment, research, and recommendations be provided and considered for the adoption of an authentic charity care system in the state of Utah.

This resolution:
- urges academicians, the insurance industry, think tanks, and others to study the feasibility of implementing an authentic charity care system in Utah;
- urges that a list of factors be considered by these groups as part of the study; and
- urges that a report of this group’s findings be made to the Legislature by November 30, 2005.

Effective March 2, 2005

Laws of Utah 2005
HJR 20    **Master Study Resolution** *(Jeff Alexander)*

This joint resolution of the Legislature gives the Legislative Management Committee items of study it may assign to the appropriate interim committee.

This resolution:
- gives the Legislative Management Committee items of study it may assign to the appropriate interim committee during the 2005 legislative interim;
- directs interim committees assigned these studies to study and make recommendations for legislative action to the 56th Legislature prior to the 2006 Annual General Session; and
- suggests in approving studies the Legislative Management Committee give consideration to the available time of legislators and the budget and capacity of staff to respond.

Effective March 2, 2005  
Laws of Utah 2005

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HJR 21    **Resolution Honoring Jade Pusey** *(David Ure)*

This joint resolution of the Legislature honors the life and service of Jade Pusey.

This resolution:
- recognizes the dedicated service of Jade Pusey to the state of Utah, its citizens, and its elected and appointed servants; and
- expresses its condolences and deepest sympathies to the family and friends of Jade Pusey.

Effective February 7, 2005  
Laws of Utah 2005

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HR 2    **Resolution Supporting Permanent Repeal of Federal Inheritance Tax** *(Michael T. Morley)*

This resolution of the House of Representatives urges action by Utah’s congressional delegation.

This resolution:
- requests that the members of Utah’s congressional delegation support, work to pass, and vote for the immediate and permanent repeal of the Federal Inheritance Tax, or death tax.

Effective January 31, 2005  
Laws of Utah 2005

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HR 3    **Resolution Supporting Congressional Privatization of Social Security** *(Michael T. Morley)*

This resolution of the House of Representatives requests that action be taken by Utah’s congressional delegation.

This resolution:
- requests that the members of Utah’s congressional delegation oppose increases in payroll taxes and cuts in Social Security benefits; and
- requests that members of Utah’s congressional delegation support optional Social Security Personal Retirement Accounts.

Effective February 2, 2005  
Laws of Utah 2005
HR 4  Resolution Urging United States Senate Support of President’s Supreme Court Nominees
(Michael T. Morley)

This resolution of the House of Representatives requests that action be taken by the United States Senate.

This resolution:
▲ requests that the United States Senate move quickly to confirm all presidential nominations to the United States Supreme Court.

Effective February 2, 2005  Laws of Utah 2005

HR 7  House Rules Resolution - Committee Report (David Ure)

This resolution details the process for being listed on a committee report as dissenting.

This resolution:
▲ requires notice be given to the committee if dissenting members desire to be listed separately as dissenting;
▲ replaces the term "majority report" with "committee report"; and
▲ outlines the process for being listed as dissenting from a committee report.

Amends HR−24.16, HR−25.05

Effective February 24, 2005  Laws of Utah 2005

HR 9  House Resolution Discouraging Participation in Free Trade Areas of the Americas
(Glenn A. Donnelson)

This resolution of the House of Representatives urges the United States Congress to oppose entering into a Free Trade Area of the Americas.

This resolution:
▲ urges the United States Congress to oppose any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA); and
▲ urges that the United States not enter into the FTAA until the nation has had more experience with and a greater understanding of the North American Free Trade Agreement and the World Trade Organization.

Effective February 18, 2005  Laws of Utah 2005

HR 10  Resolution Supporting Participation of Taiwan in World Health Organization
(Bradley G. Last)

This resolution of the House of Representatives urges the Bush Administration to support Taiwan’s participation in the World Health Organization.

This resolution:
▲ urges the Bush Administration to support Taiwan in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and
▲ urges that United States’ policy should include the pursuit of an initiative in the WHO which will give Taiwan meaningful participation in the manner that is consistent with the organization’s requirements.

Effective February 22, 2005  Laws of Utah 2005
HR 11  Resolution Urging Congress to Pass Balanced Budget Amendment (Neil A. Hansen)

This resolution of the House of Representatives urges Congress to amend the United States Constitution.

This resolution:

- urges the United States Congress to pass an amendment to the United States Constitution to require a balanced federal budget.

Effective February 24, 2005  Laws of Utah 2005

HR 12  Resolution Honoring Hollace (holly) Parker (Kory M. Holdaway)

This resolution of the House of Representatives recognizes the service of Hollace (Holly) Parker to the House of Representatives.

This resolution:

- recognizes the service of Hollace (Holly) Parker to the House of Representatives; and
- expresses best wishes to Holly and her family at her retirement.

Effective March 2, 2005  Laws of Utah 2005

SB 1  Supplemental Appropriations Act (Lyle W. Hillyard)

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

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.

This bill appropriates for fiscal year 2005:

- $79,479,600 from the General Fund;
- $1,669,900 from the Uniform School Fund;
- $58,728,900 from income tax revenue;
- $9,758,800 from various sources as detailed herein.

This bill takes effect immediately.

Effective May 2, 2005  Chapter 305, Laws of Utah 2005
SB 3  **Supplemental Appropriations Act II** *(Lyle W. Hillyard)*

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2005 and ending June 30, 2006 and beginning July 1, 2004 and ending June 30, 2005.

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 2005 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.

This bill appropriates for fiscal year 2006:
- $21,226,000 from the General Fund;
- $645,200 from the Uniform School Fund;
- $2,650,000 from income tax revenue;
- $215,758,800 from various sources as detailed in this bill. This bill appropriates for fiscal year 2005:
- ($67,403,600) from the General Fund;
- $68,000,000 from income tax revenue;
- $4,584,100 from various sources as detailed in this bill.

Section 1 of this bill takes effect on July 1, 2005. Section 2 of this bill takes effect immediately.

Effective March 22, 2005  
Chapter 309, Laws of Utah 2005

SB 4  **Uninsured Motorist Property Damage Coverage Amendments** *(Dan R. Eastman)*

This bill modifies the Insurance Code to amend uninsured motorist property damage coverage provisions.

This bill:
- allows an insurer to offer higher uninsured motorist property damage coverages at appropriate rates; and
- makes technical changes.

*The original bill was recommended by the Transportation Interim Committee*

Amends 31A-22-305.5

Effective May 2, 2005  
Chapter 37, Laws of Utah 2005

SB 5  **Traffic Code Recodification and Revisions** *(Sheldon L. Killpack)*

This bill recodifies the Traffic Code.

This bill:
- updates statutory language to conform to current legislative styles;
-renumbers sections and organizes parts; and
-makes technical changes.

This bill provides an immediate effective date.

The original bill was recommended by the Transportation Interim Committee
SB 6  Sales and Use Tax Agriculture Exemptions *(Ron Allen)*

This bill amends sales and use tax exemptions relating to agriculture.

This bill:

- repeals a sales and use tax exemption for certain sprays and insecticides because those sprays and insecticides are exempt from sales and use taxation under a provision exempting certain sales of tangible personal property used or consumed primarily and directly in farming operations;

- repeals a provision exempting sales of irrigation equipment and supplies used for agricultural production purposes because those sales are exempt from sales and use taxation under the provision exempting certain sales of tangible personal property used or consumed primarily and directly in farming operations; and

- makes technical changes.

This bill takes effect on July 1, 2005.

*The original bill was recommended by the Revenue and Taxation Interim Committee / Tax Review Commission*
SB 8  Local Corridor Preservation Funding  (Sheldon L. Killpack)

This bill modifies the Transportation Code and Motor Vehicles Code by creating the Local Transportation Corridor Preservation Fund and establishing a revenue source and an approval process for preservation projects for certain county and municipal governments.

This bill:
- allows a county legislative body to impose up to a $10 local option transportation corridor preservation fee on motor vehicle registrations and renewals of registration;
- requires that revenues from the fee be:
  - deposited in the Local Transportation Corridor Preservation Fund; and
  - allocated for each county based on the total revenue received from the fee;
- defines council of governments and metropolitan planning organizations;
- allows fund monies to be used by counties that are not within a metropolitan planning organization for countywide transportation planning with certain limitations;
- provides that monies from the fee are a grant to each county provided that the state is not charged for any asset purchased with the monies;
- provides that unless otherwise provided by written agreement, the highway authority that holds the deed to the property is responsible for maintenance of the property and that transfer of ownership of property acquired shall be done with a recorded deed and a written agreement;
- provides that fund monies may be used to pay maintenance costs of properties acquired limited to a total of 5% of the purchase price of the property;
- requires the department to develop and implement a program to educate highway authorities on the objectives, application process, use, and responsibilities of the fund monies;
- requires the department to develop a model transportation corridor property acquisition policy or ordinance that meets federal requirements;
- requires the department to authorize the expenditure of fund monies after determining that the expenditure is being made in accordance with certain provisions from applications by a highway authority and endorsed by the council of governments;
- allows a council of governments to establish prioritization and application procedures for use of the monies allocated to each county;
- requires all fund monies to be prioritized by each highway authority and council of governments based on certain provisions;
- prohibits a highway authority from applying for fund monies unless the highway authority has:
  - a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements unless the highway authority has a written agreement with the department for acquisition of property; and
  - an access management policy or ordinance in effect that meets certain requirements; and
- makes technical changes.

This bill takes effect on January 1, 2006.

Amends 72-2-117; Enacts 41-1a-1222, 72-2-117.5

Effective January 1, 2006  Chapter 284, Laws of Utah 2005
SB 9  Aerospace and Aviation Development Zone Modifications *(Mike Dmitrich)*

This bill modifies business development provisions related to Aerospace and Aviation Development Zones.

This bill:
- removes the requirements that an airport have an instrumental landing system and a manned air traffic control tower to qualify for an Aerospace and Aviation Development Zone at or around the airport.

This bill provides an immediate effective date.

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

Amends 9-2-2003

Effective February 15, 2005  Chapter 3, Laws of Utah 2005

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SB 10  Liability Reform Act Amendments *(Gregory S. Bell)*

This bill specifies conditions for allocating fault to nonparties in a lawsuit.

This bill:
- provides for a reasonable time to designate nonparties to whom fault may be allocated;
- requires that a party who makes a request to the court to allocate fault to nonparties to provide specific information about the nonparties; and
- allows the court to deny the request if specific provisions are not complied with.


Effective May 2, 2005  Chapter 79, Laws of Utah 2005

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SB 11  Initiative Petitions Amendments *(Beverly Ann Evans)*

This bill establishes uniform standards for signature verification on initiative petitions.

This bill:
- establishes uniform standards for determining whether a signer’s signature on an initiative petition is valid or not; and
- provides for the placement of birth date information on initiative petitions.

*The original bill was recommended by the Government Operations Interim Committee*

Amends 20A-7-203, 20A-7-206; Enacts 20A-7-206.3

Effective May 2, 2005  Chapter 80, Laws of Utah 2005
SB 12  **Department of Workforce Services Amendments** *(Scott K. Jenkins)*

This bill modifies provisions of the Utah Workforce Services Code related to technical changes in the names of certain divisions within Workforce Services, the composition of the Child Care Advisory Committee, and the department’s sunset date.

This bill:
- modifies the name of the Division of Employment Development to the Employment Development Division and the name of the Division of Workforce Information and Payment Services to the Workforce Development and Information Division and the Unemployment Insurance Division;
- modifies the membership of the Child Care Advisory Committee; and
- extends the repeal date of the Workforce Services Code to July 1, 2015.

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


Effective May 2, 2005  
Chapter 81, Laws of Utah 2005

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SB 13  **Individual Income Tax Subtraction for Certain Military Income** *(Howard A. Stephenson)*

This bill amends the Individual Income Tax Act relating to a subtraction for certain military income.

This bill:
- provides and amends definitions;
- amends a subtraction for certain military income; and
- makes technical changes.

This bill has retrospective operation for the taxable year beginning on or after January 1, 2005, but beginning on or before December 31, 2005.

Amends 59-10-103, 59-10-114

Effective May 2, 2005  
Chapter 241, Laws of Utah 2005
SB 14  **Uniform Parentage Act (Lyle W. Hillyard)**

This bill enacts the Utah Uniform Parentage Act.

This bill:
- sets out guidelines for determining and declaring paternity;
- provides mechanisms for registering paternity;
- sets specific guidelines for surrogacy and assisted reproduction arrangements;
- provides conditions under which genetic testing may be requested or required;
- provides direction for state offices concerning adjudication of parentage and the filing and issuance of birth certificates;
- sets penalties for unauthorized release of information; and
- sets responsibilities for all parties when the parentage of a child is in question.

*The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee*

Amends 26-2-2, 26-2-5, 30-1-17.2, 75-2-114, 78-30-4.13; Enacts 78-45g-101, 78-45g-102, 78-45g-103, 78-45g-104, 78-45g-105, 78-45g-106, 78-45g-107, 78-45g-108, 78-45g-109, 78-45g-110, 78-45g-111, 78-45g-112, 78-45g-113, 78-45g-114, 78-45g-115, 78-45g-201, 78-45g-202, 78-45g-203, 78-45g-204, 78-45g-301, 78-45g-302, 78-45g-303, 78-45g-304, 78-45g-305, 78-45g-306, 78-45g-307, 78-45g-308, 78-45g-309, 78-45g-310, 78-45g-311, 78-45g-312, 78-45g-313, 78-45g-401, 78-45g-402, 78-45g-403, 78-45g-404, 78-45g-405, 78-45g-406, 78-45g-407, 78-45g-408, 78-45g-409, 78-45g-410, 78-45g-411, 78-45g-501, 78-45g-502, 78-45g-503, 78-45g-504, 78-45g-505, 78-45g-506, 78-45g-507, 78-45g-508, 78-45g-509, 78-45g-510, 78-45g-511, 78-45g-512, 78-45g-601, 78-45g-602, 78-45g-603, 78-45g-604, 78-45g-605, 78-45g-606, 78-45g-607, 78-45g-608, 78-45g-609, 78-45g-610, 78-45g-611, 78-45g-612, 78-45g-613, 78-45g-614, 78-45g-615, 78-45g-616, 78-45g-617, 78-45g-618, 78-45g-619, 78-45g-620, 78-45g-621, 78-45g-622, 78-45g-623, 78-45g-701, 78-45g-702, 78-45g-703, 78-45g-704, 78-45g-705, 78-45g-706, 78-45g-707, 78-45g-801, 78-45g-802, 78-45g-803, 78-45g-804, 78-45g-805, 78-45g-806, 78-45g-807, 78-45g-808, 78-45g-809, 78-45g-901, 78-45g-902; Repeals 76-7-204, 78-45a-1, 78-45a-2, 78-45a-3, 78-45a-4, 78-45a-5, 78-45a-6, 78-45a-6.5, 78-45a-7, 78-45a-10, 78-45a-10.5, 78-45a-11, 78-45a-11.5, 78-45a-12, 78-45a-13, 78-45a-14, 78-45a-15, 78-45a-16, 78-45a-17, 78-45e-1, 78-45e-2, 78-45e-4

Effective May 2, 2005  Chapter 150, Laws of Utah 2005

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SB 15  **Children’s Justice Center Amendments (D. Chris Buttars)**

This bill broadens the scope of children to be served by Children’s Justice Centers.

This bill:
- increases the number of children to be served by Children’s Justice Centers throughout the state by expanding the scope to include crimes involving children when the child is a primary victim or a critical witness, such as in drug-related child endangerment cases.

This bill takes effect on July 1, 2005.

*The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee*

Amends 67-5b-101, 67-5b-102, 67-5b-106

Effective July 1, 2005  Chapter 38, Laws of Utah 2005
SB 16  Department of Workforce Services - Access to Financial Records (Scott K. Jenkins)

This bill modifies financial information privacy provisions of the Judicial Code.

This bill:
- provides that the Benefit Payment Control Unit and the Payment Error Prevention Unit of the Department of Workforce Services are exempt from certain financial information privacy provisions of the Judicial Code when conducting an examination of financial records as part of an official investigation.

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

Amends 78-27-50

Effective May 2, 2005  Chapter 82, Laws of Utah 2005

SB 17  Foster Care Citizen Review Board (Dan R. Eastman)

This bill amends the duties of a foster care citizen review board and the court for reviewing cases involving children in the custody of the Division of Child and Family Services.

This bill:
- requires that the six month reviews of a case involving a child in the custody of the Division of Child and Family Services be conducted until the court terminates the state’s custody of the child;
- requires that in cases where a court conducted a six month review hearing, a foster care citizen review board must conduct a review of the case within 18 months of the date that the child was removed from the child’s home;
- removes the requirement that a court provide notice to the Foster Care Citizen Review Board Steering Committee of a determination or finding made by the court;
- provides that the Foster Care Citizen Review Board Steering Committee shall have access to certain court records and shall forward relevant information from those records to the appropriate foster care citizen review board; and
- makes technical changes.

The original bill was recommended by the Health and Human Services Interim Committee / Child Welfare Legislative Oversight Panel

Amends 78-3g-103

Effective May 2, 2005  Chapter 83, Laws of Utah 2005
SB 18  **Regulating Proprietary Postsecondary Schools** *(Dan R. Eastman)*

This bill modifies the Utah Postsecondary Proprietary School Act.

This bill:
- modifies provisions related to what constitutes a prohibited act;
- clarifies rulemaking authority;
- adds to the list of exemptions education providers certified by the Division of Real Estate;
- authorizes the division to conduct audits;
- addresses registration statements, exemptions, and certificates of registration;
- modifies the information that must be made available to applicants and the division;
- provides for additional penalties;
- addresses denial, suspension, or revocation of a certificate for registration including conducting criminal background checks; and
- makes technical changes.

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


Effective May 2, 2005  Chapter 242, Laws of Utah 2005

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SB 19  **Disease Testing of Individuals Exposed to Blood Borne Pathogens** *(Patrice M. Arent)*

This bill amends and repeals certain provisions in the Health Code, the Judicial Code, and the Labor Code regarding disease testing for blood borne pathogens.

This bill:
- repeals provisions in the Health Code regarding workplace testing for exposure to blood pathogens;
- moves provisions from the Health Code to the Labor Code regarding worker’s compensation presumption for emergency medical services providers;
- amends provisions in the Judicial Code regarding court-ordered disease testing for at risk public safety officers;
- adds Hepatitis C to the definition of disease for purposes of disease testing and the presumptions for workers’ compensation; and
- makes technical amendments.

*The original bill was recommended by the Health and Human Services Interim Committee*

Amends 26-3-11, 78-29-101, 78-29-102, 78-29-103; Enacts 78-29-104, 78-29-105; Renumbers and Amends 26-6a-10 to 34A-2-901, 26-6a-11 to 34A-2-902, 26-6a-12 to 34A-2-903, 26-6a-13 to 34A-2-904, 26-6a-14 to 34A-2-905; Repeals 26-6a-1, 26-6a-1.5, 26-6a-2, 26-6a-3, 26-6a-4, 26-6a-5, 26-6a-6, 26-6a-7, 26-6a-8, 26-6a-9

Effective May 2, 2005  Chapter 243, Laws of Utah 2005
SB 20  **Office of Legislative Auditor - Access to Information** *(Michael G. Waddoups)*

This bill modifies the powers and duties of the Office of Legislative Auditor General.

This bill:
- clarifies that the Legislative Auditor General may access the records, documents, and reports of any entity that receives public funds; and
- allows the Legislative Auditor General to use the legislative subpoena powers to access those records when necessary.

*The original bill was recommended by the Government Operations Interim Committee*

Amends 36-12-15

Effective May 2, 2005  Chapter 84, Laws of Utah 2005

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SB 21  **Limitation on Liability Regarding Liquefied Petroleum Gas** *(Dan R. Eastman)*

This bill provides an affirmative defense to specific lawsuits for the liquefied petroleum gas industry.

This bill:
- provides an affirmative defense to a lawsuit for persons selling, supplying, installing, handling, or transporting liquefied petroleum gas if:
  - an alteration, modification or repair of equipment was done without the person’s knowledge or consent; or
  - the equipment was used in a manner inconsistent with its purpose.

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

Enacts 78-27-65

Effective May 2, 2005  Chapter 85, Laws of Utah 2005
SB 23  Property Tax Treatment of Tangible Personal Property (Curtis S. Bramble)

This bill amends the Motor Vehicles title, the Property Tax Act, the Corporate Franchise and Income Taxes chapter, and the Individual Income Tax Act to address the property tax treatment of tangible personal property.

This bill:
► defines terms;
► addresses the uniform fees that are required to be received by a city library fund;
► imposes uniform statewide fees on certain tangible personal property required to be registered with the state;
► provides procedures for measuring the length of a vessel for purposes of imposing uniform statewide fees on vessels;
► provides for the collection of the uniform statewide fees;
► provides that the uniform statewide fees shall be imposed at the time of registration and renewal of registration;
► addresses the appeals process for personal property;
► provides that for purposes of the corporate franchise and income tax credits and individual income tax credits for renewable energy systems a residential unit does not include property subject to the uniform statewide fees;
► grants rulemaking authority to the State Tax Commission; and
► makes technical changes.

This bill takes effect on January 1, 2006.


Effective January 1, 2006  Chapter 244, Laws of Utah 2005
This bill modifies the Environmental Quality Code and the Radioactive Waste Tax Act to amend provisions relating to waste.

This bill:
- prohibits any entity in the state from accepting class B or C low-level radioactive waste or radioactive waste having a higher radionuclide concentration than allowed under existing licenses;
- directs the Utah member of the Northwest low-level waste compact committee not to bring to the compact committee for approval and to vote against any arrangement with persons outside the compact area to access a Utah facility for storage, treatment, incineration, or disposal of certain low-level radioactive wastes;
- requires the Solid and Hazardous Waste Control Board to review and report to the Legislature every five years:
  - the adequacy of the amount of financial assurance required for closure and postclosure care of a commercial hazardous waste treatment, storage, or disposal facility;
  - whether funds or financial assurance are necessary for perpetual care and maintenance of a commercial hazardous waste treatment, storage, or disposal facility and the adequacy of those funds or financial assurance, if found necessary; and
  - the adequacy of any funds or financial assurance required to cover certain costs;
- expands the scope of the Radiation Control Board’s review of the Radioactive Waste Perpetual Care and Maintenance Fund to include:
  - a review of the adequacy of the fund to cover certain costs; and
  - a review of the amount of financial assurance required for closure and postclosure of a commercial radioactive waste treatment or disposal facility;
- increases the penalty amount per day for violating a provision of the Solid and Hazardous Waste Act;
- provides that the owner or operator of certain waste facilities, rather than the generator, is liable for certain fees;
- clarifies that fees for certain waste shall be determined by multiplying the fee amount by the waste volume or curie calculated to the first decimal place;
- clarifies that certain wastes are subject to only one fee if multiple fees apply;
- requires the owner or operator of a facility receiving waste containing PCBs to submit a form with the disposal fees and requires the Department of Environmental Quality to make rules specifying the information required in the form;
- imposes gross receipts taxes on mixed waste disposal received from certain governmental entity or agent contracts; and
- makes technical changes.

This bill provides an immediate effective date. This bill provides revisor instructions.

Amends 19-3-103.7, 19-3-104, 19-3-105, 19-3-106, 19-3-106.2, 19-6-113, 19-6-118, 19-6-118.5, 19-6-119, 59-24-103.5; Enacts 19-1-307, 19-3-206, 19-6-117.5

Effective February 25, 2005

Chapter 10, Laws of Utah 2005
SB 25  Transportation Amendments and Highway Jurisdictional Transfer Task Force  
(Carlene M. Walker)

This bill modifies the Utah Municipal Code, the Cities, Counties, and Local Taxing Units Code, the Counties Code, the Motor Vehicles Code, the Transportation Code, and the Judicial Code to amend provisions relating to transportation and creates the Highway Jurisdictional Transfer Task Force.

This bill:

► provides definitions;
► expands written notice requirements of a local political subdivision’s intent to prepare a capital facilities plan to include notice to the Utah Department of Transportation and a public transit district if the local political subdivision is within the public transit district boundaries;
► requires municipalities and counties to notify the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments of proposed zoning designation changes, plat considerations, general plan changes, and annexations that impact state and regional transportation systems;
► provides that notification for proposed changes is required for projects:
  • adjacent to state highways;
  • in other areas that have potential traffic increases of 3,000 Average Daily Traffic or peak hour traffic of more than 500 vehicles per hour;
► allows a municipality’s or county’s general plan recommendations from the planning commission to include comments from the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments concerning the impacts on state and regional transportation systems;
► provides that a person who operates a vehicle in a tollway without paying the toll is guilty of a class C misdemeanor;
► provides that funds in the Tollway Restricted Account may be used for enforcement of a tollway;
► provides that the Department of Transportation may designate, with the approval of the Transportation Commission:
  • highways as tollways on new state highways or additional capacity lanes as toll lanes on existing state highways; and
  • high occupancy toll lanes on existing state highways;
► provides that the Department of Transportation shall make rules establishing standards and specifications for automatic tolling;
► provides that the Transportation Commission may provide funds for tollways;
► provides that revenues received from tolls shall be deposited in the Tollway Restricted Account;
► requires the executive director of the Department of Transportation to develop strategic initiatives for the department;
► requires the executive director to report the strategic initiatives to the Transportation Commission;
► requires the department to makes rules establishing the strategic initiatives of the department;
► requires the Transportation Commission, in consultation with the department, to develop a written prioritization process for the selection of new transportation capacity projects;
► requires the commission to hold public hearings on the written prioritization process;
► requires the commission, in consultation with the department, to make rules establishing the
written prioritization process for new transportation capacity projects;

- requires the commission to submit the rules to the Legislature prior to adopting them;
- requires the commission to:
  - prioritize and fund new transportation capacity projects pursuant to the written prioritization process;
  - hold public hearings on the prioritization of projects; and
  - make available upon request the ranking used for any projects prioritized;
- requires the executive director or the executive director’s designee to report annually to the governor and the Legislature on projects prioritized by the commission;
- amends provisions establishing criteria for state highways;
- provides that a state highway shall meet the criteria provided and requires highway authorities to cooperate to match the criteria with designated state highways;
- requires the Department of Transportation to make rules:
  - defining and designating regionally significant arterial highways; and
  - establishing an access management policy consistent with the functional classification of roadways;
- establishes a task force to study highway jurisdictional transfers;
- establishes task force membership, duties, and salaries and designates staff for the task force;
- requires the task force to prepare a report;
- requires the Department of Transportation and other organizations to prepare a list of highways that should be added or deleted from the state highway system and provide other data to the task force;
- requires the task force to report its findings to the Transportation Interim Committee on a specified date; and
- makes technical changes.

This bill provides a repeal date for the task force. This bill provides a coordination clause.

Amends 10-9-103.5, 10-9-301.5, 10-9-302, 10-9-407, 17-27-103.5, 17-27-301.5, 17-27-302, 17-27-406, 72-2-120, 72-4-102.5, 72-6-118; Enacts 41-6a-716, 72-1-211, 72-1-304, 72-1-305

Effective May 2, 2005
Chapter 245, Laws of Utah 2005
SB 26  Public Utilities Amendments (Gregory S. Bell)

This bill modifies the Public Utilities Title to address public utility issues including enacting the Energy Resource Procurement Act.

This bill:
- addresses prudence;
- addresses certificates of convenience and necessity;
- enacts the Energy Resource Procurement Act;
- defines terms;
- grants the commission rulemaking authority;
- establishes requirements for a solicitation process for a significant energy resource of an affected electrical utility;
- provides for the review of action plans under an affected electrical utility’s integrated resource plan;
- provides for the approval of a significant energy resource decision;
- provides for cost recovery of an approved significant energy resource decision;
- addresses orders to proceed implementing a significant energy resource decision;
- permits an energy utility to request approval of a resource decision;
- provides for cost recovery of an approved resource decision;
- addresses orders to proceed implementing a resource decision; and
- makes technical changes.

This bill provides an immediate effective date. This bill provides revisor instructions.

Amends 54-4-4, 54-4-25; Enacts 54-17-101, 54-17-102, 54-17-103, 54-17-201, 54-17-202, 54-17-203, 54-17-301, 54-17-302, 54-17-303, 54-17-304, 54-17-401, 54-17-402, 54-17-403, 54-17-404

Effective February 25, 2005  Chapter 11, Laws of Utah 2005

SB 27  Sunset Reauthorizations (L. Alma Mansell)

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2006 Annual General Session of the Utah Legislature.

This bill:
- reauthorizes certain named state entities and programs that are scheduled to sunset before the 2006 Annual General Session; and
- makes technical changes.

The original bill was recommended by the Legislative Management Committee


Effective May 2, 2005  Chapter 86, Laws of Utah 2005
**SB 30**  
**Amendments to Search Warrants** *(David L. Thomas)*

This bill repeals and reenacts the Code of Criminal Procedure provision regarding the evidence and procedures involved in a magistrate’s issuance of a search warrant. The reenacted section refers to the procedures in Rule 40 of the Rules of Criminal Procedure. This bill also amends the Code of Criminal Procedure regarding the management of the records and information a magistrate relies upon in issuing a search warrant to reflect use of remotely communicated search warrants.

This bill:

- repeals current criminal procedure provisions regarding the grounds for and the process for issuing a search warrant;
- refers to the recently enacted Rule 40 of the Rules of Criminal Procedure regarding evidence and procedures for issuing search warrants;
- clarifies that a remotely communicated search warrant shall be served as a written document; and
- includes reference to the management of recorded testimony that is used as the basis for the issuance of a warrant.

Amends 77-23-209; Repeals and Reenacts 77-23-204

Effective May 2, 2005  
Chapter 87, Laws of Utah 2005

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**SB 32**  
**Limitation of Landowner Liability for Public Recreation** *(Gregory S. Bell)*

This bill modifies the Real Estate Code by amending provisions related to the limitation of landowner liability for certain public recreation.

This bill:

- amends the definition of land to include railway corridors as land covered under the limitation of landowner liability for public recreation provisions;
- amends the definition of recreational purpose to include:
  - engaging in equestrian activities; and
  - riding certain rail cars on a narrow gauge track;
- provides that the state or a subdivision of the state is not considered to have charged an admission fee for use of a railway corridor if the state or a political subdivision of the state owns the railway corridor, allows recreational use of the corridor, and does not charge a fee for that use, even if the user pays a fee to travel on a privately owned rail car that crosses over the railway corridor; and
- makes technical changes.

Amends 57-14-2, 57-14-6

Effective May 2, 2005  
Chapter 88, Laws of Utah 2005

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**SB 35**  
**Relationships with Venture Capital Entities** *(David L. Thomas)*

This bill clarifies relationships between higher education institutions and venture capital entities.

This bill:

- provides that a state institution of higher education may enter into a business relationship or dealing with a private seed or venture capital partnership or entity; and
- provides that the business relationship or dealing does not preclude the private entity or partnership from receiving benefits from a venture capital program authorized or sanctioned by state law.

Amends 53B-2-101

Effective May 2, 2005  
Chapter 89, Laws of Utah 2005
SB 36  Sales and Use Taxation of Pawn Transactions (Ron Allen)

This bill amends the Sales and Use Tax Act to address the taxation of pawn transactions.

This bill:
- provides definitions;
- provides a sales and use tax exemption for pawn transactions; and
- makes technical changes.

This bill takes effect on July 1, 2005.

Amends 59-12-102, 59-12-104

Effective July 1, 2005  Chapter 246, Laws of Utah 2005

SB 37  Motor Vehicle Business Regulation Act Amendments (Dan R. Eastman)

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions related to bond requirements for certain dealer, crusher, or body shop licenses.

This bill:
- increases the bond amount for a motor vehicle dealer’s license from $50,000 to $75,000 beginning on July 1, 2006;
- increases the bond amount for a special equipment dealer’s license from $20,000 to $75,000 beginning on July 1, 2006;
- increases the bond amount for a motorcycle, off-highway vehicle, or small trailer’s or crusher’s license from $1,000 to $10,000;
- increases the bond amount for a body shop’s license from $10,000 to $20,000;
- repeals a provision that requires that the bond for certain licenses be conditioned on the dealer doing business without violating certain prohibitions;
- provides that the bond for certain licenses shall be conditioned on the dealer doing business without violating the provision that requires a dealer to submit or deliver a certificate of title or manufacturer’s certificate of origin;
- provides that the surety or principal of a bond shall notify the administrator of the Motor Vehicle Enforcement Division if a claim on the bond is successfully prosecuted or settled against the surety or the principal; and
- makes technical changes.

This bill takes effect on July 1, 2005.

Amends 41-3-205

Effective July 1, 2005  Chapter 90, Laws of Utah 2005
SB 40 Regulation of Title Insurance Industry (Thomas V. Hatch)

This bill enacts the Title and Escrow Commission Act and makes conforming amendments.

This bill:
- defines terms;
- enacts the Title and Escrow Commission Act which creates the commission and sets out the duties of the commission and the commissioner;
- addresses special provisions related to rate standards and rating methods for title insurance insurers, agencies, and producers;
- requires the concurrence of the commission for licensing in the title insurance line of authority including adjusters;
- authorizes the commission to make rules creating different categories of the title insurance lines of authority with the concurrence of the commissioner;
- addresses special requirements for title insurance producers including examination requirements;
- authorizes the commission to make rules related to unfair practices;
- provides that a title insurance producer shall comply with rules adopted by the commission that govern escrows;
- authorizes the commission, after consulting with the commissioner, to set the assessment on title insurance agencies or insurers;
- addresses provisions related to controlled business;
- authorizes the commission by rule to recognize other independent adjuster or public adjuster license classifications related to title insurance and to create license classifications that grant only part of the authority arising under a license class; and
- makes technical changes.

This bill provides an effective date.


Effective July 1, 2005

Chapter 185, Laws of Utah 2005

SB 41 School and Institutional Trust Lands Management Act Revisions (Mike Dmitrich)

This bill modifies mineral leasing procedures on school and institutional trust lands.

This bill:
- defines "mineral" in the School and Institutional Trust Lands Management Act to include oil, gas, and hydrocarbons;
- reduces the maximum length of the primary term of certain mineral leases;
- removes a requirement that, under certain circumstances, a mineral lease must be extended after the primary term has expired;
- allows an oral auction to be conducted when identical lease bids are submitted; and
- makes technical changes.

This bill provides an immediate effective date.

Amends 9-9-402, 17A-2-522, 17A-2-818, 17A-3-805, 53C-1-103, 53C-2-405, 53C-2-407, 57-6-4

Effective March 10, 2005

Chapter 39, Laws of Utah 2005
SB 42  Alcohol Restricted Drivers (Carlene M. Walker)

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions related to certain persons operating a vehicle with any measurable or detectable amount of alcohol in the person’s body.

This bill:

► changes the restricted blood alcohol content level for certain persons and changes the violation from a driving under the influence violation to an alcohol restricted driver violation;
► defines certain persons as alcohol restricted drivers;
► provides that it is a class B misdemeanor for an alcohol restricted driver to drive a vehicle with any measurable or detectable amount of alcohol in the person’s body;
► requires a peace officer to warn a person that has been placed under arrest for refusing to submit to a chemical test for alcohol or drugs that a refusal to submit to a chemical test for alcohol or drugs may result in a five or ten-year prohibition of the person driving with any measurable or detectable amount of alcohol in the person’s body;
► provides that a peace officer may impound a vehicle for certain violations;
► prohibits the Driver License Division from issuing, reinstating, or renewing a driver license in the form of a no alcohol conditional license beginning on July 1, 2005;
► repeals provisions regarding:
  • no alcohol conditional licenses beginning on July 1, 2015; and
  • coded licenses beginning on July 1, 2005; and
► makes technical changes.

This bill takes effect July 1, 2005. This bill provides a coordination clause.

Amends 41-6a-502, 41-6a-503, 41-6a-520, 41-6a-521, 41-6a-524, 41-6a-527, 53-3-220, 53-3-227, 53-3-232, 63-55-253; Enacts 41-6a-529, 41-6a-530; Repeals 53-3-233

Effective July 1, 2005 Chapter 91, Laws of Utah 2005

SB 43  Penalty for Providing False Information to State Agency (Parley G. Hellewell)

This bill modifies the Criminal Code by providing certain penalties for providing false information to state or local government agencies.

This bill:

► provides that knowingly giving false information to a state or local government agency or personnel with the intent to imply that another person has committed an offense or to induce a change in a person’s licensing or certification status is a class B misdemeanor.

Amends 76-8-506

Effective May 2, 2005 Chapter 92, Laws of Utah 2005
SB 44  **Government Records Amendments** *(Carlene M. Walker)*

This bill modifies provisions of the Government Records Access and Management Act.

This bill:

- modifies the definition of "person" under the Government Records Access and Management Act to include combinations of individuals or entities acting in concert;
- modifies the definition of "record" under the act to include only references to the singular and to clarify its relation to the definition of "record series";
- allows government entities to sequentially produce multiple record requests from persons serving their private interest;
- permits government entities to allow a person requesting records to personally make copies or to provide facilities for copying records in certain circumstances;
- requires government entities to provide reasonable safeguards to protect the public from the potential loss of public records;
- allows government entities to provide access to an electronic equivalent of a paper record;
- modifies language relating to appeals from records committee decisions to clarify that appeals are permitted by any party; and
- makes technical changes.

Amends 63-2-103, 63-2-201, 63-2-203, 63-2-204, 63-2-403, 63-2-903

Effective May 2, 2005  Chapter 40, Laws of Utah 2005

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SB 47  **Wrongful Lien Offenses** *(Beverly Ann Evans)*

This bill amends the Criminal Code and Title 38, Liens, to provide for filing civil injunctions against wrongful liens made against a person's interest in real or personal property. The bill establishes felony penalties for making a wrongful lien. The bill also makes a felony offense of fraudulent handling of recordable writings.

This bill:

- defines civil wrongful lien;
- establishes felony penalties for making a wrongful lien and increased penalties for subsequent violations;
- establishes felony penalties for the fraudulent handling of recordable writings, which includes falsifying or destroying a will, deed, lien, or other similar writing;
- allows an individual to petition for an ex parte injunction against the person making the wrongful lien, which prohibits the maker of the lien from making further liens against the petitioner without specific permission of the court;
- provides that the ex parte injunction nullifies the wrongful lien and gives the person making the wrongful lien the right to a hearing regarding the nullification;
- provides that if the maker of the lien does not respond, or if there is a hearing and the court determines that the lien is wrongful, the lien is nullified and the lien injunction stays in effect for three years unless the petitioner requests that the injunction be dissolved earlier;
- provides for attorney fees in actions regarding the wrongful lien and injunction; and
- makes cross reference changes in accordance with the provisions of this bill.

Amends 38-9-2, 76-3-203.1, 76-6-504; Enacts 38-9a-101, 38-9a-102, 38-9a-201, 38-9a-202, 38-9a-203, 38-9a-204, 38-9a-205, 76-6-503.5; Repeals 38-9-5, 76-6-503

Effective May 2, 2005  Chapter 93, Laws of Utah 2005
SB 48  Insurance Cancellation and Nonrenewal Restrictions  *(Patrice M. Arent)*

This bill modifies the Insurance Code governing termination or nonrenewal of insurance policies by insurers.

This bill:
- clarifies references to motor vehicle insurance;
- prohibits cancellation or nonrenewal of certain insurance policies based solely upon:
  - a claim from an accident that is not the insured’s fault for motor vehicle insurance subject to certain conditions;
  - a single speeding ticket not in excess of ten miles per hour over the speed limit for motor vehicle insurance subject to certain conditions; or
  - a claim due to damage from specified natural causes subject to certain conditions; and
- makes technical changes.

Amends 31A-21-303

Effective May 2, 2005  Chapter 247, Laws of Utah 2005

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SB 50  Controlled Substance Amendments  *(Patrice M. Arent)*

This bill amends the Pharmacy Practice Act and the Controlled Substances Act to repeal the Controlled Substance Database Advisory Committee and assign the committee’s duties to the State Board of Pharmacy. This bill allows authorized employees of the Department of Health access to the controlled substance database for scientific studies. This bill also allows the division to authorize by rule a prescriber’s use of an electronic or digital signature in issuing prescriptions.

This bill:
- amends the functions of the State Board of Pharmacy to include its duties regarding the controlled substance database; and
- requires that Department of Health employees having access to the controlled substance database maintain the confidentiality of persons and pharmacies in the database.

Amends 58-17b-201, 58-37-6, 58-37-7.5

Effective May 2, 2005  Chapter 248, Laws of Utah 2005
SB 51  New Motor Vehicle Franchise Act Amendments *(Dan R. Eastman)*

This bill modifies the New Automobile Franchise Act.

This bill:
- amends provisions relating to the Utah Motor Vehicle Franchise Advisory Board, including:
  - membership of the board;
  - requirements for the transaction of business by the board; and
  - powers and duties of the board;
- clarifies the powers and duties of the executive director of the Department of Commerce and the advisory board;
- shifts numerous duties from the board to the executive director including:
  - allowing the executive director to issue certain decisions after a recommendation is received from the board; and
  - allowing the executive director to make administrative rules in consultation with the board;
- adds provisions regarding administrative hearings to Section 13-14-106;
- shifts the responsibility for notifying a franchisor of a protest to the establishment or relocation of a franchise from the board to the department;
- clarifies that the executive director is to comply with procedures for the issuance of formal orders mandated by Section 63-46b-10 in both formal and informal adjudicative proceedings;
- clarifies acceptable methods of communicating certain required notices; and
- makes technical changes.

This bill provides a coordination clause.


Effective May 2, 2005  Chapter 249, Laws of Utah 2005

SB 52  Price Controls During Emergencies Act *(Patrice M. Arent)*

This bill enacts the Price Controls During Emergencies Act.

This bill:
- defines terms;
- prohibits a person from charging an excessive price for a good or service if a state of emergency exists;
- permits a person to increase the price of a good or service during a state of emergency if costs rise;
- requires the Division of Consumer Protection to enforce the act;
- allows the division to impose and enforce fines;
- allows the division to collect costs and attorney fees if the division prevails in an action;
- requires money collected by the division to be deposited into the Consumer Protection Education and Training Fund; and
- makes technical changes.


Effective May 2, 2005  Chapter 306, Laws of Utah 2005
SB 53  Land Value Property Tax Study (Howard A. Stephenson)

This bill directs the Utah Tax Review Commission to conduct a study relating to land value property tax systems during the 2005 interim.

This bill:
- defines terms;
- directs the Utah Tax Review Commission to, during the 2005 interim, conduct a study of the desirability and feasibility of implementing a land value property tax system to be operated concurrent with the state’s existing property tax system;
- describes the scope of the study described in the previous paragraph;
- describes the responsibilities of the Utah Tax Review Commission in relation to the study;
- provides for the creation of a subcommittee to assist in the study; and
- requires the Utah Tax Review Commission to make a final report on the study to the Revenue and Taxation Interim Committee before November 30, 2005.

There is appropriated from the General Fund for fiscal year 2004-05 only:
- $3,000 to the Senate to pay for the compensation and expenses of senators on a subcommittee appointed by the commission; and
- $5,000 to the House of Representatives to pay for the compensation and expenses of representatives on a subcommittee appointed by the commission.

This bill is repealed on November 30, 2005.

Effective May 2, 2005  Chapter 250, Laws of Utah 2005

SB 54  Property Tax Confidentiality Amendments (Howard A. Stephenson)

This bill amends the Revenue and Taxation title to address the confidentiality of information relating to property tax.

This bill:
- modifies the circumstances under which commercial information shall or may not be disclosed;
- modifies the circumstances under which an individual who discloses commercial information is guilty of a class A misdemeanor;
- requires the commission to prepare a written explanation of the property tax confidentiality provisions and make that written explanation available to the public;
- requires an employer to provide the written explanation to certain persons who are reasonably likely to receive commercial information;
- requires a person who receives the written explanation to read and sign the written explanation;
- requires an employer to retain a signed written explanation for a specified time period;
- grants rulemaking authority to the State Tax Commission; and
- makes technical changes.

Amends 59-1-404

Effective May 2, 2005  Chapter 251, Laws of Utah 2005
SB 55  Access to Patient Medical Records (Patrice M. Arent)

This bill amends the Utah Medical Practices Act and the Osteopathic Medical Practice Act to require the appointment of a contact person for access to medical records in compliance with federal law and as a condition of licensure and license renewal.

This bill:
- requires an applicant for license under the Medical Practices Act and the Osteopathic Medical Practice Act to appoint a contact person for access to medical records in accordance with HIPAA and an alternate contact person for access to medical records;
- requires an applicant for renewal of a license to appoint a contact person for access to medical records and an alternate contact person;
- requires solo-practitioners to provide a method of notifying patients of the identity of the contact person and alternate contact person for access to medical records; and
- requires a licensee who is renewing a license to certify to the division that the licensee is in compliance with the requirement to appoint a contact person and alternate contact person for access to medical records.


Effective May 2, 2005  Chapter 94, Laws of Utah 2005

SB 56  Real Estate - Exclusive Brokerage Agreements (L. Alma Mansell)

This bill modifies Real Estate provisions to address the use of exclusive brokerage agreements.

This bill:
- defines terms; and
- addresses the scope of services that must be provided by a principal broker who enters into an exclusive brokerage agreement with a client.

Enacts 61-2-26

Effective May 2, 2005  Chapter 252, Laws of Utah 2005
SB 57  Funding for Business Development in Disadvantaged Rural Communities  
(Peter C. Knudson)

This bill amends the Business Development chapter relating to business development in disadvantaged rural communities and provides an appropriation.

This bill:
- creates the Business Development for Disadvantaged Rural Communities Act;
- provides definitions;
- creates the Business Development for Disadvantaged Rural Communities Restricted Account including providing:
  - for funding for the restricted account;
  - that the restricted account shall earn interest and that the interest shall be deposited into the restricted account;
  - the purposes for which revenues deposited into the restricted account may be expended;
  - that the monies and interest deposited into the restricted account are nonlapsing; and
  - that the Division of Finance shall deposit any monies and interest in the restricted account on July 1, 2015, into the General Fund;
- beginning on July 1, 2005, through June 30, 2015, authorizes the Board of Business and Economic Development to award one or more grants or loans to a county of the third through sixth class to assist the county in paying certain expenses relating to economic development in a disadvantaged rural community;
- provides a limit on the total amount of grants and loans that the Board of Business and Economic Development may award relating to one project;
- provides procedures for a county to submit a proposal to the Board of Business and Economic Development before being awarded a grant or loan;
- provides procedures for the Board of Business and Economic Development to award a grant or loan;
- provides that a county that is awarded a grant or loan shall enter into a written agreement with the Executive Director of the Department of Community and Economic Development and specifies the provisions of the agreement;
- addresses the failure of a county to meet or the violation of a provision of the agreement;
- grants rulemaking authority to the Department of Community and Economic Development;
- requires the Board of Business and Economic Development to make an annual report to the Workforce Services and Community and Economic Development Interim Committee;
- exempts the Business Development for Disadvantaged Rural Communities Restricted Account from being subject to certain administrative duties by the Division of Finance; and
- makes technical changes.

This bill appropriates $250,000 for fiscal year 2005-06 only to the Business Development for Disadvantaged Rural Communities Restricted Account.

This bill takes effect on July 1, 2005.


Effective July 1, 2005  
Chapter 151, Laws of Utah 2005
SB 58  Liability Protection of Educators *(Howard A. Stephenson)*

This bill requires school district and charter school employees to acknowledge in writing receipt of an existing disclosure.

This bill:

- requires school district and charter school employees to acknowledge receipt of an existing liability protection disclosure; and
- modifies when school districts and charter schools may provide liability protection information to employees.

Amends 53A-1a-512, 53A-3-411, 63A-4-204, 63A-4-204.5

Effective May 2, 2005  Chapter 285, Laws of Utah 2005

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SB 59  Home School Amendments *(Mark B. Madsen)*

This bill modifies procedures for exempting minors who are home schooled from attendance at a public or regularly established private school.

This bill:

- requires a local board of education, on an annual basis, to excuse a school-age minor from school attendance if the minor’s parent files a signed affidavit that the minor will attend a home school and receive instruction:
  - in the subjects the State Board of Education requires to be taught in public schools; and
  - for the same length of time as minors are required to receive instruction in public schools;
- provides that, subject to the instructional requirements for home schooled minors in state law, the parent of a minor attending a home school is solely responsible for:
  - the selection of instructional materials and textbooks;
  - the time, place, and method of instruction; and
  - the evaluation of the home school instruction; and
- prohibits a local school board from:
  - requiring a parent of a minor who attends a home school to maintain records of instruction or attendance;
  - requiring credentials for individuals providing home school instruction;
  - inspecting home school facilities; or
  - requiring standardized or other testing of home school students.

Amends 53A-11-102

Effective May 2, 2005  Chapter 253, Laws of Utah 2005
SB 60  Local Land Use Development and Management Amendments  (Gregory S. Bell)

This bill modifies county and municipal land use, development, and management provisions.

This bill:
- reorganizes and modifies county and municipal land use, development, and management provisions;
- includes the protection of access to sunlight for solar energy devices in the statement of the purposes of county and municipal land use provisions;
- modifies provisions giving counties and municipalities general authority over land use matters;
- modifies existing and adds new definitions;
- modifies notice provisions related to land use applications, the preparation of a general plan and amendments, land use ordinances, and subdivisions;
- modifies provisions related to planning commission appointment and powers;
- modifies provisions related to the preparation, adoption, content, and effect of a general plan;
- modifies provisions related to the preparation, adoption, and content of land use ordinances;
- enacts a provision relating to the imposition of exactions;
- enacts provisions related to land use approval standards and the rights that vest with approval;
- modifies provisions related to the preparation, enactment, and content of subdivision ordinances;
- modifies provisions related to subdivision plats;
- provides that a transfer of land by a void plat is voidable;
- modifies a provision relating to exemptions from plat requirements;
- authorizes counties and municipalities to designate a land use authority to decide certain land use matters;
- requires counties and municipalities to designate an appeal authority to handle appeals of certain land use matters;
- enacts provisions relating to procedures and standards applicable to appeals before the appeal authority;
- modifies provisions relating to appeals to the district court;
- repeals provisions relating to a board of adjustment;
- repeals provisions relating to vacating a street or alley;
- repeals a provision relating to planning commission organization and procedures; and
- makes technical changes.

This bill provides coordination clauses.

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Effective May 2, 2005

Chapter 254, Laws of Utah 2005
SB 61  Privately Owned Health Care Organization Task Force *(Michael G. Waddoups)*

This bill creates the Privately Owned Health Care Organization Task Force.

This bill:
- establishes a legislative task force to study:
  - market penetration, geographic distribution, and contracting arrangements of integrated health care systems in the health insurance and health care markets in the state;
  - the impact of divestiture of integrated health care systems in the health care market in the state;
  - state policies that promote fair and appropriate competition in the health care market, including the adequacy and application of antitrust provisions to health care organizations;
  - business and financial practices of health care organizations and how they may impede or enhance a fair and competitive health care market place and impact consumers;
  - the tax exempt status of nonprofit health care organizations;
  - the statutory definition of charitable care;
  - the contracting practices of health care organizations that promote cost-effective health care;
  - the need for consumer protections from health care provider conflicts of interest;
  - patient choice and access to health care providers; and
  - the impact on the state’s Medicaid program and other government funded health care plans; and
  - the impact of proliferation of medical technology and facilities;
- provides an exception to the Open and Public Meetings act which permits the task force to close a meeting for the purpose of discussing a record which is a trade secret or contains commercial information and is designated as a protected record under the Government Records Access and Management Act.

This bill appropriates:
- $6,000 to the Senate for fiscal years 2004-05 and 2005-06;
- $9,000 to the House of Representatives for fiscal years 2004-05 and 2005-06; and
- $300,000 to the Office of Legislative Research and General Counsel for fiscal year 2004-05 only, for the purpose of providing economic, financial, and actuary services to the task force.

This bill provides an immediate effective date. This bill is repealed on November 30, 2006.

Effective March 18, 2005  Chapter 255, Laws of Utah 2005
SB 62  Personal Property Transactions Amendments (Michael G. Waddoups)
This bill amends the Pawnshop Transaction Information Act by placing its operations under the Division of Consumer Protection within the Department of Commerce. The bill authorizes attorney fees against persons subject to enforcement action under the act. This bill specifies lawful uses of pawn transaction information by law enforcement and a penalty for unlawful use. This bill changes the criminal penalties for violation of the act to civil penalties. This bill also repeals the repeal date of the act.

This bill:
- places the operation and enforcement of the Pawnshop Transaction Information Act under the Division of Consumer Protection;
- renames “civil penalties” as “administrative fines” to be consistent with the division’s statutory language;
- provides that the attorney general may bring enforcement actions and that attorney’s fees, costs, and interest are to be awarded in enforcement cases;
- directs that these awarded fees, costs, and interest shall be paid to the division;
- provides that pawn transaction records provided to law enforcement or the central database may only be used for specified investigative and ownership inquiry purposes;
- imposes a civil penalty for use of pawn transaction records for any purpose not authorized by the act;
- changes specified violations of the act from class C misdemeanors to violations subject to civil penalties;
- clarifies the protected record provisions regarding the act; and
- repeals the May 2, 2005 repeal date of the act.


Effective May 2, 2005

Chapter 256, Laws of Utah 2005

SB 64  Real Estate Transactions and Securities (L. Alma Mansell)
This bill modifies the Utah Uniform Securities Act and Real Estate provisions to address certain real estate transactions.

This bill:
- exempts certain real estate transactions from the definition of securities;
- exempts real estate brokers or agents from the definition of agent, broker-dealer, investment advisor, or investor adviser representative when the real estate broker or agent receives compensation in connection with an offer or sale;
- clarifies that the list of excluded real property estates is not an exclusive list;
- defines terms;
- addresses the Division of Real Estate making rules:
  - regarding required disclosures in the offer or sale of an undivided fractionalized long-term estate;
  - imposing requirements of management agreements; and
  - addressing master leases;
- addresses investigatory powers of the Division of Real Estate;
- addresses remedies and actions for violations; and
- makes technical changes.

Amends 61-1-13, 61-2-2, 61-2-5.5, 61-2-21; Enacts 61-2-11.5, 61-2-26

Effective May 2, 2005

Chapter 257, Laws of Utah 2005
SB 65  Alcoholic Beverage Control Amendments  *(Peter C. Knudson)*

This bill modifies the Alcoholic Beverage Control Act and related provisions.

This bill:

- defines “military installation”;
- addresses minors on premises of state stores or package agencies;
- removes the repeal date for on-premise banquet licensing;
- requires on-premise banquet licensees to provide advance notice of banquets to allow for random inspections;
- clarifies that on-premise banquet premises are included in the prohibition of operating without a license;
- repeals a 2004 reporting requirement;
- addresses liquor purchased on a military installation; and
- makes technical changes.

Amends 32A-1-105, 32A-2-103, 32A-3-106, 32A-4-401, 32A-4-402, 32A-4-406, 32A-12-212, 32A-12-301, 63-55b-132; Repeals 32A-4-407

Effective May 2, 2005  Chapter 152, Laws of Utah 2005

SB 71  Security Personnel Licensing Amendments  *(Gene Davis)*

This bill amends the Security Personnel Licensing Act to provide that persons who control entry to public events by duties such as taking tickets and checking bags are not security officers under the act if these persons may not use force in their duties. This bill also provides a definition of “specialized resources, motor vehicles, or equipment” as this phrase is used in the act.

This bill:

- provides an exception to the definition of security officer for persons whose duties at public events:
  - are limited to activities such as taking tickets, and checking bags and purses; and
  - may include denying entry, but do not involve use of physical force; and
- provides a definition of “specialized resources, motor vehicles, or equipment” specifically designed for use by law enforcement or in security or guard services, and also lists exemptions, such as uniforms that are not marked with the term “security” or “guard,” and items other than firearms that may be used for security or guard services without modification.

Amends 58-63-102, 58-63-304

Effective May 2, 2005  Chapter 307, Laws of Utah 2005
SB 72  Child Welfare Amendments (Dan R. Eastman)

This bill amends provisions of the Human Services Code, the Judicial Code, and provisions relating to child welfare.

This bill:
- replaces the term "treatment plan" with the term "child and family plan";
- clarifies access to certain protected and confidential records;
- provides that the inability to identify or locate an alleged perpetrator of child abuse may not be used by the division as a basis for determining that a report is unsupported;
- provides that a child and family plan may only include requirements that:
  - address findings made by the court; or
  - are requested or approved by a parent or guardian of the child, and are agreed to by the division and the guardian ad litem;
- addresses the circumstances under which parent-time may be denied; and
- makes technical changes.

Amends 53B-8d-102, 62A-4a-116, 62A-4a-202.3, 62A-4a-203.5, 62A-4a-205, 78-3a-311, 78-3a-311.5, 78-3a-312, 78-3a-313.5, 78-3a-407, 78-3a-912

Effective May 2, 2005  Chapter 286, Laws of Utah 2005

SB 73  Tampering with Evidence (D. Chris Buttars)

This bill amends the Criminal Code to include as a criminal offense tampering with evidence with the intent to prevent an official proceeding.

This bill:
- amends the current law regarding tampering with evidence to include as an offense the act of tampering with evidence with the intent to prevent an official proceeding, which is in addition to the current law that prohibits tampering with evidence after a proceeding or investigation has begun.

Amends 76-8-510.5

Effective May 2, 2005  Chapter 41, Laws of Utah 2005

SB 74  Medical Reserve Corps (Lyle W. Hillyard)

This bill authorizes the local departments of health to create and activate a medical reserve corps during times of an emergency or national disaster.

This bill:
- authorizes the local department of health to organize, activate, and supervise a medical reserve corps during a time of declared public health emergency or disaster;
- amends the Occupational and Professional Practices Act to permit retired health care professionals to serve in a medical reserve corps during a time of disaster or emergency; and
- clarifies that the Good Samaritan laws apply to health care professionals who volunteer during a declared emergency or disaster.

Amends 58-1-307, 58-13-2; Enacts 26A-1-126

Effective May 2, 2005  Chapter 153, Laws of Utah 2005
SB 76  Amendments to Navajo Trust Fund  (Beverly Ann Evans)

This bill modifies provisions related to the Navajo Trust Fund chapter.

This bill:
  ▶  extends the sunset date for the Navajo Trust Fund chapter;
  ▶  allows the board of trustees to meet every other month; and
  ▶  makes technical changes.

Amends 63-55-263, 63-88-103

Effective May 2, 2005  Chapter 258, Laws of Utah 2005

SB 78  Optional Forms of County Government Amendment  (David L. Thomas)

This bill modifies a provision relating to the expanded county commission form of government.

This bill:
  ▶  eliminates a conflict with another provision by eliminating the requirement that county commission members in an expanded county commission form of government be elected at large.

Amends 17-52-502

Effective May 2, 2005  Chapter 42, Laws of Utah 2005

SB 79  Extension of Sunset Date on Resource Development Coordinating Committee  
(Beverly Ann Evans)

This bill extends the sunset date for the Resource Development Coordinating Committee.

This bill:
  ▶  extends the sunset date on the Resource Development Coordinating Committee through July 1, 2015.

Amends 63-55-263

Effective May 2, 2005  Chapter 259, Laws of Utah 2005

SB 80  Special Service Districts - Service Expansion  (Mike Dmitrich)

This bill amends special service district provisions.

This bill:
  ▶  adds certain economic development activities using federal mineral lease funds as one of the services that special service districts are authorized to provide; and
  ▶  prohibits counties and municipalities from levying a property tax for a special service district that provides economic development service.

Amends 17A-2-1304, 17A-2-1322

Effective May 2, 2005  Chapter 260, Laws of Utah 2005
SB 81  Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal
(Beverly Ann Evans)

This bill modifies provisions of the Solid and Hazardous Waste Act.

This bill:

- clarifies that local government approval of a commercial nonhazardous solid or hazardous waste treatment or disposal facility is required before obtaining legislative and gubernatorial approval.

Amends 19-6-108

Effective May 2, 2005  Chapter 43, Laws of Utah 2005

SB 83  Medical Decisions of a Parent or Guardian (David L. Thomas)

This bill modifies provisions of Child and Family Services, the Utah Criminal Code, and the Judicial Code regarding child abuse and neglect. This bill also modifies the Judicial Code regarding malpractice actions against health care providers.

This bill:

- modifies provisions of Child and Family Services to provide that:
  - a health care decision made by a child’s parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
  - a parent or guardian has the right to a second health care opinion;

- modifies the Licensing Information System portion of Child and Family Services to provide that:
  - a health care decision made by a child’s parent or guardian does not constitute severe child abuse or neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
  - a parent or guardian retains the right to a second health care opinion;

- provides that a parent or guardian is not guilty of child abuse for selecting a treatment option for the medical condition of the parent’s or guardian’s child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child;

- provides that a parent or guardian is not guilty of abuse or neglect of a disabled child for selecting a treatment option for the medical condition of the parent’s or guardian’s disabled child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child;

- modifies the definition of a neglected child under the Juvenile Court Act of 1996 to provide that a health care decision made by a child’s parent or guardian does not constitute neglect unless the state or other party to the proceeding can show, by clear and convincing evidence, that the decision was not reasonable and informed;

- modifies the Juvenile Court Act of 1996 to provide that a parent or guardian has the right to a second health care opinion;

- modifies the Termination of Parental Rights Act to provide that:
  - a health care decision made by a child’s parent does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
  - a parent has the right to a second health care opinion;

- modifies the Judicial Code to provide that a malpractice action may not be brought against a health care provider on the basis of the consequences resulting from the refusal of a child’s
parent or guardian to consent to health care recommended by the health care provider when the parent or guardian is provided with sufficient information to make an informed decision and the consent of the parent or guardian is required by law; 
- clarifies the scope of the malpractice action provision contained in this bill; 
- enacts an uncodified expression of legislative intent; and 
- makes technical changes.

Amends 62A-4a-101, 62A-4a-116.1, 62A-4a-116.4, 76-5-109, 76-5-110, 78-3a-103, 78-3a-408; Enacts 78-14-5.5

Effective May 2, 2005

SB 86 2004 General Obligation Bond Amendments (Peter C. Knudson)

This bill eliminates a project authorized by the Legislature to be built or purchased from the proceeds of the 2004 General Obligation Bond.

This bill:
- removes the monies earmarked in the 2004 General Obligation Bond Authorization for the Oxbow Jail purchase.

Amends 63B-13-101

Effective May 2, 2005

SB 88 Creation of Local Districts (Carlene M. Walker)

This bill modifies a provision related to the creation of local districts.

This bill:
- extends the prohibition on initiating the process to create a local district until May 5, 2008.

Amends 17B-2-217

Effective May 2, 2005

SB 90 County Officers Serving on Boards of County Mental Health and Substance Abuse Providers (David L. Thomas)

This bill modifies provisions related to public officers ethics and county officers disclosures.

This bill:
- makes an exception to certain public officers ethics provisions and county officers disclosure provisions for county legislative body members who also serve on the governing body of a provider of county mental health and substance abuse services, if the county legislative body member does not participate in the process of selecting the provider.

Amends 17-16a-4, 67-16-4

Effective May 2, 2005
SB 91  Interstate Juvenile Compact (Lyle W. Hillyard)

This bill enacts the Interstate Compact for Juveniles.

This bill:
► repeals and reenacts the Interstate Compact for Juveniles;
► establishes a compact operating authority to administer ongoing compact activity;
► provides for gubernatorial appointment of representatives on a national governing commission;
► provides rulemaking authority to the governing commission;
► provides for the collection of standardized information and information sharing systems;
► creates sanctions to support essential compact operations;
► allows for the coordination and cooperation with other interstate compacts; and
► provides for an effective date upon enactment by 35 states.

Enacts 55-12-100, 55-12-101, 55-12-102, 55-12-103, 55-12-104, 55-12-105, 55-12-106, 55-12-107, 55-12-108, 55-12-109, 55-12-110, 55-12-111, 55-12-112, 55-12-113; Renumber and Amends 55-12-2 to 55-12-114, 55-12-3 to 55-12-115, 55-12-4 to 55-12-116, 55-12-5 to 55-12-117, 55-12-6 to 55-12-118; Repeals 55-12-1

Effective May 2, 2005  Chapter 155, Laws of Utah 2005

SB 93  Children’s Justice Center Addition (Thomas V. Hatch)

This bill adds Iron County to the list of counties with Children’s Justice Centers.

This bill:
► adds Iron County to the list of Children’s Justice Centers sites.

This bill appropriates:
► as an ongoing appropriation subject to future budget constraints, $127,500 from the General Fund for fiscal year 2005-06 to the Office of the Attorney General for Children’s Justice Centers to replace lapsing federal grant funding.

Amends 67-5b-102

Effective May 2, 2005  Chapter 186, Laws of Utah 2005

SB 94  Restitution Amendments (Gregory S. Bell)

This bill makes changes regarding the Board of Pardons and Parole’s responsibility concerning inmate restitution.

This bill:
► clarifies the definition of “pecuniary damages”;
► requires that the convicting court order restitution, if feasible, at the time of sentencing or within one year of sentencing; and
► provides that the Board of Pardons and Parole may determine restitution for an inmate if the convicting court has not.

Amends 77-27-5, 77-27-6, 77-38a-102, 77-38a-203, 77-38a-302

Effective May 2, 2005  Chapter 96, Laws of Utah 2005
SB 95  **Office of Museum Services Amendments** *(Ron Allen)*

This bill establishes the Utah Museum of Fine Arts as a state general and multicultural art museum and a repository of art and related objects for the people of Utah.

This bill:
- officially confirms the Utah Museum of Fine Arts’ status as a state institution charged with the broad responsibility of collecting and exhibiting, for the educational enrichment of the citizens of this state, art and related objects from around the world from prehistoric times to the present;
- provides duties and responsibilities for the museum; and
- authorizes the University of Utah to receive gifts, contributions, and donations for the museum.

Enacts 53B-17-701, 53B-17-702

Effective May 2, 2005

Chapter 97, Laws of Utah 2005

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SB 96  **Commerce Service Fund Amendments** *(Gregory S. Bell)*

This bill makes a technical correction to language governing transfers from the Commerce Service Fund.

This bill:
- clarifies that monies remaining in the Commerce Service Fund after legislative appropriations are transferred into the General Fund at the end of the fiscal year; and
- makes technical corrections.

Amends 13-1-2

Effective May 2, 2005

Chapter 98, Laws of Utah 2005

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SB 97  **Consolidation of City and County Library** *(Gregory S. Bell)*

This bill modifies a provision related to the consolidation of a city library with a county library.

This bill:
- provides an exception to the requirement that city library trust funds be conveyed to the county library board upon consolidation of the city library with the county library; and
- provides that if conveyance constitutes a violation of the trust agreement, the funds need not be conveyed but may continue to be used as provided in the trust agreement.

Amends 9-7-410

Effective May 2, 2005

Chapter 46, Laws of Utah 2005

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SB 98  **Motor Vehicle Registration and Title Amendments** *(Sheldon L. Killpack)*

This bill modifies the Motor Vehicles Code by amending provisions related to motor vehicle registration and titling.

This bill:
- provides that the signature of an owner, rather than each owner, is required for a vehicle to be registered; and
- makes technical changes.

Amends 41-1a-209, 41-1a-506

Effective May 2, 2005

Chapter 47, Laws of Utah 2005
SB 100  **Access to High Speed Internet At State Capitol Complex** *(Sheldon L. Killpack)*

This bill allows the Capitol Preservation Board to provide wireless Internet access in capitol hill facilities.

This bill:
- modifies the powers of the Capitol Preservation Board to allow it to provide wireless Internet access to the public without a fee in capitol hill facilities; and
- makes technical changes.

This bill provides an immediate effective date.

Amends 63C-9-301

Effective February 15, 2005

Chapter 4, Laws of Utah 2005

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SB 101  **Utah Administrative Rulemaking Act Revision** *(Howard A. Stephenson)*

This bill amends rulemaking terms in the Utah Code to conform with the Administrative Rulemaking Act and clarifies state agency authority to amend and repeal rules. This bill also makes technical corrections.

This bill:
- amends the Utah Code by replacing the word “revoke” with “repeal” in the context of a state agency’s rulemaking authority; and
- clarifies that an agency authorized to make administrative rules is also authorized to amend or repeal those rules.

*The original bill was recommended by the Administrative Rules Review Committee*

Amends 9-2-204, 9-2-1906, 9-2-2007, 9-6-205, 9-7-405, 53C-1-201, 63-46a-4, 63-46a-7, 63-46a-10.5

Effective May 2, 2005

Chapter 48, Laws of Utah 2005

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SB 103  **Liens on Aircraft** *(Thomas V. Hatch)*

This bill modifies lien provisions to enact the Aircraft Lien Act.

This bill:
- addresses notice of lien;
- defines terms;
- addresses relationship to other lien statutes;
- preserves the right to collect on a debt;
- authorizes a lien against an aircraft by a repairman;
- requires that the lien be filed with the Federal Aviation Administration;
- authorizes foreclosure on an aircraft;
- authorizes taking possession of an aircraft;
- authorizes selling an aircraft;
- establishes priority of lien;
- addresses release of lien by posting bond; and
- makes technical changes.


Effective May 2, 2005

Chapter 187, Laws of Utah 2005
SB 104  Judiciary Amendments (Lyle W. Hillyard)

This bill makes clarifying and technical changes to specific statutes.

This bill:
- changes a three-year requirement to two to bring a provision concerning protective orders into line with another statute;
- clarifies credit for good behavior for minors in detention;
- clarifies the process for petitioning the court to confirm an award when the matter is not the subject of current litigation; and
- provides direction to the court for the disposition of property held by the court.

Amends 30-6-4.2, 67-4a-210, 78-3a-109, 78-3a-504, 78-31a-123

Effective May 2, 2005  Chapter 156, Laws of Utah 2005

SB 106  Utah Religious Land Use Act (David L. Thomas)

This bill restricts government entities from applying land use regulations that impose a substantial burden on a person's free exercise of religion.

This bill:
- restricts government entities from applying or enacting land use regulations that impose a substantial burden on a person's free exercise of religion unless certain exemptions apply;
- permits government to impose land use regulations that substantially burden a person's free exercise of religion only where the government can show that the land use regulation is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest;
- authorizes a person to seek injunctive or declaratory relief if government fails to remedy a substantial burden imposed on religious expression by a land use regulation;
- permits a person to use the defense that a government entity's action creates a substantial burden on the free exercise of religion in judicial and administrative hearings;
- requires persons claiming that a land use regulation substantially burdens their free exercise of religion to file a notice of claim with the governmental entity;
- provides government entities with the opportunity to remedy the substantial burden before being subject to injunction or declaratory relief; and
- waives government immunity for cases brought to enforce or obtain remedies for violation of this chapter.

Amends 63-30d-301, 78-12-29; Enacts 63-90b-101, 63-90b-102, 63-90b-201, 63-90b-301, 63-90b-302, 63-90b-401, 63-90b-402, 63-90b-403

Effective May 2, 2005  Chapter 99, Laws of Utah 2005
SB 107  Licensure and Regulation of Programs and Facilities  (Thomas V. Hatch)

This bill amends the licensing provisions of Title 62A, Chapter 2, Licensure of Programs and Facilities, and related provisions.

This bill:
- modifies and enacts defined terms;
- amends the responsibilities and rulemaking duties of the Office of Licensing;
- lists grounds for refusing to renew a license;
- provides requirements for a human services program to obtain approval of educational service and funding plans;
- imposes requirements for licensing and for making rules regarding the licensing of residential treatment programs;
- requires applicants for a license to operate a residential treatment program to provide a description of the program and notice of intent to operate a residential treatment program to the governing body of the city or county where the program intends to operate;
- provides that a local government may request that the office designate a local government employee as a certified local inspector;
- describes the powers of, and restrictions on, a certified local inspector;
- describes the responsibilities of a local government relating to a certified local inspector;
- provides that records received by the Office of Licensing through reports and inspections shall be classified in accordance with the Government Records and Access Management Act;
- provides that Title 62A, Chapter 2, Licensure of Programs and Facilities, does not apply to boarding schools or certain licensed mental health professionals;
- provides that the Office of Licensing may place conditions on licenses;
- lists standards for determining whether to reissue a revoked license;
- provides that a revoked license may not be reissued until at least one year after final notice of the revocation is served;
- provides that a license may be suspended for up to one year;
- provides that full faith and credit be extended to an Indian tribe’s licensure of tribal foster homes;
- permits records to be copied during administrative inspections;
- provides standards for:
  - conducting and reviewing background checks; and
  - granting persons direct access to children and vulnerable adults;
- provides that substance abuse treatment programs that provide services to adults only, are not required to submit identifying information to the Office of Licensing for criminal background checks;
- provides the Department of Human Services with access to records to conduct background checks;
- provides that the Department of Human Services may inform a local government that a certified local inspector applicant is listed in those records;
- provides that a person who is a representative of private residential treatment facilities shall be included on the Board of Child and Family Services; and
- makes technical changes.


Effective May 2, 2005  Chapter 188, Laws of Utah 2005
SB 108  Telecommunications Revisions *(Curtis S. Bramble)*

This bill amends and repeals portions of Title 54, Public Utilities, relevant to pricing and competition by telecommunications corporations.

This bill:
- defines terms;
- exempt specific activities of telecommunications corporations from compliance with rate schedules;
- exempt specific activities of telecommunications corporations from prohibitions on rate or service preferences;
- expands pricing flexibility for certain telecommunications corporations and services;
- addresses the methods of filing price lists;
- eliminates the requirement that a telecommunications corporation petition the Public Service Commission for pricing flexibility;
- requires an incumbent telephone corporation to provide basic residential service throughout its service area;
- requires an incumbent telephone corporation to maintain basic residential service rates at July 1, 2004 levels, except under certain circumstances;
- allows the Public Service Commission to review basic residential service by an incumbent and others;
- allows the Public Service Commission to exempt an incumbent telephone corporation from basic residential service provisions if comparable services exist at comparable prices;
- provides for certain disclosures of competitive contracts;
- allows small incumbent telephone corporations to petition the Public Service Commission for regulation by price, rather than traditional rate of return regulation;
- allows the Public Service Commission to exempt small incumbent telephone corporations from certain pricing provisions under certain circumstances;
- allows the Public Service Commission to adjust rates for telephone corporations not subject to price regulation; and
- makes technical changes.

Amends 54-3-7, 54-3-8, 54-8b-2, 54-8b-2.3, 54-8b-3.3, 54-8b-4.5; Repeals 54-8b-2.4, 54-8b-2.5

Effective May 2, 2005

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SB 110  Medical Device Notification and Liability *(D. Chris Buttars)*

This bill requires a reprocessor of a critical single-use medical device to assume the liability associated with the original manufacturing and the reprocessing of the critical single-use medical device.

This bill:
- amends the Judicial Code to establish that a reprocessor of a critical single-use medical device assumes all liability related to the original manufacturing and reprocessing of the critical single-use medical device.

Enacts 78-11-28

Effective May 2, 2005
SB 114  County and Municipal Zoning Regarding Billboards (Michael G. Waddoups)

This bill modifies county and municipal land use development and management provisions relating to billboards.

This bill:
- prohibits counties and municipalities from allowing a nonconforming billboard to be rebuilt or replaced by anyone other than its owner;
- removes a limitation on the reasons for which counties and municipalities may allow nonconforming billboards to be rebuilt; and
- provides that, under certain circumstances, a county or municipal permit for a billboard remains valid for 180 days after a required state permit is issued.

Amends 10-9-408, 17-27-407

Effective May 2, 2005 Chapter 49, Laws of Utah 2005

SB 115  Permanent Total Disability Amendments (Ed Mayne)

This bill modifies the Workers’ Compensation Act to address permanent total disability provisions.

This bill:
- addresses procedures for when a determination of permanent total disability is final including providing that an order for subsistence and other undisputed benefits can be enforced as a final order; and
- makes technical changes.

Amends 34A-2-413

Effective May 2, 2005 Chapter 261, Laws of Utah 2005

SB 116  Arbitration - Use of Subpoena Authorized (Dan R. Eastman)

This bill authorizes attorneys to issue subpoenas in arbitration cases.

This bill:
- allows attorneys, upon stipulation of the parties, to issue subpoenas for witnesses and evidence in arbitration cases.

Amends 78-31a-118

Effective May 2, 2005 Chapter 100, Laws of Utah 2005

SB 117  Repeal of Utah Tomorrow Strategic Planning Committee (Michael G. Waddoups)

This bill repeals the Utah Tomorrow Strategic Planning Committee.

This bill:
- repeals Section 36-18-1, Utah Tomorrow Strategic Planning Committee.

Repeals 36-18-1

Effective May 2, 2005 Chapter 6, Laws of Utah 2005
SB 118  **Identity Fraud Amendments** *(Carlene M. Walker)*

This bill amends the Criminal Code to include in the offense of identity fraud the unlawful use of information of persons who are deceased.

This bill:
- includes the personal identifying information of persons who are deceased in the statute that prohibits the use of identifying information to commit identity fraud crimes.

Amends 76-6-1102

Effective May 2, 2005  Chapter 101, Laws of Utah 2005

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SB 119  **Rural Medical Residency Training Programs** *(Peter C. Knudson)*

This bill amends the Medical Education Program to create and fund a rural medical residency training program and facilitates identification and tracking of workforce distribution.

This bill:
- defines terms;
- instructs the Medical Education Council to develop a pilot program for rural medical residency training subject to appropriations from the Legislature;
- sunsets the pilot program on July 1, 2015; and
- authorizes the Utah Medical Education Council to access the Division of Workforce Services database to identify changes in medical and health care workforce numbers and distribution.

This bill appropriates:
- as an ongoing appropriation subject to future budget constraints, $300,000 from the General Fund to the Medical Education Council to fund rural residency training programs.

Amends 63-55-263, 63C-8-105; Enacts 63C-8-106

Effective May 2, 2005  Chapter 157, Laws of Utah 2005

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SB 120  **Allocation of Profits from School and Institutional Trust Lands** *(Thomas V. Hatch)*

This bill provides for the allocation of trust lands revenue designated for the benefit of the state’s normal schools.

This bill:
- requires that trust lands revenues distributed for the benefit of the state's normal schools shall be allocated to institutions within the state system of higher education in proportion to the number of bachelor’s degrees awarded by those institutions in the previous fiscal year.

This bill takes effect on July 1, 2005.

Enacts 53C-3-105

Effective July 1, 2005  Chapter 189, Laws of Utah 2005
SB 121  Property Tax Exemption Amendments (Curtis S. Bramble)

This bill amends the Property Tax Act to provide for a proportional property tax for certain property that is eligible for a property tax exemption.

This bill:
▶ defines terms;
▶ provides that, retroactive to January 1, 2004, when property is acquired by a nonprofit entity and used exclusively for religious, charitable, or educational purposes, the nonprofit entity shall only be required to collect and pay a proportional tax based on the amount of time that the property was not owned by the nonprofit entity;
▶ provides that, for property acquired after December 31, 2005, when the property ceases to qualify for an exemption for property owned by a nonprofit entity and used exclusively for religious, charitable, or educational purposes or a government exemption because of a change in the ownership of the property, the new owner shall pay a proportional tax based upon the period of time:
  ▶ beginning on the day that the new owner acquired the property; and
  ▶ ending on the last day of the calendar year during which the new owner acquired the property;
▶ provides that, for property acquired after December 31, 2005, when the property ceases to qualify for an exemption for property owned by a nonprofit entity and used exclusively for religious, charitable, or educational purposes or a government exemption because of a change in ownership of the property, the new owner and previous owner of the property are required to report the acquisition of the property to the county assessor within 30 days from the day that the new owner acquired the property;
▶ modifies the deadlines:
  ▶ for applying for a property tax exemption for property owned by a nonprofit entity that is used exclusively for religious, charitable, or educational purposes;
  ▶ for a county board of equalization to hold a hearing and render a decision on a property tax exemption; and
  ▶ for a county board of equalization to send a copy of the decision described in the previous paragraph to the person that applied for the exemption; and
▶ makes technical changes.

This bill provides an immediate effective date. This bill provides retrospective operation.

Amends 59-2-1101, 59-2-1102

Effective March 8, 2005

Chapter 19, Laws of Utah 2005

SB 122  Resident Tuition Status for Job Corps Students (Gregory S. Bell)

This bill provides resident status for Job Corps students at state institutions of higher education.

This bill:
▶ provides that a Job Corps student is entitled to resident student status if the student:
  ▶ is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and
  ▶ submits verification that the student is a current Job Corps student.

This bill takes effect on July 1, 2005.

Amends 53B-8-102

Effective July 1, 2005

Chapter 262, Laws of Utah 2005
SB 123  Governmental Immunity Act - Technical Amendments  
(Gregory S. Bell)

This bill corrects references to the Governmental Immunity Act of Utah.

This bill:
- changes references from Chapter 30 to Chapter 30d; and
- amends references to sections of the Governmental Immunity Act of Utah.


Effective May 2, 2005

Chapter 102, Laws of Utah 2005

SB 125  Amendments to Individual Income Tax Credit for Special Needs Adoptions  
(Parley G. Hellewell)

This bill modifies the Individual Income Tax Act relating to a tax credit for special needs adoptions.

This bill:
- amends the definition of "child who has a special need";
- requires that an adoption occur in this state for a taxpayer to be eligible for a tax credit; and
- makes technical changes.

This bill has retrospective operation for taxable years beginning on or after January 1, 2005.

Amends 59-10-133

Effective May 2, 2005

Chapter 263, Laws of Utah 2005

SB 126  Medical Benefits Recovery Act Amendments  
(Sheldon L. Killpack)

This bill amends the Medical Benefits Recovery Act within the Utah Health Code.

This bill:
- amends definitions;
- establishes a process for a recipient of state medical benefits to notify and obtain the consent of the Department of Health prior to taking action on a claim against a third party who may be obligated to pay for all or part of those benefits;
- establishes a process for the Department of Health to respond to the recipient’s notice;
- requires the Department of Health to enter into a collection agreement with a recipient’s attorney except in specified circumstances;
- specifies the conditions under which a recipient may proceed with a claim against a third party;
- makes clarifying changes;
- changes the ceiling for attorney’s fees to a fixed rate;
- establishes deadlines for remitting funds assigned to and recoverable by the Department of Health;
- prohibits disbursement of funds from a claim until the Department of Health’s claim has been paid;
- establishes a penalty and liability for noncompliance; and
- makes technical corrections.

Amends 26-19-2, 26-19-5, 26-19-7, 75-7-508

Effective May 2, 2005

Chapter 103, Laws of Utah 2005
SB 127  **Tax, Fee, or Charge Amendments** *(Lyle W. Hillyard)*

This bill modifies the Municipal Telecommunications License Tax Act and the Sales and Use Tax Act relating to taxes, fees, or charges.

This bill:
- addresses the procedures for the State Tax Commission to administer, collect, and enforce certain taxes;
- provides and modifies definitions;
- modifies the transactions that are subject to sales and use taxes;
- provides sales and use tax exemptions for:
  - amounts paid to a purchaser as a rebate from the manufacturer of a new vehicle for purchasing the new vehicle; and
  - sales of certain tangible personal property to persons within the state if that tangible personal property is subsequently shipped outside the state and incorporated pursuant to contract into and becomes a part of real property located outside of this state;
- provides a credit for sales and use taxes relating to certain repossessions of a motor vehicle;
- grants rulemaking authority to the State Tax Commission;
- addresses criminal acts relating to refusing to make a return, making a false or fraudulent return or false statement on a return, evading the payment of a tax, or aiding or abetting an attempt to evade the payment of a tax;
- addresses amnesty relating to a tax, fee, or charge;
- addresses the payment of a monetary allowance to a seller that is registered under the Streamlined Sales and Use Tax Agreement or a certified service provider that is designated to be a seller’s agent;
- addresses the distribution of certain sales and use tax revenues to counties, cities, and towns; and
- makes technical changes.

This bill takes effect on July 1, 2005.

Amends 10-1-405, 59-12-102, 59-12-103 (Effective 07/01/05), 59-12-104, 59-12-117, 59-12-121, 59-12-122, 59-12-205 (Effective 07/01/05), 59-12-1201; Enacts 59-12-104.3

Effective July 1, 2005  Chapter 158, Laws of Utah 2005

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SB 128  **Calculation of Interest on Tax Overpayments** *(Howard A. Stephenson)*

This bill modifies the Revenue and Taxation title relating to the calculation of interest on tax overpayments.

This bill:
- prescribes the calculation of interest on tax overpayments if an amended return is filed; and
- makes technical changes.

Amends 59-1-402

Effective May 2, 2005  Chapter 264, Laws of Utah 2005
SB 129  **Brine Shrimp Royalty Act Amendments** *(Thomas V. Hatch)*

This bill changes the amount of the brine shrimp royalty described in the Brine Shrimp Royalty Act.

This bill:
- defines terms;
- beginning on February 1, 2004, and ending on January 31, 2006, imposes for each tax year a brine shrimp royalty of the lesser of:
  - 3.75 cents multiplied by the total pounds of unprocessed brine shrimp eggs that are harvested in the state during the tax year; or
  - $550,000;
- beginning on February 1, 2006, imposes for each tax year a brine shrimp royalty of 3.75 cents multiplied by the total pounds of unprocessed brine shrimp eggs that are harvested in the state during the tax year;
- describes the royalty amount due from each person that harvests unprocessed brine shrimp eggs in the state; and
- makes technical changes.

This bill provides an immediate effective date. This bill provides retrospective operation.


Effective March 1, 2005

Chapter 16, Laws of Utah 2005

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SB 130  **Retirement for Airport Police** *(Mike Dmitrich)*

This bill modifies the Utah State Retirement and Insurance Benefit Act to amend transfer of service credit provisions.

This bill:
- allows a public safety service employee to elect to remain in the employee’s current retirement system if the employee is employed by an airport police department which elects to cover its public safety service employees under the Public Safety Noncontributory Retirement System; and
- provides certain procedures for the election.

This bill takes effect on July 1, 2005.

Amends 49-14-201, 49-15-201

Effective July 1, 2005

Chapter 265, Laws of Utah 2005

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SB 132  **Health Care Consumer’s Report** *(Allen M. Christensen)*

This bill amends the Utah Health Data Authority Act to require annual reports of comparisons between health care facilities based on certain designated quality, safety, and cost factors.

This bill:
- requires the Health Data Authority to publish reports at least annually that compare and identify health care facilities;
- requires the Health Data Authority to publish the data in a form that is easily accessible to the public; and
- requires the reports comparing health care facilities to be based on several designated factors.

Amends 26-33a-106.5

Effective May 2, 2005

Chapter 266, Laws of Utah 2005
SB 133  Individual Income Tax - Return Filing Requirements (Howard A. Stephenson)

This bill modifies the Individual Income Tax Act relating to the requirement to file a return with the State Tax Commission.

This bill:
- provides that the State Tax Commission may make rules prescribing, for taxable years beginning on or after January 1, 2005, what constitutes filing a return with the State Tax Commission for purposes of the Individual Income Tax Act; and
- makes technical changes.

Amends 59-10-514

Effective May 2, 2005

Chapter 267, Laws of Utah 2005

SB 134  Powersport Vehicle Franchise Act (Dan R. Eastman)

This bill modifies the Powersport Vehicle Franchise Act.

This bill:
- amends provisions relating to the Powersport Vehicle Franchise Advisory Board, including:
  - membership of the board;
  - requirements for the transaction of business by the board; and
  - powers and duties of the board;
- clarifies the powers and duties of the executive director of the Department of Commerce and the advisory board;
- shifts numerous duties from the board to the executive director including:
  - allowing the executive director to issue certain decisions after a recommendation is received from the board; and
  - allowing the executive director to make administrative rules in consultation with the board;
- shifts the responsibility for notifying a franchisor of a protest to the establishment or relocation of a franchise from the board to the department;
- clarifies that the executive director is to comply with procedures for the issuance of formal orders mandated by Section 63-46b-10 in both formal and informal adjudicative proceedings;
- clarifies acceptable methods of communicating certain required notices; and
- makes technical changes.


Effective May 2, 2005

Chapter 268, Laws of Utah 2005
SB 135  Drug Courts Pilot Project *(Lyle W. Hillyard)*

This bill allows for the creation of drug courts in any judicial district, and the creation of a Drug Board Pilot Project in Davis and Weber counties for intensive substance abuse treatment. This bill sets out participant screening criteria, and requires participation by the Board of Pardons and Parole.

This bill:
- allows any judicial district to create a drug court; and
- allows creation of a pilot drug board to oversee intensive substance abuse treatment for parolees under conditions set out by the Board of Pardons and Parole and the Department of Corrections.

Enacts 78-3-32, 78-3-33

Effective May 2, 2005  Chapter 159, Laws of Utah 2005

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SB 137  Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments *(Howard A. Stephenson)*

This bill amends the Tourism, Recreation, Cultural, and Convention Facilities Tax part to address the expenditure of revenues generated by a tax under that part.

This bill:
- requires a county of the first class to expend a certain amount of revenue from the imposition of a tax on certain accommodations and services under the Tourism, Recreation, Cultural, and Convention Facilities Tax part to fund a marketing and ticketing system designed for tourism promotion for ski areas within the county; and
- makes technical changes.

This bill takes effect on July 1, 2005.

Amends 59-12-603

Effective July 1, 2005  Chapter 269, Laws of Utah 2005

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SB 138  Judgment Interest Amendments *(Ed Mayne)*

This bill modifies provisions related to interest.

This bill:
- addresses the interest that can be charged on a judgment related to a deferred deposit loan; and
- makes technical changes.

Amends 15-1-4

Effective May 2, 2005  Chapter 190, Laws of Utah 2005
SB 139  Wage Provisions (Howard A. Stephenson)

This bill modifies provisions related to wages.

This bill:

► prohibits a county, city, or town when contracting for the direct purchase of goods and services from giving a preference to a person who pays that person’s employees a wage that exceeds the federal minimum wage;
► clarifies language related to federally funded projects;
► clarifies that the restrictions apply to any entity created by a city, town, or county;
► repeals a provision that addresses civil liability of a person for the wage obligations of another person with whom the person has contracted; and
► makes technical changes.

Amends 34-40-106; Repeals 34-28-8

Effective May 2, 2005  
Chapter 287, Laws of Utah 2005

SB 141  Military Installation Partnerships (Sheldon L. Killpack)

This bill establishes a program that supports economic development on military installations throughout the state.

This bill:

► provides that the Department of Community and Economic Development, through its executive director, may receive and distribute monies for military installation projects that have a strong probability of increasing the expansion and development of a military installation in the state, thereby providing significant economic benefits to the state;
► provides qualification requirements for the distribution of monies to designated recipients; and
► provides for monitoring of the use of monies distributed under the program and an annual report to legislative committees.

This bill appropriates:

► $5,000,000 for the fiscal year ending June 30, 2005.

This bill provides an immediate effective date.

Enacts 9-2-2301

Effective March 17, 2005  
Chapter 191, Laws of Utah 2005

SB 142  Pharmacy Practice Act Amendments (Peter C. Knudson)

This bill makes technical and clarifying changes to the Pharmacy Practice Act.

This bill:

► clarifies and modifies definitions;
► updates an organization name;
► amends the definition of "unprofessional conduct"; and
► makes technical and clarifying changes.

Amends 58-17b-102, 58-17b-303, 58-17b-304, 58-17b-502, 58-17b-503, 58-17b-609, 58-17b-612; Repeals 58-17a-303, 58-17a-605.1

Effective May 2, 2005  
Chapter 160, Laws of Utah 2005
**SB 144**  **Motor Vehicle Stops At Port-of-entry (Peter C. Knudson)**

This bill modifies the Transportation Code by amending provisions related to motor vehicles stopping at ports-of-entry.

This bill:
- allows the Department of Transportation to issue a temporary port-of-entry by-pass permit if the permit would accommodate highway transportation needs in the proximity of a port-of-entry; and
- makes technical changes.

This bill provides an immediate effective date.

Amends 72-9-502

Effective March 16, 2005  
Chapter 161, Laws of Utah 2005

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**SB 146**  **Avoiding Apprehension Amendment (Michael G. Waddoups)**

This bill establishes a specific offense of failure to stop at the command of a peace officer in situations where the offender is not operating a vehicle.

This bill:
- provides that fleeing a peace officer with the intent to avoid arrest is a class A misdemeanor; and
- clarifies that this offense is a separate offense from the existing offense of an offender’s failure to stop at the command of an officer while the offender is operating a motor vehicle.

Enacts 76-8-305.5

Effective May 2, 2005  
Chapter 288, Laws of Utah 2005

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**SB 149**  **Pete Suazo Athletic Commission Amendments (Ed Mayne)**

This bill amends the provisions of the Pete Suazo Utah Athletic Commission Act.

This bill:
- defines terms;
- amends the statutes governing professional boxing and mixed martial arts contests; and
- makes technical changes.


Effective May 2, 2005  
Chapter 104, Laws of Utah 2005

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**SB 150**  **Food Safety Manager Certification (Darin G. Peterson)**

This bill amends the Health Code related to food service establishment requirements for hazardous foods.

This bill:
- amends the definition of a potentially hazardous food;
- amends the requirement for the management by a full-time food safety manager; and
- amends exemptions to food service establishments.

This bill takes effect on July 1, 2005.

Amends 26-15a-102, 26-15a-104, 26-15a-105

Effective July 1, 2005  
Chapter 192, Laws of Utah 2005
SB 152  **Business License Fees** *(Michael G. Waddoups)*

This bill modifies a provision of the Utah Municipal Code related to business license fees and taxes.

This bill:
- requires municipalities imposing a disproportionate fee or tax on rental housing to conduct a study of municipal services provided to rental housing under certain circumstances; and
- prohibits, under certain circumstances, municipalities from levying and collecting a disproportionate fee or tax on rental housing that exceeds the cost of providing municipal services to the rental housing.

Amends 10-1-203

Effective May 2, 2005  Chapter 193, Laws of Utah 2005

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SB 153  **Tax Reform Task Force** *(Curtis S. Bramble)*

This bill creates the Tax Reform 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 scope of the task force’s study; and
- requires the task force to make reports to the Revenue and Taxation Interim Committee.

This bill appropriates $99,800 from the General Fund for fiscal year 2004-05 only, to fund the task force.

This bill provides an immediate effective date. This bill is repealed on November 30, 2005.

Effective March 17, 2005  Chapter 194, Laws of Utah 2005

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SB 157  **Utah Consumer Credit Code Amendments** *(Peter C. Knudson)*

This bill modifies the Utah Consumer Credit Code.

This bill:
- addresses prepayment fee and rebate of prepaid finance charges;
- addresses delinquency charges;
- deletes language related to minimum charges; and
- makes technical changes.

This bill provides an immediate effective date.

Amends 70C-3-101, 70C-3-103, 70C-4-101

Effective March 16, 2005  Chapter 162, Laws of Utah 2005
SB 158  Dishonored Instrument Amendments *(Peter C. Knudson)*

This bill modifies provisions related to treatment of dishonored instruments.

This bill:
- modifies the exemption from the requirements for collecting on a dishonored instrument; and
- makes technical changes.

This bill provides an immediate effective date.

Amends 7-15-1

Effective March 16, 2005  Chapter 163, Laws of Utah 2005

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SB 159  Assessment Offset for Donations Promoting Occupational Health and Safety *(Ed Mayne)*

This bill provides an offset for an assessment charged a workers’ compensation insurer or self-insured employers.

This bill:
- defines terms;
- provides for an offset against an assessment charged a self-insured employer for qualified donations to an occupational health and safety center;
- provides for an offset against a premium assessment charged a workers’ compensation insurer for qualified donations to an occupational health and safety center;
- provides for allocation of the offset;
- imposes requirements on an occupational health and safety center;
- imposes a sunset date; and
- makes technical changes.

This bill has retrospective operation to January 1, 2005.


Effective May 2, 2005  Chapter 289, Laws of Utah 2005
SB 161  Amendments to the Property Tax Valuation Agency Fund Assessing and Collecting Levy 
(Howard A. Stephenson)

This bill amends provisions of the Property Tax Act relating to the Property Tax Valuation Agency 
Fund and the multicounty assessing and collecting levy from which the fund is derived.

This bill:

▲ reduces the maximum rate of the multicounty assessing and collecting levy that funds the 
Property Tax Valuation Agency Fund from .0003 to .0002;
▲ provides that a county may not receive funds from the Property Tax Valuation Agency Fund 
unless the county levies an additional property tax of at least .0003 per dollar of the taxable 
value of taxable property reported by the county;
▲ provides that the levy of an additional property tax referred to previously is:
  • for the 2005 calendar year, exempt from the notice and hearing requirements of Sections 
59-2-918 and 59-2-919; and 
  • beginning on January 1, 2006, subject to the notice and hearing requirements of 
Sections 59-2-918 and 59-2-919;
▲ places limitations on the amounts that may be:
  • collected from counties for the Property Tax Valuation Agency Fund; and 
  • distributed to counties from the Property Tax Valuation Agency Fund;
▲ provides that a county tax levied to fund legislative or state mandated actions, or judicial or 
administrative orders, may be included on the tax notice with the county assessing and 
collecting levy as part of the countywide aggregate tax rate; and
▲ makes technical changes.


Effective May 2, 2005

Chapter 195, Laws of Utah 2005

SB 163  Capitol Preservation Board Amendments  (Beverly Ann Evans)

This bill modifies the provisions related to the capitol preservation board’s duties, boards, and 
subcommittees.

This bill:

▲ permits the president of the Senate and the speaker of the House to appoint a designee for 
the capitol preservation board to act on their behalf;
▲ provides that the lieutenant governor will serve terms on the capitol preservation board 
concurrently with the governor, the president of the Senate, and the speaker of the House;
▲ provides that members of capitol preservation board subcommittees shall select a 
subcommittee chair at the beginning of each calendar year to serve a one-year term;
▲ requires the capitol preservation board’s budget and operations subcommittee to make 
yearly recommendations to the board concerning the executive director’s performance and 
suggestions for staff;
▲ provides that the capitol preservation board shall make rules to govern the review, 
compensation, and bonus processes for the executive director and staff;
▲ provides the capitol preservation board with responsibility for visitor services on capitol hill, 
including conducting tours, managing a gift shop, and providing communications services; and
▲ modifies the definition of art overseen by the capitol preservation board to include decorative 
paintings and historic light fixtures.

Amends 63C-9-201, 63C-9-202, 63C-9-301, 63C-9-401, 63C-9-402, 63C-9-701

Effective May 2, 2005

Chapter 196, Laws of Utah 2005
SB 164  Individual Income Tax - Tax Credit for Live Organ Donation Expenses *(Karen Hale)*

This bill modifies the Individual Income Tax Act to provide a nonrefundable individual income tax credit.

This bill:
- provides definitions;
- provides a nonrefundable individual income tax credit for live organ donation expenses incurred during the taxable year for which a live organ donation occurs;
- 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, 2005.

Enacts 59-10-134.2

Effective May 2, 2005  Chapter 290, Laws of Utah 2005

SB 167  Penalties for False Driver Licenses and Identification Cards *(Carlene M. Walker)*

This bill modifies the Driver Licensing Act and the Identification Card Act by amending provisions related to false information on or the use of false driver license certificates or identification cards.

This bill:
- provides that it is a class C misdemeanor to:
  - knowingly acquire, use, display, or transfer an item that purports to be an authentic driver license certificate or identification card if the item is not authentic; or
  - alter any information contained on an authentic driver license certificate or identification card so that it no longer represents the information originally displayed;
- provides that it is a class A misdemeanor to:
  - knowingly issue a driver license certificate or identification card with false or fraudulent information;
  - knowingly issue a driver license certificate or identification card to a person younger than 21 years of age if the license or identification card is not distinguished by use of format and printing; or
  - knowingly use, display, or transfer a false or altered driver license certificate or identification card to procure cigarettes, tobacco, or tobacco products;
- provides that a person may not use a false or altered driver license certificate or identification card to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold, or obtain any employment that may not be obtained by a minor;
- provides that it is a third degree felony if a person’s acquisition, use, display, or transfer of a false or altered driver license certificate or identification card:
  - aids or furthers the person’s efforts to fraudulently obtain goods or services; or
  - aids or furthers the person’s efforts to commit a violent felony;
- provides that the Driver License Division may immediately deny, suspend, disqualify, or revoke the license of any person if the division has been notified or has reason to believe the person knowingly acquired, used, displayed, or transferred an item that purports to be an authentic driver license if the item is not authentic; and
- makes technical changes.

Amends 53-3-221, 53-3-229, 53-3-810

Effective May 2, 2005  Chapter 197, Laws of Utah 2005
SB 170  State Tax Commission Collection and Licensing Practices  (Curtis S. Bramble)

This bill modifies the Revenue and Taxation title to address State Tax Commission collection and licensing practices.

This bill:
- provides that certain penalty provisions apply with respect to:
  - a tax under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
  - a tax under Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act; and
  - a tax under Title 59, Chapter 12, Sales and Use Tax Act, except for the tax refund for qualified emergency food agencies;
- requires certain persons to be licensed by the State Tax Commission;
- provides procedures and requirements for licensing by the State Tax Commission;
- addresses bonding requirements for certain persons; and
- makes technical changes.


Effective May 2, 2005  Chapter 198, Laws of Utah 2005

SB 172  Division of Real Estate Amendments  (Michael G. Waddoups)

This bill modifies provisions related to the regulation of the real estate, appraiser, and mortgage industries by the Division of Real Estate.

This bill:
- modifies the Real Estate provisions including:
  - permitting a member of the Real Estate Commission to continue to hold office until a successor is appointed and qualified;
  - allowing the Real Estate Commission to delegate functions to the division related to licensing;
  - addressing changes in information provided to the division;
  - making certain funds nonlapsing;
  - addressing revocation of licenses;
  - modifying grounds for disciplinary action; and
  - addressing disciplinary action and judicial review;
- modifies the Real Estate Appraiser Licensing and Certification Act including:
  - modifying references to registration;
  - amending definition provisions;
  - repealing references to senior appraisers;
  - addressing when licensing and certification is required;
  - modifying the duties of the division including determining fees;
  - providing for trainees;
  - addressing the division providing information;
  - addressing registration of expert witnesses;
amending provisions related to the Real Estate Appraiser Licensing and Certification Board including makeup and duties of the board; 
addressing applying for licensure or certification; 
extective January 1, 2008, modifying the authority and qualifications of a state-licensed appraiser; 
extective January 1, 2008, modifying provisions related to state-certified residential appraisers; 
extective January 1, 2008, modifying provisions related to state-certified general appraisers; 
modifying restrictions on use of terms and provisions related to appraisal reports; 
providing limits on a person acting as a trainee if the person’s license or certification is revoked; 
addressing recordkeeping; and
addressing the duty of the division to provide the public information concerning appraisers;
modifies the Utah Residential Mortgage Practices Act including:
modifying definition provisions; 
addressing fees charged by the division; 
making permissive providing a list of names and mailing addresses of licensees; 
modifying the makeup of and quorum requirement of the Residential Mortgage Regulatory Commission; 
addressing when address information is public; 
addressing use of an assumed business name; 
providing for conversion of registrations to licenses; 
allowing the commission to delegate to the division authority related to licensing including outlining procedures in case of a denial of license; 
addressing post-revocation hearings and ability to apply for a new license; 
providing that certain fees are nonlapsing; 
modifying qualifications for licensure related to criminal history; 
addressing renewal of licensing; 
requiring reporting of changes; 
addressing lending manager licenses; 
addressing prohibited conduct including adding title insurance agent in the list of capacities that a licensee cannot engage in with respect to the same residential mortgage loan transaction; 
clarifying language applicable to disciplinary action and adjudicative proceedings; and 
extending the implementation of the principal lender manager licensing; and 
makes technical changes.

This bill provides an effective date.


Effective May 2, 2005 
Chapter 199, Laws of Utah 2005

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SB 173  Brownfields Revision (L. Alma Mansell)

This bill amends the Environmental Quality Code regarding cleanup of contaminated sites. This bill requires the Department of Environmental Quality (DEQ) to maintain a public list of environmental cleanup sites, including the action taken at those sites. This bill authorizes DEQ to provide written assurance to specified parties such as bona fide purchasers that they will not be held liable for costs of cleanup of contamination of property. This bill requires a release of cost liability for persons who have completed a voluntary cleanup of property and have received a certificate of completion of the cleanup. This bill provides a right of contribution for any party who incurs excess costs under a voluntary agreement. This bill provides for apportionment of cleanup cost liability regarding costs incurred under a voluntary cleanup agreement. This bill creates the Brownfields Fund, to provide grants and loans for brownfield site cleanups.

This bill:

- requires that DEQ keep a public list of sites subject to response action regarding the Hazardous Substances Mitigation Act or the Voluntary Cleanup Program, including completed sites and the suitable use of the property after cleanup;
- authorizes DEQ to provide written assurance regarding real property to bona fide purchasers, contiguous landowners, and innocent landowners ensuring these parties will not be subject to any enforcement or cost recovery for cleanup of the property;
- establishes a release of liability for state law contribution claims against persons who have entered into a voluntary cleanup agreement and have been issued a certificate of completion by DEQ;
- establishes a release of liability for state law contribution claims for new owners and lending institutions issuing loans regarding property subject to voluntary cleanup and regarding which a certificate of completion has been issued by DEQ;
- provides a right of contribution for any party who incurs costs in excess of his liability under a voluntary agreement;
- provides procedures for court action to claim excess costs incurred by a party in carrying out a voluntary cleanup agreement;
- establishes the Brownfields Fund, providing that:
  - federal monies constitute the fund; and
  - procedures for making and repaying loans and giving grants are in accordance with the terms of the federal monies in the fund;
- amends the secured creditors liability exemption to conform with changes in federal law; and
- provides definitions as necessary regarding the provisions of the bill.

Amends 19-1-202, 19-6-302, 19-6-402, 19-8-105, 19-8-113, 19-8-116, 63-65-4; Enacts 19-6-326, 19-8-119, 19-8-120

Effective May 2, 2005

Chapter 200, Laws of Utah 2005

SB 177  Increase Statute of Limitations on Rape (Ed Mayne)

This bill amends the Criminal Code statute of limitations to allow prosecution for rape and other listed sexual offenses within eight years after the offense is committed under specified circumstances.

This bill:

- increases the statute of limitations for rape, object rape, forcible sodomy, forcible sexual abuse, and aggravated sexual assault from four years to eight years if the offense is reported to law enforcement within four years after the offense is committed.

Amends 76-1-302

Effective May 2, 2005

Chapter 270, Laws of Utah 2005
SB 178  Charter School Amendments  (Howard A. Stephenson)

This bill modifies the Utah Charter Schools Act regarding the authorization, oversight, and termination of charter schools.

This bill:

- removes the cap on the number of charter schools that the State Charter School Board may authorize;
- removes a time limitation imposed on the State Charter School Board for approving or denying a charter school application;
- prohibits charter schools from being denied due to certain impacts on public schools;
- allows charter schools to give additional enrollment preferences;
- modifies the content requirements for a charter school’s charter;
- allows a chartering entity to take certain actions if a charter school fails to remedy deficiencies within an established timeline, including:
  - removing a school director or finance officer;
  - removing governing board members;
  - appointing an interim director or mentor to work with the charter school; or
  - terminating the charter school;
- provides for the appeal of a chartering entity’s decision to terminate a charter school to the State Board of Education, and provides that the State Board of Education’s action is final action subject to judicial review;
- allows a private management company to operate a charter school, if the school is terminated during a school year;
- provides that State Board of Education rules governing licensing of administrative and supervisory personnel do not apply to charter schools; and
- makes technical changes.


Effective May 2, 2005  Chapter 291, Laws of Utah 2005

SB 179  Protection of Government Records  (Gregory S. Bell)

This bill addresses the treatment of records including those related to institutions within the state system of higher education.

This bill:

- defines terms;
- addresses what information must be disclosed upon receipt of a written request for a reasonably identifiable record;
- addresses protected records related to an institution within the state system of higher education;
- provides a process for a sponsor of research at an institution within the state system of higher education to file a written claim of business confidentiality including providing certain notice requirements;
- addresses how business confidentiality claims are treated; and
- makes technical changes.

Amends 53B-16-301, 53B-16-302, 53B-16-304, 63-2-103, 63-2-202, 63-2-304, 63-2-308, 63-2-403

Effective May 2, 2005  Chapter 201, Laws of Utah 2005
SB 184  Redevelopment Agency Amendments *(Curtis S. Bramble)*

This bill modifies provisions of the Redevelopment Agencies Act.

This bill:

- prohibits a redevelopment agency from adopting a project area plan for certain redevelopment projects from July 1, 2005 through June 30, 2006 unless a blight study has been commissioned and completed by certain dates;
- eliminates a requirement for approval from affected taxing entities and the taxing entity committee for project area plan amendments that provide for tax increment to be paid for a longer period of time than allowed under the adopted project area plan;
- requires an agency’s finding of blight to be approved by the taxing entity committee;
- shifts the authority to appoint one of the two taxing entity committee representatives in counties of the first class from the county executive to the county legislative body;
- prohibits a redevelopment agency from using eminent domain to acquire property, except when acquiring property from an agency board member or officer;
- modifies a date by which construction of a recreational or cultural facility must begin in order for an agency to be paid additional tax increment for the facility;
- eliminates provisions authorizing additional tax increment to be paid to an agency to pay for a convention center or sports complex, cable television and public telecommunications service, an I-15 interchange, and the relocation of an agriculture related business;
- prohibits an amendment to a project area plan that increases the size of the project area;
- prohibits an amendment to a project area budget that lengthens the time that tax increment is to be paid to an agency;
- prohibits tax increment under a post-June 30, 1993 project area plan from being paid to an agency for more than 25 years, eliminating taxing entity committee consent as a basis for allowing an agency to be paid tax increment for more than 25 years;
- modifies a provision regarding limitations on the applicability of provisions in the Redevelopment Agencies Act;
- eliminates a provision that defines incidental or subordinate development of retail sales to include the development of retail sales of goods from a convention center or sports complex facilities;
- prohibits agencies from receiving or using tax increment during a certain period if the tax increment is attributable to property devoted to the development of retail sales of goods in an economic development or education housing development project area;
- eliminates a provision that allows a city of the first or second class to use tax increment from one project area in another project area to pay for a convention center or sports complex; and
- prohibits an agency from using tax increment to pay for a stadium or arena.

This bill provides an immediate effective date. This bill provides revisor instructions.

Amends 17B-4-102, 17B-4-105, 17B-4-202, 17B-4-206, 17B-4-402, 17B-4-403, 17B-4-407, 17B-4-411, 17B-4-507, 17B-4-601, 17B-4-602, 17B-4-603, 17B-4-604, 17B-4-605, 17B-4-1002, 17B-4-1003, 17B-4-1004, 17B-4-1005, 17B-4-1007, 17B-4-1101; Repeals 17B-4-1102, 17B-4-1103

Effective March 21, 2005  Chapter 292, Laws of Utah 2005
SB 190  County Officer Amendments  *(Curtis S. Bramble)*

This bill modifies a provision relating to the consolidation of county offices.

This bill:

- prohibits the consolidation of the offices of county assessor and county treasurer; and
- requires county legislative bodies to separate those two offices if they are consolidated and to provide notice that the offices will be filled at a general election.

Amends 17-16-3

Effective May 2, 2005  Chapter 202, Laws of Utah 2005

SB 192  High Technology Economic Development Appropriation  *(L. Alma Mansell)*

This bill appropriates monies for recruiting and for purchasing equipment and supplies for a high technology economic development initiative.

This bill:

- appropriates ongoing monies to recruit persons to conduct high technology research and development and makes those appropriations nonlapsing;
- appropriates one-time monies to purchase equipment and supplies for high technology research and development and makes those appropriations nonlapsing;
- appropriates one-time monies to provide for expenses related to the development, planning, and implementation of the high technology research and development initiative and makes those appropriations nonlapsing; and
- directs a review process for the monies appropriated under this bill.

This bill appropriates:

- $3,000,000 one-time from the General Fund in fiscal year 2005 to purchase equipment and supplies for high technology research and development at the University of Utah;
- $350,000 one-time from the General Fund in fiscal year 2005 for expenses related to the development, planning, and implementation of the high technology research and development initiative at the University of Utah;
- $1,600,000 ongoing from the General Fund beginning in fiscal year 2006 to Utah State University for recruiting for high technology research and development; and
- $2,400,000 ongoing from the General Fund beginning in fiscal year 2006 to the University of Utah for recruiting for high technology research and development.

Effective May 2, 2005  Chapter 293, Laws of Utah 2005

SB 194  Sales and Use Tax Exemption for Items Relating to Direct Mail  *(Howard A. Stephenson)*

This bill amends the Sales and Use Tax Act to provide a sales and use tax exemption.

This bill:

- provides a sales and use tax exemption for purchases of items relating to direct mail; and
- makes technical changes.

This bill takes effect on July 1, 2005.

Amends 59-12-104

Effective July 1, 2005  Chapter 203, Laws of Utah 2005
SB 199  Office of Energy - Oversight (Thomas V. Hatch)

This bill eliminates the Utah Energy Office, moves the Clean Fuels Vehicle program and fund from the Department of Natural Resources to the Department of Environmental Quality, and transfers authority for certain federally-related programs and the Renewable Energy Tax Credit to the Utah Geological Survey.

This bill:
- eliminates the Utah Energy Office;
- moves the Clean Fuels Vehicle program and fund from the Department of Natural Resources to the Department of Environmental Quality;
- transfers authority for certain federally-related programs and the Renewable Energy Tax Credit to the Utah Geological Survey; and
- makes technical amendments.

This bill provides an effective date. This bill provides a coordination clause.

Amends 59-7-605, 59-7-614, 59-10-127, 59-10-134, 63-65-2, 63-73-6, 63A-3-205; Renumbers and Amends 63-34-201 to 19-1-401, 63-34-202 to 19-1-402, 63-34-203 to 19-1-403, 63-34-204 to 19-1-404; Repeals 63-34-101

Effective May 15, 2005

Chapter 294, Laws of Utah 2005

SB 206  Nonparticipating Tobacco Manufacturer Amendments (Sheldon L. Killpack)

This bill amends the Cigarette and Tobacco Tax and Licensing Act to enact additional enforcement provisions complimentary to the Master Settlement Agreement.

This bill:
- defines terms;
- creates a certification requirement for participating and nonparticipating tobacco product manufacturers;
- requires the tax commission to create and maintain a directory of manufacturers in compliance with the certification requirements;
- prohibits stamping agents from applying stamps to products not listed as in compliance on the commission’s directory;
- requires nonresident or foreign nonparticipating manufacturers to appoint an agent for service of process in the state;
- requires certain reporting requirements for stamping agents in the state;
- establishes rulemaking authority for the commission;
- provides for license revocation and penalties;
- enacts miscellaneous provisions regarding:
  - phase-in of reporting requirements;
  - disgorgement of profits for violations; and
  - recovery of costs and attorney’s fees by the state;
- creates the Tobacco Control Restricted Account which consists of profits and gains ordered by the court to be deposited into the account for a violation of this part to be used for enforcement of the act; and
- makes technical and conforming amendments.


Effective May 2, 2005

Chapter 204, Laws of Utah 2005
SB 207  **Motor Vehicle Insurance Coverage Amendments** (Dan R. Eastman)

This bill modifies the Insurance Code by amending provisions related to motor vehicle liability coverage.

This bill:

- provides that if a claim is brought by the named insured or other covered persons, the coverage may not be stepped-down because:
  - a permissive user driving a covered motor vehicle is at fault in causing an accident; or
  - the named insured or other certain persons driving a covered motor vehicle are at fault in causing an accident; and
- makes technical changes.

Amends 31A-22-303

Effective May 2, 2005  
Chapter 295, Laws of Utah 2005

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SB 211  **Funding for Convention Facilities** (Michael G. Waddoups)

This bill amends the Sales and Use Tax Act to provide funding for convention facilities.

This bill:

- amends the purposes for which revenues generated by the municipality transient room tax may be used;
- authorizes a county legislative body of a county of the first class to enact a tax on certain accommodations and services including:
  - providing definitions;
  - providing the rates of the tax;
  - providing that the tax may be used for certain purposes relating to convention facilities;
  - addressing the enactment and repeal of the tax;
  - providing for the collection, administration, and enforcement of the tax; and
  - authorizing the State Tax Commission to retain an administrative fee for collecting the tax; and
- makes technical changes.

This bill takes effect on July 1, 2005.

Amends 59-12-352; Enacts 59-12-1601, 59-12-1602, 59-12-1603, 59-12-1604

Effective July 1, 2005  
Chapter 296, Laws of Utah 2005
SB 212  Child Care Investigations  (Parley G. Hellewell)

This bill amends the Utah Child Care Licensing Act and the Government Records Access and Management Act.

This bill:
► provides definitions;
► creates a process for the Department of Health to follow when responding to a complaint about child care;
► limits disclosure of the name of a confidential complainant;
► limits the disclosure of identifying information related to a child care complaint that the department is unable to substantiate;
► specifies the classification of child care investigation records under the Government Records Access and Management Act in the case where the department is unable to substantiate a complaint, and limits the manner in which those records may be disclosed;
► specifies that any record related to a complaint by an anonymous complainant is a protected record and limits the manner in which it may be disclosed; and
► amends the list of items in the Government Records Access and Management Act designated as protected records.

Amends 26-39-109, 63-2-304

Effective May 2, 2005  Chapter 297, Laws of Utah 2005

SB 215  Financial Institutions as Limited Liability Companies  (Lyle W. Hillyard)

This bill modifies the Financial Institutions Act to address limited liability companies.

This bill:
► addresses dissolution of a limited liability company;
► exempts a financial institution formed as a limited liability company from specified provisions of the Utah Revised Limited Liability Company Act under certain circumstances;
► addresses how limited liability companies are treated under the Financial Institutions Act for purposes of transferring a member’s interest;
► addresses what constitutes a "board of directors"; and
► makes technical changes.

This bill provides an immediate effective date.

Amends 7-1-810

Effective March 16, 2005  Chapter 164, Laws of Utah 2005
SB 216 Amendments to Utah Emergency Medical Services Act (Curtis S. Bramble)

This bill amends the Utah Emergency Medical Services System Act to clarify the procurement procedures that must be followed by a political subdivision issuing a request for proposal for emergency 911 ambulance services.

This bill:
- amends definitions;
- clarifies that the procurement process must be based on competitive sealed proposals;
- requires a presubmission conference;
- requires fair treatment of all proposers;
- prohibits certain requirements in the request for proposals;
- requires certain information in the response to requests for proposals;
- clarifies the appeal rights for the selection of a proposer; and
- gives the State Appeals Board jurisdiction to review an appeal of the political subdivision’s selection.

This bill provides an immediate effective date.

Amends 26-8a-405.1, 26-8a-405.2; Enacts 26-8a-405.3

Effective March 17, 2005 Chapter 205, Laws of Utah 2005

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SB 223 Oversight and Enforcement of Work Done on Mobile Homes (Ed Mayne)

This bill modifies the definition of construction trade in the Utah Construction Trades Licensing Act.

This bill:
- includes mobile homes and manufactured homes within the definition of structures referred to in the Utah Construction Trades Licensing Act, thereby giving the Division of Occupational and Professional Licensing oversight of construction trades that construct, alter, remodel, or repair mobile or manufactured homes.

Amends 58-55-102

Effective May 2, 2005 Chapter 206, Laws of Utah 2005
SB 227  Public Safety Driving Privilege and Identification Card Amendments (Curtis S. Bramble)

This bill modifies the Public Safety Code by amending driver license and identification card provisions.

This bill:
- requires the Driver License Division to make rules for acceptable documentation of an applicant’s identity, Utah residency, Utah residence address, proof of legal presence, and proof of citizenship;
- prohibits the Driver License Division from issuing a driver license, driving privilege card, or identification card to a person who is not a Utah resident;
- defines driving privilege card as the evidence of the privilege granted to drive a motor vehicle;
- requires the Driver License Division to:
  - only issue a driving privilege card to a person who did not use a Social Security number to obtain a driving privilege; and
  - distinguish a driving privilege card from a license certificate by:
    - use a format, color, font, or other means to clearly distinguish the driving privilege card from other driver licenses; and
    - clearly display on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION";
- prohibits a governmental entity from accepting a driving privilege card as proof of personal identification;
- repeals, as a substitute for a Social Security number, the use of a temporary identification number (ITIN) issued by the Internal Revenue Service for purposes of obtaining an identification card issued by the Driver License Division;
- provides that a driver license certificate expires on the person’s next birthday after July 1, 2005 if:
  - the driver license was obtained without using a Social Security number; and
  - the driver license certificate or driving privilege card is not distinguished in certain ways by the division;
- provides that a driving privilege card expires on the birth date of the applicant each year;
- provides that an identification card that was obtained without using a Social Security number expires on July 1, 2005; and
- make technical changes.

This bill provides an immediate effective date.

Amends 53-3-104, 53-3-204, 53-3-205, 53-3-207, 53-3-804, 53-3-807

Effective March 8, 2005 Chapter 20, Laws of Utah 2005
SB 239  **Public Lands Policy Coordination** *(Thomas V. Hatch)*

This bill creates the Public Lands Policy Coordinating Office and the Public Lands Policy Coordinating Council.

This bill:
- creates the Public Lands Policy Coordinating Office and the Public Lands Policy Coordinating Council;
- provides for the appointment of an office coordinator to administer the office;
- establishes the duties of the office and coordinator;
- establishes the membership of the council;
- allows the Legislature to appropriate monies from the Constitutional Defense Restricted Account to the office and to the council; and
- provides definitions.

This bill provides an effective date.

Amends 63C-4-103; Enacts 63-38d-601, 63-38d-602, 63-38d-603, 63-38d-604, 63-38d-605

Effective May 15, 2005  Chapter 298, Laws of Utah 2005

SCR 1  **Resolution Encouraging Managed Lanes Study** *(Carlene M. Walker)*

This concurrent resolution of the Legislature and the Governor urges the Utah Department of Transportation and other transportation policymaking bodies to study and use the concept of managed lanes on transportation systems throughout the state.

This resolution:
- recognizes the importance of adopting a comprehensive transportation plan and incorporating new revenue source options in that plan;
- recognizes the concept of managed lanes as an effective way to increase the efficiency of the state’s existing transportation system and provide new revenue source options; and
- urges the Utah Department of Transportation to continue to study and make recommendations to the Legislature and other policymaking bodies throughout the state on managed lane use and implementation within the state.

The original bill was recommended by the Transportation Planning Task Force

Effective March 8, 2005  Laws of Utah 2005
SCR 2  Resolution Approving Class V Landfill (Ron Allen)

This concurrent resolution of the Legislature and the Governor gives approval for the construction and operation of a Class V commercial nonhazardous solid waste landfill in Tooele County known as the Wasatch Regional Solid Waste Landfill.

This resolution:
- provides that the landfill:
  - is to be operated by Wasatch Regional Solid Waste Management Corporation;
  - is to be sited on 2,000 acres owned by the School and Institutional Trust Lands Administration and optioned to Wasatch Regional Solid Waste Management Corporation;
  - is to be located in Tooele County, six miles north of I-80 on County Road 128; and
  - is to receive nonhazardous waste, including municipal waste, industrial waste, construction and demolition waste, and special wastes as enumerated in the operation plan;
- provides that an operation plan for the landfill was approved by the executive secretary of the Solid and Hazardous Waste Control Board; and
- grants approval to the Wasatch Regional Solid Waste Management Corporation and the School and Institutional Trust Lands Administration for the construction and operation of a Class V commercial nonhazardous solid waste landfill.

Effective March 22, 2005  
Laws of Utah 2005

SCR 3  Resolution Honoring Searchers (Lyle W. Hillyard)

This resolution recognizes those who participated in the search for Lori Hacking at the Salt Lake Valley Landfill.

This resolution:
- honors the tireless efforts of public safety and landfill personnel and other volunteers who searched the Salt Lake Valley Solid Waste Facility for Lori Hacking.

Effective March 16, 2005  
Laws of Utah 2005

SCR 4  Resolution Approving Utah Recreational Land Exchange (Beverly Ann Evans)

This concurrent resolution of the Legislature and the Governor supports a proposed exchange of state school and institutional trust lands and mineral interests for federal lands and mineral interests.

This resolution:
- expresses support for a proposed exchange between the state of Utah and the United States government of state school and institutional trust lands and mineral interests for federal lands and mineral interests in Grand and Uintah counties.

Effective February 22, 2005  
Laws of Utah 2005
SCR 5  Resolution Approving Settlement of Lawsuit  *(Peter C. Knudson)*

This concurrent resolution of the Legislature and the Governor gives approval to the Utah Department of Transportation to enter into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

This resolution:

- approves the Utah Department of Transportation entering into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Effective March 16, 2005  
Laws of Utah 2005

SCR 6  Resolution Supporting the Golden Rule Project  *(Fred J. Fife)*

This concurrent resolution of the Legislature and the Governor recognizes the practice and promotion of the Golden Rule.

This resolution:

- recognizes the practice and promotion of the Golden Rule as a commitment for the common good; and
- expresses a shared sense of duty to support and practice the Golden Rule and urges all Utahns to live by it.

Effective March 18, 2005  
Laws of Utah 2005

SCR 8  Concurrent Resolution Approving Class V Landfill  *(Mike Dmitrich)*

This concurrent resolution of the Legislature and the Governor gives approval for the construction and operation of a Class V commercial landfill to receive asbestos-contaminated waste. The landfill is to be known as the Contract Environmental Services Asbestos Landfill and is to be operated by Contract Environmental Services, Inc.

This resolution:

- provides that the landfill is to be located 19 miles north of Aneth, in San Juan County, Utah;  
- provides that the proposed landfill is to accept asbestos-contaminated waste as a Class V landfill; and  
- provides that the landfill permit was approved by the Department of Environmental Quality on February 16, 2005, and will become effective March 1 of this year.

Effective March 22, 2005  
Laws of Utah 2005

SCR 9  Concurrent Resolution Regarding Delta Air Lines  *(Dan R. Eastman)*

This concurrent resolution of the Legislature and the Governor honors Delta Air Lines for its economic impact on the state.

This resolution:

- honors Delta Air Lines for its commitment to Utah and its enormous impact on economic development in the state; and  
- honors Delta Air Lines for helping to make sure that the first impressions of visitors to Utah is positive.

Effective February 25, 2005  
Laws of Utah 2005
SCR 10  **Concurrent Resolution Honoring Utah Foundation** *(L. Alma Mansell)*

This concurrent resolution of the Legislature and the Governor commends Utah Foundation.

This resolution:
> - commends Utah Foundation and its staff for their contribution and influence over the past 60 years on the development of public policies that make Utah a great place to live, work, and do business.

Effective March 17, 2005  
Laws of Utah 2005

SCR 11  **Concurrent Resolution on McGruff House** *(Dan R. Eastman)*

This concurrent resolution of the Legislature and the Governor recognizes the 25th anniversary of the National Citizens’ Crime Prevention Campaign and urges citizen recognition of the anniversary.

This resolution:
> - recognizes the 25th anniversary of the National Citizens’ Crime Prevention Campaign, featuring McGruff the Crime Dog®, and all individuals and organizations involved in the campaign;
> - asks all Utahns to join in the celebration of the 25th anniversary of the National Citizens’ Crime Prevention Campaign and the Utah campaign’s managing organization, Utah Council for Crime Prevention; and
> - urges all Utahns to actively participate in crime prevention programs and other crime prevention initiatives that focus on the protection of children, youth, and families to improve the quality of life for all residents.

Effective March 21, 2005  
Laws of Utah 2005

SJR 1  **Joint Resolution Approving Appointment of Legislative Auditor General** *(John L. Valentine)*

This joint resolution of the Legislature approves the appointment of Mr. John M. Schaff as Legislative Auditor General.

This resolution:
> - appoints John M. Schaff as Legislative Auditor General for a six-year term.

*The original bill was recommended by the Legislative Management Committee*

Effective January 18, 2005  
Laws of Utah 2005

SJR 3  **Resolution Encouraging Mediation** *(Carlene M. Walker)*

This joint resolution of the Legislature urges state and local government entities to use alternative dispute resolution.

This resolution:
> - urges state and local governments, special districts, and their governmental partners to use alternative dispute resolution as a preferred option of preventing and resolving conflicts, reducing litigation costs, and resolving disputes.

Effective February 7, 2005  
Laws of Utah 2005
SJR 4  Joint Rules Resolution - Interim Rules Recodification *(Michael G. Waddoups)*

This resolution recodifies interim rules.

This resolution:

- renumbers and rewrites rules governing interim committees and special committees.

This resolution takes effect immediately.

*The original bill was recommended by the Joint House and Senate Rules Committee*

Enacts IR1-1-101, IR1-1-201, IR1-1-202, IR1-1-203, IR2-1-101, IR2-1-102, IR2-2-101, IR2-2-102, IR3-1-101, IR3-1-102, IR3-1-103, IR3-1-104, IR3-2-101, IR3-2-102, IR3-2-201, IR3-3-101, IR3-3-102, IR3-3-103, IR3-3-201, IR3-4-101, IR3-4-102, IR3-4-201, IR3-4-202, IR3-4-203, IR3-4-204, IR3-4-301, IR3-4-302, IR3-4-303; Repeals IR-1.01, IR-1.02, IR-2.01, IR-2.02, IR-2.03, IR-2.04, IR-2.05, IR-2.06, IR-2.07, IR-2.08, IR-2.09, IR-3.01, IR-3.02, IR-3.03, IR-3.05, IR-4.01, IR-4.02, IR-4.03, IR-4.04, IR-4.05, IR-4.06, IR-4.07, IR-4.08, IR-4.09, IR-4.10, IR-5.01, IR-5.02

Effective January 27, 2005  
Laws of Utah 2005

SJR 5  Resolution Approving Contract for State Capitol Renovation *(L. Alma Mansell)*

This resolution authorizes the Capitol Preservation Board and its executive director to execute contracts governing the entire capitol building project.

This resolution:

- authorizes the Capitol Preservation Board and its executive director to execute contracts with contractors and subcontractors to perform the work required on the entire capitol construction project, even though the amounts due under those contracts will be greater than the amount that the Legislature has appropriated for that particular fiscal year for the project;
- prohibits the Capitol Preservation Board and its executive director from making payments or other expenditures under the contract that are greater than the amount of funds made available by the Legislature for any fiscal year from bond proceeds or appropriations; and
- requires the Capitol Preservation Board and its executive director to make certain reports about project funding and status to the Legislature’s Executive Appropriations Committee.

Effective January 19, 2005  
Laws of Utah 2005

SJR 6  Space Exploration Resolution *(Peter C. Knudson)*

This joint resolution of the Legislature supports renewed exploration of the solar system and full funding of the space exploration provisions of the President’s 2005 budget.

This resolution:

- expresses support for returning humans to the moon and pursuing human exploration of Mars and the solar system;
- supports continued funding of human space flight, Earth Science, and other programs, as well as continued funding of the space-related Shuttle Booster Program; and
- encourages the United States Congress to enact and fully fund the proposed budget for the Space Exploration Program as submitted in the 2005 budget, which will enable the United States and the state of Utah to remain leaders in the exploration and the development of space.

Effective March 1, 2005  
Laws of Utah 2005
SJR 7 Resolution Recognizing Ronald Reagan Day (Peter C. Knudson)

This joint resolution of the Legislature designates February 6, 2005, as "Ronald Reagan Day."

This resolution:
- designates February 6, 2005, as "Ronald Reagan Day" and urges the citizens of Utah to recognize this event and participate fittingly in its observance.

Effective February 7, 2005

Laws of Utah 2005

SJR 8 Joint Rules Resolution - Appearance of Bills (Curtis S. Bramble)

This rules resolution requires that a bill or resolution contain the name of the opposite house sponsor.

This resolution:
- requires that a bill or resolution contain the name of the opposite house sponsor after the bill or resolution has passed third reading in the original house;
- requires the Office of Legislative Research and General Counsel to add the name of the House sponsor to Senate bills on the enrolled bill;
- requires the Office of Legislative Research and General Counsel to add the name of the Senate sponsor to House bills on the enrolled bill;
- establishes the headings "Chief Sponsor," "Senate Sponsor," and "House Sponsor"; and
- makes technical corrections.

This resolution provides an effective date.

Amends JR-4.05, JR-4.06, JR-8.03

Effective February 16, 2005

Laws of Utah 2005

SJR 9 Resolution Recognizing 100 Years of Rotary International (Peter C. Knudson)

This joint resolution of the Legislature designates February 23, 2005, as Rotary Day.

This resolution:
- designates February 23, 2005, as Rotary Day in recognition of Rotary Club International’s 100th Anniversary; and
- recognizes Rotary Club International’s numerous and ongoing contributions to communities throughout Utah, across the nation, and around the world.

Effective February 25, 2005

Laws of Utah 2005

SJR 10 Resolution to Congress Regarding Oil and Gas Drilling and Exploration (Howard A. Stephenson)

This joint resolution urges Congress to address problems in the oil and gas drilling and exploration permit process.

This resolution:
- urges the United States Congress and Utah’s congressional delegation to take legislative measures to address the more than 400 oil and gas leases that have been awarded in Utah by the Bureau of Land Management but not issued due to continuing litigation.

Effective February 16, 2005

Laws of Utah 2005
SJR 13  Joint Resolution Amending Interim Legislative Rules (Michael G. Waddoups)

This bill modifies joint interim rules.

This resolution:
- expands the minimum number of subcommittee members from four to five;
- requires a legislator to obtain approval from the Legislative Expenses Oversight Committee for the legislator’s chamber before qualifying for per diem for attending a committee or subcommittee meeting of which the legislator is not a member;
- modifies requirements governing the treatment of disorderly visitors;
- clarifies and modifies quorum requirements;
- modifies requirements governing sources of legislative procedure;
- clarifies requirements governing division of motions;
- clarifies requirements governing substitute motions;
- clarifies which motions may be amended;
- repeals the requirement governing suspension of the rules; and
- repeals the rule governing motions to hold.

Amends IR1-1-202, IR3-1-102, IR3-1-103, IR3-2-101, IR3-4-201, IR3-4-204; Enacts IR3-4-205; Repeals IR2-1-102, IR3-4-101, IR3-4-102, IR3-4-302

Effective February 9, 2005  Laws of Utah 2005

SJR 14  Joint Resolution on Stroke Awareness (Peter C. Knudson)

This joint resolution of the Legislature urges that public and private entities partner with the Legislature to establish a stroke care system in the state.

This resolution:
- urges that public and private entities work with the Legislature to establish a cohesive statewide system of stroke care in Utah; and
- urges that the stroke care system be designed for all state residents stricken by stroke.

Effective March 2, 2005  Laws of Utah 2005

SJR 15  Joint Resolution Urging Medicaid Reform (Peter C. Knudson)

This joint resolution of the Legislature urges the United States Congress to reject cuts to Medicaid and work with states to institute Medicaid reform.

This resolution:
- urges the United States Congress to reject any budget reduction and budget reconciliation process for fiscal year 2006 related to Medicaid reform that would shift additional costs to the states and to reject any cap on federal Medicaid funding;
- urges the United States Congress to work with state policymakers to enact reforms that will result in Medicaid cost savings for both the states and the Federal Government; and
- urges the United States Congress to establish a benefits program for those who are eligible for both Medicaid and Medicare to be totally funded by Medicare.

Effective March 2, 2005  Laws of Utah 2005
SJR 16  Resolution Urging Comprehensive Cancer Control Plan for the State *(Karen Hale)*

This joint resolution of the Legislature recognizes efforts to formulate a Comprehensive Cancer Control Plan and identify ways to prevent and control cervical cancer.

This resolution:
- recognizes the Department of Health and the Utah Cancer Action Network for taking the lead in formulating the Comprehensive Cancer Control Plan; and
- expresses support for the efforts of the Department of Health and the Utah Cancer Action Network in the identification of ways to prevent and control cervical cancer.

Effective March 2, 2005  Laws of Utah 2005

SJR 17  Resolution Recognizing Huntsman Cancer Institute *(Peter C. Knudson)*

This joint resolution of the Legislature gives state recognition to the Huntsman Cancer Institute.

This resolution:
- recognizes the Huntsman Cancer Institute as the official, comprehensive cancer center of the state of Utah.

Effective March 1, 2005  Laws of Utah 2005

SJR 18  Joint Resolution Approving Consolidation of West Valley and Sandy District Courts *(Peter C. Knudson)*

This joint resolution approves the closure of the West Valley and Sandy District Court locations.

This resolution:
- approves the closure of the West Valley City and Sandy City locations of the Third District Court.

This resolution provides an effective date.

Effective March 2, 2005  Laws of Utah 2005

SJR 19  Resolution Recognizing Granite School District’s 100 Years *(Gene Davis)*

This joint resolution of the Legislature recognizes the centennial of the Granite School District.

This resolution:
- recognizes the Granite School District’s Centennial and the great work that has been done by students, teachers, administrators and support staff of the district’s schools and parents during the past 100 years in the Granite School District; and
- urges students, teachers, administrators, support staff, parents, and other citizens to become acquainted with Granite School District’s heritage and to participate in events held during the year to recognize the centennial.

Effective March 2, 2005  Laws of Utah 2005
SJR 20  Joint Resolution Recognizing Retiring President of Dixie State College *(John W. Hickman)*

This joint resolution of the Legislature extends its deepest appreciation to retiring Dixie State College of Utah President Robert C. Huddleston.

This resolution:

* proclaims gratitude, recognition, and honors the exemplary achievements of President Robert C. Huddleston for his 12 years of service to the students, faculty, and staff of Dixie State College as well as to the Dixie community.

Effective March 2, 2005  

Laws of Utah 2005

SR 1  Senate Resolution Discouraging Participation in Free Trade Area of the Americas *(David L. Thomas)*

This resolution of the Senate urges the United States Congress to oppose entering into a Free Trade Area of the Americas.

This resolution:

* urges the United States Congress to oppose any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA); and
* urges that the United States not enter into the FTAA until the nation has had more experience and greater understanding of the North American Free Trade Agreement and the World Trade Organization.

Effective February 7, 2005  

Laws of Utah 2005
VETOED BILLS - 2005 GENERAL SESSION

H.B. 42  MEDICAL RECOMMENDATIONS FOR CHILDREN  (Rep. Michael T. Morley)

General Description:

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

Highlighted Provisions:

This bill:

► prohibits school personnel from making certain medical recommendations for a minor, including the use of psychotropic drugs;

► prohibits the removal of a minor from parental custody based on a parent's refusal to consent to the administration of psychotropic drugs; and

► prohibits the consideration of a petition for removal of a minor from parental custody based on a parent's refusal to consent to the administration of psychotropic drugs.

Monies Appropriated in this Bill:
None

Other Special Clauses:
None

Governor's Veto Message

Mr. President and Speaker Curtis: March 22, 2005

“This is to inform you that on March 22, 2005, I decided, after careful consideration and study, to veto House Bill 42, MEDICAL RECOMMENDATIONS FOR CHILDREN, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

The reasons for my veto are as follows: First, this bill unnecessarily limits the communication that can take place between parents and teachers regarding a child's behavior. Specifically, it significantly chills (and in many instances prohibits) a teacher from recommending to a parent psychiatric or psychological treatment or evaluation, behavioral health evaluation, or mental health screening and testing. Teachers and administrators are already restricted by state law and the Utah State Board of Education's Administrative Rules from prescribing specific medications or requiring a child to take any specific medication as a condition of school attendance. Accordingly, the restrictions contained in this bill may needlessly hinder open and honest communication between a parent and a teacher concerning a child's behavior and discussion about the right solution for the family, the child, and the school.

Second, because the bill requires that parents or guardians be given the opportunity to review (in advance) any mental health tests that may be administered by school personnel, it would compromise the validity and security of those tests. Moreover, parental consent for many such examinations is already required by Utah Code Ann. § 53A-13-302.

Ultimately, decisions concerning a child's behavior and solutions for any problems should be made by that child's parents or guardians. In making decisions about a child's behavior, however, parents and guardians should have unhindered access to input from teachers.”

Jon M. Huntsman, Jr., Governor
H.B. 279  CLINICAL COUNSELOR - TITLE CHANGE (Lorie D. Fowlke)

General Description:

This bill modifies provisions of the Professional Counselor Licensing Act related to professional counselors and certified professional counselor interns.

Highlighted Provisions:

This bill:

- changes the designation of individuals licensed under the act from licensed professional counselor to licensed clinical counselor and from certified professional counselor intern to certified clinical counselor; and

- makes name conforming changes to the title of the act and the title of the licensing board.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Governor's Veto Message

Mr. President and Speaker Curtis:  March 22, 2005

“This is to inform you that on March 22, 2005, I vetoed House Bill 279, CLINICAL COUNSELOR - TITLE CHANGE, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

House Bill 279 simply changes the title of a Licensed Professional Counselor to a Licensed Clinical Counselor.  The bill has unintended consequences that have been brought to my attention by Representative Lorie D. Fowlke, the sponsor of the bill, and members of the industry that both supported and opposed the bill.

At their request, I have agreed to veto the bill.”

Jon M. Huntsman, Jr., Governor

SB 3  SUPPLEMENTAL APPROPRIATIONS ACT II (Sen. Lyle W. Hillyard)

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, 2005 and ending June 30, 2006 and beginning July 1, 2004 and ending June 30, 2005.

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 2005 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 2006:
- $21,321,000 from the General Fund;
- $645,200 from the Uniform School Fund;
- $2,650,000 from income tax revenue;
- $216,158,800 from various sources as detailed in this bill.

This bill appropriates for fiscal year 2005:
- ($67,403,600) from the General Fund;
- $68,000,000 from income tax revenue;
- $4,584,100 from various sources as detailed in this bill.

Other Special Clauses:
- Section 1 of this bill takes effect on July 1, 2005. Section 2 of this bill takes effect immediately.

Governor's Veto Message

Mr. President and Speaker Curtis: March 22, 2005

"This is to inform you that on March 22, 2005, I vetoed the following items of appropriation in Senate Bill 3, SUPPLEMENTAL APPROPRIATIONS ACT II, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

Item 18 To Attorney General - Children’s Justice Centers
From General Fund 127,500
Schedule of Programs:
Children’s Justice Centers 127,500
To implement the provisions of Children’s Justice Center Addition (Senate Bill 93, 2005 General Session)

This item of appropriation is a duplicate of the appropriation in Senate Bill 93, CHILDREN’S JUSTICE CENTER ADDITION.

Item 164 To Department of Transportation - Construction Management
From Transportation Investment Fund 30,000,000
Schedule of Programs:
State Construction - New 30,000,000
To implement the provisions of Transportation Investment Act (House Bill 18, 2005 General Session)

Item 168 To Department of Transportation - Centennial Highway Program
From Centennial Highway Fund (21,013,000)
From Centennial Highway Fund Restricted Account 170,607,700
Schedule of Programs:
Centennial Highway Program 149,594,700
To implement the provisions of Transportation Investment Act (House Bill 18, 2005 General Session)

These items of appropriation implement the provisions of House Bill 18, TRANSPORTATION INVESTMENT ACT, which did not pass in the 2005 General Session. The Transportation Commission has programmed the $30 million for adding one additional lane in each direction for I-15 in Utah County. The funds were appropriated to the Centennial Highway Fund in House Bill 301, SUPPLEMENTAL APPROPRIATIONS III, and can be used to begin construction on the I-15 project."

Jon M. Huntsman, Jr., Governor
# Utah Code Sections Affected for Bills Passed

## 2005 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 2, 2005 and on the web site - [http://le.utah.gov](http://le.utah.gov).

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| 31A-23-503       | A      | SB 40       |                  | 107         | 31A-23-503       | A      | SB 40       |                  | 107         |            |
| 31A-26-203       | A      | SB 40       |                  | 107         | 31A-26-203       | A      | SB 40       |                  | 107         |            |
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A=Amended  E=Enacted  R=Repealed  X=Repealed and Reenacted  N=Renumbered and Amended
INTRODUCED LEGISLATION
2005 GENERAL SESSION

HB 1  Annual Appropriations Act (Ron Bigelow) .................................................. Passed
HB 3  Minimum School Program Act Amendments (Gordon E. Snow) ......................... Passed
HB 4  Divorce Mediation Program (Ben C. Ferry) .................................................. Passed
HB 5  Person with a Disability Motorcycle Parking (Todd E. Kiser) ............................ Passed
HB 6  Master Highway Designation Amendments (Joseph G. Murray) ...................... Passed
HB 7  Individual Income Tax - Contributions for Education (Sheryl L. Allen) ............... Passed
HB 8  Child Protection Team Meetings (Aaron Tilton) ............................................ Passed
HB 9  Sales and Use Tax - Agricultural Exemption Vehicle Limitation (Ronda Rudd Menlove) . Passed
HB 10 Employment Security Act Amendments (David N. Cox) ............................... Passed
HB 11 Economic Development Incentives (Brad L. Dee) ....................................... Passed
HB 12 Health Care Assistants (Rebecca D. Lockhart) .......................................... Passed
HB 13 Occupational and Professional Licensing Sunset Amendment (Rebecca D. Lockhart) . Passed
HB 14 Bond Election Process Amendments (Fred R. Hunsaker) ............................. Passed
HB 15 Repeal of State Debt Collection Advisory Board (Douglas C. Aagard) ........... Passed
HB 16 Repeal of Vehicle Equipment Safety Commission (Neal B. Hendrickson) ........ Passed
HB 17 Motion Picture Incentive Fund (Sheryl L. Allen) ......................................... Passed
HB 18 Transportation Investment Act (Rebecca D. Lockhart) ................................ Passed
HB 19 Procurement Code Renumbering (Ron Bigelow) ......................................... Passed
HB 20 Calling Local Special Elections for Sales and Use Tax Purposes (Stephen D. Clark) . Passed
HB 21 Automobile Crime Prevention (Paul Ray) .................................................. Failed
HB 22 Intercountry Adoption Accreditation (Rosalind J. McGee) .............................. Passed
HB 23 Department of Workforce Services - Work Experience and Training Programs (David N. Cox) . Passed
HB 24 Traffic Code Amendments (James A. Dunnigan) ........................................ Passed
HB 25 Direct-entry Midwife Act (Jackie Biskupski) ............................................. Passed
HB 26 Conveyances of Property (J. Stuart Adams) ............................................. Passed
HB 27 Health Insurance Fair Marketing Standards (Steven R. Mascaro) ..................... Failed
HB 28 Juvenile Justice Recodification and Revisions (Douglas C. Aagard) ................. Passed
HB 29 State Engineer's Powers and Duties Amendments (David Clark) .................... Passed
HB 30 Consumer Sales Practices Act Amendments (Todd E. Kiser) ......................... Passed
HB 31 Vision Care for Medicaid Recipient (Steven R. Mascaro) ............................... Failed
HB 32 Dental Services for Adults on Medicaid (Steven R. Mascaro) ........................ Failed
HB 33 Assistance for People with Bleeding Disorders (David Litvack) ....................... Passed
HB 34 Emergency Related Amendments (Sheryl L. Allen) .................................. Passed
HB 35 Telecommunications Amendments (Stephen H. Urquhart) .......................... Failed
HB 36 Charter School Construction Amendments (James A. Ferrin) ......................... Passed
HB 37 Administrative Rules Reauthorization (David Ure) .................................... Passed
HB 38 Water Law - Criminal Penalties Amendments (Ben C. Ferry) ......................... Passed
HB 39 Tuition Tax Credits (James A. Ferrin) ..................................................... Failed
HB 40 Sunset of Township Provision (M. Susan Lawrence) ................................ Passed
HB 41 Special District for Police Services (Ross I. Romero) .................................. Failed
HB 42 Medical Recommendations for Children (Michael T. Morley) ....................... Vetoed
HB 43  School Land Trust Program Funding Amendments (Stephen H. Urquhart) ..................  Passed
HB 44  Additional State Retirement Benefit (LaWanna Lou Shurtliff) ..............................  Failed
HB 45  Property Affected by Access Interruption (Gregory H. Hughes) ............................  Passed
HB 46  Public Education Capital Outlay Act Amendments (David N. Cox) ..........................  Failed
HB 47  New Automobile Franchise Act Amendments (Stephen H. Urquhart) ........................  Passed
HB 48  Motor Vehicle Registration and Safety Inspection Amendments (Bradley M. Daw) ....  Failed
HB 49  Bicycle Safety Provisions (Rosalind J. McGee) ...................................................  Passed
HB 50  Criminal Penalty Amendment (David Litvack) .....................................................  Failed
HB 51  Electronic Payments to Local Government Entities (Joseph G. Murray) ..................  Passed
HB 52  Fire Prevention Amendments (Joseph G. Murray) ................................................  Passed
HB 53  Tax Treatment of Personal Property (LaWanna Lou Shurtliff) ................................  Passed
HB 54  Criminal Appeal Amendments (Scott L Wyatt) ...................................................  Passed
HB 55  Drug Offense Penalty Enhancements (Brad L. Dee) ..............................................  Passed
HB 56  Divorce Task Force (Peggy Wallace) .................................................................  Failed
HB 57  Tourism Task Force (David Ure) ...........................................................................  Passed
HB 58  Government Efficiency and Effectiveness Review Committee (Peggy Wallace) ........  Failed
HB 59  Domestic Violence Enhancement (Carol Spackman Moss) ....................................  Passed
HB 60  Insurance Licensing Amendments (James A. Dunnigan) .......................................  Passed
HB 61  State School Board Elections and Filling of Vacancies (James A. Ferrin) ...............  Failed
HB 62  Amendments to Intermediate Care Facilities for Mentally Retarded (Rebecca D. Lockhart) ..........................  Passed
HB 63  School District Amendments (David N. Cox) .......................................................  Failed
HB 64  Criminal Background Checks for Personal Care Attendants (Fred R. Hunsaker) ........  Passed
HB 65  Driver License and Commercial Driver License Amendments (DeMar Bud Bowman)  ....................  Passed
HB 66  Naturopathic Physician Amendments (James A. Ferrin) ......................................  Passed
HB 67  Abandoned Vehicles Amendments (James R. Gowans) .......................................  Passed
HB 68  Motor Vehicle Enforcement Division Amendments (Paul Ray) ............................  Passed
HB 69  Federal Health Care Tax Credit Program Act (Curtis Oda) ....................................  Passed
HB 70  Health Discount Program Consumer Protection Act (James A. Dunnigan) .............  Passed
HB 71  Licensing of Estheticians and Nail Technicians (Julie Fisher) ...............................  Passed
HB 72  School Curriculum Amendments (Carol Spackman Moss) ....................................  Failed
HB 73  Local Referendum Requirements (David L. Hogue) ............................................  Failed
HB 74  Tuition Program for Students Seeking Teacher Licensure in Disability or Special Education (Ronda Rudd Menlove) ..........................  Passed
HB 75  Government Records Access and Management Task Force (Douglas C. Aagard) ....  Passed
HB 76  Habitual Violent Offenders Amendments (Paul Ray) ..........................................  Passed
HB 77  Provisions for Emancipation of a Minor (Rosalind J. McGee) ...............................  Failed
HB 78  Corporate Franchise and Income Tax Amendments (Wayne A. Harper) ...............  Passed
HB 79  Provision of Services for People with Disabilities (Rebecca D. Lockhart) ...............  Passed
HB 80  Services for People with Disabilities (Rebecca D. Lockhart) ...............................  Passed
HB 81  Workers’ Compensation Coverage of Fire Department Employees (Joseph G. Murray)  ..........  Failed
HB 82  Contractors Bonds and Letters of Credit (Stephen D. Clark) ...............................  Failed
HB 83  Weights and Measures Amendments (David Ure) ...............................................  Passed
HB 84  Reading Requirements for Student Advancement (Karen W. Morgan) ..................  Failed
HB 85  Health Insurance High Risk Pool - Eligibility Amendments (David Litvack) .........  Failed
HB 86  Utah College of Applied Technology Amendments (Ron Bigelow) ......................  Passed

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HB 87  Claims Against a County (Stephen D. Clark) .......................... Passed
HB 88  Air Conditioned Buses for Students with Disabilities (David L. Hogue) ....................... Failed
HB 89  Presumption of Responsibility for Abuse or Neglect (LaVar Christensen) ................. Failed
HB 90  Search and Rescue Advisory Board - Amendments (J. Stuart Adams) ....................... Passed
HB 91  License Plate for Disabled Veterans (Ron Bigelow) ........................................ Passed
HB 92  Safety Belt Law Requirement Amendments (Michael E. Noel) ................................. Failed
HB 93  Emission Inspection Amendments (Kerry W. Gibson) ......................................... Passed
HB 94  Youth Corrections Amendments (Carol Spackman Moss) .................................. Failed
HB 95  Sex Offender Registration Amendments (M. Susan Lawrence) ............................ Failed
HB 96  Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels (Fred R. Hunsaker) ......................... Passed
HB 97  State Budget Provisions (Greg J. Curtis) ................................................. Failed
HB 98  Offenses Committed Against Correctional and Peace Officers (Curtis Oda) ............... Passed
HB 99  State Fleet Vehicle Classification (Eric K. Hutchings) .................................. Failed
HB 100 Consumer Credit Bureau Notice Requirements (Karen W. Morgan) ......................... Failed
HB 101 Amendments to the Individual Income Tax (Wayne A. Harper) ............................ Failed
HB 102 Higher Education Savings Incentive Program Amendments (Scott L Wyatt) ............... Passed
HB 103 Student Housing Built by Higher Education Institutions (Stephen D. Clark) .......... Passed
HB 104 Spyware Control Act Revisions (Stephen H. Urguhart) .................................. Passed
HB 105 Construction Filing Amendments (Michael T. Morley) .................................. Passed
HB 106 Regulation of Noncompete Agreements in Medical Practices (Rosalind J. McGee) .......... Failed
HB 107 Amendments to Taxes, Fees, or Charges (Wayne A. Harper) ............................... Passed
HB 108 Telecommunications Taxation (Greg J. Curtis) ....................................... Failed
HB 109 Information Technology Governance Amendments (David Clark) ....................... Passed
HB 110 Emergency Administration of Epinephrine (Todd E. Kiser) ................................ Passed
HB 111 Licensing of Child Care Centers - Oversight and Regulation (D. Gregg Buxton) ........ Failed
HB 112 Background Checks in County Government (Brad L. Dee) .................................. Failed
HB 113 Government Boundary Changes (Kory M. Holdaway) .................................. Passed
HB 114 Children's Health Care Coverage Amendments (David L. Hogue) ......................... Passed
HB 115 Utah Child Abuse Prevention Board (Paul Ray) ........................................... Failed
HB 116 Private Activity Bond Amendments (David Clark) ......................................... Passed
HB 117 Revisions to State Government (Ben C. Ferry) ........................................... Failed
HB 118 Revise Utility Improvement Districts (David Ure) ........................................... Failed
HB 119 Navajo Trust Fund Amendments (Brad King) ........................................... Failed
HB 120 Crime of Soliciting Sex from a Child (Lorie D. Fowlke) .................................... Failed
HB 121 Property Exempt from Execution (James A. Dunnigan) ................................ Passed
HB 122 Bail Bond Amendments (Kerry W. Gibson) ................................................失败
HB 123 Restrictions of Advertising Illegal Activities (Scott L Wyatt) ................................. Failed
HB 124 Enrollment Growth Program Amendments (Bradley G. Last) ............................ Passed
HB 125 Small Business Economic Stimulus (Craig A. Frank) .................................. Failed
HB 126 Amendments to Facilities with Regional Impact (Gregory H. Hughes) ................. Failed
HB 127 Offer of Settlement Provisions (LaVar Christensen) ......................................... Failed
HB 128 Compensation of Executive Officers (LaVar Christensen) ................................. Passed
HB 129 School Uniforms (Craig A. Frank) .......................................................... Failed
HB 130 Income Tax Subtraction for Specialized Immigrant Services (Aaron Tilton) ................. Failed
HB 131 Access to Health Care Facilities and Places of Worship (Douglas C. Aagard) .......... Failed
HB 132  Internet Crimes Against Children (Tim M. Cosgrove) ........................................... Passed
HB 133  Mobile Home Park - Notice of Sale of Underlying Property (Mark A. Wheatley) ............... Failed
HB 134  Public Safety Officers - Critical Incident Shooting Provisions (Paul Ray) .............................. Failed
HB 135  Implementing Federal Educational Programs (Margaret Dayton) .................................... Failed
HB 136  Charter School Enrollment (James A. Ferrin) ............................................................ Passed
HB 137  Repeal of Prior Amendments to the Voluntary Contributions Act (Neil A. Hansen) ............... Failed
HB 138  Nonresident Tuition for Higher Education Amendments (M. Susan Lawrence) ................. Passed
HB 139  Local School Board Amendments (Margaret Dayton) .................................................. Passed
HB 140  Individual Income Tax Contribution for Community Spay and Neuter Programs (Michael E. Noel) ....................................................................................... Failed
HB 141  School Breakfast Program (David Litvack) ........................................................................ Failed
HB 142  Issues Submitted to Voters (Gregory H. Hughes) ............................................................ Passed
HB 143  National Guard Amendments (Eric K. Hutchings) .......................................................... Passed
HB 144  Ban on Gifts to Elected Officials (Ralph Becker) ............................................................ Failed
HB 145  Amendments to Hearing and Speech Impaired Telecommunications Program (Brent H. Goodfellow) ............................................................................................... Passed
HB 146  Vaccine Restrictions (Eric K. Hutchings) .......................................................................... Failed
HB 147  Property Tax Exemption for Veterans (Gregory H. Hughes) .............................................. Passed
HB 148  School Truancy Amendments (Eric K. Hutchings) .......................................................... Failed
HB 149  Vehicle Identification Number Inspectors (Craig A. Frank) .............................................. Passed
HB 150  Water Rights Fees (James R. Gowans) .............................................................................. Passed
HB 151  School Community Councils (John Dougall) .................................................................... Failed
HB 152  County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act (Craig W. Buttars) ................................................................. Failed
HB 153  Security for Public Schools (Sheryl L. Allen) .................................................................... Failed
HB 154  School and Institutional Trust Lands Amendments (Eric K. Hutchings) ......................... Passed
HB 155  Agricultural Coop Amendments (Craig W. Buttars) ......................................................... Passed
HB 156  Dairy Promotion Act Amendments (David Ure) ............................................................... Passed
HB 157  Water Enforcement Procedures and Penalties (David Ure) ............................................. Passed
HB 158  Election Requirements for County Candidates (Ross I. Romero) ..................................... Passed
HB 159  Motor Assisted Scooter and Mini-motorcycle Amendments (Brad L. Dee) ....................... Passed
HB 160  Wildlife License Agents Amendments (Julie Fisher) ...................................................... Passed
HB 161  Injury Reporting Requirement Amendments (Joseph G. Murray) .................................... Failed
HB 162  Municipal Abatement of Weeds and Other Neglected Items on Property (Michael T. Morley) ............................................................................................................ Passed
HB 163  Garnishment Fees (Steven R. Mascaro) ............................................................................ Failed
HB 164  Repeal of Utah Personal Introduction Services Protection Act (Sheryl L. Allen) ............... Passed
HB 165  Utah Commission on Aging (Patricia W. Jones) .............................................................. Passed
HB 166  Utah Indoor Clean Air Act Amendments (Paul Ray) ....................................................... Failed
HB 167  Elder Protection Provisions (Patricia W. Jones) ............................................................... Failed
HB 168  Cooperative Wildlife Management Unit Amendments (James R. Gowans) .................... Passed
HB 169  Appropriation for School Districts Impacted by Fee Waivers (LaWanna Lou Shurtleff) ...... Failed
HB 170  Extension of Utah Low-income Housing Tax Credits (Stephen D. Clark) ....................... Passed
HB 171  Calculation of Mining Severance Tax on Beryllium (Richard W. Wheeler) ....................... Passed
HB 172  Notary Public Amendments (LaWanna Lou Shurtleff) ..................................................... Failed
HB 173  State Employee Amendments (Ann W. Hardy) ............................................................... Passed
HB 174  Child Protection Registry Amendments (John Dougall) ................................................. Failed
HB 175  Education Achievement Gap Task Force (David Litvack) ........................................... Failed
HB 176  Revisor's Statute (Rebecca D. Lockhart) ................................................................. Passed
HB 177  Wildlife License Refund Amendments (Margaret Dayton) ................................. Passed
HB 178  Mental Health Services Coordinator (David L. Hogue) ........................................... Failed
HB 179  Utah Venture Capital Enhancement Act Amendments (Peggy Wallace) ............... Passed
HB 180  Retirement Office Amendments (Ann W. Hardy) .................................................. Passed
HB 181  Duplicate Wildlife Licensing Amendments (Margaret Dayton) ........................... Passed
HB 182  Historical Livestock Trails (Bradley T. Johnson) ...................................................... Passed
HB 183  Verification of Eligibility for Fee Waivers (Wayne A. Harper) ............................. Passed
HB 184  Crime Victims - Change of Locks on Rental Property (LaWanna Lou Shurtliff) .... Passed
HB 185  Utah Computer Crimes Act Amendments (Bradley M. Daw) ............................... Passed
HB 186  Consumer Protection Amendments (Sheryl L. Allen) ............................................. Passed
HB 187  Capital Outlay Foundation Program - Participation Requirements (James A. Ferrin) Failed
HB 188  Public Education Job Enhancement Program (Bradley T. Johnson) ...................... Passed
HB 189  Applied Technology Program Amendments (James A. Ferrin) ............................ Failed
HB 190  Individual Income Tax - Electronic Filing Requirements (Stephen D. Clark) ....... Passed
HB 191  Captive Insurance Law Amendments (James A. Dunnigan) ................................. Passed
HB 192  Utah High Cost Home Loan Act Amendments (Wayne A. Harper) ...................... Failed
HB 193  Deregulation of General Building Contractors (Gregory H. Hughes) ................. Failed
HB 194  Fair Housing for Domestic Violence Victims and Landlord Protection Act (LaWanna Lou Shurtliff) ................................. Failed
HB 195  Insurance Law Amendments (James A. Dunnigan) .............................................. Passed
HB 196  Legislators Involvement in Public Schools (Duane E. Bourdeaux) .................... Failed
HB 197  Individual Income Tax Amendments (Patricia W. Jones) ........................................ Failed
HB 198  Naturopathic Formulary Peer Committee Amendments (James A. Ferrin) ............ Passed
HB 199  Special Election Dates (David L. Hogue) ............................................................... Failed
HB 200  Insurance Law Revisions (James A. Dunnigan) ...................................................... Passed
HB 201  Life Insurance and Annuities Law Amendments (James A. Dunnigan) ............... Passed
HB 202  Revisions to Child Welfare (Wayne A. Harper) .................................................... Failed
HB 203  Agricultural Advisory Board (Michael E. Noel) ..................................................... Failed
HB 204  Statute of Limitations Amendments (David Clark) ................................................. Failed
HB 205  Deer Hunt Opening Season Date Amendments (Stephen D. Clark) ..................... Failed
HB 206  Charter School Reporting (Carol Spackman Moss) .............................................. Passed
HB 207  Prescriptive Easements Act (Gregory H. Hughes) ................................................. Failed
HB 208  Unclaimed Property Amendments (Paul Ray) ......................................................... Passed
HB 209  Administrative Rules - Impact on Small Businesses (Gregory H. Hughes) ............ Failed
HB 211  Integrity of Election Results Amendments (John Dougall) ................................ Failed
HB 212  Traffic Violations by Diplomats (David L. Hogue) .................................................. Passed
HB 213  Unused Sick Leave At Retirement Amendments (David Clark) ........................... Passed
HB 214  Emerging Technologies and Open Government (David Clark) ............................ Failed
HB 215  Property Tracking Amendments (Paul Ray) .......................................................... Passed
HB 216  Global Positioning Reference Network (Kory M. Holdaway) ............................... Passed
HB 217  Public Safety Retirement - Exemption of Certain Employees (David Clark) .......... Passed
HB 218  Second District Juvenile Judge (J. Stuart Adams) .................................................. Passed

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HB 219  Traffic Enforcement Amendments (Rosalind J. McGee) ....................................... Failed
HB 220  Sales and Use Tax Exemption for Textbooks for Higher Education (Duane E. Bourdeaux) ........................................... Failed
HB 221  Electronic Communication Harassment (John Dougall) ........................................ Passed
HB 222  Pilot Program Repeal Clean-up (Ross I. Romero) ................................................ Passed
HB 223  Amendments to Driver License and Identification Cards (Curtis Oda) ...................... Passed
HB 224  Permanent Community Impact Fund - Board Membership (John G. Mathis) ........... Passed
HB 225  Boat Registration Fee (Brent H. Goodfellow) .................................................. Failed
HB 226  Government Records Access and Management Act Requirements Regarding Animal Identification Program (Craig W. Butters) ........................................... Passed
HB 227  Corporate Franchise and Income Taxes - Exemption for Banks (Wayne A. Harper) .... Passed
HB 228  Removal or Defacement of Political Signs (Gregory H. Hughes) ........................... Failed
HB 229  Water Rights in Irrigation Companies (Patrick Painter) ........................................ Failed
HB 230  Recycling of Waste Tires (David Ure) .......................................................... Failed
HB 231  School District Boundaries (Michael E. Noel) .................................................. Passed
HB 232  Utah Basic Skills Competency Test Alternatives (Paul Ray) .................................. Failed
HB 233  Adoption Law Revisions (Rosalind J. McGee) ................................................ Passed
HB 234  Telephone Surcharge for Education and Training Programs At Prison (Brent H. Goodfellow) ................................................ Passed
HB 235  Insurance Arbitration Amendments (Stephen H. Urquhart) .................................. Passed
HB 236  Health Insurance Law Amendments (James A. Dunnigan) .................................... Passed
HB 237  State Benefit Provider Revisions (Paul Ray) .................................................... Failed
HB 238  Utah Technology Commission Membership (John Dougall) .................................. Failed
HB 239  Higher Education Tuition and Residency Legislative Task Force (Glenn A. Donnelson) .... Failed
HB 240  Disaster Loan Program (Ron Bigelow) .......................................................... Passed
HB 241  Veterans Nursing Home (D. Gregg Buxton) ................................................... Passed
HB 242  Criminal Penalty for Animal Cruelty (Scott L. Wyatt) ......................................... Failed
HB 243  Repeal of Geriatric Care Manager (Rebecca D. Lockhart) ..................................... Passed
HB 244  Transfer of Prescriptions (Neil A. Hansen) ...................................................... Failed
HB 245  Compensation of Constitutional Officers - Benefits and Insurance (Michael E. Noel) .... Failed
HB 246  Waste Fees Amendments (Stephen H. Urquhart) ............................................. Failed
HB 247  Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer (Eric K. Hutchings) .................. Passed
HB 248  Child Support Obligations (Eric K. Hutchings) ................................................. Failed
HB 249  Carson Smith Special Needs Scholarships (Merlynn T. Newbold) ........................... Passed
HB 250  Capitol Complex Space (Jeff Alexander) ........................................................ Passed
HB 251  Amendments to Public Utilities (Aaron Tilton) ................................................. Failed
HB 252  Marriage Preparation Education (Rosalind J. McGee) ........................................ Failed
HB 253  Tax Amendments (Wayne A. Harper) ............................................................ Failed
HB 254  Tax Credit for Tuition (Steven R. Mascaro) ....................................................... Failed
HB 255  Investment of Higher Education Institution Endowment Funds (David Clark) ........... Passed
HB 256  Local Government Authority (Ann W. Hardy) ................................................ Passed
HB 257  Transportation General Obligation Bonds Authorization (Stephen H. Urquhart) ......... Failed
HB 258  Individual Income Tax Credit for Employment-related Expenses (David Litvack) ........ Failed
HB 259  Adoption Amendments (Ann W. Hardy) ........................................................ Passed
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<th>Bill</th>
<th>Description</th>
<th>Status</th>
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<tr>
<td>HB 260</td>
<td>Amendments Related to Pornographic and Harmful Materials (John Dougall)</td>
<td>Passed</td>
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<tr>
<td>HB 261</td>
<td>Motorboat Liability Insurance Amendments (Kerry W. Gibson)</td>
<td>Failed</td>
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<td>HB 262</td>
<td>Licensure of Athletic Trainers (Paul Ray)</td>
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<td>HB 263</td>
<td>Insurers Rehabilitation and Liquidation (John Dougall)</td>
<td>Failed</td>
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<td>HB 264</td>
<td>State Land Use Management Plans Amendments (Michael E. Noel)</td>
<td>Passed</td>
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<td>HB 265</td>
<td>Restrictions on Riders in the Back of Open Vehicle (Craig W. Buttars)</td>
<td>Passed</td>
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<td>HB 266</td>
<td>Changes to Quality Growth Commission (Craig W. Buttars)</td>
<td>Passed</td>
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<td>HB 267</td>
<td>Election Day Voter Registration (Neil A. Hansen)</td>
<td>Failed</td>
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<td>HB 268</td>
<td>Drug Utilization Review Committee Amendments (Rebecca D. Lockhart)</td>
<td>Passed</td>
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<td>HB 269</td>
<td>Sales Marketing Requirements (Michael E. Noel)</td>
<td>Failed</td>
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<td>HB 270</td>
<td>Temporary Road Closures (Michael E. Noel)</td>
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<td>HB 271</td>
<td>Commitment to Mental Health Authority (Michael E. Noel)</td>
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<td>HB 272</td>
<td>Patient Access to Providers and Contracting Amendments (Rebecca D. Lockhart)</td>
<td>Failed</td>
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<td>HB 273</td>
<td>Real Estate and Mechanics Liens - Security Alternatives (Michael T. Morley)</td>
<td>Passed</td>
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<td>HB 274</td>
<td>Referendum Procedure (David L. Hogue)</td>
<td>Failed</td>
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<td>HB 275</td>
<td>Business Entity Amendments (Ross I. Romero)</td>
<td>Passed</td>
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<td>HB 276</td>
<td>Division of Criminal Investigation and Technical Services Amendments (Curtis Oda)</td>
<td>Passed</td>
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<td>HB 277</td>
<td>Revisions to the Utah Credit Union Act (LaVar Christensen)</td>
<td>Failed</td>
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<td>HB 278</td>
<td>Termination of Parental Rights for Murder or Attempted Murder (Jackie Biskupski)</td>
<td>Failed</td>
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<tr>
<td>HB 279</td>
<td>Clinical Counselor - Title Change (Lorie D. Fowlke)</td>
<td>Vetoed</td>
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<td>HB 280</td>
<td>Joint Custody Amendments (LaVar Christensen)</td>
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<td>HB 281</td>
<td>Task Force on Legislative Reforms (Neil A. Hansen)</td>
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<td>HB 282</td>
<td>State Employee Ethics Amendments (John Dougall)</td>
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<td>HB 283</td>
<td>Real Estate Amendments (Gordon E. Snow)</td>
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<td>HB 284</td>
<td>Restructure of State Utility Regulatory Entities (Aaron Tilton)</td>
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<td>Nurse Practice Act Amendments (Rebecca D. Lockhart)</td>
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<td>HB 286</td>
<td>Use of Public Education Monies (Patricia W. Jones)</td>
<td>Failed</td>
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<td>HB 287</td>
<td>Revenue Bonds and Capital Facilities Authorizations (D. Gregg Buxton)</td>
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<td>HB 288</td>
<td>Executive Compensation Amendments (Jeff Alexander)</td>
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<td>HB 289</td>
<td>Authority for Design-build Construction (Michael T. Morley)</td>
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<td>HB 290</td>
<td>Restrictions on Gifts (James A. Ferrin)</td>
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<td>HB 291</td>
<td>Capitol Preservation Board Modifications (Jeff Alexander)</td>
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<td>HB 292</td>
<td>Commission on Parental Rights for Murder or Attempted Murder (Duane E. Bourdeaux)</td>
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<td>HB 293</td>
<td>Materials Harmful to Minors (David L. Hogue)</td>
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<tr>
<td>HB 294</td>
<td>Regulation of Assisted Living Facility Amendments (Rebecca D. Lockhart)</td>
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<td>Motor Vehicle Business Licensing Amendments (Paul Ray)</td>
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<td>Premium Assistance Program for Covered-at-work (Kory M. Holdaway)</td>
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HB 308  Archeological Resources Amendments (Bradley T. Johnson) ........................................... Passed
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HB 312  Municipal Electrical Entities Amendments (Aaron Tilton) ................................................. Failed
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HB 315  Department of Community Development and Arts Restructure (D. Gregg Buxton) ............... Failed
HB 316  Driver License Requirements for Illegal Aliens (Aaron Tilton) ............................................ Failed
HB 317  Vehicle Impound Amendments (James R. Gowans) .......................................................... Failed
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HB 319  Expansion of Department of Administrative Services Oversight to Include Human Resource Management (D. Gregg Buxton) .......................................................... Passed
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HB 321  Background Checks for Boarding Schools (Bradley G. Last) ................................................. Failed
HB 322  Motor Vehicle Repairs - Consumer Rights (Todd E. Kiser) .................................................. Failed
HB 323  Access to Employment Data (John G. Mathis) ...................................................................... Failed
HB 324  Taxable Value Adjustment for Property Damaged by a Natural Disaster (Bradley G. Last) .... Passed
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HB 328  Rural Health Care Infrastructure (Michael E. Noel) ............................................................. Failed
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HB 333  Density Credit for Land Donated to School District (David N. Cox) ................................. Failed
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HB 339  School Trust Lands Revisions (David Clark) ........................................................................ Failed
HB 340  Office of Recovery Services Fee (Aaron Tilton) .................................................................... Failed
HB 341  Child and Family Services Records (Steven R. Mascaro) .................................................... Failed
HB 342  Civil Legal Aid for Victims of Domestic Violence (Steven R. Mascaro) ............................... Failed
HB 343  Medicaid - Pregnant Women Resource Test (Mark A. Wheatley) ....................................... Failed
HB 344  Regulation of Phlebotomists (Mark A. Wheatley) ................................................................. Failed
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HB 347  Family Impact Statement (Craig A. Frank) ............................................................................. Failed
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<td>Revolving Door Limitation for Public Officials to Become Lobbyists (Carol Spackman Moss)</td>
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HCR 10 Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area (Brad King) .................................................................................................................. Passed
HCR 11 Resolution Honoring the University of Utah Football Team (Jeff Alexander) ...................... Passed
HCR 12 Resolution Urging Congress to Provide Sufficient Funding of Medicaid (Ron Bigelow) ....... Failed
HCR 13 Concurrent Resolution Promoting Utah Saves Strategic Initiative (David L. Hogue) .......... Failed
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HJR 2 Joint Rules Resolution - Family Impact Statement on Legislation (Craig A. Frank) ............... Failed
HJR 3 Resolution Regarding Federal No Child Left Behind (Kory M. Holdaway) ......................... Passed
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HJR 5 Resolution Clarifying Removal Provisions (David L. Hogue) .............................................. Failed
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HJR 13 Resolution Supporting National Bear River Heritage Area Act (Craig W. Buttars) ............ Failed
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HJR 20 Master Study Resolution (Jeff Alexander) ................................................................. Passed
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HR 6 House Rules Resolution - Electronic Voting Board (David Ure) ........................................... Failed
HR 7 House Rules Resolution - Committee Report (David Ure) .................................................. Passed
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HR 9 House Resolution Discouraging Participation in Free Trade Areas of the Americas (Glenn A. Donnelson) ......................................................................................... Passed
HR 10 Resolution Supporting Participation of Taiwan in World Health Organization (Bradley G. Last) .................................................................................................................. Passed
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SB 81  Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal (Beverly Ann Evans) .......... Passed
SB 82  Individual Income Tax - Earned Income Tax Credit (Thomas V. Hatch) ...................... Failed
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SB 84  Do Not Call Registry Amendments (David L. Thomas) ................................................ Failed
SB 85  Federal Research Committee (Gene Davis) ................................................................. Failed
SB 86  2004 General Obligation Bond Amendments (Peter C. Knudson) ................................. Passed
SB 87 Residence Lien Restriction and Lien Recovery Fund Amendments (David L. Thomas) .......... Failed
SB 88 Creation of Local Districts (Carlene M. Walker) .................................................. Passed
SB 89 Mutual Dependence Benefits Contract (Gregory S. Bell) ........................................ Passed
SB 90 County Officers Serving on Boards of County Mental Health and Substance Abuse Providers (David L. Thomas) ................................. Failed
SB 91 Interstate Juvenile Compact (Lyle W. Hillyard) ......................................................... Passed
SB 92 Utah Attorney’s Fees Recovery Act (David L. Thomas) ............................................ Passed
SB 93 Children’s Justice Center Addition (Thomas V. Hatch) ............................................ Passed
SB 94 Restitution Amendments (Gregory S. Bell) .............................................................. Passed
SB 95 Office of Museum Services Amendments (Ron Allen) .............................................. Passed
SB 96 Commerce Service Fund Amendments (Gregory S. Bell) ........................................ Passed
SB 97 Consolidation of City and County Library (Gregory S. Bell) ........................................ Passed
SB 98 Motor Vehicle Registration and Title Amendments (Sheldon L. Killpack) .................... Passed
SB 99 Damages for Trespass in State Parks (Thomas V. Hatch) .......................................... Failed
SB 100 Access to High Speed Internet At State Capitol Complex (Sheldon L. Killpack) ............ Passed
SB 101 Utah Administrative Rulemaking Act Revision (Howard A. Stephenson) ................. Passed
SB 102 Lobbyist Reporting Amendments (Gregory S. Bell) ................................................. Failed
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SB 104 Judiciary Amendments (Lyle W. Hillyard) ............................................................... Passed
SB 105 Judgment Interest Rate (Scott K. Jenkins) ............................................................... Failed
SB 106 Utah Religious Land Use Act (David L. Thomas) ................................................... Passed
SB 107 Licensure and Regulation of Programs and Facilities (Thomas V. Hatch) .................... Passed
SB 108 Telecommunications Revisions (Curtis S. Bramble) .............................................. Passed
SB 109 Safety Belt Enforcement (Karen Hale) ................................................................... Failed
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SB 112 Child Protection Amendments (Gregory S. Bell) .................................................... Failed
SB 113 Employee Noncompetition Contracts (Ed Mayne) .................................................. Failed
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SB 115 Permanent Total Disability Amendments (Ed Mayne) ............................................ Passed
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SB 118 Identity Fraud Amendments (Carlene M. Walker) ................................................... Passed
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SB 120 Allocation of Profits from School and Institutional Trust Lands (Thomas V. Hatch) .... Passed
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SB 122 Resident Tuition Status for Job Corps Students (Gregory S. Bell) ............................. Passed
SB 123 Governmental Immunity Act - Technical Amendments (Gregory S. Bell) ............... Passed
SB 124 Motor Vehicle Insurance - Property Damage Limit (Scott K. Jenkins) ..................... Failed
SB 125 Amendments to Individual Income Tax Credit for Special Needs Adoptions (Parley G. Hellewell) ................................................................. Passed
SB 126 Medical Benefits Recovery Act Amendments (Sheldon L. Killpack) ......................... Passed
SB 127 Tax, Fee, or Charge Amendments (Lyle W. Hillyard) .............................................. Passed
SB 128 Calculation of Interest on Tax Overpayments (Howard A. Stephenson) ................. Passed
SB 129 Brine Shrimp Royalty Act Amendments (Thomas V. Hatch) .................................... Passed
SB 130 Retirement for Airport Police (Mike Dmitrich) ....................................................... Passed
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<td>Individual Income Tax - Return Filing Requirements (Howard A. Stephenson)</td>
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<td>SB 140</td>
<td>Personal Use of Campaign Funds (Karen Hale)</td>
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<td>Military Installation Partnerships (Sheldon L. Killpack)</td>
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<td>Open and Public Meetings - Recording Requirement (Scott K. Jenkins)</td>
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<td>SB 143</td>
<td>Motor Vehicle Stops At Port-of-entry (Peter C. Knudson)</td>
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<td>Prohibition Against Certain Medical Noncompetition Agreements (Allen M. Christensen)</td>
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<td>SB 145</td>
<td>Avoiding Apprehension Amendment (Michael G. Waddoups)</td>
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<td>SB 146</td>
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<td>SB 158</td>
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<td>SB 167</td>
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SB 173  Brownfields Revision (L. Alma Mansell)  Passes
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SB 175  Weapons Amendments (Mark B. Madsen)  Failed
SB 176  Programs and Facilities Licensing Amendments (D. Chris Butters)  Failed
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SB 188  Classifying Off-highway Vehicles as Allowed on Designated Roads (Thomas V. Hatch)  Failed
SB 189  Property Tax - Certified Tax Rate Adjustment (Gregory S. Bell)  Failed
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<td>SB 217</td>
<td>Tax Treatment of Food Sold in Vicinity of a Theater (Mark B. Madsen)</td>
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<td>Motor Vehicle Lease or Purchase Agreements (Mark B. Madsen)</td>
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<td>Security in Construction Projects (Curtis S. Bramble)</td>
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<td>SB 220</td>
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<td>SB 221</td>
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<td>SB 224</td>
<td>Provisions Changing General Government (Gene Davis)</td>
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<tr>
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<td>Joint Rules Resolution - Family Impact Statement on Legislation - HJR 2</td>
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<td>Amendments to the Multi-channel Video or Audio Service Tax Act - SB 185</td>
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<td>Corporate Franchise and Income Taxes - Exemption for Banks - HB 227</td>
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<td>County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act - Exemptions to Residential Property Tax - SB 33</td>
</tr>
<tr>
<td>Individual Income Tax - Earned Income Tax Credit - SB 82</td>
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<td>Individual Income Tax - Office of State Debt Collection Rulemaking Authority - SB 205</td>
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<td>Individual Income Tax Amendments - HB 197</td>
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<td>Individual Income Tax Contribution for Community Spay and Neuter Programs - HB 140</td>
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<td>Individual Income Tax Credit for Employment-related Expenses - HB 258</td>
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<td>Property Tax - Certified Tax Rate Adjustment - SB 189</td>
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<td>Public Transit District Annexation and Funding Amendments - SB 183</td>
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<td>Temporary Road Closures - HB 270</td>
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<th>SALES AND USE TAX</th>
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<td>Changes to General Government - Sales and Use Tax Amendments - SB 225</td>
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<td>County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act -HB 152</td>
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<tr>
<td>Public Transit District Annexation and Funding Amendments - SB 183</td>
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<td>Sales and Use Tax Diversions - SB 204</td>
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<td>Sales and Use Tax Exemption for Textbooks for Higher Education - HB 220</td>
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<th>SCHOOL PERSONNEL</th>
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<td>Appropriation for Highly Qualified Teachers - HB 362</td>
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<tr>
<td>School Community Councils - HB 151</td>
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<td>Schools for the Deaf and the Blind Salary Adjustments - HB 346</td>
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<tr>
<td>Security for Public Schools - HB 153</td>
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<tr>
<th></th>
<th>House</th>
<th>Senate</th>
<th>Total</th>
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<tbody>
<tr>
<td><strong>Total Bills and Resolutions Introduced</strong></td>
<td>428</td>
<td>242</td>
<td>670</td>
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<tr>
<td><strong>Total Bills and Resolutions Passed</strong></td>
<td>205</td>
<td>165</td>
<td>370</td>
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<tr>
<td><strong>Total Bills and Resolutions Enacted</strong></td>
<td>202</td>
<td>165</td>
<td>367</td>
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</table>

Bills Introduced
- 381 (57%)
- 211 (31%)
- 592

Bills Passed
- 175 (41%)
- 137 (37%)
- 312

Bills Vetoed
- 2
- 0
- 2

Line Items Vetoed
- 0
- 1
- 1

Bills Failed Due to Lack of Presentment
- 1
- 0
- 1

**Total Bills Enacted**
- 172
- 137
- 309

Joint Resolutions Introduced
- 21
- 20
- 41

Concurrent Resolutions Introduced
- 14
- 10
- 24

House & Senate Resolutions Introduced
- 12
- 1
- 13

**Total Resolutions Introduced**
- 47
- 31
- 78

Joint Resolutions Passed
- 12
- 20
- 32

Concurrent Resolutions Passed
- 10
- 10
- 20

House & Senate Resolutions Passed
- 8
- 1
- 9

**Total Resolutions Passed**
- 30
- 31
- 61

**Introduced**
- **House Resolutions**
  - 47 (7%)
  - 31 (5%)

- **Senate Resolutions**
  - 211 (31%)

**Passed**
- **House Bills**
  - 381 (57%)

- **Senate Bills**
  - 137 (37%)

- **House Bills Enacted**
  - 175 (41%)
Statistical Summary of General Sessions 2001-2005

<table>
<thead>
<tr>
<th>Year</th>
<th>Bills Introduced</th>
<th>Bills Passed</th>
<th>Percentage of Bills Passed</th>
<th>Bills Vetoed</th>
<th>Bills Failed Due to Lack of Presentment</th>
<th>Joint Resolutions Introduced</th>
<th>Joint Resolutions Passed</th>
<th>Concurrent Resolutions Introduced</th>
<th>Concurrent Resolutions Passed</th>
<th>House &amp; Senate Resolutions Introduced</th>
<th>House &amp; Senate Resolutions Passed</th>
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<tbody>
<tr>
<td>2001</td>
<td>664</td>
<td>380</td>
<td>57%</td>
<td>3</td>
<td>1</td>
<td>31</td>
<td>23</td>
<td>17</td>
<td>11</td>
<td>14</td>
<td>10</td>
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<td>2002</td>
<td>557</td>
<td>338</td>
<td>61%</td>
<td>8</td>
<td>0</td>
<td>46</td>
<td>27</td>
<td>13</td>
<td>10</td>
<td>8</td>
<td>7</td>
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<td>2003</td>
<td>627</td>
<td>347</td>
<td>55%</td>
<td>4</td>
<td>0</td>
<td>40</td>
<td>21</td>
<td>22</td>
<td>11</td>
<td>17</td>
<td>13</td>
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<td>2004</td>
<td>602</td>
<td>375</td>
<td>62%</td>
<td>6</td>
<td>2</td>
<td>36</td>
<td>18</td>
<td>21</td>
<td>15</td>
<td>14</td>
<td>10</td>
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<tr>
<td>2005</td>
<td>592</td>
<td>312</td>
<td>53%</td>
<td>2</td>
<td>1</td>
<td>41</td>
<td>32</td>
<td>24</td>
<td>20</td>
<td>13</td>
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</table>
SB 3001  Taxes, Fees, or Charges Amendments (Curtis S. Bramble)

This bill amends the Revenue and Taxation title and enacts uncodified material.

This bill:

- provides legislative intent regarding the implementation of certain provisions enacted during the 2003 General Session and 2004 General Session relating to taxes, fees, and charges;
- addresses the collection of sales and use taxes by sellers that lack certain contacts with the state and provides for the distribution of those revenues to the General Fund, the Remote Sales Restricted Account, and counties, cities, and towns;
- amends the revenues required to be deposited into the Remote Sales Restricted Account and the General Fund;
- addresses amnesty for sellers relating to certain taxes, fees, or charges;
- addresses the reporting and determination of the location of where a transaction is consummated for sales and use tax purposes;
- provides a repeal date for the legislative intent language;
- requires the Revenue and Taxation Interim Committee to conduct a study; and
- makes technical changes.

This bill takes effect on July 1, 2004.

Amends 59-12-103, 59-12-103.2, 59-12-121, 59-12-204, 59-12-205, 59-12-207 (Repealed 07/01/04), 63-55-259; Enacts 59-1-1201

Effective July 1, 2004        Chapter 1, Laws of Utah 2004, THIRD SPECIAL SESSION
## SUBJECT INDEX OF PASSED LEGISLATION
### 2004 THIRD SPECIAL SESSION

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<tr>
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<th>SALES AND USE TAX</th>
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<tr>
<td>Taxes, Fees, or Charges Amendments - SB 3001 . . . 235</td>
<td>Taxes, Fees, or Charges Amendments - SB 3001 . . . 235</td>
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</tbody>
</table>
Utah Code Sections Affected
2004 Third 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

<table>
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<th>Action</th>
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<td>59-12-121</td>
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<tr>
<td>59-12-205</td>
<td>A</td>
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<td>59-12-207</td>
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<td>63-55-259</td>
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</table>

A=Amended   E=Enacted   R=Repealed   X=Repealed and Reenacted   N=Renumbered and Amended
INTRODUCED LEGISLATION
2004 THIRD SPECIAL SESSION

SB 3001  Taxes, Fees, or Charges Amendments (Curtis S. Bramble)  ......................... Passed
PASSED LEGISLATION
2004 FOURTH SPECIAL SESSION

HB 4001  Supplemental Appropriations Act III - Range Creek  *(Ron Bigelow)*

This bill appropriates $152,000 from the General Fund in fiscal year 2004-2005 to the Department of Natural Resources for security at Range Creek and reduces the appropriation to the University of Utah Museum of Natural History for Range Creek.

This bill:
- redirects $50,000 in General Fund on-going monies appropriated to the University of Utah for Range Creek to the Department of Natural Resources for security at Range Creek; and
- appropriates $102,000 in one-time monies from the General Fund surplus to the Department of Natural Resources for security at Range Creek.
- In fiscal year 2004-2005, $152,000 is appropriated from the General Fund to the Department of Natural Resources for security at Range Creek.
- This bill provides an immediate effective date.

Amends HB4001S01Item133; Enacts HB4001S01Item183a

Effective September 17, 2004  Chapter 4, Laws of Utah 2004, FOURTH SPECIAL SESSION

SB 4001  Trust Business Amendments  *(Lyle W. Hillyard)*

This bill creates a section in the Uniform Trust Code for regulating foreign trustees.

This bill:
- sets requirements for when a foreign corporate trustee is required to qualify as a foreign corporation doing business in this state; makes an exception for foreign cotrustees; and specifically allows a foreign trustee to receive distributions, hold, invest in, manage, or acquire property without qualifying as a foreign corporation.
- This bill provides an effective date.

Enacts 75-7-1201

Effective September 17, 2004  Chapter 1, Laws of Utah 2004, FOURTH SPECIAL SESSION

SB 4002  Individual Income Tax - Treatment of Certain Military Income  *(Curtis S. Bramble)*

This bill amends the Individual Income Tax Act to provide for a new subtraction from federal taxable income for a one taxable year period.

This bill:
- defines terms;
- provides for a one taxable year period a subtraction from federal taxable income for certain income a resident or nonresident individual receives for qualifying military service;
- grants rulemaking authority to the State Tax Commission; and
- makes technical changes.
- This bill has retrospective operation for the taxable year beginning on or after January 1, 2004, but beginning on or before December 31, 2004.

*The original bill was recommended by the Revenue and Taxation Interim Committee*

Amends 59-10-103, 59-10-114

Effective November 15, 2004  Chapter 2, Laws of Utah 2004, FOURTH SPECIAL SESSION
SB 4003  Supplemental Appropriations Act II Amendments - Redirection of Certain Federal Funds to Inmate Housing  

(Leonard M. Blackham)

This bill amends H.B. 3, 2004 Supplemental Appropriations Act II, to redirect certain funds to Department of Corrections inmate housing projects and to direct certain General Fund one-time monies to construction of an inmate training center.

This bill:

- requires that up to $1.5 million in federal VOI/TIS Funds be allocated to the Department of Corrections for capital improvements;
- if Federal VOI/TIS funds may not be used, requires that up to $1.5 million in Capital Improvement Funds be allocated to the Department of Corrections for capital improvements;
- directs that $1.54 million in one-time General Fund monies be used to construct an inmate training center for the Wasatch and Oquirrh facilities of the Department of Corrections.
- This bill does not appropriate any monies but does modify legislative intent regarding the use of certain monies.
- This bill provides an immediate effective date.

Amends SB4003S02Item19, SB4003S02Item20

Effective September 17, 2004  Chapter 3, Laws of Utah 2004, FOURTH SPECIAL SESSION
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2004 FOURTH SPECIAL SESSION

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# Utah Code Sections Affected

## 2004 Fourth 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

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<td>E</td>
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## Introduced Legislation
### 2004 Fourth Special Session

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<td>HB 4001</td>
<td>Supplemental Appropriations Act III - Range Creek (Ron Bigelow)</td>
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<td>SB 4001</td>
<td>Trust Business Amendments (Lyle W. Hillyard)</td>
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<tr>
<td>SB 4002</td>
<td>Individual Income Tax - Treatment of Certain Military Income (Curtis S. Bramble)</td>
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<tr>
<td>SB 4003</td>
<td>Supplemental Appropriations Act II Amendments - Redirection of Certain Federal Funds to Inmate Housing (Leonard M. Blackham)</td>
<td></td>
<td>Passed</td>
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</table>
PASSED LEGISLATION
2005 FIRST SPECIAL SESSION

HB 1001 Implementing Federal Educational Programs (Margaret Dayton)

This bill directs public education officials regarding the administration and implementation of federal educational programs.

This bill:
► provides definitions;
► directs the State Board of Education, the state superintendent, and other state and local school officials regarding the administration and implementation of federal educational programs;
► provides specific directions for the state implementation of the federal No Child Left Behind Act; and
► makes technical corrections.

This bill provides an effective date.


Effective May 2, 2005

Chapter 2, Laws of Utah 2005, First Special Session

HB 1002 Provider Contracting Amendments (Rebecca D. Lockhart)

This bill amends the Insurance Code to modify the conditions under which a health care provider may bring an action against a health maintenance organization or preferred provider organization for payment, and requires objective provider contracting provisions.

This bill:
► specifies when a participating provider in a health maintenance organization may bring an action for enforcement of payment;
► specifies when a participating provider in a preferred provider organization may bring an action for enforcement of payment;
► requires comparable payment of network providers when the network’s panel of providers are leased to another unaffiliated entity;
► requires the use of objective criteria for adding or terminating a provider from an HMO or PPO panel; and
► prohibits an insurer from taking adverse action against a contracted provider when an insured decides to access health care outside the provider network.

This bill takes effect on January 1, 2006.

Amends 31A-8-407, 31A-22-617; Enacts 31A-22-617.1

Effective January 1, 2006

Chapter 3, Laws of Utah 2005, First Special Session
HB 1003  Civil Legal Aid for Victims of Domestic Violence (Ross I. Romero)

This bill requires the state court administrator, subject to legislative appropriation, to provide grants to nonprofit legal assistance providers.

This bill:

- directs the state court administrator to provide grants to nonprofit legal assistance providers for:
  - low to moderate income victims of domestic violence; and
  - low to moderate income individuals in family law matters;
- specifies that the grants are subject to legislative appropriation for that purpose; and
- requires the state court administrator to issue a request for proposal for the grant.
- This bill takes effect on July 1, 2005.

Enacts 78-3-24.1

Effective July 1, 2005

Chapter 4, Laws of Utah 2005, First Special Session

HB 1005  Integrity of Election Results Amendments (John Dougall)

This bill amends election law and the duties of the chief election officer to require that voting equipment produces an auditable record of votes cast.

This bill:

- amends the Election Code and the duties of the chief election officer to require that any voting equipment purchased be capable of producing an auditable, voter verified paper trail of votes cast;
- amends the Election Code to require the lieutenant governor to establish a Voting Equipment Selection Committee to provide recommendations and information on new voting equipment systems before new voting systems are purchased;
- amends the Election Code to establish membership and reimbursement requirements for the Voting Equipment Selection Committee;
- amends the Election Code to require the lieutenant governor to provide the public with an opportunity to review and comment on new voting equipment systems before new voting equipment systems are purchased; and
- amends the Election Code to require that any automatic voting equipment will permit each voter to verify and correct the voter’s selections before the ballot is cast.
- This bill provides an immediate effective date.

Amends 20A-5-302, 67-1a-2; Enacts 20A-5-402.7

Effective May 3, 2005

Chapter 5, Laws of Utah 2005, First Special Session
HB 1006  Changes in Task Force Membership *(Jeff Alexander)*

This bill modifies membership requirements for the Highway Jurisdictional Transfer Task Force, the Government Records Access and Management Task Force, the Tax Reform Task Force, and the Tourism Task Force.

This bill:
- increases the number of members assigned to and modifies the requirements for the selection of members from the House of Representatives for the Highway Jurisdictional Transfer Task Force, the Government Records Access and Management Task Force, the Tax Reform Task Force, and the Tourism Task Force.
- This bill provides an effective date.

Amends Section 1, Chapter 194, Laws of Utah 2005, Section 1, Chapter 218, Laws of Utah 2005, Section 1, Chapter 224, Laws of Utah 2005, Section 16, Chapter 245, Laws of Utah 2005

Effective May 3, 2005  Chapter 6, Laws of Utah 2005, First Special Session

HB 1007  Veterans’ Nursing Home Authorization and Funding *(D. Gregg Buxton)*

This bill authorizes the issuance of general obligation bonds for a Veterans’ Nursing Home in Ogden and makes technical changes to the Veterans’ Code to authorize more than one nursing home in the state.

This bill:
- modifies the Bonding Code by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for construction of a Veterans’ Nursing Home in Ogden;
- specifies the use of the general obligation bond proceeds and the manner of issuance;
- provides expressions of legislative intent;
- modifies language in the Veterans’ Nursing Home Act to authorize more than one nursing home within the state; and
- repeals the authorization for construction of a Veterans’ Nursing Home in Ogden on December 31, 2006.
- This bill provides an effective date.

Amends 63−55b−163 (Effective 07/01/05), 63−55b−163, 71−11−2, 71−11−3, 71−11−4, 71−11−5, 71−11−6, 71−11−7, 71−11−8, 71−11−9, 71−11−10; Enacts 63B−14−101

Effective May 3, 2005  Chapter 7, Laws of Utah 2005, First Special Session
HB 1008  **Transportation Investment Act** *(Rebecca D. Lockhart)*

This bill modifies the Motor Vehicles Code, the Sales and Use Tax Act, the Motor and Special Fuel Tax Act, the State Appropriations and Tax Limitation Act, and the Transportation Code by amending provisions to increase funding for transportation.

This bill:

- creates the Transportation Investment Fund of 2005 to pay the costs of maintenance, reconstruction, or renovation to state and federal highways;
- redesignates the Centennial Highway Fund as a restricted account within the Transportation Investment Fund of 2005;
- transfers the Centennial Highway Fund Restricted Account revenue sources to the Transportation Investment Fund of 2005 when the highway general obligation bonds have been paid off and the highway projects completed that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account;
- provides that a portion of the sales and use tax revenue shall be deposited into the Centennial Highway Fund Restricted Account;
- requires the Division of Finance:
  - to monitor the highway general obligation bonds that are being paid from revenues deposited into the Centennial Highway Fund Restricted Account; and
  - to report on the status of the bonds to the Executive Appropriations Committee upon request;
- requires the Department of Transportation to:
  - monitor the highway projects that are being funded by the Centennial Highway Fund Restricted Account; and
  - report on the status of the projects to the Executive Appropriations Committee upon request;
- requires the Executive Appropriations Committee to notify the Division of Finance, the State Tax Commission, and the Department of Transportation when all highway projects have been completed and all general highway obligation bonds have been paid off that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account;
- exempts the Transportation Investment Fund of 2005 from spending limit provisions; and
- makes technical changes.

This bill appropriates:

- ($110,607,700) from the General Fund and the Centennial Highway Fund to the Centennial Highway Program;
- $80,607,700 to the Centennial Highway Program from the Centennial Highway Fund Restricted Account; and
- $30,000,000 from the General Fund to the Transportation Investment Fund of 2005 for new state highway construction for the fiscal year 2005-06 only.

This bill takes effect on July 1, 2005.

Amends 41-1a-1201, 59-12-103 (Effective 07/01/06), 59-12-103 (Superseded 07/01/06), 59-13-304, 59-13-304 (Effective 05/02/05), 63-38c-103, 72-2-118; Enacts 72-2-124

Effective July 1, 2005  Chapter 1, Laws of Utah 2005, First Special Session
HB 1009  Executive Compensation *(Jeff Alexander)*

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 provides an effective date.

Amends 67-22-1, 67-22-1 (Effective 05/02/05), 67-22-2 (Effective 07/01/06), 67-22-2 (Superseded 07/01/06)

Effective July 2, 2005  Chapter 8, Laws of Utah 2005, First Special Session

HB 1010  Uses of Money in Municipal-type Services Fund *(Mark W. Walker)*

This bill modifies provisions related to the uses of money in a county’s municipal-type services fund with respect to a newly incorporated city.

This bill:
- authorizes counties to share with a new city money from the county’s municipal services fund when the money was collected before the city’s incorporation to provide services to the previously unincorporated area.
- This bill provides an immediate effective date.

Amends 10-2-121, 17-34-3

Effective May 3, 2005  Chapter 9, Laws of Utah 2005, First Special Session

HB 1011  Funding for Convention Facilities *(David Clark)*

This bill amends the Sales and Use Tax Act and enacts uncodified language to address funding for convention facilities.

This bill:
- amends the purposes for which revenues generated by the municipality transient room tax may be used;
- modifies provisions relating to the enactment or repeal of the transient room tax for convention facilities; and
- makes technical changes.
- This bill appropriates:
  - for fiscal year 2004-05 only, $4,000,000 from the General Fund to the Division of Finance to be transferred to Salt Lake County under certain circumstances and provides that the appropriation is nonlapsing.
- This bill provides an effective date.

Amends 59-12-352, 59-12-352 (Effective 07/01/05), 59-12-1603, 59-12-1603 (Effective 07/01/05)

Effective May 3, 2005  Chapter 10, Laws of Utah 2005, First Special Session
HJR 101  Joint Resolution Supporting Expansion of Correctional Facilities *(David L. Hogue)*

This joint resolution of the Legislature supports jail expansion in Beaver, Millard, and Sanpete Counties through a contract with the Utah Department of Corrections.

This resolution:

- supports Beaver, Millard, and Sanpete Counties’ expansion of their correctional facilities by means of a contract between the counties and the Utah Department of Corrections.

Effective April 20, 2005  
Laws of Utah 2005, First Special Session

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SB 1001  Amendments to Property Tax Public Notice and Hearing Provisions *(Curtis S. Bramble)*

This bill modifies notice and hearing provisions relating to property tax increases by participants in certain interlocal cooperation entities.

This bill:

- provides an exemption from notice and hearing requirements for a property tax increase by taxing entities that are participants in an interlocal entity that provides fire protection, emergency, and emergency medical services if the tax increase is approved by voters.
- This bill provides an effective date.

Amends 59−2−918, 59−2−918 (Effective 05/02/05), 59−2−919, 59−2−919 (Effective 05/02/05)

Effective May 3, 2005  
Chapter 11, Laws of Utah 2005, First Special Session

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SB 1002  Funding for Tourism *(Scott K. Jenkins)*

This bill modifies provisions relating to tourism advertising, marketing, and branding.

This bill:

- modifies the duties, membership, and powers of the Board of Tourism Development;
- establishes a Tourism Marketing Performance Account within the General Fund to provide a set-aside of a percentage of the increase in tourism-generated tax revenue as a funding source for increased tourism promotion;
- provides for the creation and funding of a Cooperative Program with cities, counties, and nonprofit destination marketing organizations to advertise and promote tourism; and
- makes certain technical changes.
- This bill appropriates:
  - $14,000,000 from the General Fund for fiscal year 2005-06 only, to the Tourism Marketing Performance Account;
  - up to $4,000,000 from any 2004-05 fiscal year General Fund surplus only, to the Tourism Marketing Performance Account; and
  - $10,000,000 from the Tourism Marketing Performance Account for fiscal year 2005-06 only, to the Governor’s Office of Economic Development.
- This bill takes effect on July 1, 2005.

Amends 63−38f−1406, 63−38f−1406 (Effective 07/01/05), 63−38f−1407, 63−38f−1407 (Effective 07/01/05), 63−38f−1408, 63−38f−1408 (Effective 07/01/05), 63−38f−1409, 63−38f−1409 (Effective 07/01/05); Enacts 63−38f−1411; Repeals 63−38f−1401, 63−38f−1401 (Effective 07/01/05), 63−38f−1402, 63−38f−1402 (Effective 07/01/05), 63−38f−1403, 63−38f−1403 (Effective 07/01/05), 63−38f−1404, 63−38f−1404 (Effective 07/01/05), 63−38f−1405, 63−38f−1405 (Effective 07/01/05)

Effective July 1, 2005  
Chapter 12, Laws of Utah 2005, First Special Session
SB 1003  Property Tax - County Service Areas (Michael G. Waddoups)

This bill modifies a provision relating to property tax levy rates for county service areas.

This bill:

- increases the maximum tax rate for county service areas that are located in counties of the first class and that provide fire protection, paramedic, and emergency services.

Amends 17A-2-414  

Effective June 20, 2005  Chapter 13, Laws of Utah 2005, First Special Session

SB 1004  Drug Offender Reform Act - Pilot Program (Sheldon L. Killpack)

This bill amends provisions regarding the Utah Substance Abuse and Anti-Violence Coordinating Council and the Code of Criminal Procedure to implement the Drug Offender Reform Pilot Study, a pilot program in Salt Lake County regarding substance abuse screening, assessment, and treatment for felony offenders charged with controlled substance offenses.

This bill:

- requires the Utah Substance Abuse and Anti-Violence Coordinating Council to develop, implement, and evaluate the implementation of the pilot study; and
- requires that under the pilot study:
  - on and after July 1, 2005 through June 30, 2007, all offenders in the courts of the Third Judicial District located in Salt Lake County who are convicted of a felony offense in violation of Title 58, Chapter 37, Utah Controlled Substances Act, shall participate in a substance abuse screening and may also participate in an assessment if indicated;
  - requires that the results of any screening and assessment of an offender in the study be provided to the court prior to sentencing;
  - provides that the pilot program shall include treatment for a maximum of 250 participants, who are convicted offenders on probation; and
- requires annual progress reports during the study and a final report to the Legislature regarding the impact and results of the study.

- This bill appropriates $500,000 as a one-time appropriation from the General Fund as follows:
  - $75,000 from the General Fund for fiscal year 2005-06, to the Commission on Criminal and Juvenile Justice;
  - $315,000 from the General Fund for fiscal year 2005-06, to the Department of Human Services;
  - $10,000 from the General Fund for fiscal year 2005-06, to the Administrative Office of the Courts; and
  - $100,000 from the General Fund for fiscal year 2005-06, to the Department of Corrections.

- This bill takes effect on July 1, 2005.

Amends 63-25a-203, 77-18-1; Enacts 63-25a-205.5, 77-18-1.1  

Effective July 1, 2005  Chapter 14, Laws of Utah 2005, First Special Session
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# Utah Code Sections Affected
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**Legend:** The action taken on each section is as follows:

- **A** Amended
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- **N** Renumbered and Amended

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<td>Funding for Tourism</td>
<td>Scott K. Jenkins</td>
<td>Passed</td>
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<tr>
<td>SB 1003</td>
<td>Property Tax - County Service Areas</td>
<td>Michael G. Waddoups</td>
<td>Passed</td>
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<tr>
<td>SB 1004</td>
<td>Drug Offender Reform Act - Pilot Program</td>
<td>Sheldon L. Killpack</td>
<td>Passed</td>
</tr>
</tbody>
</table>
SUBJECT INDEX OF LEGISLATION NOT PASSED
2005 FIRST SPECIAL SESSION

POLITICAL SUBDIVISIONS (LOCAL ISSUES)
Disconnecting Territory from a Municipality - HB1004

UTAH MUNICIPAL CODE
Disconnecting Territory from a Municipality - HB1004