



UTAH STATE LEGISLATURE

DIGEST OF LEGISLATION

2006 GENERAL SESSION

of the 56th Legislature

**2005 Second Special Session
of the 56th Legislature**

Utah State Legislature

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INTRODUCTION

This *Digest of Legislation* provides long titles of bills and resolutions enacted by the 56th Legislature in the 2006 General Session and 2005 Second 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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2006 GENERAL SESSION of the 56th Legislature

**Convened January 16, 2006
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PASSED LEGISLATION - 2006 GENERAL SESSION

HB 1 **Current Fiscal Year Supplemental Appropriations Act** (*Ron Bigelow*)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 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 the use and support of certain institutions of higher education;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language.
- ▶ This bill appropriates for fiscal year 2006:
 - ▶ \$39,543,900 from the General Fund;
 - ▶ \$5,200,000 from income tax revenue;
 - ▶ \$18,756,600 from various sources as detailed in this bill.
- ▶ This bill takes effect immediately.

Effective March 21, 2006

Chapter 360, Laws of Utah 2006

HB 3 **Appropriation Adjustments** (*Ron Bigelow*) **LINE ITEMS VETOED**

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, 2006 and ending June 30, 2007.

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 2006 General Session;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language.
- ▶ This bill appropriates for fiscal year 2006:
 - ▶ \$2,353,700 from the General Fund;
 - ▶ \$2,000,000 from various sources as detailed in this bill. This bill appropriates for fiscal year 2007:
 - ▶ (\$72,785,500) from the General Fund;
 - ▶ \$332,800 from the Uniform School Fund;
 - ▶ \$307,025,900 from income tax revenue;
 - ▶ \$60,716,900 from various sources as detailed in this bill.
- ▶ Section 1 of this bill takes effect immediately. Section 2 of this bill takes effect on July 1, 2006.

Effective March 21, 2006

Chapter 367, Laws of Utah 2006

HB 4 State Agency and Higher Education Compensation Amendments *(Ron Bigelow)*

This bill supplements or reduces appropriations previously provided for the use and operation of state government by making certain adjustments to compensation for state and higher education employees for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

This bill:

- ▶ provides budget increases and decreases for the compensation of state employees not including school district personnel;
- ▶ provides for a 2.5% cost of living allowance for state employees, judges, elected officials, and higher education employees not including school district personnel;
- ▶ provides for an additional 1% cost of living allowance for state employees in exchange for changes in health insurance benefits equivalent to the cost of a 0.5% cost of living allowance;
- ▶ provides for an additional 0.5% cost of living allowance for judges and elected officials in exchange for changes in health insurance benefits;
- ▶ provides for a 2.5% cost of living allowance for local providers;
- ▶ provides for an increase in the premiums charged for state and higher education employee health benefits;
- ▶ provides for an increase in the cost of retirement for state and higher education employees not including school district personnel;
- ▶ provides for changes in the rates charged state agencies to cover termination costs and post retirement benefit costs;

Effective July 1, 2006

Chapter 361, Laws of Utah 2006

HB 6 Utility Improvement Districts Revisions *(David Ure)*

This bill modifies provisions related to improvement districts for the conversion of overhead utilities to underground.

This bill:

- ▶ modifies provisions related to how an assessment on property for the underground conversion of overhead utilities is to be calculated;
- ▶ modifies the requirements for notice of a proposed improvement district and assessment;
- ▶ modifies provisions relating to the underground conversion of overhead utilities to include:
 - a requirement that the governing body provide notice to property owners that underground service is available and of the requirement to convert the owner's existing electric and communications facilities to underground;
 - the consequence of an owner's failure to convert overhead facilities to underground; and
 - the assessment of costs and expenses of the conversion against the property;
- ▶ modifies a provision relating to notice of the levy of an assessment for converting overhead utility facilities to underground;
- ▶ modifies the type of easement that is created upon the failure to convert overhead utility facilities within the required time;
- ▶ provides that a construction easement terminates once the conversion of overhead utility facilities to underground is completed; and
- ▶ makes technical changes.

Amends 54-8-5, 54-8-6, 54-8-9, 54-8-11, 54-8-19, 54-8-26

Effective May 1, 2006

Chapter 129, Laws of Utah 2006

HB 9 Workers' Compensation Studies Including Coverage of Firefighters and Drug Officers
(Joseph G. Murray)

This bill modifies the Utah Labor Code to provide for a study of the medical causality between exposure of firefighters and drug officers and certain diseases.

This bill:

- ▶ provides for use of monies in the Workplace Safety Account to study certain workers' compensation issues;
- ▶ provides for the study of certain workers' compensation issues; and
- ▶ makes technical changes.
- ▶ This bill appropriates:
 - ▶ \$250,000 for fiscal year 2006-07 only, from the Workplace Safety Account to the Labor Commission to contract for the study required by this bill; and €\$250,000 for fiscal year 2007-08 only, from the Workplace Safety Account to the Labor Commission to contract for the study required by this bill.

Amends 34A-2-701

Effective May 1, 2006

Chapter 259, Laws of Utah 2006

HB 11 Retirement Office Amendments *(Ann W. Hardy)*

This bill modifies the Utah State Retirement and Insurance Benefit Act to make certain technical and administrative amendments.

This bill:

- ▶ amends purchase of retirement service credit in the Utah State Retirement System:
 - for employment in a private school based in the United States, the purchase is allowed only if the member received an employer paid retirement benefit for the employment;
 - to include public employment in a territory of the United States; and
 - by requiring payments to be made to the retirement system in which the member is currently covered;
- ▶ requires that a court order on the distribution of benefits be made within 12 months of the death of the member;
- ▶ requires rather than allows the Consumer Price Index used in calculating annual cost-of-living adjustments in the Public Employees' Noncontributory Retirement System to be a United States Bureau of Labor Statistics Consumer Price Index average as determined by the board;
- ▶ requires the Public Employees' Benefit and Insurance Program to provide for health insurance coverage for state employees who receive a disability benefit rather than provide a waiver of the cost of the coverage;
- ▶ clarifies that a member's spouse at the time of death is entitled to the spouse's allowance upon the death of a governor or legislator receiving a retirement allowance;
- ▶ changes from a participating employer to a risk pool as the entity that may elect to provide a waiver for its employees for health insurance coverage; and
- ▶ makes technical changes.

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

Amends 49-11-403, 49-11-612, 49-12-102, 49-13-102, 49-13-407, 49-14-203, 49-19-501, 49-20-409

Effective May 1, 2006

Chapter 260, Laws of Utah 2006

HB 12 Amendments to Government Records Access and Management Act (*Douglas C. Aagard*)

This bill makes amendments to the treatment of records under the Government Records Access and Management Act.

This bill:

- ▶ modifies the definition of records subject to the act to exclude a personal note or personal communication prepared or received by an employee or officer of a governmental entity in the employee's or officer's private capacity;
- ▶ provides that internal communications that are part of the deliberative process in connection with the preparation of legislation between members of a legislative body or the legislative body's staff are protected records;
- ▶ requires that governmental entities give notice to persons who are providing private or controlled information as to how the information is currently used and shared;
- ▶ clarifies that certain government entities shall submit records retention schedules for approval by the State Records Committee;
- ▶ provides that government entities that do not submit retention schedules for approval shall be governed by the model retention schedule maintained by the state archivist;
- ▶ clarifies that the Legislature may set its own retention schedules and records management, notice, and amendment policies;
- ▶ clarifies that the judiciary may set its own retention schedules and records management policies; and
- ▶ makes technical changes.

The original bill was recommended by the Government Records Access and Management Task Force

Amends 63-2-103, 63-2-304, 63-2-601, 63-2-702, 63-2-703; Enacts 63-2-604

Effective May 1, 2006

Chapter 261, Laws of Utah 2006

HB 13 Common Polling Places Amendments (*Douglas C. Aagard*)

This bill modifies the Election Code to allow additional use of common polling places.

This bill:

- ▶ increases from 1,000 to 1,250 the maximum number of active voters allowed for a voting precinct;
- ▶ expands the use of common polling places for two or more voting precincts to any election and any county;
- ▶ repeals the restrictions that:
 - the total population of voters authorized to vote at the common polling place may not exceed 4,000 active voters;
 - in primary elections, the county legislative body may combine voting precincts; and
 - one set of election judges may be used for the combined precincts if the ballots for each of the combined precincts are identical;
- ▶ requires each county to have at least two polling places in the county on the date of the election;
- ▶ requires each common polling place to have at least one voting device that is accessible for individuals with disabilities; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-5-303

Effective May 1, 2006

Chapter 262, Laws of Utah 2006

HB 14 Open Meetings Law Amendments (*Wayne A. Harper*)

This bill modifies the provisions of the Open and Public Meetings Act.

This bill:

- ▶ provides certain definitions;
- ▶ clarifies that a workshop or an executive session of a public body in which a quorum is present is an open meeting unless closed in accordance with the act;
- ▶ requires certain workshops or executive sessions to be held at the location where the public body is holding the regularly scheduled public meeting and provides certain exceptions;
- ▶ requires that all closed meetings be recorded;
- ▶ requires that the reason or reasons for holding the closed meeting and the location of a closed meeting be publically announced and entered in the minutes of the open meeting at which the closed meeting is approved;
- ▶ requires that public bodies provide annual training on the requirements of the Open and Public Meetings Act to the members of a public body;
- ▶ requires that the attorney general's office provide public bodies with at least yearly notice of any material changes to the requirements for the conduct of meetings under the act;
- ▶ provides penalties for violating closed meeting provisions; and
- ▶ makes technical changes and grammatical corrections.
- ▶ This bill coordinates with H.B. 16 by providing technical amendments. This bill coordinates with S.B. 9 by providing superseding and technical amendments.

Amends 52-4-2, 52-4-3, 52-4-4, 52-4-7, 52-4-7.5, 52-4-9, 52-4-10; Enacts 52-4-11, 52-4-12

Effective May 1, 2006

Chapter 263, Laws of Utah 2006

HB 15 Early Voting (*Douglas C. Aagard*)

This bill amends the Election Code to permit in-person early voting prior to the date of the election.

This bill:

- ▶ permits registered voters to participate in early voting during the 14-day period immediately prior to election day;
- ▶ provides that time periods related to replacement of candidates be based on the date of commencement of voting rather than on election day;
- ▶ provides that candidate vacancies must be filled 30 days prior to election day;
- ▶ provides that voter registration for an election ends 30 days before the date of the election with the exception of satellite registration, in-person registration at the office of the county clerk, and registration for military personnel and overseas citizens voting by absentee ballot;
- ▶ provides that voters who register using satellite registration or who register at the office of the county clerk less than 30 days before a pending election are entitled to vote on election day but not by using early voting;
- ▶ provides that voters must provide valid voter identification at the time of voting if they choose to vote:
 - by early voting on a date before the date of the election; or
 - by in-person absentee ballot;
- ▶ modifies the Utah Election Registration Form to provide notice that voters must provide valid voter identification in order to vote during the early voting period;
- ▶ provides definitions of documents that are acceptable as valid voter identification;

- ▶ provides that party affiliation may not be changed during the period beginning after the voter registration deadline for a regular primary election and continuing through the date of the regular primary election;
- ▶ modifies language relating to processing of voter registration forms to comply with the 30-day voter registration deadline;
- ▶ modifies the dates for satellite voter registration to comply with the 30-day voter registration deadline;
- ▶ modifies the dates provided in the voter registration notice to comply with the 30-day voter registration deadline;
- ▶ clarifies absentee ballot filing deadlines for overseas and military voters;
- ▶ modifies the application due date for overseas absentee voters to match the existing deadline for other absentee votes;
- ▶ requires poll workers to record the type of identification provided by the voter at the time of voting in all cases where a provisional ballot is issued;
- ▶ requires poll workers to issue a voter a provisional ballot when the poll worker determines that the voter has not presented sufficient identification;
- ▶ provides for the hours and locations of early voting;
- ▶ requires that at least 10% of the voting devices at each early voting polling place be accessible for individuals with disabilities;
- ▶ provides requirements for posting notice of early voting hours and locations;
- ▶ modifies the format of the official register to accommodate identification requirements;
- ▶ requires the poll worker to update voting history records during early voting;
- ▶ requires write-in candidates to file a declaration of candidacy no later than 30 days before the date of the election;
- ▶ defines terms; and
- ▶ makes technical corrections.
- ▶ This bill coordinates with H.B. 348 by substantively modifying language. This bill coordinates with S.B. 10 by substantively modifying language.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-1-102, 20A-1-302, 20A-1-501, 20A-2-103, 20A-2-104, 20A-2-107, 20A-2-201, 20A-2-202, 20A-2-203, 20A-2-204, 20A-2-205, 20A-2-301, 20A-2-304, 20A-2-306, 20A-3-104, 20A-3-104.5, 20A-3-105.5, 20A-3-304.1, 20A-3-305, 20A-3-308, 20A-3-401, 20A-3-404, 20A-3-406, 20A-4-107, 20A-5-401, 20A-5-605, 20A-9-601, 20A-9-808; Enacts 20A-2-102.5, 20A-3-601, 20A-3-602, 20A-3-603, 20A-3-604

Effective May 1, 2006

Chapter 264, Laws of Utah 2006

HB 16 Revisions to Open and Public Meetings Law (*Glenn A. Donnelson*)

This bill modifies the Open and Public Meetings Act by amending certain provisions.

This bill:

- ▶ defines “recording” to mean an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting;
- ▶ encourages public bodies to use electronic means to:
 - provide public notice to media agencies that make a periodic written request to receive them; and
 - post public notice of its meetings on the internet;
- ▶ requires public notices with agendas to provide reasonable specificity to notify the public as to the topics to be considered at the meeting;
- ▶ prohibits a public body from considering topics that are not posted with the public notice and provides certain exceptions;
- ▶ requires both written minutes and a recording to be kept of all open meetings, with certain exceptions;
- ▶ provides that written minutes shall be the official record of action taken at an open meeting; and
- ▶ makes technical changes.

Amends 52-4-2, 52-4-6, 52-4-7

Effective May 1, 2006

Chapter 265, Laws of Utah 2006

HB 17 Uninsured Motorist Identification Database Program Amendments (*Joseph G. Murray*)

This bill modifies the Insurance Code and the Motor Vehicles Code by amending provisions related to the Uninsured Motorist Identification Database Program.

This bill:

- ▶ defines commercial motor vehicle insurance coverage;
- ▶ requires the Insurance Department to make rules defining and approving commercial motor vehicle insurance coverage;
- ▶ exempts certain insurers that issue a policy that includes certain motor vehicles from providing a record of coverage to the department’s designated agent;
- ▶ requires the Motor Vehicle Division to provide the Department of Public Safety’s designated agent with a record of all current motor vehicle registrations with exception before the seventh and twenty-first day of each calendar month;
- ▶ requires certain insurers that issue a policy that includes certain motor vehicle coverages to provide a record of coverage before the seventh and twenty-first day of each calendar month rather than once a month to the Department of Public Safety’s designated agent;
- ▶ provides that a record provided by certain insurers to the designated agent shall include certain information only if available;
- ▶ requires the designated agent to update and compare the database with current vehicle registrations for certain motor vehicle coverages at least twice a month rather than monthly;
- ▶ reduces the number of consecutive months that a vehicle must show on the uninsured motorist identification database as being uninsured before the first warning letter is sent to the vehicle owner; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 31A-22-315, 41-1a-120, 41-12a-803, 41-12a-804

Effective July 1, 2006

Chapter 130, Laws of Utah 2006

HB 18 Unemployment Compensation - Social Security Offset *(David N. Cox)*

This bill modifies employment security provisions of the Utah Workforce Services Code related to unemployment benefits and eligibility.

This bill:

- ▶ extends the Social Security benefits offset of 50% against an individual's weekly unemployment benefit amount through the benefit year ending on or before July 1, 2011;
- ▶ provides that the Department of Workforce Services shall fund the Social Security offset costs from federal Reed Act moneys; and
- ▶ makes certain technical changes.

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

Amends 35A-4-401

Effective May 1, 2006

Chapter 74, Laws of Utah 2006

HB 19 Identification Card Amendments *(James A. Dunnigan)*

This bill modifies the Identification Card Act by amending provisions related to identification cards.

This bill:

- ▶ requires the division to issue an identification card that bears certain information;
- ▶ provides that an identification card issued on or after July 1, 2006, expires on the applicant's birth date in the fifth year following the date of issuance rather than the tenth year;
- ▶ provides that a person older than 21 years of age with a disability may extend the expiration of an identification card for five, rather than ten, years if the person follows certain procedures;
- ▶ provides that an identification card issued on or after July 1, 2006, to a person 65 years or older expires every five years rather than being effective until death; and
- ▶ makes technical changes.
- ▶ This bill takes effect July 1, 2006.

Amends 53-3-805, 53-3-807

Effective July 1, 2006

Chapter 131, Laws of Utah 2006

HB 20 Commercial Driver Training School Act Amendments *(James A. Dunnigan)*

This bill modifies the Commercial Driver Training School Act by amending provisions related to licensing commercial driver training schools, commercial testing only schools, school operators, and instructors.

This bill:

- ▶ provides definitions;
- ▶ creates a school operator license for a person that is authorized to operate or manage a driver training school;
- ▶ creates a commercial testing only school license for a business that engages only in testing students for the purpose of obtaining a driver license;
- ▶ provides that commercial driver training school, commercial testing only school, school operator, and instructor licenses expire one year from the date of issuance; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 53-3-502, 53-3-504, 53-3-506, 53-3-507

Effective May 1, 2006

Chapter 266, Laws of Utah 2006

HB 21 Child Welfare Revisions (*Wayne A. Harper*)

This bill amends provisions of the Utah Human Services Code and the Judicial Court Act of 1996 related to child welfare.

This bill:

- ▶ describes conduct that does not constitute abuse under the child and family services chapter of the Utah Human Services Code;
- ▶ removes services to unwed parents from the list of services provided by the Division of Child and Family Services;
- ▶ describes the training that must be completed by a child welfare caseworker;
- ▶ removes reporting requirements relating to a repealed pilot program;
- ▶ defines the rights and responsibilities of a parent;
- ▶ addresses the provision of family preservation and reunification services by the Division of Child and Family Services;
- ▶ modifies the content of, and the requirements related to, the notice provided when a child is taken into protective custody;
- ▶ provides that an investigation by the Division of Child and Family Services shall include an unscheduled visit to the child's home, unless there is a reasonable basis to believe that the abuser is not the child's parent and does not have access to the child;
- ▶ recognizes the impact upon a child when the child is removed from the child's home;
- ▶ requires the Division of Child and Family Services to attempt to resolve a disagreement with a child's parent regarding a child and family plan and to inform the court if the disagreement is not resolved;
- ▶ addresses the contents of a child and family plan;
- ▶ requires documentation of the grounds for:
 - taking a child into protective custody; and
 - providing medical care or treatment to a child in protective custody;
- ▶ describes the information that must be given to a parent before interviewing a child who has not been removed from the child's home;
- ▶ expands the list of support persons that may attend an interview of a child;
- ▶ provides defenses to the crime of child abuse;
- ▶ deletes provisions relating to family unity conferences;
- ▶ describes the circumstances under which a court may order medical examination, treatment, or care of a minor;
- ▶ addresses procedures and standards relating to shelter hearings;
- ▶ modifies provisions relating to the grounds under which a child may be retained in protective custody;
- ▶ requires that a finding that a parent is incapable, due to a mental illness, of utilizing reunification services, must be based on competent evidence from at least two medical or mental health professionals who are not associates; 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-101, 62A-4a-106, 62A-4a-107, 62A-4a-117, 62A-4a-201, 62A-4a-202, 62A-4a-202.1, 62A-4a-202.2, 62A-4a-202.3, 62A-4a-203, 62A-4a-205, 62A-4a-407, 62A-4a-409, 76-5-109, 76-5-110, 78-3a-103, 78-3a-109, 78-3a-110, 78-3a-118, 78-3a-306, 78-3a-311

Effective May 1, 2006

Chapter 75, Laws of Utah 2006

HB 23 Office of Child Welfare Parental Defense Amendments (Wayne A. Harper)

This bill amends the chapter relating to the Office of Child Welfare Parental Defense in the Utah Administrative Services Code.

This bill:

- ▶ defines terms;
- ▶ provides that the executive director of the Department of Administrative Services serves as the director of the Office of Child Welfare Parental Defense if the executive director does not appoint a director;
- ▶ describes the duties of the director of the Office of Child Welfare Parental Defense;
- ▶ provides that the Office of Child Welfare Parental Defense may enter into a contract for the provision of assistance, advice, and training to parental defense attorneys;
- ▶ provides that the Office of Child Welfare Parental Defense may enter into contracts with parental defense attorneys to provide services to indigent parents who are the subject of a petition alleging abuse, neglect, or dependency;
- ▶ provides that payment for an attorney described in the preceding paragraph shall be made from the Child Welfare Parental Defense Fund;
- ▶ provides that the Office of Child Welfare Parental Defense and a county may, in their discretion, enter into a contract for the office to provide parental defense attorney services directly to the county;
- ▶ provides that the Child Welfare Parental Defense Fund is a nonlapsing, restricted special revenue fund;
- ▶ provides that the Child Welfare Parental Defense Fund may be used for reasonable training and travel expenses directly related to the functioning of the Office of Child Welfare Parental Defense; and
- ▶ makes technical changes.

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

Amends 63A-11-102, 63A-11-104, 63A-11-105, 63A-11-201, 63A-11-203, 63A-11-204

Effective May 1, 2006

Chapter 76, Laws of Utah 2006

HB 25 Child Welfare - Licensing and Management Information Systems (*Wayne A. Harper*)

This bill amends provisions relating to the Licensing Information System and the Management Information System established in the Child and Family Services chapter of the Utah Human Services Code.

This bill:

- ▶ defines terms;
- ▶ addresses the contents of the notice provided to an alleged perpetrator when the Division of Child and Family Services makes a supported finding that the alleged perpetrator committed a severe type of child abuse or neglect;
- ▶ describes the circumstances under which a person's name and other information should be entered on, or removed from, the Licensing Information System;
- ▶ provides that, in an adjudicative proceeding to determine whether a person has caused a child to suffer abuse, neglect, or dependency, the division shall have the burden of proving, by a preponderance of the evidence, that child abuse, neglect, or dependency occurred and that the alleged perpetrator was substantially responsible for the abuse or neglect; and
- ▶ makes technical changes.

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

Amends 26-21-9.5, 26-39-105.5, 62A-1-118, 62A-2-120, 62A-2-121, 62A-4a-412, 62A-5-103.5, 62A-11-304.4, 78-3a-206, 78-3a-320; Enacts 62A-4a-1001, 62A-4a-1002, 62A-4a-1004; Renumbers and Amends 62A-4a-116 to 62A-4a-1003, 62A-4a-116.1 to 62A-4a-1005, 62A-4a-116.2 to 62A-4a-1006, 62A-4a-116.3 to 62A-4a-1007, 62A-4a-116.4 to 62A-4a-1008, 62A-4a-116.5 to 62A-4a-1009, 62A-4a-116.6 to 62A-4a-1010

Effective May 1, 2006

Chapter 77, Laws of Utah 2006

HB 26 Filing Liens (*Stephen D. Clark*)

This bill modifies a provision related to filing a lien.

This bill:

- ▶ provides that mechanics' liens be filed within 90 days after the date of final completion of the original contract;
- ▶ clarifies a cross reference; and
- ▶ makes technical changes.

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

Amends 38-1-7, 38-11-107

Effective May 1, 2006

Chapter 205, Laws of Utah 2006

HB 27 Divorce Education Amendments (*Lorie D. Fowlke*)

This bill allows the court to require unmarried parents to attend a course designed to educate and sensitize parents to the needs of their child or children.

This bill:

- ▶ permits the court to require unmarried parents who are involved in a custody or parent-time proceeding to attend an educational course to sensitize both parents to the needs of their child or children.

The original bill was recommended by the Judiciary Interim Committee

Amends 30-3-11.3

Effective May 1, 2006

Chapter 173, Laws of Utah 2006

HB 28 Access and Fee Amendments to Government Records Access and Management Act
(Douglas C. Aagard)

This bill modifies the Government Records Access and Management Act by amending certain provisions related to protected records and manipulation of certain records.

This bill:

- ▶ provides that, in certain circumstances, an individual's home address, home telephone number, or personal mobile phone number is a protected record, if:
 - the information is required to be provided in order to comply with a law; and
 - by complying with the law and due to the nature of the law the subject of the record has a reasonable expectation that this information will be protected;
- ▶ allows the disclosure of an individual's home address or phone numbers that are otherwise protected if:
 - the head of the governmental entity determines that the disclosure is mutually beneficial to the subject of the record, the governmental entity, and to the public by serving a public purpose related to public safety or consumer protection; and
 - the person who receives the record from the governmental entity agrees not to use or allow its use for advertising or solicitation purposes;
- ▶ provides that in response to a request, a governmental entity is not required to:
 - compile, format, manipulate, package, summarize, or tailor information;
 - provide a record in a particular format, medium, or program; or
 - fulfill a person's records request if the information requested is accessible in the same physical form and content in a public publication produced by the governmental entity and if the governmental entity provides the requester with the publication and specifies where the record may be found in the publication;
- ▶ allows rather than requires a governmental entity to provide a record in a particular form if the governmental entity determines it is able to do so without unreasonably interfering with its duties;
- ▶ allows contractors and private providers to receive private, controlled, or protected records under certain circumstances;
- ▶ provides that improper use of a record is a class B misdemeanor; and
- ▶ makes technical changes.

Amends 63-2-201, 63-2-203, 63-2-206, 63-2-304, 63-2-801

Effective May 1, 2006

Chapter 174, Laws of Utah 2006

HB 29 Township Amendments (LaVar Christensen)

This bill modifies provisions relating to townships.

This bill:

- ▶ modifies the criteria that an unincorporated area is required to meet in order to be designated as a township so that an area declared to be a census designated place by the United States Census Bureau meets township requirements as an alternative to meeting other requirements relating to population or land area and value; and
- ▶ makes technical changes.

The original bill was recommended by the Political Subdivisions Interim Committee

Amends 17-27a-306

Effective May 1, 2006

Chapter 78, Laws of Utah 2006

HB 30 Emancipation of a Minor *(Rosalind J. McGee)*

This bill creates a procedure by which a minor 16 years of age or older may petition the juvenile court for a declaration of emancipation.

This bill:

- ▶ creates a procedure for a minor to petition the court for emancipation;
- ▶ provides criteria for a court in determining whether to emancipate a minor;
- ▶ provides definitions;
- ▶ sets out rights and responsibilities of an emancipated minor; and
- ▶ provides a filing fee of \$50 for an emancipation petition.

The original bill was recommended by the Judiciary Interim Committee

Amends 78-3a-104, 78-3a-119, 78-7-35, 78-30-7, 78-45-7.10; Enacts 78-3a-1001, 78-3a-1002, 78-3a-1003, 78-3a-1004, 78-3a-1005

Effective May 1, 2006

Chapter 132, Laws of Utah 2006

HB 31 Pilot Program for the Provision of Services for People with Disabilities
(Ronda Rudd Menlove)

This bill establishes a pilot program within the Services for People with Disabilities chapter of the Utah Human Services Code, for the expedited provision of supported employment services to people with disabilities.

This bill:

- ▶ establishes a pilot program, beginning on July 1, 2006, and ending on July 1, 2008, for the provision of supported employment services to eligible people with disabilities, outside of the prioritization criteria established by the division for the provision of other services;
- ▶ grants rulemaking authority to the division;
- ▶ describes a person who is eligible to receive expedited services under this bill;
- ▶ provides that the division shall establish criteria to determine the order of priority for receiving services under this bill;
- ▶ provides that the services provided under the pilot program described in this bill do not constitute an entitlement and shall be provided and funded separately from the Medicaid program;
- ▶ requires the director of the Division of Services for People with Disabilities to report, for consideration and decision, to the Health and Human Services Interim Committee during the 2007 interim regarding whether the pilot program created by this bill should be modified or converted into an ongoing program;
- ▶ provides, under the Legislative Oversight and Sunset Act, that the pilot program created by this bill will be repealed on July 1, 2008; and
- ▶ makes technical changes.

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

Amends 63-55-262; Enacts 62A-5-103.1

Effective May 1, 2006

Chapter 133, Laws of Utah 2006

HB 32 Life Insurance and Annuity Law Amendments *(James A. Dunnigan)*

This bill modifies the Insurance Code related to life insurance and annuities.

This bill:

- ▶ grants rulemaking authority related to life insurance policies, annuity contracts, or certificates;
- ▶ modifies the amount of life insurance when conversions occur; and
- ▶ makes technical changes.

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

Amends 31A-22-425, 31A-22-517

Effective May 1, 2006

Chapter 175, Laws of Utah 2006

HB 33 Insurance Related Investment Amendments *(James A. Dunnigan)*

This bill modifies the Insurance Code related to investments.

This bill:

- ▶ modifies the power to hold property in other than an insurer's own name including:
 - enforcement of these provisions; and
 - treatment of securities kept in violation of the provisions;
- ▶ expands the permitted classes of investment;
- ▶ modifies investment limitations; and
- ▶ makes technical changes.

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

Amends 31A-4-108, 31A-18-105, 31A-18-106

Effective May 1, 2006

Chapter 176, Laws of Utah 2006

HB 34 Insurance Reports, Tables, and Examination Amendments *(James A. Dunnigan)*

This bill modifies the Insurance Code to address reports, tables, and examinations.

This bill:

- ▶ expands the purposes for which annual statement forms developed by the National Association of Insurance Commissioners shall be used;
- ▶ modifies examination provisions;
- ▶ addresses market regulation surveillance;
- ▶ grants rulemaking authority;
- ▶ addresses cooperation with other states in conducting examinations;
- ▶ addresses relationship to Utah's Administrative Procedures Act;
- ▶ deletes the requirement that the commissioner obtain and publish certain tables;
- ▶ adjusts reporting requirements of captive insurance companies; and
- ▶ makes technical changes.

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

Amends 31A-2-202, 31A-2-203, 31A-2-204, 31A-2-212, 31A-27-315, 31A-37-501, 59-9-102

Effective May 1, 2006

Chapter 177, Laws of Utah 2006

HB 35 State Highways Amendments (*Joseph G. Murray*)

This bill modifies the Transportation Code by amending state highway descriptions.

This bill:

- ▶ conforms statutory descriptions of state highways to the existing state highway alignments; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 72-4-106, 72-4-109, 72-4-110, 72-4-113, 72-4-114, 72-4-115, 72-4-116, 72-4-117, 72-4-121, 72-4-122, 72-4-124, 72-4-125, 72-4-126, 72-4-128, 72-4-131, 72-4-132, 72-4-133, 72-4-136

Effective May 1, 2006

Chapter 79, Laws of Utah 2006

HB 36 Notice Requirements for Budget Transfers from Utility Funds (*Aaron Tilton*)

This bill requires notice for certain transfers of money out of utility funds.

This bill:

- ▶ requires towns, cities, counties, and special districts, to provide notice, under certain circumstances, before transferring money out of a utility fund;
- ▶ describes the scope of notice required; and
- ▶ makes technical changes.

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

Amends 10-5-107, 10-6-135, 17-36-32, 17A-1-432

Effective May 1, 2006

Chapter 178, Laws of Utah 2006

HB 37 Public Assistance Amendments (*Sheryl L. Allen*)

This bill modifies provisions related to persons applying for public assistance.

This bill:

- ▶ modifies the public assistance fraud time line for disclosing a change in a material fact that affects the determination of a person's eligibility to receive public assistance from the Department of Workforce Services or the Department of Health; and
- ▶ makes certain technical changes.

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

Amends 76-8-1203

Effective May 1, 2006

Chapter 80, Laws of Utah 2006

HB 38 Water Reuse Requirements (*Ben C. Ferry*)

This bill addresses requirements for water reuse projects.

This bill:

- ▶ defines terms;
- ▶ allows reuse of water by a public agency, including water for which water rights are not owned by the agency but a reuse authorization contract exists;
- ▶ establishes a process for approval of a water reuse project;
- ▶ addresses the effects of a water reuse project; and
- ▶ makes technical changes.

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

Amends 19-5-104; Enacts 73-3c-101, 73-3c-102, 73-3c-201, 73-3c-202, 73-3c-301, 73-3c-302, 73-3c-303, 73-3c-304, 73-3c-401; Repeals 73-3c-1, 73-3c-2, 73-3c-3, 73-3c-4, 73-3c-5, 73-3c-6, 73-3c-7, 73-3c-8

Effective May 1, 2006

Chapter 179, Laws of Utah 2006

HB 39 Utah International Trade Commission (*Sheryl L. Allen*)

This bill creates a legislative commission to address international trade issues.

This bill:

- ▶ provides for a legislative commission to study policy issues concerning:
 - international trade treaties' effects on the Legislature's regulation of state affairs;
 - creation of trade-related position in state government; and
 - the promotion of international trade relationships with Utah;
- ▶ requires the governor to consult with the commission before binding the state to an international trade agreement; and
- ▶ provides a repeal date.

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

Amends 63-55-236, 63-55-267; Enacts 36-26-101, 36-26-102, 36-26-103, 36-26-104, 67-1-15

Effective May 1, 2006

Chapter 362, Laws of Utah 2006

HB 40 Expenditures for Tourism, Recreation, Cultural, and Convention Facilities and Activities
(*J. Stuart Adams*)

This bill modifies provisions related to revenue sources and expenditures for tourism, recreation, cultural, and convention facilities and activities.

This bill:

- ▶ requires an audit of and report on the use of tourism, recreation, cultural, and convention facilities tax funds imposed by the legislative body of a county;
- ▶ modifies provisions related to the composition and duties of county tourism tax advisory boards;
- ▶ provides that the report on the use of transient room tax funds and tourism, recreation, cultural, and convention facilities tax funds shall include a breakdown of expenditures of the tax funds into designated categories;
- ▶ provides that a copy of the report shall be forwarded to the Governor's Office of Economic Development, the county's tourism tax advisory board, and the Office of the Legislative Fiscal Analyst; and
- ▶ makes certain technical changes.

The original bill was recommended by the Workforce Services and Community and Economic Development Interim Committee / Tourism Task Force

Amends 17-31-5.5, 17-31-8, 59-12-603

Effective May 1, 2006

Chapter 134, Laws of Utah 2006

HB 41 Preservation of and Access to State Publications (*Michael E. Noel*)

This bill modifies provisions of the State Library Division within the Department of Community and Culture related to its duties and responsibilities for providing access to and preserving state publications.

This bill:

- ▶ requires the State Library Division to establish, operate, and maintain a digital library of state publications;
- ▶ requires state agencies and political subdivisions to deposit digital copies of their publications with the division;
- ▶ provides that state agencies may not remove state publications from public access unless digital copies of the publications have been deposited with the division; and
- ▶ eliminates distinctions between complete and selective depository libraries.

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

Amends 9-7-101, 9-7-203, 9-7-207, 9-7-209; Repeals and Reenacts 9-7-208

Effective May 1, 2006

Chapter 81, Laws of Utah 2006

HB 43 **Sunset Review and Reauthorizations** (*Jeff Alexander*)

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2007 Annual General Session of the Utah Legislature.

This bill:

- ▶ reauthorizes certain named state entities and programs that are scheduled to sunset before the 2007 Annual General Session; and
- ▶ makes technical changes.

The original bill was recommended by the Legislative Management Committee

Amends 63-55-209, 63-55-213, 63-55-219, 63-55-258, 63-55-262, 63-55-263, 63-55-278, 63-55b-131

Effective May 1, 2006

Chapter 82, Laws of Utah 2006

HB 44 Local Government Amendments (*Brad L. Dee*)

This bill modifies provisions relating to local governments.

This bill:

- ▶ expands the reach of the Local Government Bonding Act so that the act applies to additional independent special districts and to local districts;
- ▶ modifies definitions in the Local Government Bonding Act;
- ▶ adds to the Local Government Bonding Act a provision that:
 - authorizes a local political subdivision to require bonds to recite that they comply with applicable law; and
 - makes bonds incontestible if they contain that recital;
- ▶ modifies provisions that validates bonds and tax anticipation obligations and proceedings relating to them;
- ▶ adds a provision authorizing a newly created local political subdivision to issue tax and revenue anticipation notes or bonds;
- ▶ adds to the Local Government Bonding Act a provision that makes bonds legal investments for various funds, allows funds to be invested in or loaned upon the security of local political subdivision bonds, and allows bonds of a local political subdivision to be used as security for the faithful performance on execution of a court or private trust or other act;
- ▶ expands the reach of a provision under which an independent special district may be conclusively presumed to have been lawfully created and existing to apply to all independent special districts rather than those created after May 4, 1999;
- ▶ modifies the bonding authority of cemetery maintenance districts;
- ▶ modifies county service area provisions related to bonding;
- ▶ authorizes mosquito abatement districts to issue notes and bonds, subject to a debt limit;
- ▶ modifies provisions applicable to administrative control boards of special service districts;
- ▶ eliminates independent special districts provisions made redundant and superfluous because of changes in this bill to the Local Government Bonding Act;
- ▶ modifies provisions relating to the issuance of bonds by a municipal building authority; and
- ▶ makes technical changes.

Amends 11-14-102, 11-14-103, 11-14-201, 11-14-202, 11-14-205, 11-14-206, 11-14-207, 11-14-301, 11-14-302, 11-14-303, 11-14-305, 11-14-306, 11-14-307, 11-14-308, 11-14-310, 11-14-311, 11-14-312, 11-14-313, 11-14-314, 11-14-315, 11-14-316, 11-14-405, 11-14-406, 17A-2-103, 17A-2-223, 17A-2-315, 17A-2-317, 17A-2-423, 17A-2-424, 17A-2-426, 17A-2-428, 17A-2-431, 17A-2-543, 17A-2-908, 17A-2-1326, 17A-2-1828, 17A-3-909; Enacts 11-14-304.5, 11-14-317; Repeals 17A-2-311, 17A-2-314, 17A-2-316, 17A-2-321, 17A-2-324, 17A-2-330, 17A-2-421, 17A-2-422, 17A-2-427, 17A-2-547, 17A-2-558, 17A-2-825, 17A-2-832, 17A-2-1825, 17A-2-1827; Repeals and Reenacts 17A-2-429

Effective May 1, 2006

Chapter 83, Laws of Utah 2006

HB 45 Bear River Development Act (*J. Stuart Adams*)

This bill amends the Bear River Development Act to allow funds to be spent on preconstruction activities even though certain construction funding requirements have not been met and to make developed water available to Cache County.

This bill:

- ▶ defines preconstruction costs;
- ▶ authorizes the expenditure of funds on preconstruction costs;
- ▶ authorizes water to be made available to Cache County;
- ▶ limits the amount of water made available to Cache County; and
- ▶ makes technical changes.

The original bill was recommended by the Natural Resources, Agriculture, and Environment Interim Committee

Amends 73-26-103, 73-26-104, 73-26-201, 73-26-202, 73-26-301, 73-26-302

Effective May 1, 2006

Chapter 84, Laws of Utah 2006

HB 46 Energy Policy Amendments (*Roger E. Barrus*)

This bill establishes the position of governor's energy advisor and an energy policy.

This bill:

- ▶ defines terms;
- ▶ establishes the position of governor's energy advisor;
- ▶ outlines the governor's energy advisor's powers and duties;
- ▶ requires the governor's energy advisor to submit certain reports;
- ▶ declares the state's energy policy; and
- ▶ requires legislative committees to review and propose updates to the energy policy annually.

Enacts 63-53b-101, 63-53b-102, 63-53b-201, 63-53b-202, 63-53b-203, 63-53b-301, 63-53b-302

Effective May 1, 2006

Chapter 180, Laws of Utah 2006

HB 47 Sales Tax Diversion for Water Projects and Water Financing *(David Ure)*

This bill amends the Sales and Use Tax Act to address the expenditure of certain state sales and use tax revenues.

This bill:

- ▶ requires that certain state sales and use tax revenues be transferred to the Water Resources Conservation and Development Fund and used by the Division of Water Resources for preconstruction costs for certain water projects;
- ▶ requires that certain state sales and use tax revenues be transferred as dedicated credits to and used by the Division of Water Rights for hiring staff;
- ▶ requires that certain state sales and use tax revenues be transferred as dedicated credits to and used by the Department of Natural Resources for watershed rehabilitation or restoration;
- ▶ requires that certain state sales and use tax revenues be transferred as dedicated credits to and used by the Department of Water Resources for cloud seeding;
- ▶ addresses the treatment of unexpended funds; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.
- ▶ This bill coordinates with S.B. 27, the Lake Powell Pipeline Development Act, and H.B. 45, the Bear River Development Act by substantively modifying language.

Amends 59-12-103 (Effective 07/01/06), 59-12-1201, 72-2-124

Effective July 1, 2006

Chapter 135, Laws of Utah 2006

HB 48 Water Company Amendments *(David Ure)*

This bill allows a shareholder who is requesting a change to a water right to recover damages in an action against the water company.

This bill:

- ▶ allows a water company shareholder who is requesting a change to a water right held by the company to recover actual damages in an action against the water company under certain conditions.

The original bill was recommended by the Water Issues Task Force

Amends 73-3-3.5

Effective May 1, 2006

Chapter 85, Laws of Utah 2006

HB 49 Department of Technology Services Personnel Transfer - Supplemental Appropriation *(David Clark)*

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; and
- ▶ provides intent language.
- ▶ This bill appropriates for fiscal year 2006:
- ▶ \$30,179,400 from Intragovernmental Revenue.
- ▶ This bill provides an immediate effective date.

Effective February 24, 2006

Chapter 7, Laws of Utah 2006

HB 50 Utah Technology Industry Council Revisions (*David Litvack*)

This bill makes changes to the Utah Technology Industry Council.

This bill:

- ▶ removes the requirement for a joint meeting between the Utah Technology Commission and the Utah Technology Industry Council;
- ▶ changes the membership of the Utah Technology Industry Council;
- ▶ changes the selection of the chair of the Utah Technology Industry Council;
- ▶ allows for the creation of ad hoc committees to participate in the Utah Technology Industry Council's work;
- ▶ requires the Office of Legislative Research and General Counsel to staff the Utah Technology Industry Council; and
- ▶ makes technical changes.

The original bill was recommended by the Utah Technology Commission

Amends 63D-1a-202, 63D-1a-203; Repeals 63D-1a-204

Effective May 1, 2006

Chapter 267, Laws of Utah 2006

HB 51 Sales and Use Taxation of Amusement Devices and Cleaning or Washing of Tangible Personal Property (*Wayne A. Harper*)

This bill amends the Sales and Use Tax Act to address the sales and use taxation of the right to use or operate an amusement device and the cleaning or washing of tangible personal property.

This bill:

- ▶ provides definitions of "assisted amusement device," "assisted cleaning or washing of tangible personal property," and "unassisted amusement device";
- ▶ repeals the definition of "coin-operated amusement device";
- ▶ modifies the sales and use taxation of sales or rentals of the right to use or operate certain amusement devices;
- ▶ modifies the sales and use taxation of cleaning or washing of tangible personal property; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

The original bill was recommended by the Tax Reform Task Force

Amends 59-1-403, 59-12-102, 59-12-103 (Effective 07/01/06), 59-12-104, 59-12-105 (Portions Eff 07/01/06 See 59-1-1201)

Effective July 1, 2006

Chapter 181, Laws of Utah 2006

HB 52 Sales and Use Tax Exemption for Transportation (Wayne A. Harper)

This bill amends the Sales and Use Tax Act to exempt from sales and use taxation amounts paid for transportation.

This bill:

- ▶ repeals from the state and local sales and use tax base amounts paid to certain persons for transportation;
- ▶ repeals certain sales and use tax exemptions relating to transportation to reflect the repeal of amounts paid to certain persons for transportation in the sales and use tax base; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

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

Amends 59-1-403, 59-12-102, 59-12-103 (Effective 07/01/06), 59-12-104, 59-12-104.5, 59-12-105 (Portions Eff 07/01/06 See 59-1-1201)

Effective July 1, 2006

Chapter 182, Laws of Utah 2006

HB 54 Sales and Use Tax Exemption for Sales of Certain Agricultural Products (Gordon E. Snow)

This bill amends the Sales and Use Tax Act by modifying an exemption relating to the sale of certain agricultural products.

This bill:

- ▶ provides definitions;
- ▶ repeals a requirement that certain agricultural products be locally grown to be exempt from sales and use taxation;
- ▶ addresses who may sell agricultural products for purposes of eligibility for the sales and use tax exemption; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

The original bill was recommended by the Revenue and Taxation Interim Committee / Tax Reform Task Force

Amends 59-12-102, 59-12-104

Effective July 1, 2006

Chapter 268, Laws of Utah 2006

HB 55 Property Tax - Circuit Breaker Qualifying Limits (Wayne A. Harper)

This bill increases the homeowner's credit amounts and increases the household income qualifying limits for both the homeowner's credit and the renter's credit.

This bill:

- ▶ modifies the definition of a claimant to increase the age at which a claimant may qualify for a homeowner's or renter's credit;
- ▶ increases the homeowner credit amounts that a claimant may claim;
- ▶ increases the household income qualifying limits for the homeowner's credit;
- ▶ increases the household income qualifying limits for the renter's credit; and
- ▶ makes technical changes.
- ▶ This bill takes effect on January 1, 2007.

Amends 59-2-1202, 59-2-1208, 59-2-1209

Effective January 1, 2007

Chapter 363, Laws of Utah 2006

HB 56 Sex Offender Registration Amendments (*M. Susan Lawrence*)

This bill requires the registration of a sex offender who is committed to the Division of Juvenile Justice Services for secure confinement and who remains in the division's custody 30 days prior to the offender's 21st birthday.

This bill:

- ▶ modifies the responsibilities of the Division of Juvenile Justice Services to require that the division register a sex offender with the Department of Corrections prior to the offender's release from custody;
- ▶ amends sex offender registration law to include those who have been adjudicated delinquent for one of the specified offenses and remain in the custody of the division 30 days prior to their 21st birthday;
- ▶ requires lifetime registration if an offender who is convicted as an adult has been previously convicted or required to register as a sex offender; and
- ▶ requires the Division of Juvenile Justice Services to provide the following information when available:
 - crimes for which the offender was adjudicated delinquent; and
 - a description of the sex offender's primary and secondary targets.

Amends 62A-7-104, 77-18-12, 77-27-21.5

Effective May 1, 2006

Chapter 269, Laws of Utah 2006

HB 57 County Officers Amendments (*Ronda Rudd Menlove*)

This bill modifies provisions relating to county officers.

This bill:

- ▶ extends a date by which counties must comply with a requirement to separate county offices that are prohibited from being consolidated;
- ▶ authorizes counties that have adopted an ordinance separating county offices that are prohibited from consolidation to repeal that ordinance and requiring the publication of notice under certain circumstances; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 17-16-3

Effective February 9, 2006

Chapter 3, Laws of Utah 2006

HB 60 Controlled Substance Amendments (*Curtis Oda*)

This bill amends the Controlled Substances Act to clarify the scope of the exception established for the ceremonial use of peyote by Indians in traditional Indian religion and to provide an affirmative defense.

This bill:

- ▶ provides definitions in the Controlled Substances Act of "Indian," "Indian religion," and "Indian tribe" in order to provide for the determination of individuals who are members of Indian tribes regarding the peyote use exemption;
- ▶ provides an affirmative defense against a charge for possession of peyote if used by an Indian in an Indian religious ceremony, as these terms are defined in this bill; and
- ▶ provides related qualifying language regarding driving with any measurable controlled substance in the body.

Amends 41-6a-517, 58-37-2, 58-37-4, 58-37-8

Effective May 1, 2006

Chapter 8, Laws of Utah 2006

HB 63 Probate Code Amendments Regarding Homicide (*Karen W. Morgan*)

This bill provides for the disinheritance of a person who kills someone they would inherit from.

This bill:

- ▶ defines “disqualifying homicide”;
- ▶ defines “killer”;
- ▶ provides that a person who kills another from whom they might inherit is not eligible to inherit from the decedent; and
- ▶ provides for the court to take action if there has been no criminal conviction.

Amends 75-2-803

Effective May 1, 2006

Chapter 270, Laws of Utah 2006

HB 65 Consumer Protection Agency (*M. Susan Lawrence*)

This bill appropriates \$20,000 to the Division of Consumer Protection to fund a public awareness campaign.

This bill:

- ▶ appropriates \$20,000 to the Division of Consumer Protection to fund a public awareness campaign educating Utah consumers as to:
 - a consumer’s rights under Title 13, Chapter 11, Utah Consumer Sales Practices Act; and
 - the existence and role of the Division of Consumer Protection in assisting consumers.
- ▶ This bill appropriates:€\$20,000 for fiscal year 2006-07 only, to the Division of Consumer Protection.
- ▶ This bill takes effect on July 1, 2006.

Effective July 1, 2006

Chapter 271, Laws of Utah 2006

HB 66 Tuition Waivers for Higher Education (*Craig W. Buttars*)

This bill modifies provisions regarding tuition waivers for nonresident students attending institutions within the state system of higher education.

This bill:

- ▶ increases the number of scholarships the State Board of Regents may grant for the waiver of the nonresident portion of total tuition charged to nonresident students; and
- ▶ removes the sunset date from a nonresident tuition waiver program.

Amends 53B-8-104.5, 63-55b-153

Effective May 1, 2006

Chapter 272, Laws of Utah 2006

HB 67 Military and Overseas Citizens Absentee Voter Amendments *(Stephen H. Urquhart)*

This bill modifies the Election Code by amending provisions for registration and voting by certain military and overseas citizen voters.

This bill:

- ▶ allows military and overseas voters who are currently deployed in hostile fire zones or areas where mail service is reliable to register, obtain an absentee ballot, and vote through electronic transmission;
- ▶ provides definitions for the federal postcard application form and hostile fire zones;
- ▶ requires the eligible voters to file the federal postcard application form no later than 20 days before the day of the election;
- ▶ provides procedures for the electronic transmission and receipt of forms and ballots by the county clerks;
- ▶ requires the eligible voters to waive their right to a secret ballot and to affirm that they are currently deployed in a hostile fire zone or other area where the mail service is unreliable; and
- ▶ makes technical changes.

Amends 20A-3-403; Enacts 20A-3-408.5

Effective May 1, 2006

Chapter 273, Laws of Utah 2006

HB 70 Statute of Limitations on Bodily Injury *(Curtis Oda)*

This bill removes assault and battery from the one-year statute of limitations.

This bill:

- ▶ removes assault and battery from the one-year statute of limitations.

Amends 78-12-29

Effective May 1, 2006

Chapter 274, Laws of Utah 2006

HB 71 Economic Development - Sunset Modifications *(Peggy Wallace)*

This bill repeals the sunset review provision of the Utah Venture Capital Enhancement Act.

This bill:

- ▶ repeals the sunset review provision of the Utah Venture Capital Enhancement Act; and
- ▶ makes certain technical changes to other economic development sunset provisions.

Amends 63-55-209, 63-55-263

Effective May 1, 2006

Chapter 86, Laws of Utah 2006

HB 72 Workers' Compensation for the State (*Gordon E. Snow*)

This bill amends the Insurance Code, the Utah Labor Code, and the Utah Administrative Services Code to address workers' compensation coverage for the state.

This bill:

- ▶ addresses the makeup of the Workers' Compensation Fund's board of directors;
- ▶ beginning July 1, 2007, deletes the requirement that state entities pay the Workers' Compensation Fund for workers' compensation coverage;
- ▶ beginning July 1, 2007, establishes requirements for the state to secure the payment of workers' compensation benefits for its employees;
- ▶ addresses duties of the risk manager;
- ▶ addresses the application to the state of certain statutes applicable to self-insured employers; and
- ▶ makes conforming amendments and technical changes.

Amends 31A-33-106, 34A-2-202, 34A-2-203, 63A-4-101

Effective May 1, 2006

Chapter 275, Laws of Utah 2006

HB 73 K. Gunn McKay Highway Designation (*Neil A. Hansen*)

This bill modifies the Designation of State Highways Act by designating a portion of a state highway.

This bill:

- ▶ designates a portion of State Route 39 as the K. Gunn McKay Highway; and
- ▶ requires the Department of Transportation to designate the highway on future highway maps.

Enacts 72-4-210

Effective May 1, 2006

Chapter 87, Laws of Utah 2006

HB 74 Athletic Trainer Licensing Act (*Paul Ray*)

This bill enacts the Athletic Trainer Licensing Act.

This bill:

- ▶ enacts the Athletic Trainer Licensing Act;
- ▶ establishes the Athletic Trainers Licensing Board and its duties and responsibilities;
- ▶ provides for the licensing of athletic trainers;
- ▶ establishes qualifications for an athletic trainer license;
- ▶ establishes the scope of practice of an athletic trainer;
- ▶ provides exemptions from licensure; and
- ▶ defines unprofessional conduct.

Amends 58-1-307; Enacts 58-40a-101, 58-40a-102, 58-40a-103, 58-40a-201, 58-40a-301, 58-40a-302, 58-40a-303, 58-40a-304, 58-40a-305, 58-40a-401, 58-40a-501

Effective May 1, 2006

Chapter 206, Laws of Utah 2006

HB 76 High Deductible Health Plan Option for Public Employees *(Bradley M. Daw)*

This bill modifies the Public Employees' Benefit and Insurance Program Act by amending provisions of the health plans offered by the program.

This bill:

- ▶ requires the Public Employees' Benefit and Insurance Program (PEHP) to offer a high deductible health plan with a federally qualified health savings account;
- ▶ prohibits the program from allowing an employee to change from the high deductible health plan to another health plan more frequently than every three years; and
- ▶ requires the high deductible health plan to include a health savings account for each covered individual with certain contributions made by the employer and optional contributions made by the employee.

Enacts 49-20-410

Effective May 1, 2006

Chapter 276, Laws of Utah 2006

HB 77 School District Boundaries *(David N. Cox)*

This bill modifies procedures related to the creation of a new school district.

This bill:

- ▶ allows the governing body of certain cities and counties to submit for voter approval a proposal to establish a new school district;
- ▶ imposes requirements for the filing and processing of a petition or request to create a new school district;
- ▶ requires the county legislative body to make district boundary changes when voters approve a new school district;
- ▶ provides for transfer of property and indebtedness of affected districts consistent with procedures for other types of school district boundary changes;
- ▶ provides for certain treatment of transferred employees of affected districts; and
- ▶ makes technical changes.

Amends 53A-2-104, 53A-2-105, 53A-2-118, 53A-2-122; Enacts 53A-2-118.1

Effective May 1, 2006

Chapter 183, Laws of Utah 2006

HB 78 Investment of Land Grant Trust Funds *(David Clark)*

This bill exempts land grant trust funds from the specific investment limitations of the Money Management Act and directs the State Treasurer to invest them.

This bill:

- ▶ exempts land grant trust funds from investment limitations in the Money Management Act;
- ▶ directs the state treasurer to invest trust fund monies using the "prudent investor" rule and standards established by this bill;
- ▶ defines the criteria to be used to evaluate whether or not the state treasurer has complied with the "prudent investor" rule;
- ▶ establishes an Investment Advisory Committee, defines its membership, operation, and duties;
- ▶ repeals existing law concerning investments of land grant trust funds; and
- ▶ makes technical corrections.

Amends 51-7-2, 51-7-11, 51-7-14; Enacts 51-7a-101, 51-7a-102, 51-7a-201, 51-7a-202, 51-7a-301, 51-7a-302; Repeals 51-7-12

Effective May 1, 2006

Chapter 277, Laws of Utah 2006

HB 80 Energy Savings in State Buildings (*Fred R. Hunsaker*)

This bill modifies a portion of the Quality Growth Act and statutes governing the State Building Energy Efficiency Program, the State Building Board, and the Division of Facilities Construction and Management.

This bill:

- ▶ modifies definitions;
- ▶ eliminates the requirement for state agencies to place 50% of net energy savings in the LeRay McAllister Critical Land Conservation Fund;
- ▶ provides that the Division of Facilities Construction and Management shall develop and administer the State Building Energy Efficiency Program;
- ▶ requires the Division of Facilities Construction and Management to:
 - develop incentives to encourage state entities to conserve energy and reduce energy costs;
 - procure energy efficient products where practicable;
 - analyze energy consumption by state agencies;
 - establish an advisory group to assist with development and implementation of the program; and
 - provide a yearly energy savings report to the governor in addition to the Legislature;
- ▶ requires state government entities to appoint a staff member to coordinate and report on energy saving efforts;
- ▶ reduces the maximum term for energy savings agreements entered into by state agencies, modifies terms in the definition of energy savings agreement, and requires the agency to obtain the preapproval of the governor and to notify the Office of Legislative Fiscal Analyst before entering into an agreement;
- ▶ provides that DFCM may establish energy savings design procedures for improvements to existing state facilities;
- ▶ permits the State Building Board to require an entity that benefits from a capital improvement project to repay the capital improvement funds from savings resulting from the project;
- ▶ modifies provisions related to the State Building Board's rulemaking in relation to life cycle cost-effectiveness of state facilities;
- ▶ provides that life-cycle effectiveness shall be determined using the most prudent cost of owning and operating a facility; and
- ▶ makes technical changes.

Amends 11-38-102, 11-38-301, 63-9-63, 63-9-67, 63-38-3, 63-38-8.1, 63A-5-103, 63A-5-104, 63A-5-204, 63A-5-206; Repeals 63-38-18

Effective May 1, 2006

Chapter 278, Laws of Utah 2006

HB 81 Tuition Program for Students Seeking Teacher Licensure (*Ronda Rudd Menlove*)

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

This bill:

- ▶ modifies the class of students eligible for the Terrel H. Bell Teaching Incentive Loans program;
- ▶ gives the State Board of Regents sole authority to make standard awards;
- ▶ modifies prioritization criteria;
- ▶ allows the State Board of Education to select certain recipients, subject to program appropriation levels; and
- ▶ makes technical changes.

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

Effective May 1, 2006

Chapter 88, Laws of Utah 2006

HB 82 Education Information Technology Systems *(Kory M. Holdaway)*

This bill requires coordination between public and higher education information technology systems, including the use of a unique student identifier.

This bill:

- ▶ provides definitions;
- ▶ requires coordination between public and higher education information technology systems;
- ▶ requires the State Board of Education to assign a unique student identifier to each public education student; and
- ▶ requires the higher education system to utilize the unique student identifier assigned to public education students.
- ▶ This bill takes effect on January 1, 2007.

Enacts 53A-1-603.5, 53B-1-109

Effective January 1, 2007

Chapter 147, Laws of Utah 2006

HB 85 Abortion by a Minor - Parental Notification and Consent (*Kerry W. Gibson*)

This bill amends the Utah Criminal Code, the Utah Human Services Code, and the Utah Health Care Malpractice Act to require parental consent and notification for abortions performed upon minors, subject to certain exceptions.

This bill:

- ▶ defines terms;
- ▶ provides that a written report of incest or abuse made in connection with a minor seeking an abortion may not disclose that the minor obtained or considered an abortion;
- ▶ requires that at least 24 hours before a physician performs an abortion on a minor, the physician shall notify a parent or guardian of the minor that the minor intends to have an abortion, unless:
 - a medical emergency exists;
 - the physician reports that the parent or guardian abused the minor or caused the minor's pregnancy by engaging in incest with the minor; or
 - the parent or guardian has not assumed responsibility for the minor's care and upbringing;
- ▶ provides that, in a medical emergency, except when it is necessary to immediately perform an abortion, the physician shall notify a parent or guardian of the minor, as early as possible before the abortion, that the minor intends to have an abortion;
- ▶ removes the requirement that a physician notify the spouse of a married woman that she intends to obtain an abortion;
- ▶ requires that a minor obtain parental consent before obtaining an abortion unless:
 - the minor obtains the right, by court order, to consent to an abortion without parental consent; or
 - a medical emergency exists;
- ▶ provides that a minor may petition a court to determine whether a minor should be granted the right to consent to an abortion without parental consent;
- ▶ provides that the proceedings described above are closed to the public;
- ▶ provides that a court shall order that a minor may consent to an abortion without parental consent only if the court finds by a preponderance of the evidence that:
 - the minor is mature and capable of giving informed consent to the abortion and has given her informed consent; or
 - an abortion would be in the minor's best interest;
- ▶ grants rulemaking authority to the Judicial Council to:
 - administer the proceedings described in this bill;
 - provide for an appeal of a decision described in the preceding paragraph;
 - ensure the confidentiality of proceedings described in this bill and the records relating to the proceedings; and
 - establish procedures to expedite the hearing and appeal proceedings described in this bill;
- ▶ amends the Utah Health Care Malpractice Act and related provisions to conform to the consent requirements of this bill; and
- ▶ makes technical changes.

Amends 62A-4a-408, 76-7-304, 76-7-305, 76-7-305.5, 76-7-315, 78-14-5; Enacts 76-7-304.5

Effective May 1, 2006

Chapter 207, Laws of Utah 2006

HB 86 Property Tax - Refunding Tax Prepayments (*Fred R. Hunsaker*)

This bill amends the Property Tax Act to provide for the refund of tax prepayments.

This bill:

- ▶ provides that a county treasurer may refund tax prepayments at any time before the county treasurer mails the property tax notice; and
- ▶ grants authority to a county legislative body to make rules and ordinances to implement the provisions of this bill.

Amends 59-2-1331

Effective May 1, 2006

Chapter 279, Laws of Utah 2006

HB 87 Use of Disaster Loan Funds (*David Clark*)

This bill modifies the disaster loan program by changing financial terms.

This bill:

- ▶ requires that new promissory notes be issued to refinance any promissory notes issued by the program that are unpaid as of their due date;
- ▶ requires that the new promissory notes be issued:
 - for the principal balance of the outstanding promissory notes;
 - with a due date two years from the date that the original promissory note was due; and
 - at no interest;
- ▶ changes the loan program by requiring two-year loans instead of one-year loans; and
- ▶ provides that notes issued, based on monies appropriated for disaster loans as of May 1, 2005, are due on or before June 30, 2007.
- ▶ This bill provides an immediate effective date.

Amends 53-2-102.5

Effective March 10, 2006

Chapter 89, Laws of Utah 2006

HB 90 Criminal Penalty Amendments (*David Litvack*)

This bill modifies the Criminal Code provisions regarding offenses committed with the intent to intimidate or terrorize a person and provides for consideration in sentencing regarding offenses that cause public harm.

This bill:

- ▶ amends the current law regarding the intent to intimidate or terrorize to include offenses that have the effect of causing a person to reasonably fear to exercise rights under the state and federal constitutions and laws;
- ▶ provides that the listed misdemeanor offenses are increased by one misdemeanor level rather than imposing any felony penalty;
- ▶ provides that in sentencing for an offense, the judge or the Board of Pardons and Parole shall consider as an aggravating circumstance the effect of the offense in causing public harm and community unrest; and
- ▶ clarifies that the provisions of this bill do not affect or limit any exercise of constitutional rights, including freedom of expression.

Amends 76-3-203.3; Enacts 76-3-203.4

Effective May 1, 2006

Chapter 184, Laws of Utah 2006

HB 93 Clean Fuel Vehicle Fund Amendments (*James R. Gowans*)

This bill modifies the Clean Fuels Conversion Program Act.

This bill:

- ▶ changes the name of the Clean Fuels Vehicle Fund;
- ▶ defines terms;
- ▶ expands the items for which loans or grants from the fund may be given;
- ▶ authorizes the department to charge fees for applications to off-set administrative costs;
- ▶ authorizes the Air Quality Board to:
 - certify a fuel, vehicle, fuel system, or conversion equipment which reduces emissions; and
 - recognize other state certification standards and emission reduction tests; and
- ▶ makes technical changes.

Amends 19-1-401, 19-1-402, 19-1-403, 19-1-404; Enacts 19-1-405

Effective May 1, 2006

Chapter 136, Laws of Utah 2006

HB 95 Individual Income Tax Contribution for Community Spay and Neuter Programs
(*Michael E. Noel*)

This bill amends the Utah Health Code and the Individual Income Tax Act.

This bill:

- ▶ creates the Cat and Dog Community Spay and Neuter Program Restricted Account, provides that the restricted account shall earn interest, and provides that the interest shall be deposited into the restricted account;
- ▶ describes organizations to which the Department of Health shall distribute contributions made to the Cat and Dog Community Spay and Neuter Program Restricted Account;
- ▶ provides the purposes for which an organization that receives a distribution from the Department of Health may expend the distribution;
- ▶ grants rulemaking authority to the Department of Health;
- ▶ provides for an individual income tax contribution to the Cat and Dog Community Spay and Neuter Program Restricted Account;
- ▶ provides that if this contribution generates less than \$30,000 per taxable year for three consecutive taxable years, the State Tax Commission shall remove the designation for the contribution from tax returns and may not collect the contribution from a resident or nonresident individual; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation for taxable years beginning on or after January 1, 2006.

Amends 59-10-551; Enacts 26-48-101, 26-48-102, 59-10-550.2

Effective May 1, 2006

Chapter 280, Laws of Utah 2006

HB 100 Environmental Litigation Bond (*Aaron Tilton*) **VETOED**

This bill requires entities that do business in the state to file a bond with the Division of Corporations and Commercial Code when it begins the environmental litigation.

This bill:

- ▶ defines terms;
- ▶ requires an entity doing business in Utah to file a bond with the division when it requests a stay or injunction in environmental litigation;
- ▶ authorizes the division to:
 - establish a fee for the bond filing;
 - hold a hearing to establish the bond amount;
 - make rules for posting the bond; and
 - administratively dissolve an entity or revoke its authority to do business for failure to post a bond;
- ▶ requires the division to dissolve an entity or revoke its authority to do business if another state with a similar law has revoked an entity's certificate of existence;
- ▶ provides for revocation of licenses an entity holds, including professional licenses; and
- ▶ makes technical changes.

Amends 16-6a-1410, 16-6a-1515, 16-10a-1420, 48-2a-802, 48-2c-1206; Enacts 13-1a-10

Effective May 1, 2006

Laws of Utah 2006

HB 102 Sentencing for First Degree Felony Murder (*Lorie D. Fowlke*)

This bill modifies the Criminal Code regarding predicate offenses referred to in defining first degree murder, provides that the minimum prison term for first degree murder is 15 years, and establishes a defendant's "position of trust" as an aggravating factor in sentencing murder offenses.

This bill:

- ▶ adds the offense of felony discharge of a weapon or firearm from a vehicle to the list of predicate offenses, the commission of which in the course of committing a homicide is an element of first degree felony murder;
- ▶ amends the sentence for first degree murder to increase the minimum term from five years to 15 years; and
- ▶ adds as an aggravating factor, when determining imprisonment for specified homicide offenses, that the defendant held a position of trust in relation to the victim.

Amends 76-5-203; Enacts 76-3-406.5

Effective May 1, 2006

Chapter 348, Laws of Utah 2006

HB 103 **Changes to Definitions of a Child and a Minor** (*Wayne A. Harper*)

This bill amends provisions of the Juvenile Court Act of 1996 and the Child and Family Services chapter of the Utah Human Services Code.

This bill:

- ▶ defines the terms “minor” and “child”;
- ▶ amends the Juvenile Court Act of 1996 and the Child and Family Services chapter of the Utah Human Services Code to ensure that:
 - the terms “minor” and “child” are used consistently and correctly; and
 - the code provisions specify whether the provisions relate to children or to minors; and
- ▶ makes technical changes.
- ▶ This bill coordinates with S.B. 7 by providing technical amendments.

Amends 58-37-6, 62A-4a-101, 62A-4a-105, 62A-4a-110, 62A-4a-116.1, 62A-4a-120, 62A-4a-202.1, 62A-4a-202.2, 62A-4a-202.3, 62A-4a-402, 62A-4a-412, 62A-4a-601, 78-3a-102, 78-3a-103, 78-3a-104, 78-3a-105, 78-3a-106, 78-3a-109, 78-3a-110, 78-3a-112, 78-3a-113, 78-3a-114, 78-3a-115, 78-3a-116, 78-3a-117, 78-3a-118, 78-3a-120, 78-3a-206, 78-3a-301, 78-3a-305, 78-3a-306, 78-3a-307, 78-3a-309, 78-3a-313.5, 78-3a-316.1, 78-3a-321, 78-3a-350, 78-3a-407, 78-3a-415, 78-3a-502, 78-3a-503, 78-3a-602, 78-3a-903, 78-3a-904, 78-3a-905, 78-3a-906, 78-3a-908, 78-3a-909, 78-3a-911, 78-3a-912, 78-3a-913

Effective May 1, 2006

Chapter 281, Laws of Utah 2006

HB 105 **Medicaid Generic Drug Reimbursement Amendments** (*Mark W. Walker*)

This bill amends the Pharmacy Practice Act to permit the Department of Health Pharmacist to override the generic drug mandate if a financial benefit will accrue to the state.

This bill:

- ▶ permits the Department of Health pharmacist to override the generic drug mandate if a financial benefit will accrue to the state.

Amends 58-17b-606

Effective May 1, 2006

Chapter 90, Laws of Utah 2006

HB 109 Sales and Use Tax - Food and Food Ingredients (*Merlynn T. Newbold*)

This bill amends the Sales and Use Tax Act relating to food and food ingredients.

This bill:

- ▶ defines terms;
- ▶ reduces the state sales and use tax rate imposed on food and food ingredients under certain circumstances;
- ▶ addresses the state sales and use tax rate imposed:
 - on a bundled transaction involving food and food ingredients; or
 - if a seller sells food and food ingredients and prepared food at the same location;
- ▶ addresses the amount that a business location that collects and remits sales and use taxes monthly may retain as a seller discount; and
- ▶ makes technical changes.
- ▶ This bill appropriates:
- ▶ \$6,000,000 from the General Fund for fiscal year 2006-07 only to the State Tax Commission for distribution to certain sellers to reimburse some of their costs in complying with the reduced sales and use tax rate imposed on food and food ingredients.
- ▶ This bill takes effect on January 1, 2007.

Amends 11-41-102, 59-12-102, 59-12-103 (Effective 07/01/06), 59-12-108

Effective January 1, 2007

Chapter 282, Laws of Utah 2006

HB 110 Airport Security Amendments (*Gregory H. Hughes*)

This bill amends the Public Safety Code and Transportation Code to permit certain cities to require a criminal background check as a condition of providing ground transportation service to the city's airport.

This bill:

- ▶ provides definitions;
- ▶ permits certain cities to require a criminal background check as a condition of providing ground transportation service to the city's airport;
- ▶ requires a driver who seeks to provide ground transportation service to a city's airport to submit a fingerprint card and consent to a fingerprint background check if required by the city;
- ▶ permits a city to:
 - conditionally approve a ground transportation service provider to provide ground transportation service to an airport pending a successful criminal background check; and
 - terminate a right to provide ground transportation service in certain circumstances;
- ▶ requires the Criminal Investigations and Technical Services Division to conduct a criminal background check for ground transportation service providers if requested by certain cities;
- ▶ requires a city that requests a criminal background check to:
 - prepare criteria for which criminal activity will preclude a right to provide ground transportation service to an airport; and
 - provide notice to a ground transportation service provider that the background check has been requested;
- ▶ requires the Criminal Investigations and Technical Services Division to:
 - release to a city the results of a requested background check;
 - perform a national criminal history background check if requested by the city;
 - maintain a fingerprint file for requested background checks; and
 - notify the city when a new background check request is made against a ground transportation service provider whose fingerprints are on file;
- ▶ requires a city requesting a criminal background check to pay to the Criminal Investigations and Technical Services Division the cost of the criminal background check including costs to maintain separate fingerprint files;
- ▶ requires a city to:
 - notify a ground transportation service provider of denial of the right to provide ground transportation service to an airport; and
 - allow the ground transportation service provider a chance to respond to a denial;
- ▶ provides that a denial or termination of a right to provide ground transportation service does not affect the right of another ground transportation service provider who provides ground transportation service for the same business; and
- ▶ makes technical changes.

Amends 53-10-104; Enacts 72-10-601, 72-10-602, 72-10-603, 72-10-604

Effective May 1, 2006

Chapter 137, Laws of Utah 2006

HB 112 Transportation Investment Act (*Rebecca D. Lockhart*)

This bill modifies the Sales and Use Tax Act and the Transportation Code by increasing funding for transportation.

This bill:

- ▶ provides that a portion of the sales and use tax revenue shall be deposited annually into the Centennial Highway Fund Restricted Account;
- ▶ provides that the portion of the sales and use tax revenue that is deposited annually into the Centennial Highway Fund Restricted Account shall be deposited annually in 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;
- ▶ authorizes the Transportation Investment Fund of 2005 monies to be used for certain purposes; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 59-12-103 (Effective 07/01/06), 72-2-124

Effective July 1, 2006

Chapter 11, Laws of Utah 2006

HB 114 Minimum Enforcement of Food Sanitation Rules (*Stephen D. Clark*)

This bill amends the general sanitation provisions of the Utah Health Code.

This bill:

- ▶ requires the Department of Health to establish minimum standards for the enforcement of food sanitation rules by local health departments; and
- ▶ requires the Department of Health to provide technical assistance to local health departments.

Amends 26-15-8

Effective May 1, 2006

Chapter 91, Laws of Utah 2006

HB 115 Salary of the Lieutenant Governor (*LaVar Christensen*)

This bill modifies the State Officers and Employees Code to amend the salary for the lieutenant governor.

This bill:

- ▶ provides that the lieutenant governor's salary on July 1, 2006 is 95% of the governor's salary; and
- ▶ makes technical changes.

Amends 67-22-1

Effective May 1, 2006

Chapter 283, Laws of Utah 2006

HB 117 Grama Records Committee Appeal (*Carol Spackman Moss*)

This bill modifies the Government Records Access and Management Act relating to scheduling of hearings before the state records committee.

This bill:

- ▶ extends the time for the records committee to schedule and provide notice of a hearing;
- ▶ expands the time period during which hearings can be scheduled before the records committee; and
- ▶ extends the time for the records committee to issue a signed order from a hearing.

Amends 63-2-403

Effective May 1, 2006

Chapter 284, Laws of Utah 2006

HB 119 Board of Regents Amendments (*Jeff Alexander*)

This bill requires all appointments to the State Board of Regents to be made on a nonpartisan basis.

This bill:

- ▶ requires all appointments to the State Board of Regents to be made on a nonpartisan basis.

Amends 53B-1-104

Effective May 1, 2006

Chapter 285, Laws of Utah 2006

HB 123 Disaster Response and Recovery Act (*J. Stuart Adams*)

This bill modifies statutes related to disaster response and recovery and establishes a criminal penalty for failing to comply with orders issued in relation to a disaster or state of emergency.

This bill:

- ▶ provides definitions;
- ▶ provides that the chief executive officer of each political subdivision, rather than the governing body of the political subdivision, shall have primary authority to provide rules and orders during an emergency or local disaster;
- ▶ provides the chief executive officer with certain powers and authority to act;
- ▶ provides for the issuance of orders of evacuation;
- ▶ provides a listing of emergency interim successors for political subdivision officers;
- ▶ provides that emergency orders, rules, and regulations that are issued by a political subdivision or an agency of a political subdivision shall be filed at the office of the clerk of the political subdivision;
- ▶ provides a criminal penalty for persons who fail to comply with an order to evacuate or other emergency order after having received notice of the order; and
- ▶ makes technical changes.

Amends 63-5a-2, 63-5a-4, 63-5a-6, 63-5a-7, 63-5b-401; Enacts 76-8-317

Effective May 1, 2006

Chapter 286, Laws of Utah 2006

HB 124 Parent-time Amendments (*Brad L. Dee*)

This bill provides requirements for parent-time when domestic violence is involved.

This bill:

- ▶ allows a third party to be utilized to conduct parent-time if a protective order or civil stalking injunction is in place;
- ▶ allows for changes to a parenting plan as needed; and
- ▶ makes technical corrections.

Amends 30-3-10.7, 30-3-32; Enacts 30-3-10.10

Effective May 1, 2006

Chapter 287, Laws of Utah 2006

HB 125 State Long-term Care for Inmates (*Jackie Biskupski*)

This bill modifies the chapter titled "Department of Corrections -- State Prison" to require the department to provide notice to any health care facilities where offenders may become residents.

This bill:

- ▶ provides definitions; and
- ▶ provides that if an inmate is given an early release, pardon, or parole due to a chronic or terminal illness, and is then subsequently to be admitted as a resident of a health care facility due to that illness, the department shall provide written notice to the administrator of the facility prior to the offender's admission:
 - advising of the offender's conviction and status with the department;
 - stating that the administrator shall provide this information to residents or their guardians and staff ten days prior to admission of the offender; and
 - notify future residents or their guardians of current resident offenders.

Enacts 64-13-39.5

Effective May 1, 2006

Chapter 138, Laws of Utah 2006

HB 127 Limited Liability Company Amendments (*J. Stuart Adams*)

This bill modifies Title 48, Chapter 2c, Utah Revised Limited Liability Company Act.

This bill:

- ▶ allows the creation of a series within a limited liability company;
- ▶ provides that a series may have a separate business purpose and separate rights and liabilities from the limited liability company or another series of the company;
- ▶ describes the requirements for creating a series;
- ▶ provides a method for making distributions from a series;
- ▶ outlines methods for termination of a series;
- ▶ describes the winding up process for a series;
- ▶ outlines the requirements for a foreign limited liability company, the operating agreement of which allows the creation of a series, to do business in the state; and
- ▶ makes technical changes.

Amends 48-2c-120; Enacts 48-2c-606, 48-2c-607, 48-2c-608, 48-2c-609, 48-2c-610, 48-2c-611, 48-2c-612, 48-2c-613, 48-2c-614, 48-2c-615, 48-2c-616

Effective May 1, 2006

Chapter 92, Laws of Utah 2006

HB 129 Public Health Amendments (*Bradley G. Last*)

This bill amends the Communicable Diseases, Treatment, Isolation, and Quarantine Procedures of the Health Code to provide procedures for responding to group exposures to communicable diseases and public health threats.

This bill:

- ▶ amends definitions;
- ▶ gives the Department of Health administrative rulemaking authority;
- ▶ authorizes the department to:
 - issue a temporary order of restriction based on medically accepted guidelines; and
 - issue a verbal order of restriction in an emergency for up to 24 hours;
- ▶ requires orders of restriction to use the least intrusive option and the shortest period of time;
- ▶ specifies the required notice and rights for individuals subject to an order of restriction;
- ▶ requires judicial review of an order of restriction when consent to the order of restriction is not obtained;
- ▶ requires law enforcement to assist with enforcement of an order of restriction;
- ▶ requires health care professionals and health facilities to provide medical records relevant to the orders of restriction to the department and establishes reasonable charges for the records; and
- ▶ makes technical amendments, including using consistent terms.

Amends 26-6-4, 26-6b-1, 26-6b-2, 26-6b-3, 26-6b-4, 26-6b-5, 26-6b-6, 26-6b-8, 26-6b-9; Enacts 26-6b-3.1, 26-6b-3.2, 26-6b-3.3, 26-6b-3.4

Effective May 1, 2006

Chapter 185, Laws of Utah 2006

HB 130 Adoption Amendments (*Ann W. Hardy*)

This bill amends provisions of the Judicial Code relating to adoption.

This bill:

- ▶ defines terms;
- ▶ describes the persons from whom consent for adoption of a child, or consent to relinquish a child for adoption, must be obtained;
- ▶ describes when an unmarried biological father is entitled to consent, or withhold consent, to the adoption of a child, or relinquishment of a child for adoption;
- ▶ establishes a procedure for an unmarried biological father to preserve his right to consent to adoption of a child, or relinquishment of a child for adoption, when a declaration of paternity of the unmarried biological father is rescinded;
- ▶ describes the requirements necessary for an unmarried biological father to preserve his right to consent to adoption of a child, or relinquishment of a child for adoption:
 - when the unmarried biological father did not know, and through the exercise of reasonable diligence would not be expected to know, that the state of Utah may have obtained jurisdiction over the child or the child's mother; or
 - when the unmarried biological father did not have time to take action to preserve his rights within the state of Utah after he became aware, or should have become aware, that the state of Utah may have obtained jurisdiction over the child or the child's mother;
- ▶ describes the circumstances under which an adoption may be finalized after the death of an adoptive parent or an adoptee;
- ▶ requires the Office of Vital Records within the Department of Health to mail notice of the rescission of a declaration of paternity to the nonrescinding signatory; and
- ▶ makes technical change s.

Amends 78-30-1.1, 78-30-4.12, 78-30-4.15, 78-30-14, 78-45g-306; Repeals and Reenacts 78-30-4.14

Effective May 1, 2006

Chapter 186, Laws of Utah 2006

HB 131 Economic Development Incentives (*Brad L. Dee*)

This bill repeals a provision of the Economic Development Incentives Act related to not qualifying for financial assistance from the Industrial Assistance Fund.

This bill:

- ▶ repeals the provision in the Economic Development Incentives Act that precludes a project qualified to receive partial rebates of new state revenues generated by the project under the Act from receiving additional financial assistance from the Industrial Assistance Fund.

Repeals 63-38f-1707

Effective May 1, 2006

Chapter 288, Laws of Utah 2006

HB 132 Local Land Use Requirements (*Michael T. Morley*)

This bill modifies provisions relating to local government land use and impact fees.

This bill:

- ▶ adds a definition for “land use permit”;
- ▶ prohibits counties and municipalities from imposing a requirement on a holder of a land use permit unless that requirement is in the permit, the documents on which the permit is based, statute, or local ordinance;
- ▶ modifies the requirements to which a land use application must conform to entitle the applicant to approval; and
- ▶ prohibits counties and municipalities from withholding issuance of a certificate of occupancy because of an applicant’s failure to comply with certain unexpressed requirements.
- ▶ This bill provides an effective date of July 1, 2006.

Amends 10-9a-103, 10-9a-509, 17-27a-103, 17-27a-508

Effective July 1, 2006

Chapter 289, Laws of Utah 2006

HB 133 Commercial Transactions of Personal Property (*Rebecca D. Lockhart*)

This bill modifies the Pawnshop Transaction Information Act.

This bill:

- ▶ modifies procedures for holding items sold to a pawnshop rather than pawned to the pawnshop;
- ▶ allows the pawnbroker to establish with the pledgor the period for holding a pawned item;
- ▶ requires a law enforcement agency outside the database reporting jurisdiction to advise the local law enforcement agency of any property seized from a pawnshop;
- ▶ establishes an annual fee of \$750 to provide out-of-state law enforcement agencies access to the database; and
- ▶ requires that the Legislature appropriate funds for the database costs for training, operation, the board, and related division expenses, to cover costs not addressed by current user fees.

Amends 13-32a-102, 13-32a-103, 13-32a-109, 13-32a-111, 13-32a-113; Enacts 13-32a-109.5, 13-32a-109.8

Effective May 1, 2006

Chapter 290, Laws of Utah 2006

HB 137 Medication Aide Certified (*Rebecca D. Lockhart*)

This bill amends the Nurse Practice Act to create a medication aide certified in long-term care facilities.

This bill:

- ▶ defines a medication aide certified and the practice of a medication aide certified;
- ▶ creates a pilot program for the medication aide certified which sunsets on May 15, 2010;
- ▶ establishes qualifications and training for a medication aide certified;
- ▶ amends provisions related to unlawful and unprofessional conduct; and
- ▶ makes technical changes.

Amends 58-31b-102, 58-31b-301, 58-31b-302, 58-31b-303, 58-31b-304, 58-31b-305, 58-31b-401, 58-31b-501, 58-31b-502, 58-31b-503, 58-31b-601, 58-31d-103, 63-55b-158; Enacts 58-31b-301.6

Effective May 1, 2006

Chapter 291, Laws of Utah 2006

HB 138 Mercury Switch Removal Act (*Ronda Rudd Menlove*)

This bill provides for the removal and collection of mercury switches from vehicles.

This bill:

- ▶ defines terms;
- ▶ requires manufacturers of vehicles sold in the state to:
 - submit a plan for the removal and collection of mercury switches;
 - pay for the costs of removing and collecting mercury switches; and
 - submit an annual report to the Solid and Hazardous Waste Control Board;
- ▶ specifies plan contents;
- ▶ authorizes the Solid and Hazardous Waste Control Board to:
 - make rules; and
 - enforce the part; and
- ▶ authorizes the Solid and Hazardous Waste Control Board's executive secretary to:
 - establish a fee for the review and approval of the plan;
 - review and disapprove or approve a plan; and
 - initiate administrative action to compel compliance with the part.

Amends 63-46b-1, 63-55-219; Enacts 19-6-1001, 19-6-1002, 19-6-1003, 19-6-1004, 19-6-1005, 19-6-1006

Effective May 1, 2006

Chapter 187, Laws of Utah 2006

HB 139 State Antiquities and Historic Sites Amendments (*Bradley T. Johnson*)

This bill modifies survey and excavation permit requirements and modifies comment requirements for state undertakings on historic property.

This bill:

- ▶ defines terms;
- ▶ modifies the duties of the Antiquities Section;
- ▶ establishes qualifications for survey and excavation permit applicants;
- ▶ establishes requirements for survey and excavation permit applications;
- ▶ requires permit holders to submit information gathered from permitted work to the Antiquities Section;
- ▶ establishes permit time limits;
- ▶ authorizes the Public Lands Policy Coordinating Office to:
 - issue survey and excavation permits for archaeological resources;
 - delegate the authority to issue an excavation permit to an agency;
 - make rules;
 - investigate principal investigators and permitted work;
 - revoke or suspend permits; and
 - consult with the state historic preservation officer about comments on state undertakings affecting historic property;
- ▶ requires the state historic preservation officer to consult with the Public Lands Policy Coordinating Office about comments on state undertakings affecting historic property; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 9-8-302, 9-8-304, 9-8-305, 9-8-404, 17B-4-403, 17B-4-405, 63-38d-603; Repeals 9-8-303

Effective May 1, 2006

Chapter 292, Laws of Utah 2006

HB 140 Amendments to Commercial Driver License Provisions (*Jeff Alexander*)

This bill modifies the Uniform Driver License Act by amending provisions relating to qualifications for a commercial driver license.

This bill:

- ▶ defines CDL driver training school;
- ▶ provides that a temporary CDL may be issued to a person who:
 - is enrolled in a CDL driver training school located in Utah;
 - has passed a test of knowledge and skills for driving a commercial motor vehicle; and
 - has complied with certain federal regulations;
- ▶ provides that a temporary CDL is valid for 60 days and may not be renewed or extended;
- ▶ provides that an applicant for a temporary CDL is not required to be a Utah resident or provide a Utah residential address; and
- ▶ makes technical changes.

Amends 53-3-204, 53-3-205, 53-3-407, 53-3-410

Effective May 1, 2006

Chapter 293, Laws of Utah 2006

HB 142 Center for Multicultural Health - Duties (*Ross I. Romero*)

This bill amends the duties of the Center For Multicultural Health to include capacity building for translation services across Department of Health programs and translation and communication services for limited English proficiency individuals.

This bill:

- ▶ amends the duties of the Center for Multicultural Health.
- ▶ This bill appropriates:
- ▶ as an ongoing appropriation subject to future budget constraints, \$50,000 from the General Fund for fiscal year 2006-07 to the Department of Health.

Amends 26-7-2

Effective May 1, 2006

Chapter 349, Laws of Utah 2006

HB 145 Rangeland Improvement Act (*Bradley T. Johnson*)

This bill modifies the Rangeland Improvement Act, formerly known as the Taylor Grazing Act.

This bill:

- ▶ creates the State Grazing Advisory Board;
- ▶ creates regional grazing advisory boards;
- ▶ establishes board membership and duties;
- ▶ creates the Rangeland Improvement Fund, which is a restricted special revenue fund;
- ▶ establishes fund sources and allows distributions of fund monies;
- ▶ designates the Department of Agriculture and Food as the fund administrator;
- ▶ repeals the requirement that advisory board treasurers file a surety bond with the state treasurer;
- ▶ repeals provisions requiring distribution of certain funds to counties;
- ▶ modifies definitions; and
- ▶ makes technical changes.

Amends 4-20-1, 4-20-2, 4-20-3; Enacts 4-20-1.5, 4-20-1.6; Repeals 4-20-4, 4-20-5, 4-20-6, 4-20-7

Effective May 1, 2006

Chapter 294, Laws of Utah 2006

HB 148 Parent and Child Amendments (LaVar Christensen) VETOED

This bill defines “in loco parentis” as a voluntary and temporary delegation of parental authority.

This bill:

- ▶ defines “in loco parentis” to be a legally recognized, voluntary and temporary delegation of parental power;
- ▶ prohibits the use of “in loco parentis” to grant parent-time, visitation, custody, legal guardianship, child support, or an adoption of a minor child;
- ▶ allows a biological or adoptive parent to terminate the temporary and voluntary delegation of parental authority between a person standing in “loco parentis” and their minor child or children;
- ▶ provides that in loco parentis may not be maintained or legally recognized contrary to the expressed desires of a parent of a minor child; and
- ▶ provides that this bill does not effect any rights provided under Title 30, Husband and Wife.

Enacts 78-62-1

Effective May 1, 2006

Laws of Utah 2006

HB 150 Workers’ Compensation Revisions (Michael T. Morley)

This bill modifies provisions related to the Workers’ Compensation Act and the Utah Occupational Disease Act.

This bill:

- ▶ addresses when an employer of a contractor, subcontractor, or their employees is protected by the exclusive remedy of workers’ compensation;
- ▶ defines terms related to managed health care programs and provides for consistent use of terms;
- ▶ expands the persons with whom and purposes for which contracts may be made in a managed health care workers’ compensation setting;
- ▶ addresses workplace accident and injury reduction programs;
- ▶ expands requirements for a workers’ compensation carrier’s designated agent;
- ▶ gives the commission the exclusive jurisdiction and authority to determine the reasonableness and to adjudicate the collection of certain amounts related to workers’ compensation benefits;
- ▶ addresses treatment of hospital services for purposes of workers’ compensation;
- ▶ addresses reporting requirements;
- ▶ addresses contracts with providers of health services relating to the pricing of goods and services;
- ▶ clarifies burden of proof in permanent total disability claims;
- ▶ addresses who may file an application for a hearing;
- ▶ deletes out-of-date language;
- ▶ makes technical changes; and
- ▶ provides for legislative intent.

Amends 34A-2-103, 34A-2-111, 34A-2-407, 34A-2-413, 34A-2-801, 34A-3-108; Enacts 34A-2-113

Effective May 1, 2006

Chapter 295, Laws of Utah 2006

HB 151 Adjustments in Funding for Concurrent Enrollment (*Margaret Dayton*) **VETOED**

This bill adjusts partial tuition for concurrent enrollment courses and modifies the distribution of the annual appropriation for accelerated learning programs.

This bill:

- ▶ authorizes a student to be charged a per credit hour partial tuition for concurrent enrollment higher education courses offered in public schools; and
- ▶ makes technical corrections.

Amends 53A-15-101, 53A-17a-120

Effective May 1, 2006

Laws of Utah 2006

HB 152 Navajo Trust Fund Amendments (*Brad King*)

This bill modifies provisions related to the Navajo Trust Fund.

This bill:

- ▶ permits persons to serve on the Dineh Committee and receive benefits from expenditures of the Navajo Trust Fund if certain conditions are met; and
- ▶ makes technical changes.

Amends 63-88-107

Effective May 1, 2006

Chapter 296, Laws of Utah 2006

HB 156 Health Insurance Accessibility (*James A. Dunnigan*)

This bill amends provisions related to health insurance in the Insurance Code.

This bill:

- ▶ clarifies that a health insurance policy or health maintenance organization policy may not deny a claim for emergency care for a covered evaluation, covered diagnostic test, or other covered treatment;
- ▶ amends the following provisions that permit an individual carrier to exclude specific physical conditions, diseases or disorders from medical insurance coverage:
 - adds specific disorders and diseases to the list of conditions that may be excluded;
 - expands the application of the exclusion to exclude both the specific condition and any complications from that condition; and
 - amends language related to secondary medical conditions that may or may not be directly related to the excluded condition;
- ▶ permits an individual carrier, at the carrier's option, to keep the exclusion rider in effect for the duration of the policy;
- ▶ clarifies the requirement for a health insurance policy to provide coverage for a policyholder's unmarried disabled dependent; and
- ▶ amends the Utah mini-Cobra benefits coverage.

Amends 31A-22-611, 31A-22-627, 31A-22-722, 31A-30-107.5

Effective May 1, 2006

Chapter 188, Laws of Utah 2006

HB 158 Sex Offender Amendments (*Brad L. Dee*)

This bill modifies the Uniform Driver License Act, Utah Criminal Code, and the Code of Criminal Procedure by amending provisions related to sex offenders.

This bill:

- ▶ amends definitions;
- ▶ provides that a driver license or identification card expires on the birth date of the applicant in the first year following the date that the driver license or identification card was issued if the person is required to register as a sex offender;
- ▶ provides that an applicant for a driver license or identification card shall indicate on the application whether the applicant is required to register as a sex offender;
- ▶ provides that if a person is currently required to register as a sex offender and the person has applied for and received a driver license or identification card:
 - the person's driver license or identification card expires on the person's next birth date beginning on July 1, 2006;
 - the person shall surrender the person's driver license or identification card on or before the person's next birth date beginning on July 1, 2006; and
 - the person may apply for a driver license or identification card with a one-year expiration date;
- ▶ provides that if a person is convicted of a registerable sex offense after the person has applied for a driver license or identification card, the person:
 - shall surrender the person's driver license or identification card on the person's next birth date following conviction; and
 - may apply for a driver license or identification card with a one-year expiration date;
- ▶ requires the Driver License Division to keep on its computerized records the applicant's indication whether the applicant is required to register as a sex offender;
- ▶ provides that it is a class A misdemeanor if a person knowingly fails to comply with the driver license or identification card indication or license surrender provisions for registered sex offenders;
- ▶ prohibits the Driver License Division from granting an extension for a license certificate issued with a one-year expiration date to someone required to register as a sex offender;
- ▶ prohibits sex offenders from obtaining a reduction of the offender's conviction while registration requirements exist;
- ▶ provides that a sex offender convicted in any other state or by the United States government shall register with the Department of Corrections within ten days after entering the state;
- ▶ provides that a sex offender shall register with the Department of Corrections within five days of every change of the sex offender's place of habitation or vehicle or education information;
- ▶ requires an agency in the state that registers certain sex offenders to notify the offender of the duty to comply with the driver license or identification surrender and application provisions;
- ▶ requires any person who is required to register in another state or by the United States to register with the state if the person is in the state for ten days;
- ▶ changes the annual registration period during which certain sex offenders shall register;
- ▶ extends the registration requirements for certain offenses from ten years to lifetime;
- ▶ amends the penalty for failing to register for certain sex offenders;
- ▶ extends notification requirements to offenders working in all educational institutions;
- ▶ repeals a provision that prohibits members of the public from publicizing the sex offender registry information;
- ▶ requires the state to maintain the registry on the Internet and index it by surname and postal codes; and

- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 53-3-205, 53-3-214, 53-3-216, 53-3-804, 53-3-807, 76-3-402, 77-18-12, 77-27-21.5

Effective July 1, 2006

Chapter 189, Laws of Utah 2006

HB 160 Construction Standard Amendments (*Michael T. Morley*)

This bill makes changes related to the construction industry.

This bill:

- ▶ defines terms;
- ▶ addresses unenforced and wrongful liens;
- ▶ addresses standards for filings made to the State Construction Registry;
- ▶ requires notice of subsequent filings to a person who has filed a notice for a construction project;
- ▶ addresses notice filed on behalf of another person;
- ▶ provides that a person filing a notice in the State Construction Registry is responsible for the correctness and accuracy of the information;
- ▶ addresses the designated agent's responsibilities for maintaining data entry accuracy standards and other responsibilities;
- ▶ addresses the effect of an inaccuracy on a filing in the State Construction Registry;
- ▶ addresses the filing of a notice of completion;
- ▶ addresses the effect of failure to file a required notice in the State Construction Registry;
- ▶ provides liability protection to the designated agent for the designated agent's maintenance of the State Construction Registry;
- ▶ provides for standardized building permit forms; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 38-1-2, 38-1-7, 38-1-11, 38-1-24, 38-1-27, 38-1-30, 38-1-31, 38-1-32, 38-1-33, 38-1-35, 38-9-4; Enacts 58-56-18, 58-56-19

Effective May 1, 2006

Chapter 297, Laws of Utah 2006

HB 161 Sexual Offenses Against Children - Sentencing Amendments (*Paul Ray*)

This bill modifies the Criminal Code regarding sentencing of repeat sexual offenders.

This bill:

- ▶ increases from three to five years the additional term added to a sentence for a sex offense for each prior felony sexual offense; and
- ▶ amends the criminal sentencing provisions to provide that when a defendant is convicted of the offenses of child kidnapping, rape of a child, object rape of a child, or sodomy on a child, the defendant shall be sentenced to the highest of the three optional minimum terms specified for these offenses if:
 - the commission of the offense causes substantial bodily injury to the victim; or
 - at the time of the commission of the offense against a child, the defendant has been previously convicted of any of the listed sexual offenses against children or adults.

Amends 76-3-201, 76-3-407

Effective May 1, 2006

Chapter 208, Laws of Utah 2006

HB 167 School Uniforms (*Craig A. Frank*)

This bill modifies school uniform policy provisions.

This bill:

- ▶ provides definitions;
- ▶ modifies findings of the Legislature;
- ▶ provides statutory policy requirements for school uniform policies; and
- ▶ modifies school uniform policy adoption procedures for charter schools.

Enacts 53A-15-1001, 53A-15-1002, 53A-15-1003; Repeals 53A-15-602

Effective May 1, 2006

Chapter 190, Laws of Utah 2006

HB 169 Driver License Records Access Amendments (*Douglas C. Aagard*)

This bill modifies the Uniform Driver License Act by amending provisions related to the disclosure of driver license information.

This bill:

- ▶ authorizes the Driver License Division to disclose personal identifying information to:
 - certain insurance or insurance support organizations that issue motor vehicle insurance for claims investigation, antifraud activities, rating, or underwriting for minors or other drivers; and
 - depository institutions for use in accordance with federal law;
- ▶ provides that any unauthorized use of personal identifying information by certain insurers or insurance support organizations is an unfair marketing practice or an unfair claim settlement practice;
- ▶ authorizes the Driver License Division to charge reasonable fees for the disclosure of certain personal identifying information;
- ▶ grants the Driver License Division rulemaking authority to designate the procedures, requirements, and format for disclosing the information; and
- ▶ makes technical changes.

Amends 53-3-109

Effective May 1, 2006

Chapter 298, Laws of Utah 2006

HB 170 Prosecution and Prevention of Child Pornography Offenses Amendments *(Ron Bigelow)*

This bill modifies the duties of the State Commission on Criminal and Juvenile Justice and the attorney general and appropriates certain ongoing General Fund monies to the attorney general and the State Commission on Criminal and Juvenile Justice to fund prosecution, prevention, and education of individuals involved in child pornography crimes and other pornography crimes.

This bill:

- ▶ adds duties to the State Commission on Criminal and Juvenile Justice to allocate and administer certain grants for approved education programs to help prevent the sexual exploitation of children;
- ▶ creates an Internet Crimes Against Children unit within the Office of the Attorney General;
- ▶ appropriates monies to the attorney general for the following items related to Title 76, Chapter 5a, Sexual Exploitation of Children:
 - one new prosecutor and required equipment;
 - grants, for state and local law enforcement and prosecution agencies;
 - funding for the Children's Justice Center Medical Assessment Program; and
 - certain other legal expenses; and
- ▶ appropriates monies to the State Commission on Criminal and Juvenile Justice for grants for approved education programs to help prevent the sexual exploitation of children.
- ▶ This bill appropriates from the General Fund as follows:
- ▶ to the attorney general as an ongoing appropriation subject to future budget constraints, \$650,000 for fiscal year 2006-07; to the State Commission on Criminal and Juvenile Justice, \$1,000,000 for fiscal year 2006-07; to the attorney general as an ongoing appropriation subject to future budget constraints, \$200,000 for fiscal year 2006-07; and to the attorney general, \$400,000 for fiscal year 2006-07.

Amends 63-25a-104; Enacts 67-5-21

Effective May 1, 2006

Chapter 350, Laws of Utah 2006

HB 172 Local Land Use Provisions Relating to Schools (*James A. Ferrin*)

This bill modifies county and municipal land use provisions applicable to schools and charter schools.

This bill:

- ▶ prohibits counties and municipalities from requiring school districts and charter schools to participate in the cost of a study on the impact of a school on certain roads and sidewalks;
- ▶ clarifies that the standards that a county and municipality are authorized to impose on a charter school must be objective and not subjective;
- ▶ provides that the only basis on which a county or municipality may deny or withhold approval of a charter school's land use application is the failure to comply with those objective standards;
- ▶ clarifies that a charter school's obligation to comply with applicable building and safety codes is not affected by the provision on denial or withholding approval of a charter school;
- ▶ establishes a procedure for a charter school to obtain a certificate authorizing permanent occupancy of a school from the state superintendent of public instruction or an authorized school district official;
- ▶ requires a school district and a charter school to provide on a monthly basis copies of inspection certificates to the state superintendent of public instruction if the school district or charter school uses an independent building inspector;
- ▶ provides that a certificate authorizing permanent occupancy of a school building from the state superintendent of public instruction or authorized school district official satisfies any county or municipal requirements for inspection or a certificate of occupancy;
- ▶ authorizes the state superintendent of public instruction to charge a fee for an inspection required to issue a certificate authorizing permanent occupancy; and
- ▶ makes technical changes.

Amends 10-9a-305, 17-27a-305, 53A-20-104

Effective May 1, 2006

Chapter 364, Laws of Utah 2006

HB 181 Education Reform (Stephen H. Urquhart)

This bill provides stipends for supplemental instruction to students who have not passed the Utah Basic Skills Competency Test, funding to implement proposals to improve mathematics achievement test scores in grades four through six, and modifications to the Utah Orderly School Termination Procedures Act.

This bill:

- ▶ specifies eligibility requirements for students to receive a stipend for basic skills education;
- ▶ establishes stipend amounts;
- ▶ requires basic skills providers to accept students for instruction on a first come/first served basis;
- ▶ allows a basic skills provider to charge a stipend recipient an additional amount above the stipend amount;
- ▶ provides that a basic skills provider shall receive payment in the amount of the stipend if the stipend recipient passes the subtest for which the basic skills provider provided instruction;
- ▶ requires the State Board of Education to administer the Basic Skills Education Stipend Program and make rules;
- ▶ requires the Legislature to annually appropriate money from the General Fund for stipends for basic skills education;
- ▶ directs the State Board of Education to issue a request for proposals from school districts and charter schools to improve mathematics achievement test scores of students in grades four through six;
- ▶ requires the proposals to use professional development, incentive bonuses, or a combination of both, as a strategy to improve mathematics achievement test scores;
- ▶ requires the State Board of Education to:
 - give priority to Title I schools in awarding funding to implement proposals; and
 - report to the Education Interim Committee on the implementation of proposals to improve mathematics achievement test scores;
- ▶ specifies procedures for the termination or discontinuation of a career employees's contract; and
- ▶ appropriates money for stipends for basic skills education and to implement proposals to improve mathematics achievement test scores of students in grades four through six.
- ▶ This bill appropriates:
 - ▶ for fiscal year 2006-07 only, \$7,500,000 from the General Fund to the State Board of Education; and
 - ▶ for fiscal year 2006-07 only, \$7,500,000 from the Uniform School Fund to the State Board of Education.
- ▶ This bill takes effect on July 1, 2006.

Amends 53A-8-102, 53A-8-104, 63-55b-153; Enacts 53A-1-612, 53A-17a-152

Effective July 1, 2006

Chapter 299, Laws of Utah 2006

HB 188 Government Records Access and Management Act Revisions (*Craig A. Frank*)

This bill modifies the definition of a record and amends the duties of each chief administrative officer of a governmental entity under the Government Records Access and Management Act.

This bill:

- ▶ provides that certain mobile telephone numbers or similar codes are not records required to be produced in response to a GRAMA request if the governmental entity provides another telephone number in response to the request;
- ▶ requires the chief administrative officer of a governmental entity to ensure that all officers and employees that receive or process records requests under the act receive training on the procedures and requirements of the act; and
- ▶ makes technical changes.

Amends 63-2-103, 63-2-903

Effective May 1, 2006

Chapter 300, Laws of Utah 2006

HB 192 Instructional Materials for Disabled Students (*D. Gregg Buxton*)

This bill imposes requirements and establishes procedures for providing instructional materials to disabled students in an electronic format.

This bill:

- ▶ requires a publisher or manufacturer of instructional materials for students enrolled in state institutions of higher education to provide an electronic version of the materials for the use by disabled students;
- ▶ requires the electronic version of instructional materials to be provided:
 - in a format mutually agreed upon by the publisher or manufacturer and the state institution of higher education;
 - at no additional cost; and
 - in a timely manner;
- ▶ establishes procedures for requesting and providing instructional materials in an electronic format;
- ▶ directs the State Board of Regents to make rules; and
- ▶ defines terms.

Enacts 53B-23-101, 53B-23-102, 53B-23-103, 53B-23-104, 53B-23-105, 53B-23-106

Effective May 1, 2006

Chapter 301, Laws of Utah 2006

HB 193 Sales and Use Tax Funding for Health Care (*John G. Mathis*)

This bill amends the Sales and Use Tax Act to address sales and use tax funding for health care.

This bill:

- ▶ provides definitions;
- ▶ modifies definitions;
- ▶ expands the purposes for which a county of the sixth class may expend revenues generated by a county option sales and use tax for rural health care to include:
 - emergency medical services;
 - federally qualified health centers;
 - freestanding urgent care centers; or
 - rural health clinics;
- ▶ addresses the purposes for which a county of the third, fourth, or fifth class may expend revenues generated by this tax; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 59-12-801, 59-12-802 (See 59-1-1201 re: Eff)

Effective July 1, 2006

Chapter 302, Laws of Utah 2006

HB 195 Criminal Procedure Amendment (*Scott L Wyatt*)

This bill amends the Code of Criminal Procedure regarding the scope of appeals that may be made by the prosecution.

This bill:

- ▶ allows the prosecution to appeal from a court's pretrial order dismissing a misdemeanor charge on specified grounds, so that the appeal authority is the same as is currently provided regarding felonies.

Amends 77-18a-1

Effective May 1, 2006

Chapter 93, Laws of Utah 2006

HB 198 Statewide 911 Emergency Communication Amendments (*Brad L. Dee*)

This bill delays a decrease in the statewide unified E-911 emergency service charge in Subsection 69-2-5.6(1) from 13 cents to 8 cents until July 1, 2008.

This bill:

- ▶ delays a decrease in the statewide unified E-911 emergency service charge in Subsection 69-2-5.6(1) from 13 cents to 8 cents until July 1, 2008.
- ▶ This bill takes effect on July 1, 2006.

Amends 69-2-5.6 (Effective 07/01/06), Section 12, Chapter 313, Laws of Utah 2004

Effective July 1, 2006

Chapter 303, Laws of Utah 2006

HB 199 Insurance Amendments - Adoption Indemnity Benefit (*Merlynn T. Newbold*)

This bill clarifies the adoption indemnity benefits in the Insurance Code.

This bill:

- ▶ clarifies that the requirements for adoption indemnity benefits in health insurance policies establishes the minimum requirements and does not prohibit an insurer from offering greater benefits.

Amends 31A-22-610.1

Effective May 1, 2006

Chapter 94, Laws of Utah 2006

HB 204 Comprehensive Health Insurance Pool Amendments (*Peggy Wallace*)

This bill amends the Comprehensive Health Insurance Pool Act.

This bill:

- ▶ removes the term "low cost" from the purpose statement for the high risk pool; and
- ▶ amends language regarding coinsurance and maximum out-of-pocket payments for prescription benefits.

Amends 31A-29-102, 31A-29-114

Effective May 1, 2006

Chapter 95, Laws of Utah 2006

HB 205 Repeal of Obsolete Dependent Special Districts (*Julie Fisher*)

This bill repeals provisions relating to dependent special districts.

This bill:

- ▶ repeals provisions authorizing the creation of:
 - pure sugar beet seed districts; and
 - sprinkling districts.

Repeals 17A-3-1101, 17A-3-1401

Effective May 1, 2006

Chapter 96, Laws of Utah 2006

HB 207 Inherent Risks of Participating in Recreational Activities on Property Owned by Local Government (*DeMar Bud Bowman*)

This bill amends a provision relating to the inherent risks of participating in recreational activities on property owned by a county or municipality.

This bill:

- ▶ adds ice skating and fishing to the definition of recreational activities in a provision prohibiting a person from making a claim for a personal injury or property damage resulting from the inherent risks of participating in the recreational activity on property owned by a county or municipality;
- ▶ expands the definition of recreational activities; and
- ▶ extends to independent special districts the protection from liability that counties and municipalities have for claims resulting from inherent risks of certain recreational activities.

Amends 78-27-63

Effective May 1, 2006

Chapter 304, Laws of Utah 2006

HB 208 Aggravated Murder Amendment (*Scott L Wyatt*)

This bill modifies the Criminal Code regarding the elements of the offense of aggravated murder.

This bill:

- ▶ clarifies that a murder becomes the offense of aggravated murder if committed incident to an act, course of conduct, or criminal episode during which the defendant also committed another specified crime, such as robbery, arson, or a sexual offense.

Amends 76-5-202

Effective May 1, 2006

Chapter 191, Laws of Utah 2006

HB 209 Partial Lump-sum Retirement Payment Option (*David Clark*)

This bill modifies the Utah State Retirement and Insurance Benefit Act by allowing certain lump-sum payments of a portion of a member's retirement benefits.

This bill:

- ▶ allows a member of a Utah State Retirement System to elect to receive either 12 or 24 months of the member's retirement allowance in a lump-sum payment upon retirement;
- ▶ provides for an actuarial reduction of the members allowance to reflect the lump-sum payment;
- ▶ prohibits more than one lump-sum payment per member; and
- ▶ allows the Retirement Board to make rules to implement the provisions of the bill.

Enacts 49-11-1001

Effective May 1, 2006

Chapter 305, Laws of Utah 2006

HB 210 County Ordinance Amendments (*Larry B. Wiley*)

This bill modifies provisions related to county ordinances.

This bill:

- ▶ reduces from three to one the number of copies of an ordinance book or a general revision of county ordinances printed in book form that the county must file in the county clerk's office in order to adopt the ordinance or revision by making reference to the ordinance book or general revision;
- ▶ reduces from three to one the number of copies of a book of building construction codes that a county must file in the county clerk's office in order to adopt an ordinance establishing rules and regulations for the construction of buildings and related matters by making reference to the code book; and
- ▶ makes technical changes.

Amends 17-53-208

Effective May 1, 2006

Chapter 192, Laws of Utah 2006

HB 212 DNA Database Amendments (*J. Stuart Adams*)

This bill modifies the Public Safety Code regarding collection of DNA specimens from persons convicted of class A misdemeanors. This bill also modifies code provisions regarding fees for the costs of processing DNA specimens.

This bill:

- ▶ requires that all persons convicted of a class A misdemeanor provide a DNA specimen, rather than only those persons convicted of class A misdemeanor attempted burglary or sexual abuse of a minor;
- ▶ increases from \$75 to \$100 the fee charged to an offender for the collection and processing of felony and class A misdemeanor offenders' saliva DNA specimens; and
- ▶ changes the portion of the fee allocated to county sheriffs from \$15 to \$20 of the total fee amount, to reflect the fee increase.

Amends 17-22-2.5, 53-10-403, 53-10-404

Effective May 1, 2006

Chapter 306, Laws of Utah 2006

HB 213 Services for People with Brain Injuries (*Ronda Rudd Menlove*)

This bill amends the definition of a disability within the Services for People with Disabilities chapter of the Utah Human Services Code.

This bill:

- ▶ amends the definition of a disability within the Services for People with Disabilities chapter of the Utah Human Services Code as it relates to a brain injury; and
- ▶ makes technical changes.

Amends 62A-5-101

Effective May 1, 2006

Chapter 351, Laws of Utah 2006

HB 215 PEHP Risk Pool Amendments (*David Clark*)

This bill modifies the Public Employees' Benefit and Insurance Program Act by amending provisions related to participation in certain risk pools.

This bill:

- ▶ requires the Public Employees' Benefit and Insurance Program (PEHP) to allow certain institutions of higher education and independent entities in the state employee's risk pool.

Amends 49-20-202

Effective May 1, 2006

Chapter 307, Laws of Utah 2006

HB 218 Schools for the Deaf and Blind Salary Adjustment (*Karen W. Morgan*)

This bill modifies provisions pertaining to salary adjustments for staff of the Utah Schools for the Deaf and the Blind.

This bill:

- ▶ directs the State Board of Education to include in its annual budget request for the Utah Schools for the Deaf and the Blind an amount of money sufficient to implement salary adjustments, as required by law, including money to fund step and lane changes.

Amends 53A-25-111

Effective May 1, 2006

Chapter 308, Laws of Utah 2006

HB 219 Child Protection - Clandestine Laboratory Operation *(Eric K. Hutchings)*

This bill amends the Juvenile Court Act of 1996 to provide for the protection of children whose parents permit them to be present at a clandestine laboratory operation.

This bill:

- ▶ defines terms;
- ▶ provides that the definition of a neglected child includes a minor whose parent permits the minor to reside, on a permanent or temporary basis, at the location of a clandestine laboratory operation;
- ▶ provides that there is a presumption that reunification services should not be provided to a parent if the court finds, by clear and convincing evidence, that the parent permitted the parent's child to reside, on a permanent or temporary basis, at a location where the parent knew or should have known that a clandestine laboratory operation was located; and
- ▶ makes technical changes.

Amends 78-3a-103, 78-3a-301, 78-3a-306, 78-3a-311

Effective May 1, 2006

Chapter 97, Laws of Utah 2006

HB 221 Ambulance and Paramedic Fee Amendments *(Paul Ray)*

This bill amends the Utah Emergency Medical Services System Act to prohibit ambulance and paramedic providers from charging fees for transporting a patient when there is no transport of the individual.

This bill:

- ▶ amends the duties of the department regarding oversight of fees established by ambulance and paramedic providers;
- ▶ prohibits charging fees for transporting a patient for an ambulance or paramedic services when there is no transport of the individual; and
- ▶ allows a fee to be charged for responding to a call if the geographic service area of the ambulance or paramedic provider contains a town.

Amends 26-8a-403

Effective May 1, 2006

Chapter 209, Laws of Utah 2006

HB 223 Trespass Law Amendments *(Kerry W. Gibson)*

This bill modifies the Criminal Code regarding criminal trespass.

This bill:

- ▶ increases the penalties for each of two specified types of criminal trespass to one higher level of misdemeanor.

Amends 76-6-206

Effective May 1, 2006

Chapter 210, Laws of Utah 2006

HB 224 Retirement System Participation (*David Clark*)

This bill modifies the Utah State Retirement and Insurance Benefit Act to allow the continued participation or withdrawal of certain independent corporation employees in a Utah State Retirement system or plan.

This bill:

- ▶ allows an independent corporation which participates in a Utah State Retirement system or plan prior to July 1, 2006, to provide for participation of employees transferred to a subsidiary or other company with that system or plan; and
- ▶ establishes procedures which allow an independent corporation to elect to continue its participation for certain employees covered by a system or plan or to elect to withdraw from participation.

Enacts 49-11-622

Effective May 1, 2006

Chapter 309, Laws of Utah 2006

HB 226 Kindergarten Readiness (*LaWanna Lou Shurtliff*)

This bill modifies the recommended time to provide the assessment of reading and numeric skills given to potential kindergarten students.

This bill:

- ▶ modifies the recommended time to provide the assessment of reading and numeric skills given to potential kindergarten students; and
- ▶ makes technical corrections.

Amends 53A-3-402.9

Effective May 1, 2006

Chapter 98, Laws of Utah 2006

HB 227 Underage Tattooing Penalty Amendment (*David Ure*)

This bill modifies the Criminal Code regarding the penalty for performing body piercing or tattooing on a minor.

This bill:

- ▶ changes the penalty from a class C misdemeanor to a class B misdemeanor for performing or offering to perform unlawful body piercing or tattooing on a minor.

Amends 76-10-2201

Effective May 1, 2006

Chapter 99, Laws of Utah 2006

HB 228 **Groundwater Management Plan** (*David Ure*)

This bill authorizes the state engineer to create a groundwater management plan.

This bill:

- ▶ authorizes the state engineer to create a groundwater management plan for any groundwater basin or aquifer;
- ▶ allows conjunctive management of hydrologically connected ground and surface water;
- ▶ describes the purpose and effect of a groundwater management plan;
- ▶ outlines the requirements for creating a groundwater management plan;
- ▶ eliminates a provision addressing administration of groundwater rights; and
- ▶ makes technical changes.

Amends 73-5-1; Enacts 73-5-15

Effective May 1, 2006

Chapter 193, Laws of Utah 2006

HB 229 **Trauma Registry Data** (*Sheryl L. Allen*)

This bill amends the Utah Emergency Medical Services Act.

This bill:

- ▶ makes the requirement for hospitals to report trauma data permanent.

Amends 26-8a-253

Effective May 1, 2006

Chapter 310, Laws of Utah 2006

HB 232 **Higher Education Tuition for Active Duty Military** (*Michael T. Morley*)

This bill allows active duty military personnel to reestablish resident status at state institutions of higher education.

This bill:

- ▶ provides that military personnel and their immediate family members are entitled to resident student status if they:
 - had Utah residency immediately prior to their active duty status; and
 - reestablish residency in Utah.

Amends 53B-8-102

Effective May 1, 2006

Chapter 311, Laws of Utah 2006

HB 233 Insurance Licensing Amendments (*James A. Dunnigan*)

This bill modifies the Insurance Code to address licensing.

This bill:

- ▶ modifies the timing requirements for reporting to the commissioner that administrative or criminal action has been taken against certain persons;
- ▶ provides for rulemaking;
- ▶ amends provisions related to revocation, suspension, surrender, lapsing, or limiting of licenses, license types, and classifications;
- ▶ amends provisions related to probation;
- ▶ modifies the information a provider of viatical settlements is required to provide the Insurance Department;
- ▶ modifies requirements for a title insurance producer or agency license;
- ▶ enacts language addressing license lapse and voluntary surrender; and
- ▶ makes technical changes.

Amends 31A-23a-105, 31A-23a-111, 31A-23a-112, 31A-23a-113, 31A-23a-117, 31A-23a-204, 31A-25-203, 31A-25-208, 31A-25-209, 31A-26-203, 31A-26-213, 31A-26-214; Enacts 31A-25-210, 31A-26-214.5

Effective May 1, 2006

Chapter 312, Laws of Utah 2006

HB 235 Public Safety Vehicles - Marking Lights (*Joseph G. Murray*)

This bill modifies the Motor Vehicles Code by amending provisions related to displaying lights on certain vehicles.

This bill:

- ▶ provides that a person may not operate or move any vehicle or equipment on a highway, other than a law enforcement vehicle, with a lamp or device that is capable of displaying a blue light that is visible from directly in front of the center of the vehicle; and
- ▶ makes technical changes.

Amends 41-6a-1616

Effective May 1, 2006

Chapter 100, Laws of Utah 2006

HB 237 Direct-entry Midwife Act - Repealers (*Jackie Biskupski*)

This bill repeals provisions of the Direct-entry Midwife Act.

This bill:

- ▶ repeals provisions of the Direct-entry Midwife Act related to the establishment of a Licensed Direct-entry Midwife Formulary Committee and a Licensed Direct-entry Midwife Temporary Rules Committee.

Repeals 58-77-202, 58-77-203

Effective May 1, 2006

Chapter 313, Laws of Utah 2006

HB 238 Authorizing Temporary Road Closures (*Michael E. Noel*)

This bill modifies the Transportation Code by amending provisions related to the temporary closure of certain highways.

This bill:

- ▶ authorizes a highway authority to temporarily close a class B or D road or an R.S. 2477 right-of-way if:
 - an alternate route to the R.S. 2477 right-of-way is provided and agreed on by certain parties; or
 - the highway authority determines that correction or mitigation is necessary on a class B or D road;
- ▶ provides that a temporary closure is not an abandonment;
- ▶ provides that an R.S. 2477 right-of-way shall be reopened if the alternate route is closed for any reason;
- ▶ provides that a temporary closure for mitigation or correction shall be authorized annually and may not exceed two years or the time it takes to complete the mitigation or correction, whichever is less;
- ▶ provides notice and hearing requirements for a temporary closure;
- ▶ provides that a highway authority shall pass an ordinance authorizing the temporary closure;
- ▶ provides that certain easements and rights-of-way may not be impaired by a temporary closure; and
- ▶ makes technical changes.

Amends 72-5-105

Effective May 1, 2006

Chapter 101, Laws of Utah 2006

HB 241 Industrial Protection Act (*Ronda Rudd Menlove*)

This bill authorizes the establishment of industrial protection areas.

This bill:

- ▶ modifies provisions applicable to agriculture protection areas to allow industrial areas to follow the same procedures for becoming an industrial protection area and, once formed, to have the same legal protections as an agriculture protection area; and
- ▶ modifies notice provisions applicable to proposed agriculture protection areas and industrial protection areas.

Amends 17-41-101, 17-41-201, 17-41-301, 17-41-302, 17-41-303, 17-41-304, 17-41-305, 17-41-306, 17-41-307, 17-41-402, 17-41-403, 17-41-404, 17-41-405, 17-41-406

Effective May 1, 2006

Chapter 194, Laws of Utah 2006

HB 242 Motorboat Liability Insurance Amendments (*Kerry W. Gibson*)

This bill modifies the Insurance Code, the State Boating Act, and the Financial Responsibility of Personal Watercraft Owners and Operators Act by amending provisions related to motorboat insurance.

This bill:

- ▶ defines motorboat and includes personal watercraft in the definition of motorboat;
- ▶ requires that each resident owner and certain nonresident owners of a motorboat shall maintain owner's or operator's security if the motorboat is operated on the waters of the state;
- ▶ provides that it is a class B misdemeanor to operate a motorboat on the waters of the state without certain owner's or operator's security being in effect;
- ▶ requires a person operating a motorboat to carry evidence of owner's or operator's security for the motorboat and display it upon demand of a peace officer;
- ▶ provides certain requirements for a certificate of self-funded coverage for motorboats;
- ▶ provides certain requirements for claims adjustment for persons who maintain motorboat owner's or operator's security by means other than an insurance policy;
- ▶ provides requirements for a liability insurance policy purchased to satisfy the owner's or operator's security requirement for motorboats;
- ▶ provides minimum limits for a motorboat liability coverage policy; and
- ▶ makes technical changes.

Amends 31A-22-315, 31A-22-1501, 31A-22-1502, 31A-22-1503, 31A-22-1504, 73-18-13.5, 73-18c-101, 73-18c-102, 73-18c-301, 73-18c-302, 73-18c-303, 73-18c-304, 73-18c-306, 73-18c-307

Effective May 1, 2006

Chapter 211, Laws of Utah 2006

HB 244 Aggravated Assault by Prisoners Amendment (*Scott L Wyatt*)

This bill modifies the Criminal Code regarding the offense of aggravated assault by a prisoner.

This bill:

- ▶ amends the offense of aggravated assault by a prisoner so that it is not limited to prisoners in the custody of the Department of Corrections; and
- ▶ removes an exemption for prisoners convicted of first degree and capital felonies.

Amends 76-5-103.5

Effective May 1, 2006

Chapter 102, Laws of Utah 2006

HB 245 Child Custody Determinations (*Lorie D. Fowlke*)

This bill provides a definition for bonding as used in custody and parent-time determinations.

This bill:

- ▶ creates a definition of "bonding."

Amends 30-3-10

Effective May 1, 2006

Chapter 314, Laws of Utah 2006

HB 247 **Plea in Abeyance Fee** (*M. Susan Lawrence*)

This bill describes fines and fees for pleas in abeyance.

This bill:

- ▶ requires that fines for pleas in abeyance adhere to the Uniform Bail Schedule; and
- ▶ allows courts to charge an administrative fee for pleas in abeyance of not more than \$25.

Amends 77-2-4.2

Effective May 1, 2006

Chapter 315, Laws of Utah 2006

HB 250 **Local Governments Restrictions on Limiting Certain Fees** (*Gregory H. Hughes*)

This bill modifies a provision relating to local government control on rents.

This bill:

- ▶ prohibits counties, cities, and towns from imposing controls on fees on private residential property; and
- ▶ makes technical changes.

Amends 57-20-1

Effective May 1, 2006

Chapter 365, Laws of Utah 2006

HB 254 **Child Care Licensing Restrictions** (*M. Susan Lawrence*)

This bill amends the Utah Child Care Licensing Act.

This bill:

- ▶ amends child care licensing restrictions;
- ▶ amends the authority of the Department of Health and its executive director to create exemptions to those restrictions; and
- ▶ permits limited access to juvenile court records for certain background checks.

Amends 26-39-105.5, 26-39-107, 78-3a-206

Effective May 1, 2006

Chapter 103, Laws of Utah 2006

HB 256 **Requirement of Property Tax Increase Advertisement** (*Gregory H. Hughes*)

This bill amends the Property Tax Act to modify the notification requirements for taxing entities levying a tax rate in excess of the certified tax rate.

This bill:

- ▶ amends the Property Tax Act to modify the notification requirements for taxing entities budgeting or levying a tax rate in excess of the certified tax rate; and
- ▶ makes technical changes.
- ▶ This bill takes effect on January 1, 2007.

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

Amends 59-2-918, 59-2-919

Effective January 1, 2007

Chapter 104, Laws of Utah 2006

HB 258 Government Records Access and Management Act - Public Records *(Ben C. Ferry)*

This bill modifies the Government Records Access and Management Act by amending provisions related to access to certain information for government employees or officers.

This bill:

- ▶ amends definitions to provide that certain telephone numbers or similar codes are not classified as records;
- ▶ defines business address, business email address, and business telephone number at which the public may contact an employer or officer of the governmental entity for purposes of what constitutes a public record; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 63-2-103, 63-2-301, 63-2-302

Effective February 6, 2006

Chapter 2, Laws of Utah 2006

HB 260 State Office of Rehabilitation - Budget Recommendations *(Bradley G. Last)*

This bill requires the governor to include a salary increase in his budget for the Utah State Office of Rehabilitation.

This bill:

- ▶ requires that the governor include in his budget recommendation an amount sufficient to provide the same percentage increase for cost-of-living for employees of firms privately contracted by the Utah State Office of Rehabilitation as the governor recommends for state employees; and
- ▶ directs the governor to submit with his budget request a message concerning his reasons if he does not include such an amount.

Amends 63-38-2

Effective May 1, 2006

Chapter 316, Laws of Utah 2006

HB 261 Property Tax Revisions *(Merlynn T. Newbold)*

This bill amends the Property Tax Act.

This bill:

- ▶ moves language relating to the calculation of property tax rates; and
- ▶ makes technical changes.

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

Amends 59-2-913, 59-2-924

Effective May 1, 2006

Chapter 105, Laws of Utah 2006

HB 262 Respiratory Care Amendments (*Bradley G. Last*)

This bill amends the Respiratory Care Practices Act to clarify that the installation of durable medical equipment and instructions on its use does not require licensure under the act, and to change licensure requirements from permissive to mandatory beginning January 1, 2007.

This bill:

- ▶ amends definitions;
- ▶ clarifies exemptions for licensure under the act;
- ▶ amends qualifications for licensure to reflect current entities that accredit respiratory care practitioners;
- ▶ requires licensure under the act beginning January 1, 2007;
- ▶ establishes that on or after January 1, 2007 it is unlawful conduct to practice as a respiratory care practitioner without a license under the act;
- ▶ establishes penalties for unlawful conduct; and
- ▶ makes technical amendments.

Amends 58-57-2, 58-57-4, 58-57-5, 58-57-7, 58-57-10, 58-57-11, 58-57-12; Enacts 58-57-14

Effective May 1, 2006

Chapter 106, Laws of Utah 2006

HB 263 Child Care Revisions (*D. Gregg Buxton*)

This bill amends the Utah Child Care Licensing Act.

This bill:

- ▶ amends the minimum qualifications for a residential child care certificate; and
- ▶ makes technical amendments.

Amends 26-39-105, 26-39-105.5

Effective May 1, 2006

Chapter 317, Laws of Utah 2006

HB 264 Acceptance of R.S. 2477 Rights-of-way Amendments *(Michael E. Noel)*

This bill modifies the Rights-of-Way Across Federal Lands Act by amending notice of acknowledgment provisions for acceptance of R.S. 2477 rights-of-way.

This bill:

- ▶ provides that a notice of acknowledgment for an R.S. 2477 right-of-way acceptance shall include:
 - a notice of where a center-line description rather than a full legal description may be viewed or obtained; and
 - a statement that any person with a competing dominant ownership claim may file a petition with the district court for a decision regarding the correctness or incorrectness of the acknowledgment;
- ▶ provides that a notice of acknowledgment filed in a county recorder's office is not required to have a paper copy of the center-line description but that an electronic copy shall be available at the county recorder's office and the Automated Geographic Reference Center;
- ▶ provides that a paper copy of the center-line description together with a notice of acknowledgment shall be placed in the state archives and made available upon request;
- ▶ provides that the governor or the governor's designee:
 - may provide a notice of acknowledgment by hand delivery; and
 - shall provide a copy of a notice of acknowledgment to the last known owner of the servient estate over which the right-of-way or rights-of-way subject to the notice runs and any person known to have a competing dominant ownership claim; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 72-5-309, 72-5-310

Effective February 24, 2006

Chapter 9, Laws of Utah 2006

HB 265 Due Date for Filing Electronically Filed Withholding Returns *(Merlynn T. Newbold)*

This bill amends the Withholding of Tax part to address the due date for filing electronically filed withholding returns.

This bill:

- ▶ provides that the due date for filing electronically filed withholding returns is the same deadline for filing certain federal tax returns, which is currently on or before March 31 of the year following the calendar year to which the returns relate; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

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

Amends 59-10-406

Effective February 24, 2006

Chapter 10, Laws of Utah 2006

HB 266 Fire Alarm System Certification Requirements (*Joseph G. Murray*)

This bill modifies the Public Safety Code regarding fire safety.

This bill:

- ▶ establishes a certification program for persons who inspect and test fire alarm systems;
- ▶ requires the Utah Fire Prevention Board by administrative rule to establish an application fee and standards for certification, application, renewal, and revocation; and
- ▶ requires applicants to:
 - submit a written application on the form prescribed by the board;
 - provide evidence of competency; and
 - submit the required fee.

Amends 53-7-204; Enacts 53-7-225.6

Effective May 1, 2006

Chapter 318, Laws of Utah 2006

HB 267 Transportation Construction Amendments (*Julie Fisher*)

This bill modifies the Utah Procurement Code by amending provisions related to procurement of construction for transportation projects.

This bill:

- ▶ provides that until July 10, 2010, a transportation agency may award a design-build transportation project contract with an estimated cost of \$5,000,000 or less to a qualified eligible proposer if:
 - only a single proposal is received; and
 - the department determines that the proposal is advantageous to the state and the proposal price is reasonable;
- ▶ requires the Transportation Interim Committee and Government Operations Interim Committee of the Legislature to review the single proposal award provision prior to November 30, 2009; and
- ▶ makes technical changes.

Amends 63-56-502

Effective May 1, 2006

Chapter 319, Laws of Utah 2006

HB 269 Human Resource Management Amendments *(David Clark)*

This bill modifies the Utah State Retirement and Insurance Benefit Act, the Utah Administrative Services Code, and the Utah State Personnel Management Act to amend certain provisions related to the Department of Human Resource Management.

This bill:

- ▶ changes the Division of Human Resource Management to the Department of Human Resource Management and the title of its director to executive director;
- ▶ allows an employee in the Public Safety Retirement System who is reassigned to the Department of Technology Services or to the Department of Human Resource Management to remain in the same retirement system;
- ▶ adds certain definitions to the Utah State Personnel Management Act;
- ▶ removes a requirement that:
 - the governor approve agreements on the establishment of field offices; and
 - an agency head must be consulted prior to establishing a field office;
- ▶ revises and clarifies certain powers and duties of the Department of Human Resource Management relating to the provision of human resource functions to executive branch entities and entities that subscribe to services;
- ▶ allows the Department of Human Resource Management to operate as an internal service fund agency for the human resource functions the department provides to executive branch entities and entities that subscribe to services rendered by the listed divisions;
- ▶ creates a rate committee and provides procedures for the approval by the rate committee of rate changes for services provided by the department;
- ▶ clarifies that state officers accrue annual leave at the maximum rate provided to Schedule B state employees; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 13-1a-3 (Effective 07/01/06), 35A-1-205 (Effective 07/01/06), 49-14-201, 49-15-201, 49-20-401 (Effective 07/01/06), 53-6-104 (Effective 07/01/06), 53A-24-114 (Effective 07/01/06), 53C-1-201 (Effective 07/01/06), 54-1-6 (Effective 07/01/06), 54-4a-3 (Effective 07/01/06), 61-1-18 (Effective 07/01/06), 62A-15-613 (Effective 07/01/06), 63-5b-102 (Effective 07/01/06), 63-13-2 (Effective 07/01/06), 63-34-12 (Effective 07/01/06), 63A-1-109 (Effective 07/01/06), 63A-9-501 (Effective 07/01/06), 63A-9-801 (Effective 07/01/06), 67-5-7 (Effective 07/01/06), 67-5-9 (Effective 07/01/06), 67-5-12 (Effective 07/01/06), 67-8-3 (Effective 07/01/06), 67-8-5 (Effective 07/01/06), 67-19-3 (Effective 07/01/06), 67-19-3.1 (Effective 07/01/06), 67-19-5 (Effective 07/01/06), 67-19-6 (Effective 07/01/06), 67-19-6.1 (Effective 07/01/06), 67-19-6.3, 67-19-6.7 (Effective 07/01/06), 67-19-11 (Effective 07/01/06), 67-19-12 (Effective 07/01/06), 67-19-12.2 (Effective 07/01/06), 67-19-12.5 (Effective 07/01/06), 67-19-12.7 (Effective 07/01/06), 67-19-12.9 (Effective 07/01/06), 67-19-13 (Effective 07/01/06), 67-19-14, 67-19-15 (Effective 07/01/06), 67-19-15.1 (Effective 07/01/06), 67-19-15.6, 67-19-16, 67-19-17, 67-19-18, 67-19-19 (Effective 07/01/06), 67-19-31 (Effective 07/01/06), 67-19-33 (Effective 07/01/06), 67-19-34 (Effective 07/01/06), 67-19-36 (Effective 07/01/06), 67-19-37 (Effective 07/01/06), 67-19-38 (Effective 07/01/06), 67-19a-303 (Effective 07/01/06), 67-19c-101 (Effective 07/01/06), 67-20-8 (Effective 07/01/06), 67-22-2 (Effective 07/01/06), 72-1-203 (Effective 07/01/06)

Effective July 1, 2006

Chapter 139, Laws of Utah 2006

HB 271 Petroleum Storage Tank Trust Fund Amendments *(David Ure)*

This bill modifies requirements for participating in the petroleum storage tank environmental assurance program.

This bill:

- ▶ requires owners and operators of underground petroleum storage tanks that elect to participate in the environmental assurance program to include all of their tanks under the Petroleum Storage Tank Trust Fund;
- ▶ allows the executive secretary of the Solid and Hazardous Waste Control Board to waive certain testing requirements;
- ▶ clarifies requirements for participation in the environmental assurance program by owners and operators who have previously elected not to participate; and
- ▶ makes technical corrections.
- ▶ This bill takes effect on January 1, 2007.

Amends 19-6-410.5, 19-6-428

Effective January 1, 2007

Chapter 107, Laws of Utah 2006

HB 272 Insurance Law Amendments *(Todd E. Kiser)*

This bill modifies the Insurance Code.

This bill:

- ▶ amends definition of life insurance;
- ▶ expands immunity provision to include authorized representatives of the commissioner or an examiner appointed by the commissioner;
- ▶ clarifies taxation of a captive insurance company;
- ▶ modifies citations related to voluntary dissolution of a domestic insurance corporation;
- ▶ provides that the Utah Life and Health Insurance Guaranty Association is not a state agency; and
- ▶ makes technical changes.

Amends 31A-1-301, 31A-2-213, 31A-3-304, 31A-5-504, 31A-28-106

Effective May 1, 2006

Chapter 320, Laws of Utah 2006

HB 274 Removal of County or Prosecution District Officer Amendments *(Scott L Wyatt)*

This bill modifies provisions relating to county or prosecution district officers.

This bill:

- ▶ provides that a county or prosecution district officer charged with a felony arising from official conduct is entitled to return to office if the charges are dismissed or the officer is acquitted but shall be removed from office if the officer is convicted of a felony or attempt to commit a felony arising from conduct related to the officer's official duties;
- ▶ provides that a conviction or plea of guilty or nolo contendere to a felony charge arising from official conduct constitutes malfeasance in office;
- ▶ provides that the removal process resulting from a conviction does not replace another statutory removal process; and
- ▶ eliminates a provision calling for county legislative body supervision of a person employed to discharge temporarily the duties of an officer on administrative leave.

Amends 17-16-10.5

Effective May 1, 2006

Chapter 321, Laws of Utah 2006

HB 276 Medicaid Covered At Work Premium Subsidy (*Kory M. Holdaway*)

This bill amends provisions related to Utah's Medicaid program.

This bill:

- ▶ directs the Department of Health to take steps to promote increased participation in employer sponsored health insurance as a means to increase health care coverage among the uninsured.
- ▶ This bill appropriates:
- ▶ as an ongoing appropriation subject to future budget constraints, \$267,500 from the General Fund for fiscal year 2006-07 to the Division of Health Care Financing within the Department of Health.

Amends 26-18-3.5

Effective May 1, 2006

Chapter 148, Laws of Utah 2006

HB 278 Out-of-state Parent-time Amendments (*Lorie D. Fowlke*)

This bill provides that the entire summer or off-track period be counted for purposes of determining the amount of parent-time to which an out-of-state parent is entitled.

This bill:

- ▶ brings back in the last week before school starts as part of the time counted when determining the amount of parent-time to which an out-of-state parent is entitled.

Amends 30-3-37

Effective May 1, 2006

Chapter 195, Laws of Utah 2006

HB 283 Motor Vehicle Business Regulation Amendments (*Patrick Painter*)

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions related to certain motor vehicle business requirements and violations.

This bill:

- ▶ repeals certain dealer notice requirements to a lienholder if the dealer takes a trade-in from a retail customer as part of the sale or lease of a motor vehicle and there is an outstanding loan balance owing on the trade-in; and
- ▶ makes technical changes.

Amends 41-3-402

Effective May 1, 2006

Chapter 108, Laws of Utah 2006

HB 284 Veterinary Practice Act Amendments (*John G. Mathis*)

This bill amends the Veterinary Practice Act.

This bill:

- ▶ amends definitions;
- ▶ amends duties of the veterinary practice board;
- ▶ creates a licensing category for veterinary interns and requires licensing of veterinary interns;
- ▶ creates a continuing education requirement for licensure;
- ▶ adds exemptions to licensure requirements;
- ▶ defines unlicensed assistive personnel which includes veterinary assistants, veterinary technicians, and veterinary technologists and establishes that it is not unprofessional conduct for a veterinarian to delegate certain tasks to those unlicensed assistants if:
 - the veterinarian provides the level of supervision required in the bill; and
 - the delegation of duties does not violate the standards and ethics of the profession;
- ▶ provides standards of practice for:
 - reporting animal cruelty;
 - maintaining and disclosing medical records; and
 - veterinary-client-patient relationships; and
- ▶ makes technical changes.

Amends 58-24a-102, 58-47b-102, 58-72-102, 58-73-102; Enacts 58-28-301, 58-28-306, 58-28-308, 58-28-501, 58-28-502, 58-28-503, 58-28-602, 58-28-603, 58-28-604, 58-28-605; Renumbers and Amends 58-28-1 to 58-28-101, 58-28-2 to 58-28-102, 58-28-3 to 58-28-201, 58-28-4 to 58-28-302, 58-28-5 to 58-28-303, 58-28-6 to 58-28-304, 58-28-6.5 to 58-28-305, 58-28-7.5 to 58-28-401, 58-28-8 to 58-28-307, 58-28-9 to 58-28-601; Repeals 58-28-10

Effective May 1, 2006

Chapter 109, Laws of Utah 2006

HB 285 Appropriation for Highly Qualified Teachers (*Kory M. Holdaway*)

This bill creates a grant program to minimize out-of-pocket expenses of licensed teachers to obtain National Board certification or to take tests to meet federal highly qualified teacher standards.

This bill:

- ▶ directs the State Board of Education to give grants to school districts and charter schools to pay costs directly related to enabling licensed teachers to obtain National Board certification or to take tests to meet federal highly qualified teacher standards;
- ▶ requires school districts and charter schools to provide matching funds to qualify for a grant;
- ▶ specifies how grant monies may be used; and
- ▶ repeals the grant program on July 1, 2009.
- ▶ This bill appropriates:
 - ▶ \$500,000 from the Uniform School Fund for fiscal year 2006-07 only, to the State Board of Education.
 - ▶ This bill takes effect on July 1, 2006.

Amends 63-55b-153; Enacts 53A-6-112

Effective July 1, 2006

Chapter 149, Laws of Utah 2006

HB 287 Wildlife Damage Compensation Act Amendments (*Craig W. Butters*)

This bill amends the Wildlife Damage Compensation Act.

This bill:

- ▶ allows a livestock owner to receive compensation for livestock damaged by an eagle; and
- ▶ makes technical changes.

Amends 23-24-1

Effective May 1, 2006

Chapter 140, Laws of Utah 2006

HB 288 Health Care Amendments for Foster Children (*David L. Hogue*)

This bill amends the Medical Assistance Act in the Health Code to provide medical coverage to certain adolescents aging out of foster care.

This bill:

- ▶ defines terms; and
- ▶ directs the state to amend the state Medicaid Plan to provide medical services to certain adolescents aging out of state foster care.
- ▶ This bill appropriates:
 - ▶ as an ongoing appropriation subject to future budget constraints, \$450,000 from the General Fund for fiscal year 2006-07 to the Department of Health to fund medical care for independent foster care adolescents.

Enacts 26-18-403

Effective May 1, 2006

Chapter 110, Laws of Utah 2006

HB 289 Utah Education Network Amendments (*Kory M. Holdaway*)

This bill modifies provisions related to the Utah Education Network (UEN).

This bill:

- ▶ modifies the definition of UEN, including modified duties and authority related to the provision of broadcasting and telecommunication services;
- ▶ requires the Legislature to make certain annual appropriations;
- ▶ adjusts State Board of Education duties relative to UEN;
- ▶ adds state government and other public entities as entities to which UEN may provide support;
- ▶ licenses KUEN - TV to the State Board of Regents;
- ▶ removes references to KULC Channel 9, EDNET, and UtahLink; and
- ▶ makes other technical changes.

Amends 53B-17-101, 53B-17-102, 53B-17-103, 53B-17-104

Effective May 1, 2006

Chapter 150, Laws of Utah 2006

HB 291 State Tax Commission Bonding and Licensing Amendments (*Wayne A. Harper*)

This bill amends the Revenue and Taxation title relating to bonding and licensing.

This bill:

- ▶ repeals definitions relating to an agent for purposes of bonding and licensing with the State Tax Commission;
- ▶ repeals provisions relating to an agent for purposes of bonding requirements with the State Tax Commission and calculating the amount of a bond;
- ▶ reduces the minimum amount of a bond for purposes of certain taxes;
- ▶ repeals language establishing the minimum amount of a bond for purposes of the aviation fuel tax;
- ▶ allows a bond to be combined with another bond into one bond under certain circumstances;
- ▶ repeals obsolete language; and
- ▶ makes technical changes.

Amends 59-10-405.5, 59-12-106, 59-13-203.1, 59-13-302, 59-13-403

Effective May 1, 2006

Chapter 322, Laws of Utah 2006

HB 293 Transportation - Oversize and Overweight Permit (*Kerry W. Gibson*)

This bill modifies the Transportation Code by amending provisions related to oversize and overweight permits.

This bill:

- ▶ provides that an annual trip permit may be issued to a vehicle or a combination of vehicles exceeding certain dimensions;
- ▶ requires the department to make rules for the issuance of an annual trip permit that exceeds certain dimensions if the department determines that an annual trip permit is needed to accommodate highway transportation needs for multiple trips on a specified route; and
- ▶ makes technical changes.

Amends 72-7-406

Effective May 1, 2006

Chapter 212, Laws of Utah 2006

HB 294 Creation of Education Fund (*Jeff Alexander*)

This bill creates an Education Fund to account for certain revenues.

This bill:

- ▶ creates an Education Fund to receive all revenues from taxes on intangible property or from a tax on income; and
- ▶ makes technical corrections.

Amends 51-5-4

Effective May 1, 2006

Chapter 323, Laws of Utah 2006

HB 295 Child Support Amendments (*Lorie D. Fowlke*)

This bill clarifies that income for determining child support includes earnings from a full-time job and unearned sources of income.

This bill:

- ▶ clarifies that gross income includes earnings from a full-time job and unearned sources of income combined.

Amends 78-45-7.5

Effective May 1, 2006

Chapter 324, Laws of Utah 2006

HB 296 Governor's Budget - Wage and Benefit Increases to Be Considered for Soil Conservation District (*Kerry W. Gibson*)

This bill directs the governor to include in his budget, and the Legislature to consider, an amount sufficient to grant wage and benefit increases to soil conservation districts and to Utah Association of Conservation District employees.

This bill:

- ▶ directs the governor to include in his budget an amount sufficient to grant soil conservation districts, and employees of the Utah Association of Conservation Districts, the same percentage increase for wages and benefits that he includes in his budget for persons employed by the state;
- ▶ requires the Legislature to consider an appropriation to grant soil conservation districts, and employees of the Utah Association of Conservation Districts, the same percentage increase for wages and benefits that is included in the budget for persons employed by the state; and
- ▶ makes technical corrections.

Amends 63-38-2

Effective May 1, 2006

Chapter 213, Laws of Utah 2006

HB 306 Private Probation Provider Amendment (*Lorie D. Fowlke*)

This bill modifies the Private Probation Provider Licensing Act regarding unprofessional conduct.

This bill:

- ▶ amends the definition of professional conduct for private probation providers regarding interests that may affect impartiality or constitute a conflict of interest to provide that the conflict of interest must be an actual conflict of interest.

Amends 58-50-2

Effective May 1, 2006

Chapter 196, Laws of Utah 2006

HB 308 Insurance Policy and Contract Law Amendments (*Todd E. Kiser*)

This bill modifies the Insurance Code to address requirements for policies or contracts.

This bill:

- ▶ clarifies the scope of the provisions related to insurance contracts in general and contracts in specific lines;
- ▶ provides that an insurer unless otherwise provided by the Insurance Code shall follow the terms of an insurance policy issued or assumed by the insurer;
- ▶ clarifies application to cancellations of a reference in the provision related to nonrenewal of insurance policies by an insurer;
- ▶ addresses minimum requirements for personal injury protection coverage and benefits; and
- ▶ makes technical changes.

Amends 31A-21-101, 31A-21-303, 31A-22-307; Enacts 31A-21-111

Effective May 1, 2006

Chapter 197, Laws of Utah 2006

HB 309 Municipal Energy Sales and Use Tax Amendments (*Gregory H. Hughes*)

This bill modifies provisions of the Municipal Energy Sales and Use Tax Act.

This bill:

- ▶ enacts definitions;
- ▶ enacts provisions relating to a reduction in the municipal energy sales and use tax on the sale or use of natural gas;
- ▶ requires a reduction in the amount of the natural gas portion of the municipal energy sales and use tax revenues paid to municipalities in December 2006 and December 2007 in an amount equal to the amount by which sales tax revenues exceed the amount of the previous year's revenues plus 10%;
- ▶ requires gas suppliers to reduce the municipal energy sales and use tax rate in December 2006 and December 2007 to offset the reduction in the natural gas portion of the municipal energy sales and use tax revenues to municipalities; and
- ▶ enacts provisions related to the process for accomplishing those reductions.

Amends 10-1-307

Effective May 1, 2006

Chapter 352, Laws of Utah 2006

HB 311 Cultural Sites Protection Amendments (*Bradley T. Johnson*)

This bill modifies provisions pertaining to the unlawful destruction of antiquities.

This bill:

- ▶ provides that a prohibition against the destruction of antiquities without the landowner's consent applies to antiquities on state lands or private lands;
- ▶ defines "landowner" to include the School and Institutional Trust Lands Administration with respect to lands upon which the School and Institutional Trust Lands Administration has imposed a restrictive deed covenant; and
- ▶ modifies the definition of "state lands" to include lands sold by the School and Institutional Trust Lands Administration subject to a restrictive deed covenant.

Amends 76-6-901, 76-6-902

Effective May 1, 2006

Chapter 111, Laws of Utah 2006

HB 315 Real Estate Amendments (*Gordon E. Snow*)

This bill modifies provisions related to the Division of Real Estate's regulation of real estate issues.

This bill:

- ▶ modifies exemptions for persons or transactions;
- ▶ permits a member of the Real Estate Commission to serve two consecutive terms;
- ▶ modifies limit on the amount of a civil penalty;
- ▶ modifies grounds for disciplinary action; and
- ▶ makes technical changes.

Amends 61-2-3, 61-2-5.5, 61-2-11

Effective May 1, 2006

Chapter 198, Laws of Utah 2006

HB 316 Administrative Rules Procedure Amendments (*David Ure*)

This bill modifies the Administrative Rulemaking Act regarding agency action on petitions for rule changes.

This bill:

- ▶ changes the earliest date when a state agency may make a proposed rule effective;
- ▶ defines "initiate rulemaking proceedings" for purposes of agency action on a petition to make, amend, or repeal an administrative rule;
- ▶ modifies the time limit for an agency to either deny a petition to make, amend, or repeal a rule or to initiate rulemaking proceedings based on the petition; and
- ▶ authorizes a petitioner to appeal an agency's failure to act on or deny a petition.

The original bill was recommended by the Administrative Rules Review Committee

Amends 63-46a-4, 63-46a-12

Effective May 1, 2006

Chapter 141, Laws of Utah 2006

HB 322 Costs of Divorce (*Peggy Wallace*)

This bill raises the filing fee for a divorce or separate maintenance action to \$155.

This bill:

- ▶ raises the filing fee for a divorce or separate maintenance action to \$155.

Amends 78-7-35

Effective May 1, 2006

Chapter 199, Laws of Utah 2006

HB 326 New Century Scholarship Amendments (*Kory M. Holdaway*)

This bill modifies the requirements to qualify for a New Century scholarship.

This bill:

- ▶ allows a student to qualify for a New Century scholarship who completes an approved math and science curriculum;
- ▶ requires scholarship requirements to be completed with at least a B average;
- ▶ requires the State Board of Regents to approve a math and science curriculum; and
- ▶ makes technical corrections.

Amends 53B-8-105

Effective May 1, 2006

Chapter 151, Laws of Utah 2006

HB 328 **Eliminating the Age Requirement for Hunting Small Game** (*Curtis Oda*)

This bill removes the age requirement for hunting small game.

This bill:

- ▶ removes the age requirement to hunt turkey and small game;
- ▶ clarifies the meaning of verbal communication for adult supervision; and
- ▶ makes technical changes.
- ▶ This bill takes effect on August 1, 2006.

Amends 23-19-17, 23-19-22.6, 23-19-24, 23-19-26, 23-20-20; Repeals 23-19-25

Effective August 1, 2006

Chapter 325, Laws of Utah 2006

HB 333 **Antitrust Exemption** (*Richard W. Wheeler*)

This bill modifies the Criminal Code's Antitrust Act regarding the definition of a municipality.

This bill:

- ▶ provides that an entity is considered to be a municipality for specified purposes of the Antitrust Act if the entity was formed under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity is:
 - a project entity as defined in Section 11-13-103;
 - an electric interlocal entity as defined in Section 11-13-103; or
 - an energy services interlocal entity as defined in Section 11-13-103; and
- ▶ provides that these listed entities are authorized or directed by state law.

Amends 76-10-915

Effective May 1, 2006

Chapter 112, Laws of Utah 2006

HB 338 **Property Tax Exemption for Business Personal Property** (*John Dougall*)

This bill amends the Property Tax Act relating to exemptions for certain personal property from assessment and taxation.

This bill:

- ▶ exempts certain personal property of a taxpayer if the tangible personal property has a total value of \$3,500 or less;
- ▶ gives the State Tax Commission rulemaking authority; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Enacts 59-2-1115

Effective January 1, 2007

Chapter 113, Laws of Utah 2006

HB 339 Commission on Civic and Character Education (*LaVar Christensen*)

This bill modifies the State Officers and Employees Code to create the Commission on Civic and Character Education within the lieutenant governor's office and appropriates certain ongoing General Fund monies to the lieutenant governor's office for funding the activities of the commission.

This bill:

- ▶ creates the Commission on Civic and Character Education within the lieutenant governor's office;
- ▶ establishes the duties of the commission to promote and ensure the implementation of the provisions of Section 53A-13-109 related to civic and character education;
- ▶ provides that the lieutenant governor's office shall provide leadership to the commission;
- ▶ provides for the sunset of the commission and its duties;
- ▶ appropriates from the General Fund to the lieutenant governor's office as an ongoing appropriation, subject to future budget constraints, \$50,000 for fiscal year 2006-07 for funding of the Commission on Civic and Character Education including leadership of the commission; and
- ▶ makes technical changes.
- ▶ This bill appropriates:
 - ▶ from the General Fund to the lieutenant governor's office as an ongoing appropriation, subject to future budget constraints, \$50,000 for fiscal year 2006-07.

Amends 63-55-267; Enacts 67-1a-10, 67-1a-11

Effective May 1, 2006

Chapter 142, Laws of Utah 2006

HB 346 State Employee Retirement Benefits Amendments (*John Dougall*)

This bill modifies the Utah State Retirement and Insurance Benefit Act by adding certain positions that may be excluded from membership in the Public Employees' Contributory Retirement System and the Public Employees' Noncontributory Retirement System.

This bill:

- ▶ allows the following at-will employees to be excluded, upon written request, from coverage under the Public Employees' Contributory Retirement System and the Public Employees' Noncontributory Retirement System:
 - a person appointed by the speaker of the House of Representatives, the House of Representatives minority leader, the president of the Senate, or the Senate minority leader; or
 - an employee of the Governor's Office of Economic Development who has been hired directly from a position not covered by a system; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 49-12-203, 49-13-203

Effective March 13, 2006

Chapter 143, Laws of Utah 2006

HB 348 Election Code - Electronic Voting Procedures and Requirements (*Douglas C. Aagard*)

This bill modifies the Election Code to update existing procedures and definitions and to comply with electronic voting equipment requirements.

This bill:

- ▶ provides and modifies definitions;
- ▶ removes references requiring the official record to be a printed book;
- ▶ removes the requirement to create a posting list;
- ▶ provides for voting procedures when using machine-readable ballot sheets;
- ▶ provides for voting procedures when using electronic ballots;
- ▶ provides ballot formatting requirements for straight party ticket selections and write-in candidates;
- ▶ requires a voter to mark a box or select the name of a write-in candidate in order for a write-in vote to be recorded;
- ▶ modifies formatting requirements for paper ballots to require that all paper ballots contain a check box next to the name of write-in candidates;
- ▶ provides that watchers shall be permitted to observe testing of voting devices and equipment;
- ▶ provides that one or more poll workers shall deliver election returns to the counting center;
- ▶ provides that poll workers delivering election returns shall be paid reasonable compensation for mileage for a round trip rather than a designated sum per mile one way;
- ▶ permits electronic transmission of unofficial poll results to counting centers if security measures are taken;
- ▶ modifies the date for delivery of election returns so returns are always available before the state canvass;
- ▶ modifies formatting and content requirements for the official register;
- ▶ modifies ballot delivery timelines;
- ▶ requires election officials to correct or post notice of errors discovered in electronic ballots at each voting booth;
- ▶ requires election officials to provide paper ballots and ballot sheets in an amount sufficient to meet voting needs during an election;
- ▶ provides procedures for delivery of voting equipment to polling places and requires that receipts be issued when voting devices are delivered to poll workers;
- ▶ requires that voting devices be repaired or substituted if voting devices contain incorrect ballot information, are not functioning properly, appear to have been tampered with, or other similar circumstances;
- ▶ permits the election officer to determine the time that poll workers arrive at the polling place;
- ▶ permits the election officer to designate which poll workers will act as election judges and to designate a presiding judge;
- ▶ removes a requirement that election returns must be returned to the election officer by two persons of a different political party;
- ▶ provides a criminal penalty for intentionally or knowingly damaging, modifying, tampering with, or destroying voting devices or equipment;
- ▶ provides ballot formatting requirements and ballot preparation procedures for machine-readable ballot sheets;
- ▶ provides ballot formatting requirements and ballot preparation procedures for electronic ballots; and
- ▶ makes technical changes.
- ▶ This bill coordinates with

- ▶ S.B. 10 by providing technical changes.

Amends 20A-1-102, 20A-2-202, 20A-2-204, 20A-2-205, 20A-3-104, 20A-3-104.5, 20A-3-105, 20A-3-106, 20A-3-201, 20A-3-202, 20A-3-303, 20A-4-103, 20A-4-104, 20A-4-201, 20A-4-304, 20A-5-202, 20A-5-205, 20A-5-401, 20A-5-403, 20A-5-405, 20A-5-406, 20A-5-605, 20A-6-102, 20A-6-203, 20A-6-301, 20A-6-302, 20A-6-303, 20A-6-401.1, 20A-6-402, 20A-9-806, 20A-9-808; Enacts 20A-5-706, 20A-6-304; Repeals 20A-6-104

Effective May 1, 2006

Chapter 326, Laws of Utah 2006

HB 350 **Concealed Firearms Instructors** (*Curtis Oda*)

This bill modifies provisions of the Concealed Weapons Act related to the certification of concealed firearms instructors.

This bill:

- ▶ requires an applicant for certification as a concealed firearms instructor to have a current National Rifle Association certification or its equivalent as determined by the Law Enforcement and Technical Services Division of the Department of Public Safety;
- ▶ provides that the certification, when issued, is valid for a three-year period;
- ▶ provides that a concealed firearms instructor, in order to renew a certification, shall attend a renewal course and pass a renewal test under the direction of the Criminal Investigations and Technical Services Division;
- ▶ provides for certification and renewal of certification fees;
- ▶ provides a procedure for issuing certificates to students who complete a course of instruction given by a certified concealed firearms instructor; and
- ▶ makes certain technical changes.

Amends 53-5-704

Effective May 1, 2006

Chapter 144, Laws of Utah 2006

HB 351 **Carson Smith Scholarship Program Amendments** (*Merlynn T. Newbold*)

This bill modifies the State System of Public Education Code by amending provisions of the Carson Smith Scholarship Program.

This bill:

- ▶ modifies scholarship qualification provisions;
- ▶ requires notification to parents or guardians of the availability of scholarships;
- ▶ modifies eligible private school audit provisions; and
- ▶ makes technical corrections.

Amends 53A-1a-704, 53A-1a-705

Effective May 1, 2006

Chapter 200, Laws of Utah 2006

HB 357 Water Issues Task Force (David Ure)

This bill creates the Water Issues Task Force.

This bill:

- ▶ creates the Water Issues Task Force;
- ▶ provides for membership of the task force and compensation for members;
- ▶ specifies duties and responsibilities of the task force; and
- ▶ specifies issues that the task force will review.
- ▶ This bill appropriates:
 - ▶ \$11,400 to the Senate; and
 - ▶ \$18,240 to the House of Representatives.
- ▶ This bill is repealed on November 30, 2006.

Effective May 1, 2006

Chapter 145, Laws of Utah 2006

HB 363 Driver License - Learner Permit Provisions (John Dougall)

This bill modifies the Uniform Driver License Act and the State System of Public Education Code by amending provisions related to learner permits.

This bill:

- ▶ provides that beginning on August 1, 2006, the Driver License Division shall issue a learner permit to a person who is at least 15 years of age, has passed the knowledge test, has passed the physical and mental fitness test, and has paid the learner permit fee;
- ▶ provides that the fee for a learner permit is \$15;
- ▶ provides that an applicant with a learner permit may operate a motor vehicle if:
 - a person who is 21 years of age or older and is a licensed driver is occupying the seat next to the applicant and the applicant is 18 years of age or older; or
 - a person who is an approved driving instructor, the applicant's parent or legal guardian, or a responsible adult who is willing to assume liability for the minor is occupying the seat next to the applicant and the applicant is younger than 18 years of age;
- ▶ provides that an applicant that has been issued a learner permit may obtain an original or provisional class D license upon completing a driver education program, passing the skills test required by the division, reaching 16 years of age, and paying the fee for an original or provisional class D license application;
- ▶ provides that a person 17 years of age or younger shall hold a learner permit for six months before applying for a provisional class D license;
- ▶ prohibits the Driver License Division from issuing a temporary learner permit, an instruction permit, or a practice permit beginning on August 1, 2006;
- ▶ repeals temporary learner permit, instruction permit, and practice permit provisions on February 1, 2007;
- ▶ authorizes a school district that provides driver education to provide an opportunity for each pupil enrolled in that school or school district to take the written test when the pupil is 15 years of age;
- ▶ repeals provisions that authorize a school district to issue an instruction permit or a practice permit;
- ▶ requires a student enrolled in driver education provided by a school district to have a learner permit issued by the division in the student's immediate possession at all times when operating a motor vehicle during the driver education program; and
- ▶ makes technical changes.
- ▶ This bill takes effect on August 1, 2006.

Amends 41-8-1, 53-3-104, 53-3-105, 53-3-106, 53-3-202, 53-3-204, 53-3-205, 53-3-210, 53-3-211, 53-3-408, 53A-13-201, 53A-13-208, 63-55b-153; Enacts 53-3-210.5

Effective August 1, 2006

Chapter 201, Laws of Utah 2006

HB 365 Automated Teller Machine Fees *(Mark W. Walker)*

This bill modifies the Financial Institutions Act addressing automated teller machine transaction fees.

This bill:

- ▶ provides that permitted transaction fees include a fee or surcharge involving a depository institution outside of the United States; and
- ▶ makes technical changes.

Amends 7-16a-202

Effective May 1, 2006

Chapter 327, Laws of Utah 2006

HB 370 Transportation Planning Amendments *(Brad L. Dee)*

This bill modifies the Transportation Code by amending provisions relating to cooperation with metropolitan planning organizations.

This bill:

- ▶ provides that a metropolitan planning organization is a governmental entity that is eligible to receive employment information from the Unemployment Insurance Division for the purpose of preparing transportation plans; and
- ▶ specifies the information that may be obtained by a metropolitan planning organization.

Amends 72-1-208.5

Effective May 1, 2006

Chapter 353, Laws of Utah 2006

HB 371 Transient Room Taxes Amendments *(David Clark)*

This bill amends the Sales and Use Tax Act relating to transient room taxes.

This bill:

- ▶ increases the tax rate of the transient room tax for counties from a rate not to exceed 3% to a rate not to exceed 4.25%;
- ▶ addresses the expenditure of revenues generated by the transient room tax for counties;
- ▶ repeals the Transient Room Tax for Convention Facilities part; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 17-31-2, 59-12-301; Repeals 59-12-1601, 59-12-1602, 59-12-1603, 59-12-1604

Effective May 1, 2006

Chapter 328, Laws of Utah 2006

HB 372 Expenditure of Local Option Transportation Tax Revenue *(Ben C. Ferry)*

This bill amends the Public Transit Tax part to address the expenditure of public transit tax revenue.

This bill:

- ▶ provides that beginning on July 1, 2006, and ending on July 1, 2007, a county of the first class may expend a certain amount of the 1/4% of the 1/4% public transit tax revenue dedicated for highway use to reconfigure railroad curves to decrease rail congestion; and
- ▶ makes technical changes.

Amends 59-12-502 (See 59-1-1201 re: Eff), 72-2-121

Effective May 1, 2006

Chapter 329, Laws of Utah 2006

HB 383 Vehicles Used for Agricultural Purposes (*Kerry W. Gibson*)

This bill enacts provisions relating to the use of implements of husbandry.

This bill:

- ▶ provides that counties and municipalities may not prohibit or punish the tracking of dirt, mud, or other debris onto roads resulting from the operation of implements of husbandry if the operation is consistent with accepted agricultural practices.

Enacts 10-8-85.7, 17-50-321

Effective May 1, 2006

Chapter 214, Laws of Utah 2006

HB 394 Relocating Outdoor Advertising (*David Ure*)

This bill modifies the Utah Outdoor Advertising Act by amending provisions related to the relocation of outdoor advertising structures.

This bill:

- ▶ expands the regulations that may require the relocation of an outdoor advertising sign to maintain the required distance from high voltage overhead lines;
- ▶ provides that an owner of an outdoor advertising structure that is required to be relocated shall have the option to relocate and remodel the structure to certain other locations;
- ▶ requires that a relocation shall be in a commercial or industrial zoned area or where outdoor advertising is permitted;
- ▶ requires that a county or municipality shall provide a special exception to its zoning ordinance if necessary to provide for the relocation;
- ▶ provides that the relocated and remodeled structure may be:
 - erected to a height and angle to make it clearly visible on the main-traveled way of the highway;
 - the same size and at least the same height as the previous structure, but may not exceed certain size and height limitations; and
 - relocated to a location with a comparable vehicular traffic count;
- ▶ requires a governmental entity to pay just compensation if it prohibits the relocation and remodeling; and
- ▶ makes technical changes.

Amends 72-7-516

Effective May 1, 2006

Chapter 330, Laws of Utah 2006

HB 396 Amendments to the Property Tax Exemption for Disabled Veterans (*Michael T. Morley*)

This bill amends the Property Tax Act relating to exemptions for veterans.

This bill:

- ▶ modifies the application requirements for a veteran's exemption; and
- ▶ makes technical changes.
- ▶ This bill takes effect on January 1, 2008.

Amends 59-2-1105

Effective January 1, 2008

Chapter 114, Laws of Utah 2006

HB 401 Veterans Affairs Amendments (*Brad L. Dee*)

This bill creates a mechanism for collection of information on veterans to assist the division in creating a database of Utah veterans and appropriates \$50,000 to the division for statewide outreach and assistance for veterans.

This bill:

- ▶ allows the Driver License Division to collect information regarding veteran status and transmit it to the Division of Veterans' Affairs; and
- ▶ appropriates \$50,000 to the division for statewide outreach and assistance.
- ▶ This bill appropriates:
- ▶ \$50,000 from the General Fund for fiscal year 2006-07 only, to the Division of Veterans' Affairs.

Amends 53-3-205, 53-3-804, 53-3-805, 71-8-3

Effective May 1, 2006

Chapter 331, Laws of Utah 2006

HB 403 Bailbond Amendments (*Gregory H. Hughes*)

This bill modifies the Insurance Code and the Code of Criminal Procedure regarding bail bond securities.

This bill:

- ▶ amends the definition of "bail bond insurance";
- ▶ allows a bail bond company to pay a bond forfeiture prior to judgment;
- ▶ amends the process regarding posting proof of a surety bond;
- ▶ provides that for purposes of the sureties on an undertaking, a plea in abeyance is considered to be the same as a guilty plea;
- ▶ provides that the bail bond surety is not responsible regarding suspended or deferred sentencing;
- ▶ amends the court procedure for notifying the surety when a defendant fails to post bail;
- ▶ amends the procedures for forfeiting or reinstating a bond if a defendant misses a court date;
- ▶ provides that the court may enter a judgment in the surety's name, and not in the name of an individual owner, principal, or employee of the surety; and
- ▶ provides procedures for bond revocation.
- ▶ This bill coordinates with H.B. 272, Insurance Law Amendments, by providing that certain amendments in this bill supersede the amendments in H.B. 272.

Amends 31A-1-301, 31A-35-504, 77-20-7, 77-20b-101, 77-20b-104; Enacts 77-20b-105

Effective May 1, 2006

Chapter 332, Laws of Utah 2006

HB 407 Counseling for Families of Veterans (*Tim M. Cosgrove*)

This bill creates a counseling program for servicemembers and their families.

This bill:

- ▶ provides definitions; and
- ▶ directs the Department of Human Services to develop and implement a statewide counseling program for servicemembers and their families to facilitate the reintegration of servicemembers back into civilian and family life after deployment.

Enacts 39-8-101, 39-8-102

Effective May 1, 2006

Chapter 333, Laws of Utah 2006

HB 410 Sex Offender Registration Fee (*Lorie D. Fowlke*)

This bill modifies the Code of Criminal Procedure regarding requiring registered sex offenders to pay an annual fee.

This bill:

- ▶ requires that any sex offender required to register with the Department of Corrections, and who is not currently under the jurisdiction of the Department of Corrections, shall pay an annual fee of \$75; and
- ▶ directs that the department use the fees as a dedicated credit for the costs of maintaining the sex offender registry and apprehending sex offenders who do not comply with the registration laws.

Amends 77-27-21.5

Effective May 1, 2006

Chapter 334, Laws of Utah 2006

HB 414 Petition for Involuntary Medication of Incompetent Person (*Scott L Wyatt*)

This bill modifies the Code of Criminal Procedure to establish the procedure for judicial determination of when an incompetent defendant should be medicated involuntarily.

This bill:

- ▶ requires that the Department of Human Services advise the court, prosecutor, and defense counsel if the defendant, who has been found incompetent and has been committed to the department for treatment, is not responding to treatment without involuntary medication;
- ▶ establishes criteria the Department of Human Services is to address in evaluating the defendant;
- ▶ requires that upon receipt of notice from the Department of Human Services, the court shall schedule a hearing regarding if the defendant should be ordered to be involuntarily medicated and provides criteria the court shall consider;
- ▶ provides a standard of clear and convincing evidence for the judicial determination; and
- ▶ limits application of this bill to when the sole purpose for considering involuntary medication is to render the defendant competent to proceed with the criminal trial.

Enacts 77-15-6.5

Effective May 1, 2006

Chapter 335, Laws of Utah 2006

HB 417 Amendments to Child Protection Registry (*Eric K. Hutchings*)

This bill makes changes to the Child Protection Registry.

This bill:

- ▶ allows a mobile or other telephone number to be designated as a contact point;
- ▶ allows a person to send a communication to a contact point on the Child Protection Registry if the person receives written consent from an adult to receive communications covered by the registry;
- ▶ allows registration of a contact point if used in a household in which a minor is present;
- ▶ allows the division to offer discounted fees for senders using advanced security conditions;
- ▶ exempts records from disclosure;
- ▶ addresses awareness campaigns; and
- ▶ makes technical changes.

Amends 13-39-102, 13-39-201, 13-39-202, 13-39-203

Effective May 1, 2006

Chapter 336, Laws of Utah 2006

HB 423 **Limitation on Local Highway Authorities** (*Wayne A. Harper*)

This bill modifies the Motor Vehicles Code by prohibiting a local highway authority from enacting certain provisions.

This bill:

- ▶ provides that a local highway authority may not prohibit or restrict the use of a cellular phone by the operator or passenger of a motor vehicle; and
- ▶ makes technical changes.

Amends 41-6a-208

Effective May 1, 2006

Chapter 337, Laws of Utah 2006

HB 428 **Consumer Sales Practices Act Amendments** (*M. Susan Lawrence*)

This bill amends the list of deceptive acts or practices a supplier is prohibited from committing.

This bill:

- ▶ prohibits a supplier from sending a mailing to a person that appears to be a bill, statement, or request for payment for an unsolicited product or service, or that implies that the mailing requests payment for an ongoing product or service the person has not received, without including notice that the mailing is not a bill; and
- ▶ makes technical changes.

Amends 13-11-4

Effective May 1, 2006

Chapter 115, Laws of Utah 2006

HB 430 **Department of Financial Institutions Pay Plan** (*Jeff Alexander*)

This bill modifies provisions governing compensation for employees of the Department of Financial Institutions.

This bill:

- ▶ requires that a market comparability study for employees of the Department of Financial Institutions be based on a survey of certain federal entities; and
- ▶ sets the salary for the commissioner of financial institutions as a percentage of the highest paid employee of the department.
- ▶ This bill provides an effective date.

Amends 67-22-2 (Effective 07/01/06), 67-22-2 (Superseded 07/01/06); Enacts 67-19-12.1

Effective May 1, 2006

Chapter 338, Laws of Utah 2006

HB 436 **Legislative District Changes to Accommodate County Boundary Change**
(*Gregory H. Hughes*)

This bill modifies boundaries of certain legislative districts to conform with the boundary change between Salt Lake County and Utah County.

This bill:

- ▶ modifies a portion of the common boundary between Senate District 9 and Senate District 11 to make it consistent with the new county boundary; and
- ▶ modifies a portion of the common boundary between House District 27 and House District 51 to make it consistent with the new county boundary.
- ▶ This bill provides an immediate effective date.

Amends 36-1-101, 36-1-103, 36-1-201, 36-1-202

Effective March 6, 2006

Chapter 12, Laws of Utah 2006

HB 446 Surplus Lands Amendments (*Mark W. Walker*)

This bill enacts provisions relating to the sale and purchase of school district surplus lands.

This bill:

- ▶ enacts provisions allowing certain counties and municipalities to purchase lands declared to be surplus by a school district;
- ▶ establishes a process for the purchase of those surplus lands;
- ▶ requires that surplus lands purchased as provided in this bill shall be used only for certain purposes;
- ▶ requires school districts that sell surplus property under this bill to place the sale proceeds in a capital facilities fund to be used only for capital facilities or bond debt reduction; and
- ▶ authorizes the original seller of surplus land to reacquire the land if the acquiring entity later declares the land to be surplus property.

Enacts 53A-2-401, 53A-2-402, 53A-2-403, 53A-2-404

Effective May 1, 2006

Chapter 339, Laws of Utah 2006

HB 458 Economic Development - Government Procurement Contracts (*J. Stuart Adams*)

This bill modifies responsibility and program provisions of the Governor's Office of Economic Development related to government procurement contracts.

This bill:

- ▶ recognizes the existence of a significant opportunity for Utah companies to secure new business with federal, state, and local governments;
- ▶ provides that the Governor's Office of Economic Development, through programs it currently administers that help create and grow companies in Utah and recruit companies to Utah, may receive and distribute monies for projects and programs that are focused on growing Utah companies by helping them secure new business with federal, state, and local governmental entities; and
- ▶ provides for monthly reporting regarding the effectiveness of the projects or programs.

Enacts 63-38f-2101

Effective May 1, 2006

Chapter 146, Laws of Utah 2006

HB 461 Veterans Nursing Home - Extension Bond Authorization (*Ann W. Hardy*)

This bill extends the authority to issue general obligation bonds to construct a veterans nursing home in Ogden for two years.

This bill:

- ▶ extends the authorization to issue \$4,500,000 in general obligation bonds to construct a veterans nursing home in Ogden for two years.

Amends 63-55b-163

Effective May 1, 2006

Chapter 340, Laws of Utah 2006

HCR 2 Resolution Promoting 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 Program from students, teachers, and legislators during 2005; and
- ▶ urges continued support for and participation in Utah's Legislators Back to School Program during the 2006-2007 school year.

Effective March 10, 2006

Laws of Utah 2006

HCR 3 Resolution Regarding the Harmful Effects of Tobacco, Alcohol, and Drugs on Youth *(Neil A. Hansen)*

This concurrent resolution of the Legislature and the Governor urges increased awareness of the effects of tobacco, alcohol, and illicit drugs on youth.

This resolution:

- ▶ strongly urges educators in Utah's public education system to utilize Prevention Dimensions, the state's Safe and Drug Free School curriculum, to educate students regarding substance abuse;
- ▶ strongly urges the citizens of Utah to increase their awareness of the destructive effects of tobacco, alcohol, and illicit drugs on Utah's youth; and
- ▶ recognizes local youth councils and other youth groups for helping to keep their peers from getting caught in the trap of tobacco, alcohol, and illicit drug use, and helping those caught in the grip of these harmful substances.

Effective March 10, 2006

Laws of Utah 2006

HCR 4 Resolution Supporting Utah Highway Patrol Use of White Crosses as Roadside Memorials *(Paul Ray)*

This concurrent resolution of the Legislature and the Governor supports the placement of white crosses as roadside memorials to honor patrol officers killed in the line of duty.

This resolution:

- ▶ expresses support for the Utah Highway Patrol's placement of white crosses, or other appropriate symbols as requested by the family, as memorials to Highway Patrol Officers who have been killed in the line of duty.

Effective March 16, 2006

Laws of Utah 2006

HCR 6 Concurrent Resolution Recognizing Contributions of Fred C. Adams *(DeMar Bud Bowman)*

This concurrent resolution of the Legislature and the Governor recognizes the contributions of Fred C. Adams to the state of Utah.

This resolution:

- ▶ recognizes the contributions of Fred C. Adams, Founder and Executive Producer Emeritus of the Utah Shakespearean Festival, to the arts in the state of Utah, and to the state's economic vitality.

Effective March 17, 2006

Laws of Utah 2006

HJR 1 Resolution Regarding Property Tax on Personal Property (*John Dougall*)

This joint resolution of the Legislature proposes to amend the Utah Constitution to revise provisions relating to the taxation of personal property.

This resolution proposes to amend the Utah Constitution to:

- ▶ authorize the Legislature to provide a property tax exemption for tangible personal property that would generate an inconsequential amount of revenue.
- ▶ This resolution directs the lieutenant governor to submit this proposal to voters.
- ▶ This resolution provides a contingent effective date of January 1, 2007 for this proposal.

Amends A13 S3

Effective January 1, 2007

Laws of Utah 2006

HJR 2 Resolution Urging Congressional Action on the Tax Deductibility of Medical Expenses by Individuals (*Eric K. Hutchings*)

This joint resolution of the Legislature urges Congress to adopt the Health Care Freedom of Choice Act, H.R. 4625, 109th Cong. (2005) related to the tax deductibility of medical expenses by individuals.

This resolution:

- ▶ urges Congress to adopt the Health Care Freedom of Choice Act, H.R. 4625, 109th Cong. (2005), which provides a deduction for uncompensated medical care of a taxpayer, a taxpayer's spouse, or a taxpayer's dependents; and
- ▶ provides for the distribution of the resolution.

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

Effective February 13, 2006

Laws of Utah 2006

HJR 3 Joint Rules Resolution - Base Budget Process (*Ron Bigelow*)

This rules resolution defines "base budget" and establishes a process and deadlines for preparing, reviewing, and adopting base budget bills.

This resolution:

- ▶ defines the term "base budget";
- ▶ requires the Executive Appropriations Committee to adopt base budgets in its pre-session December meeting; and
- ▶ requires any base budget bills to be available for legislator review at the time the Legislature convenes on the first day of the session and be passed by close of business on the tenth day but not before the third day of the session.

Amends JR3-2-402; Enacts JR-19.07

Effective February 9, 2006

Laws of Utah 2006

HJR 7 Resolution Opposing United States Supreme Court's Pornography Decision
(Ron Bigelow)

This joint resolution of the Legislature expresses opposition to a recent decision of the United States Supreme Court regarding pornography and urges Congress to pass a constitutional amendment to protect children from accessing pornography.

This resolution:

- ▶ expresses opposition to the United States Supreme Court's decision in *Ashcroft v. American Civil Liberties Union*, 124 S. Ct. 2783, 159 L. Ed. 2d 690, regarding protecting minors from exposure to pornography; and
- ▶ urges the United States Congress to pass a constitutional amendment protecting children from accessing pornography.

Effective February 20, 2006

Laws of Utah 2006

HJR 9 Joint Rules Resolution - Recodification and Revisions (Rebecca D. Lockhart)

This resolution recodifies and revises Joint Rules.

This resolution:

- ▶ reorganizes, renumbers, and makes technical and substantive corrections and additions to Joint Rules.
- ▶ This resolution provides an immediate effective date.

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

Enacts JR1-1-101, JR1-1-102, JR1-2-101, JR1-2-102, JR1-2-103, JR1-2-201, JR1-2-202, JR1-3-101, JR1-3-102, JR1-3-201, JR2-1-101, JR2-1-102, JR2-1-103, JR2-2-101, JR2-2-201, JR2-2-202, JR2-2-203, JR3-1-101, JR3-1-102, JR3-2-101, JR3-2-102, JR3-2-103, JR3-2-201, JR3-2-301, JR3-2-302, JR3-2-401, JR3-2-402, JR3-2-501, JR3-2-502, JR3-2-601, JR3-2-602, JR3-2-603, JR3-2-604; Repeals JR-1.01, JR-1.02, JR-1.02.1, JR-1.03, JR-1.04, JR-2.01, JR-2.02, JR-2.03, JR-2.04, JR-2.05, JR-2.06, JR-2.07, JR-3.01, JR-3.02, JR-3.03, JR-3.04, JR-3.05, JR-3.06, JR-5.01, JR-5.02, JR-7.02, JR-7.03, JR-7.04, JR-7.05, JR-7.06, JR-7.07, JR-7.08, JR-10.01, JR-11.01, JR-12.01, JR-12.02, JR-14.01, JR-14.02, JR-17.01, JR-17.02, JR-17.03, JR-17.04, JR-17.05, JR-17.06, JR-18.01, JR-18.02, JR-18.03

Effective January 25, 2006

Laws of Utah 2006

HJR 14 Resolution Urging State Agencies to Update References to Mental Retardation
(David L. Hogue)

This joint resolution of the Legislature urges state agencies to replace "mental retardation" references in their documents with a more respectful description.

This resolution:

- ▶ urges state agencies to change the language in state documents that makes reference to "mental retardation" and use a term that reflects increased sensitivity to those who experience this disability; and
- ▶ recommends that state agencies review and consider language currently used by other states that have previously changed their references.

Effective February 24, 2006

Laws of Utah 2006

HJR 15 Joint Resolution Raising Public Awareness of Vital Role of Paraeducators
(Ronda Rudd Menlove)

This joint resolution of the Legislature urges the citizens of Utah to increase their awareness of the contributions paraeducators make in educating children in public schools.

This resolution:

- ▶ urges the citizens of Utah to increase their awareness of the contributions made by paraeducators to the quality of children's educational experiences in the state's public schools.

Effective February 24, 2006

Laws of Utah 2006

HJR 23 Resolution Supporting Working Families Economic Development Initiative
(Tim M. Cosgrove)

This joint resolution of the Legislature supports increasing the utilization of the Federal Earned Income Tax Credit and Volunteer Income Tax Assistance programs to strengthen family economic stability and improve standards of living for low-income working households.

This resolution:

- ▶ encourages departments of Utah State Government to:
 - identify and utilize existing and potential mechanisms to inform citizens about the availability of the Federal Earned Income Tax Credit (EITC) and Volunteer Income Tax Assistance (VITA) programs;
 - identify and utilize existing resources to support access to Volunteer Income Tax Assistance; and
 - utilize existing state infrastructure, where appropriate, to support EITC outreach and statewide availability of the VITA program.

Effective March 1, 2006

Laws of Utah 2006

HR 1 House Rules Resolution - Committee Processing of Bills *(Rebecca D. Lockhart)*

This resolution modifies the responsibilities of the House Rules Committee and repeals outdated provisions relating to substitute bills.

This resolution:

- ▶ removes references to printing a bill from the House Rules Committee's responsibility;
- ▶ repeals authority of a committee chair to order a substitute bill for bills considerably amended in committee;
- ▶ repeals the reference to adopting a substitute bill before printing it; and
- ▶ repeals reference to the Office of Legislative Research and General Counsel receiving and numbering substitute bills prior to printing.
- ▶ This resolution provides an immediate effective date.

The original bill was recommended by the House Rules Committee

Amends HR-24.01; Repeals HR-24.13, HR-25.16

Effective January 18, 2006

Laws of Utah 2006

HR 2 House Rules Resolution - Conflict of Interest Amendments (*Ross I. Romero*)

This resolution amends the timing requirement for filing a Declaration of Conflict of Interest form.

This resolution:

- ▶ requires a legislator to file a Declaration of Conflict of Interest form annually and when the legislator changes employment.
- ▶ This resolution provides an immediate effective date.

Amends HR-26.01

Effective February 10, 2006

Laws of Utah 2006

HR 3 Resolution Supporting Permanent Repeal of Federal Inheritance Tax (*Michael E. Noel*)

This resolution of the House of Representatives urges action by Utah's congressional delegation regarding the Federal Inheritance Tax.

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 February 10, 2006

Laws of Utah 2006

SB 1 State Agency and Higher Education Base Budget Appropriations (*Lyle W. Hillyard*)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

This bill:

- ▶ provides appropriations for the use and support of certain state agencies;
- ▶ provides appropriations for use and support of certain institutions of higher education;
- ▶ provides appropriations for other purposes as described;
- ▶ approves for internal service funds employment levels and capital acquisition amounts.
- ▶ This bill appropriates for fiscal year 2007:
 - ▶ \$1,941,386,700 from the General Fund;
 - ▶ \$103,522,500 from the Uniform School Fund;
 - ▶ \$242,020,600 from income tax revenue;
 - ▶ \$4,491,493,150 from various sources as detailed in this bill.
- ▶ This bill takes effect July 1, 2006.

Effective July 1, 2006

Chapter 1, Laws of Utah 2006

SB 3 Minimum School Program Base Budget Amendments (*Howard A. Stephenson*)

This bill provides base 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 2006-07 of \$1,858,118,140;
- ▶ appropriates \$27,288,900 to the State Board of Education for fiscal year 2006-07 for school building aid programs for school districts; and
- ▶ makes technical corrections.
- ▶ This bill appropriates for fiscal year 2006-07:
 - ▶ \$1,848,198,140 from the Uniform School Fund;
 - ▶ \$9,920,000 from the Interest and Dividends Account; and
 - ▶ \$27,288,900 from the Uniform School Fund for school building aid programs.
- ▶ This bill takes effect on July 1, 2006.

Amends 53A-17a-104, 53A-17a-135, 53A-21-105

Effective July 1, 2006

Chapter 4, Laws of Utah 2006

SB 4 New Fiscal Year Supplemental Appropriations Act (*Lyle W. Hillyard*) **LINE ITEM VETOED**

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

This bill:

- ▶ provides appropriations for the use and support of certain state agencies;
- ▶ provides appropriations for the use and support of certain institutions of higher education;
- ▶ provides appropriations for other purposes as described;
- ▶ provides intent language;
- ▶ approves employment levels for internal service funds;
- ▶ approves capital acquisition amounts for internal service funds;
- ▶ authorizes rates and fees.
- ▶ This bill appropriates for fiscal year 2007:
 - ▶ \$177,880,300 from the General Fund;
 - ▶ (\$9,923,600) from the Uniform School Fund;
 - ▶ \$34,099,200 from income tax revenue;
 - ▶ \$186,888,900 from various sources as detailed in this bill.
- ▶ This bill takes effect July 1, 2006.

Effective July 1, 2006

Chapter 366, Laws of Utah 2006

SB 5 Amendments to the Minimum School Program Budget (*Howard A. Stephenson*)

This bill provides funding for the Minimum School Program.

This bill:

- ▶ creates a cap on the number of charter schools that the State Charter School Board may authorize to begin operations in the 2007-08 school year;
- ▶ modifies provisions governing the inclusion of foreign exchange students for the purpose of apportioning state monies;
- ▶ establishes the value of the weighted pupil unit at \$2,417;
- ▶ establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2006-07 of \$2,032,219,545;
- ▶ authorizes the State Board of Education to use nonlapsing balances to restore special education funding;
- ▶ makes one-time appropriations for fiscal year 2006-07 for:
 - pupil transportation;
 - library books and supplies;
 - the Enrollment Growth Program;
 - charter schools;
 - classroom supplies; and
 - a charter school study.
- ▶ This bill appropriates:
 - ▶ as an ongoing appropriation, \$2,011,119,545 from the Uniform School Fund for fiscal year 2006-07;
 - ▶ for fiscal year 2006-07 only, \$150,000 from the General Fund; and
 - ▶ for fiscal year 2006-07 only, \$31,100,000 from the Uniform School Fund.
- ▶ This bill takes effect on July 1, 2006.
- ▶ This bill coordinates with S.B. 3 by providing that certain amendments in this bill supersede the amendments in S.B. 3.

Amends 53A-1a-515, 53A-2-206, 53A-17a-103, 53A-17a-104, 53A-17a-148; Enacts 53A-1a-502.5

Effective July 1, 2006

Chapter 354, Laws of Utah 2006

SB 6 Health and Human Services Sunset and Reporting Amendments (*Allen M. Christensen*)

This bill removes the sunset provisions for certain programs in the Department of Health and the Department of Human Services and reduces some reporting requirements to the Health and Human Services Interim Committee.

This bill:

- ▶ amends the Department of Health's annual reporting requirement to the Health and Human Services Interim Committee for AIDS testing data, abortion informed consent data, and the Utah Medical Assistance Program;
- ▶ removes the following programs from the legislative sunset act:
 - Family Health Services;
 - Utah Medical Examiner Act;
 - Department of Health Organization; and
 - Safe Relinquishment of Newborn Child;
- ▶ requires the Department of Health to report to the Legislative Executive Appropriations Committee or the Health and Human Services Appropriations Subcommittee if the department initiates an amendment to an existing Medicaid waiver;
- ▶ repeals statutes regarding the 1996 Medicaid freedom of choice waiver and the 1995 Section 1315 Medicaid waiver; and
- ▶ makes conforming and technical amendments.

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

Amends 26-6-3.5, 26-18-3, 26-18-305, 62A-4a-902, 63-55-226, 63-55-262, 76-7-305.5;
Repeals 26-18-3.7, 26-18-401

Effective May 1, 2006

Chapter 116, Laws of Utah 2006

SB 7 Child Protection Amendments (*Gregory S. Bell*)

This bill amends child protection and protective custody provisions of the Child and Family Services chapter of the Utah Human Services Code and the Juvenile Courts chapter of the Judicial Code.

This bill:

- ▶ describes the circumstances and procedures under which a child may be taken into protective custody;
- ▶ describes the circumstances under which a warrant to take a child into protective custody may be issued without first giving the child's parent or guardian notice and an opportunity to be heard;
- ▶ provides an expedited shelter hearing process to determine whether a child should be taken into protective custody;
- ▶ describes the notice requirements relating to an expedited shelter hearing;
- ▶ defines the term "petition";
- ▶ consolidates existing code provisions relating to the expedited filing of a petition and expedited pretrial and adjudication hearings;
- ▶ provides notice requirements for shelter hearings; and
- ▶ makes technical changes.

The original bill was recommended by the Judiciary Interim Committee / Child Welfare Legislative Oversight Panel

Amends 62A-4a-202.1, 78-3a-106, 78-3a-301, 78-3a-305, 78-3a-306, 78-3a-308; Enacts 78-3a-106.5

Effective May 1, 2006

Chapter 13, Laws of Utah 2006

SB 8 Care of Students with Diabetes in School (*Patrice M. Arent*)

This bill directs a public school to train school personnel who volunteer to be trained in the administration of glucagon in an emergency and permits a student to possess or possess and self-administer diabetes medication, when requested by parents.

This bill:

- ▶ provides definitions;
- ▶ requires a public school, when requested by parents, to train school personnel who volunteer to be trained in the administration of glucagon in an emergency;
- ▶ establishes requirements for the training;
- ▶ provides trained school personnel with:
 - authority to administer glucagon in an emergency; and
 - immunity from liability;
- ▶ exempts the administration of glucagon from other statutes;
- ▶ requires the Department of Health, in cooperation with the state superintendent of public instruction, to create certain forms; and
- ▶ directs a public school to permit a student to possess or possess and self-administer diabetes medication under certain conditions.

The original bill was recommended by the Education Interim Committee

Enacts 53A-11-603, 53A-11-604

Effective May 1, 2006

Chapter 215, Laws of Utah 2006

SB 9 Open and Public Meetings Act Revisions (*Parley G. Hellewell*)

This bill recodifies and amends the Open and Public Meetings Act.

This bill:

- ▶ updates statutory language to conform to current legislative styles;
- ▶ renumbers sections;
- ▶ moves some provisions to different or new sections; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

The original bill was recommended by the Government Operations Interim Committee

Amends 7-1-203, 9-4-703, 9-4-906, 9-9-104.5, 9-10-105, 9-11-106, 9-14-104, 9-15-104, 10-3-601, 10-3-1212, 10-9a-103, 11-13-223, 17-27a-103, 17-53-206, 17A-1-303, 17A-1-448, 17B-2-406, 17B-4-1002, 20A-12-104, 26-18-105, 26-33a-103, 31A-33-104, 32A-1-106, 32A-1-119, 36-12-10, 53-1-105, 53A-1a-511, 53A-14-103, 53A-19-102, 58-1-404, 62A-4a-207, 63-2-301, 63-2-304, 63-38f-1205, 63-38f-1224, 63-88-107, 63A-1-114 (Effective 07/01/06), 63A-1-114 (Superseded 07/01/06), 63A-5-102, 63C-4-101, 63C-4-103, 63D-1a-203, 63E-2-109, 63F-1-302, 67-19a-406, 67-19a-408; Enacts 52-4-101, 52-4-208, 52-4-301; Renumbers and Amends 52-4-1 to 52-4-102, 52-4-2 to 52-4-103, 52-4-3 to 52-4-201, 52-4-4 to 52-4-204, 52-4-5 to 52-4-205, 52-4-6 to 52-4-202, 52-4-7 to 52-4-203, 52-4-7.5 to 52-4-206, 52-4-7.8 to 52-4-207, 52-4-8 to 52-4-302, 52-4-9 to 52-4-303, 52-4-10 to 52-4-304

Effective May 1, 2006

Chapter 14, Laws of Utah 2006

SB 10 Provisional Ballot Amendments (*Parley G. Hellewell*)

This bill amends the provisional ballot requirements under the Election Code.

This bill:

- ▶ provides that a voter whose identity or right to vote is challenged shall be issued a provisional ballot and be permitted to vote;
- ▶ removes the procedure requiring an affidavit to be signed in order to obtain a ballot when a voter's identity or right to vote is challenged;
- ▶ removes criminal penalties associated with the affidavit requirement;
- ▶ provides a criminal penalty for knowingly providing false information when voting using a provisional ballot; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-3-104.5, 20A-3-105.5, 20A-3-202, 20A-6-105; Enacts 20A-3-506

Effective May 1, 2006

Chapter 15, Laws of Utah 2006

SB 11 Election Code Revisions (*Parley G. Hellewell*)

This bill amends the Election Code and related provisions to correct technical errors and clarify existing law.

This bill:

- ▶ removes obsolete terms;
- ▶ corrects cross-references;
- ▶ clarifies what information election judges should enter on defective ballot envelopes;
- ▶ clarifies that certain election filing deadlines should be extended when the deadline falls on a weekend; and
- ▶ makes technical corrections.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-1-102, 20A-1-506, 20A-3-410, 20A-9-403, 20A-11-508, 78-5-134

Effective May 1, 2006

Chapter 16, Laws of Utah 2006

SB 12 Electronic Meeting Amendment (*Lyle W. Hillyard*)

This bill modifies the Open and Public Meeting Act by amending certain electronic meeting provisions.

This bill:

- ▶ requires a public body to adopt a resolution, rule, or ordinance governing the use of electronic meetings prior to holding an electronic meeting;
- ▶ allows the resolution, rule, or ordinance adopted by the public body to:
 - prohibit or limit electronic meetings based on budget or logistical constraints;
 - require a quorum of the public body to be present at a single anchor location for the meeting and vote to approve establishment of an electronic meeting;
 - require a request for a electronic meeting to be made by a member of a public body up to three days prior to the meeting;
 - restrict the number of separate connections for members of the public body that are allowed for an electronic meeting; or
 - establish other procedures, limitations, or conditions governing electronic meetings not in conflict with certain statutes; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 52-4-7.8

Effective May 1, 2006

Chapter 17, Laws of Utah 2006

SB 13 Commercial Driver License Amendments (*Sheldon L. Killpack*)

This bill modifies the Uniform Driver License Act and the Utah Code of Criminal Procedure by amending provisions related to diversions and CDL disqualifications and nonresident CDL holder driver violations for convictions and pleas held in abeyance.

This bill:

- ▶ provides that a court record of conviction or plea held in abeyance that is forwarded to the Driver License Division shall include certain information;
- ▶ provides that a person who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle for not less than one year if convicted of a first offense of failing to give aid or provide identification when involved in an accident resulting in death or personal injury;
- ▶ requires the Driver License Division, upon receiving notice of a plea in abeyance agreement to a disqualifying offense, to disqualify, suspend, cancel, or revoke a person's CDL for a conviction of that disqualifying offense, even if the charge is subsequently reduced or dismissed;
- ▶ requires the division to report a plea in abeyance to the CDLIS within ten days of taking a licensing action;
- ▶ provides that a plea in abeyance agreement may not be removed from a person's driving record for ten years from the date of the plea in abeyance agreement, even if the charge is subsequently reduced, dismissed, or expunged;
- ▶ requires the division to notify the licensing state when the division receives a report of a plea in abeyance of a nonresident holder of a CDL of a violation of a state law or local ordinance relating to traffic control;
- ▶ prohibits a magistrate from granting diversion for certain offenses; and
- ▶ makes technical changes.

Amends 53-3-218, 53-3-414, 53-3-419, 77-2-9

Effective May 1, 2006

Chapter 18, Laws of Utah 2006

SB 14 Insurance Department - Sunset Amendments and Revisions (*Scott K. Jenkins*)

This bill modifies the Insurance Code to address sunset dates for e-commerce fees.

This bill:

- ▶ deletes the time frame limiting when e-commerce fees are treated as dedicated credits;
- ▶ deletes the sunset date for the e-commerce fees; and
- ▶ makes technical changes and conforming amendments.

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

Amends 31A-3-103, 31A-3-104, 63-55-231

Effective May 1, 2006

Chapter 117, Laws of Utah 2006

SB 16 Civil Antitrust Amendments (*Lyle W. Hillyard*)

This bill gives consumers and others the right to obtain judicial relief for violations of the Utah Antitrust Act even though they have not dealt directly with the wrongdoer.

This bill:

- ▶ provides that the attorney general and any person who is injured or threatened with injury in his business or property as a result of a violation of this act may bring an action under this act regardless of whether the person dealt directly or indirectly with the defendant;
- ▶ provides that a defendant is entitled to prove as a partial or complete defense to a claim for damages that the illegal overcharge has been passed on to others who are themselves entitled to recover so as to avoid duplication of recovery of damages;
- ▶ provides for rebuttable presumptions that allocate damages among injured plaintiffs who dealt directly or indirectly with the defendant;
- ▶ provides for notification to the attorney general of any private class action alleging a violation of the act; and
- ▶ authorizes cypres distributions of damage and settlement awards in antitrust cases.

The original bill was recommended by the Judiciary Interim Committee

Amends 76-10-918, 76-10-919

Effective May 1, 2006

Chapter 19, Laws of Utah 2006

SB 17 Highway Transfer Process Amendments (*Carlene M. Walker*)

This bill modifies the Designation of State Highways Act by amending the process for the addition to or deletion of highways to or from the state highway system.

This bill:

- ▶ adds additional criteria that may be considered by the Transportation Commission when considering changes to the state highway system;
- ▶ requires the department to report any proposed additions or deletions to the state highway system to the Transportation Interim Committee;
- ▶ requires the commission to report annually to the Transportation Interim Committee regarding any proposed or recommended additions to or deletions from the state highway system that were considered by the commission during the preceding year;
- ▶ requires the Transportation Commission to make rules governing the process that will be followed when it is considering additions to or deletions from the state highway system;
- ▶ outlines items that must be included in the rules including:
 - notification to highway authorities of the department's intent to collect proposed changes to the state highway system and report them to the Transportation Interim Committee;
 - a public hearing of proposed changes;
 - notification to affected highway authorities; and
 - the ability of any highway authority to initiate the process; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee / Highway Jurisdictional Transfer Task Force

Amends 72-4-102

Effective May 1, 2006

Chapter 20, Laws of Utah 2006

SB 18 Driving Under the Influence Amendments (*Carlene M. Walker*)

This bill modifies the Motor Vehicles Code, the State Affairs in General Code, the Criminal Code, and the Code of Criminal Procedure by amending provisions related to driving under the influence violations.

This bill:

- ▶ provides and amends definitions;
- ▶ prohibits an interlock restricted driver from operating or being in actual physical control of a vehicle without an ignition interlock system;
- ▶ provides penalties for operation without an ignition interlock system;
- ▶ provides an affirmative defense for an ignition interlock system violation;
- ▶ repeals the requirement that a person's driver license be coded if the person is required to use an ignition interlock system;
- ▶ 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 may result in a three-year prohibition of driving without an ignition interlock device;
- ▶ provides that a peace officer shall impound a vehicle if the peace officer cites a person for an ignition interlock system violation;
- ▶ extends the repeal of restrictions on pleas to driving under the influence violations from June 30, 2006 to June 30, 2008;
- ▶ repeals the provision that prohibits a plea in abeyance to a driving under the influence violation beginning on July 1, 2006;
- ▶ prohibits a plea in abeyance to a driving under the influence violation beginning on July 1, 2008;
- ▶ amends restrictions on pleas to driving under the influence violations; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

The original bill was recommended by the Transportation Interim Committee

Amends 41-6a-518, 41-6a-520, 41-6a-527, 41-6a-529, 63-55b-177, 76-5-207, 77-2a-3 (Effective 07/01/06), 77-2a-3.1; Enacts 41-6a-518.1, 41-6a-518.2

Effective May 1, 2006

Chapter 341, Laws of Utah 2006

SB 19 **Amendments to Indoor Clean Air Act** (*Michael G. Waddoups*)

This bill amends the Indoor Clean Air Act.

This bill:

- ▶ amends the definition of “place of public access” in which smoking is prohibited to:
 - include child care not subject to licensure or certification;
 - remove an exclusion for certain smoking by adults at private schools or educational facilities;
 - include certain social, fraternal, or religious organization buildings;
 - include certain facilities rented or leased for private functions;
 - include certain workplaces; and
 - include private clubs;
- ▶ removes the exceptions from the Indoor Clean Air Act for:
 - certain social, fraternal, or religious organization buildings;
 - certain facilities rented or leased for private functions;
 - workplace smoking areas; and
 - taverns and private clubs, according to specified dates;
- ▶ provides a repeal date for provisions for adjoining private clubs and public places; and
- ▶ makes technical changes.

Amends 26-38-2, 26-38-3, 26-38-8, 63-55b-126; Repeals 26-38-5

Effective May 1, 2006

Chapter 202, Laws of Utah 2006

SB 20 **Repeal of Utah Digital Signature Act** (*Lyle W. Hillyard*)

This bill modifies the Notarization and Authentication of Documents and Digital Signatures Title by repealing the Utah Digital Signatures Act.

This bill:

- ▶ repeals the Utah Digital Signatures Act and makes conforming amendments;
- ▶ modifies definitions;
- ▶ removes references to acknowledgments using digital signatures under the Utah Digital Signatures Act; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 16-6a-118, 46-1-2, 46-1-6, 46-1-14, 46-1-16, 46-4-205, 48-2c-102, 53-7-107, 58-37-6, 63F-1-206, 76-6-1102, 78-7-34; Repeals 46-3-101, 46-3-102, 46-3-103, 46-3-104, 46-3-201, 46-3-202, 46-3-203, 46-3-204, 46-3-301, 46-3-302, 46-3-303, 46-3-304, 46-3-305, 46-3-306, 46-3-307, 46-3-308, 46-3-309, 46-3-310, 46-3-401, 46-3-402, 46-3-403, 46-3-404, 46-3-405, 46-3-406, 46-3-501, 46-3-502, 46-3-504, 46-3-601, 46-3-602

Effective May 1, 2006

Chapter 21, Laws of Utah 2006

SB 21 **Employment Security Amendments** (*John W. Hickman*)

This bill modifies employment security provisions of the Utah Workforce Services Code related to the filing of appeals, the filing of liens, and exempt services.

This bill:

- ▶ modifies provisions related to exempt employment services to be uniform with the Federal Unemployment Tax Act and to distinguish between exempt services under federal and state law;
- ▶ provides that a determination regarding a nonprofit reimbursable employer by the Division of Unemployment Insurance may be appealed to the Division of Adjudication;
- ▶ provides that the Division of Unemployment Insurance may file a lien against contributions or benefit overpayments directly with the clerk of a district court to make the lien valid against other lien creditors; and
- ▶ makes certain technical changes.
- ▶ This bill takes effect on July 1, 2006.

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

Amends 35A-4-202, 35A-4-204, 35A-4-205, 35A-4-305, 35A-4-309, 35A-4-501

Effective July 1, 2006

Chapter 22, Laws of Utah 2006

SB 22 **Department of Community and Culture Amendments** (*Peter C. Knudson*)

This bill modifies provisions of the Department of Community and Culture related to the composition of the Utah Housing Corporation's board of trustees and the distribution formula for Community Services Block Grant funds received by the State Community Services Office.

This bill:

- ▶ provides that one of the three ex officio trustees on the Utah Housing Corporation's board of trustees shall be the executive director of the Department of Community and Culture or the executive director's designee;
- ▶ modifies the distribution formula for federal Community Services Block Grant funds received by the State Community Services Office; and
- ▶ makes certain technical changes.

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

Amends 9-4-904, 9-4-1405

Effective May 1, 2006

Chapter 23, Laws of Utah 2006

SB 23 Office of Museum Services (*Patrice M. Arent*)

This bill modifies provisions of the Department of Community and Culture related to the relocation of the Office of Museum Services within the Division of Housing and Community Development to the Division of Arts and Museums.

This bill:

- ▶ provides for the relocation of the Offices of Museum Services from the Division of Housing and Community Development to the Division of Arts and Museums within the Department of Community and Culture;
- ▶ changes the name of the Division of Fine Arts to the Division of Arts and Museums; and
- ▶ makes certain technical changes.

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

Amends 9-6-102, 9-6-201, 9-6-301, 9-6-307, 63C-9-601; Renumbers and Amends 9-4-1001 to 9-6-601, 9-4-1002 to 9-6-602, 9-4-1003 to 9-6-603, 9-4-1004 to 9-6-604, 9-4-1005 to 9-6-605, 9-4-1006 to 9-6-606, 9-4-1007 to 9-6-607

Effective May 1, 2006

Chapter 24, Laws of Utah 2006

SB 25 Coordination with Tribal Leaders Amendments (*Beverly Ann Evans*)

This bill modifies the Utah Division of Indian Affairs Act to address meetings with tribal leaders and agency contacts.

This bill:

- ▶ decreases the number of meetings the division is to coordinate and attend with tribal leaders;
- ▶ clarifies references to tribes and tribal governments;
- ▶ expands the agencies encouraged to participate in the meetings;
- ▶ modifies the agencies required to provide the division contact information; and
- ▶ makes technical changes.

The original bill was recommended by the Native American Legislative Liaison Committee

Amends 9-9-104.5, 9-9-104.6

Effective May 1, 2006

Chapter 118, Laws of Utah 2006

SB 26 Administrative Rules Reauthorization (*Howard A. Stephenson*)

This bill provides legislative action regarding administrative rules.

This bill:

- ▶ reauthorizes all state agency administrative rules.
- ▶ This bill takes effect on May 1, 2006.

The original bill was recommended by the Administrative Rules Review Committee

Effective May 1, 2006

Chapter 25, Laws of Utah 2006

SB 27 Lake Powell Pipeline Development Act *(Thomas V. Hatch)*

This bill authorizes the Board of Water Resources to build the Lake Powell Pipeline project.

This bill:

- ▶ enacts the Lake Powell Pipeline Development Act;
- ▶ defines terms;
- ▶ authorizes the Board of Water Resources to:
 - make rules;
 - build the Lake Powell Pipeline project; and
 - contract for the sale of developed water and operation of the project;
- ▶ creates the Project Management Committee;
- ▶ authorizes the building of hydroelectric generating works;
- ▶ authorizes the water districts to use, exchange, or sell developed water; and
- ▶ establishes an enterprise fund for the operation and maintenance of the project.

The original bill was recommended by the Natural Resources, Agriculture, and Environment Interim Committee

Enacts 73-28-101, 73-28-102, 73-28-103, 73-28-104, 73-28-105, 73-28-201, 73-28-202, 73-28-203, 73-28-301, 73-28-302, 73-28-401, 73-28-402, 73-28-403, 73-28-404, 73-28-405

Effective May 1, 2006

Chapter 216, Laws of Utah 2006

SB 28 Sales and Use Tax - Exemption for Isolated or Occasional Sales *(Lyle W. Hillyard)*

This bill modifies the Sales and Use Tax Act relating to sales and use tax exemptions.

This bill:

- ▶ modifies the sales and use tax exemption for isolated and occasional sales to provide the circumstances under which the exemption applies;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

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

Amends 59-12-104

Effective July 1, 2006

Chapter 217, Laws of Utah 2006

SB 29 Sales and Use Tax Exemption - Telecommunications *(Curtis S. Bramble)*

This bill amends the Sales and Use Tax Act to provide a sales and use tax exemption relating to certain telecommunications equipment, machinery, or software.

This bill:

- ▶ provides definitions;
- ▶ provides a sales and use tax exemption relating to certain telecommunications equipment, machinery, or software; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

The original bill was recommended by the Revenue and Taxation Interim Committee / Tax Reform Task Force

Amends 59-12-102, 59-12-104

Effective July 1, 2006

Chapter 218, Laws of Utah 2006

SB 30 Sales and Use Tax Exemption for Semiconductor Fabricating, Processing, Research, or Development Materials *(Curtis S. Bramble)*

This bill amends the Sales and Use Tax Act relating to a sales and use tax exemption for certain semiconductor materials.

This bill:

- ▶ modifies a definition relating to the sales and use tax exemption for certain semiconductor materials to include tangible personal property used or consumed primarily in the process of research or development of a semiconductor or semiconductor manufacturing process;
- ▶ repeals a repeal date relating to the sales and use tax exemption for certain semiconductor materials;
- ▶ repeals obsolete language;
- ▶ repeals reporting requirements to the Revenue and Taxation Interim Committee on this exemption; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

The original bill was recommended by the Revenue and Taxation Interim Committee / Tax Reform Task Force

Amends 59-12-102, 59-12-104

Effective July 1, 2006

Chapter 219, Laws of Utah 2006

SB 31 Sales and Use Tax - Manufacturing and Industry Exemptions Amendments *(Howard A. Stephenson)*

This bill amends the Sales and Use Tax Act to modify exemptions relating to manufacturing and industry.

This bill:

- ▶ expands the definition of "industrial use" so that the use of natural gas, electricity, heat, coal, fuel oil, or other fuels are exempt from sales and use taxation if used in producing certain forms of energy or steam by a cogeneration facility as defined in the Public Utilities title;
- ▶ expands the definition of "manufacturing facility" to include a cogeneration facility as defined under the Public Utilities title;
- ▶ addresses the requirements for a scrap recycler to be eligible for exemption from sales and use taxes;
- ▶ deletes a requirement that machinery and equipment be used in new or expanding operations in a manufacturing facility in the state to be eligible for exemption from sales and use taxes;
- ▶ provides that certain repair parts are exempt from sales and use taxes;
- ▶ deletes a requirement that parts be used to replace or adapt an existing machine to extend the normal estimated useful life of the machine to be eligible for exemption from sales and use taxes;
- ▶ provides that the exemption for a manufacturing facility that is a cogeneration facility applies to amounts paid on or after July 1, 2005, for a purchase or lease of certain items by a cogeneration facility that is placed in service on or after May 1, 2006;
- ▶ grants rulemaking authority to the State Tax Commission;
- ▶ modifies State Tax Commission rulemaking authority;
- ▶ repeals obsolete language; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Amends 59-12-102, 59-12-104

Effective July 1, 2006

Chapter 220, Laws of Utah 2006

SB 34 Gross Receipts Tax Amendments, Repeal and Public Utility Tariffs (Mike Dmitrich)

This bill modifies the Public Utilities title and the Revenue and Taxation title to repeal and modify gross receipts taxes and require certain public utilities to file new tariffs with the Public Service Commission.

This bill:

- ▶ requires certain public utilities to file new tariffs with the Public Service Commission and establishes procedures for filing those tariffs;
- ▶ decreases the gross receipts tax rate on certain corporations not required to pay corporate franchise or income tax;
- ▶ repeals the Gross Receipts Tax on Electrical Corporations chapter;
- ▶ repeals obsolete language;
- ▶ and makes technical changes.
- ▶ This bill provides an effective date.
- ▶ This bill provides revisor instructions.

The original bill was recommended by the Revenue and Taxation Interim Committee / Tax Reform Task Force

Amends 11-13-303, 59-6-102, 59-8-104; Enacts 54-7-12.9; Repeals 54-7-12.2, 59-8a-101, 59-8a-102, 59-8a-103, 59-8a-104, 59-8a-105, 59-8a-106

Effective July 1, 2006

Chapter 221, Laws of Utah 2006

SB 35 Local Option Sales and Use Tax Distribution Amendments (Gregory S. Bell)

This bill amends the Local Sales and Use Tax Act to address distributions of sales and use tax revenues to counties, cities, and towns.

This bill:

- ▶ provides definitions;
- ▶ addresses the minimum amount of sales and use tax certain counties, cities, or towns shall receive for purposes of the 1% local option sales and use tax; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 59-12-205 (Effective 07/01/06)

Effective July 1, 2006

Chapter 222, Laws of Utah 2006

SB 36 School Districts - Limited Amendments to Truth in Taxation (Mike Dmitrich)

This bill modifies the State System of Public Education Title and the Property Tax Act relating to a voted leeway.

This bill:

- ▶ modifies the State System of Public Education Title and the Property Tax Act to exempt school districts from the advertisement requirements of truth in taxation when budgeting revenue or levying a rate that exceeds the certified tax rate from certain voted leeway programs; and
- ▶ makes technical changes.
- ▶ This bill takes effect on January 1, 2007.

The original bill was recommended by the Revenue and Taxation Interim Committee / Tax Reform Task Force

Amends 53A-17a-133, 53A-17a-134, 53A-19-102, 59-2-918, 59-2-919, 59-2-924

Effective January 1, 2007

Chapter 26, Laws of Utah 2006

SB 37 **Income Tax - Taxation of Individuals, Estates, and Trusts** (*Lyle W. Hillyard*)

This bill amends the Revenue and Taxation title and the State Affairs in General title relating to the income taxation of individuals, estates, and trusts.

This bill:

- ▶ provides and modifies definitions;
- ▶ modifies the additions to and subtractions from federal taxable income of a resident or nonresident individual;
- ▶ modifies the adjustments to state taxable income for purposes of individual income taxes;
- ▶ addresses the calculation of state taxable income of a resident or nonresident estate or trust;
- ▶ modifies the additions to and subtractions from federal taxable income of a resident or nonresident estate or trust;
- ▶ modifies the adjustments to state taxable income for purposes of income taxes on estates and trusts;
- ▶ modifies the fiduciary adjustments for purposes of income taxes on estates and trusts;
- ▶ creates the Nonrefundable Tax Credit Act and renumbers and amends as part of this Act the nonrefundable income tax credits authorized under the Individual Income Tax Act;
- ▶ creates the Refundable Tax Credit Act and renumbers and amends as part of this Act the refundable income tax credits authorized under the Individual Income Tax Act;
- ▶ addresses which of the nonrefundable and refundable income tax credits an estate or trust may claim;
- ▶ repeals obsolete language; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation for taxable years beginning on or after January 1, 2006.

Amends 19-1-403, 19-1-404, 19-2-104, 53B-8a-106, 59-2-102, 59-6-101, 59-6-102, 59-7-607, 59-7-614, 59-7-703, 59-10-103, 59-10-112, 59-10-114, 59-10-115, 59-10-201, 59-10-201.1, 59-10-202, 59-10-204, 59-10-205, 59-10-207, 59-10-210, 59-13-202, 62A-4a-607, 63-38f-402, 63-38f-412, 63-38f-413, 63-38f-501, 63-38f-502, 63-38f-503, 63-38f-1102, 63-38f-1110, 63-38f-1203, 63-55-209; Enacts 59-10-209.1, 59-10-1001, 59-10-1002, 59-10-1101, 59-10-1102; Renumbers and Amends 59-10-106 to 59-10-1003, 59-10-108 to 59-10-1004, 59-10-108.1 to 59-10-1005, 59-10-108.2 to 59-10-1103, 59-10-108.5 to 59-10-1006, 59-10-108.7 to 59-10-1007, 59-10-109 to 59-10-1008, 59-10-127 to 59-10-1009, 59-10-129 to 59-10-1010, 59-10-130 to 59-10-1011, 59-10-131 to 59-10-1012, 59-10-132 to 59-10-1013, 59-10-133 to 59-10-1104, 59-10-134 to 59-10-1014, 59-10-134.1 to 59-10-1105, 59-10-134.2 to 59-10-1015, 59-10-135 to 59-10-1016; Repeals 59-10-107, 59-10-128, 59-10-209

Effective May 1, 2006

Chapter 223, Laws of Utah 2006

SB 38 **Individual Income Taxation of Certain Trust Distributions** (*Lyle W. Hillyard*)

This bill modifies the Individual Income Tax Act relating to the individual income taxation of certain trust distributions.

This bill:

- ▶ defines "distributable net income";
- ▶ modifies an addition to income for certain distributions received by a resident beneficiary of a nonresident trust that was taxed at the trust level for federal tax purposes, but was not taxed at the trust level by any state; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation for taxable years beginning on or after January 1, 2004.

The original bill was recommended by the Utah Tax Review Commission

Amends 59-10-103, 59-10-114

Effective May 1, 2006

Chapter 224, Laws of Utah 2006

SB 40 **Mine Safety and Certificate Amendments** (*Mike Dmitrich*)

This bill amends provisions relating to the Labor Commission's authority to issue certificates for coal and other hydrocarbon mining.

This bill:

- ▶ adds provisions regarding mine electrician certificates;
- ▶ allows the commission to issue certificates for all hydrocarbon mining, in addition to coal mining; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 40-2-14, 40-2-15, 40-2-16

Effective February 20, 2006

Chapter 5, Laws of Utah 2006

SB 41 **Restrictions on Use of Physician Disclosures** (*David L. Thomas*)

This bill provides admissibility standards for disclosures by health care providers in malpractice actions.

This bill:

- ▶ makes inadmissible statements of health care providers expressing regret, apology, or condolences regarding medical treatment outcomes;
- ▶ defines "relative" as blood relatives and includes relationships by adoption; and
- ▶ defines "unanticipated outcome."

Amends 78-14-3; Enacts 78-14-18

Effective May 1, 2006

Chapter 225, Laws of Utah 2006

SB 46 **Utah Coal Regulator Program Amendments** (*Mike Dmitrich*)

This bill modifies the requirements for obtaining a coal mining permit.

This bill:

- ▶ reduces the application requirements that the division may waive; and
- ▶ clarifies that parts of the application are to be filed for public inspection.

Amends 40-10-10

Effective May 1, 2006

Chapter 27, Laws of Utah 2006

SB 47 **Restoration of Voting Rights Amendments** (*Brent H. Goodfellow*)

This bill modifies provisions of the Election Code relating to restoration of voting rights.

This bill:

- ▶ provides that the restoration of a convicted felon's right to vote applies to felony convictions in any court of the United States; and
- ▶ provides for the restoration of a convicted felon's right to hold office under certain circumstances.

Amends 20A-2-101.5, 20A-9-203

Effective May 1, 2006

Chapter 28, Laws of Utah 2006

SB 49 School Community Council Amendments (*Patrice M. Arent*)

This bill modifies school community council membership qualifications.

This bill:

- ▶ provides definitions;
- ▶ modifies school community council membership qualifications; and
- ▶ makes technical corrections.

Amends 53A-1a-108

Effective May 1, 2006

Chapter 119, Laws of Utah 2006

SB 50 Jail Funding Amendments (*David L. Thomas*)

This bill modifies code provisions regarding state reimbursement to county correctional facilities.

This bill:

- ▶ amends the definition of "core inmate incarceration costs" regarding state reimbursement of counties for housing prison inmates by including capital infrastructure depreciation.
- ▶ This bill takes effect on July 1, 2006.

Amends 64-13c-101

Effective July 1, 2006

Chapter 29, Laws of Utah 2006

SB 51 Driving with a Controlled Substance in the Body - Amendments (*Carlene M. Walker*)

This bill modifies the Utah Controlled Substances Act regarding penalties for causing a serious injury while operating a vehicle and having a controlled substance in the body.

This bill:

- ▶ changes the penalty for causing a serious injury while operating a vehicle and also having marijuana or derivative equivalent substances in the body from the current class A misdemeanor to a third degree felony; and
- ▶ revises language regarding the imposition of a second degree felony if the operator has a Schedule I or Schedule II substance, other than marijuana, in the body, but does not change these penalties.

Amends 58-37-8

Effective May 1, 2006

Chapter 30, Laws of Utah 2006

SB 52 Antiphishing Provisions (*Patrice M. Arent*)

This bill modifies the Criminal Code regarding communications fraud penalties.

This bill:

- ▶ provides that when an act of communications fraud involves obtaining sensitive personal identifying information, the offense is a second degree felony and the penalty is not based on the value involved.

Amends 76-10-1801

Effective May 1, 2006

Chapter 120, Laws of Utah 2006

SB 53 Adult Protective Services Amendments (*Allen M. Christensen*)

This bill amends the Utah Human Services Code to require the Division of Aging and Adult Services to make rules to avoid the duplication of investigations and services by Adult Protective Services and the Long-Term Care Ombudsman Program.

This bill:

- ▶ defines terms;
- ▶ provides that the Division of Aging and Adult Services within the Department of Human Services shall make rules that establish procedures to:
 - determine whether Adult Protective Services or the Long-Term Care Ombudsman Program will be responsible to investigate or provide services in a case where an allegation is made regarding abuse, neglect, or exploitation of a vulnerable adult who resides in a long-term care facility; and
 - determine whether, and under what circumstances, the agency that is not designated as the responsible agency under the preceding paragraph will provide assistance to the responsible agency;
- ▶ provides that, notwithstanding the provisions of this bill, Adult Protective Services shall be the agency within the division that is responsible for receiving all reports of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- ▶ makes technical changes.

Amends 62A-3-203, 62A-3-302; Enacts 62A-3-106.5

Effective May 1, 2006

Chapter 31, Laws of Utah 2006

SB 55 Election Reform (*L. Alma Mansell*)

This bill modifies the Election Code to provide the option to file a pledge of fair campaign practices and to establish criminal penalties related to issuing false information or improper contributions during campaigns.

This bill:

- ▶ provides that each candidate for public office in the state be presented with a pledge of fair campaign practices;
- ▶ provides that a candidate may voluntarily elect to sign and file the pledge;
- ▶ provides that the pledge is a public document and shall be maintained by the filing officer for a defined period after the election ends;
- ▶ requires political action committees and political issues committees to file a yearly statement of organization;
- ▶ requires political action committees and political issues committees to designate and disclose the names of two officers having primary decision-making authority;
- ▶ requires a political action committee or political issues committee to notify the lieutenant governor of a change in a primary officer;
- ▶ provides a criminal penalty for:
 - providing false information on a statement of organization for a political action committee or political issues committee or on a notice of change of officer; or
 - accepting a contribution from certain business entities that have failed to register with the lieutenant governor's office; and
- ▶ requires business entities that are created just before a general election to file a statement of organization with the lieutenant governor's office before making political contributions.

Amends 20A-9-201, 20A-9-203, 20A-11-601, 20A-11-801; Enacts 20A-9-205, 20A-11-704

Effective May 1, 2006

Chapter 226, Laws of Utah 2006

SB 56 Secondary School Amendments (*D. Chris Buttars*)

This bill establishes requirements for the acceptance of credits awarded by schools and the Electronic High School and establishes requirements for the Electronic High School.

This bill:

- ▶ requires a public school to:
 - accept credits and grades awarded to students by certain accredited schools; and
 - accept credits for both transfer students and students enrolled in the school who take courses offered by other public or private schools;
- ▶ requires the Electronic High School to offer:
 - courses in an open entry/open exit format; and
 - core curriculum courses that conform to course standards and objectives established by the board;
- ▶ requires public schools and school districts to:
 - accept all credits earned through the Electronic High School; and
 - apply credits awarded for a core curriculum course toward fulfillment of core curriculum requirements;
- ▶ establishes eligibility requirements for enrollment in the Electronic High School and for the award of diplomas by the Electronic High School;
- ▶ provides that Utah students may take Electronic High School courses free of charge and nonresidents may take courses for a fee set by the State Board of Education;
- ▶ provides that students with disabilities seeking to enroll in the Utah Electronic High School may request appropriate accommodations; and
- ▶ defines terms.

Enacts 53A-13-108.5, 53A-15-1001, 53A-15-1002, 53A-15-1003, 53A-15-1004, 53A-15-1005, 53A-15-1006, 53A-15-1007

Effective May 1, 2006

Chapter 227, Laws of Utah 2006

SB 57 Telehealth for Rural Utah (*Beverly Ann Evans*)

This bill amends the duties of the Utah Digital Health Commission.

This bill:

- ▶ amends the duties of the Utah Digital Health Commission.
- ▶ This bill appropriates:
 - ▶ as an ongoing appropriation subject to future budget constraints, \$500,000 from the General Fund for fiscal year 2006-07 to the University of Utah for the Utah Telehealth Network.

Amends 26-9f-104

Effective May 1, 2006

Chapter 121, Laws of Utah 2006

SB 58 Alcoholic Beverage Amendments - Eliminating Alcohol Sales to Youth *(Peter C. Knudson)*

This bill modifies the Alcoholic Beverage Control Act and related statutes to address state policy in funding the Alcoholic Beverage Enforcement and Treatment Restricted Account and issues relating to preventing the sale of alcohol to minors.

This bill:

- ▶ amends definitions;
- ▶ clarifies the statewide public purpose of appropriations from the Alcoholic Beverage Enforcement and Treatment Restricted Account and the licenses considered in calculation formulas under from that account;
- ▶ modifies provisions related to alcohol training and education seminars including:
 - training for persons who sell or directly supervise the sale of beer for an off-premise beer retailer that sells beer for off-premise consumption; and
 - penalties if certain individuals fail to complete an alcohol training and education seminar;
- ▶ imposes requirements on off-premise beer retailers;
- ▶ requires the creation of a tracking system for violations related to the sale of alcoholic beverages to a minor;
- ▶ addresses penalties related to the sale of alcoholic beverages to a minor;
- ▶ modifies the duties of certain state agencies;
- ▶ modifies provisions related to the investigation of the sales of alcohol or tobacco to underaged individuals; and
- ▶ makes technical changes.
- ▶ This bill appropriates:
 - ▶ as an ongoing appropriation subject to future budget constraints, \$543,750 from the General Fund for fiscal year 2006-07, to the Department of Public Safety to be used by the Highway Safety Office as provided in Section 32A-10-103; and
 - ▶ \$1,631,250 from the General Fund for fiscal year 2006-07 only, to the Department of Alcoholic Beverage Control to be used as provided in this bill for media and education campaigns.
- ▶ This bill takes effect on July 1, 2006.

Amends 32A-1-105, 32A-1-115, 32A-1-401, 32A-10-101, 62A-15-401, 77-39-101; Enacts 32A-10-103

Effective July 1, 2006

Chapter 342, Laws of Utah 2006

SB 59 Purchasing from People with Disabilities Amendments (*Sheldon L. Killpack*)

This bill modifies the Utah Procurement Code by amending requirements for certain government agencies for purchasing from persons with disabilities.

This bill:

- ▶ provides certain definitions;
- ▶ creates the Purchasing from Persons with Disabilities Advisory Board to facilitate a public procurement unit's procurement of goods and services from community rehabilitation programs by:
 - identifying goods and services currently available from community rehabilitation programs;
 - approving prices for goods and services;
 - developing, maintaining, and approving a preferred procurement contract list; and
 - reviewing, awarding, and renewing bids received by a community rehabilitation program for specified contracts for the purchase of goods and services;
- ▶ allows the board to designate a central not-for-profit association, appoint its members, and establish guidelines for its duties;
- ▶ requires each public procurement unit to purchase goods and services produced by a community rehabilitation program under the preferred procurement contract list approved by the board under certain conditions;
- ▶ establishes a \$5 million annual cap in total amount of contracts for the purchase of goods and services produced by a community rehabilitation program under the preferred procurement contract list; and
- ▶ makes technical changes.

Amends 63-56-425

Effective May 1, 2006

Chapter 32, Laws of Utah 2006

SB 60 Western States Presidential Primary (*Peter C. Knudson*)

This bill modifies provisions of the Election Code to permit the Western States Presidential Primary to be held on the first Tuesday in February in a presidential election year.

This bill:

- ▶ changes the date for the Western States Presidential Primary election in Utah to the first Tuesday in February in a presidential election year;
- ▶ modifies dates for canvassing votes cast in a Western States Primary;
- ▶ modifies the dates for voter registration prior to a Western States Presidential Primary;
- ▶ modifies the date for filing a declaration of candidacy for a Western States Presidential Primary; and
- ▶ makes technical changes.

Amends 20A-1-201.5, 20A-4-301, 20A-4-304, 20A-4-306, 20A-9-802, 20A-9-803, 20A-9-804

Effective May 1, 2006

Chapter 355, Laws of Utah 2006

SB 61 **Uniform Mediation Act** (*Lyle W. Hillyard*)

This bill enacts the Utah Uniform Mediation Act.

This bill:

- ▶ enacts the Utah Uniform Mediation Act;
- ▶ provides definitions;
- ▶ applies to most mediations;
- ▶ sets waiver provisions for privileges and communications within mediation;
- ▶ states mediation information is confidential and not admissible in court, and specifies exceptions; and
- ▶ provides for mediator's disclosure of conflicts of interest.

Enacts 78-31c-101, 78-31c-102, 78-31c-103, 78-31c-104, 78-31c-105, 78-31c-106, 78-31c-107, 78-31c-108, 78-31c-109, 78-31c-110, 78-31c-111, 78-31c-112, 78-31c-113, 78-31c-114

Effective May 1, 2006

Chapter 33, Laws of Utah 2006

SB 62 **Judicial Conduct Commission Amendments** (*Michael G. Waddoups*)

This bill defines "judge" to include the chief justice of the Utah Supreme Court and makes technical amendments.

This bill:

- ▶ defines "judge" to include the chief justice of the Utah Supreme Court;
- ▶ deletes a requirement that the chair and executive director of the Judicial Conduct Commission refer all policy matters to the commission;
- ▶ deletes a provision that required members of the commission to draw lots in 2002 to determine which members would serve two and four-year terms; and
- ▶ makes other technical amendments.

Amends 78-8-101, 78-8-102, 78-8-104, 78-8-105, 78-8-107

Effective May 1, 2006

Chapter 34, Laws of Utah 2006

SB 65 **Wildland Fire Suppression Amendments** (*David L. Thomas*)

This bill modifies a county's payment obligation for participating in the Wildland Fire Suppression Fund.

This bill:

- ▶ exempts certain acres or real property from the county's payment formula for participating in the Wildland Fire Suppression Fund;
- ▶ authorizes the Division of Forestry, Fire, and State Lands to:
 - makes rules; and
 - make determinations about whether an acre or certain taxable real property is eligible for an exemption; and
- ▶ makes technical changes.

Amends 65A-8-6.2, 65A-8-6.4

Effective May 1, 2006

Chapter 152, Laws of Utah 2006

SB 66 Price Controls During Emergencies Amendments (*Patrice M. Arent*)

This bill addresses the territorial extent of an emergency for purposes of Title 13, Chapter 41, Price Controls During Emergencies Act.

This bill:

- ▶ defines "emergency territory"; and
- ▶ makes technical changes.

Amends 13-41-102, 13-41-202

Effective May 1, 2006

Chapter 153, Laws of Utah 2006

SB 67 Conservation Easement Restricted Accounts (*Beverly Ann Evans*)

This bill creates the Natural Resources Conservation Easement Account and the Agriculture Conservation Easement Account.

This bill:

- ▶ creates within the General Fund two restricted accounts consisting of grants and donations from foundations, the Quality Growth Commission, local governments, the state, the federal government, and landowners; and
- ▶ specifies that the funds are to be used to monitor and enforce compliance with conservation easements held by the Department of Natural Resources and the Department of Agriculture and Food respectively.

Enacts 4-2-8.3, 63-34-20

Effective May 1, 2006

Chapter 35, Laws of Utah 2006

SB 68 Plumbing License Qualifications Amendments (*Parley G. Hellewell*)

This bill modifies provisions of the Utah Construction Trades Licensing Act related to working relationships between licensed plumbers and licensed apprentice plumbers.

This bill:

- ▶ provides that a licensed apprentice plumber shall be under the immediate supervision of a licensed journeyman plumber or a licensed residential journeyman plumber; and
- ▶ provides that a licensed apprentice plumber in the fourth through tenth year of training may work without supervision for a period not to exceed eight hours in any 24-hour period.

Amends 58-55-302

Effective May 1, 2006

Chapter 122, Laws of Utah 2006

SB 69 **Protection of Information in Consumer Credit Databases** (*Carlene M. Walker*)

This bill addresses the integrity of consumer credit databases.

This bill:

- ▶ defines terms;
- ▶ requires a person maintaining personal information in connection with a business to implement procedures to protect personal information;
- ▶ requires destruction of certain records;
- ▶ requires disclosure of breaches of databases containing personal information; and
- ▶ provides for enforcement by the attorney general.
- ▶ This bill appropriates from the General Fund to the attorney general:
 - ▶ as an ongoing appropriation subject to future budget constraints, \$89,400 for fiscal year 2006-07; and
 - ▶ \$23,000 for fiscal year 2006-07 only.
- ▶ This bill takes effect on January 1, 2007.

Enacts 13-42-101, 13-42-102, 13-42-201, 13-42-202, 13-42-301

Effective January 1, 2007

Chapter 343, Laws of Utah 2006

SB 70 **Process for Approval of Waste Disposal Amendments** (*Howard A. Stephenson*) **VETOED**

This bill modifies legislative and gubernatorial approval requirements for the disposal of certain wastes.

This bill:

- ▶ modifies the legislative and gubernatorial approval requirements for the disposal of certain commercial radioactive wastes, hazardous wastes, and nonhazardous solid wastes;
- ▶ requires that legislative approval be provided by statute;
- ▶ provides that gubernatorial approval is given if the statute giving legislative approval is not vetoed; and
- ▶ provides that gubernatorial approval is not required if the governor vetoes the statute giving legislative approval and the veto is overridden.

Amends 19-3-105, 19-6-108

Effective May 1, 2006

Laws of Utah 2006

SB 71 Consumer Credit Protection (*Carlene M. Walker*)

This bill addresses consumer credit protections.

This bill:

- ▶ defines terms;
- ▶ allows a consumer to place a security freeze on the consumer's credit report;
- ▶ outlines the method for placing and removing a security freeze;
- ▶ provides exceptions;
- ▶ prohibits the release of a credit report that is subject to a security freeze, except in certain instances;
- ▶ allows certain fees to be charged in connection with a security freeze;
- ▶ governs changes to a credit report that is subject to a security freeze;
- ▶ prohibits some uses of a consumer's personal information; and
- ▶ provides for enforcement.
- ▶ This bill provides an effective date.

Enacts 13-42-101, 13-42-102, 13-42-201, 13-42-202, 13-42-203, 13-42-204, 13-42-205, 13-42-301, 13-42-401

Effective September 1, 2008

Chapter 344, Laws of Utah 2006

SB 75 U Star Initiative (*L. Alma Mansell*)

This bill establishes a process for a Utah Science Technology and Research Initiative, authorizes the issuance of general obligation bonds for the construction of research buildings at Utah State University and the University of Utah, and appropriates monies for construction, administration, and operations.

This bill:

- ▶ defines the intended scope of the Utah Science Technology and Research Project, including:
 - construction of research buildings at Utah State University and the University of Utah;
 - the creation of a technology outreach program delivered at strategic locations around Utah;
 - the funding of research teams to conduct science and technology research; and
 - requirements governing how revenues generated from the project will be allocated between the state, Utah State University, and the University of Utah;
- ▶ creates the Utah Science Technology and Research Governing Authority, defines its membership and its powers and duties;
- ▶ creates the Utah Science Technology and Research Governing Authority Advisory Council and defines its membership and its powers and duties;
- ▶ authorizes the Utah Science Technology and Research Governing Authority to hold title to its property;
- ▶ modifies the Bonding Code by authorizing the issuance and sale of \$111,100,000 in general obligation bonds by the State Bonding Commission for construction of a Bio Innovations Research Institute at Utah State University and a Neuroscience and Biomedical Technology Research Building at the University of Utah;
- ▶ specifies the use of the general obligation bond proceeds and the manner of issuance;
- ▶ provides expressions of legislative intent; and
- ▶ establishes a salary range for the executive director of the Utah Science Technology and Research Governing Authority.
- ▶ This bill appropriates:
 - ▶ \$50,000,000 from the General Fund for fiscal year 2007 only, to the Utah Science Technology and Research Governing Authority;
 - ▶ as an ongoing appropriation subject to future budget constraints, \$19,250,000 from the General Fund for fiscal year 2006-07, to the Utah Science Technology and Research Governing Authority; and
 - ▶ redirects the ongoing appropriations made to Utah State University and the University of Utah for research teams to the Utah Science Technology and Research Governing Authority beginning in fiscal year 2007.
- ▶ This bill takes effect on July 1, 2006.

Amends 63A-5-204, 67-22-2 (Effective 07/01/06); Enacts 63-38g-101, 63-38g-102, 63-38g-201, 63-38g-202, 63-38g-203, 63-38g-204, 63-38g-301, 63-38g-302, 63-38g-303, 63B-15-101

Effective July 1, 2006

Chapter 123, Laws of Utah 2006

SB 79 Uniform Debt-Management Services Act (*Lyle W. Hillyard*)

This bill establishes the Uniform Debt-Management Services Act within the Department of Commerce to be administered by the Division of Consumer Protection.

This bill:

- ▶ amends definitions applicable to the Credit Services Organizations Act;
- ▶ provides definitions related to the Uniform Debt-Management Act;
- ▶ provides for an exemption for certain agreements and persons;
- ▶ establishes application for registration requirements and obligations;
- ▶ requires the administrator to issue a certificate of registration or deny registration;
- ▶ establishes criteria for the certification or denial of registration;
- ▶ addresses renewal procedures and authorization in another state;
- ▶ provides for rulemaking with regard to authorization in another state;
- ▶ requires a provider to file a surety bond or substitute, act in good faith, and maintain a toll-free customer-service communications system;
- ▶ establishes prerequisites for providing debt-management services;
- ▶ allows for communication by electronic or other means and establishes consumer consent requirements;
- ▶ sets out the form and content requirements for debt-management agreements;
- ▶ provides for cancellation of an agreement within 30 days when notice is given to provider;
- ▶ requires disclosures and documents to be in English, unless provider primarily communicates with the individual in another language;
- ▶ requires providers to maintain trust accounts and determines how funds in trust accounts shall be disbursed and reconciled;
- ▶ allows for the imposition of fees and other charges;
- ▶ prohibits the provider from soliciting voluntary contributions and provides for the acceptance of other certain voluntary contributions;
- ▶ permits an agreement to be voidable in certain instances;
- ▶ allows for termination of agreements;
- ▶ requires periodic reports and retention of records;
- ▶ sets out prohibited acts and practices;
- ▶ requires notification to the administrator when a provider is served with a notice of civil action;
- ▶ provides that the provider is liable for any delegated duty or obligation under an agreement;
- ▶ addresses advertising;
- ▶ establishes the power and duties of the administrator and administrative remedies;
- ▶ provides that monies from administrative fines be deposited into the Consumer Protection Education and Training Fund;
- ▶ sets out conditions under which the administrator may suspend, revoke, or deny renewal of a provider's registration, and seek a court order authorizing seizure of any or all money in a trust account;
- ▶ provides for private enforcement to individuals against providers who violate this chapter;
- ▶ provides a statute of limitations;
- ▶ addresses violation of Consumer Sales Practices Act;
- ▶ requires uniformity of application and construction;
- ▶ modifies, limits, and supersedes certain provisions of the federal Electronic Signatures in Global and National Commerce Act;
- ▶ provides a transitional provision; and
- ▶ provides a severability clause.
- ▶ This bill takes effect on July 1, 2007.

Amends 13-2-1, 13-21-2; Enacts 13-42-101, 13-42-102, 13-42-103, 13-42-104, 13-42-105, 13-42-106, 13-42-107, 13-42-108, 13-42-109, 13-42-110, 13-42-111, 13-42-112, 13-42-113, 13-42-114, 13-42-115, 13-42-116, 13-42-117, 13-42-118, 13-42-119, 13-42-120, 13-42-121, 13-42-122, 13-42-123, 13-42-124, 13-42-125, 13-42-126, 13-42-127, 13-42-128, 13-42-129, 13-42-130, 13-42-131, 13-42-132, 13-42-133, 13-42-134, 13-42-135, 13-42-136, 13-42-137, 13-42-138, 13-42-139, 13-42-140, 13-42-141

Effective July 1, 2007

Chapter 154, Laws of Utah 2006

SB 80 Public-private Partnerships for Tollway Facilities (*Sheldon L. Killpack*)

This bill modifies the Revenue and Taxation Code, Utah Procurement Code, and the Transportation Code by amending provisions relating to public-private partnerships for tollway facilities.

This bill:

- ▶ provides definitions;
- ▶ exempts from the privilege tax the use or possession of public property as a tollway by a private entity pursuant to a tollway development agreement;
- ▶ provides a procurement procedure for soliciting tollway development agreement proposals;
- ▶ redesignates the Tollway Restricted Account within the Transportation Fund as a restricted special revenue fund;
- ▶ authorizes the Department of Transportation, with approval of the Transportation Commission, to enter into public-private partnerships for tollway facilities;
- ▶ requires the department and the commission to make rules establishing minimum guidelines for tollway development agreement proposals;
- ▶ authorizes the department and the commission to accept solicited and unsolicited proposals for public-private partnerships for tollway facilities;
- ▶ requires the department and the commission to make rules establishing procedures for accepting unsolicited proposals;
- ▶ requires the department to engage outside counsel and consultants to provide the state advice on developing rules and guidelines for public-private partnerships and on evaluating the risks of a tollway development agreement proposal;
- ▶ provides that toll rates on a tollway that is the subject of a tollway development agreement shall be established in the tollway development agreement;
- ▶ requires the Transportation Commission to make rules setting any increases of tolls that are greater than the increases provided in a tollway development agreement;
- ▶ requires the department to submit a tollway development agreement proposal or amendments or modifications to a tollway development agreement proposal to the Transportation Commission for approval prior to entering into the tollway development agreement;
- ▶ requires the department to report to the Legislature on the status and progress of a tollway; and
- ▶ makes technical changes.

Amends 59-4-101, 72-2-120, 72-6-118; Enacts 63-56-502.5, 72-6-201, 72-6-202, 72-6-203, 72-6-204, 72-6-205, 72-6-206

Effective May 1, 2006

Chapter 36, Laws of Utah 2006

SB 84 Nonprofit Entity Amendments (*Lyle W. Hillyard*)

This bill makes changes to Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

This bill:

- ▶ defines terms;
- ▶ addresses the prosecution of a derivative suit by a member or director of a nonprofit corporation;
- ▶ requires an annual meeting be held by a nonprofit corporation unless the bylaws eliminate the requirement;
- ▶ describes the effect of failure to hold an annual meeting;
- ▶ prescribes notice requirements for an annual meeting;
- ▶ provides that a director or officer of a nonprofit corporation is liable for a breach of duty if the director or officer is grossly negligent;
- ▶ allows a nonprofit corporation to avoid indemnification of a director if the nonprofit corporation's bylaws limit indemnification;
- ▶ addresses the effect of conversion of a nonprofit corporation to another form;
- ▶ addresses the amendment of a nonprofit corporation's bylaws;
- ▶ addresses the requirements for a merger of multiple entities into a domestic nonprofit corporation;
- ▶ allows distributions of assets upon dissolution to another nonprofit corporation or a mutual benefit corporation;
- ▶ requires that distribution of a nonprofit corporation's assets comply with the Internal Revenue Code; and
- ▶ makes technical changes.

Amends 16-6a-102, 16-6a-612, 16-6a-812, 16-6a-814, 16-6a-815, 16-6a-822, 16-6a-903, 16-6a-905, 16-6a-1008, 16-6a-1008.7, 16-6a-1010, 16-6a-1101, 16-6a-1102, 16-6a-1103, 16-6a-1104, 16-6a-1302, 16-6a-1405, 42-2-6.6

Effective May 1, 2006

Chapter 228, Laws of Utah 2006

SB 85 State-owned Art Collections Inventory Program (*Beverly Ann Evans*)

This bill modifies Title 9, Chapter 6, Arts Development, to enact Part 6, "State-Owned Art Collections Inventory Study Program Act."

This bill:

- ▶ provides certain definitions;
- ▶ establishes the State-Owned Art Collections Inventory Study Program to study providing:
 - a comprehensive electronic inventory of all state owned or held works of art including each work of art's title, artist, medium, location, history, owner, condition, and electronic images of each work of art;
 - a publicly accessible and searchable Internet site of the electronic images of each work of art and other information in the inventory; and
 - for the maintenance of the inventory;
- ▶ requires the Division of Fine Arts to design and plan the program with the advice and assistance of the State-Owned Art Collections Inventory Committee and to contract with public and private entities as needed to implement the provisions of the program;
- ▶ makes certain provisions for funding the program;
- ▶ creates the State-Owned Art Collections Inventory Committee to advise the division on the design and plan of the program; and
- ▶ provides for committee membership and duties.

Enacts 9-6-601, 9-6-602, 9-6-603, 9-6-604

Effective May 1, 2006

Chapter 229, Laws of Utah 2006

SB 86 **Amendments to Child Care** (*Parley G. Hellewell*)

This bill amends provision in the Health Code related to the regulation of child care centers.

This bill:

- ▶ changes granting of a variance to granting an exemption from licensure under certain limited circumstances; and
- ▶ amends the department's duty to investigate allegations that are reported for the first time more than six weeks after the event occurred.

Amends 26-39-104, 26-39-109

Effective May 1, 2006

Chapter 37, Laws of Utah 2006

SB 88 **Disclosure of Driver License Records** (*Mark B. Madsen*)

This bill modifies the Uniform Driver License Act to amend disclosure of driving record provisions.

This bill:

- ▶ allows the Driver License Division to disclose portions of a driving record to an insurer or a designee of an insurer for purposes of assessing the driving risk of drivers covered by the insurer;
- ▶ requires the disclosure to include certain information to identify drivers with reportable moving traffic violations which resulted from the operation of a motor vehicle;
- ▶ requires the disclosure to be made under a contract with the insurer or its designee that specifies the criteria for searching and compiling the driving records being requested, the frequency of the disclosures, and the format of the disclosures, which may be in bulk electronic form;
- ▶ requires the contract to include a reasonable charge for the driving record disclosures; and
- ▶ makes technical changes.

Amends 53-3-109

Effective May 1, 2006

Chapter 230, Laws of Utah 2006

SB 89 **Sales and Use Tax - Attachment of Tangible Personal Property to Real Property**
(*Howard A. Stephenson*)

This bill amends a definition within the Sales and Use Tax Act.

This bill:

- ▶ modifies the definition of "permanently attached to real property" to address the circumstances under which certain tangible personal property is or is not permanently attached to real property; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 59-12-102

Effective July 1, 2006

Chapter 231, Laws of Utah 2006

SB 92 Certification of Crane Operators (*Gene Davis*)

This bill modifies the Construction Trades Licensing Chapter of the Occupations and Professions Title by requiring the certification of crane operators.

This bill:

- ▶ provides for definitions related to the certification of crane operators;
- ▶ provides for an exemption from certification;
- ▶ requires an individual to be certified as a crane operator in order to operate a crane on commercial construction, demolition, or excavation projects; and
- ▶ provides a penalty for unlawful conduct in operating a crane.
- ▶ This bill takes effect on July 1, 2007.

Enacts 58-55-504

Effective July 1, 2007

Chapter 124, Laws of Utah 2006

SB 93 Boiler and Elevator Safety Provisions (*Ed Mayne*)

This bill modifies the Utah Labor Code to address the safety division.

This bill:

- ▶ clarifies regulatory authority of the safety division;
- ▶ changes the name of the safety division; and
- ▶ makes technical changes.

Amends 34A-1-202, 34A-7-102, 34A-7-103, 34A-7-105, 34A-7-202

Effective May 1, 2006

Chapter 155, Laws of Utah 2006

SB 95 Psychologist Licensing Act Amendments (*Ed Mayne*)

This bill amends provisions in the Psychologist Licensing Act related to licensure by endorsement based upon licensure in another jurisdiction.

This bill:

- ▶ adds certification by the National Register of Health Service Providers in Psychology or certification by the Association of State and Provincial Psychology Boards to the list of acceptable requirements for licensing.

Amends 58-61-304

Effective May 1, 2006

Chapter 156, Laws of Utah 2006

SB 99 County Recorder Amendments *(David L. Thomas)*

This bill modifies provisions relating to counties.

This bill:

- ▶ provides that a county recorder does not violate the law by placing certain information on a document;
- ▶ modifies provisions related to county recorder fees;
- ▶ requires a person's typed or printed name on a recorded document to appear just beneath the person's signature; and
- ▶ modifies a provision related to termination of a joint tenancy, tenancy by the entirety, life estate, or determinable or conditional interest to require an affidavit to be recorded in the county recorder's office in order to terminate the interest.

Amends 17-21-17, 17-21-18.5, 17-21-25, 57-1-5.1

Effective May 1, 2006

Chapter 38, Laws of Utah 2006

SB 100 County Officer Amendments *(David L. Thomas)*

This bill modifies provisions relating to counties.

This bill:

- ▶ expands the duties of a county assessor that may be reassigned to the treasurer;
- ▶ clarifies that persons elected to fill a vacancy in a county office serve for the remainder of the unexpired term;
- ▶ changes the time frame for imposing a penalty for failure to appear and testify when requested by the county assessor from 30 days after the taxpayer's receipt of a certified notice to 30 days after mailing the notice;
- ▶ requires the county assessor to impose a fee for certified mailing expenses associated with a notice to a property owner; and
- ▶ makes technical changes.

Amends 17-16-5.5, 20A-1-508, 41-1a-1320, 59-2-307

Effective May 1, 2006

Chapter 39, Laws of Utah 2006

SB 101 County Assistance to Nonprofit Entities *(David L. Thomas)*

This bill modifies provisions relating to counties' authority to provide services or assistance to or waive fees from nonprofit entities.

This bill:

- ▶ requires counties to receive fair and adequate consideration for services or assistance provided to or fees waived on behalf of a nonprofit entity, and defines what that consideration may be.

Amends 17-50-303

Effective May 1, 2006

Chapter 40, Laws of Utah 2006

SB 103 Prohibition of Contingent Fees for Expert Witnesses (*David L. Thomas*)

This bill prohibits contingent fee agreements for expert witnesses in civil actions.

This bill:

- ▶ defines contingent fee agreement;
- ▶ prohibits contingent fee agreements for expert witnesses in civil actions; and
- ▶ allows for the engaging of an expert witness with the contingency that the witness qualify as an expert before going ahead.

Enacts 78-24-20

Effective May 1, 2006

Chapter 41, Laws of Utah 2006

SB 106 Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (*Lyle W. Hillyard*)

This bill enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act and amends related code provisions.

This bill:

- ▶ defines terms;
- ▶ requires that protective orders, and child protective orders, contain a statement that the order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act;
- ▶ requires the district court to provide a certified copy of a foreign protection order that is filed in Utah to the person who files the order;
- ▶ requires that a foreign protection order that is inaccurate or not in effect must be removed from the statewide domestic violence network;
- ▶ describes the circumstances under which a foreign protection order is valid and enforceable in Utah;
- ▶ specifies which court will have jurisdiction to enforce foreign protection orders under this bill;
- ▶ requires a law enforcement officer to notify a respondent of, and make a reasonable effort to serve the respondent with, an otherwise valid foreign protection order when the respondent has not yet been notified of, or served with, the order;
- ▶ provides that a government official or agency is immune from civil or criminal liability for good faith acts or omissions arising out of the registration or enforcement of a foreign protection order;
- ▶ provides that the remedies available to a protected individual under the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act are not exclusive remedies;
- ▶ provides for the uniform application, construction, and transitional applicability of the Interstate Enforcement of Domestic Violence Protection Orders Act;
- ▶ provides a severability clause;
- ▶ provides criminal penalties for violating a foreign protection order that is enforceable in Utah;
- ▶ requires a law enforcement officer to arrest a person whom the officer has probable cause to believe has violated a foreign protection order that is enforceable in Utah; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 30-6-1, 30-6-4, 30-6-12, 76-5-108, 77-36-2.4, 77-36-6, 78-3h-104; Enacts 30-6a-101, 30-6a-102, 30-6a-103, 30-6a-104, 30-6a-105, 30-6a-106, 30-6a-107, 30-6a-108, 30-6a-109, 30-6a-110, 30-6a-111

Effective July 1, 2006

Chapter 157, Laws of Utah 2006

SB 107 Title to Manufactured Housing or Mobile Homes (*Thomas V. Hatch*)

This bill modifies the Motor Vehicle Act by amending title provisions related to manufactured housing or mobile homes.

This bill:

- ▶ requires an owner of a manufactured home or mobile home to apply to the Motor Vehicle Division for a certificate of title unless the manufactured home or mobile home is previously registered as real property;
- ▶ provides that a manufactured home or mobile home that has been converted to real property is not subject to titling in this state if:
 - the home is permanently affixed to real property;
 - the home is not registered with the Motor Vehicle Division;
 - the home is taxed as an improvement to real estate by the county assessor; and
 - the manufacturer's identification number or numbers are included in the deed or loan document recorded with the county recorder; and
- ▶ makes technical changes.

Amends 41-1a-503, 41-1a-506

Effective May 1, 2006

Chapter 232, Laws of Utah 2006

SB 108 Ethics in Dental Advertising (*Peter C. Knudson*)

This bill amends the Dentist and Dental Hygienist Practice Act to clarify the definition of unprofessional conduct with regard to making unsubstantiated claims of superiority in training or skill.

This bill:

- ▶ defines an unsubstantiated claim of superiority in training or skill to include advertising as practicing in a dental specialty in which the dentist has not successfully completed the education specified for the dental specialty, as defined by the American Dental Association, without providing a prominent disclaimer that the specialty services will be provided by a general dentist.

Amends 58-69-502

Effective May 1, 2006

Chapter 158, Laws of Utah 2006

SB 109 Uniform Commercial Code - Warehouse Receipts, Bills of Lading, and Other Documents of Title (*Lyle W. Hillyard*)

This bill modifies the Uniform Commercial Code's treatment of documents of title and related amendments.

This bill:

- ▶ repeals Title 70A, Chapter 7, Uniform Commercial Code - Documents of Title;
- ▶ enacts the revised article 7 of the Uniform Commercial Code in Title 70A, Chapter 7a, Uniform Commercial Code - Documents of Title, with provisions including:
 - electronic documents of title;
 - warehouse receipts;
 - bills of lading; and
 - the obligations, liabilities, negotiation, and transfer of documents of title;
- ▶ amends other provisions of Title 70A, Uniform Commercial Code, to conform with the adoption of Title 70A, Chapter 7a, Uniform Commercial Code - Documents of Title; and
- ▶ makes technical amendments.

Amends 38-8-1, 46-4-403, 70A-1-201, 70A-2-103, 70A-2-104, 70A-2-310, 70A-2-323, 70A-2-401, 70A-2-403, 70A-2-503, 70A-2-505, 70A-2-506, 70A-2-509, 70A-2-605, 70A-2-705, 70A-2a-103, 70A-2a-514, 70A-2a-526, 70A-4-104, 70A-4-210, 70A-5-110, 70A-8-102, 70A-9a-102, 70A-9a-102.1, 70A-9a-203, 70A-9a-207, 70A-9a-208, 70A-9a-301, 70A-9a-310, 70A-9a-312, 70A-9a-313, 70A-9a-314, 70A-9a-317, 70A-9a-331, 70A-9a-338, 70A-9a-601, 70A-10-104, 72-9-404; Enacts 70A-7a-101, 70A-7a-102, 70A-7a-103, 70A-7a-104, 70A-7a-105, 70A-7a-106, 70A-7a-201, 70A-7a-202, 70A-7a-203, 70A-7a-204, 70A-7a-205, 70A-7a-206, 70A-7a-207, 70A-7a-208, 70A-7a-209, 70A-7a-210, 70A-7a-301, 70A-7a-302, 70A-7a-303, 70A-7a-304, 70A-7a-305, 70A-7a-306, 70A-7a-307, 70A-7a-308, 70A-7a-309, 70A-7a-401, 70A-7a-402, 70A-7a-403, 70A-7a-404, 70A-7a-501, 70A-7a-502, 70A-7a-503, 70A-7a-504, 70A-7a-505, 70A-7a-506, 70A-7a-507, 70A-7a-508, 70A-7a-509, 70A-7a-601, 70A-7a-602, 70A-7a-603, 70A-7a-701, 70A-7a-702; Repeals 70A-7-101, 70A-7-102, 70A-7-103, 70A-7-104, 70A-7-105, 70A-7-201, 70A-7-202, 70A-7-203, 70A-7-204, 70A-7-205, 70A-7-206, 70A-7-207, 70A-7-208, 70A-7-209, 70A-7-210, 70A-7-301, 70A-7-302, 70A-7-303, 70A-7-304, 70A-7-305, 70A-7-306, 70A-7-307, 70A-7-308, 70A-7-309, 70A-7-401, 70A-7-402, 70A-7-403, 70A-7-404, 70A-7-501, 70A-7-502, 70A-7-503, 70A-7-504, 70A-7-505, 70A-7-506, 70A-7-507, 70A-7-508, 70A-7-509, 70A-7-601, 70A-7-602, 70A-7-603

Effective May 1, 2006

Chapter 42, Laws of Utah 2006

SB 111 Water Conservancy District Amendments (*Thomas V. Hatch*)

This bill modifies provisions related to tax levies imposed by water conservancy districts.

This bill:

- ▶ modifies the time that triggers a water conservancy district's ability to impose a higher tax levy;
- ▶ modifies a provision that allows a water conservancy district to increase its tax rate so that it applies to districts that contain land located within the Lower Colorado River Basin instead of just districts served by water apportioned by the Colorado River Compact to the Lower Basin; and
- ▶ makes technical changes.

Amends 17A-2-1423

Effective May 1, 2006

Chapter 159, Laws of Utah 2006

SB 112 Centers of Excellence Amendments *(Thomas V. Hatch)*

This bill modifies provisions related to the Centers of Excellence Act.

This bill:

- ▶ recommends that the governor consider the allocation of economic development funds for Centers of Excellence to be matched by industry and federal grants on at least a two-for-one basis for colleges and universities in the state that offer any doctoral degrees;
- ▶ requires the Governor's Office of Economic Development to develop a process to determine whether to require the return of economic development Centers of Excellence grant moneys from a higher education institution if the technology that is developed from grant proceeds is licensed to a licensee that does not maintain a manufacturing or service location in the state from which the technology is exploited or transfers the manufacturing or service location out of state within a five-year period after the issuance of the license; and
- ▶ makes certain technical changes.

Amends 63-38f-701, 63-38f-704

Effective May 1, 2006

Chapter 356, Laws of Utah 2006

SB 113 Governmental Immunity Limits *(Howard A. Stephenson)*

This bill modifies provisions under the Governmental Immunity Act of Utah and provisions related to the Board of Examiners.

This bill:

- ▶ defines terms;
- ▶ permits the Board of Examiners to review claims against certain political subdivisions of the state;
- ▶ requires that certain unpaid or unsettled claims against certain political subdivisions be presented to the Board of Examiners; and
- ▶ raises the limitation for damages awardable against a governmental entity for multiple claims and sets a cap for the total amount awardable for multiple claims in a single occurrence.
- ▶ This bill takes effect on July 1, 2007.

Amends 63-6-1, 63-6-11, 63-6-13, 63-6-16, 63-30d-604

Effective July 1, 2007

Chapter 357, Laws of Utah 2006

SB 115 Continuing Education in Insurance *(Thomas V. Hatch)*

This bill modifies the Insurance Code to address continuing education requirements.

This bill:

- ▶ provides different continuing education requirements for title insurance producers who have been licensed 20 or more consecutive years;
- ▶ provides that an attorney meeting requirements for the Utah State Bar meets the continuing education requirements for certain title insurance licenses;
- ▶ requires continuing education documentation to be retained for two years; and
- ▶ makes technical changes.

Amends 31A-23a-202, 31A-26-206

Effective May 1, 2006

Chapter 125, Laws of Utah 2006

SB 116 Department of Financial Institution's Fees (*Lyle W. Hillyard*)

This bill modifies the Financial Institutions Act to address fees.

This bill:

- ▶ modifies fees charged by the Department of Financial Institutions; and
- ▶ makes technical changes.

Amends 7-1-401

Effective May 1, 2006

Chapter 233, Laws of Utah 2006

SB 117 Eminent Domain Amendments (*Howard A. Stephenson*)

This bill modifies provisions related to eminent domain.

This bill:

- ▶ expands the public uses for which eminent domain may be used to include bicycle paths and sidewalks adjacent to paved roads;
- ▶ narrows the public uses for which local governments may acquire roads, streets, or alleys by eminent domain;
- ▶ provides that the roads, streets, or alleys that local governments may acquire by eminent domain do not include trails, paths, or other ways for walking, hiking, bicycling, equestrian use, or other recreational uses;
- ▶ requires the taking of property by a political subdivision to be approved by the governing body of the political subdivision;
- ▶ requires the governing body of a political subdivision intending to take property by eminent domain to provide written notice to property owners of each public meeting to approve the taking and allow property owners the right to be heard regarding the proposed taking;
- ▶ modifies the duty to negotiate with a property owner and the duty to notify the property owner of certain rights and limitations with respect to an anticipated eminent domain action; and
- ▶ clarifies that those duties apply to each person seeking to acquire property involving the potential use of eminent domain if the property cannot be acquired in a voluntary transaction.

Amends 78-34-1, 78-34-4, 78-34-4.5

Effective May 1, 2006

Chapter 358, Laws of Utah 2006

SB 118 Driving by Minors Amendments (*Karen Hale*)

This bill modifies the Motor Vehicles Code by amending provisions related to driving by minors.

This bill:

- ▶ repeals an affirmative defense to the prohibition against a person younger than 17 years of age from operating a motor vehicle on a highway between the hours of 12:00 am and 5:00 am;
- ▶ provides that a person younger than 17 years of age may operate a motor vehicle on a highway between the hours of 12:00 am and 5:00 am directly to the driver's residence from a school-sponsored activity if transportation to the activity is provided by a school or a school district and the transportation commences and returns to the school property where the driver is enrolled;
- ▶ repeals an affirmative defense to the prohibition against certain persons driving with a passenger in the vehicle who is not an immediate family member of the driver;
- ▶ prohibits a peace officer from seizing or impounding a vehicle in certain circumstances; and
- ▶ makes technical changes.

Amends 41-8-2, 41-8-3

Effective May 1, 2006

Chapter 234, Laws of Utah 2006

SB 119 **Repeal of Off-highway Vehicle Registration Number** *(Thomas V. Hatch)*

This bill modifies the Motor Vehicles Code by amending off-highway vehicle registration provisions.

This bill:

- ▶ repeals the requirement that the Motor Vehicle Division assign an off-highway vehicle registration number to each registered off-highway vehicle;
- ▶ repeals the requirement that an owner of an off-highway vehicle affix and display the off-highway vehicle registration number assigned by the Motor Vehicle Division;
- ▶ repeals the requirement that the Board of Parks and Recreation make rules for the display of an off-highway vehicle registration number; and
- ▶ makes technical changes.
- ▶ This bill takes effect July 1, 2006.

Amends 41-22-4, 41-22-5.1; Repeals 41-22-3.1

Effective July 1, 2006

Chapter 160, Laws of Utah 2006

SB 123 **Utah Consumer Credit Code Amendments** *(Peter C. Knudson)*

This bill modifies the Utah Consumer Credit Code.

This bill:

- ▶ expands exempted transactions related to education loans;
- ▶ requires that notice of a change of terms of open-end consumer credit contracts be:
 - mailed or delivered; and
 - in a manner consistent with the federal Truth in Lending Act and implementing regulations; and
- ▶ makes technical changes.

Amends 70C-1-202, 70C-4-102

Effective May 1, 2006

Chapter 161, Laws of Utah 2006

SB 124 Alcohol Beverage Control Amendments *(Peter C. Knudson)*

This bill modifies the Alcoholic Beverage Control Act and related provisions.

This bill:

- ▶ modifies powers and duties of the commission;
- ▶ addresses adjudicative proceedings including:
 - defining “disciplinary proceeding”;
 - addressing how proceedings are to be conducted;
 - clarifying the relationship of proceedings to the Administrative Procedures Act;
 - allowing the commission to have the director prepare, issue, and cause to be served final written orders; and
 - addressing holders of a certificate of approval;
- ▶ amends the number of certain licenses that may be issued by the commission in relationship to the state’s population;
- ▶ addresses factors the commission shall consider before granting certain permits;
- ▶ modifies provision prohibiting operating without a license or permit;
- ▶ modifies the Administrative Procedures Act to clarify that certain applications filed under the Alcoholic Beverage Control Act are not requests for agency action;
- ▶ removes out-of-date language; and
- ▶ makes technical changes.

Amends 32A-1-107, 32A-1-119, 32A-4-101, 32A-4-302, 32A-5-101, 32A-7-104, 32A-10-201, 32A-10-304, 32A-12-301, 63-46b-3

Effective May 1, 2006

Chapter 162, Laws of Utah 2006

SB 127 Vacating or Changing a Subdivision Plat (*Peter C. Knudson*)

This bill modifies county and municipal provisions relating to land use and development.

This bill:

- ▶ modifies the definition of “subdivision” to exclude recorded agreements between owners of adjoining subdivided properties adjusting their mutual boundary;
- ▶ modifies the conditions upon which a land use authority is required to approve an exchange of title;
- ▶ modifies the process for vacating or altering a street or alley described in a subdivision plat;
- ▶ eliminates a requirement that a public hearing be held under certain circumstances;
- ▶ authorizes a land use authority to consider an owner’s land use application to join two or more contiguous, residential lots;
- ▶ eliminates a requirement for notice before planning commission consideration for a petition that lacks the consent of all property owners;
- ▶ requires a conveyance of title to be recorded after an exchange of title is approved;
- ▶ eliminates a provision requiring land use authority consideration of a petition to vacate or change a plat within a certain time;
- ▶ modifies the method for expressing approval of a vacation, alteration, or amendment of a subdivision plat;
- ▶ requires a land use authority to make a recommendation concerning a request to vacate or alter a street or alley; and
- ▶ requires the chief executive officer to hold a public hearing concerning a request to vacate or alter a street or alley and to determine whether good cause exists for the vacation or alteration.

Amends 10-9a-103, 10-9a-603, 10-9a-608, 10-9a-609, 17-27a-103, 17-27a-603, 17-27a-608, 17-27a-609; Enacts 10-9a-609.5, 17-27a-609.5

Effective May 1, 2006

Chapter 163, Laws of Utah 2006

SB 128 Revolving Credit Line Trust Deed (*Thomas V. Hatch*)

This bill addresses the use of a revolving credit line trust deed.

This bill:

- ▶ defines “revolving credit line”;
- ▶ addresses a secured lender’s release of security under a revolving credit line; and
- ▶ makes technical changes.

Amends 57-1-38

Effective May 1, 2006

Chapter 235, Laws of Utah 2006

SB 129 Motor Vehicle Registration Amendments (*Sheldon L. Killpack*)

This bill amends the Motor Vehicles Code and Revenue and Taxation Code by creating an optional six-month motor vehicle registration for certain motor vehicles.

This bill:

- ▶ provides definitions;
 - ▶ exempts a six-month motor vehicle registration from selected twelve-month motor vehicle registration provisions;
 - ▶ creates an optional six-month motor vehicle registration for certain motor vehicles;
 - ▶ addresses six-month motor vehicle registration renewals;
 - ▶ makes a six-month motor vehicle registration subject to the Motor Vehicles Act;
 - ▶ creates a uniform fee schedule for motor vehicles registered under the six-month registration period; and
 - ▶ makes technical changes.
- ▶ This bill takes effect on January 1, 2007.

Amends 41-1a-206, 41-1a-208, 41-1a-215, 59-2-405.1; Enacts 41-1a-215.5

Effective January 1, 2007

Chapter 164, Laws of Utah 2006

SB 130 Joint Tenancy Amendments (*Thomas V. Hatch*)

This bill addresses the severance of a joint tenancy.

This bill:

- ▶ addresses the severance of a joint tenancy;
- ▶ clarifies the effect of the severance of a joint tenancy on remaining joint tenants; and
- ▶ makes technical changes.

Amends 57-1-5

Effective May 1, 2006

Chapter 236, Laws of Utah 2006

SB 132 Surplus Property Amendments (*Peter C. Knudson*)

This bill modifies the Administrative Services Code to amend certain rulemaking authority of the Division of Fleet Operations.

This bill:

- ▶ defines personal handheld electronic device;
 - ▶ provides an exception for rulemaking authority giving priority to state and local agencies on the purchase of certain surplus property;
 - ▶ allows the Division of Fleet Operations to make rules to provide for the sale of personal handheld electronic devices to certain users upon a change in employment status; and
 - ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 63A-9-808

Effective February 24, 2006

Chapter 6, Laws of Utah 2006

SB 134 Lien Duration of a Foreign Judgment (*Thomas V. Hatch*)

This bill specifies the time at which a foreign judgment expires.

This bill:

- ▶ provides that a foreign judgment expires eight years after the date of entry by the court in the foreign jurisdiction unless the lien is renewed in Utah as required by Utah law.

Amends 78-22a-5

Effective May 1, 2006

Chapter 43, Laws of Utah 2006

SB 135 Inherent Risk of Skiing Amendments (*Lyle W. Hillyard*)

This bill expands the definition of the inherent risk of skiing to include competitive and professional skiing and more fully describes the hazards associated with changing weather and snow conditions, surface and subsurface conditions, variations in different terrain, and the potential impact with towers and other structures.

This bill:

- ▶ defines skier as a person who, within a ski area, uses skis, sled, tube, snowboard, or any other device to engage in the sport of skiing;
- ▶ defines the sport of skiing to include participation in, or practicing or training for, competitions or special events;
- ▶ more fully describes the inherent hazards of changing weather and snow conditions by identifying different types of snow conditions such as hard pack, powder, packed powder, wind pack, corn, crust, slush, cut-up snow, and machine-made snow;
- ▶ more fully describes the inherent hazards of surface and subsurface conditions by referencing cliffs, trees, streambeds, and other natural objects; and
- ▶ more fully describes variations and steepness in terrain to include snowmaking and grooming operations and terrain parks and features, such as jumps, rails, fun boxes, and other constructed and natural features, such as half pipes, quarter pipes, and freestyle-bump terrain.

Amends 78-27-52

Effective May 1, 2006

Chapter 126, Laws of Utah 2006

SB 136 Tax on Insurance Premiums (*Curtis S. Bramble*)

This bill decreases the tax rate paid by corporations on certain insurance premiums for the purchase of variable life insurance.

This bill:

- ▶ decreases the tax rate paid by corporations on certain insurance premiums for the purchase of variable life insurance;
- ▶ amends confidentiality provisions to allow the State Tax Commission to report information regarding taxes paid on certain variable life insurance premiums;
- ▶ requires the Revenue and Taxation Interim Committee to study the rate reduction on certain variable life insurance premiums; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation to January 1, 2006.

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

Amends 59-1-403, 59-9-101

Effective May 1, 2006

Chapter 44, Laws of Utah 2006

SB 137 Business Organization and Division of Corporations and Commercial Code Amendments
(Gregory S. Bell)

This bill makes changes to certain provisions affecting business organizations and the Division of Corporations and Commercial Code.

This bill:

- ▶ allows a document required to be filed by a nonprofit corporation or a corporation to be signed by an attorney in fact;
- ▶ provides that a claim against a dissolved corporation may not be made more than seven years after the dissolution;
- ▶ changes the fee that may be collected by the Division of Corporations and Commercial Code for service of process upon the division under Sections 41-12a-505 and 48-2c-310; and
- ▶ makes technical changes.

Amends 16-6a-105, 16-10a-120, 16-10a-1407, 41-12a-505, 48-2c-310

Effective May 1, 2006

Chapter 127, Laws of Utah 2006

SB 139 Reportable Transactions Act (Howard A. Stephenson)

This bill amends the Revenue and Taxation title to create the Reportable Transactions Act.

This bill:

- ▶ creates a part known as the "Reportable Transactions Act";
- ▶ provides definitions;
- ▶ requires a taxpayer to disclose a reportable transaction and provides procedures and requirements for making such a disclosure;
- ▶ requires a material advisor to disclose a reportable transaction and provides procedures and requirements for making such a disclosure;
- ▶ requires a material advisor to maintain a list containing certain information relating to a reportable transaction and provides procedures and requirements for maintaining the list;
- ▶ provides penalties;
- ▶ provides that the State Tax Commission may waive, reduce, or compromise a penalty for reasonable cause; and
- ▶ grants rulemaking authority to the State Tax Commission.
- ▶ This bill takes effect for taxable years beginning on or after January 1, 2007.

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

Enacts 59-1-1301, 59-1-1302, 59-1-1303, 59-1-1304, 59-1-1305, 59-1-1306, 59-1-1307, 59-1-1308, 59-1-1309

Effective January 1, 2007

Chapter 237, Laws of Utah 2006

SB 140 Unlawful Outdoor Advertising Amendments (Michael G. Waddoups)

This bill modifies the Utah Outdoor Advertising Act by amending provisions related to unlawful outdoor advertising.

This bill:

- ▶ increases the fine from \$10 to \$100 for each day an unlawful outdoor advertising sign is maintained following the expiration of ten days after notice of agency action was filed and served.

Amends 72-7-508

Effective May 1, 2006

Chapter 45, Laws of Utah 2006

SB 141 Response to HIPAA Changes (*Peter C. Knudson*)

This bill amends provisions in the Judicial Code related to a surviving spouse's access to medical records of a deceased spouse.

This bill:

- ▶ allows a physician or health care worker with medical records of a deceased person to recognize the deceased person's surviving spouse or adult child as a personal representative of the deceased person for purposes of access to medical records under state records laws and federal HIPAA laws.

Enacts 78-25-25.5

Effective May 1, 2006

Chapter 238, Laws of Utah 2006

SB 143 Revisor's Statute (*Michael G. Waddoups*)

This bill modifies parts of the Utah Code to make technical corrections including eliminating references to repealed provisions, making minor wording changes, updating cross references, and correcting numbering.

This bill:

- ▶ modifies parts of the Utah Code to make technical corrections including eliminating references to repealed provisions, making minor wording changes, updating cross references, and correcting numbering.
- ▶ None

Amends 17-50-101, 26-18-2.3, 53-3-204, 58-37-7.5, 58-37-7.7, 62A-4a-117, 62A-5-101, 63-38f-1211, 63-38f-1411, 63-55b-158, 63-56-409, 63E-1-102, 63E-1-302, 63E-1-303, 77-36-1, 78-14-5.5; Repeals 78-45e-3

Effective May 1, 2006

Chapter 46, Laws of Utah 2006

SB 146 Physician Assistants and Public Health Amendments (*Gregory S. Bell*)

This bill amends the Division of Occupational and Professional Licensing Code to include physician assistants in the list of health care professionals who can respond to declared public health emergencies and who are included in the immunity from liability provisions applicable to public health emergencies.

This bill:

- ▶ amends the exemption from licensure provisions related to declared public health emergencies to include physician assistants in the list of health care professionals who can respond to the public health emergency under a modified scope of practice; and
- ▶ extends the liability protections for charity care to physician assistants.

Amends 58-1-307, 58-13-3

Effective May 1, 2006

Chapter 239, Laws of Utah 2006

SB 147 **Division of Consumer Protection Amendments** (*Dan R. Eastman*)

This bill addresses various provisions administered by the Division of Consumer Protection.

This bill:

- ▶ increases the maximum amount of an administrative fine under Title 13, Chapter 15, Business Opportunity Disclosure Act;
- ▶ expands the definition of a credit services organization under Title 13, Chapter 21, Credit Services Organizations Act;
- ▶ increases the maximum amount of an administrative fine under Title 13, Chapter 21, Credit Services Organizations Act;
- ▶ narrows the definition of a health spa under Title 13, Chapter 23, Health Spa Services Protection Act;
- ▶ clarifies an exemption from bond requirements under Title 13, Chapter 23, Health Spa Services Protection Act;
- ▶ eliminates references limiting an exemption from Title 13, Chapter 34, Utah Postsecondary Proprietary School Act, to Utah schools;
- ▶ clarifies an exemption under Title 13, Chapter 34, Utah Postsecondary Proprietary School Act, for aviation training; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 13-15-6, 13-21-2, 13-21-8, 13-23-2, 13-23-6, 13-34-105; Repeals 13-25a-110

Effective March 10, 2006

Chapter 47, Laws of Utah 2006

SB 148 **Punitive Damages - Discovery of Wealth** (*Gregory S. Bell*)

This bill requires that before discovery of a party's wealth or financial condition is conducted, a prima facie case must be made that an award of punitive damages is reasonably probable.

This bill:

- ▶ requires a prima facie case that an award of punitive damages is reasonably probable before discovery is permitted concerning a party's wealth or financial condition.

Amends 78-18-1

Effective May 1, 2006

Chapter 48, Laws of Utah 2006

SB 149 **Providing for Indigent Defense** (*Gregory S. Bell*)

This bill authorizes counties to create a legal defender's office as a department within county government.

This bill:

- ▶ authorizes counties to create legal defender's offices;
- ▶ permits county legal defender's offices to contract with other counties and municipalities within the same judicial district to provide legal counsel and defense resources for indigent criminal defendants; and
- ▶ requires the court to assign criminal indigent defendants to the county legal defender's office for legal services.

Amends 77-32-201, 77-32-302, 77-32-304.5, 77-32-306

Effective May 1, 2006

Chapter 49, Laws of Utah 2006

SB 150 Restitution Amendments (*Gregory S. Bell*)

This bill requires the full amount of restitution to be paid before a person can be eligible for an expungement.

This bill:

- ▶ requires the full amount of court ordered restitution be paid:
 - before a person can be eligible for an expungement; and
 - before a court can enter a conviction to the next lower degree of a criminal offense; and
- ▶ requires a petitioner to pay the full amount of restitution ordered by a court for the criminal conviction for which the person is seeking an expungement.

Amends 76-3-402, 77-18-12

Effective May 1, 2006

Chapter 50, Laws of Utah 2006

SB 153 Uniform Environmental Covenants Act (*Lyle W. Hillyard*)

This bill enacts the Uniform Environmental Covenants Act.

This bill:

- ▶ defines terms;
- ▶ identifies who may be a holder of an environmental covenant;
- ▶ defines the rights of a holder of an environmental covenant;
- ▶ outlines the required and optional elements of an environmental covenant;
- ▶ describes the effect of an environmental covenant on other interests and instruments;
- ▶ provides that the chapter does not authorize a use of real property prohibited by:
 - a zoning law;
 - other land use law; or
 - a recorded instrument with priority over an environmental covenant;
- ▶ provides a notice requirement for an environmental covenant;
- ▶ provides for the recording of an environmental covenant;
- ▶ provides for determining the duration of an environmental covenant;
- ▶ provides for amendments to or termination of an environmental covenant;
- ▶ provides for civil enforcement of an environmental covenant;
- ▶ includes provisions regarding interpretation of the chapter and its relation to certain federal laws; and
- ▶ contains a severability clause.

Amends 19-10-101; Enacts 57-25-101, 57-25-102, 57-25-103, 57-25-104, 57-25-105, 57-25-106, 57-25-107, 57-25-108, 57-25-109, 57-25-110, 57-25-111, 57-25-112, 57-25-113, 57-25-114

Effective May 1, 2006

Chapter 51, Laws of Utah 2006

SB 155 **Amendments to County and Municipal Land Use Provisions** (*Gregory S. Bell*)

This bill modifies county and municipal land use, management, and development provisions.

This bill:

- ▶ corrects a reference in the definition of residential facility for elderly persons;
- ▶ provides an exception to public hearing notice requirements for certain subdivisions of ten lots or less;
- ▶ makes certain hearing and notice requirements applicable to public streets and rights-of-way rather than to platted streets;
- ▶ clarifies legislative body authority to enact land use ordinances and a zoning map;
- ▶ modifies a requirement for a planning commission recommendation on a plat to provide that the recommendation is required only if the planning commission is not the land use authority;
- ▶ modifies a provision related to an exemption from plat requirements for agricultural land;
- ▶ establishes a minimum of ten days for appealing a decision of a land use authority to an appeal authority; and
- ▶ makes technical changes.

Amends 10-9a-103, 10-9a-207, 10-9a-208, 10-9a-501, 10-9a-603, 10-9a-604, 10-9a-605, 10-9a-704, 10-9a-708, 11-36-201, 11-36-202, 17-27a-103, 17-27a-207, 17-27a-208, 17-27a-501, 17-27a-603, 17-27a-604, 17-27a-605, 17-27a-704, 17-27a-708

Effective May 1, 2006

Chapter 240, Laws of Utah 2006

SB 158 **Administrative Rulemaking Authority Amendments** (*Howard A. Stephenson*)

This bill provides rulemaking authority to the Governor's Office of Economic Development and to the executive director of the Department of Administrative Services.

This bill:

- ▶ provides administrative rulemaking authority to the Governor's Office of Economic Development that is substantially similar to rulemaking authority held by the previous Department of Community and Economic Development; and
- ▶ reinstates prior administrative rulemaking authority to the executive director of the Department of Administrative Services.

The original bill was recommended by the Administrative Rules Review Committee

Amends 63-38f-303, 63-38f-416, 63-38f-1111, 63-38f-1206, 63-38f-1211, 63-38f-1304, 63-38f-1305, 63-38f-1307, 63-38f-1604; Enacts 63-38f-501.5, 63A-1-105.5

Effective May 1, 2006

Chapter 52, Laws of Utah 2006

SB 159 **District Court Judge** (*Mark B. Madsen*)

This bill adds a new judge to the Fourth Judicial District.

This bill:

- ▶ adds a new judge position to the Fourth District Court.

Amends 78-1-2.2

Effective May 1, 2006

Chapter 241, Laws of Utah 2006

SB 160 Physician Licensing Amendments (*Beverly Ann Evans*)

This bill amends the licensure by endorsement provisions and the exemption from licensure provisions of the Utah Medical Practices Act.

This bill:

- ▶ amends the licensure by endorsement provisions of the Utah Medical Practices Act and the Utah Osteopathic Medical Practice Act to permit applicants for licensure by endorsement to practice in the state for up to one year while the application is pending.

Amends 58-67-302, 58-68-302

Effective May 1, 2006

Chapter 53, Laws of Utah 2006

SB 161 Mechanics' Lien and Payment Amendments (*Scott K. Jenkins*)

This bill modifies the lien provisions to address mechanics' liens or payment rights including the waiver of such liens or rights.

This bill:

- ▶ enacts language addressing waiver or impairment of mechanics' lien rights;
- ▶ creates forms for waiver and release of mechanics' liens or bond rights that may be used to comply with waiver and release requirements;
- ▶ creates forms for restrictive endorsements related to a waiver and release that may be used to comply with waiver and release requirements;
- ▶ addresses when payments are made by checks;
- ▶ addresses the enforcement of accord and satisfactions or settlements;
- ▶ addresses enforcement of waivers and releases not complying with the new provision; and
- ▶ makes the new language applicable to a waiver and release or restrictive endorsement signed on or after January 1, 2007.
- ▶ This bill takes effect on January 1, 2007.

Enacts 38-1-39

Effective January 1, 2007

Chapter 203, Laws of Utah 2006

SB 162 Department of Financial Institutions Enforcement of Applicable Law (*Lyle W. Hillyard*)

This bill modifies the Financial Institutions Act, Utah Uniform Consumer Credit Code, and the Mortgage Lending and Servicing Act to address enforcement of federal, state, or local law.

This bill:

- ▶ makes a violation of applicable federal law a violation of the Financial Institutions Act and provides for enforcement;
- ▶ expands the federal laws enforced under certain registration acts;
- ▶ clarifies enforcement of federal law under certain registration acts;
- ▶ clarifies enforcement of rules under certain registration acts;
- ▶ addresses enforcement under the Utah Uniform Consumer Credit Code including enforcement of federal law;
- ▶ makes a violation of applicable federal law a violation of the Mortgage Lending and Servicing Act that can be enforced by the department;
- ▶ repeals language related to compliance with other applicable law related to banks, bank subsidiaries, and persons employed or appointed by banks or bank subsidiaries; and
- ▶ makes technical changes.

Amends 7-23-105, 7-23-108, 7-24-202, 7-24-303, 70C-8-104, 70D-1-14; Enacts 7-1-325; Repeals 7-3-3.1

Effective May 1, 2006

Chapter 165, Laws of Utah 2006

SB 164 **Repeal of Ordination by Internet** (*Gene Davis*)

This bill repeals a code section that was declared unconstitutional by a court.

This bill:

- ▶ repeals Section 30-1-6.1, Ordination by Internet not valid.

Repeals 30-1-6.1

Effective May 1, 2006

Chapter 54, Laws of Utah 2006

SB 165 **Corporations - Professional Services Amendment** (*Lyle W. Hillyard*)

This bill amends Title 16, Chapter 11, Professional Corporation Act, to include service provided by a landscape architect as a professional service.

This bill:

- ▶ amends Title 16, Chapter 11, Professional Corporation Act, to include service provided by a landscape architect as a professional service;
- ▶ clarifies what address incorporators must use in articles of incorporation; and
- ▶ makes technical changes.

Amends 16-11-2, 16-11-4

Effective May 1, 2006

Chapter 242, Laws of Utah 2006

SB 167 **Juvenile Offenses - Diversion Amendment** (*Patrice M. Arent*)

This bill modifies the Code of Criminal Procedure regarding diversion for juvenile offenders.

This bill:

- ▶ provides that in specified situations involving sexual activity between two persons younger than 16, the court may use the sentencing option of diversion.

Amends 77-2-9

Effective May 1, 2006

Chapter 166, Laws of Utah 2006

SB 168 **Community Association Act Amendments** (*Michael G. Waddoups*)

This bill allows a homeowner association to impose fines for violations of the association's rules.

This bill:

- ▶ allows a homeowner association to impose fines for violations of the association's rules;
- ▶ requires the homeowner association to notify a lot owner of a violation and inform the lot owner of applicable fines; and
- ▶ provides for a hearing in which a lot owner may protest fines.

Enacts 57-8a-208

Effective May 1, 2006

Chapter 243, Laws of Utah 2006

SB 171 **Judiciary Amendments** (*Lyle W. Hillyard*)

This bill clarifies when certain types of municipal funds are required to be deposited, makes changes to the sealing of certain court records, allows the tax commission to share certain information with specific agencies, eliminates the requirements for a written undertaking, corrects a number of erroneous cross-references, and makes technical corrections.

This bill:

- ▶ clarifies that municipal funds are required to be deposited according to statutory requirements;
- ▶ changes the sealing of court records to classifying them as private;
- ▶ specifies that the tax commission may share specific information with the courts and the Office of Recovery Services;
- ▶ deletes the requirement that the Supreme Court approve forms for written undertakings for bail bonds;
- ▶ cleans up cross-references to the Juvenile Court Act of 1996 and the Utah Uniform Parentage Act; and
- ▶ makes technical corrections.

Amends 10-3-716, 26-2-22, 30-3-4, 30-3-15.3, 59-1-403, 59-10-540, 62A-4a-116.6, 62A-4a-202.2, 62A-4a-202.6, 62A-11-104, 62A-11-328, 63A-11-102, 77-20-4, 78-3a-104, 78-3a-105, 78-3a-116, 78-3a-502, 78-30-4.14; Repeals 59-10-545

Effective May 1, 2006

Chapter 55, Laws of Utah 2006

SB 172 **Vital Statistics Act Amendments** (*Thomas V. Hatch*)

This bill amends provisions of the Utah Vital Statistics Act relating to certificates of death.

This bill:

- ▶ defines terms;
- ▶ replaces the term “funeral director” with the term “funeral service director”;
- ▶ removes the authority of a “person acting as the funeral director” to engage in certain conduct under the Utah Vital Statistics Act;
- ▶ describes the persons who have the authority and responsibility to fulfill certain duties relating to the signing and filing of a certificate of death, and the gathering, recording, and provision of information;
- ▶ provides that it is a class B misdemeanor for a person who is not a funeral service director employed by a licensed funeral establishment to intentionally sign the portion of a certificate of death that is required to be signed by a funeral service director; and
- ▶ makes technical changes.

Amends 26-2-2, 26-2-13, 26-2-16, 26-2-17, 26-2-18, 26-2-22

Effective May 1, 2006

Chapter 56, Laws of Utah 2006

SB 173 Licensure of Programs and Facilities - Criminal Background Check Amendments*(Thomas V. Hatch)*

This bill modifies criminal background check requirements, contained in the Licensure of Programs and Facilities chapter of the Utah Human Services Code, for a person who has direct access to children or vulnerable adults.

This bill:

- ▶ modifies the requirements for a person undergoing a criminal background check by the Office of Licensing, within the Department of Human Services, to determine whether the person may have direct access to children or vulnerable adults;
- ▶ provides that a person described in the preceding paragraph who continuously lived in Utah during the five years preceding the background check, except for time spent outside of the United States and its territories, is not required to submit fingerprints for an FBI national criminal history record check;
- ▶ provides that the office shall require a person described in the preceding paragraph to submit documentation establishing whether the person was convicted of a crime during the time that the person spent outside of the United States and its territories; and
- ▶ grants rulemaking authority to the Office of Licensing.

Amends 62A-2-120

Effective May 1, 2006

Chapter 57, Laws of Utah 2006

SB 174 In-state Tuition for Members of Utah National Guard *(Peter C. Knudson)*

This bill provides resident status for members of the Utah National Guard at state institutions of higher education.

This bill:

- ▶ provides that a member of the Utah National Guard 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 member of the Utah National Guard.

Amends 53B-8-102

Effective May 1, 2006

Chapter 244, Laws of Utah 2006

SB 176 Contact Lens Consumer Protection Act *(Curtis S. Bramble)*

This bill enacts the Contact Lens Consumer Protection Act within the Utah Optometry Practice Act in relation to producing, prescribing, marketing, selling, and distributing contact lenses.

This bill:

- ▶ defines "alternative channels of distribution," "competitor," "manufacturer," and "prescriber" for purposes of the Contact Lens Consumer Protection Act;
- ▶ provides that a manufacturer of contact lenses who sells, markets, or distributes contact lenses in the state shall certify by affidavit to the attorney general that the brand of lenses are made available in a commercially reasonable and nondiscriminatory manner to prescribers, entities associated with prescribers, and alternative channels of distribution;
- ▶ provides for exceptions and limitations regarding the conduct of prescribers and manufacturers; and
- ▶ provides penalties for violations.

Enacts 58-16a-901, 58-16a-902, 58-16a-903, 58-16a-904, 58-16a-905, 58-16a-906

Effective May 1, 2006

Chapter 245, Laws of Utah 2006

SB 177 Water Right Application Amendment (*Thomas V. Hatch*)

This bill expands the definition of public agency for purposes of the completion of a water right application.

This bill:

- ▶ includes the Bureau of Reclamation in the definition of public agency.

Amends 73-3-12

Effective May 1, 2006

Chapter 58, Laws of Utah 2006

SB 178 State Executive Compensation - Department of Health (*Peter C. Knudson*)

This bill amends state officer compensation.

This bill:

- ▶ permits the governor to establish a salary for the executive director of the Department of Health that distinguishes between a physician or nonphysician executive director.
- ▶ This bill provides an effective date.

Amends 67-22-2 (Effective 07/01/06), 67-22-2 (Superseded 07/01/06)

Effective March 13, 2006

Chapter 128, Laws of Utah 2006

SB 179 Amendments to Sales and Use Tax Exemptions for Certain Vehicles, Boats, Boat Trailers, and Outboard Motors (*Howard A. Stephenson*)

This bill amends the Sales and Use Tax Act relating to sales and use tax exemptions.

This bill:

- ▶ amends sales and use tax exemptions to provide that sales of a vehicle or boat required to be registered in this state, or a boat trailer or outboard motor are exempt if the vehicle, boat, boat trailer, or outboard motor is both not:
 - registered in this state; and
 - used in this state except as necessary for transportation to the borders of this state; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 59-12-104

Effective July 1, 2006

Chapter 246, Laws of Utah 2006

SB 180 Motor Vehicle Lease Agreements *(Mark B. Madsen)*

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions related to dealer disclosures.

This bill:

- ▶ provides that a dealer may not issue a temporary permit or release possession of a motor vehicle unless the dealer makes certain disclosures in a contract to enter into a lease agreement;
- ▶ provides that if a dealer does not properly execute the required disclosures or if the dealer is unable to secure financing arrangements as set forth in the disclosures, a prospective lessee shall return the motor vehicle and receive a refund of all money and consideration given;
- ▶ provides that if a dealer has sold or otherwise disposed of a motor vehicle or other property traded in, the dealer shall return the amount of money equivalent to the trade-in allowance disclosed in a contract to enter into a lease agreement;
- ▶ provides that if a dealer sends a notice to a prospective lessee that the dealer has not been able to secure financing arrangements within the terms disclosed, the contract is rescinded and the prospective lessee:
 - shall return the vehicle within 48 hours of receiving the notice; and
 - is liable for all physical damage and mileage for the cost of operating the motor vehicle;
- ▶ provides procedures for a dealer to mail a written notice;
- ▶ provides that if a dealer fails to give written notice, the prospective lessee shall return the vehicle within 48 hours of the date the prospective lessee learns that the dealer has not been able to secure financing arrangements as set forth in the disclosure;
- ▶ provides that a prospective lessee or a dealer may bring an action to enforce contractual and statutory rights;
- ▶ provides that the prevailing party in an action shall receive attorneys' fees; and
- ▶ provides that a motor vehicle that is returned pursuant to a contract rescission is not considered leased for purposes of sales and use tax.

Enacts 41-3-401.5

Effective May 1, 2006

Chapter 59, Laws of Utah 2006

SB 182 Direct Sales Amendments *(Mark B. Madsen)*

This bill amends Title 76, Chapter 6a, Pyramid Scheme Act.

This bill:

- ▶ defines "compensation" to exclude commissions earned for the sale of goods or services for actual consumption;
- ▶ makes participation in a pyramid scheme only by receiving compensation for recruiting another person a class B misdemeanor; and
- ▶ makes technical changes.

Amends 76-6a-2, 76-6a-3, 76-6a-4

Effective May 1, 2006

Chapter 247, Laws of Utah 2006

SB 183 Utah Emergency Medical Services Act Amendments (*Dan R. Eastman*)

This bill amends the Utah Emergency Medical Services System Act.

This bill:

- ▶ defines the term “governing body” for purposes of who is authorized to select a provider under a request for proposals.

Amends 26-8a-405.1

Effective May 1, 2006

Chapter 60, Laws of Utah 2006

SB 184 Criminal Identity Fraud Amendments (*Carlene M. Walker*)

This bill modifies the Identity Fraud Act within the Criminal Code regarding use of another person’s identifying information.

This bill:

- ▶ provides that if a person uses another party’s identifying information with fraudulent intent and to obtain anything of value, it is not a defense that the person did not know that the identifying information belonged to another person.

Amends 76-6-1102

Effective May 1, 2006

Chapter 345, Laws of Utah 2006

SB 185 Drug Offender Reform Act Amendments (*Sheldon L. Killpack*)

This bill modifies the assessment provisions of the Drug Offender Reform Pilot Study.

This bill:

- ▶ amends the Drug Offender Reform Pilot Study to require screening and assessment for all felony offenders within the jurisdiction of the pilot project, rather than only those felony offenders convicted of a violation of the Controlled Substance Act.

Amends 63-25a-205.5, 77-18-1.1

Effective May 1, 2006

Chapter 61, Laws of Utah 2006

SB 186 Revocation of Death Benefits by Divorce (*Karen Hale*)

This bill repeals a section that duplicates the intent of another section of the code.

This bill:

- ▶ repeals a duplicate section dealing with revocation of revocable beneficiary designations when parties divorce; and
- ▶ makes technical changes.

Amends 31A-22-413; Repeals 30-3-7.5

Effective May 1, 2006

Chapter 62, Laws of Utah 2006

SB 187 Science and Technology Education Program *(Peter C. Knudson)*

This bill establishes an informal science and technology education program within the Governor's Office of Economic Development.

This bill:

- ▶ establishes an informal science and technology education program within the Governor's Office of Economic Development; and
- ▶ provides program staffing, governance, and duties.
- ▶ This bill appropriates:€as an ongoing appropriation subject to future budget constraints, \$100,000 from the General Fund for fiscal year 2006-07 to the Governor's Office of Economic Development.
- ▶ This bill takes effect on July 1, 2006.

Enacts 63-38f-608

Effective July 1, 2006

Chapter 63, Laws of Utah 2006

SB 189 Constitutional Revision Commission Amendments *(Peter C. Knudson)*

This bill modifies provisions relating to the Utah Constitutional Revision Commission.

This bill:

- ▶ renumbers and amends provisions relating to the Utah Constitutional Revision Commission;
- ▶ reduces commission membership by one member;
- ▶ permits the commission to invite testimony from the governor, state agencies, members of the Utah Legislature, and responsible members of the public;
- ▶ clarifies provisions relating to the appointment of members to fill vacancies;
- ▶ provides that a person appointed to fill a vacancy begins serving a new term;
- ▶ modifies a provision relating to commission recommendations to the Legislature;
- ▶ repeals a provision concerning staggering the terms of commission members in 1977 and a provision relating to commission reports; and
- ▶ makes technical corrections.

Enacts 63-54-101, 63-54-102; Renumbers and Amends 63-54-1 to 63-54-103, 63-54-2 to 63-54-104, 63-54-3 to 63-54-105, 63-54-4 to 63-54-106, 63-54-5 to 63-54-107, 63-54-6 to 63-54-108, 63-54-8 to 63-54-109; Repeals 63-54-7, 63-54-9

Effective May 1, 2006

Chapter 248, Laws of Utah 2006

SB 190 Shared Government Records Amendments *(Mike Dmitrich)*

This bill modifies the Government Records Access and Management Act by amending provisions for requesting records from certain governmental entities that receive the record as a shared record.

This bill:

- ▶ provides that a person making a request for a record shall submit the request to the governmental entity that prepared, owns, or retains the record; and
- ▶ provides that a governmental entity that has received a record as a shared record from another governmental entity for auditing purposes may not provide the record;
- ▶ provides that if a governmental entity is prohibited from providing certain records, it shall deny the records request and inform the person making the request that records requests must be submitted to the governmental entity that prepares, owns, or retains the record; and
- ▶ makes technical changes.

Amends 63-2-204

Effective May 1, 2006

Chapter 64, Laws of Utah 2006

SB 191 Service Contracts Act Amendments (*Michael G. Waddoups*)

This bill amends the Service Contracts Act.

This bill:

- ▶ amends the definition of “consumer” under the act;
- ▶ clarifies the time period during which notice may be provided by a seller; and
- ▶ makes technical changes.

Amends 15-10-102, 15-10-201

Effective May 1, 2006

Chapter 167, Laws of Utah 2006

SB 193 Speed Contest or Exhibition Amendments (*Karen Hale*)

This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by amending provisions relating to engaging in a speed contest or an exhibition of speed.

This bill:

- ▶ requires a peace officer that arrests or cites an operator of a vehicle for violating the speed contest or exhibition of speed provision to seize and impound the vehicle with certain exceptions;
- ▶ provides that if a vehicle is impounded and removed, the registered owner shall follow certain procedures and pay an administrative impound fee to have the vehicle released;
- ▶ provides that a person who violates the speed contest or exhibition of speed provision is guilty of a class B misdemeanor;
- ▶ requires the Driver License Division to suspend a person’s driver license if the person violates the speed contest or exhibition of speed provision for a period of 60 days for a first offense and 90 days for a second offense;
- ▶ requires a court to forward the report of a speed contest or exhibition of speed conviction to the Driver License Division; and
- ▶ makes technical changes.

Amends 41-6a-527, 41-6a-606, 53-3-220

Effective May 1, 2006

Chapter 168, Laws of Utah 2006

SB 196 Revisions to Redevelopment Agency Provisions (*Curtis S. Bramble*)

This bill modifies and reorganizes provisions relating to redevelopment agencies.

This bill:

- ▶ rewrites and reorganizes redevelopment agency provisions and repeals and amends existing provisions, repeals some provisions, and enacts some provisions;
 - ▶ changes terminology from redevelopment agency to community development and renewal agency and from redevelopment to urban renewal;
 - ▶ eliminates education housing development as one of the types of projects that an agency may undertake;
 - ▶ authorizes agencies to undertake community development;
 - ▶ modifies some definitions and adds new definitions that are applicable to community
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- development and renewal agencies;
- ▶ provides that actions taken under community development and renewal statutory provisions are not subject to land use statutory provisions;
- ▶ authorizes an agency to change its name;
- ▶ authorizes a county, city, or town to authorize an agency to conduct activities in a project area that includes an area within the boundaries of the county, city, or town;
- ▶ eliminates a notice requirement before a public entity may become obligated to make required improvements in connection with a project area plan;
- ▶ clarifies that a public entity's grant or contribution of funds to an agency is not subject to provisions relating to municipal appropriations and acquisitions and disposals of property;
- ▶ modifies publication of notice requirements relating to the sale or other disposition of agency property;
- ▶ authorizes agencies to receive and use sales tax from other taxing entities, in addition to tax increment;
- ▶ authorizes an agency undertaking a community development project to negotiate with other taxing entities and to receive tax increment and sales tax revenues from those other entities as those other entities agree;
- ▶ modifies the applicability of a requirement to create a taxing entity committee so that it applies only to urban renewal and economic development projects;
- ▶ modifies the number of taxing entity committee members needed for the committee to take action;
- ▶ authorizes an agency to call a meeting of the taxing entity committee and imposes requirements on the notice that must be sent to do so;
- ▶ prohibits a taxing entity committee from voting on a proposed urban renewal or economic development budget or budget amendment at the first meeting to consider the budget or amendment unless all members present consent;
- ▶ prohibits a second meeting on a budget or budget amendment from being within a certain number of days after the first meeting;
- ▶ requires a taxing entity committee to meet annually;
- ▶ replaces the county assessor with the county auditor in a provision requiring a written report to the taxing entity committee;
- ▶ enacts language allowing additional tax increment to be used under a pre-July 1, 1993 project area plan for a convention center or sports complex if construction of the center or complex has begun before June 30, 2002;
- ▶ provides that an agency may, in a budget adopted after the effective date of this bill, provide for the agency to be paid any amount of tax increment and for any period of time, subject to taxing entity committee approval;
- ▶ modifies limitations on the use of tax increment involving the development of retail sales;
- ▶ provides for the permissible uses of sales tax received by an agency;
- ▶ modifies a prohibition against using tax increment for a stadium or arena;
- ▶ modifies a provision allowing an agency to pay agency funds to other taxing entities to allow a taxing entity to withhold its portion of tax increment used to pay other taxing entities if the agency does not pay all taxing entities proportionally equal amounts;
- ▶ requires the value of property with respect to which a taxing entity receives taxes or increased taxes for the first time to be counted as new growth;
- ▶ repeals provisions relating to relocation plans for families and persons displaced from a project area;
- ▶ shortens the time for a person to contest a project area plan or budget;
- ▶ eliminates a provision prohibiting implementation of a project area plan after three years unless the plan is readopted;

- ▶ modifies provisions relating to a challenge of a finding of blight;
- ▶ modifies provisions relating to an amendment of a project area plan;
- ▶ narrows a provision prohibiting the adoption of a budget that exceeds certain limits to apply to only urban renewal projects;
- ▶ modifies a provision relating to the waiver of a requirement that a percentage of tax increment funds be used for housing;
- ▶ modifies a provision defining blight;
- ▶ modifies the requirements applicable to a blight study;
- ▶ modifies the standards that apply to a district court review of a finding of blight;
- ▶ modifies the hearings required for an urban renewal and economic development project;
- ▶ modifies the class of property owners to which notice is required to be given;
- ▶ modifies provisions relating to notice that an agency is required to provide;
- ▶ establishes separate provisions for urban renewal, economic development, and community development with respect to plan adoption, requirements, and amendments;
- ▶ repeals provisions relating to property owner participation in development in a project area;
- ▶ repeals a provision limiting the size of a project area;
- ▶ repeals a provision requiring the preparation of a statement of property owner rights;
- ▶ repeals a provision prohibiting an agency from acquiring property on which an existing building is to be continued on its present site and in its present form unless certain conditions are met; and
- ▶ makes technical changes.

Amends 9-4-704, 10-3-1303, 11-25-2, 11-25-3, 11-25-5, 11-25-11, 11-27-2, 17A-1-403, 59-2-906.1, 59-2-924, 63F-1-507, 67-1a-6.5; Enacts 17C-1-104, 17C-1-405, 17C-1-406, 17C-1-414, 17C-1-607, 17C-3-101, 17C-3-102, 17C-3-103, 17C-3-104, 17C-3-105, 17C-3-106, 17C-3-107, 17C-3-108, 17C-3-109, 17C-3-201, 17C-3-202, 17C-3-203, 17C-3-204, 17C-3-205, 17C-3-301, 17C-3-302, 17C-3-303, 17C-3-401, 17C-3-402, 17C-3-403, 17C-3-404, 17C-4-101, 17C-4-102, 17C-4-103, 17C-4-104, 17C-4-105, 17C-4-106, 17C-4-107, 17C-4-108, 17C-4-201, 17C-4-202, 17C-4-203, 17C-4-204, 17C-4-301, 17C-4-302, 17C-4-401, 17C-4-402; Renumbers and Amends 17B-4-101 to 17C-1-101, 17B-4-102 to 17C-1-102, 17B-4-103 to 17C-1-207, 17B-4-104 to 17C-1-208, 17B-4-105 to 17C-1-103, 17B-4-201 to 17C-1-201, 17B-4-202 to 17C-1-202, 17B-4-203 to 17C-1-203, 17B-4-204 to 17C-1-204, 17B-4-205 to 17C-1-205, 17B-4-206 to 17C-1-206, 17B-4-301 to 17C-1-301, 17B-4-302 to 17C-1-302, 17B-4-303 to 17C-1-303, 17B-4-401 to 17C-2-101, 17B-4-402 to 17C-2-102, 17B-4-403 to 17C-2-103, 17B-4-405 to 17C-2-104, 17B-4-406 to 17C-2-105, 17B-4-407 to 17C-2-106, 17B-4-408 to 17C-2-107, 17B-4-409 to 17C-2-108, 17B-4-410 to 17C-2-109, 17B-4-411 to 17C-2-110, 17B-4-501 to 17C-2-201, 17B-4-502 to 17C-2-505, 17B-4-503 to 17C-2-202, 17B-4-504 to 17C-2-203, 17B-4-505 to 17C-2-204, 17B-4-506 to 17C-2-205, 17B-4-507 to 17C-2-206, 17B-4-602 to 17C-2-301, 17B-4-603 to 17C-2-302, 17B-4-604 to 17C-2-303, 17B-4-605 to 17C-2-304, 17B-4-701 to 17C-2-501, 17B-4-702 to 17C-2-502, 17B-4-703 to 17C-2-503, 17B-4-704 to 17C-2-504, 17B-4-705 to 17C-2-403, 17B-4-801 to 17C-2-401, 17B-4-802 to 17C-2-402, 17B-4-1001 to 17C-1-401, 17B-4-1002 to 17C-1-402, 17B-4-1003 to 17C-1-403, 17B-4-1004 to 17C-1-404, 17B-4-1005 to 17C-1-407, 17B-4-1006 to 17C-1-408, 17B-4-1007 to 17C-1-409, 17B-4-1008 to 17C-1-410, 17B-4-1009 to 17C-1-411, 17B-4-1010 to 17C-1-412, 17B-4-1011 to 17C-1-413, 17B-4-1201 to 17C-1-501, 17B-4-1202 to 17C-1-502, 17B-4-1203 to 17C-1-503, 17B-4-1204 to 17C-1-504, 17B-4-1205 to 17C-1-505, 17B-4-1206 to 17C-1-506, 17B-4-1207 to 17C-1-507, 17B-4-1208 to 17C-1-508, 17B-4-1301 to 17C-1-601, 17B-4-1302 to 17C-1-602, 17B-4-1303 to 17C-1-603, 17B-4-1304 to 17C-1-604, 17B-4-1305 to 17C-1-605, 17B-4-1306 to 17C-1-606, 17B-4-1401 to 17C-1-701; Repeals 17B-4-404, 17B-4-601, 17B-4-901, 17B-4-902, 17B-4-1101, 17B-4-1104

Effective May 1, 2006

Chapter 359, Laws of Utah 2006

SB 198 Property Tax - Intangible Property (*Curtis S. Bramble*)

This bill amends the Property Tax Act to address the definition of intangible property and to define related terms.

This bill:

- ▶ defines “goodwill”;
- ▶ defines “intangible property” to include goodwill; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation to January 1, 2006.

Amends 59-2-102

Effective May 1, 2006

Chapter 249, Laws of Utah 2006

SB 205 Real Property - Partial Release or Partial Reconveyance (*Thomas V. Hatch*)

This bill addresses partial releases and reconveyances of real property.

This bill:

- ▶ expands the definition of “delivery” applicable to reconveyances and releases of real property;
- ▶ eliminates the need to record a copy of a release or reconveyance of a mortgage or trust deed;
- ▶ outlines the method of partially reconveying or partially releasing real property subject to a trust deed or mortgage;
- ▶ provides forms for certain documents required to partially reconvey or partially release real property subject to a trust deed or mortgage; and
- ▶ makes technical changes.

Amends 57-1-39, 57-1-40; Enacts 57-1-40.5

Effective May 1, 2006

Chapter 250, Laws of Utah 2006

SB 209 Waste Fee Amendments (*Dan R. Eastman*)

This bill modifies nonhazardous solid waste disposal fees and reduces the amount of waste disposal fees that are deposited into the General Fund.

This bill:

- ▶ reduces the amount of waste disposal fees that are deposited into the General Fund;
- ▶ modifies provisions relating to the payment of fees on wastes containing polychlorinated biphenyls;
- ▶ modifies waste fees charged for certain wastes received for disposal by:
 - commercial nonhazardous solid waste disposal facilities;
 - facilities solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government; and
 - waste disposal facilities owned by a political subdivision;
- ▶ defines terms;
- ▶ establishes fees on certain wastes sent to nonhazardous solid waste disposal or treatment facilities that are not otherwise subject to a fee under the bill by owners or operators of transfer stations or recycling centers; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 19-1-108, 19-6-118.5, 19-6-119

Effective July 1, 2006

Chapter 251, Laws of Utah 2006

SB 214 Office of State Debt Collection Amendments (*Peter C. Knudson*)

This bill modifies Title 63A, Chapter 8, Office of State Debt Collection, to amend certain funding provisions of the Office of State Debt Collection.

This bill:

- ▶ allows the Office of State Debt Collection to:
 - collect reasonable attorney's fees and reasonable costs of collection that are related to certain collections; and
 - collect interest and fees that are related to certain collections of receivables;
- ▶ changes the State Debt Collection Fund from an internal service fund to a restricted special revenue fund;
- ▶ establishes certain allowed uses of the fund monies;
- ▶ requires the office to report at least annually to the Legislature on the fund;
- ▶ provides certain rulemaking authority; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 63A-8-201, 63A-8-204, 63A-8-301

Effective July 1, 2006

Chapter 65, Laws of Utah 2006

SB 220 Tie Bids - Preference for In-state Commodities (*Darin G. Peterson*)

This bill modifies the Utah Procurement Code to enact procedures for resolving tie bids.

This bill:

- ▶ provides definitions;
- ▶ establishes statutory procedures for resolving tie bids under the Utah Procurement Code;
- ▶ requires that tie bids for contracts for the provision of commodities other than services or construction be awarded to a provider of state products if all other tied bidders are providers of out-of-state products and other conditions are met;
- ▶ permits the procurement officer to select one of several methods to make an award of a tie bid if the preference for a single provider of state products does not apply; and
- ▶ requires a state public procurement unit to keep a record of all tie bids and to provide a copy of the record to the attorney general for bids over a certain amount.

Enacts 63-56-426

Effective May 1, 2006

Chapter 66, Laws of Utah 2006

SB 221 Levies for the Assessment and Collection of Property Taxes (*Howard A. Stephenson*)

This bill amends the Property Tax Act relating to the assessment and collection of certain property taxes.

This bill:

- ▶ amends the levy requirements for counties participating in the Property Tax Valuation Agency Fund;
- ▶ amends the multicounty assessing and collecting levy requirements and procedures;
- ▶ requires a contributing county to levy sufficient property taxes to fund its county budgets; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation to January 1, 2006.

Amends 59-2-906.1

Effective May 1, 2006

Chapter 67, Laws of Utah 2006

SB 222 Outdoor Advertising - Height Adjustment of Signs (*Parley G. Hellewell*)

This bill modifies the Utah Outdoor Advertising Act by amending provisions related to the height adjustment of outdoor advertising signs.

This bill:

- ▶ provides that if the view and readability of an outdoor advertising sign, including certain signs, is obstructed due to an improvement created on real property subsequent to the department's disposal of the property, the owner of the sign may adjust the height of the sign or relocate the sign within 500 feet of its prior location if the sign complies with certain provisions; and
- ▶ makes technical changes.

Amends 72-7-510.5

Effective May 1, 2006

Chapter 68, Laws of Utah 2006

SB 224 Motor Vehicle Insurance Amendments (*Sheldon L. Killpack*)

This bill modifies the Insurance Code by amending provisions related to arbitration for uninsured and underinsured motorist coverage claims.

This bill:

- ▶ provides that the named insured or a covered person asserting a claim against the person's uninsured or underinsured motorist carrier may elect to resolve the claim by submitting the claim to binding arbitration or through litigation;
- ▶ provides procedures for resolving the claim through arbitration;
- ▶ provides that an arbitration award may not exceed the uninsured or underinsured motorist policy limits of all applicable uninsured or underinsured motorist policies, including any applicable umbrella uninsured or underinsured motorist policies;
- ▶ provides that the arbitrator or arbitration panel may award reasonable attorney's fees and costs if the claim was not brought, pursued, or defended in good faith;
- ▶ provides that an arbitration award issued by a single arbitrator or an arbitration panel shall be the final resolution of all claims unless:
 - the award was procured by corruption, fraud, or other undue means; or
 - either party files a notice for a trial de novo within 20 days of service of the arbitration award;
- ▶ provides that if a claimant, 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 claimant is responsible for the nonmoving party's costs;
- ▶ provides that if an uninsured or underinsured motorist carrier, 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 uninsured or underinsured motorist carrier is responsible for the nonmoving party's costs;
- ▶ provides that a court may award reasonable attorney fees if the court finds that a party's use of the de novo process was filed in bad faith;
- ▶ provides that if there are multiple uninsured or underinsured motorist policies, the plaintiff may elect to arbitrate in one hearing the claims against all the uninsured or underinsured motorist carriers; and
- ▶ makes technical changes.

Amends 31A-22-302, 31A-22-305; Enacts 31A-22-305.3

Effective May 1, 2006

Chapter 69, Laws of Utah 2006

SB 225 Payment of Tax or Bonding in Tax Cases (*Howard A. Stephenson*)

This bill amends the procedures and requirements to seek judicial review of a State Tax Commission redetermination of a tax deficiency.

This bill:

- ▶ amends the procedures and requirements related to the judicial review of a State Tax Commission redetermination of a tax deficiency; and
- ▶ makes technical changes.
- ▶ This bill provides an effective date.

Enacts 59-1-611; Repeals 59-1-505

Effective May 1, 2006

Chapter 70, Laws of Utah 2006

SB 226 Registration and Title Provisions (*Dan R. Eastman*)

This bill modifies the Motor Vehicles Code by amending motor vehicle registration and title provisions.

This bill:

- ▶ requires that a registration for a vehicle that is leased for more than 45, rather than 30, days shall contain certain information;
- ▶ requires an owner of a manufactured or mobile home to:
 - file an Affidavit of Mobile Home Affixture within 45, rather than 30, days of attaching to real property; or
 - apply for a certificate of title within 45, rather than 30, days of separating from real property;
- ▶ requires a dealer to apply for a certificate of title or Affidavit of Mobile Home Affixture within 45, rather than 30, days of selling a new off-highway vehicle, vessel, or outboard motor;
- ▶ requires a dealer, upon the sale and delivery of a motor vehicle, to submit within 45, rather than 30, days a certificate of title or manufacturer's certificate of origin to the Motor Vehicle Division;
- ▶ requires a dealer, upon the sale and delivery of a motor vehicle, to provide written notice within 45, rather than 30, days of the sale to the Motor Vehicle Division;
- ▶ provides that constructive notice of certain documents dates from the time of execution of the documents;
- ▶ authorizes a dealer to issue a temporary permit to a bona fide purchaser of a motor vehicle for use for a period not to exceed 45, rather than 30, days;
- ▶ provides that a temporary permit outstanding after 45, rather than 30, days is delinquent; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.

Amends 41-1a-213, 41-1a-503, 41-1a-519, 41-1a-605, 41-3-301, 41-3-302

Effective July 1, 2006

Chapter 252, Laws of Utah 2006

SB 228 Special Revenue Fund for Salinity Offset Program (*Peter C. Knudson*)

This bill creates a restricted special revenue fund entitled the "Salinity Offset Fund."

This bill:

- ▶ creates the Salinity Offset Fund, which is a restricted special revenue fund; and
- ▶ provides fund sources and allowed distributions from the fund.

Enacts 4-2-8.5

Effective May 1, 2006

Chapter 71, Laws of Utah 2006

SB 229 **Civil Service Commissions** (*Scott K. Jenkins*)

This bill modifies a provision relating to municipal civil service commissions.

This bill:

- ▶ eliminates a prohibition against the dissolution of a civil service commission by a city that established the commission before a certain date and authorizes the dissolution.

Amends 10-3-1003

Effective May 1, 2006

Chapter 204, Laws of Utah 2006

SB 232 **Amendments to Pete Suazo Athlete Commission** (*Ed Mayne*)

This bill makes changes to the regulation of boxing.

This bill:

- ▶ defines terms;
- ▶ eliminates the position of director and creates the position of commission secretary;
- ▶ allows the commission to issue subpoenas and take evidence;
- ▶ requires a physician for a boxing contest to be selected from among a list of commission-approved physicians;
- ▶ classifies certain positions as licensees;
- ▶ changes a term-limitation provision for commission members;
- ▶ requires a period of time between contests for a contestant; and
- ▶ makes technical changes.

Amends 13-33-102, 13-33-201, 13-33-202, 13-33-203, 13-33-301, 13-33-303, 13-33-401, 13-33-403, 13-33-404, 13-33-504, 13-33-508; Enacts 13-33-406

Effective May 1, 2006

Chapter 72, Laws of Utah 2006

SB 233 **Sales and Use Tax Revisions** (*Curtis S. Bramble*)

This bill amends the Sales and Use Tax Act and provisions relating to sales and use taxation.

This bill:

- ▶ amends, enacts, and repeals provisions relating to determining the location of a transaction for sales and use tax purposes;
- ▶ requires the appointment of delegates to enter into multistate discussions relating to the Streamlined Sales and Use Tax Agreement and report to the Legislature;
- ▶ addresses the collection and remittance of sales and use taxes by a seller that does not have sufficient contacts with the state to be required to collect and remit sales and use taxes to the state;
- ▶ addresses the effective date of certain tax rate increases, repeals, or tax rate changes;
- ▶ establishes which state sales and use taxes shall be deposited into the General Fund;
- ▶ modifies and repeals provisions allowing the State Tax Commission to issue a direct pay permit to a seller;
- ▶ addresses the distribution of certain sales and use taxes to counties, cities, and towns;

- ▶ addresses the deposit of revenues into the Remote Sales Restricted Account;
- ▶ modifies provisions relating to a credit for a repossessed motor vehicle that is resold;
- ▶ modifies reporting requirements to the State Tax Commission and related penalty provisions;
- ▶ repeals the authority for the State Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and repeals related provisions;
- ▶ repeals provisions relating to sellers and certified service providers including provisions relating to:
 - a certified service providers liability;
 - a seller of certified service providers reliance on State Tax Commission information or certain systems; or
 - monetary allowances;
- ▶ repeals provisions relating to amnesty;
- ▶ repeals requirements that certain returns be filed electronically;
- ▶ repeals tax collection, remittance, and reporting requirements for certain sellers;
- ▶ repeals provisions relating to a deduction for bad debt;
- ▶ repeals provisions establishing what constitutes a reasonable business practice for purposes of a seller collecting sales and use taxes that exceed the amount the seller is required to collect;
- ▶ repeals obsolete language; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2006.
- ▶ This bill provides revisor instructions.

Amends 10-1-307, 10-1-405, 59-12-103 (Effective 07/01/06), 59-12-103.1, 59-12-104.3 (Effective 07/01/06), 59-12-105 (Portions Eff 07/01/06 See 59-1-1201), 59-12-107 (Portions Eff 07/01/06 See 59-1-1201), 59-12-107.1 (Effective 07/01/06), 59-12-108, 59-12-110, 59-12-110.1, 59-12-204 (Effective 07/01/06), 59-12-205 (Effective 07/01/06), 59-12-207.4, 59-12-210, 59-12-302, 59-12-354, 59-12-401 (See 59-1-1201 re: Eff), 59-12-402 (See 59-1-1201 re: Eff), 59-12-403, 59-12-501 (See 59-1-1201 re: Eff), 59-12-502 (See 59-1-1201 re: Eff), 59-12-504, 59-12-603, 59-12-703 (See 59-1-1201 re: Eff), 59-12-802 (See 59-1-1201 re: Eff), 59-12-804 (See 59-1-1201 re: Eff), 59-12-1001 (See 59-1-1201 re: Eff), 59-12-1002, 59-12-1102 (See 59-1-1201 re: Eff), 59-12-1201, 59-12-1302 (See 59-1-1201 re: Eff), 59-12-1402 (See 59-1-1201 re: Eff), 59-12-1503 (See 59-1-1201 re: Eff), 59-12-1604, 63-51-4, 69-2-5; Enacts 59-12-102.2; Repeals 17A-2-1064, 59-12-102.1, 59-12-107.2 (Effective 07/01/06), 59-12-107.3 (Effective 07/01/06), 59-12-107.4, 59-12-107.5, 59-12-119, 59-12-121, 59-12-122 (Effective 07/01/06), 59-12-207.1 (Effective 07/01/06), 59-12-207.2 (Effective 07/01/06), 59-12-207.3 (Effective 07/01/06), 59-12-207.5, 59-12-303, 59-12-356, 59-12-404, 59-12-505, 59-12-604, 59-12-706, 59-12-807, 59-12-1003, 59-12-1103, 59-12-1303, 59-12-1404, 59-12-1504

Effective July 1, 2006

Chapter 253, Laws of Utah 2006

SB 234 Servicing of Heating or Cooling Duct Systems (*Parley G. Hellewell*)

This bill modifies provisions of the Utah Construction Trades Licensing Act related to the installation, repair, maintenance, cleaning, or replacement of a residential or commercial gas appliance or combustion system.

This bill:

- ▶ modifies the definition of a combustion system to specifically include air ducts; and
- ▶ modifies provisions related to the work and scope of practice in the installation, repair, maintenance, cleaning, or replacement of a residential or commercial combustion system by requiring certification for maintenance and cleaning in addition to the current certification required for installation, repair, or replacement of a combustion system.

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

Effective May 1, 2006

Chapter 73, Laws of Utah 2006

SB 236 Revenue Bond and Capital Facilities Authorizations and General Obligation Bond Authorization Amendments (*John W. Hickman*)

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds or to build capital facilities using agency or institutional funds and amends certain prior authorizations.

This bill:

- ▶ authorizes the issuance of revenue bonds by the State Building Ownership Authority and the State Board of Regents;
- ▶ authorizes other capital facility construction from agency or institutional funds;
- ▶ modifies existing general obligation bond authorizations; and
- ▶ modifies certain prior authorizations for revenue bonds and capital facility construction.

Amends 63B-8-502, 63B-11-202, 63B-14-202; Enacts 63B-15-301, 63B-15-302, 63B-15-401

Effective May 1, 2006

Chapter 169, Laws of Utah 2006

SB 240 Temporary Medicaid Certification of Nursing Home Beds (*Gene Davis*)

This bill amends the Long-Term Care Facility Medicaid Certification chapter of the Health Code.

This bill:

- ▶ provides for temporary certification of a long-term care facility program if the state is at risk of losing federal funds for a recipient being served by a particular nursing care facility program.
- ▶ This bill provides an immediate effective date.

Amends 26-18-504

Effective March 15, 2006

Chapter 170, Laws of Utah 2006

SB 241 Natural Resources Development (*Mike Dmitrich*)

This bill addresses natural gas contracts and taxes on the development of coal-to-liquid, oil shale, and tar sands technology.

This bill:

- ▶ defines terms;
- ▶ allows the Public Service Commission to approve long-term contracts for sales of natural gas derived from coal-to-liquid, oil shale, and tar sands technology;
- ▶ exempts sales of some property used in the research and development of coal-to-liquid, oil shale, and tar sands technology from sales and use tax;
- ▶ exempts from the oil and gas severance tax oil or gas that is produced, saved, sold, or transported and derived from:
 - coal-to-liquids technology;
 - oil shale; or
 - tar sands; and
- ▶ makes technical changes.
- ▶ This bill provides retrospective operation.

Amends 59-5-101, 59-5-102, 59-12-102, 59-12-104, 59-12-104.5; Enacts 54-4-38, 59-5-120

Effective May 1, 2006

Chapter 346, Laws of Utah 2006

SB 245 Redevelopment Agency Amendments (*Curtis S. Bramble*)

This bill modifies provisions relating to redevelopment agencies.

This bill:

- ▶ adds a definition of “inactive industrial site”;
- ▶ modifies requirements applicable to a project area plan;
- ▶ modifies a provision imposing a size restriction on project areas to make an exception for areas that include an inactive industrial site;
- ▶ excludes inactive industrial sites from the calculation of combined incremental value for purposes of a provision prohibiting the adoption of a project area plan if a limit on combined incremental value is exceeded;
- ▶ makes the presence of an inactive industrial site in a project area an alternative to finding blight for purposes of a redevelopment project; and
- ▶ makes technical changes.
- ▶ This bill coordinates with S.B. 196, Revisions to Redevelopment Agency Provisions, by merging the amendments.

Amends 17B-4-102, 17B-4-403, 17B-4-404, 17B-4-407, 17B-4-503, 17B-4-602, 17B-4-604

Effective May 1, 2006

Chapter 254, Laws of Utah 2006

SB 246 County Director of Personnel Management Amendments (*Thomas V. Hatch*)

This bill modifies provisions of the County Personnel Management Act.

This bill:

- ▶ modifies provisions relating to the selection of a county director of personnel management;
- ▶ provides an alternative method of selecting a county director of personnel management;
- ▶ authorizes a county executive to choose to appoint a director of personnel management, with the advice and consent of the county legislative body;
- ▶ provides that the position of a director of personnel management chosen under the alternative method is a merit exempt position and that the director may be terminated by the county executive with the consent of the county legislative body; and
- ▶ makes technical changes.

Amends 17-33-5

Effective May 1, 2006

Chapter 255, Laws of Utah 2006

SB 249 County Government Amendments (*Darin G. Peterson*)

This bill modifies provisions relating to counties.

This bill:

- ▶ modifies provisions relating to a county legislative body's appointment of an attorney to represent the county legislative body;
- ▶ clarifies the form of government under which a county must be operating in order for the county executive in that county to appoint an attorney to represent the county executive;
- ▶ expands the scope of representation of an attorney appointed by a county legislative body to represent the county legislative body;
- ▶ provides that an attorney appointed by a county legislative body to represent the county legislative body serves at the pleasure of the county legislative body and may not perform county or district attorney functions, with exceptions; and
- ▶ makes technical changes.

Amends 17-15-27

Effective May 1, 2006

Chapter 171, Laws of Utah 2006

SB 252 Consumer Credit Code Amendments (*Curtis S. Bramble*)

This bill modifies the Utah Consumer Credit Code.

This bill:

- ▶ imposes requirements on the waiver of class action rights related to closed-end consumer contracts and open-end consumer credit contracts;
- ▶ modifies provisions related to changing an open-end consumer credit contract; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 70C-4-102; Enacts 70C-3-104, 70C-4-105

Effective March 15, 2006

Chapter 172, Laws of Utah 2006

SB 256 Transit Security Amendments (*Curtis S. Bramble*)

This bill modifies the Utah Public Transit District Act and the Public Safety Code by amending provisions related to transit security.

This bill:

- ▶ provides that a multicounty district may employ law enforcement officers or contract with other law enforcement agencies to provide law enforcement services, rather than employing security officers;
- ▶ provides that the jurisdiction for a law enforcement officer employed by a multicounty district is limited to transit facilities and transit vehicles;
- ▶ repeals limitations on duties and liability provisions for security officers employed by a multicounty district; and
- ▶ makes technical changes.

Amends 17A-2-1062, 53-13-103

Effective May 1, 2006

Chapter 347, Laws of Utah 2006

SB 260 Capitol Preservation Board Revisions (*Beverly Ann Evans*)

This bill modifies provisions related to the capitol preservation board's duties, boards, and subcommittees.

This bill:

- ▶ modifies definitions;
- ▶ modifies the membership of the capitol preservation board;
- ▶ provides the board with stewardship over the capitol and the capitol hill complex, facilities, and grounds, with certain exceptions;
- ▶ provides that the board may choose to consult with various government entities in performing its duties;
- ▶ requires that designees of ex officio members of the budget subcommittee must be from the same office as the designating member;
- ▶ provides that the board may appoint certain members, including an architect or engineer, to any preservation and maintenance subcommittee that may be established;
- ▶ modifies the duties of the executive director to permit the director to:
 - develop an operations, maintenance, and janitorial program for the capitol hill complex;
 - develop and manage public outreach programs, events, and public relation services; and
 - manage and organize transit and parking on the capitol hill complex, except for the legislative area, where the executive director shall act under the direction of the Legislative Management Committee;
- ▶ permits gift shop profits to be deposited into the State Capitol Fund; and
- ▶ makes technical changes.

Amends 63C-9-102, 63C-9-201, 63C-9-202, 63C-9-301, 63C-9-401, 63C-9-402, 63C-9-502

Effective May 1, 2006

Chapter 256, Laws of Utah 2006

SB 267 **Changes to Local Government Provisions** (*L. Alma Mansell*)

This bill modifies provisions related to counties, municipalities, and special districts.

This bill:

- ▶ modifies the definition of “affected entity”;
- ▶ expands requirements imposed on counties and municipalities with respect to notice and information to be provided to applicants submitting a land use application;
- ▶ allows an applicant to waive a county’s or municipality’s failure to comply with certain requirements;
- ▶ requires counties and municipalities to process and render a decision on land use applications with reasonable diligence;
- ▶ expands the definition of “public safety facility” for impact fee purposes to include certain fire suppression equipment;
- ▶ provides that a local political subdivision may impose an impact fee for a public safety facility that is a fire suppression vehicle in commercial areas only;
- ▶ modifies annual financial report requirements for counties, municipalities, and special districts with respect to impact fees; and
- ▶ imposes requirements and limitations on counties and municipalities in calculating an impact fee.

Amends 10-5-129, 10-6-150, 10-9a-103, 10-9a-202, 10-9a-509, 10-9a-603, 11-36-102, 11-36-202, 17-27a-103, 17-27a-202, 17-27a-508, 17-27a-603, 17-36-37, 17A-1-443

Effective May 1, 2006

Chapter 257, Laws of Utah 2006

SB 268 **Property Rights Ombudsman** (*L. Alma Mansell*)

This bill makes changes to the Office of the Property Rights Ombudsman.

This bill:

- ▶ defines terms;
- ▶ moves the Office of the Property Rights Ombudsman to the Department of Commerce;
- ▶ creates the Land Use and Eminent Domain Advisory Board;
- ▶ outlines the board’s appointment, expenses, and duties;
- ▶ outlines the Office of the Property Rights Ombudsman’s duties;
- ▶ provides for arbitration of matters brought to the Office of the Property Rights Ombudsman;
- ▶ describes the effect of an arbitration;
- ▶ allows for the issuance of advisory opinions; and
- ▶ describes the effect of an advisory opinion.

Enacts 13-42-101, 13-42-102, 13-42-201, 13-42-202, 13-42-203, 13-42-204, 13-42-205, 13-42-206; Repeals 63-34-13

Effective May 1, 2006

Chapter 258, Laws of Utah 2006

SCR 1 Resolution Encouraging School Boards to Adopt Policy Prohibiting Bullying*(Patrice M. Arent)*

This concurrent resolution of the Legislature and the Governor encourages concerned parents, individuals, and organizations to review and assist in the adoption of policies prohibiting bullying.

This resolution:

- ▶ expresses concern regarding the impact of bullying, harassment, and intimidation in the state's public schools;
- ▶ acknowledges the many schools across the state that are already engaged in efforts to prevent bullying;
- ▶ requests that educators, parents, and concerned individuals and organizations establish a definition of bullying and a system for reporting and responding to school-related bullying incidents;
- ▶ encourages the formation of a statewide coalition to produce a cohesive approach to target bullying behavior; and
- ▶ calls on educators, parents, and concerned individuals and organizations to develop a system that identifies and assists victims of bullying and assists faculty and students in seeking safer schools and a more positive learning environment.

Effective March 17, 2006

Laws of Utah 2006

SJR 1 Resolution Approving Reappointment of Director of Legislative Research and General Counsel *(Peter C. Knudson)*

This joint resolution of the Legislature reappoints Michael E. Christensen as Director of the Office of Legislative Research and General Counsel.

This resolution:

- ▶ reappoints Michael E. Christensen as Director of the Office of Legislative Research and General Counsel for a six-year term commencing December 1, 2006.

The original bill was recommended by the Legislative Management Committee

Effective February 8, 2006

Laws of Utah 2006

SJR 3 Interim Rules Resolution - Quorum Requirements *(Michael G. Waddoups)*

This resolution modifies Interim Rules governing quorum requirements.

This resolution:

- ▶ requires that at least one Senator be present for a quorum.
- ▶ This resolution provides an immediate effective date.
- ▶ Legislative Rules Affected:AMENDS:IR3-2-101

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

Amends IR3-2-101

Effective January 25, 2006

Laws of Utah 2006

SJR 4 Interim Rules Resolution - Committee Powers *(Michael G. Waddoups)*

This resolution modifies Interim Rules governing public comment during meetings.

This resolution:

- ▶ allows a chair or committee to require public comment to be given under oath; and
- ▶ provides for the administration of the oath.
- ▶ This resolution provides an immediate effective date.
- ▶ Legislative Rules Affected:AMENDS:IR3-1-104

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

Amends IR3-1-104

Effective January 25, 2006

Laws of Utah 2006

SJR 6 Resolution Approving Compensation of In-session Employees *(Michael G. Waddoups)*

This joint resolution of the Legislature fixes the compensation for legislative in-session employees for 2006.

This resolution:

- ▶ fixes the compensation for legislative in-session employees for 2006.

Effective February 1, 2006

Laws of Utah 2006

SJR 9 Resolution Recognizing Right to Participate in Religious Expressions in Public Schools *(Parley G. Hellewell)*

This joint resolution of the Legislature recognizes the rights of public school students to voluntarily participate in religious expression in public schools.

This resolution:

- ▶ recognizes the rights of public school students to voluntarily engage in prayer and other expressions considered religious in nature in public schools.

Effective March 1, 2006

Laws of Utah 2006

SR 1 Senate Rules Resolution - Consent Calendar Amendments *(Michael G. Waddoups)*

This resolution modifies Senate Rules governing consent calendar bills.

This resolution:

- ▶ clarifies procedures for voting on consent calendar bills;
- ▶ requires a roll call vote if any Senators oppose the bill;
- ▶ allows Senators to move consent calendar bills to the third reading calendar; and
- ▶ makes technical changes.
- ▶ This resolution provides an immediate effective date.

The original bill was recommended by the Senate Rules Committee

Amends SR-25.14, SR-30.10

Effective January 19, 2006

Laws of Utah 2006

SR 2 Resolution Encouraging Utah Schools to Educate Children Regarding Risks of Sun Exposure *(Patrice M. Arent)*

This resolution of the Senate urges Utah's public schools to consider incorporating sun exposure awareness programs into their curriculum.

This resolution:

- ▶ raises awareness of the risk of skin cancer, particularly melanoma, in Utah due to exposure to the sun and how it can be easily prevented; and
- ▶ urges Utah's public schools to consider incorporating sun exposure awareness programs and materials into their curriculum.

Effective February 8, 2006

Laws of Utah 2006

SR 3 Resolution Urging Participation by Taiwan in World Health Organization *(Curtis S. Bramble)*

This resolution of the Senate 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 21, 2006

Laws of Utah 2006

VETOED BILLS - 2006 GENERAL SESSION

HB 100 Environmental Litigation Bond (*Aaron Tilton*)

This bill requires entities that do business in the state to file a bond with the Division of Corporations and Commercial Code when it begins the environmental litigation.

This bill:

- ▶ defines terms;
- ▶ requires an entity doing business in Utah to file a bond with the division when it requests a stay or injunction in environmental litigation;
- ▶ authorizes the division to:
 - establish a fee for the bond filing;
 - hold a hearing to establish the bond amount;
 - make rules for posting the bond; and
 - administratively dissolve an entity or revoke its authority to do business for failure to post a bond;
- ▶ requires the division to dissolve an entity or revoke its authority to do business if another state with a similar law has revoked an entity's certificate of existence;
- ▶ provides for revocation of licenses an entity holds, including professional licenses; and
- ▶ makes technical changes.

Amends 16-6a-1410, 16-6a-1515, 16-10a-1420, 48-2a-802, 48-2c-1206; Enacts 13-1a-10

Effective May 1, 2006

Laws of Utah 2006

Governor's Veto Message

Dear Speaker Curtis and President Valentine:

March 21, 2006

After careful consideration and study, I have decided to veto H.B. 100, ENVIRONMENTAL LITIGATION BOND, and have transmitted it to the Lieutenant Governor for filing.

This bill seeks to impose new requirements on Utah corporations that initiate lawsuits under the National Environmental Policy Act of 1969, the Atomic Energy Act of 1964, or any of the twenty other federal environmental statutes referenced in the bill. Specifically, it provides that any Utah corporation filing a federal environmental action and "requesting a stay or injunction to a new permit or approval" must "post a corporate surety bond or cash equivalent" in an "amount that will cover the payment of reasonably foreseeable costs and damages suffered in Utah by any person because of the delay caused by the environmental litigation." H.B. 100 at 3 In. 67, 5 In. 120-24 (General Session 2006). The amount of the bond would have to be sufficient to cover everything from "employees' lost wages, salaries, and benefits" to "lost net revenue, including local and state tax revenues." *Id.* at 5 In. 125-26. Any Utah corporation failing to post such a bond upon initiating litigation covered by the bill would be subject to administrative dissolution and other penalties. *See id.* at 5 In. 139-46.

I have great respect for the sponsors and proponents of H.B. 100, and admire their sincere desire to make our State a better place. Nevertheless, consistent with my oath to "support, obey and defend the Constitution of the United States and the Constitution of this State," Utah Const. art. IV, § 10, I cannot sign this bill into law. The Supremacy Clause of the U.S. Constitution provides that laws enacted by Congress "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding." U.S. Const. art. VI, § 2. An analogous clause in our State Constitution similarly provides that "Utah is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land." Utah Const. art. I, § 3. These provisions make clear that, where a properly enacted federal law conflicts with a State law, the federal law necessarily preempts its State counterpart.

H.B. 100 conflicts with federal law inasmuch as it seeks to impose additional requirements -*i.e.*, bonding requirements that are not imposed by, and are inconsistent with, federal law on Utah corporations seeking injunctive relief under federal environmental statutes. By so doing, the bill threatens to “stand[] as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” *Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Comm’n*, 461 U.S. 190, 204 (1983) (quoting *Hines v. Davidowitz*, 312 U.S. 52,67(1941)).

For the foregoing reasons, I consider this bill preempted by federal law, and therefore cannot allow it to take effect.

Jon M. Huntsman, Jr., Governor

HB 148 Parent and Child Amendments (*LaVar Christensen*)

This bill defines “in loco parentis” as a voluntary and temporary delegation of parental authority.

This bill:

- ▶ defines “in loco parentis” to be a legally recognized, voluntary and temporary delegation of parental power;
- ▶ prohibits the use of “in loco parentis” to grant parent-time, visitation, custody, legal guardianship, child support, or an adoption of a minor child;
- ▶ allows a biological or adoptive parent to terminate the temporary and voluntary delegation of parental authority between a person standing in “loco parentis” and their minor child or children;
- ▶ provides that in loco parentis may not be maintained or legally recognized contrary to the expressed desires of a parent of a minor child; and
- ▶ provides that this bill does not effect any rights provided under Title 30, Husband and Wife.

Enacts 78-62-1

Effective May 1, 2006

Laws of Utah 2006

Governor’s Veto Message

Dear Speaker Curtis and President Valentine:

March 21, 2006

After careful consideration and study, I have decided to veto H.B. 148, PARENT AND CHILD AMENDMENTS, and have transmitted it to the Lieutenant Governor for filing.

This bill seeks to modify the common law doctrine of in loco parentis. The term “in loco parentis” literally means “in the place of a parent,” and a person standing in loco parentis “is one who has assumed the status and obligations of a parent without formal adoption.” *Gribble v. Gribble*, 583 P.2d 64, 66 (Utah 1978); *accord Searle v. Searle*, 38 P.3d 307, 319 n. 11 (Utah App. 2001). Applying this doctrine, Utah courts have long held that, “[w]here one stands in loco parentis to another, the rights and liabilities arising out of that relation are, as the words imply, exactly the same as between parent and child.” *Gribble*, 583 P.2d 66 (quoting *Sparks v. Hinckley*, 5 P.2d 570, 571 (1931)). Thus, a person standing in loco parentis is, in effect, recognized by the courts as a parent. *See Gribble*, 583 P.2d at 66-67.

Rights conferred under the doctrine of in loco parentis are not easily extinguished. Indeed, Utah courts have recognized that “[t]he common law concerning termination of loco parentis status” is such that “only the surrogate parent or the child is able to terminate the status at will, and the rights, duties, and obligations continue as long as they choose to continue the relationship.” *Gribble*, 583 P.2d at 67. In other words, once a biological or adoptive parent has allowed a third party to participate actively in the parenting of a child, to such a degree that the third party is deemed to be standing in loco parentis, the third party’s rights with respect to the child cannot unilaterally be terminated by a parent. This rule has been the subject of considerable criticism, based on the argument that the desires of a fit parent should always trump those of a third party standing in loco parentis.

This bill attempts to change that rule by providing that a “biological or adoptive parent who has not been adjudicated as an unfit parent may at any time terminate a relationship between a person standing in loco parentis and their minor child or children.” H.B. 148 at 3 In. 62-64 (General Session 2006). The bill also provides that in loco parentis “may not be used as the basis for granting” or recognizing various rights or obligations, including “parent-time or visitation,” “legal or physical custody,” “status as a legal guardian,” “child support,” or “an adoption.” *Id.* at 2 In. 53-59. In short, then, H.B. 148 (1) allows a biological parent to extinguish the rights of a third party standing in loco parentis, and (2) otherwise limits the rights that can be accorded under the doctrine of in loco parentis.

In many respects, I am sympathetic to the concerns that have given rise to this legislation. Like most Utahns, I believe that —absent truly extraordinary circumstances— the rights of biological and adoptive parents to make decisions regarding the upbringing of their minor children must stand above those of third parties, even those standing in loco parentis.

Nevertheless, I believe H.B. 148 goes too far, and would create undesirable consequences not anticipated by the bill’s well-meaning proponents. Most notably, H.B. 148 would allow a biological parent to “terminate a[ny] relationship” between a minor child and a person standing in loco parentis, even if the person standing in loco parentis was a step parent who had raised the child from infancy, and the biological parent was a complete stranger to the child. The biological parent’s right to exercise that authority unilaterally —casting aside bonds that have been created over the course of many years without so much as a hearing to determine what might be in the best interests of the child —would trump all other considerations unless the biological parent had previously “been adjudicated as an unfit parent.” Some absentee parents may in reality be unfit for the task of parenting, but may not have been formally *adjudicated* as unfit for that task.¹

Giving such parents an absolute right to terminate a child’s relationship with a step parent standing in loco parentis would be a mistake. I must therefore veto this bill. In so doing, however, I remain hopeful and optimistic that the legitimate concerns expressed by this bill’s proponents can be addressed through legislation introduced in a future legislative session. I will gladly sign such legislation if it protects parental rights without giving rise to the unintended consequences articulated in this letter.

Jon M. Huntsman, Jr., Governor

¹Assume, for example, that a biological father abandons his wife and infant child before the child’s first birthday. Assume further that the mother remarries before the child’s second birthday, and that her second husband never formally adopts the child, but (1) participates actively in the child’s upbringing as if he were the father, and (2) is known to the child as “dad.” If the mother were to die ten years after her second marriage, the biological father could rely on H.B. 148 to unilaterally “terminate [the] relationship between” his biological child and his ex-wife’s second husband, based on the fact that his ex-wife’s second husband was “standing in loco parentis” with respect to the child. H.B. 148 at 3 In. 62-64. Even if the biological father knew nothing about his child, was an unemployed drug addict with a history of violent criminal behavior, and suffered from a debilitating mental illness, his right to “terminate the relationship” between the child and the only father the child had ever known would be assured by H.B. 148, so long as he had not previously been “adjudicated as an unfit parent.” *Id.* at 3 In. 62.

It is entirely reasonable to assume that the biological father in that scenario —having abandoned the child before the child’s first birthday, and having had no interaction with that child for more than a decade —could be described as an unfit parent who had never been adjudicated as such. Accordingly, I believe it would be entirely unreasonable to sign into law a bill that, on its face, would appear to give such a person the right unilaterally to terminate a child’s relationship with a step father standing in loco parentis.

HB 151 Adjustments in Funding for Concurrent Enrollment (*Margaret Dayton*)

This bill adjusts partial tuition for concurrent enrollment courses and modifies the distribution of the annual appropriation for accelerated learning programs.

This bill:

- ▶ authorizes a student to be charged a per credit hour partial tuition for concurrent enrollment higher education courses offered in public schools; and
- ▶ makes technical corrections.

Amends 53A-15-101, 53A-17a-120

Effective May 1, 2006

Laws of Utah 2006

Governor's Veto Message

Dear Speaker Curtis and President Valentine:

March 21, 2006

After careful consideration and study, I have decided to veto H.B. 151, ADJUSTMENTS IN FUNDING FOR CONCURRENT ENROLLMENT, and have transmitted it to the Lieutenant Governor for filing.

I am supportive of the concurrent enrollment program and appreciate the opportunities given to the 25,000 Utah students participating therein. While I recognize the need to manage the growing impact and potential burden on Utah's institutions of higher education, I am concerned that this bill would unfairly preclude some students from participating in concurrent enrollment courses.

Specifically, H.B. 151 provides no mechanism for low income students qualifying for fee waivers to receive financial assistance for participation in concurrent enrollment programs. The bill will impose additional financial burdens on Utah students — *i.e.* an additional university fee of approximately \$90, in connection with a university registration fee, a textbook fee, and a district fee. In addition, H.B. 151 allows districts to receive funding only for those students who are enrolled for concurrent credit, potentially denying participation to economically disadvantaged students.

Furthermore, because this year's budget is sufficient to cover concurrent enrollment funding, I feel this bill is unnecessary. In future years, I encourage the creation of a sustainable solution, recommended by the State Superintendent of Public Instruction and the Commissioner of Higher Education, that would not restrict the participation of economically disadvantaged students or rural students.

For these reasons, I have decided to veto this bill. I look forward to participating in future efforts to develop a financially viable and sustainable solution for Utah's concurrent enrollment program.

Jon M. Huntsman, Jr., Governor

SB 70 Process for Approval of Waste Disposal Amendments (*Howard A. Stephenson*)

This bill modifies legislative and gubernatorial approval requirements for the disposal of certain wastes.

This bill:

- ▶ modifies the legislative and gubernatorial approval requirements for the disposal of certain commercial radioactive wastes, hazardous wastes, and nonhazardous solid wastes;
- ▶ requires that legislative approval be provided by statute;
- ▶ provides that gubernatorial approval is given if the statute giving legislative approval is not vetoed; and
- ▶ provides that gubernatorial approval is not required if the governor vetoes the statute giving legislative approval and the veto is overridden.

Amends 19-3-105, 19-6-108

Effective May 1, 2006

Laws of Utah 2006

Governor's Veto Message

Dear President Valentine and Speaker Curtis:

February 28, 2006

After careful consideration and study, I have decided to veto S.B. 70, PROCESS FOR APPROVAL OF WASTE DISPOSAL AMENDMENTS. As contemplated under Art. VII, § 8, cl. I of the Utah Constitution, I have returned the bill to the Senate with my objections.

Utah law currently provides that no person may “own, construct, modify, or operate a radioactive waste facility without” first obtaining (1) clearance from local planning authorities, (2) a license from the Department of Environmental Quality, (3) approval from the Legislature, and (4) approval from the Governor. See Utah Code Ann. § 19-3-105. Existing law also imposes similar restrictions — including a requirement for legislative and gubernatorial approval — on persons seeking to operate a nonhazardous solid or hazardous waste operation facility. See Utah Code Ann. § 19-6-108. By custom and practice, legislative and gubernatorial approval of such facilities has typically been given through concurrent resolutions. See, e.g., S.C.R. 2 (General Session 2005) (approving a nonhazardous solid waste facility).

If signed into law, S.B. 70 would require that legislative approval of such facilities “be provided” not by resolution, but “by statute.” S.B. 70 at 3 In. 78, 7 In. 181 (General Session 2006). The bill would also provide that gubernatorial approval would either (a) be deemed “provided” if the Governor “d[id] not veto the statute providing legislative approval,” or (b) become unnecessary if the Legislature chose to override such a veto with the concurrence of two-thirds of the members of each house. Id. at 3 In. 79-84, 7 In. 182-87.

By enabling the Legislature to override the Governor’s refusal to approve a radioactive, solid nonhazardous, or hazardous waste facility, this bill would incrementally weaken the Governor’s authority to protect Utah’s image and environment, as well as the health and safety of its 2.5 million residents. I find that unacceptable.

Moreover, I have repeatedly pledged to resist efforts to turn Utah into our nation’s radioactive waste dumping ground. Consistent with that pledge, I cannot consent to a provision that, in my opinion, would potentially lead to the proliferation of radioactive waste disposal facilities within our State.

Jon M. Huntsman, Jr., Governor

SB 4 New Fiscal Year 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, 2006 and ending June 30, 2007.

This bill:

- ▶ provides appropriations for the use and support of certain state agencies;
- ▶ provides appropriations for the use and support of certain institutions of higher education;
- ▶ provides appropriations for other purposes as described;
- ▶ provides intent language;
- ▶ approves employment levels for internal service funds;
- ▶ approves capital acquisition amounts for internal service funds;
- ▶ authorizes rates and fees.
- ▶ This bill appropriates for fiscal year 2007:
- ▶ \$177,880,300 from the General Fund;
- ▶ (\$9,923,600) from the Uniform School Fund;
- ▶ \$34,099,200 from income tax revenue;
- ▶ \$186,888,900 from various sources as detailed in this bill.
- ▶ This bill takes effect July 1, 2006.

Effective July 1, 2006

Chapter 366, Laws of Utah 2006

Governor's Veto Message

Dear President Valentine and Speaker Curtis:

March 21, 2006

This is to inform you that on March 21, 2006, I vetoed the following item of appropriation in S.B. 4, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, and have transmitted the bill to the Lieutenant Governor for filing.

ITEM 163 To Department of Transportation — Construction Management

From General Fund, One-time 100,000,000

Schedule of Programs:

State Construction — New 100,000,000

There is appropriated to the Department of Transportation from the Transportation Fund, not otherwise appropriated, a sum sufficient, but not more than the surplus of the Transportation Fund, to be used by the Department for the construction, rehabilitation, and preservation of State highways in Utah. It is the intent of the Legislature that the Department of Transportation expend a significant portion of this appropriation for corridor preservation. It is the intent of the Legislature that the remainder of the appropriation fund first, a maximum participation with the federal government for the construction of federally designated highways, as provided by law, and last, the construction of State highways, as finding permits. It is also the intent of the Legislature that the FTEs for field crews may be adjusted to accommodate the increase or decrease in the Federal Construction Program. No portion of the money appropriated by this item shall be used either directly or indirectly to enhance or increase the appropriations otherwise made by this act to the Department of Transportation for other purposes. It is the intent of the Legislature that the Department of Transportation use \$10 million of the corridor preservation monies for a match program with local governments and private entities.

This item of appropriation requires technical corrections to funding allocations. I intend to include this item as part of a Special Session in the near future to make the corrections.

Jon M. Huntsman, Jr., Governor

HB 3 Appropriation Adjustments (Ron Bigelow)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2005 and ending June 30, 2006 and beginning July 1, 2006 and ending June 30, 2007.

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 2006 General Session;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language.
- ▶ This bill appropriates for fiscal year 2006:
 - ▶ \$2,353,700 from the General Fund;
 - ▶ \$2,000,000 from various sources as detailed in this bill. This bill appropriates for fiscal year 2007:
 - ▶ (\$72,785,500) from the General Fund;
 - ▶ \$332,800 from the Uniform School Fund;
 - ▶ \$307,025,900 from income tax revenue;
 - ▶ \$60,716,900 from various sources as detailed in this bill.
- ▶ Section 1 of this bill takes effect immediately. Section 2 of this bill takes effect on July 1, 2006.

Effective March 21, 2006

Chapter 367, Laws of Utah 2006

Governor's Veto Message

Dear Speaker Curtis and President Valentine:

March 21, 2006

This is to inform you that on March 21, 2006, I vetoed the following items of appropriation in H.B. 3, APPROPRIATION ADJUSTMENTS, and have transmitted the bill to the Lieutenant Governor for filing.

ITEM 15 To Legislature — Office of Legislative Research and General Counsel

From General Fund, One-time	150,000
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Schedule of Programs:

Administration	150,000
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This item of appropriation is a duplicate of Section 13 in S.B. 5 AMENDMENTS TO THE MINIMUM SCHOOL PROGRAM BUDGET.

ITEM 133 To Department of Transportation — Construction Management

From General Fund	90,000,000
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From Transportation Fund	900,000
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Schedule of Programs:

State Construction — New	45,900,000
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Transportation Investment Fund of 2005	45,000,000
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ITEM 134 To Department of Transportation — Centennial Highway Program

From General Fund, One-time	101,000,000
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From Transportation Fund	2,087,000
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From Federal Funds	(3,621,000)
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From Dedicated Credits Revenue	185,000
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From Debt Service	(1,583,400)
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From Designated Sales Tax	(209,000)
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From Beginning Nonlapsing Appropriation Balances	(65,859,000)
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From Closing Nonlapsing Appropriation Balances	17,807,000
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Schedule of Programs:

Centennial Highway Program 49,806,600

These two items of appropriation require technical corrections to funding allocations. I intend to include these two items as part of a Special Session to make the corrections.

Jon M. Huntsman, Jr., Governor

Utah Code Sections Affected for Bills Passed 2006 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 1, 2006 and on the web site - <http://le.utah.gov>.

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
4-2-8.3	E	SB 67		118	9-6-201	A	SB 23		106
4-2-8.5	E	SB 228		157	9-6-301	A	SB 23		106
4-20-1	A	HB 145		45	9-6-307	A	SB 23		106
4-20-1.5	E	HB 145		45	9-6-601	E	SB 85		124
4-20-1.6	E	HB 145		45	9-6-602	E	SB 85		124
4-20-2	A	HB 145		45	9-6-603	E	SB 85		124
4-20-3	A	HB 145		45	9-6-604	E	SB 85		124
4-20-4	R	HB 145		45	9-7-101	A	HB 41		17
4-20-5	R	HB 145		45	9-7-203	A	HB 41		17
4-20-6	R	HB 145		45	9-7-207	A	HB 41		17
4-20-7	R	HB 145		45	9-7-208	X	HB 41		17
7-1-203	A	SB 9		98	9-7-209	A	HB 41		17
7-1-325	E	SB 162		143	9-8-302	A	HB 139		44
7-1-401	A	SB 116		132	9-8-303	R	HB 139		44
7-3-3.1	R	SB 162		143	9-8-304	A	HB 139		44
7-16a-202	A	HB 365		84	9-8-305	A	HB 139		44
7-23-105	A	SB 162		143	9-8-404	A	HB 139		44
7-23-108	A	SB 162		143	9-9-104.5	A	SB 25		106
7-24-202	A	SB 162		143			SB 9		98
7-24-303	A	SB 162		143	9-9-104.6	A	SB 25		106
9-4-703	A	SB 9		98	9-10-105	A	SB 9		98
9-4-704	A	SB 196		153	9-11-106	A	SB 9		98
9-4-904	A	SB 22		105	9-14-104	A	SB 9		98
9-4-906	A	SB 9		98	9-15-104	A	SB 9		98
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		SB 171		145	78-7-35	A	HB 30		13
78-3a-117	A	HB 103		35			HB 322		78
78-3a-118	A	HB 103		35	78-8-101	A	SB 62		117
		HB 21		9	78-8-102	A	SB 62		117
78-3a-119	A	HB 30		13	78-8-104	A	SB 62		117
78-3a-120	A	HB 103		35	78-8-105	A	SB 62		117
78-3a-206	A	HB 103		35	78-8-107	A	SB 62		117
		HB 25		11	78-12-29	A	HB 70		26
		HB 254		65	78-14-3	A	SB 41		111
78-3a-301	A	HB 103		35	78-14-5	A	HB 85		31
		HB 219		59	78-14-5.5	A	SB 143		139
		SB 7		97	78-14-18	E	SB 41		111
78-3a-305	A	HB 103		35	78-18-1	A	SB 148		140
		SB 7		97	78-22a-5	A	SB 134		137
78-3a-306	A	HB 103		35	78-24-20	E	SB 103		128
		HB 21		9	78-25-25.5	E	SB 141		139
		HB 219		59	78-27-52	A	SB 135		137
		SB 7		97	78-27-63	A	HB 207		56
78-3a-307	A	HB 103		35	78-30-1.1	A	HB 130		42
78-3a-308	A	SB 7		97	78-30-4.12	A	HB 130		42
78-3a-309	A	HB 103		35	78-30-4.14	A	SB 171		145
78-3a-311	A	HB 21		9		X	HB 130		42
		HB 219		59	78-30-4.15	A	HB 130		42
78-3a-313.5	A	HB 103		35	78-30-7	A	HB 30		13
78-3a-316.1	A	HB 103		35	78-30-14	A	HB 130		42
78-3a-320	A	HB 25		11	78-31c-101	E	SB 61		117
78-3a-321	A	HB 103		35	78-31c-102	E	SB 61		117
78-3a-350	A	HB 103		35	78-31c-103	E	SB 61		117
78-3a-407	A	HB 103		35	78-31c-104	E	SB 61		117

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
78-31c-105	E	SB 61		117	78-31c-114	E	SB 61		117
78-31c-106	E	SB 61		117	78-34-1	A	SB 117		132
78-31c-107	E	SB 61		117	78-34-4	A	SB 117		132
78-31c-108	E	SB 61		117	78-34-4.5	A	SB 117		132
78-31c-109	E	SB 61		117	78-45-7.5	A	HB 295		76
78-31c-110	E	SB 61		117	78-45-7.10	A	HB 30		13
78-31c-111	E	SB 61		117	78-45e-3	R	SB 143		139
78-31c-112	E	SB 61		117	78-45g-306	A	HB 130		42
78-31c-113	E	SB 61		117	78-62-1	E	HB 148		46

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

INTRODUCED LEGISLATION 2006 GENERAL SESSION

HB 1	Current Fiscal Year Supplemental Appropriations Act (<i>Ron Bigelow</i>)	Passed
HB 3	Appropriation Adjustments (<i>Ron Bigelow</i>)	Line Item Vetoed
HB 4	State Agency and Higher Education Compensation Amendments (<i>Ron Bigelow</i>)	Passed
HB 6	Utility Improvement Districts Revisions (<i>David Ure</i>)	Passed
HB 7	Repeal of Exemption from Nonresident Tuition (<i>Glenn A. Donnelson</i>)	Failed
HB 8	Marriage Preparation Education (<i>Rosalind J. McGee</i>)	Failed
HB 9	Workers' Compensation Studies Including Coverage of Firefighters and Drug Officers (<i>Joseph G. Murray</i>)	Passed
HB 10	Domestic Violence and Dating Violence Amendments (<i>David Litvack</i>)	Failed
HB 11	Retirement Office Amendments (<i>Ann W. Hardy</i>)	Passed
HB 12	Amendments to Government Records Access and Management Act (<i>Douglas C. Aagard</i>)	Passed
HB 13	Common Polling Places Amendments (<i>Douglas C. Aagard</i>)	Passed
HB 14	Open Meetings Law Amendments (<i>Wayne A. Harper</i>)	Passed
HB 15	Early Voting (<i>Douglas C. Aagard</i>)	Passed
HB 16	Revisions to Open and Public Meetings Law (<i>Glenn A. Donnelson</i>)	Passed
HB 17	Uninsured Motorist Identification Database Program Amendments (<i>Joseph G. Murray</i>)	Passed
HB 18	Unemployment Compensation - Social Security Offset (<i>David N. Cox</i>)	Passed
HB 19	Identification Card Amendments (<i>James A. Dunnigan</i>)	Passed
HB 20	Commercial Driver Training School Act Amendments (<i>James A. Dunnigan</i>)	Passed
HB 21	Child Welfare Revisions (<i>Wayne A. Harper</i>)	Passed
HB 22	Utah Child Abuse Prevention Board (<i>Paul Ray</i>)	Failed
HB 23	Office of Child Welfare Parental Defense Amendments (<i>Wayne A. Harper</i>)	Passed
HB 24	Medicaid Dental and Physician Reimbursement Amendments (<i>Steven R. Mascaro</i>)	Failed
HB 25	Child Welfare - Licensing and Management Information Systems (<i>Wayne A. Harper</i>)	Passed
HB 26	Filing Liens (<i>Stephen D. Clark</i>)	Passed
HB 27	Divorce Education Amendments (<i>Lorie D. Fowlke</i>)	Passed
HB 28	Access and Fee Amendments to Government Records Access and Management Act (<i>Douglas C. Aagard</i>)	Passed
HB 29	Township Amendments (<i>LaVar Christensen</i>)	Passed
HB 30	Emancipation of a Minor (<i>Rosalind J. McGee</i>)	Passed
HB 31	Pilot Program for the Provision of Services for People with Disabilities (<i>Ronda Rudd Menlove</i>)	Passed
HB 32	Life Insurance and Annuity Law Amendments (<i>James A. Dunnigan</i>)	Passed
HB 33	Insurance Related Investment Amendments (<i>James A. Dunnigan</i>)	Passed
HB 34	Insurance Reports, Tables, and Examination Amendments (<i>James A. Dunnigan</i>)	Passed
HB 35	State Highways Amendments (<i>Joseph G. Murray</i>)	Passed
HB 36	Notice Requirements for Budget Transfers from Utility Funds (<i>Aaron Tilton</i>)	Passed
HB 37	Public Assistance Amendments (<i>Sheryl L. Allen</i>)	Passed
HB 38	Water Reuse Requirements (<i>Ben C. Ferry</i>)	Passed
HB 39	Utah International Trade Commission (<i>Sheryl L. Allen</i>)	Passed
HB 40	Expenditures for Tourism, Recreation, Cultural, and Convention Facilities and Activities (<i>J. Stuart Adams</i>)	Passed
HB 41	Preservation of and Access to State Publications (<i>Michael E. Noel</i>)	Passed

HB 42	Renewable Energy Tax Credit (<i>Sheryl L. Allen</i>)	Failed
HB 43	Sunset Review and Reauthorizations (<i>Jeff Alexander</i>)	Passed
HB 44	Local Government Amendments (<i>Brad L. Dee</i>)	Passed
HB 45	Bear River Development Act (<i>J. Stuart Adams</i>)	Passed
HB 46	Energy Policy Amendments (<i>Roger E. Barrus</i>)	Passed
HB 47	Sales Tax Diversion for Water Projects and Water Financing (<i>David Ure</i>)	Passed
HB 48	Water Company Amendments (<i>David Ure</i>)	Passed
HB 49	Department of Technology Services Personnel Transfer - Supplemental Appropriation (<i>David Clark</i>)	Passed
HB 50	Utah Technology Industry Council Revisions (<i>David Litvack</i>)	Passed
HB 51	Sales and Use Taxation of Amusement Devices and Cleaning or Washing of Tangible Personal Property (<i>Wayne A. Harper</i>)	Passed
HB 52	Sales and Use Tax Exemption for Transportation (<i>Wayne A. Harper</i>)	Passed
HB 53	Corporate Franchise and Income Taxes - Apportionment of Business Income to Utah and Deduction of Net Losses by a Unitary Group (<i>Wayne A. Harper</i>)	Failed
HB 54	Sales and Use Tax Exemption for Sales of Certain Agricultural Products (<i>Gordon E. Snow</i>)	Passed
HB 55	Property Tax - Circuit Breaker Qualifying Limits (<i>Wayne A. Harper</i>)	Passed
HB 56	Sex Offender Registration Amendments (<i>M. Susan Lawrence</i>)	Passed
HB 57	County Officers Amendments (<i>Ronda Rudd Menlove</i>)	Passed
HB 58	Additional State Retirement Benefit (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 59	Retirement Allowance Amendments (<i>Ann W. Hardy</i>)	Failed
HB 60	Controlled Substance Amendments (<i>Curtis Oda</i>)	Passed
HB 61	Criminal Penalty for Animal Cruelty (<i>Scott L Wyatt</i>)	Failed
HB 62	Reading Requirements for Student Advancement (<i>Karen W. Morgan</i>)	Failed
HB 63	Probate Code Amendments Regarding Homicide (<i>Karen W. Morgan</i>)	Passed
HB 64	Driver License Qualification Amendments (<i>Glenn A. Donnelson</i>)	Failed
HB 65	Consumer Protection Agency (<i>M. Susan Lawrence</i>)	Passed
HB 66	Tuition Waivers for Higher Education (<i>Craig W. Buttars</i>)	Passed
HB 67	Military and Overseas Citizens Absentee Voter Amendments (<i>Stephen H. Urquhart</i>)	Passed
HB 68	School Fee Waiver Amendments (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 69	Utah Dairy Act Amendments (<i>Bradley T. Johnson</i>)	Failed
HB 70	Statute of Limitations on Bodily Injury (<i>Curtis Oda</i>)	Passed
HB 71	Economic Development - Sunset Modifications (<i>Peggy Wallace</i>)	Passed
HB 72	Workers' Compensation for the State (<i>Gordon E. Snow</i>)	Passed
HB 73	K. Gunn Mckay Highway Designation (<i>Neil A. Hansen</i>)	Passed
HB 74	Athletic Trainer Licensing Act (<i>Paul Ray</i>)	Passed
HB 75	Unclaimed Property Act Revisions (<i>Fred R. Hunsaker</i>)	Failed
HB 76	High Deductible Health Plan Option for Public Employees (<i>Bradley M. Daw</i>)	Passed
HB 77	School District Boundaries (<i>David N. Cox</i>)	Passed
HB 78	Investment of Land Grant Trust Funds (<i>David Clark</i>)	Passed
HB 79	Prescription Drug Purchasing Pools (<i>Bradley G. Last</i>)	Failed
HB 80	Energy Savings in State Buildings (<i>Fred R. Hunsaker</i>)	Passed
HB 81	Tuition Program for Students Seeking Teacher Licensure (<i>Ronda Rudd Menlove</i>)	Passed
HB 82	Education Information Technology Systems (<i>Kory M. Holdaway</i>)	Passed
HB 83	Driver License Privilege Suspension for Failure to Pay Child Support (<i>Julie Fisher</i>)	Failed

HB 84	Income Tax - Education Funding (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 85	Abortion by a Minor - Parental Notification and Consent (<i>Kerry W. Gibson</i>)	Passed
HB 86	Property Tax - Refunding Tax Prepayments (<i>Fred R. Hunsaker</i>)	Passed
HB 87	Use of Disaster Loan Funds (<i>David Clark</i>)	Passed
HB 88	Grand Jury Amendments (<i>Curtis Oda</i>)	Failed
HB 89	Adoption and Vital Statistics Amendments (<i>Kory M. Holdaway</i>)	Failed
HB 90	Criminal Penalty Amendments (<i>David Litvack</i>)	Passed
HB 91	Redistricting Amendments (<i>Rosalind J. McGee</i>)	Failed
HB 92	Limitation of Physician Noncompetition Agreements (<i>Rosalind J. McGee</i>)	Failed
HB 93	Clean Fuel Vehicle Fund Amendments (<i>James R. Gowans</i>)	Passed
HB 94	Ban on Gifts to Elected Officials (<i>Patricia W. Jones</i>)	Failed
HB 95	Individual Income Tax Contribution for Community Spay and Neuter Programs (<i>Michael E. Noel</i>)	Passed
HB 96	Pedestrians' Right-of-way Amendments (<i>Bradley M. Daw</i>)	Failed
HB 97	Community Impact Amendments (<i>Gordon E. Snow</i>)	Failed
HB 98	Beginning Teacher Enhancements (<i>James R. Gowans</i>)	Failed
HB 99	School Community Councils (<i>Julie Fisher</i>)	Failed
HB 100	Environmental Litigation Bond (<i>Aaron Tilton</i>)	Vetoed
HB 101	Lobbyist Gift Limits and Disclosure (<i>Jeff Alexander</i>)	Failed
HB 102	Sentencing for First Degree Felony Murder (<i>Lorie D. Fowlke</i>)	Passed
HB 103	Changes to Definitions of a Child and a Minor (<i>Wayne A. Harper</i>)	Passed
HB 104	Commission on Racial and Ethnic Fairness (<i>Duane E. Bourdeaux</i>)	Failed
HB 105	Medicaid Generic Drug Reimbursement Amendments (<i>Mark W. Walker</i>)	Passed
HB 106	Citation Amendments (<i>Mark W. Walker</i>)	Failed
HB 107	Full-day Kindergarten (<i>Kory M. Holdaway</i>)	Failed
HB 108	Hospital Lien Amendments (<i>Stephen H. Urquhart</i>)	Failed
HB 109	Sales and Use Tax - Food and Food Ingredients (<i>Merlynn T. Newbold</i>)	Passed
HB 110	Airport Security Amendments (<i>Gregory H. Hughes</i>)	Passed
HB 111	Child Restraint Device Amendments (<i>Tim M. Cosgrove</i>)	Failed
HB 112	Transportation Investment Act (<i>Rebecca D. Lockhart</i>)	Passed
HB 113	Auditing of Leases Related to Revenue Bonds (<i>Neil A. Hansen</i>)	Failed
HB 114	Minimum Enforcement of Food Sanitation Rules (<i>Stephen D. Clark</i>)	Passed
HB 115	Salary of the Lieutenant Governor (<i>LaVar Christensen</i>)	Passed
HB 116	Local Fire Officials Authority (<i>David Ure</i>)	Failed
HB 117	Grama Records Committee Appeal (<i>Carol Spackman Moss</i>)	Passed
HB 118	Utah Health Care Workforce Financial Assistance Act Amendments (<i>Jackie Biskupski</i>)	Failed
HB 119	Board of Regents Amendments (<i>Jeff Alexander</i>)	Passed
HB 120	Election and Referendum Procedures (<i>David L. Hogue</i>)	Failed
HB 121	Revolving Door Limitations for Public Officials to Become Lobbyists (<i>Carol Spackman Moss</i>)	Failed
HB 122	Utah Small Business Health Plan (<i>Steven R. Mascaro</i>)	Failed
HB 123	Disaster Response and Recovery Act (<i>J. Stuart Adams</i>)	Passed
HB 124	Parent-time Amendments (<i>Brad L. Dee</i>)	Passed
HB 125	State Long-term Care for Inmates (<i>Jackie Biskupski</i>)	Passed
HB 126	County Option Sales and Use Tax for Agricultural Land and Open Land (<i>Craig W. Buttars</i>)	Failed

HB 127	Limited Liability Company Amendments (<i>J. Stuart Adams</i>)	Passed
HB 128	Medicaid - Pregnant Women Resource Test (<i>Mark A. Wheatley</i>)	Failed
HB 129	Public Health Amendments (<i>Bradley G. Last</i>)	Passed
HB 130	Adoption Amendments (<i>Ann W. Hardy</i>)	Passed
HB 131	Economic Development Incentives (<i>Brad L. Dee</i>)	Passed
HB 132	Local Land Use Requirements (<i>Michael T. Morley</i>)	Passed
HB 133	Commercial Transactions of Personal Property (<i>Rebecca D. Lockhart</i>)	Passed
HB 134	Class Size Reduction (<i>Carol Spackman Moss</i>)	Failed
HB 135	Performance Audits of Local Governments (<i>Peggy Wallace</i>)	Failed
HB 136	Providing Health Care Service - Exemptions from Licensure (<i>Bradley M. Daw</i>)	Failed
HB 137	Medication Aide Certified (<i>Rebecca D. Lockhart</i>)	Passed
HB 138	Mercury Switch Removal Act (<i>Ronda Rudd Menlove</i>)	Passed
HB 139	State Antiquities and Historic Sites Amendments (<i>Bradley T. Johnson</i>)	Passed
HB 140	Amendments to Commercial Driver License Provisions (<i>Jeff Alexander</i>)	Passed
HB 141	Motor Vehicle Registration Checkoff for Protecting Access to Public Lands and Off-highway Vehicle Education (<i>Michael E. Noel</i>)	Failed
HB 142	Center for Multicultural Health - Duties (<i>Ross I. Romero</i>)	Passed
HB 143	Instructional Expenses Requirements (<i>Gregory H. Hughes</i>)	Failed
HB 144	Benefits for National Guard Members and Families (<i>Gregory H. Hughes</i>)	Failed
HB 145	Rangeland Improvement Act (<i>Bradley T. Johnson</i>)	Passed
HB 146	Public Safety Retirement for Dispatchers (<i>DeMar Bud Bowman</i>)	Failed
HB 147	Revisions to Distribution of Sales and Use Tax Revenue (<i>Scott L Wyatt</i>)	Failed
HB 148	Parent and Child Amendments (<i>LaVar Christensen</i>)	Vetoed
HB 149	Law Enforcement Drug Task Force Funding (<i>Eric K. Hutchings</i>)	Failed
HB 150	Workers' Compensation Revisions (<i>Michael T. Morley</i>)	Passed
HB 151	Adjustments in Funding for Concurrent Enrollment (<i>Margaret Dayton</i>)	Vetoed
HB 152	Navajo Trust Fund Amendments (<i>Brad King</i>)	Passed
HB 153	County Jail Work Release Process Amendments (<i>Scott L Wyatt</i>)	Failed
HB 154	In-home and Community Based Support Services for Adults with Long-term Care Needs (<i>Eric K. Hutchings</i>)	Failed
HB 155	Education Testing and Graduation Amendments (<i>Neil A. Hansen</i>)	Failed
HB 156	Health Insurance Accessibility (<i>James A. Dunnigan</i>)	Passed
HB 157	State Elected Officials Health Plan (<i>Eric K. Hutchings</i>)	Failed
HB 158	Sex Offender Amendments (<i>Brad L. Dee</i>)	Passed
HB 159	Real Estate Related Regulation, Transactions, and Construction (<i>Paul Ray</i>)	Failed
HB 160	Construction Standard Amendments (<i>Michael T. Morley</i>)	Passed
HB 161	Sexual Offenses Against Children - Sentencing Amendments (<i>Paul Ray</i>)	Passed
HB 162	Transportation Funding Amendments (<i>John Dougall</i>)	Failed
HB 163	Public Safety Retirement Amendments (<i>Craig A. Frank</i>)	Failed
HB 164	Compensation for Wrongful Conviction and Incarceration (<i>David Litvack</i>)	Failed
HB 165	Public Notary Amendments (<i>Ross I. Romero</i>)	Failed
HB 166	Special License Plate for Utah Shakespearean Festival (<i>DeMar Bud Bowman</i>)	Failed
HB 167	School Uniforms (<i>Craig A. Frank</i>)	Passed
HB 168	Eminent Domain Limitation on Political Subdivisions (<i>Ben C. Ferry</i>)	Failed
HB 169	Driver License Records Access Amendments (<i>Douglas C. Aagard</i>)	Passed
HB 170	Prosecution and Prevention of Child Pornography Offenses Amendments (<i>Ron Bigelow</i>)	Passed

HB 171	Mechanics' Lien Amendments (<i>Ross I. Romero</i>)	Failed
HB 172	Local Land Use Provisions Relating to Schools (<i>James A. Ferrin</i>)	Passed
HB 174	Guardian Ad Litem Amendments (<i>LaVar Christensen</i>)	Failed
HB 176	School District Enrollment Diversity (<i>Duane E. Bourdeaux</i>)	Failed
HB 177	Right to Work Laws (<i>Stephen D. Clark</i>)	Failed
HB 178	Tax Credit for Volunteer Service by a Health Care Professional (<i>Stephen D. Clark</i>)	Failed
HB 179	Utah Employment Act (<i>Glenn A. Donnelson</i>)	Failed
HB 180	Divorce Orientation (<i>Lorie D. Fowlke</i>)	Failed
HB 181	Education Reform (<i>Stephen H. Urquhart</i>)	Passed
HB 184	Parent Choice in Education Act (<i>J. Stuart Adams</i>)	Failed
HB 185	Education Accountability (<i>Duane E. Bourdeaux</i>)	Failed
HB 186	Suicide Prevention Plan (<i>David L. Hogue</i>)	Failed
HB 187	Criminal Law Amendments (<i>John Dougall</i>)	Failed
HB 188	Government Records Access and Management Act Revisions (<i>Craig A. Frank</i>)	Passed
HB 189	Environmental Health Scientist Modifications (<i>Michael E. Noel</i>)	Failed
HB 190	School Discipline Research Project (<i>Lorie D. Fowlke</i>)	Failed
HB 191	Costs of Intervention in Public Service Commission Proceedings (<i>James R. Gowans</i>)	Failed
HB 192	Instructional Materials for Disabled Students (<i>D. Gregg Buxton</i>)	Passed
HB 193	Sales and Use Tax Funding for Health Care (<i>John G. Mathis</i>)	Passed
HB 194	Service Animals (<i>Paul Ray</i>)	Failed
HB 195	Criminal Procedure Amendment (<i>Scott L Wyatt</i>)	Passed
HB 196	Real Property Disclosures (<i>Gregory H. Hughes</i>)	Failed
HB 197	Medicaid Resource Standards and Methodologies (<i>David L. Hogue</i>)	Failed
HB 198	Statewide 911 Emergency Communication Amendments (<i>Brad L. Dee</i>)	Passed
HB 199	Insurance Amendments - Adoption Indemnity Benefit (<i>Merlynn T. Newbold</i>)	Passed
HB 200	State Retirement Conversion Window (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 201	Fee Waiver Eligibility Verification (<i>Kory M. Holdaway</i>)	Failed
HB 202	Foreign Exchange Student Amendments (<i>Neal B. Hendrickson</i>)	Failed
HB 203	Medical Billing Requirements (<i>Eric K. Hutchings</i>)	Failed
HB 204	Comprehensive Health Insurance Pool Amendments (<i>Peggy Wallace</i>)	Passed
HB 205	Repeal of Obsolete Dependent Special Districts (<i>Julie Fisher</i>)	Passed
HB 206	Local Governments Form of Government (<i>Peggy Wallace</i>)	Failed
HB 207	Inherent Risks of Participating in Recreational Activities on Property Owned by Local Government (<i>DeMar Bud Bowman</i>)	Passed
HB 208	Aggravated Murder Amendment (<i>Scott L Wyatt</i>)	Passed
HB 209	Partial Lump-sum Retirement Payment Option (<i>David Clark</i>)	Passed
HB 210	County Ordinance Amendments (<i>Larry B. Wiley</i>)	Passed
HB 211	Brand Inspection Amendments (<i>David Ure</i>)	Failed
HB 212	DNA Database Amendments (<i>J. Stuart Adams</i>)	Passed
HB 213	Services for People with Brain Injuries (<i>Ronda Rudd Menlove</i>)	Passed
HB 214	Naming State Reptile (<i>David Clark</i>)	Failed
HB 215	PEHP Risk Pool Amendments (<i>David Clark</i>)	Passed
HB 216	Expiration of Group Health Insurance for Retired Governors and Legislators (<i>David Clark</i>)	Failed
HB 217	Health Insurance High Risk Pool Eligibility Amendments (<i>David Litvack</i>)	Failed
HB 218	Schools for the Deaf and Blind Salary Adjustment (<i>Karen W. Morgan</i>)	Passed

HB 219	Child Protection - Clandestine Laboratory Operation (<i>Eric K. Hutchings</i>)	Passed
HB 220	Child Protection - Gang Association (<i>Eric K. Hutchings</i>)	Failed
HB 221	Ambulance and Paramedic Fee Amendments (<i>Paul Ray</i>)	Passed
HB 222	Unborn Child Pain Prevention Act (<i>Paul Ray</i>)	Failed
HB 223	Trespass Law Amendments (<i>Kerry W. Gibson</i>)	Passed
HB 224	Retirement System Participation (<i>David Clark</i>)	Passed
HB 225	Post Retirement Employment (<i>Glenn A. Donnelson</i>)	Failed
HB 226	Kindergarten Readiness (<i>LaWanna Lou Shurtliff</i>)	Passed
HB 227	Underage Tattooing Penalty Amendment (<i>David Ure</i>)	Passed
HB 228	Groundwater Management Plan (<i>David Ure</i>)	Passed
HB 229	Trauma Registry Data (<i>Sheryl L. Allen</i>)	Passed
HB 230	High School Curriculum and Graduation (<i>Bradley M. Daw</i>)	Failed
HB 231	Voting Amendments (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 232	Higher Education Tuition for Active Duty Military (<i>Michael T. Morley</i>)	Passed
HB 233	Insurance Licensing Amendments (<i>James A. Dunnigan</i>)	Passed
HB 234	Seat Belt Amendments (<i>Joseph G. Murray</i>)	Failed
HB 235	Public Safety Vehicles - Marking Lights (<i>Joseph G. Murray</i>)	Passed
HB 236	Department of Commerce - Demographic Data Tracking (<i>Mark A. Wheatley</i>)	Failed
HB 237	Direct-entry Midwife Act - Repealers (<i>Jackie Biskupski</i>)	Passed
HB 238	Authorizing Temporary Road Closures (<i>Michael E. Noel</i>)	Passed
HB 239	Child Welfare Amendments (<i>Aaron Tilton</i>)	Failed
HB 240	Public Safety Retirement Revisions (<i>David Clark</i>)	Failed
HB 241	Industrial Protection Act (<i>Ronda Rudd Menlove</i>)	Passed
HB 242	Motorboat Liability Insurance Amendments (<i>Kerry W. Gibson</i>)	Passed
HB 243	Controlled Substance Possession Amendment (<i>Ann W. Hardy</i>)	Failed
HB 244	Aggravated Assault by Prisoners Amendment (<i>Scott L Wyatt</i>)	Passed
HB 245	Child Custody Determinations (<i>Lorie D. Fowlke</i>)	Passed
HB 246	Health Care Cost and Quality Data (<i>Michael T. Morley</i>)	Failed
HB 247	Plea in Abeyance Fee (<i>M. Susan Lawrence</i>)	Passed
HB 248	Executive and Legislative Coordination Act (<i>David L. Hogue</i>)	Failed
HB 249	Juvenile Court Judge (<i>David L. Hogue</i>)	Failed
HB 250	Local Governments Restrictions on Limiting Certain Fees (<i>Gregory H. Hughes</i>)	Passed
HB 251	Development Grants for Libraries (<i>Michael E. Noel</i>)	Failed
HB 252	Public Education Job Enhancement Program Amendments (<i>Ronda Rudd Menlove</i>)	Failed
HB 253	School Truancy Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 254	Child Care Licensing Restrictions (<i>M. Susan Lawrence</i>)	Passed
HB 255	Disclosure of Conflict of Interest (<i>Ross I. Romero</i>)	Failed
HB 256	Requirement of Property Tax Increase Advertisement (<i>Gregory H. Hughes</i>)	Passed
HB 257	Material Harmful to Minors Amendments (<i>David L. Hogue</i>)	Failed
HB 258	Government Records Access and Management Act - Public Records (<i>Ben C. Ferry</i>)	Passed
HB 259	Division of Air Quality - Bond for Stay of an Order (<i>Aaron Tilton</i>)	Failed
HB 260	State Office of Rehabilitation - Budget Recommendations (<i>Bradley G. Last</i>)	Passed
HB 261	Property Tax Revisions (<i>Merlynn T. Newbold</i>)	Passed
HB 262	Respiratory Care Amendments (<i>Bradley G. Last</i>)	Passed
HB 263	Child Care Revisions (<i>D. Gregg Buxton</i>)	Passed

HB 264	Acceptance of R.s. 2477 Rights-of-way Amendments (<i>Michael E. Noel</i>)	Passed
HB 265	Due Date for Filing Electronically Filed Withholding Returns (<i>Merlynn T. Newbold</i>)	Passed
HB 266	Fire Alarm System Certification Requirements (<i>Joseph G. Murray</i>)	Passed
HB 267	Transportation Construction Amendments (<i>Julie Fisher</i>)	Passed
HB 268	Garnishment Fees (<i>Steven R. Mascaro</i>)	Failed
HB 269	Human Resource Management Amendments (<i>David Clark</i>)	Passed
HB 270	Emergency Medical Service Provider Tort Reform (<i>Sheryl L. Allen</i>)	Failed
HB 271	Petroleum Storage Tank Trust Fund Amendments (<i>David Ure</i>)	Passed
HB 272	Insurance Law Amendments (<i>Todd E. Kiser</i>)	Passed
HB 273	Sales and Use Tax Exemption for Textbooks for Higher Education (<i>Duane E. Bourdeaux</i>)	Failed
HB 274	Removal of County or Prosecution District Officer Amendments (<i>Scott L Wyatt</i>)	Passed
HB 275	Eminent Domain Requirements (<i>David Ure</i>)	Failed
HB 276	Medicaid Covered At Work Premium Subsidy (<i>Kory M. Holdaway</i>)	Passed
HB 277	Earned Income Tax Credit (<i>Jackie Biskupski</i>)	Failed
HB 278	Out-of-state Parent-time Amendments (<i>Lorie D. Fowlke</i>)	Passed
HB 279	Patient Access to Health Care (<i>David Ure</i>)	Failed
HB 280	Golf Carts Allowed on Certain Streets (<i>Carol Spackman Moss</i>)	Failed
HB 281	Privacy of Records Related to Minors (<i>Eric K. Hutchings</i>)	Failed
HB 282	Utah Uniform Probate Code Amendments (<i>Ross I. Romero</i>)	Failed
HB 283	Motor Vehicle Business Regulation Amendments (<i>Patrick Painter</i>)	Passed
HB 284	Veterinary Practice Act Amendments (<i>John G. Mathis</i>)	Passed
HB 285	Appropriation for Highly Qualified Teachers (<i>Kory M. Holdaway</i>)	Passed
HB 286	Mold Amendments (<i>David L. Hogue</i>)	Failed
HB 287	Wildlife Damage Compensation Act Amendments (<i>Craig W. Buttars</i>)	Passed
HB 288	Health Care Amendments for Foster Children (<i>David L. Hogue</i>)	Passed
HB 289	Utah Education Network Amendments (<i>Kory M. Holdaway</i>)	Passed
HB 290	Protective Order Amendments (<i>Lorie D. Fowlke</i>)	Failed
HB 291	State Tax Commission Bonding and Licensing Amendments (<i>Wayne A. Harper</i>)	Passed
HB 292	Use of Eminent Domain (<i>Aaron Tilton</i>)	Failed
HB 293	Transportation - Oversize and Overweight Permit (<i>Kerry W. Gibson</i>)	Passed
HB 294	Creation of Education Fund (<i>Jeff Alexander</i>)	Passed
HB 295	Child Support Amendments (<i>Lorie D. Fowlke</i>)	Passed
HB 296	Governor's Budget - Wage and Benefit Increases to be Considered for Soil Conservation District (<i>Kerry W. Gibson</i>)	Passed
HB 297	School Busing Amendments (<i>David N. Cox</i>)	Failed
HB 298	Driver License - Application of Minor (<i>David Litvack</i>)	Failed
HB 299	Medical Recommendations for Children (<i>Michael T. Morley</i>)	Failed
HB 300	County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities Amendments (<i>David L. Hogue</i>)	Failed
HB 301	Consumer Access to Health Care Provider Charges (<i>Eric K. Hutchings</i>)	Failed
HB 302	Individual Income Tax Amendments (<i>Patricia W. Jones</i>)	Failed
HB 303	Aging and Adult Services Program Amendments (<i>James A. Dunnigan</i>)	Failed
HB 304	Voiding Transactions Against Public Policy (<i>LaVar Christensen</i>)	Failed
HB 305	Boating Registration Fee (<i>David N. Cox</i>)	Failed
HB 306	Private Probation Provider Amendment (<i>Lorie D. Fowlke</i>)	Passed

HB 307	Utah's Small Business Equal Access to Justice Act Amendments (<i>Ross I. Romero</i>)	Failed
HB 308	Insurance Policy and Contract Law Amendments (<i>Todd E. Kiser</i>)	Passed
HB 309	Municipal Energy Sales and Use Tax Amendments (<i>Gregory H. Hughes</i>)	Passed
HB 310	Beginning Teacher Induction (<i>Ronda Rudd Menlove</i>)	Failed
HB 311	Cultural Sites Protection Amendments (<i>Bradley T. Johnson</i>)	Passed
HB 312	Office of Recovery Services Fee (<i>Aaron Tilton</i>)	Failed
HB 313	Minimum Wage Revisions (<i>Neil A. Hansen</i>)	Failed
HB 314	Medical Examiner's Office Amendments (<i>Glenn A. Donnelson</i>)	Failed
HB 315	Real Estate Amendments (<i>Gordon E. Snow</i>)	Passed
HB 316	Administrative Rules Procedure Amendments (<i>David Ure</i>)	Passed
HB 317	Administrative Rule Criminal Penalty Amendments (<i>David Ure</i>)	Failed
HB 318	Sex Offender Registration Revisions (<i>David Clark</i>)	Failed
HB 319	Density Credit for Land Donated to School District (<i>David N. Cox</i>)	Failed
HB 320	Public Employees Retirement (<i>Neil A. Hansen</i>)	Failed
HB 321	Organized Retail Theft Offenses (<i>Paul Ray</i>)	Failed
HB 322	Costs of Divorce (<i>Peggy Wallace</i>)	Passed
HB 323	Individual Income Tax Rate Reduction (<i>James A. Ferrin</i>)	Failed
HB 324	Gift Certificates - Limiting Expiration Date (<i>Larry B. Wiley</i>)	Failed
HB 325	Regulation of Construction Industry (<i>Larry B. Wiley</i>)	Failed
HB 326	New Century Scholarship Amendments (<i>Kory M. Holdaway</i>)	Passed
HB 327	Public Employer Benefit Plans (<i>LaVar Christensen</i>)	Failed
HB 328	Eliminating the Age Requirement for Hunting Small Game (<i>Curtis Oda</i>)	Passed
HB 329	Age Amendments for Hunting Big Game (<i>Curtis Oda</i>)	Failed
HB 330	Allowance of State Memorials on State Property (<i>Wayne A. Harper</i>)	Failed
HB 331	Ambulance Services - Free Market Competition (<i>Gregory H. Hughes</i>)	Failed
HB 332	Mammography Insurance Coverage (<i>Carol Spackman Moss</i>)	Failed
HB 333	Antitrust Exemption (<i>Richard W. Wheeler</i>)	Passed
HB 334	Public Employees' Health Plan Option (<i>Eric K. Hutchings</i>)	Failed
HB 335	Radiation Control Act - Bond Requirements (<i>Aaron Tilton</i>)	Failed
HB 336	Waterfowl Stamp Implementation (<i>Stephen D. Clark</i>)	Failed
HB 337	Education Resources Conservation Program (<i>Jackie Biskupski</i>)	Failed
HB 338	Property Tax Exemption for Business Personal Property (<i>John Dougall</i>)	Passed
HB 339	Commission on Civic and Character Education (<i>LaVar Christensen</i>)	Passed
HB 340	Education Funding Amendments (<i>Brad L. Dee</i>)	Failed
HB 341	Task Force on Legislative Reforms (<i>Neil A. Hansen</i>)	Failed
HB 342	Traffic Code Revisions (<i>James A. Dunnigan</i>)	Failed
HB 343	Health Insurance Prompt Pay Amendments (<i>Stephen H. Urquhart</i>)	Failed
HB 344	Native American Special Group License Plates (<i>Scott L Wyatt</i>)	Failed
HB 345	State Public Safety Retirement Conversion Window (<i>Merlynn T. Newbold</i>)	Failed
HB 346	State Employee Retirement Benefits Amendments (<i>John Dougall</i>)	Passed
HB 347	Election Day Voter Registration (<i>Neil A. Hansen</i>)	Failed
HB 348	Election Code - Electronic Voting Procedures and Requirements (<i>Douglas C. Aagard</i>)	Passed
HB 350	Concealed Firearms Instructors (<i>Curtis Oda</i>)	Passed
HB 351	Carson Smith Scholarship Program Amendments (<i>Merlynn T. Newbold</i>)	Passed
HB 352	State Budget Provisions (<i>Margaret Dayton</i>)	Failed

HB 353	Sales and Use Tax Amendments (<i>Wayne A. Harper</i>)	Failed
HB 354	Tax Amendments (<i>John Dougall</i>)	Failed
HB 355	Off-highway Vehicle Amendments (<i>Brad L. Dee</i>)	Failed
HB 357	Water Issues Task Force (<i>David Ure</i>)	Passed
HB 359	Property Tax Exemption for Veterans (<i>Mark A. Wheatley</i>)	Failed
HB 360	Child Support Bond (<i>Lorie D. Fowlke</i>)	Failed
HB 361	Department of Natural Resources Amendments (<i>Richard W. Wheeler</i>)	Failed
HB 362	Enforcement of Controlled Substance Laws (<i>David L. Hogue</i>)	Failed
HB 363	Driver License - Learner Permit Provisions (<i>John Dougall</i>)	Passed
HB 364	Child Protection and Parental Rights Amendments (<i>Wayne A. Harper</i>)	Failed
HB 365	Automated Teller Machine Fees (<i>Mark W. Walker</i>)	Passed
HB 366	Traffic Code Amendments (<i>Paul Ray</i>)	Failed
HB 367	Audit of State Budgets (<i>LaVar Christensen</i>)	Failed
HB 368	Commission Payment Act (<i>David Ure</i>)	Failed
HB 369	General Obligation Bond Authorization for Highways (<i>James A. Ferrin</i>)	Failed
HB 370	Transportation Planning Amendments (<i>Brad L. Dee</i>)	Passed
HB 371	Transient Room Taxes Amendments (<i>David Clark</i>)	Passed
HB 372	Expenditure of Local Option Transportation Tax Revenue (<i>Ben C. Ferry</i>)	Passed
HB 374	High School Diploma Amendments (<i>Kory M. Holdaway</i>)	Failed
HB 379	Amendments to Sexually Explicit Business and Escort Service Fund (<i>Tim M. Cosgrove</i>)	Failed
HB 381	Post-retirement Benefits Trust Fund (<i>David Clark</i>)	Failed
HB 382	Parentage Act Amendments (<i>Lorie D. Fowlke</i>)	Failed
HB 383	Vehicles Used for Agricultural Purposes (<i>Kerry W. Gibson</i>)	Passed
HB 384	Construction of Limited Access Highway Amendments (<i>David L. Hogue</i>)	Failed
HB 385	Corporate Franchise and Income Tax Credits for Biodiesel Fuel Production (<i>Michael E. Noel</i>)	Failed
HB 386	Personal Property Tax Amendments (<i>John Dougall</i>)	Failed
HB 388	Traumatic Brain Injury Fund (<i>James R. Gowans</i>)	Failed
HB 390	State Disaster Contingency Funding (<i>Curtis Oda</i>)	Failed
HB 391	Drug Abuse Amendments (<i>Carol Spackman Moss</i>)	Failed
HB 393	Public Education Club Amendments (<i>Aaron Tilton</i>)	Failed
HB 394	Relocating Outdoor Advertising (<i>David Ure</i>)	Passed
HB 396	Amendments to the Property Tax Exemption for Disabled Veterans (<i>Michael T. Morley</i>)	Passed
HB 397	Firefighters' Deferred Retirement Option Plan (<i>Mark W. Walker</i>)	Failed
HB 398	Joint Custody Amendments (<i>LaVar Christensen</i>)	Failed
HB 399	Funding English as a Second Language (<i>Duane E. Bourdeaux</i>)	Failed
HB 401	Veterans Affairs Amendments (<i>Brad L. Dee</i>)	Passed
HB 402	Sentencing Amendments (<i>Stephen H. Urquhart</i>)	Failed
HB 403	Bailbond Amendments (<i>Gregory H. Hughes</i>)	Passed
HB 404	Support Our Troops Special Group License Plate (<i>D. Gregg Buxton</i>)	Failed
HB 405	State Parks - Senior Permits (<i>Sheryl L. Allen</i>)	Failed
HB 407	Counseling for Families of Veterans (<i>Tim M. Cosgrove</i>)	Passed
HB 408	Public Education Consolidated Report (<i>Margaret Dayton</i>)	Failed
HB 410	Sex Offender Registration Fee (<i>Lorie D. Fowlke</i>)	Passed
HB 412	Addressing Major Disruptions by Public School Students (<i>Eric K. Hutchings</i>)	Failed

HB 413	Comparative Negligence Amendments (<i>Scott L Wyatt</i>)	Failed
HB 414	Petition for Involuntary Medication of Incompetent Person (<i>Scott L Wyatt</i>)	Passed
HB 416	Public Education Accountability (<i>Duane E. Bourdeaux</i>)	Failed
HB 417	Amendments to Child Protection Registry (<i>Eric K. Hutchings</i>)	Passed
HB 420	Municipal Building Inspectors Availability (<i>Aaron Tilton</i>)	Failed
HB 421	Tampering with Evidence - Amendments (<i>Peggy Wallace</i>)	Failed
HB 423	Limitation on Local Highway Authorities (<i>Wayne A. Harper</i>)	Passed
HB 427	Utah Strategic Highway Projects Fund (<i>David Ure</i>)	Failed
HB 428	Consumer Sales Practices Act Amendments (<i>M. Susan Lawrence</i>)	Passed
HB 429	Methamphetamine - Restriction on Components (<i>Michael T. Morley</i>)	Failed
HB 430	Department of Financial Institutions Pay Plan (<i>Jeff Alexander</i>)	Passed
HB 432	Access to Point-of-sale Devices (<i>Roger E. Barrus</i>)	Failed
HB 433	Continuing Parental Rights in Disabled Children (<i>LaVar Christensen</i>)	Failed
HB 434	Task Force Studying Natural Disasters (<i>Todd E. Kiser</i>)	Failed
HB 435	School Reporting Amendments (<i>Karen W. Morgan</i>)	Failed
HB 436	Legislative District Changes to Accommodate County Boundary Change (<i>Gregory H. Hughes</i>)	Passed
HB 437	Interpreters for Hearing Impaired (<i>Karen W. Morgan</i>)	Failed
HB 438	Sales and Use Tax - Dinner Theaters (<i>David Ure</i>)	Failed
HB 441	Basic Skills Competency Test Requirements (<i>Karen W. Morgan</i>)	Failed
HB 444	Irrigation Companies - Nonprofit Corporation Amendments (<i>James R. Gowans</i>)	Failed
HB 446	Surplus Lands Amendments (<i>Mark W. Walker</i>)	Passed
HB 447	Educator Phonics Requirements (<i>David N. Cox</i>)	Failed
HB 448	Standardizing Documents Filed with the County Recorder (<i>Craig A. Frank</i>)	Failed
HB 452	Observing Juneteenth Day by the State (<i>Neil A. Hansen</i>)	Failed
HB 453	Gifts, Grants, and Donations to Office of the Attorney General (<i>Michael E. Noel</i>)	Failed
HB 457	Amendments to Transportation Provisions (<i>John Dougall</i>)	Failed
HB 458	Economic Development - Government Procurement Contracts (<i>J. Stuart Adams</i>)	Passed
HB 460	Pete Suazo Athletic Commission Amendments (<i>Gregory H. Hughes</i>)	Failed
HB 461	Veterans Nursing Home - Extension Bond Authorization (<i>Ann W. Hardy</i>)	Passed
HB 462	Amendments Related to Lending (<i>David L. Hogue</i>)	Failed
HB 463	Workers' Compensation Amendments (<i>J. Stuart Adams</i>)	Failed
HCR 1	Early Childhood Reading Readiness Resolution (<i>Karen W. Morgan</i>)	Failed
HCR 2	Resolution Promoting Utah's Legislators Back to School Program (<i>Margaret Dayton</i>)	Passed
HCR 3	Resolution Regarding the Harmful Effects of Tobacco, Alcohol, and Drugs on Youth (<i>Neil A. Hansen</i>)	Passed
HCR 4	Resolution Supporting Utah Highway Patrol Use of White Crosses as Roadside Memorials (<i>Paul Ray</i>)	Passed
HCR 5	Resolution Urging Congress to Resolve Camp Williams Boundary Issues (<i>David L. Hogue</i>)	Failed
HCR 6	Concurrent Resolution Recognizing Contributions of Fred C. Adams (<i>DeMar Bud Bowman</i>)	Passed
HJR 1	Resolution Regarding Property Tax on Personal Property (<i>John Dougall</i>)	Passed
HJR 2	Resolution Urging Congressional Action on the Tax Deductibility of Medical Expenses by Individuals (<i>Eric K. Hutchings</i>)	Passed
HJR 3	Joint Rules Resolution - Base Budget Process (<i>Ron Bigelow</i>)	Passed
HJR 4	Resolution Supporting Medicaid Preferred Drug List for Acid Reflux and Statins (<i>Steven R. Mascaro</i>)	Failed

HJR 5	Resolution Providing Property Tax Exemption for Veterans (<i>Mark A. Wheatley</i>)	Failed
HJR 6	Resolution Limiting Property Tax on Primary Residence (<i>David L. Hogue</i>)	Failed
HJR 7	Resolution Opposing United States Supreme Court's Pornography Decision (<i>Ron Bigelow</i>)	Passed
HJR 8	Resolution Revising Executive Officer Succession Provisions (<i>Sheryl L. Allen</i>)	Failed
HJR 9	Joint Rules Resolution - Recodification and Revisions (<i>Rebecca D. Lockhart</i>)	Passed
HJR 10	Joint Rules Resolution - Disclosure of Conflict of Interest (<i>Ross I. Romero</i>)	Failed
HJR 11	Resolution Expressing Opposition to Federal Encroachment on Education (<i>David N. Cox</i>)	Failed
HJR 12	Joint Resolution Supporting Garfield County Expansion of Correctional Facilities (<i>Michael E. Noel</i>)	Failed
HJR 13	Resolution Urging Congressional Name Change of Hill Air Force Base (<i>LaVar Christensen</i>)	Failed
HJR 14	Resolution Urging State Agencies to Update References to Mental Retardation (<i>David L. Hogue</i>)	Passed
HJR 15	Joint Resolution Raising Public Awareness of Vital Role of Paraeducators (<i>Ronda Rudd Menlove</i>)	Passed
HJR 16	Resolution Urging Congressional Repeal of Federal Excise Tax on Telecommunications (<i>LaVar Christensen</i>)	Failed
HJR 17	Resolution Regarding Judicial Power (<i>Gregory H. Hughes</i>)	Failed
HJR 18	Joint Rules Resolution - Legislative Expense Reimbursement Process (<i>Bradley G. Last</i>)	Failed
HJR 19	Joint Resolution Supporting Recognition of Topaz and its History (<i>Richard W. Wheeler</i>)	Failed
HJR 20	Joint Resolution Resolving and Recognizing Juneteenth Independence Day in Utah (<i>Duane E. Bourdeaux</i>)	Failed
HJR 22	Joint Rules Resolution - Amendments Related to Recalling a Bill from Another House (<i>David L. Hogue</i>)	Failed
HJR 23	Resolution Supporting Working Families Economic Development Initiative (<i>Tim M. Cosgrove</i>)	Passed
HJR 25	State Transportation Empowerment Resolution (<i>Aaron Tilton</i>)	Failed
HJR 26	Resolution Urging Congress to Appropriate Adequate Funds for Medicare Prescription Drug Coverage Counseling (<i>Tim M. Cosgrove</i>)	Failed
HJR 27	Resolution Encouraging Family Agricultural Production (<i>Ronda Rudd Menlove</i>)	Failed
HJR 28	Resolution Encouraging State Research Universities to Focus on Enhancing State Trust Lands (<i>Eric K. Hutchings</i>)	Failed
HJR 29	Resolution Restricting Use of Eminent Domain (<i>John Dougall</i>)	Failed
HJR 30	Utah Athletic Foundation Resolution (<i>David Ure</i>)	Failed
HR 1	House Rules Resolution - Committee Processing of Bills (<i>Rebecca D. Lockhart</i>)	Passed
HR 2	House Rules Resolution - Conflict of Interest Amendments (<i>Ross I. Romero</i>)	Passed
HR 3	Resolution Supporting Permanent Repeal of Federal Inheritance Tax (<i>Michael E. Noel</i>)	Passed
HR 4	House Rules Resolution - Notification of Ongoing Negotiation (<i>Neil A. Hansen</i>)	Failed
SB 1	State Agency and Higher Education Base Budget Appropriations (<i>Lyle W. Hillyard</i>)	Passed
SB 2	Executive Compensation Amendments (<i>Lyle W. Hillyard</i>)	Failed
SB 3	Minimum School Program Base Budget Amendments (<i>Howard A. Stephenson</i>)	Passed
SB 4	New Fiscal Year Supplemental Appropriations Act (<i>Lyle W. Hillyard</i>)	Line Item Vetoed
SB 5	Amendments to the Minimum School Program Budget (<i>Howard A. Stephenson</i>)	Passed
SB 6	Health and Human Services Sunset and Reporting Amendments (<i>Allen M. Christensen</i>)	Passed

SB 7	Child Protection Amendments (<i>Gregory S. Bell</i>)	Passed
SB 8	Care of Students with Diabetes in School (<i>Patrice M. Arent</i>)	Passed
SB 9	Open and Public Meetings Act Revisions (<i>Parley G. Hellewell</i>)	Passed
SB 10	Provisional Ballot Amendments (<i>Parley G. Hellewell</i>)	Passed
SB 11	Election Code Revisions (<i>Parley G. Hellewell</i>)	Passed
SB 12	Electronic Meeting Amendment (<i>Lyle W. Hillyard</i>)	Passed
SB 13	Commercial Driver License Amendments (<i>Sheldon L. Killpack</i>)	Passed
SB 14	Insurance Department - Sunset Amendments and Revisions (<i>Scott K. Jenkins</i>)	Passed
SB 15	Grama Appeals Process and Document Request Amendments (<i>David L. Thomas</i>)	Failed
SB 16	Civil Antitrust Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 17	Highway Transfer Process Amendments (<i>Carlene M. Walker</i>)	Passed
SB 18	Driving Under the Influence Amendments (<i>Carlene M. Walker</i>)	Passed
SB 19	Amendments to Indoor Clean Air Act (<i>Michael G. Waddoups</i>)	Passed
SB 20	Repeal of Utah Digital Signature Act (<i>Lyle W. Hillyard</i>)	Passed
SB 21	Employment Security Amendments (<i>John W. Hickman</i>)	Passed
SB 22	Department of Community and Culture Amendments (<i>Peter C. Knudson</i>)	Passed
SB 23	Office of Museum Services (<i>Patrice M. Arent</i>)	Passed
SB 24	Weapons Amendments (<i>Mark B. Madsen</i>)	Failed
SB 25	Coordination with Tribal Leaders Amendments (<i>Beverly Ann Evans</i>)	Passed
SB 26	Administrative Rules Reauthorization (<i>Howard A. Stephenson</i>)	Passed
SB 27	Lake Powell Pipeline Development Act (<i>Thomas V. Hatch</i>)	Passed
SB 28	Sales and Use Tax - Exemption for Isolated or Occasional Sales (<i>Lyle W. Hillyard</i>)	Passed
SB 29	Sales and Use Tax Exemption - Telecommunications (<i>Curtis S. Bramble</i>)	Passed
SB 30	Sales and Use Tax Exemption for Semiconductor Fabricating, Processing, Research, or Development Materials (<i>Curtis S. Bramble</i>)	Passed
SB 31	Sales and Use Tax - Manufacturing and Industry Exemptions Amendments (<i>Howard A. Stephenson</i>)	Passed
SB 32	Multi-channel Video or Audio Service Tax - County or Municipality Franchise Fee Tax Credit (<i>Brent H. Goodfellow</i>)	Failed
SB 33	Sales and Use Tax Exemptions and Refund for Certain Business Inputs (<i>Howard A. Stephenson</i>)	Failed
SB 34	Gross Receipts Tax Amendments, Repeal and Public Utility Tariffs (<i>Mike Dmitrich</i>)	Passed
SB 35	Local Option Sales and Use Tax Distribution Amendments (<i>Gregory S. Bell</i>)	Passed
SB 36	School Districts - Limited Amendments to Truth in Taxation (<i>Mike Dmitrich</i>)	Passed
SB 37	Income Tax - Taxation of Individuals, Estates, and Trusts (<i>Lyle W. Hillyard</i>)	Passed
SB 38	Individual Income Taxation of Certain Trust Distributions (<i>Lyle W. Hillyard</i>)	Passed
SB 39	General Fund Surplus Appropriation for Water Development Projects (<i>Lyle W. Hillyard</i>)	Failed
SB 40	Mine Safety and Certificate Amendments (<i>Mike Dmitrich</i>)	Passed
SB 41	Restrictions on Use of Physician Disclosures (<i>David L. Thomas</i>)	Passed
SB 42	Amendments Prohibiting Health Insurance Discrimination (<i>Scott D. McCoy</i>)	Failed
SB 43	Minimum Wage Amendments (<i>Ed Mayne</i>)	Failed
SB 44	Home Inspection Standards (<i>Scott D. McCoy</i>)	Failed
SB 45	Oil and Gas Conservation Account Amendments (<i>Mike Dmitrich</i>)	Failed
SB 46	Utah Coal Regulator Program Amendments (<i>Mike Dmitrich</i>)	Passed
SB 47	Restoration of Voting Rights Amendments (<i>Brent H. Goodfellow</i>)	Passed
SB 48	School Nurses Legislative Study (<i>Ed Mayne</i>)	Failed

SB 49	School Community Council Amendments (<i>Patrice M. Arent</i>)	Passed
SB 50	Jail Funding Amendments (<i>David L. Thomas</i>)	Passed
SB 51	Driving with a Controlled Substance in the Body - Amendments (<i>Carlene M. Walker</i>)	Passed
SB 52	Antiphishing Provisions (<i>Patrice M. Arent</i>)	Passed
SB 53	Adult Protective Services Amendments (<i>Allen M. Christensen</i>)	Passed
SB 54	Revenue Flow from Speeding Violations (<i>John W. Hickman</i>)	Failed
SB 55	Election Reform (<i>L. Alma Mansell</i>)	Passed
SB 56	Secondary School Amendments (<i>D. Chris Buttars</i>)	Passed
SB 57	Telehealth for Rural Utah (<i>Beverly Ann Evans</i>)	Passed
SB 58	Alcoholic Beverage Amendments - Eliminating Alcohol Sales to Youth (<i>Peter C. Knudson</i>)	Passed
SB 59	Purchasing from People with Disabilities Amendments (<i>Sheldon L. Killpack</i>)	Passed
SB 60	Western States Presidential Primary (<i>Peter C. Knudson</i>)	Passed
SB 61	Uniform Mediation Act (<i>Lyle W. Hillyard</i>)	Passed
SB 62	Judicial Conduct Commission Amendments (<i>Michael G. Waddoups</i>)	Passed
SB 63	License Plate Amendments (<i>Dan R. Eastman</i>)	Failed
SB 64	Legislative Compensation Commission Amendments (<i>Gregory S. Bell</i>)	Failed
SB 65	Wildland Fire Suppression Amendments (<i>David L. Thomas</i>)	Passed
SB 66	Price Controls During Emergencies Amendments (<i>Patrice M. Arent</i>)	Passed
SB 67	Conservation Easement Restricted Accounts (<i>Beverly Ann Evans</i>)	Passed
SB 68	Plumbing License Qualifications Amendments (<i>Parley G. Hellewell</i>)	Passed
SB 69	Protection of Information in Consumer Credit Databases (<i>Carlene M. Walker</i>)	Passed
SB 70	Process for Approval of Waste Disposal Amendments (<i>Howard A. Stephenson</i>)	Vetoed
SB 71	Consumer Credit Protection (<i>Carlene M. Walker</i>)	Passed
SB 72	Home School and Dual Enrollment Amendments (<i>Mark B. Madsen</i>)	Failed
SB 73	Personal Use of Campaign Funds (<i>Karen Hale</i>)	Failed
SB 74	Privatization of Government Functions Task Force (<i>Howard A. Stephenson</i>)	Failed
SB 75	U Star Initiative (<i>L. Alma Mansell</i>)	Passed
SB 76	Lenders Registration Acts Amendments (<i>Ed Mayne</i>)	Failed
SB 77	Classification and Inspection of Records Under Grama (<i>Mark B. Madsen</i>)	Failed
SB 78	Alternative School Building Plans (<i>D. Chris Buttars</i>)	Failed
SB 79	Uniform Debt-Management Services Act (<i>Lyle W. Hillyard</i>)	Passed
SB 80	Public-private Partnerships for Tollway Facilities (<i>Sheldon L. Killpack</i>)	Passed
SB 84	Nonprofit Entity Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 85	State-owned Art Collections Inventory Program (<i>Beverly Ann Evans</i>)	Passed
SB 86	Amendments to Child Care (<i>Parley G. Hellewell</i>)	Passed
SB 88	Disclosure of Driver License Records (<i>Mark B. Madsen</i>)	Passed
SB 89	Sales and Use Tax - Attachment of Tangible Personal Property to Real Property (<i>Howard A. Stephenson</i>)	Passed
SB 90	Homeowners Association Provisions (<i>John W. Hickman</i>)	Failed
SB 91	Regulation of Restraint, Seclusion, and Emergency Medication (<i>Thomas V. Hatch</i>)	Failed
SB 92	Certification of Crane Operators (<i>Gene Davis</i>)	Passed
SB 93	Boiler and Elevator Safety Provisions (<i>Ed Mayne</i>)	Passed
SB 94	Amendments to Utah Comprehensive Health Insurance Pool (<i>Gene Davis</i>)	Failed
SB 95	Psychologist Licensing Act Amendments (<i>Ed Mayne</i>)	Passed
SB 96	Public Education - Instruction and Policy Relating to the Origins of Species (<i>D. Chris Buttars</i>)	Failed

SB 97	Student Club Amendments (<i>D. Chris Buttars</i>)	Failed
SB 98	Safety Belt Enforcement Amendments (<i>Karen Hale</i>)	Failed
SB 99	County Recorder Amendments (<i>David L. Thomas</i>)	Passed
SB 100	County Officer Amendments (<i>David L. Thomas</i>)	Passed
SB 101	County Assistance to Nonprofit Entities (<i>David L. Thomas</i>)	Passed
SB 102	Gifts to Public Officials (<i>Gregory S. Bell</i>)	Failed
SB 103	Prohibition of Contingent Fees for Expert Witnesses (<i>David L. Thomas</i>)	Passed
SB 104	Prescribing Practices for Schedule II Drugs (<i>Peter C. Knudson</i>)	Failed
SB 105	County Officer Revisions (<i>Carlene M. Walker</i>)	Failed
SB 106	Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (<i>Lyle W. Hillyard</i>)	Passed
SB 107	Title to Manufactured Housing or Mobile Homes (<i>Thomas V. Hatch</i>)	Passed
SB 108	Ethics in Dental Advertising (<i>Peter C. Knudson</i>)	Passed
SB 109	Uniform Commercial Code - Warehouse Receipts, Bills of Lading, and Other Documents of Title (<i>Lyle W. Hillyard</i>)	Passed
SB 110	Protection of Certain Voter Information (<i>Lyle W. Hillyard</i>)	Failed
SB 111	Water Conservancy District Amendments (<i>Thomas V. Hatch</i>)	Passed
SB 112	Centers of Excellence Amendments (<i>Thomas V. Hatch</i>)	Passed
SB 113	Governmental Immunity Limits (<i>Howard A. Stephenson</i>)	Passed
SB 114	Producer and Affiliate Disclosure Amendments (<i>Beverly Ann Evans</i>)	Failed
SB 115	Continuing Education in Insurance (<i>Thomas V. Hatch</i>)	Passed
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Sales and Use Tax Exemption for Textbooks for Higher
Education - HB 273
Sales and Use Tax Exemptions and Refund for Certain
Business Inputs - SB 33
Tax Amendments - HB 354

SCHOOL FINANCE

Public Education Job Enhancement Program
Amendments - HB 252

SCHOOL PERSONNEL

Beginning Teacher Enhancements - HB 98
Beginning Teacher Induction - HB 310
School Nurses Legislative Study - SB 48

SCHOOL SAFETY

School Busing Amendments - HB 297
Traffic Code Amendments - HB 366

SEAT BELT LAWS

Child Restraint Device Amendments - HB 111
Safety Belt Enforcement Amendments - SB 98
Seat Belt Amendments - HB 234

SECURITIES

Securities Amendments - SB 269

SEVERANCE TAX

Use of Oil and Gas Tax Revenues - SB 202

SEXUAL OFFENSES

Sex Offender Registration Revisions - HB 318

SOLID WASTE

Electronic Waste Task Force and Moratorium on
Electronic Waste Disposal - SB 215

SPECIAL DISTRICTS

Local Fire Officials Authority - HB 116

SPEED LIMITS

Revenue Flow from Speeding Violations - SB 54
Traffic Code Amendments - HB 366

STATE AFFAIRS IN GENERAL

Allowance of State Memorials on State Property -
HB 330
Classification and Inspection of Records Under Grama -
SB 77
Eminent Domain Requirements - HB 275
Executive and Legislative Coordination Act - HB 248
Joint Resolution Resolving and Recognizing Juneteenth
Independence Day in Utah - HJR 20
Observing Juneteenth Day by the State - HB 452
Resolution Revising Executive Officer Succession
Provisions - HJR 8
Resolution Urging Congressional Name Change of Hill Air
Force Base - HJR 13

STATE BOARDS, COMMISSIONS, AND COUNCILS

Utah Child Abuse Prevention Board - HB 22

STATE LANDS

Allowance of State Memorials on State Property -
HB 330
County Option Sales and Use Tax for Agricultural Land
and Open Land - HB 126

STATE OFFICERS AND EMPLOYEES

Gifts to Public Officials - SB 102

Post Retirement Employment - HB 225
Public Employer Benefit Plans - HB 327
Resolution Revising Executive Officer Succession
Provisions - HJR 8

STATE SYMBOLS

Naming State Reptile - HB 214

SUBSTANCE ABUSE

Drug Abuse Amendments - HB 391

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Privatization of Government Functions Task Force -
SB 74
School Nurses Legislative Study - SB 48
Suicide Prevention Plan - HB 186
Task Force on Legislative Reforms - HB 341
Task Force Studying Natural Disasters - HB 434

TECHNOLOGY

Child Protection Registry Amendments - SB 206

TELECOMMUNICATIONS

Multi-channel Video or Audio Service Tax - County or
Municipality Franchise Fee Tax Credit - SB 32
Resolution Urging Congressional Repeal of Federal
Excise Tax on Telecommunications - HJR 16
Telephone Solicitation Amendments - SB 203

TELEPHONE

Telephone Solicitation Amendments - SB 203

TRANSPORTATION

Amendments to Transportation Provisions - HB 457
Child Restraint Device Amendments - HB 111
Construction of Limited Access Highway Amendments -
HB 384
Driver License - Application of Minor - HB 298
Driver License Qualification Amendments - HB 64
Golf Carts Allowed on Certain Streets - HB 280
License Plate Amendments - SB 63
Motor Vehicle Registration Checkoff for Protecting Access
to Public Lands and Off-highway Vehicle Education -
HB 141
Native American Special Group License Plates - HB 344
Off-highway Vehicle Amendments - HB 355
Pedestrians' Right-of-way Amendments - HB 96
Responsibilities of Public Transit Districts - SB 227
Revenue Flow from Speeding Violations - SB 54
Safety Belt Enforcement Amendments - SB 98
School Busing Amendments - HB 297
Seat Belt Amendments - HB 234
Special License Plate for Utah Shakespearean Festival -
HB 166
State Transportation Empowerment Resolution - HJR 25

Support Our Troops Special Group License Plate -
HB 404
Traffic Code Amendments - HB 366
Traffic Code Revisions - HB 342
Traffic Tickets and Convictions - SB 138
Transportation Funding Amendments - HB 162
Utah Strategic Highway Projects Fund - HB 427

TRUST LANDS

Resolution Encouraging State Research Universities to
Focus on Enhancing State Trust Lands - HJR 28
School and Institutional Trust Lands Amendments -
SB 217

UNCLAIMED PROPERTY

Unclaimed Property Act Revisions - HB 75

UNIFORM PROBATE CODE

Utah Uniform Probate Code Amendments - HB 282

UTAH MUNICIPAL CODE

Density Credit for Land Donated to School District -
HB 319S01
Eminent Domain Limitation on Political Subdivisions -
HB 168

Local Government Land Use and Impact Fee Revisions -
SB 170
Moratorium on Issuing Sales Tax Revenue Bonds by
Local Governments - SB 166
Municipal Building Inspectors Availability - HB 420
Performance Audits of Local Governments - HB 135
Sales and Use Tax Amendments - HB 353
Transportation Funding Amendments - HB 162

WAGES

Minimum Wage Amendments - SB 43
Minimum Wage Revisions - HB 313
Resolution Submitting Minimum Wage Question to the
Voters - SJR 8

WATER AND IRRIGATION

General Fund Surplus Appropriation for Water
Development Projects - SB 39
Irrigation Companies - Nonprofit Corporation
Amendments - HB 444

WEAPONS

Weapons Amendments - SB 24

WORKERS' COMPENSATION

Workers' Compensation Amendments - HB 463

Statistical Summary of Legislation

2006 General Session

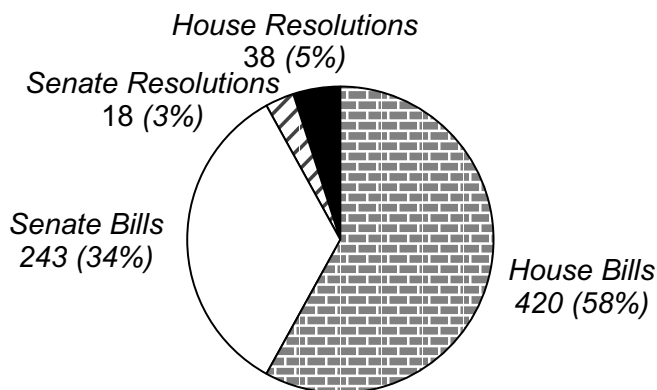
	House	Senate	Total
Total Bills and Resolutions Introduced	458	261	719
Total Bills and Resolutions Passed	225	170	395
Total Bills and Resolutions Enacted	222	169	391

Bills Introduced	420	243	663
Bills Passed	210	161	371
Bills Vetoed	3	1	4
Bills with Line Items Vetoed	1	1	2
Total Bills Enacted	207	160	367

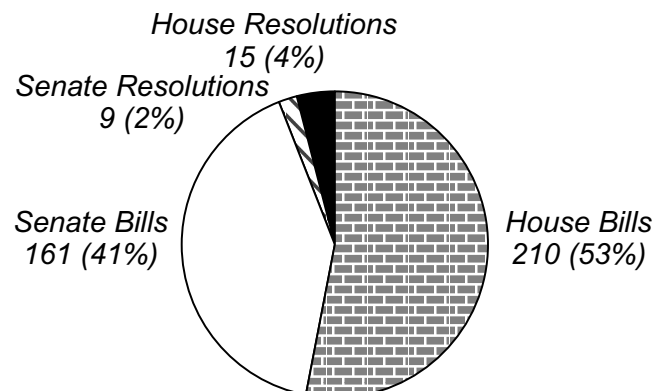
Joint Resolutions Introduced	28	10	38
Concurrent Resolutions Introduced	6	5	11
House & Senate Resolutions Introduced	4	3	7
Total Resolutions Introduced	38	18	56

Joint Resolutions Passed	8	9	17
Concurrent Resolutions Passed	4	1	5
House & Senate Resolutions Passed	3	3	6
Total Resolutions Passed	15	13	28

Introduced - 719

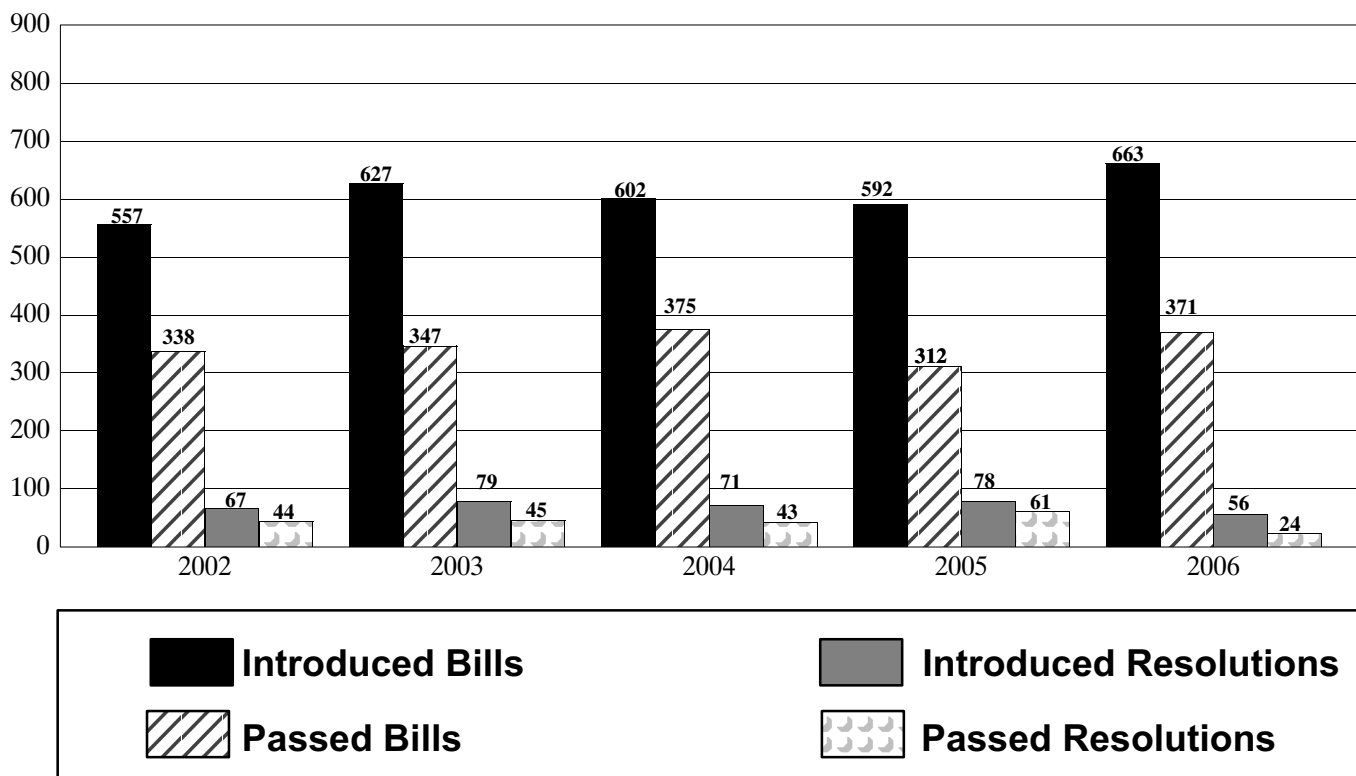


Passed - 395



Statistical Summary of General Sessions 2002-2006

	2002	2003	2004	2005	2006
Bills Introduced	557	627	602	592	663
Bills Passed	338	347	375	312	371
Percentage of Bills Passed	61%	55%	62%	53%	56%
Bills Vetoed	8	4	6	2	4
Veto Overridden	1	0	2	0	0
Bills Failed Due to Lack of Presentment				1	0
Joint Resolutions Introduced	46	40	36	41	38
Joint Resolutions Passed	27	21	18	32	13
Concurrent Resolutions Introduced	13	22	21	24	11
Concurrent Resolutions Passed	10	11	15	20	5
House & Senate Resolutions Introduced	8	17	14	13	7
House & Senate Resolutions Passed	7	13	10	9	6



DIGEST OF LEGISLATION

2005 SECOND SPECIAL SESSION of the 56th Legislature

**Convened November 9, 2005
and Adjourned November 9, 2005**

*Prepared by the
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PASSED LEGISLATION 2005 SECOND SPECIAL SESSION

HCR 201 Resolution Approving Legacy Parkway Settlement Agreement (*J. Stuart Adams*)

This concurrent resolution of the Legislature and the Governor gives approval of the Utah Department of Transportation's execution of a settlement agreement to resolve all pending litigation and potential future claims of the plaintiffs and allow for the construction of the Legacy Parkway.

This resolution:

- ▶ gives approval of the Utah Department of Transportation's execution of a settlement agreement with the Plaintiffs in *Utahns for Better Transportation et al. v. U.S. Dep't of Transportation et al.*, Consolidated Nos. CIV. 1:01-cv-00075; CIV. 1:01-cv-00145 (United States District Court for the District of Utah) and with other entities that have threatened to bring litigation against the State to resolve all pending litigation and potential future claims of the plaintiffs and allow for the construction of the Legacy Parkway.
- ▶ None

Effective November 14, 2005

Laws of Utah 2005, Second Special Session

HR 2001 House Resolution Recognizing Outstanding Service of Chief Clerk Carole E. Peterson (*Stephen H. Urquhart*)

This resolution of the House of Representatives recognizes the lengthy and superlative service of Carole E. Peterson, Chief Clerk of the House.

This resolution:

- ▶ recognizes the service Carole E. Peterson, Chief Clerk of the Utah House of Representatives, has extended to every member, past and present, of the House of Representatives;
- ▶ recognizes the impact for good Carole E. Peterson's service has had on the House as an institution and on the citizens of the state; and
- ▶ honors the commitment to fairness Carole E. Peterson extended towards all whom she served.

Effective November 9, 2005

Laws of Utah 2005, SECOND SPECIAL SESSION

SB 2001 Limitation of Trucks on Legacy Parkway (*Dan R. Eastman*)

This bill modifies the Transportation Code by amending provisions relating to trucks being operated on Legacy Parkway.

This bill:

- ▶ provides definitions; requires the department to restrict certain trucks from being operated on the Legacy Parkway except in certain circumstances; and repeals the provision that requires the department to restrict certain trucks from being operated on the Legacy Parkway on January 1, 2020.
- ▶ None

Amends 63-55b-172; Enacts 72-3-113

Effective January 9, 2006

Chapter 1, Laws of Utah 2005, SECOND SPECIAL SESSION

SUBJECT INDEX OF PASSED LEGISLATION 2005 SECOND SPECIAL SESSION

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LEGISLATIVE AFFAIRS

House Resolution Recognizing Outstanding Service of Chief Clerk Carole E. Peterson - HR 2001	237
Resolution Approving Legacy Parkway Settlement Agreement - HCR 201	237

MOTOR VEHICLES

Limitation of Trucks on Legacy Parkway - SB 2001	237
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RESOLUTIONS

House Resolution Recognizing Outstanding Service of Chief Clerk Carole E. Peterson - HR 2001	237
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Resolution Approving Legacy Parkway Settlement Agreement - HCR 201	237
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RESOLUTIONS, SETTLEMENTS

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SIZE LIMITS, MOTOR VEHICLES

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STATE OFFICERS AND EMPLOYEES

House Resolution Recognizing Outstanding Service of Chief Clerk Carole E. Peterson - HR 2001	237
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TRANSPORTATION

Limitation of Trucks on Legacy Parkway - SB 2001	237
Resolution Approving Legacy Parkway Settlement Agreement - HCR 201	237

Utah Code Sections Affected 2005 Second Special Session

Legend: The action taken on each section is as follows:

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

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>		<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
63-55b-172	A	SB 2001		237		72-3-113	E	SB 2001		237

**INTRODUCED LEGISLATION
2005 SECOND SPECIAL SESSION**

HCR 201	Resolution Approving Legacy Parkway Settlement Agreement (<i>J. Stuart Adams</i>)	Passed
HR 2001	House Resolution Recognizing Outstanding Service of Chief Clerk Carole E. Peterson (<i>Stephen H. Urquhart</i>)	Passed
SB 2001	Limitation of Trucks on Legacy Parkway (<i>Dan R. Eastman</i>)	Passed

