



UTAH STATE LEGISLATURE

DIGEST OF LEGISLATION

2009 GENERAL SESSION

of the 58th Legislature

2008 Second Special Session

of the 57th Legislature

 **OLRGC**
Office of Legislative Research and General Counsel

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Utah State Legislature

DIGEST OF LEGISLATION

2009 GENERAL SESSION

of the 58th Legislature

2008 Second Special Session

of the 57th Legislature

INTRODUCTION

This *Digest of Legislation* provides long titles of bills and resolutions enacted by the 58th Legislature in the 2009 General Session and the 2008 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 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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2009 GENERAL SESSION of the 58th Legislature

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PASSED LEGISLATION - 2009 GENERAL SESSION

HB 2 Minimum School Program Budget Amendments (*Merlynn T. Newbold*)

This bill provides funding for the Minimum School Program.

This bill:

- ▶ establishes a ceiling for the state contribution to the Minimum School Program for fiscal year 2009-10 of \$2,137,352,586;
- ▶ appropriates \$22,499,700 to the State Board of Education for fiscal year 2009-10 for school building aid programs for school districts;
- ▶ modifies the funding of charter schools;
- ▶ modifies the district administrative cost formula;
- ▶ makes one-time appropriations for fiscal year 2009-10; and
- ▶ makes one-time appropriations for fiscal year 2008-09.

This bill appropriates:

- ▶ the following Minimum School Program monies:
 - \$2,031,004,786 from the Uniform School Fund for fiscal year 2009-10;
 - \$20,000,000 from the Uniform School Fund Restricted - Interest and Dividends Account for fiscal year 2009-10;
 - \$86,347,800 from the Uniform School Fund for fiscal year 2009-10 only;
 - (\$84,167,200) from the Uniform School Fund for fiscal year 2008-09 only;
 - \$207,176,000 from Federal Funds - American Recovery and Reinvestment Act (H.R. 1, 111th Congress) for fiscal year 2009-10 only; and
 - \$91,200,000 from Federal Funds - American Recovery and Reinvestment Act (H.R. 1, 111th Congress) for fiscal year 2008-09 only;
- ▶ the following School Building Program monies:
 - \$22,499,700 from the Uniform School Fund for fiscal year 2009-10; and
 - \$3,171,700 from the Uniform School Fund for fiscal year 2008-09 only; and
- ▶ \$580,000 as an ongoing appropriation to the State Board of Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the Blind.

This bill coordinates with S.B. 4, Current School Year Supplemental Minimum School Program Budget Adjustments, by providing superseding and substantive amendments.

Amends 53A-1a-502.5, 53A-1a-513, 53A-17a-104, 53A-17a-108, 53A-17a-120.5, 53A-17a-125, 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-135, 53A-17a-148, 53A-21-501

Effective July 1, 2009

Chapter 391, Laws of Utah 2009

HB 3 Current Fiscal Year Supplemental Appropriations *(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, 2008 and ending June 30, 2009.

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.

This bill appropriates for fiscal year 2009:

- ▶ \$56,061,900 from the General Fund;
- ▶ (\$4,025,500) from the Uniform School Fund;
- ▶ (\$127,613,900) from the Education Fund;
- ▶ \$216,783,400 from various sources as detailed in this bill.

This bill takes effect immediately.

Effective February 9, 2009

Chapter 1, Laws of Utah 2009

HB 4 General Obligation Bonds Authorizations *(Stephen D. Clark)*

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

This bill:

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

This bill provides an immediate effective date.

Enacts 63B-18-101

Effective March 20, 2009

Chapter 16, Laws of Utah 2009

HB 11 Recodification of Natural Resources Provisions *(John G. Mathis)*

This bill amends and enacts provisions relating to natural resources.

This bill:

- ▶ creates Title 79, Natural Resources;
- ▶ enacts chapter and part titles;
- ▶ rennumbers and amends the following chapters from Title 63, State Affairs in General:
 - Chapter 34, Utah Natural Resources Act;
 - Chapter 73, Geological Survey;
 - Chapter 11, Parks and Recreation; and
 - Chapter 11a, Recreational Trails;

- ▶ amends cross-references to the renumbered sections;
- ▶ cross-references sections that create policy boards within the department with a general provision relating to policy board members;
- ▶ exempts policy board members from a provision in the Utah Public Officers' and Employees' Ethics Act if the member refrains from voting on a matter in which the member has an interest;
- ▶ repeals and reenacts sections relating to:
 - the department's authority to adopt a fee schedule;
 - the department's authority to accept federal funds;
 - the department's authority to plan for the development and conservation of natural resources and outdoor recreational resources;
 - department volunteers;
 - the Board of Parks and Recreation's rulemaking authority; and
 - fees for the Green River State Park;
- ▶ defines terms;
- ▶ repeals intent language;
- ▶ repeals part of a provision relating to policy board members;
- ▶ clarifies the applicability of the Administrative Procedures Act in department proceedings;
- ▶ repeals part of a provision that is no longer applicable relating to interest generated by the Utah Geological Survey Sample Library Fund;
- ▶ amends a provision related to paleontological resources on SITLA land;
- ▶ repeals a provision relating to geological survey employees under the University of Utah salary schedule;
- ▶ repeals several sections related to state parks that are no longer applicable, including references to:
 - the Utah State Park and Recreation Commission;
 - Jordan River State Park;
 - the Riverway Enhancement Advisory Council;
 - the Riverway Enhancement Program;
 - the old Utah State Prison;
 - Wasatch Mountain State Park;
 - Pioneer Monument State Park;
 - Bonneville Scenic Drive; and
 - Indian and frontier history and culture;
- ▶ requires the Division of Parks and Recreation to hold a public hearing if requested by a county legislative body;
- ▶ repeals the Centennial Nonmotorized Path and Trail Crossing Program;
- ▶ clarifies the Board of Parks and Recreation's authority to give grants for recreational trails; and
- ▶ makes technical changes.

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

Amends 11-38-302, 23-14-2, 40-6-2, 40-6-4, 40-6-15, 40-6-17, 40-6-19, 40-8-4, 40-8-6, 40-10-27, 41-22-12, 53-13-103, 54-17-701, 59-5-101, 59-7-614, 59-10-1014, 59-10-1106, 59-12-103, 59-23-4, 63A-5-204, 63A-5-222, 63B-4-201, 63C-11-102, 63G-2-206, 63G-2-301, 63J-4-502, 65A-1-1, 65A-1-2, 65A-1-3, 65A-1-4, 65A-8-302, 67-19-27, 72-2-117.5, 72-5-203,

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Enacts 79-1-101, 79-1-102, 79-2-101, 79-2-102, 79-2-302, 79-3-101, 79-4-101, 79-4-102, 79-4-304, 79-5-101;

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Effective May 12, 2009

Chapter 344, Laws of Utah 2009

HB 12 County Sheriff Qualification Amendments (*Richard A. Greenwood*)

This bill modifies provisions in Title 17, Counties, relating to the qualifications of a county sheriff.

This bill:

- ▶ provides new certification requirements for county sheriffs elected after the 2008 regular general election;
- ▶ requires a person filing a declaration of candidacy for county sheriff to submit a certificate issued by the Peace Officer Standards and Training Division stating that the candidate:
 - has successfully met the standards and training requirements established for law enforcement officers in Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; and
 - has qualified to be certified as a law enforcement officer, as defined in Section 53-13-103;
- ▶ requires an elected county sheriff to be certified at the time of taking office as:
 - a correctional officer, as defined in Section 53-13-104; or
 - a correctional facility manager by having completed a correctional facility management course approved by the POST Council; and
- ▶ requires a county sheriff to remain certified as a law enforcement officer and as a correctional officer or correctional facility manager during the sheriff's term of office.

This bill provides an immediate effective date.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Amends 17-22-1.5

Effective February 18, 2009

Chapter 5, Laws of Utah 2009

HB 14 Material Harmful to Minors Amendments (*Sheryl L. Allen*)

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

This bill:

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

The original bill was recommended by the Judiciary Interim Committee

Amends 76-10-1204, 76-10-1206

Effective May 12, 2009

Chapter 345, Laws of Utah 2009

HB 15 Career and Technical Education Amendments *(Ron Bigelow)*

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

This bill:

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

This bill takes effect on July 1, 2009.

The original bill was recommended by the Higher Education and Applied Technology Governance Committee

Amends 53A-1-101, 53A-15-202, 53B-1-101.5, 53B-1-103, 53B-1-104, 53B-2a-101, 53B-2a-102, 53B-2a-103, 53B-2a-104, 53B-2a-105, 53B-2a-106, 53B-2a-107, 53B-2a-108, 53B-2a-109, 53B-2a-110, 53B-2a-111, 53B-2a-112, 53B-2a-113, 53B-6-101, 53B-16-102, 53B-16-205, 53B-16-206, 53B-16-207, 53B-16-208;

Enacts 53B-16-209, 53B-16-210;

Repeals 53B-16-204

Effective July 1, 2009

Chapter 346, Laws of Utah 2009

HB 16 Assessment Area Amendments (*Fred R Hunsaker*)

This bill modifies provisions relating to assessment areas.

This bill:

- ▶ modifies definitions;
- ▶ authorizes other political subdivisions of the state, in addition to counties, cities, towns, special service districts, and local districts, to designate an assessment area and levy assessments;
- ▶ clarifies which improvements a notice of a proposed designation resolution or ordinance may make provision for;
- ▶ modifies which owners of property may file a protest to a proposed assessment area or assessment;
- ▶ modifies the conditions under which a local entity may designate an assessment area;
- ▶ modifies the conditions under which a local entity may add to a designated assessment area;
- ▶ modifies items that can be included in the levy of an assessment;
- ▶ modifies the possible makeup of a board of equalization for assessment purposes;
- ▶ specifies a time within which a board of equalization must mail a copy of the board's final report;
- ▶ allows a local entity to publish a summary of an adopted assessment resolution or ordinance rather than the resolution or ordinance itself;
- ▶ modifies a provision relating to an amendment of an assessment resolution or ordinance that results in an increase of an assessment;
- ▶ includes capitalized interest in the items for which proceeds of bond anticipation notes may be used;
- ▶ authorizes a local entity to include interest accruing on bond anticipation notes in the cost of improvements;
- ▶ includes assessments in the list of items from which warrants or bond anticipation notes are to be paid;
- ▶ modifies a provision relating to how assessment bonds are to be issued;
- ▶ includes interim warrants in a provision requiring the local entity to provide for the retirement of the obligation; and
- ▶ makes technical changes.

The original bill was recommended by the Political Subdivisions Interim Committee

Amends 11-42-102, 11-42-202, 11-42-203, 11-42-205, 11-42-207, 11-42-301, 11-42-401, 11-42-403, 11-42-404, 11-42-410, 11-42-602, 11-42-603, 11-42-605, 11-42-702, 63G-2-103

Effective May 12, 2009

Chapter 246, Laws of Utah 2009

HB 17 Expedited Partner Therapy Treatment (*Jennifer M. Seelig*)

This bill amends the Pharmacy Practice Act in the Division of Occupational and Professional Licensing Act.

This bill:

- ▶ defines terms;
- ▶ excludes from the definition of unprofessional conduct and unlawful conduct under the Division of Occupational and Professional Licensing, issuing a prescription for an antibiotic to an unnamed partner of a person who has any one of certain designated sexually transmitted diseases;
- ▶ does not mandate the use of expedited partner therapy;
- ▶ provides an option for a practitioner to use expedited partner therapy;
- ▶ makes conforming changes to the Pharmacy Practices Act;
- ▶ provides immunity from medical malpractice actions for a practitioner who uses expedited partner therapy; and
- ▶ makes technical changes.

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

Amends 58-17b-602;

Enacts 58-1-501.3

Effective May 12, 2009

Chapter 151, Laws of Utah 2009

HB 18 Water Right Applications and Records (*Patrick Painter*)

This bill amends provisions relating to a water right application and segregation of certain water right records.

This bill:

- ▶ defines terms;
- ▶ requires the state engineer to extend the time in which to complete an application if the applicant meets certain requirements;
- ▶ clarifies the calculation of time for extension of an application;
- ▶ deletes redundant provisions relating to an extension of certain applications;
- ▶ deletes provisions relating to when a state engineer shall deny or approve an application;
- ▶ authorizes, and in some cases requires, the extension of time on a water right application held by a public water supplier or a wholesale electrical cooperative;
- ▶ authorizes the segregation of a water right or an application;
- ▶ deletes the requirement to deny segregation for certain reasons;
- ▶ authorizes the consolidation of a water right or application; and
- ▶ makes technical changes.

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

Amends 73-3-12, 73-3-27

Effective May 12, 2009

Chapter 247, Laws of Utah 2009

HB 19 Water Rights - Informal Adjudications (*Kay L. McIff*)

This bill amends a section relating to the judicial review of a state engineer's decision in an informal adjudication.

This bill:

- ▶ allows the court to consider failure to prosecute a suit to final judgment within a certain time period lack of diligence, rather than requiring the court to dismiss the action; and
- ▶ makes technical changes.

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

Amends 73-3-15

Effective May 12, 2009

Chapter 248, Laws of Utah 2009

HB 20 Repeal of Certain Income Tax Credits and Contributions (*Julie Fisher*)

This bill amends the Individual Income Tax Act and related provisions to repeal certain income tax credits and contributions.

This bill:

- ▶ repeals the income tax targeted jobs tax credit for individuals, estates, and trusts;
- ▶ repeals the individual income tax contributions for:
 - the Utah College of Applied Technology; and
 - the Wolf Depredation and Management Restricted Account;
- ▶ provides that contributions and interest remaining on June 30, 2009 in the Wolf Depredation and Management Restricted Account shall be deposited into the Agricultural and Wildlife Damage Prevention Account;
- ▶ modifies the sources of funding for the Agricultural Wildlife Damage Prevention Account to include contributions and interest remaining on June 30, 2009 in the Wolf Depredation and Management Restricted Account;
- ▶ provides repeal dates for provisions relating to:
 - the Wolf Depredation and Management Restricted Account; and
 - contributions and interest remaining on June 30, 2009 in the Wolf Depredation and Management Restricted Account that are deposited into the Agricultural and Wildlife Damage Prevention Account; and
- ▶ makes technical changes.

This bill has retrospective operation for taxable years beginning on or after January 1, 2009.

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

Amends 4-23-7.5, 23-14-14.1, 59-10-1304, 59-10-1307, 63I-2-223;

Enacts 63I-2-204;

Repeals 59-10-1008, 59-10-1309

Effective May 12, 2009

Chapter 17, Laws of Utah 2009

HB 21 Amendments to Driver License Sanction Requirements (*Richard A. Greenwood*)

This bill modifies the Uniform Driver License Act by amending provisions relating to persons under 21 years of age operating a vehicle with a detectable amount of alcohol in the person's body.

This bill:

- ▶ provides that the requirement that the reinstatement of a person's license for a person under 21 years of age operating a vehicle with a detectable amount of alcohol in the person's body is contingent upon the person's completion of an action recommended by a local substance abuse authority or substance abuse program is only applicable within five years after the effective date of the license sanction.

The original bill was recommended by the Transportation Interim Committee

Amends 53-3-231

Effective May 12, 2009

Chapter 18, Laws of Utah 2009

HB 22 Harboring a Runaway (*Lorie D. Fowlke*)

This bill amends the section of the Utah Criminal Code that relates to harboring a runaway.

This bill:

- ▶ defines terms;
- ▶ provides that a person who harbors a minor who is a runaway must provide notice to the parent or legal guardian of the minor, a youth services center, the Division of Child and Family Services, or, under certain circumstances, a peace officer or a detention center, within eight hours from the later of the time that the person begins providing the shelter or the time that the person becomes aware that the minor is a runaway;
- ▶ provides an affirmative defense to the crime of harboring a runaway if the person fails to provide the required notice due to circumstances beyond the control of the person;
- ▶ provides that an individual or a temporary homeless youth shelter may continue to provide shelter to a runaway after providing the notice required by this bill if the parent or legal guardian of the minor consents to the continued provision of shelter or if the person notified fails to retrieve the runaway;
- ▶ clarifies that this bill does not prohibit an individual, a temporary homeless shelter, or a government agency from providing shelter to an abandoned minor;
- ▶ clarifies that this bill does not release a person from the obligation to report abuse or neglect of a child; and
- ▶ makes technical changes.

The original bill was recommended by the Judiciary Interim Committee

Amends 62A-4a-501, 78A-6-1001

Effective May 12, 2009

Chapter 19, Laws of Utah 2009

HB 23 Certified Tax Rate Amendments (*Fred R Hunsaker*)

This bill amends provisions in the Property Tax Act relating to the calculation of a taxing entity's certified tax rate.

This bill:

- ▶ includes the revenue a taxing entity collects from redemptions as "ad valorem property tax revenues" for purposes of calculating the taxing entity's certified tax rate;
- ▶ requires a taxing entity's ad valorem property tax revenues budgeted for the prior year to be decreased by the average annual amount of revenue collected from redemptions during the prior five-year period for purposes of calculating a taxing entity's certified tax rate;
- ▶ exempts a taxing entity from the notice and hearing requirements of "Truth in Taxation" for a certain amount of budgeted revenue equal to the taxing entity's five-year average of redemptions from collections;
- ▶ defines terms; and
- ▶ makes technical changes.

This bill takes effect on January 1, 2010.

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

Amends 59-2-924

Effective January 1, 2010

Chapter 152, Laws of Utah 2009

HB 24 Traffic Accident Clearance Amendments (*Eric K. Hutchings*)

This bill modifies the Motor Vehicles Code by amending provisions relating to a vehicle operator's responsibilities for certain traffic accidents.

This bill:

- ▶ provides that an operator of a vehicle involved in an accident resulting only in damage to another vehicle or property may move the vehicle as soon as possible off the roadway or freeway main lines, shoulders, medians, or adjacent areas to a location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic;
- ▶ increases the property damage limit from \$1,000 to \$1,500 for requiring an operator of a vehicle to give notice of an accident to the nearest office of a law enforcement agency;
- ▶ provides that moving a vehicle does not affect the determination of fault for an accident;
- ▶ authorizes a law enforcement agency with jurisdiction to remove a vehicle, cargo, or other personal property that has been damaged or spilled within the right-of-way of a roadway on the state highway system, is blocking the roadway, or is endangering public safety;
- ▶ provides that the Department of Transportation or a law enforcement agency shall not be held responsible for any damages or claims that result from exercising the authority or the failure to exercise the authority to remove a vehicle, cargo, or personal property; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 41-6a-401;

Enacts 41-6a-401.9

Effective May 12, 2009

Chapter 115, Laws of Utah 2009

HB 25 Gun Dealer Penalty Amendments *(Curtis Oda)*

This bill modifies the penalties provision of the Weapons Part of the Utah Criminal Code regarding penalties for firearms' violations.

This bill:

- ▶ makes it a class A misdemeanor for a violation of the criminal background check provisions in Section 76-10-526 by a licensed handgun dealer; and
- ▶ makes certain technical changes.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Amends 76-10-527

Effective May 12, 2009

Chapter 20, Laws of Utah 2009

HB 26 Child and Vulnerable Adult Endangerment Provisions *(Michael T. Morley)*

This bill amends Utah Criminal Code provisions relating to endangerment of a child or a vulnerable adult.

This bill:

- ▶ defines terms;
- ▶ provides that a person who knowingly or intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia is:
 - guilty of a third degree felony;
 - guilty of a second degree felony, if, as a result of the conduct described above, a child or vulnerable adult suffers bodily injury, substantial bodily injury, or serious bodily injury; or
 - guilty of a first degree felony, if, as a result of the conduct described above, a child or vulnerable adult dies;
- ▶ provides an affirmative defense to the crime described above, if the controlled substance is obtained by lawful prescription;
- ▶ provides that the penalties described in this bill are separate from, and in addition to, the penalties and enhancements described in Title 58, Occupations and Professions; and
- ▶ makes technical changes.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Amends 76-3-203.5;

Repeals and Reenacts 76-5-112.5

Effective May 12, 2009

Chapter 153, Laws of Utah 2009

HB 27 **Protections for Agricultural Practices** (*Michael T. Morley*)

This bill eliminates the presumption that agricultural operations are conducted in accordance with sound agricultural practices and provides that agricultural operations are not nuisances.

This bill:

- ▶ states that agricultural activity is not a nuisance if conducted in accordance with sound agricultural practices.

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

Amends 76-10-803, 78B-6-1101, 78B-6-1104

Effective May 12, 2009

Chapter 21, Laws of Utah 2009

HB 28 **Personal Property Tax Amendments** (*Craig A. Frank*)

This bill amends provisions in the Property Tax Act relating to the collection of personal property taxes.

This bill:

- ▶ provides that a county assessor may impose a penalty if a taxpayer fails to file a property tax statement on or before May 15 of the year the property tax statement is requested by the county assessor;
- ▶ requires a county assessor of a county of the first class to mail a subsequent notice to the taxpayer before imposing a penalty for failure to file a property tax statement;
- ▶ requires a county assessor to mail a subsequent notice to a taxpayer before imposing a penalty for failure to file a property tax statement if the county assessor requested the property tax statement on or after March 16 of the year the property tax statement is requested by the county assessor;
- ▶ requires a county assessor to make an estimate of the value of property based on known facts and circumstances if a taxpayer fails to file a signed statement of the taxpayer's property; and
- ▶ makes technical changes.

This bill has retrospective operation for a taxable year beginning on or after January 1, 2009.

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

Amends 59-2-307

Effective May 12, 2009

Chapter 154, Laws of Utah 2009

HB 29 Sex Offenders' Contact with Children (*Richard A. Greenwood*)

This bill modifies the Code of Criminal Procedure and requires a registered sex offender whose offense was against a child younger than age 14 to obtain permission from a child's parent or guardian to allow a child younger than age 14 to accompany the offender.

This bill:

- ▶ provides that it is a class A misdemeanor for any sex offender whose offense was against a child to request or solicit a child younger than age 14 to accompany the sex offender for any purpose unless:
 - the sex offender:
 - has advised the parent or guardian that the sex offender is on the state sex offender registry and is required by law to have the written permission; and
 - has in possession written permission from the child's parent or guardian authorizing the offender to accompany the child;
- ▶ the child's parent or guardian has given verbal permission and both the child and the sex offender are in the child's home or on the property appurtenant to the child's home; or
- ▶ the child is the natural child of the sex offender, and the offender is not prohibited by any court order, or probation or parole provision from contact with the child;
- ▶ prohibits a defense of not knowing the actual age of the child; and
- ▶ extends the offender's period of registration as a sex offender for five years for violation of this provision.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Amends 77-27-21.5;

Enacts 77-27-21.8

Effective May 12, 2009

Chapter 249, Laws of Utah 2009

HB 30 Commercial Motor Vehicle Amendments *(Todd E. Kiser)*

This bill modifies the Public Safety Code and Transportation Code by amending provisions relating to commercial motor vehicles.

This bill:

- ▶ provides definitions;
- ▶ provides that a commercial motor vehicle with a gross vehicle weight rating over 26,000 pounds is exempt from a safety inspection if the vehicle has an apportioned registration and a valid annual federal inspection;
- ▶ provides that a trailer, semitrailer, or trailering equipment attached to a certain commercial motor vehicle is exempt from a safety inspection if the vehicle has a valid annual federal inspection;
- ▶ provides that a motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is required to pass an annual safety inspection;
- ▶ requires a motor carrier to have lettered on both sides of a vehicle the location of domicile by city and state only if the vehicle is an intrastate commercial vehicle;
- ▶ provides that a vehicle is exempt from the motor carrier lettering and identification number display requirements only if the vehicle is an intrastate commercial motor vehicle used by a farmer for the production of agricultural products;
- ▶ provides that an operator of a farm vehicle or combination of farm vehicles is exempt from certain requirements for physical qualifications, medical examinations, and medical certification only if the farm vehicle or combination of farm vehicles being operated are:
 - under 26,001 pounds gross vehicle weight rating;
 - controlled and driven by a farmer to transport agricultural products, farm machinery, or farm supplies to a farm within 150 miles of the farmer's farm and not as a motor carrier for hire; and
 - not operated as an interstate commercial vehicle;
- ▶ grants the Utah Highway Patrol and other law enforcement agencies certified by the department authority to conduct inspections as needed to enforce state and federal laws related to the operation of a motor carrier; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 53-8-205, 72-9-102, 72-9-105, 72-9-107, 72-9-301

Effective May 12, 2009

Chapter 155, Laws of Utah 2009

HB 31 Utah Sudden Cardiac Arrest Survival Act (*Carl Wimmer*)

This bill enacts the Utah Sudden Cardiac Arrest Survival Act and amends civil liability immunity provisions relating to the act.

This bill:

- ▶ defines terms;
- ▶ provides for expiration of the automatic external defibrillator (AED) statewide database on September 1, 2009, and replaces it with local systems operated by emergency medical dispatch centers;
- ▶ permits a person to administer CPR or use an AED on a person reasonably believed to be in sudden cardiac arrest:
 - without a license or certificate; and
 - regardless of whether the person is trained to administer CPR or to use an AED;
- ▶ provides immunity from civil liability for certain acts or omissions relating to administering CPR, operating, designing, or managing a CPR or AED program, or providing instructions or training, or taking other specified action, in relation to CPR or AEDs, unless the actions constitute gross negligence or willful misconduct;
- ▶ provides that this bill does not relieve a manufacturer, designer, developer, marketer, or commercial distributor from liability relating to an AED or an AED accessory;
- ▶ requires a person who owns or leases an AED to report certain information, including the location of, or removal of, the AED, to the emergency medical dispatch center that provides emergency dispatch services for that area;
- ▶ describes the duties of an emergency medical dispatch center to disclose information relating to the location of an AED;
- ▶ describes the duties of the Bureau of Emergency Medical Services and a person who owns or leases an AED in relation to providing education and training on the administration of CPR and the use of an AED; and
- ▶ makes technical changes.

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

Amends 26-8a-209, 26-8a-301, 26-8a-308, 26-8a-502, 26-8a-601;

Enacts 26-8b-101, 26-8b-102, 26-8b-201, 26-8b-202, 26-8b-301, 26-8b-302, 26-8b-303, 26-8b-401

Effective May 12, 2009

Chapter 22, Laws of Utah 2009

HB 32 Amendments to Agency Rulemaking Regarding Criminal Penalties (*Ben C. Ferry*)

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

This bill:

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

This bill coordinates with H.B. 11, Recodification of Natural Resources Provisions, by providing technical renumbering amendments.

The original bill was recommended by the Administrative Rules Review Committee

Amends 23-13-11, 23-20-3, 26-21-16, 26-23-6, 31A-2-308, 34-23-402, 34A-2-407, 34A-2-801, 54-7-15, 61-1-21, 61-1-24, 63G-3-201;

Enacts 23-21-7;

Repeals 73-18b-3;

Repeals and Reenacts 63-11-17.3

Effective May 12, 2009

Chapter 347, Laws of Utah 2009

HB 33 Refund of Unearned Health Insurance Premiums and Medicare Supplement Insurance Premiums (*Paul Ray*)

This bill amends provisions of the Insurance Code relating to the refund of unearned health insurance premiums and Medicare supplement insurance premiums.

This bill:

- ▶ defines the term “unearned amount of the collected premium”;
- ▶ provides that, if a health insurance policy or a Medicare supplement policy is cancelled for a reason other than a material misrepresentation, the insurer shall refund the unearned amount of the collected premium;
- ▶ provides that, if an insurer cancels a health insurance policy or a Medicare supplement policy because of a material misrepresentation on the application, the insurer shall refund all premiums collected minus claims that have been paid; and
- ▶ makes technical changes.

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

Amends 31A-21-315

Effective May 12, 2009

Chapter 156, Laws of Utah 2009

HB 34 Penalties for Destruction of Bald Eagle (*Roger E. Barrus*)

This bill modifies protected wildlife and minimum restitution values for certain wildlife.

This bill:

- ▶ establishes the value of a bald eagle for the purpose of determining the penalty for the wanton destruction of a bald eagle; and
- ▶ establishes the suggested minimum restitution value for a bald eagle.

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

Amends 23-20-4, 23-20-4.5

Effective May 12, 2009

Chapter 250, Laws of Utah 2009

HB 35 Higher Education Contribution (*John Dougall*)

This bill allows an individual to designate on the individual's income tax return a contribution to a Utah Educational Savings Plan account.

This bill:

- ▶ allows a resident or nonresident individual to designate on the individual's income tax return a contribution to a Utah Educational Savings Plan account in the amount of the individual's entire individual income tax refund.

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

Amends 59-1-403, 59-10-1303;

Enacts 59-10-1313

Effective May 12, 2009

Chapter 251, Laws of Utah 2009

HB 37 Violent Offenses Amendments (*Jennifer M. Seelig*)

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

This bill:

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

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Amends 76-3-203.1, 76-5-202, 76-9-802, 76-10-508.1

Effective May 12, 2009

Chapter 157, Laws of Utah 2009

HB 38 **Refugee Services Fund Amendments** *(Christopher N. Herrod)*

This bill amends the investment provision of the Refugee Services Fund.

This bill:

- ▶ provides that all interest or earnings from the Refugee Services Fund shall be deposited into the fund rather than in the General Fund.

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

Amends 35A-3-116

Effective May 12, 2009

Chapter 116, Laws of Utah 2009

HB 39 **Utah Injured Worker Reemployment Act** *(Michael T. Morley)*

This bill modifies the Utah Injured Worker Reemployment Act.

This bill:

- ▶ restructures the provisions of the chapter;
- ▶ modifies the definition provision;
- ▶ clarifies that the Labor Commission administers the chapter through the Division of Industrial Accidents;
- ▶ provides for reporting and for penalties for failing to report;
- ▶ provides for rulemaking;
- ▶ clarifies the process for issuing an initial written report and making a referral;
- ▶ clarifies provisions related to a rehabilitation counselor;
- ▶ extends the sunset date for the chapter until July 1, 2014;
- ▶ eliminates the position of rehabilitation coordinator; and
- ▶ makes technical and conforming amendments.

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

Amends 34A-2-413, 34A-3-102, 63I-1-234;

Enacts 34A-8a-203;

Renumbers and Amends 34A-8-102 to 34A-8a-101, 34A-8-103 to 34A-8a-201, 34A-8-104 to 34A-8a-102, 34A-8-106 to 34A-8a-301, 34A-8-107 to 34A-8a-302, 34A-8-108 to 34A-8a-303, 34A-8-109 to 34A-8a-304, 34A-8-110 to 34A-8a-105, 34A-8-111 to 34A-8a-202, 34A-8-112 to 34A-8a-204, 34A-8-113 to 34A-8a-104;

Repeals 34A-8-101, 34A-8-105

Effective May 12, 2009

Chapter 158, Laws of Utah 2009

HB 40 Motorcycle Rider Education Program Amendments *(Bradley M. Daw)*

This bill modifies the Uniform Driver License Act by amending provisions relating to the motorcycle rider education program.

This bill:

- ▶ provides that a person who is at least 15 years 6 months of age and has been issued a learner permit may enroll in and complete a motorcycle rider training course if the course is conducted on a closed course that:
 - is not conducted on a public highway;
 - is approved by the Driver License Division; and
 - meets or exceeds established national standards for motorcycle rider training courses prescribed by the Motorcycle Safety Foundation; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 53-3-903

Effective May 12, 2009

Chapter 252, Laws of Utah 2009

HB 41 Sex Offender Registration Amendments *(Kenneth W. Sumsion)*

This bill modifies the Code of Criminal Procedure regarding the sex offender registry by requiring that offenders not under supervision of the Department of Corrections register with the local law enforcement agency.

This bill:

- ▶ provides that sex and kidnap offenders required to register with the Department of Corrections will register instead with the local law enforcement agency if the offender is no longer under the supervision of the Department of Corrections;
- ▶ requires that the staff of the local law enforcement agency that will be conducting the offender registration shall receive initial and annual training from the Department of Corrections; and
- ▶ requires that the Department of Corrections notify local law enforcement agencies of an offender's change of residence within five days of receiving the information regarding the change.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Amends 77-27-21.5

Effective May 12, 2009

Chapter 117, Laws of Utah 2009

HB 42 Adoption Revisions (*Sheryl L. Allen*)

This bill amends provisions of the Utah Adoption Act.

This bill:

- ▶ defines terms, including reducing the age of an “adult adoptee” from 21 to 18;
- ▶ modifies provisions relating to determining the venue of an adoption proceeding;
- ▶ modifies and clarifies provisions relating to providing notice of an adoption proceeding;
- ▶ provides that notice of an adoption proceeding may be served at any time after the petition for adoption is filed, but at least 30 days prior to the final disposition hearing;
- ▶ increases the maximum amount required to be paid by a child-placing agency or the prospective adoptive parents for counseling of a parent who is placing a child for adoption from \$250 to \$400;
- ▶ provides that the maximum amount referred to in the preceding paragraph may be increased by a signed agreement;
- ▶ modifies provisions relating to who has the right to consent to an adoption;
- ▶ modifies provisions relating to the dissolution of parental rights;
- ▶ amends provisions relating to who may inspect an adoption petition and related documents;
- ▶ reduces from 21 to 18 the age:
 - of an adult adoptee who may participate in the mutual-consent, voluntary adoption registry; and
 - that a sibling of the adult adoptee who has the same birth parent as the adult adoptee, and who was raised in the same family setting as the adult adoptee, must be before an adult adoptee may obtain information from the mutual-consent, voluntary adoption registry; and
- ▶ makes technical changes.

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

Amends 78B-6-103, 78B-6-105, 78B-6-110, 78B-6-115, 78B-6-119, 78B-6-120, 78B-6-121, 78B-6-138, 78B-6-141, 78B-6-144

Effective May 12, 2009

Chapter 159, Laws of Utah 2009

HB 43 Coordinating Municipal and Special District Elections (*Keith Grover*)

This bill modifies Title 17B, Limited Purpose Local Government Entities - Local Districts by amending provisions related to the election of board members.

This bill:

- ▶ provides that polling places for a local district and special service district board member election designated by a county clerk shall coincide with municipal general election polling places whenever feasible;
- ▶ repeals the requirement that separate election judges at the same polling place must be used if a local district or special service district election ballot cannot be consolidated with a municipal election ballot;
- ▶ provides that a municipality as well as a county may be reimbursed by a local district or special service district holding an election for the costs of the election attributable to that local district or special service district; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 17B-1-306

Effective May 12, 2009

Chapter 23, Laws of Utah 2009

HB 44 Local and Special Service District Election Amendments *(Keith Grover)*

This bill allows local districts and special service districts to conduct elections solely by absentee ballot, and appoint certain candidates to the board.

This bill:

- ▶ allows a local district or special service district candidate to be appointed if unopposed;
- ▶ defines “district”;
- ▶ allows a district to conduct an election solely by absentee ballot;
- ▶ addresses the district’s provision of information and ballots to voters within the district;
- ▶ provides for the district to obtain signatures from all voters within the district from the voter or county clerk; and
- ▶ addresses the procedure for a district to verify each ballot received.

The original bill was recommended by the Government Operations Interim Committee

Amends 17B-1-306;

Enacts 20A-3-302.5

Effective May 12, 2009

Chapter 24, Laws of Utah 2009

HB 45 Per Diem and Travel Expenses for State Boards and Commissions *(Douglas C. Aagard)*

This bill modifies the Administrative Services Code by amending provisions related to the establishment of per diem and travel expenses for a member of a board, commission, council, or committee in the executive branch of state government.

This bill:

- ▶ defines terms;
- ▶ modifies procedures for the establishment of per diem rates by the Division of Finance for a member of a state board, commission, council, or committee in the executive branch of state government;
- ▶ amends the exemption for higher education employees to apply only if higher education is paying the per diem or travel expenses;
- ▶ allows other governmental entities to adopt the established rates by reference;
- ▶ provides that a member who is a government employee that is being paid as an officer or employee while performing the member’s service may not receive additional per diem or travel expenses;
- ▶ allows a member of the board or commission to decline to receive per diem;
- ▶ modifies procedures for the establishment of travel expenses by the Division of Finance for a member of a board, commission, council, or committee in the executive branch of state government;
- ▶ allows a member of the board or commission to decline to receive travel expenses; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 63A-3-106, 63A-3-107

Effective May 12, 2009

Chapter 25, Laws of Utah 2009

HB 46 **Designation of State Highways Amendments** *(Todd E. Kiser)*

This bill modifies the Designation of State Highways Act by amending the definition of a state highway and adding two highways to the state highway system.

This bill:

- ▶ creates Legacy Parkway as SR-67;
- ▶ modifies the definition of SR-89 and SR-105;
- ▶ creates SR-175; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 72-4-112, 72-4-114, 72-4-116, 72-4-123

Effective May 12, 2009

Chapter 118, Laws of Utah 2009

HB 47 **Criminal Procedure - Investigation Amendments** *(Paul Ray)*

This bill includes municipal attorneys under the definition of prosecutor in the Code of Criminal Procedure.

This bill:

- ▶ adds municipal attorneys to the definition of prosecutor for investigations within the Code of Criminal Procedure.

This bill provides an immediate effective date.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Amends 77-22-2

Effective February 18, 2009

Chapter 6, Laws of Utah 2009

HB 50 Firefighter Special Group License Plate Amendments (*Ronda Rudd Menlove*)

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions relating to firefighter special group license plates.

This bill:

- ▶ provides that beginning on July 1, 2009, a firefighter special group license plate shall be converted from a recognition special group license plate to a contributor special group license plate;
- ▶ requires applicants for a firefighter contributor special group license plate to make a \$15 annual donation to the Firefighter Support Restricted Account;
- ▶ requires a person that has been issued a firefighter recognition special group license plate to, upon renewal of the person's motor vehicle registration, be a contributor to the Firefighter Support Restricted Account or replace the firefighter recognition special group license plate with a new license plate;
- ▶ exempts a person that is required to replace the firefighter special group license plate with a new license plate from certain license plate fees until June 30, 2011;
- ▶ creates the Firefighter Support Restricted Account;
- ▶ provides that the State Fire Marshal Division shall distribute funds in the Firefighter Support Restricted Account to one or more firefighter support organizations;
- ▶ grants the State Fire Marshal Division rulemaking authority establishing a procedure for an organization to apply for funds in the Firefighter Support Restricted Account; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

The original bill was recommended by the Transportation Interim Committee

Amends 41-1a-418, 41-1a-422, 41-1a-1211;

Enacts 53-7-109

Effective July 1, 2009

Chapter 348, Laws of Utah 2009

HB 51 Exemption for Alcoholic Beverage Manufacturing License (*Christine A. Johnson*)

This bill modifies the Alcoholic Beverage Control Act to address exemptions from manufacturing license requirements.

This bill:

- ▶ defines terms;
- ▶ creates an exemption from licensure for a fermented beverage manufactured in an individual's personal residence;
- ▶ allows storage and transportation; and
- ▶ makes technical amendments.

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

Amends 32A-8-101

Effective May 12, 2009

Chapter 160, Laws of Utah 2009

HB 52 Insurance Code and Related Amendments (*James A. Dunnigan*)

This bill modifies the Insurance Code and related provisions.

This bill:

- ▶ modifies definitions;
- ▶ provides for rulemaking authority related to annual financial reporting requirements similar to those adopted by the National Association of Insurance Commissioners;
- ▶ modifies provisions related to audit committees:
 - making the board of directors an audit committee in certain circumstances;
 - providing rulemaking authority for rules pertaining to an audit committee requirement; and
 - clarifying insider directors;
- ▶ addresses single risk limitations;
- ▶ addresses the suicide provisions;
- ▶ authorizes the commissioner to make rules related to federal law requirements involving genetic information and involving marketing;
- ▶ addresses general requirements for licensing and when the commissioner may deny a license application;
- ▶ modifies license types and classifications;
- ▶ addresses reinstatement of a voluntarily surrendered license;
- ▶ modifies requirements related to a title insurance producer's reserve fund;
- ▶ addresses designations by an insurer, agency licensee, or organization of an individual licensee;
- ▶ addresses loss of a license if an individual licensee commits an act or fails to perform a duty;
- ▶ exempts a nonresident licensee from trust account requirements of this state by requiring that the licensee comply with the trust account requirements of the licensee's home state;
- ▶ modifies notice requirements related to termination of coverage when an employer receives premium by deducting wages or salary;
- ▶ modifies exemptions from the prohibition on sharing commissions;
- ▶ modifies provisions related to a bail bond licensee;
- ▶ shortens the period of time an applicant for a bail bond surety company license has to request a hearing for a denial;
- ▶ modifies the renewal process for a bail bond surety company;
- ▶ permits the commissioner to accept a comprehensive annual independent audit in lieu of an examination for a captive insurance company;
- ▶ provides for the sharing of information with the Insurance Department related to professional employer organizations;
- ▶ makes certain records private records under the Government Records Access and Management Act; and
- ▶ makes technical and conforming amendments, including repealing outdated language.

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

Amends 31A-1-301, 31A-2-203, 31A-5-412, 31A-8-215, 31A-20-108, 31A-22-404, 31A-22-620, 31A-22-1602, 31A-23a-102, 31A-23a-104, 31A-23a-105, 31A-23a-106, 31A-23a-111, 31A-23a-113, 31A-23a-115, 31A-23a-203, 31A-23a-204, 31A-23a-302, 31A-23a-409, 31A-23a-410, 31A-23a-504, 31A-25-203, 31A-25-208, 31A-25-210, 31A-26-203, 31A-26-204, 31A-26-210, 31A-26-213, 31A-26-214.5, 31A-35-405, 31A-35-406, 31A-37-502, 31A-37a-402, 35A-4-312, 63G-2-302

Effective May 12, 2009

Chapter 349, Laws of Utah 2009

HB 53 Driver License Amendments - Motor Driven Cycles *(Todd E. Kiser)*

This bill modifies the Uniform Driver License Act by amending provisions relating to driver license requirements for certain motorcycles, street legal all-terrain vehicles, and motor-driven cycles.

This bill:

- ▶ clarifies that a person operating a motorcycle or motor-driven cycle is required to have a valid class D driver license and a motorcycle endorsement with certain exceptions;
- ▶ clarifies that a person operating a moped, street legal all-terrain vehicle, or an electric assisted bicycle is not required to have a motorcycle endorsement;
- ▶ clarifies that a person operating a motor assisted scooter or a personal assistive mobility device in accordance with certain requirements is not required to have a valid class D driver license; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 53-3-202

Effective May 12, 2009

Chapter 253, Laws of Utah 2009

HB 54 Amendments to Vehicle Registration Requirements *(Francis D. Gibson)*

This bill amends the Registration part relating to requirements prior to registration of a vehicle.

This bill:

- ▶ requires an owner to pay applicable state and local sales and use taxes prior to registration of a vehicle; and
- ▶ makes technical changes.

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

Amends 41-1a-203

Effective May 12, 2009

Chapter 26, Laws of Utah 2009

HB 55 Amendments to Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act *(Wayne A. Harper)*

This bill amends the Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act to address the taxation of sales by a restaurant.

This bill:

- ▶ provides that sales of alcoholic beverages sold by a restaurant are subject to taxation within a county that imposes a tax on certain sales by a restaurant; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

This bill has retrospective operation to January 1, 2007.

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

Amends 59-12-603

Effective February 24, 2009

Chapter 7, Laws of Utah 2009

HB 56 Declaration of Candidacy Amendments (*Douglas C. Aagard*)

This bill modifies the Election Code by amending the dates for filing a declaration of candidacy for general elections.

This bill:

- ▶ amends dates for filling midterm vacancies for county or district attorney;
- ▶ changes filing a declaration of candidacy and a petition of nomination dates for officers elected during a general election from between March 7 and March 17 to between the second Friday and the third Friday in March; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-1-509.1, 20A-9-202, 20A-9-503

Effective May 12, 2009

Chapter 119, Laws of Utah 2009

HB 58 Sales and Use Tax - Determining the Location of Certain Transactions (*Wayne A. Harper*)

This bill amends the Sales and Use Tax Act relating to determining the location of certain transactions.

This bill:

- ▶ addresses the sale, lease, or rental of a service under provisions for determining the location of certain transactions if the receipt of an order and the receipt of tangible personal property or a product transferred electronically take place within the state; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

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

Amends 59-12-212

Effective July 1, 2009

Chapter 27, Laws of Utah 2009

HB 59 Subpoenas for Records in Certain Criminal Investigations (*Bradley M. Daw*)

This bill modifies the Criminal Code to allow investigative subpoenas of Internet service providers in the investigation of sexual offenses against minors.

This bill:

- ▶ allows prosecutors to issue subpoenas regarding Internet information related to the investigation of a sexual offense against a minor;
- ▶ specifies the information that can be subpoenaed;
- ▶ allows the provider to charge a reasonable fee for providing the information and requires that the investigating law enforcement agency pay the fee;
- ▶ requires that the provider that receives the subpoena may not notify the account holder who is the subject of the subpoena; and
- ▶ provides definitions.

This bill provides an immediate effective date.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Enacts 77-22-2.5

Effective March 20, 2009

Chapter 28, Laws of Utah 2009

HB 60 Family Preservation Services Amendments (*Wayne A. Harper*)

This bill amends the Services to People With Disabilities chapter of the Utah Human Services Code by removing the reporting and review requirements and the repealer provisions from the Pilot Program for the Provision of Family Preservation Services.

This bill:

- ▶ removes the reporting and review requirements from the Pilot Program for the Provision of Family Preservation Services; and
- ▶ removes the repealer provisions relating to the Pilot Program for the Provision of Family Preservation Services.

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

Amends 62A-5-103.2, 63I-1-262

Effective May 12, 2009

Chapter 29, Laws of Utah 2009

HB 61 Local Government Entity Changes (*Kory M. Holdaway*)

This bill modifies provisions relating to the process of certifying local government actions affecting the name or boundary of a local entity.

This bill:

- ▶ modifies and clarifies the process of certifying:
 - local government changes that affect or create local government boundaries; and
 - local government name changes;
- ▶ provides a process for certifying final local entity plats for local government boundary changes;
- ▶ eliminates a requirement for municipalities to prepare articles of incorporation as part of the incorporation process and eliminates an alternative to filing articles of incorporation;
- ▶ modifies the authority of city officers-elect;
- ▶ modifies the duties of the lieutenant governor, county surveyors, and county recorders in the process of certifying local government boundary and name changes;
- ▶ modifies the process for a municipality to change its name;
- ▶ establishes the date of recording documents related to a boundary action as the effective date of the boundary action for purposes of assessing property affected by the boundary action;
- ▶ imposes restrictions on a local entity's imposition of property taxes, assessments, or fees until documents related to the boundary action are recorded;
- ▶ modifies the event from which the effective date of a municipal annexation or boundary adjustment is calculated;
- ▶ clarifies and makes technical changes relating to the process of consolidating counties and the process of annexing part of one county to another county;
- ▶ limits a person from filing for recording a plat that depicts a local entity's boundary as it exists as a result of a boundary action unless it complies with certain requirements;
- ▶ modifies the duties of the surveyor within the Automated Geographic Reference Center;
- ▶ makes a political subdivision's boundary in the State Geographic Information Database the official boundary for purposes of US Census Bureau needs;
- ▶ modifies the process for counties to resolve a dispute or uncertainty about the true location of a county boundary and replaces the state engineer with the surveyor in the Automated Geographic Reference Center in that process; and

- ▶ makes technical changes.

The original bill was recommended by the Political Subdivisions Interim Committee

Amends 10-1-118, 10-2-119, 10-2-120, 10-2-121, 10-2-125, 10-2-302, 10-2-418, 10-2-419, 10-2-425, 10-2-507, 10-2-610, 10-2-611, 10-2-705, 10-2-711, 10-2-712, 10-6-111, 11-13-203, 11-13-204, 11-13-205, 17-3-3, 17-21-20, 17-50-104, 17-50-105, 17B-1-105, 17B-1-215, 17B-1-216, 17B-1-405, 17B-1-414, 17B-1-415, 17B-1-416, 17B-1-417, 17B-1-512, 17B-1-1308, 17C-1-201, 17C-1-701, 17D-1-204, 17D-1-208, 17D-1-209, 17D-1-403, 17D-1-603, 17D-3-203, 53A-2-101.5, 53A-2-118, 53A-2-118.1, 63F-1-506, 63F-1-507, 63G-7-401, 67-1a-2;

Enacts 17-2-101, 17-2-102, 17-2-201, 17-2-202, 17-23-20, 59-2-305.5, 67-1a-6.7;

Renumbers and Amends 17-2-1 to 17-2-103, 17-2-3 to 17-2-104, 17-2-4 to 17-2-105, 17-2-5 to 17-2-106, 17-2-6 to 17-2-203, 17-2-8 to 17-2-204, 17-2-9 to 17-2-205, 17-2-10 to 17-2-206, 17-2-11 to 17-2-207, 17-2-12 to 17-2-208, 17-2-13 to 17-2-209;

Repeals 10-1-116, 10-1-117, 10-2-122, 10-2-508, 17-2-2, 17-2-7, 17-3-2;

Repeals and Reenacts 67-1a-6.5

Effective May 12, 2009

Chapter 350, Laws of Utah 2009

HB 62 **State Water Development Commission Amendments** (*Kerry W. Gibson*)

This bill amends a provision related to membership criteria for the State Water Development Commission.

This bill:

- ▶ allows up to three senators from the same political party to serve on the State Water Development Commission in certain circumstances.

The original bill was recommended by the State Water Development Commission

Amends 73-27-102

Effective May 12, 2009

Chapter 254, Laws of Utah 2009

HB 63 **Amendments to Child Welfare** (*Wayne A. Harper*)

This bill: amends education requirements in order to comply with the requirements of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008; amends the Child Welfare Services part of the Utah Human Services Code; and amends the Juvenile Court Act of 1996. This bill also repeals provisions relating to Foster Care Citizen Review Boards.

This bill:

- ▶ amends education requirements related to enrollment and attendance in order to comply with the requirements of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008;
- ▶ makes the disciplinary team approach to developing a child and family plan optional;
- ▶ deletes obsolete provisions relating to records of juvenile court proceedings;
- ▶ deletes all provisions and references relating to Foster Care Citizen Review Boards;
- ▶ reassigns certain statutory provisions and responsibilities of Foster Care Citizen Review Boards to the Division of Child and Family Services;
- ▶ requires a court to attempt to keep sibling groups of minors in state custody together, if keeping the sibling group together is practicable and in accordance with the best interest of the minors;
- ▶ amends provisions relating to the conduct of periodic review hearings for a minor in state custody;
- ▶ provides that the intentional, knowing, or reckless killing by a child's parent of the child's other parent, without legal justification, constitutes *prima facie* evidence of parental unfitness; and
- ▶ makes technical changes.

The original bill was recommended by the Child Welfare Legislative Oversight Panel

Amends 53A-2-207, 53A-11-101.5, 62A-4a-205, 63I-1-278, 78A-6-115, 78A-6-312, 78A-6-314, 78A-6-315, 78A-6-317, 78A-6-508, 78A-6-902;

Repeals 78B-8-101, 78B-8-102, 78B-8-103, 78B-8-104, 78B-8-105, 78B-8-106, 78B-8-107, 78B-8-108, 78B-8-109, 78B-8-110

Effective May 12, 2009

Chapter 161, Laws of Utah 2009

HB 64 **Deterring Illegal Immigration** (*Brad L. Dee*)

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

This bill:

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

This bill appropriates:

- ▶ \$891,000 from "Federal Funds - American Recovery and Reinvestment Act (HR 1, 111th United States Congress)" for fiscal years 2009 and 2010 only, to the Commission on Criminal and Juvenile Justice.

This bill takes effect on July 1, 2009.

The original bill was recommended by the Immigration Interim Committee

Enacts 67-5-22.7;

Repeals 67-5-22.5 (Effective 07/01/09)

Effective July 1, 2009

Chapter 30, Laws of Utah 2009

HB 65 Reporting of Certain Transactions Exempt from Sales and Use Taxes *(Julie Fisher)*

This bill amends the Penalties, Interest, and Confidentiality of Information part and the Sales and Use Tax Act relating to reporting requirements for certain transactions exempt from sales and use taxes.

This bill:

- ▶ repeals the requirement for an owner or purchaser to report transactions exempt from state and local sales and use taxes with respect to:
 - exemptions for certain machinery, equipment, or parts; and
 - the exemption relating to semiconductors;
- ▶ repeals penalty provisions relating to the transaction reporting requirements that are repealed;
- ▶ repeals the requirement that the State Tax Commission provide to the Legislature the total amount of sales or uses:
 - exempt under the exemption relating to semiconductors; and
 - reported to the commission in accordance with the transaction reporting requirements that are repealed;
- ▶ requires the State Tax Commission to estimate the cost of the exemptions for certain machinery, equipment, or parts for purposes of reviewing the exemptions and reporting to the Revenue and Taxation Interim Committee; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

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

Amends 59-1-401, 59-1-403, 59-12-104, 62A-11-328;

Repeals 59-12-105

Effective July 1, 2009

Chapter 31, Laws of Utah 2009

HB 67 Public Hearings on Property Tax Increases (*Gage Froerer*)

This bill modifies the Property Tax Act to address certain requirements for a taxing entity to provide notice of public hearings.

This bill:

- ▶ amends the format of the “Truth in Taxation” newspaper advertisement;
- ▶ excludes new growth from the taxing entity’s budgeted revenue amounts for purposes of determining the taxing entity’s percentage increase listed in a “Truth in Taxation” newspaper advertisement;
- ▶ modifies the advertisement requirements for a taxing entity when the taxing entity’s public hearing is advertised by the county auditor;
- ▶ requires certain taxing entities to notify a county auditor of public hearings related to tax increases;
- ▶ requires the county auditor to compile the notices of public hearings;
- ▶ requires publication of the compiled information;
- ▶ requires certain taxing entities to provide information to taxpayers;
- ▶ provides for the payment of costs;
- ▶ addresses the scope of the provision; and
- ▶ makes technical changes.

This bill takes effect on January 1, 2010.

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

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

Enacts 59-2-919.2

Effective January 1, 2010

Chapter 162, Laws of Utah 2009

HB 68 Development Exactions (*Patrick Painter*)

This bill modifies provisions relating to development exactions of counties and municipalities.

This bill:

- ▶ enacts a definition of “water interest”;
- ▶ places limitations and restrictions on the imposition of an exaction for a water interest by a county, a county’s culinary water authority, or a municipality; and
- ▶ requires culinary water authorities to provide the basis for its calculations of projected water interest requirements.

The original bill was recommended by the State Water Development Commission

Amends 10-9a-103, 10-9a-508, 17-27a-103, 17-27a-507

Effective May 12, 2009

Chapter 163, Laws of Utah 2009

HB 69 Guardian Ad Litem Amendments (*Wayne A. Harper*)

This bill amends provisions of the Utah Code relating to attorneys guardian ad litem and the Office of Guardian Ad Litem Director.

This bill:

- ▶ defines terms;
- ▶ provides that supervision of the Office of Guardian Ad Litem is the responsibility of the Guardian Ad Litem Oversight Committee, which is established by the Judicial Council;
- ▶ places limitations on, and establishes requirements regarding, the appointment of an attorney guardian ad litem in a district court proceeding;
- ▶ modifies provisions relating to the duties of an attorney guardian ad litem, a private attorney guardian ad litem, and the director of the Office of Guardian Ad Litem;
- ▶ changes the name of the "Office of Guardian Ad Litem Director" to the "Office of Guardian Ad Litem";
- ▶ modifies the qualifications of the director of the Office of Guardian Ad Litem;
- ▶ deletes provisions relating to the court's direct use of volunteers, and the use of peers, to assist in a minor's case; and
- ▶ makes technical changes.

The original bill was recommended by the Child Welfare Legislative Oversight Panel

Amends 51-9-409, 62A-4a-202.4, 62A-4a-207, 62A-4a-1003, 62A-4a-1006, 63A-11-202, 67-5b-105, 78A-2-104 (Effective 01/01/12), 78A-2-104 (Superseded 01/01/12), 78A-2-227, 78A-2-228, 78A-6-308, 78A-6-512, 78A-6-901, 78A-6-902

Effective May 12, 2009

Chapter 32, Laws of Utah 2009

HB 71 Withholding Tax Amendments (*Evan J. Vickers*)

This bill modifies the Withholding of Tax part to address withholding prepayments.

This bill:

- ▶ modifies withholding requirements to address:
 - withholding prepayments and accompanying forms; and
 - penalties and interest; and
- ▶ makes technical changes.

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

Amends 59-10-407

Effective May 12, 2009

Chapter 33, Laws of Utah 2009

HB 72 Children's Justice Center Amendments (*Lorie D. Fowlke*)

This bill changes the appointing authority for some members of the Advisory Board on Children's Justice, adds a health professional, and removes the chairs of local advisory boards from the statewide Advisory Board.

This bill:

- ▶ changes the appointing authority from the governor to the attorney general for six members of the Advisory Board on Children's Justice;
- ▶ adds a licensed health professional to the board; and
- ▶ removes the chairs of local Children's Justice Center boards from the board.

Amends 67-5b-106

Effective May 12, 2009

Chapter 255, Laws of Utah 2009

HB 75 Utah Communications Agency Network Amendments *(Fred R Hunsaker)*

This bill makes modifications to the executive committee for the Utah Communications Agency Network.

This bill:

- ▶ increases the number of members on the executive committee from 15 members to 17 members;
- ▶ increases the number of executive committee members that are elected by the board at its annual meeting from ten members to 12 members;
- ▶ requires that:
 - one of the new committee positions has an initial term of two years, with four year terms thereafter; and
 - the other new committee position has a four year term from its inception;
- ▶ raises the attendance requirement for a quorum from nine persons to ten persons; and
- ▶ makes technical changes.

Amends 63C-7-205

Effective May 12, 2009

Chapter 34, Laws of Utah 2009

HB 78 Utah Uniform Securities Act Modifications *(Jim Bird)*

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

This bill:

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

Amends 31A-5-302, 61-1-3, 61-1-4, 61-1-6, 61-1-9, 61-1-11, 61-1-11.1, 61-1-12, 61-1-13, 61-1-14, 61-1-15.5, 61-1-18, 61-1-18.2, 61-1-18.3, 61-1-18.5, 61-1-18.6, 61-1-18.7, 61-1-19, 61-1-20, 61-1-21, 61-1-21.5, 61-1-22, 61-1-23, 61-1-24, 61-1-25;

Repeals 61-1-8, 61-1-30

Effective May 12, 2009

Chapter 351, Laws of Utah 2009

HB 80 Study on Taxpayer Advocate Program *(Keith Grover)*

This bill requires the Revenue and Taxation Interim Committee to study the implementation of a taxpayer advocate program.

This bill:

- ▶ requires the Revenue and Taxation Interim Committee to study the implementation of a taxpayer advocate program within the Utah State Tax Commission during the 2009 interim;
- ▶ prescribes the scope of the study; and
- ▶ addresses legislation to implement a taxpayer advocate program.

Effective May 12, 2009

Chapter 35, Laws of Utah 2009

HB 81 Health Care Patient Identity Protection *(Stephen E. Sandstrom)*

This bill amends the Health Care Facility Licensing and Inspection Act by providing measures to discourage identity theft and health insurance fraud, and to protect the accuracy of medical records.

This bill:

- ▶ defines terms;
- ▶ requires a medical facility or a health professional office to, prior to providing services to a patient, request identification for:
 - the patient; and
 - an individual who consents to the provision of services to the patient, if the patient lacks the capacity to consent;
- ▶ permits a medical facility or a health professional office to use certain methods to document or confirm a patient's identity;
- ▶ prohibits a medical facility or a health professional office that is subject to the federal Emergency Medical Treatment and Active Labor Act (EMTALA) from denying services to an individual on the basis that the individual does not provide identification when requested;
- ▶ provides that a medical facility or a health professional office is not subject to a private right of action for failing to ask for identification; and
- ▶ prohibits the imposition of penalties if a medical facility or a health professional office does not request documentation.

Enacts 26-21-25

Effective May 12, 2009

Chapter 36, Laws of Utah 2009

HB 85 Mutual Benefit Corporation - Judicial Liens *(Patrick Painter)*

This bill modifies the Utah Revised Nonprofit Corporations Act and lien provisions to address the execution of a judicial lien against the water rights and related assets of a mutual benefit corporation.

This bill:

- ▶ defines terms; and
- ▶ imposes limitations on executing a judicial lien.

Enacts 16-6a-119, 38-5-2

Effective May 12, 2009

Chapter 37, Laws of Utah 2009

HB 86 Division of Real Estate Related Amendments (*Gage Froerer*)

This bill amends provisions administered or enforced by the Division of Real Estate.

This bill:

- ▶ addresses exemptions under the Utah Uniform Land Sales Practices Act;
- ▶ increases a civil penalty that the division may impose under the Utah Uniform Land Sales Practices Act;
- ▶ modifies provisions related to registration of a salesperson under the Timeshare and Camp Resort Act;
- ▶ addresses grounds under which the division may take action under the Timeshare and Camp Resort Act;
- ▶ modifies education requirements for a real estate broker or sales agent;
- ▶ modifies reporting requirements for a real estate broker or sales agent;
- ▶ modifies provisions related to renewal of a real estate license;
- ▶ addresses payments to associate brokers or sales agents;
- ▶ addresses what constitutes grounds for disciplinary action;
- ▶ provides for the modification of sanctions for a real estate licensee complying with court ordered restitution;
- ▶ clarifies criminal penalties against a person required to be licensed as a real estate licensee;
- ▶ provides definitions related to the Real Estate Education, Research, and Recovery Fund, including what constitutes a judgment;
- ▶ increases caps on recovery from the Real Estate Education, Research, and Recovery Fund and other restrictions on recovery;
- ▶ clarifies uses for the Real Estate Education, Research, and Recovery Fund;
- ▶ requires criminal background checks and addresses other requirements for trainees registered under appraisal provisions;
- ▶ provides for conditional registration of a trainee pending the criminal background check;
- ▶ addresses rulemaking of the appraisal board related to the Uniform Standards of Professional Appraisal Practices;
- ▶ modifies renewal provisions for a license or certificate under appraisal provisions;
- ▶ requires notification of the division of certain events by a person licensed, certified, or registered under appraisal provisions;
- ▶ provides for the modification of sanctions under appraisal provisions for a person complying with court ordered restitution;
- ▶ clarifies criminal penalties against a person required to be licensed, certified, or registered under appraisal provisions;
- ▶ addresses disposal of records by a residential mortgage licensee;
- ▶ repeals a requirement that the division by rule provide for certain licensing processes;
- ▶ provides for the modification of sanctions under residential mortgage provisions for a person complying with court ordered restitution;
- ▶ clarifies criminal penalties against a person required to be licensed or certified under residential mortgage provisions;
- ▶ modifies renewal provisions for a residential mortgage licensee;
- ▶ clarifies provisions related to the Residential Mortgage Regulation Commission;
- ▶ provides that criminal restitution judgments may be recovered from the Residential Mortgage Loan Education, Research, and Recovery Fund;
- ▶ restricts recovery from the Residential Mortgage Loan Education, Research, and Recovery Fund; and

- ▶ makes technical and conforming amendments.

Amends 57-11-2, 57-11-3, 57-11-4, 57-11-14, 57-11-16, 57-19-5, 57-19-15, 57-19-16, 61-2-6, 61-2-7.2, 61-2-9, 61-2-10, 61-2-11, 61-2-12, 61-2-17, 61-2a-2, 61-2a-3, 61-2a-4, 61-2a-5, 61-2a-6, 61-2a-7, 61-2a-9, 61-2a-11, 61-2a-12, 61-2b-6, 61-2b-8, 61-2b-20, 61-2b-27, 61-2b-29, 61-2b-33, 61-2c-103, 61-2c-104, 61-2c-205, 61-2c-402, 61-2c-405, 61-2c-501, 61-2c-502, 61-2c-503

Effective May 12, 2009

Chapter 352, Laws of Utah 2009

HB 87 Identity Theft Amendment (*Julie Fisher*)

This bill modifies the Criminal Code regarding the crime of identity fraud.

This bill:

- ▶ clarifies that the offense of identity fraud may include use of the fraud to obtain employment.

Amends 76-6-1102

Effective May 12, 2009

Chapter 164, Laws of Utah 2009

HB 90 Abortion Law Amendments (*Paul Ray*)

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

This bill:

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

This bill provides a severability clause.

Amends 76-7-302, 76-7-314;

Enacts 76-7-314.5;

Repeals 76-7-317.2

Effective May 12, 2009

Chapter 38, Laws of Utah 2009

HB 91 Individual Development Account Amendments (*F. Jay Seegmiller*)

This bill amends provisions of the Employment Support Act regarding individual development accounts in the Family Employment Program.

This bill:

- ▶ provides that an individual development account may be established for the purpose of allowing a client with a disability to accumulate funds for the purchase of assistive technologies, vehicle modifications, or home improvements that will allow the client to participate in work-related activities.

Amends 35A-3-312

Effective May 12, 2009

Chapter 39, Laws of Utah 2009

HB 92 Requirement to Wear Hunter Orange Amendments (*Stephen E. Sandstrom*)

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

This bill:

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

Amends 23-20-31

Effective May 12, 2009

Chapter 256, Laws of Utah 2009

HB 96 State Retirement System Participation for Charter Schools (*Christine F. Watkins*)

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

This bill:

- ▶ allows a charter school that made an election of nonparticipation in the state retirement systems for its employees to make a one-time, irrevocable retraction of the election of nonparticipation; and
- ▶ makes technical corrections.

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

Effective May 12, 2009

Chapter 165, Laws of Utah 2009

HB 97 Sexual Exploitation of a Minor (*Ron Bigelow*)

This bill modifies the Criminal Code regarding sexual offenses against minors.

This bill:

- ▶ amends the offense of sexual exploitation of a minor to include the act of viewing child pornography; and
- ▶ provides that entities, their employees, and law enforcement officers who are acting in good faith to investigate, monitor for, or report child pornography are not considered to have violated any civil or criminal provision regarding sexual exploitation of a minor.

Amends 76-5a-3

Effective May 12, 2009

Chapter 257, Laws of Utah 2009

HB 100 Department of Corrections - Tracking and Reimbursement of Individual Prisoner Costs
(Carl Wimmer)

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

This bill:

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

Amends 53A-1-403.5, 64-13-30, 64-13-33, 64-13-42;

Enacts 64-13-30.5, 64-13-30.7

Effective May 12, 2009

Chapter 258, Laws of Utah 2009

HB 102 False Vehicle Title and Registration Penalties *(Paul Ray)*

This bill modifies the Motor Vehicle Act by amending provisions relating to the penalty for false evidences of motor vehicle title and registration information.

This bill:

- ▶ provides that it is a third degree felony, rather than a second degree felony, for providing false evidences for certain motor vehicle title or registration information.

Amends 41-1a-1315

Effective May 12, 2009

Chapter 259, Laws of Utah 2009

HB 104 Driver License Hearing Amendments *(Richard A. Greenwood)*

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions relating to Driver License Division hearings.

This bill:

- ▶ provides that certain Driver License Division hearings may be held in a county that is adjacent to the county in which the arrest occurred rather than just being held in the county in which the arrest occurred; and
- ▶ makes technical changes.

Amends 41-6a-521, 53-3-223, 53-3-231, 53-3-418

Effective May 12, 2009

Chapter 40, Laws of Utah 2009

HB 105 Department of Agriculture and Food Amendments *(John G. Mathis)*

This bill expands the powers of the Department of Agriculture and Food in administering the rural rehabilitation program.

This bill:

- ▶ allows the Department of Agriculture and Food to approve and make grants and loans to certain persons under the rural rehabilitation program.

Amends 4-19-2

Effective May 12, 2009

Chapter 260, Laws of Utah 2009

HB 106 Controlled Substance Database Amendments *(Bradley M. Daw)*

This bill amends provisions of the Utah Controlled Substances Act relating to the controlled substance database.

This bill:

- ▶ defines terms;
- ▶ expands the purposes for which a practitioner or pharmacist may access information on the controlled substance database;
- ▶ grants access to the controlled substance database to a mental health therapist under certain circumstances;
- ▶ permits a practitioner to designate up to three employees, subject to approval by the Division of Occupational and Professional Licensing, who can access the controlled substance database on the practitioner's behalf;
- ▶ provides that a practitioner, or an employee of the practitioner, who obtains information from the controlled substance database may include the information in the patient's medical chart or file and may provide the information to others in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996;
- ▶ grants rulemaking authority to the Division of Occupational and Professional Licensing;
- ▶ permits the Division of Occupational and Professional Licensing to impose a fee on practitioners who designate an employee to access the controlled substance database, in order to recover the cost of determining whether the employee is a security risk;
- ▶ provides that a person who is a licensed practitioner or a mental health therapist shall be denied access to the database when the person is no longer licensed;
- ▶ provides that a person who is a relative of a deceased individual is not entitled to access information from the database relating to the deceased individual based on the fact or claim that the person is related to, or subrogated to the rights of, the deceased individual; and
- ▶ makes technical changes.

Amends 58-37-7.5

Effective May 12, 2009

Chapter 41, Laws of Utah 2009

HB 108 Hormone Restoration Amendments (*Douglas C. Aagard*)

This bill amends the Utah Controlled Substances Act and the Naturopathic Physician Practice Act to permit a naturopathic physician to, pursuant to a license issued by the Division of Occupational and Professional Licensing, prescribe or administer testosterone in specified forms for the purpose of restoring a low testosterone level to a normal level.

This bill:

- ▶ adds “naturopathic physician” to the definition of “practitioner” in the Utah Controlled Substances Act in order to allow a naturopathic physician to prescribe only testosterone, in the form and for the purposes described in this bill;
- ▶ requires a naturopathic physician to keep a record of testosterone:
 - received by the naturopathic physician; and
 - administered, dispensed, or professionally used by the naturopathic physician, other than by a prescription;
- ▶ permits a naturopathic physician to prescribe or administer testosterone, pursuant to the requirements of federal and state law, if the testosterone is:
 - bio-identical;
 - designed to be administered topically, for transdermal absorption or designed to be absorbed across the mucosal membranes of the mouth; and
 - prescribed solely for the purpose of treating a patient with a low testosterone level in order to restore the patient to a normal testosterone level;
- ▶ provides that the provisions of Title 58, Chapter 71, Naturopathic Physician Practice Act, do not mandate health insurance coverage for the prescription or administration of testosterone by a naturopathic physician; and
- ▶ makes technical changes.

Amends 58-37-2, 58-37-6, 58-71-102, 58-71-804

Effective May 12, 2009

Chapter 42, Laws of Utah 2009

HB 110 Financial Transaction Card Offenses (*Julie Fisher*)

This bill modifies the Criminal Code regarding fraudulent use of financial transaction cards.

This bill:

- ▶ clarifies the definition of “card holder”;
- ▶ revises language to provide that the offense of:
 - unlawful use of a financial transaction card to obtain goods or services involves acting knowingly and with the intent to defraud;
 - unlawful use of a financial transaction card to exceed authorized credit involves acting knowingly and with the intent to defraud; and
 - applying for a financial transaction card and providing a false statement or report of required information in the application process involves acting knowingly and with the intent to defraud; and
- ▶ repeals certain provisions that have been addressed by amendments or are no longer applicable to the enforcement of these financial transaction offenses.

Amends 76-6-506, 76-6-506.2, 76-6-506.3, 76-6-506.5;

Repeals 76-6-506.1, 76-6-506.4

Effective May 12, 2009

Chapter 166, Laws of Utah 2009

HB 112 Vehicle Towing Amendments *(Todd E. Kiser)*

This bill modifies the Transportation Code by amending provisions relating to the towing notice requirements for a tow truck operator or tow truck motor carrier.

This bill:

- ▶ requires a tow truck operator or tow truck motor carrier to send a report of the removal of a vehicle, vessel, or outboard motor if the tow truck service is being done without the vehicle, vessel, or outboard motor owner's knowledge or express consent;
- ▶ provides that the Motor Vehicle Division is not required to give certain notices after receiving a report from a tow truck operator or tow truck motor carrier for a tow truck service that:
 - was not ordered by a peace officer or person acting on behalf of a law enforcement agency; and
 - was done without the vehicle, vessel, or outboard motor owner's knowledge;
- ▶ grants the Department of Transportation rulemaking authority to set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the removal to the Motor Vehicle Division and providing notice of the removal to the registered owner and lienholder of the vehicle, vessel, or outboard motor; and
- ▶ makes technical changes.

Amends 41-6a-1406, 72-9-603

Effective May 12, 2009

Chapter 167, Laws of Utah 2009

HB 113 Salvage Vehicle Title Amendments *(Todd E. Kiser)*

This bill modifies the Motor Vehicle Act by amending provisions relating to salvage vehicle title provisions.

This bill:

- ▶ provides that a seller of a salvage vehicle is not required to provide written notification that a salvage certificate or branded title has been issued for the vehicle if the prospective purchaser is:
 - a licensed motor vehicle dealer whose primary business is auctioning salvage motor vehicles to licensed salvage vehicle buyers; or
 - an insurance company, if the sale of the vehicle is the result of a total loss settlement;
- ▶ provides that an advertisement for the sale of a vehicle for which a salvage certificate or branded title has been issued shall disclose that a salvage certificate or branded title has been issued for the vehicle; and
- ▶ makes technical changes.

Amends 41-1a-1004

Effective May 12, 2009

Chapter 168, Laws of Utah 2009

HB 114 Abortion Litigation Trust Account Amendments (*Kenneth W. Sumsion*)

This bill amends provisions of the Abortion Litigation Trust Account.

This bill:

- ▶ defines the term, “account” as the Abortion Litigation Trust Account;
- ▶ provides that money may be deposited into the account by private entities for the purpose of defending any law passed by the Legislature on or after January 1, 2009, and on or before July 1, 2014, that:
 - challenges the legal concept that a woman has a constitutional right to an abortion; or
 - places a restriction on the right to an abortion;
- ▶ provides that money remaining in the account on May 11, 2009 that is not used to offset the monies expended by the state in connection with litigation regarding Senate Bill 23, passed in the 1991 General Session, shall be used for the purpose described in the preceding paragraph;
- ▶ provides that money in the account that is not used for the purposes described in this bill shall be used by the Division of Child and Family Services, within the Department of Human Services, for adoption assistance; and
- ▶ makes technical changes.

Amends 76-7-317.1

Effective May 12, 2009

Chapter 43, Laws of Utah 2009

HB 116 Uniform Fees on Canoes (*Mark A. Wheatley*)

This bill amends provisions in the Property Tax Act relating to the annual uniform fees on canoes.

This bill:

- ▶ amends the definition of “canoe” to include a canoe with an outboard motor; and
- ▶ makes technical changes.

This bill takes effect on January 1, 2010.

Amends 59-2-405.2

Effective January 1, 2010

Chapter 169, Laws of Utah 2009

HB 118 Archives and Grama Revisions (*Douglas C. Aagard*)

This bill modifies provisions in the Archives and Records Service chapter and in the Government Records Access and Management Act.

This bill:

- ▶ adds a title section for the Archives and Records Service chapter;
- ▶ provides definitions;
- ▶ modifies language to comply with standardized definitions;
- ▶ provides that intentional and knowing destruction or mutilation of the record-copy of a record in violation of a retention schedule is a class B misdemeanor;
- ▶ provides cross references between the Archives and Records Service chapter and the Government Records Access and Management Act;
- ▶ clarifies that an employee of a governmental entity may be disciplined or fired for intentionally and knowingly destroying or mutilating a record in violation of a retention schedule; and
- ▶ makes technical changes.

Amends 63A-12-105, 63G-2-803, 63G-2-804;

Enacts 63A-12-100

Effective May 12, 2009

Chapter 44, Laws of Utah 2009

HB 119 Powersport Vehicle Franchise Act Revisions (*James R. Gowans*)

This bill modifies a powersport vehicle franchisor's obligations upon the termination of a franchise by a franchisee.

This bill:

- ▶ requires a powersport franchisor to pay certain amounts to a franchisee upon termination of the franchise by the franchisee; and
- ▶ makes technical changes.

Amends 13-35-307

Effective May 12, 2009

Chapter 261, Laws of Utah 2009

HB 120 Snake Valley Aquifer Research Team and Advisory Council (*Bradley A. Winn*)

This bill creates the Snake Valley Aquifer Research Team and Advisory Council.

This bill:

- ▶ creates the Snake Valley Aquifer Research Team;
- ▶ creates the Snake Valley Aquifer Advisory Council;
- ▶ establishes council duties; and
- ▶ establishes research team data and information collection and reporting duties.

Amends 63J-4-603;

Enacts 63C-12-101, 63C-12-102, 63C-12-103, 63C-12-104, 63C-12-105, 63C-12-106, 63C-12-107, 63C-12-108

Effective May 12, 2009

Chapter 262, Laws of Utah 2009

HB 121 Retired Volunteer Health Care Practitioner Act (*Melvin R. Brown*)

This bill enacts the Retired Volunteer Health Care Practitioner Act in the Occupations and Professions Code.

This bill:

- ▶ defines terms;
- ▶ establishes eligibility for a volunteer health care practitioner license;
- ▶ provides a waiver of division fees for licensing of a volunteer health care practitioner;
- ▶ limits the practice of a volunteer health care practitioner to exclusive charity care at a charity location; and
- ▶ requires supervision of a volunteer health care practitioner.

Enacts 58-78-101, 58-78-102, 58-78-103, 58-78-104

Effective May 12, 2009

Chapter 263, Laws of Utah 2009

HB 123 Retail and Library Theft Amendments (*Francis D. Gibson*)

This bill modifies the Criminal Code regarding the use of photographs of property in prosecutions for theft.

This bill:

- ▶ deletes the provision of the Criminal Code that allows photographs of merchandise and library materials to be used as evidence in theft prosecutions if the items themselves had been introduced as evidence.

Repeals 76-6-605

Effective May 12, 2009

Chapter 264, Laws of Utah 2009

HB 126 **Voter Identification for Elections** *(Bradley M. Daw)*

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

This bill:

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

Amends 20A-1-102, 20A-2-104, 20A-2-202, 20A-3-104, 20A-3-104.5, 20A-4-107, 20A-5-401, 20A-5-403, 53-3-102, 53-3-105, 53-3-808, 59-1-403

Effective May 12, 2009

Chapter 45, Laws of Utah 2009

HB 127 **Personal Injury Protection Coverage Amendments** *(Todd E. Kiser)*

This bill allows a presumptive personal representative to present and resolve a claim for applicable benefits payable under personal injury protection coverage resulting from the death of an insured.

This bill:

- ▶ allows a presumptive personal representative to present and resolve a claim for applicable benefits payable under personal injury protection coverage resulting from the death of an insured.

Amends 78B-3-106.5

Effective May 12, 2009

Chapter 46, Laws of Utah 2009

HB 128 Electronic Prescribing Act (*Ronda Rudd Menlove*)

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

This bill:

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

This bill takes effect on July 1, 2012.

Enacts 58-78-101, 58-78-102, 58-78-201

Effective July 1, 2012

Chapter 47, Laws of Utah 2009

HB 129 Alcoholic Beverage Amendments Related to Minors (*Curtis Oda*)

This bill modifies the Alcoholic Beverage Control Act provisions related to driving privileges, and addresses penalties and liability related to violations involving a minor.

This bill:

- ▶ modifies penalties for violations related to proof of age;
- ▶ modifies penalties related to suspension of driving privileges of a minor;
- ▶ makes a minor, or in certain circumstances, a parent or guardian of a minor, liable to a retail licensee for a portion of monetary penalties imposed on a retail licensee for a violation related to a minor; and
- ▶ makes technical and conforming amendments.

Amends 32A-1-301, 32A-1-305, 32A-12-209, 32A-12-209.5, 53-3-220, 78A-6-606;

Enacts 32A-12-223, 32A-14b-101, 32A-14b-102, 32A-14b-201, 32A-14b-202, 32A-14b-203

Effective May 12, 2009

Chapter 353, Laws of Utah 2009

HB 130 Asset Preservation Amendments *(Gregory H. Hughes)*

This bill modifies the Code of Criminal Procedure regarding the Crime Victims Restitution Act and the preservation of assets.

This bill:

- ▶ amends the judicial process for preserving assets in a prosecution, when it appears likely that the assets may otherwise be disposed of prior to conviction and an order of restitution, by:
 - removing the provision that limits an order preserving assets to 90 days; and
 - allowing the court to base its finding of probable cause to take action to preserve assets upon reliable hearsay.

Amends 77-38a-601

Effective May 12, 2009

Chapter 265, Laws of Utah 2009

HB 132 Sexual Assault Victim Protocols *(Jackie Biskupski)*

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

This bill:

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

Enacts 26-21b-101, 26-21b-102, 26-21b-201, 26-21b-301

Effective May 12, 2009

Chapter 266, Laws of Utah 2009

HB 136 Sex Offender Definition Amendments (*Paul Ray*)

This bill modifies the Code of Criminal Procedure regarding the definition of a sex offender.

This bill:

- ▶ adds lewdness and sexual battery as offenses for which a convicted person must register as a sex offender, if the person is convicted of either offense four or more times;
- ▶ provides that if a person is convicted a total of four times of the offenses lewdness and sexual battery, the person must register as a sex offender;
- ▶ increases the penalty for lewdness from a class B misdemeanor to a class A misdemeanor if the offender has been convicted two times before of lewdness or lewdness involving a child;
- ▶ increases the penalty for lewdness from a class A misdemeanor to a third degree felony if the offender has been convicted three times before of lewdness or lewdness involving a child; and
- ▶ increases the penalty for lewdness involving a child if the offender has been convicted once before of lewdness involving a child.

Amends 76-9-702, 76-9-702.5, 77-27-21.5

Effective May 12, 2009

Chapter 354, Laws of Utah 2009

HB 138 Expungement of Records Amendments (*Julie Fisher*)

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

This bill:

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

Amends 77-18-10, 77-18-14

Effective May 12, 2009

Chapter 48, Laws of Utah 2009

HB 141 Billboard Amendments (*Craig A. Frank*)

This bill modifies provisions relating to billboards.

This bill:

- ▶ modifies the criteria under which a county or municipality is considered to have initiated the acquisition of a billboard structure by eminent domain when the county or municipality prevents the billboard owner from relocating the billboard;
- ▶ modifies the height limitation applicable to a billboard erected by an owner who modifies, upgrades, or relocates a billboard;
- ▶ increases from 60 to 90 days the period during which a county or municipality and billboard owner have to agree to a mutually acceptable location before the county or municipality is considered to have initiated the acquisition of a billboard by eminent domain;
- ▶ modifies the allowable height of an outdoor advertising sign whose height is adjusted by the owner because of an obstruction due to state agency action; and
- ▶ adds definitions to county and municipal land use provisions and to the Utah Outdoor Advertising Act.

Amends 10-9a-511, 10-9a-513, 17-27a-510, 17-27a-512, 72-7-502, 72-7-510.5

Effective May 12, 2009

Chapter 170, Laws of Utah 2009

HB 142 Reporting Abuse or Neglect of the Elderly or Disabled (*Lynn N. Hemingway*)

This bill amends the Health Code and the Human Services Code to permit background checks for an individual who cares for an elderly or disabled person and creates a private right of action for failure to report abuse or neglect.

This bill:

- ▶ permits a person who is hiring an individual to come into the home of an elderly or disabled person to obtain a background check of the person;
- ▶ authorizes the Department of Health to conduct the background check and access the database of substantiated abuse and neglect cases when requested by an individual seeking home care;
- ▶ authorizes the Department of Health to:
 - communicate its findings to the individual seeking home care; and
 - to charge a reasonable fee for the background check;
- ▶ limits the use of the information by the individual seeking home care to purposes directly related to hiring an individual for care of an elderly or disabled person in their private home;
- ▶ makes it an infraction and subjects the person to civil liability if the person submits information about an individual to the department for a background check for any purpose other than hiring for the care of an elderly or disabled person; and
- ▶ establishes a private right of action against a health care facility that is required to report elder and disabled abuse or neglect and knowingly fails to make the required report.

Amends 26-21-9.5, 62A-3-305

Effective May 12, 2009

Chapter 267, Laws of Utah 2009

HB 143 Vehicle Title, Inspection and Emission Testing Exemptions Amendments (*Kenneth W. Sumsion*)

This bill modifies the Motor Vehicles Code by amending vehicle title, inspection and emission testing provisions for certain vehicles.

This bill:

- ▶ defines terms;
- ▶ provides requirements for the certificate of title of a replica vehicle;
- ▶ includes street rod in the definition of a vintage vehicle;
- ▶ provides that a custom vehicle is exempt from the requirement of having a certificate of emissions inspection as a condition of registration or renewal of registration; and
- ▶ makes technical changes.

This bill takes effect on January 1, 2010.

Amends 41-1a-102, 41-1a-514, 41-6a-1507, 41-6a-1633, 41-6a-1642, 41-21-1

Effective January 1, 2010

Chapter 171, Laws of Utah 2009

HB 144 Medical Language Interpreter Act (*Rebecca Chavez-Houck*)

This bill enacts the Medical Language Interpreter Act, within the Division of Occupational and Professional Licensing Act.

This bill:

- ▶ defines terms;
- ▶ provides that a person who renders language interpretation services between a health care provider who speaks English and another person (medical interpreter services), in Spanish, Russian, Bosnian, Somali, Mandarin Chinese, Cantonese, or Navajo may voluntarily obtain certification as a certified medical language interpreter;
- ▶ provides that a person may provide medical interpreter services without obtaining the certification described in the preceding paragraph;
- ▶ describes the requirements that a person must comply with in order to obtain certification;
- ▶ makes it a class A misdemeanor to represent or hold oneself out as a certified medical language interpreter when not certified under the provisions of this bill;
- ▶ permits the division to charge a fee to recover the costs of administering the certification examination and issuing the certificate described in this bill;
- ▶ grants rulemaking authority to the division; and
- ▶ allows the Department of Health and the Department of Human Services to give priority to contracting with companies that use certified medical language interpreters.

This bill takes effect on July 1, 2009.

Enacts 58-78-101, 58-78-102, 58-78-201, 58-78-202, 58-78-203, 58-78-301, 58-78-302, 58-78-401, 58-78-402

Effective July 1, 2009

Chapter 49, Laws of Utah 2009

HB 148 Victim Rights Amendments (*R. Curt Webb*)

This bill empowers the trial court judge hearing a criminal case to give the victim an appropriate remedy for a violation of a victim's rights.

This bill:

- ▶ empowers the trial court judge hearing a criminal case to give the victim an appropriate remedy for a violation of a victim's rights.

Amends 77-37-5, 77-38-11, 77-38-12

Effective May 12, 2009

Chapter 120, Laws of Utah 2009

HB 149 Forest Reserve Fund Revisions (*Michael E. Noel*)

This bill amends provisions related to the Forest Reserve Fund.

This bill:

- ▶ modifies definitions;
- ▶ corrects inaccurate cross references to federal law;
- ▶ changes the procedures for apportioning federal funds received from forest reserve payments;
- ▶ provides that the funds shall be delivered to the state treasurer, rather than directly to the counties of the state;
- ▶ provides procedures for the state treasurer to use in apportioning the funds; and
- ▶ makes technical amendments.

This bill provides an immediate effective date.

Amends 17D-1-201, 51-9-601, 51-9-602, 51-9-603

Effective February 24, 2009

Chapter 8, Laws of Utah 2009

HB 151 Motor Vehicle Forfeiture Amendments (*Christopher N. Herrod*)

This bill modifies the Motor Vehicles Code by amending provisions relating to motor vehicle forfeiture for violating certain driving under the influence provisions.

This bill:

- ▶ provides that a motor vehicle is subject to criminal or civil forfeiture upon a finding by the court that:
 - the motor vehicle was used in a violation of certain driving under the influence provisions;
 - the operator of the vehicle has previously been convicted of a felony driving under the influence violation or automobile homicide; and
 - the operator of the motor vehicle was driving on a denied, suspended, revoked, or disqualified license and the denial, suspension, revocation, or disqualification was imposed because of a violation of certain driving under the influence provisions; and
- ▶ makes technical changes.

Amends 41-6a-527

Effective May 12, 2009

Chapter 268, Laws of Utah 2009

HB 152 Appraisal Management Company Regulation (*Michael T. Morley*)

This bill enacts the Appraisal Management Company Registration and Regulation Act.

This bill:

- ▶ defines terms;
- ▶ grants rulemaking authority to the Real Estate Appraiser Licensing and Certification Board;
- ▶ provides exemptions;
- ▶ requires registration and annual renewal of the registration;
- ▶ imposes operational requirements, including:
 - use of licensed or certified appraisers;
 - monitoring adherence to standards;
 - recordkeeping;
 - requiring disclosures;
 - imposing requirements of training for certain employees; and
 - prohibiting certain acts or practices;
- ▶ addresses the division's and board's role in enforcement, including immunity;
- ▶ provides for enforcement; and
- ▶ makes technical and conforming amendments.

Amends 61-2-5;

Enacts 61-2e-101, 61-2e-102, 61-2e-103, 61-2e-104, 61-2e-201, 61-2e-202, 61-2e-203, 61-2e-204, 61-2e-301, 61-2e-302, 61-2e-303, 61-2e-304, 61-2e-305, 61-2e-306, 61-2e-307, 61-2e-401, 61-2e-402

Effective May 12, 2009

Chapter 269, Laws of Utah 2009

HB 153 Trespass Law Amendments (*John G. Mathis*)

This bill modifies the Criminal Code regarding trespass on agricultural and range lands.

This bill:

- ▶ creates the offense of criminal trespass on agricultural or range lands;
- ▶ creates the offense of cutting, destroying, or rendering ineffective the fencing of agricultural or range lands;
- ▶ describes the requirements necessary in order for a person to enter these lands lawfully;
- ▶ provides definitions; and
- ▶ provides a civil penalty.

Enacts 76-6-206.3

Effective May 12, 2009

Chapter 270, Laws of Utah 2009

HB 154 State Construction Registry Amendments *(Michael T. Morley)*

This bill amends the State Construction Registry and certain related powers of the Division of Occupational and Professional Licensing (DOPL).

This bill:

- ▶ modifies the definition of final completion of an original contract and project;
- ▶ modifies the subcontractor preliminary notice requirements;
- ▶ modifies the notice of commencement filing requirements;
- ▶ modifies the DOPL standardized building permit numbering system;
- ▶ prohibits a compliance agency from deviating from the DOPL standardized building permit numbering system; and
- ▶ makes technical corrections.

Amends 38-1-7, 38-1-31, 38-1-32, 58-56-19, 58-56-20

Effective May 12, 2009

Chapter 50, Laws of Utah 2009

HB 157 Property Tax Assessment Amendments *(Wayne A. Harper)*

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

This bill:

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

This bill provides retrospective operation for a taxable year beginning on or after January 1, 2009.

Amends 17-17-2, 59-2-1602, 59-2-1603;

Enacts 59-2-1606

Effective May 12, 2009

Chapter 271, Laws of Utah 2009

HB 163 Property Transaction Amendments (*Rebecca D. Lockhart*)

This bill modifies the Secondhand Merchandise Transaction Information Act by providing that scrap and secondary metals dealers are exempt from the act and providing transaction and record keeping provisions regarding precious metals and coins.

This bill:

- ▶ amends the definition of a secondhand business to provide an exemption for regulated metal dealers;
- ▶ requires reporting to the database of certain transactions by coin dealers;
- ▶ modifies the Pawnbroker and Secondhand Merchandise Advisory Board to include a coin dealer representative;
- ▶ provides definitions related to the coin dealer business;
- ▶ provides a criminal penalty for unauthorized release of database information;
- ▶ provides that neither coin dealers nor pawnbrokers are required to hold precious metals or coins as defined; and
- ▶ changes the hold period for pawnbrokers and secondhand dealers from ten days to 15 days.

This bill takes effect on July 1, 2009.

Amends 13-32a-102, 13-32a-102.5, 13-32a-105, 13-32a-106.5, 13-32a-108, 13-32a-109, 13-32a-109.5, 13-32a-109.8, 13-32a-110, 13-32a-111, 13-32a-112, 13-32a-113, 76-6-408;

Enacts 13-32a-103.5, 13-32a-104.5

Effective July 1, 2009

Chapter 272, Laws of Utah 2009

HB 164 Migratory Bird Production Areas (*Curtis Oda*)

This bill enacts provisions relating to a migratory bird production area.

This bill:

- ▶ defines terms;
- ▶ authorizes the creation of a migratory bird production area;
- ▶ authorizes a landowner to remove land from a migratory bird production area;
- ▶ requires a municipality to have the written permission of all landowners within a migratory bird production area to annex land within the production area;
- ▶ clarifies the effect the creation of a migratory bird production area would have on receiving the benefits of the Farmland Assessment Act;
- ▶ prohibits a county from enacting certain ordinances regarding a migratory bird production area;
- ▶ requires a county to exclude activities associated with a migratory bird production area from being a public nuisance; and
- ▶ establishes a defense for a migratory bird production area in civil or criminal nuisance actions.

Amends 10-2-403;

Enacts 23-28-101, 23-28-102, 23-28-201, 23-28-202, 23-28-301, 23-28-302, 23-28-303, 23-28-304, 23-28-305

Effective May 12, 2009

Chapter 273, Laws of Utah 2009

HB 165 Health Reform - Administrative Simplification (*Merlynn T. Newbold*)

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

This bill:

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

Amends 26-21-20, 31A-22-619, 31A-26-301.6, 63I-2-231;

Enacts 31A-22-614.6, 31A-22-619.5, 31A-22-636, 31A-22-637

Effective May 12, 2009

Chapter 11, Laws of Utah 2009

HB 167 County Hospital Retirement Provisions (*Michael E. Noel*)

This bill modifies the Utah State Retirement and Insurance Benefit Act to allow certain employers and employees to be excluded from participation in the Public Employees' Contributory Retirement System and the Public Employees' Noncontributory Retirement System.

This bill:

- ▶ allows an employer that is a hospital created as a special service district to elect to be excluded from participation in the Public Employees' Contributory Retirement System and the Public Employees' Noncontributory Retirement System under certain circumstances;
- ▶ provides procedures for the exclusion;
- ▶ excludes new and existing employees of a special service district hospital from participation in the Public Employees' Contributory Retirement System and the Public Employees' Noncontributory Retirement System under certain circumstances; and
- ▶ makes technical changes.

Amends 49-12-202, 49-12-203, 49-13-202, 49-13-203

Effective May 12, 2009

Chapter 51, Laws of Utah 2009

HB 169 Public Lands Policy Coordination Amendments (*Michael E. Noel*)

This bill eliminates the Public Lands Policy Coordinating Council and makes changes concerning the Constitutional Defense Council and other entities concerning public lands matters.

This bill:

- ▶ addresses membership of the Constitutional Defense Council;
- ▶ addresses the council's duties;
- ▶ provides that the Public Lands Policy Coordinating Office assist the Office of the Attorney General in providing staff support to the Constitutional Defense Council;
- ▶ addresses the development and updating of a plan for R.S. 2477 rights;
- ▶ provides for grants to counties for public lands issues with a state benefit;
- ▶ requires the Public Lands Policy Coordinating Office to report to and assist the Constitutional Defense Council in carrying out the Constitutional Defense Council's duties;
- ▶ addresses the state planning coordinator's duties;
- ▶ makes certain documents protected records under Title 63G, Chapter 2, Government Records Access and Management Act;
- ▶ allows the Public Lands Policy Coordinating Office to enter into contracts with other state agencies for services; and
- ▶ makes technical changes.

Amends 63C-4-101, 63C-4-102, 63C-4-103, 63C-4-104, 63G-2-305, 63J-4-401, 63J-4-503, 63J-4-601, 63J-4-603;

Repeals 63J-4-604, 63J-4-605

Effective May 12, 2009

Chapter 121, Laws of Utah 2009

HB 170 Insurance and Life Settlement Amendments (*James A. Dunnigan*)

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

This bill:

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

This bill provides revisor instructions.

Amends 31A-2-205, 31A-21-104, 31A-23a-105, 31A-23a-111, 31A-23a-117, 31A-27a-104, 31A-36-101, 31A-36-102, 31A-36-103, 31A-36-104, 31A-36-105, 31A-36-106, 31A-36-107, 31A-36-108, 31A-36-109, 31A-36-110, 31A-36-111, 31A-36-112, 31A-36-113, 31A-36-114, 31A-36-115, 31A-36-116, 31A-36-117, 31A-36-118, 31A-36-119, 61-1-13, 64-13-39.5

Effective May 12, 2009

Chapter 355, Laws of Utah 2009

HB 173 **Hunting Guides and Outfitters Licensing Act** (*Evan J. Vickers*)

This bill provides for the licensing of hunting guides and outfitters by the Division of Occupational and Professional Licensing.

This bill:

- ▶ enacts the Hunting Guides and Outfitters Licensing Act;
- ▶ provides definitions, including hunting guide, outfitter, and outfitting services;
- ▶ creates the Hunting Guides and Outfitters Licensing Board and provides for its duties and responsibilities;
- ▶ provides for the licensing of hunting guides and outfitters by the division;
- ▶ provides for qualifications for licensure as a hunting guide or outfitter, for the term of the license and its renewal, and for exemptions from licensure;
- ▶ provides grounds for denial of, suspension, revocation, or restrictions on a license issued under the act, and for disciplinary proceedings; and
- ▶ defines unlawful and unprofessional conduct as related to the conduct of licensed hunting guides and outfitters.

Enacts 58-78-101, 58-78-102, 58-78-201, 58-78-301, 58-78-302, 58-78-303, 58-78-304, 58-78-401, 58-78-501, 58-78-502

Effective May 12, 2009

Chapter 52, Laws of Utah 2009

HB 174 **Licensing of Vocational Rehabilitation Counselors** (*Ronda Rudd Menlove*)

This bill provides for the licensing of vocational rehabilitation counselors by the Division of Occupational and Professional Licensing.

This bill:

- ▶ enacts the Vocational Rehabilitation Counselors Licensing Act;
- ▶ provides definitions regarding a licensed vocational rehabilitation counselor and the practice of providing vocational rehabilitation services;
- ▶ creates the Vocational Rehabilitation Counselors Licensing Board and provides for its duties and responsibilities;
- ▶ provides for licensing qualifications, for licensure by credential, for the term of the license and its renewal, and for exemptions from licensure;
- ▶ provides grounds for the denial, suspension, or revocation of a license or restrictions placed on a license issued under the act; and
- ▶ defines unlawful and unprofessional conduct as related to licensed vocational rehabilitation counselors.

Enacts 58-78-101, 58-78-102, 58-78-201, 58-78-301, 58-78-302, 58-78-303, 58-78-304, 58-78-401, 58-78-501, 58-78-502

Effective May 12, 2009

Chapter 122, Laws of Utah 2009

HB 178 Health Insurance and Program Amendments (*James A. Dunnigan*)

This bill amends the Insurance Code and the Children's Health Insurance Program.

This bill:

- ▶ clarifies that the Children's Health Insurance Program should have access to at least two different provider networks;
- ▶ extends the COBRA premium assistance provided under Section 3001 of the American Recovery and Reinvestment Act of 2009 (Pub. S. 111-5) to state mini-COBRA benefits; and
- ▶ makes technical amendments to the health benefit plan broker disclosure requirement.

This bill provides an immediate effective date.

This bill coordinates with H.B. 188, Health System Reform-Insurance Market, by providing that parts of this bill supersede parts of H.B. 188.

Amends 26-40-110, 31A-23a-501;

Enacts 31A-22-722.5

Effective March 25, 2009

Chapter 274, Laws of Utah 2009

HB 179 State-Owned Land Amendments (*Kerry W. Gibson*)

This bill modifies provisions relating to specified state lands.

This bill:

- ▶ modifies the definition of "critical land" to include a parcel for which part of the land is exchanged;
- ▶ authorizes the Department of Natural Resources to exchange a portion of a critical land parcel if certain conditions are met; and
- ▶ authorizes the Division of Facilities Construction and Management to exchange certain land it owns with a public transit district for a specified purpose.

Amends 63A-5-222;

Enacts 63A-5-223

Effective May 12, 2009

Chapter 53, Laws of Utah 2009

HB 183 National Animal Identification System (*Melvin R. Brown*)

This bill enacts a provision relating to the Utah Department of Agriculture and Food's participation in a national animal identification system.

This bill:

- ▶ defines terms;
- ▶ authorizes the department to participate in a national animal identification system;
- ▶ prohibits the department or a political subdivision from requiring a person to participate in a national animal identification system;
- ▶ authorizes the department to adopt rules;
- ▶ authorizes a person to withdraw from a national animal identification system; and
- ▶ provides a severability clause.

Enacts 4-31-22

Effective May 12, 2009

Chapter 172, Laws of Utah 2009

HB 185 Transportation Amendments (*Wayne A. Harper*)

This bill modifies general obligation bond provisions and the Transportation Code by amending provisions relating to transportation funding.

This bill:

- ▶ changes the transportation projects for which a portion of certain general obligation bond proceeds previously authorized that were allocated for certain transportation projects shall be used;
- ▶ authorizes issuance of \$39,895,000 in general obligation bonds to pay all or part of the costs of constructing, reconstructing, renovating, or improving certain highways within a county of the first class;
- ▶ exempts the general obligation bonds from certain debt limitation provisions;
- ▶ provides that for a fiscal year beginning on or after July 1, 2010, the executive director shall use at least a certain portion of the fund monies in the County of the First Class State Highway Projects Fund to pay for:
 - east-west transportation route improvements in a county of the first class; and
 - state highway capacity improvement and congestion mitigation projects in a county of the first class; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

Amends 63B-1-306, 63B-16-102, 63J-3-402, 72-2-121;

Enacts 63B-18-101

Effective July 1, 2009

Chapter 275, Laws of Utah 2009

HB 188 Health System Reform - Insurance Market (*David Clark*)

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

This bill:

- ▶ prohibits balanced billing by certain health care providers in certain circumstances;
- ▶ revises the basic benefit plan used for consumer comparison of health benefit products;
- ▶ requires the Insurance Department to include in its annual market report a summary of the types of plans sold through the Internet portal, including market penetration of mandate lite products;
- ▶ allows insurers to offer lower cost health insurance products that do not include certain state mandates in the individual market, the small employer group market, and in the conversion market;
- ▶ creates the Utah NetCare Plan, a low cost health benefit plan as an alternative to current federal COBRA, state mini-COBRA, and conversion products;
- ▶ requires health insurance brokers and producers to disclose their commissions and compensation to their customers prior to selling a health benefit plan;
- ▶ modifies the number and type of products an insurer must offer in the small employer group market and the individual market;
- ▶ establishes a defined contribution arrangement market available on the Internet portal, which:

- beginning January 1, 2010, is available to small employer groups;
 - offers a range of health benefit plan choices to an employer's eligible employees;
 - beginning January 1, 2012, is available to eligible large employer groups; and
 - beginning January 1, 2012, will offer a wider range of choices of health benefit plans to employees;
- ▶ establishes a board within the Insurance Department that is given the responsibility to develop a risk adjustment mechanism that will apportion risk among the insurers participating in the Internet portal defined contribution market to protect insurers from adverse risk selection;
 - ▶ requires insurers who offer health benefit plans on the Internet portal to provide greater transparency and disclose information about the plan benefits, provider networks, wellness programs, claim payment practices, and solvency ratings;
 - ▶ establishes a process for a consumer to compare health plan features on the Internet portal and to enroll in a health benefit plan from the Internet portal;
 - ▶ requires the Office of Consumer Health Services to convene insurers and health care providers to monitor and report to the Health Reform Task Force and to the Business and Labor Interim Committee regarding progress towards expanding access to the defined contribution market, greater choice in the market, and payment reform demonstration projects;
 - ▶ establishes limited rulemaking authority for the Office of Consumer Health Services to:
 - assist employers and insurance carriers with interacting with the Internet portal; and
 - facilitate the receipt and payment of health plan premium payments from multiple sources;
 - ▶ authorizes the Office of Consumer Health Services to establish a fee to cover the transaction cost associated with the Internet portal functions such as sending and processing an application or processing multiple premium payment sources; and
 - ▶ re-authorizes the Health Reform Task Force for one year.

This bill provides an immediate effective date.

This bill repeals the Health Reform Task Force on December 30, 2009.

Amends 31A-8-501, 31A-22-613.5, 31A-22-617, 31A-22-722, 31A-22-723, 31A-23a-401, 31A-23a-501, 31A-30-102, 31A-30-103, 31A-30-104, 31A-30-107, 31A-30-109, 31A-30-112, 63M-1-2504;

Enacts 31A-22-618.5, 31A-22-724, 31A-30-201, 31A-30-202, 31A-30-203, 31A-30-204, 31A-30-205, 31A-30-206, 31A-30-207, 31A-30-208, 31A-42-101, 31A-42-102, 31A-42-103, 31A-42-201, 31A-42-202, 31A-42-203, 31A-42-204, 63M-1-2506

Effective March 11, 2009

Chapter 12, Laws of Utah 2009

HB 192 Personal Injury Judgment Interest (*James A. Dunnigan*)

This bill amends the interest rate on personal injury damages.

This bill:

- ▶ changes the rate of interest on damages for personal injury actions.

Amends 78B-5-824

Effective May 12, 2009

Chapter 276, Laws of Utah 2009

HB 194 Education Policies for Military Children (*Ronda Rudd Menlove*)

This bill enacts certain education policies related to military children.

This bill:

- ▶ provides definitions;
- ▶ allows for certain exceptions when military children transfer schools, including:
 - the use of official and unofficial education records;
 - time periods for producing official records;
 - age of school enrollment;
 - immunizations;
 - provisions related to parental consent; and
 - graduation provisions; and
- ▶ makes technical changes.

Amends 53A-1-611, 53A-3-402, 53A-11-302, 53A-11-504;

Enacts 53A-11-1401, 53A-11-1402, 53A-11-1403, 53A-11-1404

Effective May 12, 2009

Chapter 277, Laws of Utah 2009

HB 195 Utah Uniform Probate Code - Trust Amendments (*Rebecca D. Lockhart*)

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

This bill:

- ▶ expands the definition of “trust” in the Uniform Probate Code to include health savings accounts as defined by the Internal Revenue Code; and
- ▶ clarifies when a health savings account is established in relation to the account holder’s federal income tax year.

Amends 75-1-201, 75-7-401

Effective May 12, 2009

Chapter 278, Laws of Utah 2009

HB 197 Reauthorization of Administrative Rules (*Ben C. Ferry*)

This bill provides legislative action regarding administrative rules.

This bill:

- ▶ reauthorizes all state agency administrative rules, except rules regarding:
 - State Board of Regents’ Scholarships;
 - Charter School Parental Involvement; and
 - Minimum charges for Escrow Services.

The original bill was recommended by the Administrative Rules Review Committee

Effective May 12, 2009

Chapter 279, Laws of Utah 2009

HB 198 Marriage License Fee Amendments *(Christine A. Johnson)*

This bill modifies a provision relating to marriage license fees.

This bill:

- ▶ requires county clerks to collect an additional \$10 for a marriage license fee and to transmit that amount to the Division of Finance for distribution to the Division of Child and Family Services for use in the operation of shelters for victims of domestic violence, if the applicant chooses to pay the fee; and
- ▶ allows a marriage license applicant to choose whether to pay the additional fee.

Amends 17-16-21

Effective May 12, 2009

Chapter 123, Laws of Utah 2009

HB 202 School District Traffic Violation Complaint Procedures *(Wayne A. Harper)*

This bill modifies the Motor Vehicles Code by amending school district traffic violation complaint procedures for certain traffic violations.

This bill:

- ▶ authorizes a school crossing guard who observes a person speeding in a reduced speed school zone to report the incident to a law enforcement agency;
- ▶ authorizes the law enforcement agency to send a notification letter to the last-known registered owner of the offending vehicle that the vehicle was observed violating the speed limit in a reduced speed school zone; and
- ▶ provides that a law enforcement agency that receives a report may initiate an investigation of the alleged violation.

Enacts 41-6a-604.5

Effective May 12, 2009

Chapter 124, Laws of Utah 2009

HB 205 Water Source Protection Amendments *(Michael E. Noel)*

This bill amends a section relating to a water source protection ordinance.

This bill:

- ▶ limits the requirement to adopt a water source protection ordinance to counties of the first or second class; and
- ▶ limits the authorization of a municipality to adopt a water source protection ordinance to municipalities located within a county of the first or second class.

Amends 19-4-113

Effective May 12, 2009

Chapter 173, Laws of Utah 2009

HB 206 Employment Selection Procedures (*Wayne A. Harper*)

This bill enacts the Employment Selection Procedures Act to address procedures used by employers to select employees.

This bill:

- ▶ defines terms;
- ▶ imposes restrictions on the collection of information or testing;
- ▶ addresses use of information collected;
- ▶ imposes requirements related to the retention, disposition, access, and confidentiality of information; and
- ▶ provides for enforcement, including:
 - providing for a complaint process; and
 - authorizing rulemaking; and
- ▶ makes technical and conforming amendments.

Amends 34A-1-202;

Enacts 34-45-101, 34-45-102, 34-45-201, 34-45-202, 34-45-203, 34-45-301, 34-45-302

Effective May 12, 2009

Chapter 174, Laws of Utah 2009

HB 209 Amendments to Criminal Appeals (*Julie Fisher*)

This bill allows the prosecution to appeal an order granting a new trial.

This bill:

- ▶ allows the prosecution, as a matter of right, to appeal an order granting a new trial.

Amends 77-18a-1

Effective May 12, 2009

Chapter 175, Laws of Utah 2009

HB 210 Posting of Collective Bargaining Agreements by School Districts and Charter Schools (*Kenneth W. Sumsion*)

This bill requires a school district or charter school to post a collective bargaining agreement entered into by the board on a website.

This bill:

- ▶ requires the board of education of a school district to post a collective bargaining agreement entered into by the board on the school district's website within ten days of ratification of the agreement; and
- ▶ requires the governing board of a charter school to post a collective bargaining agreement entered into by the board on the charter school's website within ten days of ratification of the agreement.

Enacts 53A-3-428

Effective May 12, 2009

Chapter 392, Laws of Utah 2009

HB 211 Retirement Investment Reports *(Julie Fisher)*

This bill modifies the Utah State Retirement and Insurance Benefit Act by requiring an annual report of investments of retirement funds in Iran's petroleum sector.

This bill:

- ▶ defines terms;
- ▶ requires the Utah State Retirement Office to prepare an annual report of investments of retirement funds in scrutinized companies within Iran's petroleum sector;
- ▶ provides that the report be given to the governor, the board, the president of the Senate, the speaker of the House of Representatives, and the Retirement and Independent Entities Committee; and
- ▶ provides certain exceptions for reporting.

Enacts 49-11-306

Effective May 12, 2009

Chapter 54, Laws of Utah 2009

HB 216 Telecommunication Pricing Flexibility Amendments *(Fred R Hunsaker)*

This bill amends certain telecommunication pricing flexibility provisions.

This bill:

- ▶ amends certain telecommunication pricing flexibility provisions; and
- ▶ makes technical corrections.

Amends 54-8b-2.3

Effective May 12, 2009

Chapter 10, Laws of Utah 2009

HB 218 Family Employment Program Amendments *(Janice M. Fisher)*

This bill modifies provisions of the Utah Workforce Services Code regarding cash assistance grant levels in the Family Employment Program.

This bill:

- ▶ provides that the Department of Workforce Services shall make a rule for the amount of cash assistance a participant is eligible to receive under the Family Employment Program.

Amends 35A-3-302

Effective May 12, 2009

Chapter 55, Laws of Utah 2009

HB 220 State Payment and Reimbursement to County Correctional Facilities *(Michael E. Noel)*

This bill amends provisions related to payment and reimbursement to county correctional facilities for housing state inmates.

This bill:

- ▶ defines terms;
- ▶ requires the Division of Finance to pay counties, for housing state probationary inmates or state parole inmates, at a rate of 50% of the final state daily incarceration rate;
- ▶ provides that, on at least a monthly basis, a county must submit a report to the Utah Commission on Criminal and Juvenile Justice regarding the housing of state probationary inmates or state parole inmates;
- ▶ grants rulemaking authority to the Utah Commission on Criminal and Juvenile Justice;
- ▶ provides that the Utah Commission on Criminal and Juvenile Justice shall adjust the amount to be paid to the counties for housing state probationary inmates or state parole inmates to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments;
- ▶ provides that the Division of Finance shall, on or before December 15 of each year, pay each county for housing state probationary inmates and state parole inmates, based on the number housed by each county during the state fiscal year that ended on June 30 of the preceding calendar year;
- ▶ provides for the distribution of information to, and the discussion of information by, the counties regarding the "actual state daily incarceration rate" and the number of state probationary inmates and state parole inmates housed by each county; and
- ▶ makes technical changes.

Amends 64-13e-102, 64-13e-104, 64-13e-105

Effective May 12, 2009

Chapter 56, Laws of Utah 2009

HB 222 Unborn Child Pain Prevention Act *(Carl Wimmer)*

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

This bill:

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

This bill coordinates with H.B. 90 by providing substantive and technical amendments.

Amends 76-7-305, 76-7-305.5, 76-7-315;

Enacts 76-7-308.5

Effective May 12, 2009

Chapter 57, Laws of Utah 2009

HB 223 Statute of Limitations Amendments *(Carl Wimmer)*

This bill amends the criminal statute of limitations relating to child abuse homicide.

This bill:

- ▶ provides that prosecution for first degree felony child abuse homicide or second degree felony child abuse homicide may be commenced at any time.

Amends 76-1-301

Effective May 12, 2009

Chapter 280, Laws of Utah 2009

HB 226 Disaster Recovery and Emergency Management Amendments *(Curtis Oda)*

This bill modifies a provision in the Emergency Management Chapter of the Homeland Security Act.

This bill:

- ▶ clarifies that a responding political subdivision may loan equipment and donate services to a requesting, rather than a responding, political subdivision.

Amends 53-2-508

Effective May 12, 2009

Chapter 58, Laws of Utah 2009

HB 228 Assault on Service Member in Uniform (*Eric K. Hutchings*)

This bill modifies the Criminal Code regarding assault on a military service member in uniform.

This bill:

- ▶ provides a penalty for committing an assault against a military service member in uniform;
- ▶ provides for minimum incarceration time and enhanced penalty for committing a second or subsequent offense against a military service member in uniform;
- ▶ provides that the court may suspend the imposition or execution of the sentence if the court finds that by doing so the interests of justice would be best served and makes specific findings concerning the disposition on the record;
- ▶ provides that the offense does not affect or limit the exercise of any individual's constitutional rights, including the right of free speech and the right of assembly;
- ▶ provides that criminal homicide constitutes murder if the actor recklessly causes the death of a military service member in uniform while in the commission or attempted commission of an assault against a military service member in uniform under Section 76-5-102.4; and
- ▶ provides a definition of "military service member in uniform."

Amends 76-5-102.4, 76-5-203

Effective May 12, 2009

Chapter 125, Laws of Utah 2009

HB 231 Utah Commission on Volunteers Amendments (*Douglas C. Aagard*)

This bill modifies provisions related to the Utah Commission on Volunteers regarding terms of office, quorum requirements, and duties of the commission.

This bill:

- ▶ reduces the term of office for a commission member from four years to three years;
- ▶ provides that approximately one third of the commission is appointed every year;
- ▶ removes a duplicative quorum requirement provision;
- ▶ removes the commission's duty to prepare service learning applications;
- ▶ removes the commission's duty to establish a community volunteer training program to assist school districts in implementing certain literacy programs; and
- ▶ makes certain technical changes.

Amends 9-1-803, 9-1-809

Effective May 12, 2009

Chapter 59, Laws of Utah 2009

HB 232 Campaign and Financial Reporting Requirements Revisions (*Douglas C. Aagard*)

This bill changes certain definitions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements.

This bill:

- ▶ changes definitions concerning corporations, political action committees, political issues committees, and political issues expenditures;
- ▶ eliminates a definition; and
- ▶ makes technical changes.

Amends 20A-11-101, 20A-11-1202

Effective May 12, 2009

Chapter 60, Laws of Utah 2009

HB 233 Aggravated Sexual Assault Amendments (*Carl Wimmer*)

This bill modifies the elements and penalties for the crime of aggravated sexual assault.

This bill:

- ▶ modifies the elements and penalties for the crime of aggravated sexual assault; and
- ▶ makes technical changes.

Amends 76-5-405

Effective May 12, 2009

Chapter 176, Laws of Utah 2009

HB 234 Consumer Credit Protection Act Modification (*Julie Fisher*)

This bill changes the title of Title 13, Chapter 44, from the "Consumer Credit Protection Act," to the "Protection of Personal Information Act."

This bill:

- ▶ changes the title of Title 13, Chapter 44, from the "Consumer Credit Protection Act," to the "Protection of Personal Information Act"; and
- ▶ makes technical corrections.

Amends 13-44-101, 76-10-922

Effective May 12, 2009

Chapter 61, Laws of Utah 2009

HB 235 Dam Safety Amendments (*Stephen E. Sandstrom*)

This bill amends provisions related to dam safety.

This bill:

- ▶ requires a person to submit to the state engineer work plans for a dam classified as a high hazard structure;
- ▶ authorizes the state engineer to inspect a dam regulated under Title 73, Chapter 5a, Dam Safety; and
- ▶ makes technical changes.

Amends 73-5a-202, 73-5a-501

Effective May 12, 2009

Chapter 177, Laws of Utah 2009

HB 236 Department of Community and Culture Grants (*Sheryl L. Allen*)

This bill modifies provisions of Title 9, Community and Culture Development, regarding grant programs administered by certain divisions, offices, and boards within the Department of Community and Culture in the divisions of Arts and Museums, State Library, and State History.

This bill:

- ▶ provides that the Board of Directors of the Utah Arts Council, the Museum Services Advisory Board, the State Library Board, and the Board of State History prepare and submit an annual request to the governor and Legislature for prioritized capital facilities grants to be awarded to eligible applicants;
- ▶ provides an annual cutoff date for receiving capital facilities grant applications and for submission of prioritized capital requests to the governor and Legislature;
- ▶ provides for progress reports as a precondition to the dispersal of grant funds; and
- ▶ makes certain technical changes.

Amends 9-6-205, 9-6-605, 9-7-205, 9-8-205

Effective May 12, 2009

Chapter 62, Laws of Utah 2009

HB 237 Criminal Penalties Amendments - Leaving the Scene of an Accident
(Christopher N. Herrod)

This bill modifies the Motor Vehicles Code by amending provisions relating to leaving the scene of a motor vehicle traffic accident.

This bill:

- ▶ increases the penalty from a class A misdemeanor to a third degree felony for a person who violates the requirement to stop the vehicle at the scene of an accident and remain at the scene of the accident until the operator has fulfilled certain requirements if the accident resulted in the injury or death of a person and the person has previously been convicted of certain violations that were committed on or after May 12, 2009; and
- ▶ makes technical changes.

Amends 41-6a-401.3, 41-6a-401.5

Effective May 12, 2009

Chapter 281, Laws of Utah 2009

HB 239 Utah Medical Examiner Act - Investigation and Autopsies Amendments (Curtis Oda)

This bill amends provisions of the Utah Medical Examiner Act relating to criminal investigations and autopsies.

This bill:

- ▶ grants the attorney general or an assistant attorney general the authority to investigate certain deaths;
- ▶ grants the attorney general the authority to request an autopsy; and
- ▶ makes technical changes.

Amends 26-4-6

Effective May 12, 2009

Chapter 63, Laws of Utah 2009

HB 240 Wanton Destruction of Livestock (Ronda Rudd Menlove)

This bill establishes penalties for the wanton destruction of livestock.

This bill:

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

This bill takes effect on July 1, 2009.

Amends 4-25-4, 4-25-5, 4-25-14, 10-8-64;

Enacts 76-6-111

Effective July 1, 2009

Chapter 282, Laws of Utah 2009

HB 241 Priority of Water Rights (*Kerry W. Gibson*)

This bill repeals a section relating to the priority of water rights.

This bill:

- ▶ repeals a section relating to the priority of water rights in times of scarcity.

This bill takes effect on May 11, 2010.

Repeals 73-3-21

Effective May 11, 2010

Chapter 283, Laws of Utah 2009

HB 243 Rental Restrictions on Condominiums and Common Interest Communities (*Gage Froerer*)

This bill modifies the powers of an association of unit owners or association to create rental restrictions.

This bill:

- ▶ modifies the powers an association of unit owners or association to:
 - create reasonable restrictions on the number and terms of rental units or lots;
 - include rental restrictions in the association of unit owners' recorded declaration or association's recorded governing documents;
 - include a hardship exemption in the rental restrictions;
 - include a grandfather clause for existing rental units or lots; and
 - create procedures to track the number of rental units or lots;
- ▶ creates notification procedures to lenders if a declaration is amended; and
- ▶ makes technical corrections.

Amends 57-8-10;

Enacts 57-8-41, 57-8a-209, 57-8a-210

Effective May 12, 2009

Chapter 178, Laws of Utah 2009

HB 244 Disruption of School Activities (*Carol Spackman Moss*)

This bill modifies the Criminal Code regarding disruption of a school.

This bill:

- ▶ provides a definition of school property, which includes certain areas where school programs or activities are being conducted;
- ▶ provides that it is a class A misdemeanor to enter onto school property in order to evade law enforcement;
- ▶ provides that not knowing the property is school property is not a defense;
- ▶ requires that the defendant reimburse the school for the costs of responding to the defendant's presence on school property; and
- ▶ provides that this offense is a separate offense from other offenses that involve failure to stop for an officer.

Enacts 76-8-1403

Effective May 12, 2009

Chapter 284, Laws of Utah 2009

HB 245 Utah State 911 Committee Amendments (*Curtis Oda*)

This bill amends the duties and powers of the Utah 911 Committee.

This bill:

- ▶ amends the duties and powers of the Utah 911 Committee; and
- ▶ makes technical corrections.

Amends 53-10-602, 59-1-403, 63G-2-305

Effective May 12, 2009

Chapter 64, Laws of Utah 2009

HB 247 Amendments to Email Information Required of Registered Sex Offenders (*Jim Bird*)

This bill amends the Code of Criminal Procedure and the Government Records and Access Management Act regarding sex and kidnap offender registration information that is to be made available to the public and amends the definition of an offender.

This bill:

- ▶ makes amendments addressing the recent federal case *Doe v. Shurtleff*:
 - provides that the information an offender subject to registration is required to provide to the registering entity does not include passwords, but does include other online and Internet identifiers as currently defined in law;
 - provides that an offender's Internet or online identifiers, which must be provided to the registering agency, may not be included in information on the Sex Offender Registry, which is available to the public; and
 - provides under the Government Records and Access Management Act that information an offender must provide to the registry and that is not statutorily required to be made available to the public is private, except for use in the investigation and apprehension of offenders and the enforcement of criminal, civil, and administrative law;
- ▶ removes the offense of unlawful detention from the definition of a kidnap offender; and
- ▶ in response to a recent Utah Supreme Court case *State v. Briggs*, removes the requirement that the Department of Corrections include "a description of the offender's primary and secondary targets" in the listing of an offender's description and history of offenses on the sex offender registry.

Amends 63G-2-302, 77-27-21.5

Effective May 12, 2009

Chapter 126, Laws of Utah 2009

HB 250 Revisor's Statute (*Kevin S. Garn*)

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.

Amends 7-1-104, 7-1-505, 7-7-38, 9-3-403, 17-27a-703, 17D-1-106, 17D-1-301, 17D-2-506, 19-2-103, 19-6-302, 19-6-310, 19-8-119, 32A-1-119.5, 32A-5-107, 32A-8-101, 36-11-103, 38-8-1, 51-9-405, 51-9-504, 53-3-102, 53-3-204, 53-3-205, 53-10-208, 53-10-208.1, 53B-8a-105, 58-60-114, 58-60-509, 58-61-602, 59-2-924, 61-1-2, 61-2-3, 63D-2-102, 63I-1-263, 63L-3-202, 72-9-107, 76-3-201.1, 76-9-802, 78A-6-203, 78A-6-1205, 78A-6-1206, 78B-6-115;

Repeals 9-3-102

Effective May 12, 2009

Chapter 356, Laws of Utah 2009

HB 251 Joint Custody Amendments (*Lorie D. Fowlke*)

This bill requires a court to consider joint legal custody in a divorce or separation action, allows for the modification of joint custody orders, and creates specific requirements to do so.

This bill:

- ▶ requires a court to consider joint legal custody in every divorce or separation action;
- ▶ requires that the person seeking joint legal custody has filed a parenting plan;
- ▶ provides that the court may award any type of custody considered to be in the best interests of the children;
- ▶ allows a parent to file a motion for termination of joint custody under specific circumstances;
- ▶ sets conditions for the court to consider in modifying a joint custody order;
- ▶ requires that parents participate in a dispute resolution proceeding; and
- ▶ requires the court to make specific findings when modifying or terminating a joint custody order.

Amends 30-3-10, 30-3-10.3, 30-3-10.4

Effective May 12, 2009

Chapter 179, Laws of Utah 2009

HB 252 Emergency Management Administration Council Amendments (*Curtis Oda*)

This bill modifies the Emergency Management Act by amending the membership of the Emergency Management Administration Council to include members with certain expertise within the private sector.

This bill:

- ▶ specifies that up to four additional members appointed to the Emergency Management Administration Council shall be members with expertise in homeland security, critical infrastructure, or key resources within the private sector appointed by the chair of the council;
- ▶ adds two representatives appointed by the Utah Emergency Management Association; and
- ▶ makes technical changes.

Amends 63K-3-201

Effective May 12, 2009

Chapter 65, Laws of Utah 2009

HB 253 Motor Carrier Permit Fee Amendments *(Todd E. Kiser)*

This bill modifies the Protection of Highways Act by amending the fees for oversize and overweight permits.

This bill:

- ▶ increases fees for oversize and overweight permits;
- ▶ repeals the requirement that certain permits may be issued only upon authorization of the commission; and
- ▶ makes technical changes.

Amends 72-7-406

Effective May 12, 2009

Chapter 357, Laws of Utah 2009

HB 254 Health Professional Authority - Death Certificates *(Bradley G. Last)*

This bill amends the Vital Statistics Act and the Motor Vehicle Act.

This bill:

- ▶ amends definitions in the Vital Statistics Act;
- ▶ except for fetal deaths, authorizes a nurse practitioner in certain circumstances to state or certify cause of death, and complete and sign a death certificate;
- ▶ provides additional definitions in the Motor Vehicle Act; and
- ▶ allows a nurse practitioner to certify that a person has a disability, and will have the disability for a particular length of time, for purposes of obtaining a disability special group license plate, a temporary removable windshield placard, or a removable windshield placard from the Motor Vehicle Division.

Amends 26-2-2, 26-2-13, 26-2-16, 41-1a-420

Effective May 12, 2009

Chapter 66, Laws of Utah 2009

HB 256 Livestock Watering Rights Amendments *(Michael E. Noel)*

This bill amends provisions relating to a livestock watering right.

This bill:

- ▶ repeals the authority of the Department of Agriculture and Food relating to a livestock water use certificate;
- ▶ defines terms;
- ▶ authorizes a beneficial user to file a nonuse application for a livestock watering right;
- ▶ repeals the provision relating to a forage right;
- ▶ clarifies who can apply for a livestock water use certificate and water right; and
- ▶ requires the state engineer to provide an online application for a livestock water use certificate.

Amends 4-20-2, 73-3-31

Effective May 12, 2009

Chapter 285, Laws of Utah 2009

HB 257 Political Subdivision Clerk Amendments (*Merlynn T. Newbold*)

This bill modifies a provision relating to reports or payments to the state or political subdivisions of the state.

This bill:

- ▶ modifies a provision stating that a report mailed to a political subdivision is considered received on the date indicated in the post office stamp to make it conditioned, for certain reports, upon the report having been mailed to the attention of the clerk or recorder of the political subdivision; and
- ▶ makes technical changes.

Amends 68-3-8.5

Effective May 12, 2009

Chapter 180, Laws of Utah 2009

HB 258 Amendments to Notice Provisions for Subdivision Changes (*Kraig Powell*)

This bill modifies county and municipal land use provisions relating to notice for changes to subdivision plats.

This bill:

- ▶ modifies a reference to a notice provision in a provision relating to proposed changes to subdivision plats.

Amends 10-9a-608, 17-27a-608

Effective May 12, 2009

Chapter 67, Laws of Utah 2009

HB 259 Local Government Amendments (*Stephen E. Sandstrom*)

This bill modifies provisions relating to local government.

This bill:

- ▶ enacts a definition of "charter school" in impact fee provisions;
- ▶ repeals obsolete language relating to impact fees;
- ▶ clarifies the purposes of an impact fee capital facilities plan;
- ▶ modifies provisions relating to the written analysis associated with impact fees;
- ▶ modifies provisions relating to an impact fee enactment;
- ▶ limits impact fees that can be imposed on a school district or charter school;
- ▶ requires local political subdivisions and private entities to ensure that their impact fees comply with the requirements of this bill, even if the impact fee was earlier imposed but not paid;
- ▶ requires a local political subdivision or private entity to participate in mediation of any applicable fee if the state, a school district, or a charter school requests mediation;
- ▶ narrows a limitation on a county and municipality's ability to impose regulations on the location of a facility to apply only to certain educational facilities; and
- ▶ makes technical changes.

This bill coordinates with S.B. 84, Impact Fees Revisions, by technically superseding and merging amendments.

Amends 10-9a-103, 10-9a-305, 11-36-102, 11-36-201, 11-36-202, 17-27a-103, 17-27a-305;

Enacts 11-36-401.5

Effective May 12, 2009

Chapter 286, Laws of Utah 2009

HB 261 Aviation Amendments (*Wayne A. Harper*)

This bill modifies the Motor and Special Fuel Tax Act and the Transportation Code by amending provisions relating to funding for aeronautical operations.

This bill:

- ▶ reduces the aviation fuel tax rate that a federally certificated air carrier pays on aviation fuel purchased at an international airport located within a county of the first class that has a United States customs office on its premises from \$.04 to \$.025 on each gallon of aviation fuel;
- ▶ repeals the \$.015 per gallon aviation fuel tax refund or credit for federally certificated air carriers on gallons of aviation fuel purchased at an international airport located within a county of the first class that has a United States customs office on its premises;
- ▶ creates the Aeronautics Restricted Account within the Transportation Fund;
- ▶ provides that certain aviation fuel tax revenue and aircraft registration fees shall be deposited into the Aeronautics Restricted Account;
- ▶ provides that the Department of Transportation may not use funds in the Aeronautics Restricted Account to purchase aircraft for certain purposes; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

Amends 59-13-401, 59-13-402, 72-10-110;

Enacts 72-2-126;

Repeals 59-13-404

Effective July 1, 2009

Chapter 358, Laws of Utah 2009

HB 264 Educator Evaluation Amendments (*Ronda Rudd Menlove*)

This bill modifies requirements for educator evaluations.

This bill:

- ▶ requires a local school board to:
 - develop, support, monitor, and maintain an educator evaluation program in accordance with requirements specified in statute; and
 - provide ongoing evaluation of career educators;
- ▶ requires the principal or immediate supervisor of a provisional educator to assign a person who has received training or will receive training in mentoring educators to mentor the provisional educator; and
- ▶ makes technical changes.

Amends 53A-10-101, 53A-10-102, 53A-10-103, 53A-10-107, 53A-10-108;

Enacts 53A-10-102.5, 53A-10-106.5;

Repeals 53A-10-104, 53A-10-109, 53A-10-110, 53A-10-111;

Repeals and Reenacts 53A-10-106

Effective May 12, 2009

Chapter 287, Laws of Utah 2009

HB 265 Postmortem Procedures Amendments (*Bradley M. Daw*)

This bill amends provisions of the Utah Vital Statistics Act and the Division of Occupational and Professional Licensing Act relating to the signing and filing of a certificate of death, and the release, transportation, and disposition of a dead body or dead fetus.

This bill:

- ▶ defines terms;
- ▶ provides that, if a funeral service director is not retained, a designated agent or the next of kin of a decedent may sign and file the decedent's certificate of death;
- ▶ describes other rights and responsibilities of a designated agent or the next of kin of a decedent, when a funeral service director is not retained;
- ▶ makes it a class B misdemeanor for a person to intentionally sign the portion of a certificate of death that is required to be signed by a funeral service director or a dispositioner, unless the person:
 - is a funeral service director, employed by a licensed funeral establishment; or
 - is a dispositioner, if a funeral service director is not retained;
- ▶ provides that a dispositioner may not sign a certificate of death, unless the signature is witnessed by the state registrar or a local registrar;
- ▶ requires the state registrar to post information on the state registrar's website, providing instructions to a dispositioner for complying with the requirements of law relating to the dispositioner's responsibilities for:
 - completing and filing a certificate of death; and
 - possessing, transporting, and disposing of a dead body or dead fetus;
- ▶ provides that it is unlawful for a dispositioner to charge for, or receive remuneration for, signing a certificate of death or performing other duties of a dispositioner;
- ▶ provides that the Utah Vital Statistics Act shall be construed to avoid interference, to the fullest extent possible, with the ceremonies, customs, rites, or beliefs of the decedent and the decedent's next of kin for disposing of a dead body or dead fetus;
- ▶ provides civil immunity to a person or institution who, in good faith, releases a dead body or dead fetus to a funeral service director or a dispositioner;
- ▶ provides that, if an authorizing agent informs a funeral service establishment of the presence of a pacemaker or other battery-powered, potentially hazardous implant, and the funeral service establishment fails to have the pacemaker or implant removed prior to cremation, then the funeral service establishment is liable for resulting damages; and
- ▶ makes technical changes.

Amends 26-2-2, 26-2-13, 26-2-16, 26-2-23, 58-9-610

Effective May 12, 2009

Chapter 68, Laws of Utah 2009

HB 266 Wrongful Lien Amendments (*Gage Froerer*)

This bill amends the wrongful lien definitions.

This bill:

- ▶ amends definitions; and
- ▶ makes technical corrections.

Amends 38-9-1

Effective May 12, 2009

Chapter 69, Laws of Utah 2009

HB 271 Workers' Compensation - Uninsured Employers' Fund *(Michael T. Morley)*

This bill modifies the Workers' Compensation Act to address collection practices for monies required to be deposited into the Uninsured Employers' Fund.

This bill:

- ▶ requires that the administrator of the Uninsured Employers' Fund collect monies required to be deposited into the Uninsured Employers' Fund in accordance with the provision creating the fund;
- ▶ exempts the collection of monies required to be deposited into the Uninsured Employers' Fund from collection by the Office of State Debt Collection;
- ▶ modifies related collection procedures; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2010.

This bill coordinates with H.B. 39, Utah Injured Worker Reemployment Act, to merge substantive amendments.

Amends 34A-1-405, 34A-2-201.3, 34A-2-205, 34A-2-209, 34A-2-211, 34A-2-407, 34A-2-704, 34A-3-108, 63A-8-101

Effective July 1, 2010

Chapter 288, Laws of Utah 2009

HB 272 Utah Scenic Byway Designation Amendments *(Christopher N. Herrod)*

This bill modifies the Designation of State Highways Act by amending scenic byway designation provisions.

This bill:

- ▶ provides definitions;
- ▶ changes the membership of the Utah State Scenic Byway Committee;
- ▶ provides that the governor shall appoint certain members to the Utah State Scenic Byway Committee;
- ▶ provides that the term of office for Utah State Scenic Byway Committee members is four years, except that the governor shall stagger certain terms;
- ▶ provides that the Legislature shall approve highway and state scenic byway nominations for National Scenic Byway or All-American Road designation;
- ▶ provides that a highway located within a county, city, or town within this state may not be included as part of a designation or nomination as a state scenic byway, National Scenic Byway, or All-American Road unless the nomination or designation is sanctioned in writing by an official action of the legislative body of each county, city, or town in which the highway passes;
- ▶ provides that if a county does not give approval, then the portion of the highway located within the boundaries of the county, city, or town may not be included as part of any state scenic byway designation or nomination as a National Scenic Byway or All-American Road;
- ▶ establishes a procedure for segmenting a scenic byway;
- ▶ exempts Legacy Parkway from:
 - the legislative approval requirement for nomination as a National Scenic Byway or All-American Road; and
 - segmentation;
- ▶ exempts a highway nominated for National Scenic Byway or All-American Road designation prior to January 1, 2009 from the legislative approval requirement; and
- ▶ makes technical changes.

Amends 72-4-301, 72-4-302, 72-4-303;

Enacts 72-4-301.5, 72-4-304

Effective May 12, 2009

Chapter 393, Laws of Utah 2009

HB 274 Local Government Fees and Charges (*C. Brent Wallis*)

This bill modifies provisions relating to fees and charges imposed by local government on development.

This bill:

- ▶ requires specified public agencies to submit a development plan and schedule to local authorities to allow the local authorities to make assessments to provide information to the public agencies for inclusion in the process of compiling a development budget;
- ▶ provides that the specified public agencies vest in applicable local provisions, maps, and fees;
- ▶ clarifies that the fees which must be paid by an applicant before being entitled to approval of a land use application are application fees;
- ▶ limits hookup and other fees imposed by counties, municipalities, local districts, and special service districts;
- ▶ modifies the definitions of "hookup fee," "impact fee," "project improvements," and "system improvements" in the Impact Fees Act;
- ▶ repeals obsolete language;
- ▶ clarifies the purposes of a capital facilities plan relating to an impact fee;
- ▶ modifies provisions relating to an impact fee analysis;
- ▶ modifies requirements applicable to an impact fee enactment;
- ▶ limits impact fees imposed on the state;
- ▶ modifies a provision relating to permissible expenditures of impact fees;
- ▶ clarifies that a local political subdivision may act by resolution in establishing an administrative impact fee appeals procedure;
- ▶ requires a local political subdivision or private entity to participate in mediation of an impact fee challenge if a specified public agency requests mediation; and
- ▶ makes technical changes.

Amends 10-9a-103, 10-9a-305, 10-9a-509, 10-9a-510, 11-36-102, 11-36-201, 11-36-202, 11-36-302, 11-36-401, 17-27a-103, 17-27a-305, 17-27a-508, 17-27a-509, 17D-1-106;

Enacts 11-36-401.5, 17B-1-118

Effective May 12, 2009

Chapter 181, Laws of Utah 2009

HB 275 Domestic Violence in Presence of a Child Amendments (*Kerry W. Gibson*)

This bill modifies the Criminal Code regarding the commission of an act of domestic violence in the presence of one or more children.

This bill:

- ▶ modifies the offense of committing domestic violence in the presence of a child to provide that if more than one child is present, a separate offense is committed regarding each child.

Amends 76-5-109.1

Effective May 12, 2009

Chapter 70, Laws of Utah 2009

HB 278 B and C Roads Fund Amendments (*Michael E. Noel*)

This bill modifies the Transportation Finances Act by amending provisions relating to class B and class C roads account funds.

This bill:

- ▶ provides that a county or municipality may use up to 30% of the class B and class C roads account funds allocated to the county or municipality to pay the costs of asserting, defending, or litigating local government rights under R.S. 2477 on class B, class C, or class D roads; and
- ▶ makes technical changes.

Amends 72-2-110

Effective May 12, 2009

Chapter 71, Laws of Utah 2009

HB 279 Uniform Prudent Management of Institutional Funds Act (*Bradley G. Last*)

This bill modifies a provision in the Uniform Prudent Management of Institutional Funds Act.

This bill:

- ▶ changes a definition to allow for management of institutional funds, rather than only endowment funds.

Amends 51-8-102

Effective May 12, 2009

Chapter 182, Laws of Utah 2009

HB 280 Insurance Code - Continuing Education (*Jim Bird*)

This bill modifies the Insurance Code to address continuing education requirements.

This bill:

- ▶ requires the commissioner to make rules related to credit towards continuing education requirements for membership in a professional insurance association; and
- ▶ makes technical changes.

Amends 31A-23a-202

Effective May 12, 2009

Chapter 127, Laws of Utah 2009

HB 283 **Illegal Use of Motor Vehicles** (*Michael E. Noel*)

This bill modifies the Motor Vehicles Code by amending provisions relating to illegal motor vehicle use on public and private land.

This bill:

- ▶ provides definitions;
- ▶ provides that a person may not tear down, mutilate, deface, or destroy:
 - a sign, signboard, or other notice that regulates off-highway vehicle use; or
 - a fence, gate, or other enclosure;
- ▶ provides that a person may not operate or give another person permission to operate a motor vehicle cross-country on any public land not designated for that use by the controlling agency;
- ▶ provides penalties and sentencing provisions for violating the prohibition on operating a motor vehicle cross-country on public land;
- ▶ provides that a person is guilty of enhanced penalties for unlawful use of a motor vehicle cross-country on public land or a motor vehicle on private land if:
 - the person violates certain restrictions on the use of a motor vehicle cross-country on public land or a motor vehicle on private land; and
 - the person has previously been convicted of the restrictions on use of a motor vehicle cross-country on public land or a motor vehicle on private land or knowingly, intentionally, or recklessly causes certain damage or harasses wildlife or livestock;
- ▶ provides penalties and sentencing provisions for an aggravated unlawful use of a motor vehicle on public or private land conviction;
- ▶ provides certain exceptions to the motor vehicle use restrictions; and
- ▶ makes technical changes.

Amends 41-22-2, 41-22-12, 41-22-12.5;

Enacts 41-22-12.2, 41-22-12.7, 41-22-12.8

Effective May 12, 2009

Chapter 289, Laws of Utah 2009

HB 286 Regulation of Lending by the Department of Financial Institutions (*Kevin S. Garn*)

This bill modifies the Utah Consumer Credit Code, and mortgage lending and servicing provisions to address the regulation of consumer and residential mortgage loans by the Department of Financial Institutions.

This bill:

- ▶ clarifies the requirements to file notification with the department under the Utah Consumer Credit Code;
- ▶ clarifies provisions administered by the department related to a lender, broker, or servicer of a mortgage loan;
- ▶ enacts the Financial Institution Loan Originator Licensing Act including:
 - providing definitions;
 - establishing the general powers and duties of the commissioner, including rulemaking authority;
 - establishing when licensure is required;
 - creating qualifications for licensure, including bonding requirements;
 - creating a licensing process;
 - requiring the commissioner to create a process for challenging information in the nationwide database;
 - addressing education requirements;
 - imposing operational requirements and prohibitions; and
 - providing for enforcement;
- ▶ repeals intent language; and
- ▶ makes technical and conforming amendments.

Amends 9-4-1202, 41-1a-506, 58-56-17, 59-2-1109, 59-2-1503, 61-2c-301, 70C-1-302, 70C-8-201, 70C-8-202, 70C-8-203;

Enacts 70D-1-101, 70D-3-101, 70D-3-102, 70D-3-103, 70D-3-201, 70D-3-202, 70D-3-203, 70D-3-204, 70D-3-205, 70D-3-206, 70D-3-301, 70D-3-302, 70D-3-303, 70D-3-401, 70D-3-402, 70D-3-501, 70D-3-502;

Renumbers and Amends 70D-1-2 to 70D-2-101, 70D-1-3 to 70D-1-102, 70D-1-4 to 70D-2-103, 70D-1-5 to 70D-2-302, 70D-1-6 to 70D-2-305, 70D-1-7 to 70D-2-303, 70D-1-8 to 70D-2-304, 70D-1-9 to 70D-2-301, 70D-1-10 to 70D-2-201, 70D-1-11 to 70D-2-202, 70D-1-12 to 70D-2-203, 70D-1-13 to 70D-2-501, 70D-1-14 to 70D-2-502, 70D-1-15 to 70D-2-503, 70D-1-16 to 70D-2-504, 70D-1-17 to 70D-2-505, 70D-1-18 to 70D-2-506, 70D-1-19 to 70D-2-102, 70D-1-20 to 70D-2-401, 70D-1-21 to 70D-2-104;

Repeals 70D-1-1

Effective May 12, 2009

Chapter 72, Laws of Utah 2009

HB 287 Utah Education Network Amendments (*Kory M. Holdaway*)

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

This bill:

- ▶ modifies UEN's duties and authority related to the provision of telecommunication services in support of local government; and
- ▶ makes technical corrections.

Amends 53B-17-104

Effective May 12, 2009

Chapter 290, Laws of Utah 2009

HB 289 Background Checks for Qualifying Entities (*Stephen E. Sandstrom*)

This bill amends the Criminal Investigations and Technical Services Act to provide for background checks of certain volunteers and of persons who provide services to vulnerable adults.

This bill:

- ▶ permits a background check of a volunteer utilized by a “qualifying entity”;
- ▶ expands the definition of “qualifying entity” in order to permit a background check of a person who provides services to a vulnerable adult; and
- ▶ makes technical changes.

Amends 53-10-102

Effective May 12, 2009

Chapter 73, Laws of Utah 2009

HB 290 Prohibition of Wireless Communication Device Use in a Motor Vehicle (*Stephen D. Clark*)

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

This bill:

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

Amends 53-3-218, 53-3-220;

Enacts 41-6a-1716, 76-5-207.5

Effective May 12, 2009

Chapter 291, Laws of Utah 2009

HB 291 County Personnel Amendments (*Brian S. King*)

This bill modifies a provision relating to county personnel rules.

This bill:

- ▶ increases from 90 to 270 the number of days that county personnel rules are to provide as the maximum period for temporary, provisional, other noncareer service, and emergency appointments; and
- ▶ eliminates language allowing that period to be extended.

Amends 17-33-5

Effective May 12, 2009

Chapter 128, Laws of Utah 2009

HB 292 Traffic Violation and Citation Amendments (*Don L. Ipson*)

This bill amends provisions relating to traffic violations and traffic citations.

This bill:

- ▶ clarifies that a single continuous period of driving for a reckless driving or careless driving violation only covers three miles or less in total distance;
- ▶ provides that an operator of a vehicle operating on a roadway divided into two or more clearly marked lanes for traffic may not move the vehicle from the lane until the operator reasonably determines that the movement can be made safely;
- ▶ requires the Criminal Investigations and Technical Services Division to include all warrants issued for failure to appear on a traffic citation on the statewide warrant system;
- ▶ provides that a prosecution is commenced upon the issuance of a citation;
- ▶ provides that a person receiving a certain citation shall appear before a magistrate on or before the date and time specified;
- ▶ provides that a magistrate may issue a warrant of arrest for a person who fails to comply with certain citation requirements;
- ▶ amends the required notice language on a citation issued for a misdemeanor or infraction charge; and
- ▶ makes technical changes.

Amends 41-6a-528, 41-6a-710, 41-6a-1715, 53-10-208, 76-1-302, 77-7-19, 77-7-20, 77-7-21

Effective May 12, 2009

Chapter 292, Laws of Utah 2009

HB 294 Survival Action upon Injury or Death (*Kay L. McIff*)

This bill allows the heirs of a person injured by a wrongful act to receive from the wrongdoer, as part of a settlement or judgment, specific types of damages.

This bill:

- ▶ allows heirs of a person injured by a wrongdoer to receive damages; and
- ▶ sets parameters for claims when a person dies from a cause unrelated to the wrongdoer.

Amends 78B-3-107

Effective May 12, 2009

Chapter 293, Laws of Utah 2009

HB 295 Money Laundering Amendments (*Ryan D. Wilcox*)

This bill modifies the Money Laundering and Currency Transaction Reporting Act in the Criminal Code to include a reference to federal law.

This bill:

- ▶ amends the offense of money laundering to avoid state transaction reporting requirements so the offense includes the laundering of money to avoid federal transaction reporting requirements.

Amends 76-10-1903

Effective May 12, 2009

Chapter 74, Laws of Utah 2009

HB 296 Schools for the Deaf and Blind Amendments (*Kenneth W. Sumsion*)

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

This bill:

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

Amends 53A-25a-105, 63I-4-102, 67-19-12, 67-19-15;

Enacts 53A-25b-101, 53A-25b-102, 53A-25b-103, 53A-25b-104, 53A-25b-105, 53A-25b-201, 53A-25b-202, 53A-25b-203, 53A-25b-301, 53A-25b-302, 53A-25b-303, 53A-25b-304, 53A-25b-305, 53A-25b-306, 53A-25b-307, 53A-25b-401, 53A-25b-402, 53A-25b-501;

Repeals 53A-25-101, 53A-25-102, 53A-25-103, 53A-25-104, 53A-25-105, 53A-25-107, 53A-25-108, 53A-25-109, 53A-25-110, 53A-25-111, 53A-25-201, 53A-25-202, 53A-25-203, 53A-25-204, 53A-25-205, 53A-25-206, 53A-25-301, 53A-25-302, 53A-25-303, 53A-25-304, 53A-25-305, 53A-25-306

Effective May 12, 2009

Chapter 294, Laws of Utah 2009

HB 297 Budgetary Procedures Act Recodification (Ron Bigelow)

This bill recodifies and makes technical amendments to the Budgetary Procedures Act.

This bill:

- ▶ organizes and groups existing sections of the Budgetary Procedures Act into consistent categories;
- ▶ simplifies structure and language in the act;
- ▶ modifies provisions to list requirements and procedures in chronological order;
- ▶ consolidates, modifies, and provides definitions in the act;
- ▶ removes references to the currently unused term "allotment";
- ▶ updates and coordinates cross references; and
- ▶ makes technical and grammatical changes.

This bill provides revisor instructions.

Amends 3-1-6, 3-1-36, 4-2-2, 4-3-14, 4-14-3, 4-14-13, 4-37-201, 4-37-301, 4-39-203, 12-1-10, 13-1-2, 13-1a-9, 13-14-105, 13-15-4, 13-15-4.5, 13-21-3, 13-22-6, 13-22-8, 13-22-9, 13-23-5, 13-26-3, 13-32a-111, 13-34-107, 13-35-105, 13-39-201, 13-42-105, 13-42-109, 13-42-111, 13-42-132, 15-9-109, 16-6a-107, 16-7-11, 16-10a-122, 16-12-3, 16-13-12, 16-15-105, 16-15-107, 16-15-108, 16-16-208, 16-17-201, 19-1-201, 19-1-403, 19-2-105.3, 19-2-109.1, 19-2-109.5, 19-3-104, 19-3-106.4, 19-3-308, 19-3-315, 19-5-120, 19-5-121, 19-5-122, 19-6-408, 19-6-806, 19-6-1003, 19-8-117, 23-14-18, 23-16-4, 26-1-6, 26-2-22, 26-21a-205, 31A-3-103, 31A-3-304 (Effective 07/01/10), 31A-3-304 (Superseded 07/01/10), 31A-34-104, 31A-35-301, 31A-35-401, 31A-35-406, 31A-37-202, 34A-1-106, 34A-7-104, 34A-7-203, 35A-1-106, 36-12-13, 38-1-27, 38-11-201, 38-11-202, 38-11-204, 38-11-206, 38-11-301, 38-11-302, 40-2-401, 40-2-402, 40-6-14.5, 41-1a-115, 41-1a-116, 41-1a-301, 41-1a-418, 41-1a-419, 41-1a-422, 41-1a-1007, 41-1a-1010, 41-1a-1211, 41-1a-1212, 41-1a-1221, 41-3-601, 41-3-604, 41-6a-404, 41-6a-518, 41-12a-202, 41-12a-805, 41-22-33, 41-22-36, 42-2-10, 42-3-2, 42-3-4, 46-1-3, 48-1-42, 48-2a-206, 48-2a-1107, 48-2c-214, 51-9-202, 53-1-106, 53-1-110, 53-2-403, 53-2-404, 53-3-106, 53-3-109, 53-3-303.5, 53-3-506, 53-7-204.2, 53-7-216, 53-7-225.5, 53-7-225.6, 53-7-314, 53-8-204, 53-10-108, 53A-6-105, 53A-17a-105, 53A-26a-302, 54-5-1.5, 58-1-308, 58-3a-103, 58-3a-302, 58-5a-302, 58-9-302, 58-11a-302, 58-15-4, 58-16a-302, 58-17b-303, 58-17b-304, 58-17b-305, 58-17b-306, 58-20a-302, 58-22-103, 58-22-302, 58-26a-302, 58-26a-306, 58-26a-307, 58-28-302, 58-31b-302, 58-31b-304, 58-31b-305, 58-37-6, 58-39a-5, 58-40a-302, 58-41-5, 58-41-13, 58-42a-302, 58-44a-302, 58-46a-302, 58-47b-302, 58-53-103, 58-53-302, 58-54-5, 58-55-103, 58-55-302, 58-56-16, 58-57-4, 58-60-115, 58-60-117, 58-60-205, 58-60-305, 58-60-305.5, 58-60-308, 58-60-405, 58-60-407, 58-60-506, 58-61-304, 58-63-302, 58-64-302, 58-67-302, 58-68-302, 58-69-302, 58-70a-302, 58-71-302, 58-72-302, 58-73-302, 58-74-302, 58-75-302, 58-76-103, 58-76-302, 58-77-302, 59-1-305, 59-19-105, 61-1-18.4, 61-2-7.1, 61-2-9, 61-2b-6, 61-2b-18, 61-2b-37, 61-2c-103, 61-2c-201, 61-2c-202, 61-2c-205, 61-2c-206, 61-2c-208, 62A-2-105, 62A-14-106, 63A-1-114, 63A-2-103, 63A-4-102, 63A-5-104, 63A-5-204, 63A-8-201, 63A-9-401, 63C-11-308, 63C-11-315, 63C-11-318, 63F-1-103, 63F-1-301, 63F-1-302, 63G-2-203, 63G-9-301, 63J-1-201, 63J-2-202, 63J-3-103, 63J-4-301, 63M-1-905, 63M-1-1104, 63M-1-2408, 63M-1-2612, 67-1a-2.5, 67-19-5, 67-19-11, 70-3a-203, 72-6-205, 72-7-507, 72-9-602, 72-10-116, 72-11-208, 73-2-14, 73-3b-201, 73-3b-204, 73-3b-302, 73-10c-10, 73-18-4, 73-18-7, 73-18-15.2, 73-18-25, 73-28-404, 76-10-526, 76-10-1209, 77-18-11;

Enacts 63J-1-102, 63J-1-216;

Renumbers and Amends 63J-1-202 to 63J-1-312, 63J-1-203 to 63J-1-313, 63J-1-204 to 63J-1-314, 63J-1-301 to 63J-1-206, 63J-1-302 to 63J-1-210, 63J-1-303 to 63J-1-504, 63J-1-304 to 63J-1-505, 63J-1-305 to 63J-1-506, 63J-1-306 to 63J-1-410, 63J-1-307 to 63J-1-211, 63J-1-308 to 63J-1-212, 63J-1-309 to 63J-1-213, 63J-1-310 to 63J-1-214, 63J-1-311 to 63J-1-215, 63J-1-401 to 63J-1-601, 63J-1-402 to 63J-1-603, 63J-1-403 to 63J-1-411, 63J-1-404 to 63J-1-104, 63J-1-405 to 63J-1-217, 63J-1-406 to 63J-1-209, 63J-1-407 to 63J-1-218, 63J-1-408 to 63J-1-207, 63J-1-409 to 63J-1-208, 63J-1-501 to 63J-1-701, 63J-1-502 to 63J-1-702, 63J-1-503 to 63J-1-703

Effective May 12, 2009

Chapter 183, Laws of Utah 2009

HB 299 Unlawful Detainer Amendments (*Gage Froerer*)

This bill defines unlawful detainer and provides for recourse against a previous owner who remains in possession of property after a forced sale.

This bill:

- ▶ defines “unlawful detainer”;
- ▶ provides a previous owner, mortgagor, or trustor is guilty of an unlawful detainer if the person remains in possession of property after a forced sale; and
- ▶ allows for an expedited hearing on the issue.

Amends 78B-6-801, 78B-6-810;

Enacts 78B-6-802.5

Effective May 12, 2009

Chapter 184, Laws of Utah 2009

HB 300 Capital Improvement Appropriation Modification (*Ron Bigelow*)

This bill exempts the Legislature from making certain appropriations for capital improvements.

This bill:

- ▶ exempts the Legislature from making certain appropriations for capital improvements in the 2008-09 and 2009-10 fiscal years; and
- ▶ makes technical corrections.

This bill provides an immediate effective date.

Amends 63A-5-104

Effective February 9, 2009

Chapter 2, Laws of Utah 2009

HB 301 State Disaster Recovery Restricted Account Amendments (*Ron Bigelow*)

This bill modifies the Public Safety Code regarding the use of state disaster recovery funds.

This bill:

- ▶ modifies the State Disaster Recovery Restricted Account to authorize the Legislature to appropriate funds from the account to address a General Fund budget deficit.

This bill provides an immediate effective date.

Amends 53-2-403

Effective February 9, 2009

Chapter 3, Laws of Utah 2009

HB 302 Distribution of Tobacco Settlement Monies Amendments *(Ron Bigelow)*

This bill changes the amounts provided to the Departments of Health and Human Services from the Tobacco Settlement Funds.

This bill:

- ▶ reduces amounts allotted to the Departments of Health and Human Services from the Tobacco Settlement Funds;
- ▶ reduces the amount allotted to the Department of Human Services for a drug board pilot program; and
- ▶ changes the amount provided to the Department of Health for the Children's Health Insurance Program.

This bill provides an immediate effective date.

Amends 51-9-201

Effective March 25, 2009

Chapter 295, Laws of Utah 2009

HB 306 Health and Human Services-related Commission, Committee, and Council Amendments *(Ron Bigelow)*

This bill modifies provisions relating to board members of certain health-related commissions, committees, and councils.

This bill:

- ▶ eliminates the following boards and transfers those board powers and responsibilities to their associated division:
 - Board of Child and Family Services;
 - Board of Services for People with Disabilities;
 - Board of Public Guardian Services;
 - Human Services Licensing Board; and
 - Board of Substance Abuse and Mental Health; and
- ▶ makes the per diem and expenses for members of specified commissions, committees, and councils subject to the discretion of the executive director of the Department of Health or the executive director of the Department of Human Services.

Amends 17-43-102, 17-43-201, 17-43-301, 17-43-304, 26-1-7.5, 26-9f-103, 26-18a-2, 26-50-202, 41-6a-501, 62A-1-105, 62A-1-107, 62A-2-101, 62A-2-106, 62A-2-108, 62A-2-109, 62A-2-112, 62A-2-115, 62A-2-121, 62A-2-122, 62A-3-107, 62A-3-204, 62A-4a-101, 62A-4a-102, 62A-4a-103, 62A-4a-104, 62A-4a-109, 62A-4a-110, 62A-4a-112, 62A-4a-115, 62A-4a-117, 62A-4a-119, 62A-4a-202.6, 62A-4a-208, 62A-4a-303, 62A-4a-305, 62A-4a-306, 62A-4a-309, 62A-4a-311, 62A-4a-903, 62A-4a-905, 62A-5-101, 62A-5-104, 62A-5-105, 62A-5-202, 62A-13-105, 62A-14-102, 62A-14-104, 62A-14-105, 62A-15-101, 62A-15-102, 62A-15-103, 62A-15-104, 62A-15-105, 62A-15-107, 62A-15-108, 63A-5-220, 78B-8-103;

Repeals 62A-2-104, 62A-2-105, 62A-14-106, 62A-14-112, 62A-15-106

Effective May 12, 2009

Chapter 75, Laws of Utah 2009

HB 307 Tourism Marketing Performance Account Amendments (*Ron Bigelow*)

This bill transfers \$6,000,000 of ongoing monies in the Tourism Marketing Performance Account to the General Fund.

This bill:

- ▶ provides for the transfer of \$6,000,000 from the Tourism Marketing Performance Account of ongoing monies to the General Fund for the fiscal year beginning July 1, 2009.

Amends 63M-1-1406

Effective May 12, 2009

Chapter 394, Laws of Utah 2009

HB 308 Workers' Compensation - Motor Carriers (*Don L. Ipson*)

This bill modifies the Workers' Compensation Act to address the independent contract status for purposes of workers' compensation of individuals operating under an agreement with a motor carrier.

This bill:

- ▶ exempts from the definition of employee for purposes of workers' compensation certain individuals who operate a motor vehicle under an agreement with a motor carrier if certain conditions are met;
- ▶ permits voluntary treatment as an employee for purposes of workers' compensation; and
- ▶ makes technical changes.

Amends 34A-2-104

Effective May 12, 2009

Chapter 185, Laws of Utah 2009

HB 309 County Fiscal Procedures Amendments (*Christopher N. Herrod*)

This bill modifies provisions relating to county fiscal procedures.

This bill:

- ▶ modifies a provision relating to transferring an unencumbered or unexpended appropriation balance or incurring an excess expenditure to:
 - eliminate the need for the budget officer's consent and require instead the officer's review; and
 - allow the transfer or expenditure if it is in accordance with budgetary and fiscal policies or ordinances adopted by the county legislative body;
- ▶ modifies a provision requiring county officers to be paid monthly to allow officers to be paid monthly, semi-monthly, or bi-weekly, as determined by the county legislative body; and
- ▶ makes technical changes.

Amends 17-16-18, 17-36-22

Effective May 12, 2009

Chapter 186, Laws of Utah 2009

HB 310 Authority of Lieutenant Governor to Perform Marriage (*Carl Wimmer*)

This bill allows the lieutenant governor to solemnize marriages.

This bill:

- ▶ allows the lieutenant governor to solemnize marriages; and
- ▶ makes technical changes.

Amends 30-1-6

Effective May 12, 2009

Chapter 296, Laws of Utah 2009

HB 313 Social Host Liability Act (*Eric K. Hutchings*)

This bill enacts the Social Host Liability Act.

This bill:

- ▶ defines terms;
- ▶ establishes responsibility related to an underage drinking gathering;
- ▶ makes certain conduct subject to a citation and civil penalties, including recovery of response costs;
- ▶ allows for the reservation of legal options and imposition of ordinances; and
- ▶ provides for appeals.

Enacts 78B-6-1601, 78B-6-1602, 78B-6-1603, 78B-6-1604, 78B-6-1605, 78B-6-1606

Effective May 12, 2009

Chapter 187, Laws of Utah 2009

HB 317 Capital Felony Amendments (*Carl Wimmer*)

This bill modifies the Criminal Code regarding the penalties for a capital felony.

This bill:

- ▶ increases the indeterminate sentence provision regarding a capital felony from 20 years to 25 years.

Amends 76-3-206, 76-3-207.7

Effective May 12, 2009

Chapter 76, Laws of Utah 2009

HB 319 Disaster Recovery Funding Amendments (*Curtis Oda*)

This bill modifies provisions relating to disaster recovery funding.

This bill:

- ▶ includes certain local districts and special service districts among the local government entities that are authorized to create and maintain a local government disaster fund; and
- ▶ makes technical and conforming changes.

Amends 17B-1-605, 53-2-402, 53-2-405

Effective May 12, 2009

Chapter 77, Laws of Utah 2009

HB 320 Collection Agency Amendments (*R. Curt Webb*)

This bill modifies the title addressing collection agencies to expand exemptions.

This bill:

- ▶ expands the exemptions for the title addressing collection agencies to include title insurance agencies and producers; and
- ▶ makes technical changes.

Amends 12-1-7

Effective May 12, 2009

Chapter 297, Laws of Utah 2009

HB 323 Amendments Regarding Notice on Utah Public Notice Website *(Bradley A. Winn)*

This bill modifies provisions related to general plan, capital facilities plan, and long-range plan notice requirements.

This bill:

- ▶ modifies the notice that certain entities are required to provide before preparing a proposed general plan or amendment, long-range plan, or capital facilities plan so that:
 - some entities are required to provide notice on the Utah Public Notice Website rather than to the state planning coordinator; and
 - those entities not required to provide notice on the Utah Public Notice Website but that voluntarily provide notice on that website need not provide notice to the state planning coordinator.

Amends 10-9a-203, 11-36-201, 17-27a-203, 17B-1-106, 53A-2-123

Effective May 12, 2009

Chapter 188, Laws of Utah 2009

HB 324 Motor Vehicle Business Regulation Act Amendments *(Francis D. Gibson)*

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions relating to certain motor vehicle business licenses.

This bill:

- ▶ provides that a person that has been issued a motor vehicle salesperson's license and that is employed by a dealer that operates as a wholesale motor vehicle auction may be employed by more than one dealer that operates as a wholesale motor vehicle auction at a time; and
- ▶ makes technical changes.

Amends 41-3-202

Effective May 12, 2009

Chapter 78, Laws of Utah 2009

HB 326 Forcible Entry and Detainer Amendments *(Lorie D. Fowlke)*

This bill provides that the definition of tenant includes a commercial tenant.

This bill:

- ▶ provides that the definition of tenant includes a commercial tenant; and
- ▶ exempts commercial tenants from the expedited unlawful detainer provisions.

Amends 78B-6-801, 78B-6-810

Effective May 12, 2009

Chapter 298, Laws of Utah 2009

HB 327 Building Inspector Amendments *(Douglas C. Aagard)*

This bill amends the Uniform Building Standards Act.

This bill:

- ▶ requires that a local regulator issuing a single-family residential building permit provide for a review of the building permit inspection; and
- ▶ makes technical changes.

Amends 58-56-20;

Enacts 58-56-21

Effective May 12, 2009

Chapter 129, Laws of Utah 2009

HB 328 **Teacher Quality Amendments** (*Gregory H. Hughes*)

This bill creates a program to pilot the development and implementation of performance-based compensation plans for elementary school classroom-related staff and modifies reporting requirements for certain student achievement tests.

This bill:

- ▶ directs the State Board of Education to solicit and award grants on a competitive basis to school districts and charter schools to develop and implement performance-based compensation plans for elementary school classroom-related staff;
- ▶ requires the performance-based compensation plans to include certain performance criteria; and
- ▶ requires criterion-referenced test results to be reported by class.

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$300,000 from the Uniform School Fund to the State Board of Education.

This bill takes effect on July 1, 2009.

Amends 53A-1-607, 53A-3-602.5, 63I-1-253;

Enacts 53A-17a-163

Effective July 1, 2009

Chapter 299, Laws of Utah 2009

HB 329 **Wrongful Death Claims** (*Lorie D. Fowlke*)

This bill provides that wrongful death claims of children will be handled in the same manner as the wrongful death claims of adults.

This bill:

- ▶ provides that wrongful death claims of children will be handled in the same manner as the wrongful death claims of adults.

Amends 78B-3-102, 78B-3-106

Effective May 12, 2009

Chapter 79, Laws of Utah 2009

HB 331 Health Reform - Health Insurance Coverage in State Contracts (*James A. Dunnigan*)

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

This bill:

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

Amends 17B-2a-818, 26-18-402, 63A-5-205;

Enacts 17B-2a-818.5, 19-1-206, 63-34-22, 63C-9-403, 72-6-107.5

Effective May 12, 2009

Chapter 13, Laws of Utah 2009

HB 334 Writing Assessment and Instruction (*Merlynn T. Newbold*)

This bill modifies requirements for statewide writing assessments.

This bill:

- ▶ modifies the Utah Performance Assessment System for Students by requiring online writing assessments in grades 5 and 8;
- ▶ encourages a school district or charter school, as applicable, to administer an online writing assessment to students in grade 11;
- ▶ allows the State Board of Education to award a grant to a school district or charter school for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11; and
- ▶ makes technical amendments.

This bill takes effect on July 1, 2009.

Amends 53A-1-602, 53A-1-603, 53A-1-604, 53A-1-605, 53A-3-602.5

Effective July 1, 2009

Chapter 300, Laws of Utah 2009

HB 340 **Respite Care Assistance Fund** (*Jack R. Draxler*)

This bill creates a restricted special revenue fund at the Department of Human Services for the receipt and expenditure of certain gifts and donations to be used for respite care assistance.

This bill:

- ▶ creates a restricted special revenue fund known as the Respite Care Assistance Fund for the receipt and expenditure of certain gifts and donations for respite care related services; and
- ▶ provides for the administration and use of the fund.

Enacts 62A-1-119

Effective May 12, 2009

Chapter 359, Laws of Utah 2009

HB 342 **Disproportionate Rental Fee Amendments** (*Gage Froerer*)

This bill modifies a provision of the Utah Municipal Code relating to disproportionate rental fees imposed by municipalities.

This bill:

- ▶ clarifies that a municipality that has not already imposed a disproportionate rental fee is authorized to impose the fee after meeting specified requirements and conditions;
- ▶ requires municipalities imposing a disproportionate rental fee for the first time to establish a good landlord program allowing the landlord to qualify for a reduction in the disproportionate rental fee if complying with certain requirements;
- ▶ removes the requirement to update the municipal services study every six years for municipalities with a good landlord program;
- ▶ clarifies and rewrites provisions that grandfather certain municipalities from certain requirements and restrictions;
- ▶ establishes a deadline for completing a municipal services study for certain municipalities;
- ▶ changes the term "governing body" to "legislative body" in certain provisions;
- ▶ provides definitions; and
- ▶ makes technical changes.

Amends 10-1-203

Effective May 12, 2009

Chapter 189, Laws of Utah 2009

HB 345 **Elected Officials - Restrictions on Lobbying** (*Brad L. Dee*)

This bill enacts the Lobbying Restrictions Act, which places restrictions on certain elected officers' ability to act as a lobbyist after leaving office.

This bill:

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

Amends 36-11-103;

Enacts 67-24-101, 67-24-102, 67-24-103

Effective May 12, 2009

Chapter 360, Laws of Utah 2009

HB 346 Campaign and Financial Reporting Requirements Amendments (*Brad L. Dee*)

This bill addresses the reporting of contributions and public service assistance for various candidates for office and officeholders.

This bill:

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

Amends 20A-11-101, 20A-11-201, 20A-11-203, 20A-11-204, 20A-11-301, 20A-11-302, 20A-11-303, 20A-11-401, 20A-11-1301, 20A-11-1302, 20A-11-1303

Effective May 12, 2009

Chapter 361, Laws of Utah 2009

HB 352 Alcoholic Beverage Related Amendments (*James A. Dunnigan*)

This bill modifies the Alcoholic Beverage Control Act to address licensing and investigations.

This bill:

- ▶ provides for conditional licenses for certain retail licenses;
- ▶ addresses access to information related to a private club licensee or tavern by an investigator; and
- ▶ makes technical and conforming amendments.

Amends 32A-1-107, 32A-1-119;

Enacts 32A-5-109, 32A-10-207

Effective May 12, 2009

Chapter 190, Laws of Utah 2009

HB 355 Indigent Inmate Trust Fund Amendments (*Kay L. McIff*)

This bill caps the Indigent Inmate Trust Fund at \$1,000,000 and provides that counties contributing to the fund may discontinue contributions until such time as the fund drops below the \$1,000,000 cap.

This bill:

- ▶ caps the Indigent Inmate Trust Fund at \$1,000,000;
- ▶ requires the Division of Finance to notify contributing counties when the balance in the fund is approaching \$1,000,000;
- ▶ allows contributing counties to discontinue contributions if the fund reaches \$1,000,000;
- ▶ provides that upon notification by the Division of Finance that the fund balance has dropped below \$1,000,000, the counties will begin contributing again; and
- ▶ allows the counties to use excess funds for indigent defense.

Amends 77-32-501, 77-32-502

Effective May 12, 2009

Chapter 80, Laws of Utah 2009

HB 356 Barber, Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician Licensing Act Amendments (*Merlynn T. Newbold*)

This bill modifies provisions of the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act.

This bill:

- ▶ modifies definitions in the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act, to include barber instructor, cosmetologist/barber instructor, esthetician instructor, nail technician instructor, the practice of barbering instruction, the practice of cosmetology/barbering instruction, the practice of electrology, the practice of electrology instruction, the practice of esthetics instruction, and the practice of nail technology;
- ▶ modifies qualifications for licensure as a barber, a cosmetologist/barber, an esthetician, a master esthetician, and a nail technician;
- ▶ modifies apprenticeship provisions for barbershop apprenticeships and nail technician apprenticeships;
- ▶ modifies unprofessional and unlawful conduct provisions; and
- ▶ makes certain technical changes.

Amends 58-11a-102, 58-11a-301, 58-11a-302, 58-11a-306, 58-11a-501, 58-11a-502

Effective May 12, 2009

Chapter 130, Laws of Utah 2009

HB 357 Firearms Amendments (*Stephen E. Sandstrom*)

This bill modifies provisions of the Utah Criminal Code related to firearms.

This bill:

- ▶ modifies the criminal penalties exception provisions related to carrying a concealed firearm to apply to a vehicle in a person's lawful possession and to a vehicle in the lawful possession of another, with the consent of that person;
- ▶ allows a person to carry a loaded firearm in a vehicle in the person's lawful possession or in a vehicle with the consent of the person lawfully in possession of the vehicle;
- ▶ allows for the possession of a loaded firearm on a person's real property; and
- ▶ makes certain technical changes.

Amends 76-10-504, 76-10-505, 76-10-511, 76-10-523

Effective May 12, 2009

Chapter 362, Laws of Utah 2009

HB 364 Border and Nonresident Student Amendments (*Don L. Ipson*)

This bill modifies State System of Higher Education provisions relating to resident and nonresident students.

This bill:

- ▶ amends the definition of a resident student for tuition purposes within the state system of higher education;
- ▶ increases the number of nonresident partial tuition scholarships that may be awarded;
- ▶ authorizes Dixie State College of Utah to offer a good neighbor waiver of the nonresident differential in tuition rates charged to undergraduate students;
- ▶ authorizes institution presidents to waive an amount up to the full nonresident portion of tuition for alumni legacy nonresident scholarships; and
- ▶ makes technical corrections.

This bill takes effect on July 1, 2009.

Amends 53B-8-102, 53B-8-103, 53B-8-104;

Enacts 53B-8-103.5

Effective July 1, 2009

Chapter 363, Laws of Utah 2009

HB 371 Transportation Governance (*Wayne A. Harper*)

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

This bill:

- ▶ provides definitions;
- ▶ reduces the number of members on a public transit district board of trustees if more than 200,000 people reside within the boundaries of the public transit district;
- ▶ extends the terms of certain public transit district board members from two to four years;
- ▶ provides restrictions on appointment and officer selections for locally elected public officials serving on a public transit district board of trustees;
- ▶ provides transition provisions for existing public transit district board members whose positions are eliminated by reducing the number of members on certain public transit district boards of trustees;
- ▶ authorizes a public transit district to require certain persons to obtain a criminal background check;
- ▶ provides that information obtained by a public transit district from a criminal background check may only be used for certain purposes;
- ▶ provides that a person is ineligible for certain employment with a public transit district if the person has been convicted of certain offenses;
- ▶ requires the Department of Transportation to annually report to an appropriate legislative committee as designated by Legislative Management Committee the transfers that need to be made between all transportation-related funds to maintain the highway funding program as prioritized by the Transportation Commission;
- ▶ provides that transportation commissioners shall be selected on a nonpartisan basis;
- ▶ provides that for Transportation Commission appointments made on or after July 1, 2009, the selection of commissioners shall be:

- four commissioners with one of the commissioners selected from each of the regions established by the Department of Transportation; and
- three commissioners selected from the state at large;
- ▶ provides that the Transportation Commission shall annually report to a committee designated by the Legislative Management Committee a prioritized list of the new transportation capacity projects in the state transportation system and the funding levels available for those projects and the unfunded highway construction and maintenance needs within the state;
- ▶ provides that the committee designated by the Legislative Management Committee shall review the list reported by the Transportation Commission and make a recommendation to the Legislature on the amount of additional funding to allocate to transportation and the source of revenue for the additional funding allocation;
- ▶ provides that the Department of Transportation may not delay a new transportation capacity project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the Transportation Commission due to an unavoidable shortfall in revenues unless the project delays are prioritized and approved by the Transportation Commission;
- ▶ provides that the Transportation Commission shall prioritize and approve any new transportation capacity project delays for projects that were funded by the Legislature in an appropriations act due to an unavoidable shortfall in revenues;
- ▶ provides that the Department of Transportation may not delay a Critical Highway Needs Fund project that was funded by the Legislature in an appropriations act to a different fiscal year than programmed by the Transportation Commission or that general obligation bond proceeds have been issued for in the current fiscal year due to an unavoidable shortfall in revenues unless the project delays are prioritized and approved by the Transportation Commission;
- ▶ provides that the Transportation Commission shall prioritize and approve any Critical Highway Needs Fund project delays due to an unavoidable shortfall in revenues for a project:
 - that was funded by the Legislature in an appropriations act; or
 - that general obligation bond proceeds were issued for in the current fiscal year; and
- ▶ makes technical changes.

Amends 17B-2a-802, 17B-2a-803, 17B-2a-807, 72-1-201, 72-1-301, 72-1-303, 72-1-305, 72-2-125;

Enacts 17B-2a-807.5, 17B-2a-825

Effective March 30, 2009

Chapter 364, Laws of Utah 2009

HB 373 **Amendments to Department of Corrections' Operations** (*Paul Ray*)

This bill modifies provisions regarding the Department of Corrections, the Criminal Code, and the Code of Criminal Procedure regarding diagnostic evaluations of defendants.

This bill:

- ▶ repeals provisions allowing courts to commit a defendant to the custody of the Department of Corrections for a 90-day diagnostic evaluation prior to sentencing; and
- ▶ removes provisions in the code referring to providing diagnostic evaluations as part of the presentence information prepared for the sentencing court.

Amends 62A-15-501, 64-13-20, 77-18-1;

Repeals 76-3-404

Effective May 12, 2009

Chapter 81, Laws of Utah 2009

HB 375 Local Government Records Amendments (*Ryan D. Wilcox*)

This bill modifies a provision relating to political subdivisions' records appeals.

This bill:

- ▶ requires political subdivisions to designate a person as the chief administrative officer for purposes of a records appeal.

Amends 63G-2-701

Effective May 12, 2009

Chapter 131, Laws of Utah 2009

HB 377 Judicial Code Amendments (*Douglas C. Aagard*)

This bill clarifies which provisions of Rule 65C of the Utah Rules of Civil Procedure apply to a petition for a determination of factual innocence.

This bill:

- ▶ provides that, except for the notice and answer provisions, Rule 65C of the Utah Rules of Civil Procedure apply to petitions to determine factual innocence.

Amends 78B-9-402

Effective May 12, 2009

Chapter 301, Laws of Utah 2009

HB 378 Circuit Breaker Amendments (*Tim M. Cosgrove*)

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

This bill:

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

This bill provides retrospective operation for a taxable year beginning on or after January 1, 2009.

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

Effective May 12, 2009

Chapter 302, Laws of Utah 2009

HB 383 Water Rights Adjudication Amendments (*James R. Gowans*)

This bill amends a provision relating to the general adjudication of water rights.

This bill:

- ▶ allows the state engineer to petition the court to amend or substitute a list of claimants in an action to determine water rights;
- ▶ allows the clerk of the court to change an address when the state engineer's records are amended;
- ▶ requires the state engineer to hold public meetings; and
- ▶ makes technical changes.

Amends 73-4-3, 73-4-11

Effective May 12, 2009

Chapter 365, Laws of Utah 2009

HB 384 Public Lewdness Amendments (*Don L. Ipson*)

This bill modifies the Criminal Code regarding penalties for repeat lewdness offenses.

This bill:

- ▶ increases the penalty for lewdness if the offender has been convicted twice before of lewdness or lewdness involving a child; and
- ▶ increases the penalty for lewdness involving a child if the offender has been convicted once before of lewdness involving a child.

This bill coordinates with H.B. 136, Sex Offender Definition Amendments, by providing that specified amendments in this bill supersede amendments in H.B. 136.

Amends 76-9-702, 76-9-702.5

Effective May 12, 2009

Chapter 366, Laws of Utah 2009

HB 389 Applications for a Small Amount of Water (*Patrick Painter*)

This bill amends a provision relating to an application for a small amount of water.

This bill:

- ▶ defines terms;
- ▶ requires an applicant to meet certain local ordinances;
- ▶ requires the state engineer to notify an applicant when proof is due;
- ▶ authorizes a person appropriating or changing a small amount of water to file an affidavit as proof;
- ▶ provides the time in which an application lapses;
- ▶ authorizes a person to file a request to reinstate a lapsed application; and
- ▶ requires the state engineer to issue a certificate for a reinstated application if the applicant meets certain requirements.

Amends 73-3-5.6

Effective May 12, 2009

Chapter 367, Laws of Utah 2009

HB 390 Absentee Ballot Amendments (*John G. Mathis*)

This bill modifies the Election Code to amend the date that absentee ballots may be applied for and cast in person at the office of the election officer.

This bill:

- ▶ requires that applications for absentee ballots be applied for no later than the Friday before the election date, regardless of whether the absentee ballot will be voted by mail or in person;
- ▶ requires that in-person absentee ballots be cast no later than the Friday before the election date; and
- ▶ makes technical changes.

Amends 20A-3-304, 20A-3-306, 20A-3-408.5

Effective May 12, 2009

Chapter 191, Laws of Utah 2009

HB 391 Budgetary Procedures Act Revisions *(Ron Bigelow)*

This bill modifies provisions of the Budgetary Procedures Act.

This bill:

- ▶ reclassifies the Invasive Species Mitigation Fund from a restricted special revenue fund to a general fund restricted account;
- ▶ reclassifies the Rangeland Improvement Fund from a restricted special revenue account to a general fund restricted account;
- ▶ provides that interest accrued from the Rangeland Improvement Fund be deposited into the General Fund;
- ▶ converts the LeRay McAllister Critical Land Conservation Fund to a program funded by an appropriation line item for the Quality Growth Commission;
- ▶ removes references to the use of loans in relation to the LeRay McAllister Critical Land Conservation Program;
- ▶ provides that the LeRay McAllister Critical Land Conservation Program's line item be nonlapsing;
- ▶ reclassifies the Rural Health Care Facilities Fund from a restricted special revenue fund to a general fund restricted account;
- ▶ revises agency fee language to accommodate the removal of the "regulatory" fee designation;
- ▶ creates, modifies, and provides definitions in the Budgetary Procedures Act;
- ▶ clarifies the procedures to be followed when seeking to expend dedicated credits in excess of the amount appropriated by the Legislature;
- ▶ clarifies procedures and simplifies timelines relating to the governor's submission of a proposed budget;
- ▶ defines the term "work program" and clarifies and modifies the procedures for work program adjustments;
- ▶ clarifies and makes amendments to the procedures for approving the transfer of monies between programs;
- ▶ requires the Division of Finance to audit all claims against the state for which an appropriation has been made;
- ▶ creates a preference for purchase card accounts over petty cash funds and provides procedures for approving and reviewing petty account funds;
- ▶ provides that the Division of Finance, rather than the governor, review applications and establish petty cash funds;
- ▶ permits the Division of Finance to eliminate existing cash funds in favor of a purchasing card account;
- ▶ requires reports of overexpended line items to be submitted to the Office of the Legislative Fiscal Analyst in addition to the Board of Examiners;
- ▶ modifies language related to the governor's obligation to reduce commitments and expenditures in a deficit situation;
- ▶ requires that, in the event of a deficiency, state agencies proportionally reduce commitments and expenditures;
- ▶ removes any distinction between "fees" and "regulatory fees";
- ▶ provides that all fees charged by an agency must be submitted to the Legislature and approved in an appropriations act;
- ▶ clarifies that an agency must hold a public hearing on establishing or modifying a fee before presenting the fee for legislative review;
- ▶ changes the term "college and university funds" to "discrete component unit funds" to comply with currently existing definitions in other sections of the code;

- ▶ requires state institutions of higher education to report nonlapsing balances to the Division of Finance by the September 1 following the close of the fiscal year;
- ▶ consolidates the listing of all nonlapsing funds and accounts;
- ▶ requires that an account or fund be expressly referenced as nonlapsing in the Budgetary Procedures Act in order for the account or fund to be treated as nonlapsing;
- ▶ requires legislative appropriations subcommittees to review those accounts and funds that have been granted nonlapsing authority on a yearly basis;
- ▶ requires each agency to report the balances of any dedicated credits and fixed collections at the end of each fiscal year; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

This bill coordinates with H.B. 297, Budgetary Procedures Act Recodification, by providing superseding amendments.

This bill coordinates with H.B. 400, Pete Suazo Utah Athletic Commission Amendments, by providing substantive and technical amendments.

This bill provides revisor instructions.

Amends 4-2-8.7, 4-20-2, 11-38-102, 11-38-202, 11-38-301, 11-38-302, 11-38-304, 26-9-4, 31A-3-103, 38-11-201, 53-2-404, 63J-1-201, 63J-2-202, 67-5-25, 70-3a-203, 70-3a-302, 70-3a-303, 70-3a-305;

Enacts 63J-1-102, 63J-1-602;

Renumbers and Amends 63J-1-301 to 63J-1-206, 63J-1-303 to 63J-1-504, 63J-1-311 to 63J-1-215, 63J-1-401 to 63J-1-601, 63J-1-404 to 63J-1-104, 63J-1-405 to 63J-1-217, 63J-1-406 to 63J-1-209;

Repeals 11-38-303

Effective July 1, 2009

Chapter 368, Laws of Utah 2009

HB 392 **Natural Gas for Vehicles** (*Don L. Ipson*)

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

This bill:

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

Enacts 54-4-13.1

Effective May 12, 2009

Chapter 303, Laws of Utah 2009

HB 399 **Charitable Care Amendments** (*Bradley G. Last*)

This bill amends the Health Care Providers Immunity from Liability Act.

This bill:

- ▶ makes technical amendments;
- ▶ amends the definition of health care provider; and
- ▶ amends the definition of remuneration to clarify that a charitable contribution is not considered payment to the facility.

Amends 58-13-3

Effective May 12, 2009

Chapter 192, Laws of Utah 2009

HB 400 Pete Suazo Utah Athletic Commission Amendments *(Curtis Oda)*

This bill makes changes to the Pete Suazo Utah Athletic Commission and eliminates the Utah Sports Authority.

This bill:

- ▶ eliminates the Utah Sports Authority;
- ▶ removes a provision limiting the number of terms a commissioner may serve;
- ▶ eliminates the position of secretary of the commission and creates the position of director;
- ▶ allows the commission to affiliate with a tribal boxing commission or athletic authority;
- ▶ addresses the licensing of licensees and provides for the commission to make rules concerning license requirements;
- ▶ allows the commission to establish classifications of officials by rule;
- ▶ removes a provision requiring a licensee to provide a history of the person's matches;
- ▶ makes certain monies nonlapsing;
- ▶ allows the commission to establish license renewal intervals by rule;
- ▶ addresses the denial of a license;
- ▶ removes a provision for the transition of license from the Department of Commerce;
- ▶ allows the commission to establish fees by rule;
- ▶ allows the commission to establish weight classes by rule;
- ▶ allows the commission to permit a contestant to fight another contestant from a different weight class;
- ▶ allows the commission to establish wait times between contest by rule;
- ▶ addresses elimination unarmed combat contests; and
- ▶ makes technical changes.

Amends 67-22-2;

Enacts 63C-11-203, 63C-11-204, 63C-11-205;

Repeals 63C-11-319, 63C-11-320, 63C-11-321, 63C-11-322, 63C-11-323, 63C-11-324, 63C-11-325, 63C-11-326;

Repeals and Reenacts 63C-11-101, 63C-11-102, 63C-11-201, 63C-11-202, 63C-11-301, 63C-11-302, 63C-11-303, 63C-11-304, 63C-11-305, 63C-11-306, 63C-11-307, 63C-11-308, 63C-11-309, 63C-11-310, 63C-11-311, 63C-11-312, 63C-11-313, 63C-11-314, 63C-11-315, 63C-11-316, 63C-11-317, 63C-11-318

Effective July 1, 2009

Chapter 369, Laws of Utah 2009

HB 401 Custody and Parent-time Amendments for Service Members (*Tim M. Cosgrove*)

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

This bill:

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

Enacts 30-3-40

Effective May 12, 2009

Chapter 193, Laws of Utah 2009

HB 402 Enforcement of Carbon Monoxide Detector Requirements (*Kevin S. Garn*)

This bill enacts provisions relating to the enforcement of carbon monoxide detector requirements.

This bill:

- ▶ prohibits counties and municipalities from enforcing ordinances, rules, or regulations requiring the installation or maintenance of carbon monoxide detectors in residential dwellings against anyone other than the occupant of the dwelling, subject to an exception for new construction; and
- ▶ clarifies that local health department authority does not include the authority to enforce ordinances, rules, or regulations requiring the installation or maintenance of carbon monoxide detectors in residential dwellings against anyone other than the occupant of the dwelling.

Amends 26A-1-114;

Enacts 10-8-53.5, 17-50-327

Effective May 12, 2009

Chapter 304, Laws of Utah 2009

HB 404 Disclosure of Real Property (*Merlynn T. Newbold*)

This bill enacts the Disclosure of Methamphetamine Contaminated Property Act.

This bill:

- ▶ requires a real property owner or lessor to disclose in a property transaction that the owner's or lessor's property is contaminated from methamphetamine use if the owner or lessor has actual knowledge of the contamination;
- ▶ creates a civil cause of action for failure to disclose methamphetamine contamination; and
- ▶ allows a real property owner or lessor to decontaminate the owner's or lessor's real property.

Enacts 57-26-101, 57-26-102, 57-26-201, 57-26-202, 57-26-203

Effective May 12, 2009

Chapter 194, Laws of Utah 2009

HB 410 **Legislator Salary Amendments** (*Ron Bigelow*)

This bill reduces legislators' daily pay by 10%.

This bill:

- ▶ reduces legislators' daily pay by 10% for:
 - annual general sessions;
 - veto-override sessions;
 - special sessions; and
 - authorized legislative meetings.

Amends 36-2-3

Effective May 12, 2009

Chapter 305, Laws of Utah 2009

HB 411 **Utah Technology Governance Act Amendments** (*Stephen D. Clark*)

This bill creates the Statewide Communications Interoperability Committee.

This bill:

- ▶ creates the Statewide Communications Interoperability Committee and provides its membership, duties, and powers;
- ▶ authorizes the committee to coordinate and resolve statewide communication issues; and
- ▶ requires the committee to report to the governor and Public Utilities and Technology Interim Committee.

Enacts 63F-1-801, 63F-1-802

Effective May 12, 2009

Chapter 195, Laws of Utah 2009

HB 413 **County Authority Amendments** (*Ronda Rudd Menlove*)

This bill modifies a provision relating to a county legislative body's regulation of fencing property.

This bill:

- ▶ authorizes county legislative bodies to divide the county into divisions and apply different fencing regulations in each division; and
- ▶ makes technical changes.

Amends 4-25-7

Effective May 12, 2009

Chapter 196, Laws of Utah 2009

HB 425 **Carson Smith Scholarship Program Amendments** (*Merlynn T. Newbold*)

This bill modifies provisions of the Carson Smith Scholarships for Students with Special Needs Act.

This bill:

- ▶ modifies certain notice requirements for a school district, school within a school district, or charter school that has an enrolled student who has an IEP;
- ▶ requires an approved eligible private school that changes ownership to reapply to the State Board of Education and demonstrate that it continues to meet the eligibility requirements of the program; and
- ▶ makes technical corrections.

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

Effective May 12, 2009

Chapter 197, Laws of Utah 2009

HB 430 Economic Development Incentives for Alternative Energy Projects *(Kevin S. Garn)*

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

This bill:

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

This bill has retrospective operation for a taxable year beginning on or after January 1, 2009.

Amends 59-7-614.2, 59-10-1107;

Enacts 63M-1-2801, 63M-1-2802, 63M-1-2803, 63M-1-2804, 63M-1-2805, 63M-1-2806

Effective May 12, 2009

Chapter 198, Laws of Utah 2009

HB 432 Higher Education Budget Authority Amendments *(Kory M. Holdaway)*

This bill modifies provisions related to the budget authority of individuals and institutions within the state system of higher education.

This bill:

- ▶ authorizes the president of each institution, after consultation with the institution's board of trustees, to exercise certain powers relating to the institution's employees;
- ▶ authorizes the presidents of institutions of higher education and the State Board of Regents to reallocate designated appropriations between line items for specific fiscal years, and encourages the presidents to exercise the budget authority provided to balance budgets in a timely manner;
- ▶ removes requirements for certain appropriations to be made as separate line items;
- ▶ restructures the Jobs Now Economic Development Initiative and its appropriations; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 53B-2-106, 53B-2-108.1, 53B-6-105, 53B-6-106, 53B-10-103

Effective March 30, 2009

Chapter 370, Laws of Utah 2009

HB 436 State Prohibition of Sudan Related Contracts (*David Litvack*)

This bill modifies the Utah Procurement Code by requiring the State Procurement Policy Board to make certain rules related to contracting with companies doing business in Sudan.

This bill:

- ▶ requires the State Procurement Policy Board to make rules that are consistent with provisions of the federal Sudan Accountability and Divestment Act of 2007 forbidding a state agency from contracting with a person who does business in Sudan;
- ▶ requires the board to make an annual report to the Legislature concerning the establishment, implementation, and enforcement of rules; and
- ▶ makes technical changes.

Amends 63G-6-202, 63G-6-208

Effective May 12, 2009

Chapter 132, Laws of Utah 2009

HB 437 Obstruction of Natural Resource or Agricultural Production (*Michael E. Noel*)

This bill enacts a provision relating to obstruction of leasing property for natural resource or agricultural production.

This bill:

- ▶ defines terms; and
- ▶ establishes a criminal penalty and fine for obstructing a competitive process to lease property for natural resource or agricultural production by placing a bid for a lease with no intent to pay for the lease.

Enacts 76-6-523

Effective May 12, 2009

Chapter 306, Laws of Utah 2009

HB 445 Health Program Revisions (*Ron Bigelow*)

This bill repeals the cervical cancer public awareness campaign provided by the Department of Health.

This bill:

- ▶ repeals the cervical cancer public awareness campaign required by the Department of Health or a local health department.

Repeals 26-7-3

Effective May 12, 2009

Chapter 395, Laws of Utah 2009

HB 446 Medicaid Restricted Account Amendments (*Rebecca P. Edwards*)

This bill amends the Medicaid Restricted Account to meet requirements of the Federal Funds - American Recovery and Reinvestment Act (HR1, 111th United States Congress).

This bill:

- ▶ amends the Medicaid Restricted Account to designate unspent general fund money appropriated to the department for the Medicaid program as nonlapsing funds for fiscal years 2008-09, 2009-10, and 2010-11.

Amends 26-18-402

Effective May 12, 2009

Chapter 199, Laws of Utah 2009

HB 447 Utah Emergency Medical Services System Act Amendments (*Ron Bigelow*)

This bill modifies the Utah Emergency Medical Services System Act by amending the distribution of monies allocated for grants to improve the delivery of emergency medical services.

This bill:

- ▶ redistributes monies allocated for grants to improve the delivery of emergency medical services from a statewide basis to rural areas of the state;
- ▶ repeals the funding allocation for high school emergency medical training programs; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

Amends 26-8a-207

Effective July 1, 2009

Chapter 82, Laws of Utah 2009

HB 449 Veterans Nursing Home Amendments (*Gregory H. Hughes*)

This bill amends the Nursing Care Facility Assessment Act to allow for more than one Veterans' Nursing Home.

This bill:

- ▶ provides for more than one Veterans' Nursing Home to come under the Nursing Care Facility Assessment Act.

Amends 26-35a-103

Effective May 12, 2009

Chapter 83, Laws of Utah 2009

HB 455 Court Security Restricted Account (*Eric K. Hutchings*)

This bill amends the Court Security Account.

This bill:

- ▶ increases the security surcharge in courts of record for criminal convictions and juvenile delinquency judgments;
- ▶ increases the security surcharge on all convictions for moving violations and allocates the increase to the Court Security Account created in Section 78A-2-602; and
- ▶ allows the Administrative Office of the Courts to use the security surcharge for perimeter security at all court locations.

Amends 78A-2-601, 78A-2-602, 78A-7-122

Effective May 12, 2009

Chapter 200, Laws of Utah 2009

HB 456 Tobacco Access Restrictions (*Bradley G. Last*)

This bill amends the Utah Criminal Code.

This bill:

- ▶ amends restrictions on the sale, placement, and display of cigarettes and smokeless tobacco to include cigars and pipe tobacco;
- ▶ amends the state supremacy clause regarding sale, placement, and display to include cigarette tobacco and pipe tobacco; and
- ▶ makes technical changes.

Amends 76-10-105.1

Effective May 12, 2009

Chapter 307, Laws of Utah 2009

HB 457 Truth in Music (*Gregory H. Hughes*)

This bill prohibits certain deceptive advertising concerning a live musical performance.

This bill:

- ▶ defines terms;
- ▶ prohibits the use of the name of a recording group to advertise the performance of a performing group if it would be false, deceptive, or otherwise misleading because it suggests an affiliation with the recording group;
- ▶ provides exceptions;
- ▶ provides for enforcement of a violation; and
- ▶ makes technical changes.

Amends 13-11a-2, 13-11a-3;

Enacts 13-11a-6

Effective May 12, 2009

Chapter 133, Laws of Utah 2009

HCR 1 Concurrent Resolution on Certification of Compressed Natural Gas Vehicles
(*Jack R. Draxler*)

This concurrent resolution of the Legislature and the Governor urges the United States Environmental Protection Agency to take regulatory steps for encouraging the use of natural gas and encourages public and private partnerships to increase the states' refueling infrastructure.

This resolution:

- ▶ strongly urges the Environmental Protection Agency (EPA) to promptly revise and streamline the certification requirements applicable to small volume manufacturers;
- ▶ urges the EPA to waive requirements for recertifying conversion kits under certain circumstances;
- ▶ urges the EPA to permit small vehicle manufacturers to include vehicles and engines in a single engine category;
- ▶ urges the EPA to provide additional guidance to small volume manufacturers regarding the conversion of older vehicle models;
- ▶ urges the EPA to institute a natural gas vehicle research, development, and demonstration funding program; and
- ▶ encourages the formation of public and private partnerships to increase the states' refueling infrastructure.

Effective February 24, 2009

Laws of Utah 2009

HCR 3 Concurrent Resolution Honoring the 200th Anniversary of the Birth of Abraham Lincoln
(*Julie Fisher*)

This concurrent resolution of the Legislature and the Governor honors the life and service of President Abraham Lincoln on the 200th anniversary of his birth.

This resolution:

- ▶ honors the life of Abraham Lincoln, 16th President of the United States of America, for his dedication to equality and unity; and
- ▶ urges Utah's public and private schools to recognize the life of Abraham Lincoln in appropriate ways for the benefit of Utah's students.

Effective February 24, 2009

Laws of Utah 2009

HCR 4 University of Utah Championship Football Team Concurrent Resolution (*Jim Bird*)

This concurrent resolution of the Legislature and the Governor recognizes the players and coaching staff of the 2008 University of Utah football team for their perfect winning season.

This resolution:

- ▶ recognizes the superior performance of the 2008 University of Utah football team and coaching staff; and
- ▶ extends best wishes to the team and coaching staff in all of their future endeavors.

Effective February 18, 2009

Laws of Utah 2009

HCR 5 Concurrent Resolution Urging the Realignment of Air Quality Nonattainment Designations by the Epa (*Ronda Rudd Menlove*)

This concurrent resolution of the Legislature and the Governor urges the EPA to address the problems associated with its configuration of nonattainment areas relating to Utah.

This resolution:

- ▶ urges the EPA to adopt the recommendations for PM2.5 designation as proposed by the state of Utah.

Effective March 20, 2009

Laws of Utah 2009

HCR 6 Concurrent Resolution Expressing Opposition to Congressional Efforts to Expand the Jurisdiction of the Clean Water Act (*Melvin R. Brown*)

This concurrent resolution of the Legislature and Governor expresses strong opposition to any federal legislation that would expand the reach and scope of the Clean Water Act.

This resolution:

- ▶ expresses strong opposition to any federal legislation that would expand the reach and scope of the Clean Water Act and a strong commitment to the goals and objectives of the original Act;
- ▶ asserts that, given the scope of what could be construed as “waters of the United States,” it is not in the nation’s interest to subject these waters to all of the requirements of federal regulation; and
- ▶ urges Congress to preserve the traditional power of states over land and water use and avoid unnecessary alterations to the regulatory reach of the proposed Clean Water Act amendments.

Effective March 20, 2009

Laws of Utah 2009

HCR 8 Concurrent Resolution Supporting Current Bureau of Land Management Resource Management Plans (*John G. Mathis*)

This concurrent resolution of the Legislature and the Governor expresses support for the current Bureau of Land Management resource management plans and the process used to complete the plans.

This resolution:

- ▶ expresses strong support for the federal Bureau of Land Management’s resource management plans developed for Moab, Richfield, Price, Vernal, Monticello, and Kanab, Utah, and the lengthy, thoughtful, and public process used to develop the plans; and
- ▶ opposes current actions taken that contest and delay the resource management plans and the sale of 77 oil and gas leases on land in Utah.

Effective February 20, 2009

Laws of Utah 2009

HCR 9 Concurrent Resolution Honoring Don Peay (*Brad L. Dee*)

This concurrent resolution of the Legislature and the Governor honors Don Peay for his professional and personal contributions to conserving the state's natural resources.

This resolution:

- ▶ honors Don Peay for his professional and personal contributions to conserving the state's natural resources, including habitat restoration and watershed and stream bed improvements, for the benefit of the environment, the health of the state's resources, and increased capacity for quality recreation.

Effective March 24, 2009

Laws of Utah 2009

HCR 10 Concurrent Resolution Honoring the Life and Contributions of Larry H. Miller (*Carl Wimmer*)

This concurrent resolution of the Legislature and the Governor honors the life and legacy of Larry H. Miller.

This resolution:

- ▶ honors the life and legacy of Larry H. Miller, patriot, entrepreneur, philanthropist, owner of the Utah Jazz and other sports teams, automobile dealership owner, community advocate, humanitarian, husband, father, grandfather, great-grandfather, and friend.

Effective March 24, 2009

Laws of Utah 2009

HJR 1 Resolution Urging the Withdrawal of United States' World Trade Organization Commitment on Gambling (*Sheryl L. Allen*)

This joint resolution of the Legislature supports the withdrawal of the United States' World Trade Organization commitments on gambling.

This resolution:

- ▶ supports the withdrawal of the United States' gambling commitments made in the General Agreement on Trade in Services; and
- ▶ expresses concern that the World Trade Organization withheld the terms of a proposed resolution under which the United States withdrew its gambling commitment made in the General Agreement on Trade in Services treaty.

The original bill was recommended by the Utah International Trade Commission

Effective March 4, 2009

Laws of Utah 2009

HJR 3 Joint Resolution Supporting Efforts to Increase and Improve Cancer Treatment, Screening, and Research Programs *(Susan Duckworth)*

This resolution of the Legislature expresses support for public and private efforts to increase and improve cancer treatment, screening, and research programs.

This resolution:

- ▶ recognizes that cancer is the second leading cause of death in the United States;
- ▶ recognizes that cancer treatment, screening, and research programs reduce cancer deaths and can help prevent cancer;
- ▶ recognizes the need for private and public support of cancer treatment, screening, and research programs in Utah; and
- ▶ recognizes the importance of cancer prevention, early detection and survivorship programs, expanding access to services and programs, and public and private funding for cancer research.

Effective March 5, 2009

Laws of Utah 2009

HJR 5 Joint Resolution Supporting Needed Improvements in the Navajo Nation's Ability to Collect and Track Child Support Payments *(Christine F. Watkins)*

This joint resolution supports congressional action related to the Navajo Nation's ability to collect and track child support payments.

This resolution:

- ▶ provides background on the Navajo Nation, its needs, and its ability to collect and track child support;
- ▶ encourages Utah's congressional delegation to take action in specific areas; and
- ▶ provides for distribution.

Effective March 5, 2009

Laws of Utah 2009

HJR 7 Equine Resources Joint Resolution *(Bradley A. Winn)*

This joint resolution of the Legislature urges Congress to oppose federal legislation that would interfere with a state's authority to direct the transport or processing of horses.

This resolution:

- ▶ urges the United States Congress to oppose federal legislation that would interfere with a state's authority to direct the transport or processing of horses.

Effective February 12, 2009

Laws of Utah 2009

HJR 8 Joint Resolution Regarding Secret Ballot *(Carl Wimmer)*

This joint resolution of the Legislature proposes to amend a provision of the Utah Constitution relating to voting by secret ballot.

This resolution proposes to amend the Utah Constitution to:

- ▶ include elections under state or federal law for public office, on an initiative or referendum, or to designate or authorize employee representation or individual representation among the elections that are required to be by secret ballot; and
- ▶ make technical changes.

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2011 for this proposal.

Utah Constitution Sections Affected:AMENDS:ARTICLE IV, SECTION 8

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Amends A4 S8

Effective January 1, 2011

Laws of Utah 2009

HJR 9 Joint Resolution on Cost-effective Energy Efficiency and Utility Demand-side Management *(Roger E. Barrus)*

This joint resolution of the Legislature urges state and local governments and electrical and natural gas corporations and utilities to encourage all available cost-effective energy efficiency and conservation programs and to participate in existing cost-effective energy efficiency programs.

This resolution:

- ▶ urges state and local governments, electrical corporations, natural gas utility corporations, rural electric cooperatives, and municipal utilities to work together to recognize energy efficiency as a priority resource, to promote and encourage all available cost-effective energy efficiency and conservation, and to participate in existing cost-effective energy efficiency programs;
- ▶ expresses support for cost-effective energy efficiency and load management programs for customers of rural electric cooperatives and municipal electric and gas utilities designed to reduce projected natural gas and electric usage;
- ▶ expresses support for cost-effective energy efficiency and load management programs for customers of Rocky Mountain Power, and the setting of an electricity savings goal through a regulatory process;
- ▶ expresses support for cost-effective energy efficiency and load management programs by customers of Questar Gas, and the setting of a natural gas savings goal through a regulatory process; and
- ▶ expresses support for regulator mechanisms intended to help remove utility disincentives and create incentives to increase efficiency and conservation so long as these mechanisms are found to be in the public interest.

Effective March 12, 2009

Laws of Utah 2009

HJR 10 Joint Resolution Honoring the Lives and Accomplishments of Father Francisco Atanascio Dominguez and Father Silvestre Velez De Escalante (*Mark A. Wheatley*)

This joint resolution of the Legislature honors the lives and accomplishments of Father Francisco Atanascio Dominguez and Father Silvestre Velez de Escalante.

This resolution:

- ▶ honors the extraordinary lives and accomplishments of Father Dominguez and Father Escalante and their impact for good on Utah, its citizens, and the citizens of the West.

Effective February 18, 2009

Laws of Utah 2009

HJR 11 Joint Resolution Expressing Support for and Recognizing the Value of Locally Elected Officials (*Melvin R. Brown*)

This joint resolution of the Legislature recognizes the responsibility of locally elected officials to address challenges faced by their communities.

This resolution:

- ▶ expresses support for locally elected officials in meeting the needs of their constituents;
- ▶ recognizes the unique ability of locally elected officials to bring their communities together to develop local solutions to local problems; and
- ▶ recognizes that the close connection of locally elected officials to their constituents creates an atmosphere of high accountability in administering fiscal and other important matters.

Effective March 3, 2009

Laws of Utah 2009

HJR 12 Joint Resolution Supporting Hydrogen Power from Advanced Coal and Carbon Capture and Sequestration Technology (*Patrick Painter*)

This joint resolution of the Legislature supports producing hydrogen from coal with carbon capture and sequestration (CCS) technology.

This resolution:

- ▶ expresses support for producing hydrogen from coal with carbon capture and sequestration (CCS) technology as a means of potentially strengthening Utah's economy and keeping Utah at the forefront of energy production; and
- ▶ urges the Public Service Commission to consider authorizing recovery of cost-effective and prudently incurred costs from advanced coal and CCS technology incorporated into future power plants.

Effective March 5, 2009

Laws of Utah 2009

HJR 14 Joint Rules Resolution - Ethics Training Course Provisions *(Lorie D. Fowlke)*

This joint resolution of the Legislature enacts a provision for the development and completion of an ethics training course for legislators and lobbyists.

This resolution:

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

NoneLegislative Rules Affected:ENACTS:JR6-1-301

Enacts JR6-1-301

Effective March 11, 2009

Laws of Utah 2009

HJR 15 Joint Resolution Approving Compensation of In-session Employees *(Kevin S. Garn)*

This joint resolution of the Legislature fixes the compensation for legislative in-session employees for 2009.

This resolution:

- ▶ fixes the compensation for legislative in-session employees for 2009.

This resolution provides retrospective operation to January 5, 2009.

Effective February 10, 2009

Laws of Utah 2009

HJR 18 Joint Resolution for Legislative Appropriation Subcommittee Name Change *(Neal B. Hendrickson)*

This resolution modifies the legislative joint rule that provides the names of legislative appropriations subcommittees.

This resolution:

- ▶ changes the name of a legislative appropriations subcommittee from "Transportation, Environmental Quality, and National Guard" to "Transportation, Environmental Quality, National Guard, and Veterans' Affairs."

NoneLegislative Rules Affected:AMENDS:JR3-2-302

Amends JR3-2-302

Effective March 10, 2009

Laws of Utah 2009

HJR 21 Master Study Resolution *(Kevin S. Garn)*

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

This resolution:

- ▶ gives the Legislative Management Committee items of study it may assign to the appropriate interim committee during the 2009 legislative interim;
- ▶ directs interim committees assigned these studies to study and make recommendations for legislative action to the 58th Legislature before the 2010 Annual General Session; and
- ▶ suggests that the Legislative Management Committee, in approving studies, give consideration to the available time of legislators and the budget and capacity of staff to respond.

Effective March 11, 2009

Laws of Utah 2009

HJR 23 Joint Rules Resolution - Executive Appropriations Committee Amendments *(Ben C. Ferry)*

This joint rules resolution provides for the Legislature's Executive Appropriations Committee to review the expenditure of certain appropriations.

This resolution:

- ▶ allows the Executive Appropriations Committee to consider legislator and citizen complaints concerning the expenditure of appropriated monies in a manner consistent with expressed legislative intent.

NoneLegislative Rules Affected:AMENDS:JR3-2-501

Amends JR3-2-501

Effective March 12, 2009

Laws of Utah 2009

HJR 28 Joint Resolution Honoring the Battleship USS Utah on its 100th Anniversary *(Julie Fisher)*

This joint resolution of the Legislature honors the battleship USS Utah on its 100th Anniversary and those who served on her.

This resolution:

- ▶ honors the battleship USS Utah on the 100th anniversary of her construction and service and all the sailors and marines who served on her.

Effective March 9, 2009

Laws of Utah 2009

HJR 29 Legislative Direction to the Public Employees' Benefit and Insurance Program *(Brad L. Dee)*

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

This resolution:

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

Effective March 12, 2009

Laws of Utah 2009

HR 1 House Resolution Supporting the Narrows Water Project in Central Utah *(Bradley A. Winn)*

This resolution of the House of Representatives urges Congress and the United States Bureau of Reclamation to support development of the Narrows Water Project in Central Utah.

This resolution:

- ▶ recognizes the need for adequate water storage for economic viability in the communities of Central Utah, and the decades-long effort to develop the Narrows Water Project;
- ▶ acknowledges the Narrows Water Project as the least expensive, most cost effective, and most environmentally sound means of storing water in Sanpete County;
- ▶ recognizes that the water rights relative to the Narrows Water Project have been legally defined; and
- ▶ expresses support for the development of the Narrows Water Project in Central Utah.

Effective January 30, 2009

Laws of Utah 2009

HR 2 Ecumenical Patriarch House Resolution *(Gregory H. Hughes)*

This resolution of the House of Representatives urges the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the property rights and human rights of the Ecumenical Patriarchate.

This resolution:

- ▶ urges the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities; and
- ▶ urges the Government of Turkey to respect the property rights and human rights of the Ecumenical Patriarchate.

Effective February 19, 2009

Laws of Utah 2009

HR 3 Resolution on Energy Policy *(Michael E. Noel)*

This resolution of the House of Representatives urges the Governor to withdraw Utah from the Western Climate Initiative.

This resolution:

- ▶ urges Governor Huntsman to withdraw Utah from the Western Climate Initiative.

Effective February 24, 2009

Laws of Utah 2009

HR 4 House Resolution Expressing Opposition to the Creation of a National Identification Card
(*Stephen E. Sandstrom*)

This resolution of the House of Representatives opposes the REAL ID Act of 2005 and its implementation of a national identification card.

This resolution:

- ▶ supports the United States Government's commitment that the campaign against terrorism not be waged at the expense of essential civil rights and liberties of the nation's citizens;
- ▶ opposes any portion of the REAL ID Act that violates the rights and liberties guaranteed under the Utah Constitution or the United States Constitution;
- ▶ opposes state legislation that would further the REAL ID Act in Utah unless intended to undertake an analysis of the cost of implementing REAL ID or to pursue a constitutional challenge to the Act by the state;
- ▶ urges Utah's congressional delegation to support measures repealing Title II of the REAL ID Act of 2005 and restoring the negotiated rulemaking process established under the Intelligence Reform and Terrorism Prevention Act of 2004; and
- ▶ urges the Secretary of the Department of Homeland Security to not penalize any state or its citizens for failure to comply with the REAL ID Act pending further congressional consideration of whether to repeal or replace the Act.

Effective February 24, 2009

Laws of Utah 2009

SB 2 New Fiscal Year Appropriations Act (*Lyle W. Hillyard*)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

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 2010:

- ▶ \$1,856,952,150 from the General Fund;
- ▶ \$127,834,600 from the Uniform School Fund;
- ▶ \$334,826,200 from the Education Fund;
- ▶ \$6,194,367,900 from various sources as detailed in this bill.

This bill takes effect July 1, 2009.

Effective July 1, 2009

Chapter 396, Laws of Utah 2009

SB 3 Appropriations Adjustments (*Lyle W. Hillyard*)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2008 and ending June 30, 2009 and beginning July 1, 2009 and ending June 30, 2010.

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

This bill appropriates for fiscal year 2009:

- ▶ (\$58,986,700) from the General Fund;
- ▶ \$55,650,000 from the Uniform School Fund;
- ▶ (\$32,142,800) from the Education Fund;
- ▶ \$591,373,600 from various sources as detailed in this bill. This bill appropriates for fiscal year 2010:
- ▶ \$25,065,200 from the General Fund;
- ▶ \$2,268,934,500 from the Uniform School Fund;
- ▶ (\$65,180,600) from the Education Fund;
- ▶ \$175,488,600 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, 2009.

Effective March 31, 2009

Chapter 398, Laws of Utah 2009

SB 4 Current School Year Supplemental Minimum School Program Budget Adjustments (*Howard A. Stephenson*)

This bill modifies funding for the Minimum School Program.

This bill:

- ▶ reduces revenues appropriated for the Minimum School Program and school building programs;
- ▶ establishes a ceiling for the state contribution to the Minimum School Program for fiscal year 2008-09 of \$2,427,279,686;
- ▶ specifies how certain reductions to the Minimum School Program shall be allocated among school districts and charter schools; and
- ▶ provides for certain salary adjustments for school administrators.

This bill appropriates:

- ▶ as an ongoing appropriation, (\$188,850,100) from the Uniform School Fund for fiscal year 2008-09; and
- ▶ \$115,946,000 from the Uniform School Fund for fiscal year 2008-09 only.

This bill provides an immediate effective date.

Amends 53A-17a-104, 53A-17a-146, 53A-17a-148, 53A-17a-153

Effective February 9, 2009

Chapter 4, Laws of Utah 2009

SB 5 Revenue Bond and Capital Facilities Authorizations (*Wayne L. Niederhauser*)

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds, build capital facilities using agency, institutional, or donated funds, or lease or dispose of real property.

This bill:

- ▶ authorizes the issuance of revenue bonds by the State Building Ownership Authority and the State Board of Regents;
- ▶ authorizes other capital facility design and construction to be funded from agency, institutional, or donated funds; and
- ▶ authorizes the lease or disposal of certain state real property.

Enacts 63B-18-101, 63B-18-102, 63B-18-201, 63B-18-301

Effective May 12, 2009

Chapter 134, Laws of Utah 2009

SB 11 Incest Amendments (*Dennis E. Stowell*)

This bill amends the Criminal Code regarding the offense of incest.

This bill:

- ▶ amends the definition of the crime of incest; and
- ▶ increases the statute of limitations for prosecution from four to eight years, and requires the crime be reported within four years after it occurs.

This bill provides an immediate effective date.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Amends 76-1-302, 76-7-102

Effective March 20, 2009

Chapter 84, Laws of Utah 2009

SB 12 **DUI Amendments** (*Sheldon L. Killpack*)

This bill modifies the Motor Vehicles Code and the Uniform Driver License Act by amending provisions relating to driving under the influence.

This bill:

- ▶ defines driving under the influence court;
- ▶ provides that certain reports issued by the Driver License Division may not contain evidence of an impaired driving conviction if the reporting court notifies the Driver License Division that the defendant is participating in or has completed the program of a driving under the influence court with exception for a CDL license holder or a violation that occurred in a commercial vehicle;
- ▶ provides that if an impaired driving conviction is amended to a driving under the influence conviction in certain circumstances, the Driver License Division shall start the applicable suspension or revocation on the date of the amended conviction and may not subtract any time for which the license was previously suspended or revoked;
- ▶ requires the Driver License Division to reinstate a person's driver license prior to completion of a certain 90-day suspension period immediately upon receiving written verification of the person's conviction of impaired driving if:
 - the written verification is received prior to completion of the suspension period; and
 - the reporting court notifies the Driver License Division that the defendant is participating in or has successfully completed the program of a driving under the influence court; and
- ▶ makes technical changes.

The original bill was recommended by the Transportation Interim Committee

Amends 41-6a-501, 41-6a-502.5, 41-6a-509, 53-3-223

Effective May 12, 2009

Chapter 201, Laws of Utah 2009

SB 13 **Administering Substances to Wildlife** (*Margaret Dayton*)

This bill enacts a provision relating to wildlife.

This bill:

- ▶ defines terms; and
- ▶ prohibits a person from administering a substance to wildlife, except in certain circumstances.

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

Enacts 23-13-19

Effective May 12, 2009

Chapter 308, Laws of Utah 2009

SB 14 Financial Incentives for Motion Picture Productions (*Lyle W. Hillyard*)

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

This bill:

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

This bill has retrospective operation of certain provisions for a taxable year beginning on or after January 1, 2009.

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

Amends 63M-1-1801, 63M-1-1802, 63M-1-1803, 63M-1-1805;

Enacts 59-7-614.5, 59-10-1108;

Repeals and Reenacts 63M-1-1804

Effective May 12, 2009

Chapter 135, Laws of Utah 2009

SB 15 Workers' Compensation Premium Assessment and Related Funding *(Karen Mayne)*

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

This bill:

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

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, from the Workplace Safety Account for fiscal year 2009-10, \$150,000 to the University of Utah to be used by the Rocky Mountain Center for Occupational and Environmental Health.

This bill provides an immediate effective date.

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

Amends 34A-2-107, 34A-2-202.5, 34A-2-701, 53B-17-804, 59-9-101, 59-9-102.5, 63I-1-234;

Enacts 34A-2-705

Effective March 20, 2009

Chapter 85, Laws of Utah 2009

SB 16 Prohibited Gang Activity (*Jon J. Greiner*)

This bill amends the Criminal Code by creating the offense of failure to disperse from loitering in a public place by groups that include gang members.

This bill:

- ▶ provides that a peace officer may order a group to disperse if the group includes persons an officer reasonably believes to be gang members and is in an area where loitering of groups that include gang members is prohibited by the local law enforcement agency;
- ▶ requires that the officer warn the group that failure to disperse is subject to arrest;
- ▶ requires municipal and county legislative bodies to designate areas in their jurisdictions where police officers may require groups that include gang members to disperse;
- ▶ provides that failure to disperse upon the order of an officer is a class B misdemeanor, and a subsequent failure to disperse is a class B misdemeanor subject to a fine of \$100;
- ▶ provides that if, after being ordered to disperse, a member of the group loiters again within specified times and at specified places, the person is guilty of a class B misdemeanor and is subject to a fine of \$100;
- ▶ requires that officers receive training to ensure protection of the constitutional right of collective advocacy;
- ▶ requires that officers receive training on identification of gang members and criminal street gangs; and
- ▶ provides definitions.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Enacts 76-9-901, 76-9-902, 76-9-903, 76-9-904, 76-9-905, 76-9-906, 76-9-907

Effective May 12, 2009

Chapter 86, Laws of Utah 2009

SB 17 Surface Coal Mining Amendments (*Dennis E. Stowell*)

This bill amends sections relating to surface coal mining.

This bill:

- ▶ removes two repeal dates; and
- ▶ makes technical changes.

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

Amends 40-10-11 (Subsection (5) is Repealed 09/30/09), 40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09)

Effective May 12, 2009

Chapter 309, Laws of Utah 2009

SB 18 Utah Transparency Advisory Board Amendments (*Wayne L. Niederhauser*)

This bill requires certain local governments and other entities to provide information to and participate in the Utah Public Finance Website.

This bill:

- ▶ defines terms;
- ▶ changes the composition of the Utah Transparency Advisory Board;
- ▶ provides for financial information from certain local entities to be included on the local entities' websites and linked to the Utah Public Finance Website;
- ▶ provides for an exception from liability provisions for improper disclosure of records under Title 63G, Chapter 2, Government Records Access and Management Act;
- ▶ provides time periods for the provision of financial information by local entities; and
- ▶ makes technical changes.

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

Amends 63A-3-401, 63A-3-402, 63A-3-403, 63A-3-404;

Enacts 63A-3-405

Effective May 12, 2009

Chapter 310, Laws of Utah 2009

SB 20 Local Public Health Emergency Funding (*Dennis E. Stowell*)

This bill modifies provisions relating to funding for emergency health expenses.

This bill:

- ▶ requires the Department of Health to establish a local health emergency assistance program;
- ▶ establishes requirements for the program; and
- ▶ requires the Department of Health to submit an annual written report on program activity to the Health and Human Services Interim Committee, with a copy of the report to the designated appropriations subcommittee.

The original bill was recommended by the Political Subdivisions Interim Committee

Enacts 26-1-38

Effective May 12, 2009

Chapter 87, Laws of Utah 2009

SB 21 State and Local Health Authorities Amendments *(Dennis E. Stowell)*

This bill modifies provisions relating to the Department of Health and local health department responsibilities.

This bill:

- ▶ modifies responsibilities of the Department of Health and local health departments with respect to their interrelationship;
- ▶ requires the Department of Health to establish a committee consisting of Department of Health and local health department representatives;
- ▶ provides for the responsibilities of the committee;
- ▶ provides a process for processing applications for federal grants and establishing the goals and budget for federal grants; and
- ▶ allows the Department of Health to use federal grant money to pay certain administrative costs.

This bill takes effect July 1, 2010.

The original bill was recommended by the Political Subdivisions Interim Committee

Amends 26-1-4

Effective July 1, 2010

Chapter 136, Laws of Utah 2009

SB 22 Vehicle Amendments *(Scott K. Jenkins)*

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions relating to all-terrain vehicles.

This bill:

- ▶ provides and amends definitions;
- ▶ amends driver licensing requirements for certain street-legal all-terrain vehicles;
- ▶ specifies restrictions on tires for registering certain vehicles as street-legal all-terrain vehicles;
- ▶ provides that an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour shall operate the vehicle on the extreme right hand side of the roadway and shall equip the vehicle with a reflector or reflective tape;
- ▶ requires that two safety inspection certificates shall be issued for every safety inspection conducted;
- ▶ provides that a person operating a motor vehicle shall have in the person's immediate possession a safety inspection certificate or other evidence of compliance with the safety inspection requirement;
- ▶ provides that the reasonable labor fee for the safety inspection of a street-legal all-terrain vehicle may not exceed \$7; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

The original bill was recommended by the Transportation Interim Committee

Amends 41-6a-102, 41-6a-1509, 41-22-2, 53-8-205, 53-8-206

Effective July 1, 2009

Chapter 311, Laws of Utah 2009

SB 23 **Income Taxation of Pass-through Entities and Pass-through Entity Taxpayers**
(Wayne L. Niederhauser)

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

This bill:

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

This bill provides an immediate effective date.

This bill has retrospective operation for a taxable year beginning on or after January 1, 2009.

This bill provides revisor instructions.

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

Amends 59-7-101, 59-7-102, 59-7-106, 59-7-402, 59-7-701, 59-7-705, 59-7-706, 59-7-707, 59-10-103, 59-10-117, 59-10-507, 59-10-1103, 59-10-1401, 59-10-1402, 59-10-1403, 59-10-1404, 59-10-1405;

Enacts 59-7-614.4, 59-10-1403.1, 59-10-1403.2, 59-10-1404.5;

Repeals 48-2c-117, 59-7-702, 59-7-703, 59-7-704

Effective March 25, 2009

Chapter 312, Laws of Utah 2009

SB 24 Early Voting Amendments *(Peter C. Knudson)*

This bill modifies provisions in the Election Code relating to early voting polling places.

This bill:

- ▶ repeals a requirement that counties of the first class provide at least one early voting polling place within each Utah State Senate district in the county and that at least one of those early voting polling places is open on each day that early voting is offered;
- ▶ requires that early voting polling places be proportionately distributed based on population within a county of the first class; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-3-603

Effective May 12, 2009

Chapter 88, Laws of Utah 2009

SB 25 Online Voter Registration *(Peter C. Knudson)*

This bill allows the lieutenant governor to create an online system for voter registration.

This bill:

- ▶ allows the lieutenant governor to create an electronic system for voter registration;
- ▶ addresses the information and authorization required from an applicant for voter registration who uses the electronic system;
- ▶ authorizes the use of an applicant's signature obtained from driver license or identification card records for voter registration purposes;
- ▶ authorizes the lieutenant governor to implement additional security measures in connection with the electronic voter registration system;
- ▶ requires the lieutenant governor to forward an applicant's materials to the appropriate county clerk for processing;
- ▶ requires the Driver License Division to provide a digital copy of an applicant's driver license or identification card record to the lieutenant governor or county clerk; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 53-3-104;

Enacts 20A-2-206

Effective May 12, 2009

Chapter 89, Laws of Utah 2009

SB 26 **Open and Public Meetings Act - Meeting Record** *(Peter C. Knudson)*

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

This bill:

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

The original bill was recommended by the Government Operations Interim Committee

Amends 52-4-203

Effective May 12, 2009

Chapter 137, Laws of Utah 2009

SB 27 **Election Law Changes** *(Peter C. Knudson)*

This bill makes changes to Title 20A, Election Code.

This bill:

- ▶ clarifies the requirements to be legally entitled to vote when voting in a precinct outside of one's own;
- ▶ changes the date for the Western States Presidential Primary election canvass;
- ▶ changes numerous provisions that require specific placement of various ballot items to more general placement requirements;
- ▶ clarifies that a proposed constitutional amendment is a "measure" for the purposes of Title 20A, Chapter 7, Issues Submitted to the Voters;
- ▶ addresses the responsibility for prosecuting misconduct of electors and officers;
- ▶ changes the unaffiliated candidate pledge to include a pledge concerning campaign financial disclosures;
- ▶ changes filing deadlines for certain city, town, or local district offices;
- ▶ allows an unaffiliated candidate for President or Vice President of the United States to use a designated agent to file a certificate of nomination;
- ▶ clarifies that a write-in candidate must file a declaration of candidacy in person or through a designated agent; and
- ▶ makes technical changes.

This bill coordinates with H.B. 56, Declaration of Candidacy Amendments by merging substantive amendments.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-4-107, 20A-4-306, 20A-6-101, 20A-6-301, 20A-6-303, 20A-6-401, 20A-6-401.1, 20A-6-402, 20A-7-101, 20A-7-210, 20A-7-309, 20A-7-312, 20A-7-509, 20A-7-609, 20A-9-206, 20A-9-502, 20A-9-503, 20A-9-601, 20A-11-206, 20A-11-305, 20A-15-104

Effective May 12, 2009

Chapter 202, Laws of Utah 2009

SB 28 Prohibited Activities of Gang Offenders *(Jon J. Greiner)*

This bill modifies the Criminal Code regarding prohibitions imposed on persons convicted of a criminal gang-related offense.

This bill:

- ▶ provides that a person convicted of a crime for which the sentence is enhanced due to the offense being gang-related may not possess a dangerous weapon, ammunition, or a facsimile of a firearm for five years and that a violation is a class A misdemeanor; and
- ▶ provides that any greater penalty under another section of the Criminal Code that restricts the possession of a dangerous weapon to a greater degree supersedes the restrictions of this provision.

The original bill was recommended by the Law Enforcement and Criminal Justice Interim Committee

Enacts 76-9-804

Effective May 12, 2009

Chapter 313, Laws of Utah 2009

SB 29 Safe Drinking Water Act Amendments *(Dennis E. Stowell)*

This bill amends a provision of the Safe Drinking Water Act relating to the addition or removal of fluorine in a public water system owned by a corporation.

This bill:

- ▶ defines terms;
- ▶ requires the majority of the voting shareholders of a corporate public water system to approve the addition or removal of fluorine in the public water system;
- ▶ requires a corporate public water system to provide notice of fluorine content in certain circumstances; and
- ▶ makes technical changes.

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

Amends 19-4-111, 19-4-111.2

Effective May 12, 2009

Chapter 371, Laws of Utah 2009

SB 31 Utah Residential Mortgage Practices and Licensing Act (*Wayne L. Niederhauser*)

This bill modifies the Utah Residential Mortgage Practices Act to address requirements under federal law and to make other changes.

This bill:

- ▶ modifies the definition provision;
- ▶ imposes additional duties on the division related to rulemaking, reporting, or other requirements related to Secure and Fair Enforcement for Mortgage Licensing;
- ▶ modifies the scope and exemptions from the chapter;
- ▶ modifies licensing requirements and procedures, including:
 - modifying requirements related to examinations, prelicensing education, and continuing education;
 - removing the authorization for issuing conditional licenses;
 - addressing requirements to reactivate an inactive license; and
 - providing for a transition and changes related to Secure and Fair Enforcement for Mortgage Licensing;
- ▶ imposes requirements related to reports of condition;
- ▶ clarifies language related to disciplinary action and prohibited conduct;
- ▶ modifies renewal requirements;
- ▶ addresses the affect on a license of the division paying a judgment creditor from the Residential Mortgage Loan Education, Research, and Recovery Fund; and
- ▶ makes technical and conforming amendments, including making terminology consistent.

This bill coordinates with H.B. 86, Division of Real Estate Related Amendments, by making technical changes.

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

Amends 13-34-105, 31A-2-402, 61-2-5, 61-2c-101, 61-2c-102, 61-2c-103, 61-2c-104, 61-2c-105, 61-2c-106, 61-2c-201, 61-2c-202, 61-2c-203, 61-2c-205, 61-2c-206, 61-2c-207, 61-2c-208, 61-2c-301, 61-2c-302, 61-2c-402, 61-2c-402.1, 61-2c-403, 61-2c-405, 61-2c-502, 61-2c-507, 61-2c-509, 61-2d-102, 70D-1-10;

Enacts 61-2c-204.1, 61-2c-205.1, 63I-2-261

Effective January 1, 2010

Chapter 372, Laws of Utah 2009

SB 35 Sales and Use Tax Definitions Relating to Property (*Wayne L. Niederhauser*)

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

This bill:

- ▶ modifies the definitions of:
 - “permanently attached to real property”; and
 - “tangible personal property”; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

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

Amends 59-12-102

Effective July 1, 2009

Chapter 314, Laws of Utah 2009

SB 36 Sales and Use Tax Amendments (*Curtis S. Bramble*)

This bill amends the Sales and Use Tax Act and related provisions.

This bill:

- ▶ addresses an exemption from certain penalties relating to sales and use taxes;
- ▶ modifies and repeals definitions;
- ▶ provides that amounts paid or charged for prepaid telephone calling cards are not subject to state and local sales and use taxes;
- ▶ repeals a sales and use tax exemption for sales of telecommunications service charged to a prepaid telephone calling card;
- ▶ provides a requirement that to be eligible for exemption from state and local sales and use taxes, certain machinery, equipment, or repair or replacement parts be used in an establishment or facility in the state;
- ▶ repeals obsolete language;
- ▶ addresses a state sales and use tax exemption for certain accommodations and services taxed by the Navajo Nation;
- ▶ addresses a refund for overpayment of a sales and use tax;
- ▶ addresses a seller's or certified service provider's reliance on State Tax Commission information;
- ▶ addresses the transactions that are taxable or exempt under Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act;
- ▶ addresses the determination of the location of certain transactions;
- ▶ provides that the motor vehicle rental tax is not subject to certain provisions designating the state sales and use tax for particular purposes;
- ▶ conforms terminology in the emergency telephone service charge for 911 administered by the State Tax Commission to terminology in the Sales and Use Tax Act; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

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

Amends 59-1-401, 59-1-403, 59-12-102, 59-12-103, 59-12-104, 59-12-104.2, 59-12-104.5, 59-12-105, 59-12-110, 59-12-125, 59-12-204, 59-12-205, 59-12-215, 59-12-216, 59-12-304, 59-12-357, 59-12-406, 59-12-506, 59-12-605, 59-12-707, 59-12-808, 59-12-1004, 59-12-1104, 59-12-1201, 59-12-1202, 59-12-1304, 59-12-1405, 59-12-1505, 59-12-1706, 59-12-1804, 59-12-1904, 59-12-2005, 59-12-2104, 69-2-5

Effective July 1, 2009

Chapter 203, Laws of Utah 2009

SB 37 Utah Substance Abuse and Anti-violence Coordinating Council Amendments (*Kevin T. Van Tassell*)

This bill amends provisions related to the membership of the Utah Substance Abuse and Anti-Violence Coordinating Council.

This bill:

- ▶ adds the director of the Division of Indian Affairs, or the director's designee, as a voting member of the Utah Substance Abuse and Anti-Violence Coordinating Council; and
- ▶ makes technical changes.

The original bill was recommended by the Native American Legislative Liaison Committee

Amends 63M-7-301

Effective May 12, 2009

Chapter 90, Laws of Utah 2009

SB 39 **Immigration Amendments** (*Scott K. Jenkins*)

This bill modifies provisions of the Identity Documents and Verification Act.

This bill:

- ▶ defines a contract in relation to verification of the federal authorization status of a new employee as an agreement for the procurement of services that is awarded through a request for proposals process with a public employer;
- ▶ provides an exception from verification of lawful presence in the country for an individual who is to receive a state public benefit under Title 49, Utah State Retirement and Insurance Benefit Act; and
- ▶ makes certain technical changes.

This bill takes effect on July 1, 2009.

The original bill was recommended by the Immigration Interim Committee

Amends 63G-11-103 (Effective 07/01/09), 63G-11-104 (Effective 07/01/09)

Effective July 1, 2009

Chapter 138, Laws of Utah 2009

SB 40 **Lawful Presence Verification for Issuance of a Driver License or Identification Card**
(*Curtis S. Bramble*)

This bill modifies provisions of the Uniform Driver License Act.

This bill:

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

This bill provides effective dates.

The original bill was recommended by the Immigration Interim Committee

Amends 46-1-2, 53-3-102, 53-3-104, 53-3-205, 53-3-207, 53-3-214, 53-3-407, 53-3-410, 53-3-413, 53-3-804, 53-3-806, 53-3-807, 63G-11-102 (Effective 07/01/09);

Repeals 53-3-409

Effective January 1, 2010

Chapter 315, Laws of Utah 2009

SB 41 **Siting of High Voltage Power Line Act** (*Peter C. Knudson*)

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

This bill:

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

Amends 54-14-103, 54-14-202, 54-14-303, 54-14-305;

Enacts 54-18-101, 54-18-102, 54-18-201, 54-18-301, 54-18-302, 54-18-303, 54-18-304, 54-18-305

Effective May 12, 2009

Chapter 316, Laws of Utah 2009

SB 50 **Restricting the Movement of a Motor Vehicle** (*Brent H. Goodfellow*)

This bill amends the Traffic Code by addressing vehicle immobilization devices.

This bill:

- ▶ defines terms;
- ▶ prohibits a motor vehicle from being immobilized in certain locations where specified signage does not exist;
- ▶ provides exceptions to the signage requirements;
- ▶ provides that a notice with specified information must be affixed to an immobilized vehicle; and
- ▶ provides for a maximum fee that can be charged for removing a vehicle immobilization device.

Enacts 41-6a-1409

Effective May 12, 2009

Chapter 317, Laws of Utah 2009

SB 51 **Restitution Fund Account** (*Daniel R. Liljenquist*)

This bill authorizes certain prosecutors to deposit restitution monies into an interest bearing account pending distribution to crime victims.

This bill:

- ▶ provides that interest earned be distributed pro rata to each crime victim;
- ▶ requires any leftover monies to be transferred to the Office of Crime Victims Reparations; and
- ▶ does not prevent an independent judicial authority to collect, hold, or distribute restitution.

Amends 77-38a-202

Effective May 12, 2009

Chapter 91, Laws of Utah 2009

SB 52 **New Motor Vehicle Franchise Amendments** (*Sheldon L. Killpack*)

This bill modifies the New Automobile Franchise Act by amending provisions relating to new motor vehicle franchisor and franchisee requirements.

This bill:

- ▶ amends definitions;
- ▶ provides that a franchisor may not require or otherwise coerce a franchisee to underutilize the franchisee's facilities by:
 - requiring or otherwise coercing a franchisee to exclude or remove from the franchisee's facility operations the selling or servicing of a line-make of vehicles for which the franchisee has a franchise agreement to utilize the facilities; or
 - prohibiting the franchisee from locating, relocating, or occupying a franchise or line-make in an existing facility owned or occupied by the franchisee that includes the selling or servicing of another franchise or line-make at the facility provided that the franchisee gives the franchisor written notice of the franchise co-location;
- ▶ amends the time frame for which written notice must be received by the franchisee for a charge back for sales compensation or sales incentives arising out of the sale or lease of a motor vehicle sold or leased by a franchisee to be compensable;
- ▶ repeals the provisions that provides that a franchisor may refuse to permit a combination of new motor vehicle lines, if justified by reasonable business considerations;
- ▶ provides that a franchisor may not terminate or refuse to continue the rights to sell and service a line-make unless the franchisor has complied with certain requirements;
- ▶ provides that upon the termination or noncontinuation of a franchise or a line-make by the franchisee, the franchisor shall pay the franchisee for the franchisee's cost of new, undamaged, and unsold recreational vehicles in the franchisee's inventory acquired from the franchisor or another franchisee at the time of termination or noncontinuation and the immediately prior model year vehicles, instead of only those recreational vehicles purchased within the 12 months immediately preceding the date of termination or noncontinuation;
- ▶ provides that a franchisee may voluntarily terminate its franchise if the franchisee provides written notice to the franchisor at least 30 days prior to the termination;
- ▶ provides that a franchisor shall pay the franchisee certain costs for the termination or noncontinuation of a franchise or line-make except in certain circumstances; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 13-14-102, 13-14-201, 13-14-204, 13-14-301, 13-14-307

Effective March 25, 2009

Chapter 318, Laws of Utah 2009

SB 53 **Awarding of Attorney Fees** (*Stephen H. Urquhart*)

This bill limits when a court may award attorney fees.

This bill:

- ▶ provides that attorney fees may not be awarded under the private attorney general doctrine.

Enacts 78B-5-825.5

Effective May 12, 2009

Chapter 373, Laws of Utah 2009

SB 54 **Uniform Law - Uniform Assignment of Rents Act** (*Ross I. Romero*)

This bill enacts the Utah Uniform Assignment of Rents Act.

This bill:

- ▶ defines terms;
- ▶ allows a security interest in rents to accrue prior to foreclosure as an interest that is distinct from any lien on the property which produces the rents;
- ▶ makes the assignment of rents effective against third persons upon proper recordation;
- ▶ establishes standards to govern the appointment of a receiver for mortgaged real property;
- ▶ characterizes rents as any sum paid by a tenant, licensee, or other person for the right to possess or occupy the real property of another;
- ▶ permits an assignee to enforce its security interest in rents through proper notification;
- ▶ allows a mortgage to create a security interest in rents by default;
- ▶ clarifies that the assignee's ability to collect rents from tenants is subject to any claim or defense by the tenant of the assignee's nonperformance; and
- ▶ coordinates with Article 9 of the Uniform Commercial Code regarding proceeds of rents and creates rules to establish priorities between conflicting interests.

Enacts 57-26-101, 57-26-102, 57-26-103, 57-26-104, 57-26-105, 57-26-106, 57-26-107, 57-26-108, 57-26-109, 57-26-110, 57-26-111, 57-26-112, 57-26-113, 57-26-114, 57-26-115, 57-26-116, 57-26-117, 57-26-118, 57-26-119

Effective May 12, 2009

Chapter 139, Laws of Utah 2009

SB 56 **Military Installation Development Authority Amendments** (*Sheldon L. Killpack*)

This bill modifies provisions related to the military installation development authority.

This bill:

- ▶ authorizes the military installation development authority to levy a municipal energy sales and use tax, municipal telecommunications license tax, and a transient room tax;
- ▶ prohibits municipalities from levying a municipal energy sales and use tax, municipal telecommunications license tax, or a transient room tax in a project area described in a project area plan adopted by the military installation development authority;
- ▶ provides for a portion of sales and use tax revenues generated within a project area described in a project area plan adopted by the military installation development authority to be distributed to the military installation development authority;
- ▶ prohibits municipalities, local districts, and special service districts from annexing land within a military installation development authority project area without the consent of the military installation development authority;
- ▶ authorizes the military installation development authority to issue industrial revenue bonds and provides for the authority to be subject to the Utah Industrial Facilities and Development Act;
- ▶ authorizes the military installation development authority to issue assessment bonds and provides for the authority to be subject to the Assessment Area Act;
- ▶ modifies the definitions of "base taxable value," "military land," "project area," "project area budget," "publicly owned infrastructure and improvements," and "taxing entity," eliminates the definition of "record property owner," and enacts new definitions under the Military Installation Development Authority Act;
- ▶ modifies and clarifies the status of the military installation development authority to provide

that it has statewide jurisdiction, that its purpose is to facilitate the development of military land, and that it is a political subdivision of the state and a public corporation;

- ▶ modifies the powers of the military installation development authority, including giving it the power to:
 - acquire an interest in property outside a project area, if the board considers it necessary for fulfilling the authority's development objectives; and
 - exercise exclusive police power within a project area;
- ▶ prohibits the military installation development authority from itself providing law enforcement or fire protection service;
- ▶ provides for the distribution of some tax increment revenue;
- ▶ requires some revenues to be used for municipal services within project areas;
- ▶ expands the military installation development authority's exemption from county and municipal ordinances to include an exemption from all county and municipal ordinances and regulations, not just those related to land use;
- ▶ exempts the military installation development authority from the jurisdiction of local districts and special service districts;
- ▶ requires the military installation development authority to provide notice of the establishment of project areas;
- ▶ authorizes the board of the military installation development authority to delegate powers to its staff;
- ▶ provides that board appointees serve at the pleasure of and may be removed and replaced by the appointing authority;
- ▶ modifies requirements for preparing and adopting a project area plan;
- ▶ requires the board of the military installation development authority to adopt a project area budget before receiving or using tax increment and authorizes the board to amend a project area budget;
- ▶ provides that improvements become subject to property tax in the year during which the military installation development authority issues a certificate of occupancy;
- ▶ designates the authority chief financial officer as a public treasurer and requires the chief financial officer to invest certain authority funds as provided in the State Money Management Act;
- ▶ modifies a provision relating to the allowable uses of tax increment; and
- ▶ provides that, upon the dissolution of the military installation development authority, all title to its property vests in the state.

This bill provides an immediate effective date.

Amends 10-1-304, 10-1-403, 10-2-401, 10-2-402, 11-17-2, 11-42-102, 17B-1-104, 17B-1-402, 17D-1-104, 17D-1-401, 59-12-205, 59-12-352, 63H-1-102, 63H-1-201, 63H-1-301, 63H-1-302, 63H-1-303, 63H-1-401, 63H-1-402, 63H-1-403, 63H-1-501, 63H-1-502, 63H-1-801;

Enacts 11-17-3.5, 63H-1-203, 63H-1-405, 63H-1-503, 63H-1-706;

Renumbers and Amends 63H-1-404 to 63H-1-202

Effective March 20, 2009

Chapter 92, Laws of Utah 2009

SB 57 Local Option Transportation Corridor Preservation Fund Amendments (*Ralph Okerlund*)

This bill modifies the Transportation Finances Act by amending provisions relating to the Local Option Transportation Corridor Preservation Fund.

This bill:

- ▶ provides that monies in the Local Option Transportation Corridor Preservation Fund shall earn interest and that all interest earned on fund monies shall be deposited into the fund;
- ▶ requires the Department of Transportation to annually allocate the interest earned on fund monies to each county based on the proportionate amount of interest earned on each county's allocation of funds on an average monthly balance basis;
- ▶ provides that the initial allocation of fund interest shall include all interest earned on fund monies since the creation of the fund; and
- ▶ makes technical changes.

Amends 72-2-117.5

Effective May 12, 2009

Chapter 374, Laws of Utah 2009

SB 65 Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions (*Dennis E. Stowell*)

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

This bill:

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

This bill provides revisor instructions.

This bill coordinates with H.B. 67, Public Hearings on Property Tax Increases, and S.B. 208, Utah Public Notice Website Amendments, by providing substantive and technical amendments.

This bill coordinates with H.B. 23, Certified Tax Rate Amendments, by providing substantive and technical amendments.

Amends 17B-1-609, 17B-1-627, 53A-17a-133, 53A-19-102, 53A-19-105, 59-2-911, 59-2-918.5, 59-2-918.6, 59-2-919, 59-2-919.1, 59-2-921, 59-2-922, 59-2-923, 59-2-924, 59-2-924.3, 59-2-924.4, 59-2-1602, 59-2-1604;

Repeals 59-2-918

Effective May 12, 2009

Chapter 204, Laws of Utah 2009

SB 66 Highway Designation Amendments (*David P. Hinkins*)

This bill designates Highway 6 from Interstate 15 to Interstate 70 as the Mike Dmitrich Highway.

This bill:

- ▶ modifies the Transportation Code by designating Highway 6 from Interstate 15 to Interstate 70 as the Mike Dmitrich Highway; and
- ▶ requires the Department of Transportation to make the designation of this highway on future state highway maps.

Enacts 72-4-211

Effective May 12, 2009

Chapter 375, Laws of Utah 2009

SB 68 Mining Protection Amendments (*Sheldon L. Killpack*)

This bill enacts and modifies provisions relating to the protection of mining uses.

This bill:

- ▶ provides certain protection for specified mining uses of a mine operator that holds a large mine permit issued by the Division or Board of Oil, Gas, and Mining that have resulted, as of a specified date, in the production and selling of commercial quantities of a mineral deposit and that existed before a political subdivision limits the mining use;
- ▶ provides that vested mining uses, as defined, constitute a mining protection area;
- ▶ extends to mining protection areas some of the same protection or similar protection afforded agriculture and industrial protection areas;
- ▶ establishes a conclusive presumption for a vested mining use;
- ▶ defines features of a vested mining use;
- ▶ provides for the rights of a mine operator with a vested mining use; and
- ▶ provides a process for a mine operator to abandon a vested mining use.

Amends 17-41-101, 17-41-306, 17-41-402, 17-41-403;

Enacts 17-41-402.5, 17-41-501, 17-41-502, 17-41-503

Effective May 12, 2009

Chapter 376, Laws of Utah 2009

SB 70 Department of Environmental Quality Amendments (*Margaret Dayton*)

This bill amends provisions relating to adjudicative proceedings within the Department of Environmental Quality.

This bill:

- ▶ defines terms;
- ▶ authorizes the executive director of the Department of Environmental Quality to appoint an administrative law judge;
- ▶ requires an administrative law judge to conduct all adjudicative proceedings within the department, except an emergency adjudicative proceeding;
- ▶ establishes powers, duties, and qualifications for an administrative law judge; and
- ▶ amends or repeals the powers of boards within the department regarding hearings, adjudicative proceedings, and hearing officers or examiners.

Amends 19-1-202, 19-1-301, 19-2-104, 19-2-108, 19-2-109.1, 19-2-109.5, 19-2-110, 19-2-112, 19-3-103.5, 19-4-104, 19-5-111, 19-5-112, 19-6-104, 19-6-704;

Repeals 19-2-111

Effective May 12, 2009

Chapter 377, Laws of Utah 2009

SB 73 Unincorporated Areas Amendments (*Karen Mayne*)

This bill modifies provisions relating to unincorporated areas of counties.

This bill:

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

Amends 10-2-401, 10-2-402, 10-2-403, 10-2-405, 10-2-407, 10-2-408, 10-2-414, 17-27a-306, 63I-2-210;

Enacts 10-2-408.5;

Repeals 10-2-427

Effective May 12, 2009

Chapter 205, Laws of Utah 2009

SB 75 Utility Amendments (*Stephen H. Urquhart*)

This bill amends the rate-setting process for a public utility.

This bill:

- ▶ defines terms;
- ▶ amends the rate-setting process for a public utility, including:
 - authorizes a public utility's complete filing with the Public Service Commission (PSC) to initiate a 240-day time period for rate case decisions;
 - authorizes the PSC to approve or deny an electrical corporation's or a gas corporation's application for cost recovery of a major plant addition;
 - allows the PSC to authorize an electrical corporation or a gas corporation energy balancing account;
 - authorizes the PSC to approve a bill payment assistance program for low-income residential customers of an electrical corporation or a gas corporation; and
- ▶ makes technical corrections.

This bill provides an immediate effective date.

This bill provides revisor instructions.

Amends 54-4-4.1, 54-7-12;

Enacts 54-7-13.4, 54-7-13.5, 54-7-13.6, 54-7-14.5;

Repeals 54-7-13

Effective March 25, 2009

Chapter 319, Laws of Utah 2009

SB 76 Energy Amendments (*Curtis S. Bramble*)

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

This bill:

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

Amends 63E-1-102;

Enacts 63H-2-101, 63H-2-102, 63H-2-201, 63H-2-202, 63H-2-203, 63H-2-204, 63H-2-301, 63H-2-302, 63H-2-401, 63H-2-402, 63H-2-403, 63H-2-404, 63H-2-501, 63H-2-502, 63H-2-503, 63H-2-504

Effective May 12, 2009

Chapter 378, Laws of Utah 2009

SB 78 **Protection of Constitutionally Guaranteed Activities in Certain Private Venues**
(Mark B. Madsen)

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

This bill:

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

Amends 63G-2-302;

Enacts 34-45-101, 34-45-102, 34-45-103, 34-45-104, 34-45-105, 34-45-106, 34-45-107

Effective May 12, 2009

Chapter 379, Laws of Utah 2009

SB 79 **Health Reform - Medical Malpractice Amendments** *(Peter C. Knudson)*

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

This bill:

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

Amends 63I-1-258;

Enacts 58-13-2.5

Effective May 12, 2009

Chapter 14, Laws of Utah 2009

SB 80 **Fire Liability Modifications** (*Margaret Dayton*)

This bill amends provisions relating to liability for a fire.

This bill:

- ▶ clarifies a provision relating to a fire caused by a railroad;
- ▶ defines terms; and
- ▶ establishes evidence standards and penalties for an abandoned fire.

Amends 56-1-15, 76-6-101, 76-6-104.5

Effective May 12, 2009

Chapter 320, Laws of Utah 2009

SB 81 **Concurrent Enrollment Program Amendments** (*Margaret Dayton*)

This bill modifies concurrent enrollment programs provisions.

This bill:

- ▶ modifies requirements governing concurrent enrollment programs and courses;
- ▶ modifies the distribution of concurrent enrollment appropriations;
- ▶ requires the State Board of Regents to annually report to the Higher Education Appropriations Subcommittee on concurrent enrollment participation and growth; and
- ▶ makes technical corrections.

Amends 53A-15-101, 53A-17a-120.5

Effective May 12, 2009

Chapter 321, Laws of Utah 2009

SB 83 **Condemnation Amendments** (*Dennis E. Stowell*)

This bill modifies provisions relating to eminent domain.

This bill:

- ▶ requires a condemnor acquiring property under threat of condemnation to provide a written statement identifying the public use for which the property is acquired;
- ▶ requires a condemnor to offer to sell the acquired property to the condemnee at the acquisition price before the property is put to a use other than the public use for which it was acquired, with exceptions;
- ▶ authorizes a condemnee to accept the offer and purchase the property at the acquisition price if the offer is accepted within a specified time;
- ▶ requires the condemnee to conclude the purchase of acquired property within a reasonable time after accepting the offer;
- ▶ provides that a condemnor has no further obligation to a condemnee with respect to the property if the condemnee fails to accept the offer in the time specified;
- ▶ provides that a condemnor's obligation to offer acquired property to the condemnee terminates once the acquired property is put to the use for which it is acquired;
- ▶ provides that the sale or transfer of acquired property none of which has been put to the use for which it was acquired is considered a use other than the public use for which it was acquired;
- ▶ provides that a condemnee may waive the condemnee's right to purchase acquired property; and
- ▶ clarifies this provision's impact on existing law.

Enacts 78B-6-520.3

Effective May 12, 2009

Chapter 322, Laws of Utah 2009

SB 84 **Impact Fees Revisions** (*Gregory S. Bell*)

This bill modifies provisions related to impact fees.

This bill:

- ▶ modifies the definition of “public safety facility”;
- ▶ repeals obsolete language;
- ▶ shortens from 14 to 10 days the period of time before a public hearing date that a notice of a capital facilities plan or amendment is required to be given;
- ▶ shortens from 14 to 10 days the period of time before adoption of an impact fee enactment that a local political subdivision is required to submit a copy of the written impact fee analysis and applies that time period to a new requirement to obtain a written certification;
- ▶ modifies impact fee reporting requirements;
- ▶ requires a local political subdivision to obtain a written certification from the person or entity that prepares the written impact fee analysis and specifies the content of that certification;
- ▶ shortens from 14 to 10 days the period of time before a public hearing that a local political subdivision and private entity is required to make a copy of the impact fee enactment available and to mail a copy of the enactment; and
- ▶ modifies a provision restricting the imposition of an impact fee to pay for a public safety facility.

This bill coordinates with H.B. 259, Changes to Impact Fees, by technically superseding and merging amendments.

This bill coordinates with H.B. 274, Local Government Fees and Charges, by technically superseding and merging amendments.

Amends 10-5-129, 10-6-150, 11-36-102, 11-36-201, 11-36-202, 11-36-301, 17-36-37, 17B-1-639

Effective May 12, 2009

Chapter 323, Laws of Utah 2009

SB 85 **Homicide Amendments** (*Stephen H. Urquhart*)

This bill modifies the Criminal Code regarding homicide offenses and the related provisions for affirmative defense and special mitigation.

This bill:

- ▶ removes the statutory defense of extreme emotional distress from the aggravated murder and murder statutes, and places it instead in the special mitigation statute, where extreme emotional distress may reduce the level of a homicide offense.

Amends 76-5-202, 76-5-203, 76-5-205.5, 77-14-4, 77-16a-102, 77-16a-301

Effective May 12, 2009

Chapter 206, Laws of Utah 2009

SB 87 **Preferred Drug List Revisions** (*Allen M. Christensen*)

This bill amends the Medical Assistance Act.

This bill:

- ▶ removes the automatic override to the preferred drug list in the state Medicaid program.

Amends 26-18-2.4

Effective May 12, 2009

Chapter 324, Laws of Utah 2009

SB 88 **Administrative Rulemaking Act Amendments** (*Howard A. Stephenson*)

This bill modifies the Utah Administrative Rulemaking Act to require agencies to notify the Administrative Rules Review Committee if the agencies already have a rule in place that meets the requirements of new legislation.

This bill:

- ▶ requires that, when a statute is enacted that requires agency rulemaking and the affected agency already has rules in place that meet the statutory requirement, the agency shall submit the rules to the Administrative Rules Review Committee within 60 days after the statute takes effect.

The original bill was recommended by the Administrative Rules Review Committee

Amends 63G-3-301

Effective May 12, 2009

Chapter 93, Laws of Utah 2009

SB 90 **Metal Theft Amendments and Penalties** (*Jon J. Greiner*)

This bill modifies the Criminal Code provisions regarding transactions involving regulated metals.

This bill:

- ▶ defines wire made of regulated metal as a suspect metal if the wire has been burned;
- ▶ defines a catalytic converter as a suspect metal item; and
- ▶ provides that a defendant is liable for restitution for damages caused during the course of committing or attempting to commit a theft of regulated metal, and that the victim may also bring a civil action for damages.

This bill provides an immediate effective date.

Amends 76-10-901, 76-10-907, 76-10-907.3;

Enacts 76-6-402.5, 76-6-412.5

Effective March 25, 2009

Chapter 325, Laws of Utah 2009

SB 91 **Electronic Communication Harassment Amendment** (*Jon J. Greiner*)

This bill modifies the Criminal Code regarding electronic communication harassment by amending the penalties.

This bill:

- ▶ defines “adult” and “minor”;
- ▶ modifies the penalties for electronic communication harassment:
 - by increasing the penalty for repeat offenses; and
 - by providing a greater penalty if the victim is a minor;
- ▶ clarifies that electronic harassment may create a civil cause of action if the electronic communications are not made for legitimate business purposes; and
- ▶ amends a cross reference.

Amends 31A-21-501, 76-9-201

Effective May 12, 2009

Chapter 326, Laws of Utah 2009

SB 92 **Local Governmental Cooperation in Education Matters** *(Patricia W. Jones)*

This bill modifies provisions regarding local governmental entity and school district cooperation in education matters.

This bill:

- ▶ allows local governmental entities and school districts to contract and cooperate with one another in matters affecting the education of their residents; and
- ▶ allows a representative of county government to participate in local school board discussions.

Amends 53A-3-409

Effective May 12, 2009

Chapter 207, Laws of Utah 2009

SB 93 **Building Authorities** *(Dennis E. Stowell)*

This bill repeals obsolete municipal building authority provisions.

This bill:

- ▶ repeals obsolete provisions relating to municipal building authorities.

Repeals 17A-3-901, 17A-3-902, 17A-3-903, 17A-3-904, 17A-3-905, 17A-3-906, 17A-3-907, 17A-3-908, 17A-3-909, 17A-3-910, 17A-3-911, 17A-3-912, 17A-3-913, 17A-3-914, 17A-3-915, 17A-3-916, 17A-3-917, 17A-3-918

Effective May 12, 2009

Chapter 208, Laws of Utah 2009

SB 94 **Underground Sewer Utilities Facilities Amendments** *(Jon J. Greiner)*

This bill establishes requirements for new and replacement sewer lateral cleanout installations.

This bill:

- ▶ requires an owner's permission before an excavator may access or enter the owner's property or dwelling to locate a sewer lateral;
- ▶ requires an operator or person installing or replacing a sewer lateral cleanout beginning August 1, 2009 to install or replace the lateral so that it can be located;
- ▶ requires sewer operators to maintain records beginning August 1, 2009 identifying the location of new, replaced, or contractor-identified sewer lateral cleanouts;
- ▶ requires sewer operators to provide information pertaining to a sewer lateral cleanout location; and
- ▶ makes technical corrections.

Amends 54-8a-2;

Enacts 54-8a-5.8, 54-8a-10.5

Effective May 12, 2009

Chapter 209, Laws of Utah 2009

SB 95 Mobile Home Park Amendments (*Scott K. Jenkins*)

This bill requires that a lease between a mobile home park and a resident disclose the utilities owned and maintained by the mobile home park.

This bill:

- ▶ requires that a lease between a mobile home park owner and a resident disclose the utilities owned and maintained through service fees charged to the resident by the mobile home park;
- ▶ requires a mobile home park owner to include a full disclosure on a resident's utility bill of the resident's utility charges if the mobile home park uses a single-service meter; and
- ▶ makes technical corrections.

Amends 57-16-4

Effective May 12, 2009

Chapter 94, Laws of Utah 2009

SB 97 Good Samaritan Act for Engineers (*Michael G. Waddoups*)

This bill provides immunity for professional architectural and engineering services voluntarily provided during a declared state of emergency.

This bill:

- ▶ provides immunity from liability for professional architectural and engineering services produced:
 - for a public official on a non-paid, voluntary basis; and
 - during a declared state of emergency.

Enacts 78B-4-514

Effective May 12, 2009

Chapter 327, Laws of Utah 2009

SB 98 Motor Fuel Theft Penalties (*Jon J. Greiner*)

This bill modifies the Criminal Code and the Public Safety Code regarding theft of motor vehicle fuel when a motor vehicle is used in the commission of the offense.

This bill:

- ▶ creates the separate theft offense of theft of motor vehicle fuel from a retail business if the fuel is removed with the intent to deprive the business of the fuel without full payment;
- ▶ provides that, in addition to the penalties for theft in Section 76-6-412, the person's driver license may be suspended for a conviction of theft of motor vehicle fuel for not more than 90 days; and
- ▶ requires that the Driver License Division suspend a person's driver license upon receiving notice from a court that the person has been convicted of a theft offense under Section 76-6-404.7 and the court has ordered suspension of the license.

Amends 53-3-220;

Enacts 76-6-404.7

Effective May 12, 2009

Chapter 328, Laws of Utah 2009

SB 99 Renewable Energy Certificate Revisions (*Curtis S. Bramble*)

This bill clarifies the Public Service Commission (PSC) renewable energy certificate authority.

This bill:

- ▶ clarifies the PSC's renewable energy certificate authority; and
- ▶ makes technical corrections.

Amends 54-17-603

Effective May 12, 2009

Chapter 140, Laws of Utah 2009

SB 100 Financial and Economic Literacy Education Amendments (*Patricia W. Jones*)

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

This bill:

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

This bill takes effect on July 1, 2009.

Amends 53A-13-110

Effective July 1, 2009

Chapter 95, Laws of Utah 2009

SB 102 Share the Road Special Group License Plate (*Wayne L. Niederhauser*)

This bill authorizes a Share the Road Bicycle Support special group license plate.

This bill:

- ▶ creates a Share the Road Bicycle Support special group license plate for bicycle operation and safety awareness programs;
- ▶ requires applicants for a new plate to make a \$25 annual donation for bicycle operation and safety awareness programs;
- ▶ creates the Share the Road Bicycle Support Restricted Account;
- ▶ requires the Department of Transportation to administer and distribute the funds in the Share the Road Bicycle Support Restricted Account;
- ▶ grants the Department of Transportation rulemaking authority to make rules establishing a procedure for certain organizations to apply for funds in the Share the Road Bicycle Support Restricted Account; and
- ▶ makes technical changes.

This bill takes effect on October 1, 2009.

Amends 41-1a-418, 41-1a-422;

Enacts 72-2-126

Effective October 1, 2009

Chapter 380, Laws of Utah 2009

SB 103 Uniform Laws - Uniform Principal and Income Act Amendments *(Lyle W. Hillyard)*

This bill makes updates to the Uniform Principal and Income Act.

This bill:

- ▶ clarifies the allocation of payments to trustees over a fixed number of years;
- ▶ defines what is considered a separate fund;
- ▶ allows for special consideration of trusts which qualify for a marital deduction;
- ▶ specifies where taxes the trustee must pay shall be paid from according to the source of the funds on which the taxes are being paid; and
- ▶ has retroactive effect under specific conditions.

Amends 22-3-409, 22-3-505;

Enacts 22-3-604

Effective May 12, 2009

Chapter 96, Laws of Utah 2009

SB 104 Higher Education Scholarship Program Amendments *(Lyle W. Hillyard)*

This bill makes adjustments to certain higher education scholarship programs.

This bill:

- ▶ beginning with the 2011 high school graduating class, changes the New Century scholarship to a set total amount of \$5,000;
- ▶ adjusts the time period that a student may use the New Century scholarship monies;
- ▶ modifies the institutions at which a student may use a Regents' Scholarship;
- ▶ modifies the time that a student has to complete the requirements for a Regents' Scholarship;
- ▶ modifies the requirements to qualify for a Regents' Scholarship;
- ▶ removes International Baccalaureate provisions related to qualifying for a Regents' Scholarship;
- ▶ modifies provisions related to the Board of Regents' ability to adjust certain scholarship amounts;
- ▶ beginning with the 2011 high school graduating class, changes the Exemplary Academic Achievement Scholarship to a set total amount of \$5,000;
- ▶ adjusts the time period that a student may use the Exemplary Academic Achievement Scholarship monies;
- ▶ removes certain provisions related to a Regents' Diploma Endorsement; and
- ▶ makes technical changes.

Amends 53B-8-105, 53B-8-108, 53B-8-109, 53B-8-110, 53B-8-111

Effective May 12, 2009

Chapter 329, Laws of Utah 2009

SB 105 Engineering and Computer Science Initiative Amendments *(Lyle W. Hillyard)*

This bill makes adjustments to the engineering and computer science initiative.

This bill:

- ▶ modifies duties of the Technology Initiative Advisory Board;
- ▶ changes the engineering, computer science, and related technology student loan program to a scholarship program; and
- ▶ makes technical changes.

Amends 53B-6-105, 53B-6-105.5, 53B-6-105.7

Effective May 12, 2009

Chapter 210, Laws of Utah 2009

SB 107 Communications and Mortgage Fraud Penalty Amendments *(David P. Hinkins)*

This bill modifies the Criminal Code regarding communications fraud.

This bill:

- ▶ modifies the penalties for communications fraud and mortgage fraud by removing the provision regarding obtaining or attempting to obtain something that does not have monetary value.

Amends 76-6-1204, 76-10-1801

Effective May 12, 2009

Chapter 211, Laws of Utah 2009

SB 108 Tax Commission Administration, Collection, and Enforcement Amendments
(Wayne L. Niederhauser)

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

This bill:

- ▶ addresses the administration, collection, and enforcement of certain taxes, fees, and charges by the State Tax Commission;
- ▶ defines terms;
- ▶ addresses penalties and interest on a tax, fee, or charge;
- ▶ addresses the procedure for obtaining a redetermination of a deficiency;
- ▶ addresses general collection procedures by the State Tax Commission;
- ▶ addresses mailing procedures for the State Tax Commission or a person required to mail certain documents to the State Tax Commission;
- ▶ addresses record retention requirements for a person subject to a tax, fee, or charge;
- ▶ enacts provisions related to the assessment, collection, and refund of a tax, fee, or charge, including:
 - providing general collection authority;
 - providing exceptions to the provisions;
 - allowing for the State Tax Commission to make rules establishing collection procedures;
 - addressing notice requirements for the State Tax Commission;
 - providing for an objection to a notice of deficiency;
 - requiring the State Tax Commission to estimate a tax, fee, or charge, if a person fails to file a return;
 - addressing mathematical errors;
 - addressing assessments of a tax, fee, or charge;
 - providing for recomputation of amounts due;
 - addressing actions for the collection of a tax, fee, or charge;
 - addressing the time period for assessing a tax, fee, or charge;
 - addressing credits and refunds;
 - addressing notice and demand for an unpaid liability;
 - addressing notices to a third party relating to a delinquency in the payment of a liability;
 - addressing a lien related to the payment of a liability;

- addressing a notice of a lien;
 - addressing a warrant;
 - addressing a levy for an unpaid liability;
 - addressing a transferee obligated for the payment of a liability of a person that originally owes the liability;
 - addressing burden of proof;
 - addressing statutes of limitations;
 - addressing venue; and
 - addressing miscellaneous provisions;
- ▶ addresses overpayments, credits, and refunds in relation to certain taxes;
 - ▶ addresses State Tax Commission rulemaking authority;
 - ▶ addresses assessments and collections in relation to income taxes;
 - ▶ addresses income tax return filing requirements;
 - ▶ addresses powers and duties of the State Tax Commission;
 - ▶ addresses State Tax Commission collection, administration, and enforcement authority in relation to the emergency services telephone charge to fund the Utah Poison Control Center; and
 - ▶ makes technical changes.

The original bill was recommended by the Utah Tax Review Commission

Amends 10-1-307, 10-1-405, 19-6-410.5, 34A-2-202, 38-12-101, 59-1-101, 59-1-302, 59-1-401, 59-1-501, 59-1-703, 59-6-104, 59-7-519, 59-7-522, 59-10-501, 59-10-505, 59-10-510, 59-10-529, 59-10-531, 59-10-536, 59-10-537, 59-10-539, 59-10-544, 59-11-113, 59-12-104, 59-12-107, 59-12-110, 59-12-110.1, 59-12-111, 59-12-128, 59-12-209, 59-13-209, 59-13-210, 59-13-211, 59-13-312, 59-13-313, 59-13-318, 59-14-205, 62A-11-304.1, 69-2-5.5;

Enacts 59-1-1401, 59-1-1402, 59-1-1403, 59-1-1404, 59-1-1405, 59-1-1406, 59-1-1407, 59-1-1408, 59-1-1409, 59-1-1410, 59-1-1411, 59-1-1412, 59-1-1413, 59-1-1414, 59-1-1415, 59-1-1416, 59-1-1417, 59-1-1418, 59-1-1419;

Repeals 59-1-302.1, 59-1-706, 59-5-105, 59-5-112, 59-5-113, 59-5-205, 59-5-212, 59-5-213, 59-5-214, 59-7-506, 59-7-516, 59-7-517, 59-7-518, 59-7-520, 59-7-521, 59-7-523, 59-7-524, 59-7-525, 59-7-526, 59-7-527, 59-9-106, 59-10-506, 59-10-521, 59-10-523, 59-10-524, 59-10-525, 59-10-526, 59-10-528, 59-10-532, 59-10-533, 59-10-535, 59-10-540, 59-10-542, 59-10-543, 59-12-113, 59-12-114, 59-12-115, 59-13-316, 59-13-317, 59-14-405, 59-15-103, 59-23-6, 59-24-107, 59-25-107, 59-26-107, 59-27-107

Effective May 12, 2009

Chapter 212, Laws of Utah 2009

SB 110 Oil and Gas Limitation of Actions Amendments (*Kevin T. Van Tassell*)

This bill amends a provision establishing a statute of limitations for an action relating to oil or gas development.

This bill:

- ▶ changes the one year statute of limitations for a violation of Title 40, Chapter 6, Board of Oil, Gas, and Mining, to only apply to an action relating to a report or record.

Amends 40-6-12

Effective May 12, 2009

Chapter 330, Laws of Utah 2009

SB 111 Health Care Workforce Financial Assistance Program Amendments (*Gene Davis*)

This bill amends the Utah Health Care Workforce Financial Assistance chapter of the Utah Health Code to include loan repayment assistance to geriatric professionals who practice in an underserved area.

This bill:

- ▶ defines the term, "geriatric professional";
- ▶ provides that the professional education scholarships and loan repayment assistance provided by the Health Care Workforce Financial Assistance Program are to be provided within the funds appropriated by the Legislature for that purpose;
- ▶ provides for loan repayment assistance, within funds appropriated by the Legislature for this purpose, to geriatric professionals who practice in an underserved area;
- ▶ adds two members to the Utah Health Care Workforce Financial Assistance Program Advisory Committee; and
- ▶ makes technical changes.

Amends 26-46-101, 26-46-102, 26-46-103

Effective May 12, 2009

Chapter 97, Laws of Utah 2009

SB 112 Obstruction of Justice Amendment (*Ralph Okerlund*)

This bill modifies the Criminal Code regarding the offense of obstruction of justice.

This bill:

- ▶ includes as obstruction of justice the act of advising a person of the existence of an order for a wiretap, or the pending application for a wiretap.

Amends 76-8-306

Effective May 12, 2009

Chapter 213, Laws of Utah 2009

SB 115 Payment of Mobile Home Park Relocation Expenses (*Wayne L. Niederhauser*)

This bill enacts provisions relating to the authority of counties and municipalities to pay relocation expenses of mobile home park residents displaced by development activities.

This bill:

- ▶ authorizes counties and municipalities to use certain property tax revenues to pay relocation expenses of mobile home park residents displaced by development activities that change the use of the property; and
- ▶ authorizes taxing entities to share certain property tax revenues with counties and municipalities for the purpose of paying those relocation expenses.

Enacts 10-8-1.7, 17-50-327

Effective May 12, 2009

Chapter 98, Laws of Utah 2009

SB 116 Criminal Penalty Amendments (*Daniel R. Liljenquist*)

This bill modifies provisions relating to certain criminal penalty provisions.

This bill:

- ▶ provides that the definition of a conviction, for purposes of certain driving under the influence provisions, only includes convictions arising from a separate episode of driving;
- ▶ clarifies that a person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury, or death as a result of the person's violation of the driving under the influence or automobile homicide provisions whether or not the injuries arise from the same episode of driving;
- ▶ clarifies that a person is guilty of a separate offense for each victim suffering serious bodily injury or death as a result of the person's violation of the prohibition on driving a vehicle in a negligent manner and having a measurable amount of a controlled substance in the person's body whether or not the injuries arise from the same episode of driving; and
- ▶ makes technical changes.

Amends 41-6a-501, 41-6a-503, 58-37-8, 76-5-207

Effective May 12, 2009

Chapter 214, Laws of Utah 2009

SB 117 Advance Health Care Directive Act Amendments (*Allen M. Christensen*)

This bill amends the Advance Health Care Directive Act to expand the list of health care professionals authorized to determine whether an adult lacks health care decision making capacity and to sign a life with dignity order.

This bill:

- ▶ defines terms;
- ▶ authorizes a physician assistant to determine whether an adult lacks health care decision making capacity, if the physician assistant is permitted to make that determination under a delegation of services agreement;
- ▶ provides that a physician assistant may prepare or sign a life with dignity order, if the physician assistant is permitted to prepare or sign the life with dignity order under a delegation of services agreement; and
- ▶ makes technical changes.

Amends 75-2a-103, 75-2a-104, 75-2a-106, 75-2a-109, 75-2a-117

Effective May 12, 2009

Chapter 99, Laws of Utah 2009

SB 118 Parental Responsibility for Juvenile Criminal Gang Offense Costs (*Jon J. Greiner*)

This bill modifies the Juvenile Court Act to increase a parent's financial responsibility for a minor's criminal street gang offense costs.

This bill:

- ▶ requires a parent or guardian who has legal custody of a minor to be liable for damages, including graffiti damages, sustained to property not to exceed \$5,000 in costs when the minor participates in criminal activity that causes property damage and is done:
 - for the benefit of, at the direction of, or in association with any criminal street gang; or
 - to gain recognition, acceptance, membership, or increased status with a criminal street gang.

Amends 78A-6-1113

Effective May 12, 2009

Chapter 331, Laws of Utah 2009

SB 120 Workers' Compensation Act - Medical Reports (*Karen Mayne*)

This bill modifies the Workers' Compensation Act to address the mailing of medical reports.

This bill:

- ▶ removes the requirement that a medical report be mailed by certified mail, return receipt requested;
- ▶ expands the list of persons required to receive a copy of a medical report;
- ▶ modifies time to object to a report; and
- ▶ makes technical changes.

Amends 34A-2-601

Effective May 12, 2009

Chapter 215, Laws of Utah 2009

SB 121 Workers' Compensation - Attorney Fees (*Karen Mayne*)

This bill modifies the Workers' Compensation Act to address the awarding of attorney fees.

This bill:

- ▶ modifies provisions related to the awarding of attorney fees in adjudications involving death or disability benefits and medical benefits;
- ▶ modifies the obligation to participate in informal dispute resolution mechanisms; and
- ▶ makes technical changes.

Amends 34A-1-309

Effective May 12, 2009

Chapter 216, Laws of Utah 2009

SB 122 Uniform State Law - Uniform Unsworn Foreign Declarations Act (*Lyle W. Hillyard*)

This bill enacts a uniform state law on unsworn foreign declarations.

This bill:

- ▶ provides definitions;
- ▶ allows unsworn declarations to be entered into by people who are outside the boundaries of the United States;
- ▶ provides the form unsworn declarations are to take;
- ▶ excludes unsworn declarations under certain circumstances; and
- ▶ defines the relationship between unsworn declarations and the federal Electronic Signatures in Global and National Commerce Act.

Enacts 78B-18-101, 78B-18-102, 78B-18-103, 78B-18-104, 78B-18-105, 78B-18-106, 78B-18-107, 78B-18-108

Effective May 12, 2009

Chapter 100, Laws of Utah 2009

SB 124 Indemnification for Design Professional Services (*Gregory S. Bell*)

This bill forbids certain indemnification provisions in contracts entered into using public funds by a state agency.

This bill:

- ▶ defines “design professional” to include certain architects, engineers, and surveyors;
- ▶ forbids a design professional from indemnifying certain parties to a contract entered into by a state agency;
- ▶ provides exceptions for:
 - a design professional’s negligence, wrongful conduct, or certain other conduct; and
 - indemnification of others under the design professional’s control; and
- ▶ prohibits waiving the indemnification prohibition by contract.

Amends 72-6-107;

Enacts 63A-5-223, 63G-6-603

Effective May 12, 2009

Chapter 217, Laws of Utah 2009

SB 126 State Personnel Management Act Amendments (*Daniel R. Liljenquist*)

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

This bill:

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

This bill provides an immediate effective date.

Amends 67-19-18, 67-19a-408;

Repeals 67-19-17

Effective March 2, 2009

Chapter 9, Laws of Utah 2009

SB 127 Retirement Amendments *(Daniel R. Liljenquist)*

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions related to the retirement systems.

This bill:

- ▶ amends the definition of defined contribution to include deferred compensation plans;
- ▶ allows an employer to pay required retirement contributions to a nonqualified compensation plan administered by the board, if the employer is not participating in a qualified defined contribution plan;
- ▶ allows the retirement system to deduct money that is owed to the retirement system from payments made to beneficiaries;
- ▶ repeals transition language related to eligibility of an enhanced public safety retirement cost-of-living adjustment;
- ▶ provides an application process for employers to participate in the Firefighters Retirement System; and
- ▶ makes technical changes.

Amends 49-11-102, 49-11-504, 49-11-612, 49-14-403, 49-15-403, 49-16-202

Effective May 12, 2009

Chapter 101, Laws of Utah 2009

SB 129 Mental Health Therapist Grant and Scholarship Act Repeal *(Daniel R. Liljenquist)*

This bill repeals the Mental Health Therapist Grant and Scholarship Program, within the Utah Human Services Code.

This bill:

- ▶ repeals the Mental Health Therapist Grant and Scholarship Program.

Repeals 62A-13-101, 62A-13-102, 62A-13-105, 62A-13-106, 62A-13-107, 62A-13-108, 62A-13-109, 62A-13-110

Effective May 12, 2009

Chapter 102, Laws of Utah 2009

SB 131 Law Enforcement Service in Local Districts and Interlocal Entities (*Scott K. Jenkins*)

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

This bill:

- ▶ replaces “extended police protection” with “law enforcement service” in the list of services that a local district may be created to provide;
- ▶ eliminates the requirement to submit the creation of a local district to voters for their approval if the local district is created to provide law enforcement service;
- ▶ requires county and municipal legislative body approval of a property tax imposed by a police local district;
- ▶ requires counties and municipalities participating in a police local district to reduce their certified tax rate to offset a tax levied by the district;
- ▶ modifies who appoints one member of a merit system commission for a first class county in which a police local district or police interlocal entity is created;
- ▶ expands an exception as to how the board of trustees of a service area is to be constituted to include a service area created to provide law enforcement service;
- ▶ modifies a provision relating to the duties of a sheriff in a first class county that enters into an interlocal agreement for law enforcement services and expands it to apply to all counties;
- ▶ requires interlocal agreements between a county and one or more municipalities for law enforcement service to require the service to be provided by or under the direction of the county sheriff;
- ▶ specifies that if a police interlocal entity or police local district enters an interlocal agreement for law enforcement service, the sheriff is not the chief executive officer of any entity created under that agreement, unless the agreement so provides, and that the sheriff provides law enforcement service under that agreement as provided in the agreement;
- ▶ provides that a sheriff is the chief law enforcement officer of a local district or interlocal entity created to provide law enforcement service and is subject to the direction of the local district board or interlocal entity governing body as provided by agreement;
- ▶ limits application of some provisions to districts in counties of the first class;
- ▶ expands certain local district annexation and withdrawal provisions to apply to specified local districts that provide law enforcement service; and
- ▶ repeals a provision relating to a first class county entering an interlocal agreement for law enforcement service.

Amends 10-2-406, 10-2-419, 11-13-202, 17-22-2, 17-30-1, 17-30-3, 17B-1-202, 17B-1-214, 17B-1-416, 17B-1-502, 17B-1-505, 17B-2a-903, 17B-2a-905, 59-2-924.2;

Repeals 17-50-324

Effective May 12, 2009

Chapter 218, Laws of Utah 2009

SB 133 Abuse or Neglect of a Disabled Child (*John L. Valentine*)

This bill amends the Utah Criminal Code relating to Abuse or Neglect of a Disabled Child.

This bill:

- ▶ provides that a caretaker who intentionally, knowingly, or recklessly abuses or neglects a disabled child is guilty of a third degree felony.

Amends 76-5-110

Effective May 12, 2009

Chapter 219, Laws of Utah 2009

SB 134 Transportation Funding Amendments (*Stephen H. Urquhart*)

This bill enacts provisions relating to state and local spending on certain transportation projects.

This bill:

- ▶ prohibits the state, counties, and municipalities from spending project-specific funds allocated through a congressional authorization act for a transportation project that is eligible for funds apportioned to the state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program.

Amends 72-2-112;

Enacts 10-8-2.5, 17-50-327

Effective May 12, 2009

Chapter 332, Laws of Utah 2009

SB 135 Local District Taxing Authority (*Curtis S. Bramble*)

This bill modifies provisions relating to the taxing authority of service areas.

This bill:

- ▶ prohibits service areas that do not have elected boards, as defined, from levying and collecting a property tax, with certain exceptions; and
- ▶ provides a method for service areas to change the board of trustees so that all members are elected.

Amends 17B-2a-905;

Enacts 17B-2a-908

Effective May 12, 2009

Chapter 103, Laws of Utah 2009

SB 136 Diesel-powered Motor Vehicle Emissions Inspection Program Amendments (*Gregory S. Bell*)

This bill modifies the Motor Vehicles Code by amending provisions relating to the diesel-powered motor vehicle emissions opacity inspection and maintenance program.

This bill:

- ▶ provides that an implement of husbandry and a farm truck that has a gross vehicle weight rating of 12,001 pounds or more is exempt from the diesel-powered motor vehicle emissions opacity inspection and maintenance program;
- ▶ provides that a legislative body of a county shall exempt a pickup truck with a gross vehicle weight rating of 12,000 pounds or less from the diesel-powered motor vehicle emissions opacity inspection and maintenance program if the registered owner of the pickup truck provides a signed statement to the legislative body that the pickup truck is used by an owner or operator of a farm on agricultural land exclusively for the purposes of operating the farm;
- ▶ requires the legislative body of a county to issue a certificate of exemption to certain pickup trucks that are used by an owner or operator of a farm; and
- ▶ makes technical changes.

Amends 41-6a-1644

Effective May 12, 2009

Chapter 333, Laws of Utah 2009

SB 137 Physical Therapy Practice Act (*Wayne L. Niederhauser*)

This bill recodifies and amends the Physical Therapist Practice Act.

This bill:

- ▶ defines terms;
- ▶ recodifies the “Physical Therapist Practice Act” as the “Physical Therapy Practice Act”;
- ▶ describes the membership and duties of the Physical Therapy Licensing Board;
- ▶ requires the board to designate a member of the board to assist the division in reviewing and investigating complaints of unlawful or unprofessional conduct;
- ▶ prohibits a person from practicing physical therapy in Utah, unless the person is licensed to practice physical therapy in Utah or is exempt from the requirements of this bill;
- ▶ describes the requirements for licensure as a physical therapist or a physical therapist assistant;
- ▶ describes requirements relating to the term of a license, license renewal, exemption from licensure, and denial of a license;
- ▶ describes the power of the Division of Occupational and Professional Licensing to discipline a license holder and to issue a cease and desist order;
- ▶ describes the practice of physical therapy and the scope of a license for a physical therapist and a physical therapist assistant;
- ▶ describes the function of a physical therapy aide;
- ▶ describes the duties of a physical therapist in relation to patient care and management;
- ▶ describes the circumstances under which a physical therapist may administer certain prescription medications;
- ▶ grants rulemaking authority to the Division of Occupational and Professional Licensing;
- ▶ describes requirements relating to the practice of animal physical therapy;
- ▶ describes unlawful and unprofessional conduct relating to physical therapy;
- ▶ provides for confidentiality and immunity, under certain circumstances, for reporting unlawful or unprofessional conduct;
- ▶ exempts a physical therapist assistant from licensure under the Massage Therapy Practice Act;
- ▶ includes a physical therapist assistant as a health care provider covered under the provisions of the Utah Health Care Malpractice Act; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

Amends 16-11-2, 34A-2-111, 48-2c-1502, 58-28-307, 58-47b-304, 78B-3-403;

Enacts 58-24b-101, 58-24b-102, 58-24b-201, 58-24b-301, 58-24b-302, 58-24b-303, 58-24b-304, 58-24b-305, 58-24b-401, 58-24b-402, 58-24b-403, 58-24b-404, 58-24b-405, 58-24b-501, 58-24b-502, 58-24b-503, 58-24b-504;

Repeals 58-24a-101, 58-24a-102, 58-24a-103, 58-24a-104, 58-24a-105, 58-24a-106, 58-24a-107, 58-24a-108, 58-24a-109, 58-24a-110, 58-24a-111, 58-24a-112, 58-24a-114

Effective July 1, 2009

Chapter 220, Laws of Utah 2009

SB 138 Internal Service Fund Rate Committee Amendments (*John L. Valentine*)

This bill modifies member provisions for the Rate Committees with the Department of Administrative Services and the Department of Human Resource Management.

This bill:

- ▶ specifies that the chair of the rate committee within the Department of Administrative Services may not be from an agency that receives payment of a rate set by the committee;
- ▶ specifies that the chair of the rate committee within the Department of Human Resource Management may not be from an agency that receives payment of a rate set by the committee; and
- ▶ makes technical changes.

Amends 63A-1-114, 67-19-11

Effective May 12, 2009

Chapter 104, Laws of Utah 2009

SB 139 Employer Election Retirement Amendments (*Curtis S. Bramble*)

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

This bill:

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

Amends 49-13-205, 49-14-403, 49-15-403

Effective May 12, 2009

Chapter 221, Laws of Utah 2009

SB 140 Financial Institutions Disclosure of Records (*Margaret Dayton*)

This bill modifies the Financial Institutions Act to address obtaining a record by written permission of account holders.

This bill:

- ▶ defines terms;
- ▶ provides for obtaining a protected record by written permission of account holders; and
- ▶ makes technical and conforming amendments.

Amends 7-1-1001, 7-1-1004, 7-1-1006, 7-1-1007

Effective May 12, 2009

Chapter 381, Laws of Utah 2009

SB 141 Aviation Fuel Tax Amendments (*Wayne L. Niederhauser*)

This bill modifies the Motor and Special Fuel Tax Act by amending provisions relating to aviation fuel tax.

This bill:

- ▶ reduces the aviation fuel tax rate that a federally certificated air carrier pays on aviation fuel purchased at an international airport located within a county of the first class that has a United States customs office on its premises from 4 cents to 2.5 cents on each gallon of aviation fuel;
- ▶ repeals the 1.5 cent per gallon aviation fuel tax refund or credit for federally certificated air carriers on gallons of aviation fuel purchased at an international airport located within a county of the first class that has a United States customs office on its premises; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

Amends 59-13-401, 59-13-402;

Repeals 59-13-404

Effective July 1, 2009

Chapter 222, Laws of Utah 2009

SB 142 Disposition of a Dead Body (*Allen M. Christensen*)

This bill amends provisions of the Utah Vital Statistics Act and the Utah Medical Examiner Act to prohibit a person from rendering a dead body unavailable for postmortem investigation or autopsy, unless the person first obtains a permit from the medical examiner.

This bill:

- ▶ defines terms;
- ▶ makes it a class B misdemeanor to engage in any conduct that makes a dead body unavailable for postmortem investigation, unless, before engaging in that conduct, the person obtains a permit from the medical examiner;
- ▶ states that the provisions and penalties for the crime of “abuse or desecration of a dead human body” supercede the provisions and penalties for the crime described in this bill;
- ▶ enacts provisions relating to the application, granting, and denial of an application for a permit to render a dead body unavailable for postmortem investigation;
- ▶ provides that the medical examiner may charge a fee to recover the costs of fulfilling the duties described in this bill; and
- ▶ makes technical changes.

Amends 26-4-2, 58-9-610;

Enacts 26-2-18.5, 26-4-29

Effective May 12, 2009

Chapter 223, Laws of Utah 2009

SB 143 Sunset Act and Repealers Reauthorizations (*Sheldon L. Killpack*)

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2010 Annual General Session of the Utah Legislature.

This bill:

- ▶ reauthorizes certain named state entities and programs that are scheduled to sunset before the 2010 Annual General Session; and
- ▶ makes technical changes.

This bill coordinates with H.B. 60, Family Preservation Services Amendments, by providing superseding amendments.

Amends 63I-1-219, 63I-1-226, 63I-1-258, 63I-1-261, 63I-1-262, 63I-1-263, 63I-1-278, 63I-2-226

Effective May 12, 2009

Chapter 334, Laws of Utah 2009

SB 145 Public Safety Retirees Death Benefit Revisions (*Jon J. Greiner*)

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

This bill:

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

This bill takes effect on July 1, 2009.

Amends 49-14-504, 49-15-504, 49-17-502, 49-18-502

Effective July 1, 2009

Chapter 224, Laws of Utah 2009

SB 146 Home Schooling Amendments (*Mark B. Madsen*)

This bill modifies procedures for exempting minors who are home schooled from attendance at a public or private school.

This bill:

- ▶ requires a local school board to issue a certificate excusing a minor from attendance within 30 days of receipt of a signed affidavit stating that the minor will attend a home school.

Amends 53A-11-102

Effective May 12, 2009

Chapter 335, Laws of Utah 2009

SB 147 **Driver License Revisions** (*Lyle W. Hillyard*)

This bill modifies the Uniform Driver License Act by amending provisions relating to the suspension or revocation of a driver license.

This bill:

- ▶ provides that the Driver License Division may extend to a person a limited driving privilege to and from the person's place of employment when the person's original denial, suspension, revocation, or disqualification involved certain driving under the influence offenses if:
 - the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;
 - the Driver License Division receives written verification from the person's primary care physician that to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years and that the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and
 - for a period of one year prior to the date of the request for a limited driving privilege the person has not been convicted of a violation of any motor vehicle law in which the person was the operator of the vehicle or the Driver License Division has not received a report of an arrest for a violation of any motor vehicle law or a report of an accident in which the person was involved as an operator of the vehicle;
- ▶ provides that the discretionary privilege authorized is limited to when the limited privilege is necessary for the person to commute to school or work and may be granted only once during certain periods; and
- ▶ makes technical changes.

Amends 53-3-220

Effective May 12, 2009

Chapter 105, Laws of Utah 2009

SB 148 **Low-profit Limited Liability Company Act** (*Lyle W. Hillyard*)

This bill modifies the Utah Revised Limited Liability Company Act to provide for low-profit limited liability companies.

This bill:

- ▶ defines terms;
- ▶ addresses name requirements;
- ▶ creates requirements to be a low-profit limited liability company, including making a statement in the articles of organization;
- ▶ addresses when a low-profit limited liability company ceases to be a low-profit limited liability company;
- ▶ provides for conversions or mergers involving a low-profit limited liability company; and
- ▶ makes technical and conforming amendments.

This bill provides an immediate effective date.

Amends 48-2c-102, 48-2c-106, 48-2c-403, 48-2c-405;

Enacts 48-2c-412, 48-2c-1411

Effective March 23, 2009

Chapter 141, Laws of Utah 2009

SB 150 State Armory Amendments (*Scott K. Jenkins*)

This bill allows the State Armory Board to lease land to Department of Defense agencies for military purposes.

This bill:

- ▶ permits the State Armory Board to lease land that it holds to Department of Defense agencies for military purposes.

Amends 39-2-2

Effective May 12, 2009

Chapter 106, Laws of Utah 2009

SB 152 Legislative Management Powers (*Michael G. Waddoups*)

This bill amends the statutory duties and powers of the Legislative Management Committee.

This bill:

- ▶ provides, in statute, that the Legislative Management Committee has the authority to direct the legislative general counsel in matters involving the Legislature's participation in litigation.

Amends 36-12-7

Effective May 12, 2009

Chapter 107, Laws of Utah 2009

SB 153 County and Municipal Land Use Amendments (*Mark B. Madsen*)

This bill modifies county and municipal land use provisions.

This bill:

- ▶ prohibits counties and municipalities from requiring, as a condition of land use application approval, a person to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application;
- ▶ prohibits counties and municipalities from charging fees that exceed applicable costs; and
- ▶ requires counties and municipalities, on request, to itemize and show the basis of fees they impose.

Amends 10-9a-509, 10-9a-510, 17-27a-508, 17-27a-509

Effective May 12, 2009

Chapter 225, Laws of Utah 2009

SB 155 Adoption Exception to Custody and Visitation for Persons Other than Parents
(*Lyle W. Hillyard*)

This bill prohibits the "Custody and Visitation for Persons Other than Parents Act" from being used to seek or obtain custody or visitation of a child that has been adopted.

This bill:

- ▶ prohibits the "Custody and Visitation for Persons Other than Parents Act" from being used to seek or obtain custody of, or visitation with, a child who has been relinquished for adoption, or adopted pursuant to an order of the court.

Enacts 30-5a-104

Effective May 12, 2009

Chapter 108, Laws of Utah 2009

SB 156 **Gifts and Meal Provisions for Public Officials** (*Gregory S. Bell*)

This bill addresses the provision and reporting of gifts and meals to public officials.

This bill:

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

Amends 36-11-102, 36-11-201, 36-11-304

Effective May 12, 2009

Chapter 109, Laws of Utah 2009

SB 157 **Property Taxation and Registration of Aircraft** (*Mark B. Madsen*)

This bill amends provisions in the Property Tax Act and the Uniform Aeronautical Regulatory Act related to the taxation and registration of certain charter aircraft.

This bill:

- ▶ provides that, for purposes of property taxation of an air charter service, operating property does not include an aircraft that is used by the air charter service for air charter and is owned by a person other than the air charter service;
- ▶ reduces the registration fee for an aircraft used by an air charter service for air charter from .4% to .25% of the average wholesale value of the aircraft; and
- ▶ makes technical changes.

This bill provides retrospective operation for a taxable year beginning on or after January 1, 2009.

Amends 59-2-201, 72-10-110

Effective May 12, 2009

Chapter 226, Laws of Utah 2009

SB 158 **Child Support - Cash Medical Support** (*Gregory S. Bell*)

This bill defines the term “cash medical support” as an obligation to equally share all reasonable and necessary medical and dental expenses of children and requires the court and the Office of Recovery Services to provide cash medical support provisions in child support orders.

This bill:

- ▶ requires the court to include a cash medical support provision in its child support orders; and
- ▶ requires the Office of Recovery Services to include a provision assigning responsibility for cash medical support in its orders.

Amends 62A-11-103, 62A-11-326, 78B-12-102, 78B-12-212

Effective May 12, 2009

Chapter 142, Laws of Utah 2009

SB 160 Utah Venture Capital Enhancement Act Amendments (*Scott K. Jenkins*)

This bill amends provisions of the Utah Venture Capital Enhancement Act related to the amount of contingent tax credits that could be redeemed in any fiscal year.

This bill:

- ▶ provides that the Utah Capital Investment Board may issue contingent tax credits in a manner that would allow for the redemption of not more than \$20,000,000 for each increment of \$100,000,000 of outstanding certificates in any fiscal year; and
- ▶ makes certain technical changes.

Amends 63M-1-1218

Effective May 12, 2009

Chapter 143, Laws of Utah 2009

SB 161 Repeal of Maximum Charge to Publish Legal Notice (*Kevin T. Van Tassell*)

This bill amends the maximum charge to publish a legal notice in a fourth or fifth class city.

This bill:

- ▶ amends the maximum charge to publish a legal notice in a fourth or fifth class city; and
- ▶ makes technical corrections.

Amends 45-1-2

Effective May 12, 2009

Chapter 144, Laws of Utah 2009

SB 162 Use of Campaign Funds Amendments (*John L. Valentine*)

This bill prohibits the use of campaign and officeholder funds for a purpose that would result in the funds' recognition as taxable income under federal tax law.

This bill:

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

Amends 20A-11-201, 20A-11-301, 20A-11-402, 20A-11-1301

Effective May 12, 2009

Chapter 227, Laws of Utah 2009

SB 163 Construction Trade Exemption (*Stephen H. Urquhart*)

This bill modifies the exemptions from licensure provision of the Utah Construction Trades Licensing Act regarding electrical and plumbing work done on building projects with a value of less than \$3,000.

This bill:

- ▶ provides that electrical and plumbing work done within a six month period on a building project with a value of less than \$3,000 must be done by a licensed electrical or plumbing contractor if the project involves an electrical or plumbing system; and
- ▶ provides that the electrical or plumbing work may be done by a licensed journeyman electrician or plumber if the project involves a component of an electrical or plumbing system such as a faucet, toilet, fixture, device, outlet, or electrical switch.

Amends 58-55-305

Effective May 12, 2009

Chapter 228, Laws of Utah 2009

SB 165 Statute of Limitation Revisions (*Mark B. Madsen*)

This bill amends the statute of limitations for fraud or breach of fiduciary obligation.

This bill:

- ▶ requires that if the statute of limitation for a prosecution of fraud or breach of fiduciary obligation has expired it may begin to run again when a report of the offense is made to a law enforcement agency and the prosecution of the offense is commenced within one year of the report.

Amends 76-1-303

Effective May 12, 2009

Chapter 145, Laws of Utah 2009

SB 167 Amendments to Uniform Debt-management Services Act (*Lyle W. Hillyard*)

This bill amends the Uniform Debt-Management Services Act.

This bill:

- ▶ amends the insurance requirements for a debt-management services provider;
- ▶ amends the advertising requirements for a debt-management services provider; and
- ▶ makes technical corrections.

Amends 13-42-105, 13-42-111, 13-42-114, 13-42-117, 13-42-118, 13-42-119, 13-42-120, 13-42-122, 13-42-123, 13-42-128, 13-42-130

Effective May 12, 2009

Chapter 229, Laws of Utah 2009

SB 169 Gambling Amendments (*Daniel R. Liljenquist*)

This bill modifies the Criminal Code regarding gambling offenses.

This bill:

- ▶ includes the offense of “fringe gambling” as a criminal gambling offense; and
- ▶ provides definitions.

This bill takes effect on April 1, 2010.

Amends 76-10-1101

Effective April 1, 2010

Chapter 382, Laws of Utah 2009

SB 170 **Judiciary Amendments** (*Lyle W. Hillyard*)

This bill makes technical amendments to the Judiciary's areas of responsibility within the code.

This bill:

- ▶ adds the crime of domestic violence to the list of offenses ineligible for diversion;
- ▶ clarifies when justice court judges will stand for retention election;
- ▶ requires courts to transmit certain orders to law enforcement agencies electronically;
- ▶ removes references to a pilot program that has been repealed;
- ▶ repeals the statute on admissibility of out of court statements of child sexual abuse victims because it is covered by court rule; and
- ▶ makes technical cross-reference changes.

Amends 30-3-11.3, 77-2-9, 78A-2-309, 78A-6-103, 78A-6-115, 78A-7-202, 78A-7-203, 78B-2-201, 78B-2-211, 78B-3-106, 78B-3-413, 78B-3-502, 78B-4-102, 78B-6-802, 78B-6-901, 78B-7-106, 78B-7-205;

Repeals 76-5-411

Effective May 12, 2009

Chapter 146, Laws of Utah 2009

SB 171 **Municipal Annexation Amendments** (*Scott K. Jenkins*)

This bill modifies provisions relating to municipal annexation.

This bill:

- ▶ modifies the definition of "affected entity," which includes those entities that, among other things, are entitled to protest a proposed annexation, so that:
 - counties of the third, fourth, fifth, and sixth class are not included unless the area proposed for annexation includes residents or commercial or industrial development; and
 - school districts are included only if their boundary is proposed to be adjusted as a result of the annexation;
- ▶ adds a definition of "unincorporated peninsula";
- ▶ modifies a provision requiring the owner's signature on an annexation petition if only part of the parcel is proposed to be included in an annexation to specify that property with multiple parcel numbers but owned by the same owner is considered to be a single parcel; and
- ▶ provides that a municipality may annex an area without a property owner annexation petition if the area is an unincorporated island or peninsula of 50 acres or less and the municipality and county agree the area should be annexed.

Amends 10-2-401, 10-2-402, 10-2-413, 10-2-418

Effective May 12, 2009

Chapter 230, Laws of Utah 2009

SB 172 **Underinsured Motorist Coverage Amendments** (*Stephen H. Urquhart*)

This bill modifies the Insurance Code by amending provisions relating to underinsured motorist coverage.

This bill:

- ▶ repeals the requirement that the Insurance Department specify the manner of notification for a notification to the underinsured motorist coverage carrier that all liability insurers have tendered their liability policy limits; and
- ▶ makes technical changes.

Amends 31A-22-305.3

Effective May 12, 2009

Chapter 231, Laws of Utah 2009

SB 173 Emotional Support Animals and Psychiatric Therapy Animals (*Margaret Dayton*)

This bill removes provisions of the Utah Code relating to emotional support animals and psychiatric therapy animals.

This bill:

- ▶ deletes definitions relating to emotional support animals and psychiatric therapy animals;
- ▶ removes emotional support animals and psychiatric therapy animals from the definition of service animals;
- ▶ removes provisions relating to a mental health therapist being accompanied by a psychiatric therapy animal; and
- ▶ makes technical changes.

Amends 62A-5b-102, 62A-5b-104, 76-9-307, 78B-3-701

Effective May 12, 2009

Chapter 110, Laws of Utah 2009

SB 176 Civil Fees in Small Claims Courts Amendments (*Jon J. Greiner*)

This bill increases the small claims court's jurisdictional amounts and filing fees.

This bill:

- ▶ increases the jurisdictional amount for small claims court to \$10,000;
- ▶ increases the filing fee for a small claims affidavit from \$45 to \$60 if the claim, exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- ▶ increases the filing fee for a small claims affidavit from \$70 to \$100 if the claim, exclusive of court costs, interest, and attorney fees is between \$2,000 and \$7,500;
- ▶ establishes the filing fee for a small claims affidavit at \$185 if the claim is between \$7,500 and \$10,000;
- ▶ increases the filing fee for a small claims counter affidavit from \$35 to \$50 if the claim, exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- ▶ increases the filing fee for a small claims counter affidavit from \$50 to \$70 if the claim, exclusive of court costs, interest, and attorney fees is between \$2,000 and \$7,500; and
- ▶ establishes the filing fee for a small claims counter affidavit at \$120 if the claim, exclusive of court costs, interest, and attorney fees is between \$7,500 and \$10,000.

Amends 78A-2-301, 78A-8-102

Effective May 12, 2009

Chapter 147, Laws of Utah 2009

SB 180 Expungement of Division of Child and Family Services Records (*Lyle W. Hillyard*)

This bill provides that a person may petition the court for the expungement of records in custody of state agencies that are related to the person's juvenile court records.

This bill:

- ▶ clarifies that records under the control of state agencies may be expunged.

Amends 78A-6-1105

Effective May 12, 2009

Chapter 148, Laws of Utah 2009

SB 182 Criminal Restitution Amendments (*Curtis S. Bramble*)

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

This bill:

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

Amends 77-38a-401

Effective May 12, 2009

Chapter 111, Laws of Utah 2009

SB 183 Violation of Protective Order (*Scott D. McCoy*)

This bill creates a basis for dismissing a protective order if a petitioner acts in contravention of the protective order provisions.

This bill:

- ▶ provides a respondent the basis for dismissing the protective order if a petitioner repeatedly acts in contravention of the protective order provisions; and
- ▶ requires the court approved forms for all protective orders to contain a notice to petitioner that acting in contravention of the protective order provisions may be grounds for amending or dismissing the protective order.

Amends 78B-7-105, 78B-7-115

Effective May 12, 2009

Chapter 232, Laws of Utah 2009

SB 184 Civil Filing Fees (*Gregory S. Bell*)

This bill increases several civil fees of the courts of record.

This bill:

- ▶ increases several civil filing fees of courts of record.

Amends 78A-2-301

Effective May 12, 2009

Chapter 149, Laws of Utah 2009

SB 185 Federal Education Agreement Requirements Amendments (*Margaret Dayton*)

This bill makes adjustments to provisions requiring gubernatorial and legislative approval for certain federal education agreements that implement federal programs.

This bill:

- ▶ defines terms;
- ▶ changes monetary limits requiring gubernatorial or legislative approval; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 53A-1-902, 53A-1-905, 53A-1-906, 53A-1-907, 53A-1-908

Effective March 20, 2009

Chapter 112, Laws of Utah 2009

SB 186 Amendments to State Tax Commission Penalty Provisions (*Howard A. Stephenson*)

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

This bill:

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

This bill provides an immediate effective date.

This bill has retrospective operation to January 1, 2009.

This bill coordinates with S.B. 108, Tax Commission Administration, Collection, and Enforcement Amendments, by providing substantive and technical amendments.

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

Effective March 25, 2009

Chapter 336, Laws of Utah 2009

SB 187 Alcohol Amendments (*John L. Valentine*)

This bill modifies the Alcoholic Beverage Control Act.

This bill:

- ▶ amends definitional provisions;
- ▶ removes requirements related to state labels and markings;
- ▶ prohibits tampering with a package of an alcoholic beverage;
- ▶ addresses the nature of an adjudicative proceeding as a civil action including the burden of proof and the general applicability of mens rea requirements;
- ▶ makes procedural clarifications for administrative actions;
- ▶ provides for electronic verification of proof of age by certain club licensees;
- ▶ removes restrictions related to election days;
- ▶ addresses quotas;
- ▶ addresses proximity for a restaurant liquor or limited restaurant license;
- ▶ addresses dispensing, storage, and bar structures for a restaurant;
- ▶ changes the insurance and liability limits related to dramshop;
- ▶ modifies the definition of a "convention center" and provides for limited grandfathering;
- ▶ creates a resort license including:
 - defining terms;
 - providing for licensing, including the creation of sublicenses;
 - establishing a resort spa sublicense;

- imposing operational requirements for a resort license;
 - addressing the application of operational requirements to a sublicense;
 - providing for enforcement with relation to a resort license or a sublicense;
 - addressing the application of the Nuisance Licensee Act to a resort license or sublicense;
 - providing for the enforcement of criminal penalties; and
 - expanding protections for employees to encompass employees of a resort licensee;
- ▶ establishes requirements for renting or leasing a club license premises;
 - ▶ clarifies the application of criminal procedures, principles, and penalties;
 - ▶ addresses training requirements for law enforcement officers;
 - ▶ expands licenses subject to protections for employees who exercise judgment;
 - ▶ provides for a study of penalties related to minors and dramshop insurance; and
 - ▶ makes technical and conforming changes.

This bill provides revisor instructions.

Amends 11-10-1, 26-38-2, 26-38-3, 32A-1-105, 32A-1-107, 32A-1-109, 32A-1-115, 32A-1-119, 32A-1-119.5, 32A-1-603, 32A-2-103, 32A-3-106, 32A-4-101, 32A-4-102, 32A-4-106, 32A-4-202, 32A-4-302, 32A-4-303, 32A-4-307, 32A-4-401, 32A-4-402, 32A-5-101, 32A-5-102, 32A-5-103 (Effective 07/01/09), 32A-5-104, 32A-5-106, 32A-5-107, 32A-9-103, 32A-10-201, 32A-10-202, 32A-12-101, 32A-12-102, 32A-12-104, 32A-12-209.5, 32A-12-212, 32A-12-213, 32A-12-219, 32A-12-222, 32A-12-301, 32A-14a-102, 32A-14a-103, 53-10-305;

Enacts 32A-1-304.5, 32A-4a-101, 32A-4a-102, 32A-4a-201, 32A-4a-202, 32A-4a-203, 32A-4a-204, 32A-4a-205, 32A-4a-301, 32A-4a-302, 32A-4a-303, 32A-4a-304, 32A-4a-305, 32A-4a-401, 32A-4a-402, 32A-4a-501, 32A-4a-502, 32A-4a-503, 32A-5-109;

Repeals 32A-12-218

Effective May 12, 2009

Chapter 383, Laws of Utah 2009

SB 188 Improvement District - Providing Electric Service (*Dennis E. Stowell*)

This bill modifies a provision relating to improvement districts that provide electric service.

This bill:

- ▶ authorizes an electric improvement district created after May 11, 2009 to provide electric service to a specified area if certain conditions are met; and
- ▶ makes technical changes.

Amends 17B-2a-406

Effective May 12, 2009

Chapter 384, Laws of Utah 2009

SB 189 Amendments to Sales and Use Tax (*Wayne L. Niederhauser*)

This bill amends the Sales and Use Tax Act and related provisions to address transactions that are subject to taxation or exempt from taxation and to address sales and use tax funding for the Qualified Emergency Food Agencies Fund.

This bill:

- ▶ modifies the sales and use tax funding sources for the Qualified Emergency Food Agencies Fund;
- ▶ repeals a defined term;
- ▶ reduces the amount of state sales and use tax to be deposited into the Qualified Emergency Food Agencies Fund;
- ▶ provides that the State Tax Commission shall calculate and retain a portion of the following taxes and deposit the amount retained into the Qualified Emergency Food Agencies Fund:
 - the tax under Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act; and
 - the tax under Title 59, Chapter 12, Part 11, County Option Sales and Use Tax;
- ▶ modifies a sales and use tax exemption relating to a commercial airline carrier;
- ▶ provides that the tax under Title 59, Chapter 12, Part 20, Supplemental State Sales and Use Tax Act, is imposed on the same transactions as the state sales and use tax:
 - except for food and food ingredients under certain circumstances; and
 - including sales of gas, electricity, heat, coal, fuel oil, or other fuels for residential use; and
- ▶ makes technical changes.

This bill provides effective dates.

This bill provides for retrospective operation.

Amends 9-4-1409, 59-12-103, 59-12-104, 59-12-204, 59-12-1102, 59-12-2003

Effective March 30, 2009

Chapter 385, Laws of Utah 2009

SB 190 Acquisition of a Billboard by Eminent Domain (*Wayne L. Niederhauser*)

This bill modifies provisions relating to county and municipal acquisition of a billboard by eminent domain.

This bill:

- ▶ modifies a provision relating to the authority of a billboard owner who is structurally modifying, upgrading, or relocating a billboard;
- ▶ provides that a county or municipality is considered to have initiated the acquisition of a billboard structure if the county or municipality prevents a billboard owner from making modifications, as the billboard owner determines, to a billboard that is modified, upgraded, or relocated;
- ▶ requires counties and municipalities considered to have initiated the acquisition of a billboard by eminent domain to pay just compensation; and
- ▶ defines the just compensation that counties and municipalities are required to pay.

Amends 10-9a-513, 17-27a-512

Effective May 12, 2009

Chapter 233, Laws of Utah 2009

SB 192 Corporation and Business Entity Related Amendments (*Lyle W. Hillyard*)

This bill modifies provisions related to business entities to address corporations and nonprofit corporations.

This bill:

- ▶ modifies definitions;
- ▶ addresses voting by boards of directors of nonprofit corporations;
- ▶ addresses liability of directors of nonprofit corporations;
- ▶ establishes the effect of conversions between corporations and nonprofit corporations;
- ▶ addresses authorized distributions;
- ▶ addresses conversions between limited liability companies and nonprofit corporations;
- ▶ addresses affect of administrative dissolutions of nonprofit corporations, corporations, and limited liability companies;
- ▶ modifies signature requirement for annual reports of limited liability companies; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 16-6a-102, 16-6a-816, 16-6a-823, 16-6a-1008, 16-6a-1302, 16-6a-1411, 16-6a-1412, 16-6a-1413, 16-6a-1516, 16-10a-1008.5, 16-10a-1421, 16-10a-1422, 16-10a-1423, 16-10a-1531, 31A-5-101, 31A-9-101, 42-2-6.6, 48-2c-203, 48-2c-1207, 48-2c-1208, 48-2c-1209, 48-2c-1401, 48-2c-1613

Effective March 30, 2009

Chapter 386, Laws of Utah 2009

SB 193 Salvage Vehicles Amendments (*Stephen H. Urquhart*)

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions relating to salvage vehicles.

This bill:

- ▶ provides that a person may offer for sale, sell, or exchange a vehicle with a salvage certificate at or through a motor vehicle auction to:
 - an out-of-state or out-of-country purchaser that is authorized to do business in the domestic or foreign jurisdiction in which the person is domiciled or registered to do business; and
 - an in-state purchaser that is registered to do business in Utah and has a Utah sales and use tax license;
- ▶ provides that an operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with salvage certificates at or through a motor vehicle auction in any 12 month period to an in-state purchaser that does not have a salvage vehicle buyer license;
- ▶ authorizes the Tax Commission to impose an administrative entrance fee not to exceed \$10 on certain persons that enter a motor vehicle auction for certain purposes;
- ▶ provides that a purchaser of a vehicle with a salvage certificate shall title the vehicle within 15 days of the purchase if the purchaser does not have a salvage vehicle buyer license;
- ▶ provides that an operator of a motor vehicle auction may not offer for sale, sell, or exchange additional vehicles with a salvage certificate to a purchaser if notified that the purchaser has not titled previously purchased vehicles with a salvage certificate;
- ▶ requires an operator of a motor vehicle auction to:
 - keep a record of the sale of each salvage vehicle;
 - retain the record of the sale of each salvage vehicle for five years and make it available for inspection by the Motor Vehicle Enforcement Division; and
 - stamp "For Export Only" on the vehicle title if the buyer is an out-of-country buyer;
- ▶ provides that a person who violates the requirement to title a vehicle with a salvage certificate within 15 days of purchasing the vehicle at a motor vehicle auction is guilty of a class C misdemeanor;
- ▶ provides that a person who violates the requirement to title a vehicle with a salvage certificate within 15 days of purchasing the vehicle at a motor vehicle auction is subject to certain civil penalties; and
- ▶ makes technical changes.

Amends 41-3-201, 41-3-201.7, 41-3-701, 41-3-702

Effective May 12, 2009

Chapter 234, Laws of Utah 2009

SB 201 General Obligation Bond Authorization Amendments (*Wayne L. Niederhauser*)

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

This bill:

- ▶ makes technical changes;
- ▶ modifies the bonding code by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for capital facilities;
- ▶ specifies the use of the general obligation bond proceeds and the manner of issuance; and
- ▶ provides expressions of legislative intent.

This bill provides an immediate effective date.

Amends 63B-17-201;

Enacts 63B-18-102

Effective March 23, 2009

Chapter 150, Laws of Utah 2009

SB 202 Drug Offender Reform Act Amendments (*Lyle W. Hillyard*)

This bill modifies provisions regarding the Utah Substance Abuse and Anti-Violence Coordinating Council and the Code of Criminal Procedure regarding substance abuse screening, assessment, treatment, and supervision for felony offenders.

This bill:

- ▶ requires the Utah Substance Abuse and Anti-Violence Coordinating Council to coordinate the implementation of provisions of the Drug Offender Reform Act in specified areas as funding allows;
- ▶ provides that the Utah Substance Abuse and Anti-Violence Coordinating Council is to designate which local substance abuse authorities are to receive funding to implement the Drug Offender Reform Act;
- ▶ provides that on and after July 1, 2009, offenders who are convicted of a felony offense in courts located within the designated local substance abuse authority areas shall participate in a substance abuse screening as funding allows, may participate in an assessment if indicated, and may also participate in substance abuse treatment if indicated;
- ▶ deletes the provisions requiring screening and assessment prior to parole; and
- ▶ requires annual progress reports to the Legislature regarding the implementation, impact, and results of the Drug Offender Reform Act.

This bill takes effect on July 1, 2009.

Amends 63M-7-303, 63M-7-305, 77-18-1.1, 77-27-9

Effective July 1, 2009

Chapter 337, Laws of Utah 2009

SB 205 Community Development and Renewal Agency Amendments (*Curtis S. Bramble*)

This bill modifies provisions relating to community development and renewal agencies.

This bill:

- ▶ modifies the definitions of “base taxable value,” “inactive airport site,” “inactive industrial site,” and “project area budget”;
- ▶ authorizes an agency created by a county to undertake urban renewal, economic development, or community development within a town under certain circumstances;
- ▶ modifies a provision relating to a public entity’s assistance or cooperation in urban renewal, economic development, or community development;
- ▶ modifies a provision relating to a resolution or interlocal agreement authorizing an agency to be paid tax increment or sales tax revenue;
- ▶ requires the taxing entity committee to adopt an organizing resolution at its first meeting;
- ▶ modifies the amount of tax increment to be paid under an urban renewal project area plan for an inactive airport site;
- ▶ requires the applicable project area budget, resolution, or interlocal agreement to specify limits on the amount of tax increment and sales tax revenue that an agency will be paid and prohibits an agency from being paid more tax increment or sales tax than specified, unless otherwise agreed;
- ▶ prohibits an agency from using tax increment to pay for bonds or other obligations for financing a telecommunications facility;
- ▶ modifies a provision relating to funds for income targeted housing;
- ▶ imposes obligations on an agency that uses tax increment to pay for communication infrastructure or a communication facility;
- ▶ extends from 30 to 90 days the period of time within which an agency is required to file a copy of its annual budget after adopting the budget;
- ▶ narrows application of a provision requiring an agency to allocate tax increment funds for housing to economic development project area budgets adopted before the effective date of this bill; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

This bill provides revisor instructions.

Amends 17C-1-102, 17C-1-204, 17C-1-207, 17C-1-401, 17C-1-402, 17C-1-405, 17C-1-407, 17C-1-409, 17C-1-411, 17C-1-412, 17C-1-601, 17C-2-110, 17C-2-201, 17C-3-109, 17C-3-201, 17C-3-202, 17C-3-203, 17C-4-201, 17C-4-202, 17C-4-203;

Enacts 17C-1-415

Effective March 30, 2009

Chapter 387, Laws of Utah 2009

SB 208 Utah Public Notice Website Amendments (*Stephen H. Urquhart*)

This bill amends provisions of the Utah Code to allow posting of legal notices on a website.

This bill:

- ▶ amends provisions of the Utah Code to allow posting of legal notices on a website; and
- ▶ makes technical corrections.

This bill coordinates with H.B. 67, Public Hearings on Property Tax Increases by providing substantive and technical changes.

This bill coordinates with S.B. 65, Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions, by providing substantive, superseding, and technical changes.

This bill coordinates with S.B. 73, Unincorporated Areas Amendments, by providing substantive and technical changes

This bill coordinates with S.B. 209, Land Use, Development, and Management Act Amendments, providing substantive and technical changes.

Amends 3-1-7, 4-17-7, 4-30-5, 6-1-5, 7-1-704, 7-1-706, 7-1-709, 7-2-6, 7-7-10, 8-5-6, 9-3-409, 9-8-805, 10-2-108, 10-2-111, 10-2-114, 10-2-115, 10-2-116, 10-2-125, 10-2-406, 10-2-407, 10-2-415, 10-2-418, 10-2-419, 10-2-501, 10-2-502.5, 10-2-607, 10-2-703, 10-2-708, 10-3-818, 10-5-108, 10-6-113, 10-6-152, 10-7-16, 10-7-19, 10-8-2, 10-9a-204, 10-9a-205, 10-9a-208, 10-18-203, 10-18-302, 10-18-303, 11-13-219, 11-14-202, 11-14-315, 11-14-316, 11-14-318, 11-14a-1, 11-17-16, 11-27-4, 11-27-5, 11-30-5, 11-32-10, 11-32-11, 11-39-103, 11-42-202, 11-42-301, 11-42-402, 11-42-404, 11-42-604, 13-31-302, 13-44-202, 16-4-206, 16-4-303, 16-4-312, 16-6a-103, 16-6a-704, 16-6a-814, 16-6a-1407, 16-10a-103, 16-10a-1407, 16-16-1209, 17-27a-204, 17-27a-205, 17-27a-208, 17-27a-306, 17-27a-404, 17-30-6, 17-36-12, 17-36-25, 17-36-26, 17-36-40, 17-41-302, 17-41-304, 17-41-405, 17-52-101, 17-53-208, 17A-3-914, 17A-3-915, 17B-1-211, 17B-1-304, 17B-1-306, 17B-1-313, 17B-1-413, 17B-1-417, 17B-1-512, 17B-1-609, 17B-1-643, 17B-1-1204, 17B-1-1307, 17C-1-601, 17C-2-108, 17C-2-403, 17C-3-107, 17C-3-303, 17C-4-106, 17C-4-202, 17C-4-302, 17D-1-205, 17D-2-601, 17D-3-305, 19-2-109, 19-5-110, 19-6-712, 20A-3-201, 20A-3-603, 20A-3-604, 20A-5-101, 20A-5-405, 20A-7-204.1, 20A-9-203, 23-21-1.5, 24-1-4, 26-8a-405.3, 26-8a-406, 26-19-6, 31A-2-303, 31A-27a-406, 38-2-3.2, 38-8-3, 38-13-204, 39-1-15, 40-6-10, 40-8-8, 40-8-10, 40-8-13, 40-10-13, 40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09), 40-10-27, 41-1a-1103, 47-2-4, 48-2c-1306, 52-4-202, 53A-3-202, 53A-3-402, 53A-18-104, 53A-19-102, 53A-19-104, 53B-3-107, 53B-7-101.5, 54-4-27, 54-7-17, 54-8-10, 54-8-16, 54-8-23, 57-1-25, 57-11-11, 59-2-918, 59-2-919, 59-2-924, 59-2-926, 59-2-1303, 59-2-1309, 59-2-1310, 59-2-1332, 59-2-1332.5, 59-2-1351, 59-12-402, 59-12-1001, 59-12-1102, 63B-1-317, 63B-1a-501, 63B-2-116, 63B-2-216, 63B-3-116, 63B-3-216, 63B-4-116, 63B-5-116, 63B-6-116, 63B-6-216, 63B-6-416, 63B-7-116, 63B-7-216, 63B-7-416, 63B-8-116, 63B-8-216, 63B-8-416, 63B-10-116, 63B-11-116, 63B-11-216, 63B-11-316, 63B-11-516, 63C-7-306, 63G-6-401, 63G-9-303, 63H-1-403, 63H-1-701, 63H-1-801, 67-4a-402, 67-4a-403, 72-3-108, 72-5-105, 72-6-108, 73-1-4, 73-1-16, 73-3-6, 73-3-12, 73-3a-107, 73-4-3, 73-4-4, 73-4-9, 73-5-14, 73-5-15, 73-6-2, 75-1-401, 75-3-801, 75-7-508, 76-8-809, 76-10-530, 77-24a-5, 78A-6-109, 78B-5-613;

Enacts 45-1-101;

Renumbers and Amends 45-1-1 to 45-1-201, 45-1-2 to 45-1-202, 45-1-4 to 45-1-301, 45-1-5 to 45-1-302, 45-1-6 to 45-1-303, 45-1-7 to 45-1-304

Effective May 12, 2009

Chapter 388, Laws of Utah 2009

SB 209 Land Use, Development, and Management Act Amendments *(Gregory S. Bell)*

This bill modifies county and municipal land use provisions.

This bill:

- ▶ modifies county and municipal provisions relating to the notice required for a proposed subdivision or an amendment to a subdivision and makes them apply to amendments only;
- ▶ modifies county and municipal provisions relating to a hearing and notice requirement for a proposal to vacate, alter, or amend a public street or right-of-way to:
 - make the provisions apply to a proposal to vacate some or all of a public street, right-of-way, or easement;
 - replace the land use authority with the legislative body as the body responsible to hold a public hearing and provide notice; and
 - modify the notice that is required;
- ▶ eliminates the requirement for a planning commission recommendation on a subdivision plat in certain circumstances when the planning commission is not the land use authority;
- ▶ provides exceptions to a prohibition against separate ownership or conveyance of a parcel designated as a common or community area;
- ▶ modifies county and municipal provisions relating to the vacation, alteration, or amendment of a subdivision plat;
- ▶ modifies the basis upon which a land use authority may approve the vacation, alteration, or amendment of a plat;
- ▶ modifies county and municipal provisions relating to the vacation or alteration of a public street or right-of-way;
- ▶ repeals a redundant provision; and
- ▶ makes technical changes.

Amends 10-9a-207, 10-9a-208, 10-9a-604, 10-9a-606, 10-9a-608, 10-9a-609, 10-9a-609.5, 17-27a-207, 17-27a-208, 17-27a-604, 17-27a-606, 17-27a-608, 17-27a-609, 17-27a-609.5;

Repeals 10-8-8.5

Effective May 12, 2009

Chapter 338, Laws of Utah 2009

SB 210 Amendments to Property Tax *(Curtis S. Bramble)*

This bill amends provisions in the Property Tax Act related to the fair market value assessment of aircraft.

This bill:

- ▶ provides a method for determining the fair market value of centrally assessed aircraft; and
- ▶ makes technical changes.

This bill has retrospective operation for a taxable year beginning on or after January 1, 2009.

Amends 59-2-201

Effective May 12, 2009

Chapter 235, Laws of Utah 2009

SB 211 Building Code Amendments (*Curtis S. Bramble*)

This bill modifies the adoption and administration of the building and fire codes.

This bill:

- ▶ modifies the powers and duties of the Uniform Building Code Commission, including:
 - authorizing the commission to recommend building codes to the Legislature for adoption; and
 - authorizing the commission to adopt building codes for public welfare during the legislative interim that are repealed at the end of the next legislative session;
- ▶ modifies the powers and duties of the Fire Prevention Board, including:
 - authorizing the board to recommend fire codes to the Legislature for adoption; and
 - authorizing the board to adopt fire codes for public welfare during the legislative interim that are repealed at the end of the next legislative session; and
- ▶ makes technical corrections.

Amends 26-15-3, 26A-1-113, 26A-1-114, 53-7-106, 53-7-202, 53-7-204, 53-7-209, 58-56-3, 58-56-4, 58-56-5, 58-56-6, 58-56-7

Effective May 12, 2009

Chapter 339, Laws of Utah 2009

SB 213 Restaurant Nutrition Labeling (*Howard A. Stephenson*)

This bill enacts provisions relating to the authority of counties and municipalities to regulate the dissemination of nutritional information.

This bill:

- ▶ prohibits counties and municipalities from regulating the dissemination of nutritional information by restaurants and other facilities; and
- ▶ provides that an ordinance or regulation in violation of this prohibition is void.

Enacts 10-8-44.5, 17-50-327

Effective May 12, 2009

Chapter 236, Laws of Utah 2009

SB 214 Office of Consumer Services Act (*John L. Valentine*)

This bill modifies provisions related to public utilities to recodify provisions related to the Office of Consumer Services.

This bill:

- ▶ enacts the Office of Consumer Services Act;
- ▶ creates the Office of Consumer Services within the Department of Commerce;
- ▶ establishes a director of the office, including:
 - addressing appointment;
 - addressing terms; and
 - addressing removal;
- ▶ addresses provisions relating to the Committee of Consumer Services within the office, including:
 - addressing membership;
 - addressing appointment; and
 - addressing committee procedures and requirements;
- ▶ establishes the powers and duties of the office, committee, and director;
- ▶ addresses attorney general representation of the office; and
- ▶ makes technical and conforming amendments.

Amends 54-7-12.8;

Enacts 54-10a-101, 54-10a-302;

Renumbers and Amends 54-10-1 to 54-10a-102, 54-10-2 to 54-10a-202, 54-10-4 to 54-10a-301, 54-10-4.5 to 54-10a-303, 54-10-5 to 54-10a-201, 54-10-7 to 54-10a-203;

Repeals 54-10-3, 54-10-6

Effective May 12, 2009

Chapter 237, Laws of Utah 2009

SB 216 Revisions to Military Installation Development Authority Act (*Mark B. Madsen*)

This bill modifies the Military Installation Development Authority Act.

This bill:

- ▶ modifies the definitions of “development project” and “project area”;
- ▶ modifies the authority of the military installation development authority;
- ▶ provides that a project area may include specified private land, with the consent of the land’s owner; and
- ▶ makes technical changes.

This bill takes effect October 1, 2009.

Amends 63H-1-102, 63H-1-201, 63H-1-401

Effective October 1, 2009

Chapter 397, Laws of Utah 2009

SB 220 Cohabitant Abuse Procedures Act Amendments (*Brent H. Goodfellow*)

This bill amends provisions of the Cohabitant Abuse Procedures Act relating to an order issued to a defendant pending trial.

This bill:

- ▶ permits a court to issue an order to a person awaiting trial on a crime of domestic violence during any court hearing where the defendant is present, instead of at the time that the person is released from custody; and
- ▶ makes technical changes.

Amends 77-36-2.7

Effective May 12, 2009

Chapter 238, Laws of Utah 2009

SB 224 Reuse of Industrial Byproduct (*Curtis S. Bramble*)

This bill enacts provisions relating to the reuse of an industrial byproduct.

This bill:

- ▶ defines terms;
- ▶ authorizes the Solid and Hazardous Waste Control Board to make rules;
- ▶ authorizes the executive secretary to receive and act upon an application for reuse of an industrial byproduct; and
- ▶ requires the Department of Transportation to allow and encourage the reuse of an industrial byproduct in the construction of department projects.

Enacts 19-6-1101, 19-6-1102, 19-6-1103, 19-6-1104, 72-6-106.5

Effective May 12, 2009

Chapter 340, Laws of Utah 2009

SB 228 Prohibition on Internet or Mail-order Sales of Tobacco Products (*Margaret Dayton*)

This bill makes it a violation subject to civil penalties to cause tobacco products to be ordered or purchased through the Internet or by mail.

This bill:

- ▶ defines terms;
- ▶ makes it a violation to cause tobacco products to be ordered or purchased through the Internet or by mail; and
- ▶ establishes civil penalties for a violation of the prohibition against mail-order or Internet tobacco sales.

Amends 76-10-105.1;

Enacts 59-14-509

Effective May 12, 2009

Chapter 341, Laws of Utah 2009

SB 230 Construction Payment Amendments (*Curtis S. Bramble*)

This bill amends the portion of the Utah Code relating to mechanic's liens by changing notification requirements.

This bill:

- ▶ requires an owner and a lender to file a notice of completion with the State Construction Registry;
- ▶ requires certain owners or contractors of a commercial nonresidential construction project to file a notice of intent to file a notice of completion with the State Construction Registry;
- ▶ requires a person to file a balance statement with the State Construction Registry;
- ▶ allows a person to make a demand for adequate assurance;
- ▶ creates a civil action for failure to provide adequate assurance;
- ▶ creates a civil action if a person makes a bad faith misrepresentation on the person's balance statement; and
- ▶ makes technical corrections.

This bill takes effect on October 1, 2009.

Amends 38-1-27, 38-1-33;

Enacts 38-1-40

Effective October 1, 2009

Chapter 239, Laws of Utah 2009

SB 235 Redistribution of Sales and Use Tax Revenues (*John L. Valentine*)

This bill amends the Sales and Use Tax Act relating to the redistribution of sales and use tax revenues.

This bill:

- ▶ establishes procedures and requirements for the State Tax Commission to redistribute certain sales and use tax revenues from one county, city, or town to another county, city, or town under certain circumstances;
- ▶ allows a county, city, or town to file a petition for reconsideration with the State Tax Commission relating to a redistribution of certain sales and use tax revenues from one county, city, or town to another county, city, or town; and
- ▶ makes technical changes.

Amends 59-12-209, 59-12-210, 59-12-2004;

Enacts 59-12-210.1

Effective May 12, 2009

Chapter 240, Laws of Utah 2009

SB 239 Transportation Revisions (*Sheldon L. Killpack*)

This bill enacts and amends provisions relating to transportation funding.

This bill:

- ▶ increases certain motor vehicle registration fees by \$20;
- ▶ provides that \$20 of certain motor vehicle registration fees shall be deposited in the Transportation Investment Fund of 2005;
- ▶ authorizes the issuance of general obligation bonds to pay for certain state highway construction or reconstruction projects;
- ▶ specifies the use of general obligation bond proceeds and the manner of issuance;
- ▶ exempts certain general obligation bonds from certain debt limitation provisions;
- ▶ requires the Department of Transportation and the Transportation Commission to report the amount of bonds needed to fund certain projects in the next fiscal year to the Executive Appropriations Committee of the Legislature before the bonds may be issued; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

Amends 41-1a-1201, 41-1a-1206, 63B-1-306, 63J-3-402, 72-2-124;

Enacts 63B-18-101

Effective July 1, 2009

Chapter 241, Laws of Utah 2009

SB 240 Utah Science Technology and Research Initiative Amendments (*Sheldon L. Killpack*)

This bill modifies provisions relating to the Utah Science Technology and Research Governing Authority.

This bill:

- ▶ adds the executive director of the Governor's Office of Economic Development as a member and the vice chair of the Utah Science Technology and Research Governing Authority;
- ▶ makes all money appropriated to the governing authority nonlapsing;
- ▶ provides a one-time appropriation to the governing authority;
- ▶ requires the governing authority to make certain reports; and
- ▶ makes technical corrections.

This bill appropriates \$33,000,000 from Federal Funds - American Recovery and Reinvestment Act (H.R. 1, 111th Congress) for fiscal year 2009-10 only.

This bill takes effect on July 1, 2009.

This bill coordinates with H.B. 391, Budgetary Procedures Act Revisions, by providing substantive and technical amendments.

Amends 63M-2-301, 63M-2-302

Effective July 1, 2009

Chapter 242, Laws of Utah 2009

SB 243 Judicial Performance Evaluation Commission Modifications (*D. Chris Buttars*)

This bill changes the time of performance evaluations for justices of the supreme court and exempts attorneys from the requirement of being surveyed within 30 days of the day their case closed.

This bill:

- ▶ changes the time of performance evaluations for justices of the supreme court from the third, sixth, and ninth year of the justice's term to the third, seventh, and ninth year of the justice's term;
- ▶ exempts attorneys from the requirement of being surveyed within 30 days of the day their case is closed; and
- ▶ allows attorneys to be surveyed at any time during the survey period.

This bill provides an immediate effective date.

Amends 78A-12-203, 78A-12-204

Effective March 24, 2009

Chapter 243, Laws of Utah 2009

SB 244 Long Arm Jurisdiction Amendments (*Wayne L. Niederhauser*)

This bill provides that the tolling statute does not apply if jurisdiction can be obtained using the long arm statute.

This bill:

- ▶ exempts the provisions of the long arm jurisdiction statute from the tolling statute.

Amends 78B-2-104

Effective May 12, 2009

Chapter 342, Laws of Utah 2009

SB 248 Tax Amendments (*Gregory S. Bell*)

This bill amends the Sales and Use Tax Act and related provisions to address certain local sales and use taxes relating to airports, highways, and public transportation.

This bill:

- ▶ amends the additional public transit tax to:
 - expand the uses of tax revenues;
 - create an exemption from certain election requirements; and
 - provide that if an exemption from election requirements applies a county, city, or town shall obtain approval to impose the tax from the county, city, or town legislative body;
- ▶ amends a local option sales and use tax for airports, highways, and public transit by:
 - providing and modifying definitions;
 - allowing a city or town within a county of the second class to impose the tax in addition to a county of the second class under certain circumstances;
 - modifying the purposes for which tax revenues may be expended, including providing that certain cities and towns may expend up to all of the revenues collected from the tax for certain airport facilities;
 - addressing certain notice requirements for a city or town imposing the tax; and
 - addressing procedures for the State Tax Commission to distribute tax revenues;
- ▶ addresses the expenditure of revenues deposited into the Local Transportation Corridor Preservation Fund if those revenues are allocated to a city or town that imposes the local option sales and use tax for airports, highways, and public transit;
- ▶ addresses the expenditure of revenues deposited into the County of the Second Class State Highway Projects Fund if those revenues are deposited for or allocated to a city or town that imposes the local option sales and use tax for airports, highways, and public transit; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 59-12-502, 59-12-1901, 59-12-1902, 59-12-1903, 72-2-117.5, 72-2-121.2

Effective March 24, 2009

Chapter 244, Laws of Utah 2009

SB 257 Disaster Recovery Fund Funding Modifications (*Lyle W. Hillyard*)

This bill modifies the Budgetary Procedures Act by suspending General Fund surplus monies deposited in the State Disaster Recovery Restricted Account.

This bill:

- ▶ suspends, for FY 2008-09 and FY 2009-10 only, the deposit of surplus General Fund monies into the State Disaster Recovery Restricted Account by the Division of Finance; and
- ▶ makes technical changes.

Amends 63J-1-204

Effective May 12, 2009

Chapter 389, Laws of Utah 2009

SB 259 Public Safety Restricted Account Amendments (*Lyle W. Hillyard*)

This bill modifies the uses for the Public Safety Restricted Account by requiring that a certain amount is appropriated annually to the state medical examiner.

This bill:

- ▶ provides that the Legislature appropriate \$100,000 annually from the Public Safety Restricted Account to the state medical examiner to carry out the duties of the state medical examiner; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2009.

Amends 53-3-106

Effective July 1, 2009

Chapter 113, Laws of Utah 2009

SB 260 Housing Relief Restricted Special Revenue Fund (*Scott K. Jenkins*)

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

This bill:

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

This bill provides an immediate effective date.

Enacts 9-4-927, 67-4-18

Effective March 19, 2009

Chapter 15, Laws of Utah 2009

SB 269 Public Utility Easement Amendments (*Gregory S. Bell*)

This bill modifies a provision relating to public utility easements.

This bill:

- ▶ defines “protected utility easement”;
- ▶ provides that a person may not acquire an interest in a public utility easement or protected utility easement that is adverse to or interferes with the public utility’s full use of the easement; and
- ▶ provides that a gas corporation’s, electric corporation’s, or telephone corporation’s failure to possess, occupy, or use a protected utility easement does not diminish or extinguish the corporation’s rights under the easement.

Amends 54-3-27

Effective May 12, 2009

Chapter 245, Laws of Utah 2009

SB 270 Gift Card or Document Amendments (*Wayne L. Niederhauser*)

This bill modifies the Unclaimed Property Act to address gift cards.

This bill:

- ▶ defines “gift card”;
- ▶ exempts a gift card, gift certificate, or credit memo from the Unclaimed Property Act; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2011.

Amends 67-4a-102, 67-4a-211

Effective July 1, 2011

Chapter 343, Laws of Utah 2009

SB 271 Judicial Conduct Commission Amendments (*Gene Davis*)

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

This bill:

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

Amends 78A-11-112

Effective May 12, 2009

Chapter 114, Laws of Utah 2009

SB 272 Driver License Sanctions and Sentencing Requirements for Driving Under the Influence and Alcohol Related Offenses (*Scott K. Jenkins*)

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

This bill:

- ▶ increases the driver license suspension periods for certain driving under the influence offenses committed on or after July 1, 2009:
 - from a period of 90 days to 120 days for a person 21 years of age or older on the date of arrest who has violated certain driving under the influence or alcohol related offenses for the first time;
 - from a period of one year to two years for a person 21 years of age or older on the date of arrest who has violated certain driving under the influence or alcohol related offenses two or more times;
 - from a period of 24 months to a period of 36 months for a person who is 21 years of age or older, who refuses to submit to a chemical test, and who has a previous license sanction for certain alcohol related offenses;
 - from a period of 90 days to until the person is 21 years of age or for a period of 120 days, whichever is longer, for a person under 21 years of age on the date of arrest who has violated certain driving under the influence provisions for the first time;
 - from a period of one year to until the person is 21 years of age or for a period of two years, whichever is longer, for a person under 21 years of age on the date of arrest who has

violated certain driving under the influence provisions two or more times;

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

This bill takes effect on July 1, 2009.

This bill coordinates with H.B. 129, Alcoholic Beverage Related Amendments Related to Minors, by making substantive and technical amendments.

Amends 32A-12-209, 32A-12-209.5, 41-6a-509, 41-6a-517, 41-6a-518.2, 41-6a-521, 53-3-219, 53-3-223, 53-3-231, 76-9-701, 78A-6-606

Effective July 1, 2009

Chapter 390, Laws of Utah 2009

SCR 1 Concurrent Resolution Requesting a Federal Waiver to Establish an Employer-sponsored Work Program (*Scott K. Jenkins*)

This concurrent resolution of the Legislature urges the United States Congress to grant the state of Utah waivers to establish an employer-sponsored work program and other strategies to address illegal immigration in the state.

This resolution:

- ▶ urges the United States Congress to grant the state of Utah waivers to implement an employer-sponsored work program and to withhold federal FICA and Medicare revenue and apply it toward the costs of the program.

The original bill was recommended by the Immigration Interim Committee

Effective March 2, 2009

Laws of Utah 2009

SCR 2 Concurrent Resolution - a Call to Civility (*John L. Valentine*)

This concurrent resolution of the Legislature and the Governor urges the people of Utah to return to fundamental principles that will lead to greater civility and respectful public discourse.

This resolution:

- ▶ urges the people of Utah to return to fundamental principles that will lead to greater civility and a new spirit of community; and
- ▶ invites all Utahns to join the Legislature and the Governor in affirming established ground rules for respectful public discourse and behavior.

Effective March 20, 2009

Laws of Utah 2009

SCR 3 Concurrent Resolution Expressing Support for the Work of the Utah Council on Financial and Economic Education (*Patricia W. Jones*)

This concurrent resolution of the Legislature and the Governor expresses support for the work of the Utah Council on Financial and Economic Education towards increasing the financial literacy of the citizens of the state.

This resolution:

- ▶ expresses support for the work of the Utah Council on Financial and Economic Education, chaired by the Utah State Treasurer;
- ▶ encourages greater participation on the Council by several state agencies and all other private or public entities that engage in teaching financial and economic education and share a commitment to empower individuals and families to achieve economic stability, opportunity, and upward mobility; and
- ▶ encourages the Utah Council on Financial and Economic Education to take certain actions as part of its effort to ensure improved financial and economic education in the state.

Effective March 20, 2009

Laws of Utah 2009

SCR 4 Resolution Supporting Obesity Awareness (*D. Chris Buttars*)

This concurrent resolution of the Legislature and the Governor designates Obesity Awareness Month in Utah and urges increased medical coverage for obesity procedures.

This resolution:

- ▶ designates September 2009 as Obesity Awareness Month in the state and September 5, 2009, as "Walk from Obesity" Day; and
- ▶ urges that health care providers increase coverage of overweight and obesity procedures as a means of preventing increased future health care costs to the state and to businesses.

Laws of Utah 2009

SJR 1 Joint Resolution - Renewable Energy System *(Patricia W. Jones)*

This joint resolution of the Legislature addresses renewable energy systems.

This resolution:

- ▶ urges the State Energy Program to assess the need for and assist with the development of model renewable energy ordinances at the local government level and directs the program to report to the Legislature on its process for assessing the need;
- ▶ urges the State Energy Program to consult and work cooperatively with municipal government representatives and others to develop model ordinances relating to wind, solar, geothermal, hydro, and biomass energy; and
- ▶ directs that a copy of the resolution be sent to the State Energy Program.

Effective February 19, 2009

Laws of Utah 2009

SJR 2 Topaz Museum and Civil Liberties Learning Center Joint Resolution *(Dennis E. Stowell)*

This joint resolution of the Legislature expresses support for the construction of a museum and civil liberties learning center in Delta, Utah, for the purpose of preserving and educating about the Topaz Internment Camp site.

This resolution:

- ▶ expresses support for the Topaz Museum Board's effort to preserve and protect the site of the Topaz Internment Camp, to build a museum and civil liberties learning center in Delta, Utah, and to educate all citizens about Japanese American internment history, especially Topaz, through artifacts, exhibits, and oral histories.

Effective February 12, 2009

Laws of Utah 2009

SJR 3 Joint Resolution Approving Appointment of Legislative General Counsel
(Sheldon L. Killpack)

This joint resolution of the Legislature approves the appointment of John L. Fellows as the Legislative General Counsel.

This resolution:

- ▶ approves the appointment of John L. Fellows as Legislative General Counsel for a six-year term.

Effective February 3, 2009

Laws of Utah 2009

SJR 4 Recycling of Electronic Waste Joint Resolution (*Scott D. McCoy*)

This joint resolution of the Legislature urges the Utah Department of Environmental Quality to work with the Recycling Coalition of Utah to develop recommendations for addressing electronic waste.

This resolution:

- ▶ encourages Utahns to reduce electronic waste and reuse or recycle electronic items;
- ▶ urges the Utah Department of Environmental Quality to continue working with the Recycling Coalition of Utah's Electronic Scrap Steering Committee and other interested stakeholders to assess electronic waste issues in the state;
- ▶ urges the Recycling Coalition of Utah's Electronic Scrap Steering Committee to study and make recommendations regarding electronic recycling to the Department of Environmental Quality for potential implementation in Utah; and
- ▶ urges the Recycling Coalition of Utah's Electronic Scrap Steering Committee to report its findings and recommendations to the Natural Resources, Agriculture, and Environment Interim Committee.

Effective February 18, 2009

Laws of Utah 2009

SJR 5 Joint Resolution Urging Presidential Support of Taiwan's Participation in Specialized Agencies of the United Nations (*Michael G. Waddoups*)

This joint resolution of the Legislature urges the Obama Administration to support the efforts of the Republic of China (Taiwan) to meaningfully participate in the specialized agencies of the United Nations.

This resolution:

- ▶ urges the Obama Administration to support the Republic of China (Taiwan) in obtaining appropriate and meaningful participation in the specialized agencies of the United Nations system, including the World Health Organization.

Effective February 19, 2009

Laws of Utah 2009

SJR 6 Legislator Communications with Judiciary Joint Rules Resolution (*John L. Valentine*)

This bill creates a chapter in the legislative rules relating to communications with the judiciary.

This resolution:

- ▶ provides guidelines and restrictions for legislators when communicating with judges;
- ▶ prohibits legislators from communicating with a judge in reference to a particular judicial case or proceeding until a final order has been made;
- ▶ provides guidelines for communicating with the Administrative Office of the Courts or the clerk of the court in other circumstances; and
- ▶ provides an exception for communications made in the ordinary course of a legislator's private employment, except where a legislator attempts to use his or her status as legislator to exert undue influence.

NoneLegislative Rules Affected:ENACTS:JR6-6-101JR6-6-102

Enacts JR6-6-101, JR6-6-102

Effective March 12, 2009

Laws of Utah 2009

SJR 7 Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month
(Karen Mayne)

This joint resolution of the Legislature designates May 2009 as Utah Lions Club Eyesight Preservation Month.

This resolution:

- ▶ designates May 2009 as Utah Lions Club Eyesight Preservation Month; and
- ▶ urges Utahns to increase their awareness of the causes of vision loss and how it can be prevented and treated.

Effective February 20, 2009

Laws of Utah 2009

SJR 8 Joint Resolution Regarding Eligibility for Legislative Office (Scott D. McCoy)

This joint resolution of the Legislature proposes to amend the Utah Constitution to amend a provision relating to legislator eligibility.

This resolution proposes to amend the Utah Constitution to:

- ▶ specify that the time for calculating residency requirements for a person appointed to fill mid-term vacancies in the office of senator or representative is the time of appointment rather than the time for filing for the office;
- ▶ clarify that a provision prohibiting a senator or representative from continuing to serve after ceasing to be a resident of the applicable district applies also to a person appointed to fill a mid-term vacancy; and
- ▶ make technical changes.

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2011 for this proposal.

Utah Constitution Sections Affected:AMENDS:ARTICLE VI, SECTION 5

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Amends A6 S5

Effective January 1, 2011

Laws of Utah 2009

SJR 9 Resolution Honoring the Utah Law Enforcement Memorial Foundation (Jon J. Greiner)

This joint resolution of the Legislature recognizes the Board of Directors of the Utah Law Enforcement Memorial Foundation for their efforts on behalf of law enforcement officers killed in the line of duty.

This resolution:

- ▶ honors the members of the Board of Directors of the Utah Law Enforcement Memorial Foundation and pays tribute to their efforts on behalf of the people of Utah; and
- ▶ recognizes the Utah Law Enforcement Memorial Foundation as the guardian and caretaker of the Utah Law Enforcement Memorial to ensure that it is preserved and maintained as a place of remembrance.

Effective February 25, 2009

Laws of Utah 2009

SJR 10 Alternative Training Center Joint Resolution *(Dennis E. Stowell)*

This joint resolution of the Legislature supports establishing an Alternative Energy Training Center in Beaver County, Utah.

This resolution:

- ▶ expresses support for the development of an Alternative Energy Training Center in Beaver County.

Effective March 5, 2009

Laws of Utah 2009

SJR 11 Joint Resolution Urging Football Playoff *(Scott K. Jenkins)*

This joint resolution of the Legislature urges the National Collegiate Athletic Association to abandon the Bowl Championship Series (BCS) structure in favor of a college football playoff system.

This resolution:

- ▶ urges the National Collegiate Athletic Association to abandon the Bowl Championship Series (BCS) structure in favor of a college football playoff system to ensure that the best college football team is crowned as champion.

Effective February 18, 2009

Laws of Utah 2009

SJR 16 Joint Resolution Supporting Nuclear Power *(David P. Hinkins)*

This joint resolution of the Legislature expresses support for new nuclear power development in Utah.

This resolution:

- ▶ encourages that new nuclear power development be pursued in Utah due to its beneficial impact on the economy, fuel diversification, and the environment, and its impressive operational safety and security record;
- ▶ declares that nuclear power has been shown to be a viable cost effective option, that current rate payer protection laws and regulations are sufficient, and that no new legislation or special action is needed for the Public Service Commission to recognize nuclear power as a prudent investment;
- ▶ declares that no appropriations for special committees or programs are needed to determine whether nuclear power can be built in Utah;
- ▶ encourages all investor-owned and municipally owned utilities and power marketers and traders to consider participating in a nuclear power project in Utah; and
- ▶ recognizes commercial nuclear power plants as a market-based, commercially competitive enterprise.

Effective March 10, 2009

Laws of Utah 2009

SJR 17 Hydraulic Fracturing Joint Resolution *(David P. Hinkins)*

This joint resolution of the Legislature urges Congress to preserve the exemption for hydraulic fracturing in the Safe Drinking Water Act and to refrain from passing legislation that would remove the hydraulic fracturing exemption.

This resolution:

- ▶ expresses support for maintaining the exemption of hydraulic fracturing from the provisions of the Safe Drinking Water Act; and
- ▶ urges Congress to refrain from passing legislation that would remove the exemption for hydraulic fracturing.

Effective March 3, 2009

Laws of Utah 2009

SJR 22 Resolution Approving Contract for Construction of Utah Science Technology and Research Initiative Centers (*Lyle W. Hillyard*)

This resolution authorizes the Division of Facilities Construction and Management and its director to execute contracts governing certain building projects.

This resolution:

- ▶ authorizes the Division of Facilities Construction and Management and its director to execute contracts with contractors and subcontractors to perform the work required on two Utah Science Technology and Research Initiative Centers construction projects, even though the amounts due under those contracts will be greater than the amount that the Legislature has appropriated for that particular fiscal year for the projects;
- ▶ prohibits the division and its director from making payments or other expenditures under the contract that are greater than the amount of funds made available by the Legislature for any fiscal year from bond proceeds or appropriations; and
- ▶ requires the division and its director to make certain reports about the projects' funding and status to the Legislature's Executive Appropriations Committee.

Effective March 11, 2009

Laws of Utah 2009

SJR 23 Joint Rules Resolution Date Changes (*Margaret Dayton*)

This resolution amends deadlines related to legislative appropriations processes due to the change in the schedule for the General Session of the Legislature.

This resolution:

- ▶ changes the deadline to prioritize fiscal note bills and identify other projects or programs for new or one-time funding from the 33rd day of the General Session (a Saturday) to the 32nd day (a Friday);
- ▶ changes the deadline to either pass or defeat each bill with a fiscal note of \$10,000 or more from the 40th day (a Saturday) to the 39th day (a Friday);
- ▶ changes the deadline for each legislator to receive a copy of any bond bill from noon on the 40th day (a Saturday) to the 39th day (a Friday);
- ▶ changes the deadline to either pass or defeat each bond bill from the end of the 40th day (a Saturday) to the end of the 39th day (a Friday); and
- ▶ makes technical changes.

NoneLegislative Rules Affected:AMENDS:JR4-5-101JR4-5-301

Amends JR4-5-101, JR4-5-301

Effective March 12, 2009

Laws of Utah 2009

SR 1 Ecumenical Patriarch Senate Resolution (*Patricia W. Jones*)

This resolution of the Senate urges the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the property rights and human rights of the Ecumenical Patriarchate.

This resolution:

- ▶ urges the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities; and
- ▶ urges the Government of Turkey to respect the property rights and human rights of the Ecumenical Patriarchate.

Effective February 5, 2009

Laws of Utah 2009

SR 2 Senate Resolution Supporting the Narrows Water Project in Central Utah (*Ralph Okerlund*)

This resolution of the Senate urges Congress and the United States Bureau of Reclamation to support development of the Narrows Water Project in Central Utah.

This resolution:

- ▶ recognizes the need for adequate water storage for economic viability in the communities of Central Utah, and the decades-long effort to develop the Narrows Water Project;
- ▶ acknowledges the Narrows Water Project as the least expensive, most cost-effective, and most environmentally sound means of storing water in Sanpete County;
- ▶ recognizes that the water rights relative to the Narrows Water Project have been legally defined; and
- ▶ expresses support for the development of the Narrows Water Project in Central Utah.

Effective February 5, 2009

Laws of Utah 2009

SR 3 Resolution Designating September 2009 as Hydrocephalus Awareness Month and Urging National Registry (*Gregory S. Bell*)

This resolution of the Senate designates September 2009 as Hydrocephalus Awareness Month, and urges the federal government to create a national registry for collecting comprehensive statistics and data regarding hydrocephalus.

This resolution:

- ▶ designates September 2009 as Hydrocephalus Awareness Month in the state of Utah; and
- ▶ urges the federal government to create a national registry for collecting comprehensive statistics and data regarding hydrocephalus and its impact on American families.

Effective February 12, 2009

Laws of Utah 2009

SR 6 Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens (*Luz Robles*)

This resolution of the Senate recognizes the League of United Latin American Citizens for 80 years of service to the Hispanic American community.

This resolution:

- ▶ recognizes the efforts of the League of United Latin American Citizens over the past 80 years to advance the economic conditions, educational attainment, political influence, health, and civil rights of Hispanic Americans.

Effective March 6, 2009

Laws of Utah 2009

Vetoed Bills**HB 156 Subdivision Approval Amendments** (*R. Curt Webb*)

This bill modifies county provisions relating to subdivisions.

This bill:

- ▶ authorizes an owner of a contiguous parcel of agricultural land within a county of the third, fourth, fifth, or sixth class to divide from the land one parcel per 100 acres, without complying with subdivision plat requirements or county subdivision ordinances; and
- ▶ prohibits counties of the third, fourth, fifth, and sixth class from denying a building permit to an owner of a minor subdivision parcel if the parcel meets the county's reasonable standards for health, safety, and access.

Amends 17-27a-605

HB 353 Truth in Advertising Act Amendments (*Michael T. Morley*)

This bill amends the Truth in Advertising Act.

This bill:

- ▶ prohibits a person from advertising that a good or service will not be sold to a certain age group and then selling the good or service to that age group; and
- ▶ makes technical corrections.

This bill takes effect January 1, 2010.

Amends 13-11a-3

VETOED BILLS - 2009 GENERAL SESSION

HB 156 Subdivision Approval Amendments (*R. Curt Webb*)

This bill modifies county provisions relating to subdivisions.

This bill:

- ▶ authorizes an owner of a contiguous parcel of agricultural land within a county of the third, fourth, fifth, or sixth class to divide from the land one parcel per 100 acres, without complying with subdivision plat requirements or county subdivision ordinances; and
- ▶ prohibits counties of the third, fourth, fifth, and sixth class from denying a building permit to an owner of a minor subdivision parcel if the parcel meets the county's reasonable standards for health, safety, and access.

Amends 17-27a-605

Governor's Veto Message

Dear Speaker Clark and President Waddoups:

March 25, 2009

After careful consideration and study, I have decided to veto **HB 156, Subdivision Approval Amendments**, and have transmitted it to the Lieutenant Governor for filing.

The land exempted from local subdivision and planning requirements under H. B. 156 would create significant problems in terms of access, sewer and waste water, roads and utility services for citizens and communities. Additionally, our remaining agricultural lands will be fragmented by allowing one acre per one hundred to be divided out for separate development. In Duchesne County, due to historic land divisions by metes and bounds, this legislation would be impossible to implement.

For these reasons, I have decided to veto this bill.

Jon M. Huntsman, Jr., Governor

HB 353 Truth in Advertising Act Amendments (Michael T. Morley)

This bill amends the Truth in Advertising Act.

This bill:

- ▶ prohibits a person from advertising that a good or service will not be sold to a certain age group and then selling the good or service to that age group; and
- ▶ makes technical corrections.

This bill takes effect January 1, 2010.

Amends 13-11a-3

Governor's Veto Message

Dear Speaker Clark and President Waddoups:

March 25, 2009

After careful consideration and study, I have decided to veto **HB 353, Truth in Advertising Act Amendments**, and have transmitted it to the Lieutenant Governor for filing.

While protecting children from inappropriate materials is a laudable goal, the language of this bill is so broad that it likely will be struck down by the courts as an unconstitutional violation of the Dormant Commerce Clause and/or the First Amendment.

The industries most affected by this new requirement indicated that rather than risk being held liable under this bill, they would likely choose to no longer issue age appropriate labels on goods and services. Therefore, the unintended consequence of the bill would be that parents and children would have no labels to guide them in determining the age appropriateness of the goods or service, thereby increasing children's potential exposure to something they or their parents would have otherwise determined was inappropriate under the voluntary labeling system now being recognized and embraced by a significant majority of vendors.

Jon M. Huntsman, Jr., Governor

SB 3 Appropriations Adjustments (Lyle W. Hillyard)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2008 and ending June 30, 2009 and beginning July 1, 2009 and ending June 30, 2010.

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

This bill appropriates for fiscal year 2009:

- ▶ (\$58,986,700) from the General Fund;
- ▶ \$55,650,000 from the Uniform School Fund;
- ▶ (\$32,142,800) from the Education Fund;
- ▶ \$591,373,600 from various sources as detailed in this bill. This bill appropriates for fiscal year 2010:
- ▶ \$25,065,200 from the General Fund;
- ▶ \$2,268,934,500 from the Uniform School Fund;
- ▶ (\$65,180,600) from the Education Fund;
- ▶ \$175,488,600 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, 2009.

Effective March 31, 2009

Chapter 398, Laws of Utah 2009

Governor’s Veto Message

Dear Speaker Clark and President Waddoups:

March 31, 2009

This is to inform you that on March 31, 2009, I vetoed the following item of appropriation in **S.B. 3, Appropriations Adjustments**, and have transmitted the bill to the Lieutenant Governor for filing.

| | | |
|----------|------------------------------------|---------------|
| ITEM 175 | To Education Fund | |
| | From Uniform School Fund | 2,178,300,000 |
| | From Uniform School Fund, One-time | 90,600,000 |
| | Schedule of Programs: | |
| | Education Fund | 2,178,300,000 |
| | Education Fund, One-time | 90,600,000 |

This item of appropriation requires technical corrections to funding allocations and can be corrected in the next session.

Jon M. Huntsman, Jr., Governor

Utah Code Sections Affected for Bills Passed 2009 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 5, 2008 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> |
|----------------|---------------|--------------------|-------------------------|--------------------|----------------|---------------|--------------------|-------------------------|--------------------|
| 3-1-6 | A | HB 297 | | 89 | 7-7-10 | A | SB 208 | | 181 |
| 3-1-7 | A | SB 208 | | 181 | 7-7-38 | A | HB 250 | | 75 |
| 3-1-36 | A | HB 297 | | 89 | 8-5-6 | A | SB 208 | | 181 |
| 4-2-2 | A | HB 297 | | 89 | 9-1-803 | A | HB 231 | | 70 |
| 4-2-8.7 | A | HB 391 | | 105 | 9-1-809 | A | HB 231 | | 70 |
| 4-3-14 | A | HB 297 | | 89 | 9-3-102 | R | HB 250 | | 75 |
| 4-14-3 | A | HB 297 | | 89 | 9-3-403 | A | HB 250 | | 75 |
| 4-14-13 | A | HB 297 | | 89 | 9-3-409 | A | SB 208 | | 181 |
| 4-17-7 | A | SB 208 | | 181 | 9-4-927 | E | SB 260 | | 190 |
| 4-19-2 | A | HB 105 | | 41 | 9-4-1202 | A | HB 286 | | 85 |
| 4-20-2 | A | HB 256 | | 76 | 9-4-1409 | A | SB 189 | | 176 |
| | | HB 391 | | 105 | 9-6-205 | A | HB 236 | | 71 |
| 4-23-7.5 | A | HB 20 | | 9 | 9-6-605 | A | HB 236 | | 71 |
| 4-25-4 | A | HB 240 | | 72 | 9-7-205 | A | HB 236 | | 71 |
| 4-25-5 | A | HB 240 | | 72 | 9-8-205 | A | HB 236 | | 71 |
| 4-25-7 | A | HB 413 | | 108 | 9-8-805 | A | SB 208 | | 181 |
| 4-25-14 | A | HB 240 | | 72 | 10-1-116 | R | HB 61 | | 29 |
| 4-30-5 | A | SB 208 | | 181 | 10-1-117 | R | HB 61 | | 29 |
| 4-31-22 | E | HB 183 | | 61 | 10-1-118 | A | HB 61 | | 29 |
| 4-37-201 | A | HB 297 | | 89 | 10-1-203 | A | HB 342 | | 97 |
| 4-37-301 | A | HB 297 | | 89 | 10-1-304 | A | SB 56 | | 140 |
| 4-39-203 | A | HB 297 | | 89 | 10-1-307 | A | SB 108 | | 154 |
| 6-1-5 | A | SB 208 | | 181 | 10-1-403 | A | SB 56 | | 140 |
| 7-1-104 | A | HB 250 | | 75 | 10-1-405 | A | SB 108 | | 154 |
| 7-1-505 | A | HB 250 | | 75 | 10-2-108 | A | SB 208 | | 181 |
| 7-1-704 | A | SB 208 | | 181 | 10-2-111 | A | SB 208 | | 181 |
| 7-1-706 | A | SB 208 | | 181 | 10-2-114 | A | SB 208 | | 181 |
| 7-1-709 | A | SB 208 | | 181 | 10-2-115 | A | SB 208 | | 181 |
| 7-1-1001 | A | SB 140 | | 163 | 10-2-116 | A | SB 208 | | 181 |
| 7-1-1004 | A | SB 140 | | 163 | 10-2-119 | A | HB 61 | | 29 |
| 7-1-1006 | A | SB 140 | | 163 | 10-2-120 | A | HB 61 | | 29 |
| 7-1-1007 | A | SB 140 | | 163 | 10-2-121 | A | HB 61 | | 29 |
| 7-2-6 | A | SB 208 | | 181 | 10-2-122 | R | HB 61 | | 29 |

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> |
|----------------|---------------|--------------------|-----------------------------|------------------------|----------------|---------------|--------------------|-----------------------------|------------------------|
| 10-2-125 | A | HB 61 | | 29 | 10-8-2 | A | SB 208 | | 181 |
| | | SB 208 | | 181 | 10-8-2.5 | E | SB 134 | | 161 |
| 10-2-302 | A | HB 61 | | 29 | 10-8-8.5 | R | SB 209 | | 182 |
| 10-2-401 | A | SB 171 | | 171 | 10-8-44.5 | E | SB 213 | | 183 |
| | | SB 56 | | 140 | 10-8-53.5 | E | HB 402 | | 107 |
| | | SB 73 | | 143 | 10-8-64 | A | HB 240 | | 72 |
| 10-2-402 | A | SB 171 | | 171 | 10-9a-103 | A | HB 259 | | 77 |
| | | SB 56 | | 140 | | | HB 274 | | 82 |
| | | SB 73 | | 143 | | | HB 68 | | 33 |
| 10-2-403 | A | HB 164 | | 56 | 10-9a-203 | A | HB 323 | | 94 |
| | | SB 73 | | 143 | 10-9a-204 | A | SB 208 | | 181 |
| 10-2-405 | A | SB 73 | | 143 | 10-9a-205 | A | SB 208 | | 181 |
| 10-2-406 | A | SB 131 | | 160 | 10-9a-207 | A | SB 209 | | 182 |
| | | SB 208 | | 181 | 10-9a-208 | A | SB 208 | | 181 |
| 10-2-407 | A | SB 208 | | 181 | | | SB 209 | | 182 |
| | | SB 73 | | 143 | 10-9a-305 | A | HB 259 | | 77 |
| 10-2-408 | A | SB 73 | | 143 | | | HB 274 | | 82 |
| 10-2-408.5 | E | SB 73 | | 143 | 10-9a-508 | A | HB 68 | | 33 |
| 10-2-413 | A | SB 171 | | 171 | 10-9a-509 | A | HB 274 | | 82 |
| 10-2-414 | A | SB 73 | | 143 | | | SB 153 | | 167 |
| 10-2-415 | A | SB 208 | | 181 | 10-9a-510 | A | HB 274 | | 82 |
| 10-2-418 | A | HB 61 | | 29 | | | SB 153 | | 167 |
| | | SB 171 | | 171 | 10-9a-511 | A | HB 141 | | 50 |
| | | SB 208 | | 181 | 10-9a-513 | A | HB 141 | | 50 |
| 10-2-419 | A | HB 61 | | 29 | | | SB 190 | | 176 |
| | | SB 131 | | 160 | 10-9a-604 | A | SB 209 | | 182 |
| | | SB 208 | | 181 | 10-9a-606 | A | SB 209 | | 182 |
| 10-2-425 | A | HB 61 | | 29 | 10-9a-608 | A | HB 258 | | 77 |
| 10-2-427 | R | SB 73 | | 143 | | | SB 209 | | 182 |
| 10-2-501 | A | SB 208 | | 181 | 10-9a-609 | A | SB 209 | | 182 |
| 10-2-502.5 | A | SB 208 | | 181 | 10-9a-609.5 | A | SB 209 | | 182 |
| 10-2-507 | A | HB 61 | | 29 | 10-18-203 | A | SB 208 | | 181 |
| 10-2-508 | R | HB 61 | | 29 | 10-18-302 | A | SB 208 | | 181 |
| 10-2-607 | A | SB 208 | | 181 | 10-18-303 | A | SB 208 | | 181 |
| 10-2-610 | A | HB 61 | | 29 | 11-10-1 | A | SB 187 | | 175 |
| 10-2-611 | A | HB 61 | | 29 | 11-13-202 | A | SB 131 | | 160 |
| 10-2-703 | A | SB 208 | | 181 | 11-13-203 | A | HB 61 | | 29 |
| 10-2-705 | A | HB 61 | | 29 | 11-13-204 | A | HB 61 | | 29 |
| 10-2-708 | A | SB 208 | | 181 | 11-13-205 | A | HB 61 | | 29 |
| 10-2-711 | A | HB 61 | | 29 | 11-13-219 | A | SB 208 | | 181 |
| 10-2-712 | A | HB 61 | | 29 | 11-14-202 | A | SB 208 | | 181 |
| 10-3-818 | A | SB 208 | | 181 | 11-14-315 | A | SB 208 | | 181 |
| 10-5-108 | A | SB 208 | | 181 | 11-14-316 | A | SB 208 | | 181 |
| 10-5-129 | A | SB 84 | | 147 | 11-14-318 | A | SB 208 | | 181 |
| 10-6-111 | A | HB 61 | | 29 | 11-14a-1 | A | SB 208 | | 181 |
| 10-6-113 | A | SB 208 | | 181 | 11-17-2 | A | SB 56 | | 140 |
| 10-6-150 | A | SB 84 | | 147 | 11-17-3.5 | E | SB 56 | | 140 |
| 10-6-152 | A | SB 208 | | 181 | 11-17-16 | A | SB 208 | | 181 |
| 10-7-16 | A | SB 208 | | 181 | 11-27-4 | A | SB 208 | | 181 |
| 10-7-19 | A | SB 208 | | 181 | 11-27-5 | A | SB 208 | | 181 |
| 10-8-1.7 | E | SB 115 | | 155 | 11-30-5 | A | SB 208 | | 181 |

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> |
|----------------|---------------|--------------------|-----------------------------|------------------------|----------------|---------------|--------------------|-----------------------------|------------------------|
| 11-32-10 | A | SB 208 | | 181 | | | HB 457 | | 112 |
| 11-32-11 | A | SB 208 | | 181 | 13-11a-6 | E | HB 457 | | 112 |
| 11-36-102 | A | HB 259 | | 77 | 13-14-102 | A | SB 52 | | 138 |
| | | HB 274 | | 82 | 13-14-105 | A | HB 297 | | 89 |
| | | SB 84 | | 147 | 13-14-201 | A | SB 52 | | 138 |
| 11-36-201 | A | HB 259 | | 77 | 13-14-204 | A | SB 52 | | 138 |
| | | HB 274 | | 82 | 13-14-301 | A | SB 52 | | 138 |
| | | HB 323 | | 94 | 13-14-307 | A | SB 52 | | 138 |
| | | SB 84 | | 147 | 13-15-4 | A | HB 297 | | 89 |
| 11-36-202 | A | HB 259 | | 77 | 13-15-4.5 | A | HB 297 | | 89 |
| | | HB 274 | | 82 | 13-21-3 | A | HB 297 | | 89 |
| | | SB 84 | | 147 | 13-22-6 | A | HB 297 | | 89 |
| 11-36-301 | A | SB 84 | | 147 | 13-22-8 | A | HB 297 | | 89 |
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INTRODUCED LEGISLATION 2009 GENERAL SESSION

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| HB 2 | Minimum School Program Budget Amendments (<i>Merlynn T. Newbold</i>) | Passed |
| HB 3 | Current Fiscal Year Supplemental Appropriations (<i>Ron Bigelow</i>) | Passed |
| HB 4 | General Obligation Bonds Authorizations (<i>Stephen D. Clark</i>) | Passed |
| HB 10 | Condominium and Community Association Provisions (<i>R. Curt Webb</i>) | Failed |
| HB 11 | Recodification of Natural Resources Provisions (<i>John G. Mathis</i>) | Passed |
| HB 12 | County Sheriff Qualification Amendments (<i>Richard A. Greenwood</i>) | Passed |
| HB 13 | Crime of Strangulation or Smothering (<i>Jennifer M. Seelig</i>) | Failed |
| HB 14 | Material Harmful to Minors Amendments (<i>Sheryl L. Allen</i>) | Passed |
| HB 15 | Career and Technical Education Amendments (<i>Ron Bigelow</i>) | Passed |
| HB 16 | Assessment Area Amendments (<i>Fred R Hunsaker</i>) | Passed |
| HB 17 | Expedited Partner Therapy Treatment (<i>Jennifer M. Seelig</i>) | Passed |
| HB 18 | Water Right Applications and Records (<i>Patrick Painter</i>) | Passed |
| HB 19 | Water Rights - Informal Adjudications (<i>Kay L. McIff</i>) | Passed |
| HB 20 | Repeal of Certain Income Tax Credits and Contributions (<i>Julie Fisher</i>) | Passed |
| HB 21 | Amendments to Driver License Sanction Requirements (<i>Richard A. Greenwood</i>) | Passed |
| HB 22 | Harboring a Runaway (<i>Lorie D. Fowlke</i>) | Passed |
| HB 23 | Certified Tax Rate Amendments (<i>Fred R Hunsaker</i>) | Passed |
| HB 24 | Traffic Accident Clearance Amendments (<i>Eric K. Hutchings</i>) | Passed |
| HB 25 | Gun Dealer Penalty Amendments (<i>Curtis Oda</i>) | Passed |
| HB 26 | Child and Vulnerable Adult Endangerment Provisions (<i>Michael T. Morley</i>) | Passed |
| HB 27 | Protections for Agricultural Practices (<i>Michael T. Morley</i>) | Passed |
| HB 28 | Personal Property Tax Amendments (<i>Craig A. Frank</i>) | Passed |
| HB 29 | Sex Offenders' Contact with Children (<i>Richard A. Greenwood</i>) | Passed |
| HB 30 | Commercial Motor Vehicle Amendments (<i>Todd E. Kiser</i>) | Passed |
| HB 31 | Utah Sudden Cardiac Arrest Survival Act (<i>Carl Wimmer</i>) | Passed |
| HB 32 | Amendments to Agency Rulemaking Regarding Criminal Penalties (<i>Ben C. Ferry</i>) | Passed |
| HB 33 | Refund of Unearned Health Insurance Premiums and Medicare Supplement Insurance Premiums (<i>Paul Ray</i>) | Passed |
| HB 34 | Penalties for Destruction of Bald Eagle (<i>Roger E. Barrus</i>) | Passed |
| HB 35 | Higher Education Contribution (<i>John Dougall</i>) | Passed |
| HB 36 | Criminal Offense Elements and Penalties (<i>Carl Wimmer</i>) | Failed |
| HB 37 | Violent Offenses Amendments (<i>Jennifer M. Seelig</i>) | Passed |
| HB 38 | Refugee Services Fund Amendments (<i>Christopher N. Herrod</i>) | Passed |
| HB 39 | Utah Injured Worker Reemployment Act (<i>Michael T. Morley</i>) | Passed |
| HB 40 | Motorcycle Rider Education Program Amendments (<i>Bradley M. Daw</i>) | Passed |
| HB 41 | Sex Offender Registration Amendments (<i>Kenneth W. Sumsion</i>) | Passed |
| HB 42 | Adoption Revisions (<i>Sheryl L. Allen</i>) | Passed |
| HB 43 | Coordinating Municipal and Special District Elections (<i>Keith Grover</i>) | Passed |
| HB 44 | Local and Special Service District Election Amendments (<i>Keith Grover</i>) | Passed |
| HB 45 | Per Diem and Travel Expenses for State Boards and Commissions (<i>Douglas C. Aagard</i>) | Passed |
| HB 46 | Designation of State Highways Amendments (<i>Todd E. Kiser</i>) | Passed |
| HB 47 | Criminal Procedure - Investigation Amendments (<i>Paul Ray</i>) | Passed |

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| HB 48 | Ballot Question Amendments (<i>Keith Grover</i>) | Failed |
| HB 49 | Voter Challenge Amendments (<i>Neil A. Hansen</i>) | Failed |
| HB 50 | Firefighter Special Group License Plate Amendments (<i>Ronda Rudd Menlove</i>) | Passed |
| HB 51 | Exemption for Alcoholic Beverage Manufacturing License (<i>Christine A. Johnson</i>) | Passed |
| HB 52 | Insurance Code and Related Amendments (<i>James A. Dunnigan</i>) | Passed |
| HB 53 | Driver License Amendments - Motor Driven Cycles (<i>Todd E. Kiser</i>) | Passed |
| HB 54 | Amendments to Vehicle Registration Requirements (<i>Francis D. Gibson</i>) | Passed |
| HB 55 | Amendments to Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act (<i>Wayne A. Harper</i>) | Passed |
| HB 56 | Declaration of Candidacy Amendments (<i>Douglas C. Aagard</i>) | Passed |
| HB 57 | Exemptions from Requirements to Deduct and Withhold an Income Tax (<i>Craig A. Frank</i>) | Failed |
| HB 58 | Sales and Use Tax - Determining the Location of Certain Transactions (<i>Wayne A. Harper</i>) | Passed |
| HB 59 | Subpoenas for Records in Certain Criminal Investigations (<i>Bradley M. Daw</i>) | Passed |
| HB 60 | Family Preservation Services Amendments (<i>Wayne A. Harper</i>) | Passed |
| HB 61 | Local Government Entity Changes (<i>Kory M. Holdaway</i>) | Passed |
| HB 62 | State Water Development Commission Amendments (<i>Kerry W. Gibson</i>) | Passed |
| HB 63 | Amendments to Child Welfare (<i>Wayne A. Harper</i>) | Passed |
| HB 64 | Deterring Illegal Immigration (<i>Brad L. Dee</i>) | Passed |
| HB 65 | Reporting of Certain Transactions Exempt from Sales and Use Taxes (<i>Julie Fisher</i>) | Passed |
| HB 66 | Property Tax Amendments (<i>Merlynn T. Newbold</i>) | Failed |
| HB 67 | Public Hearings on Property Tax Increases (<i>Gage Froerer</i>) | Passed |
| HB 68 | Development Exactions (<i>Patrick Painter</i>) | Passed |
| HB 69 | Guardian Ad Litem Amendments (<i>Wayne A. Harper</i>) | Passed |
| HB 70 | Cigarette Tax Exemption Amendments (<i>Evan J. Vickers</i>) | Failed |
| HB 71 | Withholding Tax Amendments (<i>Evan J. Vickers</i>) | Passed |
| HB 72 | Children's Justice Center Amendments (<i>Lorie D. Fowlke</i>) | Passed |
| HB 73 | Vehicle Operator Turn off Requirements (<i>Fred R Hunsaker</i>) | Failed |
| HB 74 | Township Amendments (<i>Phil Riesen</i>) | Failed |
| HB 75 | Utah Communications Agency Network Amendments (<i>Fred R Hunsaker</i>) | Passed |
| HB 76 | Income Tax Credit for Military Retired Pay (<i>Steven R. Mascaro</i>) | Failed |
| HB 77 | Income Tax Credit for Taxable Social Security Benefits (<i>Steven R. Mascaro</i>) | Failed |
| HB 78 | Utah Uniform Securities Act Modifications (<i>Jim Bird</i>) | Passed |
| HB 79 | Income Tax Credit for At-home Parent (<i>Jack R. Draxler</i>) | Failed |
| HB 80 | Study on Taxpayer Advocate Program (<i>Keith Grover</i>) | Passed |
| HB 81 | Health Care Patient Identity Protection (<i>Stephen E. Sandstrom</i>) | Passed |
| HB 82 | Teacher Mortgage Loan Program (<i>Lynn N. Hemingway</i>) | Failed |
| HB 83 | Property Tax Relief Programs (<i>Gage Froerer</i>) | Failed |
| HB 84 | Campaign Financing and Gift Regulation (<i>Steven R. Mascaro</i>) | Failed |
| HB 85 | Mutual Benefit Corporation - Judicial Liens (<i>Patrick Painter</i>) | Passed |
| HB 86 | Division of Real Estate Related Amendments (<i>Gage Froerer</i>) | Passed |
| HB 87 | Identity Theft Amendment (<i>Julie Fisher</i>) | Passed |
| HB 88 | Local District Board of Trustees Amendments (<i>Janice M. Fisher</i>) | Failed |
| HB 89 | Prosthetic Limb Health Insurance Parity (<i>David Litvack</i>) | Failed |
| HB 90 | Abortion Law Amendments (<i>Paul Ray</i>) | Passed |
| HB 91 | Individual Development Account Amendments (<i>F. Jay Seegmiller</i>) | Passed |

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| HB 92 | Requirement to Wear Hunter Orange Amendments (<i>Stephen E. Sandstrom</i>) | Passed |
| HB 93 | Establishment of State Ethics Commission (<i>Phil Riesen</i>) | Failed |
| HB 94 | State Parks Fee Exemption for Seniors (<i>Richard A. Greenwood</i>) | Failed |
| HB 95 | Restrictions on Use of Wireless Communication Devices in Vehicles (<i>Phil Riesen</i>) | Failed |
| HB 96 | State Retirement System Participation for Charter Schools (<i>Christine F. Watkins</i>) | Passed |
| HB 97 | Sexual Exploitation of a Minor (<i>Ron Bigelow</i>) | Passed |
| HB 98 | Campaign Finance Definitions (<i>Sheryl L. Allen</i>) | Failed |
| HB 99 | Professional Licensure Exemptions (<i>Larry B. Wiley</i>) | Failed |
| HB 100 | Department of Corrections - Tracking and Reimbursement of Individual Prisoner Costs (<i>Carl Wimmer</i>) | Passed |
| HB 101 | Assertive Community Mental Health Treatment Pilot Program (<i>Carol Spackman Moss</i>) | Failed |
| HB 102 | False Vehicle Title and Registration Penalties (<i>Paul Ray</i>) | Passed |
| HB 103 | Revolving Door Limitations for Public Officials to Become Lobbyists (<i>Carol Spackman Moss</i>) | Failed |
| HB 104 | Driver License Hearing Amendments (<i>Richard A. Greenwood</i>) | Passed |
| HB 105 | Department of Agriculture and Food Amendments (<i>John G. Mathis</i>) | Passed |
| HB 106 | Controlled Substance Database Amendments (<i>Bradley M. Daw</i>) | Passed |
| HB 107 | Economic Impact of Illegal Aliens (<i>Stephen D. Clark</i>) | Failed |
| HB 108 | Hormone Restoration Amendments (<i>Douglas C. Aagard</i>) | Passed |
| HB 109 | Modifications to Campaign Finance Provisions (<i>Kraig Powell</i>) | Failed |
| HB 110 | Financial Transaction Card Offenses (<i>Julie Fisher</i>) | Passed |
| HB 111 | Deferred Deposit Lending Amendments (<i>Laura Black</i>) | Failed |
| HB 112 | Vehicle Towing Amendments (<i>Todd E. Kiser</i>) | Passed |
| HB 113 | Salvage Vehicle Title Amendments (<i>Todd E. Kiser</i>) | Passed |
| HB 114 | Abortion Litigation Trust Account Amendments (<i>Kenneth W. Sumsion</i>) | Passed |
| HB 115 | County Conservation and Preservation Fund (<i>Jack R. Draxler</i>) | Failed |
| HB 116 | Uniform Fees on Canoes (<i>Mark A. Wheatley</i>) | Passed |
| HB 117 | Mechanical Contractor Licensing Provisions (<i>Larry B. Wiley</i>) | Failed |
| HB 118 | Archives and Grama Revisions (<i>Douglas C. Aagard</i>) | Passed |
| HB 119 | Powersport Vehicle Franchise Act Revisions (<i>James R. Gowans</i>) | Passed |
| HB 120 | Snake Valley Aquifer Research Team and Advisory Council (<i>Bradley A. Winn</i>) | Passed |
| HB 121 | Retired Volunteer Health Care Practitioner Act (<i>Melvin R. Brown</i>) | Passed |
| HB 122 | Government Records Access and Management Act Amendments (<i>Douglas C. Aagard</i>) | Failed |
| HB 123 | Retail and Library Theft Amendments (<i>Francis D. Gibson</i>) | Passed |
| HB 124 | Insurance Coverage for Eosinophilic Gastrointestinal Disorders and Short Bowel Syndrome (<i>Christine A. Johnson</i>) | Failed |
| HB 125 | Impact Fee Amendments (<i>Kraig Powell</i>) | Failed |
| HB 126 | Voter Identification for Elections (<i>Bradley M. Daw</i>) | Passed |
| HB 127 | Personal Injury Protection Coverage Amendments (<i>Todd E. Kiser</i>) | Passed |
| HB 128 | Electronic Prescribing Act (<i>Ronda Rudd Menlove</i>) | Passed |
| HB 129 | Alcoholic Beverage Amendments Related to Minors (<i>Curtis Oda</i>) | Passed |
| HB 130 | Asset Preservation Amendments (<i>Gregory H. Hughes</i>) | Passed |
| HB 131 | School Fee Amendments (<i>Craig A. Frank</i>) | Failed |
| HB 132 | Sexual Assault Victim Protocols (<i>Jackie Biskupski</i>) | Passed |
| HB 133 | Earned Income Tax Credit (<i>Brian S. King</i>) | Failed |
| HB 134 | Recall of Unsafe or Defective Products (<i>Christine F. Watkins</i>) | Failed |

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| HB 135 | Lien Revisions (<i>Brian S. King</i>) | Failed |
| HB 136 | Sex Offender Definition Amendments (<i>Paul Ray</i>) | Passed |
| HB 137 | Driver License Qualification Amendments (<i>Stephen E. Sandstrom</i>) | Failed |
| HB 138 | Expungement of Records Amendments (<i>Julie Fisher</i>) | Passed |
| HB 139 | Legislator Gift Reporting Act (<i>Stephen D. Clark</i>) | Failed |
| HB 140 | Motor Vehicle Registration Fee Amendments (<i>Craig A. Frank</i>) | Failed |
| HB 141 | Billboard Amendments (<i>Craig A. Frank</i>) | Passed |
| HB 142 | Reporting Abuse or Neglect of the Elderly or Disabled (<i>Lynn N. Hemingway</i>) | Passed |
| HB 143 | Vehicle Title, Inspection and Emission Testing Exemptions Amendments (<i>Kenneth W. Sumsion</i>) | Passed |
| HB 144 | Medical Language Interpreter Act (<i>Rebecca Chavez-Houck</i>) | Passed |
| HB 145 | Workplace Drug Testing Programs (<i>Trisha S. Beck</i>) | Failed |
| HB 146 | Expenditures of School and Institutional Trust Land Money by School Districts (<i>Tim M. Cosgrove</i>) | Failed |
| HB 147 | Resource Recovery by Governmental Entities (<i>Tim M. Cosgrove</i>) | Failed |
| HB 148 | Victim Rights Amendments (<i>R. Curt Webb</i>) | Passed |
| HB 149 | Forest Reserve Fund Revisions (<i>Michael E. Noel</i>) | Passed |
| HB 150 | State Board of Education Member Election Process Amendments (<i>Carol Spackman Moss</i>) | Failed |
| HB 151 | Motor Vehicle Forfeiture Amendments (<i>Christopher N. Herrod</i>) | Passed |
| HB 152 | Appraisal Management Company Regulation (<i>Michael T. Morley</i>) | Passed |
| HB 153 | Trespass Law Amendments (<i>John G. Mathis</i>) | Passed |
| HB 154 | State Construction Registry Amendments (<i>Michael T. Morley</i>) | Passed |
| HB 155 | Equalization of Funding for Divided School Districts (<i>Jim Bird</i>) | Failed |
| HB 156 | Subdivision Approval Amendments (<i>R. Curt Webb</i>) | Vetoed |
| HB 157 | Property Tax Assessment Amendments (<i>Wayne A. Harper</i>) | Passed |
| HB 158 | Motorcycle Helmet Law Amendments (<i>Neil A. Hansen</i>) | Failed |
| HB 159 | Ethics Provisions (<i>Sheryl L. Allen</i>) | Failed |
| HB 160 | Adult Joint Support Declaration (<i>Jennifer M. Seelig</i>) | Failed |
| HB 161 | Motor Vehicle Insurance Fee (<i>Larry B. Wiley</i>) | Failed |
| HB 163 | Property Transaction Amendments (<i>Rebecca D. Lockhart</i>) | Passed |
| HB 164 | Migratory Bird Production Areas (<i>Curtis Oda</i>) | Passed |
| HB 165 | Health Reform - Administrative Simplification (<i>Merlynn T. Newbold</i>) | Passed |
| HB 167 | County Hospital Retirement Provisions (<i>Michael E. Noel</i>) | Passed |
| HB 169 | Public Lands Policy Coordination Amendments (<i>Michael E. Noel</i>) | Passed |
| HB 170 | Insurance and Life Settlement Amendments (<i>James A. Dunnigan</i>) | Passed |
| HB 171 | Legal Immigrant Children Health Care Amendments (<i>Kory M. Holdaway</i>) | Failed |
| HB 172 | Advisory Redistricting Committee (<i>Rebecca Chavez-Houck</i>) | Failed |
| HB 173 | Hunting Guides and Outfitters Licensing Act (<i>Evan J. Vickers</i>) | Passed |
| HB 174 | Licensing of Vocational Rehabilitation Counselors (<i>Ronda Rudd Menlove</i>) | Passed |
| HB 178 | Health Insurance and Program Amendments (<i>James A. Dunnigan</i>) | Passed |
| HB 179 | State-Owned Land Amendments (<i>Kerry W. Gibson</i>) | Passed |
| HB 183 | National Animal Identification System (<i>Melvin R. Brown</i>) | Passed |
| HB 184 | Income Tax Credit for a Disabled Dependent (<i>John Dougall</i>) | Failed |
| HB 185 | Transportation Amendments (<i>Wayne A. Harper</i>) | Passed |
| HB 186 | School District Division Amendment (<i>Laura Black</i>) | Failed |

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| HB 187 | Recreational Use of Public Waters on Private Property (<i>Ben C. Ferry</i>) | Failed |
| HB 188 | Health System Reform - Insurance Market (<i>David Clark</i>) | Passed |
| HB 189 | Instruction in Health Amendments (<i>Lynn N. Hemingway</i>) | Failed |
| HB 190 | State Energy Policy Restrictions (<i>Roger E. Barrus</i>) | Failed |
| HB 191 | Air Quality Board Amendments (<i>Roger E. Barrus</i>) | Failed |
| HB 192 | Personal Injury Judgment Interest (<i>James A. Dunnigan</i>) | Passed |
| HB 193 | Property Tax - Greenbelt Rollback (<i>Ronda Rudd Menlove</i>) | Failed |
| HB 194 | Education Policies for Military Children (<i>Ronda Rudd Menlove</i>) | Passed |
| HB 195 | Utah Uniform Probate Code - Trust Amendments (<i>Rebecca D. Lockhart</i>) | Passed |
| HB 196 | Provisional Ballot Amendments for Unregistered Voters (<i>Neil A. Hansen</i>) | Failed |
| HB 197 | Reauthorization of Administrative Rules (<i>Ben C. Ferry</i>) | Passed |
| HB 198 | Marriage License Fee Amendments (<i>Christine A. Johnson</i>) | Passed |
| HB 199 | Statewide Equalization of School Funding (<i>Wayne A. Harper</i>) | Failed |
| HB 200 | Designation of Certain State Buildings (<i>Neil A. Hansen</i>) | Failed |
| HB 201 | Municipal Disincorporation Amendments (<i>Gage Froerer</i>) | Failed |
| HB 202 | School District Traffic Violation Complaint Procedures (<i>Wayne A. Harper</i>) | Passed |
| HB 203 | High Occupancy Vehicle Lane Amendments (<i>Kenneth W. Sumsion</i>) | Failed |
| HB 204 | Concealed Firearms Instructors Amendments (<i>Curtis Oda</i>) | Failed |
| HB 205 | Water Source Protection Amendments (<i>Michael E. Noel</i>) | Passed |
| HB 206 | Employment Selection Procedures (<i>Wayne A. Harper</i>) | Passed |
| HB 207 | Concurrent Enrollment Amendments (<i>Kory M. Holdaway</i>) | Failed |
| HB 208 | Modification of Exemption from Nonresident Tuition (<i>Richard A. Greenwood</i>) | Failed |
| HB 209 | Amendments to Criminal Appeals (<i>Julie Fisher</i>) | Passed |
| HB 210 | Posting of Collective Bargaining Agreements by School Districts and Charter Schools (<i>Kenneth W. Sumsion</i>) | Passed |
| HB 211 | Retirement Investment Reports (<i>Julie Fisher</i>) | Passed |
| HB 212 | Enhanced Public Safety Retirement Systems Cost-of-living Adjustment Option Amendments (<i>Carl Wimmer</i>) | Failed |
| HB 213 | Ban on Gifts to Legislators (<i>Christine A. Johnson</i>) | Failed |
| HB 214 | Sunset Date on Township Status (<i>Eric K. Hutchings</i>) | Failed |
| HB 215 | Public Service Commission Powers - Area Code Assignment (<i>James A. Dunnigan</i>) | Failed |
| HB 216 | Telecommunication Pricing Flexibility Amendments (<i>Fred R Hunsaker</i>) | Passed |
| HB 217 | Utah Indoor Clean Air Act Amendments (<i>Neil A. Hansen</i>) | Failed |
| HB 218 | Family Employment Program Amendments (<i>Janice M. Fisher</i>) | Passed |
| HB 219 | Tobacco Tax Increase (<i>Paul Ray</i>) | Failed |
| HB 220 | State Payment and Reimbursement to County Correctional Facilities (<i>Michael E. Noel</i>) | Passed |
| HB 221 | County Correctional Facilities Funding Amendments (<i>Michael E. Noel</i>) | Failed |
| HB 222 | Unborn Child Pain Prevention Act (<i>Carl Wimmer</i>) | Passed |
| HB 223 | Statute of Limitations Amendments (<i>Carl Wimmer</i>) | Passed |
| HB 224 | Health Care Provider Abusive Work Environment Prohibition Act (<i>Stephen E. Sandstrom</i>) | Failed |
| HB 225 | Driver License Amendments (<i>Carl Wimmer</i>) | Failed |
| HB 226 | Disaster Recovery and Emergency Management Amendments (<i>Curtis Oda</i>) | Passed |
| HB 227 | Prohibition on Citation Quotas (<i>Neil A. Hansen</i>) | Failed |
| HB 228 | Assault on Service Member in Uniform (<i>Eric K. Hutchings</i>) | Passed |
| HB 229 | Public School Funding (<i>Wayne A. Harper</i>) | Failed |

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| HB 230 | Credit Required in Teacher Transfers (<i>Lorie D. Fowlke</i>) | Failed |
| HB 231 | Utah Commission on Volunteers Amendments (<i>Douglas C. Aagard</i>) | Passed |
| HB 232 | Campaign and Financial Reporting Requirements Revisions (<i>Douglas C. Aagard</i>) | Passed |
| HB 233 | Aggravated Sexual Assault Amendments (<i>Carl Wimmer</i>) | Passed |
| HB 234 | Consumer Credit Protection Act Modification (<i>Julie Fisher</i>) | Passed |
| HB 235 | Dam Safety Amendments (<i>Stephen E. Sandstrom</i>) | Passed |
| HB 236 | Department of Community and Culture Grants (<i>Sheryl L. Allen</i>) | Passed |
| HB 237 | Criminal Penalties Amendments - Leaving the Scene of an Accident (<i>Christopher N. Herrod</i>) | Passed |
| HB 238 | Exemption of University Housing from Eviction Laws (<i>Kory M. Holdaway</i>) | Failed |
| HB 239 | Utah Medical Examiner Act - Investigation and Autopsies Amendments (<i>Curtis Oda</i>) | Passed |
| HB 240 | Wanton Destruction of Livestock (<i>Ronda Rudd Menlove</i>) | Passed |
| HB 241 | Priority of Water Rights (<i>Kerry W. Gibson</i>) | Passed |
| HB 242 | Kindergarten Amendments (<i>Laura Black</i>) | Failed |
| HB 243 | Rental Restrictions on Condominiums and Common Interest Communities (<i>Gage Froerer</i>) | Passed |
| HB 244 | Disruption of School Activities (<i>Carol Spackman Moss</i>) | Passed |
| HB 245 | Utah State 911 Committee Amendments (<i>Curtis Oda</i>) | Passed |
| HB 246 | Property Tax - Residential Exemption (<i>Gage Froerer</i>) | Failed |
| HB 247 | Amendments to Email Information Required of Registered Sex Offenders (<i>Jim Bird</i>) | Passed |
| HB 248 | Regulating the Use of a Wireless Communication Device While Operating a Motor Vehicle (<i>Carol Spackman Moss</i>) | Failed |
| HB 249 | Continuing Education for Contractors Amendments (<i>Ron Bigelow</i>) | Failed |
| HB 250 | Revisor's Statute (<i>Kevin S. Garn</i>) | Passed |
| HB 251 | Joint Custody Amendments (<i>Lorie D. Fowlke</i>) | Passed |
| HB 252 | Emergency Management Administration Council Amendments (<i>Curtis Oda</i>) | Passed |
| HB 253 | Motor Carrier Permit Fee Amendments (<i>Todd E. Kiser</i>) | Passed |
| HB 254 | Health Professional Authority - Death Certificates (<i>Bradley G. Last</i>) | Passed |
| HB 255 | Repeal of Sales and Use Tax Exemption Relating to Mining (<i>Christine F. Watkins</i>) | Failed |
| HB 256 | Livestock Watering Rights Amendments (<i>Michael E. Noel</i>) | Passed |
| HB 257 | Political Subdivision Clerk Amendments (<i>Merlynn T. Newbold</i>) | Passed |
| HB 258 | Amendments to Notice Provisions for Subdivision Changes (<i>Kraig Powell</i>) | Passed |
| HB 259 | Local Government Amendments (<i>Stephen E. Sandstrom</i>) | Passed |
| HB 260 | School Employee Termination Amendments (<i>Carl Wimmer</i>) | Failed |
| HB 261 | Aviation Amendments (<i>Wayne A. Harper</i>) | Passed |
| HB 262 | Licensing Eligibility (<i>Stephen E. Sandstrom</i>) | Failed |
| HB 263 | Insurance Fraud Related Assessments (<i>Douglas C. Aagard</i>) | Failed |
| HB 264 | Educator Evaluation Amendments (<i>Ronda Rudd Menlove</i>) | Passed |
| HB 265 | Postmortem Procedures Amendments (<i>Bradley M. Daw</i>) | Passed |
| HB 266 | Wrongful Lien Amendments (<i>Gage Froerer</i>) | Passed |
| HB 267 | Antidiscrimination Amendments (<i>Christine A. Johnson</i>) | Failed |
| HB 268 | Legislator Reporting of Gifts and Other Items (<i>Mark A. Wheatley</i>) | Failed |
| HB 269 | Anesthesiologist Assistants (<i>Julie Fisher</i>) | Failed |
| HB 270 | Parent-time Holiday and Notification Amendments (<i>Lorie D. Fowlke</i>) | Failed |
| HB 271 | Workers' Compensation - Uninsured Employers' Fund (<i>Michael T. Morley</i>) | Passed |
| HB 272 | Utah Scenic Byway Designation Amendments (<i>Christopher N. Herrod</i>) | Passed |

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| HB 273 | Contracting for Inter-facility Medical Transports (<i>Michael E. Noel</i>) | Failed |
| HB 274 | Local Government Fees and Charges (<i>C. Brent Wallis</i>) | Passed |
| HB 275 | Domestic Violence in Presence of a Child Amendments (<i>Kerry W. Gibson</i>) | Passed |
| HB 276 | Custodial Interference Amendments (<i>Carl Wimmer</i>) | Failed |
| HB 277 | Controlled Substance Amendments (<i>Paul Ray</i>) | Failed |
| HB 278 | B and C Roads Fund Amendments (<i>Michael E. Noel</i>) | Passed |
| HB 279 | Uniform Prudent Management of Institutional Funds Act (<i>Bradley G. Last</i>) | Passed |
| HB 280 | Insurance Code - Continuing Education (<i>Jim Bird</i>) | Passed |
| HB 281 | Wireless Communication Device Use Limitations While Operating a Motor Vehicle (<i>Paul Ray</i>) | Failed |
| HB 282 | Task Force on Legislative Reform (<i>Neil A. Hansen</i>) | Failed |
| HB 283 | Illegal Use of Motor Vehicles (<i>Michael E. Noel</i>) | Passed |
| HB 284 | Smoking Ban in Motor Vehicle (<i>F. Jay Seegmiller</i>) | Failed |
| HB 285 | Loss of Personal Information (<i>Eric K. Hutchings</i>) | Failed |
| HB 286 | Regulation of Lending by the Department of Financial Institutions (<i>Kevin S. Garn</i>) | Passed |
| HB 287 | Utah Education Network Amendments (<i>Kory M. Holdaway</i>) | Passed |
| HB 288 | Adoption Amendments (<i>Rebecca Chavez-Houck</i>) | Failed |
| HB 289 | Background Checks for Qualifying Entities (<i>Stephen E. Sandstrom</i>) | Passed |
| HB 290 | Prohibition of Wireless Communication Device Use in a Motor Vehicle (<i>Stephen D. Clark</i>) | Passed |
| HB 291 | County Personnel Amendments (<i>Brian S. King</i>) | Passed |
| HB 292 | Traffic Violation and Citation Amendments (<i>Don L. Ipson</i>) | Passed |
| HB 293 | State School Board Election Amendments (<i>Ronda Rudd Menlove</i>) | Failed |
| HB 294 | Survival Action upon Injury or Death (<i>Kay L. McIff</i>) | Passed |
| HB 295 | Money Laundering Amendments (<i>Ryan D. Wilcox</i>) | Passed |
| HB 296 | Schools for the Deaf and Blind Amendments (<i>Kenneth W. Sumsion</i>) | Passed |
| HB 297 | Budgetary Procedures Act Recodification (<i>Ron Bigelow</i>) | Passed |
| HB 298 | Juvenile Transfers from Justice Court (<i>Kay L. McIff</i>) | Failed |
| HB 299 | Unlawful Detainer Amendments (<i>Gage Froerer</i>) | Passed |
| HB 300 | Capital Improvement Appropriation Modification (<i>Ron Bigelow</i>) | Passed |
| HB 301 | State Disaster Recovery Restricted Account Amendments (<i>Ron Bigelow</i>) | Passed |
| HB 302 | Distribution of Tobacco Settlement Monies Amendments (<i>Ron Bigelow</i>) | Passed |
| HB 306 | Health and Human Services-related Commission, Committee, and Council Amendments (<i>Ron Bigelow</i>) | Passed |
| HB 307 | Tourism Marketing Performance Account Amendments (<i>Ron Bigelow</i>) | Passed |
| HB 308 | Workers' Compensation - Motor Carriers (<i>Don L. Ipson</i>) | Passed |
| HB 309 | County Fiscal Procedures Amendments (<i>Christopher N. Herrod</i>) | Passed |
| HB 310 | Authority of Lieutenant Governor to Perform Marriage (<i>Carl Wimmer</i>) | Passed |
| HB 311 | Utah State Railroad Museum Authority (<i>Neil A. Hansen</i>) | Failed |
| HB 312 | Amended Campaign Finance Filings (<i>Sheryl L. Allen</i>) | Failed |
| HB 313 | Social Host Liability Act (<i>Eric K. Hutchings</i>) | Passed |
| HB 314 | Dna Sample for Criminal Offenses - Amendments (<i>Richard A. Greenwood</i>) | Failed |
| HB 315 | Local School Governance Amendments (<i>Kenneth W. Sumsion</i>) | Failed |
| HB 316 | Time Limitation for Prosecution of Environmental Crimes (<i>Carl Wimmer</i>) | Failed |
| HB 317 | Capital Felony Amendments (<i>Carl Wimmer</i>) | Passed |
| HB 318 | Construction Trades Licensing Amendments (<i>Brian S. King</i>) | Failed |

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| HB 319 | Disaster Recovery Funding Amendments (<i>Curtis Oda</i>) | Passed |
| HB 320 | Collection Agency Amendments (<i>R. Curt Webb</i>) | Passed |
| HB 321 | State Agency Structure Task Force (<i>Wayne A. Harper</i>) | Failed |
| HB 322 | Tire Recycling Fee Modifications (<i>Neal B. Hendrickson</i>) | Failed |
| HB 323 | Amendments Regarding Notice on Utah Public Notice Website (<i>Bradley A. Winn</i>) | Passed |
| HB 324 | Motor Vehicle Business Regulation Act Amendments (<i>Francis D. Gibson</i>) | Passed |
| HB 325 | Opting Out of the Real Id Act (<i>Stephen E. Sandstrom</i>) | Failed |
| HB 326 | Forcible Entry and Detainer Amendments (<i>Lorie D. Fowlke</i>) | Passed |
| HB 327 | Building Inspector Amendments (<i>Douglas C. Aagard</i>) | Passed |
| HB 328 | Teacher Quality Amendments (<i>Gregory H. Hughes</i>) | Passed |
| HB 329 | Wrongful Death Claims (<i>Lorie D. Fowlke</i>) | Passed |
| HB 330 | Utah School Seismic Hazard Inventory (<i>Larry B. Wiley</i>) | Failed |
| HB 331 | Health Reform - Health Insurance Coverage in State Contracts (<i>James A. Dunnigan</i>) | Passed |
| HB 333 | Motor Vehicle Impound Amendments (<i>Curtis Oda</i>) | Failed |
| HB 334 | Writing Assessment and Instruction (<i>Merlynn T. Newbold</i>) | Passed |
| HB 337 | Choose Life Special Group License Plate (<i>Christopher N. Herrod</i>) | Failed |
| HB 339 | Legislator - Benefit Plans (<i>Eric K. Hutchings</i>) | Failed |
| HB 340 | Respite Care Assistance Fund (<i>Jack R. Draxler</i>) | Passed |
| HB 342 | Disproportionate Rental Fee Amendments (<i>Gage Froerer</i>) | Passed |
| HB 344 | Automobile Registration Amendment (<i>Stephen E. Sandstrom</i>) | Failed |
| HB 345 | Elected Officials - Restrictions on Lobbying (<i>Brad L. Dee</i>) | Passed |
| HB 346 | Campaign and Financial Reporting Requirements Amendments (<i>Brad L. Dee</i>) | Passed |
| HB 347 | Alcoholic Beverage Control Act Modifications (<i>Gregory H. Hughes</i>) | Failed |
| HB 349 | Heavy Beer Amendments (<i>Curtis Oda</i>) | Failed |
| HB 351 | Court Fees Amendments (<i>Curtis Oda</i>) | Failed |
| HB 352 | Alcoholic Beverage Related Amendments (<i>James A. Dunnigan</i>) | Passed |
| HB 353 | Truth in Advertising Act Amendments (<i>Michael T. Morley</i>) | Vetoed |
| HB 354 | Capital Project Amendments (<i>Stephen D. Clark</i>) | Failed |
| HB 355 | Indigent Inmate Trust Fund Amendments (<i>Kay L. McIff</i>) | Passed |
| HB 356 | Barber, Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician Licensing Act Amendments (<i>Merlynn T. Newbold</i>) | Passed |
| HB 357 | Firearms Amendments (<i>Stephen E. Sandstrom</i>) | Passed |
| HB 359 | Information for Temporary License Plates (<i>Eric K. Hutchings</i>) | Failed |
| HB 362 | Government Records Amendments (<i>Gregory H. Hughes</i>) | Failed |
| HB 364 | Border and Nonresident Student Amendments (<i>Don L. Ipson</i>) | Passed |
| HB 366 | Water Rights Addendums to Deeds (<i>Ben C. Ferry</i>) | Failed |
| HB 368 | Underground Storage Tank Amendments (<i>Kay L. McIff</i>) | Failed |
| HB 370 | Disabled Parking Violation Amendments (<i>Steven R. Mascaro</i>) | Failed |
| HB 371 | Transportation Governance (<i>Wayne A. Harper</i>) | Passed |
| HB 372 | Insurance Provisions Regarding Offenders (<i>Paul Ray</i>) | Failed |
| HB 373 | Amendments to Department of Corrections' Operations (<i>Paul Ray</i>) | Passed |
| HB 375 | Local Government Records Amendments (<i>Ryan D. Wilcox</i>) | Passed |
| HB 376 | Revisions to Alcoholic Beverage Control Act (<i>Gregory H. Hughes</i>) | Failed |
| HB 377 | Judicial Code Amendments (<i>Douglas C. Aagard</i>) | Passed |
| HB 378 | Circuit Breaker Amendments (<i>Tim M. Cosgrove</i>) | Passed |
| HB 379 | Environmental Litigation Bond (<i>Michael E. Noel</i>) | Failed |

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| HB 380 | Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Amendments (<i>Craig A. Frank</i>) | Failed |
| HB 381 | Public Education Law Revisions - Association Leave (<i>Christopher N. Herrod</i>) | Failed |
| HB 383 | Water Rights Adjudication Amendments (<i>James R. Gowans</i>) | Passed |
| HB 384 | Public Lewdness Amendments (<i>Don L. Ipson</i>) | Passed |
| HB 387 | Motorcycle Helmet Amendments (<i>Ronda Rudd Menlove</i>) | Failed |
| HB 388 | Highway Access to State Parks or Sovereign Lands (<i>Roger E. Barrus</i>) | Failed |
| HB 389 | Applications for a Small Amount of Water (<i>Patrick Painter</i>) | Passed |
| HB 390 | Absentee Ballot Amendments (<i>John G. Mathis</i>) | Passed |
| HB 391 | Budgetary Procedures Act Revisions (<i>Ron Bigelow</i>) | Passed |
| HB 392 | Natural Gas for Vehicles (<i>Don L. Ipson</i>) | Passed |
| HB 393 | Air Quality Amendments (<i>Roger E. Barrus</i>) | Failed |
| HB 394 | Uniform Building Code Commission Amendments (<i>Carl Wimmer</i>) | Failed |
| HB 395 | Medical Services Amendments (<i>Paul Ray</i>) | Failed |
| HB 399 | Charitable Care Amendments (<i>Bradley G. Last</i>) | Passed |
| HB 400 | Pete Suazo Utah Athletic Commission Amendments (<i>Curtis Oda</i>) | Passed |
| HB 401 | Custody and Parent-time Amendments for Service Members (<i>Tim M. Cosgrove</i>) | Passed |
| HB 402 | Enforcement of Carbon Monoxide Detector Requirements (<i>Kevin S. Garn</i>) | Passed |
| HB 403 | Sales and Use Tax and Income Tax Amendments (<i>Kay L. McIlff</i>) | Failed |
| HB 404 | Disclosure of Real Property (<i>Merlynn T. Newbold</i>) | Passed |
| HB 405 | Geothermal Pool Amendments (<i>Kenneth W. Sumsion</i>) | Failed |
| HB 406 | Compact Agreement among the States to Elect the President by National Popular Vote (<i>Neil A. Hansen</i>) | Failed |
| HB 407 | Regulation of Private Instruction Swimming Pools (<i>Gregory H. Hughes</i>) | Failed |
| HB 409 | Education Building Projects Zoning Exemption Amendments (<i>Carl Wimmer</i>) | Failed |
| HB 410 | Legislator Salary Amendments (<i>Ron Bigelow</i>) | Passed |
| HB 411 | Utah Technology Governance Act Amendments (<i>Stephen D. Clark</i>) | Passed |
| HB 412 | Energy Policy Amendments (<i>Roger E. Barrus</i>) | Failed |
| HB 413 | County Authority Amendments (<i>Ronda Rudd Menlove</i>) | Passed |
| HB 414 | Eminent Domain Modifications (<i>Craig A. Frank</i>) | Failed |
| HB 415 | Taxation Amendments (<i>Wayne A. Harper</i>) | Failed |
| HB 416 | Seismic Upgrade Requirements for Condominium Conversion Projects (<i>Larry B. Wiley</i>) | Failed |
| HB 418 | Delinquent Property Tax Amendments (<i>Gage Froerer</i>) | Failed |
| HB 419 | Tanning Facilities Tax and Melanoma Cancer Research Fund (<i>Melvin R. Brown</i>) | Failed |
| HB 420 | Carbon Emission Reduction Provisions Amendments (<i>Christine F. Watkins</i>) | Failed |
| HB 423 | Economic Development Incentives for Employers (<i>Eric K. Hutchings</i>) | Failed |
| HB 425 | Carson Smith Scholarship Program Amendments (<i>Merlynn T. Newbold</i>) | Passed |
| HB 428 | Unemployment Insurance Amendments (<i>Steven R. Mascaro</i>) | Failed |
| HB 430 | Economic Development Incentives for Alternative Energy Projects (<i>Kevin S. Garn</i>) | Passed |
| HB 432 | Higher Education Budget Authority Amendments (<i>Kory M. Holdaway</i>) | Passed |
| HB 434 | Amendments to Department of Environmental Quality (<i>Rebecca P. Edwards</i>) | Failed |
| HB 436 | State Prohibition of Sudan Related Contracts (<i>David Litvack</i>) | Passed |
| HB 437 | Obstruction of Natural Resource or Agricultural Production (<i>Michael E. Noel</i>) | Passed |
| HB 438 | Foreclosure Clarifications (<i>Gregory H. Hughes</i>) | Failed |
| HB 439 | Amendments to City or Town Sales and Use Tax for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities (<i>Kory M. Holdaway</i>) | Failed |

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| HB 440 | Nuclear Power Generation and Distribution (<i>F. Jay Seegmiller</i>) | Failed |
| HB 444 | Budget Implementation Adjustments - Tobacco Settlement Funds (<i>Ron Bigelow</i>) | Failed |
| HB 445 | Health Program Revisions (<i>Ron Bigelow</i>) | Passed |
| HB 446 | Medicaid Restricted Account Amendments (<i>Rebecca P. Edwards</i>) | Passed |
| HB 447 | Utah Emergency Medical Services System Act Amendments (<i>Ron Bigelow</i>) | Passed |
| HB 449 | Veterans Nursing Home Amendments (<i>Gregory H. Hughes</i>) | Passed |
| HB 450 | Trademark Amendments (<i>Bradley G. Last</i>) | Failed |
| HB 451 | Public Employees' Benefit and Insurance Program Amendments (<i>Brad L. Dee</i>) | Failed |
| HB 454 | Small Employer Group Reinsurance Pool (<i>Jackie Biskupski</i>) | Failed |
| HB 455 | Court Security Restricted Account (<i>Eric K. Hutchings</i>) | Passed |
| HB 456 | Tobacco Access Restrictions (<i>Bradley G. Last</i>) | Passed |
| HB 457 | Truth in Music (<i>Gregory H. Hughes</i>) | Passed |
| HCR 1 | Concurrent Resolution on Certification of Compressed Natural Gas Vehicles (<i>Jack R. Draxler</i>) | Passed |
| HCR 2 | Healthy Family Partnership Concurrent Resolution (<i>Curtis Oda</i>) | Failed |
| HCR 3 | Concurrent Resolution Honoring the 200th Anniversary of the Birth of Abraham Lincoln (<i>Julie Fisher</i>) | Passed |
| HCR 4 | University of Utah Championship Football Team Concurrent Resolution (<i>Jim Bird</i>) | Passed |
| HCR 5 | Concurrent Resolution Urging the Realignment of Air Quality Nonattainment Designations by the Epa (<i>Ronda Rudd Menlove</i>) | Passed |
| HCR 6 | Concurrent Resolution Expressing Opposition to Congressional Efforts to Expand the Jurisdiction of the Clean Water Act (<i>Melvin R. Brown</i>) | Passed |
| HCR 7 | Concurrent Resolution Expressing Opposition to the Congressional Enactment of the National Landscape Conservation System (<i>Melvin R. Brown</i>) | Failed |
| HCR 8 | Concurrent Resolution Supporting Current Bureau of Land Management Resource Management Plans (<i>John G. Mathis</i>) | Passed |
| HCR 9 | Concurrent Resolution Honoring Don Peay (<i>Brad L. Dee</i>) | Passed |
| HCR 10 | Concurrent Resolution Honoring the Life and Contributions of Larry H. Miller (<i>Carl Wimmer</i>) | Passed |
| HJR 1 | Resolution Urging the Withdrawal of United States' World Trade Organization Commitment on Gambling (<i>Sheryl L. Allen</i>) | Passed |
| HJR 2 | Joint Resolution to Amend the Marriage Provision of the Utah Constitution (<i>Jackie Biskupski</i>) | Failed |
| HJR 3 | Joint Resolution Supporting Efforts to Increase and Improve Cancer Treatment, Screening, and Research Programs (<i>Susan Duckworth</i>) | Passed |
| HJR 4 | Joint Rules Resolution - Base Budget Deadline Amendments (<i>David Litvack</i>) | Failed |
| HJR 5 | Joint Resolution Supporting Needed Improvements in the Navajo Nation's Ability to Collect and Track Child Support Payments (<i>Christine F. Watkins</i>) | Passed |
| HJR 6 | Joint Resolution Revising Property Tax Exemption (<i>Patrick Painter</i>) | Failed |
| HJR 7 | Equine Resources Joint Resolution (<i>Bradley A. Winn</i>) | Passed |
| HJR 8 | Joint Resolution Regarding Secret Ballot (<i>Carl Wimmer</i>) | Passed |
| HJR 9 | Joint Resolution on Cost-effective Energy Efficiency and Utility Demand-side Management (<i>Roger E. Barrus</i>) | Passed |
| HJR 10 | Joint Resolution Honoring the Lives and Accomplishments of Father Francisco Atanascio Dominguez and Father Silvestre Velez De Escalante (<i>Mark A. Wheatley</i>) | Passed |
| HJR 11 | Joint Resolution Expressing Support for and Recognizing the Value of Locally Elected Officials (<i>Melvin R. Brown</i>) | Passed |
| HJR 12 | Joint Resolution Supporting Hydrogen Power from Advanced Coal and Carbon Capture and Sequestration Technology (<i>Patrick Painter</i>) | Passed |

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| HJR 13 | Joint Resolution - Teacher Performance Pay (<i>Marie H. Poulson</i>) | Failed |
| HJR 14 | Joint Rules Resolution - Ethics Training Course Provisions (<i>Lorie D. Fowlke</i>) | Passed |
| HJR 15 | Joint Resolution Approving Compensation of In-session Employees (<i>Kevin S. Garn</i>) | Passed |
| HJR 16 | Joint Resolution Amending Provision on Municipal Water Rights (<i>Kay L. McIff</i>) | Failed |
| HJR 17 | Joint Resolution Urging Congressional and Presidential Opposition to Federal Bailouts and Promotion of Fiscal Responsibility (<i>Craig A. Frank</i>) | Failed |
| HJR 18 | Joint Resolution for Legislative Appropriation Subcommittee Name Change (<i>Neal B. Hendrickson</i>) | Passed |
| HJR 19 | Joint Resolution Addressing Current Bureau of Land Management Resource Management Plans (<i>John G. Mathis</i>) | Failed |
| HJR 20 | Joint Resolution Expressing Support for a Moratorium on Foreclosures (<i>Brian S. King</i>) | Failed |
| HJR 21 | Master Study Resolution (<i>Kevin S. Garn</i>) | Passed |
| HJR 22 | Joint Resolution - Utah's Medicaid Asset Test (<i>Rebecca Chavez-Houck</i>) | Failed |
| HJR 23 | Joint Rules Resolution - Executive Appropriations Committee Amendments (<i>Ben C. Ferry</i>) | Passed |
| HJR 24 | Joint Resolution Approving Water Rights Form (<i>Ben C. Ferry</i>) | Failed |
| HJR 25 | Joint Resolution Urging Employers to Hire Only Individuals Who Are Authorized t o Work in the United States (<i>Christopher N. Herrod</i>) | Failed |
| HJR 26 | Joint Rules Resolution on the Selection of Ethics Committee Members (<i>Neil A. Hansen</i>) | Failed |
| HJR 27 | Criminal Procedure Revisions Resolution (<i>Wayne A. Harper</i>) | Failed |
| HJR 28 | Joint Resolution Honoring the Battleship USS Utah on its 100th Anniversary (<i>Julie Fisher</i>) | Passed |
| HJR 29 | Legislative Direction to the Public Employees' Benefit and Insurance Program (<i>Brad L. Dee</i>) | Passed |
| HR 1 | House Resolution Supporting the Narrows Water Project in Central Utah (<i>Bradley A. Winn</i>) | Passed |
| HR 2 | Ecumenical Patriarch House Resolution (<i>Gregory H. Hughes</i>) | Passed |
| HR 3 | Resolution on Energy Policy (<i>Michael E. Noel</i>) | Passed |
| HR 4 | House Resolution Expressing Opposition to the Creation of a National Identification Card (<i>Stephen E. Sandstrom</i>) | Passed |
| SB 2 | New Fiscal Year Appropriations Act (<i>Lyle W. Hillyard</i>) | Passed |
| SB 3 | Appropriations Adjustments (<i>Lyle W. Hillyard</i>) | Line Item Vetoed |
| SB 4 | Current School Year Supplemental Minimum School Program Budget Adjustments (<i>Howard A. Stephenson</i>) | Passed |
| SB 5 | Revenue Bond and Capital Facilities Authorizations (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 10 | Department of Community and Culture - State-owned Art Inventory (<i>Mark B. Madsen</i>) | Failed |
| SB 11 | Incest Amendments (<i>Dennis E. Stowell</i>) | Passed |
| SB 12 | DUI Amendments (<i>Sheldon L. Killpack</i>) | Passed |
| SB 13 | Administering Substances to Wildlife (<i>Margaret Dayton</i>) | Passed |
| SB 14 | Financial Incentives for Motion Picture Productions (<i>Lyle W. Hillyard</i>) | Passed |
| SB 15 | Workers' Compensation Premium Assessment and Related Funding (<i>Karen Mayne</i>) | Passed |
| SB 16 | Prohibited Gang Activity (<i>Jon J. Greiner</i>) | Passed |
| SB 17 | Surface Coal Mining Amendments (<i>Dennis E. Stowell</i>) | Passed |
| SB 18 | Utah Transparency Advisory Board Amendments (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 19 | Criminal Offense Penalties Amendment (<i>Jon J. Greiner</i>) | Failed |
| SB 20 | Local Public Health Emergency Funding (<i>Dennis E. Stowell</i>) | Passed |
| SB 21 | State and Local Health Authorities Amendments (<i>Dennis E. Stowell</i>) | Passed |
| SB 22 | Vehicle Amendments (<i>Scott K. Jenkins</i>) | Passed |

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| SB 23 | Income Taxation of Pass-through Entities and Pass-through Entity Taxpayers (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 24 | Early Voting Amendments (<i>Peter C. Knudson</i>) | Passed |
| SB 25 | Online Voter Registration (<i>Peter C. Knudson</i>) | Passed |
| SB 26 | Open and Public Meetings Act - Meeting Record (<i>Peter C. Knudson</i>) | Passed |
| SB 27 | Election Law Changes (<i>Peter C. Knudson</i>) | Passed |
| SB 28 | Prohibited Activities of Gang Offenders (<i>Jon J. Greiner</i>) | Passed |
| SB 29 | Safe Drinking Water Act Amendments (<i>Dennis E. Stowell</i>) | Passed |
| SB 30 | Enhancement of Truth in Advertising Act (<i>Margaret Dayton</i>) | Failed |
| SB 31 | Utah Residential Mortgage Practices and Licensing Act (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 32 | Wrongful Death Amendments (<i>Scott D. McCoy</i>) | Failed |
| SB 33 | Utility Transmission Corridor Siting Task Force (<i>Scott K. Jenkins</i>) | Failed |
| SB 34 | Amendments to Sales and Use Tax Exemption for Certain Machinery, Equipment, or Parts (<i>Wayne L. Niederhauser</i>) | Failed |
| SB 35 | Sales and Use Tax Definitions Relating to Property (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 36 | Sales and Use Tax Amendments (<i>Curtis S. Bramble</i>) | Passed |
| SB 37 | Utah Substance Abuse and Anti-violence Coordinating Council Amendments (<i>Kevin T. Van Tassell</i>) | Passed |
| SB 38 | Severance Tax Amendments (<i>John L. Valentine</i>) | Failed |
| SB 39 | Immigration Amendments (<i>Scott K. Jenkins</i>) | Passed |
| SB 40 | Lawful Presence Verification for Issuance of a Driver License or Identification Card (<i>Curtis S. Bramble</i>) | Passed |
| SB 41 | Siting of High Voltage Power Line Act (<i>Peter C. Knudson</i>) | Passed |
| SB 42 | Nuclear Power Distribution and Generation (<i>Scott D. McCoy</i>) | Failed |
| SB 43 | Insurance Coverage for Autism Spectrum Disorders - Clay's Law (<i>Howard A. Stephenson</i>) | Failed |
| SB 44 | Coal Mining and Reclamation Amendments (<i>Gene Davis</i>) | Failed |
| SB 45 | Concealed Firearm Permit for Retired Peace Officer (<i>Brent H. Goodfellow</i>) | Failed |
| SB 46 | School Property Tax Equalization Amendments (<i>Karen W. Morgan</i>) | Failed |
| SB 47 | County Regional Facilities Property Tax (<i>Gene Davis</i>) | Failed |
| SB 48 | Teacher Licensing by Competency Amendments (<i>D. Chris Buttars</i>) | Failed |
| SB 49 | Small Business Access to Justice Act (<i>Ross I. Romero</i>) | Failed |
| SB 50 | Restricting the Movement of a Motor Vehicle (<i>Brent H. Goodfellow</i>) | Passed |
| SB 51 | Restitution Fund Account (<i>Daniel R. Liljenquist</i>) | Passed |
| SB 52 | New Motor Vehicle Franchise Amendments (<i>Sheldon L. Killpack</i>) | Passed |
| SB 53 | Awarding of Attorney Fees (<i>Stephen H. Urquhart</i>) | Passed |
| SB 54 | Uniform Law - Uniform Assignment of Rents Act (<i>Ross I. Romero</i>) | Passed |
| SB 55 | Governor's Interagency Coordinating Council on Health Disparities and Economic Self-sufficiency (<i>Luz Robles</i>) | Failed |
| SB 56 | Military Installation Development Authority Amendments (<i>Sheldon L. Killpack</i>) | Passed |
| SB 57 | Local Option Transportation Corridor Preservation Fund Amendments (<i>Ralph Okerlund</i>) | Passed |
| SB 58 | Collection and Use of Precipitation (<i>Scott D. McCoy</i>) | Failed |
| SB 59 | Allocation and Apportionment of Income and Deduction of a Net Loss (<i>Howard A. Stephenson</i>) | Failed |
| SB 60 | Districts Providing Service to Taxed Property (<i>Michael G. Waddoups</i>) | Failed |
| SB 61 | Home School and Private School Students' Participation in Extracurricular Activities (<i>Mark B. Madsen</i>) | Failed |

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| SB 62 | Insurance Coverage for Essential Medical Services (<i>Michael G. Waddoups</i>) | Failed |
| SB 63 | Modifications to Recording Requirements (<i>Ralph Okerlund</i>) | Failed |
| SB 64 | Administrative Rules Review Committee (<i>Howard A. Stephenson</i>) | Failed |
| SB 65 | Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions (<i>Dennis E. Stowell</i>) | Passed |
| SB 66 | Highway Designation Amendments (<i>David P. Hinkins</i>) | Passed |
| SB 67 | Miners' Safety and Training (<i>Luz Robles</i>) | Failed |
| SB 68 | Mining Protection Amendments (<i>Sheldon L. Killpack</i>) | Passed |
| SB 69 | Proof of Citizenship Required to Vote (<i>Mark B. Madsen</i>) | Failed |
| SB 70 | Department of Environmental Quality Amendments (<i>Margaret Dayton</i>) | Passed |
| SB 73 | Unincorporated Areas Amendments (<i>Karen Mayne</i>) | Passed |
| SB 74 | At-risk Student Provisions (<i>Luz Robles</i>) | Failed |
| SB 75 | Utility Amendments (<i>Stephen H. Urquhart</i>) | Passed |
| SB 76 | Energy Amendments (<i>Curtis S. Bramble</i>) | Passed |
| SB 77 | Grants for Licensed Teachers Amendments (<i>Mark B. Madsen</i>) | Failed |
| SB 78 | Protection of Constitutionally Guaranteed Activities in Certain Private Venues (<i>Mark B. Madsen</i>) | Passed |
| SB 79 | Health Reform - Medical Malpractice Amendments (<i>Peter C. Knudson</i>) | Passed |
| SB 80 | Fire Liability Modifications (<i>Margaret Dayton</i>) | Passed |
| SB 81 | Concurrent Enrollment Program Amendments (<i>Margaret Dayton</i>) | Passed |
| SB 82 | Local Health Authority Funding Amendments (<i>Dennis E. Stowell</i>) | Failed |
| SB 83 | Condemnation Amendments (<i>Dennis E. Stowell</i>) | Passed |
| SB 84 | Impact Fees Revisions (<i>Gregory S. Bell</i>) | Passed |
| SB 85 | Homicide Amendments (<i>Stephen H. Urquhart</i>) | Passed |
| SB 86 | Amendments to Preferred Drug List (<i>Allen M. Christensen</i>) | Failed |
| SB 87 | Preferred Drug List Revisions (<i>Allen M. Christensen</i>) | Passed |
| SB 88 | Administrative Rulemaking Act Amendments (<i>Howard A. Stephenson</i>) | Passed |
| SB 89 | Public Safety Retirement Death Benefit Modifications (<i>Jon J. Greiner</i>) | Failed |
| SB 90 | Metal Theft Amendments and Penalties (<i>Jon J. Greiner</i>) | Passed |
| SB 91 | Electronic Communication Harassment Amendment (<i>Jon J. Greiner</i>) | Passed |
| SB 92 | Local Governmental Cooperation in Education Matters (<i>Patricia W. Jones</i>) | Passed |
| SB 93 | Building Authorities (<i>Dennis E. Stowell</i>) | Passed |
| SB 94 | Underground Sewer Utilities Facilities Amendments (<i>Jon J. Greiner</i>) | Passed |
| SB 95 | Mobile Home Park Amendments (<i>Scott K. Jenkins</i>) | Passed |
| SB 96 | Concealed Firearm Permit Residency Requirement (<i>Scott D. McCoy</i>) | Failed |
| SB 97 | Good Samaritan Act for Engineers (<i>Michael G. Waddoups</i>) | Passed |
| SB 98 | Motor Fuel Theft Penalties (<i>Jon J. Greiner</i>) | Passed |
| SB 99 | Renewable Energy Certificate Revisions (<i>Curtis S. Bramble</i>) | Passed |
| SB 100 | Financial and Economic Literacy Education Amendments (<i>Patricia W. Jones</i>) | Passed |
| SB 101 | State Ethics Commission (<i>Scott D. McCoy</i>) | Failed |
| SB 102 | Share the Road Special Group License Plate (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 103 | Uniform Laws - Uniform Principal and Income Act Amendments (<i>Lyle W. Hillyard</i>) | Passed |
| SB 104 | Higher Education Scholarship Program Amendments (<i>Lyle W. Hillyard</i>) | Passed |
| SB 105 | Engineering and Computer Science Initiative Amendments (<i>Lyle W. Hillyard</i>) | Passed |
| SB 106 | Alcoholic Beverage Control Act Restrictions (<i>Scott D. McCoy</i>) | Failed |
| SB 107 | Communications and Mortgage Fraud Penalty Amendments (<i>David P. Hinkins</i>) | Passed |

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| SB 108 | Tax Commission Administration, Collection, and Enforcement Amendments (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 109 | Local School Funding Legislative Task Force (<i>D. Chris Buttars</i>) | Failed |
| SB 110 | Oil and Gas Limitation of Actions Amendments (<i>Kevin T. Van Tassell</i>) | Passed |
| SB 111 | Health Care Workforce Financial Assistance Program Amendments (<i>Gene Davis</i>) | Passed |
| SB 112 | Obstruction of Justice Amendment (<i>Ralph Okerlund</i>) | Passed |
| SB 113 | Delayed Effective Date for Illegal Immigration Legislation (<i>Patricia W. Jones</i>) | Failed |
| SB 114 | Tobacco Tax Amendments (<i>Allen M. Christensen</i>) | Failed |
| SB 115 | Payment of Mobile Home Park Relocation Expenses (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 116 | Criminal Penalty Amendments (<i>Daniel R. Liljenquist</i>) | Passed |
| SB 117 | Advance Health Care Directive Act Amendments (<i>Allen M. Christensen</i>) | Passed |
| SB 118 | Parental Responsibility for Juvenile Criminal Gang Offense Costs (<i>Jon J. Greiner</i>) | Passed |
| SB 119 | Hospital Emergency Room Task Force (<i>D. Chris Buttars</i>) | Failed |
| SB 120 | Workers' Compensation Act - Medical Reports (<i>Karen Mayne</i>) | Passed |
| SB 121 | Workers' Compensation - Attorney Fees (<i>Karen Mayne</i>) | Passed |
| SB 122 | Uniform State Law - Uniform Unsworn Foreign Declarations Act (<i>Lyle W. Hillyard</i>) | Passed |
| SB 123 | School District Division Process (<i>Lyle W. Hillyard</i>) | Failed |
| SB 124 | Indemnification for Design Professional Services (<i>Gregory S. Bell</i>) | Passed |
| SB 125 | Interest on Personal Injury Judgments (<i>Ralph Okerlund</i>) | Failed |
| SB 126 | State Personnel Management Act Amendments (<i>Daniel R. Liljenquist</i>) | Passed |
| SB 127 | Retirement Amendments (<i>Daniel R. Liljenquist</i>) | Passed |
| SB 128 | Rainwater Harvesting (<i>Scott K. Jenkins</i>) | Failed |
| SB 129 | Mental Health Therapist Grant and Scholarship Act Repeal (<i>Daniel R. Liljenquist</i>) | Passed |
| SB 130 | Income Tax Credit - Contributions for Which Federal Matching Monies Are Offered (<i>Scott D. McCoy</i>) | Failed |
| SB 131 | Law Enforcement Service in Local Districts and Interlocal Entities (<i>Scott K. Jenkins</i>) | Passed |
| SB 132 | Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation Fund (<i>Karen Mayne</i>) | Failed |
| SB 133 | Abuse or Neglect of a Disabled Child (<i>John L. Valentine</i>) | Passed |
| SB 134 | Transportation Funding Amendments (<i>Stephen H. Urquhart</i>) | Passed |
| SB 135 | Local District Taxing Authority (<i>Curtis S. Bramble</i>) | Passed |
| SB 136 | Diesel-powered Motor Vehicle Emissions Inspection Program Amendments (<i>Gregory S. Bell</i>) | Passed |
| SB 137 | Physical Therapy Practice Act (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 138 | Internal Service Fund Rate Committee Amendments (<i>John L. Valentine</i>) | Passed |
| SB 139 | Employer Election Retirement Amendments (<i>Curtis S. Bramble</i>) | Passed |
| SB 140 | Financial Institutions Disclosure of Records (<i>Margaret Dayton</i>) | Passed |
| SB 141 | Aviation Fuel Tax Amendments (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 142 | Disposition of a Dead Body (<i>Allen M. Christensen</i>) | Passed |
| SB 143 | Sunset Act and Repealers Reauthorizations (<i>Sheldon L. Killpack</i>) | Passed |
| SB 144 | Pete Suazo Memorial Highway (<i>Luz Robles</i>) | Failed |
| SB 145 | Public Safety Retirees Death Benefit Revisions (<i>Jon J. Greiner</i>) | Passed |
| SB 146 | Home Schooling Amendments (<i>Mark B. Madsen</i>) | Passed |
| SB 147 | Driver License Revisions (<i>Lyle W. Hillyard</i>) | Passed |
| SB 148 | Low-profit Limited Liability Company Act (<i>Lyle W. Hillyard</i>) | Passed |
| SB 149 | Prohibition of Text Messaging or Electronic Mail Communication While Driving (<i>Lyle W. Hillyard</i>) | Failed |

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| SB 150 | State Armory Amendments (<i>Scott K. Jenkins</i>) | Passed |
| SB 151 | Driver License Defensive Driving Course Amendments (<i>Kevin T. Van Tassell</i>) | Failed |
| SB 152 | Legislative Management Powers (<i>Michael G. Waddoups</i>) | Passed |
| SB 153 | County and Municipal Land Use Amendments (<i>Mark B. Madsen</i>) | Passed |
| SB 154 | Juvenile Court Judge - Fifth District (<i>Stephen H. Urquhart</i>) | Failed |
| SB 155 | Adoption Exception to Custody and Visitation for Persons Other than Parents (<i>Lyle W. Hillyard</i>) | Passed |
| SB 156 | Gifts and Meal Provisions for Public Officials (<i>Gregory S. Bell</i>) | Passed |
| SB 157 | Property Taxation and Registration of Aircraft (<i>Mark B. Madsen</i>) | Passed |
| SB 158 | Child Support - Cash Medical Support (<i>Gregory S. Bell</i>) | Passed |
| SB 159 | Math Education Initiative (<i>Howard A. Stephenson</i>) | Failed |
| SB 160 | Utah Venture Capital Enhancement Act Amendments (<i>Scott K. Jenkins</i>) | Passed |
| SB 161 | Repeal of Maximum Charge to Publish Legal Notice (<i>Kevin T. Van Tassell</i>) | Passed |
| SB 162 | Use of Campaign Funds Amendments (<i>John L. Valentine</i>) | Passed |
| SB 163 | Construction Trade Exemption (<i>Stephen H. Urquhart</i>) | Passed |
| SB 164 | In Person Voter Registration (<i>Scott D. McCoy</i>) | Failed |
| SB 165 | Statute of Limitation Revisions (<i>Mark B. Madsen</i>) | Passed |
| SB 166 | Alcoholic Beverage Control Act - Days of Sale (<i>Scott D. McCoy</i>) | Failed |
| SB 167 | Amendments to Uniform Debt-management Services Act (<i>Lyle W. Hillyard</i>) | Passed |
| SB 168 | Alcoholic Beverage Control Act - Hours Restrictions (<i>Scott D. McCoy</i>) | Failed |
| SB 169 | Gambling Amendments (<i>Daniel R. Liljenquist</i>) | Passed |
| SB 170 | Judiciary Amendments (<i>Lyle W. Hillyard</i>) | Passed |
| SB 171 | Municipal Annexation Amendments (<i>Scott K. Jenkins</i>) | Passed |
| SB 172 | Underinsured Motorist Coverage Amendments (<i>Stephen H. Urquhart</i>) | Passed |
| SB 173 | Emotional Support Animals and Psychiatric Therapy Animals (<i>Margaret Dayton</i>) | Passed |
| SB 174 | Redistricting Commission (<i>Ross I. Romero</i>) | Failed |
| SB 175 | Signage Requirements Relating to Children and Animals in Parked Cars (<i>Karen Mayne</i>) | Failed |
| SB 176 | Civil Fees in Small Claims Courts Amendments (<i>Jon J. Greiner</i>) | Passed |
| SB 177 | New School District Amendments (<i>D. Chris Buttars</i>) | Failed |
| SB 178 | Class B and C Roads Amendments (<i>Kevin T. Van Tassell</i>) | Failed |
| SB 179 | Safety Belt Enforcement Amendments (<i>Curtis S. Bramble</i>) | Failed |
| SB 180 | Expungement of Division of Child and Family Services Records (<i>Lyle W. Hillyard</i>) | Passed |
| SB 181 | Criminal Prosecution Amendments (<i>Daniel R. Liljenquist</i>) | Failed |
| SB 182 | Criminal Restitution Amendments (<i>Curtis S. Bramble</i>) | Passed |
| SB 183 | Violation of Protective Order (<i>Scott D. McCoy</i>) | Passed |
| SB 184 | Civil Filing Fees (<i>Gregory S. Bell</i>) | Passed |
| SB 185 | Federal Education Agreement Requirements Amendments (<i>Margaret Dayton</i>) | Passed |
| SB 186 | Amendments to State Tax Commission Penalty Provisions (<i>Howard A. Stephenson</i>) | Passed |
| SB 187 | Alcohol Amendments (<i>John L. Valentine</i>) | Passed |
| SB 188 | Improvement District - Providing Electric Service (<i>Dennis E. Stowell</i>) | Passed |
| SB 189 | Amendments to Sales and Use Tax (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 190 | Acquisition of a Billboard by Eminent Domain (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 192 | Corporation and Business Entity Related Amendments (<i>Lyle W. Hillyard</i>) | Passed |
| SB 193 | Salvage Vehicles Amendments (<i>Stephen H. Urquhart</i>) | Passed |
| SB 194 | Nondiscrimination Amendments (<i>Scott D. McCoy</i>) | Failed |
| SB 195 | Public Employee Defined Contribution Amendments (<i>Daniel R. Liljenquist</i>) | Failed |

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| SB 199 | Equal Recognition of School Parent Groups (<i>Curtis S. Bramble</i>) | Failed |
| SB 201 | General Obligation Bond Authorization Amendments (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 202 | Drug Offender Reform Act Amendments (<i>Lyle W. Hillyard</i>) | Passed |
| SB 205 | Community Development and Renewal Agency Amendments (<i>Curtis S. Bramble</i>) | Passed |
| SB 208 | Utah Public Notice Website Amendments (<i>Stephen H. Urquhart</i>) | Passed |
| SB 209 | Land Use, Development, and Management Act Amendments (<i>Gregory S. Bell</i>) | Passed |
| SB 210 | Amendments to Property Tax (<i>Curtis S. Bramble</i>) | Passed |
| SB 211 | Building Code Amendments (<i>Curtis S. Bramble</i>) | Passed |
| SB 213 | Restaurant Nutrition Labeling (<i>Howard A. Stephenson</i>) | Passed |
| SB 214 | Office of Consumer Services Act (<i>John L. Valentine</i>) | Passed |
| SB 215 | Justice for All Special Group License Plate (<i>Gregory S. Bell</i>) | Failed |
| SB 216 | Revisions to Military Installation Development Authority Act (<i>Mark B. Madsen</i>) | Passed |
| SB 217 | Drugs Amendments (<i>Peter C. Knudson</i>) | Failed |
| SB 218 | Community Animal Shelter and Adoption Support Special Group License Plate (<i>Peter C. Knudson</i>) | Failed |
| SB 220 | Cohabitant Abuse Procedures Act Amendments (<i>Brent H. Goodfellow</i>) | Passed |
| SB 221 | Dedication and Abandonment of a Highway (<i>Mark B. Madsen</i>) | Failed |
| SB 223 | City and County Carbon Credits for Sequestration of Waste Stream Materials (<i>Ross I. Romero</i>) | Failed |
| SB 224 | Reuse of Industrial Byproduct (<i>Curtis S. Bramble</i>) | Passed |
| SB 225 | Health Amendments for Legal Immigrant Children (<i>Luz Robles</i>) | Failed |
| SB 227 | Concealed Firearm Permit Fees Amendments (<i>Scott D. McCoy</i>) | Failed |
| SB 228 | Prohibition on Internet or Mail-order Sales of Tobacco Products (<i>Margaret Dayton</i>) | Passed |
| SB 230 | Construction Payment Amendments (<i>Curtis S. Bramble</i>) | Passed |
| SB 234 | Motor Vehicle Registration Fees (<i>Ralph Okerlund</i>) | Failed |
| SB 235 | Redistribution of Sales and Use Tax Revenues (<i>John L. Valentine</i>) | Passed |
| SB 236 | Uninsured and Underinsured Motorist Coverage Amendments (<i>Mark B. Madsen</i>) | Failed |
| SB 238 | Coal Severance Tax (<i>Gene Davis</i>) | Failed |
| SB 239 | Transportation Revisions (<i>Sheldon L. Killpack</i>) | Passed |
| SB 240 | Utah Science Technology and Research Initiative Amendments (<i>Sheldon L. Killpack</i>) | Passed |
| SB 241 | Instructional Expenses Requirements (<i>Mark B. Madsen</i>) | Failed |
| SB 243 | Judicial Performance Evaluation Commission Modifications (<i>D. Chris Buttars</i>) | Passed |
| SB 244 | Long Arm Jurisdiction Amendments (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 245 | Uniform Fees on Motorcycles (<i>Brent H. Goodfellow</i>) | Failed |
| SB 248 | Tax Amendments (<i>Gregory S. Bell</i>) | Passed |
| SB 257 | Disaster Recovery Fund Funding Modifications (<i>Lyle W. Hillyard</i>) | Passed |
| SB 258 | Medicaid Drug Program Amendments (<i>Lyle W. Hillyard</i>) | Failed |
| SB 259 | Public Safety Restricted Account Amendments (<i>Lyle W. Hillyard</i>) | Passed |
| SB 260 | Housing Relief Restricted Special Revenue Fund (<i>Scott K. Jenkins</i>) | Passed |
| SB 267 | Landlord Disclosure Requirements (<i>Ross I. Romero</i>) | Failed |
| SB 268 | Title and Escrow Commission Related Amendments (<i>John L. Valentine</i>) | Failed |
| SB 269 | Public Utility Easement Amendments (<i>Gregory S. Bell</i>) | Passed |
| SB 270 | Gift Card or Document Amendments (<i>Wayne L. Niederhauser</i>) | Passed |
| SB 271 | Judicial Conduct Commission Amendments (<i>Gene Davis</i>) | Passed |
| SB 272 | Driver License Sanctions and Sentencing Requirements for Driving Under the Influence and Alcohol Related Offenses (<i>Scott K. Jenkins</i>) | Passed |

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| SCR 1 | Concurrent Resolution Requesting a Federal Waiver to Establish an Employer-sponsored Work Program (<i>Scott K. Jenkins</i>) | Passed |
| SCR 2 | Concurrent Resolution - a Call to Civility (<i>John L. Valentine</i>) | Passed |
| SCR 3 | Concurrent Resolution Expressing Support for the Work of the Utah Council on Financial and Economic Education (<i>Patricia W. Jones</i>) | Passed |
| SCR 4 | Resolution Supporting Obesity Awareness (<i>D. Chris Buttars</i>) | Declined to Sign |
| SJR 1 | Joint Resolution - Renewable Energy System (<i>Patricia W. Jones</i>) | Passed |
| SJR 2 | Topaz Museum and Civil Liberties Learning Center Joint Resolution (<i>Dennis E. Stowell</i>) | Passed |
| SJR 3 | Joint Resolution Approving Appointment of Legislative General Counsel (<i>Sheldon L. Killpack</i>) | Passed |
| SJR 4 | Recycling of Electronic Waste Joint Resolution (<i>Scott D. McCoy</i>) | Passed |
| SJR 5 | Joint Resolution Urging Presidential Support of Taiwan's Participation in Specialized Agencies of the United Nations (<i>Michael G. Waddoups</i>) | Passed |
| SJR 6 | Legislator Communications with Judiciary Joint Rules Resolution (<i>John L. Valentine</i>) | Passed |
| SJR 7 | Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month (<i>Karen Mayne</i>) | Passed |
| SJR 8 | Joint Resolution Regarding Eligibility for Legislative Office (<i>Scott D. McCoy</i>) | Passed |
| SJR 9 | Resolution Honoring the Utah Law Enforcement Memorial Foundation (<i>Jon J. Greiner</i>) | Passed |
| SJR 10 | Alternative Training Center Joint Resolution (<i>Dennis E. Stowell</i>) | Passed |
| SJR 11 | Joint Resolution Urging Football Playoff (<i>Scott K. Jenkins</i>) | Passed |
| SJR 12 | Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County (<i>David P. Hinkins</i>) | Failed |
| SJR 13 | Resolution Amending Legislative Rules to Allow Abstaining from Voting (<i>Curtis S. Bramble</i>) | Failed |
| SJR 14 | Joint Resolution - Challenging the Legality of a Conviction or Sentence (<i>Curtis S. Bramble</i>) | Failed |
| SJR 16 | Joint Resolution Supporting Nuclear Power (<i>David P. Hinkins</i>) | Passed |
| SJR 17 | Hydraulic Fracturing Joint Resolution (<i>David P. Hinkins</i>) | Passed |
| SJR 18 | Joint Resolution on Fiscal Note Process (<i>Wayne L. Niederhauser</i>) | Failed |
| SJR 19 | Joint Resolution Regarding Legislative Ethics (<i>Gene Davis</i>) | Failed |
| SJR 21 | Joint Resolution on Combating and Reducing Gang Activity (<i>Luz Robles</i>) | Failed |
| SJR 22 | Resolution Approving Contract for Construction of Utah Science Technology and Research Initiative Centers (<i>Lyle W. Hillyard</i>) | Passed |
| SJR 23 | Joint Rules Resolution Date Changes (<i>Margaret Dayton</i>) | Passed |
| SR 1 | Ecumenical Patriarch Senate Resolution (<i>Patricia W. Jones</i>) | Passed |
| SR 2 | Senate Resolution Supporting the Narrows Water Project in Central Utah (<i>Ralph Okerlund</i>) | Passed |
| SR 3 | Resolution Designating September 2009 as Hydrocephalus Awareness Month and Urging National Registry (<i>Gregory S. Bell</i>) | Passed |
| SR 4 | Senate Rules Resolution - Ethics Revisions (<i>Gene Davis</i>) | Failed |
| SR 5 | Senate Rules Resolution Allowing Abstaining from Voting (<i>Curtis S. Bramble</i>) | Failed |
| SR 6 | Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens (<i>Luz Robles</i>) | Passed |

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SB 96
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States - HJR 25

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ZONING

Education Building Projects Zoning Exemption
Amendments - HB 409

Statistical Summary of Legislation

2009 General Session

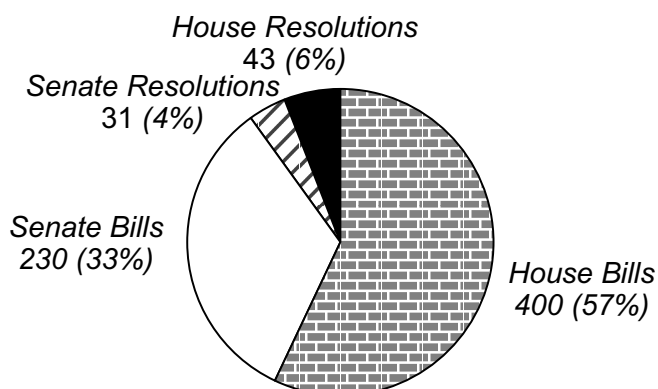
| | House | Senate | Total |
|---|------------|------------|------------|
| Total Bills and Resolutions Introduced | 443 | 261 | 704 |
| Total Bills and Resolutions Passed | 272 | 179 | 451 |
| Total Bills and Resolutions Enacted | 270 | 178 | 448 |

| | | | |
|------------------------------|------------|------------|------------|
| Bills Introduced | 400 | 230 | 630 |
| Bills Passed | 244 | 156 | 400 |
| Bills Vetoed | 2 | 0 | 2 |
| Bills with Line Items Vetoed | 0 | 1 | 1 |
| Total Bills Enacted | 242 | 156 | 398 |

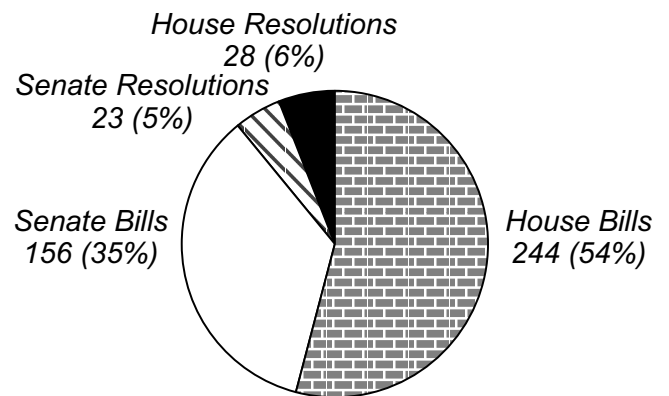
| | | | |
|---------------------------------------|-----------|-----------|-----------|
| Concurrent Resolutions Introduced | 10 | 4 | 14 |
| Joint Resolutions Introduced | 29 | 21 | 50 |
| House & Senate Resolutions Introduced | 4 | 6 | 10 |
| Total Resolutions Introduced | 43 | 31 | 74 |

| | | | |
|-----------------------------------|-----------|-----------|-----------|
| Concurrent Resolutions Passed | 8 | 4 | 12 |
| Joint Resolutions Passed | 16 | 15 | 31 |
| House & Senate Resolutions Passed | 4 | 4 | 8 |
| Resolution Declined to Sign | 0 | 1 | 1 |
| Total Resolutions Passed | 28 | 23 | 51 |

Introduced - 704

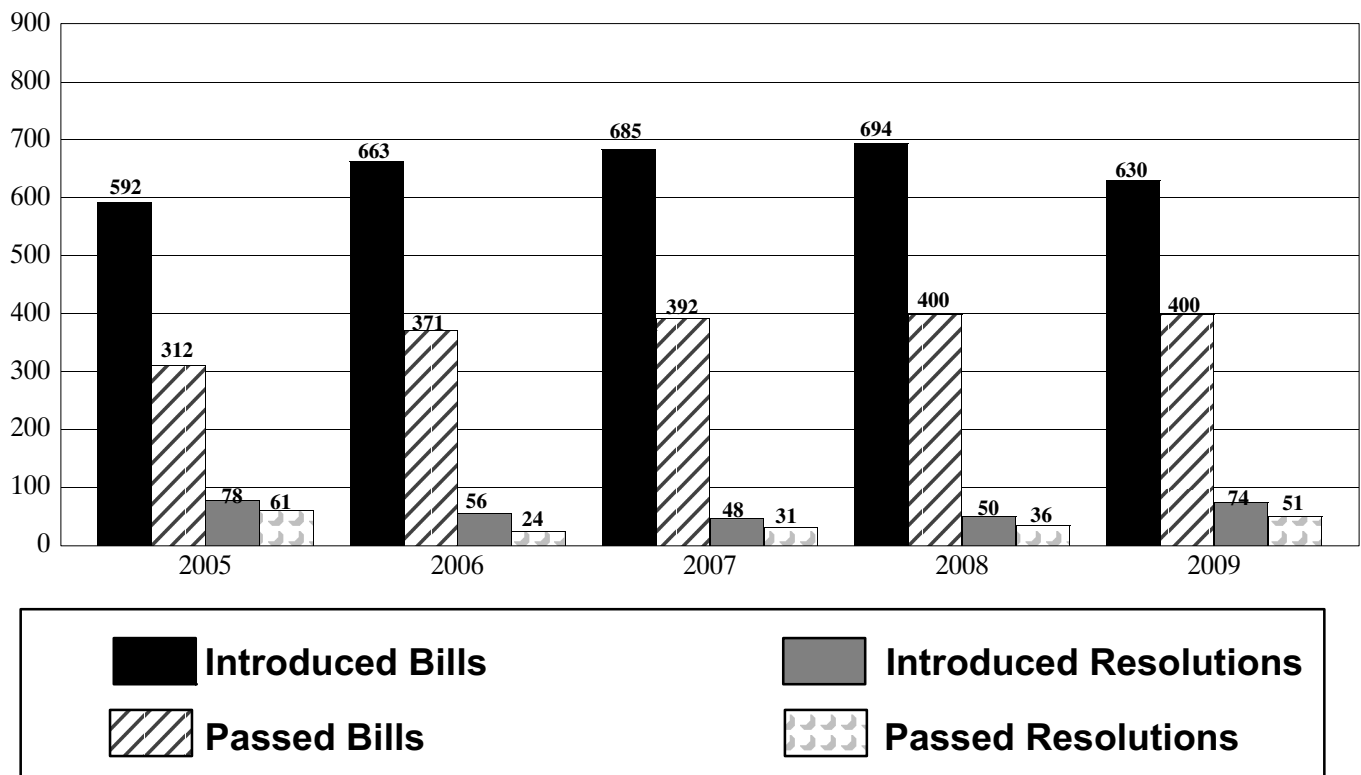


Passed - 451



Statistical Summary of General Sessions 2005-2009

| | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|------|------|------|------|------|
| Bills Introduced | 592 | 663 | 685 | 694 | 630 |
| Bills Passed | 312 | 371 | 392 | 400 | 400 |
| Percentage of Bills Passed | 53% | 56% | 57% | 58% | 63% |
| Bills Vetoed | 2 | 4 | 0 | 1 | 2 |
| Veto Overridden | 0 | 0 | 0 | 0 | 0 |
| Bills Failed Due to Lack of Presentment | 1 | 0 | 0 | 0 | 0 |
| Concurrent Resolutions Introduced | 24 | 11 | 14 | 14 | 14 |
| Concurrent Resolutions Passed | 20 | 5 | 12 | 13 | 12 |
| Joint Resolutions Introduced | 41 | 38 | 29 | 26 | 50 |
| Joint Resolutions Passed | 32 | 13 | 15 | 16 | 31 |
| House & Senate Resolutions Introduced | 13 | 7 | 5 | 10 | 10 |
| House & Senate Resolutions Passed | 9 | 6 | 4 | 7 | 8 |



DIGEST OF LEGISLATION

2008 Second SPECIAL SESSION of the 58th Legislature

**Convened September 25, 2008
and Adjourned September 26, 2008**

*Prepared by the
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PASSED LEGISLATION 2008 SECOND SPECIAL SESSION

HB 2001 Sales and Use Tax Exemption for Aircraft Parts and Equipment (*Brad L. Dee*)

This bill amends the Sales and Use Tax Act relating to an exemption for aircraft parts and equipment.

This bill:

- ▶ modifies a sales and use tax exemption for aircraft parts and equipment;
- ▶ provides that the exemption may be claimed by filing for a refund under certain circumstances; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.
- ▶

This bill has retrospective operation to July 1, 2008.

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

Amends 59-12-104 (Effective 01/01/09), 59-12-104 (Superseded 01/01/09)

Effective September 29, 2008

Chapter 2, Laws of Utah 2008, Second Special Session

HB 2002 Amendments to Legislator Salaries (*David Clark*)

This bill allows the Legislature to decrease or reject a legislative salary increase recommended by the Legislative Compensation Commission during a special legislative session in an even-numbered year.

This bill:

- ▶ allows the Legislature to decrease or reject a legislative salary increase recommended by the Legislative Compensation Commission during a special legislative session in an even-numbered year; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 36-2-3

Effective September 26, 2008

Chapter 1, Laws of Utah 2008, Second Special Session

HB 2003 Capital Improvement Amendments (*Kevin S. Garn*)

This bill addresses reduced appropriations for capital improvements if a General Fund budget deficit exists.

This bill:

- ▶ defines terms;
- ▶ allows the Legislature to reduce the amount appropriated to capital improvements when the Legislature determines the existence of a General Fund budget deficit or an Education Fund budget deficit, instead of an "operating deficit"; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 63A-5-104

Effective October 6, 2008

Chapter 3, Laws of Utah 2008, Second Special Session

HB 2004 Transportation General Obligation Bond Modifications (*Wayne A. Harper*)

This bill modifies general obligation bond provisions relating to the use of bond proceeds for certain transportation projects.

This bill:

- ▶ provides that a portion of certain general obligation bond proceeds previously authorized that were allocated for certain transportation projects within Taylorsville City may also be used for an environmental study and preliminary engineering at 5400 South and Interstate 215; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 63B-16-102

Effective October 6, 2008

Chapter 4, Laws of Utah 2008, Second Special Session

HB 2005 Transportation Finance Amendments (*Rebecca D. Lockhart*)

This bill modifies the Sales and Use Tax Act by amending provisions relating to transportation funding.

This bill:

- ▶ for the fiscal year 2008-09 only, reduces the amount of sales and use tax revenue that is deposited into the Critical Highway Needs Fund from \$90,000,000 to \$55,000,000; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 9-4-1409, 59-12-103 (Effective 01/01/09), 59-12-103 (Superseded 01/01/09)

Effective October 6, 2008

Chapter 5, Laws of Utah 2008, Second Special Session

HJR 201 Joint Resolution Rejecting Salary Increases for Legislators (*Gordon E. Snow*)

This joint resolution rejects a recommended salary increase for legislators.

This resolution:

- ▶ rejects a salary increase for legislators recommended by the Legislative Compensation Commission that would otherwise take effect on January 1, 2009.

Effective September 26, 2008

Laws of Utah 2008, Second Special Session

SB 2001 Current Fiscal Year Budget Adjustments (*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, 2008 and ending June 30, 2009.

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 2009:
 - ▶ (\$51,786,300) from the General Fund;
 - ▶ \$170,593,400 from the Uniform School Fund;
 - ▶ (\$103,896,300) from the Education Fund;
 - ▶ \$142,101,900 from various sources as detailed in this bill.
- ▶ This bill takes effect immediately.

Effective October 15, 2008

Chapter 9, Laws of Utah 2008, Second Special Session

SB 2002 Student Achievement Testing Exceptions (*Howard A. Stephenson*)

This bill allows the State Board of Education to exempt a school district or charter school from testing requirements under the Utah Performance Assessment System for Students (U-PASS) under certain circumstances.

This bill:

- ▶ allows the State Board of Education to exempt a school district or charter school from testing requirements under the Utah Performance Assessment System for Students (U-PASS) if the school district or charter school pilots an assessment system that incorporates:
 - online classroom-based assessment that utilizes adaptive testing in all grades;
 - online writing assessment in grades 4 through 12; and
 - assessments administered in grades 8, 10, and 11 to determine readiness for postsecondary education;€provides a cap on the number of exemptions that the State Board of Education may provide to school districts and charter schools;€provides that a school district or charter school that is exempt from U-PASS testing requirements is subject to an accountability plan and high school graduation standards developed and adopted by the State Board of Education;€provides that a student enrolled in a school district or charter school that is exempt from administering the tenth grade basic skills competency test is subject to high school graduation standards adopted by the State Board of Education; and€provides a repeal date.
- ▶ This bill provides an immediate effective date.

The original bill was recommended by the Education Interim Committee

Amends 53A-1-603, 53A-1-611, 63I-2-253

Effective October 6, 2008

Chapter 6, Laws of Utah 2008, Second Special Session

SB 2003 Higher Education Budget Authority (*Gregory S. Bell*)

This bill authorizes presidents of institutions of higher education and the State Board of Regents to reallocate certain appropriations.

This bill:

- ▶ authorizes the presidents of institutions of higher education and the State Board of Regents to reallocate designated appropriations between line items.
- ▶ This bill provides an immediate effective date.

Enacts 53B-2-108.1

Effective October 6, 2008

Chapter 7, Laws of Utah 2008, Second Special Session

SB 2004 Deposit of Interest Earned on Restricted Funds (*Lyle W. Hillyard*)

This bill modifies provisions relating to the deposit of interest from the General Fund Budget Reserve Account and the Education Fund Budget Reserve Account.

This bill:

- ▶ provides that interest generated from funds in the General Fund Budget Reserve Account (the "Rainy Day Fund") be deposited into the General Fund rather than the General Fund Budget Reserve Account;
- ▶ provides that interest generated from funds in the Education Fund Budget Reserve Account be deposited into the Education Fund rather than the Education Fund Budget Reserve Account; and
- ▶ makes technical changes.
- ▶ This bill provides an immediate effective date.

Amends 63J-1-202, 63J-1-203

Effective October 6, 2008

Chapter 8, Laws of Utah 2008, Second Special Session

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Transportation General Obligation Bond
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Utah Code Sections Affected 2008 Second Special Session

Legend: The action taken on each section is as follows:

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

| <u>Section</u> | <u>Action</u> | <u>Bill Number</u> | <u>Former/ Renumber</u> | <u>Page Number</u> | <u>Section</u> | <u>Action</u> | <u>Bill Number</u> | <u>Former/ Renumber</u> | <u>Page Number</u> |
|----------------|---------------|--------------------|-------------------------|--------------------|----------------|---------------|--------------------|-------------------------|--------------------|
| 9-4-1409 | A | HB 2005 | | 315 | 59-12-104 | A | HB 2001 | | 314 |
| 36-2-3 | A | HB 2002 | | 314 | 59-12-104 | A | HB 2001 | | 314 |
| 53A-1-603 | A | SB 2002 | | 316 | 63A-5-104 | A | HB 2003 | | 314 |
| 53A-1-611 | A | SB 2002 | | 316 | 63B-16-102 | A | HB 2004 | | 315 |
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| 59-12-103 | A | HB 2005 | | 315 | 63J-1-202 | A | SB 2004 | | 317 |
| 59-12-103 | A | HB 2005 | | 315 | 63J-1-203 | A | SB 2004 | | 317 |

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

**INTRODUCED LEGISLATION
2008 SECOND SPECIAL SESSION**

| | | |
|----------------|---|--------|
| HB 2001 | Sales and Use Tax Exemption for Aircraft Parts and Equipment (<i>Brad L. Dee</i>) | Passed |
| HB 2002 | Amendments to Legislator Salaries (<i>David Clark</i>) | Passed |
| HB 2003 | Capital Improvement Amendments (<i>Kevin S. Garn</i>) | Passed |
| HB 2004 | Transportation General Obligation Bond Modifications (<i>Wayne A. Harper</i>) | Passed |
| HB 2005 | Transportation Finance Amendments (<i>Rebecca D. Lockhart</i>) | Passed |
| HJR 201 | Joint Resolution Rejecting Salary Increases for Legislators (<i>Gordon E. Snow</i>) | Passed |
| SB 2001 | Current Fiscal Year Budget Adjustments (<i>Lyle W. Hillyard</i>) | Passed |
| SB 2002 | Student Achievement Testing Exceptions (<i>Howard A. Stephenson</i>) | Passed |
| SB 2003 | Higher Education Budget Authority (<i>Gregory S. Bell</i>) | Passed |
| SB 2004 | Deposit of Interest Earned on Restricted Funds (<i>Lyle W. Hillyard</i>) | Passed |

