

House Bills

HB 11 **Recodification of Natural Resources**

Effective: 7/1/09

1. Creates Title 79, Natural Resources
2. Renumbers and amends from Title 63, Chapter 34 – Utah Natural Resources Act; Chapter 73 – Geological Survey; Chapter 11 – Parks and Recreation and Chapter 11a, Recreational Trails.

HB 80 **Study on Taxpayer Advocate Program**

Enacts: Uncodified Material

Effective: 5/12/09

Requires the Revenue and Taxation Interim Committee to study the implementation of a taxpayer advocate program within the Utah State Tax Commission during the 2009 interim.

HB 126 **Voter Identification for Elections**

Amends: 21A-1-102, 21A-2-104, 21A-2-202, 21A-3-104, 20A-3-104.5, 20A-4-107, 20A-5-401, 20A-5-403, 53-3-102, 53-3-105, 53-3-808, 59-1-403

Effective: 5/12/09

1. Requires photo identification and eliminates certain forms of identification as valid voter identification; provides for a fee waiver for an application for an identification card by certain indigent applicants;
2. Allows the Driver License Division to seek certain information from the Tax Commission to verify a person's indigency; effective July 1, 2009.

HB 245 **Utah State 911 Committee Amendments**

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

Effective: 5/12/09

Amends the duties and powers of the Utah 911 Committee and makes technical corrections.

HB 307 **Tourism Marketing Performance Account Amendments**

Amends: 64M-1-1406

Effective: 5/12/09

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

HJR 21 **Master Study Resolution**

Effective: 5/12/09

1. Gives the Legislative Management Committee items of study it may assign to the appropriate interim committee during the 2009 legislative interim;
2. Directs interim committees assigned these studies, to study and make recommendations for legislative action to the 58th Legislature before the 2010 Annual General Session;
3. Suggests that the Legislative Management Committee, in approving studies, give consideration to the available time of legislators, the budget and capacity of staff to respond.

Senate Bills

SB 54 **Uniform Law—Uniform Assignment of Rents Act**

Enacts: 57-26-101, thru 57-26-119

Effective: 5/12/09

1. Allows security interest in rents to accrue prior to foreclosure as an interest that is distinct from any lien on the property which produces the rents;
2. Makes the assignment of rents effective against third persons upon proper recordation;
3. Characterizes rents as any sum paid by a tenant, licensee, or other person for the right to possess or occupy the real property of another;
4. Allows a mortgage to create a security interest in the rents by default;
5. Clarifies that the assignee's ability to collect rents from tenants is subject to any claim or defense by the tenant of the assignee's nonperformance;
6. Coordinates with Article 9 of the Uniform Commercial Code regarding proceeds of rents and creates rules to establish priorities between conflicting interests.

SB 126 **State Personnel Management Act Amendments**

Amends: 67-19-18, 67-19a-408

Repeals: 67-19-17

Effective: 5/12/09

1. Eliminates the reappointment register for a career service employee appointed to an exempt position but who is not retained by the appointing authority.
2. Eliminates the reappointment register for and a career service employee separated in a reduction in force.
3. Allows for preferential consideration for career service employees separated in a reduction in force who apply for another career service position.

4. Removes from the remedies available to the Career Service Review Board the ability to place an employee on the reappointment register.

SB 140 **Financial Institutions Disclosure of Records**

Amends: 7-1-1001, 7-1-1004, 7-1-1006, 7-1-1007

Effective: 5/12/09

Provides for obtaining a protected record from a financial institution by written permission of all account holders.

SB 143 **Sunset Act and Repealers Reauthorizations**

Effective: 5/12/09

1. Reauthorizes certain entities and programs that would otherwise sunset before the 2010 Annual General Session of the Utah Legislature.
2. Title 19-6-4, Underground Storage Tank Act, to July 1, 2018.
3. Title 19-6-8, Waste Tire Recycling Act to July 1, 2010.
4. Title 63M section 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2011.

SB 184 **Civil Filing Fees**

Amends: 78A-2-301

Effective: 5/12/09

Increases several civil fees of the courts of record.

1. Fee for filing garnishment paperwork changes from 35\$ to 50\$.
2. Tax Commission court-filing fees will remain at \$30.00 for liens.

SB 186 **Amendments to State Tax Commission Penalty Provisions**

Amends: 59-1-401, 76-8-1101

Effective: 01/01/2009 (retrospective)

1. Provides that tiered penalties for a specific tax type become effective after the activation of the State Tax Commission's GenTax system for that tax type.
2. Provides that the due date for filing an extension return is the earlier of the date the person files the return or the last day of the extension allowed by law.

SB 187 **Alcohol Amendments**

Amends: 11-10-1, 26-38-2, 26-38-3, 32A-1-105, 32A-1-107, 32A-1-109, 32A-1-115, 32A-1-119, 32A-1-119.5, 32A-1-603, 32A-2-103, 32A-3-106, 32A-4-101, 32A-4-102, 32A-4-106, 32A-4-202, 32A-4-302, 32A-4-303, 32A-4-307, 32A-4-401, 32A-4-402, 32A-5-101, 32A-5-102, 32A-5-103, 32A-5-104, 32A-5-106, 32A-5-107, 32A-9-103, 32A-10-201, 32A-10-202, 32A-12-101, 32A-12-102, 32A-12-104, 32A-12-209.5, 32A-12-212, 32A-12-213, 32A-12-219, 32A-12-222, 32A-12-301, 32A-14a-102, 32A-14a-103, 53-10-305

Enacts: 32A-1-304.5, 32A-4a-101, 32A-4a-102, 32A-4a-201, 32A-4a-202, 32A-4a-203, 32A-4a-204, 32A-4a-205, 32A-4a-301, 32A-4a-302, 32A-4a-303, 32A-4a-304, 32A-4a-305, 32A-4a-401, 32A-4a-402, 32A-4a-501, 32A-4a-502, 32A-4a-503, 32A-5-109

Effective: May 12, 2009 some exceptions effective July 01, 2009

Modifies the Alcoholic Beverage Control Act

1. Amends definitional provisions;
2. Removes requirements related to state labels and markings;
3. Prohibits tampering with a package of an alcoholic beverage;
4. Addresses the nature of an adjudicative proceeding as a civil action including the burden of proof and the general applicability of mens rea requirements;
5. Makes procedural clarifications for administrative actions;
6. Provides for electronic verification of proof of age by certain club licensees;

7. Removes restrictions related to election days;
8. Addresses quotas;
9. Addresses proximity for a restaurant liquor or limited restaurant license;
10. Addresses dispensing, storage, and bar structures for a restaurant;
11. Changes the insurance and liability limits related to dramshop;
12. Modifies the definition of a "convention center" and provides for limited grand fathering;

Creates a resort license including:

1. Defining terms;
2. Providing for licensing, including the creation of sublicenses;
3. Establishing a resort spa sublicense;
4. Imposing operational requirements for a resort license;
5. Addressing the application of operational requirements to a sublicense;
6. Providing for enforcement with relation to a resort license or a sublicense;
7. Addressing the application of the Nuisance Licensee Act to a resort license or sublicense;
8. Providing for the enforcement of criminal penalties; and expanding protections for employees to encompass employees of a resort licensee;
9. Establishes requirements for renting or leasing a club license premises;
10. Clarifies the application of criminal procedures, principles, and penalties;
11. Addresses training requirements for law enforcement officers;
12. Expands licenses subject to protections for employees who exercise judgment;
13. Provides for a study of penalties related to minors and dramshop insurance; and makes technical and conforming changes.

SB 208 Utah Public Notice Website Amendments

Amends: 3-1-7, 4-17-7, 4-30-5, 6-1-5, 7-1-704, 7-1-706, 7-1-709, 7-2-6, 7-7-10, 8-5-6, 9-3-409, 9-8-805, 10-2-108, 10-2-111, 10-2-114, 10-2-115, 10-2-116, 10-2-125, 10-2-406, 10-2-407, 10-2-415, 10-2-418, 10-2-419, 10-2-501, 10-2-502.5, 10-2-607, 10-2-703, 10-2-708, 10-3-818, 10-5-108, 10-6-113, 10-6-152, 10-7-16, 10-7-19, 10-8-2, 10-9a-204, 10-9a-205, 10-9a-208, 10-18-203, 10-18-302, 10-18-303, 11-13-219, 11-14-202, 11-14-315, 11-14-316, 11-14-318, 11-14a-1, 11-17-16, 11-27-4, 11-27-5, 11-30-5, 11-32-10, 11-32-11, 11-39-103, 11-42-202, 11-42-301, 11-42-402, 11-42-404, 11-42-604, 13-31-302, 13-44-202, 16-4-206, 16-4-303, 16-4-312, 16-6a-103, 16-6a-704, 16-6a-814, 16-6a-1407, 16-10a-103, 16-10a-1407, 16-16-1209, 17-27a-204, 17-27a-205, 17-27a-208, 17-27a-306, 17-27a-404, 17-30-6, 17-36-12, 17-36-25, 17-36-26, 17-36-40, 17-41-302, 17-41-304, 17-41-405, 17-52-101, 17-53-208, 17A-3-914, 17A-3-915, 17B-1-211, 17B-1-304, 17B-1-306, 17B-1-313, 17B-1-413, 17B-1-417, 17B-1-512, 17B-1-609, 17B-1-643, 17B-1-1204, 17B-1-1307, 17C-1-601, 17C-2-108, 17C-2-403, 17C-3-107, 17C-3-303, 17C-4-106, 17C-4-202, 17C-4-302, 17D-1-205, 17D-2-601, 17D-3-305, 19-2-109, 19-5-110, 19-6-712, 20A-3-201, 20A-3-603, 20A-3-604, 20A-5-101, 20A-5-405, 20A-7-204.1, 20A-9-203, 23-21-1.5, 24-1-4, 26-8a-405.3, 26-8a-406, 26-19-6, 31A-2-303, 31A-27a-406, 38-2-3.2, 38-8-3, 38-13-204, 39-1-15, 40-6-10, 40-8-8, 40-8-10, 40-8-13, 40-10-13, 40-10-17, 40-10-27, 41-1a-1103, 47-2-4, 48-2c-1306, 52-4-202, 53A-3-202, 53A-3-402, 53A-18-104, 53A-19-102, 53A-19-104, 53B-3-107, 53B-7-101.5, 54-4-27, 54-7-17, 54-8-10, 54-8-16, 54-8-23, 57-1-25, 57-11-11, 59-2-918, 59-2-919, 59-2-924, 59-2-926, 59-2-1303, 59-2-1309, 59-2-1310, 59-2-1332, 59-2-1332.5, 59-2-1351, 59-12-402, 59-12-1001, 59-12-1102, 63B-1-317, 63B-1a-501, 63B-2-116, 63B-2-216, 63B-3-116, 63B-3-216, 63B-4-116, 63B-5-116, 63B-6-116, 63B-6-216, 63B-6-416, 63B-7-116, 63B-7-216, 63B-7-416, 63B-8-116, 63B-8-216, 63B-8-416, 63B-10-116, 63B-11-116, 63B-11-216, 63B-11-316, 63B-11-516, 63C-7-306, 63G-6-401, 63G-9-303, 63H-1-403, 63H-1-701, 63H-1-801, 67-4a-402, 67-4a-403, 72-3-108, 72-5-105, 72-6-108, 73-1-4, 73-1-16, 73-3-6, 73-3-6, 73-3-12, 73-3a-107, 73-4-3, 73-4-4, 73-4-9, 73-5-14, 73-5-15, 73-6-2, 75-1-401, 75-3-801, 75-7-508, 76-8-809, 76-10-530, 77-24a-5, 78A-6-109, 78B-5-613

Enacts: 45-1-101

Renumber and Amends: 45-1-201, 45-1-202, 45-1-301, 45-1-302, 45-1-303, 45-1-304

Effective: 5/12/09

1. Effective 1/1/10, a person required to publish legal notice shall publish that notice in a newspaper as required by statute and on a web site established by the collective effort of Utah's newspapers.
2. Effective 1/1/12, a county of the first or second class required to publish a legal notice shall publish that notice on the website established by the newspapers and may publish notice in a newspaper.

SB 228 Prohibition on Internet or Mail-Order Sales of Tobacco Products

Amends: 76-10-105.1

Enacts: 59-14-509

Effective: 5/12/09

Makes it a violation to cause tobacco products to be ordered or purchased through the Internet or by mail and establishes penalties for violating this prohibition.