
EXAMPLES OF INTENT STATEMENTS PUBLISHED IN A JOURNAL

The following are examples of intent statements published in a general session journal from recent legislative sessions. This is not a complete list of all intent statements included in a legislative journal. Also, these intent statements are not subject to the same drafting requirements of a legislative statement discussed in this *Legislative Drafting Manual 2009* at Ch. 9, III., Legislative Statement of Intent, Purpose, or Finding.

Examples of possible introductory language for a motion to include intent language in a journal includes:

- I move that the House print the following intent language upon the pages of the House Journal.
- I move that the following intent language be included in the Senate Journal.

Selected Intent Statements During 2009 General Session

INTENT LANGUAGE FOR 2ND SUBSTITUTE S.B. 124

It is the intent of the Legislature that any contract with a design professional subject to this bill's requirements should contain provisions identifying those persons or entities, whether by name or role, who are considered within the direct or indirect control or responsibility of the design professional.

INTENT LANGUAGE FOR S.J.R. 14

The Legislature intends that when S.J.R. 14 takes effect, all cases, including pending cases, in which a person challenges the legality of a conviction or sentence will be governed by the amendment under S.J.R. 14. This means that any person challenging the legality of a conviction or sentence, including a person with a case pending at the time S.J.R. 14 takes effect, may challenge the legality of a conviction or sentence only as and to the extent provided by statute, subject to the exceptions stated in Article I, Section 30, Subsection (2), as enacted under S.J.R. 14.

INTENT LANGUAGE FOR H.B. 195

It is the intent of the legislature that passage of this act is for the following purposes: To expand the definition of "trust" in the Uniform Probate Code to include health savings accounts; To clarify that a depository health savings account is established retroactive to the first day an individual is covered by a high deductible health plan, provided that the health savings account is opened by a fiduciary trustee or non-fiduciary custodian by the time prescribed by law, without extensions, for filing the account holder's federal income tax return for that year; and to clarify that enrollment by an individual in a high deductible health plan, as defined in Section 223 of the Internal Revenue Code, is sufficient evidence of such individual's intent and affirmation to open a depository health savings account.

Selected Intent Statements During 2008 General Session

INTENT LANGUAGE FOR 5TH SUBSTITUTE H.B. 51

Because our state policy is to secure the maximum use and benefit of our scarce water resources, a person entitled to the use of water has a continuing obligation to place all of a water right to beneficial use except as provided in Section 73-1-4 as amended by 5th Substitute H.B. 51, "Water Right Amendments." The forfeiture of all or part of any right to use water for failure to place all or part of the water to beneficial use makes possible the allocation and use of water consistent with long established beneficial use concepts.

Fifth Substitute H.B. 51, "Water Right Amendments," is not intended to:

- (1) change the way the State Engineer evaluates change applications based on historic beneficial use;

- (2) provide a mechanism for public water suppliers to hoard water beyond the amount of water needed in the next 40 years by persons within the public water supplier's projected service area;
- (3) validate any invalid water rights;
- (4) promote or allow for speculation in water rights; or
- (5) provide a mechanism for any out-of-state person or entity to acquire water rights in Utah for the purpose of providing water in another state.

The amendments made to Section 73-1-4 by 5th Substitute H.B. 51, "Water Right Amendments," should be construed to carry out these purposes and policies.

INTENT LANGUAGE FOR 1ST SUBSTITUTE H.B. 109

I move that a report be made to the Interim Criminal Justice Committee of the contracting process described in this bill.

INTENT LANGUAGE FOR H.B. 221

In passing H.B. 221, Agriculture and Industrial Protection Area Amendments, it is the intent of the Legislature that the protection of agricultural lands be a priority throughout the transportation corridor determination process, but without resulting in unnecessary procedural delay in evaluating and determining the designation of a preferred transportation corridor.

INTENT LANGUAGE FOR 1ST SUBSTITUTE H.B. 309

It is the intent of the Legislature to encourage the Office of the Lieutenant Governor to use Utah businesses, to the extent possible, for the production and distribution of the voter information pamphlet for Utah voters.

INTENT LANGUAGE FOR H.B. 312

It is the intent of the Legislature that the Office of Crime Victim Reparations work with medical providers and their representatives to develop and implement a medical fee schedule agreeable to all parties.

INTENT LANGUAGE FOR S.B. 253

In enacting S.B. 253, County Law Enforcement Duties, it is the intent of the Legislature that any interlocal entity created in a first class county to provide law enforcement service be governed by a board consisting of the county sheriff, a representative of the county legislative body, and a representative of each municipality that is a party to the interlocal agreement creating the interlocal entity, and that each member of the board have an equal vote.

INTENT LANGUAGE FOR 1ST SUBSTITUTE S.B. 299

It is the intent of the Legislature that the enactment of 1st Substitute S.B. 299, Revision to Local Government, not disturb any hospital visitation rights provided by a municipal registry.

Selected Intent Statements During 2007 General Session

INTENT LANGUAGE FOR S.B. 49

In passing S.B. 49, Optional Extended-day Kindergarten, the Legislature recognizes and intends the following:

- (1) In accordance with Section 53A-6-102, it is the intent of the Legislature to reaffirm that the primary responsibility for the education of children within the state resides with their parents or guardians and that the role of state and local governments is to support and assist parents in fulfilling that responsibility.
- (2) The reach and scope of Title 53A, Chapter 1a, Part 8, Voluntary Extended-day Kindergarten Program, is limited to voluntary participation and targeted for at-risk children only.
- (3) The Legislature finds that:
 - (a) most of Utah's pre-school age children are better off cared for at home by their parents or guardians;
 - (b) in select cases, some pre-school age children could benefit from the assistance of state and local governments in providing educationally-significant, extended, early education opportunities;
 - (c) studies show that some early education programs are educationally-significant for certain at-risk children;
 - (d) voluntary and targeted early education programs for at-risk children are special and limited services; and
 - (e) in establishing these special and limited services, state and local governments should encourage, whenever appropriate, parents or guardians to care for their pre-school age children at home.

INTENT LANGUAGE FOR S.B. 56

It is the intent of the legislature that S.B. 56 not prevent school districts from establishing collective bargaining policies that would allow the designation of one teacher's association as the collective bargaining agent for the district based on objective criteria, such as predominant teacher membership in one teacher's association for wages, benefits, and working conditions (including uniform complaint resolution procedures) that would apply to all teachers, whether or not they are members of the predominant teacher's association. However, a designated collective bargaining agent may not negotiate more favorable terms for its members than its non members, and teachers cannot be compelled to be represented in a complaint resolution procedure by a representative of a teacher's association to which they do not belong.

INTENT LANGUAGE FOR S.B. 144

The purpose of this amendment is to limit only the specific type of Limited Liability Company described in Section 48-2c-606, Utah Code Annotated, and not otherwise limit the powers of a bank organized as a Limited Liability Company, including the power to have more than one class of members. This intent language does not authorize the shielding of assets or the waiving of liabilities among members or modify the requirements of state and federal law as to the organization or operation of banks.

INTENT LANGUAGE FOR 1ST SUBSTITUTE S.B. 170

It is the intent of the Legislature that during its 2008 General Session that the Legislature will consider legislation to provide a remedy to Riverdale City similar to the remedy that is provided to the municipalities that benefit from the enactment of 1st Substitute S.B. 170.

INTENT LANGUAGE FOR S.B. 190

It is the intent of the Utah State Legislature that by the passage of S.B. 190 that no part of this section apply to animals used for animal husbandry purposes. These animals may include, but are not limited to cattle, sheep, swine, goats, equine, and any other working animal used for agricultural purposes. Animal husbandry practices are a vital and critical component and tool for the furtherance of animal agricultural in the state. Accepted animal husbandry practices are commonly understood

and acknowledged throughout the industry and are accepted based upon science, health, and safety of the animals and historical practice from within the industry. Accepted animal husbandry practices are not determined by the size of an agricultural operation nor by the number of animals of husbandry on any given farm. Accepted animal husbandry practices may include, but are not limited to castration, dehorning, tail docking, branding, sheering, shoeing, and any other management practice as is reasonably necessary for the furtherance of agricultural purposes.

INTENT LANGUAGE FOR 2ND SUBSTITUTE S.B. 223

It is the intent of the Legislature in passing 2nd Substitute S.B. 223, Tax Amendments, that the Revenue and Taxation Interim Committee, with the assistance of the Utah Tax Review Commission, draft legislation to repeal the state individual income tax imposed on the basis of graduated brackets and rates as required by S. B. 223. The Legislature intends that the legislation contain all provisions necessary to effectuate this repeal. Further, it is the intent of the Legislature to urge the governor to place this legislation on the call of a special session to be held during the 2007 session.

It is the intent of the Legislature in passing 2nd Substitute S.B. 223, Tax Amendments, that each fiscal year as part of the appropriations process, the Legislative Fiscal Analyst shall analyze growth in the sales and use tax base for rural hospitals to provide information to the Legislature to assist the Legislature in determining whether the appropriation to the Rural Health Care Facilities Fund should be modified to account for inflation or deflation.

INTENT LANGUAGE FOR S.B. 277

1. The Utah Legislature has a legitimate interest in preserving and protecting its companies from fraudulent securities activities.
2. As the Utah Legislature considers future securities-related legislation, we intend to preserve the following hallmark principles:
 - a. That Utah strongly supports the imposition of rules and regulations designed to ensure healthy Utah companies and securities market activities.
 - b. That Utah will preserve its current level of regulatory authority and power to investigate fraudulent securities activity.
 - c. That Utah will preserve and maintain its reputation as a business-friendly and securities market-friendly state.

Selected Intent Statements During 2006 General Session

INTENT LANGUAGE FOR H.B. 35

It is the intent of the Legislature to clarify that State Route 196 is part of the state highway system, pursuant to authority established in Utah Code 72-4-102(1)(a).

INTENT LANGUAGE FOR H.B. 38

This statement memorializes the public discussions, including the work of the Legislative Water Issues Task Force, that led to passage of H.B. 38 and declares the Legislature's intent concerning the water rights that may be considered for reuse under this legislation. Utah's bedrock water law principle is that beneficial use is the basis, measure, and limit of all Utah water rights. Water rights owned by public agencies that meet community or district water needs and are granted for the "municipal purpose" beneficial use. "Municipal purpose" or "municipal use" (hereafter "municipal

purpose") covers generally the uses of water within a municipality's boundaries including, but not limited to, domestic, commercial, irrigation, stock watering, and industrial uses. "Municipal purpose" as used in this paragraph is different than "domestic use". That is to say the Legislature intends that water rights with the "municipal purposes" beneficial use are eligible for reuse under this legislation, whereas water rights with "domestic use" and other types of beneficial uses are not. Only a special district or a municipality may hold a water right that has, as its beneficial use, "municipal purpose." Where water rights are originally approved for municipal purposes, the depletion of water under those rights is generally equal to the allowed diversion. Where water rights originally established for non-municipal purposes are changed to the "municipal purpose" beneficial use, depletion limits less than the original diversion amount are usually established to insure return flows are put back in a water system. This principle both recognizes the limitations of the original right and keeps whole any downstream water right holders. Only water rights with the "municipal purpose" beneficial use are eligible for reuse under this legislation. Where a municipality or district holds a water right with a beneficial use other than "municipal purpose," a change application will need to be filed with and approved by the State Engineer before the water right is included as part of a water reuse application.

INTENT LANGUAGE FOR H.B. 45

In passing H.B. 45, Bear River Development Act, the Legislature intends that when pursuing projects to develop the surface waters of the Bear River and obtaining the permits required by the environmental impact statement, the Division of Water Resources will study all potential sites for reservoirs and associated facilities in order to avoid potential litigation.

INTENT LANGUAGE FOR 3RD SUBSTITUTE H.B. 46

An Energy Policy Working Group was established during the interim of 2005 at the direction of the Public Utilities and Technology Interim Committee and the Natural Resources, Agriculture and Environment Interim Committee. Based upon the findings of the Working Group and discussions in the House and Senate, the following list of actions (in no order of priority) is recommended for consideration by the Utah Legislature and the Governor's Office:

- Create a central state repository for energy-related information.
- State encouragement of energy development research at state universities through appropriations or incentives.
- Form joint governmental/private partnership for transmission-related measures, including a single siting authority, interstate partnerships for siting, and state funding for transmission facilities.
- Evaluate the state's role in advocating for energy transportation infrastructure projects in the NEPA process before federal, state and local authorities.
- Study funding options for local governments' provision of transportation infrastructure for energy projects.
- Study ways to eliminate barriers to rail transportation, including additional fees on trackage miles.
- Coordinate regulatory processes, both within the state and on an interstate basis, to encourage the development of multi-state transmission facilities.
- Create a single point in state government for those proposing energy-related projects to obtain information about, and assistance with meeting, federal, state, and local requirements.
- Create a summary outlining various requirements of federal, state and local authorities for energy-related projects.
- Provide some form of state support for those seeking federal assistance, including use of federal lands and funds, to develop Utah's resources and new technologies.

- Streamline state review and approval processes for energy-related activities.
- Ready state review systems in advance of new technologies to ensure timely review when new development is proposed.
- Conduct full-cost analysis of resource development decisions, incorporating not only economic, but also environmental and health factors.
- Promote cost-effective renewable energy resources, both central station and distributed, as part of the state's energy portfolio.
- Study the opportunities of developing energy from nuclear power generation in the state.
- Creation of a renewable energy task force to examine the availability and cost of renewable energy sources.
- Reduce barriers to cogeneration projects, including price discrepancies.
- Create an energy efficiency committee to develop specific efficiency policies.
- Adopt quantitative goals for state and local government energy efficiency programs.
- Remove economic and regulatory barriers to utility companies' demand side management programs.
- Improve energy efficiency in state buildings.
- Seek better enforcement of building codes to ensure compliance with energy efficiency provisions in those codes.
- Perform a baseline Energy Study for residential and commercial buildings to identify areas for improvement.
- Promote advanced vehicle fuels and technology, with emphasis on performance instead of specific technologies.
- Promote public transportation, rideshare programs, and other trip reduction initiatives.
- Identify mechanisms necessary to ensure low income consumers' access to energy services.
- Promote educational programs supporting energy efficiency initiatives.
- Provide financial support for energy efficiency measures, including tax incentives and money to take advantage of federal matching funds.

INTENT LANGUAGE FOR 3RD SUBSTITUTE S.B. 24

The Legislature recognizes that 3rd Substitute S.B. 24 is an amendment to the state's Criminal Code. Therefore, this bill does nothing to affect the existing civil relationship between private property owners (including persons with right of possession), and individuals, vis a vis a property owner's right to ban an individual from entering upon the owner's private property. Furthermore, the bill does nothing to limit or expand civil or criminal remedies -- including but not limited to breach of contract or trespass -- that a property owner might presently invoke against an individual under current statute and jurisprudence, who enters upon a property owner's property in possession of a firearm, whether loaded or unloaded, when it is forbidden by the property owner.

Selected Intent Statements During 2005 General Session

INTENT LANGUAGE FOR H.B. 168

It is the intent of the Legislature that wild turkeys not be released under the Cooperative Wildlife Management Unit Program in counties not designated in the Management Plan for Wild Turkeys.

INTENT LANGUAGE FOR SUBSTITUTE H.B. 211

This bill shall be interpreted to: require the continued use of a paper record in the voting process;

permit the continued use of automatic voting systems that are currently in use by the state as allowed by the lieutenant governor according to statute; and permit the existing request for proposal to purchase new voting equipment to continue without disruption.

INTENT LANGUAGE FOR 2ND SUBSTITUTE H.B. 260

Under section 76-10-1233, enacted by 2nd Substitute H.B. 260, it is anticipated that the Division of Consumer Protection will report back to the Utah Technology Commission throughout the 2005 interim regarding its proposed rules for establishing acceptable rating methods. The addition of a negligence or recklessness standard to Section 76-10-1206 is intended to apply to a person's determination of the age of a minor, while the intentional standard is intended to apply to distribution, production, presentation, direction, or performance identified in Subsection (1)(a), (b), and (c).

INTENT LANGUAGE FOR H.B. 280

The intent of H.B. 280 is that it be applied consistent with those existing court cases, which recognize that the changed circumstances that may support a motion to modify a prior custody order are those that affect the custodial relationship and cannot be self-generated by the petitioner to re-open the custody issue.

INTENT LANGUAGE FOR S.B. 3

In passing S.B. 3, Supplemental Appropriations Act II, H.B. 1, Annual Appropriations Act, S.B. 1, Supplemental Appropriations Act, H.B. 301, Supplemental Appropriations II, and H.B. 213, Unused Sick Leave at Retirement Amendments, the Legislature recognizes and intends the following:

- (1) H.B. 213 does not affect the vested rights of any retired state employees or of state employees who retire by December 31, 2005 and are covered by the current programs described under Sections 67-19-14 through 67-19-14.3;
- (2) State employee rights before actual retirement are limited vested rights, in contrast to the retired employees' absolute vested rights;
- (3) The rapidly increasing costs and value of the unused sick leave programs described under Sections 67-19-14 through 67-19-14.3 are changing conditions that require legislative action to maintain the financial security and future actuarial soundness of the benefit;
- (4) The Legislature may subject the programs described under Sections 67-19-14 through 67-19-14.3 to reasonable modifications to meet those changing conditions;
- (5) The Legislature may be required to provide a substantial substitute in consideration of the modifications to the programs for current state employees with limited vested rights; and
- (6) The Legislature is providing the following components as a substantial substitute, if a substantial substitute is required:
 - (a) Ongoing state employee compensation increases beginning with the 2005-06 fiscal year, including:
 - (i) Cost-of-living salary increases; and
 - (ii) Other benefit increases, including both health insurance and retirement, in addition to the cost-of-living increases;
 - (b) Ongoing state employee market comparability adjustments, beginning in the 2005-06 fiscal year;
 - (c) Grandfathering current benefit provisions by:
 - (i) Maintaining current the state employees' ability to purchase health insurance coverage after retirement under Program I with all sick leave hours accumulated through the end of calendar year 2005;
 - (ii) Preserving the increasing value of the benefit purchased with those accumulated sick leave hours by allowing the state employees to continue to purchase one month's health insurance coverage, which is annually more expensive, for the constant purchase price of eight hours of:

- (A) unused sick leave that are under Program I; or
- (B) converted sick leave; and
- (iii) Making the legislative modifications prospective only as applied to future state employee sick leave accumulations;
- (d) Enacting Program II for state employee sick leave hours accumulated after January 1, 2006;
- (e) Providing for an additional accumulation of state employee converted sick leave hours through 2014;
- (f) Providing payment of 25% of a state employee's unused accumulated sick leave at the employee's rate of pay at the time of retirement into the employee's 401(k) plan; and
- (g) Recognizing that the long-term savings realized by the enactment of H.B. 213 will annually help preserve the state's ability to fund the costs of future state employee compensation and benefit increases.

INTENT LANGUAGE FOR SUBSTITUTE S.B. 24

During the course of the last several years, the Legislature has reviewed the contracts between Envirocare and the banks involving disposition and management of funds securing certain letters of credit issued by Envirocare with the state as beneficiary. Because of the Legislature's concerns about the state's position under those contracts, the state agencies responsible for regulating Envirocare reviewed those contracts and have assured the Legislature that those contracts have been revised to provide further protection to the state. During the same period, the Legislature sought a legal opinion from its counsel on whether or not the state could collect on certain letters of credit provided by Envirocare as long-term security for Envirocare's closure and post closure expenses if Envirocare declared bankruptcy. That legal opinion concluded that, although the bankruptcy court might delay payment on the letters of credit, it is likely that the state would be able to collect the full amount provided by the letters of credit, but might need to incur litigation expenses. It is the intent of the Legislature that the agencies responsible for regulating and overseeing Envirocare's solid, hazardous, and radioactive waste disposal programs continue to review, and encourage the revision of, the contracts as necessary to ensure that the state is adequately protected and that the office of the attorney general continue to monitor bankruptcy law developments to ensure that letters of credit continue to provide legally enforceable security for the closure and post-closure costs that will someday be associated with the Envirocare facilities.

INTENT LANGUAGE FOR S.B. 29

It is the intent of the Legislature that the licensing provisions of this act apply only to the construction trades and do not apply to regular employees in the manufacturing and mining industries who perform specific functions as a regular part of their employment.

INTENT LANGUAGE FOR S.B. 91

The Interstate Compact on Juveniles applies only to adjudicated youth or status offenders under the jurisdiction of a court in Utah or any other state. The placement of youth not under the jurisdiction of a court in Utah or any other state is not intended to be governed by this compact.

INTENT LANGUAGE FOR 1ST SUBSTITUTE S.B. 211

- (1) Salt Lake City Corporation and Salt Lake County execute a formal memorandum of understanding that provides that:
 - (a) Salt Lake City Corporation shall pay Salt Lake County a total contribution of at least \$10 million but not to exceed \$15 million toward the total cost of the expansion of the Salt Palace Convention Center on or before July 1, 2011;

- (b) Salt Lake City Corporation may pay this total contribution on or before July 1, 2006, or may pay this total contribution by making six annual payments of at least 1/6 of the total contribution, with the first payment due on or before July 1, 2006, and the final payment due on or before July 1, 2011;
- (c) if Salt Lake City Corporation pays this total contribution before July 1, 2011, Salt Lake City Corporation and Salt Lake County may agree to adjust the total contribution to reflect the present value of the total contribution; and
- (2) Salt Lake City Corporation and Salt Lake County enter into an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, that includes the same provisions as described above for the memorandum of understanding.

INTENT LANGUAGE FOR S.B. 216

The role of local governments in the licensing of ground ambulance and paramedic providers that serve areas also served by the local government is important. The Legislature strongly encourages local government to establish cost, quality, and access goals for the ground ambulance and paramedic services that serve their areas. Utah Code Ann. Section 26-8a-408(7)

Selected Intent Statements During 2004 General Session

INTENT LANGUAGE FOR 1ST SUBSTITUTE H.B. 3

The Legislature intends that if funds are available, the Department of Transportation will assist Woods Cross High School by providing safety-related items when a request is made.

INTENT LANGUAGE FOR H.B. 239

In passing H.B. 239, Tax of Sexually Explicit Business, the Legislature intends the following:

- (1) The Legislature recognizes that it takes a combination of remedies to preserve the health, promote prosperity, improve the morals, and provide peace and good order to all in the state.
- (2) It is the intent of this act to tax sexually explicit businesses and escort services to provide a revenue for treating individuals who have been convicted of sex offenses. The provisions of this act have neither the intent nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor the effect of the act to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this act to condone or legitimize the distribution of obscene material.
- (3) The Legislature finds:
 - (a) the Supreme Court of the United States has upheld the regulation of sexually oriented businesses because of the deleterious effect they have on a community;
 - (b) sexually oriented businesses have a deleterious effect on the community, causing increased crime, including unlawful sexual activities;
 - (c) it is in the best interest of the citizens of this state to provide counseling to individuals who have committed a sex offense;
 - (d) most sex offenders continue to commit sex offenses if they do not receive treatment;
 - (e) sex offenders treatment is expensive, if an offender has to pay for treatment, restitution and normal living expenses, they generally cannot afford the treatment; and
 - (f) it is reasonable to tax sexually explicit businesses and escort services in order to provide counseling for individuals who have committed a sex offense.

INTENT LANGUAGE FOR SUBSTITUTE S.B. 48

The passage of Substitute S.B. 48 Uniform Firearm Laws, is not intended to restrict the property rights of private institutions of higher education.

INTENT LANGUAGE FOR 1ST SUBSTITUTE S.B. 55

It is the intent of the Legislature that an act of "privatization", under Utah's Independent Entities Act, is one of the governmental functions anticipated by S.B. 55 to be protected from law suit by the principle of governmental immunity.

INTENT LANGUAGE FOR 1ST SUBSTITUTE S.B. 66

In passing 1st Substitute S.B. 66, Telecommunications Amendments, the Legislature intends that the state of Utah shall not appropriate funds or otherwise subsidize a municipality or municipal entity that incurs financial losses as a result of providing, either directly or through leased facilities, cable television services or public telecommunications services.

INTENT LANGUAGE FOR S.B. 91

It is the intent of the Legislature in passing S.B. 91 to clarify language in the Utah Emergency Medical Services Systems Act with regard to a political subdivision's selection of emergency paramedic or ambulance providers under an RFP process. The Legislature intends that the following principles should apply to the selection of emergency paramedic or ambulance providers under an RFP process:

1. a political subdivision may issue an RFP for emergency ambulance and paramedic service through a process that was created in 2003 S.B. 180;
2. a political subdivision may, if they have a qualified applicant as defined in statute and as certified by the Department of Health, respond to their own RFP; and
3. the RFP process, including the structure of the RFP and the entire issuing and selection process must be fair, unbiased, and open, in order to protect the interest of the population that will be served by the emergency ambulance or paramedic provider. The issue of a fair, unbiased and open process is especially critical when a political subdivision is responding to its own RFP. It is therefore the intent of the Legislature that the Department of Health diligently enforce its oversight of this process, and that the political subdivisions using the RFP process utilize a fair, unbiased and open process.

INTENT LANGUAGE FOR SUBSTITUTE S.B. 128

The long term care facility assessment created by this 1st Substitute SB 128 is intended to increase the Medicaid reimbursement rate for long term care facilities. The Legislature does not intend to place an added financial burden on private pay patients at nursing homes. It is therefore the intent of the Legislature that the Department of Health repeal its rule and that part of the state plan that requires nursing homes to charge its private pay residents the same rate or more than the nursing home Medicaid reimbursement rate.

INTENT LANGUAGE FOR S.B. 144

The Legislature finds that since 1990, there has been a dramatic increase in the number of individuals nationwide who fraudulently convince others to form a corporation sole in Utah by representing that forming a corporation sole will provide a person with tax advantages that in fact do not exist. The Legislature does not intend this bill to either advance or inhibit any church or religious society. This bill prohibits the formation of a corporation after May 3, 2004, but does not prohibit a person

from incorporating under any other corporate structure. This bill also gives a corporation sole formed after January 1, 1990, until December 31, 2006, to either dissolve or convert into a different corporate structure.

The Legislature intends these provisions to eliminate one avenue by which individuals have been fraudulently convincing others to pursue nonexistent tax advantages.

INTENT LANGUAGE FOR 1ST SUBSTITUTE S.B. 176

In passing 1st Substitute S.B. 176, Financial Institutions Amendments, it is the intent of the Legislature that the renaming of "industrial loan corporations" as "industrial banks" under this bill is not to have substantive legal effect on industrial loan corporations, chartered under Utah law that are depository institutions as of the effective date of this bill. Under this bill an industrial bank is required to be a depository institution. Industrial loan corporations that are not depository institutions as of the effective date of this bill are grandfathered under this bill as "industrial loan companies" and would be subject to Title 7, Chapter 8, Industrial Banks, to the same extent as industrial banks except for provisions related to receiving and holding deposits.

It is the intent of the Legislature that all state and federal laws that before enactment of this bill, reference or apply to a Utah industrial loan corporation that is a depository institution as of the effective date of the bill, continue to reference or apply after passage of this bill, without any substantive legal change.

INTENT LANGUAGE FOR 3RD SUBSTITUTE S.B. 239

Unfair Competition includes Cyber-Terrorism which in addition to its definition is meant to include:

1. damaging an internet website
2. computer hacking
3. misuse of an internet domain name, and
4. misleading internet domain name directions

INTENT LANGUAGE FOR 4th SUBSTITUTE S.B. 323

It is the intent of the Legislature that an advertiser who pays for an ad, whose express intention is to pop over a competitors website in violation of this chapter, shall have been considered to have "caused" the violation of this chapter.

Selected Intent Statements During the 2003 General Session

INTENT LANGUAGE FOR 1ST SUBSTITUTE H.B. 137

It is the intent of the legislature that counties and municipalities adopt zoning ordinances related to residential facilities for persons with disabilities which comply with the federal Fair Housing Amendment and Utah Fair Housing Act. The legislature urges the League of Cities and Towns, and the Utah Association of Counties, to develop such a model ordinance by January 1, 2004.

INTENT LANGUAGE FOR SUBSTITUTE H.B. 159

In passing H.B. 159, Voluntary Contribution Act Amendments, the Legislature intends the following:

Because the Legislature wishes to prevent government entanglement in the debate of public issues by providing for a level playing field for private organizations in the public forum, the Voluntary

Contributions Act and these amendments prohibit public employers from using public resources and public payroll systems to collect political contributions for the benefit of any organization.

The Voluntary Contributions Act and these amendments protect members of labor organizations in Utah from having their union dues diverted to fund political purposes.

Because Section 34-32-1, as it existed before enactment of the Voluntary Contribution Act in 2001, appeared to create favored status for labor organizations as compared to other non-labor organizations by allowing public employers to collect political contributions from public employees for the sole benefit of labor organizations, this act, and the 2001 act, seek to protect against any perception of government favoritism towards any organization by enacting a comprehensive ban on the collection of political contributions by public employers.

In order to guarantee the ability of labor organizations to participate in the electoral process, the Voluntary Contributions Act and these amendments provide that labor organizations may establish a political fund, funded by voluntary contributions, through which labor organizations may engage in legal activities for political purposes.

Although Utah Supreme Court case law is clear that courts should view all statutes passed by the Legislature as severable if they meet the Supreme Court's standards for severability, the Legislature affirms that the provisions of H.B. 159, Voluntary Contribution Act Amendments, are severable as provided in these 2003 amendments.

Because legislation passed by the Legislature is prospective in application unless the Legislature includes a specific clause mandating retroactivity, the Legislature affirms that the provisions of this law be interpreted and applied with prospective effect as provided in these 2003 amendments.

INTENT LANGUAGE FOR H.B. 246

It is the intent of the legislature that during the interim the Utah Retirement Office is directed to review the law governing the purchase of service credit as it relates to individuals called to serve in US Military or Military related operations, and to propose amendments which comply with Federal Law, maximize the members ability to purchase service credit, and conform to sound actuarial principles.

INTENT LANGUAGE FOR S.B. 61

The intent of the legislature in passing S.B. 61, Public Utility Related Amendments, is to have the Public Service Commission select a test period for setting utility rates based on the best evidence presented to the Public Service Commission without any presumption for or against either a historical or a future test period.

INTENT LANGUAGE FOR SUBSTITUTE S.B. 225

The Legislature finds and determines that: it is the intent of this act to provide adequate relief to injured persons while at the same time protecting the public funds and providing financial certainty for the injured, governments, and their taxpayers; because of the Utah Supreme Court's decision in Laney, there is some confusion about the effect of that decision on government entity's exposure to tort liability for certain acts; as the implications of that decision are analyzed and addressed by affected governmental entities, the plaintiff's bar, the government defense bar, and the Legislature, it is good public policy to clarify the continued applicability of statutory caps until the issues raised by Laney can be addressed more comprehensively; the Utah Supreme court has indicated that statutory caps on the amount of judgments for damages for personal injury against a governmental entity is constitutional and is an appropriate public policy for any function undertaken by government, whether characterized as governmental or proprietary; because taxpayers ultimately bear the financial burden of any liability imposed upon a governmental entity, reasonable limitations on

governmental liability are necessary to protect the taxpayers from excessive fiscal burdens and assure that public services can be provided to the people as is determined necessary by government; and the caps established by this act are among the highest in the United States and are adjusted biennially for inflation.

Selected Intent Statements During the 2002 General Session

INTENT LANGUAGE FOR SUBSTITUTE H.B. 122

In passing Substitute H.B. 122, Health Insurance Benefit Design, the Legislature intends the following:

To increase health care coverage for eligible individuals without prior health care coverage by combining, when possible, the resources and efforts of government programs with employers and the private market.

To support the Department of Health's pursuit of the 1115 Medicaid waiver and to encourage the Department of Health to use the Medicaid waiver and any necessary amendments to the waiver to provide primary care services to an eligible individual without prior health care coverage through an individual or small group policy that is subject to Title 31A, Insurance Code, and which may include other health care benefits paid through private funds.

INTENT LANGUAGE FOR SUBSTITUTE S.B. 119

It is the intent of the Legislature that by passing 1st Substitute S.B. 119, Workers' Compensation Insurance Related Amendments, the Legislature does not diminish or otherwise alter any claim that the state may have to the equity of the Workers' Compensation Fund. The right to make such claims could arise if the Workers' Compensation Fund were to be privatized and may include a claim for brand equity reimbursement. Although the Workers' Compensation Fund does not agree that such claims exist, the Workers' Compensation Fund and its Board of Directors do not believe that 1st Substitute S.B. 119 affects any claim or the right to make a claim that the state may have to the equity of the Workers' Compensation Fund.

INTENT LANGUAGE FOR SUBSTITUTE S.B. 120

The intent of the Substitute S.B. 120 is not to create a cause of action for bad faith.

INTENT LANGUAGE TO 1ST SUBSTITUTE S.B. 122

It is the intent of the Legislature that the fees designated by this bill as dedicated credits for use by the Department of Insurance for the purpose of developing electronic and other information technology be treated as dedicated credits only until June 30, 2006. Beginning July 1, 2006, the fees designated as electronic commerce use fees, if collected, will be deposited into the General Fund for appropriation by the Legislature. Beginning July 1, 2006, the fees designated as a fees imposed upon renewal or issuance of a license, registration, or certificate of authority will be repealed unless the Legislature takes further action. The Insurance Commissioner has confirmed that the Department of Insurance has agreed to this intent.

INTENT LANGUAGE FOR SUBSTITUTE S.J.R. 2

It is the intent of the Legislature in passing Substitute S.J.R. 2, Resolution on Investment of State School Fund and Uniform School Fund, that the addition of the words "and dividends" in Subsections (2)(b) and (3)(a) of Article X, Section 5 be considered as consistent with the meaning

of the word "interest" in Section 10 of the Enabling Act passed by Congress in 1894 authorizing Utah to become a state. The Legislature understands the word "interest," as used in Section 10 of the Enabling Act, to refer to all sources of earnings from the State School Fund principal, including dividends from equities in which the fund principal has been increasingly invested in recent years. The Legislature understands that the word "interest," as used in Section 10 of the Enabling Act, does not include appreciation in the value of equities or other assets constituting principal of the fund but that any such appreciation in value is considered to be principal of the fund.

INTENT LANGUAGE FOR S.J.R. 10

The Legislature intends S.J.R. 10, Resolution Amending Revenue and Taxation Provisions of Utah Constitution, to be reorganization, clarification, and simplification of the current provisions of Article XIII of the Utah Constitution. Any differences between the language of S.J.R. 10 and the language of the current provisions of Article XIII result not from an intent to make substantive changes but from an intent to restate more clearly language that is confusing and to omit language that is redundant, archaic, or superfluous.

The only exception to the intent not to make any substantive changes involves language in current Subsection (6) of Section 11 of Article XIII. That provision states that county boards of equalization are to consist of the "Board of County Commissioners" of the county. For some counties that have adopted an alternate form of government that does not include a county commission, that provision no longer has any meaning. Giving that provision relevance in current times where some counties do and some do not have a county commission form of government requires a minor but substantive change. The new language of S.J.R. 10 provides that county boards of equalization consist of "elected county officials as provided by statute."

Other than that minor substantive change, the Legislature intends S. J.R. 10 to make no substantive change to the current provisions of Article XIII. The Legislature does not intend to disturb any case law that has developed interpreting current provisions of Article XIII. With respect to those provisions for which case law has not developed, the Legislature intends S.J.R. 10 as a restatement of the concepts currently embodied in Article XIII but in more clear, concise, and simplified language.