

SB0270S02 compared with SB0270

~~{Omitted text}~~ shows text that was in SB0270 but was omitted in SB0270S02

inserted text shows text that was not in SB0270 but was inserted into SB0270S02

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1 State ~~{Collections and Housing}~~ Court Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Jordan D. Teuscher

2

3 LONG TITLE

4 General Description:

5 This bill ~~{creates the Collections and Housing Court}~~ amends statutory provisions related to state
6 courts.

6 Highlighted Provisions:

7 This bill:

8 ▶ ~~{establishes the Collections and Housing Court (court);}~~

9 ▶ ~~{addresses the postjudgment interest rate of the court;}~~

10 ▶ ~~{addresses retention elections for judges of the court, including the ballot language for a~~
11 ~~retention election;}~~

12 ▶ ~~{adds a judge of the court to the definition of "public official" with respect to gifts;}~~

13 ▶ ~~{addresses the salary of the judge of the court;}~~

14 ▶ ~~{establishes the court as a court of record;}~~

15 ▶ ~~{provides that the court is not geographically divided into districts;}~~

16 ▶ ~~{provides that the court consists of one judge;}~~

17 ▶

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~~{ amends the membership of }~~ allows the Judicial Council to ~~{ include }~~ establish a ~~{ member of the }~~ division in the district court;

18 ▶ ~~{ allows the presiding officer of the Judicial Council to assign a judge of the court to serve in the district court if the assignment does not interfere with actions before the Collections and Housing Court; }~~

21 ▶ ~~{ amends provisions regarding the administration of the courts to address the creation of the court; }~~

23 ▶ addresses ~~{ a judicial hiring freeze for judges of }~~ resources for a division established by the ~~{ court }~~ Judicial Council;

24 ▶ ~~{ amends the jurisdiction of the district court to allow a district court judge to preside over an action of the court for purposes of disqualification and recusal; }~~

26 ▶ ~~{ defines terms related to the court; }~~

27 ▶ ~~{ provides that the court is a trial court with statewide jurisdiction; }~~

28 ▶ addresses the ~~{ organization and status }~~ transfer of certain actions to a division of the district court;

29 ▶ ~~{ addresses the jurisdiction of the court; }~~

30 ▶ ~~{ addresses the administration of the court, including: }~~

31 • ~~{ the terms for judges of the court; }~~

32 • ~~{ the presiding judge and associate presiding judge of the court; and }~~

33 • ~~{ staff and management of the court; }~~

34 ▶ ~~{ addresses the location and facilities of the court; }~~

35 ▶ ~~{ addresses the selection process for judges of the court, including }~~ modifies the ~~{ creation }~~ number of applicants certified by the ~~{ Collections and Housing }~~ Appellate Court Nominating Commission~~{; }~~ to the governor when there is more than one vacancy for an appellate court; and

37 ▶ ~~{ makes changes to provisions regarding judgments, mileage, and lis pendens to address the creation of the court; and }~~

39 ▶ makes technical and conforming changes.

15 Money Appropriated in this Bill:

16 None

17 Other Special Clauses:

18 This bill provides a special effective date.

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19 Utah Code Sections Affected:

20 AMENDS:

46 ~~{15-1-4, as last amended by Laws of Utah 2023, Chapter 394}~~
47 ~~{20A-12-201, as last amended by Laws of Utah 2025, Chapter 39}~~
48 ~~{63G-23-102, as last amended by Laws of Utah 2024, Chapter 158}~~
49 ~~{67-8-2, as last amended by Laws of Utah 2023, Chapter 394}~~
50 ~~{78A-1-101, as last amended by Laws of Utah 2023, Chapter 394}~~
51 ~~{78A-1-102, as last amended by Laws of Utah 2023, Chapter 394}~~
52 ~~{78A-2-104, as last amended by Laws of Utah 2023, Chapter 394}~~
53 ~~{78A-2-107, as last amended by Laws of Utah 2023, Chapter 394}~~
54 ~~{78A-2-108, as last amended by Laws of Utah 2023, Chapter 394}~~
55 ~~{78A-2-110, as last amended by Laws of Utah 2023, Chapter 394}~~
56 ~~{78A-2-113, as last amended by Laws of Utah 2023, Chapter 394}~~
57 ~~{78A-5-102, as last amended by Laws of Utah 2025, Chapter 426}~~

21 **78A-5-103 (Effective 01/01/27), as renumbered and amended by Laws of Utah 2008,
Chapter 3**

23 **78A-10a-203 (Effective upon governor's approval)**, as enacted by Laws of Utah 2023, Chapter
250 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 250

60 ~~{78A-11-102, as last amended by Laws of Utah 2023, Chapter 394}~~
61 ~~{78B-3a-102, as enacted by Laws of Utah 2023, Chapter 401}~~
62 ~~{78B-5-202, as last amended by Laws of Utah 2025, First Special Session, Chapter 17}~~
63 ~~{78B-5-206, as last amended by Laws of Utah 2023, Chapter 401}~~
64 ~~{78B-6-1303, as last amended by Laws of Utah 2023, Chapter 401}~~

ENACTS:

66 ~~{78A-1-103.7, Utah Code Annotated 1953}~~
67 ~~{78A-5b-101, Utah Code Annotated 1953}~~
68 ~~{78A-5b-102, Utah Code Annotated 1953}~~
69 ~~{78A-5b-103, Utah Code Annotated 1953}~~
70 ~~{78A-5b-104, Utah Code Annotated 1953}~~
71 ~~{78A-5b-105, Utah Code Annotated 1953}~~
72 ~~{78A-5b-201, Utah Code Annotated 1953}~~

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73 ~~{78A-5b-202, Utah Code Annotated 1953}~~
74 ~~{78A-5b-203, Utah Code Annotated 1953}~~
75 ~~{78A-5b-204, Utah Code Annotated 1953}~~
76 ~~{78A-5b-205, Utah Code Annotated 1953}~~
77 ~~{78A-10a-601, Utah Code Annotated 1953}~~
78 ~~{78A-10a-602, Utah Code Annotated 1953}~~
79 ~~{78A-10a-603, Utah Code Annotated 1953}~~
80 ~~{78A-10a-604, Utah Code Annotated 1953}~~
81 ~~{78A-10a-605, Utah Code Annotated 1953}~~

25

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

84 ~~{Section 1. Section 15-1-4 is amended to read: }~~

85 **15-1-4. Interest on judgments.**

86 (1) As used in this section[, "federal"] :

87 (a) "Court" means the district court, the justice court, the Business and Chancery Court, or the
Collections and Housing Court.

89 (b) "Federal postjudgment interest rate" means the interest rate established for the federal court system
under 28 U.S.C. Sec. 1961, as amended.

91 (2)

(a) Except as provided in Subsection (2)(b), a judgment rendered on a lawful contract shall conform to
the contract and shall bear the interest agreed upon by the parties, which shall be specified in the
judgment.

94 (b) A judgment rendered on a deferred deposit loan subject to Title 7, Chapter 23, Check Cashing and
Deferred Deposit Lending Registration Act, shall bear interest at the rate imposed under Subsection
(3)(a) on an amount not exceeding the sum of:

97 (i) the total of the principal balance of the deferred deposit loan;

98 (ii) interest at the rate imposed by the deferred deposit loan agreement for a period not exceeding 10
weeks as provided in Subsection 7-23-401(4);

100 (iii) costs;

101 (iv) attorney fees; and

102 (v) other amounts allowed by law and ordered by the court.

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- 103 (3)
- (a) Except as otherwise provided by law, or as governed by Subsection (4), all other final civil and criminal judgments of [~~the district court, the justice court, and the Business and Chancery Court~~] a court shall bear interest at the federal postjudgment interest rate as of January 1 of each year, plus 2%.
- 107 (b) The [~~postjudgment interest rate~~] interest rate described in Subsection (3)(a) that is in effect at the time of the judgment shall remain the interest rate for the duration of the judgment.
- 110 (c) The interest on criminal judgments shall be calculated on the total amount of the judgment.
- 112 (d) Interest paid on state revenue shall be deposited in accordance with Section 63A-3-505.
- 114 (e) Interest paid on revenue to a county or municipality shall be paid to the general fund of the county or municipality.
- 116 (4) A judgment under \$10,000 in an action regarding the purchase of goods and services shall bear interest from the date on which the [~~district court, the justice court, or the Business and Chancery Court~~] court enters the judgment at 10% plus the federal postjudgment interest rate in effect on January 1 of the year in which the judgment is entered.

121 ~~{Section 2. Section 20A-12-201 is amended to read: }~~

122 **20A-12-201. Judicial appointees -- Retention elections.**

- 123 (1)
- (a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.
- 126 (b) After the first retention election:
- 127 (i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and
- 129 (ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.
- 131 (2)
- (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:
- 133 (i) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and

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- 136 (ii) pay a filing fee of \$50.
- 137 (b)
- (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:
- 139 (A) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and
- 143 (B) pay a filing fee of \$25 for each judicial office.
- 144 (ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.
- 147 (iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.
- 150 (3)
- (a) The lieutenant governor shall, no later than August 31 of each regular general election year:
- 152 (i) transmit a certified list containing the names of the justices of the Supreme Court, judges of the Court of Appeals, ~~and~~ judges of the Business and Chancery Court, and judges of the Collections and Housing Court declaring their candidacy to the county clerk of each county; and
- 156 (ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.
- 159 (b) Each county clerk shall place the names of justices and judges standing for retention election:
- 161 (i) in the nonpartisan section of the ballot; and
- 162 (ii) in accordance with Section 20A-6-109.
- 163 (4)
- (a) At the general election, the ballots shall contain:
- 164 (i) at the beginning of the judicial retention section of the ballot, the following statement:
- 165 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's recommendations for each judge"; and
- 167

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(ii) for each justice or judge standing for a retention election in the county, the following question:
"Shall [insert name of justice or judge] be retained in the office of [insert name of office and the applicable court or jurisdiction]? Yes () or No ()."

171 [(ii) as to each justice or judge of any court to be voted on in the county, the following question:

173 "Shall _____ (name of justice or judge) be retained in the office
of _____? (name of office, such as "Justice of the Supreme Court of
Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery Court of
Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the Juvenile Court of
the Fourth Juvenile Court District"; "Justice Court Judge of (name of county) County or (name of
municipality)")

179 Yes ()

180 No ()."]

181 (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot
question for the judge shall include the name of that court.

183 (5)

(a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the
term of office provided by law.

185 (b) If the justice or judge does not receive more yes votes than no votes, the justice or judge is not
retained, and a vacancy exists in the office on the first Monday in January after the regular general
election.

188 (6) A justice or judge not retained is ineligible for appointment to the office for which the justice or
judge was defeated until after the expiration of that term of office.

190 (7)

(a) If a justice court judge is standing for retention for one or more judicial offices in a county in which
the judge is a county justice court judge or a municipal justice court judge in a town or municipality
of the fourth or fifth class, as described in Section 10-2-301, or any combination thereof, the
election officer shall place the judge's name on the county ballot only once for all judicial offices for
which the judge seeks to be retained.

196 (b) If a justice court judge is standing for retention for one or more judicial offices in a municipality of
the first, second, or third class, as described in Section 10-2-301, the election officer shall place the
judge's name only on the municipal ballot for the voters of the municipality that the judge serves.

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200 ~~{Section 3. Section 63G-23-102 is amended to read: }~~

201 **63G-23-102. Definitions.**

As used in this chapter:

- 203 (1) "Public official" means, except as provided in Subsection (3), the same as that term is defined in
Section 36-11-102.
- 205 (2) "Public official" includes a judge or justice of:
- 206 (a) the Utah Supreme Court;
- 207 (b) the Utah Court of Appeals;
- 208 (c) a district court;
- 209 (d) a juvenile court;~~[-or]~~
- 210 (e) the Business and Chancery Court~~[-]~~ ; or
- 211 (f) the Collections and Housing Court.
- 212 (3) "Public official" does not include a local official or an education official as defined in Section
36-11-102.

214 ~~{Section 4. Section 67-8-2 is amended to read: }~~

215 **67-8-2. Salaries of judges established annually in appropriations act -- Bases of salaries --
Additional compensation.**

- 217 (1) The salaries of judges of courts of record, as described in Section 78A-1-101, shall be set annually
by the Legislature in an appropriations act.
- 219 (2) Judicial salaries shall be based on the following percentages of the salary of a district court judge:
- 221 (a) juvenile court judges: 100%;
- 222 (b) Business and Chancery Court judges: 100%;
- 223 (c) Collections and Housing Court judges: 100%;
- 224 ~~[(e)]~~ (d) Court of Appeals judges: 105%; and
- 225 ~~[(d)]~~ (e) justices of the Supreme Court: 110%.
- 226 (3)
- (a) A salary described in Subsection (2) does not include additional compensation provided for a
presiding judge or associate presiding judge under:
- 228 (i) Section 78A-3-101;
- 229 (ii) Section 78A-4-102;
- 230 (iii) Section 78A-5-106;

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- 231 (iv) Section 78A-5a-202;
232 (v) Section 78A-5b-202; or
233 [~~(v)~~] (vi) Section 78A-6-203.
234 (b) Compensation described in Subsection (3)(a) does not constitute a salary for purposes of Utah
Constitution, Article VIII, Section 14.

236 ~~{Section 5. Section 78A-1-101 is amended to read: }~~

237 **78A-1-101. Courts of this state -- Courts of record.**

- 238 (1) The following are the courts of this state:
239 (a) the Supreme Court;
240 (b) the Court of Appeals;
241 (c) the Business and Chancery Court;
242 (d) the Collections and Housing Court;
243 [~~(d)~~] (e) the district courts;
244 [~~(e)~~] (f) the juvenile courts; and
245 [~~(f)~~] (g) the justice courts.
246 (2) All courts are courts of record, except the justice courts, which are courts not of record.

247 ~~{Section 6. Section 78A-1-102 is amended to read: }~~

248 **78A-1-102. Trial courts of record -- Geographical divisions.**

- 249 (1) The district and juvenile courts are divided into eight geographical divisions:
250 (a) First Judicial District, which includes Box Elder, Cache, and Rich Counties;
251 (b) Second Judicial District, which includes Weber, Davis, and Morgan Counties;
252 (c) Third Judicial District, which includes Salt Lake, Summit, and Tooele Counties;
253 (d) Fourth Judicial District, which includes Utah, Wasatch, Juab, and Millard Counties;
254 (e) Fifth Judicial District, which includes Beaver, Iron, and Washington Counties;
255 (f) Sixth Judicial District, which includes Garfield, Kane, Piute, Sanpete, Sevier, and Wayne Counties;
257 (g) Seventh Judicial District, which includes Carbon, Emery, Grand, and San Juan Counties; and
259 (h) Eighth Judicial District, which includes Daggett, Duchesne, and Uintah Counties.
260 (2) The Business and Chancery Court [is] and the Collections and Housing Court are not divided into
geographical divisions.

262 Section 7. Section 7 is enacted to read:
263

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78A-1-103.7. Number of Collections and Housing Court judges -- Disqualification or recusal of a Collections and Housing Court judge.

- 265 (1) The Collections and Housing Court shall consist of one judge.
- 266 (2) If there are fewer than three judges for the Collections and Housing Court under Subsection (1), the presiding officer of the Judicial Council shall designate a pool of two district court judges to preside over actions in the Collections and Housing Court.
- 269 (3) A district court judge designated under Subsection (2) may preside over an action when each Collections and Housing Court judge is unable to preside over an action due to recusal or disqualification.

272 {Section 8. ~~Section 78A-2-104 is amended to read:~~ }

78A-2-104. Judicial Council -- Creation -- Members -- Terms and election -- Responsibilities -- Reports -- Guardian Ad Litem Oversight Committee.

- 275 (1) The Judicial Council is composed of:
- 276 (a) the chief justice of the Supreme Court;
- 277 (b) one member elected by the justices of the Supreme Court;
- 278 (c) one member elected by the judges of the Court of Appeals;
- 279 (d) one member elected by the judges of the Business and Chancery Court;
- 280 (e) one member elected by the judges of the Collections and Housing Court;
- 281 [(e)] (f) six members elected by the judges of the district courts;
- 282 [(f)] (g) three members elected by the judges of the juvenile courts;
- 283 [(g)] (h) three members elected by the justice court judges; and
- 284 [(h)] (i) a member or ex officio member of the Board of Commissioners of the Utah State Bar who is an active member of the Utah State Bar in good standing at the time of election by the Board of Commissioners.
- 287 (2) The Judicial Council shall have a seal.
- 288 (3)
- (a) The chief justice of the Supreme Court shall act as presiding officer of the Judicial Council and chief administrative officer for the courts.
- 290 (b) The chief justice shall vote only in the case of a tie.
- 291 (4)
- (a) All members of the Judicial Council shall serve for three-year terms.

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- 292 (b) If a Judicial Council member should die, resign, retire, or otherwise fail to complete a term of office,
the appropriate constituent group shall elect a member to complete the term of office.
- 295 (c) In courts having more than one member, the members shall be elected to staggered terms.
- 297 (d) The individual elected by the Board of Commissioners under Subsection [~~(1)(h)~~] (1)(i) may
complete a three-year term of office on the Judicial Council even though the individual ceases to be
a member or ex officio member of the Board of Commissioners.
- 301 (e) The individual elected by the Board of Commissioners under Subsection [~~(1)(h)~~] (1)(i) shall be an
active member of the Utah State Bar in good standing for the entire term of the Judicial Council.
- 304 (f) Elections are held under rules made by the Judicial Council.
- 305 (5)
- (a) The Judicial Council is responsible for the development of uniform administrative policy for the
courts throughout the state.
- 307 (b) The presiding officer of the Judicial Council is responsible for the implementation of the policies
developed by the Judicial Council and for the general management of the courts, with the aid of the
state court administrator.
- 310 (c) The Judicial Council has authority and responsibility to:
- 311 (i) establish and assure compliance with policies for the operation of the courts, including uniform rules
and forms; and
- 313 (ii) publish and submit to the governor, the chief justice of the Supreme Court, and the Legislature an
annual report of the operations of the courts, which shall include financial and statistical data and
may include suggestions and recommendations for legislation.
- 317 (6) The Judicial Council shall establish standards for the operation of the courts of the state, including
facilities, court security, support services, and staff levels for judicial and support personnel.
- 320 (7) The Judicial Council shall by rule:
- 321 (a) establish the time and manner for destroying court records, including computer records; and
- 323 (b) establish retention periods for court records.
- 324 (8)
- (a) Consistent with the requirements of judicial office and security policies, the Judicial Council shall
establish procedures to govern the assignment of state vehicles to public officers of the judicial
branch.

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- (b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and may be assigned for unlimited use, within the state only.
- 329 (9)
- (a) The Judicial Council shall:
- 330 (i) advise judicial officers and employees concerning ethical issues; and
- 331 (ii) establish procedures for issuing informal and formal advisory opinions on ethical issues.
- 333 (b) Compliance with an informal opinion is evidence of good faith compliance with the Code of Judicial Conduct.
- 335 (c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.
- 336 (10)
- (a) The Judicial Council shall establish written procedures authorizing the presiding officer of the Judicial Council to appoint~~[judges of courts of record]~~ :
- 338 (i) a judge of a court of record by special or general assignment to serve temporarily in another level of court in a specific court or generally within that level[-] ; and
- 340 (ii) a judge of the Collections and Housing Court to serve in the district court to the extent that the assignment does not interfere with actions before the Collections and Housing Court.
- 343 (b) The appointment under Subsection (10)(a) shall be:
- 344 (i) for a specific period of time; and
- 345 (ii) reported to the Judicial Council.
- 346 (c) The Judicial Council shall develop the procedures described in this Subsection (10) in accordance with Subsection 78A-2-107(2) regarding the temporary appointment of judges.
- 349 (11)
- (a) The Judicial Council may by rule designate municipalities in addition to those designated by statute as a location of a trial court of record.
- 351 (b) There shall be at least one court clerk's office open during regular court hours in each county.
- 353 (c) Any trial court of record may hold court in any municipality designated as a location of a court of record.
- 355 (12) The Judicial Council shall by rule determine whether the administration of a court is the obligation of the Administrative Office of the Courts or whether the Administrative Office of the Courts should contract with local government for court support services.
- 358

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(13) The Judicial Council may by rule direct that a district court location be administered from another court location within the county.

360 (14)

(a) The Judicial Council shall:

361 (i) establish the Office of Guardian Ad Litem in accordance with Title 78A, Chapter 2, Part 8,
Guardian Ad Litem; and

363 (ii) establish and supervise a Guardian Ad Litem Oversight Committee.

364 (b) The Guardian Ad Litem Oversight Committee described in Subsection (14)(a)(ii) shall oversee the
Office of Guardian Ad Litem, established under Subsection (14)(a)(i), and assure that the Office of
Guardian Ad Litem complies with state and federal law, regulation, policy, and court rules.

368 (15) The Judicial Council shall establish and maintain, in cooperation with the Office of Recovery
Services within the Department of Health and Human Services, the part of the state case registry
that contains records of each support order established or modified in the state on or after October 1,
1998, as is necessary to comply with the Social Security Act, 42 U.S.C. Sec. 654a.

373 ~~{Section 9. Section 78A-2-107 is amended to read: }~~

374 **78A-2-107. Court administrator -- Powers, duties, and responsibilities.**

Under the general supervision of the presiding officer of the Judicial Council, and within
the policies established by the[the] Judicial Council:

377 (1) the state court administrator shall:

378 (a) organize and administer all of the nonjudicial activities of the courts;

379 (b) assign, supervise, and direct the work of the nonjudicial officers of the courts;

380 (c) implement the standards, policies, and rules established by the Judicial Council;

381 (d) formulate and administer a system of personnel administration, including in-service training
programs;

383 (e) prepare and administer the state judicial budget, fiscal, accounting, and procurement activities for
the operation of the courts of record;

385 (f) assist justice courts in budgetary, fiscal, and accounting procedures;

386 (g) conduct studies of the business of the courts, including the preparation of recommendations and
reports relating to the studies;

388 (h) develop uniform procedures for the management of court business, including the management of
court calendars;

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- 390 (i) maintain liaison with the governmental and other public and private groups having an interest in the
administration of the courts;
- 392 (j) establish uniform policy concerning vacations and sick leave for judges and nonjudicial officers of
the courts;
- 394 (k) establish uniform hours for court sessions throughout the state;
- 395 (l) when necessary for administrative reasons, change the county for trial of any case if no party to the
litigation files timely objections to this change;
- 397 (m)
- (i) organize and administer a program of continuing education for judges and support staff, including
training for justice court judges; and
- 399 (ii) ensure that any training or continuing education described in Subsection (1)(m)(i) complies with
Title 63G, Chapter 22, State Training and Certification Requirements;
- 402 (n) provide for an annual meeting for each level of the courts of record and the annual judicial
conference; and
- 404 (o) perform other duties as assigned by the presiding officer of the Judicial Council; and
- 405 (2) with the consent of the presiding officer of the Judicial Council, the state court administrator may:
- 407 (a) call and appoint a justice or judge of a court of record to serve temporarily as a judge of the Court of
Appeals, the Business and Chancery Court, the Collections and Housing Court, a district court, or a
juvenile court; and
- 410 (b) set reasonable compensation for the service of a justice or judge under Subsection (2)(a).

412 {Section 10. ~~Section 78A-2-108 is amended to read:~~}

413 **78A-2-108. Assistants for state court administrator -- Appointment of trial court executives.**

- 415 (1) The state court administrator, with the approval of the presiding officer of the Judicial Council, is
responsible for the establishment of positions and salaries of assistants as necessary to enable the
state court administrator to perform the powers and duties vested in the state court administrator by
this chapter, including the positions of appellate court administrator, business and chancery court
administrator, collections and housing court administrator, district court administrator, juvenile
court administrator, and justice court administrator.
- 422 (2) The state court administrator shall appoint an appellate court administrator, a business and chancery
court administrator, a collections and housing court administrator, a district court administrator, a

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juvenile court administrator, and a justice court administrator with the concurrence of the respective boards as established by the Judicial Council.

427 (3)

(a) The district court administrator, with the concurrence of the presiding judge of a district or the district court judge in single judge districts, may appoint a trial court executive in each district.

430 (b) The trial court executive may appoint, subject to budget limitations, necessary support personnel including clerks, research clerks, secretaries, and other persons required to carry out the work of the court.

433 (c) The trial court executive shall supervise the work of all nonjudicial court staff and serve as administrative officer of the district.

435 (4) Administrators and assistants appointed under this section are known collectively as the Administrative Office of the Courts.

437 ~~{Section 11. Section 78A-2-110 is amended to read: }~~

438 **78A-2-110. Databases for judicial boards.**

439 (1) As used in this section, "judicial board" means any judicial branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months by:

443 (a) the constitution;

444 (b) statute;

445 (c) judicial order;

446 (d) any justice or judge;

447 (e) the Judicial Council;

448 (f) the state court administrator, a district court administrator, a trial court executive, ~~[or]~~ a business and chancery court administrator, a collections and housing court administrator; or

451 (g) any clerk or administrator in the judicial branch of state government.

452 (2) The Judicial Council shall designate an individual from the Judicial Council's staff to maintain a computerized database containing information about all judicial boards.

454 (3) The individual designated to maintain the database shall:

455 (a) ensure that the database contains:

456 (i) the name of the judicial board;

457 (ii) the statutory or constitutional authority for the creation of the judicial board;

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- 458 (iii) the court or other judicial entity under whose jurisdiction the judicial board operates or with which
the judicial board is affiliated, if any;
- 460 (iv) the name, address, gender, telephone number, and county of each individual currently serving on
the judicial board, along with a notation of all vacant or unfilled positions;
- 463 (v) the title of the position held by the individual who appointed each member of the judicial board;
- 465 (vi) the length of the term to which each member of the judicial board was appointed and the month and
year that each judicial board member's term expires;
- 467 (vii) the organization, interest group, profession, local government entity, or geographic area that the
member of the judicial board represents, if any;
- 469 (viii) whether or not the judicial board allocates state or federal funds and the amount of those funds
allocated during the last fiscal year;
- 471 (ix) whether the judicial board is a policy board or an advisory board;
- 472 (x) whether or not the judicial board has or exercises rulemaking authority; and
- 473 (xi) any compensation and expense reimbursement that members of the executive board are authorized
to receive;
- 475 (b) make the information contained in the database available to the public upon request;
- 476 (c) cooperate with other entities of state government to publish the data or useful summaries of the data;
- 478 (d) prepare, publish, and distribute an annual report by April 1 of each year that includes, as of March 1
of that year:
- 480 (i) the total number of judicial boards;
- 481 (ii) the name of each of those judicial boards and the court, council, administrator, executive, or clerk
under whose jurisdiction the executive board operates or with which the judicial board is affiliated,
if any;
- 484 (iii) for each court, council, administrator, executive, or clerk, the total number of judicial boards under
the jurisdiction of or affiliated with that court, council, administrator, executive, or clerk;
- 487 (iv) the total number of members for each of those judicial boards;
- 488 (v) whether each board is a policymaking board or an advisory board and the total number of policy
boards and the total number of advisory boards; and
- 490 (vi) the compensation, if any, paid to the members of each of those judicial boards; and
- 492 (e) distribute copies of the report described in Subsection (3)(d) to:
- 493 (i) the chief justice of the Utah Supreme Court;

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- 494 (ii) the state court administrator;
- 495 (iii) the governor;
- 496 (iv) the president of the Utah Senate;
- 497 (v) the speaker of the Utah House;
- 498 (vi) the Office of Legislative Research and General Counsel; and
- 499 (vii) any other persons who request a copy of the annual report.

500 ~~{Section 12. Section 78A-2-113 is amended to read: }~~

501 **78A-2-113. Judicial hiring freeze authorized.**

- 502 (1) As used in this section, "General Fund budget deficit" means a situation where General Fund appropriations made by the Legislature for a fiscal year exceed the estimated revenues adopted by the Executive Appropriations Committee of the Legislature for the General Fund in that fiscal year.
- 506 (2) During a General Fund budget deficit, the governor, president of the Senate, speaker of the House, and chief justice of the Supreme Court, may, by unanimous vote, implement a judicial hiring freeze for judicial vacancies for:
 - 509 (a) a juvenile court district with three or more juvenile court judges;
 - 510 (b) a district court district with three or more district court judges;
 - 511 (c) all Business and Chancery Court judges;
 - 512 (d) all Collections and Housing Court judges;
 - 513 ~~[(d)]~~ (e) all appellate court judges; or
 - 514 ~~[(e)]~~ (f) any combination of Subsections (2)(a) through ~~[(d)]~~ (e).
- 515 (3) In implementing a judicial hiring freeze, the governor, president of the Senate, speaker of the House, and chief justice of the Supreme Court shall:
 - 517 (a) establish the length of that hiring freeze; and
 - 518 (b) ensure that the hiring freeze lasts at least 90 days, but not longer than the last day of the annual general session of the Legislature.

520 ~~{Section 13. Section 78A-5-102 is amended to read: }~~

521 **78A-5-102. Jurisdiction of the district court -- Appeals.**

- 522 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court has original jurisdiction in all matters civil and criminal.
- 524 (2) A district court judge may:
- 525

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- 529 (a) issue all extraordinary writs and other writs necessary to carry into effect the district court judge's orders, judgments, and decrees; and
- 527 (b) preside over an action for which the Business and Chancery Court or Collections and Housing Court has jurisdiction if:
- 529 (i) the district court judge is designated by the presiding officer of the Judicial Council to preside over an action in the Business and Chancery Court as described in Section 78A-1-103.5 or the Collections and Housing Court as described in Section 78A-1-103.7; and
- 533 (ii) a Business and Chancery Court judge or a Collections and Housing Court judge is unable to preside over the action due to recusal or disqualification.
- 535 (3) The district court has jurisdiction:
- 536 (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;
- 537 (b) over all matters properly filed in the circuit court prior to July 1, 1996;
- 538 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
- 539 (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;
- 540 (e) over a petition seeking to terminate parental rights as described in Section 81-13-205;
- 541 (f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption proceeding; and
- 543 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4, Declaratory Judgments.
- 545 (4) The district court has appellate jurisdiction over judgments and orders of the justice court as outlined in Section 78A-7-118 and small claims appeals filed in accordance with Section 78A-8-106.
- 548 (5) The district court has jurisdiction to review:
- 549 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 550 (b) a decision resulting from a formal adjudicative proceeding by the State Tax Commission as described in Section 59-1-601;
- 552 (c) except as provided in Section 63G-4-402, a final agency action resulting from an informal adjudicative proceeding as described in Title 63G, Chapter 4, Administrative Procedures Act; and
- 555 (d) by trial de novo, a final order of the Department of Transportation resulting from formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2, Junkyard Control Act.
- 558 (6) The district court has original and exclusive jurisdiction over an action brought under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

560

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- (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- 562 (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 565 (a) there is no justice court with territorial jurisdiction;
- 566 (b) the offense occurred within the boundaries of the municipality in which the district courthouse is located and that municipality has not formed, or has formed and dissolved, a justice court; or
- 569 (c) the offense is included in an indictment or information covering a single criminal episode alleging the commission of a felony or a class A misdemeanor by an individual who is 18 years old or older.
- 572 (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if the offense is committed by an individual who is 16 or 17 years old.
- 575 (10) The district court has subject matter jurisdiction over an action under Title 78B, Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district court.
- 578 (11)
- (a) The district court has subject matter jurisdiction over a criminal action that the justice court transfers to the district court.
- 580 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction over any refiled case of a criminal action transferred to the district court if the district court dismissed the transferred case without prejudice.
- 583 (12) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i) over a parentage action filed in the district court, the district court may transfer jurisdiction over the parentage action to the juvenile court.
- 586 (13) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final order, judgment, and decree of the district court as described in Sections 78A-3-102 and 78A-4-103.

27 Section 1. Section 78A-5-103 is amended to read:

28 **78A-5-103. District court case management -- Establishment of a division of the district court.**

30 (1) As used in this section, "debt collection or housing action" means a civil action in the district court:

32

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(a) for forcible entry and detainer as described in Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer; or

34 (b) that is eligible to be filed as a debt collection case on or after January 1, 2027.

35 [~~(1)~~] (2) The district court of each district shall develop systems of case management.

36 [~~(2)~~] (3) The case management systems developed by a district court shall:

37 (a) ensure judicial accountability for the just and timely disposition of cases; and

38 (b) provide for each judge a full judicial work load that accommodates differences in the subject matter or complexity of cases assigned to different judges.

40 [~~(3)~~] (4)

(a) [~~A district court~~] The Judicial Council may establish divisions within the district court for the efficient management of different types of cases[-], including a division to manage any debt collection or housing action.

43 (b) Upon establishing a division under Subsection (4)(a), the Judicial Council shall allocate sufficient resources from appropriations made by the Legislature for the division, including the appointment or hiring of commissioners or judicial assistants to staff the division.

47 (c) The existence of divisions within the court may not:

48 [~~(a)~~] (i) affect the jurisdiction of the court nor the validity of court orders; or

49 [~~(b)~~] (ii) impede public access to the courts.

50 (5)

(a) Notwithstanding the venue requirements in Title 78B, Chapter 3a, Venue for Civil Actions, for a debt collection or housing action, the district court shall transfer any debt collection or housing action to the division established under Subsection (4) for centralized pretrial and post judgment case processing.

54 (b) The division may transfer a debt collection or housing action to a venue for which a district court determines is proper under Utah Rules of Civil Procedure, Rule 42, if:

56 (i) the debt collection or housing action is set for trial; or

57 (ii) the debt collection or housing action requires an evidentiary hearing that is not an evidentiary hearing under Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer.

589 Section 14. Section 14 is enacted to read:

590 **CHAPTER 5b. Collections and Housing Court**

591

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Part 1. General Provisions

592 **78A-5b-101. Definitions for chapter.**

As used in this chapter, "Judicial Council" means the same as that term is defined in Section 78A-2-103.

595 Section 15. Section **15** is enacted to read:

596 **78A-5b-102. Establishment of the Collections and Housing Court -- Organization and status.**

598 (1) There is established the Collections and Housing Court for the state.

599 (2) The Collections and Housing Court is a court of record.

600 (3) The Collections and Housing Court is a trial court with limited and statewide jurisdiction over actions and claims as described in Section 78A-5b-103.

602 (4) The Collections and Housing Court is of equal status with the district and juvenile courts and the Business and Chancery Court of the state.

604 (5) The Collections and Housing Court is established as a forum for the resolution of all matters properly brought before the Collections and Housing Court and consistent with applicable constitutional and statutory requirements of due process.

607 (6) The Collections and Housing Court shall have a seal.

608 (7) The judges and clerks of the Collections and Housing Court have the power to administer oaths and affirmations.

610 Section 16. Section **16** is enacted to read:

611 **78A-5b-103. Concurrent jurisdiction of the Collections and Housing Court -- Exceptions.**

613 (1) The Collections and Housing Court has jurisdiction, concurrent with the district court, over a civil action:

615 (a) for forcible entry and detainer as described in Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer; and

617 (b) for the recovery of money that does not qualify as a small claims action described in Section 78A-8-102.

619 (2) A judge of the Collections and Housing Court may preside over an action for which the district court has jurisdiction in accordance with Subsection 78A-2-104(10).

621 Section 17. Section **17** is enacted to read:

622 **78A-5b-104. Trier of fact and law -- Jury trial.**

623

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(1) Except for matters that are to be determined at trial, the Collections and Housing Court is the trier of fact and law on all issues in an action before the Collections and Housing Court, including a motion for summary judgment or a motion in limine.

626 (2)

(a) Notwithstanding Section 78A-5b-103, the Collections and Housing Court shall transfer an action to the district court if the action is set for trial.

628 (b) Before the Collections and Housing Court transfers an action to the district court under Subsection (2)(a), the Collections and Housing Court may administrate and adjudicate the action being transferred before a trial, including any pleading, provisional remedy as defined in Section 78A-5a-101, discovery, or motion.

632 Section 18. Section **18** is enacted to read:

633 **78A-5b-105. Venue for Collections and Housing Court.**

634 (1) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action brought in the Collections and Housing Court.

636 (2) Any requirement in the Utah Code to file or bring an action in a specific district or county does not apply to an action brought in the Collections and Housing Court.

638 Section 19. Section **19** is enacted to read:

639 **Part 2. Administration**

640 **78A-5b-201. Judges of the Collections and Housing Court -- Terms.**

641 (1) A judge of the Collections and Housing Court is appointed to initially serve until the first general election held more than three years after the day on which the appointment is effective.

644 (2) After the initial term described in Subsection (1), the term of office of a judge of the Collections and Housing Court is six years and commences on the first Monday in January following the date of election.

647 (3) A judge of the Collections and Housing Court whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.

649 Section 20. Section **20** is enacted to read:

650 **78A-5b-202.**

651 (1) The judges of the Collections and Housing Court shall elect a presiding judge from among the members of the court by majority vote of all judges.

653

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- 657 (2) The presiding judge shall receive \$2,000 per annum as additional compensation for the period served as presiding judge.
- 655 (3) The presiding judge has the following authority and responsibilities, consistent with the policies of the Judicial Council:
- 657 (a) implementing policies of the Judicial Council; and
- 658 (b) exercising powers and performing administrative duties as authorized by the Judicial Council.
- 660 (4)
- (a) If the Collections and Housing Court has more than two judges, the judges of the Collections and Housing Court may elect an associate presiding judge from among the members of the court by majority vote of all judges.
- 663 (b) The associate presiding judge shall receive \$1,000 per annum as additional compensation for the period served as associate presiding judge.
- 665 (5)
- (a) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge.
- 667 (b) The associate presiding judge shall perform other duties assigned by the presiding judge.
- 669 Section 21. Section **21** is enacted to read:
- 670 **78A-5b-203. Administrative system -- Case management -- Clerk of the court -- Employees.**
- 672 (1)
- (a) There is established the State Collections and Housing Court Administrative System.
- 674 (b) The Judicial Council shall administer the operation of the State Collections and Housing Court Administrative System.
- 676 (2) The Collections and Housing Court shall develop a case management system that:
- 677 (a) ensures judicial accountability for the just and timely disposition of cases; and
- 678 (b) provides each judge of the Collections and Housing Court a full judicial workload that accommodates differences in the subject matter or complexity of cases assigned to different judges of the Collections and Housing Court.
- 681 (3) The clerk of the Collections and Housing Court shall:
- 682 (a) take charge of and safely keep the court seal;
- 683 (b) take charge of and safely keep or dispose of all books, papers, and records filed or deposited with the clerk and all other records required by law or the rules of the Judicial Council;

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- 686 (c) issue all notices, processes, and summonses as authorized by law;
687 (d) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;
688 (e) supervise the deputy clerks as required to perform the duties of the clerk's office; and
689 (f) perform other duties as required by the presiding judge, the collections and housing court
administrator, applicable law, and the rules of the Judicial Council.

- 691 (4) All employees, except judges of the Collections and Housing Court, are selected, promoted, and
discharged through the state courts personnel system for the Collections and Housing Court under
the direction and rules of the Judicial Council.

694 Section 22. Section **22** is enacted to read:

695 **78A-5b-204. Location of the Collections and Housing Court.**

- 696 (1) The Collections and Housing Court may perform any of the Collections and Housing Court's
functions in any location within the state.
698 (2) The Judicial Council shall provide, from appropriations made by the Legislature, court space
suitable for the conduct of court business for the Collections and Housing Court.
700 (3) In order to carry out the Judicial Council's obligation to provide facilities for the Collections and
Housing Court, the Judicial Council may lease space to be used by the Collections and Housing
Court.
703 (4) A lease or reimbursement for the Collections and Housing Court must comply with the standards of
the Division of Facilities Construction and Management that are applicable to state agencies.
706 (5) The cost of salaries, travel, and training required for the discharge of the duties of judges, secretaries
of judges or court executives, court executives, and court reporters for the Collections and Housing
Court are paid from appropriations made by the Legislature.

710 Section 23. Section **23** is enacted to read:

711 **78A-5b-205. Court sessions.**

The Collections and Housing Court shall:

- 713 (1) hold court regularly; and
714 (2) make every effort to hold remote hearings for an action before the Collections and Housing Court.

60 Section 2. Section **78A-10a-203** is amended to read:

61 **78A-10a-203. (Effective upon governor's approval)Procedures for judicial nomination**
commission -- Meetings -- Certification -- Governor appointment.

- 719 (1)

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(a) A commission may:

(i) meet as necessary to perform the commission's function; and

(ii) investigate the applicants of a judicial vacancy, including seeking input from members and employees of the judiciary and the community.

(b) A commission may consult with the Judicial Council regarding the applicants for a judicial vacancy.

(c) A commission is exempt from the requirements of Title 52, Chapter 4, Open and Public Meetings Act.

(2) In determining which of the applicants are the most qualified, a commission shall determine by a majority vote of the commissioners present which of the applicants best possess the ability, temperament, training, and experience that qualifies an applicant for the office.

(3)

(a) Except as provided under ~~Subsection (3)(b)~~ Subsections (3)(b) and (c):

(i) the ~~appellate court nominating commission~~ Appellate Court Nominating Commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy;

(ii) a district and juvenile court nominating commission shall certify to the governor a list of the five most qualified applicants per judicial vacancy; ~~{f and}~~

(iii) the ~~business and chancery court nominating commission~~ Business and Chancery Court Nominating Commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy ~~{f. {}} ;and~~

~~{(iv) the collections and housing court nominating commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy.}~~

(b) If a commission is considering applicants for more than one judicial vacancy existing at the same time and for the same court, the commission shall include one additional applicant for each additional judicial vacancy in the court in the list of applicants the commission certifies to the governor.

(c) Notwithstanding Subsection (3)(b), if the Appellate Court Nominating Commission is considering applicants for more than one judicial vacancy existing at the same time and for the same appellate court, the Appellate Court Nominating Commission shall include five additional applicants for each additional judicial vacancy in the appellate court in the list that the Appellate Court Nominating Commission certifies to the governor.

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- 746 (4) A commission shall certify a list to the governor under Subsection (3) no more than 45 days after
convening in accordance with Section 78A-10a-202.
- 749 (5) A commission shall, at the time that the commission certifies a list of the most qualified applicants
750 to the governor, submit the same list to the president of the Senate, the Senate minority leader, and
751 the Office of Legislative Research and General Counsel.
- 752 (6) A commission shall ensure that the list of applicants certified to the governor:
- 754 (a) meet the qualifications required by law to fill the office; and
755 (b) are willing to serve.
- 756 (7) In determining which of the applicants are the most qualified, a commission may not decline to
757 certify an applicant's name to the governor because:
- 758 (a) the commission declined to submit that applicant's name to the governor to fill a previous judicial
759 vacancy;
760 (b) a previous commission declined to submit that applicant's name to the governor; or
761 (c) the commission or a previous commission submitted the applicant's name to the governor and the
762 governor selected another individual to fill the judicial vacancy.
- 763 (8) A commission may not certify:
- 764 (a) an applicant who is a justice or judge that was not retained by the voters for the office for which the
765 justice or judge was defeated until after the expiration of that justice's or judge's term of office; and
766 (b) an applicant who has served on a commission within six months after the day on which the
767 commission was last convened.
- 768 (9) The governor shall fill a judicial vacancy within 30 days after the day on which the governor
769 received the list of nominees from the commission.
- 770 (10) If the governor fails to fill a judicial vacancy within 30 days after the day on which the governor
771 received the list of nominees from the commission, the chief justice of the Supreme Court shall,
772 within 20 days, appoint an applicant from the list of nominees certified to the governor by the
773 commission.

774 Section 25. Section **25** is enacted to read:

Part 6. Collections and Housing Court Nominating Commission

78A-10a-601. Definitions for part.

As used in this part:

SB0270 compared with SB0270S02

(1) "Commission" means the Collections and Housing Court Nominating Commission created in Section 78A-10a-602.

777 (2) "Commissioner" means an individual appointed by the governor to serve on the Collections and Housing Court Nominating Commission.

779 Section 26. Section **26** is enacted to read:

780 **78A-10a-602. Creation.**

781 (1) There is created the Collections and Housing Court Nominating Commission.

782 (2) The Collections and Housing Court Nominating Commission shall nominate individuals to fill judicial vacancies on the Collections and Housing Court.

784 Section 27. Section **27** is enacted to read:

785 **78A-10a-603. Membership -- Appointment -- Vacancies -- Removal.**

786 (1) The Collections and Housing Court Nominating Commission shall consist of seven commissioners, each appointed by the governor to serve a four-year term.

788 (2) A commissioner shall:

789 (a) be a United States citizen;

790 (b) be a resident of Utah; and

791 (c) serve until the commissioner's successor is appointed.

792 (3) The governor may not appoint:

793 (a) a commissioner to serve successive terms; or

794 (b) a member of the Legislature to serve as a member of the commission.

795 (4) In determining whether to appoint an individual to serve as a commissioner, the governor shall consider whether the individual's appointment would ensure that the commission selects applicants without any regard to partisan political consideration.

798 (5) The governor shall appoint the chair of the commission from among the membership of the commission.

800 (6) The governor shall fill any vacancy in the commission caused by the expiration of a commissioner's term.

802 (7)

(a) If a commissioner is disqualified, removed, or is otherwise unable to serve, the governor shall appoint a replacement commissioner to fill the vacancy for the unexpired term.

805

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(b) A replacement commissioner appointed under Subsection (7)(a) may not be reappointed upon expiration of the term of service.

807 (8) The governor may remove a commissioner from the commission at any time with or without cause.

809 Section 28. Section **28** is enacted to read:

810 **78A-10a-604. Procedure -- Staff -- Rules -- Recusal.**

811 (1) Four commissioners are a quorum.

812 (2) The governor shall appoint a member of the governor's staff to serve as staff to the commission.

814 (3) The governor shall:

815 (a) ensure that the commission follows the rules enacted by the State Commission on Criminal and Juvenile Justice under Section 78A-10a-201; and

817 (b) resolve any questions regarding the rules described in Subsection (3)(a).

818 (4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of interest that makes the commissioner unable to serve.

820 Section 29. Section **29** is enacted to read:

821 **78A-10a-605. Expenses -- Per diem and travel.**

A commissioner may not receive compensation or benefits for the commissioner's service but may receive per diem and travel expenses in accordance with:

824 (1) Section 63A-3-106;

825 (2) Section 63A-3-107; and

826 (3) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

828 ~~{Section 30. Section **78A-11-102** is amended to read: }~~

829 **78A-11-102. Definitions.**

As used in this chapter:

831 (1) "Commission" means the Judicial Conduct Commission established by Utah Constitution Article VIII, Section 13, and this chapter.

833 (2)

(a) "Complaint" includes:

834 (i) a written complaint against a judge; or

835 (ii) an allegation based on reliable information received in any form, from any source, that alleges, or from which a reasonable inference can be drawn that a judge is in violation of any provision of Utah Constitution Article VIII, Section 13.

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- 838 (b) "Complaint" does not include an allegation initiated by the commission or its staff.
- 839 (3) "Investigation" means an inquiry into an allegation of misconduct, including a search for and
examination of evidence concerning the allegations, which begins upon the receipt of a complaint
and is completed when either the complaint is dismissed by a majority vote of the commission or
when an order is sent to the Supreme Court for its review in accordance with Utah Constitution
Article VIII, Section 13.
- 844 (4) "Judge" includes:
- 845 (a) the chief justice of the Supreme Court[;] ;
- 846 (b) a justice of the Supreme Court[;] ;
- 847 (c) a judge of the Court of Appeals[;] ;
- 848 (d) a judge of the Business and Chancery Court[;] ;
- 849 (e) a judge of the Collections and Housing Court;
- 850 (f) a district court judge[;] ;
- 851 (g) an active senior judge[;] ;
- 852 (h) a juvenile court judge[;] ;
- 853 (i) a justice court judge[;] ;
- 854 (j) an active senior justice court judge[;] ; and
- 855 (k) a judge pro tempore of any court of this state.

856 ~~{Section 31. Section 78B-3a-102 is amended to read: }~~

857 **78B-3a-102. Applicability of this chapter.**

- 858 (1) Except as otherwise provided by another provision of the Utah Code, a plaintiff shall bring an action
in accordance with the requirements of this chapter.
- 860 (2) The requirements of this chapter do not apply to an action brought in:
- 861 (a) the Business and Chancery Court[-] ; or
- 862 (b) the Collections and Housing Court.

863 ~~{Section 32. Section 78B-5-202 is amended to read: }~~

864 **78B-5-202. Duration of judgment -- Judgment as a lien upon real property -- Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child support orders.**

- 867 (1)
- (a) Judgments shall continue for eight years from the date of entry in a court unless previously satisfied,
renewed, or unless enforcement of the judgment is stayed in accordance with law.

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- 870 (b) Entry of an order renewing a judgment:
- 871 (i) maintains the date of the original judgment;
- 872 (ii) maintains the priority of collection of the judgment; and
- 873 (iii) except as explicitly provided otherwise by law or contract, begins anew the time limitation for an
action upon the judgment.
- 875 (2) Before July 1, 1997, except as limited by Subsections (4) and (5), the entry of judgment by a district
court creates a lien upon the real property of the judgment debtor, not exempt from execution,
owned or acquired during the existence of the judgment, located in the county in which the
judgment is entered.
- 879 (3) An abstract of judgment issued by the court in which the judgment is entered may be filed in any
court of this state and shall have the same force and effect as a judgment entered in that court.
- 882 (4) Before July 1, 1997, and after May 15, 1998, a judgment entered in a small claims action may not
qualify as a lien upon real property unless abstracted to the district court and recorded in accordance
with Subsection (3).
- 885 (5)
- (a) If any judgment is appealed, upon deposit with the court where the notice of appeal is filed of cash
or other security in a form and amount considered sufficient by the court that rendered the judgment
to secure the full amount of the judgment, together with ongoing interest and any other anticipated
damages or costs, including attorney fees and costs on appeal, the lien created by the judgment shall
be terminated as provided in Subsection (5)(b).
- 891 (b) Upon the deposit of sufficient security as provided in Subsection (5)(a), the court shall enter an
order terminating the lien created by the judgment and granting the judgment creditor a perfected
lien in the deposited security as of the date of the original judgment.
- 895 (6)
- (a) A child support order, including an order or judgment for guardian ad litem attorney fees and costs,
or a sum certain judgment for past due support may be enforced:
- 898 (i) within four years after the date the youngest child reaches majority; or
- 899 (ii) eight years from the date of entry of the sum certain judgment entered by a tribunal.
- 901 (b) The longer period of duration shall apply in every order.
- 902 (c) A sum certain judgment may be renewed to extend the duration.
- 903 (7)

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- 906 (a) After July 1, 2002, a judgment entered by a district court, a justice court, ~~or~~ the Business and
Chancery Court, or the Collections and Housing Court, becomes a lien upon real property if:
- 909 (i) the judgment or an abstract of the judgment containing the information identifying the judgment
debtor as described in Subsection 78B-5-201(4)(b) is recorded in the office of the county
recorder; or
- 912 (ii) the judgment or an abstract of the judgment and a separate information statement of the
judgment creditor as described in Subsection 78B-5-201(5) is recorded in the office of the
county recorder.
- 915 (b) The judgment shall run from the date of entry by the court.
- 916 (c) The real property subject to the lien includes all the real property of the judgment debtor:
- 918 (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and
- 921 (ii) owned or acquired at any time by the judgment debtor during the time the judgment is effective.
- 922 (d) If the judgment that gives rise to a lien described in Subsection (7)(a) is a judgment in favor of a
state agency, the real property subject to the lien includes all real property of the judgment debtor in
the state.
- 925 (e) State agencies are exempt from the recording requirement of Subsection (7)(a).
- 927 (8)
- (a) A judgment referred to in Subsection (7) shall be entered under the name of the judgment debtor in
the judgment index in the office of the county recorder as required in Section 17-71-302.
- (b) A judgment containing a legal description shall also be abstracted in the appropriate tract index in
the office of the county recorder.
- (9)
- (a) To release, assign, renew, or extend a lien created by a judgment recorded in the office of a county
recorder, a person shall, in the office of the county recorder of each county in which an instrument
creating the lien is recorded, record a document releasing, assigning, renewing, or extending the
lien.
- (b) The document described in Subsection (9)(a) shall include:
- (i) the date of the release, assignment, renewal, or extension;
- (ii) the name of any judgment creditor, debtor, assignor, or assignee; and
- (iii) for the county in which the document is recorded in accordance with Subsection (9)(a):
- 936

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- (A) the date on which the instrument creating the lien was recorded in that county's office of the county recorder; and
- 938 (B) in accordance with Section 57-3-106, that county recorder's entry number and book and page of the recorded instrument creating the judgment lien.

940 ~~{Section 33. Section 78B-5-206 is amended to read: }~~

941 **78B-5-206. Mileage allowance for judgment debtor required to appear.**

- 942 (1) A judgment debtor legally required to appear before a district court~~[or]~~, the Business and Chancery Court, or the Collections and Housing Court to answer concerning the debtor's property is entitled, on a sufficient showing of need, to mileage of 15 cents per mile for each mile actually and necessarily traveled in going only, to be paid by the judgment creditor at whose instance the judgment debtor was required to appear.
- 947 (2) The judgment creditor is not required to make any payment for such mileage until the judgment debtor has actually appeared before the court.

949 ~~{Section 34. Section 78B-6-1303 is amended to read: }~~

950 **78B-6-1303. Lis pendens -- Notice.**

- 951 (1)
- (a) Any party to an action filed in the United States District Court for the District of Utah, the United States Bankruptcy Court for the District of Utah, a district court of this state, ~~[or]~~the Business and Chancery Court of this state, or the Collections and Housing Court of this state that affects the title to, or the right of possession of, real property may file a notice of pendency of action.
- 956 (b) A party that chooses to file a notice of pendency of action shall:
- 957 (i) first, file the notice with the court that has jurisdiction of the action; and
- 958 (ii) second, record a copy of the notice filed with the court with the county recorder in the county where the property or any portion of the property is located.
- 960 (c) A person may not file a notice of pendency of action unless a case has been filed and is pending in the United States District Court for the District of Utah, the United States Bankruptcy Court for the District of Utah, a district court of this state, ~~[or]~~the Business and Chancery Court of this state, or the Collections and Housing Court of this state.
- 965 (2) The notice shall contain:
- 966 (a) the caption of the case, with the names of the parties and the case number;
- 967 (b) the object of the action or defense; and

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- 968 (c) the specific legal description of only the property affected.
- 969 (3) From the time of filing the notice, a purchaser, an encumbrancer of the property, or any other party in interest that may be affected by the action is considered to have constructive notice of pendency of action.

121 Section 3. **Effective date.**

Effective Date.

~~{This}~~ Except as provided in Subsection (2), this bill takes effect {on January 1, 2027.} :

- 123 (a) except as provided in Subsection (1)(b), May 6, 2026; or
- 124 (b) if approved by two-thirds of all members elected to each house:
- 125 (i) upon approval by the governor;
- 126 (ii) without the governor's signature, the day following the constitutional time limit of Utah
Constitution, Article VII, Section 8; or
- 128 (iii) in the case of a veto, the date of veto override.
- 129 (2) The actions affecting Section 78A-5-103 (Effective 01/01/27) take effect on January 1, 2027.

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