

UTAH LEGISLATIVE DRAFTING MANUAL

AND STYLE GUIDE

Office of Legislative Research and
General Counsel

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Chapter 1 — Introduction

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. Purpose

The purpose of the Legislative Drafting Manual is to provide direction on style, consistent usage of terms and phrases, and technical aspects of legislative drafting. The manual is designed to assist in drafting legislation that is clear and concise, easily understood, difficult to misconstrue, and reasonably uniform among all drafters.

2. Legislative Drafting

Drafting legislation is both a technical exercise and an art. Because law protects our rights, governs the functioning of our economy, and impacts our lives in so many other ways, it is crucial that legislation is clear, easily understandable, and narrowly accomplishes its intended purpose. This necessitates drafting in a way that is precise and consistent in order to avoid accidental or intentional misinterpretation and to clearly reflect legislative intent.

3. Codified Drafting Rules

Utah Code Title 68, Chapter 3, Construction, contains legislative drafting rules, rules of construction, definitions that generally apply to the entire Utah Code, and other provisions relating to the interpretation of statutes. A drafter should be familiar with these statutory provisions and comply with their requirements.

4. Sources

Following is a list of sources available to assist a legislative drafter:

- Utah Legislative Drafting Manual
- Codified drafting rules
- Legislative Rules
- Utah Code
- Singer, Norman J. and J.D. Shambie, Statutes and Statutory Construction
- Sutherland Statutes & Statutory Construction
- Garner, Black's Law Dictionary
- The Redbook: A Manual on Legal Style
- The Bluebook: A Uniform System of Citation
- The Chicago Manual of Style
- Merriam-Webster's Dictionary
- Thesaurus

The Utah Legislative Drafting Manual and the codified drafting rules take precedence over the other sources.



Chapter 2 — Drafting Principles

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1. Active Voice

A legislative drafter should, to the greatest extent possible, draft in the active voice. A sentence is in the active voice if the subject of the sentence is the actor. A sentence is in the passive voice if the subject of the sentence is the noun being acted upon. Active voice identifies the actor, while passive voice often results in uncertainty regarding who the actor is. It is important that legislation clearly identifies who is required to act, permitted to act, or prohibited from acting.

Example

Do not say . . .

(1) The notice shall be mailed at least 30 days before the day of the hearing.

Instead say . . .

(1) The clerk shall mail the notice at least 30 days before the day of the hearing.

A drafter may use passive voice if:

- an identified actor is not involved;
- there are several different actors; or
- in rare circumstances, where using the active voice is awkward.

2. Complex Language

Draft using language that is in common use. Avoid terms or phrases that were commonly used in writing many years ago but are no longer the norm. Avoid using a complex term when a simpler term will suffice. To the extent possible, avoid using terms or phrases that are not normally used outside of court, contracts, or legal briefs.

For example:

- Instead of using the phrase “provided that,” simply say “except.”
- Don’t use the word “duly.” This is almost always a superfluous word and, in a case where it isn’t, a more precise word or phrase should be used instead.

- Don’t use the word “said,” “same,” or “such” to refer back to a previously stated item. Instead, refer to the item by name.

3. Coordinating Conjunctions — And, Or

a. General

The coordinating conjunctions most commonly used in legislative drafting are “and” and “or” (others include “for,” “nor,” “but,” “yet,” and “so”). Determining whether to use “and” or “or” may, at first glance, seem obvious, but at times the choice can be deceptively complex. This can especially be the case with lists. Some resources that demonstrate this include:

- Encino Motorcars, LLC v. Navarro, 138 S.Ct. 1134 (2018). *Statutory context may overcome the ordinary disjunctive meaning of “or.”*
- U.S. v. O’Driscoll, 761 F.2d. 589 (10th Cir. 1985). *In penal statutes, “or” is generally used as a disjunctive and may not be used as a conjunctive if the effect would be to increase the punishment.*
- Gallivan v. Walker: An Example of Statutory Surgery and Severability Malpractice, 2003 Utah L. Rev. 1019.

b. Lists or Interlocked Subsections

In legislative drafting, a list is completed by using “and” or “or” between the second to last and last items in the list. “And” or “or” never appear after items at other places in the list, unless the list contains one or more sub-lists, in which case each sub-list is also completed by using “and” or “or” between the second to last and last items in the sub-list.

Example

(2) The association shall give written notice of the proposed amendment and the time and place of the meeting:

(a) at least 10 days before the day of the meeting to each member of the association by one of the following methods:

(Continued on page 3)



(Continued from page 2)

- (i) mailing the notice to the last-known address of the member; or
- (ii) personally serving the notice on the member; or
- (b) at least 30 days before the day of the meeting by publishing the notice:
 - (i) in a periodical published by or for the association, to which substantially all members of the association are subscribers;
 - (ii) in a newspaper of general circulation in the state; and
 - (iii) as required in Section 45-1-101.

In the preceding example, the association has the option of complying with Subsection (2) by complying with either Subsection (2)(a) *or* Subsection (2)(b). If the association chooses to comply with Subsection (2)(a), the association may comply with the requirement using either the method described in Subsection (2)(a)(i) or the method described in Subsection (2)(a)(ii). If the association chooses, instead, to comply with Subsection (2)(b), the association is required to comply with Subsections (2)(b)(i), (ii), *and* (iii). The “or” at the end of Subsection (2)(a)(i) joins Subsection (2)(a)(i) to (2)(a)(ii). The “or” at the end of Subsection (2)(a)(ii) joins Subsection (2)(a) to (2)(b). The “and” at the end of Subsection (2)(b)(ii) joins Subsections (2)(b)(i), (2)(b)(ii), and (2)(b)(iii). This is accomplished without also inserting an “and” at the end of Subsection (2)(b)(i). If the association had the option of choosing only one of the options under Subsection (2)(b), an “or” would appear at the end of Subsection (2)(b)(ii) instead of an “and” and an “or” would not appear at the end of Subsection (2)(b)(i).

Never place an “and” between one item in a list (or sub-list) and an “or” between another item in the same list (or sub-list).

Example

Do not say . . .

- (2) The association shall give written notice of the proposed amendment and the time and place of the meeting at least 30 days before the day of the meeting by publishing the notice:

- (a) in a periodical published by or for the association, to which substantially all members of the association are subscribers; or
- (b) in a newspaper of general circulation in the state; and
- (c) as required in Section 45-1-101.

Instead say . . .

- (2) The association shall give written notice of the proposed amendment and the time and place of the meeting at least 30 days before the day of the meeting by publishing the notice:
 - (a) in a periodical published by or for the association, to which substantially all members of the association are subscribers; or
 - (b) (i) in a newspaper of general circulation in the state; and
 - (ii) as required in Section 45-1-101.

In the preceding example, the first version is unclear. One interpretation is that an association is required to either comply with Subsection (2)(a) or both Subsections (2)(b) and (c). Another interpretation is that an association is required to comply with Subsection (2)(c) and either Subsection (2)(a) or (b). The second version makes it clear that an association is required to comply with either Subsection (2)(a) or both Subsections (2)(b) (i) and (ii).

A list (including each sublist within the list), must read as a complete sentence that logically and grammatically follows the introductory phrase. Do not insert a separate sentence into a phrase or clause within the list. Instead, a drafter may try incorporating the provisions of the sentence as a separate phrase or clause within the list. Or, it may be necessary to insert the sentence as a new subsection that is referenced by the subsection to which new subsection applies.

c. Clear Indication of Intent

Never use the term “and/or.” In many cases, “or” means “and/or,” but this is not always clear. Anytime a legislative drafter inserts “and” or “or” in a sentence or list, the drafter should carefully consider whether the intent of the list could be either accidentally, or inten-



tionally, misread. In some circumstances, it may be necessary to clarify intent with respect to a list by using a phrase in the introduction to the list like “one or more of the following,” or “one of the following.”

Example

(2) The association shall give written notice of the proposed amendment and the time and place of the meeting at least 30 days before the day of the meeting by publishing the notice using one of the following methods:

- (a) in a periodical published by or for the association, to which substantially all members of the association are subscribers;
- (b) in a newspaper of general circulation in the state; or
- (c) as required in Section 45-1-101.

A drafter may clarify the intent with respect to a sentence by using the word “either” in the sentence at some point before the conjunction, or by ending the sentence with the phrase, “or both.”

Example

(1) A person may submit a written statement, an oral statement, or both.

4. Definitions

a. Use of Definitions

Use definitions:

- if the meaning of a term or phrase is not apparent from the context in which the term or phrase is used;
- if a term or phrase is subject to more than one common meaning;
- if a term or phrase needs to have a more specific meaning, a more general meaning, or a meaning that is otherwise different from the usual meaning;
- to avoid confusion;
- to avoid using repetitive phrases;
- to reduce sentence length or complexity; or
- if otherwise necessary to ensure precise application of a provision.

b. Existing Definitions

When drafting in any area of the Utah Code, check all definition sections that apply to that portion of the code to make sure that any term used in drafting is defined as intended. Utah Code Section 68-3-12.5 contains definitions that are applicable to the entire Utah Code, unless:

- “the definition is inconsistent with the manifest intent of the Legislature or repugnant to the context of the statute;” or
- “a different definition is expressly provided for the respective title, chapter, part, section, or subsection.”

Definition sections commonly appear at the beginning of titles, chapters, and parts.

c. Adding, Changing, Deleting, or Moving a Definition

If a drafter changes or adds a definition, the drafter must search the entire portion of the code to which the definition applies to make sure that the new definition or definitional change applies to each use of the defined term or phrase in the manner intended. A drafter must conduct a similar search if the drafter deletes or moves a definition.

d. Use Intuitive Terms

When drafting a definition, use a term or phrase that could reasonably fit with the definition. For example, don’t define a “rock” to mean a “cabbage.”

e. Circular Definitions

Don’t draft a circular definition. A circular definition occurs when, for example, the first provision of a definition relies on a second provision to describe the first provision’s meaning and the second provision relies on first provision to describe the second provision’s meaning.

f. More Information

Chapter 3, Style and Usage, contains detailed instructions on drafting definitions in the Utah Code.

5. Organization of Provisions

A drafter should organize provisions in a manner that is intuitive and easy to follow. For example:

- a requirement is normally stated before details regarding, or exceptions to, the requirement;
- an enforcement provision usually follows the re-



quirement the provision is meant to enforce;

- events are usually listed in chronological order;
- a general provision usually proceeds a specific provision; and
- sections and subsections are used as a means of grouping provisions in a logical manner.

6. Positive Voice

A drafter should, to the extent possible, draft in the positive and should avoid using multiple negatives in one sentence.

Example

Do not say . . .

The director may not appoint members other than those with three years experience.

Instead say . . .

The director shall appoint members with at least three years experience.

7. Present Tense

To the extent possible, draft in the present tense. In less common circumstances, for example where two or more events must be expressed in a time relationship, the present tense may be used in conjunction with the past tense.

Example

Do not say . . .

(4) If the director was notified . . .

Instead say . . .

(4) If the director is notified . . .

The future tense is rarely necessary in legislative drafting.

Example

Do not say . . .

(2) A person who violates Subsection (1) shall be guilty of a class C misdemeanor.

Instead say . . .

(2) A person who violates Subsection (1) is guilty of a class C misdemeanor.

8. Pronouns

Avoid using imprecise pronouns. It is almost always preferable to restate the noun instead of using words

like “it,” “them,” or “her.” Use of an imprecise pronoun can cause confusion in determining to which noun the pronoun refers.

9. Reading Level

To the extent possible, without sacrificing clarity, draft at an easy reading level. Our goal is to be clear and concise. We are not trying to impress anyone. An adult of average intelligence should be able to read and understand each provision of law.

10. Referencing Other Provisions

Often, when drafting a new provision in a section, a drafter will refer to a matter in a preceding or subsequent subsection. The best practice in this scenario is to refer to the other subsection by number rather than only making a verbal reference. This helps avoid confusion regarding the provision referenced.

Example

If a preceding subsection being referenced states . . .

(3) The commissioner shall issue an order establishing the application submission deadline.

Do not say . . .

(7) Within 14 days after the day on which the commissioner issues the order, the commissioner shall . . .

Instead say . . .

(7) Within 14 days after the day on which the commissioner issues the order described in Subsection (3), the commissioner shall . . .

11. Sentences

a. Avoid Long or Complex Sentences

It is easier to draft in a clear, concise manner if a drafter avoids using long or complex sentences. This can be accomplished using a variety of methods, including:

- using a defined term to replace a long description or a repeated phrase;
- referring to previously stated information by referencing a specific subsection;
- dividing a sentence into two or more sentences; or
- dividing a sentence into subsections.



b. Sentence Structure

i. Agreement

A. Between Pronoun and Antecedent

An antecedent is a noun or pronoun to which a subsequent noun or pronoun refers. Clear drafting requires that a noun or pronoun *agree* with the noun's or pronoun's antecedent in number (i.e. singular or plural), person, gender, and case.

B. Between Subject and Verb

Clear drafting requires that when a subject and verb are used together, the subject and verb agree in number (i.e. singular or plural).

ii. Articles

When referring to a class of nouns, first refer to the class using an indefinite article, then, for requirements or prohibitions relating separately to each member of the class, refer to an individual member of the class using a definite article.

Example

Do not say . . .

(1) A hospital shall establish an opioid prescribing review process if *a* hospital has an average daily patient capacity of 100 or more.

Instead say . . .

(1) A hospital shall establish an opioid prescribing review process if *the* hospital has an average daily patient capacity of 100 or more.

The first sentence in the example could be read to require a hospital with an average daily patient capacity of 50 to establish a review process if *any other* hospital has an average daily patient capacity of 100 or more. The second sentence in the example only requires a hospital to establish a review process if *that* hospital has an average daily patient capacity of 100 or more.

iii. Modifiers

A modifier (and similar grammatical elements referred to as compliments or arguments) is an optional element in a sentence that modifies the meaning of another element in the sentence. Modifiers are regularly used in legislative drafting and can take the form of prepositions, prepositional phrases, exceptions, exclusions, inclusions,

adjectives, adverbs, etc. It is extremely important in drafting to ensure that a sentence's structure clearly indicates the portion of the sentence to which the modifier relates. Lack of clarity can result in a vague statutory provision that does not accurately convey legislative intent. Proper use of subsections can help alleviate confusion in the use of a modifier.

Example

Do not say . . .

(2) The board comprises six members, including the governor, the lieutenant governor, the attorney general, the state auditor, and the state treasurer, or a designee.

Instead say . . .

(2) The board comprises six members, including:

- (a) the governor, the lieutenant governor, the attorney general, the state auditor, and the state treasurer; or
- (b) a designee of an individual described in Subsection (2)(a).

In the first sentence of the example, it is unclear if "designee" relates to only the state treasurer or to each office listed. It is also unclear whether the officers listed may select the designee or if some other individual, like the director of the division within which a board is created, selects the designee.

iv. Negative Subject

Do not use phrases like "no person may" or "no person shall." "No person shall" literally means that no one is required to act. Instead, use a phrase like "a person may not."

v. Object and Verb

To ensure clarity, keep a verb close to the verb's object.

vi. Subject and Verb

To ensure clarity, keep the subject of a sentence close to the verb pertaining to the subject.

12. Singular

To the extent possible, draft in the singular.

13. Subsections

An understanding of the proper use of subsections is essential to legislative drafting.

a. Clarity

Divide a sentence into subsections if necessary or help-



ful to clarify the meaning of the sentence. Subsections can be used to:

- avoid a long or complex sentence;
- avoid losing a provision in a string of provisions; or
- specify the portion of a sentence that a provision is meant to modify.

Example

Do not say . . .

(1) The driver shall attach a blue sign or a flag.

Instead say . . .

(If both the sign and the flag are required to be blue)

(1) The driver shall attach a blue:

- (a) sign; or
- (b) flag.

Or . . .

(If only the sign is required to be blue)

(1) The driver shall attach:

- (a) a blue sign; or
- (b) a flag.

Example

(1) The requester may:

- (a) appeal the decision to the State Records Committee;
- (b) petition for judicial review of the decision in district court; or
- (c) if the request is denied by a political subdivision, appeal the decision to the local appeals board.

b. Organization

Subsections are used to organize statutory provisions in a logical manner that is easier to read than a solid paragraph. Subsections can also be used to group related provisions together.

c. Subsections as Complete Sentences

Ensure that a sentence divided into subsections reads as a complete sentence and that each element of a list within a subsection can be read separately with the introductory phrase that precedes the list.

If the subsection labels are removed from the preceding example, and appropriate punctuation is inserted, the preceding statement reads as a complete (though rather

long and complex) statement. Additionally, each element of the list in the preceding example may be read as a separate statement, (after removing “or”) beginning with the phrase “the requester may.”

Example

(1) The requester may appeal the decision to the State Records Committee.

(1) The requester may petition for judicial review of the decision in district court.

(1) The requester may, if the request is denied by a political subdivision, appeal the decision to the local appeals board.

Never insert a sentence within the ongoing sentence of a subsection. Instead create a new subsection and reference the new subsection in the existing provision to clarify the provision to which the new subsection applies.

14. Verbs and Nouns

a. Artificially Converting a Part of Speech

Don’t convert a word normally used as a noun into a verb.

Example

Do not say . . .

(3) The division shall calendar a meeting.

Instead say . . .

(3) The division shall schedule a meeting.

Don’t convert a word normally used as a verb into a noun.

Example

Do not say . . .

(3) The director shall give consideration to the officer’s recommendation.

Instead say . . .

(3) The director shall consider the officer’s recommendation.

b. Priority to Verbs

Give priority to the use of a verb over the use of a noun.

15. Words and Phrases

Be careful and intentional in word choice to ensure that the language precisely reflects the intent of the provi-



sion being drafted. Appendix A contains a list of problematic terms and phrases.

a. Care

Do not accidentally be over-inclusive, under-inclusive, vague, or unclear. Think about potential loopholes and whether a provision can be accidentally, or intentionally, misread.

Example

Do not say . . .

“Qualified political party” means a registered political party that permits a member of the registered political party to seek the registered political party's nomination for any elective office by either or both of the following methods . . .

The preceding statement does not make clear whether the party makes the choice or the member makes the choice.

Instead say . . .

“Qualified political party” means a registered political party that permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods . . .

b. Consistency

Use consistent terms and phrases.

Example

If a preceding, applicable statement states . . .

(4) The court shall determine whether the evidence shows . . .

Do not say . . .

(5) If the court finds that . . .

The use of the word “finds” in Subsection (5) instead of the word “determines” can make it unclear whether Subsection (5) is referring to the determination in Subsection (4) or to an earlier provision.

Instead, say . . .

(2) If the court determines that . . .

Example

Do not say . . .

(3) The director shall piece together a report.

Instead, say . . .

(3) The director shall draft a report.

c. Precision

Use precise terms and phrases. Be careful of words or phrases like:

- Currently *Current with what?*
- After (by itself) *Any time after or immediately after?*
- By *Does this mean “before” or “on or before?”*
- Near or far *Distance is in the eye of the beholder*

d. Superfluous Words

Do not include words that are superfluous. Each word should be chosen with care. Do not include a list of synonyms unless each synonym in the list is necessary.

Examples

Do not say . . .

“are in full force and effect”

Instead, say . . .

“are in effect” or “take effect”

Do not say . . .

“rules and regulations”

Instead say . . .

“rules”

The terms “rules” and “regulations” often mean the same thing, so only one needs to be mentioned. Further, in legislative drafting, a “rule” refers to administrative law while a regulation may mean something else.

Other superfluous words and phrases include:

- True
- Actual
- So long as (use “if”)
- Provided that (use “if” or “unless”)
- Any (if “a” or “the” will suffice)
- Each (if “a” or “the” will suffice)
- Is deemed (use “is”)
- Whether or not (use “whether”)



- In the event that (use “if”)
- Such
- Subsequent to (use “after”)
- Prior to (use “before”)
- Such time as (use “when”)
- Duly authorized (use authorized)



Chapter 3 — Style and Usage

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1. Abbreviations

In legislative drafting, abbreviations are only used in legal citations (for example “et seq.”) or to indicate a time of day (for example, “a.m.” or “p.m.”). Otherwise, avoid using an abbreviation. Terms like “etc.” or “e.g.” that are always abbreviated are not used in legislative drafting.

2. Acronyms

A primary goal of drafting legislation is to ensure that it is clear and easy to read. The use of acronyms is often an impediment to this goal. However, in rare cases, using acronyms can increase clarity and readability. Examples may include:

- an acronym that is commonly recognized by the general public (e.g. “IRS”);
- where an acronym is used to replace the repetitive use of a long string of words (but a drafter should first consider whether a defined term or phrase would be better); or
- where an acronym is used to avoid confusion with another term.

In almost all cases, an acronym should be defined.

3. Age

Refer to an individual’s age by using the phrase “years old” rather than “years of age.” However, if the drafter is amending a portion of code where the phrase “years of age” already exists, the drafter should either change all uses of “years of age” to “years old” or continue to use the term “years of age” to maintain consistency. A drafter should carefully draft references to age to avoid misunderstanding. For example, a drafter should not simply use the phrase “18 years old” when the drafter means “18 years old or older.”

4. Capitalization

a. When to Capitalize

Capitalize the following:

- The first word in a sentence.
- A month or day of the week.

- The name of a state or country (“Utah” or “United States”).
- The name of an institution (“University of Utah”).
- The official name of a private entity (such as “Libertarian Party” or “Utah State Bar”).
- The official name of a court or other government entity (“Utah Supreme Court” or “Department of Government Operations”).
- “Legislature” only when referring to the Utah State Legislature.
- “Senate,” “House,” “House of Representatives,” or “Congress” only when referring to a chamber in the Utah State Legislature or to the United States Congress.
- A name, proper derivative of a proper name, a place, an historic event, or a holiday (“John Smith,” “Utah Lake,” “World War II,” or “Easter”).
- An official short title or popular name of an act, bill, code, or statute (“Social Security Act”).
- “Title,” “Chapter,” “Part,” “Section,” “Subsection,” or other designation of a major portion of code, when accompanied by the number of that portion of code (Chapter 35).
- The name of a program (“Medicare,” “Medicaid,” or Social Security)
- A specific reference to a state constitution or code (“Utah Constitution” or “Utah Code”) but not when making a general reference (“this constitution”).
- A proper name of an amendment (“Fourteenth Amendment”) but not a general reference (“the equal protection amendment” or “this amendment”).
- A specific fund or account (“General Fund” or “Mineral Lease Account”).

b. When Not to Capitalize

Do not capitalize the following:

- A generic political division (“state” or “county”) except when it follows the name of the political divi-



sion ("Salt Lake County").

- A title of a federal, state, local, or judicial official ("governor," "president," "speaker," "congressional delegation," "commissioner," "senator," "representative," "director," "attorney general," "judge," "justice," "chief justice," or "treasurer,") unless used to refer to a particular person ("Governor Young").
- The words "federal," "state," or "court" when not part of a proper name, except when "Supreme Court" refers to the Utah Supreme Court.
- The term "general session," unless it is used in conjunction with a specific year ("2025 General Session").
- "social security number," "social security benefits," etc.

5. Code Organization

The Utah Code is divided into titles, chapters, parts, sections, and subsections.

a. Titles and Chapters

Titles and chapters are designated by a single-digit or double-digit number (sometimes followed by a letter) and a name. The name of a title or chapter appears in boldface but is not codified.

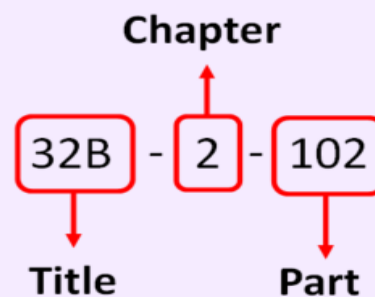
b. Parts

Parts are also designated by a single-digit or double-digit number (never followed by a letter) and a name. The name of a part appears in boldface but is not codified.

c. Sections

A section is the fundamental unit of the Utah Code. A modern section is numbered in three distinct numeric phrases (a title or chapter may also include a letter following the number) offset by hyphens. A section in the chapter should have as the last number in the section number a three-digit number or, if the part is a two-digit number, a four-digit number. This does not apply if the drafter is adding a section to a chapter that still uses an older numbering system. The modern numbering system provides greater ease in adding new sections.

A section number comprises the following:



d. Subsections

The following is a list of subsections used in a section of the Utah Code. Designations below the line are a relic of the past and, except as necessary in a definition section, may not be used without permission from a managing attorney.

Section 1-1-101. Example.

- (1)
 - (a)
 - (b)
 - (i)
 - (ii)
 - (A)
 - (B)
-
- (I)
 - (II)
 - (Aa)
 - (Bb)
 - (Ii)
 - (Iiii)

If a series of subsections at the same level exceeds 26 and the subsections are designated by letters, the extension is made by doubling or tripling the letters as needed.

Section 1-1-101. Example of beyond (z)

- (1)
- (a)
- (b) . . .
- (y)
- (z)
- (aa)
- (bb) . . .
- (yy)
- (zz)
- (aaa)
- (bbb)



Section 1-1-101. Example of beyond (Z)

(1)
(a)
(i)
(A)
(B) . . .
(Y)
(Z)
(AA)
(BB) . . .
(YY)
(ZZ)
(AAA)
(BBB)

6. Citations

a. Citation to Title, Chapter, or Part

A title, chapter, or part is referenced by number, followed by the name of the title, chapter, or part, followed by a comma (or, at the end of a sentence, a period).

Example

Title 20A, Election Code,
Title 20A, Chapter 3a, Part 2, Voting Procedures,

If citing to a chapter within the same title as the citing provision, do not include the title in the citation. Similarly, if citing to a part within the same chapter as the citing provision, do not include the title or chapter in the citation.

Examples

If drafting in Title 20A, Chapter 3a, Voting, and citing to Title 20A, Chapter 6, Ballot Form, the citation will appear as follows:

Chapter 6, Ballot Form,

If drafting in Title 20A, Chapter 3a, Part 2 Voting Procedures, and citing to Title 20A, Chapter 3a, Part 6, Early Voting, the citation will appear as follows:

Part 6, Early Voting

When citing to two or more chapters, the drafter should use the conjunction “and,” “through,” or “or” as applicable. If using “and” or “through,” the words “chapter” or “part” should be plural. If using “or,” the words

“chapter” or “part” should be singular.

b. Citation to a Section

Refer to another section by the capitalized designation “Section” followed by the section number.

Example

Section 53B-7-104

When a section references itself, use the phrase “this section” without capitalization and without referring to the section number.

c. Citation to a Subsection

Refer to a subsection within the same section by the capitalized designation “Subsection” followed by the subsection number.

Example

Subsection (5)(a)
Subsection (2)(c)(ii)(A)

If referring to the same subsection where the referencing provision appears, use the phrase “this Subsection,” followed by the subsection number.

Examples

If drafting in, and referring to, Subsection (5)(a):

this Subsection (5)(a)

If drafting in Subsection (5)(a)(ii) and referring to all of Subsection (5)(a):

this Subsection (5)(a)

If referring to a subsection outside of the section where the referencing provision appears, cite the subsection by first referencing the section, followed by the subsection.

Example

Subsection 75-2-207(1)(a)(iii)

d. Citation to Laws of Utah

Sometimes a bill is not codified into the Utah Code, and the only reference available is to the Laws of Utah. In that case, refer to the chapter and year of the session law involved. If a bill passes during a special session, the special session is also cited. In general, it is only necessary to refer to the most recent legislative session in



which the law is enacted or amended, unless the intent is to refer to a specific action taken during a specific legislative session. A citation to the Laws of Utah should be as specific as necessary to reflect the intent of the Legislature.

Examples

Laws of Utah 2007, Chapter 288, Sections 25 and 26
Laws of Utah 1991, Chapter 17, Section 1, Subsection 30-1-2(1)
Laws of Utah 2001, First Special Session, Chapter 5
Laws of Utah 2001, Chapter 334, Uncodified Section 8

e. Citation to Utah Constitution

Within the body of legislation, the *Utah Constitution* is cited by article and section.

Example

Utah Constitution, Article VI, Section 1, Subsection (2)

f. Citation to Legislative Rule

Rules that apply to both houses are cited as joint or interim legislative rules, as applicable. Rules that apply to one house are cited as Senate rules or House rules, as applicable.

Example

Legislative Joint Rule 4-1-101
Legislative Interim Rule 2.01

g. Citation to Court Rule

Cite to Utah court rules as follows.

Examples

Utah Rules of Civil Procedure, Rule 65B
Utah Rules of Evidence, Rule 20
Utah Rules of Criminal Procedure, Rule 15
Utah Rules of Appellate Procedure, Rule 5
Utah Code of Judicial Administration, Rule 7-201
Utah Rules of Juvenile Procedure, Rule 10

h. Citation to Federal Statute

If possible, cite federal statute by reference to the United States Code. If a citation to the United States Code is not practical, use the Public Law or Statutes at Large citation. The key principle is making it easy for an aver-

age reader of the Utah Code to find the federal law.

The term "et seq." may be used in citing federal law but not Utah Code. Do not use phrases like "of the laws of the United States."

Reference to both the short title and to the United States Code citation is acceptable to enable a person to easily identify the federal law in question. A reference to the short title should almost always include a reference to the United States Code or the Public Law. A short title alone may be referenced if citing to a well-known or often changed federal law (for example the Social Security Act or the Internal Revenue Code). When referencing the Internal Revenue Code, always refer to the citation as "section" and not "subsection."

Examples

Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.

Truth in Lending Act, 15 U.S.C. Sec. 1601 et seq.

Title XIX of the Social Security Act, 42 U.S.C. Sec. 1396 et seq.

Title IV, Part D of the Social Security Act, 42 U.S.C. 651 et seq.

Part A and B of Title XVIII of the Social Security Act, 42 U.S.C. 1395 et seq.

Subsection 454 (19)(B)(i) of the Social Security Act, 42 U.S.C. Sec. 654

Section 41(c)(4), Internal Revenue Code

Section 408, Internal Revenue Code

the Social Security Act

i. Citation to Federal Rule

When citing a federal rule (regulation), the citation should be to the Code of Federal Regulations. A citation to the short title or common name of a federal regulation is not required but may be included with the citation to the Code of Federal Regulations. Do not cite a federal regulation by short title only. Do not use a phrase like "of the Code of Federal Regulations."

Examples of various citation formats for federal regulations follow:



Examples

9 C.F.R. Sec. 201.97
40 C.F.R. Sec. 60.51c
14 C.F.R. Part 139
40 C.F.R., Part 280, Subpart D
40 C.F.R. Part 51, Subpart S, Appendix E
21 C.F.R. Parts 101 and 131
14 C.F.R. Chapter 141
23 C.F.R. Chapter 11, Subchapter B, Part 1235.2 Schedules I through V, 21 C.F.R. Part 1308
Table One, 40 C.F.R. Sec. 261.24
Domestic Licensing of Source Material, 10 C.F.R. Part 40 Rule 144A, 17 C.F.R. Sec. 230.144A
Section 32 of Regulation Z, 12 C.F.R. Sec. 226.32
Code of Federal Regulations, Title 16, Chapter I, Subchapter D, Trade Regulation Rules, Part 436

j. Citation to Federal Constitution

Within the body of legislation, a citation to the Constitution of the United States should include the relevant article and section. A cite to an amendment to the Constitution of the United States should be spelled out and initial capped.

Examples

United States Constitution, Article II, Section 3 Eleventh Amendment to the United States Constitution

Do not say . . .

The Eleventh Amendment of the United States Constitution

Instead, say . . .

The Eleventh Amendment to the United States Constitution

k. Citation to Case Law

In the rare situations where it is necessary to cite to case law in the text of a statute, include the name and citation of the case without underlining or italics.

Examples

(b) "Uintah and Ouray Reservation" means the lands recognized as included within the Uintah and Ouray Reservation in:

(i) Hagen v. Utah, 510 U.S. 399 (1994); and
(ii) Ute Indian Tribe v. Utah, 114 F.3d 1513 (10th Cir. 1997).

I. Words and Phrases Used with Citations

Certain words or phrases are often used to refer to other subsections, sections, parts, chapters, or titles within the Utah Code, as well as federal law, federal administrative rules, and other sources. Consistency throughout the code, and accuracy, are both important considerations when using these words or phrases. Following is a discussion of the most common "referencing" words and phrases and their uses.

i. Described in

"Described in" is the preferred phrase when referring to another provision and should be used unless it doesn't make sense or another word or phrase fits better. Avoid using phrases like "prescribed in" or "listed in." While "prescribed in" has a different meaning than "described in," the purpose of the referencing phrase is simply to point to the other provision. The provision itself should clearly indicate whether it is a requirement, so using "prescribed in" rather than "described in" is unnecessary.

ii. In Accordance With

"In accordance with" is used to refer to following steps within a procedure or complying with the requirements within a portion of code, rather than referring to the procedure or portion of code as a unit.

Examples

. . . in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
. . . obtaining raw milk in accordance with the terms of a cow-share program agreement.

Do not use the phrases "in accordance with the provisions of" or "according to."

iii. Under

"Under" is used to refer to a procedure that was followed, an event that occurred, or to a procedure or event that is presently occurring or already occurred.

An example follows:



Example

An individual elected to an office under Section 20A-1-303 shall . . .

Do not use “under” if “described in” will work.

iv. Imprecise references

Avoid using imprecise words to reference another provision. Examples of imprecise words include above, below, preceding, hereinafter, heretofore, foregoing, and said.

7. Conditional

a. Except as

“Except as” is usually used to refer to an exception stated in another section or subsection.

Example

(1) Except as provided in Subsection (2), an applicant is required to submit to a criminal background check.

(2) An applicant is not required to submit to a criminal background check if the applicant . . .

“Except as” usually appears at the beginning of a sentence, rather than in the middle of a sentence or at the end.

b. Unless

If an exception is stated in the same sentence as the provision to which the exception is made, the exception is usually preceded by the word “unless.”

Example

(1) An applicant is required to submit to a criminal background check, unless the applicant . . .

c. Subject to

The phrase “except as” and the word “unless” describe circumstances where the provision excepted does not apply.

“Subject to” is usually used to refer to a condition stated in another section or subsection. “Subject to” is not used if the phrase refers to an exception to a provision. Rather, it is used if to refer to an additional requirement relating to the provision. Never use “subject to” if “except as” may be properly used in its place. “Subject to” usually appears at the beginning of a sentence, rather than in the middle of a sentence or at the end.

Example

(1) Subject to Subsection (2), an applicant is required to submit to a criminal background check.

(2) An applicant under the age of 18 may not submit to a criminal background check unless the applicant obtains written permission from a parent or guardian of the applicant to . . .

d. Notwithstanding

“Notwithstanding” is used to introduce an exception to a provision stated in another section or subsection if the provision referred to does not include the phrase “except as.” Using “except as” in a provision is usually, though not always, preferable to using “notwithstanding” in the exception to the provision. Never use “notwithstanding” to introduce an exception to a provision that includes the phrase “except as.”

Instead, use only the “except as” stipulation or the “notwithstanding” stipulation.

Example

If you say . . .

(1) Except as provided in Subsection (2), an applicant is required to submit to a criminal background check.

Do not say . . .

(2) Notwithstanding Subsection (1), an applicant is not required to submit to a criminal background check if the applicant . . .

e. “If Then” Statements

A drafter using an “if then” statement does not include the word “then” in the statement.

Example

Do not say . . .

(1) If the division approves the application, then the applicant may . . .

Instead say . . .

(1) If the division approves the application, the applicant may . . .

8. Definitions

For a discussion on when to use a definition and general principles relating to definitions, see Chapter 2, General Drafting Principles.



Never incorporate a substantive provision within a definition. Only place a substantive provision in a section or subsection that does not contain a list of definitions.

a. Format of a Definition

Definitions usually appear at the beginning of the title, chapter, part, section, or subsection to which they apply.

Definitions are always placed in alphabetical (word by word) order. A definition or list of definitions always begins with the phrase “As used in this . . .” followed by the word “title,” “chapter,” “part,” “section,” or “subsection.” The word “Subsection” is always capitalized in this case and is followed by the designation of the subsection to which the definition applies.

Example

(1) (a) As used in this Subsection (1), “condominium” means . . .

If only one term or phrase is defined, the drafter should use the format shown in the preceding example.

If more than one term or phrase is defined, the drafter introduces the list with “As used in this . . .” followed by a colon and a separate sentence for each definition.

Example

As used in this chapter:

- (1) “Adult” means an individual 18 years old or older.
- (2) “Child” means any individual under 18 years old.

b. Inclusions and Exclusions

Most definitions begin with the word “means,” followed by the definition of the term or phrase. In some circumstances, a drafter may, after defining the term or phrase, want to list specific things that are included in, or excluded from, the definition. In these circumstances, a drafter should use the format shown in the following example.

Example

As used in this chapter:

- (1) (a) “Filing day” means Monday or Tuesday.
- (b) “Filing day” includes Wednesday if the office is closed on Monday of that same week for a federal or state holiday.

(c) “Filing day” does not include a day on which the office is closed for a federal or state holiday.

Never use the phrase “includes, but is not limited to” in a definition. See Utah Code Subsections 68-3-12(1)(f) and (2)(a) and Subsection 11, Inclusive or Exclusive, under this chapter.

c. Incorporating a Definition by Reference

Under certain circumstances, a drafter may incorporate a definition by referencing a definition that already exists in Utah Code, federal code, or federal administrative rule. Never incorporate a definition in Utah administrative rule by reference. Only incorporate a definition by reference if it is intended that any change in the definition referenced will always apply to the portion of code referencing the definition. If this is not the case, it is better to copy the definition so that it does not change every time the referenced definition changes.

When incorporating a definition by reference, refer only to the section number being referenced if the referenced section is a section containing definitions only. Otherwise, a drafter will usually include the subsection in the reference to make the definition easier to locate. An example of the phrase and format used to incorporate a definition by reference follows.

Example

(10) “Municipality” means the same as that term is defined in Section 10-1-104.

If incorporating a definition by reference within a sentence, use the following format:

Example

(4) An individual who has been convicted of a grievous sexual offense, as defined in Section 76-1-601, against a child, may not hold the office of State Board of Education member or local school board member.

9. Discretionary, Mandatory, Prohibitive

Whenever possible, an obligation or discretion to act should be stated positively. Do not use the expressions “is authorized to,” “is empowered to,” “has the duty to,” “can,” or “the Legislature intends that the director shall.” Instead, use the words “shall” or “may.” The use of the following discretionary and mandatory words in



legislative drafting is expressly governed by law.

a. May

"May" means that an action is authorized or permissive (Utah Code 68-3-129(1)(g)). "May" is used when granting a right, privilege, or power, or when indicating discretion to act. Do not use the expressions "is authorized to" or "in [the actor's] discretion."

b. May Not

To indicate that action is prohibited, a legislative drafter should use the phrase "may not."

"May not" means that an action is not authorized and is prohibited (Utah Code 68-3-129(1)(g)).

The phrase "shall not" negates the obligation to act, but not the authority to act. "May not" negates both the obligation and the authority to act and is, therefore, the stronger prohibition.

The use of the terms "shall not," "should not," or "must not," is strongly discouraged, unless unusual circumstances require the use of the terms, including use in an interstate compact or to ensure consistency with a federal law or rule (Utah Code 68-3-129(2)(a) and (b)).

Do not use a phrase like "no person may" or "no person shall." No person shall" is subject to the following, conflicting interpretations:

- that no person is required to act; or
- that all persons are prohibited from acting.

The negative is best used with the action and not the actor.

c. Must

"Must" means, depending on the context in which it is used, that:

- an action is required or mandatory;
- an action or result is compelled by necessity;
- an item is indispensable; or
- an action or event is a condition precedent to:
 - the authority to act;
 - a prohibition;
 - the accrual or loss of a right; or
 - the imposition or removal of an obligation.

(Utah Code 68-3-129(1)(i))

Though one definition of the term "must" is that "an action is required or mandatory" (Utah Code 68-3-12(1)(i)), a drafter should avoid using this form of the term. This variation of the definition is only included in the Utah Code to account for aberrations within the code. The use of the word "must" is strongly discouraged when the term "shall" can be used in its place (Utah Code 68-3-129(2)(d)).

d. Shall

"Shall" means that an action is required or mandatory (Utah Code 68-3-129(1)(j)). "Shall" is used when indicating an obligation to act.

e. Should

Except in the following circumstances, drafters are strongly discouraged from using the word "should":

- To refer to a recommended action, including a provision that a person shall or may recommend whether an action "should" be taken.
- To indicate an expected standard of knowledge, including a provision that a person "should" know whether a fact exists or that an action is likely to cause a specified result.
- To refer to a determination as to whether an action "should" have occurred.

(Utah Code 68-3-129(2)(c))

The use of the word "should" is uncommon in legislative drafting. On the rare occasions when it is used, "should" is usually preferable to "ought," because "ought" is not defined for purposes of the Utah Code.

10. Formulas

Use extreme care when expressing a formula in statute to ensure that each step of the formula follows the correct sequence and that there is no room for misunderstanding.

If, for example, a formula mixes multiplication or division with addition or subtraction, the order in which the steps are carried out matters.

The use of subsections to break up each step of a formula is one way to ensure an accurate description of a formula.



Example

The commission shall calculate the fee owed under this section by:

- (1) multiplying the annual income of the applicant by .5; and
- (2) subtracting \$50 from the amount calculated under Subsection (1).

11. Gender Neutral

a. General

Utah Code 68-3-12(1)(c) states that a “word used in one gender includes the other gender.” A drafter is required to use gender-neutral pronouns unless a provision intentionally relates to only one gender (for example, in a statute relating to abortion, adoption, or parentage). This requirement fulfills the goal of clearly expressing the Legislature's intent in an accurate, non-discriminatory manner. A drafter should remove improper uses of gender-specific terms in existing code.

b. Methods of Avoiding Gender-Specific Pronouns

A drafter may use the following methods to avoid the improper use of gender-specific terms. Choose the method that best accomplishes the goal of a clear, well-drafted statute. A drafter should not use a plural pronoun as a method of replacing a gender-specific pronoun.

i. Use Gender-Neutral Nouns

Replace gender-specific nouns with gender-neutral nouns, for example:

- Use “chair” instead of “chairman.”
- Use “law enforcement officer” instead of “policeman.”
- Use “firefighter” instead of “fireman.”

However, do not create gender-specific nouns that are not commonly understood in the English language. For example, use “manhole,” not “personhole.”

ii. Repeat the Antecedent Noun

Repeat the antecedent noun instead of using a gender-specific noun. This is often the easiest and clearest way to avoid using a gender-specific term.

This may not be the best method if the sentence requires the noun to be repeated so often that the sen-

tence becomes cumbersome or difficult to understand.

Example

Do not say:

The director shall certify that he accurately reported the expenditure.

Instead say:

The director shall certify that the director accurately reported the expenditure.

iii. Use an Article Instead of a Possessive Pronoun

Instead of a possessive pronoun, use an article (a, an, or the).

Example

Do not say:

An individual waives his right to a trial if . . .

Instead say:

An individual waives the right to a trial if . . .

In some cases, neither a possessive pronoun nor an article is necessary.

Example

Do not say:

An individual may lose his membership if . . .

Instead say:

An individual may lose membership if . . .

iv. Use an interrogative or demonstrative expression

In this method, the drafter uses “who” or “that” as the subject of the sentence to, by inference, relate to one or multiple verbs.

Example

Do not say:

If an applicant is licensed in another state, he shall submit a verified application.

Instead say:

An applicant who is licensed in another state shall submit a verified application.

v. Rephrase the Nominal

Use a verb instead of a nominal phrase.



Example

Do not say:

An individual who has in his possession a controlled substance in violation of this chapter is guilty of a first degree felony.

Instead say:

An individual who possesses a controlled substance in violation of this chapter is guilty of a first degree felony.

v. Rephrase the Nominal

Use a verb instead of a nominal phrase.

Examples

Do not say:

If the commissioner finds that the sampling frequency can be safely reduced, he may order the sampling frequency reduced in accordance with Subsection (2).

Instead say:

Upon finding that the sampling frequency can be safely reduced, the commissioner may order the sampling frequency reduced in accordance with Subsection (2).

Do not say:

If an individual is not authorized to conduct business under this chapter, he may not claim to be a certified specialist.

Instead say:

An individual who is not authorized to conduct business under this chapter may not claim to be a certified specialist.

vii. Last Resort — Refer to Both Genders

As a last resort, a drafter may refer to both genders. This should only be used if other methods are not possible or result in an unclear sentence. Use of this method is very rare, and usually only arises when the phrase "himself or herself" is used. On occasion, "himself or herself" can be replaced with "oneself," but, depending on the sentence, this can be awkward and is not always the best solution.

12. Inclusive or Exclusive

When drafting a list, a legislative drafter should carefully consider whether the list evidences an intent to be an inclusive or exclusive list.

Utah Code 68-3-12(1)(f) states that, as used in the Utah Code "include," "includes," or "including" means that the items listed are not an exclusive list, unless the word "only" or similar language is used to expressly indicate that the list is an exclusive list.

Further, Utah Code 68-3-12(2)(a) provides that the use of the phrase "but not limited to" after "include," "includes," or "including" is strongly discouraged.

Example

(2) An individual shall present an official form of identification that contains a photograph of the individual, including:

- (a) a driver license;
- (b) an official state identification card; or
- (c) a tribal identification card.

In the preceding example, though not expressly listed, a concealed firearm permit could reasonably be interpreted to be included because it meets the criteria described in the first part of the sentence and is similar to the types of identification listed. However, a fitness club membership card that contains a photograph is probably not included, because it is not an "official form of identification" and is not similar to the types of identification listed. Of course, expressly including a concealed firearm permit in the list is, for the sake of clarity, the preferable option.

If necessary, a legislative drafter may list an item that is not to be included under a definition. The drafter accomplishes this by including a list of exclusions after the phrase "does not include."

Example

- (3) (a) "Poll worker" means an individual assigned by an election official to assist with election, voting, or counting votes.
- (b) "Poll worker" includes an election judge.
- (c) "Poll worker" does not include a poll watcher.

A legislative drafter may use a catch-all provision at the end of a list to emphasize the non-exclusive nature of the list or to describe the nature of the included items that are not listed.



Example

(5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for approval or rejection, including:

- (a) an opinion question specifically authorized by the Legislature;
- (b) a constitutional amendment;
- (c) an initiative;
- (d) a referendum;
- (e) a bond proposition;
- (f) a judicial retention question;
- (g) incorporation of a city or town; or
- (h) any other ballot question expressly authorized by the Legislature.

13. Misused Words and Phrases

a. Affect, Effect

"Affect" (almost always used as a verb) means to have an influence on something.

"Affect" is more commonly used in legislative drafting than "effect."

"Effect" is often used erroneously by drafters when "affect" should be used.

"Effect," when used as a noun, means an outcome or result.

"Effect, when used as a verb, means to make something happen.

Examples

Subsection (3)(a) does not affect the validity of a franchise agreement.

Failure to renew a license has the same effect as a license revocation.

In the preceding example, "effect" means "to cause a revocation."

b. After, Following, Subsequent to

Use "after" instead of "following" or "subsequent to."

c. Assure, Ensure, Insure

"Assure" means to make someone feel better.

"Ensure" is means, for example, to make sure that something will or will not happen.

"Insure" means to underwrite financial risk.

d. Attorney Fees

Use the term "attorney fees" instead of "attorneys' fees," "attorney's fees," or "attorneys' fees."

e. Before, Preceding, Prior to

Use "before" instead of "preceding" or "prior to."

f. Biennially, Biannually, Bimonthly, Semiannually, Semimonthly

"Biennially" means every two years.

"Biannually" or "semiannually" means twice a year.

"Bimonthly" can be interpreted to mean either every two months or twice a month.

To avoid confusion, instead of the above words, a legislative drafter should consider using a phrase like "every two" or "twice a."

g. Compose, Comprise

"Compose" means "to be a part of." For example, if we are discussing a seven-member committee, seven members "compose" the committee.

"Comprise" means to include or contain. For example, if we are discussing a seven-member committee, the committee "comprises" seven members. Never say the committee is "comprised of" seven members (it is unnecessarily wordy).

h. Consecutive, Successive

"Consecutive" means to follow immediately after, without interruption.

"Successive" means to occur after, potentially allowing for intervals or gaps between events.

i. Consider, Deem

Do not use any form of the word "deem." If necessary, use a form of the word "consider" or "determine." Often, these words can be replaced by using an affirmative statement.

Example

Do not say:

The vote described in Subsection (2) is considered to be the final action of the commission.

Instead say:

The vote described in Subsection (2) is the final action of the commission.



j. Described in, in Accordance With, Prescribed in, Pursuant to

When referring to something in another section or subsection, the phrase “described in” is preferred. Use “described in” instead of “prescribed in.”

Though the phrase “prescribed in” references something that is mandatory, the language preceding the use of the phrase, or the referenced provision, will already contain the mandate, making the phrase “prescribed in” unnecessary.

“In accordance with” is used to direct that something be done using a specified multi-step process or in compliance with a set of requirements. “In accordance with” is preferable to “pursuant to,” except in the phrase “pursuant to a court [or administrative] order.” “Described in” is used more commonly than “in accordance with.”

k. Ex Officio

The term “ex officio” when used in the context of membership on a committee, commission, or other body means that the individual is a member of that body because the individual holds a specific office or position. For example, if a statute states that the executive director of the Department of Commerce is a member of a committee, the executive director is an ex officio member. Contrary to popular belief, “ex officio” does not mean that a member is a nonvoting member. A drafter should avoid the use of this term.

l. Farther, Further

“Farther” is used for physical distance. “Further” is used for a figurative distance and applies to time, quantity, or degree.

m. Individual, Entity, Party, Person

Unless expressly defined otherwise for a particular provision or portion of the Utah Code:

- “Entity” means a person, other than an individual.
- “Individual” means a human being.
- “Party” means a participant in a legal action or a person bound by contract. The term is not normally used in any other context.
- “Person” means an individual, association, institu-

tion, corporation, company, trust, limited liability company, partnership, political subdivision, government office, department, division, bureau, other body of government, and any other organization or entity.

Utah Code Section 68-3-12.5

n. If, When, Where, In the Event of

Don’t use “when,” “where,” or “in the event of” in place of “if.” “When” is used to express time and “where” is used to express location.

o. Notwithstanding

Don’t use the word “notwithstanding” unless referring to a specific provision of the Utah Code. A drafter may be tempted to use the term as a general reference or shortcut to avoid conflicts with other laws. It is preferable for a drafter to rewrite the section so that there is no conflict or the specify the section to which an exception is made. Only if it is impossible to specify a section that is in conflict should a legislative drafter state that the section supersedes conflicting sections.

p. Promulgate, Adopt, Make

“Adopt” means to make something that already exists yours. “Make” means to create.” Thus, an executive branch agency usually “makes” rules rather than “adopting” them. “Promulgate” is archaic and should not be used.

q. Respectively, As the Case May be

“Respectively” and “as the case may be” are often used improperly. Because of the potential for confusion, the phrases should, if possible, be avoided.

If a drafter desires to apply A to X, B to Y, and C to Z, that may be clarified by stating, “A, B, and C apply to X, Y, and Z, respectively.” Here the three relationships are concurrent, not alternative. In this statement, the verb “apply” should be used, because the phrase is plural. However, if a drafter desires to apply A if X occurs, B if Y occurs, or C if Z occurs, the correct statement would be “If X, Y, or Z occurs, A, B, or C applies, as the case may be.” Here the three relationships are alternative, not concurrent. In this statement, the verb “applies” should be used, because the phrase is singular.



r. Rule, Regulation

A “rule” is made by a state agency using authority delegated to the agency by the Legislature. Rulemaking authority is governed by Utah Code, Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Normally, a legislative drafter refers to this provision when granting rulemaking authority.

However, even if a grant of rulemaking authority does not reference this provision, the requirements of Utah Code, Title 63G, Chapter 3, Utah Administrative Rulemaking Act, still apply to the grant of rulemaking authority.

A legislative drafter should not use the term “regulation” unless referring the federal regulation. State agencies do not make “regulations.”

A legislative drafter should also avoid the use of the phrase “rules and regulations.”

s. Said, Same, Such

Instead of using the word “said,” “same,” or “such,” a legislative drafter should use the word “a,” “an,” “that,” or “the,” followed by restating the noun. If this method is not possible, a drafter may use the words “it,” “them,” “these,” “this,” or “those.”

When modifying a preceding term or phrase, “such” may sometimes be used, but it is preferable to find an alternative method of modification. “Such as” and “such a” may be used to introduce an example if an “including” statement or another method is not appropriate.

t. Should, Ought

A legislative drafter should not use the term “should” or “ought” instead of the term “shall,” “must,” or “may” (Utah Code 68-3-12(2)(c)(i)). The term “should” may be used in the following circumstances (Utah Code 68-3-12(2)(c)(ii)):

- To refer to a recommended action, including a provision that an individual shall or may recommend whether an action “should” be taken.
- To indicate an expected standard of knowledge, including a provision that an individual “should” know whether a fact exists or that an action is likely to cause a specified result.

- To refer to a determination as to whether an action “should” have occurred.

Because these situations don’t occur often when drafting, a legislative drafter rarely uses the terms “should” or “ought.” In circumstances where these terms may be used, “should” is preferred to “ought”, because “ought” isn’t defined for purposes of the entire Utah Code.

u. State, State of Utah, Utah

Except in the enacting clause, reference to “the state of Utah” is unnecessary. Because Utah cannot legislate for another state, the terms “state,” “the state,” or “this state” are normally used. When it is necessary to specify the state of Utah, use “this state” or “Utah.” Except in the enacting clause, never use the phrase “state of Utah” in a bill. A legislative drafter may use the phrase “state of Utah” in a resolution.

v. That, Which

The terms “that” and “which” are not interchangeable. The choice between these terms is determined by the type of clause that follows the terms.

“That” is most often used in legislative drafting. Its purpose is to introduce a restrictive clause, or a clause that provides information necessary for full comprehension of the sentence. A restrictive clause is not set off by commas.

“Which” is used to introduce a nonrestrictive clause, or a clause that provides nonessential or parenthetical information. A nonrestrictive clause is set off by commas. Often, in legislative drafting, a nonrestrictive clause is not useful and should not be included.

w. To, Through

“Through” means “to and including” and should be used instead of “to” when referencing a series of three or more statutory provisions. “To” is also problematic in drafting a range of dates.

x. Verbal, Oral

“Verbal” means to use words. If a drafter wants to indicate that something is to be communicated by word of mouth, a legislative drafter should use the word “oral.”

y. Willful, Willfully

There are multiple spellings of the word “willful.” A drafter should use the spelling “willful” and “willfully.”



z. Writing

Utah has adopted the Uniform Electronic Transactions Act which anticipates that commerce and government services could be conducted electronically (See Utah Code Title 46, Chapter 4, Uniform Electronic Transactions Act). In light of this, a drafter should be careful to draft in a media-neutral way to allow for electronic transactions, unless the sponsor has a different intention. Utah Code has defined the term "writing" to include electronic writings (See Utah Code 46-4-502).

14. Numbers

a. In General

i. Beginning a Sentence with a Number

Always spell out a number if it begins a sentence. If a number greater than 100 appears at the beginning of a sentence, the number does not include the word "and" within the number.

Examples

Do not say:

(1) 10 years after . . .

Instead say:

(1) Ten years after . . .

Do not say:

(1) One hundred and fifteen people . . .

Instead say:

(1) One hundred fifteen people . . .

ii. Do Not Follow a Number with a Number in Parenthesis

When a number is spelled out, it should not be followed by a numeral in parenthesis.

iii. Singular v. Plural

A number that is spelled out forms a plural in the same manner as other nouns. However, a reference to dollars uses a singular verb.

Example

Do not say:

There are appropriated \$5,000 to . . .

Instead say:

There is appropriated \$5,000 to . . .

iv. Fractions

A simple fraction, such as one-half, is generally spelled out. An alternative to a fraction is a decimal. If a quantity consists of a whole number and a simple fraction, it can either be spelled out or expressed in numerals. However, it is generally preferred to express the quantity in numerals.

Examples

| | | |
|------------|-------------------|------------------|
| one-half | 4-3/4 | 1-1/2 |
| two-thirds | six sixty-fourths | one and one-half |

v. Compound Number from Twenty-one to Ninety-nine

A hyphen is used when a number is spelled out to begin a sentence. This rule includes both a cardinal or an ordinal number.

Example

| | |
|------------------|--------------------|
| Twenty-one . . . | Twenty-first . . . |
|------------------|--------------------|

b. Nine and Under Rule

i. General

Spell out numbers nine and under when enumerating a common noun. Express numbers 10 and above in Arabic numerals.

ii. Exceptions

Notwithstanding the general nine and under rule, use Arabic numbers to express the following.

A. Money

Express money using Arabic numerals. Use the symbol "\$" to express dollars but spell out the word "cents" to express cents.

Example

| | |
|----------------------|----------------------|
| Do not say: | Instead, say: |
| Fifty cents | 50 cents |
| Five million dollars | \$5,000,000 |
| \$5.00 | \$5 |

The preference is to use decimals to express cents or tax-related figures, including a tax rate, assessment, or valuation. A fraction is sometimes used to express a tax rate.



Examples

| | |
|-------------------------------------|----------|
| .0032 per assessed dollar valuation | \$5.83 |
| sales tax rate of 5.85% | 50 cents |
| sales tax rate of 5-9/32% | |

Do not use zeros after a decimal unless actual cents must be expressed.

In listing monetary amounts in tabular form, however, use both decimals and zeros.

Examples

| | | |
|--------|------------|----------|
| \$5.25 | \$2,100.00 | \$194.10 |
|--------|------------|----------|

B. Population

Always express population using Arabic numerals.

Examples

1,382,600 people
A city with a population of 100,000 or more

C. Percentage

Express a percentage using Arabic numerals, and use the percentage symbol instead of spelling out the word "percent."

D. Group of Numbers

If a number in a group of numbers exceeds nine, express the group using Arabic numerals. If all numbers in a group of numbers are nine or under, spell out the numbers.

E. Numbers in a Table

When listing numbers in a table, use Arabic numerals.

F. Reference to the Utah Code or Other Law

A reference to statute is always drafted with numerals.

G. Terms in Education

Express a grade level using Arabic numerals. Use ordinals only as adjectives and spell them out.

Examples

| | |
|--------------------------------|------------------------------|
| Do not say: | Instead, say: |
| grade one | grade 1 |
| kindergarten through grade two | kindergarten through grade 2 |

students in the 10th through 12th grades

students in the tenth through twelfth grades

c. Measurement

The nine and under rule is usually used when referring to a measurement.

Example

| | |
|--------------------|----------------------|
| Do not say: | Instead, say: |
| 40 gallons | 500 feet |
| two quarts | six inches |

d. Age

The nine and under rule is usually used when referring to age.

Avoid ambiguous expressions of age. The phrase "older than 18 years old" could mean the day after the 18th birthday or the day of the 19th birthday. Instead, depending on the intended meaning, say "18 years old or older" or "19 years old or older."

The term "old" is preferred to the term "of age." Make sure the term used is used consistently throughout a piece of legislation.

Examples

Do not say:

If an applicant is more than 21 years old, . . .
If an applicant is between 21 and 50 years old, . . .

Instead, say:

If an applicant is 21 years old or older, . . .
If an applicant is at least 21 years old, but younger than 50 years old, . . .

e. Word Used in Conjunction with a Number

i. "Amount" and "Number"

The term "amount" is used to refer to something as a mass, for example, the "amount of oil."

"Number" is used to refer to individual items, for example, "the number of applicants exceed 500."

ii. "Less" and "Fewer"

"Less" applies to mass nouns or to units and ideas that are not discreet or that cannot be counted, including amount, quality, and size.



Examples

| | |
|------------|-----------------|
| less paper | less importance |
| less water | |

“Less” also is used with percentages and with terms that indicate units, distance, money, population, or time.*

Examples

- less than 5% of the total
- less than four years
- less than 16 miles
- less than \$500,000
- a population of less than 300,000

Do not say, “a population of less than 300,000 people,” because this is redundant and confuses the distinction between the mass noun and the discreet items.

“Fewer” applies to readily distinguishable, discreet, or countable units.

Examples

| | |
|---------------|-----------------|
| fewer inmates | fewer residents |
| fewer people | fewer votes |

*The only time “fewer” should be used in referring to units of time is when the amount of time may only be reduced in like units. For example, “five or fewer months” means five months, four months, three months, two months, or one month, but “five months or less” allows for a period of time that includes a fraction of a month, for example, four months and seven days.

iii. “Funds,” “Money,” and “Monies”

“Funds” should be used to refer to assets that are set apart for a specific purpose or in a specific account. “Money” should be used to refer to cash or a sum of money. Do not use “monies.” “Money” is a plural term for which there is no singular.

f. Date or Time

The following describes the combinations of Arabic numerals and words used to express a date or time.

i. Hour

Never use the phrase “o’clock.” Use “a.m.” or “p.m.”

with the exception that “noon” and “midnight” should be used instead of “12:00 p.m.” or “12:00 a.m.” Do not use a colon to express minutes unless actual minutes are indicated.

Examples

| Do not say: | Instead, say: |
|--------------------|----------------------|
| 10:00 p.m. | 10 p.m. |
| -- | 10:15 a.m. |
| 12 p.m. | noon |
| 12 a.m. | midnight |

ii. Time Period

To eliminate uncertainty in expressing a period of time, specify the first and last day of the period. Make clear the day that is the first day of the period. Do not use the imprecise terms “from,” “to,” “by,” “between” or “until.”

Examples

| |
|---|
| Do not say: |
| July 1, 2022, to July 1, 2023, |
| Instead, say: |
| Beginning July 1, 2022, and before July 1, 2023, . . . |
| or |
| No sooner than July 1, 2022, and no later than July 1, 2023 . . . |

If an act must be done by the end of a time period, the sentence should indicate whether the act must be done before the period begins or whether it must be done within the period.

Examples

| |
|--|
| Do not say: |
| Between July 1, 2022, and July 1, 2023, |
| Instead, say: |
| Beginning on or after July 1, 2022, and ending on or before June 30, 2023, . . . |
| or |
| a taxable year beginning on or after July 1, 2022, but beginning before June 30, 2023, . . . |

iii. Date

Express a date simply using common notation. Utah



Code 68-3-12.5(16) provides that "month" means a calendar month. For legislative drafting purposes, "week" also means a calendar week.

A. Day, Week, or Month

If a date is expressed in a whole day, use "day" not "time."

"Time" may be construed as referring to the exact time of day or night.

Examples

Do not say:

Five days after the time when . . .

Instead, say:

Five days after the day on which . . .

A drafter may use a set day of the week to indicate a deadline or other time restraint.

Examples

A licensee shall renew a license each year on the first Monday of April.

When referring to an effective date, use the date itself rather than an ambiguous phrase.

Examples

Do not say:

. . . after this chapter takes effect . . .

Instead, say:

On or after July 1, 2021, the director shall . . .

B. Notice

When referring to providing notice, the time should be followed by an apostrophe (denoting the possessive case).

Examples

. . . shall provide 48 hours' notice . . .

shall provide seven days' notice . . .

C. Specific Dates

When referring to a date, do not use ordinal numbers or subscripts.

Examples

Do not say:

January 1st of each year

Instead, say:

January 1 of each year

If a sentence continues after a date that includes a year, always add a comma after the year.

Examples

Do not say:

On or before January 1, 2020 the commission shall . . .

Instead, say:

On or before January 1, 2020, the commission shall . . .

D. Year

If a time period is expressed in whole years and the context creates no special ambiguity, use the word "year." If a continuous two-year period is intended, use "for a two-year period" rather than "for two years."

If legislation references a time period spanning years (e.g., fiscal years), include only the last two digits of the last year, for example, "Fiscal Year 2019-20."

15. Possessive

Use an apostrophe to indicate only the possessive, either in the singular or plural, as in "director's" or "workers'." If a noun is a compound term, the word nearest to the object being possessed should end in a possessive.

Examples

attorney general's decision

the Speaker of the House's motion

With two or more items in a series, the items that end in a possessive depend on whether the items are so closely linked that they would be considered a unit. If the nouns are considered a single unit, only the last noun takes the possessive form. If the nouns are independent, each noun should take the possessive form.

Examples

the commission and division's joint agreement to . . .

the commission's or division's finding that . . .

Do not use contractions, like "can't" or "doesn't."

Do not confuse "its" with "it's" or "whose" with "who's."

16. Punctuation

Use punctuation with care to accurately reflect legislative intent. Follow generally accepted, standard rules of punctuation in drafting legislation.



a. Colon

Next to a comma, a colon or semicolon is perhaps the most overused or misused punctuation in drafting. The following are basic rules relating to using a colon:

- Use a colon to precede a series of separately listed subsections, sometimes called a list or interlocked unit.
- Use a colon to precede a series of complete sentences when drafting definitions.
- Use a colon at the end of the enacting clause of a bill or a resolving clause of a resolution.
- Use a colon to introduce a long quote.
- Do not use a colon to introduce a proviso, which generally should not be used in drafting.

b. Comma

Use a comma to separate a series of words, phrases, or clauses. When used properly, a comma is a useful drafting tool. However, the overuse or incorrect use of commas is a common error in drafting. A legislative drafter should observe two general rules:

- a comma should be used if it makes the meaning clearer; and
- a comma should not be used if it interrupts the thought of a sentence.

i. Series

Use a comma to separate words and phrases in a series, including the word or phrase immediately before the conjunction. This is known as an “Oxford” or a “serial” comma.

ii. Successive Adjectives

Use a comma between adjectives preceding a noun that are coordinating, qualifying words.

iii. Nonrestrictive Appositives

Use a comma to set off nonrestrictive appositives. These are nouns or pronouns placed next to other nouns or pronouns that add nonessential details about the noun or pronoun.

Example

The director, who is appointed by the governor, shall keep a record of . . .

Nonrestrictive appositives are not used very often in legislative drafting. If needed, it is preferred that the

information in a nonrestrictive appositive be stated in a separate sentence.

iv. Nonrestrictive Adjective Clause

Use a comma to set off a nonrestrictive adjective clause. This is a clause that describes but does not limit the meaning of something.

Example

The county treasurer shall transfer from the fund account, which contains revenues from the fees collected, \$150,000 to the General Fund.

Nonrestrictive adjective clauses are not used very often in legislative drafting. If needed, it is preferred that the information in a nonrestrictive adjective clause be stated in a separate sentence.

Do not use a comma to set off a restrictive adjective clause. This is a clause that is needed to make the meaning clear. “Which” is used when a relative clause conveys additional information or is parenthetical. “That” is used when the clause is restrictive.

v. Parts of a Compound Sentence

Use a comma between the parts of a compound sentence when punctuation is needed for clarity or to provide an additional idea. A compound sentence contains two or more independent clauses connected by a conjunction.

Example

The division shall fund the program from the division’s general operations budget, but may not expend less than \$100,000 on the program.

If a dependent clause or introductory phrase precedes an independent clause, a comma is not needed after the dependent clause or introductory phrase.

Example

The individual who serves as the executive secretary of the commission may hire additional clerical assistance as necessary.

Normal usage permits placing a comma before a conjunction that connects two independent clauses, each having a subject and a predicate. Often, however, an independent clause is sufficiently long to justify making it a separate sentence. In this case, use two separate



sentences rather than two independent clauses connected by a comma, because the use of two independent clauses makes the sentence too long and difficult to follow.

Do not use a comma to separate the parts of a compound sentence if the clauses are short and closely related.

Do not use a comma between the verbs of a compound predicate. This is a simple sentence that contains two or more verbs with the same subject.

vi. Introductory or Transitional Word or Phrase

Use a comma to set off an introductory or transitional word or phrase. This includes using a comma after an introductory participial or absolute phrase.

Examples

In the case of an emergency, the governor may . . .

After the votes are counted, the election judge shall seal the election pouch.

Do not use a comma to set off restrictive participial phrases. This is a phrase that is essential to the meaning of the sentence.

Example

An individual seeking to practice in Utah shall apply with the division for a license.

vii. Contrasted Word or Phrase

Use a comma to set off a contrasted word or phrase.

Example

A majority of the members shall set a meeting of the commission, not the chair.

viii. Qualifying Language that Applies to a Preceding Clause

Use a comma to indicate that qualifying language applies to all of a preceding clause. However, it may be preferable to place the qualifying language first.

Example

The division may receive additional information from an applicant in writing or by oral testimony, unless the division decides that the information is duplicative.

ix. When the Day of the Month is Included in a Date

If the day of the month is stated in a date, use a comma before and after the year.

Example

This bill takes effect on July 1, 2022, and is repealed on June 30, 2023.

A comma is not needed if the day is omitted.

x. Whole Numbers Comprising Four or More Digits

Use a comma in whole numbers comprising four or more digits.

xi. Clarity

Use a comma to set off words, phrases, and clauses that would otherwise be unclear.

Example

Do not say:

When I was to begin the speech ended.

Instead, say:

When I was to begin, the speech ended.

c. Hyphen

A hyphen should be used sparingly in drafting. The most important considerations in determining whether to hyphenate are clarity and consistency.

Appendix B contains additional information on the use of hyphens.

d. Parentheses

Avoid parentheses except for use in a form, table, or chart.

In general, a word or phrase should be set off by commas rather than by parentheses.

e. Semicolon

The following are basic rules relating to using a semicolon.

i. Series

The most common proper use of a semicolon in legislative drafting is at the end of each segment of a list or interlocked unit containing dependent clauses or incomplete sentences.



Example

(1) A person does not commit an offense under this section if the person:

- (a) receives a certificate of authority; and
- (b) displays the certificate of authority at the person's principal place of business.

ii. Other Uses of a Semicolon

In addition to use in a series, a semicolon is used in drafting to separate paragraphs of a resolution beginning with "WHEREAS," except that the last paragraph ends in a colon.

In traditional legal writing, a semicolon is also used to separate two main clauses that are not joined by a conjunction, or elements, such as items in a series, which themselves contain commas. These uses in legislative drafting are discouraged. It is usually clearer to use separate sentences than to combine ideas using a semicolon.

17. Symbols

Although in rare circumstances a symbol may be necessary (for example, see Utah Code 58-37-4), in general, a symbol that is not otherwise approved by this manual for use in drafting legislation, including *, #, &, and @, should not be used.

18. Tables

When using a table, work closely with the document technicians to ensure that the table works not only in the actual legislation, but also in a final statutory printing of the table. To avoid being misread, a table in the code should be divided by lines.

Example

(1) Subject to Subsection (2), for calendar years beginning on or after January 1, 2023, a claimant may claim a homeowner's credit that does not exceed the following amounts:

| If household income is | Homeowner's credit is |
|------------------------|-----------------------|
| \$0 – \$9,159 | \$798 |
| \$9,160 – \$12,214 | \$696 |
| \$12,215 – \$15,266 | \$597 |

| | |
|---------------------|-------|
| \$15,267 – \$18,319 | \$447 |
| \$18,320 – \$21,374 | \$348 |
| \$21,375 – \$24,246 | \$199 |
| \$24,247 – \$26,941 | \$98 |

19. Time

Be precise when referring to time. Use the terms "after" and "before" instead of "to," "until," "by," or "between."

a. After

If something is required after one or more days, use the phrase "after the day on which."

Example

Do not say:

Within three days after receiving notice, the division shall . . .

Instead, say:

Within three days after the day on which the division receives notice, the division shall . . .

In the preceding example, the first sentence is imprecise, because it could mean three days after the end of the day on which notice is received, or it could mean 72 hours after notice is received. The second sentence clearly indicates that the three-day period begins after the end of the day on which notice is received. If an actual 72-hour period is intended, express the time frame by referring to hours.

Example

Within 72 hours after the division receives notice, the division shall . . .

b. Before

If something is required to happen before a certain day or time, be specific regarding when the deadline comes to an end.

Examples

The individual shall submit the application within 90 days before the day on which . . .

. . . before 5 p.m. on the third Tuesday following the second Monday in July.

(Continued on page 30)



(Continued from page 29)

The division shall present the report on or before July 31, 2022.

c. Between

If something is required to happen after a certain time, but before a later time, be specific regarding the starting and ending time.

Examples

The individual shall submit the application no sooner than the day on which . . . , but no later than the day on which . . .

. . . Beginning on or after January 1, and ending on or before March 1

Avoid vague phrases like “three days from the day on which.” This phrase does not clearly indicate whether the phrase is referring to before an event, after an event, or both.

d. Currently

Do not refer to something existing or happening “currently,” because it is unclear whether this is referring to the time the statute was enacted, the time an individual is reading the provision, or some other time.



Chapter 4 — Anatomy of a Bill

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. In General

When drafting a bill, a legislative drafter is required to comply with Utah Constitution, Article VI, Section 22:

“Except general appropriation bills and bills for the codification and general revisions of laws, no bill shall be passed containing more than one subject, which shall be clearly expressed in its title.”

The title comprises all portions of the short and long title. A legislative drafter should draft this combined title to comply with the clear title requirements of the Utah Constitution. This chapter describes each portion of a bill and requirements related to each portion.

2. Bill Heading

a. Short Title

The first part of a bill’s title is the short title. It appears in the first line of the bill heading.

i. In General

The short title of a bill is a simple, politically neutral phrase that describes the overall subject matter of the bill. The short title is assigned by the Office of Legislative Research and General Counsel. The short title is capitalized, bolded, and is placed at the top of the bill. It should be broad enough to encompass the entire bill but need not be overly broad. The short title must be different from all other short titles used during the same legislative session.

ii. Changing a Short Title

Before a bill is numbered, a legislative drafter may change the short title originally assigned to a bill request in order to accurately reflect the subject matter of the bill. After numbering, a legislative drafter should change a short title, if necessary, to correctly reflect the subject matter of the bill when it is substituted or amended.

b. Remainder of Bill Heading

Immediately following the short title, a bill heading contains:

- the year and legislative session type

- the phrase “State of Utah”
- the sponsor’s name, after the heading “Chief Sponsor:”
- if the bill has passed one house of the Legislature, the name of the opposite house sponsor after the heading “Senate Sponsor:” or “House Sponsor:”
- a list of any cosponsors

3. Long Title

a. In General

The bill heading is followed by the long title. The long title is not a bill summary within the traditional meaning of that term. Rather, it is a description of the areas of code affected, a brief description of the main provisions or subject matter of the bill, a description of any appropriations in the bill, a list of special clauses, and an enacting clause.

The long title is usually drafted after the legislative drafter finishes drafting the body of the bill.

b. Changing a Long Title

A legislative drafter should amend the long title of a bill, as necessary, to correctly reflect changes made to the body of the bill in an amendment or a substitute.

c. Committee Note

A committee note only appears on legislation that is recommended by an interim committee. A committee note appears at the beginning of the long title.

d. General Description

The next portion of a long title (or the first if the bill lacks a committee note) is the general description. The general description is usually a single sentence that broadly describes the subject matter of the bill or the general area of the Utah Code affected. When referring to an area of the code in the general description, use the name (and not the number) of the title, chapter, or part.

e. Highlighted Provisions

Immediately following the general description is the highlighted provisions portion of the bill. This portion of the bill begins with the phrase “This bill:” followed by



one or more statements, in a bulleted list, highlighting the main provisions or general topics of the bill. It is not a detailed summary, but should be a fair and accurate overview that does not omit significant matters addressed by the bill. Highlighted provisions should not contain a lot of detail.

Example

Do not say:

- ▶ changes the deadline to submit a petition from February 15 to March 15;
- ▶ changes the deadline to submit a signature packet from April 1 to May 1;

Instead say:

- ▶ changes submission deadlines for a petition and a signature packet;

The broader statement in the above example puts the reader on notice that the deadlines have changed while avoiding an unnecessarily lengthy description or requiring a long title change if the dates in the bill are altered by amendment or substitute.

f. Money Appropriated in this Bill

The next heading that appears in a long title is "Money Appropriated in this Bill." If the bill does not contain an appropriation, the heading is followed with the word "None." If the bill contains an appropriation, the description begins with the phrase "This bill appropriates in the fiscal year [insert fiscal year]:" followed by one or more bullets describing the appropriation.

Examples

Money Appropriated in this Bill:

This bill appropriates \$25,000,000 in operating and capital budgets for fiscal year 2026, all of which is from the various sources as detailed in this bill.

Money Appropriated in this Bill:

This bill appropriates \$4,000,000 in restricted fund and account transfers for fiscal year 2026, all of which is from the various sources as detailed in this bill.

g. Other Special Clauses

The next heading is "Other special clauses," followed either by the word "None" or by a description of each special clause included in the body of the bill as uncodi-

fied text. Special clauses appear in the following order:

- Severability
- Intent (this is extremely rare)
- Effective date (immediate, delayed, or split)
- Retrospective operation
- Uncodified repeal date
- Revisor Instructions
- Coordination clause

Examples

Other Special Clauses:

This bill provides a severability clause.

This bill provides a statement of legislative intent.

This bill provides a special effective date.

This bill provides for retrospective operation.

This bill provides a repeal date.

This bill contains revisor instructions.

This bill contains a coordination clause.

h. Utah Code Sections Affected

i. In General

A bill includes a list of the sections affected by the bill. The sections appear in numerical order and in the order of the following headings:

- Amends
- Enacts
- Repeals and Reenacts
- Renumbers and Amends
- Repeals
- [amends, enacts, etc.] an uncodified provision
- Utah Code Sections Affected by Coordination Clause

ii. Legislative History of a Codified Section

In a list of sections affected, a section's most recent legislative history is printed immediately following the section affected. Because the Utah Code was last codified in 1953, a section in effect in 1953 that has not been amended reflects the 1953 codification as the section's legislative history.

If a section is enacted or amended after 1953, the legislative history refers to the chapter in the Laws of Utah that contains the most recent change to the section, re-



ardless of how many times the section has been amended. If more than one chapter in the Laws of Utah amends a section during the same legislative session, each chapter that amends the section is listed in numerical order.

iii. Legislative History of an Uncodified Section

In the unusual case when new substantive material is enacted and is not codified in the Utah Code, the list of sections affected indicates that uncodified material is being enacted. This does not apply to uncodified material that is a special clause.

Example

Uncodified Material Affected:
ENACTS UNCODIFIED MATERIAL

In the extremely rare case where an uncodified provision is amended by a bill, the list of sections affected cites to the Laws of Utah where the amended provision appears.

Example

Uncodified Material Affected:
AMENDS UNCODIFIED MATERIAL:
Laws of Utah, 1983, Chapter 343, Uncodified Section 49

i. Utah Code Sections Affected by Revisor Instructions

If a bill contains a revisor instruction, the long title lists the sections affected by the revisor instruction.

j. Utah Code Sections Affected by Coordination Clause

If a bill contains a coordination clause, the long title lists the sections affected by the coordination clause.

4. Body of a Bill

The body of the bill begins with an enacting clause.

Example

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

Immediately after the enacting clause, the remainder of the bill comprises the subject matter of the bill and contains substantive law. Only this part of the bill contains provisions that are included in the Utah Code. The main body of the bill is divided into separate sections in numerical order, except that a code section being repealed by the bill is listed, by section number, in the last section of the body of the bill.

A section of a bill begins by designating the section of the code affected and whether the bill amends, enacts, repeals and reenacts, or renumbers and amends the code section. The legislative history is not included as part of the section designation.

After the section designation, and with the exception of a repealed section, a statute affected by the bill is printed in its entirety with deletions and additions indicated.

Example

Section 1. Section **10-5-104** is amended to read:

Section 8. **Repealer.**

This bill repeals:

Section **23-20-11, Possession or use of weapons by persons under the influence.**

a. Amending

To amend a provision of existing law:

- The entire section of code where a change is to be made is brought into the bill, even if only a small change is being made to that section.
- Deleted text appears between brackets and the deleted text is shown struck through.
- Inserted text is underlined.
- If inserted text is immediately adjacent to deleted text, the inserted text usually appears immediately after the deleted text (An exception is sometimes made to this rule for the sake of readability).
- A legislative drafter changes the section's boldface, as necessary, to accurately reflect the modified version of the section (Because a section's boldface is not law, changes to the boldface are not reflected by underlining, bracketing, or strikeout).

b. Enacting

To enact a new section into law:

- The legislative drafter verifies that the new section number has not been used before (i.e. the new section number is not the same number as a previously repealed section).
- The new section number and the entire text of the new section is underlined.
- The legislative drafter creates the section's boldface to accurately reflect the content of the new section.



- The boldface is not underlined.

c. Repealing and Reenacting

Repealing and reenacting means that a section is repealed and entirely rewritten in the same bill without changing the subject of the section. Repealing and reenacting is used when so many changes are made to an existing section of law that very little of the original text will remain in the section. Repealing and reenacting should never be used if the subject of the section changes.

When a section is repealed and reenacted, the deleted text is not shown in the bill. Rather, the text is removed entirely and replaced with new text as if the section is newly enacted. This makes it more difficult to track the changes being made to existing law and more difficult to conduct research on the section's legislative history. For these reasons, a legislative drafter should avoid the practice of repealing and reenacting unless the normal amendment process will necessarily result in deleting almost all existing text in a section.

To repeal and reenact a section:

- The existing section number and the entire text of the section is underlined.
- The legislative drafter creates the section's boldface to accurately reflect the content of the section.
- The boldface is not underlined.

d. Renumbering and Amending

Renumbering and amending is used to move an existing code section to another part of the code. This is usually done when a legislative drafter recodifies a portion of the code or moves the responsibility for an existing provision of law from one government agency to another government agency. A section is considered renumbered and amended even if the section is only renumbered and no changes are made to the text of the section. Renumbering and amending cannot be used to extract the contents of two or more sections and put them into one, split one section into two or more sections, or renumber a section to be the same number as an existing section.

To renumber and amend:

- The existing section number is bracketed and shown struck through.
- The new section number is underlined.
- The entire section appears in the bill, even if the only thing that changes is the section number.
- Deleted text appears between brackets and the deleted text is shown struck through.
- Inserted text is underlined.
- If inserted text is immediately adjacent to deleted text, the inserted text usually appears immediately after the deleted text (An exception is sometimes made to this rule for the sake of readability).
- A legislative drafter changes the section's boldface, as necessary, to accurately reflect the modified version of the section (Because a section's boldface is not law, changes to the boldface are not reflected by underlining, bracketing, or strikeout).

e. Repealing

The text of a section to be repealed does not appear in the bill. Rather, each section repealed by a bill is listed in the last section of the main body of the bill, together with the boldface of the section.

Example

Section 8. **Repealer.**

This bill repeals:

Section 23-20-11, Possession or use of weapons by persons under the influence.

If an entire chapter or part of the Utah Code is repealed, in addition to checking cross references for the sections being repealed, a legislative drafter should also check cross references to the chapter or part being repealed, including the name of the chapter or part, if any.



Chapter 5 — Anatomy and Use of a Resolution

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. Purpose of a Resolution

A resolution is never used to amend the Utah Code, but may be used for one of several other purposes, including:

- An expression of policy – For example, to express an opinion on an issue of statewide or national importance or to approve, encourage, or discourage action by another entity.
- Proposing an amendment to the Utah Constitution to be submitted to a vote of the people (see Utah Constitution, Article XXIII).
- Amending a legislative rule.
- Amending a court rule of procedure or evidence (see Utah Constitution, Article VIII, Section 4).
- Submitting a nonbinding opinion question to the voters.
- Approving a specific action.
- Acting on a federal constitutional issue – For example, ratifying an amendment to the Constitution of the United States or calling for a constitutional convention of the states.

2. Citation

A citation, rather than a resolution, is specified by legislative rule as being the exclusive form used to commemorate or memorialize a person or event, or to express commendation or condolences (HR1-7-101 and SR1-7-101). A citation can be approved by an individual legislator or by one or both houses of the Legislature (HR1-7 or SR1-7). An individual citation requires no floor action and can be prepared throughout the year (HR1-7-102 or SR1-7-102).

A citation is prepared by the Chief Clerk of the House of Representatives or Secretary to the Senate in the form specified by legislative rule (HR1-7 or SR1-7). A legislator may make a motion on the floor of the House of Representatives to approve a citation and authorize the Speaker of the House to sign the citation on behalf of the House of Representatives (HR1-7-103). A legislator may make a motion on the floor of the Senate to ap-

prove the citation and authorize the President of the Senate to sign the citation on behalf of the Senate (SR1-7-103). Because the offices of the Senate and House of Representatives prepare a citation and control its form, this manual does not address the format of a citation.

3. Types of Resolutions

a. Single House Resolution

A single house resolution is a resolution passed by one house of the Legislature to express the opinion of that house or to take action on a particular matter by that house. For example, the House of Representatives amends House rules by passing a House resolution. Similarly, the Senate amends Senate rules by passing a Senate resolution.

b. Joint Resolution

A joint resolution requires passage by both houses of the Legislature. Legislative action that requires a joint resolution includes the following:

- Proposing an amendment to the Utah Constitution to be submitted to a vote of the people.
- Amending a joint legislative rule.
- Amending a court rule of procedure or evidence.
- Submitting a nonbinding opinion question to the voters.

c. Concurrent Resolution

A concurrent resolution requires passage by both houses of the Legislature and the approval of the governor.

4. Anatomy of a Resolution

A description of each portion of a resolution and the requirements related that portion are described below.

a. Resolution Heading

i. Short Title

The first part of a resolution's title is the short title. It appears in the first line the resolution heading. The short title is a brief phrase that describes the purpose of the resolution. The short title of a resolution must contain the word "resolution."



ii. Remainder of Resolution Heading

Immediately following the short title, a resolution heading contains:

- the year and legislative session type
- the phrase “State of Utah”
- the name of the sponsor of the resolution, after the heading “Chief Sponsor:”
- if the resolution is a joint or concurrent resolution that has passed one house of the Legislature, the name of the opposite house sponsor after the heading “Senate Sponsor:” or “House Sponsor:”
- a list of any cosponsors

b. Long Title

i. General

The resolution heading is followed by the long title. The long title is a brief description of the main provisions or subject matter of the resolution, any special clauses, and a resolving clause. The long title is usually drafted after the legislative drafter finishes drafting the body of the resolution.

ii. Changing a Long Title

A legislative drafter should amend the long title of a resolution, as necessary, to correctly reflect changes made to the body of the resolution in an amendment or a substitute.

iii. Committee Note

A committee note only appears on legislation that is recommended by an interim committee. A committee note appears at the beginning of the long title.

iv. General Description

The next portion of a long title (or the first if the resolution lacks a committee note) is the general description. The general description is usually one sentence in length and generally describes the subject matter or effect of the resolution.

v. Highlighted Provisions

Immediately following the general description is the highlighted provisions portion of the resolution. This portion of the resolution begins with the phrase “This resolution:” followed by one or more statements, in a bulleted list, highlighting the main provisions or general

topics of the resolution. It is not a detailed summary but should be a fair and accurate overview that does not omit significant matters addressed by the resolution. Highlighted provisions should not contain a lot of detail.

vi. Special Clauses

The next heading is “Special Clauses,” followed either by the word “None” or by a description of each special clause included in the body of the resolution.

vii. Provisions Affected

Certain resolutions include in the long title a list of the provisions affected by the resolution.

A policy-related resolution does not contain a “provisions affected” clause because it does not affect a constitutional provision or a rule.

Examples

Utah Constitution Sections Affected:

REPEALS AND REENACTS:

ARTICLE XI, SECTION 6

Utah Rules of Evidence Affected:

AMENDS:

Rule 702, Utah Rules of Evidence

Legislative Rules Affected:

AMENDS:

JR3-2-901

JR4-3-108

ENACTS:

JR1-1-103

5. Body of a Resolution

a. Resolving Clause

The body of the resolution begins with a resolving clause. The language of a resolving clause varies, depending on the type of resolution, as follows:

- Single house resolution – “Be it resolved by the House of Representatives of the state of Utah:” or “Be it resolved by the Senate of the state of Utah:”
- Joint resolution – “Be it resolved by the Legislature of the state of Utah:”
- Joint resolution requiring two-thirds vote – “Be it resolved by the Legislature of the state of Utah, two-



thirds of all members elected to each of the two houses voting in favor thereof.”

- Concurrent resolution – “Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:”

b. Body of a Resolution

i. Format for Most Resolutions

For most resolutions, the remainder of the resolution (immediately after the resolving clause) comprises the subject matter of the resolution and is divided into a preamble and a resolution statement.

A. Preamble

A preamble states the reason, purpose, or policy of a resolution and requires a drafting style that is more elaborate than for bills. A preamble is often longer than the resolution statement and consists of clauses separated into paragraphs.

To draft a preamble:

- Begin each clause with "WHEREAS,"
- End each clause, other than the last two clauses, with a semicolon.
- End the next to last clause with “; and”
- End the last clause with a colon.

Examples

WHEREAS, residents of mobile home parks have expressed concern regarding what these residents believe are overly restrictive park leases;

WHEREAS, mobile homes are subject to regulation by the state; and

WHEREAS, the state recognizes the need for mobile home park leases and rules that promote harmony and fairness between park owners and residents:

B. Resolution Statement

For a policy-related resolution, the resolution statement is separated into paragraphs that end with a period. The first paragraph begins with one of the following, depending on the type of resolution:

- Single house resolution – “NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the state of Utah:” or “NOW, THEREFORE, BE IT RESOLVED by the Senate of the state of Utah:”

- Joint resolution – ““NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah:”
- Joint resolution requiring two-thirds vote – “NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:”
- Concurrent resolution – “NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein:”

Subsequent paragraphs begin with the capitalized phrase “BE IT FURTHER RESOLVED”.

Examples

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to approve the upgrading of the 300-mile segment of road between Interstate 15 in southern Utah and Interstate 17 in Arizona.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Speaker of the United States House of Representatives, the Majority Leader of the United State Senate, and to the members of Utah's congressional delegation.

ii. Format for Special Resolutions

Resolutions used to take certain action authorized by the United States Constitution, the Utah Constitution, or statute may use a format that differs from the format used for a policy based resolution. Examples include:

- a proposal to amend, or ratify an amendment to, the United States Constitution (for an example, see 2025 General Session H.J.R. 7, Proposal to Amend Utah Constitution - Property Tax);
- a proposal to call a federal constitutional convention (for an example, see 2025 General Session S.J.R. 13, Joint Resolution Concerning Federal Term Limits);
- a proposal to amend the Utah Constitution (for example, see 2025 General Session H.J.R. 5, Proposal to Amend Utah Constitution - Electoral Votes);
- amending a judicial rule of procedure and evidence (for an example, see 2025 General Session S.J.R. 10, Joint Resolution Amending Court Rules Regarding Pleas); or



- amending a legislative rule (for an example, see 2025 General Session H.J.R. 4, Joint Rules Resolution - Amendments to Joint Rules).

7. Distribution of a Resolution

A resolution encouraging action is usually distributed to the persons or entities urged to take the action. This type of resolution should include a resolution statement detailing the distribution of the resolution. The distribution of a resolution is governed by JR4-1-303. If a resolution urges action by the United States House of Representatives, the United States Senate, or the United States Congress as a whole, distribution to those entities may only be sent to the following:

- the Utah congressional delegation;
- the speaker of the United States House of Representatives;
- the majority leader of the United States Senate; or
- a member of the appropriate U.S. House or U.S. Senate committee or subcommittee.

To reduce expense and other burdens, distribution of a resolution should be limited. For example, a resolution encouraging other state legislatures to take action should be sent to the speaker and president of those legislatures rather than to each member of each state legislature.

8. Effective Date of a Resolution

Most resolutions take effect immediately after approval by (depending on the type of resolution) an individual house, both houses, both houses and the governor, or both houses and the voters (JR4-1-302). Some resolutions require a special effective date, for example:

- a contingent effective date is used for a resolution proposing an amendment to the Utah Constitution; or
- a resolution amending a rule of procedure or evidence should contain a special effective date.

Other resolutions may contain a delayed effective date if desired by the sponsor.



Chapter 6 — Appropriations

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. In General

Most appropriations are made in omnibus appropriations bills. A legislator who desires that an appropriation be included in an omnibus appropriations bill should file a request for appropriation with the Legislative Fiscal Analyst's Office.

Occasionally, a legislator requests that an appropriation be included in the bill to which the appropriation relates. A legislative financial analyst will draft the appropriation for the bill, but the attorney drafting the bill will work with the legislative financial analyst to ensure that the sponsor's intent is fulfilled. Thus, the bill's drafter should have a basic understanding of appropriations.

Examples of each appropriation type are included in Appendix C.

2. Appropriation Types

There are seven types of appropriations (described below). The language used in an appropriation depends on the type of appropriation being made. The appropriation types that a bill drafter will most commonly be involved in are those listed in a, b, and c. If a drafter is uncertain which appropriation type to use, the drafter should consult with the Fiscal Analyst's Office.

a. Operating and Capital Budgets

An *operating and capital budgets* appropriation is the most common type of appropriation. This includes appropriations made from the General Fund, the Income Tax Fund, or a restricted account to a state agency for expenditure in a state program.

b. Restricted Fund and Account Transfers

A *restricted fund and account transfers* appropriation authorizes the Division of Finance to transfer money from a fund or account to a restricted fund or account (for example, from the General Fund to a General Fund – Restricted Account).

Expenditures from a restricted account to which the money is transferred must be authorized separately, using an operating and capital budgets appropriation.

c. Expendable Funds and Accounts

An *expendable fund and accounts* appropriation authorizes the Division of Finance to transfer money from a fund or account to an expendable fund or account (for example, from the General Fund to an expendable special revenue fund).

Expenditures from an expendable fund or account to which the money is transferred may be made without further legislative appropriation, in accordance with statutory provisions relating to the fund or account.

d. Transfers to Unrestricted Funds

A *transfer to unrestricted funds* appropriation authorizes the Division of Finance to transfer money from a restricted fund or account to the unrestricted General Fund, Income Tax Fund, or Uniform School Fund. Expenditures from the General Fund, Income Tax Fund, or Uniform School Fund to which the money is transferred must be authorized separately by another type of appropriation.

e. Capital Project Funds

A *capital project funds* appropriation authorizes the Division of Finance to transfer money from a fund or account to a capital projects fund. Capital projects funds are a specific fund type set up for infrastructure projects, such as the DFCM Capital Projects Fund, the DFCM Prison Project Fund, or the Transportation Investment Fund of 2005.

f. Business-like Activities

A *business-like activities* appropriation (in accordance with Utah Code 63J-1-410) approves budgets, full-time permanent positions, and capital acquisition amounts for internal service funds. A budget in this type of appropriation is informational. An internal service fund entity is controlled by employment caps, capital acquisition limits, and rate setting.

g. Fiduciary Funds

Though classified as an appropriation, a *fiduciary funds appropriation* is simply an indication that the Legislature has reviewed proposed revenues, expenditures, and



fund balances for fiduciary funds. Fiduciary funds are used to account for assets held in trust by the state, such as the Navajo Royalties Holding Fund or the State Hospital Patient Trust Fund.

3. Parts of an Appropriation

Following is a description of the parts of an appropriation. Hermes will auto-populate many of these parts.

a. Long Title

The long title of a bill includes a heading entitled “Money Appropriated in this Bill.” Because most appropriations are not included directly in the bill to which the appropriation relates, this heading is usually followed by “None.”

When an appropriation is included directly in the bill to which it relates, this heading is followed by a general description of the appropriation, using the following format:

Format

Money Appropriated in this Bill:

This bill appropriates [amount] in [type of appropriation] for fiscal year [designate year], all of which is from the various sources as detailed in this bill.

Example

Money Appropriated in this Bill:

This bill appropriates \$25,000,000 in operating and capital budgets for fiscal year 2026, all of which is from the various sources as detailed in this bill.

b. First Paragraph

An appropriation appears at the end of a bill in a separate section of the bill. The first paragraph of an appropriation begins with the following two sentences:

Format

***Section. ____.* Appropriation**

The following sums of money are appropriated for the fiscal year beginning July 1, [beginning year of fiscal year], and ending June 30, [ending year of fiscal year]. These are additions to amounts previously appropriated for fiscal year [ending year of fiscal year].

** Note: The second sentence is not included in a base budget bill.*

If an appropriation contains more than one appropriation type in the same fiscal year, it is not necessary to repeat the first two sentences for each appropriation type.

The first two sentences are followed by one of the following, depending on the appropriation type.

i. Operating and Capital Budgets

“Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.”

ii. Restricted Fund and Account Transfers

“The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds or accounts to which the money is transferred must be authorized by an appropriation.”

iii. Expendable Funds and Accounts

“The Legislature has reviewed the following expendable funds. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated. Outlays and expenditures from the funds or accounts to which the money is transferred may be made without further legislative action, in accordance with statutory provisions relating to the funds or accounts.”

iv. Transfers to Unrestricted Funds

“The Legislature authorizes the State Division of Finance to transfer the following amounts to the unrestricted General Fund, Income Tax Fund, or Uniform School Fund, as indicated, from the restricted funds or accounts indicated.

Expenditures and outlays from the General Fund, Income Tax Fund, or Uniform School Fund must be authorized by an appropriation.”

v. Capital Project Funds

“The Legislature has reviewed the following capital project funds. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated.”



vi. Business-like Activities

“The Legislature has reviewed the following proprietary funds. Under the terms and conditions of Utah Code 63J-1-410, for any included Internal Service Fund, the Legislature approves budgets, full-time permanent positions, and capital acquisition amounts as indicated, and appropriates to the funds, as indicated, estimated revenue from rates, fees, and other charges. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated.”

vii. Fiduciary Funds

“The Legislature has reviewed proposed revenues, expenditures, fund balances, and changes in fund balances for the following fiduciary funds.”

c. Operative Language

The next portion of an appropriation describes the appropriation line item, the source or sources of an appropriation, the amount appropriated from each source, and the destination of the appropriation. For multiple appropriations or multiple appropriation types, this portion may be divided into subsections and items as shown in the examples in Appendix C.

d. Intent Language

i. In General

The last part of an appropriation often includes intent language to describe the intended use of the funds appropriated. Intent language must have a direct connection to the appropriation itself and should avoid including language that would normally be included in statute.

ii. Permissible Intent Language

A. Specifying Use

Intent language may specify the use of an appropriation by an agency or program.

Examples

The Legislature intends that \$250,000 of the appropriation be spent for increasing the production of native fish within the Community Fisheries Program.

B. Designating Funds as Non-lapsing and Limiting Use of the Funds

Intent language may be used to designate all or part of the appropriation as non-lapsing. For example, a one-

time appropriation of funds to acquire computer equipment may be non-lapsing to allow a portion of the purchase to occur in the fiscal year after the fiscal year for which it is appropriated. In order for non-lapsing status to be valid, the funds must be designated as such in the appropriation or in Utah Code Section 63J-1-602.2.

In addition to specifying the intended use of appropriated funds, an appropriation should also specify the Legislature’s intent regarding the use of non-lapsing funds. The intent language may also include limitations on the maximum portion of an appropriation, or of non-lapsing funds, that may be expended for specific items, including administration of the program for which the appropriation is made.

Example

Under the terms of Section 63J-1-603, the Legislature intends that appropriations under this section not lapse at the close of Fiscal Year 2026. Use of any nonlapsing funds is limited to funding the digitizing of documents generated by former Utah governors for preservation and access.

C. Expenditure of Contingent Revenue

Intent language may also be used to authorize or direct the expenditure of contingent revenue.

D. Study

Intent language may be used to direct an agency or office to conduct a study. The language should specify the person required to conduct the study, set a deadline for completion of the study, and require reporting the results of the study to a specified legislative body. The intent language should not require a specific action or result. Rather, the legislative body that receives the report can make recommendations based on the study results.

Examples

The Legislature intends that the state court system examine the possibility of establishing an electronic filing system that could be used for most, if not all, documents filed within the state court system, and, on or before [Date], report to the Executive Appropriations Committee when the system could be in place, how much

(Continued on page 42)



(Continued from page 41)

the system would cost, and whether a self-funded system is a feasible alternative.

The Legislature intends that the Office of the Legislative Fiscal Analyst examine whether the cost of computer legal research can be reduced and report on the examination results to the [name of appropriations subcommittee] on or before [Date].

iii. Prohibited Intent Language

The purpose of intent language is to direct the use of appropriations. Language that goes beyond this purpose should not be included in the intent language, or any other portion, of an appropriation. Some examples of language that is prohibited from inclusion in an appropriation follow.

A. Language Amending, Enacting, or Repealing

Substantive Law

Do not amend, enact, or repeal, substantive law through intent language.

Example

Do not say:

The Legislature intends that a candidate for state office report campaign contributions on October 15 in addition to other dates required by law.

Instead:

Via a bill, add the new date for reporting contributions to the existing code provision that specifies the dates when reporting is required.

B. Language that Violates Procurement Law

Intent language may not be used to direct the award of a grant or specify a nongovernment entity that will receive money from an appropriation. Intent language may not bypass requirements of procurement law.

C. Language that Violates Separation of Powers

While the Legislature may, by law, give direction to entities in other branches, intent language may not be used to micro-manage those branches in a manner that violates the separation of powers.

4. Other Matters Related to Appropriations

a. Negative Appropriations

A negative appropriation (i.e. removing money previous-

ly appropriated) is indicated by placing the amount in parentheses. For example, "(\$7,000)" means that \$7,000 that was previously appropriated is now being removed. One of the more common situations where this occurs is when money is being moved from one account or program to another account or program.

b. Nonlapsing Funds

i. In General

Most appropriations are lapsing (meaning any unspent appropriated funds lapse back into their originating fund at the end of the fiscal year for which they were appropriated). It is assumed that an appropriation to an entity outside the legislative branch lapses, unless intent language or statute expressly provides otherwise.

ii. Designating Funds as Nonlapsing

A. Previously Appropriated Funds

Section 63J-1-603 imposes requirements on agencies that want to use funds that were appropriated for, but will not be used during, the current fiscal year. This takes the form of a request to designate the excess funds as nonlapsing (i.e., funds that can be carried over to the next fiscal year). Funds that are designated as nonlapsing under this process will only be carried over to the subsequent fiscal year. If these funds are not expended during that subsequent fiscal year, they will lapse, unless an additional request to designate the funds as nonlapsing is approved for an additional fiscal year.

B. Appropriations for Future Fiscal Year

A designation of nonlapsing is usually made for excess funds previously appropriated for the current fiscal year. Attempts to designate funds for future fiscal years (any fiscal year after the one we are currently in, including the fiscal year that begins July 1 following the upcoming general session) as non-lapsing is discouraged. However, this may be done in limited circumstances with the approval of general counsel. A bill that designates an appropriation as nonlapsing must comply with the requirements of Subsection 63J-1-602(2)(a) or, for an appropriations bill, (2)(b):

“(2) No appropriation from a fund or account or appropriation to a program may be treated as



nonlapsing unless:

- (a) it is listed in Section 63J-1-602.1 or 63J-1-602.2;
- (b) it is designated in a condition of appropriation in the appropriations bill; or
- (c) nonlapsing authority is granted under Section 63J-1-603.”

Nonlapsing status is usually applied to appropriations from accounts, not to the accounts themselves. Funds in a restricted account are already statutorily required to remain in the account under Subsection 63J-1-104(3)(b):

“Revenues in a restricted account or fund do not lapse to another account or fund unless otherwise specifically provided for by law or legislative appropriation.” If an appropriation is nonlapsing, the intent language should state that the appropriation is nonlapsing, not the fund or account from which the appropriations are made.

A drafter may add intent language to an appropriation to designate all or part of the appropriation as nonlapsing.

c. Appropriations to the Legislature

Appropriations to the Legislature, the House, the Senate, or staff offices of the Legislature are always nonlapsing. Thus, it is not necessary to specify this in an appropriation to a legislative body.



Chapter 7 — Cause or Right of Action

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. Introduction

A legislative sponsor may want to allow a person to bring a lawsuit in certain circumstances, including circumstances that would allow a party to bring a lawsuit to enforce a statute. To do so, the drafter must create a right of action. *Note: The term, “right of action,” is used interchangeably with “cause of action,” but the more appropriate term for drafting purposes is “right of action.”*

2. Right of Action

Unless a statute expressly grants a right of action, courts are generally reluctant to imply that a statute allows a party to bring a civil action. The issue over whether a person or entity has a right of action may come up when a statute creates a duty, requirement, or right in which a party may seek enforcement through a civil lawsuit. To avoid any question over whether a bill creates a right of action, a drafter should include language in the bill to specifically address the issue.

Examples

(5) A person injured by unfair competition has a right of action against the person who engaged in the unfair competition that caused the injury.

(10) This section does not create a right of action against a person with whom the demanding party is not in privity of contract.

3. Creating a Right of Action

To create a new right of action, a drafter should:

- identify the parties to the right of action;
- specify the elements of the right of action;
- specify the remedy for the right of action;
- consider whether the new right of action will duplicate, or overlap with, an existing right of action;
- consider whether to include an affirmative defense;
- consider whether the liability of multiple defendants should be addressed; and
- consider whether to specify an effective date for the right of action.

a. Parties to a Right of Action

A drafter should clearly identify the parties to a right of action, including:

- the person who may bring the action (the plaintiff); and
- the person against whom the plaintiff may bring the action (the defendant).

Example

Do not say:

(1) A parent or guardian with legal custody of a minor is liable for damages sustained to property when the minor is liable for the damages.

Instead say:

(1) A person has a right of action against a parent or guardian with legal custody of a minor if:

- (a) the minor intentionally damages the property of the person; and
- (b) the parent or guardian did not make a reasonable effort to restrain the minor from the conduct described in Subsection (1)(a).

It is not enough just to say that a party may be held liable, because it is not clear who has the right to bring the action.

b. Elements of a Right of Action

A drafter must specify the elements that must be met before the right of action can accrue. For example, a right of action for negligence requires:

- the existence of a duty;
- the breach of the duty;
- proximate cause; and
- damages.

Example

Do not say:

A client has a right of action against an attorney or a law firm to recover a client referral fee.

(Continued on page 45)



(Continued from page 44)

Instead say:

(1) A client has right of action against an attorney or a law firm to recover a client referral fee if:

- (a) the attorney or the law firm pays a client referral fee; and
- (b) the client referral fee was not disclosed to the client before the client paid for, or was obligated to pay for, legal services from the attorney or the law firm.

c. Remedy for a Right of Action

For a new cause of action, a drafter should specify any remedy that a court may award the plaintiff in the action. The most common types of remedies in a civil action are monetary damages, injunctive relief, or specific performance.

A remedy for injunctive relief allows a court to stop a party from doing something. Whereas a remedy for specific performance allows a court to order a party to do something.

Examples

(2) If the court finds that a corporation violated Subsection (1), the court may award damages, including any profits from the violation.

(2) If the court finds that the person unlawfully used the title of “licensed professional therapist,” the court may grant an injunction barring the person from using the title.

(2) If the court finds that the corporation engaged in oppressive conduct toward the shareholder, the court may order the corporation to purchase the shareholder’s shares at fair value.

d. Duplication of, or Overlap With, an Existing Right of Action

A new right of action may duplicate or overlap with an existing right of action that arises from a contract, another statute, or common law. A drafter should research whether a right of action would duplicate or overlap an existing right of action. If duplication or overlap may occur, a drafter should consult with the legislative sponsor to determine what effect the sponsor would like the

new action to have in relation to the existing cause of action. For example, the sponsor’s intent might be to replace the existing action with a new action that has different elements or remedies. If the legislative sponsor intends to replace or supersede an existing right of action, a drafter should consider the constitutional implications this engenders.

When a statute fails to address whether an existing right of action is abrogated or otherwise impacted, a court has to determine the impact of the new statute. Therefore, a drafter should include language in the new cause of action that expressly addresses the issue of abrogation or other impact to avoid any confusion or misinterpretation of the Legislature’s intent.

e. Affirmative Defense

An affirmative defense is a set of elements that, if proved by the defendant, excuses the defendant from liability under a right of action. If a sponsor intends to excuse a defendant from liability in certain circumstances, the drafter should include language that clarifies that a defendant has an affirmative defense and the elements of the affirmative defense.

Example

(3) An attorney or law firm has an affirmative defense to the right of action described in Subsection (1) if:

- (a) (i) the client paid the referral fee to a person that provides marketing services, including pay-per-click advertising, for the attorney or the law firm; and
- (ii) the referral fee was not contingent on whether the attorney or the law firm retained a client; or
- (b) the client paid the referral fee to a third party debt collection agency for the purpose of recovering money owed to the attorney or the law firm by the client.

f. Liability of Multiple Defendants

It is not necessary for a new right of action to address the allocation of liability if there is more than one defendant in an action. However, there are some circumstances in which the legislative sponsor may want to address the liability of multiple defendants.

For example, there are some statutory rights of action that allow for joint and several liability (see Utah Code Section 26B-3-1115). But a drafter should also keep in



mind that Utah has a comparative fault scheme under Section 78B-5-818 that addresses the allocation of fault in tort actions.

g. Effective Date

Because a right of action accrues when all elements of the action are met, a drafter should consider including language addressing the effective date of the new right of action.

Example

(5) This section only applies to a right of action that accrues on or after May 3, 2025.

A drafter should be aware that retroactive application of a right of action may raise constitutional issues.

h. Placement of a Right of Action

If a drafter is unsure where to place a new right of action, a drafter should consider placing the action in Title 78B, Chapter 3, Part 1, Actions – Right to Sue and Be Sued. This part specifically contains standalone actions.

4. Class Action

A class action is a lawsuit where a court authorizes a single person or group to represent the interests of a larger group. The Utah Code includes some provisions that allow for a class action suit or that eliminate or modify the ability to bring a class action suit. For example:

- Title 13, Chapter 11, Utah Consumer Sales Practices Act, allows for a class action if certain statutory requirements are met.
- Title 13, Chapter 40, Spyware Control Act, prohibits a class action under that chapter

A party bringing a class action must comply with the applicable Utah Rules of Civil Procedure (See Utah Rules of Civil Procedure, Rule 23).



1. Terms

The following describes terms related to conflicts, composites, and coordination clauses.

a. Backstop Rule

When enacted language from one bill (Bill A) is inserted into repealed language in another bill (Bill B) and both bills pass and become law before the conflict is resolved, the repealed language (in Bill B) will take precedence, and the enacted language (in Bill A) will not appear in the composite section. A drafter should not rely on the backstop rule to resolve a substantive conflict. Before relying on the backstop rule to resolve a technical conflict, a drafter should carefully consider whether a coordination clause is needed to clearly reflect the Legislature's intent.

b. Composite

When two or more bills that affect the same section of code become law, the amendments are merged into a composite section. This process occurs when the code is prepared for publication after the session in which both bills pass.

c. Coordination Clause

A coordination clause is a special clause that expresses the Legislature's intent regarding how conflicting amendments should merge if the relevant conflicting bills pass and become law (see Appendix E for examples).

d. Nonsubstantive Conflict

A nonsubstantive conflict occurs when conflicting amendments do not change the intent of one or more of the bills and do not affect the application or meaning of the law.

e. Revisor's Authority

Revisor's authority is the statutory authorization in Utah Code Subsection 36-12-12(4) for the office to correct technical errors, prepare the laws for publication, and modify the electronic record to correct technical errors.

f. Revisor Instructions

Revisor instructions clarify the Legislature's intent that certain technical changes be made to a single piece of legislation after it passes and becomes law (as opposed to coordinating multiple bills).

g. Substantive Conflict

A substantive conflict occurs when conflicting amendments change the intent of one or more of the bills or affect the application or meaning of the law.

h. Technical Conflict

A technical conflict occurs when the mechanics of the amended language conflict, and the merged language would be nonsensical or result in an unintended meaning. Technical conflicts can be substantive or nonsubstantive.

2. Conflicts

Due to the large number of bills considered during a general session of the Legislature, circumstances regularly arise when two or more bills affect the same section of code in different ways. When this occurs, the changes may conflict. For example, one bill may amend a section while the other repeals the section, or attempting to incorporate the changes made in both bills would result in:

- the use of incorrect terms;
- incorrect numbering or cross-references;
- improper grammar;
- incomplete or nonsensical statements;
- conflicting or unclear provisions;
- illogical requirements or procedures; or
- other outcomes that do not reflect the intent of the Legislature.

The Office of Legislative Research and General Counsel monitors all bills that affect the same section of code throughout the legislative session in order to prevent any irreconcilable conflicts between passed amendments when the code is published.



States resolve these types of conflicts in multiple ways, including by giving effect to later changes over earlier changes or publishing the competing provisions. In Utah, the Legislature attempts, to the extent possible, to give effect to all legislation passed in the same session by “merging” the changes, coordinating the changes, or taking other action to reflect the Legislature’s intent.

a. Addressing Conflicts

If changes made to a section by more than one bill “merge” in a way that does not result in a conflict, the changes appear in code as enacted by each bill. If the changes conflict, other approaches must be taken. These approaches vary depending on the nature of the conflict.

b. Merging Repealed and Amended Language

It is the practice of the Legislature to use the following merging conventions when bills repeal and amend the same language:

- if an entire section of code is repealed by a bill, the repeal supersedes the amendments made by another bill to that section;
- if an entire subsection is repealed by a bill, the repeal supersedes the amendments made by another bill to that subsection; or
- if a bill repeals language within a subsection while another bill enacts language within that subsection, the repealed language is removed before the enacted language is inserted (for an exception, see Chapter 8, Section 4.b. relating to the backstop rule).

c. Technical, Nonsubstantive, or Substantive Conflicts

The descriptions of technical, nonsubstantive, and substantive conflicts at the beginning of this chapter are necessarily imprecise. A drafter should use the drafter’s discretion, in consultation with the drafters of the conflicting bills, or the bills’ sponsors when necessary, to determine the nature and appropriate resolution of a conflict.

Following are examples and discussion of technical, non-substantive, and substantive conflicts.

i. Technical Conflict Example

Example

Bill A

(1) As used in this section, “minor” means ~~[a male or female under 18 years of age]~~ an individual that is 16 or 17 years old.

Bill B

(1) As used in this section, “minor” means ~~[a male or female]~~ an applicant for a marriage license under 18 years of age.

Bills A and B Merged

(1) As used in this section, “minor” means ~~[a male or female under 18 years of age]~~ an individual that is 16 or 17 years old an applicant for a marriage license.

The composite for Bills A and B (which is created by removing the repealed language and inserting the enacted language) would be nonsensical; the amendments do not technically merge. In addition to the technical conflict, the above amendments are arguably substantive and could affect the intent of the bills. Because of this, the drafter should resolve the conflict before both bills pass, through substitute, amendment, or coordination clause. If the drafter fails to do this, the backstop rule would apply and the amendments in Bill A would trump the amendments in Bill B because the new language in Bill B is inserted within the repealed language (which takes precedence) in Bill A. In this case, relying on the backstop rule to resolve the conflict is not the best option and should be avoided.

ii. Nonsubstantive Conflict Example

Example

Bill A

(1) (a) The Health Facility Committee created by Section 26-1-7 consists of ~~[15]~~ 11 members appointed by the governor ~~[with the consent of the Senate]~~ in consultation with the executive director.

Bill B

(1) The Health Facility Committee created by Section 26-

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1-7 consists of 15 members appointed by the governor with the advice and consent of the Senate.

Bills A and B Merged

(1) (a) The Health Facility Committee created by Section 26-1-7 consists of ~~[15]~~ 11 members appointed by the governor ~~[with the advice and consent of the Senate]~~ in consultation with the executive director.

The first step in reviewing a conflict is to determine whether the conflict is nonsubstantive or if there is a substantive component. In the example above, the change in Bill B is a nonsubstantive change made throughout code for uniformity. The intent of Bill B is not affected by the repeal in Bill A. Therefore, no further action needs to be taken as the backstop rule will be applied when the sections are merged during composites.

iii. Substantive Conflict Example

Example

Bill A

(2) A school district or charter school shall prepare and submit an annual school plant capital outlay report ~~[in accordance with Section 63A-1-202]~~ to the state auditor on or before a date designated by the state auditor.

Bill B

~~(2)~~ (3) A school district or charter school shall annually prepare and submit to the state board:
 (a) an annual school plant capital outlay report in accordance with Section 63A-1-202~~[-]; and~~
 (b) the first year of an educational facilities plan prepared in accordance with Section 53E-3-708.

Bills A and B Merged

~~(2)~~(3) A school district or charter school shall annually prepare and submit to the state board:
 (a) an annual school plant capital outlay report ~~[in accordance with Section 63A-1-202]~~ to the state auditor on or before a date designated by the state auditor[-]; and
 (b) the first year of an educational facilities plan pre-

pared in accordance with Section 53E-3-708.

In this example, if both bills pass and become law, the sections technically merge during the composite process, but the language may not substantively make sense. The amendments in Bill A direct a school district or charter school to submit a report to “the state auditor” while the amendments in Bill B direct the same entity to submit the same report to “the state school board.”

In this instance, the drafter would need to work with the sponsors and, if necessary, draft a substitute, amendment, or coordination clause to resolve the conflict.

d. Conflicts Caused by a Bill’s Action

In addition to a conflict caused by language added to or removed from a section, a conflict may arise when two or more bills take different actions in relation to the same section of code (e.g. one bill repeals a section while another bill amends the same section).

The table in Appendix D shows the result of two actions taken to the same section by different bills. Certain actions from one bill supersede conflicting actions in another bill.

3. Checking Conflicts

The legal research specialists are responsible for making sure all potential conflicts between current bills or substitutes are reviewed and flagged for the attention and potential action of the drafting attorneys.

There are three important limitations to the conflicts review process that a drafting attorney should keep in mind:

- First, the legal research specialists only review amendments to the same section in different bills. Thus, conflicts between two different sections in different bills may not be identified during this process.
- Second, the review begins when the bill is introduced or when the substitute or amendment is adopted. Drafts, substitutes, and amendments that are not yet public or not yet adopted are not reviewed.



- Finally, the review is designed to identify technical conflicts. A nuanced substantive conflict to the same section may not be apparent to the legal research specialists.

The limitations discussed above highlight the importance of a drafting attorney considering whether two or more bills create a substantive conflict that may not be readily apparent, and of consulting with the drafters of other bills that may impact the same sections of code or the same subject matter as those drafted by the drafting attorney.

4. Composites

After a legislative session ends, the office compiles a composite of each section affected by more than one bill that passed and became law. The actions taken, or not taken, in response to conflicts identified during the review process in the legislative session directly impact the way that the final version of a section appears in the code.

a. Failure to Resolve a Conflict

Failure to resolve a conflict by substitute, amendment, or coordination clause can result in confusion regarding the Legislature's intent. The general counsel has revisor authority that can be used to resolve conflicts in this situation, but this authority is limited. Even if resolving the conflict is possible using revisor authority, a drafter should, before the legislative session ends, carefully consider whether a coordination clause (or another method of resolving the conflict) is needed to clearly reflect the Legislature's intent.

b. Backstop Rule for Technical Conflicts During Composite Process

A common technical conflict occurs when enacted language in one bill (Bill A) is being inserted into language that is repealed in another bill (Bill B). In this scenario, if both bills pass and become law, the repeal of the language (in Bill B) will take precedence, and the enacted language (in Bill A) will not appear in the composite section. If applying the backstop rule to amendments from two bills would endanger the intent of either bill, the conflict must be resolved in advance of the bills' passage through substitute, amendment, or coordination

clause.

5. Coordination Clauses

a. Coordination Clauses in General

The purpose of a coordination clause is to express legislative intent. The majority of coordination clauses clarify how the Legislature intends conflicting bills to merge if the conflicting bills pass and become law.

Before drafting a coordination clause, determine whether the conflict can be resolved by substituting or amending one of the conflicting bills in a way that resolves the conflict while still accomplishing the intent of the sponsors. A drafter should only use this method if the substitute or amendment can be drafted in a way that resolution of the conflict is not dependent on the passage of another bill. In other words, each conflicting bill must work independently, regardless of whether a conflicting bill does or does not pass and become law.

If resolving a conflict by simply substituting or amending one of the bills is not possible, a coordination clause may be necessary to indicate the manner in which the Legislature intends the conflicting provisions of the bills to merge if both bills pass and become law.

In most cases, the coordination clause only needs to be added to one of the bills affected by the coordination clause in order for the coordination clause to be effective if all of the affected bills pass and become law. Occasionally, however, three or more conflicting bills may need to be coordinated. This can become extremely complicated (for more information, see Chapter 8, Section 5.f.v. "Coordinating Three or More Bills" and Appendices E and L).

A senior legal research specialist must review all coordination clauses before they are added to a bill, except in extremely rare circumstances in which a rush substitute must be made public immediately. In this case, the drafter must ensure that a senior legal research specialist reviews the coordination clause after the substitute is made public.

b. Timing of a Coordination Clause

Deciding when to add a coordination clause to a bill requires the drafter's discretion. A coordination clause must be added to a bill, at the earliest, when the second



bill is numbered and, at the latest, before the second bill passes. (In extenuating circumstances, a bill can be recalled, but that should be avoided when at all possible.)

Drafting attorneys often wait to add a coordination clause until conflicting bills pass the originating chamber and at least one of the bills receives a committee hearing in the opposite chamber. This avoids having to draft multiple versions of a coordination clause as the bills are substituted and amended during the legislative process. However, keep in mind that this will require the bill to which the coordination clause is added to return to the originating house for concurrence.

It is critical that the drafting attorney for each conflicting bill continue to monitor the need for a coordination clause, or to change a coordination clause, if the Legislature amends or substitutes a conflicting bill.

A coordination clause should be added via a substitute. Never add a coordination clause via an amendment.

c. Drafting a Coordination Clause

Because issues addressed by coordination clauses vary widely, a legislative drafter has flexibility as to the form of the coordination clause and should focus on the clarity of the instructions. Following are principles for drafting a coordination clause to ensure proper implementation.

If conflicting provisions in a section are limited to a specific subsection, the coordination clause should, to the extent possible, refer to only that subsection rather than the entire section. When a *subsection* that is renumbered in a bill is the subject of a coordination clause, the drafter should, for the sake of uniformity, refer to that subsection by the subsection number used in the bill, unless doing so would make the clause unclear. If the conflicting bills renumber the subsections differently, the coordination clause may need to refer to the subsection numbers used in both bills in order to ensure clarity.

When a *section* that is renumbered in a bill is the subject of a coordination clause, the drafter should list the old references as well as the new references and specify the bill in which the renumbering is taking place.

Example

“... changes to Section 53-2d-104 (renumbered from 26-8a-103) in S.B. 64 supersede the changes in S.B. 38.”

A coordination clause never refers to a substitute. Rather, it simply refers to the short title and number of the bill, regardless of whether it was substituted.

Examples of coordination clauses are included in Appendix E.

i. Email Notification to Sponsors

When a bill draft containing a coordination clause becomes public, the drafter is required to notify the sponsors of the bills that are impacted by, but do not contain, the coordination clause. This notification is sent by email, using the following boilerplate language:

“Dear Representative/Senator [sponsor of bill without the coordination clause], [number and short title of bill with the coordination clause] includes a coordination clause that impacts your [impacted bill] if both bills pass. A coordination clause may enact technical and/or substantive changes, or determine which bill or policy will control if both bills pass. If you have any questions about the coordination clause, please contact me as soon as possible.”

ii. Long Title

When a drafter adds a coordination clause to a bill, the drafter is required to briefly summarize the coordination clause in the highlighted provisions of the bill containing the coordination clause. Additionally, Hermes will automatically add the following to the long title of the bill:

- under the heading “Other Special Clauses”: “This bill provides a coordination clause.”; and
- under the heading “Utah Code Sections Affected by Coordination Clause”: a list of all sections affected by the coordination clause, regardless of whether the sections are in the bill containing the coordination clause.

If the coordination clause was added to the bill correctly, the list of the sections affected by the coordination clause that is generated by Hermes should accurately reflect the sections affected. A drafting attorney should double-check that the list is accurate before sending the



bill draft containing the coordination clause out for approval.

iii. **Boldface**

The boldface of a coordination clause begins with the bill section number and a designation of the bills being coordinated, with the bill to which the drafter adds the coordination clause listed first.

Example

(Coordination clause added to H.B. 37)

Section 4. Coordinating H.B. 37 with H.B. 162.

If a coordination clause is contingent on one or more bills not passing or becoming law, that is typically stated in the boldface.

Example

(Coordination clause added to S.B. 154)

Section 7. Coordinating S.B. 154 with S.J.R. 4 if S.J.R 4 does not pass.

iv. **Introductory Statement**

The introductory statement of a coordination clause includes, first, the number and short title of the bill containing the coordination clause, followed by the number and short title of the bill (or bills) with which the bill coordinates. The introductory statement concludes with “the Legislature intends...” and the date that the provisions in the coordination clause take effect (in most circumstances, this date will be the latest effective date of the bills being coordinated), followed by a description of the Legislature’s intent (or, if necessary, a colon, followed by subsequent paragraphs that contain a description of the Legislature’s intent).

Example

(Coordination clause added to H.B. 37)

If H.B. 37, Voter Signature Verification Amendments, and H.B. 162, Voter Accessibility Amendments, both pass and become law, the Legislature intends that, on May 3, 2023, ...

If a coordination clause is contingent on one or more bills not passing or becoming law, that is typically stated in the boldface.

v. **Statement of Legislature’s Intent**

The drafter expresses the Legislature’s intent using a clear, concise statement of the manner in which the Legislature intends the conflicting provisions or language to be resolved.

d. **Coordinating Three or More Bills**

On rare occasions, three or more conflicting bills may need to be coordinated. A drafter should consider all possible outcomes and determine whether all or only a certain combination of the bills will conflict if they pass. A coordination clause is necessary for each possible conflicting combination. For example, if there are three bills (A, B, and C), the drafter will need to consider the following potential scenarios:

| Potential Scenario | Bill Containing the CC |
|------------------------------|------------------------|
| Bills A, B, and C all pass | Bill A, B, or C |
| Bills A and B pass, but Bill | Bill A or B only |
| Bills A and C pass, but Bill | Bill A or C only |
| Bills B and C pass, but Bill | Bill B or C only |

The boldface for each coordination clause should indicate to which scenario the clause applies. (See, e.g., Chapter 8, Section 5.f.v., “Coordinating Three or More Bills” and Appendix E).

Coordinating more than three bills will exponentially increase the potential scenarios that must be accounted for when drafting the coordination clauses, quickly making it untenable to resolve the conflict via a coordination clause (See Appendix L).

e. **Coordinating with Legislation Generally**

If a bill needs to be coordinated with legislation generally, the drafter should address this through a coordination clause that coordinates that specific bill with all other legislation passed that session. Do not include an effective date in a general coordination clause because there are potentially multiple dates that the instruction in the general coordination clause will need to take



effect.

While it is difficult to predict all scenarios where a general coordination clause may be needed, the following scenarios have been addressed by a general coordination in the past:

- changing a term uniformly throughout new language enacted during a session; and
- for bills making technical changes, stating that conflicting legislation supersedes the technical changes.

For examples, see Chapter 8, Section 5.f.iii.B., "Coordinating with All Other Conflicting Bills" and Appendix E.

f. Standard Format for a Coordination Clause

Though there are occasionally exceptions, drafters can draft most coordination clauses using one of the following formats. Even when using a standard format, slight variations in language may be necessary for the sake of clarity (see Appendix E for examples).

i. Coordination Clauses Specifying Language

A. Amending to Read

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], [Section or Subsection] in H.B. X [and S.B. Y, if applicable] be amended to read:

B. Replacing Language

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], the following language replace the changes made to [Section or Subsection] in H.B. X [and S.B. Y, if applicable]:

C. Replacing Enacted Language.

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], the following language replace [Section or Subsection] enacted in [reference bill or bills where the section or subsection is enacted]:

D. Inserting New Language

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], the following language be inserted as [Subsection] in [H.B. X or S.B. Y, as applicable]:

E. Superseding

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], the amendments to [Section or Subsection] in S.B. Y supersede the amendments to [Section or Subsection] in H.B. X.

ii. Coordination Clauses Omitting Changes

A. Changes Don't Take Effect

Section __. Coordinating H.B. X with S.B. Y.

If this H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], the changes in S.B. Y to the following sections not be made:

B. Omitting Enacted Language

Section __. Coordinating H.B. X with S.B. Y.

If this H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date on which the direction that follows takes effect], [Subsection] enacted by S.B. Y be omitted and the remaining subsections renumbered accordingly.

iii. Coordination Clauses Changing Terminology

A. Coordinating With Another Bill or Bills

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], all references to the term "ABCD" in S.B. Y change to "EFGH".

B. Coordinating with All Other Conflicting Bills

Section __. Coordinating S.B. X with other [specify session] legislation.

The Legislature intends that all references to the term



"ABCD" change to "EFGH" in any new language added to the Utah Code by legislation that passes in the [specify session] and becomes law.

iv. Coordination Clauses Changing Numbering or References

A. Renumbering

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], [Section or Subsection] [amended/enacted/renumbered] by S.B. Y be renumbered to [Section or Subsection].

B. Changing Cross References

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], the references in [H.B. X or S. B. Y] to [Section or Subsection] change to reference [Section or Subsection].

v. Coordination Clauses Changing Effective Dates

Section __. Coordinating H.B. X with S.B. Y.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, the Legislature intends that the effective date of the [amendments to/enactment of] [Section] made by S.B. Y change to [new effective date].

vi. Coordinating Three or More Bills

The following would be added to H.B. X only:

Section __. Coordinating H.B. X with S.B. Y and H.B. Z if all pass and become law.

If H.B. X, [short title], S.B. Y, [short title], and H.B. Z, [short title], all pass and become law, the Legislature intends that, on [date on which the direction that follows takes effect], [Section or Subsection] in H.B. X be amended to read:

The following would be added to H.B. X only:

Section __. Coordinating H.B. X with S.B. Y if H.B. Z does not pass and become law.

If H.B. X, [short title], and S.B. Y, [short title], both pass and become law, and H.B. Z, [short title], does not pass and become law, the Legislature intends that, on [date on which the direction that follows takes effect],

[Section or Subsection] in H.B. X be amended to read:

The following would be added to H.B. X only:

Section __. Coordinating H.B. X with H.B. Z if S.B. Y does not pass and become law.

If H.B. X, [short title], and H.B. Z, [short title], both pass and become law, and S.B. Y, [short title], does not pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], [Section or Subsection] in H.B. X be amended to read:

The following would be added to S.B. Y or H.B. Z only (it cannot be added to H.B. X because it addresses the scenario of H.B. X not passing and the coordination clause needs to pass):

Section __. Coordinating S.B. Y with H.B. Z, if H.B. X does not pass and become law.

If S.B. Y, [short title], and H.B. Z, [short title], both pass and become law, and H.B. X, [short title], does not pass and become law, the Legislature intends that, on [date which the direction that follows takes effect], [Section or Subsection] in S.B. Y be amended to read:

6. Revisor Instructions

a. Difference Between a Revisor Instruction and a Coordination Clause

Revisor instructions clarify the Legislature's intent that certain technical changes be made to a single piece of legislation after the legislation passes (as opposed to coordinating multiple bills), while a coordination clause clarifies how the Legislature intends conflicting bills to merge if the conflicting bills pass and become law.

b. Revisor Instructions in General

Revisor instructions are only needed when the necessary changes:

- are not expressly authorized already under Utah Code Subsection 36-12-12(4);
- require an expression of legislative intent to make the needed change; and
- do not give instructions for changes to other legislation.

A senior legal research specialist must review all revisor instructions before they are added to a bill, except in extremely rare circumstances in which a rush substitute



must be made public immediately. In this case, the drafter must ensure that a senior legal research specialist reviews the revisor instruction after the substitute is made public.

c. Revisor Instructions — Overlap with Revisor’s

Authority

If the office is explicitly and unambiguously authorized to make a technical change under Utah Code Subsection 36-12-12(4), the drafter does not need to include a revisor instruction in the relevant bill to make that change. Rather, the drafter simply emails the necessary changes to the BDM supervisor to ensure that the changes are made. These changes may include:

- substituting the proper calendar date in the database and in the Laws of Utah (see Utah Code Subsection 36-12-12(4)(l));
- technically renumbering (see Utah Code Subsections 36-12-12(4)(b) and (h)); or
- substituting the proper section or chapter number for the terms “this act,” “this bill,” or similar terms (see Utah Code Subsection 36-12-12(4)(k)).

d. Standard Format for Revisor Instructions

It is rare that revisor instructions will be necessary, but when they are, use the following format:

Section __. Revisor instructions.

The Legislature intends that Section 26-47-100 be renumbered to Section 26-47-101.



Chapter 9 — Entities

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. Government Bodies in General

a. Creating a Government Body

Legislation may create a variety of government bodies, including boards, commissions, committees, councils, task forces, or working groups. These bodies may have authority granted to them or may simply serve in an advisory capacity. Additionally, these bodies may exist entirely within one branch of government or, in limited circumstances, may include members of more than one branch of government.

When creating a government body, a drafter should consider the following:

- the purpose of the body;
- the authority to be granted to the body;
- where the body should be placed (e.g. within a certain agency or in a certain title, chapter, or part of the Utah Code);
- the membership of the body (including the number of members and their qualifications);
- whether members serve because of government positions currently held or whether they are appointed;
- for appointed members, who appoints, for how long of a term, and whether and how a member can be removed before the end of the member's term;
- whether a member receives compensation or reimbursement for per diem or expenditures;
- who provides staff support to the body;
- whether the body dissolves after a certain period of time;
- how many members constitute a quorum and how many votes are required for the body to take action;
- how often meetings are held;
- how a chair is selected and how long the chair serves; and
- whether a member is limited to a certain number of consecutive terms.

b. Ex Officio v. Nonvoting Member

An ex officio member is a member who serves because of a position that member holds. For example, a statute may designate that one member of a committee is the director of the Division of Substance Abuse and Mental Health. That individual is an ex officio member because the individual is a member only because, and while, the individual is the director of that division.

Some people erroneously assume that ex officio means nonvoting, but an ex officio member may be a voting or non-voting member. If a drafter intends an ex officio member (or any other member) to be a nonvoting member, the drafter should expressly state that in the legislation.

2. Legislative Bodies

a. In General

Legislative bodies include committees, task forces, and working groups. Standing and interim committees are created by legislative rule. A task force is usually created by statute. A working group is often created by motion of a committee and meets informally on a specific matter that is brought back to the committee for review and action.

b. Committees

A legislative committee, other than a standing committee or an interim committee, may be codified in Title 36, Legislature. Examples include the Legislative Process Committee, the Native American Legislative Liaison Committee, and the Occupational and Professional Licensure Review Committee. While these committees may include members who are not members of the Legislature, legislators should constitute a majority of the members. Membership on a legislative committee usually provides for bi-partisan or multi-partisan membership, as shown in the following example:



Example

- (1) The committee comprises eight members, as follows:
 - (a) three senators, appointed by the president of the Senate, no more than two of whom are members of the same political party; and
 - (b) five representatives, appointed by the speaker of the House of Representatives, no more than three of whom are members of the same political party.

c. Task Forces

The Legislature, or a house of the Legislature, may also create a temporary body, called a task force, to study a particular issue and to make recommendations for related legislative action. A legislative task force is usually codified in Title 36, Chapter 29, Legislative Task Forces. Appendix F contains model language for a legislative task force.

Appendix G contains examples of legislative task forces.

3. Independent Entities

a. In General

An independent entity is defined in Utah Code Section 63E-1-102 as “an entity having a public purpose relating to the state or its citizens that is individually created by the state or is given by the state the right to exist and conduct its affairs as an:”

- independent state agency; or
- Independent corporation.

i. Legal Representation

A statute creating an independent entity should specify if the entity will have independent legal counsel rather than representation by the attorney general’s office.

ii. Participation in State Services

A statute creating an independent entity should specify whether the entity may participate in certain state resources, which may include:

- the state retirement system;
- state fuel dispensing;
- the state motor pool;
- state surplus property;
- state risk management;

- state information technology services; or
- state archives.

iii. Legislative Audit

An independent entity is subject to legislative audit.

iv. Other Legal Requirements

Utah Code Section 63E-1-302 addresses requirements for the creation of an independent entity.

Utah Code Section 63E-1-403 addresses requirements for privatizing an independent entity.

b. Independent State Agency

i. Characteristics

An independent state agency has a public purpose relating to the state or the state’s citizens, but is independent of the governor’s direct supervisory control. An independent state entity is owned by the public and exercises the powers granted via statute. Examples of independent state agencies include:

- Heber Valley Historic Railroad Authority
- School and Institutional Trust Fund Office
- School and Institutional Trust Lands Administration
- Utah State Railroad Museum Authority
- Utah Beef Council
- Utah Communications Authority
- Utah Dairy Commission
- Utah Energy Infrastructure Authority
- Utah State Retirement Office

ii. Governance

An independent state agency is governed by an executive director along with a commission, council, or board. An independent state agency is subject to review and recommendation by the Retirement and Independent Entities Interim Committee.

iii. Liability

An independent state entity may be sued in the name of the agency. Depending on the enabling statute for the independent state agency, the state may be liable for the obligations, expenses, debts, and liabilities of the agency.

iv. Ownership of Assets

The state owns the assets of an independent state agency.



v. Reorganization

The Retirement and Independent Entities Interim Committee may recommend reorganization of an independent state agency and the Legislature may reorganize the agency.

vi. Application of State Laws

State laws are presumed to apply to independent state agencies, but the authorizing statute of each agency often provides specific exemptions. The Retirement and Independent Entities Interim Committee is authorized to recommend to the Legislature regarding which state laws each independent state agency should be subject to or exempt from.

c. Public Corporation

i. Characteristics

A public corporation has a specific public purpose but is independent of the governor's direct supervisory control. In addition to being created by statute, a public corporation obtains corporate status under Utah law governing corporations. Examples of public corporations include:

- Military Installation Development Authority
- Utah Housing Corporation
- Utah State Fair Corporation

ii. Governance

A public corporation is governed by a board of directors. A public corporation is subject to review and recommendation by the Retirement and Independent Entities Interim Committee.

iii. Liability

A public corporation may sue or be sued in the name of the corporation and the state is not liable for the corporation's obligations, expenses, debts, or liabilities.

iv. Ownership of Assets

The statute creating the public corporation should address whether the assets of the corporation are owned by the corporation, the shareholders, or the state.

v. Reorganization

The Retirement and Independent Entities Interim Committee may recommend reorganization of an independent state agency or a public corporation. The Legislature reorganizes an independent state agency by statute.

The Legislature may also pass legislation to reorganize a public corporation, but the public corporation must also go through the legal process of dissolving.

vi. Application of State Laws

While a public corporation is normally required to comply with Title 52, Chapter 4, Open and Public Meetings Act, and Title 63G, chapter 2, Government Records Access and Management Act, many state laws are presumed to not apply to the corporation. The statute creating the public corporation should specify the provisions of law that apply and that don't apply to the public corporation.

d. Quasi-public Corporation

i. Characteristics

A quasi-public corporation has a specific public purpose but is independent of the governor's direct supervisory control. In addition to being created by statute, a quasi-public corporation obtains corporate status under Utah law governing corporations. A quasi-public corporation is different from a public corporation in that it is privately owned.

The Utah Capital Investment Corporation is an example of a quasi-public corporation.

ii. Governance

A quasi-public corporation is governed by a board of directors and is subject to review and recommendation by the Retirement and Independent Entities Interim Committee.

iii. Liability

A quasi-public corporation may sue or be sued in the name of the corporation, and the state is not liable for the corporation's obligations, expenses, debts, or liabilities.

iv. Ownership of Assets

The statute creating the quasi-public corporation should address whether the assets of the corporation are owned by the corporation, the shareholders, or the state. This can vary depending on the public purpose, structure, and funding of the quasi-public corporation.

v. Reorganization

The Retirement and Independent Entities Interim Committee may recommend reorganization of a quasi-public



corporation and the Legislature may reorganize the corporation. The Legislature may also pass legislation to reorganize a quasi-public corporation, but the quasi-public corporation must also go through the legal process of dissolving.

vi. Application of State Laws

While a quasi-public corporation is normally required to comply with Title 52, Chapter 4, Open and Public Meetings Act, and Title 63G, Chapter 2, Government Records Access and Management Act, many state laws are presumed to not apply to the corporation. The statute creating the quasi-public corporation should specify the provisions of law that apply and that don't apply to the public corporation.



Chapter 10 — Penalties

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. Criminal Penalty

a. Preferred Format for Title 76 Criminal Provision

A criminal provision is drafted differently than any other provision of Utah Code. Part of the reason for this is to enable law enforcement and the courts to more easily track charges and convictions through a software application. Thus, a criminal provision contained in Title 76, Utah Criminal Code, should always be in the format described in Subsection (1)(a)(i).

A recodification of Title 76, concluded in the 2025 General Session, brought most of the title into conformance with this format. Thus, the format and wording of the provisions in Title 76 may be used as a guide when drafting new provisions. When drafting a criminal provision, it is advisable to have an attorney assigned to Title 76 to review the language.

For criminal provisions in titles outside of Title 76, a drafter may, to the extent reasonably practicable, follow the same format used in Title 76.

i. Format Description

A. Subsection (1)

In Title 76, Subsection (1) should always be a definition section, even if there are not other terms specifically defined for that section. Every criminal provision in Title 76 should contain at least the following in the definition subsection, “Terms defined in Section 76-1-101.5 apply to this section.” If this creates a problem due to a particular definition used in Section 76-1-101.5, the drafter may include an exception to the problematic provision.

Example

- (1)(a) As used in this section, “possession” means . . .
- (b) Terms defined in Section 76-1-101.5 apply to this section.

B. Subsection (2)

Subsection (2) should contain the name of the offense and all elements of the offense. No other provisions should be included in Subsection (2).

C. Subsection (3)

Subsection (3) should contain the penalties for the offense and only the penalties for the offense.

D. Subsequent Subsections

Following Subsection (3), the requirements are less rigid. A drafter is encouraged to include limitations or exceptions, if any, in Subsection (4), but this is not required. The remainder of the section may include additional information related to penalties or other related matters.

ii. Stand-alone Sections

In order to ensure compliance with the format discussed above, when drafting a criminal provision in Title 76, a drafter should include each crime in a separate section. For criminal provisions in other titles, a drafter should consider whether it makes sense, in the context of related provisions, to follow the same practice.

iii. Boldface

The boldface of a section in Title 76 that contains a criminal provision should match the name of the crime, as stated in Subsection (2) of the section.

iv. Examples of Criminal Provisions in Preferred Format

Example

76-5-106. Harassment.

- (1) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits harassment if, with intent to frighten or harass another, the actor communicates a written or recorded threat to commit a violent felony.
- (3) A violation of Subsection (2) is a class B Misdemeanor.

Example

76-5-102.8. Disarming a peace officer.

- (1) (a) As used in this section:
 - (i) “Conductive energy device” means a



weapon that uses electrical current to disrupt voluntary control of muscles.

(ii) "Firearm" means the same as that term is defined in Section 76-10-501.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits disarming a peace officer if the actor intentionally takes or removes, or attempts to take or remove a firearm or a conductive energy device from an individual or the immediate presence of an individual who the actor knows is a peace officer:

(a) without the consent of the peace officer; and

(b) while the peace officer is acting within the scope of the peace officer's authority as a peace officer.

(3) (a) A violation of Subsection (2) regarding a firearm is a first degree felony.

(b) A violation of Subsection (2) regarding a conductive energy device is a third degree felony.

c. Examples of Criminal Provisions Outside Title 76

Outside Title 76, an existing criminal provision might appear as follows:

Example

In Section 20A-2-301:

(3) A person shall provide all completed voter registration forms in the person's possession to the county clerk at or before 5 p.m. on the day of the voter registration deadline.

(4) It is unlawful for any person in possession of a completed voter registration form, other than the person's own completed voter registration form, to willfully fail or refuse to timely deliver the Completed voter registration form to the county clerk.

(5) A person who violates Subsection (4) is guilty of a class B misdemeanor.

A drafter could move the portion of the section that establishes a criminal provision into a separate, stand-alone section, as follows:

Example

In 20A-2-301, leave this:

(3) A person shall provide all completed voter registration forms in the person's possession to the county clerk at or before 5 p.m. on the day of the voter registration deadline.

(4) Failure to comply with Subsection (3) may result in criminal penalties under Section 20A-2-301.1.

In a separate section (for example Section 20A-2-301.1), draft this:

(1) As used in this section . . .

(2) It is unlawful for a person in possession of a completed voter registration form, other than the person's own completed voter registration form, to willfully fail or refuse to timely deliver the completed voter registration form to the county clerk.

(3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

d. Crimes with the Same or Similar Elements

When drafting a criminal provision, determine whether another criminal provision has the same or similar elements. If two criminal provisions have the same elements, but different penalties, there can be confusion regarding the Legislature's intent. The courts have developed a test to address this situation (*see State v. Ainsworth*, 423 P.3d 1229 (Utah 2017)), but it is much better if the legislative intent is clearly expressed in the statutory language. Without an indication of statutory intent to the contrary, if a court determines that two crimes have identical elements and different penalties, the court will apply the lesser penalty.

e. Cannot Delegate Authority to Set Criminal Penalty

When drafting a criminal provision do not delegate the authority to determine a criminal penalty. This is an es-



sential legislative function that cannot be delegated by the Legislature. See *State v. Green*, 793 P.2d 912, 916 (Utah Ct. App. 1990), *Peck & Sons v. Public Service Comm’n*, 700 P.2d 1119, 1123 (Utah 1985); *State v. Gallion*, 572 P.2d 683, 688 (Utah 1977).

f. Criminal Intent

Proof that a person committed a crime generally requires proof of an *actus reus*, a wrongful act that comprises the physical component of a crime, and *mens rea*, a mental state or criminal intent. Criminal intent is often not stated expressly as an element of a crime. Where the intent is not expressly stated, proof of a culpable mental state of intent, knowledge, or recklessness is sufficient. A crime of specific intent requires proof of the specified culpable mental state, e.g., intentionally, knowingly, recklessly, or with criminal negligence (Utah Code 76-2-101 and 76-2-102). On extremely rare occasions, a crime can be one of strict liability (Utah Code 76-2-102).

g. Vagueness

To avoid a challenge that a statute is unconstitutionally vague, be careful to clearly define the conduct prohibited and any exceptions intended. Do not draft provisions that generally state that a violation of any provision of a title, chapter, or part is a crime.

h. Level of a Penalty

Always specify the level of a penalty. A penalty may be an infraction, a class A, B, or C misdemeanor; a first, second, or third degree felony; or, in rare cases, a capital felony. There are also several penalty enhancements.

i. Felonies

Classification of felonies – Utah Code 76-3-103

Penalties for noncapital felonies – Utah Code 76-3-203

ii. Misdemeanors

Classification of misdemeanors – Utah Code 76-3-104

Penalties for misdemeanors – Utah Code 76-3-204

iii. Infractions

Infractions not classified – Utah Code 76-3-105

Penalties for infractions – Utah Code 76-3-205 and 76-3-301

iv. Criminal Fines and Special Sanctions

See Title 76, Chapter 3, Part 3, Fines and Special Sanctions

v. Differing From Standard Penalties

When specifying the level of a penalty, it is rare to specify a penalty different from standard penalty provided for a penalty of that level. In the rare case that a different penalty is specified, the penalty provision should state that, and the manner in which, the general penalties are superseded.

Example

(3) (a) A violation of Subsection (2) is a third degree Felony.

(b) Notwithstanding Section 76-3-301, if a court sentences an individual to pay a fine for a violation of Subsection (2), the fine may not be less than \$1,000 and not more than \$5,000.

i. Person v. Individual

Take care in the use of the terms “person” or “individual” when drafting a criminal provision. Some criminal acts may be committed only by or against an individual (i.e. a human being) while others may be committed by or against an individual or an entity (e.g. a corporation, organization, government entity, etc.). Use “person” only if the actor or victim referred to can be either an individual or an entity. If the actor or victim referred to can only be a human being, use “individual.” The term “actor” (defined for the Utah Criminal Code in Section 76-1-101.5), may be used to refer to an individual, an entity, or both. Obviously, a victim should never be referred to as an “actor.”

2. Civil Penalty

a. Drafting a Civil Penalty

A civil penalty provision should:

- identify the actor;
- identify the violation;
- identify the penalty;
- make the punishment specific to the proscribed con-



duct; and

- identify the individual or entity responsible for imposing the penalty.

Example

(3) The division shall impose a civil penalty of \$500 for each violation of Subsection (2).

A civil penalty is not limited to a fine. For example, a civil penalty may take the form of a license suspension or revocation.

Example

(3) The division may revoke the license of an individual who violates a provision of Subsection (2).

b. Due Process

If a statute imposes a civil penalty for a violation of law, the state is required to provide a due process procedure for imposing the penalty. At a minimum, this means that the alleged violator must be given notice and an opportunity to be heard concerning the enforcement of the civil penalty.

Utah Code, Title 63G, Chapter 4, Administrative Procedures Act, provides a standard due process procedure that ensures consistency in administrative proceedings within state government. The Administrative Procedures Act contains procedures for an initial administrative hearing, an appeal, and judicial review or civil enforcement of a final order. Rather than create a unique administrative proceeding for imposing a civil or administrative penalty, a civil penalty provision normally refers to Title 63G, Chapter 4, Administrative Procedures Act.

c. Severity of Penalty

When drafting a civil penalty, a drafter should take into account relevant caselaw relating to the severity of a fine.

d. Criminal and Civil Penalty for Same Offense

A possible consequence of imposing a civil and criminal penalty for the same offense is that the civil penalty may be characterized as "quasi-criminal" and therefore the defendant in the civil proceeding may be afforded greater procedural protection than would be afforded in a purely civil matter.

Imposing both criminal and civil penalties for the same conduct may also raise a double jeopardy issue. Double jeopardy provisions protect a person from being punished twice for one crime. To help avoid double jeopardy issues, a provision that imposes both criminal and civil penalties should expressly designate the civil penalty as a civil penalty that is imposed in addition to the criminal penalty.

A drafter can make it clear that the Legislature intends that a civil penalty be imposed in addition to a criminal penalty by stating the intent in the legislation.

Example

(iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a state office candidate who violates Subsection (2)(c)(i).

e. Private Party Enforcement

In rare cases, a legislative sponsor may want to make express that the imposition of penalties by the government does not prevent a private party from bringing a civil action based on conduct that constitutes a violation of a statutory provision.

Example

(5) This section does not limit or impair the right of a person injured by another's violation of this chapter to sue and recover damages from that person in a civil action.

Legislation may also create a private right of action. See Chapter 7, Cause or Right of Action for information on this subject.



A statute of limitation or repose sets time limits within which a civil or criminal action must be brought in court. Both of these types of statutes can implicate constitutional issues that a drafter should consider.

1. Statute of Limitations

A statute of limitations can apply in both civil and criminal actions. A statute of limitations generally begins to run when a cause of action has accrued but can begin to run from an event that occurs after a cause of action has accrued.

a. Criminal Actions

A criminal statute of limitations specifies the amount of time within which a prosecution may be brought against a defendant for a crime. Typically, a statute of limitations for a crime begins to run when all elements of the crime have occurred.

Example

A prosecution for a violation of Section 76-5-404, forcible sexual abuse, may only be commenced within eight years after the day on which the violation occurs.

b. Civil Actions

A civil statute of limitations places a limit on the amount of time within which a plaintiff must file a lawsuit. Typically, a statute of limitations for a civil action begins to run when the last event necessary to complete the cause of action accrues.

Example

A person may only bring a cause of action for slander or libel within two years after the day on which the cause of action accrues.

2. Statute of Repose

A statute of repose only applies to civil actions. A statute of repose begins to run from a specific event, regardless of whether a cause of action accrues.

Example

A person may only bring a cause of action against a person for performing, designing, planning, supervising, or

observing construction of an improvement for real property within 10 years after the day on which the construction of the improvement is substantially completed.

3. Difference Between a Statute of Limitations and a Statute of Repose

In practice, a drafter can easily mistake a statute of repose as a statute of limitations and vice versa.

When drafting a time limit for a civil action, a drafter should consider whether a cause of action is needed to trigger the statute. If so, a statute of limitations is called for. A statute of limitations will either run from the accrual of the cause of action or from an event related to accrual of the cause of action.

Conversely, a statute of repose begins to run from an event that is unrelated to a cause of action and the entire time period can run without a cause of action ever accruing.

A drafter should use language and boldface that correctly reflect whether a statute is intended to be a statute of limitations or a statute of repose.

Examples

Statute of Limitations:

A person may only bring a cause of action for malpractice against a health care provider within two years after the earlier of the day on which the plaintiff or patient:

- (a) discovers the injury; or
- (b) should have discovered the injury through reasonable diligence.

Statute of Repose:

A person may only bring a cause of action for malpractice against a health care provider within four years after the day on which the alleged act, omission, or neglect occurs.

4. Placement of a Statute of Limitations or Repose

Many, but not all, civil and criminal statutes of limitations can be found in Title 76, Chapter 1, Part 3, Limita-



tions on Actions, or Title 78B, Chapter 2, Statutes of Limitations.

If a drafter is considering placing a statute of limitations or repose outside of Title 76, Chapter 1, Part 3, Limitations on Actions, or Title 78B, Chapter 2, Statutes of Limitations, the drafter should consider:

- whether the statute of limitations or repose is only applicable to a specific civil action or criminal offense and should be located in the same area of the Utah Code as the specific action or offense;
- whether the statute of limitations or repose overlaps with an existing statute in Title 76, Chapter 1, Part 3, Limitations on Actions, or Title 78B, Chapter 2, Statutes of Limitations and should be included in the existing statute; and
- whether placing the statute of limitations or repose in another area of the Utah Code would make it easier to find.

5. Elements of a Statute of Limitations or Repose

There is no precise way to draft a statute of limitations or repose, but a clear and well-drafted statute of limitations or repose includes certain elements.

a. Bringing an Action

A statute of limitations or repose should include language that addresses bringing an action or prosecution. This language distinguishes a statute of limitations or repose from other types of statutes.

Some examples of this language include:

- A person may only bring a cause of action for X
- A person may only commence a cause of action for X
- A person may not bring a cause of action for X
- A prosecution for X may only be brought

A drafter is discouraged from using permissive language in a statute of limitations or repose (e.g., “may bring,” as opposed to “may only bring”). The language of the statute should reflect legislative intent to require that a lawsuit or prosecution be brought within a certain amount of time.

b. Type of Action

A statute of limitations or repose should always specify the type of action to which the time limit applies. For a criminal action, the type of action will be the prosecu-

tion of a specific offense or a specific classification of offenses. For a civil action, the type of action will be the specific civil cause of action or claim.

When creating or adding a new action to a statute of limitations or repose, a drafter should determine whether the new statute of limitations or repose will overlap or conflict with an existing statute of limitations or repose.

c. Amount of Time

A statute of limitations or repose should include the amount of time in which a cause of action or prosecution must be brought. A statute of limitations or repose should state the time limit in terms of years or days, not months.

For example:

- 180 days;
- one year and 180 days;
- 3 years; or
- 10 years and 90 days.

d. Triggering Event

A statute of limitations or repose should clearly state the day on which the time period for bringing a cause of action or prosecution begins to run.

First, the statute should identify the event that triggers the time period. While Utah Code Section 78B-2-102 provides a general rule that civil actions are commenced from a cause of action, a drafter should not rely on this general rule when drafting and should make it clear in a statute of limitations or repose when the time period begins to run.

Second, a statute of limitations or repose should clearly state that the period of time begins to run from the day after the triggering event (e.g., “after the day on which”). To avoid confusion on when a statute of limitations or repose begins to run, a drafter should not use the terms, “from,” “of,” “following,” or “subsequent to.”

Examples

Statute of Limitations:

A person may only bring a cause of action for legal malpractice against an attorney or a law firm within four

(Continued on page 66)



(Continued from page 65)

years after the day on which the act or omission constituting the alleged basis of the legal malpractice action occurred.

Statute of Repose:

A person may only commence a cause of action for the recovery of damages for personal injury to an individual, death of an individual, or damage to property based on an alleged defect or failure of a product within 12 years after the day on which the product was initially purchased.

e. Tolling

A statute of limitations or repose may be “tolled,” meaning that the time limit for the statute of limitations or repose is paused. As a result, tolling extends the time limit for the filing of an action.

A drafter should try to include language that expressly states how a statute of limitations or repose can be tolled to prevent any confusion or questions about when and if the statute can be tolled. This may include references to existing statutes in the Utah Code that provide specific circumstances in which a statute of limitations or repose can be tolled.

f. Retroactive Application

A statute of limitations or repose can be applied retroactively, but not as a means to revive an action for which the statute of limitations or repose has expired or to unreasonably bar an action where the statute of limitations or repose has not yet expired. When providing for retrospective operation, a drafter should be careful to explain its effect on an existing pre-existing cause of action.

Specifically, if a statute of limitations or repose is being lengthened and will apply retroactively to preexisting actions, a drafter should include language clarifying that: 1) the statute extends the time limit for actions that have not expired; and 2) the statute does not apply to a cause of action that is already barred by the statute. If a statute of limitations or repose is being shortened and will apply retroactively, a drafter should include:

1) language clarifying that the statute is intended to be

retroactive to actions that have not expired; and 2) a transition or savings clause allowing a plaintiff a reasonable amount of time to bring a preexisting action that, as a result of the retroactive application, would be barred on the effective date of changes to the statute.

Example of Lengthening

- (1) A victim of sexual abuse may only bring an action for the recovery of damages as a result of the sexual assault within five years after the day on which the alleged sexual abuse occurred.
- (2) The running of time for an action described in Subsection (1) is tolled:
 - (a) while the victim is a minor or mentally incapacitated in accordance with Section 78B-2-108;
 - (b) while the defendant is absent from the state in accordance with Section 78B-2-104; or
 - (c) until the victim discovers or should have reasonably discovered the sexual abuse.
- (3) This section extends the statute of limitations for an action described in Subsection (1) that is not time barred on or before May 4, 2023.
- (4) This section does not revive a cause of action that was time barred on or before May 4, 2023.

Example of Shortening

- (1) Except as provided by Subsection (3), a cause of action brought against any person for performing, designing, planning, supervising, or observing any construction of an improvement for real property may only be commenced within six years after the day on which the construction of the improvement is substantially completed.
- (2) This section applies to any cause of action described in Subsection (1) that arises before, on, or after the effective date of this section.
- (3) For a cause of action described in Subsection (1) that arises before the effective date of this section, the cause of action may only be commenced within the later of:
 - (a) six years after the day on which the construction of the improvement is substantially

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completed; or

(b) one year after the effective date of this section.



Chapter 12 — Uniformity, Format, and Other Conventions

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. Adjudicative Authority

To ensure due process, the Legislature grants adjudicative authority to executive branch agencies in a variety of scenarios, including:

- licensing decisions;
- grievance procedures;
- eligibility determinations; and
- other decisions or actions of an agency.

Rather than creating a new process, a drafter normally incorporates, by reference, existing adjudicative procedures described in Title 63G, Chapter 4, Administrative Procedures Act.

2. Boldface

Boldface refers to the brief, descriptive language that appears in bold at the beginning of a title, chapter, part, or section that describes its contents. Boldface does not have the force of law (Utah Code Section 68-3-13). Though usually changed in legislation, boldface can be changed at any time to accurately reflect the contents of the title, chapter, part, or section the boldface describes. When amending a provision of code, a drafter should check the applicable boldface to make any changes required to accurately reflect the contents. A drafter should also review boldface when preparing an amendment or substitute for a numbered bill.

Boldface is not written as a complete sentence. Instead, boldface comprises short, descriptive phrases separated by double hyphens.

3. Clean Up

Because the Utah Code has not been recodified since 1953, the Legislative Management Committee has directed the Office of Legislative Research and General Counsel to "clean-up" older statutes of the Utah Code when substantive amendments are being made to those sections. This "cleanup" provides consistency in style and form with the new provisions being drafted and ensures that uniform language, numbering, and format exist throughout the Utah Code.

However, in deciding whether, and to what extent, to

clean up a code provision, a drafter should take mitigating factors into account. For example, existing language may require so much revision that to undertake a major rewrite would obscure the original purpose of the legislation. Also, a drafter should be sensitive to whether a legislative sponsor has concerns about cleanup and be aware of risks that changing existing language could inadvertently change meaning, particularly when court decisions have interpreted the meaning of existing language (See Appendix M, Cleanup and Recodification of the Utah Code, for further information).

4. Effective Date

A drafter should always consider the effective date of legislation. A legislative sponsor may have a specific policy reason to let legislation take effect on the normal effective date of bills, or at an earlier or later date. On some occasions, different provisions of a bill need to take effect at different times. In recommending an effective date to a sponsor, a drafter should also take into consideration practical factors, including the time it may take to implement a new provision or for an agency to make rules in response to rulemaking authority granted in the bill. Other considerations that may impact choosing an effective date include when necessary appropriations will be available or whether the bill is addressing an emergency.

a. Normal Effective Date

Unless otherwise specified in legislation, a bill takes effect "sixty days after the adjournment of the session at which it passed" (Utah Constitution, Art. VI, Section 25). A resolution (other than a resolution to amend the Utah Constitution) takes effect when the last required action for passage occurs, unless the resolution provides otherwise (JR4-1-302).

Unlike other types of effective dates, a normal effective date is not referenced in the long title of a bill under "Special Clauses." A bill with a normal effective date specifies the exact date it takes effect as calculated under the Utah Constitution. An example, based on a bill that passed in the 2025 general session, follows.



Example

At End of Bill:

Section __. Effective Date.

This bill takes effect on May 7, 2025.

b. Early Effective Date

A bill may take effect earlier than the normal effective date of bills if the bill specifies an earlier date and passes “by a vote of two-thirds of all the members elected to each house” (Utah Constitution, Art. VI, Section 25). If a bill with an early effective date does not pass by a two-thirds vote in each house, the bill takes effect on the normal effective date for bills passed that session. The format used for an early effective date in a bill (using an example of a bill that passed in the 2025 general session) follows.

Example

In Long Title:

Special Clauses:

This bill provides a special effective date.

At End of Bill:

Section __. Effective Date.

This bill takes effect:

- (1) except as provided in Subsection (2), May 7, 2025; or
- (2) if approved by two-thirds of all the members elected to each house, the later of:
 - (a) April 15, 2025; or
 - (b) (i) upon approval by the governor;
 - (ii) without the governor’s approval, the day following the time limit of Utah Constitution, Article VII, Section 8; or
 - (iii) with the governor’s veto and a vote of the Legislature to override the veto, the date of veto override.

c. Immediate Effective Date

A bill may take effect immediately after the bill is passed by the Legislature and signed by the governor (or allowed to take effect without the governor’s signature) if the bill includes an immediate effective date and passes “by a vote of two-thirds of all the members elected to

each house” (Utah Constitution, Art. VI, Section 25).

If a bill with an immediate effective date fails to pass by two-thirds of all members elected to each house, the bill takes effect on the normal effective date for bills passed that session.

Following is an example of an immediate effective date in a bill (using an example of a bill that passed in the 2025 general session).

Example

In Long Title:

Special Clauses:

This bill provides a special effective date.

At End of Bill:

Section 3. Effective Date.

This bill takes effect:

- (1) except as provided in Subsection (2), May 7, 2025; or
- (2) If approved by two-thirds of all the members elected to each house:
 - (a) upon approval by the governor;
 - (b) without the governor’s approval, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or
 - (c) in the case of a veto, the date of veto override.

d. Delayed Effective Date

A bill with a delayed effective date (i.e., an effective date after the normal effective date for bills) takes effect on the date specified in the bill.

Example

In Long Title:

Special Clauses:

This bill provides a special effective date.

At End of Bill:

Section 3. Effective Date.

This bill takes effect on July 1, 2026.

Legislative rule prohibits a delayed effective date that is “later than January 1 of the second calendar year immediately following the calendar year of the session at which the bill is passed.” (JR4-1-203). One reason for this rule is that a delayed effective date that extends beyond two subsequent general sessions can result in a



section with two histories and two different effective dates that must be addressed in future drafting. This prohibition does not apply to contingent effective dates.

e. Split Effective Date

Occasionally, different parts of a bill need to take effect at different times. In that case, a split effective date is necessary.

When drafting a split effective date, the first subsection includes the effective date that applies to the most sections in the bill. Subsequent subsections (consisting of exceptions to the first subsection) are listed chronologically, with the earliest effective date appearing first.

An example of a split effective date for a bill that passed in the 2025 general session, follows:

Example

In Long Title:

Special Clauses:

This bill provides a special effective date.

At End of Bill:

Section 5. Effective Date.

- (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 7, 2025.
- (2) The actions affecting Section 10-9a-502 (Effective 07/01/25) take effect on July 1, 2025.
- (2) The actions affecting the following sections take effect on January 1, 2026:
 - (a) Section 10-9a-503 (Effective 01/01/26);
 - (b) Section 10-9a-504 (Effective 01/01/26); and
 - (c) Section 10-9a-505 (Effective 01/01/26).

5. Grant Programs

A grant program is usually administered by an executive branch agency within statutory requirements and guidelines. A statutory grant program template is attached as Appendix H.

6. Indexing Dollar Amounts

Occasionally, a drafter is asked to ensure that a dollar amount fixed in statute changes over time in relation to inflation or other economic factors. One way of accomplishing this is to provide for the amount to be adjusted in relation to a percentage change in the consumer

price index. When drafting this type of provision, a drafter should determine whether the legislator wants the amount to be adjusted only upwards, only downwards, or both. The provision should include a definition of Consumer Price Index, as shown in the following example.

Example

(2) (a) As used in this Subsection (2), "consumer price index" means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

Examples of provisions for an upward or downward adjustment follow.

Examples

(Upward or Downward Adjustment)

(b) Beginning on January 1, 2026, the lieutenant governor shall, on an annual basis, increase or decrease the dollar amounts described in this section by a percentage equal to the percentage difference between the consumer price index for the preceding calendar year and the consumer price index for calendar year 2023, rounded to the nearest whole dollar.

(Upward or Downward Adjustment)

- (b) The commission shall:
 - (i) increase or decrease the dollar amount described in Subsection (1) by a percentage equal to the percentage difference between the consumer price index for the preceding calendar year and the consumer price index for calendar year 2023; and
 - (ii) after making an increase or decrease under Subsection (2)(b)(i), round the dollar amount to the nearest whole dollar.

Examples of provisions for an upward only adjustment follow.

Examples

(Upward Adjustment Only)

(b) Except as provided in Subsection (2)(c), on the first day of every even-numbered calendar year, beginning on January 1, 2016, the minimum wage and the cash wage obligation shall increase by a

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- percentage equal to the percentage difference between the average of the Consumer Price Index for the two preceding calendar years and the Consumer Price Index for calendar year 2013.
 - (c) If the percentage difference described in Subsection (2)(b) is negative, the minimum wage and the cash wage obligation do not change.
- (Upward Adjustment Only)*
- (b) For a calendar year beginning on or after January 1, 2015, the commission shall increase the dollar amount described in Subsection (2) by a percentage equal to the percentage difference between the consumer price index for the preceding calendar year and the consumer price index for calendar year 2013, rounded to the nearest \$100 increment.
 - (c) If, for a calendar year, the percentage difference between the consumer price index for the preceding calendar year and the consumer price index for calendar year 2013 is zero or a negative percentage, the consumer price index increase for the current calendar year is zero.

7. Interlocal Agreement

An interlocal agreement is usually an agreement between political subdivisions or an agreement between political subdivisions and the state. An interlocal agreement generally does not require legislation to approve the agreement unless the agreement requires the Legislature to appropriate money. If legislation is necessary, the legislation would typically be in the form of a concurrent or joint resolution approving the interlocal agreement and would not be codified.

A reference to an interlocal agreement in a resolution or the incorporation of the agreement by reference in statute is generally adequate and it is unnecessary to submit the entire text of the agreement to the Legislature. If a drafter includes the entire text of the interlocal agreement into legislation, the drafter should not alter the text of the agreement.

8. Legislative Findings

Codified findings are usually unnecessary. However, in narrow circumstances a finding may serve a very spe-

cific need such as when a future court interpretation may require a legislative finding. For example, certain First Amendment cases addressing regulation of lewd behavior may look to whether there are legislative findings of secondary effects. In drafting legislative findings, a drafter should be careful to make the findings as narrow as possible and exclude, whenever possible, facts that are susceptible to frequent change. Legislative findings should be based on studies or facts and not merely express an opinion.

Avoid stating findings in a way that may be misinterpreted to establish a legal right. An example of a statement that could be misinterpreted in this manner is, "the Legislature finds that a child in the public schools is entitled to a child-to-teacher ratio of no more than 20 children per teacher."

9. Legislative Intent

The use of a codified statement of legislative intent is strongly discouraged. Legislative intent should be made clear through the operative provisions of a statute. A codified statement of legislative intent invites misinterpretation of the substantive provisions to which it relates and may lead to unforeseen, and unintended, consequences. In most cases, a statement of legislative intent is unnecessary. In the rare occasions where it is used, the preferred practice is to have the statement "spread on the pages of the journal." This practice makes the statement a matter of record without giving it the force of law.

Another option, used even less often than spreading a statement of legislative intent on the pages of the journal, is to include the statement in an uncoded section of the bill.

10. Professional Licensing

Appendix I contains model licensing language.

11. Recodification

At times significant restructuring of the Utah Code is required because a legislative client seeks to either replace an existing title, chapter, or part with new law or to substantially rework the existing title, chapter, or part. This type of legislation may result in what is informally called a "recodification."



A recodification may require accounting for one or more common issues, including:

- ensuring that all cross references to the existing title, chapter, or part are properly changed, including not only references to sections but also broader references to the existing title, chapter, or part;
- determining whether the recodification will require changes to administrative rules or rulemaking authority, including numbering; and
- determining whether it is necessary to provide a transition provision, savings clause, or both, explaining how the transition from the existing law to the new law will take place and the effect of the recodification on existing circumstances or pending issues, including any effect on existing state officers or employees, funds, or authority.

See Appendix M for more guidance on recodification.

12. Repeal Date

A bill may also contain a repeal date. In general, a repeal date should be codified in either Utah Code, Title 63I, Chapter 1, Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title. A repeal date should be uncodified only if it applies to uncodified material.

a. Repeal with Sunset Review

If a sponsor requests that a statute be reviewed before repeal, the repeal date for the statute is added to Title 63I, Chapter 1, Legislative Oversight and Sunset Act. This chapter provides the opportunity for a legislative review before the date set for repeal. Chapter 1, Part 1 describes the process for the review, and Part 2 contains the repeal dates organized by title. Title 63I, Chapter 1, Part 2 is structured so that a repeal date appears in the section numbered to reflect the number of the title where the provision being repealed is located, e.g., for Title 58 — Section 63I-1-258. By codifying the repeal date, it is easier for the Office of Legislative Research and General Counsel to locate the repealer in maintaining the Utah Code database.

If all repeal dates are removed from a section in Title 63I, Chapter 1, Part 2, the section itself is never repealed. Instead, the section appears with only the bold-

face so that the section can be used at a later date for repeal provisions in the title referenced by that section number.

b. Repeal Without Sunset Review

If a legislative sponsor requests that a statute be repealed without requiring a formal sunset review, the repeal date for the statute is added to Title 63I, Chapter 2, Repeal Dates by Title. Title 63I, Chapter 2 is structured so that a repeal date appears in the section numbered to reflect the number of the title where the provision being repealed is located, e.g., for Title 58 — Section 63I-2-258. By codifying the repeal date, it is easier for the Office of Legislative Research and General Counsel to locate the repealer in maintaining the Utah Code database.

If all repeal dates are removed from a section in Title 63I, Chapter 2, the section itself is never repealed. Instead, the section appears with only the boldface so that the section can be used at a later date for repeal provisions in the title referenced by that section number.

13. Retrospective Operation

If the legislative sponsor requests that a law be applied retrospectively, an attorney should first determine if retrospective operation is constitutional. A drafter should consider including a special clause calling for retrospective application of an entire bill or some portion of a bill. A retrospective operation provision may also be combined with a specific effective date.

Example

Section 3. Retrospective operation.
This bill has retrospective operation for a taxable year beginning on or after January 1, 2022.

Example

Section 10. Effective date -- Retrospective operation.
(1) If approved by two-thirds of all the members selected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's

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- signature, or in the case of a veto, the date of veto override.
- (2) This bill has retrospective operation for a taxable year beginning on or after January 1, 2022.

14. Rulemaking Authority

a. Nature and Purpose

Rulemaking authority is legislative authority that is granted by the Legislature to an executive branch agency. An executive branch agency uses this authority to provide more detail on the manner in which the executive branch agency carries out and enforces statutory requirements. Some purposes of granting rulemaking authority include:

- specifying the details of a process the agency is required to implement or oversee (e.g., a license application process);
- establishing requirements for a regulated individual or entity to verify compliance with provisions of law the agency is required to enforce (e.g., the payment of taxes);
- establishing specific restrictions relating to an area of law the agency is required to regulate (e.g., hunting and fishing regulations);
- filling in details of a law impacted by changing technology; or
- filling in details that change regularly or require specialized knowledge or expertise.

b. Considerations

A drafter should not include a grant of rulemaking authority in legislation as a matter of course. Rather, rulemaking authority should only be granted if there is a legitimate need for the authority. In determining whether to include rulemaking authority in a bill, a drafter should consider whether granting rulemaking authority:

- could be avoided by including more detail in the statute;
- unnecessarily delegates authority that the Legislature could and should retain; or
- constitutes an unconstitutional delegation of legislative authority (i.e., a delegation of a core legislative

function.

c. Drafting

If rulemaking authority is granted in legislation, the authority granted should be expressly limited to the authority that is necessary to accomplish the purpose of the legislation and should contain appropriate limitations and guidelines to accurately reflect legislative intent. Legislation should never grant sweeping authority to an agency.

Always use the phrase “make rules.” Avoid using phrases like “adopt rules” or “promulgate rules.”

Examples

Do not use phrases like the following:

shall make rules . . . necessary for the effective administration of the agricultural laws of the state.

shall make rules . . . necessary to administer and enforce this chapter.

shall make rules . . . to establish a process to apply for a license under this part.

Instead, use more specific language like the following:

shall make rules . . . establishing requirements for providing the verification described in Subsection (1).

shall make rules . . . describing the procedures that a counting judge is required to follow for counting ballots in an instant runoff voting race under . . .

shall make rules . . . relating to procedures for complying with, and verifying compliance with, the candidate nominating process described in this part.

A grant of rulemaking authority should reference the Utah Administrative Rulemaking Act to ensure that the agency is aware of the requirement to comply with that act.

Example

. . . shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for providing the verification described in Subsection (1).



If rulemaking authority is granted in legislation, the grant of authority should be reflected in the long title.

d. Transferring Agency Oversight and Authority

If transferring authority or a function of one executive branch agency to another, consider what impact, if any, the transfer will have on the rules or rulemaking authority of the affected agency. Generally, if a bill moves an agency or function, a provision in that bill should provide for the disposition or transfer of the rules or rule-making authority.

Examples of how a legislative drafter can provide for the disposition of rules or rulemaking authority include:

- extending rules for a definite time period to allow for a transition and amending of the rules;
- if the functions will change extensively, providing that the existing rules expire after a specified time period to allow the agency time to write new rules and put the new rules into place; or
- providing that the rules are to be transferred, i.e., renumbered and continued in effect.

Example

Section 10. Application of rules.

- (1) It is the intent of the Legislature that a rule issued under the following statutes that is in effect on [effective date of bill], is not modified by this bill and remains in effect, except that the authority to administer the rule is transferred to the [new agency] in the same manner as the statutory Responsibilities are transferred under this bill:
(a) [Insert citations to relevant statutes]
- (2) It is the intent of the Legislature that the [new agency] renumber the rules, coordinating with the Division of Administrative Rules, and correct references within the rules on or before [insert a date, a reasonable time after enactment of the bill, to allow for changes to be made].

15. Severability Clause

a. In General

In rare circumstances, there may be a reason to include a severability clause in legislation, indicating either that the provisions of the applicable statutory provisions are,

or are not, severable. A severability clause in a bill should be codified to provide notice of the provision.

b. Drafting a severability clause

i. Long Title and Boldface

A reference to a severability clause should be included in the long title of the bill under "Highlighted Provisions" and the boldface of the codified section. A severability clause is not a special clause for purposes of a long title.

ii. Placement

In general, if a codified severability clause applies to a title, chapter, or part, the clause should be placed in a section at the end of the title, chapter, or part, with any transition clause preceding the severability clause. Whether a severability clause should be in a stand-alone section or merged with other provisions depends on the context and the ease of access. If the severability clause applies only to a section, it should be the last subsection in the section with any transition clause preceding the severability clause. If a severability clause applies to an entire bill that affects multiple provisions of the Utah Code, placement is determined on the basis of the composition of the bill.

iii. Form

A severability clause generally includes:

- a statement regarding whether it is the intent of the Legislature that the invalid provision be severed;
- if severability is intended, a statement regarding:
 - what portion of the law is subject to the severability clause;
 - at what level the law can be severed (e.g., chapter, part, section, subsection, sentence, provision);
- a statement that the severability clause applies if a provision or "the application" of the provision is found invalid; and
- depending on the complexity of the bill, other issues, which may include:
 - who determines validity (e.g., a court with jurisdiction);
 - what is meant by invalid (e.g., unconstitutional, superseded, in conflict); and
 - whether the court is to determine whether the



provisions that continue can be given effect without the invalid provision or application.

Form of Severability Clause

(providing for severability)

XX-X-XX. Severability clause.

If any [provision/chapter/part/section/subsection] of this [title/chapter/part/section] or the application of any [provision/chapter/part/section/subsection] to any person or circumstance is held invalid [by a final decision of a court with jurisdiction], the remainder of this [title/chapter/ part/section] shall be given effect without the invalid [provision/chapter/part/section/subsection] or application. The provisions of this [title/ chapter/part/section] are severable.

Form of Severability Clause

(providing for inseverability)

XX-X-XX. Severability not permitted.

If any [provision/chapter/part/section/subsection] of this [title/chapter/part/section] or the application of any [provision/chapter/part/section/subsection] to any person or circumstance is held invalid [by a final decision of a court with jurisdiction], the remainder of this [title/chapter/ part/section] may not be given effect without the invalid [provision/chapter/part/section/subsection] or application. The provisions of this [title/ chapter/part/section] may not be severed.

16. Transition Clause

Occasionally, a transition clause is necessary to address issues raised when enacting or modifying a statute. Examples of legislation that may necessitate a transition clause include:

- clarifying the application of a new provision to a specific matter or class (e.g., a bill that applies to a cause of action filed on or after a specific date or to a regulated profession);
- phasing in the implementation of a new provision (e.g., a bill that changes the requirements for an existing license); or
- directing an implementing agency to take certain actions (e.g., a bill that transfers existing rulemaking

authority to a new agency).

Appendix K contains examples of transition or savings clauses.

17. Uniformity with Other States

a. Uniform Law

Utah has adopted, and may adopt other, uniform laws that are developed by the Uniform Law Commission.

Because the intent in adopting a uniform law is to create uniformity throughout the country, a drafter should be careful in altering the language of the uniform law. It is often beneficial, with the sponsor's approval, to consult with the Uniform Law Commission regarding potential changes. A drafter should not change language of a uniform law merely to conform with Utah's legislative style (e.g., do not change a "must" to a "shall") because the change could be interpreted as creating a substantive difference between the uniform law in other states and that adopted by Utah.

Drafting a uniform law may require significant work to remove contradictory provisions from the Utah Code and to change numbering, spelling, and basic format. For example, references to "act" in a uniform law should be changed to "chapter" or other appropriate designation.

A drafter should change the numbering of a uniform law to the extent necessary for the law to fit into the Utah Code's numbering system and reorder provisions in the law to reflect Utah's statutory format. When reordering provisions, a legislative drafter should number the sections in a manner that preserves the overall numbering scheme of a uniform law to maintain consistency and accessibility throughout the states.

b. Model Law

Unlike a uniform law, a model law is a guide for proposed legislation and should be changed to comply with Utah's legislative style when appropriate.

c. Interstate Compact

An interstate compact is, essentially, a negotiated contract and, therefore, a statute adopting a contract should not be modified unless approved by the interstate entity that administers the compact. An interstate compact is typically codified because it affects substan-



tive rights of the public, who should be given notice of Utah's adoption of the compact.

There is not a single model in the Utah Code for how an interstate contract should be structured. Possible structures include:

- enacting a collection of sections;
- creating a chapter or part with each article listed as a separate section; or
- enacting the main text of the interstate compact in a single section with headers generally referred to as "articles."



Chapter 13 — Unique Legislative Action

LEGISLATIVE DRAFTING MANUAL | AUGUST 2025

1. Statewide Opinion Question

On rare occasions, the Legislature has submitted a non-binding opinion question to the voters of the state. Because this practice is so rare, the statute providing a process for this practice is enacted for a brief period and then repealed. The statutory process traditionally used calls for a resolution, in addition to the statute, to actually place the opinion question on the ballot. Thus, a sponsor seeking to place an opinion question on the ballot should open two requests for legislation, one for a bill creating the process and one for a resolution submitting the question. Examples of bills and resolutions to place a non-binding opinion question on the ballot include:

- 2018 General Session H.B. 491, Election Law Changes, and 2018 General Session H.J.R. 20, Joint Resolution Submitting a Question to Voters; and
- 2017 General Session H.B. 78, Nonbinding Opinion Questions, and 2017 General Session H.J.R. 2, Joint Resolution – Nonbinding Opinion Question on Daylight Saving Time.

2. Legislative Approval or Other Legislative Action

Some actions require legislative approval. This requirement is usually imposed by constitution or statute and is usually accomplished through a joint resolution. The Legislature may also use a joint resolution to take certain other types of actions.

Some examples include:

- authorizing pay of in-session employees (see 2021 General Session H.J.R. 3);
- accepting federal funds (see 2021 General Session H.J.R. 4);
- appointing individuals to certain staff positions in the Legislature (See 2021 General Session S.J.R. 1);
- approving the construction and operation of a landfill (See 2021 General Session S.J.R. 7);
- extending a state of emergency (See 2020 General Session H.J.R. 24);
- adopting the notes to a water rights addendum to

deeds (See 2019 General Session H.J.R. 5); and

- approving a settlement agreement (See 2019 General Session H.J.R. 28).

3. Constitutional Amendment

a. State Constitution

To amend the Utah Constitution, “two-thirds of all the members elected to each of the two houses” of the Legislature must vote in favor of the amendment, after which the amendment must be passed by the voters at the next general election (Utah Constitution Art. XXIII, Section. The vote of the Legislature is traditionally accomplished by joint resolution. For examples, see:

- 2021 General Session H.J.R. 12;
- 2020 General Session S.J.R. 3; and
- 2019 General Session H.J.R. 1.

The amendment is presented to the voters at a regular general election, held in an even-numbered year.

b. Federal Constitution

The Legislature may ratify a proposed amendment to the federal constitution as provided in United States Constitution, Article V. Ratification would normally be done by joint resolution.

4. Legislative Rules

A legislative rule is enacted or amended by either a single house resolution or, for joint or interim rules, by joint resolution.

Some examples from the 2021 General Session include:

- H.R. 5, House Rules Resolution – Standing Committee Modifications;
- H.J.R. 17, Joint Rules Resolution – Procedural Amendments;
- S.R. 2, Senate Rules Resolution – Standing Committee Modifications; and
- S.J.R. 5, Joint Rules Resolution – Legislation Amendments.

5. Court Rules

Utah Constitution, Art. VIII, Section 4, provides that “The Legislature may amend the Rules of Procedure and



Evidence adopted by the Supreme Court upon a vote of two-thirds of all members of both houses of the Legislature.” The practice has been that the Legislature exercises this power via joint resolution.

Some examples from the 2021 General Session include:

- H.J.R. 7, Joint Resolution Amending Rules of Criminal Procedure on Motions; and
- S.J.R. 4, Joint Resolution Amending Rules of Civil Procedure on Expert Witnesses.

APPENDIX A

PROBLEMATIC WORDS AND PHRASES

Not all of the following constitute rigid rules. However, they establish good guidelines to help ensure that legislation is drafted in a clear, concise, consistent, and uncomplicated manner.

A

| | |
|-------------------------------------|---|
| above | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| above-mentioned | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| absolutely null and void | <i>do not use</i> , use "void" |
| acknowledge | <i>do not use</i> , use "admit" or "recognize" |
| accomplish | <i>do not use</i> , use "do" or "perform" |
| accorded | <i>do not use</i> , use "given" |
| acknowledge and confess | <i>do not use</i> , use either word as appropriate |
| acquire | <i>do not use</i> , use "buy" or "obtain" |
| act and deed | <i>do not use</i> , use either word as appropriate |
| adequate v. sufficient v. enough | "adequate" means something is suitable in a particular circumstance; "sufficient" refers to an amount of material; "enough" modifies both count and mass nouns |
| adequate number of | <i>do not use</i> , use "enough" or "sufficient" |
| adjacent v. contiguous | "adjacent" means lying near; "contiguous" means touching |
| adjust, compromise, and settle | <i>do not use</i> , use the appropriate word |
| admit of | <i>do not use</i> , use "allow" |
| advice v. advise | "advice" (noun) means opinion or recommendation; "advise" (verb) means to counsel |
| advise and consent | <i>do not use</i> , use "consent" |
| affect v. effect | "affect" (verb) means to influence or produce an effect on; "affect" (noun) means an observable emotion; "effect" (noun) means result or accomplishment; "effect" (verb) means to cause to happen |
| affective v. effective | "effective" is broader and means producing an intended or expected result; "affective" means relating to, influencing, or expressing a feeling or emotion |
| afforded | <i>do not use</i> , use "given" |
| aforementioned | <i>do not use</i> to refer to a Utah Code section or subsection, instead state the specific code reference |
| aforesaid | <i>do not use</i> to refer to a Utah Code section or subsection, instead state the specific code reference |
| after having (plus past participle) | <i>do not use</i> , use "after (plus present participle)," e.g., "after completing the test" |
| agree and covenant | <i>do not use</i> , use "agree" |
| all and every | <i>do not use</i> , use the appropriate article |
| all of the | <i>do not use</i> , use "all the" |
| already | <i>do not use</i> , state a specific date |
| also v. and | "and" is always preferred; neither term should be used to begin a sentence or used with the other |
| alter or amend | <i>do not use</i> |
| alter or change | <i>do not use</i> |

among

"among" is used to show the relationship of more than two objects or persons or when no close relationship exists it can mean to be in the class or company of; "between" is used to show the relationship of two objects or person, if a close relationship exists, or as a comparison; for both terms use "and" as the connective; and never follow the term by "each" or "every"

an adequate number of
and v. also

do not use, use "enough"
see "also v. and"

an excessive number of
annul and set aside

do not use, use "to many"
do not use

any and all

do not use, use "a" or "an," unless the meaning requires the use of "any"

and/or

do not use

approximately

do not use, use "about"

as a consequence of

do not use, use "because of"

ascertain

do not use, use "determine"

assign, transfer, and set over

do not use

a sufficient number of

do not use, use "enough"

at that point

do not use, use "then"

at the time

do not use, use "when"

at such time as

do not use, use "when"

authorize and direct

do not use, use either word as appropriate

B

based on

do not use with adverbial force, *e.g.*, "shall adjust rates annually, based on the cost-of-living," or as a dangling participle, *e.g.*, "based on the report, the commissioner shall"
do not use, use "is"

be and the same hereby is
before mentioned

do not use to refer to a section or subsection of code, instead state the specific section or subsection code reference

below

do not use to refer to a section or subsection of code, instead state the specific section or subsection code reference

be of help to

do not use, use "help"

between v. among

see "among v. between"

bind and obligate

do not use, use either word as appropriate

build, erect, or construct

do not use, use "build"

by and through

do not use, use "by"

by and under

do not use, use either word as appropriate

by and unless

do not use, use either word as appropriate

by and with

do not use, use either word as appropriate

by means of

do not use, use "by"

by reason of

do not use, use "because of"

by virtue of

do not use, use "by" or "under"

C

capital

used in all means except that of a building

capitol

a building or edifice

cancel, annul, and set aside

do not use, use the appropriate word

category

do not use, use "kind," "class," or "group"

cause it to be done

do not use, use "have done"

cease

do not use, use "stop"

censor v. censure

"censor" (noun) means a person that inspects with the power to suppress; "censor" (verb) means to subject to censorship; "censure" means to condemn or to find fault

commence
complete (verb)
conceal
confess and acknowledge
consequence
constitute and appoint
contiguous v. adjacent
convey, transfer, and set over
costs, charges, and expenses
covenant and agree
current

do not use, use "begin" or "start"
do not use, use "finish"
do not use, use "hide"
do not use, use either word as appropriate
do not use, use "result"
do not use, use "appoint"
see "adjacent v. contiguous"
do not use, use an appropriate word
do not use, use an appropriate word
do not use, use "agree"
do not use, state a specific date

D

deem
deemed to be
definite v. definitive

do not use, use "consider"
do not use, unless a fiction is intended
"definite" means to be clear to have distinct limits;
"definitive" means decisive, conclusive, final and apparently
exhaustive

disburse v. dispense v. disperse

"disburse" means to pay out or to expend; "dispense" means to
distribute in parts or to administer; "disperse" means to scatter or break
up

disinterested v. uninterested

"disinterested" means free from selfish motive, impartial, or unbiased;
"uninterested" means indifference or lack of interest

documents, instruments, and writings
does not operate to
donate
due and owing
due to the fact that
duly
duplicate
during such time as
during the course of
during the time that

do not use, use an appropriate word
do not use, use "does not"
do not use, use "give"
do not use, use either word as appropriate
do not use, use "because"
do not use
do not use, use "copy"
do not use, use "while"
do not use, use "during"
do not use, use "while"

E

each and all
each and every
effect v. affect
effective v. affective
effectuate
either . . . or

do not use, use "each"
do not use, use "each"
see "affect v. effect"
see "affective v. effective"
do not use, use "carry out" or "cause"
do not use to coordinate more than two words, phrases, or
clauses, use to indicate one of two

employ (meaning "use")
endeavor (verb)
enough
enter into an agreement with
enter into a contract with
entirely and completely
equable v. equitable

do not use, use "use"
do not use, use "try"
see "adequate v. sufficient v. enough"
do not use, use "to agree with"
do not use, use "contract with"
do not use, use either word as appropriate
"equable" means uniform or unchanging; "equitable" means
just, right, or fair

every
evidence, documentary or otherwise
evidencing or relating to
evinced

do not use, use "a" or "an," unless the meaning requires "any" or "each"
do not use, use "evidence"
do not use, use "relating to"
do not use, use "show"

examine witnesses and takes testimony
excessive number of
expend
expiration

do not use, use "take testimony"
do not use, use "to many"
do not use, use "spend"
do not use, use "end"

F

fail, refuse, or neglect
fair and equitable
fair and reasonable
false and fraudulent
final and conclusive
fit and proper
finalize
following

do not use, use "fail"
do not use, use either word as appropriate
do not use, use either word as appropriate
do not use, use either word as appropriate
do not use, use "final"
do not use, use either word as appropriate
do not use, use "complete"
do not use to refer to a section or subsection of code, instead state the specific section or subsection code reference
do not use, use "for" or "during"
do not use, use "for"
do not use, use "for"
do not use, use either word as appropriate
do not use to refer to a section or subsection of code, instead state the specific section or subsection code reference
do not use, use "during"
do not use, use "to"
do not use, use "because"
do not use, use "immediately"
do not use, use either word as appropriate
do not use, use either word as appropriate
do not use, use either word as appropriate
do not use, use "often"
do not use, use "after"
do not use, use "for"
do not use, use "complete"
do not use, use "effect"
do not use, use "give"
do not use, use "give" or "supply"

for and during the period
for and in consideration of
for and on behalf of
force and effect
foregoing

for the duration of
for the purpose of
for the reason that
forthwith
fraud and deceit
free and clear
free and unfettered
frequent
from and after
from the point of view of
full and complete
full force and effect
furnish
furnish and supply

G

garnish v. garnishee

in general "garnish" means to decorate or embellish; "garnishee" (verb) means to attach money or salary; however, *Black's Law Dictionary* uses "garnish" and "garnishee" (verb) interchangeably to mean to subject to garnishment or to attach, and "garnishee" (noun) as the person that is indebted to

give and grant
give consideration to
give, devise, and bequeath
give recognition to
good and sufficient
guarantee v. guaranty

do not use, use either word as appropriate
do not use, use "consider"
do not use, use the appropriate word
do not use, use "recognize"
do not use, use "sufficient"
"guarantee" means to promise or assure that a legal act will be carried out; "guaranty" (noun) means to warrant or pledge when referring to a debt

H

have knowledge of
have need of

do not use, use "know"
do not use, use "need"

| | |
|--------------------|--|
| have the effect of | <i>do not use</i> , unless a fiction is intended |
| he or she | <i>do not use</i> , if a gender neutral term is not possible, use "he" |
| henceforth | <i>do not use</i> , use "beginning__" |
| here | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| hereby | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| hereafter | <i>do not use</i> , use "after__ takes effect" |
| heretofore | <i>do not use</i> , use "before__ takes effect" |
| herein | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| hereinabove | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| hereinafter | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| hereinbefore | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| hereunder | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| herewith | <i>do not use</i> to refer to a section or subsection of code, instead state the specific section or subsection code reference |
| his or her | use only as a last resort, see the gender-neutral drafting policy |
| hold and keep | <i>do not use</i> , use either word as appropriate |

| | |
|---------------------------|--|
| I | |
| if and when | <i>do not use</i> , use either word as appropriate |
| in a case | <i>do not use</i> , use "if" |
| in a case in which | <i>do not use</i> , use "when" |
| in a prompt manner | <i>do not use</i> , use "promptly" |
| in agreement with | <i>do not use</i> , use "agree" |
| inasmuch as | <i>do not use</i> , use "because" or "since" |
| in a manner similar to | <i>do not use</i> , use "like" |
| in association with | <i>do not use</i> , use "with" |
| in case of | <i>do not use</i> , use "if" |
| in close proximity | <i>do not use</i> , use near |
| in connection with | <i>do not use</i> , use "with," "about," or "concerning" |
| indicate | <i>do not use</i> , use "show" or "state" |
| in favor of | <i>do not use</i> , use "for" |
| initiate | <i>do not use</i> , use "begin" |
| in order to | <i>do not use</i> , use "to" |
| inquire | <i>do not use</i> , use "ask" |
| in receipt of | <i>do not use</i> , use "receives" |
| in regard to | <i>do not use</i> , use "about" or "concerning" |
| in relation to | <i>do not use</i> , use "about" or "concerning" |
| insofar | <i>do not use</i> |
| in spite of the fact that | <i>do not use</i> , use "although" |
| institute (verb) | <i>do not use</i> , use "begin" or "start" |
| in terms of | <i>do not use</i> , use "at," "in," "for," "by," or "with" |
| interrogate | <i>do not use</i> , use "question" |
| in the absence of | <i>do not use</i> , use "without" |
| in the case of | <i>do not use</i> , use "if" |
| in the course of | <i>do not use</i> , use "during" |
| in the event of | <i>do not use</i> , use "if" |
| in the event that | <i>do not use</i> , use "if" |
| in the interests of | <i>do not use</i> , use "for" |

in the nature of
in truth and in fact
indebtedness and liabilities
irregardless
is able to
is a person who
is applicable
is authorized to
is binding upon
is defined and shall be construed to mean
is dependent on
is directed to
is empowered to
is entitled to
is hereby authorized
is in attendance at
is permitted to
is prohibited from
is required to
is not prohibited from
is unable to
it is directed
it is the duty to
it is lawful to
it is the duty
it is unlawful to
it shall be his duty to
it shall be lawful

do not use, use "like"
do not use
do not use, use either word as appropriate
do not use, use "regardless"
do not use, use "can"
do not use, use "a person"
do not use, use "applies"
do not use, use "may"
do not use, use "binds"
do not use, use "means"
do not use, use "depends on"
do not use, use "shall"
do not use, use "may"
do not use, use "may"
do not use, use "shall"
do not use, use "attends"
do not use, use "may"
do not use, use "may not"
do not use, use "shall"
do not use, use "may"
do not use, use "cannot"
do not use, use "shall"
do not use, use "shall"
do not use, use "may"
do not use, use "shall"
do not use, use "may not"
do not use, use "shall"
do not use, use "may"

J

just and reasonable

do not use

K

keep and maintain
kind and character
kind and nature
known and described as

do not use, use either word as appropriate
do not use, use either word as appropriate
do not use, use either word as appropriate
do not use, use either "known as" or "described as"

L

last will and testament
law passed
locality
locate
loss or damage

do not use, use "will"
do not use, use "law enacted"
do not use, use "place"
do not use, use "find"
do not use, use either word as appropriate

M

make and enter into
maintenance and upkeep
majority v. plurality v. minority

do not use, use "make"
do not use, use either word as appropriate
"majority" means more than half; "plurality" means the greatest number of votes cast when not a majority; "minority" means a number forming less than half of the whole or the controlling number of votes
do not use, use "apply"

make application

make an appointment of
make payment
make provision for
may be treated as
means and includes
member of a partnership
minority v. plurality v. majority
modify

do not use, use "appoint"
do not use, use "pay"
do not use, use "provide"
do not use, unless a fiction is intended
do not use, use either word as appropriate
do not use, use "partner"
see "majority v. plurality v. minority"
do not use, use "change"

N

necessitate
negotiate (as in “_a contract”)
neither . . . nor

do not use, use "require"
do not use, use "make"
do not use to coordinate more than two words, phrases, or clauses, use to indicate not one of two
do not use, use "none"
do not use, use "before"
do not use, state a specific date
do not use
do not use, use "void"

none whatsoever
not later than
now
nowise
null and void

O

obligation and liability
obtain
occasion (verb)
of a technical nature
of and concerning
on account of
on and after July 1
on the person's own application
on the part of
order and direct
ordered, adjudged, and decreed
or, in the alternative
over and above

do not use, use either word as appropriate
do not use, use "get"
do not use, use "cause"
do not use, use "technical"
do not use, use either word as appropriate
do not use, use "because"
do not use, use "June 30"
do not use, use "at the person's request"
do not use, use "by"
do not use, use either word as appropriate
do not use, use "adjudged"
do not use, use "or"
do not use, use "exceed"

P

pay, satisfy, and discharge
peace and quiet
per annum
per centum
per day
per foot
perform and discharge
period of time
person or persons
pleaded v. pled

plurality v. majority v. minority
possess
possession, custody, and control
power and authority
preceding

do not use, use the appropriate term
do not use, use either word as appropriate
do not use, use "each year"
do not use, use "percent"
do not use, use "a day"
do not use, use "a foot"
do not use, use either word as appropriate
do not use, use "period"
do not use, use "person"
do not use "pled," use "pleaded" as the standard past tense and past-participial form
see "majority v. plurality v. minority"
do not use, use "has"
do not use, use the appropriate term
do not use, use either term as appropriate
do not use to refer to a section or subsection of code, instead state the specific section or subsection code reference

prescribe v. proscribe

preserve

previous to

principal v. principle

prior

prior to

procure

promulgate

prosecute its business

provided, that

provided, however, that

provision of

provisions of section

purchase (verb)

"prescribe" means to direct, to order, or to lay down a guide or rule;

"proscribe" means to outlaw or to condemn or forbid as harmful

do not use, use "keep"

do not use, use "before"

"principal" (noun) means a capital sum earning interest or used as a fund, a leading person, or a person who authorizes another to act on behalf of the person; "principal" (adjective) means most important; "principle" means basic, general or fundamental law, doctrine, or assumption

do not use, use "earlier"

do not use, use "before"

do not use, use "buy" or "obtain"

do not use, use "issue" or "make,"

do not use, use "carry on its business"

do not use, use "except that"

do not use, use "except that"

do not use, use "provision"

do not use, use "section"

do not use, use "buy"

R

release and discharge

remainder

render (meaning "give")

render (meaning "cause to be")

render a decision

require (meaning "need")

regulation (Utah specific)

retain

rights and remedies

rules and regulations

do not use, use either term as appropriate

do not use, use "rest"

do not use, use "give"

do not use, use "make"

do not use, use "render"

do not use, use "need"

do not use, use "rule"

do not use, use "keep"

do not use, use either term as appropriate

do not use, use "rules"

S

said

same

save and except

shall be considered to be

shall be construed to mean

shall have the power to

sole and exclusive

some

specified (meaning "listed")

submit a payment

subsequent to

such

suffer (meaning "allow")

sufficient v. adequate v. enough

sufficient number of

do not use, use the appropriate article, e.g., "the," "that," "these"

do not use, use the appropriate article, e.g., "the," "that," "these"

do not use, use "except"

do not use

do not use

do not use, use "may"

do not use, use "exclusive"

do not use, state a specific number or amount

do not use, use "named"

do not use, use "pay"

do not use, use "after"

do not use

do not use, use "allow"

see "adequate v. sufficient v. enough"

do not use, use "enough"

T

take action

take into consideration

terminate

do not use, use "act"

do not use, use "consider"

do not use, use "end"

| | |
|-------------------------------|--|
| the manner in which | <i>do not use</i> , use "how" |
| thence | <i>do not use</i> |
| thenceforth | <i>do not use</i> |
| the place of a person's abode | <i>do not use</i> , use "a person's abode" |
| the question as to whether | <i>do not use</i> , use "whether" |
| thereafter | <i>do not use</i> , use "after__" |
| thereby | <i>do not use</i> |
| therefor | <i>do not use</i> |
| therein | <i>do not use</i> |
| thereof | <i>do not use</i> , use "of with" |
| thereunder | <i>do not use</i> |
| therewith | <i>do not use</i> |
| to the effect that | <i>do not use</i> , use "to" |
| to or until | <i>do not use</i> , use "until" |
| to wit | <i>do not use</i> |
| transfer and assign | <i>do not use</i> , use either word as appropriate |
| transmit | <i>do not use</i> , use "send" |
| transmitted through the mail | <i>do not use</i> , use "mail" |
| true and correct | <i>do not use</i> , use "correct" |

U

| | |
|-------------------------------|--|
| under the provisions | <i>do not use</i> , use "under" |
| undertake and agree | <i>do not use</i> , use either word as appropriate |
| uninterested v. disinterested | <i>see</i> "disinterested v. uninterested" |
| unless and until | <i>do not use</i> , use either word as appropriate |
| until such time as | <i>do not use</i> , use "until" |
| used for__purposes | <i>do not use</i> , use "used for __" |
| utilize (meaning "use") | <i>do not use</i> , use "use" |

V

| | |
|--|--------------------------------|
| void and of no [effect/force/or value] | <i>do not use</i> , use "void" |
|--|--------------------------------|

W

| | |
|-----------------------|--|
| whatsoever | <i>do not use</i> |
| whenever | <i>do not use</i> |
| whereby | <i>do not use</i> |
| wherein | <i>do not use</i> |
| wheresoever | <i>do not use</i> |
| whenever | <i>do not use</i> , use "when" |
| whether or not | "or not" is usually unnecessary - to decide if it is needed, substitute "if" for "whether," and if the "if" results in a different meaning, "or not" is needed |
| who, whoever | used as the subject of a verb or a predicate pronoun, as in "who can go" |
| whom, whomever | used as the object of a verb or preposition, as in "whom we saw" |
| with a view to | <i>do not use</i> , use "to" |
| with reference to | <i>do not use</i> , use "about" or "concerning" |
| with respect to | <i>do not use</i> , use "about," "with," "on," "concerning," "for," or "in" |
| with the exception of | <i>do not use</i> , use "except" |
| with the object of | <i>do not use</i> , use "to" |

Sources include: Martineau and Salerno, *Legal, Legislative, and Rule Drafting in Plain English*, (2005); *The Merriam- Webster Dictionary* (2004); Haggard, *Legal Drafting in A Nutshell* (2nd ed. 2003); *The Chicago Manual of Style* (15th ed. 2003); *Black's Law Dictionary* (1999 7th ed.).

APPENDIX B

UTAH CODE HYPHENATION

In General:

The Office of Legislative Research and General Counsel has adopted the following guidelines to aid drafters in the deciding when to hyphenate. The decision regarding whether to hyphenate rests with the drafter.

- A drafter should be as consistent as possible within a title, chapter, or part.
- If, after reviewing these guidelines, referencing existing code, and checking *Merriam-Webster's Collegiate Dictionary*, no solution can be found, hyphenate if doing so lends clarity, either between words (four-year terms) or within a word (pre-judicial).
- Hyphenate two or more modifiers when they precede a noun (three-week period, 10-point font, even-numbered years, long-term care). Do not hyphenate compound modifiers when they follow a noun (a period of 30 days).
- Do not hyphenate if the first word ends in *ly* (a readily available book).
- Avoid using hyphens with most prefixes (inpatient, preemptive), except to separate two i's, two a's, or another combination that might be confusing (intra-agency, re-create vs. recreate).
- The numbers twenty-one through ninety-nine are hyphenated as is any combination of those numbers; the rest are not (twenty-one, twenty-first, one hundred thirty-nine).

Examples and Some Usage Unique to Utah Code:

Age terms are hyphenated in both noun and adjective forms, except as noted. The examples apply equally to ages expressed as numerals:

a three-year-old
a 55-year-old woman
but
three years old
18 years old

"bi" words: biannually
bipartisan

"by" words: bylaws
bypass
but by-product

Civil and military titles are not hyphenated:

attorney at law
commander in chief
vice chair
vice president
sergeant at arms

email

"ex" words: ex-president
but ex parte, ex officio

father-in-law

fractions: one-half
two-thirds majority

last known address

low income housing

"non" words: nonnegotiable
nonprofit

"off" words: off-highway
off-site

over-the-counter drugs (*but* drugs sold over the counter)

part time (when it follows a verb or noun): an employee who works part time

part-time (when it precedes a verb or noun): a part-time employee

policyholder

policymaking

right-of-way

rulemaking

"self" words: self-employed
self-reporting

"well" words: well-being
well-known

year-round

APPENDIX C

APPROPRIATION EXAMPLES

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Examples of each Appropriation Type

Note: Hermes will automatically populate much of the language shown in the following examples (other than the intent language) based on data collected by the Office of the Legislative Fiscal Analyst.

OPERATING AND CAPITAL BUDGETS BOILERPLATE LANGUAGE

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$700,000 in operating and capital budgets for fiscal year 2026, all of which is from the various sources as detailed in this bill.

(In Body of Bill)

Section __. **FY _____ Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 29(a). **Operating and Capital Budgets**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To [Department Name] - [Line Item Name]

| | |
|---------------------------------|-----------|
| From [Fund] [or Fund, One-time] | \$700,000 |
| Schedule of Programs: | |
| [Program Name] | \$500,000 |
| [Program Name] | \$200,000 |

[If nonlapsing authority is requested:] Under Section 63J-1-603 the Legislature intends that appropriations provided under this section not lapse at the close of fiscal year 2026. The use of any nonlapsing funds is limited to [purpose(s)].

[If intent language is needed for multiple things:] The Legislature intends that:

- (1) appropriations provided under this section be used for the [Program Name] created in Section [Code Section];
- (2) under Section 63J-1-603, appropriations provided under this section not lapse at the close official year 2026 and the use of any nonlapsing funds is limited to [purpose(s)]; and
- (3) the [Department Name] shall allocate appropriations under this section to ...

*** Note about nonlapsing authority:**

Nonlapsing status is usually applied to appropriations from accounts, not to the accounts themselves. Funds in a restricted account are already statutorily required to remain in the account under Subsection 63J-1-104(3)(b): "Revenues in a restricted account or fund do not lapse to another account or fund unless otherwise specifically provided for by law or legislative appropriation." If an appropriation needs to be nonlapsing, the intent language should state that the appropriations are nonlapsing, not the fund or account from which the appropriations are made.

OPERATING AND CAPITAL BUDGETS EXAMPLE IN THE NEXT FISCAL YEAR

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$50,000 in operating and capital budgets for fiscal year 2027, all of which is from various sources as detailed in this bill.

(In Body of Bill)

Section 14. FY2006 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for fiscal year 2027.

Subsection 14(a). Operating and Capital Budgets

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To State Board of Regents - Administration

| | |
|-------------------|----------|
| From General Fund | \$10,000 |
|-------------------|----------|

| | |
|-----------------------------|----------|
| From General Fund, One-time | \$40,000 |
|-----------------------------|----------|

Schedule of Programs:

| | |
|----------------|----------|
| Administration | \$50,000 |
|----------------|----------|

The Legislature intends that the State Board of Regents use the appropriation under this item to implement the requirements described in Sections 53B-8a-202 through 53B-8a-204.

RESTRICTED FUND AND ACCOUNT TRANSFERS

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$4,000,000 in restricted fund and account transfers for fiscal year 2026, all of which is from the various sources as detailed in this bill.

(In Body of Bill)

Section 23. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 23(a). Restricted Fund and Account transfers

The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds or accounts to which the money is transferred must be authorized in an appropriation.

ITEM 1 To General Fund Restricted – Homeless Account

| | |
|--|-------------|
| From General Fund, One-time | \$4,000,000 |
| Schedule of Programs: | |
| General Fund Restricted – Homeless Account | \$4,000,000 |

*** Note about restricted fund and account transfers:**

This type of appropriation simply moves money from one account to another and typically does not authorize new spending.

Unless requested by the sponsor, it isn't necessary to create a new restricted account into which money is appropriated and then appropriate money from the new account to a state program (creating a new restricted account adds to the burden placed on the Division of Finance to track accounts). It is cleaner to simply appropriate from the General Fund to a state program.

Expenditures by a state agency from the restricted account to which the money is transferred must be authorized by an appropriation separately.

*** Note regarding federal funds:**

Federal funds should never be listed or used as a source for a General Fund restricted account, an expendable special revenue fund, an internal service fund, or an enterprise fund.

EXPENDABLE FUNDS AND ACCOUNTS

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$115,000 in expendable funds and account transfers in fiscal year 2026, all of which is from the various sources as detailed in this bill:

(In Body of Bill)

Section 7. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 7(a). Expendable funds and Accounts

The Legislature has reviewed the following expendable funds. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated. Outlays and expenditures from the funds or accounts to which the money is transferred may be made without further legislative action, in accordance with statutory provisions relating to the funds or accounts.

ITEM 1 To Department of Workforce Services - Olene Walker Low Income Fund

| | |
|------------------------------|-----------|
| From General Fund, One-time | \$115,000 |
| Schedule of Programs: | |
| Olene Walker Low Income Fund | \$115,000 |

*** Note regarding expendable funds and accounts:**

This type of appropriation accounts for money that can be spent without legislative appropriation. It may also move money from one account into an account that can be spent without appropriation.

TRANSFERS TO UNRESTRICTED FUNDS

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$1,666,000 in transfers to unrestricted accounts for fiscal year 2026, all of which is from the various sources as detailed in this bill.

(In Body of Bill)

Section 3. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 3(a). Transfers to Unrestricted Accounts

The Legislature authorizes the State Division of Finance to transfer the following amounts to the unrestricted General Fund, Income Tax Fund, or Uniform School Fund, as indicated, from the restricted funds or accounts indicated. Expenditures and outlays from the General Fund, Income Tax Fund, or Uniform School Fund must be authorized by an appropriation.

ITEM 1 To General Fund

| | |
|---|-------------|
| From Wildland Fire Suppression Fund, One-time | \$1,666,000 |
| Schedule of Programs: | |
| General Fund | \$1,666,000 |

*** Note regarding Transfers to unrestricted Funds:**

This type of appropriation sweeps resources from a restricted account or fund into the unrestricted General Fund, Education Fund, or Uniform School Fund.

CAPITAL PROJECT FUNDS

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$5,596,700 in capital project funds for fiscal year 2026, all of which is from the various sources as detailed in this bill.

(In Body of Bill)

Section 3. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 3(a). Capital Project Funds

The Legislature has reviewed the following capital project funds. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated.

ITEM 1 To Transportation -Transportation Investment Fund of 2005

| | |
|--|-------------|
| From Designated Sales Tax, One-time | \$5,000,000 |
| From Interest Income, One-time | \$596,700 |
| Schedule of Programs: | |
| Transportation Investment Fund of 2005 | \$5,596,700 |

*** Note regarding capital project funds:**

This type of appropriation accounts for total spending on infrastructure programs - potentially including bond proceeds.

BUSINESS-LIKE ACTIVITIES

(In Long Title)

This bill appropriates \$10,000 in business-like activities for fiscal year 2026, all of which is from the General Fund.

Money Appropriated in this Bill:

(In Body of Bill)

Section 4. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 4(a). Business-like Activities

The Legislature has reviewed the following proprietary funds. Under the terms and conditions of Utah Code 63J-1-410, for any included Internal Service Fund, the Legislature approves budgets, full-time permanent positions, and capital acquisition amounts as indicated, and appropriates to the funds, as indicated, estimated revenue from rates, fees, and other charges. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated.

ITEM 1 To Department of Government Operations – Risk Management Fund

| | |
|----------------------------|--------|
| From Premiums | 10,000 |
| Schedule of Programs: | |
| Risk Management – Property | 10,000 |

*** Note regarding business-like activities:**

This type of appropriation accounts for internal service funds and enterprise funds within state government.

FIDUCIARY FUNDS

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$10,000 in fiduciary funds for fiscal year 2026, all of which is from the General Fund.

(In Body of Bill)

Section 3. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

ITEM 1 To Department of Administrative Services - Utah Navajo Royalties Holding Fund

| | |
|------------------------------------|----------------|
| From Beginning Fund Balance | \$72,000,000 |
| From Closing Fund Balance | (\$76,000,000) |
| Schedule of Programs: | |
| Utah Navajo Royalties Holding Fund | (\$4,000,000) |

Note regarding fiduciary funds:

This type of appropriation accounts for trust and agency fund activities.

ACTUAL APPROPRIATIONS

OPERATING AND CAPITAL BUDGETS

2025 HB40

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$25,000,000 in operating and capital budgets for fiscal year 2026, all of which is from the various sources as detailed in this bill.

(In Body of Bill)

Section 29. **FY 2026 Appropriations.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 29(a). **Operating and Capital Budgets**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To State Board of Education - Contracted Initiatives and Grants

From Public Education Economic Stabilization

| | |
|------------------------------|------------|
| Restricted Account, One-time | 25,000,000 |
|------------------------------|------------|

Schedule of Programs:

| | |
|---|------------|
| School Safety and Support Grant Program | 25,000,000 |
|---|------------|

The Legislature intends \$25,000,000 for the School Safety and Support Grant Program in this item be used as follows, for:

- (1) supporting general grants to local education agencies prioritized by need as the school security task force described in Section 53-22-104.1 determines in coordination with the state security chief and the school safety center;
- (2) research expenses supporting the work of the school security task force as the co-chairs of the task force authorize;
- (3) targeted grants to local education agencies for needs reported in the local education agencies' school safety needs assessments described in Section 53G-8-701.5; and
- (4) the state board to use up to \$500,000 for the administration of the multi-tiered system of support for compliance issues as described in Section 53-22-109, if:
 - (a) the state board determines the ongoing costs associated with the administration of the multi-tiered system of support for compliance issues; and
 - (b) the state board reports the ongoing costs to the Education Interim Committee no later than September 1, 2026.

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$2,000,000 in operating and capital budgets for fiscal year 2026, all of which is from the General Fund.

(In Body of Bill)

Section 34. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 34(a). Operating and Capital Budgets

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To Governor's Office - Governor's Office Operations

| | |
|-----------------------------|-----------|
| From General Fund, One-time | 2,000,000 |
|-----------------------------|-----------|

Schedule of Programs:

| | |
|-----------------------|-----------|
| Lt. Governor's Office | 2,000,000 |
|-----------------------|-----------|

The Legislature intends that the amounts appropriated in this Item 1 be used for implementation of the provisions of this H.B. 300 and for a public outreach campaign to inform voters of changes to voting implemented by this H.B. 300. The Legislature intends that the lieutenant governor disburse a portion of the funds to counties for these purposes.

RESTRICTED FUND AND ACCOUNT TRANSFERS

2025 HB18

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$4,000,000 in restricted fund and account transfers for fiscal year 2026, all of which is from the various sources as detailed in this bill.

(In Body of Bill)

Section 23. FY 2026 Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 23(a). Restricted Fund and Account Transfers

The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds to which the money is transferred must be authorized by an appropriation.

ITEM 1 To Petroleum Storage Tank Cleanup Fund

| | |
|--|-----------|
| From Petroleum Storage Tank Fund, One-time | 4,000,000 |
|--|-----------|

Schedule of Programs:

| | |
|-------------------------------------|-----------|
| Petroleum Storage Tank Cleanup Fund | 4,000,000 |
|-------------------------------------|-----------|

BUSINESS-LIKE ACTIVITIES

2025 SB121

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$10,000 in business-like activities for fiscal year 2026, all of which is from the General Fund.

(In Long Title)

Section 4. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 4(a). Business-like Activities

The Legislature has reviewed the following proprietary funds. Under the terms and conditions of Utah Code 63J-1-410, for any included Internal Service Fund, the Legislature approves budgets, full-time permanent positions, and capital acquisition amounts as indicated, and appropriates to the funds, as indicated, estimated revenue from rates, fees, and other charges. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated.

ITEM 1 To Department of Workforce Services - Property Loss Related to Homelessness

Compensation Enterprise Fund

| | |
|-----------------------------|--------|
| From General Fund, One-time | 10,000 |
|-----------------------------|--------|

Schedule of Programs:

| | |
|---------------------------------------|--------|
| Property Loss Related to Homelessness | |
| Compensation Enterprise Fund | 10,000 |

MIXED APPROPRIATION TYPES

2025 HB65

(In Long Title)

Money Appropriated in this Bill:

This bill appropriates \$3,700,000 in operating and capital budgets for fiscal year 2026, all of which is from the General Fund.

This bill appropriates (\$3,700,000) in restricted fund and account transfers for fiscal year 2026, all of which is from the General Fund.

(In Body of Bill)

Section 6. FY 2026 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 6(a). Operating and Capital Budgets

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To Utah Valley University - Special Projects

| | |
|-------------------|-----------|
| From General Fund | 3,700,000 |
|-------------------|-----------|

Schedule of Programs:

| | |
|--------------------------|-----------|
| Fire and Rescue Training | 3,700,000 |
|--------------------------|-----------|

The Legislature intends that the appropriations provided under this section be used for the first three years of the cancer screening program described in Section 34A-3-114. When drafting the base budget for fiscal year 2028, the Legislature intends that the Office of the Legislative Fiscal Analyst revise the ongoing appropriation to a one-time appropriation.

Subsection 6(b). Restricted Fund and Account Transfers

The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds to which the money is transferred must be authorized by an appropriation.

ITEM 2 To Firefighters Retirement Trust & Agency Fund

| | |
|-------------------|-------------|
| From General Fund | (3,700,000) |
|-------------------|-------------|

Schedule of Programs:

| | |
|---|-------------|
| Firefighters Retirement Trust & Agency Fund | (3,700,000) |
|---|-------------|

ACTUAL APPROPRIATION INTENT LANGUAGE EXAMPLES

2025 HB488

The Legislature intends that the Center for Constitutional Studies at Utah Valley University use \$500,000 of the ongoing appropriation provided under this item and the \$350,000 one-time appropriation provided under this item to fulfill the requirements of Utah Code Section 53B-29-402.

The Legislature further intends that the Herbert Institute at Utah Valley University use \$60,000 of the ongoing appropriation provided under this item to fulfill the requirements of Utah Code Section 53B-29-403.

2025 HB491

The Legislature intends that the Department of Health and Human Services use:

- (1) \$24,000 ongoing appropriation to increase Medicaid rates for peer support specialist services.
- (2) \$6,500 ongoing appropriation to increase Medicaid rates for mobile crisis outreach teams.

2025 HB542

The Legislature intends that if H.B. 542, Economic Development Amendments, and H.B. 530, Utah Innovation Lab Modifications, both pass and become law, on July 1, 2025, the funding appropriated in H.B. 542 be transferred to the Utah Board of Higher Education for the Nucleus Institute.

The Legislature further intends that the Office of Legislative Fiscal Analyst, when preparing the base budget for the 2026 General Session, create a new line item titled within the Utah Board of Higher Education "Nucleus Institute" and transfer the funding for the Utah Board of Education - Administration line item to the newly created item.

Appendix D

Conflicts Resolution Chart

| Bill B | Bill A | | | | | |
|--------|------------------|---|--|--|---|--|
| | | Repeal | Repeal & Reenact | Renumber & Amend | Amend | Enact |
| | Repeal | Both repeals take effect. | Repeal takes precedence. The reenacted language does not take effect. | Repeal takes precedence. | Repeal takes precedence. | N/A |
| | Repeal & Reenact | Repeal takes precedence. The reenacted language does not take effect. | The existing section is repealed. The reenacted section remains. If the substance can be merged, a composite may be created. If not, one section is technically renumbered. | Repeal and reenact takes precedence. | Repeal and reenact takes precedence. | N/A |
| | Renumber & Amend | Repeal takes precedence. | Repeal and reenact takes precedence. | If the sections are being renumbered to different numbers, that conflict should generally be resolved through CC before both bills pass. The section is otherwise amended and a composite is created. | Section is renumbered and a composite is created. | Typically, one section is technically renumbered. If the substance can be merged, a composite may be created. |
| | Amend | Repeal takes precedence. | Repeal and reenact takes precedence. | Section is renumbered and a composite is created. | Section is amended and a composite is created. | N/A |
| | Enact | N/A | N/A | Typically, one section is technically renumbered. If the substance can be merged, a composite may be created. | N/A | Typically, one section is technically renumbered. If the substance can be merged, a composite may be created. |

Appendix E

COORDINATION CLAUSE EXAMPLES

This appendix contains examples of actual coordination clauses that have been included in legislation. Some examples have been truncated to include only the relevant parts or slightly altered to better reflect the Drafting Manual conventions.

Examples of less common coordination clauses appear at the end of this appendix.

Coordination Clauses Showing Specific Revisions

Amend to Read

(Based on boilerplate language in Chapter 8, Section 5.f.i.A)

EXAMPLE 1

(Amending an Existing Subsection)

Section 28. Coordinating S.B. 17 with H.B. 142.

If S.B. 17, Services for Department of Defense Civilian Employees, and H.B. 142, Service Member and Veteran Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, Subsection 53B-8-102(9)(a) in S.B. 17 and H.B. 142 be amended to read:

"(9)(a) The evidence described in Subsection ~~[(8)(a)(ii)(B) or (8)(b)(ii)(B)](8)(j)(ii)(B) or (8)(k)(ii)(B)~~ includes:

- (i) a current Utah voter registration card;
- (ii) a valid Utah driver license or identification card;
- (iii) a current Utah vehicle registration;
- (iv) a copy of a Utah income tax return, in the ~~[military service member's or military service member's spouse's name]~~name of the DOD civilian or DOD civilian's spouse, filed as a resident in accordance with Section 59-10-502; or
- (v) proof that the ~~[military service member or military service member's spouse]~~DOD civilian or DOD civilian's spouse owns a home in Utah, including a property tax notice for property owned in Utah."

EXAMPLE 2

(Amending an Existing Section)

Section 3. Coordinating H.B. 211 with H.B. 15.

If H.B. 211, Penalty for False Statement During Drug Arrest, and H.B. 15, Criminal Code Recodification and Cross References, both pass and become law, the Legislature intends that, on May 1, 2024, Section 76-8-506 in H.B. 211 and H.B. 15 be amended to read:

"76-8-506. Providing false information to a law enforcement ~~officers~~ **officer**, government ~~agencies~~ **agency**, or specified ~~professionals~~ **professional**.

A person is guilty of a class B misdemeanor if he:

- (1) ~~Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.~~
- (2) ~~An actor commits providing false information to a law enforcement officer, government agency, or specified professional if:~~
 - (a) ~~the actor~~ knowingly gives or causes to be given:

(i) false information to ~~any~~ a peace officer or ~~any~~ state or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another ~~person~~ has committed an offense;

~~(2) knowingly gives or causes to be given to any~~ (ii) ~~information concerning the commission of an offense to a~~ peace officer, ~~any~~ a state or local government agency or personnel, or to ~~any person~~ ~~an individual~~ licensed in this state to practice social work, psychology, or marriage and family therapy, ~~information concerning the commission of an offense,~~ knowing that the offense did not occur or knowing that ~~he~~ ~~the actor~~ has no information relating to the offense or danger; or

~~(3) knowingly gives or causes to be given~~ (iii) false information to ~~any~~ a state or local government agency or personnel with a purpose of inducing a change in the ~~person's~~ ~~actor's~~ licensing or certification status or the licensing or certification status of another ~~person; or~~

(b) (i) ~~at the time of the actor's arrest for an offense, the actor states to a law enforcement officer that the actor ingested drugs before the actor's arrest;~~

(ii) ~~the law enforcement officer, based on the actor's statement described in Subsection (2)(b)(i), takes the actor to a health care facility for medical treatment; and~~

(iii) ~~a medical examination of the actor demonstrates that the actor's statement described in Subsection (2)(b)(i) was false.~~

~~(3) A violation of Subsection (2) is a class B misdemeanor."~~

EXAMPLE 3

(Amending an Enacted Subsection)

Section 3. **Coordinating H.B. 227 with H.B. 133.**

If H.B. 227, Restricted Person Amendments, and H.B. 133, Dangerous Weapons Amendments, both pass and become law, the Legislature intends that, on May 7, 2025:

(1) Subsection 76-11-303(7), enacted in H.B. 133, be amended to read:

"(7) being found not guilty by reason of insanity for a criminal offense;" and

(2) Subsection 76-11-303(8), enacted in H.B. 133, be amended to read:

"(8) being found mentally incompetent to stand trial for a criminal offense;"

EXAMPLE 4

(Amending a Subsection from a Renumbered Section)

Section 67. **Coordinating S.B. 41 with H.B. 21.**

If S.B. 41, Sex, Kidnap, and Child Abuse Offender Registry Amendments, and H.B. 21, Criminal Code Recodification and Cross References, both pass and become law, the Legislature intends that, on May 7, 2025:

(1) Subsection 76-5-419(5)(a), which section is renumbered from Section 76-9-702, in H.B. 21 be amended to read:

"(5) (a) As described in Subsection 53-29-202(4), for purposes of Subsection (3), a plea of guilty or nolo contendere to a charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction." and

(2) Subsection 53-29-204(2)(f), enacted in S.B. 41, be amended to read:

"(f) a class A misdemeanor violation of:

(i) voyeurism under Section 76-12-306;

(ii) recorded or photographed voyeurism under Section 76-12-307; or

(iii) distribution of images obtained through voyeurism under Section 76-12-308;".

Replacing Language

(Based on boilerplate language in Chapter 8, Sections 5.f.i.B and C)

EXAMPLE 1

(Replacing Language That Appears in One Bill Only)

Section 28. **Coordinating H.B. 199 with H.B. 355.**

If H.B. 199, Substance Use Treatment and Enforcement Amendments, and H.B. 355, Critical Infrastructure Materials Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, the following language replace Subsection 78B-6-1101(1)(b) enacted in H.B. 199:

"Critical infrastructure materials operations" means the same as the term "critical infrastructure materials use" is defined in Section 10-9a-901."

EXAMPLE 2

(Replacing Language That Appears in Both Bills)

Section 33. **Coordinating H.B. 352 with S.B. 163.**

If H.B. 352, Amendments to Expungement, and S.B. 163, Expungement Revisions, both pass and become law, the Legislature intends that, on October 1, 2024, the following language replace Subsection 77-40a-301(1)(b) enacted in H.B. 352 and S.B. 163:

"(b) except as provided in Subsections 77-40a-304(3) and (7), pay the issuance fee for the certificate of eligibility or special certificate as described in Section 77-40a-304 if the individual is eligible to receive a certificate of eligibility or special certificate; and".

EXAMPLE 3

(Replacing a Section Enacted by One of the Bills)

Section 4. **Coordinating H.B. 220 with S.B. 95.**

If S.B. 95, Domestic Relations Recodification, and H.B. 220, Divorce Amendments, both pass and become law, the Legislature intends that, on September 1, 2024, the following language replace Section 81-4-502 enacted in S.B. 95:

"81-4-502. Determination of Alimony.

(1) For a proceeding under Chapter 4, Dissolution of Marriage, or in a proceeding to modify alimony, the court shall consider at least the following factors in determining alimony:

(a) the standard of living existing during the marriage, which factors shall include the following:

(i) income;

(ii) the approximate value of real and personal property; and

(iii) any other factor that the court determines to be appropriate to enable the court to make a determination of the standard of living existing during the marriage;

(b) the financial condition and needs of the payee, provided that the payee may show financial needs by itemizing expenses present during the marriage rather than by itemizing post petition expenses;

(c) the payee's earning capacity or ability to produce income, including the impact of diminished workplace experience resulting from primarily caring for a minor child of the payor;

(d) the ability of the payor to provide support;
(e) the length of the marriage;
(f) whether the payee has custody of a minor child requiring support;
(g) whether the payee worked in a business owned or operated by the payor; and
(h) whether the payee directly contributed to any increase in the payor's skill by paying for education received by the payor or enabling the payor to attend school during the marriage.

(2) (a) The court may consider the fault of the parties in determining whether to award alimony and the terms of the alimony.

(b) The court may, when fault is at issue, close the proceedings and seal the court records.

(3) (a) Except as otherwise provided by this section, the court shall consider the standard of living, existing at the time of separation, in determining alimony in accordance with this section.

(b) In considering all relevant facts and principles, the court may, in the court's discretion, base alimony on the standard of living that existed at the time of trial.

(4) (a) The court may attempt to equalize the parties' respective standards of living.

(b) (i) If a marriage has been in effect for 10 years or more, and if the payee has significantly diminished workplace experience resulting from an agreement between the spouses that the payee reduce the payee's workplace experience to care for a minor child of the payor, it shall be the rebuttable presumption that the court equalize the parties' standard of living.

(ii) The presumption under Subsection (4)(b)(i) can be rebutted by a showing of good cause, and the court shall enter specific findings of fact as to the evidentiary basis for its determination.

(c) This Subsection (4) may not be applied to or used as the basis to modify an alimony award if the petition for divorce was filed before May 1, 2024.

(5) (a) If the marriage is short in duration and a minor child has not been conceived or born during the marriage, the court may consider the standard of living that existed at the time of the marriage.

(b) In determining alimony when a marriage of short duration dissolves and a minor child has not been conceived or born during the marriage, the court may consider restoring each party to the condition which existed at the time of the marriage.

(6) (a) When a marriage of long duration dissolves on the threshold of a major change in the income of one of the parties due to the collective efforts of both parties, the court shall consider the change when dividing the marital property and in determining the amount of alimony.

(b) If a party's earning capacity has been greatly enhanced through the efforts of both parties during the marriage, the court may make a compensating adjustment in dividing the marital property and awarding alimony.

(7) (a) Except as provided in Subsection (7)(c), the court may not order alimony for a period of time longer than the length of the marriage.

(b) If a party is ordered to pay temporary alimony during the pendency of a divorce action, the court shall count the period of time that the party pays temporary alimony towards the period of time for which the party is ordered to pay alimony.

(c) At any time before the termination of alimony, the court may find extenuating circumstances or good cause that justify the payment of alimony for a longer period of time than the length of the marriage.".

EXAMPLE 4
(Renumber and Replace)

Section 10. **Coordinating H.B. 272 with S.B. 95.**

If H.B. 272, Child Custody Proceedings Amendments, and S.B. 95, Domestic Relations Recodification, both pass and become law, the Legislature intends that, on September 1, 2024, Section 30-3-41 enacted in H.B. 272 be renumbered to 81-9-103 and replaced with the following language:

"~~30-3-41~~81-9-103. Expert evidence -- Violence or abuse findings – Child relationship and reunification.

(1) As used in this section:

(a)(i) "Child custody proceeding" means a civil proceeding between the parents of a minor child that involves the care or custody of the minor child, including proceedings involving:

(A) divorce;

(B) separation;

(C) parent-time;

(D) paternity;

(E) child support; or

(F) legal or physical custody of the minor child.

(ii) "Child custody proceeding" does not include:

(A) a child protective, abuse, or neglect proceeding;

(B) a juvenile justice proceeding; or

(C) a child placement proceeding in which a state, local, or tribal government, a designee of such a government, or any contracted child welfare agency or child protective services agency of such a government is a party to the proceeding.

(b) "Forensic" means professional activities undertaken pursuant to a court order or for use in litigation, including the evaluation or treatment of a parent, minor child, or other individual who is involved in a child custody proceeding.

(c) "Reunification treatment" means a treatment or therapy aimed at reuniting or reestablishing a relationship between a minor child and an estranged or rejected parent or other family member of the minor child.

(2) In a child custody proceeding, if a parent is alleged to have committed domestic violence or abuse, including sexual abuse:

(a) the court may admit expert evidence from a court-appointed or outside professional relating to alleged domestic violence or abuse only if the professional possesses demonstrated expertise and adequate experience in working with victims of domestic violence or abuse, including sexual abuse, that is not solely of a forensic nature; and

(b) in making a finding regarding an allegation of domestic violence or abuse, including sexual abuse, the court shall consider evidence of past domestic violence, sexual violence, or abuse committed by the accused parent, including:

(i) any past or current protective order against the accused parent; or

(ii) any charge, arrest, or conviction of the accused parent for domestic violence, sexual violence, or abuse.

(3) Subsection (2) does not preclude the court from:

(a) admitting expert evidence, subject to rules of evidence, from a court-appointed or outside professional relating to issues other than alleged domestic violence or abuse; or

(b) admitting evidence, subject to rules of evidence, that is discovered or otherwise becomes available through treatment or therapy after the court enters an order of custody or parent-time.

(4) As part of a child custody proceeding, a court may not, solely in order to improve a deficient relationship between a parent and a minor child, including in the context of reunification treatment:

(a) remove the minor child from a parent or litigating party:

(i) who is competent and not physically or sexually abusive; and

(ii) with whom the minor child is bonded; or

(b) restrict reasonable contact between the minor child and a parent or litigating party:

(i) who is competent and not physically or sexually abusive; and

(ii) with whom the minor child is bonded.

(5) As part of a child custody proceeding where the court has reasonable cause to believe that there is domestic violence, child abuse, or an ongoing risk to the child:

(a) a court may not order a reunification treatment or program unless there is generally accepted proof:

(i) of the physical and psychological safety, effectiveness, and therapeutic value of the reunification treatment; and

(ii) that the reunification treatment is not associated with causing harm to a child;

(b) a court may not order a reunification treatment that is predicated on cutting off a minor child from a parent:

(i) who is competent and not physically or sexually abusive; and

(ii) with whom the minor child is bonded;

(c) any order to remediate the resistance of a minor child to have contact with a violent or abusive parent shall primarily address the behavior of that parent or the contributions of that parent to the resistance of the minor child; and

(d) any order to a parent who meets the criteria in Subsections (5)(b)(i) and (ii), and that requires the parent to take steps to potentially improve the minor child's relationship with a violent or abusive parent, shall:

(i) prioritize the minor child's physical and psychological safety and needs; and

(ii) be narrowly tailored to address specific behavior.

(6) Subject to Subsection (4), Subsection (5) does not preclude the court from ordering mental health treatment by a licensed mental health professional that is generally accepted by and meets the standards of practice for mental health professions if:

(a) the court does not have reasonable cause to believe that there is domestic violence, child abuse, or an ongoing risk to the child; and

(b) the treatment does not pose a risk to the child or parent."

Inserting New Language

(Based on boilerplate language in Chapter 8, Section 5.f.i.D)

EXAMPLE 1

Section 24. **Coordinating S.B. 24 with H.B. 78.**

If S.B. 24, Child Abuse and Torture Amendments, and H.B. 78, Criminal Offenses Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, the following language be inserted as Subsection 76-3-406(2)(b) in H.B. 78 and that the existing subsections in Subsection 76-3-406(2) in H.B. 78 be renumbered accordingly: "(b) child torture as described in Section 76-5-109.4;".

EXAMPLE 2

Section 5. **Coordinating S.B. 90 with H.B. 87.**

If S.B. 90, Mandatory Jail Sentence Amendments, and H.B. 87, Drug Trafficking Amendments, both pass and become law, the Legislature intends that, on May 7, 2025:

(1) the language "Except as provided by Subsection (7)" be inserted at the beginning of Subsection 58-37-8.1(5) enacted in H.B. 87; and

(2) the following language be inserted as Subsection 58-37-8.1(7) in H.B. 87:

"(7)(a) If a court seeks to suspend the execution or imposition of a prison sentence under Subsection (5), the court shall impose the mandatory jail sentence described in Subsection (7)(b), and may not suspend any portion of the jail sentence or grant early release, if:

(i) the court suspends the imposition of a prison sentence for a conviction under Subsection (2);

(ii) (A) the violation is the person's second or subsequent conviction for an offense under Subsection (2); or

(B) the person previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of an offense under Subsection (2); and

(iii) the person previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.

(b) The mandatory jail sentence referred to in Subsection (7)(a) is 360 days in jail.

(c) (i) Except as provided in Subsection (7)(c)(ii), a person who is subject to a mandatory jail sentence under Subsection (7)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the person has served the entire jail sentence described in Subsection (7)(b).

(ii) A person may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the person's jail sentence described in Subsection (7)(b)."

Coordination Clauses Describing Revisions

Superseding

(Based on boilerplate language in Chapter 8, Section 5.f.i.E)

EXAMPLE 1

Section 10. **Coordinating** [H.B. 92](#) with **S.B. 79**.

[If H.B. 92, Private Individual Force and Detention Amendments, and S.B. 79, Technical Code Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, the amendments to Section 77-7-3 in H.B. 92 supersede the amendments to Section 77-7-3 in S.B. 79.](#)

EXAMPLE 2

Section 26. **Coordinating** [S.B. 233](#) with **S.B. 46**.

[If S.B. 233, Medical Cannabis Amendments, and S.B. 46, Health and Human Services Amendments, both pass and become law, the Legislature intends that, on May 1, 2024, the amendments to Subsection 26B-4-201\(56\) in S.B. 233 supersede the repeal of Subsection 26B-4-201\(55\), related to targeted marketing, in S.B. 46.](#)

Renumbering

(Based on boilerplate language in Chapter 8, Section 5.f.ii.B)

EXAMPLE 1

(Renumbering a Section)

Section 197. **Coordinating** [S.B. 95](#) with **H.B. 134**.

[If S.B. 95, Domestic Relations Recodification, and H.B. 134, Marriage Modifications, both pass and become law, the Legislature intends that, on September 1, 2024, Section 30-1-2.4 enacted in H.B. 134 be renumbered to Section 81-2-405.](#)

EXAMPLE 2

(Renumber and Supersede)

Section 39. **Coordinating** [H.B. 22](#) with **H.B. 21**.

[If H.B. 22, Prostitution Offense Amendments, and H.B. 21, Criminal Code Recodification and Cross References, both pass and become law, the Legislature intends that, on May 7, 2025:](#)

[\(1\) the amendments to the following sections in H.B. 22 supersede the amendments to those sections in H.B. 21:](#)

[\(a\) Section 26B-7-205;](#)

[\(b\) Section 76-2-304.5;](#)

[\(c\) Section 76-5d-101 \(renumbered from Section 76-10-1301\);](#)

[\(d\) Section 76-5d-102 \(renumbered from Section 76-10-1307\);](#)

[\(e\) Section 76-5d-103 \(renumbered from Section 76-10-1311\);](#)

[\(f\) Section 76-5d-104 \(renumbered from Section 76-10-1312\);](#)

[\(g\) Section 76-5d-105 \(renumbered from Section 76-10-1314\);](#)

[\(h\) Section 76-5d-201;](#)

- (i) [Section 76-5d-204](#);
 - (j) [Section 76-5d-209 \(renumbered from Section 76-10-1313\)](#);
 - (k) [Section 76-5d-210](#);
 - (l) [Section 80-2-301](#); and
 - (m) [Section 80-6-1002](#); and
- (2) [Section 76-10-1309](#) be renumbered to [Section 76-5d-212](#) and the amendments in [H.B. 22](#) supersede the amendments to [H.B. 21](#) in renumbered [Section 76-10-1309](#).

Changing Cross References

(Based on boilerplate language in Chapter 8, Section 5.f.iv.B)

Section 202. **Coordinating [S.B. 95](#) with [S.B. 81](#).**

[If \[S.B. 95\]\(#\), \[Domestic Relations Recodification\]\(#\), and \[S.B. 81\]\(#\), \[County Clerk Amendments\]\(#\), both pass and become law, the Legislature intends that, on September 1, 2024, the reference in Section 30-1-7 in \[S.B. 81\]\(#\) to "Subsection 30-1-10\(1\)" be changed to "Subsection 81-2-303\(4\)\(a\)".](#)

Changing Terminology – Coordinating with Another Bill

(Based on boilerplate language in Chapter 8, Section 5.f.iii.A)

Section 19. **Coordinating [S.B. 213](#) with [S.B. 200](#) if [H.B. 395](#) does not pass and become law.**

[If \[S.B. 213\]\(#\), \[Criminal Justice Modifications\]\(#\), and \[S.B. 200\]\(#\), \[State Commission on Criminal and Juvenile Justice Amendments\]\(#\), both pass and become law, and \[H.B. 395\]\(#\), \[DUI Offense Amendments\]\(#\), does not pass and become law, the Legislature intends that, on May 1, 2024, all occurrences of the language "sentencing and supervision length guidelines in Section 63M-7-404" in Subsection 64-13-21\(7\)\(b\) in \[S.B. 213\]\(#\) be replaced with "adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1 .".](#)

Changing Terminology - Coordinating with All Other Conflicting Bills

(Based on boilerplate language in Chapter 8, Section 5.f.iii.B)

EXAMPLE 1

(Amending a Reference to a Term or Phrase)

Section 28. **Coordinating [H.B. 519](#) with other 2024 General Session legislation.**

[The Legislature intends that, on May 1, 2024, in legislation that passes in the 2024 General Session and becomes law, any language added to the Utah Code that references the energy advisor be changed to reference the director of the Office of Energy Development.](#)

EXAMPLE 2

(Amending a Specific Term or Phrase)

Section 29. **Coordinating [S.B. 149](#) with other 2025 General Session legislation.**

[The Legislature intends that, on May 7, 2025, all references to the term "executive director" or "director" of the Public Lands Policy Coordinating Office change to "advisor" in any new language added to the Utah Code by legislation that passes in the 2025 General Session and becomes law.](#)

EXAMPLE 3
(Repealing a Term or Phrase)

Section 121. **Coordinating H.B. 35 with other 2024 General Session legislation.**

The Legislature intends that all references to the term “metro township” in any new language added to the Utah Code by legislation that passes in the 2024 General Session and becomes law be repealed and that technical conforming changes be made to language where “metro township” is repealed.

EXAMPLE 4
(Superseding)

Section 68. **Coordinating H.B. 496 with other 2025 General Session legislation.**

The Legislature intends that any 2025 General Session legislation amending the Utah Code that conflicts with amendments made in H.B. 496, Revisor's Technical Corrections to Utah Code, and that passes and becomes law, supersedes the conflicting amendments in H.B. 496.

Omitting Changes - Changes Don't Take Effect

(Based on boilerplate language in Chapter 8, Section 5.f.ii)

EXAMPLE 1
“Not Take Effect”

Section 26. **Coordinating S.B. 233 with S.B. 46.**

If S.B. 233, Medical Cannabis Amendments, and S.B. 46, Health and Human Services Amendments, both pass and become law, the Legislature intends that, on May 1, 2024, Subsection 4-41a-102(46) enacted in S.B. 46 not take effect.

EXAMPLE 2
“Not Be Made”

Section 208. **Coordinating S.B. 100 with H.B. 334.**

If S.B. 100, Estate Planning Recodification, and H.B. 334, Guardianships and Supported Decision-Making Agreements Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, the changes in H.B. 334 to Subsection 7-5-1(1)(b) not be made.

EXAMPLE 3
“Be Deleted”

Section 150. **Coordinating H.B. 133 with S.B. 14.**

If H.B. 133, Dangerous Weapons Amendments, and S.B. 14, Private Sale of a Firearm Sunset Review Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, Subsection 63I-1-253(9) enacted by H.B. 133 be deleted and the remaining subsections renumbered accordingly.

EXAMPLE 4
“Be Deleted”

Section 9. **Coordinating H.B. 353 with H.B. 21 and H.B. 38.**

If H.B. 353, Criminal Code Amendments, H.B. 38, Criminal Offenses Modifications, and H.B. 21, Criminal Code Recodification and Cross References, all pass and become law, the Legislature intends that, on May 7, 2025:

- (1) the amendments to Section 76-9-803 in H.B. 38 supersede the amendments to that section in H.B. 21 and H.B. 353;
- (2) Section 76-9-803.5 enacted in H.B. 21 be deleted; and
- (3) Section 76-9-803.6 enacted in H.B. 21 be deleted.

EXAMPLE 5
“Be Omitted”

Section 4. **Coordinating S.B. 273 with S.B. 272.**

If S.B. 273, Amendments Relating to District Attorney in County of the First Class, and S.B. 272, Capital City Revitalization Zone, both pass and become law, the Legislature intends that, on July 1, 2025, Subsection 17-18a-203.5(4), enacted in S.B. 273, be omitted.

Coordinating Three or More Bills

(Based on boilerplate language in Chapter 8, Section 5.f.vi)

If three bills conflict, a drafter should consider all four possible outcomes and determine whether all or only a certain combination of the bills will conflict if they pass and become law.

| Potential Scenarios | Bills That May Contain the Clause |
|--|-----------------------------------|
| Bills A, B, and C all pass | Bill A, B, or C |
| Bills A and B pass, but Bill C does NOT pass | Bill A or B only |
| Bills A and C pass, but Bill B does NOT pass | Bill A or C only |
| Bills B and C pass, but Bill A does NOT pass | Bill B or C only |

While the drafting attorney must consider all four potential outcomes, the drafter only needs to coordinate the scenarios where an actual conflict exists. As shown in the table above, the coordination clause needs to be added to one of the bills that would pass in each scenario where a conflict exists.

In the example below, three of the four scenarios conflicted and needed a coordination clause to resolve the conflict that each scenario would have produced. One of the scenarios did not conflict and, consequently, did not need a coordination clause.

Section 28. Coordinating H.B. 38 with H.B. 22 if H.B. 21 does not pass and become law.

If H.B. 38, Criminal Offenses Modifications, and H.B. 22, Prostitution Offense Amendments, both pass and become law, and H.B. 21, Criminal Code Recodification and Cross References, does not pass and become law, the Legislature intends that, on May 7, 2025:

- (1) the amendments to Section 76-5d-203, renumbered from Section 76-10-1303, in H.B. 22 supersede the amendments to Section 76-10-1303 in H.B. 38;
- (2) Subsection 76-5d-203(3), in H.B. 22, be amended to read:
“(3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted two or more times of:
(i) a violation of Subsection (2);
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or
(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2)."; and
(3) Subsection 76-5d-204(3)(a), enacted in H.B. 22, be amended to read:
"(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second 1635 degree felony with a mandatory fine of not less than \$20,000."

Section 29. Coordinating H.B. 38 and H.B. 21, if H.B. 22 does not pass and become law.
If H.B. 38, Criminal Offenses Modifications, and H.B. 21, Criminal Code Recodification and Cross References, both pass and become law, and H.B. 22, Prostitution Offense Amendments, does not pass and become law, the Legislature intends that, on May 7, 2025:

(1) the amendments to Section 76-5d-203, renumbered from Section 76-10-1303, in H.B. 21 supersede the amendments to Section 76-10-1303 in H.B. 38;
(2) Subsection 76-5d-203(3), in H.B. 21, be amended to read:
"(3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted two or more times of:
(i) a violation of Subsection (2);
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or
(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2)."; and
(3) Subsection 76-5d-204(3), enacted in H.B. 22, be amended to read:
"(3) A violation of Subsection (2) is a second degree felony with a mandatory fine of not less than \$20,000."

Section 30. Coordinating H.B. 38 with H.B. 22 and H.B. 21 if all pass and become law.
If H.B. 38, Criminal Offenses Modifications, H.B. 22, Prostitution Offense Amendments, and H.B. 21, Criminal Code Recodification and Cross References, all pass and become law, the Legislature intends that, on May 7, 2025:

(1) the changes to Section 76-10-1303 in H.B. 38 not be made;
(2) Subsection 76-5d-203(3) in H.B. 21 and H.B. 22 be amended to read:
"(3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted two or more times of:
(i) a violation of Subsection (2);
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or

(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2).";
(3) Section 76-5d-204, enacted in H.B. 22, supersede Section 76-5d-204, enacted in H.B. 21; and
(4) Subsection 76-5d-204(3)(a), enacted in H.B. 22 and H.B. 21, be amended to read: "(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony with a mandatory fine of not less than \$20,000.".

Due to the potential for different outcomes, 3-bill coordination clauses may vary in format. See below for examples:

- **Example of all four scenarios being coordinated:**
 - Section 17 of [S.B. 213 \(2024\)](#), 2nd Substitute
 - Section 18 of [S.B. 213 \(2024\)](#), 2nd Substitute
 - Section 19 of [S.B. 213 \(2024\)](#), 2nd Substitute
 - Section 13 of [H.B. 395 \(2024\)](#), enrolled
- **Example of one bill superseding in all scenarios:**
 - Section 5 of [H.B. 195 \(2025\)](#), 1st Substitute
 - Subsection (1)(x) of Section 154 of [H.B. 128 \(2025\)](#), enrolled

Uncommon coordination clause examples

- **A coordination clause that alters a bill's appropriation:**
 - [H.B. 324 \(2024\)](#)
- **A coordination clause that enacts an entirely new section to resolve a conflict:**
 - [H.B. 26 \(2024\)](#)
- **A coordination clause that supersedes another coordination clause** (make sure to include the section number of each affected section in the superseding coordination clause so that the coordination clause will show up in the composites for that section):
 - [H.B. 129 \(2025\)](#)
 - [H.B. 203 \(2024\)](#)
 - [S.B. 123 \(2022\)](#)
 - [H.B. 259 \(2009\)](#)
 - [S.B. 208 \(2009\)](#)
- **Coordinating Immediate Effective Dates:**
 - [H.B. 172 \(2024\)](#) – This coordination clause was written after H.B. 257 already passed. The coordination clause should specify that the effective date of the coordination clause is when both bills have passed and are effective.
- **Not Be Enrolled:** Please note that it is generally preferred to have one bill supersede the changes in the other bill, or to omit the changes from a bill, unless it is necessary that the *entire bill not be enrolled* (e.g. if the bill shouldn't go to the governor). Also note that, because enrolling occurs before bills are signed into law, this type of coordination clause will always be contingent on bill passage alone, rather than if the bill "passes and becomes law."
 - [S.B. 154 \(2025\)](#) 3rd Substitute
- **A coordination clause that coordinates one recodification with another recodification:** Please note that office policy now prohibits two different bills from

recodifying the same sections of code in the same session, so this scenario should rarely, if ever, occur.

- Department of Health and Human Services Recodification and Bureau of Emergency Services Amendments
 - [S.B. 38 \(2023\)](#)
 - [S.B. 40 \(2023\)](#)
 - [S.B. 64 \(2023\)](#)
- Criminal Code Recodification, Prostitution Recodification, and Dangerous Weapons Recodification
 - [H.B. 22 \(2025\)](#)
 - [H.B. 128 \(2025\)](#)

APPENDIX F

LEGISLATIVE TASK FORCE TEMPLATE

[TF Name]
[Year] GENERAL SESSION STATE OF
UTAH

LONG TITLE

General Description:

This bill creates the [TF Name].

Highlighted Provisions:

This bill:

- ▶ creates
- ▶ requires

Money Appropriated in this Bill:

This bill appropriates in fiscal year [Year]:

- ▶ to the Legislature - Senate, as a [one-time/ongoing] appropriation:
 - from the General Fund \$[Senate];
- ▶ to the Legislature - House of Representatives, as a [one-time/ongoing] appropriation:
 - from the General Fund \$[House]; and
- ▶ to the Legislature – Office of Legislative Research and General Counsel, as a [one-time/ongoing] appropriation:
 - from the General Fund \$[OLRGC].

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63I-2-236

ENACTS:

36-29-__

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

Section 1. Section 36-39-____ is amended to read:

36-29-____. [TF Name] -- Creation -- Membership -- Interim rules followed -- Compensation -- Staff.

- (1) As used in this section:

 - (a) “Task force” means the [TF name] created in Subsection (2).
 - (b)
- (2) There is created the [TF Name] comprising the following [Total Members] members:

 - (a) [# Sen] members of the Senate appointed by the president of the Senate, no more than ____ of whom may be from the same political party;
 - (b) [# Rep] members of the House of Representatives appointed by the speaker of the House of Representatives, no more than ____ of whom may be from the same political party; and
 - (c) [# non-legislative members (fewer than the number of legislative members), if any].
- (3) A vacancy in a position appointed under Subsection (2) shall be filled by the appointing authority, described in Subsection (2), for the vacant position.
- (4)

 - (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the committee.
 - (b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(b) as a cochair of the committee.
- (5)

 - (a) ____ members constitute a quorum of the task force.
 - (b) The action of a majority of a quorum present constitutes the action of the task force.
- (6)

 - (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
 - (b) A member of the task force who is not a legislator:

 - (i) may not receive compensation or benefits for the member's service associated with the task force; and
 - (ii) may receive per diem and travel expenses incurred as a member of the task force at the rates the Division of Finance establishes in accordance with:

 - (A) Sections 63A-3-106 and 63A-3-107; and
 - (B) rules the Division of Finance makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of Sections 63A-3-106 and 63A-3-107.
- (7) The Office of Legislative Research and General Counsel shall provide staff support to the task force.
- (8) The task force shall:

 - (a) [duties] . . .

(9) On or before [Date], the task for shall report to the [Interim Committee] regarding . . .

Section 2. Section 63I-2-236 is amended to read:

63I-2-236. Repeal dates – Title 36.

Section 36-29-___ is repealed on [Date].

Section 3. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, [Year], and ending June 30, [Year]. These are additions to amounts previously appropriated for fiscal year [Year]. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Legislature - Senate

From General Fund, [One-time/Ongoing] [\$ Senate]

Schedule of Programs:

Administration [\$ Senate]

ITEM 2

To Legislature - House of Representatives

From General Fund, [One-time/Ongoing] [\$ House]

Schedule of Programs:

Administration [\$ House]

ITEM 3

To Legislature – Office of Legislative Research and General Counsel

From General Fund, [One-time/Ongoing] [\$ OLRGC]

Schedule of Programs:

Administration [\$ OLRGC]

The Legislature intends that an appropriation provided under this section be used expenses relating to the [TF name] described in Section 36-29-__.

Section 4. Effective date.

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

APPENDIX G
LEGISLATIVE TASK FORCE EXAMPLES

Enrolled Copy

H.B. 41

**MURDERED AND MISSING INDIGENOUS WOMEN AND
GIRLS TASK FORCE**

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill creates the Murdered and Missing Indigenous Women and Girls Task Force (task force).

Highlighted Provisions:

This bill:

- ▶ creates the task force, addressing:
 - membership;
 - quorum requirements; and
 - compensation for task force members;
- ▶ requires the Office of Legislative Research and General Counsel to staff the task force; and
- ▶ specifies duties of the task force.

Money Appropriated in this Bill:

This bill appropriates:

in fiscal year 2021:

- ▶ to the Legislature - Senate as a one-time appropriation:
 - from the General Fund, One-time, \$400;
- ▶ to the Legislature - House of Representatives as a one-time appropriation:
 - from the General Fund, One-time, \$400; and
- ▶ to the Legislature - Office of Legislative Research and General Counsel as a one-time appropriation:

- 30 • from the General Fund, One-time, \$300; and
- 31 in fiscal year 2022:
- 32 ▸ to the Legislature - Senate as an ongoing appropriation:
- 33 • from the General Fund, \$2,800;
- 34 ▸ to the Legislature - House of Representatives as an ongoing appropriation:
- 35 • from the General Fund, \$2,800; and
- 36 ▸ to the Legislature - Office of Legislative Research and General Counsel as an
- 37 ongoing appropriation:
- 38 • from the General Fund, \$2,500.

Other Special Clauses:

40 This bill provides a special effective date.

Utah Code Sections Affected:

42 AMENDS:

43 **63I-2-236**, as last amended by Laws of Utah 2019, Chapter 389

44 ENACTS:

45 **36-29-107.5**, Utah Code Annotated 1953

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

48 Section 1. Section **36-29-107.5** is enacted to read:

49 **36-29-107.5. Murdered and Missing Indigenous Women and Girls Task Force --**
50 **Creation -- Membership -- Quorum -- Compensation -- Staff -- Vacancies -- Duties --**
51 **Interim report.**

52 (1) As used in this section, "task force" means the Murdered and Missing Indigenous
53 Women and Girls Task Force created in Subsection (2).

54 (2) There is created the Murdered and Missing Indigenous Women and Girls Task
55 Force consisting of the following nine members:

56 (a) one member of the Senate appointed by the president of the Senate;

57 (b) one member of the House of Representatives appointed by the speaker of the House

58 of Representatives;

59 (c) the following three members, appointed jointly by the president of the Senate and
60 the speaker of the House of Representatives:

61 (i) a member of a nonprofit organization primarily serving Utah's Native American
62 community;

63 (ii) a representative of a Utah Native American tribe; and

64 (iii) a representative of a victim advocate organization serving Utah's Native American
65 population;

66 (d) the director of the Division of Indian Affairs, or the director's designee;

67 (e) the executive director of the Department of Human Services, or the executive
68 director's designee;

69 (f) the attorney general, or the attorney general's designee; and

70 (g) the commissioner of public safety for the Department of Public Safety, or the
71 commissioner's designee.

72 (3) A vacancy in a position appointed under Subsection (2)(a), (b), or (c) shall be filled
73 by appointing a replacement member in the same manner as the member creating the vacancy
74 was appointed under Subsection (2)(a), (b), or (c).

75 (4) (a) The member of the Senate appointed under Subsection (2)(a) is a cochair of the
76 task force.

77 (b) The member of the House of Representatives appointed under Subsection (2)(b) is
78 a cochair of the task force.

79 (5) (a) A quorum consists of five members.

80 (b) The action of a majority of a quorum constitutes an action of the task force.

81 (6) (a) Salaries and expenses of the members of the task force who are legislators shall
82 be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,
83 Legislator Compensation.

84 (b) A member of the task force who is not a legislator:

85 (i) may not receive compensation or benefits for the member's service associated with

86 the task force; and

87 (ii) may receive per diem and travel expenses incurred as a member of the task force at
88 the rates the Division of Finance establishes in accordance with:

89 (A) Sections 63A-3-106 and 63A-3-107; and

90 (B) rules the Division of Finance makes in accordance with Title 63G, Chapter 3, Utah
91 Administrative Rulemaking Act, to carry out the provisions of Sections 63A-3-106 and
92 63A-3-107.

93 (7) The Office of Legislative Research and General Counsel shall provide staff support
94 to the task force.

95 (8) The task force shall:

96 (a) conduct appropriate consultations with tribal governments on the scope and nature
97 of the issues regarding murdered and missing indigenous women and girls;

98 (b) develop model protocols and procedures to apply to new and unsolved cases of
99 murdered or missing indigenous women and girls, including the best practices for:

100 (i) improving the way law enforcement investigators and prosecutors respond to the
101 high volume of the cases, and to the investigative challenges that might be presented in cases
102 involving female victims;

103 (ii) collecting and sharing data among various jurisdictions and law enforcement
104 agencies; and

105 (iii) better use of existing criminal databases;

106 (c) seek input from multi-disciplinary and multi-jurisdictional persons, including
107 representatives from tribal law enforcement and federal agencies, about how to review cold
108 cases involving murdered and missing indigenous women and girls; and

109 (d) address the need for greater clarity concerning roles, authorities, and jurisdiction
110 throughout the lifecycle of cases involving murdered and missing indigenous women and girls
111 by discussing:

112 (i) best practices in cases involving murdered and missing indigenous women and girls,
113 including best practices related to communication with affected families from initiation of an

investigation through case resolution or closure; and

(ii) education and outreach campaigns for communities that are most affected by crime resulting in murdered and missing indigenous women and girls to identify and reduce the crime.

(9) (a) On or before November 30, 2023, the task force shall provide a report to the Law Enforcement and Criminal Justice Interim Committee.

(b) The report described in Subsection (9)(a) shall include a summary of the task force's findings under Subsection (8) and recommendations for improvements in the criminal justice and social service systems for preventing and addressing crimes involving murdered and missing indigenous women and girls in the state.

Section 2. Section **63I-2-236** is amended to read:

63I-2-236. Repeal dates -- Title 36.

[Section ~~36-29-105~~ is repealed on December 31, 2020.]

Section ~~36-29-107.5~~ is repealed on November 30, 2023.

Section 3. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Legislature - Senate

From General Fund, One-time

\$400

Schedule of Programs:

Administration

\$400

ITEM 2

To Legislature - House of Representatives

From General Fund, One-time

\$400

142 Schedule of Programs:

143 Administration \$400

144 ITEM 3

145 To Legislature - Office of Legislative Research and General Counsel

146 From General Fund, One-time \$300

147 Schedule of Programs:

148 Administration \$300

149 The following sums of money are appropriated for the fiscal year beginning July 1,
 150 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for
 151 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 152 Act, the Legislature appropriates the following sums of money from the funds or accounts
 153 indicated for the use and support of the government of the state of Utah.

154 ITEM 1

155 To Legislature - Senate

156 From General Fund \$2,800

157 Schedule of Programs:

158 Administration \$2,800

159 ITEM 2

160 To Legislature - House of Representatives

161 From General Fund \$2,800

162 Schedule of Programs:

163 Administration \$2,800

164 ITEM 3

165 To Legislature - Office of Legislative Research and General Counsel

166 From General Fund \$2,500

167 Schedule of Programs:

168 Administration \$2,500

169 The Legislature intends that an appropriation provided under this section be used for

170 expenses relating to the Murdered and Missing Indigenous Women and Girls Task Force as
171 described in Section [36-29-107.5](#).

172 Section 4. **Effective date.**

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

CRIMINAL CODE EVALUATION TASK FORCE EXTENSION

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill reenacts the Criminal Code Evaluation Task Force.

Highlighted Provisions:

This bill:

- ▶ reenacts the Criminal Code Evaluation Task Force.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-236, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 19

ENACTS:

36-29-108, Utah Code Annotated 1953

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

Section 1. Section **36-29-108** is enacted to read:

36-29-108. Criminal Code Evaluation Task Force.

(1) As used in this section, "task force" means the Criminal Code Evaluation Task Force created in this section.

(2) There is created the Criminal Code Evaluation Task Force consisting of the following 15 members:

30 (a) three members of the Senate appointed by the president of the Senate, no more than
31 two of whom may be from the same political party;

32 (b) three members of the House of Representatives appointed by the speaker of the
33 House of Representatives, no more than two of whom may be from the same political party;

34 (c) the executive director of the Commission on Criminal and Juvenile Justice or the
35 executive director's designee;

36 (d) the director of the Utah Sentencing Commission or the director's designee;

37 (e) one member appointed by the presiding officer of the Utah Judicial Council;

38 (f) one member of the Utah Prosecution Council appointed by the chair of the Utah
39 Prosecution Council;

40 (g) the executive director of the Utah Department of Corrections or the executive
41 director's designee;

42 (h) the commissioner of the Utah Department of Public Safety or the commissioner's
43 designee;

44 (i) the director of the Utah Office for Victims of Crime or the director's designee;

45 (j) an individual who represents an association of criminal defense attorneys, appointed
46 by the president of the Senate; and

47 (k) an individual who represents an association of victim advocates, appointed by the
48 speaker of the House of Representatives.

49 (3) (a) The president of the Senate shall designate a member of the Senate appointed
50 under Subsection (2)(a) as a cochair of the task force.

51 (b) The speaker of the House of Representatives shall designate a member of the House
52 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.

53 (4) (a) A majority of the members of the task force constitutes a quorum.

54 (b) The action of a majority of a quorum constitutes an action of the task force.

55 (5) (a) Salaries and expenses of the members of the task force who are legislators shall
56 be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3,
57 Legislator Compensation.

(b) A member of the task force who is not a legislator:

(i) may not receive compensation for the member's work associated with the task force;

and

(ii) may receive per diem and reimbursement for travel expenses incurred as a member of the task force at the rates established by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

(6) The Office of Legislative Research and General Counsel shall provide staff support to the task force.

(7) The task force shall review the state's criminal code and related statutes and make recommendations regarding:

(a) the proper classification of crimes by degrees of felony and misdemeanor;

(b) standardizing the format of criminal statutes; and

(c) other modifications related to the criminal code and related statutes.

(8) On or before November 30 of each year that the task force is in effect, the task force shall provide a report, including any proposed legislation, to:

(a) the Law Enforcement and Criminal Justice Interim Committee; and

(b) the Legislative Management Committee.

(9) The task force is repealed April 15, 2023.

Section 2. Section **63I-1-236** is amended to read:

63I-1-236. Repeal dates, Title 36.

(1) Title 36, Chapter 17, Legislative Process Committee, is repealed January 1, 2023.

(2) Section [36-12-20](#) is repealed June 30, 2023.

(3) Title 36, Chapter 28, Veterans and Military Affairs Commission, is repealed January 1, 2025.

~~[(4) Section [36-29-105](#) is repealed on December 31, 2020;]~~

~~[(5)]~~ (4) Section [36-29-106](#) is repealed June 1, 2021.

(5) Section [36-29-108](#), Criminal Code Evaluation Task Force, is repealed April 15, 2023.

86 (6) Title 36, Chapter 31, Martha Hughes Cannon Capitol Statue Oversight Committee,
87 is repealed January 1, 2022.

APPENDIX H

Statutory Grant Program Template

The following is a template that a drafter may use for a grant program. This format is not required.

- (1) As used in this section:
 - (a) "Grant" means a grant awarded under this section.
 - (b) "Program" means the [name of grant program] created in this section.
 - (c) [Other necessary definitions].
- (2)
 - (a) There is created within the [agency] the [name of grant program].
 - (b) The purpose of the program is to award grants to [eligible recipient] to [purpose of program].
- (3)
 - (a) A/an [eligible recipient] that submits a proposal for a grant to the [agency] shall include details in the proposal regarding:
 - (i) how the [eligible recipient] plans to use the grant to fulfill the purpose described in Subsection (2);
 - (ii) any plan to use funding sources in addition to the grant for the proposal;
 - (iii) any existing or planned partnerships between the [eligible recipient] and another individual or entity to implement the proposal;
 - (iv) [other proposal requirements]; and
 - (v) other information the [agency] determines necessary to evaluate the proposal.
 - (b) When evaluating a proposal for a grant, the [agency] shall consider:
 - (i) the likelihood the proposal will accomplish the purpose described in Subsection (2);
 - (ii) the cost of the proposal;
 - (iii) the extent to which any additional funding sources or existing or planned partnerships may benefit the proposal;
 - (iv) the viability and sustainability of the proposal; and
 - (v) [other evaluation criteria].
 - (c) In determining a grant award, the [agency] shall/may [authority to consult, prioritize, etc.].
- (4) Subject to Subsection (3), the [agency] shall/may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:
 - (a) eligibility criteria for a grant;
 - (b) the form and process for submitting a proposal to the [agency] for a grant;
 - (c) the method and formula for determining a grant amount; and
 - (d) reporting requirements for a grant recipient.
- (5) On or before [date/date of each year], the [agency] shall provide a written report to the [interim committee/another agency] regarding:
 - (a) the number of grants awarded under the program;
 - (b) data gathered under the program;
 - (c) the impact of the program on [purpose of program]; and
 - (d) [other reporting requirements].

[Sunset date]

[Appropriation with intent language that refers to the grant program (usually one-time, nonlapsing)]

[Rulemaking authority may not be necessary for every grant program]

APPENDIX I

MODEL PROFESSIONAL LICENSING ACT

Part 1 - General Provisions

58-__-101. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the _____ Board created in Section 58-__-201.
- (2) "Practice of _____" means _____.
- (3) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-__-501.
- (4) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-__-502.
- (5) [Other definitions listed alphabetically.]

Part 2 - Board

58-__-201. Board.

- (1) There is created the _____ Board consisting of _____ and one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

Part 3 - Licensing

58-__-301. Licensure required -- License classifications.

- (1) A license is required to engage in the practice of _____, except as specifically provided in 58-__-305 or 58-1-307.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of _____.

58-__-302. Qualifications for licensure.

Each applicant for licensure under this chapter shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Subsection 63-38-3(2);
- (3) [good moral character requirement];
- (4) [education requirement];
- (5) [experience requirement]; and
- (6) [examination requirement]

58-__-303. Term of license -- Expiration -- Renewal.

- (1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal, the licensee shall show satisfactory evidence of each of the following renewal requirements:
 - (a) [completion of continuing education as required under Section 58- 304]; and
 - (b) [other renewal requirements].

- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

58-_-304. Continuing education.

- (1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by rule, complete hours of qualified continuing professional education in accordance with standards defined by rule.
- (2) If a renewal cycle is extended or shortened under Section 58-_-303, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

58-_-305. Exemptions for licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in acts included within the definition of the practice of _____, subject to the stated circumstances and limitations, without being licensed under this chapter:_____.

Part 4 - License Denial and Discipline

58-_-401. Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Part 5 - Unlawful and Unprofessional Conduct -- Penalties

58-_-501. Unlawful Conduct.

"Unlawful conduct" includes:_____.

58-_-502. Unprofessional Conduct.

"Unprofessional conduct" includes:_____.

58-_-503. Penalty for unlawful conduct.

Any person who violates the unlawful conduct provisions specifically defined in this chapter is guilty of [a class _____ misdemeanor, _____ degree felony].

APPENDIX J

REVISOR INSTRUCTIONS EXAMPLES

2025 SB145

Section 7. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the reference in Section 36-1-101.5, from "this bill" to the bill's designated chapter number in the Laws of Utah.

APPENDIX K

EXAMPLES OF TRANSITION OR SAVINGS CLAUSES

The following are examples of transition or savings clauses primarily derived from current or previous provisions in the Utah Code. These examples have been modified from the original for brevity or to more closely follow the Legislative Drafting Manual. When substantial language has been omitted from a clause, an ellipsis is used. This is not a complete list of all transition or savings clauses in the Utah Code.

Although some wording of these examples violate principles of the Legislative Drafting Manual, the examples were selected as illustrating approaches in addressing savings or transition issues. If a statute from which the example is taken use the word "act," the term is replaced with "[title/chapter/part/section]," and if it references an effective date without specifying a date, the reference is replaced with "[date]." If an effective date is not known at drafting, revisor instructions are necessary.

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Administrative Rules

31A-2-211. Rules and forms during transition period.

- (1) The commissioner's rules adopted under former Title 31 are rescinded unless continued under Subsection (3).
- (2) Beginning on or after May 1, 1985, and ending on or before July 1, 1986, the commissioner may prepare and adopt rules to implement or supplement this title. These rules are effective on July 1, 1986, or on the effective date of the particular provision, if that is later than July 1, 1986.
- (3) The commissioner may issue an order declaring that all or part of a rule in effect under former Title 31 remains in effect until a date specified under the order, which date may not be later than June 30, 1989. A rule continued under this Subsection (3) may not be inconsistent with another provision under this title. The commissioner shall give notice of the order under Section 31A-2-303.
- (4) A form used, issued, or required by the department and approved by the commissioner or otherwise legitimately in use immediately before [date] may continue to be used until replaced in accordance with this title.

75-2-1301. Transitional provisions.

- (1) On July 1, 1998:
 - (a) an act done in a proceeding and a right accrued before July 1, 1998, is not impaired by this title; and
 - (b) if a right is acquired, extinguished, or barred on the expiration of a prescribed period of time that commenced to run by statute before July 1, 1997, the statute governs with respect to that right.
- (2) A rule of construction or presumption provided in [title/chapter/part] applies to governing instruments executed before July 1, 1997, unless there is a finding of a contrary intent.

Bailment

70A-7a-702. Savings clause.

A document of title issued or a bailment that arises before May 1, 2006 and the rights, obligations, and interests flowing from that document or bailment are governed by a statute or other rule amended or repealed by this chapter as if amendment or repeal had not occurred and may be terminated, completed, consummated, or enforced under that statute or other rule.

Citations

78A-1-106. Transition clause -- Recodification of Title 78.

For purposes of a matter pending in a court beginning February 7, 2008 through August 31, 2008, citation to an appropriate section in the previous Title 78, Judicial Code, shall be considered a proper citation to the corresponding section in Title 78A, Judiciary and Judicial Administration, or Title 78B, Judicial Code.

Continuation of Entity

31A-5-108. Transition provision for former mutual benefit associations, cooperative associations, county mutuals, and reciprocal insurers.

- (1) Except as otherwise provided in this title, a domestic stock or mutual insurance corporation, including an incorporated mutual benefit association, a county mutual, a reciprocal insurer, or an incorporated cooperative association, holding a valid certificate of authority on July 1, 1986, continues to be authorized within the limits of its certificate of authority. An incorporated mutual benefit association, county mutual, reciprocal insurer, or cooperative association becomes a Chapter 5, Domestic Stock and Mutual Insurance Corporations, mutual by operation of law on July 1, 1986.
- (2) If timely adjustment to the requirements of Chapter 5 would cause an existing stock or mutual insurance corporation hardship, disproportionate expense, or serious inconvenience, the commissioner may, upon the corporation's request, grant an extension for compliance with specified

requirements, if the interests of insureds and the public are not endangered. The extension may not be beyond July 1, 1988.

48-2a-1106. Savings clause.

The repeal of a statutory provision by this chapter does not impair, or otherwise affect, the organization or the continued existence of a limited partnership existing on July 1, 1990, nor does the repeal of a statutory provision by this chapter impair a contract or affect a right accrued before July 1, 1990.

Contract or Agreement

31A-17-404.4. Transition -- Application to reinsurance agreement.

The amendments to this part made in Laws of Utah 2008, Chapter 257, apply to a cession made on or after July 1, 2008 under a reinsurance contract that has an inception, anniversary, or renewal date no sooner than January 1, 2009.

48-2a-1106. Savings clause.

The repeal of a statutory provision by this chapter does not impair, or otherwise affect, the organization or the continued existence of a limited partnership existing on July 1, 1990, nor does the repeal of a statutory provision by this chapter impair a contract or affect a right accrued before July 1, 1990.

63M-1-2408. Transition clause -- Renegotiation of agreements -- Payment of partial rebates.

- (1) As used in this section, "partial rebate" means an agreement . . . under which the state agrees to pay . . .
- (2)
 - (a) Unless modified or renegotiated as provided in Subsection (2)(b), the Division of Finance shall make a partial rebate payment due under an agreement entered into by the office before May 5, 2008 as provided in this section.
 - (b) By January 1, 2009, the office shall:
 - (i) contact each business entity with whom the office entered into an agreement under former Section 63M-1-1304 or 63M-1-1704; and
 - (ii) subject to the limits established in Subsection 63M-1-2404(3)(b), seek to modify those agreements for the sole purpose of providing the incentives in the form of tax credits under this part rather than partial rebates.
 - (c) The office shall:
 - (i) for a modified agreement granting a tax credit, follow the procedures and requirements of Section 63M-1- 2405;
 - (ii) for an agreement that still requires the state to pay a partial rebate to the business entity, follow the procedures and requirements of this section; and
 - (iii) provide a report to the Executive Appropriations Committee and the Legislative Fiscal Analyst by December 1, 2008, about the progress of its efforts to modify agreements reached before May 5, 2008. . .

Conveyance

10-1-109. Saving clause.

- (1) The repeal of a title, chapter, or section specified in Section 10-1-114 does not:
 - (a) affect a suit pending or a right existing immediately prior to [date];
 - (b) impair, avoid, or affect a grant or conveyance made or right acquired or cause of action now existing under a repealed [title/chapter/part/section] or amendment to a repealed [title/chapter/part/section]; or
 - (c) affect or impair the validity of a bond or other obligation issued or sold prior to [date].
- (2) The repeal of a validating [title/chapter/part/section] or part of a [title/chapter/part/section] does not avoid the effect of the validation. An [title/chapter/part/section] repealed by Section 10-1-114 may not repeal an [title/chapter/part/section] or part of an [title/chapter/part/section] that embraces the

same or similar subject matter as the [title/chapter/part/section] repealed.

Court or Administrative Action or Order

30-6a-111. Transitional provision.

This chapter applies to:

- (1) a protection order issued before July 1, 2006;
- (2) a continuing action for enforcement of a foreign protection order commenced before July 1, 2006; and
- (3) a request for enforcement of a foreign protection order made on or after July 1, 2006 for a violation of a foreign protection order occurring before July 1, 2006.

Effect on Government Entity

78A-1-107. Savings clause -- Recodification of Title 78.

The provisions of Title 78A, Judiciary and Judicial Administration, and Title 78B, Judicial Code, are considered a continuation of the previous Title 78, Judicial Code. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in a court on February 7, 2008 shall result from the enactment of Titles 78A and 78B. With respect to the organization of the courts, the offices of all officers and employees, shall be construed as continuations of the previous Title 78, Judicial Code. The tenure of justices, judges, justices of the peace, officers, and employees of the courts in office on February 7, 2008 is not affected by its enactment.

Section x. Transition to new department.

- (1) As used in this chapter:
- (2) The chief information officer shall serve as the transition director to provide executive direction and supervision for the implementation of all transfers of authority and technology functions in the executive branch to the department that are made pursuant to this bill and the Utah Technology Governance Act.
- (3)
 - (a) The transition director and the directors of all executive branch agencies shall jointly identify the program positions and administrative function positions that will be transferred to the department according to the Utah Technology Governance Act.
 - (b) The transition director and the directors of all executive branch agencies and programs shall make every effort to develop agreements specifying the positions to be transferred from the executive branch agency or program to the department no later than August 31, 2005.
 - (c) If the transition director and a director fails to reach an agreement on the positions to be transferred under this Subsection (3):
 - (i) the transition director shall submit the transition director's recommendation to the governor and to the commission by no later than August 31, 2005 for their consideration;
 - (ii) the commission may recommend to the governor the position or function to be transferred to the department; and
 - (iii) the governor shall determine whether to transfer the position or function to the department.
- (4) The transition director shall:
 - (a) immediately initiate coordination with the directors of all executive branch agencies affected by this bill to facilitate the transfer of programs, positions, and administrative functions; and
 - (b) develop memoranda of record identifying any of the following related to the authority to be transferred:
 - (i) a pending settlement;
 - (ii) an issue of compliance with applicable federal and state laws and regulations; or
 - (iii) other obligation to be resolved.
- (5) Notwithstanding Subsection 63-38-3.5(8)(f)(i), all records, personnel, property, equipment, grants, unexpended and unexpired balances of appropriations, allocations and other funds used, held,

employed, available, or to be made available to any entity for the activities, powers, duties, functions, and responsibilities transferred to the department by this bill shall transfer to the department:

- (a) at the direction of:
 - (i) the transition director; and
 - (ii) the Governor's Office of Planning and Budget; and
 - (b) in accordance with the Utah Technology Governance Act.
- (6) The transition director shall:
- (a) administer the functions of this bill in a manner that promotes efficient administration; and
 - (b) make internal organizational changes as necessary to complete the realignment of responsibilities required by this bill and the Utah Technology Governance Act.
- (7) (a) The transition director and other individuals designated by the governor may request the assistance of an executive branch agency with respect to:
- (i) personnel;
 - (ii) budgeting;
 - (iii) procurement;
 - (iv) information systems; or
 - (v) other management related functions.
- (b) An executive branch agency shall provide assistance request under this Subsection (7).
- (8) (a) The transition director may temporarily hire or retain contractors, subcontractors, or advisors as the transition director considers necessary for the strategic planning and implementation of the transition.
- (b) A temporary person hired or contracted with under this Subsection (8):
- (i) must be selected in accordance with Title 63, Chapter 56, Utah Procurement Code; and
 - (ii) shall be terminated by July 30, 2006.
- (9) After consultation with the transition director and the governor, the state budget director shall:
- (a) determine the most efficient process necessary for transitioning the technology budgets of the various executive branch agencies including the Division of Information Technology Services to the department;
 - (b) submit a supplemental budget request and, if needed, a 2006-07 budget recommendation to the commission by October 31, 2005 and to the Legislature before the 2006 General Session detailing steps necessary to transition employees, activities, assets, liabilities, budgets, and other authorities of appropriated and internal services fund technology functions into the department;
 - (c) in accordance with Subsection 63-38-3.5(4)(b), establish interim rates for products and services to be provided on a capital maintenance and cost reimbursement basis and to be recovered through interagency billing such that the interim rates:
 - (i) are based upon a zero based, full cost accounting of activities necessary to provide each service for which a rate is established;
 - (ii) for each service multiplied by the projected consumption of the service recovers no more or less than the full cost of the service; and
 - (iii) are submitted to the Legislature for authorization in accordance with Subsection 63-38-3.5(4)(b); and
 - (d) handle the financial transactions and records in the state's financial management and records system during the period of transition.
- (10) A rule, order, contract, grant, or agreement relating to the functions of the Department of Technology Services lawfully adopted before [date] by the responsible state executive branch agency continues to be effective until revised, amended, or rescinded.

- (11) A suit, action, or other proceeding lawfully commenced by, against, or before an entity affected by this chapter does not abate by reason of this bill.
- (12) Beginning July 1, 2005, the transition director shall provide a report to the commission on a quarterly basis concerning the progress and implementation of the executive branch transition of information technology functions to the department.
- (13) The transition director shall include in the report recommendations for the 2006 Legislature regarding any statutory changes that are needed to make the transition complete.
- (14) The transition director's authority under this bill ends on December 31, 2006.

Estates

75-8-101. Time of taking effect -- Provisions for transition.

- (1) This [title/chapter/part] takes effect on July 1, 1977.
- (2) Except as provided elsewhere in this [title/chapter/part], on July 1, 1977:
 - (a) this [title/chapter/part] applies to a will of a decedent dying after July 1, 1977;
 - (b) this [title/chapter/part] applies to a proceeding in court pending as of July 1, 1977, or commenced on or after July 1, 1997, regardless of the time of the death of decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this [title/chapter/part];
 - (c) a personal representative, including a person administering an estate of a minor or incompetent, holding an appointment on July 1, 1997, continues to hold the appointment but has only the powers conferred by this [title/chapter/part] and is subject to the duties imposed with respect to an act occurring or done after July 1, 1997;
 - (d) an act done before July 1, 1977, in a proceeding and an accrued right is not impaired by this [title/chapter/part];
 - (e) if a right is acquired, extinguished or barred upon the expiration of a prescribed period of time that commenced to run by the provision of a statute before July 1, 1977, the provision governs with respect to that right; and
 - (f) a rule of construction or presumption provided in this [title/chapter/part] applies to an instrument executed or a multiple-party account opened before July 1, 1997, unless there is a clear indication of a contrary intent.

Insurance Policy

31A-22-1306. Transition provision for existing policy forms.

An insurance policy form need not conform to the requirements of this chapter until July 1, 1987. An insurance policy issued after July 1, 1986, is subject to Section 31A-21-107.

Law That Governs

31A-5-108. Transition provision for former mutual benefit associations, cooperative associations, county mutuals, and reciprocal insurers.

- (1) Except as otherwise provided in this title, a domestic stock or mutual insurance corporation, including an incorporated mutual benefit association, a county mutual, a reciprocal insurer, or an incorporated cooperative association, holding a valid certificate of authority on July 1, 1986, continues to be authorized within the limits of its certificate of authority. An incorporated mutual benefit association, county mutual, reciprocal insurer, or cooperative association becomes a Chapter 5, Domestic Stock and Mutual Insurance Corporations, mutual by operation of law on July 1, 1986.
- (2) If timely adjustment to the requirements of Chapter 5 would cause an existing stock or mutual insurance corporation hardship, disproportionate expense, or serious inconvenience, the commissioner may, upon the corporation's request, grant an extension for compliance with specified requirements, if the interests of insureds and the public are not endangered. The extension may not

be beyond July 1, 1988.

31A-37a-105. Transition.

- (1) (a) Except as otherwise determined by the commissioner, a captive insurance company that on May 5, 2008 has a certificate of authority from the commissioner pursuant to Chapter 37, Captive Insurance Companies Act, and engages in insurance securitization:
 - (i) is subject to this chapter as a special purpose financial captive insurance company; and
 - (ii) is considered to have a certificate of authority issued under this chapter.
- (b) The commissioner may require a captive insurance company described in Subsection (1)(a) to take an action that the commissioner determines is reasonably necessary to bring the captive insurance company into compliance with this chapter.
- (2) The commissioner may issue an order described in Section 31A-37a-201 with respect to a captive insurance company described in Subsection (1)(a) if the captive insurance company is not in compliance with this chapter.

75-8-101. Time of taking effect -- Provisions for transition.

- (1) This [title/chapter/part] takes effect on July 1, 1977.
- (2) Except as provided elsewhere in this [title/chapter/part], on July 1, 1977:
 - (a) this [title/chapter/part] applies to a will of a decedent dying after July 1, 1977;
 - (b) this [title/chapter/part] applies to a proceeding in court pending as of July 1, 1977, or commenced on or after July 1, 1997, regardless of the time of the death of decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this [title/chapter/part];
 - (c) a personal representative, including a person administering an estate of a minor or incompetent, holding an appointment on July 1, 1997, continues to hold the appointment but has only the powers conferred by this [title/chapter/part] and is subject to the duties imposed with respect to an act occurring or done after July 1, 1997;
 - (d) an act done before July 1, 1977, in a proceeding and an accrued right is not impaired by this [title/chapter/part];
 - (e) if a right is acquired, extinguished or barred upon the expiration of a prescribed period of time that commenced to run by the provision of a statute before July 1, 1977, the provision governs with respect to that right; and
 - (f) a rule of construction or presumption provided in this [title/chapter/part] applies to an instrument executed or a multiple-party account opened before July 1, 1997, unless there is a clear indication of a contrary intent.

License or Registration

13-33-305. Transition of licenses.

- (1) A license that was issued by the Division of Occupational and Professional Licensing under Title 58, Chapter 66, Utah Professional Boxing Regulation Act, before July 1, 2001, and in effect on June 30, 2001:
 - (a) is considered a valid license under this chapter until the expiration date indicated on the license;
 - (b) is subject to this chapter, including provisions relating to disciplinary action against the license; and
 - (c) may not be renewed under Title 58, Occupations and Professions.
- (2) Upon the expiration of a license described in Subsection (1), a person desiring to continue licensure in the profession shall meet the same requirements as those required for new licensure under Section 13-33-301.

13-42-140. Transitional provisions -- Application to existing transactions.

- (1) A transaction entered into before July 1, 2007 and the rights, duties, and interests resulting from the transaction may be completed, terminated, or enforced as required or permitted by a law amended, repealed, or modified by this chapter as though the amendment, repeal, or modification had not occurred.
- (2)
 - (a) A person registered under Chapter 21, Credit Services Organizations Act, on June 30, 2007, that is required to be registered under this chapter on July 1, 2007, is considered to be registered under this chapter until the license in effect on June 30, 2007, expires.
 - (b) Notwithstanding Subsection (2)(a), except for the registration requirement, a person subject to this chapter shall comply with this chapter for a transaction entered into on or after July 1, 2007.

26-8a-416. Transition to eliminate inconsistent licenses.

- (1) By May 30, 2000, the department shall review licenses in effect on October 2, 1999, to identify overlap, as defined in department rule, in the service areas of two or more licensed providers.
- (2) By June 30, 2000, the department shall notify a licensed provider affected by an overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve each overlap, considering the effects on the licensed providers and the areas to be addressed.
- (3) For each overlap, the department shall meet with the affected licensed providers and provide 120 days for a negotiated resolution, consistent with the criteria in Section 26-8a-408.
- (4)
 - (a) If a resolution is reached under Subsection (2) that the department finds satisfies the criteria in Section 26-8a-408, the department shall amend the licenses to reflect the resolution consistent with Subsection (6).
 - (b) If a resolution is not reached under Subsection (2), the department or a licensed provider involved in the matter may request the commencement of a formal adjudicative proceeding to resolve the overlap.
- (5) The department shall commence adjudicative proceedings for a overlap that is not resolved by July 1, 2003.
- (6) Notwithstanding the exclusive geographic service requirement of Section 26-8a-402, the department may amend one or more licenses after a resolution is reached or an adjudicative proceeding is held to allow:
 - (a) a single licensed provider to serve all or part of an overlap area;
 - (b) more than one licensed provider to serve an overlap area;
 - (c) licensed providers to provide different types of service in an overlap area; or
 - (d) a license that recognizes a service arrangement that existed on September 30, 1999.
- (7) Notwithstanding Subsection (6), a license for an overlap area terminates upon:
 - (a) relinquishment by the licensed provider; or
 - (b) revocation by the department.

58-26a-302. . . . -- Transitional provisions.

. . .

- (4) An individual has until July 1, 2004, to obtain three years of qualifying experience for licensure without being required to complete the education requirement if that individual:
 - (a) was approved to take the qualifying examinations before July 1, 1994, under prior law without completion of the education requirement; and
 - (b)
 - (i) passed the AICPA Uniform CPA Examination before July 1, 1994; or
 - (ii) received conditional credits on the AICPA Uniform CPA Examination before July 1, 1994, and subsequently passed all parts of the AICPA Uniform CPA Examination within six immediately successive examination administrations.

58-60-511. Experience requirement -- Transition of licensing and experience.

- (1) Except as otherwise approved in writing by the board and the division, hours of experience required by Section 58-60-506 that are earned after January 1, 2008, shall be earned while the person earning the hours is licensed under this part.
- (2) An applicant working toward licensure under rules in effect before July 1, 2007 who has 200 or more hours of addiction-specific training conducted at an approved agency before July 1, 2007 may apply in writing to extend the time to complete the remainder of the training requirement until July 1, 2008.
- (3)
 - (a) The division may grant an applicant credit for up to 3,000 hours of experience required under this part for hours completed before January 1, 2008.
 - (b) The division shall grant a request for credit under Subsection (3)(a) if the experience completed before January 1, 2008 is reasonably equivalent to the experience required by this part.

61-2b-10.5. . . . -- Transition to state-licensed or state-certified appraisers.

- (1) A person who was registered as a state-registered appraiser under this chapter before May 3, 1999, has the same authority as a state-licensed appraiser under this chapter for as long as the registration of that person remains current, but in no event after May 3, 2001.
- (2) The division may not issue a registration on or after May 3, 1999, except as provided in Subsection 61-2b-6(2).
- (3) The division may renew a registration of a person who was registered as a state-registered appraiser as of May 3, 1999, under this chapter until May 3, 2001. A registration renewed under this Subsection (3) expires on May 3, 2001.
- (4) A person who was registered as a state-registered appraiser under this chapter before May 3, 1999, may have that registration converted to a license or certification if that person meets the requirements for licensure or certification under this chapter.

63C-11-312. Transition of licenses.

- (1) A license that is issued by the Department of Commerce under Title 13, Chapter 33, Pete Suazo Utah Athletic Commission Act, before July 1, 2007:
 - (a) is considered a valid license under this part until the expiration date indicated on the license;
 - (b) is subject to this part, including provisions relating to disciplinary action against the license; and
 - (c) may not be renewed under Title 58, Occupations and Professions.
- (2) Upon the expiration of a license described in Subsection (1), a person desiring to continue licensure in the profession shall meet the same requirements as those required for new licensure under Section 63C-11-308.

Lien

70A-9a-702. Savings clause.

- (1) Except as otherwise provided in this part, this chapter applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before [date].
- (2) Except as otherwise provided in Subsection (3) and Sections 70A-9a-703 through 70A-9a-709:
 - (a) a transaction or lien that was not governed by former Chapter 9, was validly entered into or created before [date], and would be subject to this [title/chapter/part/section] if it had been entered into or created after [date], and the rights, duties, and interests flowing from the transaction or lien remain valid after [date]; and
 - (b) a transaction or lien described in Subsection (2)(a) may be terminated, completed, consummated, and enforced as required or permitted by this [title/chapter/part/section] or by the law that otherwise would apply if this [title/chapter/part/section] had not taken effect.

- (3) This [title/chapter/part/section] does not affect an action, case, or proceeding commenced before [date].

New Government Entity

Section x. Transition to new department.

- (1) As used in this chapter:
- (2) The chief information officer shall serve as the transition director to provide executive direction and supervision for the implementation of all transfers of authority and technology functions in the executive branch to the department that are made pursuant to this bill and the Utah Technology Governance Act.
- (3) (a) The transition director and the directors of all executive branch agencies shall jointly identify the program positions and administrative function positions that will be transferred to the department according to the Utah Technology Governance Act.
- (b) The transition director and the directors of all executive branch agencies and programs shall make every effort to develop agreements specifying the positions to be transferred from the executive branch agency or program to the department no later than August 31, 2005.
- (c) If the transition director and a director fails to reach an agreement on the positions to be transferred under this Subsection (3):
- (i) the transition director shall submit the transition director's recommendation to the governor and to the commission by no later than August 31, 2005 for their consideration;
- (ii) the commission may recommend to the governor the position or function to be transferred to the department; and
- (iii) the governor shall determine whether to transfer the position or function to the department.
- (4) The transition director shall:
- (a) immediately initiate coordination with the directors of all executive branch agencies affected by this bill to facilitate the transfer of programs, positions, and administrative functions; and
- (b) develop memoranda of record identifying any of the following related to the authority to be transferred:
- (i) a pending settlement;
- (ii) an issue of compliance with applicable federal and state laws and regulations; or
- (iii) other obligation to be resolved.
- (5) Notwithstanding Subsection 63-38-3.5(8)(f)(i), all records, personnel, property, equipment, grants, unexpended and unexpired balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to any entity for the activities, powers, duties, functions, and responsibilities transferred to the department by this bill shall transfer to the department:
- (a) at the direction of:
- (i) the transition director; and
- (ii) the Governor's Office of Planning and Budget; and
- (b) in accordance with the Utah Technology Governance Act.
- (6) The transition director shall:
- (a) administer the functions of this bill in a manner that promotes efficient administration; and
- (b) make internal organizational changes as necessary to complete the realignment of responsibilities required by this bill and the Utah Technology Governance Act.
- (7) (a) The transition director and other individuals designated by the governor may request the assistance of an executive branch agency with respect to:
- (i) personnel;
- (ii) budgeting;
- (iii) procurement;
- (iv) information systems; or

- (v) other management related functions.
- (b) An executive branch agency shall provide assistance request under this Subsection (7).
- (8) (a) The transition director may temporarily hire or retain contractors, subcontractors, or advisors as the transition director considers necessary for the strategic planning and implementation of the transition.
- (b) A temporary person hired or contracted with under this Subsection (8):
 - (i) must be selected in accordance with Title 63, Chapter 56, Utah Procurement Code; and
 - (ii) shall be terminated by July 30, 2006.
- (9) After consultation with the transition director and the governor, the state budget director shall:
 - (a) determine the most efficient process necessary for transitioning the technology budgets of the various executive branch agencies including the Division of Information Technology Services to the department;
 - (b) submit a supplemental budget request and, if needed, a 2006-07 budget recommendation to the commission by October 31, 2005 and to the Legislature before the 2006 General Session detailing steps necessary to transition employees, activities, assets, liabilities, budgets, and other authorities of appropriated and internal services fund technology functions into the department;
 - (c) in accordance with Subsection 63-38-3.5(4)(b), establish interim rates for products and services to be provided on a capital maintenance and cost reimbursement basis and to be recovered through interagency billing such that the interim rates:
 - (i) are based upon a zero based, full cost accounting of activities necessary to provide each service for which a rate is established;
 - (ii) for each service multiplied by the projected consumption of the service recovers no more or less than the full cost of the service; and
 - (iii) are submitted to the Legislature for authorization in accordance with Subsection 63-38-3.5(4)(b); and
 - (d) handle the financial transactions and records in the state's financial management and records system during the period of transition.
- (10) A rule, order, contract, grant, or agreement relating to the functions of the Department of Technology Services lawfully adopted before [date] by the responsible state executive branch agency continues to be effective until revised, amended, or rescinded.
- (11) A suit, action, or other proceeding lawfully commenced by, against, or before an entity affected by this chapter does not abate by reason of this bill.
- (12) Beginning July 1, 2005, the transition director shall provide a report to the commission on a quarterly basis concerning the progress and implementation of the executive branch transition of information technology functions to the department.
- (13) The transition director shall include in the report recommendations for the 2006 Legislature regarding any statutory changes that are needed to make the transition complete.
- (14) The transition director's authority under this bill ends on December 31, 2006.

Pending Court or Administrative Proceeding

10-1-109. Saving clause.

- (1) The repeal of a title, chapter, or section specified in Section 10-1-114 does not:
 - (a) affect a suit pending or a right existing immediately prior to [date];
 - (b) impair, avoid, or affect a grant or conveyance made or right acquired or cause of action now existing under a repealed [title/chapter/part/section] or amendment to a repealed [title/chapter/part/section]; or
 - (c) affect or impair the validity of a bond or other obligation issued or sold prior to [date].
- (2) The repeal of a validating [title/chapter/part/section] or part of a [title/chapter/part/section] does not

avoid the effect of the validation. An [title/chapter/part/section] repealed by Section 10-1-114 may not repeal an [title/chapter/part/section] or part of an [title/chapter/part/section] that embraces the same or similar subject matter as the [title/chapter/part/section] repealed.

16-16-1703. Savings clause.

This chapter does not affect an action or proceeding commenced, or right accrued, before May 5, 2008.

63G-4-105. Transition procedures.

- (1) The procedures for agency action, agency review, and judicial review contained in this chapter are applicable to an agency adjudicative proceeding commenced by or before an agency on or after January 1, 1988.
- (2) A statute or rule governing agency action, agency review, and judicial review that is in effect on December 31, 1987, governs an agency adjudicative proceeding commenced by or before an agency on or before December 31, 1987, even if the proceeding is pending before an agency or a court on January 1, 1988.

70A-8-601. Transition provisions.

- (1) This [title/chapter/part] does not affect an action or proceeding commenced before [date]. (2)(a) If a security interest in a security is perfected as of [date], and the action by which the security interest was perfected would suffice to perfect a security interest under this [title/chapter/part], no further action is required to continue perfection.
 - (b) (i) If a security interest in a security is perfected as of [date] but the action by which the security interest was perfected would not suffice to perfect a security interest under this [title/chapter/part], the security interest remains perfected for a period of four months after [date] and continues perfected for the four-month period if appropriate action to perfect under this [title/chapter/part] is taken within that four-month period.
 - (ii) If a security interest is perfected as of [date] and the security interest can be perfected by filing under this [title/chapter/part], a financing statement signed by the secured party instead of the debtor may be filed within the four-month period described in this Subsection (2) to continue perfection or after the four-month period to perfect.

70A-9a-702. Savings clause.

- (1) Except as otherwise provided in this part, this chapter applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before [date].
- (2) Except as otherwise provided in Subsection (3) and Sections 70A-9a-703 through 70A-9a-709:
 - (a) a transaction or lien that was not governed by former Chapter 9, was validly entered into or created before [date], and would be subject to this [title/chapter/part/section] if it had been entered into or created after [date], and the rights, duties, and interests flowing from the transaction or lien remain valid after [date]; and
 - (b) a transaction or lien described in Subsection (2)(a) may be terminated, completed, consummated, and enforced as required or permitted by this [title/chapter/part/section] or by the law that otherwise would apply if this [title/chapter/part/section] had not taken effect.
- (3) This [title/chapter/part/section] does not affect an action, case, or proceeding commenced before [date].

75-5b-503. Transitional provision.

- (1) This chapter applies to a guardianship or protective proceeding begun on or after January 1, 2009.
- (2) Parts 1, 3, and 4 and Sections 75-5b-501 and 75-5b-502 apply to a proceeding begun before January 1, 2009, regardless of whether a guardianship or protective order has been issued.

78A-1-107. Savings clause -- Recodification of Title 78.

The provisions of Title 78A, Judiciary and Judicial Administration, and Title 78B, Judicial Code, are considered a continuation of the previous Title 78, Judicial Code. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in a court on February 7, 2008 shall result from the enactment of Titles 78A and 78B. With respect to the organization of the courts, the offices of all officers and employees, shall be construed as continuations of the previous Title 78, Judicial Code. The tenure of justices, judges, justices of the peace, officers, and employees of the courts in office on February 7, 2008 is not affected by its enactment.

78B-13-318. Transitional provision.

A motion or other request for relief made in a child custody or enforcement proceeding which was commenced before [date] is governed by the law in effect at the time the motion or other request was made.

78B-15-902. Transitional provision.

A proceeding to adjudicate parentage that was commenced before May 1, 2005 is governed by the law in effect at the time the proceeding was commenced.

Regulation of Entity Being Changed

31A-5-108. Transition provision for former mutual benefit associations, cooperative associations, county mutuals, and reciprocal insurers.

- (1) Except as otherwise provided in this title, a domestic stock or mutual insurance corporation, including an incorporated mutual benefit association, a county mutual, a reciprocal insurer, or an incorporated cooperative association, holding a valid certificate of authority on July 1, 1986, continues to be authorized within the limits of its certificate of authority. An incorporated mutual benefit association, county mutual, reciprocal insurer, or cooperative association becomes a Chapter 5, Domestic Stock and Mutual Insurance Corporations, mutual by operation of law on July 1, 1986.
- (2) If timely adjustment to the requirements of Chapter 5 would cause an existing stock or mutual insurance corporation hardship, disproportionate expense, or serious inconvenience, the commissioner may, upon the corporation's request, grant an extension for compliance with specified requirements, if the interests of insureds and the public are not endangered. The extension may not be beyond July 1, 1988.

31A-37a-105. Transition.

- (1)
 - (a) Except as otherwise determined by the commissioner, a captive insurance company that on May 5, 2008 has a certificate of authority from the commissioner pursuant to Chapter 37, Captive Insurance Companies Act, and engages in insurance securitization:
 - (i) is subject to this chapter as a special purpose financial captive insurance company; and
 - (ii) is considered to have a certificate of authority issued under this chapter.
 - (b) The commissioner may require a captive insurance company described in Subsection (1)(a) to take an action that the commissioner determines is reasonably necessary to bring the captive insurance company into compliance with this chapter.
- (2) The commissioner may issue an order described in Section 31A-37a-201 with respect to a captive insurance company described in Subsection (1)(a) if the captive insurance company is not in compliance with this chapter.

48-2c-1902. Transitional provisions.

- (1) A limited liability company formed before July 1, 2001, under the laws of this state, and existing on July 1, 2001:
 - (a) continues in existence with the rights and privileges applicable to a limited liability company formed under this chapter;
 - (b) need not amend its articles of organization to include the address of its designated office if it

- includes the information in its first annual report filed with the division after July 1, 2001, and in subsequent annual reports; and
- (c) that provides professional services as defined in Part 15, Profession, need not amend its articles of organization to comply with Section 48-2c-1509 if it includes the information in its first annual report filed with the division after July 1, 2001, and in subsequent annual reports.
 - (2) A domestic company formed before July 1, 2001, under the laws this state, as well as the company's managers, members, and assignees of members, as applicable, have the rights and privileges and are subject to the requirements, restrictions, duties, liabilities, and remedies prescribed in this chapter.
 - (3) A foreign limited liability company authorized to transact business in this state as of July 1, 2001, is subject to this chapter, but is not required by reason of enactment of this chapter to obtain a new certificate of authority to transact business in this state.

Security Interest

70A-8-601. Transition provisions.

- (1) (a) This [title/chapter/part] does not affect an action or proceeding commenced before [date].
 - (2)(a) If a security interest in a security is perfected as of [date], and the action by which the security interest was perfected would suffice to perfect a security interest under this [title/chapter/part], no further action is required to continue perfection.
- (b) (i) If a security interest in a security is perfected as of [date] but the action by which the security interest was perfected would not suffice to perfect a security interest under this [title/chapter/part], the security interest remains perfected for a period of four months after [date] and continues perfected for the four-month period if appropriate action to perfect under this [title/chapter/part] is taken within that four-month period.
- (ii) If a security interest is perfected as of [date] and the security interest can be perfected by filing under this [title/chapter/part], a financing statement signed by the secured party instead of the debtor may be filed within the four-month period described in this Subsection (2) to continue perfection or after the four-month period to perfect.

Should be Codified in the Future

Section x. Transition to new department.

- (1) As used in this chapter:
- (2) The chief information officer shall serve as the transition director to provide executive direction and supervision for the implementation of all transfers of authority and technology functions in the executive branch to the department that are made pursuant to this bill and the Utah Technology Governance Act.
- (3) (a) The transition director and the directors of all executive branch agencies shall jointly identify the program positions and administrative function positions that will be transferred to the department according to the Utah Technology Governance Act.
- (b) The transition director and the directors of all executive branch agencies and programs shall make every effort to develop agreements specifying the positions to be transferred from the executive branch agency or program to the department no later than August 31, 2005.
- (c) If the transition director and a director fails to reach an agreement on the positions to be transferred under this Subsection (3):
 - (i) the transition director shall submit the transition director's recommendation to the governor and to the commission by no later than August 31, 2005 for their consideration;
 - (ii) the commission may recommend to the governor the position or function to be transferred to the department; and
 - (iii) the governor shall determine whether to transfer the position or function to the department.
- (4) The transition director shall:
 - (a) immediately initiate coordination with the directors of all executive branch agencies affected

- by this bill to facilitate the transfer of programs, positions, and administrative functions; and
 - (b) develop memoranda of record identifying any of the following related to the authority to be transferred:
 - (i) a pending settlement;
 - (ii) an issue of compliance with applicable federal and state laws and regulations; or
 - (iii) other obligation to be resolved.
- (5) Notwithstanding Subsection 63-38-3.5(8)(f)(i), all records, personnel, property, equipment, grants, unexpended and unexpired balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to any entity for the activities, powers, duties, functions, and responsibilities transferred to the department by this bill shall transfer to the department:
 - (a) at the direction of:
 - (i) the transition director; and
 - (ii) the Governor's Office of Planning and Budget; and
 - (b) in accordance with the Utah Technology Governance Act.
- (6) The transition director shall:
 - (a) administer the functions of this bill in a manner that promotes efficient administration; and
 - (b) make internal organizational changes as necessary to complete the realignment of responsibilities required by this bill and the Utah Technology Governance Act.
- (7) (a) The transition director and other individuals designated by the governor may request the assistance of an executive branch agency with respect to:
 - (i) personnel;
 - (ii) budgeting;
 - (iii) procurement;
 - (iv) information systems; or
 - (v) other management related functions.
 (b) An executive branch agency shall provide assistance request under this Subsection (7).
- (8) (a) The transition director may temporarily hire or retain contractors, subcontractors, or advisors as the transition director considers necessary for the strategic planning and implementation of the transition.
 (b) A temporary person hired or contracted with under this Subsection (8):
 - (i) must be selected in accordance with Title 63, Chapter 56, Utah Procurement Code; and
 - (ii) shall be terminated by July 30, 2006.
- (9) After consultation with the transition director and the governor, the state budget director shall:
 - (a) determine the most efficient process necessary for transitioning the technology budgets of the various executive branch agencies including the Division of Information Technology Services to the department;
 - (b) submit a supplemental budget request and, if needed, a 2006-07 budget recommendation to the commission by October 31, 2005 and to the Legislature before the 2006 General Session detailing steps necessary to transition employees, activities, assets, liabilities, budgets, and other authorities of appropriated and internal services fund technology functions into the department;
 - (c) in accordance with Subsection 63-38-3.5(4)(b), establish interim rates for products and services to be provided on a capital maintenance and cost reimbursement basis and to be recovered through interagency billing such that the interim rates:
 - (i) are based upon a zero based, full cost accounting of activities necessary to provide each service for which a rate is established;
 - (ii) for each service multiplied by the projected consumption of the service recovers no

- more or less than the full cost of the service; and
 - (iii) are submitted to the Legislature for authorization in accordance with Subsection 63-38-3.5(4)(b); and
 - (d) handle the financial transactions and records in the state's financial management and records system during the period of transition.
- (10) A rule, order, contract, grant, or agreement relating to the functions of the Department of Technology Services lawfully adopted before [date] by the responsible state executive branch agency continues to be effective until revised, amended, or rescinded.
- (11) A suit, action, or other proceeding lawfully commenced by, against, or before an entity affected by this chapter does not abate by reason of this bill.
- (12) Beginning July 1, 2005, the transition director shall provide a report to the commission on a quarterly basis concerning the progress and implementation of the executive branch transition of information technology functions to the department.
- (13) The transition director shall include in the report recommendations for the 2006 Legislature regarding any statutory changes that are needed to make the transition complete.
- (14) The transition director's authority under this bill ends on December 31, 2006.

Taxation

59-7-804. Transition rule --

Net operating losses are recognized to the extent recognized for federal purposes even if incurred before [date]. . . .

63M-1-2408. Transition clause -- Renegotiation of agreements -- Payment of partial rebates.

- (1) As used in this section, "partial rebate" means an agreement . . . under which the state agrees to pay . . .
- (2)
 - (a) Unless modified or renegotiated as provided in Subsection (2)(b), the Division of Finance shall make a partial rebate payment due under an agreement entered into by the office before May 5, 2008 as provided in this section.
 - (b) By January 1, 2009, the office shall:
 - (i) contact each business entity with whom the office entered into an agreement under former Section 63M-1-1304 or 63M-1-1704; and
 - (ii) subject to the limits established in Subsection 63M-1-2404(3)(b), seek to modify those agreements for the sole purpose of providing the incentives in the form of tax credits under this part rather than partial rebates.
 - (c) The office shall:
 - (i) for a modified agreement granting a tax credit, follow the procedures and requirements of Section 63M-1- 2405;
 - (ii) for an agreement that still requires the state to pay a partial rebate to the business entity, follow the procedures and requirements of this section; and
 - (iii) provide a report to the Executive Appropriations Committee and the Legislative Fiscal Analyst by December 1, 2008, about the progress of its efforts to modify agreements reached before May 5, 2008. . .

Transaction

13-42-140. Transitional provisions -- Application to existing transactions.

- (1)
 - (a) A transaction entered into before July 1, 2007 and the rights, duties, and interests resulting from the transaction may be completed, terminated, or enforced as required or permitted by a law amended, repealed, or modified by this chapter as though the amendment, repeal, or modification had not occurred.
- (2)
 - (a) A person registered under Chapter 21, Credit Services Organizations Act, on June 30, 2007,

that is required to be registered under this chapter on July 1, 2007, is considered to be registered under this chapter until the license in effect on June 30, 2007, expires.

- (b) Notwithstanding Subsection (2)(a), except for the registration requirement, a person subject to this chapter shall comply with this chapter for a transaction entered into on or after July 1, 2007.

70A-10-102. . . . -- Provision for transition.

. . . . (2) A transaction validly entered into before the effective date specified in Section 70A-10-101 and the rights, duties and interests flowing from the transaction remain valid after the effective date specified in Section 70A-10-101 and may be terminated, completed, consummated or enforced as required or permitted by a statute or other law amended or repealed by this [title/chapter/part] as though the repeal or amendment had not occurred.

70A-5-120. Savings clause.

A transaction arising out of or associated with a letter of credit that was issued before July 1, 1997, and the rights, obligations, and interests flowing from that transaction are governed by a statute or other law amended or repealed by this [title/chapter/part/section] as if repeal or amendment had not occurred and may be terminated, completed, consummated, or enforced under that statute or other law.

70A-8-601. Transition provisions.

- (1) (a) This [title/chapter/part] does not affect an action or proceeding commenced before [date].
 - (2)(a) If a security interest in a security is perfected as of [date], and the action by which the security interest was perfected would suffice to perfect a security interest under this [title/chapter/part], no further action is required to continue perfection.
- (b) (i) If a security interest in a security is perfected as of [date] but the action by which the security interest was perfected would not suffice to perfect a security interest under this [title/chapter/part], the security interest remains perfected for a period of four months after [date] and continues perfected for the four-month period if appropriate action to perfect under this [title/chapter/part] is taken within that four-month period.
 - (ii) If a security interest is perfected as of [date] and the security interest can be perfected by filing under this [title/chapter/part], a financing statement signed by the secured party instead of the debtor may be filed within the four-month period described in this Subsection (2) to continue perfection or after the four-month period to perfect.

70A-9a-702. Savings clause.

- (1) Except as otherwise provided in this part, this chapter applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before [date].
- (2) Except as otherwise provided in Subsection (3) and Sections 70A-9a-703 through 70A-9a-709:
 - (a) a transaction or lien that was not governed by former Chapter 9, was validly entered into or created before [date], and would be subject to this [title/chapter/part/section] if it had been entered into or created after [date], and the rights, duties, and interests flowing from the transaction or lien remain valid after [date]; and
 - (b) a transaction or lien described in Subsection (2)(a) may be terminated, completed, consummated, and enforced as required or permitted by this [title/chapter/part/section] or by the law that otherwise would apply if this [title/chapter/part/section] had not taken effect.
- (3) This [title/chapter/part/section] does not affect an action, case, or proceeding commenced before [date].

APPENDIX L

Coordination Clause Scenarios

The numbers of coordination clauses needed increases exponentially with the number of bills being coordinated (4 coordination clauses for 3 bills, 12 coordination clauses for 4 bills, 26 coordination clauses for 5 bills, 56 coordination clauses for 6 bills, etc.), so a drafter should make every effort possible to avoid coordinating more than three bills.

Scenarios to address in bill coordination based on number of bills coordinated:

| Number of Bills Being Coordinated | | | | | |
|-----------------------------------|---|--|--|---|---|
| | 3 Bills (4 CCs) | 4 Bills (12 CCs) | 5 Bills (26 CCs) | 6 Bills (56 CCs) | |
| 2 pass | A+B (not C) A+C (not B) B+C (not A) | A+B (not C or D) A+C (not B or D) A+D (not B or C) B+C (not A or D) B+D (not A or C) C+D (not A or B) | A+B (not C or D or E) A+C (not B or D or E) A+D (not B or C or E) A+E (not B or C or D) B+C (not A or D or E) B+D (not A or C or E) B+E (not A or C or D) C+D (not A or B or E) C+E (not A or B or D) D+E (not A or B or C) | A+B (not C or D or E or F) A+C (not B or D or E or F) A+D (not B or C or E or F) A+E (not B or C or D or F) A+F (not B or C or D or E) B+C (not A or D or E or F) B+D (not A or C or E or F) B+E (not A or C or D or F) | B+F (not A or C or D or E) C+D (not A or B or E or F) C+E (not A or B or D or F) C+F (not A or B or D or E) D+E (not A or B or C or F) D+F (not A or B or C or E) E+F (not A or B or C or D) |
| 3 pass | A+B+C | A+B+C (not D) A+B+D (not C) A+C+D (not B) B+C+D (not A) | A+B+C (not D or E) A+B+D (not C or E) A+B+E (not C or D) A+C+D (not B or E) A+C+E (not B or D) B+C+D (not A or E) B+C+E (not A or D) B+D+E (not A or C) C+D+E (not A or B) | A+B+C (not D or E or F) A+B+D (not C or E or F) A+C+D (not B or E or F) B+C+D (not A or E or F) A+B+E (not C or D or F) A+C+E (not B or D or F) B+C+E (not A or D or F) A+D+E (not B or C or F) B+D+E (not A or C or F) | C+D+E (not A or B or F) A+B+F (not C or D or E) A+C+F (not B or D or E) A+D+F (not B or C or E) B+C+F (not A or D or E) C+D+F (not A or B or E) A+E+F (not B or C or D) B+E+F (not A or C or D) D+E+F (not A or B or C) |
| 4 pass | | A+B+C+D | A+B+C+E (not E) A+B+C+E (not D) A+B+D+E (not C) A+C+D+E (not B) B+C+D+E (not A) | A+B+C+D (not E or F) A+B+C+E (not D or F) A+B+D+E (not C or F) A+C+D+E (not B or F) B+C+D+E (not A or F) A+B+C+F (not D or E) A+B+D+F (not C or E) A+C+D+F (not B or E) | B+C+D+F (not A or E) A+B+E+F (not C or D) A+C+E+F (not B or D) B+C+E+F (not A or D) A+D+E+F (not B or C) B+D+E+F (not A or C) C+D+E+F (not A or B) |
| 5 pass | | | A+B+C+D+E | A+B+C+D+E (not F) A+B+C+D+F (not E) A+B+C+E+F (not D) | A+B+D+E+F (not C) A+C+D+E+F (not B) B+C+D+E+F (not A) |
| 6 pass | | | | A+B+C+D+E+F | |



Appendix M

Cleanup and Recodification of the Utah Code

Guidelines and Policies | August 2025

Cleanup vs. Recodification

- Cleanup is a change to a statute that ensures that the statute is consistent with the requirements of the Utah Legislative Drafting Manual.
- Recodification is the process of substantially revising, restructuring, or renumbering statutes to make them consistent, clear, concise, and easier to interpret and apply.

Guidelines and Policies for Cleaning Up Statutes While Drafting

- Cleanup is an important part of drafting a bill because it ensures that a statute remains consistent, clear, concise, and easy to interpret and apply. It is important for a legislative drafter to be proactive in cleaning up statutes. Failure to do so across an area of the Utah Code can, over time, necessitate a recodification.
- A legislative drafter should review a statute that is being amended in a bill for any clean up in accordance with Chapter 12, Section 3, Cleanup. If a legislative drafter is concerned that minor cleanup of a statute would result in a conflict with other bills, the drafter should submit the changes to be included, if appropriate, in a revisor bill.
- Here are some examples of cleanup that a legislative drafter should try to make as they draft a bill:
 - *Replacing ambiguous or gendered language:*
 - Replace "this act" with a citation to the relevant title, chapter, part, section, or legislation
 - Replace effective date language with the effective date of the referenced legislation
 - Replace gendered language (See Chapter 3, Section 11)
 - Replace pronouns with the proper antecedent (See Chapter 3, Section 11.b)
 - *Fixing Code Structuring:*
 - Establish subsection structuring within code sections without structure (See Chapter 2, Section 13.c)
 - Remedy subsection numbering deeper than four levels and adjust cross references where feasible without significant impact (See Chapter 3, Section 5.d)
 - *Eliminate Obsolete Language*
 - Repeal codified title, chapter, and part headings (Chapter 3, Section 5.a-b)
 - Remove fluff with permission of the legislative sponsor (e.g., Utah Code § 78B-4-401(2))
 - *Review for Compliance with Drafting Manual*
 - Fix the format of definitions, including creating separate subsections for "means", "includes", "does not mean", or "does not include"; (See Chapter 3, Section 8.b)
 - Add "As used in this . . ." if this phrase is missing from the beginning of the definition section (See Chapter 3, Section 8.a)
 - Check the statute to ensure that the terminology matches the definitions for that statute
 - Rewrite a sentence from passive voice to active voice (See Chapter 2, Section 1)
 - Fix the usage of certain terms, including:



- “Years old,” not “years of age” (See Chapter 3, Section 3)
- “Shall,” not “must” (See Chapter 3, Section 9.c-d)
- “Before,” not “preceding” or “prior to” (See Chapter 3, Section 13.e)
- “To,” “until,” “by,” or “between” in relation to time (See Chapter 3, Section 19)
- “After,” not “subsequent to” (See Chapter 3, Section 13.b)
- “In accordance with,” not “pursuant to” (other than “pursuant to a court order”) (See Chapter 3, Section 13.j)
- “Make” rules rather than “adopt” or “promulgate” (See Chapter 3, Section 13.p)
- “If” not “so long as,” “in the event that,” or “provided that” (See Chapter 2, Section 15.d)
- “Whether,” not “whether or not” (See Chapter 2, Section 15.d)
- “Authorized,” not “duly authorized” (See Chapter 2, Section 15.d)
- “Including,” not “including but not limited to” (See Chapter 3, Section 12)
- Remove symbols unless they are necessary (*, #, &, @, etc.) (See Chapter 3, Section 17)
- Spell out numbers that are under 10 or begin a sentence (See Chapter 3, Section 14.b)

Guidelines and Policies for a Recodification Bill

➤ Recodification Bill

- A recodification of a title, chapter, or part is strongly encouraged when the existing title, chapter, or part needs to be substantially:
 - revised or replaced because the title, chapter, or part lacks clarity or consistency;
 - reworked or reorganized because the title, chapter, or part lacks coherency or organization; or
 - renumbered to allow for better development of an area of the law.
- A small number of revisions, reorganization, or renumbering in a bill is a cleanup and does not constitute a recodification.
- **Planned v. Unplanned Recodification Bills:**
 - A *planned recodification bill* is a recodification of a title, chapter, or part that is requested by the office.
 - An *unplanned recodification bill* is a recodification of a title, chapter, or part that is necessary or recommended to achieve the objectives of a bill request from a legislator or committee.

➤ Steps for a Recodification Bill

1. Recommending a Recodification of a Title, Chapter, or Part

- Planned Recodification Bill:
 - If there is an area of the Utah Code that needs recodification regardless of a bill request, you may want to discuss the issue with your managing attorney before approaching any legislator or committee to sponsor the recodification.
 - If you decide to move ahead with a planned recodification bill, you should recommend the bill to a legislator or committee that has prior experience or expertise



in the area of the Utah Code that will be recodified and inform them that LRGC has internal deadlines that the bill will need to follow.

- You should advise the sponsor that any substantive policy changes should be made in a separate bill and not in the recodification bill. When a planned recodification bill includes substantive policy changes, it can be difficult for other legislators or the public to understand or find those changes in a planned recodification bill, so it is better to put them in a separate bill.
- Unplanned Recodification Bill:
 - If a legislator's or committee's bill request requires substantial revision, restructuring, or renumbering of an area of the Utah Code, you should explain to the legislator or committee that a recodification is needed and that LRGC has internal deadlines for a recodification to ensure that it can be drafted in time for a general session.
 - If it is unlikely that the recodification bill will be ready for numbering in December, you should recommend to the legislator that the bill be pushed to the next interim to give LRGC sufficient time to prepare and draft the recodification.
- **Two or more different recodification bills within the same title, chapter, or part of code should not be run in the same general session because this scenario puts too much strain on office resources. If this scenario arises, you must talk to the legislator about the challenges of this scenario and request that a legislator push one of the recodification bills to a future session.**

2. Notifying Staff of a Recodification Bill

- You must inform your managing attorney, the Legal Research Specialists, and Bill and Data Management of a recodification bill (as defined above) if the bill will potentially impact other bills or require a significant number of cross-references.
- Talk to your managing attorney and the Legal Research Specialists if you have questions about whether your bill is an actual recodification or whether it will potentially impact other bills or require a significant number of cross-references.
- It is good practice to send an email out to drafting attorneys notifying them of your recodification of a title, chapter, or part in case your changes impact another subject area.
- The Legal Research Specialists will coordinate information on recodification bills for the General Counsel and other managing attorneys. Therefore, you should keep the Legal Research Specialists updated on your progress on a recodification bill.



- Deadline Requirements for a Recodification Bill Requiring Notification
 - Unless a recodification bill is passed in a special session, these are the following deadlines for a recodification bill that requires notification:
 - **May 1st (or as soon as possible for an unplanned recodification):** You must notify your managing attorney, the Legal Research Specialists, and the Bill and Data Management Team that you have a recodification bill.
 - **November 1st:** You must have a final draft and crosswalk of the recodification bill completed and ready for cross-reference checks by you (or by the Legal Research Team if needed).
 - **December 1st:** The recodification bill should be ready to number and submitted to the proofers.
 - Recodification bills completed after the November 1st deadline are discouraged and must be approved by the General Counsel.

3. Planning a Recodification Bill

- *Determine the Scope of the Recodification*
 - Be realistic about the scope and the amount of work that it will take to recodify an area of the law.
 - It might not be possible to recodify an area of the law in one bill or in one session. The size of a recodification can impact the outline and timeline of a recodification, so you will want to plan ahead on the amount of time and number of bills it will take to recodify an area. You may also want to consider breaking the recodification up into smaller stages over several sessions.
 - *Large bills (500+ pages) put a strain on Hermes, so you should consider breaking up a large recodification into more than one bill file.*
 - Recodification can require a significant amount of time and drafting from a drafting attorney. You should consider how a recodification will impact your workload and discuss the issue with your managing attorney. You should also consider all areas of the code that will be affected by the recodification and conflicts the recodification may create with other bills that session.
- *Structuring an Area of the Utah Code*
 - Educate yourself about the area that you will be recodifying.
 - You will need to become an expert (to the extent possible) on the area of the law that you are recodifying. Ask the sponsor if you can talk to individuals or agencies that work in that area of the law.
 - Think about whether an area of the law should be reorganized around subjects or a process. You may want to consider looking at what other states have done.



- Identify any constitutional or policy issues that might need to be addressed in the recodification. If there are foreseeable issues in the recodification, you will want to get clear instructions from the sponsor on how they want to proceed on those issues, which may include addressing substantive issues in a separate bill.
- Create an outline of the area that you think needs recodification.
 - Create a document that outlines the new organization and where every section will be moved in the recodification.
 - *If you need help compiling a list of statutes that will be included in the recodification, you can ask the Bill and Data Management Team for help.*
 - Ask the sponsor if stakeholders in that area of the law may review your outline. At minimum, you should at least have your analyst, or another drafting attorney, review the outline of the recodification.
- Definitions.
 - Each title, chapter, or part should have a definitions section regardless of whether there are definitions. If there are currently no definitions for a title, chapter, or part, you should reserve a section at the beginning of the title, chapter, or part for a future definitions section.
 - *A section can be reserved by enacting a section with underlined language stating, “Reserved.” This can also be used to reserve a chapter or part (e.g. Utah Code Section 4-32a-102).*
 - Consider whether definitions in a title, chapter, or part need to be modified or moved as sections are moved to other parts, chapters, or titles. You may also need to amend other areas of the Utah Code that reference or rely on those definitions.

4. Drafting a Recodification

- *Know the differences between actions taken to a section in a bill. E.g. amending, enacting, renumbering and amending, repealing and reenacting, and repealing sections.*
- **Reminder: You cannot have more than one recodification bill renumbering a section. The renumbering of a section should only occur in one bill per session.**



Amending

- We amend sections when all we are doing is deleting language and adding new language in an existing section.
- *Example:*

25 Section 1, Section **34-23-402** is amended to read:
 26 **34-23-402. Violation -- Criminal penalty.**
 27 (1) ~~(a)~~ The commission may prosecute a misdemeanor criminal action in the name of the
 28 state.
 29 ~~(b)~~ The county attorney, district attorney, or attorney general shall provide assistance in
 30 prosecutions under this section at the request of the commission.
 31 (2) ~~It is a class B misdemeanor for a person~~ A person, whether individually or as an
 32 officer, agent, or employee of any person, firm, or corporation ~~to~~ violates this section
 33 by:
 34 (a) knowingly ~~employ~~ employing a minor or ~~permit~~ permitting a minor to work in a
 35 repeated violation of this chapter;

Enacting

- We enact sections when we are creating a new section with all new language.
- *Example:*

14069 Section 359, Section **81-13-306** is enacted to read:
 14069 **81-13-306. Effect of adoption of an adult on pre-existing parent.**
 14070 (1) A pre-existing parent of an adult adoptee:
 14071 (a) is released from all parental rights and duties toward and all responsibilities for the
 14072 adult adoptee, including residual parental rights and duties, as defined in Section
 14073 80-1-102; and
 14074 (b) has no further parental rights or duties with regard to the adult adoptee at the earlier
 14075 of:
 14076 (i) the time the pre-existing parent's parental rights are terminated; or
 14077 (ii) except as provided in Subsection (2), and subject to Subsections (3) and (4), the
 14078 time the final decree of adoption is entered.

Renumbering & Amending

- We renumber a section when we delete the old section number and add a new section number.
- Renumbering can only be used on a one-for-one basis. This means that you cannot use renumbering and amending to extract the contents of two or more sections and put them into one, split one section into two or more sections, or renumber a section to be the same number as an existing section.
- *Example:*

3714 Section 83, Section **75B-2-110**, which is renumbered from Section 75-7-110 is renumbered
 3713 and amended to read:
 3714 **75-7-11075B-2-110. Nonjudicial settlement agreements.**
 3715 (1) ~~For purposes of As used in~~ this section, ~~"interested persons"~~ means persons
 3716 "interested person" means a person whose consent would be required in order to achieve
 3717 a binding settlement were the settlement to be approved by the court.
 3718 (2) Except as otherwise provided in Subsection (3), ~~interested persons~~ an interested person
 3719 may enter into a binding nonjudicial settlement agreement with respect to any matter
 3720 involving a trust.
 3721 (3) A nonjudicial settlement agreement is valid only to the extent ~~it that the nonjudicial~~
 3722 settlement agreement does not violate a material purpose of the trust and includes terms
 3723 and conditions that could be properly approved by the court under this chapter or other
 3724 applicable law.



Repealing & Reenacting

- We repeal and reenact when we repeal all existing language in a section and enact all new language in the same section.
- Repealing and reenacting a section can make it more difficult to track changes to a section and to conduct research on the legislative history of a particular provision. For this reason, repealing and reenacting should only be used when:
 - there are so many changes to the section that very little of the original text will remain; and
 - the changes do not alter the existing subject of the section.
- You should not repeal and reenact a section for purposes of preserving the section number.

- *Example:*

28 Section 1, Section **19-4-111** is repealed and re-enacted to read:

29 **19-4-111. Prohibition of fluoride in public water systems.**

30 (1) As used in this section, "fluoride" means a chemical compound that contains the
31 fluoride ion and is used to fluoridate drinking water, including:

32 (a) fluorosilicic acid;

33 (b) sodium fluorosilicate; or

34 (c) sodium fluoride.

35 (2) A person may not add fluoride to water in, or water that will be introduced into, a public
36 water system.

37 (3) A political subdivision may not enact or enforce an ordinance that requires or permits
38 the addition of fluoride to water in, or water that will be introduced into, a public water
39 system.

Repealing

- When we repeal, the section number is listed in the repealer at the end of the bill.
- Once a section is repealed, the section number can never be used again.

- *Example:*

14739 Section 389, **Repealer.**

14740 This bill repeals:

14741 **Section 78B-6-101, Title.**

14742 **Section 78B-6-107, Compliance with the Interstate Compact on Placement of Children --**
14743 **Compliance with the Indian Child Welfare Act.**

14744 **Section 78B-6-108, Alien child -- Evidence of lawful admission to United States required.**

14745 **Section 78B-6-111, Criminal sexual offenses.**

14746 **Section 78B-6-113, Prospective adoptive parent not a resident -- Preplacement**
14747 **requirements.**

14748 **Section 78B-6-114, Adoption by married persons -- Consent.**

- *Create documents that keep track of the changes that are being made in a recodification.*
 - **Crosswalk:** This is a spreadsheet/document that shows where sections, or portions of sections, are being moved in the recodification. **If a recodification will renumber a significant number of sections, you must create a crosswalk for the recodification that is ready with the final draft.** This crosswalk will be published on the Legislature's website and is a critical tool for tracking the legislative history of the recodified statutes and fostering transparency. Your crosswalk must contain the following information:



- Old section numbers mapped to new section numbers;
- The action taken to each section (e.g. repealed or renumbered and amended); and
- Movement of provisions on the section and subsection level (e.g., if you repeal a section or subsection and enact the provision elsewhere, you must note where it has been enacted).

Note: You can find examples of crosswalks on [the recodification page of the Legislature's website](#).

- Substantive Changes: If any substantive changes occur in a recodification, you should create a document that tracks those substantive changes because it will make it easier to draft the highlighted provisions section.
- *Cleanup each section of the bill as you go along.*
 - Recodifications allow us to reach sections that are rarely amended and are not up to date with the Utah Legislative Drafting Manual. If possible, you should do minor cleanup throughout those sections.
 - You need to remember to update terminology, including definitions, when the recodification is changing terms or phrases or moving provisions to an area of the code where those provisions are not defined, where those provisions are defined differently, or where those provisions are defined but were not defined previously. You may need to include a coordination clause after the bill is numbered if the recodification changes existing terminology and there is another numbered bill using the existing terminology.
- *Draft a short and long title that clearly identifies what is in the recodification bill.*
 - Legislators can be confused by what a recodification does when a recodification bill substantially rewrites or clarifies an area of the Utah Code. The short and long title of a recodification bill can communicate to legislators whether the recodification bill is making any substantive policy changes.
 - *Short Title*: Typically, a recodification bill should include “recodification” in the short title. The title should be “[Subject] Recodification.” However, a recodification bill should not include “recodification” in the short title if the sponsor is making substantive policy changes to the law in the bill. The title should be “[Subject] Amendments.”
 - *Long Title*: The long title of a recodification bill should identify what areas of the Utah Code are being recodified and the highlighted provisions should include any substantive policy changes.
 - *Examples of Titles*:
 - [H.B. 248, Juvenile Amendments](#)
 - [S.B. 181, Department of Government Operations](#)
 - [S.B. 100, Estate Planning Recodification](#)



- [S.B. 120, Property and Contraband Amendments](#)
- [H.B. 15, Criminal Code Recodification and Cross References](#)
- *Plan for cross-references.*
 - Creating a crosswalk for the recodification can help you figure out the changes to cross-references.
 - The Legal Research Team can assist in checking cross-references for the recodification, but the drafting attorney is ultimately responsible for the accuracy of the cross-references.
 - *You can submit a draft to the Bill and Data Management Team as a special circumstance for the doc techs to perform a quality assurance check to ensure that cross-references are underlined in the bill.*
- *Understand the effects of a recodification.*
 - Rulemaking Authority:
 - If a recodification is transferring agency power, you will need to consider the impact that the transfer will have on existing administrative rules and rulemaking authority. It is possible that the administrative rulemaking authority will also need to be transferred.
 - Examples of how a legislative drafter can provide for the disposition of administrative rules or administrative rulemaking authority include:
 - extending rules for a definite time period to allow for a transition and amending of the rules;
 - if the functions will change extensively, providing that the existing rules expire after a specified time period to allow the agency time to write new rules and put the new rules into place; or
 - providing that the rules are to be transferred, i.e., renumbered and continued in effect.
 - You should consider whether a recodification will impact court rules of procedure and evidence. Discuss any potential impact on court rules with the Judiciary Team.
 - Transition or Savings Clause
 - A transition or savings clause may be necessary to address various issues raised when enacting or modifying a Utah Code provision.
 - You may need a transition provision, savings clause, or both, explaining how the transition from the existing law to the new law will take place and the effect of the recodification on existing circumstances or pending matters.
 - This includes:



- clarifying the application of a new provision to a specific class of event or person (e.g., this bill applies to a cause of action filed on or after [specific date]);
- phasing in the implementation of the new provision (e.g., a license issued before [specific date] is valid until it expires, is subject to new operational rules, and is to be renewed under the new licensing scheme); or
- directing an implementing agency to take certain acts (e.g., if rulemaking authority is transferred to a new agency, the agency is to use the existing administrative rules until new rules are made).

5. Coordinating a Recodification Bill

- *Coordinating Multiple Recodification Bills*
 - For a recodification with multiple bills, you will want to put a coordination clause in each bill that states that all bills must pass for any one of them to pass. (For reference, see [the DHHS Recodification Bills](#) in the 2023 General Session).
 - If you are drafting a large recodification that requires multiple bills, you may want to consider working with the legislator to pass the bills in a special session. This could help LRGC avoid a large number of conflicts.
 - This type of coordination requires planning and the involvement of Legislative Leadership, the General Counsel, the Bill and Data Management Team, and the Legal Research Team.
- *Coordinating With Other Bills*
 - Recodifications will often create conflicts between bills. You will want to consider ahead of time what conflicts may arise and how you may want to address those conflicts. You should anticipate spending more time during the general session reviewing and addressing conflicts for the recodification than you would for a typical bill. You should also consult with the Legal Research Specialists on coordination clauses and other conflicts solutions.
 - If it is not feasible to pass a large recodification with multiple bills in a special session, you should reach out to the entire office and give them notice that a recodification is taking place in the general session.
 - If you are changing terminology or making a uniform change that should be made throughout the Utah Code, consider a coordination clause that coordinates your bill with legislation generally to implement those changes in newly enacted language.
 - For more information on coordination clauses, see Chapter 8 of the Utah Legislative Drafting Manual.

Post-Recodification

1. Corrections

- Mistakes in a recodification bill are likely given the size and complexity of a recodification bill. If there are mistakes that cannot be addressed in the revisor bill in the following



general session, you should ask the sponsor if they would run a cleanup bill to fix any significant mistakes.

- Keep a list of corrections as you enroll the recodification and prepare sections from the recodification during the composite process.
 - *The Bill and Data Management Team can fix minor technical corrections under LRGC’s revisor authority. You should send them any changes that did not need a coordination clause, or were found during enrolling or composites, for them to fix in the post-session update to the extent permitted by the LRGC’s revisor authority.*
- When the Bill and Data Management Team has prepared the database with the recodified sections, you must review the database to ensure that the composites were imported correctly and that the cross-references have been updated throughout the Utah Code.

2. Composites

- If you use a coordination clause that coordinates your bill with other legislation generally, you will want to make sure other drafting attorneys are aware of this change in the composite process.

3. Legislative History – Recodification Table

- After the general session has adjourned and the code is updated, you should finish your crosswalk and ask IT (websupport@utleg.atlassian.net) to upload the finalized version, along with any other helpful information that can be publicly disclosed, to the recodification tables on the Legislature’s website.

- *Example:*

Domestic Relations Recodification, Part 2 (SB 119) (SB 119) - Effective September 1, 2025

[Comparisons of Sections Old to New for SB 119](#)

[Comparison of Sections Old to New for 2024 & 2025 Domestic Relations Recodification](#)

[Outline of SB 119](#)

[Outline of 2024 & 2025 Domestic Relations Recodification](#)

See [General Session](#) information for SB 119, Domestic Relations Recodification