

**From:** Sandy Tenney  
**To:** LH MEMBERS  
**Date:** 10/12/2011 3:40:32 PM  
**Subject:** Weekly Report; 10/12/2011  
**Attachments:** [Oct 2011 Seminar program 1.pdf](#)

Weekly report:

**(1) THIRD SPECIAL SESSION** will reconvene on **Monday, October 17, 2011 at 9:00 a.m.** in the House Chamber. If you need to be excused, please let Sandy know.

**(2) INTERIM DAY - October 19** - there will be a **flu shot clinic** from 12 noon to 2:00 p.m. in the Senate Rules Room ( 3rd floor, far east end of Capitol). Be sure to bring your insurance card or pay cash (\$25 for flu shot; \$35 for flu mist).

**(3) PARKING (reminder)**

Parking comes in 2 "modes":

\* General Session and Interim Day - park in your assigned parking stall (your stall number is located in the center of your parking decal)

\* Interim period - park in any "L" stall (large yellow "L" is painted on floor of 29 stalls - closest to the Capitol Bldg.). Please do not park in your "assigned stall" on non-session or non-Interim Days.

**(4) SOCIAL STUDIES SEMINAR - Oct. 15, 2011 (for additional details, contact Rep. Ken Ivory)**  
**Attached** is info regarding a "Social Studies Seminar" sponsored by the UT State Office of Education - you are invited!

Date: Saturday, October 15

Time: 8:00 a.m. - 3:00 p.m.

Location: South Jordan Middle School

Further info from Rep. Ivory:

Colleagues,

The Utah Council for Social Studies asked me to give a presentation this Saturday on the rationale behind HB220 that requires teaching that our system of government is a "compound republic."

Please know that you have been invited for breakfast as well as for the whole program should you wish to attend.

Ken

UPCOMING IMPORTANT DATES:

**Monday, Oct. 17 - Day 15 of Third Special Session - 9:00 a.m.**

Wednesday, Oct. 19 - Interim Day

Wednesday, Nov. 16 - Interim Day

(no Interim Day in December)

Monday, Jan. 23, 2012 - Convening of 2012 General Session

Monday, Feb. 20, 2012 - President's Day holiday (no session on this day)

Thursday, March 8, 2012 - Adjournment sine die of 2012 General Session

*See you all on Monday, Oct. 17 -*

Sandy Tenney, office: 801-326-1502; cell: 801-556-6650 [stenney@utah.gov](mailto:stenney@utah.gov)  
Kathy Jackson, office: 801-326-1501; cell: 801-580-9946 [kjackson@utah.gov](mailto:kjackson@utah.gov)  
Joe Pyrah, office: 801-326-1543; cell: 801-903-0095 [joepyrah@utah.gov](mailto:joepyrah@utah.gov)  
Rhoda Struhs, office: 801-326-1503; cell: 801-556-8480 [rstruhs@utah.gov](mailto:rstruhs@utah.gov)  
Emily Bergeson, office: 801-326-1504; cell: 801-230-9689 [ebergeson@utah.gov](mailto:ebergeson@utah.gov)

Cindy Hardman, cell: 801-557-5401 [chardman@utah.gov](mailto:chardman@utah.gov)

Scott Wunderlich, cell: 801-232-2917 [swunder@utah.gov](mailto:swunder@utah.gov)

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**From:** Brad Galvez  
**To:**  
**BC:** constituents  
**Date:** 10/3/2011 9:08:20 AM  
**Subject:** Legislature Special Session Items  
**Attachments:** [specialessionbills.zip](#)

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Hello Everyone,

I am writing today from the State Capitol. We are convening the next couple of days in a special session to address a few bills and re-districting. Attached is the special session call issued by Governor Herbert and the bills that address the call issues. To view the maps referred to in the bill text, use the following links:

Utah State House Boundaries & Election Designation: <http://www.redistrictutah.com/maps/hb3001>

State Board of Education Boundaries & Election Designation: <http://www.redistrictutah.com/maps/hb3002>

Utah State Senate Boundaries & Election Designation: <http://www.redistrictutah.com/maps/sb3001>

Congressional Boundaries Designation: <http://www.redistrictutah.com/maps/sb3002>

If you want to listen or view live, go to <http://www.le.utah.gov>

If you have any questions or comments, feel free to email me or call me. Have a great day.

Brad Galvez  
Representative, District 6

1           **CONCURRENT RESOLUTION RECOGNIZING THE 75TH**  
2           **ANNIVERSARY OF THE WELFARE SYSTEM OF THE**  
3           **CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

4                           2011 THIRD SPECIAL SESSION

5                           STATE OF UTAH

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6  
7           **LONG TITLE**

8           **General Description:**

9           This concurrent resolution of the Legislature and the Governor recognizes the 75th  
10           Anniversary of the Welfare System of the Church of Jesus Christ of Latter-day Saints  
11           and the significant impact the system has had, both in Utah and throughout the world,  
12           in helping people in need.

13           **Highlighted Provisions:**

14           This resolution:

- 15           ▶ recognizes the 75th Anniversary of the Welfare System of the Church of Jesus  
16           Christ of Latter-day Saints;
- 17           ▶ recognizes the significant impact the system has had, both in Utah and throughout  
18           the world; and
- 19           ▶ recognizes the many efforts made by the church and its members, through its  
20           welfare system efforts, to serve others regardless of religious affiliation.

21           **Special Clauses:**

22           None

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23  
24           *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

25           WHEREAS, in 1936, seven years into the Great Depression, Heber J. Grant, President  
26           of the Church of the Jesus Christ of Latter-day Saints, announced the creation of what came to  
27           be known as the church's welfare system;

28           WHEREAS, President Grant explained, "Our primary purpose was to set up . . . a  
29           system under which the curse of idleness would be done away with, the evils of a dole  
30           abolished, and independence, industry, thrift and self respect be once more established amongst  
31           our people . . . The aim of the Church is to help the people to help themselves. Work is to be

32 re-enthroned as the ruling principle of the lives of our Church membership";

33 WHEREAS, today, the welfare system has expanded to all corners of the globe and  
34 assists people of all faiths;

35 WHEREAS, the church's welfare system cares for the needy while teaching principles  
36 that will help people become self-reliant and retain their self respect;

37 WHEREAS, the system also provides all church members opportunities to serve others;

38 WHEREAS, funding for the welfare system is provided by donations from church  
39 members, who go without two meals one Sunday each month and give the money they would  
40 have spent on food to the church;

41 WHEREAS, needy people are identified by the leader of local church congregations,  
42 with the assistance of the president of the Relief Society, a woman from the congregation who  
43 serves as the leader of the women's organization;

44 WHEREAS, food and household items are provided to those who cannot afford them  
45 and who bring a written requisition, signed by the leader of their local congregation, to a  
46 facility called the Bishop's Storehouse;

47 WHEREAS, there are 129 storehouses located around the world;

48 WHEREAS, these storehouses provide commodity needs from the consecrated  
49 sacrifices of church members;

50 WHEREAS, recipients of commodities are given the opportunity to work for what they  
51 receive, to the extent of their ability;

52 WHEREAS, employment resource service centers are also part of the church's welfare  
53 system and provide a place where people can receive job training, learn to enhance their  
54 resumes, and find job opportunities;

55 WHEREAS, there are nearly 300 employment resource service centers around the  
56 world, where every year volunteers help hundreds of thousands of people to find jobs, a large  
57 percentage of which are not members of the church;

58 WHEREAS, the church's welfare system also includes Deseret Industries, which serves  
59 as an employment training facility and operates thrift stores;

60 WHEREAS, these stores provide on-the-job experience for refugees or others who need  
61 help qualifying for long-term employment;

62 WHEREAS, these stores are stocked by individual donations, which are stored and

63 stocked by the workers and then offered to the public at inexpensive prices;

64 WHEREAS, the church's welfare system also includes LDS Family Services, a private,  
65 nonprofit organization that provides counseling, adoption services, addiction recovery support  
66 groups, and resources for social, emotional, and spiritual challenges;

67 WHEREAS, the influence and power for good exerted by the welfare system of the  
68 Church of Jesus Christ of Latter-day Saints has greatly expanded over its 75-year history; and

69 WHEREAS, the positive impact of the church's welfare system in the state of Utah has  
70 assisted untold numbers of Utah's citizens:

71 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
72 Governor concurring therein, recognize the 75th Anniversary of the Welfare System of the  
73 Church of Jesus Christ of Latter-day Saints.

74 BE IT FURTHER RESOLVED that the Legislature and the Governor recognize the  
75 significant contribution that the Welfare System of the Church of Jesus Christ of Latter-day  
76 Saints, and the implementation of its guiding principles, has had on the citizens of the state of  
77 Utah and many people throughout the world.

78 WHEREAS, BE IT FURTHER RESOLVED that the Legislature and the Governor  
79 recognize the many efforts made by the church and its members, through its welfare system  
80 efforts, to serve others regardless of religious affiliation.

81 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Office of the  
82 First Presidency of the Church of Jesus Christ of Latter-day Saints and to the Office of the  
83 Presiding Bishopric.

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**Legislative Review Note**  
as of 9-30-11 4:51 PM

**Office of Legislative Research and General Counsel**

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**CONCURRENT RESOLUTION ON SCOFIELD LAND**

**TRANSFER**

2011 THIRD SPECIAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This concurrent resolution of the Legislature and the Governor urges Utah's congressional delegation to sponsor legislation to resolve the Scofield land transfer issue.

**Highlighted Provisions:**

This resolution:  
▶ urges Utah's congressional delegation to sponsor legislation to resolve the Scofield land transfer issue as outlined in this resolution, and to make every effort to see it successfully pass the United States Congress.

**Special Clauses:**

None

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*Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

WHEREAS, the United States, acting through the United States Bureau of Reclamation (BOR) and in cooperation with Price River Water Conservancy District and Carbon Water Conservancy District, acquired lands to accommodate both normal and flood control storage of water;

WHEREAS, in 1946, the United States, acting through the BOR, completed construction of the Scofield Dam to provide water for irrigation, municipal, and industrial purposes;

WHEREAS, the only features of the Scofield Project are Scofield Dam and Reservoir, which are designed to impound both normal and flood flows;

WHEREAS, in order to store flood flows, the dam and reservoir basin are designed with space for storage of water at levels between the normal water surface elevation and the flood surcharge elevation;

32 WHEREAS, to safely accommodate the flood storage, the United States acquired lands,  
33 and interests in lands, up to and sufficiently beyond the flood surcharge elevation of the  
34 reservoir;

35 WHEREAS, residents have paid Carbon County property taxes for the entire time that  
36 they have claimed title to the property and the United States has made Payments In Lieu of  
37 Taxes since acquisition of the property and completion of the project;

38 WHEREAS, claimants have constructed private wells and other utilities on the United  
39 States property and a special service district was created to construct, operate, and maintain a  
40 sewer system within the subdivision;

41 WHEREAS, claimants should have a choice of one of two options to resolve issues of  
42 trespass and encroachment;

43 WHEREAS, the first option available to claimants should be: to authorize the Secretary  
44 of the Interior to transfer a fee interest in the claimed portion of the property above the  
45 elevation of the crest of the existing spillway, if the claimant remits to the United States the  
46 current fair market value of the fee interest in the claimed portion of the property, exclusive of  
47 the value of any permanent structures; to retain a flood easement by the United States over the  
48 entire tract; and to have deed restrictions requiring, among other things, the claimant to secure  
49 or tie down any and all structures so as to prevent them from being displaced during any flood  
50 event;

51 WHEREAS, the second option to claimants should be to authorize the Secretary of the  
52 Interior to grant to a claimant an easement or life estate permitting the continued occupation of  
53 the claimed portion of the property above the elevation of the crest of the existing spillway  
54 elevation and the continued existence of existing structures, subject to the claimant remitting to  
55 the United States the current fair market value of the easement or life estate provisions under  
56 which the claimant agrees to hold the United States harmless for any and all claims arising  
57 from the design, construction, operation, or replacement of Scofield Dam and Reservoir; and  
58 an easement or life estate provisions requiring, among other things, the claimant to secure or tie  
59 down any and all structures to prevent them from being displaced during any flood event;

60 WHEREAS, federal revenues generated from the exercise of either option should be  
61 retained in a trust fund administered by the United States Secretary of the Interior, acting  
62 through the BOR and used for the purpose of providing enhanced recreation opportunities at

63 Scofield Reservoir;

64 WHEREAS, Senator Orrin Hatch is the lead sponsor of the Scofield Land Transfer Act,  
65 legislation that is pending introduction before the United States Senate that is designed to  
66 resolve the Scofield land transfer issue; and

67 WHEREAS, the efforts of Governor Herbert, Alan Christensen, John Jones, Boyd  
68 Bunnell, Sam Chiara, Wayne Pullan, Curt Pledger, Albert Spensko, Mike Milovich, Ed  
69 Vidmar, and Ted Wilson have helped to shape this solution to the issue:

70 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
71 Governor concurring therein, urge Utah's congressional delegation to sponsor legislation that  
72 resolves the Scofield land transfer issue as outlined in this resolution, and to make every effort  
73 to see it successfully pass the United States Congress.

74 BE IT FURTHER RESOLVED that the Legislature and the Governor express  
75 appreciation to Governor Herbert, Alan Christensen, John Jones, Boyd Bunnell, Sam Chiara,  
76 Wayne Pullan, Curt Pledger, Albert Spensko, Mike Milovich, Ed Vidmar, and Ted Wilson for  
77 their efforts in developing a solution to this issue.

78 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority  
79 Leader of the United States Senate, the Speaker of the United States House of Representatives,  
80 the Carbon County Commission, the United States Bureau of Reclamation, Governor Herbert,  
81 Alan Christensen, John Jones, Boyd Bunnell, Sam Chiara, Wayne Pullan, Curt Pledger, Albert  
82 Spensko, Mike Milovich, Ed Vidmar, Ted Wilson, and to the members of Utah's congressional  
83 delegation.

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**Legislative Review Note**  
as of 9-30-11 4:55 PM

Office of Legislative Research and General Counsel

**PRESIDENTIAL CANDIDATE AMENDMENTS**

2011 THIRD SPECIAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to elections.

**Highlighted Provisions:**

This bill:

- ▶ authorizes and establishes requirements for a political party to participate in a regular primary election for office of the President of the United States if there is no Western States Presidential Primary;
- ▶ directs the lieutenant governor to certify the results of the primary canvass to a political party by August 1;
- ▶ makes certain exceptions for presidential candidates in the primary election process;
- ▶ requires a political party to certify presidential electors by August 31; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**20A-4-306**, as last amended by Laws of Utah 2009, Chapter 202

**20A-9-201**, as last amended by Laws of Utah 2011, Chapters 58 and 208

**20A-9-202.5**, as enacted by Laws of Utah 1999, Chapter 22

**20A-9-403 (Superseded 01/01/12)**, as last amended by Laws of Utah 2011, Chapters 292, 297, and 335

**20A-9-403 (Effective 01/01/12)**, as last amended by Laws of Utah 2011, Chapters 292, 297, 327, and 335

**20A-9-802**, as last amended by Laws of Utah 2008, Chapter 225

**20A-13-301**, as last amended by Laws of Utah 2001, Chapter 78

33

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34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **20A-4-306** is amended to read:

36 **20A-4-306. Statewide canvass.**

37 (1) (a) The state board of canvassers shall convene:

38 (i) on the fourth Monday of November, at noon; or

39 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the  
40 returns of a statewide special election.

41 (b) The state auditor, the state treasurer, and the attorney general are the state board of  
42 canvassers.

43 (c) Attendance of all members of the state board of canvassers shall be required to  
44 constitute a quorum for conducting the canvass.

45 (2) (a) The state board of canvassers shall:

46 (i) meet in the lieutenant governor's office; and

47 (ii) compute and determine the vote for officers and for and against any ballot  
48 propositions voted upon by the voters of the entire state or of two or more counties.

49 (b) The lieutenant governor, as secretary of the board shall file a report in his office  
50 that details:

51 (i) for each statewide officer and ballot proposition:

52 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

53 (B) the candidates for each statewide office whose names appeared on the ballot, plus  
54 any recorded write-in candidates;

55 (C) the number of votes from each county cast for each candidate and for and against  
56 each ballot proposition;

57 (D) the total number of votes cast statewide for each candidate and for and against each  
58 ballot proposition; and

59 (E) the total number of votes cast statewide; and

60 (ii) for each officer or ballot proposition voted on in two or more counties:

61 (A) the name of each of those offices and ballot propositions that appeared on the  
62 ballot;

63 (B) the candidates for those offices, plus any recorded write-in candidates;

64 (C) the number of votes from each county cast for each candidate and for and against  
65 each ballot proposition; and

66 (D) the total number of votes cast for each candidate and for and against each ballot  
67 proposition.

68 (c) The lieutenant governor shall:

69 (i) prepare certificates of election for:

70 (A) each successful candidate; and

71 (B) each of the presidential electors of the candidate for president who received a  
72 majority of the votes;

73 (ii) authenticate each certificate with his seal; and

74 (iii) deliver a certificate of election to:

75 (A) each candidate who had the highest number of votes for each office; and

76 (B) each of the presidential electors of the candidate for president who received a  
77 majority of the votes.

78 (3) If the lieutenant governor has not received election returns from all counties on the  
79 fifth day before the day designated for the meeting of the state board of canvassers, the  
80 lieutenant governor shall:

81 (a) send a messenger to the clerk of the board of county canvassers of the delinquent  
82 county;

83 (b) instruct the messenger to demand a certified copy of the board of canvasser's report  
84 required by Section 20A-4-304 from the clerk; and

85 (c) pay the messenger the per diem provided by law as compensation.

86 (4) The state board of canvassers may not withhold the declaration of the result or any  
87 certificate of election because of any defect or informality in the returns of any election if the  
88 board can determine from the returns, with reasonable certainty, what office is intended and  
89 who is elected to it.

90 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant  
91 governor shall:

92 (i) canvass the returns for all multicounty candidates required to file with the office of  
93 the lieutenant governor; and

94 (ii) publish and file the results of the canvass in the lieutenant governor's office.

95 (b) ~~[The]~~ Not later than the August 1 after the primary election, the lieutenant governor  
96 shall certify the results of:

97 (i) the primary canvass, except for the office of President of the United States, to the  
98 county clerks [not later than the August 1 after the primary election.]; and

99 (ii) the primary canvass for the office of President of the United States to each  
100 registered political party that participated in the primary.

101 (6) (a) At noon on the day that falls seven days after the last day on which a county  
102 canvass may occur under Section 20A-4-301 for the Western States Presidential Primary  
103 election, the lieutenant governor shall:

104 (i) canvass the returns; and

105 (ii) publish and file the results of the canvass in the lieutenant governor's office.

106 (b) The lieutenant governor shall certify the results of the Western States Presidential  
107 Primary canvass to each registered political party that participated in the primary not later than  
108 the April 15 after the primary election.

109 Section 2. Section **20A-9-201** is amended to read:

110 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
111 **more than one political party prohibited with exceptions -- General filing and form**  
112 **requirements -- Affidavit of impecuniosity.**

113 (1) Before filing a declaration of candidacy for election to any office, a person shall:

114 (a) be a United States citizen; and

115 (b) meet the legal requirements of that office.

116 (2) (a) Except as provided in Subsection (2)(b), a person may not:

117 (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
118 Utah during any election year; or

119 (ii) appear on the ballot as the candidate of more than one political party.

120 (b) (i) A person may file a declaration of candidacy for, or be a candidate for, President  
121 or Vice President of the United States and another office, if the person resigns the person's  
122 candidacy for the other office after the person is officially nominated for President or Vice  
123 President of the United States.

124 (ii) A person may file a declaration of candidacy for, or be a candidate for, more than  
125 one justice court judge office.

126 (3) (a) (i) Except for presidential candidates, before the filing officer may accept any  
127 declaration of candidacy, the filing officer shall:

128 (A) read to the prospective candidate the constitutional and statutory qualification  
129 requirements for the office that the candidate is seeking; and

130 (B) require the candidate to state whether or not the candidate meets those  
131 requirements.

132 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
133 county clerk shall ensure that the person filing that declaration of candidacy is:

134 (A) a United States citizen;

135 (B) an attorney licensed to practice law in Utah who is an active member in good  
136 standing of the Utah State Bar;

137 (C) a registered voter in the county in which the person is seeking office; and

138 (D) a current resident of the county in which the person is seeking office and either has  
139 been a resident of that county for at least one year or was appointed and is currently serving as  
140 county attorney and became a resident of the county within 30 days after appointment to the  
141 office.

142 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
143 county clerk shall ensure that, as of the date of the election, the person filing that declaration of  
144 candidacy is:

145 (A) a United States citizen;

146 (B) an attorney licensed to practice law in Utah who is an active member in good  
147 standing of the Utah State Bar;

148 (C) a registered voter in the prosecution district in which the person is seeking office;  
149 and

150 (D) a current resident of the prosecution district in which the person is seeking office  
151 and either will have been a resident of that prosecution district for at least one year as of the  
152 date of the election or was appointed and is currently serving as district attorney and became a  
153 resident of the prosecution district within 30 days after receiving appointment to the office.

154 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the  
155 county clerk shall ensure that the person filing the declaration of candidacy:

156 (A) as of the date of filing:

- 157 (I) is a United States citizen;
- 158 (II) is a registered voter in the county in which the person seeks office;
- 159 (III) (Aa) has successfully met the standards and training requirements established for
- 160 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
- 161 Certification Act; or
- 162 (Bb) has met the waiver requirements in Section 53-6-206; and
- 163 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
- 164 53-13-103; and
- 165 (B) as of the date of the election, shall have been a resident of the county in which the
- 166 person seeks office for at least one year.
- 167 (v) Before accepting a declaration of candidacy for the office of governor, lieutenant
- 168 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
- 169 Education member, the filing officer shall ensure:
  - 170 (A) that the person filing the declaration of candidacy also files the financial disclosure
  - 171 required by Section 20A-11-1603; and
  - 172 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
  - 173 provided to the lieutenant governor according to the procedures and requirements of Section
  - 174 20A-11-1603.
  - 175 (b) If the prospective candidate states that the qualification requirements for the office
  - 176 are not met, the filing officer may not accept the prospective candidate's declaration of
  - 177 candidacy.
  - 178 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
  - 179 requirements of candidacy are met, the filing officer shall:
    - 180 (i) inform the candidate that:
      - 181 (A) the candidate's name will appear on the ballot as it is written on the declaration of
      - 182 candidacy;
      - 183 (B) the candidate may be required to comply with state or local campaign finance
      - 184 disclosure laws; and
      - 185 (C) the candidate is required to file a financial statement before the candidate's political
      - 186 convention under:
        - 187 (I) Section 20A-11-204 for a candidate for constitutional office;

188 (II) Section 20A-11-303 for a candidate for the Legislature; or  
189 (III) local campaign finance disclosure laws, if applicable;  
190 (ii) except for a presidential candidate, provide the candidate with a copy of the current  
191 campaign financial disclosure laws for the office the candidate is seeking and inform the  
192 candidate that failure to comply will result in disqualification as a candidate and removal of the  
193 candidate's name from the ballot;  
194 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
195 Electronic Voter Information Website Program and inform the candidate of the submission  
196 deadline under Subsection 20A-7-801(4)(a);  
197 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
198 described under Section 20A-9-206 and inform the candidate that:  
199 (A) signing the pledge is voluntary; and  
200 (B) signed pledges shall be filed with the filing officer;  
201 (v) accept the candidate's declaration of candidacy; and  
202 (vi) if the candidate has filed for a partisan office, provide a certified copy of the  
203 declaration of candidacy to the chair of the county or state political party of which the  
204 candidate is a member.  
205 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
206 officer shall:  
207 (i) accept the candidate's pledge; and  
208 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
209 candidate's pledge to the chair of the county or state political party of which the candidate is a  
210 member.  
211 (4) Except for presidential candidates, the form of the declaration of candidacy shall be  
212 substantially as follows:  
213 "State of Utah, County of \_\_\_\_  
214 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office  
215 of \_\_\_\_ as a candidate for the \_\_\_\_ party. I do solemnly swear that: I will meet the  
216 qualifications to hold the office, both legally and constitutionally, if selected; I reside at  
217 \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_ Phone No. \_\_\_\_; I  
218 will not knowingly violate any law governing campaigns and elections; I will file all

219 campaign financial disclosure reports as required by law; and I understand that failure  
220 to do so will result in my disqualification as a candidate for this office and removal of  
221 my name from the ballot. The mailing address that I designate for receiving official  
222 election notices is \_\_\_\_\_.

223 \_\_\_\_\_

224 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

225 Notary Public (or other officer qualified to administer oath.)"

226 (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy  
227 is:

- 228 (i) \$25 for candidates for the local school district board; and
- 229 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person  
230 holding the office, but not less than \$5, for all other federal, state, and county offices.

231 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
232 any candidate:

- 233 (i) who is disqualified; or
- 234 (ii) who the filing officer determines has filed improperly.
- 235 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
236 from candidates.

237 (ii) The lieutenant governor shall:

238 (A) apportion to and pay to the county treasurers of the various counties all fees  
239 received for filing of nomination certificates or acceptances; and

240 (B) ensure that each county receives that proportion of the total amount paid to the  
241 lieutenant governor from the congressional district that the total vote of that county for all  
242 candidates for representative in Congress bears to the total vote of all counties within the  
243 congressional district for all candidates for representative in Congress.

244 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
245 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
246 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
247 a financial statement filed at the time the affidavit is submitted.

248 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

249 (iii) (A) False statements made on an affidavit of impecuniosity or a financial

250 statement filed under this section shall be subject to the criminal penalties provided under  
251 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

252 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be  
253 considered an offense under this title for the purposes of assessing the penalties provided in  
254 Subsection 20A-1-609(2).

255 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
256 substantially the following form:

257 "Affidavit of Impecuniosity

258 Individual Name

259 \_\_\_\_\_Address\_\_\_\_\_

260 Phone Number \_\_\_\_\_

261 I, \_\_\_\_\_(name), do solemnly [swear] [affirm], under penalty of law  
262 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
263 law.

264 Date \_\_\_\_\_ Signature \_\_\_\_\_

265 Affiant

266 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

267 \_\_\_\_\_

268 (signature)

269 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_"

270 (v) The filing officer shall provide to a person who requests an affidavit of  
271 impecuniosity a statement printed in substantially the following form, which may be included  
272 on the affidavit of impecuniosity:

273 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
274 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
275 penalties, will be removed from the ballot."

276 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
277 under this Subsection (5)(d) file a financial statement on a form prepared by the election  
278 official.

279 (6) If there is no legislative appropriation for the Western States Presidential Primary  
280 election, as provided in Part 8, Western States Presidential Primary, a candidate for President

281 of the United States who is affiliated with a registered political party and chooses to participate  
 282 in the regular primary election shall:

283 (a) file a declaration of candidacy, in person or via a designated agent, with the  
 284 lieutenant governor:

285 (i) on a form developed and provided by the lieutenant governor; and

286 (ii) on or after the second Friday in March and before 5 p.m. on the third Thursday in  
 287 March before the next regular primary election;

288 (b) identify the registered political party whose nomination the candidate is seeking;

289 (c) provide a letter from the registered political party certifying that the candidate may  
 290 participate as a candidate for that party in that party's presidential primary election; and

291 (d) pay the filing fee of \$500.

292 [~~(6)~~] (7) Any person who fails to file a declaration of candidacy or certificate of  
 293 nomination within the time provided in this chapter is ineligible for nomination to office.

294 [~~(7)~~] (8) A declaration of candidacy filed under this section may not be amended or  
 295 modified after the final date established for filing a declaration of candidacy.

296 Section 3. Section **20A-9-202.5** is amended to read:

297 **20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.**

298 (1) As used in this section:

299 (a) "Presidential candidate" means a person seeking nomination for President of the  
 300 United States from a Utah registered political party.

301 (b) "Utah registered political party" means a political party that has complied with the  
 302 requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a  
 303 political party officially recognized by the state.

304 (2) Each presidential candidate, or the candidate's designated agent, shall file a  
 305 declaration of candidacy with the lieutenant governor as provided in:

306 (a) Section 20A-9-803[-], for participation in the Western States Presidential Primary  
 307 election; or

308 (b) Section 20A-9-201, for participation in the regular primary election.

309 Section 4. Section **20A-9-403 (Superseded 01/01/12)** is amended to read:

310 **20A-9-403 (Superseded 01/01/12). Regular primary elections.**

311 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular

312 primary election day.

313 (b) Each registered political party that chooses to use the primary election process to  
314 nominate some or all of its candidates shall comply with the requirements of this section.

315 (2) (a) As a condition for using the state's election system, each registered political  
316 party that wishes to participate in the primary election shall:

317 (i) declare their intent to participate in the primary election;

318 (ii) identify one or more registered political parties whose members may vote for the  
319 registered political party's candidates and whether or not persons identified as unaffiliated with  
320 a political party may vote for the registered political party's candidates; and

321 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1  
322 of each even-numbered year.

323 (b) As a condition for using the state's election system, each registered political party  
324 that wishes to participate in the primary election shall:

325 (i) certify the name and office of all of the registered political party's candidates to the  
326 lieutenant governor no later than 5 p.m. on May 13 of each even-numbered year; and

327 (ii) certify the name and office of each of its county candidates to the county clerks by  
328 5 p.m. on May 13 of each even-numbered year.

329 (c) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall  
330 send the county clerks a certified list of the names of all statewide candidates, multicounty  
331 candidates, or single county candidates that shall be printed on the primary ballot and the order  
332 the candidates are to appear on the ballot in accordance with Section 20A-6-305.

333 (d) ~~[(i) Except as provided in Subsection (2)(d)(ii);]~~ Except for presidential candidates,  
334 if a registered political party does not wish to participate in the primary election, it shall submit  
335 the names of its county candidates to the county clerks and the names of all of its candidates to  
336 the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

337 ~~[(ii) A registered political party's candidates for president and vice president of the~~  
338 ~~United States shall be certified to the lieutenant governor as provided in Subsection~~  
339 ~~20A-9-202(4).]~~

340 ~~[(e) Each political party shall certify the names of its presidential and vice-presidential~~  
341 ~~candidates and presidential electors to the lieutenant governor's office no later than September~~  
342 ~~8 of each presidential election year.]~~

343 (3) The county clerk shall:

344 (a) review the declarations of candidacy filed by candidates for local boards of  
345 education to determine if more than two candidates have filed for the same seat;

346 (b) place the names of all candidates who have filed a declaration of candidacy for a  
347 local board of education seat on the nonpartisan section of the ballot if more than two  
348 candidates have filed for the same seat; and

349 (c) determine the order of the candidates' names on the ballot in accordance with  
350 Section 20A-6-305.

351 (4) After the county clerk receives the certified list from a registered political party, the  
352 county clerk shall post or publish a primary election notice in substantially the following form:

353 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,  
354 \_\_\_\_\_(year), to nominate party candidates for the parties and nonpartisan offices listed on  
355 the primary ballot. The polling place for voting precinct \_\_\_\_\_ is \_\_\_\_\_. The polls will open at 7  
356 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

357 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
358 votes cast for each office at the regular primary election are nominated by their party or  
359 nonpartisan group for that office.

360 (b) If two or more candidates, other than presidential candidates, are to be elected to  
361 the office at the regular general election, those party candidates equal in number to positions to  
362 be filled who receive the highest number of votes at the regular primary election are the  
363 nominees of their party for those positions.

364 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
365 office that represents more than one county, the governor, lieutenant governor, and attorney  
366 general shall, at a public meeting called by the governor and in the presence of the candidates  
367 involved, select the nominee by lot cast in whatever manner the governor determines.

368 (b) When a tie vote occurs in any primary election for any county office, the district  
369 court judges of the district in which the county is located shall, at a public meeting called by  
370 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
371 whatever manner the judges determine.

372 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
373 primary election provided for by this section, and all expenses necessarily incurred in the

374 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
375 county or state, in the same manner as for the regular general elections.

376 Section 5. Section **20A-9-403 (Effective 01/01/12)** is amended to read:

377 **20A-9-403 (Effective 01/01/12). Regular primary elections.**

378 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular  
379 primary election day.

380 (b) Each registered political party that chooses to use the primary election process to  
381 nominate some or all of its candidates shall comply with the requirements of this section.

382 (2) (a) As a condition for using the state's election system, each registered political  
383 party that wishes to participate in the primary election shall:

384 (i) declare their intent to participate in the primary election;

385 (ii) identify one or more registered political parties whose members may vote for the  
386 registered political party's candidates and whether or not persons identified as unaffiliated with  
387 a political party may vote for the registered political party's candidates; and

388 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1  
389 of each even-numbered year.

390 (b) As a condition for using the state's election system, each registered political party  
391 that wishes to participate in the primary election shall:

392 (i) certify the name and office of all of the registered political party's candidates to the  
393 lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of  
394 each even-numbered year; and

395 (ii) certify the name and office of each of its county candidates to the county clerks by  
396 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year.

397 (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each  
398 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the  
399 names of all statewide candidates, multicounty candidates, or single county candidates that  
400 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in  
401 accordance with Section 20A-6-305.

402 (d) [~~(i) Except as provided in Subsection (2)(d)(ii)~~] Except for presidential candidates,  
403 if a registered political party does not wish to participate in the primary election, it shall submit  
404 the names of its county candidates to the county clerks and the names of all of its candidates to

405 the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

406 ~~[(ii) A registered political party's candidates for President and Vice-President of the~~  
407 ~~United States shall be certified to the lieutenant governor as provided in Subsection~~  
408 ~~20A-9-202(4).]~~

409 ~~[(c) Each political party shall certify the names of its presidential and vice-presidential~~  
410 ~~candidates and presidential electors to the lieutenant governor's office no later than August 31~~  
411 ~~of each presidential election year.]~~

412 (3) The county clerk shall:

413 (a) review the declarations of candidacy filed by candidates for local boards of  
414 education to determine if more than two candidates have filed for the same seat;

415 (b) place the names of all candidates who have filed a declaration of candidacy for a  
416 local board of education seat on the nonpartisan section of the ballot if more than two  
417 candidates have filed for the same seat; and

418 (c) determine the order of the candidates' names on the ballot in accordance with  
419 Section 20A-6-305.

420 (4) After the county clerk receives the certified list from a registered political party, the  
421 county clerk shall post or publish a primary election notice in substantially the following form:

422 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_,  
423 \_\_\_\_ (year), to nominate party candidates for the parties and nonpartisan offices listed on  
424 the primary ballot. The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7  
425 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."

426 (5) (a) Candidates, other than presidential candidates, receiving the highest number of  
427 votes cast for each office at the regular primary election are nominated by their party or  
428 nonpartisan group for that office.

429 (b) If two or more candidates, other than presidential candidates, are to be elected to  
430 the office at the regular general election, those party candidates equal in number to positions to  
431 be filled who receive the highest number of votes at the regular primary election are the  
432 nominees of their party for those positions.

433 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
434 office that represents more than one county, the governor, lieutenant governor, and attorney  
435 general shall, at a public meeting called by the governor and in the presence of the candidates

436 involved, select the nominee by lot cast in whatever manner the governor determines.

437 (b) When a tie vote occurs in any primary election for any county office, the district  
438 court judges of the district in which the county is located shall, at a public meeting called by  
439 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
440 whatever manner the judges determine.

441 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
442 primary election provided for by this section, and all expenses necessarily incurred in the  
443 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
444 county or state, in the same manner as for the regular general elections.

445 Section 6. Section **20A-9-802** is amended to read:

446 **20A-9-802. Western States Presidential Primary established -- Other ballot items**  
447 **prohibited.**

448 (1) (a) (i) Contingent upon legislative appropriation, there is established a Western  
449 States Presidential Primary election to be held on the first Tuesday in February in the year in  
450 which a presidential election will be held.

451 (ii) A political party may participate in a regular primary election for the office of  
452 President of the United States only if there is no Western States Presidential Primary election in  
453 that year.

454 (b) Except as otherwise specifically provided in this chapter, county clerks shall  
455 administer the Western States Presidential Primary according to the provisions of Title 20A,  
456 Election Code, including:

457 (i) Title 20A, Chapter 1, General Provisions;

458 (ii) Title 20A, Chapter 2, Voter Registration;

459 (iii) Title 20A, Chapter 3, Voting;

460 (iv) Title 20A, Chapter 4, Election Returns and Election Contests;

461 (v) Title 20A, Chapter 5, Election Administration; and

462 (vi) Title 20A, Chapter 6, Ballot Form.

463 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western  
464 States Presidential Primary contains only the names of candidates for President of the United  
465 States who have qualified as provided in this part.

466 (ii) The county clerks may not present any other items to the voters to be voted upon at

467 this election.

468 (2) Registered political parties, and candidates for President of the United States who  
469 are affiliated with a registered political party, may participate in the Western States Presidential  
470 Primary established by this part.

471 (3) As a condition for using the state's election system, each registered political party  
472 wishing to participate in Utah's Western States Presidential Primary shall:

473 (a) declare their intent to participate in the Western States Presidential Primary;

474 (b) identify one or more registered political parties whose members may vote for the  
475 registered political party's candidates and whether or not persons identified as unaffiliated with  
476 a political party may vote for the registered political party's candidates; and

477 (c) certify that information to the lieutenant governor no later than 5 p.m. on the June  
478 30 of the year before the year in which the presidential primary will be held.

479 Section 7. Section **20A-13-301** is amended to read:

480 **20A-13-301. Presidential elections -- Effect of vote.**

481 (1) (a) Each registered political party shall choose persons to act as presidential electors  
482 and to fill vacancies in the office of presidential electors for their party's candidates for  
483 President and Vice President according to the procedures established in their bylaws.

484 (b) ~~[The person designated as liaison with the lieutenant governor's office shall~~  
485 ~~transmit]~~ Each registered political party shall certify to the lieutenant governor the names and  
486 addresses of the persons selected by the political party as the party's presidential electors by  
487 August 31.

488 (2) The highest number of votes cast for a political party's president and vice president  
489 candidates elects the presidential electors selected by that political party.

490 Section 8. **Effective date.**

491 If approved by two-thirds of all the members elected to each house, this bill takes effect  
492 upon approval by the governor, or the day following the constitutional time limit of Utah  
493 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
494 the date of veto override.

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**Legislative Review Note**  
as of 9-30-11 4:56 PM

**Office of Legislative Research and General Counsel**

**BILL REQUEST PROCEDURES JOINT RESOLUTION**

2011 THIRD SPECIAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This rules resolution modifies procedures for prioritizing requests for legislation.

**Highlighted Provisions:**

This resolution:

- ▶ extends and staggers the deadlines for a legislator to designate priority status for a request for legislation;
- ▶ provides that a legislator will forfeit one or more priority requests if the legislator fails to make a priority designation before a staggered deadline passes;
- ▶ clarifies existing restrictions on the use and transfer of priority designations;
- ▶ clarifies language regulating the order in which legislation is drafted; and
- ▶ changes language to provide for more consistent use of terms.

**Special Clauses:**

None

**Legislative Rules Affected:**

AMENDS:

**JR4-2-102**

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*Be it resolved by the Legislature of the state of Utah:*

Section 1. **JR4-2-102** is amended to read:

**JR4-2-102. Prioritizing Legislation.**

~~[(1) Consistent with JR4-2-101 on prefiling of bills, beginning 60 days after each annual general session and ending December 1 of each year, each legislator may make an irrevocable and nontransferable prioritization of up to three bills.]~~

(1) (a) Beginning on the first day on which a request for legislation may be filed under JR4-2-101, a legislator may designate up to three requests for legislation as priority requests subject to the following deadlines:

- (i) priority request number one must be requested on or before the first Thursday in

- 33 December, or the following business day if the first Thursday falls on a holiday;  
34 (ii) priority request number two must be requested on or before the first Thursday in  
35 January, or the following business day if the first Thursday falls on a holiday; and  
36 (iii) priority request number three must be requested on or before the first Thursday of  
37 the annual general session.
- 38 (b) A legislator who fails to make a priority request on or before a deadline loses that  
39 priority request. However, the legislator is not prohibited from using any remaining priority  
40 requests that are associated with a later deadline, if available.
- 41 (c) A legislator who begins serving after a deadline has passed is entitled to use only  
42 those priority requests that are available under an unexpired deadline.
- 43 (2) A legislator may not:  
44 (a) revoke a priority designation once it has been requested;  
45 (b) transfer a priority designation to a different request for legislation; or  
46 (c) transfer a priority designation to another legislator.
- 47 ~~[(2)]~~ (3) (a) (i) When sufficient drafting information is available, [priority bills]  
48 prioritized requests for legislation and interim committee bills shall be drafted [first] before  
49 other requests for legislation.
- 50 (ii) [All other bills] Subject to preference for priority status as provided in Subsection  
51 (3)(a)(i), requests for legislation shall be drafted on a first-in, first-out basis.
- 52 (b) Except as otherwise provided in these rules, [before numbering any bills,] the  
53 Office of Legislative Research and General Counsel shall reserve as many bill numbers as  
54 necessary to allow all [designated priority bills to be the first bills numbered] prioritized  
55 requests for legislation to receive lower bill numbers than non-prioritized requests.

1                   **UTAH STATE HOUSE BOUNDARIES DESIGNATION**

2                                   2011 THIRD SPECIAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Kenneth W. Sumsion**

5   Senate Sponsor: Ralph Okerlund

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6

7   **LONG TITLE**

8   **Redistricting Boundary Information:**

9       The Utah State House district boundary information may be found at <http://le.utah.gov>.

10      Block assignment file security code: b8d84ca26f5beaddc5d236a0449fe1ca

11   **General Description:**

12      This bill, which includes this printed text and the electronic data affiliated with it,  
13      establishes new Utah State House district boundaries and makes other technical  
14      corrections.

15   **Highlighted Provisions:**

16      This bill:

- 17      ▶ repeals current Utah State House boundaries and establishes new Utah State House
- 18      boundaries;
- 19      ▶ establishes the block assignment file that is part of this bill in electronic form as the
- 20      legal boundaries of Utah State House districts; and
- 21      ▶ makes technical corrections.

22   **Money Appropriated in this Bill:**

23      None

24   **Other Special Clauses:**

25      This bill takes effect on January 1, 2012, for purposes of nominating and electing  
26      members of the Utah State House and on January 1, 2013, for all other purposes.

27   **Utah Code Sections Affected:**



28 AMENDS:

29 **36-1-202**, as last amended by Laws of Utah 2011, Chapter 74

30 **36-1-202.2**, as enacted by Laws of Utah 2011, Chapter 74

31 **36-1-203**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 1

32 **36-1-204**, as last amended by Laws of Utah 2005, Chapter 169

33 ENACTS:

34 **36-1-201.1**, Utah Code Annotated 1953

35 **36-1-201.5**, Utah Code Annotated 1953

36 REPEALS:

37 **36-1-201**, as last amended by Laws of Utah 2011, Chapter 74



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **36-1-201.1** is enacted to read:

41 **36-1-201.1. Definitions.**

42 As used in this section:

43 (1) "Census block" means any one of the 115, 406 individual geographic areas into  
44 which the Bureau of the Census of the United States Department of Commerce has divided the  
45 state of Utah, to each of which the Bureau of the Census has attached a discrete population  
46 tabulation from the 2010 decennial census.

47 (2) "House block assignment file" means the electronic file that assigns each of Utah's  
48 115, 406 census blocks to a particular Utah House district.

49 Section 2. Section **36-1-201.5** is enacted to read:

50 **36-1-201.5. Utah House of Representatives -- House district boundaries.**

51 (1) The Utah House of Representatives shall consist of 75 members, with one member  
52 to be elected from each Utah House of Representative district.

53 (2) The Legislature adopts the official census population figures and maps of the  
54 Bureau of the Census of the United States Department of Commerce developed in connection  
55 with the taking of the 2010 national decennial census as the official data for establishing House  
56 district boundaries.

57 (3) (a) The Legislature enacts the numbers and boundaries of the House districts  
58 designated by the House block assignment file that is the electronic component of the bill that

59 enacts this section.

60 (b) That House block assignment file, and the legislative boundaries generated from  
61 that block assignment file, may be accessed via the Utah Legislature's website.

62 Section 3. Section 36-1-202 is amended to read:

63 **36-1-202. House districts -- Filing -- Legal boundaries.**

64 (1) (a) The Legislature shall file ~~[copies of the official maps]~~ a copy of the House block  
65 assignment file enacted by the Legislature~~[-, and any other relevant materials;]~~ with the  
66 lieutenant governor's office.

67 (b) ~~[Except as provided in Subsection (2), the]~~ The legal boundaries of House districts  
68 are contained in the ~~[official maps]~~ House block assignment file on file with the lieutenant  
69 governor's office.

70 ~~[(2) (a) Because of the new county boundary separating Salt Lake County and Utah~~  
71 ~~County, the boundary separating House District 51 and House District 27 that follows the old~~  
72 ~~county boundary is changed to follow the new county boundary.]~~

73 ~~[(b) The following census blocks from the 2000 census are removed from House~~  
74 ~~District 27 and placed into House District 57: Census Tract 010205, Blocks 1000, 1001, 3001,~~  
75 ~~3003, and 3004.]~~

76 ~~[(3) When questions of interpretation of House district boundaries arise, the official~~  
77 ~~maps on file in the lieutenant governor's office shall serve as the indication of the legislative~~  
78 ~~intent in drawing the House district boundaries.]~~

79 ~~[(4) Maps identifying the boundaries for House districts may be viewed on the Internet~~  
80 ~~at the lieutenant governor's website.]~~

81 (2) (a) The lieutenant governor shall:

82 (i) generate maps of each House district from the House block assignment file; and

83 (ii) ensure that those maps are available for viewing on the lieutenant governor's  
84 website.

85 (b) If there is any inconsistency between the maps and the House block assignment file,  
86 the House block assignment file is controlling.

87 Section 4. Section 36-1-202.2 is amended to read:

88 **36-1-202.2. County clerk, Automated Geographic Reference Center, and**  
89 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

90 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the House  
91 block assignment file for the clerk's county from the lieutenant governor's office.

92 (2) (a) A county clerk may create one or more county maps that identify the boundaries  
93 of House districts as [~~shown on the official maps~~] generated from the House block assignment  
94 file.

95 (b) Before publishing or distributing any map or data created by the county clerk that  
96 identifies the boundaries of House districts within the county, the clerk shall submit the county  
97 map and data to the lieutenant governor and to the Automated Geographic Reference Center for  
98 review.

99 (c) Within 30 days after receipt of a county map and data from a county clerk, the  
100 Automated Geographic Reference Center shall:

101 (i) review the county map and data to evaluate if the county map and data accurately  
102 reflect the boundaries of House districts established by the Legislature in the [~~official maps~~]  
103 House block assignment file;

104 (ii) determine whether the county map and data are correct or incorrect; and

105 (iii) communicate those findings to the lieutenant governor.

106 (d) The lieutenant governor shall either notify the county clerk that the county map and  
107 data are correct or notify the county clerk that the county map and data are incorrect.

108 (e) If the county clerk receives notice from the lieutenant governor that the county map  
109 and data submitted are incorrect, the county clerk shall:

110 (i) make the corrections necessary to conform the county map and data to the [~~official~~  
111 ~~maps~~] House block assignment file; and

112 (ii) resubmit the corrected county map and data to the lieutenant governor and to the  
113 Automated Geographic Reference Center for a new review under this Subsection (2).

114 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall  
115 establish voting precincts and polling places within each House district according to the  
116 procedures and requirements of Section 20A-5-303.

117 (b) Within five working days after approval of voting precincts and polling places by  
118 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a  
119 voting precinct map identifying the boundaries of each voting precinct within the county to the  
120 lieutenant governor and to the Automated Geographic Reference Center for review.

121 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the  
122 Automated Geographic Reference Center shall:

123 (i) review the voting precinct map to evaluate if the county map accurately reflects the  
124 boundaries of House districts established by the Legislature in the [~~official maps~~] House block  
125 assignment file;

126 (ii) determine whether the voting precinct map is correct or incorrect; and

127 (iii) communicate those findings to the lieutenant governor.

128 (d) The lieutenant governor shall either notify the county clerk that the voting precinct  
129 map is correct or notify the county clerk that the voting precinct map is incorrect.

130 (e) If the county clerk receives notice from the lieutenant governor that the voting  
131 precinct map is incorrect, the county clerk shall:

132 (i) make the corrections necessary to conform the voting precinct map to the [~~official~~  
133 ~~maps~~] House block assignment file; and

134 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the  
135 Automated Geographic Reference Center for a new review under this Subsection (3).

136 Section 5. Section **36-1-203** is amended to read:

137 **36-1-203. Omissions from maps -- How resolved.**

138 (1) If any area of the state is omitted from a Utah House of Representatives district in  
139 the [~~maps~~] House block assignment file enacted by the Legislature, the county clerk of the  
140 affected county, upon discovery of the omission, shall attach the area to the appropriate House  
141 district according to the requirements of Subsections (2) and (3).

142 (2) If the omitted area is surrounded by a single House district, the county clerk shall  
143 attach the area [~~shall be attached~~] to that district.

144 (3) If the omitted area is contiguous to two or more House districts, the county clerk  
145 shall attach the area [~~shall be attached~~] to the district that has the least population, as  
146 determined by the official census population figures and maps [~~of the Bureau of the Census of~~  
147 ~~the United States Department of Commerce developed in connection with the taking of the~~  
148 ~~2000 2010 national decennial census~~] described in Subsection 36-1-201.5(2).

149 (4) [~~Any attachment~~] The county clerk shall certify in writing and file with the  
150 lieutenant governor any attachment made under [~~Subsection (1) shall be certified in writing and~~  
151 ~~filed with the lieutenant governor~~] this section.

152 Section 6. Section **36-1-204** is amended to read:

153 **36-1-204. Uncertain boundaries -- How resolved.**

154 (1) As used in this section, "affected party" means:

155 (a) a representative whose Utah House of Representatives district boundary is uncertain  
156 because the [~~identifying feature~~] boundary in the House block assignment file used to establish  
157 the House district boundary has been removed, modified, or is unable to be identified or who is  
158 uncertain about whether or not [~~he~~] the representative or another person resides in a particular  
159 House district;

160 (b) a candidate for representative whose House district boundary is uncertain because  
161 the [~~identifying feature~~] boundary in the House block assignment file used to establish the  
162 district boundary has been removed, modified, or is unable to be identified or who is uncertain  
163 about whether or not [~~he~~] the candidate or another person resides in a particular House district;  
164 or

165 (c) a person who is uncertain about which House district contains the person's  
166 residence because the [~~identifying feature~~] boundary in the House block assignment file used to  
167 establish the House district boundary has been removed, modified, or is unable to be identified.

168 (2) (a) An affected party may file a written request petitioning the lieutenant governor  
169 to determine:

- 170 (i) the precise location of the House district boundary;  
171 (ii) the number of the House district in which a person resides; or  
172 (iii) both Subsections (2)(a)(i) and (ii).

173 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
174 governor shall review the [~~official maps~~] House block assignment file and obtain and review  
175 other relevant data such as [~~census block and tract descriptions;~~] aerial photographs, aerial  
176 maps, or other data about the area.

177 (c) Within five days of receipt of the request, the lieutenant governor shall review the  
178 [~~maps~~] House block assignment file, obtain and review any relevant data, and make a  
179 determination.

180 (d) When the lieutenant governor determines the location of the House district  
181 boundary, the lieutenant governor shall:

182 (i) prepare a certification identifying the appropriate House district boundary and

- 183 attaching a map, if necessary; and  
184 (ii) send a copy of the certification to:  
185 (A) the affected party;  
186 (B) the county clerk of the affected county; and  
187 (C) the Automated Geographic Reference Center created under Section 63F-1-506.  
188 (e) If the lieutenant governor determines the number of the House district in which a  
189 particular person resides, the lieutenant governor shall send a letter identifying that district by  
190 number to:  
191 (i) the person;  
192 (ii) the affected party who filed the petition, if different than the person whose House  
193 district number was identified; and  
194 (iii) the county clerk of the affected county.

195 **Section 7. Repealer.**

196 This bill repeals:

197 **Section 36-1-201, Utah House of Representatives -- District boundaries.**

198 **Section 8. Effective date.**

199 This bill takes effect on January 1, 2012, for purposes of nominating and electing  
200 certain members of the Utah State House and on January 1, 2013, for all other purposes.

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**Legislative Review Note**  
as of 9-30-11 11:54 AM

**Office of Legislative Research and General Counsel**

1                   **STATE BOARD OF EDUCATION BOUNDARIES AND**  
2                                   **ELECTION DESIGNATION**

3   2011 THIRD SPECIAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Kenneth W. Sumsion**

6   Senate Sponsor: Ralph Okerlund

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8                   **LONG TITLE**

9                   **Redistricting Boundary Information:**

10                   The State Board of Education district boundary information may be found at  
11                   <http://le.utah.gov>.

12                   Block assignment file security code: 43dcc31231a0fb585694785bedddd144c

13                   **General Description:**

14                   This bill, which includes this printed text and the electronic data affiliated with it,  
15                   establishes new State Board of Education district boundaries and makes other technical  
16                   corrections.

17                   **Highlighted Provisions:**

18                   This bill:

- 19                   ▶ repeals current State Board of Education district boundaries and establishes new
- 20                   State Board of Education district boundaries;
- 21                   ▶ establishes election dates for State Board of Education districts to ensure that State
- 22                   Board of Education terms are staggered;
- 23                   ▶ establishes the block assignment file, which is part of this bill in electronic form, as
- 24                   the legal boundaries of State Board of Education districts; and
- 25                   ▶ makes technical corrections.

26                   **Money Appropriated in this Bill:**

27                   None



28 **Other Special Clauses:**

29 This bill takes effect on January 1, 2012, for purposes of nominating and electing  
30 certain members of the State Board of Education and on January 1, 2013, for all other  
31 purposes.

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **20A-14-102**, as last amended by Laws of Utah 2011, Chapter 74
- 35 **20A-14-102.1**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 2
- 36 **20A-14-102.2**, as last amended by Laws of Utah 2005, Chapter 169
- 37 **20A-14-102.3**, as enacted by Laws of Utah 2011, Chapter 74
- 38 **20A-14-103**, as last amended by Laws of Utah 2011, Chapter 297

39 ENACTS:

- 40 **20A-14-101.1**, Utah Code Annotated 1953
- 41 **20A-14-101.5**, Utah Code Annotated 1953

42 REPEALS:

- 43 **20A-14-101**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,  
44 Chapter 2

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46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **20A-14-101.1** is enacted to read:

48 **20A-14-101.1. Definitions.**

49 As used in this section:

- 50 (1) "Board" means the State Board of Education.
- 51 (2) "Board block assignment file" means the electronic file that assigns each of Utah's  
52 115, 406 census blocks to a particular State Board of Education district.
- 53 (3) "Census block" means any one of the 115, 406 individual geographic areas into  
54 which the Bureau of the Census of the United States Department of Commerce has divided the  
55 state of Utah, to each of which the Bureau of the Census has attached a discrete population  
56 tabulation from the 2010 decennial census.

57 Section 2. Section **20A-14-101.5** is enacted to read:

58 **20A-14-101.5. State Board of Education -- Number of members -- State Board of**

59 **Education district boundaries.**

60 (1) The State Board of Education shall consist of 15 members, with one member to be  
61 elected from each State Board of Education district.

62 (2) The Legislature adopts the official census population figures and maps of the  
63 Bureau of the Census of the United States Department of Commerce developed in connection  
64 with the taking of the 2010 national decennial census as the official data for establishing State  
65 Board of Education district boundaries.

66 (3) (a) The Legislature enacts the numbers and boundaries of the State Board of  
67 Education districts designated in the Board block assignment file that is the electronic  
68 component of the bill that enacts this section.

69 (b) That Board block assignment file, and the State Board of Education district  
70 boundaries generated from that Board block assignment file, may be accessed via the Utah  
71 Legislature's website.

72 Section 3. Section **20A-14-102** is amended to read:

73 **20A-14-102. State Board of Education districts.**

74 (1) (a) The Legislature shall file [~~copies of the official maps~~] a copy of the Board block  
75 assignment file enacted by the Legislature with the lieutenant governor's office.

76 (b) The legal boundaries of State Board of Education districts are contained in the  
77 [~~official maps~~] Board block assignment file on file with the lieutenant governor's office.

78 [~~(2) When questions of interpretation of state board district boundaries arise, the~~  
79 ~~official maps on file in the lieutenant governor's office shall serve as the indication of the~~  
80 ~~legislative intent in drawing the state board district boundaries.]~~

81 [~~(3) Maps identifying the boundaries for state board districts may be viewed on the~~  
82 ~~Internet at the lieutenant governor's website.]~~

83 (2) (a) The lieutenant governor shall:

84 (i) generate maps of each State Board of Education district from the Board block  
85 assignment file; and

86 (ii) ensure that those maps are available for viewing on the lieutenant governor's  
87 website.

88 (b) If there is any inconsistency between the maps and the Board block assignment file,  
89 the Board block assignment file is controlling.

90 Section 4. Section 20A-14-102.1 is amended to read:

91 **20A-14-102.1. Omissions from maps -- How resolved.**

92 (1) If any area of the state is omitted from a State Board of Education district in the  
93 ~~[maps]~~ Board block assignment file enacted by the Legislature, the county clerk of the affected  
94 county, upon discovery of the omission, shall attach the area to the appropriate ~~[state board]~~  
95 State Board of Education district according to the requirements of Subsections (2) and (3).

96 (2) If the omitted area is surrounded by a ~~[state board]~~ single State Board of Education  
97 district, the county clerk shall attach the area ~~[shall be attached]~~ to that district.

98 (3) If the omitted area is contiguous to two or more State Board of Education districts,  
99 the county clerk shall attach the area ~~[shall be attached]~~ to the district that has the least  
100 population, as determined by the official census population figures and maps described in  
101 Subsection 20A-14-101.5(2).

102 (4) ~~[Any attachment]~~ The county clerk shall certify in writing and file with the  
103 lieutenant governor any attachment made under ~~[Subsection (1) shall be certified in writing and~~  
104 ~~filed with the lieutenant governor]~~ this section.

105 Section 5. Section 20A-14-102.2 is amended to read:

106 **20A-14-102.2. Uncertain boundaries -- How resolved.**

107 (1) As used in this section, "affected party" means:

108 (a) a state school board member whose ~~[state school board]~~ State Board of Education  
109 district boundary is uncertain because the ~~[identifying feature]~~ boundary in the Board block  
110 assignment file used to establish the district boundary has been removed, modified, or is unable  
111 to be identified or who is uncertain about whether or not ~~[he]~~ the member or another person  
112 resides in a particular ~~[state board]~~ State Board of Education district;

113 (b) a candidate for state school board whose ~~[state board]~~ State Board of Education  
114 district boundary is uncertain because the ~~[identifying feature]~~ boundary in the Board block  
115 assignment file used to establish the district boundary has been removed, modified, or is unable  
116 to be identified or who is uncertain about whether or not ~~[he]~~ the candidate or another person  
117 resides in a particular ~~[state board]~~ State Board of Education district; or

118 (c) a person who is uncertain about which ~~[state board]~~ State Board of Education  
119 district contains the person's residence because the ~~[identifying feature]~~ boundary in the Board  
120 block assignment file used to establish the State Board of Education district boundary has been

121 removed, modified, or is unable to be identified.

122 (2) (a) An affected party may file a written request petitioning the lieutenant governor  
123 to determine:

124 (i) the precise location of the [~~state board~~] State Board of Education district boundary;

125 (ii) the number of the [~~state board~~] State Board of Education district in which a person  
126 resides; or

127 (iii) both Subsections (2)(a)(i) and (ii).

128 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
129 governor shall review the [~~official maps~~] Board block assignment file and obtain and review  
130 other relevant data such as aerial photographs, aerial maps, or other data about the area.

131 (c) Within five days of receipt of the request, the lieutenant governor shall review the  
132 [~~maps~~] Board block assignment file, obtain and review any relevant data, and make a  
133 determination.

134 (d) If the lieutenant governor determines the precise location of the [~~state board~~] State  
135 Board of Education district boundary, the lieutenant governor shall:

136 (i) prepare a certification identifying the appropriate State Board of Education district  
137 boundary and attaching a map, if necessary; and

138 (ii) send a copy of the certification to:

139 (A) the affected party;

140 (B) the county clerk of the affected county; and

141 (C) the Automated Geographic Reference Center created under Section 63F-1-506.

142 (e) If the lieutenant governor determines the number of the [~~state board~~] State Board of  
143 Education district in which a particular person resides, the lieutenant governor shall send a  
144 letter identifying that district by number to:

145 (i) the person;

146 (ii) the affected party who filed the petition, if different than the person whose [~~state~~  
147 ~~board~~] State Board of Education district number was identified; and

148 (iii) the county clerk of the affected county.

149 Section 6. Section **20A-14-102.3** is amended to read:

150 **20A-14-102.3. County clerk, Automated Geographic Reference Center, and**  
151 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

152 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the Board  
153 block assignment file for the clerk's county from the lieutenant governor's office.

154 (2) (a) A county clerk may create one or more county maps that identify the boundaries  
155 of [~~state board~~] State Board of Education districts as [~~shown on the official maps~~] generated  
156 from the Board block assignment file.

157 (b) Before publishing or distributing any map or data created by the county clerk that  
158 identifies the boundaries of [~~state board~~] State Board of Education districts within the county,  
159 the clerk shall submit the county map and data to the lieutenant governor and to the Automated  
160 Geographic Reference Center for review.

161 (c) Within 30 days after receipt of a county map and data from a county clerk, the  
162 Automated Geographic Reference Center shall:

163 (i) review the county map and data to evaluate if the county map and data accurately  
164 reflect the boundaries of [~~state board~~] State Board of Education districts established by the  
165 Legislature in the [~~official maps~~] Board block assignment file;

166 (ii) determine whether the county map and data are correct or incorrect; and

167 (iii) communicate those findings to the lieutenant governor.

168 (d) The lieutenant governor shall either notify the county clerk that the county map and  
169 data are correct or inform the county clerk that the county map and data are incorrect.

170 (e) If the county clerk receives notice from the lieutenant governor that the county map  
171 and data submitted are incorrect, the county clerk shall:

172 (i) make the corrections necessary to conform the county map and data to the [~~official~~  
173 ~~maps~~] Board block assignment file; and

174 (ii) resubmit the corrected county map and data to the lieutenant governor for a new  
175 review under this Subsection (2).

176 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall  
177 establish voting precincts and polling places within each [~~state board~~] State Board of Education  
178 district according to the procedures and requirements of Section 20A-5-303.

179 (b) Within five working days after approval of voting precincts and polling places by  
180 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a  
181 voting precinct map identifying the boundaries of each voting precinct within the county to the  
182 lieutenant governor and to the Automated Geographic Reference Center for review.

183 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the  
 184 Automated Geographic Reference Center shall:

185 (i) review the voting precinct map to evaluate if the [~~county~~] voting precinct map  
 186 accurately reflects the boundaries of [~~state board~~] State Board of Education districts established  
 187 by the Legislature in the [~~official maps~~] Board block assignment file;

188 (ii) determine whether the voting precinct map is correct or incorrect; and

189 (iii) communicate those findings to the lieutenant governor.

190 (d) The lieutenant governor shall either notify the county clerk that the voting precinct  
 191 map is correct or notify the county clerk that the voting precinct map is incorrect.

192 (e) If the county clerk receives notice from the lieutenant governor that the voting  
 193 precinct map is incorrect, the county clerk shall:

194 (i) make the corrections necessary to conform the voting precinct map to the [~~official~~  
 195 ~~maps~~] Board block assignment file; and

196 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the  
 197 Automated Geographic Reference Center for a new review under this Subsection (3).

198 Section 7. Section **20A-14-103** is amended to read:

199 **20A-14-103. State Board of Education members -- When elected -- Qualifications**  
 200 **-- Avoiding conflicts of interest.**

201 [~~(1) (a) In 2002 and every four years thereafter, one member each shall be elected from~~  
 202 ~~new Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.~~]

203 [~~(b) In 2004 and every four years thereafter, one member each shall be elected from~~  
 204 ~~new Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.~~]

205 [~~(c) (i) Because of the combination of certain former districts, the state school board~~  
 206 ~~members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out~~  
 207 ~~the term for which they were elected, but shall stand for election in 2002 for a term of office of~~  
 208 ~~four years from the realigned district in which each resides.~~]

209 [~~(ii) If one of the incumbent state school board members from new District 1 indicates~~  
 210 ~~in writing to the lieutenant governor that the school board member will not seek reelection, that~~  
 211 ~~incumbent state school board member may serve until January 1, 2003 and the other incumbent~~  
 212 ~~state school board member shall serve out the term for which the member was elected, which is~~  
 213 ~~until January 1, 2005.~~]

214 (1) (a) Unless otherwise provided by law, each State Board of Education member  
215 elected from a State Board of Education District at the 2010 general election shall:

216 (i) serve out the term of office for which that member was elected; and

217 (ii) represent the realigned district if the member resides in that district.

218 (b) At the general election to be held in 2012, a State Board of Education member  
219 elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected  
220 to serve a term of office of four years.

221 (c) In order to ensure that the terms of approximately half of the State Board of  
222 Education members expire every two years:

223 (i) at the general election to be held in 2012, the State Board of Education member  
224 elected from State Board of Education District 1 shall be elected to serve a term of office of  
225 two years; and

226 (ii) at the general election to be held in 2014, the State Board of Education member  
227 elected from State Board of Education District 1 shall be elected to serve a term of office of  
228 four years.

229 (2) (a) A person seeking election to the [~~state school board~~] State Board of Education  
230 shall have been a resident of the [~~state school board~~] State Board of Education district in which  
231 the person is seeking election for at least one year as of the date of the election.

232 (b) A person who has resided within the [~~state school board~~] State Board of Education  
233 district, as the boundaries of the district exist on the date of the election, for one year  
234 immediately preceding the date of the election shall be considered to have met the requirements  
235 of this Subsection (2).

236 (3) A State Board of Education member shall:

237 (a) be and remain a registered voter in the [~~state board~~] State Board of Education  
238 district from which the member was elected or appointed; and

239 (b) maintain the member's primary residence within the [~~state board~~] State Board of  
240 Education district from which the member was elected or appointed during the member's term  
241 of office.

242 (4) A [~~member of the~~] State Board of Education member may not, during the member's  
243 term of office, also serve as an employee of:

244 (a) the [~~board~~] State Board of Education;

245 (b) the Utah State Office of Education; or  
246 (c) the Utah State Office of Rehabilitation.

247 Section 8. **Repealer.**

248 This bill repeals:

249 Section **20A-14-101, State Board of Education -- Number of members -- District**  
250 **boundaries.**

251 Section 9. **Effective date.**

252 This bill takes effect on January 1, 2012, for purposes of nominating and electing  
253 certain members of the State Board of Education and on January 1, 2013, for all other  
254 purposes.

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**Legislative Review Note**  
as of 9-30-11 11:51 AM

**Office of Legislative Research and General Counsel**

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**WORKERS' COMPENSATION AND UNINCORPORATED**

**ENTITIES AMENDMENTS**

2011 THIRD SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael T. Morley**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Business and Labor Interim Committee recommended this bill.

**General Description:**

This bill amends the Workers' Compensation Act to address workers' compensation requirements for unincorporated entities.

**Highlighted Provisions:**

This bill:

- ▶ addresses workers' compensation coverage requirements for unincorporated entities;
- and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

This bill provides retrospective operation to July 1, 2011.

**Utah Code Sections Affected:**

AMENDS:

**34A-2-103**, as last amended by Laws of Utah 2011, Chapters 328 and 413

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **34A-2-103** is amended to read:

30 **34A-2-103. Employers enumerated and defined -- Regularly employed --**  
31 **Statutory employers.**

32 (1) (a) The state, and each county, city, town, and school district in the state are  
33 considered employers under this chapter and Chapter 3, Utah Occupational Disease Act.

34 (b) For the purposes of the exclusive remedy in this chapter and Chapter 3, Utah  
35 Occupational Disease Act prescribed in Sections 34A-2-105 and 34A-3-102, the state is  
36 considered to be a single employer and includes any office, department, agency, authority,  
37 commission, board, institution, hospital, college, university, or other instrumentality of the  
38 state.

39 (2) (a) Except as provided in Subsection (4), each person, including each public utility  
40 and each independent contractor, who regularly employs one or more workers or operatives in  
41 the same business, or in or about the same establishment, under any contract of hire, express or  
42 implied, oral or written, is considered an employer under this chapter and Chapter 3, Utah  
43 Occupational Disease Act.

44 (b) As used in this Subsection (2):

45 (i) "Independent contractor" means any person engaged in the performance of any work  
46 for another who, while so engaged, is:

47 (A) independent of the employer in all that pertains to the execution of the work;

48 (B) not subject to the routine rule or control of the employer;

49 (C) engaged only in the performance of a definite job or piece of work; and

50 (D) subordinate to the employer only in effecting a result in accordance with the  
51 employer's design.

52 (ii) "Regularly" includes all employments in the usual course of the trade, business,  
53 profession, or occupation of the employer, whether continuous throughout the year or for only a  
54 portion of the year.

55 (3) (a) The client under a professional employer organization agreement regulated  
56 under Title 31A, Chapter 40, Professional Employer Organization Licensing Act:

57 (i) is considered the employer of a covered employee; and

58 (ii) subject to Section 31A-40-209, shall secure workers' compensation benefits for a

59 covered employee by complying with Subsection 34A-2-201(1) or (2) and commission rules.

60 (b) The division shall promptly inform the Insurance Department if the division has  
61 reason to believe that a professional employer organization is not in compliance with  
62 Subsection 34A-2-201(1) or (2) and commission rules.

63 (4) A domestic employer who does not employ one employee or more than one  
64 employee at least 40 hours per week is not considered an employer under this chapter and  
65 Chapter 3, Utah Occupational Disease Act.

66 (5) (a) As used in this Subsection (5):

67 (i) (A) "agricultural employer" means a person who employs agricultural labor as  
68 defined in Subsections 35A-4-206(1) and (2) and does not include employment as provided in  
69 Subsection 35A-4-206(3); and

70 (B) notwithstanding Subsection (5)(a)(i)(A), only for purposes of determining who is a  
71 member of the employer's immediate family under Subsection (5)(a)(ii), if the agricultural  
72 employer is a corporation, partnership, or other business entity, "agricultural employer" means  
73 an officer, director, or partner of the business entity;

74 (ii) "employer's immediate family" means:

75 (A) an agricultural employer's:

76 (I) spouse;

77 (II) grandparent;

78 (III) parent;

79 (IV) sibling;

80 (V) child;

81 (VI) grandchild;

82 (VII) nephew; or

83 (VIII) niece;

84 (B) a spouse of any person provided in Subsection (5)(a)(ii)(A)(II) through (VIII); or

85 (C) an individual who is similar to those listed in Subsections (5)(a)(ii)(A) or (B) as  
86 defined by rules of the commission; and

87 (iii) "nonimmediate family" means a person who is not a member of the employer's  
88 immediate family.

89 (b) For purposes of this chapter and Chapter 3, Utah Occupational Disease Act, an

90 agricultural employer is not considered an employer of a member of the employer's immediate  
91 family.

92 (c) For purposes of this chapter and Chapter 3, Utah Occupational Disease Act, an  
93 agricultural employer is not considered an employer of a nonimmediate family employee if:

94 (i) for the previous calendar year the agricultural employer's total annual payroll for all  
95 nonimmediate family employees was less than \$8,000; or

96 (ii) (A) for the previous calendar year the agricultural employer's total annual payroll  
97 for all nonimmediate family employees was equal to or greater than \$8,000 but less than  
98 \$50,000; and

99 (B) the agricultural employer maintains insurance that covers job-related injuries of the  
100 employer's nonimmediate family employees in at least the following amounts:

101 (I) \$300,000 liability insurance, as defined in Section 31A-1-301; and

102 (II) \$5,000 for health care benefits similar to benefits under health care insurance as  
103 defined in Section 31A-1-301.

104 (d) For purposes of this chapter and Chapter 3, Utah Occupational Disease Act, an  
105 agricultural employer is considered an employer of a nonimmediate family employee if:

106 (i) for the previous calendar year the agricultural employer's total annual payroll for all  
107 nonimmediate family employees is equal to or greater than \$50,000; or

108 (ii) (A) for the previous year the agricultural employer's total payroll for nonimmediate  
109 family employees was equal to or exceeds \$8,000 but is less than \$50,000; and

110 (B) the agricultural employer fails to maintain the insurance required under Subsection  
111 (5)(c)(ii)(B).

112 (6) An employer of agricultural laborers or domestic servants who is not considered an  
113 employer under this chapter and Chapter 3, Utah Occupational Disease Act, may come under  
114 this chapter and Chapter 3, Utah Occupational Disease Act, by complying with:

115 (a) this chapter and Chapter 3, Utah Occupational Disease Act; and

116 (b) the rules of the commission.

117 (7) (a) (i) As used in this Subsection (7)(a), "employer" includes any of the following  
118 persons that procures work to be done by a contractor notwithstanding whether or not the  
119 person directly employs a person:

120 (A) a sole proprietorship;

121 (B) a corporation;

122 (C) a partnership;

123 (D) a limited liability company; or

124 (E) a person similar to one described in Subsections (7)(a)(i)(A) through (D).

125 (ii) If an employer procures any work to be done wholly or in part for the employer by  
126 a contractor over whose work the employer retains supervision or control, and this work is a  
127 part or process in the trade or business of the employer, the contractor, all persons employed by  
128 the contractor, all subcontractors under the contractor, and all persons employed by any of  
129 these subcontractors, are considered employees of the original employer for the purposes of  
130 this chapter and Chapter 3, Utah Occupational Disease Act.

131 (b) Any person who is engaged in constructing, improving, repairing, or remodelling a  
132 residence that the person owns or is in the process of acquiring as the person's personal  
133 residence may not be considered an employee or employer solely by operation of Subsection  
134 (7)(a).

135 (c) A partner in a partnership or an owner of a sole proprietorship is not considered an  
136 employee under Subsection (7)(a) if the employer who procures work to be done by the  
137 partnership or sole proprietorship obtains and relies on either:

138 (i) a valid certification of the partnership's or sole proprietorship's compliance with  
139 Section 34A-2-201 indicating that the partnership or sole proprietorship secured the payment of  
140 workers' compensation benefits pursuant to Section 34A-2-201; or

141 (ii) if a partnership or sole proprietorship with no employees other than a partner of the  
142 partnership or owner of the sole proprietorship, a workers' compensation coverage waiver  
143 issued by an insurer pursuant to Part 10, Workers' Compensation Coverage Waivers Act,  
144 stating that:

145 (A) the partnership or sole proprietorship is customarily engaged in an independently  
146 established trade, occupation, profession, or business; and

147 (B) the partner or owner personally waives the partner's or owner's entitlement to the  
148 benefits of this chapter and Chapter 3, Utah Occupational Disease Act, in the operation of the  
149 partnership or sole proprietorship.

150 (d) A director or officer of a corporation is not considered an employee under  
151 Subsection (7)(a) if the director or officer is excluded from coverage under Subsection

152 34A-2-104(4).

153 (e) A contractor or subcontractor is not an employee of the employer under Subsection  
154 (7)(a), if the employer who procures work to be done by the contractor or subcontractor obtains  
155 and relies on either:

156 (i) a valid certification of the contractor's or subcontractor's compliance with Section  
157 34A-2-201; or

158 (ii) if a partnership, corporation, or sole proprietorship with no employees other than a  
159 partner of the partnership, officer of the corporation, or owner of the sole proprietorship, a  
160 workers' compensation coverage waiver issued by an insurer pursuant to Part 10, Workers'  
161 Compensation Coverage Waivers Act, stating that:

162 (A) the partnership, corporation, or sole proprietorship is customarily engaged in an  
163 independently established trade, occupation, profession, or business; and

164 (B) the partner, corporate officer, or owner personally waives the partner's, corporate  
165 officer's, or owner's entitlement to the benefits of this chapter and Chapter 3, Utah  
166 Occupational Disease Act, in the operation of the partnership's, corporation's, or sole  
167 proprietorship's enterprise under a contract of hire for services.

168 (f) (i) For purposes of this Subsection (7)(f), "eligible employer" means a person who:

169 (A) is an employer; and

170 (B) procures work to be done wholly or in part for the employer by a contractor,  
171 including:

172 (I) all persons employed by the contractor;

173 (II) all subcontractors under the contractor; and

174 (III) all persons employed by any of these subcontractors.

175 (ii) Notwithstanding the other provisions in this Subsection (7), if the conditions of  
176 Subsection (7)(f)(iii) are met, an eligible employer is considered an employer for purposes of  
177 Section 34A-2-105 of the contractor, subcontractor, and all persons employed by the contractor  
178 or subcontractor described in Subsection (7)(f)(i)(B).

179 (iii) Subsection (7)(f)(ii) applies if the eligible employer:

180 (A) under Subsection (7)(a) is liable for and pays workers' compensation benefits as an  
181 original employer under Subsection (7)(a) because the contractor or subcontractor fails to  
182 comply with Section 34A-2-201;

183 (B) (I) secures the payment of workers' compensation benefits for the contractor or  
184 subcontractor pursuant to Section 34A-2-201;

185 (II) procures work to be done that is part or process of the trade or business of the  
186 eligible employer; and

187 (III) does the following with regard to a written workplace accident and injury  
188 reduction program that meets the requirements of Subsection 34A-2-111(3)(d):

189 (Aa) adopts the workplace accident and injury reduction program;

190 (Bb) posts the workplace accident and injury reduction program at the work site at  
191 which the eligible employer procures work; and

192 (Cc) enforces the workplace accident and injury reduction program according to the  
193 terms of the workplace accident and injury reduction program; or

194 (C) (I) obtains and relies on:

195 (Aa) a valid certification described in Subsection (7)(c)(i) or (7)(e)(i);

196 (Bb) a workers' compensation coverage waiver described in Subsection (7)(c)(ii) or  
197 (7)(e)(ii); or

198 (Cc) proof that a director or officer is excluded from coverage under Subsection  
199 34A-2-104(4);

200 (II) is liable under Subsection (7)(a) for the payment of workers' compensation benefits  
201 if the contractor or subcontractor fails to comply with Section 34A-2-201;

202 (III) procures work to be done that is part or process in the trade or business of the  
203 eligible employer; and

204 (IV) does the following with regard to a written workplace accident and injury  
205 reduction program that meets the requirements of Subsection 34A-2-111(3)(d):

206 (Aa) adopts the workplace accident and injury reduction program;

207 (Bb) posts the workplace accident and injury reduction program at the work site at  
208 which the eligible employer procures work; and

209 (Cc) enforces the workplace accident and injury reduction program according to the  
210 terms of the workplace accident and injury reduction program.

211 (8) (a) For purposes of this Subsection (8), "unincorporated entity" means an entity  
212 organized or doing business in the state that is not:

213 (i) an individual;

214 (ii) a corporation; or

215 (iii) publicly traded.

216 (b) For purposes of this chapter and Chapter 3, Utah Occupational Disease Act, an  
217 unincorporated entity that is required to be licensed under Title 58, Chapter 55, Utah  
218 Construction Trades Licensing Act, is ~~[considered]~~ presumed to be the employer of each  
219 individual who holds, directly or indirectly, an ownership interest in the unincorporated entity.  
220 Notwithstanding Subsection (7)(c) and Subsection 34A-2-104(3), the unincorporated entity  
221 shall provide the individual who holds the ownership interest workers' compensation coverage  
222 under this chapter and Chapter 3, Utah Occupational Disease Act unless the presumption is  
223 rebutted under Subsection (8)(c).

224 (c) Pursuant to rules made by the commission in accordance with Title 63G, Chapter 3,  
225 Utah Administrative Rulemaking Act, an unincorporated entity may rebut the presumption  
226 under Subsection (8)(b) for an individual by establishing by clear and convincing evidence that  
227 the individual:

228 (i) is an active manager of the unincorporated entity;

229 (ii) directly or indirectly holds at least an 8% ownership interest in the unincorporated  
230 entity; or

231 (iii) is not subject to supervision or control in the performance of work by:

232 (A) the unincorporated entity; or

233 (B) a person with whom the unincorporated entity contracts.

234 (d) As part of the rules made under Subsection (8)(c), the commission may define:

235 (i) "active manager";

236 (ii) "directly or indirectly holds at least an 8% ownership interest"; and

237 (iii) "subject to supervision or control in the performance of work."

238 Section 2. **Effective date.**

239 If approved by two-thirds of all the members elected to each house, this bill takes effect  
240 upon approval by the governor, or the day following the constitutional time limit of Utah  
241 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
242 the date of veto override.

243 Section 3. **Retrospective operation.**

244 This bill has retrospective operation to July 1, 2011.

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**Legislative Review Note**  
as of 9-27-11 3:39 PM

**Office of Legislative Research and General Counsel**

1                                   **STATE BOARD OF REGENTS AMENDMENTS**

2   2011 THIRD SPECIAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Kay L. McIff**

5   Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies provisions related to appointments to the State Board of Regents.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ requires the governor to appoint a certain number of members to the State Board of
- 13                   Regents who reside in a county of the fourth, fifth, or sixth class; and
- 14           ▶ deletes obsolete language.

15 **Money Appropriated in this Bill:**

16           None

17 **Other Special Clauses:**

18           This bill provides an immediate effective date.

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21           **53B-1-104**, as last amended by Laws of Utah 2010, Chapters 286 and 400

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23 *Be it enacted by the Legislature of the state of Utah:*

24           Section 1. Section **53B-1-104** is amended to read:

25           **53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath --**  
26 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.**

27           (1) (a) The board shall consist of 19 residents of the state.



28 (b) (i) Fifteen members shall be appointed by the governor with the consent of the  
29 Senate.

30 (ii) (A) One additional member shall be appointed by the governor from nominations  
31 of the student body presidents council.

32 (B) The student body presidents council shall nominate three qualified, matriculated  
33 students enrolled in the state institutions of higher education.

34 (C) Student body presidents are not eligible for nomination.

35 (iii) All appointments to the board shall be made on a nonpartisan basis.

36 (iv) In making appointments to the board, the governor shall select:

37 (A) at least two individuals who ~~do not~~ reside ~~[within a metropolitan statistical area,~~  
38 ~~as designated by the United States Census Bureau]~~ within a county of the fourth, fifth, or sixth  
39 class;

40 (B) no more than six individuals who reside within a county of the first class;

41 (C) the remaining individuals from the state at large with due consideration for  
42 geographical representation and diversity of exposure to the various institutions in the Utah  
43 System of Higher Education; and

44 (D) at least three individuals with personal experience in career and technical  
45 education, which could include service on a campus board of directors.

46 (c) (i) In addition to the members designated under Subsection (1)(b), two members of  
47 the State Board of Education, appointed by the chair of the State Board of Education, shall  
48 serve as nonvoting members of the board.

49 (ii) A nonvoting State Board of Education member shall continue to serve as a member  
50 without a set term until the member is replaced by the chair of the State Board of Education.

51 (d) (i) In addition to the members designated under Subsection (1)(b), one member of  
52 the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah  
53 College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the  
54 board.

55 (ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall  
56 continue to serve as a member without a set term until the member is replaced by the chair of  
57 the Utah College of Applied Technology Board of Trustees.

58 (2) (a) Five members of the board, other than the student member, the State Board of

59 Education members, and the Utah College of Applied Technology Board of Trustees member,  
60 shall be appointed during each odd-numbered year to six-year staggered terms which  
61 commence on July 1 of the year of appointment.

62 (b) (i) The student member shall be appointed for a one-year term and may be  
63 reappointed for one additional term.

64 (ii) The student member has full voting rights and may vote on selection of a board  
65 chair or vice chair, but not serve in either office.

66 (c) Board members shall hold office until their successors have been appointed and  
67 qualified.

68 ~~[(d) The governor shall make the appointments in Subsection (1)(b)(iv)(A) by~~  
69 ~~September 30, 2011.]~~

70 (3) (a) Each member of the board shall take the official oath of office before entering  
71 upon the duties of office.

72 (b) The oath shall be filed with the Division of Archives and Records Services.

73 (4) The board shall elect a chair and vice chair from its members who shall serve terms  
74 of two years and until their successors are chosen and qualified.

75 (5) (a) The board shall appoint a secretary from the staff of its chief executive to serve  
76 at its discretion.

77 (b) The secretary shall be a full-time employee who receives a salary set by the board.

78 (c) The secretary shall record and maintain a record of all board meetings and perform  
79 other duties as the board directs.

80 (6) The board shall appoint a treasurer who serves at the discretion of the board.

81 (7) (a) The board may establish advisory committees.

82 (b) The powers and authority of the board are nondelegable, except as specifically  
83 provided for in this title.

84 (c) All matters requiring board determination shall be addressed in a properly convened  
85 meeting of the board or its executive committee.

86 (8) The board shall enact bylaws for its own government not inconsistent with the  
87 constitution or the laws of this state.

88 (9) (a) The board shall meet regularly upon its own determination.

89 (b) The board may also meet, in full or executive session, at the request of its chair, its

90 executive officer, or five members of the board.

91 (10) A quorum of the voting members of the board is required to conduct its business  
92 and consists of nine members.

93 (11) (a) A vacancy in the board occurring before the expiration of a voting member's  
94 full term shall be immediately filled by appointment by the governor with the consent of the  
95 Senate.

96 (b) The appointee serves for the remainder of the unexpired term.

97 (12) A board member may not receive compensation or benefits for the member's  
98 service, but may receive per diem and travel expenses in accordance with:

99 (a) Section 63A-3-106;

100 (b) Section 63A-3-107; and

101 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
102 63A-3-107.

103 Section 2. **Effective date.**

104 If approved by two-thirds of all the members elected to each house, this bill takes effect  
105 upon approval by the governor, or the day following the constitutional time limit of Utah  
106 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
107 the date of veto override.

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**Legislative Review Note**  
as of 9-27-11 3:42 PM

**Office of Legislative Research and General Counsel**

1                   **UTAH STATE SENATE BOUNDARIES AND ELECTION**  
2                                   **DESIGNATION**

3   2011 THIRD SPECIAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Ralph Okerlund**

6                                   House Sponsor: Kenneth W. Sumsion

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7  
8                   **LONG TITLE**

9                   **Redistricting Boundary Information:**

10                   The Utah State Senate district boundary information may be found at <http://le.utah.gov>.

11                   Block assignment file security code: 011dac663aa2b05ea7d7d6c3e2c43c94

12                   **General Description:**

13                   This bill, which includes this printed text and the electronic data affiliated with it,  
14                   establishes new Utah State Senate district boundaries and makes other technical  
15                   corrections.

16                   **Highlighted Provisions:**

17                   This bill:

- 18                   ▶ repeals current Utah State Senate district boundaries and establishes new Utah State  
19                   Senate district boundaries;
- 20                   ▶ establishes election dates for each Utah State Senate district to ensure that Senate  
21                   terms are staggered;
- 22                   ▶ establishes the block assignment file, which is part of this bill in electronic form, as  
23                   the legal boundaries of Utah State Senate districts; and
- 24                   ▶ makes technical corrections.

25                   **Money Appropriated in this Bill:**

26                   None

27                   **Other Special Clauses:**



28 This bill takes effect on January 1, 2012, for purposes of nominating and electing  
29 certain members of the Utah State Senate and on January 1, 2013, for all other  
30 purposes.

31 **Utah Code Sections Affected:**

32 **AMENDS:**

33 **36-1-102**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 5

34 **36-1-103**, as last amended by Laws of Utah 2011, Chapter 74

35 **36-1-103.2**, as enacted by Laws of Utah 2011, Chapter 74

36 **36-1-104**, as enacted by Laws of Utah 2001, Second Special Session, Chapter 5

37 **36-1-105**, as last amended by Laws of Utah 2005, Chapter 169

38 **ENACTS:**

39 **36-1-101.1**, Utah Code Annotated 1953

40 **36-1-101.5**, Utah Code Annotated 1953

41 **REPEALS:**

42 **36-1-101**, as last amended by Laws of Utah 2011, Chapter 74



44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **36-1-101.1** is enacted to read:

46 **36-1-101.1. Definitions.**

47 As used in this section:

48 (1) "Census block" means any one of the 115, 406 individual geographic areas into  
49 which the Bureau of the Census of the United States Department of Commerce has divided the  
50 state of Utah, to each of which the Bureau of the Census has attached a discrete population  
51 tabulation from the 2010 decennial census.

52 (2) "Senate block assignment file" means the electronic file that assigns each of Utah's  
53 115, 406 census blocks to a particular Utah State Senate district.

54 Section 2. Section **36-1-101.5** is enacted to read:

55 **36-1-101.5. Utah State Senate -- District boundaries.**

56 (1) The Utah State Senate shall consist of 29 members, with one member to be elected  
57 from each Utah State Senate district.

58 (2) The Legislature adopts the official census population figures and maps of the

59 Bureau of the Census of the United States Department of Commerce developed in connection  
60 with the taking of the 2010 national decennial census as the official data for establishing Senate  
61 district boundaries.

62 (3) (a) The Legislature enacts the numbers and boundaries of the Senate districts  
63 designated in the Senate block assignment file that is the electronic component of the bill that  
64 enacts this section.

65 (b) That Senate block assignment file, and the Senate district boundaries generated  
66 from that Senate block assignment file, may be accessed via the Utah Legislature's website.

67 Section 3. Section **36-1-102** is amended to read:

68 **36-1-102. Election of senators -- Staggered terms.**

69 (1) Unless otherwise provided by law, each senator elected from Senate Districts [~~1, 6,~~  
70 ~~8, 10, 13, 14, 16, 19, 20, 23, 24, 25, 27, and 29~~] 2, 3, 5, 9, 11, 12, 15, 17, 18, 21, 22, and 26 at  
71 the [~~2000~~] 2010 General Election shall serve out the term of office for which he or she was  
72 elected and shall represent the realigned district if he or she resides in that district.

73 (2) At the general election to be held in [~~2002~~] 2012, senators elected from Senate  
74 Districts [~~2, 3, 4, 5, 7, 9, 11, 12, 15, 17, 18, 21, 22, 26, and 28~~] 1, 6, 7, 8, 10, 13, 14, 16, 19, 20,  
75 23, 24, 25, 27, and 29 shall be elected to serve a term of office of four years.

76 (3) (a) Because the senator from Senate District 28 was appointed to fill a mid-term  
77 vacancy that occurred more than two years before the next regular general election, Subsection  
78 20A-1-503(3) requires that the vacancy be filled for the unexpired term at the next general  
79 election.

80 (b) Consequently:

81 (i) at the general election to be held in 2012, the senator elected from Senate District 28  
82 shall be elected to serve a term of office of two years; and

83 (ii) at the general election to be held in 2014, the senator elected from Senate District  
84 28 shall be elected to serve a term of office of four years.

85 (4) (a) If one of the incumbent senators from new Senate District 4 files written notice  
86 with the lieutenant governor by close of business on January 3, 2012, that the senator will not  
87 seek election to the Senate from that Senate District 4, that incumbent senator may serve until  
88 January 1, 2013, and the other incumbent senator from District 4 shall serve out the term for  
89 which the member was elected, which is until January 1, 2015.

90 (b) (i) If one of the incumbent senators in Senate District 4 does not file the written  
91 notice authorized by Subsection (4)(a), the lieutenant governor shall designate Senate District 4  
92 as an office to be filled in the 2012 regular general election in the notice of election required by  
93 Section 20A-5-101.

94 (ii) If the Subsection (4)(b)(i) contingency occurs:

95 (A) the senator elected from Senate District 4 at the 2012 regular general election shall  
96 be elected to serve a term of office of two years; and

97 (B) the senator elected from Senate District 4 at the 2014 regular general election shall  
98 be elected to serve a term of office of four years.

99 Section 4. Section **36-1-103** is amended to read:

100 **36-1-103. Senate districts -- Copies -- Legal boundaries.**

101 (1) (a) The Legislature shall file [~~copies of the official maps~~] a copy of the Senate  
102 block assignment file enacted by the Legislature[~~, and any other relevant data;~~] with the  
103 lieutenant governor's office.

104 (b) [~~Except as provided in Subsection (2), the~~] The legal boundaries of Senate districts  
105 are contained in the [~~official maps~~] Senate block assignment file on file with the lieutenant  
106 governor's office.

107 [~~(2) (a) Because of the new county boundary separating Salt Lake County and Utah~~  
108 ~~County, the boundary separating Senate District 9 and Senate District 11 that followed the old~~  
109 ~~county boundary is changed to follow the new county boundary eastward from the~~  
110 ~~southwestern intersection to the point where the existing boundary of Senate District 9 turns~~  
111 ~~north from the old county boundary.~~]

112 [~~(b) The following census blocks from the 2000 census are removed from Senate~~  
113 ~~District 11 and placed into Senate District 14: Census Tract 010205, Blocks 1000, 1001, 3001,~~  
114 ~~3003, and 3004.~~]

115 [~~(3) When questions of interpretation of Senate district boundaries arise, the official~~  
116 ~~maps on file in the lieutenant governor's office shall serve as the indication of the legislative~~  
117 ~~intent in drawing the Senate district boundaries.~~]

118 [~~(4) Maps identifying the boundaries for Senate districts may be viewed on the Internet~~  
119 ~~at the lieutenant governor's website.~~]

120 (2) (a) The lieutenant governor shall:

121 (i) generate maps of each Utah State Senate district from the Senate block assignment  
122 file; and

123 (ii) ensure that those maps are available for viewing on the lieutenant governor's  
124 website.

125 (b) If there is any inconsistency between the maps and the Senate block assignment  
126 file, the Senate block assignment file is controlling.

127 Section 5. Section 36-1-103.2 is amended to read:

128 **36-1-103.2. County clerk, Automated Geographic Reference Center, and**  
129 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

130 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the Senate  
131 block assignment file for the clerk's county from the lieutenant governor's office.

132 (2) (a) A county clerk may create one or more county maps that identify the boundaries  
133 of Senate districts as [~~shown on the official maps~~] generated from the Senate block assignment  
134 file.

135 (b) Before publishing or distributing any map or data created by the county clerk that  
136 identifies the boundaries of Senate districts within the county, the clerk shall submit the county  
137 map and data to the lieutenant governor and to the Automated Geographic Reference Center for  
138 review.

139 (c) Within 30 days after receipt of a county map and data from a county clerk, the  
140 Automated Geographic Reference Center shall:

141 (i) review the county map and data to evaluate if the county map and data accurately  
142 reflect the boundaries of Senate districts established by the Legislature in the [~~official maps~~]  
143 Senate block assignment file;

144 (ii) determine whether the county map and data are correct or incorrect; and

145 (iii) communicate those findings to the lieutenant governor.

146 (d) The lieutenant governor shall either notify the county clerk that the county map and  
147 data are correct or notify the county clerk that the county map and data are incorrect.

148 (e) If the county clerk receives notice from the lieutenant governor that the county map  
149 and data submitted are incorrect, the county clerk shall:

150 (i) make the corrections necessary to conform the county map and data to the [~~official~~  
151 maps] Senate block assignment file; and

152 (ii) resubmit the corrected county map and data to the lieutenant governor and to the  
153 Automated Geographic Reference Center for a new review under this Subsection (2).

154 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall  
155 establish voting precincts and polling places within each Senate district according to the  
156 procedures and requirements of Section 20A-5-303.

157 (b) Within five working days after approval of voting precincts and polling places by  
158 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a  
159 voting precinct map identifying the boundaries of each voting precinct within the county to the  
160 lieutenant governor and to the Automated Geographic Reference Center for review.

161 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the  
162 Automated Geographic Reference Center shall:

163 (i) review the voting precinct map to evaluate if the [~~county~~] voting precinct map  
164 accurately reflects the boundaries of Senate districts established by the Legislature in the  
165 [~~official maps~~] Senate block assignment file;

166 (ii) determine whether the voting precinct map is correct or incorrect; and

167 (iii) communicate those findings to the lieutenant governor.

168 (d) The lieutenant governor shall either notify the county clerk that the voting precinct  
169 map is correct or notify the county clerk that the map is incorrect.

170 (e) If the county clerk receives notice from the lieutenant governor that the voting  
171 precinct map is incorrect, the county clerk shall:

172 (i) make the corrections necessary to conform the voting precinct map to the [~~official~~  
173 ~~maps~~] Senate block assignment file; and

174 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the  
175 Automated Geographic Reference Center for a new review under this Subsection (3).

176 Section 6. Section **36-1-104** is amended to read:

177 **36-1-104. Omissions from maps -- How resolved.**

178 (1) If any area of the state is omitted from a Utah State Senate district in the [~~maps~~]  
179 Senate block assignment file enacted by the Legislature, the county clerk of the affected  
180 county, upon discovery of the omission, shall attach the area to the appropriate Senate district  
181 according to the requirements of Subsections (2) and (3).

182 (2) If the omitted area is surrounded by a single Senate district, the county clerk shall

183 attach the area [~~shall be attached~~] to that district.

184 (3) If the omitted area is contiguous to two or more Senate districts, the county clerk  
 185 shall attach the area [~~shall be attached~~] to the district that has the least population, as  
 186 determined by the official census population figures and maps [~~of the Bureau of the Census of~~  
 187 ~~the United States Department of Commerce developed in connection with the taking of the~~  
 188 ~~2000 2010 national decennial census~~] described in Subsection 36-1-101.5(2).

189 (4) [~~Any attachment~~] The county clerk shall certify in writing and file with the  
 190 lieutenant governor any attachment made under [~~Subsection (1) shall be certified in writing and~~  
 191 ~~filed with the lieutenant governor~~] this section.

192 Section 7. Section **36-1-105** is amended to read:

193 **36-1-105. Uncertain boundaries -- How resolved.**

194 (1) As used in this section, "affected party" means:

195 (a) a senator whose Utah State Senate district boundary is uncertain because the  
 196 [~~identifying feature~~] boundary in the Senate block assignment file used to establish the Senate  
 197 district boundary has been removed, modified, or is unable to be identified or who is uncertain  
 198 about whether or not [~~he~~] the senator or another person resides in a particular Senate district;

199 (b) a candidate for senator whose Senate district boundary is uncertain because the  
 200 [~~identifying feature~~] boundary in the Senate block assignment file used to establish the Senate  
 201 district boundary has been removed, modified, or is unable to be identified or who is uncertain  
 202 about whether or not [~~he~~] the candidate or another person resides in a particular Senate district;

203 or

204 (c) a person who is uncertain about which Senate district contains the person's  
 205 residence because the [~~identifying feature~~] boundary in the Senate block assignment file used to  
 206 establish the Senate district boundary has been removed, modified, or is unable to be identified.

207 (2) (a) An affected party may file a written request petitioning the lieutenant governor  
 208 to determine:

209 (i) the precise location of the Senate district boundary;  
 210 (ii) the number of the Senate district in which a person resides; or  
 211 (iii) both Subsections (2)(a)(i) and (ii).

212 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
 213 governor shall review the [~~official maps~~] Senate block assignment file and obtain and review

214 other relevant data such as [~~census block and tract descriptions,~~] aerial photographs, aerial  
215 maps, or other data about the area.

216 (c) Within five days of receipt of the request, the lieutenant governor shall review the  
217 [~~maps~~] Senate block assignment file, obtain and review any relevant data, and make a  
218 determination.

219 (d) When the lieutenant governor determines the location of the Senate district  
220 boundary, the lieutenant governor shall:

221 (i) prepare a certification identifying the appropriate Senate district boundary and  
222 attaching a map, if necessary; and

223 (ii) send a copy of the certification to:

224 (A) the affected party;

225 (B) the county clerk of the affected county; and

226 (C) the Automated Geographic Reference Center created under Section 63F-1-506.

227 (e) If the lieutenant governor determines the number of the Senate district in which a  
228 particular person resides, the lieutenant governor shall send a letter identifying that district by  
229 number to:

230 (i) the person;

231 (ii) the affected party who filed the petition, if different than the person whose Senate  
232 district number was identified; and

233 (iii) the county clerk of the affected county.

234 **Section 8. Repealer.**

235 This bill repeals:

236 Section **36-1-101, Utah State Senate -- District boundaries.**

237 Section 9. **Effective date.**

238 This bill takes effect on January 1, 2012, for purposes of nominating and electing  
239 certain members of the Utah State Senate and on January 1, 2013, for all other purposes.

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**Legislative Review Note**  
as of 9-30-11 11:53 AM

Office of Legislative Research and General Counsel

1                                   **CONGRESSIONAL BOUNDARIES DESIGNATION**

2   2011 THIRD SPECIAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Ralph Okerlund**

5   House Sponsor: Kenneth W. Sumsion

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7   **LONG TITLE**

8           The United States Congressional district boundary information may be found at  
9           <http://le.utah.gov>.

10          Block assignment file security code: fb0a3fae285cadfbbb576a46b4528e85

11   **General Description:**

12          This bill, which includes this printed text and the electronic data affiliated with it,  
13          establishes new United States Congressional district boundaries for Utah and makes  
14          other technical corrections.

15   **Highlighted Provisions:**

16          This bill:

- 17          ▶ repeals current United States Congressional district boundaries for Utah and
- 18          establishes new United States Congressional district boundaries for Utah;
- 19          ▶ establishes the block assignment file that is part of this bill in electronic form as the
- 20          legal boundaries of United States Congressional district boundaries for Utah; and
- 21          ▶ makes technical corrections.

22   **Money Appropriated in this Bill:**

23          None

24   **Other Special Clauses:**

25          This bill takes effect on January 1, 2012, for purposes of nominating and electing Utah  
26          representatives to the United States House of Representatives and on January 1, 2013,  
27          for all other purposes.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **20A-13-102**, as last amended by Laws of Utah 2011, Chapter 74

31 **20A-13-102.2**, as enacted by Laws of Utah 2011, Chapter 74

32 **20A-13-103**, as repealed and reenacted by Laws of Utah 2001, Second Special Session,  
33 Chapter 6

34 **20A-13-104**, as last amended by Laws of Utah 2005, Chapter 169

35 ENACTS:

36 **20A-13-101.1**, Utah Code Annotated 1953

37 **20A-13-101.5**, Utah Code Annotated 1953

38 REPEALS:

39 **20A-13-101 (Contingently Superseded)**, as last amended by Laws of Utah 2011,  
40 Chapter 74

41 **20A-13-101 (Contingently Effective)**, as last amended by Laws of Utah 2007, Chapter  
42 97

43 

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44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **20A-13-101.1** is enacted to read:

46 **20A-13-101.1. Definitions.**

47 As used in this section:

48 (1) "Census block" means any one of the 115, 406 individual geographic areas into  
49 which the Bureau of the Census of the United States Department of Commerce has divided the  
50 state of Utah, to each of which the Bureau of the Census has attached a discrete population  
51 tabulation from the 2010 decennial census.

52 (2) "Congressional block assignment file" means the electronic file that assigns each of  
53 Utah's 115, 406 census blocks to a particular Congressional district.

54 Section 2. Section **20A-13-101.5** is enacted to read:

55 **20A-13-101.5. Representatives to the United States Congress -- Four**  
56 **representative districts -- When elected -- District boundaries.**

57 (1) (a) The state of Utah is divided into four districts for the election of representatives  
58 to the Congress of the United States, with one member to be elected from each Congressional

59 district.

60 (b) At the general election to be held in 2012, and biennially thereafter, one  
61 representative from each Congressional district shall be elected to serve in the Congress of the  
62 United States.

63 (2) The Legislature adopts the official census population figures and maps of the  
64 Bureau of the Census of the United States Department of Commerce developed in connection  
65 with the taking of the 2010 national decennial census as the official data for establishing  
66 Congressional district boundaries.

67 (3) (a) The Legislature enacts the numbers and boundaries of the Congressional  
68 districts designated in the Congressional block assignment file that is the electronic component  
69 of the bill that enacts this section.

70 (b) That Congressional block assignment file, and Congressional boundaries generated  
71 from that Congressional block assignment file, may be accessed via the Utah Legislature's  
72 website.

73 Section 3. Section 20A-13-102 is amended to read:

74 **20A-13-102. Congressional districts.**

75 (1) (a) The Legislature shall file [~~copies of the official maps~~] a copy of the  
76 Congressional block assignment file enacted by the Legislature [~~, and any other relevant~~  
77 ~~materials,]~~ with the lieutenant governor's office.

78 (b) [~~Except as provided in Subsection (2), the~~] The legal boundaries of Utah's  
79 Congressional districts are contained in the [~~official maps~~] Congressional block assignment file  
80 on file with the lieutenant governor's office.

81 [~~(2) The following census blocks from the 2000 census are removed from~~  
82 ~~Congressional District 2 and placed into Congressional District 3: Census Tract 010205,~~  
83 ~~Blocks 1000, 1001, 3001, 3003, and 3004.]~~

84 [~~(3) When questions of interpretation of Congressional district boundaries arise, the~~  
85 ~~official maps on file in the lieutenant governor's office shall serve as the indication of the~~  
86 ~~legislative intent in drawing the Congressional district boundaries.]~~

87 [~~(4) Maps identifying the boundaries for Congressional districts may be viewed on the~~  
88 ~~Internet at the lieutenant governor's website.]~~

89 (2) (a) The lieutenant governor shall:

90 (i) generate maps of each Congressional district from the Congressional block  
91 assignment file; and

92 (ii) ensure that those maps are available for viewing on the lieutenant governor's  
93 website.

94 (b) If there is any inconsistency between the maps and the Congressional block  
95 assignment file, the Congressional block assignment file is controlling.

96 Section 4. Section 20A-13-102.2 is amended to read:

97 **20A-13-102.2. County clerk, Automated Geographic Reference Center, and**  
98 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

99 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the  
100 Congressional block assignment file for the clerk's county from the lieutenant governor's office.

101 (2) (a) A county clerk may create one or more county maps that identify the boundaries  
102 of Utah's Congressional districts as [~~shown on~~] generated from the [official maps]  
103 Congressional block assignment file.

104 (b) Before publishing or distributing any map or data created by the county clerk that  
105 identifies the boundaries of Utah's Congressional districts within the county, the county clerk  
106 shall submit the county map and data to the lieutenant governor and to the Automated  
107 Geographic Reference Center for review.

108 (c) Within 30 days after receipt of a county map and data from a county clerk, the  
109 Automated Geographic Reference Center shall:

110 (i) review the county map and data to evaluate if the county map and data accurately  
111 reflect the boundaries of Utah's Congressional districts established by the Legislature in the  
112 [~~official maps~~] Congressional block assignment file;

113 (ii) determine whether the county map and data are correct or incorrect; and

114 (iii) communicate those findings to the lieutenant governor.

115 (d) The lieutenant governor shall either notify the county clerk that the county map and  
116 data are correct or notify the county clerk that the county map and data are incorrect.

117 (e) If the county clerk receives notice from the lieutenant governor that the county map  
118 and data submitted are incorrect, the county clerk shall:

119 (i) make the corrections necessary to conform the county map and data to the [~~official~~  
120 ~~maps~~] Congressional block assignment file; and

121 (ii) resubmit the corrected county map and data to the lieutenant governor and to the  
122 Automated Geographic Reference Center for a new review under this Subsection (2).

123 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall  
124 establish voting precincts and polling places within each Utah Congressional district according  
125 to the procedures and requirements of Section 20A-5-303.

126 (b) Within five working days after approval of voting precincts and polling places by  
127 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a  
128 voting precinct map identifying the boundaries of each voting precinct within the county to the  
129 lieutenant governor and to the Automated Geographic Reference Center for review.

130 (c) Within 30 days after receipt of a map from a county clerk, the Automated  
131 Geographic Reference Center shall:

132 (i) review the voting precinct map to evaluate if the [county] voting precinct map  
133 accurately reflects the boundaries of Utah's Congressional districts established by the  
134 Legislature in the [~~official maps~~] Congressional block assignment file;

135 (ii) determine whether the voting precinct map is correct or incorrect; and

136 (iii) communicate those findings to the lieutenant governor.

137 (d) The lieutenant governor shall either notify the county clerk that the voting precinct  
138 map is correct or notify the county clerk that the map is incorrect.

139 (e) If the county clerk receives notice from the lieutenant governor that the voting  
140 precinct map is incorrect, the county clerk shall:

141 (i) make the corrections necessary to conform the voting precinct map to the [~~official~~  
142 ~~maps~~] Congressional block assignment file; and

143 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the  
144 Automated Geographic Reference Center for a new review under this Subsection (3).

145 Section 5. Section **20A-13-103** is amended to read:

146 **20A-13-103. Omissions from maps -- How resolved.**

147 (1) If any area of the state is omitted from a Congressional district in the [~~maps~~]  
148 Congressional block assignment file enacted by the Legislature, the county clerk of the affected  
149 county, upon discovery of the omission, shall attach the area to the appropriate Congressional  
150 district according to the requirements of Subsections (2) and (3).

151 (2) If the omitted area is surrounded by a single Congressional district, the county clerk

152 shall attach the area [~~shall be attached~~] to that district.

153 (3) If the omitted area is contiguous to two or more Congressional districts, the county  
154 clerk shall attach the area [~~shall be attached~~] to the district that has the least population, as  
155 determined by the official census population figures and maps [~~of the Bureau of Census of the~~  
156 ~~United States Department of Commerce developed in connection with the taking of the 2000~~  
157 ~~national decennial census~~] described in Subsection 20A-13-101.5(2).

158 (4) [~~Any attachment~~] The county clerk shall certify in writing and file with the  
159 lieutenant governor any attachment made under [~~Subsection (1) shall be certified in writing and~~  
160 ~~filed with the lieutenant governor~~] this section.

161 Section 6. Section **20A-13-104** is amended to read:

162 **20A-13-104. Uncertain boundaries -- How resolved.**

163 (1) As used in this section, "affected party" means:

164 (a) a representative whose Congressional district boundary is uncertain because the  
165 [~~identifying feature~~] boundary in the Congressional block assignment file used to establish the  
166 district boundary has been removed, modified, or is unable to be identified or who is uncertain  
167 about whether or not [~~he~~] the representative or another person resides in a particular  
168 Congressional district;

169 (b) a candidate for Congressional representative whose Congressional district boundary  
170 is uncertain because the [~~identifying feature~~] boundary in the Congressional block assignment  
171 file used to establish the district boundary has been removed, modified, or is unable to be  
172 identified or who is uncertain about whether or not [~~he~~] the candidate or another person resides  
173 in a particular Congressional district; or

174 (c) a person who is uncertain about which Congressional district contains the person's  
175 residence because the [~~identifying feature~~] boundary in the Congressional block assignment file  
176 used to establish the district boundary has been removed, modified, or is unable to be  
177 identified.

178 (2) (a) An affected party may file a written request petitioning the lieutenant governor  
179 to determine:

180 (i) the precise location of the Congressional district boundary;

181 (ii) the number of the Congressional district in which a person resides; or

182 (iii) both Subsections (2)(a)(i) and (ii).

183 (b) In order to make the determination required by Subsection (2)(a), the lieutenant  
184 governor shall review the [~~official maps~~] Congressional block assignment file and obtain and  
185 review other relevant data such as [~~census block and tract descriptions,~~] aerial photographs,  
186 aerial maps, or other data about the area.

187 (c) Within five days of receipt of the request, the lieutenant governor shall review the  
188 [~~maps~~] Congressional block assignment file, obtain and review any relevant data, and make a  
189 determination.

190 (d) When the lieutenant governor determines the location of the Congressional district  
191 boundary, the lieutenant governor shall:

192 (i) prepare a certification identifying the appropriate boundary and attaching a map, if  
193 necessary; and

194 (ii) send a copy of the certification to:

195 (A) the affected party;

196 (B) the county clerk of the affected county; and

197 (C) the Automated Geographic Reference Center created under Section 63F-1-506.

198 (e) If the lieutenant governor determines the number of the Congressional district in  
199 which a particular person resides, the lieutenant governor shall send a letter identifying that  
200 district by number to:

201 (i) the person;

202 (ii) the affected party who filed the petition, if different than the person whose  
203 Congressional district number was identified; and

204 (iii) the county clerk of the affected county.

205 **Section 7. Repealer.**

206 This bill repeals:

207 **Section 20A-13-101 (Contingently Superseded), Representatives to the United**  
208 **States Congress -- Three representative districts -- When elected -- District boundaries.**

209 **Section 20A-13-101 (Contingently Effective), Representatives to the United States**  
210 **Congress -- Four representative districts -- When elected -- District boundaries.**

211 **Section 8. Effective date.**

212 This bill takes effect on January 1, 2012, for purposes of nominating and electing Utah  
213 representatives to the United States House of Representatives and on January 1, 2013, for all

214 other purposes.

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**Legislative Review Note**  
as of 9-30-11 2:32 PM

**Office of Legislative Research and General Counsel**

1                   **AMENDMENTS TO DRIVER LICENSE SUSPENSION FOR**  
2                   **DRIVING UNDER THE INFLUENCE OFFENSES**

3                                   2011 THIRD SPECIAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Scott K. Jenkins**

6                                   House Sponsor: \_\_\_\_\_

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8                   **LONG TITLE**

9                   **Committee Note:**

10                   The Transportation Interim Committee recommended this bill.

11                   **General Description:**

12                   This bill modifies the Uniform Driver License Act by amending provisions relating to  
13                   the driver license suspension periods for certain driving under the influence offenses.

14                   **Highlighted Provisions:**

15                   This bill:

- 16                   ▶ provides that if the Driver License Division determines that a peace officer had  
17                   reasonable grounds to believe that a person was driving a motor vehicle in violation  
18                   of certain driving under the influence offenses and the arrest was made on or after  
19                   July 1, 2009, the Driver License Division shall, if the person is 19 years of age or  
20                   older but under 21 years of age at the time of arrest, suspend the person's license or  
21                   permit to operate a motor vehicle:
- 22                   • for a period of six months for a first suspension; or
  - 23                   • until the person is 21 years of age or for a period of two years, whichever is  
24                   longer, for a second or subsequent suspension for an offense that occurred  
25                   within the previous 10 years.

26                   **Money Appropriated in this Bill:**

27                   None



28 **Other Special Clauses:**

29 This bill provides an immediate effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53-3-223**, as last amended by Laws of Utah 2011, Chapter 312



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **53-3-223** is amended to read:

36 **53-3-223. Chemical test for driving under the influence -- Temporary license --**  
37 **Hearing and decision -- Suspension and fee -- Judicial review.**

38 (1) (a) If a peace officer has reasonable grounds to believe that a person may be  
39 violating or has violated Section 41-6a-502, prohibiting the operation of a vehicle with a  
40 certain blood or breath alcohol concentration and driving under the influence of any drug,  
41 alcohol, or combination of a drug and alcohol or while having any measurable controlled  
42 substance or metabolite of a controlled substance in the person's body in violation of Section  
43 41-6a-517, the peace officer may, in connection with arresting the person, request that the  
44 person submit to a chemical test or tests to be administered in compliance with the standards  
45 under Section 41-6a-520.

46 (b) In this section, a reference to Section 41-6a-502 includes any similar local  
47 ordinance adopted in compliance with Subsection 41-6a-510(1).

48 (2) The peace officer shall advise a person prior to the person's submission to a  
49 chemical test that a test result indicating a violation of Section 41-6a-502 or 41-6a-517 shall,  
50 and the existence of a blood alcohol content sufficient to render the person incapable of safely  
51 driving a motor vehicle may, result in suspension or revocation of the person's license to drive  
52 a motor vehicle.

53 (3) If the person submits to a chemical test and the test results indicate a blood or  
54 breath alcohol content in violation of Section 41-6a-502 or 41-6a-517, or if a peace officer  
55 makes a determination, based on reasonable grounds, that the person is otherwise in violation  
56 of Section 41-6a-502, a peace officer shall, on behalf of the division and within 24 hours of  
57 arrest, give notice of the division's intention to suspend the person's license to drive a motor  
58 vehicle.

59 (4) (a) When a peace officer gives notice on behalf of the division, the peace officer  
60 shall:

61 (i) take the Utah license certificate or permit, if any, of the driver;

62 (ii) issue a temporary license certificate effective for only 29 days from the date of  
63 arrest; and

64 (iii) supply to the driver, in a manner specified by the division, basic information  
65 regarding how to obtain a prompt hearing before the division.

66 (b) A citation issued by a peace officer may, if provided in a manner specified by the  
67 division, also serve as the temporary license certificate.

68 (5) As a matter of procedure, a peace officer shall send to the division within 10  
69 calendar days after the day on which notice is provided:

70 (a) the person's license certificate;

71 (b) a copy of the citation issued for the offense;

72 (c) a signed report in a manner specified by the division indicating the chemical test  
73 results, if any; and

74 (d) any other basis for the peace officer's determination that the person has violated  
75 Section 41-6a-502 or 41-6a-517.

76 (6) (a) Upon request in a manner specified by the division, the division shall grant to  
77 the person an opportunity to be heard within 29 days after the date of arrest. The request to be  
78 heard shall be made within 10 calendar days of the day on which notice is provided under  
79 Subsection (5).

80 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the  
81 division in:

82 (A) the county in which the arrest occurred; or

83 (B) a county that is adjacent to the county in which the arrest occurred.

84 (ii) The division may hold a hearing in some other county if the division and the person  
85 both agree.

86 (c) The hearing shall be documented and shall cover the issues of:

87 (i) whether a peace officer had reasonable grounds to believe the person was driving a  
88 motor vehicle in violation of Section 41-6a-502 or 41-6a-517;

89 (ii) whether the person refused to submit to the test; and

90 (iii) the test results, if any.

91 (d) (i) In connection with a hearing the division or its authorized agent:

92 (A) may administer oaths and may issue subpoenas for the attendance of witnesses and

93 the production of relevant books and papers; or

94 (B) may issue subpoenas for the attendance of necessary peace officers.

95 (ii) The division shall pay witness fees and mileage from the Transportation Fund in

96 accordance with the rates established in Section 78B-1-119.

97 (e) The division may designate one or more employees to conduct the hearing.

98 (f) Any decision made after a hearing before any designated employee is as valid as if

99 made by the division.

100 (7) (a) If, after a hearing, the division determines that a peace officer had reasonable

101 grounds to believe that the person was driving a motor vehicle in violation of Section

102 41-6a-502 or 41-6a-517, if the person failed to appear before the division as required in the

103 notice, or if a hearing is not requested under this section, the division shall:

104 (i) if the person is 21 years of age or older at the time of arrest and the arrest was made

105 on or after July 1, 2009, suspend the person's license or permit to operate a motor vehicle for a

106 period of:

107 (A) 120 days beginning on the 30th day after the date of arrest for a first suspension; or

108 (B) two years beginning on the 30th day after the date of arrest for a second or

109 subsequent suspension for an offense that occurred within the previous 10 years;

110 (ii) if the person is 19 years of age or older but under 21 years of age at the time of

111 arrest and the arrest was made on or after July 1, ~~2011~~ 2009:

112 (A) suspend the person's license or permit to operate a motor vehicle:

113 (I) for a period of six months, beginning on the 30th day after the date of arrest for a

114 first suspension; or

115 (II) until the person is 21 years of age or for a period of two years, whichever is longer,

116 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an

117 offense that occurred within the previous 10 years; or

118 (B) deny the person's application for a license or learner's permit:

119 (I) for a period of six months for a first suspension, if the person has not been issued an

120 operator license; or

121 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
122 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an  
123 offense that occurred within the previous 10 years; or

124 (iii) if the person is under 19 years of age at the time of arrest and the arrest was made  
125 on or after July 1, 2009:

126 (A) suspend the person's license or permit to operate a motor vehicle:

127 (I) for a period of two years beginning on the 30th day after the date of arrest for a first  
128 suspension; or

129 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
130 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an  
131 offense that occurred within the previous 10 years; or

132 (B) deny the person's application for a license or learner's permit:

133 (I) for a period of two years for a first suspension, if the person has not been issued an  
134 operator license; or

135 (II) until the person is 21 years of age or for a period of two years, whichever is longer,  
136 beginning on the 30th day after the date of arrest for a second or subsequent suspension for an  
137 offense that occurred within the previous 10 years.

138 (b) The division shall deny or suspend a person's license for the denial and suspension  
139 periods in effect:

140 (i) prior to July 1, 2009, for an offense that was committed prior to July 1, 2009; or

141 (ii) from July 1, 2009, through June 30, 2011, if:

142 (A) the person was 20 years 6 months of age or older but under 21 years of age at the  
143 time of arrest; and

144 (B) the conviction under Subsection (2) is for an offense that was committed on or  
145 after July 1, 2009, and prior to July 1, 2011.

146 (c) (i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall  
147 reinstate a person's license prior to completion of the 120 day suspension period imposed under  
148 Subsection (7)(a)(i)(A):

149 (A) immediately upon receiving written verification of the person's dismissal of a  
150 charge for a violation of Section 41-6a-502 or 41-6a-517, if the written verification is received  
151 prior to completion of the suspension period; or

152 (B) no sooner than 60 days beginning on the 30th day after the date of arrest upon  
153 receiving written verification of the person's reduction of a charge for a violation of Section  
154 41-6a-502 or 41-6a-517, if the written verification is received prior to completion of the  
155 suspension period.

156 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A) or (7)(b), the division  
157 shall reinstate a person's license prior to completion of the 120-day suspension period imposed  
158 under Subsection (7)(a)(i)(A) immediately upon receiving written verification of the person's  
159 conviction of impaired driving under Section 41-6a-502.5 if:

160 (A) the written verification is received prior to completion of the suspension period;  
161 and

162 (B) the reporting court notifies the Driver License Division that the defendant is  
163 participating in or has successfully completed the program of a driving under the influence  
164 court as defined in Section 41-6a-501.

165 (iii) If a person's license is reinstated under this Subsection (7)(c), the person is  
166 required to pay the license reinstatement fees under Subsections 53-3-105(23) and (24).

167 (iv) The driver license reinstatements authorized under this Subsection (7)(c) only  
168 apply to a 120 day suspension period imposed under Subsection (7)(a)(i)(A).

169 (8) (a) The division shall assess against a person, in addition to any fee imposed under  
170 Subsection 53-3-205(12) for driving under the influence, a fee under Section 53-3-105 to cover  
171 administrative costs, which shall be paid before the person's driving privilege is reinstated.  
172 This fee shall be cancelled if the person obtains an unappealed division hearing or court  
173 decision that the suspension was not proper.

174 (b) A person whose license has been suspended by the division under this section  
175 following an administrative hearing may file a petition within 30 days after the suspension for a  
176 hearing on the matter which, if held, is governed by Section 53-3-224.

177 Section 2. **Effective date.**

178 If approved by two-thirds of all the members elected to each house, this bill takes effect  
179 upon approval by the governor, or the day following the constitutional time limit of Utah  
180 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
181 the date of veto override.

**Legislative Review Note**  
as of 9-21-11 6:29 PM

**Office of Legislative Research and General Counsel**



**Gary Richard Herbert**

**Governor**

**PROCLAMATION**

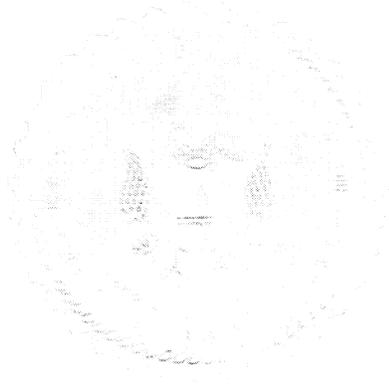
**WHEREAS**, since the adjournment of the 2011 General Session of the Fifty-Ninth Legislature of the State of Utah, matters have arisen that require immediate legislative attention;

**WHEREAS**, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session; and

**NOW, THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, call the Fifty-Ninth Legislature of the State of Utah into a Third Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 3<sup>rd</sup> day of October 2011, at 9:00 a.m., for the following purposes:

- (1) to divide the state into congressional, legislative and other districts pursuant to Utah Constitution Article IX and to address related matters;
- (2) to consider amendments to the Utah Labor Code to address requirements related to workers' compensation insurance for owners of certain entities and to make technical and related changes;
- (3) to consider amendments to the Elections Code to modify the requirements for placing presidential candidates on the regular primary ballot and to make technical and related changes;
- (4) to consider amendments to the Uniform Driver License Act to modify provisions relating to the driver license suspension period and other sentencing requirements for certain alcohol or drug related offenses and to make technical and related changes;
- (5) to consider amendments to the State System of Higher Education Code to modify the requirements for the appointment of representatives of less populous counties to the Board of Regents and to make technical and related changes;
- (6) to consider a concurrent resolution recognizing the 75<sup>th</sup> Anniversary of the Welfare System of The Church of Jesus Christ of Latter-day Saints;

(7) to consider a concurrent resolution urging Utah's Congressional delegation to resolve the Scofield land transfer issue.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 28<sup>th</sup> day of September, 2011.

A handwritten signature in black ink, appearing to read "Gary R. Herbert".

Gary R. Herbert  
Governor

A handwritten signature in black ink, appearing to read "Greg Bell".

Greg Bell  
Lieutenant Governor

ATTEST:

**From:** Brad Galvez  
**To:**  
**Date:** 10/4/2011 1:42:08 PM  
**Subject:** RE: Legislature Special Session Items

Good thoughts. Thanks Chris.

>>> "Chris Swaner" 10/04/11 12:00 PM >>>

Thanks for the update. I'm somewhat concerned about the driver's license suspension bill. We work with individuals trying to support their families that cannot drive to work, losing their license to drive for extended periods (2 years) could make it almost impossible for some individuals to find or maintain employment.

It would appear that the boundary bills are driving the special session, yet I see a number of minor bills included (Acknowledging the Church). What I would like to see is more done to create incentives for employers to take risk and hire employees. I heard an interview on FM 105.7 yesterday with someone from the Department of Workforce Services. They were discussing how the unemployment populations are becoming saturated with very capable, college educated individuals, that are being laid off (or replaced with younger individuals). These individuals become lodged between a rock and a hard place, over qualified for the few jobs available and slipping into a position where no one will hire them because they have spent too much time out of the workforce looking. The DWS representative stated that 6 months without work seems to be the tipping point for employers to discount actual work experience and abilities.

Back in 2007 unemployment was 2.7% in Weber County and employers were actually moving skilled positions out of the state because they could not fill them. If we are not careful we may find ourselves in a worse position, if and when the economy turns around, if we lose larger quantities of skilled (professional) workforce who decide to hang-up the cleats and take early social security.

I recall the incentives used by Boyer (and the state) to bring Lofthouse to the BDO, which made the deal to good to turn down. The result, Ogden/Weber benefited from three plant locations (one outside the state) relocating and bringing 500-600 jobs to this community.

Sorry for getting on a soap box, I just think we should focus our attention, take every opportunity, to grow our economy. Thank you for your dedicated service to our State!

From: Brad Galvez [mailto:[bgalvez@utah.gov](mailto:bgalvez@utah.gov)]  
Sent: Monday, October 03, 2011 9:08 AM  
To: [brad@zevlag.com](mailto:brad@zevlag.com)  
Subject: Legislature Special Session Items

Hello Everyone,

I am writing today from the State Capitol. We are convening the next couple of days in a special session to address a few bills and re-districting. Attached is the special session call issued by Governor Herbert and the bills that address the call issues. To view the maps referred to in the bill text, use the following links:

Utah State House Boundaries & Election Designation:  
<http://www.redistrictutah.com/maps/hb3001>

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If you want to listen or view live, go to <http://www.le.utah.gov>

If you have any questions or comments, feel free to email me or call me. Have a great day.

Brad Galvez

Representative, District 6

**From:** Brad Galvez  
**To:**  
**Date:** 10/4/2011 1:43:25 PM  
**Subject:** Re: Legislature Special Session Items

Good thoughts. Thanks Jim. I think the the intent is to try to do that as best as we can.

>>> James Mackley 10/04/11 12:02 PM >>>  
Dear Rep. Galvez,

Thanks for keeping us updated! Regarding changing districts, my personal thoughts are as follow: I would suggest that we follow the Constitutional model for State and Congressional districts; That is to base house districts on population within existing political boundaries, and senate districts on county boundaries.

For School board district boundaries, I don't know as the premise underlying control seems to be very incorrect. The power to govern education belongs with the parents. However, given the current structure, I hope you will continue to plan to promote the Constitutional education curriculum in our schools.

Thanks again, Jim Mackley

---

From: Brad Galvez  
To: brad@zevlag.com  
Sent: Monday, October 3, 2011 9:08 AM  
Subject: Legislature Special Session Items

Hello Everyone,

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Brad Galvez  
Representative, District 6

**From:**  
**To:** Brad Galvez  
**Date:** 10/3/2011 6:26:48 PM  
**Subject:** Re: Legislature Special Session Items  
**Attachments:** [Mime.822](#)

I would like to remind everyone that the democrats were in power the last time Utah got a representative, that is why we have the weird shaped districts.

Remember the Republicans won, they get to draw lines favorable to the republicans. This time it is our turn. Thanks, Eileen

Sent from my iPad

On Oct 3, 2011, at 9:08 AM, "Brad Galvez" <[bgalvez@utah.gov](mailto:bgalvez@utah.gov)> wrote:

Hello Everyone,

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If you have any questions or comments, feel free to email me or call me. Have a great day.

Brad Galvez  
Representative, District 6

<specialsessionbills.zip>

**From:** Aaron Rennaker  
**To:** LH\_Republicans  
**Date:** 10/4/2011 8:24:06 AM  
**Subject:** Speakers at the Press Conference yesterday in the Capitol protesting redistricting:  
**Attachments:** [Mime.822](#)

Speakers at the Press Conference yesterday in the Capitol protesting redistricting:

Joshua Kanter: Founder of An Alliance for a Better Utah.

Registered Democrat, Donated \$20,000+ in 2008 & 2010 election cycle. Obama, Clinton, DSCC, DNC, John Kerry, DCCC

John Hansen: Registered Democrat, SLC

Mayor Peter Corroon: (D) Salt Lake County Mayor. Called redistricting process un-American. Ran for Governor in 2010, major recipient of donations from Bruce Bastian, Howard Dean, AFL-CIO, Labor Unions, supporter of non-partisan "Fair Boundaries" initiative whose maps were drawn by Democrat operative, adviser and former UT Dem Party Exec-Director Todd Taylor.

David Irvine: Donor to Democratic Presidential candidate Wesley Clark, President Barack Obama, DNC. Attorney who has sued Utah and has received millions of dollars from Utah taxpayers in law suits.

Sen. Ross Romero: Senate Minority Leader, Candidate for SLCO Mayor, Democrat

Glenn Wright: "non-partisan Fair Boundaries" Director. Former Summit County Democrat Party Chair, caught using partisan map drawn by UT Democrat Adviser and former Executive Director

Speaker Up & Peace Up Activists; Tim DeChristopher's friends, sat on UTA TRAX to protest coal power.

MaryAnne Martindale: Exec Director of Alliance for a Better Utah, Democrat AG campaign manager, democrat operative, registered democrat. Won't release her salary or fundraising information for Alliance for a Better Utah.

No "legitimate" republicans, tea partiers, independents or non-partisan people spoke at the "non-partisan" rally.

As an observer, I find it offensive that groups would be so blatant in their partisan bias while trying to maintain the "non-partisan" citizens title.

Regards,

Aaron Rennaker

**From:** "Chris Swaner"  
**To:** Brad Galvez  
**Date:** 10/4/2011 11:58:35 AM  
**Subject:** RE: Legislature Special Session Items  
**Attachments:** [Mime.822](#)

Thanks for the update. I'm somewhat concerned about the driver's license suspension bill. We work with individuals trying to support their families that cannot drive to work, losing their license to drive for extended periods (2 years) could make it almost impossible for some individuals to find or maintain employment.

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Sorry for getting on a soap box, I just think we should focus our attention, take every opportunity, to grow our economy. Thank you for your dedicated service to our State!

---

**From:** Brad Galvez [mailto:bgalvez@utah.gov]  
**Sent:** Monday, October 03, 2011 9:08 AM  
**To:** brad@zevlag.com  
**Subject:** Legislature Special Session Items

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If you have any questions or comments, feel free to email me or call me. Have a great day.

Brad Galvez  
Representative, District 6

**From:** James Mackley  
**To:** Brad Galvez, James Mackley  
**CC:** Stacey Giatras, Steve Huntsman, Genise Martin, benjaminmackley@gmail.com, profamily2004@hotmail.com, Jay Mackley, Doug McGregor, editor@sentinelnews.net, Dorothy Sjoblom  
**Date:** 10/4/2011 12:01:59 PM  
**Subject:** Re: Legislature Special Session Items  
**Attachments:** Mime.822

Dear Rep. Galvez,

Thanks for keeping us updated! Regarding changing districts, my personal thoughts are as follow: I would suggest that we follow the Constitutional model for State and Congressional districts; That is to base house districts on population within existing political boundaries, and senate districts on county boundaries.

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Thanks again, Jim Mackley

---

**From:** Brad Galvez <bgalvez@utah.gov>  
**To:** brad@zevlag.com  
**Sent:** Monday, October 3, 2011 9:08 AM  
**Subject:** Legislature Special Session Items

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Brad Galvez  
Representative, District 6

**From:** Rob Bishop  
**BC:** Brad Galvez, Brad Galvez  
**Date:** 10/12/2011 10:40:17 PM  
**Subject:** Some thoughts on redistricting from Congressman Bishop  
**Attachments:** [Mime.822](#)

Dear Representative:

The redistricting process in the Utah Legislature is messy and cumbersome. No one ever likes the lines drawn. A redistricting process done by a so-called independent redistricting commission would be messy and cumbersome. No one would ever like the lines drawn.

The difference between the two options is that the Legislature – no matter how many caucus meetings they may hold – must ultimately make an open presentation and hold an open vote. They must explain their decisions and be accountable at the next election. Redistricting commissions don't. They may make a public presentation, but have no requirement for explanation nor in any way are they accountable to voters.

Where non-elected redistricting commissions work, it is often due to a quirk of personalities, such as in Washington State where the leading Republican and Democratic members have served for multiple cycles and try hard not to upset the status quo. In Arizona, their commission produced a very partisan and highly criticized map. Even the inappropriately self-named "Fair Boundaries" organization in Utah used the former director of the Democratic Party who produced – surprise – boundaries favorable to Democrats. A commission is far from a panacea, independent, or non-partisan.

The basic problem with a non-elected redistricting commission is the base philosophy. The Progressive Era in American history provided a philosophical change of attitude toward government. The Founders had faith in lay government – man's ability to govern himself. The Progressive Era argued for governing of the people by experts whose work would seemingly be based on science. (Of course, this was the Era when Communism was also the daring, new government philosophy, but I digress.) Resorting to so-called experts has produced massive national bureaucracies such as the EPA (always right even when state DEQ scientists prove their data flawed), the SEC (experts about Wall Street), the Federal Reserve Board (experts about money), and the NLRB (experts about keeping jobs from going to South Carolina), and so on and so forth.

For some it is easy to demagogue the Legislature, but given the option I much prefer to have districts altered by someone in a public position on the House and Senate Floors - even if I don't fully agree with the alteration - rather than by the all-powerful wizard behind the curtain.

Allow me to comment on three related but tangential subjects:

A) "Community of interest" is basically a sham phrase used to hide real desires. It has been charged by some, for example, that St. George has nothing in common with Salt Lake City therefore they should not be in the same district. Actually, St. George doesn't really have that much in common with Provo or Ogden or Logan or even Cedar City; but St. George has to be with someone. One public witness at a Redistricting Committee Meeting seemed to claim that maybe places like St. George and Moab and Park City should be together because they all attract tourists - cute, but not a reason for drawing such lines.

Salt Lake City cannot even claim to be one "community of interest." Can one with a straight face claim students at the U of U have the same interests as single family home owners in west Rose Park or Redwood Road; that Glendale is a mirror image of the east bench; that the community in the Avenues replicates occupants of buildings like the Eagle Gate downtown? Come on!

When one hollers "community of interest" (or "gerrymandering" for that matter), the shouter really just wants the fulcrum of power elsewhere – and usually for partisan purposes.

B) The Legislature can't pick future Congressmen by drawing lines and it's not fair for some to try to

claim that is what is happening. Look at the existing congressional boundaries: Box Elder is not the center of the 1st District; Matheson wins in the Republican 2nd District, and Chaffetz doesn't even live in the 3rd District. Despite district lines, voters pick whom they choose.

C) There are maps I like, and a whole lot that are just butt ugly. Please be cautious.

Thank you for your efforts. Redistricting is always a time consuming task with major complaints and few compliments. I understand. I've been there and done that. Personally, I have major compliments for your efforts – and just a few complaints. You should all be commended for your commitment to this process and for the accountability that comes with it.

Rob Bishop

**From:** Brad Galvez  
**To:**  
**CC:**  
**Date:** 10/17/2011 8:26:59 PM  
**Subject:** District Info

Ivan,

I am trying to gather information on my new proposed district, 29. Would you please provide me with Republican/Democratic/Independent percentages as well as the contact information for all caucus attendees, county (Box Elder & Weber) delegates and state delegates. I would also take any additional information which you feel would be pertinent to my campaigning in this new district.

Thank you in advance for your assistance. Any questions, please feel free to call me.

Brad Galvez,  
Representative, District 6

801.540.2453