



UTAH STATE LEGISLATURE

DIGEST OF LEGISLATION

2005 GENERAL SESSION

of the 56th Legislature

**2004 Third and Fourth Special Sessions
of the 55th Legislature**

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

Utah State Legislature

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INTRODUCTION

This *Digest of Legislation* provides long titles of bills and resolutions enacted by the 56th Legislature in the 2005 General Session, 2004 Third and Fourth Special Sessions, and 2005 First Special Session. The digest lists the sponsor, sections of the Utah Code affected, effective date, session law chapter number for each bill enacted, and whether the bill was studied and approved by an interim committee (in italics). Bills vetoed by the governor are also identified, summarized, and presented with the governor's veto message. Bills and resolutions not passed are indexed by subject. Statistical summary data are also included.

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

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

Table of Contents

2005 General Session	
Subject Index of Passed Legislation	v
Passed Legislation	1
Vetoed Bills	165
Utah Code Sections Affected	169
Introduced Legislation	197
Subject Index of Legislation Not Passed	215
Statistical Summary of Legislation	229
Statistical Summary of General Sessions 2000-2004	231
Third Special Session	
Passed Legislation	235
Subject Index of Passed Legislation	237
Utah Code Sections Affected	239
Introduced Legislation	241
Fourth Special Session	
Passed Legislation	245
Subject Index of Passed Legislation	247
Utah Code Sections Affected	249
Introduced Legislation	251
First Special Session	
Passed Legislation	255
Subject Index of Passed Legislation	263
Utah Code Sections Affected	265
Introduced Legislation	267
Subject Index of Legislation Not Passed	269

DIGEST OF LEGISLATION

2005 GENERAL SESSION of the 56th Legislature

**Convened January 17, 2005
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SUBJECT INDEX OF PASSED LEGISLATION 2005 GENERAL SESSION

ABUSE

Medical Decisions of a Parent or Guardian - SB 83	123
Presumption of Responsibility for Abuse or Neglect - HB 89	27

ADMINISTRATIVE RULES AND PROCEDURES

Administrative Rules Reauthorization - HB 37	13
Individual Income Tax - Return Filing Requirements - SB 133	137
Utah Administrative Rulemaking Act Revision - SB 101	127

ADMINISTRATIVE SERVICES

Capitol Preservation Board Amendments - SB 163 .	143
--	-----

ADOPTION

Adoption Amendments - HB 259	66
Adoption Law Revisions - HB 233	59
Amendments to Individual Income Tax Credit for Special Needs Adoptions - SB 125	134
Intercountry Adoption Accreditation - HB 22	9

AERONAUTICS

Aerospace and Aviation Development Zone Modifications - SB 9	94
Liens on Aircraft - SB 103	127
Space Exploration Resolution - SJR 6	160

AGRICULTURE

Agricultural Advisory Board - HB 203	53
Agricultural Coop Amendments - HB 155	42
Dairy Promotion Act Amendments - HB 156	42
Historical Livestock Trails - HB 182	49
Sales and Use Tax - Agricultural Exemption Vehicle Limitation - HB 9	4
Sales and Use Tax Agriculture Exemptions - SB 6 ..	92
Water Enforcement Procedures and Penalties - HB 157	43
Water Law - Criminal Penalties Amendments - HB 38	14

AIRPORTS

Concurrent Resolution Regarding Delta Air Lines - SCR 9	158
Retirement for Airport Police - SB 130	136

ALCOHOLIC BEVERAGE CONTROL

Alcoholic Beverage Control Amendments - SB 65	120
--	-----

ALTERNATIVE DISPUTE RESOLUTION

Arbitration - Use of Subpoena Authorized - SB 116	131
Resolution Encouraging Mediation - SJR 3	159

APPLIED TECHNOLOGY EDUCATION

Utah College of Applied Technology Amendments - HB 86	27
--	----

APPROPRIATIONS

Annual Appropriations Act - HB 1	1
Children's Justice Center Addition - SB 93	125
Division of Real Estate Amendments - SB 172	145
High Technology Economic Development Appropriation - SB 192	150
Supplemental Appropriations Act - SB 1	89
Supplemental Appropriations Act II - SB 3	90
Supplemental Appropriations III - HB 301	73
Supplemental Minimum School Program Finance Act - HB 382	80
Telephone Surcharge for Education and Training Programs At Prison - HB 234	60

ARBITRATION/MEDIATION

Arbitration - Use of Subpoena Authorized - SB 116	131
--	-----

ARCHIVES

Archeological Resources Amendments - HB 308	73
--	----

ARTS

Office of Museum Services Amendments - SB 95 ..	126
---	-----

AUTOMATED GEOGRAPHIC REFERENCE CENTER

Global Positioning Reference Network - HB 216	56
--	----

BANKRUPTCY, PROPERTY EXEMPT FROM EXECUTION - HB 121

	36
--	----

BENEFITS/CLAIMS, HEALTH

Medical Benefits Recovery Act Amendments - SB 126	134
--	-----

BICYCLES

Bicycle Safety Provisions - HB 49	16
Motor Assisted Scooter and Mini-motorcycle Amendments - HB 159	43

BOARD OF PARDONS AND PAROLES

Drug Courts Pilot Project - SB 135	138
Restitution Amendments - SB 94	125

BONDS

2004 General Obligation Bond Amendments - SB 86	124
--	-----

Bond Election Process Amendments - HB 14	6	Price Controls During Emergencies Act - SB 52	111
Private Activity Bond Amendments - HB 116	36	Protection of Government Records - SB 179	148
Revenue Bonds and Capital Facilities		Real Estate - Exclusive Brokerage	
Authorizations - HB 287	72	Agreements - SB 56	113
BUDGETING		Real Estate Amendments - HB 283	71
Municipal Budget Amendments - HB 309	73	Real Estate and Mechanics Liens -	
Resolution Urging Congress to Pass Balanced		Security Alternatives - HB 273	69
Budget Amendment - HR 11	89	Real Estate Transactions and Securities - SB 64 ...	119
BUSINESS		Regulating Proprietary Postsecondary	
Alcoholic Beverage Control		Schools - SB 18	98
Amendments - SB 65	120	Regulation of Title Insurance Industry - SB 40	107
Business Entity Amendments - HB 275	70	Relationships with Venture Capital	
Business License Fees - SB 152	141	Entities - SB 35	105
Captive Insurance Law Amendments - HB 191	52	Repeal of Utah Personal Introduction	
Concurrent Resolution Regarding		Services Protection Act - HB 164	44
Delta Air Lines - SCR 9	158	Resolution Recognizing Utah Manufacturers	
Construction Filing Amendments - HB 105	32	Association - HCR 8	82
Consumer Protection Amendments - HB 186	50	Resolution Supporting Congressional	
Consumer Sales Practices Act		Privatization of Social Security - HR 3	87
Amendments - HB 30	12	Security Personnel Licensing Amendments -	
Conveyances of Property - HB 26	11	SB 71	120
Crime Victims - Change of Locks on		Utah Consumer Credit Code Amendments -	
Rental Property - HB 184	49	SB 157	141
Dishonored Instrument Amendments - SB 158	142	Wage Provisions - SB 139	139
Division of Real Estate Amendments - SB 172	145	BUSINESS AND ECONOMIC DEVELOPMENT	
Employment Agency Revisions - HB 348	79	Aerospace and Aviation Development Zone	
Federal Health Care Tax Credit Program Act -		Modifications - SB 9	94
HB 69	23	Community and Economic Development	
Financial Institutions as Limited Liability		Restructuring - HB 318	74
Companies - SB 215	153	Economic Development Incentives - HB 11	5
Health Discount Program Consumer		Insurance Cancellation and Nonrenewal	
Protection Act - HB 70	23	Restrictions - SB 48	110
Insurance Cancellation and Nonrenewal		Military Installation Partnerships - SB 141	139
Restrictions - SB 48	110	Price Controls During Emergencies Act - SB 52	111
Insurance Law Amendments - HB 195	52	Regulation of Title Insurance Industry - SB 40	107
Insurance Law Revisions - HB 200	53	Utah Venture Capital Enhancement Act	
Insurance Licensing Amendments - HB 60	19	Amendments - HB 179	47
Joint Resolution Related to Financial		CAPITOL BUILDING	
Institutions - HJR 1	83	Capitol Complex Space - HB 250	64
Judgment Interest Amendments - SB 138	138	Resolution Approving Contract for State Capitol	
Liens on Aircraft - SB 103	127	Renovation - SJR 5	160
Life Insurance and Annuities Law		CHARITIES	
Amendments - HB 201	53	Joint Resolution Urging Health Care for Utah's	
Limitation on Liability Regarding Liquefied		Indigent and Needy Uninsured - HJR 19	86
Petroleum Gas - SB 21	99	Property Tax Exemption Amendments - SB 121 ...	133
Military Installation Partnerships - SB 141	139	Resolution Recognizing 100 Years of Rotary	
New Automobile Franchise Act		International - SJR 9	161
Amendments - HB 47	15	CHARTER SCHOOLS	
New Motor Vehicle Franchise Act		Charter School Amendments - SB 178	148
Amendments - SB 51	111	Charter School Construction Amendments -	
Pete Suazo Athletic Commission		HB 36	13
Amendments - SB 149	140		

Charter School Enrollment - HB 136	38	COMMITTEES, LEGISLATIVE	
Charter School Reporting - HB 206	54	House Rules Resolution - Committee Report -	
		HR 7	88
CHILD CARE, DEPARTMENT OF WORKFORCE		Master Study Resolution - HJR 20	87
SERVICES AMENDMENTS - SB 12	95	Repeal of Utah Tomorrow Strategic Planning	
		Committee - SB 117	131
CHILD WELFARE		COMMUNITY AND ECONOMIC DEVELOPMENT	
Child and Family Welfare Revisions - HB 338	79	Aerospace and Aviation Development Zone	
Child Protection Team Meetings - HB 8	3	Modifications - SB 9	94
Foster Care Citizen Review Board - SB 17	97	Amendments to Navajo Trust Fund - SB 76	122
CHILDREN		Archeological Resources Amendments - HB 308	73
Child Protection Team Meetings - HB 8	3	Economic Development Incentives - HB 11	5
Child Welfare Amendments - SB 72	121	Funding for Business Development in	
Children's Justice Center Amendments - SB 15	96	Disadvantaged Rural Communities - SB 57	114
Children's Health Care Coverage		High Technology Economic Development	
Amendments - HB 114	36	Appropriation - SB 192	150
Children's Justice Center Addition - SB 93	125	Military Installation Partnerships - SB 141	139
Internet Crimes Against Children - HB 132	37	Motion Picture Incentive Fund - HB 17	7
Medical Decisions of a Parent or Guardian -		Office of Museum Services Amendments - SB 95 ..	126
SB 83	123	Permanent Community Impact Fund -	
Medical Recommendations for Children - HB 42	14	Board Membership - HB 224	58
Presumption of Responsibility for Abuse		Private Activity Bond Amendments - HB 116	36
or Neglect - HB 89	27	Tourism Task Force - HB 57	18
Resolution Encouraging Schools to Adopt		Utah Venture Capital Enhancement Act	
Nutrition and Physical Activity Policies - HJR 11 ..	85	Amendments - HB 179	47
CLEAN FUELS		CONFLICTS OF INTEREST	
Amendments Relating to Clean Fuels and Vehicles		Resolution Amending Joint Rules Regarding	
Using Clean Fuels - HB 96	29	Conflicts of Interest - HJR 9	85
CODE OF CRIMINAL PROCEDURE		CONSTRUCTION INDUSTRIES	
Amendments to Search Warrants - SB 30	105	Charter School Construction Amendments -	
Property Tracking Amendments - HB 215	55	HB 36	13
COMMERCE AND TRADE		Oversight and Enforcement of Work Done	
House Resolution Discouraging Participation in		on Mobile Homes - SB 223	154
Free Trade Areas of the Americas - HR 9	88	CONSUMER CREDIT CODE	
Personal Property Transactions		Utah Consumer Credit Code Amendments -	
Amendments - SB 62	119	SB 157	141
Pete Suazo Athletic Commission Amendments -		CONSUMER PROTECTION	
SB 149	140	Consumer Protection Amendments - HB 186	50
Price Controls During Emergencies Act - SB 52	111	Consumer Sales Practices Act Amendments -	
Repeal of Utah Personal Introduction Services		HB 30	12
Protection Act - HB 164	44	Limitation on Liability Regarding Liquefied	
Resolution Regarding United States Trade		Petroleum Gas - SB 21	99
Negotiations - HJR 15	86	Regulating Proprietary Postsecondary	
Senate Resolution Discouraging Participation		Schools - SB 18	98
in Free Trade Area of the Americas - SR 1	164	CONTRACTS	
Spyware Control Act Revisions - HB 104	31	Judgment Interest Amendments - SB 138	138
COMMERCIAL DRIVER LICENSE (CDL)		CONTROLLED SUBSTANCES	
Driver License and Commercial Driver License		Controlled Substance Amendments - SB 50	110
Amendments - HB 65	21	Controlled Substance Law Amendments - HB 311 ..	74

Drug Courts Pilot Project - SB 135	138	Second District Juvenile Judge - HB 218	56
Drug Offense Penalty Enhancements - HB 55	18	Uniform Parentage Act - SB 14	96
CORPORATE TAX		CRIMINAL CODE	
Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels - HB 96	29	Aggravated Murder Amendments - HB 297	72
Brine Shrimp Royalty Act Amendments - SB 129 ...	136	Avoiding Apprehension Amendment - SB 146	140
Corporate Franchise and Income Tax Amendments - HB 78	25	Criminal Appeal Amendments - HB 54	17
Extension of Utah Low-income Housing Tax Credits - HB 170	45	Electronic Communication Harassment - HB 221	57
CORPORATIONS		Habitual Violent Offenders Amendments - HB 76	25
Business Entity Amendments - HB 275	70	Identity Fraud Amendments - SB 118	132
COUNTIES		Increase Statute of Limitations on Rape - SB 177 ..	147
Claims Against a County - HB 87	27	Personal Property Transactions Amendments - SB 62	119
Consolidation of City and County Library - SB 97 ...	126	Tampering with Evidence - SB 73	121
County and Municipal Zoning Regarding Billboards - SB 114	131	Utah Computer Crimes Act Amendments - HB 185 ..	50
County Officer Amendments - SB 190	150	Water Law - Criminal Penalties Amendments - HB 38	14
County Officers Serving on Boards of County Mental Health and Substance Abuse Providers - SB 90 .	124	Wrongful Lien Offenses - SB 47	109
Electronic Payments to Local Government Entities - HB 51	16	CRIMINAL CONDUCT	
Funding for Business Development in Disadvantaged Rural Communities - SB 57	114	Avoiding Apprehension Amendment - SB 146	140
Government Boundary Changes - HB 113	35	Utah Computer Crimes Act Amendments - HB 185 ..	50
Local Land Use Development and Management Amendments - SB 60	116	DEATH	
Optional Forms of County Government Amendment - SB 78	122	Aggravated Murder Amendments - HB 297	72
Search and Rescue Advisory Board - Amendments - HB 90	28	DEPARTMENT OF ADMINISTRATIVE SERVICES	
Student Housing Built by Higher Education Institutions - HB 103	31	Expansion of Department of Administrative Services Oversight to Include Human Resource Management - HB 319	77
COUNTY GOVERNMENT		DEPARTMENT OF AGRICULTURE AND FOOD	
Optional Forms of County Government Amendment - SB 78	122	Agricultural Advisory Board - HB 203	53
COURT PROCEDURE		Agricultural Coop Amendments - HB 155	42
Criminal Appeal Amendments - HB 54	17	Dairy Promotion Act Amendments - HB 156	42
COURTS		DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL	
Amendments to Search Warrants - SB 30	105	Alcoholic Beverage Control Amendments - SB 65 ..	120
Children's Justice Center Amendments - SB 15	96	DEPARTMENT OF COMMERCE, PERSONAL PROPERTY TRANSACTIONS AMENDMENTS - SB 62	119
Drug Courts Pilot Project - SB 135	138	DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT	
Joint Resolution Approving Consolidation of West Valley and Sandy District Courts - SJR 18	163	Community and Economic Development Restructuring - HB 318	74
Offenses Committed Against Correctional and Peace Officers - HB 98	29	Funding for Business Development in Disadvantaged Rural Communities - SB 57	114
Resolution Urging United States Senate Support of President's Supreme Court Nominees - HR 4	88	Private Activity Bond Amendments - HB 116	36
		DEPARTMENT OF CORRECTIONS	
		Offenses Committed Against Correctional and Peace Officers - HB 98	29
		Telephone Surcharge for Education and Training Programs At Prison - HB 234	60

DEPARTMENT OF ENVIRONMENTAL QUALITY

Brownfields Revision - SB 173	147
Concurrent Resolution Approving Class V Landfill - SCR 8	158
Resolution Regarding Washington County Waste Facility - HCR 3	81
Waste Amendments - SB 24	101

DEPARTMENT OF HEALTH

Controlled Substance Amendments - SB 50	110
---	-----

**DEPARTMENT OF HUMAN RESOURCE
MANAGEMENT**

Expansion of Department of Administrative Services Oversight to Include Human Resource Management - HB 319	77
--	----

DEPARTMENT OF NATURAL RESOURCES

Cooperative Wildlife Management Unit Amendments - HB 168	45
Duplicate Wildlife Licensing Amendments - HB 181 ..	49
Office of Energy - Oversight - SB 199	151
Public Lands Policy Coordination - SB 239	156
State Engineer's Powers and Duties Amendments - HB 29	11
Water Rights Fees - HB 150	42
Wildlife License Agents Amendments - HB 160	44
Wildlife License Refund Amendments - HB 177	47

DEPARTMENT OF WORKFORCE SERVICES

Department of Workforce Services - Access to Financial Records - SB 16	97
Department of Workforce Services - Work Experience and Training Programs - HB 23	9

DISABILITIES

Carson Smith Special Needs Scholarships - HB 249	64
License Plate for Disabled Veterans - HB 91	28
Permanent Total Disability Amendments - SB 115 ..	131
Person with a Disability Motorcycle Parking - HB 5 ...	2
Provision of Services for People with Disabilities - HB 79	26
Services for People with Disabilities - HB 80	26

DISEASES

Disease Testing of Individuals Exposed to Blood Borne Pathogens - SB 19	98
--	----

DIVISION OF CHILD AND FAMILY SERVICES

Child Welfare Amendments - SB 72	121
Foster Care Citizen Review Board - SB 17	97
Medical Decisions of a Parent or Guardian - SB 83	123

DOMESTIC VIOLENCE

Crime Victims - Change of Locks on Rental Property - HB 184	49
Domestic Violence Enhancement - HB 59	18

DRIVER LICENSE

Alcohol Restricted Drivers - SB 42	08
Amendments to Driver License and Identification Cards - HB 223	58
Driver License and Commercial Driver License Amendments - HB 65	21
Motor Assisted Scooter and Mini-motorcycle Amendments - HB 159	43
Penalties for False Driver Licenses and Identification Cards - SB 167	144
Public Safety Driving Privilege and Identification Card Amendments - SB 227	155

DRIVING UNDER THE INFLUENCE (DUI)

Alcohol Restricted Drivers - SB 42	108
Controlled Substance Law Amendments - HB 311 ...	74

EDUCATION

Allocation of Profits from School and Institutional Trust Lands - SB 120	132
Carson Smith Special Needs Scholarships - HB 249	64
Charter School Amendments - SB 178	148
Charter School Construction Amendments - HB 36 ..	13
Charter School Enrollment - HB 136	38
Charter School Reporting - HB 206	54
Economic Development Initiative for Higher Education - HB 313	74
Enrollment Growth Program Amendments - HB 124	37
Higher Education Savings Incentive Program Amendments - HB 102	30
Home School Amendments - SB 59	115
Individual Income Tax - Contributions for Education - HB 7	3
Joint Resolution Recognizing Retiring President of Dixie State College - SJR 20	164
Liability Protection of Educators - SB 58	115
Local School Board Amendments - HB 139	38
Medical Recommendations for Children - HB 42	14
Minimum School Program Act Amendments - HB 3 ...	1
Nonresident Tuition for Higher Education Amendments - HB 138	38
Public Education Job Enhancement Program - HB 188	51
Regulating Proprietary Postsecondary Schools - SB 18	98
Relationships with Venture Capital Entities - SB 35	105
Resident Tuition Status for Job Corps Students - SB 122	133

Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies - HJR 11	85	EMERGENCY MANAGEMENT	Price Controls During Emergencies Act - SB 52	111
Resolution Promoting Moderately Sized Schools - HCR 1	80	EMISSIONS CONTROL	Emission Inspection Amendments - HB 93	28
Resolution Recognizing Granite School District's 100 Years - SJR 19	163	EMPLOYEES AND COMPENSATION, LEGISLATIVE	Resolution Approving Compensation of In-session Employees - HJR 6	84
Resolution Recognizing Utah's Legislators Back to School Program - HCR 6	82	EMPLOYMENT AGENCIES	Employment Agency Revisions - HB 348	79
Resolution Regarding Federal No Child Left Behind - HJR 3	84	ENERGY	Emergency Related Amendments - HB 34	13
Resolution Supporting the Golden Rule Project - SCR 6	158	Office of Energy - Oversight - SB 199	151	
School and Institutional Trust Lands Amendments - HB 154	42	Public Utilities Amendments - SB 26	104	
School and Institutional Trust Lands Management Act Revisions - SB 41	107	ENVIRONMENT	Brownfields Revision - SB 173	147
School Land Trust Program Funding Amendments - HB 43	15	Recycling of Waste Tires - HB 230	59	
Student Housing Built by Higher Education Institutions - HB 103	31	Resolution Approving Class V Landfill - SCR 2	157	
Supplemental Minimum School Program Finance Act - HB 382	80	Resolution Regarding Washington County Waste Facility - HCR 3	81	
Tuition Program for Students Seeking Teacher Licensure in Disability or Special Education - HB 74	24	Waste Amendments - SB 24	101	
Utah College of Applied Technology Amendments - HB 86	27	EXECUTIVE BRANCH	Disaster Loan Program - HB 240	62
Verification of Eligibility for Fee Waivers - HB 183	49	Extension of Sunset Date on Resource Development Coordinating Committee - SB 79	122	
ELDERLY		FAMILY	Child and Family Welfare Revisions - HB 338	79
Criminal Background Checks for Personal Care Attendants - HB 64	20	Child Welfare Amendments - SB 72	121	
Utah Commission on Aging - HB 165	45	Divorce Mediation Program - HB 4	2	
ELECTIONS		Domestic Violence Enhancement - HB 59	18	
Bond Election Process Amendments - HB 14	6	Joint Custody Amendments - HB 280	71	
Calling Local Special Elections for Sales and Use Tax Purposes - HB 20	8	Pilot Program Repeal Clean-up - HB 222	57	
Issues Submitted to Voters - HB 142	39	FEDERAL GOVERNMENT	Concurrent Resolution Opposing Nuclear Testing - HCR 7	82
ELECTRONIC PRIVACY		Federal Health Care Tax Credit Program Act - HB 69	23	
Spyware Control Act Revisions - HB 104	31	House Resolution Discouraging Participation in Free Trade Areas of the Americas - HR 9	88	
Utah Computer Crimes Act Amendments - HB 185	50	Joint Resolution Urging Medicaid Reform - SJR 15	162	
ELECTRONIC PROCESSES		Resolution Approving Utah Recreational Land Exchange - SCR 4	157	
Construction Filing Amendments - HB 105	32	Resolution Recognizing Ronald Reagan Day - SJR 7	161	
Electronic Communication Harassment - HB 221	57	Resolution Regarding Federal No Child Left Behind - HJR 3	84	
Electronic Payments to Local Government Entities - HB 51	16	Resolution Regarding United States Trade Negotiations - HJR 15	86	
Individual Income Tax - Electronic Filing Requirements - HB 190	51	Resolution Supporting Congressional Privatization of Social Security - HR 3	87	
Property Tracking Amendments - HB 215	55			

Resolution Supporting Participation of Taiwan in World Health Organization - HR 10	88	Expansion of Department of Administrative Services Oversight to Include Human Resource Management - HB 319	77
Resolution Supporting Permanent Repeal of Federal Inheritance Tax - HR 2	87	Extension of Sunset Date on Resource Development Coordinating Committee - SB 79	122
Resolution Urging Congress to Pass Balanced Budget Amendment - HR 11	89	Global Positioning Reference Network - HB 216	56
Senate Resolution Discouraging Participation in Free Trade Area of the Americas - SR 1	164	Government Records Access and Management Act Requirements Regarding Animal Identification Program - HB 226	59
Space Exploration Resolution - SJR 6	160	Government Records Access and Management Task Force - HB 75	24
FEES		Government Records Amendments - SB 44	109
Business License Fees - SB 152	141	Governmental Immunity Act - Technical Amendments - SB 123	134
Water Rights Fees - HB 150	42	High Technology Economic Development Appropriation - SB 192	150
FINANCIAL INSTITUTIONS		Initiative Petitions Amendments - SB 11	94
Dishonored Instrument Amendments - SB 158	142	Investment of Higher Education Institution Endowment Funds - HB 255	65
Financial Institutions as Limited Liability Companies - SB 215	153	Issues Submitted to Voters - HB 142	39
Joint Resolution Related to Financial Institutions - HJR 1	83	Money Management Act Amendments - HB 349	79
Judgment Interest Amendments - SB 138	138	National Guard Amendments - HB 143	39
Utah Consumer Credit Code Amendments - SB 157	141	Office of Energy - Oversight - SB 199	151
FIRE PROTECTION		Procurement Code Renumbering - HB 19	8
Fire Prevention Amendments - HB 52	16	Public Lands Policy Coordination - SB 239	156
FISH AND GAME		Repeal of State Debt Collection Advisory Board - HB 15	7
Cooperative Wildlife Management Unit Amendments - HB 168	45	Repeal of Utah Tomorrow Strategic Planning Committee - SB 117	131
Duplicate Wildlife Licensing Amendments - HB 181	49	Repeal of Vehicle Equipment Safety Commission - HB 16	7
Wildlife License Agents Amendments - HB 160	44	Resolution Approving Contract for State Capitol Renovation - SJR 5	160
Wildlife License Refund Amendments - HB 177	47	Resolution Approving Settlement of Lawsuit - SCR 5	158
FOSTER CARE		Resolution Supporting the Golden Rule Project - SCR 6	158
Foster Care Citizen Review Board - SB 17	97	Revenue Bonds and Capital Facilities Authorizations - HB 287	72
FRAUD		Revisor's Statute - HB 176	47
Identity Fraud Amendments - SB 118	132	State Land Use Management Plans Amendments - HB 264	68
FREEDOM OF RELIGION - CONSTITUTION		Sunset Reauthorizations - SB 27	104
Utah Religious Land Use Act - SB 106	128	Supplemental Appropriations III - HB 301	73
GOVERNMENT OPERATIONS (STATE ISSUES)		Utah Religious Land Use Act - SB 106	128
2004 General Obligation Bond Amendments - SB 86	124	GOVERNMENT PURCHASING	
Bond Election Process Amendments - HB 14	6	Procurement Code Renumbering - HB 19	8
Capitol Complex Space - HB 250	64	GOVERNMENT RECORDS	
Capitol Preservation Board Amendments - SB 163	143	Child Care Investigations - SB 212	153
Commerce Service Fund Amendments - SB 96	126	Department of Workforce Services - Access to Financial Records - SB 16	97
Community and Economic Development Restructuring - HB 318	74		
Compensation of Executive Officers - HB 128	37		
Disaster Loan Program - HB 240	62		

Government Records Access and Management Act Requirements Regarding Animal Identification Program - HB 226	59	Medical Device Notification and Liability - SB 110 ..	130
Government Records Access and Management Task Force - HB 75	24	Medical Recommendations for Children - HB 42	14
Government Records Amendments - SB 44	109	Medical Reserve Corps - SB 74	121
Personal Property Transactions Amendments - SB 62	119	Nonparticipating Tobacco Manufacturer Amendments - SB 206	151
Protection of Government Records - SB 179	148	Pharmacy Practice Act Amendments - SB 142	139
Wrongful Lien Offenses - SB 47	109	Privately Owned Health Care Organization Task Force - SB 61	118
GOVERNMENTAL IMMUNITY		Repeal of Geriatric Care Manager - HB 243	63
Governmental Immunity Act - Technical Amendments - SB 123	134	Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies - HJR 11	85
HAZARDOUS MATERIALS TRANSPORTATION		Resolution Recognizing Huntsman Cancer Institute - SJR 17	163
Weights and Measures Amendments - HB 83	27	Resolution Supporting Participation of Taiwan in World Health Organization - HR 10	88
HAZARDOUS SUBSTANCES		Rural Medical Residency Training Programs - SB 119	132
Brownfields Revision - SB 173	147	Uniform Parentage Act - SB 14	96
Concurrent Resolution Opposing Nuclear Testing - HCR 7	82	HEALTH CARE	
Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal - SB 81	123	Assistance for People with Bleeding Disorders - HB 33	12
Waste Amendments - SB 24	101	Health Care Assistants - HB 12	5
HEALTH		Joint Resolution Urging Health Care for Utah's Indigent and Needy Uninsured - HJR 19	86
Access to Patient Medical Records - SB 55	113	Medical Device Notification and Liability - SB 110 ..	130
Amendments to Intermediate Care Facilities for Mentally Retarded - HB 62	19	Resolution Urging Comprehensive Cancer Control Plan for the State - SJR 16	163
Amendments to Utah Emergency Medical Services Act - SB 216	154	HEALTH CARE FACILITIES	
Assistance for People with Bleeding Disorders - HB 33	12	Amendments to Intermediate Care Facilities for Mentally Retarded - HB 62	19
Child Care Investigations - SB 212	153	HEALTH CARE PROVIDERS	
Children's Health Care Coverage Amendments - HB 114	36	Criminal Background Checks for Personal Care Attendants - HB 64	20
Criminal Background Checks for Personal Care Attendants - HB 64	20	Direct-entry Midwife Act - HB 25	10
Disease Testing of Individuals Exposed to Blood Borne Pathogens - SB 19	98	Health Care Consumer's Report - SB 132	136
Drug Utilization Review Committee Amendments - HB 268	69	Medical Reserve Corps - SB 74	121
Food Safety Manager Certification - SB 150	140	Naturopathic Physician Amendments - HB 66	22
Health Care Assistants - HB 12		HIGHER EDUCATION	
Health Care Consumer's Report - SB 132	136	Economic Development Initiative for Higher Education - HB 313	74
Health Insurance Law Amendments - HB 236	62	High Technology Economic Development Appropriation - SB 192	150
Joint Resolution on Stroke Awareness - SJR 14 ..	162	Higher Education Savings Incentive Program Amendments - HB 102	30
Joint Resolution Urging Medicaid Reform - SJR 15 .	162	Joint Resolution Recognizing Retiring President of Dixie State College - SJR 20	164
Medical Benefits Recovery Act Amendments - SB 126	134	Nonresident Tuition for Higher Education Amendments - HB 138	38
Medical Decisions of a Parent or Guardian - SB 83	123	Office of Museum Services Amendments - SB 95 ..	126
		Protection of Government Records - SB 179	148
		Relationships with Venture Capital Entities - SB 35	105

Resident Tuition Status for Job Corps Students - SB 122	133	INCOME TAX	
Resolution Honoring Outgoing USU President Kermit L. Hall - HCR 9	82	Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels - HB 96	29
Resolution Honoring the University of Utah Football Team - HCR 11	83	Amendments to Individual Income Tax Credit for Special Needs Adoptions - SB 125	134
Student Housing Built by Higher Education Institutions - HB 103	31	Extension of Utah Low-income Housing Tax Credits - HB 170	45
Utah College of Applied Technology Amendments - HB 86	27	Individual Income Tax - Contributions for Education - HB 7	3
HIGHWAYS		Individual Income Tax - Electronic Filing Requirements - HB 190	51
Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels - HB 96	29	Individual Income Tax - Return Filing Requirements - SB 133	137
Master Highway Designation Amendments - HB 6	2	Individual Income Tax - Tax Credit for Live Organ Donation Expenses - SB 164	144
Resolution Encouraging Managed Lanes Study - SCR 1	156	Individual Income Tax Subtraction for Certain Military Income - SB 13	95
Transportation Amendments and Highway Jurisdictional Transfer Task Force - SB 25	102	INDIAN AFFAIRS	
HISTORY		Amendments to Navajo Trust Fund - SB 76	122
Archeological Resources Amendments - HB 308	73	INHERITANCE TAX	
Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area - HCR 10	83	Resolution Supporting Permanent Repeal of Federal Inheritance Tax - HR 2	87
HOUSING		INITIATIVE \ REFERENDUM	
Extension of Utah Low-income Housing Tax Credits - HB 170	45	Initiative Petitions Amendments - SB 11	94
Permanent Community Impact Fund - Board Membership - HB 224	58	Issues Submitted to Voters - HB 142	39
Student Housing Built by Higher Education Institutions - HB 103	31	INSURANCE	
HUMAN SERVICES		Captive Insurance Law Amendments - HB 191	52
Adoption Amendments - HB 259	66	Insurance Cancellation and Nonrenewal Restrictions - SB 48	110
Adoption Law Revisions - HB 233	59	Insurance Law Amendments - HB 195	52
Child and Family Welfare Revisions - HB 338	79	Insurance Law Revisions - HB 200	53
Child Protection Team Meetings - HB 8	3	Insurance Licensing Amendments - HB 60	19
Child Welfare Amendments - SB 72	121	Life Insurance and Annuities Law Amendments - HB 201	53
Criminal Background Checks for Personal Care Attendants - HB 64	20	Regulation of Title Insurance Industry - SB 40	107
Domestic Violence Enhancement - HB 59	18	INSURANCE DEPARTMENT	
Foster Care Citizen Review Board - SB 17	97	Health Discount Program Consumer Protection Act - HB 70	23
Intercountry Adoption Accreditation - HB 22	9	INSURANCE, HEALTH	
Juvenile Justice Recodification and Revisions - HB 28	11	Assistance for People with Bleeding Disorders - HB 33	12
Licensure and Regulation of Programs and Facilities - SB 107	129	Federal Health Care Tax Credit Program Act - HB 69	23
Provision of Services for People with Disabilities - HB 79	26	Health Discount Program Consumer Protection Act - HB 70	23
Services for People with Disabilities - HB 80	26	Health Insurance Law Amendments - HB 236	62
Uniform Parentage Act - SB 14	96	INTERLOCAL COOPERATION ENTITIES	
Utah Commission on Aging - HB 165	45	Local Government Authority - HB 256	65
		INTERNET	
		Access to High Speed Internet At State Capitol Complex - SB 100	127

Amendments Related to Pornographic and Harmful Materials - HB 260	67
Internet Crimes Against Children - HB 132	37
Spysware Control Act Revisions - HB 104	31

JOB TRAINING

Department of Workforce Services - Work Experience and Training Programs - HB 23	9
--	---

JUDICIARY

Arbitration - Use of Subpoena Authorized - SB 116	131
Children's Justice Center Amendments - SB 15	96
Children's Justice Center Addition - SB 93	125
Criminal Appeal Amendments - HB 54	17
Department of Workforce Services - Access to Financial Records - SB 16	97
Division of Criminal Investigation and Technical Services Amendments - HB 276	71
Divorce Mediation Program - HB 4	2
Drug Courts Pilot Project - SB 135	138
Interstate Juvenile Compact - SB 91	125
Joint Custody Amendments - HB 280	71
Judiciary Amendments - SB 104	128
Liability Reform Act Amendments - SB 10	94
Pilot Program Repeal Clean-up - HB 222	57
Presumption of Responsibility for Abuse or Neglect - HB 89	27
Property Exempt from Execution - HB 121	36
Resolution Urging United States Senate Support of President's Supreme Court Nominees - HR 4	88
Restitution Amendments - SB 94	125
Second District Juvenile Judge - HB 218	56
Uniform Parentage Act - SB 14	96

JUVENILES

Interstate Juvenile Compact - SB 91	125
Juvenile Justice Recodification and Revisions - HB 28	11
Second District Juvenile Judge - HB 218	56

LABOR

Assessment Offset for Donations Promoting Occupational Health and Safety - SB 159	142
Disease Testing of Individuals Exposed to Blood Borne Pathogens - SB 19	98
Employment Agency Revisions - HB 348	79
Permanent Total Disability Amendments - SB 115	131
Wage Provisions - SB 139	139

LANDLORD - TENANT

Crime Victims - Change of Locks on Rental Property - HB 184	49
---	----

LAW ENFORCEMENT AND CRIMINAL JUSTICE

Aggravated Murder Amendments - HB 297	72
Amendments Related to Pornographic and Harmful Materials - HB 260	67
Amendments to Search Warrants - SB 30	105
Avoiding Apprehension Amendment - SB 146	140
Children's Justice Center Addition - SB 93	125
Concurrent Resolution on Mcgruff House - SCR 11	159
Controlled Substance Amendments - SB 50	110
Controlled Substance Law Amendments - HB 311	74
Division of Criminal Investigation and Technical Services Amendments - HB 276	71
Drug Offense Penalty Enhancements - HB 55	18
Electronic Communication Harassment - HB 221	57
Fire Prevention Amendments - HB 52	16
Habitual Violent Offenders Amendments - HB 76	25
Identity Fraud Amendments - SB 118	132
Increase Statute of Limitations on Rape - SB 177	147
Internet Crimes Against Children - HB 132	37
Juvenile Justice Recodification and Revisions - HB 28	11
Offenses Committed Against Correctional and Peace Officers - HB 98	29
Penalty for Providing False Information to State Agency - SB 43	108
Personal Property Transactions Amendments - SB 62	119
Property Tracking Amendments - HB 215	55
Public Safety Driving Privilege and Identification Card Amendments - SB 227	155
Resolution Honoring Jade Pusey - HJR 21	87
Tampering with Evidence - SB 73	121
Telephone Surcharge for Education and Training Programs At Prison - HB 234	60
Unclaimed Property Amendments - HB 208	54
Utah Computer Crimes Act Amendments - HB 185	50
Wrongful Lien Offenses - SB 47	109

LEGISLATIVE AFFAIRS

Annual Appropriations Act - HB 1	1
Capitol Complex Space - HB 250	64
Concurrent Resolution Approving Class V Landfill - SCR 8	158
Concurrent Resolution Honoring Utah Foundation - SCR 10	159
Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area - HCR 10	83
Concurrent Resolution on Mcgruff House - SCR 11	159
Concurrent Resolution Opposing Nuclear Testing - HCR 7	82
Concurrent Resolution Regarding Delta Air Lines - SCR 9	158

Cowboy Hall of Fame Resolution - HCR 2	81	Resolution Honoring Outgoing USU President Kermit L. Hall - HCR 9	82
House Resolution Discouraging Participation in Free Trade Areas of the Americas - HR 9	88	Resolution Honoring Searchers - SCR 3	157
House Rules Resolution - Committee Report - HR 7	88	Resolution Honoring the University of Utah Football Team - HCR 11	83
Joint Resolution Amending Interim Legislative Rules - SJR 13	162	Resolution Honoring Utah Military Service Personnel - HCR 5	81
Joint Resolution Approving Appointment of Legislative Auditor General - SJR 1	159	Resolution Promoting Moderately Sized Schools - HCR 1	80
Joint Resolution Approving Consolidation of West Valley and Sandy District Courts - SJR 18	163	Resolution Recognizing 100 Years of Rotary International - SJR 9	161
Joint Resolution on Stroke Awareness - SJR 14 . . .	162	Resolution Recognizing Granite School District's 100 Years - SJR 19	163
Joint Resolution Recognizing Retiring President of Dixie State College - SJR 20	164	Resolution Recognizing Huntsman Cancer Institute - SJR 17	163
Joint Resolution Related to Financial Institutions - HJR 1	83	Resolution Recognizing Ronald Reagan Day - SJR 7	161
Joint Resolution Urging Health Care for Utah's Indigent and Needy Uninsured - HJR 19	86	Resolution Recognizing Utah Manufacturers Association - HCR 8	82
Joint Resolution Urging Medicaid Reform - SJR 15	162	Resolution Recognizing Utah's Legislators Back to School Program - HCR 6	82
Joint Rules Resolution - Amendments in Context - HJR 10	85	Resolution Regarding Federal No Child Left Behind - HJR 3	84
Joint Rules Resolution - Appearance of Bills - SJR 8	161	Resolution Regarding United States Trade Negotiations - HJR 15	86
Joint Rules Resolution - Interim Rules Recodification - SJR 4	160	Resolution Regarding Washington County Waste Facility - HCR 3	81
Joint Rules Resolution - Use of Legislative Seals - HJR 8	84	Resolution Supporting Congressional Privatization of Social Security - HR 3	87
Master Study Resolution - HJR 20	87	Resolution Supporting Participation of Taiwan in World Health Organization - HR 10	88
Office of Legislative Auditor - Access to Information - SB 20	99	Resolution Supporting Permanent Repeal of Federal Inheritance Tax - HR 2	87
Repeal of Utah Tomorrow Strategic Planning Committee - SB 117	131	Resolution Supporting the Golden Rule Project - SCR 6	158
Resolution Amending Joint Rules Regarding Conflicts of Interest - HJR 9	85	Resolution to Congress Regarding Oil and Gas Drilling and Exploration - SJR 10	161
Resolution Approving Class V Landfill - SCR 2	157	Resolution Urging Comprehensive Cancer Control Plan for the State - SJR 16	163
Resolution Approving Compensation of In-session Employees - HJR 6	84	Resolution Urging Congress to Pass Balanced Budget Amendment - HR 11	89
Resolution Approving Contract for State Capitol Renovation - SJR 5	160	Resolution Urging United States Senate Support of President's Supreme Court Nominees - HR 4	88
Resolution Approving Settlement of Lawsuit - SCR 5	158	Revisor's Statute - HB 176	47
Resolution Approving Utah Recreational Land Exchange - SCR 4	157	Senate Resolution Discouraging Participation in Free Trade Area of the Americas - SR 1	164
Resolution Encouraging Managed Lanes Study - SCR 1	156	Space Exploration Resolution - SJR 6	160
Resolution Encouraging Mediation - SJR 3	159	Supplemental Appropriations Act II - SB 3	90
Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies - HJR 11	85		
Resolution Honoring Celebration of Marriage Week - HJR 17	86	LEGISLATURE	
Resolution Honoring Hollace (holly) Parker - HR 12	89	Joint Rules Resolution - Amendments in Context - HJR 10	85
Resolution Honoring Jade Pusey - HJR 21	87	Joint Rules Resolution - Use of Legislative Seals - HJR 8	84

Resolution Amending Joint Rules Regarding Conflicts of Interest - HJR 9	85	LOCAL DISTRICTS	
Resolution Honoring Hollace (Holly) Parker - HR 12	89	Amendments to Local Districts - HB 380	80
Resolution Recognizing Utah's Legislators Back to School Program - HCR 6	82	Creation of Local Districts - SB 88	124
		Government Boundary Changes - HB 113	35
LIABILITY		MARRIAGE / DIVORCE	
Liability Protection of Educators - SB 58	115	Divorce Mediation Program - HB 4	2
Liability Reform Act Amendments - SB 10	94	Joint Custody Amendments - HB 280	71
Limitation on Liability Regarding Liquefied Petroleum Gas - SB 21	99	Pilot Program Repeal Clean-up - HB 222	57
Medical Device Notification and Liability - SB 110 ..	130	Resolution Honoring Celebration of Marriage Week - HJR 17	86
LIBRARIES		MEDICAID	
Consolidation of City and County Library - SB 97 ...	126	Amendments to Intermediate Care Facilities for Mentally Retarded - HB 62	19
LICENSURE, HUMAN SERVICES PROGRAMS		Children's Health Care Coverage Amendments - HB 114	36
Criminal Background Checks for Personal Care Attendants - HB 64	20	Drug Utilization Review Committee Amendments - HB 268	69
Licensure and Regulation of Programs and Facilities - SB 107	129	Joint Resolution Urging Medicaid Reform - SJR 15	162
Provision of Services for People with Disabilities - HB 79	26	MEDICAL ASSISTANCE PROGRAMS	
LIENS		Children's Health Care Coverage Amendments HB 114	36
Construction Filing Amendments - HB 105	32	MEDICAL MALPRACTICE	
Liens on Aircraft - SB 103	127	Medical Decisions of a Parent or Guardian - SB 83	123
Real Estate and Mechanics Liens - Security Alternatives - HB 273	69	MEDICAL RECORDS	
Wrongful Lien Offenses - SB 47	109	Access to Patient Medical Records - SB 55	113
LIFE INSURANCE		MENTAL HEALTH	
Life Insurance and Annuities Law Amendments - HB 201	53	County Officers Serving on Boards of County Mental Health and Substance Abuse Providers - SB 90	124
LIMITED LIABILITY COMPANY		MILITARY SERVICES	
Financial Institutions as Limited Liability Companies - SB 215	153	Individual Income Tax Subtraction for Certain Military Income - SB 13	95
LIQUIFIED PETROLEUM GAS		Military Installation Partnerships - SB 141	139
Limitation on Liability Regarding Liquefied Petroleum Gas - SB 21	99	National Guard Amendments - HB 143	39
LIVESTOCK		Property Tax Exemption for Veterans - HB 147	41
Government Records Access and Management Act Requirements Regarding Animal Identification Program - HB 226	59	Resolution Honoring Utah Military Service Personnel - HCR 5	81
Historical Livestock Trails - HB 182	49	MINERAL LEASE FUNDS	
LOCAL BOARDS OF EDUCATION		School and Institutional Trust Lands Management Act Revisions - SB 41	107
Local School Board Amendments - HB 139	38	MINORS	
		Home School Amendments - SB 59	115
		MORTGAGE	
		Division of Real Estate Amendments - SB 172	145

MOTION PICTURES

Motion Picture Incentive Fund - HB 17 7

MOTOR FUEL AND SPECIAL FUEL TAXES

Amendments Relating to Clean Fuels and
Vehicles Using Clean Fuels - HB 96 29
State Tax Commission Collection and
Licensing Practices - SB 170 145

MOTOR VEHICLE INSURANCE

Insurance Arbitration Amendments - HB 235 61
Motor Vehicle Insurance Coverage
Amendments - SB 207 152
Uninsured Motorist Property Damage Coverage
Amendments - SB 4 90

MOTOR VEHICLES

Abandoned Vehicles Amendments - HB 67 22
Emission Inspection Amendments - HB 93 28
Insurance Arbitration Amendments - HB 235 61
Local Corridor Preservation Funding - SB 8 93
Motor Vehicle Business Licensing Amendments -
HB 299 72
Motor Vehicle Business Regulation Act
Amendments - SB 37 106
Motor Vehicle Enforcement Division
Amendments - HB 68 22
Motor Vehicle Registration and Title
Amendments - SB 98 126
Motor Vehicle Stops At Port-of-entry - SB 144 140
New Automobile Franchise Act Amendments -
HB 47 15
New Motor Vehicle Franchise Act
Amendments - SB 51 111
Powersport Vehicle Franchise Act - SB 134 137
Property Tax Treatment of Tangible
Personal Property - SB 23 100
Tax Treatment of Personal Property - HB 53 17
Traffic Code Amendments - HB 24 10
Traffic Code Recodification and Revisions - SB 5 90
Traffic Violations by Diplomats - HB 212 54
Vehicle Identification Number Inspectors - HB 149 .. 41

MOTORCYCLES

Person with a Disability Motorcycle Parking - HB 5 ... 2
Property Tax Treatment of Tangible
Personal Property - SB 23 100

MUSEUMS

Cowboy Hall of Fame Resolution - HCR 2 81
Office of Museum Services Amendments - SB 95 .. 126

NATURAL RESOURCES

Concurrent Resolution Honoring Waldo Wilcox for
Preservation of Range Creek Area - HCR 10 83

Cooperative Wildlife Management Unit
Amendments - HB 168 45
Duplicate Wildlife Licensing Amendments -
HB 181 49
Office of Energy - Oversight - SB 199 151
State Engineer's Powers and Duties
Amendments - HB 29 11
Water Enforcement Procedures and
Penalties - HB 157 43
Water Law - Criminal Penalties Amendments -
HB 38 14
Water Rights Fees - HB 150 42
Wildlife License Agents Amendments - HB 160 44
Wildlife License Refund Amendments - HB 177 47

OCCUPATIONAL LICENSING

Access to Patient Medical Records - SB 55 113
Child Care Investigations - SB 212 153
Clinical Counselor - Title Change - HB 279 71
Controlled Substance Amendments - SB 50 110
Health Care Assistants - HB 12 5
Licensing of Estheticians and Nail
Technicians - HB 71 24
Naturopathic Formulary Peer Committee
Amendments - HB 198 52
Naturopathic Physician Amendments - HB 66 22
Occupational and Professional Licensing Sunset
Amendment - HB 13 5
Oversight and Enforcement of Work Done on
Mobile Homes - SB 223 154
Repeal of Geriatric Care Manager - HB 243 63
Security Personnel Licensing Amendments -
SB 71 120

OCCUPATIONS AND PROFESSIONS

Clinical Counselor - Title Change - HB 279 71
Direct-entry Midwife Act - HB 25 10
Fire Prevention Amendments - HB 52 16
Licensing of Estheticians and Nail Technicians -
HB 71 24
Naturopathic Formulary Peer Committee
Amendments - HB 198 52
Naturopathic Physician Amendments - HB 66 22
Occupational and Professional Licensing Sunset
Amendment - HB 13 5
Oversight and Enforcement of Work Done on
Mobile Homes - SB 223 154

OFF-HIGHWAY VEHICLES

Property Tax Treatment of Tangible Personal
Property - SB 23 100

OFFENSES

Aggravated Murder Amendments - HB 297 72
Drug Offense Penalty Enhancements - HB 55 18

Electronic Communication Harassment - HB 221	57	Redevelopment Agency Amendments - SB 184	149
Habitual Violent Offenders Amendments - HB 76	25	Search and Rescue Advisory Board -	
Offenses Committed Against Correctional		Amendments - HB 90	28
and Peace Officers - HB 98	29	Special Service Districts - Service Expansion -	
Penalty for Providing False Information to		SB 80	122
State Agency - SB 43	108	Sunset of Township Provision - HB 40	14
Tampering with Evidence - SB 73	121		
		PORNOGRAPHY	
OIL AND GAS		Amendments Related to Pornographic and	
Resolution to Congress Regarding Oil and		Harmful Materials - HB 260	67
Gas Drilling and Exploration - SJR 10	161		
		PORTS OF ENTRY	
PARTNERSHIPS		Motor Vehicle Stops At Port-of-entry - SB 144	140
Business Entity Amendments - HB 275	70		
		PROPERTY TAX	
PAWNSHOPS		Amendments to the Property Tax Valuation Agency	
Sales and Use Taxation of Pawn		Fund Assessing and Collecting Levy - SB 161	143
Transactions - SB 36	106	Land Value Property Tax Study - SB 53	112
		Property Affected by Access Interruption - HB 45	15
PEACE OFFICER		Property Tax Confidentiality Amendments - SB 54	112
Avoiding Apprehension Amendment - SB 146	140	Property Tax Exemption Amendments - SB 121	133
Unclaimed Property Amendments - HB 208	54	Property Tax Exemption for Veterans - HB 147	41
		Property Tax Treatment of Tangible Personal	
PHARMACIES		Property - SB 23	100
Pharmacy Practice Act Amendments - SB 142	139	Tax Treatment of Personal Property - HB 53	17
		Taxable Value Adjustment for Property Damaged	
POLITICAL SUBDIVISIONS (LOCAL ISSUES)		by a Natural Disaster - HB 324	78
Amendments to Local Districts - HB 380	80		
Brownfields Revision - SB 173	147	PUBLIC EDUCATION	
Business License Fees - SB 152	141	Carson Smith Special Needs Scholarships -	
Changes to Quality Growth Commission - HB 266	68	HB 249	64
Claims Against a County - HB 87	27	Charter School Amendments - SB 178	148
Consolidation of City and County Library - SB 97	126	Charter School Enrollment - HB 136	38
County and Municipal Zoning Regarding		Charter School Reporting - HB 206	54
Billboards - SB 114	131	Enrollment Growth Program Amendments - HB 124	37
County Officer Amendments - SB 190	150	Home School Amendments - SB 59	115
County Officers Serving on Boards of		Liability Protection of Educators - SB 58	115
County Mental Health and Substance		Local School Board Amendments - HB 139	38
Abuse Providers - SB 90	124	Medical Recommendations for Children - HB 42	14
Creation of Local Districts - SB 88	124	Public Education Job Enhancement Program -	
Disaster Loan Program - HB 240	62	HB 188	51
Electronic Payments to Local Government		Resolution Promoting Moderately Sized	
Entities - HB 51	16	Schools - HCR 1	80
Global Positioning Reference Network - HB 216	56	Resolution Recognizing Granite School	
Government Boundary Changes - HB 113	35	District's 100 Years - SJR 19	163
Local Government Approval for Solid Nonhazardous		School Land Trust Program Funding	
and Hazardous Waste Disposal - SB 81	123	Amendments - HB 43	15
Local Government Authority - HB 256	65	Supplemental Minimum School Program	
Local Land Use Development and Management		Finance Act - HB 382	80
Amendments - SB 60	116	Tuition Program for Students Seeking Teacher Licensure	
Municipal Abatement of Weeds and Other		in Disability or Special Education - HB 74	24
Neglected Items on Property - HB 162	44	Verification of Eligibility for Fee Waivers - HB 183	49
Municipal Budget Amendments - HB 309	73		
Optional Forms of County Government		PUBLIC FUNDS AND ACCOUNTS	
Amendment - SB 78	122	Amendments to Navajo Trust Fund - SB 76	122

Commerce Service Fund Amendments - SB 96	126	REDEVELOPMENT AGENCIES	
Investment of Higher Education Institution Endowment Funds - HB 255	65	Redevelopment Agency Amendments - SB 184	149
School Land Trust Program Funding Amendments - HB 43	15	REGISTRATION AND REGISTRATION FEES	
PUBLIC SAFETY		Local Corridor Preservation Funding - SB 8	93
Public Safety Driving Privilege and Identification Card Amendments - SB 227	155	Tax Treatment of Personal Property - HB 53	17
Public Safety Retirement - Exemption of Certain Employees - HB 217	56	RESOLUTIONS	
Retirement for Airport Police - SB 130	136	Concurrent Resolution Approving Class V Landfill - SCR 8	158
PUBLIC SERVICE COMMISSION		Concurrent Resolution Honoring Utah Foundation - SCR 10	159
Amendments to Hearing and Speech Impaired Telecommunications Program - HB 145	40	Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area - HCR 10	83
PUBLIC TRANSIT DISTRICTS		Concurrent Resolution on Mcgruff House - SCR 11	159
Limitation of Landowner Liability for Public Recreation - SB 32	105	Concurrent Resolution Opposing Nuclear Testing - HCR 7	82
PUBLIC UTILITIES		Concurrent Resolution Regarding Delta Air Lines - SCR 9	158
Amendments to Hearing and Speech Impaired Telecommunications Program - HB 145	40	Cowboy Hall of Fame Resolution - HCR 2	81
Emergency Related Amendments - HB 34	13	House Resolution Discouraging Participation in Free Trade Areas of the Americas - HR 9	88
Public Utilities Amendments - SB 26	104	House Rules Resolution - Committee Report - HR 7	88
Telecommunications Revisions - SB 108	130	Joint Resolution Amending Interim Legislative Rules - SJR 13	162
RADIATION, WASTE AMENDMENTS - SB 24	101	Joint Resolution Approving Appointment of Legislative Auditor General - SJR 1	159
REAL ESTATE		Joint Resolution Approving Consolidation of West Valley and Sandy District Courts - SJR 18	163
Conveyances of Property - HB 26	11	Joint Resolution on Stroke Awareness - SJR 14	162
Crime Victims - Change of Locks on Rental Property - HB 184	49	Joint Resolution Recognizing Retiring President of Dixie State College - SJR 20	164
Division of Real Estate Amendments - SB 172	145	Joint Resolution Related to Financial Institutions - HJR 1	83
Historical Livestock Trails - HB 182	49	Joint Resolution Urging Health Care for Utah's Indigent and Needy Uninsured - HJR 19	86
Property Exempt from Execution - HB 121	36	Joint Resolution Urging Medicaid Reform - SJR 15	162
Real Estate - Exclusive Brokerage Agreements - SB 56	113	Joint Rules Resolution - Amendments in Context - HJR 10	85
Real Estate Amendments - HB 283	71	Joint Rules Resolution - Appearance of Bills - SJR 8	161
Real Estate and Mechanics Liens - Security Alternatives - HB 273	69	Joint Rules Resolution - Interim Rules Recodification - SJR 4	160
Real Estate Transactions and Securities - SB 64	119	Joint Rules Resolution - Use of Legislative Seals - HJR 8	84
RECODIFICATION		Master Study Resolution - HJR 20	87
Traffic Code Recodification and Revisions - SB 5	90	Resolution Amending Joint Rules Regarding Conflicts of Interest - HJR 9	85
RECREATION		Resolution Approving Class V Landfill - SCR 2	157
Limitation of Landowner Liability for Public Recreation - SB 32	105	Resolution Approving Compensation of In-session Employees - HJR 6	84
Resolution Approving Utah Recreational Land Exchange - SCR 4	157		
RECYCLING			
Recycling of Waste Tires - HB 230	59		

Resolution Approving Contract for State Capitol Renovation - SJR 5	160	Resolution Urging United States Senate Support of President's Supreme Court Nominees - HR 4	88
Resolution Approving Utah Recreational Land Exchange - SCR 4	157	Senate Resolution Discouraging Participation in Free Trade Area of the Americas - SR 1	164
Resolution Encouraging Managed Lanes Study - SCR 1	156	Space Exploration Resolution - SJR 6	160
Resolution Encouraging Mediation - SJR 3	159	RESOLUTIONS, RULES	
Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies - HJR 11	85	House Rules Resolution - Committee Report - HR 7	88
Resolution Honoring Celebration of Marriage Week - HJR 17	86	Joint Resolution Amending Interim Legislative Rules - SJR 13	162
Resolution Honoring Hollace (holly) Parker - HR 12 ..	89	Joint Rules Resolution - Amendments in Context - HJR 10	85
Resolution Honoring Jade Pusey - HJR 21	87	Joint Rules Resolution - Appearance of Bills - SJR 8	161
Resolution Honoring Outgoing USU President Kermit L. Hall - HCR 9	82	Joint Rules Resolution - Interim Rules Recodification - SJR 4	160
Resolution Honoring Searchers - SCR 3	157	Joint Rules Resolution - Use of Legislative Seals - HJR 8	84
Resolution Honoring the University of Utah Football Team - HCR 11	83	Resolution Amending Joint Rules Regarding Conflicts of Interest - HJR 9	85
Resolution Honoring Utah Military Service Personnel - HCR 5	81	RESOLUTIONS, SETTLEMENTS	
Resolution Promoting Moderately Sized Schools - HCR 1	80	Resolution Approving Settlement of Lawsuit - SCR 5	158
Resolution Recognizing 100 Years of Rotary International - SJR 9	161	RESTITUTION	
Resolution Recognizing Granite School District's 100 Years - SJR 19	163	Restitution Amendments - SB 94	125
Resolution Recognizing Huntsman Cancer Institute - SJR 17	163	RETIREMENT	
Resolution Recognizing Ronald Reagan Day - SJR 7	161	Public Safety Retirement - Exemption of Certain Employees - HB 217	56
Resolution Recognizing Utah Manufacturers Association - HCR 8	82	Retirement for Airport Police - SB 130	136
Resolution Recognizing Utah's Legislators Back to School Program - HCR 6	82	Retirement Office Amendments - HB 180	48
Resolution Regarding Federal No Child Left Behind - HJR 3	84	State Employee Amendments - HB 173	46
Resolution Regarding United States Trade Negotiations - HJR 15	86	Unused Sick Leave At Retirement Amendments - HB 213	55
Resolution Regarding Washington County Waste Facility - HCR 3	81	REVENUE AND TAXATION	
Resolution Supporting Congressional Privatization of Social Security - HR 3	87	Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels - HB 96	29
Resolution Supporting Participation of Taiwan in World Health Organization - HR 10	88	Amendments to Individual Income Tax Credit for Special Needs Adoptions - SB 125	134
Resolution Supporting Permanent Repeal of Federal Inheritance Tax - HR 2	87	Amendments to Taxes, Fees, or Charges - HB 107	33
Resolution Supporting the Golden Rule Project - SCR 6	158	Amendments to the Property Tax Valuation Agency Fund Assessing and Collecting Levy - SB 161 ..	143
Resolution to Congress Regarding Oil and Gas Drilling and Exploration - SJR 10	161	Assessment Offset for Donations Promoting Occupational Health and Safety - SB 159	142
Resolution Urging Comprehensive Cancer Control Plan for the State - SJR 16	163	Brine Shrimp Royalty Act Amendments - SB 129 ...	136
Resolution Urging Congress to Pass Balanced Budget Amendment - HR 11	89	Calculation of Interest on Tax Overpayments - SB 128	135
		Calculation of Mining Severance Tax on Beryllium - HB 171	46
		Calling Local Special Elections for Sales and Use Tax Purposes - HB 20	8

Corporate Franchise and Income Tax		Calling Local Special Elections for Sales and	
Amendments - HB 78	25	Use Tax Purposes - HB 20	8
Credit or Refund for Tax Paid on Cigarette or Tobacco		Funding for Convention Facilities - SB 211	152
Product Destroyed or Returned to the Manufacturer -		Sales and Use Tax - Agricultural Exemption	
HB 247	63	Vehicle Limitation - HB 9	4
Extension of Utah Low-income Housing Tax		Sales and Use Tax Agriculture Exemptions - SB 6 ..	92
Credits - HB 170	45	Sales and Use Tax Exemption for Items Relating	
Funding for Convention Facilities - SB 211	152	to Direct Mail - SB 194	150
Higher Education Savings Incentive Program		Sales and Use Taxation of Pawn Transactions -	
Amendments - HB 102	30	SB 36	106
Individual Income Tax - Contributions for		State Tax Commission Collection and Licensing	
Education - HB 7	3	Practices - SB 170	145
Individual Income Tax - Electronic Filing		Tax, Fee, or Charge Amendments - SB 127	135
Requirements - HB 190	51	Tourism, Recreation, Cultural, and Convention	
Individual Income Tax - Return Filing		Facilities Tax Amendments - SB 137	138
Requirements - SB 133	137		
Individual Income Tax - Tax Credit for Live Organ		SCHOOL FINANCE	
Donation Expenses - SB 164	144	Minimum School Program Act Amendments -	
Individual Income Tax Subtraction for Certain		HB 3	1
Military Income - SB 13	95		
Land Value Property Tax Study - SB 53	112	SCHOOL PERSONNEL	
Privately Owned Health Care Organization		Liability Protection of Educators - SB 58	115
Task Force - SB 61	118	Medical Recommendations for Children - HB 42	14
Property Affected by Access Interruption -		Public Education Job Enhancement Program -	
HB 45	15	HB 188	51
Property Tax Confidentiality Amendments - SB 54 ..	112	Tuition Program for Students Seeking Teacher	
Property Tax Exemption Amendments - SB 121 ...	133	Licensure in Disability or Special Education -	
Property Tax Exemption for Veterans - HB 147	41	HB 74	24
Property Tax Treatment of Tangible Personal			
Property - SB 23	100	SECURITIES	
Sales and Use Tax - Agricultural Exemption		Real Estate Transactions and Securities - SB 64 ...	119
Vehicle Limitation - HB 9	4		
Sales and Use Tax Agriculture Exemptions - SB 6 ..	92	SECURITY LICENSING	
Sales and Use Tax Exemption for Items Relating		Security Personnel Licensing Amendments -	
to Direct Mail - SB 194	150	SB 71	120
Sales and Use Taxation of Pawn			
Transactions - SB 36	106	SEVERANCE TAX	
State Tax Commission Collection and Licensing		Calculation of Mining Severance Tax on	
Practices - SB 170	145	Beryllium - HB 171	46
Tax Reform Task Force - SB 153	141		
Tax Treatment of Personal Property - HB 53	17	SEXUAL OFFENSES	
Tax, Fee, or Charge Amendments - SB 127	135	Increase Statute of Limitations on Rape - SB 177 ..	147
Taxable Value Adjustment for Property Damaged			
by a Natural Disaster - HB 324	78	SOLID WASTE	
Tourism, Recreation, Cultural, and Convention		Concurrent Resolution Approving Class V	
Facilities Tax Amendments - SB 137	138	Landfill - SCR 8	158
		Resolution Approving Class V Landfill - SCR 2	157
		Resolution Regarding Washington County Waste	
		Facility - HCR 3	81
RURAL HEALTH		SPECIAL DISTRICTS	
Rural Medical Residency Training		Amendments to Local Districts - HB 380	80
Programs - SB 119	132	Creation of Local Districts - SB 88	124
		Electronic Payments to Local Government	
		Entities - HB 51	16
		Government Boundary Changes - HB 113	35
SALES AND USE TAX			
Amendments to Taxes, Fees, or Charges - HB 107 ..	33		

Special Service Districts - Service Expansion - SB 80	122	Individual Income Tax - Return Filing Requirements - SB 133	137
STATE AFFAIRS IN GENERAL		Property Tax Confidentiality Amendments - SB 54	112
Disaster Loan Program - HB 240	62	State Tax Commission Collection and Licensing Practices - SB 170	145
Emergency Related Amendments - HB 34	13	SUBPOENA POWERS	
Investment of Higher Education Institution Endowment Funds - HB 255	65	Arbitration - Use of Subpoena Authorized - SB 116	131
Repeal of State Debt Collection Advisory Board - HB 15	7	SUBSTANCE ABUSE	
Repeal of Vehicle Equipment Safety Commission - HB 16	7	County Officers Serving on Boards of County Mental Health and Substance Abuse Providers - SB 90 .	124
State Land Use Management Plans Amendments - HB 264	68	SUNSET LEGISLATION	
STATE BOARD OF EDUCATION		Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels - HB 96	29
Verification of Eligibility for Fee Waivers - HB 183 ...	49	Amendments to Taxes, Fees, or Charges - HB 107 ..	33
STATE BOARD OF REGENTS		Extension of Sunset Date on Resource Development Coordinating Committee - SB 79	122
Economic Development Initiative for Higher Education - HB 313	74	Occupational and Professional Licensing Sunset Amendment - HB 13	5
STATE BOARDS, COMMISSIONS, AND COUNCILS		Sunset of Township Provision - HB 40	14
Capitol Preservation Board Amendments - SB 163 .	143	Sunset Reauthorizations - SB 27	104
Concurrent Resolution Honoring Utah Foundation - SCR 10	159	TASK FORCE / COMMITTEES	
Permanent Community Impact Fund - Board Membership - HB 224	58	Government Records Access and Management Task Force - HB 75	24
STATE BUILDINGS		Privately Owned Health Care Organization Task Force - SB 61	118
Access to High Speed Internet At State Capitol Complex - SB 100	127	Tax Reform Task Force - SB 153	141
STATE LANDS		Tourism Task Force - HB 57	18
State Land Use Management Plans Amendments - HB 264	68	Transportation Amendments and Highway Jurisdictional Transfer Task Force - SB 25	102
STATE OFFICERS AND EMPLOYEES		TECHNOLOGY	
Compensation of Executive Officers - HB 128	37	Access to High Speed Internet At State Capitol Complex - SB 100	127
Joint Resolution Approving Appointment of Legislative Auditor General - SJR 1	159	Global Positioning Reference Network - HB 216	56
Office of Legislative Auditor - Access to Information - SB 20	99	High Technology Economic Development Appropriation - SB 192	150
Resolution Honoring Hollace (holly) Parker - HR 12	89	Information Technology Governance Amendments - HB 109	33
Retirement Office Amendments - HB 180	48	Spyware Control Act Revisions - HB 104	31
State Employee Amendments - HB 173	46	TELECOMMUNICATIONS	
Unused Sick Leave At Retirement Amendments - HB 213	55	Amendments to Hearing and Speech Impaired Telecommunications Program - HB 145	40
STATE TAX COMMISSION		Tax, Fee, or Charge Amendments - SB 127	135
Calculation of Interest on Tax Overpayments - SB 128	135	Telecommunications Revisions - SB 108	130
Individual Income Tax - Electronic Filing Requirements - HB 190	51	TELEPHONE	
		Electronic Communication Harassment - HB 221	57
		TELEVISION	
		Motion Picture Incentive Fund - HB 17	7

TOBACCO

Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer - HB 247	63
Nonparticipating Tobacco Manufacturer Amendments - SB 206	151

TOBACCO TAX

Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer - HB 247	63
--	----

TOWNSHIPS

Sunset of Township Provision - HB 40	14
--	----

TRANSPORTATION

Abandoned Vehicles Amendments - HB 67	22
Alcohol Restricted Drivers - SB 42	108
Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels - HB 96	29
Amendments to Driver License and Identification Cards - HB 223	58
Bicycle Safety Provisions - HB 49	16
Driver License and Commercial Driver License Amendments - HB 65	21
Emission Inspection Amendments - HB 93	28
Insurance Arbitration Amendments - HB 235	61
License Plate for Disabled Veterans - HB 91	28
Limitation of Landowner Liability for Public Recreation - SB 32	105
Local Corridor Preservation Funding - SB 8	93
Master Highway Designation Amendments - HB 6	2
Motor Assisted Scooter and Mini-motorcycle Amendments - HB 159	43
Motor Vehicle Business Licensing Amendments - HB 299	72
Motor Vehicle Business Regulation Act Amendments - SB 37	106
Motor Vehicle Enforcement Division Amendments - HB 68	22
Motor Vehicle Insurance Coverage Amendments - SB 207	152
Motor Vehicle Registration and Title Amendments - SB 98	126
Motor Vehicle Stops At Port-of-entry - SB 144	140
New Automobile Franchise Act Amendments - HB 47	15
New Motor Vehicle Franchise Act Amendments - SB 51	111
Penalties for False Driver Licenses and Identification Cards - SB 167	144
Person with a Disability Motorcycle Parking - HB 5	2

Powersport Vehicle Franchise Act - SB 134	137
Property Tax Treatment of Tangible Personal Property - SB 23	100
Public Lands Policy Coordination - SB 239	156
Public Safety Driving Privilege and Identification Card Amendments - SB 227	155
Resolution Approving Settlement of Lawsuit - SCR 5	158
Resolution Encouraging Managed Lanes Study - SCR 1	156
Tax Treatment of Personal Property - HB 53	17
Traffic Code Amendments - HB 24	10
Traffic Code Recodification and Revisions - SB 5 ...	90
Traffic Violations by Diplomats - HB 212	54
Transportation Amendments and Highway Jurisdictional Transfer Task Force - SB 25	102
Uninsured Motorist Property Damage Coverage Amendments - SB 4	90
Vehicle Identification Number Inspectors - HB 149 ..	41
Weights and Measures Amendments - HB 83	27

TRAVEL AND TOURISM

Tourism Task Force - HB 57	18
Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments - SB 137	138

TRUST LANDS

Allocation of Profits from School and Institutional Trust Lands - SB 120	132
Resolution Approving Utah Recreational Land Exchange - SCR 4	157
School and Institutional Trust Lands Amendments - HB 154	42
School and Institutional Trust Lands Management Act Revisions - SB 41	107
School Land Trust Program Funding Amendments - HB 43	15

UNCLAIMED PROPERTY

Unclaimed Property Amendments - HB 208	54
--	----

UNEMPLOYMENT COMPENSATION

Employment Security Act Amendments - HB 10	4
--	---

UNIFORM LAWS

Uniform Parentage Act - SB 14	96
-------------------------------------	----

UTAH MUNICIPAL CODE

Brownfields Revision - SB 173	147
Business License Fees - SB 152	141
Consolidation of City and County Library - SB 97 ...	126
County and Municipal Zoning Regarding Billboards - SB 114	131
Electronic Payments to Local Government Entities - HB 51	16

Government Boundary Changes - HB 113	35	Water Rights Fees - HB 150	42
Local Government Authority - HB 256	65		
Local Land Use Development and Management		WEAPONS	
Amendments - SB 60	116	Division of Criminal Investigation and	
Municipal Abatement of Weeds and Other Neglected		Technical Services Amendments - HB 276	71
Items on Property - HB 162	44		
Municipal Budget Amendments - HB 309	73	WORKERS' COMPENSATION	
Search and Rescue Advisory Board -		Assessment Offset for Donations Promoting	
Amendments - HB 90	28	Occupational Health and Safety - SB 159	142
Student Housing Built by Higher Education		Disease Testing of Individuals Exposed to	
Institutions - HB 103	31	Blood Borne Pathogens - SB 19	98
Sunset of Township Provision - HB 40	14	Permanent Total Disability Amendments -	
		SB 115	131
UTAH TECHNOLOGY COMMISSION			
Information Technology Governance		WORKFORCE SERVICES CODE	
Amendments - HB 109	33	Department of Workforce Services - Access to	
		Financial Records - SB 16	97
UTAH TOMORROW (STATE PLANNING)		Department of Workforce Services - Work Experience	
Repeal of Utah Tomorrow Strategic Planning		and Training Programs - HB 23	9
Committee - SB 117	131	Department of Workforce Services Amendments -	
		SB 12	95
VOLUNTEER WORKERS		Employment Security Act Amendments - HB 10	4
Resolution Honoring Searchers - SCR 3	157	Federal Health Care Tax Credit Program Act -	
		HB 69	23
WAGES			
Wage Provisions - SB 139	139	ZONING	
		County and Municipal Zoning Regarding	
WATER AND IRRIGATION		Billboards - SB 114	131
State Engineer's Powers and Duties		Local Land Use Development and Management	
Amendments - HB 29	11	Amendments - SB 60	116
Water Enforcement Procedures and Penalties -		Student Housing Built by Higher Education	
HB 157	43	Institutions - HB 103	31
Water Law - Criminal Penalties Amendments -			
HB 38	14		

PASSED LEGISLATION - 2005 GENERAL SESSION

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

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

This bill:

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

This bill appropriates for fiscal year 2006:

- ▶ \$1,952,996,400 from the General Fund;
- ▶ \$102,658,300 from the Uniform School Fund;
- ▶ \$125,695,000 from income tax revenue;
- ▶ \$4,334,205,300 from various sources as detailed herein.

This bill takes effect July 1, 2005.

Effective July 1, 2005

Chapter 8, Laws of Utah 2005

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

This bill provides funding for the Minimum School Program.

This bill:

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

This bill appropriates for fiscal year 2005-06:

- ▶ \$1,773,711,186 from the Uniform School Fund; and
- ▶ \$9,920,000 from the Interest and Dividends Account.

This bill provides an effective date.

Amends 53A-1-301, 53A-1a-513, 53A-17a-103, 53A-17a-104, 53A-17a-135, 53A-17a-148, 53A-21-105

Effective July 1, 2005

Chapter 9, Laws of Utah 2005

HB 4 Divorce Mediation Program *(Ben C. Ferry)*

This bill creates a domestic mediation program for divorce actions.

This bill:

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

The original bill was recommended by the Judiciary Interim Committee

Enacts 30-3-39

Effective May 2, 2005

Chapter 271, Laws of Utah 2005

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

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

This bill:

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

The original bill was recommended by the Transportation Interim Committee

Amends 41-1a-420

Effective May 2, 2005

Chapter 207, Laws of Utah 2005

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

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

This bill:

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

The original bill was recommended by the Transportation Interim Committee

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

Effective May 2, 2005

Chapter 21, Laws of Utah 2005

HB 7 Individual Income Tax - Contributions for Education (*Sheryl L. Allen*)

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

This bill:

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

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

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

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

Effective May 2, 2005

Chapter 208, Laws of Utah 2005

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

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

This bill:

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

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

Amends 62A-4a-202.8

Effective May 2, 2005

Chapter 22, Laws of Utah 2005

HB 9 Sales and Use Tax - Agricultural Exemption Vehicle Limitation *(Ronda Rudd Menlove)*

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

This bill:

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

This bill takes effect on July 1, 2005.

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

Amends 59-12-104

Effective July 1, 2005

Chapter 209, Laws of Utah 2005

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

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

This bill:

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

This bill provides an immediate effective date.

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

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

Effective March 1, 2005

Chapter 12, Laws of Utah 2005

HB 11 Economic Development Incentives (*Brad L. Dee*)

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

This bill:

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

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

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

Effective May 2, 2005

Chapter 272, Laws of Utah 2005

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

This bill repeals provisions related to health care assistants.

This bill:

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

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

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

Effective May 2, 2005

Chapter 50, Laws of Utah 2005

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

This bill amends the Legislative Oversight and Sunset Act.

This bill:

- ▶ eliminates repeal dates for the licensure of certain occupations and professions by the Division of Occupational and Professional Licensing.

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

Amends 63-55-258

Effective May 2, 2005

Chapter 51, Laws of Utah 2005

HB 14 Bond Election Process Amendments (*Fred R. Hunsaker*)

This bill modifies provisions related to bond elections.

This bill:

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

The original bill was recommended by the Government Operations Interim Committee

Amends 9-3-409, 10-7-8, 10-7-15, 10-18-302, 11-8-2, 11-13-205, 11-13-219, 11-17-3, 11-25-5, 11-27-3, 15-7-12, 17-12-1, 17-24-1, 17-36-54, 17-50-303, 17A-2-306, 17A-2-307, 17A-2-309, 17A-2-423, 17A-2-428, 17A-2-543, 17A-2-622, 17A-2-712, 17A-2-821, 17A-2-824, 17A-2-826, 17A-2-1037, 17A-2-1058, 17A-2-1312, 17A-2-1315, 17A-2-1316, 17A-2-1322, 17A-2-1414, 17A-2-1439, 17A-2-1440, 17A-2-1823, 17A-2-1825, 17B-2-608, 17B-4-1204, 19-6-503, 19-6-505, 20A-1-102, 20A-3-202, 20A-3-304.1, 20A-4-202, 20A-4-301, 20A-4-401, 20A-4-402, 20A-4-403, 20A-5-400.5, 20A-5-401, 20A-6-301, 20A-6-303, 20A-6-402, 31A-22-502, 53A-2-105, 53A-18-101, 53A-18-102, 53A-21-104, 53A-28-302, 54-9-103, 54-9-106, 59-7-601, 59-12-603, 59-12-703, 59-12-802, 59-12-804, 59-12-1402, 59-12-1503, 63B-2-116, 63B-2-216, 63B-3-116, 63B-3-216, 63B-4-116, 63B-5-116, 63B-6-116, 63B-6-216, 63B-6-416, 63B-7-116, 63B-7-216, 63B-7-416, 63B-8-116, 63B-8-216, 63B-8-416, 63B-9-216, 63B-10-116, 63B-11-116, 63B-11-216, 63B-11-316, 63B-11-516, 72-2-108, 72-2-204, 73-10d-4, 73-10d-7; Enacts 11-14-101, 11-14-102, 11-14-103, 11-14-208; Renumbers and Amends 11-14-2 to 11-14-201, 11-14-3 to 11-14-202, 11-14-4 to 11-14-203, 11-14-6 to 11-14-204, 11-14-7 to 11-14-205, 11-14-10 to 11-14-206, 11-14-11 to 11-14-207, 11-14-13 to 11-14-301, 11-14-14 to 11-14-302, 11-14-14.5 to 11-14-303, 11-14-15 to 11-14-304, 11-14-16 to 11-14-305, 11-14-17 to 11-14-306, 11-14-17.5 to 11-14-307, 11-14-17.6 to 11-14-308, 11-14-18 to 11-14-309, 11-14-19 to 11-14-310, 11-14-19.5 to 11-14-311, 11-14-19.6 to 11-14-312, 11-14-19.7 to 11-14-313, 11-14-19.8 to 11-14-314, 11-14-20 to 11-14-315, 11-14-21 to 11-14-316, 11-14-22 to 11-14-401, 11-14-23 to 11-14-402, 11-14-24 to 11-14-403, 11-14-25 to 11-14-404, 11-14-26 to 11-14-405, 11-14-27 to 11-14-406, 11-14-28 to 11-14-501; Repeals 11-14-1, 11-14-8, 11-14-9, 11-14-12

Effective May 2, 2005

Chapter 105, Laws of Utah 2005

HB 15 **Repeal of State Debt Collection Advisory Board** (*Douglas C. Aagard*)

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

This bill:

- ▶ repeals the Advisory Board to the Office of State Debt Collection.

The original bill was recommended by the Government Operations Interim Committee

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

Effective May 2, 2005

Chapter 23, Laws of Utah 2005

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

This bill repeals the Vehicle Equipment Safety Commission.

This bill:

- ▶ repeals the Vehicle Equipment Safety Commission; and
- ▶ makes technical changes.

The original bill was recommended by the Government Operations Interim Committee

Amends 41-6-142; Repeals 41-15-1, 41-15-2, 41-15-3, 41-15-4, 41-15-5, 41-15-6, 41-15-7, 41-15-8, 41-15-9, 41-15-10, 41-15-11, 41-15-12

Effective May 2, 2005

Chapter 24, Laws of Utah 2005

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

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

This bill:

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

This bill appropriates:

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

This bill takes effect on July 1, 2005.

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

Effective July 1, 2005

Chapter 210, Laws of Utah 2005

HB 19 Procurement Code Renumbering (Ron Bigelow)

This bill renumbers the Utah Procurement Code.

This bill:

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

The original bill was recommended by the Government Operations Interim Committee

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

Effective May 2, 2005

Chapter 25, Laws of Utah 2005

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

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

This bill:

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

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

Amends 20A-1-203

Effective May 2, 2005

Chapter 211, Laws of Utah 2005

HB 22 Intercountry Adoption Accreditation *(Rosalind J. McGee)*

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

This bill:

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

The original bill was recommended by the Judiciary Interim Committee

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

Effective May 2, 2005

Chapter 212, Laws of Utah 2005

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

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

This bill:

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

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

Enacts 35A-1-108

Effective May 2, 2005

Chapter 52, Laws of Utah 2005

HB 24 Traffic Code Amendments (*James A. Dunnigan*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 26, Laws of Utah 2005

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

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

This bill:

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

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

Amends 58-13-2, 58-13-3, 78-14-3; Enacts 58-77-101, 58-77-102, 58-77-201, 58-77-202, 58-77-203, 58-77-301, 58-77-302, 58-77-303, 58-77-304, 58-77-401, 58-77-501, 58-77-502, 58-77-503, 58-77-601, 58-77-602, 58-77-603

Effective May 2, 2005

Chapter 299, Laws of Utah 2005

HB 26 Conveyances of Property (*J. Stuart Adams*)

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

This bill:

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

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

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

Effective May 2, 2005

Chapter 213, Laws of Utah 2005

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

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

This bill:

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

This bill provides an immediate effective date.

Amends 62A-7-101, 62A-7-104, 62A-7-201, 62A-7-202, 62A-7-203, 76-8-306, 76-8-418, 77-37-3, 78-3a-113; Renumbers and Amends 62A-7-105 to 62A-7-401.5 , 62A-7-106 to 62A-7-402 , 62A-7-107 to 62A-7-403 , 62A-7-108 to 62A-7-404 , 62A-7-109 to 62A-7-501 , 62A-7-110 to 62A-7-502 , 62A-7-111 to 62A-7-503 , 62A-7-112 to 62A-7-504 , 62A-7-113 to 62A-7-505 , 62A-7-114 to 62A-7-506 , 62A-7-115 to 62A-7-507 , 62A-7-116 to 62A-7-701 , 62A-7-117 to 62A-7-702 , 62A-7-118 to 62A-7-105.5 , 62A-7-119 to 62A-7-106.5 , 62A-7-120 to 62A-7-107.5 , 62A-7-121 to 62A-7-108.5 , 62A-7-122 to 62A-7-109.5 , 62A-7-123 to 62A-7-110.5 , 62A-7-124 to 62A-7-111.5 , 62A-7-125 to 62A-7-601 ; Repeals 62A-7-204, 62A-7-205

Effective March 1, 2005

Chapter 13, Laws of Utah 2005

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

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

This bill:

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

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

Amends 73-2-1

Effective May 2, 2005

Chapter 165, Laws of Utah 2005

HB 30 Consumer Sales Practices Act Amendments (Todd E. Kiser)

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

This bill:

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

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

Amends 13-11-4

Effective May 2, 2005

Chapter 27, Laws of Utah 2005

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

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

This bill:

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

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

This bill provides revisor instructions.

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

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

Effective May 2, 2005

Chapter 273, Laws of Utah 2005

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

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

This bill:

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

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

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

Effective May 2, 2005

Chapter 214, Laws of Utah 2005

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

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

This bill:

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

This bill provides an immediate effective date.

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

Effective February 17, 2005

Chapter 7, Laws of Utah 2005

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

This bill requires legislative action regarding administrative rules.

This bill:

- ▶ reauthorizes all state agency administrative rules.

This bill takes effect on May 1, 2005.

The original bill was recommended by the Administrative Rules Review Committee

Effective May 1, 2005

Chapter 274, Laws of Utah 2005

HB 38 Water Law - Criminal Penalties Amendments (*Ben C. Ferry*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 215, Laws of Utah 2005

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

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

This bill:

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

Amends 63-55b-110

Effective May 2, 2005

Chapter 28, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Laws of Utah 2005

HB 43 School Land Trust Program Funding Amendments *(Stephen H. Urquhart)*

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

This bill:

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

This bill takes effect on July 1, 2005.

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

Effective July 1, 2005

Chapter 166, Laws of Utah 2005

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

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

This bill:

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

Enacts 59-2-1004.5

Effective May 2, 2005

Chapter 53, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 167, Laws of Utah 2005

HB 49 **Bicycle Safety Provisions** (*Rosalind J. McGee*)

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

This bill:

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

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

Enacts 41-6a-706.5

Effective May 2, 2005

Chapter 216, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 29, Laws of Utah 2005

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

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

This bill:

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

Amends 58-55-305

Effective May 2, 2005

Chapter 54, Laws of Utah 2005

HB 53 Tax Treatment of Personal Property (*LaWanna Lou Shurtliff*)

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

This bill:

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

This bill takes effect on January 1, 2006.

Amends 9-7-401, 41-1a-222, 59-2-405, 59-2-405.1, 59-2-406, 59-2-407, 59-2-924, 59-2-1005, 59-7-614, 59-10-134; Enacts 59-2-405.2

Effective January 1, 2006

Chapter 217, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 106, Laws of Utah 2005

HB 55 Drug Offense Penalty Enhancements (*Brad L. Dee*)

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

This bill:

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

Amends 58-37-8

Effective May 2, 2005

Chapter 30, Laws of Utah 2005

HB 57 Tourism Task Force (*David Ure*)

This bill creates the Tourism Task Force.

This bill:

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

This bill appropriates:

- ▶ \$6,000 to the Senate; and
- ▶ \$8,400 to the House of Representatives.

This bill is repealed November 30, 2005.

Effective May 2, 2005

Chapter 218, Laws of Utah 2005

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

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

This bill:

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

Amends 77-36-1.1

Effective May 2, 2005

Chapter 55, Laws of Utah 2005

HB 60 Insurance Licensing Amendments (*James A. Dunnigan*)

This bill modifies the Insurance Code to address licensing.

This bill:

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

Amends 31A-23a-106, 31A-23a-108, 31A-23a-111, 31A-23a-113, 31A-23a-115, 31A-23a-202, 31A-26-206, 31A-35-504

Effective May 2, 2005

Chapter 219, Laws of Utah 2005

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

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

This bill:

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

This bill takes effect on July 1, 2005.

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

Effective July 1, 2005

Chapter 31, Laws of Utah 2005

HB 64 Criminal Background Checks for Personal Care Attendants (*Fred R. Hunsaker*)

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

This bill:

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

This bill provides coordination clauses.

Amends 62A-2-121, 62A-2-122, 62A-3-101, 62A-3-104, 62A-3-104.1, 62A-4a-116.2, 78-3a-320; Enacts 62A-3-104.3

Effective May 2, 2005

Chapter 107, Laws of Utah 2005

HB 65 Driver License and Commercial Driver License Amendments (DeMar Bud Bowman)

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

This bill:

- ▶ adds operating or being in actual physical control of a motor vehicle while the person's driving privilege is suspended due to an alcohol related offense to the offenses for which the Driver License Division shall immediately take action on a driver license;
- ▶ provides that it is a class B misdemeanor for a person who drives a motor vehicle while the person's driving privilege is denied or suspended as a result of not obtaining a conditional driver license;
- ▶ clarifies that the look back period for a no alcohol conditional license issued to a person who has a qualifying conviction is from the date of arrest for the offense not the date of the conviction;
- ▶ defines imminent hazard and allows the Driver License Division to suspend, without a hearing, the CDL of a driver who poses an imminent hazard;
- ▶ adds driving a commercial motor vehicle without the proper CDL license and endorsements or possession of a proper license certificate to the definitions of serious traffic offenses;
- ▶ allows a defense to a charge of not having a license certificate in the driver's immediate possession while operating a commercial vehicle if the person charged produces in court a CDL or CDIP license certificate issued to the person and valid at the time of the citation or arrest;
- ▶ allows a certified CDL examiner to accompany a CDIP holder who is operating a commercial motor vehicle for the purpose of a CDL examination;
- ▶ requires an applicant for a CDL or a CDIP to provide a complete list of all states in which the applicant was issued a driver license in the previous ten years;
- ▶ requires a person who holds a hazardous materials endorsement on a CDL to meet the security threat assessment standards of the federal Transportation Security Administration;
- ▶ amends CDL provisions to allow certain offenses committed while operating any motor vehicle instead of only a commercial vehicle to disqualify the license of a CDL holder;
- ▶ adds operating a commercial motor vehicle in a negligent manner causing the death of another to the list of first offenses for which a CDL is disqualified for not less than one year;
- ▶ allows the division to immediately suspend or disqualify the CDL of a driver without a hearing or receiving a record of the driver's conviction when the division has reason to believe that there was cheating on any part of a CDL examination;
- ▶ requires a court to notify the Driver License Division of a person's conviction for discharging a firearm from a vehicle; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2005.

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

Effective July 1, 2005

Chapter 220, Laws of Utah 2005

HB 66 Naturopathic Physician Amendments (*James A. Ferrin*)

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

This bill:

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

This bill provides an immediate effective date.

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

Effective March 8, 2005

Chapter 17, Laws of Utah 2005

HB 67 Abandoned Vehicles Amendments (*James R. Gowans*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 56, Laws of Utah 2005

HB 68 Motor Vehicle Enforcement Division Amendments (*Paul Ray*)

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

This bill:

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

This bill takes effect on July 1, 2005.

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

Effective July 1, 2005

Chapter 57, Laws of Utah 2005

HB 69 Federal Health Care Tax Credit Program Act (*Curtis Oda*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 221, Laws of Utah 2005

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

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

This bill:

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

This bill takes effect on September 1, 2005.

Amends 31A-2-308, 31A-15-102; Enacts 31A-8a-101, 31A-8a-102, 31A-8a-103, 31A-8a-201, 31A-8a-202, 31A-8a-203, 31A-8a-204, 31A-8a-205, 31A-8a-206, 31A-8a-207, 31A-8a-208, 31A-8a-209, 31A-8a-210, 31A-31-111

Effective September 1, 2005

Chapter 58, Laws of Utah 2005

HB 71 Licensing of Estheticians and Nail Technicians *(Julie Fisher)*

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

This bill:

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

This bill takes effect on December 31, 2005.

Amends 58-11a-102, 58-11a-302, 58-11a-306, 58-11a-502, 58-11a-503

Effective December 31, 2005

Chapter 222, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 223, Laws of Utah 2005

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

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

This bill:

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

This bill appropriates:

- ▶ \$6,000 to the Senate; and €\$8,400 to the House of Representatives.

This bill is repealed November 30, 2005.

Effective May 2, 2005

Chapter 224, Laws of Utah 2005

HB 76 **Habitual Violent Offenders Amendments** (*Paul Ray*)

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

This bill:

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

This bill provides an immediate effective date.

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

Effective March 11, 2005

Chapter 59, Laws of Utah 2005

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

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

This bill:

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

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

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

Effective January 1, 2006

Chapter 225, Laws of Utah 2005

HB 79 Provision of Services for People with Disabilities *(Rebecca D. Lockhart)*

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

This bill:

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

This bill provides a coordination clause.

Amends 62A-2-121, 62A-2-122, 62A-4a-116.2, 62A-5-101, 62A-5-103, 63A-9-808.1, 78-3a-320; Enacts 62A-5-103.5

Effective May 2, 2005

Chapter 60, Laws of Utah 2005

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

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

This bill:

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

Amends 62A-5-101, 62A-5-102, 62A-5-402, 63A-9-808.1, 77-16a-203, 77-16a-304; Repeals 62A-5-301

Effective May 2, 2005

Chapter 61, Laws of Utah 2005

HB 83 Weights and Measures Amendments (*David Ure*)

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

This bill:

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

This bill takes effect on January 1, 2006.

Amends 4-9-15

Effective January 1, 2006

Chapter 226, Laws of Utah 2005

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

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

This bill:

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

Amends 53A-1-402, 53B-2-101, 53B-2a-102, 53B-2a-104, 53B-2a-106, 53B-2a-107, 53B-2a-113

Effective May 2, 2005

Chapter 227, Laws of Utah 2005

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

This bill modifies provisions related to claims against counties.

This bill:

- ▶ requires counties to prepare and provide to claimants and potential claimants a written explanation of how to submit a claim and the county's claims handling process.

Amends 17-50-401

Effective May 2, 2005

Chapter 228, Laws of Utah 2005

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

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

This bill:

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

Repeals 78-3a-305.1

Effective May 2, 2005

Chapter 300, Laws of Utah 2005

HB 90 Search and Rescue Advisory Board - Amendments (*J. Stuart Adams*)

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

This bill:

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

Amends 53-2-108

Effective May 2, 2005

Chapter 62, Laws of Utah 2005

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

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

This bill:

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

This bill takes effect October 1, 2005.

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

Effective October 1, 2005

Chapter 63, Laws of Utah 2005

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

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

This bill:

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

Amends 41-6a-1642

Effective May 2, 2005

Chapter 229, Laws of Utah 2005

HB 96 Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels (*Fred R. Hunsaker*)

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

This bill:

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

This bill provides an effective date.

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

Effective May 2, 2005

Chapter 108, Laws of Utah 2005

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

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

This bill:

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

Amends 76-5-102.6

Effective May 2, 2005

Chapter 230, Laws of Utah 2005

HB 102 Higher Education Savings Incentive Program Amendments (*Scott L Wyatt*)

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

This bill:

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

This bill provides an immediate effective date.

Amends 53B-8a-101, 53B-8a-102, 53B-8a-103, 53B-8a-105, 53B-8a-106, 53B-8a-107, 53B-8a-108, 53B-8a-109, 53B-8a-113, 59-7-105, 59-10-114, 59-10-201; Repeals 53B-8b-101, 53B-8b-102, 53B-8b-103, 53B-8b-104, 53B-8b-105, 53B-8b-106, 53B-8b-107, 53B-8b-108, 53B-8b-109, 53B-8b-110, 53B-8b-111, 53B-8b-112, 59-10-901

Effective March 16, 2005

Chapter 109, Laws of Utah 2005

HB 103 Student Housing Built by Higher Education Institutions *(Stephen D. Clark)*

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

This bill:

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

Amends 63A-5-206; Enacts 10-9-109, 17-27-108, 53B-2-109

Effective May 2, 2005

Chapter 231, Laws of Utah 2005

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

This bill amends the Spyware Control Act.

This bill:

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

Amends 13-40-102, 13-40-201, 13-40-301, 13-40-302; Enacts 13-40-202

Effective May 2, 2005

Chapter 168, Laws of Utah 2005

HB 105 Construction Filing Amendments (*Michael T. Morley*)

This bill makes changes to mechanics' liens.

This bill:

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

This bill provides retrospective operation.

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

Effective May 2, 2005

Chapter 64, Laws of Utah 2005

HB 107 Amendments to Taxes, Fees, or Charges (*Wayne A. Harper*)

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

This bill:

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

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

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

Effective July 1, 2005

Chapter 232, Laws of Utah 2005

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

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

This bill:

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

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

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

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

Effective July 1, 2005

Chapter 169, Laws of Utah 2005

HB 113 Government Boundary Changes (*Kory M. Holdaway*)

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

This bill:

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

This bill provides a coordination clause.

Amends 10-1-116, 10-1-117, 10-2-119, 10-2-120, 10-2-125, 10-2-419, 10-2-425, 10-2-507, 10-2-611, 10-2-712, 11-13-203, 11-13-204, 11-13-205, 17-2-4, 17-2-9, 17-2-13, 17-3-3, 17-50-104, 17-50-105, 17A-2-1311, 17A-2-1313, 17A-2-1327, 17A-2-1329, 17B-2-215, 17B-2-216, 17B-2-514, 17B-2-515.5, 17B-2-516, 17B-2-601, 17B-2-603.5, 17B-2-610, 17B-2-708, 17B-4-201, 17B-4-410, 17B-4-1401, 20A-14-201, 53A-2-118, 63A-6-201, 63A-6-202, 63A-6-203; Enacts 53A-2-101.5, 67-1a-6.5

Effective May 2, 2005

Chapter 233, Laws of Utah 2005

HB 114 Children's Health Care Coverage Amendments (*David L. Hogue*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 275, Laws of Utah 2005

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

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

This bill:

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

This bill provides an immediate effective date.

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

Effective March 17, 2005

Chapter 170, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 234, Laws of Utah 2005

HB 124 Enrollment Growth Program Amendments (*Bradley G. Last*)

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

This bill:

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

This bill takes effect on July 1, 2005.

Amends 53A-21-103.5

Effective July 1, 2005

Chapter 171, Laws of Utah 2005

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

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

This bill:

- ▶ provides that the attorney general's salary on July 1, 2005 is 95% of the governor's salary.

Amends 67-22-1

Effective May 2, 2005

Chapter 276, Laws of Utah 2005

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

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

This bill:

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

Enacts 67-5-19

Effective May 2, 2005

Chapter 277, Laws of Utah 2005

HB 136 Charter School Enrollment (*James A. Ferrin*)

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

This bill:

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

Amends 53A-1a-506

Effective May 2, 2005

Chapter 301, Laws of Utah 2005

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

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

This bill:

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

Amends 53B-8-102

Effective May 2, 2005

Chapter 235, Laws of Utah 2005

HB 139 Local School Board Amendments (*Margaret Dayton*)

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

This bill:

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

Amends 53A-3-201

Effective May 2, 2005

Chapter 172, Laws of Utah 2005

HB 142 Issues Submitted to Voters (*Gregory H. Hughes*)

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

This bill:

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

Amends 20A-7-101, 20A-7-203, 20A-7-204.1, 20A-7-209, 20A-7-402, 20A-7-503, 20A-7-506, 20A-7-702; Enacts 20A-7-202.5, 20A-7-214, 20A-7-502.5, 20A-7-506.3, 20A-7-513

Effective May 2, 2005

Chapter 236, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 65, Laws of Utah 2005

HB 145 Amendments to Hearing and Speech Impaired Telecommunications Program
(*Brent H. Goodfellow*)

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

This bill:

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

Amends 54-8b-10

Effective May 2, 2005

Chapter 278, Laws of Utah 2005

HB 145 Amendments to Hearing and Speech Impaired Telecommunications Program
(*Brent H. Goodfellow*)

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

This bill:

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

Amends 54-8b-10

Effective May 2, 2005

Chapter 278, Laws of Utah 2005

HB 147 Property Tax Exemption for Veterans (*Gregory H. Hughes*)

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

This bill:

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

This bill provides retrospective operation.

Amends 59-2-1104

Effective May 2, 2005

Chapter 237, Laws of Utah 2005

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

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

This bill:

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

Amends 41-1a-802

Effective May 2, 2005

Chapter 32, Laws of Utah 2005

HB 150 **Water Rights Fees** (*James R. Gowans*)

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

This bill:

- ▶ allows the state engineer to charge fees to certain public entities in certain situations.

Amends 63-38-3.3

Effective May 2, 2005

Chapter 66, Laws of Utah 2005

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

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

This bill:

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

Amends 53C-2-102

Effective May 2, 2005

Chapter 67, Laws of Utah 2005

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

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

This bill:

- ▶ clarifies the rights of withdrawing members from Agricultural Cooperative Associations.

Amends 3-1-11

Effective May 2, 2005

Chapter 110, Laws of Utah 2005

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

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

This bill:

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

Amends 4-22-7

Effective May 2, 2005

Chapter 173, Laws of Utah 2005

HB 157 Water Enforcement Procedures and Penalties (*David Ure*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 33, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 111, Laws of Utah 2005

HB 160 Wildlife License Agents Amendments (*Julie Fisher*)

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

This bill:

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

Amends 23-19-15

Effective May 2, 2005

Chapter 68, Laws of Utah 2005

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

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

This bill:

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

Amends 10-11-3

Effective May 2, 2005

Chapter 69, Laws of Utah 2005

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

This bill repeals the Utah Personal Introduction Services Protection Act.

This bill:

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

Amends 13-2-1; Repeals 13-30-101, 13-30-102, 13-30-103, 13-30-104, 13-30-105, 13-30-106, 13-30-107, 13-30-108, 13-30-109, 13-30-110, 13-30-111, 13-30-112, 13-30-113, 13-30-114

Effective May 2, 2005

Chapter 70, Laws of Utah 2005

HB 165 Utah Commission on Aging (*Patricia W. Jones*)

This bill creates the Utah Commission on Aging.

This bill:

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

Amends 63-55-263; Enacts 63-99-101, 63-99-102, 63-99-103, 63-99-104, 63-99-105, 63-99-106, 63-99-107, 63-99-108, 63-99-109, 63-99-110

Effective May 2, 2005

Chapter 279, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 112, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 113, Laws of Utah 2005

HB 171 Calculation of Mining Severance Tax on Beryllium (*Richard W. Wheeler*)

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

This bill:

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

This bill has retrospective operation to January 1, 2005.

Amends 59-5-203

Effective May 2, 2005

Chapter 238, Laws of Utah 2005

HB 173 State Employee Amendments (*Ann W. Hardy*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 114, Laws of Utah 2005

HB 176 Revisor's Statute (*Rebecca D. Lockhart*)

This bill modifies parts of the Utah Code to make technical corrections including wording, cross references, and numbering changes.

This bill:

- ▶ modifies parts of the Utah Code by making technical corrections including wording, cross referencing, and numbering changes.

Amends 10-6-151, 11-36-501, 16-10a-1503, 16-10a-1530, 17-37-7, 17-43-201, 17-43-301, 17A-1-444, 17A-1-501, 17A-2-325, 17A-2-1051, 17A-2-1409, 17B-2-515.5, 17B-4-1304, 20A-3-302, 20A-9-202, 26-6b-3, 31A-22-716, 32A-12-505, 34A-2-103, 34A-2-105, 35A-3-608, 38-1-27.2, 41-1a-1314, 48-1-42, 48-2c-1604, 48-2c-1612, 49-12-202, 49-13-202, 51-5-4.5, 51-7-2, 51-7-4, 53-2-107, 53A-17a-112, 58-1-307, 58-16a-501, 58-17b-309, 58-31d-103, 58-42a-102, 61-6-5, 62A-3-104.1, 62A-4a-209, 62A-15-108, 62A-15-110, 62A-15-713, 63-2-204, 63-5b-102, 63-34-14, 63-38-8.1, 63-38-9.5, 63-38a-102, 63-55-263, 63-56-5, 63A-1-113, 63A-9-101, 67-3-1, 67-5b-104, 67-5b-106, 70A-8-101, 75-5a-119, 77-19-201, 78-12-33.5

Effective May 2, 2005

Chapter 71, Laws of Utah 2005

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

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

This bill:

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

Amends 23-19-38

Effective May 2, 2005

Chapter 115, Laws of Utah 2005

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

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

This bill:

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

This bill provides an immediate effective date.

Amends 9-2-1902, 9-2-1915, 9-2-1918, 9-2-1919, 9-2-1920, 9-2-1924

Effective March 1, 2005

Chapter 14, Laws of Utah 2005

HB 180 Retirement Office Amendments (*Ann W. Hardy*)

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

This bill:

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

Amends 49-11-102, 49-11-303, 49-11-401, 49-11-403, 49-11-504, 49-11-609, 49-11-613, 49-12-203, 49-12-402, 49-12-405, 49-12-409, 49-13-203, 49-13-205, 49-13-402, 49-13-405, 49-13-408, 49-16-102, 49-16-203, 49-16-601, 49-16-701, 49-21-102, 49-21-402, 49-21-403; Enacts 49-11-621, 49-16-601.5, 49-20-409; Repeals 49-21-407

Effective May 2, 2005

Chapter 116, Laws of Utah 2005

HB 181 Duplicate Wildlife Licensing Amendments (*Margaret Dayton*)

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

This bill:

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

Amends 23-19-10

Effective May 2, 2005

Chapter 117, Laws of Utah 2005

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

This bill addresses historical livestock trails.

This bill:

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

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

Effective May 2, 2005

Chapter 118, Laws of Utah 2005

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

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

This bill:

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

Amends 53A-12-103

Effective May 2, 2005

Chapter 119, Laws of Utah 2005

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

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

This bill:

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

Enacts 57-22-5.1

Effective May 2, 2005

Chapter 120, Laws of Utah 2005

HB 185 Utah Computer Crimes Act Amendments (*Bradley M. Daw*)

This bill amends the Utah Computer Crimes Act.

This bill:

- ▶ amends the definition of "computer network" in the Utah Computer Crimes Act to include wireless networks;
- ▶ amends the definition of "computer" in the Utah Computer Crimes Act
- ▶ clarifies prohibited conduct under the Utah Computer Crimes Act; and
- ▶ makes technical changes.

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

Effective May 2, 2005

Chapter 72, Laws of Utah 2005

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

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

This bill:

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

This bill provides an immediate effective date.

Amends 13-2-8, 13-11-4, 13-22-5, 13-23-2, 13-23-3, 13-23-5, 13-23-6, 13-23-7, 13-25a-105, 13-25a-106, 13-25a-111, 13-26-2, 13-26-3, 13-26-8, 13-26-11; Enacts 13-25a-107.2

Effective March 8, 2005

Chapter 18, Laws of Utah 2005

HB 188 Public Education Job Enhancement Program *(Bradley T. Johnson)*

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

This bill:

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

This bill appropriates from the Uniform School Fund to the State Board of Education for the Public Education Job Enhancement Program:

- ▶ \$2,500,000 for fiscal year 2005-06 only; and
- ▶ as an ongoing appropriation subject to future budget constraints, \$2,500,000 for fiscal year 2005-06.

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

Effective May 2, 2005

Chapter 174, Laws of Utah 2005

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

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

This bill:

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

This bill has retrospective operation to January 1, 2005.

Enacts 59-10-514.1

Effective May 2, 2005

Chapter 121, Laws of Utah 2005

HB 191 Captive Insurance Law Amendments (*James A. Dunnigan*)

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

This bill:

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

This bill has retrospective operation to January 1, 2005.

Amends 31A-3-304

Effective May 2, 2005

Chapter 122, Laws of Utah 2005

HB 195 Insurance Law Amendments (*James A. Dunnigan*)

This bill modifies various provisions related to the Insurance Code.

This bill:

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

Amends 31A-2-201, 31A-5-211, 31A-8-201, 31A-8-301, 31A-21-201, 31A-21-303, 31A-22-633, 31A-23a-402, 63-55-231; Enacts 31A-3-205; Repeals 31A-8-302

Effective May 2, 2005

Chapter 123, Laws of Utah 2005

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

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

This bill:

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

Amends 58-71-202

Effective May 2, 2005

Chapter 73, Laws of Utah 2005

HB 200 Insurance Law Revisions (*James A. Dunnigan*)

This bill modifies various provisions of the Insurance Code.

This bill:

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

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

Effective May 2, 2005

Chapter 124, Laws of Utah 2005

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

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

This bill:

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

Amends 31A-22-409, 31A-22-425, 31A-22-501, 31A-22-506, 31A-22-507; Enacts 31A-22-426, 31A-22-427, 31A-22-501.1

Effective May 2, 2005

Chapter 125, Laws of Utah 2005

HB 203 Agricultural Advisory Board (*Michael E. Noel*)

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

This bill:

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

Amends 4-2-7

Effective May 2, 2005

Chapter 175, Laws of Utah 2005

HB 206 Charter School Reporting (*Carol Spackman Moss*)

This bill allows annual reporting of charter school innovative practices.

This bill:

- ▶ allows charter schools to annually report innovative practices to the Charter School Board.

Enacts 53A-1a-507.1

Effective May 2, 2005

Chapter 74, Laws of Utah 2005

HB 208 Unclaimed Property Amendments (*Paul Ray*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 126, Laws of Utah 2005

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

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

This bill:

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

Enacts 41-6a-1901

Effective May 2, 2005

Chapter 127, Laws of Utah 2005

HB 213 Unused Sick Leave At Retirement Amendments *(David Clark)*

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

This bill:

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

This bill takes effect on January 1, 2006.

Amends 67-19-14, 67-19-14.1, 67-19-14.2, 67-19-14.3; Enacts 67-19-14.4

Effective January 1, 2006

Chapter 15, Laws of Utah 2005

HB 215 Property Tracking Amendments *(Paul Ray)*

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

This bill:

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

Amends 77-23a-15.5

Effective May 2, 2005

Chapter 75, Laws of Utah 2005

HB 216 Global Positioning Reference Network (*Kory M. Holdaway*)

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

This bill:

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

This bill appropriates:

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

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

Effective May 2, 2005

Chapter 76, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 176, Laws of Utah 2005

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

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

This bill:

- ▶ increases the number of juvenile judges in the second judicial district to six.

Amends 78-1-2.3

Effective May 2, 2005

Chapter 77, Laws of Utah 2005

HB 221 Electronic Communication Harassment (*John Dougall*)

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

This bill:

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

Amends 76-9-201

Effective May 2, 2005

Chapter 128, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 129, Laws of Utah 2005

HB 223 Amendments to Driver License and Identification Cards (*Curtis Oda*)

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

This bill:

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

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

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

Effective July 1, 2005

Chapter 34, Laws of Utah 2005

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

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

This bill:

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

Amends 9-4-304

Effective May 2, 2005

Chapter 130, Laws of Utah 2005

HB 226 Government Records Access and Management Act Requirements Regarding Animal Identification Program (*Craig W. Buttars*)

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

This bill:

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

Amends 63-2-304

Effective May 2, 2005

Chapter 131, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 132, Laws of Utah 2005

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

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

This bill:

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

Amends 78-30-15.5

Effective May 2, 2005

Chapter 133, Laws of Utah 2005

HB 234 Telephone Surcharge for Education and Training Programs At Prison
(Brent H. Goodfellow)

This bill creates a restricted account within the General Fund.

This bill:

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

This bill appropriates:

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

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

Enacts 64-13-42

Effective July 1, 2005

Chapter 302, Laws of Utah 2005

HB 234 Telephone Surcharge for Education and Training Programs At Prison
(Brent H. Goodfellow)

This bill creates a restricted account within the General Fund.

This bill:

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

This bill appropriates:

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

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

Enacts 64-13-42

Effective July 1, 2005

Chapter 302, Laws of Utah 2005

HB 235 Insurance Arbitration Amendments (*Stephen H. Urquhart*)

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

This bill:

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

Enacts 31A-22-321

Effective May 2, 2005

Chapter 177, Laws of Utah 2005

HB 236 Health Insurance Law Amendments (*James A. Dunnigan*)

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

This bill:

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

Amends 31A-1-301, 31A-8-402.7, 31A-22-605, 31A-22-606, 31A-22-609, 31A-22-613, 31A-22-620, 31A-22-629, 31A-22-723, 31A-29-103, 31A-29-110, 31A-29-111, 31A-29-113, 31A-30-107.5; Enacts 31A-22-605.1

Effective May 2, 2005

Chapter 78, Laws of Utah 2005

HB 240 Disaster Loan Program (*Ron Bigelow*)

This bill establishes a disaster loan program.

This bill:

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

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

This bill provides an immediate effective date.

Enacts 53-2-102.5

Effective February 2, 2005

Chapter 1, Laws of Utah 2005

HB 243 **Repeal of Geriatric Care Manager** (*Rebecca D. Lockhart*)

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

This bill:

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

Amends 58-31b-102, 58-31b-301, 58-31b-302, 58-31b-303, 58-31b-304, 58-31b-308, 58-31b-501, 58-31b-502, 58-31b-601, 58-31d-103, 63-55b-158

Effective May 2, 2005

Chapter 134, Laws of Utah 2005

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

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

This bill:

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

This bill takes effect on July 1, 2005.

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

Effective July 1, 2005

Chapter 135, Laws of Utah 2005

HB 249 Carson Smith Special Needs Scholarships (*Merlynn T. Newbold*)

This bill creates a program to award scholarships to students with disabilities who attend a private school.

This bill:

- ▶ specifies criteria for qualifying for a scholarship;
- ▶ specifies criteria for private schools to enroll scholarship students;
- ▶ specifies the amount, timing, and form of scholarship payments;
- ▶ requires the State Board of Education to make rules;
- ▶ gives the State Board of Education enforcement authority; and
- ▶ requires the Legislature to annually appropriate money from the General Fund for scholarship payments.

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$100,000 from the General Fund for fiscal year 2005-06 to the State Board of Education.

Amends 53A-3-410; Enacts 53A-1a-701, 53A-1a-702, 53A-1a-703, 53A-1a-704, 53A-1a-705, 53A-1a-706, 53A-1a-707, 53A-1a-708, 53A-1a-709, 53A-1a-710

Effective May 2, 2005

Chapter 35, Laws of Utah 2005

HB 250 Capitol Complex Space (*Jeff Alexander*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 280, Laws of Utah 2005

HB 255 Investment of Higher Education Institution Endowment Funds *(David Clark)*

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

This bill:

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

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

Effective May 2, 2005

Chapter 178, Laws of Utah 2005

HB 256 Local Government Authority *(Ann W. Hardy)*

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

This bill:

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

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

Effective May 2, 2005

Chapter 136, Laws of Utah 2005

HB 259 Adoption Amendments (*Ann W. Hardy*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 137, Laws of Utah 2005

HB 260 Amendments Related to Pornographic and Harmful Materials (*John Dougall*)

This bill addresses pornographic materials and material harmful to minors.

This bill:

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

This bill appropriates:

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

This bill provides an effective date.

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

Effective March 21, 2005

Chapter 281, Laws of Utah 2005

HB 264 State Land Use Management Plans Amendments (*Michael E. Noel*)

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

This bill:

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

Amends 63-38d-401

Effective May 2, 2005

Chapter 179, Laws of Utah 2005

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

This bill modifies provisions related to the Quality Growth Commission.

This bill:

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

Amends 11-38-201, 11-38-302

Effective May 2, 2005

Chapter 138, Laws of Utah 2005

HB 268 Drug Utilization Review Committee Amendments *(Rebecca D. Lockhart)*

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

This bill:

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

Amends 26-18-105

Effective May 2, 2005

Chapter 139, Laws of Utah 2005

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

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

This bill:

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

Amends 38-1-28

Effective May 2, 2005

Chapter 140, Laws of Utah 2005

HB 275 Business Entity Amendments (*Ross I. Romero*)

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

This bill:

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

Amends 16-10a-102, 16-10a-103, 48-2a-104, 48-2a-201, 48-2c-102, 48-2c-110, 48-2c-120, 48-2c-121, 48-2c-203, 48-2c-401, 48-2c-403, 48-2c-408, 48-2c-501, 48-2c-702, 48-2c-803, 48-2c-804, 48-2c-807, 48-2c-903, 48-2c-1103, 48-2c-1201, 48-2c-1204, 48-2c-1207, 48-2c-1211, 48-2c-1404, 48-2c-1406; Enacts 48-2c-803.1

Effective May 2, 2005

Chapter 141, Laws of Utah 2005

HB 276 **Division of Criminal Investigation and Technical Services Amendments** (*Curtis Oda*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 282, Laws of Utah 2005

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

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

This bill:

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

Amends 58-60-401, 58-60-402, 58-60-403, 58-60-404, 58-60-405, 58-60-407

Effective May 2, 2005

Laws of Utah 2005

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

This bill modifies joint custody options.

This bill:

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

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

Effective May 2, 2005

Chapter 142, Laws of Utah 2005

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

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

This bill:

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

Amends 61-2-9

Effective May 2, 2005

Chapter 239, Laws of Utah 2005

HB 287 Revenue Bonds and Capital Facilities Authorizations (*D. Gregg Buxton*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 180, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 143, Laws of Utah 2005

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

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

This bill:

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

Amends 41-3-209

Effective May 2, 2005

Chapter 144, Laws of Utah 2005

HB 301 Supplemental Appropriations III *(Ron Bigelow)*

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

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language.

This bill appropriates for fiscal year 2006:

- ▶ \$55,646,300 from the General Fund;
- ▶ \$29,365,000 from the Uniform School Fund;
- ▶ \$124,262,500 from income tax revenue;
- ▶ \$28,430,100 from various sources as detailed herein.

This bill takes effect July 1, 2005.

Effective July 1, 2005

Chapter 303, Laws of Utah 2005

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

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

This bill:

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

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

Effective May 2, 2005

Chapter 145, Laws of Utah 2005

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

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

This bill:

- ▶ modifies the timetable for filing a new city's tentative budget.

This bill has retrospective operation to November 1, 2004.

Amends 10-6-111

Effective May 2, 2005

Chapter 146, Laws of Utah 2005

HB 311 Controlled Substance Law Amendments (*Brad L. Dee*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 283, Laws of Utah 2005

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

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

This bill:

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

This bill takes effect on July 1, 2005.

Enacts 53B-6-106

Effective July 1, 2005

Chapter 147, Laws of Utah 2005

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

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

This bill:

- ▶ restructures the Department of Community and Economic Development by transferring the responsibilities of the Division of Business and Economic Development and the Division of Travel Development to a newly created Governor's Office of Economic Development;
- ▶ transfers from the current Department of Community and Economic Development to the Governor's Office of Economic Development the duty and responsibility to administer the following established programs:
 - the Enterprise Zone Act;
 - Targeted Business Income Tax Credits within an Enterprise Zone;
 - Centers of Excellence;

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

- ▶ transfers to the Governor's Office of Economic Development responsibility for input on road-building programs in scenic centers of the state;
- ▶ transfers to the Governor's Office of Economic Development membership on the Utah State Scenic Byway Committee;
- ▶ provides that the Department of Transportation may consult with the Governor's Office of Economic Development in erecting, administering, and maintaining informational signs on the interstate or primary road system;
- ▶ makes employing unit names available to the Governor's Office of Economic Development;
- ▶ transfers to the Governor's Office of Economic Development authority to give input to the Transportation Commission in selecting license plate slogans for the state;
- ▶ transfers to the Governor's Office of Economic Development the responsibility to serve as managing partner for the website known as Business.utah.gov;
- ▶ provides that the executive director of the Department of Community and Culture shall designate three qualified interim successors in case of emergency;
- ▶ makes conforming changes to boards and programs throughout the Utah Code which refer to the Department of Community and Economic Development or its executive director by replacing those references with the new titles and designations of entities and positions created in this bill; and
- ▶ makes technical changes.

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

Amends 9-1-102, 9-1-201, 9-4-304, 9-4-801, 9-4-904, 9-9-104.6, 10-9-307, 11-17-1.5, 11-17-18, 17-27-307, 17A-2-1318, 19-3-301, 19-6-807, 19-6-824, 19-9-104, 35A-1-206, 35A-3-103, 35A-3-203, 35A-3-205, 35A-3-309, 35A-4-312, 41-1a-405, 46-4-503, 53B-18-1002, 59-7-610, 59-10-108.7, 59-21-2, 63-5b-102, 63-38d-502, 63-49a-1, 63-49a-2, 63-49a-3, 63-51-10, 63A-9-801, 63B-5-201, 63D-1a-203, 67-19-6.7, 67-19-12, 67-19-15, 67-19c-101, 67-22-2, 72-1-209, 72-4-302, 72-7-504, 73-10c-3; Enacts 63-38f-201, 63-38f-703; Renumbers and Amends 9-1-204 to 63-38f-202, 9-1-205 to 63-38f-203, 9-1-206 to 63-38f-204, 9-1-207 to 63-38f-205, 9-2-102 to 63-38f-102, 9-2-201 to 63-38f-101, 9-2-202 to 63-38f-301, 9-2-203 to 63-38f-302, 9-2-204 to 63-38f-303, 9-2-205 to 63-38f-304, 9-2-401 to 63-38f-401, 9-2-402 to 63-38f-402, 9-2-403 to 63-38f-403, 9-2-404 to 63-38f-404, 9-2-405 to 63-38f-405, 9-2-406 to 63-38f-406, 9-2-407 to 63-38f-407, 9-2-408 to 63-38f-408, 9-2-409 to 63-38f-409, 9-2-410 to 63-38f-410, 9-2-411 to 63-38f-411, 9-2-412 to 63-38f-412, 9-2-413 to 63-38f-413, 9-2-414 to 63-38f-414, 9-2-415 to 63-38f-415, 9-2-416 to 63-38f-416, 9-2-501 to 63-38f-601, 9-2-502 to 63-38f-602, 9-2-503 to 63-38f-603, 9-2-504 to 63-38f-604, 9-2-505 to 63-38f-605, 9-2-506 to 63-38f-606, 9-2-507 to 63-38f-607, 9-2-601 to 63-38f-701, 9-2-602 to 63-38f-702, 9-2-603 to 63-38f-704, 9-2-901 to 63-38f-801, 9-2-902 to 63-38f-802, 9-2-1201 to 63-38f-901, 9-2-1202 to 63-38f-902, 9-2-1203 to 63-38f-903, 9-2-1204 to 63-38f-904, 9-2-1205 to 63-38f-905, 9-2-1205.1 to 63-38f-906, 9-2-1205.5 to 63-38f-907, 9-2-1205.8 to 63-38f-908, 9-2-1207 to 63-38f-909, 9-2-1401 to 63-38f-1001, 9-2-1402 to 63-38f-1002, 9-2-1403 to 63-38f-1003, 9-2-1601 to 63-38f-1101, 9-2-1602 to 63-38f-1102, 9-2-1603 to 63-38f-1103, 9-2-1604 to 63-38f-1104, 9-2-1605 to 63-38f-1105, 9-2-1606 to 63-38f-1106, 9-2-1607 to 63-38f-1107, 9-2-1608 to 63-38f-1108, 9-2-1609 to 63-38f-1109, 9-2-1610 to 63-38f-1110, 9-2-1611 to 63-38f-1111, 9-2-1612 to 63-38f-1112, 9-2-1701 to 63-38f-1401, 9-2-1702 to 63-38f-1402, 9-2-1703 to 63-38f-1403, 9-2-1703.5 to 63-38f-1404, 9-2-1704 to 63-38f-1405, 9-2-1801 to 63-38f-501, 9-2-1802 to 63-38f-502, 9-2-1803 to 63-38f-503, 9-2-1901 to 63-38f-1201, 9-2-1902 to 63-38f-1202, 9-2-1903 to 63-38f-1203, 9-2-1904 to 63-38f-1204, 9-2-1905 to 63-38f-1205, 9-2-1906 to 63-38f-1206, 9-2-1907 to 63-38f-1207, 9-2-1908 to 63-38f-1208, 9-2-1909 to 63-38f-1209, 9-2-1910 to 63-38f-1210, 9-2-1911 to 63-38f-1211, 9-2-1912 to 63-38f-1212, 9-2-1913 to 63-38f-1213, 9-2-1914 to 63-38f-1214, 9-2-1915 to 63-38f-1215, 9-2-1916 to 63-38f-1216, 9-2-1917 to 63-38f-1217, 9-2-1918 to 63-38f-1218, 9-2-1919 to 63-38f-1219, 9-2-1920 to 63-38f-1220, 9-2-1921 to 63-38f-1221, 9-2-1922 to 63-38f-1222, 9-2-1923 to 63-38f-1223, 9-2-1924 to 63-38f-1224, 9-2-2001 to 63-38f-1301, 9-2-2002 to 63-38f-1302, 9-2-2003 to 63-38f-1303, 9-2-2004 to 63-38f-1304, 9-2-2005 to 63-38f-1305, 9-2-2006 to 63-38f-1306, 9-2-2007 to 63-38f-1307, 9-2-2008 to 63-38f-1308, 9-2-2009 to

63-38f-1309 , 9-3-201 to 63-38f-1406 , 9-3-202 to 63-38f-1407 , 9-3-203 to 63-38f-1408 , 9-3-204 to 63-38f-1409 , 9-3-206 to 63-38f-1410 , 9-8-901 to 63-38f-1501 , 9-8-902 to 63-38f-1502 , 9-8-903 to 63-38f-1503 , 9-8-904 to 63-38f-1504 , 9-8-905 to 63-38f-1505 , 9-16-101 to 63-38f-1601 , 9-16-102 to 63-38f-1602 , 9-16-103 to 63-38f-1603 , 9-16-104 to 63-38f-1604 , 9-16-105 to 63-38f-1605 , 9-16-106 to 63-38f-1606 ; Repeals 9-2-206, 9-2-801, 9-2-809, 9-2-1501, 9-2-1502, 9-2-1503, 9-2-1504, 9-2-1505, 9-2-1506, 9-2-1507, 9-2-1705, 9-2-1706, 9-3-205, 9-3-208

Effective July 1, 2005

Chapter 148, Laws of Utah 2005

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

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

This bill:

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

- ▶ changes the date for submission of market comparability adjustments to coincide with the date that the compensation package recommendation is due; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2006.

Amends 13-1a-3, 35A-1-205, 49-20-401, 53-6-104, 53A-24-114, 53C-1-201, 54-1-6, 54-4a-3, 61-1-18, 62A-15-613, 63-5b-102, 63-13-2, 63-34-12, 63A-1-109, 63A-9-501, 63A-9-801, 67-5-7, 67-5-9, 67-5-12, 67-8-3, 67-8-5, 67-19-3, 67-19-3.1, 67-19-5, 67-19-6, 67-19-6.7, 67-19-11, 67-19-12, 67-19-12.2, 67-19-12.5, 67-19-12.7, 67-19-12.9, 67-19-13, 67-19-15, 67-19-15.1, 67-19-19, 67-19-26, 67-19-31, 67-19-33, 67-19-34, 67-19-36, 67-19-37, 67-19-38, 67-19a-303, 67-19c-101, 67-20-8, 67-22-2, 72-1-203; Enacts 67-19-6.1; Repeals 67-19-6.4, 67-19-7, 67-19-8, 67-19-9, 67-19-10

Effective July 1, 2006

Chapter 181, Laws of Utah 2005

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

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

This bill:

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

This bill provides retrospective operation.

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

Effective May 2, 2005

Chapter 182, Laws of Utah 2005

HB 338 Child and Family Welfare Revisions (*LaVar Christensen*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 304, Laws of Utah 2005

HB 348 Employment Agency Revisions (*J. Stuart Adams*)

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

This bill:

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

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

Effective May 2, 2005

Chapter 149, Laws of Utah 2005

HB 349 Money Management Act Amendments (*David Clark*)

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

This bill:

- ▶ amends the State Money Management Act to provide that a certified investment adviser's violation of rules and orders under the act must be intentional in order for a criminal penalty to apply.

Amends 51-7-22.4

Effective May 2, 2005

Chapter 183, Laws of Utah 2005

HB 380 Amendments to Local Districts (*Karen W. Morgan*)

This bill modifies provisions relating to the withdrawal of an area from a local district.

This bill:

- ▶ provides for an area in a local district that provides fire protection, paramedic, and emergency services and is located in a first class county to be automatically withdrawn from the local district by the incorporation of a municipality whose boundaries include the area if the municipality approves the withdrawal; and
- ▶ requires notice and lieutenant governor certification of the withdrawal.

Amends 17B-2-601, 17B-2-610

Effective May 2, 2005

Chapter 36, Laws of Utah 2005

HB 382 Supplemental Minimum School Program Finance Act (*Gordon E. Snow*)

This bill provides funding for the Minimum School Program.

This bill:

- ▶ establishes the value of the weighted pupil unit at \$2,280;
- ▶ establishes a ceiling for the state contribution to the maintenance and operations portion of the Minimum School Program for fiscal year 2005-06 of \$1,795,446,575;
- ▶ modifies the funding formula for the Enrollment Growth Program;
- ▶ makes one-time appropriations to the State Board of Education for fiscal year 2004-05 for:
 - the Electronic High School; and
 - youth in custody programs; and
- ▶ makes one-time appropriations to the State Board of Education for fiscal year 2005-06 for:
 - teachers' supplies and materials;
 - online testing;
 - the Enrollment Growth Program; and
 - the Public Education Job Enhancement Program.

This bill appropriates:

- ▶ as an ongoing appropriation, \$1,795,446,575 for fiscal year 2005-06; and
- ▶ \$13,721,000 in one-time appropriations.

This bill provides an effective date. This bill provides a coordination clause with H.B. 3. This bill provides a coordination clause with H.B. 249.

Amends 53A-17a-103, 53A-17a-104, 53A-17a-148, 53A-21-103.5

Effective July 1, 2005

Chapter 184, Laws of Utah 2005

HCR 1 Resolution Promoting Moderately Sized Schools (*David N. Cox*)

This concurrent resolution of the Legislature and the Governor encourages more moderately sized, simple, community-based neighborhood schools.

This resolution:

- ▶ encourages local school boards, to the extent feasible, to build more moderately sized, simple, community-based neighborhood schools; and
- ▶ urges the State Office of Education to foster research on innovative ways to create smaller schools.

Effective March 1, 2005

Laws of Utah 2005

HCR 2 Cowboy Hall of Fame Resolution (*LaWanna Lou Shurtliff*)

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

This resolution:

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

Effective March 1, 2005

Laws of Utah 2005

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

This concurrent resolution of the Legislature and the Governor gives approval for the construction and operation of a Class VI commercial landfill to receive construction and demolition waste. The landfill is to be known as the Purgatory Landfill and is to be operated by ONP, LLC.

This resolution:

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

Effective March 22, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective March 1, 2005

Laws of Utah 2005

HCR 6 Resolution Recognizing Utah's Legislators Back to School Program (*Margaret Dayton*)

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

This resolution:

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

Effective March 1, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective March 17, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective March 1, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective February 17, 2005

Laws of Utah 2005

HCR 10 Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area
(Brad King)

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

This resolution:

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

Effective March 8, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective March 11, 2005

Laws of Utah 2005

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

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

This resolution:

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

The original bill was recommended by the Financial Institutions Task Force

Effective February 21, 2005

Laws of Utah 2005

HJR 3 Resolution Regarding Federal No Child Left Behind (*Kory M. Holdaway*)

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

This resolution:

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

Effective February 25, 2005

Laws of Utah 2005

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

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

This resolution:

- ▶ fixes the compensation for legislative in-session employees for 2005.

Effective January 27, 2005

Laws of Utah 2005

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

This joint rules resolution provides guidelines for using legislative seals.

This resolution:

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

This resolution provides an immediate effective date.

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

Enacts JR-12.02

Effective January 27, 2005

Laws of Utah 2005

HJR 9 Resolution Amending Joint Rules Regarding Conflicts of Interest (*John Dougall*)

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

This resolution:

- ▶ provides notice in rule of statutory requirements with criminal penalties that govern legislator conflict of interest.

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

Amends JR-16.03

Effective January 27, 2005

Laws of Utah 2005

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

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

This resolution:

- ▶ amends provisions allowing a change in the type of markers indicating the beginning and ending of adopted Senate and House amendments.

This joint resolution provides an immediate effective date.

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

Amends JR-4.17

Effective January 27, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective February 21, 2005

Laws of Utah 2005

HJR 15 Resolution Regarding United States Trade Negotiations (*Sheryl L. Allen*)

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

This resolution:

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

Effective February 22, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective February 28, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective March 2, 2005

Laws of Utah 2005

HJR 20 Master Study Resolution (*Jeff Alexander*)

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

This resolution:

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

Effective March 2, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective February 7, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective January 31, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective February 2, 2005

Laws of Utah 2005

HR 4 Resolution Urging United States Senate Support of President's Supreme Court Nominees
(Michael T. Morley)

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

This resolution:

- ▶ requests that the United States Senate move quickly to confirm all presidential nominations to the United States Supreme Court.

Effective February 2, 2005

Laws of Utah 2005

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

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

This resolution:

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

Amends HR-24.16, HR-25.05

Effective February 24, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective February 18, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective February 22, 2005

Laws of Utah 2005

HR 11 Resolution Urging Congress to Pass Balanced Budget Amendment (*Neil A. Hansen*)

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

This resolution:

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

Effective February 24, 2005

Laws of Utah 2005

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

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

This resolution:

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

Effective March 2, 2005

Laws of Utah 2005

SB 1 Supplemental Appropriations Act (*Lyle W. Hillyard*)

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

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language.

This bill appropriates for fiscal year 2005:

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

This bill takes effect immediately.

Effective May 2, 2005

Chapter 305, Laws of Utah 2005

SB 3 Supplemental Appropriations Act II (*Lyle W. Hillyard*)

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

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides funds for the bills with fiscal impact passed in the 2005 General Session;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language;
- ▶ amends previously approved internal service fund employment levels and capital acquisition amounts.

This bill appropriates for fiscal year 2006:

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

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

Effective March 22, 2005

Chapter 309, Laws of Utah 2005

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

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

This bill:

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

The original bill was recommended by the Transportation Interim Committee

Amends 31A-22-305.5

Effective May 2, 2005

Chapter 37, Laws of Utah 2005

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

This bill recodifies the Traffic Code.

This bill:

- ▶ updates statutory language to conform to current legislative styles;

- ▶ renumbers sections and organizes parts; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

The original bill was recommended by the Transportation Interim Committee

Amends 7-24-102, 13-20-2, 13-35-102, 17-43-201, 19-2-105, 19-2-105.3, 23-13-17, 26-1-30, 32A-1-115, 39-6-93, 41-1a-202, 41-1a-203, 41-1a-205, 41-1a-217, 41-1a-407, 41-1a-1101, 41-1a-1206, 41-3-303, 41-12a-202, 41-12a-301, 41-12a-501, 41-12a-502, 41-22-2, 41-22-10.2, 41-22-10.6, 41-22-16, 41-22-32, 53-1-106, 53-1-108, 53-1-109, 53-3-104, 53-3-105, 53-3-106, 53-3-202, 53-3-214, 53-3-218, 53-3-220, 53-3-222, 53-3-223, 53-3-223.5, 53-3-226, 53-3-227, 53-3-231, 53-3-232, 53-3-414, 53-3-418, 53-8-105, 53-8-202, 53-8-213, 53A-3-402, 53B-3-106, 58-20a-305, 58-67-305, 58-68-305, 58-71-305, 62A-15-105, 62A-15-502, 63-2-304, 63-30d-301, 63-55-241, 63-63a-1, 72-6-109, 72-6-114, 72-7-107, 72-7-401, 72-7-403, 72-7-407, 72-9-501, 72-9-601, 72-9-602, 72-9-603, 72-10-501, 72-10-502, 72-12-110, 73-18-13, 73-18-15.5, 73-18-20, 73-18-20.1, 73-18a-15, 76-2-101, 76-5-207, 76-10-504, 76-10-528, 76-10-1506, 77-2-4.2, 77-2a-3.1, 77-7-18, 77-18-12, 78-3a-104, 78-18-1, 78-57-102; Enacts 41-6a-501, 41-6a-503, 41-6a-504, 41-6a-505, 41-6a-506, 41-6a-507, 41-6a-508, 41-6a-509, 41-6a-512, 41-6a-521, 41-6a-522, 41-6a-523, 41-6a-524, 41-6a-1116; Renumbers and Amends 41-6-1 to 41-6a-102, 41-6-1.5 to 41-6a-310, 41-6-11 to 41-6a-201, 41-6-12 to 41-6a-202, 41-6-13 to 41-6a-209, 41-6-13.5 to 41-6a-210, 41-6-13.7 to 41-6a-211, 41-6-14 to 41-6a-212, 41-6-15 to 41-6a-213, 41-6-16 to 41-6a-207, 41-6-17 to 41-6a-208, 41-6-17.5 to 41-6a-214, 41-6-18 to 41-6a-215, 41-6-19 to 41-6a-216, 41-6-19.5 to 41-6a-217, 41-6-20 to 41-6a-301, 41-6-20.1 to 41-6a-303, 41-6-21 to 41-6a-302, 41-6-23 to 41-6a-304, 41-6-24 to 41-6a-305, 41-6-25 to 41-6a-306, 41-6-26 to 41-6a-307, 41-6-26.5 to 41-6a-308, 41-6-27 to 41-6a-309, 41-6-28 to 41-6a-311, 41-6-31 to 41-6a-401, 41-6-35 to 41-6a-402, 41-6-35.5 to 41-6a-403, 41-6-38 to 41-6a-407, 41-6-38.5 to 41-6a-408, 41-6-39 to 41-6a-405, 41-6-40 to 41-6a-404, 41-6-41 to 41-6a-406, 41-6-43 to 41-6a-510, 41-6-43.7 to 41-6a-511, 41-6-43.8 to 41-6a-513, 41-6-44 to 41-6a-502, 41-6-44.1 to 41-6a-514, 41-6-44.3 to 41-6a-515, 41-6-44.5 to 41-6a-516, 41-6-44.6 to 41-6a-517, 41-6-44.7 to 41-6a-518, 41-6-44.8 to 41-6a-519, 41-6-44.10 to 41-6a-520, 41-6-44.12 to 41-6a-525, 41-6-44.20 to 41-6a-526, 41-6-44.30 to 41-6a-527, 41-6-45 to 41-6a-528, 41-6-46 to 41-6a-601, 41-6-47 to 41-6a-602, 41-6-48 to 41-6a-603, 41-6-48.5 to 41-6a-604, 41-6-49 to 41-6a-605, 41-6-51 to 41-6a-606, 41-6-52 to 41-6a-607, 41-6-52.5 to 41-6a-608, 41-6-52.7 to 41-6a-609, 41-6-53 to 41-6a-701, 41-6-53.5 to 41-6a-702, 41-6-54 to 41-6a-703, 41-6-55 to 41-6a-704, 41-6-56 to 41-6a-705, 41-6-57 to 41-6a-706, 41-6-58 to 41-6a-707, 41-6-59 to 41-6a-708, 41-6-60 to 41-6a-709, 41-6-61 to 41-6a-710, 41-6-62 to 41-6a-711, 41-6-63.10 to 41-6a-712, 41-6-63.30 to 41-6a-713, 41-6-64 to 41-6a-714, 41-6-65 to 41-6a-715, 41-6-66 to 41-6a-801, 41-6-67 to 41-6a-802, 41-6-68 to 41-6a-803, 41-6-69 to 41-6a-804, 41-6-72 to 41-6a-901, 41-6-72.10 to 41-6a-902, 41-6-73 to 41-6a-903, 41-6-76 to 41-6a-904, 41-6-76.10 to 41-6a-905, 41-6-77 to 41-6a-1001, 41-6-78 to 41-6a-1002, 41-6-79 to 41-6a-1003, 41-6-79.10 to 41-6a-1004, 41-6-79.20 to 41-6a-1005, 41-6-80 to 41-6a-1006, 41-6-80.1 to 41-6a-1007, 41-6-80.5 to 41-6a-1008, 41-6-82 to 41-6a-1009, 41-6-82.10 to 41-6a-1010, 41-6-82.50 to 41-6a-1011, 41-6-83 to 41-6a-1101, 41-6-84 to 41-6a-1102, 41-6-85 to 41-6a-1103, 41-6-86 to 41-6a-1104, 41-6-87 to 41-6a-1105, 41-6-87.3 to 41-6a-1106, 41-6-87.4 to 41-6a-1107, 41-6-87.5 to 41-6a-1108, 41-6-87.7 to 41-6a-1109, 41-6-87.8 to 41-6a-1110, 41-6-87.9 to 41-6a-1111, 41-6-88 to 41-6a-1112, 41-6-89 to 41-6a-1113, 41-6-90 to 41-6a-1114, 41-6-90.5 to 41-6a-1115, 41-6-93 to 41-6a-1201, 41-6-94 to 41-6a-1202, 41-6-95 to 41-6a-1203, 41-6-95.5 to 41-6a-1204, 41-6-97 to 41-6a-1205, 41-6-98 to 41-6a-1206, 41-6-99 to 41-6a-906, 41-6-100.10 to 41-6a-1302, 41-6-100.15 to 41-6a-1303, 41-6-101 to 41-6a-1404, 41-6-102 to 41-6a-1405, 41-6-102.5 to 41-6a-1406, 41-6-102.7 to 41-6a-1407, 41-6-103 to 41-6a-1401, 41-6-103.5 to 41-6a-1307, 41-6-104 to 41-6a-1402, 41-6-105 to 41-6a-1403, 41-6-106 to 41-6a-1701, 41-6-106.10 to 41-6a-1702, 41-6-107 to 41-6a-1501, 41-6-107.2 to 41-6a-1502, 41-6-107.4 to 41-6a-1503, 41-6-107.6 to 41-6a-1504, 41-6-107.8 to 41-6a-1505, 41-6-108 to 41-6a-1703, 41-6-108.10 to 41-6a-1704, 41-6-109 to 41-6a-1705, 41-6-109.5 to 41-6a-1706, 41-6-109.10 to 41-6a-1707, 41-6-110 to 41-6a-1708, 41-6-111 to 41-6a-1709, 41-6-112 to 41-6a-1710, 41-6-113 to 41-6a-1711, 41-6-114 to 41-6a-1712, 41-6-114.1 to 41-6a-1713, 41-6-114.2 to

41-6a-1714 , 41-6-115 to 41-6a-1304 , 41-6-116 to 41-6a-1305 , 41-6-116.1 to 41-6a-1306 , 41-6-116.10 to 41-6a-1408 , 41-6-117 to 41-6a-1601 , 41-6-117.5 to 41-6a-1602 , 41-6-117.6 to 41-6a-1508 , 41-6-118 to 41-6a-1603 , 41-6-119 to 41-6a-1604 , 41-6-127 to 41-6a-1605 , 41-6-128 to 41-6a-1606 , 41-6-129 to 41-6a-1607 , 41-6-130 to 41-6a-1608 , 41-6-130.5 to 41-6a-1609 , 41-6-131 to 41-6a-1610 , 41-6-133 to 41-6a-1611 , 41-6-133.5 to 41-6a-1612 , 41-6-135 to 41-6a-1613 , 41-6-135.5 to 41-6a-1614 , 41-6-138 to 41-6a-1615 , 41-6-140 to 41-6a-1616 , 41-6-140.10 to 41-6a-1301 , 41-6-140.20 to 41-6a-1617 , 41-6-141 to 41-6a-1618 , 41-6-141.5 to 41-6a-1619 , 41-6-143 to 41-6a-1620 , 41-6-143.5 to 41-6a-1621 , 41-6-144 to 41-6a-1622 , 41-6-145 to 41-6a-1623 , 41-6-145.5 to 41-6a-1624 , 41-6-146 to 41-6a-1625 , 41-6-147 to 41-6a-1626 , 41-6-148 to 41-6a-1627 , 41-6-148.10 to 41-6a-1628 , 41-6-148.29 to 41-6a-1629 , 41-6-148.31 to 41-6a-1630 , 41-6-148.32 to 41-6a-1631 , 41-6-148.33 to 41-6a-1632 , 41-6-148.40 to 41-6a-1634 , 41-6-149 to 41-6a-1635 , 41-6-150 to 41-6a-1636 , 41-6-150.10 to 41-6a-1633 , 41-6-152 to 41-6a-1637 , 41-6-153 to 41-6a-1638 , 41-6-154 to 41-6a-1639 , 41-6-154.10 to 41-6a-1640 , 41-6-154.20 to 41-6a-1641 , 41-6-154.50 to 41-6a-1506 , 41-6-155.5 to 41-6a-1507 , 41-6-163.6 to 41-6a-1642 , 41-6-163.7 to 41-6a-1643 , 41-6-163.8 to 41-6a-1644 , 41-6-164.5 to 41-6a-203 , 41-6-165 to 41-6a-204 , 41-6-165.5 to 41-6a-205 , 41-6-167 to 77-7-24 , 41-6-172 to 77-7-26 , 41-6-173 to 77-7-25 , 41-6-175 to 41-6a-101 , 41-6-175.5 to 41-6a-206 , 41-6-181 to 41-6a-1801 , 41-6-181.5 to 41-6a-1802 , 41-6-182 to 41-6a-1803 , 41-6-183 to 41-6a-1804 , 41-6-185 to 41-6a-1805 , 41-6-186 to 41-6a-1806 ; Repeals 41-6-22, 41-6-29, 41-6-30, 41-6-32, 41-6-37, 41-6-42, 41-6-43.5, 41-6-50, 41-6-70, 41-6-71, 41-6-75, 41-6-75.5, 41-6-120, 41-6-121.10, 41-6-122, 41-6-132, 41-6-139, 41-6-142, 41-6-155, 41-6-166, 41-6-168, 41-6-169, 41-6-170, 41-6-171

Effective February 2, 2005

Chapter 2, Laws of Utah 2005

SB 6 Sales and Use Tax Agriculture Exemptions (*Ron Allen*)

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

This bill:

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

This bill takes effect on July 1, 2005.

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

Amends 59-12-104

Effective July 1, 2005

Chapter 240, Laws of Utah 2005

SB 8 Local Corridor Preservation Funding (*Sheldon L. Killpack*)

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

This bill:

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

This bill takes effect on January 1, 2006.

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

Effective January 1, 2006

Chapter 284, Laws of Utah 2005

SB 9 Aerospace and Aviation Development Zone Modifications *(Mike Dmitrich)*

This bill modifies business development provisions related to Aerospace and Aviation Development Zones.

This bill:

- ▶ removes the requirements that an airport have an instrumental landing system and a manned air traffic control tower to qualify for an Aerospace and Aviation Development Zone at or around the airport.

This bill provides an immediate effective date.

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

Amends 9-2-2003

Effective February 15, 2005

Chapter 3, Laws of Utah 2005

SB 10 Liability Reform Act Amendments *(Gregory S. Bell)*

This bill specifies conditions for allocating fault to nonparties in a lawsuit.

This bill:

- ▶ provides for a reasonable time to designate nonparties to whom fault may be allocated;
- ▶ requires that a party who makes a request to the court to allocate fault to nonparties to provide specific information about the nonparties; and
- ▶ allows the court to deny the request if specific provisions are not complied with.

Amends 78-27-38, 78-27-39, 78-27-41

Effective May 2, 2005

Chapter 79, Laws of Utah 2005

SB 11 Initiative Petitions Amendments *(Beverly Ann Evans)*

This bill establishes uniform standards for signature verification on initiative petitions.

This bill:

- ▶ establishes uniform standards for determining whether a signer's signature on an initiative petition is valid or not; and
- ▶ provides for the placement of birth date information on initiative petitions.

The original bill was recommended by the Government Operations Interim Committee

Amends 20A-7-203, 20A-7-206; Enacts 20A-7-206.3

Effective May 2, 2005

Chapter 80, Laws of Utah 2005

SB 12 Department of Workforce Services Amendments (*Scott K. Jenkins*)

This bill modifies provisions of the Utah Workforce Services Code related to technical changes in the names of certain divisions within Workforce Services, the composition of the Child Care Advisory Committee, and the department's sunset date.

This bill:

- ▶ modifies the name of the Division of Employment Development to the Employment Development Division and the name of the Division of Workforce Information and Payment Services to the Workforce Development and Information Division and the Unemployment Insurance Division;
- ▶ modifies the membership of the Child Care Advisory Committee; and
- ▶ extends the repeal date of the Workforce Services Code to July 1, 2015.

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

Amends 34A-2-410, 34A-8-105, 35A-1-202, 35A-3-102, 35A-3-202, 35A-3-205, 35A-4-201, 35A-4-312, 35A-5-102, 53B-12-101, 58-55-302, 58-63-302, 62A-4a-105, 62A-4a-709, 63-55-235, 63-75-6

Effective May 2, 2005

Chapter 81, Laws of Utah 2005

SB 13 Individual Income Tax Subtraction for Certain Military Income (*Howard A. Stephenson*)

This bill amends the Individual Income Tax Act relating to a subtraction for certain military income.

This bill:

- ▶ provides and amends definitions;
- ▶ amends a subtraction for certain military income; and
- ▶ makes technical changes.

This bill has retrospective operation for the taxable year beginning on or after January 1, 2005, but beginning on or before December 31, 2005.

Amends 59-10-103, 59-10-114

Effective May 2, 2005

Chapter 241, Laws of Utah 2005

SB 14 Uniform Parentage Act (*Lyle W. Hillyard*)

This bill enacts the Utah Uniform Parentage Act.

This bill:

- ▶ sets out guidelines for determining and declaring paternity;
- ▶ provides mechanisms for registering paternity;
- ▶ sets specific guidelines for surrogacy and assisted reproduction arrangements;
- ▶ provides conditions under which genetic testing may be requested or required;
- ▶ provides direction for state offices concerning adjudication of parentage and the filing and issuance of birth certificates;
- ▶ sets penalties for unauthorized release of information; and
- ▶ sets responsibilities for all parties when the parentage of a child is in question.

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

Amends 26-2-2, 26-2-5, 30-1-17.2, 75-2-114, 78-30-4.13; Enacts 78-45g-101, 78-45g-102, 78-45g-103, 78-45g-104, 78-45g-105, 78-45g-106, 78-45g-107, 78-45g-108, 78-45g-109, 78-45g-110, 78-45g-111, 78-45g-112, 78-45g-113, 78-45g-114, 78-45g-115, 78-45g-201, 78-45g-202, 78-45g-203, 78-45g-204, 78-45g-301, 78-45g-302, 78-45g-303, 78-45g-304, 78-45g-305, 78-45g-306, 78-45g-307, 78-45g-308, 78-45g-309, 78-45g-310, 78-45g-311, 78-45g-312, 78-45g-313, 78-45g-401, 78-45g-402, 78-45g-403, 78-45g-404, 78-45g-405, 78-45g-406, 78-45g-407, 78-45g-408, 78-45g-409, 78-45g-410, 78-45g-501, 78-45g-502, 78-45g-503, 78-45g-504, 78-45g-505, 78-45g-506, 78-45g-507, 78-45g-508, 78-45g-509, 78-45g-510, 78-45g-511, 78-45g-601, 78-45g-602, 78-45g-603, 78-45g-604, 78-45g-605, 78-45g-606, 78-45g-607, 78-45g-608, 78-45g-609, 78-45g-610, 78-45g-611, 78-45g-612, 78-45g-613, 78-45g-614, 78-45g-615, 78-45g-616, 78-45g-617, 78-45g-618, 78-45g-619, 78-45g-620, 78-45g-621, 78-45g-622, 78-45g-623, 78-45g-701, 78-45g-702, 78-45g-703, 78-45g-704, 78-45g-705, 78-45g-706, 78-45g-707, 78-45g-801, 78-45g-802, 78-45g-803, 78-45g-804, 78-45g-805, 78-45g-806, 78-45g-807, 78-45g-808, 78-45g-809, 78-45g-901, 78-45g-902; Repeals 76-7-204, 78-45a-1, 78-45a-2, 78-45a-3, 78-45a-4, 78-45a-5, 78-45a-6, 78-45a-6.5, 78-45a-7, 78-45a-10, 78-45a-10.5, 78-45a-11, 78-45a-11.5, 78-45a-12, 78-45a-13, 78-45a-14, 78-45a-15, 78-45a-16, 78-45a-17, 78-45e-1, 78-45e-2, 78-45e-4

Effective May 2, 2005

Chapter 150, Laws of Utah 2005

SB 15 Children's Justice Center Amendments (*D. Chris Buttars*)

This bill broadens the scope of children to be served by Children's Justice Centers.

This bill:

- ▶ increases the number of children to be served by Children's Justice Centers throughout the state by expanding the scope to include crimes involving children when the child is a primary victim or a critical witness, such as in drug-related child endangerment cases.

This bill takes effect on July 1, 2005.

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

Amends 67-5b-101, 67-5b-102, 67-5b-106

Effective July 1, 2005

Chapter 38, Laws of Utah 2005

SB 16 Department of Workforce Services - Access to Financial Records (*Scott K. Jenkins*)

This bill modifies financial information privacy provisions of the Judicial Code.

This bill:

- ▶ provides that the Benefit Payment Control Unit and the Payment Error Prevention Unit of the Department of Workforce Services are exempt from certain financial information privacy provisions of the Judicial Code when conducting an examination of financial records as part of an official investigation.

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

Amends 78-27-50

Effective May 2, 2005

Chapter 82, Laws of Utah 2005

SB 17 Foster Care Citizen Review Board (*Dan R. Eastman*)

This bill amends the duties of a foster care citizen review board and the court for reviewing cases involving children in the custody of the Division of Child and Family Services.

This bill:

- ▶ requires that the six month reviews of a case involving a child in the custody of the Division of Child and Family Services be conducted until the court terminates the state's custody of the child;
- ▶ requires that in cases where a court conducted a six month review hearing, a foster care citizen review board must conduct a review of the case within 18 months of the date that the child was removed from the child's home;
- ▶ removes the requirement that a court provide notice to the Foster Care Citizen Review Board Steering Committee of a determination or finding made by the court;
- ▶ provides that the Foster Care Citizen Review Board Steering Committee shall have access to certain court records and shall forward relevant information from those records to the appropriate foster care citizen review board; and
- ▶ makes technical changes.

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

Amends 78-3g-103

Effective May 2, 2005

Chapter 83, Laws of Utah 2005

SB 18 **Regulating Proprietary Postsecondary Schools** (*Dan R. Eastman*)

This bill modifies the Utah Postsecondary Proprietary School Act.

This bill:

- ▶ modifies provisions related to what constitutes a prohibited act;
- ▶ clarifies rulemaking authority;
- ▶ adds to the list of exemptions education providers certified by the Division of Real Estate;
- ▶ authorizes the division to conduct audits;
- ▶ addresses registration statements, exemptions, and certificates of registration;
- ▶ modifies the information that must be made available to applicants and the division;
- ▶ provides for additional penalties;
- ▶ addresses denial, suspension, or revocation of a certificate for registration including conducting criminal background checks; and
- ▶ makes technical changes.

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

Amends 13-34-104, 13-34-105, 13-34-106, 13-34-107, 13-34-108, 13-34-111, 13-34-113

Effective May 2, 2005

Chapter 242, Laws of Utah 2005

SB 19 **Disease Testing of Individuals Exposed to Blood Borne Pathogens** (*Patrice M. Arent*)

This bill amends and repeals certain provisions in the Health Code, the Judicial Code, and the Labor Code regarding disease testing for blood borne pathogens.

This bill:

- ▶ repeals provisions in the Health Code regarding workplace testing for exposure to blood pathogens;
- ▶ moves provisions from the Health Code to the Labor Code regarding worker's compensation presumption for emergency medical services providers;
- ▶ amends provisions in the Judicial Code regarding court-ordered disease testing for at risk public safety officers;
- ▶ adds Hepatitis C to the definition of disease for purposes of disease testing and the presumptions for workers' compensation; and
- ▶ makes technical amendments.

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

Amends 26-3-11, 78-29-101, 78-29-102, 78-29-103; Enacts 78-29-104, 78-29-105; Renumbers and Amends 26-6a-10 to 34A-2-901 , 26-6a-11 to 34A-2-902 , 26-6a-12 to 34A-2-903 , 26-6a-13 to 34A-2-904 , 26-6a-14 to 34A-2-905 ; Repeals 26-6a-1, 26-6a-1.5, 26-6a-2, 26-6a-3, 26-6a-4, 26-6a-5, 26-6a-6, 26-6a-7, 26-6a-8, 26-6a-9

Effective May 2, 2005

Chapter 243, Laws of Utah 2005

SB 20 Office of Legislative Auditor - Access to Information *(Michael G. Waddoups)*

This bill modifies the powers and duties of the Office of Legislative Auditor General.

This bill:

- ▶ clarifies that the Legislative Auditor General may access the records, documents, and reports of any entity that receives public funds; and
- ▶ allows the Legislative Auditor General to use the legislative subpoena powers to access those records when necessary.

The original bill was recommended by the Government Operations Interim Committee

Amends 36-12-15

Effective May 2, 2005

Chapter 84, Laws of Utah 2005

SB 21 Limitation on Liability Regarding Liquefied Petroleum Gas *(Dan R. Eastman)*

This bill provides an affirmative defense to specific lawsuits for the liquefied petroleum gas industry.

This bill:

- ▶ provides an affirmative defense to a lawsuit for persons selling, supplying, installing, handling, or transporting liquefied petroleum gas if:
 - an alteration, modification or repair of equipment was done without the person's knowledge or consent; or
 - the equipment was used in a manner inconsistent with its purpose.

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

Enacts 78-27-65

Effective May 2, 2005

Chapter 85, Laws of Utah 2005

SB 23 Property Tax Treatment of Tangible Personal Property (*Curtis S. Bramble*)

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

This bill:

- ▶ defines terms;
- ▶ addresses the uniform fees that are required to be received by a city library fund;
- ▶ imposes uniform statewide fees on certain tangible personal property required to be registered with the state;
- ▶ provides procedures for measuring the length of a vessel for purposes of imposing uniform statewide fees on vessels;
- ▶ provides for the collection of the uniform statewide fees;
- ▶ provides that the uniform statewide fees shall be imposed at the time of registration and renewal of registration;
- ▶ addresses the appeals process for personal property;
- ▶ provides that for purposes of the corporate franchise and income tax credits and individual income tax credits for renewable energy systems a residential unit does not include property subject to the uniform statewide fees;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.

This bill takes effect on January 1, 2006.

Amends 9-7-401, 41-1a-222, 59-2-405, 59-2-405.1, 59-2-406, 59-2-407, 59-2-924, 59-2-1005, 59-7-614, 59-10-134; Enacts 59-2-405.2

Effective January 1, 2006

Chapter 244, Laws of Utah 2005

SB 24 Waste Amendments (*Curtis S. Bramble*)

This bill modifies the Environmental Quality Code and the Radioactive Waste Tax Act to amend provisions relating to waste.

This bill:

- ▶ prohibits any entity in the state from accepting class B or C low-level radioactive waste or radioactive waste having a higher radionuclide concentration than allowed under existing licenses;
- ▶ directs the Utah member of the Northwest low-level waste compact committee not to bring to the compact committee for approval and to vote against any arrangement with persons outside the compact area to access a Utah facility for storage, treatment, incineration, or disposal of certain low-level radioactive wastes;
- ▶ requires the Solid and Hazardous Waste Control Board to review and report to the Legislature every five years:
 - the adequacy of the amount of financial assurance required for closure and postclosure care of a commercial hazardous waste treatment, storage, or disposal facility;
 - whether funds or financial assurance are necessary for perpetual care and maintenance of a commercial hazardous waste treatment, storage, or disposal facility and the adequacy of those funds or financial assurance, if found necessary; and
 - the adequacy of any funds or financial assurance required to cover certain costs;
- ▶ expands the scope of the Radiation Control Board's review of the Radioactive Waste Perpetual Care and Maintenance Fund to include:
 - a review of the adequacy of the fund to cover certain costs; and
 - a review of the amount of financial assurance required for closure and postclosure of a commercial radioactive waste treatment or disposal facility;
- ▶ increases the penalty amount per day for violating a provision of the Solid and Hazardous Waste Act;
- ▶ provides that the owner or operator of certain waste facilities, rather than the generator, is liable for certain fees;
- ▶ clarifies that fees for certain waste shall be determined by multiplying the fee amount by the waste volume or curie calculated to the first decimal place;
- ▶ clarifies that certain wastes are subject to only one fee if multiple fees apply;
- ▶ requires the owner or operator of a facility receiving waste containing PCBs to submit a form with the disposal fees and requires the Department of Environmental Quality to make rules specifying the information required in the form;
- ▶ imposes gross receipts taxes on mixed waste disposal received from certain governmental entity or agent contracts; and
- ▶ makes technical changes.

This bill provides an immediate effective date. This bill provides revisor instructions.

Amends 19-3-103.7, 19-3-104, 19-3-105, 19-3-106, 19-3-106.2, 19-6-113, 19-6-118, 19-6-118.5, 19-6-119, 59-24-103.5; Enacts 19-1-307, 19-3-206, 19-6-117.5

Effective February 25, 2005

Chapter 10, Laws of Utah 2005

SB 25 Transportation Amendments and Highway Jurisdictional Transfer Task Force
(Carlene M. Walker)

This bill modifies the Utah Municipal Code, the Cities, Counties, and Local Taxing Units Code, the Counties Code, the Motor Vehicles Code, the Transportation Code, and the Judicial Code to amend provisions relating to transportation and creates the Highway Jurisdictional Transfer Task Force.

This bill:

- ▶ provides definitions;
- ▶ expands written notice requirements of a local political subdivision's intent to prepare a capital facilities plan to include notice to the Utah Department of Transportation and a public transit district if the local political subdivision is within the public transit district boundaries;
- ▶ requires municipalities and counties to notify the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments of proposed zoning designation changes, plat considerations, general plan changes, and annexations that impact state and regional transportation systems;
- ▶ provides that notification for proposed changes is required for projects:
 - adjacent to state highways;
 - in other areas that have potential traffic increases of 3,000 Average Daily Traffic or peak hour traffic of more than 500 vehicles per hour;
- ▶ allows a municipality's or county's general plan recommendations from the planning commission to include comments from the Utah Department of Transportation, a public transit district if the municipality or county is within the public transit district boundaries, and local associations of governments concerning the impacts on state and regional transportation systems;
- ▶ provides that a person who operates a vehicle in a tollway without paying the toll is guilty of a class C misdemeanor;
- ▶ provides that funds in the Tollway Restricted Account may be used for enforcement of a tollway;
- ▶ provides that the Department of Transportation may designate, with the approval of the Transportation Commission:
 - highways as tollways on new state highways or additional capacity lanes as toll lanes on existing state highways; and
 - high occupancy toll lanes on existing state highways;
- ▶ provides that the Department of Transportation shall make rules establishing standards and specifications for automatic tolling;
- ▶ provides that the Transportation Commission may provide funds for tollways;
- ▶ provides that revenues received from tolls shall be deposited in the Tollway Restricted Account;
- ▶ requires the executive director of the Department of Transportation to develop strategic initiatives for the department;
- ▶ requires the executive director to report the strategic initiatives to the Transportation Commission;
- ▶ requires the department to make rules establishing the strategic initiatives of the department;
- ▶ requires the Transportation Commission, in consultation with the department, to develop a written prioritization process for the selection of new transportation capacity projects;
- ▶ requires the commission to hold public hearings on the written prioritization process;
- ▶ requires the commission, in consultation with the department, to make rules establishing the

- written prioritization process for new transportation capacity projects;
- ▶ requires the commission to submit the rules to the Legislature prior to adopting them;
 - ▶ requires the commission to:
 - prioritize and fund new transportation capacity projects pursuant to the written prioritization process;
 - hold public hearings on the prioritization of projects; and
 - make available upon request the ranking used for any projects prioritized;
 - ▶ requires the executive director or the executive director's designee to report annually to the governor and the Legislature on projects prioritized by the commission;
 - ▶ amends provisions establishing criteria for state highways;
 - ▶ provides that a state highway shall meet the criteria provided and requires highway authorities to cooperate to match the criteria with designated state highways;
 - ▶ requires the Department of Transportation to make rules:
 - defining and designating regionally significant arterial highways; and
 - establishing an access management policy consistent with the functional classification of roadways;
 - ▶ establishes a task force to study highway jurisdictional transfers;
 - ▶ establishes task force membership, duties, and salaries and designates staff for the task force;
 - ▶ requires the task force to prepare a report;
 - ▶ requires the Department of Transportation and other organizations to prepare a list of highways that should be added or deleted from the state highway system and provide other data to the task force;
 - ▶ requires the task force to report its findings to the Transportation Interim Committee on a specified date; and
 - ▶ makes technical changes.

This bill provides a repeal date for the task force. This bill provides a coordination clause.

Amends 10-9-103.5, 10-9-301.5, 10-9-302, 10-9-407, 17-27-103.5, 17-27-301.5, 17-27-302, 17-27-406, 72-2-120, 72-4-102.5, 72-6-118; Enacts 41-6a-716, 72-1-211, 72-1-304, 72-1-305

Effective May 2, 2005

Chapter 245, Laws of Utah 2005

SB 26 Public Utilities Amendments (*Gregory S. Bell*)

This bill modifies the Public Utilities Title to address public utility issues including enacting the Energy Resource Procurement Act.

This bill:

- ▶ addresses prudence;
- ▶ addresses certificates of convenience and necessity;
- ▶ enacts the Energy Resource Procurement Act;
- ▶ defines terms;
- ▶ grants the commission rulemaking authority;
- ▶ establishes requirements for a solicitation process for a significant energy resource of an affected electrical utility;
- ▶ provides for the review of action plans under an affected electrical utility's integrated resource plan;
- ▶ provides for the approval of a significant energy resource decision;
- ▶ provides for cost recovery of an approved significant energy resource decision;
- ▶ addresses orders to proceed implementing a significant energy resource decision;
- ▶ permits an energy utility to request approval of a resource decision;
- ▶ provides for cost recovery of an approved resource decision;
- ▶ addresses orders to proceed implementing a resource decision; and
- ▶ makes technical changes.

This bill provides an immediate effective date. This bill provides revisor instructions.

Amends 54-4-4, 54-4-25; Enacts 54-17-101, 54-17-102, 54-17-103, 54-17-201, 54-17-202, 54-17-203, 54-17-301, 54-17-302, 54-17-303, 54-17-304, 54-17-401, 54-17-402, 54-17-403, 54-17-404

Effective February 25, 2005

Chapter 11, Laws of Utah 2005

SB 27 Sunset Reauthorizations (*L. Alma Mansell*)

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2006 Annual General Session of the Utah Legislature.

This bill:

- ▶ reauthorizes certain named state entities and programs that are scheduled to sunset before the 2006 Annual General Session; and
- ▶ makes technical changes.

The original bill was recommended by the Legislative Management Committee

Amends 63-55-219, 63-55-226, 63-55-236, 63-55-253, 63-55-258, 63-55-263, 63-55b-164

Effective May 2, 2005

Chapter 86, Laws of Utah 2005

SB 30 **Amendments to Search Warrants** (*David L. Thomas*)

This bill repeals and reenacts the Code of Criminal Procedure provision regarding the evidence and procedures involved in a magistrate's issuance of a search warrant. The reenacted section refers to the procedures in Rule 40 of the Rules of Criminal Procedure. This bill also amends the Code of Criminal Procedure regarding the management of the records and information a magistrate relies upon in issuing a search warrant to reflect use of remotely communicated search warrants.

This bill:

- ▶ repeals current criminal procedure provisions regarding the grounds for and the process for issuing a search warrant;
- ▶ refers to the recently enacted Rule 40 of the Rules of Criminal Procedure regarding evidence and procedures for issuing search warrants;
- ▶ clarifies that a remotely communicated search warrant shall be served as a written document; and
- ▶ includes reference to the management of recorded testimony that is used as the basis for the issuance of a warrant.

Amends 77-23-209; Repeals and Reenacts 77-23-204

Effective May 2, 2005

Chapter 87, Laws of Utah 2005

SB 32 **Limitation of Landowner Liability for Public Recreation** (*Gregory S. Bell*)

This bill modifies the Real Estate Code by amending provisions related to the limitation of landowner liability for certain public recreation.

This bill:

- ▶ amends the definition of land to include railway corridors as land covered under the limitation of landowner liability for public recreation provisions;
- ▶ amends the definition of recreational purpose to include:
 - engaging in equestrian activities; and
 - riding certain rail cars on a narrow gauge track;
- ▶ provides that the state or a subdivision of the state is not considered to have charged an admission fee for use of a railway corridor if the state or a political subdivision of the state owns the railway corridor, allows recreational use of the corridor, and does not charge a fee for that use, even if the user pays a fee to travel on a privately owned rail car that crosses over the railway corridor; and
- ▶ makes technical changes.

Amends 57-14-2, 57-14-6

Effective May 2, 2005

Chapter 88, Laws of Utah 2005

SB 35 **Relationships with Venture Capital Entities** (*David L. Thomas*)

This bill clarifies relationships between higher education institutions and venture capital entities.

This bill:

- ▶ provides that a state institution of higher education may enter into a business relationship or dealing with a private seed or venture capital partnership or entity; and
- ▶ provides that the business relationship or dealing does not preclude the private entity or partnership from receiving benefits from a venture capital program authorized or sanctioned by state law.

Amends 53B-2-101

Effective May 2, 2005

Chapter 89, Laws of Utah 2005

SB 36 Sales and Use Taxation of Pawn Transactions (*Ron Allen*)

This bill amends the Sales and Use Tax Act to address the taxation of pawn transactions.

This bill:

- ▶ provides definitions;
- ▶ provides a sales and use tax exemption for pawn transactions; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2005.

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

Effective July 1, 2005

Chapter 246, Laws of Utah 2005

SB 37 Motor Vehicle Business Regulation Act Amendments (*Dan R. Eastman*)

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions related to bond requirements for certain dealer, crusher, or body shop licenses.

This bill:

- ▶ increases the bond amount for a motor vehicle dealer's license from \$50,000 to \$75,000 beginning on July 1, 2006;
- ▶ increases the bond amount for a special equipment dealer's license from \$20,000 to \$75,000 beginning on July 1, 2006;
- ▶ increases the bond amount for a motorcycle, off-highway vehicle, or small trailer's or crusher's license from \$1,000 to \$10,000;
- ▶ increases the bond amount for a body shop's license from \$10,000 to \$20,000;
- ▶ repeals a provision that requires that the bond for certain licenses be conditioned on the dealer doing business without violating certain prohibitions;
- ▶ provides that the bond for certain licenses shall be conditioned on the dealer doing business without violating the provision that requires a dealer to submit or deliver a certificate of title or manufacturer's certificate of origin;
- ▶ provides that the surety or principal of a bond shall notify the administrator of the Motor Vehicle Enforcement Division if a claim on the bond is successfully prosecuted or settled against the surety or the principal; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2005.

Amends 41-3-205

Effective July 1, 2005

Chapter 90, Laws of Utah 2005

SB 40 Regulation of Title Insurance Industry *(Thomas V. Hatch)*

This bill enacts the Title and Escrow Commission Act and makes conforming amendments.

This bill:

- ▶ defines terms;
- ▶ enacts the Title and Escrow Commission Act which creates the commission and sets out the duties of the commission and the commissioner;
- ▶ addresses special provisions related to rate standards and rating methods for title insurance insurers, agencies, and producers;
- ▶ requires the concurrence of the commission for licensing in the title insurance line of authority including adjusters;
- ▶ authorizes the commission to make rules creating different categories of the title insurance lines of authority with the concurrence of the commissioner;
- ▶ addresses special requirements for title insurance producers including examination requirements;
- ▶ authorizes the commission to make rules related to unfair practices;
- ▶ provides that a title insurance producer shall comply with rules adopted by the commission that govern escrows;
- ▶ authorizes the commission, after consulting with the commissioner, to set the assessment on title insurance agencies or insurers;
- ▶ addresses provisions related to controlled business;
- ▶ authorizes the commission by rule to recognize other independent adjuster or public adjuster license classifications related to title insurance and to create license classifications that grant only part of the authority arising under a license class; and
- ▶ makes technical changes.

This bill provides an effective date.

Amends 31A-19a-209, 31A-23a-105, 31A-23a-106, 31A-23a-108, 31A-23a-204, 31A-23a-402, 31A-23a-406, 31A-23a-415, 31A-23a-503, 31A-26-203, 31A-26-204; Enacts 31A-2-401, 31A-2-402, 31A-2-403, 31A-2-404

Effective July 1, 2005

Chapter 185, Laws of Utah 2005

SB 41 School and Institutional Trust Lands Management Act Revisions *(Mike Dmitrich)*

This bill modifies mineral leasing procedures on school and institutional trust lands.

This bill:

- ▶ defines "mineral" in the School and Institutional Trust Lands Management Act to include oil, gas, and hydrocarbons;
- ▶ reduces the maximum length of the primary term of certain mineral leases;
- ▶ removes a requirement that, under certain circumstances, a mineral lease must be extended after the primary term has expired;
- ▶ allows an oral auction to be conducted when identical lease bids are submitted; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 9-9-402, 17A-2-522, 17A-2-818, 17A-3-805, 53C-1-103, 53C-2-405, 53C-2-407, 57-6-4

Effective March 10, 2005

Chapter 39, Laws of Utah 2005

SB 42 Alcohol Restricted Drivers (*Carlene M. Walker*)

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions related to certain persons operating a vehicle with any measurable or detectable amount of alcohol in the person's body.

This bill:

- ▶ changes the restricted blood alcohol content level for certain persons and changes the violation from a driving under the influence violation to an alcohol restricted driver violation;
- ▶ defines certain persons as alcohol restricted drivers;
- ▶ provides that it is a class B misdemeanor for an alcohol restricted driver to drive a vehicle with any measurable or detectable amount of alcohol in the person's body;
- ▶ requires a peace officer to warn a person that has been placed under arrest for refusing to submit to a chemical test for alcohol or drugs that a refusal to submit to a chemical test for alcohol or drugs may result in a five or ten-year prohibition of the person driving with any measurable or detectable amount of alcohol in the person's body;
- ▶ provides that a peace officer may impound a vehicle for certain violations;
- ▶ prohibits the Driver License Division from issuing, reinstating, or renewing a driver license in the form of a no alcohol conditional license beginning on July 1, 2005;
- ▶ repeals provisions regarding:
 - no alcohol conditional licenses beginning on July 1, 2015; and
 - coded licenses beginning on July 1, 2005; and
- ▶ makes technical changes.

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

Amends 41-6a-502, 41-6a-503, 41-6a-520, 41-6a-521, 41-6a-524, 41-6a-527, 53-3-220, 53-3-227, 53-3-232, 63-55-253; Enacts 41-6a-529, 41-6a-530; Repeals 53-3-233

Effective July 1, 2005

Chapter 91, Laws of Utah 2005

SB 43 Penalty for Providing False Information to State Agency (*Parley G. Hellewell*)

This bill modifies the Criminal Code by providing certain penalties for providing false information to state or local government agencies.

This bill:

- ▶ provides that knowingly giving false information to a state or local government agency or personnel with the intent to imply that another person has committed an offense or to induce a change in a person's licensing or certification status is a class B misdemeanor.

Amends 76-8-506

Effective May 2, 2005

Chapter 92, Laws of Utah 2005

SB 44 **Government Records Amendments** (*Carlene M. Walker*)

This bill modifies provisions of the Government Records Access and Management Act.

This bill:

- ▶ modifies the definition of "person" under the Government Records Access and Management Act to include combinations of individuals or entities acting in concert;
- ▶ modifies the definition of "record" under the act to include only references to the singular and to clarify its relation to the definition of "record series";
- ▶ allows government entities to sequentially produce multiple record requests from persons serving their private interest;
- ▶ permits government entities to allow a person requesting records to personally make copies or to provide facilities for copying records in certain circumstances;
- ▶ requires government entities to provide reasonable safeguards to protect the public from the potential loss of public records;
- ▶ allows government entities to provide access to an electronic equivalent of a paper record;
- ▶ modifies language relating to appeals from records committee decisions to clarify that appeals are permitted by any party; and
- ▶ makes technical changes.

Amends 63-2-103, 63-2-201, 63-2-203, 63-2-204, 63-2-403, 63-2-903

Effective May 2, 2005

Chapter 40, Laws of Utah 2005

SB 47 **Wrongful Lien Offenses** (*Beverly Ann Evans*)

This bill amends the Criminal Code and Title 38, Liens, to provide for filing civil injunctions against wrongful liens made against a person's interest in real or personal property. The bill establishes felony penalties for making a wrongful lien. The bill also makes a felony offense of fraudulent handling of recordable writings.

This bill:

- ▶ defines civil wrongful lien;
- ▶ establishes felony penalties for making a wrongful lien and increased penalties for subsequent violations;
- ▶ establishes felony penalties for the fraudulent handling of recordable writings, which includes falsifying or destroying a will, deed, lien, or other similar writing;
- ▶ allows an individual to petition for an ex parte injunction against the person making the wrongful lien, which prohibits the maker of the lien from making further liens against the petitioner without specific permission of the court;
- ▶ provides that the ex parte injunction nullifies the wrongful lien and gives the person making the wrongful lien the right to a hearing regarding the nullification;
- ▶ provides that if the maker of the lien does not respond, or if there is a hearing and the court determines that the lien is wrongful, the lien is nullified and the lien injunction stays in effect for three years unless the petitioner requests that the injunction be dissolved earlier;
- ▶ provides for attorney fees in actions regarding the wrongful lien and injunction; and
- ▶ makes cross reference changes in accordance with the provisions of this bill.

Amends 38-9-2, 76-3-203.1, 76-6-504; Enacts 38-9a-101, 38-9a-102, 38-9a-201, 38-9a-202, 38-9a-203, 38-9a-204, 38-9a-205, 76-6-503.5; Repeals 38-9-5, 76-6-503

Effective May 2, 2005

Chapter 93, Laws of Utah 2005

SB 48 Insurance Cancellation and Nonrenewal Restrictions *(Patrice M. Arent)*

This bill modifies the Insurance Code governing termination or nonrenewal of insurance policies by insurers.

This bill:

- ▶ clarifies references to motor vehicle insurance;
- ▶ prohibits cancellation or nonrenewal of certain insurance policies based solely upon:
 - a claim from an accident that is not the insured's fault for motor vehicle insurance subject to certain conditions;
 - a single speeding ticket not in excess of ten miles per hour over the speed limit for motor vehicle insurance subject to certain conditions; or
 - a claim due to damage from specified natural causes subject to certain conditions; and
- ▶ makes technical changes.

Amends 31A-21-303

Effective May 2, 2005

Chapter 247, Laws of Utah 2005

SB 50 Controlled Substance Amendments *(Patrice M. Arent)*

This bill amends the Pharmacy Practice Act and the Controlled Substances Act to repeal the Controlled Substance Database Advisory Committee and assign the committee's duties to the State Board of Pharmacy. This bill allows authorized employees of the Department of Health access to the controlled substance database for scientific studies. This bill also allows the division to authorize by rule a prescriber's use of an electronic or digital signature in issuing prescriptions.

This bill:

- ▶ amends the functions of the State Board of Pharmacy to include its duties regarding the controlled substance database; and
- ▶ requires that Department of Health employees having access to the controlled substance database maintain the confidentiality of persons and pharmacies in the database.

Amends 58-17b-201, 58-37-6, 58-37-7.5

Effective May 2, 2005

Chapter 248, Laws of Utah 2005

SB 51 **New Motor Vehicle Franchise Act Amendments** (*Dan R. Eastman*)

This bill modifies the New Automobile Franchise Act.

This bill:

- ▶ amends provisions relating to the Utah Motor Vehicle Franchise Advisory Board, including:
 - membership of the board;
 - requirements for the transaction of business by the board; and
 - powers and duties of the board;
- ▶ clarifies the powers and duties of the executive director of the Department of Commerce and the advisory board;
- ▶ shifts numerous duties from the board to the executive director including:
 - allowing the executive director to issue certain decisions after a recommendation is received from the board; and
 - allowing the executive director to make administrative rules in consultation with the board;
- ▶ adds provisions regarding administrative hearings to Section 13-14-106;
- ▶ shifts the responsibility for notifying a franchisor of a protest to the establishment or relocation of a franchise from the board to the department;
- ▶ clarifies that the executive director is to comply with procedures for the issuance of formal orders mandated by Section 63-46b-10 in both formal and informal adjudicative proceedings;
- ▶ clarifies acceptable methods of communicating certain required notices; and
- ▶ makes technical changes.

This bill provides a coordination clause.

Amends 13-14-102, 13-14-103, 13-14-104, 13-14-105, 13-14-106, 13-14-107, 13-14-201, 13-14-202, 13-14-203, 13-14-301, 13-14-302, 13-14-303, 13-14-304, 13-14-305, 13-14-306

Effective May 2, 2005

Chapter 249, Laws of Utah 2005

SB 52 **Price Controls During Emergencies Act** (*Patrice M. Arent*)

This bill enacts the Price Controls During Emergencies Act.

This bill:

- ▶ defines terms;
- ▶ prohibits a person from charging an excessive price for a good or service if a state of emergency exists;
- ▶ permits a person to increase the price of a good or service during a state of emergency if costs rise;
- ▶ requires the Division of Consumer Protection to enforce the act;
- ▶ allows the division to impose and enforce fines;
- ▶ allows the division to collect costs and attorney fees if the division prevails in an action;
- ▶ requires money collected by the division to be deposited into the Consumer Protection Education and Training Fund; and
- ▶ makes technical changes.

Amends 13-2-1; Enacts 13-41-101, 13-41-102, 13-41-201, 13-41-202

Effective May 2, 2005

Chapter 306, Laws of Utah 2005

SB 53 **Land Value Property Tax Study** (*Howard A. Stephenson*)

This bill directs the Utah Tax Review Commission to conduct a study relating to land value property tax systems during the 2005 interim.

This bill:

- ▶ defines terms;
- ▶ directs the Utah Tax Review Commission to, during the 2005 interim, conduct a study of the desirability and feasibility of implementing a land value property tax system to be operated concurrent with the state's existing property tax system;
- ▶ describes the scope of the study described in the previous paragraph;
- ▶ describes the responsibilities of the Utah Tax Review Commission in relation to the study;
- ▶ provides for the creation of a subcommittee to assist in the study; and
- ▶ requires the Utah Tax Review Commission to make a final report on the study to the Revenue and Taxation Interim Committee before November 30, 2005.

There is appropriated from the General Fund for fiscal year 2004-05 only:

- ▶ \$3,000 to the Senate to pay for the compensation and expenses of senators on a subcommittee appointed by the commission; and
- ▶ \$5,000 to the House of Representatives to pay for the compensation and expenses of representatives on a subcommittee appointed by the commission.

This bill is repealed on November 30, 2005.

Effective May 2, 2005

Chapter 250, Laws of Utah 2005

SB 54 **Property Tax Confidentiality Amendments** (*Howard A. Stephenson*)

This bill amends the Revenue and Taxation title to address the confidentiality of information relating to property tax.

This bill:

- ▶ modifies the circumstances under which commercial information shall or may not be disclosed;
- ▶ modifies the circumstances under which an individual who discloses commercial information is guilty of a class A misdemeanor;
- ▶ requires the commission to prepare a written explanation of the property tax confidentiality provisions and make that written explanation available to the public;
- ▶ requires an employer to provide the written explanation to certain persons who are reasonably likely to receive commercial information;
- ▶ requires a person who receives the written explanation to read and sign the written explanation;
- ▶ requires an employer to retain a signed written explanation for a specified time period;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.

Amends 59-1-404

Effective May 2, 2005

Chapter 251, Laws of Utah 2005

SB 55 Access to Patient Medical Records (*Patrice M. Arent*)

This bill amends the Utah Medical Practices Act and the Osteopathic Medical Practice Act to require the appointment of a contact person for access to medical records in compliance with federal law and as a condition of licensure and license renewal.

This bill:

- ▶ requires an applicant for license under the Medical Practices Act and the Osteopathic Medical Practice Act to appoint a contact person for access to medical records in accordance with HIPAA and an alternate contact person for access to medical records;
- ▶ requires an applicant for renewal of a license to appoint a contact person for access to medical records and an alternate contact person;
- ▶ requires solo-practitioners to provide a method of notifying patients of the identity of the contact person and alternate contact person for access to medical records; and
- ▶ requires a licensee who is renewing a license to certify to the division that the licensee is in compliance with the requirement to appoint a contact person and alternate contact person for access to medical records.

Amends 58-67-302, 58-67-303, 58-67-304, 58-68-302, 58-68-303, 58-68-304

Effective May 2, 2005

Chapter 94, Laws of Utah 2005

SB 56 Real Estate - Exclusive Brokerage Agreements (*L. Alma Mansell*)

This bill modifies Real Estate provisions to address the use of exclusive brokerage agreements.

This bill:

- ▶ defines terms; and
- ▶ addresses the scope of services that must be provided by a principal broker who enters into an exclusive brokerage agreement with a client.

Enacts 61-2-26

Effective May 2, 2005

Chapter 252, Laws of Utah 2005

SB 57 Funding for Business Development in Disadvantaged Rural Communities
(Peter C. Knudson)

This bill amends the Business Development chapter relating to business development in disadvantaged rural communities and provides an appropriation.

This bill:

- ▶ creates the Business Development for Disadvantaged Rural Communities Act;
- ▶ provides definitions;
- ▶ creates the Business Development for Disadvantaged Rural Communities Restricted Account including providing:
 - for funding for the restricted account;
 - that the restricted account shall earn interest and that the interest shall be deposited into the restricted account;
 - the purposes for which revenues deposited into the restricted account may be expended;
 - that the monies and interest deposited into the restricted account are nonlapsing; and
 - that the Division of Finance shall deposit any monies and interest in the restricted account on July 1, 2015, into the General Fund;
- ▶ beginning on July 1, 2005, through June 30, 2015, authorizes the Board of Business and Economic Development to award one or more grants or loans to a county of the third through sixth class to assist the county in paying certain expenses relating to economic development in a disadvantaged rural community;
- ▶ provides a limit on the total amount of grants and loans that the Board of Business and Economic Development may award relating to one project;
- ▶ provides procedures for a county to submit a proposal to the Board of Business and Economic Development before being awarded a grant or loan;
- ▶ provides procedures for the Board of Business and Economic Development to award a grant or loan;
- ▶ provides that a county that is awarded a grant or loan shall enter into a written agreement with the Executive Director of the Department of Community and Economic Development and specifies the provisions of the agreement;
- ▶ addresses the failure of a county to meet or the violation of a provision of the agreement;
- ▶ grants rulemaking authority to the Department of Community and Economic Development;
- ▶ requires the Board of Business and Economic Development to make an annual report to the Workforce Services and Community and Economic Development Interim Committee;
- ▶ exempts the Business Development for Disadvantaged Rural Communities Restricted Account from being subject to certain administrative duties by the Division of Finance; and
- ▶ makes technical changes.

This bill appropriates \$250,000 for fiscal year 2005-06 only to the Business Development for Disadvantaged Rural Communities Restricted Account.

This bill takes effect on July 1, 2005.

Amends 63-65-4; Enacts 9-2-2101, 9-2-2102, 9-2-2103, 9-2-2104, 9-2-2105, 9-2-2106

Effective July 1, 2005

Chapter 151, Laws of Utah 2005

SB 58 **Liability Protection of Educators** (*Howard A. Stephenson*)

This bill requires school district and charter school employees to acknowledge in writing receipt of an existing disclosure.

This bill:

- ▶ requires school district and charter school employees to acknowledge receipt of an existing liability protection disclosure; and
- ▶ modifies when school districts and charter schools may provide liability protection information to employees.

Amends 53A-1a-512, 53A-3-411, 63A-4-204, 63A-4-204.5

Effective May 2, 2005

Chapter 285, Laws of Utah 2005

SB 59 **Home School Amendments** (*Mark B. Madsen*)

This bill modifies procedures for exempting minors who are home schooled from attendance at a public or regularly established private school.

This bill:

- ▶ requires a local board of education, on an annual basis, to excuse a school-age minor from school attendance if the minor's parent files a signed affidavit that the minor will attend a home school and receive instruction:
 - in the subjects the State Board of Education requires to be taught in public schools; and
 - for the same length of time as minors are required to receive instruction in public schools;
- ▶ provides that, subject to the instructional requirements for home schooled minors in state law, the parent of a minor attending a home school is solely responsible for:
 - the selection of instructional materials and textbooks;
 - the time, place, and method of instruction; and
 - the evaluation of the home school instruction; and
- ▶ prohibits a local school board from:
 - requiring a parent of a minor who attends a home school to maintain records of instruction or attendance;
 - requiring credentials for individuals providing home school instruction;
 - inspecting home school facilities; or
 - requiring standardized or other testing of home school students.

Amends 53A-11-102

Effective May 2, 2005

Chapter 253, Laws of Utah 2005

SB 60 Local Land Use Development and Management Amendments (*Gregory S. Bell*)

This bill modifies county and municipal land use, development, and management provisions.

This bill:

- ▶ reorganizes and modifies county and municipal land use, development, and management provisions;
- ▶ includes the protection of access to sunlight for solar energy devices in the statement of the purposes of county and municipal land use provisions;
- ▶ modifies provisions giving counties and municipalities general authority over land use matters;
- ▶ modifies existing and adds new definitions;
- ▶ modifies notice provisions related to land use applications, the preparation of a general plan and amendments, land use ordinances, and subdivisions;
- ▶ modifies provisions related to planning commission appointment and powers;
- ▶ modifies provisions related to the preparation, adoption, content, and effect of a general plan;
- ▶ modifies provisions related to the preparation, adoption, and content of land use ordinances;
- ▶ enacts a provision relating to the imposition of exactions;
- ▶ enacts provisions related to land use approval standards and the rights that vest with approval;
- ▶ modifies provisions related to the preparation, enactment, and content of subdivision ordinances;
- ▶ modifies provisions related to subdivision plats;
- ▶ provides that a transfer of land by a void plat is voidable;
- ▶ modifies a provision relating to exemptions from plat requirements;
- ▶ authorizes counties and municipalities to designate a land use authority to decide certain land use matters;
- ▶ requires counties and municipalities to designate an appeal authority to handle appeals of certain land use matters;
- ▶ enacts provisions relating to procedures and standards applicable to appeals before the appeal authority;
- ▶ modifies provisions relating to appeals to the district court;
- ▶ repeals provisions relating to a board of adjustment;
- ▶ repeals provisions relating to vacating a street or alley;
- ▶ repeals a provision relating to planning commission organization and procedures; and
- ▶ makes technical changes.

This bill provides coordination clauses.

Amends 9-4-1204, 10-8-2, 10-8-8, 11-36-201, 11-36-202, 11-36-401, 17-34-6, 17-50-302, 17B-4-402, 57-3-101, 57-8-35, 58-56-4, 59-2-301.2, 59-2-502, 59-2-511, 62A-6-101, 63A-5-206, 72-5-401, 72-7-502; Enacts 10-9a-201, 10-9a-202, 10-9a-204, 10-9a-205, 10-9a-206, 10-9a-207, 10-9a-208, 10-9a-209, 10-9a-405, 10-9a-508, 10-9a-509, 10-9a-513, 10-9a-701, 10-9a-703, 10-9a-704, 10-9a-705, 10-9a-706, 10-9a-707, 10-9a-708, 17-27a-201, 17-27a-202, 17-27a-204, 17-27a-205, 17-27a-206, 17-27a-207, 17-27a-208, 17-27a-209, 17-27a-405, 17-27a-507, 17-27a-508, 17-27a-512, 17-27a-701, 17-27a-703, 17-27a-704, 17-27a-705, 17-27a-706, 17-27a-707, 17-27a-708; Renumbers and Amends 10-9-101 to 10-9a-101, 10-9-102 to 10-9a-102, 10-9-103 to 10-9a-103, 10-9-104 to 10-9a-104, 10-9-105 to 10-9a-304, 10-9-106 to 10-9a-305, 10-9-106.5 to 10-9a-514, 10-9-107 to 10-9a-510, 10-9-108 to 10-9a-515, 10-9-201 to 10-9a-301, 10-9-203 to 10-9a-402, 10-9-204 to 10-9a-302, 10-9-205 to 10-9a-303, 10-9-301 to 10-9a-401, 10-9-301.5 to 10-9a-203, 10-9-302 to 10-9a-403,

10-9-303 to 10-9a-404 , 10-9-305 to 10-9a-406 , 10-9-306 to 10-9a-407 , 10-9-307 to 10-9a-408 , 10-9-401 to 10-9a-501 , 10-9-402 to 10-9a-502 , 10-9-403 to 10-9a-503 , 10-9-404 to 10-9a-504 , 10-9-405 to 10-9a-505 , 10-9-406 to 10-9a-506 , 10-9-407 to 10-9a-507 , 10-9-408 to 10-9a-511 , 10-9-409 to 10-9a-512 , 10-9-501 to 10-9a-516 , 10-9-502 to 10-9a-517 , 10-9-503 to 10-9a-518 , 10-9-504 to 10-9a-519 , 10-9-605 to 10-9a-520 , 10-9-707 to 10-9a-702 , 10-9-801 to 10-9a-601 , 10-9-802 to 10-9a-602 , 10-9-804 to 10-9a-603 , 10-9-805 to 10-9a-604 , 10-9-806 to 10-9a-605 , 10-9-806.5 to 10-9a-606 , 10-9-807 to 10-9a-607 , 10-9-808 to 10-9a-608 , 10-9-810 to 10-9a-609 , 10-9-811 to 10-9a-611 , 10-9-901 to 10-9a-610 , 10-9-1001 to 10-9a-801 , 10-9-1002 to 10-9a-802 , 10-9-1003 to 10-9a-803 , 17-27-101 to 17-27a-101 , 17-27-102 to 17-27a-102 , 17-27-103 to 17-27a-103 , 17-27-104 to 17-27a-104 , 17-27-104.5 to 17-27a-304 , 17-27-105 to 17-27a-305 , 17-27-105.5 to 17-27a-513 , 17-27-106 to 17-27a-509 , 17-27-107 to 17-27a-514 , 17-27-200.5 to 17-27a-306 , 17-27-201 to 17-27a-301 , 17-27-203 to 17-27a-402 , 17-27-204 to 17-27a-302 , 17-27-205 to 17-27a-303 , 17-27-206 to 17-27a-307 , 17-27-301 to 17-27a-401 , 17-27-301.5 to 17-27a-203 , 17-27-302 to 17-27a-403 , 17-27-303 to 17-27a-404 , 17-27-305 to 17-27a-406 , 17-27-306 to 17-27a-407 , 17-27-307 to 17-27a-408 , 17-27-308 to 17-27a-409 , 17-27-401 to 17-27a-501 , 17-27-402 to 17-27a-502 , 17-27-403 to 17-27a-503 , 17-27-404 to 17-27a-504 , 17-27-405 to 17-27a-505 , 17-27-406 to 17-27a-506 , 17-27-407 to 17-27a-510 , 17-27-408 to 17-27a-511 , 17-27-501 to 17-27a-515 , 17-27-502 to 17-27a-516 , 17-27-503 to 17-27a-517 , 17-27-504 to 17-27a-518 , 17-27-605 to 17-27a-519 , 17-27-707 to 17-27a-702 , 17-27-801 to 17-27a-601 , 17-27-802 to 17-27a-602 , 17-27-804 to 17-27a-603 , 17-27-805 to 17-27a-604 , 17-27-806 to 17-27a-605 , 17-27-806.5 to 17-27a-606 , 17-27-807 to 17-27a-607 , 17-27-808 to 17-27a-608 , 17-27-810 to 17-27a-609 , 17-27-811 to 17-27a-611 , 17-27-901 to 17-27a-610 , 17-27-1001 to 17-27a-801 , 17-27-1002 to 17-27a-802 , 17-27-1003 to 17-27a-803 ; Repeals 10-8-8.1, 10-8-8.2, 10-8-8.3, 10-8-8.4, 10-9-103.5, 10-9-202, 10-9-304, 10-9-701, 10-9-702, 10-9-703, 10-9-704, 10-9-705, 10-9-706, 10-9-708, 10-9-803, 10-9-809, 17-27-103.5, 17-27-202, 17-27-304, 17-27-701, 17-27-702, 17-27-703, 17-27-704, 17-27-705, 17-27-706, 17-27-708, 17-27-803, 17-27-809

Effective May 2, 2005

Chapter 254, Laws of Utah 2005

SB 61 Privately Owned Health Care Organization Task Force (*Michael G. Waddoups*)

This bill creates the Privately Owned Health Care Organization Task Force.

This bill:

- ▶ establishes a legislative task force to study:
 - market penetration, geographic distribution, and contracting arrangements of integrated health care systems in the health insurance and health care markets in the state;
 - the impact of divestiture of integrated health care systems in the health care market in the state;
 - state policies that promote fair and appropriate competition in the health care market, including the adequacy and application of antitrust provisions to health care organizations;
 - business and financial practices of health care organizations and how they may impede or enhance a fair and competitive health care market place and impact consumers;
 - the tax exempt status of nonprofit health care organizations;
 - the statutory definition of charitable care;
 - the contracting practices of health care organizations that promote cost-effective health care;
 - the need for consumer protections from health care provider conflicts of interest;
 - patient choice and access to health care providers; and
 - the impact on the state's Medicaid program and other government funded health care plans; and
 - the impact of proliferation of medical technology and facilities;
- ▶ provides an exception to the Open and Public Meetings act which permits the task force to close a meeting for the purpose of discussing a record which is a trade secret or contains commercial information and is designated as a protected record under the Government Records Access and Management Act.

This bill appropriates:

- ▶ \$6,000 to the Senate for fiscal years 2004-05 and 2005-06;
- ▶ \$9,000 to the House of Representatives for fiscal years 2004-05 and 2005-06; and
- ▶ \$300,000 to the Office of Legislative Research and General Counsel for fiscal year 2004-05 only, for the purpose of providing economic, financial, and actuary services to the task force.

This bill provides an immediate effective date. This bill is repealed on November 30, 2006.

Effective March 18, 2005

Chapter 255, Laws of Utah 2005

SB 62 Personal Property Transactions Amendments (*Michael G. Waddoups*)

This bill amends the Pawnshop Transaction Information Act by placing its operations under the Division of Consumer Protection within the Department of Commerce. The bill authorizes attorney fees against persons subject to enforcement action under the act. This bill specifies lawful uses of pawn transaction information by law enforcement and a penalty for unlawful use. This bill changes the criminal penalties for violation of the act to civil penalties. This bill also repeals the repeal date of the act.

This bill:

- ▶ places the operation and enforcement of the Pawnshop Transaction Information Act under the Division of Consumer Protection;
- ▶ renames "civil penalties" as "administrative fines" to be consistent with the division's statutory language;
- ▶ provides that the attorney general may bring enforcement actions and that attorney's fees, costs, and interest are to be awarded in enforcement cases;
- ▶ directs that these awarded fees, costs, and interest shall be paid to the division;
- ▶ provides that pawn transaction records provided to law enforcement or the central database may only be used for specified investigative and ownership inquiry purposes;
- ▶ imposes a civil penalty for use of pawn transaction records for any purpose not authorized by the act;
- ▶ changes specified violations of the act from class C misdemeanors to violations subject to civil penalties;
- ▶ clarifies the protected record provisions regarding the act; and
- ▶ repeals the May 2, 2005 repeal date of the act.

Amends 13-2-1, 13-32a-102, 13-32a-106, 13-32a-107, 13-32a-110, 13-32a-111, 13-32a-112, 13-32a-113, 13-32a-114, 63-2-304; Enacts 13-32a-102.5, 13-32a-106.5

Effective May 2, 2005

Chapter 256, Laws of Utah 2005

SB 64 Real Estate Transactions and Securities (*L. Alma Mansell*)

This bill modifies the Utah Uniform Securities Act and Real Estate provisions to address certain real estate transactions.

This bill:

- ▶ exempts certain real estate transactions from the definition of securities;
- ▶ exempts real estate brokers or agents from the definition of agent, broker-dealer, investment advisor, or investor adviser representative when the real estate broker or agent receives compensation in connection with an offer or sale;
- ▶ clarifies that the list of excluded real property estates is not an exclusive list;
- ▶ defines terms;
- ▶ addresses the Division of Real Estate making rules:
 - regarding required disclosures in the offer or sale of an undivided fractionalized long-term estate;
 - imposing requirements of management agreements; and
 - addressing master leases;
- ▶ addresses investigatory powers of the Division of Real Estate;
- ▶ addresses remedies and actions for violations; and
- ▶ makes technical changes.

Amends 61-1-13, 61-2-2, 61-2-5.5, 61-2-21; Enacts 61-2-11.5, 61-2-26

Effective May 2, 2005

Chapter 257, Laws of Utah 2005

SB 65 Alcoholic Beverage Control Amendments (*Peter C. Knudson*)

This bill modifies the Alcoholic Beverage Control Act and related provisions.

This bill:

- ▶ defines "military installation";
- ▶ addresses minors on premises of state stores or package agencies;
- ▶ removes the repeal date for on-premise banquet licensing;
- ▶ requires on-premise banquet licensees to provide advance notice of banquets to allow for random inspections;
- ▶ clarifies that on-premise banquet premises are included in the prohibition of operating without a license;
- ▶ repeals a 2004 reporting requirement;
- ▶ addresses liquor purchased on a military installation; and
- ▶ makes technical changes.

Amends 32A-1-105, 32A-2-103, 32A-3-106, 32A-4-401, 32A-4-402, 32A-4-406, 32A-12-212, 32A-12-301, 63-55b-132; Repeals 32A-4-407

Effective May 2, 2005

Chapter 152, Laws of Utah 2005

SB 71 Security Personnel Licensing Amendments (*Gene Davis*)

This bill amends the Security Personnel Licensing Act to provide that persons who control entry to public events by duties such as taking tickets and checking bags are not security officers under the act if these persons may not use force in their duties. This bill also provides a definition of "specialized resources, motor vehicles, or equipment" as this phrase is used in the act.

This bill:

- ▶ provides an exception to the definition of security officer for persons whose duties at public events:
 - are limited to activities such as taking tickets, and checking bags and purses; and
 - may include denying entry, but do not involve use of physical force; and
- ▶ provides a definition of "specialized resources, motor vehicles, or equipment" specifically designed for use by law enforcement or in security or guard services, and also lists exemptions, such as uniforms that are not marked with the term "security" or "guard," and items other than firearms that may be used for security or guard services without modification.

Amends 58-63-102, 58-63-304

Effective May 2, 2005

Chapter 307, Laws of Utah 2005

SB 72 **Child Welfare Amendments** (*Dan R. Eastman*)

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

This bill:

- ▶ replaces the term "treatment plan" with the term "child and family plan";
- ▶ clarifies access to certain protected and confidential records;
- ▶ provides that the inability to identify or locate an alleged perpetrator of child abuse may not be used by the division as a basis for determining that a report is unsupported;
- ▶ provides that a child and family plan may only include requirements that:
 - address findings made by the court; or
 - are requested or approved by a parent or guardian of the child, and are agreed to by the division and the guardian ad litem;
- ▶ addresses the circumstances under which parent-time may be denied; and
- ▶ makes technical changes.

Amends 53B-8d-102, 62A-4a-116, 62A-4a-202.3, 62A-4a-203.5, 62A-4a-205, 78-3a-311, 78-3a-311.5, 78-3a-312, 78-3a-313.5, 78-3a-407, 78-3a-912

Effective May 2, 2005

Chapter 286, Laws of Utah 2005

SB 73 **Tampering with Evidence** (*D. Chris Buttars*)

This bill amends the Criminal Code to include as a criminal offense tampering with evidence with the intent to prevent an official proceeding.

This bill:

- ▶ amends the current law regarding tampering with evidence to include as an offense the act of tampering with evidence with the intent to prevent an official proceeding, which is in addition to the current law that prohibits tampering with evidence after a proceeding or investigation has begun.

Amends 76-8-510.5

Effective May 2, 2005

Chapter 41, Laws of Utah 2005

SB 74 **Medical Reserve Corps** (*Lyle W. Hillyard*)

This bill authorizes the local departments of health to create and activate a medical reserve corps during times of an emergency or national disaster.

This bill:

- ▶ authorizes the local department of health to organize, activate, and supervise a medical reserve corps during a time of declared public health emergency or disaster;
- ▶ amends the Occupational and Professional Practices Act to permit retired health care professionals to serve in a medical reserve corps during a time of disaster or emergency; and
- ▶ clarifies that the Good Samaritan laws apply to health care professionals who volunteer during a declared emergency or disaster.

Amends 58-1-307, 58-13-2; Enacts 26A-1-126

Effective May 2, 2005

Chapter 153, Laws of Utah 2005

SB 76 Amendments to Navajo Trust Fund *(Beverly Ann Evans)*

This bill modifies provisions related to the Navajo Trust Fund chapter.

This bill:

- ▶ extends the sunset date for the Navajo Trust Fund chapter;
- ▶ allows the board of trustees to meet every other month; and
- ▶ makes technical changes.

Amends 63-55-263, 63-88-103

Effective May 2, 2005

Chapter 258, Laws of Utah 2005

SB 78 Optional Forms of County Government Amendment *(David L. Thomas)*

This bill modifies a provision relating to the expanded county commission form of government.

This bill:

- ▶ eliminates a conflict with another provision by eliminating the requirement that county commission members in an expanded county commission form of government be elected at large.

Amends 17-52-502

Effective May 2, 2005

Chapter 42, Laws of Utah 2005

SB 79 Extension of Sunset Date on Resource Development Coordinating Committee *(Beverly Ann Evans)*

This bill extends the sunset date for the Resource Development Coordinating Committee.

This bill:

- ▶ extends the sunset date on the Resource Development Coordinating Committee through July 1, 2015.

Amends 63-55-263

Effective May 2, 2005

Chapter 259, Laws of Utah 2005

SB 80 Special Service Districts - Service Expansion *(Mike Dmitrich)*

This bill amends special service district provisions.

This bill:

- ▶ adds certain economic development activities using federal mineral lease funds as one of the services that special service districts are authorized to provide; and
- ▶ prohibits counties and municipalities from levying a property tax for a special service district that provides economic development service.

Amends 17A-2-1304, 17A-2-1322

Effective May 2, 2005

Chapter 260, Laws of Utah 2005

SB 81 Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal
(Beverly Ann Evans)

This bill modifies provisions of the Solid and Hazardous Waste Act.

This bill:

- ▶ clarifies that local government approval of a commercial nonhazardous solid or hazardous waste treatment or disposal facility is required before obtaining legislative and gubernatorial approval.

Amends 19-6-108

Effective May 2, 2005

Chapter 43, Laws of Utah 2005

SB 83 Medical Decisions of a Parent or Guardian (David L. Thomas)

This bill modifies provisions of Child and Family Services, the Utah Criminal Code, and the Judicial Code regarding child abuse and neglect. This bill also modifies the Judicial Code regarding malpractice actions against health care providers.

This bill:

- ▶ modifies provisions of Child and Family Services to provide that:
 - a health care decision made by a child's parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
 - a parent or guardian has the right to a second health care opinion;
- ▶ modifies the Licensing Information System portion of Child and Family Services to provide that:
 - a health care decision made by a child's parent or guardian does not constitute severe child abuse or neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
 - a parent or guardian retains the right to a second health care opinion;
- ▶ provides that a parent or guardian is not guilty of child abuse for selecting a treatment option for the medical condition of the parent's or guardian's child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child;
- ▶ provides that a parent or guardian is not guilty of abuse or neglect of a disabled child for selecting a treatment option for the medical condition of the parent's or guardian's disabled child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child;
- ▶ modifies the definition of a neglected child under the Juvenile Court Act of 1996 to provide that a health care decision made by a child's parent or guardian does not constitute neglect unless the state or other party to the proceeding can show, by clear and convincing evidence, that the decision was not reasonable and informed;
- ▶ modifies the Juvenile Court Act of 1996 to provide that a parent or guardian has the right to a second health care opinion;
- ▶ modifies the Termination of Parental Rights Act to provide that:
 - a health care decision made by a child's parent does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
 - a parent has the right to a second health care opinion;
- ▶ modifies the Judicial Code to provide that a malpractice action may not be brought against a health care provider on the basis of the consequences resulting from the refusal of a child's

parent or guardian to consent to health care recommended by the health care provider when the parent or guardian is provided with sufficient information to make an informed decision and the consent of the parent or guardian is required by law;

- ▶ clarifies the scope of the malpractice action provision contained in this bill;
- ▶ enacts an uncodified expression of legislative intent; and
- ▶ makes technical changes.

Amends 62A-4a-101, 62A-4a-116.1, 62A-4a-116.4, 76-5-109, 76-5-110, 78-3a-103, 78-3a-408;
Enacts 78-14-5.5

Effective May 2, 2005

Chapter 95, Laws of Utah 2005

SB 86 **2004 General Obligation Bond Amendments** (*Peter C. Knudson*)

This bill eliminates a project authorized by the Legislature to be built or purchased from the proceeds of the 2004 General Obligation Bond.

This bill:

- ▶ removes the monies earmarked in the 2004 General Obligation Bond Authorization for the Oxbow Jail purchase.

Amends 63B-13-101

Effective May 2, 2005

Chapter 154, Laws of Utah 2005

SB 88 **Creation of Local Districts** (*Carlene M. Walker*)

This bill modifies a provision related to the creation of local districts.

This bill:

- ▶ extends the prohibition on initiating the process to create a local district until May 5, 2008.

Amends 17B-2-217

Effective May 2, 2005

Chapter 44, Laws of Utah 2005

SB 90 **County Officers Serving on Boards of County Mental Health and Substance Abuse Providers** (*David L. Thomas*)

This bill modifies provisions related to public officers ethics and county officers disclosures.

This bill:

- ▶ makes an exception to certain public officers ethics provisions and county officers disclosure provisions for county legislative body members who also serve on the governing body of a provider of county mental health and substance abuse services, if the county legislative body member does not participate in the process of selecting the provider.

Amends 17-16a-4, 67-16-4

Effective May 2, 2005

Chapter 45, Laws of Utah 2005

SB 91 Interstate Juvenile Compact (*Lyle W. Hillyard*)

This bill enacts the Interstate Compact for Juveniles.

This bill:

- ▶ repeals and reenacts the Interstate Compact for Juveniles;
- ▶ establishes a compact operating authority to administer ongoing compact activity;
- ▶ provides for gubernatorial appointment of representatives on a national governing commission;
- ▶ provides rulemaking authority to the governing commission;
- ▶ provides for the collection of standardized information and information sharing systems;
- ▶ creates sanctions to support essential compact operations;
- ▶ allows for the coordination and cooperation with other interstate compacts; and
- ▶ provides for an effective date upon enactment by 35 states.

Enacts 55-12-100, 55-12-101, 55-12-102, 55-12-103, 55-12-104, 55-12-105, 55-12-106, 55-12-107, 55-12-108, 55-12-109, 55-12-110, 55-12-111, 55-12-112, 55-12-113; Renumbers and Amends 55-12-2 to 55-12-114 , 55-12-3 to 55-12-115 , 55-12-4 to 55-12-116 , 55-12-5 to 55-12-117 , 55-12-6 to 55-12-118 ; Repeals 55-12-1

Effective May 2, 2005

Chapter 155, Laws of Utah 2005

SB 93 Children's Justice Center Addition (*Thomas V. Hatch*)

This bill adds Iron County to the list of counties with Children's Justice Centers.

This bill:

- ▶ adds Iron County to the list of Children's Justice Centers sites.

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$127,500 from the General Fund for fiscal year 2005-06 to the Office of the Attorney General for Children's Justice Centers to replace lapsing federal grant funding.

Amends 67-5b-102

Effective May 2, 2005

Chapter 186, Laws of Utah 2005

SB 94 Restitution Amendments (*Gregory S. Bell*)

This bill makes changes regarding the Board of Pardons and Parole's responsibility concerning inmate restitution.

This bill:

- ▶ clarifies the definition of "pecuniary damages";
- ▶ requires that the convicting court order restitution, if feasible, at the time of sentencing or within one year of sentencing; and
- ▶ provides that the Board of Pardons and Parole may determine restitution for an inmate if the convicting court has not.

Amends 77-27-5, 77-27-6, 77-38a-102, 77-38a-203, 77-38a-302

Effective May 2, 2005

Chapter 96, Laws of Utah 2005

SB 95 Office of Museum Services Amendments *(Ron Allen)*

This bill establishes the Utah Museum of Fine Arts as a state general and multicultural art museum and a repository of art and related objects for the people of Utah.

This bill:

- ▶ officially confirms the Utah Museum of Fine Arts' status as a state institution charged with the broad responsibility of collecting and exhibiting, for the educational enrichment of the citizens of this state, art and related objects from around the world from prehistoric times to the present;
- ▶ provides duties and responsibilities for the museum; and
- ▶ authorizes the University of Utah to receive gifts, contributions, and donations for the museum.

Enacts 53B-17-701, 53B-17-702

Effective May 2, 2005

Chapter 97, Laws of Utah 2005

SB 96 Commerce Service Fund Amendments *(Gregory S. Bell)*

This bill makes a technical correction to language governing transfers from the Commerce Service Fund.

This bill:

- ▶ clarifies that monies remaining in the Commerce Service Fund after legislative appropriations are transferred into the General Fund at the end of the fiscal year; and
- ▶ makes technical corrections.

Amends 13-1-2

Effective May 2, 2005

Chapter 98, Laws of Utah 2005

SB 97 Consolidation of City and County Library *(Gregory S. Bell)*

This bill modifies a provision related to the consolidation of a city library with a county library.

This bill:

- ▶ provides an exception to the requirement that city library trust funds be conveyed to the county library board upon consolidation of the city library with the county library; and
- ▶ provides that if conveyance constitutes a violation of the trust agreement, the funds need not be conveyed but may continue to be used as provided in the trust agreement.

Amends 9-7-410

Effective May 2, 2005

Chapter 46, Laws of Utah 2005

SB 98 Motor Vehicle Registration and Title Amendments *(Sheldon L. Killpack)*

This bill modifies the Motor Vehicles Code by amending provisions related to motor vehicle registration and titling.

This bill:

- ▶ provides that the signature of an owner, rather than each owner, is required for a vehicle to be registered; and
- ▶ makes technical changes.

Amends 41-1a-209, 41-1a-506

Effective May 2, 2005

Chapter 47, Laws of Utah 2005

SB 100 Access to High Speed Internet At State Capitol Complex (*Sheldon L. Killpack*)

This bill allows the Capitol Preservation Board to provide wireless Internet access in capitol hill facilities.

This bill:

- ▶ modifies the powers of the Capitol Preservation Board to allow it to provide wireless Internet access to the public without a fee in capitol hill facilities; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 63C-9-301

Effective February 15, 2005

Chapter 4, Laws of Utah 2005

SB 101 Utah Administrative Rulemaking Act Revision (*Howard A. Stephenson*)

This bill amends rulemaking terms in the Utah Code to conform with the Administrative Rulemaking Act and clarifies state agency authority to amend and repeal rules. This bill also makes technical corrections.

This bill:

- ▶ amends the Utah Code by replacing the word "revoke" with "repeal" in the context of a state agency's rulemaking authority; and
- ▶ clarifies that an agency authorized to make administrative rules is also authorized to amend or repeal those rules.

The original bill was recommended by the Administrative Rules Review Committee

Amends 9-2-204, 9-2-1906, 9-2-2007, 9-6-205, 9-7-405, 53C-1-201, 63-46a-4, 63-46a-7, 63-46a-10.5

Effective May 2, 2005

Chapter 48, Laws of Utah 2005

SB 103 Liens on Aircraft (*Thomas V. Hatch*)

This bill modifies lien provisions to enact the Aircraft Lien Act.

This bill:

- ▶ addresses notice of lien;
- ▶ defines terms;
- ▶ addresses relationship to other lien statutes;
- ▶ preserves the right to collect on a debt;
- ▶ authorizes a lien against an aircraft by a repairman;
- ▶ requires that the lien be filed with the Federal Aviation Administration;
- ▶ authorizes foreclosure on an aircraft;
- ▶ authorizes taking possession of an aircraft;
- ▶ authorizes selling an aircraft;
- ▶ establishes priority of lien;
- ▶ addresses release of lien by posting bond; and
- ▶ makes technical changes.

Amends 38-12-102; Enacts 38-13-101, 38-13-102, 38-13-103, 38-13-201, 38-13-202, 38-13-203, 38-13-204, 38-13-205, 38-13-206

Effective May 2, 2005

Chapter 187, Laws of Utah 2005

SB 104 **Judiciary Amendments** (*Lyle W. Hillyard*)

This bill makes clarifying and technical changes to specific statutes.

This bill:

- ▶ changes a three-year requirement to two to bring a provision concerning protective orders into line with another statute;
- ▶ clarifies credit for good behavior for minors in detention;
- ▶ clarifies the process for petitioning the court to confirm an award when the matter is not the subject of current litigation; and
- ▶ provides direction to the court for the disposition of property held by the court.

Amends 30-6-4.2, 67-4a-210, 78-3a-109, 78-3a-504, 78-31a-123

Effective May 2, 2005

Chapter 156, Laws of Utah 2005

SB 106 **Utah Religious Land Use Act** (*David L. Thomas*)

This bill restricts government entities from applying land use regulations that impose a substantial burden on a person's free exercise of religion.

This bill:

- ▶ restricts government entities from applying or enacting land use regulations that impose a substantial burden on a person's free exercise of religion unless certain exemptions apply;
- ▶ permits government to impose land use regulations that substantially burden a person's free exercise of religion only where the government can show that the land use regulation is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest;
- ▶ authorizes a person to seek injunctive or declaratory relief if government fails to remedy a substantial burden imposed on religious expression by a land use regulation;
- ▶ permits a person to use the defense that a government entity's action creates a substantial burden on the free exercise of religion in judicial and administrative hearings;
- ▶ requires persons claiming that a land use regulation substantially burdens their free exercise of religion to file a notice of claim with the governmental entity;
- ▶ provides government entities with the opportunity to remedy the substantial burden before being subject to injunction or declaratory relief; and
- ▶ waives government immunity for cases brought to enforce or obtain remedies for violation of this chapter.

Amends 63-30d-301, 78-12-29; Enacts 63-90b-101, 63-90b-102, 63-90b-201, 63-90b-301, 63-90b-302, 63-90b-401, 63-90b-402, 63-90b-403

Effective May 2, 2005

Chapter 99, Laws of Utah 2005

SB 107 Licensure and Regulation of Programs and Facilities (*Thomas V. Hatch*)

This bill amends the licensing provisions of Title 62A, Chapter 2, Licensure of Programs and Facilities, and related provisions.

This bill:

- ▶ modifies and enacts defined terms;
- ▶ amends the responsibilities and rulemaking duties of the Office of Licensing;
- ▶ lists grounds for refusing to renew a license;
- ▶ provides requirements for a human services program to obtain approval of educational service and funding plans;
- ▶ imposes requirements for licensing and for making rules regarding the licensing of residential treatment programs;
- ▶ requires applicants for a license to operate a residential treatment program to provide a description of the program and notice of intent to operate a residential treatment program to the governing body of the city or county where the program intends to operate;
- ▶ provides that a local government may request that the office designate a local government employee as a certified local inspector;
- ▶ describes the powers of, and restrictions on, a certified local inspector;
- ▶ describes the responsibilities of a local government relating to a certified local inspector;
- ▶ provides that records received by the Office of Licensing through reports and inspections shall be classified in accordance with the Government Records and Access Management Act;
- ▶ provides that Title 62A, Chapter 2, Licensure of Programs and Facilities, does not apply to boarding schools or certain licensed mental health professionals;
- ▶ provides that the Office of Licensing may place conditions on licenses;
- ▶ lists standards for determining whether to reissue a revoked license;
- ▶ provides that a revoked license may not be reissued until at least one year after final notice of the revocation is served;
- ▶ provides that a license may be suspended for up to one year;
- ▶ provides that full faith and credit be extended to an Indian tribe's licensure of tribal foster homes;
- ▶ permits records to be copied during administrative inspections;
- ▶ provides standards for:
 - conducting and reviewing background checks; and
 - granting persons direct access to children and vulnerable adults;
- ▶ provides that substance abuse treatment programs that provide services to adults only, are not required to submit identifying information to the Office of Licensing for criminal background checks;
- ▶ provides the Department of Human Services with access to records to conduct background checks;
- ▶ provides that the Department of Human Services may inform a local government that a certified local inspector applicant is listed in those records;
- ▶ provides that a person who is a representative of private residential treatment facilities shall be included on the Board of Child and Family Services; and
- ▶ makes technical changes.

Amends 62A-2-101, 62A-2-105, 62A-2-106, 62A-2-108, 62A-2-108.1, 62A-2-109, 62A-2-110, 62A-2-111, 62A-2-112, 62A-2-113, 62A-2-116, 62A-2-117, 62A-2-118, 62A-2-120, 62A-2-121, 62A-2-122, 62A-4a-102, 62A-4a-116.2, 78-3a-320; Enacts 62A-2-108.2, 62A-2-108.3

Effective May 2, 2005

Chapter 188, Laws of Utah 2005

SB 108 Telecommunications Revisions (*Curtis S. Bramble*)

This bill amends and repeals portions of Title 54, Public Utilities, relevant to pricing and competition by telecommunications corporations.

This bill:

- ▶ defines terms;
- ▶ exempts certain activities of telecommunications corporations from compliance with rate schedules;
- ▶ exempts certain activities of telecommunications corporations from prohibitions on rate or service preferences;
- ▶ expands pricing flexibility for certain telecommunications corporations and services;
- ▶ addresses the methods of filing price lists;
- ▶ eliminates the requirement that a telecommunications corporation petition the Public Service Commission for pricing flexibility;
- ▶ requires an incumbent telephone corporation to provide basic residential service throughout its service area;
- ▶ requires an incumbent telephone corporation to maintain basic residential service rates at July 1, 2004 levels, except under certain circumstances;
- ▶ allows the Public Service Commission to review basic residential service by an incumbent and others;
- ▶ allows the Public Service Commission to exempt an incumbent telephone corporation from basic residential service provisions if comparable services exist at comparable prices;
- ▶ provides for certain disclosures of competitive contracts;
- ▶ allows small incumbent telephone corporations to petition the Public Service Commission for regulation by price, rather than traditional rate of return regulation;
- ▶ allows the Public Service Commission to exempt small incumbent telephone corporations from certain pricing provisions under certain circumstances;
- ▶ allows the Public Service Commission to adjust rates for telephone corporations not subject to price regulation; and
- ▶ makes technical changes.

Amends 54-3-7, 54-3-8, 54-8b-2, 54-8b-2.3, 54-8b-3.3, 54-8b-4.5; Repeals 54-8b-2.4, 54-8b-2.5

Effective May 2, 2005

Chapter 5, Laws of Utah 2005

SB 110 Medical Device Notification and Liability (*D. Chris Buttars*)

This bill requires a reprocessor of a critical single-use medical device to assume the liability associated with the original manufacturing and the reprocessing of the critical single-use medical device.

This bill:

- ▶ amends the Judicial Code to establish that a reprocessor of a critical single-use medical device assumes all liability related to the original manufacturing and reprocessing of the critical single-use medical device.

Enacts 78-11-28

Effective May 2, 2005

Chapter 308, Laws of Utah 2005

SB 114 County and Municipal Zoning Regarding Billboards (*Michael G. Waddoups*)

This bill modifies county and municipal land use development and management provisions relating to billboards.

This bill:

- ▶ prohibits counties and municipalities from allowing a nonconforming billboard to be rebuilt or replaced by anyone other than its owner;
- ▶ removes a limitation on the reasons for which counties and municipalities may allow nonconforming billboards to be rebuilt; and
- ▶ provides that, under certain circumstances, a county or municipal permit for a billboard remains valid for 180 days after a required state permit is issued.

Amends 10-9-408, 17-27-407

Effective May 2, 2005

Chapter 49, Laws of Utah 2005

SB 115 Permanent Total Disability Amendments (*Ed Mayne*)

This bill modifies the Workers' Compensation Act to address permanent total disability provisions.

This bill:

- ▶ addresses procedures for when a determination of permanent total disability is final including providing that an order for subsistence and other undisputed benefits can be enforced as a final order; and
- ▶ makes technical changes.

Amends 34A-2-413

Effective May 2, 2005

Chapter 261, Laws of Utah 2005

SB 116 Arbitration - Use of Subpoena Authorized (*Dan R. Eastman*)

This bill authorizes attorneys to issue subpoenas in arbitration cases.

This bill:

- ▶ allows attorneys, upon stipulation of the parties, to issue subpoenas for witnesses and evidence in arbitration cases.

Amends 78-31a-118

Effective May 2, 2005

Chapter 100, Laws of Utah 2005

SB 117 Repeal of Utah Tomorrow Strategic Planning Committee (*Michael G. Waddoups*)

This bill repeals the Utah Tomorrow Strategic Planning Committee.

This bill:

- ▶ repeals Section 36-18-1, Utah Tomorrow Strategic Planning Committee.

Repeals 36-18-1

Effective May 2, 2005

Chapter 6, Laws of Utah 2005

SB 118 Identity Fraud Amendments (*Carlene M. Walker*)

This bill amends the Criminal Code to include in the offense of identity fraud the unlawful use of information of persons who are deceased.

This bill:

- ▶ includes the personal identifying information of persons who are deceased in the statute that prohibits the use of identifying information to commit identity fraud crimes.

Amends 76-6-1102

Effective May 2, 2005

Chapter 101, Laws of Utah 2005

SB 119 Rural Medical Residency Training Programs (*Peter C. Knudson*)

This bill amends the Medical Education Program to create and fund a rural medical residency training program and facilitates identification and tracking of workforce distribution.

This bill:

- ▶ defines terms;
- ▶ instructs the Medical Education Council to develop a pilot program for rural medical residency training subject to appropriations from the Legislature;
- ▶ sunsets the pilot program on July 1, 2015; and
- ▶ authorizes the Utah Medical Education Council to access the Division of Workforce Services database to identify changes in medical and health care workforce numbers and distribution.

This bill appropriates: €as an ongoing appropriation subject to future budget constraints, \$300,000 from the General Fund to the Medical Education Council to fund rural residency training programs.

Amends 63-55-263, 63C-8-105; Enacts 63C-8-106

Effective May 2, 2005

Chapter 157, Laws of Utah 2005

SB 120 Allocation of Profits from School and Institutional Trust Lands (*Thomas V. Hatch*)

This bill provides for the allocation of trust lands revenue designated for the benefit of the state's normal schools.

This bill:

- ▶ requires that trust lands revenues distributed for the benefit of the state's normal schools shall be allocated to institutions within the state system of higher education in proportion to the number of bachelor's degrees awarded by those institutions in the previous fiscal year.

This bill takes effect on July 1, 2005.

Enacts 53C-3-105

Effective July 1, 2005

Chapter 189, Laws of Utah 2005

SB 121 Property Tax Exemption Amendments (*Curtis S. Bramble*)

This bill amends the Property Tax Act to provide for a proportional property tax for certain property that is eligible for a property tax exemption.

This bill:

- ▶ defines terms;
- ▶ provides that, retroactive to January 1, 2004, when property is acquired by a nonprofit entity and used exclusively for religious, charitable, or educational purposes, the nonprofit entity shall only be required to collect and pay a proportional tax based on the amount of time that the property was not owned by the nonprofit entity;
- ▶ provides that, for property acquired after December 31, 2005, when the property ceases to qualify for an exemption for property owned by a nonprofit entity and used exclusively for religious, charitable, or educational purposes or a government exemption because of a change in the ownership of the property, the new owner shall pay a proportional tax based upon the period of time:
 - beginning on the day that the new owner acquired the property; and
 - ending on the last day of the calendar year during which the new owner acquired the property;
- ▶ provides that, for property acquired after December 31, 2005, when the property ceases to qualify for an exemption for property owned by a nonprofit entity and used exclusively for religious, charitable, or educational purposes or a government exemption because of a change in ownership of the property, the new owner and previous owner of the property are required to report the acquisition of the property to the county assessor within 30 days from the day that the new owner acquired the property;
- ▶ modifies the deadlines:
 - for applying for a property tax exemption for property owned by a nonprofit entity that is used exclusively for religious, charitable, or educational purposes;
 - for a county board of equalization to hold a hearing and render a decision on a property tax exemption; and
 - for a county board of equalization to send a copy of the decision described in the previous paragraph to the person that applied for the exemption; and
- ▶ makes technical changes.

This bill provides an immediate effective date. This bill provides retrospective operation.

Amends 59-2-1101, 59-2-1102

Effective March 8, 2005

Chapter 19, Laws of Utah 2005

SB 122 Resident Tuition Status for Job Corps Students (*Gregory S. Bell*)

This bill provides resident status for Job Corps students at state institutions of higher education.

This bill:

- ▶ provides that a Job Corps student is entitled to resident student status if the student:
 - is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and
 - submits verification that the student is a current Job Corps student.

This bill takes effect on July 1, 2005.

Amends 53B-8-102

Effective July 1, 2005

Chapter 262, Laws of Utah 2005

SB 123 Governmental Immunity Act - Technical Amendments (*Gregory S. Bell*)

This bill corrects references to the Governmental Immunity Act of Utah.

This bill:

- ▶ changes references from Chapter 30 to Chapter 30d; and
- ▶ amends references to sections of the Governmental Immunity Act of Utah.

Amends 9-2-1905, 9-4-917, 10-8-58.5, 11-13-222, 17-53-311, 17A-2-1056, 19-6-321, 19-6-427, 30-2-11, 31A-1-103, 32A-1-118, 40-10-21, 41-12a-407, 41-22-31, 58-59-308, 58-73-701, 62A-4a-410, 63-2-802, 63-30b-3, 63-46b-1, 63A-4-204, 63A-4-204.5, 67-5b-107, 72-5-306, 73-18c-306, 73-26-403, 76-10-1311, 78-2a-6, 78-3a-912, 78-27-37, 78-27-43

Effective May 2, 2005

Chapter 102, Laws of Utah 2005

SB 125 Amendments to Individual Income Tax Credit for Special Needs Adoptions (*Parley G. Hellewell*)

This bill modifies the Individual Income Tax Act relating to a tax credit for special needs adoptions.

This bill:

- ▶ amends the definition of "child who has a special need";
- ▶ requires that an adoption occur in this state for a taxpayer to be eligible for a tax credit; and
- ▶ makes technical changes.

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

Amends 59-10-133

Effective May 2, 2005

Chapter 263, Laws of Utah 2005

SB 126 Medical Benefits Recovery Act Amendments (*Sheldon L. Killpack*)

This bill amends the Medical Benefits Recovery Act within the Utah Health Code.

This bill:

- ▶ amends definitions;
- ▶ establishes a process for a recipient of state medical benefits to notify and obtain the consent of the Department of Health prior to taking action on a claim against a third party who may be obligated to pay for all or part of those benefits;
- ▶ establishes a process for the Department of Health to respond to the recipient's notice;
- ▶ requires the Department of Health to enter into a collection agreement with a recipient's attorney except in specified circumstances;
- ▶ specifies the conditions under which a recipient may proceed with a claim against a third party;
- ▶ makes clarifying changes;
- ▶ changes the ceiling for attorney's fees to a fixed rate;
- ▶ establishes deadlines for remitting funds assigned to and recoverable by the Department of Health;
- ▶ prohibits disbursement of funds from a claim until the Department of Health's claim has been paid;
- ▶ establishes a penalty and liability for noncompliance; and
- ▶ makes technical corrections.

Amends 26-19-2, 26-19-5, 26-19-7, 75-7-508

Effective May 2, 2005

Chapter 103, Laws of Utah 2005

SB 127 Tax, Fee, or Charge Amendments (*Lyle W. Hillyard*)

This bill modifies the Municipal Telecommunications License Tax Act and the Sales and Use Tax Act relating to taxes, fees, or charges.

This bill:

- ▶ addresses the procedures for the State Tax Commission to administer, collect, and enforce certain taxes;
- ▶ provides and modifies definitions;
- ▶ modifies the transactions that are subject to sales and use taxes;
- ▶ provides sales and use tax exemptions for:
 - amounts paid to a purchaser as a rebate from the manufacturer of a new vehicle for purchasing the new vehicle; and
 - sales of certain tangible personal property to persons within the state if that tangible personal property is subsequently shipped outside the state and incorporated pursuant to contract into and becomes a part of real property located outside of this state;
- ▶ provides a credit for sales and use taxes relating to certain repossessions of a motor vehicle;
- ▶ grants rulemaking authority to the State Tax Commission;
- ▶ addresses criminal acts relating to refusing to make a return, making a false or fraudulent return or false statement on a return, evading the payment of a tax, or aiding or abetting an attempt to evade the payment of a tax;
- ▶ addresses amnesty relating to a tax, fee, or charge;
- ▶ addresses the payment of a monetary allowance to a seller that is registered under the Streamlined Sales and Use Tax Agreement or a certified service provider that is designated to be a seller's agent;
- ▶ addresses the distribution of certain sales and use tax revenues to counties, cities, and towns; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2005.

Amends 10-1-405, 59-12-102, 59-12-103 (Effective 07/01/05), 59-12-104, 59-12-117, 59-12-121, 59-12-122, 59-12-205 (Effective 07/01/05), 59-12-1201; Enacts 59-12-104.3

Effective July 1, 2005

Chapter 158, Laws of Utah 2005

SB 128 Calculation of Interest on Tax Overpayments (*Howard A. Stephenson*)

This bill modifies the Revenue and Taxation title relating to the calculation of interest on tax overpayments.

This bill:

- ▶ prescribes the calculation of interest on tax overpayments if an amended return is filed; and
- ▶ makes technical changes.

Amends 59-1-402

Effective May 2, 2005

Chapter 264, Laws of Utah 2005

SB 129 Brine Shrimp Royalty Act Amendments *(Thomas V. Hatch)*

This bill changes the amount of the brine shrimp royalty described in the Brine Shrimp Royalty Act.

This bill:

- ▶ defines terms;
- ▶ beginning on February 1, 2004, and ending on January 31, 2006, imposes for each tax year a brine shrimp royalty of the lesser of:
 - 3.75 cents multiplied by the total pounds of unprocessed brine shrimp eggs that are harvested in the state during the tax year; or
 - \$550,000;
- ▶ beginning on February 1, 2006, imposes for each tax year a brine shrimp royalty of 3.75 cents multiplied by the total pounds of unprocessed brine shrimp eggs that are harvested in the state during the tax year;
- ▶ describes the royalty amount due from each person that harvests unprocessed brine shrimp eggs in the state; and
- ▶ makes technical changes.

This bill provides an immediate effective date. This bill provides retrospective operation.

Amends 59-23-3, 59-23-4, 59-23-5

Effective March 1, 2005

Chapter 16, Laws of Utah 2005

SB 130 Retirement for Airport Police *(Mike Dmitrich)*

This bill modifies the Utah State Retirement and Insurance Benefit Act to amend transfer of service credit provisions.

This bill:

- ▶ allows a public safety service employee to elect to remain in the employee's current retirement system if the employee is employed by an airport police department which elects to cover its public safety service employees under the Public Safety Noncontributory Retirement System; and
- ▶ provides certain procedures for the election.

This bill takes effect on July 1, 2005.

Amends 49-14-201, 49-15-201

Effective July 1, 2005

Chapter 265, Laws of Utah 2005

SB 132 Health Care Consumer's Report *(Allen M. Christensen)*

This bill amends the Utah Health Data Authority Act to require annual reports of comparisons between health care facilities based on certain designated quality, safety, and cost factors.

This bill:

- ▶ requires the Health Data Authority to publish reports at least annually that compare and identify health care facilities;
- ▶ requires the Health Data Authority to publish the data in a form that is easily accessible to the public; and
- ▶ requires the reports comparing health care facilities to be based on several designated factors.

Amends 26-33a-106.5

Effective May 2, 2005

Chapter 266, Laws of Utah 2005

SB 133 Individual Income Tax - Return Filing Requirements (*Howard A. Stephenson*)

This bill modifies the Individual Income Tax Act relating to the requirement to file a return with the State Tax Commission.

This bill:

- ▶ provides that the State Tax Commission may make rules prescribing, for taxable years beginning on or after January 1, 2005, what constitutes filing a return with the State Tax Commission for purposes of the Individual Income Tax Act; and
- ▶ makes technical changes.

Amends 59-10-514

Effective May 2, 2005

Chapter 267, Laws of Utah 2005

SB 134 Powersport Vehicle Franchise Act (*Dan R. Eastman*)

This bill modifies the Powersport Vehicle Franchise Act.

This bill:

- ▶ amends provisions relating to the Powersport Vehicle Franchise Advisory Board, including:
 - membership of the board;
 - requirements for the transaction of business by the board; and
 - powers and duties of the board;
- ▶ clarifies the powers and duties of the executive director of the Department of Commerce and the advisory board;
- ▶ shifts numerous duties from the board to the executive director including:
 - allowing the executive director to issue certain decisions after a recommendation is received from the board; and
 - allowing the executive director to make administrative rules in consultation with the board;
- ▶ shifts the responsibility for notifying a franchisor of a protest to the establishment or relocation of a franchise from the board to the department;
- ▶ clarifies that the executive director is to comply with procedures for the issuance of formal orders mandated by Section 63-46b-10 in both formal and informal adjudicative proceedings;
- ▶ clarifies acceptable methods of communicating certain required notices; and
- ▶ makes technical changes.

Amends 13-35-102, 13-35-103, 13-35-104, 13-35-105, 13-35-106, 13-35-107, 13-35-201, 13-35-202, 13-35-203, 13-35-301, 13-35-302, 13-35-303, 13-35-304, 13-35-305, 13-35-306

Effective May 2, 2005

Chapter 268, Laws of Utah 2005

SB 135 Drug Courts Pilot Project (*Lyle W. Hillyard*)

This bill allows for the creation of drug courts in any judicial district, and the creation of a Drug Board Pilot Project in Davis and Weber counties for intensive substance abuse treatment. This bill sets out participant screening criteria, and requires participation by the Board of Pardons and Parole.

This bill:

- ▶ allows any judicial district to create a drug court; and
- ▶ allows creation of a pilot drug board to oversee intensive substance abuse treatment for parolees under conditions set out by the Board of Pardons and Parole and the Department of Corrections.

Enacts 78-3-32, 78-3-33

Effective May 2, 2005

Chapter 159, Laws of Utah 2005

SB 137 Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments (*Howard A. Stephenson*)

This bill amends the Tourism, Recreation, Cultural, and Convention Facilities Tax part to address the expenditure of revenues generated by a tax under that part.

This bill:

- ▶ requires a county of the first class to expend a certain amount of revenue from the imposition of a tax on certain accommodations and services under the Tourism, Recreation, Cultural, and Convention Facilities Tax part to fund a marketing and ticketing system designed for tourism promotion for ski areas within the county; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2005.

Amends 59-12-603

Effective July 1, 2005

Chapter 269, Laws of Utah 2005

SB 138 Judgment Interest Amendments (*Ed Mayne*)

This bill modifies provisions related to interest.

This bill:

- ▶ addresses the interest that can be charged on a judgment related to a deferred deposit loan; and
- ▶ makes technical changes.

Amends 15-1-4

Effective May 2, 2005

Chapter 190, Laws of Utah 2005

SB 139 Wage Provisions (*Howard A. Stephenson*)

This bill modifies provisions related to wages.

This bill:

- ▶ prohibits a county, city, or town when contracting for the direct purchase of goods and services from giving a preference to a person who pays that person's employees a wage that exceeds the federal minimum wage;
- ▶ clarifies language related to federally funded projects;
- ▶ clarifies that the restrictions apply to any entity created by a city, town, or county;
- ▶ repeals a provision that addresses civil liability of a person for the wage obligations of another person with whom the person has contracted; and
- ▶ makes technical changes.

Amends 34-40-106; Repeals 34-28-8

Effective May 2, 2005

Chapter 287, Laws of Utah 2005

SB 141 Military Installation Partnerships (*Sheldon L. Killpack*)

This bill establishes a program that supports economic development on military installations throughout the state.

This bill:

- ▶ provides that the Department of Community and Economic Development, through its executive director, may receive and distribute monies for military installation projects that have a strong probability of increasing the expansion and development of a military installation in the state, thereby providing significant economic benefits to the state;
- ▶ provides qualification requirements for the distribution of monies to designated recipients; and
- ▶ provides for monitoring of the use of monies distributed under the program and an annual report to legislative committees.

This bill appropriates:

- ▶ \$5,000,000 for the fiscal year ending June 30, 2005.

This bill provides an immediate effective date.

Enacts 9-2-2301

Effective March 17, 2005

Chapter 191, Laws of Utah 2005

SB 142 Pharmacy Practice Act Amendments (*Peter C. Knudson*)

This bill makes technical and clarifying changes to the Pharmacy Practice Act.

This bill:

- ▶ clarifies and modifies definitions;
- ▶ updates an organization name;
- ▶ amends the definition of "unprofessional conduct"; and
- ▶ makes technical and clarifying changes.

Amends 58-17b-102, 58-17b-303, 58-17b-304, 58-17b-502, 58-17b-503, 58-17b-609, 58-17b-612; Repeals 58-17a-303, 58-17a-605.1

Effective May 2, 2005

Chapter 160, Laws of Utah 2005

SB 144 Motor Vehicle Stops At Port-of-entry (*Peter C. Knudson*)

This bill modifies the Transportation Code by amending provisions related to motor vehicles stopping at ports-of-entry.

This bill:

- ▶ allows the Department of Transportation to issue a temporary port-of-entry by-pass permit if the permit would accommodate highway transportation needs in the proximity of a port-of-entry; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 72-9-502

Effective March 16, 2005

Chapter 161, Laws of Utah 2005

SB 146 Avoiding Apprehension Amendment (*Michael G. Waddoups*)

This bill establishes a specific offense of failure to stop at the command of a peace officer in situations where the offender is not operating a vehicle.

This bill:

- ▶ provides that fleeing a peace officer with the intent to avoid arrest is a class A misdemeanor; and
- ▶ clarifies that this offense is a separate offense from the existing offense of an offender's failure to stop at the command of an officer while the offender is operating a motor vehicle.

Enacts 76-8-305.5

Effective May 2, 2005

Chapter 288, Laws of Utah 2005

SB 149 Pete Suazo Athletic Commission Amendments (*Ed Mayne*)

This bill amends the provisions of the Pete Suazo Utah Athletic Commission Act.

This bill:

- ▶ defines terms;
- ▶ amends the statutes governing professional boxing and mixed martial arts contests; and
- ▶ makes technical changes.

Amends 13-33-102, 13-33-303, 13-33-401, 13-33-402, 13-33-403, 13-33-405; Enacts 13-33-507, 13-33-508

Effective May 2, 2005

Chapter 104, Laws of Utah 2005

SB 150 Food Safety Manager Certification (*Darin G. Peterson*)

This bill amends the Health Code related to food service establishment requirements for hazardous foods.

This bill:

- ▶ amends the definition of a potentially hazardous food;
- ▶ amends the requirement for the management by a full-time food safety manager; and
- ▶ amends exemptions to food service establishments.

This bill takes effect on July 1, 2005.

Amends 26-15a-102, 26-15a-104, 26-15a-105

Effective July 1, 2005

Chapter 192, Laws of Utah 2005

SB 152 Business License Fees (*Michael G. Waddoups*)

This bill modifies a provision of the Utah Municipal Code related to business license fees and taxes.

This bill:

- ▶ requires municipalities imposing a disproportionate fee or tax on rental housing to conduct a study of municipal services provided to rental housing under certain circumstances; and
- ▶ prohibits, under certain circumstances, municipalities from levying and collecting a disproportionate fee or tax on rental housing that exceeds the cost of providing municipal services to the rental housing.

Amends 10-1-203

Effective May 2, 2005

Chapter 193, Laws of Utah 2005

SB 153 Tax Reform Task Force (*Curtis S. Bramble*)

This bill creates the Tax Reform Task Force.

This bill:

- ▶ provides for the appointment of members and cochairs of the task force;
- ▶ provides procedures and requirements for the operation of the task force;
- ▶ provides for the payment of salaries and expenses of members of the task force who are legislators;
- ▶ provides for the payment of per diem and expenses for members of the task force who are not legislators;
- ▶ provides that the Office of Legislative Research and General Counsel shall provide staff support to the task force;
- ▶ prescribes the scope of the task force's study; and
- ▶ requires the task force to make reports to the Revenue and Taxation Interim Committee.

This bill appropriates \$99,800 from the General Fund for fiscal year 2004-05 only, to fund the task force.

This bill provides an immediate effective date. This bill is repealed on November 30, 2005.

Effective March 17, 2005

Chapter 194, Laws of Utah 2005

SB 157 Utah Consumer Credit Code Amendments (*Peter C. Knudson*)

This bill modifies the Utah Consumer Credit Code.

This bill:

- ▶ addresses prepayment fee and rebate of prepaid finance charges;
- ▶ addresses delinquency charges;
- ▶ deletes language related to minimum charges; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 70C-3-101, 70C-3-103, 70C-4-101

Effective March 16, 2005

Chapter 162, Laws of Utah 2005

SB 158 Dishonored Instrument Amendments *(Peter C. Knudson)*

This bill modifies provisions related to treatment of dishonored instruments.

This bill:

- ▶ modifies the exemption from the requirements for collecting on a dishonored instrument; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 7-15-1

Effective March 16, 2005

Chapter 163, Laws of Utah 2005

SB 159 Assessment Offset for Donations Promoting Occupational Health and Safety *(Ed Mayne)*

This bill provides an offset for an assessment charged a workers' compensation insurer or self-insured employers.

This bill:

- ▶ defines terms;
- ▶ provides for an offset against an assessment charged a self-insured employer for qualified donations to an occupational health and safety center;
- ▶ provides for an offset against a premium assessment charged a workers' compensation insurer for qualified donations to an occupational health and safety center;
- ▶ provides for allocation of the offset;
- ▶ imposes requirements on an occupational health and safety center;
- ▶ imposes a sunset date; and
- ▶ makes technical changes.

This bill has retrospective operation to January 1, 2005.

Amends 34A-2-202, 59-9-102, 63-55-234, 63-55-259; Enacts 34A-2-202.5, 59-9-102.5

Effective May 2, 2005

Chapter 289, Laws of Utah 2005

SB 161 Amendments to the Property Tax Valuation Agency Fund Assessing and Collecting Levy
(Howard A. Stephenson)

This bill amends provisions of the Property Tax Act relating to the Property Tax Valuation Agency Fund and the multicounty assessing and collecting levy from which the fund is derived.

This bill:

- ▶ reduces the maximum rate of the multicounty assessing and collecting levy that funds the Property Tax Valuation Agency Fund from .0003 to .0002;
- ▶ provides that a county may not receive funds from the Property Tax Valuation Agency Fund unless the county levies an additional property tax of at least .0003 per dollar of the taxable value of taxable property reported by the county;
- ▶ provides that the levy of an additional property tax referred to previously is:
 - for the 2005 calendar year, exempt from the notice and hearing requirements of Sections 59-2-918 and 59-2-919; and
 - beginning on January 1, 2006, subject to the notice and hearing requirements of Sections 59-2-918 and 59-2-919;
- ▶ places limitations on the amounts that may be:
 - collected from counties for the Property Tax Valuation Agency Fund; and
 - distributed to counties from the Property Tax Valuation Agency Fund;
- ▶ provides that a county tax levied to fund legislative or state mandated actions, or judicial or administrative orders, may be included on the tax notice with the county assessing and collecting levy as part of the countywide aggregate tax rate; and
- ▶ makes technical changes.

Amends 59-2-906.1, 59-2-906.2, 59-2-906.3, 59-2-906.4, 59-2-918, 59-2-919

Effective May 2, 2005

Chapter 195, Laws of Utah 2005

SB 163 Capitol Preservation Board Amendments (Beverly Ann Evans)

This bill modifies the provisions related to the capitol preservation board's duties, boards, and subcommittees.

This bill:

- ▶ permits the president of the Senate and the speaker of the House to appoint a designee for the capitol preservation board to act on their behalf;
- ▶ provides that the lieutenant governor will serve terms on the capitol preservation board concurrently with the governor, the president of the Senate, and the speaker of the House;
- ▶ provides that members of capitol preservation board subcommittees shall select a subcommittee chair at the beginning of each calendar year to serve a one-year term;
- ▶ requires the capitol preservation board's budget and operations subcommittee to make yearly recommendations to the board concerning the executive director's performance and suggestions for staff;
- ▶ provides that the capitol preservation board shall make rules to govern the review, compensation, and bonus processes for the executive director and staff;
- ▶ provides the capitol preservation board with responsibility for visitor services on capitol hill, including conducting tours, managing a gift shop, and providing communications services; and
- ▶ modifies the definition of art overseen by the capitol preservation board to include decorative paintings and historic light fixtures.

Amends 63C-9-201, 63C-9-202, 63C-9-301, 63C-9-401, 63C-9-402, 63C-9-701

Effective May 2, 2005

Chapter 196, Laws of Utah 2005

SB 164 Individual Income Tax - Tax Credit for Live Organ Donation Expenses (*Karen Hale*)

This bill modifies the Individual Income Tax Act to provide a nonrefundable individual income tax credit.

This bill:

- ▶ provides definitions;
- ▶ provides a nonrefundable individual income tax credit for live organ donation expenses incurred during the taxable year for which a live organ donation occurs;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.

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

Enacts 59-10-134.2

Effective May 2, 2005

Chapter 290, Laws of Utah 2005

SB 167 Penalties for False Driver Licenses and Identification Cards (*Carlene M. Walker*)

This bill modifies the Driver Licensing Act and the Identification Card Act by amending provisions related to false information on or the use of false driver license certificates or identification cards.

This bill:

- ▶ provides that it is a class C misdemeanor to:
 - knowingly acquire, use, display, or transfer an item that purports to be an authentic driver license certificate or identification card if the item is not authentic; or
 - alter any information contained on an authentic driver license certificate or identification card so that it no longer represents the information originally displayed;
- ▶ provides that it is a class A misdemeanor to:
 - knowingly issue a driver license certificate or identification card with false or fraudulent information;
 - knowingly issue a driver license certificate or identification card to a person younger than 21 years of age if the license or identification card is not distinguished by use of format and printing; or
 - knowingly use, display, or transfer a false or altered driver license certificate or identification card to procure cigarettes, tobacco, or tobacco products;
- ▶ provides that a person may not use a false or altered driver license certificate or identification card to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold, or obtain any employment that may not be obtained by a minor;
- ▶ provides that it is a third degree felony if a person's acquisition, use, display, or transfer of a false or altered driver license certificate or identification card:
 - aids or furthers the person's efforts to fraudulently obtain goods or services; or
 - aids or furthers the person's efforts to commit a violent felony;
- ▶ provides that the Driver License Division may immediately deny, suspend, disqualify, or revoke the license of any person if the division has been notified or has reason to believe the person knowingly acquired, used, displayed, or transferred an item that purports to be an authentic driver license if the item is not authentic; and
- ▶ makes technical changes.

Amends 53-3-221, 53-3-229, 53-3-810

Effective May 2, 2005

Chapter 197, Laws of Utah 2005

SB 170 State Tax Commission Collection and Licensing Practices (*Curtis S. Bramble*)

This bill modifies the Revenue and Taxation title to address State Tax Commission collection and licensing practices.

This bill:

- ▶ provides that certain penalty provisions apply with respect to:
 - a tax under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
 - a tax under Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act; and
 - a tax under Title 59, Chapter 12, Sales and Use Tax Act, except for the tax refund for qualified emergency food agencies;
- ▶ requires certain persons to be licensed by the State Tax Commission;
- ▶ provides procedures and requirements for licensing by the State Tax Commission;
- ▶ addresses bonding requirements for certain persons; and
- ▶ makes technical changes.

Amends 59-1-302, 59-10-406, 59-12-106, 59-12-107, 59-13-209, 59-13-302, 59-13-303, 59-13-305, 59-13-308; Enacts 59-10-405.5, 59-13-203.1; Repeals 59-13-203

Effective May 2, 2005

Chapter 198, Laws of Utah 2005

SB 172 Division of Real Estate Amendments (*Michael G. Waddoups*)

This bill modifies provisions related to the regulation of the real estate, appraiser, and mortgage industries by the Division of Real Estate.

This bill:

- ▶ modifies the Real Estate provisions including:
 - permitting a member of the Real Estate Commission to continue to hold office until a successor is appointed and qualified;
 - allowing the Real Estate Commission to delegate functions to the division related to licensing;
 - addressing changes in information provided to the division;
 - making certain funds nonlapsing;
 - addressing revocation of licenses;
 - modifying grounds for disciplinary action; and
 - addressing disciplinary action and judicial review;
- ▶ modifies the Real Estate Appraiser Licensing and Certification Act including:
 - modifying references to registration;
 - amending definition provisions;
 - repealing references to senior appraisers;
 - addressing when licensing and certification is required;
 - modifying the duties of the division including determining fees;
 - providing for trainees;
 - addressing the division providing information;
 - addressing registration of expert witnesses;

- addressing when the division is to make available certain information;
- modifying provisions related to the Real Estate Appraiser Licensing and Certification Board including makeup and duties of the board;
- addressing applying for licensure or certification;
- effective January 1, 2008, modifying the authority and qualifications of a state-licensed appraiser;
- effective January 1, 2008, modifying provisions related to state-certified residential appraisers;
- effective January 1, 2008, modifying provisions related to state-certified general appraisers;
- modifying restrictions on use of terms and provisions related to appraisal reports;
- providing limits on a person acting as a trainee if the person's license or certification is revoked;
- addressing recordkeeping; and
- addressing the duty of the division to provide the public information concerning appraisers;
- ▶ modifies the Utah Residential Mortgage Practices Act including:
 - modifying definition provisions;
 - addressing fees charged by the division;
 - making permissive providing a list of names and mailing addresses of licensees;
 - modifying the makeup of and quorum requirement of the Residential Mortgage Regulatory Commission;
 - addressing when address information is public;
 - addressing use of an assumed business name;
 - providing for conversion of registrations to licenses;
 - allowing the commission to delegate to the division authority related to licensing including outlining procedures in case of a denial of license;
 - addressing post-revocation hearings and ability to apply for a new license;
 - providing that certain fees are nonlapsing;
 - modifying qualifications for licensure related to criminal history;
 - addressing renewal of licensing;
 - requiring reporting of changes;
 - addressing lending manager licenses;
 - addressing prohibited conduct including adding title insurance agent in the list of capacities that a licensee cannot engage in with respect to the same residential mortgage loan transaction;
 - clarifying language applicable to disciplinary action and adjudicative proceedings; and
 - extending the implementation of the principal lender manager licensing; and
- ▶ makes technical changes.

This bill provides an effective date.

Amends 61-2-5.5, 61-2-6, 61-2-7.1, 61-2-9, 61-2-11, 61-2-12, 61-2b-2, 61-2b-3, 61-2b-6, 61-2b-7, 61-2b-8, 61-2b-9, 61-2b-10, 61-2b-14, 61-2b-15, 61-2b-17, 61-2b-18, 61-2b-19, 61-2b-20, 61-2b-21, 61-2b-22, 61-2b-24, 61-2b-26, 61-2b-27, 61-2b-28, 61-2b-29, 61-2b-30.5, 61-2b-31, 61-2b-33, 61-2b-34, 61-2b-36, 61-2b-38, 61-2b-39, 61-2b-40, 61-2c-102, 61-2c-103, 61-2c-104, 61-2c-106 (Effective 01/01/06), 61-2c-106 (Superseded 01/01/06), 61-2c-201, 61-2c-202, 61-2c-203, 61-2c-205, 61-2c-206, 61-2c-208, 61-2c-301, 61-2c-402, 61-2c-404, Section 32, Chapter 297, Laws of Utah 2004; Enacts 61-2c-201.1, 61-2c-402.1; Repeals 61-2b-15.6

Effective May 2, 2005

Chapter 199, Laws of Utah 2005

SB 173 Brownfields Revision (*L. Alma Mansell*)

This bill amends the Environmental Quality Code regarding cleanup of contaminated sites. This bill requires the Department of Environmental Quality (DEQ) to maintain a public list of environmental cleanup sites, including the action taken at those sites. This bill authorizes DEQ to provide written assurance to specified parties such as bona fide purchasers that they will not be held liable for costs of cleanup of contamination of property. This bill requires a release of cost liability for persons who have completed a voluntary cleanup of property and have received a certificate of completion of the cleanup. This bill provides a right of contribution for any party who incurs excess costs under a voluntary agreement. This bill provides for apportionment of cleanup cost liability regarding costs incurred under a voluntary cleanup agreement. This bill creates the Brownfields Fund, to provide grants and loans for brownfield site cleanups.

This bill:

- ▶ requires that DEQ keep a public list of sites subject to response action regarding the Hazardous Substances Mitigation Act or the Voluntary Cleanup Program, including completed sites and the suitable use of the property after cleanup;
- ▶ authorizes DEQ to provide written assurance regarding real property to bona fide purchasers, contiguous landowners, and innocent landowners ensuring these parties will not be subject to any enforcement or cost recovery for cleanup of the property;
- ▶ establishes a release of liability for state law contribution claims against persons who have entered into a voluntary cleanup agreement and have been issued a certificate of completion by DEQ;
- ▶ establishes a release of liability for state law contribution claims for new owners and lending institutions issuing loans regarding property subject to voluntary cleanup and regarding which a certificate of completion has been issued by DEQ;
- ▶ provides a right of contribution for any party who incurs costs in excess of his liability under a voluntary agreement;
- ▶ provides procedures for court action to claim excess costs incurred by a party in carrying out a voluntary cleanup agreement;
- ▶ establishes the Brownfields Fund, providing that:
 - federal monies constitute the fund; and
 - procedures for making and repaying loans and giving grants are in accordance with the terms of the federal monies in the fund;
- ▶ amends the secured creditors liability exemption to conform with changes in federal law; and
- ▶ provides definitions as necessary regarding the provisions of the bill.

Amends 19-1-202, 19-6-302, 19-6-402, 19-8-105, 19-8-113, 19-8-116, 63-65-4; Enacts 19-6-326, 19-8-119, 19-8-120

Effective May 2, 2005

Chapter 200, Laws of Utah 2005

SB 177 Increase Statute of Limitations on Rape (*Ed Mayne*)

This bill amends the Criminal Code statute of limitations to allow prosecution for rape and other listed sexual offenses within eight years after the offense is committed under specified circumstances.

This bill:

- ▶ increases the statute of limitations for rape, object rape, forcible sodomy, forcible sexual abuse, and aggravated sexual assault from four years to eight years if the offense is reported to law enforcement within four years after the offense is committed.

Amends 76-1-302

Effective May 2, 2005

Chapter 270, Laws of Utah 2005

SB 178 Charter School Amendments (*Howard A. Stephenson*)

This bill modifies the Utah Charter Schools Act regarding the authorization, oversight, and termination of charter schools.

This bill:

- ▶ removes the cap on the number of charter schools that the State Charter School Board may authorize;
- ▶ removes a time limitation imposed on the State Charter School Board for approving or denying a charter school application;
- ▶ prohibits charter schools from being denied due to certain impacts on public schools;
- ▶ allows charter schools to give additional enrollment preferences;
- ▶ modifies the content requirements for a charter school's charter;
- ▶ allows a chartering entity to take certain actions if a charter school fails to remedy deficiencies within an established timeline, including:
 - removing a school director or finance officer;
 - removing governing board members;
 - appointing an interim director or mentor to work with the charter school; or
 - terminating the charter school;
- ▶ provides for the appeal of a chartering entity's decision to terminate a charter school to the State Board of Education, and provides that the State Board of Education's action is final action subject to judicial review;
- ▶ allows a private management company to operate a charter school, if the school is terminated during a school year;
- ▶ provides that State Board of Education rules governing licensing of administrative and supervisory personnel do not apply to charter schools; and
- ▶ makes technical amendments.

Amends 53A-1a-501.6, 53A-1a-504, 53A-1a-505, 53A-1a-506, 53A-1a-508, 53A-1a-509, 53A-1a-510, 53A-1a-512, 53A-1a-513, 53A-1a-515; Repeals 53A-1a-502

Effective May 2, 2005

Chapter 291, Laws of Utah 2005

SB 179 Protection of Government Records (*Gregory S. Bell*)

This bill addresses the treatment of records including those related to institutions within the state system of higher education.

This bill:

- ▶ defines terms;
- ▶ addresses what information must be disclosed upon receipt of a written request for a reasonably identifiable record;
- ▶ addresses protected records related to an institution within the state system of higher education;
- ▶ provides a process for a sponsor of research at an institution within the state system of higher education to file a written claim of business confidentiality including providing certain notice requirements;
- ▶ addresses how business confidentiality claims are treated; and
- ▶ makes technical changes.

Amends 53B-16-301, 53B-16-302, 53B-16-304, 63-2-103, 63-2-202, 63-2-304, 63-2-308, 63-2-403

Effective May 2, 2005

Chapter 201, Laws of Utah 2005

SB 184 Redevelopment Agency Amendments (*Curtis S. Bramble*)

This bill modifies provisions of the Redevelopment Agencies Act.

This bill:

- ▶ prohibits a redevelopment agency from adopting a project area plan for certain redevelopment projects from July 1, 2005 through June 30, 2006 unless a blight study has been commissioned and completed by certain dates;
- ▶ eliminates a requirement for approval from affected taxing entities and the taxing entity committee for project area plan amendments that provide for tax increment to be paid for a longer period of time than allowed under the adopted project area plan;
- ▶ requires an agency's finding of blight to be approved by the taxing entity committee;
- ▶ shifts the authority to appoint one of the two taxing entity committee representatives in counties of the first class from the county executive to the county legislative body;
- ▶ prohibits a redevelopment agency from using eminent domain to acquire property, except when acquiring property from an agency board member or officer;
- ▶ modifies a date by which construction of a recreational or cultural facility must begin in order for an agency to be paid additional tax increment for the facility;
- ▶ eliminates provisions authorizing additional tax increment to be paid to an agency to pay for a convention center or sports complex, cable television and public telecommunications service, an I-15 interchange, and the relocation of an agriculture related business;
- ▶ prohibits an amendment to a project area plan that increases the size of the project area;
- ▶ prohibits an amendment to a project area budget that lengthens the time that tax increment is to be paid to an agency;
- ▶ prohibits tax increment under a post-June 30, 1993 project area plan from being paid to an agency for more than 25 years, eliminating taxing entity committee consent as a basis for allowing an agency to be paid tax increment for more than 25 years;
- ▶ modifies a provision regarding limitations on the applicability of provisions in the Redevelopment Agencies Act;
- ▶ eliminates a provision that defines incidental or subordinate development of retail sales to include the development of retail sales of goods from a convention center or sports complex facilities;
- ▶ prohibits agencies from receiving or using tax increment during a certain period if the tax increment is attributable to property devoted to the development of retail sales of goods in an economic development or education housing development project area;
- ▶ eliminates a provision that allows a city of the first or second class to use tax increment from one project area in another project area to pay for a convention center or sports complex; and
- ▶ prohibits an agency from using tax increment to pay for a stadium or arena.

This bill provides an immediate effective date. This bill provides revisor instructions.

Amends 17B-4-102, 17B-4-105, 17B-4-202, 17B-4-206, 17B-4-402, 17B-4-403, 17B-4-407, 17B-4-411, 17B-4-507, 17B-4-601, 17B-4-602, 17B-4-603, 17B-4-604, 17B-4-605, 17B-4-1002, 17B-4-1003, 17B-4-1004, 17B-4-1005, 17B-4-1007, 17B-4-1101; Repeals 17B-4-1102, 17B-4-1103

Effective March 21, 2005

Chapter 292, Laws of Utah 2005

SB 190 County Officer Amendments (*Curtis S. Bramble*)

This bill modifies a provision relating to the consolidation of county offices.

This bill:

- ▶ prohibits the consolidation of the offices of county assessor and county treasurer; and
- ▶ requires county legislative bodies to separate those two offices if they are consolidated and to provide notice that the offices will be filled at a general election.

Amends 17-16-3

Effective May 2, 2005

Chapter 202, Laws of Utah 2005

SB 192 High Technology Economic Development Appropriation (*L. Alma Mansell*)

This bill appropriates monies for recruiting and for purchasing equipment and supplies for a high technology economic development initiative.

This bill:

- ▶ appropriates ongoing monies to recruit persons to conduct high technology research and development and makes those appropriations nonlapsing;
- ▶ appropriates one-time monies to purchase equipment and supplies for high technology research and development and makes those appropriations nonlapsing;
- ▶ appropriates one-time monies to provide for expenses related to the development, planning, and implementation of the high technology research and development initiative and makes those appropriations nonlapsing; and
- ▶ directs a review process for the monies appropriated under this bill.

This bill appropriates:

- ▶ \$3,000,000 one-time from the General Fund in fiscal year 2005 to purchase equipment and supplies for high technology research and development at the University of Utah;
- ▶ \$350,000 one-time from the General Fund in fiscal year 2005 for expenses related to the development, planning, and implementation of the high technology research and development initiative at the University of Utah;
- ▶ \$1,600,000 ongoing from the General Fund beginning in fiscal year 2006 to Utah State University for recruiting for high technology research and development; and
- ▶ \$2,400,000 ongoing from the General Fund beginning in fiscal year 2006 to the University of Utah for recruiting for high technology research and development.

Effective May 2, 2005

Chapter 293, Laws of Utah 2005

SB 194 Sales and Use Tax Exemption for Items Relating to Direct Mail (*Howard A. Stephenson*)

This bill amends the Sales and Use Tax Act to provide a sales and use tax exemption.

This bill:

- ▶ provides a sales and use tax exemption for purchases of items relating to direct mail; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2005.

Amends 59-12-104

Effective July 1, 2005

Chapter 203, Laws of Utah 2005

SB 199 Office of Energy - Oversight *(Thomas V. Hatch)*

This bill eliminates the Utah Energy Office, moves the Clean Fuels Vehicle program and fund from the Department of Natural Resources to the Department of Environmental Quality, and transfers authority for certain federally-related programs and the Renewable Energy Tax Credit to the Utah Geological Survey.

This bill:

- ▶ eliminates the Utah Energy Office;
- ▶ moves the Clean Fuels Vehicle program and fund from the Department of Natural Resources to the Department of Environmental Quality;
- ▶ transfers authority for certain federally-related programs and the Renewable Energy Tax Credit to the Utah Geological Survey; and
- ▶ makes technical amendments.

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

Amends 59-7-605, 59-7-614, 59-10-127, 59-10-134, 63-65-2, 63-73-6, 63A-3-205; Renumbers and Amends 63-34-201 to 19-1-401 , 63-34-202 to 19-1-402 , 63-34-203 to 19-1-403 , 63-34-204 to 19-1-404 ; Repeals 63-34-101

Effective May 15, 2005

Chapter 294, Laws of Utah 2005

SB 206 Nonparticipating Tobacco Manufacturer Amendments *(Sheldon L. Killpack)*

This bill amends the Cigarette and Tobacco Tax and Licensing Act to enact additional enforcement provisions complimentary to the Master Settlement Agreement.

This bill:

- ▶ defines terms;
- ▶ creates a certification requirement for participating and nonparticipating tobacco product manufacturers;
- ▶ requires the tax commission to create and maintain a directory of manufacturers in compliance with the certification requirements;
- ▶ prohibits stamping agents from applying stamps to products not listed as in compliance on the commission's directory;
- ▶ requires nonresident or foreign nonparticipating manufacturers to appoint an agent for service of process in the state;
- ▶ requires certain reporting requirements for stamping agents in the state;
- ▶ establishes rulemaking authority for the commission;
- ▶ provides for license revocation and penalties;
- ▶ enacts miscellaneous provisions regarding:
 - phase-in of reporting requirements;
 - disgorgement of profits for violations; and
 - recovery of costs and attorney's fees by the state;
- ▶ creates the Tobacco Control Restricted Account which consists of profits and gains ordered by the court to be deposited into the account for a violation of this part to be used for enforcement of the act; and
- ▶ makes technical and conforming amendments.

Amends 59-1-403 (Contingently Superseded 05/02/05), 59-14-211, 59-14-213, 59-14-214; Enacts 59-14-601, 59-14-602, 59-14-603, 59-14-604, 59-14-605, 59-14-606, 59-14-607, 59-14-608, 59-14-609, 59-14-610, 59-14-611; Repeals 59-14-408

Effective May 2, 2005

Chapter 204, Laws of Utah 2005

SB 207 Motor Vehicle Insurance Coverage Amendments (*Dan R. Eastman*)

This bill modifies the Insurance Code by amending provisions related to motor vehicle liability coverage.

This bill:

- ▶ provides that if a claim is brought by the named insured or other covered persons, the coverage may not be stepped-down because:
 - a permissive user driving a covered motor vehicle is at fault in causing an accident; or
 - the named insured or other certain persons driving a covered motor vehicle are at fault in causing an accident; and
- ▶ makes technical changes.

Amends 31A-22-303

Effective May 2, 2005

Chapter 295, Laws of Utah 2005

SB 211 Funding for Convention Facilities (*Michael G. Waddoups*)

This bill amends the Sales and Use Tax Act to provide funding for convention facilities.

This bill:

- ▶ amends the purposes for which revenues generated by the municipality transient room tax may be used;
- ▶ authorizes a county legislative body of a county of the first class to enact a tax on certain accommodations and services including:
 - providing definitions;
 - providing the rates of the tax;
 - providing that the tax may be used for certain purposes relating to convention facilities;
 - addressing the enactment and repeal of the tax;
 - providing for the collection, administration, and enforcement of the tax; and
 - authorizing the State Tax Commission to retain an administrative fee for collecting the tax; and
- ▶ makes technical changes.

This bill takes effect on July 1, 2005.

Amends 59-12-352; Enacts 59-12-1601, 59-12-1602, 59-12-1603, 59-12-1604

Effective July 1, 2005

Chapter 296, Laws of Utah 2005

SB 212 Child Care Investigations (*Parley G. Hellewell*)

This bill amends the Utah Child Care Licensing Act and the Government Records Access and Management Act.

This bill:

- ▶ provides definitions;
- ▶ creates a process for the Department of Health to follow when responding to a complaint about child care;
- ▶ limits disclosure of the name of a confidential complainant;
- ▶ limits the disclosure of identifying information related to a child care complaint that the department is unable to substantiate;
- ▶ specifies the classification of child care investigation records under the Government Records Access and Management Act in the case where the department is unable to substantiate a complaint, and limits the manner in which those records may be disclosed;
- ▶ specifies that any record related to a complaint by an anonymous complainant is a protected record and limits the manner in which it may be disclosed; and
- ▶ amends the list of items in the Government Records Access and Management Act designated as protected records.

Amends 26-39-109, 63-2-304

Effective May 2, 2005

Chapter 297, Laws of Utah 2005

SB 215 Financial Institutions as Limited Liability Companies (*Lyle W. Hillyard*)

This bill modifies the Financial Institutions Act to address limited liability companies.

This bill:

- ▶ addresses dissolution of a limited liability company;
- ▶ exempts a financial institution formed as a limited liability company from specified provisions of the Utah Revised Limited Liability Company Act under certain circumstances;
- ▶ addresses how limited liability companies are treated under the Financial Institutions Act for purposes of transferring a member's interest;
- ▶ addresses what constitutes a "board of directors"; and
- ▶ makes technical changes.

This bill provides an immediate effective date.

Amends 7-1-810

Effective March 16, 2005

Chapter 164, Laws of Utah 2005

SB 216 Amendments to Utah Emergency Medical Services Act (*Curtis S. Bramble*)

This bill amends the Utah Emergency Medical Services System Act to clarify the procurement procedures that must be followed by a political subdivision issuing a request for proposal for emergency 911 ambulance services.

This bill:

- ▶ amends definitions;
- ▶ clarifies that the procurement process must be based on competitive sealed proposals;
- ▶ requires a presubmission conference;
- ▶ requires fair treatment of all proposers;
- ▶ prohibits certain requirements in the request for proposals;
- ▶ requires certain information in the response to requests for proposals;
- ▶ clarifies the appeal rights for the selection of a proposer; and
- ▶ gives the State Appeals Board jurisdiction to review an appeal of the political subdivision's selection.

This bill provides an immediate effective date.

Amends 26-8a-405.1, 26-8a-405.2; Enacts 26-8a-405.3

Effective March 17, 2005

Chapter 205, Laws of Utah 2005

SB 223 Oversight and Enforcement of Work Done on Mobile Homes (*Ed Mayne*)

This bill modifies the definition of construction trade in the Utah Construction Trades Licensing Act.

This bill:

- ▶ includes mobile homes and manufactured homes within the definition of structures referred to in the Utah Construction Trades Licensing Act, thereby giving the Division of Occupational and Professional Licensing oversight of construction trades that construct, alter, remodel, or repair mobile or manufactured homes.

Amends 58-55-102

Effective May 2, 2005

Chapter 206, Laws of Utah 2005

SB 227 Public Safety Driving Privilege and Identification Card Amendments (*Curtis S. Bramble*)

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

This bill:

- ▶ requires the Driver License Division to make rules for acceptable documentation of an applicant's identity, Utah residency, Utah residence address, proof of legal presence, and proof of citizenship;
- ▶ prohibits the Driver License Division from issuing a driver license, driving privilege card, or identification card to a person who is not a Utah resident;
- ▶ defines driving privilege card as the evidence of the privilege granted to drive a motor vehicle;
- ▶ requires the Driver License Division to:
 - only issue a driving privilege card to a person who did not use a Social Security number to obtain a driving privilege; and
 - distinguish a driving privilege card from a license certificate by:
 - use a format, color, font, or other means to clearly distinguish the driving privilege card from other driver licenses; and
 - clearly display on the front of the driving privilege card a phrase substantially similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION";
- ▶ prohibits a governmental entity from accepting a driving privilege card as proof of personal identification;
- ▶ repeals, as a substitute for a Social Security number, the use of a temporary identification number (ITIN) issued by the Internal Revenue Service for purposes of obtaining an identification card issued by the Driver License Division;
- ▶ provides that a driver license certificate expires on the person's next birthday after July 1, 2005 if:
 - the driver license was obtained without using a Social Security number; and
 - the driver license certificate or driving privilege card is not distinguished in certain ways by the division;
- ▶ provides that a driving privilege card expires on the birth date of the applicant each year;
- ▶ provides that an identification card that was obtained without using a Social Security number expires on July 1, 2005; and
- ▶ make technical changes.

This bill provides an immediate effective date.

Amends 53-3-104, 53-3-204, 53-3-205, 53-3-207, 53-3-804, 53-3-807

Effective March 8, 2005

Chapter 20, Laws of Utah 2005

SB 239 Public Lands Policy Coordination (*Thomas V. Hatch*)

This bill creates the Public Lands Policy Coordinating Office and the Public Lands Policy Coordinating Council.

This bill:

- ▶ creates the Public Lands Policy Coordinating Office and the Public Lands Policy Coordinating Council;
- ▶ provides for the appointment of an office coordinator to administer the office;
- ▶ establishes the duties of the office and coordinator;
- ▶ establishes the membership of the council;
- ▶ establishes the duties of the council;
- ▶ allows the Legislature to appropriate monies from the Constitutional Defense Restricted Account to the office and to the council; and
- ▶ provides definitions.

This bill provides an effective date.

Amends 63C-4-103; Enacts 63-38d-601, 63-38d-602, 63-38d-603, 63-38d-604, 63-38d-605

Effective May 15, 2005

Chapter 298, Laws of Utah 2005

SCR 1 Resolution Encouraging Managed Lanes Study (*Carlene M. Walker*)

This concurrent resolution of the Legislature and the Governor urges the Utah Department of Transportation and other transportation policymaking bodies to study and use the concept of managed lanes on transportation systems throughout the state.

This resolution:

- ▶ recognizes the importance of adopting a comprehensive transportation plan and incorporating new revenue source options in that plan;
- ▶ recognizes the concept of managed lanes as an effective way to increase the efficiency of the state's existing transportation system and provide new revenue source options; and
- ▶ urges the Utah Department of Transportation to continue to study and make recommendations to the Legislature and other policymaking bodies throughout the state on managed lane use and implementation within the state.

The original bill was recommended by the Transportation Planning Task Force

Effective March 8, 2005

Laws of Utah 2005

SCR 2 Resolution Approving Class V Landfill *(Ron Allen)*

This concurrent resolution of the Legislature and the Governor gives approval for the construction and operation of a Class V commercial nonhazardous solid waste landfill in Tooele County known as the Wasatch Regional Solid Waste Landfill.

This resolution:

- ▶ provides that the landfill:
 - is to be operated by Wasatch Regional Solid Waste Management Corporation;
 - is to be sited on 2,000 acres owned by the School and Institutional Trust Lands Administration and optioned to Wasatch Regional Solid Waste Management Corporation;
 - is to be located in Tooele County, six miles north of I-80 on County Road 128; and
 - is to receive nonhazardous waste, including municipal waste, industrial waste, construction and demolition waste, and special wastes as enumerated in the operation plan;
- ▶ provides that an operation plan for the landfill was approved by the executive secretary of the Solid and Hazardous Waste Control Board; and
- ▶ grants approval to the Wasatch Regional Solid Waste Management Corporation and the School and Institutional Trust Lands Administration for the construction and operation of a Class V commercial nonhazardous solid waste landfill.

Effective March 22, 2005

Laws of Utah 2005

SCR 3 Resolution Honoring Searchers *(Lyle W. Hillyard)*

This resolution recognizes those who participated in the search for Lori Hacking at the Salt Lake Valley Landfill.

This resolution:

- ▶ honors the tireless efforts of public safety and landfill personnel and other volunteers who searched the Salt Lake Valley Solid Waste Facility for Lori Hacking.

Effective March 16, 2005

Laws of Utah 2005

SCR 4 Resolution Approving Utah Recreational Land Exchange *(Beverly Ann Evans)*

This concurrent resolution of the Legislature and the Governor supports a proposed exchange of state school and institutional trust lands and mineral interests for federal lands and mineral interests.

This resolution:

- ▶ expresses support for a proposed exchange between the state of Utah and the United States government of state school and institutional trust lands and mineral interests for federal lands and mineral interests in Grand and Uintah counties.

Effective February 22, 2005

Laws of Utah 2005

SCR 5 Resolution Approving Settlement of Lawsuit *(Peter C. Knudson)*

This concurrent resolution of the Legislature and the Governor gives approval to the Utah Department of Transportation to enter into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

This resolution:

- ▶ approves the Utah Department of Transportation entering into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Effective March 16, 2005

Laws of Utah 2005

SCR 6 Resolution Supporting the Golden Rule Project *(Fred J. Fife)*

This concurrent resolution of the Legislature and the Governor recognizes the practice and promotion of the Golden Rule.

This resolution:

- ▶ recognizes the practice and promotion of the Golden Rule as a commitment for the common good; and
- ▶ expresses a shared sense of duty to support and practice the Golden Rule and urges all Utahns to live by it.

Effective March 18, 2005

Laws of Utah 2005

SCR 8 Concurrent Resolution Approving Class V Landfill *(Mike Dmitrich)*

This concurrent resolution of the Legislature and the Governor gives approval for the construction and operation of a Class V commercial landfill to receive asbestos-contaminated waste. The landfill is to be known as the Contract Environmental Services Asbestos Landfill and is to be operated by Contract Environmental Services, Inc.

This resolution:

- ▶ provides that the landfill is to be located 19 miles north of Aneth, in San Juan County, Utah;
- ▶ provides that the proposed landfill is to accept asbestos-contaminated waste as a Class V landfill; and
- ▶ provides that the landfill permit was approved by the Department of Environmental Quality on February 16, 2005, and will become effective March 1 of this year.

Effective March 22, 2005

Laws of Utah 2005

SCR 9 Concurrent Resolution Regarding Delta Air Lines *(Dan R. Eastman)*

This concurrent resolution of the Legislature and the Governor honors Delta Air Lines for its economic impact on the state.

This resolution:

- ▶ honors Delta Air Lines for its commitment to Utah and its enormous impact on economic development in the state; and
- ▶ honors Delta Air Lines for helping to make sure that the first impressions of visitors to Utah is positive.

Effective February 25, 2005

Laws of Utah 2005

SCR 10 Concurrent Resolution Honoring Utah Foundation (*L. Alma Mansell*)

This concurrent resolution of the Legislature and the Governor commends Utah Foundation.

This resolution:

- ▶ commends Utah Foundation and its staff for their contribution and influence over the past 60 years on the development of public policies that make Utah a great place to live, work, and do business.

Effective March 17, 2005

Laws of Utah 2005

SCR 11 Concurrent Resolution on McGruff House (*Dan R. Eastman*)

This concurrent resolution of the Legislature and the Governor recognizes the 25th anniversary of the National Citizens' Crime Prevention Campaign and urges citizen recognition of the anniversary.

This resolution:

- ▶ recognizes the 25th anniversary of the National Citizens' Crime Prevention Campaign, featuring McGruff the Crime Dog®, and all individuals and organizations involved in the campaign;
- ▶ asks all Utahns to join in the celebration of the 25th anniversary of the National Citizens' Crime Prevention Campaign and the Utah campaign's managing organization, Utah Council for Crime Prevention; and
- ▶ urges all Utahns to actively participate in crime prevention programs and other crime prevention initiatives that focus on the protection of children, youth, and families to improve the quality of life for all residents.

Effective March 21, 2005

Laws of Utah 2005

SJR 1 Joint Resolution Approving Appointment of Legislative Auditor General (*John L. Valentine*)

This joint resolution of the Legislature approves the appointment of Mr. John M. Schaff as Legislative Auditor General.

This resolution:

- ▶ appoints John M. Schaff as Legislative Auditor General for a six-year term.

The original bill was recommended by the Legislative Management Committee

Effective January 18, 2005

Laws of Utah 2005

SJR 3 Resolution Encouraging Mediation (*Carlene M. Walker*)

This joint resolution of the Legislature urges state and local government entities to use alternative dispute resolution.

This resolution:

- ▶ urges state and local governments, special districts, and their governmental partners to use alternative dispute resolution as a preferred option of preventing and resolving conflicts, reducing litigation costs, and resolving disputes.

Effective February 7, 2005

Laws of Utah 2005

SJR 4 Joint Rules Resolution - Interim Rules Recodification (*Michael G. Waddoups*)

This resolution recodifies interim rules.

This resolution:

- ▶ renumbers and rewrites rules governing interim committees and special committees.

This resolution takes effect immediately.

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

Enacts IR1-1-101, IR1-1-201, IR1-1-202, IR1-1-203, IR2-1-101, IR2-1-102, IR2-2-101, IR2-2-102, IR3-1-101, IR3-1-102, IR3-1-103, IR3-1-104, IR3-2-101, IR3-2-102, IR3-2-201, IR3-3-101, IR3-3-102, IR3-3-103, IR3-3-201, IR3-4-101, IR3-4-102, IR3-4-201, IR3-4-202, IR3-4-203, IR3-4-204, IR3-4-301, IR3-4-302, IR3-4-303; Repeals IR-1.01, IR-1.02, IR-2.01, IR-2.02, IR-2.03, IR-2.04, IR-2.05, IR-2.06, IR-2.07, IR-2.08, IR-2.09, IR-3.01, IR-3.02, IR-3.03, IR-3.05, IR-4.01, IR-4.02, IR-4.03, IR-4.04, IR-4.05, IR-4.06, IR-4.07, IR-4.08, IR-4.09, IR-4.10, IR-5.01, IR-5.02

Effective January 27, 2005

Laws of Utah 2005

SJR 5 Resolution Approving Contract for State Capitol Renovation (*L. Alma Mansell*)

This resolution authorizes the Capitol Preservation Board and its executive director to execute contracts governing the entire capitol building project.

This resolution:

- ▶ authorizes the Capitol Preservation Board and its executive director to execute contracts with contractors and subcontractors to perform the work required on the entire capitol construction project, even though the amounts due under those contracts will be greater than the amount that the Legislature has appropriated for that particular fiscal year for the project;
- ▶ prohibits the Capitol Preservation Board and its executive director from making payments or other expenditures under the contract that are greater than the amount of funds made available by the Legislature for any fiscal year from bond proceeds or appropriations; and
- ▶ requires the Capitol Preservation Board and its executive director to make certain reports about project funding and status to the Legislature's Executive Appropriations Committee.

Effective January 19, 2005

Laws of Utah 2005

SJR 6 Space Exploration Resolution (*Peter C. Knudson*)

This joint resolution of the Legislature supports renewed exploration of the solar system and full funding of the space exploration provisions of the President's 2005 budget.

This resolution:

- ▶ expresses support for returning humans to the moon and pursuing human exploration of Mars and the solar system;
- ▶ supports continued funding of human space flight, Earth Science, and other programs, as well as continued funding of the space-related Shuttle Booster Program; and
- ▶ encourages the United States Congress to enact and fully fund the proposed budget for the Space Exploration Program as submitted in the 2005 budget, which will enable the United States and the state of Utah to remain leaders in the exploration and the development of space.

Effective March 1, 2005

Laws of Utah 2005

SJR 7 Resolution Recognizing Ronald Reagan Day *(Peter C. Knudson)*

This joint resolution of the Legislature designates February 6, 2005, as "Ronald Reagan Day."

This resolution:

- ▶ designates February 6, 2005, as "Ronald Reagan Day" and urges the citizens of Utah to recognize this event and participate fittingly in its observance.

Effective February 7, 2005

Laws of Utah 2005

SJR 8 Joint Rules Resolution - Appearance of Bills *(Curtis S. Bramble)*

This rules resolution requires that a bill or resolution contain the name of the opposite house sponsor.

This resolution:

- ▶ requires that a bill or resolution contain the name of the opposite house sponsor after the bill or resolution has passed third reading in the original house;
- ▶ requires the Office of Legislative Research and General Counsel to add the name of the House sponsor to Senate bills on the enrolled bill;
- ▶ requires the Office of Legislative Research and General Counsel to add the name of the Senate sponsor to House bills on the enrolled bill;
- ▶ establishes the headings "Chief Sponsor," "Senate Sponsor," and "House Sponsor"; and
- ▶ makes technical corrections.

This resolution provides an effective date.

Amends JR-4.05, JR-4.06, JR-8.03

Effective February 16, 2005

Laws of Utah 2005

SJR 9 Resolution Recognizing 100 Years of Rotary International *(Peter C. Knudson)*

This joint resolution of the Legislature designates February 23, 2005, as Rotary Day.

This resolution:

- ▶ designates February 23, 2005, as Rotary Day in recognition of Rotary Club International's 100th Anniversary; and
- ▶ recognizes Rotary Club International's numerous and ongoing contributions to communities throughout Utah, across the nation, and around the world.

Effective February 25, 2005

Laws of Utah 2005

SJR 10 Resolution to Congress Regarding Oil and Gas Drilling and Exploration *(Howard A. Stephenson)*

This joint resolution urges Congress to address problems in the oil and gas drilling and exploration permit process.

This resolution:

- ▶ urges the United States Congress and Utah's congressional delegation to take legislative measures to address the more than 400 oil and gas leases that have been awarded in Utah by the Bureau of Land Management but not issued due to continuing litigation.

Effective February 16, 2005

Laws of Utah 2005

SJR 13 Joint Resolution Amending Interim Legislative Rules (*Michael G. Waddoups*)

This bill modifies joint interim rules.

This resolution:

- ▶ expands the minimum number of subcommittee members from four to five;
- ▶ requires a legislator to obtain approval from the Legislative Expenses Oversight Committee for the legislator's chamber before qualifying for per diem for attending a committee or subcommittee meeting of which the legislator is not a member;
- ▶ modifies requirements governing the treatment of disorderly visitors;
- ▶ clarifies and modifies quorum requirements;
- ▶ modifies requirements governing sources of legislative procedure;
- ▶ clarifies requirements governing division of motions;
- ▶ clarifies requirements governing substitute motions;
- ▶ clarifies which motions may be amended;
- ▶ repeals the requirement governing suspension of the rules; and
- ▶ repeals the rule governing motions to hold.

Amends IR1-1-202, IR3-1-102, IR3-1-103, IR3-2-101, IR3-4-201, IR3-4-204; Enacts IR3-4-205; Repeals IR2-1-102, IR3-4-101, IR3-4-102, IR3-4-302

Effective February 9, 2005

Laws of Utah 2005

SJR 14 Joint Resolution on Stroke Awareness (*Peter C. Knudson*)

This joint resolution of the Legislature urges that public and private entities partner with the Legislature to establish a stroke care system in the state.

This resolution:

- ▶ urges that public and private entities work with the Legislature to establish a cohesive statewide system of stroke care in Utah; and
- ▶ urges that the stroke care system be designed for all state residents stricken by stroke.

Effective March 2, 2005

Laws of Utah 2005

SJR 15 Joint Resolution Urging Medicaid Reform (*Peter C. Knudson*)

This joint resolution of the Legislature urges the United States Congress to reject cuts to Medicaid and work with states to institute Medicaid reform.

This resolution:

- ▶ urges the United States Congress to reject any budget reduction and budget reconciliation process for fiscal year 2006 related to Medicaid reform that would shift additional costs to the states and to reject any cap on federal Medicaid funding;
- ▶ urges the United States Congress to work with state policymakers to enact reforms that will result in Medicaid cost savings for both the states and the Federal Government; and
- ▶ urges the United States Congress to establish a benefits program for those who are eligible for both Medicaid and Medicare to be totally funded by Medicare.

Effective March 2, 2005

Laws of Utah 2005

SJR 16 Resolution Urging Comprehensive Cancer Control Plan for the State (*Karen Hale*)

This joint resolution of the Legislature recognizes efforts to formulate a Comprehensive Cancer Control Plan and identify ways to prevent and control cervical cancer.

This resolution:

- ▶ recognizes the Department of Health and the Utah Cancer Action Network for taking the lead in formulating the Comprehensive Cancer Control Plan; and
- ▶ expresses support for the efforts of the Department of Health and the Utah Cancer Action Network in the identification of ways to prevent and control cervical cancer.

Effective March 2, 2005

Laws of Utah 2005

SJR 17 Resolution Recognizing Huntsman Cancer Institute (*Peter C. Knudson*)

This joint resolution of the Legislature gives state recognition to the Huntsman Cancer Institute.

This resolution:

- ▶ recognizes the Huntsman Cancer Institute as the official, comprehensive cancer center of the state of Utah.

Effective March 1, 2005

Laws of Utah 2005

SJR 18 Joint Resolution Approving Consolidation of West Valley and Sandy District Courts (*Peter C. Knudson*)

This joint resolution approves the closure of the West Valley and Sandy District Court locations.

This resolution:

- ▶ approves the closure of the West Valley City and Sandy City locations of the Third District Court.

This resolution provides an effective date.

Effective March 2, 2005

Laws of Utah 2005

SJR 19 Resolution Recognizing Granite School District's 100 Years (*Gene Davis*)

This joint resolution of the Legislature recognizes the centennial of the Granite School District.

This resolution:

- ▶ recognizes the Granite School District's Centennial and the great work that has been done by students, teachers, administrators and support staff of the district's schools and parents during the past 100 years in the Granite School District; and
- ▶ urges students, teachers, administrators, support staff, parents, and other citizens to become acquainted with Granite School District's heritage and to participate in events held during the year to recognize the centennial.

Effective March 2, 2005

Laws of Utah 2005

SJR 20 Joint Resolution Recognizing Retiring President of Dixie State College *(John W. Hickman)*

This joint resolution of the Legislature extends its deepest appreciation to retiring Dixie State College of Utah President Robert C. Huddleston.

This resolution:

- ▶ proclaims gratitude, recognition, and honors the exemplary achievements of President Robert C. Huddleston for his 12 years of service to the students, faculty, and staff of Dixie State College as well as to the Dixie community.

Effective March 2, 2005

Laws of Utah 2005

SR 1 Senate Resolution Discouraging Participation in Free Trade Area of the Americas
(David L. Thomas)

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

This resolution:

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

Effective February 7, 2005

Laws of Utah 2005

VETOED BILLS - 2005 GENERAL SESSION

H.B. 42 MEDICAL RECOMMENDATIONS FOR CHILDREN (Rep. Michael T. Morley)

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Governor's Veto Message

Mr. President and Speaker Curtis:

March 22, 2005

"This is to inform you that on March 22, 2005, I decided, after careful consideration and study, to veto House Bill 42, MEDICAL RECOMMENDATIONS FOR CHILDREN, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

The reasons for my veto are as follows: First, this bill unnecessarily limits the communication that can take place between parents and teachers regarding a child's behavior. Specifically, it significantly chills (and in many instances prohibits) a teacher from recommending to a parent psychiatric or psychological treatment or evaluation, behavioral health evaluation, or mental health screening and testing. Teachers and administrators are already restricted by state law and the Utah State Board of Education's Administrative Rules from prescribing specific medications or requiring a child to take any specific medication as a condition of school attendance. Accordingly, the restrictions contained in this bill may needlessly hinder open and honest communication between a parent and a teacher concerning a child's behavior and discussion about the right solution for the family, the child, and the school.

Second, because the bill requires that parents or guardians be given the opportunity to review (in advance) any mental health tests that may be administered by school personnel, it would compromise the validity and security of those tests. Moreover, parental consent for many such examinations is already required by Utah Code Ann. § 53A-13-302.

Ultimately, decisions concerning a child's behavior and solutions for any problems should be made by that child's parents or guardians. In making decisions about a child's behavior, however, parents and guardians should have unhindered access to input from teachers."

Jon M. Huntsman, Jr., Governor

H.B. 279 CLINICAL COUNSELOR - TITLE CHANGE (Lorie D. Fowlke)

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Governor's Veto Message

Mr. President and Speaker Curtis:

March 22, 2005

"This is to inform you that on March 22, 2005, I vetoed House Bill 279, CLINICAL COUNSELOR - TITLE CHANGE, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

House Bill 279 simply changes the title of a Licensed Professional Counselor to a Licensed Clinical Counselor. The bill has unintended consequences that have been brought to my attention by Representative Lorie D. Fowlke, the sponsor of the bill, and members of the industry that both supported and opposed the bill.

At their request, I have agreed to veto the bill."

Jon M. Huntsman, Jr., Governor

SB 3 SUPPLEMENTAL APPROPRIATIONS ACT II (Sen. Lyle W. Hillyard)

General Description:

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

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides funds for the bills with fiscal impact passed in the 2005 General Session;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language;
- ▶ amends previously approved internal service fund employment levels and capital acquisition amounts.

Monies Appropriated in this Bill:

This bill appropriates for fiscal year 2006:

- ▶ \$21,321,000 from the General Fund;
- ▶ \$645,200 from the Uniform School Fund;
- ▶ \$2,650,000 from income tax revenue;
- ▶ \$216,158,800 from various sources as detailed in this bill.

This bill appropriates for fiscal year 2005:

- ▶ (\$67,403,600) from the General Fund;
- ▶ \$68,000,000 from income tax revenue;
- ▶ \$4,584,100 from various sources as detailed in this bill.

Other Special Clauses:

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

Governor's Veto Message

Mr. President and Speaker Curtis:

March 22, 2005

"This is to inform you that on March 22, 2005, I vetoed the following items of appropriation in Senate Bill 3, SUPPLEMENTAL APPROPRIATIONS ACT II, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

Item 18	<i>To Attorney General - Children's Justice Centers From General Fund</i>	<i>127,500</i>
	<i>Schedule of Programs:</i>	
	<i>Children's Justice Centers</i>	<i>127,500</i>
	<i>To implement the provisions of Children's Justice Center Addition (Senate Bill 93, 2005 General Session)</i>	

This item of appropriation is a duplicate of the appropriation in Senate Bill 93, CHILDREN'S JUSTICE CENTER ADDITION.

Item 164	<i>To Department of Transportation - Construction Management From Transportation Investment Fund</i>	<i>30,000,000</i>
	<i>Schedule of Programs:</i>	
	<i>State Construction - New</i>	<i>30,000,000</i>
	<i>To implement the provisions of Transportation Investment Act (House Bill 18, 2005 General Session)</i>	

Item 168	<i>To Department of Transportation - Centennial Highway Program From Centennial Highway Fund</i>	<i>(21,013,000)</i>
	<i>From Centennial Highway Fund Restricted Account</i>	<i>170,607,700</i>
	<i>Schedule of Programs:</i>	
	<i>Centennial Highway Program</i>	<i>149,594,700</i>
	<i>To implement the provisions of Transportation Investment Act (House Bill 18, 2005 General Session)</i>	

These items of appropriation implement the provisions of House Bill 18, TRANSPORTATION INVESTMENT ACT, which did not pass in the 2005 General Session. The Transportation Commission has programmed the \$30 million for adding one additional lane in each direction for I-15 in Utah County. The funds were appropriated to the Centennial Highway Fund in House Bill 301, SUPPLEMENTAL APPROPRIATIONS III, and can be used to begin construction on the I-15 project."

Jon M. Huntsman, Jr., Governor

Utah Code Sections Affected for Bills Passed 2005 General Session

Legend: The action taken on each section is as follows:

A	Amended
E	Enacted
R	Repealed
X	Repealed and Reenacted
N	Renumbered and Amended

Duplicate and incorrect section cites are currently being technically renumbered by the Office of Legislative Research and General Counsel and will appear in a separate publication available after May 2, 2005 and on the web site - <http://le.utah.gov>.

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
3-1-11	A	HB 155		42	9-2-411	N	HB 318	63-38f-411	76
4-2-7	A	HB 203		53	9-2-412	N	HB 318	63-38f-412	76
4-9-15	A	HB 83		27	9-2-413	N	HB 318	63-38f-413	76
4-22-7	A	HB 156		42	9-2-414	N	HB 318	63-38f-414	76
4-25-8	A	HB 182		49	9-2-415	N	HB 318	63-38f-415	76
7-1-323	A	HB 19		8	9-2-416	N	HB 318	63-38f-416	76
7-1-810	A	SB 215		153	9-2-501	N	HB 318	63-38f-601	76
7-15-1	A	SB 158		142	9-2-502	N	HB 318	63-38f-602	76
7-24-102	A	SB 5		91	9-2-503	N	HB 318	63-38f-603	76
9-1-102	A	HB 318		76	9-2-504	N	HB 318	63-38f-604	76
9-1-201	A	HB 318		76	9-2-505	N	HB 318	63-38f-605	76
9-1-204	N	HB 318	63-38f-202	76	9-2-506	N	HB 318	63-38f-606	76
9-1-205	N	HB 318	63-38f-203	76	9-2-507	N	HB 318	63-38f-607	76
9-1-206	N	HB 318	63-38f-204	76	9-2-601	N	HB 318	63-38f-701	76
9-1-207	N	HB 318	63-38f-205	76	9-2-602	N	HB 318	63-38f-702	76
9-2-102	N	HB 318	63-38f-102	76	9-2-603	N	HB 318	63-38f-704	76
9-2-201	N	HB 318	63-38f-101	76	9-2-801	R	HB 318		77
9-2-202	N	HB 318	63-38f-301	76	9-2-809	R	HB 318		77
9-2-203	N	HB 318	63-38f-302	76	9-2-901	N	HB 318	63-38f-801	76
9-2-204		A	SB 101	127	9-2-902	N	HB 318	63-38f-802	76
	N	HB 318	63-38f-303	76	9-2-1201	N	HB 318	63-38f-901	76
9-2-205	N	HB 318	63-38f-304	76	9-2-1202	N	HB 318	63-38f-902	76
9-2-206	R	HB 318		77	9-2-1203	N	HB 318	63-38f-903	76
9-2-401	N	HB 318	63-38f-401	76	9-2-1204	N	HB 318	63-38f-904	76
9-2-402	N	HB 318	63-38f-402	76	9-2-1205	N	HB 318	63-38f-905	76
9-2-403	N	HB 318	63-38f-403	76	9-2-1205.1	N	HB 318	63-38f-906	76
9-2-404	N	HB 318	63-38f-404	76	9-2-1205.5	N	HB 318	63-38f-907	76
9-2-405	N	HB 318	63-38f-405	76	9-2-1205.8	N	HB 318	63-38f-908	76
9-2-406	N	HB 318	63-38f-406	76	9-2-1207	N	HB 318	63-38f-909	76
9-2-407	N	HB 318	63-38f-407	76	9-2-1401	N	HB 318	63-38f-1001	76
9-2-408	N	HB 318	63-38f-408	76	9-2-1402	N	HB 318	63-38f-1002	76
9-2-409	N	HB 318	63-38f-409	76	9-2-1403	N	HB 318	63-38f-1003	76
9-2-410	N	HB 318	63-38f-410	76	9-2-1501	R	HB 318		77

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9-2-1502	R	HB 318		77		N	HB 318	63-38f-1219	76
9-2-1503	R	HB 318		77	9-2-1920	A	HB 179		47
9-2-1504	R	HB 318		77		N	HB 318	63-38f-1220	76
9-2-1505	R	HB 318		77	9-2-1921	N	HB 318	63-38f-1221	76
9-2-1506	R	HB 318		77	9-2-1922	N	HB 318	63-38f-1222	76
9-2-1507	R	HB 318		77	9-2-1923	N	HB 318	63-38f-1223	76
9-2-1601	N	HB 318	63-38f-1101	76	9-2-1924	A	HB 179		47
9-2-1602	N	HB 318	63-38f-1102	76		N	HB 318	63-38f-1224	76
9-2-1603	N	HB 318	63-38f-1103	76	9-2-2001	N	HB 318	63-38f-1301	76
9-2-1604	N	HB 318	63-38f-1104	76	9-2-2002	N	HB 318	63-38f-1302	76
9-2-1605	N	HB 318	63-38f-1105	76	9-2-2003	A	SB 9		94
9-2-1606	N	HB 318	63-38f-1106	76		N	HB 318	63-38f-1303	76
9-2-1607	N	HB 318	63-38f-1107	76	9-2-2004	N	HB 318	63-38f-1304	76
9-2-1608	N	HB 318	63-38f-1108	76	9-2-2005	N	HB 318	63-38f-1305	76
9-2-1609	N	HB 318	63-38f-1109	76	9-2-2006	N	HB 318	63-38f-1306	76
9-2-1610	N	HB 318	63-38f-1110	76	9-2-2007	A	SB 101		127
9-2-1611	N	HB 318	63-38f-1111	76		N	HB 318	63-38f-1307	76
9-2-1612	N	HB 318	63-38f-1112	76	9-2-2008	N	HB 318	63-38f-1308	76
9-2-1701	N	HB 318	63-38f-1401	76	9-2-2009	A	HB 11		5
9-2-1702	N	HB 318	63-38f-1402	76		N	HB 318	63-38f-1309	76
9-2-1703	N	HB 318	63-38f-1403	76	9-2-2101	E	HB 17		7
9-2-1703.5	N	HB 318	63-38f-1404	76			SB 57		114
9-2-1704	N	HB 318	63-38f-1405	76	9-2-2102	E	HB 17		7
9-2-1705	R	HB 318		77			SB 57		114
9-2-1706	R	HB 318		77	9-2-2103	E	HB 17		7
9-2-1801	N	HB 318	63-38f-501	76			SB 57		114
9-2-1802	N	HB 318	63-38f-502	76	9-2-2104	E	HB 17		7
9-2-1803	N	HB 318	63-38f-503	76			SB 57		114
9-2-1901	N	HB 318	63-38f-1201	76	9-2-2105	E	HB 17		7
9-2-1902	A	HB 179		47			SB 57		114
	N	HB 318	63-38f-1202	76	9-2-2106	E	SB 57		114
9-2-1903	N	HB 318	63-38f-1203	76	9-2-2201	E	HB 11		5
9-2-1904	N	HB 318	63-38f-1204	76	9-2-2202	E	HB 11		5
9-2-1905	A	SB 123		134	9-2-2203	E	HB 11		5
	N	HB 318	63-38f-1205	76	9-2-2204	E	HB 11		5
9-2-1906	A	SB 101		127	9-2-2205	E	HB 11		5
	N	HB 318	63-38f-1206	76	9-2-2206	E	HB 11		5
9-2-1907	N	HB 318	63-38f-1207	76	9-2-2207	E	HB 11		5
9-2-1908	N	HB 318	63-38f-1208	76	9-2-2301	E	SB 141		139
9-2-1909	N	HB 318	63-38f-1209	76	9-3-201	N	HB 318	63-38f-1406	76
9-2-1910	N	HB 318	63-38f-1210	76	9-3-202	N	HB 318	63-38f-1407	76
9-2-1911	N	HB 318	63-38f-1211	76	9-3-203	N	HB 318	63-38f-1408	76
9-2-1912	N	HB 318	63-38f-1212	76	9-3-204	N	HB 318	63-38f-1409	76
9-2-1913	N	HB 318	63-38f-1213	76	9-3-205	R	HB 318		77
9-2-1914	N	HB 318	63-38f-1214	76	9-3-206	N	HB 318	63-38f-1410	76
9-2-1915	A	HB 179		47	9-3-208	R	HB 318		77
	N	HB 318	63-38f-1215	76	9-3-409	A	HB 14		6
9-2-1916	N	HB 318	63-38f-1216	76	9-4-202	A	HB 116		36
9-2-1917	N	HB 318	63-38f-1217	76	9-4-304	A	HB 224		58
9-2-1918	A	HB 179		47			HB 318		76
	N	HB 318	63-38f-1218	76	9-4-503	A	HB 116		36
9-2-1919	A	HB 179		47	9-4-508	A	HB 116		36

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9-4-801	A	HB 318		76	10-9-101	N	SB 60	10-9a-101	116
9-4-904	A	HB 318		76	10-9-102	N	SB 60	10-9a-102	116
9-4-917	A	SB 123		134	10-9-103	A	HB 36		13
9-4-1204	A	SB 60		116		N	SB 60	10-9a-103	116
9-6-205	A	SB 101		127	10-9-103.5	A	SB 25		103
9-7-401	A	HB 53		17		R	SB 60		117
		SB 23		100	10-9-104	N	SB 60	10-9a-104	116
9-7-405	A	SB 101		127	10-9-105	N	SB 60	10-9a-304	116
9-7-410	A	SB 97		126	10-9-106	A	HB 36		13
9-8-301	A	HB 308		73		N	SB 60	10-9a-305	116
9-8-404	A	HB 308		73	10-9-106.5	N	SB 60	10-9a-514	116
9-8-901	N	HB 318	63-38f-1501	76	10-9-107	N	SB 60	10-9a-510	116
9-8-902	N	HB 318	63-38f-1502	76	10-9-108	N	SB 60	10-9a-515	116
9-8-903	N	HB 318	63-38f-1503	76	10-9-109	E	HB 103		31
9-8-904	N	HB 318	63-38f-1504	76	10-9-201	N	SB 60	10-9a-301	116
9-8-905	N	HB 318	63-38f-1505	76	10-9-202	R	SB 60		117
9-9-104.6	A	HB 318		76	10-9-203	N	SB 60	10-9a-402	116
9-9-402	A	SB 41		107	10-9-204	N	SB 60	10-9a-302	116
9-16-101	N	HB 318	63-38f-1601	76	10-9-205	N	SB 60	10-9a-303	116
9-16-102	N	HB 318	63-38f-1602	76	10-9-301	N	SB 60	10-9a-401	116
9-16-103	N	HB 318	63-38f-1603	76	10-9-301.5	A	HB 109		34
9-16-104	N	HB 318	63-38f-1604	76			SB 25		103
9-16-105	N	HB 318	63-38f-1605	76		N	SB 60	10-9a-203	116
9-16-106	N	HB 318	63-38f-1606	76	10-9-302	A	SB 25		103
10-1-116	A	HB 113		35		N	SB 60	10-9a-403	116
10-1-117	A	HB 113		35	10-9-303	N	SB 60	10-9a-404	116
10-1-203	A	SB 152		141	10-9-304	R	SB 60		117
10-1-405	A	SB 127		135	10-9-305	N	SB 60	10-9a-406	116
10-2-119	A	HB 113		35	10-9-306	N	SB 60	10-9a-407	116
10-2-120	A	HB 113		35	10-9-307	A	HB 318		76
10-2-125	A	HB 113		35		N	SB 60	10-9a-408	116
10-2-419	A	HB 113		35	10-9-401	N	SB 60	10-9a-501	116
10-2-425	A	HB 113		35	10-9-402	N	SB 60	10-9a-502	116
10-2-507	A	HB 113		35	10-9-403	N	SB 60	10-9a-503	116
10-2-611	A	HB 113		35	10-9-404	N	SB 60	10-9a-504	116
10-2-712	A	HB 113		35	10-9-405	N	SB 60	10-9a-505	116
10-3-1304	A	HB 19		8	10-9-406	N	SB 60	10-9a-506	116
10-3-1305	A	HB 19		8	10-9-407	A	SB 25		103
10-6-111	A	HB 309		73		N	SB 60	10-9a-507	116
10-6-151	A	HB 176		47	10-9-408	A			
10-7-8	A	HB 14		6			HB 36		13
10-7-15	A	HB 14		6			SB 114		131
10-7-87	A	HB 19		8		N	SB 60	10-9a-511	116
10-8-2	A	HB 256		65	10-9-409	N	SB 60	10-9a-512	116
		SB 60		116	10-9-501	N	SB 60	10-9a-516	116
10-8-8	A	SB 60		116	10-9-502	N	SB 60	10-9a-517	116
10-8-8.1	R	SB 60		117	10-9-503	N	SB 60	10-9a-518	116
10-8-8.2	R	SB 60		117	10-9-504	N	SB 60	10-9a-519	116
10-8-8.3	R	SB 60		117	10-9-605	N	SB 60	10-9a-520	116
10-8-8.4	R	SB 60		117	10-9-701	R	SB 60		117
10-8-58.5	A	SB 123		134	10-9-702	R	SB 60		117
10-8-85.6	E	HB 51		16	10-9-703	R	SB 60		117

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10-9-704	R	SB 60		117	11-14-3	N	HB 14	11-14-202	6
10-9-705	R	SB 60		117	11-14-4	N	HB 14	11-14-203	6
10-9-706	R	SB 60		117	11-14-6	N	HB 14	11-14-204	6
10-9-707	N	SB 60	10-9a-702	116	11-14-7	N	HB 14	11-14-205	6
10-9-708	R	SB 60		117	11-14-8	R	HB 14		6
10-9-801	N	SB 60	10-9a-601	116	11-14-9	R	HB 14		6
10-9-802	N	SB 60	10-9a-602	116	11-14-10	N	HB 14	11-14-206	6
10-9-803	R	SB 60		117	11-14-11	N	HB 14	11-14-207	6
10-9-804	N	SB 60	10-9a-603	116	11-14-12	R	HB 14		6
10-9-805	N	SB 60	10-9a-604	116	11-14-13	N	HB 14	11-14-301	6
10-9-806	N	SB 60	10-9a-605	116	11-14-14	N	HB 14	11-14-302	6
10-9-806.5	N	SB 60	10-9a-606	116	11-14-14.5	N	HB 14	11-14-303	6
10-9-807	N	SB 60	10-9a-607	116	11-14-15	N	HB 14	11-14-304	6
10-9-808	N	SB 60	10-9a-608	116	11-14-16	N	HB 14	11-14-305	6
10-9-809	R	SB 60		117	11-14-17	N	HB 14	11-14-306	6
10-9-810	N	SB 60	10-9a-609	116	11-14-17.5	N	HB 14	11-14-307	6
10-9-811	N	SB 60	10-9a-611	116	11-14-17.6	N	HB 14	11-14-308	6
10-9-901	N	SB 60	10-9a-610	116	11-14-18	N	HB 14	11-14-309	6
10-9-1001	N	SB 60	10-9a-801	116	11-14-19	N	HB 14	11-14-310	6
10-9-1002	N	SB 60	10-9a-802	116	11-14-19.5	N	HB 14	11-14-311	6
10-9-1003	N	SB 60	10-9a-803	116	11-14-19.6	N	HB 14	11-14-312	6
10-9a-201	E	SB 60		116	11-14-19.7	N	HB 14	11-14-313	6
10-9a-202	E	SB 60		116	11-14-19.8	N	HB 14	11-14-314	6
10-9a-204	E	SB 60		116	11-14-20	N	HB 14	11-14-315	6
10-9a-205	E	SB 60		116	11-14-21	N	HB 14	11-14-316	6
10-9a-206	E	SB 60		116	11-14-22	N	HB 14	11-14-401	6
10-9a-207	E	SB 60		116	11-14-23	N	HB 14	11-14-402	6
10-9a-208	E	SB 60		116	11-14-24	N	HB 14	11-14-403	6
10-9a-209	E	SB 60		116	11-14-25	N	HB 14	11-14-404	6
10-9a-405	E	SB 60		116	11-14-26	N	HB 14	11-14-405	6
10-9a-508	E	SB 60		116	11-14-27	N	HB 14	11-14-406	6
10-9a-509	E	SB 60		116	11-14-28	N	HB 14	11-14-501	6
10-9a-513	E	SB 60		116	11-14-101	E	HB 14		6
10-9a-701	E	SB 60		116	11-14-102	E	HB 14		6
10-9a-703	E	SB 60		116	11-14-103	E	HB 14		6
10-9a-704	E	SB 60		116	11-14-208	E	HB 14		6
10-9a-705	E	SB 60		116	11-17-1.5	A	HB 318		76
10-9a-706	E	SB 60		116	11-17-3	A	HB 14		6
10-9a-707	E	SB 60		116	11-17-18	A	HB 318		76
10-9a-708	E	SB 60		116	11-25-5	A	HB 14		6
10-11-3	A	HB 162		44	11-27-3	A	HB 14		6
10-18-302	A	HB 14		6	11-36-201	A	HB 109		34
11-8-2	A	HB 14		6			SB 60		116
11-13-203	A	HB 113		35	11-36-202	A	SB 60		116
11-13-204	A	HB 113		35	11-36-401	A	SB 60		116
11-13-205	A	HB 113		35	11-36-501	A	HB 176		47
		HB 14		6	11-37-101	A	HB 19		8
11-13-219	A	HB 14		6	11-38-201	A	HB 266		68
11-13-222	A	SB 123		134	11-38-302	A	HB 266		68
11-13-314	E	HB 256		65	11-39-107	A	HB 19		8
11-14-1	R	HB 14		6	13-1-2	A	SB 96		126
11-14-2	N	HB 14	11-14-201	6	13-1a-3	A	HB 319		78

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13-2-1	A	HB 164		44	13-30-109	R	HB 164		44
		SB 52		111	13-30-110	R	HB 164		44
		SB 62		119	13-30-111	R	HB 164		44
13-2-8	A	HB 186		50	13-30-112	R	HB 164		44
13-2-9	E	HB 260		67	13-30-113	R	HB 164		44
13-11-4	A	HB 186		50	13-30-114	R	HB 164		44
		HB 30		12	13-32a-102	A	SB 62		119
13-14-102	A	HB 47		15	13-32a-102.5	E	SB 62		119
		SB 51		111	13-32a-106	A	SB 62		119
13-14-103	A	SB 51		111	13-32a-106.5	E	SB 62		119
13-14-104	A	SB 51		111	13-32a-107	A	SB 62		119
13-14-105	A	SB 51		111	13-32a-110	A	SB 62		119
13-14-106	A	SB 51		111	13-32a-111	A	SB 62		119
13-14-107	A	SB 51		111	13-32a-112	A	SB 62		119
13-14-201	A	HB 47		15	13-32a-113	A	SB 62		119
		SB 51		111	13-32a-114	A	SB 62		119
13-14-202	A	SB 51		111	13-33-102	A	SB 149		140
13-14-203	A	SB 51		111	13-33-303	A	SB 149		140
13-14-301	A	SB 51		111	13-33-401	A	SB 149		140
13-14-302	A	SB 51		111	13-33-402	A	SB 149		140
13-14-303	A	SB 51		111	13-33-403	A	SB 149		140
13-14-304	A	SB 51		111	13-33-405	A	SB 149		140
13-14-305	A	SB 51		111	13-33-507	E	SB 149		140
13-14-306	A	SB 51		111	13-33-508	E	SB 149		140
13-20-2	A	SB 5		91	13-34-104	A	SB 18		98
13-22-5	A	HB 186		50	13-34-105	A	SB 18		98
13-23-2	A	HB 186		50	13-34-106	A	SB 18		98
13-23-3	A	HB 186		50	13-34-107	A	SB 18		98
13-23-5	A	HB 186		50	13-34-108	A	SB 18		98
13-23-6	A	HB 186		50	13-34-111	A	SB 18		98
13-23-7	A	HB 186		50	13-34-113	A	SB 18		98
13-25a-105	A	HB 186		50	13-35-102	A	SB 134		137
13-25a-106	A	HB 186		50			SB 5		91
13-25a-107.2	E	HB 186		50	13-35-103	A	SB 134		137
13-25a-111	A	HB 186		50	13-35-104	A	SB 134		137
13-26-2	A	HB 186		50	13-35-105	A	SB 134		137
13-26-3	A	HB 186		50	13-35-106	A	SB 134		137
13-26-8	A	HB 186		50	13-35-107	A	SB 134		137
13-26-11	A	HB 186		50	13-35-201	A	SB 134		137
13-29-2	A	HB 255		65	13-35-202	A	SB 134		137
13-29-5	A	HB 255		65	13-35-203	A	SB 134		137
13-29-7	A	HB 255		65	13-35-301	A	SB 134		137
13-29-9	E	HB 255		65	13-35-302	A	SB 134		137
13-29-10	E	HB 255		65	13-35-303	A	SB 134		137
13-30-101	R	HB 164		44	13-35-304	A	SB 134		137
13-30-102	R	HB 164		44	13-35-305	A	SB 134		137
13-30-103	R	HB 164		44	13-35-306	A	SB 134		137
13-30-104	R	HB 164		44	13-40-102	A	HB 104		31
13-30-105	R	HB 164		44	13-40-201	A	HB 104		31
13-30-106	R	HB 164		44	13-40-202	E	HB 104		31
13-30-107	R	HB 164		44	13-40-301	A	HB 104		31
13-30-108	R	HB 164		44	13-40-302	A	HB 104		31

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
13-41-101	E	SB 52		111	17-27-304	R	SB 60		117
13-41-102	E	SB 52		111	17-27-305	N	SB 60	17-27a-406	116
13-41-201	E	SB 52		111	17-27-306	N	SB 60	17-27a-407	116
13-41-202	E	SB 52		111	17-27-307	A	HB 318		76
14-1-18	A	HB 19		8		N	SB 60	17-27a-408	116
14-1-20	A	HB 105		32	17-27-308	N	SB 60	17-27a-409	116
14-2-5	A	HB 105		32	17-27-401	N	SB 60	17-27a-501	116
15-1-4	A	SB 138		138	17-27-402	N	SB 60	17-27a-502	116
15-7-12	A	HB 14		6	17-27-403	N	SB 60	17-27a-503	116
16-10a-102	A	HB 275		70	17-27-404	N	SB 60	17-27a-504	116
16-10a-103	A	HB 275		70	17-27-405	N	SB 60	17-27a-505	116
16-10a-1503	A	HB 176		47	17-27-406	A	SB 25		103
16-10a-1530	A	HB 176		47		N	SB 60	17-27a-506	116
17-2-4	A	HB 113		35	17-27-407	A	HB 36		13
17-2-9	A	HB 113		35			SB 114		131
17-2-13	A	HB 113		35		N	SB 60	17-27a-510	116
17-3-3	A	HB 113		35	17-27-408	N	SB 60	17-27a-511	116
17-12-1	A	HB 14		6	17-27-501	N	SB 60	17-27a-515	116
17-15-24	A	HB 19		8	17-27-502	N	SB 60	17-27a-516	116
17-15-28	E	HB 51		16	17-27-503	N	SB 60	17-27a-517	116
17-16-3	A	SB 190		150	17-27-504	N	SB 60	17-27a-518	116
17-16a-4	A	HB 19		8	17-27-605	N	SB 60	17-27a-519	116
		SB 90		124	17-27-701	R	SB 60		117
17-24-1	A	HB 14		6	17-27-702	R	SB 60		117
17-27-101	N	SB 60	17-27a-101	116	17-27-703	R	SB 60		117
17-27-102	N	SB 60	17-27a-102	116	17-27-704	R	SB 60		117
17-27-103	A	HB 36		13	17-27-705	R	SB 60		117
	N	SB 60	17-27a-103	116	17-27-706	R	SB 60		117
17-27-103.5	A	SB 25		103	17-27-707	N	SB 60	17-27a-702	116
	R	SB 60		117	17-27-708	R	SB 60		117
17-27-104	N	SB 60	17-27a-104	116	17-27-801	N	SB 60	17-27a-601	116
17-27-104.5	N	SB 60	17-27a-304	116	17-27-802	N	SB 60	17-27a-602	116
17-27-105	A	HB 36		13	17-27-803	R	SB 60		117
	N	SB 60	17-27a-305	116	17-27-804	N	SB 60	17-27a-603	116
17-27-105.5	N	SB 60	17-27a-513	116	17-27-805	N	SB 60	17-27a-604	116
17-27-106	N	SB 60	17-27a-509	116	17-27-806	N	SB 60	17-27a-605	116
17-27-107	N	SB 60	17-27a-514	116	17-27-806.5	N	SB 60	17-27a-606	116
17-27-108	E	HB 103		31	17-27-807	N	SB 60	17-27a-607	116
17-27-200.5	N	SB 60	17-27a-306	116	17-27-808	N	SB 60	17-27a-608	116
17-27-201	N	SB 60	17-27a-301	116	17-27-809	R	SB 60		117
17-27-202	R	SB 60		117	17-27-810	N	SB 60	17-27a-609	116
17-27-203	N	SB 60	17-27a-402	116	17-27-811	N	SB 60	17-27a-611	116
17-27-204	N	SB 60	17-27a-302	116	17-27-901	N	SB 60	17-27a-610	116
17-27-205	N	SB 60	17-27a-303	116	17-27-1001	N	SB 60	17-27a-801	116
17-27-206	N	SB 60	17-27a-307	116	17-27-1002	N	SB 60	17-27a-802	116
17-27-301	N	SB 60	17-27a-401	116	17-27-1003	N	SB 60	17-27a-803	116
17-27-301.5	A	HB 109		34	17-27a-201	E	SB 60		116
		SB 25		103	17-27a-202	E	SB 60		116
	N	SB 60	17-27a-203	116	17-27a-204	E	SB 60		116
17-27-302	A	SB 25		103	17-27a-205	E	SB 60		116
	N	SB 60	17-27a-403	116	17-27a-206	E	SB 60		116
17-27-303	N	SB 60	17-27a-404	116	17-27a-207	E	SB 60		116

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
17-27a-208	E	SB 60		116	17A-2-1311	A	HB 113		35
17-27a-209	E	SB 60		116	17A-2-1312	A	HB 14		6
17-27a-405	E	SB 60		116	17A-2-1313	A	HB 113		35
17-27a-507	E	SB 60		116	17A-2-1315	A	HB 14		6
17-27a-508	E	SB 60		116	17A-2-1316	A	HB 14		6
17-27a-512	E	SB 60		116	17A-2-1318	A	HB 318		76
17-27a-701	E	SB 60		116	17A-2-1322	A	HB 14		6
17-27a-703	E	SB 60		116			SB 80		122
17-27a-704	E	SB 60		116	17A-2-1327	A	HB 113		35
17-27a-705	E	SB 60		116	17A-2-1329	A	HB 113		35
17-27a-706	E	SB 60		116	17A-2-1409	A	HB 176		47
17-27a-707	E	SB 60		116	17A-2-1414	A	HB 14		6
17-27a-708	E	SB 60		116	17A-2-1439	A	HB 14		6
17-34-6	A	SB 60		116	17A-2-1440	A	HB 14		6
17-36-54	A	HB 14		6	17A-2-1823	A	HB 14		6
17-37-7	A	HB 176		47	17A-2-1825	A	HB 14		6
17-43-201	A	HB 176		47	17A-3-805	A	SB 41		107
		SB 5		91	17B-2-104	A	HB 109		34
17-43-301	A	HB 176		47	17B-2-215	A	HB 113		35
17-50-104	A	HB 113		35	17B-2-216	A	HB 113		35
17-50-105	A	HB 113		35	17B-2-217	A	SB 88		124
17-50-302	A	SB 60		116	17B-2-514	A	HB 113		35
17-50-303	A	HB 14		6	17B-2-515.5	A	HB 113		35
17-50-401	A	HB 87		27			HB 176		47
17-52-502	A	SB 78		122	17B-2-516	A	HB 113		35
17-53-311	A	SB 123		134	17B-2-601	A	HB 113		35
17A-1-444	A	HB 176		47			HB 380		80
17A-1-501	A	HB 176		47	17B-2-603.5	A	HB 113		35
17A-1-801	A	HB 19		8	17B-2-608	A	HB 14		6
17A-2-104	A	HB 109		34	17B-2-610	A	HB 113		35
17A-2-105	E	HB 51		16			HB 380		80
17A-2-306	A	HB 14		6	17B-2-708	A	HB 113		35
17A-2-307	A	HB 14		6	17B-4-102	A	SB 184		149
17A-2-309	A	HB 14		6	17B-4-105	A	SB 184		149
17A-2-325	A	HB 176		47	17B-4-201	A	HB 113		35
17A-2-328	A	HB 19		8	17B-4-202	A	SB 184		149
17A-2-423	A	HB 14		6	17B-4-206	A	SB 184		149
17A-2-428	A	HB 14		6	17B-4-402	A	SB 184		149
17A-2-522	A	SB 41		107			SB 60		116
17A-2-543	A	HB 14		6	17B-4-403	A	SB 184		149
17A-2-622	A	HB 14		6	17B-4-407	A	SB 184		149
17A-2-712	A	HB 14		6	17B-4-410	A	HB 113		35
17A-2-818	A	SB 41		107	17B-4-411	A	SB 184		149
17A-2-821	A	HB 14		6	17B-4-507	A	SB 184		149
17A-2-824	A	HB 14		6	17B-4-601	A	SB 184		149
17A-2-826	A	HB 14		6	17B-4-602	A	SB 184		149
17A-2-1016	A	HB 256		65	17B-4-603	A	SB 184		149
17A-2-1037	A	HB 14		6	17B-4-604	A	SB 184		149
17A-2-1051	A	HB 176		47	17B-4-605	A	SB 184		149
17A-2-1056	A	SB 123		134	17B-4-1002	A	SB 184		149
17A-2-1058	A	HB 14		6	17B-4-1003	A	SB 184		149
17A-2-1304	A	SB 80		122	17B-4-1004	A	SB 184		149

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
17B-4-1005	A	SB 184		149	20A-5-303	A	HB 109		34
17B-4-1007	A	SB 184		149	20A-5-400.5	A	HB 14		6
17B-4-1101	A	SB 184		149	20A-5-401	A	HB 14		6
17B-4-1102	R	SB 184		149	20A-6-301	A	HB 14		6
17B-4-1103	R	SB 184		149	20A-6-303	A	HB 14		6
17B-4-1204	A	HB 14		6	20A-6-402	A	HB 14		6
17B-4-1304	A	HB 176		47	20A-7-101	A	HB 142		39
17B-4-1401	A	HB 113		35	20A-7-202.5	E	HB 142		39
19-1-202	A	SB 173		147	20A-7-203	A	HB 142		39
19-1-307	E	SB 24		101			SB 11		94
19-2-105	A	SB 5		91	20A-7-204.1	A	HB 142		39
19-2-105.3	A	SB 5		91	20A-7-206	A	SB 11		94
19-3-103.7	A	SB 24		101	20A-7-206.3	E	SB 11		94
19-3-104	A	SB 24		101	20A-7-209	A	HB 142		39
19-3-105	A	SB 24		101	20A-7-214	E	HB 142		39
19-3-106	A	SB 24		101	20A-7-402	A	HB 142		39
19-3-106.2	A	SB 24		101	20A-7-502.5	E	HB 142		39
19-3-206	E	SB 24		101	20A-7-503	A	HB 142		39
19-3-301	A	HB 318		76	20A-7-506	A	HB 142		39
19-6-108	A	SB 81		123	20A-7-506.3	E	HB 142		39
19-6-113	A	SB 24		101	20A-7-513	E	HB 142		39
19-6-117.5	E	SB 24		101	20A-7-702	A	HB 142		39
19-6-118	A	SB 24		101	20A-9-202	A	HB 176		47
19-6-118.5	A	SB 24		101	20A-13-104	A	HB 109		34
19-6-119	A	SB 24		101	20A-14-102.2	A	HB 109		34
19-6-302	A	SB 173		147	20A-14-201	A	HB 113		35
19-6-321	A	SB 123		134	23-13-17	A	SB 5		91
19-6-326	E	SB 173		147	23-19-10	A	HB 181		49
19-6-402	A	SB 173		147	23-19-15	A	HB 160		44
19-6-427	A	SB 123		134	23-19-38	A	HB 177		47
19-6-503	A	HB 14		6	23-23-2	A	HB 168		45
19-6-505	A	HB 14		6	23-23-3	A	HB 168		45
19-6-807	A	HB 318		76	23-23-7	A	HB 168		45
19-6-809	A	HB 230		59	26-1-30	A	SB 5		91
19-6-812	A	HB 230		59	26-2-2	A	SB 14		96
19-6-824	A	HB 318		76	26-2-5	A	SB 14		96
19-8-105	A	SB 173		147	26-3-11	A	SB 19		98
19-8-113	A	SB 173		147	26-6a-1	R	SB 19		98
19-8-116	A	SB 173		147	26-6a-1.5	R	SB 19		98
19-8-119	E	SB 173		147	26-6a-2	R	SB 19		98
19-8-120	E	SB 173		147	26-6a-3	R	SB 19		98
19-9-104	A	HB 318		76	26-6a-4	R	SB 19		98
20A-1-102	A	HB 14		6	26-6a-5	R	SB 19		98
20A-1-203	A	HB 20		8	26-6a-6	R	SB 19		98
20A-3-202	A	HB 14		6	26-6a-7	R	SB 19		98
20A-3-302	A	HB 176		47	26-6a-8	R	SB 19		98
20A-3-304.1	A	HB 14		6	26-6a-9	R	SB 19		98
20A-4-202	A	HB 14		6	26-6a-10	N	SB 19	34A-2-901	98
20A-4-301	A	HB 14		6	26-6a-11	N	SB 19	34A-2-902	98
20A-4-401	A	HB 14		6	26-6a-12	N	SB 19	34A-2-903	98
20A-4-402	A	HB 14		6	26-6a-13	N	SB 19	34A-2-904	98
20A-4-403	A	HB 14		6	26-6a-14	N	SB 19	34A-2-905	98

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
26-6b-3	A	HB 176		47	31A-8a-201	E	HB 70		23
26-8a-405.1	A	SB 216		154	31A-8a-202	E	HB 70		23
26-8a-405.2	A	HB 19		8	31A-8a-203	E	HB 70		23
		SB 216		154	31A-8a-204	E	HB 70		23
26-8a-405.3	E	SB 216		154	31A-8a-205	E	HB 70		23
26-15a-102	A	SB 150		140	31A-8a-206	E	HB 70		23
26-15a-104	A	SB 150		140	31A-8a-207	E	HB 70		23
26-15a-105	A	SB 150		140	31A-8a-208	E	HB 70		23
26-18-105	A	HB 268		69	31A-8a-209	E	HB 70		23
26-19-2	A	SB 126		134	31A-8a-210	E	HB 70		23
26-19-5	A	SB 126		134	31A-15-102	A	HB 70		23
26-19-7	A	SB 126		134	31A-19a-209	A	SB 40		107
26-21-2	A	HB 62		19	31A-21-201	A	HB 195		52
26-33a-106.5	A	SB 132		136	31A-21-303	A	HB 195		52
26-35a-103	A	HB 62		19			SB 48		110
26-35a-108	E	HB 62		19	31A-22-302	A	HB 200		53
26-39-109	A	SB 212		153	31A-22-303	A	SB 207		152
26-47-100	E	HB 33		12	31A-22-305.5	A	SB 4		90
26-47-101	N	HB 33	26-47-102	12	31A-22-321	E	HB 235		61
26-47-103	E	HB 33		12	31A-22-409	A	HB 201		53
26A-1-108.7	A	HB 19		8	31A-22-425	A	HB 201		53
26A-1-126	E	SB 74		121	31A-22-426	E	HB 201		53
30-1-17.2	A	SB 14		96	31A-22-427	E	HB 201		53
30-2-11	A	SB 123		134	31A-22-501	A	HB 201		53
30-3-5	A	HB 222		57	31A-22-501.1	E	HB 201		53
30-3-10.2	A	HB 280		71	31A-22-502	A	HB 14		6
30-3-10.4	A	HB 280		71	31A-22-506	A	HB 201		53
30-3-10.7	A	HB 280		71	31A-22-507	A	HB 201		53
30-3-39	E	HB 4		2	31A-22-605	A	HB 236		62
30-5-2	A	HB 222		57	31A-22-605.1	E	HB 236		62
30-6-4.2	A	SB 104		128	31A-22-606	A	HB 236		62
31A-1-103	A	SB 123		134	31A-22-609	A	HB 236		62
31A-1-301	A	HB 236		62	31A-22-613	A	HB 236		62
31A-2-201	A	HB 195		52	31A-22-620	A	HB 236		62
31A-2-308	A	HB 70		23	31A-22-629	A	HB 236		62
31A-2-401	E	SB 40		107	31A-22-633	A	HB 195		52
31A-2-402	E	SB 40		107	31A-22-716	A	HB 176		47
31A-2-403	E	SB 40		107	31A-22-723	A	HB 236		62
31A-2-404	E	SB 40		107	31A-23a-105	A	SB 40		107
31A-3-101	A	HB 200		53	31A-23a-106	A	HB 60		19
31A-3-205	E	HB 195		52			SB 40		107
31A-3-301	A	HB 200		53	31A-23a-108	A	HB 60		19
31A-3-304	A	HB 191		52			SB 40		107
31A-5-211	A	HB 195		52	31A-23a-111	A	HB 60		19
31A-6a-103	A	HB 200		53	31A-23a-113	A	HB 60		19
31A-8-201	A	HB 195		52	31A-23a-115	A	HB 60		19
31A-8-301	A	HB 195		52	31A-23a-202	A	HB 60		19
31A-8-302	R	HB 195		52	31A-23a-203	A	HB 200		53
31A-8-402.7	A	HB 236		62	31A-23a-204	A	HB 200		53
31A-8a-101	E	HB 70		23			SB 40		107
31A-8a-102	E	HB 70		23	31A-23a-402	A	HB 195		52
31A-8a-103	E	HB 70		23			SB 40		107

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
31A-23a-406	A	HB 200		53	35A-4-204	A	HB 10		4
		SB 40		107	35A-4-208	A	HB 10		4
31A-23a-415	A	SB 40		107	35A-4-301	A	HB 10		4
31A-23a-503	A	SB 40		107	35A-4-303	A	HB 10		4
31A-26-203	A	SB 40		107	35A-4-304	X	HB 10		4
31A-26-204	A	SB 40		107	35A-4-312	A	HB 318		76
31A-26-206	A	HB 60		19			SB 12		95
31A-29-103	A	HB 236		62	35A-5-102	A	SB 12		95
31A-29-110	A	HB 236		62	36-1-105	A	HB 109		34
31A-29-111	A	HB 236		62	36-1-204	A	HB 109		34
31A-29-113	A	HB 236		62	36-5-1	A	HB 250		64
31A-29-113.5	E	HB 33		12	36-12-15	A	SB 20		99
31A-30-107.5	A	HB 236		62	36-18-1	R	SB 117		131
31A-31-111	E	HB 70		23	38-1-7	A	HB 105		32
31A-35-504	A	HB 60		19	38-1-11	A	HB 105		32
31A-38-104	A	HB 69		23	38-1-27	A	HB 105		32
32A-1-105	A	SB 65		120	38-1-27.2	A	HB 176		47
32A-1-115	A	SB 5		91	38-1-28	A	HB 273		69
32A-1-118	A	SB 123		134	38-1-30	A	HB 105		32
32A-2-103	A	SB 65		120	38-1-31	A	HB 105		32
32A-3-106	A	SB 65		120	38-1-32	A	HB 105		32
32A-4-401	A	SB 65		120	38-1-33	A	HB 105		32
32A-4-402	A	SB 65		120	38-1-37	A	HB 105		32
32A-4-406	A	SB 65		120	38-1-38	R	HB 105		32
32A-4-407	R	SB 65		120	38-9-2	A	SB 47		109
32A-12-212	A	SB 65		120	38-9-5	R	SB 47		109
32A-12-301	A	SB 65		120	38-9a-101	E	SB 47		109
32A-12-505	A	HB 176		47	38-9a-102	E	SB 47		109
34-28-8	R	SB 139		139	38-9a-201	E	SB 47		109
34-29-8	A	HB 348		79	38-9a-202	E	SB 47		109
34-29-15	A	HB 348		79	38-9a-203	E	SB 47		109
34-40-106	A	SB 139		139	38-9a-204	E	SB 47		109
34A-2-103	A	HB 176		47	38-9a-205	E	SB 47		109
34A-2-105	A	HB 176		47	38-11-204	A	HB 105		32
34A-2-202	A	SB 159		142	38-12-102	A	SB 103		127
34A-2-202.5	E	SB 159		142	38-13-101	E	SB 103		127
34A-2-410	A	SB 12		95	38-13-102	E	SB 103		127
34A-2-413	A	SB 115		131	38-13-103	E	SB 103		127
34A-8-105	A	SB 12		95	38-13-201	E	SB 103		127
35A-1-108	E	HB 23		9	38-13-202	E	SB 103		127
35A-1-202	A	SB 12		95	38-13-203	E	SB 103		127
35A-1-205	A	HB 319		78	38-13-204	E	SB 103		127
35A-1-206	A	HB 318		76	38-13-205	E	SB 103		127
35A-3-102	A	SB 12		95	38-13-206	E	SB 103		127
35A-3-103	A	HB 318		76	39-1-2	A	HB 143		39
35A-3-202	A	SB 12		95	39-1-4	A	HB 143		39
35A-3-203	A	HB 318		76	39-1-18	A	HB 143		39
35A-3-205	A	HB 318		76	39-1-24	A	HB 143		39
		SB 12		95	39-6-93	A	SB 5		91
35A-3-309	A	HB 318		76	40-10-21	A	SB 123		134
35A-3-608	A	HB 176		47	41-1a-202	A	SB 5		91
35A-4-201	A	SB 12		95	41-1a-203	A	SB 5		91

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/Renumber</u>	<u>Page Number</u>
41-1a-205	A	SB 5		91	41-6-31	N	SB 5	41-6a-401	91
41-1a-209	A	SB 98		126	41-6-32	R	SB 5		92
41-1a-217	A	SB 5		91	41-6-35	N	SB 5	41-6a-402	91
41-1a-222	A	HB 53		17	41-6-35.5	N	SB 5	41-6a-403	91
		SB 23		100	41-6-37	R	SB 5		92
41-1a-405	A	HB 318		76	41-6-38	N	SB 5	41-6a-407	91
41-1a-407	A	SB 5		91	41-6-38.5	N	SB 5	41-6a-408	91
41-1a-418	A	HB 91		28	41-6-39	N	SB 5	41-6a-405	91
41-1a-420	A	HB 5		2	41-6-40	N	SB 5	41-6a-404	91
41-1a-421	A	HB 91		28	41-6-41	N	SB 5	41-6a-406	91
41-1a-506	A	SB 98		126	41-6-42	R	SB 5		92
41-1a-802	A	HB 149		41	41-6-43	N	SB 5	41-6a-510	91
41-1a-1101	A	HB 67		22	41-6-43.5	R	SB 5		92
		SB 5		91	41-6-43.7	N	SB 5	41-6a-511	91
41-1a-1103	A	HB 67		22	41-6-43.8	N	SB 5	41-6a-513	91
41-1a-1104	A	HB 67		22	41-6-44	N	SB 5	41-6a-502	91
41-1a-1206	A	SB 5		91	41-6-44.1	N	SB 5	41-6a-514	91
41-1a-1222	E	SB 8		93	41-6-44.3	N	SB 5	41-6a-515	91
41-1a-1314	A	HB 176		47	41-6-44.5	N	SB 5	41-6a-516	91
41-3-105	A	HB 68		22	41-6-44.6	N	SB 5	41-6a-517	91
41-3-205	A	SB 37		106	41-6-44.7	N	SB 5	41-6a-518	91
41-3-209	A	HB 299		72	41-6-44.8	N	SB 5	41-6a-519	91
41-3-303	A	SB 5		91	41-6-44.10	N	SB 5	41-6a-520	91
41-3-603	A	HB 68		22	41-6-44.12	N	SB 5	41-6a-525	91
41-6-1	N	SB 5	41-6a-102	91	41-6-44.20	N	SB 5	41-6a-526	91
41-6-1.5	N	SB 5	41-6a-310	91	41-6-44.30	N	SB 5	41-6a-527	91
41-6-11	N	SB 5	41-6a-201	91	41-6-45	N	SB 5	41-6a-528	91
41-6-12	N	SB 5	41-6a-202	91	41-6-46	N	SB 5	41-6a-601	91
41-6-13	N	SB 5	41-6a-209	91	41-6-47	N	SB 5	41-6a-602	91
41-6-13.5	N	SB 5	41-6a-210	91	41-6-48	N	SB 5	41-6a-603	91
41-6-13.7	N	SB 5	41-6a-211	91	41-6-48.5	N	SB 5	41-6a-604	91
41-6-14	N	SB 5	41-6a-212	91	41-6-49	N	SB 5	41-6a-605	91
41-6-15	N	SB 5	41-6a-213	91	41-6-50	R	SB 5		92
41-6-16	N	SB 5	41-6a-207	91	41-6-51	N	SB 5	41-6a-606	91
41-6-17	N	SB 5	41-6a-208	91	41-6-52	N	SB 5	41-6a-607	91
41-6-17.5	N	SB 5	41-6a-214	91	41-6-52.5	N	SB 5	41-6a-608	91
41-6-18	N	SB 5	41-6a-215	91	41-6-52.7	N	SB 5	41-6a-609	91
41-6-19	N	SB 5	41-6a-216	91	41-6-53	N	SB 5	41-6a-701	91
41-6-19.5	N	SB 5	41-6a-217	91	41-6-53.5	N	SB 5	41-6a-702	91
41-6-20	N	SB 5	41-6a-301	91	41-6-54	N	SB 5	41-6a-703	91
41-6-20.1	N	SB 5	41-6a-303	91	41-6-55	N	SB 5	41-6a-704	91
41-6-21	N	SB 5	41-6a-302	91	41-6-56	N	SB 5	41-6a-705	91
41-6-22	R	SB 5		92	41-6-57	N	SB 5	41-6a-706	91
41-6-23	N	SB 5	41-6a-304	91	41-6-58	N	SB 5	41-6a-707	91
41-6-24	N	SB 5	41-6a-305	91	41-6-59	N	SB 5	41-6a-708	91
41-6-25	N	SB 5	41-6a-306	91	41-6-60	N	SB 5	41-6a-709	91
41-6-26	N	SB 5	41-6a-307	91	41-6-61	N	SB 5	41-6a-710	91
41-6-26.5	N	SB 5	41-6a-308	91	41-6-62	N	SB 5	41-6a-711	91
41-6-27	N	SB 5	41-6a-309	91	41-6-63.10	N	SB 5	41-6a-712	91
41-6-28	N	SB 5	41-6a-311	91	41-6-63.30	N	SB 5	41-6a-713	91
41-6-29	R	SB 5		92	41-6-64	N	SB 5	41-6a-714	91
41-6-30	R	SB 5		92	41-6-65	N	SB 5	41-6a-715	91

A=Amended

E=Enacted

R=Repealed

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N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
41-6-66	N	SB 5	41-6a-801	91	41-6-102.7	N	SB 5	41-6a-1407	91
41-6-67	N	SB 5	41-6a-802	91	41-6-103	N	SB 5	41-6a-1401	91
41-6-68	N	SB 5	41-6a-803	91	41-6-103.5	N	SB 5	41-6a-1307	91
41-6-69	N	SB 5	41-6a-804	91	41-6-104	N	SB 5	41-6a-1402	91
41-6-70	R	SB 5		92	41-6-105	N	SB 5	41-6a-1403	91
41-6-71	R	SB 5		92	41-6-106	N	SB 5	41-6a-1701	91
41-6-72	N	SB 5	41-6a-901	91	41-6-106.10	N	SB 5	41-6a-1702	91
41-6-72.10	N	SB 5	41-6a-902	91	41-6-107	N	SB 5	41-6a-1501	91
41-6-73	N	SB 5	41-6a-903	91	41-6-107.2	N	SB 5	41-6a-1502	91
41-6-75	R	SB 5		92	41-6-107.4	N	SB 5	41-6a-1503	91
41-6-75.5	R	SB 5		92	41-6-107.6	N	SB 5	41-6a-1504	91
41-6-76	N	SB 5	41-6a-904	91	41-6-107.8	N	SB 5	41-6a-1505	91
41-6-76.10	N	SB 5	41-6a-905	91	41-6-108	N	SB 5	41-6a-1703	91
41-6-77	N	SB 5	41-6a-1001	91	41-6-108.10	N	SB 5	41-6a-1704	91
41-6-78	N	SB 5	41-6a-1002	91	41-6-109	N	SB 5	41-6a-1705	91
41-6-79	N	SB 5	41-6a-1003	91	41-6-109.5	N	SB 5	41-6a-1706	91
41-6-79.10	N	SB 5	41-6a-1004	91	41-6-109.10	N	SB 5	41-6a-1707	91
41-6-79.20	N	SB 5	41-6a-1005	91	41-6-110	N	SB 5	41-6a-1708	91
41-6-80	N	SB 5	41-6a-1006	91	41-6-111	N	SB 5	41-6a-1709	91
41-6-80.1	N	SB 5	41-6a-1007	91	41-6-112	N	SB 5	41-6a-1710	91
41-6-80.5	N	SB 5	41-6a-1008	91	41-6-113	N	SB 5	41-6a-1711	91
41-6-82	N	SB 5	41-6a-1009	91	41-6-114	N	SB 5	41-6a-1712	91
41-6-82.10	N	SB 5	41-6a-1010	91	41-6-114.1	N	SB 5	41-6a-1713	91
41-6-82.50	N	SB 5	41-6a-1011	91	41-6-114.2	N	SB 5	41-6a-1714	91
41-6-83	N	SB 5	41-6a-1101	91	41-6-115	N	SB 5	41-6a-1304	91
41-6-84	N	SB 5	41-6a-1102	91	41-6-116	N	SB 5	41-6a-1305	91
41-6-85	N	SB 5	41-6a-1103	91	41-6-116.1	N	SB 5	41-6a-1306	91
41-6-86	N	SB 5	41-6a-1104	91	41-6-116.10	N	SB 5	41-6a-1408	91
41-6-87	N	SB 5	41-6a-1105	91	41-6-117	N	SB 5	41-6a-1601	91
41-6-87.3	N	SB 5	41-6a-1106	91	41-6-117.5	N	SB 5	41-6a-1602	91
41-6-87.4	N	SB 5	41-6a-1107	91	41-6-117.6	N	SB 5	41-6a-1508	91
41-6-87.5	N	SB 5	41-6a-1108	91	41-6-118	N	SB 5	41-6a-1603	91
41-6-87.7	N	SB 5	41-6a-1109	91	41-6-119	N	SB 5	41-6a-1604	91
41-6-87.8	N	SB 5	41-6a-1110	91	41-6-120	R	SB 5		92
41-6-87.9	N	SB 5	41-6a-1111	91	41-6-121.10	R	SB 5		92
41-6-88	N	SB 5	41-6a-1112	91	41-6-122	R	SB 5		92
41-6-89	N	SB 5	41-6a-1113	91	41-6-127	N	SB 5	41-6a-1605	91
41-6-90	N	SB 5	41-6a-1114	91	41-6-128	N	SB 5	41-6a-1606	91
41-6-90.5	N	SB 5	41-6a-1115	91	41-6-129	N	SB 5	41-6a-1607	91
41-6-93	N	SB 5	41-6a-1201	91	41-6-130	N	SB 5	41-6a-1608	91
41-6-94	N	SB 5	41-6a-1202	91	41-6-130.5	N	SB 5	41-6a-1609	91
41-6-95	N	SB 5	41-6a-1203	91	41-6-131	N	SB 5	41-6a-1610	91
41-6-95.5	N	SB 5	41-6a-1204	91	41-6-132	R	SB 5		92
41-6-97	N	SB 5	41-6a-1205	91	41-6-133	N	SB 5	41-6a-1611	91
41-6-98	N	SB 5	41-6a-1206	91	41-6-133.5	N	SB 5	41-6a-1612	91
41-6-99	N	SB 5	41-6a-906	91	41-6-135	N	SB 5	41-6a-1613	91
41-6-100	N	HB 24	41-6a-907	10	41-6-135.5	N	SB 5	41-6a-1614	91
41-6-100.10	N	SB 5	41-6a-1302	91	41-6-138	N	SB 5	41-6a-1615	91
41-6-100.15	N	SB 5	41-6a-1303	91	41-6-139	R	SB 5		92
41-6-101	N	SB 5	41-6a-1404	91	41-6-140	N	SB 5	41-6a-1616	91
41-6-102	N	SB 5	41-6a-1405	91	41-6-140.10	N	SB 5	41-6a-1301	91
41-6-102.5	N	SB 5	41-6a-1406	91	41-6-140.20	N	SB 5	41-6a-1617	91

A=Amended

E=Enacted

R=Repealed

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N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
41-6-141	N	SB 5	41-6a-1618	91	41-6a-401	A	HB 24		10
41-6-141.5	N	SB 5	41-6a-1619	91	41-6a-501	E	SB 5		91
41-6-142	A	HB 16		7	41-6a-502	A	SB 42		108
	R	SB 5		92	41-6a-503	A	SB 42		108
41-6-143	N	SB 5	41-6a-1620	91		E	SB 5		91
41-6-143.5	N	SB 5	41-6a-1621	91	41-6a-504	E	SB 5		91
41-6-144	N	SB 5	41-6a-1622	91	41-6a-505	E	SB 5		91
41-6-145	N	SB 5	41-6a-1623	91	41-6a-506	E	SB 5		91
41-6-145.5	N	SB 5	41-6a-1624	91	41-6a-507	E	SB 5		91
41-6-146	N	SB 5	41-6a-1625	91	41-6a-508	E	SB 5		91
41-6-147	N	SB 5	41-6a-1626	91	41-6a-509	E	SB 5		91
41-6-148	N	SB 5	41-6a-1627	91	41-6a-512	E	SB 5		91
41-6-148.10	N	SB 5	41-6a-1628	91	41-6a-517	A	HB 311		74
41-6-148.29	N	SB 5	41-6a-1629	91	41-6a-520	A	SB 42		108
41-6-148.31	N	SB 5	41-6a-1630	91	41-6a-521	A	SB 42		108
41-6-148.32	N	SB 5	41-6a-1631	91		E	SB 5		91
41-6-148.33	N	SB 5	41-6a-1632	91	41-6a-522	E	SB 5		91
41-6-148.40	N	SB 5	41-6a-1634	91	41-6a-523	E	SB 5		91
41-6-149	N	SB 5	41-6a-1635	91	41-6a-524	A	SB 42		108
41-6-150	N	SB 5	41-6a-1636	91		E	SB 5		91
41-6-150.10	N	SB 5	41-6a-1633	91	41-6a-527	A	SB 42		108
41-6-152	N	SB 5	41-6a-1637	91	41-6a-529	E	SB 42		108
41-6-153	N	SB 5	41-6a-1638	91	41-6a-530	E	SB 42		108
41-6-154	N	SB 5	41-6a-1639	91	41-6a-702	A	HB 96		29
41-6-154.10	N	SB 5	41-6a-1640	91	41-6a-706.5	E	HB 49		16
41-6-154.20	N	SB 5	41-6a-1641	91	41-6a-716	E	SB 25		103
41-6-154.50	N	SB 5	41-6a-1506	91	41-6a-1115	A	HB 159		43
41-6-155	R	SB 5		92	41-6a-1116	A	HB 159		43
41-6-155.5	N	SB 5	41-6a-1507	91		E	SB 5		91
41-6-163.6	N	SB 5	41-6a-1642	91	41-6a-1117	E	HB 159		43
41-6-163.7	N	SB 5	41-6a-1643	91	41-6a-1406	A	HB 67		22
41-6-163.8	N	SB 5	41-6a-1644	91	41-6a-1615	R	HB 24		10
41-6-164.5	N	SB 5	41-6a-203	91	41-6a-1629	A	HB 24		10
41-6-165	N	SB 5	41-6a-204	91	41-6a-1632	A	HB 24		10
41-6-165.5	N	SB 5	41-6a-205	91	41-6a-1635	A	HB 24		10
41-6-166	R	SB 5		92	41-6a-1642	A	HB 93		28
41-6-167	N	SB 5	77-7-24	91	41-6a-1901	E	HB 212		54
41-6-168	R	SB 5		92	41-12a-202	A	SB 5		91
41-6-169	R	SB 5		92	41-12a-301	A	SB 5		91
41-6-170	R	SB 5		92	41-12a-407	A	SB 123		134
41-6-171	R	SB 5		92	41-12a-501	A	SB 5		91
41-6-172	N	SB 5	77-7-26	91	41-12a-502	A	SB 5		91
41-6-173	N	SB 5	77-7-25	91	41-15-1	R	HB 16		7
41-6-175	N	SB 5	41-6a-101	91	41-15-2	R	HB 16		7
41-6-175.5	N	SB 5	41-6a-206	91	41-15-3	R	HB 16		7
41-6-181	N	SB 5	41-6a-1801	91	41-15-4	R	HB 16		7
41-6-181.5	N	SB 5	41-6a-1802	91	41-15-5	R	HB 16		7
41-6-182	N	SB 5	41-6a-1803	91	41-15-6	R	HB 16		7
41-6-183	N	SB 5	41-6a-1804	91	41-15-7	R	HB 16		7
41-6-185	N	SB 5	41-6a-1805	91	41-15-8	R	HB 16		7
41-6-186	N	SB 5	41-6a-1806	91	41-15-9	R	HB 16		7
41-6a-102	A	HB 159		43	41-15-10	R	HB 16		7

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
41-15-11	R	HB 16		7	49-12-409	A	HB 180		48
41-15-12	R	HB 16		7	49-13-202	A	HB 176		47
41-22-2	A	SB 5		91	49-13-203	A	HB 180		48
41-22-10.2	A	SB 5		91	49-13-205	A	HB 180		48
41-22-10.6	A	SB 5		91	49-13-402	A	HB 180		48
41-22-16	A	SB 5		91	49-13-405	A	HB 180		48
41-22-31	A	SB 123		134	49-13-408	A	HB 180		48
41-22-32	A	SB 5		91	49-14-201	A	SB 130		136
46-3-601	A	HB 109		34	49-14-203	A	HB 217		56
46-3-602	A	HB 109		34	49-15-201	A	SB 130		136
46-4-501	A	HB 109		34	49-15-203	A	HB 217		56
46-4-503	A	HB 109		34	49-16-102	A	HB 180		48
		HB 318		76	49-16-203	A	HB 180		48
48-1-42	A	HB 176		47	49-16-601	A	HB 180		48
48-2a-104	A	HB 275		70	49-16-601.5	E	HB 180		48
48-2a-201	A	HB 275		70	49-16-701	A	HB 180		48
48-2c-102	A	HB 275		70	49-20-401	A	HB 319		78
48-2c-110	A	HB 275		70	49-20-409	E	HB 180		48
48-2c-120	A	HB 275		70	49-21-102	A	HB 180		48
48-2c-121	A	HB 275		70	49-21-402	A	HB 180		48
48-2c-203	A	HB 275		70	49-21-403	A	HB 180		48
48-2c-401	A	HB 275		70	49-21-407	R	HB 180		48
48-2c-403	A	HB 275		70	51-5-4.5	A	HB 176		47
48-2c-408	A	HB 275		70	51-7-2	A	HB 176		47
48-2c-501	A	HB 275		70			HB 255		65
48-2c-702	A	HB 275		70	51-7-3	A	HB 255		65
48-2c-803	A	HB 275		70	51-7-4	A	HB 176		47
48-2c-803.1	E	HB 275		70			HB 255		65
48-2c-804	A	HB 275		70	51-7-11	A	HB 255		65
48-2c-807	A	HB 275		70	51-7-13	A	HB 255		65
48-2c-903	A	HB 275		70	51-7-22.4	A	HB 349		79
48-2c-1103	A	HB 275		70	53-1-106	A	HB 109		34
48-2c-1201	A	HB 275		70			SB 5		91
48-2c-1204	A	HB 275		70	53-1-108	A	SB 5		91
48-2c-1207	A	HB 275		70	53-1-109	A	SB 5		91
48-2c-1211	A	HB 275		70	53-2-102	A	HB 34		13
48-2c-1404	A	HB 275		70	53-2-102.5	E	HB 240		62
48-2c-1406	A	HB 275		70	53-2-104	A	HB 34		13
48-2c-1604	A	HB 176		47	53-2-107	A	HB 176		47
48-2c-1612	A	HB 176		47	53-2-108	A	HB 90		28
49-11-102	A	HB 180		48	53-2-110	E	HB 34		13
49-11-303	A	HB 180		48	53-3-104	A	HB 223		58
49-11-401	A	HB 180		48			SB 227		155
49-11-403	A	HB 180		48			SB 5		91
49-11-504	A	HB 180		48	53-3-105	A	SB 5		91
49-11-609	A	HB 180		48	53-3-106	A	SB 5		91
49-11-613	A	HB 180		48	53-3-202	A	SB 5		91
49-11-621	E	HB 180		48	53-3-204	A	SB 227		155
49-12-202	A	HB 176		47	53-3-205	A	HB 223		58
49-12-203	A	HB 180		48	SB 227		155		
49-12-402	A	HB 180		48	53-3-207	A	SB 227		155
49-12-405	A	HB 180		48	53-3-214	A	HB 223		58

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
		SB 5		91	53A-1a-508	A	SB 178		148
53-3-218	A	SB 5		91	53A-1a-509	A	SB 178		148
53-3-220	A	HB 65		21	53A-1a-510	A	SB 178		148
		SB 42		108	53A-1a-512	A	SB 178		148
		SB 5		91			SB 58		115
53-3-221	A	SB 167		144	53A-1a-513	A	HB 3		1
53-3-222	A	SB 5		91			SB 178		148
53-3-223	A	SB 5		91	53A-1a-515	A	SB 178		148
53-3-223.5	A	SB 5		91	53A-1a-601	A	HB 188		51
53-3-226	A	SB 5		91	53A-1a-602	A	HB 188		51
53-3-227	A	HB 65		21	53A-1a-701	E	HB 249		64
		SB 42		108	53A-1a-702	E	HB 249		64
		SB 5		91	53A-1a-703	E	HB 249		64
53-3-229	A	SB 167		144	53A-1a-704	E	HB 249		64
53-3-231	A	SB 5		91	53A-1a-705	E	HB 249		64
53-3-232	A	HB 65		21	53A-1a-706	E	HB 249		64
		SB 42		108	53A-1a-707	E	HB 249		64
		SB 5		91	53A-1a-708	E	HB 249		64
53-3-233	A	HB 65		21	53A-1a-709	E	HB 249		64
	R	SB 42		108	53A-1a-710	E	HB 249		64
53-3-402	A	HB 65		21	53A-2-101.5	E	HB 113		35
53-3-404	A	HB 65		21	53A-2-105	A	HB 14		6
53-3-408	A	HB 65		21	53A-2-118	A	HB 113		35
53-3-410	A	HB 65		21	53A-2-123	A	HB 109		34
53-3-412	A	HB 65		21	53A-3-201	A	HB 139		38
53-3-413	A	HB 65		21	53A-3-402	A	SB 5		91
53-3-414	A	HB 65		21	53A-3-410	A	HB 249		64
		SB 5		91	53A-3-411	A	SB 58		115
53-3-418	A	SB 5		91	53A-11-102	A	SB 59		115
53-3-804	A	HB 223		58	53A-11-603	E	HB 42		14
		SB 227		155	53A-12-103	A	HB 183		49
53-3-807	A	HB 223		58	53A-16-101	A	HB 43		15
		SB 227		155	53A-16-101.5	A	HB 43		15
53-3-810	A	SB 167		144	53A-17a-103	A	HB 3		1
53-5-702	A	HB 276		71			HB 382		80
53-5-704	A	HB 276		71	53A-17a-104	A	HB 3		1
53-5-705	A	HB 276		71			HB 382		80
53-6-104	A	HB 319		78	53A-17a-112	A	HB 176		47
53-8-105	A	SB 5		91	53A-17a-131.17	A	HB 43		15
53-8-202	A	SB 5		91	53A-17a-135	A	HB 3		1
53-8-213	A	SB 5		91	53A-17a-148	A	HB 3		1
53-10-601	A	HB 109		34			HB 382		80
53-10-605	A	HB 109		34	53A-17a-149	R	HB 43		15
53A-1-301	A	HB 3		1	53A-18-101	A	HB 14		6
53A-1-402	A	HB 86		27	53A-18-102	A	HB 14		6
53A-1a-501.6	A	SB 178		148	53A-20-101	A	HB 19		8
53A-1a-502	R	SB 178		148	53A-20-104	A	HB 36		13
53A-1a-504	A	SB 178		148	53A-20-104.5	A	HB 36		13
53A-1a-505	A	SB 178		148	53A-20-108	A	HB 36		13
53A-1a-506	A	HB 136		38	53A-21-103.5	A	HB 124		37
		SB 178		148			HB 382		80
53A-1a-507.1	E	HB 206		54	53A-21-104	A	HB 14		6

A=Amended

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<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
53A-21-105	A	HB 3		1	53C-3-105	E	SB 120		132
53A-24-114	A	HB 319		78	54-1-6	A	HB 319		78
53A-28-302	A	HB 14		6	54-3-7	A	SB 108		130
53B-2-101	A	HB 86		27	54-3-8	A	SB 108		130
		SB 35		105	54-3-28	A	HB 109		34
53B-2-109	E	HB 103		31	54-4-4	A	SB 26		104
53B-2a-102	A	HB 86		27	54-4-25	A	SB 26		104
53B-2a-104	A	HB 86		27	54-4a-3	A	HB 319		78
53B-2a-106	A	HB 86		27	54-8b-2	A	SB 108		130
53B-2a-107	A	HB 86		27	54-8b-2.3	A	SB 108		130
53B-2a-113	A	HB 86		27	54-8b-2.4	R	SB 108		130
53B-3-106	A	SB 5		91	54-8b-2.5	R	SB 108		130
53B-6-106	E	HB 313		74	54-8b-3.3	A	SB 108		130
53B-8-102	A	HB 138		38	54-8b-4.5	A	SB 108		130
		SB 122		133	54-8b-10	A	HB 145		40
53B-8a-101	A	HB 102		30	54-9-103	A	HB 14		6
53B-8a-102	A	HB 102		30	54-9-106	A	HB 14		6
53B-8a-103	A	HB 102		30	54-17-101	E	SB 26		104
53B-8a-105	A	HB 102		30	54-17-102	E	SB 26		104
53B-8a-106	A	HB 102		30	54-17-103	E	SB 26		104
53B-8a-107	A	HB 102		30	54-17-201	E	SB 26		104
53B-8a-108	A	HB 102		30	54-17-202	E	SB 26		104
53B-8a-109	A	HB 102		30	54-17-203	E	SB 26		104
53B-8a-113	A	HB 102		30	54-17-301	E	SB 26		104
53B-8b-101	R	HB 102		30	54-17-302	E	SB 26		104
53B-8b-102	R	HB 102		30	54-17-303	E	SB 26		104
53B-8b-103	R	HB 102		30	54-17-304	E	SB 26		104
53B-8b-104	R	HB 102		30	54-17-401	E	SB 26		104
53B-8b-105	R	HB 102		30	54-17-402	E	SB 26		104
53B-8b-106	R	HB 102		30	54-17-403	E	SB 26		104
53B-8b-107	R	HB 102		30	54-17-404	E	SB 26		104
53B-8b-108	R	HB 102		30	55-12-1	R	SB 91		125
53B-8b-109	R	HB 102		30	55-12-2	N	SB 91	55-12-114	125
53B-8b-110	R	HB 102		30	55-12-3	N	SB 91	55-12-115	125
53B-8b-111	R	HB 102		30	55-12-4	N	SB 91	55-12-116	125
53B-8b-112	R	HB 102		30	55-12-5	N	SB 91	55-12-117	125
53B-8d-102	A	SB 72		121	55-12-6	N	SB 91	55-12-118	125
53B-10-101	A	HB 74		24	55-12-100	E	SB 91		125
53B-10-102	A	HB 74		24	55-12-101	E	SB 91		125
53B-12-101	A	SB 12		95	55-12-102	E	SB 91		125
53B-16-301	A	SB 179		148	55-12-103	E	SB 91		125
53B-16-302	A	SB 179		148	55-12-104	E	SB 91		125
53B-16-304	A	SB 179		148	55-12-105	E	SB 91		125
53B-17-701	E	SB 95		126	55-12-106	E	SB 91		125
53B-17-702	E	SB 95		126	55-12-107	E	SB 91		125
53B-18-1002	A	HB 318		76	55-12-108	E	SB 91		125
53C-1-103	A	SB 41		107	55-12-109	E	SB 91		125
53C-1-201	A	HB 319		78	55-12-110	E	SB 91		125
		SB 101		127	55-12-111	E	SB 91		125
53C-2-102	A	HB 154		42	55-12-112	E	SB 91		125
53C-2-405	A	SB 41		107	55-12-113	E	SB 91		125
53C-2-407	A	SB 41		107	57-1-10	A	HB 26		11

A=Amended

E=Enacted

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<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
57-1-12.5	E	HB 26		11			HB 176		47
57-3-101	A	SB 60		116			HB 243		63
57-6-4	A	SB 41		107	58-37-2	A	HB 311		74
57-8-35	A	SB 60		116	58-37-6	A	SB 50		110
57-13b-101	E	HB 182		49	58-37-7.5	A	SB 50		110
57-13b-102	E	HB 182		49	58-37-8	A	HB 55		18
57-13b-201	E	HB 182		49	58-42a-102	A	HB 176		47
57-14-2	A	SB 32		105	58-55-102	A	SB 223		154
57-14-6	A	SB 32		105	58-55-302	A	SB 12		95
57-22-5.1	E	HB 184		49	58-55-305	A	HB 52		16
58-1-307	A	HB 176		47	58-56-4	A	SB 60		116
		SB 74		121	58-59-308	A	SB 123		134
58-11a-102	A	HB 71		24	58-60-401	A	HB 279		71
58-11a-302	A	HB 71		24	58-60-402	A	HB 279		71
58-11a-306	A	HB 71		24	58-60-403	A	HB 279		71
58-11a-502	A	HB 71		24	58-60-404	A	HB 279		71
58-11a-503	A	HB 71		24	58-60-405	A	HB 279		71
58-13-2	A	HB 25		10	58-60-407	A	HB 279		71
		SB 74		121	58-63-102	A	SB 71		120
58-13-3	A	HB 25		10	58-63-302	A	SB 12		95
58-16a-501	A	HB 176		47	58-63-304	A	SB 71		120
58-17a-303	R	SB 142		139	58-67-302	A	SB 55		113
58-17a-605.1	R	SB 142		139	58-67-303	A	SB 55		113
58-17b-102	A	SB 142		139	58-67-304	A	SB 55		113
58-17b-201	A	SB 50		110	58-67-305	A	SB 5		91
58-17b-303	A	SB 142		139	58-68-302	A	SB 55		113
58-17b-304	A	SB 142		139	58-68-303	A	SB 55		113
58-17b-309	A	HB 176		47	58-68-304	A	SB 55		113
58-17b-502	A	SB 142		139	58-68-305	A	SB 5		91
58-17b-503	A	SB 142		139	58-71-202	A	HB 198		52
58-17b-609	A	SB 142		139	58-71-302	A	HB 66		22
58-17b-612	A	SB 142		139	58-71-305	A	SB 5		91
58-20a-305	A	SB 5		91	58-71-801	A	HB 66		22
58-31b-102	A	HB 12		5	58-73-701	A	SB 123		134
		HB 243		63	58-77-101	E	HB 25		10
58-31b-201	A	HB 12		5	58-77-102	E	HB 25		10
58-31b-301	A	HB 12		5	58-77-201	E	HB 25		10
		HB 243		63	58-77-202	E	HB 25		10
58-31b-302	A	HB 12		5	58-77-203	E	HB 25		10
		HB 243		63	58-77-301	E	HB 25		10
58-31b-303	A	HB 243		63	58-77-302	E	HB 25		10
58-31b-304	A	HB 243		63	58-77-303	E	HB 25		10
58-31b-308	A	HB 12		5	58-77-304	E	HB 25		10
		HB 243		63	58-77-401	E	HB 25		10
58-31b-308.5	R	HB 12		5	58-77-501	E	HB 25		10
58-31b-401	A	HB 12		5	58-77-502	E	HB 25		10
58-31b-501	A	HB 12		5	58-77-503	E	HB 25		10
		HB 243		63	58-77-601	E	HB 25		10
58-31b-502	A	HB 243		63	58-77-602	E	HB 25		10
58-31b-601	A	HB 243		63	58-77-603	E	HB 25		10
58-31b-702	A	HB 12		5	59-1-302	A	SB 170		145
58-31d-103	A	HB 12		5	59-1-402	A	SB 128		135

A=Amended

E=Enacted

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X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
59-1-403	A	SB 206		151	59-10-127	A	HB 96		29
59-1-404	A	SB 54		112			SB 199		151
59-1-1201	A	HB 107		33	59-10-129	A	HB 170		45
59-2-301.2	A	SB 60		116	59-10-133	A	SB 125		134
59-2-311	A	HB 324		78	59-10-134	A	HB 53		17
59-2-405	A	HB 53		17			SB 199		151
		SB 23		100			SB 23		100
59-2-405.1	A	HB 53		17	59-10-134.2	E	SB 164		144
		SB 23		100	59-10-201	A	HB 102		30
59-2-405.2	E	HB 53		17	59-10-405.5	E	SB 170		145
		SB 23		100	59-10-406	A	SB 170		145
59-2-406	A	HB 53		17	59-10-514	A	SB 133		137
		SB 23		100	59-10-514.1	E	HB 190		51
59-2-407	A	HB 53		17	59-10-549	A	HB 7		3
		SB 23		100	59-10-551	A	HB 7		3
59-2-502	A	SB 60		116	59-10-901	R	HB 102		30
59-2-511	A	SB 60		116	59-12-102	A	SB 127		135
59-2-906.1	A	SB 161		143			SB 36		106
59-2-906.2	A	SB 161		143	59-12-103	A	SB 127		135
59-2-906.3	A	SB 161		143	59-12-104	A	HB 9		4
59-2-906.4	A	SB 161		143			SB 127		135
59-2-918	A	SB 161		143	SB 194		150		
59-2-919	A	SB 161		143	SB 36		106		
59-2-924	A	HB 53		17	SB 6		92		
		SB 23		100	59-12-104.3	E	SB 127		135
59-2-1004.5	E	HB 324		78	59-12-106	A	SB 170		145
		HB 45		15	59-12-107	A	SB 170		145
59-2-1005	A	HB 53		17	59-12-117	A	SB 127		135
		SB 23		100	59-12-121	A	HB 107		33
59-2-1101	A	SB 121		133	SB 127		135		
59-2-1102	A	SB 121		133	59-12-122	A	SB 127		135
59-2-1104	A	HB 147		41	59-12-205	A	SB 127		135
59-5-203	A	HB 171		46	59-12-352	A	SB 211		152
59-7-105	A	HB 102		30	59-12-603	A	HB 14		6
59-7-311	A	HB 78		25			SB 137		138
59-7-320	A	HB 78		25	59-12-703	A	HB 14		6
59-7-401	A	HB 78		25	59-12-802	A	HB 14		6
59-7-601	A	HB 14		6	59-12-804	A	HB 14		6
59-7-605	A	HB 96		29	59-12-1201	A	SB 127		135
		SB 199		151	59-12-1402	A	HB 14		6
59-7-607	A	HB 170		45	59-12-1503	A	HB 14		6
59-7-610	A	HB 318		76	59-12-1601	E	SB 211		152
59-7-614	A	HB 53		17	59-12-1602	E	SB 211		152
		SB 199		151	59-12-1603	E	SB 211		152
		SB 23		100	59-12-1604	E	SB 211		152
59-7-801	A	HB 78		25	59-13-203	R	SB 170		145
59-9-102	A	SB 159		142	59-13-203.1	E	SB 170		145
59-9-102.5	E	SB 159		142	59-13-209	A	SB 170		145
59-10-103	A	SB 13		95	59-13-302	A	SB 170		145
59-10-108.7	A	HB 318		76	59-13-303	A	SB 170		145
59-10-114	A	HB 102		30	59-13-304	A	HB 96		29
		SB 13		95	59-13-305	A	SB 170		145

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
59-13-308	A	SB 170		145	61-2b-21	A	SB 172		146
59-14-211	A	SB 206		151	61-2b-22	A	SB 172		146
59-14-213	A	SB 206		151	61-2b-24	A	SB 172		146
59-14-214	A	SB 206		151	61-2b-26	A	SB 172		146
59-14-303	A	HB 247		63	61-2b-27	A	SB 172		146
59-14-408	R	SB 206		151	61-2b-28	A	SB 172		146
59-14-409	E	HB 247		63	61-2b-29	A	SB 172		146
59-14-601	E	SB 206		151	61-2b-30.5	A	SB 172		146
59-14-602	E	SB 206		151	61-2b-31	A	SB 172		146
59-14-603	E	SB 206		151	61-2b-33	A	SB 172		146
59-14-604	E	SB 206		151	61-2b-34	A	SB 172		146
59-14-605	E	SB 206		151	61-2b-36	A	SB 172		146
59-14-606	E	SB 206		151	61-2b-38	A	SB 172		146
59-14-607	E	SB 206		151	61-2b-39	A	SB 172		146
59-14-608	E	SB 206		151	61-2b-40	A	SB 172		146
59-14-609	E	SB 206		151	61-2c-102	A	SB 172		146
59-14-610	E	SB 206		151	61-2c-103	A	SB 172		146
59-14-611	E	SB 206		151	61-2c-104	A	SB 172		146
59-21-2	A	HB 318		76	61-2c-106	A	SB 172		146
59-23-3	A	SB 129		136	61-2c-106	A	SB 172		146
59-23-4	A	SB 129		136	61-2c-201	A	SB 172		146
59-23-5	A	SB 129		136	61-2c-201.1	E	SB 172		146
59-24-103.5	A	SB 24		101	61-2c-202	A	SB 172		146
61-1-13	A	SB 64		119	61-2c-203	A	SB 172		146
61-1-18	A	HB 319		78	61-2c-205	A	SB 172		146
61-2-2	A	SB 64		119	61-2c-206	A	SB 172		146
61-2-5.5	A	SB 172		146	61-2c-208	A	SB 172		146
		SB 64		119	61-2c-301	A	SB 172		146
61-2-6	A	SB 172		146	61-2c-402	A	SB 172		146
61-2-7.1	A	SB 172		146	61-2c-402.1	E	SB 172		146
61-2-9	A	HB 283		71	61-2c-404	A	SB 172		146
		SB 172		146	61-6-5	A	HB 176		47
61-2-11	A	SB 172		146	62A-1-111	A	HB 22		9
61-2-11.5	E	SB 64		119	62A-2-101	A	SB 107		129
61-2-12	A	SB 172		146	62A-2-105	A	SB 107		129
61-2-21	A	SB 64		119	62A-2-106	A	HB 22		9
61-2-26	E	SB 56		113			SB 107		129
		SB 64		119	62A-2-108	A	SB 107		129
61-2b-2	A	SB 172		146	62A-2-108.1	A	SB 107		129
61-2b-3	A	SB 172		146	62A-2-108.2	E	SB 107		129
61-2b-6	A	SB 172		146	62A-2-108.3	E	SB 107		129
61-2b-7	A	SB 172		146	62A-2-109	A	SB 107		129
61-2b-8	A	SB 172		146	62A-2-110	A	SB 107		129
61-2b-9	A	SB 172		146	62A-2-111	A	SB 107		129
61-2b-10	A	SB 172		146	62A-2-112	A	SB 107		129
61-2b-14	A	SB 172		146	62A-2-113	A	SB 107		129
61-2b-15	A	SB 172		146	62A-2-116	A	SB 107		129
61-2b-15.6	R	SB 172		146	62A-2-117	A	SB 107		129
61-2b-17	A	SB 172		146	62A-2-118	A	SB 107		129
61-2b-18	A	SB 172		146	62A-2-120	A	SB 107		129
61-2b-19	A	SB 172		146	62A-2-121	A	HB 64		20
61-2b-20	A	SB 172		146			HB 79		26

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
		SB 107		129	62A-7-120	N	HB 28	62A-7-107.5	11
62A-2-122	A	HB 64		20	62A-7-121	N	HB 28	62A-7-108.5	11
		HB 79		26	62A-7-122	N	HB 28	62A-7-109.5	11
		SB 107		129	62A-7-123	N	HB 28	62A-7-110.5	11
62A-3-101	A	HB 64		20	62A-7-124	N	HB 28	62A-7-111.5	11
62A-3-104	A	HB 64		20	62A-7-125	N	HB 28	62A-7-601	11
62A-3-104.1	A	HB 176		47	62A-7-201	A	HB 28		11
		HB 64		20	62A-7-202	A	HB 28		11
62A-3-104.3	E	HB 64		20	62A-7-203	A	HB 28		11
62A-3-311.1	A	HB 12		5	62A-7-204	R	HB 28		11
62A-4a-101	A	SB 83		124	62A-7-205	R	HB 28		11
62A-4a-102	A	SB 107		129	62A-15-105	A	SB 5		91
62A-4a-105	A	SB 12		95	62A-15-108	A	HB 176		47
62A-4a-116	A	SB 72		121	62A-15-110	A	HB 176		47
62A-4a-116.1	A	SB 83		124	62A-15-502	A	SB 5		91
62A-4a-116.2	A	HB 64		20	62A-15-613	A	HB 319		78
		HB 79		26	62A-15-713	A	HB 176		47
		SB 107		129	63-2-103	A	SB 179		148
62A-4a-116.4	A	SB 83		124			SB 44		109
62A-4a-201	A	HB 338		79	63-2-201	A	SB 44		109
62A-4a-202.3	A	SB 72		121	63-2-202	A	SB 179		148
62A-4a-202.8	A	HB 8		3	63-2-203	A	SB 44		109
62A-4a-203.5	A	SB 72		121	63-2-204	A	HB 176		47
62A-4a-205	A	SB 72		121			SB 44		109
62A-4a-209	A	HB 176		47	63-2-304	A	HB 226		59
62A-4a-410	A	SB 123		134			HB 34		13
62A-4a-709	A	SB 12		95			SB 179		148
62A-5-101	A	HB 79		26			SB 212		153
		HB 80		26			SB 5		91
62A-5-102	A	HB 80		26			SB 62		119
62A-5-103	A	HB 79		26	63-2-308	A	SB 179		148
62A-5-103.5	E	HB 79		26	63-2-403	A	SB 179		148
62A-5-301	R	HB 80		26			SB 44		109
62A-5-402	A	HB 80		26	63-2-802	A	SB 123		134
62A-6-101	A	SB 60		116	63-2-903	A	SB 44		109
62A-7-101	A	HB 28		11	63-5b-102	A	HB 176		47
62A-7-104	A	HB 28		11			HB 318		76
62A-7-105	N	HB 28	62A-7-401.5	11			HB 319		78
62A-7-106	N	HB 28	62A-7-402	11	63-13-2	A	HB 319		78
62A-7-107	N	HB 28	62A-7-403	11	63-30b-3	A	SB 123		134
62A-7-108	N	HB 28	62A-7-404	11	63-30d-301	A	SB 106		128
62A-7-109	N	HB 28	62A-7-501	11			SB 5		91
62A-7-110	N	HB 28	62A-7-502	11	63-34-12	A	HB 319		78
62A-7-111	N	HB 28	62A-7-503	11	63-34-14	A	HB 176		47
62A-7-112	N	HB 28	62A-7-504	11	63-34-101	A	HB 34		13
62A-7-113	N	HB 28	62A-7-505	11		R	SB 199		151
62A-7-114	N	HB 28	62A-7-506	11	63-34-201	N	SB 199	19-1-401	151
62A-7-115	N	HB 28	62A-7-507	11	63-34-202	A	HB 96		29
62A-7-116	N	HB 28	62A-7-701	11		N	SB 199	19-1-402	151
62A-7-117	N	HB 28	62A-7-702	11	63-34-203	A	HB 96		29
62A-7-118	N	HB 28	62A-7-105.5	11		N	SB 199	19-1-403	151
62A-7-119	N	HB 28	62A-7-106.5	11	63-34-204	N	SB 199	19-1-404	151

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
63-38-3.3	A	HB 150		42	63-56-4	N	HB 19	63-56-104	8
63-38-8.1	A	HB 176		47	63-56-5	A	HB 176		47
63-38-9.5	A	HB 176		47		N	HB 19	63-56-105	8
63-38a-102	A	HB 176		47	63-56-6	N	HB 19	63-56-201	8
63-38d-401	A	HB 264		68	63-56-7	N	HB 19	63-56-202	8
63-38d-502	A	HB 318		76	63-56-8	N	HB 19	63-56-203	8
63-38d-601	E	SB 239		156	63-56-9	A	HB 109		34
63-38d-602	E	SB 239		156		N	HB 19	63-56-204	8
63-38d-603	E	SB 239		156	63-56-10	N	HB 19	63-56-205	8
63-38d-604	E	SB 239		156	63-56-11	N	HB 19	63-56-206	8
63-38d-605	E	SB 239		156	63-56-13	N	HB 19	63-56-207	8
63-38f-201	E	HB 318		76	63-56-14	N	HB 19	63-56-208	8
63-38f-703	E	HB 318		76	63-56-15	N	HB 19	63-56-209	8
63-46a-4	A	SB 101		127	63-56-16	N	HB 19	63-56-301	8
63-46a-7	A	SB 101		127	63-56-17	N	HB 19	63-56-302	8
63-46a-10.5	A	SB 101		127	63-56-19	N	HB 19	63-56-303	8
63-46b-1	A	HB 157		43	63-56-20	N	HB 19	63-56-401	8
		SB 123		134	63-56-20.1	N	HB 19	63-56-402	8
63-49a-1	A	HB 318		76	63-56-20.3	N	HB 19	63-56-403	8
63-49a-2	A	HB 318		76	63-56-20.5	N	HB 19	63-56-404	8
63-49a-3	A	HB 318		76	63-56-20.6	N	HB 19	63-56-405	8
63-51-10	A	HB 318		76	63-56-20.7	N	HB 19	63-56-406	8
63-53a-6	A	HB 34		13	63-56-20.8	N	HB 19	63-56-407	8
63-55-219	A	SB 27		104	63-56-21	N	HB 19	63-56-408	8
63-55-226	A	SB 27		104	63-56-22	N	HB 19	63-56-409	8
63-55-231	A	HB 195		52	63-56-23	N	HB 19	63-56-410	8
63-55-234	A	SB 159		142	63-56-24	N	HB 19	63-56-411	8
63-55-235	A	SB 12		95	63-56-25	N	HB 19	63-56-412	8
63-55-236	A	SB 27		104	63-56-26	N	HB 19	63-56-413	8
63-55-241	A	HB 96		29	63-56-27	N	HB 19	63-56-414	8
		SB 5		91	63-56-28	N	HB 19	63-56-415	8
63-55-253	A	SB 27		104	63-56-29	N	HB 19	63-56-416	8
		SB 42		108	63-56-30	N	HB 19	63-56-417	8
63-55-258	A	HB 13		5	63-56-31	N	HB 19	63-56-418	8
		SB 27		104	63-56-32	N	HB 19	63-56-419	8
63-55-259	A	HB 107		33	63-56-33	N	HB 19	63-56-420	8
		SB 159		142	63-56-34	N	HB 19	63-56-421	8
63-55-263	A	HB 165		45	63-56-35.5	N	HB 19	63-56-422	8
		HB 176		47	63-56-35.6	N	HB 19	63-56-423	8
		SB 119		132	63-56-35.7	N	HB 19	63-56-424	8
		SB 27		104	63-56-35.8	N	HB 19	63-56-425	8
		SB 76		122	63-56-36	N	HB 19	63-56-501	8
		SB 79		122	63-56-36.1	N	HB 19	63-56-502	8
63-55b-110	A	HB 40		14	63-56-37	N	HB 19	63-56-503	8
63-55b-131	A	HB 69		23	63-56-38	N	HB 19	63-56-504	8
63-55b-132	A	SB 65		120	63-56-38.1	N	HB 19	63-56-505	8
63-55b-158	A	HB 243		63	63-56-38.1	A	HB 105		32
63-55b-163	A	HB 109		34	63-56-39	N	HB 19	63-56-506	8
63-55b-164	A	SB 27		104	63-56-40	N	HB 19	63-56-601	8
63-56-1	N	HB 19	63-56-101	8	63-56-41	N	HB 19	63-56-602	8
63-56-2	N	HB 19	63-56-102	8	63-56-42	N	HB 19	63-56-701	8
63-56-3	N	HB 19	63-56-103	8	63-56-43	N	HB 19	63-56-702	8

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
63-56-43.1	N	HB 19	63-56-703	8	63-99-104	E	HB 165		45
63-56-44	N	HB 19	63-56-704	8	63-99-105	E	HB 165		45
63-56-44.5	N	HB 19	63-56-705	8	63-99-106	E	HB 165		45
63-56-45	N	HB 19	63-56-801	8	63-99-107	E	HB 165		45
63-56-46	N	HB 19	63-56-802	8	63-99-108	E	HB 165		45
63-56-47	N	HB 19	63-56-803	8	63-99-109	E	HB 165		45
63-56-48	N	HB 19	63-56-804	8	63-99-110	E	HB 165		45
63-56-49	N	HB 19	63-56-805	8	63A-1-108	A	HB 109		34
63-56-50	N	HB 19	63-56-806	8	63A-1-109	A	HB 109		34
63-56-51	N	HB 19	63-56-807	8			HB 319		78
63-56-52	N	HB 19	63-56-808	8	63A-1-113	A	HB 176		47
63-56-53	N	HB 19	63-56-809	8	63A-1-114	A	HB 109		34
63-56-54	N	HB 19	63-56-810	8	63A-3-205	A	SB 199		151
63-56-55	N	HB 19	63-56-811	8	63A-4-204	A	SB 123		134
63-56-56	N	HB 19	63-56-812	8			SB 58		115
63-56-57	N	HB 19	63-56-813	8	63A-4-204.5	A	SB 123		134
63-56-58	N	HB 19	63-56-814	8			SB 58		115
63-56-59	N	HB 19	63-56-815	8	63A-5-206	A	HB 103		31
63-56-60	N	HB 19	63-56-816	8			SB 60		116
63-56-61	N	HB 19	63-56-817	8	63A-5-208	A	HB 19		8
63-56-62	N	HB 19	63-56-818	8	63A-6-101.5	A	HB 109		34
63-56-63	N	HB 19	63-56-819	8	63A-6-103	A	HB 109		34
63-56-64	N	HB 19	63-56-820	8	63A-6-105	A	HB 109		34
63-56-65	N	HB 19	63-56-901	8	63A-6-201	A	HB 113		35
63-56-66	N	HB 19	63-56-902	8			HB 216		56
63-56-67	N	HB 19	63-56-903	8		R	HB 109		34
63-56-68	N	HB 19	63-56-904	8	63A-6-202	A	HB 113		35
63-56-69	N	HB 19	63-56-905	8		N	HB 109	63F-1-506	34
63-56-70	N	HB 19	63-56-906	8	63A-6-203	A	HB 113		35
63-56-71	N	HB 19	63-56-907	8		N	HB 109	63F-1-508	34
63-56-72	N	HB 19	63-56-1001	8	63A-6-204	N	HB 109	63F-1-509	34
63-56-73	N	HB 19	63-56-1002	8	63A-6-205	E	HB 216		56
63-63a-1	A	SB 5		91	63A-8-101	A	HB 15		7
63-65-2	A	SB 199		151	63A-8-201	A	HB 15		7
63-65-4	A	SB 173		147	63A-8-202	R	HB 15		7
		SB 57		114	63A-8-203	A	HB 15		7
63-73-6	A	SB 199		151	63A-9-101	A	HB 176		47
63-75-6	A	SB 12		95	63A-9-501	A	HB 319		78
63-88-103	A	SB 76		122	63A-9-801	A	HB 318		76
63-90b-101	E	SB 106		128			HB 319		78
63-90b-102	E	SB 106		128	63A-9-808.1	A	HB 79		26
63-90b-201	E	SB 106		128			HB 80		26
63-90b-301	E	SB 106		128	63B-2-102	A	HB 19		8
63-90b-302	E	SB 106		128	63B-2-116	A	HB 14		6
63-90b-401	E	SB 106		128	63B-2-216	A	HB 14		6
63-90b-402	E	SB 106		128	63B-3-102	A	HB 19		8
63-90b-403	E	SB 106		128	63B-3-116	A	HB 14		6
63-97-201	A	HB 114		36	63B-3-216	A	HB 14		6
63-97-301	A	HB 114		36	63B-4-102	A	HB 19		8
63-99-101	E	HB 165		45	63B-4-116	A	HB 14		6
63-99-102	E	HB 165		45	63B-5-102	A	HB 19		8
63-99-103	E	HB 165		45	63B-5-116	A	HB 14		6

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
63B-5-201	A	HB 318		76	63F-1-102	E	HB 109		34
63B-6-102	A	HB 19		8	63F-1-103	E	HB 109		34
63B-6-116	A	HB 14		6	63F-1-104	E	HB 109		34
63B-6-216	A	HB 14		6	63F-1-105	E	HB 109		34
63B-6-402	A	HB 19		8	63F-1-106	E	HB 109		34
63B-6-416	A	HB 14		6	63F-1-107	E	HB 109		34
63B-7-102	A	HB 19		8	63F-1-201	E	HB 109		34
63B-7-116	A	HB 14		6	63F-1-202	E	HB 109		34
63B-7-216	A	HB 14		6	63F-1-203	E	HB 109		34
63B-7-402	A	HB 19		8	63F-1-204	E	HB 109		34
63B-7-416	A	HB 14		6	63F-1-205	E	HB 109		34
63B-8-102	A	HB 19		8	63F-1-206	E	HB 109		34
63B-8-116	A	HB 14		6	63F-1-207	E	HB 109		34
63B-8-216	A	HB 14		6	63F-1-208	E	HB 109		34
63B-8-402	A	HB 19		8	63F-1-209	E	HB 109		34
63B-8-416	A	HB 14		6	63F-1-301	E	HB 109		34
63B-9-103	A	HB 19		8	63F-1-302	E	HB 109		34
63B-9-216	A	HB 14		6	63F-1-303	E	HB 109		34
63B-10-116	A	HB 14		6	63F-1-401	E	HB 109		34
63B-11-116	A	HB 14		6	63F-1-402	E	HB 109		34
63B-11-202	A	HB 19		8	63F-1-403	E	HB 109		34
63B-11-216	A	HB 14		6	63F-1-404	E	HB 109		34
63B-11-316	A	HB 14		6	63F-1-501	E	HB 109		34
63B-11-516	A	HB 14		6	63F-1-502	E	HB 109		34
63B-13-101	A	SB 86		124	63F-1-503	E	HB 109		34
63B-14-101	E	HB 287		72	63F-1-504	E	HB 109		34
63B-14-102	E	HB 287		72	63F-1-505	E	HB 109		34
63B-14-201	E	HB 287		72	63F-1-601	E	HB 109		34
63B-14-301	E	HB 287		72	63F-1-602	E	HB 109		34
63C-4-103	A	SB 239		156	63F-1-603	E	HB 109		34
63C-8-105	A	SB 119		132	63F-1-604	E	HB 109		34
63C-8-106	E	SB 119		132	64-13-42	E	HB 234		60
63C-9-201	A	SB 163		143	67-1-14	A	HB 109		34
63C-9-202	A	SB 163		143	67-1a-6.5	E	HB 113		35
63C-9-301	A	HB 250		64	67-3-1	A	HB 176		47
		SB 100		127	67-4a-210	A	SB 104		128
		SB 163		143	67-5-7	A	HB 319		78
63C-9-401	A	SB 163		143	67-5-9	A	HB 319		78
63C-9-402	A	SB 163		143	67-5-12	A	HB 319		78
63C-9-701	A	SB 163		143	67-5-19	E	HB 132		37
63D-1a-102	A	HB 109		34			HB 260		67
63D-1a-203	A	HB 318		76	67-5b-101	A	SB 15		96
63D-1a-301	R	HB 109		34	67-5b-102	A	SB 15		96
63D-1a-302	R	HB 109		34			SB 93		125
63D-1a-303	R	HB 109		34	67-5b-104	A	HB 176		47
63D-1a-304	R	HB 109		34	67-5b-106	A	HB 176		47
63D-1a-305	R	HB 109		34			SB 15		96
63D-1a-306	R	HB 109		34	67-5b-107	A	SB 123		134
63D-1a-307	N	HB 109	63A-6-108	34	67-8-3	A	HB 319		78
63D-1a-308	R	HB 109		34	67-8-5	A	HB 319		78
63D-1a-309	R	HB 109		34	67-16-4	A	HB 19		8
63F-1-101	E	HB 109		34			SB 90		124

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
67-16-5	A	HB 19		8	70C-3-103	A	SB 157		141
67-16-5.3	A	HB 19		8	70C-4-101	A	SB 157		141
67-16-6	A	HB 19		8	72-1-203	A	HB 319		78
67-19-3	A	HB 319		78	72-1-209	A	HB 318		76
67-19-3.1	A	HB 319		78	72-1-211	E	SB 25		103
67-19-5	A	HB 319		78	72-1-304	E	SB 25		103
67-19-6	A	HB 319		78	72-1-305	E	SB 25		103
67-19-6.1	E	HB 319		78	72-2-108	A	HB 14		6
67-19-6.4	R	HB 319		78	72-2-117	A	SB 8		93
67-19-6.7	A	HB 318		76	72-2-117.5	E	SB 8		93
		HB 319		78	72-2-120	A	SB 25		103
67-19-7	R	HB 319		78	72-2-204	A	HB 14		6
67-19-8	R	HB 319		78	72-4-102.5	A	SB 25		103
67-19-9	R	HB 319		78	72-4-114	A	HB 6		2
67-19-10	R	HB 319		78	72-4-119	A	HB 6		2
67-19-11	A	HB 319		78	72-4-122	A	HB 6		2
67-19-12	A	HB 173		46	72-4-128	A	HB 6		2
		HB 318		76	72-4-129	A	HB 6		2
		HB 319		78	72-4-132	A	HB 6		2
67-19-12.2	A	HB 319		78	72-4-302	A	HB 318		76
67-19-12.5	A	HB 319		78	72-5-304	A	HB 109		34
67-19-12.7	A	HB 319		78	72-5-306	A	SB 123		134
67-19-12.9	A	HB 319		78	72-5-401	A	SB 60		116
67-19-13	A	HB 319		78	72-6-107	A	HB 19		8
67-19-14	A	HB 213		55	72-6-109	A	SB 5		91
67-19-14.1	A	HB 213		55	72-6-114	A	SB 5		91
67-19-14.2	A	HB 213		55	72-6-118	A	SB 25		103
67-19-14.3	A	HB 173		46	72-7-107	A	SB 5		91
		HB 213		55	72-7-401	A	SB 5		91
67-19-14.4	E	HB 213		55	72-7-403	A	SB 5		91
67-19-15	A	HB 109		34	72-7-407	A	SB 5		91
		HB 318		76	72-7-502	A	SB 60		116
		HB 319		78	72-7-504	A	HB 318		76
67-19-15.1	A	HB 319		78	72-9-501	A	SB 5		91
67-19-19	A	HB 319		78	72-9-502	A	SB 144		140
67-19-26	A	HB 319		78	72-9-601	A	SB 5		91
67-19-31	A	HB 319		78	72-9-602	A	SB 5		91
67-19-33	A	HB 319		78	72-9-603	A	SB 5		91
67-19-34	A	HB 319		78	72-10-501	A	SB 5		91
67-19-36	A	HB 319		78	72-10-502	A	SB 5		91
67-19-37	A	HB 319		78	72-12-110	A	SB 5		91
67-19-38	A	HB 319		78	73-1-14	A	HB 38		14
67-19a-303	A	HB 319		78	73-1-15	A	HB 38		14
67-19c-101	A	HB 318		76	73-2-1	A	HB 29		11
		HB 319		78	73-2-1.5	A	HB 157		43
67-20-8	A	HB 319		78	73-2-20	A	HB 38		14
67-22-1	A	HB 128		37	73-2-25	E	HB 157		43
67-22-2	A	HB 109		34	73-2-26	E	HB 157		43
		HB 318		76	73-2-27	E	HB 157		43
		HB 319		78			HB 38		14
70A-8-101	A	HB 176		47	73-3-3	A	HB 38		14
70C-3-101	A	SB 157		141	73-3-22	A	HB 38		14

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
73-3-26	A	HB 38		14	76-10-1206	A	HB 260		67
73-3-29	A	HB 38		14	76-10-1230	E	HB 260		67
73-5-8	A	HB 38		14	76-10-1231	E	HB 260		67
73-5-9	A	HB 38		14	76-10-1232	E	HB 260		67
73-10-27	A	HB 19		8	76-10-1233	E	HB 260		67
73-10c-3	A	HB 318		76	76-10-1311	A	SB 123		134
73-10d-4	A	HB 14		6	76-10-1506	A	SB 5		91
73-10d-7	A	HB 14		6	77-2-4.2	A	SB 5		91
73-18-13	A	SB 5		91	77-2a-3.1	A	SB 5		91
73-18-15.5	A	SB 5		91	77-7-18	A	SB 5		91
73-18-20	A	SB 5		91	77-16a-203	A	HB 80		26
73-18-20.1	A	SB 5		91	77-16a-304	A	HB 80		26
73-18a-15	A	SB 5		91	77-18-12	A	SB 5		91
73-18c-306	A	SB 123		134	77-18a-1	A	HB 54		17
73-26-403	A	SB 123		134	77-19-201	A	HB 176		47
75-2-114	A	SB 14		96	77-23-204	X	SB 30		105
75-5-209	A	HB 259		66	77-23-209	A	SB 30		105
75-5a-119	A	HB 176		47	77-23a-15.5	A	HB 215		55
75-7-508	A	SB 126		134	77-24-1	A	HB 208		54
76-1-302	A	HB 76		25	77-24-1.5	A	HB 208		54
		SB 177		147	77-24-2	A	HB 208		54
76-2-101	A	SB 5		91	77-24-4	A	HB 208		54
76-3-203.1	A	SB 47		109	77-24-5	A	HB 208		54
76-3-203.5	A	HB 76		25	77-24a-1	A	HB 208		54
76-5-102.6	A	HB 98		29	77-24a-5	A	HB 208		54
76-5-109	A	SB 83		124	77-27-5	A	SB 94		125
76-5-110	A	SB 83		124	77-27-6	A	SB 94		125
76-5-202	A	HB 297		72	77-36-1.1	A	HB 59		18
76-5-207	A	SB 5		91	77-37-3	A	HB 28		11
76-6-503	R	SB 47		109	77-38a-102	A	SB 94		125
76-6-503.5	E	SB 47		109	77-38a-203	A	SB 94		125
76-6-504	A	SB 47		109	77-38a-302	A	SB 94		125
76-6-702	A	HB 185		50	78-1-2.3	A	HB 218		56
76-6-703	A	HB 185		50	78-2a-6	A	SB 123		134
76-6-1102	A	SB 118		132	78-3-32	E	SB 135		138
76-7-203	A	HB 259		66	78-3-33	E	SB 135		138
76-7-204	R	SB 14		96	78-3a-102	A	HB 338		79
76-8-305.5	E	SB 146		140	78-3a-103	A	SB 83		124
76-8-306	A	HB 28		11	78-3a-104	A	SB 5		91
76-8-418	A	HB 28		11	78-3a-109	A	SB 104		128
76-8-506	A	SB 43		108	78-3a-113	A	HB 28		11
76-8-510.5	A	SB 73		121	78-3a-301	A	HB 42		14
76-9-201	A	HB 221		57	78-3a-305	A	HB 42		14
76-9-704	A	HB 297		72	78-3a-305.1	R	HB 89		27
76-10-201	A	HB 38		14	78-3a-311	A	SB 72		121
76-10-202	A	HB 38		14	78-3a-311.5	A	SB 72		121
76-10-203	A	HB 38		14	78-3a-312	A	SB 72		121
76-10-504	A	SB 5		91	78-3a-313.5	A	SB 72		121
76-10-508	A	HB 65		21	78-3a-320	A	HB 64		20
76-10-528	A	SB 5		91			HB 79		26
76-10-1204	A	HB 260		67			SB 107		129
76-10-1205	A	HB 260		67	78-3a-407	A	SB 72		121

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
78-3a-408	A	SB 83		124	78-45a-10.5	R	SB 14		96
78-3a-504	A	SB 104		128	78-45a-11	R	SB 14		96
78-3a-604	E	HB 54		17	78-45a-11.5	R	SB 14		96
78-3a-912	A	HB 338		79	78-45a-12	R	SB 14		96
		SB 123		134	78-45a-13	R	SB 14		96
		SB 72		121	78-45a-14	R	SB 14		96
78-3g-103	A	SB 17		97	78-45a-15	R	SB 14		96
78-11-28	E	SB 110		130	78-45a-16	R	SB 14		96
78-12-29	A	SB 106		128	78-45a-17	R	SB 14		96
78-12-33.5	A	HB 176		47	78-45e-1	R	SB 14		96
78-14-3	A	HB 25		10	78-45e-2	R	SB 14		96
78-14-5.5	E	SB 83		124	78-45e-4	R	SB 14		96
78-18-1	A	SB 5		91	78-45g-101	E	SB 14		96
78-23-5	A	HB 121		36	78-45g-102	E	SB 14		96
78-23-6	R	HB 121		36	78-45g-103	E	SB 14		96
78-23-7	R	HB 121		36	78-45g-104	E	SB 14		96
78-23-9	A	HB 121		36	78-45g-105	E	SB 14		96
78-27-37	A	SB 123		134	78-45g-106	E	SB 14		96
78-27-38	A	SB 10		94	78-45g-107	E	SB 14		96
78-27-39	A	SB 10		94	78-45g-108	E	SB 14		96
78-27-41	A	SB 10		94	78-45g-109	E	SB 14		96
78-27-43	A	SB 123		134	78-45g-110	E	SB 14		96
78-27-50	A	SB 16		97	78-45g-111	E	SB 14		96
78-27-65	E	SB 21		99	78-45g-112	E	SB 14		96
78-29-101	A	SB 19		98	78-45g-113	E	SB 14		96
78-29-102	A	SB 19		98	78-45g-114	E	SB 14		96
78-29-103	A	SB 19		98	78-45g-115	E	SB 14		96
78-29-104	E	SB 19		98	78-45g-201	E	SB 14		96
78-29-105	E	SB 19		98	78-45g-202	E	SB 14		96
78-30-1.1	A	HB 259		66	78-45g-203	E	SB 14		96
78-30-3.3	E	HB 259		66	78-45g-204	E	SB 14		96
78-30-4.11	R	HB 259		66	78-45g-301	E	SB 14		96
78-30-4.12	A	HB 259		66	78-45g-302	E	SB 14		96
78-30-4.13	A	HB 259		66	78-45g-303	E	SB 14		96
		SB 14		96	78-45g-304	E	SB 14		96
78-30-4.14	A	HB 259		66	78-45g-305	E	SB 14		96
78-30-4.16	A	HB 259		66	78-45g-306	E	SB 14		96
78-30-4.21	A	HB 259		66	78-45g-307	E	SB 14		96
78-30-15.5	A	HB 233		59	78-45g-308	E	SB 14		96
78-31a-118	A	SB 116		131	78-45g-309	E	SB 14		96
78-31a-123	A	SB 104		128	78-45g-310	E	SB 14		96
78-32-12.1	A	HB 222		57	78-45g-311	E	SB 14		96
78-32-12.2	R	HB 222		57	78-45g-312	E	SB 14		96
78-45a-1	R	SB 14		96	78-45g-313	E	SB 14		96
78-45a-2	R	SB 14		96	78-45g-401	E	SB 14		96
78-45a-3	R	SB 14		96	78-45g-402	E	SB 14		96
78-45a-4	R	SB 14		96	78-45g-403	E	SB 14		96
78-45a-5	R	SB 14		96	78-45g-404	E	SB 14		96
78-45a-6	R	SB 14		96	78-45g-405	E	SB 14		96
78-45a-6.5	R	SB 14		96	78-45g-406	E	SB 14		96
78-45a-7	R	SB 14		96	78-45g-407	E	SB 14		96
78-45a-10	R	SB 14		96	78-45g-408	E	SB 14		96

A=Amended

E=Enacted

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N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
78-45g-409	E	SB 14		96	78-45g-901	E	SB 14		96
78-45g-410	E	SB 14		96	78-45g-902	E	SB 14		96
78-45g-501	E	SB 14		96	78-57-102	A	SB 5		91
78-45g-502	E	SB 14		96	HR-24.16	A	HR 7		88
78-45g-503	E	SB 14		96	HR-25.05	A	HR 7		88
78-45g-504	E	SB 14		96	IR1-1-101	E	SJR 4		160
78-45g-505	E	SB 14		96	IR1-1-201	E	SJR 4		160
78-45g-506	E	SB 14		96	IR1-1-202	A	SJR 13		162
78-45g-507	E	SB 14		96		E	SJR 4		160
78-45g-508	E	SB 14		96	IR1-1-203	E	SJR 4		160
78-45g-509	E	SB 14		96	IR2-1-101	E	SJR 4		160
78-45g-510	E	SB 14		96	IR2-1-102	E	SJR 4		160
78-45g-511	E	SB 14		96		R	SJR 13		162
78-45g-601	E	SB 14		96	IR2-2-101	E	SJR 4		160
78-45g-602	E	SB 14		96	IR2-2-102	E	SJR 4		160
78-45g-603	E	SB 14		96	IR3-1-101	E	SJR 4		160
78-45g-604	E	SB 14		96	IR3-1-102	A	SJR 13		162
78-45g-605	E	SB 14		96		E	SJR 4		160
78-45g-606	E	SB 14		96	IR3-1-103	A	SJR 13		162
78-45g-607	E	SB 14		96		E	SJR 4		160
78-45g-608	E	SB 14		96	IR3-1-104	E	SJR 4		160
78-45g-609	E	SB 14		96	IR3-2-101	A	SJR 13		162
78-45g-610	E	SB 14		96		E	SJR 4		160
78-45g-611	E	SB 14		96	IR3-2-102	E	SJR 4		160
78-45g-612	E	SB 14		96	IR3-2-201	E	SJR 4		160
78-45g-613	E	SB 14		96	IR3-3-101	E	SJR 4		160
78-45g-614	E	SB 14		96	IR3-3-102	E	SJR 4		160
78-45g-615	E	SB 14		96	IR3-3-103	E	SJR 4		160
78-45g-616	E	SB 14		96	IR3-3-201	E	SJR 4		160
78-45g-617	E	SB 14		96	IR3-4-101	E	SJR 4		160
78-45g-618	E	SB 14		96		R	SJR 13		162
78-45g-619	E	SB 14		96	IR3-4-102	E	SJR 4		160
78-45g-620	E	SB 14		96		R	SJR 13		162
78-45g-621	E	SB 14		96	IR3-4-201	A	SJR 13		162
78-45g-622	E	SB 14		96		E	SJR 4		160
78-45g-623	E	SB 14		96	IR3-4-202	E	SJR 4		160
78-45g-701	E	SB 14		96	IR3-4-203	E	SJR 4		160
78-45g-702	E	SB 14		96	IR3-4-204	A	SJR 13		162
78-45g-703	E	SB 14		96		E	SJR 4		160
78-45g-704	E	SB 14		96	IR3-4-205	E	SJR 13		162
78-45g-705	E	SB 14		96	IR3-4-301	E	SJR 4		160
78-45g-706	E	SB 14		96	IR3-4-302	E	SJR 4		160
78-45g-707	E	SB 14		96		R	SJR 13		162
78-45g-801	E	SB 14		96	IR3-4-303	E	SJR 4		160
78-45g-802	E	SB 14		96	IR-1.01	R	SJR 4		160
78-45g-803	E	SB 14		96	IR-1.02	R	SJR 4		160
78-45g-804	E	SB 14		96	IR-2.01	R	SJR 4		160
78-45g-805	E	SB 14		96	IR-2.02	R	SJR 4		160
78-45g-806	E	SB 14		96	IR-2.03	R	SJR 4		160
78-45g-807	E	SB 14		96	IR-2.04	R	SJR 4		160
78-45g-808	E	SB 14		96	IR-2.05	R	SJR 4		160
78-45g-809	E	SB 14		96	IR-2.06	R	SJR 4		160

A=Amended

E=Enacted

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<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
IR-2.07	R	SJR 4		160	IR-4.07	R	SJR 4		160
IR-2.08	R	SJR 4		160	IR-4.08	R	SJR 4		160
IR-2.09	R	SJR 4		160	IR-4.09	R	SJR 4		160
IR-3.01	R	SJR 4		160	IR-4.10	R	SJR 4		160
IR-3.02	R	SJR 4		160	IR-5.01	R	SJR 4		160
IR-3.03	R	SJR 4		160	IR-5.02	R	SJR 4		160
IR-3.05	R	SJR 4		160	JR-4.05	A	SJR 8		161
IR-4.01	R	SJR 4		160	JR-4.06	A	SJR 8		161
IR-4.02	R	SJR 4		160	JR-4.17	A	HJR 10		85
IR-4.03	R	SJR 4		160	JR-8.03	A	SJR 8		161
IR-4.04	R	SJR 4		160	JR-12.02	E	HJR 8		84
IR-4.05	R	SJR 4		160	JR-16.03	A	HJR 9		85
IR-4.06	R	SJR 4		160					

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

INTRODUCED LEGISLATION 2005 GENERAL SESSION

HB 1	Annual Appropriations Act (<i>Ron Bigelow</i>)	Passed
HB 3	Minimum School Program Act Amendments (<i>Gordon E. Snow</i>)	Passed
HB 4	Divorce Mediation Program (<i>Ben C. Ferry</i>)	Passed
HB 5	Person with a Disability Motorcycle Parking (<i>Todd E. Kiser</i>)	Passed
HB 6	Master Highway Designation Amendments (<i>Joseph G. Murray</i>)	Passed
HB 7	Individual Income Tax - Contributions for Education (<i>Sheryl L. Allen</i>)	Passed
HB 8	Child Protection Team Meetings (<i>Aaron Tilton</i>)	Passed
HB 9	Sales and Use Tax - Agricultural Exemption Vehicle Limitation (<i>Ronda Rudd Menlove</i>)	Passed
HB 10	Employment Security Act Amendments (<i>David N. Cox</i>)	Passed
HB 11	Economic Development Incentives (<i>Brad L. Dee</i>)	Passed
HB 12	Health Care Assistants (<i>Rebecca D. Lockhart</i>)	Passed
HB 13	Occupational and Professional Licensing Sunset Amendment (<i>Rebecca D. Lockhart</i>)	Passed
HB 14	Bond Election Process Amendments (<i>Fred R. Hunsaker</i>)	Passed
HB 15	Repeal of State Debt Collection Advisory Board (<i>Douglas C. Aagard</i>)	Passed
HB 16	Repeal of Vehicle Equipment Safety Commission (<i>Neal B. Hendrickson</i>)	Passed
HB 17	Motion Picture Incentive Fund (<i>Sheryl L. Allen</i>)	Passed
HB 18	Transportation Investment Act (<i>Rebecca D. Lockhart</i>)	Failed
HB 19	Procurement Code Renumbering (<i>Ron Bigelow</i>)	Passed
HB 20	Calling Local Special Elections for Sales and Use Tax Purposes (<i>Stephen D. Clark</i>)	Passed
HB 21	Automobile Crime Prevention (<i>Paul Ray</i>)	Failed
HB 22	Intercountry Adoption Accreditation (<i>Rosalind J. McGee</i>)	Passed
HB 23	Department of Workforce Services - Work Experience and Training Programs (<i>David N. Cox</i>)	Passed
HB 24	Traffic Code Amendments (<i>James A. Dunnigan</i>)	Passed
HB 25	Direct-entry Midwife Act (<i>Jackie Biskupski</i>)	Passed
HB 26	Conveyances of Property (<i>J. Stuart Adams</i>)	Passed
HB 27	Health Insurance Fair Marketing Standards (<i>Steven R. Mascaro</i>)	Failed
HB 28	Juvenile Justice Recodification and Revisions (<i>Douglas C. Aagard</i>)	Passed
HB 29	State Engineer's Powers and Duties Amendments (<i>David Clark</i>)	Passed
HB 30	Consumer Sales Practices Act Amendments (<i>Todd E. Kiser</i>)	Passed
HB 31	Vision Care for Medicaid Recipient (<i>Steven R. Mascaro</i>)	Failed
HB 32	Dental Services for Adults on Medicaid (<i>Steven R. Mascaro</i>)	Failed
HB 33	Assistance for People with Bleeding Disorders (<i>David Litvack</i>)	Passed
HB 34	Emergency Related Amendments (<i>Sheryl L. Allen</i>)	Passed
HB 35	Telecommunications Amendments (<i>Stephen H. Urquhart</i>)	Failed
HB 36	Charter School Construction Amendments (<i>James A. Ferrin</i>)	Passed
HB 37	Administrative Rules Reauthorization (<i>David Ure</i>)	Passed
HB 38	Water Law - Criminal Penalties Amendments (<i>Ben C. Ferry</i>)	Passed
HB 39	Tuition Tax Credits (<i>James A. Ferrin</i>)	Failed
HB 40	Sunset of Township Provision (<i>M. Susan Lawrence</i>)	Passed
HB 41	Special District for Police Services (<i>Ross I. Romero</i>)	Failed
HB 42	Medical Recommendations for Children (<i>Michael T. Morley</i>)	Vetoed

HB 43	School Land Trust Program Funding Amendments (<i>Stephen H. Urquhart</i>)	Passed
HB 44	Additional State Retirement Benefit (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 45	Property Affected by Access Interruption (<i>Gregory H. Hughes</i>)	Passed
HB 46	Public Education Capital Outlay Act Amendments (<i>David N. Cox</i>)	Failed
HB 47	New Automobile Franchise Act Amendments (<i>Stephen H. Urquhart</i>)	Passed
HB 48	Motor Vehicle Registration and Safety Inspection Amendments (<i>Bradley M. Daw</i>)	Failed
HB 49	Bicycle Safety Provisions (<i>Rosalind J. McGee</i>)	Passed
HB 50	Criminal Penalty Amendment (<i>David Litvack</i>)	Failed
HB 51	Electronic Payments to Local Government Entities (<i>Joseph G. Murray</i>)	Passed
HB 52	Fire Prevention Amendments (<i>Joseph G. Murray</i>)	Passed
HB 53	Tax Treatment of Personal Property (<i>LaWanna Lou Shurtliff</i>)	Passed
HB 54	Criminal Appeal Amendments (<i>Scott L Wyatt</i>)	Passed
HB 55	Drug Offense Penalty Enhancements (<i>Brad L. Dee</i>)	Passed
HB 56	Divorce Task Force (<i>Peggy Wallace</i>)	Failed
HB 57	Tourism Task Force (<i>David Ure</i>)	Passed
HB 58	Government Efficiency and Effectiveness Review Committee (<i>Peggy Wallace</i>)	Failed
HB 59	Domestic Violence Enhancement (<i>Carol Spackman Moss</i>)	Passed
HB 60	Insurance Licensing Amendments (<i>James A. Dunnigan</i>)	Passed
HB 61	State School Board Elections and Filling of Vacancies (<i>James A. Ferrin</i>)	Failed
HB 62	Amendments to Intermediate Care Facilities for Mentally Retarded (<i>Rebecca D. Lockhart</i>)	Passed
HB 63	School District Amendments (<i>David N. Cox</i>)	Failed
HB 64	Criminal Background Checks for Personal Care Attendants (<i>Fred R. Hunsaker</i>)	Passed
HB 65	Driver License and Commercial Driver License Amendments (<i>DeMar Bud Bowman</i>)	Passed
HB 66	Naturopathic Physician Amendments (<i>James A. Ferrin</i>)	Passed
HB 67	Abandoned Vehicles Amendments (<i>James R. Gowans</i>)	Passed
HB 68	Motor Vehicle Enforcement Division Amendments (<i>Paul Ray</i>)	Passed
HB 69	Federal Health Care Tax Credit Program Act (<i>Curtis Oda</i>)	Passed
HB 70	Health Discount Program Consumer Protection Act (<i>James A. Dunnigan</i>)	Passed
HB 71	Licensing of Estheticians and Nail Technicians (<i>Julie Fisher</i>)	Passed
HB 72	School Curriculum Amendments (<i>Carol Spackman Moss</i>)	Failed
HB 73	Local Referendum Requirements (<i>David L. Hogue</i>)	Failed
HB 74	Tuition Program for Students Seeking Teacher Licensure in Disability or Special Education (<i>Ronda Rudd Menlove</i>)	Passed
HB 75	Government Records Access and Management Task Force (<i>Douglas C. Aagard</i>)	Passed
HB 76	Habitual Violent Offenders Amendments (<i>Paul Ray</i>)	Passed
HB 77	Provisions for Emancipation of a Minor (<i>Rosalind J. McGee</i>)	Failed
HB 78	Corporate Franchise and Income Tax Amendments (<i>Wayne A. Harper</i>)	Passed
HB 79	Provision of Services for People with Disabilities (<i>Rebecca D. Lockhart</i>)	Passed
HB 80	Services for People with Disabilities (<i>Rebecca D. Lockhart</i>)	Passed
HB 81	Workers' Compensation Coverage of Fire Department Employees (<i>Joseph G. Murray</i>)	Failed
HB 82	Contractors Bonds and Letters of Credit (<i>Stephen D. Clark</i>)	Failed
HB 83	Weights and Measures Amendments (<i>David Ure</i>)	Passed
HB 84	Reading Requirements for Student Advancement (<i>Karen W. Morgan</i>)	Failed
HB 85	Health Insurance High Risk Pool - Eligibility Amendments (<i>David Litvack</i>)	Failed
HB 86	Utah College of Applied Technology Amendments (<i>Ron Bigelow</i>)	Passed

HB 87	Claims Against a County (<i>Stephen D. Clark</i>)	Passed
HB 88	Air Conditioned Buses for Students with Disabilities (<i>David L. Hogue</i>)	Failed
HB 89	Presumption of Responsibility for Abuse or Neglect (<i>LaVar Christensen</i>)	Passed
HB 90	Search and Rescue Advisory Board - Amendments (<i>J. Stuart Adams</i>)	Passed
HB 91	License Plate for Disabled Veterans (<i>Ron Bigelow</i>)	Passed
HB 92	Safety Belt Law Requirement Amendments (<i>Michael E. Noel</i>)	Failed
HB 93	Emission Inspection Amendments (<i>Kerry W. Gibson</i>)	Passed
HB 94	Youth Corrections Amendments (<i>Carol Spackman Moss</i>)	Failed
HB 95	Sex Offender Registration Amendments (<i>M. Susan Lawrence</i>)	Failed
HB 96	Amendments Relating to Clean Fuels and Vehicles Using Clean Fuels (<i>Fred R. Hunsaker</i>)	Passed
HB 97	State Budget Provisions (<i>Greg J. Curtis</i>)	Failed
HB 98	Offenses Committed Against Correctional and Peace Officers (<i>Curtis Oda</i>)	Passed
HB 99	State Fleet Vehicle Classification (<i>Eric K. Hutchings</i>)	Failed
HB 100	Consumer Credit Bureau Notice Requirements (<i>Karen W. Morgan</i>)	Failed
HB 101	Amendments to the Individual Income Tax (<i>Wayne A. Harper</i>)	Failed
HB 102	Higher Education Savings Incentive Program Amendments (<i>Scott L Wyatt</i>)	Passed
HB 103	Student Housing Built by Higher Education Institutions (<i>Stephen D. Clark</i>)	Passed
HB 104	Spyware Control Act Revisions (<i>Stephen H. Urquhart</i>)	Passed
HB 105	Construction Filing Amendments (<i>Michael T. Morley</i>)	Passed
HB 106	Regulation of Noncompete Agreements in Medical Practices (<i>Rosalind J. McGee</i>)	Failed
HB 107	Amendments to Taxes, Fees, or Charges (<i>Wayne A. Harper</i>)	Passed
HB 108	Telecommunications Taxation (<i>Greg J. Curtis</i>)	Failed
HB 109	Information Technology Governance Amendments (<i>David Clark</i>)	Passed
HB 110	Emergency Administration of Epinephrine (<i>Todd E. Kiser</i>)	Failed
HB 111	Licensing of Child Care Centers - Oversight and Regulation (<i>D. Gregg Buxton</i>)	Failed
HB 112	Background Checks in County Government (<i>Brad L. Dee</i>)	Failed
HB 113	Government Boundary Changes (<i>Kory M. Holdaway</i>)	Passed
HB 114	Children's Health Care Coverage Amendments (<i>David L. Hogue</i>)	Passed
HB 115	Utah Child Abuse Prevention Board (<i>Paul Ray</i>)	Failed
HB 116	Private Activity Bond Amendments (<i>David Clark</i>)	Passed
HB 117	Revisions to State Government (<i>Ben C. Ferry</i>)	Failed
HB 118	Revise Utility Improvement Districts (<i>David Ure</i>)	Failed
HB 119	Navajo Trust Fund Amendments (<i>Brad King</i>)	Failed
HB 120	Crime of Soliciting Sex from a Child (<i>Lorie D. Fowlke</i>)	Failed
HB 121	Property Exempt from Execution (<i>James A. Dunnigan</i>)	Passed
HB 122	Bail Bond Amendments (<i>Kerry W. Gibson</i>)	Failed
HB 123	Restrictions of Advertising Illegal Activities (<i>Scott L Wyatt</i>)	Failed
HB 124	Enrollment Growth Program Amendments (<i>Bradley G. Last</i>)	Passed
HB 125	Small Business Economic Stimulus (<i>Craig A. Frank</i>)	Failed
HB 126	Amendments to Facilities with Regional Impact (<i>Gregory H. Hughes</i>)	Failed
HB 127	Offer of Settlement Provisions (<i>LaVar Christensen</i>)	Failed
HB 128	Compensation of Executive Officers (<i>LaVar Christensen</i>)	Passed
HB 129	School Uniforms (<i>Craig A. Frank</i>)	Failed
HB 130	Income Tax Subtraction for Specialized Immigrant Services (<i>Aaron Tilton</i>)	Failed
HB 131	Access to Health Care Facilities and Places of Worship (<i>Douglas C. Aagard</i>)	Failed

HB 132	Internet Crimes Against Children (<i>Tim M. Cosgrove</i>)	Passed
HB 133	Mobile Home Park - Notice of Sale of Underlying Property (<i>Mark A. Wheatley</i>)	Failed
HB 134	Public Safety Officers - Critical Incident Shooting Provisions (<i>Paul Ray</i>)	Failed
HB 135	Implementing Federal Educational Programs (<i>Margaret Dayton</i>)	Failed
HB 136	Charter School Enrollment (<i>James A. Ferrin</i>)	Passed
HB 137	Repeal of Prior Amendments to the Voluntary Contributions Act (<i>Neil A. Hansen</i>)	Failed
HB 138	Nonresident Tuition for Higher Education Amendments (<i>M. Susan Lawrence</i>)	Passed
HB 139	Local School Board Amendments (<i>Margaret Dayton</i>)	Passed
HB 140	Individual Income Tax Contribution for Community Spay and Neuter Programs (<i>Michael E. Noel</i>)	Failed
HB 141	School Breakfast Program (<i>David Litvack</i>)	Failed
HB 142	Issues Submitted to Voters (<i>Gregory H. Hughes</i>)	Passed
HB 143	National Guard Amendments (<i>Eric K. Hutchings</i>)	Passed
HB 144	Ban on Gifts to Elected Officials (<i>Ralph Becker</i>)	Failed
HB 145	Amendments to Hearing and Speech Impaired Telecommunications Program (<i>Brent H. Goodfellow</i>)	Passed
HB 146	Vaccine Restrictions (<i>Eric K. Hutchings</i>)	Failed
HB 147	Property Tax Exemption for Veterans (<i>Gregory H. Hughes</i>)	Passed
HB 148	School Truancy Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 149	Vehicle Identification Number Inspectors (<i>Craig A. Frank</i>)	Passed
HB 150	Water Rights Fees (<i>James R. Gowans</i>)	Passed
HB 151	School Community Councils (<i>John Dougall</i>)	Failed
HB 152	County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act (<i>Craig W. Buttars</i>)	Failed
HB 153	Security for Public Schools (<i>Sheryl L. Allen</i>)	Failed
HB 154	School and Institutional Trust Lands Amendments (<i>Eric K. Hutchings</i>)	Passed
HB 155	Agricultural Coop Amendments (<i>Craig W. Buttars</i>)	Passed
HB 156	Dairy Promotion Act Amendments (<i>David Ure</i>)	Passed
HB 157	Water Enforcement Procedures and Penalties (<i>David Ure</i>)	Passed
HB 158	Election Requirements for County Candidates (<i>Ross I. Romero</i>)	Failed
HB 159	Motor Assisted Scooter and Mini-motorcycle Amendments (<i>Brad L. Dee</i>)	Passed
HB 160	Wildlife License Agents Amendments (<i>Julie Fisher</i>)	Passed
HB 161	Injury Reporting Requirement Amendments (<i>Joseph G. Murray</i>)	Failed
HB 162	Municipal Abatement of Weeds and Other Neglected Items on Property (<i>Michael T. Morley</i>)	Passed
HB 163	Garnishment Fees (<i>Steven R. Mascaro</i>)	Failed
HB 164	Repeal of Utah Personal Introduction Services Protection Act (<i>Sheryl L. Allen</i>)	Passed
HB 165	Utah Commission on Aging (<i>Patricia W. Jones</i>)	Passed
HB 166	Utah Indoor Clean Air Act Amendments (<i>Paul Ray</i>)	Failed
HB 167	Elder Protection Provisions (<i>Patricia W. Jones</i>)	Failed
HB 168	Cooperative Wildlife Management Unit Amendments (<i>James R. Gowans</i>)	Passed
HB 169	Appropriation for School Districts Impacted by Fee Waivers (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 170	Extension of Utah Low-income Housing Tax Credits (<i>Stephen D. Clark</i>)	Passed
HB 171	Calculation of Mining Severance Tax on Beryllium (<i>Richard W. Wheeler</i>)	Passed
HB 172	Notary Public Amendments (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 173	State Employee Amendments (<i>Ann W. Hardy</i>)	Passed

HB 174	Child Protection Registry Amendments (<i>John Dougall</i>)	Failed
HB 175	Education Achievement Gap Task Force (<i>David Litvack</i>)	Failed
HB 176	Revisor's Statute (<i>Rebecca D. Lockhart</i>)	Passed
HB 177	Wildlife License Refund Amendments (<i>Margaret Dayton</i>)	Passed
HB 178	Mental Health Services Coordinator (<i>David L. Hogue</i>)	Failed
HB 179	Utah Venture Capital Enhancement Act Amendments (<i>Peggy Wallace</i>)	Passed
HB 180	Retirement Office Amendments (<i>Ann W. Hardy</i>)	Passed
HB 181	Duplicate Wildlife Licensing Amendments (<i>Margaret Dayton</i>)	Passed
HB 182	Historical Livestock Trails (<i>Bradley T. Johnson</i>)	Passed
HB 183	Verification of Eligibility for Fee Waivers (<i>Wayne A. Harper</i>)	Passed
HB 184	Crime Victims - Change of Locks on Rental Property (<i>LaWanna Lou Shurtliff</i>)	Passed
HB 185	Utah Computer Crimes Act Amendments (<i>Bradley M. Daw</i>)	Passed
HB 186	Consumer Protection Amendments (<i>Sheryl L. Allen</i>)	Passed
HB 187	Capital Outlay Foundation Program - Participation Requirements (<i>James A. Ferrin</i>)	Failed
HB 188	Public Education Job Enhancement Program (<i>Bradley T. Johnson</i>)	Passed
HB 189	Applied Technology Program Amendments (<i>James A. Ferrin</i>)	Failed
HB 190	Individual Income Tax - Electronic Filing Requirements (<i>Stephen D. Clark</i>)	Passed
HB 191	Captive Insurance Law Amendments (<i>James A. Dunnigan</i>)	Passed
HB 192	Utah High Cost Home Loan Act Amendments (<i>Wayne A. Harper</i>)	Failed
HB 193	Deregulation of General Building Contractors (<i>Gregory H. Hughes</i>)	Failed
HB 194	Fair Housing for Domestic Violence Victims and Landlord Protection Act (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 195	Insurance Law Amendments (<i>James A. Dunnigan</i>)	Passed
HB 196	Legislators Involvement in Public Schools (<i>Duane E. Bourdeaux</i>)	Failed
HB 197	Individual Income Tax Amendments (<i>Patricia W. Jones</i>)	Failed
HB 198	Naturopathic Formulary Peer Committee Amendments (<i>James A. Ferrin</i>)	Passed
HB 199	Special Election Dates (<i>David L. Hogue</i>)	Failed
HB 200	Insurance Law Revisions (<i>James A. Dunnigan</i>)	Passed
HB 201	Life Insurance and Annuities Law Amendments (<i>James A. Dunnigan</i>)	Passed
HB 202	Revisions to Child Welfare (<i>Wayne A. Harper</i>)	Failed
HB 203	Agricultural Advisory Board (<i>Michael E. Noel</i>)	Passed
HB 204	Statute of Limitations Amendments (<i>David Clark</i>)	Failed
HB 205	Deer Hunt Opening Season Date Amendments (<i>Stephen D. Clark</i>)	Failed
HB 206	Charter School Reporting (<i>Carol Spackman Moss</i>)	Passed
HB 207	Prescriptive Easements Act (<i>Gregory H. Hughes</i>)	Failed
HB 208	Unclaimed Property Amendments (<i>Paul Ray</i>)	Passed
HB 209	Administrative Rules - Impact on Small Businesses (<i>Gregory H. Hughes</i>)	Failed
HB 210	Residential Mortgages Practices - Employment Security Revisions (<i>Mark W. Walker</i>)	Failed
HB 211	Integrity of Election Results Amendments (<i>John Dougall</i>)	Failed
HB 212	Traffic Violations by Diplomats (<i>David L. Hogue</i>)	Passed
HB 213	Unused Sick Leave At Retirement Amendments (<i>David Clark</i>)	Passed
HB 214	Emerging Technologies and Open Government (<i>David Clark</i>)	Failed
HB 215	Property Tracking Amendments (<i>Paul Ray</i>)	Passed
HB 216	Global Positioning Reference Network (<i>Kory M. Holdaway</i>)	Passed
HB 217	Public Safety Retirement - Exemption of Certain Employees (<i>David Clark</i>)	Passed
HB 218	Second District Juvenile Judge (<i>J. Stuart Adams</i>)	Passed

HB 219	Traffic Enforcement Amendments (<i>Rosalind J. McGee</i>)	Failed
HB 220	Sales and Use Tax Exemption for Textbooks for Higher Education (<i>Duane E. Bourdeaux</i>)	Failed
HB 221	Electronic Communication Harassment (<i>John Dougall</i>)	Passed
HB 222	Pilot Program Repeal Clean-up (<i>Ross I. Romero</i>)	Passed
HB 223	Amendments to Driver License and Identification Cards (<i>Curtis Oda</i>)	Passed
HB 224	Permanent Community Impact Fund - Board Membership (<i>John G. Mathis</i>)	Passed
HB 225	Boat Registration Fee (<i>Brent H. Goodfellow</i>)	Failed
HB 225	Boat Registration Fee (<i>Brent H. Goodfellow</i>)	Failed
HB 226	Government Records Access and Management Act Requirements Regarding Animal Identification Program (<i>Craig W. Buttars</i>)	Passed
HB 227	Corporate Franchise and Income Taxes - Exemption for Banks (<i>Wayne A. Harper</i>)	Failed
HB 228	Removal or Defacement of Political Signs (<i>Gregory H. Hughes</i>)	Failed
HB 229	Water Rights in Irrigation Companies (<i>Patrick Painter</i>)	Failed
HB 230	Recycling of Waste Tires (<i>David Ure</i>)	Passed
HB 231	School District Boundaries (<i>Michael E. Noel</i>)	Failed
HB 232	Utah Basic Skills Competency Test Alternatives (<i>Paul Ray</i>)	Failed
HB 233	Adoption Law Revisions (<i>Rosalind J. McGee</i>)	Passed
HB 234	Telephone Surcharge for Education and Training Programs At Prison (<i>Brent H. Goodfellow</i>)	Passed
HB 235	Insurance Arbitration Amendments (<i>Stephen H. Urquhart</i>)	Passed
HB 236	Health Insurance Law Amendments (<i>James A. Dunnigan</i>)	Passed
HB 237	State Benefit Provider Revisions (<i>Paul Ray</i>)	Failed
HB 238	Utah Technology Commission Membership (<i>John Dougall</i>)	Failed
HB 239	Higher Education Tuition and Residency Legislative Task Force (<i>Glenn A. Donnelson</i>)	Failed
HB 240	Disaster Loan Program (<i>Ron Bigelow</i>)	Passed
HB 241	Veterans Nursing Home (<i>D. Gregg Buxton</i>)	Failed
HB 242	Criminal Penalty for Animal Cruelty (<i>Scott L Wyatt</i>)	Failed
HB 243	Repeal of Geriatric Care Manager (<i>Rebecca D. Lockhart</i>)	Passed
HB 244	Transfer of Prescriptions (<i>Neil A. Hansen</i>)	Failed
HB 245	Compensation of Constitutional Officers - Benefits and Insurance (<i>Michael E. Noel</i>)	Failed
HB 246	Waste Fees Amendments (<i>Stephen H. Urquhart</i>)	Failed
HB 247	Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer (<i>Eric K. Hutchings</i>)	Passed
HB 248	Child Support Obligations (<i>Eric K. Hutchings</i>)	Failed
HB 249	Carson Smith Special Needs Scholarships (<i>Merlynn T. Newbold</i>)	Passed
HB 250	Capitol Complex Space (<i>Jeff Alexander</i>)	Passed
HB 251	Amendments Related to Public Utilities (<i>Aaron Tilton</i>)	Failed
HB 252	Marriage Preparation Education (<i>Rosalind J. McGee</i>)	Failed
HB 253	Tax Amendments (<i>Wayne A. Harper</i>)	Failed
HB 254	Tax Credit for Tuition (<i>Steven R. Mascaro</i>)	Failed
HB 255	Investment of Higher Education Institution Endowment Funds (<i>David Clark</i>)	Passed
HB 256	Local Government Authority (<i>Ann W. Hardy</i>)	Passed
HB 257	Transportation General Obligation Bonds Authorization (<i>Stephen H. Urquhart</i>)	Failed
HB 258	Individual Income Tax Credit for Employment-related Expenses (<i>David Litvack</i>)	Failed
HB 259	Adoption Amendments (<i>Ann W. Hardy</i>)	Passed

HB 260	Amendments Related to Pornographic and Harmful Materials (<i>John Dougall</i>)	Passed
HB 261	Motorboat Liability Insurance Amendments (<i>Kerry W. Gibson</i>)	Failed
HB 262	Licensure of Athletic Trainers (<i>Paul Ray</i>)	Failed
HB 263	Insurers Rehabilitation and Liquidation (<i>John Dougall</i>)	Failed
HB 264	State Land Use Management Plans Amendments (<i>Michael E. Noel</i>)	Passed
HB 265	Restrictions on Riders in the Back of Open Vehicle (<i>Craig W. Butters</i>)	Failed
HB 266	Changes to Quality Growth Commission (<i>Craig W. Butters</i>)	Passed
HB 267	Election Day Voter Registration (<i>Neil A. Hansen</i>)	Failed
HB 268	Drug Utilization Review Committee Amendments (<i>Rebecca D. Lockhart</i>)	Passed
HB 269	Sales Marketing Requirements (<i>Michael E. Noel</i>)	Failed
HB 270	Temporary Road Closures (<i>Michael E. Noel</i>)	Failed
HB 271	Commitment to Mental Health Authority (<i>Michael E. Noel</i>)	Failed
HB 272	Patient Access to Providers and Contracting Amendments (<i>Rebecca D. Lockhart</i>)	Failed
HB 273	Real Estate and Mechanics Liens - Security Alternatives (<i>Michael T. Morley</i>)	Passed
HB 274	Referendum Procedure (<i>David L. Hogue</i>)	Failed
HB 275	Business Entity Amendments (<i>Ross I. Romero</i>)	Passed
HB 276	Division of Criminal Investigation and Technical Services Amendments (<i>Curtis Oda</i>)	Passed
HB 277	Revisions to the Utah Credit Union Act (<i>LaVar Christensen</i>)	Failed
HB 278	Termination of Parental Rights for Murder or Attempted Murder (<i>Jackie Biskupski</i>)	Failed
HB 279	Clinical Counselor - Title Change (<i>Lorie D. Fowlke</i>)	Vetoed
HB 280	Joint Custody Amendments (<i>LaVar Christensen</i>)	Passed
HB 281	Task Force on Legislative Reforms (<i>Neil A. Hansen</i>)	Failed
HB 282	State Employee Ethics Amendments (<i>John Dougall</i>)	Failed
HB 283	Real Estate Amendments (<i>Gordon E. Snow</i>)	Passed
HB 284	Restructure of State Utility Regulatory Entities (<i>Aaron Tilton</i>)	Failed
HB 285	Nurse Practice Act Amendments (<i>Rebecca D. Lockhart</i>)	Failed
HB 286	Use of Public Education Monies (<i>Patricia W. Jones</i>)	Failed
HB 287	Revenue Bonds and Capital Facilities Authorizations (<i>D. Gregg Buxton</i>)	Passed
HB 288	Executive Compensation Amendments (<i>Jeff Alexander</i>)	Failed
HB 289	Authority for Design-build Construction (<i>Michael T. Morley</i>)	Failed
HB 290	Restrictions on Gifts (<i>James A. Ferrin</i>)	Failed
HB 291	Capitol Preservation Board Modifications (<i>Jeff Alexander</i>)	Failed
HB 292	Commission on Racial and Ethnic Fairness (<i>Duane E. Bourdeaux</i>)	Failed
HB 293	Materials Harmful to Minors (<i>David L. Hogue</i>)	Failed
HB 294	Regulation of Assisted Living Facility Amendments (<i>Rebecca D. Lockhart</i>)	Failed
HB 295	Deferred Deposit Lending Revisions (<i>Lorie D. Fowlke</i>)	Failed
HB 296	Condominium Ownership Act Amendments (<i>Carol Spackman Moss</i>)	Failed
HB 297	Aggravated Murder Amendments (<i>Scott L Wyatt</i>)	Passed
HB 298	Foster Placements (<i>Neil A. Hansen</i>)	Failed
HB 299	Motor Vehicle Business Licensing Amendments (<i>Paul Ray</i>)	Passed
HB 300	Health Care Savings Account Act (<i>Margaret Dayton</i>)	Failed
HB 301	Supplemental Appropriations III (<i>Ron Bigelow</i>)	Passed
HB 302	Regulation of Construction Industry (<i>J. Stuart Adams</i>)	Failed
HB 303	Shelter Hearing Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 304	Premium Assistance Program for Covered-at-work (<i>Kory M. Holdaway</i>)	Failed

HB 305	Collection Practices Amendments (<i>Duane E. Bourdeaux</i>)	Failed
HB 306	Amendment Regarding Controlled Substances (<i>Curtis Oda</i>)	Failed
HB 307	Redevelopment Agency Changes (<i>John Dougall</i>)	Failed
HB 308	Archeological Resources Amendments (<i>Bradley T. Johnson</i>)	Passed
HB 309	Municipal Budget Amendments (<i>Mark W. Walker</i>)	Passed
HB 310	Aging and Adult Services Program Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 311	Controlled Substance Law Amendments (<i>Brad L. Dee</i>)	Passed
HB 312	Municipal Electrical Entities Amendments (<i>Aaron Tilton</i>)	Failed
HB 313	Economic Development Initiative for Higher Education (<i>Kory M. Holdaway</i>)	Passed
HB 314	Driving with Any Measurable Controlled Substance in the Body Revisions (<i>Michael E. Noel</i>)	Failed
HB 315	Department of Community Development and Arts Restructure (<i>D. Gregg Buxton</i>)	Failed
HB 316	Driver License Requirements for Illegal Aliens (<i>Aaron Tilton</i>)	Failed
HB 317	Vehicle Impound Amendments (<i>James R. Gowans</i>)	Failed
HB 318	Community and Economic Development Restructuring (<i>Craig W. Buttars</i>)	Passed
HB 319	Expansion of Department of Administrative Services Oversight to Include Human Resource Management (<i>D. Gregg Buxton</i>)	Passed
HB 320	Utility Regulatory Reform (<i>James R. Gowans</i>)	Failed
HB 321	Background Checks for Boarding Schools (<i>Bradley G. Last</i>)	Failed
HB 322	Motor Vehicle Repairs - Consumer Rights (<i>Todd E. Kiser</i>)	Failed
HB 323	Access to Employment Data (<i>John G. Mathis</i>)	Failed
HB 324	Taxable Value Adjustment for Property Damaged by a Natural Disaster (<i>Bradley G. Last</i>)	Passed
HB 325	Open Enrollment Amendments (<i>Duane E. Bourdeaux</i>)	Failed
HB 326	High School Curriculum (<i>Bradley M. Daw</i>)	Failed
HB 327	Department of Commerce - Demographic Data Tracking (<i>Mark A. Wheatley</i>)	Failed
HB 328	Rural Health Care Infrastructure (<i>Michael E. Noel</i>)	Failed
HB 329	County Contracted Services (<i>Kory M. Holdaway</i>)	Failed
HB 330	Driver License Qualifications Amendments (<i>Glenn A. Donnelson</i>)	Failed
HB 331	Disaster Relief Provisions (<i>David Clark</i>)	Failed
HB 332	Possession of a Dangerous Weapon in a Vehicle (<i>Michael T. Morley</i>)	Failed
HB 333	Density Credit for Land Donated to School District (<i>David N. Cox</i>)	Failed
HB 334	Divorce Education for Children (<i>Rosalind J. McGee</i>)	Failed
HB 335	Disconnecting Territory from a Municipality (<i>Craig A. Frank</i>)	Failed
HB 336	Voting Requirements (<i>LaWanna Lou Shurtliff</i>)	Failed
HB 337	Golf Carts Allowed on Certain Highways (<i>Carol Spackman Moss</i>)	Failed
HB 338	Child and Family Welfare Revisions (<i>LaVar Christensen</i>)	Passed
HB 339	School Trust Lands Revisions (<i>David Clark</i>)	Failed
HB 340	Office of Recovery Services Fee (<i>Aaron Tilton</i>)	Failed
HB 341	Child and Family Services Records (<i>Steven R. Mascaro</i>)	Failed
HB 342	Civil Legal Aid for Victims of Domestic Violence (<i>Steven R. Mascaro</i>)	Failed
HB 343	Medicaid - Pregnant Women Resource Test (<i>Mark A. Wheatley</i>)	Failed
HB 344	Regulation of Phlebotomists (<i>Mark A. Wheatley</i>)	Failed
HB 345	State School Board Amendments (<i>Karen W. Morgan</i>)	Failed
HB 346	Schools for the Deaf and the Blind Salary Adjustments (<i>Karen W. Morgan</i>)	Failed
HB 347	Family Impact Statement (<i>Craig A. Frank</i>)	Failed

HB 348	Employment Agency Revisions (<i>J. Stuart Adams</i>)	Passed
HB 349	Money Management Act Amendments (<i>David Clark</i>)	Passed
HB 350	State Building Energy Efficiency Program (<i>Fred R. Hunsaker</i>)	Failed
HB 351	Health Insurance Disclosure Requirements (<i>Bradley G. Last</i>)	Failed
HB 352	Mandatory Minimum Sentencing for Child Molesters (<i>Craig A. Frank</i>)	Failed
HB 353	Government Operations (<i>James R. Gowans</i>)	Failed
HB 354	Licensure of Wholesale Distributors of Prescription Drugs (<i>Bradley G. Last</i>)	Failed
HB 355	Amendments to Workers Compensation Fund (<i>David Ure</i>)	Failed
HB 356	State Government Law Revisions - Withdrawal from Education Compact (<i>Margaret Dayton</i>)	Failed
HB 357	Amendments to Independent Entities (<i>David Ure</i>)	Failed
HB 358	Tuition and Books Assistance (<i>Eric K. Hutchings</i>)	Failed
HB 359	Professional Licensing Amendments (<i>Mark A. Wheatley</i>)	Failed
HB 360	Protective Order Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 361	Municipal Authority to Use Collection Agencies (<i>Mark W. Walker</i>)	Failed
HB 362	Appropriation for Highly Qualified Teachers (<i>Kory M. Holdaway</i>)	Failed
HB 363	Transportation Amendments (<i>Kerry W. Gibson</i>)	Failed
HB 364	Abusive Attorneys Fees (<i>Bradley G. Last</i>)	Failed
HB 365	Revolving Door Limitation for Public Officials to Become Lobbyists (<i>Carol Spackman Moss</i>)	Failed
HB 366	Ethics Commission (<i>David Litvack</i>)	Failed
HB 367	Restrictions on High Occupancy Vehicle Lane (<i>David Litvack</i>)	Failed
HB 368	Special Function Officers for Division of Occupational and Professional Licensing (<i>Neal B. Hendrickson</i>)	Failed
HB 369	Lobbyist Regulation (<i>James A. Ferrin</i>)	Failed
HB 370	Contribution Limits on Governor's Campaign (<i>James A. Ferrin</i>)	Failed
HB 371	Designation of Next of Kin with Department of Health (<i>Jackie Biskupski</i>)	Failed
HB 372	Power of Attorney Amendments (<i>Merlynn T. Newbold</i>)	Failed
HB 373	Education Technology Task Force (<i>Eric K. Hutchings</i>)	Failed
HB 374	Implements of Husbandry Permit Stickers (<i>John G. Mathis</i>)	Failed
HB 375	Revisions to General State Government - Notary Law Amendments (<i>Brad King</i>)	Failed
HB 376	Hill Air Force Museum Appropriation (<i>D. Gregg Buxton</i>)	Failed
HB 377	County Option Funding for Botanical, Cultural, Recreation, and Zoological Organizations or Facilities (<i>Eric K. Hutchings</i>)	Failed
HB 378	911 Emergency Response Amendments (<i>Eric K. Hutchings</i>)	Failed
HB 379	Young Artist Provisions (<i>Gregory H. Hughes</i>)	Failed
HB 380	Amendments to Local Districts (<i>Karen W. Morgan</i>)	Passed
HB 381	Nonresident Tuition Waivers (<i>Craig W. Butters</i>)	Failed
HB 382	Supplemental Minimum School Program Finance Act (<i>Gordon E. Snow</i>)	Passed
HCR 1	Resolution Promoting Moderately Sized Schools (<i>David N. Cox</i>)	Passed
HCR 2	Cowboy Hall of Fame Resolution (<i>LaWanna Lou Shurtliff</i>)	Passed
HCR 3	Resolution Regarding Washington County Waste Facility (<i>Bradley G. Last</i>)	Passed
HCR 4	Utah Athletic Foundation Resolution (<i>David Ure</i>)	Failed
HCR 5	Resolution Honoring Utah Military Service Personnel (<i>Fred R. Hunsaker</i>)	Passed
HCR 6	Resolution Recognizing Utah's Legislators Back to School Program (<i>Margaret Dayton</i>)	Passed
HCR 7	Concurrent Resolution Opposing Nuclear Testing (<i>Michael E. Noel</i>)	Passed

HCR 8	Resolution Recognizing Utah Manufacturers Association (<i>Jeff Alexander</i>)	Passed
HCR 9	Resolution Honoring Outgoing USU President Kermit L. Hall (<i>Fred R. Hunsaker</i>)	Passed
HCR 10	Concurrent Resolution Honoring Waldo Wilcox for Preservation of Range Creek Area (<i>Brad King</i>)	Passed
HCR 11	Resolution Honoring the University of Utah Football Team (<i>Jeff Alexander</i>)	Passed
HCR 12	Resolution Urging Congress to Provide Sufficient Funding of Medicaid (<i>Ron Bigelow</i>)	Failed
HCR 13	Concurrent Resolution Promoting Utah Saves Strategic Initiative (<i>David L. Hogue</i>)	Failed
HCR 14	Concurrent Resolution Honoring America's Military War Dogs (<i>Steven R. Mascaro</i>)	Failed
HJR 1	Joint Resolution Related to Financial Institutions (<i>Jeff Alexander</i>)	Passed
HJR 2	Joint Rules Resolution - Family Impact Statement on Legislation (<i>Craig A. Frank</i>)	Failed
HJR 3	Resolution Regarding Federal No Child Left Behind (<i>Kory M. Holdaway</i>)	Passed
HJR 4	Joint Rules Resolution - Conflict of Interest Amendments (<i>David Ure</i>)	Failed
HJR 5	Resolution Clarifying Removal Provisions (<i>David L. Hogue</i>)	Failed
HJR 6	Resolution Approving Compensation of In-session Employees (<i>Merlynn T. Newbold</i>)	Passed
HJR 7	Resolution Amending State Auditor Qualifications (<i>Ross I. Romero</i>)	Failed
HJR 8	Joint Rules Resolution - Use of Legislative Seals (<i>Rebecca D. Lockhart</i>)	Passed
HJR 9	Resolution Amending Joint Rules Regarding Conflicts of Interest (<i>John Dougall</i>)	Passed
HJR 10	Joint Rules Resolution - Amendments in Context (<i>Rebecca D. Lockhart</i>)	Passed
HJR 11	Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies (<i>Patricia W. Jones</i>)	Passed
HJR 12	Resolution Eliminating Property Tax on Personal Property (<i>John Dougall</i>)	Failed
HJR 13	Resolution Supporting National Bear River Heritage Area Act (<i>Craig W. Buttars</i>)	Failed
HJR 14	Resolution Establishing Redistricting Commission (<i>Rosalind J. McGee</i>)	Failed
HJR 15	Resolution Regarding United States Trade Negotiations (<i>Sheryl L. Allen</i>)	Passed
HJR 16	Joint Resolution Related to the Utah Athletic Foundation (<i>David Ure</i>)	Failed
HJR 17	Resolution Honoring Celebration of Marriage Week (<i>Lorie D. Fowlke</i>)	Passed
HJR 18	Joint Resolution Supporting Counties Expansion of Correctional Facilities (<i>David L. Hogue</i>)	Failed
HJR 19	Joint Resolution Urging Health Care for Utah's Indigent and Needy Uninsured (<i>Lorie D. Fowlke</i>)	Passed
HJR 20	Master Study Resolution (<i>Jeff Alexander</i>)	Passed
HJR 21	Resolution Honoring Jade Pusey (<i>David Ure</i>)	Passed
HR 1	House Rules Resolution - Lobbyist Code of Ethics Amendments (<i>David Ure</i>)	Failed
HR 2	Resolution Supporting Permanent Repeal of Federal Inheritance Tax (<i>Michael T. Morley</i>)	Passed
HR 3	Resolution Supporting Congressional Privatization of Social Security (<i>Michael T. Morley</i>)	Passed
HR 4	Resolution Urging United States Senate Support of President's Supreme Court Nominees (<i>Michael T. Morley</i>)	Passed
HR 5	House Rules Resolution - Oral Declaration of Conflict of Interest (<i>David Ure</i>)	Failed
HR 6	House Rules Resolution - Electronic Voting Board (<i>David Ure</i>)	Failed
HR 7	House Rules Resolution - Committee Report (<i>David Ure</i>)	Passed
HR 8	Resolution Encouraging State Research Universities to Focus on Enhancing State Trust Lands (<i>Eric K. Hutchings</i>)	Failed
HR 9	House Resolution Discouraging Participation in Free Trade Areas of the Americas (<i>Glenn A. Donnelson</i>)	Passed
HR 10	Resolution Supporting Participation of Taiwan in World Health Organization (<i>Bradley G. Last</i>)	Passed

HR 11	Resolution Urging Congress to Pass Balanced Budget Amendment (<i>Neil A. Hansen</i>)	Passed
HR 12	Resolution Honoring Hollace (holly) Parker (<i>Kory M. Holdaway</i>)	Passed
SB 1	Supplemental Appropriations Act (<i>Lyle W. Hillyard</i>)	Passed
SB 2	General Obligation Bonds Authorizations (<i>John W. Hickman</i>)	Failed
SB 3	Supplemental Appropriations Act II (<i>Lyle W. Hillyard</i>)	Line Item Vetoed
SB 4	Uninsured Motorist Property Damage Coverage Amendments (<i>Dan R. Eastman</i>)	Passed
SB 5	Traffic Code Recodification and Revisions (<i>Sheldon L. Killpack</i>)	Passed
SB 6	Sales and Use Tax Agriculture Exemptions (<i>Ron Allen</i>)	Passed
SB 7	Funding for Tourism (<i>Scott K. Jenkins</i>)	Failed
SB 8	Local Corridor Preservation Funding (<i>Sheldon L. Killpack</i>)	Passed
SB 9	Aerospace and Aviation Development Zone Modifications (<i>Mike Dmitrich</i>)	Passed
SB 10	Liability Reform Act Amendments (<i>Gregory S. Bell</i>)	Passed
SB 11	Initiative Petitions Amendments (<i>Beverly Ann Evans</i>)	Passed
SB 12	Department of Workforce Services Amendments (<i>Scott K. Jenkins</i>)	Passed
SB 13	Individual Income Tax Subtraction for Certain Military Income (<i>Howard A. Stephenson</i>) . . .	Passed
SB 14	Uniform Parentage Act (<i>Lyle W. Hillyard</i>)	Passed
SB 15	Children's Justice Center Amendments (<i>D. Chris Buttars</i>)	Passed
SB 16	Department of Workforce Services - Access to Financial Records (<i>Scott K. Jenkins</i>)	Passed
SB 17	Foster Care Citizen Review Board (<i>Dan R. Eastman</i>)	Passed
SB 18	Regulating Proprietary Postsecondary Schools (<i>Dan R. Eastman</i>)	Passed
SB 19	Disease Testing of Individuals Exposed to Blood Borne Pathogens (<i>Patrice M. Arent</i>)	Passed
SB 20	Office of Legislative Auditor - Access to Information (<i>Michael G. Waddoups</i>)	Passed
SB 21	Limitation on Liability Regarding Liquefied Petroleum Gas (<i>Dan R. Eastman</i>)	Passed
SB 22	Drug Offender Reform Act (<i>D. Chris Buttars</i>)	Failed
SB 23	Property Tax Treatment of Tangible Personal Property (<i>Curtis S. Bramble</i>)	Passed
SB 24	Waste Amendments (<i>Curtis S. Bramble</i>)	Passed
SB 25	Transportation Amendments and Highway Jurisdictional Transfer Task Force (<i>Carlene M. Walker</i>)	Passed
SB 26	Public Utilities Amendments (<i>Gregory S. Bell</i>)	Passed
SB 27	Sunset Reauthorizations (<i>L. Alma Mansell</i>)	Passed
SB 28	Reauthorization of Energy Policy Task Force (<i>Dan R. Eastman</i>)	Failed
SB 29	Licensing of Crane Operators (<i>Gene Davis</i>)	Failed
SB 30	Amendments to Search Warrants (<i>David L. Thomas</i>)	Passed
SB 31	Local Government Amendments (<i>David L. Thomas</i>)	Failed
SB 32	Limitation of Landowner Liability for Public Recreation (<i>Gregory S. Bell</i>)	Passed
SB 33	Exemptions to Residential Property Tax (<i>Ed Mayne</i>)	Failed
SB 34	Patient Access Reform (<i>D. Chris Buttars</i>)	Failed
SB 35	Relationships with Venture Capital Entities (<i>David L. Thomas</i>)	Passed
SB 36	Sales and Use Taxation of Pawn Transactions (<i>Ron Allen</i>)	Passed
SB 37	Motor Vehicle Business Regulation Act Amendments (<i>Dan R. Eastman</i>)	Passed
SB 38	Garnishment by Deferred Deposit Lenders (<i>Ron Allen</i>)	Failed
SB 39	Consumer Credit Protection (<i>Carlene M. Walker</i>)	Failed
SB 40	Regulation of Title Insurance Industry (<i>Thomas V. Hatch</i>)	Passed
SB 41	School and Institutional Trust Lands Management Act Revisions (<i>Mike Dmitrich</i>)	Passed
SB 42	Alcohol Restricted Drivers (<i>Carlene M. Walker</i>)	Passed
SB 43	Penalty for Providing False Information to State Agency (<i>Parley G. Hellewell</i>)	Passed

SB 44	Government Records Amendments (<i>Carlene M. Walker</i>)	Passed
SB 45	Charitable Purpose Determination (<i>Parley G. Hellewell</i>)	Failed
SB 46	Prescriptive Practice of Legend Drugs (<i>Peter C. Knudson</i>)	Failed
SB 47	Wrongful Lien Offenses (<i>Beverly Ann Evans</i>)	Passed
SB 48	Insurance Cancellation and Nonrenewal Restrictions (<i>Patrice M. Arent</i>)	Passed
SB 49	Motor Vehicle Liability Coverage Amendments (<i>Dan R. Eastman</i>)	Failed
SB 50	Controlled Substance Amendments (<i>Patrice M. Arent</i>)	Passed
SB 51	New Motor Vehicle Franchise Act Amendments (<i>Dan R. Eastman</i>)	Passed
SB 52	Price Controls During Emergencies Act (<i>Patrice M. Arent</i>)	Passed
SB 53	Land Value Property Tax Study (<i>Howard A. Stephenson</i>)	Passed
SB 54	Property Tax Confidentiality Amendments (<i>Howard A. Stephenson</i>)	Passed
SB 55	Access to Patient Medical Records (<i>Patrice M. Arent</i>)	Passed
SB 56	Real Estate - Exclusive Brokerage Agreements (<i>L. Alma Mansell</i>)	Passed
SB 57	Funding for Business Development in Disadvantaged Rural Communities (<i>Peter C. Knudson</i>)	Passed
SB 58	Liability Protection of Educators (<i>Howard A. Stephenson</i>)	Passed
SB 59	Home School Amendments (<i>Mark B. Madsen</i>)	Passed
SB 60	Local Land Use Development and Management Amendments (<i>Gregory S. Bell</i>)	Passed
SB 61	Privately Owned Health Care Organization Task Force (<i>Michael G. Waddoups</i>)	Passed
SB 62	Personal Property Transactions Amendments (<i>Michael G. Waddoups</i>)	Passed
SB 63	Severance Tax Amendments (<i>Beverly Ann Evans</i>)	Failed
SB 64	Real Estate Transactions and Securities (<i>L. Alma Mansell</i>)	Passed
SB 65	Alcoholic Beverage Control Amendments (<i>Peter C. Knudson</i>)	Passed
SB 66	Procurement Code Bidding and Contractual Amendments (<i>Ed Mayne</i>)	Failed
SB 67	Election Law - Voter Requirements (<i>Mark B. Madsen</i>)	Failed
SB 68	Sales and Use Tax Amendments (<i>Ed Mayne</i>)	Failed
SB 69	Family Sustaining Wage Amendments (<i>Fred J. Fife</i>)	Failed
SB 70	Waste Tire Recycling Act Amendments (<i>Fred J. Fife</i>)	Failed
SB 71	Security Personnel Licensing Amendments (<i>Gene Davis</i>)	Passed
SB 72	Child Welfare Amendments (<i>Dan R. Eastman</i>)	Passed
SB 73	Tampering with Evidence (<i>D. Chris Buttars</i>)	Passed
SB 74	Medical Reserve Corps (<i>Lyle W. Hillyard</i>)	Passed
SB 75	Public Safety Database Amendments (<i>Michael G. Waddoups</i>)	Failed
SB 76	Amendments to Navajo Trust Fund (<i>Beverly Ann Evans</i>)	Passed
SB 77	Amendments to Indoor Clean Air Act (<i>Michael G. Waddoups</i>)	Failed
SB 78	Optional Forms of County Government Amendment (<i>David L. Thomas</i>)	Passed
SB 79	Extension of Sunset Date on Resource Development Coordinating Committee (<i>Beverly Ann Evans</i>)	Passed
SB 80	Special Service Districts - Service Expansion (<i>Mike Dmitrich</i>)	Passed
SB 81	Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal (<i>Beverly Ann Evans</i>)	Passed
SB 82	Individual Income Tax - Earned Income Tax Credit (<i>Thomas V. Hatch</i>)	Failed
SB 83	Medical Decisions of a Parent or Guardian (<i>David L. Thomas</i>)	Passed
SB 84	Do Not Call Registry Amendments (<i>David L. Thomas</i>)	Failed
SB 85	Federal Research Committee (<i>Gene Davis</i>)	Failed
SB 86	2004 General Obligation Bond Amendments (<i>Peter C. Knudson</i>)	Passed

SB 87	Residence Lien Restriction and Lien Recovery Fund Amendments (<i>David L. Thomas</i>)	Failed
SB 88	Creation of Local Districts (<i>Carlene M. Walker</i>)	Passed
SB 89	Mutual Dependence Benefits Contract (<i>Gregory S. Bell</i>)	Failed
SB 90	County Officers Serving on Boards of County Mental Health and Substance Abuse Providers (<i>David L. Thomas</i>)	Passed
SB 91	Interstate Juvenile Compact (<i>Lyle W. Hillyard</i>)	Passed
SB 92	Utah Attorney's Fees Recovery Act (<i>David L. Thomas</i>)	Failed
SB 93	Children's Justice Center Addition (<i>Thomas V. Hatch</i>)	Passed
SB 94	Restitution Amendments (<i>Gregory S. Bell</i>)	Passed
SB 95	Office of Museum Services Amendments (<i>Ron Allen</i>)	Passed
SB 96	Commerce Service Fund Amendments (<i>Gregory S. Bell</i>)	Passed
SB 97	Consolidation of City and County Library (<i>Gregory S. Bell</i>)	Passed
SB 98	Motor Vehicle Registration and Title Amendments (<i>Sheldon L. Killpack</i>)	Passed
SB 99	Damages for Trespass in State Parks (<i>Thomas V. Hatch</i>)	Failed
SB 100	Access to High Speed Internet At State Capitol Complex (<i>Sheldon L. Killpack</i>)	Passed
SB 101	Utah Administrative Rulemaking Act Revision (<i>Howard A. Stephenson</i>)	Passed
SB 102	Lobbyist Reporting Amendments (<i>Gregory S. Bell</i>)	Failed
SB 103	Liens on Aircraft (<i>Thomas V. Hatch</i>)	Passed
SB 104	Judiciary Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 105	Judgment Interest Rate (<i>Scott K. Jenkins</i>)	Failed
SB 106	Utah Religious Land Use Act (<i>David L. Thomas</i>)	Passed
SB 107	Licensure and Regulation of Programs and Facilities (<i>Thomas V. Hatch</i>)	Passed
SB 108	Telecommunications Revisions (<i>Curtis S. Bramble</i>)	Passed
SB 109	Safety Belt Enforcement (<i>Karen Hale</i>)	Failed
SB 110	Medical Device Notification and Liability (<i>D. Chris Butters</i>)	Passed
SB 111	Amendments Prohibiting Health Insurance Discrimination (<i>Scott D. McCoy</i>)	Failed
SB 112	Child Protection Amendments (<i>Gregory S. Bell</i>)	Failed
SB 113	Employee Noncompetition Contracts (<i>Ed Mayne</i>)	Failed
SB 114	County and Municipal Zoning Regarding Billboards (<i>Michael G. Waddoups</i>)	Passed
SB 115	Permanent Total Disability Amendments (<i>Ed Mayne</i>)	Passed
SB 116	Arbitration - Use of Subpoena Authorized (<i>Dan R. Eastman</i>)	Passed
SB 117	Repeal of Utah Tomorrow Strategic Planning Committee (<i>Michael G. Waddoups</i>)	Passed
SB 118	Identity Fraud Amendments (<i>Carlene M. Walker</i>)	Passed
SB 119	Rural Medical Residency Training Programs (<i>Peter C. Knudson</i>)	Passed
SB 120	Allocation of Profits from School and Institutional Trust Lands (<i>Thomas V. Hatch</i>)	Passed
SB 121	Property Tax Exemption Amendments (<i>Curtis S. Bramble</i>)	Passed
SB 122	Resident Tuition Status for Job Corps Students (<i>Gregory S. Bell</i>)	Passed
SB 123	Governmental Immunity Act - Technical Amendments (<i>Gregory S. Bell</i>)	Passed
SB 124	Motor Vehicle Insurance - Property Damage Limit (<i>Scott K. Jenkins</i>)	Failed
SB 125	Amendments to Individual Income Tax Credit for Special Needs Adoptions (<i>Parley G. Hellewell</i>)	Passed
SB 126	Medical Benefits Recovery Act Amendments (<i>Sheldon L. Killpack</i>)	Passed
SB 127	Tax, Fee, or Charge Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 128	Calculation of Interest on Tax Overpayments (<i>Howard A. Stephenson</i>)	Passed
SB 129	Brine Shrimp Royalty Act Amendments (<i>Thomas V. Hatch</i>)	Passed
SB 130	Retirement for Airport Police (<i>Mike Dmitrich</i>)	Passed

SB 131	Authorization for Additional Judicial Position (<i>Mark B. Madsen</i>)	Failed
SB 132	Health Care Consumer's Report (<i>Allen M. Christensen</i>)	Passed
SB 133	Individual Income Tax - Return Filing Requirements (<i>Howard A. Stephenson</i>)	Passed
SB 134	Powersport Vehicle Franchise Act (<i>Dan R. Eastman</i>)	Passed
SB 135	Drug Courts Pilot Project (<i>Lyle W. Hillyard</i>)	Passed
SB 136	Justice Court Operations Amendments (<i>Ed Mayne</i>)	Failed
SB 137	Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments (<i>Howard A. Stephenson</i>)	Passed
SB 138	Judgment Interest Amendments (<i>Ed Mayne</i>)	Passed
SB 139	Wage Provisions (<i>Howard A. Stephenson</i>)	Passed
SB 140	Personal Use of Campaign Funds (<i>Karen Hale</i>)	Failed
SB 141	Military Installation Partnerships (<i>Sheldon L. Killpack</i>)	Passed
SB 142	Pharmacy Practice Act Amendments (<i>Peter C. Knudson</i>)	Passed
SB 143	Open and Public Meetings - Recording Requirement (<i>Scott K. Jenkins</i>)	Failed
SB 144	Motor Vehicle Stops At Port-of-entry (<i>Peter C. Knudson</i>)	Passed
SB 145	Prohibition Against Certain Medical Noncompetition Agreements (<i>Allen M. Christensen</i>)	Failed
SB 146	Avoiding Apprehension Amendment (<i>Michael G. Waddoups</i>)	Passed
SB 147	Psychologist Licensing Act Amendments (<i>Ed Mayne</i>)	Failed
SB 148	Conservation Easement Endowment Restricted Account (<i>Beverly Ann Evans</i>)	Failed
SB 149	Pete Suazo Athletic Commission Amendments (<i>Ed Mayne</i>)	Passed
SB 150	Food Safety Manager Certification (<i>Darin G. Peterson</i>)	Passed
SB 151	Driver Education Amendments (<i>Thomas V. Hatch</i>)	Failed
SB 152	Business License Fees (<i>Michael G. Waddoups</i>)	Passed
SB 153	Tax Reform Task Force (<i>Curtis S. Bramble</i>)	Passed
SB 154	Public Safety Retirement Amendments (<i>D. Chris Buttars</i>)	Failed
SB 155	State School Board Candidate Selection Committees (<i>Karen Hale</i>)	Failed
SB 156	Health Insurance - Prompt Payment Amendments (<i>Michael G. Waddoups</i>)	Failed
SB 157	Utah Consumer Credit Code Amendments (<i>Peter C. Knudson</i>)	Passed
SB 158	Dishonored Instrument Amendments (<i>Peter C. Knudson</i>)	Passed
SB 159	Assessment Offset for Donations Promoting Occupational Health and Safety (<i>Ed Mayne</i>)	Passed
SB 160	Child Support Exemption for Adoptive Parents of Certain Children in State Custody (<i>Parley G. Hellewell</i>)	Failed
SB 161	Amendments to the Property Tax Valuation Agency Fund Assessing and Collecting Levy (<i>Howard A. Stephenson</i>)	Passed
SB 162	Changes to 2004 General Obligation Bond (<i>Ron Allen</i>)	Failed
SB 163	Capitol Preservation Board Amendments (<i>Beverly Ann Evans</i>)	Passed
SB 164	Individual Income Tax - Tax Credit for Live Organ Donation Expenses (<i>Karen Hale</i>)	Passed
SB 165	Child Welfare Services (<i>Parley G. Hellewell</i>)	Failed
SB 166	Prohibition Against Certain Low-level Radioactive Waste (<i>Patrice M. Arent</i>)	Failed
SB 167	Penalties for False Driver Licenses and Identification Cards (<i>Carlene M. Walker</i>)	Passed
SB 168	Construction Trade Related Amendments (<i>Scott K. Jenkins</i>)	Failed
SB 169	Local Option Sales and Use Tax Distribution Amendments (<i>Gregory S. Bell</i>)	Failed
SB 170	State Tax Commission Collection and Licensing Practices (<i>Curtis S. Bramble</i>)	Passed
SB 171	Corporate Accountability (<i>Ed Mayne</i>)	Failed

SB 172	Division of Real Estate Amendments (<i>Michael G. Waddoups</i>)	Passed
SB 173	Brownfields Revision (<i>L. Alma Mansell</i>)	Passed
SB 174	Security Service Amendments (<i>Ron Allen</i>)	Failed
SB 175	Weapons Amendments (<i>Mark B. Madsen</i>)	Failed
SB 176	Programs and Facilities Licensing Amendments (<i>D. Chris Buttars</i>)	Failed
SB 177	Increase Statute of Limitations on Rape (<i>Ed Mayne</i>)	Passed
SB 178	Charter School Amendments (<i>Howard A. Stephenson</i>)	Passed
SB 179	Protection of Government Records (<i>Gregory S. Bell</i>)	Passed
SB 180	Workers Compensation - Competitive Bid Requirements (<i>Michael G. Waddoups</i>)	Failed
SB 181	Criminal Code Amendments (<i>Karen Hale</i>)	Failed
SB 182	Veterinary Practice Act - Exemptions (<i>Mike Dmitrich</i>)	Failed
SB 183	Public Transit District Annexation and Funding Amendments (<i>Gregory S. Bell</i>)	Failed
SB 184	Redevelopment Agency Amendments (<i>Curtis S. Bramble</i>)	Passed
SB 185	Amendments to the Multi-channel Video or Audio Service Tax Act (<i>Thomas V. Hatch</i>)	Failed
SB 186	Child Welfare Removal - Adoption Option (<i>Parley G. Hellewell</i>)	Failed
SB 187	Special Hunting Permits for Antelope Island (<i>John W. Hickman</i>)	Failed
SB 188	Classifying Off-highway Vehicles as Allowed on Designated Roads (<i>Thomas V. Hatch</i>)	Failed
SB 189	Property Tax - Certified Tax Rate Adjustment (<i>Gregory S. Bell</i>)	Failed
SB 190	County Officer Amendments (<i>Curtis S. Bramble</i>)	Passed
SB 191	Political Subdivisions - Truth in Government Competition (<i>Ron Allen</i>)	Failed
SB 192	High Technology Economic Development Appropriation (<i>L. Alma Mansell</i>)	Passed
SB 193	Property Tax Changes (<i>Lyle W. Hillyard</i>)	Failed
SB 194	Sales and Use Tax Exemption for Items Relating to Direct Mail (<i>Howard A. Stephenson</i>)	Passed
SB 195	Tax Revisions (<i>Curtis S. Bramble</i>)	Failed
SB 196	Motor Vehicle Registration Amendments (<i>Sheldon L. Killpack</i>)	Failed
SB 197	Reporting Taxable Income from Child Care Services (<i>D. Chris Buttars</i>)	Failed
SB 198	Local Law Enforcement Authority for Wildlife Resources and State Parks (<i>Thomas V. Hatch</i>)	Failed
SB 199	Office of Energy - Oversight (<i>Thomas V. Hatch</i>)	Passed
SB 200	Independent Elections Commission (<i>Gene Davis</i>)	Failed
SB 201	Center for Multicultural Health (<i>D. Chris Buttars</i>)	Failed
SB 202	Hearing Instrument Specialist Licensing Act (<i>Paula F. Julander</i>)	Failed
SB 203	Property Tax - County Service Areas (<i>Michael G. Waddoups</i>)	Failed
SB 204	Sales and Use Tax Diversions (<i>Darin G. Peterson</i>)	Failed
SB 205	Individual Income Tax - Office of State Debt Collection Rulemaking Authority (<i>Mike Dmitrich</i>)	Failed
SB 206	Nonparticipating Tobacco Manufacturer Amendments (<i>Sheldon L. Killpack</i>)	Passed
SB 207	Motor Vehicle Insurance Coverage Amendments (<i>Dan R. Eastman</i>)	Passed
SB 208	Rights-of-Way Across School and Institutional Trust Lands (<i>Beverly Ann Evans</i>)	Failed
SB 209	Interlocal Cooperation Amendments (<i>Curtis S. Bramble</i>)	Failed
SB 210	General Government Revisions (<i>Darin G. Peterson</i>)	Failed
SB 211	Funding for Convention Facilities (<i>Michael G. Waddoups</i>)	Passed
SB 212	Child Care Investigations (<i>Parley G. Hellewell</i>)	Passed
SB 213	Substance Abuse Counselor Amendments (<i>Ron Allen</i>)	Failed
SB 214	Utah Midwifery Act (<i>Paula F. Julander</i>)	Failed

SB 215	Financial Institutions as Limited Liability Companies (<i>Lyle W. Hillyard</i>)	Passed
SB 216	Amendments to Utah Emergency Medical Services Act (<i>Curtis S. Bramble</i>)	Passed
SB 217	Tax Treatment of Food Sold in Vicinity of a Theater (<i>Mark B. Madsen</i>)	Failed
SB 218	Motor Vehicle Lease or Purchase Agreements (<i>Mark B. Madsen</i>)	Failed
SB 219	Security in Construction Projects (<i>Curtis S. Bramble</i>)	Failed
SB 220	Amendments to State Government (<i>Ron Allen</i>)	Failed
SB 221	General State Government Amendments (<i>Ron Allen</i>)	Failed
SB 222	Workers Compensation Fund Amendments (<i>Curtis S. Bramble</i>)	Failed
SB 223	Oversight and Enforcement of Work Done on Mobile Homes (<i>Ed Mayne</i>)	Passed
SB 224	Provisions Changing General Government (<i>Gene Davis</i>)	Failed
SB 225	Changes to General Government - Sales and Use Tax Amendments (<i>Gene Davis</i>)	Failed
SB 226	Amendments to Telecommunications (<i>Gene Davis</i>)	Failed
SB 227	Public Safety Driving Privilege and Identification Card Amendments (<i>Curtis S. Bramble</i>)	Passed
SB 228	Improvements to General Government (<i>Fred J. Fife</i>)	Failed
SB 229	General Government Amendments and Revisions (<i>Fred J. Fife</i>)	Failed
SB 230	Health Law Amendments (<i>Fred J. Fife</i>)	Failed
SB 231	Compensation of Lieutenant Governor and Other State Officers (<i>Mark B. Madsen</i>)	Failed
SB 232	Executive Director of Department of Health Issues (<i>Sheldon L. Killpack</i>)	Failed
SB 233	Blacklisting Amendments (<i>Allen M. Christensen</i>)	Failed
SB 234	Amendments to Department of Community and Economic Development (<i>Peter C. Knudson</i>)	Failed
SB 235	Towing Amendments (<i>D. Chris Buttars</i>)	Failed
SB 236	Compensation for Executive Director of Department of Health (<i>Peter C. Knudson</i>)	Failed
SB 237	Military Transformation Authority (<i>Sheldon L. Killpack</i>)	Failed
SB 238	Good Samaritan Coverage of Health Providers Charity Care (<i>Mark B. Madsen</i>)	Failed
SB 239	Public Lands Policy Coordination (<i>Thomas V. Hatch</i>)	Passed
SCR 1	Resolution Encouraging Managed Lanes Study (<i>Carlene M. Walker</i>)	Passed
SCR 2	Resolution Approving Class V Landfill (<i>Ron Allen</i>)	Passed
SCR 3	Resolution Honoring Searchers (<i>Lyle W. Hillyard</i>)	Passed
SCR 4	Resolution Approving Utah Recreational Land Exchange (<i>Beverly Ann Evans</i>)	Passed
SCR 5	Resolution Approving Settlement of Lawsuit (<i>Peter C. Knudson</i>)	Passed
SCR 6	Resolution Supporting the Golden Rule Project (<i>Fred J. Fife</i>)	Passed
SCR 7	Resolution Concerning Health Care Availability (<i>Gregory S. Bell</i>)	Failed
SCR 8	Concurrent Resolution Approving Class V Landfill (<i>Mike Dmitrich</i>)	Passed
SCR 9	Concurrent Resolution Regarding Delta Air Lines (<i>Dan R. Eastman</i>)	Passed
SCR 10	Concurrent Resolution Honoring Utah Foundation (<i>L. Alma Mansell</i>)	Passed
SCR 11	Concurrent Resolution on Mcgruff House (<i>Dan R. Eastman</i>)	Passed
SJR 1	Joint Resolution Approving Appointment of Legislative Auditor General (<i>John L. Valentine</i>)	Passed
SJR 2	Resolution on Property Tax for Certain Personal Property (<i>John W. Hickman</i>)	Failed
SJR 3	Resolution Encouraging Mediation (<i>Carlene M. Walker</i>)	Passed
SJR 4	Joint Rules Resolution - Interim Rules Recodification (<i>Michael G. Waddoups</i>)	Passed
SJR 5	Resolution Approving Contract for State Capitol Renovation (<i>L. Alma Mansell</i>)	Passed
SJR 6	Space Exploration Resolution (<i>Peter C. Knudson</i>)	Passed
SJR 7	Resolution Recognizing Ronald Reagan Day (<i>Peter C. Knudson</i>)	Passed

SJR 8	Joint Rules Resolution - Appearance of Bills (<i>Curtis S. Bramble</i>)	Passed
SJR 9	Resolution Recognizing 100 Years of Rotary International (<i>Peter C. Knudson</i>)	Passed
SJR 10	Resolution to Congress Regarding Oil and Gas Drilling and Exploration (<i>Howard A. Stephenson</i>)	Passed
SJR 11	Resolution Limiting Number of Governor's Terms (<i>Carlene M. Walker</i>)	Failed
SJR 12	Resolution Urging Funding (<i>Fred J. Fife</i>)	Failed
SJR 13	Joint Resolution Amending Interim Legislative Rules (<i>Michael G. Waddoups</i>)	Passed
SJR 14	Joint Resolution on Stroke Awareness (<i>Peter C. Knudson</i>)	Passed
SJR 15	Joint Resolution Urging Medicaid Reform (<i>Peter C. Knudson</i>)	Passed
SJR 16	Resolution Urging Comprehensive Cancer Control Plan for the State (<i>Karen Hale</i>)	Passed
SJR 17	Resolution Recognizing Huntsman Cancer Institute (<i>Peter C. Knudson</i>)	Passed
SJR 18	Joint Resolution Approving Consolidation of West Valley and Sandy District Courts (<i>Peter C. Knudson</i>)	Passed
SJR 19	Resolution Recognizing Granite School District's 100 Years (<i>Gene Davis</i>)	Passed
SJR 20	Joint Resolution Recognizing Retiring President of Dixie State College (<i>John W. Hickman</i>)	Passed
SR 1	Senate Resolution Discouraging Participation in Free Trade Area of the Americas (<i>David L. Thomas</i>)	Passed

SUBJECT INDEX OF LEGISLATION NOT PASSED 2005 GENERAL SESSION

ABUSE

Revisions to Child Welfare - HB 202

ADMINISTRATIVE RULES AND PROCEDURES

Administrative Rules - Impact on Small Businesses -
HB 209

ADOPTION

Child Support Exemption for Adoptive Parents of Certain
Children in State Custody - SB 160
Child Welfare Removal - Adoption Option - SB 186

ADVERTISING

Restrictions of Advertising Illegal Activities - HB 123

AGRICULTURE

County Option Sales and Use Tax for Agricultural Land,
Open Land, and Recreational Facilities Act -HB 152

AIR

Amendments to Indoor Clean Air Act - SB 77
Utah Indoor Clean Air Act Amendments - HB 166

ALCOHOLIC BEVERAGE CONTROL

Young Artist Provisions - HB 379

APPLIED TECHNOLOGY EDUCATION

Applied Technology Program Amendments - HB 189

APPROPRIATIONS

Appropriation for Highly Qualified Teachers - HB 362
Executive Compensation Amendments - HB 288
Hill Air Force Museum Appropriation - HB 376
Transportation Investment Act - HB 18

ATTORNEYS

Elder Protection Provisions - HB 167
Offer of Settlement Provisions - HB 127
Utah Attorney's Fees Recovery Act - SB 92

BLACKLISTING

Blacklisting Amendments - SB 233

BOATING

Boat Registration Fee - HB 225
Motorboat Liability Insurance Amendments - HB 261

BONDS

Changes to 2004 General Obligation Bond - SB 162

BUDGETING

State Budget Provisions - HB 97

BUSINESS

Administrative Rules - Impact on Small Businesses -
HB 209
Blacklisting Amendments - SB 233
Child Protection Registry Amendments - HB 174
Condominium Ownership Act Amendments - HB 296
Construction Trade Related Amendments - SB 168
Consumer Credit Bureau Notice Requirements - HB 100
Consumer Credit Protection - SB 39
Contractors Bonds and Letters of Credit - HB 82
Department of Commerce - Demographic Data Tracking -
HB 327
Do Not Call Registry Amendments - SB 84
Employee Noncompetition Contracts - SB 113
Fair Housing for Domestic Violence Victims and Landlord
Protection Act - HB 194
Garnishment by Deferred Deposit Lenders - SB 38
Insurers Rehabilitation and Liquidation - HB 263
Judgment Interest Rate - SB 105
Mobile Home Park - Notice of Sale of Underlying Property
- HB 133
Mutual Dependence Benefits Contract - SB 89
Prescriptive Easements Act - HB 207
Regulation of Construction Industry - HB 302
Revisions to the Utah Credit Union Act - HB 277
Sales Marketing Requirements - HB 269
Utah High Cost Home Loan Act Amendments - HB 192
Workers' Compensation Coverage of Fire Department
Employees - HB 81
Young Artist Provisions - HB 379

BUSINESS AND ECONOMIC DEVELOPMENT

Funding for Tourism - SB 7

CHARITIES

Charitable Purpose Determination - SB 45

CHARTER SCHOOLS

Applied Technology Program Amendments - HB 189

CHILD RESTRAINTS

Safety Belt Enforcement - SB 109

CHILD SUPPORT

Child Support Exemption for Adoptive Parents of Certain
Children in State Custody - SB 160
Child Support Obligations - HB 248

Office of Recovery Services Fee - HB 340

CHILD WELFARE

Child Support Exemption for Adoptive Parents of Certain Children in State Custody - SB 160
Child Welfare Removal - Adoption Option - SB 186
Child Welfare Services - SB 165
Revisions to Child Welfare - HB 202

CHILDREN

Child and Family Services Records - HB 341
Child Protection Amendments - SB 112
Child Protection Registry Amendments - HB 174
Shelter Hearing Amendments - HB 303

CODE OF CRIMINAL PROCEDURE

Drug Offender Reform Act - SB 22

COLLECTION AGENCIES

Municipal Authority to Use Collection Agencies - HB 361

COMMERCE AND TRADE

Department of Commerce - Demographic Data Tracking - HB 327
Materials Harmful to Minors - HB 293

COMMITTEE OF UTILITY CONSUMER SERVICES

Utility Regulatory Reform - HB 320

COMMUNITY AND ECONOMIC DEVELOPMENT

Amendments to Department of Community and Economic Development - SB 234
Funding for Tourism - SB0007
Navajo Trust Fund Amendments - HB 119

CONFLICTS OF INTEREST

House Rules Resolution - Oral Declaration of Conflict of Interest - HR0005
Joint Rules Resolution - Conflict of Interest Amendments - HJR004

CONSTRUCTION INDUSTRIES

Contractors Bonds and Letters of Credit - HB 82
Deregulation of General Building Contractors - HB 193
Licensing of Crane Operators - SB 29
Procurement Code Bidding and Contractual Amendments - SB 66

CONSUMER CREDIT CODE

Consumer Credit Bureau Notice Requirements - HB 100
Consumer Credit Protection - SB 39

CONSUMER PROTECTION

Consumer Credit Protection - SB 39

Do Not Call Registry Amendments - SB 84
Materials Harmful to Minors - HB 293

CONTRACTS

Employee Noncompetition Contracts - SB 113
Judgment Interest Rate - SB 105
Mutual Dependence Benefits Contract - SB 89

CONTROLLED SUBSTANCES

Amendment Regarding Controlled Substances - HB 306
Drug Offender Reform Act - SB 22
Transfer of Prescriptions - HB 244

CORPORATE TAX

Corporate Franchise and Income Taxes - Exemption for Banks - HB 227
Tax Revisions - SB 195

COUNTIES

Amendments to Facilities with Regional Impact - HB 126
Authority for Design-build Construction - HB 289
County Contracted Services - HB 329
Density Credit for Land Donated to School District - HB 333
Local Government Amendments - SB 31
Political Subdivisions - Truth in Government Competition - SB 191
Temporary Road Closures - HB 270
Waste Fees Amendments - HB 246

COURT PROCEDURE

Civil Legal Aid for Victims of Domestic Violence - HB 342
Justice Court Operations Amendments - SB 136

COURTS

Authorization for Additional Judicial Position - SB 131
Civil Legal Aid for Victims of Domestic Violence - HB 342
Drug Offender Reform Act - SB 22
Justice Court Operations Amendments - SB 136

CRIMINAL CODE

Criminal Code Amendments - SB 181
Criminal Penalty Amendment - HB 50
Criminal Penalty for Animal Cruelty - HB 242
Removal or Defacement of Political Signs - HB 228
Sales Marketing Requirements - HB 269
Shelter Hearing Amendments - HB 303
Statute of Limitations Amendments - HB 204
Weapons Amendments - SB 175

CRIMINAL CONDUCT

Criminal Penalty for Animal Cruelty - HB 242
Removal or Defacement of Political Signs - HB 228
Restrictions of Advertising Illegal Activities - HB 123

DEPARTMENT OF COMMERCE

Department of Commerce - Demographic Data Tracking - HB 327

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Amendments to Department of Community and Economic Development - SB 234

DEPARTMENT OF CORRECTIONS

Drug Offender Reform Act - SB 22
Joint Resolution Supporting Counties Expansion of Correctional Facilities - HJR018
Youth Corrections Amendments - HB 94

DEPARTMENT OF ENVIRONMENTAL QUALITY

Prohibition Against Certain Low-level Radioactive Waste - SB 166

DEPARTMENT OF HEALTH

Executive Director of Department of Health Issues - SB 232
Individual Income Tax Contribution for Community Spay and Neuter Programs - HB 140
Premium Assistance Program for Covered-at-work - HB 304

DEPARTMENT OF NATURAL RESOURCES

Boat Registration Fee - HB 225
Conservation Easement Endowment Restricted Account - SB 148
Damages for Trespass in State Parks - SB 99
Deer Hunt Opening Season Date Amendments - HB 205
Sales and Use Tax Diversions - SB 204
Special Hunting Permits for Antelope Island - SB 187
Water Rights in Irrigation Companies - HB 229

DISABILITIES

Air Conditioned Buses for Students with Disabilities - HB 88

DIVISION OF CHILD AND FAMILY SERVICES

Child and Family Services Records - HB 341
Child Protection Amendments - SB 112
Child Welfare Removal - Adoption Option - SB 186
Child Welfare Services - SB 165
Revisions to Child Welfare - HB 202
Utah Child Abuse Prevention Board - HB 115

DIVISION OF PUBLIC UTILITIES

Utility Regulatory Reform - HB 320

DOGS

Concurrent Resolution Honoring America's Military War Dogs - HCR014
Criminal Penalty for Animal Cruelty - HB 242
Individual Income Tax Contribution for Community Spay and Neuter Programs - HB 140

DOMESTIC VIOLENCE

Civil Legal Aid for Victims of Domestic Violence - HB 342
Fair Housing for Domestic Violence Victims and Landlord Protection Act - HB 194

DRIVER LICENSE

Driver License Qualifications Amendments - HB 330
Driver License Requirements for Illegal Aliens - HB 316

DRIVING UNDER THE INFLUENCE (DUI)

Driving with Any Measurable Controlled Substance in the Body Revisions - HB 314

EDUCATION

Air Conditioned Buses for Students with Disabilities - HB 88
Applied Technology Program Amendments - HB 189
Appropriation for Highly Qualified Teachers - HB 362
Appropriation for School Districts Impacted by Fee Waivers - HB 169
Capital Outlay Foundation Program - Participation Requirements - HB 187
Driver Education Amendments - SB 151
Education Achievement Gap Task Force - HB 175
Education Technology Task Force - HB 373
High School Curriculum - HB 326
Higher Education Tuition and Residency Legislative Task Force - HB 239
Implementing Federal Educational Programs - HB 135
Nonresident Tuition Waivers - HB 381
Public Education Capital Outlay Act Amendments - HB 46
Reading Requirements for Student Advancement - HB 84
Rights-of-Way Across School and Institutional Trust Lands - SB 208
Sales and Use Tax Exemption for Textbooks for Higher Education - HB 220
School Breakfast Program - HB 141
School Community Councils - HB 151
School Curriculum Amendments - HB 72
School District Amendments - HB 63
School District Boundaries - HB 231
School Truancy Amendments - HB 148
School Uniforms - HB 129
Schools for the Deaf and the Blind Salary Adjustments - HB 346
Security for Public Schools - HB 153
State Government Law Revisions - Withdrawal from Education Compact - HB 356
State School Board Amendments - HB 345
State School Board Candidate Selection Committees - SB 155
State School Board Elections and Filling of Vacancies - HB 61
Tuition and Books Assistance - HB 358
Tuition Tax Credits - HB 39

Utah Basic Skills Competency Test Alternatives - HB 232

ELDERLY

Aging and Adult Services Program Amendments - HB 310
 Elder Protection Provisions - HB 167
 Individual Income Tax Credit for Employment-related Expenses - HB 258

ELECTIONS

Election Day Voter Registration - HB 267
 Election Law - Voter Requirements - SB 67
 Local Referendum Requirements - HB 73
 Personal Use of Campaign Funds - SB 140
 Removal or Defacement of Political Signs - HB 228
 Special Election Dates - HB 199
 Voting Requirements - HB 336

ELECTRICITY

Municipal Electrical Entities Amendments - HB 312

ELECTRONIC INFORMATION

Emerging Technologies and Open Government - HB 214

EMPLOYEES AND COMPENSATION, LEGISLATIVE

Compensation of Constitutional Officers - Benefits and Insurance - HB 245

ENERGY

Reauthorization of Energy Policy Task Force - SB 28

ENVIRONMENT

Prohibition Against Certain Low-level Radioactive Waste - SB 166
 Utah Indoor Clean Air Act Amendments - HB 166
 Waste Fees Amendments - HB 246
 Waste Tire Recycling Act Amendments - SB 70

ETHICS

Ban on Gifts to Elected Officials - HB 144
 House Rules Resolution - Lobbyist Code of Ethics Amendments - HR 1
 Lobbyist Regulation - HB 369
 Lobbyist Reporting Amendments - SB 102
 Personal Use of Campaign Funds - SB 140
 State Employee Ethics Amendments - HB 282

EXECUTIVE BRANCH

Compensation of Lieutenant Governor and Other State Officers - SB 231
 Executive Compensation Amendments - HB 288

EXECUTIVE DEPARTMENT - CONSTITUTION

Resolution Limiting Number of Governor's Terms - SJR 11

FAMILY

Child and Family Services Records - HB 341
 Joint Rules Resolution - Family Impact Statement on Legislation - HJR 2
 Marriage Preparation Education - HB 252

FEDERAL GOVERNMENT

Federal Research Committee - SB 85
 Implementing Federal Educational Programs - HB 135

FEES

Automobile Crime Prevention - HB 21
 Garnishment Fees - HB 163
 Office of Recovery Services Fee - HB 340

FINANCIAL INSTITUTIONS

Concurrent Resolution Promoting Utah Saves Strategic Initiative - HCR 13
 Corporate Franchise and Income Taxes - Exemption for Banks - HB 227
 Garnishment by Deferred Deposit Lenders - SB 38
 Revisions to the Utah Credit Union Act - HB 277

FIRE PROTECTION

Interlocal Cooperation Amendments - SB 209
 Property Tax - County Service Areas - SB 203
 Workers' Compensation Coverage of Fire Department Employees - HB 81

FISH AND GAME

Deer Hunt Opening Season Date Amendments - HB 205
 Special Hunting Permits for Antelope Island - SB 187

GOVERNMENT OPERATIONS (STATE ISSUES)

Bail Bond Amendments - HB 122
 Ban on Gifts to Elected Officials - HB 144
 Capitol Preservation Board Modifications - HB 291
 Changes to 2004 General Obligation Bond - SB 162
 Compensation of Constitutional Officers - Benefits and Insurance - HB 245
 Compensation of Lieutenant Governor and Other State Officers - SB 231
 Election Day Voter Registration - HB 267
 Election Law - Voter Requirements - SB 67
 Election Requirements for County Candidates - HB 158
 Executive Compensation Amendments - HB 288
 Federal Research Committee - SB 85
 Government Efficiency and Effectiveness Review Committee - HB 58
 Hill Air Force Museum Appropriation - HB 376
 Income Tax Subtraction for Specialized Immigrant Services - HB 130
 Individual Income Tax - Office of State Debt Collection Rulemaking Authority - SB 205
 Lobbyist Regulation - HB 369
 Local Referendum Requirements - HB 73

Open and Public Meetings - Recording Requirement - SB 143
 Personal Use of Campaign Funds - SB 140
 Referendum Procedure - HB 274
 Removal or Defacement of Political Signs - HB 228
 Repeal of Prior Amendments to the Voluntary Contributions Act - HB 137
 Residence Lien Restriction and Lien Recovery Fund Amendments - SB 87
 Revisions to General State Government - Notary Law Amendments - HB 375
 Special Election Dates - HB 199
 State Budget Provisions - HB 97
 State Employee Ethics Amendments - HB 282
 State Government Law Revisions - Withdrawal from Education Compact - HB 356
 Task Force on Legislative Reforms - HB 281
 Veterans Nursing Home - HB 241
 Voting Requirements - HB 336

HAZARDOUS SUBSTANCES

Prohibition Against Certain Low-level Radioactive Waste - SB 166
 Waste Fees Amendments - HB 246

HEALTH

Aging and Adult Services Program Amendments - HB 310
 Amendments Prohibiting Health Insurance Discrimination - SB 111
 Amendments to Indoor Clean Air Act - SB 77
 Center for Multicultural Health - SB 201
 Dental Services for Adults on Medicaid - HB 32
 Executive Director of Department of Health Issues - SB 232
 Health Insurance - Prompt Payment Amendments - SB 156
 Health Insurance Fair Marketing Standards - HB 27
 Health Insurance High Risk Pool - Eligibility Amendments - HB 85
 Individual Income Tax Contribution for Community Spay and Neuter Programs - HB 140
 Injury Reporting Requirement Amendments - HB 161
 Licensure of Athletic Trainers - HB 262
 Licensure of Wholesale Distributors of Prescription Drugs - HB 354
 Medicaid - Pregnant Women Resource Test - HB 343
 Nurse Practice Act Amendments - HB 285
 Patient Access Reform - SB 34
 Patient Access to Providers and Contracting Amendments - HB 272
 Premium Assistance Program for Covered-at-work - HB 304
 Prescriptive Practice of Legend Drugs - SB 46

Prohibition Against Certain Medical Noncompetition Agreements - SB 145
 Psychologist Licensing Act Amendments - SB 147
 Regulation of Noncompete Agreements in Medical Practices - HB 106
 Rural Health Care Infrastructure - HB 328
 School Breakfast Program - HB 141
 School Curriculum Amendments - HB 72
 Transfer of Prescriptions - HB 244
 Utah Child Abuse Prevention Board - HB 115
 Vaccine Restrictions - HB 146
 Veterinary Practice Act - Exemptions - SB 182
 Vision Care for Medicaid Recipient - HB 31

HEALTH CARE

Amendments Prohibiting Health Insurance Discrimination - SB 111
 Mutual Dependence Benefits Contract - SB 89
 Vaccine Restrictions - HB 146

HEALTH CARE FACILITIES

Center for Multicultural Health - SB 201
 Rural Health Care Infrastructure - HB 328

HEALTH CARE PROVIDERS

Aging and Adult Services Program Amendments - HB 310
 Injury Reporting Requirement Amendments - HB 161
 Nurse Practice Act Amendments - HB 285
 Patient Access Reform - SB 34
 Patient Access to Providers and Contracting Amendments - HB 272
 Prescriptive Practice of Legend Drugs - SB 46
 Prohibition Against Certain Medical Noncompetition Agreements - SB 145

HIGHER EDUCATION

Higher Education Tuition and Residency Legislative Task Force - HB 239
 Nonresident Tuition Waivers - HB 381
 Sales and Use Tax Exemption for Textbooks for Higher Education - HB 220

HIGHWAYS

Classifying Off-highway Vehicles as Allowed on Designated Roads - SB 188
 Golf Carts Allowed on Certain Highways - HB 337
 Restrictions on High Occupancy Vehicle Lane - HB 367

HOUSING

Condominium Ownership Act Amendments - HB 296

HUMAN SERVICES

Background Checks for Boarding Schools - HB 321
 Child and Family Services Records - HB 341
 Child Protection Amendments - SB 112
 Child Protection Registry Amendments - HB 174

Child Support Exemption for Adoptive Parents of Certain Children in State Custody - SB 160
Child Welfare Removal - Adoption Option - SB 186
Child Welfare Services - SB 165
Commitment to Mental Health Authority - HB 271
Fair Housing for Domestic Violence Victims and Landlord Protection Act - HB 194
Marriage Preparation Education - HB 252
Mental Health Services Coordinator - HB 178
Programs and Facilities Licensing Amendments - SB 176
Revisions to Child Welfare - HB 202
Utah Child Abuse Prevention Board - HB 115
Youth Corrections Amendments - HB 94

IMPEACHMENT - CONSTITUTION

Resolution Clarifying Removal Provisions - HJR 5

INCOME TAX

Amendments to the Individual Income Tax - HB 101
Charitable Purpose Determination - SB 45
Individual Income Tax - Earned Income Tax Credit - SB 82
Individual Income Tax - Office of State Debt Collection Rulemaking Authority - SB 205
Individual Income Tax Amendments - HB 197
Individual Income Tax Contribution for Community Spay and Neuter Programs - HB 140
Individual Income Tax Credit for Employment-related Expenses - HB 258
Tuition Tax Credits - HB 39

INDIAN AFFAIRS

Amendment Regarding Controlled Substances - HB 306
Navajo Trust Fund Amendments - HB 119

INITIATIVE \ REFERENDUM

Local Referendum Requirements - HB 73
Referendum Procedure - HB 274
Special Election Dates - HB 199

INSURANCE

Insurers Rehabilitation and Liquidation - HB 263
Workers Compensation - Competitive Bid Requirements - SB 180

INSURANCE DEPARTMENT

Bail Bond Amendments - HB 122

INSURANCE, HEALTH

Amendments Prohibiting Health Insurance Discrimination - SB 111
Health Insurance - Prompt Payment Amendments - SB 156
Health Insurance Fair Marketing Standards - HB 27

Health Insurance High Risk Pool - Eligibility Amendments - HB 85
Patient Access Reform - SB 34
Patient Access to Providers and Contracting Amendments - HB 272

INTERLOCAL COOPERATION ENTITIES

Interlocal Cooperation Amendments - SB 209

JUDICIARY

Authorization for Additional Judicial Position - SB 131
Child Protection Amendments - SB 112
Child Support Obligations - HB 248
Civil Legal Aid for Victims of Domestic Violence - HB 342
Commission on Racial and Ethnic Fairness - HB 292
Divorce Task Force - HB 56
Elder Protection Provisions - HB 167
Garnishment Fees - HB 163
Justice Court Operations Amendments - SB 136
Offer of Settlement Provisions - HB 127
Office of Recovery Services Fee - HB 340
Possession of a Dangerous Weapon in a Vehicle - HB 332
Protective Order Amendments - HB 360
Provisions for Emancipation of a Minor - HB 77
Shelter Hearing Amendments - HB 303
Statute of Limitations Amendments - HB 204
Utah Attorney's Fees Recovery Act - SB 92
Youth Corrections Amendments - HB 94

JUVENILES

Sex Offender Registration Amendments - HB 95
Youth Corrections Amendments - HB 94

LABOR

Family Sustaining Wage Amendments - SB 69
Residential Mortgages Practices - Employment Security Revisions - HB 210
Workers Compensation - Competitive Bid Requirements - SB 180
Workers' Compensation Coverage of Fire Department Employees - HB 81

LANDLORD - TENANT

Mobile Home Park - Notice of Sale of Underlying Property - HB 133

LAW ENFORCEMENT AND CRIMINAL JUSTICE

Amendment Regarding Controlled Substances - HB 306
Automobile Crime Prevention - HB 21
Bail Bond Amendments - HB 122
Commission on Racial and Ethnic Fairness - HB 292
Criminal Code Amendments - SB 181
Criminal Penalty Amendment - HB 50
Criminal Penalty for Animal Cruelty - HB 242

Drug Offender Reform Act - SB 22
 Joint Resolution Supporting Counties Expansion of
 Correctional Facilities - HJR 18
 Protective Order Amendments - HB 360
 Public Safety Database Amendments - SB 75
 Public Safety Officers - Critical Incident Shooting
 Provisions - HB 134
 Public Safety Retirement Amendments - SB 154
 Restrictions of Advertising Illegal Activities - HB 123
 Sex Offender Registration Amendments - HB 95
 Shelter Hearing Amendments - HB 303
 Weapons Amendments - SB 175

LEGISLATIVE AFFAIRS

Ban on Gifts to Elected Officials - HB 144
 Concurrent Resolution Honoring America's Military War
 Dogs - HCR 14
 Concurrent Resolution Promoting Utah Saves Strategic
 Initiative - HCR 13
 House Rules Resolution - Electronic Voting Board - HR 6
 House Rules Resolution - Lobbyist Code of Ethics
 Amendments - HR 1
 House Rules Resolution - Oral Declaration of Conflict of
 Interest - HR 5
 Joint Resolution Related to the Utah Athletic Foundation -
 HJR 16
 Joint Resolution Supporting Counties Expansion of
 Correctional Facilities - HJR 18
 Joint Rules Resolution - Conflict of Interest Amendments -
 HJR 4
 Joint Rules Resolution - Family Impact Statement on
 Legislation - HJR 2
 Legislators Involvement in Public Schools - HB 196
 Lobbyist Reporting Amendments - SB 102
 Resolution Amending State Auditor Qualifications - HJR 7
 Resolution Clarifying Removal Provisions - HJR 5
 Resolution Establishing Redistricting Commission -
 HJR 14
 Resolution Limiting Number of Governor's Terms -
 SJR 11
 Resolution on Property Tax for Certain Personal Property
 - SJR 2
 Resolution Supporting National Bear River Heritage Area
 Act - HJR 13
 Resolution Urging Funding - SJR 12
 Task Force on Legislative Reforms - HB 281
 Utah Athletic Foundation Resolution - HCR 4

LEGISLATURE

Government Efficiency and Effectiveness Review
 Committee - HB 58
 House Rules Resolution - Electronic Voting Board - HR 6
 Legislators Involvement in Public Schools - HB 196

LETTERS OF CREDIT

Contractors Bonds and Letters of Credit - HB 82

LICENSURE, HUMAN SERVICES PROGRAMS

Background Checks for Boarding Schools - HB 321
 Programs and Facilities Licensing Amendments - SB 176

LIENS

Construction Trade Related Amendments - SB 168
 Residence Lien Restriction and Lien Recovery Fund
 Amendments - SB 87

LIVESTOCK

Veterinary Practice Act - Exemptions - SB 182

LOBBYING

House Rules Resolution - Lobbyist Code of Ethics
 Amendments - HR 1
 Lobbyist Regulation - HB 369

LOCAL BOARDS OF EDUCATION

Applied Technology Program Amendments - HB 189
 Appropriation for School Districts Impacted by Fee
 Waivers - HB 169
 School Truancy Amendments - HB 148
 Security for Public Schools - HB 153

MARRIAGE / DIVORCE

Divorce Task Force - HB 56
 Marriage Preparation Education - HB 252
 Protective Order Amendments - HB 360

MEDICAID

Dental Services for Adults on Medicaid - HB 32
 Medicaid - Pregnant Women Resource Test - HB 343
 Vision Care for Medicaid Recipient - HB 31

MENTAL HEALTH

Commitment to Mental Health Authority - HB 271
 Mental Health Services Coordinator - HB 178

MILITARY SERVICES

Concurrent Resolution Honoring America's Military War
 Dogs - HCR 14
 Veterans Nursing Home - HB 241

MINORS

Materials Harmful to Minors - HB 293
 Provisions for Emancipation of a Minor - HB 77
 Young Artist Provisions - HB 379

MORTGAGE

Residential Mortgages Practices - Employment Security
 Revisions - HB 210
 Utah High Cost Home Loan Act Amendments - HB 192

MOTOR VEHICLE INSURANCE

Motor Vehicle Insurance - Property Damage Limit -
 SB 124

Motor Vehicle Liability Coverage Amendments - SB 49
 Motor Vehicle Repairs - Consumer Rights - HB 322
 Motorboat Liability Insurance Amendments - HB 261

MOTOR VEHICLE SAFETY INSPECTION

Motor Vehicle Registration and Safety Inspection
 Amendments - HB 48

MOTOR VEHICLES

Automobile Crime Prevention - HB 21
 Driving with Any Measurable Controlled Substance in the
 Body Revisions - HB 314
 Golf Carts Allowed on Certain Highways - HB 337
 Motor Vehicle Registration and Safety Inspection
 Amendments - HB 48
 Motor Vehicle Repairs - Consumer Rights - HB 322
 Restrictions on High Occupancy Vehicle Lane - HB 367
 Restrictions on Riders in the Back of Open Vehicle -
 HB 265
 Safety Belt Enforcement - SB 109
 Safety Belt Law Requirement Amendments - HB 92
 Traffic Enforcement Amendments - HB 219

MUSEUMS

Hill Air Force Museum Appropriation - HB 376

NATURAL RESOURCES

Boat Registration Fee - HB 225
 Conservation Easement Endowment Restricted Account -
 SB 148
 Damages for Trespass in State Parks - SB 99
 Deer Hunt Opening Season Date Amendments - HB 205
 Resolution Supporting National Bear River Heritage Area
 Act - HJR 13
 Sales and Use Tax Diversions - SB 204
 Special Hunting Permits for Antelope Island - SB 187
 Water Rights in Irrigation Companies - HB 229

NOTARY PUBLIC

Notary Public Amendments - HB 172
 Revisions to General State Government - Notary Law
 Amendments - HB 375

NUMBERED BY SHORT TITLE

911 Emergency Response Amendments - HB 378
 Abusive Attorneys Fees - HB 364
 Access to Employment Data - HB 323
 Amendments Related to Public Utilities - HB 251
 Amendments to Independent Entities - HB 357
 Amendments to State Government - SB 220
 Amendments to Telecommunications - SB 226
 Amendments to Workers Compensation Fund - HB 355
 Background Checks in County Government - HB 112
 Collection Practices Amendments - HB 305

Compensation for Executive Director of Department of
 Health - SB 236
 Contribution Limits on Governor's Campaign - HB 370
 Corporate Accountability - SB 171
 County Option Funding for Botanical, Cultural, Recreation,
 and Zoological Organizations or Facilities -HB 377
 Crime of Soliciting Sex from a Child - HB 120
 Deferred Deposit Lending Revisions - HB 295
 Department of Community Development and Arts
 Restructure - HB 315
 Designation of Next of Kin with Department of Health -
 HB 371
 Disaster Relief Provisions - HB 331
 Divorce Education for Children - HB 334
 Emergency Administration of Epinephrine - HB 110
 Ethics Commission - HB 366
 Family Impact Statement - HB 347
 Foster Placements - HB 298
 General Government Amendments and Revisions -
 SB 229
 General Government Revisions - SB 210
 General Obligation Bonds Authorizations - SB 2
 General State Government Amendments - SB 221
 Good Samaritan Coverage of Health Providers Charity
 Care - SB 238
 Government Operations - HB 353
 Health Care Savings Account Act - HB 300
 Health Insurance Disclosure Requirements - HB 351
 Health Law Amendments - SB 230
 Hearing Instrument Specialist Licensing Act - SB 202
 Implements of Husbandry Permit Stickers - HB 374
 Improvements to General Government - SB 228
 Independent Elections Commission - SB 200
 Licensing of Child Care Centers - Oversight and
 Regulation - HB 111
 Local Law Enforcement Authority for Wildlife Resources
 and State Parks - SB 198
 Local Option Sales and Use Tax Distribution Amendments
 - SB 169
 Mandatory Minimum Sentencing for Child Molesters -
 HB 352
 Military Transformation Authority - SB 237
 Motor Vehicle Lease or Purchase Agreements - SB 218
 Motor Vehicle Registration Amendments - SB 196
 Open Enrollment Amendments - HB 325
 Power of Attorney Amendments - HB 372
 Professional Licensing Amendments - HB 359
 Property Tax Changes - SB 193
 Provisions Changing General Government - SB 224
 Regulation of Assisted Living Facility Amendments -
 HB 294
 Regulation of Phlebotomists - HB 344
 Reporting Taxable Income from Child Care Services -
 SB 197

Resolution Concerning Health Care Availability - SCR 7
 Resolution Encouraging State Research Universities to
 Focus on Enhancing State Trust Lands - HR 8
 Resolution Urging Congress to Provide Sufficient Funding
 of Medicaid - HCR 12
 Restrictions on Gifts - HB 290
 Restructure of State Utility Regulatory Entities - HB 284
 Revisions to State Government - HB 117
 Revolving Door Limitation for Public Officials to Become
 Lobbyists - HB 365
 Sales and Use Tax Amendments - SB 68
 School Trust Lands Revisions - HB 339
 Security in Construction Projects - SB 219
 Small Business Economic Stimulus - HB 125
 State Building Energy Efficiency Program - HB 350
 Substance Abuse Counselor Amendments - SB 213
 Tax Amendments - HB 253
 Tax Credit for Tuition - HB 254
 Tax Treatment of Food Sold in Vicinity of a Theater -
 SB 217
 Telecommunications Taxation - HB 108
 Termination of Parental Rights for Murder or Attempted
 Murder - HB 278
 Towing Amendments - SB 235
 Transportation Amendments - HB 363
 Transportation General Obligation Bonds Authorization -
 HB 257
 Use of Public Education Monies - HB 286
 Utah Midwifery Act - SB 214
 Vehicle Impound Amendments - HB 317
 Workers Compensation Fund Amendments - SB 222

OCCUPATIONAL LICENSING

Licensing of Crane Operators - SB 29
 Licensure of Athletic Trainers - HB 262
 Licensure of Wholesale Distributors of Prescription Drugs
 - HB 354
 Notary Public Amendments - HB 172
 Nurse Practice Act Amendments - HB 285
 Prescriptive Practice of Legend Drugs - SB 46
 Psychologist Licensing Act Amendments - SB 147
 Regulation of Noncompete Agreements in Medical
 Practices - HB 106
 Security Service Amendments - SB 174
 Special Function Officers for Division of Occupational and
 Professional Licensing - HB 368

OCCUPATIONS AND PROFESSIONS

Deregulation of General Building Contractors - HB 193
 Licensing of Crane Operators - SB 29
 Licensure of Athletic Trainers - HB 262
 Regulation of Construction Industry - HB 302
 Security Service Amendments - SB 174

Special Function Officers for Division of Occupational and
 Professional Licensing - HB 368
 Veterinary Practice Act - Exemptions - SB 182

OFFENSES

Criminal Code Amendments - SB 181
 Criminal Penalty Amendment - HB 50
 Restrictions of Advertising Illegal Activities - HB 123
 Sales Marketing Requirements - HB 269
 Statute of Limitations Amendments - HB 204

OFF-HIGHWAY VEHICLES

Classifying Off-highway Vehicles as Allowed on
 Designated Roads - SB 188

PARKS

Damages for Trespass in State Parks - SB 99
 Special Hunting Permits for Antelope Island - SB 187

PEACE OFFICER

Public Safety Officers - Critical Incident Shooting
 Provisions - HB 134
 Special District for Police Services - HB 41

PHARMACIES

Licensure of Wholesale Distributors of Prescription Drugs
 - HB 354
 Prescriptive Practice of Legend Drugs - SB 46
 Transfer of Prescriptions - HB 244

PHOTO RADAR

Traffic Enforcement Amendments - HB 219

POLITICAL SUBDIVISIONS (LOCAL ISSUES)

Access to Health Care Facilities and Places of Worship -
 HB 131
 Amendments to Facilities with Regional Impact - HB 126
 Authority for Design-build Construction - HB 289
 County Contracted Services - HB 329
 Density Credit for Land Donated to School District -
 HB 333
 Disconnecting Territory from a Municipality - HB 335
 Family Sustaining Wage Amendments - SB 69
 Interlocal Cooperation Amendments - SB 209
 Justice Court Operations Amendments - SB 136
 Local Government Amendments - SB 31
 Municipal Authority to Use Collection Agencies - HB 361
 Municipal Electrical Entities Amendments - HB 312
 Political Subdivisions - Truth in Government Competition -
 SB 191
 Procurement Code Bidding and Contractual Amendments
 - SB 66
 Property Tax - County Service Areas - SB 203
 Redevelopment Agency Changes - HB 307
 Revise Utility Improvement Districts - HB 118
 Special District for Police Services - HB 41

Utah Indoor Clean Air Act Amendments - HB 166

PROPERTY TAX

Exemptions to Residential Property Tax - SB 33
Property Tax - Certified Tax Rate Adjustment - SB 189
Property Tax - County Service Areas - SB 203
Resolution Eliminating Property Tax on Personal Property
- HJR 12
Resolution on Property Tax for Certain Personal Property
- SJR 2

PUBLIC EDUCATION

Air Conditioned Buses for Students with Disabilities -
HB 88
Applied Technology Program Amendments - HB 189
Appropriation for Highly Qualified Teachers - HB 362
Capital Outlay Foundation Program - Participation
Requirements - HB 187
Education Achievement Gap Task Force - HB 175
High School Curriculum - HB 326
Implementing Federal Educational Programs - HB 135
Legislators Involvement in Public Schools - HB 196
Public Education Capital Outlay Act Amendments - HB 46
Reading Requirements for Student Advancement - HB 84
School Breakfast Program - HB 141
School Community Councils - HB 151
School Curriculum Amendments - HB 72
School District Amendments - HB 63
School District Boundaries - HB 231
School Truancy Amendments - HB 148
School Uniforms - HB 129
Schools for the Deaf and the Blind Salary Adjustments -
HB 346
Security for Public Schools - HB 153
State School Board Amendments - HB 345
State School Board Candidate Selection Committees -
SB 155
State School Board Elections and Filling of Vacancies -
HB 61
Tuition and Books Assistance - HB 358
Tuition Tax Credits - HB 39
Utah Basic Skills Competency Test Alternatives - HB 232

PUBLIC FUNDS AND ACCOUNTS

Navajo Trust Fund Amendments - HB 119
Utah Child Abuse Prevention Board - HB 115

PUBLIC MEETINGS

Open and Public Meetings - Recording Requirement -
SB 143

PUBLIC OFFICERS

Resolution Clarifying Removal Provisions - HJR 5

PUBLIC SAFETY

Automobile Crime Prevention - HB 21
Public Safety Database Amendments - SB 75
Public Safety Officers - Critical Incident Shooting
Provisions - HB 134
Public Safety Retirement Amendments - SB 154

PUBLIC SERVICE COMMISSION

Utility Regulatory Reform - HB 320

PUBLIC TRANSIT DISTRICTS

Public Transit District Annexation and Funding
Amendments - SB 183

PUBLIC UTILITIES

Reauthorization of Energy Policy Task Force - SB 28
Revise Utility Improvement Districts - HB 118
Telecommunications Amendments - HB 35
Utility Regulatory Reform - HB 320

RAILROADS

Resolution Urging Funding - SJR 12

REAL ESTATE

Condominium Ownership Act Amendments - HB 296
Exemptions to Residential Property Tax - SB 33
Mutual Dependence Benefits Contract - SB 89
Prescriptive Easements Act - HB 207
Regulation of Construction Industry - HB 302
Utah High Cost Home Loan Act Amendments - HB 192

RECYCLING

Waste Tire Recycling Act Amendments - SB 70

REDEVELOPMENT AGENCIES

Redevelopment Agency Changes - HB 307

REDISTRICTING

Resolution Establishing Redistricting Commission -
HJR 14

REGISTRATION AND REGISTRATION FEES

Boat Registration Fee - HB 225
State Fleet Vehicle Classification - HB 99

RESOLUTIONS

Concurrent Resolution Honoring America's Military War
Dogs - HCR 14
Concurrent Resolution Promoting Utah Saves Strategic
Initiative - HCR 13
House Rules Resolution - Electronic Voting Board - HR 6
House Rules Resolution - Lobbyist Code of Ethics
Amendments - HR 1
House Rules Resolution - Oral Declaration of Conflict of
Interest - HR 5
Joint Resolution Related to the Utah Athletic Foundation -
HJR 16

Joint Resolution Supporting Counties Expansion of Correctional Facilities - HJR 18
 Joint Rules Resolution - Conflict of Interest Amendments - HJR 4
 Joint Rules Resolution - Family Impact Statement on Legislation - HJR 2
 Resolution Amending State Auditor Qualifications - HJR 7
 Resolution Clarifying Removal Provisions - HJR 5
 Resolution Eliminating Property Tax on Personal Property - HJR 12
 Resolution Establishing Redistricting Commission - HJR 14
 Resolution Limiting Number of Governor's Terms - SJR 11
 Resolution on Property Tax for Certain Personal Property - SJR 2
 Resolution Supporting National Bear River Heritage Area Act - HJR 13
 Resolution Urging Funding - SJR 12
 Utah Athletic Foundation Resolution - HCR 4

RESOLUTIONS, CONSTITUTIONAL

Resolution Amending State Auditor Qualifications - HJR 7
 Resolution Clarifying Removal Provisions - HJR 5
 Resolution Eliminating Property Tax on Personal Property - HJR 12
 Resolution Establishing Redistricting Commission - HJR 14
 Resolution Limiting Number of Governor's Terms - SJR 11
 Resolution on Property Tax for Certain Personal Property - SJR 2

RESOLUTIONS, RULES

House Rules Resolution - Lobbyist Code of Ethics Amendments - HR 1
 House Rules Resolution - Oral Declaration of Conflict of Interest - HR 5
 Joint Rules Resolution - Conflict of Interest Amendments - HJR 4
 Joint Rules Resolution - Family Impact Statement on Legislation - HJR 2

RETIREMENT

Additional State Retirement Benefit - HB 44
 Public Safety Retirement Amendments - SB 154
 State Benefit Provider Revisions - HB 237

REVENUE AND TAXATION

Amendments to the Individual Income Tax - HB 101
 Amendments to the Multi-channel Video or Audio Service Tax Act - SB 185
 Changes to General Government - Sales and Use Tax Amendments - SB 225

Charitable Purpose Determination - SB 45
 Corporate Franchise and Income Taxes - Exemption for Banks - HB 227
 County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act - Exemptions to Residential Property Tax - SB 33
 Individual Income Tax - Earned Income Tax Credit - SB 82
 Individual Income Tax - Office of State Debt Collection Rulemaking Authority - SB 205
 Individual Income Tax Amendments - HB 197
 Individual Income Tax Contribution for Community Spay and Neuter Programs - HB 140
 Individual Income Tax Credit for Employment-related Expenses - HB 258
 Property Tax - Certified Tax Rate Adjustment - SB 189
 Public Transit District Annexation and Funding Amendments - SB 183
 Sales and Use Tax Diversions - SB 204
 Sales and Use Tax Exemption for Textbooks for Higher Education - HB 220
 Severance Tax Amendments - SB 63
 Tax Revisions - SB 195
 Transportation Investment Act - HB 18

REVENUE AND TAXATION - CONSTITUTION

Resolution Eliminating Property Tax on Personal Property - HJR 12
 Resolution on Property Tax for Certain Personal Property - SJR 2

RIGHT OF WAY

Rights-of-Way Across School and Institutional Trust Lands - SB 208
 Temporary Road Closures - HB 270

SALES AND USE TAX

Changes to General Government - Sales and Use Tax Amendments - SB 225
 County Option Sales and Use Tax for Agricultural Land, Open Land, and Recreational Facilities Act - HB 152
 Public Transit District Annexation and Funding Amendments - SB 183
 Sales and Use Tax Diversions - SB 204
 Sales and Use Tax Exemption for Textbooks for Higher Education - HB 220

SCHOOL PERSONNEL

Appropriation for Highly Qualified Teachers - HB 362
 School Community Councils - HB 151
 Schools for the Deaf and the Blind Salary Adjustments - HB 346

SCHOOL SAFETY

Security for Public Schools - HB 153

SEAT BELT LAWS

Safety Belt Enforcement - SB 109
Safety Belt Law Requirement Amendments - HB 92

SEVERANCE TAX

Severance Tax Amendments - SB 63

SEXUAL OFFENSES

Sex Offender Registration Amendments - HB 95

SIGNS

Removal or Defacement of Political Signs - HB 228

SOLID WASTE

Waste Fees Amendments - HB 246

SPECIAL DISTRICTS

Amendments to Facilities with Regional Impact - HB 126
Political Subdivisions - Truth in Government Competition -
SB 191
Property Tax - County Service Areas - SB 203
Revise Utility Improvement Districts - HB 118
Special District for Police Services - HB 41

STATE AFFAIRS IN GENERAL

Access to Health Care Facilities and Places of Worship -
HB 131
Authority for Design-build Construction - HB 289
Repeal of Prior Amendments to the Voluntary
Contributions Act - HB 137
State Employee Ethics Amendments - HB 282

STATE BOARD OF EDUCATION

Appropriation for School Districts Impacted by Fee
Waivers - HB 169
School Curriculum Amendments - HB 72
School District Boundaries - HB 231
State School Board Amendments - HB 345
State School Board Candidate Selection Committees -
SB 155
State School Board Elections and Filling of Vacancies -
HB 61

STATE BOARDS, COMMISSIONS, AND COUNCILS

Commission on Racial and Ethnic Fairness - HB 292
Joint Resolution Related to the Utah Athletic Foundation -
HJR 16
Utah Athletic Foundation Resolution - HCR 4

STATE OFFICERS AND EMPLOYEES

Compensation of Lieutenant Governor and Other State
Officers - SB 231
Election Requirements for County Candidates - HB 158
Executive Compensation Amendments - HB 288
Resolution Amending State Auditor Qualifications - HJR 7

State Benefit Provider Revisions - HB 237

TASK FORCE / COMMITTEES

Divorce Task Force - HB 56
Education Achievement Gap Task Force - HB 175
Education Technology Task Force - HB 373
Government Efficiency and Effectiveness Review
Committee - HB 58
Higher Education Tuition and Residency Legislative Task
Force - HB 239
Reauthorization of Energy Policy Task Force - SB 28
Task Force on Legislative Reforms - HB 281

TECHNOLOGY

Education Technology Task Force - HB 373
Emerging Technologies and Open Government - HB 214
Telecommunications Amendments - HB 35
Utah Technology Commission Membership - HB 238

TELECOMMUNICATIONS

Amendments to the Multi-channel Video or Audio Service
Tax Act - SB 185
Do Not Call Registry Amendments - SB 84
Telecommunications Amendments - HB 35

TELEPHONE

Do Not Call Registry Amendments - SB 84
Telecommunications Amendments - HB 35

TELEVISION

Amendments to the Multi-channel Video or Audio Service
Tax Act - SB 185

TOBACCO

Amendments to Indoor Clean Air Act - SB 77

TRANSPORTATION

Classifying Off-highway Vehicles as Allowed on
Designated Roads - SB 188
Driver Education Amendments - SB 151
Driver License Qualifications Amendments - HB 330
Driver License Requirements for Illegal Aliens - HB 316
Driving with Any Measurable Controlled Substance in the
Body Revisions - HB 314
Golf Carts Allowed on Certain Highways - HB 337
Motor Vehicle Insurance - Property Damage Limit -
SB 124
Motor Vehicle Liability Coverage Amendments - SB 49
Motor Vehicle Registration and Safety Inspection
Amendments - HB 48
Motor Vehicle Repairs - Consumer Rights - HB 322
Motorboat Liability Insurance Amendments - HB 261
Public Transit District Annexation and Funding
Amendments - SB 183S05
Restrictions on High Occupancy Vehicle Lane - HB 367
Restrictions on Riders in the Back of Open Vehicle -
HB 265

Safety Belt Enforcement - SB 109
Safety Belt Law Requirement Amendments - HB 92
State Fleet Vehicle Classification - HB 99
Temporary Road Closures - HB 270
Traffic Enforcement Amendments - HB 219
Transportation Investment Act - HB 18

TRAVEL AND TOURISM

Funding for Tourism - SB 7

TRUST LANDS

Rights-of-Way Across School and Institutional Trust
Lands - SB 208

UTAH MUNICIPAL CODE

Amendments to Facilities with Regional Impact - HB 126
Authority for Design-build Construction - HB 289
County Contracted Services - HB 329
Density Credit for Land Donated to School District -
HB 333
Disconnecting Territory from a Municipality - HB 335
Justice Court Operations Amendments - SB 136
Local Government Amendments - SB 31
Municipal Authority to Use Collection Agencies - HB 361
Municipal Electrical Entities Amendments - HB 312
Political Subdivisions - Truth in Government Competition -
SB 191

UTAH TECHNOLOGY COMMISSION

Emerging Technologies and Open Government - HB 214

Utah Technology Commission Membership - HB 238

WAGES

Family Sustaining Wage Amendments - SB 69

WATER AND IRRIGATION

Sales and Use Tax Diversions - SB 204
Water Rights in Irrigation Companies - HB 229

WEAPONS

Possession of a Dangerous Weapon in a Vehicle -
HB 332
Public Safety Officers - Critical Incident Shooting
Provisions - HB 134
Weapons Amendments - SB 175

WORKERS' COMPENSATION

Workers Compensation - Competitive Bid Requirements -
SB 180
Workers' Compensation Coverage of Fire Department
Employees - HB 81

WORKFORCE SERVICES CODE

Premium Assistance Program for Covered-at-work -
HB 304
Residential Mortgages Practices - Employment Security
Revisions - HB 210

YOUTH CORRECTIONS

Youth Corrections Amendments - HB 94

Statistical Summary of Legislation

2005 General Session

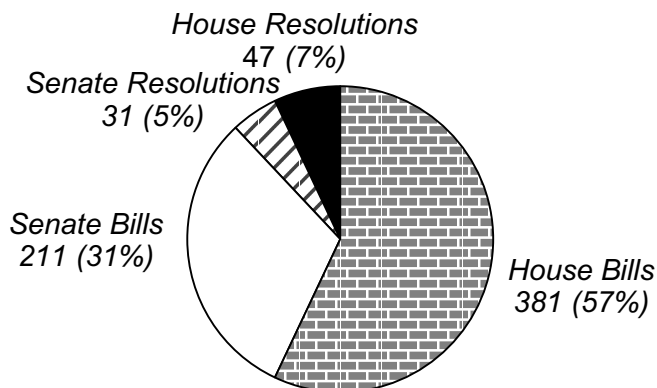
	House	Senate	Total
Total Bills and Resolutions Introduced	428	242	670
Total Bills and Resolutions Passed	205	165	370
Total Bills and Resolutions Enacted	202	165	367

Bills Introduced	381	211	592
Bills Passed	175	137	312
Bills Vetoed	2	0	2
Line Items Vetoed	0	1	1
Bills Failed Due to Lack of Presentment	1	0	1
Total Bills Enacted	172	137	309

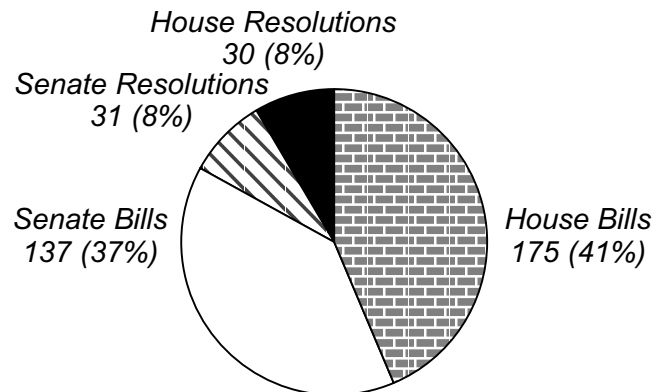
Joint Resolutions Introduced	21	20	41
Concurrent Resolutions Introduced	14	10	24
House & Senate Resolutions Introduced	12	1	13
Total Resolutions Introduced	47	31	78

Joint Resolutions Passed	12	20	32
Concurrent Resolutions Passed	10	10	20
House & Senate Resolutions Passed	8	1	9
Total Resolutions Passed	30	31	61

Introduced

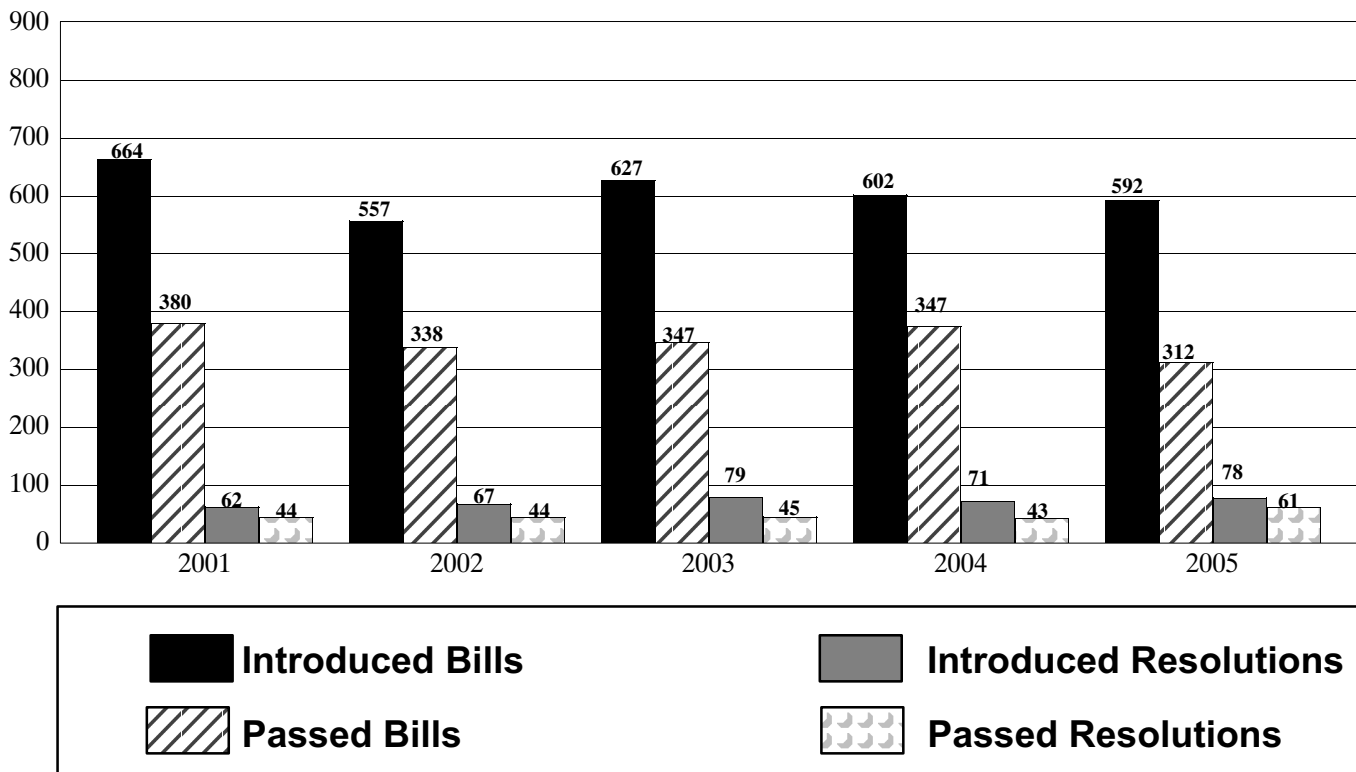


Passed



Statistical Summary of General Sessions 2001-2005

	2001	2002	2003	2004	2005
Bills Introduced	664	557	627	602	592
Bills Passed	380	338	347	375	312
Percentage of Bills Passed	57%	61%	55%	62%	53%
Bills Vetoed	3	8	4	6	2
Veto Overridden	0	1	0	2	0
Bills Failed Due to Lack of Presentment					1
Joint Resolutions Introduced	31	46	40	36	41
Joint Resolutions Passed	23	27	21	18	32
Concurrent Resolutions Introduced	17	13	22	21	24
Concurrent Resolutions Passed	11	10	11	15	20
House & Senate Resolutions Introduced	14	8	17	14	13
House & Senate Resolutions Passed	10	7	13	10	9



DIGEST OF LEGISLATION

2004 THIRD SPECIAL SESSION of the 55th Legislature

Convened and Adjourned June 28, 2004

*Prepared by the
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PASSED LEGISLATION 2004 THIRD SPECIAL SESSION

SB 3001 Taxes, Fees, or Charges Amendments (*Curtis S. Bramble*)

This bill amends the Revenue and Taxation title and enacts uncodified material.

This bill:

- ▶ provides legislative intent regarding the implementation of certain provisions enacted during the 2003 General Session and 2004 General Session relating to taxes, fees, and charges;
- ▶ addresses the collection of sales and use taxes by sellers that lack certain contacts with the state and provides for the distribution of those revenues to the General Fund, the Remote Sales Restricted Account, and counties, cities, and towns;
- ▶ amends the revenues required to be deposited into the Remote Sales Restricted Account and the General Fund;
- ▶ addresses amnesty for sellers relating to certain taxes, fees, or charges;
- ▶ addresses the reporting and determination of the location of where a transaction is consummated for sales and use tax purposes;
- ▶ provides a repeal date for the legislative intent language;
- ▶ requires the Revenue and Taxation Interim Committee to conduct a study; and
- ▶ makes technical changes.
- ▶ This bill takes effect on July 1, 2004.

Amends 59-12-103, 59-12-103.2, 59-12-121, 59-12-204, 59-12-205, 59-12-207 (Repealed 07/01/04), 63-55-259; Enacts 59-1-1201

Effective July 1, 2004

Chapter 1, Laws of Utah 2004, THIRD SPECIAL SESSION

**SUBJECT INDEX OF PASSED LEGISLATION
2004 THIRD SPECIAL SESSION**

REVENUE AND TAXATION

Taxes, Fees, or Charges Amendments - SB 3001 . . . 235

SALES AND USE TAX

Taxes, Fees, or Charges Amendments - SB 3001 . . . 235

Utah Code Sections Affected 2004 Third Special Session

Legend: The action taken on each section is as follows:

A **Amended**
E **Enacted**
R **Repealed**
X **Repealed and Reenacted**
N **Renumbered and Amended**

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
59-1-1201	E	SB 3001		235	59-12-121	A	SB 3001		235
59-12-204	A	SB 3001		235	59-12-205	A	SB 3001		235
59-12-103	A	SB 3001		235	59-12-207	A	SB 3001		235
59-12-103.2	A	SB 3001		235	63-55-259	A	SB 3001		235

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

**INTRODUCED LEGISLATION
2004 THIRD SPECIAL SESSION**

SB 3001 Taxes, Fees, or Charges Amendments (*Curtis S. Bramble*) Passed

DIGEST OF LEGISLATION

2004 FOURTH SPECIAL SESSION of the 55th Legislature

Convened and Adjourned September 15, 2004

*Prepared by the
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PASSED LEGISLATION 2004 FOURTH SPECIAL SESSION

HB 4001 Supplemental Appropriations Act III - Range Creek (*Ron Bigelow*)

This bill appropriates \$152,000 from the General Fund in fiscal year 2004-2005 to the Department of Natural Resources for security at Range Creek and reduces the appropriation to the University of Utah Museum of Natural History for Range Creek.

This bill:

- ▶ redirects \$50,000 in General Fund on-going monies appropriated to the University of Utah for Range Creek to the Department of Natural Resources for security at Range Creek; and
- ▶ appropriates \$102,000 in one-time monies from the General Fund surplus to the Department of Natural Resources for security at Range Creek.
- ▶ In fiscal year 2004-2005, \$152,000 is appropriated from the General Fund to the Department of Natural Resources for security at Range Creek.
- ▶ This bill provides an immediate effective date.

Amends HB4001S01Item133; Enacts HB4001S01Item183a

Effective September 17, 2004 Chapter 4, Laws of Utah 2004, FOURTH SPECIAL SESSION

SB 4001 Trust Business Amendments (*Lyle W. Hillyard*)

This bill creates a section in the Uniform Trust Code for regulating foreign trustees.

This bill:

- ▶ sets requirements for when a foreign corporate trustee is required to qualify as a foreign corporation doing business in this state; makes an exception for foreign cotrustees; and specifically allows a foreign trustee to receive distributions, hold, invest in, manage, or acquire property without qualifying as a foreign corporation.
- ▶ This bill provides an effective date.

Enacts 75-7-1201

Effective September 17, 2004 Chapter 1, Laws of Utah 2004, FOURTH SPECIAL SESSION

SB 4002 Individual Income Tax - Treatment of Certain Military Income (*Curtis S. Bramble*)

This bill amends the Individual Income Tax Act to provide for a new subtraction from federal taxable income for a one taxable year period.

This bill:

- ▶ defines terms;
- ▶ provides for a one taxable year period a subtraction from federal taxable income for certain income a resident or nonresident individual receives for qualifying military service;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.
- ▶ This bill has retrospective operation for the taxable year beginning on or after January 1, 2004, but beginning on or before December 31, 2004.

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

Amends 59-10-103, 59-10-114

Effective November 15, 2004 Chapter 2, Laws of Utah 2004, FOURTH SPECIAL SESSION

SB 4003 Supplemental Appropriations Act II Amendments - Redirection of Certain Federal Funds to Inmate Housing (*Leonard M. Blackham*)

This bill amends H.B. 3, 2004 Supplemental Appropriations Act II, to redirect certain funds to Department of Corrections inmate housing projects and to direct certain General Fund one-time monies to construction of an inmate training center.

This bill:

- ▶ requires that up to \$1.5 million in federal VOI/TIS Funds be allocated to the Department of Corrections for capital improvements;
- ▶ if Federal VOI/TIS funds may not be used, requires that up to \$1.5 million in Capital Improvement Funds be allocated to the Department of Corrections for capital improvements; and
- ▶ directs that \$1.54 million in one-time General Fund monies be used to construct an inmate training center for the Wasatch and Oquirrh facilities of the Department of Corrections.
- ▶ This bill does not appropriate any monies but does modify legislative intent regarding the use of certain monies.
- ▶ This bill provides an immediate effective date.

Amends SB4003S02Item19, SB4003S02Item20

Effective September 17, 2004 Chapter 3, Laws of Utah 2004, FOURTH SPECIAL SESSION

SUBJECT INDEX OF PASSED LEGISLATION 2004 FOURTH SPECIAL SESSION

APPROPRIATIONS

Supplemental Appropriations Act II Amendments -
Redirection of Certain Federal Funds to Inmate
Housing - SB 4003 246
Supplemental Appropriations Act III - Range Creek
HB 4001 245

GOVERNMENT OPERATIONS (STATE ISSUES)

Supplemental Appropriations Act III - Range Creek
HB 4001 245

INCOME TAX

Individual Income Tax - Treatment of Certain Military
Income - SB 4002 245

INMATES

Supplemental Appropriations Act II Amendments -
Redirection of Certain Federal Funds to Inmate
Housing - SB 4003 246

JUDICIARY

Trust Business Amendments - SB 4001 245

MILITARY SERVICES

Individual Income Tax - Treatment of Certain Military
Income - SB 4002 245

REVENUE AND TAXATION

Individual Income Tax - Treatment of Certain Military
Income - SB 4002 245

TRUST LANDS

Trust Business Amendments - SB 4001 245

UNIFORM LAWS

Trust Business Amendments - SB 4001 245

Utah Code Sections Affected 2004 Fourth Special Session

Legend: The action taken on each section is as follows:

- A Amended
- E Enacted
- R Repealed
- X Repealed and Reenacted
- N Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
59-10-103	A	SB 4002		245	75-7-1201	E	SB 4001		245

**INTRODUCED LEGISLATION
2004 FOURTH SPECIAL SESSION**

HB 4001	Supplemental Appropriations Act III - Range Creek (<i>Ron Bigelow</i>)	Passed
SB 4001	Trust Business Amendments (<i>Lyle W. Hillyard</i>)	Passed
SB 4002	Individual Income Tax - Treatment of Certain Military Income (<i>Curtis S. Bramble</i>)	Passed
SB 4003	Supplemental Appropriations Act II Amendments - Redirection of Certain Federal Funds to Inmate Housing (<i>Leonard M. Blackham</i>)	Passed

DIGEST OF LEGISLATION

2005 FIRST SPECIAL SESSION of the 56th Legislature

**Convened April 20, 2005
and Adjourned April 21, 2005**

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PASSED LEGISLATION 2005 FIRST SPECIAL SESSION

HB 1001 Implementing Federal Educational Programs (*Margaret Dayton*)

This bill directs public education officials regarding the administration and implementation of federal educational programs.

This bill:

- ▶ provides definitions;
- ▶ directs the State Board of Education, the state superintendent, and other state and local school officials regarding the administration and implementation of federal educational programs;
- ▶ provides specific directions for the state implementation of the federal No Child Left Behind Act; and
- ▶ makes technical corrections.
- ▶ This bill provides an effective date.

Amends 53A-1-301 (Effective 07/01/05), 53A-1-401, 53A-3-402; Enacts 53A-1-901, 53A-1-902, 53A-1-903, 53A-1-904

Effective May 2, 2005

Chapter 2, Laws of Utah 2005, First Special Session

HB 1002 Provider Contracting Amendments (*Rebecca D. Lockhart*)

This bill amends the Insurance Code to modify the conditions under which a health care provider may bring an action against a health maintenance organization or preferred provider organization for payment, and requires objective provider contracting provisions.

This bill:

- ▶ specifies when a participating provider in a health maintenance organization may bring an action for enforcement of payment;
- ▶ specifies when a participating provider in a preferred provider organization may bring an action for enforcement of payment;
- ▶ requires comparable payment of network providers when the network's panel of providers are leased to another unaffiliated entity;
- ▶ requires the use of objective criteria for adding or terminating a provider from an HMO or PPO panel; and
- ▶ prohibits an insurer from taking adverse action against a contracted provider when an insured decides to access health care outside the provider network.
- ▶ This bill takes effect on January 1, 2006.

Amends 31A-8-407, 31A-22-617; Enacts 31A-22-617.1

Effective January 1, 2006

Chapter 3, Laws of Utah 2005, First Special Session

HB 1003 Civil Legal Aid for Victims of Domestic Violence (*Ross I. Romero*)

This bill requires the state court administrator, subject to legislative appropriation, to provide grants to nonprofit legal assistance providers.

This bill:

- ▶ directs the state court administrator to provide grants to nonprofit legal assistance providers for:
 - low to moderate income victims of domestic violence; and
 - low to moderate income individuals in family law matters;
- ▶ specifies that the grants are subject to legislative appropriation for that purpose; and
- ▶ requires the state court administrator to issue a request for proposal for the grant.
- ▶ This bill takes effect on July 1, 2005.

Enacts 78-3-24.1

Effective July 1, 2005

Chapter 4, Laws of Utah 2005, First Special Session

HB 1005 Integrity of Election Results Amendments (*John Dougall*)

This bill amends election law and the duties of the chief election officer to require that voting equipment produces an auditable record of votes cast.

This bill:

- ▶ amends the Election Code and the duties of the chief election officer to require that any voting equipment purchased be capable of producing an auditable, voter verified paper trail of votes cast;
- ▶ amends the Election Code to require the lieutenant governor to establish a Voting Equipment Selection Committee to provide recommendations and information on new voting equipment systems before new voting systems are purchased;
- ▶ amends the Election Code to establish membership and reimbursement requirements for the Voting Equipment Selection Committee;
- ▶ amends the Election Code to require the lieutenant governor to provide the public with an opportunity to review and comment on new voting equipment systems before new voting equipment systems are purchased; and
- ▶ amends the Election Code to require that any automatic voting equipment will permit each voter to verify and correct the voter's selections before the ballot is cast.
- ▶ This bill provides an immediate effective date.

Amends 20A-5-302, 67-1a-2; Enacts 20A-5-402.7

Effective May 3, 2005

Chapter 5, Laws of Utah 2005, First Special Session

HB 1006 Changes in Task Force Membership (*Jeff Alexander*)

This bill modifies membership requirements for the Highway Jurisdictional Transfer Task Force, the Government Records Access and Management Task Force, the Tax Reform Task Force, and the Tourism Task Force.

This bill:

- ▶ increases the number of members assigned to and modifies the requirements for the selection of members from the House of Representatives for the Highway Jurisdictional Transfer Task Force, the Government Records Access and Management Task Force, the Tax Reform Task Force, and the Tourism Task Force.
- ▶ This bill provides an effective date.

Amends Section 1, Chapter 194, Laws of Utah 2005, Section 1, Chapter 218, Laws of Utah 2005, Section 1, Chapter 224, Laws of Utah 2005, Section 16, Chapter 245, Laws of Utah 2005

Effective May 3, 2005

Chapter 6, Laws of Utah 2005, First Special Session

HB 1007 Veterans' Nursing Home Authorization and Funding (*D. Gregg Buxton*)

This bill authorizes the issuance of general obligation bonds for a Veterans' Nursing Home in Ogden and makes technical changes to the Veterans' Code to authorize more than one nursing home in the state.

This bill:

- ▶ modifies the Bonding Code by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for construction of a Veterans' Nursing Home in Ogden;
- ▶ specifies the use of the general obligation bond proceeds and the manner of issuance;
- ▶ provides expressions of legislative intent;
- ▶ modifies language in the Veterans' Nursing Home Act to authorize more than one nursing home within the state; and
- ▶ repeals the authorization for construction of a Veterans' Nursing Home in Ogden on December 31, 2006.
- ▶ This bill provides an effective date.

Amends 63-55b-163 (Effective 07/01/05), 63-55b-163, 71-11-2, 71-11-3, 71-11-4, 71-11-5, 71-11-6, 71-11-7, 71-11-8, 71-11-9, 71-11-10; Enacts 63B-14-101

Effective May 3, 2005

Chapter 7, Laws of Utah 2005, First Special Session

HB 1008 Transportation Investment Act (*Rebecca D. Lockhart*)

This bill modifies the Motor Vehicles Code, the Sales and Use Tax Act, the Motor and Special Fuel Tax Act, the State Appropriations and Tax Limitation Act, and the Transportation Code by amending provisions to increase funding for transportation.

This bill:

- ▶ creates the Transportation Investment Fund of 2005 to pay the costs of maintenance, reconstruction, or renovation to state and federal highways;
- ▶ redesignates the Centennial Highway Fund as a restricted account within the Transportation Investment Fund of 2005;
- ▶ transfers the Centennial Highway Fund Restricted Account revenue sources to the Transportation Investment Fund of 2005 when the highway general obligation bonds have been paid off and the highway projects completed that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account;
- ▶ provides that a portion of the sales and use tax revenue shall be deposited into the Centennial Highway Fund Restricted Account;
- ▶ requires the Division of Finance:
 - to monitor the highway general obligation bonds that are being paid from revenues deposited into the Centennial Highway Fund Restricted Account; and
 - to report on the status of the bonds to the Executive Appropriations Committee upon request;
- ▶ requires the Department of Transportation to:
 - monitor the highway projects that are being funded by the Centennial Highway Fund Restricted Account; and
 - report on the status of the projects to the Executive Appropriations Committee upon request;
- ▶ requires the Executive Appropriations Committee to notify the Division of Finance, the State Tax Commission, and the Department of Transportation when all highway projects have been completed and all general highway obligation bonds have been paid off that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account;
- ▶ exempts the Transportation Investment Fund of 2005 from spending limit provisions; and
- ▶ makes technical changes.
- ▶ This bill appropriates:
 - ▶ (\$110,607,700) from the General Fund and the Centennial Highway Fund to the Centennial Highway Program;
 - ▶ \$80,607,700 to the Centennial Highway Program from the Centennial Highway Fund Restricted Account; and
 - ▶ \$30,000,000 from the General Fund to the Transportation Investment Fund of 2005 for new state highway construction for the fiscal year 2005-06 only.
- ▶ This bill takes effect on July 1, 2005.

Amends 41-1a-1201, 59-12-103 (Effective 07/01/06), 59-12-103 (Superseded 07/01/06), 59-13-304, 59-13-304 (Effective 05/02/05), 63-38c-103, 72-2-118; Enacts 72-2-124

Effective July 1, 2005

Chapter 1, Laws of Utah 2005, First Special Session

HB 1009 Executive Compensation (*Jeff Alexander*)

This bill increases salaries and salary ranges for certain state officers and employees.

This bill:

- ▶ increases salaries for the governor, lieutenant governor, attorney general, state auditor, and state treasurer;
- ▶ increases salary ranges for certain identified state officers; and
- ▶ makes technical corrections.
- ▶ This bill provides an effective date.

Amends 67-22-1, 67-22-1 (Effective 05/02/05), 67-22-2 (Effective 07/01/06), 67-22-2 (Superseded 07/01/06)

Effective July 2, 2005

Chapter 8, Laws of Utah 2005, First Special Session

HB 1010 Uses of Money in Municipal-type Services Fund (*Mark W. Walker*)

This bill modifies provisions related to the uses of money in a county's municipal-type services fund with respect to a newly incorporated city.

This bill:

- ▶ authorizes counties to share with a new city money from the county's municipal services fund when the money was collected before the city's incorporation to provide services to the previously unincorporated area.
- ▶ This bill provides an immediate effective date.

Amends 10-2-121, 17-34-3

Effective May 3, 2005

Chapter 9, Laws of Utah 2005, First Special Session

HB 1011 Funding for Convention Facilities (*David Clark*)

This bill amends the Sales and Use Tax Act and enacts uncodified language to address funding for convention facilities.

This bill:

- ▶ amends the purposes for which revenues generated by the municipality transient room tax may be used;
- ▶ modifies provisions relating to the enactment or repeal of the transient room tax for convention facilities; and
- ▶ makes technical changes.
- ▶ This bill appropriates:
 - ▶ for fiscal year 2004-05 only, \$4,000,000 from the General Fund to the Division of Finance to be transferred to Salt Lake County under certain circumstances and provides that the appropriation is nonlapsing.
- ▶ This bill provides an effective date.

Amends 59-12-352, 59-12-352 (Effective 07/01/05), 59-12-1603, 59-12-1603 (Effective 07/01/05)

Effective May 3, 2005

Chapter 10, Laws of Utah 2005, First Special Session

HJR 101 Joint Resolution Supporting Expansion of Correctional Facilities *(David L. Hogue)*

This joint resolution of the Legislature supports jail expansion in Beaver, Millard, and Sanpete Counties through a contract with the Utah Department of Corrections.

This resolution:

- ▶ supports Beaver, Millard, and Sanpete Counties' expansion of their correctional facilities by means of a contract between the counties and the Utah Department of Corrections.

Effective April 20, 2005

Laws of Utah 2005, First Special Session

SB 1001 Amendments to Property Tax Public Notice and Hearing Provisions *(Curtis S. Bramble)*

This bill modifies notice and hearing provisions relating to property tax increases by participants in certain interlocal cooperation entities.

This bill:

- ▶ provides an exemption from notice and hearing requirements for a property tax increase by taxing entities that are participants in an interlocal entity that provides fire protection, emergency, and emergency medical services if the tax increase is approved by voters.
- ▶ This bill provides an effective date.

Amends 59-2-918, 59-2-918 (Effective 05/02/05), 59-2-919, 59-2-919 (Effective 05/02/05)

Effective May 3, 2005

Chapter 11, Laws of Utah 2005, First Special Session

SB 1002 Funding for Tourism *(Scott K. Jenkins)*

This bill modifies provisions relating to tourism advertising, marketing, and branding.

This bill:

- ▶ modifies the duties, membership, and powers of the Board of Tourism Development;
- ▶ establishes a Tourism Marketing Performance Account within the General Fund to provide a set-aside of a percentage of the increase in tourism-generated tax revenue as a funding source for increased tourism promotion;
- ▶ provides for the creation and funding of a Cooperative Program with cities, counties, and nonprofit destination marketing organizations to advertise and promote tourism; and
- ▶ makes certain technical changes.
- ▶ This bill appropriates:
 - ▶ \$14,000,000 from the General Fund for fiscal year 2005-06 only, to the Tourism Marketing Performance Account;
 - ▶ up to \$4,000,000 from any 2004-05 fiscal year General Fund surplus only, to the Tourism Marketing Performance Account; and
 - ▶ \$10,000,000 from the Tourism Marketing Performance Account for fiscal year 2005-06 only, to the Governor's Office of Economic Development.
- ▶ This bill takes effect on July 1, 2005.

Amends 63-38f-1406, 63-38f-1406 (Effective 07/01/05), 63-38f-1407, 63-38f-1407 (Effective 07/01/05), 63-38f-1408, 63-38f-1408 (Effective 07/01/05), 63-38f-1409, 63-38f-1409 (Effective 07/01/05); Enacts 63-38f-1411; Repeals 63-38f-1401, 63-38f-1401 (Effective 07/01/05), 63-38f-1402, 63-38f-1402 (Effective 07/01/05), 63-38f-1403, 63-38f-1403 (Effective 07/01/05), 63-38f-1404, 63-38f-1404 (Effective 07/01/05), 63-38f-1405, 63-38f-1405 (Effective 07/01/05)

Effective July 1, 2005

Chapter 12, Laws of Utah 2005, First Special Session

SB 1003 Property Tax - County Service Areas (*Michael G. Waddoups*)

This bill modifies a provision relating to property tax levy rates for county service areas.

This bill:

- ▶ increases the maximum tax rate for county service areas that are located in counties of the first class and that provide fire protection, paramedic, and emergency services.
- ▶ None

Amends 17A-2-414

Effective June 20, 2005

Chapter 13, Laws of Utah 2005, First Special Session

SB 1004 Drug Offender Reform Act - Pilot Program (*Sheldon L. Killpack*)

This bill amends provisions regarding the Utah Substance Abuse and Anti-Violence Coordinating Council and the Code of Criminal Procedure to implement the Drug Offender Reform Pilot Study, a pilot program in Salt Lake County regarding substance abuse screening, assessment, and treatment for felony offenders charged with controlled substance offenses.

This bill:

- ▶ requires the Utah Substance Abuse and Anti-Violence Coordinating Council to develop, implement, and evaluate the implementation of the pilot study; and
- ▶ requires that under the pilot study:
 - on and after July 1, 2005 through June 30, 2007, all offenders in the courts of the Third Judicial District located in Salt Lake County who are convicted of a felony offense in violation of Title 58, Chapter 37, Utah Controlled Substances Act, shall participate in a substance abuse screening and may also participate in an assessment if indicated;
 - requires that the results of any screening and assessment of an offender in the study be provided to the court prior to sentencing;
 - provides that the pilot program shall include treatment for a maximum of 250 participants, who are convicted offenders on probation; and
- ▶ requires annual progress reports during the study and a final report to the Legislature regarding the impact and results of the study.
- ▶ This bill appropriates \$500,000 as a one-time appropriation from the General Fund as follows:
 - \$75,000 from the General Fund for fiscal year 2005-06, to the Commission on Criminal and Juvenile Justice;
 - \$315,000 from the General Fund for fiscal year 2005-06, to the Department of Human Services;
 - \$10,000 from the General Fund for fiscal year 2005-06, to the Administrative Office of the Courts; and
 - \$100,000 from the General Fund for fiscal year 2005-06, to the Department of Corrections.
- ▶ This bill takes effect on July 1, 2005.

Amends 63-25a-203, 77-18-1; Enacts 63-25a-205.5, 77-18-1.1

Effective July 1, 2005

Chapter 14, Laws of Utah 2005, First Special Session

SUBJECT INDEX OF PASSED LEGISLATION 2005 FIRST SPECIAL SESSION

APPROPRIATIONS

Civil Legal Aid for Victims of Domestic Violence - HB 1003	256
Veterans' Nursing Home Authorization and Funding - HB 1007	257

COMMITTEES

Legislative, Changes in Task Force Membership - HB 1006	257
---	-----

COMMUNITY AND ECONOMIC DEVELOPMENT

Funding for Tourism - SB 1002	260
-------------------------------------	-----

COUNTIES

Uses of Money in Municipal-type Services Fund - HB 1010	259
---	-----

CRIMINAL CODE

Drug Offender Reform Act - Pilot Program - SB 1004	261
--	-----

DEPARTMENT OF CORRECTIONS

Drug Offender Reform Act - Pilot Program - SB 1004	261
Joint Resolution Supporting Expansion of Correctional Facilities - HJR 101	260

DOMESTIC VIOLENCE

Civil Legal Aid for Victims of Domestic Violence - HB 1003	256
--	-----

EDUCATION

Implementing Federal Educational Programs - HB 1001	255
---	-----

ELECTIONS

Integrity of Election Results Amendments - HB 1005	256
--	-----

EXECUTIVE BRANCH

Executive Compensation - HB 1009	259
--	-----

FIRE PROTECTION

Amendments to Property Tax Public Notice and Hearing Provisions - SB 1001	260
Property Tax - County Service Areas - SB 1003	261

GOVERNMENT OPERATIONS (STATE ISSUES)

Executive Compensation - HB 1009	259
Integrity of Election Results Amendments - HB 1005	256

HEALTH

Provider Contracting Amendments - HB 1002	255
---	-----

HEALTH CARE

Provider Contracting Amendments - HB 1002	255
---	-----

HEALTH CARE PROVIDERS

Provider Contracting Amendments - HB 1002	255
---	-----

HUMAN SERVICES

Drug Offender Reform Act - Pilot Program - SB 1004	261
--	-----

INTERLOCAL COOPERATION ENTITIES

Amendments to Property Tax Public Notice and Hearing Provisions - SB 1001	260
---	-----

JUDICIARY

Civil Legal Aid for Victims of Domestic Violence - HB 1003	256
--	-----

LAW ENFORCEMENT AND CRIMINAL JUSTICE

Drug Offender Reform Act - Pilot Program - SB 1004	261
--	-----

LEGISLATIVE AFFAIRS

Changes in Task Force Membership - HB 1006	257
Joint Resolution Supporting Expansion of Correctional Facilities - HJR 101	260

MILITARY SERVICES

Veterans' Nursing Home Authorization and Funding - HB 1007	257
--	-----

POLITICAL SUBDIVISIONS (LOCAL ISSUES)

Amendments to Property Tax Public Notice and Hearing Provisions - SB 1001	260
Property Tax - County Service Areas - SB 1003	261
Uses of Money in Municipal-type Services Fund - HB 1010	259

PROPERTY TAX

Property Tax - County Service Areas - SB 1003	261
---	-----

PUBLIC EDUCATION, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS - HB 1001

REVENUE AND TAXATION

Amendments to Property Tax Public Notice and Hearing Provisions - SB 1001	260
Funding for Convention Facilities - HB 1011	259

SALES AND USE TAX

Funding for Convention Facilities - HB 1011	259
---	-----

SPECIAL DISTRICTS

Property Tax - County Service Areas - SB 1003 261

STATE OFFICERS AND EMPLOYEES

Executive Compensation - HB 1009 259

SUBSTANCE ABUSE

Drug Offender Reform Act -
Pilot Program - SB 1004 261

TASK FORCE / COMMITTEES

Changes in Task Force Membership - HB 1006 257

TRANSPORTATION

Transportation Investment Act - HB 1008 258

TRANSPORTATION FUND

Transportation Investment Act - HB 1008 258

TRAVEL AND TOURISM

Funding for Tourism - SB 1002 260

UTAH MUNICIPAL CODE

Uses of Money in Municipal-type
Services Fund - HB 1010 259

Utah Code Sections Affected 2005 First Special Session

Legend: The action taken on each section is as follows:

A	Amended
E	Enacted
R	Repealed
X	Repealed and Reenacted
N	Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>	<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
10-2-121	A	HB 1010		261	63-38f-1402	R	SB 1002		262
17-34-3	A	HB 1010		261	63-38f-1402	R	SB 1002		262
17A-2-414	A	SB 1003		263	63-38f-1403	R	SB 1002		262
20A-5-302	A	HB 1005		258	63-38f-1403	R	SB 1002		262
20A-5-402.7	E	HB 1005		258	63-38f-1404	R	SB 1002		262
31A-8-407	A	HB 1002		257	63-38f-1404	R	SB 1002		262
31A-22-617	A	HB 1002		257	63-38f-1405	R	SB 1002		262
31A-22-617.1	E	HB 1002		257	63-38f-1405	R	SB 1002		262
41-1a-1201	A	HB 1008		260	63-38f-1406	A	SB 1002		262
53A-1-301	A	HB 1001		257	63-38f-1406	A	SB 1002		262
53A-1-401	A	HB 1001		257	63-38f-1407	A	SB 1002		262
53A-1-901	E	HB 1001		257	63-38f-1407	A	SB 1002		262
53A-1-902	E	HB 1001		257	63-38f-1408	A	SB 1002		262
53A-1-903	E	HB 1001		257	63-38f-1408	A	SB 1002		262
53A-1-904	E	HB 1001		257	63-38f-1409	A	SB 1002		262
53A-3-402	A	HB 1001		257	63-38f-1409	A	SB 1002		262
59-2-918	A	SB 1001		262	63-38f-1411	E	SB 1002		262
59-2-918	A	SB 1001		262	63-55b-163	A	HB 1007		259
59-2-919	A	SB 1001		262	63-55b-163	A	HB 1007		259
59-2-919	A	SB 1001		262	63B-14-101	E	HB 1007		259
59-12-103	A	HB 1008		260	67-1a-2	A	HB 1005		258
59-12-103	A	HB 1008		260	67-22-1	A	HB 1009		261
59-12-352	A	HB 1011		261	67-22-1	A	HB 1009		261
59-12-352	A	HB 1011		261	67-22-2	A	HB 1009		261
59-12-1603	A	HB 1011		261	67-22-2	A	HB 1009		261
59-12-1603	A	HB 1011		261	71-11-2	A	HB 1007		259
59-13-304	A	HB 1008		260	71-11-3	A	HB 1007		259
59-13-304	A	HB 1008		260	71-11-4	A	HB 1007		259
63-25a-203	A	SB 1004		263	71-11-5	A	HB 1007		259
63-25a-205.5	E	SB 1004		263	71-11-6	A	HB 1007		259
63-38c-103	A	HB 1008		260	71-11-7	A	HB 1007		259
63-38f-1401	R	SB 1002		262	71-11-8	A	HB 1007		259
63-38f-1401	R	SB 1002		262	71-11-9	A	HB 1007		259

A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
71-11-10	A	HB 1007		259
72-2-118	A	HB 1008		260
72-2-124	E	HB 1008		260
77-18-1	A	SB 1004		263
77-18-1.1	E	SB 1004		263
78-3-24.1	E	HB 1003		258

<u>Section</u>	<u>Action</u>	<u>Bill Number</u>	<u>Former/ Renumber</u>	<u>Page Number</u>
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A=Amended

E=Enacted

R=Repealed

X=Repealed and Reenacted

N=Renumbered and Amended

INTRODUCED LEGISLATION 2005 FIRST SPECIAL SESSION

HB 1001	Implementing Federal Educational Programs (<i>Margaret Dayton</i>)	Passed
HB 1002	Provider Contracting Amendments (<i>Rebecca D. Lockhart</i>)	Passed
HB 1003	Civil Legal Aid for Victims of Domestic Violence (<i>Ross I. Romero</i>)	Passed
HB 1004	Disconnecting Territory from a Municipality (<i>Craig A. Frank</i>)	Failed
HB 1005	Integrity of Election Results Amendments (<i>John Dougall</i>)	Passed
HB 1006	Changes in Task Force Membership (<i>Jeff Alexander</i>)	Passed
HB 1007	Veterans' Nursing Home Authorization and Funding (<i>D. Gregg Buxton</i>)	Passed
HB 1008	Transportation Investment Act (<i>Rebecca D. Lockhart</i>)	Passed
HB 1009	Executive Compensation (<i>Jeff Alexander</i>)	Passed
HB 1010	Uses of Money in Municipal-type Services Fund (<i>Mark W. Walker</i>)	Passed
HB 1011	Funding for Convention Facilities (<i>David Clark</i>)	Passed
HJR 101	Joint Resolution Supporting Expansion of Correctional Facilities (<i>David L. Hogue</i>)	Passed
SB 1001	Amendments to Property Tax Public Notice and Hearing Provisions (<i>Curtis S. Bramble</i>)	Passed
SB 1002	Funding for Tourism (<i>Scott K. Jenkins</i>)	Passed
SB 1003	Property Tax - County Service Areas (<i>Michael G. Waddoups</i>)	Passed
SB 1004	Drug Offender Reform Act - Pilot Program (<i>Sheldon L. Killpack</i>)	Passed

**SUBJECT INDEX OF LEGISLATION NOT PASSED
2005 FIRST SPECIAL SESSION**

POLITICAL SUBDIVISIONS (LOCAL ISSUES)

Disconnecting Territory from a Municipality - HB1004

UTAH MUNICIPAL CODE

Disconnecting Territory from a Municipality - HB1004