DIGEST OF LEGISLATION

2012 GENERAL SESSION
of the 59th Legislature

2011 Second Special Session
of the 59th Legislature

2011 Third Special Session
of the 59th Legislature
INTRODUCTION

This *Digest of Legislation* provides long titles of bills and resolutions enacted by the 59th Legislature in the 2012 General Session, the 2011 Second Special Session, and the 2011 Third 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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HB 1  Public Education Base Budget Amendments (Merlynn T. Newbold)

This bill appropriates funds for the support and operation of public education for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

This bill:
► provides appropriations for the use and support of state education agencies;
► provides appropriations for the use and support of school districts and charter schools;
► sets the value of the weighted pupil unit (WPU) initially at the same WPU value set for the 2011–12 fiscal year:
  • $2,577 for the special education and career and technology add-on programs; and
  • $2,816 for all other programs;
► sets the estimated minimum basic tax rate at .001591 for fiscal year 2012–13;
► provides appropriations for other purposes as described; and
► approves employment levels for internal service funds.

This bill appropriates for fiscal year 2012–13:
► $3,750,000 from the General Fund;
► $16,000,000 from the Uniform School Fund;
► $2,386,756,300 from the Education Fund; and
► $1,114,454,100 from various sources as detailed in this bill.

This bill takes effect on July 1, 2012.

The original bill was recommended by the Executive Appropriations Committee

Amends 53A-17a-135
Effective July 1, 2012  Chapter 4, Laws of Utah 2012

HB 2  New Fiscal Year Supplemental Appropriations Act (Melvin R. Brown)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

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. Money Appropriated in this Bill: This bill appropriates for fiscal year 2013:
► $112,138,600 from the General Fund;
► $128,704,600 from the Education Fund;
► $674,922,800 from various sources as detailed in this bill.

This bill takes on July 1, 2012.

Effective July 1, 2012  Chapter 416, Laws of Utah 2012
HB 3  Appropriations Adjustments *(Melvin R. Brown)*

This bill supplements or reduces appropriations previously provided for the use and support of state government for the fiscal years beginning July 1, 2011 and ending June 30, 2012 and beginning July 1, 2012 and ending June 30, 2013.

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 2012 General Session;
- provides budget increases and decreases for other purposes as described; and,
- provides intent language. Money Appropriated in this Bill: This bill appropriates for fiscal year 2012:
  - $9,270,200 from the General Fund;
  - $675,900 from various sources as detailed in this bill. This bill appropriates for fiscal year 2013:
    - $13,573,400 from the General Fund;
    - $3,600,000 from the Education Fund;
    - ($7,594,800) 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, 2012.

Effective March 27, 2012  Chapter 417, Laws of Utah 2012

HB 4  Higher Education Base Budget *(Michael T. Morley)*

This bill appropriates funds for the support and operation of higher education for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

This bill:
- provides appropriations for the use and support of higher education agencies and institutions;
- provides appropriations for the use and support of the Utah Education Network;
- provides appropriations for the use and support of the Utah Medical Education Council;
- provides appropriations for other purposes as described. Money Appropriated in this Bill: This bill appropriates for fiscal year 2013:
  - $474,615,600 from the General Fund;
  - $252,167,500 from the Education Fund;
  - $633,809,500 from various sources as detailed in this bill.

This bill takes effect on July 1, 2012.

Effective July 1, 2012  Chapter 5, Laws of Utah 2012
HB 5  **Natural Resources, Agriculture, and Environmental Quality Base Budget** *(John G. Mathis)*

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

This bill:
- provides appropriations for the use and support of certain state agencies;
- provides appropriations for other purposes as described;
- approves employment levels for internal service funds. Money Appropriated in this Bill: This bill appropriates for fiscal year 2013:
  - $55,964,100 from the General Fund;
  - $274,383,420 from various sources as detailed in this bill.

This bill takes effect on July 1, 2012.

Effective July 1, 2012  Chapter 6, Laws of Utah 2012

HB 6  **Retirement and Independent Entities Base Budget** *(Don L. Ipson)*

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

This bill:
- provides appropriations for the use and support of certain state agencies;
- provides appropriations for other purposes as described; and
- approves employment levels for internal service funds.
- approves capital acquisition amounts for internal service funds. Money Appropriated in this Bill: This bill appropriates for fiscal year 2013:
  - $3,111,000 from the General Fund;
  - $11,474,200 from various sources as detailed in this bill.

This bill takes effect on July 1, 2012.

Effective July 1, 2012  Chapter 7, Laws of Utah 2012

HB 7  **Current School Year Supplemental Public Education Budget Adjustments** *(Melvin R. Brown)*

This bill modifies education funding for school districts, charter schools, and certain state agencies for the fiscal year beginning July 1, 2011 and ending June 30, 2012 and modifies related budgetary provisions.

This bill:
- appropriates funding to school districts and charter schools for:
  - educator salary adjustments; and
  - child nutrition; and
- allows a school district or charter school to use the school district’s or charter school’s remaining money received under the Education Jobs Fund program.

This bill appropriates for fiscal year 2012:
- $2,662,000 from the Education Fund;
- $56,580,300 from various sources as detailed in this bill.

This bill provides an immediate effective date.

Effective March 27, 2012  Chapter 418, Laws of Utah 2012
HB 8  Revenue Bond and Capital Facilities Amendments  (Gage Froerer)

This bill makes modifications to provisions relating to revenue bonding; authorizes certain state agencies and institutions to issue revenue bonds; and authorizes the construction or renovation of capital facilities using agency, institutional, or donated funds.

This bill:

► exempts the 2012-13 fiscal year from funding and construction restrictions relating to budget deficits;
► reduces the fund raising goal that the University of Utah is required to meet before revenue bonds are issued to finance the cost of constructing an on-campus student life center;
► permits non-student fees to be used in addition to student recreation fees as the primary revenue source for the repayment of bonds for the student life center;
► increases the maximum square footage from the amount of revenue bonding that was previously authorized for the Dee Glen Smith Athletic Center and requires that donations and television revenues be used as the primary revenue source for repayment of the bonds;
► authorizes the State Building Ownership Authority to issue revenue bonds for the following:
  • $1,900,000 for the acquisition of the Sevier County Courts Building in Richfield, Utah;
► authorizes the State Board of Regents to issue bonds for the following:
  • $9,580,000 for expanding the Orthopaedic Center at the University of Utah;
  • $21,702,000 for constructing a parking structure in the HPER area at the University of Utah;
  • $19,980,000 for constructing a parking structure in the Health Sciences area at the University of Utah;
  • $4,000,000 for constructing student housing for the Utah State University Eastern San Juan Campus in Blanding, Utah;
  • $8,000,000 for an addition to the Stromberg Center for student recreation at Weber State University; and
  • $60,500,000 for constructing a S.J. Quinney College of Law Building at the University of Utah; and
► provides either authorizations for or prohibitions on state funding for operations and maintenance and capital improvement costs on the above projects; and
► authorizes the planning, design, and construction or renovation of the following, provided that only agency, institutional, or donated funds are used:
  • for a dental school building at the University of Utah at a cost of up to $37,4000,00, and prohibits the use of state funds for operation and maintenance and capital improvement costs on the building; and
  • for a petroleum technology, energy safety, and transportation training center at the Uintah Basin Applied Technology College at a cost of up to $1,000,000, and permits state funds to be used for operations and maintenance and capital improvement costs on the building.

Amends 63A-5-104, 63B-16-202, 63B-20-103;

Enacts 63B-21-101, 63B-21-102, 63B-21-201

Effective May 8, 2012  Chapter 393, Laws of Utah 2012
HB 9 State Agency and Higher Education Compensation Appropriations (Melvin R. Brown)

This bill supplements or reduces appropriations previously provided for the use and operation of state government. The bill funds compensation changes for state and higher education employees for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

This bill:
- provides funding equivalent to a 1% salary increase for state agency and higher education employees;
- provides funding equivalent to the projected retirement cost increase for certain state agency employees; and,
- adjusts funding for other benefit cost changes for certain state agency employees. Money Appropriated in this Bill: This bill appropriates for fiscal year 2013:
- $16,368,900 from the General Fund;
- $8,348,900 from the Education Fund;
- $15,480,600 from various sources as detailed in this bill.

This bill takes effect on July 1, 2012.

Effective July 1, 2012  Chapter 419, Laws of Utah 2012

HB 10 Department of Corrections Amendments (Eric K. Hutchings)

This bill modifies provisions regarding the Department of Corrections and inmate capacity.

This bill:
- defines levels of capacity regarding inmates in correctional institutions;
- requires notice to the legislative leadership and the Board of Pardons, in addition to the governor, when an overcrowding emergency is approaching; and
- provides process for an emergency inmate release, including requiring that inmate information be provided to the Board of Pardons and Parole for use in carrying out an emergency release.

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

Amends 64-13-38

Effective May 8, 2012  Chapter 21, Laws of Utah 2012

HB 11 Grand Jury Amendments (Kay L. McIff)

This bill provides exceptions to the requirement of 72 hours notice for a minor to testify before a grand jury.

This bill:
- allows a subpoena to be served on a minor to testify before a grand jury less than 72 hours before testifying if there is a threat to the minor’s safety or a risk of:
  - concealment or removal of the minor from the jurisdiction;
  - intimidation, either to the minor or a member of the minor’s family; and
  - undue influence on the minor regarding the minor’s testimony.

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

Amends 77-10a-13

Effective May 8, 2012  Chapter 22, Laws of Utah 2012
HB 12  Corrections Education Amendments *(Bill Wright)*

This bill modifies provisions addressing the education of persons in the custody of the Utah Department of Corrections.

This bill:

- removes the State Board of Regents' responsibility for the education of persons in the custody of the Utah Department of Corrections;
- provides that the State Office of Education and Utah Department of Corrections shall collaborate with the State Board of Regents and other entities in preparing and implementing a recidivism reduction plan;
- requires the Utah Department of Corrections to report on the impact of corrections education programs on recidivism; and
- makes technical amendments.

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

**Amends** 53A-1-403.5;

**Repeals** 64-13-30.7

Effective May 8, 2012  
Chapter 23, Laws of Utah 2012

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HB 13  Offender Registry Review *(Jack R. Draxler)*

This bill allows a person on the Sex Offender and Kidnap Offender Registry to petition the court for removal after five years for certain offenses.

This bill:

- allows a person who has been convicted of the following to petition the court for removal from the Sex Offender and Kidnap Offender Registry after five years:
  - unlawful sexual conduct with a 16 or 17 year old; or
  - unlawful sexual activity with a minor;
- requires that the person have successfully completed any court-ordered treatment and not have any subsequent convictions;
- sets fees for obtaining a certificate of eligibility and filing the petition;
- requires that a copy of the petition be delivered to the prosecutor and victim, or if the victim is still a minor, the victim’s parents; and
- gives the court discretion to order the person removed if it determines that the person is no longer a risk to society.

This bill coordinates with H.B. 17, Sex Offender Registry Chapter and H.B. 18, Kidnapping Offender Amendments.

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

**Amends** 77-27-21.5, 78A-2-301

Effective May 8, 2012  
Chapter 247, Laws of Utah 2012
HB 14  **Civil Commitment Amendments** *(Bradley M. Daw)*

This bill amends Title 62A, Chapter 15, Substance Abuse and Mental Health Act, by including harmful sexual conduct as grounds for a civil commitment.

This bill:
- defines the term "harmful sexual conduct";
- amends the definition of "substantial danger";
- amends the process for civil commitment; and
- makes technical changes.

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


HB 15  **Statewide Adaptive Testing** *(Gregory H. Hughes)*

This bill modifies the Utah Performance Assessment System for Students (U-PASS), including requiring school districts and charter schools to administer computer adaptive tests aligned with Utah’s common core.

This bill:
- requires school districts and charter schools to administer computer adaptive tests aligned with Utah’s common core beginning with the 2014-15 school year;
- eliminates an assessment system pilot program;
- requires the State Board of Education to make rules for:
  - applying for and awarding money for computer adaptive tests;
  - allocating money for computer adaptive tests to school districts and charter schools who qualify for the money; and
  - reporting the expenditure of money for computer adaptive tests;
- requires the State Board of Education to establish a parent committee of 15 members to review computer adaptive test questions appointed as follows:
  - five members appointed by the chair of the State Board of Education;
  - five members appointed by the speaker of the House of Representatives; and
  - five members appointed by the president of the Senate; and
- makes technical amendments.

This bill appropriates:
- to the State Board of Education, as an ongoing appropriation:
  - from the Education Fund, $6,700,000.

This bill takes effect on July 1, 2012.

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

**Amends** 53A-1-602, 53A-1-603, 53A-1-611, 63I-2-253

Effective July 1, 2012  Chapter 394, Laws of Utah 2012
HB 16  Driver License Revisions (Stewart Barlow)

This bill modifies the Uniform Driver License Act by amending provisions relating to temporary license certificates.

This bill:

► provides that a temporary regular license certificate and a temporary limited-term license certificate are included in the documents that are considered license certificate evidence;

► requires the Driver License Division to issue a temporary regular license certificate or a temporary limited-term license certificate, rather than a receipt, allowing the person to drive a motor vehicle while the division is completing its investigation to determine whether the person is entitled to be granted a driving privilege;

► provides that a temporary regular license certificate and a temporary limited-term license certificate shall be recognized and have the same rights and privileges as a regular license certificate or a limited-term license certificate; and

► makes conforming changes.

The original bill was recommended by the Transportation Interim Committee

Amends 53-3-102, 53-3-207

Effective May 8, 2012  Chapter 144, Laws of Utah 2012

HB 17  Sex Offender Registry Chapter (Jack R. Draxler)

This bill creates the Sex and Kidnap Offender Registry chapter in Title 77.

This bill:

► repeals Section 77-27-21.5; and

► creates a new chapter in Title 77, Code of Criminal Procedure, from its provisions.

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


Repeals 77-27-21.5

HB 18  Kidnapping Offender Amendments *(Fred C. Cox)*

This bill modifies the Code of Criminal Procedure regarding offenses on the Sex Offender and Kidnap Offender registry and a process for kidnapping and unlawful detention offenders to be removed from the registry.

This bill:

- provides a judicial process by which an offender under Section 76-5-301 regarding kidnapping or an offender under Section 76-5-304 regarding unlawful detention may petition the court for removal from the registry;
- provides a process for the offender to obtain criminal records necessary for the judicial hearing; and
- removes the offense of kidnapping from the list of offenses required to be on the sex offender registry, but does not remove kidnapping offenses involving children or aggravating circumstances.

This bill coordinates with H.B. 17, Sex Offender Registry Chapter, by providing technical amendments.

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

**Amends 77-27-21.5**

Effective May 8, 2012  Chapter 249, Laws of Utah 2012

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HB 19  State Issued Identification Numbers *(Wayne A. Harper)*

This bill amends the General Government Title.

This bill:

- enacts the "State Issued Identification Number Act";
- defines terms;
- exempts the State Tax Commission; and
- requires a government entity to phase out the use of a nine digit number as an identifying number for an individual if:
  - the government entity can phase out the use of the number under existing appropriations; or
  - the government entity is redesigning its information technology system and can phase out the nine digit number.

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


HB 20  **Election Law Amendments** *(R. Curt Webb)*

This bill amends provisions relating to elections.

This bill:
- amends definitions;
- changes certain deadlines related to a municipal election;
- requires a municipality to give notice of the declaration of candidacy filing period;
- changes the time in which a person’s right to vote may be challenged; and
- makes technical changes.

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


Effective May 8, 2012  Chapter 251, Laws of Utah 2012

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HB 21  **Driver License Emergency Contact Database** *(Marie H. Poulson)*

This bill modifies the Uniform Driver License Act by creating an emergency contact database for driver license and identification card holders.

This bill:
- requires the Driver License Division to create an emergency contact database for license certificate and identification card holders;
- provides that a law enforcement officer may share information contained in the emergency contact database with other public safety workers on the scene of a motor vehicle accident or other emergency situation;
- provides that a person holding a license certificate or identification card may provide the Driver License Division the names, addresses, and telephone numbers of no more than two emergency contact persons;
- requires the Driver License Division to make rules establishing the procedures to implement the emergency contact database;
- provides that if a person is involved in a motor vehicle accident or other emergency situation and is unable to communicate with the contact person or persons specified in the database, a law enforcement officer shall make a good faith effort to notify the contact person or persons of the situation;
- provides that information in the database shall only be used for contact purposes and may not be used for criminal investigation purposes; and
- specifies that the Driver License Division, a law enforcement officer, or a law enforcement agency that employs a law enforcement officer does not incur liability in connection with the use of the emergency contact database in certain circumstances.

This bill takes effect on July 1, 2012.

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

**Enacts** 53-3-205.6

Effective July 1, 2012  Chapter 252, Laws of Utah 2012
HB 22  Centralized New Hire Registry Act Amendments  (Jeremy A. Peterson)

This bill modifies an employer’s reporting requirements under the Centralized New Hire Registry Act.

This bill:
► defines terms;
► requires employers in the state to report the date of hire or rehire of each new employee to the Department of Workforce Services in compliance with recent additional reporting requirements of the Social Security Act; and
► makes technical changes.

This bill takes effect on July 1, 2012.

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

Amends  35A-7-102, 35A-7-104

Effective July 1, 2012  Chapter 107, Laws of Utah 2012

HB 23  Special Administrative Expense Account Amendments  (Jeremy A. Peterson)

This bill modifies the Employment Security Act by requiring the Department of Workforce Services to develop a cost allocation plan when funds from the Special Administrative Expense Account are used for certain purposes.

This bill:
► requires the Department of Workforce Services to develop a cost allocation plan that complies with Department of Labor regulations when funds from the Special Administrative Expense Account are used for purposes unrelated to the administration of the unemployment insurance program; and
► makes technical changes.

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

Amends  35A-4-506

Effective May 8, 2012  Chapter 146, Laws of Utah 2012

HB 25  Patient Identity Validation  (Stewart Barlow)

This bill authorizes the Department of Health to establish methods for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.

This bill:
► authorizes the Department of Health to establish methods or measures for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve; and
► includes in the description of governmental function for immunity from suit the establishment of the methods or measures for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.

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

Amends  26-1-30, 63G-7-201

Effective May 8, 2012  Chapter 24, Laws of Utah 2012
HB 27 General Building Contractor Amendments *(James A. Dunnigan)*

This bill modifies a provision relating to general building contractors.

This bill:
- excludes work related to the operating integrity of an elevator from the work that a general building contractor may perform.

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

**Amends** 58-55-102


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HB 28 Economic Development Task Force *(Brad R. Wilson)*

This bill creates the Economic Development Task Force.

This bill:
- creates and provides for the membership of the Economic Development Task Force;
- provides for salary and expenses of task force members; and
- provides for task force duties, meetings, and reports.

This bill appropriates:
- $17,000 to the Senate; and
- $29,000 to the House of Representatives.

This bill is repealed November 30, 2013.

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

Effective May 8, 2012 Chapter 147, Laws of Utah 2012

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HB 29 Insurance Amendments *(James A. Dunnigan)*

This bill modifies the Insurance Code to make various changes related to the regulation of insurance.

This bill:
- modifies definition provisions;
- addresses annual report to policyholders;
- addresses catastrophic coverage of mental health conditions;
- amends provisions related to adverse benefit determination review process;
- addresses when uniform waiver of coverage forms may be combined or modified;
- provides for the establishment of surplus lines producers;
- modifies provisions related to inducements;
- addresses the regulation of customer service representatives;
- modifies definitions related to insurance marketing and licensing;
addresses sharing of commissions;
addresses what constitutes administrative action taken against a person that is to be reported to the commissioner;
clarifies when a line of authority no longer remains in force for a person;
addresses references to the federal Violent Crime Control and Law Enforcement Act;
requires a person who wants to reinstate a voluntarily surrendered license to comply with continuing education requirements;
addresses special requirements for variable contracts lines of authority;
addresses disbursements from certain trust accounts;
modifies language regarding trust obligation for certain money;
addresses payments of claims by administrator;
addresses commissioner’s administrative actions;
grants rulemaking authority to the commissioner regarding model regulations related to determining hazardous financial condition of an insurer;
changes dates related to coverage under a pool policy;
addresses education requirements related to bail bond licensing;
addresses filing of forms by bail bond surety companies and surety insurers;
deletes definition of basic benefit plan;
addresses health benefit plan choices;
grants immunity related to good faith communications between insurers or employees of insurers;
increases assessments paid by insurers to fund costs and expenses incurred by the Department of Insurance in the administration, investigation, and enforcement of provisions related to insurance fraud;
addresses reporting by the board of directors of the Utah Defined Contribution Risk Adjuster; and
makes technical and conforming amendments.

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


Effective May 8, 2012  Chapter 253, Laws of Utah 2012

HB 31 Taxes and Fees on Emergency Medical Aircraft (Patrick Painter)

This bill changes fees imposed on certain aircraft.

This bill:
➤ changes the registration fee imposed on certain emergency medical aircraft; and
➤ makes technical changes.

This bill provides an immediate effective date.

This bill has retrospective operation to January 1, 2012.

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

Amends 72-10-110

Effective February 13, 2012  Chapter 8, Laws of Utah 2012
HB 32  Peace Officer Standards and Training Council Amendments *(Richard A. Greenwood)*  
This bill modifies the Peace Officer Standards and Training Act regarding Training Council membership.  
This bill:  
> authorizes the superintendent of the highway patrol to designate a representative to serve on the Peace Officer Standards and Training Council.  
*The original bill was recommended by the Judiciary, Law Enforcement, and Criminal Justice Interim Committee*  
Amends 53-6-106  
Effective May 8, 2012  
Chapter 108, Laws of Utah 2012

HB 33  Fireworks Amendments *(James A. Dunnigan)*  
This bill modifies the Fire Prevention and Fireworks Act regarding the allowable times to discharge fireworks.  
This bill:  
> modifies the times during which fireworks may be sold and discharged.  
*The original bill was recommended by the Business and Labor Interim Committee*  
Amends 53-7-225  
Effective May 8, 2012  
Chapter 26, Laws of Utah 2012

HB 34  Sales and Use Tax Act Revisions *(Wayne A. Harper)*  
This bill amends provisions related to the sales and use taxation of a transaction for a billing period if the transaction is reported on a billing statement.  
This bill:  
> addresses the effective date of a sales and use tax enactment or increase for purposes of a transaction for a billing period if the transaction is reported on a billing statement;  
> addresses the application of a tax rate repeal or decrease for purposes of a transaction for a billing period if the transaction is reported on a billing statement; and  
> makes technical and conforming changes.  
This bill takes effect on July 1, 2012.  
*The original bill was recommended by the Revenue and Taxation Interim Committee*  
Amends 59-12-103, 59-12-208.1, 59-12-403, 59-12-703, 59-12-806, 59-12-1102, 59-12-1302, 59-12-1402, 59-12-1803, 59-12-2004, 59-12-2103, 59-12-2209  
Effective July 1, 2012  
Chapter 254, Laws of Utah 2012
HB 35  Extension of Recycling Market Development Zone Tax Credits  (Wayne A. Harper)
This bill extends the repeal date for certain recycling market development zone tax credits and related carry forward provisions.
This bill:
► extends certain recycling market development zone tax credits and related carry forward provisions to repeal on January 1, 2021; and
► makes technical and conforming changes.
This bill provides an immediate effective date.
This bill has retrospective operation to January 1, 2012.
*The original bill was recommended by the Revenue and Taxation Interim Committee*
**Amends** 63I-1-263
Effective March 26, 2012  Chapter 395, Laws of Utah 2012

HB 36  Sales and Use Tax - Computer Software and Other Tangible Personal Property Amendments  (Wayne A. Harper)
This bill amends provisions in the Sales and Use Tax Act related to computer software and other tangible personal property.
This bill:
► defines terms;
► addresses the detachment of certain tangible personal property, including prewritten computer software, from other tangible personal property;
► addresses the sales and use taxation of certain optional computer software maintenance contracts; and
► makes technical and conforming changes.
This bill takes effect on July 1, 2012.
*The original bill was recommended by the Revenue and Taxation Interim Committee*
**Amends** 59-12-102, 59-12-103, 59-12-104
Effective July 1, 2012  Chapter 255, Laws of Utah 2012

HB 37  Child Support Guidelines Advisory Committee Amendments  (Curtis Oda)
This bill changes the dates for the Child Support Guidelines Advisory Committee and makes clarifying corrections to the statute.
This bill:
► changes the committee’s creation and dissolution dates to give the committee 42 months to complete its statutory charge;
► clarifies language regarding obligations for minor children in the home; and
► makes technical corrections regarding duplicative and confusing language.
This bill provides an immediate effective date.
*The original bill was recommended by the Judiciary, Law Enforcement, and Criminal Justice Interim Committee*
**Amends** 78B-12-210, 78B-12-401, 78B-12-402
Effective March 5, 2012  Chapter 19, Laws of Utah 2012
HB 38  Competency to Stand Trial Amendments  (Kay L. McIff)

This bill modifies Title 77, Chapter 15, Inquiry into Sanity of Defendant, regarding the process for determining a defendant's competency to stand trial.

This bill:
- amends the process for determining a defendant’s competency to stand trial to clarify that the court may not order an examination of the defendant or order a hearing on the mental condition of the defendant unless the court finds that the allegations in the petition raise a bona fide doubt as to the defendant’s competency to stand trial;
- requires the experts conducting the competency exam to consider any exhibition of false or exaggerated symptoms related to capacity to stand trial;
- requires that experts who determine the defendant is incompetent to stand trial shall provide in their report information regarding any instruments, methods, and observations used to determine if the defendant exhibits false or exaggerated symptoms; and
- provides that if there is a conflict between the opinions of the examining experts, the court is not required to appoint an additional expert unless the court finds the appointment necessary.

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

Amends 77-15-5, 77-15-6

Effective May 8, 2012  Chapter 109, Laws of Utah 2012

HB 39  Amendment to Utah Optometry Practice Act  (James A. Dunnigan)

This bill amends the Utah Optometry Practice Act to permit certain people in limited circumstances to sell ophthalmic lenses without being licensed under the chapter.

This bill:
- allows a person in certain circumstances to sell, fit, adjust, and dispense ophthalmic lenses without being licensed under the chapter;
- requires a prescription for an ophthalmic lens;
- authorizes an optometrist or physician to designate the expiration date for an ophthalmic lens prescription;
- defines an unexpired prescription; and
- specifies the activities that the unlicensed person may engage in regarding the sale or dispensing of ophthalmic lenses.

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

Amends 58-16a-102, 58-16a-305, 58-16a-501, 58-16a-801

Effective May 8, 2012  Chapter 256, Laws of Utah 2012

HB 40  Gambling Amendments  (Don L. Ipson)

This bill modifies the Criminal Code regarding gambling.

This bill:
- amends the definition of certain promotional activities that are exempted from "fringe gambling."

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

Amends 76-10-1101

Effective May 8, 2012  Chapter 27, Laws of Utah 2012
**HB 42**  Permanent Community Impact Fund Board Grants *(Patrick Painter)*

This bill authorizes the Permanent Community Impact Fund Board to make a grant to certain cities and provides that certain sales and use tax distributions shall be reduced by the amount of a grant a city receives.

This bill:

- defines terms;
- for fiscal year 2011-12 only, authorizes the Permanent Community Impact Fund Board to make a grant to certain cities, including:
  - providing the maximum amount of the grant;
  - providing the purposes for which a city may expend the grant; and
  - providing that before the Permanent Community Impact Fund Board may make the grant, the Permanent Community Impact Fund Board shall find that the city is experiencing substantial hardship in the repayment of bonded indebtedness as a result of certain sales and use tax distribution reductions;
- provides that the amount of certain sales and use tax distributions shall be reduced by the amount of a grant;
- provides repeal dates for certain provisions related to the grant and sales and use tax distributions; and
- makes technical and conforming changes.

This bill provides an immediate effective date.

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

**Amends** 9-4-302, 9-4-305, 9-4-307, 59-12-205, 63I-1-209, 63I-1-259

Effective February 13, 2012  Chapter 9, Laws of Utah 2012

**HB 43**  Barber, Cosmetologist, Esthetician, Electrologist, and Nail Technician Act Amendments *(James A. Dunnigan)*

This bill adds an exemption from licensure in the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act for a person assisting in the production of a motion picture.

This bill:

- adds an exemption from licensure in the Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technical Licensing Act for a person assisting in the production of a motion picture under certain circumstances.

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

**Amends** 58-11a-304

Effective May 8, 2012  Chapter 110, Laws of Utah 2012
HB 44  **Theft Amendments** *(Paul Ray)*

This bill modifies the Criminal Code regarding multiple theft offenses.

This bill:
- enhances the penalty for an individual who returns and commits theft again at a property where the individual has previously been prohibited from returning;
- amends the penalty for theft offenses if the defendant has committed two prior theft offenses within the prior five years;
- authorizes a merchant to prohibit an individual who has committed retail theft from reentering the property on which the individual committed theft; and
- specifies how a merchant may give written notice prohibiting an individual who has previously committed retail theft from reentering the property.

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

**Amends** 76-6-412, 78B-3-108

Effective May 8, 2012  
Chapter 257, Laws of Utah 2012

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HB 45  **State Fire Code Amendments** *(James A. Dunnigan)*

This bill modifies the State Fire Code Act.

This bill:
- enacts a definition of “premixed” with respect to an antifreeze and water solution;
- deletes and replaces a provision relating to hazardous environmental conditions; and
- modifies provisions relating to antifreeze used in automatic sprinkler systems.

This bill takes effect on July 1, 2012.

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

**Amends** 15A-5-102, 15A-5-202, 15A-5-204

Effective July 1, 2012  
Chapter 148, Laws of Utah 2012

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HB 46  **Electronic Personal Medical Records** *(Ronda Rudd Menlove)*

This bill facilitates the enrollment of Medicaid beneficiaries, Children’s Health Insurance Program enrollees, and state employees and their dependents into the electronic exchange of clinical health records.

This bill:
- amends the duties of the state Medicaid plan to enroll Medicaid beneficiaries in the electronic exchange of clinical health records unless the individual opts out;
- amends the duties of the Children’s Health Insurance Program to enroll the members of the Children’s Health Insurance Program in the electronic exchange of clinical health records unless the individual opts out;
- amends the duties of the Public Employees Health Program to enroll state employees and their dependents in the electronic exchange of clinical health records unless the individual opts out; and
- provides notice to individuals regarding the enrollment in the electronic exchange of clinical health records and the option to opt out of enrollment at any time.

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

**Amends** 26-18-3, 26-40-103, 49-20-401

Effective May 8, 2012  
Chapter 28, Laws of Utah 2012
HB 47  Reporting Abuse of a Vulnerable Adult *(Carol Spackman Moss)*

This bill modifies Chapter 3, Aging and Adult Services, of Title 62A, Utah Human Services Code, by amending definitions.

This bill:

- amends the definition of “emotional or psychological abuse;” and
- makes technical changes.

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

**Amends** 62A-3-301

*Effective May 8, 2012*  Chapter 149, Laws of Utah 2012

HB 48  Coalition of Energy Producing States *(Roger E. Barrus)*

This bill modifies provisions relating to an energy producer states’ agreement.

This bill:

- changes a reporting date; and
- modifies a repeal date.

**Amends** 36-12-20, 63I-1-236

*Effective May 8, 2012*  Chapter 258, Laws of Utah 2012

HB 51  Medical Specialty Practice Act Amendments *(Evan J. Vickers)*

This bill amends provisions in the administration of the Division of Occupational and Professional Licensing related to the duties of certain professional boards.

This bill:

- amends the duties and functions of boards that govern certain medical professions; and
- permits the board to make a recommendation to the Legislature concerning the proposed amendment.

**Amends** 58-1-202

**HB 52**  **Notorious Criminal Activity Amendments** *(R. Curt Webb)*

This bill amends the Profits From Crime Memorabilia Act to include any profits received from criminal activity.

This bill:
- changes the Profits From Crime Memorabilia Act to allow the state to receive any profit derived from criminal activity;
- defines "convicted person";
- requires any entity or person who contracts with a convicted person to remit to the Crime Victims Reparations Fund any funds owed to the convicted person by virtue of a contract with the convicted person; and
- provides that the Utah Office for Victims of Crime shall pay:
  • any victim restitution still owed out of the profit; and
  • if no restitution is still owed, or after all restitution is paid, the remainder into the Crime Victim Reparations Fund.

**Amends** 77-38-301, 77-38-302, 77-38-303;

**Repeals** 77-18-8.3, 77-18-8.5

Effective May 8, 2012  
Chapter 260, Laws of Utah 2012

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**HB 53**  **Utah Education Network Amendments** *(Ronda Rudd Menlove)*

This bill modifies the governance of the Utah Education Network (UEN).

This bill:
- creates the Utah Education Network Board, which is the governing board for UEN;
- specifies the membership of the Utah Education Network Board;
- specifies the power and duties of the Utah Education Network Board which include:
  • hiring an executive director for UEN;
  • establishing policy for the operation of UEN and the administration of UEN’s duties; and
  • advising UEN in the development of a telecommunications system to deliver educational services and the acquisition and distribution of instructional content; and
- makes technical amendments.

This bill provides an immediate effective date.

**Amends** 53B-17-102, 53B-17-104

Effective February 23, 2012  
Chapter 16, Laws of Utah 2012
HB 55  Health Care Associated Infections (Jack R. Draxler)

This bill amends the Utah Communicable Disease Control Act by requiring certain health care facilities to share with the Department of Health data that the facility is required to report under federal law regarding health care associated infections and requiring the Department of Health to release a public report on health care associated infections.

This bill:
- defines terms;
- requires an ambulatory surgical facility, a general acute hospital, an end stage renal disease facility, and a specialty hospital to share with the Department of Health data on health care associated infections that the facility submits to the National Healthcare Safety Network in the Centers for Disease Control and Prevention pursuant to requirements of the Center for Medicare and Medicaid Services;
- requires the Department of Health to prepare and publicly disclose a report on health care associated infection rates;
- establishes a protocol for the creation of the report;
- permits the report of health care associated infections to include data that compares and identifies facilities;
- states that the report may not be used as evidence in a criminal, civil, or administrative proceeding; and
- makes technical changes.

This bill takes effect on July 1, 2012.

Amends 26-6-2, 26-6-27, 58-1-307, 58-17b-620;

Enacts 26-6-31

Effective July 1, 2012  Chapter 150, Laws of Utah 2012

HB 60  Proceeds from Federal Grants for Miners’ Hospital (Christine F. Watkins)

This bill requires the University of Utah to report on certain expenditures.

This bill:
- requires the University of Utah to report to an appropriations subcommittee on the use of money appropriated for a Miners’ Hospital; and
- makes technical changes.

Amends 53B-17-201

HB 61  **Portable Electronics Insurance Related Amendments** *(Todd E. Kiser)*

This bill modifies the Insurance Code to enact the Portable Electronics Insurance Act, address adjusting of portable electronics insurance claims, and make conforming amendments.

This bill:
- modifies definitions;
- enacts the Portable Electronics Insurance Act, including:
  - defining terms;
  - requiring vendors to hold a limited lines license to sell or offer coverage under a portable electronics insurance policy;
  - providing for application and fees to obtain limited lines license;
  - addressing employees and authorized representatives of vendors;
  - providing for penalties for violation of part;
  - imposing requirements for the sale of portable electronics insurance;
  - making coverage primary coverage;
  - addressing terminating or changing a portable electronics insurance policy;
  - addressing billing; and
  - addressing applicability of provisions;
- addresses portable electronics claims adjusting and supervision of nonlicensed individuals; and
- makes technical and conforming changes.

This bill takes effect on July 1, 2012.

**Amends** 31A−1−301, 31A−23a−106, 31A-26-102;

**Enacts** 31A−22−1801, 31A−22−1802, 31A−22−1803, 31A−22−1804, 31A−22−1805, 31A−22−1806, 31A−22−1807, 31A−22−1808, 31A−22−1809, 31A−22−1810, 31A-26-216

Effective July 1, 2012  Chapter 151, Laws of Utah 2012

HB 62  **Provisions Regarding School Supplies** *(Kraig Powell)*

This bill modifies provisions regarding school supplies for elementary school students.

This bill:
- allows an elementary school or elementary school teacher to provide to a student’s parent or guardian a suggested list of supplies for use during the regular school day; and
- requires that a suggested list of supplies include specified language explaining that the supplies may be brought from home on a voluntary basis, otherwise, they will be furnished by the school.

**Amends** 53A−12−102


HB 68  **Powersport Vehicle Franchise Act Amendments** *(Douglas Sagers)*

This bill amends the Powersport Vehicle Franchise Act.

This bill:
- modifies a provision relating to a franchisor’s obligation to pay a franchisee for unsold vehicles when a powersport vehicle franchise is terminated or not continued.

**Amends** 13-35-307

HB 72  **Waste Tire Amendments (Neal B. Hendrickson)**

This bill amends provisions of the Waste Tire Recycling Act relating to the transfer of ownership of waste tires and the partial reimbursement of recyclers.

This bill:
- modifies definitions;
- prohibits a tire retailer from transferring ownership of a waste tire to anyone other than:
  - a waste tire transporter that agrees to transport the tire to a tire retailer that sells the tire wholesale or retail or a recycler; or
  - a person who purchases it for the person’s own use;
- prohibits a recycler from receiving partial reimbursement for baling whole waste tires or materials derived from waste tires that are larger than shredded tires;
- deletes references to the Waste Tire Recycling Industrial Assistance Loan Program and the Waste Tire Recycling Industrial Assistance Loan Fund; and
- makes technical changes.

Amends 19-6-803, 19-6-804, 19-6-807, 19-6-809, 19-6-821;

Repeals 19-6-824;

Repeals and Reenacts 19-6-822


HB 73  **Preneed Funeral Insurance Filings (Stewart Barlow)**

This bill modifies the Funeral Services Licensing Act by amending provisions of preneed funeral arrangements.

This bill:
- repeals the requirement that the form for a preneed funeral arrangement contract must be numbered sequentially; and
- makes technical changes.

Amends 58-9-701


HB 74  **Eminent Domain Amendments (Michael E. Noel)**

This bill amends eminent domain provisions of the Judicial Code to allow the taking of property for certain uses relating to oil and gas and to establish negotiation and notice requirements that must be fulfilled before an eminent domain action is filed.

This bill:
- amends eminent domain provisions of the Judicial Code to allow the taking of property for certain uses relating to oil and gas;
- establishes negotiation and notice requirements that must be fulfilled before an eminent domain action is filed; and
- makes technical changes.

Amends 78B-6-501, 78B-6-505

Effective May 8, 2012 Chapter 264, Laws of Utah 2012
HB 75  Property Taxation of Low-income Housing (Jack R. Draxler)

This bill makes changes to property tax provisions related to low-income housing.

This bill:
► requires the owner of property subject to a low-income housing covenant to annually provide certain information to a county assessor;
► provides for assessment when the required information is not provided;
► provides for a penalty for failure to provide certain information to an assessor;
► provides authority to waive, reduce, or compromise the penalty in certain circumstances; and
► makes technical and conforming changes.

This bill takes effect on January 1, 2013.

Amends 59-2-301.3

Effective January 1, 2013

Chapter 31, Laws of Utah 2012

HB 76  Pharmacy Audit Rights (Evan J. Vickers)

This bill requires health benefit plans, the Public Employees' Benefits and Insurance Program, and pharmacy benefit managers to implement certain pharmacy audit procedures when auditing pharmacy claims.

This bill:
► requires a health insurer and a pharmacy benefits manager for a health insurer to comply with pharmacy audit rights established in the Pharmacy Practice Act;
► requires the Public Employees' Benefit and Insurance Program to comply with pharmacy audit rights established in the Pharmacy Practice Act;
► amends the definition of pharmacy benefits manager in the Pharmacy Practice Act to be consistent with the definition of pharmacy benefits manager in the Pharmacy Benefits Manager Act; and
► enacts pharmacy audit rights in the Pharmacy Practices Act that include:
  • definitions;
  • requirements for notice of an audit;
  • limits on the types of claims that may be audited; and
  • requirements for an entity conducting an audit.

Amends 49-20-503, 58-17b-102;

Enacts 31A-22-640, 58-17b-622

Effective May 8, 2012

Chapter 265, Laws of Utah 2012
HB 78  Utah Division of Consumer Protection Amendments (Derek E. Brown)

This bill modifies provisions relating to matters under the jurisdiction of the Utah Division of Consumer Protection.

This bill:
- modifies what constitutes a deceptive act or practice for purposes of the Consumer Sales Practices Act and modifies a provision relating to service of process under that act;
- modifies dollar threshold amounts for purposes of plans subject to the Business Opportunity Disclosure Act;
- modifies the definition of “telephone solicitation” for purposes of the Telephone Fraud Prevention Act; and
- modifies the Uniform Debt-Management Services Act, including to:
  - modify provisions relating to an application for registration as a debt-management service provider, renewal application, and the suspension, revocation, or nonrenewal of registration;
  - modify provisions relating to bonds required to be provided by registered providers;
  - modify a provision relating to prerequisites before providing debt-management services;
  - modify provisions relating to debt-management service agreements;
  - modify provisions relating to fees and other charges;
  - repeal a provision relating to cancellation of an agreement and replace it with a provision relating to terminating an agreement;
  - repeal a provision relating to termination of an agreement and replace it with a provision relating to retention of records;
  - modify a provision relating to required accountings;
  - modify provisions relating to prohibited acts and provider liability; and
  - modify administrative remedy provisions; and
- makes technical changes.


Repeals and Reenacts 13-42-120, 13-42-126

Effective May 8, 2012  Chapter 152, Laws of Utah 2012
HB 80  Reorganization of Administrative Support Functions in State Agencies  
(Wayne A. Harper)

This bill amends and enacts provisions relating to payroll and administrative support functions in the executive branch of state government.

This bill:
- defines terms;
- enacts a repeal date;
- requires the executive director of the Department of Administrative Services to conduct a study of the administrative supportive functions performed in certain executive branch entities;
- requires reports;
- requires the Department of Human Resource Management to provide payroll services certain to executive branch entities; and
- makes technical changes.

This bill:
- appropriates $420,000 in dedicated credits to the Department of Human Resource Management; and
- decreases the fee for providing payroll field services by $11.

Amends 63I-2-263;


Effective May 8, 2012  
Chapter 266, Laws of Utah 2012

HB 81  City or Town Option Sales and Use Tax Amendments  
(Brad L. Dee)

This bill amends the City or Town Option Sales and Use Tax Act to address the imposition or repeal of the tax.

This bill:
- amends the City or Town Option Sales and Use Tax Act to address the imposition or repeal of the tax beginning on July 1, 2016; and
- makes technical and conforming changes.

Amends 59-12-2103

Effective May 8, 2012  
Chapter 352, Laws of Utah 2012

HB 82  Architect’s Licensing Revisions  
(Jim Nielson)

This bill modifies the continuing education requirement for renewal of a license for the practice of architecture.

This bill:
- removes the statutory continuing education hour requirement for renewal of a license for the practice of architecture; and
- requires the Department of Professional Licensing to establish by rule the continuing education requirements for renewal of a license for the practice of architecture.

Amends 58-3a-303.5

Effective May 8, 2012  
Chapter 111, Laws of Utah 2012
HB 85  Forensic Phlebotomy (Val L. Peterson)

This bill amends the Utah Health Code, the Traffic Code, the Public Safety Code, the Utah Medical Practice Act, the Utah Osteopathic Medical Practice Act, the Naturopathic Physician Practice Act, and the Transportation Code.

This bill:
- amends the duties of the Department of Health;
- amends who is authorized to draw blood to determine its alcohol or drug content;
- amends related immunity from liability provisions;
- amends who is authorized to draw a blood DNA specimen;
- amends related exemption from licensure provisions; and
- makes technical changes.


Effective May 8, 2012

Chapter 267, Laws of Utah 2012

HB 86  Posting of Trespass (John G. Mathis)

This bill makes it a class B misdemeanor for a person to take wildlife or engage in wildlife activities on private land if the person has notice to not enter or remain on the land.

This bill:
- modifies the definition of "properly posted";
- makes it a class B misdemeanor for a person to take wildlife or engage in wildlife activities on private land if the person has notice to not enter or remain on the land; and
- makes technical changes.

Amends 23-20-14

Effective May 8, 2012

Chapter 268, Laws of Utah 2012

HB 88  Custody Amendments (Ryan D. Wilcox)

This bill adds an anti-discrimination clause to the custody statute.

This bill:
- adds to the divorce statute a statement that the court shall consider the best interest of the child without preference for either the mother or father when deciding custody.

Amends 30-3-10

Effective May 8, 2012

Chapter 269, Laws of Utah 2012
HB 92  **Boating Revisions** *(Richard A. Greenwood)*

This bill modifies the State Boating Act by amending provisions relating to boating.

This bill:

- provides definitions;
- provides that the operator of a vessel who has reason to believe that the operator may have been involved in an accident resulting in property damage or injury to or the death of a person shall:
  - immediately stop the vessel at the scene of the accident or as close to it as safely possible; and
  - remain at the scene of the accident until the operator has fulfilled certain requirements;
- provides that if the operator of a vessel has reason to believe the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with certain requirements;
- provides penalties for a person who violates the requirement to stop a vessel at the scene of an accident and remain at the scene until the operator has fulfilled certain requirements if the accident resulted in property damage or injury to or the death of a person; and
- makes technical changes.

**Amends** 73-18-13;


**Effective May 8, 2012**  
Chapter 153, Laws of Utah 2012

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HB 95  **Retail Sale of Tobacco Products** *(Paul Ray)*

This bill authorizes a municipality to issue a business license for a retail tobacco specialty business, and creates certain restrictions on the location of a retail tobacco specialty business and the sale of tobacco paraphernalia.

This bill:

- amends the definition of tobacco paraphernalia;
- clarifies the prohibition against the sale of tobacco paraphernalia to minors;
- defines a retail tobacco specialty business;
- beginning July 1, 2012, requires an entity doing business as a retail tobacco specialty business to obtain a license from a municipality to conduct business;
- restricts the location of a retail tobacco specialty business;
- exempts current retail tobacco specialty businesses from the licensing requirements, except in certain circumstances.

**Amends** 76-10-104.1;

**Enacts** 10-8-41.6, 17-50-333

**Effective May 8, 2012**  
Chapter 154, Laws of Utah 2012
HB 96 **Prohibition of Sale or Use of Certain Software Programs** *(Patrice M. Arent)*

This bill modifies the Criminal Code by prohibiting the use, purchase, installation, transfer, or sale of any automated sales suppression device or phantomware.

This bill:
- provides definitions, including defining automated sales suppression device and phantomware;
- prohibits a person from knowingly selling, purchasing, installing, transferring, using, or possessing any automated sales suppression device or phantomware;
- provides that the penalty for a first offense is a third degree felony and any subsequent offense is a second degree felony; and
- provides an additional penalty of a fine not to exceed twice the amount of the applicable taxes that would otherwise be due for any person convicted of violating these provisions.

This bill takes effect on July 1, 2012.

**Enacts** 76-6-1301, 76-6-1302, 76-6-1303

Effective July 1, 2012 Chapter 32, Laws of Utah 2012

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HB 97 **Racketeering Amendment** *(Jennifer M. Seelig)*

This bill modifies the Criminal Code regarding offenses that constitute racketeering by a pattern of unlawful activity.

This bill:
- adds the offenses of human trafficking, human smuggling, and aggravated human trafficking to the list of offenses that, when conducted as a pattern of unlawful activity, would constitute the offense of racketeering.

**Amends** 76-10-1602


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HB 98 **Continuous Eligibility for Medicaid** *(Dean Sanpei)*

This bill amends the Medical Assistance Act to permit the state Medicaid program to amend the state plan to allow continuous eligibility for an individual for up to 12 months and to implement payment and delivery reform.

This bill:
- authorizes the state Medicaid program to amend the state plan to:
  - permit 12 month continuous eligibility for an individual if it would increase quality of care and if it is cost effective; and
  - include in Medicaid managed care contracts incentives for seeking appropriate care in appropriate settings;
- authorizes the Medicaid program to select certain populations or geographic areas to include in the amendments to the state Medicaid plan; and
- authorizes the Medicaid program to apply for a waiver or demonstration project, if necessary to implement 12 month continuous enrollment or incentives for seeking appropriate care.

**Enacts** 26-18-16

HB 99  Background Check Fee Exemption for Firearm Purchase *(Brad J. Galvez)*

This bill provides an exemption to the background check fee requirement for law enforcement officers.

This bill:

- allows a law enforcement officer currently employed and in good standing to purchase a firearm without paying the requisite background check fee as long as the dealer verifies the officer’s employment and standing with the employing agency.

**Amends** 76-10-526


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HB 100  Social Worker Examination Amendments *(David Litvack)*

This bill modifies the Social Worker Licensing Act by amending provisions for licensing exams under certain circumstances.

This bill:

- requires the Division of Occupational and Professional Licensing to provide by rule, additional time to complete a social worker licensing exam for an applicant who is a foreign born legal resident of the United States for whom English is a second language or a member of a federally recognized Native American tribe; and
- makes technical changes.

**Amends** 58-60-205

Effective May 8, 2012  Chapter 113, Laws of Utah 2012

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HB 103  Theft by Deception Amendment *(Curtis Oda)*

This bill modifies Title 76, Chapter 6, Offenses Against Property, by clarifying the definition of theft by deception.

This bill:

- defines the term "puffing;"
- states that theft by deception requires that an actor deceive a person with the intent to deprive the person of property;
- states that the deception and deprivation described above do not need to occur at the same time; and
- makes technical changes.

**Amends** 76-6-405

Effective May 8, 2012  Chapter 156, Laws of Utah 2012
HB 104  Local Highway Authority Regulatory Powers *(Wayne A. Harper)*

This bill modifies the Traffic Code by amending provisions relating to local highway authority regulatory powers.

This bill:
- provides definitions;
- provides that a local highway authority may adopt an ordinance that requires a ground transportation vehicle to conform to state safety standards and reasonable annual appearance requirements, in consultation with a transportation advisory board of the local highway authority;
- prohibits a local highway authority from enacting an ordinance that prohibits or restricts an owner or operator of a vehicle from causing or permitting the vehicle’s engine to idle unless the ordinance meets certain requirements;
- prohibits a local highway authority from enacting an ordinance that prohibits a vehicle from being licensed as a ground transportation vehicle:
  - based on the manufacture date of the motor vehicle or the number of miles the vehicle has accumulated; and
  - if the vehicle to be licensed otherwise passes all state safety inspection requirements established by the Utah Highway Patrol Division;
- provides that an ordinance enacted by a local highway authority that violates the provisions is not effective; and
- makes technical changes.

**Amends** 41-6a-208

Effective May 8, 2012  Chapter 396, Laws of Utah 2012

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HB 105  Official Voter Register Amendments *(Merlynn T. Newbold)*

This bill amends the election code by requiring county clerks to remove a voter’s name from the official register under certain circumstances.

This bill:
- requires county clerks to remove a voter’s name from the official register within 21 days of receipt of confirmation from the Utah Department of Health’s Bureau of Vital Records that the voter is deceased.

**Amends** 20A-2-305

Effective May 8, 2012  Chapter 33, Laws of Utah 2012

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HB 107  Joint Custody Modifications *(Gage Froerer)*

This bill creates a rebuttable presumption for joint custody in a divorce or separation action.

This bill:
- creates a rebuttable presumption for joint custody in a divorce or separation action;
- provides that the presumption for joint custody may be rebutted by circumstances, including domestic violence;
- sets conditions for the court to consider in modifying a joint custody order;
- requires that parents participate in dispute resolution proceedings; 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

HB 108 **Internet Gambling** *(Stephen E. Sandstrom)*

This bill modifies the Criminal Code regarding the definition of gambling.

This bill:

- defines Internet gambling;
- clarifies that gambling, which is prohibited in Utah, includes any form of Internet gambling;
- provides that any person who knowingly transmits, receives, or relays any form of Internet or online gambling into or within this state is guilty of a class A misdemeanor;
- provides that if any federal law authorizes Internet gambling in the states, this state shall opt out of allowing Internet gambling by the procedure provided in the federal law; and
- provides an exemption for an Internet service provider or hosting company, a provider of public telecommunications services, and an Internet advertising service that is routing or providing connections without selecting the material.

This bill takes effect on July 1, 2012.

**Amends** 76-10-1101, 76-10-1102

Effective July 1, 2012

Chapter 157, Laws of Utah 2012

HB 109 **Use of Controlled Substances in Research** *(Dean Sanpei)*

This bill modifies the Utah Controlled Substances Act regarding licenses to conduct research.

This bill:

- specifies that the Division of Occupational and Professional Licensing may grant licenses, under specified terms, to conduct research concerning Schedule I controlled substances.

**Amends** 58-37-6

Effective May 8, 2012

Chapter 272, Laws of Utah 2012

HB 113 **High Risk Insurance Pool Amendments** *(James A. Dunnigan)*

This bill amends the Comprehensive Health Insurance Pool Act.

This bill:

- amends the eligibility standards for the state’s high risk health insurance pool for new residents of the state who were covered by an individual policy in another state.

**Amends** 31A-29-111

Effective May 8, 2012

Chapter 158, Laws of Utah 2012

HB 114 **Massage Therapy Act Amendments** *(Tim M. Cosgrove)*

This bill modifies a definition in the Massage Therapy Practice Act.

This bill:

- modifies the definition of “practice of massage therapy” to include providing, offering, or advertising a paid service using the term massage, regardless of whether the service includes physical contact; and
- makes technical changes.

**Amends** 58-47b-102

Effective May 8, 2012

Chapter 34, Laws of Utah 2012
HB 115  Peer Assistance and Review Pilot Program  (Carol Spackman Moss)

This bill appropriates money for school districts to pilot programs that utilize peer assistance and review in evaluating certain teachers.

This bill:
- defines terms;
- creates the Peer Assistance and Review Pilot Program (PAR Program) to evaluate and support certain teachers;
- provides that money appropriated to the State Board of Education for the pilot program shall be used to award grants to school districts on a competitive basis to design and implement the PAR Program;
- directs the State Board of Education to make rules and report to the Education Interim Committee; and
- repeals the Peer Assistance and Review Pilot Program on July 1, 2017.

This bill appropriates:
- to the State Board of Education - Utah State Office of Education - Initiative Programs, as a one-time appropriation:
  - from the Education Fund, $300,000.

Amends 63I-2-253;


HB 116  Probate Code Amendments  (V. Lowry Snow)

This bill makes amendments regarding guardians, conservators, trustees, and advance directions regarding funeral and burial arrangements.

This bill:
- provides that advance directions regarding funeral and burial directions executed in the same manner as a will are acceptable;
- adds a personal representative to the list of persons who may provide directions regarding disposition of a deceased person;
- clarifies attorney fees in a will contest for the personal representative if the will was filed in good faith;
- allows for attorney fees in an action for a guardianship or conservatorship under specific circumstances;
- clarifies that a conservatorship estate does not include the assets of a trust, but the conservator is considered a qualified beneficiary of a trust in which the protected person is a qualified beneficiary; and
- makes technical corrections.


Effective May 8, 2012  Chapter 274, Laws of Utah 2012
HB 117  Firearm Modifications  *(Ken Ivory)*

This bill modifies the definitions of firearm.

This bill:

► changes the term "sawed-off" to "short barrel" when the term is applied to shotguns and rifles.

**Amends** 76-10-501, 76-10-504

Effective May 8, 2012  Chapter 114, Laws of Utah 2012

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HB 118  Storage of Electronic Records  *(Bradley M. Daw)*

This bill eliminates provisions regarding access to electronic records by government agencies and requires a search warrant in all cases.

This bill:

► eliminates the provision that allows access to electronic records on a server longer than 180 days; and
► requires a search warrant in all cases for the contents of electronic records.

**Amends** 77-23b-4, 77-23b-6


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HB 119  Study on Signing Petitions Online  *(Rebecca Chavez-Houck)*

This bill requires the lieutenant governor to conduct a study regarding a registered voter signing a petition regulated by Title 20A, Election Code, on the Internet.

This bill:

► defines terms;
► requires the lieutenant governor to conduct a study regarding a registered voter signing on the Internet a petition to:
  • qualify a ballot proposition for the ballot;
  • organize and register a political party; or
  • qualify a candidate for the ballot; and
► requires the lieutenant governor to submit the study and recommendations, if any, to the Government Operations Interim Committee.

**Amends** 67-1a-2;

**Enacts** 67-1a-14

HB 121  Disabled Law Enforcement Officer Amendments (Lee B. Perry)

This bill modifies the Utah State Personnel Management Act by amending provisions related to leave of absence benefits for a law enforcement officer who is disabled in the line of duty.

This bill:
- defines terms;
- provides that a law enforcement officer or state correctional officer shall be given a leave of absence with 100% of the officer’s salary and benefits until the officer retires or reaches the retirement age of 62 years if the officer sustains an injury:
  - that results in a total disability;
  - while in the lawful discharge of the officer’s duty; and
  - that is the result of an aircraft, vehicle, or vessel accident and the officer was not negligent in causing the accident;
- clarifies that an eligible officer’s 100% salary benefit for a line-of-duty disability is offset by certain other benefits or payments defined by Department of Human Resource Management rules; and
- makes technical changes.

Amends 67-19-27

Effective May 8, 2012

Chapter 159, Laws of Utah 2012

HB 122  E-prescribing Amendments (Evan J. Vickers)

This bill amends the Electronic Prescribing Act.

This bill:
- requires a practitioner to offer the patient a choice regarding to which pharmacy the prescription is transmitted;
- requires the entity transmitting the prescription to meet certain standards; and
- delays implementation of e-prescribing mandates until July 1, 2013.

This bill takes effect July 1, 2012.

This bill provides revisor instructions.

Amends 58-82-201 (Effective 07/01/12), Section 4, Laws of Utah 2009, Chapter 47

Effective July 1, 2012

Chapter 160, Laws of Utah 2012

HB 124  In-state Tuition for Veterans (Curtis Oda)

This bill allows certain military personnel to pay resident tuition at public higher education institutions under certain conditions.

This bill:
- provides that reserve members of the United States Armed Forces assigned to Utah are considered residents for tuition purposes;
- provides that a veteran of the United States Armed Forces pays resident tuition at a public higher education institution if the veteran:
  - has been honorably discharged from the United States Armed Forces within the previous 12 months; and
  - has taken steps to relinquish residency in other states and establish residency in Utah; and
- makes technical changes.

Amends 53B-8-102

Effective May 8, 2012

Chapter 275, Laws of Utah 2012
HB 125  **Access to Dental Health Care** (*Tim M. Cosgrove*)

This bill amends the Medical Assistance Act of the Health Code to establish a pilot program for dental health care benefits in the state Medicaid program.

This bill:

- authorizes the state Medicaid plan to pilot dental health care payment and delivery reform models;
- establishes some criteria for the dental health care pilot project;
- requires the Medicaid program to evaluate cost and access to dental care in the pilot program; and
- requires the Medicaid program to report to the Legislature regarding the evaluation of the dental health care pilot program.

**Amends** 26-18-2.6


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HB 126  **Physician and Osteopathic Medicine Amendments** (*Stewart Barlow*)

This bill amends the Utah Medical Practice Act and the Utah Osteopathic Medical Practice Act.

This bill:

- amends the temporary license laws; and
- restricts representations made about medical specialization.

**Amends** 58-67-302, 58-68-302;

**Enacts** 58-67-806, 58-68-806

Effective May 8, 2012  Chapter 162, Laws of Utah 2012

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HB 127  **Navajo Water Rights Negotiation Account** (*Christine F. Watkins*)

This bill creates the Navajo Water Rights Negotiation Account.

This bill:

- creates the Navajo Water Rights Negotiation Account;
- provides for the use of account funds; and
- establishes restrictions on how account funds may be used.

This bill appropriates:

- to the Navajo Water Rights Negotiation - General Fund Restricted Account, as a one-time appropriation:
  - from the General Fund, $2,000,000.

**Enacts** 51-9-701, 51-9-702

HB 128  **School Community Council Revisions** *(Bill Wright)*

This bill modifies requirements for the operation of school community councils.

This bill:
- modifies deadlines for providing notice of open school community council positions and holding a school community council election;
- requires a school community council to conduct deliberations and take action openly;
- establishes requirements for the notice, agenda, and minutes of a school community council meeting;
- exempts a school community council from the Open and Public Meetings Act; and
- makes technical changes.

**Amends** 52-4-103, 53A-1a-108;

**Enacts** 53A-1a-108.1

Effective May 8, 2012  Chapter 277, Laws of Utah 2012

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HB 129  **Defense of Property and Person** *(Patrick Painter)*

This bill clarifies the statute regarding civil liability for defending against criminal activity.

This bill:
- clarifies that a person is justified in defending their home and family against criminal activity and may not be liable for civil damages for injury or damage occurring while doing so.

This bill provides an immediate effective date.

**Amends** 78B-3-110

Effective March 15, 2012  Chapter 36, Laws of Utah 2012
HB 131  **Liens for Preconstruction Service and Construction Work** *(Michael T. Morley)*

This bill modifies provisions relating to liens for preconstruction service and construction work.

This bill:
- reorganizes and modifies provisions relating to liens for preconstruction service and construction work;
- modifies provisions relating to contesting the validity of certain notices;
- modifies some terminology relating to liens for preconstruction service and construction work;
- modifies the time when a preconstruction lien takes effect;
- repeals redundant and obsolete provisions; and
- makes technical changes.


**Renumber** and **Amends** 38-1-1 to 38-1a-103, 38-1-2 to 38-1a-102, 38-1-2.1 to 38-1a-104, 38-1-3 to 38-1a-301, 38-1-4 to 38-1a-302, 38-1-4.7 to 38-1a-403, 38-1-5 to 38-1a-503, 38-1-6.7 to 38-1a-402, 38-1-7 to 38-1a-502, 38-1-8 to 38-1a-304, 38-1-11 to 38-1a-701, 38-1-14 to 38-1a-703, 38-1-15 to 38-1a-704, 38-1-18 to 38-1a-707, 38-1-25 to 38-1a-308, 38-1-27 to 38-1a-201, 38-1-28 to 38-1a-804, 38-1-29 to 38-1a-105, 38-1-30 to 38-1a-202, 38-1-30.5 to 38-1a-401, 38-1-30.7 to 38-1a-601, 38-1-31 to 38-1a-205, 38-1-31.5 to 38-1b-201, 38-1-32 to 38-1a-501, 38-1-32.5 to 38-1b-202, 38-1-32.7 to 38-1a-602, 38-1-33 to 38-1a-507, 38-1-34 to 38-1a-209, 38-1-35 to 38-1a-210, 38-1-36 to 38-1a-211, 38-1-39 to 38-1a-802, 38-1-40 to 38-1a-506;


Effective May 8, 2012  Chapter 278, Laws of Utah 2012
**HB 133  Vehicle Registration Amendments (Jeremy A. Peterson)**

This bill modifies provisions relating to motor vehicle registrations.

This bill:
- provides that a person may register a motorcycle or motor vehicle of 12,000 pounds or less gross laden weight for a six-month period that begins on the first day of the calendar month of registration and expires on the last day of the sixth month of registration when the Motor Vehicle Division has implemented the GenTax System;
- provides that if the application for renewal of registration is for a six-month registration period, a safety inspection certificate or an emissions inspection certificate issued during the previous eight months may be used to satisfy the safety inspection or emissions requirement;
- amends the amount of certain taxes and fees for a six-month registration and the disposition of those fees; and
- makes conforming changes.

This bill takes effect on July 1, 2013.

This bill coordinates with S.B. 225, Transportation Revisions, by modifying substantive language and omitting substantive changes.

This bill coordinates with H.B. 298, Motor Vehicle Safety Inspection Amendments, by modifying substantive language.


Effective July 1, 2013 Chapter 397, Laws of Utah 2012

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**HB 137  Energy Changes (Roger E. Barrus)**

This bill modifies provisions relating to energy development and infrastructure.

This bill:
- modifies the Loan Program for Energy Efficiency Projects, including substituting the Office of Energy Development for the Utah Geological Survey in provisions relating to authority for administering the loan program;
- substitutes the Office of Energy Development for the Utah Geological Survey in provisions relating to certain energy-related tax credits;
- modifies and renames the Utah Generated Renewable Energy Electricity Network Authority Act, including expanding the act to apply to energy infrastructure instead of transmission facilities for delivery of energy generated from a renewable source and modifying the makeup of the authority board; and
- modifies the Utah Energy Act, including provisions relating to the governor’s energy advisor and the Office of Energy Development.


Effective May 8, 2012 Chapter 37, Laws of Utah 2012
**HB 139  **

**Department of Community and Culture Amendments (Wayne A. Harper)**

This bill modifies the Community and Culture Development Code and the Utah Workforce Services Code by renaming the Department of Community and Culture the Department of Heritage and Arts and by moving the Division of Housing and Community Development to the Department of Workforce Services.

This bill:

- defines terms;
- changes the name of the Department of Community and Culture to the Department of Heritage and Arts;
- provides that the Department of Heritage and Arts is managed by an executive director and describes certain powers of the executive director;
- clarifies the responsibilities of the director of the Department of Heritage and Arts’ Division of Arts and Museums and of certain boards that are part of the division;
- moves the Division of Housing and Community Development from the Department of Community and Culture to the Department of Workforce Services;
- changes the name of the Division of Housing and Community Development to the Housing and Community Development Division;
- modifies the powers and duties of the Housing and Community Development Division;
- creates an advisory council to advise the Department of Workforce Services during the transition of moving the Division of Housing and Community Development from the Department of Community and Culture; and
- makes technical changes.

This bill takes effect on July 1, 2012.

This bill coordinates with H.B. 42, Permanent Community Impact Fund Board Grants, by providing technical amendments.


**Enacts** 9-1-201.1, 9-1-201.2, 35A-8-1801, 35A-8-1802;

**Renumbers and Amends** 9-4-102 to 35A-8-101, 9-4-201 to 35A-8-201, 9-4-202 to 35A-8-202, 9-4-301 to 35A-8-301, 9-4-302 to 35A-8-302, 9-4-303 to 35A-8-303, 9-4-304 to 35A-8-304, 9-4-305 to 35A-8-305, 9-4-306 to 35A-8-306, 9-4-307 to 35A-8-307, 9-4-602 to 35A-8-401, 9-4-603 to 35A-8-402, 9-4-604 to 35A-8-403, 9-4-606 to 35A-8-404, 9-4-607 to 35A-8-405, 9-4-608 to 35A-8-406, 9-4-609 to 35A-8-407, 9-4-610 to 35A-8-408, 9-4-611 to 35A-8-409, 9-4-612 to 35A-8-410, 9-4-613 to 35A-8-411, 9-4-614 to 35A-8-412, 9-4-615 to 35A-8-413, 9-4-616 to 35A-8-414, 9-4-617 to 35A-8-415, 9-4-618 to 35A-8-416, 9-4-619 to 35A-8-417, 9-4-620 to 35A-8-418, 9-4-621 to 35A-8-419, 9-4-622 to 35A-8-420, 9-4-623 to 35A-8-421, 9-4-624 to 35A-8-422, 9-4-625 to 35A-8-423, 9-4-626 to 35A-8-424, 9-4-627 to 35A-8-425, 9-4-628 to 35A-8-426, 9-4-629 to 35A-8-427, 9-4-630 to 35A-8-428, 9-4-631 to 35A-8-429, 9-4-632 to 35A-8-430, 9-4-701 to 35A-8-501, 9-4-702 to 35A-8-502, 9-4-703 to 35A-8-503, 9-4-704 to 35A-8-504, 9-4-705 to 35A-8-505, 9-4-706 to 35A-8-506, 9-4-707 to 35A-8-507, 9-4-708 to 35A-8-508, 9-4-801 to 35A-8-601, 9-4-802 to 35A-8-602, 9-4-803 to 35A-8-603, 9-4-901 to 35A-8-701, 9-4-902 to 35A-8-702, 9-4-903 to 35A-8-703, 9-4-904 to 35A-8-704,
HB 141 State Sovereignty and Rights of Set-off (LaVar Christensen)

This bill reaffirms state sovereignty and reserves all rights and claims, including set-off, for damages, losses, costs, and expenses incurred but not fully reimbursed against any amounts that the state owes the federal government.

This bill:

► reaffirms the state’s sovereign rights as outlined in the Ninth and Tenth Amendments of the Constitution of the United States of America;

► reserves all rights of the state to claim a credit or set-off for any amount inequitably or unlawfully caused or claimed by the federal government.

Enacts 63G-15-101

Effective May 8, 2012 Chapter 38, Laws of Utah 2012
HB 144  **Health System Reform Amendments**  *(James A. Dunnigan)*

This bill amends provisions in the Health Code and Insurance Code related to the state’s strategic plan for health system reform.

This bill:

- amends provisions related to simplified Medicaid enrollment;
- requires the Department of Health to seek federal approval to expand eligibility of the Utah Premium Partnership program;
- clarifies the role of the All Payer Claims Database and the Utah Health Exchange related to prospective and retrospective risk adjusting;
- makes technical amendments to the Health Department’s reports that compare quality measures;
- authorizes an actuarial analysis of providing coverage options to individuals from 133% to 200% of the federal poverty level through a basic health plan beginning in 2014;
- amends provisions related to the benchmark plan for the dental program in the Children’s Health Insurance Program;
- prohibits an insurer from denying coverage for a covered service based on a diagnosis of autism unless the claim is directly related to autism;
- allows dental and vision policies to be offered on the health insurance exchange if the insurance department adopts rules in consultation with the Health System Reform Task Force which permit vision and dental plans on the exchange;
- amends health insurance producer disclosure requirements;
- allows an insurer to provide a premium discount to an employer group or an employee based on participation in a wellness program in the large and small group market;
- establishes the Legislature as the entity to determine the benchmark for an essential health benefit plan for the state;
- clarifies the fees that may be charged for the use of the call center for the Utah Health Exchange;
- reauthorizes the Defined Contribution Risk Adjuster Act until July 1, 2013;
- repeals provisions that require the state to implement multipayer demonstration projects;
- reauthorizes the Health System Reform Task Force; and
- makes technical amendments.

This bill appropriates in fiscal year 2011-12:

- To the Senate, as a one-time appropriation:
  - from the General Fund $15,000 to pay for the Health System Reform Task Force; and
- To the House of Representatives, as a one-time appropriation:
  - from the General Fund $25,000 to pay for the Health System Reform Task Force.

This bill provides a repeal date.


**Enacts** 26-18-3.8, 31A-30-116;

**Repeals** 26-1-39, 31A-22-614.6

Effective May 8, 2012

Chapter 279, Laws of Utah 2012
HB 148  Transfer of Public Lands Act and Related Study (Ken Ivory)

This bill addresses issues related to public lands, including the transfer of title to public lands to the state and requiring the Constitutional Defense Council to study or draft proposed legislation on certain issues related to public lands.

This bill:

► enacts the Transfer of Public Lands Act;
► defines terms;
► requires the United States to extinguish title to public lands and transfer title to those public lands to the state on or before December 31, 2014;
► provides that if the state transfers title to public lands with respect to which the state receives title to the public lands under the Transfer of Public Lands Act, the state shall retain 5% of the net proceeds the state receives, and pay 95% of the net proceeds the state receives to the United States;
► provides that the 5% of the net proceeds of those sales of public lands shall be deposited into the permanent State School Fund;
► provides a severability clause;
► requires the Constitutional Defense Council to study or draft legislation on certain issues related to the transfer, management, and taxation of public lands, including:
  • drafting proposed legislation creating a public lands commission; and
  • establishing actions that shall be taken to secure, preserve, and protect the state’s rights and benefits related to the United States’ duty to have extinguished title to public lands and transferred title to those public lands to the state; and
► makes technical and conforming changes.

This bill provides an immediate effective date.

Enacts 63L-6-101, 63L-6-102, 63L-6-103, 63L-6-104

HB 149  **Online Education Survey** *(Steve Eliason)*

This bill provides for the establishment of a pilot online school survey system in which students, parents, and teachers evaluate schools.

This bill:
- requires the State Board of Education to establish a pilot online school survey system that includes surveys for:
  - students to evaluate their teachers and school administrators;
  - parents to evaluate their children’s teachers, children’s schools, and themselves; and
  - teachers to evaluate their schools and school administrators;
- requires the State Board of Education to contract with a provider or develop a system to provide technology for the pilot online school survey system;
- requires a participating school district or charter school to:
  - administer online student surveys of teachers;
  - make available to parents online access to surveys which they may complete for their children’s teachers and schools; and
  - make available to teachers online access to a survey of their school which they may complete;
- directs the State Board of Education to make rules establishing procedures for administering surveys or making available online access to surveys;
- requires the State Board of Education to analyze and aggregate the survey data and publish aggregated survey data on its website; and
- provides that survey results shall be made available to school districts and school administrators for the purpose of:
  - determining how to better meet the needs of students and parents;
  - monitoring school improvement efforts; and
  - obtaining data that may be used as part of an educator evaluation system and to inform decisions on employment and professional development.

This bill appropriates:
- to the State Board of Education - Utah State Office of Education - Initiative Programs, as a one-time appropriation for fiscal year 2012-13:
  - from the Education Fund, $40,000.

**Amends** 63I-2-253;

**Enacts** 53A-1-410

Effective May 8, 2012  Chapter 280, Laws of Utah 2012

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HB 153  **Diversion of Water** *(Joel K. Briscoe)*

This bill allows the state engineer to reinstate a lapsed exchange application under certain conditions.

This bill:
- allows the state engineer to reinstate a lapsed exchange application for a small amount of water under certain conditions;
- establishes the date of priority for a reinstated exchange application; and
- makes technical changes.

**Amends** 73-3-20

Effective May 8, 2012  Chapter 163, Laws of Utah 2012
HB 155  Drug Screening for Temporary Assistance for Needy Families Recipients  *(Brad R. Wilson)*

This bill modifies the Employment Support Act by requiring an applicant who otherwise qualifies for cash assistance under Utah’s Family Employment Program to complete a written drug screening questionnaire and meet other requirements in order to receive cash assistance under the program.

This bill:
- requires a parent who otherwise qualifies for cash assistance under Utah’s Family Employment Program to complete a written questionnaire designed to determine the likelihood of the parent having a substance use disorder;
- requires an applicant to submit to a drug test if the written questionnaire indicates a reasonable likelihood that the applicant has a substance use disorder;
- requires an applicant who tests positive for a controlled substance to enter into and follow an employment plan that includes the following to continue to receive cash assistance under the Family Employment Program:
  - receiving treatment for a substance use disorder; and
  - testing negative on follow-up drug tests for a controlled substance;
- provides that refusing to take a drug test, failing a drug test, not entering into an employment plan, or failing to successfully follow an employment plan’s substance use disorder treatment requirements, makes an applicant ineligible for cash assistance under the Family Employment Program and for reapplication for cash assistance:
  - for 90 days after a first occurrence within one year; or
  - for one year after a second occurrence within one year; and
- makes technical changes.

Amends 35A-3-302, 35A-3-304;

Enacts 35A-3-304.5

HB 156  **Public Education Program Amendments** *(Merlynn T. Newbold)*

This bill eliminates public education programs and requirements.

This bill:
- requires the State Board of Education to provide a general financial literacy test-out option;
- eliminates a program to provide scholarships to teachers in necessarily existent small schools to pay for education expenses related to obtaining an endorsement or master's degree;
- eliminates a requirement that the State Board of Education make rules on the distribution and care of textbooks;
- eliminates provisions on career ladders;
- eliminates a requirement pertaining to the allocation of weighted pupil unit (WPU) funds between licensed and classified school district employees;
- eliminates legislative intent language regarding the percentage increase in the value of the WPU;
- eliminates provisions on the use of Minimum School Program nonlapsing balances;
- eliminates the following funding programs within the Minimum School Program:
  - the Local Discretionary Block Grant Program;
  - funding for the Families, Agencies, and Communities Together for Children and Youth (FACT) program; and
  - a 2001 school district hold harmless program; and
- makes technical amendments.

This bill takes effect on July 1, 2012.

**Amends** 53A-2-206 (Effective 07/01/12), 53A-13-108, 53A-17a-126, 63J-1-602.3;


**Effective July 1, 2012**  Chapter 398, Laws of Utah 2012
HB 157  Currency Amendments (Brad J. Galvez)

This bill amends provisions related to currency.

This bill:
- exempts specie legal tender from the Pawnshop and Secondhand Merchandise Transaction Information Act;
- addresses provisions related to specie legal tender, including:
  - renaming the Legal Tender Act to the Specie Legal Tender Act;
  - defining "specie legal tender" to mean gold or silver coin issued by the United States or certain other gold or silver coin if authorized by a court of competent jurisdiction or Congress;
  - providing that specie legal tender is legal tender in the state;
  - providing that a person may not compel another person to tender or accept specie legal tender except as expressly provided by contract;
  - repealing obsolete language;
  - requiring the attorney general to enforce the Specie Legal Tender Act; and
  - providing a severability clause;
- addresses an income tax credit for certain capital gains on a transaction involving legal tender;
- addresses a sales and use tax exemption for certain currency or coins;
- addresses the remittance of sales and use taxes on certain transactions involving specie legal tender; and
- makes technical and conforming changes.

This bill provides for retrospective operation.


Enacts 59-1-1501.1, 59-1-1505, 59-1-1506;

Repeals 59-1-1504

Effective May 8, 2012

HB 159  Unlawful Detention Amendments (Ryan D. Wilcox)

This bill modifies the Criminal Code regarding the offense of unlawful detention.

This bill:
- creates the offense of unlawful detention of a minor when a person who is at least four or more years older than the victim coerces or influences a minor who is 14 or 15 years of age to stay with the person without the consent of the minor’s parent or guardian, for an unreasonable amount of time, and in a situation that is not the offense of kidnapping.

Amends 31A-21-501, 76-5-304, 76-5-306, 77-36-1

Effective May 8, 2012
**HB 161 Rights of Parents and Children (LaVar Christensen)**

This bill modifies Title 62A, Chapter 4a, Child and Family Services and Title 78A, Chapter 6, Juvenile Court Act of 1996, by affirming parental rights, amending procedures regarding the Division of Child and Family Services, and amending court procedures regarding the termination of parental rights.

This bill:
- requires the Judiciary, Law Enforcement, and Criminal Justice Interim Committee to study issues regarding the rights of parents and children during the 2012 interim and report findings in the 2013 General Session;
- affirms parental rights in relation to the rights of the state;
- requires the court to consider the protections of parental rights before terminating parental rights;
- emphasizes the importance of in-home services and kinship placement over other forms of state intervention;
- states that the termination of parental rights should be pursued as a last resort only;
- requires an appellate court to consider "fundamental liberty interests" in an appeal of a termination of parental rights;
- makes technical changes.

**Amends** 62A-4a-201, 78A-6-503, 78A-6-507, 78B-6-132;

**Enacts** 62A-4a-122, 63I-2-262, 78A-4-201


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**HB 162 Veterans Reintegration Task Force (Tim M. Cosgrove)**

This bill creates the Veterans Reintegration Task Force.

This bill:
- creates the Veterans Reintegration Task Force composed of 15 members;
- requires the task force to study difficulties encountered by returning service members after deployments and create a statewide action plan for assisting with reintegration into communities;
- charges the task force with creating a statewide action plan for collaborating, assisting, and coordinating with reintegration into communities; and
- requires that the task force report to the Government Operations and Political Subdivisions Interim Committee.

This bill appropriates in fiscal year 2011-12:
- To the Senate, as a one-time appropriation:
  - from the General Fund $4,000 to pay for the Veterans Reintegration Task Force; and
  - To the House of Representatives, as a one-time appropriation:
  - from the General Fund $6,000 to pay for the Veterans Reintegration Task Force.

This bill is repealed on November 30, 2012.

**HB 164  Trust Deed Foreclosure Changes (LaVar Christensen)**

This bill enacts a provision relating to the foreclosure of trust deeds.

This bill:
- requires a beneficiary or servicer to appoint a single point of contact upon determining that a loan secured by a trust deed on owner-occupied residential property is in default;
- requires notice to a default trustor before a notice of default is filed;
- allows a default trustor to make application for foreclosure relief if the beneficiary or servicer offers foreclosure relief;
- establishes duties of the single point of contact during the three-month period following a notice of default; and
- makes provisions applicable if a default trustor applies for foreclosure relief.

**Enacts** 57-1-24.3

Effective May 8, 2012 Chapter 164, Laws of Utah 2012

**HB 167  Motor Vehicle Insurance Modifications (Todd E. Kiser)**

This bill modifies the Insurance Code by amending provisions relating to uninsured and underinsured motorist coverage.

This bill:
- provides a definition of new policy for purposes of determining the limits of uninsured or underinsured motorist coverage;
- provides that the definition of new policy applies retroactively to any claim arising on or after January 1, 2001 for which, as of May 1, 2012, an insured has not made a written demand for arbitration or filed a complaint in a court of competent jurisdiction;
- amends provisions relating to renewal notices for underinsured motorist coverage; and
- makes technical changes.

**Amends** 31A-22-302, 31A-22-305, 31A-22-305.3

Effective May 8, 2012 Chapter 283, Laws of Utah 2012

**HB 172  Vote by Mail Amendments (Steve Eliason)**

This bill amends and enacts provisions relating to voting by mail.

This bill:
- requires the lieutenant governor, with the participation of county clerks and other election officers, to study how to administer an election by mail with the option of voting in person at early voting or an election day voting center;
- repeals a section specific to voting by mail in certain districts;
- authorizes an election officer to administer an election entirely by mail; and
- makes technical changes.

This bill provides an immediate effective date.

**Amends** 20A-3-302, 63I-2-220;

**Enacts** 20A-5-410;

**Repeals** 20A-3-302.5

Effective March 15, 2012 Chapter 40, Laws of Utah 2012
HB 173  Transportation Funding Modifications *(Brad L. Dee)*

This bill modifies provisions relating to transportation funding.

This bill:
- provides that county option sales and use tax revenues for transportation may be used for a project that is a collector road in a county of the second class in certain circumstances;
- reduces the amount of bonds that may be issued to pay for the costs of construction, reconstruction, renovations, or improvements to certain highway projects;
- provides that a portion of certain bond proceeds shall be provided to the Department of Transportation to pay for, or to provide funds to, a municipality or county to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to certain highways;
- provides that debt service and bond issuance costs for certain bonds that have been issued shall be paid by the Transportation Investment Fund of 2005 and the County of the First Class State Highways Fund; and
- makes technical changes.

This bill takes effect on July 1, 2012.

Amends 59-12-2217, 63B-18-401, 72-2-121, 72-2-121.3, 72-2-124

Effective July 1, 2012  Chapter 400, Laws of Utah 2012
HB 175  Second Hand Item Transactions  (Jennifer M. Seelig)

This bill modifies Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act.

This bill:

► authorizes local government to enforce the chapter;
► defines original victim to include a representative of the victim;
► changes the fingerprint requirement from the thumb to the index finger;
► requires that pawn and secondhand businesses advise persons attempting to sell or pawn property that they must comply with the statutory unclaimed property provisions;
► removes the requirement that the pawn and secondhand database respond to inquiries from persons claiming ownership of property;
► deletes current language describing procedures concerning pawn and secondhand business possession of property subject to law enforcement investigation and provides new language regarding possession by the business, and including changes in the obligation of the victim to cooperate with law enforcement;
► provides that if there is a conflict between this chapter and the current code regarding property not needed as evidence, this chapter takes precedence;
► imposes a class B criminal misdemeanor penalty on specific conduct;
► provides that a pawn or secondhand business may not sell to a person younger than 18 or a person who appears to be under the influence of alcohol or controlled substances;
► increases the database fees in the chapter for pawn and secondhand businesses;
► increases the membership of the Secondhand Merchandise Advisory Board by adding a representative of municipal prosecutors and increasing the number of members who represent secondhand businesses from two to three;
► provides that the board may propose administrative rules to the division regarding best practices and standardized property descriptions;
► provides a process for pawn and secondhand businesses to submit complaints to the Peace Officers Standards and Training Division regarding law enforcement practices;
► increases the fees for database use for each sworn peace officer in an agency, and for out-of-state agencies; and
► requires that the advisory board quorum be greater than a simple majority of the members.

This bill coordinates with H.B. 239, Pawnshop Record Amendments, by providing that specified language in this bill takes precedence.


Repeals 13-32a-109.8

Effective May 8, 2012  Chapter 284, Laws of Utah 2012
HB 176  County Land Use Plans *(Michael E. Noel)*

This bill enacts a process for a county to recommend to the Legislature proposed congressional land use legislation concerning federal land use designation.

This bill:
- defines terms;
- enacts a process for a county to recommend to the Legislature proposed congressional land use legislation concerning federal land use within the county;
- allows a county to prepare a report on and a draft concurrent resolution in support of the proposed congressional land use legislation to the Public Lands Policy Coordinating Office;
- enacts language relating to the substance of a report prepared by the county;
- authorizes the Public Lands Policy Coordinating Office to evaluate a report and assist, as requested, the county in preparing a report;
- requires the Public Lands Policy Coordinating Office to submit a county’s report and an evaluation of that report to a legislative committee;
- enacts language related to a legislative committee’s review of the report and possible action on a proposed concurrent resolution;
- allows the governor to call a special session to consider the concurrent resolution; and
- makes technical corrections.

This bill provides an immediate effective date.

**Amends** 63J-8-102, 63J-8-105;

**Enacts** 63J-8-107;

**Repeals and Reenacts** 63J-8-106

Effective March 19, 2012  Chapter 165, Laws of Utah 2012

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HB 180  Food Stamp Reference Amendments *(Rebecca Chavez-Houck)*

This bill modifies the Utah Workforce Services Code and related sections by changing references to federal food stamps to SNAP (Supplemental Nutrition Assistance Program).

This bill:
- defines "SNAP" as the federal “Supplemental Nutrition Assistance Program,” formerly known as the federal Food Stamp Program;
- defines "SNAP benefits" as a financial benefit, coupon, or privilege available under SNAP;
- changes references in the code to food stamps to SNAP or SNAP benefits; and
- makes technical changes.

**Amends** 26-18-3.6, 35A-1-102, 35A-3-311, 35A-3-603, 35A-3-608, 35A-4-103, 58-63-102, 59-12-104.5, 62A-11-103, 63J-5-103, 76-8-1205, 76-8-1206, 78B-12-203

Effective May 8, 2012  Chapter 41, Laws of Utah 2012
HB 182  Signage Honoring Fallen Highway Patrol Officers (Brad R. Wilson)

This bill modifies the Transportation Code by authorizing the Utah Department of Transportation to erect memorial signs to honor Utah Highway Patrol officers who have been killed in the line of duty.

This bill:
► authorizes the Utah Department of Transportation to erect memorial signs, honoring fallen Utah Highway Patrol officers;
► provides that the memorial signs will comply with the Manual on Uniform Traffic Control Devices for Streets and Highways; and
► provides that the memorial signs may be funded by voluntary contributions or funds appropriated by the Legislature.

Enacts 72-7-110

Effective May 8, 2012

Chapter 42, Laws of Utah 2012

HB 187  Agricultural Operation Interference (John G. Mathis)

This bill establishes the crime of agricultural operation interference.

This bill:
► defines "agricultural operation";
► provides that a person is guilty of agricultural operation interference if the person:
  • records an image of, or sound from, an agricultural operation under certain circumstances;
  • obtains access to an agricultural operation under false pretenses; or
  • obtains employment at an agricultural operation under certain circumstances with the intent to record an image of, or sound from, the agricultural operation; and
► establishes penalties.

Enacts 76-6-112

Effective May 8, 2012

Chapter 213, Laws of Utah 2012

HB 189  Asbestos Requirements (Larry B. Wiley)

This bill modifies the Air Quality Board’s authority to require asbestos testing and impose work practice, certification, and clearance air sampling requirements for persons who conduct certain types of work.

This bill:
► allows the Air Quality Board to impose work practice, certification, and clearance air sampling requirements for persons who contract for hire for certain tasks if:
  • the contract site is not a residential property with four or fewer units; or
  • a tested sample from the contract site contains greater than 1% of asbestos;
► prohibits the Air Quality Board from requiring asbestos testing on a residential property with four or fewer units unless the property was constructed before January 1, 1981, or certain conditions are present; and
► makes technical changes.

Amends 19-2-104

Effective May 8, 2012

Chapter 43, Laws of Utah 2012
HB 190  Nurse Midwife Practice Act Amendments (Derek E. Brown)

This bill amends provisions of the Nurse Midwife Practice Act.

This bill:
△ amends provisions related to a practice plan with a consulting physician;
△ amends the definition of practice as a certified nurse midwife; and
△ amends the unprofessional conduct provisions.

Amends 58-44a-102, 58-44a-502

Effective May 8, 2012

Chapter 285, Laws of Utah 2012

HB 191  Real Estate Amendments (Gage Froerer)

This bill modifies provisions relating to real estate.

This bill:
△ modifies provisions relating to timeshare and camp resort projects;
△ modifies provisions of the Utah Mortgage Practices and Licensing Act;
△ modifies provisions of the Appraisal Management Company Registration and Regulation Act;
△ modifies provisions of the Real Estate Licensing and Practices Act; and
△ modifies provisions of the Real Estate Appraiser Licensing and Certification Act.

This bill provides effective dates.


Repeals 61-2g-303

Effective May 8, 2012

Chapter 166, Laws of Utah 2012
HB 194  Involuntary Feeding and Hydration of Inmates (Derek E. Brown)

This bill modifies the Code of Criminal Procedure by authorizing correctional facilities to involuntarily feed and hydrate prisoners who refuse sustenance and to petition the court to order involuntary feeding or hydrating of prisoners.

This bill:
- authorizes the correctional facility administrator to petition the court for an order to administer food or fluids to a prisoner by involuntary means;
- provides that the court shall hold a hearing within two business days of receiving a petition from a correctional facility administrator to administer food or fluids to a prisoner by involuntary means;
- provides that the prisoner has the right to attend the hearing, testify before the court, present evidence, and cross-examine witnesses;
- requires that any involuntary feeding or hydration by the correctional facility be conducted under medical supervision and in a reasonable manner; and
- provides exceptions to the provisions of this bill for medically imposed fasts or religious fasts of reasonable duration.

Enacts 77-16b-101, 77-16b-102, 77-16b-103, 77-16b-104, 77-16b-105


HB 195  Petroleum and Underground Storage Tank Fees (Gregory H. Hughes)

This bill modifies Petroleum Storage Tank Trust Fund reporting requirements.

This bill:
- transfers responsibility for the determination of the actuarial soundness of the Petroleum Storage Tank Trust Fund from the State Risk Manager to the Executive Director of the Department of Environmental Quality;
- gives the executive director discretion as to whether to petition the Legislature to increase fees to attain actuarial soundness; and
- makes technical changes.

Amends 19-6-409, 19-6-410.5, 19-6-411


HB 197  Grants for Math Teacher Training (Rebecca P. Edwards)

This bill appropriates money for math teacher training programs.

This bill:
- appropriates money to the State Board of Education to award grants to institutions of higher education or nonprofit education organizations for math teacher training programs;
- specifies the qualifications of individuals eligible to receive the training; and
- requires the State Board of Education to make rules establishing criteria for awarding grants for math teacher training programs.

This bill appropriates:
- to the State Board of Education, as an ongoing appropriation:
  - from the Education Fund, $500,000.

Enacts 53A-6-901

Effective March 22, 2012  Chapter 287, Laws of Utah 2012
HB 198  Growing of Food *(Christopher N. Herrod)*

This bill provides that certain food grown by an individual for consumption by the individual's family is not subject to local or federal regulation and that certain food grown or stored by an individual for consumption by the individual's family may not be confiscated by a government entity.

This bill:
- defines "family food";
- prohibits local or federal regulation of certain food that is grown by an individual for consumption by the individual or the individual's family unless:
  - the food poses a risk to health, the spreading of insect infestation, or the spreading of agricultural disease; or
  - the food is unlawfully possessed; and
- prohibits a government entity from confiscating certain food that is grown or stored by an individual for consumption by the individual or the individual's family unless:
  - the food poses a risk to health, the spreading of insect infestation, or the spreading of agricultural disease; or
  - the food is unlawfully possessed.

**Enacts 4-1-9**

Effective May 8, 2012  Chapter 401, Laws of Utah 2012

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HB 201  Utah State Winter Sports *(Steve Eliason)*

This bill designates two winter sports as state symbols.

This bill:
- designates skiing and snowboarding as the state’s winter sports; and
- makes technical changes.

**Amends 63G-1-601**


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HB 204  Expedited Jury Trial Act Amendments *(Brian S. King)*

This bill removes specific language to prevent confusion.

This bill:
- removes confusing language regarding a case in which a jury might return a "no cause" verdict.

**Amends 78B-3-903**

**HB 206**  
**Curriculum Options for Secondary School Students** *(Don L. Ipson)*

This bill modifies the Minimum School Program Act regarding funding for a secondary school student who attends a campus of the Utah College of Applied Technology.

This bill:
- provides that, beginning with the 2011-12 school year, a secondary student who attends a campus of the Utah College of Applied Technology is counted in the average daily membership of the sending school district or charter school;
- provides that a secondary student may attend a campus of the Utah College of Applied Technology if the student's technical education goals would be better achieved by attending the Utah College of Applied Technology as determined by the student's parent and, if the secondary student is a minor, the secondary student's parent or guardian;
- changes appropriations for certain programs within the basic school program and the flexible allocation program;
- sets the value of the weighted pupil unit at $2,842 for fiscal year 2012-13 for certain basic school programs; and
- makes technical amendments.

This bill provides for retrospective operation.

This bill coordinates with S.B. 2 by providing superseding substantive amendments.

**Amends** 53A-17a-114

Effective May 8, 2012

Chapter 288, Laws of Utah 2012

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**HB 208**  
**Limits on Landowner Liability for Public Recreation** *(Roger E. Barrus)*

This bill modifies a provision relating to limitations on the liability of a landowner whose land is used for public recreation.

This bill:
- modifies the definition of recreational purposes to include aircraft operations.

**Amends** 57-14-2

Effective May 8, 2012

Chapter 45, Laws of Utah 2012

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**HB 213**  
**School Community Council Member Qualifications** *(Lee B. Perry)*

This bill modifies provisions relating to the membership of a school community council.

This bill:
- modifies the qualifications for a parent or guardian member of a school community council;
- requires the membership of a school community council to include two or more parent or guardian members than the number of school employee members;
- requires the number of parent or guardian members of a school community council who are not educators employed by the school district to exceed the number of parent or guardian members who are educators employed by the school district; and
- makes technical amendments.

**Amends** 53A-1a-108

Effective May 8, 2012

Chapter 168, Laws of Utah 2012
HB 214 Professional Employer Organization Licensing Act Amendments *(James A. Dunnigan)*

This bill modifies the Insurance Code to address the applicability of provisions of the Insurance Code to professional employer organizations.

This bill:
- provides for continuation of coverage for certain health plans;
- provides that provisions addressing unfair marketing practices, unfair discrimination, coercion or intimidation, restriction on choice, and inducement apply to professional employer organizations; and
- makes technical changes.

Amends 31A-40-208;

Enacts 31A-40-309


HB 216 Political Subdivision Residential Rental Amendments *(Kenneth W. Sumsion)*

This bill enacts language related to a municipal regulation of a residential rental unit.

This bill:
- defines terms;
- enacts language related to a disproportionate rental fee charged by a municipality;
- prohibits a municipality from making certain requirements of a landlord;
- enacts language related to a good landlord program; and
- makes technical corrections.

Amends 10-1-203, 10-8-85.5, 10-9a-511, 57-22-7, 72-7-102;

Enacts 10-1-203.5


HB 218 Local School Board Business Administrator *(Daniel McCay)*

This bill makes changes to certain procedures related to hiring a business administrator of a school district.

This bill:
- defines terms;
- prohibits a local school board from:
  - appointing a business administrator during an interim vacancy period; and
  - entering into a contract on or after May 8, 2012, that contains an automatic renewal provision with a business administrator; and
- makes technical changes.

Amends 53A-3-302

Effective May 8, 2012 Chapter 46, Laws of Utah 2012
HB 223  Retention of Evidence Amendments  
(Brad R. Wilson)

This bill requires the retention of recorded evidence in sexual abuse cases for a specified period of time.

This bill:
- requires a peace officer’s employing agency to retain recordings of minor children interviewed during an investigation into sexual abuse cases for a specified period of time.

Amends 77-24-2

Effective May 8, 2012  
Chapter 47, Laws of Utah 2012

HB 225  Child and Family Service Providers  
(Christine F. Watkins)

This bill modifies Title 62A, Chapter 4a, Child and Family Services, by requiring the Division of Child and Family Services to post the name of a private service provider on the division’s website.

This bill:
- requires the Division of Child and Family Services to post the name of a private service provider on the division’s website; and
- makes technical changes.

Amends 62A-4a-106

Effective May 8, 2012  
Chapter 290, Laws of Utah 2012

HB 229  Constables Amendments  
(Lee B. Perry)

This bill amends provisions related to a county constable and deputy constable.

This bill:
- prohibits a county from contracting with a constable for a period that exceeds four years;
- requires a constable to present certain identification;
- requires a constable or deputy constable to notify the agency of jurisdiction in certain circumstances;
- limits a constable’s appointed term to four years; and
- makes technical corrections.

Amends 17-25-5, 17-25-6, 17-25a-3

Effective May 8, 2012  
Chapter 48, Laws of Utah 2012
HB 230  Utah Schools for the Deaf and the Blind Amendments  (Jennifer M. Seelig)

This bill modifies provisions relating to the Utah Schools for the Deaf and the Blind.

This bill:
- requires the State Board of Education to:
  - make rules regarding the qualifications, terms of employment, and duties for the superintendent of the Utah Schools for the Deaf and the Blind;
  - make rules regarding the operation of the Advisory Council for the Utah Schools for the Deaf and the Blind; and
  - report verbally and in written form annually to the Education Interim Committee on the Utah Schools for the Deaf and the Blind;
- deletes provisions regarding the superintendent and the Advisory Council for the Utah Schools for the Deaf and the Blind; and
- makes technical changes.

Amends 53A-25b-201, 53A-25b-304;
Repeals 53A-25b-202, 53A-25b-203


HB 232  Abuse, Neglect, and Division Definitions  (Christine F. Watkins)

This bill eliminates a responsibility of the Division of Child and Family Services.

This bill:
- eliminates the division’s responsibility to conduct court-ordered home evaluations in custody proceedings.

Amends 62A-4a-105, 78A-6-105


HB 233  Political Party Registration Amendments  (Jim Nielson)

This bill amends provisions in Title 20A, Chapter 8, Political Party Formation and Procedures related to a political party.

This bill:
- increases the number of regular general elections in which party participation is calculated in order to remain a registered political party; and
- makes technical changes.

Amends 20A-8-101, 20A-8-102

Effective May 8, 2012  Chapter 292, Laws of Utah 2012
HB 237  Child Welfare Amendments (Wayne A. Harper)

This bill amends Title 62A, Utah Human Services Code, Title 78A, Judiciary and Judicial Administration, and Title 78B, Judicial Code, relating to child welfare.

This bill:
- defines the term "relative";
- amends Division of Child and Family Services caseworker training requirements;
- requires a caseworker to file a report explaining why a particular placement is in the child’s best interest when a child is removed from the child’s immediate family but not placed with kin;
- requires a licensee under the Medical Practice or Nurse Practice Act to report a determination of fetal alcohol spectrum disorder to the Division of Child and Family Services;
- prohibits taking a child into protective custody solely on the basis of educational neglect, truancy, or failure to comply with a court order to attend school;
- requires a fingerprint-based background check on any adult residing in the home of a foster parent or potential foster parent;
- creates a presumption that reunification services not be provided to:
  - a parent who commits sexual abuse of a child;
  - a parent who is a registered sex offender; or
  - a birth mother whose child is born with fetal alcohol spectrum disorder, unless she enrolls in a substance abuse program;
- requires a court to consider costs already borne by a parent or legal guardian before assessing guardian ad litem attorney fees, court costs, or expenses against a parent or legal guardian;
- permits a parent or legal guardian to appeal a court’s determination of guardian ad litem attorney fees, costs, and expenses;
- requires a guardian ad litem to:
  - disclose, in certain cases, the minor’s wishes to the court;
  - conduct an independent investigation regarding a minor client, the minor’s family, and what constitutes the best interest of the minor;
  - keep records regarding how many times the guardian ad litem has had contact with each minor client and make those records available when making a recommendation regarding the client’s welfare; and
  - disclose to the court the basis for any recommendation regarding the best interest of the child;
- creates a preference for the adoption of a child by a relative following a termination of parental rights; and
- makes technical changes.


Effective May 8, 2012  Chapter 293, Laws of Utah 2012
HB 239  **Pawnshop Record Amendments** *(Richard A. Greenwood)*

This bill amends Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act, modifying procedures relating to access of pawn and purchase transaction records.

This bill:
- permits law enforcement and the Division of Consumer Protection to access pawn and purchase transaction records on a central database on behalf of an insurance company investigating a claim for physical loss of property; and
- makes technical changes.

**Amends** 13-32a-106.5

Effective May 8, 2012  Chapter 170, Laws of Utah 2012

HB 240  **Medical Retainer Agreements** *(Ken Ivory)*

This bill amends the Insurance Code to clarify when certain health care services are not subject to regulation as a health insurance plan.

This bill:
- defines terms;
- provides that a medical retainer agreement in which a health care provider agrees to provide routine health care services to a patient in exchange for a prepaid fee is not a health benefit plan subject to regulation by the Insurance Department; and
- permits a health care provider to include limited services performed by a third party in the retainer agreement.

**Amends** 31A-4-106;

**Enacts** 31A-4-106.5


HB 241  **Foster Care and Kinship Placement Amendments** *(Christine F. Watkins)*

This bill amends Title 62A, Chapter 4a, Child and Family Services by amending the procedure for taking a foster child away from a foster parent who is that child’s relative.

This bill:
- prohibits the Division of Child and Family Services from removing a foster child from a foster parent who is the child’s relative without determining by:
  - clear and convincing evidence that the relative is incapable of caring for the child if the alternative foster parent would be an individual who is not related to the child; or
  - a preponderance of the evidence if the alternative foster parent would be another relative of the child; and
- makes technical changes.

**Amends** 62A-4a-206

**HB 243**  **Municipal Election Revisions** *(John Dougall)*

This bill amends provisions related to filing for candidacy in certain municipal elections.

This bill:
- repeals provisions authorizing certain third, fourth, and fifth class municipalities and certain towns to adopt an ordinance that allows a candidate for municipal office to file a nominating petition in lieu of using the convention system;
- repeals provisions related to signature requirements for a nominating petition in certain municipalities and towns;
- repeals provisions related to the nominating petition requirements in certain municipalities and town; and
- makes technical corrections.

Amends 20A-9-203

Effective May 8, 2012

Chapter 294, Laws of Utah 2012

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**HB 245**  **Amendment to Definition of Smoking in Utah Indoor Clean Air Act** *(Bradley G. Last)*

This bill amends definitions in the Utah Indoor Clean Air Act and phases in the application of the amended definitions.

This bill:
- amends the definition of smoking to include e-cigarettes and heated tobacco products;
- defines e-cigarette;
- phases in the application of the amended definition of smoking as it applies to the use of e-cigarettes in a retail establishment that sells e-cigarettes;
- phases in the application of the definition of smoking as it applies to certain places of public access that allow the use of a hookah; and
- sunsets the phase in of the application of the amended definition of smoking on July 1, 2017.

Amends 26-38-2, 26-38-7, 63I-1-226;

Enacts 26-38-2.5, 26-38-2.6

Effective May 8, 2012

Chapter 171, Laws of Utah 2012

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**HB 246**  **County Correctional Facilities Funding Amendments** *(Michael E. Noel)*

This bill modifies the calculated reimbursement that the state pays counties for housing state inmates and parolees in county facilities.

This bill:
- directs the state to calculate reimbursement for counties that house state inmates and parolees in county facilities based on the average number of days over the previous five years, instead of the actual number of incarceration days for the prior year.

Amends 64-13e-104

Effective May 8, 2012

Chapter 51, Laws of Utah 2012
HB 249  Single Family Zoning Designation (Dean Sanpei)

This bill amends provisions related to a residential single family designation.

This bill:
► amends the definition of "single-family limit";
► allows a local government or a potentially aggrieved person to request an advisory opinion on compliance with provisions related to a single family designation; and
► makes technical corrections.

Amends 10-9a-505.5, 13-43-205, 17-27a-505.5

Effective May 8, 2012 Chapter 172, Laws of Utah 2012

HB 250  Tax Credit for Dependent with a Disability (John Dougall)

This bill amends the Nonrefundable Tax Credit Act to allow a tax credit for a dependent adult with a disability or dependent child with a disability as part of the taxpayer tax credit.

This bill:
► defines terms;
► allows a tax credit for a dependent adult with a disability or dependent child with a disability as part of the taxpayer tax credit; and
► makes technical and conforming changes.

This bill has retrospective operation for a taxable year beginning on or after January 1, 2012.

Amends 59-10-1018


HB 251  Utah State Personnel Management Act Amendments (Bradley M. Daw)

This bill requires that the executive director of the Department of Human Resource Management develop, subject to available funding, manager and supervisor training and enacts provisions related to an incentive award.

This bill:
► requires that the executive director develop, subject to available funding, manager and supervisor training;
► enacts provisions related to an incentive award; and
► makes technical corrections.

Amends 49-20-401, 67-19-6, 67-19-12

HB 252  **Peace Officer Standards and Training Amendments** *(Richard A. Greenwood)*

This bill modifies the Public Safety Code regarding Peace Officer Standards and Training certification.

This bill:

- modifies the membership of the Peace Officer Standards and Training Council by replacing one position to be filled by an officer from the Federal Bureau of Investigation with an additional at large position, appointed by the governor; and
- requires that an applicant for peace officer certification who requests a waiver of the peace officer training course must provide proof of either of the following during the past four years:
  - the applicant completed the basic peace officer training program for which the applicant is seeking credit; or
  - the applicant was actively engaged in performing the duties of a peace officer.

*Amends* 53-6-106, 53-6-206

Effective May 8, 2012

Chapter 296, Laws of Utah 2012

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HB 253  **Voter Registration Amendments** *(Kraig Powell)*

This bill amends provisions in Title 20A, Election Code, relating to voter registration.

This bill:

- requires the removal of a voter from the official register:
  - upon notification that a voter has subsequently registered to vote in another state; and
  - upon notice of a criminal conviction that prohibits a person from voting;
- requires the county clerk to send a notice to a voter who fails to vote in two consecutive regular general elections; and
- makes technical changes.

*Amends* 20A-2-304.5, 20A-2-305

Effective May 8, 2012

Chapter 52, Laws of Utah 2012

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HB 254  **Controlled Substances Amendments** *(Gage Froerer)*

This bill modifies the Utah Controlled Substances Act.

This bill:

- amends the definition of a controlled substance analog to allow proof that the substance is chemically substantially similar to a controlled substance, without requiring proof of the effect of the substance by the expert testimony of a pharmacologist;
- adds benzylpiperazine to Schedule I of the controlled substances list; and
- adds AM-2201, RCS-4, JWH-210, and JWH-203 to the list of listed controlled substances.

*Amends* 58-37-2, 58-37-4, 58-37-4.2

Effective May 8, 2012

Chapter 297, Laws of Utah 2012
HB 255  Motor Vehicle Business Regulation Penalties (Don L. Ipson)

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions relating to penalties for violations of the act.

This bill:

- provides that the State Tax Commission may waive, reduce, or compromise any of the civil penalties imposed by the Motor Vehicle Enforcement Division for a violation of the Motor Vehicle Business Regulation Act if reasonable cause is shown and by making a record of its actions.

Enacts 41-3-704

HB 256  Retirement Modifications (Don L. Ipson)

This bill modifies the Utah State Retirement and Insurance Benefit Act.

This bill:
- amends definitions;
- provides that "initially entering" employment includes employees that move from a position not covered under a Utah Retirement System to a position that is covered;
- clarifies post retirement employment provisions for a retiree who returns to work within one year or who elects to earn additional service credit;
- provides that a domestic relations court order must be received within 12 months of the death of the member;
- repeals language related to presentment by a policyholder;
- amends the definition of regular full-time employee to provide that the minimum earnings required for an elective or appointive officer to be eligible for a retirement benefit under the Tier I Public Employees’ Systems is based on a monthly rate, not just the first month in office;
- clarifies that an employer must be a participating employer whether or not the employer has applied for admission to the system;
- allows the executive director of the Department of Corrections to be excluded from the Public Safety Contributory Retirement System, the Public Safety Noncontributory Retirement System, and the Tier I Public Safety Noncontributory Retirement System;
- clarifies that only Tier II governors and legislators and their spouses, not all Tier II public employees, may be eligible for the governors and legislative paid-up group health coverage;
- clarifies that Tier II firefighters, including volunteer firefighters, are covered under the URS long-term disability program;
- provides that long-term disability claims must be made within six months, rather than one year, from the employee’s date of disability;
- requires an employee receiving monthly disability benefits to provide certain information and documentation requested by the office;
- provides that monthly disability benefits are reduced for payments made for sick leave, annual leave, or similar payments;
- clarifies participation requirements for employers in the Tier II systems;
- allows certain at-will employees to be exempt from the vesting requirement for the defined contribution plan in the Tier II Public Employees’ Retirement System;
- allows certain public safety service employees to be exempt from the vesting requirement for the defined contribution plan in the New Public Safety and Firefighter Tier II Contributory Retirement System;
- clarifies who a participating employer must cover under the Tier II Public Safety and Firefighters Systems; and
- makes technical changes.


HB 257 Controlled Substance Database Amendments (Bradley M. Daw)

This bill modifies Title 58, Chapter 37f, Controlled Substance Database Act, regarding use of the database to obtain information from other states or the federal government and access to the database by designated employees and practitioners.

This bill:
- prohibits unauthorized use of the controlled substance database as a means of obtaining information from other states or a federal drug monitoring program;
- provides for the designation by a practitioner of persons who are employed by the same business as the practitioner to gain access to the database at the request of the practitioner; and
- provides a procedure for an emergency room employee to look up information in the database for a practitioner who is treating an emergency room patient.

Amends 58-37f-301, 58-37f-601


HB 259 Municipal Administrative Proceedings Amendments (Kraig Powell)

This bill amends provisions related to municipal administrative proceedings.

This bill:
- authorizes a municipality to establish an administrative proceeding; and
- makes technical corrections.

Repeals and Reenacts 10-3-703.7

Effective May 8, 2012 Chapter 175, Laws of Utah 2012

HB 261 Dividing of School Districts Amendments (Kenneth W. Sumson)

This bill modifies requirements for the imposition of property taxes in a new district and remaining school district after a school district split.

This bill:
- requires a new district and remaining district to continue to impose for five years certain property tax levies that were imposed by the divided school district, irrespective of whether the property tax base of the new district is greater than or less than the property tax base of the remaining district; and
- makes technical amendments.

Amends 53A-2-118.4

HB 263  Unemployment Benefits for Military Spouse *(Lynn N. Hemingway)*

This bill modifies the Employment Security Act by expanding unemployment benefits eligibility for military spouses under certain circumstances.

This bill:

- provides that the Unemployment Division will not charge benefit costs to an employer for an employee who receives unemployment benefits after voluntarily leaving employment to follow a spouse because of a spouse's military assignment;
- authorizes unemployment benefits for a claimant who voluntarily leaves employment to follow a spouse to a new location if:
  - the claimant's spouse is a member of the United States armed forces and the claimant's spouse has been relocated by a military assignment on active duty;
  - it is impractical for the claimant to commute to the previous work from the new locality; and
  - the claimant otherwise meets and follows the eligibility and reporting requirements of the Unemployment Division; and
- makes technical changes.

Amends 35A-4-307, 35A-4-405

Effective May 8, 2012  
Chapter 54, Laws of Utah 2012

HB 265  Public Employees’ Long-term Disability Act Amendments *(Brian S. King)*

This bill amends the Public Employees' Long-term Disability Act.

This bill:

- clarifies the definition of long term disability.

Amends 49-21-102

Effective May 8, 2012  
Chapter 55, Laws of Utah 2012

HB 266  Driver Education Amendments *(Bradley M. Daw)*

This bill modifies the Uniform Driver License Act by amending provisions relating to driver education.

This bill:

- provides that the Driver License Division may not license a person who is 19 years of age or older and who has not completed an approved course in driver training unless the person:
  - holds a learner permit for three months before applying for an original class D license; and
  - certifies that the person, under the authority of a learner permit issued by the Driver License Division, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours were completed during night hours after sunset; and
- makes technical changes.

This bill takes effect on July 1, 2012.

Amends 53-3-204, 53-3-205, 53-3-210.5, 53-3-407

Effective July 1, 2012  
Chapter 176, Laws of Utah 2012
HB 267  Vintage Travel Trailers (Lee B. Perry)

This bill modifies the Motor Vehicles Code by amending provisions relating to vintage vehicles.

This bill:
► defines a vintage travel trailer;
► amends the definition of a vintage vehicle to include a vintage travel trailer; and
► makes technical changes.

This bill takes effect on July 1, 2012.

Amends 41-1a-226, 41-21-1

Effective July 1, 2012  Chapter 299, Laws of Utah 2012

HB 268  Driver License Amendments (Val L. Peterson)

This bill modifies the Uniform Driver License Act by amending provisions relating to certain driver license expiration dates.

This bill:
► provides that a regular license certificate and any endorsement to the regular license certificate which expires during the time period a person is working outside of the state, is valid until 90 days after the person’s assignment has been changed or terminated if the person is:
  ▶ a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or
  ▶ an immediate family member or dependent of a person who is a civilian employee of the United States State Department or United States Department of Defense and is residing outside of the United States; and
► makes technical changes.

This bill takes effect on July 1, 2012.

Amends 53-3-205

Effective July 1, 2012  Chapter 177, Laws of Utah 2012

HB 269  Utah National Guard - Officer Appointment Amendments (Val L. Peterson)

This bill changes the requirements for the appointment of officers to certain positions in the National Guard.

This bill:
► authorizes a chief of staff for air in the National Guard;
► changes requirements for the appointment of officers for certain positions; and
► makes technical changes.

Amends 39-1-18, 39-1-24

HB 272  Pilot Program for Autism Spectrum Disorders Services *(Ronda Rudd Menlove)*

This bill creates a pilot program for autism spectrum disorders services in the Medicaid program; for the private sector, non-Medicaid population through the Autism Treatment Account; and for certain children of state employees administered by Public Employees’ Benefit and Insurance Program Act.

This bill:
- provides a funding mechanism for the autism Medicaid waiver;
- directs the state Medicaid program to develop a Medicaid waiver to provide proven effective services for children between the ages of two to six with autism spectrum disorder;
- requires the department to convene a public process to develop the Medicaid waiver;
- requires the department to include services for children located in rural and underserved areas of the state;
- requires the department to measure the cost and the effectiveness of the treatments and services for autism spectrum disorders;
- requires the department to report to the Legislative Health and Human Services Interim Committee by November 30, 2013;
- amends provisions of the Autism Treatment Account to:
  - update terminology used for autism treatment options;
  - amend the uses of the account to focus on evaluation and treatment of children between the ages of two to six years old with autism spectrum disorders;
  - work with telehealth services to reach children in rural and underserved areas of the state; and
  - create a mechanism to identify children qualified for services, provide and pay for services for children, and evaluate effectiveness of treatments; and
- establishes a pilot program for autism treatment services for certain children of state employees administered by the Public Employees’ Benefit and Insurance Program.

This bill appropriates in fiscal year 2011-12:
- to Department of Health - Medicaid Optional Services
  - from General Fund, One-time $1,500,000 to fund autism treatment;
- to Department of Human Services - Child and Family Services
  - from General Fund, One-time ($1,500,000) to fund autism treatment; and
- to the Department of Health - Medicaid Optional Services
  - from General Fund, One-time $3,000,000 to fund autism treatment. This bill provides intent language making certain fiscal year 2012 appropriations in the Department of Health nonlapsing for purposes of studying children with autism spectrum disorders. This bill appropriates for fiscal year 2012-13:
- to Autism Treatment Restricted Account
  - from General Fund, One-time $1,000,000 to fund autism treatment.
- to Department of Health - Family and Preparedness
  - from Autism Treatment Restricted Account, One-time $1,000,000 to fund autism treatment.

**Amends** 26-18-402, 26-52-102, 26-52-201, 26-52-202;

**Enacts** 26-18-407, 26-52-203, 49-20-411

HB 273  **Municipal and County Development Standards** *(Brad R. Wilson)*

This bill amends subdivision and development provisions of the municipal and county land use code.

This bill:

- requires that a municipality or county that adopts an amendment to a specification for a public improvement give notice;
- prohibits a municipality or county from imposing certain requirements on an applicant for preliminary subdivision approval;
- prohibits a municipality or county from imposing certain requirements on a holder of an issued land use permit or a final, unexpired subdivision plat; and
- makes technical corrections.

**Amends** 10-9a-509, 17-27a-508;

**Enacts** 10-9a-212, 17-27a-212


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HB 276  **Aiding Sexual Solicitation** *(Paul Ray)*

This bill amends the Criminal Code regarding the offense of aiding prostitution.

This bill:

- provides that a person’s enabling another person to commit an act of aiding prostitution is also the offense of aiding prostitution.

**Amends** 76-10-1304


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HB 277  **Graffiti Paraphernalia** *(Jim Nielson)*

This bill modifies the definition of the crime of graffiti.

This bill:

- modifies the definition of graffiti to include etching; and
- defines etching as defacing, damaging, or destroying hard surfaces by use of a chemical action.

**Amends** 76-6-107

Effective May 8, 2012  Chapter 300, Laws of Utah 2012

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HB 280  **Foreclosure Notice Provisions on Residential Rental Property** *(Wayne A. Harper)*

This bill extends a repeal date on provisions relating to notice required for residential rental property foreclosures.

This bill:

- extends a repeal date from December 31, 2012 to December 31, 2014, for provisions requiring a notice for residential rental property that is being foreclosed.

**Amends** 63I-1-257, 63I-1-278

Effective May 8, 2012  Chapter 301, Laws of Utah 2012
HB 281  **Human Services License Extensions (Bradley G. Last)**

This bill amends Title 62A, Chapter 2, Licensure of Programs and Facilities, by permitting a renewal license that lasts 24 months.

This bill:
- authorizes the Office of Licensing to renew a human services license for 24 months if:
  - the licensee has already been licensed by the office for at least 24 months; and
  - the licensee has not violated any rules regarding the license;
- clarifies that criminal background checks on licensees will continue to be conducted annually; and
- makes technical changes.

**Amends** 62A-2-108, 62A-2-120


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HB 282  **Criminal Offense Amendments (Paul Ray)**

This bill modifies the Criminal Code regarding the offenses of lewdness and sexual battery.

This bill:
- revises the Criminal Code so that the offenses of lewdness, sexual battery, and public urination are each in a separate code section; and
- provides that a plea of guilty or no contest that is held in abeyance regarding a lewdness offense is the equivalent of a conviction.

This bill coordinates with H.B. 17, Sex Offender Registry Chapter, by providing technical amendments.

**Amends** 31A-21-501, 76-6-202, 76-9-702, 77-27-21.5, 78A-6-105;

**Enacts** 76-9-702.1, 76-9-702.3

Effective May 8, 2012  Chapter 303, Laws of Utah 2012

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HB 285  **Repeal of Higher Education Tuition Assistance Program (Steve Eliason)**

This bill repeals the Utah Higher Education Tuition Assistance Program within the State System of Higher Education.

This bill:
- repeals the Utah Higher Education Tuition Assistance Program within the State System of Higher Education.

This bill takes effect on July 1, 2012.

**Repeals** 53B-7-502

Effective July 1, 2012  Chapter 217, Laws of Utah 2012
HB 286  **State House Boundary Amendments** *(Kenneth W. Sumision)*

This bill makes minor adjustments to State House district boundaries to reconcile United States Census data with state maps and to resolve certain election administration issues.

This bill:
- defines terms;
- makes changes to State House district boundaries to reconcile United States Census data with state maps;
- makes changes to State House district boundaries to resolve certain election administration issues; and
- makes technical corrections.

This bill provides an immediate effective date.

**Amends** 36-1-201.5, 36-1-202, 36-1-202.2, 36-1-204

Effective January 30, 2012  Chapter 1, Laws of Utah 2012

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HB 287  **State Board of Education Boundary Amendments** *(Kenneth W. Sumision)*

This bill makes minor adjustments to State Board of Education district boundaries to reconcile United States Census data with state maps and to resolve certain election administration issues.

This bill:
- defines terms;
- makes changes to State Board of Education district boundaries to reconcile United States Census data with state maps;
- makes changes to State Board of Education district boundaries to resolve certain election administration issues; and
- makes technical corrections.

This bill provides an immediate effective date.

**Amends** 20A-14-101.5, 20A-14-102, 20A-14-102.2, 20A-14-102.3


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HB 289  **Reauthorization of Corrections Education Programs** *(Christine F. Watkins)*

This bill modifies a provision that repeals certain provisions relating to the education of persons in the custody of the Utah Department of Corrections.

This bill:
- modifies the repeal date of Section 53A-1-403.5, which provides for certain educational programs for persons in custody of the Utah Department of Corrections, contracting for those services, a recidivism reduction plan, and which requires collaboration among certain state agencies in relation to the programs; and
- changes the repeal date of that section from July 1, 2012 to July 1, 2017.

*The original bill was recommended by the Legislative Management Committee*

**Amends** 63I-2-253

HB 293  Amendments to Vehicle Oversize and Overweight Permits (Wayne A. Harper)

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

This bill:
◆ provides an exception to the restriction that the draw-bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle to the other when operating under an oversize or overweight permit;
◆ authorizes the Department of Transportation to issue an oversize permit for a vehicle or combination of vehicles that exceeds the draw-bar length restriction; and
◆ makes technical changes.

Amends 72-7-403, 72-7-406

Effective May 8, 2012  Chapter 304, Laws of Utah 2012

HB 294  Biofeedback Licensing Amendments (R. Curt Webb)

This bill amends the Physical Therapist Licensing Act, the Psychologist Licensing Act, and the Naturopathic Physician Licensing Act to clarify that a person does not have to be licensed as a psychologist, naturopathic physician, or physical therapist to use biofeedback.

This bill:
◆ removes the word "biofeedback" from the definition of the practice of physical therapy, the practice of psychology, and the practice of naturopathic physical medicine to clarify that the use of biofeedback is not limited to those particular licensing acts.

Amends 58-24b-102, 58-61-102, 58-71-102


HB 295  Trademark Renewal Revisions (Brian S. King)

This bill modifies a provision relating to the renewal of a trademark registration.

This bill:
◆ modifies the required time for filing a trademark registration renewal application.

Amends 70-3a-305

Effective May 8, 2012  Chapter 58, Laws of Utah 2012
HB 296  Social Services - Employment First Priority (V. Lowry Snow)

This bill establishes an employment first priority policy for a person with a disability, a person with a mental illness, and a person seeking treatment for a substance abuse problem within the Employment Support Act and the Substance Abuse and Mental Health Act.

This bill:
- defines terms;
- requires the Department of Workforce Services and Division of Substance Abuse and Mental Health to, when providing services to a person with a disability, a person with a mental illness, or a person seeking treatment for a substance abuse problem, give priority to providing services that assist the person in obtaining and retaining meaningful and gainful employment;
- requires the entities described in the preceding paragraph to:
  - develop a written plan to implement the policy described in the preceding paragraph; and
  - set annual goals to implement the policy and plan described in this bill, determine whether the goals for the previous year have been met, and modify the plan as needed; and
- makes technical changes.

Amends 35A-3-103.5;
Enacts 62A-15-105.2

Effective May 8, 2012  Chapter 305, Laws of Utah 2012

HB 297  Highway Barricade Amendments (Lee B. Perry)

This bill modifies the Transportation Code by amending provisions relating to highway barricades.

This bill:
- clarifies that a person who willfully fails to observe any temporary or permanent highway barricade, warning light, sign, cone, or other object, or to obey a flagman, is guilty of a class B misdemeanor.

Amends 72-6-114

HB 298  **Motor Vehicle Safety Inspection Amendments** *(John Dougall)*

This bill modifies provisions relating to motor vehicle safety inspections.

This bill:

- provides that if a title of a used motor vehicle is being transferred, a safety inspection issued for the motor vehicle during the previous 11 months may be used to satisfy the safety inspection requirement;
- reduces the frequency of the requirement that an owner of certain vehicles is required to obtain a safety inspection certificate prior to registering the vehicle;
- increases the registration fee for motor vehicles and motorcycles to offset the reduced revenues from the repeal of the safety inspection certificate fee;
- provides that a portion of the revenues from the increased motor vehicle and motorcycle registration fees shall be:
  - deposited in the Public Safety Restricted Account; and
  - used to pay a portion of the costs to employ highway patrol officers to police or patrol the highways within this state; and
- makes conforming changes.

This bill appropriates:

- $882,000 from the General Fund to the Utah Highway Patrol for six new highway patrol officers;
- $315,000 from the Transportation Fund Restricted - Department of Public Safety Account for seven additional highway patrol officers beginning January 1, 2013; and
- $630,000 from the Highway Patrol - Safety Inspections program to the Highway Patrol Field Operations program putting seven more officers in the field.

*Amends* 41-1a-205, 41-1a-1201, 41-1a-1206, 41-3-303, 53-3-106, 53-8-204, 53-8-205, 53-8-206

Effective July 1, 2012  Chapter 356, Laws of Utah 2012

HB 301  **National Guard - Nonjudicial Punishment** *(Val L. Peterson)*

This bill makes clarifying changes to the nonjudicial punishment section of the Utah Code of Military Justice.

This bill:

- specifies the commanders' parameters for nonjudicial punishment;
- provides guidelines for nonjudicial punishment for enlisted personnel and officers;
- sets out appeal avenues and limits; and
- directs who can mitigate nonjudicial punishment.

*Repeals* 39-6-13;

*Repeals and Reenacts* 39-6-14

Effective May 8, 2012  Chapter 60, Laws of Utah 2012
HB 302  Land Use Penalties *(Michael T. Morley)*

This bill amends provisions related to certain civil penalties established by a municipality or county.

This bill:
- requires that a municipality or county provide:
  - notice of an ordinance violation to the owner of record;
  - the owner of record a reasonable opportunity to cure an ordinance violation; and
  - a schedule of the civil penalties for an ordinance violation; and
- makes technical corrections.

**Amends** 10-9a-803, 17-27a-803

Effective May 8, 2012  Chapter 218, Laws of Utah 2012

HB 305  Construction Code Revisions *(Gage Froerer)*

This bill modifies a provision amending the state construction code.

This bill:
- modifies a provision requiring an engineer evaluation of certain buildings built before 1975;
- temporarily eliminates a requirement that the evaluation occur when the building is undergoing reroofing or an alteration of or repair to certain features; and
- replaces that requirement with a temporary requirement that the evaluation occur when the building is undergoing structural alterations or repairs, and specifies what is not included in structural alterations or repairs.

**Amends** 15A-3-113


HB 306  Disposal of Unused Prescription Drugs *(Bradley M. Daw)*

This bill amends the Pharmacy Practice Act to require the division to adopt rules regarding the disposal of unused prescription drugs in accordance with federal laws and regulations.

This bill:
- enacts a requirement that the division allow a pharmacy to take back unused prescription drugs if the federal rules permit a pharmacy take back program; and
- requires the division to enact administrative rules regarding unused drug take back programs once federal rules related to drug take back programs are published.

**Enacts** 58-17b-622

Effective May 8, 2012  Chapter 61, Laws of Utah 2012
HB 307  Factual Innocence Amendments *(Brad L. Dee)*

This bill makes clarifying amendments to factual innocence provisions.

This bill:

- clarifies the requirement of a hearing if the state does not stipulate to factual innocence;
- clarifies that all proceedings are governed by Utah Rules of Civil Procedure, Rule 65C;
- sets a standard for the court’s determination of factual innocence;
- disallows prejudgment interest on payments made to a person after a finding of factual innocence; and
- provides that assistance payments on a claim of factual innocence are extinguished upon the death of the petitioner.

Amends 78B-9-402, 78B-9-404, 78B-9-405


HB 311  Electronic Meetings for Charter School *(Bradley M. Daw)*

This bill amends provisions in Title 52, Chapter 4, Open and Public Meetings Act, related to electronic meetings held by charter school boards.

This bill:

- defines terms;
- authorizes a charter school board to conduct and convene an electronic meeting in writing on a website;
- requires notice to be given regarding when a vote will be taken;
- prohibits a charter school board member from communicating with another person while a vote is taken during an electronic meeting;
- exempts a charter school board from recording requirements;
- establishes requirements for a website on which an electronic meeting of a charter school board takes place;
- establishes a criminal penalty;
- provides for enforcement; and
- makes technical changes.

Amends 52-4-209, 52-4-302

Effective May 8, 2012 Chapter 403, Laws of Utah 2012

HB 312  Veteran Employment Tax Credit *(Don L. Ipson)*

This bill enacts tax credits for employing a recently deployed veteran.

This bill:

- defines terms; and
- enacts nonrefundable corporate and individual income tax credits for employing a recently deployed veteran who is eligible to collect or has recently exhausted unemployment benefits.

This bill has retrospective operation for a taxable year beginning on or after January 1, 2012.

Enacts 59-7-614.7, 59-10-1029

HB 313 Local Health Regulation (Johnny Anderson)

This bill modifies the Utah Health Code and the Local Health Department Act by amending powers of local health departments and local health department boards to establish certain standards and regulations.

This bill:
- prohibits a local health department from establishing standards or regulations that are more stringent than those established by federal law, state statute, or Department of Health rules, unless the local health department makes a written finding that federal and state laws are not adequate to protect public health;
- prohibits a local health department board from establishing standards and regulations more stringent than those established by federal law, state statute, or Department of Health rules, unless the local health department board makes a written finding that federal and state laws are not adequate to protect public health of the state;
- provides that the restrictions against more stringent regulations do not apply to emergency rulemaking or to items not regulated by federal law, state statute, or administrative rules; and
- makes technical changes.

Amends 26-1-23, 26A-1-121


HB 316 Divorce Waiting Period Amendments (Val L. Peterson)

This bill restores the 90-day waiting period required for divorces.

This bill:
- restores the 90-day waiting period before a hearing may be held in a divorce; and
- creates an exception if the court finds that extraordinary circumstances exist that allow the waiver of the 90-day period.

Amends 30-3-7, 30-3-18

Effective May 8, 2012 Chapter 404, Laws of Utah 2012

HB 317 Traffic Safety Amendments (Don L. Ipson)

This bill modifies the Traffic Code.

This bill:
- clarifies that a person who fails to meet certain requirements when approaching an emergency vehicle shall attend an approved four hour live classroom defensive driving course;
- provides that a person who fails to attend a classroom course within 90 days of sentencing for or pleading guilty to certain violations shall have the person’s driver license suspended for a period of 90 days;
- provides that the division shall shorten the 90-day suspension period effective immediately upon receiving a certificate of attendance of the required classroom course if the certificate of attendance is received prior to completion of the suspension period;
- provides that a person whose license is suspended is required to pay certain license reinstatement fees, even if the suspension is shortened;
- provides rulemaking authority for the Driver License Division; and
- makes conforming changes.

Amends 41-6a-904

Effective May 8, 2012 Chapter 308, Laws of Utah 2012
HB 318  Industrial Assistance Account Amendments *(Ronda Rudd Menlove)*

This bill modifies the Governor’s Office of Economic Development chapter by amending Industrial Assistance Account provisions.

This bill:

- moves the funding and administration of the Business Expansion and Retention Initiative from the Rural Fast Track Program to the Industrial Assistance Account administered by the director of the Governor’s Office of Economic Development;
- modifies the allocation of money in the Industrial Assistance Account;
- provides that up to 4% of the Industrial Assistance Account may be used to promote business and economic development in rural Utah with the Business Expansion and Retention Initiative; and
- makes technical changes.

This bill takes effect on July 1, 2012.

Amends 63M-1-903, 63M-1-904

Effective July 1, 2012  Chapter 18, Laws of Utah 2012

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HB 319  Provision of Information to Parents of Children in State Custody *(Christine F. Watkins)*

This bill modifies Title 62A, Chapter 4a, Child and Family Services, by requiring the Division of Child and Family Services to provide a parent of a child in state custody with information about the parent’s rights.

This bill:

- requires the Division of Child and Family Services to prepare a pamphlet for distribution to a parent of a child in state custody explaining:
  - the parent’s rights, including the right to contact an attorney;
  - the name and contact information of an individual at the division who can answer the parent’s questions;
  - resources available to the parent; and
  - any other information the division considers necessary;
- requires the division to provide the pamphlet described above to a parent whenever a child is removed from a home, school, or taken into protective custody; and
- makes technical changes.

This bill takes effect on July 1, 2012.

Amends 62A-4a-202.1

Effective July 1, 2012  Chapter 221, Laws of Utah 2012

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HB 323  Sales and Use Tax Collection Amendments *(David G. Butterfield)*

This bill makes changes to the collection and remittance of sales and use taxes.

This bill:

- changes the timing of sales and use tax collection and remittance for certain sales involving delivery, installation, or the conversion of tangible personal property into real property;
- addresses a deduction for bad debt; and
- makes technical and conforming changes.

This bill takes effect on July 1, 2012.

Amends 59-12-107

Effective July 1, 2012  Chapter 178, Laws of Utah 2012
HB 326  Serious Youth Offender Amendments (Paul Ray)

This bill corrects a discrepancy between two sections referring to aggravated assault.

This bill:
- corrects a discrepancy created when the aggravated assault statute was amended.

Amends 78A-6-702


HB 339  Election Ballot Amendments (Steve Eliason)

This bill modifies provisions in Title 20A, Election Code, related to election ballots.

This bill:
- provides a definition;
- requires an election officer to include a business reply mail envelope with an absentee ballot in certain circumstances;
- changes the date on which an election officer mails an absentee ballot;
- requires the election officer to notify a voter if the voter’s absentee ballot is rejected and the reason the absentee ballot was rejected;
- requires the election officer to report all absentee ballots that were rejected;
- requires an elections officer to ensure that an absentee or provisional ballot is not accessible until the ballot is counted; and
- makes technical changes.

This bill provides a coordination clause.


HB 343  Underground Storage Tank Amendments (Kay L. McIff)

This bill modifies certain requirements relating to the Petroleum Storage Tank Trust Fund.

This bill:
- modifies the definition of "certified underground storage tank consultant";
- grants rulemaking authority relating to the registration of underground storage tank operators;
- provides for the identification of underground storage tanks that do not qualify for a certificate of compliance; and
- makes technical changes.

This bill coordinates with S.B. 21, Department of Environmental Quality Boards Revisions, by providing technical amendments.

Amends 19-6-402, 19-6-403, 19-6-405.3, 19-6-411

Effective May 8, 2012  Chapter 310, Laws of Utah 2012
HB 346 Amendments Regarding Competency to Stand Trial (LaVar Christensen)
This bill modifies the Code of Criminal Procedure regarding the procedures for determining a defendant's competency to stand trial.
This bill:
► modifies the hearing procedure for determining if a defendant is competent to stand trial to provide for the court’s consideration of the totality of the circumstances, including testimony of lay witnesses.
Amends 77-15-5
Effective May 8, 2012 Chapter 311, Laws of Utah 2012

HB 348 Hazardous Waste Amendments (Ronda Rudd Menlove)
This bill modifies hazardous waste fees and repeals Title 19, Chapter 9, Hazardous Waste Facilities Management Act.
This bill:
► defines "demilitarization waste";
► establishes a fee for hazardous waste that contains both demilitarization waste and another hazardous waste component subject to treatment standards;
► directs the Solid and Hazardous Waste Division to conduct a study and establish a flat fee schedule by a certain date;
► provides a transition to the flat fee schedule;
► repeals Title 19, Chapter 9, Hazardous Waste Facilities Management Act; and
► makes technical changes.
Amends 19-6-118;
Effective May 8, 2012 Chapter 222, Laws of Utah 2012

HB 354 Alcoholic Beverage Amendments (Ryan D. Wilcox)
This bill modifies the Alcoholic Beverage Control Act, the Public Safety Code, and revenue and taxation provisions to address the tracking of the effects of the abuse of alcoholic products and collection and use of certain markups and taxes.
This bill:
► creates the Markup Holding Fund;
► provides for the remittance of a markup to the State Tax Commission;
► creates a committee to establish a markup to collect information related to abuse of alcoholic products;
► addresses certain reporting requirements related to the beer tax; and
► makes technical and conforming amendments.
This bill appropriates:
► to the Department of Alcoholic Beverage Control - Alcoholic Beverage Control, as an ongoing appropriation
  • from the Markup Holding Fund, $6,377,800.
Enacts 53-1-119
Effective July 1, 2012 Chapter 357, Laws of Utah 2012
HB 357 **Guardian Ad Litem Amendments** *(LaVar Christensen)*

This bill modifies provisions of Title 78A, Chapter 2, Judicial Administration, Title 78B, Chapter 7, Protective Orders, and Title 78B, Chapter 15, Utah Uniform Parentage Act, by amending the procedures for appointing a guardian ad litem to represent a minor.

This bill:
- repeals provisions relating to the appointment of a guardian ad litem from the Office of Guardian ad Litem in a district court case;
- states the public policy in favor of a guardian ad litem balancing parental rights with the best interest of a child;
- describes the procedure for the appointment of a private attorney guardian ad litem to district court cases;
- requires the court to limit a private attorney guardian ad litem’s representation to specific issues within a case, to the extent possible;
- provides a procedure for terminating a private attorney guardian ad litem’s appointment;
- describes the duties of a private attorney guardian ad litem;
- authorizes the Office of Guardian ad Litem to establish, by rule, the system for appointing and paying a private attorney guardian ad litem;
- states that, if it appears from a petition for a protective order that domestic violence or abuse has occurred, a court may appoint a private attorney guardian ad litem;
- authorizes the court to appoint a private attorney guardian ad litem for a child who is the subject of a petition for protective order;
- authorizes the court to appoint a private attorney guardian ad litem for district court cases and the Office of Guardian ad Litem for juvenile cases; and
- makes technical changes.

This bill provides effective dates.

**Amends** 30−3−5.2, 51−9−408, 78A−2−228, 78B−3−102, 78B−7−106, 78B−7−202, 78B−15−612;

**Enacts** 78A−2−227.5;

**Repeals** 78A−2−227

Effective May 8, 2012

Chapter 223, Laws of Utah 2012

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HB 365 **Revisions to Tax** *(John Dougall)*

This bill changes income tax credits and enacts sales and use tax exemptions.

This bill:
- modifies income tax credits related to research;
- defines terms;
- enacts a sales and use tax exemption for certain construction materials used in a life science research and development facility;
- enacts a sales and use tax exemption for certain machinery and equipment used for research purposes and repair and replacement parts for that machinery and equipment; and
- makes technical and conforming changes.

This bill provides for retrospective operation.

**Amends** 59−7−612, 59−10−1012, 59−12−102, 59−12−104

Effective May 8, 2012

Chapter 405, Laws of Utah 2012
HB 366  **Receipt of Welfare Benefits Amendments** *(John Dougall)*

This bill modifies the Utah Workforce Services Code by adding duties to the Department of Workforce Services related to reporting misuse of an individual Social Security number.

This bill:
- requires the Department of Workforce Services to inform the owner of a Social Security number and an appropriate law enforcement agency if, in the process of determining an individual’s eligibility for a public benefit, the department learns a valid Social Security number is being used by an unauthorized individual; and
- makes technical changes.

This bill appropriates:
- to the Department of Workforce Services, as an ongoing appropriation:
  - from the General Fund, $10,000, subject to the intent language restricting the use of the funds for a specific purpose.

This bill takes effect on July 1, 2012.

**Amends** 35A-1-104.5

Effective July 1, 2012  Chapter 119, Laws of Utah 2012

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HB 367  **Trust Lands Amendments** *(Michael E. Noel)*

This bill amends provisions related to trust lands.

This bill:
- provides that certain amounts deposited into the Interest and Dividends Account and appropriated from that account shall be used to provide funding for specified purposes related to trust lands;
- defines terms;
- establishes the School Children’s Trust Section within the State Office of Education to perform certain duties related to trust lands;
- modifies the process for determining the membership of the School and Institutional Trust Lands Board of Trustees nominating committee;
- modifies the duties of the chief executive officer of the School and Institutional Trust Lands Administration; and
- makes technical and conforming changes.

**Amends** 53A-16-101, 53A-16-101.5, 53C-1-103, 53C-1-203, 53C-1-303;

**Enacts** 53A-16-101.6

Effective May 8, 2012  Chapter 224, Laws of Utah 2012

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HB 383  **International Residential Code Amendments** *(Jeremy A. Peterson)*

This bill modifies a provision of the adopted International Residential Code.

This bill:
- adds a provision to the adopted International Residential Code stating that a physical change to a structure with a nonconforming legal rental housing use for an egress bedroom window is not necessary under certain circumstances.

**Amends** 15A-3-202

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<td>HB 387</td>
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<td>Makes technical and conforming changes.</td>
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<td>HB 388</td>
<td>Unemployment Insurance Exemption</td>
<td>(Jeremy A. Peterson)</td>
<td>This bill modifies the Employment Security Act to make certain individuals ineligible for certain unemployment benefits, if services were provided by the individual to an educational institution.</td>
<td></td>
<td>May 8, 2012</td>
<td>314, Laws of Utah 2012</td>
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<td>This bill:</td>
<td>Provides that the denial of certain unemployment benefits, which under statute currently apply to an individual who was employed by an education service agency, also apply to an individual:</td>
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<td>Whose employment provided services to an educational institution; and</td>
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<td>Who worked for certain governmental entities or nonprofit organizations; and</td>
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<td>Makes technical changes.</td>
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HB 389  Student Education Occupation Plan Amendments  (Merlynn T. Newbold)
This bill provides a definition for a term used in Title 53A, State System of Public Education.
This bill:
► defines a student education/occupation plan (SEOP) as a plan to be initiated early in the
student’s secondary school education to guide a student in course selection and prepare a
student for post-secondary options; and
► makes technical changes.
Amends  53A-1a-106

HB 393  Juvenile Competency Amendments  (Kay L. McIff)
This bill enacts standards and procedures for juvenile competency proceedings, clarifies duties
and responsibilities of the Department of Human Services, defines terms, and makes technical
corrections.
This bill:
► requires the department to:
  • conduct juvenile competency evaluations in the least restrictive setting;
  • upon a finding of good cause, use a second examiner to evaluate the juvenile; and
  • prepare an attainment plan when a minor is found not competent to proceed;
► grants the juvenile court jurisdiction over a minor not competent to proceed;
► defines the following terms:
  • "Mental disorder";
  • "Intellectual disability";
  • "Not competent to proceed"; and
  • "Related condition";
► establishes competency to proceed standards and procedures; and
► makes technical corrections.
Enacts  78A-6-1301, 78A-6-1302, 78A-6-1303
Effective May 8, 2012  Chapter 316, Laws of Utah 2012

HB 395  Firearms Amendments  (Stephen E. Sandstrom)
This bill amends provisions of Title 53, Chapter 5, Part 7, Concealed Firearm Act, related to the
denial, suspension, or revocation of a concealed firearm permit and Title 76, Chapter 10, Part 5,
Weapons, regarding restrictions on the possession, purchase, transfer, and ownership of
firearms by certain persons.
This bill:
► provides an affirmative defense for Category I and II restricted persons charged with
possession or transfer of firearms or other dangerous weapons;
► makes it a crime to sell, transfer, or dispose of a firearm to a Category I or Category II
restricted person;
► provides that a Category I restricted person includes illegal aliens; and
► makes certain technical changes.
Amends  53-5-704, 76-10-503
HB 397  **Charter School Start-up Amendments** *(Brad L. Dee)*

This bill provides money for charter school start-up costs.

This bill:
- provides for grants to charter schools for expenses for planning and implementation of a charter school;
- allows the State Charter School Board to use a portion of the money appropriated for charter school start-up costs for financial monitoring of new charter schools, professional development or technical assistance for governing board members and staff of new charter schools, and a mentoring program for new and existing charter schools;
- directs the State Board of Education to make rules:
  - for the award and use of grants for charter school start-up costs; and
  - establishing a mentoring program for new and existing charter schools; and
- repeals provisions related to charter school start-up costs on July 1, 2017.

This bill appropriates:
- to the State Board of Education - State Charter School Board, as an ongoing appropriation for fiscal year 2012-13:
  - from the Education Fund, $2,500,000.

**Amends** 53A-1a-513, 63I-2-253;

**Enacts** 53A-1a-513.5

Effective May 8, 2012  Chapter 318, Laws of Utah 2012

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HB 399  **Physician and Osteopathic Licensing Amendments** *(Stephen E. Sandstrom)*

This bill amends the Utah Medical Practice Act and the Utah Osteopathic Medical Practice Act relating to licensing requirements.

This bill:
- prohibits the Division of Occupational Licensing from requiring board or specialty certification as a requirement for licensure; and
- makes technical changes.

**Amends** 58-67-302, 58-68-302


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HB 400  **Traumatic Head and Spinal Cord Injury Rehabilitation Fund** *(Eric K. Hutchings)*

This bill creates the Traumatic Spinal Cord and Brain Injury Rehabilitation Fund and an advisory committee to administer it.

This bill:
- creates and authorizes the Traumatic Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee to disburse funds received through appropriations from the Legislature, gifts, and a portion of impound fees to assist charitable clinics providing rehabilitation services for the post-acute-care of people with traumatic spinal cord and brain injuries.

**Amends** 41-6a-1406;

**Enacts** 26-54-101, 26-54-102, 26-54-103

HB 401  **Off-highway Vehicle Revisions** *(Patrick Painter)*

This bill modifies the Off-Highway Vehicles code by amending provisions relating to off-highway husbandry vehicles.

This bill:
- provides that an off-highway vehicle for which an off-highway implement of husbandry sticker has been issued is exempt from certain registration requirements; and
- makes conforming changes.

**Amends** 41-22-3


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HB 406  **Homeowner Association Registration Amendments** *(Don L. Ipson)*

This bill modifies provisions relating to condominium and community association registration requirements.

This bill:
- specifies that a period of noncompliance for a condominium or community association’s failure to meet registration and updated registration requirements does not begin until after expiration of the time within which the registration or updated registration is required; and
- makes technical changes.

**Amends** 57-8-13.1, 57-8a-105

Effective May 8, 2012  Chapter 63, Laws of Utah 2012

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HB 407  **New Car Safety and Emissions Inspection** *(Don L. Ipson)*

This bill modifies the Traffic Code and the Public Safety Code by amending provisions relating to motor vehicle safety and emissions inspections.

This bill:
- provides that to the extent allowed under the current federally approved state implementation plan, a motor vehicle that is less than two years old on January 1, based on the age of the vehicle as determined by the model year identified by the manufacturer, is exempt from the requirement to obtain an emissions inspection;
- provides that a motor vehicle that is less than two years old on January 1, based on the age of the vehicle as determined by the model year identified by the manufacturer, is exempt from the requirement to pass a safety inspection; and
- makes technical changes.

This bill takes effect on October 1, 2012.

This bill coordinates with H.B. 298, Motor Vehicle Safety Inspection Amendments, by providing substantive changes.

**Amends** 41-6a-1642, 53-8-205

Effective October 1, 2012  Chapter 64, Laws of Utah 2012
HB 416  **Guardian Ad Litem Office References** *(V. Lowry Snow)*

This bill changes references to the Office of the Guardian Ad Litem.

This bill:
- changes references to "Office of the Guardian Ad Litem," to "Office of Guardian Ad Litem."

**Amends** 78A-2-227, 78A-6-515, 78B-7-106

Effective May 8, 2012  
Chapter 120, Laws of Utah 2012

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HB 432  **Bureau of Criminal Identification Amendments** *(Jennifer M. Seelig)*

This bill modifies the Public Safety Code regarding concealed firearm permit fee management.

This bill:
- authorizes the state Bureau of Criminal Identification to modify the fee the bureau collects as an application fee so that the total of that fee and any fee collected as a pass through fee when issuing concealed weapons permits, such as the fee for Federal Bureau of Investigation fingerprint card checks, totals the nearest even dollar amount.

This bill provides an immediate effective date.

**Amends** 53-5-707

Effective March 15, 2012  
Chapter 65, Laws of Utah 2012

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HB 434  **Pharmacy Practice Act Modifications** *(Evan J. Vickers)*

This bill amends the Pharmacy Practice Act.

This bill:
- amends the definition of a pharmacy preceptor; and
- amends provisions related to a prescribing practitioner providing sample drugs to a patient.

**Amends** 58-17b-102, 58-17b-610

Effective May 8, 2012  
Chapter 320, Laws of Utah 2012

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HB 437  **Public Employee Health Care Benefits** *(Bradley M. Daw)*

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending high deductible health plan insurance program provisions.

This bill:
- clarifies that health insurance benefits provided to employees do not constitute a continuing obligation;
- requires the Public Employee Health Plan to provide training on changing coverages to the high deductible plan with a health savings account, including coordination of benefits with other insurances;
- requires PEHP to coordinate annual open enrollment with the Department of Human Resource Management;
- establishes procedures for calculating annual employer contribution amounts for the employer paid health savings account contributions;
- requires the state to offer continuing high deductible health plan coverage under certain circumstances after the employee has exhausted Federal COBRA coverage; and
- makes technical changes.

**Amends** 49-20-105, 49-20-410

Effective May 8, 2012  
Chapter 406, Laws of Utah 2012
HB 441  Charter School Enrollment Amendments  (*Daniel McCay*)

This bill modifies provisions regarding the admission of students to charter schools.

This bill:
- allows a charter school whose mission is to enhance learning opportunities for refugees or children of refugee families to give an enrollment preference to refugees or children of refugee families;
- allows a charter school whose mission is to enhance learning opportunities for English language learners to give an enrollment preference to English language learners; and
- makes technical amendments.

Amends 53A-1a-506


HB 442  County Correctional Funding Amendments  (*Michael E. Noel*)

This bill modifies the State Institutions Code by increasing the compensation rate to counties for housing state inmates.

This bill:
- increases the rate at which the state reimburses counties for housing state inmates and providing treatment programs to 79% of the final state daily incarceration rate; and
- increases the rate at which the state reimburses counties for housing state inmates in facilities that do not provide treatment programs to 73% of the final state daily incarceration rate.

Amends 64-13e-103


HB 448  Custody Modifications  (*Gregory H. Hughes*)

This bill amends provisions governing the relocation of a custodial parent with a minor child or children.

This bill:
- requires the court to hold a hearing if a motion is filed by a noncustodial parent when the custodial parent intends to relocate 150 miles or more from the residence of the other parent;
- requires the court to determine that a move more than 150 miles from the residence of the other parent is in the best interest of the child; and
- allows the court to modify custody arrangements if a custodial parent decides to move 150 miles or more from the residence of the other parent when the court has determined that the move is not in the best interest of the child.

Amends 30-3-37

HB 449  Public Employee Status Modifications  (Brad L. Dee)

This bill amends provisions related to employment by a municipality.

This bill:
- clarifies provisions related to the classified civil service;
- amends provisions related to duration and termination of a municipal employee;
- amends provisions related to the discharge, suspension, or involuntary transfer of a municipal employee and related procedures; and
- makes technical corrections.

Amends 10-3-1002, 10-3-1105, 10-3-1106

Effective May 8, 2012  
Chapter 321, Laws of Utah 2012

HB 453  Citation Amendments  (Don L. Ipson)

This bill provides that a person who receives a citation may be required to appear at the court of the magistrate who has territorial jurisdiction.

This bill:
- allows a peace officer, in addition to taking a person into custody, to require the person to appear at the court of the magistrate who has territorial jurisdiction; and
- makes organizational and technical corrections.

Amends 77-7-18

Effective May 8, 2012  
Chapter 322, Laws of Utah 2012

HB 454  Open Enrollment Amendments  (Derek E. Brown)

This bill modifies the State System of Public Education code by amending provisions relating to open enrollment.

This bill:
- amends the early enrollment period application date for admission for the next school year to a school that is not a student’s school of residence if:
  - the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
  - the grade reconfiguration will be implemented in the next school year;
- requires a local school board to adopt policies that require written notification to the parents or legal guardians of each student that resides within the school district and other interested parties of the revised early enrollment period if the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools and the grade reconfiguration will be implemented in the next school year; and
- makes technical changes.

Amends 53A-2-206.5, 53A-2-207

Effective May 8, 2012  
Chapter 67, Laws of Utah 2012
HB 459 Amendments to Deferred Deposit Lending (James A. Dunnigan)

This bill modifies the Check Cashing and Deferred Deposit Lending Registration Act to address reporting requirements and the requirement to register.

This bill:
- defines terms;
- modifies what a deferred deposit lender is required to report as part of its operations statement;
- makes void a deferred deposit loan issued by a person required to be registered but who is not registered under the chapter;
- requires the department to report certain information regarding complaints; and
- makes technical and conforming amendments.

Amends 7-23-102, 7-23-201, 7-23-503

Effective May 8, 2012  Chapter 323, Laws of Utah 2012

HB 461 Abortion Waiting Period (Steve Eliason)

This bill modifies Title 76, Chapter 7, Offenses Against the Family, relating to the required waiting period before performing an abortion.

This bill:
- extends the waiting period for an abortion from 24 hours to 72 hours, unless an exception exists;
- clarifies that the face-to-face initial consultation prior to an abortion procedure may take place anywhere in the state;
- states that a physician is not in violation of Section 76-7-305 if the physician provides information necessary for informed consent less than 72 hours before performing the abortion if, in the physician's professional judgment, an abortion is necessary to avert a ruptured membrane causing, or resulting from, a serious infection; and
- makes technical changes.

Amends 76-7-305

Effective May 8, 2012  Chapter 228, Laws of Utah 2012

HB 462 Constitutional Defense Council Amendments (Joel K. Briscoe)

This bill amends provisions in Title 63C, Chapter 4, Constitutional Defense Council, relating to water.

This bill:
- amends the duties of the Constitutional Defense Council;
- amends the purposes for which money from the Constitutional Defense Restricted Account may be used; and
- makes technical changes.

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

Effective May 8, 2012  Chapter 324, Laws of Utah 2012
HB 472  **International Relations and Trade Commission Amendments (Eric K. Hutchings)**

This bill adds two additional members to the Utah International Relations and Trade Commission.

This bill:
- adds two additional governor appointed members to the Utah International Relations and Trade Commission, including:
  - an expert in international finance; and
  - an expert in higher education with international experience.

**Amends** 36-26-102

Effective May 8, 2012  Chapter 325, Laws of Utah 2012

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HB 476  **Amendments to Government (Don L. Ipson)**

This bill amends provisions related to certain telecommunications charges.

This bill:
- requires the State Tax Commission to redistribute certain telecommunications charges under certain circumstances; and
- makes technical and conforming changes.

This bill takes effect on July 1, 2012.

**Amends** 69-2-5, 69-2-5.5, 69-2-5.6, 69-2-5.7;

**Enacts** 69-2-5.8

Effective July 1, 2012  Chapter 326, Laws of Utah 2012

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HB 485  **Change Application Amendments (Ryan D. Wilcox)**

This bill modifies the requirements for filing a change application on a federal reclamation project water right.

This bill:
- requires certain signatures on a change application for a federal reclamation project water right; and
- makes technical changes.

**Amends** 73-3-3


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HB 488  **Wording on Election Ballots (Evan J. Vickers)**

This bill amends Title 20A, Chapter 6, Ballot Form, regarding the voting instructions on a ballot.

This bill:
- amends the voting instructions on a ballot for an office to which more than one person will be elected; and
- makes technical changes.

**Amends** 20A-6-301, 20A-6-401, 20A-6-401.1, 20A-6-402

Effective May 8, 2012  Chapter 68, Laws of Utah 2012
**HB 491**  
Midterm Vacancy Amendments *(John Dougall)*

This bill amends provisions relating to filling a midterm vacancy in an elected office.

This bill:
- requires a municipality and local school board to interview potential appointees in a public meeting;
- prohibits the discussion of filling a midterm vacancy or temporary absence in a closed meeting; and
- makes technical changes.

**Amends** 20A-1-510, 20A-1-511, 52-4-205

Effective May 8, 2012  
Chapter 327, Laws of Utah 2012

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**HB 493**  
Campaign Finance Disclosure Amendments *(Kraig Powell)*

This bill amends campaign finance provisions related to contributions and expenditures.

This bill:
- defines terms;
- requires a candidate to report on the reports that are required for a candidate for that office the contributions and expenditures from all campaign or officeholder accounts the person has;
- requires a candidate in a municipal election or a county election to have a separate campaign account;
- requires a political action committee and a political issues committee to report a contribution within 30 days of receipt; and
- amends the scope of an electioneering communication reporting requirement.

This bill provides an immediate effective date.


Effective March 20, 2012  
Chapter 230, Laws of Utah 2012

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**HB 494**  
Campaign Finance Amendments *(Stewart Barlow)*

This bill amends provisions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, related to a political action committee or political issues committee.

This bill:
- requires a political action committee or political issues committee to file a report before the municipal general election;
- establishes criminal penalties; and
- makes technical amendments.


Effective May 8, 2012  
Chapter 69, Laws of Utah 2012
HB 495 Property Tax - Appraiser Amendments (Jack R. Draxler)

This bill amends the Property Tax Act to address requirements for a person who performs an appraisal of property.

This bill:
- repeals a 36-month time limit for an uncertified or unlicensed appraiser trainee to perform an appraisal under the direction of a holder of an appraiser’s certificate or license issued by the Division of Real Estate under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act; and
- makes technical and conforming changes.

Amends 59-2-701

Effective May 8, 2012 Chapter 70, Laws of Utah 2012

HB 496 Mental Health Practice Act Revisions (Paul Ray)

This bill modifies the Mental Health Professional Practice Act by amending licensing provisions in the Substance Abuse Counselor Act and the Professional Counselor Licensing Act.

This bill:
- defines terms;
- changes the name of the Professional Counselor Licensing Act to the Clinical Mental Health Counselor Licensing Act and changes counselor names from professional counselor to clinical mental health counselor;
- replaces the term "substance abuse" with "substance use disorder" throughout the Mental Health Professional Practice Act;
- changes the name of the Substance Abuse Counselor Act to the Substance Use Disorder Counselor Act;
- amends the definition of a mental health therapist to include a certified psychology resident, an associate marriage and family therapist, and an associate clinical mental health counselor;
- amends the class of licenses and adjusts qualifications for a substance use disorder counselor;
- provides for the transition to the new substance use disorder counselor license classifications;
- requires the Division of Substance Abuse and Mental Health to make rules establishing a peer support services program for substance use disorder services; and
- makes technical changes.

This bill takes effect on July 1, 2012.


Enacts 62A-15-402

Effective July 1, 2012 Chapter 179, Laws of Utah 2012
HB 497 Clearance for Direct Patient Access (Bradley G. Last)

This bill amends the Health Care Facility Licensing and Inspection Act within the Utah Health Code, the Utah Human Services Code, and the Juvenile Court Act of 1996.

This bill:
- amends Department of Health duties;
- repeals provisions requiring a background check of:
  - certain individuals who provide direct patient care in certain health care facilities and other settings; and
  - certain other individuals residing in a residential setting where care is provided;
- creates a new part, "Clearance for Direct Patient Access," in the Health Care Facility Licensing and Inspection Act;
- provides definitions;
- requires the department to grant, deny, or revoke clearance for an individual to have direct patient access;
- authorizes the department to limit the circumstances under which a covered individual granted clearance may have direct patient access;
- requires the department to adopt rules:
  - specifying the information sources the department reviews to determine whether an individual should be granted or retain clearance;
  - specifying criteria to evaluate the information it reviews initially and on an ongoing basis; and
  - specifying the personal identification information that must be submitted to the department;
- requires the Department of Public Safety, the Administrative Office of the Courts, the Department of Human Services, and the Division of Occupational and Professional Licensing to allow the Department of Health to review information it is required to review to grant, deny, or revoke clearance;
- authorizes the Department of Health to establish fees;
- requires the Department of Public Safety to notify the Department of Health of information that becomes available about any individual who has applied for clearance;
- requires certain providers and contractors to apply for clearance of individuals they engage who may have direct patient access;
- requires a residential setting provider to apply for clearance for certain individuals, other than residents, residing in the residential setting;
- prohibits a residential setting provider from allowing certain individuals without clearance, other than residents, to reside in the residential setting;
- allows individuals to apply for clearance to have direct patient access;
- requires the Department of Health to create a database that allows certain providers and contractors to determine whether an individual has clearance to have direct patient access;
- authorizes the department to establish fees for use of the database by certain contractors;
- provides an exemption from civil liability;
- specifies timing for obtaining clearance;
- makes technical corrections; and
- repeals the transition language on July 1, 2013.

Amends 26-21-6, 62A-3-305, 63I-1-226, 78A-6-209, 78A-6-323;
Enacts 26-21-100, 26-21-201, 26-21-202, 26-21-203, 26-21-204, 26-21-205, 26-21-206, 26-21-207, 26-21-208, 26-21-209, 26-21-210, 26-21-211;
Repeals 26-21-9.5
HB 500  **Education Reporting Efficiency Amendments**  (*Ryan D. Wilcox*)

This bill directs the State Board of Education to determine how to modify or eliminate reporting requirements to reduce the time school district and charter school personnel spend in completing reports.

This bill:

- directs the State Board of Education, in consultation with representatives of school districts and charter schools, to determine how to modify or eliminate reporting requirements;
- requires the State Board of Education to report to the Education Interim Committee on:
  - actions taken by the State Board of Education to modify or eliminate reporting requirements; and
  - recommendations for the modification or elimination of reporting requirements imposed by state statute; and
- repeals provisions on reducing reporting requirements.

**Amends** 63I-2-253;

**Enacts** 53A-1-410

Effective May 8, 2012  
Chapter 329, Laws of Utah 2012

HB 501  **Youth Suicide Prevention**  (*Eric K. Hutchings*)

This bill requires the State Board of Education to provide suicide prevention training for licensed employees.

This bill:

- requires the State Board of Education to develop or adopt sample materials to be used by a school district or charter school regarding student suicide prevention; and
- requires school districts and charter schools to provide professional development training on youth suicide prevention.

**Amends** 53A-1-603

Effective May 8, 2012  
Chapter 407, Laws of Utah 2012
HB 502  Incorporation Amendments (Melvin R. Brown)

This bill amends provisions related to the incorporation of a city or town.

This bill:
- amends definitions;
- amends language related to a request for a feasibility study;
- amends language related to the exclusion of property from proposed incorporation boundaries;
- amends language related to the certification of a request for a feasibility study;
- amends provisions that require a city incorporation feasibility study;
- amends language related to a city incorporation petition;
- amends language related to an incorporation of a city election;
- amends provisions related to a town incorporation feasibility study;
- amends language related to a town incorporation petition;
- requires a county legislative body to hold a public hearing on a feasibility study;
- enacts provisions related to an incorporation of a town election;
- enacts provisions related to a town form of government and election of town officers;
- enacts provisions requiring notice of a town incorporation to the lieutenant governor;
- enacts provisions related to the effective date of a town incorporation;
- amends language related to the duties of a planning commission of a township;
- amends the definition of "ballot proposition"; and
- makes technical corrections.


Enacts 10-2-126, 10-2-127, 10-2-128, 10-2-129;

Repeals and Reenacts 10-2-124

Effective May 8, 2012  Chapter 359, Laws of Utah 2012
HB 503  **Construction Amendments** *(Michael T. Morley)*

This bill amends provisions of the Utah Code relating to construction contract terms, bond claims, and lien claims.

This bill:

- defines terms;
- provides that, unless otherwise specified by contract, the interest rate applicable to a lien or bond claim is the statutory rate of 10% per annum;
- provides that the following are not exempt from providing preliminary notice of a payment bond claim or a lien:
  - a temporary labor service company;
  - a professional employer company or organization; or
  - any other entity that provides labor;
- requires a construction contract to contain a differing site conditions clause; and
- provides that a design-build construction project contract may include provision by the contractor of operations, maintenance, or financing; and
- makes technical changes.

**Amends** 14-1-19, 14-1-20, 14-2-1, 14-2-2, 14-2-5, 38-1-32.5, 63G-6-501, 63G-6-502, 63G-6-506, 63G-6-601;

**Enacts** 38-1-41, 53A-20-109, 63G-6-506.5

Effective May 8, 2012  

Chapter 330, Laws of Utah 2012
HB 505  Agricultural Code Amendments  (Brad J. Galvez)

This bill makes amendments to Title 4, Utah Agricultural Code, regarding grants and loans for the control and eradication of noxious weeds and invasive plant species, authorizing the use of funds from the Rangeland Improvement Account for administrative costs of rangeland improvement projects, prohibiting a person in control of a swine from allowing the swine to run at large, and modifying provisions of Chapter 31 to provide for the control of animal disease.

This bill:

> permits the Conservation Commission to approve grants and make loans for the control or eradication of noxious weeds and invasive plant species;
> permits the Department of Agriculture to use funds from the Rangeland Improvement Account for the administrative costs of rangeland improvement projects;
> makes it a class B misdemeanor for a person in control of a swine to allow the swine to run at large and makes the person liable for damage caused by the swine;
> recodifies and renames Title 4, Chapter 26, Dead Animals -- Enclosures and Fences, and removes provisions regarding dead animals;
> repeals the provisions of Title 4, Chapter 29, Diseases of Poultry;
> recodifies and modifies Title 4, Chapter 31, Livestock Inspection and Quarantine, to:
  > grant rulemaking authority to the Department of Agriculture to control and eradicate brucellosis, trichomoniasis, and tuberculosis in livestock; trace animal disease; and control and prevent disease in poultry, waterfowl, and game-birds;
  > provide for disposal of dead animals; and
  > describe procedures for the control of animal disease; and
> makes technical changes.

Amends 4-18-5, 4-20-3, 4-39-103, 63G-2-305;

Enacts 4-25-12.1, 4-31-101, 4-31-109, 4-31-112, 4-31-118, 4-31-119;

Renumbered and Amends 4-26-1 to 4-31-102, 4-26-2 to 4-31-103, 4-26-3 to 4-31-104, 4-26-4 to 4-26-101, 4-26-5 to 4-26-102, 4-26-5.1 to 4-26-103, 4-31-1 to 4-31-105, 4-31-2 to 4-31-106, 4-31-3 to 4-31-107, 4-31-4 to 4-31-108, 4-31-6 to 4-31-110, 4-31-9 to 4-31-111, 4-31-14 to 4-31-113, 4-31-15 to 4-31-114, 4-31-16 to 4-31-115, 4-31-17 to 4-31-116, 4-31-18 to 4-31-117;

Repeals 4-29-1, 4-29-2, 4-29-3, 4-29-4, 4-29-5, 4-29-6, 4-31-5, 4-31-7, 4-31-8, 4-31-10, 4-31-11, 4-31-12, 4-31-13, 4-31-16.5, 4-31-19, 4-31-21, 4-31-22;

Repeals and Reenacts 4-25-12

Effective May 8, 2012  Chapter 331, Laws of Utah 2012
HB 506  **Martin Luther King, Jr. Special Group License Plate** *(Rebecca Chavez-Houck)*

This bill authorizes a Martin Luther King, Jr. Civil Rights Support special group license plate. This bill:
- creates a Martin Luther King, Jr. Civil Rights Support special group license plate for programs that create or support civil rights awareness and education programs;
- requires applicants for a new plate to make a $35 annual donation to the Martin Luther King, Jr. Civil Rights Support Restricted Account;
- creates the Martin Luther King, Jr. Civil Rights Support Restricted Account;
- requires the Department of Community and Culture to distribute funds in the Martin Luther King, Jr. Civil Rights Support Restricted Account to certain organizations that provide programs that create or support civil rights awareness and education programs; and
- makes technical changes.

This bill takes effect on October 1, 2012.

**Amends** 41-1a-418, 41-1a-422, 63J-1-602.1;

**Enacts** 9-18-101, 9-18-102

Effective October 1, 2012  Chapter 332, Laws of Utah 2012

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HB 510  **Indigent Defense Act Amendments** *(Gregory H. Hughes)*

This bill modifies the Indigent Defense Act. This bill:
- defines "defense service provider", "legal defense", and "regional legal defense";
- allows a person charged with a serious offense to file a claim of indigency with the court;
- requires a defense service provider to provide all legal defense services as a package;
- provides procedures for the court to follow when a defendant hires private counsel; and
- extends subsequent terms of county commissioners and county attorneys who serve on the Indigent Defense Fund Board to be four years rather than two years.


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HB 512  **Rural County Health Care Special Service District Retirement Grant Program** *(Don L. Ipson)*

This bill creates and funds a grant program for retirement liabilities for rural county health care special service districts.

This bill:
- defines terms;
- establishes a grant application process; and
- directs the Department of Health to award grants to qualified applicants.

This bill appropriates:
- to the Department of Health - Family Health and Preparedness, as a one-time appropriation:
  - from the General Fund, $900,000, subject to intent language stating that the appropriation is nonlapsing.

This bill takes effect on July 1, 2012.

**Enacts** 26-9-5

Effective July 1, 2012  Chapter 408, Laws of Utah 2012
HB 513  Early Intervention Program (Merlynn T. Newbold)

This bill creates an early intervention program in Title 53A, State System of Public Education.

This bill:
- creates an early intervention program, targeted to at-risk students, delivered partly through a voluntary enhanced kindergarten program at school districts and charter schools that choose to offer the program;
- establishes guidelines for the State Board of Education to distribute early intervention funds, based on at-risk indicators;
- requires the State Board of Education to select one or more technology providers, through a request for proposals process, to provide interactive computer software for literacy or numeracy instruction, or both, and assessments for students in kindergarten and grade 1;
- requires the State Board of Education to report final testing data regarding an interactive computer software program, including student learning gains, to the Education Interim Committee and the governor.

This bill appropriates:
- to Related to Basic, as a one-time appropriation:
  - from the Education Fund, $7,500,000; and
- to the State Board of Education - State Office of Education - Initiative Programs, as a one-time appropriation:
  - from the Education Fund, $2,500,000.

Enacts 53A-17a-167


HB 514  Public and Higher Education Technology Amendments (Merlynn T. Newbold)

This bill provides for an educational program on the use of information technology within the public education and higher education systems.

This bill:
- directs the State Board of Education, Salt Lake Community College, and the Utah College of Applied Technology to provide for an educational program on the use of information technology; and
- specifies the components of an educational program on the use of information technology.

This bill appropriates for the fiscal year beginning July 1, 2012 and ending June 30, 2013:
- to the State Board of Education - Utah State Office of Education - Initiative Programs, as a one-time appropriation:
  - from the Education Fund, $250,000;
- to Salt Lake Community College - School of Applied Technology, as a one-time appropriation:
  - from the General Fund, $25,000; and
- to the Utah College of Applied Technology - Administration, as a one-time appropriation:
  - from the General Fund, $25,000.

Enacts 53A-13-111, 53B-2a-114, 53B-16-211

HCR 2  Concurrent Resolution Recognizing Historic and Economic Relationships Between Canada, the United States, and Utah *(Stephen G. Handy)*

This concurrent resolution of the Legislature and the Governor recognizes the relationship between the state of Utah and Canada and between the United States and Canada.

This resolution:
- recognizes the unique and important relationship between the state of Utah and Canada and between the United States and Canada; and
- honors Canada’s contributions as our partner in energy, economic trade, and joint military endeavors.

Effective March 5, 2012  
Laws of Utah 2012

HCR 4  Concurrent Resolution Honoring Weber County Law Enforcement Officers *(Brad L. Dee)*

This concurrent resolution of the Legislature and the Governor recognizes and honors the sacrifice of Agent Jared Daniel Francom of the Ogden Police Department and the service of his fellow law enforcement officers Michael Rounkles, Kasey Burrell, Shawn Grogan, Agent Nate Hutchinson, and Agent Jason Vanderwarf.

This resolution:
- recognizes and honors the sacrifice of Agent Jared Daniel Francom of the Ogden Police Department;
- extends condolences to the family and friends of Agent Jared Daniel Francom;
- expresses wishes that Ogden Police Officers Michael Rounkles, Kasey Burrell, Shawn Grogan, Weber County Sheriff’s Office Agent Nate Hutchinson, and Roy Police Officer Agent Jason Vanderwarf will have a full and speedy recovery; and
- recognizes the remarkable courage and honor displayed by the men and women in law enforcement and the risks they take to keep their communities safe.

Effective March 5, 2012  
Laws of Utah 2012

HCR 5  Concurrent Resolution Designating February 18, 2012 Congressional Gold Medal Day for Certain Veterans *(Curtis Oda)*

This concurrent resolution of the Legislature and the Governor designates February 18, 2012, as Utah’s Congressional Gold Medal Day.

This resolution:
- designates February 18, 2012, as Utah’s Congressional Gold Medal Day for the Veterans of the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Nisei Military Intelligence Service, including those from Utah.

Effective February 17, 2012  
Laws of Utah 2012
HCR 6  Navajo Electrification Demonstration Project Concurrent Resolution *(Christine F. Watkins)*

This concurrent resolution of the Legislature and the Governor urges Congress to continue the Navajo Electrification Demonstration Project and fund it so that the entire Navajo Nation may receive electricity.

This resolution:
- urges the United States Congress to reauthorize and continue the Navajo Electrification Demonstration Project; and
- urges the United States Congress to provide the necessary funding of $15,000,000 per year for five years to the Navajo Electrification Demonstration Project so that the basic necessity of electricity can become available to the entire Navajo Nation.

Effective March 5, 2012  

Laws of Utah 2012

HCR 7  Concurrent Resolution Designating Veterans Memorial Highway *(Christopher N. Herrod)*

This concurrent resolution of the Legislature and the Governor recognizes that the official name of Interstate 15 in the state of Utah is The Veterans Memorial Highway and urges greater appreciation of the lasting contribution of the nation’s veterans.

This resolution:
- urges all appropriate civil education organizations to promote greater understanding and awareness that the official name of Interstate 15 in the state of Utah is The Veterans Memorial Highway;
- recognizes the importance of educating Utah’s citizens regarding the reasons that the Legislature is rededicating Interstate 15 as The Veterans Memorial Highway; and
- encourages media outlets that operate within the state of Utah to devote resources to communicating this resolution so that as many veterans as possible know of this expression of gratitude and respect and that bipartisanship and civility can win the day, even in contentious times.

Effective March 5, 2012  

Laws of Utah 2012

HCR 8  Concurrent Resolution Recognizing the 100th Anniversary of the Girl Scouts of the USA *(Rebecca Chavez-Houck)*

This concurrent resolution of the Legislature and the Governor recognizes the 100th Anniversary of the Girl Scouts of the USA.

This resolution:
- recognizes the 100th Anniversary of the Girl Scouts of the USA and expresses appreciation for the leadership, self-esteem, and character building the organization provides through its dedicated service to the girls and women of Utah.

Effective March 5, 2012  

Laws of Utah 2012

HCR 9  Concurrent Resolution Recognizing 75th Anniversary of Ducks Unlimited *(Curtis Oda)*

This concurrent resolution of the Legislature and the Governor recognizes the 75th Anniversary of Ducks Unlimited.

This resolution:
- recognizes the 75th Anniversary of Ducks Unlimited and its great efforts in habitat conservation.

Effective March 15, 2012  

Laws of Utah 2012
HCR 11  
Concurrent Resolution Recognizing the Sesquicentennial of the City of St. George *(Don L. Ipson)*

This concurrent resolution of the Legislature and the Governor recognizes the Sesquicentennial of the city of St. George.

This resolution:
- congratulates the people of St. George on the occasion of its Sesquicentennial as a city.

Effective March 5, 2012  
Laws of Utah 2012

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HCR 12  
Concurrent Resolution Urging Congress to Transfer Navajo Trust Fund Money *(Michael E. Noel)*

This concurrent resolution of the Legislature and the Governor urges the United States Congress to quickly pass legislation to establish a new management structure to protect the ability of Utah Navajo residents in San Juan County to receive the benefit of Navajo Trust Fund money.

This resolution:
- urges the United States Congress to quickly pass legislation establishing a successor management structure which protects the ability of Utah Navajo residents of San Juan County to receive the benefit of Navajo Trust Fund money; and
- urges the United States Congress to expedite the required transfer of assets so that Utah’s Navajo residents may again receive the benefit of these funds.

Effective March 27, 2012  
Laws of Utah 2012

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HJR 1  
Sustainable Schools Joint Resolution *(Mark A. Wheatley)*

This joint resolution of the Legislature encourages the Utah State Board of Education and Utah’s school districts to consider ways to establish schools in the state of Utah that promote a healthy environment for students, as well as being energy-efficient in their operation and development.

This resolution:
- encourages the Utah State Board of Education to consider the broader application of the design and construction practices for healthy, energy-efficient schools, both for new construction and major renovation projects undertaken with school district funds; and
- encourages school districts to consider sustainable practices that can be incorporated effectively into school construction and operation.

Effective March 8, 2012  
Laws of Utah 2012
HJR 3 Joint Resolution on Federal Transfer of Public Lands (Roger E. Barrus)

This joint resolution of the Legislature demands that the federal government extinguish title to Utah’s public lands and transfer title to those lands to the state of Utah.

This resolution:
- demands that the federal government transfer title of the public lands within Utah’s borders directly to the state of Utah;
- urges the United States Congress to engage in good faith communication, cooperation, coordination, and consultation with the state of Utah regarding the transfer of title of public lands directly to the state of Utah;
- declares that the Legislature, upon transfer of title of the public lands directly to the state of Utah, intends to affirmatively cede the national park lands to the federal government, under Article I, Section 8, Clause 17 of the United States Constitution, on condition that the lands permanently remain national park lands and that they not be sold, transferred, or conveyed to any party other than the state of Utah;
- declares that, upon transfer of the public lands directly to the state of Utah, the Legislature intends to affirmatively cede to the federal government all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964;
- calls for the creation of a Utah Public Lands Commission to review and manage multiple use of the public lands, including access, open space, and sustainable yield of the abundant resources, and to determine, through a public process, the extent to which public land may be sold, if any; and
- urges, to the extent that the Public Lands Commission determines through a public process that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for public education and 95% of the net proceeds should be paid to the federal government to pay down the national debt.

Effective March 7, 2012

HJR 4 Joint Resolution on Breastfeeding (Jennifer M. Seelig)

This joint resolution of the Legislature encourages employers to make accommodations to meet the breastfeeding needs of their employees.

This resolution:
- encourages employers to recognize the benefits of breastfeeding and to provide unpaid break time and appropriate space for employees who need to breastfeed or express their milk for their infant children.

Effective March 5, 2012

HJR 6 Joint Resolution on Severance Tax (Jim Nielson)

This joint resolution of the Legislature proposes to amend the Utah Constitution to require certain severance tax revenue to be deposited into the permanent state trust fund.

This resolution proposes to amend the Utah Constitution to:
- require specified percentages of annual severance tax revenue, except revenue that by statute is used for purposes related to federally recognized Indian tribes, to be deposited into the permanent state trust fund.

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2013 for this proposal.

Amends A13 S5, A22 S4

Effective January 1, 2013
HJR 13  

**Joint Resolution - Tax Opinion Question (Gregory H. Hughes)**

This joint resolution authorizes the Legislature to present an opinion question to the registered voters of the state to impose a state sales and use tax to support and enhance heritage, arts, culture, and museums throughout the state.

This resolution:

- pursuant to Section 36-16a-102, authorizes the Legislature to present an opinion question to the legal voters on the ballot of the 2012 regular general election to impose a state sales and use tax to support and enhance heritage, arts, culture, and museums throughout the state in an amount equal to the difference between .15% and a tax imposed by counties, cities, and towns under Title 59, Chapter 12, Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, and Part 14, City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities; and
- directs the lieutenant governor to submit the opinion question to the legal voters on the ballot of the 2012 regular general election pursuant to this resolution and Sections 36-16a-101 through 36-16a-108.

Effective March 8, 2012

Laws of Utah 2012

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HJR 14  

**Joint Resolution Urging Congress to Support Equity and Sales Tax Fairness (Steve Eliason)**

This joint resolution of the Legislature urges the United States House of Representatives to pass legislation for the fair and constitutional collection of state sales tax by both in-state and remote sellers.

This resolution:

- urges the United States House of Representatives and the United States Senate to pass, without delay, federal legislation for the fair and constitutional collection of state sales tax;
- urges that Congress consider in the legislation the following principles: 1) state-provided or state-certified tax collection and remittance software that is simple to implement and maintain; 2) immunity from civil liability for retailers utilizing state-provided or state-certified software in tax collection and remittance; 3) tax audit accountability to a single state tax audit authority; 4) elimination of interstate tax complexity by streamlining taxable good categories; 5) adoption of a meaningful small business exception so that small businesses that sell remotely are not adversely affected by the legislation; and 6) fair compensation to the tax-collecting retailer; and
- affirms that, through passage of such legislation, the United States Congress will foster consistent standards for in-state and remote sellers who are obligated to collect state sales and use taxes, whether on a point-of-delivery basis or a point-of-sale basis, thus providing equal, consistent, and fair treatment among traditional brick and mortar retailers, brick and click retailers, catalogue retailers, and pure-play Internet-only-based retailers.

Effective March 8, 2012

Laws of Utah 2012
HJR 17  Joint Resolution on Interim Committee Name Change *(Jim Bird)*

This resolution changes the name of the Workforce Services and Community and Economic Development Interim Committee to the Economic Development and Workforce Services Interim Committee.

This resolution:

- changes the name of the Workforce Services and Community and Economic Development Interim Committee to the Economic Development and Workforce Services Interim Committee; and
- makes technical changes.

This resolution takes effect on April 1, 2012.

Legislative Rules Affected: AMENDS: IR1−1−201

Amends IR1−1−201

Effective April 1, 2012

Laws of Utah 2012

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HJR 21  Joint Resolution on State Health Insurance *(Brad L. Dee)*

This resolution directs the Public Employees’ Benefit and Insurance Program (PEHP) regarding the medical and dental coverage premium share between employer and employee and other cost issues related to medical and dental plans for state employees.

This resolution:

- directs PEHP to:
  - maintain for FY 2012-13 the same combined employer/employee premiums for health benefit plan medical coverage from FY 2011-12; and
  - fund trend increases for FY 2012-13 using excess reserves in the state’s medical risk pool;
- directs PEHP and the Department of Human Resource Management to:
  - maintain the state’s contribution for health maintenance organization medical coverage based on a 90% employer and 10% employee premium share; and
  - change the state’s contribution for dental coverage to be based on a 90% employer and 10% employee premium share;
- directs PEHP to take additional action to adjust costs to stay within existing revenues;
- directs PEHP to establish 80% as the standard coinsurance level for medical benefits under the health maintenance organization medical coverage (traditional plan) and the high deductible medical coverage (STAR plan);
- directs PEHP to establish a second federally qualified high deductible health plan with a 70% coinsurance level for medical benefits; and
- directs PEHP to develop a program for differentiating premiums, benefits, or both on the basis of health and wellness outcomes.

Effective March 8, 2012

Laws of Utah 2012
HR 1  Rules Resolution Requiring Notice of Request to Hold Bill (Neal B. Hendrickson)

This rules resolution amends the House rule on disposition of legislation on third reading to require notice of hold requests.

This rules resolution:
► requires that the Chief Clerk notify the Speaker and the sponsor of legislation when the Chief Clerk receives a request to hold that legislation.

Amends HR4-4-202

Effective March 1, 2012  Laws of Utah 2012

HR 3  House Rules Resolution (Wayne A. Harper)

This resolution amends the House rule that governs verbal amendments in House standing committees.

This resolution:
► increases the number of words that are permitted in a verbal amendment to legislation being reviewed by a House standing committee; and
► provides that words or a set of words repeated in a similar context in the legislation be counted only once when calculating the word limit.

Amends HR3-2-410

Effective March 2, 2012  Laws of Utah 2012

HR 5  House Committee Name Change Resolution (Jim Bird)

This resolution changes the name of the House Workforce Services and Community and Economic Development Standing Committee to the House Economic Development and Workforce Services Standing Committee.

This resolution:
► changes the name of the House Workforce Services and Community and Economic Development Standing Committee to the House Economic Development and Workforce Services Standing Committee; and
► makes technical changes.

This resolution takes effect on April 1, 2012.

Amends HR3-2-201

Effective April 1, 2012  Laws of Utah 2012
SB 2  **Public Education Budget Amendments (Lyle W. Hillyard)**

This bill supplements or reduces appropriations previously provided for school districts, charter schools, and certain state education agencies for the fiscal year beginning July 1, 2012 and ending June 30, 2013, and modifies related budgetary provisions.

This bill:
- provides budget increases and decreases for the use and support of certain state education agencies;
- provides budget increases and decreases for programs that support school districts and charter schools;
- provides a distribution formula for the appropriation for Teacher Supplies and Materials;
- provides intent language;
- modifies the guarantee dollar amount per weighted pupil unit for the voted leeway and board-authorized leeway programs;
- sets the estimated minimum basic tax rate at .001665 for fiscal year 2012-13;
- establishes the value of the weighted pupil unit for fiscal year 2012-13 at:
  - $2,607 for the special education and career and technology add-on programs; and
  - $2,848 for all other programs; and
- makes technical changes.

This bill appropriates for fiscal year 2012-13:
- $45,000,000 from the Uniform School Fund;
- $71,285,700 ongoing from the Education Fund;
- ($37,000,000) one-time from the Education Fund; and
- $34,148,900 from various sources as detailed in this bill.

This bill takes effect on July 1, 2012.

This bill coordinates with H.B. 1, Public Education Base Budget Amendments, by providing superseding substantive amendments.

**Amends** 53A-17a-133, 53A-17a-134, 53A-17a-135

Effective July 1, 2012  Chapter 421, Laws of Utah 2012

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SB 3  **Current Fiscal Year Supplemental Appropriations (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, 2011 and ending June 30, 2012.

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. Money Appropriated in this Bill: This bill appropriates for fiscal year 2012:
  - $50,452,600 from the General Fund;
  - $172,847,900 from various sources as detailed in this bill.

This bill takes effect immediately.

Effective March 27, 2012  Chapter 422, Laws of Utah 2012
SB 4  Business, Economic Development, and Labor Base Budget  
(Jerry W. Stevenson)
This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2012 and ending June 30, 2013.
This bill:
▶ provides appropriations for the use and support of certain state agencies;
▶ provides appropriations for other purposes as described. Money Appropriated in this Bill:
This bill appropriates for fiscal year 2013:
▶ $85,314,700 from the General Fund;
▶ $18,751,800 from the Education Fund;
▶ $525,227,900 from various sources as detailed in this bill.
This bill takes effect on July 1, 2012.
Effective July 1, 2012  
Chapter 10, Laws of Utah 2012

SB 5  Executive Offices and Criminal Justice Base Budget  
(Daniel W. Thatcher)
This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2012 and ending June 30, 2013.
This bill:
▶ provides appropriations for the use and support of certain state agencies; and
▶ provides appropriations for other purposes as described. Money Appropriated in this Bill:
This bill appropriates for fiscal year 2013:
▶ $528,818,300 from the General Fund;
▶ $49,000 from the Education Fund;
▶ $226,704,000 from various sources as detailed in this bill.
This bill takes effect on July 1, 2012.
Effective July 1, 2012  
Chapter 11, Laws of Utah 2012

SB 6  Infrastructure and General Government Base Budget  
(J. Stuart Adams)
This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2012 and ending June 30, 2013.
This bill:
▶ provides appropriations for the use and support of certain state agencies;
▶ provides appropriations for other purposes as described;
▶ approves employment levels for internal service funds;
▶ approves capital acquisition amounts for internal service funds. Money Appropriated in this Bill:
This bill appropriates for fiscal year 2013:
▶ $102,362,400 from the General Fund;
▶ $38,736,100 from the Education Fund;
▶ $1,549,259,000 from various sources as detailed in this bill.
This bill takes effect on July 1, 2012.
Effective July 1, 2012  
Chapter 12, Laws of Utah 2012
SB 7  National Guard, Veterans’ Affairs, and Legislature Base Budget (Lyle W. Hillyard)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

This bill:
► provides appropriations for the use and support of certain state agencies; and,
► provides appropriations for other purposes as described. Money Appropriated in this Bill:
  This bill appropriates for fiscal year 2013:
  ► $27,892,500 from the General Fund;
  ► $63,848,100 from various sources as detailed in this bill.

This bill take effect July 1, 2012.

Effective July 1, 2012  Chapter 13, Laws of Utah 2012

SB 8  Social Services Base Budget (Allen M. Christensen)

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

This bill:
► provides appropriations for the use and support of certain state agencies; and,
► provides appropriations for other purposes as described. Money Appropriated in this Bill:
  This bill appropriates for fiscal year 2013:
  ► $712,896,400 from the General Fund;
  ► $17,342,800 from the Education Fund;
  ► $3,321,989,700 from various sources as detailed in this bill.

This bill take effect on July 1, 2012.

Effective July 1, 2012  Chapter 14, Laws of Utah 2012
SB 11  Department of Environmental Quality Boards Adjudicative Proceedings (Margaret Dayton)

This bill modifies requirements and procedures for adjudicative proceedings where a party challenges an agency order, other than a termination order, relating to a permit, plan, license, approval order, or other administrative authorization made by an executive secretary under Title 19, Environmental Quality Code.

This bill:
- defines terms;
- distinguishes between adjudicative proceedings not related to permit orders and permit review adjudicative proceedings;
- modifies requirements and procedures for adjudicative proceedings where a party challenges an agency order, other than a termination order, relating to a permit, plan, license, approval order, or other administrative authorization made by an executive secretary under Title 19, Environmental Quality Code;
- provides that only properly preserved issues may be reviewed during a permit review adjudicative proceeding;
- describes the requirements for intervention in a permit review adjudicative proceeding;
- establishes that permit review adjudicative proceedings will be based on the administrative record and any permitted supplementation;
- provides that stays may not be issued during a permit review adjudicative proceeding, unless certain conditions are met;
- provides for judicial review of a permit review adjudicative proceeding; and
- makes technical changes.

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

Amends 19-1-301, 19-2-108, 19-2-112, 63G-4-102, 78A-4-103;

Enacts 19-1-301.5

Effective May 8, 2012 Chapter 333, Laws of Utah 2012

SB 12  Energy Amendments (Mark B. Madsen)

This bill enacts provisions within the Energy Resource Procurement Act.

This bill:
- enacts provisions relating to renewable energy facilities;
- authorizes an electric corporation to enter into a contract to supply electric service from one or more renewable energy facilities, under certain circumstances; and
- requires Public Service Commission approval of contracts for electric service from renewable energy facilities.

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

Enacts 54-17-801, 54-17-802, 54-17-803, 54-17-804, 54-17-805

Effective May 8, 2012 Chapter 182, Laws of Utah 2012
SB 13  Medical Examiner Amendments (Allen M. Christensen)
This bill amends provisions in the Health Code related to the duties of the state medical examiner’s office when the death appears to be the result of a highway accident.
This bill:
► requires the state medical examiner to assume custody of a body when it appears that the death is the result of a highway accident.
This bill appropriates:
► $350,000 from the General Fund, Ongoing, for fiscal year 2012-13, to the Department of Health - Medical Examiner’s Office.
The original bill was recommended by the Health and Human Services Interim Committee
Amends 26-4-7
Effective May 8, 2012
Chapter 183, Laws of Utah 2012

SB 14  Transportation Corridor Preservation Revolving Loan Fund Amendments (Peter C. Knudson)
This bill amends provisions relating to the Transportation Corridor Preservation Revolving Loan Fund.
This bill:
► renames the Transportation Corridor Preservation Revolving Loan Fund as the Marda Dillree Corridor Preservation Fund; and
► makes conforming changes.
The original bill was recommended by the Transportation Interim Committee
Amends 59-12-1201, 63B-7-503, 72-2-117, 72-5-111, 72-5-403
Effective May 8, 2012
Chapter 121, Laws of Utah 2012

SB 15  Off-highway Vehicles Amendments (Ralph Okerlund)
This bill amends provisions relating to off-highway vehicle registrations.
This bill:
► provides definitions;
► creates the Utah Highway Patrol Aero Bureau Restricted Account;
► specifies the sources and required uses for funds in the Utah Highway Patrol Aero Bureau Restricted Account;
► provides that funds in the Utah Highway Patrol Aero Bureau Restricted Account are nonlapsing;
► increases the cap on the registration fee amount that the Board of Parks and Recreation may establish for off-highway vehicle registrations;
► provides that a certain portion of all off-highway vehicle registration fees shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account; and
► makes technical changes.
This bill takes effect on July 1, 2012.
The original bill was recommended by the Transportation Interim Committee
Amends 41-22-8, 41-22-19, 63J-1-602.3;
Enacts 53-8-301, 53-8-302, 53-8-303
Effective July 1, 2012
Chapter 71, Laws of Utah 2012
SB 16  **Ballot Proposition Amendments** *(Scott K. Jenkins)*

This bill amends and enacts provisions in Title 20A, Election Code, relating to ballot propositions.

This bill:
- defines terms;
- provides an exception for the residency requirement for a person who verifies a signature on a petition in certain circumstances;
- requires a verification on the final page of a local petition packet;
- amends the signature requirements for a referendum on a local obligation law; and
- makes technical changes.

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

**Amends** 20A-1-102, 20A-7-101, 20A-7-503, 20A-7-505, 20A-7-506, 20A-7-601, 20A-7-603, 20A-7-605, 20A-7-606;

**Enacts** 20A-1-307

Effective May 8, 2012  Chapter 72, Laws of Utah 2012

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SB 17  **Candidate Vacancy Amendments** *(Peter C. Knudson)*

This bill amends Title 20A, Election Code, to address candidate vacancy.

This bill:
- authorizes a political party to replace a candidate who resigns because of a disability that prevents the candidate from continuing the candidacy; and
- amends a requirement that the political party have a bylaw that establishes a procedure for replacing a candidate.

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

**Amends** 20A-1-501, 20A-8-401

Effective May 8, 2012  Chapter 73, Laws of Utah 2012

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SB 18  **Government Records Access and Management Act - Voter Registration Records** *(Margaret Dayton)*

This bill amends the Government Records Access and Management Act to address provisions relating to an email address on a voter registration record.

This bill:
- amends the requirement of the lieutenant governor and county clerks to make certain records available for public inspection;
- classifies a voter’s email address on a voter registration record as a private record; and
- makes technical changes.

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

**Amends** 20A-2-308, 63G-2-302

Effective May 8, 2012  Chapter 74, Laws of Utah 2012
SB 19  Voter Information Pamphlets (Peter C. Knudson)

This bill amends provisions relating to voter information pamphlets.

This bill:
► amends the dates by which information shall be submitted for the voter information pamphlet;
► makes the mailing of a voter information pamphlet optional in certain circumstances;
► authorizes a notice of:
  • the website on which a voter information pamphlet is published; and
  • methods to request a voter information pamphlet by mail;
► requires the lieutenant governor to conduct a study;
► requires the lieutenant governor to distribute the voter information pamphlet in certain locations; and
► makes technical changes.

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

**Amends** 11-14-202, 20A-7-209, 20A-7-402, 20A-7-702, 20A-7-703, 20A-7-704, 20A-7-706, 20A-7-801


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SB 20  Petitions by Candidates or Political Parties (Peter C. Knudson)

This bill amends provisions in Title 20A, Election Code, relating to a certificate of nomination petition by an unaffiliated candidate and a political party registration petition.

This bill:
► establishes the criminal penalty of a class A misdemeanor for certain actions related to signing or verifying the signing of a certificate of nomination petition by an unaffiliated candidate and a political party registration petition;
► establishes requirements for the form and content of a certificate of nomination petition by an unaffiliated candidate and a political party registration petition;
► requires a person who is a resident of at least 18 years of age to verify the signing of a certificate of nomination petition by an unaffiliated candidate, except for a presidential candidate, and a political party registration petition; and
► makes technical and conforming amendments.

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

**Amends** 20A-8-103, 20A-9-502

Effective May 8, 2012 Chapter 75, Laws of Utah 2012
SB 21 Department of Environmental Quality Boards Revisions (Margaret Dayton)

This bill changes the composition of each board created under Title 19, Environmental Quality Code, requires specific qualifications for a board member, subjects a board member to certain requirements, transfers some powers and duties from the boards to the executive director or division directors, and gives rulemaking authority to the department.

This bill:

- gives rulemaking authority to the Department of Environmental Quality to create attendance standards and conflicts of interest procedures for board members and to make procedural rules for adjudicative proceedings;
- changes the composition of each board created under Title 19, Environmental Quality Code;
- provides a transition to the new composition of each board created under Title 19, Environmental Quality Code;
- establishes qualifications for board members;
- requires board members to comply with attendance standards and conflict of interest procedures;
- provides for the executive director of the Department of Environmental Quality to take final dispositive action on an adjudicative proceeding under Title 19, Environmental Quality Code;
- transfers powers and duties from a board to a division director;
- provides for certain division boards to approve enforcement settlements negotiated by a division director that exceed $25,000; and
- makes technical changes.

This bill coordinates with S.B. 11, Department of Environmental Quality Boards Adjudicative Proceedings, by providing substantive and technical amendments.

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


Effective May 8, 2012

Chapter 360, Laws of Utah 2012
SB 23  Life Science and Technology Tax Credit Amendments  (Curtis S. Bramble)
This bill makes changes to certain tax credits.
This bill:
▶ makes changes to life science and technology tax credits and related provisions; and
▶ makes technical changes.
This bill has retrospective operation for a taxable year beginning on or after January 1, 2012.
The original bill was recommended by the Revenue and Taxation Interim Committee
Amends 59-7-614.6, 59-10-1025, 59-10-1109, 63M-1-2902, 63M-1-2903, 63M-1-2905, 63M-1-2908, 63M-1-2909, 63M-1-2910;
Repeals 59-10-1026
Effective May 8, 2012  Chapter 423, Laws of Utah 2012

SB 25  Driver License and Identification Card Amendments  (Kevin T. Van Tassell)
This bill modifies the Traffic Code and the Uniform Driver License Act by amending provisions relating to driver license and identification cards.
This bill:
▶ prohibits a person from holding both an unexpired Utah license certificate and an unexpired Utah identification card;
▶ provides that if certain persons hold an unexpired Utah license certificate and an unexpired Utah identification card, the person shall surrender either the Utah license certificate or the Utah identification card within certain time frames, or the Driver License Division shall cancel the person’s Utah identification card;
▶ provides that certain limited-term license certificates or identification cards expire on the date of issuance in the first year following the year that the limited-term license certificate or identification card was issued;
▶ authorizes the Driver License Division to extend certain license certificates by electronic means or other means determined by the division; and
▶ makes technical changes.
This bill takes effect on July 1, 2012.
The original bill was recommended by the Transportation Interim Committee
Amends 53-3-204, 53-3-205, 53-3-214, 53-3-215, 53-3-803, 53-3-804, 53-3-807
Effective July 1, 2012  Chapter 335, Laws of Utah 2012

SB 26  Disposition of Realigned Highways Revisions  (J. Stuart Adams)
This bill modifies the Transportation Code by amending provisions relating to the disposition of a portion of realigned highways.
This bill:
▶ provides that when a state highway is realigned, the department may dispose of the former portion of the highway by complying with certain disposal of real property provisions if the former highway was purchased in fee; and
▶ makes technical changes.
The original bill was recommended by the Transportation Interim Committee
Amends 72-4-104
Effective May 8, 2012  Chapter 122, Laws of Utah 2012
SB 27  Amendments to Revenue and Taxation Title *(Howard A. Stephenson)*

This bill amends provisions in the Revenue and Taxation title to address certain issues related to the Utah Supreme Court case Ivory Homes v. Utah State Tax Commission.

This bill:
- amends definitions;
- amends the circumstances under which a person who pays a tax, fee, or charge liability may receive a credit or refund;
- addresses the construction of a statute involving a tax, fee, or charge by the State Tax Commission or a court;
- addresses the taxability of a transaction consisting of taxable and nontaxable property, products, or services;
- addresses sales and use tax refund procedures; and
- makes technical and conforming changes.

This bill provides for retrospective operation.

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

**Amends** 10-1-405, 59-1-1410, 59-1-1417, 59-12-102, 59-12-103, 59-12-110


SB 28  State Construction Code Amendments *(John L. Valentine)*

This bill modifies the State Construction Code.

This bill:
- updates the edition of the National Electrical Code, adopted by reference, to the 2011 edition;
- modifies an adopted amendment to the National Electrical Code;
- enacts a new exception to and deletes and replaces a provision of the International Building Code relating to concrete durability requirements;
- enacts new provisions of the International Building Code related to standards applicable to concrete elements and minimum clear floor space; and
- adopts local amendments to the International Plumbing Code.

This bill takes effect on July 1, 2012.

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

**Amends** 15A-2-103, 15A-3-108, 15A-3-113, 15A-3-601;

**Enacts** 15A-4-304, 15A-4-305, 15A-4-306, 15A-4-307

Effective July 1, 2012  Chapter 76, Laws of Utah 2012
SB 29  **State Highway System Modifications** *(Kevin T. Van Tassell)*

This bill modifies the Designation of State Highways Act by amending state highway descriptions and adding and deleting state highways.

This bill:

- amends the descriptions of SR-73, SR-126, and SR-225;
- adds SR-85 to the state highway system;
- deletes SR-197 and SR-212 from the state highway system; and
- makes technical changes.

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

**Amends** 72-4-113, 72-4-114, 72-4-118, 72-4-125, 72-4-127, 72-4-128


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SB 30  **Administrative Rules Reauthorization** *(Howard A. Stephenson)*

This bill provides legislative action regarding administrative rules.

This bill:

- reauthorizes all state agency administrative rules.

This bill takes effect on May 1, 2012.

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

Effective May 1, 2012  Chapter 337, Laws of Utah 2012

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SB 32  **Breast Cancer Prevention Amendments** *(Karen Mayne)*

This bill amends the Mammogram Quality Assurance Chapter of the Utah Health Code.

This bill:

- encourages a facility that performs screening or diagnostic mammography to provide a patient who has dense breast tissue with notice of options for additional screening.

**Amends** 26-21a-203

SB 33  **Trespassing on State Lands (Margaret Dayton)**

This bill makes it a class B misdemeanor for a person to camp on sovereign lands at a single location for more than 15 days, return to camp at the same location before 15 days pass, leave an anchored or beached vessel unattended for longer than 48 hours, or anchor or beach a vessel for longer than 72 hours at the same location and then fail to move the vessel at least two miles from that location.

This bill:
- makes it a class B misdemeanor for a person to camp on sovereign lands for more than 15 days at the same or a nearby location;
- makes it a class B misdemeanor for a person to return to camp at the same location on sovereign lands before 15 days pass;
- makes it a class B misdemeanor for a person to leave an anchored or beached vessel unattended for longer than 48 hours;
- makes it a class B misdemeanor for a person to anchor or beach a vessel for longer than 72 hours at the same location, and then fail to move the vessel at least two miles from that location; and
- makes technical corrections.

**Amends** 65A-3-1


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SB 35  **New Motor Vehicle Warranties Act Amendments (Karen Mayne)**

This bill modifies the New Motor Vehicles Warranties Act.

This bill:
- provides for mediation concerning a nonconformity in a new recreational vehicle trailer, as defined, if the nonconformity persists after the manufacturer has made at least four attempts to correct the nonconformity;
- provides for the location of mediation; and
- requires the manufacturer to pay mediation costs.

**Amends** 13-20-2;

**Enacts** 13-20-8

Effective May 8, 2012  Chapter 77, Laws of Utah 2012

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SB 36  **Utah Revised Business Corporation Act Amendments Related to Transfer of Corporations (Gene Davis)**

This bill modifies the Utah Revised Business Corporation Act to allow for domestic corporations to transfer to another state.

This bill:
- enacts provisions that allow a domestic corporation to transfer to another state.

**Enacts** 16-10a-1533.5

Effective May 8, 2012  Chapter 184, Laws of Utah 2012
SB 37  **Intergenerational Poverty Provisions (Stuart C. Reid)**

This bill modifies the Utah Workforce Services Code by enacting the Intergenerational Poverty Mitigation Act to monitor data related to intergenerational poverty.

This bill:
- defines terms; and
- requires the Department of Workforce Services to establish and maintain a system to track intergenerational poverty related data to identify at-risk children and other groups, identify trends, and to assist case workers, social scientists, and government officials in the study and development of plans and programs to help individuals and families break the cycle of poverty.

**Enacts** 35A-8-101, 35A-8-102, 35A-8-201

Effective May 8, 2012  Chapter 185, Laws of Utah 2012

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SB 38  **Wildland Fire Amendments (Margaret Dayton)**

This bill makes a person liable for the cost of suppressing a wildland fire that is negligently, recklessly, or intentionally caused or spread by that person.

This bill:
- defines terms;
- makes a person liable for the cost of suppressing a wildland fire that is negligently, recklessly, or intentionally caused or spread by that person;
- allows a person who incurs costs to suppress a wildland fire to bring an action to recover those costs; and
- makes technical changes.

**Amends** 65A-1-1, 65A-3-2, 65A-3-3;

**Repeals and Reenacts** 65A-3-4

Effective May 8, 2012  Chapter 361, Laws of Utah 2012

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SB 39  **Gubernatorial Authority over Higher Education Officials (Stuart C. Reid)**

This bill modifies the hiring and termination process for the commissioner of higher education and president of the Utah College of Applied Technology.

This bill:
- requires the State Board of Regents to receive approval from the governor and obtain consent of the Senate when hiring a commissioner of higher education;
- permits the governor, after consultation with the State Board of Regents, to terminate a commissioner of higher education;
- requires the Utah College of Applied Technology Board of Trustees to receive approval from the governor and obtain consent of the Senate when hiring a president of the Utah College of Applied Technology;
- permits the governor, after consultation with the Utah College of Applied Technology Board of Trustees, to terminate a president of the Utah College of Applied Technology; and
- makes technical amendments.

**Amends** 53B-1-105, 53B-2a-102

Effective May 8, 2012  Chapter 78, Laws of Utah 2012
SB 40  Cosmetic Medical Procedures (Peter C. Knudson)
This bill amends the Division of Occupational and Professional Licensing Act.
This bill:
▶ defines:
  • ablative procedure;
  • cosmetic medical facility;
  • cosmetic medical procedure;
  • nonablative procedure;
  • superficial procedure; and
  • supervisor;
▶ prohibits the use of the term "medical" when advertising a facility that performs cosmetic medical procedures under certain circumstances;
▶ exempts certain licensees from the definition of cosmetic medical procedures;
▶ establishes standards for the supervision of cosmetic medical procedures;
▶ amends the definition of the practice of medicine; and
▶ amends provisions of unprofessional conduct for physicians and other licensees whose scope of practice includes cosmetic medical procedures.
Amends 58−1−102, 58−11a−102, 58−11a−502, 58−16a−102, 58−67−102, 58−68−102;
Enacts 58−1−505, 58−1−506, 58−1−507, 58−67−805, 58−68−805

SB 41  Regulation of Tanning Facilities (Patricia W. Jones)
This bill amends Utah Health Code provisions regulating tanning facilities.
This bill:
▶ amends definitions;
▶ amends restrictions on use of a tanning facility’s tanning device by a person under 18 years of age;
▶ amends tanning facility warning sign requirements;
▶ amends rulemaking authority;
▶ amends penalties;
▶ amends restriction on local tanning facility ordinances; and
▶ makes technical changes.
Amends 26−15−13
Effective May 8, 2012 Chapter 409, Laws of Utah 2012

SB 42  Limitation on Action to Recover Deficiency Following Short Sale (Wayne L. Niederhauser)
This bill enacts a provision establishing a time limit for an action to recover a deficiency following a specified sale of residential real property.
This bill:
▶ bars an action to recover a deficiency following a short sale of single-family residential property unless the action is commenced no later than three months after the short sale.
This bill provides an immediate effective date.
Enacts 78B−2−313
Effective March 15, 2012 Chapter 79, Laws of Utah 2012
SB 48  **Mission of Public Education (Patricia W. Jones)**

This bill expands the mission statement of public education.

This bill:
► adds a vision statement for the public education system;
► adds language to broaden and update the mission statement of public education; and
► makes technical changes.

**Amends** 53A-1a-103

Effective May 8, 2012  Chapter 123, Laws of Utah 2012

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SB 49  **Military Installation Development Authority Amendments (Jerry W. Stevenson)**

This bill modifies provisions of the Military Installation Development Authority Act.

This bill:
► authorizes the Military Installation Development Authority to enter an agreement with the federal government for law enforcement services;
► modifies a provision relating to the board’s adoption of a project area plan;
► requires a lease or development agreement entered before the creation of a project area to include a specified provision;
► provides that the authority may not be required to pay an amount or incur a loss or penalty because of the board’s failure to create a project area; and
► authorizes the authority to use authority funds to pay for a passenger ropeway outside of the project area under certain circumstances.

This bill provides an immediate effective date.

**Amends** 63H-1-201, 63H-1-401, 63H-1-502

Effective March 15, 2012  Chapter 80, Laws of Utah 2012

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SB 50  **Motor Vehicle Impoundment Amendments (Michael G. Waddoups)**

This bill modifies the Traffic Code by amending provisions relating to the seizure and impoundment of a vehicle.

This bill:
► requires a peace officer to seize and impound a vehicle if the peace officer arrests, cites, or refers for administrative action the operator of the vehicle for driving the motor vehicle while the operator’s license is denied, suspended, revoked, or disqualified for violating certain drug or alcohol-related offenses with exception; and
► makes technical changes.

This bill takes effect on July 1, 2012.

**Amends** 41-6a-527

Effective July 1, 2012  Chapter 81, Laws of Utah 2012
SB 52  Workers’ Compensation Act Amendments (Stephen H. Urquhart)

This bill modifies the Workers’ Compensation Act to address the status of motor carriers.

This bill:

- addresses coverage and benefit limits for occupational accident related insurance;
- requires the commission under certain circumstances to verify occupational accident related insurance coverage before issuing a workers’ compensation coverage waiver; and
- makes technical changes.

Amends 34A-2-104


SB 53  Recreational Therapy Practice Act Amendments (Gene Davis)

This bill renumbers and modifies the Recreational Therapy Practice Act in relation to licensure, scope of practice, and other matters.

This bill:

- defines terms;
- renumbers the Recreational Therapy Practice Act in relation to licensure, scope of practice, and other matters;
- provides that one member of the board assist the division in reviewing complaints;
- provides requirements for licensure under the act;
- provides exemptions from licensure under the act;
- clarifies the scope of practice and other requirements of a person licensed under the act;
- extends the sunset date of the Recreational Therapy Practice Act; and
- makes technical changes.

Amends 63I-1-258;


Repeals 58-40-3

Effective May 8, 2012  Chapter 82, Laws of Utah 2012
SB 55 Amendments to Adoption Code (Todd Weiler)

This bill amends provisions of the Utah Adoption Act relating to the rights and obligations of an unmarried biological father and other matters related to adoption.

This bill:

- defines terms;
- provides a method to give notice of a potential adoption proceeding to an unmarried biological father, including informing him:
  - of the requirements to assert his parental rights;
  - that failure to assert his parental rights within thirty days after receiving the notice described above shall result in the unmarried biological father losing his right to have notice of, or contest a future adoption of, the child; and
  - that nothing the birth mother tells him modifies his obligations under Utah law;
- requires that an unmarried biological father who has not already lost his right to consent to an adoption and who wishes to assert his parental rights be given one business day after a child’s birth to comply with the requirements to assert his parental rights;
- modifies when a court may enter a final decree of adoption; and
- makes technical changes.

Amends 78B-6-103, 78B-6-105, 78B-6-110, 78B-6-112, 78B-6-113, 78B-6-115, 78B-6-121, 78B-6-128, 78B-6-129, 78B-6-135, 78B-6-136, 78B-6-136.5, 78B-6-140, 78B-6-141, 78B-6-143, 78B-6-144, 78B-6-145;

Enacts 78B-6-110.1

Effective May 8, 2012

Chapter 340, Laws of Utah 2012

SB 56 Homeowner Association Reserve Account Amendments (Stephen H. Urquhart)

This bill modifies reserve fund provisions of the Condominium Ownership Act and the Community Association Act.

This bill:

- modifies the frequency of a required reserve analysis and the review and update of a reserve analysis for condominium associations and community associations.

Amends 57-8-7.5, 57-8a-211

Effective May 8, 2012

Chapter 83, Laws of Utah 2012

SB 57 Issuance of Blasting Permits (Ralph Okerlund)

This bill modifies the Fire Prevention and Safety Act regarding the issuing of blasting permits.

This bill:

- directs the State Fire Marshal Division to issue blasting permits:
  • when local fire departments are unable to do so; and
  • when the blasting project involves more than one fire department jurisdiction; and
- authorizes the State Fire Marshal Division to make administrative rules to implement these provisions.

Enacts 15A-5-208

Effective May 8, 2012

Chapter 84, Laws of Utah 2012
SB 58  Property Tax Valuation Amendments (Wayne L. Niederhauser)

This bill addresses the assessment of fair market value of property.

This bill:

- defines terms;
- requires certain reporting of property tax property valuation reductions on appeal;
- requires an assessor to consider a valuation reduction in certain prior years in determining the fair market value of property;
- requires an assessor to consider certain other factors in assessing the fair market value of property; and
- makes technical and conforming changes.

This bill takes effect on January 1, 2013.

Amends 59-2-1002, 59-2-1003, 59-2-1004;

Enacts 59-2-301.4

Effective January 1, 2013  Chapter 85, Laws of Utah 2012

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SB 60  Traffic Accident Emergency Response Fees (J. Stuart Adams)

This bill modifies the Traffic Code by amending provisions relating to emergency response fees for motor vehicle accidents.

This bill:

- prohibits the Department of Transportation or the Utah Highway Patrol Division, or a person who contracts with the Department of Transportation or the Utah Highway Patrol Division to provide emergency services, from imposing a flat fee, or collecting a flat fee, from an individual involved in a motor vehicle accident;
- provides that the Department of Transportation or the Utah Highway Patrol Division, or a person who contracts with the Department of Transportation or the Utah Highway Patrol Division to provide emergency services, may only charge the individual for certain costs of services provided; and
- requires the Department of Transportation or the Utah Highway Patrol Division or a person contracting with the Department of Transportation or the Utah Highway Patrol Division, to apportion the charges so that it does not receive more for responding to the motor vehicle accident than the actual response cost if charges are imposed on more than one individual.

Enacts 41-6a-409

SB 61  Invasive Species Amendments *(Ralph Okerlund)*

This bill amends provisions of Title 4, Chapter 2, Department - State Chemist - Enforcement, by permitting rehabilitation projects in areas that have been affected by invasive species and appropriates money for that purpose.

This bill:
- amends definitions;
- authorizes the Department of Agriculture to spend money in the Invasive Species Mitigation Account on a project implemented by a political subdivision;
- permits the Department of Agriculture to consider a project designed to prevent encroachment of an invasive species when awarding grant money; and
- makes technical changes.

This bill appropriates:
- to the Department of Agriculture, as an ongoing appropriation:
  - from the General Fund, $1,000,000, subject to intent language stating that the appropriation is non-lapsing.

*Amends 4-2-8.7*


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SB 62  Cigarette Tax Restricted Account Revisions *(Lyle W. Hillyard)*

This bill amends provisions related to the Cigarette Tax Restricted Account.

This bill:
- addresses funding for the Cigarette Tax Restricted Account;
- addresses the revenue to be deposited into the Cigarette Tax Restricted Account;
- addresses the appropriation and expenditure of revenue from the Cigarette Tax Restricted Account;
- addresses budget considerations for the governor and the Legislature related to certain revenue deposited into the Cigarette Tax Restricted Account;
- adds the Cigarette Tax Restricted Account to the list of nonlapsing funds and accounts; and
- makes technical and conforming changes.

This bill provides for retrospective operation.

*Amends 59-14-204, 63J-1-201, 63J-1-201.7, 63J-1-602.3*

Effective May 8, 2012  Chapter 341, Laws of Utah 2012
SB 64  Public Education Employment Reform (Aaron Osmond)

This bill modifies provisions related to the employment of public education personnel.

This bill:

- reorganizes provisions regarding:
  - the status and termination of school district employees; and
  - educator evaluations;
- creates the Public Education Human Resource Management Act;
- directs the State Board of Education to make rules requiring the performance of school district employees to be evaluated annually, with exceptions;
- requires data on school district educator ratings to be publicly reported;
- prescribes procedures for the nonrenewal or termination of a career employee’s contract for unsatisfactory performance;
- restricts the transfer of a public education employee with unsatisfactory performance;
- directs the State Board of Education to make rules requiring a school district’s employee compensation system to be aligned with the district’s annual evaluation system;
- requires the salary of certain school or district administrators to be contingent on an evaluation; and
- makes technical amendments.


SB 65  **Alternative Energy Development Tax Incentives (J. Stuart Adams)**

This bill addresses provisions related to alternative energy development tax incentives.

This bill:

- repeals the Alternative Energy Development Act;
- enacts the Alternative Energy Development Tax Credit Act related to alternative energy development tax credits;
- enacts the Alternative Energy Manufacturing Tax Credit Act related to alternative energy manufacturing tax credits;
- repeals provisions related to alternative energy development tax credits in economic development tax credit provisions;
- defines terms;
- modifies and expands alternative energy sales and use tax exemptions;
- extends the time period for claiming certain sales and use tax exemptions related to alternative energy;
- requires the Office of Energy Development to administer the alternative energy development tax credits;
- requires the Governor’s Office of Economic Development to administer the alternative energy manufacturing tax credits; and
- makes technical and conforming changes.

This bill provides effective dates.

This bill provides for retrospective operation.

**Amends** 10-1-304, 59-7-614.2, 59-10-1107, 59-12-102, 59-12-104, 63M-4-401;

**Enacts** 59-7-614.7, 59-7-614.8, 59-10-1029, 59-10-1030, 63M-1-3101, 63M-1-3102, 63M-1-3103, 63M-1-3104, 63M-1-3105, 63M-4-501, 63M-4-502, 63M-4-503, 63M-4-504, 63M-4-505;

**Repeals** 63M-1-2801, 63M-1-2802, 63M-1-2803, 63M-1-2804, 63M-1-2805, 63M-1-2806

Effective May 8, 2012

Chapter 410, Laws of Utah 2012
SB 66  Alcoholic Beverage Control Related Amendments (John L. Valentine)

This bill modifies the Alcoholic Beverage Control Act, the Open and Public Meetings Act, and oversight provisions, to address the regulation of alcoholic products.

This bill:

► changes the Alcoholic Beverage Control Commission to a seven member commission and makes related changes;
► addresses removal of commission members and chair;
► creates subcommittees of the commission;
► clarifies that the commission's policy authority is to be consistent with the policy established by the Legislature by statute;
► provides for appointment and termination of the director;
► addresses appointment of interim director;
► imposes terms on the length of time a director serves;
► provides for the hiring and firing of upper management only with the approval of the commission;
► addresses prohibited interests, relationships, and actions;
► creates the Alcoholic Beverage Control Advisory Board;
► addresses application of Utah Procurement Code;
► addresses audits;
► provides for internal audits division;
► addresses requirements for package agency agreements;
► requires a hearing by a hearing examiner of a department recommendation to not renew a license;
► modifies operational requirements for a reception center;
► addresses provisions related to the transfer of retail licenses;
► authorizes the director to issue or deny issuance of certain permits with the approval of the Compliance, Licensing, and Enforcement Subcommittee, and subject to revocation or issuance by the Commission;
► addresses notification of an event to law enforcement;
► requires the director to issue monthly reports to the commission of the director's activities relative to permits;
► allows certain permittees to change the location of where to store, sell, offer for sale, furnish, or allow consumption with the approval of the director and the Compliance, Licensing, and Enforcement Subcommittee;
► removes purposes for which the commission may hold a closed meeting; and
► makes technical and conforming amendments.

This bill takes effect on July 1, 2012.

Amends 32B-2-201, 32B-2-202, 32B-2-205, 32B-2-206, 32B-2-207, 32B-2-209, 32B-2-302, 32B-2-605, 32B-3-204, 32B-6-805, 32B-8a-302 (Effective 07/01/12), 32B-8a-303 (Effective 07/01/12), 32B-9-201, 32B-9-202, 32B-9-204, 32B-9-303, 32B-9-403, 32B-9-404, 52-4-205, 63I-5-201;

Enacts 32B-2-201.5, 32B-2-210, 32B-2-302.5

Effective July 1, 2012 Chapter 365, Laws of Utah 2012
SB 68  New Automobile Franchise Act Amendments (Scott K. Jenkins)

This bill modifies the New Automobile Franchise Act.

This bill:
► prohibits a franchisor from:
  - coercing or requiring a franchisee to establish prices at which the franchisee is required to sell certain products or services;
  - coercing or requiring a franchisee to construct a new dealer facility or materially alter or remodel an existing dealer facility under certain circumstances;
  - requiring a franchisee to purchase certain goods or services from a specified vendor under certain circumstances; and
  - coercing or requiring a franchisee to lease a sign or other franchisor image element from the franchisor or affiliate without providing the franchisee the right to purchase from a vendor of the franchisee’s choosing.

Amends 13-14-201


SB 77  Surface Owner Protection Act (Kevin T. Van Tassell)

This bill establishes provisions relating to oil and gas operations on surface land.

This bill:
► defines terms;
► requires the Board of Oil, Gas, and Mining to establish rules relating to certain unreasonable surface land owner losses and damages;
► establishes rights and responsibilities of surface land owners and owners or operators of an oil and gas operation;
► provides for non-binding mediation; and
► makes technical changes.

Amends 40-6-2, 40-6-5;

Enacts 40-6-20, 40-6-21

Effective May 8, 2012  Chapter 342, Laws of Utah 2012

SB 78  Water Conservancy District Amendments (John L. Valentine)

This bill directs the Revenue and Taxation Interim Committee to conduct a study of the proper allocation of water costs to the rate structure charged for water customers.

This bill:
► directs the Revenue and Taxation Interim Committee in 2012 to study the proper allocation of water costs to the rate structure charged for water customers.

SB 81  Paraeducator Funding *(Karen Mayne)*

This bill provides funding to hire paraeducators at certain schools.

This bill:
- provides funding for Title 1 school improvement schools to hire paraeducators to assist in teaching; and
- requires the State Board of Education to report on funding expenditures.

This bill appropriates:
- to the Related to Basic Program, as an ongoing appropriation:
  - from the Education Fund, $300,000.

Enacts 53A-17a-167

Effective May 8, 2012  Chapter 188, Laws of Utah 2012

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SB 83  Uintah Basin Energy Zones *(Kevin T. Van Tassell)*

This bill modifies Title 63J, Chapter 8, State of Utah Resource Management Plan for Federal Lands, by creating the Uintah Basin Energy Zone.

This bill:
- defines the term "Uintah Basin Energy Zone";
- creates the Uintah Basin Energy Zone;
- adopts an energy exploration, access, and development policy for the Uintah Basin Energy Zone, including:
  - promoting full, responsible development of energy and mineral resources within the Uintah Basin Energy Zone; and
  - achieving and maintaining sustainable levels of energy, hard rock, and natural resources in the Uintah Basin Energy Zone;
- promotes local, state, and federal collaboration to develop energy and mineral resources in the Uintah Basin Energy Zone; and
- makes technical changes.

This bill provides an immediate effective date.

Amends 63J-4-401, 63J-8-102, 63J-8-105;

Enacts 63J-8-105.5

Effective March 19, 2012  Chapter 189, Laws of Utah 2012
SB 84  **Water Skiing Amendments** *(Casey O. Anderson)*

This bill amends Title 73, Chapter 18, State Boating Act, by clarifying the scope of rulemaking authority of the Board of Parks and Recreation.

This bill:
- permits a person to wear a non-Coast Guard approved personal floatation device if the person is:
  - engaged in barefoot water skiing;
  - participating in an American Water Ski Association regulation competition;
  - a performer participating in a professional exhibition or other tournament; or
  - practicing for a competition, exhibition, or other tournament;
- states that an observer and flag are not required during water skiing if the vessel is:
  - equipped with a wide angle mirror with a surface area of at least 48 square inches; and
  - being operated by a person who is at least 18 years old; and
- makes technical changes.

**Amends** 73-18-15, 73-18-16


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SB 85  **Medicaid Cost Control Amendments** *(Allen M. Christensen)*

This bill amends the Medicaid drug program to allow a pilot program preferred drug list for one type of mental health drug.

This bill:
- amends the Medicaid drug program to implement a limited pilot program to test a preferred drug list program for one type of psychotropic drug; and
- requires the department to authorize a nonpreferred drug under certain circumstances.

**Amends** 26-18-2.4

Effective May 8, 2012  Chapter 343, Laws of Utah 2012

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SB 87  **Predator Control Funding** *(David P. Hinkins)*

This bill imposes a fee and creates an account to fund a program to control predatory animals.

This bill:
- imposes a fee of $5 on big game hunting permits to be deposited in the Predator Control Restricted Account;
- creates a Predator Control Restricted Account within the General Fund;
- provides for the expenditure of money from the restricted account to fund a predator control program; and
- makes technical changes.

This bill appropriates:
- to the Department of Natural Resources - Division of Wildlife Resources:
  - from the Predator Control Restricted Account, $600,000, subject to intent language that the appropriation shall be used to fund a predator control program to control populations of predatory animals that endanger the health of nonpredatory wildlife populations.

**Amends** 23-19-22;

**Enacts** 23-19-48

Effective May 8, 2012  Chapter 142, Laws of Utah 2012
SB 88  Pharmacy Distribution Amendments  (Curtis S. Bramble)
This bill amends Title 58, Chapter 17b, Pharmacy Practice Act, by amending the definition of a cosmetic drug.
This bill:
► amends the definition of a "cosmetic drug;"
► states that the Division of Occupational and Professional Licensing shall consult with the Utah State Board of Pharmacy and the Online, Prescribing, Dispensing, and Facilitation Board to adopt administrative rules to regulate:
  • labeling, record keeping, patient counseling, and storage requirements; and
  • which prescription drugs may be dispensed as a cosmetic drug or weight loss drug without licensure;
► states that an individual who violates a provision of the section may be subject to discipline under the Online Prescribing, Dispensing, and Facilitation Act; and
► makes technical changes.
Amends 58-17b-309, 58-83-502

SB 89  Municipal Election Amendments  (Margaret Dayton)
This bill defines terms relating to campaign finance statements in a municipal election.
This bill:
► defines "reporting limit"; and
► makes technical corrections.
Amends 10-3-208
Effective May 8, 2012  Chapter 190, Laws of Utah 2012

SB 90  Securities Fraud Reporting Program Act Amendments  (Benjamin M. McAdams)
This bill modifies the Securities Fraud Reporting Program Act to address various issues.
This bill:
► modifies exemptions from protections for adverse actions;
► addresses considerations for the amount of an award;
► modifies exemptions from awards under the chapter; and
► makes technical and conforming amendments.
Amends 61-1-104, 61-1-106

SB 91  Utah Uniform Securities Act Amendments and Civil Actions  (Benjamin M. McAdams)
This bill modifies the Utah Uniform Securities Act to address damage awards in civil actions.
This bill:
► creates a negligence standard for when treble damages may be awarded if the violation involves fraud and an investment by a person over whom the violator exercised undue influence; and
► makes technical and conforming amendments.
Amends 61-1-22
SB 92  Department of Commerce License Related Amendments  *(Karen Mayne)*

This bill modifies provisions related to occupational and professional licensing by the Department of Commerce.

This bill:
- adds to the information certain applicants are required to provide to obtain a construction trade license;
- modifies ownership status reporting requirements;
- addresses audits of the ownership status reports;
- adds to information certain unincorporated entities are required to provide regarding owners;
- modifies powers of the division if an owner fails to demonstrate financial responsibility;
- clarifies language regarding the Department of Commerce receiving driver license and identification card information; and
- makes technical and conforming amendments.

**Amends** 58-55-302, 58-55-306, 63G-12-402

Effective May 8, 2012  
Chapter 192, Laws of Utah 2012

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SB 93  Retention Proceeds Revisions  *(Scott K. Jenkins)*

This bill modifies provisions in the Utah Code relating to retention proceeds under a construction contract.

This bill:
- clarifies the meaning of public agency;
- modifies how retention money is held and accounted for; and
- limits the amount a local school board may retain until a school construction project is completed and accepted by the board to 5% of the contract price.

**Amends** 13-8-5, 53A-20-101

Effective May 8, 2012  
Chapter 86, Laws of Utah 2012

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SB 94  Electric Power Facilities Amendments  *(Curtis S. Bramble)*

This bill enacts language related to an interlocal entity that provides replacement project capacity and the Electric Power Facilities Act.

This bill:
- defines terms;
- amends provisions in the Interlocal Cooperation Act that govern a project entity;
- excludes certain facilities that provide replacement project capacity from the certificate of public convenience and necessity requirement;
- describes the scope of the Electric Power Facilities Act;
- describes a person’s ownership or use of works or facilities; and
- makes technical corrections.

**Amends** 11-13-103, 11-13-301, 11-13-304, 54-9-102;

**Enacts** 54-9-108

Effective May 8, 2012  
Chapter 345, Laws of Utah 2012
SB 97  **Grants for Online Testing** *(Aaron Osmond)*

This bill provides for grants to school districts and charter schools to implement online testing systems.

This bill:
- provides for grants to school districts and charter schools to implement a uniform online summative test system, an online adaptive test system, or both; and
- requires a grant recipient to:
  - implement, by the 2014-15 school year, an online adaptive test system that meets technology standards established by the State Board of Education and is aligned with Utah’s common core; and
  - provide matching funds to implement a uniform online summative test system, an online adaptive test system, or both in an amount that is greater than or equal to the grant received.

This bill appropriates:
- to the State Board of Education - Utah State Office of Education - Initiative Programs, as a one-time appropriation for fiscal year 2012-13:
  - $7,600,000 from the Education Fund.

This bill takes effect on July 1, 2012.

Amends 53A-1-708

Effective July 1, 2012  Chapter 367, Laws of Utah 2012

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SB 98  **Amendments to Prohibition on Using a Handheld Wireless Communication Device While Operating a Vehicle** *(Lyle W. Hillyard)*

This bill modifies the Traffic Code and the Utah Criminal Code by amending provisions relating to the prohibition of using a wireless communication device while operating a moving motor vehicle.

This bill:
- amends definitions;
- provides that a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to:
  - text message;
  - manually communicate through an electronic mail system;
  - manually enter data into a handheld wireless communication device;
  - send data, read text, or view images on a handheld wireless communication device; or
  - manipulate an application from a handheld wireless communication device;
- provides that a person is not prohibited from using a handheld wireless communication device while operating a moving motor vehicle:
  - when making or receiving a telephone call;
  - when using a handheld wireless communication device for global positioning or navigation services; or
  - to operate a hands-free or voice operated technology or to operate a system that is physically or electronically integrated into the motor vehicle;
- provides that a person is guilty of automobile homicide involving a handheld wireless communication device if the person uses a handheld wireless communication device for certain purposes while operating a moving motor vehicle in a negligent or criminally negligent manner and causes the death of another person; and
- makes technical changes.

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

SB 99  Employment Amendments *(Mark B. Madsen)*

This bill prohibits a municipality or county from enacting or enforcing an ordinance that establishes, mandates, or requires a private employer to establish or offer an employee benefit.

This bill:
- defines terms; and
- prohibits a municipality or county from enacting or enforcing an ordinance that establishes, mandates, or requires a private employer to establish or offer an employee benefit.

**Enacts** 10-8-84.5, 17-50-333

Effective May 8, 2012  Chapter 87, Laws of Utah 2012

SB 100  Law Library Self-help Center *(Stephen H. Urquhart)*

This bill creates a law library self-help center for patrons of the courts.

This bill:
- creates a self-help center within a court’s law library;
- requires that the self-help center be staffed by licensed attorneys;
- allows the self-help center staff to assist court patrons in obtaining and filling out documents; and
- provides that self-help center staff are to:
  - answer questions regarding the court process, law, and options;
  - provide information, but not give legal advice; and
  - offer resources regarding the law library and other avenues for legal assistance.

**Enacts** 9-7-313

Effective May 8, 2012  Chapter 368, Laws of Utah 2012

SB 101  Acupuncture Licensing Act Amendments *(David P. Hinkins)*

This bill modifies the Acupuncture Licensing Act by amending definitions and the membership of the Acupuncture Licensing Board.

This bill:
- amends the definition of acupuncture-related adjunctive therapies to include:
  - modern research and other therapies designated by division rule; and
  - the administration or provision of dietary guidelines, herbs, supplements, and homeopathics;
- provides that the division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- amends the Acupuncture Licensing Board membership to include four licensed acupuncturists instead of two and removes a licensed health care practitioner from the board membership;
- removes one physician from the board membership on July 1, 2014; and
- makes technical changes.

**Amends** 58-72-102, 58-72-201, 63I-2-258;

**Enacts** 58-72-103

SB 102  Amendments to Off-highway Vehicle Provisions  *(Scott K. Jenkins)*

This bill modifies the Off-highway Vehicles Code by amending definitions.

This bill:
► defines class A side-by-side vehicle;
► amends the definition of an all-terrain type II vehicle to include class A side-by-side vehicles; and
► makes technical changes.

**Amends** 41-22-2

Effective May 8, 2012  Chapter 125, Laws of Utah 2012

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SB 104  Revisor’s Statute  *(Scott K. Jenkins)*

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, correcting numbering, and fixing errors that were created from the previous year’s session.


**Repeals** 31A-42a-103 (Effective 01/01/13), 53A-25-106, 63G-11-101

Effective May 8, 2012  Chapter 369, Laws of Utah 2012

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SB 105  Utah Fallen Heroes Commemoration  *(Wayne L. Niederhauser)*

This bill establishes the Utah Fallen Heroes commemorative period.

This bill:
► establishes a commemorative period on the second Friday and Saturday in August for Fallen Heroes; and
► makes technical changes.

**Amends** 63G-1-401

Effective May 8, 2012  Chapter 89, Laws of Utah 2012
SB 106  **Tobacco Settlement Account Amendments** *(Lyle W. Hillyard)*

This bill amends the priority of the use of funds in the Tobacco Settlement Restricted Account.

This bill:
▶ amends the priority of the use of funds in the Tobacco Settlement Restricted Account; and
▶ makes technical amendments.

This bill takes effect on July 1, 2012.

**Amends** 51-9-201

Effective July 1, 2012  Chapter 90, Laws of Utah 2012

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SB 108  **Financial Institution Amendments** *(Curtis S. Bramble)*

This bill modifies the Financial Institutions Act to address credit exposure from derivative transactions.

This bill:
▶ includes in total loans and extensions of credit, credit exposure to derivative transaction for purposes of limitations on loans and extensions of credit for banks and industrial banks;
▶ grants rulemaking authority to define terms; and
▶ makes technical changes.

**Amends** 7-3-19, 7-8-20

SB 114  **Contesting Public Procurements (Wayne L. Niederhauser)**

This bill amends provisions of the Utah Procurement Code relating to protests, legal action, and appeals.

This bill:
- increases the number of members on the Procurement Policy Board;
- describes procedures and requirements for a protest before a protest officer and an appeal of a protest decision;
- makes the procedures and requirements described in the preceding paragraph applicable to state agencies, state purchasing agencies, and to most local public procurement units;
- grants rulemaking authority to the Procurement Policy Board;
- requires a person who files an appeal of a protest decision to, subject to certain exceptions, pay a security deposit or post a bond;
- describes the requirements and procedures relating to paying a security deposit or posting a bond;
- provides for the forfeiture of a bond if an appeal or protest is frivolous or if its primary purpose is to harass or cause a delay;
- requires a person who desires to protest a procurement to exhaust administrative remedies;
- establishes procedures and requirements relating to protests and appeals of state procurements, contracts, debarments, and suspensions;
- dissolves the procurement appeals board;
- provides for appeals to be made to the Procurement Policy Board and provides for appointment of procurement appeals panels from among the membership of the Procurement Policy Board or approved designees;
- provides for dismissal of procurement appeals panels from among the membership of the Procurement Policy Board or approved designees;
- amends provisions related to the statute of limitations and the jurisdiction of the district court in procurement matters;
- prohibits the award of consequential damages in relation to an action brought under this bill;
- provides an uncodified transitions clause; and
- makes technical changes.

This bill provides an immediate effective date.

**Amends** 26-8a-405.3, 63A-5-208, 63G-6-104, 63G-6-201, 63G-6-202, 63G-6-801, 63G-6-802, 63G-6-803, 63G-6-805, 63G-6-806, 63G-6-812, 63G-6-813, 63G-6-816, 63G-6-817, 63G-6-819, 63G-10-403;

**Enacts** 63G-6-801.5, 63G-6-807.5, 63G-6-814.5;

**Repeals** 63G-6-808, 63G-6-809, 63G-6-810, 63G-6-811, 63G-6-814;

**Repeals and Reenacts** 63G-6-807, 63G-6-815, 63G-6-907

Effective March 15, 2012

Chapter 91, Laws of Utah 2012

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SB 115  **Historical District Creation Requirements (Wayne L. Niederhauser)**

This bill amends provisions related to municipal land use provisions and historic districts or areas.

This bill:
- prohibits a city of the first class in a county of the first class from establishing, in certain circumstances, a local historic district or area before May 14, 2013;
- prohibits a municipality from reviewing a land use application in certain circumstances; and
- makes technical corrections.

**Amends** 10-9a-503

Effective May 8, 2012

Chapter 195, Laws of Utah 2012
**SB 116** Armed Forces Property Tax Exemption *(Luz Robles)*

This bill expands a property tax exemption related to military members.

This bill:

- defines terms and modifies definitions;
- expands a property tax exemption related to military members to include certain members of the armed forces who performed qualifying active duty military service; and
- makes technical and conforming changes.

This bill provides a contingent effective date of January 1, 2013.

**Amends** 59-2-1104, 59-2-1105

Effective January 1, 2013  Chapter 92, Laws of Utah 2012

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**SB 118** Transferable Development Rights Amendments *(Wayne L. Niederhauser)*

This bill authorizes a municipality or county to adopt an ordinance permitting the transfer of a transferable development right and prohibits a municipality or county from allowing the use of a transferable development right unless the municipality or county has adopted the ordinance.

This bill:

- defines terms;
- authorizes a municipality or county to adopt an ordinance permitting the transfer of a transferable development right;
- prohibits a municipality or county from allowing the use of a transferable development right unless the municipality or county has adopted the ordinance; and
- makes technical corrections.

**Amends** 10-9a-103, 10-9a-509.7, 17-27a-103, 17-27a-509.7

Effective May 8, 2012  Chapter 231, Laws of Utah 2012

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**SB 120** Off-duty Peace Officers’ Employment *(Margaret Dayton)*

This bill modifies the Public Safety Code regarding peace officers’ off-duty employment.

This bill:

- requires the posting on the Internet of a law enforcement agency’s policy regarding off-duty security work by agency peace officers.

**Amends** 53-13-114

Effective May 8, 2012  Chapter 196, Laws of Utah 2012

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**SB 121** Workers’ Compensation Waiver Amendments *(Karen Mayne)*

This bill modifies the Utah Labor Code to correct language regarding the issuance of waivers.

This bill:

- removes incorrect language regarding insurers issuing workers’ compensation coverage waivers; and
- makes technical and conforming amendments.

**Amends** 34A-2-103, 34A-2-104

Effective May 8, 2012  Chapter 346, Laws of Utah 2012
SB 122  Urban Farming Assessment Act *(Wayne L. Niederhauser)*

This bill enacts provisions related to urban farming in counties of the first class.

This bill:
- provides that land in a county of the first class that is used for urban farming may be assessed based on its value for agricultural purposes;
- provides for a 10-year rollback of taxes if the land ceases to be eligible for assessment under the urban farming provisions; and
- enacts provisions relating to the assessment of land used for urban farming.

This bill takes effect on January 1, 2013.


Effective January 1, 2013  Chapter 197, Laws of Utah 2012

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SB 123  Pharmacy Practice Act Amendments *(Peter C. Knudson)*

This bill modifies the Pharmacy Practice Act by amending qualifications for a license as pharmacist, pharmacy intern, and pharmacy technician.

This bill:
- removes the requirement that if convicted of a felony, an applicant for a license as pharmacist, pharmacy intern, and pharmacy technician must have completed the sentence for five or more years prior to the date of filing an application for licensure; and
- makes technical changes.

*Amends* 58-17b-303, 58-17b-304, 58-17b-305, 58-17b-307

Effective May 8, 2012  Chapter 93, Laws of Utah 2012
SB 124  County Amendments  *(Curtis S. Bramble)*

This bill amends provisions related to county funds.

This bill:
- enacts Title 17, Chapter 19a, County Auditor, including:
  - enacts general provisions;
  - enacts provisions related to a county auditor’s powers and duties;
  - enacts provisions related to payments and warrants; and
  - enacts provisions related to an investigation conducted by a county auditor;
- amends provisions related to the preparation of a tentative county budget;
- amends provisions related to the adoption of a county budget;
- amends provisions related to a purchase or encumbrance by a purchasing agent;
- amends provisions related to the county adoption of a financial administration ordinance;
- enacts provisions related to a county auditor’s review, investigation, and payment of a claim against a county;
- amends provisions related to a county legislative body’s authority to examine and audit certain accounts;
- amends provisions related to a county executive’s authority to examine and audit certain accounts;
- provides a repeal date for certain provisions; and
- makes technical corrections.

This bill provides an immediate effective date.

This bill provides revisor instructions.


Effective February 29, 2012  Chapter 17, Laws of Utah 2012

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SB 125  State Senate Boundary Amendments  *(Ralph Okerlund)*

This bill makes minor adjustments to Utah State Senate district boundaries to reconcile United States Census data with state maps and to resolve certain election administration issues.

This bill:
- defines terms;
- makes changes to Utah State Senate district boundaries to reconcile United States Census data with state maps;
- makes changes to Utah State Senate district boundaries to resolve certain election administration issues; and
- makes technical corrections.

This bill provides an immediate effective date.

**Amends** 36-1-101.5, 36-1-103, 36-1-103.2, 36-1-105

SB 127  **Controlled Substances Prescriber Training** *(Patricia W. Jones)*

This bill amends the Utah Controlled Substances Act and the Controlled Substance Database Act.

This bill:
- amends the effective date for controlled substances prescriber education requirements;
- provides that completing the controlled substance database online tutorial and passing the online test counts as 1/2 hour of continuing professional education in controlled substances prescribing; and
- makes technical changes.

**Amends 58-37-6.5, 58-37f-402**


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SB 129  **Unemployment Insurance Modifications** *(Curtis S. Bramble)*

This bill modifies the Employment Security Act by reducing the maximum unemployment insurance contribution rate for an employer beginning in calendar year 2012 and capping the social unemployment insurance contribution rate for all employers for calendar year 2012 only.

This bill:
- reduces the maximum unemployment insurance contribution rate for an employer from 9% plus the social contribution rate to 7% plus the social contribution rate beginning in calendar year 2012;
- caps the social unemployment insurance contribution rate for all employers at .4% for calendar year 2012 only;
- provides that if the reserve fund is insolvent, the reserve factor is 2.0 until the reserve fund becomes solvent;
- allows the Unemployment Insurance Division to accept an offer of compromise from an employer or claimant to reduce past due debt under certain circumstances;
- requires the Unemployment Insurance Division to make rules allowing for an offer of compromise; and
- makes technical changes.

This bill provides an immediate effective date.

**Amends 35A-4-303, 35A-4-304, 35A-4-305**

Effective February 16, 2012  Chapter 15, Laws of Utah 2012

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SB 131  **Reauthorization of Utah Commission on Aging** *(Patricia W. Jones)*

This bill modifies a provision that repeals the Utah Commission on Aging.

This bill:
- modifies the repeal date of the Utah Commission on Aging from July 1, 2012 to July 1, 2017.

*The original bill was recommended by the Legislative Management Committee*

**Amends 63I-1-263**

Effective May 8, 2012  Chapter 126, Laws of Utah 2012
SB 132  **Reauthorization of Radiation Control Act (Peter C. Knudson)**
This bill modifies a provision relating to the repeal of the Radiation Control Act.
This bill:
► removes the scheduled repeal date for the Radiation Control Act.

*The original bill was recommended by the Legislative Management Committee*

Amends 63I-1-219

SB 133  **Reauthorization of Mercury Switch Removal Act (Peter C. Knudson)**
This bill modifies a provision that repeals the Mercury Switch Removal Act.
This bill:
► modifies the repeal date of the Mercury Switch Removal Act from July 1, 2012 to July 1, 2017.

*The original bill was recommended by the Legislative Management Committee*

Amends 63I-1-219

SB 134  **State Water Development Commission Amendments (Margaret Dayton)**
This bill changes the membership of the State Water Development Commission.
This bill:
► increases the number of legislators serving on the State Water Development Commission;
► designates non-legislative members of the commission as non-voting members;
► eliminates the requirement that legislative members on the commission represent certain river districts; and
► makes technical changes.

Amends 73-27-102;
Repeals 73-27-104, 73-27-105

SB 135  **Sunset Reauthorization-human Services (Allen M. Christensen)**
This bill modifies a provision that repeals the pilot program for an expedited background check of a qualified human services applicant.
This bill:
► modifies the repeal date of the pilot program for an expedited background check of a qualified human services applicant from July 1, 2012 to July 1, 2017.

*The original bill was recommended by the Legislative Management Committee*

Amends 63I-1-262
SB 137  Financial Transparency Website (Wayne L. Niederhauser)

This bill requires that an interlocal entity provide public financial information through the Utah Public Finance Website.

This bill:
► defines terms;
► requires that an interlocal entity provide public financial information through the Utah Public Finance Website; and
► makes technical corrections.

Amends 63A-3-401, 63A-3-405


SB 138  Health Insurance Mandate Accountability Amendments (Todd Weiler)

This bill amends the Accident and Health Insurance Policy chapter of the Insurance Code.

This bill:
► applies a health insurance mandate that is enacted by the state after January 1, 2012, to a public school district, charter school, or a state funded institution of higher education;
► requires the state to evaluate the cost of an insurance mandate enacted after January 1, 2012, for the state employees’ risk pool, a public school district, a charter school, and state funded institutions of higher education;
► requires the state to appropriate the cost of implementing a health insurance mandate enacted after January 1, 2012, to the participating employers in the state employees’ risk pools, public school districts, charter schools, and state funded institutions of higher education; and
► makes technical amendments.

This bill provides an immediate effective date.

Amends 31A-22-605.5, 49-20-407;

Enacts 53A-3-431, 53B-1-101.8

Effective March 16, 2012  Chapter 127, Laws of Utah 2012

SB 140  Liquefied Petroleum Gas Amendments (Curtis S. Bramble)

This bill amends Title 53, Chapter 7, Utah Fire Prevention and Safety Act, by modifying licensing and certification requirements for users of liquefied petroleum gas.

This bill:
► defines the term "final consumer;”
► exempts a vendor of liquefied petroleum gas from license or certification requirements when:
  • the liquefied petroleum gas is sold to a final consumer; or
  • the liquefied petroleum gas is stored, transferred, or used by a final consumer; and
► makes technical changes.

Amends 53-7-302, 53-7-308

Effective May 8, 2012  Chapter 373, Laws of Utah 2012
SB 141  Reauthorization of Prohibitions on Practicing Law Without a License  *(Scott K. Jenkins)*

This bill modifies a provision relating to the repeal of a prohibition on the practice of law without a license.

This bill:
- removes the scheduled repeal date of Section 78A-9-103, which prohibits practicing law without a license.

*The original bill was recommended by the Legislative Management Committee*

**Amends** 63I-2-278


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SB 142  Traffic Management Committee Repeal  *(Todd Weiler)*

This bill modifies the Transportation Code by repealing the Traffic Management Committee.

This bill:
- repeals the Traffic Management Committee; and
- makes conforming changes.

**Amends** 72-6-115

Effective May 8, 2012  Chapter 374, Laws of Utah 2012

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SB 143  Income Tax - Pass-through Entities  *(Wayne L. Niederhauser)*

This bill amends the Individual Income Tax Act to address provisions related to a pass-through entity.

This bill:
- defines terms;
- provides that a pass-through entity includes certain estates and trusts;
- provides that a pass-through entity taxpayer includes certain beneficiaries of an estate or trust;
- addresses pass-through entity withholding exemptions;
- provides that certain penalties and interest may not be imposed if a pass-through entity that is a trust fails to pay or withhold an amount with respect to a dependent beneficiary;
- establishes a rebuttable presumption for purposes of an audit; and
- makes technical and conforming changes.

This bill takes effect for a taxable year beginning on or after January 1, 2013.

**Amends** 59-10-1402, 59-10-1403.2

Effective January 1, 2013  Chapter 95, Laws of Utah 2012
SB 144  Immigration Consultants *(Luz Robles)*
This bill modifies commerce and trade provisions to provide for the registration of immigration consultants.

This bill:
- enacts the Immigration Consultants Registration Act, including:
  - defining terms;
  - requiring certain persons to be registered as immigration consultants;
  - establishing application requirements;
  - requiring a criminal background check;
  - providing requirements for posting a bond;
  - establishing requirements for a contract entered into by an immigration consultant;
  - requiring accounting for services;
  - addressing translations and prohibited acts;
  - addressing delivery, release, and treatment of documents;
  - providing requirements for posted notices; and
  - providing for enforcement and for recovery of losses; and
- makes technical and conforming amendments.

This bill takes effect on July 1, 2012.

**Amends** 13-2-1;


Effective July 1, 2012  Chapter 375, Laws of Utah 2012

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SB 145  State Building Board Amendments *(J. Stuart Adams)*
This bill amends provisions relating to the State Building Board.

This bill:
- amends the quorum requirement for the State Building Board.

**Amends** 63A-5-102


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SB 147  Emergency Vehicle Amendments *(Daniel W. Thatcher)*
This bill modifies the Traffic Code by amending provisions relating to authorized emergency vehicles.

This bill:
- provides that an operator of a vehicle may not follow closer than 500 feet any authorized emergency vehicle traveling in response to an emergency; and
- makes technical changes.

**Amends** 41-6a-1710

Effective May 8, 2012  Chapter 96, Laws of Utah 2012
SB 148  Transportation Maintenance Facilities *(J. Stuart Adams)*

This bill modifies the Utah Administrative Services Code and the Transportation Code by amending provisions relating to the exchange or sale of real property for transportation maintenance facilities.

This bill:
- provides that legislative approval is not required for capital development projects to be built for the Department of Transportation as a result of a sale or exchange of real property from a maintenance facility if the real property is exchanged for, or the proceeds from the sale of the real property are used for, another maintenance facility, including improvements for a maintenance facility and real property;
- provides that when the Department of Transportation approves a sale or exchange, it shall notify the president of the Senate, the speaker of the House, and the cochairs of the Capital Facilities and Administrative Services Subcommittee of the Legislature’s Joint Appropriation Committee about any new facilities to be built or improved under this exemption;
- provides that proceeds from the sale of real property or an interest in real property from a maintenance facility may be used by the Department of Transportation for the purchase or improvement of another maintenance facility; and
- makes technical changes.

**Amends** 63A-5-104, 72-5-111


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SB 149  Division of Child and Family Services Amendments *(Allen M. Christensen)*

This bill amends Title 62A, Chapter 4a, Child and Family Services by making technical changes and clarifications.

This bill:
- makes clarifications and technical changes.

**Amends** 62A-4a-105

SB 150  Local and Special Service District Amendments (Jerry W. Stevenson)

This bill amends provisions related to a local district and a special service district.

This bill:
- defines terms;
- clarifies language related to a board of trustees member’s term;
- amends language related to the appointment of a local district board member;
- authorizes a local district to provide early voting for an election of a board member;
- amends language related to a local district tax levy;
- amends notice requirements for a budget hearing held by the board of trustees;
- amends provisions related to an improvement district board of trustees;
- prohibits a service area located in a fourth class county from charging certain fees;
- amends language related to a use charge imposed by an irrigation district;
- amends provisions related to a mosquito abatement district board of trustees;
- amends language related to an administrative control board membership;
- amends language related to the qualifications of an administrative control board member; and
- makes technical corrections.


Effective May 8, 2012  Chapter 97, Laws of Utah 2012

SB 151  Students At Risk of Academic Failure Study (Howard A. Stephenson)

This bill directs the Education Interim Committee to conduct a study of programs and initiatives to assist students at risk of academic failure.

This bill:
- directs the Education Interim Committee in 2012 to study:
  - programs and initiatives in the state and other states to assist students who score below proficient on assessments of academic achievement or are economically disadvantaged; and
  - whether funding for the Carson Smith Scholarships for Students with Special Needs program is sufficient to meet the demand for scholarships.

Effective May 8, 2012  Chapter 130, Laws of Utah 2012
SB 152  Charter School Financing  (John L. Valentine)

This bill amends provisions regarding the financing of charter schools, establishes the Charter School Credit Enhancement Program, and establishes the Charter School Reserve Account.

This bill:
- prohibits a chartering entity from terminating the charter of a qualifying charter school with outstanding bonds issued pursuant to the Charter School Credit Enhancement Program without mutual agreement of the Utah Charter School Finance Authority and the chartering entity;
- changes the name of the State Charter School Finance Authority to the Utah Charter School Finance Authority;
- establishes the Charter School Credit Enhancement Program;
- requires the Utah Charter School Finance Authority to establish criteria for a charter school to be designated as a qualifying charter school for purposes of issuing bonds pursuant to the Charter School Credit Enhancement Program;
- creates the Charter School Reserve Account;
- sets Charter School Reserve Account contribution requirements for qualifying charter schools;
- requires the Utah Charter School Finance Authority to notify the governor of a shortfall in a qualifying charter school’s debt service reserve fund if the qualifying charter school has outstanding bonds issued pursuant to the Charter School Credit Enhancement Program;
- requires the governor to notify the Legislature, and request the Legislature to appropriate money to cover a shortfall of a qualifying charter school’s debt service reserve fund;
- limits the amount of bonds that may be issued under the Charter School Credit Enhancement Program;
- defines terms; and
- makes technical changes.

This bill appropriates:
- to the State Board of Education - Charter School Reserve Account, as a one-time appropriation for fiscal year 2012-13;
  - from the Education Fund, $3,000,000.

This bill takes effect on July 1, 2012.


Effective July 1, 2012

SB 153  Procurement Amendments  (Wayne L. Niederhauser)

This bill recodifies and amends the Utah Procurement Code.

This bill:
- defines terms;
- describes requirements and procedures relating to procurements and procurement processes by public entities;
describes the applicability of the Utah Procurement Code;
- grants rulemaking authority;
- describes the duties and powers of the Division of Purchasing and General Services;
- provides for exemptions from certain provisions of the Utah Procurement Code;
- describes the duties and powers of the Utah State Procurement Policy Board and the procurement advisory councils;
- describes the duties and powers of the chief procurement officer;
- provides for exceptions to procurement process requirements;
- addresses cancellations, rejections, and debarment;
- addresses reciprocal preferences and purchases from community rehabilitation programs;
- describes the duties and powers of the Purchasing from Persons with Disabilities Advisory Board;
- describes bid security and bond requirements;
- describes requirements relating to contracts and change orders;
- describes requirements relating to construction procurement and contracts;
- describes requirements relating to architect-engineer services;
- describes procedures, requirements, and limitations relating to controversies, protests, appeals, and judicial action;
- addresses the retention of records;
- addresses interaction between public procurement units;
- establishes ethical practice provisions relating to procurements;
- amends existing, and enacts new, criminal provisions and penalties relating to procurements; and
- makes technical changes.

This bill takes effect on May 1, 2013.

This bill coordinates with S.B. 114, Contesting Public Procurements, by providing substantive and technical amendments.

This bill coordinates with S.B. 165, Redevelopment Agency Amendments, by providing substantive and technical amendments.


**Enacts** 63G-6a-104, 63G-6a-110, 63G-6a-201, 63G-6a-301, 63G-6a-401, 63G-6a-402, 63G-6a-403, 63G-6a-404, 63G-6a-405, 63G-6a-406, 63G-6a-408, 63G-6a-501, 63G-6a-502, 63G-6a-503, 63G-6a-504, 63G-6a-601, 63G-6a-602, 63G-6a-603, 63G-6a-604, 63G-6a-605, 63G-6a-606, 63G-6a-607, 63G-6a-608, 63G-6a-609, 63G-6a-610, 63G-6a-611, 63G-6a-612,
SB 154  

**Judiciary Amendments (Lyle W. Hillyard)**

This bill makes amendments related to the judiciary.

This bill:

- includes court commissioners in the definition of at-risk government employee; and
- expands an exemption for mediation from a judge’s ruling on the case to allow any judicial action within the scope of the judge’s official judicial duties.

**Amends 63G-2-303, 78B-10-103**

Effective May 8, 2012  
Chapter 232, Laws of Utah 2012
SB 155    Transition for Repealed Navajo Trust Fund Act (David P. Hinkins)
This bill modifies the Transition for Repealed Navajo Trust Fund Act to extend certain dates.
This bill:
► extends certain dates related to when money may be expended by the state.

Amends 51-9-504

Effective May 8, 2012
Chapter 233, Laws of Utah 2012

SB 156    Elected Official Retirement Benefits Amendments (John L. Valentine)
This bill amends the State Post-Retirement Benefits Trust Act and the Public Employees' Benefit and Insurance Program Act to eliminate post-retirement health benefits for new legislators and governors and to permit the investment of funds for existing post-retirement health benefits for legislators and governors.
This bill:
► eliminates the governor and legislator’s post-retirement health care benefits for new governors and legislators;
► establishes Elected Official Post-Retirement Benefits Trust Fund for the purpose of investing funds for existing governor and legislator post-retirement health care benefits;
► authorizes the board of trustees for the State Post-Retirement Benefits Trust Fund to serve as trustees for the Elected Official Post-Retirement Benefits Trust Fund; and
► establishes procedures for the investment of and expenditures from the trust funds.

This bill:
► appropriates $246,300 and transfers $1,783,700 for a total of $2,030,000 from the General Fund and appropriates and transfers $1,439,900 from other sources for fiscal year 2011-12 only to the Elected Official Post-Retirement Benefits Trust Fund;
► appropriates $246,300 and transfers $1,783,700 for a total of $2,030,000 from the General Fund for fiscal year 2012-13 to the Elected Official Post-Retirement Benefits Trust Fund.

This bill provides an immediate effective date.

Amends 49-20-404, 67-19d-202, 67-19d-301;
Enacts 67-19d-201.5

Effective March 23, 2012
Chapter 376, Laws of Utah 2012

SB 159    State Fair Park Risk Management (Lyle W. Hillyard)
This bill modifies the Utah State Fair Corporation Act by allowing the state fair park to be covered under the state Risk Management Fund.
This bill:
► allows the state fair park to be covered under the state Risk Management Fund; and
► makes technical changes.

This bill provides an immediate effective date.

Amends 63H-6-103

Effective March 5, 2012
Chapter 20, Laws of Utah 2012
SB 161 Pharmacy Practice Act Revisions (Curtis S. Bramble)

This bill amends the Pharmacy Practice Act to permit certain prescribing practitioners to dispense certain drugs without a license under the Pharmacy Practice Act, and makes conforming amendments in the Utah Optometry Practice Act, the Nurse Practice Act, the Utah Medical Practice Act, the Utah Osteopathic Medical Practice Act, and the Physician Assistant Act.

This bill:
► requires a prescribing practitioner who will dispense a drug without being licensed under the Pharmacy Practice Act to notify the Division of Occupational and Professional Licensing of the practitioner’s intent to dispense;
► requires the dispensing practitioner to follow purchasing and distribution requirements established by the division by administrative rule;
► defines cancer drug regimen;
► exempts an oncologist or medical personnel acting under the direction of an oncologist from being licensed under the Pharmacy Practice Act to dispense a cancer drug regimen to a patient who is undergoing chemotherapy in an outpatient clinic setting;
► excludes Schedule I, II, and III drugs from the drugs an oncologist may dispense;
► makes it unprofessional conduct for a prescribing practitioner who dispenses a drug, to dispense the drug in violation of the exemption in the Pharmacy Practice Act;
► directs the Division of Occupational and Professional Licensing to evaluate the prescribing practitioner exemptions from licensing for dispensing drugs and to report the findings of the evaluation to the Legislature; and
► sunsets the exemption from licensure for oncologists in July 2015.


Enacts 58-17b-309.5

Effective May 8, 2012

Chapter 234, Laws of Utah 2012

SB 164 Transportation Funding Amendments (Jerry W. Stevenson)

This bill modifies the Transportation Code by amending provisions relating to funding for highway projects within Salt Lake County.

This bill:
► provides that if project savings are identified by the Department of Transportation, and if the use of funds is not in violation of any agreement, the Department of Transportation shall provide $3,000,000 to West Valley City to fund certain highway improvements;
► provides that if project savings are identified by the Department of Transportation, and if the use of funds is not in violation of any agreement, the Department of Transportation shall provide $1,100,000 of the funds to West Jordan City for certain highway improvements;
► provides that if project savings are identified by the Department of Transportation, and if the use of funds is not in violation of any agreement, the Department of Transportation shall provide $1,000,000 of the funds to Midvale City for certain highway improvements; and
► provides that a municipality receiving project funds shall certify that it will use the funds provided solely for the specified projects.

Amends 72-2-121, 72-2-121.4

Effective May 8, 2012

Chapter 131, Laws of Utah 2012
SB 165  Redevelopment Agency Amendments (Todd Weiler)
This bill amends provisions related to community development and renewal agencies.
This bill:
▶ defines terms;
▶ amends language related to a notice of an impending boundary action required when an agency is created;
▶ amends language related to a public entity’s authority;
▶ amends tax increment and sales tax provisions;
▶ amends language related to the duties of a taxing entity committee;
▶ amends the definition of "local public procurement unit"; and
▶ makes technical corrections.
Amends 17C-1-102, 17C-1-201, 17C-1-207, 17C-1-401, 17C-1-402, 17C-2-601, 63G-6-103
Effective May 8, 2012
Chapter 235, Laws of Utah 2012

SB 166  Statutory Construction - Computation of Time (John L. Valentine)
This bill enacts language related to the computation of time in statutory construction.
This bill:
▶ enacts language related to the computation of time in statutory construction; and
▶ makes technical corrections.
Amends 68-3-7, 68-3-8
Effective May 8, 2012
Chapter 236, Laws of Utah 2012

SB 168  Uniform Disposition of Community Property Rights At Death Act (Lyle W. Hillyard)
This bill enacts the Uniform Disposition of Community Property Rights at Death Act.
This bill:
▶ enacts the Uniform Disposition of Community Property Rights at Death Act;
▶ defines property subject to the act;
▶ provides rebuttable presumptions for the court in determining applicability; and
▶ protects purchasers and lenders who might have a security interest in property subject to the act.
Effective May 8, 2012
Chapter 132, Laws of Utah 2012

SB 169  Judicial Conduct Commission Amendments (Karen Mayne)
This bill allows the Utah Supreme Court discretion in appointing judges to the Judicial Conduct Commission.
This bill:
▶ allows the Utah Supreme Court to appoint a justice court judge to the Judicial Conduct Commission.
Amends 78A-11-103
Effective May 8, 2012
Chapter 133, Laws of Utah 2012
SB 172  **Successor Corporation Asbestos-related Liability Act (Curtis S. Bramble)**

This bill modifies the Judicial Code to address successor corporation asbestos-related liability.

This bill:
- enacts the Successor Corporation Asbestos-Related Liability Act, including:
  - defining terms;
  - addressing the applicability of the limitations on liability to successors and certain claims;
  - limiting liability of a successor for successor asbestos-related liability;
  - providing for how to establish fair market value of total gross assets of a transferor;
  - providing for adjustments to the fair market value of total gross assets; and
  - addressing the scope of the part.

**Enacts** 78B-4-601, 78B-4-602, 78B-4-603, 78B-4-604, 78B-4-605, 78B-4-606, 78B-4-607


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SB 173  **Utah Fit Premises Modifications (Benjamin M. McAdams)**

This bill modifies the Utah Fit Premises Act.

This bill:
- requires an owner of a residential rental unit to provide a written inventory of the unit’s condition, allow the renter to document the unit’s condition, or provide the renter a walkthrough inspection of the unit before entering a rental agreement;
- requires an owner to provide specified things to a prospective renter before a rental agreement is entered;
- requires an owner to disclose information and provide materials to a renter at or before the commencement of a rental agreement; and
- provides for consequences if an owner fails to deliver possession of a residential rental unit on the date provided in the rental agreement.

**Amends** 57-22-4;

**Enacts** 57-22-4.1


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SB 174  **Land Use Authority Amendments (Wayne L. Niederhauser)**

This bill amends county land use provisions.

This bill:
- amends provisions related to an exemption from a plat requirement; and
- makes technical corrections.

**Amends** 17-27a-605

**SB 175**  **School Grading Amendments** *(Wayne L. Niederhauser)*

This bill provides for the implementation of a school grading system beginning with the 2012-13 school year.

This bill:
- requires the State Board of Education to:
  - study modifications to a school grading system model provided in statute; and
  - make recommendations to the Education Interim Committee for a school grading system; and
- provides that the school grading system shall take effect for the 2012-13 school year.

**Amends** 53A-1-1103, 53A-1-1112

Effective May 8, 2012  
Chapter 100, Laws of Utah 2012

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**SB 177**  **Government Records Access and Management Act Amendments** *(Curtis S. Bramble)*

This bill amends provisions of the Public Records Management Act and the Government Records Access and Management Act by providing for the training of records officers, creating the position of a government records ombudsman, and amending provisions relating to the disclosure or protection of records.

This bill:
- defines terms;
- requires the Division of Archives and Records Service (division) to provide an online training course that is required to be successfully completed by records officers on an annual basis;
- grants rulemaking authority to the division;
- creates the position, and describes the duties of, the government records ombudsman;
- provides that a record shall be disclosed when the public interest in disclosure is equal to or greater than the interests in nondisclosure;
- amends protected records provisions relating to the attorney client privilege, attorney work product, and records prepared for or in anticipation of litigation or other proceedings;
- requires a person who files an appeal with the records committee to serve a copy of the appeal on the government entity to which the appeal relates;
- extends, to seven days, the deadline for the records committee to issue an order on a petition;
- establishes evidentiary standards for release of certain enforcement and litigation records;
- creates a good faith defense to criminal provisions relating to the release or use of government records; and
- makes technical changes.

**Amends** 63C-4-102, 63G-2-103, 63G-2-201, 63G-2-202, 63G-2-206, 63G-2-301, 63G-2-305, 63G-2-309, 63G-2-401, 63G-2-403, 63G-2-404, 63G-2-405, 63G-2-801, 78A-4-106;

**Enacts** 63A-12-110, 63A-12-111, 63G-2-108, 63G-2-406

Effective May 8, 2012  
Chapter 377, Laws of Utah 2012
SB 178  **Statewide Online Education Program Amendments** *(Howard A. Stephenson)*

This bill modifies provisions related to the Statewide Online Education Program.

This bill:

- Requires the program name, "Statewide Online Education Program," to be used in the dissemination of information on the program;
- Provides that the State Board of Education, including an employee of the State Board of Education, may not give preference to an online course or online course provider;
- Modifies the fees paid to an online course provider for an online course;
- Modifies the date when an online course provider receives payment for an online course;
- Prescribes when a student may withdraw from an online course;
- Prescribes procedures for the completion of a course credit acknowledgement;
- Prohibits a student who enrolls in an online course from being counted in membership for a released-time class, if counting the student in membership for a released-time class would result in the student being counted as more than one FTE;
- Permits a student taking an online course to take more than a full course load if allowed under local school board or charter school governing board policy;
- Modifies requirements for reports on the performance of an online course provider;
- Provides for a declaration of intent to enroll in an online course and changes to a high school course schedule;
- Provides for reporting of noncompliance, and enforcement of compliance, with requirements of the Statewide Online Education Program;
- Provides for an audit of the Electronic High School;
- Specifies the purpose of the Electronic High School;
- Provides that the Electronic High School may only offer courses required for high school graduation or that fulfill core curriculum course requirements;
- Removes the Electronic High School as an online course provider in the Statewide Online Education Program; and
- Makes technical changes.

This bill provides effective dates.


Effective May 8, 2012  Chapter 238, Laws of Utah 2012

SB 179  **Hospital Tax Assessment** *(Lyle W. Hillyard)*

This bill amends the Hospital Provider Assessment Act to adjust the calculation of the assessment.

This bill:

- Deletes outdated language;
- Amends the calculation of the assessment; and
- Deletes the requirement for an advisory board.

**Amends** 26-36a-203, 26-36a-205, 26-36a-209

Effective May 8, 2012  Chapter 348, Laws of Utah 2012
SB 180  **Political Subdivision Ethics Amendments** *(Curtis S. Bramble)*

This bill enacts language related to a political subdivision officer or employee ethics violation.

This bill:
- authorizes a municipality to establish a municipal ethics commission;
- enacts general provisions;
- defines terms;
- authorizes a political subdivision to establish an ethics commission within the political subdivision or by interlocal agreement;
- enacts provisions related to the Political Subdivisions Ethics Review Commission (Commission);
- enacts provisions related to general powers and procedures;
- enacts provisions related to a hearing on an ethics complaint;
- enacts provisions related to an ethics complaint;
- enacts provisions related to a review of an ethics complaint for compliance;
- enacts provisions related to the commission’s preliminary review and review of an ethics violation;
- authorizes a county to establish a county ethics commission;
- amends provisions related to a closed public meeting;
- amends provisions related to a private record;
- removes a county from the authority of Title 67, Chapter 16, Utah Public Officers’ and Employees’ Ethics Act;
- enacts language related to filing a complaint for a violation of Title 67, Chapter 16, Utah Public Officers’ and Employees’ Ethics Act; and
- makes technical corrections.

This bill takes effect on September 1, 2012.

Amends 10-3-1311, 17-16a-11, 52-4-204, 63G-2-302, 67-16-3, 67-16-4;


Effective September 1, 2012  Chapter 202, Laws of Utah 2012

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SB 182  **Expungement of Drug Offenses** *(Howard A. Stephenson)*

This bill creates a committee within the Utah Substance Abuse Advisory Council to study issues related to the expungement of drug-related offenses.

This bill:
- creates a committee within the Utah Substance Abuse Advisory Council to study issues related to the expungement of drug-related offenses; and
- requires that the committee report to the Judiciary, Law Enforcement and Criminal Justice Committee no later than November 30, 2012.

This bill is repealed November 30, 2012.

SB 191  Accountability for School Attendance *(Jerry W. Stevenson)*

This bill modifies provisions relating to habitual truants.

This bill:
- allows a law enforcement officer acting as a school resource officer to issue notices of compulsory education violation, notices of truancy, and habitual truant notices;
- specifically exempts a student who attends school at home from truancy violation provisions;
- removes exclusive jurisdiction of certain truancy violations from the juvenile court; and
- makes technical changes.


Effective May 8, 2012  Chapter 203, Laws of Utah 2012

SB 192  Bond Validation Act Amendments *(Benjamin M. McAdams)*

This bill clarifies and amends procedural provisions of the Utah Bond Validation Act relating to actions and appeals brought under the act.

This bill:
- clarifies that, to the extent possible and practicable under the circumstances, the court shall render final judgment in a bond validation action within 10 days after the day on which the hearing is concluded;
- provides that motions filed by a public body for an order, including an injunction order, in a bond validation action must be made to the court in which the validation proceeding is pending;
- provides that the Utah Supreme Court shall expedite and give priority to the docketing, briefing, hearing, and decision on an appeal under the Utah Bond Validation Act; and
- makes technical changes.

Amends 11-30-7, 11-30-8, 11-30-10


SB 193  Local Government Bonding Act Amendments *(Curtis S. Bramble)*

This bill amends the Local Government Bonding Act by providing that the 10-year period during which voter authorized bonds may be issued tolls during a period of time when the bonds are prevented from being issued due to pending litigation or other challenges.

This bill:
- provides that the 10-year period during which voter authorized bonds may be issued is tolled when the bonds are challenged due to pending litigation or other challenges;
- provides that if, when the tolling period described in the preceding paragraph ends, the period of time remaining to issue the bonds is less than one year, the period of time remaining to issue the bonds shall be extended to one year;
- provides that the tolling provisions described in this bill apply to bonds that were approved by voters on or after May 8, 2002; and
- makes technical changes.

Amends 11-14-301, 11-14-311

Effective May 8, 2012  Chapter 204, Laws of Utah 2012
SB 195 **Transportation Safety Revisions** *(Karen Mayne)*

This bill modifies the Traffic Code and the Utah Criminal Code to address safety related to railroads.

This bill:
- provides definitions;
- restricts when a vehicle may turn around related to railroad tracks or railroad grade crossings;
- limits pedestrians related to railroad crossings or bridges;
- restricts vehicles driving through, around, or under a crossing gate or barrier;
- clarifies transportation systems for purposes of the criminal mischief provision; and
- makes technical changes.

**Amends** 41-6a-802, 41-6a-1005, 41-6a-1203, 76-6-106

Effective May 8, 2012

Chapter 135, Laws of Utah 2012

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SB 196 **Software for Special Needs Children** *(Wayne L. Niederhauser)*

This bill provides computer software programs and activity manuals to certain students with autism and other special needs.

This bill:
- requires the State Board of Education to contract with a provider, selected through a request for proposals process, to provide computer software and activity manuals to improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2; and
- directs the State Board of Education to distribute the computer software and activity manuals to those school districts and charter schools that demonstrate a commitment to implement as prescribed by the provider.

This bill appropriates:
- to the State Board of Education - Utah State Office of Education - Initiative Programs, as a one-time appropriation for fiscal year 2012-13:
  - from the Education Fund, $300,000.

**Enacts** 53A-1a-110

Effective May 8, 2012

Chapter 412, Laws of Utah 2012

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SB 197 **Attorney General Amendments** *(Jerry W. Stevenson)*

This bill amends provisions related to the retirement of an attorney general.

This bill:
- repeals a provision that requires an attorney in career service status to retire at the age of 70; and
- makes conforming amendments.

**Amends** 34A-5-106, 67-5-8

Effective May 8, 2012

Chapter 101, Laws of Utah 2012
SB 199  Motor Vehicle Selling and Titling Requirements (Stephen H. Urquhart)

This bill modifies the Motor Vehicle Code by amending provisions relating to selling and titling a motor vehicle.

This bill:
- provides definitions;
- provides that upon the endorsement and assignment of a certificate of title, the same certificate of title may not be reendorsed and reassigned to a new owner with exceptions;
- provides that a person may not sell, offer for sale, or display for sale or exchange a motor vehicle unless the person is:
  - licensed under the Motor Vehicle Business Regulation Act;
  - the lienholder or owner of the vehicle;
  - a person who has lawfully repossessed the vehicle;
  - a holder of a statutory lien on the vehicle who is selling the vehicle through a motor vehicle auction;
  - a person lawfully donating a vehicle to a nonprofit charitable organization;
  - a non-profit charitable organization that receives donated vehicles and sells or disposes of them;
  - a person lawfully selling the person’s immediate family member’s vehicle; or
  - a personal representative, trustee, guardian, executor, administrator, sheriff, government entity, or other person who sells a vehicle under the powers and duties granted or imposed by law;
- requires a new owner of a transferred vehicle, vessel, or outboard motor to obtain a certificate of title with exceptions;
- establishes penalties and fines for violating the provisions; and
- makes technical changes.

Amends 41-1a-702, 41-1a-705, 41-3-702

SB 200  Justice Court Amendments  (Lyle W. Hillyard)

This bill modifies the creation, procedures, and standards of Justice Courts.

This bill:

- establishes and amends procedures to establish and expand the territorial jurisdiction of justice courts;
- amends and consolidates the minimum operating standards of justice courts;
- amends the Judicial Council’s authority to establish rules and procedures concerning the creation and expansion of justice courts;
- provides for uniform fees of the justice courts;
- under certain circumstances, entitles a plea of “no contest” in a criminal justice court case to receive a trial de novo in the district court;
- authorizes cities and counties to alter the disposition of fines with interlocal agreements;
- requires every prospective justice court judge to attend an orientation program conducted under the direction of the Judicial Council before the justice court judge can be certified and qualified to hold office;
- authorizes the governing body of a justice court to create specialized judicial calendars and exempts judges who hear these calendars from being assigned cases at random;
- modifies the procedures and penalties for failure to comply with continuing education requirements;
- modifies the procedures and penalties for failure to comply with compensation limits, limits on secondary employment, and limits on holding elected or political offices and requires the Judicial Council to file a formal complaint for violations;
- amends the procedures to appoint a temporary justice court judge and prohibits a retired justice court judge from serving as a temporary justice court judge;
- modifies and establishes new standards for when and where a municipality and county may hold justice court and authorizes the Judicial Council to determine when and where justice courts may hold court; and
- makes technical corrections.

Amends 78A−7−101, 78A−7−102, 78A−7−105, 78A−7−106, 78A−7−118, 78A−7−120, 78A−7−121, 78A−7−201, 78A−7−202, 78A−7−203, 78A−7−204, 78A−7−205, 78A−7−206, 78A−7−208, 78A−7−210, 78A−7−213, 78A−7−215, 78A−8−101;

Enacts 78A−2−301.5;


Repeals and Reenacts 78A−7−103

Effective May 8, 2012  Chapter 205, Laws of Utah 2012

SB 201  Expungement Amendments  (Curtis S. Bramble)

This bill expands the eligibility for expungement of records to include most traffic offenses.

This bill:

- allows most traffic offenses to be expunged without limit;
- amends the conditions under which a person may qualify for a certificate of eligibility for an expungement; and
- provides that traffic offenses are not included in determining if a person is eligible for future certificates of eligibility and expungement.

Amends 77−40−102, 77−40−104, 77−40−105

SB 202  **Dentist Practice Act Amendments (J. Stuart Adams)**

This bill amends the Dentist and Dental Hygienist Practice Act to create a license for a dentist educator.

This bill:
- defines terms;
- establishes standards for a license as a dentist educator;
- establishes the scope of practice for a dentist educator license;
- establishes the renewal schedule for a dentist educator license; and
- sunsets the dentist educator license on July 1, 2015.

**Amends** 58-69-301, 58-69-302, 63I-1-258;

**Enacts** 58-69-302.5


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SB 203  **Audit Process Amendments (Stuart C. Reid)**

This bill modifies the responsibilities of the legislative auditor general and the state auditor in reporting compliance with audit recommendations.

This bill:
- requires the Legislative Management Committee to refer audit reports to an appropriate legislative committee when an entity has not implemented previous audit recommendations;
- requires the legislative auditor general, after completing a subsequent audit of a state agency, to report to the Legislative Management Committee when the agency has not implemented previous audit recommendations;
- requires the legislative auditor general to report to a meeting of a legislative committee when a state agency has not implemented audit recommendations;
- requires the state auditor to notify the Legislative Management Committee when an entity has not implemented previous audit recommendations; and
- makes technical corrections.

**Amends** 36-12-8, 36-12-15, 67-3-1

Effective May 8, 2012  Chapter 137, Laws of Utah 2012

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SB 205  **Records Access Discovery Amendments (Curtis S. Bramble)**

This bill modifies Title 53, Public Safety Code, and Title 58, Occupations and Professions, by permitting dissemination of information in the controlled substance database and criminal background checks to a defense attorney for use in a criminal case.

This bill:
- permits a state or local prosecutor to provide information from the controlled substance database to a criminal defense attorney, upon request during discovery, for use in a criminal defense case;
- permits a criminal justice agency to provide information from a criminal background check to a defense attorney, upon request during discovery, for use in a criminal defense case; and
- makes technical changes.

**Amends** 53-10-108, 58-37f-301

Effective May 8, 2012  Chapter 239, Laws of Utah 2012
SB 208 Healthcare Compact *(J. Stuart Adams)*
This bill enacts a Health Care Compact.
This bill:
- adopts the Health Care Compact;
- defines terms;
- joins an interstate Advisory Health Care Commission;
- pledges to take joint and separate action to secure the consent of the United States Congress to the compact in order to return the authority to regulate health care to the member states, consistent with the goals and principles articulated in the compact;
- sunsets the compact on July 1, 2014; and
- requires the study of certain issues before reauthorizing the Health Care Compact.

**Amends** 63I-1-263;
**Enacts** 63M-1-2507

Effective May 8, 2012 Chapter 206, Laws of Utah 2012

SB 210 Process Server Amendments *(Stephen H. Urquhart)*
This bill expands the types of process a person over the age of 18 is permitted to serve and allows private investigators to serve all civil process.
This bill:
- expands the types of process a person over the age of 18 is permitted to serve; and
- allows private investigators to serve all civil process.

**Amends** 78B-8-302

Effective May 8, 2012 Chapter 413, Laws of Utah 2012

SB 213 Charter School Enrollment *(Howard A. Stephenson)*
This bill modifies provisions regarding the enrollment capacity of charter schools.
This bill:
- provides for an increase in the enrollment capacity of a charter school that has students in grades 9 through 12 enrolled in an online course through the Statewide Online Education Program, subject to the Legislature appropriating funds for the increase in enrollment capacity.

**Amends** 53A-1a-502.5


SB 214 Justice Court Process Amendments *(Curtis S. Bramble)*
This bill provides that a sentence imposed by a justice court shall be stayed if a defendant files a proper notice of appeal for a trial de novo in district court.
This bill:
- provides that a sentence imposed by a justice court may be stayed if a defendant files a proper notice of appeal for a trial de novo in district court.

**Amends** 77-20-10, 78A-7-118

SB 217  Math Materials Access Improvement Grant (Aaron Osmond)

This bill provides funding for the development and publication of public school mathematics textbooks.

This bill:
- requires the State Board of Education to develop a new set of mathematics curricula consistent with Utah’s Common Core standards for public school students;
- requires the State Board of Education to select a content developer to develop new mathematics textbooks for students in grades 7 and 8 and an adaptive performance assessment program;
- requires the State Board of Education to select a publisher through a request for proposals process to produce and publish mathematics textbooks, including online materials, consistent with the new mathematics curricula;
- requires a content developer to develop an adaptive performance assessment program to measure the effectiveness of the new mathematics textbooks;
- gives a publisher a right to sell a new mathematics textbook developed under this program, to a person outside of Utah under certain conditions;
- requires the publisher to pay 50% of the proceeds from a sale of certain mathematics textbooks to the State of Utah to be deposited into the Education Fund; and
- makes technical amendments.

This bill appropriates:
- to the State Board of Education - State Office of Education - Initiative Programs, as a one-time appropriation for fiscal year 2012-13:
  - from the Education Fund, $600,000.

Amends 63I-2-253;
Enacts 53A-1-402.7

Effective May 8, 2012  Chapter 381, Laws of Utah 2012

SB 221  Revenue and Tax Amendments (Curtis S. Bramble)

This bill makes changes related to the multicounty assessing and collecting levy, including the distribution of multicounty assessing and collecting levy revenues.

This bill:
- makes changes related to the multicounty assessing and collecting levy, including the distribution of multicounty assessing and collecting levy revenues; and
- makes technical and conforming changes.

Amends 59-2-102, 59-2-1603


SB 223  Pledge of Allegiance Amendments (Aaron Osmond)

This bill modifies a provision relating to the recitation of the pledge of allegiance in public schools.

This bill:
- modifies requirements for reciting the pledge of allegiance in public schools.

Amends 53A-13-101.6

Effective May 8, 2012  Chapter 426, Laws of Utah 2012
SB 225  Transportation Revisions  *(J. Stuart Adams)*

This bill modifies provisions relating to transportation funding.

This bill:

► provides that certain registration fees shall be deposited in the Transportation Investment Fund of 2005 rather than the Centennial Highway Fund Restricted Account;

► provides that certain sales and use tax dedications shall be deposited in the Transportation Investment Fund of 2005 rather than the Centennial Highway Fund Restricted Account and the Critical Highway Access Needs Fund;

► provides that certain principal, interest, and issuance costs of bonds shall be paid from the Transportation Investment Fund of 2005 rather than the Centennial Highway Fund Restricted Account and the Critical Highway Access Needs Fund; and

► makes technical changes.

This bill takes effect on July 1, 2012.

**Amends** 41-1a-1201, 59-12-103, 72-2-118, 72-2-124, 72-2-125

Effective July 1, 2012  Chapter 207, Laws of Utah 2012

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SB 229  Telecommunications Regulatory Amendments  *(Curtis S. Bramble)*

This bill enacts provisions relating to specified Internet communication services.

This bill:

► provides definitions;

► prohibits the state and a political subdivision of the state from regulating Internet protocol-enabled service or voice over Internet protocol service; and

► specifies what the prohibition does not affect.

**Enacts** 54-19-101, 54-19-102, 54-19-103


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SB 231  Disposal of Surplus Property by the Legislature  *(Curtis S. Bramble)*

This bill provides that the provisions of Title 63A, Chapter 2, Part 4, Surplus Property Service, does not apply to disposal by the legislative branch of surplus property that is information technology equipment or a personal handheld device, if the Legislative Management Committee, by rule, establishes its own policy for the disposal, by the legislative branch, of this type of surplus property.

This bill:

► provides that the provisions of Title 63A, Chapter 2, Part 4, Surplus Property Service, does not apply to disposal by the legislative branch of surplus property that is information technology equipment or a personal handheld device, if the Legislative Management Committee, by rule, establishes its own policy for the disposal, by the legislative branch, of this type of surplus property.

**Enacts** 63A-2-409

SB 233 Name Change for Appropriations Subcommittees (Lyle W. Hillyard)

This bill modifies sections in the Utah Code to reflect modified appropriation subcommittee names.

This bill:
- modifies references in the Utah Code to correctly refer to modified appropriation subcommittee names.


SB 234 Criminal Procedure Amendments (Lyle W. Hillyard)

This bill makes changes to the Sex and Kidnap Offender Registry regarding juveniles.

This bill:
- adds a clarifying provision for an offender adjudicated as a juvenile in another state, but required to register; and
- makes technical corrections.

This bill coordinates with H.B. 17, Sex Offender Registry Chapter, by providing technical and substantive amendments.

Amends 77-27-21.5

Effective May 8, 2012 Chapter 382, Laws of Utah 2012

SB 235 Clarification of Stalking Injunctions and Protective Orders (Todd Weiler)

This bill allows a court with a petition for a stalking injunction to take into consideration any minor children the parties may have.

This bill:
- allows a court to consider the defendant’s parental rights when issuing a stalking injunction; and
- makes technical corrections.

Amends 76-5-106.5, 77-3a-101


SB 236 GPS Tracking Authority (Todd Weiler)

This bill modifies the Code of Criminal Procedure regarding the use by law enforcement of mobile tracking devices.

This bill:
- repeals the current code provision that authorizes a law enforcement agency to use a mobile tracking device upon application for a court order as specified, and granting of that order by the court.

Repeals 77-23a-15.5

SB 240  General Repealer (John L. Valentine)

This bill modifies the Utah Code by repealing provisions that have been found unconstitutional or are no longer in use.

This bill:
- repeals provisions of Utah Code that have been found unconstitutional relating to:
  - a prohibition on legal voters of any county, city, or town initiating a budget, budget change, or land use ordinance, or requiring a budget or land use ordinance adopted by a local legislative body to the voters;
  - a legal presumption of malice in criminal libel cases; and
  - a prohibition on the distribution of pornographic materials through cable televisions;
- repeals provisions of Utah Code that are not in use relating to:
  - the use of certified local inspectors by the Office of Licensing; and
  - certain rulemaking authority of the Department of Workforce Services that went into effect in July 1998; and
- makes technical changes.

Amends 61-2g-301, 62A-2-101, 63G-3-305, 78B-3-404;
Repeals 20A-7-401, 61-2g-303, 62A-2-108.3, 76-9-503, 76-10-1229


SB 242  Fleeing a Conservation Officer Amendments (Daniel W. Thatcher)

This bill repeals Section 23-20-24 relating to fleeing a conservation officer in order to avoid a conflict with provisions relating to fleeing a peace officer.

This bill:
- repeals Section 23-20-24 relating to fleeing a conservation officer in order to avoid a conflict with provisions relating to fleeing a peace officer.

Repeals 23-20-24


SB 243  Repeal of Illegal Drug Stamp Tax Act (Daniel W. Thatcher)

This bill repeals the Illegal Drug Stamp Tax Act and related references to the Act and requires the Division of Finance to deposit the money in the Drug Stamp Tax Fund into the General Fund.

This bill:
- repeals the Illegal Drug Stamp Tax Act on July 1, 2012;
- requires the Division of Finance to deposit the money in the Drug Stamp Tax Fund into the General Fund;
- repeals references to the Illegal Drug Stamp Tax Act; and
- makes technical and conforming changes.

This bill provides effective dates.

Amends 59-19-105, 63I-2-259, 63J-1-104, 63J-2-202

Effective May 8, 2012  Chapter 102, Laws of Utah 2012
SB 244  Reporting Options for Auto Insurance (Kevin T. Van Tassell)

This bill modifies the Insurance Code and Motor Vehicles Code by amending provisions relating to motor vehicle insurance reporting.

This bill:
- provides that certain insurers that issue motor vehicle coverage for certain motor vehicles shall, upon request, provide to the Department of Public Safety’s designated agent verification of whether or not a motor vehicle insurance policy is in effect for a specified vehicle;
- provides that the insurer shall provide the verification using an electronic service established by the insurers, through the Internet, world wide web, or a similar proprietary or common carrier electronic system that is compliant with certain standards and requirements;
- provides that the Commissioner of Insurance may assess a fine against an insurer for noncompliance;
- provides that under certain circumstances, the commissioner shall excuse the fine;
- provides that the designated agent shall make available the verification information provided by insurers to:
  - state and local law enforcement agencies; and
  - certain financial institutions;
- provides a July 1, 2016, sunset date; and
- makes technical changes.

This bill takes effect on July 1, 2013.

**Amends** 41-12a-803, 41-12a-805, 63I-2-231;

**Enacts** 31A-22-315.5

Effective July 1, 2013  Chapter 243, Laws of Utah 2012
SB 245  Mule Deer Protection Act  *(Ralph Okerlund)*

This bill enacts the Mule Deer Protection Act.

This bill:
- enacts Title 23, Chapter 30, Mule Deer Protection Act;
- creates the Mule Deer Protection Account;
- grants rulemaking authority to the Division of Wildlife Resources to establish programs that reduce and control the coyote population generally and in areas where mule deer predation occurs;
- requires the Division of Wildlife Resources to:
  - administer programs that reduce and control the coyote population; and
  - coordinate with government entities and state entities in administering programs that reduce and control the coyote population;
- permits the Division of Wildlife Resources to contract with a vendor to reduce and control the coyote population in areas where mule deer predation occurs; and
- permits the Division of Wildlife Resources to prepare and distribute training materials related to mule deer protection.

This bill appropriates:
- to the General Fund Restricted - Mule Deer Protection Account, as an ongoing appropriation:
  - from the General Fund, $500,000;
- to the Division of Wildlife Resources - Wildlife Section, as an ongoing appropriation:
  - from the General Fund Restricted - Mule Deer Protection Account, $500,000, subject to intent language that the appropriation is non-lapsing;
- to the General Fund Restricted - Agriculture and Wildlife Damage Prevention Account, as an ongoing appropriation:
  - from the General Fund, $250,000; and
- to the Department of Agriculture and Food - Predatory Animal Control, as an ongoing appropriation:
  - from the General Fund Restricted - Agriculture and Wildlife Damage Prevention Account, as an ongoing appropriation, $250,000, subject to intent language that the appropriation is non-lapsing.

**Enacts** 23-30-101, 23-30-102, 23-30-103, 23-30-104

Effective May 8, 2012  Chapter 143, Laws of Utah 2012

SB 246  Share Certificates in Land Companies  *(Ralph Okerlund)*

This bill modifies the Uniform Commercial Code to address issues related to land company share certificates that are lost, destroyed, or wrongfully taken.

This bill:
- defines terms;
- addresses the application of the investment securities provisions of the Uniform Commercial Code to land companies;
- establishes procedures for land company share certificates that are lost, destroyed, or wrongfully taken; and
- makes technical changes.

**Amends** 70A-8-101, 70A-8-303, 70A-8-405, 70A-8-406, 70A-8-409, 70A-8-409.1

Effective May 8, 2012  Chapter 386, Laws of Utah 2012
SB 247  Conservation District Amendments  (David P. Hinkins)

This bill amends provisions related to the duties of a conservation district and a conservation district board of supervisors.

This bill:
- clarifies other statutory provisions that govern a conservation district;
- enacts language related to the fiscal year of a conservation district;
- authorizes the state auditor to modify requirements for a conservation district filing a budget or fiscal report;
- enacts language related to training provided for a member of a board of supervisors; and
- makes technical corrections.

Enacts 17D-3-105, 17D-3-106, 17D-3-107, 17D-3-311

Effective May 8, 2012  Chapter 103, Laws of Utah 2012

SB 248  Smart School Technology Act  (Jerry W. Stevenson)

This bill creates a three-year pilot project to develop and implement whole-school technology deployment in public schools.

This bill:
- creates a pilot project known as the Smart School Technology Program to encourage the deployment of a whole-school technology plan in public schools;
- directs the Board of Business and Economic Development to select a private education technology provider through a request for proposals process to develop and implement a whole-school technology deployment plan for schools;
- provides for the establishment of an independent evaluating committee to advise the Board of Business and Economic Development on issuing a request for proposals and selecting an education technology provider;
- specifies the components of a whole-school technology deployment plan;
- directs the State Board of Education to:
  - select schools to participate in the program;
  - make rules for selecting schools to participate in the program; and
  - evaluate the program and report to the Education Interim Committee;
- allows up to $3,000,000 of the Industrial Assistance Account to be used one-time for the purpose of incubating technology solutions related to economic and workforce development; and
- repeals the pilot project after three years.

This bill provides an immediate effective date.

Amends 63I-2-253, 63I-2-263, 63M-1-903, 63M-1-906, 63M-1-909;

Enacts 53A-1-709, 63M-1-909.5

Effective March 19, 2012  Chapter 208, Laws of Utah 2012
SB 252  Amendments to Dentist Practice Act (David P. Hinkins)

This bill modifies Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act, by amending exemptions for licensure.

This bill:
► permits an individual to practice dentistry without a Utah license under certain circumstances; and
► makes technical changes.

Amends 58-69-306


SB 255  Vehicle Salvage Amendments (Curtis S. Bramble)

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

This bill:
► amends the requirement that an owner of a self-insured vehicle or an owner who is uninsured surrender to the Motor Vehicle Division the properly endorsed certificate of title or other evidence of ownership acceptable to the Motor Vehicle Division within 10 days of damage; and
► makes technical changes.

Amends 41-1a-1005


SB 256  Unincorporated Business Entities Act Amendments (Lyle W. Hillyard)

This bill modifies the Unincorporated Business Entities Act and uncodified material to extend the effective date of the enactment of the Unincorporated Business Entities Act.

This bill:
► amends certain dates related to the application of the Unincorporated Business Entities Act;
► extends the effective date of the enactment of the Unincorporated Business Entities Act to July 1, 2013; and
► makes technical and conforming amendments.

This bill takes effect on July 1, 2012.

Amends 48-1b-1204 (Effective 07/01/12), 48-1b-1205 (Effective 07/01/12), 48-2d-1204 (Effective 07/01/12), 48-2d-1205 (Effective 07/01/12), 48-3-1405 (Effective 07/01/12), Section 311, Laws of Utah 2011, Chapter 353

Effective July 1, 2012  Chapter 244, Laws of Utah 2012
**SB 258**  
**Underage Drinking Prevention Campaign (Lyle W. Hillyard)**

This bill modifies the Alcoholic Beverage Control Act to provide funding and guidelines for an underage drinking prevention campaign.

This bill:
- defines terms;
- creates a restricted account within the General Fund;
- requires deposits into the restricted account of a percentage of the total gross revenue from the sale of liquor;
- outlines the duties of the Utah Substance Abuse Advisory Council; and
- outlines the duties of the department.

This bill appropriates:
- to Department of Alcoholic Beverage Control - Parents Empowered, as an ongoing appropriation:
  - from the Liquor Control Fund, ($1,473,700)
- to Department of Alcoholic Beverage Control - Parents Empowered, as an ongoing appropriation:
  - from the Underage Drinking Prevention Media and Education Campaign Restricted Account, $1,773,300

This bill takes effect on July 1, 2012.

**Amends** 63J-1-602.2, 63M-7-303;

**Enacts** 32B-2-306

Effective July 1, 2012  
Chapter 388, Laws of Utah 2012

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**SB 259**  
**Police Service K-9 Rights (J. Stuart Adams)**

This bill modifies the Utah Human Services Code to allow police service canines who are in training to accompany their trainers to all areas currently allowed to service animals for disabled persons.

This bill:
- provides that a police service canine that is in training may accompany its trainer to any of the places that a service animal for disabled persons is authorized to access, consistent with Section 62A-5b-103.

**Amends** 62A-5b-104

Effective May 8, 2012  
Chapter 389, Laws of Utah 2012
SB 260  Automobile Salvage Amendments *(Stephen H. Urquhart)*

This bill modifies the Motor Vehicle Act by amending provisions relating to salvage and nonrepairable vehicles.

This bill:

- provides definitions;
- provides that a motor vehicle may not be offered, auctioned, sold, leased, transferred, or exchanged by an owner that is not a manufacturer, dealer, motor vehicle auction, or consignor to a motor vehicle auction with the knowledge that it is a salvage vehicle without prior written disclosure being given to any prospective purchaser;
- establishes procedures and requirements for a vehicle to be declared a nonrepairable vehicle and for a nonrepairable certificate to be issued;
- grants the Motor Vehicle Division rulemaking authority to establish the requirements to receive a nonrepairable certificate;
- provides that any person, insurance company, or licensed dealer who fails to obtain a nonrepairable certificate or who sells a nonrepairable vehicle without first obtaining a nonrepairable certificate is guilty of a class B misdemeanor;
- provides that it is unlawful for a person to sell or otherwise convey ownership of a nonrepairable vehicle unless the certificate of title or ownership is branded or a comparable title, certificate, or ownership document has been issued by another state or jurisdiction;
- requires an operator of a motor vehicle auction to verify that an in-state purchaser not licensed under this section complies with the requirements to have a valid Utah business license and a Utah sales tax license;
- provides that the five vehicle limitation on the sale of a vehicle with a salvage certificate to certain in-state purchasers applies to each Utah sales tax license and not to each person with the authority to use a sales tax license;
- provides that for a vehicle with a salvage certificate purchased by certain in-state purchasers:
  - a motor vehicle auction shall make application for a certificate of title on behalf of the Utah purchaser within seven days of the purchase; and
  - the motor vehicle auction shall include a disclosure;
- provides that an operator of a motor vehicle auction shall provide certain records electronically to the Motor Vehicle Enforcement Division within two business days of the completion of the motor vehicle auction;
- provides that, if applicable, an operator of a motor vehicle auction shall comply with the reporting requirements of the National Motor Vehicle Title Information System overseen by the United States Department of Justice if the person sells a vehicle with a salvage certificate to certain in-state purchasers;
- repeals civil penalties relating to not titling a vehicle with a salvage certificate; and
- makes technical changes.

This bill takes effect on October 1, 2012.

*Amends* 41-1a-1001, 41-3-201, 41-3-201.7, 41-3-701, 41-3-702;

*Enacts* 41-1a-1005.3, 41-1a-1005.5

Effective October 1, 2012  
Chapter 390, Laws of Utah 2012
SB 261  Charter School Revisions  *(J. Stuart Adams)*

This bill modifies provisions pertaining to charter schools.

This bill:

- requires the State Board of Education to prioritize charter schools for funding when the Legislature does not appropriate enough funds for all tentatively approved charter schools; and
- increases the annual fee that a higher education institution may charge to provide oversight of, and technical support to, a charter school established as authorized by the higher education institution.

**Amends** 53A-1a-502.5, 53A-1a-521

Effective May 8, 2012  Chapter 139, Laws of Utah 2012

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SB 263  Education Requirements for Nursing Licensure Amendments  *(Gene Davis)*

This bill modifies the Nurse Practice Act by amending provisions for nursing education programs.

This bill:

- requires that to qualify graduates for licensure, a nursing education program shall:
  - be affiliated with an accredited institution of higher education and be accredited by the Commission on Collegiate Nursing Education (CCNE), the National League for Nursing Accrediting Commission (NLNAC), or the Council on Accreditation of Nurse Anesthesia Educational Programs (COA); or
  - be approved by the board and comply with standards defined by division rules; and
- makes technical changes.

This bill takes effect on January 1, 2013.

**Amends** 58-31b-601

Effective January 1, 2013  Chapter 210, Laws of Utah 2012

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SB 267  Tribal Health Information  *(Kevin T. Van Tassell)*

This bill modifies Title 26, Utah Health Code, by amending procedures relating to the disclosure of health information.

This bill:

- defines the term "public health authority;"
- permits a custodian of vital records to permit a public health authority to inspect vital records;
- permits the Department of Health to disclose specific medical or epidemiological information; and
- makes technical changes.

**Amends** 26-1-2, 26-2-22, 26-3-7, 26-6-27

**SB 272**  
**Property Tax Rate Amendments** *(Benjamin M. McAdams)*  
This bill changes the calculation of a property tax certified tax rate when delinquent property taxes are paid.  
This bill:  
► changes the calculation of a property tax certified tax rate when delinquent property taxes are paid; and  
► makes technical and conforming changes.  
This bill provides for retrospective operation.  
**Amends** 59-2-924  
Effective May 8, 2012  
Chapter 245, Laws of Utah 2012

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**SB 273**  
**Surplus Property Amendments** *(Benjamin M. McAdams)*  
This bill modifies a provision relating to surplus school district property.  
This bill:  
► adds purposes for which surplus property may be used by an eligible entity that acquires it.  
**Amends** 53A-2-403  
Effective May 8, 2012  
Chapter 104, Laws of Utah 2012

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**SB 274**  
**Legislative Committee Amendments** *(Stuart C. Reid)*  
This bill modifies provisions related to making certain reports to legislative committees.  
This bill:  
► replaces references in the Utah Code to the Workforce Services and Community and Economic Development Interim Committee with the Economic Development and Workforce Services Interim Committee;  
► amends annual report requirements to certain legislative committees by reducing and consolidating reports from executive branch agencies;  
► provides uniform language for agencies to submit annual written reports before November 1; and  
► makes technical changes.  
**Amends** 9-4-708, 9-4-1204, 9-4-1603, 9-7-217, 35A-3-116, 35A-3-203, 35A-3-313, 35A-4-401, 35A-4-403, 59-7-614.2, 59-7-614.5, 59-10-1107, 59-10-1108, 63M-1-403, 63M-1-904, 63M-1-1103, 63M-1-1304, 63M-1-1404, 63M-1-1805, 63M-1-1901, 63M-1-2006, 63M-1-2406, 63M-1-2704, 63M-1-2806, 63M-1-2910  
Effective May 8, 2012  
Chapter 246, Laws of Utah 2012

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**SB 275**  
**Municipal Government Revisions** *(Benjamin M. McAdams)*  
This bill amends the authority of a board of commissioners, city council, or board of trustees to enter into a contract for the lighting of public places.  
This bill:  
► amends the authority of a board of commissioners, city council, or board of trustees to enter into a contract for the lighting of public places; and  
► makes technical corrections.  
**Amends** 10-7-6  
Effective May 8, 2012  
Chapter 105, Laws of Utah 2012
SB 277  Municipal Government Authority *(J. Stuart Adams)*

This bill amends language related to municipal regulation and enforcement of certain activities.

This bill:

- amends language related to municipal enforcement of wrongfully obtained property;
- amends language related to municipal regulation of alcoholic beverage or tobacco sales;
- amends language related to municipal enforcement of controlled substance provisions; and
- makes technical corrections.

**Amends** 10-8-47

Effective May 8, 2012  Chapter 140, Laws of Utah 2012

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SB 280  Budget Reserve Account Amendments *(Lyle W. Hillyard)*

This bill modifies the Budgetary Procedures Act to address limits on budget reserve accounts.

This bill:

- modifies the limits on the General Fund Budget Reserve Account;
- modifies the limits on the Education Budget Reserve Account;
- corrects references to the Medicaid Growth Reduction and Budget Stabilization Account; and
- makes technical changes.

**Amends** 63J-1-312, 63J-1-313, 63J-1-314

Effective May 8, 2012  Chapter 141, Laws of Utah 2012

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SB 281  Mortgage and Financial Fraud Investigations *(Benjamin M. McAdams)*

This bill creates the Mortgage and Financial Fraud Unit within the Office of the Attorney General to investigate and prosecute mortgage fraud and other financial fraud within the state.

This bill:

- modifies the duties of the attorney general;
- creates the Mortgage and Financial Fraud Unit within the Office of the Attorney General to investigate and prosecute mortgage and other financial fraud throughout the state;
- authorizes the attorney general to administer the Mortgage and Financial Fraud Unit;
- creates the Mortgage and Financial Fraud Investigation and Prosecution Restricted Account; and
- makes technical changes.

This bill appropriates:

- to the Attorney General’s Office, as a one-time appropriation:
  - from the Mortgage and Financial Fraud Investigation and Prosecution Restricted Account, $2,000,000, subject to intent language that the appropriation is non-lapsing and shall be used to fund investigation and prosecution of mortgage and financial fraud throughout the state.

This bill takes effect on July 1, 2012.

**Amends** 67-5-1.5;

**Enacts** 67-5-30, 67-5-31

Effective July 1, 2012  Chapter 350, Laws of Utah 2012
SB 282  Credit for Veteran Training  (Todd Weiler)

This bill allows a veteran to receive a commercial driver license under specified conditions.

This bill:
- allows a veteran to receive a commercial driver license if the veteran:
  - meets the qualifications for the license;
  - for at least two years prior to applying, worked in a military unit which required the skills necessary for the license; and
  - was honorably discharged.

This bill takes effect on July 1, 2012.

Amends 53-3-407
Effective July 1, 2012  Chapter 351, Laws of Utah 2012

SB 284  Concurrent Enrollment Amendments  (Stephen H. Urquhart)

This bill makes changes to the concurrent enrollment program and its funding.

This bill:
- authorizes institutions of higher education to charge partial tuition for certain higher education courses offered in public schools through concurrent enrollment;
- requires that concurrent enrollment courses:
  - be introductory-level courses at higher education institutions; and
  - with exceptions, be offered through the higher education institution in the appropriate geographical service region;
- requires the State Board of Regents to develop certain technology-intensive concurrent enrollment courses;
- establishes reporting requirements; and
- makes technical and conforming changes.

Amends 53A-15-101
Effective May 8, 2012  Chapter 415, Laws of Utah 2012

SB 286  College Readiness Assessment  (Stephen H. Urquhart)

This bill requires the State Board of Regents to provide for a college readiness assessment.

This bill:
- directs the State Board of Regents to develop, or contract with an outside provider to develop, an assessment tool that:
  - assesses students’ readiness for higher education; and
  - helps students identify weaknesses to remediate.

This bill appropriates:
- to the State Board of Regents - Education Excellence, as a one-time appropriation:
  - from the Education Fund, $500,000.

Effective May 8, 2012  Chapter 211, Laws of Utah 2012
SB 287  **Core Curriculum Standards Amendments** *(Margaret Dayton)*

This bill modifies requirements pertaining to core curriculum standards adopted by the State Board of Education.

This bill:
- provides that the state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of Utah's core curriculum to any other entity for any reason; and
- makes technical amendments.

**Amends** 53A-1-402.6

Effective May 8, 2012  
Chapter 106, Laws of Utah 2012

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SB 290  **Utah Futures Program** *(Howard A. Stephenson)*

This bill provides funding for a career planning program.

This bill:
- requires the Utah Futures Steering Committee to include certain features into the Utah Futures website;
- provides that the Utah Futures Steering Committee may select a technology provider, on or before May 15, 2012, through a request for proposals process, to provide technology and support for Utah Futures; and
- defines terms.

This bill appropriates:
- to the State Board of Education - State Office of Education - Initiative Programs, as a one-time appropriation for fiscal year 2012-13:
  - from the Education Fund, $500,000.

**Enacts** 53A-1-410

Effective May 8, 2012  
Chapter 392, Laws of Utah 2012

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SCR 1  **Concurrent Resolution Supporting Establishment of a Fund for Assistance to Families of Fallen Officers** *(Kevin T. Van Tassell)*

This concurrent resolution of the Legislature and the Governor expresses support for the establishment of a fund for the assistance of families of fallen police officers in Utah.

This resolution:
- expresses support for the establishment of a fund for the assistance of families of fallen police officers in Utah;
- expresses appreciation to Tore and Mona Steen, who saw a need and became personally invested in serving the families of slain police officers, and wishes them well in their continuing efforts to serve the citizens of Utah; and
- expresses appreciation to those who have participated in the efforts of the 1033 Foundation and made donations to help those in need.

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

Effective March 5, 2012  
Laws of Utah 2012
SCR 2  Concurrent Resolution Encouraging Advance Health Care Directives (Patricia W. Jones)
This concurrent resolution of the Legislature and the Governor urges each adult citizen of the state of Utah to strongly consider preparing an advance health care directive.
This resolution:
▶ urges adult citizens of the state of Utah to strongly consider preparing an advance health care directive that expresses their preferences about health care decisions under particular circumstances and that helps ensure that their health care wishes will be honored at a time when they cannot make or communicate health care decisions.
Effective March 2, 2012  Laws of Utah 2012

SCR 4  Concurrent Resolution on Breast Cancer Screening (Karen Mayne)
This concurrent resolution of the Legislature and the Governor urges women ages 40 years old and older to receive breast cancer screening once each year that, at a minimum, consists of a mammogram.
This resolution:
▶ recognizes the importance of breast cancer screening and early detection of breast cancer through screening;
▶ urges women aged 40 and older to be annually screened for breast cancer including, at a minimum, a mammogram; and
▶ recognizes the importance of public programs that provide breast cancer screening to uninsured women who cannot afford to be screened.
Effective March 5, 2012  Laws of Utah 2012

SCR 5  Concurrent Resolution Encouraging Parental Engagement in the Education of Children (Patricia W. Jones)
This concurrent resolution of the Legislature and the Governor recognizes and supports parental engagement in the education of their children and efforts to increase parent engagement.
This resolution:
▶ recognizes the parents and family members of students in Utah schools for their efforts to foster the education of their children by nurturing them, monitoring their progress, and volunteering time in their schools;
▶ expresses support for policies of the Utah State Office of Education, and its constituent districts, unit schools, and charter schools, that provide parents with opportunities to be actively involved in their children’s education; and
▶ recognizes the efforts of school districts, schools, teachers, and their parent associations and organizations to create an environment conducive to parental engagement and to encourage family engagement through programs and practices.
Effective March 5, 2012  Laws of Utah 2012

SCR 6  Concurrent Resolution Honoring the Salvation Army (Ross I. Romero)
This concurrent resolution of the Legislature and the Governor recognizes the 125th Anniversary of the Salvation Army of Utah.
This resolution:
▶ recognizes the Salvation Army of Utah, on its 125th Anniversary, and commends the organization for its good works and service over the past 125 years.
Effective March 5, 2012  Laws of Utah 2012
SCR 7  Concurrent Resolution Approving the Interlocal Agreement Creating the Jordan River Commission (Aaron Osmond)

This concurrent resolution of the Legislature and the Governor approves the state’s participation in the Interlocal Cooperation Agreement Establishing the Jordan River Commission.

This resolution:

- approves the state’s participation in the Interlocal Cooperation Agreement Establishing the Jordan River Commission.

Effective March 23, 2012

Laws of Utah 2012

SCR 8  Concurrent Resolution Supporting New Technologies and Facilities That Enhance the Production and Value of Uintah Black Wax (Kevin T. Van Tassell)

This concurrent resolution of the Legislature and the Governor expresses support for new technologies and facilities that allow for, and enhance the production and value of, Uintah Black Wax in the Uintah Basin.

This resolution:

- expresses support for new technologies and facilities that allow for, and enhance the production and value of, Uintah Black Wax in the Uintah Basin; and
- encourages the cooperation and consideration of local, state, and federal officials in efforts to develop an oil upgrading facility in the Uintah Basin in a manner that is prudent, ethical, and lawful.

Effective March 15, 2012

Laws of Utah 2012

SCR 10  Concurrent Resolution Supporting Utah’s Interconnected Ski and Snowboard Industry (Wayne L. Niederhauser)

This concurrent resolution of the Legislature and the Governor expresses support for interconnection of the seven Salt Lake County and Summit County ski resorts.

This resolution:

- expresses support for low-impact interconnection of the seven resorts in Salt Lake County and Summit County to enhance the ski and snowboard resort industry’s contribution to Utah’s economy, jobs, and tax base;
- urges interconnection of the Salt Lake County and Summit County ski resorts using best environmental practices;
- supports thorough consideration of multiple uses in the Wasatch Mountains in the evaluation of resort interconnections;
- urges meaningful and balanced public involvement in any associated planning and decision-making processes regarding resort interconnections; and
- supports a comprehensive set of solutions to transportation problems in the Wasatch Mountains, including short term and long term alternatives, potential year-round utilization and support of Utah’s vibrant human-powered outdoor recreation.

Effective March 16, 2012

Laws of Utah 2012
SCR 11  Concurrent Resolution on the National Defense Authorization Act *(Todd Weiler)*

This concurrent resolution of the Legislature and the Governor expresses concerns over portions of the National Defense Authorization Act for Fiscal Year 2012.

This resolution:
- expresses concerns over Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012; and
- urges Congress to clarify, or repeal if necessary, Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012.

Effective March 26, 2012  
Laws of Utah 2012

SCR 12  Concurrent Resolution Urging Congress to Clearly Delegate Responsibility for Regulating Hydraulic Fracturing to the States *(Kevin T. Van Tassell)*

This concurrent resolution of the Legislature and the Governor urges Congress to delegate the regulation of hydraulic fracturing to the states.

This resolution:
- urges the Congress of the United States to clearly delegate responsibility for the regulation of hydraulic fracturing to the states.

Effective March 22, 2012  
Laws of Utah 2012

SJR 1  Alzheimer’s State Plan Joint Resolution *(Karen W. Morgan)*

This joint resolution of the Legislature expresses support for a State Plan for Alzheimer’s Disease and Related Dementias.

This resolution:
- recognizes the increasing and enormous impact of Alzheimer’s Disease and related dementias on the citizens of Utah;
- expresses support for a State Plan for Alzheimer’s Disease and Related Dementias; and
- encourages Utahns, Utah’s communities, the private sector, and state and local government agencies to work together to implement the State Plan for Alzheimer’s Disease and Related Dementias.

Effective February 22, 2012  
Laws of Utah 2012

SJR 2  Joint Resolution on Taiwan *(Peter C. Knudson)*

This joint resolution of the Legislature urges the Obama Administration to support Taiwan’s meaningful participation in the United Nations as an observer.

This resolution:
- urges the Obama Administration to support Taiwan’s meaningful participation as an observer in the United Nations’ specialized agencies, programs, and conventions.

Effective February 28, 2012  
Laws of Utah 2012
SJR 3  Joint Resolution - Master Study  *(Scott K. Jenkins)*

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 2012 legislative interim;
- directs interim committees assigned these studies to study and make recommendations for legislative action to the 59th Legislature before the 2013 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 to the assigned studies.

Effective March 8, 2012  
Laws of Utah 2012

SJR 4  Joint Resolution Approving Compensation of In-session Employees  *(Scott K. Jenkins)*

This joint resolution of the Legislature sets the compensation for legislative in-session employees for 2012.

This resolution:
- sets the compensation for legislative in-session employees for 2012.

This resolution provides retrospective operation to January 4, 2012.

Effective February 15, 2012  
Laws of Utah 2012

SJR 7  Joint Rules Resolution on Priority Status for Bills  *(Margaret Dayton)*

This rules resolution modifies procedures associated with prioritization of requests for legislation.

This rules resolution:
- provides priority drafting status to a request for legislation if it is adopted as a priority committee request by the vote of an interim committee of the Legislature; and
- makes technical, grammatical, and organizational changes.

Amends JR4-2-102  
Effective February 22, 2012  
Laws of Utah 2012

SJR 8  Joint Resolution on Property Tax Exemption for Military Personnel  *(Luz Robles)*

This joint resolution of the Legislature proposes to amend the Utah Constitution to allow for a property tax exemption for certain military personnel and spouse.

This resolution proposes to amend the Utah Constitution to:
- provide that the primary residence of a person who is ordered to federal active duty may be exempt from property tax.

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2013, for this proposal.

Amends A13 S3  
Effective January 1, 2013  
Laws of Utah 2012
SJR 10  **Resolution Approving Reappointment of Director of Legislative Research and General Counsel (Michael G. Waddoups)**

This joint resolution of the Legislature reappoints Michael E. Christensen as Director of the Office of Legislative Research and General Counsel.

This resolution:

- reappoints Michael E. Christensen as Director of the Office of Legislative Research and General Counsel for a six-year term beginning December 1, 2012.

*The original bill was recommended by the Legislative Management Committee*

Effective March 8, 2012  
Laws of Utah 2012

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SJR 12  **Utah Mitochondrial Disease Awareness Week Joint Resolution (Mark B. Madsen)**

This joint resolution of the Legislature designates September 16 through September 22, 2012, as Mitochondrial Disease Awareness Week.

This resolution:

- designates September 16 through September 22, 2012, as Mitochondrial Disease Awareness Week in the state of Utah and urges the citizens of Utah to observe the week with appropriate activities and programs.

Effective February 29, 2012  
Laws of Utah 2012

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SJR 13  **Joint Resolution on Social Security (John L. Valentine)**

This joint resolution of the Legislature supports Social Security reform measures.

This resolution:

- expresses support for the Social Security reform measures proposed by Congressman Jason Chaffetz.

Effective March 2, 2012  
Laws of Utah 2012

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SJR 15  **Joint Resolution Amending Rules of Civil Procedure on Peer Review (Jerry W. Stevenson)**

This joint resolution amends the Rules of Civil Procedure to include protections against discovery and admission into evidence for privileged matters connected to medical care and peer review.

This resolution:

- amends Rule 26 of the Utah Rules of Civil Procedure; and
- establishes additional privileges that protect matters connected to medical care and peer review against discovery and admission into evidence.

This resolution provides an immediate effective date.

Utah Rules of Civil Procedure Affected: AMENDS:

**Amends** Rule 26

Effective March 6, 2012  
Laws of Utah 2012
SJR 16  Joint Resolution Recognizing the Hole-in-the-rock San Juan Mission Historic Trail  
(Ralph Okerlund)

This joint resolution of the Legislature honors the Utah pioneers who participated in the San Juan Mission and designates the Hole-in-the-Rock Trail, over which the San Juan Mission passed, as a state historic trail.

This resolution:

- honors the Utah pioneers who participated in the 1879-1880 trek of the San Juan Mission and successfully constructed and traversed a trail from Parowan, Utah, to Bluff, Utah, through some of the most difficult and desolate terrain in the western United States;
- designates the Hole-in-the-Rock Trail (Trail) over which the San Juan Mission passed as a state historic trail;
- sets forth how the designation is to be conducted;
- recognizes the importance of conserving the Trail for the use and enjoyment of future generations, to foster cooperative and coordinated planning, management, and interpretation that spans the length of the Trail;
- urges that the designation be coordinated through an inter-organizational collaborative team consisting of counties, applicable state and federal land and resource management agencies, and relevant non-governmental organizations;
- urges that a management plan be developed, with the participation of Garfield County, Iron County, Kane County, San Juan County, the Bureau of Land Management, the National Park Service, and the United States Forest Service that focuses on interpretation, management of key Trail-related public use areas on public lands, and access;
- declares that this designation shall have no affect on private property rights, water rights, grazing rights, access rights, or other existing rights on public lands;
- declares that portions of the Trail that are public roads shall be managed for public transportation and not rerouted as a result of historic trail designation;
- recognizes that the Trail supports local and regional tourism economies by attracting tourists having an interest in the Southern Utah culture and the history of western settlement; and
- urges the Board of State Parks and Recreation to designate additional trails within the state of Utah as state historic trails, if they are determined to be of statewide significance and to meet other criteria as defined by the board.

Effective March 7, 2012

Laws of Utah 2012

SJR 18  Joint Resolution Strengthening Utah-Israel Relations  
(Curtis S. Bramble)

This joint resolution of the Legislature urges the Governor to further strengthen the bonds between the nation of Israel and the state of Utah by embarking on a trade mission to the nation of Israel.

This resolution:

- recognizes the strong cultural, economic, military, and security bonds that exist between the nation of Israel and the state of Utah; and
- urges Governor Herbert to further strengthen the bonds between the nation of Israel and the state of Utah by embarking on a trade mission to Israel to experience first-hand the enhanced opportunities for economic cooperation and job growth resulting from the relationship between Utah and the nation of Israel.

Effective March 1, 2012

Laws of Utah 2012
SJR 21 Joint Resolution Recognizing Pregnancy Care Centers *(J. Stuart Adams)*

This joint resolution of the Legislature recognizes pregnancy care centers and expresses support for their efforts on behalf of those facing unplanned pregnancies.

This resolution:
- expresses strong support for pregnancy care centers for their unique, positive contributions to the individual lives of women, men, and babies;
- recognizes the compassionate work of tens of thousands of volunteers and paid staff at pregnancy care centers in Utah and across the United States;
- strongly encourages the United States Congress and other federal and government agencies to grant pregnancy care centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and
- expresses disapproval of the actions of any national, state, or local groups attempting to prevent pregnancy care centers from effectively serving women and men in relation to unplanned pregnancies.

Effective March 5, 2012

Laws of Utah 2012

SJR 25 Joint Resolution Honoring Steve Appleton *(John L. Valentine)*

This joint resolution of the Legislature recognizes the accomplishments and contributions of Steve Appleton to Utah’s economy, its reputation as a high tech center, and its higher education efforts.

This resolution:
- recognizes the accomplishments of Steve Appleton and his many contributions to Utah’s economy, Utah’s reputation as a high tech center, and to the advancement of science, technology, engineering, and math education in Utah.

Effective February 24, 2012

Laws of Utah 2012

SR 1 Informal Senate Poll on United States Senate Candidates Resolution *(Casey O. Anderson)*

This rules resolution provides a process for conducting a poll to determine legislators’ preferences for candidates for United States Senate.

This resolution:
- requires the Legislature to conduct an informal poll of state senators regarding their preference among the declared candidates for any United States Senate seat that is up for election in any given election year;
- requires that the poll be conducted and completed within 30 days of the last day for declaring candidacy for the United States Senate;
- establishes that participation in the poll is voluntary;
- requires the Legislative Auditor General to administer and conduct the poll;
- requires that the poll be conducted by secret ballot; and
- requires the Legislative Auditor General to publicly release the total number of votes cast for each candidate.

Enacts SR1-9-101

Effective February 22, 2012

Laws of Utah 2012
SR 2  Senate Committee Name Change Resolution (Stuart C. Reid)

This resolution changes the name of the Senate Workforce Services and Community and Economic Development Standing Committee to the Senate Economic Development and Workforce Services Standing Committee.

This resolution:
- changes the name of the Senate Workforce Services and Community and Economic Development Standing Committee to the Senate Economic Development and Workforce Services Standing Committee; and
- makes technical changes.

This resolution takes effect on April 1, 2012.

Amends SR3−2−201

Effective April 1, 2012  Laws of Utah 2012

SR 3  Air Quality Senate Resolution (Benjamin M. McAdams)

This resolution of the Senate encourages instruction on ways to improve air quality and the harmful effects of vehicle emissions, and encourages Utah motorists to take responsibility to improve air quality.

This resolution:
- encourages the State Board of Education and the Driver License Division to include, in their curriculum for driver education, instruction on ways to improve air quality and the harmful effects of vehicle emissions; and
- encourages all motor vehicle drivers to be conscientious regarding their driving choices and take personal responsibility to help improve Utah’s air quality.

Effective March 5, 2012  Laws of Utah 2012
HB 363  Health Education Amendments (Bill Wright)

This bill modifies requirements for health instruction, including human sexuality instruction.

This bill:
- permits a local school board or charter school governing board to provide human sexuality instruction or instructional programs in accordance with state law and State Board of Education rules;
- requires human sexuality instruction or instructional programs to teach and stress:
  - the importance of abstinence from all sexual activity before marriage and fidelity after marriage as the only sure methods for preventing certain communicable diseases; and
  - personal skills that encourage individual choice of abstinence and fidelity;
- imposes certain restrictions for human sexuality instructional programs;
- permits a local school board or charter school governing board to adopt abstinence only instructional materials recommended by:
  - the State Board of Education; or
  - the school district’s or charter school’s curriculum materials review committee; and
- makes technical changes.

Amends 53A-13-101

Governor’s Veto Message

Dear Speaker Lockhart and President Waddoups: March 16, 2012

As required by Article VII, Section 8 of the Utah Constitution, I am writing to provide you my objections to House Bill 363, HEALTH EDUCATION AMENDMENTS, and to explain my decision to veto the bill.

As Governor, as a parent, and as a grandparent of children in Utah’s public schools, I consider it important that the topic is best taught in the home, and our public schools should not and cannot replace instruction by parents. It is imperative that public school instruction never supplant, but rather support and supplement, lessons learned in the home.

Any attempt by the State to instruct in this area must respect two principles: (1) The curriculum must stress the importance of abstinence as the only sure method to avoid the negative effects of premarital sexual activity; and (2) The State must not interfere with a parent’s right and obligation to determine if and how their children will be instructed. After careful review of existing law and following extensive discussions with stakeholders on both sides of the issue, I am convinced the existing statutory framework respects these two principles, while HB 363 simply goes too far by constricting parental options.

Utah Code Section 53A-13-101 currently requires that public school instruction stress “the importance of abstinence from all sexual activity before marriage and fidelity after marriage” as well as the “personal skills that encourage individual choice of abstinence and fidelity.” Current law prohibits any instruction that advocates sexual activity outside of marriage, in addition to any message that advocates or encourages the use of contraceptives.

Existing law respects the ability of Utah parents to choose if and how their student will receive classroom instruction on these topics. Under current law, a parent must opt in, in writing, before...
their student can attend all or any portions of any class discussing human sexuality. If HB 363 were to become law, parents would no longer have the option the overwhelming majority is currently choosing for their children. I am unwilling to conclude that the State knows better than Utah's parents as to what is best for their children.

In order for parents to take on more responsibility, they need more information, more involvement, and more choice—not less. I cannot sign a bill that deprives parents of their choice.

For these reasons, I disapprove of and veto House Bill 363, HEALTH EDUCATION AMENDMENTS, and return it to the House of Representatives

Gary R. Herbert, Governor
HB 414  School Bonding for Seismic Purposes (Gage Froerer)

This bill imposes requirements on a school district regarding the use of bond proceeds.

This bill:

» requires a school district to use a portion of the proceeds of a general obligation bond issued after May 8, 2012, to conduct or update a seismic safety evaluation of a school district building constructed before 1975; and

» provides that a school district is not required to conduct or update a seismic safety evaluation of a building constructed before 1975 if the school district performed a seismic safety evaluation on the building within 25 years of May 8, 2012.

Enacts 53A-18-107

Governor’s Veto Message

Dear Speaker Lockhart and President Waddoups: March 30, 2011

As required by Article VII, Section 8 of the Utah Constitution, I am writing to provide you with my objections to House Bill 414, SCHOOL BONDING FOR SEISMIC PURPOSES.

Since the end of the Legislative session, I have been made aware of technical issues with HB 414. Specifically, it appears that if HB 414 were signed into law, the requirement that bond revenues be used to fund seismic studies of existing buildings would impede a school district’s ability to issue tax-exempt bonds. I applaud the efforts to ensure that school districts study the seismic safety of their older buildings and would support this bill in an amended form that corrects the technical issues.

For these reasons, I disapprove and veto HB 414 and return it to the House of Representatives.

Gary R. Herbert, Governor
# Utah Code Sections Affected for Bills Passed
## 2012 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 10, 2011 and on the web site - [http://le.utah.gov](http://le.utah.gov).

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HB 1  Public Education Base Budget Amendments (Merlynn T. Newbold) ........................................ Passed
HB 2  New Fiscal Year Supplemental Appropriations Act (Melvin R. Brown) ................................. Passed
HB 3  Appropriations Adjustments (Melvin R. Brown) ................................................................. Passed
HB 4  Higher Education Base Budget (Michael T. Morley) ............................................................. Passed
HB 5  Natural Resources, Agriculture, and Environmental Quality
     Base Budget (John G. Mathis) .................................................................................................. Passed
HB 6  Retirement and Independent Entities Base Budget (Don L. Ipson) ............................................ Passed
HB 7  Current School Year Supplemental Public Education Budget
     Adjustments (Melvin R. Brown) ............................................................................................... Passed
HB 8  Revenue Bond and Capital Facilities Amendments (Gage Froerer) ........................................ Passed
HB 9  State Agency and Higher Education Compensation Appropriations (Melvin R. Brown) ........ Passed
HB 10 Department of Corrections Amendments (Eric K. Hutchings) ............................................. Passed
HB 11 Grand Jury Amendments (Kay L. McCliff) ............................................................................ Passed
HB 12 Corrections Education Amendments (Bill Wright) ............................................................... Passed
HB 13 Offender Registry Review (Jack R. Draxler) ........................................................................ Passed
HB 14 Civil Commitment Amendments (Bradley M. Daw) .............................................................. Passed
HB 15 Statewide Adaptive Testing (Gregory H. Hughes) ................................................................. Passed
HB 16 Driver License Revisions (Stewart Barlow) ......................................................................... Passed
HB 17 Sex Offender Registry Chapter (Jack R. Draxler) ................................................................. Passed
HB 18 Kidnapping Offender Amendments (Fred C. Cox) ............................................................... Passed
HB 19 State Issued Identification Numbers (Wayne A. Harper) ..................................................... Passed
HB 20 Election Law Amendments (R. Curt Webb) ......................................................................... Passed
HB 21 Driver License Emergency Contact Database (Marie H. Poulson) ....................................... Passed
HB 22 Centralized New Hire Registry Act Amendments (Jeremy A. Peterson) ............................... Passed
HB 23 Special Administrative Expense Account Amendments (Jeremy A. Peterson) .................. Passed
HB 24 Health Insurance for Schools (Jim Bird) ............................................................................. Failed
HB 25 Patient Identity Validation (Stewart Barlow) ....................................................................... Passed
HB 26 Purchasing from Community Rehabilitation Programs Amendments (Marie H. Poulson) .... Failed
HB 27 General Building Contractor Amendments (James A. Dunnigan) ....................................... Passed
HB 28 Economic Development Task Force (Brad R. Wilson) ........................................................ Passed
HB 29 Insurance Amendments (James A. Dunnigan) .................................................................... Passed
HB 30 Unemployment Insurance Amendments (Jeremy A. Peterson) ............................................ Failed
HB 31 Taxes and Fees on Emergency Medical Aircraft (Patrick Painter) ........................................ Passed
HB 32 Peace Officer Standards and Training Council Amendments (Richard A. Greenwood) .... Passed
HB 33 Fireworks Amendments (James A. Dunnigan) ..................................................................... Passed
HB 34 Sales and Use Tax Act Revisions (Wayne A. Harper) .......................................................... Passed
HB 35 Extension of Recycling Market Development Zone Tax Credits (Wayne A. Harper) ........ Passed
HB 36 Sales and Use Tax - Computer Software and Other Tangible Personal
     Property Amendments (Wayne A. Harper) ............................................................................. Passed
HB 37 Child Support Guidelines Advisory Committee Amendments (Curtis Oda) ....................... Passed
HB 38 Competency to Stand Trial Amendments (Kay L. McCliff) ................................................ Passed
HB 39 Amendment to Utah Optometry Practice Act (James A. Dunnigan) .................................... Passed
HB 40 Gambling Amendments (Don L. Ipson) ............................................................................... Passed
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Passed: (Brad L. Dee)  (Gregory H. Hughes)  (Val L. Peterson)  (John G. Mathis)  (Melvin R. Brown)  (Kenneth W. Sumson)  (Ryan D. Wilcox)  (Johnny Anderson)  (Paul Ray)  (Patrice M. Arent)  (Jennifer M. Seelig)  (Dean Sanpei)  (Brad J. Galvez)  (David Litvack)  (Brian S. King)  (Rebecca P. Edwards)  (Curtis Oda)  (Wayne A. Harper)  (Merlynn T. Newbold)  (Kraig Powel)  (Kraig Powell)  (Kraig Powel)  (Kraig Powell)  (V. Lowry Snow)  (Stephen E. Sandstrom)  (Rebecca Chavez-Houck)  (Tim M. Cosgrove)  (Carol Spackman Moss)  (Ken Ivory)  (Bradley M. Daw)  (Rebecca Chavez-Houck)  (Lee B. Perry)  (Lee B. Perry)  (Evan J. Vickers)  (John Dougall)  (Curtis Oda)  (Tim M. Cosgrove)  (Stewart Barlow)  (Christine F. Watkins)

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HB 222  Escort Services Licensing Amendments (Paul Ray) ................................ Failed
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<td>HB 308</td>
<td>Parental Rights of Biological Fathers (Christine F. Watkins)</td>
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<td>Distribution of Property by Chance (Kraig Powell)</td>
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<td>State and Political Subdivision Employment Amendments (Daniel McCay)</td>
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<td>Electronic Meetings for Charter School (Bradley M. Daw)</td>
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<td>Veteran Employment Tax Credit (Don L. Ipson)</td>
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<td>Wage Reporting Amendments (Val L. Peterson)</td>
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<td>Domestic Violence and Dating Violence Amendments (Paul Ray)</td>
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<td>Divorce Waiting Period Amendments (Val L. Peterson)</td>
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<td>Provision of Information to Parents of Children in State Custody (Christine F. Watkins)</td>
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<td>Higher Education Tenure (Christopher N. Herrod)</td>
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<td>Underground Storage Tank Amendments (Kay L. McClif)</td>
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<td>Abandonment or Forfeiture of Water Rights (Brad J. Galvez)</td>
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<td>Adjudication of Water Rights (Joel K. Briscoe)</td>
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<td>Informed Consent in Domestic Cases <em>(Gage Froerer)</em></td>
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<td>Protection of Athletes with Head Injuries <em>(Paul Ray)</em></td>
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<td>Guardian Ad Litem Office References <em>(V. Lowry Snow)</em></td>
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<td>Education on Process for Electing Public Officials <em>(Stewart Barlow)</em></td>
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<td>Parent Education Initiative <em>(Steve Eliason)</em></td>
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<td>Local District Dissolution <em>(Daniel McCay)</em></td>
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<td>Classified School Employee Amendments <em>(Bradley G. Last)</em></td>
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<td>Expanded Uses of School District Property Tax Revenue <em>(Kay L. McIff)</em></td>
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<td>Pharmacy Practice Act Modifications <em>(Evan J. Vickers)</em></td>
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<td>Reclassification of Traffic Offenses <em>(Kraig Powell)</em></td>
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<td>Public Employee Health Care Benefits <em>(Bradley M. Daw)</em></td>
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<td>Corrections Issues Task Force <em>(Eric K. Hutchings)</em></td>
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<td>Clubs in Public Schools <em>(Stephen E. Sandstrom)</em></td>
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<td>Custody Modifications <em>(Gregory H. Hughes)</em></td>
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<td>Financing Motor Vehicle Purchases <em>(Gage Froerer)</em></td>
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<td>Economic Development Through Sports Promotion <em>(Brad L. Dee)</em></td>
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<td>Property Tax - Appraiser Amendments <em>(Jack R. Draxler)</em></td>
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<td>Early Intervention Program <em>(Merlynn T. Newbold)</em></td>
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HB 515  Upstart Amendments (Merlynn T. Newbold) .................................................. Failed
HCR 1  Concurrent Resolution - Letter to Federal Government (Christopher N. Herrod) .......... Failed
HCR 2  Concurrent Resolution Recognizing Historic and Economic Relationships Between Canada, the United States, and Utah (Stephen G. Handy) .................................................. Passed
HCR 3  Concurrent Resolution on Airport Security (Ken Ivory) ........................................ Failed
HCR 4  Concurrent Resolution Honoring Weber County Law Enforcement Officers (Brad L. Dee) ................................................................. Passed
HCR 5  Concurrent Resolution Designating February 18, 2012 Congressional Gold Medal Day for Certain Veterans (Curtis Oda) ............................................ Passed
HCR 6  Navajo Electrification Demonstration Project Concurrent Resolution (Christine F. Watkins) ................................................................. Passed
HCR 7  Concurrent Resolution Designating Veterans Memorial Highway (Christopher N. Herrod) ................................................................. Passed
HCR 8  Concurrent Resolution Recognizing the 100th Anniversary of the Girl Scouts of the Usa (Rebecca Chavez-Houck) ...................................... Passed
HCR 9  Concurrent Resolution Recognizing 75th Anniversary of Ducks Unlimited (Curtis Oda) ................................................................. Passed
HCR 10 Provo Canal Title Transfer Concurrent Resolution (Stephen G. Handy) ....................... Failed
HCR 11 Concurrent Resolution Recognizing the Sesquicentennial of the City of St. George (Don L. Ipson) ................................................................. Passed
HCR 12 Concurrent Resolution Urging Congress to Transfer Navajo Trust Fund Money (Michael E. Noel) ................................................................. Passed
HCR 14 Concurrent Resolution Supporting Education Regarding, and Prevention of, Chronic Obstructive Pulmonary Disease (Eric K. Hutchings) ......................... Failed
HCR 15 Concurrent Resolution on Obesity (Stewart Barlow) ............................................. Failed
HJR 1  Sustainable Schools Joint Resolution (Mark A. Wheatley) ....................................... Passed
HJR 2  Joint Resolution on World Class Curriculum (Marie H. Poulson) ......................... Failed
HJR 3  Joint Resolution on Federal Transfer of Public Lands (Roger E. Barrus) ............... Passed
HJR 4  Joint Resolution on Breastfeeding (Jennifer M. Seelig) ........................................ Passed
HJR 5  Joint Resolution on Parental Rights and Fundamental Liberties (Christopher N. Herrod) .... Failed
HJR 6  Joint Resolution on Severance Tax (Jim Nielson) ................................................ Passed
HJR 8  Joint Resolution Applying for an Article V Amendments Convention (Bradley M. Daw) ...... Failed
HJR 9  Joint Resolution on Monetary Declaration (Brad J. Galvez) .................................... Failed
HJR 10 Joint Resolution on Legislator Eligibility (John Dougall) ....................................... Failed
HJR 11 Joint Resolution on Motor Vehicle Taxes and Fees (John Dougall) ......................... Failed
HJR 12 Joint Resolution on Property Tax Exemption for Certain Military Personnel (Stephen E. Sandstrom) ................................................................. Failed
HJR 13 Joint Resolution - Tax Opinion Question (Gregory H. Hughes) ................................. Failed
HJR 14 Joint Resolution Urging Congress to Support Equity and Sales Tax Fairness (Steve Eliason) ................................................................. Passed
HJR 15 Joint Resolution - Legislative Process Rule (Kraig Powell) .................................... Failed
HJR 16 Joint Resolution - Judicial Service Commendation (Kay L. McIff) ......................... Failed
HJR 17 Joint Resolution on Interim Committee Name Change (Jim Bird) ......................... Passed
HJR 18 Joint Resolution on Personal Property Tax (John Dougall) ..................................... Failed
HJR 19 Joint Resolution on Intent Language (Francis D. Gibson) ..................................... Failed
HJR 20 House Joint Resolution on Hearing Impairment (Rebecca P. Edwards) .................. Failed
HJR 21 Joint Resolution on State Health Insurance (Brad L. Dee) ..................................... Passed
HJR 22 Joint Rules Resolution on Compensation and Expense Reimbursements (Brad L. Dee) .... Failed
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<td>Rules Resolution Requiring Notice of Request to Hold Bill (Neal B. Hendrickson)</td>
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<td>HR 2</td>
<td>House Rules Resolution on Committee Organization and Selections (John Dougall)</td>
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<td>HR 5</td>
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<td>Business, Economic Development, and Labor Base Budget (Jerry W. Stevenson)</td>
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<td>Executive Offices and Criminal Justice Base Budget (Daniel W. Thatcher)</td>
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<td>SB 10</td>
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<td>SB 11</td>
<td>Department of Environmental Quality Boards Adjudicative Proceedings (Margaret Dayton)</td>
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<td>SB 12</td>
<td>Energy Amendments (Mark B. Madsen)</td>
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<td>SB 13</td>
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<td>SB 14</td>
<td>Transportation Corridor Preservation Revolving Loan Fund Amendments (Peter C. Knudson)</td>
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<td>SB 18</td>
<td>Government Records Access and Management Act - Voter Registration Records (Margaret Dayton)</td>
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<td>Definition of Wolf in Wildlife Resources Code of Utah (Allen M. Christensen)</td>
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<td>Life Science and Technology Tax Credit Amendments (Curtis S. Bramble)</td>
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<td>Driver License and Identification Card Amendments (Kevin T. Van Tassell)</td>
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SB 92  Department of Commerce License Related Amendments (Karen Mayne)  Passed
SB 93  Retention Proceeds Revisions (Scott K. Jenkins)  Passed
SB 94  Electric Power Facilities Amendments (Curtis S. Bramble)  Passed
SB 95  Use of Payment in Lieu of Taxes Funds (Casey O. Anderson)  Failed
SB 96  Sales and Use Tax Exemptions for Golf Courses (Scott K. Jenkins)  Failed
SB 97  Grants for Online Testing (Aaron Osmond)  Passed
SB 98  Amendments to Prohibition on Using a Handheld Wireless Communication Device While Operating a Vehicle (Lyle W. Hillyard)  Passed
SB 99  Employment Amendments (Mark B. Madsen)  Passed
SB 100  Law Library Self-help Center (Stephen H. Urquhart)  Passed
SB 101  Acupuncture Licensing Act Amendments (David P. Hinkins)  Passed
SB 102  Amendments to Off-highway Vehicle Provisions (Scott K. Jenkins)  Passed
SB 103  Personal Injury Protection Arbitration (Curtis S. Bramble)  Passed
SB 104  Revisor’s Statute (Scott K. Jenkins)  Passed
SB 105  Utah Fallen Heroes Commemoration (Wayne L. Niederhauser)  Passed
SB 106  Tobacco Settlement Account Amendments (Lyle W. Hillyard)  Passed
SB 107  Possession of Graffiti Paraphernalia (Karen Mayne)  Failed
SB 108  Financial Institution Amendments (Curtis S. Bramble)  Passed
SB 109  Assault Amendments (Aaron Osmond)  Failed
SB 110  Deferred Deposit Lending and Forum Requirements (Benjamin M. McAdams)  Failed
SB 111  Health Amendments for Legal Immigrant Children (Luz Robles)  Failed
SB 112  Multi-channel Video or Audio Service Tax Amendments (Wayne L. Niederhauser)  Failed
SB 113  License Plates Amendments (Luz Robles)  Failed
SB 114  Contesting Public Procurements (Wayne L. Niederhauser)  Passed
SB 115  Historical District Creation Requirements (Wayne L. Niederhauser)  Passed
SB 116  Armed Forces Property Tax Exemption (Luz Robles)  Passed
SB 117  Publication of Education Fund Revenue Reductions (Benjamin M. McAdams)  Failed
SB 118  Transferable Development Rights Amendments (Wayne L. Niederhauser)  Passed
SB 119  Alcoholic Beverage Control Act Sampling Amendments (Ross I. Romero)  Failed
SB 120  Off-duty Peace Officers’ Employment (Margaret Dayton)  Passed
SB 121  Workers’ Compensation Waiver Amendments (Karen Mayne)  Passed
SB 122  Urban Farming Assessment Act (Wayne L. Niederhauser)  Passed
SB 123  Pharmacy Practice Act Amendments (Peter C. Knudson)  Passed
SB 124  County Amendments (Curtis S. Bramble)  Passed
SB 125  State Senate Boundary Amendments (Ralph Okerlund)  Passed
SB 126  Adoption by a Co-parent (Ross I. Romero)  Failed
SB 127  Controlled Substances Prescriber Training (Patricia W. Jones)  Passed
SB 128  Wireless Telephone Use Restriction for Minors in Vehicles (Ross I. Romero)  Failed
SB 129  Unemployment Insurance Modifications (Curtis S. Bramble)  Passed
SB 130  Workers’ Compensation Coordination of Benefits Amendments (Karen Mayne)  Failed
SB 131  Reauthorization of Utah Commission on Aging (Patricia W. Jones)  Passed
SB 132  Reauthorization of Radiation Control Act (Peter C. Knudson)  Passed
SB 133  Reauthorization of Mercury Switch Removal Act (Peter C. Knudson)  Passed
SB 134  State Water Development Commission Amendments (Margaret Dayton)  Passed
SB 135  Sunset Reauthorization-human Services (Allen M. Christensen)  Passed
SB 136  Billboard Amendments (Wayne L. Niederhauser)  Failed
SB 137  Financial Transparency Website (Wayne L. Niederhauser) ......................... Passed
SB 138  Health Insurance Mandate Accountability Amendments (Todd Weiler) ............ Passed
SB 139  Child Custody Proceedings (Luz Robles) ............................................. Failed
SB 140  Liquefied Petroleum Gas Amendments (Curtis S. Bramble) ......................... Passed
SB 141  Reauthorization of Prohibitions on Practicing Law Without a License (Scott K. Jenkins) ......................................................... Passed
SB 142  Traffic Management Committee Repeal (Todd Weiler) ............................... Passed
SB 143  Income Tax - Pass-through Entities (Wayne L. Niederhauser) .................. Passed
SB 144  Immigration Consultants (Luz Robles) ..................................................... Passed
SB 145  State Building Board Amendments (J. Stuart Adams) ............................... Passed
SB 146  Property Rights Amendments (Luz Robles) ............................................. Failed
SB 147  Emergency Vehicle Amendments (Daniel W. Thatcher) ......................... Passed
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SB 149  Division of Child and Family Services Amendments (Allen M. Christensen) ... Passed
SB 150  Local and Special Service District Amendments (Jerry W. Stevenson) ......... Passed
SB 151  Students At Risk of Academic Failure Study (Howard A. Stephenson) ....... Passed
SB 152  Charter School Financing (John L. Valentine) ......................................... Passed
SB 153  Procurement Amendments (Wayne L. Niederhauser) ............................... Passed
SB 154  Judiciary Amendments (Lyle W. Hillyard) ............................................. Passed
SB 155  Transition for Repealed Navajo Trust Fund Act (David P. Hinkins) .............. Passed
SB 156  Elected Official Retirement Benefits Amendments (John L. Valentine) ....... Passed
SB 157  Utah Immigration Accountability and Enforcement (Stephen H. Urquhart) ... Failed
SB 158  Delinquent Property Tax and Uniform Fee Amendments (Benjamin M. McAdams) Failed
SB 159  State Fair Park Risk Management (Lyle W. Hillyard) ................................ Passed
SB 160  Construction Trades Licensing Amendments (Peter C. Knudson) ............... Failed
SB 161  Pharmacy Practice Act Revisions (Curtis S. Bramble) ............................. Passed
SB 162  Division of School Districts (Aaron Osmond) ......................................... Failed
SB 163  Local Government Real Property Amendments (Mark B. Madsen) .............. Failed
SB 164  Transportation Funding Amendments (Jerry W. Stevenson) ....................... Passed
SB 165  Redevelopment Agency Amendments (Todd Weiler) ............................... Passed
SB 166  Statutory Construction - Computation of Time (John L. Valentine) .............. Passed
SB 167  Children’s Justice Center Program Amendments (Ralph Okerlund) ............... Failed
SB 168  Uniform Disposition of Community Property Rights At Death Act (Lyle W. Hillyard) Passed
SB 169  Judicial Conduct Commission Amendments (Karen Mayne) ..................... Passed
SB 170  Driver License Qualification Amendments (Stephen H. Urquhart) ............... Failed
SB 171  Jail Reimbursement Funding Amendments (John L. Valentine) .................. Failed
SB 172  Successor Corporation Asbestos-related Liability Act (Curtis S. Bramble) .... Passed
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SB 174  Land Use Authority Amendments (Wayne L. Niederhauser) ..................... Passed
SB 175  School Grading Amendments (Wayne L. Niederhauser) ........................... Passed
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SB 177  Statewide Online Education Program Amendments (Howard A. Stephenson) Passed
SB 178  Hospital Tax Assessment (Lyle W. Hillyard) .......................................... Passed
SB 179  Political Subdivision Ethics Amendments (Curtis S. Bramble) ................... Passed
SB 180  Expungement of Drug Offenses (Howard A. Stephenson) ......................... Passed
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SB 190  Research and Development Amendments (John L. Valentine)  .  Failed
SB 191  Accountability for School Attendance (Jerry W. Stevenson)  .  Passed
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SB 193  Local Government Bonding Act Amendments (Curtis S. Bramble)  .  Passed
SB 195  Transportation Safety Revisions (Karen Mayne)  .  Passed
SB 196  Software for Special Needs Children (Wayne L. Niederhauser)  .  Passed
SB 197  Attorney General Amendments (Jerry W. Stevenson)  .  Passed
SB 199  Motor Vehicle Selling and Titling Requirements (Stephen H. Urquhart)  .  Passed
SB 200  Justice Court Amendments (Lyle W. Hillyard)  .  Passed
SB 201  Expungement Amendments (Curtis S. Bramble)  .  Passed
SB 202  Dentist Practice Act Amendments (J. Stuart Adams)  .  Passed
SB 203  Audit Process Amendments (Stuart C. Reid)  .  Passed
SB 205  Records Access Discovery Amendments (Curtis S. Bramble)  .  Passed
SB 206  Warrant Process Amendments (Scott K. Jenkins)  .  Failed
SB 208  Healthcare Compact (J. Stuart Adams)  .  Passed
SB 209  Retention of Outside Counsel, Expert Witnesses, and Litigation Support Services (J. Stuart Adams)  .  Failed
SB 210  Process Server Amendments (Stephen H. Urquhart)  .  Passed
SB 211  Earned Income Tax Credit and Related Funding (Benjamin M. McAdams)  .  Passed
SB 213  Charter School Enrollment (Howard A. Stephenson)  .  Failed
SB 214  Justice Court Process Amendments (Curtis S. Bramble)  .  Passed
SB 216  Digital Safety for Utah Secondary Schools (Aaron Osmond)  .  Failed
SB 217  Math Materials Access Improvement Grant (Aaron Osmond)  .  Passed
SB 220  Hospital and Health Care Provider Lien Amendments (Allen M. Christensen)  .  Failed
SB 221  Revenue and Tax Amendments (Curtis S. Bramble)  .  Passed
SB 223  Pledge of Allegiance Amendments (Aaron Osmond)  .  Passed
SB 225  Transportation Revisions (J. Stuart Adams)  .  Passed
SB 226  High Quality Preschool Project (Aaron Osmond)  .  Failed
SB 227  Youth Court Amendments (Jerry W. Stevenson)  .  Failed
SB 229  Telecommunications Regulatory Amendments (Curtis S. Bramble)  .  Passed
SB 231  Disposal of Surplus Property by the Legislature (Curtis S. Bramble)  .  Passed
SB 233  Name Change for Appropriations Subcommittees (Lyle W. Hillyard)  .  Passed
SB 234  Criminal Procedure Amendments (Lyle W. Hillyard)  .  Passed
SB 235  Clarification of Stalking Injunctions and Protective Orders (Todd Weiler)  .  Passed
SB 236  GPS Tracking Authority (Todd Weiler)  .  Passed
SB 237  Personal Injury Protection Insurance Amendments (Allen M. Christensen)  .  Passed
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SB 240  General Repealer (John L. Valentine)  .  Passed
SB 242  Fleeing a Conservation Officer Amendments (Daniel W. Thatcher)  .  Passed
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SB 244  Reporting Options for Auto Insurance (Kevin T. Van Tassell)  .  Passed
SB 245  Mule Deer Protection Act (Ralph Okerlund)  .  Passed
SB 246  Share Certificates in Land Companies (Ralph Okerlund)  .  Passed
SB 247  Conservation District Amendments (David P. Hinkins)  .  Passed
SB 248  Smart School Technology Act (Jerry W. Stevenson)  .  Passed
SB 249  Firearm Possession Amendments (Mark B. Madsen)  .  Failed
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Statistical Summary of Legislation
2012 General Session

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<tr>
<th></th>
<th>House</th>
<th>Senate</th>
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<tr>
<td><strong>Total Bills and Resolutions Introduced</strong></td>
<td>480</td>
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Bills Introduced
- House: 440
- Senate: 247
- Total: 687

Bills Passed
- House: 249
- Senate: 181
- Total: 430

Bills Vetoed
- House: 2
- Senate: 0
- Total: 2

Bills with Veto Override
- House: 0
- Senate: 0
- Total: 0

**Total Bills Enacted**
- House: 247
- Senate: 181
- Total: 428

Concurrent Resolutions Introduced
- House: 14
- Senate: 12
- Total: 26

Joint Resolutions Introduced
- House: 21
- Senate: 22
- Total: 43

House & Senate Resolutions Introduced
- House: 5
- Senate: 3
- Total: 8

**Total Resolutions Introduced**
- House: 40
- Senate: 37
- Total: 77

Concurrent Resolutions Passed
- House: 9
- Senate: 10
- Total: 19

Joint Resolutions Passed
- House: 8
- Senate: 14
- Total: 22

House & Senate Resolutions Passed
- House: 3
- Senate: 3
- Total: 6

**Total Resolutions Passed**
- House: 20
- Senate: 27
- Total: 47

- Introduced - 764

House Resolutions: 40 (5%)

Senate Resolutions: 37 (5%)

House Bills: 440 (58%)

Senate Bills: 247 (32%)

- Passed - 477

House Resolutions: 20 (4%)

Senate Resolutions: 27 (6%)

House Bills: 249 (52%)

Senate Bills: 181 (38%)
# Statistical Summary of General Sessions 2008-2012

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![Bar Chart](chart.png)
DIGEST OF LEGISLATION

2011 SECOND SPECIAL SESSION
of the 59th Legislature

Convened and Adjourned July 20, 2011

Prepared by the
Office of Legislative Research and General Counsel
Utah State Capitol Complex
W210 House Building
P.O. Box 145210
Salt Lake City, Utah  84114-5210
(801) 538-1032
http://le.utah.gov
HB 2001  Retention Elections for Justice Court Judges (Curtis Oda)

This bill allows justice court judges to be evaluated for the 2012, 2014, and 2016 retention elections under two different standards.

This bill:
- for the 2012, 2014, and 2016 retention elections only, authorizes the Judicial Performance Evaluation Commission to evaluate justice court judges under two different standards by allowing:
  - justice court judges who are employed part-time on July 1, 2012, to be evaluated by the criteria established before the Judicial Performance Evaluation Commission was established; and
  - justice court judges who are employed full-time on July 1, 2012, to be evaluated by the new criteria established when the Judicial Performance Evaluation Commission was created.

This bill provides an immediate effective date.

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

Amends 63I-2-278, 78A-7-202

Effective July 28, 2011  Chapter 3, Laws of Utah 2011, Second Special Session

HB 2002  Prison Relocation and Development Authority Act Amendments (Gregory H. Hughes)

This bill modifies the Prison Relocation and Development Authority Act.

This bill:
- modifies membership of the Prison Relocation and Development Authority;
- requires the authority to report the results of its evaluation and recommendations to the Legislative Management Committee;
- eliminates a provision requiring the governor to make a recommendation to the Legislative Management Committee; and
- prohibits the state from selling, exchanging, or leasing state prison land without the Legislature’s prior approval.

This bill provides an immediate effective date.

Amends 63C-13-103, 63C-13-104

Effective July 28, 2011  Chapter 4, Laws of Utah 2011, Second Special Session
HB 2003  Insurance Amendments (James A. Dunnigan)

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

This bill:
► amends provisions related to unfair marketing practices by insurance producers;
► amends the case characteristics a small employer carrier may use when establishing health insurance premium rates for a small employer group;
► amends the calculation of premium cost for family coverage in the small employer group market by:
  • allowing a carrier to use either four, five, or six rate tiers based on family size for plans offered outside of the Health Insurance Exchange; and
  • limiting a carrier to four rate tiers based on family size for plans offered in the defined contribution market on the Health Insurance Exchange;
► authorizes the Insurance Department actuary to allow different rating practices related to family tiering in and out of the Health Insurance Exchange;
► amends provisions that require notice to a small employer group of the risk factor used to calculate a group’s health insurance premium; and
► makes technical amendments.

This bill appropriates:
► $35,000 from the General Fund, One-time, for fiscal year 2011-12 only, to the Insurance Department - Risk Adjuster.


Effective September 19, 2011 Chapter 5, Laws of Utah 2011, Second Special Session

SB 2001  Bonds Secured by Federal Mineral Lease Payments (Ralph Okerlund)

This bill extends the date after which a special service district bond secured by federal mineral lease payments may not be issued.

This bill:
► extends the date after which a special service district bond secured by federal mineral lease payments may not be issued from December 31, 2010, to December 31, 2020;
► provides for sunset review of the bond provisions described in this bill before it is repealed on December 31, 2020; and
► makes technical changes.

This bill provides an immediate effective date.

Amends 11-14-308;

Enacts 63I-1-211

Effective July 28, 2011 Chapter 1, Laws of Utah 2011, Second Special Session
SB 2002  Alcoholic Beverage Control Act Amendments  (John L. Valentine)

This bill modifies the Alcoholic Beverage Control Act to address various issues related to the regulation of alcoholic products.

This bill:
- modifies definitions and removes references to certificates related to prohibited interests, relationships, and actions;
- modifies the type of licenses that if held by a manufacturing facility that also holds a package agency allows the manufacturing facility to sell an alcoholic product on additional days;
- modifies the commission’s power to issue club license when there is a change of ownership of a business establishment that meets certain criteria;
- addresses the transfer of a grandfathered facility licensed as an on-premise banquet catering license;
- modifies bond amount for on-premise beer retailers;
- modifies the definition of recreational amenity;
- addresses requirements related to on-premise beer retailers, recreational amenities, and the sale of food;
- removes an unnecessary cross reference related to notifying the department of closures and transfers of licenses;
- addresses grandfathering and beer only restaurants; and
- makes technical and conforming amendments.

This bill provides for retrospective operation.

Amends 32B-1-102, 32B-2-209, 32B-2-605, 32B-6-403, 32B-6-404, 32B-6-603 (Superseded 11/01/11), 32B-6-702, 32B-6-703, 32B-6-705, 32B-6-706, 32B-6-902 (Effective 03/01/12)

Effective July 28, 2011  Chapter 2, Laws of Utah 2011, Second Special Session
This concurrent resolution of the Legislature and the Governor expresses support for a proposed amendment to the Constitution of the United States that requires the United States Congress to balance the federal budget and to restrict tax increases.

This resolution:
- urges that the United States Congress pass a balanced budget amendment and submit it to the states for ratification;
- urges that the balanced budget amendment require that total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless a two-thirds vote of both houses of Congress approves an increase;
- urges that the balanced budget amendment require that total outlays for any fiscal year shall not exceed 18% of the gross domestic product of the United States for the calendar year ending before the beginning of that fiscal year, unless two-thirds of both houses of Congress approve an increase;
- urges that the balanced budget amendment require that each fiscal year the President of the United States shall transmit to Congress a proposed budget for the United States Government that complies with the requirements listed above;
- urges that the balanced budget amendment require that any bill that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue may pass only by a two-thirds majority of both houses of Congress;
- urges that the balanced budget amendment require that the nation’s debt limit on the national debt shall not be increased unless three-fifths of both houses of Congress approve it;
- urges that the balanced budget amendment permit Congress to waive the provisions previously described for any fiscal year in which a declaration of war against a nation-state is in effect if a majority of both houses of Congress approve it;
- urges that the balanced budget amendment permit Congress to waive the provisions previously described for any fiscal year in which the United States is engaged in a military conflict that causes an imminent and serious military threat to national security and is so declared by three-fifths of both houses of Congress;
- urges that the balanced budget amendment prohibit any court of the United States or of any state to order any increase in revenue to enforce this article; and
- urges that the balanced budget amendment require that total receipts shall include all receipts of the United States Government except those derived from borrowing, or from penalties or fines and that total outlays shall include all outlays of the United States Government except those for repayment of debt principal.

Effective July 28, 2011
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## Utah Code Sections Affected
### 2011 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

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A=Amended  E=Enacted  R=Repealed  X=Repealed and Reenacted  N=Renumbered and Amended
# INTRODUCED LEGISLATION

## 2011 SECOND SPECIAL SESSION

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<td>Curtis Oda</td>
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<td>HB 2002</td>
<td>Prison Relocation and Development Authority Act Amendments</td>
<td>Gregory H. Hughes</td>
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<td>HB 2003</td>
<td>Insurance Amendments</td>
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<td>SB 2001</td>
<td>Bonds Secured by Federal Mineral Lease Payments</td>
<td>Ralph Okerlund</td>
<td>Passed</td>
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<td>John L. Valentine</td>
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<td>SCR 201</td>
<td>Concurrent Resolution Supporting United States’ Balanced Budget Constitutional Amendment</td>
<td>Stuart C. Reid</td>
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DIGEST OF LEGISLATION

2011 THIRD SPECIAL SESSION
of the 59th Legislature

Convened October 3, 2011
Adjourned October 17, 2011

Prepared by the
Office of Legislative Research and General Counsel
Utah State Capitol Complex
W210 House Building
P.O. Box 145210
Salt Lake City, Utah 84114-5210
(801) 538-1032
http://le.utah.gov
HB 3001  Utah State House Boundaries Designation *(Kenneth W. Sumson)*

This bill, which includes this printed text and the electronic data affiliated with it, establishes new Utah State House district boundaries and makes other technical corrections.

This bill:
- repeals current Utah State House boundaries and establishes new Utah State House boundaries;
- establishes the block assignment file that is part of this bill in electronic form as the legal boundaries of Utah State House districts; and
- makes technical corrections.

This bill takes effect on January 1, 2012, for purposes of nominating and electing members of the Utah State House and on January 1, 2013, for all other purposes.

Amends 36-1-202, 36-1-202.2, 36-1-203, 36-1-204;
Enacts 36-1-201.1, 36-1-201.5;
Repeals 36-1-201

Effective January 1, 2012  Chapter 6, Laws of Utah 2011, Third Special Session

HB 3002  State Board of Education Boundaries and Election Designation *(Kenneth W. Sumson)*

This bill, which includes this printed text and the electronic data affiliated with it, establishes new State Board of Education district boundaries and makes other technical corrections.

This bill:
- repeals current State Board of Education district boundaries and establishes new State Board of Education district boundaries;
- establishes election dates for State Board of Education districts to ensure that State Board of Education terms are staggered;
- establishes the block assignment file, which is part of this bill in electronic form, as the legal boundaries of State Board of Education districts; and
- makes technical corrections.

This bill takes effect on January 1, 2012, for purposes of nominating and electing certain members of the State Board of Education and on January 1, 2013, for all other purposes.

Enacts 20A-14-101.1, 20A-14-101.5;
Repeals 20A-14-101

Effective January 1, 2012  Chapter 3, Laws of Utah 2011, Third Special Session
HB 3003  Workers' Compensation and Unincorporated Entities Amendments  (Michael T. Morley)
This bill amends the Workers’ Compensation Act to address workers’ compensation requirements for unincorporated entities.
This bill:

► addresses workers’ compensation coverage requirements for unincorporated entities; and
► makes technical and conforming amendments.
This bill provides an immediate effective date.
This bill provides retrospective operation to July 1, 2011.
The original bill was recommended by the Business and Labor Interim Committee
Amends 34A-2-103
Effective October 13, 2011  Chapter 4, Laws of Utah 2011, Third Special Session

HB 3004  State Board of Regents Amendments  (Kay L. McIff)
This bill modifies provisions related to appointments to the State Board of Regents.
This bill:

► requires the governor to appoint a certain number of members to the State Board of Regents who reside in a county of the fourth, fifth, or sixth class; and
► deletes obsolete language.
This bill provides an immediate effective date.
Amends 53B-1-104
Effective October 13, 2011  Chapter 5, Laws of Utah 2011, Third Special Session

HCR 301  Concurrent Resolution Recognizing the 75th Anniversary of the Welfare System of the Church of Jesus Christ of Latter-day Saints  (Ronda Rudd Menlove)
This concurrent resolution of the Legislature and the Governor recognizes the 75th Anniversary of the Welfare System of the Church of Jesus Christ of Latter-day Saints and the significant impact the program has had, both in Utah and throughout the world, in helping people in need.
This resolution:

► recognizes the 75th Anniversary of the Welfare System of the Church of Jesus Christ of Latter-day Saints;
► recognizes the significant impact the program has had, both in Utah and throughout the world; and
► recognizes the many efforts made by the Church and its members, through its welfare program efforts, to serve others regardless of religious affiliation.
Effective October 13, 2011  Laws of Utah 2011, Third Special Session

HCR 302  Concurrent Resolution on Scofield Land Transfer  (Patrick Painter)
This concurrent resolution of the Legislature and the Governor urges Utah’s congressional delegation to sponsor legislation to resolve the Scofield land transfer issue.
This resolution:

► urges Utah’s congressional delegation to sponsor legislation to resolve the Scofield land transfer issue as outlined in this resolution, and to make every effort to see it successfully pass the United States Congress.
Effective October 13, 2011  Laws of Utah 2011, Third Special Session
HJR 301  Bill Request Procedures Joint Resolution (Wayne A. Harper)

This rules resolution modifies procedures for prioritizing requests for legislation.

This resolution:
▶ extends and staggers the deadlines for a legislator to designate priority status for a request for legislation;
▶ provides that a legislator will forfeit one or more priority requests if the legislator fails to make a priority designation before a staggered deadline passes;
▶ clarifies existing restrictions on the use and transfer of priority designations;
▶ clarifies language regulating the order in which legislation is drafted; and
▶ changes language to provide for more consistent use of terms.

None  Legislative Rules Affected: AMENDS: JR4-2-102

Amends JR4-2-102

Effective October 4, 2011  Laws of Utah 2011, Third Special Session

SB 3001  Utah State Senate Boundaries and Election Designation (Ralph Okerlund)

This bill, which includes this printed text and the electronic data affiliated with it, establishes new Utah State Senate district boundaries and makes other technical corrections.

This bill:
▶ repeals current Utah State Senate district boundaries and establishes new Utah State Senate district boundaries;
▶ establishes election dates for each Utah State Senate district to ensure that Senate terms are staggered;
▶ establishes the block assignment file, which is part of this bill in electronic form, as the legal boundaries of Utah State Senate districts; and
▶ makes technical corrections.

This bill takes effect on January 1, 2012, for purposes of nominating and electing certain members of the Utah State Senate and on January 1, 2013, for all other purposes.

Amends 36-1-102, 36-1-103, 36-1-103.2, 36-1-104, 36-1-105;

Enacts 36-1-101.1, 36-1-101.5;

Repeals 36-1-101

Effective January 1, 2012  Chapter 7, Laws of Utah 2011, Third Special Session
**SB 3002** Congressional Boundaries Designation *(Ralph Okerlund)*

This bill, which includes this printed text and the electronic data affiliated with it, establishes new United States Congressional district boundaries for Utah and makes other technical corrections.

This bill:
- repeals current United States Congressional district boundaries for Utah and establishes new United States Congressional district boundaries for Utah;
- establishes the block assignment file that is part of this bill in electronic form as the legal boundaries of United States Congressional district boundaries for Utah; and
- makes technical corrections.

This bill takes effect on January 1, 2012, for purposes of nominating and electing Utah representatives to the United States House of Representatives and on January 1, 2013, for all other purposes.


Effective January 1, 2012  
Chapter 8, Laws of Utah 2011, Third Special Session

**SB 3003** Amendments to Driver License Suspension for Driving Under the Influence Offenses *(Scott K. Jenkins)*

This bill modifies the Uniform Driver License Act by amending provisions relating to the driver license suspension periods for certain driving under the influence offenses.

This bill:
- provides that if the Driver License Division determines that a peace officer had reasonable grounds to believe that a person was driving a motor vehicle in violation of certain driving under the influence offenses and the arrest was made on or after July 1, 2009, the Driver License Division shall, if the person is 19 years of age or older but under 21 years of age at the time of arrest, suspend the person’s license or permit to operate a motor vehicle:
  - for a period of six months for a first suspension; or
  - until the person is 21 years of age or for a period of two years, whichever is longer, for a second or subsequent suspension for an offense that occurred within the previous 10 years.

This bill provides an immediate effective date.

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

**Amends** 53-3-223

Effective October 13, 2011  
Chapter 1, Laws of Utah 2011, Third Special Session
SB 3004  Presidential Candidate Amendments (Peter C. Knudson)

This bill amends provisions relating to elections.

This bill:
- authorizes and establishes requirements for a political party to participate in a regular primary election for office of the President of the United States if there is no Western States Presidential Primary;
- directs the lieutenant governor to certify the results of the primary canvass to a political party by August 1;
- makes certain exceptions for presidential candidates in the primary election process;
- requires a political party to certify presidential electors by August 31; and
- makes technical changes.

This bill provides an immediate effective date.

Amends 20A−4−306, 20A−9−201, 20A−9-202.5, 20A−9-403 (Effective 01/01/12), 20A−9-403 (Superseded 01/01/12), 20A−9-802, 20A−13−301

Effective October 13, 2011  Chapter 2, Laws of Utah 2011, Third Special Session

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SB 3005  Lieutenant Governor District Determinations (Ralph Okerlund)

This bill grants limited authority to the lieutenant governor to make certain district determinations.

This bill:
- grants limited authority to the lieutenant governor to determine the district to which a residence is assigned if the lieutenant governor determines that the residence is within more than one district.

This bill provides an immediate effective date.

Enacts 67-1a-2.2

Effective October 20, 2011  Chapter 9, Laws of Utah 2011, Third Special Session
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Legend: The action taken on each section is as follows:

- **A**: Amended
- **E**: Enacted
- **R**: Repealed
- **X**: Repealed and Reenacted
- **N**: Renumbered and Amended

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