

2011 Customized Bill Report for Senator Lyle Hillyard



23 March 2011

**H.B. 10**      *Renewal of Judgment Act (Rep. G. Froerer)*

This bill establishes a process and fee for renewal of judgments.

This bill:

- ▶ establishes a process and fee for renewal of judgments;
- ▶ establishes the renewal period for eight years; and
- ▶ makes technical corrections.

**H.B. 12**      *Personal Injury Claims by Personal Representative (Rep. T. Kiser)*

This bill clarifies that the presumptive personal representative is still required to submit an affidavit in personal injury claims.

This bill:

- ▶ makes it clear that presumptive personal representatives are required to submit affidavits in personal injury claims as required in other claims.

**H.B. 48**      *Fingerprints of Juveniles (Rep. J. Peterson)*

This bill requires fingerprints and photographs of juveniles to be taken and stored in specific circumstances.

This bill:

- ▶ requires fingerprints and photographs of juveniles to be taken when a juvenile age 14 or older is:
  - taken into custody for an offense and brought before the juvenile court for adjudication;
  - determined to be a serious habitual offender;
  - certified to stand trial in the district court; or
  - taken into custody for a gang related offense; and
- ▶ allows for the distribution of photographs of juveniles age 14 or older when the juvenile is charged with an offense which:
  - would be a felony if committed by an adult; or
  - is gang related.

**H.B. 52**      *Limitation of Actions - Criminal Offenses (Rep. B. Wilson)*

This bill modifies the Criminal Code regarding offenses for which prosecution may be initiated at any time.

This bill:

- ▶ defines predicate offenses committed incident to a homicide; and
- ▶ provides that predicate offenses to murder and aggravating offenses to aggravated murder may be prosecuted at any time.

***H.B. 74      Municipal Justice Court Judge Elections (Rep. K. Sumsion)***

This bill changes the requirements for a retention election vote for municipal justice court judges and the length of the terms of justice court judges.

This bill:

- ▶ changes the retention election requirements for municipal justice court judges from the entire county to the municipality where the judge sits; and
- ▶ reduces the term of justice court judges from six to four years.

***H.B. 75      Dangerous Weapon Amendments (Rep. C. Oda)***

This bill modifies provisions of the Utah Criminal Code regarding the definition of "on or about school premises" regarding the use of a dangerous weapon.

This bill:

- ▶ modifies the definition of "on or about school premises" to mean in a public or private elementary or secondary school or on the grounds of any one of those schools as related to:
  - sentencing enhancements for the use of a dangerous weapon; and
  - those locations where a person may not possess a dangerous weapon, firearm, or sawed-off shotgun; and
- ▶ makes certain technical changes.

***H.B. 91      Real Estate Related Amendments (Rep. G. Froerer)***

This bill modifies provisions related to real estate in general and the Division of Real Estate to address the regulation of activities involving real estate.

This bill:

- ▶ amends the Utah Uniform Land Sales Practices Act, including:
  - modifying penalties; and
  - repealing extradition proceedings;
- ▶ renumbers and amends the Timeshare and Camp Resort Act, including:
  - modifying the definition provision;
  - addressing the powers and duties of the division and the director;
  - addressing payments to the division that are not honored;
  - providing restrictions on use of a registration;
  - modifying registration processes and requirements;
  - providing for developer and salesperson reporting requirements;
  - addressing renewal, reinstatement, consolidations, and amendments of registrations;
  - addressing the effect of an application and prohibitions on misleading statements;
  - addressing disclosure requirements;
  - addressing a purchaser's right to cancel;
  - addressing unprofessional conduct for a developer or salesperson;
  - increasing fine amounts;
  - modifying review procedures;
  - modifying provisions related to investigations;
  - providing for cease and desist orders; and

- modifying exemption provisions;
- ▶ modifies the Utah Residential Mortgage Practices and Licensing Act, including:
  - modifying the definition provisions;
  - addressing payments to the division that are dishonored;
  - addressing the establishment of fees;
  - addressing qualifications for licensure and criminal histories;
  - providing for enforcement of reporting requirements;
  - modifying prohibited conduct;
  - addressing recordkeeping requirements; and
  - allowing for de novo review under certain circumstances;
- ▶ modifies the Appraisal Management Company Registration and Regulation Act, including:
  - modifying the definition provisions;
  - addressing when board action is taken with the concurrence of the division;
  - addressing payments to the division that are dishonored;
  - expanding provisions related to criminal histories;
  - allowing the board to delegate to the division certain hearings;
  - providing for the extension of the term of a license;
  - addressing adherence to standards;
  - modifying prohibited conduct;
  - providing for the payment of certain costs related to investigations;
  - increasing the amount of a civil penalty; and
  - addressing the contents and affect of an order;
- ▶ modifies the Real Estate Licensing and Practices Act, including:
  - modifying the definition provisions;
  - addressing payments to the division that are dishonored;
  - providing for de novo review in certain circumstances;
  - addressing criminal histories;
  - addressing when the division may extend the term of a license;
  - providing for the enforcement of reporting requirements;
  - addressing exclusive brokerage agreements; and
  - modifying grounds for disciplinary conduct;
- ▶ rennumbers and amends the Real Estate Appraiser Licensing and Certification Act, including:
  - addressing when the board may take action with the concurrence of the division;
  - addressing criminal histories;
  - addressing when the division may extend the term of a license;
  - modifying reinstatement requirements; and
  - allowing the board to delegate certain actions to the division; and
- ▶ makes technical and conforming amendments.

***H.B. 104 Homeowner Association Amendments (Rep. R. C. Webb)***

This bill modifies provisions relating to condominium owner and homeowner

associations.

This bill:

- ▶ prohibits an association from charging a fee for providing information needed for a closing on a sale of a unit or lot, unless provided for in the declaration, limits the amount of the fee, and provides a consequence if an association fails to provide the information within a specified time;
- ▶ requires associations to register with the Department of Commerce and to submit an updated registration under specified circumstances, and establishes consequences for a failure to register or update a previous registration;
- ▶ specifies that a lien for nonpayment of assessments arises when a notice of lien is recorded, regardless of when the default occurred; and
- ▶ makes technical changes.

***H.B. 115 Mechanics' Liens Amendments (Rep. M. Morley)***

This bill modifies provisions relating to mechanics' liens.

This bill:

- ▶ clarifies the applicability of mechanics' liens provisions;
- ▶ modifies definitions;
- ▶ provides for liens for preconstruction service, establishes a procedure for perfecting and enforcing the liens, and provides for the priority of the liens;
- ▶ modifies a provision relating to the waiver or limitation of lien rights;
- ▶ provides that a person who knowingly falsifies information for the purpose of obtaining priority of a preconstruction service lien is guilty of a misdemeanor; and
- ▶ makes technical and conforming changes.

***H.B. 116 Guest Worker Program Act (Rep. B. Wright)***

This bill modifies the Utah Workforce Services Code to establish a guest worker program that provides for the issuance of permits to undocumented individuals.

This bill:

- ▶ enacts the Guest Worker Program Act, including:
  - defining terms;
  - directing the Department of Workforce Services to administer the program;
  - requiring the department and governor to seek waivers, exemptions, or authorizations;
  - addressing the timing of implementation;
  - creating a restricted account;
  - addressing coordination with other laws or programs;
  - providing for two types of permits;
  - establishing eligibility criteria;
  - creating an application and renewal process;
  - imposing conditions during permit term;
  - addressing English proficiency;
  - providing for verification of a valid permit;
  - addressing protected status of records;

- prohibiting certain conduct;
- creating administrative and criminal penalties; and
- providing for the sharing of information related to enforcement; and
- ▶ enacts the Identification Enforcement Act, including:
  - defining terms;
  - imposing requirements related to identification;
  - allowing for fingerprinting and photographing under certain circumstances;
  - creating an identification database; and
  - providing for the sharing of information with federal agencies.

***H.B. 161 Guardian Ad Litem Responsibilities (Rep. C. Oda)***

This bill requires that guardians ad litem participate in a child and family plan for a client.

This bill:

- ▶ requires guardians ad litem to participate in child and family plan meetings to represent the best interest of their client.

***H.B. 202 Death Penalty Procedures Amendments (Rep. K. McIff)***

This bill modifies the Criminal Code and the Judicial Code regarding capital sentencing procedures.

This bill:

- ▶ clarifies when a petitioner has a right to funded counsel for successive petitions; and
- ▶ sets limits on the obtaining of execution stays for successive postconviction petitions.

***H.B. 207 Juvenile Amendments (Rep. W. Harper)***

This bill amends provisions of the Utah Human Services Code and the Juvenile Court Act of 1996 in relation to juveniles.

This bill:

- ▶ makes an exception to the requirement that consent to interview a child who is in the custody of the Division of Child and Family Services be obtained from the child's guardian ad litem if:
  - the child is interviewed solely in relation to a matter in which the child is not a suspect; and
  - the interview is recorded, unless exigent circumstances exist that make recording impracticable;
- ▶ provides that a court may commit a minor to a place of detention for a period not to exceed 30 days, or an alternative to detention for a period not to exceed 60 days, subject to the court retaining continuing jurisdiction over the minor;
- ▶ gives the court the option to identify in writing, rather than on the record, the responsibilities of a parent under a child and family plan;
- ▶ gives the court the discretion to determine whether a disposition, including detention, will run concurrent with any other order of detention; and
- ▶ makes technical changes.

**H.B. 237**      ***Enforcement of Liens*** (Rep. Julie Fisher)

This bill modifies a provision relating to the enforcement of storage facility liens.

This bill:

- ▶ requires a notice of a lien enforcement action involving the sale of a vehicle, vessel, outboard motor, or aircraft to be sent to the last known address of the registered owner and lienholder, as disclosed by the records of the Motor Vehicle Division.

**H.B. 248**      ***County Office Vacancies*** (Rep. C. Wimmer)

This bill amends provisions related to midterm vacancies in county elected offices.

This bill:

- ▶ defines terms;
- ▶ amends provisions related to midterm vacancies in county elected offices;
- ▶ amends provisions related to a party liaison; and
- ▶ makes technical corrections.

**H.B. 260**      ***Mechanics' Liens Revisions*** (Rep. D. Clark)

This bill modifies provisions relating to mechanics' liens.

This bill:

- ▶ provides that construction loans have priority over earlier or later filed mechanics' liens;
- ▶ modifies provisions related to the State Construction Registry;
- ▶ modifies the information by which the State Construction Registry is to be indexed;
- ▶ requires each notice or document submitted for inclusion in the State Construction Registry to contain specified information;
- ▶ modifies provisions related to building permits and notices of commencement;
- ▶ modifies requirements related to the filing of a preliminary notice;
- ▶ eliminates the requirement to file a notice of commencement on a private project;
- ▶ requires the original contractor and each subcontractor on a private project to file a preliminary notice;
- ▶ prohibits an original contractor or subcontractor who fails to file a preliminary notice on a private project from claiming a mechanics' lien;
- ▶ repeals obsolete language;
- ▶ modifies the requirements for a notice of completion;
- ▶ modifies the requirements related to a standardized building permit form; and
- ▶ makes technical changes.

**H.B. 272**      ***Indigent Defense Act Amendments*** (Rep. K. McIff)

This bill requires the court, when making a determination of indigency for a defendant, to consider the reasonableness of the fees and expenses charge by privately retained defense counsel.

This bill:

- ▶ amends the definition of compelling reason; and
- ▶ requires the court, when making a determination of indigency, to consider the

reasonableness of fees and expenses charged by privately retained defense counsel.

**H.B. 334**      ***Family Expense Amendments*** (Rep. S. Sandstrom)

This bill amends the family expense statute to allow a creditor to collect reasonable collection costs and attorney fees.

This bill:

- ▶ allows a creditor to collect reasonable collection costs and attorney fees incurred in collecting a debt under the family expense statute.

**H.B. 349**      ***Expedited Jury Trials*** (Rep. B. King)

This bill creates a new part in Title 78B, Chapter 3, allowing for expedited jury trials.

This bill:

- ▶ creates Title 78B, Chapter 3, Part 9, Expedited Jury Trial Act, as a pilot project;
- ▶ defines terms;
- ▶ requires that all parties to an action agree to participate;
- ▶ requires the Judicial Council to create rules regarding:
  - content of consent orders;
  - time limits for jury selection and trial;
  - presentation of evidence and testimony; and
  - other procedures necessary to implement expedited jury trials;
- ▶ allows parties to set limits on damages;
- ▶ requires the court to approve if a party is self-represented, a minor, or incompetent;
- ▶ limits post-trial motions;
- ▶ requires a report to the Judiciary Interim Committee in 2015; and
- ▶ is repealed January 1, 2017.

**H.B. 374**      ***Domestic Violence Amendments*** (Rep. B. Last)

This bill prevents a person arrested for domestic violence from personally contacting the alleged victim while the person is detained in a jail.

This bill:

- ▶ prevents a person arrested for domestic violence from contacting the alleged victim while the person is detained in a jail; and
- ▶ provides a penalty for violation.

**H.B. 376**      ***Small Claims Court Jurisdiction*** (Rep. R. Edwards)

This bill allows a defendant in an action in district court to remove it to small claims court if it fits the jurisdictional amounts.

This bill:

- ▶ allows a defendant in an action in district court to remove it to a small claims court in the same jurisdiction if it is less than \$10,000 and the plaintiff agrees;
- ▶ requires that the defendant pay the small claims filing fee; and
- ▶ provides that the court may not charge the plaintiff a filing fee if the plaintiff appeals the small claims court judgment.

**H.B. 477**      ***Government Records Amendments (Rep. J. Dougall)***

This bill modifies provisions of the Government Records Access and Management Act and other provisions relating to government records.

This bill:

- ▶ modifies cross references;
- ▶ eliminates codified intent language;
- ▶ provides a cross reference in the Public Records Management Act to identify legislative exemptions to the act;
- ▶ makes technical and organizational modifications to modernize and clarify language;
- ▶ modifies definitions;
- ▶ provides that voice mails, instant messages, video chats, and text messages are not records subject to the act, with some exceptions;
- ▶ modifies provisions defining records that are subject to regulation by the act;
- ▶ clarifies that fee provisions may be subject to approval procedures under the Budgetary Procedures Act;
- ▶ modifies provisions governing fees and costs related to records requests;
- ▶ modifies language identifying "extraordinary circumstances" related to records requests;
- ▶ modifies provisions governing shared records procedures and application;
- ▶ modifies provisions and requirements regulating records that must be disclosed;
- ▶ provides that personal and financial information submitted to or received by a Senate confirmation committee is a private record;
- ▶ provides that personal emails or similar electronic addresses of current or former government employees or applicants are private records;
- ▶ provides protected status for certain records of the Office of the Utah State Auditor and Office of Legislative Auditor General;
- ▶ provides that records may be classified as protected if they are prepared in anticipation of litigation;
- ▶ provides that work product records may be classified as protected if the record involves anticipated or pending litigation;
- ▶ modifies the protected record status of documents prepared, received, or maintained by a legislator;
- ▶ modifies the protected record status of communications between legislators and staff in relation to performance of their official duties;
- ▶ provides that records concerning a governmental entity's strategy may be classified as protected if the record is prepared for anticipated litigation, rather than only for pending litigation;
- ▶ provides protected status for internal communications and working papers of the governor's office and modifies provisions limiting the length of protected status coverage for certain records of the governor;
- ▶ provides that data and working papers associated with a fiscal note for legislation are protected until the legislation has passed;
- ▶ provides protected status for personal email addresses and similar electronic addresses in some situations;

- ▶ prohibits a governmental entity's chief administrative officer, the records committee, and a court from releasing certain protected records via means of a balancing test unless it is determined, by a preponderance of the evidence, that the public interest favoring access to the record outweighs the interest favoring restriction of access to the record;
- ▶ provides that the Legislature may adopt policies regarding the receipt, processing, and response to record requests;
- ▶ rewrites and reorganizes the section addressing the act's application to the Legislature;
- ▶ addresses legislative compliance requirements with Title 63G, Chapter 2, Part 9, Public Associations; and
- ▶ makes technical changes.

***S.B. 12            Alcoholic Beverage Control Act - Modifications (Sen. J. Valentine)***

This bill modifies the Alcoholic Beverage Control Act to correct omissions or errors made as part of the recodification of that act.

This bill:

- ▶ reorders language;
- ▶ corrects or clarifies terminology, including defining the term "container";
- ▶ clarifies a formula related to the Alcoholic Beverage Enforcement and Treatment Restricted Account;
- ▶ clarifies references to specific licenses or sublicenses;
- ▶ relocates a provision addressing advertising;
- ▶ makes the provision related to a package agency posting a bond more consistent with other bond requirements in the act; and
- ▶ makes technical and conforming amendments.

***S.B. 28            Alcohol or Drug Related Offense Amendments (Sen. S. Jenkins)***

This bill modifies provisions relating to the driver license suspension period and other sentencing requirements for certain alcohol or drug related offenses.

This bill:

- ▶ amends the administrative suspension periods for certain alcohol related offenses;
- ▶ amends the driver license suspension period for a person convicted of certain alcohol or drug related offenses;
- ▶ provides that a court may shorten a person's driver license suspension period for certain alcohol or drug related offenses prior to the completion of the suspension period if the person completes certain requirements; and
- ▶ makes technical changes.

**S.B. 34**        *Uniform Interstate Family Support Act (Sen. L. Hillyard)*

This bill makes conforming amendments required by the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

This bill:

- ▶ provides procedures for recognizing foreign support orders;
- ▶ defines "convention," "foreign country," "foreign support order," and "foreign tribunal"; and
- ▶ incorporates provisions for the filing, modification, and enforcement of support orders issued by foreign countries that have comity with the United States.

**S.B. 36**        *Concealed Firearm Act Amendments (Sen. J. Valentine)*

This bill amends provisions of the Concealed Firearm Act related to the issuance of concealed firearm permits to nonresidents.

This bill:

- ▶ requires a nonresident applicant for a concealed firearm permit to hold a current concealed firearm or concealed weapon permit from the applicant's state of residency that recognizes the validity of the Utah permit in that state or has reciprocity with the Utah concealed firearm permit law; and
- ▶ requires a nonresident applicant to pay an additional \$5 processing fee for the issuance of the permit.

**S.B. 52**        *Tortious Act Arbitration (Sen. S. Urquhart)*

This bill creates a new chapter in Title 78B to promote arbitration in tort cases.

This bill:

- ▶ enacts a new chapter, Tort Arbitration, in Title 78B;
- ▶ creates filing and notice limits;
- ▶ prohibits claims for punitive damages;
- ▶ sets guidelines for rescinding an arbitration election;
- ▶ provides for the selection of a single arbitrator or panel of arbitrators;
- ▶ states that decisions by arbitrators are final, but still allows for a trial de novo;
- ▶ specifies payment obligations for parties; and
- ▶ addresses pre- and postjudgment interest.

**S.B. 57**        *Animal Control - Exception for Community Cat Management Initiative (Sen. D. Stowell)*

This bill creates an Animal Welfare chapter in Title 11, Cities, Counties, and Local Taxing Units, and provides minimum requirements for any county or municipality to set up a community cat management program.

This bill:

- ▶ defines terms;
- ▶ sets minimum requirements for community cat management programs;
- ▶ allows for the registration of community cat colonies by a sponsor;
- ▶ requires the sponsor of a cat colony to actively trap cats in the colony for the purpose of sterilizing, vaccinating, and ear-tipping before returning the cat to its original location;

- ▶ requires the sponsor of a cat colony to maintain records on each cat;
- ▶ allows a county or municipality to charge a minimum fee to register a cat colony; and
- ▶ exempts a cat from the three-day mandatory hold requirement if the cat is eligible to participate in the community cat management program.

**S.B. 59**      ***School Grading System*** (Sen. W. Niederhauser)

This bill establishes a school grading system based on the performance of a school's students on statewide assessments, and for high schools, the graduation rate.

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to establish a school grading system in which a school receives a grade of A, B, C, D, or F based on the performance of the school's students on statewide assessments, and for a high school, the graduation rate;
- ▶ specifies the criteria upon which a school grade is based and procedures for determining a school's grade;
- ▶ imposes requirements for the reporting of a school's grade; and
- ▶ directs the State Board of Education to make rules, as necessary, to implement the school grading system.

**S.B. 72**      ***Initiative Amendments*** (Sen. L. Hillyard)

This bill amends provisions in Title 20A, Chapter 7, Issues Submitted to the Voters, related to statewide and local initiatives.

This bill:

- ▶ requires an initiative to contain no more than one subject to the same extent a bill may not pass with more than one subject under the Utah Constitution;
- ▶ authorizes initiative petition sponsors to change the text of a proposed law following public hearings; and
- ▶ requires the Governor's Office of Planning and Budget to update an initial fiscal impact estimate if the text of a proposed law is changed.

**S.B. 85**      ***Legal Notice Amendments*** (Sen. S. Urquhart)

This bill addresses the publication of statutorily required legal notices.

This bill:

- ▶ defines terms;
- ▶ requires a newspaper that publishes a legal notice in the newspaper to charge no more than its average advertisement rate;
- ▶ requires a newspaper that publishes a legal notice in the newspaper to publish the legal notice on a public notice website at no additional cost.
- ▶ eliminates an exception from publication requirements for a county of the first or second class;
- ▶ requires that certain bids for construction or improvement projects be published in a newspaper in the county in which the work is to be performed; and
- ▶ makes technical changes.

***S.B. 94 Uniform Requirements for Constables (Sen. K. Mayne)***

This bill requires that a constable purchase and wear a uniform designated by the legislative body of a county or municipality.

This bill:

- ▶ requires that a constable purchase and wear a uniform designated by the legislative body of a county or municipality.

***S.B. 100 Securities Whistleblower Program Act (Sen. B. McAdams)***

This bill modifies the Utah Uniform Securities Act to address whistleblowing.

This bill:

- ▶ enacts the Whistleblower Program Act, including:
  - defining terms;
  - establishing a procedure for disclosing information as a whistleblower;
  - providing protections against adverse employment action;
  - establishing remedies if adverse action is taken;
  - providing administrative fines;
  - creating an award process for whistleblowers;
  - imposing notice requirements;
  - prohibiting waiver of rights; and
  - establishing the scope of the program; and
- ▶ makes technical and conforming amendments.

***S.B. 108 Joint Use of Water Infrastructure (Sen. D. Stowell)***

This bill requires the formation of a contract before the enlargement and use of another person's canal or ditch to convey water.

This bill:

- ▶ requires the formation of a contract before the enlargement and use of another person's canal or ditch to convey water;
- ▶ requires that a person seeking to enlarge or use another person's canal or ditch and the person who owns the canal or ditch to negotiate in good faith; and
- ▶ makes technical changes.

***S.B. 124 Leaving a Child Unattended in a Motor Vehicle (Sen. B. McAdams)***

This bill amends the Utah Criminal Code by making it a class C misdemeanor to leave a child unattended in an enclosed compartment of a motor vehicle.

This bill:

- ▶ defines terms;
- ▶ makes it a class C misdemeanor for a person who is responsible for a child under nine years of age to intentionally, recklessly, knowingly, or with criminal negligence leave a child in an enclosed compartment of a motor vehicle if:
  - the motor vehicle is on public property or private property that is open to the general public;
  - the child is not supervised by a person who is at least nine years old; and
  - the conditions present a risk to the child of hyperthermia, hypothermia, or dehydration;

- ▶ provides that this bill does not apply if the person's conduct that constitutes a violation of this bill is subject to a greater penalty under another provision of state law;
- ▶ preempts enforcement of a local law or ordinance that makes it an infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor under this bill;
- ▶ provides that, notwithstanding any provision of state law to the contrary, a conviction under this bill may not be used by a state or local government entity as grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a license or permit relating to the provision of day care or child care.

**S.B. 131**      ***Unincorporated Business Entity Uniform Acts*** (Sen. L. Hillyard)

This bill repeals the existing partnership act, Utah Revised Uniform Limited Partnership Act, and Utah Revised Limited Liability Company Act, and enacts with modifications the Uniform Partnership Act, Uniform Limited Partnership Act, and Uniform Limited Liability Company Act.

This bill:

- ▶ enacts provisions related to partnerships, including:
  - enacting general provisions related to partnerships such as defining terms, addressing what constitutes knowledge and notice, addressing the effect of a partnership agreement, designating supplemental principles of law, providing for execution, filing, and recording of statements, addressing what is the governing law, and the affects of amendments or repeals to the chapter;
  - addressing the nature of a partnership;
  - addressing the relations of partners to persons dealing with a partnership;
  - addressing relations of partners to each other and to the partnership;
  - addressing transferees and creditors of partners;
  - providing for a partner's dissociation including when business is not wound up;
  - providing for winding up partnership business;
  - providing for conversion and merger; and
  - providing for a limited liability partnership, a limited liability partnership that provides a professional service, and foreign limited liability partnership;
- ▶ enacts provisions related to limited partnerships, including:
  - providing for general provisions related to limited partnerships;
  - addressing formation of limited partnerships and various filing requirements;
  - addressing limited partners;
  - addressing general partners;
  - providing for contributions and distributions;
  - providing for dissociation;
  - addressing transferable interests and rights of transferees and creditors;
  - providing for dissolution;

- addressing foreign limited partnerships;
- providing for actions by partners; and
- providing for conversions and mergers;
- ▶ enacts provisions related to limited liability companies, including:
  - addressing various general provisions related to limited liability companies;
  - providing for the formation and filings of limited liability companies;
  - addressing relations of members and managers to a person dealing with a limited liability company;
  - addressing relations of members to each other and to the limited liability company;
  - addressing transferable interests and rights of transferees and creditors;
  - providing for dissociation;
  - providing for dissolution and winding up;
  - addressing foreign limited liability companies;
  - providing for actions by members;
  - providing for merger, conversion, and domestication;
  - providing for professional services companies;
  - providing for series; and
  - providing for low-profit limited liability company act;
- ▶ includes miscellaneous provisions such as providing for uniformity of application, severability, and savings; and
- ▶ makes technical and conforming amendments.

***S.B. 138      Driver License Qualification Amendments (Sen. S. Urquhart)***

This bill amends driver license and driving privilege card provisions.

This bill:

- ▶ repeals the use of a temporary identification number (ITIN) issued by the Internal Revenue Service for purposes of obtaining a driving privilege card issued by the Driver License Division;
- ▶ expires all driving privilege cards on December 31, 2011;
- ▶ prohibits the Driver License Division from issuing a driving privilege card; and
- ▶ makes technical changes.

***S.B. 143      Judiciary Amendments (Sen. L. Hillyard)***

This bill makes changes throughout the code regarding the judiciary and courts.

This bill:

- ▶ permits a person to be a candidate for more than one justice court judge office;
- ▶ requires an appointee or a candidate to more than one justice court office to:
  - pay a filing fee for each office; and
  - identify on the declaration of candidacy all of the courts included in the general election;
- ▶ allows a declaration of candidacy in one county to be valid in any other county in which the candidate may be appointed or elected;
- ▶ requires the ballot title to include the name of a court created by interlocal

- agreement;
- ▶ removes the requirement that all registered voters in a county vote in the retention election of a county justice court judge;
  - ▶ removes the requirement that the governing bodies of a county and a municipality within that county both concur when a justice court judge is permitted to hold office as both a county and a municipal justice court judge;
  - ▶ modifies a provision regarding child protective orders to comply with Rule 4 of the Utah Rules of Civil Procedure;
  - ▶ allows any court, without a jury, to determine questions of fact and law and any constitutional issue presented in the pleadings;
  - ▶ limits the scope of those who may petition the court for a modification or revocation of the court's child custody order to the child's parent or guardian;
  - ▶ limits the scope of those who may petition the court for a new hearing on the ground that new evidence has been discovered;
  - ▶ requires that disposition orders include notice that the right to appeal must be taken within 15 days from the entry of the order, decree, or judgement;
  - ▶ authorizes the court to include in a minor's disposition order, an order to a minor's parent or guardian to pay restitution as authorized by law;
  - ▶ requires the minimum payment of restitution to be at least \$5, unless the payment is the final payment and less than \$5 is owed;
  - ▶ removes the authorization for a justice court judge to order administrative traffic checkpoints and issue search warrants; and
  - ▶ allows the certificate of admission fee charged to new attorneys to be nonlapsing.

**S.B. 150**      *Negligent Credentialing* (Sen. J. S. Adams)

This bill provides that a medical malpractice cause of action based on negligent credentialing will not be recognized in this state.

This bill:

- ▶ provides that negligent credentialing as a cause of action will not be recognized in a medical malpractice action.

**S.B. 162**      *Military and Overseas Voting* (Sen. L. Hillyard)

This bill amends and enacts provisions related to elections to provide for military and overseas voting.

This bill:

- ▶ changes the period of time in which to file a declaration of candidacy;
- ▶ changes the date of the municipal primary;
- ▶ changes the date by a party certifies a candidate for the primary ballot;
- ▶ changes the date by which an ordinance may be adopted for exemption from a primary;
- ▶ enacts the Uniform Military and Overseas Voting Act; and
- ▶ designates an email address provided by a military or overseas voter as private record.

**S.B. 180**      *Medicaid Reform* (Sen. D. Liljenquist)

This bill amends the Budgetary Procedures Act and the Medical Assistance Act.

This bill:

- ▶ requires the Department of Health to develop a proposal to modify the Medicaid program in a way that maximizes replacement of the fee-for-service delivery model with one or more risk-based delivery models;
- ▶ specifies criteria for the proposal;
- ▶ requires the department to report to the Legislature on the development of the proposal;
- ▶ requires the department to submit a request to the Centers for Medicare and Medicaid Services for waivers from federal law to implement the proposal;
- ▶ directs the department to implement the proposal in the fiscal year following the fiscal year in which the waivers are approved;
- ▶ provides definitions;
- ▶ creates the Medicaid Growth Reduction and Budget Stabilization Account restricted account;
- ▶ specifies conditions under which Medicaid growth savings shall be transferred or appropriated to the account;
- ▶ provides that Medicaid growth savings not transferred into the account shall be included in the base budget for the second following fiscal year;
- ▶ specifies the priority of the account's claim on General Fund revenue surplus;
- ▶ specifies how account funds may be used;
- ▶ makes conforming amendments;
- ▶ makes clarifying amendments; and
- ▶ makes technical corrections.

***S.B. 212      Judicial Evaluation Amendments (Sen. D. C. Buttars)***

This bill makes amendments to the Judicial Performance Evaluation Commission.

This bill:

- ▶ allows the Judicial Performance Evaluation Commission to vote in a closed meeting on whether or not to recommend that the voters retain a judge;
- ▶ requires that any record of an individual commissioner's vote be a protected record under Title 63G, Chapter 2, Government Records Access and Management Act;
- ▶ removes litigants from the judicial performance evaluation survey;
- ▶ reduces the number of categories to be included in the performance evaluation survey;
- ▶ allows survey respondents to supplement responses to survey questions with written comments;
- ▶ establishes a clear minimum performance standard;
- ▶ establishes that the judicial performance evaluation survey is to be reported in three categories: legal ability, judicial temperament and integrity, and administrative abilities;
- ▶ allows only a judge who is the subject of an unfavorable retention recommendation to meet with the commission about its recommendation;
- ▶ allows the judicial performance evaluation commission to only report public

- ▶ discipline that a judge has received; and
- ▶ makes technical corrections.

**S.B. 243**      ***Historic Areas or Sites Amendments*** (Sen. W. Niederhauser)

This bill amends provisions authorizing a municipality or a county to establish an historic area or site.

This bill:

- ▶ amends provisions authorizing a municipality or a county to establish an historic area or site; and
- ▶ makes technical corrections.

**S.B. 261**      ***Wrongful Foreclosure Act*** (Sen. C. Bramble)

This bill enacts the Wrongful Foreclosure Act.

This bill:

- ▶ imposes civil and criminal liability on a person who files for recording a wrongful notice of default or who publishes or posts a wrongful notice of sale with respect to a trust deed foreclosure.

**S.B. 271**      ***Eminent Domain Revisions*** (Sen. J. S. Adams)

This bill amends provisions relating to the right to exercise eminent domain.

This bill:

- ▶ amends provisions authorizing an entity to exercise eminent domain for:
  - a byroad leading from a highway to a residence, a development, or a farm; and
  - sewage service for a development; and
- ▶ makes technical corrections.

**S.B. 272**      ***Secured Creditor Amendments*** (Sen. D. Liljenquist)

This bill modifies the Utah Consumer Credit Code to address secured creditors and deficiency judgments.

This bill:

- ▶ modifies provisions related to when the restrictions on deficiency judgements in consumer credit sales do not apply;
- ▶ addresses acceptance of the surrender of collateral; and
- ▶ makes technical changes.

**S.B. 279**      ***Grand Jury Modifications*** (Sen. M. Dayton)

This bill requires a grand jury subpoena to be issued a certain amount of time before the person is required to testify.

This bill:

- ▶ requires a grand jury subpoena to be issued to a minor, who is a victim of crime, at least 72 hours before the victim is required to testify; and
- ▶ makes technical corrections.

**S.B. 286**      ***Grandparents' Visitation Rights*** (Sen. D. Hinkins)

This bill expands the conditions under which grandparents may request visitation rights with their grandchildren.

This bill:

- ▶ allows grandparents to request visitation rights when their grandchildren are in state custody.

**S.B. 314**      *Alcoholic Beverage Amendments (Sen. J. Valentine)*

This bill modifies the Alcoholic Beverage Control Act and related provisions to address various issues concerning the regulation of alcoholic products.

This bill:

- ▶ modifies definition provisions;
- ▶ provides that certain retail licenses are exempt from limitations on the number of retail licenses that may be issued at any time;
- ▶ addresses the relationship between the number of alcohol-related enforcement officers and the issuance of licenses;
- ▶ modifies the calculation of the ratio of revenue from food as compared to revenue from alcoholic products;
- ▶ requires taverns to comply with electronic verification requirements for proof of age;
- ▶ provides for the governor to appoint the chair of the Alcoholic Beverage Control Commission;
- ▶ provides for the issuance of certificates of approval for out-of-state importers and suppliers of beer, heavy beer, and flavored malt beverages;
- ▶ provides for the commission with the approval of the governor and with the consent of the Senate to appoint the director of the Department of Alcoholic Beverage Control;
- ▶ addresses prohibited interests, relationships, and actions;
- ▶ creates the Alcoholic Beverage Control Act Enforcement Fund and directs how money in the fund is to be expended;
- ▶ consolidates language regarding warning signs required to be posted in retail settings, including event permits;
- ▶ addresses the size of containers of heavy beer that can be sold;
- ▶ modifies fees;
- ▶ permits the sale, offer for sale, or furnishing of an alcoholic product by room service in other than a sealed container;
- ▶ prohibits consumption of an alcoholic product on licensed premises after 2 a.m.;
- ▶ removes existing restrictions on transferring licenses or locations of licenses and replaces the provisions with the Transfer of Retail License Act;
- ▶ changes the numbers used to determine the number of retail licenses that may be issued at any one time;
- ▶ modifies requirements related to the location in restaurants of dispensing, storage, and related instruments or equipment;
- ▶ modifies provisions related to dining club licenses;
- ▶ modifies hours of sale;
- ▶ addresses the limit on the number of airport lounge licenses;

- ▶ eliminates outdated language regarding grandfathered facilities for on-premise banquet licenses;
- ▶ enacts a new reception center license, including:
  - addressing the commission's power to issue;
  - addressing specific licensing requirements; and
  - addressing specific operational requirements;
- ▶ enacts a new beer-only restaurant license, including:
  - addressing the commission's power to issue;
  - addressing specific licensing requirements; and
  - addressing specific operational requirements;
- ▶ extends certain grandfathering for restaurant sublicenses;
- ▶ prohibits event permittees from selling, offering for sale, or furnishing an indefinite or unlimited number of alcoholic products during a set period for a fixed price;
- ▶ clarifies provisions related to the number of drinks a patron may have before them at an event;
- ▶ requires agreements to create exclusive sales territories for beer wholesaler licensees;
- ▶ addresses when meetings of the commission may be closed;
- ▶ requires alcohol training and education seminars to be taken in person;
- ▶ requires the governor to comply with certain requirements under the Budgetary Procedures Act; and
- ▶ makes technical and conforming amendments.

